



**City of Kingston
Information Report to Council
Report Number 19-064**

To: Mayor and Members of Council
From: Peter Huigenbos, Acting Commissioner, Community Services
Resource Staff: Cheryl Hitchen, Social Policy & Strategic Community
Development Manager
Date of Meeting: March 5, 2019
Subject: Legislative Changes Proposed in Bill 66

Executive Summary:

The proposed *Restoring Ontario's Competitive Act, 2018*, referred to as Bill 66 if passed, proposes a number of legislative changes. [Report Number 19-039](#), discussed by City Council on February 5, 2019, highlighted the changes proposed with respect to Schedule 10 (municipal zoning by-law powers) of this legislation. This report provides Council with information related to the other legislative changes proposed in Bill 66 and provides comments from the Association of Municipalities of Ontario (AMO) and from city staff.

Recommendation:

This report is for information purposes only.

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Authorizing Signatures:

**Peter Huigenbos, Acting Commissioner,
Community Services**

**Lanie Hurdle, Acting Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Deanne Roberge, Acting Commissioner, Corporate & Emergency Services	

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Options/Discussion:

The proposed *Restoring Ontario's Competiveness Act, 2018* contains a number of schedules that could have direct or indirect impact on the work of the municipality and the community. This report will provide a summary of what is being proposed in the different schedules of Bill 66 and the response from the AMO as well as any comments from City staff in various departments.

Schedule 10 was the topic of a previous Council report, [Report Number 19-039](#), so this schedule is not included. On January 23, 2019, the Minister of Municipal Affairs and Housing announced through a series of Twitter posts that the Government had "listened to the concerns raised by MPPs, municipalities and stakeholders with regards to Schedule 10 of Bill 66 and when the legislature returns in February, we [the Government] will not proceed with Schedule 10 of the Bill." The Ontario Legislature resumed on February 19, 2019, following its winter break. Based on this announcement, it is anticipated that Schedule 10 will be removed from Bill 66 when it receives its Second Reading.

Schedule 1: Ministry of Agriculture Food and Rural Affairs

- Remove outdated and time-consuming reporting requirements under the *Ministry of Agriculture, Food and Rural Affairs Act*, including ones required for loan guarantee programs.
- Amend the *Agricultural Employees Protection Act* (AEPA) to cover ornamental horticultural workers.
- Enable amendments under the *Farm Registration and Farm Organizations Funding Act* to simplify delivery of programs and enhance responsiveness.

AMO's Comments: None to date

City Staff Comments: Food Policy Council for Kingston Frontenac Lennox & Addington (KFL&A) will review and submit comments on the impact of these changes for the region with input from the National Farmers Union.

Schedule 2: Ministry of the Attorney General

- Repeal the *Pawnbrokers Act*.

AMO's Comments: Schedule 2 of the Bill repeals the *Pawnbrokers Act* in its entirety. Created in the early 1900s, the Act regulates pawnshops and second hand stores. Municipal governments would retain the authority to create by-laws and business licenses regulating pawnshops; however, the repeal would eliminate law enforcement tools aimed at enforcing against theft and enabling the search and return of stolen goods. AMO will connect with police services to obtain their perspectives on the impacts that the change would bring and consider alternatives.

City Staff Comments: None

Schedule 3: Ministry of Education

- Remove restrictions on home-based child care providers, including allowing additional children, to make it easier for parents to find affordable child care.

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- Lower the age of children that authorized recreation programs can serve from six to four.

AMO's Comments: Changes to rules regarding in-home child care services and authorized recreational and skills building programs; increasing the permissible number and age of children per provider a day will likely increase access to childcare. The proposals may also raise concerns related to children's health and safety and the quality of childcare, with possible impacts on municipal monitoring of childcare spaces.

City Staff Comments: Bill 66 proposes the following changes to the Child Care and Early Years Act:

- A change to allow authorized recreation providers to serve four and five year olds, aligning the age requirements for all program types providing before and/or after school programs:
 - For our Kingston and Frontenac area this means likely more access to after-school care which is a positive change.
 - The caution is parents may transfer their four and five year olds to authorized recreation programs as a less expensive alternative to licensed before and after school care (B&A). Licensed B&A programs are bound by provincial staff to child ratios and authorized recreation programs are not. The outcome may be closures to licensed B&A programs due to lower enrollment.
 - The other concern is the affordability of the B&A care as currently the Ministry of Culture, Tourism and Sport is providing funding through the Ontario After School Program. With the proposed expansion of age, the expansion of funding is also necessary to keep in line with the affordability.
- Changes are proposed in the ratios of licensed home childcare providers and unlicensed childcare providers. The proposal is to change the maximum allowable amount of children under the age of two from two children to three children for a home care provider or unlicensed provider, and to change the maximum number of children a licensed and unlicensed provider may care for. Under the current system, providers do not need to count their own children in provincial ratios if their children are six years of age and older. The proposed change is to lower the age to four years of age and older:
 - In the Kingston and Frontenac area we have two licensed home childcare agencies (Wee Watch and Kids Care Network). The change in ratio might result in a limited increase of space, although it is currently challenging to recruit home providers.
 - Another concern is that by incentivizing the expansion of unlicensed childcare and increasing the amount of very young children under each provider this may result in potential safety and quality issues. The greater concern is with unlicensed child care as the Ministry's Early Years and the Childcare division has significant oversight of licensed home child care agencies and limited oversight of unlicensed child care.

While the above proposed changes have no direct impact on the day to day operations, the result may be that the municipality receives requests from authorized recreation programs for provincial/municipal funding related to fee subsidies and special needs resourcing funding. If the municipality enters into funding agreements with the authorized recreation programs, the City may experience funding pressures and will provincially be responsible for oversight of these funded programs within the community. The City is working on a service system plan in 2019

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that will address the access, affordability, quality, responsiveness and administration of the childcare and early years system. This plan will also include authorized recreation.

Schedule 4: Ministry of Energy, Northern Development and Mines

- Repeal the authority of the Ontario Energy Board to set rates for Unit Sub Metering Providers (USMPs).

AMO's Comments: The proposed change deletes references to 'unit sub-metering' from the Ontario Energy Board Act, and replaces it with references to smart metres. It is unknown if conversions to smart metres have taken place in all housing units being managed by municipal governments. This may impact the ability to individually charge tenants for energy used. Studies show that lack of individual metres can raise energy use over 30%, which will bring financial impacts. As well, it is unclear if it would have any impact on second suites or inclusionary zoning initiatives.

City Staff Comments: Existing townhouse and new construction social housing units within the City and County are equipped with smart metres; however, some older style social housing apartment buildings do not have individual metering and the cost of conversion to individual metres could be prohibitive.

Schedule 5: Ministry of the Environment, Conservation and Parks

- Repeal the *Toxics Reduction Act, 2009* by 2021; remove the toxics reduction plan in 2019 and rely on the science-based Federal Chemicals Management Plan.

AMO's Comments: None to date

City Staff Comments: As per Council's resolution on February 5, 2019, Report Number 12, Clause 1, "...That Council also communicate to the Minister of Environment, Conservation and Parks that it rejects Bill 66, Schedule 5 which repeals the Toxics Reduction Act."

Schedule 6: Ministry of Finance

- Stop requiring a new regulation whenever businesses and non-profits merge single-employer pension plans into jointly sponsored pension plans.

AMO's Comments: None to date

City Staff Comments: None

Schedule 7: Ministry of Government and Consumer Services

- Reduce where operating engineers are required to supervise.
- Repeal the *Wireless Services Agreements Act, 2013* and harmonize with the federal government's national wireless code.

AMO's Comments: None to date

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City Staff Comments: The Smart Cities Working Group discussed these changes and noted that both regulations were intended to protect consumers from unfair/unfounded charges that the telecoms were charging at the time. The federal government and the provincial government both created regulations in 2013 that were meant to protect cellular phone customers. The provincial regulation was intended to provide additional consumer protection and provided customers with the ability to form class-action lawsuits if required.

Schedule 8: Ministry of Health and Long-Term Care

- Modernize and streamline administrative requirements for the operators of long-term care homes.

AMO's Comments: Proposed changes for long-term care (LTC) homes' licenses include that the Director, as appointed by the Minister, may determine the need and how public consultations shall be conducted. This may reduce the frequency of attendance by licensees at public meetings. Further, the Ministry would have added flexibility to issue licenses for temporary beds for a longer duration of time. Municipal homes have licences subject to Minister's approval with no designated term. Further efforts to improve long-term care and reduce administrative burdens should continue. There is a need for more discussions to develop a less prescriptive, outcomes-based framework that reduces burden while prioritizing patient care and well-being. AMO will continue to work with other long-term care partners to identify opportunities for positive reform and to monitor long-term care impacts of Bill 66 and corresponding regulations. Proposed regulations for public comment closed on January 28, 2019.

City Staff Comments: This will likely provide more flexibility for the Ministry to dictate whether, and how, it consults the public on long-term care licensing transactions under the Act, and the licensing or authorization of additional long-term care beds in LTC homes in urgent and emergent situations. No direct impacts to day to day operations of the homes are anticipated.

Schedule 9: Ministry of Labour

- Amend the *Employment Standards Act, 2000* (ESA) to reduce regulatory burden on businesses, including no longer requiring them to obtain approval from the Director of Employment Standards for excess hours of work and overtime averaging.
- Stop requiring employers to post the *Employment Standards Act* (ESA) poster in the workplace, but retain the requirement that they provide the poster to employees.
- Amend the *Labour Relations Act, 1995* to explicitly deem public bodies, including municipalities, school boards, hospitals, colleges and universities, as "non-construction employers".

AMO's Comments: Bill 66 would clarify that municipal governments are not construction employers. Construction employer designation reduces the number of eligible bidders for municipal construction projects and increases municipal capital costs by eliminating competition. Construction is not a core municipal function and municipal governments should not be treated as construction employers. This has been a longstanding municipal ask and AMO has supported past private members' bills seeking this clarification.

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City Staff Comments: The deletion of section 2(3) and amendment of 2(5) of the ESA puts the onus on the employer to ensure employees receive the required Employment Standards posters.

Schedule 10: Ministry of Municipal Affairs and Housing

Refer to [Report Number 19-039](#).

Schedule 11: Ministry of Training, Colleges and Universities

- Amend the *Private Career Colleges Act, 2005* to reduce administrative burdens.

AMO's Comments: None to date

City Staff Comments: None

Schedule 12: Ministry of Transportation

- Allow electronic documentation for International Registration Plans.

AMO's Comments: None to date

City Staff Comments: None

Existing Policy/By-Law:

Bill 66 proposes to amend the Acts listed below:

- The *Planning Act*
- The *Agricultural Employees Protection Act, 2002*
- The *Farm Registration and Farm Organizations Funding Act, 1993*
- The *Ministry of Agriculture, Food And Rural Affairs Act*
- The *Personal Property Security Act*
- The *Child Care and Early Years Act, 2014*
- The *Education Act*
- The *Ontario Energy Board Act, 1998*
- The *Pension Benefits Act*
- The *Technical Standards and Safety Act, 2000*
- The *Long-Term Care Homes Act, 2007*
- The *Employment Standards Act, 2000*
- The *Labour Relations Act, 1995*
- The *Private Career Colleges Act, 2005*
- The *Highway Traffic Act*

Bill 66 proposes to repeal the Acts listed below:

- The *Pawnbrokers Act*
- The *Toxics Reduction Act, 2009*
- The *Wireless Services Agreements Act, 2013*

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Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

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Other City of Kingston Staff Consulted:

Alan McLeod, Deputy City Solicitor, Legal Services

Sheldon Laidman, Director, Housing & Social Services

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Laura Austin, Supervisor, Child Care Programs, Housing & Social Services

Mitchell Grange, Housing Programs Administrator, Housing & Social Services

Paul MacLatchy, Environment Director, Real Estate & Environmental Initiatives

Exhibits Attached:

Not applicable