



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### June 7, 2019

#### **Information Reports**

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- [2019-INFO-36](#) Commissioner and Medical Officer of Health – Vector-Borne Disease Control Program 2018 Annual Report and 2019 Prevention Plan
- [2019-INFO-37](#) Commissioner of Finance – Economic Update at June 2019
- [2019-INFO-38](#) Commissioner of Finance – Indexing of Regional Development Charges

#### **Early Release Reports**

There are no Early Release Reports

#### **Staff Correspondence**

There is no Staff Correspondence

#### **Durham Municipalities Correspondence**

1. [City of Oshawa](#) – re: Resolution passed at their Council meeting held on May 21, 2019, regarding Autism Funding
2. [Municipality of Clarington](#) – re: Resolution passed at their Council meeting held on May 21, 2019, regarding Provincial Flood Task Force
3. [Township of Scugog](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding the Durham Community Energy Plan – 2019-A-18
4. [Township of Scugog](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Envision Durham – Agricultural and Rural System Discussion Paper

5. [City of Pickering](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Durham Vision Zero – A Strategic Road Safety Action Plan
6. [City of Pickering](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Kingston Road Corridor and Specialty Retailing Node Intensification Study – Status Update and Recommended Vision and Intensification Scenario (Phase 2 of the South Pickering Intensification Study)
7. [Town of Whitby](#) – re: Resolution passed at their Council meeting held on May 27 and 28, 2019, regarding Pickering Airport
8. [Town of Whitby](#) – re: Resolution passed at their Council meeting held on May 27 and 28, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
9. [Township of Brock](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
10. [Town of Ajax](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
11. [City of Pickering](#) - re: Resolution passed at their Council meeting held on May 27, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019

#### **Other Municipalities Correspondence/Resolutions**

1. [Town of Georgina](#) – re: Resolution passed at their Council meeting, regarding Bill 108, the More Homes, More Choice Act, 2019
2. [City of Guelph](#) - re: Resolution passed at their Council meeting held on May 27, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
3. [Township of Muskoka Lakes](#) – re: Resolution passed at their Council meeting held on May 17, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
4. [Township of The Archipelago](#) – re: Resolution passed at their Council meeting held on May 17, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
5. [Southwest Middlesex](#) - re: Resolution passed at their Council meeting held on May 22, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
6. [Town of Orangeville](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019



7. [City of Toronto](#) – re: Resolution passed at their Council meeting held on May 14 and 15, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
8. [Town of Newmarket](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
9. [Town of Arnprior](#) - re: Resolution passed at their Council meeting held on May 27, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
10. [Region of Halton](#) - re: Resolution passed at their Council meeting held on May 22, 2019, regarding Bill 108, the More Homes, More Choice Act, 2019
11. [Municipality East Ferris](#) – re: Resolution passed at their Council meeting held on May 14, 2019, regarding the Combined Conference of the Ontario Good Roads Association and the Rural Ontario Municipal Association
12. [Town of New Tecumseth](#) – re: Resolution passed at their Council meeting held on May 27, 2019, regarding Reduction in Provincial Funding to Libraries

### **Miscellaneous Correspondence**

1. [Watson & Associates Economists Ltd.](#) – re: Writing to Mr. John Ballantine, Manager, Municipal Finance Policy Branch, Ministry of Municipal Affairs and Housing, summarizing their perspectives on the changes to the Development Charges Act (D.C.A.) as proposed by Bill 108, the More Homes, More Choice Act, 2019
2. [Celeste Dugas, District Manager, York Durham District Office, Ministry of the Environment, Conservation and Parks](#) – re: Acceptance of Risk Assessment for Northeast Quadrant, 135 Bruce Street, Oshawa
3. [Lake Simcoe Region Conservation Authority \(LSRCA\)](#) – re: 2019 Lake Simcoe Region Conservation Authority – Budget and Municipal Levies

### **Advisory Committee Minutes**

1. Durham Active Transportation Committee (DATC) minutes – [May 9, 2019](#)
2. Durham Agricultural Advisory Committee (DAAC) minutes – [May 14, 2019](#)
3. Durham Environmental Advisory Committee (DEAC) minutes – [May 16, 2019](#)
4. Durham Region Roundtable on Climate Change (DRRCC) minutes – [May 17, 2019](#)

5. Energy From Waste – Waste Management Advisory Committee (EFW-WMAC) minutes – [May 28, 2019](#)

Members of Council – Please advise the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca), if you wish to pull an item from this CIP and include on the next regular agenda of the appropriate Standing Committee. Items will be added to the agenda if the Regional Clerk is advised by Wednesday noon the week prior to the meeting, otherwise the item will be included on the agenda for the next regularly scheduled meeting of the applicable Committee.

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.



# The Regional Municipality of Durham Information Report

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From: Commissioner & Medical Officer of Health  
Report: [#2019-INFO-35](#)  
Date: June 7, 2019

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**Subject:**

2018 Health Check-Up! and 2019 Health Plan

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**Recommendation:**

Receive for information.

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**Report:**

**1. Purpose**

- 1.1 To provide an update on Durham Region Health Department's (DRHD) 2018 performance of its programs and services and priorities for 2019.
- 1.2 The [2018 Health Check-Up!](#) and [2019 Health Plan](#) have been posted on durham.ca.

**2. Background**

- 2.1 Historically DRHD has been posting an annual Performance Report to detail results of the previous year's program priorities as well as an annual Durham Health Check-Up! featuring various program initiatives across DRHD.
- 2.2 The Health Check-Up! now incorporates the Performance Report in an online format and presents program achievements and features program specific stories in one comprehensive report. The online format improves accessibility and public appeal.
- 2.3 The [2018 Health Check-Up!](#) includes performance results against 2018 program priorities and features key initiatives of DRHD's Administration, Health Analytics, Research & Policy, Health Protection, Healthy Families, Healthy Living, Infectious Diseases and Paramedic Services programs.
- 2.4 DRHD also posts an annual Health Plan to report its priorities under each program category as listed above.

2.5 Both the Health Check-Up! and Health Plan are key components of DRHD's 'Accountability Framework' that also includes: Program Reports; Health Information Updates; Quality Enhancement Plans; business plans and budgets; provincial performance indicators and targets, monitoring, compliance audits and assessments; Region of Durham Paramedic Services certification; and accreditation by Accreditation Canada.

### **3. Current Status**

3.1 In summary, 73% of DRHD's 2018 priorities were completed, 20% are in progress and 7% are incomplete.

3.2 The [2018 Health Check-Up!](#) highlights DRHD's successes and achievements and features stories about: promotional videos to help tell the story of public health; infographics to help communicate disease trends; the Check&Go! disclosure program; increasing food handler training accessibility; addressing the opioid crisis in Durham Region; Oral Health Division using Encounter to track client records; protecting the community's health through Smoke-Free legislation; protecting school students' health through up to date immunization; working to control and prevent tuberculosis in Durham Region; and the Primary Care Outreach Program.

3.3 The [2019 Health Plan](#) provides a summary of the 2019 approved budget, full-time staff positions by program and identifies 72 priorities which reflect rigorous program and evaluation plans and reviews.

### **4. Conclusion**

4.1 As part of its ongoing efforts to improve accessibility and continue to meet accountability and transparency requirements, DRHD has posted its [2018 Health Check-Up!](#) and [2019 Health Plan](#) in a new online format.

Respectfully submitted,

Original signed by

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R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health



# The Regional Municipality of Durham Information Report

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From: Commissioner & Medical Officer of Health  
Report: [#2019-INFO-36](#)  
Date: June 7, 2019

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**Subject:**

Vector-Borne Disease Control Program 2018 Annual Report and 2019 Prevention Plan

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**Recommendation:**

Receive for information.

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**Report:**

**1. Purpose**

- 1.1 To provide an update on Durham Region Health Department's (DRHD) Vector-borne Disease (VBD) Control Program.
- 1.2 The [Vector-Borne Disease Control Program 2018 Annual Report and 2019 Prevention Plan](#) has been posted on durham.ca.

**2. Background**

- 2.1 The goal of the VBD Control Program is to provide an effective response to the presence of West Nile virus (WNV), Eastern Equine Encephalitis (EEE), Lyme disease (LD), and other VBDs of public health significance within Durham Region.
- 2.2 The VBD Control Program consists of five major components: vector surveillance; vector control; human case surveillance; complaint response; and VBD communication/education. WNV control activities are conducted by a licensed pest control operator (PCO).
- 2.3 All public health units are required to develop an annual report that describes the incidence of diseases of public health significance, populations at risk, trends over time and distribution of demographic and disease-specific factors influencing infectious disease incidence.

### 3. Current Status

3.1 The [Vector-Borne Disease Control Program 2018 Annual Report and 2019 Prevention Plan](#) details DRHD's VBD Control Program activities for 2018 and outlines the proposed activities for 2019.

3.2 VBD Control Program 2018 highlights include:

- a. There were five confirmed human WNV cases reported in 2018; the region has had 28 confirmed or probable human WNV cases between 2002 and 2018.
- b. DRHD staff responded to 26 new complaints regarding standing water on private property.
- c. There were eight new Section 13 standing water Orders issued; five Orders to residential property owners requiring them to eliminate mosquito breeding sites in standing water on their properties and three Orders to the licensed PCO to larvicide standing water sites on private properties when owners failed to address mosquito breeding concerns.
- d. DRHD laid two charges and obtained two convictions against a property owner.
- e. DRHD produced a LD infographic which was distributed to local healthcare providers and veterinarians.
- f. There were 125 tick specimens submitted to DRHD for identification and potential testing; 100 of these were identified as blacklegged ticks. Twenty of these 100 blacklegged ticks were found to be positive for *Borrelia burgdorferi*, the agent responsible for LD, and eight of these were reported to have likely been acquired within Durham Region.
- g. Active surveillance for blacklegged ticks ("tick dragging") is conducted in local likely tick habitats. In 2018, tick dragging was conducted at seven different sites and seven blacklegged ticks were found; all tested negative for *Borrelia burgdorferi*.
- h. There were 29 confirmed and eight probable human cases of LD identified in the region.
- i. There were no reported cases of plague, tularemia or yellow fever in Durham Region in 2018.
- j. There have been no cases of EEE reported in the region between 2009 and 2018.

3.3 The 2019 VBD Prevention Plan includes a range of activities, representative of a comprehensive VBD Prevention Program including: surveillance, response to complaints, investigation, communication, education and ongoing survey module

improvement.

**4. Conclusion**

- 4.1 As required by the Ministry of Health and Long-Term Care, the [Vector-Borne Disease Control Program 2018 Annual Report and 2019 Prevention Plan](#) has been posted on durham.ca.

Respectfully submitted,

Original signed by

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R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health



# The Regional Municipality of Durham Information Report

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From: Commissioner of Finance  
Report: [#2019-INFO-37](#)  
Date: June 7, 2019

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**Subject:**

Economic Update at June 2019

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**Recommendation:**

Receive for information.

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**Report:**

**1. Purpose**

- 1.1 The Regional Finance Department monitors economic conditions on an ongoing basis with periodic summary reports to Regional Council. The following is a brief summary of some economic conditions which could have implications for both Regional expenditures and revenues.
- 1.2 Positive developments include the planned retention of 300 jobs at the Oshawa General Motors plant, the lifting of steel and aluminum trade tariffs, and relatively low unemployment in the Oshawa Census Metropolitan Area. Optimism is tempered though as only modest economic growth is expected in 2019 and significant risks relating to the housing market, household debt levels, and global growth factors remain.

**2. Economic Conditions**

- 2.1 Closure of General Motors Production in Oshawa
  - In November 2018, it was announced that General Motors will close its production plant in Oshawa. There is no product allocated to the Oshawa plant past December 2019.
  - In May 2019, General Motors Canada announced it will invest \$170 million in its Oshawa plant to transition the facility from manufacturing vehicles to stamping, sub-assembly and autonomous vehicle testing to save 300 of 2,600 union jobs at the plant.



- Part of the Oshawa facility is planned to be converted into a test track for autonomous and other advanced vehicles.
- Meanwhile, the company says it will offer relocations to other facilities in Ontario for those affected, as well as retirement packages to eligible employees. A jobs action centre is to be established in Oshawa in June to support employees and match skills with requirements of the job market.
- Although total manufacturing output grew by 1.7 per cent in Ontario in 2018, motor vehicle manufacturing declined 7.0 per cent, in part related to reduced American demand for models built in Canada.
- In April 2019, the Oshawa Census Metropolitan Area (CMA), which includes Oshawa, Whitby and Clarington, recorded 223,800 employed persons, about seven per cent of which are employed in the manufacturing industry.

## 2.2 Steel and Aluminum Tariffs

- On June 1, 2018, the imposition of United States (US) import tariffs of 25 per cent on steel and 10 per cent on aluminum was expanded to include imports from Canada. The Government of Canada subsequently announced the imposition of import tariffs on the import of steel, aluminum, and many other products from the US, which took effect on July 1, 2018.
- On May 20, 2019, the US lifted steel and aluminum tariffs on Canadian imports, and Canada lifted its retaliatory tariffs. This is a positive development as the Canadian and U.S. steel and aluminum industries are deeply integrated, and underpin supply chains that strengthen the global competitiveness of the North American economy.
- While Canada, the United States and Mexico have renegotiated the North American Free Trade Agreement (or NAFTA), and signed NAFTA's successor, the United States-Mexico-Canada Agreement (USMCA), the new trade agreement awaits legislative approval.

## 2.3 Interest Rates and Inflation

- On May 29, 2019, the Bank of Canada maintained its benchmark interest rate, known as the target for the overnight rate, at 1.75 per cent.
- The Bank of Canada has raised the overnight rate gradually over the past couple years, most recently to 1.75 per cent in October 2018.
- The Consumer Price Index (CPI) and measures of core inflation are all close to 2 per cent. The Bank of Canada expects inflation to remain around 2 per cent through 2020 and 2021.

## 2.4 Labour Market Conditions

- The unemployment rate in the Oshawa CMA has dropped slightly over the first four months of 2019 and was measured at 4.8 per cent in April 2019. The labour force participation rate and employment rate remain relatively high in the Oshawa CMA, at 69.2 per cent and 65.8 per cent, respectively.

## 2.5 Home Resale Prices in Durham Region

- In Durham Region, a peak average home resale price of \$702,768 was achieved in April 2017. Subsequently, the average home resale price has declined, and was \$612,195 in April 2019.
- In Durham Region, the year-over-year increase in average monthly home resale price was only 0.4 per cent in April 2019. Despite recent low growth in prices, the average resale home price in Durham has increased by about 18 per cent over the past three years (from \$520,199 in April 2016).
- Homes in Durham Region remain relatively affordable compared to those within many other Greater Toronto Area municipalities. For example, the average home resale price in Durham Region (\$612,195 in April 2019) is 33.0 per cent lower than the average home resale price in York Region (\$913,195) and 32.3 per cent lower than the average home resale price in the City of Toronto (\$903,992).

## 2.6 Household Debt

- Canadian household debt has been climbing gradually over the past ten years and, as a percentage of disposable income, was measured at 176.28 per cent in the fourth quarter of 2018. A prolonged period of low interest rates has created a low borrowing cost environment for Canadians. That said, Canadians' debt service ratio (total payments relating to all mortgage and non-mortgage loans outstanding divided by total household disposable income) edged up to 14.87 per cent in the final quarter of 2018.

## 2.7 Growth in Real GDP

- Statistics Canada has reported that real Gross Domestic Product (GDP) grew by 2.0 per cent for 2018, following a 3.0 per cent increase in 2017.
- In May 2019, the International Monetary Fund reported that Canada's real GDP growth is projected to be 1.5 per cent in 2019, but is expected to be 1.9 per cent in 2020 as the economy recovers from a slowdown in oil-related activity. In its April 2019 Monetary Policy Report, The Bank of Canada projected real GDP to grow by 1.2 per cent in 2019 and 2.1 per cent in 2020.

## 2.8 Provincial Credit Rating

- On May 29, 2019, Fitch Ratings agency upgraded its rating outlook for the Province of Ontario from negative to stable and is maintaining its long-term credit rating at AA-, based on an expectation that Ontario will balance its budget in 2023-24.
- On December 13, 2018, Moody's Investors Service (Moody's) downgraded the long-term debt ratings of the Province of Ontario to Aa3 from Aa2 and the outlook on the ratings was changed to stable from negative. The downgrade reflects, "the fiscal challenges facing the province over the medium-term ... upward trajectories of the province's elevated debt burden and interest burden ... (and) expectations of lower revenue growth in future years than Moody's previously forecasted."
- In 2015, Standard & Poor's downgraded the Ontario Government's long-term credit rating to A+ stable, which it maintains today.

## 2.9 Key Risks

- In its May report, the IMF identified a sharp correction in the housing market as a key domestic risk to the Canadian economy. If a house price correction is accompanied by a rise in unemployment and a fall in private consumption, additional risks to financial stability and growth could emerge. Meanwhile, external risks include a larger-than-expected global growth slowdown, a sharp tightening of global financial conditions, or an escalation of trade tensions between the US and its major trading partners.
- In its May 2019 Financial System Review, the Bank of Canada stated that vulnerabilities associated with high household debt and imbalances in the housing market have declined modestly but remain significant. The combined effect of mortgage stress tests and past increases in interest rates has slowed household borrowing and improved the quality of new mortgage lending. Despite this progress, the Bank of Canada encourages vigilance as the overall level of indebtedness continues to be high, with a large portion of that debt held by highly indebted households.
- For the first time, the Bank of Canada also identified climate change as a risk to both the economy and the financial system. Risks include both physical risks from disruptive weather events and transition risks from adapting to a lower-carbon global economy.

## 3. Conclusion

- 3.1 Only modest economic growth is expected for Canada in 2019. While local labour market conditions and positive developments relating to Canada-US trade relations are reasons for optimism, significant risks relating to the housing market, household debt levels, global growth factors, and climate change remain.

- 3.2 The Regional Finance Department will continue to monitor economic conditions and report to Regional Council.

Respectfully submitted,

Original Signed by Nancy Taylor

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Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance



# The Regional Municipality of Durham Information Report

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From: Commissioner of Finance  
Report: [#2019-INFO-38](#)  
Date: June 7, 2019

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**Subject:**

Indexing of Regional Development Charges

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 The purpose of this report is to advise the Finance and Administration Committee and Council of the annual indexing of Regional Development Charges (DC).

**2. Background**

2.1 The Regional DC By-laws (#28-2018, #29-2018, #19-2013 and #81-2017) contain a provision that the prevailing Regional DCs be adjusted annually, without amendment to those by-laws, as of the 1st day of July in accordance with the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-007, for the most recently available annual period ending March 31.

2.2 Regional By-law #86-2001 as amended (GO Transit Service DC By-law) has a similar provision as the by-laws above, however the annual adjustment is limited to a maximum of 3 per cent, as per section 18 of the by-law.

2.3 The annual indexing on July 1, 2019 will be applied to the following DC by-laws:

- a. Regional DC By-law #28-2018 (water, sewer, roads and soft services);
- b. Regional Transit DC By-law #81-2017;
- c. Carruthers Creek Sanitary Sewerage Area Specific DC By-law #29-2018; and
- d. GO Transit Service DC By-law #86-2001.

- 2.4 The annual indexing on July 1, 2019 will not apply to the following by-law:
- a. Seaton Water Supply and Sanitary Sewerage Area Specific DC By-law #19-2013 as this by-law is being renewed as of July 1, 2019 and the first indexing will not occur until July 1, 2020.

2.5 Annual indexing for the known inflationary price increases related to capital projects ensures that the Region continues to recover growth related costs through its development charges at prevailing cost levels required to fund capital investments in water, sewer, roads and other services.

### **3. July 1, 2019 Indexing of Regional Development Charges**

- 3.1 Indexing of the applicable by-laws is required on July 1, 2019 using the most recently available 12 month period ending March 31, of the Statistics Canada Non-residential Building Construction Price Index.
- 3.2 The Statistics Canada Non-residential Building Construction Price Index for the period of March, 2018 to March, 2019, as released on May 16, 2019 indicates an inflationary increase of 5.2 per cent.

### **4. Regional Residential and Non-residential, Regional Transit and GO Transit DC By-laws**

- 4.1 An increase of 5.2 per cent based on the indexing noted above (except for GO Transit DC which is limited to a maximum 3 per cent increase) will increase the Regional DC rate for a fully serviced single / semi-detached residential unit by \$1,603 (see Attachment #1). Given the forecast of approximately 4,260 single detached equivalent units for 2019/2020, as indicated in the 2019 Transportation Servicing and Financing Study, the 5.2 per cent increase would yield approximately \$6.8 million in additional annual development charge revenue over the course of a full year (which includes approximately \$4.1 million for water and sewer and \$2.1 million for roads).
- 4.2 The Regional Commercial DC rate as of July 1, 2018 is \$18.47 per square foot. The Regional Commercial Development Charge will be indexed at 5.2 per cent, raising the rate to \$19.43 per square foot for July 1, 2019 (see Attachment #2). Given the forecast of approximately 500,000 square feet for 2019/20 as indicated in the 2019 Transportation Servicing and Financing Study, the 5.2 per cent increase would yield approximately \$0.5 million in additional annual development charge revenue over the course of a full year.
- 4.3 The Regional Industrial DC rate as of July 1, 2018 is \$9.96 per square foot. The Regional Industrial DC will be indexed at 5.2 per cent, raising the rate to \$10.48 per square foot for July 1, 2019 (see Attachment #2). Given the forecast of approximately 390,000 square feet for 2019/20 as indicated in the 2019 Transportation Servicing and Financing Study, the 5.2 per cent increase would yield approximately \$0.2 million in additional annual DC revenue over the course of

a full year.

- 4.4 The Regional Institutional DC rate as of July 1, 2018 is \$9.63 per square foot. The Regional Institutional DC will also be indexed at 5.2 per cent, raising the rate to \$10.12 per square foot for July 1, 2019 (see Attachment #2). The anticipated additional annual revenue from the indexing is minimal (estimated at \$25,000) as the majority of institutional development is exempt from Regional DCs.

**5. Carruthers Creek Area Specific Development Charge**

- 5.1 The current Carruthers Creek Area Specific DC for Sanitary Sewerage services is \$15,903 per net developable hectare. This rate will increase by 5.2 per cent to \$16,730 per net developable hectare in accordance with the annual adjustment outlined in By-law #29-2018.

**6. Conclusion**

- 6.1 The Region's DCs are being indexed, in accordance with the Regional By-laws, to reflect the increase in construction costs to provide municipal services involved such as water, sewer and roads.

**7. Attachments**

Attachment #1: Residential Development Charges

Attachment #2: Non-residential Development Charges

Respectfully submitted,

Original Signed by Nancy Taylor

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N. Taylor, BBA, CPA, CA  
Commissioner of Finance

## REGION OF DURHAM

<b>RESIDENTIAL DEVELOPMENT CHARGES</b>				
<b>effective July 1, 2018</b>				
<b>PER DWELLING UNIT</b>				
<b>SERVICE CATEGORY</b>	<b>Single / Semi Detached</b>	<b>Medium Density Multiples</b>	<b>Two Bedroom Apartment and Larger</b>	<b>One Bedroom Apartment and Smaller</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Regional Roads	9,250	7,432	5,373	3,502
GO Transit	723	641	454	270
Regional Transit	1,143	919	664	431
Regional Police Services	715	575	416	271
Long Term Care	19	15	11	7
Paramedic Services	170	137	99	64
Health and Social Services	123	99	72	47
Housing Services	387	311	225	147
Development Related Studies	19	15	11	7
Water Supply	9,420	7,569	5,472	3,566
Sanitary Sewerage	9,170	7,368	5,327	3,472
<b>Total (All Services)</b>	<b>\$ 31,139</b>	<b>\$ 25,081</b>	<b>\$ 18,124</b>	<b>\$ 11,784</b>

<b>RESIDENTIAL DEVELOPMENT CHARGES</b>				
<b>effective July 1, 2019<sup>(1)</sup></b>				
<b>PER DWELLING UNIT</b>				
<b>SERVICE CATEGORY</b>	<b>Single / Semi Detached</b>	<b>Medium Density Multiples</b>	<b>Two Bedroom Apartment and Larger</b>	<b>One Bedroom Apartment and Smaller</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Regional Roads	9,731	7,818	5,652	3,684
GO Transit <sup>(2)</sup>	745	660	468	278
Regional Transit	1,202	967	699	453
Regional Police Services	752	605	438	285
Long Term Care	20	16	12	7
Paramedic Services	179	144	104	67
Health and Social Services	129	104	76	49
Housing Services	407	327	237	155
Development Related Studies	20	16	12	7
Water Supply	9,910	7,963	5,757	3,751
Sanitary Sewerage	9,647	7,751	5,604	3,653
<b>Total (All Services)</b>	<b>\$ 32,742</b>	<b>\$ 26,371</b>	<b>\$ 19,059</b>	<b>\$ 12,389</b>
<b>Dollar Increase</b>	<b>\$ 1,603</b>	<b>\$ 1,290</b>	<b>\$ 935</b>	<b>\$ 605</b>

Notes

1. With 5.2 per cent indexing
2. Includes indexing of GO Transit by 3.0 per cent



## REGION OF DURHAM

<b>COMMERCIAL DEVELOPMENT CHARGES</b>		
<b>Per Square Foot of Gross Floor Area</b>		
SERVICE CATEGORY	Effective July 1, 2018	Effective July 1, 2019 <sup>(1)</sup>
	\$	\$
Regional Roads	8.54	8.98
Water Supply	3.51	3.69
Sanitary Sewerage	5.88	6.19
Regional Transit	0.54	0.57
Total (All Services)	<u>\$ 18.47</u>	<u>\$ 19.43</u>

<b>INDUSTRIAL DEVELOPMENT CHARGES</b>		
<b>Per Square Foot of Gross Floor Area</b>		
SERVICE CATEGORY	Effective July 1, 2018	Effective July 1, 2019 <sup>(1)</sup>
	\$	\$
Regional Roads	3.24	3.41
Water Supply	2.80	2.95
Sanitary Sewerage	3.38	3.55
Regional Transit	0.54	0.57
Total (All Services)	<u>\$ 9.96</u>	<u>\$ 10.48</u>

<b>INSTITUTIONAL DEVELOPMENT CHARGES</b>		
<b>Per Square Foot of Gross Floor Area</b>		
SERVICE CATEGORY	Effective July 1, 2018	Effective July 1, 2019 <sup>(1)</sup>
	\$	\$
Regional Roads	7.18	7.55
Water Supply	0.86	0.90
Sanitary Sewerage	1.05	1.10
Regional Transit	0.54	0.57
Total (All Services)	<u>\$ 9.63</u>	<u>\$ 10.12</u>

**Notes:**

1. With 5.2 per cent indexing

File: A-2100

May 30, 2019

**DELIVERED BY E-MAIL**

(amy.fee@pc.ola.org)

Ministry of Children, Community and Social Services

Re: Autism Funding

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Oshawa City Council considered the above matter at its meeting of May 21, 2019 and adopted the following recommendation:

“Whereas Autism Spectrum Disorder (ASD) is one of the most common developmental disabilities, in Canada, 1 in 66 children is diagnosed with ASD; and,

Whereas according to the National ASD Surveillance System (NASS); according to the Canadian Medical Association Journal, approximately 1% of the Canadian population is affected by ASD, which means there are approximately 100,000 Ontarians on the autism spectrum; and,

Whereas ASD changes over time – in its expression, challenges and delights; Ontario must be prepared to support children, youth and adults within the context of development, learning, family and community. Supportive, understanding and inclusive communities ensure that each person with ASD is provided the means to achieve quality of life as a respected member of society Ontario must support the individual needs of a person with ASD throughout their lifespan using evidence-based treatment and intervention, while remembering that developmental trajectories are constantly changing; and,

Whereas the supports and services for adults on the spectrum are inadequate and fragmented, and fail to address needs across entire lifespans; and,

Whereas school boards are expecting an influx of thousands of students with autism as families lose funding; leaving educators unequipped with the resources required to provide specialized care and a higher level of assistance for children with special needs; and,

Whereas funding will not address the critical need for assistance for families not only in their younger years, but after the age of 18; and,

Whereas the changes which could come in to affect, will mean the thousands of families currently receiving services could see drastic cutbacks;

Therefore, be it resolved:

1. That the Council of The Corporation of the City of Oshawa stand in support of other municipalities and the thousands of families represented in the cause, by formally requesting the Minister of Children, Community and Social Services suspend implementation of its proposed plan and continue to identify and advocate for a sustainable funding plan for families with individuals with ASD to ensure adequate resources for Applied Behavioural Analysis and needed therapies; and,
2. That the Minister of Children, Community and Social Services work collaboratively with families, community partners and stakeholders to develop a funding plan which will guarantee every person with ASD has access to funding, specialized programming and service providers; and,
3. That children currently enrolled in Autism programming continue to receive services and that the Clinical Expert Committee be reassembled to provide advice and feedback; and further,
4. That a copy of this resolution be forwarded to Premier Ford, Minister Fedeli, local Members of Provincial Parliament and Federal Parliament, Region of Durham Council, each Municipal Council within the Region of Durham, the Chairs of the respective school boards in Durham Region, and the Association of Municipalities of Ontario."

If you need further assistance concerning the above matter, please contact Mary Medeiros, Interim City Clerk at the address listed below or by telephone at 905-436-3311.



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Mary Medeiros  
Interim City Clerk

/fb

- c. Premier Ford  
Minister Fedeli  
Local Members of Provincial Parliament and Federal Parliament  
Region of Durham Council  
All Municipal Council within the Region of Durham  
Chairs of the respective school boards in Durham Region  
Association of Municipalities of Ontario





If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

May 31, 2019

The Honourable Doug Ford  
Premier of Ontario  
Via Email: doug.ford@pc.ola.org

Dear Premier:

**Re: Provincial Flood Task Force**

**File Number: PG.25.06**

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At a meeting held on May 21, 2019, the Council of the Municipality of Clarington approved the following Resolution #C-200-19:

Whereas the Province of Ontario has announced the initiation of an internal task force that will consult with municipalities on ways to improve flood resiliency;

And whereas the federal, provincial and municipal governments have a joint interest in natural disaster mitigation, climate change adaptation, and the reduction of risks to public safety and infrastructure;

And whereas on June 19, 2017, Clarington Council resolved that "the provincial and federal governments be requested to strike a committee to review mitigation and safety plans for the communities fronting the Great Lakes and St. Lawrence Seaway" and that "Clarington be invited to participate on the committee";

And whereas the Municipality of Clarington experienced first-hand in 2017 the devastating effects of flooding, and in 2019 is again being impacted by recent and on-going flooding conditions;

And whereas the flooding experienced by Clarington residents has resulted in impacts to their private property and presented safety concerns;

And whereas the Municipality of Clarington has expended significant staff and financial resources in aiding area residents, ensuring their safety;

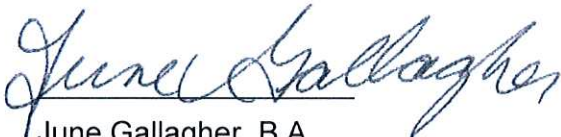
And whereas the Municipality of Clarington and impacted residents have worked together to learn from past experience and strengthen flood response and resilience, resulting in the development of a flood preparedness guide, as well as the adoption of a Clarington Flood Response Plan and a municipal standard for response during flooding that has been effective during recent flooding events;

And whereas climate change modelling done by the Regional Municipality of Durham projects a wetter future climate for Durham Region, and accordingly it is conceivable and reasonable to anticipate future flooding in the community;

Now therefore be it resolved that:

1. The Municipality of Clarington Council thanks the provincial government for taking action to better plan for and reduce the impacts of flooding;
2. The provincial task force consider, as part of their work plan, the provision of adequate funding to support the mitigation of flooding and safety planning for flood vulnerable areas of communities;
3. The Municipality of Clarington be invited to participate in the work of the task force to allow for input on what is needed to make our communities more resilient to increasingly frequent flood events;
4. The Province's internal task force undertake an engagement session in the Municipality of Clarington to hear directly from local residents impacted by flooding in 2017 and now in 2019; and
5. This resolution be distributed to the Premier, Minister of Natural Resources and Forestry, Ministry of Municipal Affairs and Housing, our local MPPs and MPs, Central Lake Ontario Conservation Authority, Ganaraska Region Conservation Authority, The Regional Municipality of Durham, and all Area Municipalities for their endorsement and support.

Yours truly,



June Gallagher, B.A.  
Deputy Clerk

JG/sg

c. **See Attached List of Interested Parties**

**Interested Parties List**

The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Lindsey Park, MPP Durham  
Erin O'Toole, MP Durham  
Jamie Schmale, MP Haliburton/Kawartha Lakes/Brock  
Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham  
Chris Darling, Chief Administrative Officer, CLOCA  
Linda Laliberte, CAO / Secretary-Treasurer, GRCA  
Ralph Walton, Regional Clerk, Region of Durham  
Mary Medeiros, Interim City Clerk, City of Oshawa  
Susan Cassell, Clerk, City of Pickering  
Thomas Gettinby, Town Clerk, Township of Brock  
Chris Harris, Town Clerk, Town of Whitby  
Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge  
JP Newman, Director of Corporate Services/Clerk, Township of Scugog  
Alexander Harras, Manager of Legislative Services/Acting Clerk, Town of Ajax  
A. Burke, Senior Planner  
M. Seaman, Director of Planning Services  
A. Allison, Chief Administrative Officer





May 31, 2019

Ralph Walton  
Regional Clerk/Director of Legislative Services  
The Region of Durham

Sent via email to Mr. Walton at: [clerks@durham.ca](mailto:clerks@durham.ca)

**Re: Approval in Principle of the Durham Community Energy – Plan 2019-A-18  
(119-19)**

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Dear Mr. Walton:

At the last regular Council meeting of the Township of Scugog held May 27, 2019 your correspondence (No. 119-19) regarding the above captioned matter was discussed.

I wish to advise that the following resolution was passed:

**“THAT** Correspondence No. 119-19 received from Ralph Walton, Regional Clerk/Director of Legislative Services, seeking Approval in Principle of the Durham Community Energy Plan, and providing a copy of Report 2019-A-18, be received.”

At this time no further action has been directed. Should you require anything further in this regard, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Paul Newman", written over a horizontal line.

John Paul Newman  
Director of Corporate Services/Clerk



May 31, 2019

Ralph Walton, Regional Clerk/Director of Legislative Services  
Region of Durham

Sent via email to Mr. Walton at: [clerks@durham.ca](mailto:clerks@durham.ca)

**Re: Envision Durham – Agricultural and Rural System Discussion Paper**

Dear Mr. Walton:

At the last regular Council meeting of the Township of Scugog held May 27, 2019 the above captioned matter was discussed.

I wish to advise that the following resolution was passed:

**"THAT** Report DEV-2019-018, dated May 6, 2019, entitled "Envision Durham – Agricultural and Rural System Discussion Paper" be received;

**THAT** staff be authorized to submit this report and the attached memorandum as the Township's comments on the Agricultural and Rural System Discussion Paper."

A copy Of Report DEV-2019-018 Envision Durham – Agricultural and Rural System Discussion Paper and memorandum is included for your reference.

Should you require anything further in this regard, please do not hesitate to contact Kevin Heritage, Director of Development Services, at 905-985-7346 ext. 153.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Paul Newman", is written over a horizontal line.

John Paul Newman  
Director of Corporate Services/Clerk

Encl.

cc: Kevin Heritage, Director of Development Services  
Brian Bridgeman, Commissioner of Planning and Economic Development





# Township of Scugog Staff Report

To request an alternative accessible format, please contact the Clerks Department at 905-985-7346.

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**Report Number:** DEV-2019-018

**Prepared by:** Kevin Heritage, MCIP, RPP  
Director of Development Services

**Department:** Development Services

**Report To:** Council

**Date:** May 27, 2019

**Reference:** Strategic Direction #3 – Economic Development  
Strategic Direction #5 – Natural Environment  
Strategic Direction #6 – Community Engagement

**Report Title:** Envision Durham  
Agricultural and Rural System Discussion Paper

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## Recommendation:

1. That Report DEV-2019-018, dated May 6, 2019, entitled "Envision Durham – Agricultural and Rural System Discussion Paper" be received;
2. That staff be authorized to submit this report and the attached memorandum as the Township's comments on the Agricultural and Rural System Discussion Paper.

## 1.0 Background:

Durham Region initiated Envision Durham, the Municipal Comprehensive Review of its Official Plan in May 2018. The Planning Act requires the review of the Regional Official Plan every five years. Since the approval of the current Regional Official Plan update (January 2013), the Province has completed several significant Provincial policy initiatives, including the co-ordinated review and update to the following Provincial plans:

- The Growth Plan for the Greater Golden Horseshoe, 2017;
- The Greenbelt Plan, 2017; and,

- The Oak Ridges Moraine Conservation Plan, 2017 (ORMCP).

The Planning Act requires the Region to complete a Provincial Plan conformity exercise to amend the Regional Official Plan to ensure that it:

- conforms with Provincial Plans or does not conflict with them;
- has regard to matters of Provincial interest; and
- is consistent with Provincial Policy Statements.

Envision Durham is in its second stage which they have entitled "Discuss". Various theme-based Discussion Papers are being prepared and provided for review and input. Discussion Papers are to cover the following:

- a) Agriculture and Rural System;
- b) Climate Change and Sustainability;
- c) Growth Management, including but not limited to reports on:
  - Current state of the regional structure;
  - Land Needs Assessment (LNA) and related technical studies, i.e. Employment Strategy, Intensification Strategy, Designated Greenfield Area Density Analysis, etc.; and
  - Additional feasibility studies, if required based on the results of the LNA.
- d) Environment and Greenlands System;
- e) Transportation System; and
- f) Housing.

The Agriculture and Rural System Discussion Paper has been released for review and comment.

## **2.0 Discussion:**

### **2.1 Agricultural and Rural System Discussion Paper**

This Discussion Paper provides an overview of Durham's Rural Area and the current Regional Official Plan policy framework, identifies Provincial policy requirements and trends, and identifies preliminary approaches and questions for discussion and feedback.

This Discussion Paper was prepared by Regional planning staff in consultation with Envision Durham's Area Municipal Working Group, the Durham Agricultural Advisory Committee, Regional Economic Development staff and Provincial staff from the Ministries of Municipal Affairs and Housing and Agriculture, Food and Rural Affairs.

It is noted that Discussion Papers do not present positions on potential changes that may be part of the Regional Official Plan, but rather provide information and pose questions for consideration.



## 2.2 Township of Scugog Comments

Durham Region has requested the submission of comments regarding the Agriculture and Rural System Discussion Paper by June 3, 2019.

The Township's comments are outlined in the attached memorandum. The memorandum summarizes relevant information and provides notes and comments specifically related to the Township of Scugog.

## 3.0 Financial Implications:

There are no financial implications identified at this time. Staff will continue to participate in and monitor the Envision Durham process and provide Council with information concerning any related financial implications.

## 4.0 Communication Considerations:

The Region is employing a comprehensive community consultation program which includes the use of digital engagement tools, social media and survey, and the holding of community events. In February 2019, the Region launched a project web page for the Envision Durham project. The website is being used to assist in public engagement.

The Agriculture and Rural System Discussion Paper was released on March 5, 2019. As noted previously, comments are to be submitted by June 3, 2019.

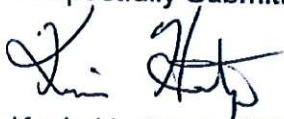
## 5.0 Conclusion:

This report provides comments on the Agriculture and Rural Discussion Paper which has been released as part of the Envision Durham exercise. Staff are seeking Council's authorization to submit this report, along with the attached memorandum, as the Township's comments regarding the Agriculture and Rural System Discussion Paper.

Further reporting will be required throughout the Envision Durham process to provide information and recommendations as to Township of Scugog related matters.

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Respectfully Submitted:



Kevin Heritage, MCIP, RPP  
Director of Development Services

Reviewed By:



Paul Allore, MCIP, RPP  
Chief Administrative Officer

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## Attachments:

ATT-1: Memorandum - Durham Region Official Plan Review -- Envision Durham



# MEMO

KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

<b>To:</b>	<b>Kevin Heritage, Director of Development Services</b>
<b>From:</b>	<b>Jamie Robinson &amp; Carolyn Kellington</b>
<b>Date:</b>	<b>May 15, 2019</b>
<b>File:</b>	<b>Scugog Planning Services   MHBC 12142 D</b>
<b>Subject:</b>	<b>Durham Region Official Plan Review – Envision Durham</b>

An Agriculture and Rural System Discussion Paper was released by Durham Region on March 5, 2019. Comments are requested by June 3, 2019. We also note that an update to the Region's Agricultural Strategy is currently underway.

As per our discussions, we have reviewed the Discussion Paper and have prepared comments as it relates to the Township of Scugog. The Discussion Paper identifies several policy matters which will be considered for agricultural and rural areas as part of Envision Durham. The following summary and comments are provided for your consideration:

1. Updates to Provincial Minimum Distance Separation (MDS) Formulae and Guidelines

The Province updated the MDS Formulae and Guidelines in 2017. The Region is considering different approaches to deal with this in the Regional Official Plan (ROP). Currently, the ROP simply refers to compliance or accordance with the Provincial MDS formulae. It is noted that through the MCR process it will be determined whether any policy refinements may be needed. We would suggest that implementation of the MDS Formulae is more appropriately dealt with at the local level through implementation mechanisms such as the zoning and site plan control and that the ROP should maintain the current high-level approach in its policies.

2. Rural/Urban Interface

The Region has identified the concerns and challenges relating to the interface between urban/rural uses as well as fragmentation of agricultural land. Consideration is being given to "proactive policy measures" and possibly the adoption of edge planning guidelines. The Discussion Paper notes that the Region will continue to "review and consider best practices such as requiring agricultural impact assessments, providing adequate distance separation, setbacks, or how to incorporate appropriate intervening land uses between urban and rural land uses; natural buffers; landscaping; and education for property owners including resources provided through OMAFRA".

Edge Planning Reports were prepared by Peel Region in 2015 and by York Region in 2018. Each identify a range of tools and recommended practices for mitigating impact on the urban/rural fringe.



The implementation of edge planning practices can be a valuable tool in managing impacts between agricultural and non-agricultural/urban development. Edge planning is typically a detailed process and the implementation of guidelines would be both at the Regional and the Local level. We would suggest that pursuing such an initiative would benefit from detailed discussions with the local area municipalities as well as representatives of the agricultural industry.

### 3. Urban Agriculture

The Discussion Paper notes the benefits and importance of urban agriculture and that the Province has recommended that urban agriculture be recognized as part of the Region's Agricultural System. It provides a list of the common aspects of urban agriculture, as follows:

- community gardens;
- urban farms;
- rooftop gardens;
- greenhouses or vertical farming;
- aquaponics;
- beekeeping; and,
- the keeping of backyard chickens.

It is noted that the Region can provide policy support for urban agriculture through a variety of measures, including:

- Clearly defining urban agriculture and expanding the agricultural focus to recognize urban agriculture as being a part of the Region's Agricultural System;
- Providing high-level policy support within the ROP (goals and objectives) to:
  - Urban Agriculture;
  - Food Security; and
  - Durham Food Charter.
- Incorporating permissions for the establishment of urban agricultural uses within appropriate land use designations;
- Encouraging the use and/or interim use of marginal, excess, or underutilized private and public lands for urban agricultural purposes;
- Encouraging area municipalities to support urban agriculture through policies and mapping as suggested by the Province's guidance documentation.

There are definitely benefits from urban agriculture but there are also challenges with potential land use conflicts and nuisances. While not at the same scale, these challenges would be similar to those being considered as part of the urban/rural interface. In an urban environment, smaller scale agricultural nuisances could pose more concern due to the lesser separations between buildings and uses that are found in urban environments.

### 4. Renewable Energy

The Discussion Paper refers to the repeal of the Green Energy Act and presents the question of whether policies should be included to mandate the avoidance of prime agricultural lands, as was previously required in the Province's siting considerations, or that applications require an agricultural impact assessment. Renewable energy is also to be discussed as part of the Climate Change and Sustainability Discussion Paper.

Renewable Energy has been linked with the Agricultural/Rural system information through comments that many farmers in Durham utilized financial incentives associated with hosting a renewable energy project that were previously offered under the Green Energy Act. It is noted that since the Act has been repealed, municipalities may now need to consider and develop local criteria for the siting of renewable energy projects.

There can be land use conflicts and challenges resulting from some forms of renewable energy projects. While the discussion paper notes that local criteria may need to be developed, it provides no indication that the Region is considering policies/criteria at the Regional level. The document simply states that "the Region will continue to work with area municipalities and the community to explore this matter".

The discussion paper notes issues which could result from green energy facilities such as loss of productive agricultural land and fragmentation of the agricultural land base. It would appear to be appropriate and helpful for the Regional Official Plan to contain policies to assist in the protection of productive agricultural lands through the provision of higher level policies to assist in providing for green energy facilities while ensuring that, if proposed in prime agricultural areas, such facilities are not land intensive but may be accommodated through the multi-use of agricultural buildings, i.e. roof-top solar panels.

It may also be beneficial for the Region to establish some high level criteria relating to renewable energy projects within the Rural area. This would assist in establishing a certain level of consistency in the way in which such projects are dealt with throughout the Region.

5. Rouge National Urban Park - Outside Township of Scugog boundaries.
6. Specific Policy Areas – None within Township of Scugog boundaries.
7. Prime Agricultural Areas

The 2017 Growth Plan, Greenbelt Plan and ORMCP introduced policy requirements for Agricultural Impact Assessments (AIAs) to help preserve and protect agricultural lands/operations. Provincial plans require AIAs for settlement area boundary expansions, infrastructure, and mineral aggregate operations within prime agricultural areas. Where not required by Provincial Plans, AIAs are encouraged as a tool to identify and evaluate the potential impacts on non-agricultural development on agriculture and make recommendations as to how to avoid or mitigate impacts to agriculture.

To address changes to Provincial policy, the Region is considering broadening goals and policies to:

- Permit all types, sizes and intensities of agricultural uses;
- Recognize normal farm practices;
- Recognize the agri-food network;
- Reference provincial guidance where appropriate;
- Discourage non-agricultural uses;
- Further address compatibility by requiring AIAs where appropriate and necessary;
- Eliminate the requirement for agricultural products to be sourced from the farm unit upon which a farm stand is situated.



The Region is also looking to add, remove or refine definitions to reflect changes in Provincial documents (i.e. Agricultural uses, Agriculture-related uses, On-farm diversified uses, Agri-business, Agri-tourism, and Secondary uses).

The Discussion Paper notes challenges with:

- Managing the scale (i.e. size) of on-farm diversified uses
- Ensuring these uses remain secondary to the primary agricultural function of the property
- Increased interest in other types of activities such as aquaponics (fish farming) and development of cannabis production operations
- Dealing with unique challenges related to size and scale of the operations, water usage and proximity to residential uses.

While the discussion related to on-farm diversified uses is within the context of Prime Agricultural Areas, policies relating to such secondary uses should also be considered within other rural areas. It is also noted that the management and regulation of on-farm diversified uses may necessitate amendments to the Township's OP policies and Zoning By-law provisions. There is certainly merit in providing for on-farm diversified uses. There have been discussions at the Township regarding the potential for pursuing amendments to the Township's Official Plan and Zoning By-law to establish policies and introduce zoning regulations relating to such uses. These would be useful, however, the timing of such should take into consideration the possibility that the Region may introduce new policies within the Regional Official Plan. Should the Township amend its Official Plan policies prior to potential overarching Regional policies being in place, an additional Official Plan Amendment process may be required to bring such policies into conformity with the Regional Official Plan policies.

The use of Site Plan Control may also be a helpful tool to facilitate on-farm diversified uses while managing the scale and mitigating any impacts.

The Discussion Paper speaks to increased interest in other types of activities such as the development of cannabis production operations. It notes that these may be considered as agricultural or agricultural-related uses and permitted as-of-right within prime agricultural areas and identifies that they may also pose unique challenges related to size and scale, water usage and proximity to residential uses. While it speaks to these types of facilities, there is no indication as to whether the Region is considering any specific policies pertaining to these uses.

The Discussion Paper refers to current mapping of prime agricultural and rural lands and revisions to such mapping to reflect the Province's Agricultural System. The Township's Official Plan (OP) would also be required to reflect such mapping.

#### 8. Major Open Space Areas

The Discussion Paper speaks to open space serving to define the boundaries of distinct urban areas, supporting the ecological health of the Region and protecting environmental areas and their functions. It seems to focus primarily on defining urban boundaries. It speaks to these open space areas "providing undeveloped land between urban areas (urban separators) and supporting an ongoing fundamental planning principle of clearly distinguishing between urban and rural areas".



The Region anticipates that the Major Open Space designation may be significantly reduced given that much of the area has been identified as Prime Agricultural Land in the Province's Agricultural System. They have also indicated that modifications to the Major Open Space designation may also be due to the Province's preference for lands within the Rural Area to fall within two categories: prime agricultural lands or rural lands. The Region will be considering whether to modify its designations to have a Rural Area as well as an Environmental designation or possibly to have environmental policies within the Rural Area designation.

Major Open Space will also be part of the Environment/Greenlands Discussion Paper.

As noted previously, modifications to designations and mapping at the Regional level would also entail modifications to land use designations at the local level.

#### 9. Provincial Agricultural System

The Provincial Agricultural System was released in 2018 and comprises two components: an agricultural land base and an agri-food network. The Region has identified that there are considerable differences between the Province's Agricultural System and the Prime Agricultural Areas designation in the current ROP. Mapping is intended to be reviewed and refined by single and upper-tier municipalities during the MCR process.

It is noted that consideration must be given to policies, etc. that support the agri-food network. It notes that the Province has recommended that Rural Lands (currently designated as Major Open Space in the ROP) include policies that specify all areas in agricultural production and areas that support elements of the agri-food system. The Province has also suggested that OMAFRA's Agricultural System Portal or other local Agri-Food Asset Mapping be included as an appendix to the ROP or as part of an economic development strategy. There is an existing agri-food asset mapping portal in place for Durham which focused primarily for economic development purposes. The Region will be looking at expanding the use of this agri-food asset mapping.

The Discussion Paper notes that, as part of Envision Durham, consideration will be given to whether to incorporate the agri-food network into the ROP. Such proposed changes may include:

- Recognizing the agri-food network as part of the Agricultural System;
- Encouraging area municipalities to recognize urban agriculture as part of the Agricultural System and mapping urban agriculture in local Official Plans as recommended by the Province; and,
- Including Agri-food Asset Mapping as an Appendix to the ROP.

In various sections, the Discussion Paper refers, directly or indirectly, to refinements of the Agricultural/Rural Land Base and related amendments to ROP designations. The Region is relying on the Province's LEAR for the purposes of the MCR. It is noted that the Region will evaluate and refine where appropriate, as follows:

- If lands are identified as Prime Agricultural by the Province and in the ROP, they will remain Prime Agricultural;
- If lands are not identified as Prime Agricultural by the Province but they are in the ROP, the Region will determine if they should be designated as Prime Agricultural, Major Open Space or Rural;



- Refinements to Prime Agricultural will be based on Provincial criteria.

They will also consider the provincially identified Candidate Lands and other lands to be included as Prime Agricultural or Rural.

Site Specific Exemptions – The Region will review existing site specific exemptions to determine how they would best be treated. It is noted that the Province recommended that existing non-agricultural uses within prime agricultural areas be designated as prime agricultural with a site-specific exemption policy permitting the non-agricultural use.

The Region has indicated that they plan to undertake an edge mapping exercise for the Prime Agricultural Areas designation to evaluate whether the current Major Open Space Areas designation should be adjusted or if a new Rural Lands designation should be established. There are some areas within Scugog which are currently designated Major Open Space which have been identified as requiring review, including lands within the ORM. Modifications to Regional mapping will necessitate modifications to the Township's mapping.

#### 10. Rural Lot Creation

The Discussion Paper speaks to lot creation and housing related provisions in Provincial legislation. It notes that rural lot creation may present issues such as:

- Fragmentation of the agricultural land base;
- Creation of vacant (potentially undersized) agricultural parcels, zoned to prohibit the construction of a dwelling in perpetuity;
- Smaller parcels can reduce the flexibility and viability of adequately sized parcels of land for future generations of farmers;
- Potential for compatibility issues through the introduction of more non-farm residents to the Rural Area; and
- For non-abutting surplus farm dwellings specifically, the long-term effectiveness of zoning retained parcels to restrict the construction of new residential dwellings.

It is noted that additional lot creation allows land owners, particularly agricultural land owners, to:

- Avoid being a landlord;
- Use the revenue from the sale of a surplus dwelling to purchase land and/or farm equipment;
- Plan for business, estate, retirement, or other purposes; and
- Have housing options in the Rural Area; and,
- For non-abutting surplus farm dwellings specifically, the restrictive zoning on the retained lands helps to moderate the cost of agricultural parcels.

The Region will be considering whether they should be more or less restrictive and what potential criteria may be appropriate. There is no indication of any potential criteria at present.

#### 11. Rural Settlements



The Discussion Paper lists and describes what this includes (Hamlets, Country Residential Subdivisions, Shoreline Residential Areas, Rural Employment Areas, residential clusters and 4 hectare lots). The current ROP identifies goals for Rural Settlements, as follows:

- To strengthen, preserve and foster the cultural attributes and historic heritage of Rural Settlements;
- To recognize existing Rural Settlements, and support their function of providing for the limited residential, social and commercial needs of the Rural System; and,
- To establish a firm limit to Hamlet development.

Hamlets – Hamlets are currently shown as symbols on Schedule 'A' of the ROP and then further delineated in local OP's. They note that the Growth Plan now indicates that all Settlement Area boundaries are to be delineated in official plans, including hamlets. The Region is, therefore considering the delineation of hamlet boundaries and the removal of the policies which currently guide the local delineation of these boundaries. The result of such detailed delineation at the ROP level would have implications to Scugog. Scugog would need to ensure that any such related Regional mapping reflects the boundaries which have already been identified by the Township's OP. The Discussion Paper goes on to state that the Region will consider addressing policies for rounding out of hamlets, however, this rounding out must be in conformity with Provincial legislation including, but not limited to, the Greenbelt Plan. The Township is within the boundaries of the Provincial Greenbelt Plan. The Greenbelt Plan speaks to the fact that hamlets are typically serviced with individual on-site sewage and water services and thus are not locations to which growth should be directed. Based on existing Provincial Plans, there would be no anticipated expansion of existing hamlet boundaries. The Township should ensure that delineated hamlet boundaries within the Region Official Plan accurately reflect the boundaries which have been identified in the Township's Official Plan.

Residential Clusters – These are not currently designated in the ROP but ROP policies would permit residential infill development within the boundary of the cluster subject to specific criteria. The Discussion Paper refers to the PPS and Growth Plan definition of Settlement Areas; lands which have been designated in an official plan for development over the long-term planning horizon of up to 20 years. It notes that the Region will be undertaking a review of rural residential clusters and associated ROP policies. There is no indication of what direction the Region is contemplating but would question why a review of residential clusters would be within the context of the Provincial definition of a Settlement Area versus dealing with these as existing residential uses within the rural area. It will also be important to ensure that the residential clusters which have already been identified within the Township's Official Plan are accurately identified through the Regional Official Plan Review exercise.

4 Hectare (10 acre) Lots – The ROP currently recognizes these but prohibits the creation of new rural residential lots within or adjacent to these concentrations. The Region is looking at potentially removing the specific policy relating to these lots given that restrictions are addressed in other areas of the Plan. Their review of these policies will be in conjunction with the residential clusters review. Policies relating to the prohibition of additional lot creation within or adjacent to these lots should be clear and concise to ensure that there is no confusion to affected land owners.

Country Residential Subdivisions – The Discussion Paper speaks to the fact that the Greenbelt Plan prohibits the establishment of these or the creation of additional lots within existing subdivisions. It notes that the ROP currently identifies 36 Country Residential



Subdivisions which were approved prior to the Greenbelt Plan coming into effect; that some of these have not as yet been developed; and, that vacant lots remain within some existing subdivisions. It does not speak to any specific review of designations or policies relating to these subdivisions. Consideration should be given to these as part of the residential cluster review.

Shoreline Residential Areas – It is noted that there are designated Shoreline Residential areas adjacent to Lakes Ontario, Simcoe and Scugog and that minor rounding out, infill development, redevelopment and resort development would be permitted subject to specific criteria. The Region is considering the need to add a definition for Shoreline Residential Areas and establishing criteria or policy language similar to that which is in the Lake Simcoe Protection Plan and the Growth Plan. The Discussion Paper goes on to state that the Region will consider addressing policies for rounding out of shoreline residential areas.

Rural Employment Areas – The ROP does not include designated Rural Employment Areas within the Township of Scugog. The Discussion Paper refers to the fact that a review of all employment lands in Durham will be undertaken and discussed through the Growth Management Discussion Paper(s).

It is stated that the Region will be reviewing its health related policies, i.e. municipal or private community sewage or water services and contamination of wells in rural settlements.

12. Regional Nodes – There are none identified within the Township of Scugog.

### 13. Aggregate Resources

The Discussion Paper refers to the ROP's current policies and provides information regarding amendments to the ROP for expansion of existing sites or establishment of new sites. It notes that the 2014 PPS includes policies modernizing the regulation of aggregates and identifies the follow key aspects that must be addressed in the ROP including:

- Identifying deposits of mineral aggregate material to the relevant ROP schedules;
- Providing policy direction on accessory aggregate recycling;
- Adding policies on comprehensive rehabilitation;
- Adding policies requiring rehabilitation of extraction areas back to agricultural condition; and,
- Adding various definitions for consistency with the PPS.

It is noted that the identification of tertiary aggregate resources is not being proposed, nor is there an intent to depict aggregate resources within the existing approved urban area boundaries.

In addition, to conform to other Provincial Plans, the following changes would be required:

- Incorporating aggregate policies from the Growth Plan into the ROP;
- Reflecting changes to application criteria in Greenbelt Natural Heritage System and Oak Ridges Moraine Natural Linkage Areas;
- Addition of new policy on Agricultural Impact Studies; and,
- Addition of requirement for rehabilitation to an agricultural condition.

Of particular note is the additional policies and requirements that will be associated with rehabilitation to an agricultural condition. The regulation of aggregate uses involves a



number of Provincial Ministries. It would be useful for involvement of such Provincial Ministries in facilitating and regulating the rehabilitation of abandoned pits and quarries to an agricultural condition. Such involvement would assist in dealing with local challenges relating to fill permits/operations.

#### 14. Non-Agricultural Uses

**Golf Courses** - It is noted that accessory uses on golf courses may have the potential to create land use conflicts in the Rural Area (i.e. clubhouses used for banquet or convention facilities and resulting traffic, etc.). It refers to limitations to be implemented through the local OP but does not reference any modifications at the Regional policy level.

**Landscape Industry Uses** – ROP encourages these to locate in Employment Areas but may be permitted in other designations provided they are small in scale and subject to specific criteria. They may also be considered within the Major Open Space designation by amendment to the ROP. There is no reference to the consideration of modifications to the existing policies.

**Commercial Kennels** – The ROP permits commercial kennels within specific designations and subject to specific provisions. The Discussion Paper notes that the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas indicate that kennels may be another example of an on-farm diversified use.

**Cemeteries** – The ROP recognizes cemeteries as necessary and essential community facilities. They are recognized as permitted uses and may be permitted to expand subject to the required licensing under the Cemeteries Act or the Funeral, Burial and Cremation Services Act provided they comply with local municipal zoning by-laws. Establishment of new cemeteries or expansion of existing cemeteries may be permitted subject to a local area official plan amendment and subject to specific criteria. The Discussion Paper notes that the Region will review how cemeteries are currently accommodated and whether any changes are necessary. The current ROP policies rely heavily on local area municipalities to deal with cemetery proposals. The Township may wish to consider whether additional Regional level policies may assist in dealing with large scale cemetery applications.

**Existing Non-Conforming Uses** – The ROP leaves dealing with existing non-conforming uses to local area municipalities but notes that the Region will be considering whether any changes to existing policies should be considered.

#### Conclusion

There is a considerable amount of background information and statistics within the Agriculture and Rural System Discussion Paper. There are some specific items which the Region has identified, as discussed previously.

Based on a review of the minutes from the Township's March 26<sup>th</sup>, 2019 Agricultural Round Table Meeting, of particular note will be the way in which the Region deals with on-farm diversified uses or value added uses related to the agricultural industry. The agricultural sector has also identified issues with road conditions/design. There was insufficient discussion in this background paper relating to the support of agriculture within the context of transportation/roads. Road design related issues (movement of livestock and equipment) would apply to Regional roads as well.

C.S. - LEGISLATIVE SERVICES

By Email

May 31, 2019

Ralph Walton  
Regional Clerk/Director of Legislative Services  
Regional Municipality of Durham  
605 Rossland Rd. E.  
Whitby, ON L1N 6A3

Original
To: <i>CIP</i>
Copy <i>J. Kuster</i>
To:
C.C. S.C.C. File
Take Appr. Action

Subject: Durham Vision Zero – A Strategic Road Safety Action Plan  
for the Regional Municipality of Durham  
Corr. 08-19  
File: A-1400-001-19

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on May 27, 2019 and adopted the following resolution:

That Corr. 08-19, dated April 26, 2019, from Ralph Walton, Regional Clerk, Regional Municipality of Durham, regarding Durham Vision Zero – A Strategic Road Safety Action Plan for the Regional Municipality of Durham (2019-W-27), be received for information.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660 extension 2019.

Yours truly



Susan Cassel  
City Clerk

SC:bg

Copy: Chief Administrative Officer  
Director, Engineering Services



By Email

May 31, 2019

Ralph Walton  
Regional Clerk/Director of Legislative Services  
Regional Municipality of Durham  
605 Rossland Road E.  
Whitby, ON L1N 6A3

Subject: Director, City Development & CBO, Report PLN 08-19  
Kingston Road Corridor and Specialty Retailing Node Intensification Study  
-Status Update and Recommended Vision and Intensification Scenario (Phase 2  
of the South Pickering Intensification Study)  
File: A-1400-001-19

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on May 27, 2019 and adopted the following resolution:

1. That Council endorse the Recommended Vision for the Kingston Road Corridor and Specialty Retailing Node, contained in Appendix I;
2. That Council endorse the Recommended Intensification Scenario for the Kingston Road Corridor and Specialty Retailing Node, contained in Appendix II, subject to the following:
  - a) that the Recommended Intensification Scenario be revised by replacing the words "Maximum Height (Storeys)" under the sub-heading "Land Use/Built Form" in the legend of the Scenario Maps, depicted on pages 29, 31, 33, and 35, with the words "Notional Height (Storeys)", and
  - b) that the text within the Recommended Intensification Scenario contained in Appendix II to Report PLN 08-19 with the Recommended Intensification Scenario Report, dated March 2019, be revised accordingly to delete the references to "maximum" building heights;
3. That staff be authorized to initiate Phase 3 of the Kingston Road Corridor and Specialty Retailing Node Study; and
4. That a copy of Report PLN 08-19 be forwarded to the Region of Durham, the Toronto and Region Conservation Authority, the Ministry of Transportation, and Parks Canada.

A copy of Report PLN 08-19 is attached. Should you require further information, please do not hesitate to contact City Development at 905.420.4617.

Yours truly



Susan Cassel  
City Clerk

SC:bg  
Enclosure

Copy: Ministry of Transportation  
Parks Canada  
Toronto and Region Conservation Authority

Chief Administrative Officer

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**From:** Kyle Bentley  
Director, City Development & CBO

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**Subject:** Kingston Road Corridor and Specialty Retailing Node Intensification Study – Status Update and Recommended Vision and Intensification Scenario (Phase 2 of the South Pickering Intensification Study)  
File: D-2000-016

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**Recommendation:**

1. That Council endorse the Recommended Vision for the Kingston Road Corridor and Specialty Retailing Node, contained in Appendix I;
2. That Council endorse the Recommended Intensification Scenario for the Kingston Road Corridor and Specialty Retailing Node, contained in Appendix II;
3. That staff be authorized to initiate Phase 3 of the Kingston Road Corridor and Specialty Retailing Node Study; and
4. That a copy of Report PLN 08-19 be forwarded to the Region of Durham, the Toronto and Region Conservation Authority, the Ministry of Transportation, and Parks Canada.

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**Executive Summary:** This report provides an update on the status of the second phase of the Kingston Road Corridor and Specialty Retailing Node Intensification Study, focusing on the release of the Recommended Intensification Scenario Report, dated March 20, 2019, prepared by SvN Architects + Planners Inc. The Recommended Intensification Scenario Report is available online at <https://www.kingstonroadstudy.com/>. Moving forward, staff recommend that the Recommended Vision and the Recommended Intensification Scenario be endorsed, and that the study proceed to Phase 3. Phase 3 will concentrate on the preparation of an Intensification Plan and draft Urban Design Guidelines.

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**Financial Implications:** In October 2017, Council approved the project funding of \$223,399.00 and the financing as 27 percent from property taxes and 73 percent from Development Charges. Funds to complete the Study have been carried over in the 2019 Council approved Current Budget for the City Development Department, Consulting and Professional (Account 2611.2392.0000).

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## 1.0 Initiating the Study

In October 2017, City Council approved the proposal submitted by SvN Architects + Planners Inc., in association with AECOM and 360 Collective, to undertake an Intensification Study for the Kingston Road Corridor and Specialty Retailing Node (see Map of Study Area, Attachment #1). The study is being undertaken over a period of approximately two years through a highly collaborative process involving City staff, public agencies, key stakeholders and members of the public, and will conclude the preparation of an Intensification Plan and draft Urban Design Guidelines.

## 2.0 Public and Agency Engagement and Key Deliverables

The following is a summary of the public and agency engagement process and key deliverables to date:

### Phase 1:

- February and March 2018: Three **Focus Group Sessions** were held with the public (including major landowners, developers and local residents), and a meeting was held with key public agencies, to share an analysis of existing conditions within the study area, and to seek feedback regarding existing conditions and a future vision for the Corridor and Node. The first focus group session targeted major land owners, business owners and developers within the study area, and groups two and three focused on residents and the public at large. The meeting with the key public agencies included representatives from the Region of Durham, Toronto and Region Conservation Authority (TRCA), Ministry of Transportation, Parks Canada, Town of Ajax, City of Toronto, and staff from the City's Engineering Services Department. The comments/inputs from these engagement sessions have been captured in the Background Report, and helped with formulating a proposed vision for the Corridor and Node.
- August 30, 2018: The consultant released the **Kingston Road Corridor and Specialty Retailing Node Intensification Study Background Report**, dated July 31, 2018. Members of Council and the Chief Administrative Officer received an update on the study via a staff memorandum on August 30, 2018, which included an executive summary of the Background Report as well as a hyperlink to where it has been posted on the project website. The Background Report concluded the first phase of the study, and provided an overview of existing conditions, an analysis of issues and opportunities within four distinct precincts in the study area, and a proposed vision for the Corridor and Node. A map reflecting the four precincts in the study area is attached (see Map of Study Area Precincts, Attachment #2).



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**Phase 2:**

- September 19, 2018: Phase 2 of the study kicked-off with a **Community Workshop**, to develop alternative intensification scenarios for the study area, and to obtain final comments on the proposed vision for the Corridor and Node. The workshop drew 15 participants, and included a presentation from the consultant regarding the proposed vision for the Corridor and Node, the approach to develop alternative intensification scenarios, and roundtable discussions where participants provided comments and suggestions on different ways to improve connectivity, place-making and land use/built form within the four precincts of the study area.
- November 16, 2018: Based on the input from the community workshop, the consultants evaluated the alternative intensification scenarios and shared their results with key public agencies, including staff from the City's Engineering Services Department. Comments received from the key public agencies were used to further refine the alternative intensification scenarios and to develop a preferred intensification scenario.
- December 6, 2018: A **Public Open House** was held to share the consultant's recommendations regarding a recommended vision and a preferred intensification scenario for the study area. The Open House drew 23 participants and included a presentation from the consultant, followed by a roundtable discussion where participants provided comments regarding the preferred intensification scenario. In addition to the Open House, there were a number of individual meetings with representatives from various major land owners within the study area to consider challenges, opportunities and design concepts that could potentially enhance the future development of their lands.
- March 2019: Following the completion of the Phase 2 consultation, the consultant prepared a **Recommended Intensification Scenario Report**. The Recommended Intensification Scenario Report addresses the study purpose and process, the refinement of the vision, the development and evaluation of the alternative intensification scenarios, the recommended intensification scenario, and the associated public engagement processes. A copy of the Recommended Intensification Scenario Report has been circulated to Members of Council under separate cover, and the document has also been posted on the City's project website. An executive summary of the Recommended Intensification Scenario Report is provided as Attachment #3 to this Report.

### 3.0 Developing the Recommended Vision

During Phase 1 of the study, a proposed vision was developed for the Kingston Road Corridor and Specialty Retailing Node. The proposed vision and its refinement into a Recommended Vision was informed by:

- the Provincial Policy Statement under the *Planning Act* (2014) and the Growth Plan for the Greater Golden Horseshoe (2017);
- the Region of Durham Official Plan (Consolidated 2017);

- the Kingston Road Corridor Development Guidelines (1997), and the Specialty Retailing Node Development Guidelines(1999, revised 2011);
- an analysis of existing conditions, issues and opportunities; and
- feedback received during the course of the study.

The Recommended Vision for the Corridor and Node can be summarized as follows:

By 2041, the Kingston Road Corridor and Specialty Retailing Node will be:

- A sustainable place that embraces its significant natural heritage assets;
- A walkable place in all four precincts;
- An urban, livable, transit-supportive community, with a higher density mix of uses;
- A place that continues to serve as both a destination for shopping and a place of employment, with retail, commercial services and offices; and
- A regional and local multi-modal connector.

The complete Recommended Vision Statement is contained in Appendix I.

#### **4.0 Testing Alternative Intensification Scenarios**

Building on the Recommended Vision, two alternative intensification scenarios (A & B) were developed for each of the four precincts in the corridor (Rougemount, Whites, Dubarton/Liverpool, and Brock precincts), using the following inputs:

- A set of key assumptions that are consistently applied to each of the Alternative Intensification Scenarios;
- The identification of sites with redevelopment potential; and
- Feedback from members of the public provided at a Community Workshop and public agency consultation.

In general:

- Alternative A provided more open space than Alternative B in all precincts except Brock;
- Alternative A provided a higher number of residential units per hectare than Alternative B in all precincts;
- Alternative A produced more retail and office gross floor area than Alternative B in all precincts;
- Alternative A had a more balanced ratio of people to jobs than Alternative B in all precincts;
- Alternative A concentrated a greater amount of gross floor area on sites adjacent to Durham Region Transit Pulse stops than Alternative B in all precincts;
- Alternative B had fewer access points off Kingston Road than Alternative A in the Whites and Brock precincts.



The assessment of the alternative intensification scenarios (A & B) for each precinct used an evaluation framework that contained criteria derived from the vision, goals and objectives of the study, focusing on:

- **Connectivity** – creating new connections or improving existing connections in terms of all modes of transport;
- **Placemaking** – providing new public open spaces and improving the quality of existing public open spaces, including the public realm and “street experience”; and
- **Land Use/Built Form** – identifying different types of uses and ways higher densities can be attained over time.

Further details regarding the scenario development process are contained in Appendix A to the Recommended Intensification Scenario Report.

## 5.0 Selecting a Recommended Intensification Scenario

In each precinct, the alternative intensification scenario that better performed in terms of the evaluation criteria was carried forward for consultation, feedback and further refinement. Collectively, the refined Scenario A's became the Recommended Intensification Scenario for the corridor and node as a whole.

The Recommended Intensification Scenario:

- is consistent with the growth management policies of the Growth Plan for the Greater Golden Horseshoe, in that it provides direction for future development in a strategic growth area that will: support achievement of the intensification targets of the Growth Plan; optimize infrastructure along transit and transportation corridors; and support the achievement of complete communities through a diverse mix of land uses within a more compact built form;
- recognizes and builds upon the character and strengths of each individual precinct;
- introduces an appropriate transition of built form and height to adjacent established neighbourhoods;
- reflects an improved and more robust mobility network for all modes of transport, improving connectivity to, from, and within the study area;
- reinforces the natural heritage assets in each precinct through proposed trail connections, linear parks and lookout points, as well as the introduction of additional publicly accessible open spaces to serve the future employment and residential population, while making the corridor and node “greener”;
- proposes a greater mix and density of uses, in order to create a greater live-work balance locally; and
- re-imagines a public realm that are more vibrant and focused on community identity and placemaking.

The Recommended Intensification Scenario, as depicted in Appendix II, articulates the Recommended Vision for the study area and creates a conceptual framework for how the study area can be redeveloped and intensified over time in terms of connectivity, placemaking, and land use/built form.

## 6.0 Moving Forward with Phase 3 of the Study

With the completion of the Vision and a corresponding Intensification Scenario, Phase 3 of the study is set to commence. This next phase will include the development of an Intensification Plan and Urban Design Guidelines.

The Intensification Plan will consist of the following:

- **A Land Use Framework** that includes recommended land use categories, land use mix and transitions;
- **Built Form and Streetscape Principles and Objectives**, addressing building massing and orientation, height, built form transition, street orientation and sustainable design;
- **Transportation/Mobility recommendations** that will address proposed streets and blocks, pedestrian connectivity, site access, parking standards and accessibility;
- **Public Open Spaces and Natural Heritage recommendations** addressing active and passive recreation opportunities, and improving connectivity to and the protection of natural heritage features;
- **Infrastructure recommendations** regarding water, sewage, and stormwater management to support the recommended land use framework; and
- **Implementation Tool recommendations** regarding potential Official Plan policies, Zoning By-law regulations, Site Plan Control, development incentives, and the identification of priority areas for strategic capital investment and public realm improvements.

The Urban Design Guidelines will further articulate the design vision for the Intensification Plan, emphasizing place-making and sustainability through guidelines regarding built form, including green design, public realm and streetscapes, mobility and complete streets.

## 7.0 Conclusion

The completion of Phase 2 of the study sets the stage for the preparation of an Intensification Plan and draft Urban Design Guidelines (Phase 3). The third and final phase of the study will include further consultation sessions with the public agencies, key stakeholders and members of the public, with a report back to Council in late Fall 2019.

Staff recommend that Council endorse the Recommended Vision and the Recommended Intensification Scenario, as set out respectively in Appendices I and II to this report, and that staff be authorized to initiate Phase 3 of the study.



**Appendices**

- Appendix I Recommended Vision for the Kingston Road Corridor and Specialty Retailing Node
- Appendix II Recommended Intensification Scenario for the Kingston Road Corridor and Specialty Retailing Node

**Attachments**

- 1. Map of Study Area
- 2. Map of Study Area Precincts
- 3. Executive Summary: Kingston Road Corridor and Specialty Retailing Node Intensification Study, Recommended Intensification Scenario Report

**Prepared By:**




Dean Jacobs, MCIP, RPP  
Principal Planner, Policy




Jeff Brooks, MCIP, RPP, AMCT  
Manager, Policy & Geomatics

**Approved/Endorsed By:**




Catherine Rose, MCIP, RPP  
Chief Planner



Kyle Bentley, P. Eng.  
Director, City Development & CBO

DJ:ld

<p>Recommended for the consideration of Pickering City Council</p>  <p>April 15, 2019</p> <p>Tony Prevedel, P.Eng. Chief Administrative Officer</p>
--

**Appendix No. I to  
Report No. PLN 08-19**

**Recommended Vision for the Kingston Road Corridor  
and Specialty Retailing Node**

## The Recommended Vision for the Kingston Road Corridor and Specialty Retailing Node

"By 2041, the Kingston Road Corridor and Specialty Retailing Node will be:

- **A sustainable place that embraces its significant natural heritage assets**, connecting to the valleys and creeks that the corridor crosses, including the Rouge National Urban Park, mitigating greenhouse gas emissions and adapting to climate change, and building communities centered on new public open spaces in both the corridor and node.
- **A walkable place in all four precincts**, with safe, comfortable and "green" sidewalks and pedestrian connections on both sides of Kingston Road, and within larger parcels that are likely to redevelop with an internal street network, particularly within the node.
- **An urban, liveable, transit-supportive community, with a higher density mix of uses**, located in buildings that are pedestrian oriented, and that transition in height and mass to the scale of adjacent established neighbourhoods, particularly to the north of the corridor and to the east of the node.
- **A place that continues to serve as both a destination for shopping and a place of employment, with retail, commercial services and offices** within mixed use buildings or on mixed use sites, and generally fronting directly onto Kingston Road, Whites Road, Brock Road, and onto new internal streets on larger parcels, to provide active uses at grade that encourage pedestrian traffic.
- **A regional and local multi-modal connector**, with regional gateways at Altona Road and Brock Road, with Altona Road acting also as a gateway to Rouge National Urban Park, and with gateways to the neighbourhoods north and south of the corridor at Rougemount Drive, Whites Road and Fairport Road, and at the Brock Road and Pickering Parkway intersection".



**Appendix No. II to  
Report No. PLN 08-19**

**Recommended Intensification Scenario for the  
Kingston Road Corridor and Specialty Retailing Node**

## 4.2 The Recommended Intensification Scenario

### 4.2.1 Rougemount Precinct

#### Connectivity



To better align with the planned 4.5m right of way and the ultimate centre median Bus Rapid Transit along Kingston Road, and to make this precinct truly pedestrian and cycle friendly, the Recommended Intensification Scenario is seeking to minimize and consolidate the multiple accesses off Kingston Road and to increase the permeability of the precinct by the introduction of two rear public laneways on properties south of Kingston Road. The first of these potential public laneways runs from the southern end of Altona Road, east across the southern limit of properties with frontage on Kingston Road, and then turns back up to Kingston Road two properties west of Rougemount Drive. The second commences at Evelyn Avenue, running west to reconnect with Kingston Road closer to Rougemount Drive.

To improve connectivity between the properties south of Kingston Road and east of Rougemount Drive, and to create a better pedestrian connection between the existing Library and Petticoat Creek to the "Main Street" retail, it is recommended that a controlled intersection be explored at Evelyn Avenue. In addition, since Rougemount Drive is one of the key roads crossing the highway and thus connecting the southern neighbourhoods, a new cycling connection is proposed south of Kingston Road on Rougemount Drive.

#### Place-Making



The Rougemount Precinct is characterized by several smaller parcels that give it a more quaint character than other districts. This attribute is maintained by encouraging primary frontages across nearly the full length of Kingston Road between Altona Road and the Petticoat Creek. Providing opportunity for more street oriented development would contribute to a high level of pedestrian activity and animation of the public realm, and strengthen the connection to the Rouge National Urban Park.

The Recommended Scenario also features a potential urban square fronting the north side of Kingston Road, just east of Altona Road, to provide a space of respite for pedestrians and residents. Also, a proposed green space fronts the east side of Rougemount Drive to the north of Kingston Road, to provide a stronger "green" linkage between the natural heritage area west of Rougemount Drive and natural heritage area associated with the Petticoat Creek to the east.

To reinforce the precinct's natural heritage assets, including the proximity to the Rouge National Urban Park, an Exploration Trail is proposed along the southern limits of the precinct. This trail has two purposes. One is to encourage walking and exploring the neighbourhood, and the other is to take advantage of the non-buildable areas within the 14m setback from highway 401. This Exploration Trail can

include heritage plaques, directional signage and moments to pause and rest. In addition, although the Study Area of the Rougemount Precinct stops at the Rouge River Valley, it is recommended that the sidewalk on the north side of Kingston Road extending to Rouge National Urban Park form part of this Exploration Trail to strengthen the connection between the entrance to the park and this precinct.

#### Land Use/ Built Form

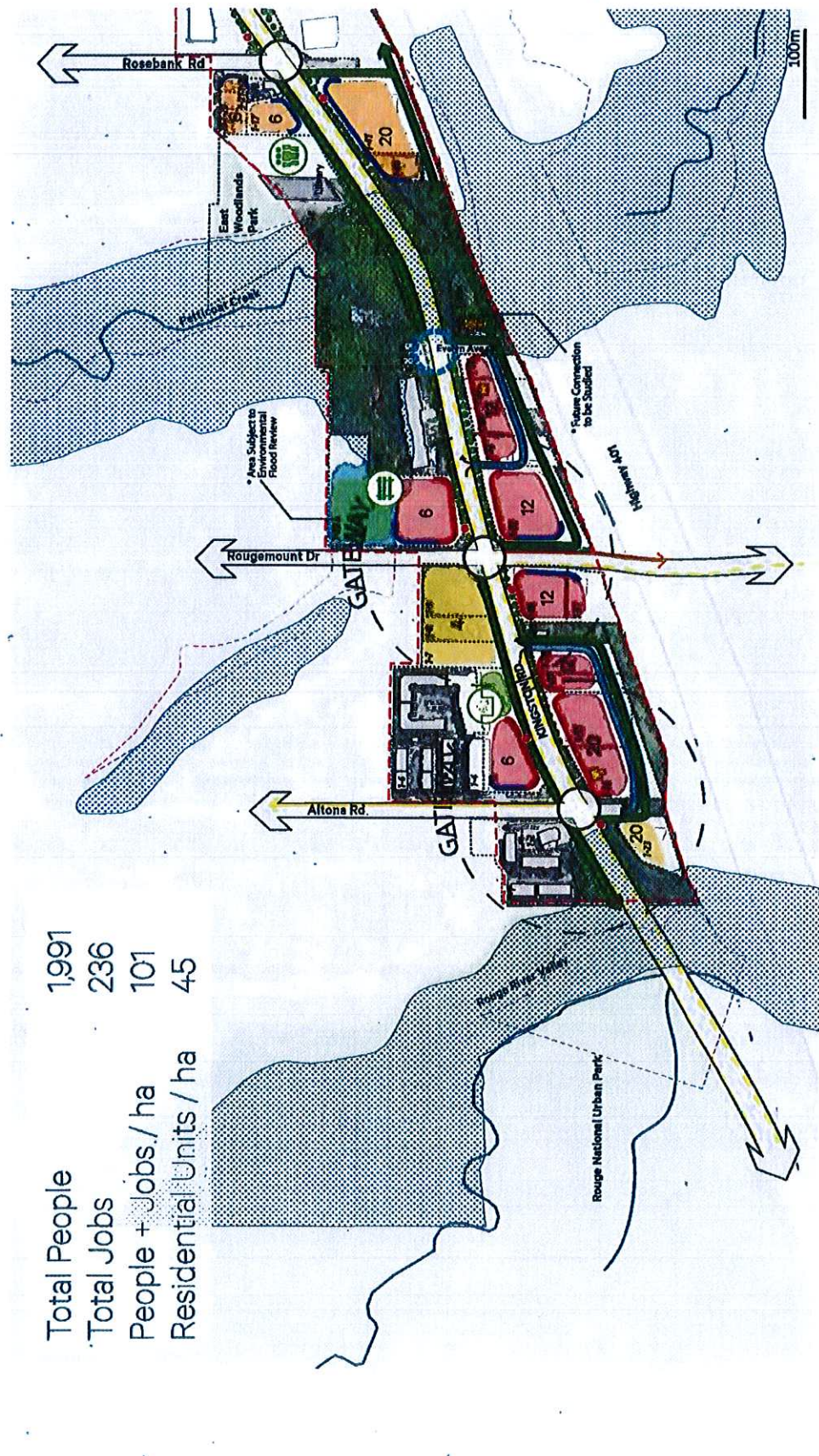


The Recommended Scenario concentrates a greater mix of uses around the intersections of Kingston Road and Rougemount Drive and Kingston Road and Altona Road, with Mixed Use Residential with retail on the ground level- proposed on those parcels in closest proximity to the two gateway intersections and the Rouge National Urban Park. This will maintain and reinforce the main street character of this stretch of Kingston Road and encourage movement between Rouge National Urban Park and the Rougemount Precinct. It also contains an overall greater level of density as represented through the notional maximum building heights, with the greatest levels of density located to the south of Kingston Road, away from the stable residential neighbourhoods to the north of the Study Area. The potential mix of uses and densities would result in a total of 1,991 residents and 236 jobs on potential redevelopment sites within this precinct, for a combined 101 people and jobs per hectare and 45 residential units per hectare.



# Rougemount - Recommended Intensification Scenario

Total People 1,991  
 Total Jobs 236  
 People + Jobs / ha 101  
 Residential Units / ha 45



<b>EXISTING</b>	<b>PROPOSED</b>	<b>CONNECTIVITY</b>	<b>PLACE MARKING</b>	<b>LAND USE / BUILT FORM</b>
<ul style="list-style-type: none"> <li>Study Area Boundary</li> <li>Valleys and Stream Corridors</li> <li>Regional Stormwater Flood Plain</li> <li>Existing Park</li> <li>Area Subject to Further Assessment</li> <li>Lot Lines</li> <li>Developable Lots</li> </ul>	<ul style="list-style-type: none"> <li>Existing Main Road</li> <li>Existing Road / Lanes</li> <li>Existing Cycling Network</li> <li>Planned Cycling Network</li> <li>GO Railway</li> <li>Future &amp; Planned Connection Subject to EA</li> <li>Buildings To Remain</li> <li>Properties of Heritage Significance</li> <li>Lot Identifier</li> <li>Existing Controlled Intersection</li> <li>Bus Stops</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Pedestrian Connection</li> <li>Proposed Public Road</li> <li>Proposed Private Road</li> <li>Proposed Cycling Network</li> <li>Potential Controlled Intersection Location Subject to further review</li> </ul>	<ul style="list-style-type: none"> <li>Primary Retail Frontage</li> <li>Secondary Frontage</li> <li>Potential Gateway</li> <li>Potential Community Facility</li> <li>Exploration Trail</li> <li>Proposed Access to Open Space and Trails</li> <li>Potential Urban Square</li> <li>Potential Green Space</li> <li>Potential Linear Park</li> <li>Potential Lookout</li> <li>Proposed Enhanced Boulevard</li> </ul>	<ul style="list-style-type: none"> <li>Mixed Use A - Residential / Retail / Office</li> <li>Mixed Use B - Residential / Retail</li> <li>Mixed Use C - Residential / Retail</li> <li>Residential</li> <li>Retail / Office</li> <li>Potential Long Lease</li> <li>Maximum Height (Storeys)</li> </ul>



## 4.2 The Recommended Intensification Scenario

### 4.2.2 Whites Precinct

#### Connectivity



The Whites Precinct is typified by relatively larger parcels with greater depths than those found in the Rougemount Precinct. As a result, a number of opportunities for new connections within and through these larger parcels are proposed, featuring strategies to provide consolidated access, internal routes of circulation, and additional frontage opportunities through new connections.

The Recommended Scenario features a mid-block public road connection south of Kingston Road with access points off Kingston Road at the eastern edge of Petticoat Creek and the intersection of Kingston Road and Steeple Hill Road. It also features a potential public road connection on the south side of Kingston Road, east of Whites Road with the access aligning with Delta Boulevard. This configuration would reduce the number of individual access points from Kingston Road while improving connectivity and additional access points within the block.

Lastly, rear private laneways are proposed on the north side of Kingston Road, west and east of Whites Road, with connections to Steeple Hill Road and Delta Boulevard respectively, connecting with Kingston Road at existing controlled intersections. These configurations improve connectivity between the properties on the north-side of Kingston Road, and reduces the number of individual access points on Kingston Road.

#### Place-Making



The combination of relatively larger parcels and the intersection of two planned Transit Spines (as per the City of Pickering Official Plan) on Kingston Road and Whites Road set the framework for accommodating a generally higher density of mixed uses within the Whites Precinct. To support the future residential and employment population that would result from this higher density, and to provide moments of respite within this intensified cluster, the Recommended Scenario proposes the distribution of open spaces that vary in size and function to ensure ease of access to open spaces.

In addition, a linear open space connection is provided from the existing school site to the north of the precinct and Kingston Road to provide a safe pedestrian link to the existing controlled intersection at Steeple Hill Road and Kingston Road, and to future developments south of Kingston Road.

In terms of primary and secondary street frontages, the Whites Precinct generally concentrates primary retail frontages within close proximity to the major intersection at Kingston Road and Whites Road, with secondary frontages on Kingston Road at the western and eastern limits of the Precinct. This recommendation allows for a more compact connection of activity in an area that is likely to feature tighter foot traffic as a result of the proposed uses and densities.

#### Land Use/ Built Form

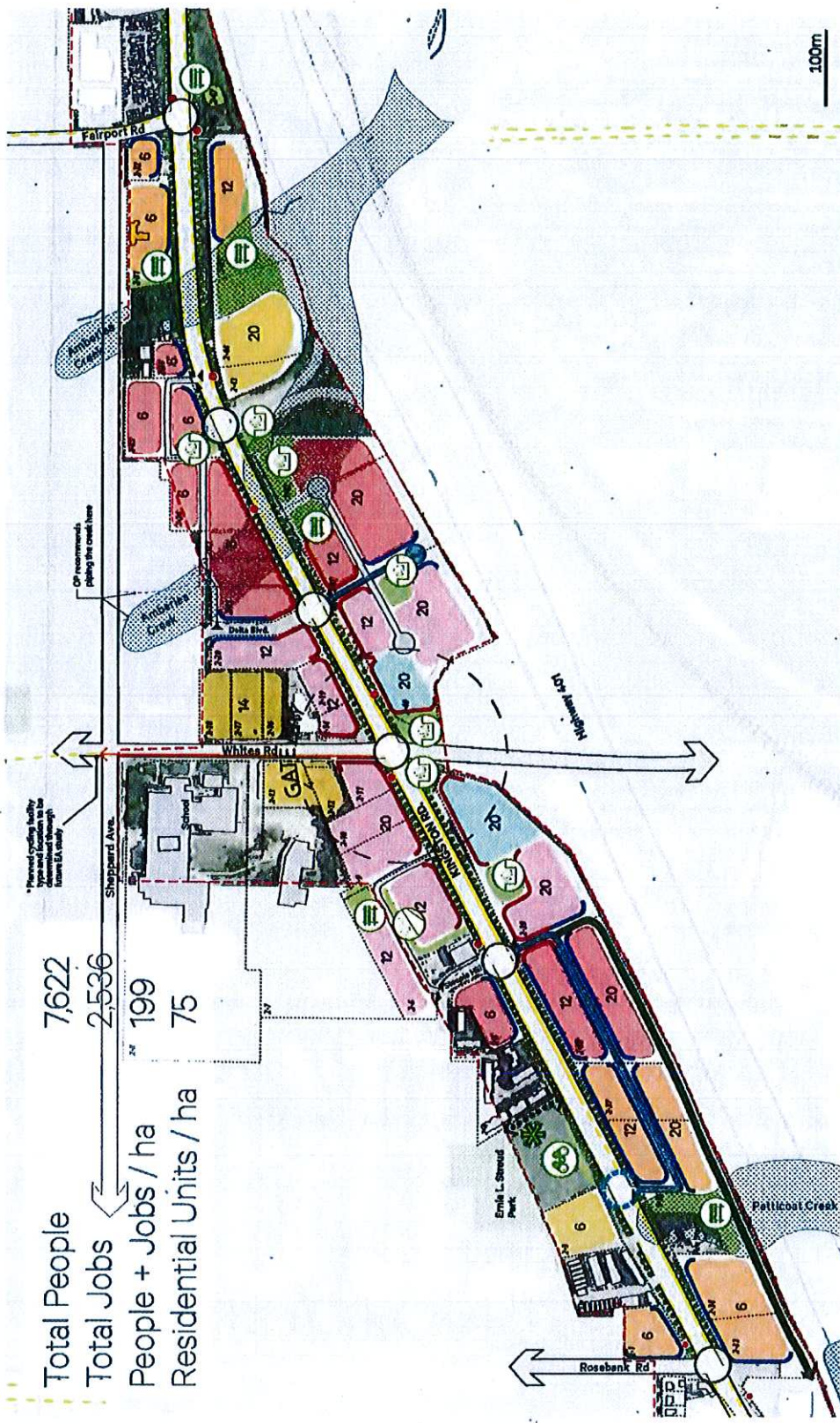


The distribution of higher densities and higher intensities of uses in the Preferred Scenario are intertwined in the Whites District. The greatest densities expressed through the notional maximum heights are clustered in close proximity to the intersection of Kingston Road and Whites Road, with additional concentrations within the southern portions of the parcels to the south of Kingston Road, extending east and west of the central cluster at Kingston Road and Whites Road. Similarly, the greatest mix of uses are located within proximity of this major intersection, with provisions for higher density employment uses in the form of Mixed Use A areas (a combination of residential, retail and office uses in mixed use buildings, or in separate buildings on mixed use sites) and office/retail uses. The identification of retail/office uses at this major intersection stems from the convergence of two rapid transit corridors, creating greater opportunities for local jobs and a stronger live-work balance.

The potential mix of uses and densities results in a total of 7,622 residents and 2,536 jobs on potential redevelopment sites within this precinct, for a combined 199 people and jobs per hectare and 75 residential units per hectare. In terms of the projected growth for all the precincts within the study area, the White Precinct would be the second highest contributor.



# Whites - Recommended Intensification Scenario



Total People 7,622  
 Total Jobs 2,536  
 People + Jobs / ha 199  
 Residential Units / ha 75

- |   |   |   |   |  |   |
|---|---|---|---|--|---|
| <b>EXISTING</b><br>Study Area Boundary<br>Valleys and Stream Corridors<br>Regional Stormwater Flood Plain<br>Existing Park<br>Area Subject to Further Assessment<br>Lot Lines<br>Developable Lots | Existing Main Road<br>Existing Road / Lanes<br>Existing Cycling Network<br>Planned Cycling Network<br>Area Subject to Further Assessment<br>GO Railway<br>Future E Planned Connection Subject to EA | Buildings To Remain<br>Properties of Heritage Significance<br>Lot Identifier<br>Existing Controlled Intersection<br>Bus Stops | <b>PROPOSED</b><br><b>CONNECTIVITY</b><br>Proposed Pedestrian Connection<br>Proposed Public Road<br>Proposed Private Road<br>Proposed Cycling Network<br>Potential Controlled Intersection Location Subject to further review | <b>PLACE MAKING</b><br>Primary Retail Frontage<br>Secondary Frontage<br>Potential Gateway<br>Potential Community Facility<br>Exploration Trail<br>Proposed Access to Open Space and Trails | <b>LAND USE / BUILT FORM</b><br>Mixed Use A - Residential / Retail / Office<br>Mixed Use B - Residential / Retail<br>Mixed Use C - Residential / Retail<br>Residential<br>Retail / Office<br>Potential Long Lease<br>Maximum Height (Storeys) |
|---|---|---|---|--|---|



## 4.2 The Recommended Intensification Scenario

### 4.2.3 Dunbarton / Liverpool Precinct

#### Connectivity



The Dunbarton/Liverpool Precinct is typified by relatively large parcels with even greater depths than those found in the Whites Precinct. As a result, opportunities for new connections within and through these larger parcels are proposed, featuring a strategy to provide consolidated access, internal multi-modal routes of circulation and additional frontage opportunities through new connections. In addition, it introduces a new internal public road running parallel to Kingston Road, connecting Walnut Lane to Dixie Road. It is intended to create a more pedestrian friendly east-west connection, and opportunities for potential redevelopment with active frontages through the core of the Precinct. The Recommended Scenario also incorporates the planned extension of Walnut Lane across Pine Creek, of which the exact alignment is to be determined through a municipal class environmental assessment. All proposed public roads within the Dunbarton/Liverpool Precinct are encouraged to be multi-modal.

#### Place-Making



The combination of relatively larger parcels, that are not closely located to existing residential development, set the framework for accommodating a generally higher density of mixed uses south of Kingston Road and east of Dixie Road. To support the future residential and employment population within this precinct, that would result from this higher density and to provide moments of respite within this intensified cluster, the Recommended Scenario contemplates a collection of open spaces that vary in size and function. They are distributed along the proposed internal road running east-west parallel to Kingston Road, and at the precinct gateway at the intersection of Kingston Road and Dixie Road. The open spaces internal to the precinct were seen as having the potential to act as multi-use spaces for events or weekend farmers markets.

A large potential green space is proposed at Fairport Road and Kingston Road as a result of the limited redevelopment potential of the property due to underground utilities running east west across its southern portion.

In terms of primary retail frontages, the Recommended Scenario focuses these internally along the new east west public road and Walnut Lane, creating opportunity for more active uses at grade that would contribute to a more vibrant public realm within the centre of the precinct.

#### Land Use / Built Form



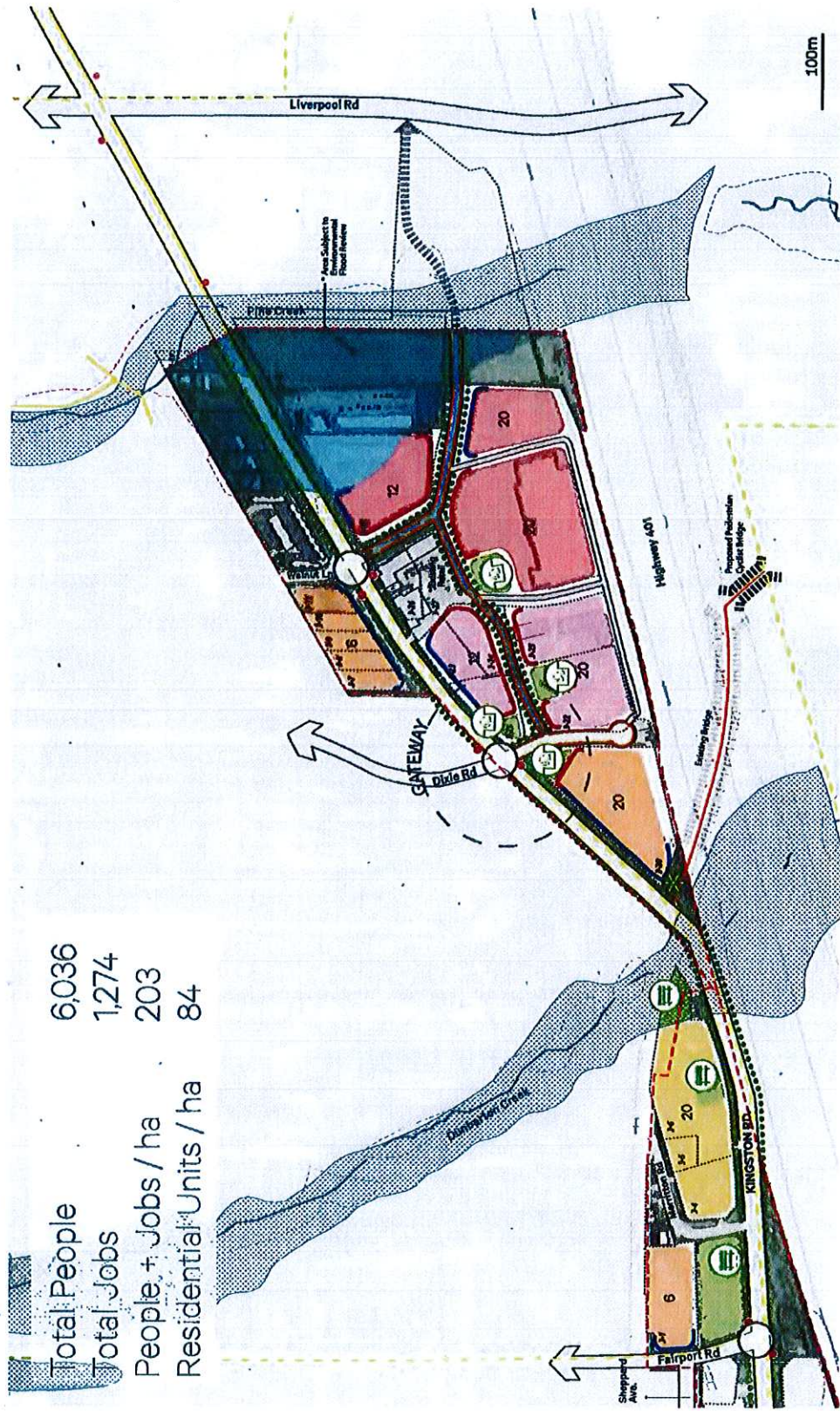
The greatest densities expressed through the notional maximum heights are clustered in close proximity to the intersection of Kingston Road and Dixie Road along the highway 401 edge, with additional concentrations between Merritton Road and Dunbarton Creek. Medium building heights (up to a notional height of 12 storeys) are located on the southern portions of Kingston Road between Dixie Road and Walnut Lane, creating a gradual transition between the established residential neighbourhoods to the north and the southern portions of the precinct.

The greatest mix of uses are located within proximity of the potential gateway at the Kingston Road and Dixie Road intersection, including higher density employment uses in the form of Mixed Use A-residential/ retail/ office uses. The potential mix of uses and densities results in a total of 6,036 residents and 1,274 jobs on potential redevelopment sites within this precinct, for a combined 203 people and jobs per hectare and 84 residential units per hectare.



# Dunbarton/Liverpool - Recommended Intensification Scenario

Total People 6,036  
 Total Jobs 1,274  
 People + Jobs / ha 203  
 Residential Units / ha 84



<b>EXISTING</b> Study Area Boundary Valleys/lands and Stream Corridors Regional Stormwater Flood Plain Existing Park Area Subject to Further Assessment Lot Lines Developable Lots	Existing Main Road Existing Road / Lanesways Existing Cycling Network Planned Cycling Network GO Railway Future & Planned Connection Subject to EA	Buildings To Remain Properties of Heritage Significance Lot Identifier Existing Controlled Intersection Bus Stops	<b>CONNECTIVITY</b> Proposed Pedestrian Connection Proposed Public Road Proposed Private Road Proposed Cycling Network Potential Controlled Intersection Location Subject to further review	<b>PLACE MAKING</b> Primary Retail Frontage Secondary Frontage Potential Gateway Potential Community Facility Exploration Trail Proposed Access to Open Space and Trails	<b>POTENTIAL</b> Potential Urban Square Potential Green Space Potential Linear Park Potential Linear Lookout Proposed Enhanced Boulevard	<b>LAND USE / BUILT FORM</b> Mixed Use A - Residential / Retail / Office Mixed Use B - Residential / Retail Mixed Use C - Residential / Retail Residential Retail / Office Potential Long Lease Medium Height (Storeys)
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## 4.2 The Recommended Intensification Scenario

### 4.2.4 Brock Precinct

#### Connectivity



The Brock Precinct is typified by a mixture in size of parcels along Kingston Road and very large parcels off Pickering Parkway and Brock Road. There are three main landowners within the Specialty Retailing Node Area, and as a result, a number of opportunities for new connections and public roads within and through these very large parcels are proposed. These feature strategies to provide better access, more internal routes of circulation and multi-modal routes, and additional street frontage and activity hub opportunities through new connections.

The Recommended Scenario features a public loop road passing through the existing mid-block intersection east of the Brock Road on Pickering Parkway, extending northwards to connect to Bainbridge Drive on the eastern edge of the node, then back down to Pickering Parkway, from where it extends further south to loop back to the existing mid-block intersection on Pickering Parkway. The proposed public loop road would become a "precinct collector", forming the back-bone of a more strongly defined internal road network and improving walkability through the node.

A new controlled intersection is proposed where the loop meets Pickering Parkway at the eastern edge of the study area, to improve traffic access and safety. Two additional controlled intersections, which could take the form of stop signs or roundabouts with cross-walks, are located in the northern area of the

precinct, allowing for pedestrians to make their way from Kingston Road via a pedestrian connection and following the internal street network all the way to the southernmost lots along Highway 401.

#### Place-Making



To support the future residential and employment population that would result from the higher density proposed in the Recommended Scenario, and to provide moments of respite, larger areas of open space are contemplated to ensure a sufficient amount of open space for the increased resident population. In addition, a series of linear open spaces, acting as connectors between larger open spaces, were envisioned. One such linear park connects pedestrians from Brock Street to the new internal public park and to Beechlawn Park, located immediately east of the node. Furthermore, a potential community facility is envisioned in close proximity to this chain of open spaces. South of Pickering Parkway open spaces are organized along the main public road as places of respite from the retail activity, and to further the vision for a more sustainable "greener" community.

In terms of primary and secondary frontages, Brock Precinct includes two distinct areas, with the first concentrating primary frontages within close proximity to Kingston Road, and the second concentrating these along the public loop road running south of Pickering Parkway.

Brock precinct features two gateways: one is located at Kingston Road and Brock Road, serving as an eastern gateway to the Kingston Corridor, while the other is located at Brock Road and Pickering Parkway, taking on the role of a localized gateway into the precinct and its related hubs.

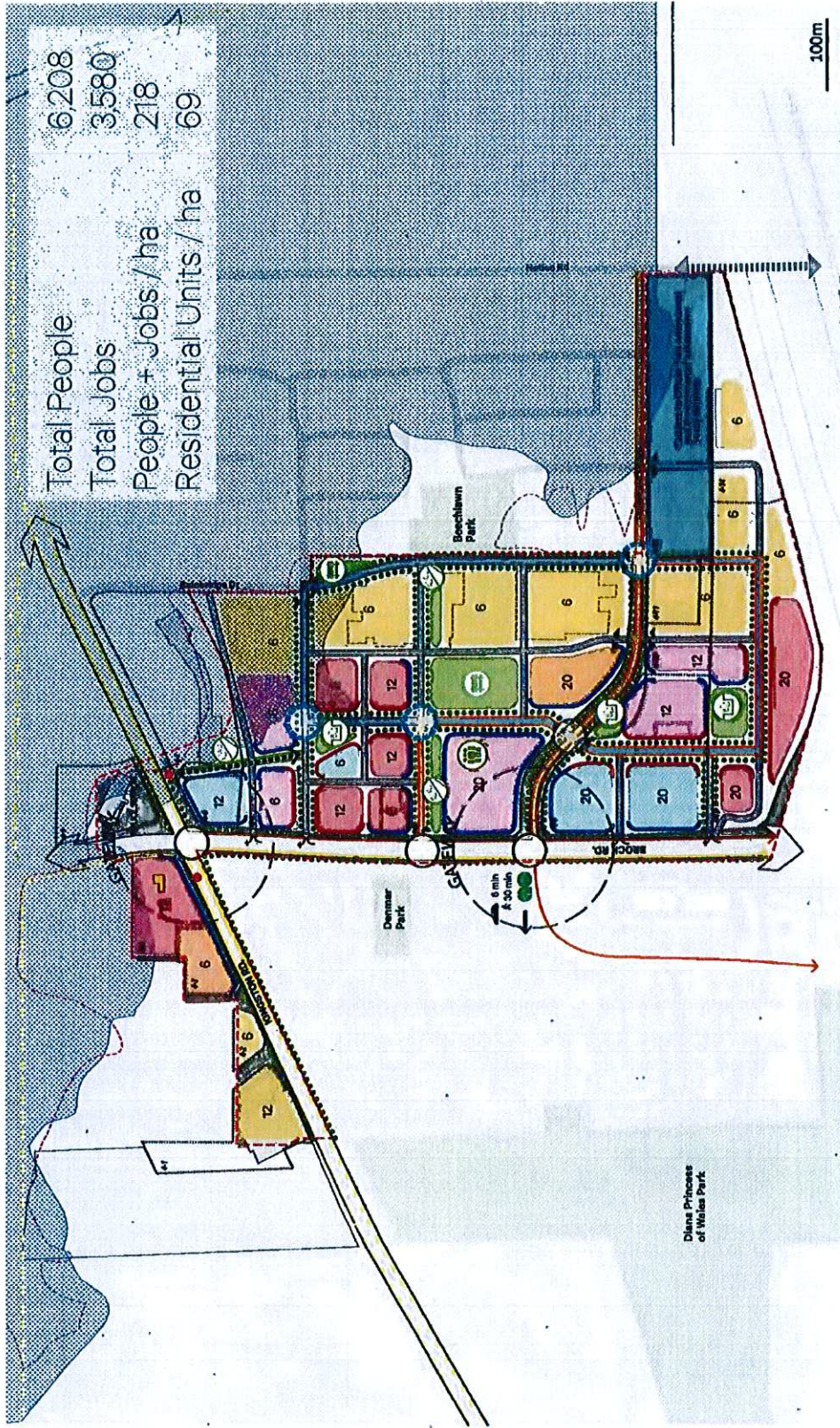
#### Land Use/ Built Form



The greatest densities expressed through the notional maximum heights are clustered in close proximity to the intersection of Brock Road and Pickering Parkway, with additional concentrations within the southern portions near highway 401. The greatest mix of uses are located within proximity of the Kingston Road and Brock Road intersection, encouraging the development of office uses in proximity to higher order transit. A secondary office hub is located near the Brock Road and Pickering Parkway intersection, to take advantage of the easy access from/to highway 401 and Pickering GO and to create greater opportunities for local jobs and a stronger live-work balance. In terms of the projected growth for all the precincts within the study area, the Brock Precinct would be the highest contributor. The potential mix of uses and densities results in a total of 6,208 residents and 3,580 jobs on potential redevelopment sites within this precinct, for a combined 218 people and jobs per hectare and 69 residential units per hectare.



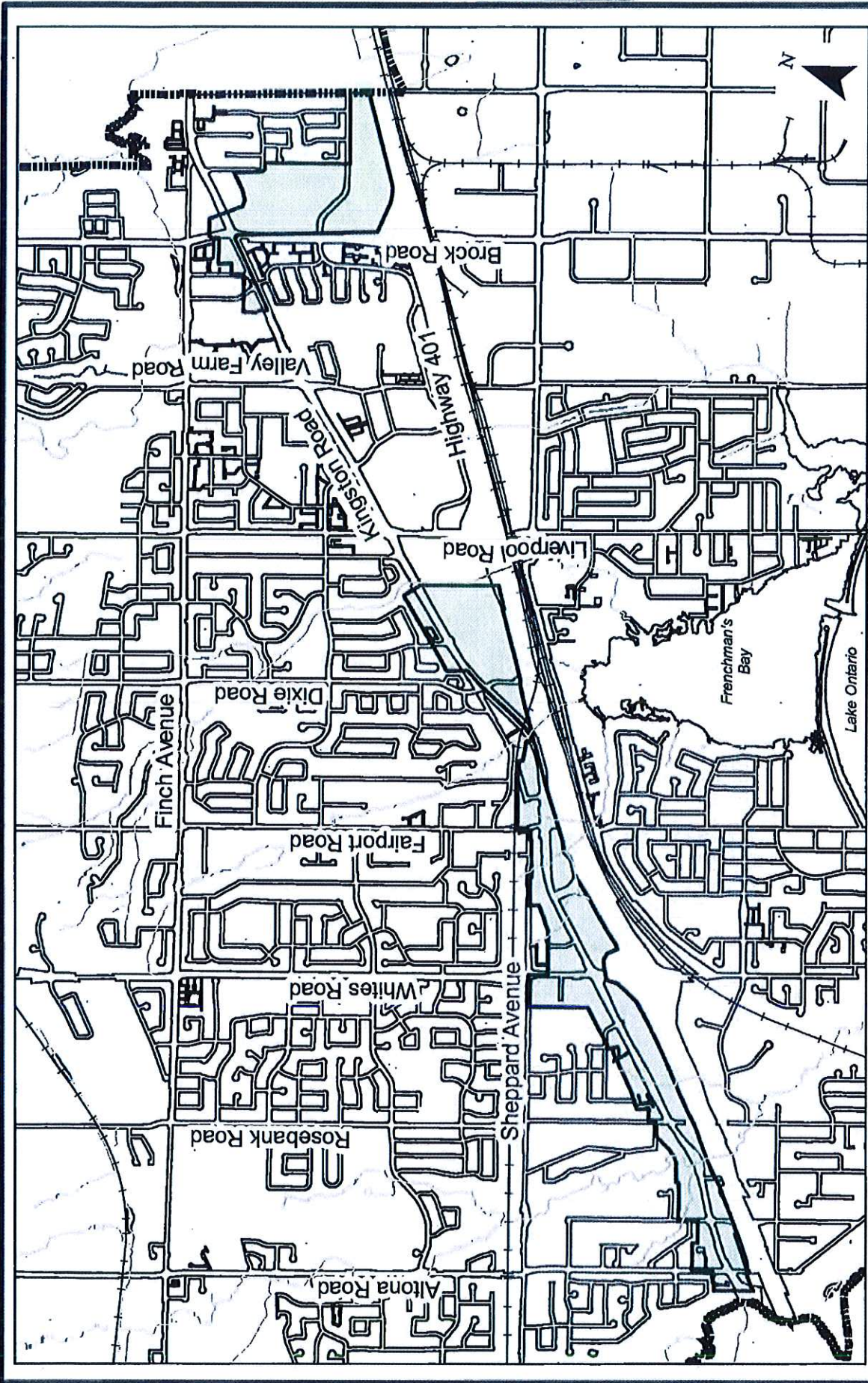
# Brock - Recommended Intensification Scenario



Total People 6,208  
 Total Jobs 3,580  
 People + Jobs/ha 218  
 Residential Units/ha 69

- |  |   |  |  |   |   |  |
|--|---|--|--|---|---|--|
| <b>EXISTING</b><br><ul style="list-style-type: none"> <li> Study Area Boundary</li> <li> Valleys and Stream Corridors</li> <li> Regional Stormwater Flood Plain</li> <li> Existing Park</li> <li> Area Subject to Further Assessment</li> <li> Lot Lines</li> <li> Developable Lots</li> </ul> | <ul style="list-style-type: none"> <li> Existing Main Road</li> <li> Existing Road / Lanes</li> <li> Existing Cycling Network</li> <li> Planned Cycling Network</li> <li> GO Railway</li> <li> Future &amp; Planned Connection Subject to EA</li> </ul> | <ul style="list-style-type: none"> <li> Buildings To Remain</li> <li> Properties of Heritage Significance</li> <li> Lot Identifier</li> <li> Existing Controlled Intersection</li> <li> Bus Stops</li> </ul> | <b>PROPOSED</b><br><b>CONNECTIVITY</b><br><ul style="list-style-type: none"> <li> Proposed Pedestrian Connection</li> <li> Proposed Public Road</li> <li> Proposed Private Road</li> <li> Proposed Cycling Network</li> <li> Potential Controlled Intersection Location Subject to further review</li> </ul> | <b>PLACE MARKING</b><br><ul style="list-style-type: none"> <li> Primary Retail Frontage</li> <li> Secondary Frontage</li> <li> Potential Gateway</li> <li> Potential Community Facility</li> <li> Exploration Trail</li> <li> Proposed Access to Open Space and Trails</li> </ul> | <ul style="list-style-type: none"> <li> Potential Urban Square</li> <li> Potential Green Space</li> <li> Potential Linear Park</li> <li> Potential Lookout</li> <li> Proposed Enhanced Boardwalk</li> </ul> | <b>LAND USE / BUILT FORM</b><br><ul style="list-style-type: none"> <li> Mixed Use A - Residential / Retail / Office</li> <li> Mixed Use B - Residential / Retail</li> <li> Mixed Use C - Residential / Retail</li> <li> Residential</li> <li> Retail / Office</li> <li> Potential Long Lease</li> <li> Maximum Height (Storeys)</li> </ul> |
|--|---|--|--|---|---|--|





**Location Map**

File: D-2000-016

 Kingston Corridor & Specialty Retailing Node Intensification Study Area

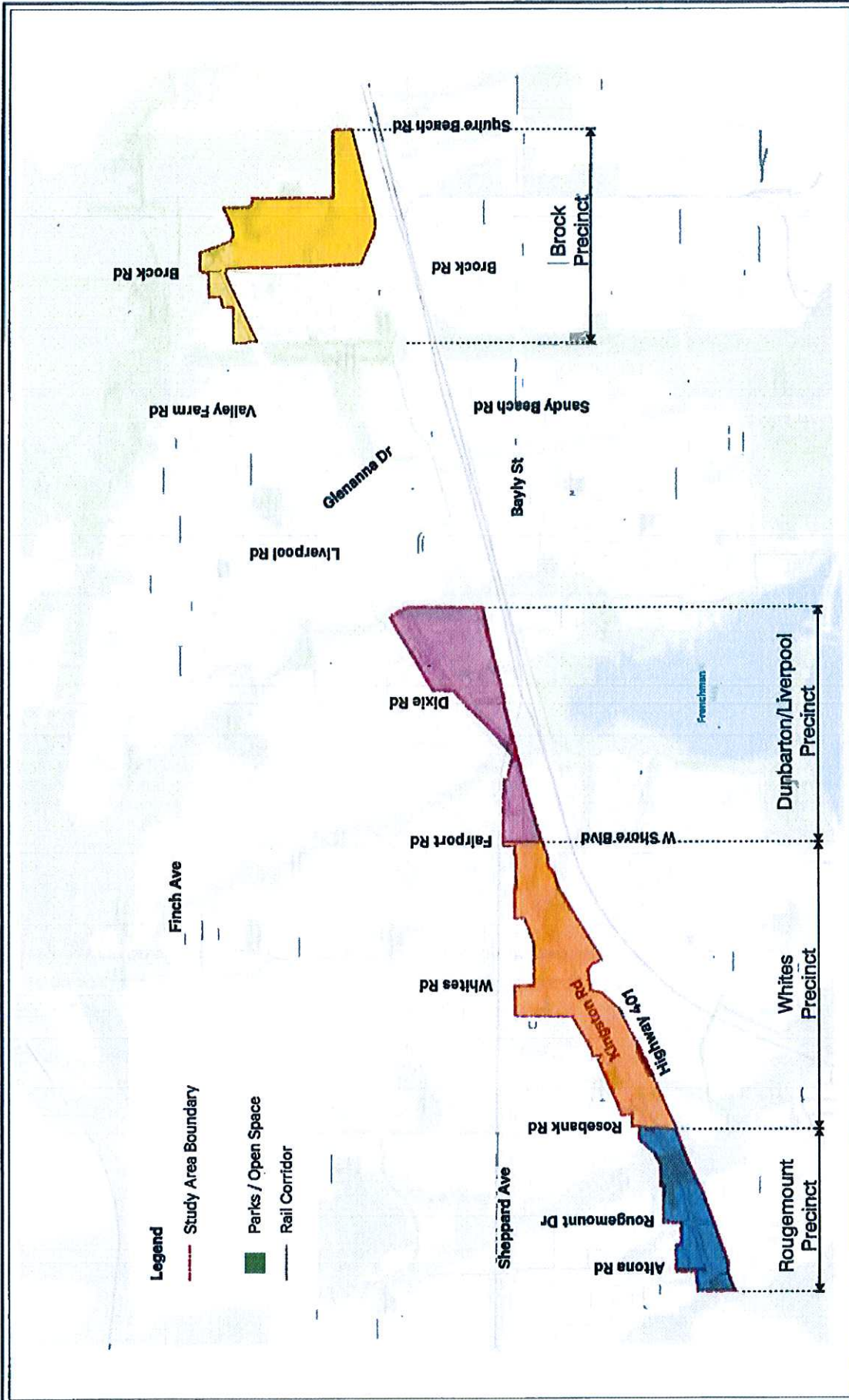
Date: Apr. 01, 2019

SCALE: 1:30,000  
 THIS IS NOT A PLAN OF SURVEY.

*City of*  
**PICKERING**  
 City Development  
 Department

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**Kingston Road Corridor & Speciality Retailing Node Study Area Precincts**

File No: D-2000-016

City of  
**PICKERING**

City Development  
 Department

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING  
 CITY DEVELOPMENT DEPARTMENT.

DATE: Mar. 27, 2019



# 1.0 Executive Summary



### Study Purpose and Process

The Kingston Road Corridor and Specialty Retailing Node Intensification Study (the Study) has examined opportunities for intensification and supporting connections and public amenities within the approximately 152 hectare Study Area centred on Kingston Road and within the Specialty Retailing Node. It will result in urban design guidelines and recommendations that will be used to update City of Pickering Official Plan policies and zoning within the corridor and node.

The need to explore intensification opportunities within the corridor and node was identified through the South Pickering Intensification Study and the city-wide Growth Management Program. These "parent" studies have been undertaken to implement the strategic growth area objectives of the Provincial Growth Plan and the corridor objectives of the Durham Regional Official Plan within the South Pickering Urban Area, of which the corridor and node are a core component.

The Study Area has been divided into four study area segments of precincts. These include the Rougemount Precinct, Whites Precinct, Dunbarton/Liverpool Precinct, and Brock Precinct.

The Study is guided by a number of strategic goals that have been identified by the City of Pickering. These strategic goals speak to coordinating and complementing intensification with a broad array of city-building outcomes, including placemaking, community health, sustainability, economic development, housing choice, connectivity, infrastructure optimization and natural heritage restoration. The strategic goals are broadly consistent with the planning policy framework contained within the Provincial Growth Plan, the Durham Regional Official Plan and the City of Pickering Official Plan.

The Study is being undertaken in a three-phase process taking place over a 2 year period from November 2017 to November 2019. The three phases of the Study include Phase 1: Develop a Vision, Phase 2: Develop a Recommended Scenario, and Phase 3: Recommended Design.

Phase 1 of the Study involved undertaking a review of existing conditions, an analysis of issues and opportunities, and the development of a vision and associated goals and objectives. The vision, goals and objectives will be used as the basis for developing and assessing alternative intensification scenarios in Phase 2 and the Recommended design in Phase 3, ultimately producing a planning

framework to redevelop and intensify the Corridor and the Node. Phase 1 concluded with the release of the Background Report on July 31, 2018.

This Recommended Intensification Scenario report summarizes the results of Phase 2. Further details regarding the study purpose and process are available in section 2 of this report.

### Developing Alternative Scenarios

The development of Alternative Intensification Scenarios involved four inputs. The first input was Phase 1 of the Study which included the draft recommended vision, goals and objectives. These foundational elements were used to provide a framework for modelling change and growth within the four precincts, providing direction on how connectivity, place making, and land use and built form interventions should be contemplated in the Alternative Intensification Scenarios. The vision, goals and objectives were also used to guide the different arrangements of these elements, to ultimately test if and how these foundational elements could be achieved in one or more configurations.



The second input was a series of key assumptions that set consistent parameters that would hold across all of the Alternative Intensification Scenarios. These key assumptions were grouped into four categories that were informed by the existing conditions review and issues and opportunities analysis: overall growth, natural environment, transportation, and land use / built form.

The third input was the identification of sites with redevelopment potential. These are sites that generally are under performing relative to the draft recommended vision, goals and objectives for the corridor and node. They were identified as such based on a site-by-site analysis that applied a series of criteria related to existing use / built form, site dimensions, site location, and development interest.

The fourth and final input into the development of the Alternative Intensification Scenarios was feedback from key public agencies, and comments from members of the public provided at a Community Workshop. At this workshop, participants were asked to identify different ways that connectivity, place making, and land use / built form could be improved within each of the four precincts. Further details regarding the Community Workshop are available in Section A.4 of this Report.

### Review of Alternative Scenarios

Drawing on the high-level guidance of the vision, goals and objectives and the key assumptions, the base layer of potential redevelopment sites, and feedback provided by members of the public, two Alternative Intensification Scenarios (A and B) were developed for each precinct, with each scenario featuring slightly different arrangements of connectivity, place making, and land use / built form interventions.

These Alternative Intensification Scenarios allowed for the testing of different configurations of public and private streets, different sizes and distributions of parks and open space, different mixes of uses, and different distributions of height and density. The Alternative Intensification Scenarios were assessed using an evaluation framework that contained criteria derived from the study goals and objectives.

In each precinct, the Alternative Intensification Scenario that better performed was carried forward for further refinement. Collectively, these better performing scenarios constituted the emerging Preferred Intensification Scenario for the corridor and node as a whole. This emerging Preferred Intensification Scenario was then further revised following feedback from City of

Pickering stakeholders, the Public Agency Advisory Committee, and members of the public. Through this process of revision, in some cases a better performing precinct scenario adopted elements of the lesser performing precinct scenario, essentially becoming a hybrid of the two alternatives for that precinct. In other cases, further revisions were made that were not contemplated by either of the alternative scenarios.

As a result of the above-mentioned consultation, a Recommended Intensification Scenario was developed along with a slightly refined vision to better reflect the outcomes of the consultation input and analysis undertaken in Phase 2. The Recommended Intensification Scenario is further detailed in Section 4 of this report.



### The Recommended Intensification Scenario

Based on the overall assessment of the Alternative Intensification Scenarios, Alternative A generally performed better and was selected as a base to develop a Preferred Intensification Scenario for the whole of the corridor and node. Feedback provided by members of the public, the Technical Working Group (TWG) and the Public Agency Advisory Forum (PAAF) helped inform the preparation of the Preferred Scenario and its refinement into the Recommended Intensification Scenario.

The draft vision for the corridor and node was also revisited based on feedback received in Phase 2. It was slightly refined to better reflect both this feedback and to strengthen certain components that were tested and augmented through the development of the alternatives and preparation of the Recommended Intensification Scenario.

Further details and the Recommended Intensification Scenario are available in Section 4 of this report.

### Next Steps

In Phase 3 of the study, the Recommended Intensification Scenario will form the basis for preparing an Intensification Plan and Urban Design Guidelines. The Intensification Plan will consist of the following components;

- A Land Use Framework
- Built form and Streetscape Principles and Objectives
- Transportation / Mobility
- Public Open Spaces and Natural
- Infrastructure
- Implementation

The Urban Design Guidelines will further articulate the design vision for the Intensification Plan, emphasizing place making and sustainability through guidelines regarding:

- Built Form
- Public Realm
- Mobility

Further consultation will be undertaken in Phase 3 on the draft Intensification Plan and draft Urban Design Guidelines with the TWG, PAAF and members of the public. Further detail regarding next steps are available in section 5 of this report.

# Recommended Intensification Scenario

## EXISTING

- Study Area Boundary
- Valleys/lands and Stream Corridors
- Regional Stormwater Flood Plain
- Existing Park
- Area Subject to Further Assessment
- Lot Lines
- Developable Lots
- Existing Main Road
- Existing Road / Lanesways
- Existing Cycling Network
- Planned Cycling Network
- GO Railway
- Future & Planned Connection Subject to EA

- Buildings To Remain
- Properties of Heritage Significance
- Lot Identifier
- Existing Controlled Intersection
- Bus Stops

## PROPOSED

- Proposed Pedestrian Connection
- Proposed Public Road
- Proposed Private Road
- Proposed Cycling Network
- Potential Controlled Intersection Location Subject to further review

## PLACE MAKING

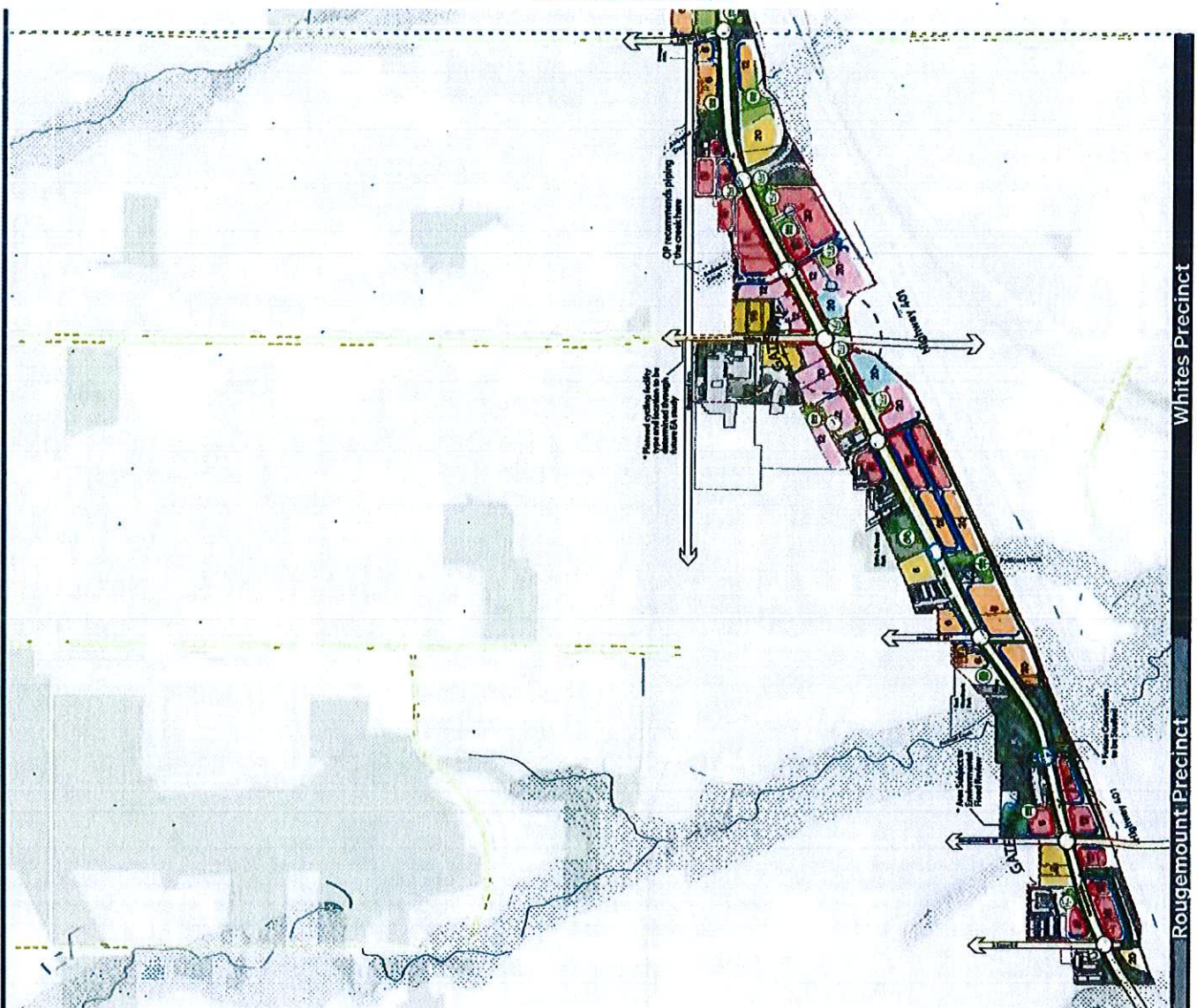
- Potential Urban Square
- Potential Green Space
- Potential Linear Park
- Potential Lookout
- Proposed Enhanced Boulevard
- Exploration Trail
- Proposed Access to Open Environment

## LAND USE / BUILT FORM

- Mixed Use A - Residential / Retail / Office
- Mixed Use B - Residential / Retail
- Mixed Use C - Residential / Retail
- Residential
- Retail / Office
- Potential Long Lease
- Minimum Height (Storeys)



**Figure 1** Recommended Intensification Scenario Study Area Wide Plan



Whites Precinct  
 Rougemount Precinct





Brock Precinct

Dunbarton/Liverpool Precinct





**Town of Whitby  
Office of the Town Clerk**

575 Rossland Road East, Whitby, ON L1N 2M8  
www.whitby.ca

May 30, 2019

Honourable Marc Garneau  
Federal Minister of Transportation  
[marc.garneau@parl.gc.ca](mailto:marc.garneau@parl.gc.ca)

Re: Pickering Airport

Please be advised that at a meeting held over the course of May 27 and May 28, 2019 the Council of the Town of Whitby adopted the following as Resolution #170-19:

Whereas airports are valuable economic drivers in the development of business, communities, and the infrastructure around them;

Whereas it is anticipated that the results of the forthcoming Federal "Pickering Lands Aviation Sector Analysis" will be positive;

Whereas the federal government has set aside approximately 8,700 acres of land in the City of Pickering to accommodate a future airport and other possible economic development uses ("the Airport Lands");

Whereas the Airport Lands are located in north-central Pickering adjacent to their Innovation Corridor, about 55 km east of Toronto Pearson International Airport within an integrated transportation network;

Whereas the aerospace industry (the fifth largest employer in Canada) has a membership struggling for land and space to expand business operations in close proximity to Toronto Pearson;

Whereas a second airport would create tens of thousands of high-quality jobs for residents of Durham Region, and attract spinoff businesses and indirect jobs;

Whereas a portion of the Airport Lands could be retained for economic development uses, including transportation/logistic facilities, high-tech enterprises and agriculture, such as year-round indoor farming; and,

Whereas the development of the Airport Lands is key to building a prosperous future not just for Durham Region, but for the entire Greater Toronto Area;

Now Therefore be it Resolved:

1. That the Government of Canada be advised that the Town of Whitby supports the development of an airport in the City of Pickering in principle, based on an approved business case presented by the federal government;



2. That upon completion, the Federal Minister of Transportation share the Pickering Lands Aviation Sector Analysis with all Durham Region municipalities; and,
3. That a copy of this resolution be forwarded to the Federal Minister of Transportation, Durham MPs, the Premier of Ontario, Durham MPPs, all Durham Region municipalities, all Durham Region Boards of Trade and Chambers of Commerce, and the Toronto Region Board of Trade.

Should you require further information, please do not hesitate to contact the Office of the Town Clerk at 905-430-4315.



Kevin Narraway  
Manager, Legislative Services/Deputy Clerk

Copy:

Honourable Doug Ford  
Premier of Ontario  
[doug.ford@pc.ola.org](mailto:doug.ford@pc.ola.org)

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Lindsey Park M.P.P. (Durham)  
[lindsey.park@pc.ola.org](mailto:lindsey.park@pc.ola.org)

Honourable Rod Phillips M.P.P. (Ajax)  
Minister of the Environment, Conservation and Parks  
[rod.phillips@pc.ola.org](mailto:rod.phillips@pc.ola.org)

Durham Region – [clerks@durham.ca](mailto:clerks@durham.ca)

Ajax – [alexander.harras@ajax.ca](mailto:alexander.harras@ajax.ca)

Brock – [bjamieson@townshipofbrock.ca](mailto:bjamieson@townshipofbrock.ca)

Clarington – [clerks@clarington.net](mailto:clerks@clarington.net)

Oshawa – [clerks@oshawa.ca](mailto:clerks@oshawa.ca)

Pickering – [clerks@pickering.ca](mailto:clerks@pickering.ca)

Scugog – [jnewman@scugog.ca](mailto:jnewman@scugog.ca)

Uxbridge – [dleroux@town.uxbridge.on.ca](mailto:dleroux@town.uxbridge.on.ca)

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3-144 Old Kingston Rd, Ajax, ON L1T 2Z9

Brock Board of Trade  
397 Simcoe Street, Box 29 Beaverton, ON L0K 1A0

Clarington Board of Trade  
102-54 King St E, Bowmanville, ON L1C 1N3

Greater Oshawa Chamber of Commerce  
44 Richmond St W, Oshawa, ON L1G 1C7

Scugog Chamber of Commerce  
84 Water Street Port Perry, ON L9L 1A0

Whitby Chamber of Commerce  
209 Dundas St E LL5, Whitby, ON L1N 7H8

Toronto Region Board of Trade  
77 Adelaide Street West, Toronto, ON M5X 1C1





**Town of Whitby**  
**Office of the Town Clerk**  
575 Rossland Road East, Whitby, ON L1N 2M8  
www.whitby.ca

C.S. - LEGISLATIVE SERVICES

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Take Appr. Action

May 30, 2019

Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
[steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)

Re: Office of the Chief Administrative Officer Report, CAO 19-19  
Bill 108, More Homes, More Choice Act, 2019

Please be advised that at a meeting held over the course of May 27 and May 28, 2019 the Council of the Town of Whitby adopted the following as Resolution #185-19:

1. That the Town of Whitby oppose Bill 108 which in its current state will have negative consequences on community building and proper planning;
2. That regarding Bill 108, the Council of The Corporation of the Town of Whitby respectfully requests that the Province:
  - a. extend the June 1, 2019 deadline for comments on Bill 108 in order to provide additional time for municipalities to better understand and comment on the proposed legislation;
  - b. consult with municipalities and related associations for a reasonable period to make informed decisions prior to releasing any draft regulations;
  - c. enshrine revenue neutrality in the proposed legislation in order to protect taxpayers in growing municipalities and avoid funding shortfalls that would create reliance on debt and property taxes in order to ensure that growth pays for growth;
  - d. address the need for funding of community infrastructure, including parkland and other soft services, that is required to support complete communities and good planning;
  - e. consider the expansion of library reference material resulting from growth remaining an eligible service;
  - f. target any financial incentives to rental and affordable housing only;
  - g. limit the freezing of development rates triggered by any action to a maximum of two years;
  - h. consider any calculation of rates under a new regime to be based on a connection with the costs of providing the service;
  - i. permit any outstanding development charge payable including interest as a result of instalments to be registered against the land to which it applies;
  - j. provide for existing Development Charge By-laws to remain in effect until expiry or development of the new Community Benefit Charge rate;

- k. retain the existing grounds for appeals of zoning by-laws and official plan amendments, or incorporate other legislative measures that would provide for a restricted standard of review by the LPAT, rather than simply reverting to de novo hearings; and,
3. That the Clerk be directed to send a copy of this resolution and Report CAO 19-19 to the Premier, Minister of Municipal Affairs and Housing, Minister of Finance, Minister of the Environment, Conservation and Parks, Lorne Coe M.P.P., AMO, and Durham Area Municipalities.

Should you require further information, please do not hesitate to contact the Office of the Town Clerk at 905-430-4315.



Kevin Narraway  
Manager, Legislative Services/Deputy Clerk

Copy:

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Premier of Ontario  
[doug.ford@pc.ola.org](mailto:doug.ford@pc.ola.org)

Honourable Vic Fedeli  
Minister of Finance  
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Honourable Rod Phillips  
Minister of the Environment, Conservation and Parks  
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Attach. CAO 19-19





# Town of Whitby Staff Report

[whitby.civicweb.net](http://whitby.civicweb.net)

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**Report Title:** Bill 108, More Homes, More Choice Act, 2019

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**Report to:** Council

**Date of meeting:** May 27, 2019

**Report Number:** CAO 19-19

**Department(s) Responsible:**

Office of the Chief Administrative Officer

**Submitted by:**

Matt Gaskell, Chief Administrative  
Officer

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

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## 1. Recommendation:

1. That regarding Bill 108, the Council of The Corporation of the Town of Whitby respectfully requests that the Province:
  - a. extend the June 1, 2019 deadline for comments on Bill 108 in order to provide additional time for municipalities to better understand and comment on the proposed legislation;
  - b. consult with municipalities and related associations for a reasonable period to make informed decisions prior to releasing any draft regulations;
  - c. enshrine revenue neutrality in the proposed legislation in order to protect taxpayers in growing municipalities;
  - d. consider the expansion of library reference material resulting from growth remaining an eligible service;
  - e. target any financial incentives to rental and affordable housing only;

- f. limit the freezing of development rates triggered by any action to a maximum of two years;
  - g. consider any calculation of rates under a new regime to be based on a connection with the costs of providing the service;
  - h. permit any outstanding development charge payable including interest as a result of instalments to be registered against the land to which it applies; and,
  - i. provide for existing Development Charge By-laws to remain in effect until expiry or development of the new Community Benefit Charge rate.
2. That the Clerk be directed to send a copy of this resolution and Report CAO 19-19 to the Premier, Minister of Municipal Affairs and Housing, Minister of Finance, Minister of the Environment, Conservation and Parks, Lorne Coe M.P.P., AMO, and Durham Area Municipalities.

**2. Highlights:**

- Bill 108, More Homes, More Choice Act, 2019 proposes to amend 13 pieces of provincial legislation, with the stated goal being to address the shortage of affordable housing in Ontario by finding faster ways to get a mix of housing types built.
- Staff are concerned that the wide scope of changes being proposed to these statutes will not accomplish the stated goal of the Province. Instead, the likely outcomes will be: increased property taxes to make-up for the possible shortfall in revenue through the new community benefit charge; little to no change in housing prices, where construction labour, land acquisition/servicing costs, and market forces are the major influencers on housing costs; the inability for municipalities to review planning applications properly and in accordance with municipally-adopted official plans; a return to the lengthy and inefficient planning appeals process; and the potential for less protection of heritage properties and species at risk.
- There are still unquantifiable unknowns at this time, since the Province has not yet released draft regulations that need to accompany the legislative changes. Municipalities should be further consulted on these regulations, and be given time to respond to the fiscal challenges that will lie ahead.

**3. Background:**

Bill 108, More Homes, More Choice Act, 2019 passed first reading on May 2, 2019 and is currently in second reading debate. The Bill proposes to amend 13 pieces of provincial legislation which are listed below:

- the Cannabis Control Act, 2017;
- the Conservation Authorities Act;



- the Development Charges Act, 1997;
- the Education Act;
- the Endangered Species Act, 2007;
- the Environmental Assessment Act;
- the Environmental Protection Act;
- the Local Planning Appeal Tribunal Act, 2017;
- the Occupational Health and Safety Act;
- the Ontario Heritage Act;
- the Planning Act; and,
- the Workplace Safety and Insurance Act, 1997.

Upon review of Bill 108, it has been determined that amendments to 8 of the pieces of provincial legislation would impact municipalities. An overview of the proposed changes to each of these 8 pieces of legislation, along with a commentary about how the changes would affect the Town is provided in this section and section 4 of this report. A copy of the Bill can be viewed [here](#).

#### **Conservation Authorities Act (Schedule 2 of Bill 108)**

Schedule 2 of the Bill introduces a new concept of Conservation Authority core services. Core services include programs and services related to natural hazard risks, land management and conservation of lands owned or controlled by the authority, source water protection under the Clean Water Act, 2006, and other Conservation Authority responsibilities under legislation as prescribed in regulations. Expectations for these core services will be set out in regulations.

The draft amendments would also require Conservation Authorities to enter into agreements with municipalities on service delivery to avoid duplication, especially in relation to planning and development matters.

This schedule also includes governance and oversight provisions such as board member training and Minister oversight for Conservation Authorities.

#### **Development Charges Act, 1997 (Schedule 3 of Bill 108)**

The Housing Supply Action Plan introduces changes that would alter Development Charges (DCs). Highlights of the changes include:

- The separation of DCs and a new Community Benefits Charge (CBC) to pay for some municipal services. Greater clarity as to the municipal services to be paid for by the CBC are not specified.
- The 10% statutory deduction on waste diversion services will be removed. Municipalities may now charge the full capital costs of waste diversion services when calculating development charges (not including landfill sites, landfill services, or incineration). For Whitby this results in a potential \$113,000 increase in DC recovery over the term of the 2017 DC By-law.
- Proposed changes also affect rules on when development charges are payable if the development is rental housing, institutional, commercial,



industrial, or non-profit housing. In these cases, development charge payments to the municipality would now be made as six annual installments commencing upon occupancy. Municipal governments may charge interest from the time of building permit issuance and the interest rate would be determined by regulation. Front-funding payment agreements reached prior to the changes to the DC Act coming into force will be preserved.

- Second dwelling units in new residential buildings and structures ancillary to all dwellings would be exempt from development charges.
- Public library material (for reference or circulation), which is currently an eligible service in the DC Act would become an ineligible service.

#### **Endangered Species Act, 2007 (Schedule 5 of Bill 108)**

The suite of changes contained in this schedule is intended to streamline development while protecting endangered species.

The proposed changes would require that species at risk be considered in the broader geographic context (both inside and outside Ontario) when determining species' status. The role of the Committee on the Status of Species at Risk in Ontario (COSSARO) would remain the same. However, to increase predictability, their reports would now be due each year in January. Bill 108 also enables the phasing in of protection implementation and gives the Minister discretion to consider social and economic factors when determining a response to species at risk.

A key change is that the Minister would be able to enter into "landscape agreements". A landscape agreement authorizes activities that would otherwise be prohibited with respect to one or more listed species. Agreements would include requirements to execute specified beneficial actions that would assist in the protection or recovery of species.

Bill 108 also establishes a Species at Risk Conservation Fund and an agency to manage and administer the Fund. The purpose of the Fund is to provide funding for activities that are reasonably likely to protect or recover species at risk. Where municipal work or development damages habitat, a charge in lieu of meeting certain imposed conditions would be possible with a permit. The municipality or developer would still have to minimize impacts and seek alternatives.

#### **Environmental Assessment Act (Schedule 6 of Bill 108)**

The Province is proposing to increase exemptions for Pre-Approved projects within the municipal class Environmental Assessment, such as localized operational improvements, streetscaping, sidewalks, and re-designation of existing travel lanes to street parking and/or cycling lanes. As well, exemptions from the Act are also proposed for various provincial initiatives related to transit, transportation, mines, parks and real estate. The Bill also provides a new process for governing amendments to approved class environmental assessments and to



specify when the Minister can issue orders to comply and the conditions that can be included in those orders.

#### **Local Planning Appeal Tribunal Act, 2017 (Schedule 9 of Bill 108)**

The Local Planning Appeal Tribunal (LPAT) remains but will no longer evaluate appeals based solely on compliance with official plans and consistency with provincial plans and policy. Instead, it will return to a “best planning outcome” approach, by also allowing appeals that only list land use planning reasons for the appeal. This means a return to “de novo” hearings (hearings that potentially provide less consideration of decisions made by Council). This means that final planning decisions would be taken out of the hands of Council. Historically, the use of a de novo approach to appeals has led to lengthy hearings.

The Bill proposes limits to third party appeals of subdivisions and promotes increased mediation to resolve appeals. There would also be new limits on the extent of testimony. As well, the Province has committed to hiring additional staff to help deal with the existing LPAT case backlog that arose from the transition from the Ontario Municipal Board. Lastly, there may be a requirement introduced for mandatory Alternative Dispute Resolution.

#### **Occupational Health and Safety Act (Schedule 10 of Bill 108)**

Currently, the Occupational Health and Safety Act includes provisions respecting the certification of joint health and safety committee members. Various amendments are proposed regarding the Chief Prevention Officer’s power to, among other things, revoke or amend a certification or amend the requirements for obtaining a certification.

#### **Ontario Heritage Act (Schedule 11 of Bill 108)**

The Bill proposes changes that would improve heritage register maintenance and transparency. The amendments would require Council to notify property owners if their properties are not formally designated but have been included on the Town’s heritage register due to cultural heritage value or interest.

The proposed legislation includes new timelines for a number of notices and decisions that are currently open-ended as well as changes to the appeal process from the Conservation Review Board to the Local Planning Appeal Tribunal. The amendments also provide additional clarity to the meaning of “alteration” and “demolition” and the reference to “prescribed principals” throughout.

#### **Planning Act (Schedule 12 of Bill 108)**

Bill 108 touches on numerous land use planning policies.

The Bill would allow the creation of second units in ancillary buildings. It also reduces timelines for making decisions and proposes to shelter plans of subdivision from third party appeals.

The schedule further proposes to change the conditions under which municipalities can establish inclusionary zoning by-laws and policies to facilitate affordable housing development. Inclusionary zoning would be limited to areas



around protected major transit stations or areas with a development permit system in place. The Bill would also allow the Minister of Municipal Affairs and Housing to exercise authority to order an area to be subject to inclusionary zoning. These proposed changes would continue to allow municipalities the ability to enact inclusionary zoning but would restrict the application of this affordable housing tool.

Another change is that either a municipality or the Minister can initiate the use of a Community Planning Permit System (CPPS) in areas strategic for housing growth.

The proposed legislation also introduces a new Community Benefits Charge (CBC) to address the costs of providing services to new residents as a result of growth. This is a change to Section 37 of the Planning Act allowing a municipality, through a by-law defining an area, to impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area. Notably, costs of growth eligible for development charges are excluded from the new Community Benefits Charge.

The CBC by-law would be based on a strategy produced by the municipality which identifies the costs of growth not covered by development charges. As well, the Ministry of Municipal Affairs and Housing will be preparing a list of eligible items for the charge, methodology for calculating the charge and any caps they may deem necessary.

It should be noted that the Community Benefits Charge would be held in a special account and these funds must be spent in keeping with the Act and regulations. Specifically, each year a municipality would have to spend or allocate at least 60 percent of the money that is in the special account at the beginning of the year. Certain lands (e.g., hospitals) would be exempted from the new Community Benefits Charge. These exemptions will be listed in a future regulation.

#### 4. Discussion:

A review of the potential impacts of Bill 108 is provided below.

##### **Conservation Authorities Act (Schedule 2 of Bill 108)**

Provincial funding under the Hazard Program is proposed to be reduced by 50% in 2019. This represents a reduction of \$3.7 million from the annual \$7.4 million allocation across Ontario. The funding is used for floodplain mapping, monitoring, forecasting flooding, regulating development activities in floodplains and protecting and restoring natural cover to reduce flooding impacts.

Funding impacts will take effect in 2019. The Region of Durham has indicated that their staff are working with the five Conservation Authorities within Durham Region to discuss impacts.

##### **Development Charges Act, 1997 (Schedule 3 of Bill 108)**



A number of municipalities have been collaborating with each other, the Municipal Finance Officers' Association of Ontario, and the Association of Municipalities of Ontario to understand the financial impacts on municipalities.

Although much of the financial impact on municipalities will not be known until the regulations have been passed, the proposed changes resulting from Bill 108 appear to have significant financial impacts on municipalities and future debt levels by shifting costs from developers to the taxpayer.

This additional impact on existing taxpayers, as well as new taxpayers, would drive increases in taxes or reduce the ability for municipalities to continue to fund community infrastructure such as parks, community/indoor recreation centres, libraries and parking facilities; secure parkland in new and intensified areas, and may impact the ability for municipalities to provide some of the critical hard (roads related) services required for development to occur.

The actions identified in Bill 108 are often inconsistent with the desired outcomes communicated by the Province. The Bill is inconsistent with the principle that growth pays for growth along with informed long term financial planning, and will have unintended consequences on both municipalities, as well as development.

A study by the Altus Group in 2018 indicated that the cost of development charges represented between 4% and 10% of the total cost of an average household. The Province's focus through Bill 108 is on community infrastructure development charges that currently experience a 10% statutory deduction under the DC Act and parkland dedication fees included in the Planning Act, which represents about half of total development charges. Despite the fact that prices are driven by market forces beyond the control of municipalities, it would be difficult to envision how the average house becomes more affordable as a result of a real price reduction of 2% to 5%. This also assumes that such savings will be passed on to the purchaser, which is not required in the legislative changes.

### **Growth Does Not Pay for Growth**

In Whitby, a study by Hemson indicated that tax rates would need to increase by 1.5% each and every year over the next ten years to pay for the tax based cost of growth after considering revenues from new development.

Much of the proposed legislation introduces limits on the ability for municipalities to collect for the cost of development currently collected through parkland in lieu dedications and development charges related to community infrastructure.

Currently, the cost of development is shared by developers and taxpayers. Any reductions in the ability to collect development charges by shifting savings to the development process directly impacts existing taxpayers, either by shifting more pressure on taxes, or reducing the existing and future services that can be addressed within the funding available.

Although supply and demand does contribute to the price of a house, data from the City of Toronto questions if supply of ready to develop housing lands is the real issue to be addressed when considering affordable housing and rental



accommodation. Incentives specifically targeted to affordable or rental housing may be more effective to achieve the desired results and have less impact on municipal taxpayers.

Ontario municipalities currently are among the lowest funded in terms of provincial support, and as such, property taxes are the main source of revenue available to municipalities. Municipalities are challenged to keep taxes to a manageable level due to inflationary costs, construction costs, and the ability to maintain existing assets, as well as plan for a sustainable future.

Below, please find highlights related to the proposed changes to the Development Charges Act contained in Bill 108.

### **1) Development Charges will no Longer Contribute to Community Infrastructure**

Development charges would no longer support community infrastructure identified in Whitby's ten year capital program, including parks and recreation, library, general government, parking infrastructure and non-administration operational facilities (i.e. non-admin portion of Town Hall and IT) for the Town.

Issues:

- In 2019, Whitby significantly reduced the ten year growth related capital program in order to mitigate the existing legislative tax impacts. After the review, the 10 year capital program includes a growth related capital program for community infrastructure of \$164 million, either in process or planned over the 10 year timeframe with an additional \$35 million identified in year 11. Major projects include Whitby Town Hall (\$50 million), the Whitby North Sports Complex (\$29 million), parks and trails (\$34 million), technology infrastructure (\$21 million), and a downtown Whitby parking structure (\$10 million);
- The above program is financed through a combination of development charges, parkland cash in lieu contributions, debt, and tax based funding.
- Any change resulting from Bill 108 that does not allow a revenue neutral option to collect development related costs would put further growth related costs onto existing taxpayers as well as new taxpayers.

### **2) Narrowing of Development Charge Eligible Services**

The new regulations are expected to prescribe eligible expenses for the remaining eligible services in the DC Act.

Issues:

- There is a concern the hard (roads and related) services would be prescribed/narrowed under regulation, further reducing the growth revenues available for municipalities and infrastructure needs.

### **3) Timing of Development Charge Payments**



Development charges in Whitby are currently due at the issuance of a building permit.

Bill 108 proposes that the timing of development charge payments related to rental housing, non-profit housing development, institutional development, industrial development, and commercial development would include six equal annual installments; with the first payment due at building permit occupancy, and the remaining installments due at each of the following five anniversaries. Interest at a prescribed rate would be allowed on amounts owing after the first payment. Any unpaid amounts after five years would be eligible to be added to the property account as taxes:

Issues:

- The focus on rental and non-profit housing is consistent with the Province's stated objectives;
- Deferring payment for commercial and industrial developments is not consistent with the Province's stated objectives and would allow developers to benefit at the expense of taxpayers since Bill 108 would require municipalities to finance the obligations of developers over five years;
- This delay in payment creates a significant gap between construction of infrastructure and collection of development charges which would require municipalities to finance the costs through increased debt or deferred spending on infrastructure needed for development to occur; and,
- If a property is sold after development is complete, but within the five year timeframe, the new property owner is technically responsible for any outstanding development charges still owing.

#### **4) Timing of Development Charge Rate Determination**

Under the current DC Act, DC rates are determined at the time of payment (building permit stage).

Under Bill 108, DC rates are to be determined based on the rate in effect at the day an application for approval of the development in a site plan control area under Section 41 of the Planning Act was made, or the day an application for amendment to a by-law passed under Section 34 was made, or the day the development charge would be payable under Section 26.1 of the DC Act. This will result in the rate being set earlier in the development process.

Issues:

- This adds certainty to developers in terms of what is owing;
- It adds uncertainty and risk to municipalities due to the disconnection between the determination of costs and the actual costs incurred when the

infrastructure is constructed. All budgets and development charges are based on estimates that get updated based on better information the closer it is to construction of the infrastructure; and,

- Municipalities are experiencing significant price fluctuations on capital projects affected by inflation, tariffs, and the economic environment. The greater time between setting a rate and actual construction increases the uncertainty of the costs and the risk to the capital program. This is expected to increase the costs to taxpayers and increase debt requirements.

### **5) Library Collection/Materials Expansion**

The expansion of library collections is specifically excluded in Bill 108 and as a result would fall to the tax base. Currently under the DC Act, this is an eligible service.

Issues:

- The current 2019 ten year capital growth program includes \$1.75 million for expansion of the library collection due to Whitby's growing community; and,
- The ability to provide additional library material to keep pace with the demand from growth would fall directly on the tax base or reduce the ability of the library collection to keep pace with the growing community.

### **6) Waste Diversion**

Under the current DC Act, growth related projects pertaining to waste diversion are an eligible service with a 10% statutory deduction. Under Bill 108, the 10% would be removed resulting in a \$113,000 increase in DC recovery over the term of the 2017 DC By-Law.

### **7) Second Dwelling Units**

Under the current DC Act second dwelling units in existing houses are already exempt from development charges.

Under Bill 108, second dwelling units in newly constructed houses and additional dwelling units ancillary to dwellings will also be exempt from development charges. This would permit accessory apartments (basement apartments and ancillary buildings) to be constructed in new houses without incurring development charges.

Issues:

- This is expected to reduce development charge collections.

### **8) Existing Front Funding Agreements**

Existing front funding agreements would remain in effect. The ability to keep the existing West Whitby Front Funding agreement is positive.



### **9) Existing Revenue Opportunities under the Planning Act**

Bill 108 eliminates parkland contributions under Section 42 (parkland) and Section 51 (plans of subdivision), as well as Section 37 density/height bonus provisions and rolls them into a new capped Community Benefit Charge along with community infrastructure (parks, recreation, parking, libraries etc.) previously included under the Development Charges Act.

Issues:

- Existing in kind contributions after receiving land in the Town was in the range of \$400,000 per year and was expected to grow as development increases;
- Intensification allows for additional revenues not connected to a flat price and was expected to help supplement the cost of parks and park related infrastructure in the future; and,
- Section 37 provisions were an option that would have been investigated as the municipality matures and density/height increases to provide additional funding opportunities.

### **10) Community Benefit Charge**

The proposed legislation allows municipalities to pass by-laws to impose community benefit charges for “community infrastructure”. This charge would be based on a maximum value equal to a prescribed percentage of the value of land based on the day before a building permit is issued.

Bill 108 allows municipalities to receive in kind contributions (facilities etc. required by development), or land from a developer. The value of these contributions is required to be subtracted from the Community Benefit Charge revenues in place for the development. Each year the municipality must spend or allocate 60% of the collections it receives.

Issues:

- The combination of a municipality’s inability to collect development charges for all infrastructure and cash in lieu for parkland, in addition to capping the rate(s), is expected to significantly add to the share of growth related costs paid by existing taxpayers. This will affect a municipality’s ability to fund growth related capital for community infrastructure (parks, recreation, parking, libraries etc.), while also impacting the ability to fund needed hard (roads and related) infrastructure required for development to occur;

- Land values are not a good proxy for need. The existing development charge regime allows a connection between cost of infrastructure and the rate to be charged. The new Community Benefit Charge is capped based on the value of land and does not recognize a link between costs and development charge rates;
- The current revenues from cash in lieu (collected and used as prescribed under the Planning Act) help offset the tax impact for eligible projects;
- Opportunities to address future intensification costs for parks and recreation services through the Planning Act are reduced; and,
- The required annual allocation of 60% of all fees collected impacts a municipality's ability to plan and fund for larger projects.

### **11) Increased Red Tape and Administrative Burden**

One of the desired outcomes of Bill 108 by the Province was to reduce red tape; however, upon review it is believed that the proposed changes will increase the administrative burden for municipalities.

#### **General Financial Concerns Related to Bill 108:**

There is a lot of uncertainty in terms of what the details are related to the legislation since these would be included in regulations to be passed after legislation is approved.

This includes:

- What are the transition provisions under the Act?
- Will the Town's existing DC By-law remain in effect until it matures in 2022?
- Will the regulations prescribe eligible expenses for the remaining DC eligible services?
- What happens to existing reserve fund balances both for the affected development charge services and for cash in lieu?
- How is existing debt related to the library affected (currently funded by development charges and a tax based reserve fund)?



- Is there an ability to secure for the six annual payments of development charges?
- How will the cap on the Community Benefit Charge be determined?
- What type of additional study will be required to enact Community Benefit Charges?
- Can the Community Benefit Charge funding be used to pay for existing infrastructure currently funded under the affected development charges?
- Will the prescribed rate for land be updated on a regular basis?
- Will municipalities be able to update the Community Benefit Charge on a regular basis?
- Will the Community Benefit Charge assign charges to specific services or broader services?
- How do the changes encourage residential development to remain classified as affordable rental housing? How will the program be enforced and for what length of time?

### **Debt Capacity Impacts**

The existing capital program forecasts to utilize debt to help fund projects. The ability to address the projected annual debt repayment related to hard (roads and related) services alone would require the full development charges collected from the first 332 homes each year for 20 years based on today's borrowing and DC rates. It is expected that debt levels would increase to address the impacts of Bill 108 and would further impact the ability to pay for infrastructure. Given the cyclical nature of the housing market when there is an economic downturn (similar to 2008-2013) and a slowdown in new development occurs, any shortfall in the DC portion of the fixed debt payments would need to be paid by the tax base.

### **Endangered Species Act, 2007 (Schedule 5 of Bill 108)**

#### **Major Changes**

**A. Current:** In the event that a Species at Risk (SAR), are present or could be impacted as a result of a development, the current legislation requires the developer to be responsible for overseeing the implementation of a mandated Recovery Strategy.

**Bill 108:** Proposes the creation of a "pay in lieu" program and remove the requirement for the developer to oversee the recovery strategy.

**Implications:** This could reduce the incentive to avoid or minimize disruption to an area where SAR could be present. It removes the likelihood of the funds

being applied towards recovery efforts of the species, or even slowing down the process. This would also eliminate the requirements for the recovery efforts to take place within the area in which the impacts have been posed.

Coupled with the Province's ability for the delay in automatic protections by up to three years, as proposed, there is concern that this allows the developer to influence the decisions made on the details of a recovery strategy. (This refers to the change noted in C. below).

- B. Current:** Species currently identified as "At Risk" must be listed within 3 months of the Committee on the Status of Species at Risk in Ontario (COSSARO) submission report to the Minister of Natural Resources and Forestry.

**Bill 108:** Proposes the expanding of listing the report to 12 months.

**Implications:** This could result in the report which highlights the status of the species deemed "At Risk" being outdated and slow down the protection process for that species.

- C. Current:** Species at risk are protected immediately after the COSSARO report is submitted, even if the scientific evidence suggests the classification is wrong; provision also exists for the ability to revoke at a later date.

**Bill 108:** Proposes that the Minister be given authority to delay automatic protections for up to 3 years at their discretion.

**Implications:** A number of species have seen significant decline in periods of less than three years; examples include the Brown Bat, Monarch Butterfly and Honey Bee. By delaying the automatic protection, the impacts on a specific species could result in dealing with an elevated threat level of that SAR for which a more intensive recovery strategy may be required, which could result in a recovery strategy not being effective.

- D. Current:** The current SAR legislation provides framework to evaluate the level of threat a species may have based on their status in Ontario.

**Bill 108:** Includes the addition of polices to determine whether a species is at risk through evaluating of its "biologically relevant geographical range".

**Implications:** This would allow species to potentially be de-listed if populations of a particular species are present in another area, including outside of Ontario.

This could pose a significant threat to Ontario's biodiversity; the loss of one species in a specific area can have ecological impacts on a number of species. This policy does not factor risks that could be presented as a result of pests and disease or climate change.

- E. Current:** COSSORO is currently comprised of scientific and aboriginal experts.



**Bill 108:** Includes a provision that would allow non-scientific experts to join the committee.

**Implications:** Although details surrounding the membership have not been clearly defined, by expanding the membership to non-experts could result in a reduction in the scientific rigor in which decisions are currently made.

- F. **Current:** Within the current SAR there is a requirement for Government Response Statements to be provided within 9 months of the publication of a recovery strategy.

**Bill 108:** proposes to remove the requirement for Government Response Statements.

**Implications:** This would remove the mandate for the public posting of recovery strategies which could result in reducing or removing opportunities for public consultation.

- G. **Current:** In order to determine if a development could jeopardize the survival or recovery of a SAR in Ontario, the Minister is required to gain cabinet approval and consult with an independent expert.

**Bill 108:** Includes the proposal to remove the requirement for this minister to gain cabinet approval and consult with an independent expert to determine the level of threat that a SAR is exposed to.

**Implications:** The proposed change provides the provincial government with more authority to override scientific experts in order to allow activities to take place.

- H. **Current:** The Endangered Species Act comes into effect each time a specific listed species could be impacted in the location in which the activity is taking place.

**Bill 108:** Includes parameters to provide a "Landscape Agreement" which provides approval for all activities within a location even if multiple projects are taking place in one area.

**Implications:** This would reduce the time for developers to gain approval for activities to take place. However, it would not address site specific issues and result in not identifying the impacts for all the species at risk that are present on the site on which the activity is occurring.

Currently there are 243 species listed under the Endangered Species Act most of which are listed as a result of declining population caused by climate change, habitat loss, disease, invasive species and pollution.

Although many of the proposed changes speed up the process for the developers, it also eliminates much of the ability to apply scientific rigor to the decision making process to ensure that SAR's are provided the best opportunity of recovery.

**Environmental Assessment Act (Schedule 6 of Bill 108)**

The proposed changes associated with the environmental assessment process are not anticipated to negatively impact to the Town.

#### **Occupational Health and Safety Act (Schedule 10 of Bill 108)**

The powers of the Chief Prevention Officer (CPO) will be expanded primarily in the area of training and recertification training. Currently, Joint Health and Safety Committee (JHSC) member certification and refresher training schedules can only be amended if a change is made to the Act. Bill 108 will give the CPO the ability to make these changes in response to workplace issues, workplace safety trends, etc.

In addition, the clause does not limit these powers to JHSC training. As a result, impacts to municipal obligations and/or budget may come with little warning.

#### **Ontario Heritage Act (Schedule 11 of Bill 108)**

Staff have reviewed the proposed changes to the Ontario Heritage Act through Bill 108. The proposed changes to the Ontario Heritage Act would significantly alter the way the Town implements heritage conservation.

#### **General Comments:**

**Use of the word “Prescribed”:** Bill 108 uses the word “prescribed” frequently throughout the proposed modifications of the Ontario Heritage Act. Without having regulations to review along with the modified Ontario Heritage Act, it is difficult to understand the potential implications Bill 108 may have on various heritage processes and resources in the municipality.

Some examples referencing the term “prescribed” includes:

Section 26.0.1 - **Principles:** A council of a municipality shall consider the prescribed principles, if any, when the council exercises a decision making authority under a prescribed provision of this Act.

Comment: No further reference to “prescribed principles” provided therefore unable to comment on how this proposed modification would impact the municipality. This comment also applies to Section 39.1.2.

Section 29(1.2) – **Limitation:** If a prescribed event has occurred in respect of a property in a municipality, the council of the municipality may not give a notice of intention to designate the property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.

Comment: What does a “prescribed event” mean? The wording of this clause is unclear and the terms of a process are unclear. Does this mean that if a property is being reviewed for a Planning Act application and at that time, it is not brought forward for designation, that it can no longer be considered for designation in the future?



Section 32(18) – **Reapplication**: If a prescribed circumstance applies, the owner of the property may not reapply to have the by-law or part thereof designating the property repealed within the time period determined in accordance with the regulations, except with the consent of the council.

Comment: It is very difficult to understand what this clause speaks to or its impacts without having knowledge of what a “prescribed circumstance” or within a time period that has not yet been determined.

Section 33(2) – **Application for Alteration of property and Demolition or removal**: An application under subsection (1) shall be accompanied by the prescribed information and material.

Comment: Cannot determine how this would impact heritage permit applications. The existing application process and requirements are straightforward for property owners. These potential additional requirements should not be prohibitive and discouraging which would hinder potential future designations. Is this prescribed information and material at the discretion of the Province or the municipality? Clarity is required. This comment also applies to section 34(2).

Section 34.3(1) – **Council consents to application under s. 34 – required steps or actions**: The council of a municipality shall take such steps or actions as may be prescribed if the owner of a property designated under section 29 has applied in writing to the council for consent to a demolition or removal referred to in paragraph 1 or 2 of subsection 34(1) in respect to the property,

Section 34.3(2) – **Same (Demolition or removal)**: a regulation made for the purposes of subsection (1) may prescribe different steps or actions that must be taken by a council in different circumstances or that no steps or actions need to be taken by a council in certain circumstances.

Comment: Sections 34.3(1) and (2) are too vague. Determining how this would impact the process is not possible based on the wording of these sections without further information on the term “prescribed”.

**Changes to Appeal Process**: The appeal process has been modified to replace the current appeal process to the Conservation Review Board (CRB) – an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers a number of matters related to heritage properties - with the LPAT. There are concerns surrounding this including:

- the lack of heritage professional expertise within members of the LPAT, whereas members of the CRB were specifically heritage professionals with a thorough understanding and working knowledge of heritage matters; and,
- the removal of the ability for the council of a municipality to make the final decision. Heritage is a matter that is unique in each municipality, and the



decision has implications that impact the municipality. Allowing a Tribunal member who is not versed in local heritage matters to make the final decision can have longstanding impacts on the municipality's heritage resources.

**New Complete Application and Timeframe Requirement:** The proposed modifications include new requirements for a municipality to complete a notice of complete application for alterations and demolition applications within a specific timeframe, failing this there will be deemed consent. Staff are supportive of this approach to be consistent with Planning Act applications.

**Notification in Local Newspaper:** The reference to Notice Publication in a local newspaper is still identified throughout the modifications and no new options for circulation or notification have been identified. The costs associated with publishing notices within newspapers are upwards of \$1,000 and may be required at various points throughout a process identified within this Act. These costs are extremely onerous to municipalities. Additionally, many communities are losing newspapers as a source of information due to changing times. Other options for circulation of these notices should be reviewed.

### **Section 27: Heritage Register**

Section 27(5) – **Notice to property owner:** If a property that has not been designated under this part has been included in the register under subsection (3), the council of the municipality shall, within 30 days after including the property in the register, provide the owner of the property with notice that the property has been included in the register.

Comment: Staff recommend that the notice be provided 30 days in advance of a statutory public meeting, similar to section 41.1(6)(b) for Heritage Conservation Districts. This would allow municipalities to inform and educate a property owner about the process and rationale for listing their property and is consistent with current legislation already found within the Ontario Heritage Act. This may reduce the number of potential objections to council which would save resources on the part of the municipality and the property owner.

Section 27(7) – **Objection:** The owner of a property who objects to a property being included in the register under subsection (3) shall serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Comments: There are a number of comments that stem from this clause:

- The list of properties being added to the register will have already been brought forward to Council, this clause would then require it to be brought back to Council should an owner object. The time and resources spent on



this could be extremely significant for municipalities who are undergoing a review of the entirety of the register.

- This section, as written, does not provide a time limit for objection by an owner and is not consistent with other objectionable matters. It is recommended that an objection period of 30 days from the date of notice be added as this is consistent with other timeframes for objection.
- What would the municipal requirements be in response to an owner's objection? This process to list a property is now similar to a designation in order to support adding the property to the register. Depending on the municipal requirements, there are potential significant resources and cost implications with this.

Section 27(8) – **Decision of Council:** If a notice of objection has been served under subsection (7), the council of the municipality shall,

- a) Consider the notice and make a decision as to whether the property should continue to be included in the register or whether it should be removed; and,
- b) Provide notice of the council's decision to the owner of the property, in such form as the council considers proper, within 90 days after the decision.

Comment: How could Council and/or the Heritage Committee's summer recess impact this timeframe? Could the municipality have delegated authority for a matter such as this?

### **Section 30: Amending of Designating By-law**

Section 30(8) – **Notice of withdrawal:** If the council of the municipality decides to withdraw the notice of the proposed amendment, either on its own initiative at any time or after considering an objection under subsection (7), the council shall withdraw the notice by causing a notice of withdrawal;

- b) to be published in a newspaper having general circulation in the municipality.

Comment: Section 30(6) states that the owner may file an objection within 30 days of receiving notice of an amendment, as such, under this section, why would the notice be required to be published in the newspaper if the owner is the only body that can appeal the proposed amendment? This is onerous and costly to a municipality. This comment is also valid for Section 30(9)2.

### **Section 32: Repeal of Designating By-law, Owner's Initiative**

Section 32(2) – **Notice required:** Upon receiving an application under subsection (1), the council of the municipality shall cause notice of the application to be given by the clerk of the municipality in accordance with subsection (3).

Section 32(3) – **Notice of Application:** Notice of an application shall be published in a newspaper having general circulation in the municipality and shall contain,

- a) An adequate description of the property so that it may be readily ascertained;
- b) A statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, as set out in the by-law that is the subject of the application;
- c) A statement that further information respecting the application is available from the municipality; and,
- d) A statement that notice of objection to the application may be served on the clerk within 30 days after the date of publication of the notice of the application under this subsection.

Comment: This is a new notice requirement for a municipality that would require a notice of application to be published in a newspaper if property owner applies to repeal a designating by-law. This is costly and onerous for a municipality.

Section 32(13) – **Dismissal without hearing of appeal** – Despite the Statutory Powers Procedure Act and subsections (10) and (12) of this section, the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- a) The Tribunal is of the opinion that,
  - i. The reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or
  - ii. The appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- b) The appellant has not provided written reasons in support of the objection referred to in subsection (7) or (8), as the case may be;
- c) The appellant has not paid the fee charged under the Local Planning Appeal Tribunal Act, 2017; or,
- d) The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.



Section 32(14) – **Representations:** Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (13), the Tribunal shall,

- a) Notify the appellant of the proposed dismissal; and,
- b) Give the appellant an opportunity to make representations with respect to the proposed dismissal.

Comment: These sections state that the Tribunal can dismiss all or a part of the appeal without holding a hearing for a number of reasons identified above, however Section 32(14)(b) states that they shall give the appellant an opportunity to make representation with respect to the proposed dismissal. What type of format would this representation be in? Would this provide the Tribunal an option to reverse the dismissal? This could be costly to a municipality if outside legal counsel is required. The option for a appellant to make representations on a potential dismissal is identified through all new modifications that now allow appeal to the Tribunal, including Section 29(17)(b), 33(13)(b), 34(7)(b).

### **Section 33: Alteration of Property:**

Section 33(7)(2) – **Same:** For the purposes of subsection (6), the time period is determined as follows: If a notice under subsection (4) or (5) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as agreed upon by the owner and the council.

Comment: This timeframe identified in this section requires clarity. This comment also applies to Section 34(4.3)(2).

### **Section 41: Designation of heritage conservation district:**

Section 41(4) – **Appeal to Tribunal:** any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under clause (3)(b), a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017.

Comment: Is it proposed that the responsibility to notify and send the appeal directly to the Tribunal shift to the objector? This is not consistent with other sections of this Act that state it is the responsibility of the clerk of the municipality to send the appeal.

Section 41(6) – **If no notice of appeal:** If a notice of appeal is given within the time period specified in subsection (4), the Tribunal shall hold a hearing open to

~~the public~~ and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such a manner as the Tribunal may determine.

Comment: The wording stating that hearings are open for the public has been removed. Does this mean that Tribunal meetings not open to the public for matters that fall under this section?

### **Planning Act (Schedule 12 of Bill 108) and Local Planning Appeal Tribunal Act, 2017 (Schedule 9 of Bill 108)**

#### **Second Units**

Currently, the Planning Act permits second units (i.e. accessory apartments) in single detached, semi-detached or rowhouse dwellings, and in an accessory building, if there is only one unit in the main (single detached, semi-detached or rowhouse) dwelling – i.e. total of two (2) units on one lot. It appears that Bill 108 would permit second units in a detached, semi-detached or rowhouse, as well as an additional unit in an accessory building – i.e. total of three (3) units on one lot. A proposed regulation that would provide the necessary details for implementation was not included with the release of Bill 108.

This change may not impact newer subdivisions/neighbourhoods, where single, semi, and townhouse lot sizes may not be able to accommodate all required zoning provisions (e.g. minimum required parking; minimum lot frontages; minimum landscaped open space; etc.) for a total of three dwelling units on one lot. However, the proposed change may impact older neighbourhoods with larger lot sizes, where required zoning provisions could be met for additional units.

Accessory apartments represent approximately two percent (2%) of Whitby's existing housing stock. Over the last ten years, the Town has averaged approximately 28 new accessory apartments annually. Between 2016 and 2018, there was a total of 144 new accessory apartments registered (approximately 10% of new housing stock).

The more significant impact is related to the potential foregone development charge revenue under the proposed changes to the Development Charges Act which would exempt all second units (as discussed in more detail earlier in this report).

#### **Inclusionary Zoning**

Currently, municipalities would be able to determine where Inclusionary Zoning (for affordable housing purposes) could be applied, subject to undertaking an assessment report regarding housing need and demand and financial implications. Bill 108 would limit the application of Inclusionary Zoning to: protected Major Transit Station Areas (MTSAs); areas subject to Community Planning Permit System (CPPSs); or, areas as ordered by the Minister.

Whitby has not yet undertaken the necessary steps to implement an Inclusionary Zoning By-law. Whitby has also not developed a CPPS (i.e. development permit system). Protected MTSAs may be identified through the Region's Envision



Durham Municipal Comprehensive Review (MCR). Should a municipality want to use Inclusionary Zoning for affordable housing, then it should be empowered to determine the area(s) to which it could be applied, and should not be restricted to applying only to MTSAs, CPPSs, or Minister-ordered areas.

**Reduced Timelines**

Amendments to the Planning Act brought about by Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017 have been largely repealed. The proposed changes will have an impact on both the timing and approach taken by a municipality to evaluate development applications and by the LPAT to adjudicate an appealed application

Bill 108 proposes to significantly reduce the timelines for decisions regarding Official Plan Amendments, Zoning Amendments and Draft Plans of Subdivision, as outlined below:

Application Type	Pre-Bill 139	Bill 139	Bill 108
Official Plan Amendment	180 days	210 days	120 days
Zoning By-law Amendment	120 days	150 days	90 days
Draft Plan of Subdivision	180 days	180 days	120 days

Bill 108 would also eliminate the ability to extend the approval timeframe for OPAs by an additional 90 days, with mutual agreement of the municipality and approval authority (e.g. Town of Whitby and Region of Durham for non-exempt OPAs, Secondary Plans).

Reduced timelines are impractical and limit the ability of staff to adequately circulate, review, assess, and make recommendations regarding applications. Shorter timelines would also limit staff's ability to conduct effective public consultation and work collaboratively with applicants for the best planning outcomes for the community.

The intent of Bill 108 is to reduce processing timelines to bring new dwelling units to market quicker. However, the unintended consequence is that shorter timelines could lead to more appeals for non-decisions, protracted timeframes awaiting LPAT hearings and decisions, and adding to the existing backlog of LPAT cases as a result of the transition from OMB to LPAT.

The Province should maintain the timelines established by Bill 139 which were based on extensive consultation with stakeholders.

**Consistency/Conformity Test and LPAT Changes**



Appellants are no longer required to “explain how” the matter being appealed is inconsistent with, or not in conformity with, Provincial and Regional planning policies. Although Bill 108 still maintains the ability to appeal based on the consistency/conformity test, it would no longer limit appeals to just that test. Rather, an appellant could also appeal provided they include land use planning reasons for an appeal (i.e. old OMB hearing “de novo” approach). If an appellant were to appeal on the basis of inconsistency/non-conformity, they must expand on the consistency/conformity matter in their appeal.

Bill 139 established a higher standard for consideration of appeals – the consistency/conformity test. This approach provided greater weight to local decision-making that was consistent with, and in conformity with Provincial land use planning policy directions. A shift to the pre-LPAT, former OMB approach regarding appeals that are not just consistency/conformity appeals, provides an additional opportunity to be heard at the LPAT, which could potentially lead to an increased number of appeals. As noted above, this further adding to the LPAT backlog would be contrary to the intent of Bill 108 to get housing to market sooner.

Instead of requiring the streamlining of hearings as implemented in Bill 139, the LPAT will now have the discretionary authority to limit any direct examination or cross-examination of a witness if the LPAT is satisfied that all matters relevant to the issues in the proceeding have been fully or fairly disclosed, or where the LPAT considers appropriate. Given the LPAT’s current practice of not limiting examinations or questions, the likely outcome of this discretion will be a return to lengthy hearings.

While the regulations are not yet available, Bill 108 proposes to provide for mandatory mediation or other dispute resolution processes if prescribed, in specified circumstances. It also repeals provisions relating to the LPAT’s ability to seek direction or refer matters of law to the Divisional Court.

### **Implications to Municipalities Regarding the LPAT Changes**

Bill 108 will likely result in an increased number of appeals for non-decision by Council, because of the time-limited municipal opportunity for a full review of the planning application. The proposed dispute resolution processes will likely be geared more towards expediting approvals of development applications, instead of incorporating projects into a comprehensive planning process undertaken and properly researched by municipalities.

The return to de novo hearings based on wider grounds for appeal, and the reinstatement of the power of the LPAT to be a substitute decision maker for Council, will have the effect of reducing regard for Council’s decision-making authority with regard to planning matters.

It is recommended that the Province retain and strengthen the Bill 139 Planning Act grounds for appeals of zoning by-laws and official plan amendments to only issues of consistency with provincial policy statements, conformity with provincial plans, and (for zoning by-laws) conformity with the Official Plan. Deference to the



Town's Official Plan and Secondary Plan's should be enshrined in the legislation, which will require developers to adhere to those planning policies. This would have the effect of limiting the ability of appeals to the LPAT, and speed up planning approvals through the municipal process, which is more consultative and comprehensive than the LPAT process.

The Province should also be requested to properly staff the LPAT with sufficient numbers of planners, caseworkers, and hearing members in order to clear the current backlog. Nothing in Bill 108 addresses this operational concern or provides clear timelines for holding hearings or issuing decisions.

### **Third Party Appeals**

Bill 108 would further limit who can appeal approval or conditions of Draft Plans of Subdivision/Condominium to only the applicant, municipality, Minister, public body, or prescribed list of persons. This change would align with the current process for Site Plan approvals and Removal of Holding Zoning Amendments. The intent appears to be further streamlining and expediting final approval timelines, thereby reducing costs associated with bringing housing to the market quicker.

Appeals by members of the public are more often associated with the Official Plan/Zoning land use planning instruments, than with the implementation mechanism of a Draft Plan of Subdivision. Although restricting third party appeals could expedite the approval process (in a limited number of circumstances), the low frequency of third parties appeals has generally not been a hindrance to the approval of subdivisions. There may be circumstances where a third party appeal of a condition of draft approval has merit, to address a material land use planning matter (e.g., noise mitigation, flood hazard), that may not be part of the OP or Zoning process. Because of the limited number/nature of circumstances where a Draft Plan condition is appealed by third party, there appears to be no demonstrated need to change the Planning Act to restrict third party appeals. However, the restriction of third party appeals for non-decision of privately initiated OPA, Zoning and Subdivision applications is supported.

### **Community Benefit Charge**

The proposed changes to the Planning Act would replace existing Section 37 regarding 'Bonusing' with a new 'Community Benefit Charge'. Although the Whitby Official Plan contains policies regarding bonusing, the Town has not passed a by-law to implement existing Section 37 provisions. Without a proposed regulation, it is unclear what the administrative impacts would be if CBC's are included in the final version of Bill 108.

### **Parkland Dedication**

Bill 108 has major impacts and changes in the way parkland is secured and developed. Within the current regulations of Section 42 of the Planning Act, the Town can require developers to provided parkland or a cash value equivalent through development applications/agreements. Bill 108 would replace parkland



dedication with a provision called a Community Benefit Charge. This charge would remove the Town's ability to require developers to provide parkland through development approvals/agreements. The alternative rate for parkland using a density-based parkland calculation (1 hectare/312 units) is also removed. Bill 108 now limits parkland to the value of the land at 2% for commercial/industrial and 5% for residential. This would have a major impact on the Town's ability to secure an adequate amount of parkland and the means of consolidating funds to purchase parkland.

Bill 108 would also remove the ability of the Town to utilize Development Charges to collect money to pay for park projects. All of the Town's new parks and growth projects including future parks in West Whitby and Brooklin Secondary Plan areas are funded up to approximately 90% by Development Charges. Major growth projects including those within the Waterfront Master Plan and Waterfront Trail are largely funded by Development Charges.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

On May 2, 2019, the Province also released "A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)". The new Growth Plan would come into effect on May 16, 2019.

Website: [www.placestogrow.ca](http://www.placestogrow.ca)

A Place to Grow: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019): <https://files.ontario.ca/mmah-greater-golden-horseshoe-place-to-grow-english-15may2019.pdf>.

Planning and Development staff's comments regarding the January 2019, proposed Amendment to the Growth Plan, are outlined in Report PL 28-19: <https://whitby.civicweb.net/FileStorage/97FDE12B289548A0BF96E030C4211879-PL%2028-19%20Staff%20Report.pdf>

One of staff's previous comments included requesting revisions to the proposed Provincially Significant Employment Zones (PSEZs). There were no changes to Whitby's PSEZs, between the January 2019 proposed Amendment and the May 2019 Place to Grow versions. However, on May 16, 2019, the Province indicated that previous municipal requests for PSEZ changes are currently being reviewed and that municipalities can make further requests for revisions. Such requests could include realigning boundaries to existing zones, adding or removing parts of land to or from a zone (e.g., correcting boundaries based on existing land use designations), and creating new zones (e.g., along Highways 407 and 412). The Province has indicated that requests will be evaluated based on the consensus reached between upper-tier and lower-tier municipalities, and that Council endorsement will be required. Planning and Development staff will work with Regional (and Provincial) staff regarding appropriate revisions, as previously requested by the Town.

### **Growth Plan Transitional Regulation**



Section 14.13.7 of the Durham Regional Official Plan (ROP) was included in the ROP as part of a settlement of ROPA 128 appeals. Section 14.13.7 identifies that certain lands (e.g., deferred lands) in north Whitby remain subject to appeal of ROPA 128, but can be brought back to LPAT for consideration for inclusion within the urban boundary. The proposed revisions to the transition regulation 311/06 do not identify the ROPA 128 deferred lands. Any LPAT decision regarding the deferred lands should continue to be considered under the 2006 Growth Plan, not the 2019 Growth Plan.

**5. Financial Considerations:**

Any financial impacts arising from Bill 108 are difficult to determine until the regulations are in place.

It is anticipated that the consolidation of community infrastructure development charges and the Planning Act cash in lieu provisions to the new Community Benefit Charge provisions where the rates are fixed, would impact the ability to fund the Town's existing 10 year capital program for community infrastructure of \$164 million and negatively affect debt levels.

Once the full impacts are known, the proposed capital program may require further scope changes or deferrals to community infrastructure capital projects in order to minimize the impacts on existing taxpayers.

**6. Communication and Public Engagement:**

The proposed changes to the Ontario Heritage Act were presented to the Heritage Whitby Advisory Committee at their regular meeting on May 14, 2019. No comments on the proposed changes have been received from the Committee.

**7. Input from Departments/Sources:**

Office of the Chief Administrative Officer Report CAO 19-19 has been circulated across the Corporation and input has been provided by relevant departments.

**8. Strategic Priorities:**

**a. Council Goals**

The information contained in this report is consistent with the following Council Goals:

- To continue the Whitby tradition of responsible financial management and respect for taxpayers; and to understand the importance of affordability and sustainability to a healthy, balanced community.

**b. Corporate Strategic Plan and Strategic Priorities**

The information contained in this report is consistent with the following elements of the Corporate Strategic Plan and Strategic Priorities:

We will be a high performing, innovative, effective and efficient organization.

- Continually improve how we do things by fostering innovation and focusing on making our processes better.

**9. Attachments:**

Not applicable.





The Corporation of  
The Township of Brock  
1 Cameron St. E., P.O. Box 10  
Cannington, ON L0E 1E0  
705-432-2355

**C.S. - LEGISLATIVE SERVICES**

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To: CIP
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Take Appr. Action

May 30, 2019

Honourable Steve Clarke  
Minister of Municipal Affairs and Housing  
17th Floor, 777 Bay Street  
Toronto, ON  
M5G 2E5

Dear Honorable Sir:

Re: Bill 108, More Homes, More Choice Act, 2019

Please be advised that the Council of the Township of Brock, at their meeting held on May 27, 2019, adopted the following resolution:

Resolution Number 11-22

MOVED BY W.E. Ted Smith and SECONDED by Michael Jubb that the report contained in communication number 927 be endorsed by Council and distributed to the Region of Durham, the Ontario Ministry of Municipal Affairs and Housing, the Attorney General for Ontario, and MPP Laurie Scott.

MOTION CARRIED

Please find enclosed Report: 2019-Council-08 of the Corporation of the Township of Brock for your consideration.

Should you have any questions please do not hesitate to contact the undersigned.

Yours truly,

THE TOWNSHIP OF BROCK

*Becky Jamieson*  
for Becky Jamieson  
Clerk

BJ: dh

Cc: Honourable Caroline Mulroney, Attorney General for Ontario  
Hon. Laurie Scott, Minister of Labour, MPP, Haliburton-Kawartha Lakes-Brock  
Mr. Ralph Walton, Regional Clerk, Region of Durham



THE CORPORATION OF THE TOWNSHIP OF BROCK

Finance Department

Treasurer to Council

Report: 2019-Council-08

Date: May 27, 2019

Date:	22/05/2019
Refer to:	Council
Meeting Date:	27/05/2019
Action:	Rec & File
Notes:	
Copies to:	

**SUBJECT**

Bill 108 Update

**RECOMMENDATION**

That Council request the Province enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime;

That Council request the Province not repeal the parkland and community infrastructure component of the Development Charges Act, 1997 in advance of the completion of the Community Benefit charge Strategy and Community Benefit Charge By-law;

That Council request the Province provide the later of four years or the expiry of the current development charges by-law from the date of enactment of the regulation that sets out any prescribed requirements for the community benefit charges before a municipality must adopt a community benefits charge by-law;

That Council requests the Province delete provisions to delay development charges payment obligations and so preserve the concurrent calculation and payment of development charges;

That Council request the Province amend Subsection 2(4) of the Development charges Act, 1997 to allow unpaid development charges including any interest to be added to the tax roll and given priority lien status; and

That Council request the Province provide a transparent and thorough stakeholder consultation process in the development of all regulations associated with proposed Bill 108, such that the Township can fully understand and be able to analyze the impact of the proposed Bill changes comprehensively, including the cumulative financial impact;

That Council forwards a copy of this report to the Ontario Minister of Municipal Affairs and Housing and the Attorney General for their consideration.

This report is available in alternate formats.  
Please contact the Clerk's Department at 705-432-2355.

Res



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## ATTACHMENTS

Who Pays for Growth – MFOA

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## REPORT

### Background

On May 2, 2019, the Minister of Municipal Affairs and Housing announced the Province's Housing Supply Action Plan and introduced Bill 108 (More Homes, More Choices Act) in the Legislature. The Bill proposed to amend 13 statutes including the Planning Act, the Development Charges Act, 1997, the Local Planning Appeal Tribunal Act, 2017, and the Ontario Heritage Act. This was with a stated objective of intending to bring new housing online faster and reducing development costs while still ensuring that growth pays for growth and a reduction in municipal costs, and providing more housing options which can help make housing more attainable for the people of Ontario. The Provincial commenting period on the proposed changes closes on June 1, 2019.

This report focuses primarily on the proposed changes to the Development Charges Act, 1997 and some of those in the Planning Act. It also provides preliminary comments on the impact of these changes.

As currently proposed, Bill 108 is removing development charges (DC's) for growth-related parks and capital facilities from the Development Charges Act and rolling these into a capped community benefit charge (CBC) regime in Section 37 of the Planning Act. The Bill will also remove the alternative parkland rate and limits the use of parkland base rate under Sections 42 (parkland) and 51 (plan of subdivision) of the Planning Act. These tools are the primary funding sources for new parkland and park and recreational improvements to support development. In addition, the Bill removes the existing Section 37 density/height bonus provisions in the Planning Act. Details of the full impact of the proposed Planning Act changes will need to be left for the Township's Planning Consultant to outline in more detail.

The full financial impact of the proposed Bill 108 changes is unclear as the provincial regulations have not yet been released. Based on a review of the changes proposed, it would appear that the amendments would result in additional administration and operational burdens. Council may be required to make decisions regarding the adjustment of Township-wide service levels. Alternatively, this could include potentially considering increases to property taxes to fund community-oriented services such as parkland, recreation facilities and libraries as well as other community benefits necessary to build a livable community.

The stated objective of this Bill is to boost housing supply by addressing housing affordability. There are many factors that influence housing supply and affordability. They include land and construction costs, mortgage rates, and expectations for project



profit. The legislation, however, contains no provision to actually deliver affordability across the province's varied housing market. Instead, it relies on the real estate market to freely pass along any reductions in development costs as saving for the purchasers.

The Township of Brock sets growth-related requirements as part of the DC study. These are based on the principle of "growth pays for growth". The Municipal Finance Officers Association (MFOA) prepared the attached document to assist in the understanding of the importance of DC's prior to their submission of comments to the Province regarding the Housing Supply Action Plan. The key purpose of the document is to make people aware of the fact that someone has to pay for the infrastructure associated with growth. This will either be the developers or the property tax payer.

### **Development Charges Act – Schedule 3 of Bill 108**

Bill 108 introduces significant changes to the financial tools available to the Township. Specifically for Brock, removing the growth-related parks and capital facilities from the Development Charges Act will result in a reduction of \$8,968 per residential unit. With the development currently planned for Brock this could amount to well over \$2 million in lost revenue. It is not clear if the proposed community benefits charge will come close to making up this loss.

The community benefits charge (CBC) can be imposed by by-law by the Township against land to pay for capital costs of certain facilities, services and matters no longer proposed to be captured within the development charge by-law. A CBC is a cash payment based on a percentage of the value of the land being developed or redeveloped and before passing a CBC by-law, municipalities will be required to prepare a "community benefits charge strategy" with regulations identifying what will be required in this strategy still unknown.

Compounding the lost revenue issue is the timing as to when payments are calculated and when they become payable. Currently, DCs are calculated and collected at the time of building permit issuance. The proposed changes will crystallize the obligation to pay DCs at rates that are in effect at an earlier point in time and collected later. The Bill would let developers "lock-in" their development charge at the date of a specific planning application and CBC rates at the date of the first building permit. Locked-in lower fees reduce or eliminate the incentive for timely application for building permits.

For some developments (i.e. rental housing, institutional, industrial, commercial and non-profit housing), DCs would be paid in equal annual installments over a six-year period following the earlier of an occupancy permit or first occupancy. For all other developments, DCs would continue to be paid at the time of building permit issuance. The deferred collection is effectively an unsecured loan from municipalities to developers with potential municipal exposure to collection administration and risk. Municipal borrowing capacity is not unlimited, and the cost or benefit will depend on interest rates set by regulation and the Township's ability to fully recover cost through the community benefits charge.



Both details on "locked-in" rates and special deferral arrangements will need to be tracked by municipal staff. This tracking will result in additional administrative burden and will require computer system upgrades.


For municipalities to prepare capital plans there needs to be certainty that fees and charges are indexed and correlate with increasing construction costs. Bill 108's approach will limit municipalities ability to be forward thinking in capital plans, particularly if once payments are made, they are no longer calibrated to the cost of delivering new community infrastructure.

Most of the changes to the Development Charges Act, 1997 have no direct link to housing supply or price. For municipalities, there is the potential for a simpler and more flexible regime depending on implementation details, but infrastructure cost recovery seem likely to be subject to additional, rather than fewer, constraints. The chief beneficiaries of the proposed changes appear to be land developers, for whom price certainty, deferred payment and avenues for regulatory constraints on the application of the new community benefits charges will reduce risk. It remains to be seen whether this would translate into benefits to purchasers and occupants of new development.

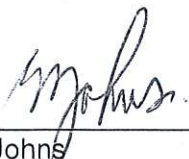
### **Conclusion**

Bill 108 as it has been presented will hinder development. Municipalities will not have the money to build recreation facilities and with the requirement for the use of installment payment plans, the hard infrastructure services will be slower to complete. Staff will report further on proposed Bill 108 legislative and regulatory impacts as more details become available.

Respectfully submitted,

  
\_\_\_\_\_  
Laura E. Barta, CPA, CMA  
Treasurer

Reviewed by,

  
\_\_\_\_\_  
Garth Johns  
CAO

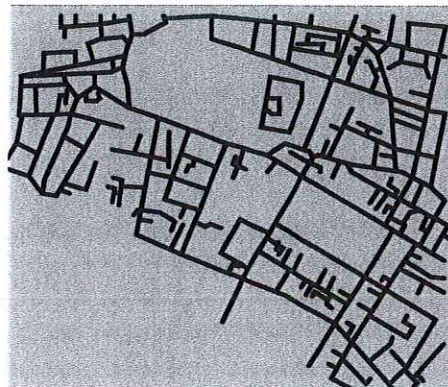


# Who Pays For Growth?

With changes to development charges, YOU could be paying more



Development charges are fees collected on new development and are currently the primary funding source for infrastructure needed to service growth.



If you're a growing municipality, chances are your community needs new infrastructure to accommodate new residents and businesses.

That's because when most infrastructure was originally built, no one could predict the way communities would grow.

For example, a pipeline meant for a population of 10,000 can't handle more people without upgrading or building new infrastructure.

**These changes cost money.**

## How is growth-related infrastructure paid for?

### PRE-1980s

### PRESENT

### POSSIBLE FUTURE

Primarily funded by federal and provincial governments

Primarily funded from growth

**With low development charges:**  
Primarily funded from existing taxpayers and business owners

In the past, the provincial and federal governments paid for infrastructure upgrades.

However, in the late 1990s, the province changed legislation which transferred 20% of the cost of growth-related infrastructure to existing residents with 80% coming from developers.\*

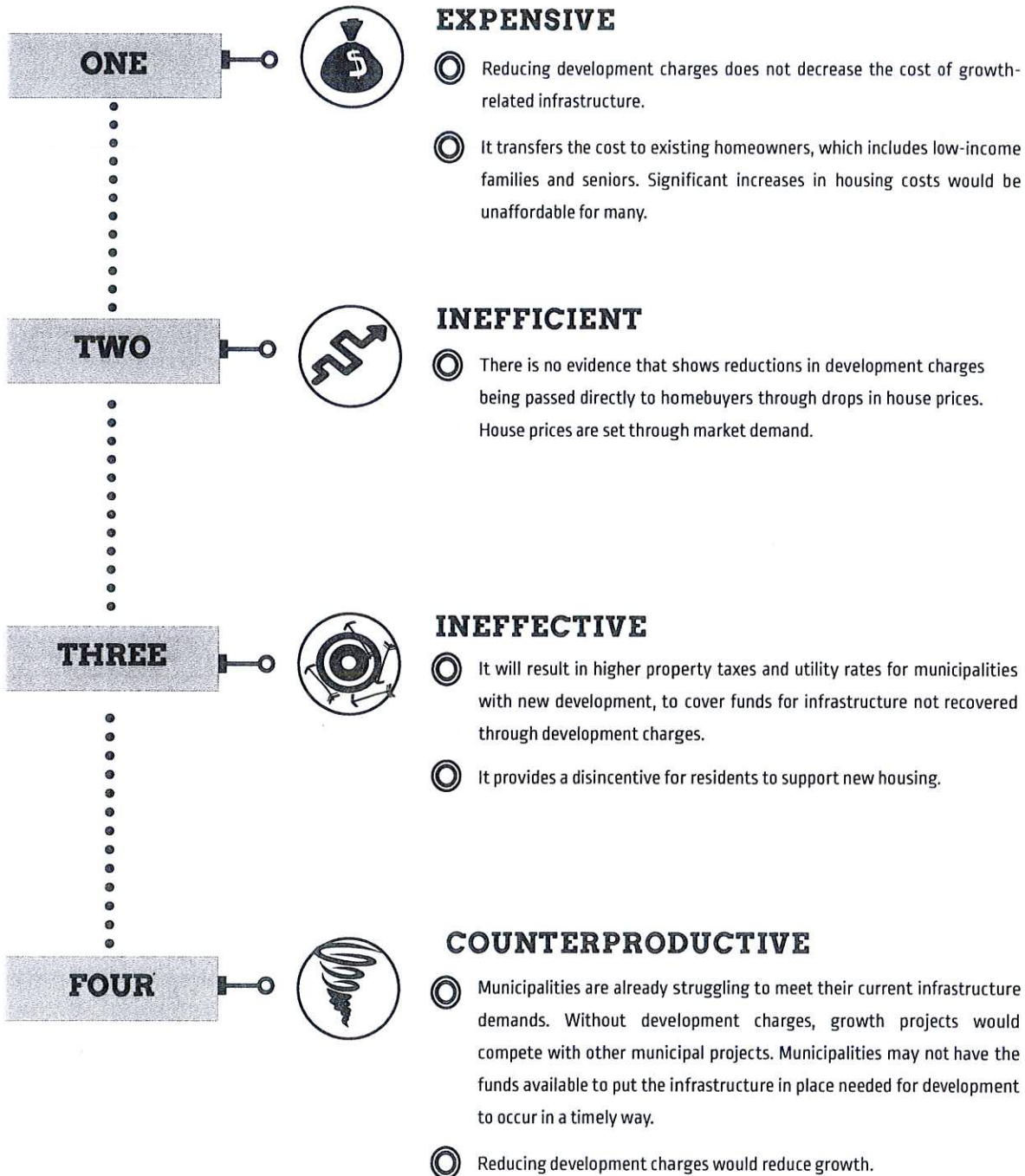
Now the province is exploring changes to legislation. If these changes lead to lower development charges, then existing residents and businesses will pay for growth through higher property taxes and utility rates.

\*Watson & Associates' 2010 study, "Long-term Fiscal Impact Assessment of Growth: 2011-2021," for the Town of Milton.



# Reducing development charges does not make housing more affordable.

Instead, it would be:



Someone has to pay for infrastructure if growth is going to occur.

# The question is who?



**TOWN OF AJAX**  
65 Harwood Avenue South  
Ajax ON L1S 3S9  
[www.ajax.ca](http://www.ajax.ca)

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Ralph Walton, Regional Clerk  
Regional Municipality of Durham  
605 Rossland Rd E  
Level 1  
P.O. Box 623  
Whitby, ON  
L1N 6A3

May 31, 2019

**Re: Bill 108: More Homes, More Choice Act, 2019 – Town of Ajax Comments**

Please be advised that the following resolution was passed by Ajax Town Council at its special meeting held May 27, 2019:

1. That the Report entitled "Bill 108: More Homes, More Choices Act, 2019 – Town of Ajax Comments" be received for information.
2. That staff's comments, included as Attachment 1 to this Report as amended, be endorsed and submitted to the Ministry of Municipal Affairs and Housing, Ministry of Tourism, Culture and Sport, and the Ministry of the Attorney General as the Town's comments in response Bill 108: More Homes, More Choices Act, 2019, or more specifically:
  - ERO No. 019-0016: Schedule 12 - Proposed Amendments to the Planning Act;
  - ERO No. 019-0017: Schedule 3 - Proposed Amendments to the Development Charges Act, 1997;
  - ERO No. 019-0021: Schedule 11 – Proposed Amendments to the Ontario Heritage Act; and
  - Proposed Amendments to the Local Planning Appeals Tribunal Act, 2017.
3. That this Report, Attachment 1 as amended, and a copy of Council's resolution be forwarded to the Ministry of Municipal Affairs and Housing, the Ministry of Tourism, Culture and Sport; and the Ministry of the Attorney General in advance of the June 1, 2019 comment deadline.
4. That a copy of this report be distributed to the Region of Durham, all local Durham Region municipalities, the Toronto and Region Conservation Authority, and the Central Lake Ontario Conservation Authority.

A copy of the correspondence and report is attached.



If you require further information please contact Sean McCullough at 905-619-2529 ext 3234 or [sean.mccullough@ajax.ca](mailto:sean.mccullough@ajax.ca)

Sincerely,

A handwritten signature in blue ink, appearing to read 'AH', with a long horizontal stroke extending to the right.

Alexander Harras  
Manager of Legislative Services / Acting Clerk

Copy: All Durham Region Municipalities  
Toronto and Region Conservation Authority  
Central Lake Ontario Conservation Authority.



**Planning &  
Development Services**

Tel. 905-683-4550  
Fax. 905-683-0360

**TOWN OF AJAX**

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May 31, 2019

Planning Act Review  
Provincial Planning Policy Branch  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 13th floor  
Toronto, ON  
M5G 2E5

John Ballantine, Manager  
Municipal Finance Policy Branch  
Ministry of Municipal Affairs and Housing  
777 Bay St., 13th Floor,  
Toronto, ON  
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Lorraine Dooley  
Ministry of Tourism, Culture and Sport  
401 Bay Street, Suite 1800  
Toronto, ON  
M7A 0A7

Hon. Caroline Mulroney  
Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay Street, 11th Floor  
Toronto, ON  
M7A 2S9

Public Input Coordinator  
Species Conservation Policy Branch  
Ministry of the Environment, Conservation  
and Parks  
300 Water Street, Floor 5N  
Peterborough, ON  
K9J 3C7

Submitted online via Environmental Registry of Ontario and mail

**Re: ERO Number: 019-0016 – (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the *Planning Act***

**ERO Number 019-0017 – (Schedule 3) – the proposed More Homes, More Choice Act: Amendments to the *Development Charges Act, 1997***

**ERO Number: 019-0021 – (Schedule 11) – the proposed More Homes, More Choice Act: Amendments to the *Ontario Heritage Act***

**Bill 108: Schedule 9 – Amendments to the *Local Planning Appeals Tribunal Act, 2017*.**

**Bill 108: Schedule 5 – Endangered Species Act, 2007**

To whom it may concern:

ERO Numbers 019-0016, 019-0017, 019-0021 were posted on May 2, 2019 and requested comments on proposed amendments to the *Planning Act*, *Development Charges Act, 1997*, and the *Ontario Heritage Act*. Comments have been requested to be submitted by June 1, 2019.

The Town has also included comments related to Schedule 9 – proposed amendments to the *Local Planning Appeals Tribunal Act, 2017*; as they relate to the amendments proposed for the *Planning Act* as outlined in Schedule 12.



An amended motion passed unanimously during a Special Council Meeting held on May 27, 2019 in relation to Schedule 5 – proposed amendments to the *Species at Risk Act, 2007* has also been added to these comments for submission to and consideration by the Ministry of the Environment, Conservation and Parks.

Thank you for providing the Town with the opportunity to comment on several of the schedules contained within Bill 108. These comments have been prepared by staff representatives from the Town's Planning and Development Services Department and Finance Department. Comments were presented and endorsed by Council during a Special Council meeting held on Monday May 27, 2019. A copy of the staff report and Council's resolution have been included with these comments as Attachments 1 and 2. The comments for all schedules should be read in conjunction with one another, as the individual changes to the legislation have cumulative impacts.

### Bill 108 – General Comments

The 30 day comment period issued on the ERO postings has required municipalities to rush comments. Further, without knowing the details of the prescribed regulations the impacts of the proposed legislation cannot be evaluated comprehensively. The following are general comments that apply to Bill 108 as a whole:

- Comment:** That the Province extend the commenting timelines on the Environmental Registry of Ontario beyond June 1, 2019; for an additional 90 days to enable Councils to endorse comments over the summer recess.
- Comment:** That the Province conduct a transparent and thorough stakeholder consultation process on Bill 108 and the associated regulations, prior to the Bill coming into force, so that municipalities can comprehensively analyze the cumulative impacts, financial and otherwise, that will result from the proposed legislation.
- Comment:** That the Province enshrine revenue neutrality in the proposed legislation in order to protect taxpayers in growing municipalities.

### Schedule 12 Comments – Amendments to the Planning Act (ERO 19-0016)

#### 1. Reduction of Decision Timelines

Bill 108 proposes to reduce the timelines for making decisions related to Official Plans and Amendments, Zoning By-law Amendments and Plans of Subdivision. The following table outlines the existing timelines, the proposed timelines, and the timelines prior to enactment of Bill 139 in December of 2017.

**Table 1: Planning Act Application Decision Timelines**

Planning Act Application Type	Pre Bill 139 Timelines (prior to December 2017)	Existing Timelines (following Bill 139)	Proposed Timelines (Bill 108)
Official Plans and Amendments	180 days	210 days	120 days
Zoning By-laws and Amendments	120 days	150 days	90 days
Plans of Subdivision	180 days	180 days	120 days



As shown in Table 1, the timelines for a Planning Authority to make a decision on certain applications under the *Planning Act* were lengthened under Bill 139. Part of the rationale for extending the timelines was to help reduce backlogs in appeals to the Local Planning Appeals Tribunal (LPAT)/Ontario Municipal Board (OMB), providing necessary time for applicants and municipalities to resolve issues and make decisions effectively. Reducing timelines below the pre Bill 139 timelines will only exacerbate the number of appeals, which will also create further backlogs at LPAT.

**Comment:** That staff do not support the reduction of decision timelines as proposed in Schedule 12, as this will ultimately only lead to more appeals to the LPAT, and delay the delivery of housing.

## 2. Grounds for Appeal

The Town participated in the consultation on the OMB Review that began in 2016, submitting comments in December 2016 in response to discussion questions provided by the Province. The Town commented that greater deference to municipal planning decisions should be taken by:

- i) Limiting appeals on municipal plans that implement provincial legislation and policy;
- ii) Requiring land use planning decisions be based on municipal policies in place at the time of the decision; and
- iii) Limiting *de novo* hearings.

During the OMB Review it was identified that the OMB should be updated into a true appeal body and a last resort for dealing with faulty decisions, rather than substituting themselves as the planning decision-maker. This was achieved through the creation of the LPAT, with the mandate to review decisions on Official Plans/Amendments, Zoning By-law Amendments and non-decisions on Draft Plans of Subdivision, based on consistency and/or conformity with provincial legislation and plans, and Official Plan policy. Returning to criteria for appeals on the basis of “apparent land use planning grounds” and not the requirement to demonstrate inconsistency/inconformity with provincial statements and plans, and municipal official plans returns to a system that creates further uncertainty with broad appeals, reduces deference to municipal decisions, and results in lengthy and costly appeals.

Since the introduction of LPAT as a true independent appeals tribunal, the limited ability to introduce new evidence and enhancements to the municipal record to be submitted to the LPAT, the quality of development applications submitted to the Town has significantly improved. The improvement of the submissions has enabled staff to review and process applications more quickly, spending less time following up to obtain outstanding information. Returning to the old system, together with the reduced timelines, will only increase the number of appeals. Not only will this create further delays at LPAT, planners will be required to direct their efforts towards preparing for LPAT appeals rather than processing other applications. This will create further delays and result in higher application fees as a result of hiring more staff to manage workloads.

**Comment:** That the Town does not support the return to an “OMB style” tribunal and that the Local Planning Appeals Tribunal maintain its role as a true appeal mechanism that evaluates decisions solely on consistency and/or conformity with Provincial Policy and Plans, and Municipal Official Plans.

## 3. Inclusionary Zoning Policies

The proposed amendment would only permit inclusionary zoning policies to be established in Major Transit Station Areas (MTSA's) or areas subject to a Development Permit System.



Although staff agree that transit is beneficial for residents who would reside in affordable housing units, municipalities also have Strategic Growth Areas that are identified to be the focus of intensification and higher-density mixed uses in a more compact form; and are planned to be hubs of community services and/or facilities. There are many other Strategic Growth Areas, separate from MTSA's.

For example, Downtown Ajax, a Strategic Growth Area, is a hub of community resources, including the hospital, schools, places of worship, recreation facilities, civic facilities and commercial uses such as grocery stores and financial institutions. Whereas, the Ajax GO Station is an area in transition and has none of the abovementioned resources within walking distance. Only permitting inclusionary zoning policies in MTSA's would actually move affordable housing units away from facilities and resources required to support daily life.

**Comment:** That inclusionary zoning be permitted in all Strategic Growth Areas, as defined in the Growth Plan, 2019, and identified in municipal Official Plans, to allow affordable housing units to be located near the facilities and resources required to support daily life.

#### 4. Community Benefits Charge (CBC) By-law

Combining the collection of development charges for "soft services", Sections 37 (increased height and density), 42 and 51.1 (parkland dedication) of the *Planning Act*, into a proposed CBC By-law will have substantial implications on how municipalities acquire land for public parks and collect revenue to construct facilities required to support growth. In order for municipalities to construct new facilities (parks, indoor and outdoor recreation, libraries, etc.) that support an increasing population, the cost would be transferred onto the existing property tax base.

The legislation identifies that a maximum amount of community benefit charge will not be permitted to exceed a prescribed percentage of the value of land as of the valuation date. Without knowing the prescribed percentage the Town cannot provide meaningful comments on the appropriateness of this approach, as the financial implications cannot be accurately assessed. However, approximately 25% of the Town's portion of forecasted Development Charges apply to support "soft services" such as recreational facilities, park construction, libraries, and associated debt repayment or studies. If the Province were to prescribe a 5% maximum for the CBC By-law, the Town would lose a significant portion of funding dollars for these projects as 5% is the base rate permitted to be collected for parkland purposes alone.

Additionally, using a maximum percentage of the land value is not an appropriate method to determine a maximum CBC payable, especially when differences between municipalities across the Province can vary greatly and can fluctuate with market forces. Land values between Toronto and Ajax, or even Toronto and Sudbury can vary greatly. However, construction costs would be more closely aligned, especially when comparing costs regionally.

It is also not clear why a new CBC By-Law is being proposed when a framework that is known and understood already exists within the Development Charges Act, 1997. An additional CBC strategy study and passage of an additional by-law will simply add to the cost of land development.

Based on the forgoing, the CBC is not an appropriate mechanism to ensure that municipalities are able to deliver healthy, livable and complete communities as outlined in the Provincial Policy Statement and the Growth Plan, 2019.

**Comment:** That the Town does not support the creation of the Community Benefit Charge that combines Section 37 (height and density bonusing), Sections 42 and 51.1, and the collection of development charges related to "soft services" into a single



payment, as the actual cost of growth will be transferred onto the existing property tax base.

Parkland is a vital component required to develop livable, healthy and complete communities in accordance with the Growth Plan, 2019 and the Provincial Policy Statement. Bill 108 will not only eliminate the alternative calculation for higher density development used to calculate parkland, as discussed later, it also groups parkland dedication into the CBC By-law, or in some situations requires municipalities to choose between parkland or community benefits (e.g. construction of the park). This will exponentially reduce the amount of parkland secured by municipalities, and/or transfer the cost to construct parks onto the existing property tax base.

**Comment:** That proposed subsections 42(2) and 51.1 (6) of the *Planning Act* be deleted to enable municipalities to continue to secure land for park purposes as a condition of development separately and in addition to the development charges.

Although the Town does not agree with the approach to implement a Community Benefit Charge, staff believe there is an opportunity to improve the existing Section 37 (increased height and density bonusing) to enhance predictability for the development community. The existing Section 37 is a tool that if used appropriately can speed up the delivery of housing by avoiding the need to amend an Official Plan, thereby saving time and providing a more predictable path to approval. The elimination of this tool removes a municipality's ability to consider increased height and density without processing an Official Plan Amendment, which is contrary to the objective of Bill 108.

The existing Section 37 can be amended to provide guidance and parameters on the maximum amounts of community benefits to be exchanged for various levels of increased height and density. This can be achieved by requiring municipalities to pass by-laws that outline what community benefits are to be provided in exchange for additional height and/or density on a per unit and/or storey basis.

**Comment:** That the Province recognize the existing Section 37 (increased height and density bonusing) of the *Planning Act* as a tool with the power to speed up the delivery of housing and enhance the existing Section 37 by establishing clear parameters for its use to provide more predictability.

## 5. Parkland Dedication

There is a direct relationship between the density of development and the need for parkland. The proposed amendment removes alternative criteria identified in sections 42 (3) & (6.0.1), and 51.1 (2) & (3.1) which allow alternative parkland dedication calculations based on density. Sections 42(3) and 51.1 (2) allows for the collection of parkland dedication of 1.0 hectare per 300 dwelling units; or Sections 42 (6.0.1) and 51.1 (3.1) allows for the collection of cash-in-lieu at a rate of 1.0 hectare per 500 dwelling units. Only acquiring the base rate of 5% of the land or cash-in-lieu based on the value of the land through a CBC fund is not representative of the needs of residents living in medium and high density areas which generally have little to no outdoor amenity space.

**Comment:** That Schedule 12 be amended to replace the alternative calculations for parkland dedication as previously outlined in subsections 42 (3) and (6.0.1.), and 51.1 (2) and (3.1) to recognize the relationship between density and parkland.

Where parkland is acquired through a plan of subdivision, a municipality would not be entitled to collect funds through the CBC fund. As capital costs associated with parks would no longer be eligible to be collected through DC's, costs to construct the park would need to be offset by other means. Funds would either need to be diverted from the CBC fund collected in other



areas of a municipality, potentially creating disparities, or capital costs of a park within a new subdivision would need to be funded by the existing property tax base.

The impacts can be illustrated using an example of a plan of subdivision in Ajax with approximately 660 dwelling units. This development would currently be required to convey to the Town a 2.2 hectare (5.43 acres) park using a standard of 1 hectare per 300 units. The Town would also receive approximately \$4 million in DC revenue to pay for the construction of “soft services” to support growth associated with that subdivision. Under the proposed legislation, not only would the park block be reduced to approximately 0.7 hectare (1.7 acres), the Town may not be permitted to collect CBC, losing roughly \$4 million in DC’s. This demonstrates the impact the changes could have on a single subdivision and which would significantly impact the municipality’s ability to pay for growth.

**Comment:** That Schedule 12 be amended to maintain a municipality’s ability to secure land and money for park purposes through development, in addition to the collection of funds through Development Charges to support all growth related infrastructure.

### **Schedule 3 – Amendments to the Development Charges Act (ERO 019-0017)**

#### 1. Removal of “Soft Services” from the Development Charges By-Law

Subsection 2(4) of the *Development Charges Act, 1997* (DCA) is being amended to set out the services in respect of which a development charges by-law may impose development charges. The proposed legislation is removing a municipality's ability to fund community infrastructure using Development Charges (DC), and requiring it to be included in the Community Benefit Strategy.

The Town of Ajax currently utilizes DC funding for new community parks, indoor and outdoor recreation centres and library facilities, as well as library collection materials. With the proposed changes to Bill 108, a development charge by-law would no longer be used to fund infrastructure costs related to these services, which enhance the quality of life and provide benefits for all new residents and local businesses.

**Comment:** That the Province amend Subsection 2(4) of the *Development Charges Act, 1997* to add “Parks and Recreation” and “Libraries” as growth related capital infrastructure.

At a yet unknown date prescribed by the Province, by-laws governing the collections of DC’s for growth-related community infrastructure will no longer be valid, even if a Community Benefit Charge strategy and by-law have not yet been approved.

**Comment:** That the Province allow the parkland development and community infrastructure component of the Development Charges Act, 1997 to remain in force.

#### 2. Timing of Development Charge Calculation

Another proposed amendment to the DCA would set the amount of development charges that would be payable to the date that either an application for Site Plan approval is submitted, or in the absence of a site plan, the date of an application to amend the Zoning By-law is submitted. If a development was subject to more than one Site Plan approval or Zoning By-law, the later one is deemed to be the applicable application date.

Setting the rate of development charges to an earlier date in the planning process creates many issues for municipalities. Locking in the DC rates well in advance of the building permit issuance would produce a shortfall in DC revenue, as the chargeable rates will not reflect the current rate



as of the time the development proceeds to be built. The disconnect between revenues and cost would make it more difficult for municipalities to provide infrastructure to support growth, and may actually delay the delivery of some services. The proposed change undermines the foundational principles of the DCA that growth should pay for growth.

Although locking-in DC rates provides cost predictability from a developer's standpoint, it eliminates the financial incentive for applicants to follow through on *Planning Act* applications and building permits in a timely manner. The administrative burden to manage and monitor the status of applications will increase costs and be transferred to higher planning fees, building permit fees, and the existing property tax base.

**Comment:** That the timing for determining the amount of Development Charges be maintained as the date of building permit issuance as currently outlined in the *Development Charges Act, 1997*.

### 3. Development Charge Installments

Section 26.1 as proposed would allow rental housing, non-profit housing, institutional, industrial, and commercial developments to pay development charges over a period of six years beginning on the earlier of the date of issuance of an occupancy permit or the date the building is first occupied. The delay in DC collections will impact cash flows making it more difficult to advance capital projects associated with "hard services" (i.e. transportation and fire) required to support growth. Slowing the construction of "hard services" that need to be in place prior to development occurring (i.e. generally sanitary and water services provided by the upper tier municipality) will have the opposite effect intended through the proposed legislative changes.

The requirement to manage multiple-year collections for each building permit issued for each rental housing, non-profit housing and commercial/industrial/institutional development will put a tremendous burden on the resources of all municipalities. This will result in increased staffing requirements and will ultimately result in higher planning fees, building permit fees, and property tax increases.

Other issues anticipated from this change include risks of non-payment and complications with changes in ownership and/or changes in use (eg. rental to condo conversions, or commercial/industrial condos). The ability to secure for these payments or register them against the land to which it applies is also unknown at this point. The uncertainty surrounding collections also makes it very difficult for municipalities to prepare financial plans and capital budgets.

In addition to the above, Section 27 of the current Development Charges Act allows municipal Councils to arrange for early or late payment of development charges through agreements. With this provision already in place, municipalities and the development community have the ability to devise mutually beneficial agreements taking into consideration unique factors within each proposed developments.

**Comment:** That the timing for determining the collection of Development Charges be maintained at the date of building permit issuance as currently outlined in Section 26 of the *Development Charges Act, 1997*.

As stated by the Minister of Municipal Affairs and Housing, "More Homes, More Choice outlines [the] government's plan to tackle Ontario's housing crisis and encourages our partners to do their part by starting now, to build more housing that meets the needs of the people in every part of Ontario." If the purpose of the legislation is to provide more housing, it is unclear why commercial, institutional and industrial development would also be permitted to pay DC's in installments over a six year period. The legislation should focus on providing incentives for rental and non-profit housing.



**Comment:** That , if the installment option remains in force, permissions to allow commercial, industrial and institutional development to pay development charges in installments over a six year period be removed from section 26.1 (2) as outlined in Schedule 3 as this does not meet the stated goal of providing more housing quickly.

#### 4. Exemption for Second Dwelling Units

Second dwelling units in structures ancillary to existing residential buildings and in newly constructed homes are exempt from development charges. This would permit “additional” accessory apartments (commonly basement apartments) to be constructed in new houses or in existing detached garages without incurring development charges. The DCA currently exempts the creation of up to two secondary units in an existing single detached dwelling unit and one secondary unit in all other residential buildings already containing one dwelling unit.

The proposed changes have removed references to the maximum number of secondary units that are exempt and has yet to prescribe a new limit, which will be detailed in the regulations following this bill. Growth related costs are driven by increases in population and employment. Although the Town currently exempts secondary suites in ancillary buildings to existing residential dwellings in the DC By-law, if this type of intensification becomes significant, it will mean that there will be a shortfall in DC revenues and the property tax based will bear the cost of intensification. The full impact of this proposed change will remain unknown until regulations have been provided.

**Comment:** That the Province acknowledge that the cost impacts of growth related pressures, driven by exempting additional secondary suites, will be funded from future property tax increases affecting all Ontario residents.

#### 5. Other Transitional and Financial Matters

There are many transitional and financial matters for which information is currently not available to make a fulsome analysis. The proposed changes are significant and will have large impacts on municipal budgets. The Province needs to conduct a transparent and thorough stakeholder consultation process on Bill 108 and the associated regulations, prior to the Bill coming into force, so that both the Province and municipalities can comprehensively analyze the cumulative impacts, financial and otherwise, that the proposed legislation will have on municipalities.

**Comment:** That the Province conduct a transparent and thorough stakeholder consultation process on Bill 108 and the associated regulations, prior to the Bill coming into force, so that municipalities can comprehensively analyze the cumulative impacts, financial and otherwise, that the proposed legislation will have on municipalities.

### **Schedule 11 – Amendments to the Ontario Heritage Act (ERO 019-0021)**

#### 1. Maintaining Local Control Over Heritage Conservation Decisions

The document titled *More Home, More Choice: Ontario's Housing Supply Action Plan*, released in May 2019 as a guide for proposed Bill 108 amendments, includes a high-level overview of proposed changes to the *Ontario Heritage Act (OHA)*. The intent of these changes is summarized as creating a consistent appeals process and maintaining local control over heritage conservation decisions.



The amendments to the OHA proposed via Bill 108 will not maintain local control over heritage conservation decisions. In fact, they will do the opposite. Currently, municipal councils are the final decision makers on the following application types:

- Designation by municipal bylaw (Section 29);
- Amendment of designation bylaw (Section 30.1 (1));
- Amendment of designation bylaw – Exception (Section 30.1 (2) to (10));
- Repeal of designation bylaw – Council's Initiative (Section 31);
- Repeal of designation bylaw – Owner's Initiative (Section 32); and
- Alteration of property (Section 33).

Under Bill 108, the final authority on all of the above application types will be transferred to the Local Planning Appeals Tribunal (LPAT), thereby matching the existing process for decisions on the demolition or removal of a designated structure (Section 34, 34.1 and 34.3). While the attempt to create a consistent appeals process for all applications under the OHA is well-intentioned, it fails to recognize that municipal councils are generally better-positioned than external bodies to make decisions reflecting local goals and objectives. It also fails to recognize that an application for the alteration of property (Section 33) is different than the other applications listed above, as it is the lone application that does not result in a change of the legal status of a property. Applications made under Section 33 are not sufficient enough in scope to justify appeal to the LPAT and should remain in the purview of municipal councils.

**Comment:** That applications under Section 33 of the OHA remain appealable to the Conservation Review Board instead of the LPAT.

## 2. Consultation for Matters Prescribed by Regulation

Many of the proposed amendments to the OHA via Bill 108 will be profoundly influenced by the introduction of matters prescribed by regulation. "Prescribed principles", "prescribed events", "prescribed circumstances", "prescribed information and material", and "prescribed actions" are all referenced in the proposed amendments, yet none of these materials have been provided for review. Information from the Ministry of Tourism, Culture and Sport has indicated that proposed regulations will be shared following the passing of Bill 108 amendments, however, it is difficult to provide a fulsome commentary on the proposed amendments in the absence of the related regulations.

There was little to no meaningful consultation done with municipalities and representatives of the heritage conservation sector prior to the introduction of Bill 108. Given the magnitude of proposed regulations in influencing decisions made under the OHA, it is important that municipalities and stakeholders in the heritage conservation field be adequately consulted when these materials are finally released. It is also important that amendments under Bill 108 not come into force until the completion of consultations on proposed regulations, so municipalities can fully analyze the comprehensive impacts of these tools.

**Comments:** That municipalities be provided with at least 90 days to review and comment upon matters prescribed by regulation, and further, that no amendments considered under Bill 108 come into force prior to the completion of consultations on proposed regulations.

## 3. Implications of New Timelines in Prompting Premature Designations

The amendments proposed to the OHA via Bill 108 would introduce new timelines for various processes. The most significant new timelines are those associated with the designation of



properties. Section 29 (1.2) would impose a 90-day timeframe from the occurrence of a “prescribed event” for a municipality to give notice of intention to designate. Section 29 (8) would require that a designation by-law be passed within 120 days of the notice of intention to designate. When considered together, this means that a municipality would be limited to, at most, 210 days from the occurrence of a “prescribed event” to the passing of a designation by-law.

In certain cases where little information is known about a property, these timelines could lead to premature decisions on designation. Conducting fulsome research on a property, combined with undertaking adequate consultation, can be a lengthy process. If municipalities are forced to act quickly due to restrictive timelines before all relevant information is considered, the end result may be the designation of properties that do not actually merit such protection. As a result, these restrictive timelines may actually represent a significant impediment to development projects.

**Comments:** That timelines referenced under Section 29 (1.2) and (8) be doubled in length to 180 and 240 days, respectively.

### **Schedule 9 – Amendments to the Local Planning Appeals Tribunal Act, 2017**

#### 1. Restructuring the Tribunal’s Practices and Procedures, and Reintroducing “de Novo” Hearings

The Town participated in the extensive consultation process on the OMB Review that began in 2016, submitting comments in December 2016 in response to discussion questions provided by the Province. The Town commented that greater deference to municipal planning decisions should be taken by:

- i) Limiting appeals on municipal plans that implement provincial legislation and policy;
- ii) Requiring land use planning decisions be based on municipal policies in place at the time of the decision; and
- iii) Limiting *de novo* hearings.

During the review, the Town identified that the OMB should be a true appeal body and a last resort for dealing with faulty decisions, rather than substituting themselves as the planning decision-maker. This was achieved through the creation of the LPAT, with the mandate to review Council decisions on certain applications (OPs/OPAs, ZBAs and non-decisions on Draft Plans of Subdivision) based on consistency and/or conformity with Provincial statements and plans, and Official Plan policy. It was also achieved by limited the extent to which new evidence could be introduced during a hearing; and the creation a two-stage appeal process.

Restructuring the practices and procedures of the Tribunal returns to an “OMB style” process that would largely undo the Bill 139 changes. It would reintroduce “de novo” hearings and make final decisions without using Council’s decision as a starting point, and returning the matter to the municipality when it is determined that they erred in their decision. As a result, the Tribunal would have the authority to approve appeals based on what is determined to be a “good planning outcome” and not based on inconsistency/inconformity with provincial statements and plans, and municipal official plans. This approach removes the decision making authority from elected local Councils. The proposed appeal regime returns to a system that creates further uncertainty with broad appeals, reduces deference to municipal decisions, and results in lengthy and costly appeals.

Since the introduction of LPAT as a true independent appeals tribunal, together with the limited ability to introduce new evidence and the introduction of the requirement to submit an enhanced



municipal record to the LPAT, the quality of development applications submitted to the Town has significantly improved. The improvement of the submissions has enabled staff to review and process applications more quickly, spending less time following up to obtain outstanding information from applicants. Returning to the old system, together with the reduced timelines, will only increase the number of appeals. Not only will this create further delays at LPAT, planners will be required to direct their efforts towards preparing for LPAT appeals rather than processing other applications. This will create further delays and result in higher application fees as a result of hiring more staff to manage workloads.

**Comments:** That the Town does not support the return to an “OMB style” tribunal with the ability to conduct “*de Novo*” hearings; and that the Local Planning Appeals Tribunal maintain its role as a true appeal mechanism that evaluates decisions solely on consistency and/or conformity with Provincial Policy and Plans, and Municipal Official Plans.

## 2. Power of the Tribunal to Require Mediation or another Dispute Resolution Process

Currently, the Tribunal does not have the authority to require parties to participate in mediation or other dispute resolution processes. Under subsections 33(1)(9) and 39 (2), the Tribunal may direct the parties to participate in a case management conference prior to a hearing to discuss opportunities for settlement, including the “possible use” of mediation or other dispute resolution processes.

The facilitation of mediation or other dispute mechanism at the earliest opportunity can reduce costs and timelines by potentially settling cases or by narrowing down issues. Section 33 (1.1) – Power to Require Alternative Dispute Resolution is being proposed, which would give the Tribunal the authority to “direct” parties to participate in mediation or other dispute resolution processes to resolve one or more issues in a proceeding. It is unclear if parameters will be established in the regulations outlining when mediation would be required.

**Comment:** That the Province maintain the existing LPAT regime and only amend the Act to include the ability to “direct” parties to proceed to mediation. It is requested that additional information be provided outlining the detailed process and/or criteria that would be used to establish the grounds for when mediation would be required.

## 3. Tribunal to set and charge different fees for different classes of persons and different types of proceedings

Under the existing legislation, the Tribunal may, subject to the approval of the *Attorney General*, set and charge fees in respect of proceedings brought before the Tribunal and other services provided by the Tribunal. Additionally, the Tribunal has the authority to treat different types of proceedings differently in setting fees. Section 14 is proposed to be amended to allow the Tribunal to set and charge different fees for different classes of persons and different types of proceedings, subject to the *Minister’s* approval. Amending the Tribunal’s authority under subsection 14(2), it is unclear how existing LPAT fees will be adjusted.

The Local Planning Appeals Tribunal Support Centre was created to support the general public navigating the LPAT process. The elimination of the support centre already make it difficult for the general public to involve themselves in the appeals process. Staff worry that moving toward a cost recovery structure may raise the cost of an appeal to a point where it is out of reach for certain individuals. The setting of new fees should consider this impact and not act as a deterrent.



**Comment:** That the Province conduct a fulsome and thorough evaluation and consultation of any proposed fee changes to ensure fees are not discriminatory and remain truly affordable for everyone.

**Schedule 5 – Amendments to the *Species at Risk Act*, 2007**

The following is an amendment passed unanimously during a Special Council Meeting held on May 27, 2019 in response to the proposed amendments to the *Species at Risk Act*, 2017 for submission to the Ministry of the Environment, Conservation and Parks.

Amendment

Moved by: S. Lee  
Seconded by: J. Dies

That the Town's comments be amended to reflect that the Town recommends that no changes be made to the *Endangered Species Act* (schedule 5) as it pertains to Bill 108.

**Comment:** That the Town recommends that no changes be made to the *Endangered Species Act* (schedule 5) as it pertains to Bill 108.

Thank you again for providing the Town with the opportunity to provide comments and for your consideration of these comments. Should you have any questions please contact Sean McCullough, Senior Planner at [Sean.mccullough@ajax.ca](mailto:Sean.mccullough@ajax.ca) or (905) 619-2529 ext. 3234 and he will endeavour to coordinate a response.

ATT 1: Special Council Meeting Report – Bill 108: More Homes, More Choices Act, 2019 –  
Town of Ajax Comments

ATT 2: Council Resolution – May 27, 2019

Regards,



Dave Meredith  
Director of Planning and Development Services  
Planning and Development Services  
Town of Ajax

Copies:

Rod Philips, MPP-Ajax, Minister of the Environment, Conservation and Parks  
Steve Clark, MPP, Minister of Municipal Affairs and Housing  
Shane Baker, Chief Administrative Officer, Town of Ajax  
Sheila Strain, Director of Finance/Treasurer, Town of Ajax  
Alexander Harris, Manager of Legislative Services/ Acting Clerk  
Ron Hawkshaw, Solicitor, Town of Ajax  
Geoff Romanowski, Manager of Planning, Town of Ajax  
Stev Andis, Supervisor of Planning Policy and Research, Town of Ajax  
Julie Mephram, Senior Financial Analyst, Town of Ajax  
Mike Sawchuck, Senior Planner, Town of Ajax  
Ralph Walton, Clerk, Region of Durham  
Becky Jamieson, Clerk, Township of Brock  
Anne Greentree, Clerk, Municipality of Clarington  
Clerk, City of Oshawa  
Debbie Shields, Clerk, City of Pickering

JP Newman, Clerk, Township of Scugog  
Debbie Leroux, Clerk, Township of Uxbridge  
Chris Harris, Clerk, Town of Whitby  
John Mackenzie, Toronto and Region Conservation Authority  
Chris Darling, Central Lake Ontario Conservation Authority  
Jocelyn McCauley, Committee Clerk, Standing Committee on Justice Policy



# Town of Ajax Report



**Report To:** Special Council Meeting

**Prepared By:** Sean McCullough, MCIP, RPP  
Senior Planner

**Subject:** **Bill 108: More Homes, More Choice Act, 2019 – Town of Ajax  
Comments**

**Ward(s):** All

**Date of Meeting:** May 27, 2019

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## Recommendations:

1. That the Report entitled "Bill 108: More Homes, More Choices Act, 2019 – Town of Ajax Comments" be received for information.
2. That staff's comments included as Attachment 1 to this Report be endorsed and submitted to the Ministry of Municipal Affairs and Housing, Ministry of Tourism, Culture and Sport, and the Ministry of the Attorney General as the Town's comments in response Bill 108: More Homes, More Choices Act, 2019, or more specifically:
  - ERO No. 019-0016: Schedule 12 - Proposed Amendments to the Planning Act;
  - ERO No. 019-0017: Schedule 3 - Proposed Amendments to the Development Charges Act, 1997;
  - ERO No. 019-0021: Schedule 11 – Proposed Amendments to the Ontario Heritage Act; and
  - Proposed Amendments to the Local Planning Appeals Tribunal Act, 2017.
3. That this Report, Attachment 1, and a copy of Council's resolution be forwarded to the Ministry of Municipal Affairs and Housing, the Ministry of Tourism, Culture and Sport; and the Ministry of the Attorney General in advance of the June 1, 2019 comment deadline.
4. That a copy of this report be distributed to the Region of Durham, all local Durham Region municipalities, the Toronto and Region Conservation Authority, and the Central Lake Ontario Conservation Authority.

## 1.0 Background:

As part of Ontario's Housing Supply Action Plan, the Province released Bill 108, *More Homes, More Choice Act, 2019* on May 2, 2019. The stated goal of Bill 108 is to address Ontario's Housing Crisis by "cutting red tape" to make it easier to build the right type of housing in the right places. Bill 108 is an omnibus bill that proposes to make amendments to 13 different pieces of legislation, including:

- Schedule 1: *Cannabis Control Act, 2017*
- Schedule 2: *Conservation Authorities Act*

- Schedule 3: *Development Charges Act, 1997*
- Schedule 4: *Education Act*
- Schedule 5: *Endangered Species Act, 2007*
- Schedule 6: *Environmental Assessment Act*
- Schedule 7: *Environmental Protection Act*
- Schedule 8: *Labour Relations Act, 1995*
- Schedule 9: *Local Planning Appeal Tribunal Act, 2017*
- Schedule 10: *Occupational Health and Safety Act*
- Schedule 11: *Ontario Heritage Act*
- Schedule 12: *Planning Act*
- Schedule 13: *Workplace Safety and Insurance Act, 1997*

The Province posted the following three schedules on the Environmental Registry of Ontario (ERO) for a 30 day comment period requesting comments on the proposals by June 1, 2019:

ERO No. 019-0016<sup>1</sup> Schedule 12: Proposed Amendments to the *Planning Act*

ERO No. 019-0017<sup>2</sup> Schedule 3: Proposed Amendments to the *Development Charges Act, 1997*

ERO No. 019-0021<sup>3</sup> Schedule 11: Proposed Amendments to the *Ontario Heritage Act*

This report has been prepared collaboratively by the Town's Planning & Development Services Department and Finance Department and highlights proposed changes to the *Planning Act, Development Charges Act, 1997, Ontario Heritage Act and the Local Planning Appeals Tribunal Act, 2017*.

Attachment 1 to this report provides staff's detailed comments in response to the three ERO postings outlined above. Staff are also providing comments on the proposed changes to the Local Planning Appeals Tribunal Act, 2017, for submission to the Ministry of Municipal Affairs and Housing and Ministry of the Attorney General.

## 2.0 Discussion:

The legislation as proposed will have significant impacts on a municipality's ability to develop healthy, livable and complete communities as outlined in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019* and the *Provincial Policy Statement*. More specifically, the changes would have significant impacts to a municipality's ability to acquire parkland and to collect development charges for 'soft services' such as community centres, recreation facilities, libraries, park construction, pedestrian infrastructure, and associated studies.

### 2.1 Proposed Amendments to the *Planning Act* (Schedule 12)

Schedule 12 of Bill 108 proposes amendments to the *Planning Act*. Previous amendments to the *Planning Act* that were implemented through Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*, have largely been repealed.

The following is a high level overview of the proposed changes to the *Planning Act*:

<sup>1</sup> Link to ERO No. 019-0016: <https://ero.ontario.ca/notice/019-0016>

<sup>2</sup> Link to ERO No. 019-0017: <https://ero.ontario.ca/notice/019-0017>

<sup>3</sup> Link to ERO No. 019-0021: <https://ero.ontario.ca/notice/019-0021>



- Timelines for municipalities to make decisions on Official Plans and Amendments, Zoning By-law Amendments, and Draft Plans of Subdivision have been shortened significantly. Where Council fails to make a decision on an application in the legislated timeline, an application can be appealed to the Local Planning Appeals Tribunal (LPAT). This will likely result in additional appeals to LPAT, requiring staff time to be diverted to managing appeals rather than processing other applications, and will ultimately create further delays in delivering housing. Staff are recommending that the timelines established through Bill 139 be maintained.
- The alternative calculation for parkland dedication is proposed to be removed. Currently the base rate allows municipalities to require the conveyance of land or cash-in-lieu, for park purposes at a rate of 5% of residential development and 2% for commercial/ industrial development. Recognizing the correlation between density and parkland, the current *Planning Act* allows municipalities to apply an alternative rate of 1 hectare per 300 dwelling units for the conveyance of land or 1 hectare per 500 dwelling units where cash is to be provided in lieu. The alternative rates (1:300 and 1:500) are proposed to be eliminated, having a significant impact on the amount of land and/or cash-in-lieu that municipalities would receive, especially as most growth in the Town will be through intensification. Staff are recommending that the alternative rates be maintained.
- Parkland dedication, Section 37 benefits (increased height and density bonusing), and development charges collected for "soft services" are proposed to be combined into a single "Community Benefits Charge (CBC) By-law". Money collected in accordance with a "Community Benefits Charge Strategy" would be capped at a prescribed rate, measured as a maximum percentage of the value of land. The prescribed percentage has not been provided at this time, and will be outlined in a future regulation. Further, if a municipality has a CBC By-law, the municipality would not be permitted to have a parkland dedication by-law. Staff are recommending that the existing parkland dedication requirements and development charges for "soft services" be maintained.
- The creation of the new "Community Benefits Charge By-law" would repeal the existing Section 37 (Increased Height and Density Bonusing). Section 37 allows developers to enter into agreements with municipalities to provide community benefits, such as community centres, day-care facilities, public art, affordable housing, or any other community benefit determined by the municipality, in exchange for increased height and/or density. Rather than create a CBC by-law, staff are recommending that the Province focus on amending the existing Section 37 (increased height and density bonusing) to provide more predictability when using Section 37.
- "Inclusionary Zoning" would be limited to Major Transit Station Areas (MTSA's). Currently municipalities are permitted to determine areas where inclusionary zoning would be applicable through the preparation of an assessment report that examines housing needs and financial implications. Inclusionary zoning allows municipalities to require a percentage of housing units to be "affordable", which is determined through the assessment report. In Ajax, restricting inclusionary zoning to MTSA's would move residents who require affordable housing from the support services that they need to support daily life. It is recommended that inclusionary zoning be permitted in all *Strategic Growth Areas* as outlined in the Growth Plan, 2019 and municipal Official Plans, such as Downtown Ajax.
- Third-party appeals on draft plans of subdivision and condominium would be restricted. Only the applicant, municipality, Minister, public body, or prescribed list of persons (e.g. utilities) would have the right to appeal an approval authority's decision on a draft plan of subdivision, lapsing provision, or any condition of draft approval.



- The Province would be able to make an order to require a municipality to implement a Development Permit System, also known as the Community Planning Permit System. Third party appeals would be restricted to a by-law that implements the system where an order is made.

## 2.2 Proposed Amendments to the *Development Charges Act, 1997 (Schedule 3)*

Schedule 3 proposes amendments to the Development Charges Act, 1997 (DCA). The following is a high level overview of the proposed changes:

- "Soft services" from the Development Charges (DC's) By-law, such as construction of new parks, indoor and outdoor recreation facilities (i.e. Audley Recreation Centre), library facilities and circulation materials, as well as associated debt and studies in connection with these services would be removed from the DC By-law. The legislation proposes that these services be included in a Community Benefit Strategy as outlined in Section 2.1, and would be capped by a yet to be determined prescribed rate. The adoption of a new "Community Benefits Charge By-law" would repeal the Town's ability to collect DC's for "soft services" prior to the expiry date or prescribed expiry date of the Development Charges By-law. Staff are recommending that "soft services" continue to be included in the Development Charges Act, 1997.
- DC's for certain development types would be paid in six installments over a six year period beginning on the date of occupancy of the building for select development types. Rental housing and non-profit housing would be eligible, as well as commercial, institutional and industrial development. The delay of DC collection will impact cash flows making it more difficult to advance capital projects associated with "hard services" (transportation and fire) required to support growth. Other issues anticipated from this change include risks of non-payment, complications with changes in ownership and/or use, and municipal resources for administration and enforcement. The Town's DC By-Law already includes a provision for delayed DC payments related to social/non-profit housing. Town staff are recommending that the timing for determining the amount of Development Charges be maintained at the date of building permit issuance. At a maximum, DC installment payments should only be permitted for rental and non-profit housing.
- DC rates would be "locked-in" on the date of submission of a site plan application or zoning by-law amendment application. Although locking-in DC rates provides cost predictability from a developer's standpoint, it eliminates the financial incentive for timely application of building permits in addition to causing undue administrative burden to manage and monitor the status of applications. The time interval between the calculation and collection dates will also result in less available funding to apply to increasing future construction costs, which will likely delay a municipality's ability to fund large growth projects in a timely manner. Staff are recommending that the current timing for determining DC's be maintained as the proposed change undermines the foundational DCA principle that growth should pay for growth.
- Secondary units (i.e. accessory apartments) in new residential buildings or in structures ancillary to existing residential buildings would be exempt from paying DC's. The DCA currently exempts the creation of up to two secondary units in an existing single detached dwelling unit and one secondary unit in all other residential buildings already containing one dwelling unit. The proposed changes have removed references to the maximum number of secondary units that are exempt and has yet to prescribe a new



limit, which will be detailed in the regulations following this bill. In addition to the current requirements under the DCA, the Town's most recent bylaw exempts DC's for the creation of a secondary unit in an existing structure ancillary to existing residential buildings. The full impact of this change is currently unknown.

### **2.3 Proposed Amendments to the *Ontario Heritage Act* (Schedule 11)**

Schedule 12 of Bill 108 proposes amendments to the *Ontario Heritage Act* (OHA). The following is a high level overview of the most significant proposed changes to the OHA:

- The council of a municipality would be required to consider any principles prescribed by regulation when exercising decision making under Parts IV or V of the OHA. There are not currently any principles prescribed by regulation that must be considered by council prior to such decisions. Town staff are requesting that there be comprehensive consultation of at least 90 days on all matters to be prescribed by regulation and that no amendments under Bill 108 come into force prior to such consultations.
- Property owners would have to be notified by a municipality following the inclusion of their property on a Heritage Register. Such property owners would also be provided with an opportunity to object to their property being included on the Register. Neither process is currently required under the OHA; however, the proposed system is similar to one already established by the Town. Accordingly, Town staff have no comments on this amendment.
- A municipality would be subject to a 90-day time limit to issue a notice of intention (NOI) to designate following the occurrence of prescribed events on a property (e.g. certain Planning Act applications). A municipality would also be limited to a 120-day window for passing a designation by-law after issuing a NOI. Neither process is currently subject to timelines that restrict applicability. Town staff feel that these timelines are overly restrictive and are requesting that they be doubled in length.
- A new 30-day objection period would be introduced for designation by-law-related decisions and all applications currently subject to advice from the Conservation Review Board would be appealable to the LPAT for a final decision. Town staff agree that these changes may result in increased consistency and accountability in decision making, but do not believe that applications for altering a heritage property warrant appeal to the LPAT.
- Definitions would be updated to clarify that "alter" and/or "alteration" does not include the demolition or removal of heritage attributes from a property. The OHA currently defines "alter," but this definition can be interpreted to include demolition or removal of heritage attributes. The proposed updates would help to clarify how the OHA is to be implemented, and as such, Town staff have no comments on this amendment.

### **2.4 Proposed Amendments to the *Local Planning Appeals Tribunal Act, 2017* (Schedule 9)**

Schedule 9 proposes amendments to the *Local Planning Appeals Tribunal Act, 2017* that would change the process for development applications appealed to the LPAT. Bill 139 which received royal assent in December 2017 made significant changes to the Ontario Municipal Board (OMB), renaming it the Local Planning Appeals Tribunal (LPAT). Bill 108 would largely undo many of the amendments made through Bill 139. The following is an overview of the proposed changes:



- Return to OMB style “*de novo*” hearing. Currently, LPAT acts as a true appeal body that evaluates a municipality’s decision on certain applications (Official Plan/Amendments, Zoning By-law Amendments and Draft Plans of Subdivision) strictly on consistency and conformity with Provincial policy and plans, and municipal Official Plans. LPAT currently follows a two stage appeal process where LPAT can refer a matter back to a local Council to make a new decision where it is determined that the decision was not consistent or did not conform. Bill 108 would return to the OMB style system, where LPAT would conduct a new hearing and make the final decision. The Town was involved in extensive consultation prior to the creation of the LPAT, and staff do not support the return of “*de novo*” hearings as this will remove decision making authority from local Councils.
- Expansion of grounds for appeal. Currently, Official Plans/Amendments and Zoning By-law Amendments, and non-decisions of Plans of Subdivision can only be appealed on the grounds that it is not consistent and/or do not conform to a provincial policy statement, provincial plan, and/or municipal official plan. Bill 108 would widen what can be appealed, allowing appeals on any “apparent land-use planning ground”. Staff recommended that the Bill 139 changes remain and that broadening appeals beyond consistency/conformity will result in the resurgence of costly and lengthy appeals.
- Reintroduction of a party’s ability to introduce evidence and call and examine witnesses at a LPAT hearing. Under Bill 139, LPAT transitioned to a system that considered matters based on materials provided prior to a Council making a decision. Returning to the old system would allow parties to introduce new evidence during a tribunal hearing. Staff commented that municipalities should be given the opportunity to consider all evidence prior to making a decision.
- Amending the Tribunals authority to require parties to participate in mediation or another dispute resolution process. Under the existing appeal system, the Tribunal may direct parties to participate in a case management conference where discussion opportunities for settlement, including the “*possible use*” of mediation or other dispute resolution processes, can occur. Under the proposed regime, the Tribunal has the authority to “*direct*” parties to participate in mediation or other dispute resolution processes to resolve one or more issues. Staff support this change, but otherwise recommend that the LPAT Act powers and procedures remain in its current form.

### 3.0 Financial Implications:

Bill 108 will have a direct impact on the way municipalities pay for growth related infrastructure. The financial impacts will not be able to be fully understood in the absence of the proposed regulations. The Town’s ability to collect parkland contributions and DCs for soft services could be dramatically reduced. The following is an overview and examples of some of the anticipated financial impacts:

- The Town’s 2020-2023 Capital Budget and Long Range Capital Forecast allocated \$6.2 million in DC funding to 18 capital projects categorized as soft services that would no longer be funded from DCs, including projects at 10 new parks, four vehicles, three pieces of equipment to support parks and recreation, one study, as well as debt repayment.
- Changes to the *Planning Act* would impact parkland dedication requirements. In one subdivision example in Ajax with approximately 660 dwelling units would reduce parkland requirements from 2.2 hectares (5.4 acres) to ~0.7 hectares (1.7 hectares). It is estimated that it would cost the town approximately \$1.4 million dollars to acquire



additional parkland to make up the difference. In the last 5 years, the Town has only collected approximately \$1.6 million in cash-in-lieu for parkland town-wide. Additionally, under the proposed legislation, the Town would not be permitted to collect approximately \$4 million in expected development charges from the proposed subdivision that would be allocated towards parks and recreation, libraries and any associated debt and/or studies.

- Planning application and building permit fees would be increased to pay for additional staffing to manage increased workloads and administrative tasks, such as tracking annual development charge payments and increased time associated with managing appeals to the LPAT as a result of reduced decision timelines.

Given the unknown scope of the prescribed regulations surrounding the proposed Community Benefits Charge, the true extent of the impacts cannot be fully comprehended. Any changes resulting from Bill 108 that do not allow a revenue neutral option to collect development related costs would require capital projects to be deferred or funded from the existing property tax base or other Town reserves.

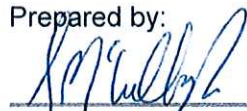
#### 4.0 Conclusion:

The Province has introduced Bill 108: More Homes, More Choice Act, 2019, an omnibus bill that proposes amendments to 13 pieces of legislation. Most notably, amendments to the Planning Act, Development Charges Act, 1997, Ontario Heritage Act, and the Local Planning Appeals Tribunal Act, 2017, will significantly impact a local municipality's ability to provide growth related infrastructure to facilitate the development of complete and livable communities.

Bill 108 will move away from the long held stance that "growth pays for growth" and will have a direct impact on the way municipalities pay for growth related infrastructure, acquire land and construct facilities for parks, and will increase the need for additional staff to manage changes. The changes will require some capital projects to be deferred, some costs transferred onto the existing property tax base, and the need to increase planning and building permit application fees.

ATT 1: Town of Ajax Comments on Bill 108

Prepared by:



Sean McCullough – Senior Planner – ext. 3234

Submitted by:



Dave Meredith – Director of Planning and Development Services

Approved by:



Shane Baker – Chief Administrative Officer

The Corporation of the Town of Ajax  
May 27, 2019  
**Council Resolution Excerpt**

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The following resolutions were adopted by Council of the Corporation of the Town of Ajax at its special meeting on May 27, 2019:

Amendment

Moved by: S. Lee  
Seconded by: J. Dies

That the Town's comments be amended to reflect that the Town recommends that no changes be made to the *Endangered Species Act* (schedule 5) as it pertains to Bill 108.

CARRIED

Main Motion as Amended

Moved by: R. Tyler Morin  
Seconded by: L. Bower

1. That the Report entitled "Bill 108: More Homes, More Choices Act, 2019 – Town of Ajax Comments" be received for information.
2. That staff's comments, included as Attachment 1 to this Report as amended, be endorsed and submitted to the Ministry of Municipal Affairs and Housing, Ministry of Tourism, Culture and Sport, and the Ministry of the Attorney General as the Town's comments in response Bill 108: More Homes, More Choices Act, 2019, or more specifically:
  - ERO No. 019-0016: Schedule 12 - Proposed Amendments to the Planning Act;
  - ERO No. 019-0017: Schedule 3 - Proposed Amendments to the Development Charges Act, 1997;
  - ERO No. 019-0021: Schedule 11 – Proposed Amendments to the Ontario Heritage Act; and
  - Proposed Amendments to the Local Planning Appeals Tribunal Act, 2017.
3. That this Report, Attachment 1 as amended, and a copy of Council's resolution be forwarded to the Ministry of Municipal Affairs and Housing, the Ministry of Tourism, Culture and Sport; and the Ministry of the Attorney General in advance of the June 1, 2019 comment deadline.
4. That a copy of this report be distributed to the Region of Durham, all local Durham Region municipalities, the Toronto and Region Conservation Authority, and the Central Lake Ontario Conservation Authority.

CARRIED

A handwritten signature in blue ink, appearing to read "AH", written over a horizontal line.

Alexander Harras  
Acting Clerk



May 31, 2019

Hon. Steve Clark  
Ministry of Municipal Affairs and Housing  
17th Floor, 777 Bay Street  
Toronto, ON M5G 2E5

Subject: Director, City Development & CBO, Report PLN 14-19  
Proposed Bill 108. *More Homes, More Choice Act, 2019* and Provincial  
Housing Supply Action Plan – Environmental Registry of Ontario  
Numbers 019-0016, 019-0017, and 019-0021  
File: A-1400-001-19

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on May 27, 2019 and adopted the following resolution:

1. That Council receive for information and review, a copy of City of Toronto Report CC7.3 of the City Manager, Chief Planner and Executive Director, City Planning, dated May 14, 2019, titled "Proposed Bill 108 (*More Homes, More Choice Act, 2019*) and the Housing Supply Action Plan – Preliminary City Comments", provided as Appendix I to Report PLN 14-19;
2. That Council endorse the following recommendations of the City of Toronto Report CC7.3 as they apply to the City of Pickering: #2, #3 and #4 requesting the Province consult further with municipalities; #8 through #21 requesting the Province amend Bill 108 for the Planning Act; #22 through #29 requesting the Province amend Bill 108 for the *Development Charges Act*; and #30 through #36 requesting the Province amend Bill 108 for the *Ontario Heritage Act*; and,
3. That a copy of Report PLN 14-19 and Council's resolution on the Report be forwarded to: the Minister of Municipal Affairs and Housing; the Environmental Registry of Ontario; the Honourable Peter Bethlenfalvy, MPP Pickering – Ajax; and the Region of Durham.

A copy of Report PLN 14-19 is attached. Should you require further information, please do not hesitate to contact City Development at 905.420.4617.

Yours truly



Susan Cassel  
City Clerk

SC:bg  
Enclosure

Copy: Hon. Peter Bethlenfalvy, MPP Pickering-Uxbridge  
Environmental Registry of Ontario (via Online Portal)  
R. Walton, Regional Clerk/Director of Legislative Services

Chief Administrative Officer





26557 Civic Centre Road  
Keswick, Ontario L4P 3G1  
905-476-4301

C.S. - LEGISLATIVE SERVICES

# GEORGINA

May 30, 2019

Doug Ford, Premier  
Premier's Office  
Room 281  
Legislative Building, Queen's Park  
Toronto, Ontario  
M7A 1A1

Honourable Premier:

Re: Bill 108, More Homes, More Choice Act, 2019

Original
To: CIP
Copy
To: B-B ✓
C.C. S.C.C. File
Take Appr. Action

The Town Council for the Corporation of the Town of Georgina considered a motion adopted by the Regional Municipality of York on May 16<sup>th</sup> concerning the Province's Bill 108, the More Homes, More Choice Act which passed first reading in the Ontario Legislature on May 2, 2019. This Bill seeks to amend 13 different statutes that impact municipalities and land use planning processes.

Please be advised that Town Council endorsed the position of the Region of York and passed the following motion:

"WHEREAS the legislation that abolished the Ontario Municipal Board and replaced it with the Local Planning Appeal Tribunal received unanimous – all party support;

AND WHEREAS all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning;

AND WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow;

AND WHEREAS the Town of Georgina requests that the proposed changes to the Planning Act provide greater deference than that previously afforded to local, municipal decisions on development applications, by restoring the test under the Planning Act that appeals must be on the basis that the municipal decision is not consistent with the Provincial Policy Statement, fails to conform with a provincial plan, or fails to conform with the local and regional Official Plan(s);

AND WHEREAS the Town of Georgina requests that the tribunal framework restore the previous ability for participants in Local Planning Appeal Tribunal hearings to provide in person evidence in a hearing;





AND WHEREAS the Town of Georgina recognizes that proposed grouping together of a variety of community services, including parkland dedication, under community benefits charge framework, which is subject to a monetary cap, will limit a municipality's ability to continue to provide parks and a range of community services and facilities at a consistent and equitable level of service across the municipality, and requests that the previous Development Charge "soft services" be maintained and separated from the community benefits charge under the proposed Bill 108;

AND WHEREAS on August 21, 2018 Minister Clark once again signed the Memorandum of Understanding with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.";

AND WHEREAS this Memorandum of Understanding is "enshrined in law as part of the Municipal Act" and recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest";

AND WHEREAS by signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact";

AND WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Corporation of the Town of Georgina *express serious concerns with* Bill 108 which in its current state *may* have negative consequences on community building and proper planning.
2. The Town of Georgina supports the positive changes within Bill 108 such as: 1. removing the requirement for low risk projects to undertake environmental assessments; 2. appointing more Local Planning Appeal Tribunal adjudicators to deal with appeals; 3. streamlining the planning process provided that the planning processes are streamlined at both the provincial and local levels]; 4. the removal of the 10% discount for determining development charges for hard services.



3. The Corporation of the Town of Georgina call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved.
4. A copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario.

A copy of this motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.”

Accordingly, the Council of the Town of Georgina respectfully requests your serious consideration of its position on Bill 108.

Thank you for your consideration of this matter.

Sincerely,  
FOR THE TOWN OF GEORGINA,

*C. Lance*

*for:*

David Reddon,  
Chief Administrative Officer  
:cl

cc: Honourable Christine Elliott, Deputy Premier, [christine.elliott@pc.ola.org](mailto:christine.elliott@pc.ola.org)  
Honourable Steve Clark, Minister of Municipal Affairs; [steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)  
Honourable Andea Horwath, Leader of the New Democratic Party; [ahorwath.pq@ndp.on.ca](mailto:ahorwath.pq@ndp.on.ca)  
All MPP's in the Province of Ontario  
Association of Municipalities of Ontario; [amo@amo.on.ca](mailto:amo@amo.on.ca)  
All Ontario municipalities

May 31, 2019

Jamie McGarvey, President  
Association of Municipalities of Ontario  
200 University Avenue, Suite 801  
Toronto, ON M5H 3C6

**RE: Motion to Oppose Bill 108, More Homes, More Choice Act, 2019**

Please be advised that Guelph City Council at its meeting of May 27, 2019, approved the following motion which reads as follows:

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and

WHEREAS This MOU is "enshrined in law as part of the Municipal Act", and recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

**City Hall**  
1 Carden St  
Guelph, ON  
Canada  
N1H 3A1

T 519-822-1260  
TTY 519-826-9771



Now Therefore Be it Hereby Resolved That the City of Guelph oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be It Further Resolved that the City of Guelph call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

On behalf of Guelph City Council, we thank you for your consideration respecting this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen O'Brien", with a horizontal line underneath.

Stephen O'Brien  
General Manager, City Clerk's Office/City Clerk  
Corporate Services, City of Guelph

CC  
All Ontario Municipalities



**COUNCIL MEETING**

**Date:** May 17, 2019

**MOVED BY:**

*W. Hayes*

**SECONDED BY:**

*John Kelly*

Original
To: CIP
Copy
To:
C.C. S.C.C. File
Take Appr. Action

Agenda Item 10. b.

C- 30 -17/05/19

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support;

AND WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans and to uphold their community driven planning;

AND WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow;

AND WHEREAS On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.";

AND WHEREAS This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest";

AND WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact";

AND WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Resolved That The Township of Muskoka Lakes oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

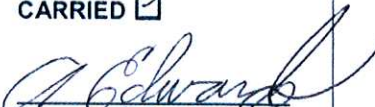
Be it further resolved that the Township of Muskoka Lakes call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and



Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

RECORDED VOTE:	NAYS	YEAS
COUNCILLOR BRIDGEMAN	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR EDWARDS (Deputy Mayor)	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR HAYES (Acting Deputy Mayor)	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR JAGLOWITZ	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR KELLEY	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR MAZAN	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR NISHIKAWA	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR ROBERTS	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR ZAVITZ	<input type="checkbox"/>	<input type="checkbox"/>
MAYOR HARDING	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	_____	_____
Recorded Vote Requested by: _____		

DEFEATED   
 CARRIED   
  
 MAYOR DEPUTY



**Township of The Archipelago**  
9 James Street, Parry Sound ON P2A 1T4  
Tel: 705-746-4243/Fax: 705-746-7301  
[www.thearchipelago.on.ca](http://www.thearchipelago.on.ca)

May 17, 2019

19-078

**Moved by Councillor Ashley  
Seconded by Councillor Frost**

**RE: Bill 108, the More Homes, More Choice Act, 2019**

**WHEREAS**, the Government of Ontario has introduced Bill 108, The More Homes, More Choice Act, which amends 13 different Acts with the stated objective of stimulating the supply of housing in the Province of Ontario;

**AND WHEREAS**, Schedule 9 of the proposed legislation would amend the Local Planning Appeal Tribunal Act, reverting many of the practices and procedures of the tribunal to those of the former Ontario Municipal Board, thereby allowing an un-elected, unaccountable body to make important planning decision for our community;

**AND WHEREAS**, Schedule 12 of the proposed legislation would make multiple amendments to the Planning Act and, specifically, would reduce the timelines for making decision related to official plans, zoning by-laws and plans of subdivision, further impeding a municipalities ability to make important planning decision at the local level and reducing appeals to the Local Planning Appeals Tribunal;

**AND WHEREAS**, Schedule 5 of the proposed legislation would amend the Endangered Species Act, thereby establishing a Species at Risk Conservation Fund, enabling a charge in lieu of meeting requirements to adequately protect species at risk and their habitat;

**AND WHEREAS** the government of Ontario has not adequately consulted with the municipalities with respect to this proposed legislation, and;

**NOW THEREFORE BE IT RESOLVED** that Council for the Township of The Archipelago opposes Schedules 9, 12, and 5 of the proposed legislation highlighted above, as they will have a negative impact on our community and therefore call for their removal from the Bill;

**AND NOW THEREFORE FURTHER BE IT RESOLVED** that Council for the Township of The Archipelago request the Government of Ontario to halt the legislation and properly engage and consult with Municipalities before further considering the proposed legislation.



**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, Andrea Horwath, Leader of the New Democratic Party, Norm Miller, Parry Sound Muskoka MPP, Association of Municipalities of Ontario, and all Ontario Municipalities.

**Carried.**



26557 Civic Centre Road  
Keswick, Ontario L4P 3G1  
905-476-4301

C.S. - LEGISLATIVE SERVICES

# GEORGINA

May 30, 2019

Doug Ford, Premier  
Premier's Office  
Room 281  
Legislative Building, Queen's Park  
Toronto, Ontario  
M7A 1A1

Honourable Premier:

Re: Bill 108, More Homes, More Choice Act, 2019

Original
To: CIP
Copy
To: B-B ✓
C.C. S.C.C. File
Take Appr. Action

The Town Council for the Corporation of the Town of Georgina considered a motion adopted by the Regional Municipality of York on May 16<sup>th</sup> concerning the Province's Bill 108, the More Homes, More Choice Act which passed first reading in the Ontario Legislature on May 2, 2019. This Bill seeks to amend 13 different statutes that impact municipalities and land use planning processes.

Please be advised that Town Council endorsed the position of the Region of York and passed the following motion:

"WHEREAS the legislation that abolished the Ontario Municipal Board and replaced it with the Local Planning Appeal Tribunal received unanimous – all party support;

AND WHEREAS all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning;

AND WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow;

AND WHEREAS the Town of Georgina requests that the proposed changes to the Planning Act provide greater deference than that previously afforded to local, municipal decisions on development applications, by restoring the test under the Planning Act that appeals must be on the basis that the municipal decision is not consistent with the Provincial Policy Statement, fails to conform with a provincial plan, or fails to conform with the local and regional Official Plan(s);

AND WHEREAS the Town of Georgina requests that the tribunal framework restore the previous ability for participants in Local Planning Appeal Tribunal hearings to provide in person evidence in a hearing;





AND WHEREAS the Town of Georgina recognizes that proposed grouping together of a variety of community services, including parkland dedication, under community benefits charge framework, which is subject to a monetary cap, will limit a municipality's ability to continue to provide parks and a range of community services and facilities at a consistent and equitable level of service across the municipality, and requests that the previous Development Charge "soft services" be maintained and separated from the community benefits charge under the proposed Bill 108;

AND WHEREAS on August 21, 2018 Minister Clark once again signed the Memorandum of Understanding with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.";

AND WHEREAS this Memorandum of Understanding is "enshrined in law as part of the Municipal Act" and recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest";

AND WHEREAS by signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact";

AND WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Corporation of the Town of Georgina *express serious concerns with* Bill 108 which in its current state *may* have negative consequences on community building and proper planning.
2. The Town of Georgina supports the positive changes within Bill 108 such as: 1. removing the requirement for low risk projects to undertake environmental assessments; 2. appointing more Local Planning Appeal Tribunal adjudicators to deal with appeals; 3. streamlining the planning process provided that the planning processes are streamlined at both the provincial and local levels]; 4. the removal of the 10% discount for determining development charges for hard services.

3. The Corporation of the Town of Georgina call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved.
4. A copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario.

A copy of this motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.”

Accordingly, the Council of the Town of Georgina respectfully requests your serious consideration of its position on Bill 108.

Thank you for your consideration of this matter.

Sincerely,  
FOR THE TOWN OF GEORGINA,

*C. Lance*

*for:* David Reddon,  
Chief Administrative Officer  
:cl

cc: Honourable Christine Elliott, Deputy Premier, [christine.elliott@pc.ola.org](mailto:christine.elliott@pc.ola.org)  
Honourable Steve Clark, Minister of Municipal Affairs; [steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)  
Honourable Andea Horwath, Leader of the New Democratic Party; [ahorwath.pq@ndp.on.ca](mailto:ahorwath.pq@ndp.on.ca)  
All MPP's in the Province of Ontario  
Association of Municipalities of Ontario; [amo@amo.on.ca](mailto:amo@amo.on.ca)  
All Ontario municipalities



May 31, 2019

Jamie McGarvey, President  
Association of Municipalities of Ontario  
200 University Avenue, Suite 801  
Toronto, ON M5H 3C6

**RE: Motion to Oppose Bill 108, More Homes, More Choice Act, 2019**

Please be advised that Guelph City Council at its meeting of May 27, 2019, approved the following motion which reads as follows:

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and

WHEREAS This MOU is "enshrined in law as part of the Municipal Act", and recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

**City Hall**  
1 Carden St  
Guelph, ON  
Canada  
N1H 3A1

T 519-822-1260  
TTY 519-826-9771

Now Therefore Be it Hereby Resolved That the City of Guelph oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be It Further Resolved that the City of Guelph call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

On behalf of Guelph City Council, we thank you for your consideration respecting this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen O'Brien", with a horizontal line underneath.

Stephen O'Brien  
General Manager, City Clerk's Office/City Clerk  
Corporate Services, City of Guelph

CC  
All Ontario Municipalities





**COUNCIL MEETING**

**Date:** May 17, 2019

**MOVED BY:**

*W. Hayes*

**SECONDED BY:**

*John Kelly*

Original
To: CIP
Copy
To:
C.C. S.C.C. File
Take Appr. Action

Agenda Item 10. b.

C- 30 -17/05/19

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support;

AND WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans and to uphold their community driven planning;

AND WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow;

AND WHEREAS On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.";

AND WHEREAS This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest";

AND WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact";

AND WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

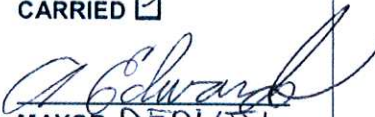
Now Therefore Be it Resolved That The Township of Muskoka Lakes oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it further resolved that the Township of Muskoka Lakes call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

RECORDED VOTE:	NAYS	YEAS
COUNCILLOR BRIDGEMAN	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR EDWARDS (Deputy Mayor)	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR HAYES (Acting Deputy Mayor)	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR JAGLOWITZ	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR KELLEY	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR MAZAN	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR NISHIKAWA	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR ROBERTS	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILLOR ZAVITZ	<input type="checkbox"/>	<input type="checkbox"/>
MAYOR HARDING	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	_____	_____
Recorded Vote Requested by: _____		

DEFEATED   
 CARRIED   
  
 MAYOR DEPUTY





**Township of The Archipelago**  
9 James Street, Parry Sound ON P2A 1T4  
Tel: 705-746-4243/Fax: 705-746-7301  
[www.thearchipelago.on.ca](http://www.thearchipelago.on.ca)

May 17, 2019

19-078

**Moved by Councillor Ashley  
Seconded by Councillor Frost**

**RE: Bill 108, the More Homes, More Choice Act, 2019**

**WHEREAS**, the Government of Ontario has introduced Bill 108, The More Homes, More Choice Act, which amends 13 different Acts with the stated objective of stimulating the supply of housing in the Province of Ontario;

**AND WHEREAS**, Schedule 9 of the proposed legislation would amend the Local Planning Appeal Tribunal Act, reverting many of the practices and procedures of the tribunal to those of the former Ontario Municipal Board, thereby allowing an un-elected, unaccountable body to make important planning decision for our community;

**AND WHEREAS**, Schedule 12 of the proposed legislation would make multiple amendments to the Planning Act and, specifically, would reduce the timelines for making decision related to official plans, zoning by-laws and plans of subdivision, further impeding a municipalities ability to make important planning decision at the local level and reducing appeals to the Local Planning Appeals Tribunal;

**AND WHEREAS**, Schedule 5 of the proposed legislation would amend the Endangered Species Act, thereby establishing a Species at Risk Conservation Fund, enabling a charge in lieu of meeting requirements to adequately protect species at risk and their habitat;

**AND WHEREAS** the government of Ontario has not adequately consulted with the municipalities with respect to this proposed legislation, and;

**NOW THEREFORE BE IT RESOLVED** that Council for the Township of The Archipelago opposes Schedules 9, 12, and 5 of the proposed legislation highlighted above, as they will have a negative impact on our community and therefore call for their removal from the Bill;

**AND NOW THEREFORE FURTHER BE IT RESOLVED** that Council for the Township of The Archipelago request the Government of Ontario to halt the legislation and properly engage and consult with Municipalities before further considering the proposed legislation.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, Andrea Horwath, Leader of the New Democratic Party, Norm Miller, Parry Sound Muskoka MPP, Association of Municipalities of Ontario, and all Ontario Municipalities.

**Carried.**





To:

The Honourable Doug Ford, Premier of Ontario,  
The Honourable Christine Elliott, Deputy Premier,  
The Honourable Steve Clark, Minister of Municipal Affairs,  
Andrea Horwath, Leader of the New Democratic Party,  
All MPPs in the Province of Ontario,  
The Association of Municipalities of Ontario  
Ontario Municipalities

**RE: Bill 108**

Please be advised that at its May 22, 2019 meeting, the Council of Southwest Middlesex approved the following resolution:

#2019-0284

Moved by Deputy Mayor Wilkins  
Seconded by Councillor Carruthers

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and

WHEREAS This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved That Southwest Middlesex oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it further resolved that Southwest Middlesex call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Carried

Sincerely,

Jillene Bellchamber-Glazier  
CAO/Clerk





**Town of Orangeville**

87 Broadway, Orangeville, Ontario, Canada L9W 1K1  
Tel: 519-941-0440 Fax: 519-941-9033 Toll Free: 1-866-941-0440 www.orangeville.ca

---

*Clerk's Department*

May 29, 2019

**Sent by Email**  
[doug.ford@pc.ola.org](mailto:doug.ford@pc.ola.org)

The Honourable Doug Ford, Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Dear Mr. Ford:

**Re: Notice of Passing of Resolution – Opposition to Bill 108, More Homes, More Choice Act 2019**

---

Please be advised that the Council of the Corporation of the Town of Orangeville, at its Regular Council Meeting held on May 27, 2019 approved the following Resolution:

**Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997; and**

**Whereas changes to the Conservation Authorities Act may result in increases to municipal tax levies and/or a reduction in the level of service of Conservation Authorities across the Province; and**

**Whereas the protection of endangered species should not be “suspended” or “delayed”; and**

**Whereas the legislation that abolished the Ontario Municipal Board (OMB) and replaced it with the Local Planning Appeal Tribunal (LPAT) received unanimous all-party support; and**

**Whereas all parties recognized that: local governments should have the authority to uphold their provincially-approved Official Plans; communities**

should have a stronger voice in land use planning; and local planning decisions need greater certainty; and

Whereas Bill 108 will once again allow an unelected, unaccountable body make to decisions on how our communities evolve and grow;

Now therefore be it hereby resolved that the Council of the Town of Orangeville oppose Bill 108 which in its current state will have negative consequences on community building, proper planning, and the overall health of our ecosystem; and

Be it further resolved that the Council of the Town of Orangeville call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be it further resolved that a copy of this motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, The Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be it further resolved that a copy of this motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Carried Unanimously.

Yours truly,  


**Susan Greatrix | Clerk**  
**Town of Orangeville** | 87 Broadway | Orangeville, ON L9W 1K1  
519-941-0440 Ext. 2242 | Toll Free 1-866-941-0440 Ext 2242 | Cell 519-278-4948  
[sgreatrix@orangeville.ca](mailto:sgreatrix@orangeville.ca) | [www.orangeville.ca](http://www.orangeville.ca)

SG:tc

cc: The Honourable Christine Elliott, Deputy Premier ([christine.elliott@pc.ola.org](mailto:christine.elliott@pc.ola.org))  
The Honourable Steve Clark, Minister of Municipal Affairs ([steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org))  
The Honourable Andrea Horwath, Leader of the New Democratic Party ([ahorwath-qp@ndp.on.ca](mailto:ahorwath-qp@ndp.on.ca))  
Association of Municipalities of Ontario (AMO) ([amopresident@amo.on.ca](mailto:amopresident@amo.on.ca))  
All MPPs in the Province of Ontario  
All Ontario Municipalities





Ulli S. Watkiss  
City Clerk

City Clerk's Office

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**In reply please quote:  
Ref.: 19-CC7.3**

May 28, 2019

**ALL MUNICIPALITIES IN ONTARIO:**

**Subject: New Business Item 7.3  
Proposed Bill 108 (More Homes, More Choice Act, 2019) and the  
Proposed Housing Supply Action Plan**

City Council on May 14 and 15, 2019, adopted the attached Item as amended, and among other things, has adopted the following Resolution, and has joined municipalities from across the Greater Toronto and Hamilton Area, where similar motions are being moved in their respective Councils, in opposing Bill 108 in its current form:

WHEREAS the legislation that abolished the Ontario Municipal Board and replaced it with the Local Planning Appeal Tribunal received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the Memorandum of Understanding with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government"; and

WHEREAS This Memorandum of Understanding is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved That the City of Toronto oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it Further Resolved That the City of Toronto call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario and all Ontario municipalities for their consideration.



for City Clerk

M. Toft/sb

Attachment

c. City Manager





## City Council

### New Business - Meeting 7

CC7.3	ACTION	Amended		Ward: All
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### **Proposed Bill 108 (More Homes, More Choice Act, 2019) and the Proposed Housing Supply Action Plan - Preliminary City Comments**

#### **City Council Decision**

City Council on May 14 and 15, 2019, adopted the following:

1. City Council request the Province to extend the June 1, 2019 timeline on the Environmental Registry of Ontario for comments on proposed Bill 108 to provide additional time for municipalities to comment on the proposed legislation.
2. City Council request the Province to consult with the City prior to issuing any draft regulations associated with proposed Bill 108, before the coming into force of the proposed Bill, such that the City can fully understand and be able to analyze the impact of the proposed Bill changes comprehensively, including the cumulative financial impacts to municipalities.
3. City Council request the Province to enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime.
4. City Council request the Province to provide compensation to the City of Toronto for the increased number of appeals and litigation if the proposed legislative changes to the Local Planning Appeal Tribunal process proposed in Bill 108 are implemented.
5. City Council request the Province to provide a transparent and thorough stakeholder consultation process in the development of all regulations associated with proposed Bill 108.
6. City Council request the Province to hold fulsome standing committee meetings to enable stakeholders to make both deputations and submissions on the proposed regulations.
7. City Council direct the Chief Financial Officer and Treasurer to report back through the 2020 Budget process on any necessary curtailment of growth-related or other capital expenditures resulting from the enactment of proposed Bill 108.
8. City Council request the General Manager, Transportation Services, in consultation with the City Solicitor, to report back to the June 18 and 19, 2019 City Council meeting on the legal implications of denying all road occupancy permits for development sites and forcing developers to build onsite.
9. City Council direct the City Manager to report to the July 4, 2019 meeting of the Executive

Committee with respect to potential impacts on capital plans and projects as a result of the Ontario Government's proposed changes announced as part of their Ontario Housing Supply Action Plan.

10. City Council direct the Chief Planner and Executive Director, City Planning and the Chief Financial Officer and Treasurer to report to the Executive Committee subsequent to the issuance of the regulations under Bill 108 with an analysis of the financial, planning and governance impacts to the City of Toronto.

11. City Council direct the City Manager and appropriate staff, in consultation with the Chief Executive Officer, Toronto Transit Commission, to report back to the Executive Committee on how changes to the Development Charges Act, 1997 will impact the Toronto Transit Commission's 2019 – 2028 Capital Budget and Plan and 15-Year Capital Investment Plan, if Bill 108 is enacted.

12. City Council request the Chief Planner and Executive Director, City Planning, in consultation with the Chief Financial Officer and Treasurer, to report to the Planning and Housing Committee on the feasibility of including a comprehensive list of soft and hard infrastructure costs (such as child care centres, sewer construction, sidewalk construction) in the Financial Impact Section of all final planning reports.

13. In the event that Bill 108 receives Royal Assent, City Council request the Chief Planner and Executive Director, City Planning to report to the first available Planning and Housing Committee meeting outlining any area of the City that may require a holding provision until all regulations, transitional measures and funding uncertainties related to Bill 108 are resolved.

14. City Council authorize the City Manager, the Chief Financial Officer and Treasurer and other City Officials, as appropriate, to provide input to the Province on Bill 108 on policy and financial matters and any associated regulations.

15. City Council direct the Chief Planner and Executive Director, City Planning to convey to the Ontario Minister of Municipal Affairs and Housing the City's opposition to the proposed changes to the Local Planning Appeal Tribunal process that will, in reality, restore the former Ontario Municipal Board processes and, in so doing, reduce input and direction from residents of the City of Toronto and Toronto City Council with respect to development applications within the City.

16. City Council direct the City Manager to seek assurances from the Ontario Government that the province will not, in its regulations associated with their proposals, implement any changes that will negatively impact the City through reduced or deferred development charges, elimination or reduction of Section 37 funding tools, park dedication levies or any other financial mechanisms associated with the planning and development process.

17. City Council forward the report (May 14, 2019) from the City Manager and the Chief Planner and Executive Director, City Planning to the Ontario Minister of Municipal Affairs and Housing and the Attorney General for their consideration.

18. City Council adopt the following Resolution, and join municipalities from across the Greater Toronto and Hamilton Area, where similar motions are being moved in their respective Councils, in opposing Bill 108 in its current form:

WHEREAS the legislation that abolished the Ontario Municipal Board and replaced it



with the Local Planning Appeal Tribunal received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the Memorandum of Understanding with the Association of Municipalities of Ontario and entered into “...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government”; and

WHEREAS This Memorandum of Understanding is “enshrined in law as part of the Municipal Act”. And recognizes that as “...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”; and

WHEREAS By signing this agreement, the Province made “...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved That the City of Toronto oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it Further Resolved That the City of Toronto call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario and all Ontario municipalities for their consideration.

19. City Council forward City Council's decision on this Item to the provincial government and other representatives named in the Resolution in Part 18 above.

20. City Council forward its decision on this Item to the Large Urban Mayors' Caucus of Ontario.

21. City Council request the Chief Planner and Executive Director, City Planning to send a copy of the report (May 14, 2019) from the City Manager and Chief Planner and Executive Director, City Planning to all residents' associations and all residents who have been involved in development applications, with a letter from the Chief Planner and Executive Director, City Planning.
22. City Council direct the City Manager and the Chief Planner and Executive Director, City Planning and appropriate staff to develop an online resource and public guide to communicate the impacts of Bill 108 to the residents of Toronto in a clear and accessible format.
23. City Council request the Minister of Municipal Affairs and Housing to approve the submitted Official Plan Amendment 405, the Yonge-Eglinton Secondary Plan, adopted by City Council in July 2018 and subsequently forwarded to the Ministry of Municipal Affairs and Housing for a decision, on or before the June 6, 2019 deadline.

#### Planning Act Recommendations

24. City Council request the Province to reconsider the timelines established for review of Planning Act applications before an appeal is permitted to the Tribunal and to return to the timelines that were in effect under Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017.
25. City Council request the Province to permit municipalities to utilize the inclusionary zoning provisions of the Planning Act in broader situations than the proposed protected major transit station and development permit system areas.
26. City Council request the Province to retain the existing Planning Act grounds for appeals of Zoning By-laws and Official Plan Amendments to only include testing for consistency with provincial policy statements, conformity with provincial plans and (for Zoning By-laws) conformity with the Official Plan and to incorporate other legislative measures that would provide for more deference to the decision-making powers of municipal councils.
27. City Council request the Province to revise the name of the proposed "Community Benefits Charge By-law" to the "Community Facilities Charge By-law" to better recognize that community facilities are necessary infrastructure needed to support development pursuant to the Growth Plan.
28. City Council request the Province to provide the later of four years or the expiry of the current Development Charges By-law from the date of enactment of the regulation that sets out any prescribed requirements for the community benefit charges before a municipality must adopt a Community Benefits Charge By-law.
29. City Council request the Province to allow municipalities to calculate the Community Benefits Charge based on per unit charges and without a cap to account for construction of facilities that are not related to land values.
30. City Council request the Province to add the following provisions to Section 37 of the Planning Act as 37(6.1) and (6.2) in Schedule 12 to Bill 108:
  - a) 6.1 Where an owner of land elects to provide an in-kind facility, service or matter because of development or redevelopment in the area to which a community benefits



charges by-law applies, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facility, service or matter.

b) 6.2 Any agreement entered into under subsection (6.1) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Lands Titles Act, any and all subsequent owners of the land.

31. City Council request the Province to delete subsections 37(15), (16), (17) (18) and (19) and add new subsection 37(15) to the Planning Act that reads:

If the municipality disputes the value of the land identified in the appraisal referred to in clause 13(b), the municipality shall request that a person selected by the owner from the list referred to in subsection 37(18) prepare an appraisal of the value of the land as of the valuation date.

32. City Council request the Province to amend subsection 37(20) of the Planning Act to also require the owner to immediately provide any additional payment to the municipality where the appraisal established in 37(15) is more than the initial appraisal provided by the municipality.

33. City Council request the Province address effective transition by amending subsection 37.1 (3) of the Planning Act so that it reads:

On or after the applicable date described in subsection (5), the following rules apply if, before that date, an application (complete or incomplete) under Section 34 of the Planning Act has been received by the local municipality for the site or the Local Planning Appeal Tribunal has made a decision to approve a by-law described in the repealed subsection 37 (1). Where an application is withdrawn by the owner and a new application is submitted within three years of the effective date, the Planning Act, as it read the day before the effective date, will apply.

34. City Council request the Province to permit annual indexing of the rates based on a blend of property value and construction cost inflation and calculated using public, third-party data if property values continue to be proposed to be used for the purposes of establishing the rate.

35. City Council request the Province to clarify Section 37 provisions in Bill 108 to:

a. enable a municipality to have a city-wide Community Benefit Charge By-law or area-specific By-laws provided only one Community Benefit By-law applies in any given area;

b. recognize that maximum specified caps may differ in any given area within a municipality based on an analysis of local area needs and the anticipated amount, type and location of development as set out in the respective community benefit strategy; and

c. ensure that maximum specified rates as set out in any regulation will be established in consultation with municipalities with regular updates (e.g. no less than every five years) to the maximum specified rate contained within any regulation.

36. City Council request the Province to include a transition provision that specifies that the repeal of any provisions in the Planning Act which set out an alternative parkland dedication requirement will only occur once a municipality has enacted a Community Benefit Charge By-law(s).



37. City Council request the Province to amend Section 42 of the Planning Act to provide additional predictability and transparency between Sections 37 and 42, and to support the achievement of complete communities in accordance with Amendment 1 of the Growth Plan, 2017 as follows:
- a. enable municipalities to secure the conveyance of land for park purposes as a condition of the development or redevelopment of land along with the ability to secure a community benefits (facilities) charge in accordance with Section 37 of the Planning Act;
  - b. clarify that where a municipality secures the conveyance of land for park purposes as a condition of development or redevelopment, the community benefits (facilities) charge will not include a payment in lieu of parkland for the site;
  - c. revise for residential development the maximum conveyance of land for park purposes to be based on a maximum percent of the development site as determined through a community benefits (facilities) charge strategy and as established by By-law as opposed to 5 percent of the land currently proposed in Bill 108; and
  - d. allow municipalities to set different maximum rates for the conveyance of land for park purposes for residential development based on building type(s) and intensity of development to ensure equitable contributions between different types of residential development and to support parkland need generated by the development.

38. City Council request the Province to amend proposed Bill 108 to allow municipalities to require both the community benefits (facilities) charge and/or the provision of in-kind facilities and the conveyance of land for park purposes in plans of subdivision to achieve complete communities with additional amendments to section 51.1 as per the requested amendments to Section 42 of the Planning Act reflected in Part 37 above.

#### Development Charges Act Recommendations

39. City Council request the Province to delete provisions to delay development charges payment obligations and so preserve the concurrent calculation and payment of development charges.
40. City Council request the Province to not repeal the parkland and community infrastructure component of the Development Charges Act, 1997 in advance of the completion of the Community Benefit Charge Strategy and Community Benefit Charge By-law.
41. City Council request the Province to amend Subsection 2(4) of the Development Charges Act, 1997 to add "parks and recreation, and paramedic services" as growth related capital infrastructure.
42. City Council request the Province to amend Subsection 32(1) of the Development Charges Act, 1997 so that it reads:

If a development charge or any part of it remains unpaid after it is payable, the amount unpaid including any interest payable in respect of it in accordance with this Act shall be added to the tax roll and shall be collected in the same manner as taxes and given priority lien status.



43. City Council request the Province to amend Subsection 26.1(2) of the Development Charges Act, 1997 dealing with when a charge is payable, to provide definitions for the types of developments listed.
44. City Council request the Province to delete Subsection 26.1(2) 4. of the Development Charges Act, 1997.
45. City Council request the Province to ensure that the prescribed amount of time referred to in Subsection 26.2(5), (a) and (b) of the Development Charges Act, 1997 be set at no longer than two years.
46. City Council request the Province to amend the Development Charges Act, 1997 by adding the following provisions to permit the entering into and registration of agreements entered into pursuant to Section 27(1) of the Act:

27(4) Any agreement entered into under subsection (1) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Lands Titles Act, any and all subsequent owners of the land.

#### Ontario Heritage Act Recommendations

47. City Council request the Province that if the objection process is to be maintained as currently proposed in Bill 108, a time limit be included within which a person may object, by adding to the end of Subsection 27(7) of the Ontario Heritage Act, "within 30 days of the notice referred to in Subsection (5)."
48. City Council request the Province to amend Section 27 of the Ontario Heritage Act, to provide for a more efficient process for listings to allow an owner to object to a listing at a statutory public meeting before Council makes any decision, and in turn to make proposed Subsection 27(9) (Restriction on demolition, etc.) applicable from the date that notice is given respecting the proposed listing.
49. City Council request the Province to amend Section 29 of the Ontario Heritage Act, to provide for a more efficient process as follows:
  - a. allow an owner to object to a notice of intention to designate at a statutory public meeting before Council makes any decision respecting designation;
  - b. only permit an owner to appeal a notice of intention to designate to the Tribunal, or alternatively only permit an individual who has made an objection at a statutory public meeting to appeal a notice of intention to designate to the Tribunal;
  - c. make the decision of Council to state its intention to designate appealable, rather than the By-law itself and delete the time limit for Designation By-laws to be passed; alternatively, extend the time period to pass a Designation By-law to one year; and
  - d. if the opportunity to object to the Council's decision remains in the Act, then extend time periods for reconsideration of an intention to designate by Council to 180 days, allow for Council's decision to be appealed, and remove the timeframe within which a Designation By-law must be passed.



50. City Council request the Province to amend Part IV of the Ontario Heritage Act to provide clarity on the relationship between the individual heritage values and attributes of properties within the Heritage Conservation Districts and the values and attributes of the District, particularly as it pertains to alterations.

51. City Council request the Province to amend the Ontario Heritage Act Subsections 33(5) and 34(4.1) to change the headings to "Notice of Incomplete Application" and to add the words "that the application is incomplete" after the words "notify the applicant" for clarification.

52. City Council request the Province to amend the Ontario Heritage Act to extend time periods for consideration of alteration from 90 days to 180 days by deleting "90" and replacing it with "180" in Subsections 33(7)1 and 34(4.3)1; and/or make amendments to the Planning Act to state that where an application to alter or demolish is made under Sections 33 or 34 of the Ontario Heritage Act that the timelines in the Ontario Heritage Act prevail to the extent of any conflict for the purposes of the date an appeal may be made under the Planning Act regarding a Planning Act application.

53. City Council request the Province to make the decision of Council to state its intention to designate appealable, rather than the By-law itself, and extend the time period to pass a Designation By-law to one year.

#### Growth Plan Recommendations

54. City Council request the Province to revise Proposed Amendment 1 of the Growth Plan, 2017, policies and mapping to recognize and include additional Provincially Significant Employment Zones in the City of Toronto, including the City's major office parks.

55. City Council support the inclusion of Official Plan Amendment 231 as a matter in process that should be transitioned and therefore not subject to a "A Place to Grow" provincial Plan and request that the Province modify Ontario Regulation 311/06 to add any decision made by Toronto City Council on the day before enactment of the proposed Amendment 1 to the Growth Plan, 2017, but are currently under appeal at the Local Planning Appeal Tribunal.

#### **City Council Decision Advice and Other Information**

The Chief Planner and Executive Director, City Planning gave a presentation to City Council on Bill 108, The More Homes, More Choice Act, 2019.

#### **Summary**

On May 2, 2019, the Minister of Municipal Affairs and Housing announced the Province's Housing Supply Action Plan and introduced Bill 108 (More Homes, More Choices Act) in the Legislature. The Bill proposes to amend 13 statutes. The Provincial commenting period on the proposed changes closes on June 1, 2019. The following report has been prepared by the City Planning Division in consultation with the Corporate Finance Division, Legal Services, Parks, Forestry and Recreation and other divisional partners impacted by the proposed Bill 108 amendments discussed in this report.

This report highlights the proposed changes to the Planning Act, Local Planning Appeal Tribunal Act, 2017, Ontario Heritage Act and the Development Charges Act, 1997 and provides preliminary comments on their impact on municipal land use planning, the development approval process, heritage conservation and on funding for community facilities and infrastructure.



The report also summarizes the Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, which replaces the 2017 Growth Plan and which comes into effect on May 16, 2019. The associated 2019 Growth Plan transitional matters regulation (Ontario Regulation 311/06) is open for comment until May 31, 2019. This report also comments on this proposed regulation.

Despite the absence of implementation details, the proposed changes to legislation in Bill 108 signal that there will be significant impacts on: the City's finances; the ability to secure parkland; the capacity to provide community facilities; and on the evaluation of development applications that would afford appropriate opportunities for public consultation and conservation of heritage resources.

Bill 108 contains limited evidence that its central objectives, making it easier to bring housing to market and accelerating local planning decisions, will be achieved. Currently over 30,000 residential units in 100 projects proposed within Toronto are awaiting Local Planning Appeal Tribunal (LPAT) outcomes. Significantly shortening statutory review timelines; reducing opportunities for collaborative decision-making at the front-end of the municipal review process; expanding the scope of reasons to appeal development applications to the LPAT; and introducing a completely new process for determining community benefit (facilities) contributions could result in increased appeals and an even greater proportion of the housing pipeline projects being held up as part of the LPAT process.

In addition, Bill 108 undermines the City's ability to ensure that "growth pays for growth" through substantive amendments to Sections 37 and 42 of the Planning Act, and the Development Charges Act. Combined, these tools account for a large proportion of the City's 10-year capital plan which supports critical infrastructure investments, including:

- 12 child-care centres with a cumulative 583 spaces;
- 21 Toronto Public Library expansion and renovation projects;
- 106 new or expanded parks; and
- 17 community recreation centres, 5 pools, 4 arenas and over 200 playground improvement projects.

With 140,441 approved but unbuilt residential units and an additional 167,309 units currently under review (representing an estimated 540,000 people who could be housed), the need to plan for Toronto's long-term liveability and manage the impacts of growth, is of paramount importance

By diverging from the long-held approach of growth paying for growth, future developments could result in a negative financial impact on the City. If this were to occur, the net outcome would be that existing residents and businesses, who make up the City's tax base, would in effect be partially subsidizing new development. Alternatively, the current service level standards would need to be adjusted to reflect this new fiscal environment. In spite of these changes, it is unlikely that they will positively impact housing affordability as Bill 108 does not provide for any mechanisms to ensure that reduced development costs are passed through to future home buyers and renters.

The full impact of many of the proposed Bill 108 amendments will be assessed when implementation details, to be outlined in provincial regulations associated with the Bill, become available. The Province has not issued any information as to the timing or content of these regulations. City staff will continue to assess the impacts of the proposed legislation and provide additional comments to Council when the regulations have been released.

### **Background Information (City Council)**

(May 14, 2019) Report from the City Manager and Chief Planner and Executive Director, City Planning on Proposed Bill 108 (More Homes, More Choice Act, 2019) and the Housing Supply Action Plan - Preliminary City Comments (CC7.3)

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-133165.pdf>

(May 7, 2019) Report from the City Manager on Proposed Bill 108 (More Homes, More Choice Act, 2019) and the Proposed Housing Supply Action Plan - Preliminary City Comments - Notice of Pending Report (CC7.3)

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-132906.pdf>

(May 15, 2019) Presentation from the Chief Planner and Executive Director, City Planning on Bill 108 - More Homes, More Choice Act, 2019

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-133199.pdf>

Attachment to motion 1a by Councillor Josh Matlow (Part 18 of City Council decision)

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-133309.pdf>





**Kiran Saini**  
 Deputy Town Clerk  
 Town of Newmarket  
 395 Mulock Drive  
 P.O. Box 328 Station Main  
 Newmarket, ON L3Y 4X7

ksaini@newmarket.ca  
 tel.: 905-953-5300, Ext. 2203  
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C.S. - LEGISLATIVE SERVICES

JUN 03 2019 12:32

Original
To:
Copy
To:
C.C. S.C.C. File
Take Appr. Action

June 3, 2019

Sent via email to: amo@amo.on.ca

Attn: AMO President, Jamie McGarvey

**RE: Motion - Bill 108 Ontario Municipal Board Changes (Councillor Bisanz)**

I am writing to advise that Council, at its meeting held on May 27, 2019, adopted the following recommendations:

Whereas the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and,

Whereas All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and,

Whereas Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and,

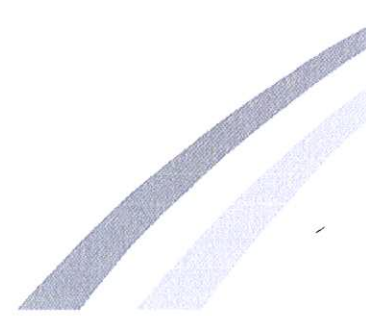
Whereas On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and,

Whereas This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and,

Whereas By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and,

Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved:





**Kiran Saini**  
Deputy Town Clerk  
Town of Newmarket  
395 Mulock Drive  
P.O. Box 328 Station Main  
Newmarket, ON L3Y 4X7

ksaini@newmarket.ca  
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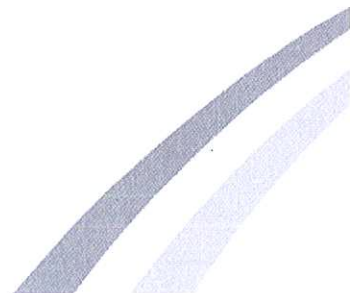
1. That the Town of Newmarket oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and,
2. That the Town of Newmarket call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and,
3. That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier and MPP Newmarket-Aurora, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and,
4. That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Yours sincerely,

Kiran Saini  
Deputy Town Clerk

KS:jg

CC:  
All Ontario Municipalities







105 Elgin St. West  
Arnprior, ON K7S 0A8

tel 613 623 4231  
fax 613 623 8091

arnprior@arnprior.ca  
www.arnprior.ca

May 29<sup>th</sup>, 2019  
By Email

Town of Aurora  
c/o Town Clerk  
100 John West Way, Box 1000  
Aurora, ON L4G 6J1  
[clerks@aurora.ca](mailto:clerks@aurora.ca)

**Re: Resolution of Support for the Town of Aurora – Opposition to *Bill 108, the More Homes, More Choice Act, 2019***

To Whom It May Concern,

The Council of the Corporation of the Town of Arnprior at their May 27th, 2019 Regular Council Meeting passed the following resolution:

Resolution No. 197-19

Moved by Dan Lynch  
Seconded by Lynn Grinstead

**Whereas** the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

**Whereas** all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

**Whereas** Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

**WHEREAS** on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and

**Whereas** this MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require

coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

**Whereas** by signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

**Whereas** Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

**Now Therefore Be it Hereby Resolved That** the Council of the Corporation of the Town of Arnprior oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

**Be it Further Resolved That** the Council of the Corporation of the Town of Arnprior call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

**Be It Further Resolved That** a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

**Be It Further Resolved That** a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

If you have any questions or concerns, please do not hesitate to contact me.



Sincerely,



Emily Melanson  
Deputy Clerk  
613-623-4231 Ext. 1818  
[emelanson@arnprior.ca](mailto:emelanson@arnprior.ca)

---

cc. Association of Municipalities of Ontario (AMO), the Honourable Doug Ford, Premier of Ontario, the Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs and municipalities in the Province of Ontario



C.C. - LEGISLATIVE SERVICES

JUN 5 2019 09:50

May 31, 2019

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Original
To: CIP
Copy B-B
To:
C.C. S.C.C. File
Take Appt. Action

Office of the Chair  
1151 Bronte Road  
Oakville, ON  
L6M 3L1

Dear Premier Ford:

**RE: Bill 108 – Proposed More Homes, More Choice Act**

I am writing to share with you Regional Council's position with respect to Bill 108.

In its current state, Bill 108 contains wide-ranging, disruptive changes that will have significant negative implications for Halton Region and its Local Municipalities. These changes are being proposed without sufficient detail and without an opportunity to engage with the Province on how to most effectively advance changes to advance new housing supply while reflecting sound local housing growth, community planning and financial sustainability principles. It is our position that extensive consultation and collaboration with Ontario municipalities must take place before any changes are advanced. In this regard, at its meeting on May 22, 2019, Regional Council endorsed the following resolution opposing Bill 108:

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

WHEREAS all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body to make decisions on how our communities evolve and grow; and

WHEREAS on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario, which recognizes that "Public policy issues are complex and thus require coordinated responses..." and that "The Municipal Act, 2001 provides that the Province of Ontario endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS the MOU sets out that "Ontario is committed to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

Regional Municipality of Halton

HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1

905-825-6000 | Toll free: 1-866-442-5866



WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

NOW THEREFORE BE IT RESOLVED THAT The Regional Municipality of Halton oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

THAT The Regional Municipality of Halton call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

THAT a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, John Fraser, Interim Leader of the Liberal Party, Mike Schreiner, Leader of the Green Party, and all MPPs in the Province of Ontario;  
And

THAT a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

We thank you for your consideration to this important issue.

Sincerely,



Gary Carr  
Regional Chair

cc – The Honourable Christine Elliott, Deputy Premier, Minister of Health and Long-Term Care  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable Andrea Horwath, Leader of the New Democratic Party  
John Fraser, Interim Leader of the Liberal Party  
Mike Schreiner, Leader of the Green Party  
All MPPs in the Province of Ontario  
Association of Municipalities of Ontario (AMO)  
All Ontario municipalities

MAY 20 19 4:10:25  
CIP 5.1

# MUNICIPALITÉ · EAST FERRIS · MUNICIPALITY



390 HIGHWAY 94, CORBEIL, ONTARIO P0H 1K0  
TEL.: (705) 752-2740 FAX.: (705) 752-2452  
Email: municipality@eastferris.ca

## REGULAR COUNCIL MEETING HELD May 28<sup>th</sup>, 2019

**2019-151**

**Moved by** Councillor Lougheed  
**Seconded by** Councillor Trahan

WHEREAS at the Regular meeting of Council held May 14th, 2019, Council requested that the Municipality of East Ferris petition Ontario Municipalities to support the OGRA/ROMA Combined Conference;

AND WHEREAS the Municipality has received already same request from the Town of Petrolia to support a combined conference;

BE IT HEREBY RESOLVED that this resolution be circulated to all Ontario Municipalities and petition ROMA to place the combined conference to a membership vote.

**Carried Mayor Rochefort**

### C.S. - LEGISLATIVE SERVICES

Original
To: CIP
Copy
To:
C.C. S.C.C. File
Take Appr. Action

CERTIFIED to be a true copy of  
Resolution No. 2019-151 passed by the  
Council of the Municipality of East Ferris  
on the 28<sup>th</sup>, day of May, 2019.

Monica L. Hawkins, AMCT  
Clerk



*Clerks/Administration Department  
Administration Centre  
10 Wellington St. E.  
Alliston, ON L9R 1A1*

*Web Address: [www.newtecumseth.ca](http://www.newtecumseth.ca)  
Email: [bkane@newtecumseth.ca](mailto:bkane@newtecumseth.ca)  
Phone: 705-435-3900  
or 905-729-0057  
Fax: 705-435-2873*

Original
To: CIP
Copy
To:
C.C. S.C.C. File
Take Appr. Action

May 30, 2019

All Ontario Municipalities

Dear Sir/Madam:

**Re: REDUCTION IN PROVINCIAL FUNDING TO LIBRARIES**

Please be advised that the Council of The Town of New Tecumseth passed the following resolution at its meeting of May 27, 2019:

WHEREAS the Ontario government has reduced by 50% the funding to Southern Ontario Library Service and Ontario Library Service North, resulting in the suspension of inter-library loan service and postage subsidy, with further service cuts yet to be announced;

AND WHEREAS the users of small libraries will be significantly negatively impacted by the loss of equitable access to materials and information;

AND WHEREAS the resulting increased costs of postage will not have been considered in the budget preparation for the current fiscal year and will require lending libraries to carefully consider whether to fill an inter-library loan request;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of New Tecumseth strongly urges the Ontario government to restore the funding to Ontario Library Service North and Southern Ontario Library Service at a minimum to the previous 2018 funding level;

AND FURTHER THAT this resolution be forwarded to Michael Tibolla, Minister of Culture, Recreation and Sport; Jim Wilson, MPP; Doug Ford, Premier; Association of Municipalities of Ontario and all Ontario municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read "B Kane".

Barbara Kane  
Deputy Clerk

cc: Michael Tibollo, Minister of Culture, Recreation and Sport  
Doug Ford, Premier  
Association of Municipalities of Ontario





To:

The Honourable Doug Ford, Premier of Ontario,  
The Honourable Christine Elliott, Deputy Premier,  
The Honourable Steve Clark, Minister of Municipal Affairs,  
Andrea Horwath, Leader of the New Democratic Party,  
All MPPs in the Province of Ontario,  
The Association of Municipalities of Ontario  
Ontario Municipalities

**RE: Bill 108**

Please be advised that at its May 22, 2019 meeting, the Council of Southwest Middlesex approved the following resolution:

#2019-0284

Moved by Deputy Mayor Wilkins  
Seconded by Councillor Carruthers

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and

WHEREAS This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved That Southwest Middlesex oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it further resolved that Southwest Middlesex call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Carried

Sincerely,

Jillene Bellchamber-Glazier  
CAO/Clerk





**Town of Orangeville**

87 Broadway, Orangeville, Ontario, Canada L9W 1K1  
Tel: 519-941-0440 Fax: 519-941-9033 Toll Free: 1-866-941-0440 www.orangeville.ca

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*Clerk's Department*

May 29, 2019

**Sent by Email**  
[doug.ford@pc.ola.org](mailto:doug.ford@pc.ola.org)

The Honourable Doug Ford, Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Dear Mr. Ford:

**Re: Notice of Passing of Resolution – Opposition to Bill 108, More Homes, More Choice Act 2019**

---

Please be advised that the Council of the Corporation of the Town of Orangeville, at its Regular Council Meeting held on May 27, 2019 approved the following Resolution:

**Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997; and**

**Whereas changes to the Conservation Authorities Act may result in increases to municipal tax levies and/or a reduction in the level of service of Conservation Authorities across the Province; and**

**Whereas the protection of endangered species should not be “suspended” or “delayed”; and**

**Whereas the legislation that abolished the Ontario Municipal Board (OMB) and replaced it with the Local Planning Appeal Tribunal (LPAT) received unanimous all-party support; and**

**Whereas all parties recognized that: local governments should have the authority to uphold their provincially-approved Official Plans; communities**

should have a stronger voice in land use planning; and local planning decisions need greater certainty; and

Whereas Bill 108 will once again allow an unelected, unaccountable body make to decisions on how our communities evolve and grow;

Now therefore be it hereby resolved that the Council of the Town of Orangeville oppose Bill 108 which in its current state will have negative consequences on community building, proper planning, and the overall health of our ecosystem; and

Be it further resolved that the Council of the Town of Orangeville call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be it further resolved that a copy of this motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, The Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be it further resolved that a copy of this motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Carried Unanimously.

Yours truly,  


**Susan Greatrix | Clerk**

**Town of Orangeville** | 87 Broadway | Orangeville, ON L9W 1K1  
519-941-0440 Ext. 2242 | Toll Free 1-866-941-0440 Ext 2242 | Cell 519-278-4948  
[sgreatrix@orangeville.ca](mailto:sgreatrix@orangeville.ca) | [www.orangeville.ca](http://www.orangeville.ca)

SG:tc

cc: The Honourable Christine Elliott, Deputy Premier ([christine.elliott@pc.ola.org](mailto:christine.elliott@pc.ola.org))  
The Honourable Steve Clark, Minister of Municipal Affairs ([steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org))  
The Honourable Andrea Horwath, Leader of the New Democratic Party ([ahorwath-qp@ndp.on.ca](mailto:ahorwath-qp@ndp.on.ca))  
Association of Municipalities of Ontario (AMO) ([amopresident@amo.on.ca](mailto:amopresident@amo.on.ca))  
All MPPs in the Province of Ontario  
All Ontario Municipalities





Ulli S. Watkiss  
City Clerk

City Clerk's Office

Secretariat  
Marilyn Toft  
Council Secretariat Support  
City Hall, 12<sup>th</sup> Floor, West  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Tel: 416-392-7032  
Fax: 416-392-2980  
e-mail: Marilyn.Toft@toronto.ca  
web: www.toronto.ca

**In reply please quote:  
Ref.: 19-CC7.3**

May 28, 2019

**ALL MUNICIPALITIES IN ONTARIO:**

**Subject: New Business Item 7.3  
Proposed Bill 108 (More Homes, More Choice Act, 2019) and the  
Proposed Housing Supply Action Plan**

City Council on May 14 and 15, 2019, adopted the attached Item as amended, and among other things, has adopted the following Resolution, and has joined municipalities from across the Greater Toronto and Hamilton Area, where similar motions are being moved in their respective Councils, in opposing Bill 108 in its current form:

WHEREAS the legislation that abolished the Ontario Municipal Board and replaced it with the Local Planning Appeal Tribunal received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the Memorandum of Understanding with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government"; and

WHEREAS This Memorandum of Understanding is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved That the City of Toronto oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it Further Resolved That the City of Toronto call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario and all Ontario municipalities for their consideration.



for City Clerk

M. Toft/sb

Attachment

c. City Manager





## City Council

### New Business - Meeting 7

CC7.3	ACTION	Amended		Ward: All
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### **Proposed Bill 108 (More Homes, More Choice Act, 2019) and the Proposed Housing Supply Action Plan - Preliminary City Comments**

#### **City Council Decision**

City Council on May 14 and 15, 2019, adopted the following:

1. City Council request the Province to extend the June 1, 2019 timeline on the Environmental Registry of Ontario for comments on proposed Bill 108 to provide additional time for municipalities to comment on the proposed legislation.
2. City Council request the Province to consult with the City prior to issuing any draft regulations associated with proposed Bill 108, before the coming into force of the proposed Bill, such that the City can fully understand and be able to analyze the impact of the proposed Bill changes comprehensively, including the cumulative financial impacts to municipalities.
3. City Council request the Province to enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime.
4. City Council request the Province to provide compensation to the City of Toronto for the increased number of appeals and litigation if the proposed legislative changes to the Local Planning Appeal Tribunal process proposed in Bill 108 are implemented.
5. City Council request the Province to provide a transparent and thorough stakeholder consultation process in the development of all regulations associated with proposed Bill 108.
6. City Council request the Province to hold fulsome standing committee meetings to enable stakeholders to make both deputations and submissions on the proposed regulations.
7. City Council direct the Chief Financial Officer and Treasurer to report back through the 2020 Budget process on any necessary curtailment of growth-related or other capital expenditures resulting from the enactment of proposed Bill 108.
8. City Council request the General Manager, Transportation Services, in consultation with the City Solicitor, to report back to the June 18 and 19, 2019 City Council meeting on the legal implications of denying all road occupancy permits for development sites and forcing developers to build onsite.
9. City Council direct the City Manager to report to the July 4, 2019 meeting of the Executive

Committee with respect to potential impacts on capital plans and projects as a result of the Ontario Government's proposed changes announced as part of their Ontario Housing Supply Action Plan.

10. City Council direct the Chief Planner and Executive Director, City Planning and the Chief Financial Officer and Treasurer to report to the Executive Committee subsequent to the issuance of the regulations under Bill 108 with an analysis of the financial, planning and governance impacts to the City of Toronto.

11. City Council direct the City Manager and appropriate staff, in consultation with the Chief Executive Officer, Toronto Transit Commission, to report back to the Executive Committee on how changes to the Development Charges Act, 1997 will impact the Toronto Transit Commission's 2019 – 2028 Capital Budget and Plan and 15-Year Capital Investment Plan, if Bill 108 is enacted.

12. City Council request the Chief Planner and Executive Director, City Planning, in consultation with the Chief Financial Officer and Treasurer, to report to the Planning and Housing Committee on the feasibility of including a comprehensive list of soft and hard infrastructure costs (such as child care centres, sewer construction, sidewalk construction) in the Financial Impact Section of all final planning reports.

13. In the event that Bill 108 receives Royal Assent, City Council request the Chief Planner and Executive Director, City Planning to report to the first available Planning and Housing Committee meeting outlining any area of the City that may require a holding provision until all regulations, transitional measures and funding uncertainties related to Bill 108 are resolved.

14. City Council authorize the City Manager, the Chief Financial Officer and Treasurer and other City Officials, as appropriate, to provide input to the Province on Bill 108 on policy and financial matters and any associated regulations.

15. City Council direct the Chief Planner and Executive Director, City Planning to convey to the Ontario Minister of Municipal Affairs and Housing the City's opposition to the proposed changes to the Local Planning Appeal Tribunal process that will, in reality, restore the former Ontario Municipal Board processes and, in so doing, reduce input and direction from residents of the City of Toronto and Toronto City Council with respect to development applications within the City.

16. City Council direct the City Manager to seek assurances from the Ontario Government that the province will not, in its regulations associated with their proposals, implement any changes that will negatively impact the City through reduced or deferred development charges, elimination or reduction of Section 37 funding tools, park dedication levies or any other financial mechanisms associated with the planning and development process.

17. City Council forward the report (May 14, 2019) from the City Manager and the Chief Planner and Executive Director, City Planning to the Ontario Minister of Municipal Affairs and Housing and the Attorney General for their consideration.

18. City Council adopt the following Resolution, and join municipalities from across the Greater Toronto and Hamilton Area, where similar motions are being moved in their respective Councils, in opposing Bill 108 in its current form:

WHEREAS the legislation that abolished the Ontario Municipal Board and replaced it



with the Local Planning Appeal Tribunal received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the Memorandum of Understanding with the Association of Municipalities of Ontario and entered into “...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government”; and

WHEREAS This Memorandum of Understanding is “enshrined in law as part of the Municipal Act”. And recognizes that as “...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”; and

WHEREAS By signing this agreement, the Province made “...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved That the City of Toronto oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it Further Resolved That the City of Toronto call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario and all Ontario municipalities for their consideration.

19. City Council forward City Council's decision on this Item to the provincial government and other representatives named in the Resolution in Part 18 above.

20. City Council forward its decision on this Item to the Large Urban Mayors' Caucus of Ontario.

21. City Council request the Chief Planner and Executive Director, City Planning to send a copy of the report (May 14, 2019) from the City Manager and Chief Planner and Executive Director, City Planning to all residents' associations and all residents who have been involved in development applications, with a letter from the Chief Planner and Executive Director, City Planning.
22. City Council direct the City Manager and the Chief Planner and Executive Director, City Planning and appropriate staff to develop an online resource and public guide to communicate the impacts of Bill 108 to the residents of Toronto in a clear and accessible format.
23. City Council request the Minister of Municipal Affairs and Housing to approve the submitted Official Plan Amendment 405, the Yonge-Eglinton Secondary Plan, adopted by City Council in July 2018 and subsequently forwarded to the Ministry of Municipal Affairs and Housing for a decision, on or before the June 6, 2019 deadline.

#### Planning Act Recommendations

24. City Council request the Province to reconsider the timelines established for review of Planning Act applications before an appeal is permitted to the Tribunal and to return to the timelines that were in effect under Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017.
25. City Council request the Province to permit municipalities to utilize the inclusionary zoning provisions of the Planning Act in broader situations than the proposed protected major transit station and development permit system areas.
26. City Council request the Province to retain the existing Planning Act grounds for appeals of Zoning By-laws and Official Plan Amendments to only include testing for consistency with provincial policy statements, conformity with provincial plans and (for Zoning By-laws) conformity with the Official Plan and to incorporate other legislative measures that would provide for more deference to the decision-making powers of municipal councils.
27. City Council request the Province to revise the name of the proposed "Community Benefits Charge By-law" to the "Community Facilities Charge By-law" to better recognize that community facilities are necessary infrastructure needed to support development pursuant to the Growth Plan.
28. City Council request the Province to provide the later of four years or the expiry of the current Development Charges By-law from the date of enactment of the regulation that sets out any prescribed requirements for the community benefit charges before a municipality must adopt a Community Benefits Charge By-law.
29. City Council request the Province to allow municipalities to calculate the Community Benefits Charge based on per unit charges and without a cap to account for construction of facilities that are not related to land values.
30. City Council request the Province to add the following provisions to Section 37 of the Planning Act as 37(6.1) and (6.2) in Schedule 12 to Bill 108:
  - a) 6.1 Where an owner of land elects to provide an in-kind facility, service or matter because of development or redevelopment in the area to which a community benefits



charges by-law applies, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facility, service or matter.

b) 6.2 Any agreement entered into under subsection (6.1) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Lands Titles Act, any and all subsequent owners of the land.

31. City Council request the Province to delete subsections 37(15), (16), (17) (18) and (19) and add new subsection 37(15) to the Planning Act that reads:

If the municipality disputes the value of the land identified in the appraisal referred to in clause 13(b), the municipality shall request that a person selected by the owner from the list referred to in subsection 37(18) prepare an appraisal of the value of the land as of the valuation date.

32. City Council request the Province to amend subsection 37(20) of the Planning Act to also require the owner to immediately provide any additional payment to the municipality where the appraisal established in 37(15) is more than the initial appraisal provided by the municipality.

33. City Council request the Province address effective transition by amending subsection 37.1 (3) of the Planning Act so that it reads:

On or after the applicable date described in subsection (5), the following rules apply if, before that date, an application (complete or incomplete) under Section 34 of the Planning Act has been received by the local municipality for the site or the Local Planning Appeal Tribunal has made a decision to approve a by-law described in the repealed subsection 37 (1). Where an application is withdrawn by the owner and a new application is submitted within three years of the effective date, the Planning Act, as it read the day before the effective date, will apply.

34. City Council request the Province to permit annual indexing of the rates based on a blend of property value and construction cost inflation and calculated using public, third-party data if property values continue to be proposed to be used for the purposes of establishing the rate.

35. City Council request the Province to clarify Section 37 provisions in Bill 108 to:

a. enable a municipality to have a city-wide Community Benefit Charge By-law or area-specific By-laws provided only one Community Benefit By-law applies in any given area;

b. recognize that maximum specified caps may differ in any given area within a municipality based on an analysis of local area needs and the anticipated amount, type and location of development as set out in the respective community benefit strategy; and

c. ensure that maximum specified rates as set out in any regulation will be established in consultation with municipalities with regular updates (e.g. no less than every five years) to the maximum specified rate contained within any regulation.

36. City Council request the Province to include a transition provision that specifies that the repeal of any provisions in the Planning Act which set out an alternative parkland dedication requirement will only occur once a municipality has enacted a Community Benefit Charge By-law(s).



37. City Council request the Province to amend Section 42 of the Planning Act to provide additional predictability and transparency between Sections 37 and 42, and to support the achievement of complete communities in accordance with Amendment 1 of the Growth Plan, 2017 as follows:
- a. enable municipalities to secure the conveyance of land for park purposes as a condition of the development or redevelopment of land along with the ability to secure a community benefits (facilities) charge in accordance with Section 37 of the Planning Act;
  - b. clarify that where a municipality secures the conveyance of land for park purposes as a condition of development or redevelopment, the community benefits (facilities) charge will not include a payment in lieu of parkland for the site;
  - c. revise for residential development the maximum conveyance of land for park purposes to be based on a maximum percent of the development site as determined through a community benefits (facilities) charge strategy and as established by By-law as opposed to 5 percent of the land currently proposed in Bill 108; and
  - d. allow municipalities to set different maximum rates for the conveyance of land for park purposes for residential development based on building type(s) and intensity of development to ensure equitable contributions between different types of residential development and to support parkland need generated by the development.

38. City Council request the Province to amend proposed Bill 108 to allow municipalities to require both the community benefits (facilities) charge and/or the provision of in-kind facilities and the conveyance of land for park purposes in plans of subdivision to achieve complete communities with additional amendments to section 51.1 as per the requested amendments to Section 42 of the Planning Act reflected in Part 37 above.

#### Development Charges Act Recommendations

39. City Council request the Province to delete provisions to delay development charges payment obligations and so preserve the concurrent calculation and payment of development charges.
40. City Council request the Province to not repeal the parkland and community infrastructure component of the Development Charges Act, 1997 in advance of the completion of the Community Benefit Charge Strategy and Community Benefit Charge By-law.
41. City Council request the Province to amend Subsection 2(4) of the Development Charges Act, 1997 to add "parks and recreation, and paramedic services" as growth related capital infrastructure.
42. City Council request the Province to amend Subsection 32(1) of the Development Charges Act, 1997 so that it reads:

If a development charge or any part of it remains unpaid after it is payable, the amount unpaid including any interest payable in respect of it in accordance with this Act shall be added to the tax roll and shall be collected in the same manner as taxes and given priority lien status.



43. City Council request the Province to amend Subsection 26.1(2) of the Development Charges Act, 1997 dealing with when a charge is payable, to provide definitions for the types of developments listed.
44. City Council request the Province to delete Subsection 26.1(2) 4. of the Development Charges Act, 1997.
45. City Council request the Province to ensure that the prescribed amount of time referred to in Subsection 26.2(5), (a) and (b) of the Development Charges Act, 1997 be set at no longer than two years.
46. City Council request the Province to amend the Development Charges Act, 1997 by adding the following provisions to permit the entering into and registration of agreements entered into pursuant to Section 27(1) of the Act:

27(4) Any agreement entered into under subsection (1) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Lands Titles Act, any and all subsequent owners of the land.

#### Ontario Heritage Act Recommendations

47. City Council request the Province that if the objection process is to be maintained as currently proposed in Bill 108, a time limit be included within which a person may object, by adding to the end of Subsection 27(7) of the Ontario Heritage Act, "within 30 days of the notice referred to in Subsection (5)."
48. City Council request the Province to amend Section 27 of the Ontario Heritage Act, to provide for a more efficient process for listings to allow an owner to object to a listing at a statutory public meeting before Council makes any decision, and in turn to make proposed Subsection 27(9) (Restriction on demolition, etc.) applicable from the date that notice is given respecting the proposed listing.
49. City Council request the Province to amend Section 29 of the Ontario Heritage Act, to provide for a more efficient process as follows:
  - a. allow an owner to object to a notice of intention to designate at a statutory public meeting before Council makes any decision respecting designation;
  - b. only permit an owner to appeal a notice of intention to designate to the Tribunal, or alternatively only permit an individual who has made an objection at a statutory public meeting to appeal a notice of intention to designate to the Tribunal;
  - c. make the decision of Council to state its intention to designate appealable, rather than the By-law itself and delete the time limit for Designation By-laws to be passed; alternatively, extend the time period to pass a Designation By-law to one year; and
  - d. if the opportunity to object to the Council's decision remains in the Act, then extend time periods for reconsideration of an intention to designate by Council to 180 days, allow for Council's decision to be appealed, and remove the timeframe within which a Designation By-law must be passed.



50. City Council request the Province to amend Part IV of the Ontario Heritage Act to provide clarity on the relationship between the individual heritage values and attributes of properties within the Heritage Conservation Districts and the values and attributes of the District, particularly as it pertains to alterations.

51. City Council request the Province to amend the Ontario Heritage Act Subsections 33(5) and 34(4.1) to change the headings to "Notice of Incomplete Application" and to add the words "that the application is incomplete" after the words "notify the applicant" for clarification.

52. City Council request the Province to amend the Ontario Heritage Act to extend time periods for consideration of alteration from 90 days to 180 days by deleting "90" and replacing it with "180" in Subsections 33(7)1 and 34(4.3)1; and/or make amendments to the Planning Act to state that where an application to alter or demolish is made under Sections 33 or 34 of the Ontario Heritage Act that the timelines in the Ontario Heritage Act prevail to the extent of any conflict for the purposes of the date an appeal may be made under the Planning Act regarding a Planning Act application.

53. City Council request the Province to make the decision of Council to state its intention to designate appealable, rather than the By-law itself, and extend the time period to pass a Designation By-law to one year.

#### Growth Plan Recommendations

54. City Council request the Province to revise Proposed Amendment 1 of the Growth Plan, 2017, policies and mapping to recognize and include additional Provincially Significant Employment Zones in the City of Toronto, including the City's major office parks.

55. City Council support the inclusion of Official Plan Amendment 231 as a matter in process that should be transitioned and therefore not subject to a "A Place to Grow" provincial Plan and request that the Province modify Ontario Regulation 311/06 to add any decision made by Toronto City Council on the day before enactment of the proposed Amendment 1 to the Growth Plan, 2017, but are currently under appeal at the Local Planning Appeal Tribunal.

#### **City Council Decision Advice and Other Information**

The Chief Planner and Executive Director, City Planning gave a presentation to City Council on Bill 108, The More Homes, More Choice Act, 2019.

#### **Summary**

On May 2, 2019, the Minister of Municipal Affairs and Housing announced the Province's Housing Supply Action Plan and introduced Bill 108 (More Homes, More Choices Act) in the Legislature. The Bill proposes to amend 13 statutes. The Provincial commenting period on the proposed changes closes on June 1, 2019. The following report has been prepared by the City Planning Division in consultation with the Corporate Finance Division, Legal Services, Parks, Forestry and Recreation and other divisional partners impacted by the proposed Bill 108 amendments discussed in this report.

This report highlights the proposed changes to the Planning Act, Local Planning Appeal Tribunal Act, 2017, Ontario Heritage Act and the Development Charges Act, 1997 and provides preliminary comments on their impact on municipal land use planning, the development approval process, heritage conservation and on funding for community facilities and infrastructure.



The report also summarizes the Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, which replaces the 2017 Growth Plan and which comes into effect on May 16, 2019. The associated 2019 Growth Plan transitional matters regulation (Ontario Regulation 311/06) is open for comment until May 31, 2019. This report also comments on this proposed regulation.

Despite the absence of implementation details, the proposed changes to legislation in Bill 108 signal that there will be significant impacts on: the City's finances; the ability to secure parkland; the capacity to provide community facilities; and on the evaluation of development applications that would afford appropriate opportunities for public consultation and conservation of heritage resources.

Bill 108 contains limited evidence that its central objectives, making it easier to bring housing to market and accelerating local planning decisions, will be achieved. Currently over 30,000 residential units in 100 projects proposed within Toronto are awaiting Local Planning Appeal Tribunal (LPAT) outcomes. Significantly shortening statutory review timelines; reducing opportunities for collaborative decision-making at the front-end of the municipal review process; expanding the scope of reasons to appeal development applications to the LPAT; and introducing a completely new process for determining community benefit (facilities) contributions could result in increased appeals and an even greater proportion of the housing pipeline projects being held up as part of the LPAT process.

In addition, Bill 108 undermines the City's ability to ensure that "growth pays for growth" through substantive amendments to Sections 37 and 42 of the Planning Act, and the Development Charges Act. Combined, these tools account for a large proportion of the City's 10-year capital plan which supports critical infrastructure investments, including:

- 12 child-care centres with a cumulative 583 spaces;
- 21 Toronto Public Library expansion and renovation projects;
- 106 new or expanded parks; and
- 17 community recreation centres, 5 pools, 4 arenas and over 200 playground improvement projects.

With 140,441 approved but unbuilt residential units and an additional 167,309 units currently under review (representing an estimated 540,000 people who could be housed), the need to plan for Toronto's long-term liveability and manage the impacts of growth, is of paramount importance

By diverging from the long-held approach of growth paying for growth, future developments could result in a negative financial impact on the City. If this were to occur, the net outcome would be that existing residents and businesses, who make up the City's tax base, would in effect be partially subsidizing new development. Alternatively, the current service level standards would need to be adjusted to reflect this new fiscal environment. In spite of these changes, it is unlikely that they will positively impact housing affordability as Bill 108 does not provide for any mechanisms to ensure that reduced development costs are passed through to future home buyers and renters.

The full impact of many of the proposed Bill 108 amendments will be assessed when implementation details, to be outlined in provincial regulations associated with the Bill, become available. The Province has not issued any information as to the timing or content of these regulations. City staff will continue to assess the impacts of the proposed legislation and provide additional comments to Council when the regulations have been released.

### **Background Information (City Council)**

(May 14, 2019) Report from the City Manager and Chief Planner and Executive Director, City Planning on Proposed Bill 108 (More Homes, More Choice Act, 2019) and the Housing Supply Action Plan - Preliminary City Comments (CC7.3)

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-133165.pdf>

(May 7, 2019) Report from the City Manager on Proposed Bill 108 (More Homes, More Choice Act, 2019) and the Proposed Housing Supply Action Plan - Preliminary City Comments - Notice of Pending Report (CC7.3)

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-132906.pdf>

(May 15, 2019) Presentation from the Chief Planner and Executive Director, City Planning on Bill 108 - More Homes, More Choice Act, 2019

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-133199.pdf>

Attachment to motion 1a by Councillor Josh Matlow (Part 18 of City Council decision)

<http://www.toronto.ca/legdocs/mmis/2019/cc/bqrd/backgroundfile-133309.pdf>





**Kiran Saini**  
 Deputy Town Clerk  
 Town of Newmarket  
 395 Mulock Drive  
 P.O. Box 328 Station Main  
 Newmarket, ON L3Y 4X7

ksaini@newmarket.ca  
 tel.: 905-953-5300, Ext. 2203  
 fax: 905-953-5100

C.S. - LEGISLATIVE SERVICES

JUN 03 2019 12:32

Original
To:
Copy
To:
C.C. S.C.C. File
Take Appr. Action

June 3, 2019

Sent via email to: amo@amo.on.ca

Attn: AMO President, Jamie McGarvey

**RE: Motion - Bill 108 Ontario Municipal Board Changes (Councillor Bisanz)**

I am writing to advise that Council, at its meeting held on May 27, 2019, adopted the following recommendations:

Whereas the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and,

Whereas All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and,

Whereas Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and,

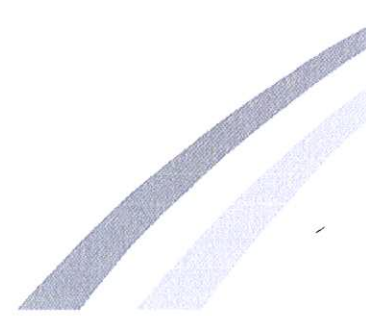
Whereas On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and,

Whereas This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and,

Whereas By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and,

Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved:





**Kiran Saini**  
Deputy Town Clerk  
Town of Newmarket  
395 Mulock Drive  
P.O. Box 328 Station Main  
Newmarket, ON L3Y 4X7

ksaini@newmarket.ca  
tel.: 905-953-5300, Ext. 2203  
fax: 905-953-5100

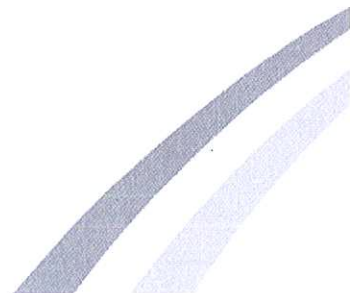
1. That the Town of Newmarket oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and,
2. That the Town of Newmarket call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and,
3. That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier and MPP Newmarket-Aurora, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and,
4. That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Yours sincerely,

Kiran Saini  
Deputy Town Clerk

KS:jg

CC:  
All Ontario Municipalities







105 Elgin St. West  
Arnprior, ON K7S 0A8

tel 613 623 4231  
fax 613 623 8091

arnprior@arnprior.ca  
www.arnprior.ca

May 29<sup>th</sup>, 2019  
By Email

Town of Aurora  
c/o Town Clerk  
100 John West Way, Box 1000  
Aurora, ON L4G 6J1  
[clerks@aurora.ca](mailto:clerks@aurora.ca)

**Re: Resolution of Support for the Town of Aurora – Opposition to *Bill 108, the More Homes, More Choice Act, 2019***

To Whom It May Concern,

The Council of the Corporation of the Town of Arnprior at their May 27th, 2019 Regular Council Meeting passed the following resolution:

Resolution No. 197-19

Moved by Dan Lynch  
Seconded by Lynn Grinstead

**Whereas** the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

**Whereas** all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

**Whereas** Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

**WHEREAS** on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and

**Whereas** this MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require

coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

**Whereas** by signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

**Whereas** Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

**Now Therefore Be it Hereby Resolved That** the Council of the Corporation of the Town of Arnprior oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

**Be it Further Resolved That** the Council of the Corporation of the Town of Arnprior call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

**Be It Further Resolved That** a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

**Be It Further Resolved That** a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

If you have any questions or concerns, please do not hesitate to contact me.



Sincerely,



Emily Melanson  
Deputy Clerk  
613-623-4231 Ext. 1818  
[emelanson@arnprior.ca](mailto:emelanson@arnprior.ca)

---

cc. Association of Municipalities of Ontario (AMO), the Honourable Doug Ford, Premier of Ontario, the Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs and municipalities in the Province of Ontario



C.C. - LEGISLATIVE SERVICES

JUN 5 2019 09:50

May 31, 2019

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Original
To: CIP
Copy B-B
To:
C.C. S.C.C. File
Take Appt. Action

Office of the Chair  
1151 Bronte Road  
Oakville, ON  
L6M 3L1

Dear Premier Ford:

**RE: Bill 108 – Proposed More Homes, More Choice Act**

I am writing to share with you Regional Council's position with respect to Bill 108.

In its current state, Bill 108 contains wide-ranging, disruptive changes that will have significant negative implications for Halton Region and its Local Municipalities. These changes are being proposed without sufficient detail and without an opportunity to engage with the Province on how to most effectively advance changes to advance new housing supply while reflecting sound local housing growth, community planning and financial sustainability principles. It is our position that extensive consultation and collaboration with Ontario municipalities must take place before any changes are advanced. In this regard, at its meeting on May 22, 2019, Regional Council endorsed the following resolution opposing Bill 108:

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

WHEREAS all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body to make decisions on how our communities evolve and grow; and

WHEREAS on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario, which recognizes that "Public policy issues are complex and thus require coordinated responses..." and that "The Municipal Act, 2001 provides that the Province of Ontario endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

WHEREAS the MOU sets out that "Ontario is committed to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and

Regional Municipality of Halton

HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1

905-825-6000 | Toll free: 1-866-442-5866



WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

NOW THEREFORE BE IT RESOLVED THAT The Regional Municipality of Halton oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

THAT The Regional Municipality of Halton call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

THAT a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, John Fraser, Interim Leader of the Liberal Party, Mike Schreiner, Leader of the Green Party, and all MPPs in the Province of Ontario;  
And

THAT a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

We thank you for your consideration to this important issue.

Sincerely,



Gary Carr  
Regional Chair

cc – The Honourable Christine Elliott, Deputy Premier, Minister of Health and Long-Term Care  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable Andrea Horwath, Leader of the New Democratic Party  
John Fraser, Interim Leader of the Liberal Party  
Mike Schreiner, Leader of the Green Party  
All MPPs in the Province of Ontario  
Association of Municipalities of Ontario (AMO)  
All Ontario municipalities

MAY 20 19 4:10:25  
CIP 5.1

# MUNICIPALITÉ · EAST FERRIS · MUNICIPALITY



390 HIGHWAY 94, CORBEIL, ONTARIO P0H 1K0  
TEL.: (705) 752-2740 FAX.: (705) 752-2452  
Email: municipality@eastferris.ca

## REGULAR COUNCIL MEETING HELD May 28<sup>th</sup>, 2019

**2019-151**

**Moved by** Councillor Lougheed  
**Seconded by** Councillor Trahan

WHEREAS at the Regular meeting of Council held May 14<sup>th</sup>, 2019, Council requested that the Municipality of East Ferris petition Ontario Municipalities to support the OGRA/ROMA Combined Conference;

AND WHEREAS the Municipality has received already same request from the Town of Petrolia to support a combined conference;

BE IT HEREBY RESOLVED that this resolution be circulated to all Ontario Municipalities and petition ROMA to place the combined conference to a membership vote.

**Carried Mayor Rochefort**

### C.S. - LEGISLATIVE SERVICES

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C.C. S.C.C. File
Take Appr. Action

CERTIFIED to be a true copy of  
Resolution No. 2019-151 passed by the  
Council of the Municipality of East Ferris  
on the 28<sup>th</sup>, day of May, 2019.

Monica L. Hawkins, AMCT  
Clerk



*Clerks/Administration Department  
Administration Centre  
10 Wellington St. E.  
Alliston, ON L9R 1A1*

*Web Address: [www.newtecumseth.ca](http://www.newtecumseth.ca)  
Email: [bkane@newtecumseth.ca](mailto:bkane@newtecumseth.ca)  
Phone: 705-435-3900  
or 905-729-0057  
Fax: 705-435-2873*

Original
To: CIP
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C.C. S.C.C. File
Take Appr. Action

May 30, 2019

All Ontario Municipalities

Dear Sir/Madam:

**Re: REDUCTION IN PROVINCIAL FUNDING TO LIBRARIES**

Please be advised that the Council of The Town of New Tecumseth passed the following resolution at its meeting of May 27, 2019:

WHEREAS the Ontario government has reduced by 50% the funding to Southern Ontario Library Service and Ontario Library Service North, resulting in the suspension of inter-library loan service and postage subsidy, with further service cuts yet to be announced;

AND WHEREAS the users of small libraries will be significantly negatively impacted by the loss of equitable access to materials and information;

AND WHEREAS the resulting increased costs of postage will not have been considered in the budget preparation for the current fiscal year and will require lending libraries to carefully consider whether to fill an inter-library loan request;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of New Tecumseth strongly urges the Ontario government to restore the funding to Ontario Library Service North and Southern Ontario Library Service at a minimum to the previous 2018 funding level;

AND FURTHER THAT this resolution be forwarded to Michael Tibolla, Minister of Culture, Recreation and Sport; Jim Wilson, MPP; Doug Ford, Premier; Association of Municipalities of Ontario and all Ontario municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read "B Kane".

Barbara Kane  
Deputy Clerk

cc: Michael Tibollo, Minister of Culture, Recreation and Sport  
Doug Ford, Premier  
Association of Municipalities of Ontario



6-1

May 29, 2019

Mr. John Ballantine  
 Manager, Municipal Finance Policy Branch  
 Ministry of Municipal Affairs and Housing  
 13th Floor, 777 Bay Street  
 Toronto, Ontario  
 M5G 2E5

Original
To: CIP
Copy
To:
<b>C.C. S.C.C. File</b>
<b>Take Appr. Action</b>

Dear Mr. Ballantine:

Re: Bill 108: Potential Changes to the Development Charges Act

On behalf of our many municipal clients, by way of this letter we are summarizing our perspectives on the changes to the *Development Charges Act* (D.C.A.) as proposed by Bill 108.

**Watson & Associates Economists Ltd.**

Watson & Associates Economists Ltd. is a firm of municipal economists, planners and accountants, which has been in operation since 1982. With a municipal client base of more than 250 Ontario municipalities and utility commissions, the firm is recognized as a leader in the municipal finance/local government field. The firm's Directors have participated extensively as expert witnesses on development charge (D.C.) and municipal finance matters at the Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board) for over 37 years.

Our background in D.C.s is unprecedented including:

- carrying out over one-half of the consulting work completed in Ontario in the D.C. field during the past decade; and
- providing submissions and participating in discussions with the Province when the D.C.A. was first introduced in 1989 and with each of the amendments undertaken in 1997 and 2015.

**Changes to Eligible Services**

*The Bill proposes to remove "soft services" from the D.C.A. These services will be considered as part of a new "community benefits charge" (discussed below) imposed under the Planning Act. Eligible services that will remain under the D.C.A. include water, wastewater, stormwater, services related to a highway, policing, fire, transit and waste diversion.*



As provided below (a detailed summary is provided in Appendix A), Province-wide this change would remove 20% of annual collections from the D.C.A.

**Table 1 - Development Charge Collections - 2013 to 2017**

Service Category	Total Collections 2013 to 2017	Annual Average Collections	Percentage of Total
Services Continued Within D.C.A.	\$ 8,069,285,661	\$ 1,613,857,132	80%
Services to be Moved to Community Benefits Charge	1,967,192,671	393,438,534	20%
<b>Total</b>	<b>\$10,036,478,333</b>	<b>\$ 2,007,295,667</b>	<b>100%</b>

Since it is unclear as to the potential ability to replace these revenues with the proposed community benefits charge, a number of concerns are raised:

- Many municipalities have constructed facilities for these various services, and the ability to recoup the annual debt charges is in question. This lost revenue may shift the burden directly onto existing taxpayers.
- A number of municipalities enter into agreements to have the developing landowner fund certain services (e.g. parkland development) and provide D.C. credits at the time of building permit issuance. It is unclear how a municipality is to honour these commitments given the new revenue structure.
- Many municipalities have projects for these services in progress. The lost funding may put these projects in jeopardy.
- Many municipalities have borrowed D.C. revenues from another D.C. service to fund these expenditures. Once again, it is unclear how to fund these balances.
- Municipalities have concerns with the potential of the Minister to limit the scope of eligible services for which community benefits charges could be imposed through regulation, particularly as this might relate to future funding plans based on this revenue source.

## **Waste Diversion**

*The Bill would remove the mandatory 10% deduction for this service.*

This change will be helpful to municipalities in funding this service. Moreover, the ability to forecast the increase in needs over a period longer than 10 years will allow municipalities to better determine the long-term average increase in needs.





## Payment in Installments Over Six Years

*The Bill proposes that rental housing, non-profit housing and commercial/industrial/institutional developments pay their development charges in six equal annual payments commencing the earlier of the date of issuance of a building permit or occupancy. If payments are not made, interest may be charged (at a prescribed rate) and may be added to the property and collected as taxes.*

As the proposed changes to the D.C.A. are to facilitate the Province's affordable housing agenda, it is unclear why these installment payments are to be provided to commercial, industrial and institutional developments. Table 2 presents the number of non-residential building permits issued annually by Ontario municipalities over the period 2012 to 2017. Based on the past six years, municipalities would be managing installment collections on almost half a million building permits.

**Table 2 - Non-residential Building Permits Issued - 2012 to 2017**

Service	2012	2013	2014	2015	2016	2017	Total
Permits Issued	67,795	75,182	76,189	79,070	86,158	82,640	<b>467,034</b>

Source: Financial Information Returns - 2012 to 2017

Based on the above:

- Administration of this process to undertake annual collections, follow up on delayed payments, and pursue defaulting properties would increase administrative staffing needs significantly. If an ability to recover these administrative costs is not provided, then this would be a direct impact on property taxes.
- It is unclear what security requirements the municipality may impose. As the building permit is most often taken out by the builder, there is a disconnect with the potential owner of the building. We would recommend that the D.C.A. provide the ability to either receive securities or be able to register the outstanding collections on title to the property.
- The delay in receiving the D.C. revenue will impact the D.C. cashflow. As most of these "hard services" must be provided in advance of development occurring, it will require increased debt and borrowing costs. Added interest costs will place upward pressure on the D.C. quantum.

## When the D.C. Amount is Determined

*The Bill proposes that the D.C. amount for developments proceeding by site plan approval or requiring a zoning by-law amendment, shall be determined based on the D.C. charge in effect on the day of the application for site plan approval or zoning by-law amendment. If the development is not proceeding via these planning approvals,*



*then the amount is determined the earlier of the date of issuance of a building permit or occupancy.*

Based on the above:

- We perceive the potential for abuse with respect to the zoning change requirement. A minor change in a zoning would activate this section of the D.C.A. and lock-in the rates. This would give rise to enhancing the land value of the property as it has potentially lower D.C. payments.
- D.C.s tend to increase in subsequent five-year reviews, because the underlying D.C.A. index does not accurately reflect the actual costs incurred by municipalities. Locking-in the D.C. rates well in advance of the building permit issuance would produce a shortfall in D.C. revenue, as the chargeable rates will not reflect the current rate (and therefore current costs) as of the time the development proceeds to be built. If municipalities are being required to maintain these charges, then the D.C.A. should provide for adjustment to reflect changes in actual costs, allow for ease of amendment between review periods, and index charges based on actual cost experience.
- There should be a time limit established in the D.C.A. as to how long the development takes to move from site plan application, or zoning application, to the issuance of a building permit. There is no financial incentive for the development to move quickly to building permit if this is not provided. Although the D.C.A. indicates that the Minister may regulate this, if no regulation is provided then the rates would be set in perpetuity.

### **Second Dwelling Units in New Residential Developments or Ancillary to an Existing Dwelling Unit are to be Exempt from Paying Development Charges**

We perceive that imposing an immediate exemption for a second unit in a new home will cause considerable problems for existing agreements with developers. Potential impacts could include:

- For existing agreements and in certain circumstances, the developer may not recover the full amount of the agreed-to funding.
- Alternatively, the municipality may have to recognize the potential funding loss. The municipality then must generate the funding even though these expenditures were not planned. This may cause direct impacts on debt levels, tax/use rates or delays in future funding given the added net costs to build the infrastructure.
- The potential arises for the conditions within these agreements to now be challenged in court in light of the provincial regulation changes, giving rise to considerable legal expense, delays in development (given the uncertainty of the outcome) and loss of confidence in negotiating future agreements.





- Note also that, with respect to allocation of capacity for water and wastewater servicing, there may be further impacts given Environmental Assessment approvals for targeted development levels.
- Increasing the number of statutory exemptions also results in a revenue loss for municipalities that have to be funded from non-D.C. funding sources, thus increasing the obligation on property taxes.

### **Soft Services to be Included in a New Community Benefits Charge Under the Planning Act**

*It is proposed that a municipality may, by by-law, impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. These services may not include those authorized by the D.C.A. Various provisions are proposed as follows:*

- *Before passing a community benefits charge by-law, the municipality shall prepare a community benefits charge strategy that, (a) identifies the facilities, services and matters that will be funded with community benefits charges; and (b) complies with any prescribed requirements.*
- *Land for parkland purposes will be included in this charge.*
- *The amount of a community benefits charge payable shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.*
- *The valuation date is the day before building permit issuance.*
- *Valuations will be based on the appraised value of land. Various requirements are set out in this regard.*
- *All money received by the municipality under a community benefits charge by-law shall be paid into a special account.*
- *In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.*
- *Requirements for annual reporting shall be prescribed.*
- *Transitional provisions are set out regarding the D.C. reserve funds and D.C. credits.*

The proposed changes are limited, in that the details are left to be defined by Regulation. As such:

- More information is needed, as there are several key items to be included as part of the regulations; i.e. what items are to be included in community benefits charge strategy and what percentage of the “value of land” is to be eligible for collection.
- Depending on what is to be included in the community benefits charge strategy, this may be undertaken at a similar time as the D.C. background study. As





noted, however, it is unclear as to the prescribed items to be included along with the process required to adopt the strategy and the by-law.

- The potential for future parkland is minimized by including it as part of the charge along with all other “soft services.”
- Concern is raised regarding what prescribed percentage of the land value will be allocated for the charge. If the same percentage is provided for all of Ontario, then a single family lot in Toronto valued at \$2 million will yield 20 times the revenue of a \$100,000 lot in eastern Ontario. Given that building costs for the same facilities may only vary by, say, 15%, the community benefits charge will yield nominal funds to pay for required services for most of Ontario. As such, if prescribed rates are imposed, these should recognize regional, in not area-municipal, distinctions in land values.
- It is unclear how the community benefits charge will be implemented in a two-tier municipal system. Given that both the upper and lower tiers will have needs, there is no guidance on how the percentage of the land value will be allocated or how the process for allocating this would occur. Obviously, land values will vary significantly in urban versus semi-urban communities (e.g. in York Region, land value in Markham is significantly higher than in Georgina), so that the upper tier needs may only take, say, 30% of the allotted value in the urban areas but 75% to 90% of the allotted semi-urban or rural values.
- Given the need for appraisals and the ability of the applicant to challenge the appraisal, a charging system based on land values will be extremely cumbersome and expensive. It is unclear how appraisal costs are recovered and the appraisals may become significant costs on each individual property.

### **By-laws That Expire After May 2, 2019**

*The Bill provides in subsection 9.1 (1) that a development charge by-law expiring on or after May 2, 2019 and before the prescribed date shall remain in force as it relates to the soft services being moved to community benefits charges.*

Confusion is produced by this section of the Bill. There are many municipal D.C. by-laws (over 70) currently set to expire between May and August of this year. Until the Bill is passed into law, these D.C. by-laws will need to be replaced by new ones. This section of the Bill should be amended to reflect that the new D.C. rates in effect at the time of the new legislation coming into force will continue so as to not present confusion over rates as of May 2, 2019 versus rates passed under these new D.C. by-laws.

### **Conclusions/Observations**

In late 2018/early 2019, the Province invited many sectors to participate in the Province’s Housing Supply Action Plan. This process included specialized Development Charges and Housing Affordability Technical Consultations undertaken to provide input to this Action Plan. From those discussion sessions undertaken with members of the development/building community, it was acknowledged that there are





challenges for the development/building community to address the housing needs for certain sectors of the housing market. Rental housing is one example of an area where the low profit margins and high risks may limit participation by developer/builders; however, there clearly does not appear to be a Province-wide concern with D.C. rates that would warrant a wholesale reduction/elimination of D.C.s for any particular service. Arising from those discussions it was expected that these matters would be the focus of the legislated changes; however, Bill 108 has varied significantly from that target:

- The Bill makes wholesale changes to the D.C.A. which will restrict revenues collected from all forms (and all prices) of housing. Hence, the target is no longer rental or affordable housing focused. Where municipalities have been developing D.C. policies and programs to address affordable housing needs directly, the loss of D.C. funding will make these programs unaffordable due to the overall revenue lost.
- The Bill has introduced changes to collections and locking in rates, which directly benefit commercial, industrial and institutional developments, that were not part of the Province's Housing Supply Action Plan. It is unclear why this has been introduced. The six-payment plan for this sector is expected to be expensive and cumbersome to administrate.
- Many transitional items have not been addressed and it is unclear whether the developing land owner is responsible for potential revenue losses or whether that will be the responsibility of the municipality. These matters need to be addressed, otherwise time and money will be spent clarifying these matters in the courts.
- The Regulations to define the new community benefits charges have not been circulated with the Bill; hence, the magnitude of the impact cannot be calculated. It is anticipated, however, that a significant amount of revenue will be lost along with additional lands for park purposes. This either places a direct burden onto taxpayers or will reduce service levels significantly for the future.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Gary D. Scandlan, B.A., PLE  
Director

Andrew Grunda, MBA, CPA, CMA  
Principal



# Appendix A

## Development Charge Collections 2013 to 2017





# Appendix A: Development Charge Collections 2013 to 2017

Development Charge Collections - 2013 to 2017

Service	2013	2014	2015	2016	2017	Total	Average Annual
<b>Services Continued Within D.C.A.</b>							
Development Studies	\$ 6,785,229	\$ 7,539,525	\$ 9,634,244	\$ 9,536,538	\$ 11,607,836	\$ 45,103,372	\$ 9,020,674
Fire Protection	19,100,753	23,624,512	24,765,253	27,313,942	26,978,473	121,782,933	24,356,587
Police Protection	16,473,155	18,511,592	20,652,998	18,378,613	20,548,089	94,564,447	18,912,889
Roads and Structures	459,358,776	612,034,803	690,333,195	779,050,973	719,779,061	3,260,556,808	652,111,362
Transit	76,809,022	132,348,600	130,908,057	132,489,696	136,970,102	609,525,477	121,905,095
Wastewater	226,276,592	326,853,930	366,627,394	442,003,774	377,008,100	1,738,769,790	347,753,958
Stormwater	35,407,598	37,192,646	36,127,040	52,679,456	53,577,620	214,984,360	42,996,872
Water	249,052,732	324,843,966	373,922,202	474,822,033	513,942,477	1,936,583,410	387,316,682
GO Transit	7,594,651	9,005,572	10,515,931	9,837,550	10,461,361	47,415,065	9,483,013
<b>D.C.A. Continued Services</b>	<b>\$ 1,096,858,508</b>	<b>\$ 1,491,955,146</b>	<b>\$ 1,663,486,314</b>	<b>\$ 1,946,112,574</b>	<b>\$ 1,870,873,119</b>	<b>\$ 8,069,285,661</b>	<b>\$ 1,613,857,132</b>
<b>Services to Be Included Within New Section 37 Community Benefits Charge</b>							
Emergency Medical Services	\$ 3,112,736	\$ 4,765,936	\$ 5,128,696	\$ 4,840,840	\$ 5,773,536	\$ 23,621,744	\$ 4,724,349
Homes for the Aged	3,073,247	2,939,550	3,743,039	3,595,331	4,297,427	17,648,594	3,529,719
Daycare	2,499,810	3,301,019	3,088,376	1,760,689	2,473,840	13,123,734	2,624,747
Housing	17,947,287	18,658,790	19,786,738	16,116,747	21,684,247	94,193,809	18,838,762
Parkland Development	64,269,835	88,966,081	84,900,635	73,762,908	87,751,688	399,651,147	79,930,229
Library	28,579,595	33,673,639	32,963,569	33,161,869	34,690,844	163,069,516	32,613,903
Recreation	113,885,296	139,822,233	162,878,471	165,794,581	160,313,825	742,694,406	148,538,881
General Government	12,050,045	12,270,754	12,829,713	21,443,520	8,654,142	67,248,174	13,449,635
Parking	1,906,154	3,594,036	4,821,705	3,986,887	3,947,438	18,256,220	3,651,244
Animal Control	18,224	16,511	44,952	23,839	15,205	118,731	23,746
Municipal Cemeteries	38,942	69,614	55,007	170,736	108,145	442,444	88,489
Other	100,284,812	88,219,453	84,354,637	82,829,254	71,435,996	427,124,152	85,424,830
<b>Services to be Moved to Community Benefits Charge</b>	<b>\$ 347,665,983</b>	<b>\$ 396,297,616</b>	<b>\$ 414,595,538</b>	<b>\$ 407,487,201</b>	<b>\$ 401,146,333</b>	<b>\$ 1,967,192,671</b>	<b>\$ 393,438,534</b>
<b>Total</b>	<b>\$ 1,444,524,491</b>	<b>\$ 1,888,252,762</b>	<b>\$ 2,078,081,852</b>	<b>\$ 2,353,599,776</b>	<b>\$ 2,272,019,452</b>	<b>\$10,036,478,333</b>	<b>\$ 2,007,295,667</b>

Source: Financial Information Returns - 2013 to 2017

434 5075 4002  
CIP G.2

**Afreen Raza**

**From:** Brown, Andrea (MECP) <Andrea.J.Brown@ontario.ca>  
**Sent:** May-29-19 3:39 PM  
**To:** nathanbleeman@medallioncorp.com; Glenn Ferguson; Reid, Keith  
**Cc:** Deonarine, Ann-Marie (MECP); Dugas, Celeste (MECP); mleonard@oshawa.ca; clerks@oshawa.ca; Clerks; Ornella, Roddy (MECP)  
**Subject:** Ministry of Environment, Conservation & Parks Acceptance of Risk Assessment for Northeast Quadrant, 135 Bruce Street, Oshawa  
**Attachments:** RA Acceptance -135 Bruce Street OS 29-May-19.pdf

Please find attached an electronic copy of the Ministry of Environment's April 11, 2019 letter and decision to ACCEPT the risk assessment completed for the Northeast Quadrant of 135 Bruce Street, Oshawa. The signed original of this letter has been mailed to your attention.

As described in this letter, the District Office will be preparing a Certificate of Property Use (CPU) to incorporate the risk management measures included in this risk assessment and an draft will be circulated shortly by our office. The completed CPU will be posted for public comment to the Environmental Bill of Rights Registry, and when issued, will permit the use of the property specific standards developed under the risk assessment to be applied to a Record of Site Condition.

Please feel free to contact me with any questions or in the event you encounter any problems with the attached file.

Regards

Andrea Brown

Andrea J. Brown, P.Eng  
District Engineer - York Durham District  
Ministry of the Environment, Conservation & Parks  
230 Westney Road South, 5th Floor, Ajax  
ph: (905) 427-5624, fax: (905) 427-5602  
email: [Andrea.J.Brown@ontario.ca](mailto:Andrea.J.Brown@ontario.ca)

**C.S. - LEGISLATIVE SERVICES**

Original
To: CIP
Copy BB ✓
To: J.H ✓
C.C. S.C.C. File
Take Appr. Action



Ministry of the Environment,  
Conservation and Parks

Central Region,  
York Durham District Office  
230 Westney Road South, 5 Floor  
Ajax, ON L1S 7J5  
Tel. (905) 427-5600  
Fax (905) 427-5602

Ministère de l'Environnement, de la  
Protection de la nature et des Parcs

Région du Centre  
Bureau de district de York Durham  
230, chemin Westney sud, 5e étage  
Ajax, ON L1S 7J5  
Tel. (905) 427-5600  
Fax (905) 427-5602



May 29, 2019

Bruce Street Developments Limited  
Suite 304 - 970 Lawrence Ave W  
North York, Ontario, M6A 3B6

Attn: Nathan Bleeman, Bruce Street Developments Limited

**RE: Director's Response to Risk Assessment for Northwest Quadrant of 135 Bruce Street, City of Oshawa, Regional Municipality of Durham Risk Assessment 3285-ADAFNX**

This is to acknowledge your submission to the Ministry of the Environment and Climate Change (Ministry) of the risk assessment dated January 16, 2019, regarding the above noted Property. The Ministry's review of the risk assessment included the following reports, documents and information/correspondence:

- **Risk Assessment Report for Northwest Quadrant of 135 Bruce Street, Oshawa, Ontario**, report prepared by Intrinsic Environmental Sciences Inc., dated May 1, 2017
- **Revised Risk Assessment report for Northwest Quadrant of 135 Bruce Street, Oshawa, Ontario**, report prepared by Intrinsic Environmental Sciences Inc., dated January 8, 2018
- **An Addendum to a Revised Risk Assessment Report of Northwest Quadrant of 135 Bruce Street, Oshawa, Ontario**, report prepared by Intrinsic Corp., dated October 2018
- **"RE: Request for additional information - Northwest Quadrant of 135 Bruce Street, Oshawa; RA1540-16c; IDS#3285-ADAFNX"**, e-mail from Glenn Ferguson, Intrinsic Corp., received by TASDB on March 1, 2019, with the following document attached:
  - *RA1540-16c; IDS No. 3285-ADAFNX - Second Addendum to Revised RA Report - March 2019.pdf*

Based on the documents provided to the Ministry as part of the risk assessment, our reviewers can confirm that the risk assessment has been conducted in accordance with the Environmental Protection Act (the Act), Ontario Regulation 153/04 (the Regulation), and the

associated guidance documents. By way of this letter I am providing you written notice of the Director's decision to **ACCEPT** the risk assessment No. **3285-ADAFNX** relating to the Property in accordance with s. 168.5 of the Act.

The Ministry's review pertained to whether the risk assessment was conducted in a manner consistent with the Act, the Regulation, and associated guidance documents. Although some data, formulae and calculations were looked at during the review of the risk assessment, the Ministry does not independently verify data nor calculations, the quality of which are solely the responsibility of the Qualified Person who prepared the risk assessment.

The Director's decision to accept the risk assessment is based on the information and the assumptions set out in the risk assessment report. It is also based on the assumption that the Property will be used as described in the risk assessment and that the steps outlined in the risk management plan will be fully implemented.

Risk levels and property standards that are developed in the risk assessment apply only to the subject property. Any assessment of risk or development of property specific standards in the risk assessment that may be intended to apply to off-site properties are beyond the scope of a risk assessment under the Regulation and accordingly are not part of the Ministry's review.

Please be advised that a draft Certificate of Property Use (CPU) that incorporates the risk management plan and any additional conditions that may be proposed by the Director will be drafted and provided to you for review and comment prior to issuance.

If you have any questions, please contact Andrea Brown, P.Eng., District Engineer at the Ministry's York Durham District office, at (905) 427-5624.

Yours truly,



Celeste Dugas  
District Manager  
York Durham District Office  
Director for the purpose of s. 168.5 of the Environmental Protection Act

cc. Glenn Ferguson, Intrinsic Corp.  
M. Leonard, Chief Building Official, City of Oshawa  
Clerk, City of Oshawa  
Regional Clerk, Regional Municipality of Durham  
Ann-Marie Deonarine, Technical Assessment and Standards Development Branch  
A. Brown/R. Ornella, MECP, York Durham District Office





**Lake Simcoe Region**  
conservation authority

www.LSRCA.on.ca

Original
To: CIP
Copy
To: B.B ✓
NT ✓
C.C. S.C.C. File
Take Appr. Action

May 29, 2019

Mr. Ralph Walton  
Regional Clerk  
Regional Municipality of Durham  
605 Rossland Road East  
Whitby, ON L1N 6A3

Dear Mr. Walton,

**Re: 2019 Lake Simcoe Region Conservation Authority - Budget and Municipal Levies**

The Regional Municipality of Durham is an important and valued partner of Lake Simcoe Region Conservation Authority (LSRCA). On behalf of LSRCA members and staff, I extend to you our sincere thank you for your support of our 2019 Budget. The LSRCA Board of Directors, at their meeting held on March 23, 2019 passed the following resolution:

**LSRCA 2019 Proposed Budget**

Moved by: V. Hackson  
Seconded by: K. Ferdinands

**BOD-043-19 RESOLVED THAT Staff Report No. 13-19-BOD regarding LSRCA's 2019 Proposed Budget be received; and**

**FURTHER THAT the 2019 Budget and all projects therein be adopted; and**

**FURTHER THAT LSRCA staff be authorized to enter into agreements and/or execute documents with private sector organizations, non-governmental organizations or governments and their agencies for the undertaking of projects for the benefit of LSRCA and funded by the sponsoring organization or agency, including projects that have not been provided for in the approved budget; and**

**FURTHER THAT as required by Ontario Regulation 139/96 (formerly O.S. 231/97), this recommendation and the accompanying budget documents, including the schedule of matching and non-matching levies, be approved by weighted vote.**

**CARRIED**

.../2

The voting on the Conservation Authority budget resolution is based on a weighted majority voting procedure with votes weighted by proportionate share of the total assessment, in accordance with the Ministry of Natural Resources and Forestry's policy and protocol developed by the Association of Municipalities of Ontario and Conservation Ontario. The budget resolution requires a weighted majority of 51% in order to be passed. The 2019 budget resolution was unanimously passed by the Members in attendance with a 100% weighted majority. The vote was recorded as follows:

Representative	Partner Municipality	YEA	NAY	CVA
Mayor Dave Barton	Durham Region (Uxbridge)	X		2.00%
Mayor Debbie Bath-Hadden	Durham Region (Brock)	absent		2.00%
Mayor Bobbie Drew	Durham Region (Scugog)	X		2.00%
Councillor Avia Eek	York Region (King)	X		9.17%
Regional Chairman Wayne Emmerson, Chair	York Region (at Large)	X		9.17%
Councillor Ken Ferdinands	York Region (Whitchurch- Stouffville)	X		9.17%
Councillor Peter Ferragine	Town of Bradford West Gwillimbury	X		5.00%
Councillor Wendy Gaertner	York Region (Aurora)	X		9.17%
Mayor Virginia Hackson	York Region (East Gwillimbury)	X		9.17%
Councillor Natalie Harris	City of Barrie	absent		8.75%
Councillor Shira Harrison-McIntyre	Town of New Tecumseth	X		0.49%
Councillor Scott Macpherson, Vice Chair	Township of Oro-Medonte	X		1.04%
Mayor Margaret Quirk	York Region (Georgina)	X		9.17%
Councillor Clare Riepma	City of Barrie	absent		8.75%
Regional Councillor Tom Vegh	York Region (Newmarket)	X		9.17%
Councillor Alex Waters	Town of Innisfil	X		4.36%
Councillor Emmett Yeo	City of Kawartha Lakes	X		0.39%
No representative appointed	Township of Ramara	absent		1.01%
	Total			100.0

Please accept this letter as notice that Regional Municipality of Durham's portion of the General Levy for 2019 is \$234,123.00.

In accordance with Sections 27(8) and 27(9) of the Conservation Authorities Act, any appeals to the Ontario Mining and Lands Commissioner must be made within thirty (30) days from the date of this letter. Should you wish to appeal the levies, please copy the undersigned on all documents sent to the Commissioner.



Mr. Ralph Walton  
May 29, 2019  
Page 3

LSRCA also appreciates the commitment and funding support to its special capital programs. The Special Capital Levy for 2019 is \$474,483.00. The Special Operating Levy for 2019 is \$22,061.00.

Please find enclosed an invoice in the amount of \$730,667.00, which represents the General and Special Capital levies, as well as the Special Operating Levy if applicable, together with a copy of LSRCA's 2019 Budget Companion. The Authority's 2018 Audited Financial Statement has been provided in paper copy to the Clerk only. The online version may be viewed and/or downloaded from LSRCA's website at [www.LSRCA.on.ca](http://www.LSRCA.on.ca).

If you require clarification or any further information, please do not hesitate to contact Susan McKinnon, Manager, Budget and Business Analysis ([s.mckinnon@LSRCA.on.ca](mailto:s.mckinnon@LSRCA.on.ca)) or the writer.

Yours truly,



Mark Critch, CPA, CMA  
CFO & General Manager, Corporate Services  
/rsf

Enclosures

Copy: Elaine Baxter-Trahair Chief Administrative Officer  
Nancy Taylor, Commissioner of Finance  
Mayor Dave Barton, LSRCA Board member  
Mayor Debbie Bath-Hadden, LSRCA Board member  
Mayor Bobbie Drew, LSRCA Board member  
Accounts Payable Dept. (Letter/Invoice only)  
S. McKinnon, Manager, Budget and Business Analysis, LSRCA



Lake Simcoe Region  
conservation authority

# 01. Lake Simcoe Region Conservation Authority

120 Bayview Parkway  
Newmarket, Ontario L3Y 3W3  
Phone: 905-895-1281

## Invoice

Regional Municipality of Durham  
Finance Department  
605 Rossland Road East, Whitby, ON L1N 6A3  
  
Attn: Regional Clerk

Number: 10145  
Page: 1  
Date: 2019-05-31

<b>Customer No.</b>	<b>Terms Code</b>	<b>GST #R11900 3309</b>
DUR009	NET30	

	Description/Comments	Quantity and Unit Price	Amount
	General Levy		234,123.00
	Special Capital		474,483.00
	Special Operating		22,061.00

Subtotal before taxes	730,667.00
Total taxes	0.00
<b>Total amount</b>	<b>730,667.00</b>
Payment received	0.00
<b>Amount due</b>	<b>730,667.00</b>



If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

## **The Regional Municipality of Durham**

### **MINUTES**

#### **DURHAM ACTIVE TRANSPORTATION COMMITTEE**

**May 9, 2019**

A meeting of the Durham Active Transportation Committee was held on Thursday, May 9, 2019, in Meeting Room 1-B, Main Level, Regional Headquarters, 605 Rossland Road East, Whitby, at 7:01 PM.

Present: J. Bate, Oshawa  
M. Gibbons, Scugog  
C. Gray, Clarington  
K. Haines, Ajax  
A. Heywood, Pickering  
R. Kerr, Regional Councillor, Oshawa  
J. Martin, Brock  
P. Smith, Uxbridge

Also

Present: R. Lalonde, Whitby  
S. Lee, Regional Councillor, Alternate, Ajax

Staff

Present: A. Caruso, Senior Planner, Transportation Planning, Planning and Economic Development  
S. McEleney, Transit Planner, Transportation Planning, Planning and Economic Development  
G. Muller, Director of Planning  
C. Tennesco, Committee Clerk, Corporate Services – Legislative Services

A. Caruso chaired the meeting until the Election of the Chair and Vice-Chairs.

#### **1. Election of 2019 Chair and Vice-Chair**

Moved by Councillor Kerr, Seconded by P. Smith,  
That the election of the Chair and Vice-Chair of the Durham Trail Co-ordinating Committee (DATC) be deferred to the June 13, 2019 DATC meeting when a full complement of the Committee will be met.

**CARRIED**

**2. Adoption of Minutes**

Moved by P. Smith, Seconded by M. Gibbons,  
That the minutes of the regular meeting of the Durham Trail  
Co-ordinating Committee held on September 13, 2018, be  
adopted.

CARRIED

**3. Declarations of Interest**

There were no declarations of interest.

**4. Presentations**

A) Anthony Caruso, Senior Planner, Transportation Planning, Planning and  
Economic Development Department, re: Durham Active Transportation  
Committee - Welcome & Orientation

A. Caruso welcomed the members of the Committee and provided a  
PowerPoint presentation titled, "Durham Active Transportation Committee  
- Welcome & Orientation".

A. Caruso provided an overview of the Durham Active Transportation  
Committee's (DATC) role to share knowledge and ideas, and to provide  
insight, feedback, and advice to the Durham Region on active  
transportation matters.

At this point, the members introduced themselves and provided a  
summary of why they became a member of the DATC, their goals for  
the next four years with respect to the DATC, and their personal  
interests.

A. Caruso reviewed the history of the Durham Trail Co-ordinating  
Committee (DTCC) and, the rebranding of the DTCC to the DATC with a  
focus on active transportation.

A. Caruso reviewed the DATC's Terms of Reference which guide the  
Committee; the minutes; and the administrative items regarding expense  
claims, funding, agenda distribution, and attendance at meetings.

B) Bruce MacDonald, Durham Region Cycling Coalition, re: Durham  
Region – AT Committee (The Meadoway-Durham)

B. MacDonald provided a PowerPoint presentation titled, "Meadoway –  
Durham". He advised that The Meadoway – Toronto is an accessible  
multi-use trail network that links downtown Toronto to the Rouge  
National Urban Park using hydro corridors. Hydro corridors have the



potential to be re-purposed as accessible, diverse green space that permit active trail use.

B. MacDonald displayed photos depicting the current transformation of a hydro power corridor into a 16 kilometre stretch of urban greenspace and meadowlands; and the opportunity for pedestrians and cyclists to travel the entire length without leaving the path.

B. MacDonald advised that on April 24, 2019, he attended a Public Information Centre for the Meadoway Class EA, hosted by the Toronto and Region Conservation Authority (TRCA). He stated that discussions took place regarding the opportunities to expand the Meadoway east of Scarborough and the construction of new trail networks.

He presented photos depicting the existing trails within Durham Region and the potential link points to connect to the Meadoway. He explained how the Region of Durham, along with the eight local area municipalities, and in partnership with the Toronto and Region Conservation Authority (TRCA) could create a “Meadoway – Durham” by expanding its existing Trail Networks for an active transportation trail system from Toronto, into Scarborough, throughout Durham Region.

B. MacDonald also outlined the funding initiatives for the Meadoway provided by the Toronto and Region Conservation Authority, W. Garfield Weston Foundation and the City of Toronto.

S. McEleney advised that staff is seeking the Committees support and endorsement for a “Meadoway – Durham”.

Discussion ensued regarding initiatives for DATC continuing to work with Regional staff, the area municipalities and TRCA in identifying and developing linkages between the trails; the challenges presented by pinch points; the approximate costs, per kilometre, to build a trail; and potential funding opportunities.

Moved by Councillor Kerr, Seconded by K. Haines,  
That the Durham Active Transportation Committee recommends to the Planning & Economic Development Committee for approval and subsequent recommendation to Regional Council:

That the concept for a Meadoway-Durham trail network system, to promote active transportation in The Regional Municipality of Durham be endorsed, in principle.

CARRIED

C) Sandra McEleney, Transit Planner, Transportation Design, Planning and Economic Development Department, re: Municipal Comprehensive Review Update

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S. McEleney provided a PowerPoint presentation titled, "Municipal Comprehensive Review Project Update".

Highlights from the presentation included:

- In 2018, the Region began the review of its Official Plan
- In 2019, the introduction to the Public Consultation process began
- Transportation policy work is underway
- Four Seasons Adventure

S. McEleney advised that as part of the Public Consultation process, the "Agricultural and Rural Systems" and "Climate Change and Sustainability" discussion papers were released in 2019 to help facilitate discussion and input. She suggested that the members view the "Envision Durham" webpage at [durham.ca](http://durham.ca).

S. McEleney provided an update on the Transportation Master Plan (TMP). She explained that the TMP is the framework for a multi-modal approach to ensure the people and goods move efficiently and in an environmentally sustainable way in Durham Region. She reviewed the following the seven (7) directions that serve as the framework for this plan: Strengthen the bond between land use and transportation; Elevate the role of integrated public transit including Rapid Transit; Make walking and cycling more practical and attractive; Promote sustainable travel choices; Improve goods movement to support economic development; and Invest strategically in the transportation system.

S. McEleney explained how transportation fits into the Municipal Comprehensive Review (MCR) process and outlined the following six subject areas of the MCR: Agricultural & Rural System; Climate Change & Sustainability; Growth Management; the Environment & Greenlands System; Transportation System; and Housing. She noted that DATC is a key resource and their input will be sought on the transportation polices for the new Official Plan.

S. McEleney advised that the MCR transportation team will be attending the June 13, 2019 DATC meeting. It was suggested the Committee review the following documents prior to the next meeting:

- Discussion Paper - [www.durham.ca/envisiondurham](http://www.durham.ca/envisiondurham)
- Current Official Plan (how it treats active transportation, land use, transit) - [www.durham.ca](http://www.durham.ca)
- Transportation Master Plan (TMP) (current directions for active transportation in Durham) [www.durhamtmp.ca](http://www.durhamtmp.ca)



**5. Discussion Items**

A) Durham Active Transportation Committee (DATC), re: 2019 Draft Workplan

A copy of the Durham Active Transportation Committee (DATC) 2019 Draft Workplan was received as Attachment #2 to the agenda.

A. Caruso provided an overview of the 2019 Workplan initiatives.

Discussion ensued regarding DATC's support for initiatives such as the Active and Safe Routes to School; the Bike Month 2019 programs; and the potential for inclusion and partnering with the local area municipalities and their Active Transportation Committees on future initiatives within Durham Region.

Moved by P. Smith, Seconded by M. Gibbons,  
That the Durham Active Transportation Committee recommends to the Planning & Economic Development Committee for approval and subsequent recommendation to Regional Council:

That the proposed 2019 Durham Active Transportation Committee (DATC) Workplan be amended as follows, and as amended, be approved:

- Insert the following new bullet after the last bullet: 'Identify and advance initiatives to improve communication and collaboration between the Region and the eight local area municipalities' Active Transportation Committees'.

CARRIED

**6. Information Items**

A) Report #2019-P-8: Durham Active Transportation Committee (DACT) Membership Appointments, File: A01-40

A copy of Report #2019-P-8 of the Commissioner of Planning and Economic Development was received as Attachment #3 to the agenda.

B) Report #2019-P-18: Durham Regional Cycling Plan Update, File: A01-40

A copy of Report #2019-P-18 of the Commissioner of Planning and Economic Development was received as Attachment #4 to the agenda.

Moved by J. Bate, Seconded by Councillor Kerr,  
That Information Items A) and B) be received for information.  
CARRIED

A. Caruso advised that Report #2019-P-24: Durham Active Transportation Committee (DATC) Membership Appointment – Town of Whitby Nominee, re: Ron Lalonde, was adopted by the Planning & Economic Development Committee at their meeting held on May 7, 2019 and will be considered at the May 29, 2019 Council meeting.

**7. Other Business**

A) Active Transportation Initiatives in the Region of Durham

Discussion ensued regarding the need for the Region and the local area municipalities' continuing support to promote active and sustainable active transportation options including improved road and cycling segments to the GO Train Stations, north and south of Highway 401; and the Joseph Kolodzie Oshawa Creek Bike Path to the Waterfront Trail.

B) Bike to Work Day

A. Caruso advised that the Region will be hosting the Bike to Work Day event from May 27 to June 30, 2019.

**8. Next Meeting**

The next regularly scheduled meeting of the Durham Active Transportation Advisory Committee will be held on Thursday, June 13, 2019, in Room 1-B, Regional Headquarters Building, 605 Rossland Road East, Whitby, at 7:00 PM.

**9. Adjournment**

Moved by M. Gibbon, Seconded by C. Gray,  
That the meeting be adjourned.  
CARRIED

The meeting adjourned at 8:52 PM.

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A. Caruso, Senior Planner, Transportation  
Planning, Planning and Economic  
Development

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C. Tennisco, Committee Clerk



If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

## The Regional Municipality of Durham

### MINUTES

#### DURHAM AGRICULTURAL ADVISORY COMMITTEE

May 14, 2019

A regular meeting of the Durham Agricultural Advisory Committee was held on Tuesday, May 14, 2019 in Boardroom 1-B, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby at 7:30 PM

Present: T. Barrie, Clarington  
D. Bath-Hadden, Regional Councillor  
Z. Cohoon, Federation of Agriculture, Chair  
N. Guthrie, Member at Large  
B. Howsam, Member at Large  
K. Kemp, Scugog  
K. Kennedy, Member at Large  
P. MacArthur, Oshawa  
F. Puterbough, Member at Large, Vice-Chair  
D. Risebrough, Member at Large  
H. Schillings, Whitby  
B. Smith, Uxbridge  
G. Taylor, Pickering  
T. Watpool, Brock, Vice-Chair  
B. Winter, Ajax

Also

Present: G. Hight, Regional Councillor

Absent: G. O'Connor, Member at Large

Staff

Present: K. Kilbourne, Senior Planner, Department of Planning and Economic Development  
N. Prasad, Committee Clerk, Corporate Services – Legislative Services

#### 1. Adoption of Minutes

Moved by K. Kemp, Seconded by D. Risebrough,  
That the minutes of the Durham Agricultural Advisory Committee meeting held on April 9, 2019 be adopted.

CARRIED

#### 2. Declarations of Interest

There were no declarations of interest.

At this time, Z. Cohoon requested that committee members take a few moments to introduce themselves.

### **3. Presentations**

#### **A) Karen Thompson and Matt Porter, Trent University, re: Sustainable Agriculture and Food Systems Program**

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K. Thompson and M. Porter, Trent University, provided a PowerPoint presentation regarding the Sustainable Agriculture and Food Systems Program at Trent University.

K. Thompson stated that sustainable agriculture is an integrated system of plant and animal production practices that, in the long term, will: produce food, fuel and fibre; use resources efficiently while integrating biological cycles; sustain farms economically; enhance quality of life; and enhance environment quality.

She stated that some of the benefits of sustainable agriculture are as follows:

- Reduces inputs that may negatively impact the environment
- Often uses ecological pest and weed management strategies
- Cycles nutrients back into the soil for fertility and health
- Strengthens rural and urban communities
- Produces viable farm income
- Promotes human health and connects the consumer to their food

K. Thompson stated that agricultural sustainability emphasizes the potential benefits that arise out of making the best use of both genotypes of crops and animals and their agroecological management. She advised that it does not rule out any technologies or practices on ideological grounds provided they improve biological and/or economic productivity for farmers and do not harm the environment.

K. Thompson provided an overview of the Sustainable Agriculture and Food Systems (SAFS) Program offered at Trent University and stated that the program examines links between farm and table, and their implications for people, the economy and the environment. She advised that about 25% of the Trent students have a farming background and that students are interested in learning experiences where they can learn from real farmers.

She stated that there are many new and exciting initiatives that are underway at Trent which provide opportunities for student leadership and hands-on learning in agriculture and food systems. She further stated that the SAFS Program, together with community and campus initiatives, are demonstrating the potential for real and positive change in food and farming systems. She requested that anyone interested in partnering with the university contact her for further information.



#### 4. Discussion Items

##### A) Rural and Agricultural Economic Development Update – N. Rutherford

N. Rutherford provided an update via conference call with regards to the following:

- With regards to the Agricultural Strategy, the consultation sessions, online survey and phone interviews have been completed. The consultant is putting together a summary report and preparing a draft strategy and will attend the June DAAC meeting to gather feedback on the draft recommendations.
- The Local Food Business Retention and Expansion Project Report and Action Plan will be presented to the Planning and Economic Development Committee on June 4, 2019.
- With regards to the Open house held on April 25, 2019 at the Solina Community Centre, the consultant team presented the feasibility study report with regards to an agri-food education and event centre in Durham Region. The consultant recommended proceeding with a business plan and there was some discussion regarding the need for more input from the agricultural community. A survey is being considered to collect additional feedback.
- Agricultural & Rural Affairs is sponsoring the upcoming 2019 Canadian Plowing Championship. It will be held on October 2, 3 and 4, 2019 in Sunderland.
- The annual Spring Farmers Market will be held at Regional headquarters on June 18, 2019.

Discussion ensued with regards to the uncertain future of the Ontario Food Terminal and the impact on local farmers. N. Rutherford advised that she will look into it and provide more information at a subsequent meeting.

##### B) 2019 DAAC Farm Tour

D. Risebrough provided some background on the annual Farm Tours for the benefit of the new committee members. He provided the following update with regards to the 2019 DAAC Farm Tour:

- The Farm Tour is scheduled for September 12, 2019 with a theme of “Farm on the Table” and will be held at Willowtree Farms
- Lunch will be catered by Willowtree Farms and will consist of food locally grown by them
- The Tour will focus on three areas: crops, livestock operations, and on-farm processing and retail
- DAAC will have to rent a tent and washroom facilities

- DAAC will have to get picnic tables and organize transportation of them
- Group leaders are needed for the tours

Discussion ensued with regards to extending invitations to area municipal business and tourism local advisory committees.

C) Report #2019-P-22 re: Proposed Regional Official Plan Amendment – Rural Water and Sanitary Sewer Service Connections, File: OPA 2019-001

A copy of Report #2019-P-22, Proposed Regional Official Plan Amendment – Rural Water and Sanitary Sewer Service Connections, was provided as Attachment #2 to the Agenda.

K. Kilbourne advised that a public meeting was held on May 7, 2019 for a proposed amendment to the Regional Official Plan. The report provides information related to a proposed amendment to the Durham Regional Official Plan to consider future connections to existing municipal water and sanitary sewer services outside the Urban Area. She advised that there are approximately 20 geographic areas across the Region where there is an existing municipal water service running adjacent to or through a Rural Area, and approximately 300 properties with existing uses and vacant lots of record that have the potential to connect to an existing water service. K. Kilbourne advised that submissions may be referred to the Planning division for consideration.

It was the consensus of the committee that they strike a sub-committee consisting of Z. Cohoon, D. Risebrough and H. Schillings to review the materials and meet and discuss comments to be provided at a subsequent meeting.

D) Report #2019-P-23 re: Proposed Regional Official Plan Amendment – Surplus Farm Dwelling Severance, Beverley Turf Farms Ltd., Township of Brock, File: OPA 2019-002

A copy of Report #2019-P-23, Application to Amend the Durham Regional Official Plan, submitted by Beverley Turf Farms Ltd., to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, in the Township of Brock, File: OPA 2019-002 as well as a copy of the Application were provided as Attachments #3 and #4 to the Agenda.

Discussion ensued with regards to the details surrounding the proposed severance.



Moved by D. Risebrough, Seconded by T. Watpool,  
That the Durham Agricultural Advisory Committee supports the  
Application to Amend the Durham Regional Official Plan, submitted  
by Beverley Turf Farms Ltd., to permit the severance of a non-  
abutting surplus farm dwelling in the Township of Brock, File: OPA  
2019-002.

CARRIED

E) Report #2019-A-18 re: Durham Community Energy Plan

A copy of Report #2019-A-18, Approval in Principle of the Durham  
Community Energy Plan (DCEP), was provided as Attachment #5 to the  
Agenda.

Moved by D. Risebrough, Seconded by F. Puterbough,  
That the Durham Agricultural Advisory Committee endorses the  
Durham Community Energy Plan, in principle, as set out in Report  
#2019-A-18 of the Director of Corporate Policy and Strategic  
Initiatives.

CARRIED

F) Envision Durham Update

K. Kilbourne provided a PowerPoint presentation with regards to Envision  
Durham. She provided an overview of the Public Opinion Survey Responses  
related to the topic of agriculture and rural areas.

Highlights of the presentation included:

- An overview of consultation and engagement to date on the  
Agriculture and Rural Discussion Paper
- Summary of multiple choice survey responses
- Summary of open-ended question responses

Discussion ensued with regards to road infrastructure and extensions. It  
was the consensus of the committee to strike a sub-committee consisting of  
B. Howsam, K. Kemp, F. Puterbough and B. Smith to discuss comments to  
be provided on the Envision Durham Agriculture and Rural Discussion Paper.

**5. Information Items**

A) Report #2019-P-10 DAAC Membership Appointments and Report #2019-P-14 DAAC and DEAC Membership Appointments

Copies of Report #2019-P-10, Durham Agricultural Advisory Committee  
Membership Appointments and Report #2019-P-14, Durham Agricultural  
Advisory Committee Membership Appointment and Durham Environmental  
Advisory Committee Membership Appointments were provided as  
Attachments #6 and #7 to the Agenda and received.

B) Report #2019-EDT-5 Regional Comments on Proposed Amalgamation of the Oshawa and Hamilton Port Authorities

A copy of Report #2019-EDT-5, Proposed Amalgamation of the Oshawa and Hamilton Port Authorities was provided as Attachment #8 to the Agenda and received.

Discussion ensued with regards to the benefits of the proposed amalgamation.

C) Report #2019-P-18 Durham Regional Cycling Plan Update

A copy of Report #2019-P-18, Durham Region Cycling Plan Update, was provided as Attachment #9 to the Agenda and received.

D) Report #2019-P-26 Envision Durham Climate Change and Sustainability Discussion Paper

A copy of Report #2019-P-26, Envision Durham – Climate Change and Sustainability Discussion Paper, was provided as Attachment #10 to the Agenda and received.

**6. Other Business**

A) Ontario Federation of Agriculture Webinar

K. Kilbourne advised that the Ontario Federation of Agriculture requested that Durham Region staff participate in a webinar on best practices of agricultural advisory committees. N. Rutherford and K. Kilbourne will be participating in the webinar scheduled for May 23, 2019.

B) Farm 911 – The Emily Project

N. Rutherford advised that she attended a meeting with other staff members from the Region with regards to the Farm 911 Emily Project. She advised that there was detailed discussion about implementing a program for all municipalities with regards to the 911 signage. She further advised that details surrounding consistency, approach, signage and cost still have to be decided and will report back to the Committee when further information is available.

C) Scugog Agricultural Round Table Meeting

Z. Cohoon advised that the Township of Scugog had their Agricultural Round Table Meeting on March 26, 2019. He advised that several topics were discussed and updates were provided with regards to: agricultural fire permits; proposed site alteration by-laws; road drainage; and on-farm diversified uses.



**7. Date of Next Meeting**

The next regular meeting of the Durham Agricultural Advisory Committee will be held on Tuesday, June 11, 2019 starting at 7:30 PM in Boardroom 1-B, Level 1, 605 Rossland Road East, Whitby.

**8. Adjournment**

Moved by B. Winter, Seconded by B. Smith,  
That the meeting be adjourned.  
CARRIED

The meeting adjourned at 9:24 PM

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Z. Cohoon, Chair, Durham  
Agricultural Advisory Committee

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N. Prasad, Committee Clerk

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

## The Regional Municipality of Durham

### MINUTES

#### DURHAM ENVIRONMENTAL ADVISORY COMMITTEE

May 16, 2019

A regular meeting of the Durham Environmental Advisory Committee was held on Thursday, May 16, 2019 in Boardroom 1-B, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby at 7:01 PM.

Present: G. Carpentier, Scugog, Chair  
S. Clearwater, Whitby  
J. Cuthbertson, Clarington, Second Vice-Chair  
B. Foxton, Uxbridge  
G. Layton, Oshawa  
D. Sallans, Member at Large  
D. Stathopoulos, Member at Large  
M. Thompson, Member at Large  
D. Upadhyay, Youth Member left the meeting at 8:30 PM  
S. Yamada, Regional Councillor, Town of Whitby attended the meeting at 8:28 PM

Also

Present: Regional Chair Henry attended the meeting at 7:11 PM

Absent: O. Chaudhry, Pickering  
R. Dickinson, Brock  
C. Duffy, Post-Secondary Member  
K. Lui, Member at Large, First Vice-Chair  
K. Murray, Member at Large

Staff

Present: A. Luqman, Project Planner, Planning & Economic Development Department  
S. Penak, Committee Clerk, Corporate Services – Legislative Services

#### 1. **Approval of Agenda**

Moved by D. Stathopoulos, Seconded by M. Thompson,  
That the agenda for the May 16, 2019 DEAC meeting, as presented  
be approved.

CARRIED

#### 2. **Declarations of Interest**

There were no declarations of interest.



**3. Adoption of Minutes**

Moved by D. Stathopoulos, Seconded by B. Foxton,  
That the minutes of the regular DEAC meeting held on Thursday,  
April 18, 2019, be adopted.

CARRIED

At the request of Chair Carpentier, A. Luqman provided an update on the Regional Woodland Conservation Management By-law, and D. Upadhyay provided an update on the Pollinator Awareness Week at his school as noted in the April 19, 2019 DEAC minutes.

**4. Presentations**

A) Envision Durham – Environment & Greenlands Discussion Topics – Kristy Kilbourne, Senior Planner

K. Kilbourne provided a Presentation titled: “Environment and Greenlands System Policy and Mapping”.

Highlights from the presentation included:

- Envision Durham
- Provincial Plan Conformity
  - 2014 Provincial Policy Statement
  - 2017 Growth Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan
  - Source Protection Plans
  - Guidance Documents
- Conformity Matters
  - Definitions, policies, references to guidance materials
  - Regional Natural Heritage System
  - Refinement of the Major Open Space Areas Designation
- Envision Durham – Public Opinion Survey Results
  - Ranked extremely important to very important
- Changes and trends
- Durham’s Environmental Focus
- Regional Official Plan (ROP) Basis, Goals, Directions
- Policy Considerations
- Mapping Considerations
  - Waiting on data from watersheds and conservation authorities

K. Kilbourne informed the Committee that the Region recently initiated a review of the Regional Official Plan (ROP) that provides policies that guide development and growth in the Region. She stated that Planning Staff wanted to engage DEAC early in the Envision Durham process and get DEAC’s preliminary feedback on key topics related to the environment and the Greenlands system.

K. Kilbourne provided the following questions to DEAC for their consideration and input:

- Are there any trends that have been missed that should be reviewed and considered in the environmental context?
- Are there area municipal or conservation authority environment-focused documents/plans/strategies the Region should be considering through Envision Durham? Or examples of best practices from other jurisdictions?
- Is the ROP basis, goals and direction still appropriate?
- Are there any policy considerations that are missing and should be considered?

The Committee discussed the following trends that should be reviewed and considered in the environmental context:

- Soil Conservation (health, tracking of carbon content, permeability, and compaction)
- Flood Management
- Contents of septage
- The issues with single-use and other plastics (management of plastics, recycling, and all other litter)
- Opportunities to use the natural features of Durham Region (the challenge becomes the more the population grows, the more degraded natural features become)
  - Example – An uncontrolled trail development such as a biking trail – but not enough thought on trail placement

Discussion ensued regarding the modernization of the language in the ROP, such as replacing “protected” (old language), with “regenerating”; indicating where resources were removed for developments, such as the 407 lands; the importance of re-vegetating sooner rather than later; and if trees are being planted, ensure it is a native species of tree.

K. Kilbourne advised that next steps will include consultation with the Province in June 2019.

K. Kilbourne responded to questions from the Committee regarding whether federal policy and legislation is being monitored; the potential misuse of the words “hazardous forest types”; wildfire models that are currently in place; what public reporting and public dashboards will be available to ensure the strategic plan stays on course; policy enforcement at the local level; and First Nations being an overarching principle in policy considerations.

## **5. Items for Action**

### **A) Review and approval of the 2020 DEAC Meeting Schedule**

A copy of the 2020 DEAC Meeting Schedule was received as Attachment #2 to the agenda.



Moved by J. Cuthbertson, Seconded by S. Clearwater,  
That the 2020 DEAC Meeting Schedule be approved.  
CARRIED

**6. Items for Discussion/Input**

A) Update on Ajax DEAC Representative

A. Luqman advised that the Ajax DEAC representative has resigned. She informed the Committee that the Town of Ajax has been notified and they will be picking another representative at their next Council meeting.

B) 2019 Presentation Topics

A. Luqman stated that several presentation topics have been identified through DEAC's workplan and asked the Committee whether they had any additional requests for 2019. The following additional areas were identified:

- Septage Waste
- Pollinator Conservation
- Current work on Lake Scugog (Re-inventing the lake)
- De-Carbonizing our infrastructure
- Durham Community Energy Plan (Durham's Climate Strategy)

C) Commissioner's Report #2019-P-26 – Envision Durham Climate Change & Sustainability Discussion Paper

A copy of Report #2019-P-26 of the Commissioner of Planning & Economic Development was received as Attachment #3 to the agenda.

D) New application for a Regionally-Initiated Official Plan Amendment – Rural Water and Sanitary Sewer Service Connections, ROPA 2019-001

A copy of the new application for a Regionally-Initiated Official Plan Amendment – Rural Water and Sanitary Sewer Service Connections, ROPA 2019-001 was received as Attachment #4 to the agenda.

**7. For Information**

A) Commissioner's Report #2019-A-18 – Approval of Durham Community Energy Plan (DCEP)

A copy of Report #2019-A-18 of the Director of Corporate Policy and Strategic Initiatives was received as Attachment #5 to the agenda.

B) Memorandum from the Planning Policy Section Comments, re: Draft Regional Woodland Conservation Management By-law

A copy of the Memorandum from the Planning Policy Section, re: Draft Regional Woodland Conservation Management By-law was received as Attachment #6 to the agenda.

Discussion ensued regarding the consideration of the removal of the root structures of trees and how that is being dealt with in the Region; and why Norway Maples would be removed if the trees provide broad canopies to help mitigate climate change. It was noted that if Norway Maples are removed, then a native species of tree could replace it.

C) Commissioner's Report #2019-A-14 – Durham Region Roundtable on Climate Change (DRRCC) 2018 Annual Report and 2019 Workplan

A copy of Report #2019-A-14 of the Director of Corporate Policy and Strategic Initiatives was received as Attachment #7 to the agenda.

J. Cuthbertson, regarding the DRRCC's vision, Section 2.1 of Report #2019-A-14 of the Director of Corporate Policy and Strategic Initiatives, stated that the Region being carbon neutral is not acceptable or coherent.

Discussion ensued regarding Durham's Five Million Trees Program. The Committee noted a disconnect between the industry and what is happening through climate change and the considerable decrease in corporate sponsorship.

Further discussion ensued regarding a potential excess inventory of trees on Conservation Authority lands with no means to move them off their property and into the ground.

Moved by J. Cuthbertson, Seconded by S. Clearwater,

That we recommend to the Planning and Economic Development Committee and subsequent recommendation to Regional Council:

That the Durham Environmental Advisory Committee (DEAC) requests Regional Chair Henry's support in contacting the Conservation Authorities (CA) in Durham Region regarding a potential excess inventory of trees on CA lands and the possibility of these trees being re-planted in Durham Region.

CARRIED

D) Correspondence to John Henry, Regional Chair and Chief Executive Officer, from the Honourable Francois-Philippe Champagne, P.C., M.P., Minister of Infrastructure and Communities, re: regarding the Government of Canada providing an additional \$2.2 billion to the Gas Tax Fund

A copy of the correspondence to John Henry, Regional Chair and Chief Executive Officer, from the Honourable Francois-Philippe Champagne, P.C., M.P., Minister of Infrastructure and Communities, regarding the Government



of Canada providing an additional \$2.2 billion to the Gas Tax Fund was received as Attachment #8 to the agenda.

- E) Correspondence to Durham Region from Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke, re: Bill C-68 revising changes to the Fisheries Act

A copy of the correspondence to Durham Region from Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke, re: Bill C-68 revising changes to the Fisheries Act was received as Attachment #9 to the agenda.

- F) Commissioner's Report #2019-INFO-21 – Monitoring of Land Division Committee Decisions of the March 18, 2019 meeting

A copy of Report #2019-INFO-21 of the Commissioner of Planning & Economic Development was received as Attachment #10 to the agenda.

- G) Memorandum from John Henry, Regional Chair and CEO – re: Letter to Phill Verster, President and CEO, Metrolinx, regarding Lakeshore East GO Rail Extension to Bowmanville

A copy of the memorandum from John Henry, Regional Chair and CEO – re: Letter to Phill Verster, President and CEO, Metrolinx, regarding Lakeshore East GO Rail Extension to Bowmanville was received as Attachment #11 to the agenda.

Discussion ensued regarding the expected growth in Durham Region and where the growth is expected to occur.

Chair Henry informed the Committee that there will be two public meetings held by Metrolinx on May 21, 2019 and May 22, 2019 to discuss four options with regards to the route of the proposed Bowmanville GO train extension. A. Luqman advised that she would send out the details of the public meetings to the committee.

- H) Central Lake Ontario Conservation Authority (CLOCA) – re: Resolution passed at their meeting held on March 19, 2019, regarding Port Darlington Shoreline Hazard Study

A copy of the Central Lake Ontario Conservation Authority (CLOCA) – re: Resolution passed at their meeting held on March 19, 2019, regarding Port Darlington Shoreline Hazard Study was received as Attachment #12 to the agenda.

- I) Commissioner's Report #2019-INFO-26 – Disposal of Material Collected by Hydrovac Trucks

A copy of Report #2019-INFO-26 of the Commissioner of Works was received as Attachment #13 to the agenda.

Chair Carpentier stated that there will be proposed legislation on the Environmental Bill of Registry that deals with this topic coming soon.

- J) Rob Bradford, Executive Director, Toronto and Area Road Builders Association (TARBA) – re: Requesting Durham Region to support the reuse of aggregate recovered from construction sites

A copy of the correspondence to Durham Regional Council from Rob Bradford, Executive Director, Toronto and Area Road Builders Association (TARBA), requesting support from Durham Region for the reuse of aggregate recovered from construction sites was received as Attachment #14 to the agenda.

Moved by D. Stathopoulos, Seconded by M. Thompson,  
That Information Items 7A) to 7J) inclusive, be received for information.

CARRIED

## 7. Other Business

- A) Blackstock Landfill Mining Pilot Project

Regional Chair Henry shared with the Committee the success of the Blackstock Landfill Mining Pilot Project which recovered previously buried recyclable materials for market. He stated that the land was reclaimed back to its original state, and the tires that were mined were re-purposed into lids for recycling boxes.

In response to a question, staff advised that they would find out the estimated costs to re-claim the landfill and inform the Committee.

- B) Great Canadian Birdathon 2019

G. Carpentier announced that he will be taking part in the 2019 Great Canadian Birdathon.

- C) Staff Liaison Update

A. Luqman showed the Committee the DEAC workplan with the addition of a progress column as discussed at the April 18, 2019 DEAC meeting. She also highlighted the additions of the Durham Community Energy Plan and the addition of the Durham Active Transportation Committee.

A. Luqman advised that the DEAC awards subcommittee will need to be formed at the June 20, 2019 DEAC meeting and she will send out details about what it entails.

A. Luqman also advised that there is a new seminar series being done by graduate students and will email the link to the Committee.



D) Climate Resilience

It was the consensus of the committee to add Climate Resilience to the next DEAC agenda for discussion.

E) Bettering Environmental Stewardship & Technology Conference, Vancouver, British Columbia

M. Thompson advised the Committee that he recently attended the Bettering Environmental Stewardship & Technology Conference, in Vancouver, British Columbia (BC). He advised that he attended a few sessions on a variety of topics that included BCs soil framework (different in BC because they struggle with salt contamination); and historical coal mining.

**8. Next Meeting**

The next regular meeting of the Durham Environmental Advisory Committee will be held on Thursday, June 20, 2019 starting at 7:00 PM in Boardroom 1-B, Level 1, 605 Rossland Road East, Whitby.

**9. Adjournment**

Moved by S. Clearwater, Seconded by G. Layton,  
That the meeting be adjourned.  
CARRIED

The meeting adjourned at 9:08 PM

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G. Carpentier, Chair, Durham  
Environmental Advisory Committee

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S. Penak, Committee Clerk

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

## **Regional Municipality of Durham**

### **MINUTES**

#### **DURHAM REGION ROUNDTABLE ON CLIMATE CHANGE**

**May 17, 2019**

A regular meeting of the Durham Region Roundtable on Climate Change was held on Friday, May 17, 2019 in Council Chambers, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby at 1:06 PM.

Present: Regional Chair Henry attended the meeting at 1:25 PM  
E. Baxter-Trahair, Chief Administrative Officer  
J. Davies, Citizen Member  
C. Desbiens, Citizen Member  
Councillor Hight, Planning & Economic Development Committee  
J. Kinniburgh, Citizen Member  
J. Koke, Citizen Member, attended the meeting at 1:16 PM  
Councillor Leahy, Finance & Administration Committee, attended the meeting at 1:26 PM  
R. Plaza, Citizen Member, attended the meeting at 1:07 PM  
K. Senyk, Citizen Member  
K. Shadwick, Citizen Member

Absent: B. Cochrane, Citizen Member  
Councillor Chapman, Health and Social Services Committee  
Councillor Crawford, Works Committee  
T. Hall, Citizen Member  
D. Hoornweg, Citizen Member, Chair  
G. MacPherson, Citizen Member  
C. Mee, Citizen Member  
M. Vroegh, Citizen Member, Vice-Chair

#### **Staff**

Present: C. Goodchild, Manager, Policy Planning & Special Studies  
S. Hardman, Manager, Corporative Initiatives, Office of the CAO  
B. Kelly, Manager of Sustainability, Office of the CAO  
C. Tennisco, Committee Clerk, Corporate Services – Legislative Services

In the absence of the Committee Chair and Vice-Chair, the Committee Clerk called for a motion to appoint an Acting Chair for the meeting.

Moved by Councillor Hight, Seconded by K. Senyk,  
That E. Baxter-Trahair, Chief Administrative Officer, be appointed  
as Acting Chair of the Durham Region Roundtable on Climate  
Change Committee for this meeting.

**CARRIED**

E. Baxter-Trahair assumed the Chair for the remainder of the meeting.



E. Baxter-Trahair introduced and welcomed the new citizen members to the Durham Region Roundtable on Climate Change Committee.

**1. Declarations of Interest**

There were no declarations of interest.

**2. Adoption of Minutes**

Moved by K. Shadwick, Seconded by Councillor Highet,  
That the minutes of the regular Durham Region Roundtable on  
Climate Change meeting held on April 12, 2019, be adopted.

CARRIED

**3. A High-Level Vulnerability Assessment of Durham Region's Food System**

A) Dr. Joel Baetz, Professor, Trent University at Durham, regarding A High-Level Vulnerability Assessment of Durham Region's Food System

J. Baetz provided a Report titled "A High-Level Vulnerability Assessment of Durham Region's Food System" and a corresponding PowerPoint presentation titled: "A High-Level Vulnerability Assessment of Durham Region's Food System: Research and Recommendations". An electronic copy of the Report and Presentation was received as Attachment #2 and #3, respectively, to the agenda.

J. Baetz advised that the Report is the result of the collaboration between Trent University and Durham Region. The research was generated by nine students as part of Trent University's Communications and Critical Thinking Program: Capstone Course for the Regional Municipality of Durham on food system resilience in the event of an environmental crisis; and it contributes to the development and future study of the Region of Durham's Emergency Master Plan to address food security.

J. Baetz stated that as the climate changes, Durham Region will be faced with more frequent and intense weather events that will challenge its communities to provide and deliver adequate food and water. He added that the focus of this Report is to identify the risks that climate change poses to food distribution and access in Durham Region during a crisis, and provide recommendations to mitigate the risks to ensure the Region's food system is more resilient in the event of an environmental crisis.

J. Baetz provided an update on the key features of Durham Region's Food System (Distribution and Access). He advised that the Report recommends raising the awareness about the likelihood and severity of extreme climate events; to develop and share a common understanding of the food system resilience; and map the last mile of food distribution in an emergency.

J. Baetz identified the four (4) major vulnerabilities in the food system:

- an extreme weather event (flooding or ice storms) is a significant challenge to provide food to people who are already food insecure
- food distribution and access will become a serious issue in the Region's northern municipalities in a crisis as there are fewer grocery stores for a dispersed population
- food assistance organizations (FAOs) are unprepared to deal with the current and increased demand during a crisis
- people's ability to distribute and access food would be impacted by a full or partial blockage of Highway 401.

J. Baetz stated that, to offset the vulnerabilities, the Report recommends the Region support food assistance organizations (FAOs) in the development and coordination of their own emergency plans; and in the development of food safety emergency protocols.

Discussion ensued regarding public private / partnerships for food security; FAOs initiatives for the project; equitable and sustainable local proactive food systems; and the inclusion of faith-based organizations, similar to the Brampton Lighthouse Project, as part of the local emergency plan.

It was suggested that an education awareness program on food security during a crisis be developed in partnership with the Durham District School Board for the students.

The Committee thanked the Trent University project team and staff that contributed to this project.

#### **4. Next Steps on the Durham Community Energy Plan**

A) Brian Kelly, Manager of Sustainability, Region of Durham

B. Kelly provided a presentation titled: "Next Steps on the Durham Community Energy Plan". An electronic copy of the presentation was received as Attachment #4 to the agenda. He advised that staff is looking for comments from the Committee on the six (6) Programs outlined in the Durham Community Energy Plan (DCEP), and noted that the Low Carbon Pathway (LCP) is the preferred scenario.

B. Kelly outlined the assumptions of the 22 measures for implementation to achieve Durham Regions' Green House Gas (GHG) emissions targets outlined in the DCEP.

Highlights from the presentation included:

- Current Status and Schedule
- Description of Energy Scenarios
- Energy Investments and Savings by Decade



- Sources of Capital Investment
- Programs

B. Kelly provided an overview of the following six (6) high priority programs to achieve GHG targets:

1. Durham Green Standard: Enhanced energy performance for new buildings

Committee Comments included:

- Green build options for interior design and exterior architecture
- Provide financial incentives to offset building green costs including an approval process to incentivize builders (lower fees); tax incentives for Land Transfer costs at time of sale and municipal property levy programs; and residential energy efficiency measures for mortgage flexibility to reflect the cost savings being offset by utility efficiencies
- Offer Net Zero Ready programs: a step to Net Zero; Net Zero energy labelling; potential Durham Green Standard gigajoule ratings to contextualize monies
- Introduce Fatal Light Awareness (FLAP) Program guidelines

2. Durham Deep Retrofit Program: Transforming existing buildings

Committee Comments included:

- Property Accessed Clean Energy (PACE) / Local Improvement Charges (LIC) repayment mechanisms
- Collaboration among the government, utilities and private sectors for retrofit funding initiatives
- Building retrofits as a major source of economic development
- Financing models to borrow from investments such as Retirement Saving Plans (RSPs) to reinvest in housing energy efficiencies, resulting in lower energy costs and saving that could be reinvested at the time of sale
- Creating local job opportunities

3. Renewable Energy Co-operative: Stimulating local renewable energy projects

Committee Comments included:

- Promoting an institutional mechanism to assist with opportunities to finance renewable energy projects

4. Electric Vehicle Joint Venture: Happy motoring

Committee Comments included:

- Electric Vehicles (EVs) and Zero Emission Vehicles (ZEVs) incentives for Federal vehicle grants, charging station funding and targets to achieve DCEP benefits
- Focus on the roles of municipalities, utilities and vehicle dealerships to enable, promote and undertake rapid electrification including dedicated charge points

- EV and ZEV privileges for priority road lane usage and parking incentives
- Hydro incentives for EV and ZEV dedicated charge point for residential homes

B. Kelly responded to a question regarding the percentage of Durham Region's fleet that are EVs to-date.

5. Education and Outreach Program: Engaging the community

6. Co-ordinating Land-use Policies: Sustainable growth

Due to time restraints, it was the consensus of the Committee that Item 5. and Item 6. be deferred to the June 21, 2019 meeting for discussion.

## **5. New Durham Region Strategic Plan**

A) Sonya Hardman, Manager of Corporate Initiatives, Office of the CAO, Region of Durham

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E. Baxter-Trahair provided an overview on the development of the new Strategic Plan for the Region of Durham to guide the Region through the next four to five years. She advised that issues pertaining to Climate Change and the environment will be a component of the new Strategic Plan.

S. Hardman provided a presentation titled: "Durham Region's New Strategic Plan". She advised that as part of the Region's efforts to reach out to the community and its stakeholders, staff will be looking to the Committee for its expertise and input on priorities for the new Strategic Plan. An electronic copy of the presentation was received as Attachment #5 to the agenda.

Highlights from the presentation included:

- Strategic Planning Process
  - Four Main Steps or Components
    1. Analyzing Our Current State
    2. Defining Our Preferred Future State
    3. Determining Our Key Objectives and Strategies
    4. Implementation and Evaluation
- Key Questions for Consideration
- Additional Opportunities to Get Involved

S. Hardman explained that currently the Region is at Step 1 and Step 2 of the four main components for the Strategic Plan process.

She presented the following three (3) key questions for the Committee members' input:

1. What challenges are we currently facing as a Region?



Committee Comments included:

- Lack of social infrastructure at the local municipal level and whether we have what we need to respond to challenges in our communities;
- Promote and voice the Region of Durham's natural economic wealth such as agriculture and tourism;
- What are the opportunities as a Region, along with the local area municipalities, to leverage the population growth in a positive and meaningful way in terms of the predicted impact it will have on the green house gases.

2. Given these challenges, what are the top priorities or most pressing issues that we need to focus on over the next 5 years?

Committee Comments included:

- The need to increase social infrastructure at the local level, to respond to the challenges in our community. How do we bring the power back to the Region and community, when the Federal and Provincial levels of government no longer provide what the community is looking for;
- When working with the developers, that the Region ensure that land is allocated for future urban farms to promote greater food security.

3. What do we want Durham Region to be known for?

Committee Comments included:

- Leveraging energy efficiencies to offset the increase in the green house gases;
- The Region look for opportunities for social corporate responsibility to build strength among the people, along with leveraging new up and coming entrepreneurs;
- The Region be known as a haven and welcoming municipality for their creative economy and attracting people of the arts, its role in the economy, and the communities;
- Turning democracy up-side down, by taking the party system out of government, promoting transparency and engaging citizens in decision-making; exploring collaborative processes;
- That an option exists for the residents to make a donation on their municipal taxes to contribute to a "Green Fund" program.

## **6. Other Business**

- A) Commissioner's Report #2019-P-26 – Envision Durham: Introduction of the Climate Change and Sustainability Discussion Paper

A copy of Report #2019-P-26 of the Commissioner of Planning and Economic Development was received as Attachment #6 to the agenda.

C. Goodchild, Manager of Policy Planning and Special Studies, Planning and Economic Development Department, advised that the “Climate Change and Sustainability” Discussion Paper is the second paper in a series to be released as part of Envision Durham, the first being the “Agricultural and Rural” Discussion Paper. A third paper: “Urban System” Discussion Paper will be released next month. She noted that any documents regarding Envision Durham and the Municipal Comprehensive Review (MCR) are available on the Regional website.

**7. Date of Next Meeting**

7.1 2019 Meeting Schedule

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The Committee Clerk provided an update on the request by staff to return to a monthly Durham Region Roundtable on Climate Change meeting schedule. She advised that Regional Council reconsidered the Schedule at their April 24, 2019 meeting and approved the addition of a May 17, 2019 and October 18, 2019 meeting.

E. Baxter-Trahair asked that a copy of the new 2019 Durham Region Roundtable on Climate Change meeting schedule be available on the Regional website and provided to the Committee.

The next regular meeting of the Durham Region Roundtable on Climate Change will be held on Friday, June 21, 2019 starting at 1:00 PM in Room LL-C, Regional Headquarters Building, 605 Rossland Road East, Whitby.

Subsequent to the meeting, the June 21, 2019 meeting was cancelled.

**8. Adjournment**

Moved by K. Shadwick, Seconded by Councillor Highet,  
That the meeting be adjourned.  
CARRIED

The meeting adjourned at 2:50 PM.

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E. Baxter-Trahair, Chief Administrative Officer,  
Acting-Chair, Durham Region Roundtable on  
Climate Change

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C. Tennisco, Committee Clerk



If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

## **The Regional Municipality of Durham**

### **Minutes**

#### **Energy From Waste – Waste Management Advisory Committee**

**Tuesday, May 28, 2019**

A meeting of the Energy From Waste – Waste Management Advisory Committee was held on Tuesday, May 28, 2019 in Room 1-A, Regional Headquarters, 605 Rosland Road East, Whitby, at 7:00 PM.

Present: G. Rocoski, Oshawa, Chair  
S. Elhajjeh, Clarington, Vice-Chair  
W. Basztyk, Brock  
W. Bracken, Clarington  
A. Burrows, Ajax  
T. Farrell, Brock  
C. McLean, Ajax  
K. Meydam, Clarington  
H. Sukhu, Clarington

#### **Non-Voting Members**

Present: Councillor Joe Neal, Regional Councillor, Municipality of Clarington  
A. Burke, Senior Planner, Special Projects, Municipality of Clarington  
Councillor Janice Jones, Local Councillor, Municipality of Clarington

#### **Staff**

Present: G. Anello, Manager, Waste Planning and Technical Services, Works Department, Durham Region  
M. White, Systems Support Specialist – Information Technology, Durham Region  
D. San Juan, Environmental Health Specialist, Health Department, Durham Region  
S. Penak, Committee Clerk, Corporate Services – Legislative Services, Durham Region

#### **Also**

Present: M. Neild, Facility Manager, Covanta  
Councillor John Neal, Regional Councillor, City of Oshawa attended the meeting at 7:53 PM

- 1. Welcome**
- 2. Declarations of Interest**

There were no declarations of interest.

**3. Elections**

A) Election of the Chair

S. Penak, Committee Clerk, called for nominations for the position of Chair of the Energy from Waste – Waste Management Advisory Committee (EFW-WMAC).

Moved by W. Baszytk, Seconded by A. Burrows,  
That G. Rocoski be nominated for the position of Chair of  
the Energy from Waste – Waste Management Advisory  
Committee.

Moved by K. Meydam, Seconded by S. Elhajjeh,  
That nominations be closed.

CARRIED

S. Penak asked if G. Rocoski wished to stand. G. Rocoski indicated  
he wished to stand.

G. Rocoski was acclaimed to the position of Chair of the EFW-  
WMAC.

B) Election of the Vice-Chair

S. Penak, Committee Clerk, called for nominations for the position of  
Vice-Chair of the Energy from Waste – Waste Management Advisory  
Committee.

Moved by W. Bracken, Seconded by K. Meydam,  
That S. Elhajjeh be nominated for the position of Vice-Chair  
of the Energy from Waste – Waste Management Advisory  
Committee.

Moved by W. Baszytk, Seconded by T. Farrell,  
That nominations be closed.

CARRIED

S. Penak asked if S. Elhajjeh wished to stand. S. Elhajjeh indicated  
he wished to stand.

S. Elhajjeh was acclaimed to the position of Vice-Chair of the EFW-  
WMAC.

G. Rocoski assumed the Chair for the remainder of the meeting.



#### **4. Adoption of Minutes**

Moved by A. Burrows, Seconded by W. Baszyk,  
That the minutes of the EFW-WMAC meeting held on  
Thursday, April 23, 2019, be adopted.

CARRIED AS AMENDED  
(See Following Motion)

Moved by W. Bracken, Seconded by K. Meydam,  
That a new paragraph be added on Page 4 of the April 23,  
2019 EFW-WMAC Minutes, under Item 6 B) Presentation by  
Mirka Januskiewicz, Director, Waste Management Services,  
regarding the Regional Waste Management Program to  
read as follows:

Concern was expressed that Report #2019-COW-3: 2019 Solid  
Waste Management Servicing and Financing Study that was included  
on the April 23, 2019 EFW-WMAC Agenda under Item 6 B), was not  
addressed by staff during the meeting. A presentation on the 2019  
Solid Waste Management Servicing and Financing Study would have  
been beneficial for the Committee in order to provide feedback before  
a further report went to Regional Council on June 26, 2019.

CARRIED

G. Anello informed the Committee that the Environmental  
Assessment (EA) includes: the intent of the EA; what it is; the  
participants; the estimated timelines; and a consultation plan. He  
advised that staff asked for approval in January 2019 to commence  
the EA and \$60,000 for consulting assistance which was deferred by  
Council until June 26, 2019 and that Legal staff report back to  
Committee.

In response to a question, G. Anello summarized the 2019 Solid  
Waste Management Servicing and Financing Study. He advised that  
the study includes recommendations for various studies and a long-  
term capital plan. He stated that the studies include a look at:  
injection of oxygen into a landfill to mitigate greenhouse gas  
emissions; the Scott Landfill as a potential landfill mining project; and  
optimizing the waste management facility in the City of Oshawa and  
how the materials can be better utilized.

G. Anello advised that highlights of the long-term capital plan include:  
repair and replacement of infrastructure and facilities components;  
ongoing landfill projects such as the Blackstock Landfill Mining  
Project (vegetation and construction of a wetland); additional work in  
the City of Oshawa (slope stabilization); and ongoing work at all  
closed landfills.

G. Anello advised that the Long-term waste management plan consulting Statement of Work (SOW) is currently being compiled and the vision has been completed and presented in the S&F report.

At the request of the Committee, G. Anello advised that he would bring a presentation to the next EFW-WMAC meeting regarding the 2019 Solid Waste Management Servicing and Financing Study. The Committee asked that G. Anello provide, if possible, any of the materials ahead of the meeting for their review.

**5. Announcements**

There were no announcements made.

**6. Presentations**

There were no presentations made.

**7. Delegations**

There were no delegations to be heard.

**8. Correspondence**

There were no correspondence items to be considered.

**9. Administrative Matters**

There were no administrative matters to be considered

**10. Other Business**

- A) Update by Gio Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham, regarding the Durham York Energy Centre (DYEC)

G. Anello provided an update regarding the Durham York Energy Centre (DYEC).

G. Anello advised that during the downtime at the DYEC routine maintenance occurred. He further advised that since the April 23, 2019 EFW-WMAC meeting one boiler had to be shut down to replace a broken grate. He noted that the boiler was shut down for two days and additional cleaning was completed and clarified that a superheater tube also had to be repaired but that was separate from the grate repair.

G. Anello stated that the next source test is scheduled for the last week in June 2019.



In response to a question, M. Neild provided an update on the carbon monoxide (CO) exceedance at the DYEC that occurred on May 4, 2019. He advised that the exceedance was caused by a fuel overfeed, leading the combustion air fans to trip, which extended the duration of the CO spike and lead to the four-hour rolling average exceedance. A feed stop was initiated to regain normal operations and the facility is now performing within normal operating requirements.

Detailed discussion ensued regarding the AMESA Workplan. The AMESA Workplan includes: the evaluation to date regarding the source test; speaks to the current and proposed changes; and the issue of inconsistent readings on a monthly basis; and the difference between the two boilers and adjustments for that.

In response to a question, G. Anello advised he would look into the full AMESA Workplan.

B) Update by Gio Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham, regarding Organics Management

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G. Anello provided an update regarding Organics Management.

G. Anello advised the Expression of Interest (EOI) that the Region released on October 23, 2019 was to solicit a potential business partner to procure, finance, and share the net costs/benefits of the Region's long-term organics management solution. Through the EOI process, Epcor and Meridian were selected as they met the required thresholds. He advised that there are follow-up meetings scheduled with these two firms and senior staff for late May/early June. He clarified the difference between an EOI and a Request for Proposal (RFP), and stated that firms that responded to the EOI would not respond to the RFP.

G. Anello advised that next steps will include a report to the June Committee of the Whole (COW) meeting on project implementation, a service delivery model recommendation (Design, Build, Operate, Maintain Model or a Private Delivery Model), and a potential recommendation on a business partner. He also advised that a study is currently being conducted on energy products. Since Anaerobic Digestion (AD) results in a by-product of biofuel, the Region needs to decide whether to use it within Regional facilities or sell it.

W. Bracken referenced Page 5 of Report #2019-COW-8: Organics Management Update and Next Steps, which states a report on the potential impacts on the DYEC will be provided to Regional Council

based on the information currently available, in September 2019. She expressed her concern over Council making a decision in June before receiving this report.

Detailed discussion ensued in regards to delaying Recommendation C) of Report #2019-COW-3 until more information is received and more public consultation occurs. Further discussion ensued regarding other disposal options and that an Anaerobic Digester will divert 30,000 tonnes of material from the DYEC to buy the Region time to plan for another disposal option. G. Anello stated that the DYEC is currently at capacity, and by 2032 capacity will run out even if AD is in place. He stated that the terms of reference will set timelines and can be changed as the situation changes.

G. Anello clarified that the AD Business Case being brought to COW and Council in June 2019, will not be the final business case. He advised that until a RFP is completed, a business case cannot be finalized. He informed the Committee that waste needing disposal in the Region increases an average of 2,000 tonnes year, and a disposal option will need to be in place by 2032.

Moved by W. Bracken, Seconded by K. Meydam,  
That we recommend to the Works Committee for approval  
and subsequent recommendation to Regional Council:

That the decision on Recommendation C) of Report #2019-COW-3: “That staff be authorized to commence the Environmental Assessment (EA) for the Durham York Energy Centre (DYEC) expansion to process 250,000 tonnes per year, including retaining consulting assistance at a cost not to exceed \$60,000, subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets”, be deferred until after there has been public consultation on the long-term waste management strategy; after the EFW-WMAC has had a presentation on the Solid Waste Management Servicing and Finance Study; and after a report is presented to the Works Committee and Regional Council regarding the impacts of the DYEC that is referenced on Page 5 of Report #2019-COW-8: Organics Management Update and Next Steps.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:



Yes

Wendy Bracken  
Anna-Marie Burrows  
Sami Elhajjeh  
Theresa Farrell  
Kerry Meydam  
Harri Sukhu

No

Bill Baszyk  
Clayton McLean  
Chair Rocoski

Absent: None

Conflict: None

G. Anello responded to questions regarding the reporting structure of the EFW-WMAC; the potential benefits/consequences of further deferring Recommendation C) of Report #2019-COW-3; Durham Region's current diversion target compared to the government's targets; whether the incinerator will be required once AD is in place; public consultation regarding the expansion of the DYEC; cost of a mixed waste pre-sort facility; and the consultant working on the AMESA plan.

**10. Next Meeting**

The next regularly scheduled meeting of the EFW-WMAC will be held on Tuesday, September 24, 2019 in the Lower Level Boardroom (LL-C), at 7:00 PM, Regional Headquarters, 605 Rossland Road East, Whitby.

**11. Adjournment**

Moved by A. Burrows, Seconded by S. Elhajjeh,  
That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:54 PM.

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G. Rocoski, Chair, Energy from Waste –  
Waste Management Advisory Committee

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S. Penak, Committee Clerk