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December 16, 2019

Queen's Park Update

Cannabis

On December 12th, the government amended Ontario Regulation 478/18 under the *Cannabis License Act, 2018*. This opens Ontario's cannabis retail market in 2020. Retail applications begin on January 6, 2020 and the new changes in the regulation include:

- Ceasing the lottery for retail licenses
- Eliminating pre-qualification requirements for retailers
- Allowing licensed producers to open retail store connected to a production facility

On March 2, 2020, the restrictions on the total number of store authorizations permitted in the province will be revoked. Licensed operators will be allowed to have up to 10 stores until September 2020, up to 30 stores until September 2021 and up to 75 stores afterwards. Store applications will only be eligible in municipalities that have opted-in to sell cannabis.

For more information, visit www.agco.ca.

End of the Fall Legislative Session

The Legislative Assembly of Ontario ended its 2019 legislative session on December 12th and is adjourned until February 18, 2020. Here are some short summaries of Bills of municipal interest that have received Royal Assent.

[Bill 132, Better for People, Smarter for Business Act, 2019](#) – Received Royal Assent on Dec. 10th.

The legislative changes in Bill 132 of most municipal concern are to the *Aggregates Act*. While it is an improvement that a change will require an application process for below water table extraction, rather than just an amendment to a licence, it still allows the province to issue licences for below water table extraction while the *Safe Drinking Water Act*, Section 19 stipulates that owners of municipal drinking water sources are guilty of an offence if they fail to exercise care over a drinking water system, like a well. As aquifers are connected, a decision of the province to allow below water table extraction could lead to contamination of municipal drinking water sources.

Given the conflict between these two Acts, AMO had asked for a concurrent amendment to the *Safe Drinking Water Act* to indemnify Council members for decisions on *Aggregates Act* applications that the province makes. This amendment was not made to the legislation that now has Royal Assent. We believe this will result in municipal councils appealing all provincial decisions on below water table extraction to the Local Planning Appeal Tribunal (LPAT) to show appropriate due diligence.

As well through Bill 132, the *Highway Traffic Act* was amended to allow municipal governments to pass by-laws that will allow some off-road vehicles to be driven on municipal highways.

For more information on this omnibus bill, please refer to AMO's [Bill 132 submission](#).

[Bill 138, Plan to Build Ontario Together Act, 2019](#) – Received Royal Assent on December 10th.

This omnibus Bill accompanied the 2019 Fall Economic Statement and affected 40 statutes. This included:

- Section 26.1 of the *Development Charges Act* is amended and will remove industrial development and commercial development from eligible development types that can be charged.
- Subsection 329 (2) of the *Municipal Act, 2001* and section 291 (2) of the *City of Toronto Act, 2006* has been amended regarding calculating property taxes when the permitted uses of land change.
- The *Supply Chain Management Act* specifies how the broader public sector may carry out supply chain management and procurement. AMO has confirmed that these provisions will not apply to municipalities.
- Section 37 of the *Planning Act* has been amended to set out a process for a person or public body to appeal a community benefits charge by-law to the Local Planning Appeal Tribunal.
- Section 40 (1) of the *Liquor Licence and Control Act* permits municipal councils to designate a recreational area under its jurisdiction to prohibit the possession of liquor.

[Bill 136, Provincial Animal Welfare Services Act, 2019](#) – Received Royal Assent on December 5th.

This bill creates an animal welfare framework. Under the Act, in the event of a conflict between a municipal by-law and the *Provincial Animal Welfare Services Act*, the provision that affords the greater protection to animals will prevail. The legislation

requires an implementation of a full provincial government-based animal welfare enforcement model.

The province has confirmed that all enforcement mechanisms will be performed by them.

Bill 124, *Protecting a Sustainable Public Sector for Future Generations Act*, 2019

– Received Royal Assent on November 7th.

Under Bill 124, broader public sector employee salary increases will be limited to 1% for the next three years. AMO has been assured that this Act does not apply to employers that are a municipality, a local board as defined in the *Municipal Act*, and persons and organizations that are appointed or chosen under the authority of a municipality.

AMO Contact:

You can contact AMO's Policy Team at policy@amo.on.ca or 416-971-9856.

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