

COVID – 19 Three Essential Updates for Your Business

Dear BILD members,

As the COVID-19 situation and the government response continue to rapidly evolve, here are three essential updates you need to know for your business:

I. PROVINCE SUSPENDS CONSTRUCTION NOISE BY-LAWS

The Premier and the Minister of Labour, Training and Skills Development, the Honourable Monte McNaughton, announced that effective immediately, the province has issued O.Reg.130/20 and O.Reg.131/20, which suspend construction-related noise by-laws across the province.

The Regulations effectively **permit construction noise between the hours of 6am and 10pm for the next 18 months**, and prevent the creation of any by-laws that prohibit or regulate noise by taking away the power to pass them.

As related to municipalities across the province:

For the purposes of section 451.1 of the Act, a municipality does not have power to prohibit and regulate with respect to noise made in connection with the following:

- 1. Construction projects and services in a municipality associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space, at any time of the day or night.*
- 2. Any other construction activity in a municipality between the hours of 6 a.m. and 10 p.m.*

The full Regulation can be accessed here: <https://www.ontario.ca/laws/regulation/r20131>

II. ONTARIO GOVERNMENT WILL NOT DEFINE “Essential Construction Site”

BILD and OHBA have been requesting further clarification from the government regarding last Friday’s announcement and what is to be defined as an essential construction site.

Members should be advised that the list of essential workplaces is now being managed by the Ministry of Infrastructure, and the Honourable Laurie Scott. At this point, it does not appear that they will provide “confirmation” of what is an essential construction site beyond what is on the list. Unfortunately, although initially proceeding in this direction, for reasons of legality they will not be issuing a clarification document or an FAQ Info Sheet.

It is important to note that members who want to know about servicing, earth works or shoring permits are advised to consult their Chief Building Official, legal counsel or have engineering documentation that satisfies the provisions around associated construction related to the permissible essential construction and related safety-work that needs to be done to secure site for public safety.

Also, please note that being charged under the Emergency Services Provisions is a criminal charge, and as a consequence, members will need to be able to defend the decision in court to continue with the work during a state of emergency.

III. **MOL INSPECTIONS TO RAMP UP FURTHER**

At the 1:00 pm press briefing with the Premier today, The Honourable Monte McNaughton, Minister of Labour, Training and Skills Development, again reiterated the intention to increase inspections of essential workplaces, including construction sites, to ensure measures are in place to protect the health and safety of workers.

The Minister also issued a call for retired inspectors to re-join the MOL for the duration of the current crisis. BILD has repeatedly stressed that the health and safety of workers is our top priority. We strongly encourage all members to ensure their operational sites meet, or exceed, the MOL guidelines available from <https://www.ontario.ca/page/construction-site-health-and-safety-during-covid-19>.