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Bill 180

**An Act to implement Budget measures
and to enact and amend various statutes**

The Hon. P. Bethlenfalvy
Minister of Finance

Government Bill

1st Reading March 26, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 BUILDING ONTARIO FUND ACT, 2024

The *Building Ontario Fund Act, 2024* is enacted. The Act continues Ontario Infrastructure Bank as a corporation without share capital under the name Building Ontario Fund in English and Fonds ontarien pour la construction in French.

The Act includes provisions respecting the Corporation's objects, the composition of the board of directors, by-law making provisions, the Chief Executive Officer and employees of the Corporation, the powers of the Corporation and requirements relating to financial record-keeping, annual and other reports, and audits.

SCHEDULE 2 ESTATE ADMINISTRATION TAX ACT, 1998

A technical amendment is made to the definition of "estate certificate" in the *Estate Administration Tax Act, 1998* to include references to small estate certificates.

SCHEDULE 3 FINANCIAL ADMINISTRATION ACT

Section 23 of the *Financial Administration Act* is amended to provide for an exception to the rules governing temporary bank loans in respect of certain short-term loans.

SCHEDULE 4 FUEL TAX ACT

Clause 2 (1.1) (a) of the *Fuel Tax Act* currently provides for a reduction of the tax payable by purchasers of clear fuel if the tax is payable during the period beginning on July 1, 2022 and ending on June 30, 2024. The clause is amended to provide that the period ends on December 31, 2024.

SCHEDULE 5 GASOLINE TAX ACT

Clause 2 (1.1) (a) of the *Gasoline Tax Act* currently provides for a reduction of the tax payable by purchasers of gasoline if the tax is payable during the period beginning on July 1, 2022 and ending on June 30, 2024. The clause is amended to provide that the period ends on December 31, 2024.

SCHEDULE 6 LIQUOR TAX ACT, 1996

The Schedule repeals subsection 27 (1) of the *Liquor Tax Act, 1996*, which sets a basic tax rate of 6.1 per cent of the retail price on Ontario wine or wine cooler that is purchased from an onsite winery retail store. Transition rules are also provided with respect of any payments of the tax in the event that the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent after April 1, 2024.

SCHEDULE 7 ONTARIO LOAN ACT, 2024

The *Ontario Loan Act, 2024* is enacted. Subsection 1 (1) of the Act authorizes the Crown to borrow a maximum of \$15.9 billion.

SCHEDULE 8 PENSION BENEFITS ACT

Unproclaimed provisions in the *Pension Benefits Act* relating to target benefits are amended and new provisions are added. Here are some highlights:

1. Currently, unproclaimed provisions in section 10 of the Act govern the requirement for the documents that create and support a pension plan to set out certain written policies. Those provisions are re-enacted to add further requirements in respect of written policies that relate to plans that provide target benefits. Transitional rules are also provided for.
2. Currently, unproclaimed section 39.2 of the Act governs target benefits, including setting out criteria that must be satisfied for a benefit to be a target benefit. The Schedule makes various amendments to some of the existing criteria. In addition, new subsection 39.2 (6) provides that if one or more of the criteria are no longer satisfied, such that the benefit ceases to be a target benefit, the prescribed rules apply.
3. Changes are also made to unproclaimed section 81.0.2 of the Act, which sets out requirements relating to proposals to convert certain benefits provided by a multi-employer pension plan to target benefits. In particular, provisions related to the giving of notices of a proposed conversion and of an application for consent are repealed, and the requirement on administrators to consult with trade unions about the proposed conversion is changed to also include a requirement to

consult with certain associations. In addition, new subsection 81.0.2 (2.2) sets out a 5-year time limit on conversions in respect of certain designated multi-jurisdictional pension plans.

4. New section 98.2 of the Act provides that, in the case of a pension plan that provides target benefits, if the Chief Executive Officer requests, the plan administrator or other prescribed person is required to provide any information for the purpose of ascertaining whether the provision for adverse deviations set out in a filed report complies with the Act and the regulations.

**SCHEDULE 9
TAXATION ACT, 2007**

The Schedule amends the requirements set out in the *Taxation Act, 2007* that determine whether a production is eligible for the Ontario Computer Animation and Special Effects Tax Credit.

**SCHEDULE 10
TOBACCO TAX ACT**

The Schedule makes various amendments to section 29 of the *Tobacco Tax Act*.

Currently, subsections 29 (13) to (17) provide for a fine of a specified amount or within a range of amounts as well as an additional fine of a fixed or minimum amount when a person contravenes subsection 29 (1) or (2), as the case may be. These subsections are amended to increase the specified amount or the range of amounts of the fine and to set a maximum amount with respect to the additional fine.

The new subsection 29 (13.1) sets out a new offence when a person contravenes subsection 29 (1) and is found to be in possession of or to have purchased or received 100,000 or more unmarked cigarettes or 100,000 grams or more of unmarked fine cut tobacco at a place used for the purchase, sale or storage of the cigarettes or tobacco that is controlled, directly or indirectly, by that person. This new subsection also provides for a minimum fine.

Under the new subsection 29 (13.2), the offence set out in subsection 29 (13.1) also applies when the person is found to be in possession of the cigarettes or tobacco while in transit to or from the place used for the purchase, sale or storage.

**An Act to implement Budget measures
and to enact and amend various statutes**

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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 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 *Building a Better Ontario Act (Budget Measures), 2024*.

**SCHEDULE 1
BUILDING ONTARIO FUND ACT, 2024**

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Definitions

1 In this Act,

“Corporation” means the Building Ontario Fund; (“Société”)

“Minister” means the Minister of Finance or the minister of the Crown to whom the power and duties under this Act are assigned or transferred under the *Executive Council Act*; (“ministre”)

“qualified institutional investor” means a financial institution, pension fund, investment fund or any other entity prescribed by the regulations. (“investisseur institutionnel admissible”)

Corporation continued

2 (1) The corporation known in English as Ontario Infrastructure Bank and in French as Banque de l’infrastructure de l’Ontario is continued as a corporation without share capital under the name Building Ontario Fund in English and Fonds ontarien pour la construction in French.

Members of Corporation

(2) The Corporation is composed of the members of its board of directors.

Same

(3) A person ceases to be a member of the Corporation when the person ceases to be a director.

Transition, existing members of the board

(4) A person who was a member of the board of directors immediately before the day subsection 2 (1) of Schedule 1 to the *Building a Better Ontario Act (Budget Measures), 2024* came into force may continue to hold that position for the remainder of the person's term.

Same

(5) Subject to subsection 6 (6), a person who is a member of the board of directors under subsection (4) of this section is entitled to the same remuneration to which that person was entitled as a member of the board immediately before the day referred to in that subsection.

Objects

3 The Corporation's objects are,

- (a) to invest and seek to attract investment from qualified institutional investors, public sector entities, governments and Indigenous communities, with priority given to Canadian investors, in Ontario infrastructure projects that will generate revenue and that will be in the public interest by,
 - (i) investing in infrastructure and appropriately allocating risks amongst the Corporation and other investors,
 - (ii) structuring proposals and negotiating agreements with investors in infrastructure projects,
 - (iii) receiving and assessing unsolicited ideas and proposals for infrastructure projects that come from qualified institutional investors, public sector entities, governments or Indigenous communities, and
 - (iv) providing advisory services with respect to financing infrastructure projects, including loan structures and areas of investment opportunity;
- (b) to conduct such further activities, consistent with its objects, as are described in any policies or directives issued by the Minister or as set out in any agreement with the Minister; and
- (c) to receive, hold, sell, invest and otherwise deal with its assets in carrying out its objects.

Crown agent

4 (1) Subject to subsections (2) to (5), the Corporation is an agent of the Crown in right of Ontario for all purposes.

Exception — declaration

(2) The Minister may declare in writing that the Corporation is not acting as an agent of the Crown for the purpose of any of its contracts, securities or instruments.

Effect of declaration

(3) If the Minister makes a declaration in accordance with subsection (2), the Corporation shall be deemed not to be a Crown agent for the purposes of the contract, security or instrument and the Crown is not liable for any liabilities or obligations incurred by the Corporation under the contract, security or instrument.

Exception — Minister's regulation

(4) The Minister may, by regulation, provide that the Corporation is not acting as an agent of the Crown for the purpose of any class of contracts, securities or instruments.

Effect of regulation

(5) If the Minister makes a regulation under subsection (3), the Corporation shall be deemed not to be a Crown agent for the purposes of that class of contract, security or instrument and the Crown is not liable for any liabilities or obligations incurred by the Corporation under that class of contract, security or instrument.

Unpaid judgments against the Corporation

(6) The Minister shall pay from the Consolidated Revenue Fund the amount of any judgment against the Corporation that remains unpaid after the Corporation has made reasonable efforts, including liquidating assets, to pay the amount of the judgment.

Exception

(7) Subsection (6) does not apply to any judgment in respect of a contract, security or instrument in respect of which a declaration is made under subsection (2) or to which a regulation made under subsection (4) applies.

Limit

(8) A declaration made under subsection (2) or a regulation made under subsection (4) does not apply to any contract, security or instrument that is entered into, issued or otherwise in force prior to the making of the declaration or regulation.

Board of directors

5 (1) The board of directors of the Corporation shall be composed of at least three and not more than 11 members.

Management and supervision by board

(2) The board of directors shall manage or supervise the management of the Corporation's affairs.

Composition of board, etc.

6 (1) The board of directors of the Corporation shall be appointed at pleasure by the Lieutenant Governor in Council on the recommendation of the Minister.

Chair and vice-chair

(2) On the recommendation of the Minister, the Lieutenant Governor in Council shall designate a chair from among the members of the board of directors and may designate a vice-chair from among the members of the board of directors.

Same

(3) If the chair is absent or unable to act, or if the office of the chair is vacant, and a vice-chair has been designated, the vice-chair shall act as chair.

Same

(4) If the chair is absent or unable to act and the vice-chair is absent or unable to act or no vice-chair has been designated, the members present shall appoint an acting chair from among themselves.

Quorum

(5) A majority of the members constitutes a quorum of the board of directors.

Remuneration and reimbursement

(6) The members of the board of directors shall receive the remuneration and reimbursement for reasonable expenses that the Lieutenant Governor in Council determines.

By-laws

7 (1) Subject to the Minister's approval, the board of directors may pass by-laws and resolutions regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Same

- (2) Without limiting the generality of subsection (1), the board of directors may pass by-laws and resolutions to,
- (a) appoint officers and assign to them such powers and duties as the board of directors considers appropriate;
 - (b) establish committees of the board of directors and delegate powers and duties to such committees;
 - (c) govern the remuneration and benefits of employees of the Corporation; and
 - (d) effect the orderly transaction of the business of the Corporation.

Continuation of by-laws

(3) Despite the revocation of Ontario Regulation 333/23 (Ontario Infrastructure Bank) made under the *Development Corporations Act*, any by-law made by the Corporation that was in effect immediately before the revocation is continued.

Chief Executive Officer

8 (1) The board of directors shall appoint a Chief Executive Officer.

Same

(2) The Chief Executive Officer is responsible for the operation of the Corporation, subject to the supervision and direction of the board of directors.

Remuneration and benefits

(3) The Corporation shall pay such remuneration and benefits to the Chief Executive Officer as is determined by the board of directors, subject to the Minister's approval.

Employees

9 (1) The Corporation may employ or otherwise engage persons as it considers necessary for the proper conduct of the business of the Corporation.

Agreements for provision of services

(2) The Corporation may enter into agreements with any minister of the Crown or chair of a Crown agency for the provision of services to the Corporation by employees of the Crown or employees of the Crown agency, as the case may be.

Pension benefits

(3) The Corporation may provide its eligible employees with pension benefits under the Public Service Pension Plan if the Corporation is designated as an employer under the *Public Service Pension Act*.

Remuneration and benefits

(4) The Corporation shall pay such remuneration and benefits to employees of the Corporation as is determined by the board of directors, subject to the Minister's approval.

Powers

10 Except as limited by this Act, the Corporation has the capacity, rights, powers and privileges of a natural person for carrying out its objects.

Investments, etc.

11 Without limiting the generality of the Corporation's powers under section 10, the Corporation may,

- (a) make investments to carry out its objects, including by way of equity investment, loan, acquiring a derivative or giving a guarantee; and
- (b) acquire and hold, realize on or otherwise dispose of security or a security interest of any kind, including any interest or rights in real property or personal property as security for the due performance of any arrangement or agreement with the Corporation, and retain and use the proceeds of disposition.

Limit on powers, approval of Minister

12 (1) The Corporation shall not, except with the approval of the Minister, acquire, hold or dispose of any interest in real property.

Same

(2) Subsection (1) does not apply with respect to investments made by the Corporation in carrying out its objects under section 3.

Limit on location of infrastructure projects

13 The Corporation shall not, except with the approval of the Minister, make an investment or enter into any arrangement for the financing of a project that is not entirely located within Ontario.

Limit re public interest

14 The Corporation shall not enter into any arrangement for the financing of a project with an investor whose interests do not align with the Ontario public interest.

Limit on powers re borrowing and managing financial risks

15 (1) The Corporation shall not borrow or manage financial risks unless,

- (a) a by-law of the Corporation authorizes the activity and the Minister has approved the by-law; and
- (b) subject to subsection (2), the Ontario Financing Authority co-ordinates and arranges the activity.

Direction of Minister of Finance

(2) The Minister may in writing direct a person other than the Ontario Financing Authority, including the Corporation, to perform the functions referred to in clause (1) (b).

Same

(3) A direction of the Minister under subsection (2) may be general or specific and may include terms and conditions that the Minister considers advisable.

Non-application of *Legislation Act, 2006*, Part III

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction issued under subsection (2).

Loan guarantees — limitation

16 (1) The Corporation may provide loan guarantees only in accordance with this section.

Same

(2) The Corporation may recommend that the Minister approve a loan guarantee with respect to an infrastructure project and if the Minister concurs with the recommendation, the Minister may approve the loan guarantee.

Same

(3) Despite subsection (2), the Corporation may provide a loan guarantee with respect to an infrastructure project without the Minister's approval if the value of the loan guarantee provided by the Corporation is less than \$200 million.

Appropriation

17 (1) The Lieutenant Governor in Council may authorize the Minister to make advances to the Corporation in such amounts as may be specified by the Lieutenant Governor in Council and at such times and on such terms and conditions as the Minister considers expedient.

Same

(2) The money required for the purposes of subsection (1) shall be a charge on and payable out of the Consolidated Revenue Fund.

Loans to the Corporation

18 At the request of the Corporation, the Minister may lend money to the Corporation out of the Consolidated Revenue Fund on any terms and conditions that the Minister may fix.

Revenue

19 (1) The revenues of the Corporation shall be deposited into accounts permitted by the Corporation's by-laws and shall be applied solely for carrying out the Corporation's objects.

Status of revenue and assets

(2) Despite Part I of the *Financial Administration Act*, all revenues and assets of the Corporation do not form part of the Consolidated Revenue Fund.

Application of certain Acts

20 (1) Section 132 (disclosure: conflict of interest), subsection 134 (1) (standards of care, etc., of directors, etc.) and section 136 (indemnification) of the *Business Corporations Act* apply, with necessary modifications, to the Corporation and members of its board of directors.

Same

(2) The *Not-for-Profit Corporations Act, 2010* and the *Corporations Information Act* do not apply to the Corporation.

Crown liability**No personal liability**

21 (1) No cause of action arises against any current or former member of the Executive Council or officer, employee or agent of the Crown for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Crown remains vicariously liable

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) of this section does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in subsection (1).

No liability for acts or omissions of others

(3) No cause of action arises against the Crown or any person specified in subsection (1) for an act or omission of a person other than the Crown or a person specified in that subsection, if the act or omission is related, directly or indirectly, to the exercise or performance, or intended exercise or performance, of a power, duty or function under this Act.

Employment, etc. with the Corporation

(4) If a person who is an employee or agent of the Crown is employed in or assigned to or otherwise performs duties directly for the Corporation, the person is deemed to be an employee of the legal entity and not an employee or agent of the Crown specified in subsection (1) in relation to the person's acts or omissions arising from the employment, assignment or performance for the purposes of this section and sections 22 and 23 as well as any claim for vicarious liability.

Proceedings by Crown not prevented

(5) This section does not apply with respect to proceedings brought by the Crown.

Corporation liability**No personal liability**

22 (1) No cause of action arises against any current or former director, officer, employee or agent of the Corporation for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Corporation vicariously liable

(2) Subsection (1) does not relieve the Corporation of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in subsection (1).

Proceedings by Crown not prevented

(3) This section does not apply with respect to proceedings brought by the Crown.

Proceedings barred

23 (1) No proceeding shall be commenced,

- (a) against any person specified in subsection 21 (1) in respect of a matter referred to in that subsection;
- (b) against the Crown or any person specified in subsection 21 (1) in respect of a matter referred to in subsection 21 (3); or
- (c) against any person specified in subsection 22 (1) in respect of a matter referred to in that subsection.

Same

(2) Subsection (1) does not apply with respect to an application for judicial review, but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief, a remedy in contract, restitution, unjust enrichment or tort, a remedy for breach of trust or fiduciary obligation or any equitable remedy, enforcement of a judgment, order or award made outside Ontario or any form of compensation or damages including loss of revenue or profit.

Proceedings by Crown not prevented

(3) This section does not apply with respect to proceedings brought by the Crown.

Financial records, etc.

24 (1) The Corporation shall maintain financial records for the Corporation and shall establish financial, management and information systems that will enable the Corporation to prepare financial statements in accordance with generally accepted accounting principles.

Inspection

(2) Upon the request of the Minister, the Corporation shall promptly make its financial records available for inspection.

Fiscal year

25 The Corporation's fiscal year begins on April 1 in each year and ends on March 31 in the following year.

Reports

26 (1) The Corporation shall, on a frequency identified by the Minister, report on its progress in achieving performance targets and standards as set by the Minister.

Annual report

(2) The Corporation shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Corporation's fiscal year and make it available to the public.

Directives re annual report

- (3) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report; and
 - (b) when and how to make it available to the public.

Additional content

(4) The Corporation shall include such additional content in the annual report as the Minister may require.

Tabling of annual report

27 The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

Business plans and reports

28 (1) At least six months before the beginning of each fiscal year or by a date specified by the Minister, the Corporation shall prepare and provide to the Minister for the Minister's approval a business plan described in subsection (2) and such reports as the Minister may require.

Same

(2) The business plan must be based on a five-year cycle and contain,

- (a) the Corporation's proposed operating budget for the fiscal year and the next two fiscal years;
- (b) the Corporation's projected revenues and their sources;
- (c) the Corporation's performance targets for the next fiscal year; and
- (d) any other information required by the Minister.

Other reports

29 The Minister may require the Corporation to provide other reports on such topics as the Minister specifies.

Policies and directives by Minister

30 (1) The Minister may issue policies and directives in writing to the board of directors of the Corporation on matters relating to the exercise of its powers or duties.

Implementation of policies and directives

(2) The board shall, through the Corporation, ensure that the policies and directives issued to the Corporation are implemented promptly and efficiently.

Audit

31 (1) The Corporation's board of directors shall appoint one or more licensed public accountants to audit the accounts and transactions of the Corporation for the previous fiscal year.

Auditor General

(2) The Auditor General may also audit the accounts and transactions of the Corporation for any fiscal year.

Minister-appointed auditor

(3) The Minister may at any time appoint a licensed public accountant, other than the person appointed under subsection (1), to audit the accounts and transactions of the Corporation for any period of time specified by the Minister.

Winding up

32 If the Lieutenant Governor in Council considers it to be in the public interest to wind up the affairs of the Corporation, the Minister may do all things necessary to accomplish that, including dealing with the assets of the Corporation by,

- (a) liquidating or selling the assets and paying the proceeds into the Consolidated Revenue Fund; or
- (b) transferring the assets to the Crown or another agency of the Crown.

Regulations

33 (1) The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act and without limiting the generality of the foregoing, may make regulations,

- (a) prescribing anything referred to in this Act as being prescribed by the regulations;
- (b) governing the manner in which the Corporation carries out its objects.

Same, Minister

(2) The Minister may make regulations with respect to any matter that, in this Act, is described as being done by a regulation made by the Minister.

Revocation

34 Ontario Regulation 333/23 is revoked.

Commencement

35 The Act set out in this Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

Short title

36 The short title of the Act set out in this Schedule is the *Building Ontario Fund Act, 2024*.

SCHEDULE 2
ESTATE ADMINISTRATION TAX ACT, 1998

1 Clause (b) of the definition of “estate certificate” in subsection 1 (1) of the *Estate Administration Tax Act, 1998* is amended by adding “including a small estate certificate or an amended small estate certificate” after “1994”.

Commencement

2 This Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

**SCHEDULE 3
FINANCIAL ADMINISTRATION ACT**

1 (1) Section 23 of the *Financial Administration Act* is amended by adding the following subsection:

Exception

(1.1) Despite subsection (1) and in addition to all money authorized to be raised by way of loan by this or any other Act, the Minister of Finance may borrow, from time to time, such sums as are required for the following purposes if the amounts borrowed will be repaid within one day:

1. To discharge any indebtedness or obligation of Ontario.
2. To make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund.

(2) Subsection 23 (2) of the Act is amended by adding “or (1.1)” after “subsection (1)”.

Commencement

2 This Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

**SCHEDULE 4
FUEL TAX ACT**

1 Clause 2 (1.1) (a) of the *Fuel Tax Act* is repealed and the following substituted:

(a) the tax is payable during the period beginning on July 1, 2022 and ending on December 31, 2024; or

Commencement

2 This Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

**SCHEDULE 5
GASOLINE TAX ACT**

1 Clause 2 (1.1) (a) of the *Gasoline Tax Act* is repealed and the following substituted:

(a) the tax is payable during the period beginning on July 1, 2022 and ending on December 31, 2024; or

Commencement

2 This Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

SCHEDULE 6
LIQUOR TAX ACT, 1996

1 (1) Subsection 27 (1) of the *Liquor Tax Act, 1996* is repealed.

(2) If the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent after April 1, 2024, section 27 of the Act is amended by adding the following subsection:

Transition

(2.2) If a purchaser has paid, on or after April 1, 2024, an amount in respect of the basic tax on wine and wine cooler under subsection (1), as it read immediately before the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent, the following rules apply:

1. The amount paid is deemed not to have been paid as tax.
2. The amount paid is deemed to have been paid as part of the purchase price otherwise owing in respect of the wine or wine cooler.

Commencement

2 This Schedule comes into force on the later of April 1, 2024 and the day *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

SCHEDULE 7
ONTARIO LOAN ACT, 2024

Borrowing authorized

1 (1) The Lieutenant Governor in Council may borrow in any manner provided by the *Financial Administration Act* such sums, not exceeding a total aggregate amount of \$15.9 billion, as are considered necessary to discharge any indebtedness or obligation of Ontario or to make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund.

Other Acts

(2) The authority to borrow conferred by this Act is in addition to that conferred by any other Act.

Expiry

2 (1) No order in council authorizing borrowing authorized under this Act shall be made after December 31, 2026.

Same

(2) The Crown shall not borrow money after December 31, 2027 under the authority of an order in council that authorizes borrowing under this Act unless, on or before December 31, 2027,

- (a) the Crown has entered into an agreement to borrow the money under the order in council; or
- (b) the Crown has entered into an agreement respecting a borrowing program and the agreement enables the Crown to borrow up to a specified limit under the order in council.

Commencement

3 The Act set out in this Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

Short title

4 The short title of the Act set out in this Schedule is the *Ontario Loan Act, 2024*.

**SCHEDULE 8
PENSION BENEFITS ACT**

1 (1) Section 10 of the *Pension Benefits Act* is amended by adding the following subsections:

Plans that provide target benefits — written policies

(5) The documents that create and support a pension plan that provides any target benefits shall also set out the pension plan's funding and benefits policy, its governance policy and its communications policy.

Conversions by existing pension plans

(6) If some or all of the benefits provided by a multi-employer pension plan that was registered before the day subsection 1 (1) of Schedule 8 to the *Building a Better Ontario Act (Budget Measures), 2024* comes into force are converted to target benefits, the administrator of the pension plan shall, within the prescribed time, file with the Chief Executive Officer the pension plan's funding and benefits policy, its governance policy and its communications policy.

Other conversions

(7) If some or all of the benefits provided by a multi-employer pension plan that is registered on or after the day subsection 1 (1) of Schedule 8 to the *Building a Better Ontario Act (Budget Measures), 2024* comes into force are converted to target benefits, the administrator of the pension plan shall, within the prescribed time, file with the Chief Executive Officer the pension plan's funding and benefits policy, its governance policy and its communications policy.

Requirements

(8) The policies referred to in subsection (5) must satisfy such requirements and contain such information as may be prescribed, and must be reviewed in accordance with the regulations.

(2) Subsection 10 (8) of the Act, as enacted by subsection (1), is repealed and the following substituted:

Plans that do not provide target benefits — written policies

(8) The documents that create and support a pension plan that does not provide any target benefits shall also set out the pension plan's funding policy and its governance policy.

Same, existing pension plans

(9) The administrator of a pension plan described in subsection (8) that applied for registration before the day subsection 1 (2) of Schedule 8 to the *Building a Better Ontario Act (Budget Measures), 2024* comes into force shall, within the prescribed time, file with the Chief Executive Officer the pension plan's funding policy and its governance policy.

Requirements

(10) The policies referred to in subsections (5) and (8) must satisfy such requirements and contain such information as may be prescribed, and must be reviewed in accordance with the regulations.

2 (1) Paragraph 1 of subsection 39.2 (1) of the Act is repealed and the following substituted:

1. The pension plan is a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

(2) Paragraph 3.1 of subsection 39.2 (1) of the Act is repealed and the following substituted:

3.1 The benefit is determined in part with reference to the value of the assets of the pension fund, except as provided by the regulations. The benefit must satisfy this criterion both before and after the payments of the pension begin.

(3) Paragraph 4 of subsection 39.2 (1) of the Act is repealed and the following substituted:

4. Except at the time a newly established pension plan is registered under this Act as providing target benefits, the benefit, if accrued, was converted to a target benefit in accordance with section 81.0.2.

(4) Paragraph 6 of subsection 39.2 (1) of the Act is repealed and the following substituted:

6. The administrator is authorized under the pension plan to reduce the benefit after it has accrued, both while the plan is ongoing and upon wind up.

(5) Subsection 39.2 (4) of the Act is repealed and the following substituted:

Reduction of target benefits

(4) The regulations may specify circumstances in which a target benefit must be reduced.

Same

(5) The regulations may prescribe rules relating to how a target benefit is to be reduced, including prescribing any restrictions, limitations or conditions on the reduction.

Failure to satisfy criteria

(6) If one or more of the criteria specified in subsection (1) are no longer satisfied, such that the benefit provided by a pension plan ceases to be a target benefit, the prescribed requirements apply.

3 Clause 79.1 (3) (a) of the Act is amended by striking out “80”.

4 Section 79.2 of the Act is amended by adding the following subsection:

Conditions re target benefits

(4.1) If any of the assets to be transferred relate to the provision of target benefits in the original pension plan, the transferred assets must be used to provide target benefits in the successor pension plan at the effective date, in accordance with such requirements as may be prescribed.

5 (1) Subsection 81.0.2 (2) of the Act is amended by adding the following paragraphs:

- 1.1 The pension plan is a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.
- 1.2 The benefits proposed to be converted are determined in part with reference to the value of the assets of the pension fund, except as provided by the regulations. The benefits must satisfy this criterion both before and after the payments of the pension begin.

(2) Paragraph 3 of subsection 81.0.2 (2) of the Act is repealed and the following substituted:

3. The administrator is authorized under the pension plan to reduce the benefits proposed to be converted after they have accrued, both while the plan is ongoing and upon wind up.

(3) Section 81.0.2 of the Act is amended by adding the following subsection:

Same

(2.2) Despite subsection (2.1), in the case of a designated multi-jurisdictional pension plan that was registered in a designated jurisdiction immediately before it was registered in Ontario, benefits shall not be converted to target benefits unless the administrator’s application for consent under subsection (12) is made before the fifth anniversary of the day on which the plan was most recently registered in Ontario.

(4) Subsections 81.0.2 (6) to (8) of the Act are repealed.

(5) Subsection 81.0.2 (9) of the Act is repealed and the following substituted:

Requirement re consultation

(9) The administrator shall consult in good faith about the proposed conversion, in accordance with such requirements as may be prescribed, with,

- (a) any trade union that represents members of the pension plan; and
- (b) any other association that, to the knowledge of the administrator, represents members, former members or retired members of the pension plan in negotiating in respect of plan terms.

(6) Subsections 81.0.2 (10) and (13) of the Act are repealed.

(7) Paragraphs 1 and 2 of subsection 81.0.2 (14) of the Act are repealed.

(8) Paragraph 4 of subsection 81.0.2 (14) of the Act is repealed and the following substituted:

4. The administrator has consulted with trade unions and associations in accordance with subsection (9).

(9) Paragraph 5 of subsection 81.0.2 (14) of the Act is repealed.

(10) Section 81.0.2 of the Act is amended by adding the following subsection:

Effective date

(14.1) The effective date of the conversion must satisfy such requirements as may be prescribed.

6 The Act is amended by adding the following section:

Request for information, target benefits

98.2 (1) In the case of a pension plan that provides target benefits, if the Chief Executive Officer requests, the administrator of the plan or other prescribed person shall provide the Chief Executive Officer with any information that the Chief Executive Officer specifies for the purpose of ascertaining whether the provision for adverse deviations, as set out in a report filed with the Chief Executive Officer, complies with the requirements of this Act and the regulations.

Same

(2) The Chief Executive Officer may specify the time within which the information is to be provided.

Progress on the Plan to Build Act (Budget Measures), 2022

7 Subsections 1 (2) and (3) of Schedule 7 to the *Progress on the Plan to Build Act (Budget Measures), 2022* are repealed.

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

8 Subsections 18 (2) and 21 (1) of Schedule 37 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* are repealed.

Stronger, Fairer Ontario Act (Budget Measures), 2017

9 Section 29 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* is repealed.

Commencement

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

(2) Subsections 1 (1), 2 (1) and (3) to (5) and sections 4 and 6 come into force on the later of the day section 17 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

(3) Subsection 2 (2) comes into force on the later of the day subsection 6 (2) of Schedule 37 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

(4) Section 3 comes into force on the later of the day section 16 of Schedule 37 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

(5) Section 5 comes into force on the later of the day section 33 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

(6) Subsection 1 (2) comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 9
TAXATION ACT, 2007**

1 (1) Subsection 90 (4) of the *Taxation Act, 2007* is amended by striking out the portion before “A” and substituting the following:

Eligible labour expenditure

(4) If a qualifying corporation incurred any specified labour costs in respect of an eligible production before March 26, 2024, the eligible labour expenditure of the qualifying corporation in respect of that eligible production for a taxation year is the amount, if any, by which “A” exceeds “B” where,

(2) Section 90 of the Act is amended by adding the following subsection:

Same

(4.1) If a qualifying corporation did not incur any specified labour costs in respect of an eligible production before March 26, 2024, the eligible labour expenditure of the qualifying corporation in respect of that eligible production for a taxation year is the amount, if any, by which “A” exceeds “B” where,

“A” is the corporation’s Ontario labour expenditure for the year or the previous taxation year for eligible computer animation and special effects activities in respect of the eligible production, determined without reference to any equity investment in the production held by a Canadian government film agency; and

“B” is the sum of,

- (a) all amounts, each of which is the corporation’s eligible labour expenditure incurred in the previous taxation year in respect of the production and claimed under this section for that year; and
- (b) an amount in respect of assistance relating to expenditures with respect to the eligible production, other than excluded government assistance, that, on the qualifying corporation’s filing due date for the year, the qualifying corporation or any other person or partnership has received, is entitled to receive or may reasonably expect to receive, equal to the sum of,
 - (i) the amount of the assistance directly attributable to the portion of the Ontario labour expenditure referred to in the definition of “A” that was not included in “B” for a previous taxation year, and
 - (ii) the amount determined by multiplying the amount of the assistance that is not directly attributable to the portion of the Ontario labour expenditure referred to in the definition of “A” and that was not included in “B” for a previous taxation year by the ratio of the amount of that portion of the Ontario labour expenditure in respect of the production to the amount of the prescribed cost of eligible computer animation and special effects activities of the eligible production.

(3) Subsection 90 (9) of the Act is amended by adding the following clause:

(a.1) the production is not an eligible production;

(4) Subsection 90 (11) of the Act is amended by adding the following definition:

“alternative means” means a means of making a film or television production commercially available for viewing by the public via download or streaming over the Internet, via video-on-demand or on physical media; (“autre moyen”)

(5) The definition of “eligible production” in subsection 90 (11) of the Act is repealed and the following substituted:

“eligible production” means a film or television production that satisfies the requirements set out in subsection (11.1) or (11.2); (“production admissible”)

(6) Subsection 90 (11) of the Act is amended by adding the following definitions:

“specified labour cost” means an amount in respect of a production that would be included in the determination of a qualifying corporation’s Ontario labour expenditure if the production were deemed to be an eligible production; (“coût en main-d’œuvre déterminé”)

“television broadcast” means the scheduled transmission of a film or television production for reception by the public by a broadcasting undertaking, as defined in the *Broadcasting Act* (Canada), but not by an undertaking for the transmission or retransmission over the Internet for reception by the public; (“télédiffusion”)

“theatrical distribution” means an arrangement with a distributor to have a film or television production shown commercially in cinemas for viewing by the paying public; (“distribution en salles”)

(7) Section 90 of the Act is amended by adding the following subsections:

Eligible production

(11.1) A film or television production for which specified labour costs were incurred before March 26, 2024 is an eligible production if it,

- (a) is produced for commercial exploitation;
- (b) is not,
 - (i) news, current events or public affairs programming, or a programme that includes weather or market reports,
 - (ii) a talk show,
 - (iii) a production in respect of a game, questionnaire or contest (other than a production directed primarily at minors),
 - (iv) a sports event or activity,
 - (v) a gala presentation or an awards show,
 - (vi) a production that solicits funds,
 - (vii) reality television,
 - (viii) pornography,
 - (ix) advertising,
 - (x) a production produced primarily for industrial, corporate or institutional purposes, or
 - (xi) a production, other than a documentary, all or substantially all of which consists of stock footage;
- (c) is not a production for which, in the opinion of the Minister of Culture, public financial support would be contrary to public policy; and
- (d) is a production in respect of which a certificate has been issued to a qualifying corporation under subsection 91 (15) or 92 (8), if no eligible expenditure in respect of the production is incurred on or before April 23, 2015.

Same

(11.2) A film or television production for which no specified labour costs were incurred before March 26, 2024 is an eligible production if it,

- (a) consists solely of non-interactive audiovisual content that is either a single instalment or a group of two or more episodes;
- (b) is produced for commercial exploitation by means of one or more of,
 - (i) a theatrical distribution,
 - (ii) a television broadcast, or
 - (iii) an alternative means;
- (c) is not,
 - (i) news, current events or public affairs programming, or a programme that includes weather or market reports,
 - (ii) a talk show,
 - (iii) a production in respect of a game, questionnaire or contest (other than a production directed primarily at minors),
 - (iv) a sports event or activity,
 - (v) a gala presentation or an awards show,
 - (vi) a production that solicits funds,
 - (vii) reality television,
 - (viii) pornography,
 - (ix) advertising,
 - (x) a production produced primarily for industrial, corporate or institutional purposes,
 - (xi) a production, other than a documentary, all or substantially all of which consists of stock footage,
 - (xii) an instructional production, including instructional videos or tutorials related to cooking, crafting, renovating, beauty, fitness, parenting, careers or finance,
 - (xiii) a review or a commentary, opinion or advice video,
 - (xiv) educational content related to a curriculum or course of study, other than a production directed primarily at children under the age of 12,
 - (xv) a vlog, travelogue, video journal or diary, home movie or a production that primarily consists of recreational content,

- (xvi) a music video,
 - (xvii) a production in respect of esports, gaming, or gambling,
 - (xviii) a prank video,
 - (xix) a speech, sermon, presentation or discourse,
 - (xx) coverage of a conference, gathering, ceremony or event,
 - (xxi) a production that primarily consists of content from another film or television production or an interactive digital media production previously released to the public, or
 - (xxii) a production all or substantially all of which consists of user-generated footage;
- (d) is not a production for which, in the opinion of the Minister of Culture, public financial support would be contrary to public policy; and
- (e) is a production for which,
- (i) the specified labour costs of the qualifying corporation in respect of the production for the taxation year exceed \$25,000,
 - (ii) the combined specified labour costs of the qualifying corporation in respect of the production for the taxation year and the previous taxation year exceed \$25,000, or
 - (iii) the specified labour costs of the qualifying corporation in respect of the production for any previous two-year taxation period exceeded \$25,000.

Commencement

2 This Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.

**SCHEDULE 10
TOBACCO TAX ACT**

1 (1) Clause 29 (13) (a) of the *Tobacco Tax Act* is amended by striking out “\$10,000” and substituting “\$75,000” and by striking out “of not less than an amount equal to three times” and substituting “of not more than an amount equal to five times”.

(2) Section 29 of the Act is amended by adding the following subsections:

Offence, possession, etc., if person has control over place of purchase, etc.

(13.1) Every person who contravenes subsection (1) is guilty of an offence and, if the person is found to be in possession of or to have purchased or received 100,000 or more unmarked cigarettes or 100,000 grams or more of unmarked fine cut tobacco at a place used for the purchase, sale or storage of the cigarettes or tobacco that is controlled, directly or indirectly, by that person, on conviction is liable to,

- (a) a fine of not less than \$10,000 and not more than \$100,000 and an additional fine of not less than an amount equal to five times the tax that would be payable under section 2 by a consumer purchasing the same quantity of cigarettes or fine cut tobacco; and
- (b) a term of imprisonment of not more than two years, in addition to the fine and additional fine under clause (a).

Same, in transit to or from place of purchase, etc.

(13.2) Subsection (13.1) also applies when the person is found to be in possession of the cigarettes or tobacco while in transit to or from the place described in that subsection.

(3) Paragraph 1 of subsection 29 (14) of the Act is amended by striking out “\$100” and substituting “\$200” and by striking out “equal to three times” and substituting “up to three times”.

(4) Paragraph 2 of subsection 29 (14) of the Act is amended by striking out “\$250” and substituting “\$500” and by striking out “equal to three times” and substituting “up to three times”.

(5) Paragraph 3 of subsection 29 (14) of the Act is amended by striking out “\$500” and substituting “\$1,000” and by striking out “equal to three times” and substituting “up to three times”.

(6) Clause 29 (15) (a) of the Act is amended by striking out “\$500 and not more than \$10,000 and an additional fine of not less than an amount equal to three times” and substituting “\$1,000 and not more than \$50,000 and an additional fine of not more than an amount equal to four times”.

(7) Paragraph 1 of subsection 29 (16) of the Act is amended by striking out “\$100 and an additional fine equal to three times” and substituting “\$200 and an additional fine up to three times”.

(8) Paragraph 2 of subsection 29 (16) of the Act is amended by striking out “\$250 and an additional fine equal to three times” and substituting “\$500 and an additional fine up to three times”.

(9) Paragraph 3 of subsection 29 (16) of the Act is amended by striking out “\$500 and an additional fine equal to three times” and substituting “\$1,000 and an additional fine up to three times”.

(10) Clause 29 (17) (a) of the Act is amended by striking out “\$500 and not more than \$10,000 and an additional fine of not less than an amount equal to three times” and substituting “\$1,000 and not more than \$50,000 and an additional fine of not more than an amount equal to four times”.

Commencement

2 This Schedule comes into force on the day the *Building a Better Ontario Act (Budget Measures), 2024* receives Royal Assent.