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Bill 189

(Chapter 6 of the Statutes of Ontario, 2020)

An Act to amend various Acts to address the coronavirus (COVID-19)

The Hon. S. Lecce
Minister of Education

1st Reading	April 14, 2020
2nd Reading	April 14, 2020
3rd Reading	April 14, 2020
Royal Assent	April 14, 2020



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 189 and does not form part of the law.
Bill 189 has been enacted as Chapter 6 of the Statutes of Ontario, 2020.*

SCHEDULE 1 DEVELOPMENT CHARGES ACT, 1997

A new section 9.2 of the *Development Charges Act, 1997* provides that development charge by-laws that expired on or after March 17, 2020 and before the day the section comes into force are deemed to not have expired and shall remain in force until the earlier of the day the by-law is repealed and the specified date. The section also provides that development charge by-laws that expire on or after the day the section comes into force and before the specified date shall remain in force until the earlier of the day the by-law is repealed and the specified date. The specified date is defined as the date that is six months after the termination or disallowance of the emergency declared under the *Emergency Management and Civil Protection Act* on March 17, 2020.

SCHEDULE 2 EDUCATION ACT

The *Education Act* is amended to add a section addressing the expiry of education development charge by-laws during an emergency declared under the *Emergency Management and Civil Protection Act*.

The Act is also amended to address rules that apply when a pupil is suspended before a school closure but no decision about expulsion is made before the closure.

SCHEDULE 3 MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

The *Ministry of Training, Colleges and Universities Act* is amended to add provisions applicable during the "suspension period", which is defined as the period starting on March 30, 2020 and ending on September 30, 2020 or a later prescribed date.

The amendments provide that borrowers are not required to make payments toward student loans and medical resident loans that are payable during the suspension period, and that interest shall not accrue against a borrower during that period. Related amendments are made.

SCHEDULE 4 PLANNING ACT

The *Planning Act* is amended to authorize the Minister to make regulations in connection with an emergency declared under the *Emergency Management and Civil Protection Act*. The regulations may, among other things, govern the application of periods of time described in the Act and the regulations and in section 114 of the *City of Toronto Act, 2006* and provide that an order made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* does not apply, and in certain cases is deemed to have never applied, with respect to the Act or the regulations or section 114 of the *City of Toronto Act, 2006*. The regulations may, if they so provide, apply on a retroactive basis.

SCHEDULE 5 POLICE SERVICES ACT

The Schedule amends the *Police Services Act* to give the Solicitor General the power to make regulations prescribing a new date before which a municipal council must prepare and adopt its first community safety and well-being plan.

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Her 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) Subject to subsections (2) and (3), 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 *Coronavirus (COVID-19) Support and Protection Act, 2020*.

**SCHEDULE 1
DEVELOPMENT CHARGES ACT, 1997**

1 The *Development Charges Act, 1997* is amended by adding the following section:

Special rule re emergency declaration

By-law remains in force

9.2 (1) In this section,

“specified date” means the date that is six months after the day that the emergency declared by Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* is terminated or disallowed.

Same

(2) Despite subsection 9 (1),

- (a) a development charge by-law that expired on or after March 17, 2020 and before the day section 1 of Schedule 1 to the *Coronavirus (COVID-19) Support and Protection Act, 2020* comes into force is deemed not to have expired and shall remain in force until the earlier of the day the by-law is repealed and the specified date; and
- (b) a development charge by-law that expires on or after the day section 1 of Schedule 1 to the *Coronavirus (COVID-19) Support and Protection Act, 2020* comes into force and before the specified date shall remain in force until the earlier of the day the by-law is repealed and the specified date.

Exception

(3) Subsection (2) does not apply in respect of any part of a development charge by-law to which subsection 9.1 (1) or (2) applies.

Commencement

2 This Schedule comes into force on the day the *Coronavirus (COVID-19) Support and Protection Act, 2020* receives Royal Assent.

**SCHEDULE 2
EDUCATION ACT**

1 (1) The *Education Act* is amended by adding the following section:

Special rule re emergency declaration

By-law remains in force

257.58.1 (1) In this section,

“specified date” means the date that is six months after the day that the emergency declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, is terminated or disallowed.

Same

(2) Despite subsection 257.58 (1),

- (a) an education development charge by-law that expired on or after March 17, 2020 and before the day subsection 1 (1) of Schedule 2 to the *Coronavirus (COVID-19) Support and Protection Act, 2020* came into force, is deemed not to have expired and shall remain in force until the earlier of the day the by-law is repealed and the specified date; and
- (b) an education development charge by-law that expires on or after the day subsection 1 (1) of Schedule 2 to the *Coronavirus (COVID-19) Support and Protection Act, 2020* came into force and before the specified date shall remain in force until the earlier of the day the by-law is repealed and the specified date.

Same

(3) An education development charge by-law that remains in force pursuant to subsection (2) shall not be amended to provide for higher rates than the rates set out in the by-law on the day it would have expired.

(2) Section 257.58.1 of the Act, as enacted by subsection (1), is repealed.

2 Section 311.3 of the Act is amended by adding the following subsections:

School closure

(8.1) If an order is made under subsection 5 (1) of this Act or another Act to close all schools and, at the time the closure begins, a pupil has been suspended under section 310 but no decision has been made under subsection (6) of this section, the director of education may provide, upon the recommendation of a principal, that subsection (8) of this section does not apply in respect of the pupil.

Same

(8.2) In the circumstances described in subsection (8.1), the Board shall not expel the pupil if more than 20 school days have expired since the school closure order expired, unless the parties to the expulsion hearing agree on a later deadline.

Commencement

3 (1) Subject to subsection (2), this Schedule comes into force on the day the *Coronavirus (COVID-19) Support and Protection Act, 2020* receives Royal Assent.

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

SCHEDULE 3
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

1 Subsection 7.2 (1) of the *Ministry of Training, Colleges and Universities Act* is amended by adding “and section 7.3” after “subsection (3)” in the portion before clause (a).

2 The Act is amended by adding the following section:

Suspension of payments and accrual of interest

7.3 (1) In this section,

“loan agreement” means a,

- (a) student loan agreement,
- (b) consolidated loan agreement,
- (c) master student loan agreement,
- (d) master student financial assistance agreement,
- (e) medical resident loan agreement,
- (f) repayment agreement in respect of a medical resident loan, or
- (g) any other agreement or arrangement relating to repayment of a loan referred to in subsection (2) entered into or imposed under this Act; (“contrat de prêt”)

“student loan” includes a grant that has been converted to a student loan; (“prêt d’études”)

“suspension period” means the period that begins on March 30, 2020 and ends on September 30, 2020 or such later date as may be prescribed by regulation. (“période de suspension”)

Suspension of loan payments

(2) A borrower shall not be required to make any payments during the suspension period toward the principal or interest on a student loan or medical resident loan if, at the start of the suspension period, the loan is administered by,

- (a) a financial institution, in respect of a student loan that was issued under Regulation 774 of the Revised Regulations of Ontario, 1990 (Ontario Student Loans made Before August 1, 2001), made under this Act; or
- (b) a service provider within the meaning of the regulations made under this Act, in respect of a medical resident loan or a student loan other than a student loan referred to in clause (a).

Accrual of interest

(3) No interest shall accrue against the borrower during the suspension period on any student loan to which subsection (2) applies, and the Minister shall pay such interest on a student loan described in clause (2) (a) at the rate determined under Regulation 774 of the Revised Regulations of Ontario, 1990.

Same

(4) No interest shall accrue against the borrower during the suspension period on any medical resident loan to which subsection (2) applies, and the Minister of Health shall pay such interest at the rate determined under Ontario Regulation 312/10 (Medical Resident Loans).

Same

(5) Despite any loan agreement or any other Act, no interest shall accrue against a debtor during the suspension period on a debt to the Crown, or on the portion of a debt to the Crown, that is in respect of a student loan or a medical resident loan.

Loan rehabilitation

(6) If a borrower successfully rehabilitates a student loan under a regulation made under this Act during the suspension period, subsections (2) to (5) apply starting on the date the borrower successfully rehabilitated the student loan until the end of the suspension period.

Payment by borrowers

(7) Any payments made by a borrower during the suspension period shall be applied to the principal amount of the loan.

Deemed terms of loan agreement

(8) Despite anything in a loan agreement or the regulations that provides otherwise, other than a regulation made under clause 13 (1) (a.4) or (a.5), subsections (1) to (4), (6) and (7) of this section shall be deemed to constitute a term of every loan agreement entered into before and during the suspension period.

Loan agreement applies after suspension period

(9) The Minister shall establish a revised loan agreement for borrowers that shall apply after the suspension period, and shall notify borrowers of the revised loan agreement in accordance with the regulations.

Same

(10) The revised loan agreement shall include,

- (a) revised terms relating to the term for repayment and the amount of the loan owing that account for,
 - (i) payments that were not made as a result of the suspension of loan payments under subsection (2), and
 - (ii) any payments made by the borrower under subsection (7); and
- (b) any other terms required by the regulations.

No cause of action

(11) No cause of action arises against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown as a direct or indirect result of,

- (a) the enactment, operation, administration or repeal of this section or any regulation made under clause 13 (1) (a.4) or (a.5);
- (b) any revocation, cessation, termination or amendment of contractual or other rights under this section or any regulation made under clause 13 (1) (a.4) or (a.5); or
- (c) any representation or other conduct that is related, directly or indirectly, to the suspension of payments towards loans under subsection (2), the suspension of interest accrual on loans under subsection (3), (4) or (5) and any revised terms of a loan agreement referred to in subsection (10).

Proceedings barred

(12) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation, or any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (11) may be brought or maintained against a person referred to in that subsection.

Application

(13) Subsection (12) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief, and includes a proceeding to enforce a judgment or order made by a court or tribunal outside of Canada.

Retrospective effect

(14) Subsections (12) and (13) apply regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day this section came into force.

Proceedings set aside

(15) Any proceeding referred to in subsection (12) or (13) that was commenced before the day this section came into force is deemed to have been dismissed, without costs, on the day this section comes into force.

No compensation payable

(16) No person is entitled to any compensation or any other remedy or relief for the revocation, cessation, termination or amendment of contractual or other rights under this section or any regulation made under clause 13 (1) (a.4) or (a.5).

Exception

(17) This section does not apply to a proceeding commenced by the Crown or its agents and nothing in this section precludes a proceeding commenced by the Crown or its agents.

Expropriation

(18) Nothing in this section or in regulations made under clause 13 (1) (a.4) or (a.5), and nothing done or not done in accordance with this section or such regulations, constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

3 (1) Subsection 13 (1) of the Act is amended by adding the following clauses:

- (a.4) governing the suspension of payments and interest under section 7.3, including,
 - (i) governing and prescribing the terms of student loans, medical resident loans, grants and awards under this Act and the terms of repayment of such loans for the purposes of addressing matters related to the suspension of payments and interest, including providing that prescribed terms apply instead of or in addition to the terms in any loan agreement or other agreement,

(ii) governing and prescribing any matter referred to in section 7.3 as being prescribed or done by or in accordance with the regulations;

(a.5) providing for and governing the refund of payments made by a debtor during the suspension period on a debt to the Crown, or on the portion of a debt to the Crown, that is in respect of a student loan or medical resident loan;

(2) Subsections 13 (3.1) to (5) of the Act are repealed and the following substituted:

Regulations, retroactive

(3.1) A regulation made under clauses (1) (a.3), (a.4), (a.5), (h.1) or (j.1) to (j.8) is, if it so provides, effective with respect to a period before it is filed.

Regulations, conflict

(3.2) In the event of a conflict, a regulation made under clause (1) (a.4) or (a.5) prevails over this Act.

Same

(4) In the event of a conflict, a regulation made under clause (1) (h.1) prevails over this Act, except subsection 8.0.2 (4).

Commencement

4 This Schedule is deemed to have come into force on March 30, 2020.

**SCHEDULE 4
PLANNING ACT**

1 The *Planning Act* is amended by adding the following section:

Regulations re periods of time during emergency

70.11 (1) The Minister may make regulations,

- (a) governing the application of periods of time described in provisions of this Act or the regulations or in section 114 of the *City of Toronto Act, 2006* during the period of an emergency declared under section 7.0.1 of the *Emergency Management and Civil Protection Act*, including,
 - (i) providing that the period of the emergency shall not be included for the purposes of counting a period of time,
 - (ii) providing that a period of time that ended on or after the day the emergency was declared and before the day a regulation made under this clause is filed is deemed not to have ended, and prescribing such rules as are necessary or advisable to address any issues that arise as a result of the period of time being deemed not to have ended, including,
 - (A) requiring or permitting any persons or public bodies to take certain steps or actions, or
 - (B) deeming an appeal of the failure or neglect of a municipal council or other decision-maker to make a decision or give notice of a decision within the period of time not to have been made;
- (b) providing that a by-law passed under a provision to which a regulation under clause (a) applies and that is in effect at the time an emergency is declared under section 7.0.1 of the *Emergency Management and Civil Protection Act* is deemed to remain in effect for a specified period of time after the by-law would otherwise expire, which period of time shall not exceed the total number of days of the emergency;
- (c) providing that any order made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* on or after a regulation made under this clause is filed does not apply with respect to this Act or the regulations or section 114 of the *City of Toronto Act, 2006*;
- (d) providing that an order, or part of an order, made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* before a regulation made under this clause is filed does not apply and is deemed to have never applied with respect to this Act or the regulations or section 114 of the *City of Toronto Act, 2006*, and prescribing such rules as are necessary or advisable to address any issues that arise as a result of the order, or part of the order, being deemed to have never applied, including requiring or permitting any persons or public bodies to take certain steps or actions.

Rules under subs. (1) (d)

(2) The rules set out in a regulation made under clause (1) (d) may provide that a provision of this Act or the regulations or section 114 of the *City of Toronto Act* applies with such modifications as may be specified.

Conflict with *Emergency Management and Civil Protection Act*

(3) A regulation made under this section may provide that it applies despite the *Emergency Management and Civil Protection Act* or any provision of that Act.

Retroactivity

(4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed.

Interpretation, period of an emergency

(5) For greater certainty, a reference in this section to the period of an emergency declared under section 7.0.1 of the *Emergency Management and Civil Protection Act* shall be read as including any extension of the emergency under section 7.0.7 of that Act.

Conflict

(6) For greater certainty, in the event of a conflict between a regulation made under this section and a provision of this Act or of another regulation made under this Act, whether made by the Minister or the Lieutenant Governor in Council, or section 114 of the *City of Toronto Act, 2006*, the regulation made under this section prevails.

Commencement

2 This Schedule comes into force on the day the *Coronavirus (COVID-19) Support and Protection Act, 2020* receives Royal Assent.

**SCHEDULE 5
POLICE SERVICES ACT**

1 Subsection 135 (1.3) of the *Police Services Act* is amended by adding the following clause:

(a.1) prescribing a date for the purposes of clause 143 (3) (a);

2 Subsection 143 (3) of the Act is repealed and the following substituted:

First community safety and well-being plan

(3) A municipal council must prepare and adopt its first community safety and well-being plan before the later of,

(a) the prescribed date; and

(b) the second anniversary of the day on which this section began applying to the municipality.

Commencement

3 This Schedule comes into force on the day the *Coronavirus (COVID-19) Support and Protection Act, 2020* receives Royal Assent.