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Bill 139

An Act to amend various Acts

The Hon. P. Gill
Minister of Red Tape Reduction

Government Bill

1st Reading October 19, 2023
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 AGRICULTURAL AND HORTICULTURAL ORGANIZATIONS ACT

Currently under the *Agricultural and Horticultural Organizations Act*, organizations are required to present audited financial statements at the annual meeting and to submit those statements to the Director. The requirement is amended to require prescribed financial information instead.

The Act is also amended in respect of the compensation that may be paid to a director, an officer or a member of an agricultural society or horticultural society.

SCHEDULE 2 ALGOMA UNIVERSITY ACT, 2008

Currently, the *Algoma University Act, 2008* provides that a member of the board may not serve for more than six consecutive years. The Act is amended to permit an exception to that rule in certain circumstances for a member who is serving as chair of the board.

SCHEDULE 3 CHARITIES ACCOUNTING ACT

Clause 1 (1) (b) of the *Charities Accounting Act* requires that a person give written notice to the Public Guardian and Trustee if real or personal property or any right or interest in it or proceeds from it is given to or vested in that person as executor or trustee for a religious, educational, charitable or public purpose, or are to be applied by that person for any such purpose, under the terms of an instrument in writing. Subsection 1 (1) is re-enacted to remove that requirement.

Under subsection 1 (2), the instrument of incorporation of a corporation incorporated for a religious, educational, charitable or public purpose is deemed to be an instrument in writing within the meaning of the Act. Subsection 1 (6) is re-enacted to exempt such a corporation from having to provide a copy of its instrument of incorporation when giving notice under subsection 1 (1).

SCHEDULE 4 COMMODITY FUTURES ACT

Subsection 67 (4) of the *Commodity Futures Act* is amended to reduce the minimum period during which the Ontario Securities Commission is required to give reasonable opportunity to interested persons and companies to make written representations with respect to a rule it proposes to make under section 65 from 90 to 60 days.

SCHEDULE 5 CORPORATIONS ACT

Currently, section 2.1 of the *Corporations Act* governs the continuance of social companies from the Act to the *Not-for-Profit Corporations Act, 2010*, the *Co-operative Corporations Act* or the *Business Corporations Act*. Subsection 2.1 (4) currently provides that if a social company has more than one class of shareholders, the special resolution passed by the corporation to authorize the continuance must be approved by each class of shareholders by a separate vote. That subsection is repealed. A complementary amendment is made to subsection 2.1 (7).

SCHEDULE 6 CREDIT UNIONS AND CAISSES POPULAIRES ACT, 2020

Section 35.1 of the *Credit Unions and Caisses Populaires Act, 2020* is re-enacted to remove certain requirements for deposits from a member in trust for a named beneficiary. Subsection 174 (10) of the Act is amended to remove the requirement that membership shares or patronage shares not be used in certain purchases and sales between credit unions.

SCHEDULE 7 FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

The Schedule repeals sections 5 and 7 of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019*.

SCHEDULE 8 FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

Subsection 22 (4) of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended to reduce the minimum period during which the Financial Services Regulatory Authority of Ontario is required to give reasonable opportunity to interested persons to make written representations with respect to a rule it proposes to make from 90 to 60 days.

SCHEDULE 9 MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

The *Modernizing Ontario for People and Businesses Act, 2020* is amended to change the definition of "Minister" so that it names the Minister of Red Tape Reduction and to change the term "businesses" in one provision to "regulated entities".

**SCHEDULE 10
MOTOR VEHICLE DEALERS ACT, 2002**

The Schedule amends subsection 32 (4) of the *Motor Vehicle Dealers Act, 2002* to change the minimum fine upon conviction for an offence under subsection 4 (1) from \$2,500 to \$5,000. Subsection 34 (3) and section 41 of the Act are repealed.

**SCHEDULE 11
NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT**

The Schedule amends the *Niagara Escarpment Planning and Development Act*. Provisions relating to enforcement are updated and expanded. For example, under section 28, enforcement officers, who are appointed or designated by the Minister, may enter certain places for the purpose of conducting an inspection but they may not enter buildings or dwellings without consent or a warrant. The powers of a person conducting an inspection under section 28 include requiring the production of documents or things relevant to the inspection and making measurements, taking tests, samples or photographs or making any other records necessary for the purposes of the inspection. A new section 28.0.1 makes it an offence to knowingly make a false statement in an application or in any other document required to be submitted under the Act or knowingly making a false or misleading statement to an enforcement officer or otherwise obstructing them. Finally, provisions relating to publishing notices in newspapers are amended to instead require that the notice be published on a website of the Government of Ontario or a website managed by the Commission, in the case of proposed amendments to the Niagara Escarpment Plan, or that the notice be published in such manner as hearing officers consider appropriate, in the case of hearings respecting such amendments.

**SCHEDULE 12
NIPISSING UNIVERSITY ACT, 1992**

Currently, the *Nipissing University Act, 1992* provides that a member of the board may not serve for more than six consecutive years. The Act is amended to permit an exception to that rule in certain circumstances for a member who is serving as chair of the board.

**SCHEDULE 13
ONTARIO COLLEGE OF ART & DESIGN UNIVERSITY ACT, 2002**

Currently, the *Ontario College of Art & Design University Act, 2002* provides that a member of the board may not serve for more than six consecutive years. The Act is amended to permit an exception to that rule in certain circumstances for a member who is serving as chair of the board.

**SCHEDULE 14
ONTARIO HERITAGE ACT**

The Schedule amends section 33 of the *Ontario Heritage Act*. The new subsection 33 (18) provides that the council shall consent to an application to alter or permit the alteration of a building, or part thereof, on property under subsection 33 (1), without terms or conditions, where certain conditions are met.

**SCHEDULE 15
PROFESSIONAL ENGINEERS ACT**

The Schedule makes various amendments to the *Professional Engineers Act*, including the following:

1. Subsection 7 (1) of the Act is amended to remove regulation-making authority to prescribe various forms for the purposes of the Act. A new section 46 is added to give the Registrar of the Association of Professional Engineers of Ontario authority to approve forms for the purposes of the Act and require their use.
2. Subsections 19 (3), 24 (4) and 43 (1) of the Act are amended to provide for sufficient delivery of documents under the Act to be by mail, electronically or personally.
3. Subsection 33 (10) of the Act is re-enacted so that the results of an investigation under that section by the Registrar of a member of the Association or a holder of a certificate of authorization, a temporary licence, provisional licence or limited licence are to be reported to the Complaints Committee. A new subsection 33 (11) provides for the actions that the Committee may take in response to the report.

**SCHEDULE 16
RETIREMENT HOMES ACT, 2010**

The Schedule repeals section 122 of the *Retirement Homes Act, 2010*, which prohibits the Lieutenant Governor in Council from making certain regulations under the Act unless the requirements set out in that section regarding public consultation in respect of the proposed regulations have been fulfilled.

**SCHEDULE 17
SECURITIES ACT**

Subsection 143.2 (4) of the *Securities Act* is amended to reduce the minimum period during which the Ontario Securities Commission is required to give reasonable opportunity to interested persons and companies to make written representations with respect to a rule it proposes to make under section 143 from 90 to 60 days.

**SCHEDULE 18
ST. LAWRENCE PARKS COMMISSION ACT**

The Schedule amends section 6 of the *St. Lawrence Parks Commission Act* to provide that the Commission may dispose of an interest in land by the grant of an easement without the approval of the Lieutenant Governor in Council.

**SCHEDULE 19
UNIVERSITÉ DE L'ONTARIO FRANÇAIS ACT, 2017**

Currently, the *Université de l'Ontario français Act, 2017* provides that a member of the board may not serve for more than six consecutive years. The Act is amended to permit an exception to that rule in certain circumstances for a member who is serving as chair of the board.

**SCHEDULE 20
UNIVERSITY OF ONTARIO INSTITUTE OF TECHNOLOGY ACT, 2002**

Currently, the *University of Ontario Institute of Technology Act, 2002* provides that a member of the board may not serve for more than six consecutive years. The Act is amended to permit an exception to that rule in certain circumstances for a member who is serving as chair of the board.

An Act to amend various Acts

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Agricultural and Horticultural Organizations Act
Schedule 2	Algoma University Act, 2008
Schedule 3	Charities Accounting Act
Schedule 4	Commodity Futures Act
Schedule 5	Corporations Act
Schedule 6	Credit Unions and Caisses Populaires Act, 2020
Schedule 7	Farm Registration and Farm Organizations Funding Act, 1993
Schedule 8	Financial Services Regulatory Authority of Ontario Act, 2016
Schedule 9	Modernizing Ontario for People and Businesses Act, 2020
Schedule 10	Motor Vehicle Dealers Act, 2002
Schedule 11	Niagara Escarpment Planning and Development Act
Schedule 12	Nipissing University Act, 1992
Schedule 13	Ontario College of Art & Design University Act, 2002
Schedule 14	Ontario Heritage Act
Schedule 15	Professional Engineers Act
Schedule 16	Retirement Homes Act, 2010
Schedule 17	Securities Act
Schedule 18	St. Lawrence Parks Commission Act
Schedule 19	Université de L'Ontario français Act, 2017
Schedule 20	University of Ontario Institute of Technology Act, 2002

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Less Red Tape, More Common Sense Act, 2023*.

**SCHEDULE 1
AGRICULTURAL AND HORTICULTURAL ORGANIZATIONS ACT**

1 Subsection 11 (5) of the *Agricultural and Horticultural Organizations Act* is amended by striking out “the audited financial statement for the previous year” at the end and substituting “the financial information prescribed by regulation”.

2 (1) Section 13 of the Act is amended by adding “for the performance of his or her duties” after “horticultural society”.

(2) Section 13 of the Act is amended by adding the following subsection:

(2) Subject to the by-laws of an agricultural society or horticultural society, a director, an officer or a member of the society may receive reasonable remuneration and expenses for any services to the society that he or she performs in any other capacity.

3 Clause 15 (1) (a) of the Act is repealed and the following substituted:

(a) the financial information prescribed by regulation;

4 Section 16 of the Act is amended by striking out “officer, director or auditor” and substituting “officer or director”.

5 Section 41 of the Act is amended by adding the following clause:

(i.1) prescribing the financial information to be presented at annual meetings and submitted to the Director;

Commencement

6 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

(2) Sections 1, 3, 4 and 5 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 2
ALGOMA UNIVERSITY ACT, 2008

1 Section 11 of the *Algoma University Act, 2008* is amended by adding the following subsections:

Exception, chair

(3) The board may determine by board resolution that the six-year limit set out in subsection (2) does not apply to a member who is serving as chair of the board, and the member shall immediately be eligible for reappointment or re-election to another term of office, provided that the member continues to serve as chair.

Same

(4) A member who continues to serve as chair pursuant to subsection (3) may not be a member of the board for more than eight consecutive years and subsequently is not eligible for reappointment or re-election to the board.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 3
CHARITIES ACCOUNTING ACT**

1 (1) Subsection 1 (1) of the *Charities Accounting Act* is repealed and the following substituted:

Notice of property given or vested

(1) If, under the terms of a will or other instrument in writing, real or personal property or any right or interest in it or proceeds from it are given to or vested in a person as executor or trustee for a religious, educational, charitable or public purpose, or are to be applied by the person for any such purpose, the person shall give written notice to the person designated in the will or other instrument as the beneficiary or as the person to receive the gift from the executor or trustee.

(2) Subsection 1 (6) of the Act is repealed and the following substituted:

Copy of instrument

(6) Except in the case of a corporation incorporated for a religious, educational, charitable or public purpose, the notice shall be accompanied by a copy of the will or other instrument.

2 The French version of the Act is amended by striking out “biens meubles ou immeubles” wherever it appears and substituting in each case “biens réels ou personnels”.

Commencement

3 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 4
COMMODITY FUTURES ACT**

1 Subsection 67 (4) of the *Commodity Futures Act* is amended by striking out “90” and substituting “60”.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 5
CORPORATIONS ACT**

1 (1) Subsection 2.1 (4) of the *Corporations Act* is repealed.

(2) Subsection 2.1 (7) of the Act is amended by striking out “quorum, including a quorum for each class of shareholders, to approve” and substituting “quorum to approve”.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 6
CREDIT UNIONS AND CAISSES POPULAIRES ACT, 2020

1 Subsection 35.1 (1) of the *Credit Unions and Caisses Populaires Act, 2020* is repealed and the following substituted:

Trust for named beneficiary

(1) A credit union may accept deposits from a member in trust for a named beneficiary.

2 Paragraph 3 of subsection 174 (10) of the Act is amended by striking out “that are not membership shares or patronage shares” at the end.

Commencement

3 This Schedule comes into force on the later of January 1, 2024 and the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 7
FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993**

Restoring Ontario's Competitiveness Act, 2019

1 Sections 5 and 7 of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019* are repealed.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 8
FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

1 Subsection 22 (4) of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended by striking out “90” and substituting “60”.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 9
MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

1 The definition of “Minister” in subsection 1 (1) of the *Modernizing Ontario for People and Businesses Act, 2020* is amended by striking out “Economic Development, Job Creation and Trade” and substituting “Red Tape Reduction”.

2 Section 6 of the Act is amended by striking out “businesses” and substituting “regulated entities”.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 10
MOTOR VEHICLE DEALERS ACT, 2002

1 Subsection 32 (4) of the *Motor Vehicle Dealers Act, 2002* is amended by striking out “\$2,500” at the end and substituting “\$5,000”.

2 Subsection 34 (3) of the Act is repealed.

3 Section 41 of the Act is repealed.

Commencement

4 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 11
NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT**

1 Section 1 of the *Niagara Escarpment Planning and Development Act* is amended by adding the following definitions:

“enforcement officer” means an enforcement officer appointed or designated under section 27.1; (“agent d’exécution”)

“justice” has the same meaning as in the *Provincial Offences Act*; (“juge”)

2 (1) Clause 10 (1) (b) of the Act is amended by striking out “publish a notice in such newspapers having general circulation in any area that is within the Niagara Escarpment Planning Area as the Commission considers appropriate” at the beginning and substituting “publish a notice, on a website of the Government of Ontario or a website managed by the Commission”.

(2) Subsection 10 (4) of the Act is amended by striking out “and shall publish notice thereof in such newspapers having in their opinion general circulation in any area that is within the Niagara Escarpment Planning Area as they consider appropriate” and substituting “and give notice of the hearing in such manner as they consider appropriate”.

(3) Subsection 10 (5) of the Act is repealed and the following substituted:

Time of hearing

(5) The time fixed for any hearing under subsection (3) shall not be before the expiration of the time for making comments on the proposed amendments.

3 Clause 23 (c) of the Act is repealed and the following substituted:

- (c) providing for the exemption of any class or classes of persons, or any class or classes of development within any development area from the requirement of obtaining a development permit, subject to any conditions or restrictions prescribed by the regulations;

4 Subsection 24 (6.1) of the Act is repealed and the following substituted:

Order to stop work, etc.

(6.1) If a person undertakes any development that is in contravention of subsection (1) and the Minister or an enforcement officer has reasonable grounds to believe that the contravention is causing or is likely to cause a risk to public safety or significant environmental damage, the Minister or the enforcement officer may order the person to,

- (a) stop work on the development;
- (b) take such steps as the Minister or the enforcement officer considers necessary to ensure compliance with this Act or the regulations, within such time as the order specifies.

5 The Act is amended by adding the following section:

Enforcement officers

27.1 (1) The Minister may appoint or designate persons or classes of persons as enforcement officers for the purposes of this Act.

Enforcement officers by virtue of office

(2) The following persons are enforcement officers for the purposes of this Act by virtue of their office:

1. A conservation officer appointed under subsection 87 (1) of the *Fish and Wildlife Conservation Act, 1997*.
2. A provincial offences officer employed by the Commission and designated by the Minister to enforce this Act.

Production of identification

(3) An enforcement officer acting under this Act shall, on request, produce identification.

6 (1) Subsection 28 (1) of the Act is amended by repealing the portion before clause (a) and substituting the following:

Entry re inspection

(1) Subject to subsection (3), an enforcement officer, an employee or agent of the Commission or a person designated under subsection 5 (11) may enter and inspect any land, building or dwelling if,

(2) Clause 28 (1) (e) of the Act is repealed and the following substituted:

- (e) there are reasonable grounds to believe that development to which this Act or the regulations apply has been or is being undertaken.

(3) Subsections 28 (2) to (7) of the Act are repealed and the following substituted:

Powers during inspection

- (2) A person conducting an inspection under subsection (1) may,
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations, make any measurements, take tests, samples or photographs or make any other records necessary for the purposes of the inspection.

Authority to enter and inspect

- (3) A person specified in subsection (1) may, under that subsection, enter and inspect any land without the consent of the owner or occupier of the land and without a warrant but subsection (1) does not authorize the person to enter and inspect a building or dwelling without a warrant unless the occupier of the building or dwelling consents to the entry.

Warrant for building or dwelling

- (4) On application without notice, a justice may issue a warrant authorizing an enforcement officer to enter and inspect a building or dwelling if the justice is satisfied by information under oath that there are reasonable grounds to believe that,
- (a) an inspection under this section is required for the reasons described in subsection (1); and
 - (b) entry has been refused or is likely to be refused.

Same, application for warrant

- (5) An application under subsection (4) shall specify that the warrant is to enter and inspect a building or a dwelling.

Conditions

- (6) A warrant is subject to such conditions as may be specified in the warrant.

Assistance

- (7) An enforcement officer may be accompanied or assisted by any person during an inspection under this section.

Time of entry

- (8) The power to enter lands, buildings or dwellings under subsection (1) may be exercised at any reasonable time.

Use of force

- (9) Subsection (1) does not authorize the use of force.

Return of things

- (10) Any document or thing removed during an inspection shall be returned promptly to the person from whom it was taken unless it is not reasonable for the person to expect the thing to be returned.

Offence

- (11) Any person who prevents or obstructs a person who is entitled to enter lands, buildings or dwellings and conduct an inspection under this section from entering the lands, buildings or dwellings or conducting the inspection is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

7 The Act is amended by adding the following section:**False statements and obstruction****28.0.1** (1) A person shall not,

- (a) knowingly make a false statement in an application or in any other document required to be submitted under this Act;
- (b) knowingly make a false or misleading statement to an enforcement officer who is acting under this Act; or
- (c) otherwise obstruct an enforcement officer who is acting under this Act.

Offence

- (2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

8 Subsection 28.1 (1) of the Act is amended by striking out “subsection 6.1 (3), section 24, subsection 26 (1) or subsection 28 (4)” and substituting “subsection 6.1 (3), section 24 or subsection 26 (1)”.

Commencement

9 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 12
NIPISSING UNIVERSITY ACT, 1992**

1 Section 9 of the *Nipissing University Act, 1992* is amended by adding the following subsections:

Exception, chair

(4) The board may determine by board resolution that the six-year limit set out in subsection (2) does not apply to a member who is serving as chair of the board, and the member shall immediately be eligible for reappointment or re-election to another term of office, provided that the member continues to serve as chair.

Same

- (5) A member who continues to serve as chair pursuant to subsection (4),
- (a) despite subsection (1), shall have a term of office of not more than two years;
 - (b) may not be a member of the board for more than eight consecutive years; and
 - (c) subsequently is not eligible for reappointment or re-election to the board.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 13
ONTARIO COLLEGE OF ART & DESIGN UNIVERSITY ACT, 2002

1 Section 5 of the *Ontario College of Art & Design University Act, 2002* is amended by adding the following subsections:

Exception, chair

(4.1) The board may determine by board resolution that the six-year limit set out in subsection (4) does not apply to a member who is serving as chair of the board, and the member shall immediately be eligible for reappointment or re-election to another term of office, provided that the member continues to serve as chair.

Same

(4.2) A member who continues to serve as chair pursuant to subsection (4.1) may not be a member of the board for more than eight consecutive years and subsequently is not eligible for reappointment or re-election to the board.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 14
ONTARIO HERITAGE ACT**

1 Section 33 of the *Ontario Heritage Act* is amended by adding the following subsections:

Alteration of building used for religious practices

(18) The council shall consent to an application to alter or permit the alteration of a building, or part thereof, on property under subsection (1), without terms or conditions, where the following conditions are met:

1. The building, or part thereof, to be altered is primarily used for religious practices.
2. The heritage attributes are connected to religious practices.
3. The alteration of the heritage attributes is required for religious practices.
4. Any prescribed conditions.
5. The applicant provides the council with an affidavit or sworn declaration that the application meets the conditions set out in paragraphs 1 to 4.
6. The applicant provides the council with any information and material prescribed under subsection (2).

Indigenous religious or spiritual practices

(19) For the purposes of subsection (18), religious practices include Indigenous religious or spiritual practices.

Notice re incomplete application

(20) The council shall, in accordance with the prescribed time period, notify the applicant if the affidavit or sworn declaration required under paragraph 5 of subsection (18) is not complete or if any information and material required under paragraph 6 of subsection (18) is not provided.

Same

(21) For greater certainty, the council shall provide additional notice in accordance with subsection (20) if the applicant resubmits an affidavit or sworn declaration that remains incomplete or if any information and material required is still not provided.

Notice re consent

(22) Upon receiving the complete affidavit or sworn declaration required under paragraph 5 of subsection (18) and all information and material required under paragraph 6 of subsection (18), the council shall, in accordance with the prescribed time period, serve notice of its consent to the application under subsection (18) on the applicant and the Trust.

Deemed consent, incomplete application

(23) If the council receives an affidavit or sworn declaration required under paragraph 5 of subsection (18) that is incomplete or if any information and material required under paragraph 6 of subsection (18) is not provided by the applicant, and the council fails to provide the applicant with notice of an incomplete application in accordance with subsection (20) or (21), as the case may be, the council shall be deemed to have consented to the application.

Deemed consent, complete application

(24) If the council receives the complete affidavit or sworn declaration required under paragraph 5 of subsection (18) and all of the information and material required under paragraph 6 of subsection (18) but does not provide notice of consent to the applicant in accordance with the time period prescribed under subsection (22), the council shall be deemed to have consented to the application.

Reliance on affidavit or sworn declaration

(25) For greater certainty, the council shall rely exclusively on the affidavit or sworn declaration under paragraph 5 of subsection (18) to demonstrate that the application meets the conditions under paragraphs 1 to 4 of subsection (18).

Non-application, subss. (3) to (14)

(26) Subsections (3) to (14) do not apply to an application to alter under subsection (18).

2 Subsection 70 (1) of the Act is amended by adding the following clause:

- (j.1) defining terms for the purposes of subsections 33 (18) and (19);

3 Section 71 of the Act is amended by adding the following clauses:

- (e) facilitate the implementation of amendments to this Act made by Schedule 14 to the *Less Red Tape, More Common Sense Act, 2023*;
- (f) deal with any problems or issues arising as a result of the enactment of a provision of this Act by Schedule 14 to the *Less Red Tape, More Common Sense Act, 2023*.

Commencement

4 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 15
PROFESSIONAL ENGINEERS ACT**

1 (1) Paragraph 10 of subsection 7 (1) of the *Professional Engineers Act* is repealed.

(2) Paragraph 11 of subsection 7 (1) of the Act is amended by striking out “and prescribing and requiring the use of forms of such returns” at the end and substituting “and governing the requirements”.

(3) Paragraph 13 of subsection 7 (1) of the Act is repealed and the following substituted:

13. requiring members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences to provide specified information or documents to the Registrar for the purposes of this Act, and governing the requirements;

2 Clause 14 (2) (b) of the Act is amended by striking out “that the holder” at the beginning and substituting “that the applicant for or the holder”.

3 Subsection 19 (3) of the Act is amended by striking out “mails or delivers” and substituting “delivers”.

4 Subsection 24 (4) of the Act is amended by striking out “mail” and substituting “deliver”.

5 Clause 28 (1) (b) of the Act is amended by striking out “27.1 or 37” and substituting “27.1, 33 or 37”.

6 Subsection 33 (10) of the Act is repealed and the following substituted:

Report

(10) The Registrar shall report the results of the investigation to the Complaints Committee and to the member or holder who was the subject of the investigation.

Complaints Committee may act

(11) The Complaints Committee may, on the basis of the report,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under clause (a); or
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

Same

(12) Subsections 24 (3) to (5) apply with necessary modifications with respect to the operation of subsection (11).

7 Subsection 43 (1) of the Act is amended by striking out “personally or by mail” at the end and substituting “personally, electronically or by mail”.

8 The Act is amended by adding the following section:

Forms

46 The Registrar may approve forms for the purposes of this Act and require their use.

9 The Act is amended by striking out “the Attorney General” wherever it appears and substituting in each case “the Minister”, except in the definition of “Minister” in section 1.

Commencement

10 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 16
RETIREMENT HOMES ACT, 2010

1 Section 122 of the *Retirement Homes Act, 2010* is repealed.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

**SCHEDULE 17
SECURITIES ACT**

1 Subsection 143.2 (4) of the *Securities Act* is amended by striking out “90” and substituting “60”.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 18
ST. LAWRENCE PARKS COMMISSION ACT

1 Section 6 of the *St. Lawrence Parks Commission Act* is amended by adding the following subsection:

Easements

(2) Despite clause (1) (a), the Commission may dispose of an interest in land by the grant of an easement without the approval of the Lieutenant Governor in Council.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 19
UNIVERSITÉ DE L'ONTARIO FRANÇAIS ACT, 2017

1 Subsection 12 (3) of the *Université de l'Ontario français Act, 2017* is repealed and the following substituted:

Exception, chair

(3) The board may determine by board resolution that the six-year limit set out in subsection (2) does not apply to a member who is serving as chair of the board, and the member shall immediately be eligible for reappointment or re-election to another term of office, provided that the member continues to serve as chair.

Same

- (4) A member who continues to serve as chair pursuant to subsection (3),
- (a) despite paragraphs 2 and 3 of section 10, shall have a term of office of not more than two years;
 - (b) may not be a member of the board for more than a total of eight years; and
 - (c) subsequently is not eligible for reappointment or re-election to the board.

Exception, president or chancellor

(5) Despite subsections (2) and (3), a member may be appointed as president or chancellor of the University or as an appointee of the president under subparagraph 1 ii of subsection 9 (1) regardless of whether, as a result of such appointment, they would exceed the maximum number of years of service set out in those subsections.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.

SCHEDULE 20
UNIVERSITY OF ONTARIO INSTITUTE OF TECHNOLOGY ACT, 2002

1 Section 8 of the *University of Ontario Institute of Technology Act, 2002* is amended by adding the following subsections:

Exception, chair

(6.1) The board may determine by board resolution that the six-year limit set out in subsection (6) does not apply to a member who is serving as chair of the board, and the member shall immediately be eligible for reappointment or re-election to another term of office, provided that the member continues to serve as chair.

Same

(6.2) A member who continues to serve as chair pursuant to subsection (6.1) may not be a member of the board for more than eight consecutive years and subsequently is not eligible for reappointment or re-election to the board.

Commencement

2 This Schedule comes into force on the day the *Less Red Tape, More Common Sense Act, 2023* receives Royal Assent.