



The Regional Municipality of Durham

COUNCIL INFORMATION PACKAGE

June 14, 2019

Information Reports

- [2019-INFO-39](#) Sandra Austin, Director Corporate Policy and Strategic Initiatives – re: Durham Region Response to Modernizing Ontario’s Environmental Assessment Program Discussion Paper – Environmental Registry of Ontario (ERO) Number 013-5102
- [2019-INFO-40](#) Sandra Austin, Director Corporate Policy and Strategic Initiatives – re: Durham Region Response to Discussion Papers on Proposed Federal Impact Assessment Act

Early Release Reports

There are no Early Release Reports

Staff Correspondence

1. [Memorandum from Dr. R. Kyle, Commissioner and Medical Officer of Health](#) – re: Health Information Update – June 7, 2019

Durham Municipalities Correspondence

1. [Township of Brock](#) – re: Resolution passed at their Council meeting held on June 3, 2019, regarding 2022 Ontario Summer Games
2. [Township of Brock](#) – re: Resolution passed at their Council meeting held on June 3, 2019, regarding a Reduction in Provincial Grants to Libraries
3. [Township of Brock](#) – re: Resolution passed at their Council meeting held on June 3, 2019, regarding Durham Community Energy Plan
4. [Municipality of Clarington](#) – re: Resolution passed at their Council meeting held on June 10, 2019, regarding Regional Government Review
5. [Municipality of Clarington](#) – re: Resolution passed at their Council meeting held on June 10, 2019, regarding Recommendation to Postpone “Come into Force” date of the Construction Act

6. [City of Oshawa](#) – re: Resolution passed at their Council meeting held on June 10, 2019, regarding City Comments on Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters

Other Municipalities Correspondence/Resolutions

There are no Other Municipalities Correspondence/Resolutions

Miscellaneous Correspondence

1. [Sharon Bailey, Director, Food Safety and Environmental Policy Branch, Ministry of Agriculture, Food and Rural Affairs](#) – re: Message from OMAFRA on Agricultural System Implementation
2. [Janet Menard, Deputy Minister, Ministry of Children Community and Social Services](#) – re: Protecting a Sustainable Public Sector for Future Generations Act, 2019
3. [Steve Clark, Minister, Ministry of Municipal Affairs and Housing](#) – re: Bill 108 and the proposed community benefits authority
4. [Association of Municipalities of Ontario \(AMO\)](#) – re: Bill 108 Receives Royal Assent with Several Amendments
5. [Association of Municipalities of Ontario \(AMO\)](#) – re: Policy Update - Legislature Rises and Waste Related Developments
6. [Association of Municipalities of Ontario \(AMO\)](#) – re: Annual Conference Updates

Advisory Committee Minutes

1. Accessibility Advisory Committee (AAC) minutes – [May 28, 2019](#)

Members of Council – Please advise the Regional Clerk at 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:

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The Regional Municipality of Durham Information Report

From: Sandra Austin, Director Corporate Policy and Strategic Initiatives
Report: #2019-INFO-39
Date: June 14, 2019

Subject:

Durham Region Response to Modernizing Ontario's Environmental Assessment Program
Discussion Paper – Environmental Registry of Ontario (ERO) Number 013-5102

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 To inform Regional Council of the submission made by Regional staff on the discussion paper on [Modernizing Ontario's Environmental Assessment Program](#).

2. Background

- 2.1 On April 25, 2019 the Province posted the discussion paper on the ERO for public review and comment until May 25, 2019. Because of the short time frame for commenting and the need for a multi-department review, Regional staff prepared a submission responding to the questions in the discussion paper. The responses are based on established Regional positions, best practices and staff's experience with the existing process.
- 2.2 Staff from the CAO's Office, Corporate Services – Legal, Durham Region Transit, Planning and Economic Development and Works participated in the review and compilation of the submission.
- 2.3 Staff from the Works Department have also participated in the ongoing review of the Municipal Class Environmental Assessment process being conducted by the Municipal Engineers Association and support changes being proposed through that sectoral process. This was noted in the submission.

2.4 Regional staff also participated in the development of the submission by the Regional Public Works Commissioners of Ontario on the discussion paper.

3. Conclusion

3.1 The submission (Attachment 1) was sent to the Ministry of the Environment Conservation and Parks on May 25, 2019 via e-mail from the CAO's Office.

3.2 For additional information, contact: Christine Drimmie, Manager, Corporate Initiatives at 905-668-7711, extension 2029.

4. Attachments

Attachment #1: Region of Durham Response to ERO # 013-5102, Modernizing Ontario's Environmental Assessment Program Discussion Paper.

Respectfully submitted,

Original signed by:

Sandra Austin
Director, Corporate Policy and Strategic Initiatives



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Administrative Officer

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May 24, 2019

Sharifa Wyndham-Nguyen
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Via Email: eamodernization.mecp@ontario.ca

Dear Ms. Wyndham-Nguyen,

**RE: Environmental Registry of Ontario Number 013-5102
Modernizing Ontario's Environmental Assessment Program**

Please find attached a response prepared by Region of Durham staff on the changes to the Environmental Assessment Act proposed in Bill 108 and the discussion paper on Modernizing Ontario's Environmental Assessment Program. We appreciate the efforts being made to improve the process.

To meet the commenting deadline, the attached submission outlining our response has not yet been reviewed by Regional Council which does not meet again until May 29. The comments on the discussion paper will be shared with Regional Council at a future date. A 30-day consultation period is insufficient for the Region to respond with thorough, Council-endorsed advice and comments.

While we value the opportunity to comment, we respectfully suggest that a longer consultation period is required to allow for meaningful consultation on major changes to provincial policy and processes.

Respectfully submitted,

Original signed by

Elaine Baxter-Trahair
Chief Administrative Officer

Attachment 1: Region of Durham Response to the Modernizing Ontario's Environmental Assessment Program Discussion Paper

cc: Hon. Rod Phillips, Minister of Environment, Conservation and
Parks
Hon. John Yakabuski, Minister of Natural Resources and
Forestry
Hon. Peter Bethlenfalvy, MPP (Pickering/Uxbridge)
Lorne Coe, MPP (Whitby)
Jennifer French, MPP (Oshawa)
Lindsey Park, MPP (Durham)
Hon. Laurie Scott, MPP (Haliburton/Kawartha Lakes/Brock)
David Piccini, MPP (Northumberland-Peterborough South)
Brian Bridgeman, Region of Durham
John Presta, Region of Durham
Ralph Walton, Region of Durham

Region of Durham Responses to the Modernizing Ontario's Environmental Assessment Program Discussion Paper

General comments on the Discussion Paper

The discussion paper states that the Environmental Assessment (EA) Act, which has remained much the same for 50 years, is now “discouraging job creators from coming to Ontario to do business” but provides no statistics or evidence to support this. Such an analysis would be valuable in pointing out the specific aspects of the act that are problematic. This assertion is also of interest since the paper states (on page 2) that the EA Act “generally applies to projects by provincial ministries, municipalities and public bodies. *Some private sector applicants* may be required by regulation to complete an EA or they may voluntarily do so”.

The stated objective of the review is modernizing and expediting the EA process and “protecting what Ontarians care about” which is not specified in the EA context. Ensuring protection of the environment is not listed as a specific priority of the review.

Comments on Early Actions included in Bill 108

With respect to changes to the Environmental Assessment Act already included in Bill 108 the Region offers the following comments.

Re: Amending an approved Environmental Assessment (EA)

Once an approval is granted by a Minister, after years of EA study, there should need to be compelling new information for that approval to be rescinded. At some point, a decision needs to be considered final so that the proponents can invest in their project with confidence. This level of certainty aligns with the current government's desire to “make Ontario open for business”.

The new process for amending an approved EA includes a requirement to provide adequate public notice that the Minister is making an amendment and opportunity for the public to comment. The Minister is to give written reasons to the proponent and others as advisable. These written reasons should be published on the Environmental Registry of Ontario at the same time the decision is provided to the proponent.

Re: Timeliness of Part II Order decisions

Within the amendments to the section relating to a Part II order, the Minister can order more studies under Section 16 only if it relates to a protection of rights of aboriginal peoples or a prescribed matter of provincial importance. The Minister's ability to order or require a proponent to provide more studies or information related to the undertaking

should be related to the specific issue raised in the Part II Order, not a review of the entire project.

The Region agrees that the Minister and Ministry should also be subject to strict timelines in the delivery of decisions, especially where significant public investments by other entities are being put in limbo by the lack of decision.

Some further analysis of the Part II order statistics presented on page 12 of the discussion paper would be valuable in knowing how best to amend this process. In five years with 172 requests, only one bump-up was granted and 65 requests were denied with conditions. Do the conditions imposed indicate a common gap in the EA process? In addition, how many requests went undecided within six months of a proponent responding with all needed submissions? How many of the undecided requests were holding up private sector proponents?

The Minister should immediately provide written reasons if he/she does not meet the deadline for decision on a Part II order.

Responses to Discussion Paper Questions

Issue 1: Ensure better alignment between level of assessment and level of environmental risk of a project

Consultation Questions

What kind of projects should require environmental assessment in Ontario? (i.e. be on a project list)

Ontario already uses lists of projects that qualify for existing sector-based class EAs. If Ontario further adopts a project list approach as is used at the federal level, it should include that projects that fall below the threshold for federal EAs but are still at high to medium risk of creating significant effects in the provincial context.

These projects could be mandated for an EA at the Provincial level or subject to a screening process to identify the type of EA required. Key factors in this determination could be scale, scope, complexity, geographic context, impacts on Indigenous peoples and lands, impacts on municipalities, duration of the activity, range of alternatives considered, and level of risk and uncertainty related to the activity.

As a Durham-specific example, decommissioning of nuclear generating stations is not currently on the federal project list. The decommissioning of nuclear plants in an urbanized area is uncharted territory in Canada. Because of this uniqueness, as well as the large scale, high risk, lengthy duration and geographic context of the project, it should be subject to individual environmental assessment of the impacts on the natural environment and socio-economic effects.

Given that the federal list is in transition, the Province could press for integrated one window assessments on any projects that may be included on both the federal and provincial lists.

The Province could establish lists for

- a) projects that **always** require individual EAs (e.g. nuclear undertakings);
- b) projects that **require sector-based class EAs** with clearly defined project descriptions;
- c) clearly defined projects that are **exempt** from class EAs due to their local nature and low risks; and
- d) other **projects to be screened** using a criteria-based questionnaire (e.g. scope, scale, geographic context, risk, potential impact, frequency of similar activity in the area) to qualify a project for a streamlined class EA process.

There should be no distinction between public and private projects. If they are likely to have an environmental impact, they should be subject to a screening process to determine EA requirements appropriately aligned with the level of risk involved.

Where an EA for a private sector activity is integrated with a land use planning process, the process must maintain the community's ability to identify their needs and impose normal planning conditions, standards and bylaws.

If Ontario **opts not to adopt a list approach**, the need for and complexity of an environmental assessment process for a given project could be based the proponent's response to an automated, online version of the screening tool described in part d above.

The application of a screening tool to current Class EA projects might allow for specific projects that are currently in the Class EA Schedule B or C lists, for example, to be identified as low risk and be exempted or qualify for a streamlined process. This would align with the direction of Regional Council's motion of January 16, 2019 requesting the Province to dispense with Class Environmental Assessments for expansion of existing roads.

With respect to projects at a local and regional level, we recommend that all changes related to transportation, water and wastewater projects be determined via the Municipal Class Environmental Assessment (MCEA) document utilizing the workshops already established between the Municipal Engineers Association (MEA) and the Ministry of Environment, Conservation and Parks (MECP).

Are there some types of projects where a streamlined assessment process is appropriate?

Nuclear undertakings should be on both the federal and provincial lists but fully coordinated so that all environmental and socio-economic factors are considered (federal jurisdiction plus provincial jurisdiction) in a single set of studies for the project.

With respect to larger regional projects, some waste and transportation projects that currently do not fall under the streamlined process could possibly be reassessed through the MEA and MECP workshop to determine the feasibility of streamlining some projects. The streamlined process now used for transit projects (TPAP) could potentially be adapted and applied to other sectors.

Waste management projects with well understood, mitigated or low risk environmental impacts should be added to the Class EA list.

The Region supports exempting very low risk projects so that Ministry staff can concentrate on processing higher risk projects.

Issue 2: Avoid duplication between environmental assessments and other planning and approvals processes

Consultation Question

What could a one-project-one-review process look like for projects in Ontario subject to both provincial and federal requirements?

The Region is very supportive of the one-project-one-review process. Continued consultation with the MEA, MECP, consultants and federal government staff through the workshops to determine how to improve upon the current harmonization process would be a starting point.

As a longer-term goal, Ontario could create an integrated, and streamlined system of environmental assessment and approval processes, including those that are currently administered under separate acts and regulations. For example, approvals of aggregate operations are administered under the Aggregate Resources Act. An integrated system would ensure that all approvals are handled consistently, guided by shared principles and approaches, and up-to-date science.

One example where duplication could be reduced is within the rigorous MECP Environmental Compliance Approval (ECA) process that grants operating approvals to waste management projects of all types and sizes. As part of the ECA application process, proponents must demonstrate that their project will meet strict Ministry requirements for air, water and waste emissions. ECA applications for waste projects are also provided by the Ministry to the local municipality for review. ECAs also include requirements for ongoing environmental monitoring and reporting that can be redundant with those placed in EA Notices to Proceed. The evaluation of impacts in an EA currently goes beyond environmental issues for items such as visual or social/cultural or economic assessment. The EA should focus on impacts to land, air and water. Evaluating alternatives and sites should focus on meeting municipal zoning requirements and regulatory limits. If the proposed project will meet the regulatory requirements, the proponent should be allowed to select the technology and location that meets the business need of the project.

If the intent of the EA is to ensure adequate public consultation, this requirement can be met via a streamlined process that is conducted in parallel with the ECA application process. This would reduce duplication of effort by the Ministry and the proponent.

Once the proponent commits to meeting the regulatory requirements, any requests for bump-ups should not be approved.

When full Environmental Assessments are conducted, the proponent will frequently evaluate scenarios to meet the immediate operating needs of the project and scenarios that meet anticipated expansion needs for the future. However, only the immediate operating needs are approved in an EA. Future requests for facility expansion should acknowledge the long-term evaluation already completed and be conducted under an abbreviated or streamlined process.

Issue 3: Redundancy with provincial processes

Consultation_Questions

Can you identify any other examples of provincial processes that could be better integrated?

The Region recognizes some overlap between the municipal planning process and the Municipal Class EA process for municipal infrastructure projects. However, if EAs for major infrastructure, such as new arterial or collector roads in a new development area, are no longer required, alignments for key road corridors may become fragmented if we rely solely on the Planning Act development application process. Operating under this process, developers typically deal only with sections of arterial or collector roads inside their lands. The municipality deals with sections outside the proposed development boundaries. Developer decisions on roads that yield the most units or least cost within their lands may lead to road alignments that do not adequately consider flow, connectivity and safety of the road network outside of their lands.

As a streamlined process, the Municipal Class EA process already contains an integrated approach, which combines the requirements of a Planning Act and Class EA process simultaneously.

There are other examples of multiple overlapping provincial ministry processes which could be candidates for integration. For example, requirements under the Clean Water Act administered by the MECP, for source protection policies and risk management plans overlap with programs and processes required under other Acts, ministries, municipalities and agencies including TSSA, OMAFRA, MMAH and MNRF.

The Clean Water Act, the Planning Act, the Greenbelt Plan, Oak Ridges Moraine Plan, and Lake Simcoe Protection Plan, ECA approvals, Renewable Energy approvals, aggregate removal approvals, official plans, zoning and other bylaws are all attempts at various scales to manage or minimize the impact of human activities on the landscape.

Navigating these many layers can be costly and time consuming for property owners as well as municipalities implementing projects through EA or other processes.

What other actions can the ministry take to eliminate duplicative or redundant processes or approvals?

Many approval processes share similar objectives of understanding, avoiding, reducing or mitigating and monitoring the environmental impacts, as a basis for approving or denying an application. The Province should examine whether each Act or regulation needs its own process. The Region would support eliminating duplicate legislation or programs that overlap existing processes which could free resources to process EA applications faster.

Issue 4: Find efficiencies in the environmental assessment process and related planning and approvals processes to shorten the timing from start to finish.

Consultation Questions

What could a coordinated one-window approach look like for Ontario projects?

The Region fully supports the one-window approach. The initial ideas suggested by the Province provide a good start if the resources are made available.

Can you identify any areas in the environmental assessment process that could be better streamlined with the municipal planning process or with other provincial processes?

Historically it has not been the process that has delayed the timelines but the lack of resources available to complete timely reviews.

The Region supports clear and less redundant wording between various legislative requirements to have better, more streamlined coordination of reviews.

What advantages and disadvantages do you see with the ministry's environmental assessment process being the one-window for other approval/permit processes?

The advantages of a one window approach would be streamlining the projects, allowing for the establishment of a critical path and what permits/approvals will be required at the beginning and through the progress updates on the project (i.e. communication plan) as well as improved timeliness.

The only potential disadvantage is that of the public process, with the permits and approvals being public documents or going through the public process. If the proposed changes to the Part II Order Request process will eliminate the frivolous claims, this comment would be moot.

Issue 5: Setting Expectations

Consultation Questions

What areas of the environmental assessment program could benefit from clearer guidance from the ministry?

The Region supports the clarity provided with the Climate Change Guidance Document. An issue that has been coming up on transportation projects is the MECP asking for an air quality assessment for the recommended alternative of an EA. This makes sense for transit project. However, in our opinion doing air quality assessments for road transportation projects is costly, time consuming and has limited value as it will not impact the decision making. We would appreciate if this requirement be eliminated for road projects.

What other actions can we take to reduce delays and provide certainty on timelines for environmental assessment?

The Region will reiterate that continued work through the MEA and on the workshops with those in the industry, digital submissions, and providing sufficient resources to undertake the reviews at the various agency levels is key.

Setting clear expectations, timelines and deliverables at the beginning of an EA process, whether through Terms of Reference, the screening tool results, or clear Class EA descriptions, should help reduce pauses to seek additional information later in the process.

With respect to the Part II Order Request submissions, the Minister is asked to focus only on the specific request versus review of the entire project.

If the Minister has not decided for an extended period (> 1 year) due to the complexity of a project, the Province may want to have an option available for the Minister to refer the Part II Order Request to the Environmental Review Tribunal for decision within a set timeframe. This process has been used in the past within the Class EA process (e.g. for a Part II Order request on the Ajax Water Supply Plant EA) and provides an avenue for complex issues and decisions to be resolved by an expert panel.

Issue 6: Using Sector-based terms of reference

Consultation Questions

What are the advantages and disadvantages of using a sector-based terms of reference?

For local and Regional projects, the MCEA document has already defined the projects using a sector-based terms of reference. This approach is acceptable and better defines the projects in the acceptable class and schedules as appropriate. As a disadvantage, the local and regional approach is not as transferrable to the provincial EA program.

Issue 7: Reducing Timelines

Consultation Question

Are there other ways we could improve our review timelines?

Ensure the resources are available to complete the project reviews and provide for online submissions, agency review (online tracking mechanism with project portal so all engaged on project can view) and online payments.

Issue 8: Go Digital by permitting online submissions

Consultation Questions

How would you like to be consulted on environmental assessment projects?

Digital communications, emails, social media, being able to register for email updates on specific projects of interest is a good approach. Projects within or near an area so use of maps is a great tool.

Would an online environmental assessment registry be helpful for you in submitting an environmental assessment or accessing environmental assessment information?

The Region would be very supportive of this approach.

While EA approvals often require outcome monitoring, proponents generally are monitoring only the site of the project. A one window approach could link to a results database at the Province. With open data, it would provide opportunities to study, model and understand broader area, cumulative or long-term impacts of hundreds of routine approvals.

What type(s) of environmental assessment project information would you like to access online?

Public consultation needs to be modernized in recognition of the outreach provided by social media. Disseminating information and soliciting input to the project can be enhanced through the internet. The government should assume that the majority of the population has access to the internet.

For local or regional projects, a digital portal that would allow submissions and online tracking of provincial/federal review. In addition, this portal would allow for sharing/uploading of documents for comments and input.

Are there any existing online tools that would be appropriate to use for environmental assessment information?

No Comment.



The Regional Municipality of Durham Information Report

From: Sandra Austin, Director, Corporate Policy and Strategic Initiatives
Report: [#2019-INFO-40](#)
Date: June 14, 2019

Subject:

Durham Region Response to Discussion Papers on Proposed Federal Impact Assessment Act

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 To inform Regional Council of the submissions made by Regional staff on two federal discussion papers outlining regulations proposed under Bill C-69, the Impact Assessment Act:
 - a. The [Discussion Paper on the Proposed Project List](#)
 - b. The [Discussion Paper on Information Requirements and Time Management Regulatory Proposal](#)
- 1.2 The two papers were posted on www.impactassessmentregulations.ca for public review and comment on May 1, 2019. The deadline for comments was May 31, 2019.

2. Background

- 2.1 Bill C-69, the Impact Assessment Act (IAA), is progressing through the federal legislative process and is currently under review by the Senate. The key elements of the Act are to repeal the Canadian Environmental Assessment Act (CEAA) and replaces it with the IAA and the Canadian Energy Regulator Act.
- 2.2 The IAA names the Impact Assessment Agency of Canada as the authority responsible for impact assessments and outlines “a process for assessing the environmental, health, social and economic effects of designated projects with a view to preventing certain adverse effects and fostering sustainability”. For more

details on the contents of [Bill C-69, a legislative summary](#) is available on the website of the Parliament of Canada.

- 2.3 The Bill also repeals the National Energy Board Act, amends the Navigation Protection Act and renames it the Canadian Navigable Waters Act and makes consequential amendments to other acts.
- 2.4 Regional staff from Durham Region Transit, Planning and Economic Development and Works Departments and Corporate Services - Legal Services participated in the development of the attached submissions.
- 2.5 The Region has previously participated in the consultation process on the proposals to move to a new impact assessment with submissions to Natural Resources Canada in 2017, and correspondence to the Minister of Environment and Climate Change Canada in 2018. These submissions focused primarily on concerns about nuclear-related projects.

3. Conclusion

- 3.1 The submissions (Attachment 1) were sent to the Canadian Environmental Assessment Agency on May 31, 2019 via e-mail from the CAO's Office and posted by staff via the submission portals at www.impactassessmentregulations.ca. The regional submissions are posted there along with all other submissions made by stakeholders.
- 3.2 For additional information, contact: Christine Drimmie, Manager, Corporate Initiatives at 905-668-7711, extension 2029.

4. Attachments

Attachment #1: Region of Durham Submissions to the CEAA on the Discussion Papers on the Proposed Project List and on the Information and Time Management Regulatory Proposal

Respectfully submitted,

Original signed by:

Sandra Austin
Director, Corporate Policy and Strategic Initiatives



May 31, 2019

**The Regional
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And www.impactassessmentregulations.ca

**Re: The Discussion Paper on the Proposed Project List and the
Discussion Paper on Information Requirements and the Time
Management Regulatory Proposal**

Dear Ms. Loth-Brown:

Please find attached submissions from staff of the Regional Municipality of Durham in response to the Discussion Paper on the Proposed Project List (Attachment 1) and the Discussion Paper on Information Requirements and the Time Management Regulatory Proposal (Attachment 2).

As an upper tier municipal government in a Region that is home to two nuclear generating stations and the federal lands at Pickering, we feel it is important to participate in this process. Unfortunately, the 31-day comment period was insufficient for us to review the documents and seek Regional Council's endorsement of the comments. We will share our submissions with Regional Council for their information at a future date.

In general, Regional staff is supportive of a more transparent, accountable, timely process supported by an online public registry. We have two key concerns with the proposals:

- The Region feels strongly that decommissioning nuclear plants in Durham must be subject to a full impact assessment (IA) that takes into account and provides mitigation for the social, economic and health impacts on the surrounding urban community during the fifty-year long decommissioning project.
- Municipalities that host these major infrastructure and facility undertakings must be considered as a level of government and key stakeholder in the IA process and be eligible for funding to support their participation in it.

Please refer to the attached submissions for more detailed comments and suggestions. We appreciate the opportunity to comment on these two regulatory proposals.

Sincerely,

Original signed by

Elaine Baxter-Trahair
Chief Administrative Officer

Attachment 1: Region of Durham Submission on the Discussion Paper on the Proposed Project List

Attachment 2: Region of Durham Submission on the Discussion Paper on Information Requirements and the Time Management Regulatory Proposal

c: Brian Bridgeman, Commissioner of Planning and Economic Development
John Presta, Acting Commissioner of Works

Region of Durham Submission on the Discussion Paper on the Proposed Project List

Context

The Regional Municipality of Durham is an upper tier municipality situated directly east of the City of Toronto and York Region. It has a population of 700,000 spread over an area of 2,500 square kilometers. More than 80 per cent lives in the five communities lining the north shore of Lake Ontario: Pickering, Ajax, Whitby, Oshawa and Clarington. The three northern townships of Brock, Scugog and Uxbridge are situated in Ontario's Greenbelt and include smaller towns, hamlets and a large rural area. The Region is forecast to grow to 1.2 million people by 2041.

Durham Region hosts two nuclear generating stations operated by Ontario Power Generation (OPG) at Darlington and Pickering. The Pickering Nuclear Generating Station (NGS) is located on a site that is now surrounded by urban development. The Darlington NGS is in a less-populated industrial area south of the community of Bowmanville. OPG conducted a federal Environmental Assessment (EA) and received approval to construct four additional reactors at this site. Although that project was put on hold by the Province, OPG maintains its "licence to prepare the site". Almost 50 percent of the used nuclear fuel in Ontario is presently stored in Durham Region in licenced, "interim" above-ground facilities, directly on the shore of Lake Ontario.

The Region also borders on the Rouge National Urban Park and is the site of the federal lands (9,600 acres) at Pickering that have been designated for a future airport. There is also a federal port located on Lake Ontario in the City of Oshawa. Power transmission lines, rail lines and pipelines cross the Region.

As a regional municipality, Durham is responsible for delivering a broad range of services:

- **human services** including public health, child care, family counselling, long-term care, social housing and social services, accessibility and inclusion initiatives;
- **emergency services** including policing, land ambulance and emergency management;
- **infrastructure services** including water supply and distribution, sewage collection and treatment, transportation routes, transit service and waste management and disposal; and
- **policy and planning services** including property tax policy, climate change mitigation and adaptation, energy planning, strategic land use planning, innovation, economic development and tourism.

The following comments are provided by Region of Durham staff. The 31-day comment period was insufficient time to prepare and present the analysis and comments to Regional Council for their endorsement.

General Comments:

The Region is generally supportive of the changes proposed in the discussion paper that support greater transparency, timeliness and accountability in the impact assessment process. The Region supports a requirement that the Agency make its decision and reasons for it public.

Because of the high stakes for a community like ours, which hosts a nuclear plant scheduled to close in 2024, the need for decommissioning of large nuclear reactor facilities to be included on the Project List is now an urgent matter. The decommissioning process for Pickering NGS is planned to last for about 50 years and will occur in the heart of a city.

The Region is heartened that “Impact assessment will provide a **cohesive understanding of environmental, health, social and economic effects**, both positive and negative, of a proposed project and promote more informed decision-making”. Our experience with previous nuclear EAs and licencing activities has been that socio-economic impacts that occur beyond the site boundaries are given little consideration.

The paper states that Canada has “a mature regulatory framework” and the federal approach seems to rely on the notion of complementarity of the regulation of projects by entities and jurisdictions. The Region questions if the regulatory framework is consistent across the country. It seems likely that gaps and inconsistencies may arise from ideological differences, differences in range of projects covered or staff capacity in various provinces. Provinces and territories should be canvassed to determine the consistency of coverage of projects nation-wide.

Specific Comments:

Section 3: Creating the New Project List and Section 4.7 Nuclear

In line with the description of criteria for projects requiring full impact assessment in the discussion paper, Durham Region recommends that decommissioning of nuclear plants should be added to the Project List because:

- nuclear is an area of federal jurisdiction;
- the Province of Ontario does not conduct EAs for nuclear projects;
- Ontario’s three nuclear generating stations all are of a size and scale to meet federal threshold of 900 MW;

- nuclear decommissioning is a large, new and complex project at the plant site encompassing a new set of activities that require a detailed plan and licence;
- decommissioning of a nuclear plant is a rare occurrence and has not happened in an urban area in Canada;
- decommissioning as proposed by the generator will be at least a 50-year process, involving storage, movement, security, demolition and stigma related to high and intermediate level radioactive wastes, impacting the surrounding communities throughout that duration;
- there is a high risk that planned facilities for the long-term storage/permanent disposal of nuclear wastes will not be ready for use at the time Pickering NGS is to be dismantled and the generator (OPG) has no alternate plan for the waste at this time;
- no past EA is comparable. For example, neither the Darlington NGS nor Pickering NGS was subject to a modern EA process at the time they were being proposed and planned; and
- the EA process conducted by the nuclear life-cycle regulator (Canadian Nuclear Safety Commission – CNSC) under the Nuclear Safety and Control Act takes a narrower approach to project assessment, focussed on the onsite, technical aspects of the project. It does not typically provide “a cohesive understanding of environmental, health, social and economic effects, both positive and negative of a proposed project.”

The CNSC EA process is rigorous in relation to the onsite safety, emergency planning and narrowly defined environmental effects. OPG’s preliminary decommissioning plan (PDP) for the Pickering NGS deals in detail with these technical issues but disregards the long-enduring offsite and socio-economic effects of the plant closure followed by a long storage period with nuclear waste remaining on site. The community impacts of the eventual waste removal and plant dismantling and demolition are barely mentioned in the PDP. The relatively high risk to the community of delays in or failure to execute the PDP in a timely fashion are not acknowledged. The requirement for the generator to have an “ongoing engagement with local communities” does not ensure that these concerns related to a future state are being appropriately discussed now. The power differential between the host municipalities and the OPG (a provincial agency) is considerable. The facility already exists in the community. The municipality has little leverage to extract any concessions. For these reasons and those outlined above, decommissioning of nuclear plants should be included in the federal Project List.

Since decommissioning of Darlington and Bruce nuclear generating stations will not likely take place until mid-century or later, an option for the federal government may be to include only the Pickering station (scheduled for end of operations in 2024) on the list

at this time as a test case. This IA experience would provide a basis for assessing the need for nuclear decommissioning to be on the Project List in a future review.

Designation for IA

Another option available to the federal government is for the Minister to designate projects that are not on the list. This may be done when a project is of heightened public concern, proposed in a very sensitive location, is on federal lands or is a unique project not contemplated when the List was developed. Designation could be relevant where a project may not meet the size or capacity threshold of the List but is seen to be of significant impact in a certain location.

The timing and process for seeking a designation needs to be clear and accessible for the public and municipalities to participate. While this approach could be an option for nuclear decommissioning, it puts a significant burden on the community to raise its concerns and make the case to the IA agency and the minister for the project to be designated. Municipalities which represent “the public” in that community should have access to funding to support their participation in this process.

At Pickering, although the decommissioning project has not yet “substantially begun”, the current operating licence (to 2028) allows OPG to begin dewatering and defueling the reactors after 2024. Permission to proceed with this first step towards decommissioning should not be a factor that later precludes a full IA.

The mere existence of another regulatory process should not be grounds for refusing to designate a project. The CNSC advised, at the public hearing in June 2018 for Pickering relicensing, that assessing socio-economic impacts of a nuclear project is not their focus or expertise. The EA process conducted by the CNSC is narrowly focused on the onsite environmental effects and safety of the project with little consideration of community impacts beyond emergency planning. When community issues are raised at CNSC hearings, their response typically is that these issues are out of scope.

Decision-making around nuclear projects in Canada is very fragmented. Some decisions are made by the CNSC, some by the Canadian Environmental Assessment Agency (CEAA) joint panels. There are separate licences for different phases of facility development and lifespan, usually assessed on operational and technical issues. This means that municipalities are vulnerable to **the impact of a series of regulatory decisions that never consider the overall effect on their community**. The licensing of nuclear operations separate from licensing of nuclear waste management facilities is a prime example. Once a licence to extend operations has been granted, the CNSC is in no position to refuse a licence for storage of waste, because of the safety implications. This failure to consider the cumulative impact of such decisions has led

directly to the situation in which Canada's growing stockpile of nuclear waste has no where to go.

An IA of decommissioning of a nuclear plant must be scoped to look at the impact of the entire, multi-decade process and related long-term community effects.

The Region supports a requirement that the Minister's decision be posted within 90 days and further, that the Agency's recommendation and the Minister's reasons for the decision be made public.

Comments on Section 4: Results of the Approach

Why are thresholds, such as production capacity, considered a suitable proxy for likelihood of risk of environmental damage or effect? This may be effective for some projects but not all. In the case of a nuclear plant, the risk lies less in the size of the facility than it does in ensuring safe operations which in many respects is the same for one reactor or eight. A single offshore oil well that is poorly sited, constructed or managed may produce devastating pollution if it fails or is not properly decommissioned, regardless of its production capacity.

A large facility in a remote area may present a significantly lower risk to people than a much smaller facility in an urban area. You would probably not site a nuclear plant in an active earthquake zone. The same capacity plant might be considered perfectly safe in a seismically stable zone. Risk (and therefore the need for IA) often depends on environmental context rather than scale or production capacity.

4.4 Linear and transportation related projects

In general, the federal process fails to acknowledge the affected municipality(ies) as key stakeholders in the outcome of the federal decision. Municipalities along a linear project directly bear a burden associated with such facilities (e.g. emergency response plans, extra costs associated with providing community crossings of a linear right of way that divides a community or with managing traffic associated with an intermodal facility). Jobs associated with a pipeline or powerline construction may offer temporary benefits to a community, but these may be offset by the inconvenience and disruption created by construction. Further, the community may be permanently left with the barrier of a closed access right of way winding through the area that necessitates dead-ending of roads or expensive bridge infrastructure to "fly over" the closed right of way.

The rights of Indigenous communities to be consulted have been recognized by the courts and integrated into the process for both historic reasons and due to current impacts on their lands and way of life. Certain facilities proposed in other parts of Canada also may affect the quality of life and livelihood of entire communities. These communities, generally represented by a municipal government, also should be heard

and their views considered during the process and have project impacts on their communities mitigated.

4.7 Nuclear

See comments above.

4.8 Hazardous Waste

The Region owns and operates household hazardous waste transfer stations at three, soon to be four locations. These locations operate under a provincial permit with storage quantity limits. Processing does not occur at these locations – only bulking of materials is performed on site. The hazardous waste category should be clarified to exempt household hazardous waste storage below a certain quantity (e.g. 5 tonnes) and bulking or minor processing operations.

4.9 Federal Lands

Given the federal ownership and extent of the lands at Pickering and Rouge National Park, the Region could have a significant interest in federal impact assessments of such lands. Even if the project type is not on the list, an assessment would be required under section 82 of the proposed IA Act to determine the likelihood of significant environmental effects. Federal authorities do not have to follow a process in making their determination. The Impact Assessment Agency would “provide guidance” for such an assessment of a non-designated activity. We recommend that the IA Agency recognize the value and effectiveness of engaging the Region and area municipalities early and often during an assessment process related to projects on federal lands in our Region.

Section 5: Periodic Reviews

The Region supports reviews of the project list on a five-year cycle.

Annex 1

The paper stresses that type of project that should be subject to federal assessment is large, complex, unprecedented or somehow unique. Using a single scale or capacity threshold as the deciding factor in whether a project should be on the list of projects subject to IA seems like an inappropriate way to judge the risk associated with such a project. The calculation of risk should be based on multiple factors. An alternative to a very prescriptive project list is to introduce a screening questionnaire that applies to a broader range of major projects in a sector. The screening calculation could include duration, scale, duration, emissions, track record of past failures, toxicity of waste products, effect of failure, geographic context (close to water bodies or population).

Consideration of GHG emissions

GHGs emissions are the single greatest environmental threat of our era. To ignore the emissions from listed projects as part of the risk associated with that project is irresponsible. Therefore, estimating GHG emissions should be part of an initial risk calculation applied to all projects, along with the ability to successfully offset those emissions throughout the project life. The Region recommends that:

- the 0.5 Mt threshold be clarified to state whether it includes GHGs from biomass combustion or just fossil fuel combustion;
- a sector-specific list of GHG emitters that are subject to federal IA could allow projects with a net GHG benefit (compared to alternative methods of delivering the project) to advance without being subject to the federal process; and
- a focus on methane emissions would also yield a bigger benefit from the federal approach as methane is a more potent GHG.

Final Comments

There should be no distinction in process between the public and private sector projects. IA requirements should be aligned with the level of risk involved regardless of proponent.

Municipalities that host major infrastructure and facility projects must be considered as a level government in the IA process and be eligible for funding to support their participation in it.

An IA for an activity or facility should also integrate requirements of the municipal land use planning process and maintain the municipality's ability to identify their needs and impose normal planning conditions, standards and bylaws that would apply to any comparable land use or activity proposed in the community.

Region of Durham Submission on the Discussion Paper on Information Requirements and Time Management Regulatory Proposal

General Comments

The Region generally agrees with the changes proposed in the discussion paper that support greater transparency, timeliness and accountability in the impact assessment (IA) process.

The Region also supports the new focus on engaging Indigenous groups, provinces, stakeholders and the public in the early planning stages to support a timely IA process. We recommend that municipalities in which the projects are to be sited also be specified as critical stakeholders to engage during the early planning phase and development of the project description and through out the IA process.

The proposed Impact Assessment Act will enhance opportunities for cooperation and harmonization with the provinces...to achieve “one window, one project assessment.” Project specific cooperation plans will be developed to reduce duplication of effort which may include harmonized timelines, joint consultation, etc. The Region supports the move to a “one window, one project assessment” if the process ensures that the incremental value-added studies required by each participating jurisdiction are incorporated but not duplicated.

The Region also supports:

- the intent to make all information and consultation requirements clear from the start
- making all project documentation publicly available on line through a registry;
- the specification of timelines for all aspects of the impact assessment;
- increased accountability and transparency of decision making through the publication of clear decision statements and written rationales for the decision on the Agency’s public online registry; and
- the publication of information on compliance verification and enforcement actions.

Specific Comments:

3.1 Early Planning Phase

The written description of the phases is complicated and there is some inconsistency in terminology. The first phase is called the “early planning phase” but later on there is reference to a “planning phase”.

The paper states that one purpose of this phase is for the Impact Assessment Agency to determine whether an IA of a designated project is required. It is not clear whether the Early Planning Phase is the only phase of the IA process that would be mandatory for all projects on the Project List. The document seems to indicate that it is possible some listed projects would be found by the Agency not to require an IA at the conclusion of this first phase. Is this potential outcome only applicable to the situation where the Minister has been requested to designate the project?

This potential outcome and its next steps should be more fully described. How will the stakeholders and public participants be notified that an impact assessment will not be conducted for a significant project and what will happen instead? How will concerns raised during the early planning phase be addressed? How will the proponent be held accountable outside the IA process? This should be explained.

The Region supports having the Agency's decision on whether an IA is required, and the reasons why or why not, made public as soon as the decision is announced.

Within the Early Planning Phase, there are multiple opportunities for the proponent to update the Project Description or add new information. We recommend that mechanisms be incorporated in the process to notify other participants of changes and to track the changes made. In this way, everyone will be aware of the updates.

3.3 Impact Assessment Phase

Regional staff are pleased to see that factors considered in the Impact Assessment Phase include “positive and negative environmental, health, social and economic effects of proposed projects, measures to mitigate potential adverse effects, potential impacts on Indigenous peoples and their rights, and potential impacts on Canada’s ability to meet its environmental obligations and climate change commitments.”

4.2 Extension of Timelines

While suspensions of timeline (stopping the clock) are initiated by a request of the proponent, extensions of the timelines are intended to address “inside-government” issues such as alignment with processes in other jurisdictions. We recommend that there should be clear criteria for granting an extension and a limit on the number and length of extensions permitted. Otherwise there is a significant risk that the information basis of the Agency’s recommendation will become out-dated and need to be revisited.

4.3 Timeline Transparency

The Region is very supportive of the initiatives outlined in this section to create a modern, user focused, public registry as a single window into the IA process. We suggest that whatever software is used to support this registry also be adapted to

support the parallel review processes undertaken by life-cycle regulators. Making these systems consistent, linked, and easy to navigate should be key objectives. A user should not have to know in advance if the nuclear project they are seeking information on is being assessed by the Impact Assessment Agency (the Agency) or the Canadian Nuclear Safety Commission (CNSC). They should be able use the registry as one window to access any of those project assessments.

Consideration should also be given to ensuring the online system is accessible to people of all abilities with content that meets the standards outlined in Web Content Accessibility Guidelines (WCAG) 2.0, Level AA. This is the standard that Durham Region and Ontario are working toward meeting by 2021. Making public information fully accessible to people with disabilities should be the standard across Canada. If the federal government is building a new information system, it will be much easier to integrate accessibility standards at the design stage than to retrofit the system later.

5.0 Information Requirements

Regional staff support the key deliverables outlined in Section 5.3 (tailored impact statement guidelines, cooperation plan, indigenous engagement and partnership plan, public participation plan and permitting plan). However, we recommend that inclusion of municipalities be specifically acknowledged in both the public participation plan and the permitting plan. Municipalities should be acknowledged, in policy and practice, if not the constitution, as a level of government. Municipalities have legislated authorities over land use and represent the collective interests of geographic communities in respect of major projects.

We support the measures outlined under impact statement transparency.

6.0 Regulatory Proposal: Participant Funding Programs

As the Region has suggested previously to the Minister of Environment and Climate Change and the CNSC, participant funding should be made available to municipalities. Small communities do not have the staff capacity or budget flexibility to hire consultants to represent their interests in the assessment process. This is a burden even for a regional-scale, more populous municipality such as Durham Region. It takes months of staff (or consultant) time to review the technical documents produced in the assessment process and prepare submissions to the appropriate agency or panel. Municipalities that find themselves hosting these large infrastructure and resource undertakings will ultimately live with the impacts (benefits **and costs**) associated with those projects for decades and sometimes indefinitely. Municipalities should be supported to be an informed and active participant in a federal process intended to make a project successful for all affected.

7.0 Regulatory Proposal: Time limit to respond to a request for a regional or strategic assessment.

Regional staff suggests that a strategic assessment of the nuclear sector should be undertaken to illuminate the “bigger picture” impact of nuclear sector decisions. Such a paper would outline how a decision on one project or licence for mining, refiners, generators and waste managers ripples through the sector and over time. Collectively, these decisions affect future plans for individual facilities and mitigations designed to reduce long-term impacts on host communities.

Annex 1 – Components of the Project Description

Under Project Information:

#7 - the summary of the purpose of the project should include both potential benefits **and costs** of the project to the Canadian public.

#11 – Identification of anticipated phases of and the schedule for...the list of phases should also include the potential for refurbishments, operating extensions and interim or permanent onsite waste storage (at least in the context of nuclear generating stations).

Under Location Information and Context

Between #12 d), 13 and 14, some or all of these should be revised to:

- include the population of host or nearby communities;
- describe the character of land uses at the location or in the community (dense urban, suburban, rural/agricultural, industrial area, recreational properties, remote, forested, shoreline, etc.);
- mention the host watershed(s); and
- place as much emphasis on understanding the human ecosystem as the fish and wildlife.

Under Federal, Provincial, Territorial, Indigenous or Municipal involvement

Although municipalities are mentioned in the heading there is no reference to the specific form municipal involvement may take. There should be a separate bullet here that requires a description of the municipal jurisdictions within which (or near which) the project is proposed to take place. This will help to ensure that the proponent actually is aware of all the upper tier and lower tier municipalities that may need to be engaged in the process.

Potential effects of the project

21 should be amended to include “Indigenous people and host municipalities or adjacent communities”.

Annex 2

Moving information requirements related to potential alternatives to the Tailored Impact Statement Guidelines, this may be “efficient.” However, this weighing of alternatives would then occur after a proponent has already done considerable work on one vision of the project. This will mean that alternatives to the project and alternative locations are much less likely to receive the attention warranted. True alternatives need to be part of the process both in relation to location and technology.

Conclusion

Part of the clear requirements and expectations from the outset of the project must be a specific requirement to engage with affected municipalities to bring local knowledge and concerns to all phases of the IA process.



Interoffice Memorandum

Date: June 14, 2019
To: Health & Social Services Committee
From: Dr. Robert Kyle
Subject: Health Information Update – June 7, 2019

Health
Department

Please find attached the latest links to health information from the Health Department and other key sources that you may find of interest. Links may need to be copied and pasted directly in your web browser to open, including the link below.

You may also wish to browse the online Health Department Reference Manual available at [Board of Health Manual](#), which is continually updated.

Boards of health are required to “superintend, provide or ensure the provision of the health programs and services required by the [Health Protection and Promotion] Act and the regulations to the persons who reside in the health unit served by the board” (section 4, clause a, HPPA). In addition, medical officers of health are required to “[report] directly to the board of health on issues relating to public health concerns and to public health programs and services under this or any other Act” (sub-section 67.(1), HPPA).

Accordingly, the Health Information Update is a component of the Health Department’s ‘Accountability Framework’, which also may include program and other reports, Health Plans, Quality Enhancement Plans, Durham Health Check-Ups, business plans and budgets; provincial performance indicators and targets, monitoring, compliance audits and assessments; RDPS certification; and accreditation by Accreditation Canada.

Respectfully submitted,

Original signed by

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

*“Service Excellence
for our Communities*

UPDATES FOR HEALTH & SOCIAL SERVICES COMMITTEE
June 7, 2019

Health Department Media Releases/Publications

<https://tinyurl.com/yyb4dtxn>

- Updated List of Diseases of Public Health Significance and NEW Online Institutional Outbreak Notification (Apr 29)

<https://tinyurl.com/y3afuh6x>

- Flu Season is Done and the Return Has Begun! (May 2)

<https://tinyurl.com/y5hut67j>

- Potassium iodide tablets distribution in Durham Region (May 8)

<https://tinyurl.com/y3r8upg4>

- STOP Program provides support for Ontario smokers who wish to quit (May 10)

<https://tinyurl.com/y273wyaz>

- Health Department recognizes National Sun Awareness Week May 13 -19 (May 13)

<https://tinyurl.com/y65jrlqy>

- Health Department encourages rabies vaccination for all pets as a part of Rabies Awareness Month (May 13)

<https://tinyurl.com/y5rgpezx>

- May is Rabies Awareness Month (May 14)

<https://tinyurl.com/y2jh6wdg>

- Be on Top of Spots – Measles Update (May 15)

<https://tinyurl.com/y4qu8d4k>

- Don't quit smoking: Health Department celebrates World No Tobacco Day (May 23)

<https://tinyurl.com/y2doyleu>

- Region of Durham Paramedic Services celebrates Paramedic Services Week with open house (May 24)

<https://tinyurl.com/yx8j6qbd>

- West Nile Virus Surveillance (May 24)

<https://tinyurl.com/y4pyfoqa>

- Durham Region Health Department celebrates Bike to School Week 2019 (May 27)

<https://tinyurl.com/y6dmlld6o>

- Health Department begins 2019 West Nile virus surveillance activities (May 28)

<https://tinyurl.com/y4sma4ar>

- Health Department begins 2019 surveillance of blacklegged ticks for Lyme disease (May 29)

<https://tinyurl.com/yxuu3xdt>

- Ongoing Outbreak of XDR Salmonella Typhi in Pakistan (May 30)

<https://tinyurl.com/y2gae9ly>

- 2018 Health Check-Up and 2019 Health Plan (May 31)

<https://tinyurl.com/y32g65gp>

- 2018 Vector-borne Disease Annual Report (Jun 3)

<https://tinyurl.com/yx8s93n2>

- 131 Durham Region schools receive Health Department's 2018/19 Healthy School Award (Jun 5)

<https://tinyurl.com/yyprbj5h>

- Health Department launches campaign to reduce stigma as part of opioid response plan (Jun 6)

<https://tinyurl.com/y4thwvf9>

- Durham Region Weekly Beach Report (Jun 6)

<https://tinyurl.com/y6mr885t>

- New signs at local beaches provides beachgoers with information on blue-green algae (Jun 7)

GOVERNMENT OF CANADA

Employment and Social Development Canada

<https://tinyurl.com/y3yqrd47>

- Strengthening the middle-class by putting more money in the pockets of Canadians (May 6)

<https://tinyurl.com/yxuknkjp>

- Supporting the Next Generation of Middle Class Workers (Jun 3)

<https://tinyurl.com/y5l2epkz>

- Government of Canada announces members of new expert panel on early learning and child care data and research (Jun 4)

Environment and Climate Change Canada

<https://tinyurl.com/y379wuny>

- Advisory Council on Climate Action releases final report (May 28)

<https://tinyurl.com/y63rd4e6>

- On World Environment Day, Government of Canada to help Forests Ontario plant 50 million trees (Jun 5)

Health Canada

<https://tinyurl.com/yy67u52u>

- Statement from Health Canada on changes to cannabis licensing (May 8)

<https://tinyurl.com/y6q7ts7c>

- Helping Canadians get faster access to the prescription drugs they need to live healthier lives (May 13)

<https://tinyurl.com/y5rd2qvb>

- Government of Canada changes regulations to help prevent illegal production and trafficking of controlled substances (May 15)

<https://tinyurl.com/y545cct6>

- Government of Canada approves new treatment options for opioid use disorder and supports research, treatment and harm reductions projects in Ontario (May 15)

<https://tinyurl.com/y6qz7cvf>

- Health Canada restricts the amount of alcohol in single-serve flavoured purified alcohol beverages (May 23)

<https://tinyurl.com/yxvspxh4>

- Message from the Minister of Health on World No Tobacco Day (May 31)

<https://tinyurl.com/y4urlxz5>

- Message from the Minister of Health – World Food Safety Day – June 7, 2019 (Jun 7)

Infrastructure Canada

<https://tinyurl.com/yy43ttuh>

- Building stronger communities and improving quality of life for all Canadians (May 9)

<https://tinyurl.com/y2fqzdvx>

- Communities receive support for clean innovation, climate change resiliency, and infrastructure planning (May 16)

Innovation, Science and Economic Development Canada

<https://tinyurl.com/yxq5cnzv>

- Delivering better, faster and safer health outcomes for Canadians (May 21)

<https://tinyurl.com/yxhlrt47>

- Minister Bains announces investment to accelerate medical breakthroughs that will enable truly personalized health care (May 23)

<https://tinyurl.com/y4pegh8l>

- Government of Canada launches Centre for Gender, Diversity and Inclusion Statistics (May 31)

GOVERNMENT OF ONTARIO

Government House Leader's Office

<https://tinyurl.com/y5lvwrwl>

- Ontario Government Protecting What Matters Most (Jun 6)

Ministry of Agriculture, Food and Rural Affairs

<https://tinyurl.com/y6mtbolw>

- Ontario Supporting Fresh and Healthy School Fundraising (May 7)

<https://tinyurl.com/yywsgpmd>

- Ontario Releases Local Food Report (Jun 6)

Ministry of Children, Community and Social Services

<https://tinyurl.com/y4rs3eqd>

- Ontario Announce Autism Advisory Panel (May 30)

<https://tinyurl.com/yyhcfxgc>

- Ontario Supports Grandview Children's Centre (May 31)

Ministry of the Environment, Conservation and Parks

<https://tinyurl.com/y33qpugo>

- Ontario To Tackle Plastic Litter and Waste & Revamp Recycling (Jun 7)

Ministry of Finance

<https://tinyurl.com/yxhd2hxo>

- Ontario to Deliver True Choice, Convenience and Fairness for Beer and Wine Consumers (May 27)

<https://tinyurl.com/yxs2wb2u>

- Ontario Passes Budget That Protects What Matters Most (May 29)

<https://tinyurl.com/y6prhc3f>

- Beverage Alcohol to be Sold in Hundreds of Additional Stores Across Ontario (Jun 6)

Ministry of Government and Consumer Services

<https://tinyurl.com/y4qebhje>

- Statement from the Minister of Government and Consumer Services on Enhancing Public Safety at TSSA (May 24)

Ministry of Health and Long-Term Care

<https://tinyurl.com/yyx9hkag>

- Protect Yourself from Tick Bites (May 16)

<https://tinyurl.com/y533eyd2>

- Improving Quality Mental Health and Addictions Services Across Ontario (May 27)

Ministry of Municipal Affairs and Housing

<https://tinyurl.com/y3yrjmje>

- Ontario Making Homes More Affordable for Families (Jun 6)

Minister of Seniors and Accessibility

<https://tinyurl.com/y28wybro>

- Taking Action to Remove Barriers for People with Disabilities (May 23)

Ministry of the Solicitor General

<https://tinyurl.com/y6r9pypk>

- Ontario Investing in Mental Health to Improve Community Safety and Support Frontline Workers (May 9)

Ministry of Transportation

<https://tinyurl.com/yy32il7k>

- Ontario Introduces Speed Limit Pilots and Consultations (May 10)

<https://tinyurl.com/yxwy33dl>

- Ontario Passes the Getting Ontario Moving Act (Jun 4)

Office of the Premier

<https://tinyurl.com/y6xbgoks>

- Ontario Takes Action to Build Skilled Workforce (May 31)

<https://tinyurl.com/yy7t4mmk>

- Promises Made, Promises Kept: Ontario's Government for the People Marks One-Year Anniversary (Jun 7)

Treasury Board Secretariat

<https://tinyurl.com/y6ftete6>

- Ontario Government Protecting What Matters (May 9)

<https://tinyurl.com/yyk4tbkk>

- Ontario Government Taking a Flexible, Fair and Reasonable Approach to Managing Public Sector Compensation (Jun 5)

OTHER ORGANIZATIONS

Association of Local Public Health Agencies

<https://tinyurl.com/yxspy5h5>

- Public Health Modernization Speaking Points (May 6)

<https://tinyurl.com/y3ffvkwl>

- Public Health Modernization Memo (May 31)

Canadian Cancer Society

<https://tinyurl.com/y5x5z9cw>

- Excess weight expected to become 2nd leading preventable cause of cancer, after tobacco (May 8)

Canadian Institute for Health Information

<https://tinyurl.com/yy69znrl>

- New data available on home care and mental health and addictions (May 30)

Canadian Institutes of Health Research

<https://tinyurl.com/yyd7uj5u>

- Government of Canada invests in new cannabis research and public awareness programs (May 22)

<https://tinyurl.com/yyd8w4d2>

- Government of Canada invests \$10 million in research to eliminate cervical cancer (Jun 4)

Canadian Lung Association

<https://tinyurl.com/y2s77mv8>

- Better, faster, stronger: Report calls for stronger tobacco control measures (May 31)

Centre for Addiction and Mental Health

<https://tinyurl.com/y6r4je65>

- CAMH Study in the Lancet Forecasts Increase in Global Alcohol Consumption (May 7)

Council of Ontario Medical Officers of Health

<https://tinyurl.com/y5mlyoo8>

- Alcohol Choice & Convenience Letter (Jun 7)

Financial Accountability Office of Ontario

<https://tinyurl.com/y37nrolw>

- Government's Budget Plan Relies on Reducing Program Spending Growth to Historic Lows (May 22)

<https://tinyurl.com/y2gpofmy>

FAO Releases Report Assessing the Ministry of Health and Long-Term Care's 2019-20 Expenditure Estimates (May 27)

IC/ES

<https://tinyurl.com/y2cyo6me>

- Ontario children getting hit by cars less frequently, yet children in low-income areas are still at higher risk, study finds (May 6)

<https://tinyurl.com/y4lumf67>

- Approximately one naloxone kit for every 100 Ontarians has been distributed (Jun 4)

National Research Council Canada

<https://tinyurl.com/y5ozbmrU>

- Canada invests in bold new research collaborations and ideas to drive the innovation economy (Jun 3)

Office of the Auditor General of Canada

<https://tinyurl.com/y37fzfwN>

- Interim Auditor General releases 2019 Spring Reports (May 7)

Ombudsman Ontario

<https://tinyurl.com/y3jrlN7d>

- Ombudsman can now take Complaints about children's aid societies and French language services (May 1)

Parachute

<https://tinyurl.com/yxlpapae>

- Childhood safety advocates urge Canadian families to #FallProofYourHome (Jun 3)

Public Health Ontario

<https://tinyurl.com/y5h8ur5d>

- Public Health Connections (May 23)

Quebec Coalition for Tobacco Control

<https://tinyurl.com/y3ldppn3>

- Canadians support urgent government action to address youth vaping: leger poll (May 9)



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

Original
To: CIP
Copy
To: BB ✓
C.C. S.C.C. File
Take Appr. Action

June 5, 2019

Mr. Ralph Walton, Regional Clerk
Regional Municipality of Durham
605 Rossland Road East
P.O. Box 623
Whitby, Ontario
L1N 6A3

Dear Sir:

Re: 2022 Ontario Summer Games

This is to advise that the Council of the Township of Brock, at their meeting held on June 3, 2019, adopted a resolution to support Sport Durham's bid to host the 2022 Ontario Summer Games with the support of Regional Council, and to request that Brock be considered to host softball and that the rugby field be considered for the event.

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

Yours truly,

THE TOWNSHIP OF BROCK

for Becky Jamieson
Clerk

BJ:dh



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

June 5, 2019

Honourable Laurie Scott, MPP
Haliburton-Kawartha Lakes-Brock
14 Lindsay Street North
Lindsay, Ontario
K9V 1T4

Dear Madam:

Re: Letter to Minister of Tourism, Culture and Sport
Reduction in Provincial Grants to Libraries

Please be advised that the Council of the Township of Brock, during their meeting held on June 3, 2019, adopted a resolution to circulate the enclosed letters with respect to the reduction in Provincial operating grants affecting our library services.

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

Yours truly,

THE TOWNSHIP OF BROCK

for Becky Jamieson
Clerk

BJ:dh

Encl.

cc. Region of Durham
Area municipalities
Area MPP's

C.S. - LEGISLATIVE SERVICES

Original
To: CIP
Copy W. Taylor
To:
C.C. S.C.C. File
Take Appr. Action

Hon. Michael Tibollo
 Minister of Tourism, Culture and Sport
 6th Floor, 438 University Ave
 Toronto, On M5G 2K8
minister.mtcs@ontario.ca

May 14, 2019

Date:	21/05/2019
Refer to:	Council
Meeting Date:	03/06/2019
Action:	Rec & File
Notes:	
Copies to:	

Dear Mr. Tibollo,

Thank you for listening to the public's voice.

The recent news of the budget cuts for SOLS (Southern Ontario Library Services) and OLS-N (Ontario Library Service North) has been a shocking and negative impact on the Brock Township Public library.

Our township does not have public transportation, nor access to the Go Train service. The closest town with a book store is Uxbridge, which is approximately 30 km south. Our broadband access is extremely limited and many patrons use our library computers rather than their own at home due to the faster connectivity we are able to provide. Our household income average is vastly less than other communities within an hour of the GTA. The closest University or College is Trent University, being 70 plus km away. In spite of these facts, borrowing of physical items in our collection has increased 20% since 2017, and the digital circulation (eBooks, eAudio) have increased 47% since 2017. Our libraries are not dying out, ours are growing! Our mission statement is: **"We Connect our Community"** and our vision statement is: **"To be the social, cultural, and information hub of Brock Township, where people and ideas connect and lives are transformed."** We strive to meet these goals. This announcement was given after our budgets were set and approved by council, which left us in a position where, a change to budget is only possible next year.

We are a unique library, in fact we are three libraries in a community of just over 12,000 residents in Brock Township, spread over 22 km of each other. (Brock Township is in the Regional Municipality of Durham and is 163 square miles in size.) Our Municipal contribution to keep the three branches running has been generous over the years (95% of our budget). It should be noted that Provincial funding has been able to help with approximately 3% of our overall budget through the support and services provided by SOLS and OLS-N, which has had a significant impact in reducing our operating costs. The remainder of our revenue comes from generous donations provided by our community and self-generated revenue. An example is the Foster Hewitt Grant. (Note: these donations are not guaranteed annually.)

In this letter I want you to understand who we are and what our needs are.

- a) Beaverton Branch. This is one of the 62 remaining Carnegie Libraries in Ontario. Originally there were 111 Carnegie Libraries, 34 of the buildings are no longer libraries, and 16 of the buildings have been destroyed. On April 28, 1910, we received \$7,000 from the Carnegie foundation to build the Beaverton Public Library.

Andrew Carnegie funded 2,509 free public libraries around the world. He said, *"There is not such a cradle of democracy upon the earth as the Free Public Library, this republic of letters where neither rank, office or wealth receives the slightest consideration."*

The Beaverton Branch went under extensive renovation between 1999 and 2002, adding the Peg Baillie wing and updating the infrastructure and interior spaces.

b) Cannington Branch. In 2010, this library was built in the old town hall building, and the upgrade cost 1.4 million from the Federal Infrastructure grant and the contributions of private funds. The library was named The Timothy Findley Branch after a local novelist and play write, who was also know as Tiff. Tiff penned 10 books.

c) Sunderland Branch. This branch is in Sunderland Public School, and is a fully operating library for the school as well as the public. It is one of very few remaining public libraries residing in a public school.

SOLS have helped us in many ways in the past. They met with us on a weekend, to help us determine our mission statement, and vision statement. They have supported us during our search for a new CEO and helped formulate interview questions (2012). They have assisted us in strategic planning exercises and comprehensive outlines regarding our purpose and direction. ILL has allowed our many book clubs to obtain multiple copies of the monthly book. In 2018, Brock requested 1400 books and lent 1300 books, which is 8% of the total circulation (through ILL). Did you know that the closest book store is approximately 30 km away! Blue Heron is an active vibrant store, but would not be able to shelve the number of books needed, or order the required number of books in enough advance time, nor are they able to deliver them.

Our 3 libraries could not purchase multiple copies of books for each book club request due to finances and shelving space. We have to discard books to make room for new publications and with ILL we had the reassurance that the books we discard will still be available at larger branches somewhere in Ontario. SOLS have helped us keep our community connected with new and recently released books, best sellers list books, and our eBook collection. OLS-N have provided training and helped develop our website, as well as provide staff training in technology, cataloguing and collection development.

We feel concerned, with this unexpected cut, and if there were any further budget redirections (as seem to be anticipated) including catalogue, or the IT system, we would no longer be able to lend material. Our catalogue is administered by OLS-N. We are at risk of losing the years of work that has helped our libraries grow to where they are today. The SOLS and OLS-N services are critical for us to continue to operate the Brock Township Public Libraries.

Finally, in the London Free Press you quoted, ***“The Northern Communities and remote rural communities are the very communities that we want to deliver more services to.”***

Lets ensure our Northern Communities are not put at a further disadvantage. Durham District School Board Motto is: *Student Success, and Ignite Learning.* Our libraries strive to meet these expectations.

Eliminating these services will further isolate our community and limit the resources and services available to our residents.

Respectfully submitted by,
Wendy Rhead, Brock Township Library Board

Date:	08/05/2019
Refer to:	Council
Meeting Date:	03/06/2019
Action:	Rec & File
Notes:	
Copies to:	

853/19

Colleen Ireland, Sunderland

LIBRARY CUTS SHOW LACK OF RESPECT AND UNDERSTANDING: draft

Minister Michael Tibollo's statement that SOLS/ILLO are "arms-length agencies that have no day-to-day involvement in day-to-day operations of Ontario's public libraries" is both insulting and demonstrates lack of broader vision regarding the crucial work of those agencies. As a long time member of a rural library system in Sunderland, ON, a local Book Club member, and Chair of the local Friends of the Sunderland library fundraiser, I am dumbfounded by the complete lack of understanding of the importance of these outreach systems in maintaining the vibrancy of rural libraries. Such cuts mean lack of service, lack of resources, and inability of many to participate in much needed Book Clubs. For one, ILLO allows many to participate who cannot afford to purchase books for these clubs. The ILLO is a crucial service in allowing for regular communications between branches and thereby decreasing isolation so often experienced by more rural library systems. I shudder to think what these cuts will mean to our more northern library systems.

Beyond Book Clubs, many rural libraries have supportive "Friends of" groups which fund raise yearly to support the purchase of resources and help fund special events such as authors' visits. While volunteering to raise funds for our local libraries is a generous activity, I fear that the cuts announced will now have public considering backfilling what surely must be a corporate responsibilities. Volunteer groups should not feel obligated to fund raise for postage to get books to their local libraries. The "Public" in public library system seems to have been lost upon Minister Tibollo. The system is meant to serve the public not put rural library systems at a disadvantage by cutting funds to the SOLS/ILLO agencies.

I urge all PC MPs/ MPPs to reconsider such cuts which place unwarranted burden or strain on Library staff and volunteers to keep outreach programmes functioning as vital systems within our communities.

IT needs?

Res 4 24 Co. June 3
RTF



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

June 5, 2019

Mr. Ralph Walton, Regional Clerk
Regional Municipality of Durham
605 Rossland Road East
P.O. Box 623
Whitby, Ontario
L1N 6A3

Dear Sir:

Re: Durham Community Energy Plan

C.S. - LEGISLATIVE SERVICES

Original
To: CIP
Copy
To: CAO ✓
C.C. S.C.C. File
Take Appr. Action

This is to advise that the Council of the Township of Brock, at their meeting held on June 4, 2019, adopted a resolution to support, in principle, the Durham Community Energy Plan as per your correspondence dated May 9, 2019.

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

Yours truly,

THE TOWNSHIP OF BROCK

for Becky Jamieson
Clerk

BJ: dh



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

C.S. - LEGISLATIVE SERVICES

June 11, 2019

Hon. Steve Clark, Minister
Municipal Affairs and Housing
Via E-mail: minister.mah@ontario.ca

Original
To: CIP
Copy
To: CAO ✓
C.C. S.C.C. File
Take Appr. Action

Dear Minister:

Re: Regional Government Review

File Number: PG.25.06

At a meeting held on June 10, 2019, the Council of the Municipality of Clarington approved the following Resolution #GG-336-19:

That the following resolution of the Town of Ajax, regarding Regional Government Review, be endorsed by the Municipality of Clarington:

Whereas the Government of Ontario is undertaking a Regional Government Review to examine governance, decision-making, and service delivery functions of Ontario's 8 regional municipalities, Simcoe County, and all respective lower-tier municipalities;

And whereas the Regional Municipality of Durham ("the Region") and its 8 lower-tier municipalities continue to be leaders and advocates for good governance in the municipal sector, as is evidenced by the Region's decision to engage voluntarily in the 2015 Regional Council Composition Review, and the decision of Durham voters to elect the position of Regional Chair as of 2014;

And whereas there is a strong and proven relationship between the Region and its lower-tier municipalities in Durham, and the double-direct voting system ensures that members of both local and regional councils are well informed about all issues and concerns impacting residents;

And whereas Ajax Council ("the Town") agrees that there are opportunities for transfer of services and/or better service alignment between the Town and the Region to increase efficiencies for residents and businesses;

And whereas Ajax Council is confident that, through the Regional Government Review, the Province of Ontario will respect municipal autonomy, identity and representation;

Now therefore be it resolved that Ajax Council supports a continued two-tier municipal structure and double-direct voting system and governance model throughout Durham Region, noting that the Town is open to improving the alignment of services between the upper- and lower-tiers in order to achieve increased efficiencies;

And that this resolution be distributed to all Durham Region municipalities, the Region of Durham, the Regional Government Review Advisors, Minister Steve Clark, MPP Rod Phillips, and all Durham Region MPPs.

Yours truly,



June Gallagher, B.A.
Deputy Clerk

JG/lp

- c. Hon. Rod Phillips, MPP
Lindsay Park, MPP
David Piccini, MPP
Regional Government Review Advisors
Alexander Harras, Manager of Legislative Services/Acting Clerk, Town of Ajax
Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham
Tara Lajevardi, Deputy Clerk, East Gwillimbury

Clarington

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

June 11, 2019

Minister Caroline Mulroney
Attorney General
Via Email: attorneygeneral@ontario.ca

Dear Attorney General:

Re: Recommendation to Postpone "Come into Force" date of the Construction Act
File Number: PG.25.06

At a meeting held on June 10, 2019, the Council of the Municipality of Clarington approved the following Resolution #GG-330-19:

That the following resolution of the Region of Durham, regarding Recommendation to Postpone "Come into Force" date of the Construction Act, be endorsed by the Municipality of Clarington:

A) That the Regional Chair, in consultation with Corporate Services – Legal Services Division, be authorized to write to the Attorney General and request that:

i. the implementation of the prompt payment scheme and the implementation of a mandatory adjudication system in the Construction Act, R.S.O 1990 c. C.30 originally scheduled to come into force on October 1, 2019 be delayed until one year following the establishment of the Authorized Naming Authority; and

ii. the Province undertake to provide Municipalities with training and/or guidance on the implementation of prompt payment and adjudication for the protection and preservation of present and future public projects; and

C.S. - LEGISLATIVE SERVICES

Original
To: <i>CIP</i>
Copy
To: <i>R. Chair</i> ✓
<i>CAO</i> ✓
<i>J. Hunt</i> ✓
C.C. S.C.C. File
Take Appr. Action

B) That the Regional Clerk be directed to send a copy of Report #2019-A-15 of the Commissioner of Corporate Services, any related resolution of Regional Council and the Regional Chair's letter referenced above, to all area municipalities for them to endorse and/or prepare their own letters to the Attorney General in respect of delaying the implementation of the prompt payment and mandatory adjudication system.

Yours truly,

A handwritten signature in cursive script that reads "June Gallagher". The signature is written in black ink and is positioned above a horizontal line.

June Gallagher, B.A.
Deputy Clerk

JG/lp

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

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To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-19-106

Date of Report: May 22, 2019

Date of Meeting: May 27, 2019

Subject: City Comments on Bill 108, An Act to amend various statutes
with respect to housing, other development and various other
matters

File: D-1100

1.0 Purpose

The purpose of this report is to obtain Council approval of City comments on Bill 108, an Act to amend various statutes with respect to housing, other development and various other matters (Bill 108). Bill 108 consists of proposed amendments to the following legislation:

- 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 Labour Relations Act, 1995
- The Local Planning Appeal Tribunal Act, 2017
- The Occupational Health and Safety Act
- The Ontario Heritage Act
- The Planning Act
- The Workplace Safety and Insurance Act, 1997

For the purposes of this report to Development Services Committee, staff have commented on all of the proposed amendments other than amendments to:

- The Labour Relations Act, 1995
- The Occupational Health and Safety Act
- The Workplace Safety and Insurance Act, 1997

The changes contemplated by Bill 108 to the three above-noted Acts have no material effect on land use planning in the City of Oshawa.

Additional information on Bill 108 and the proposed amendments to the various Acts can be found at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>.

The proposed amendments to the following Acts were posted on the Province's Environmental Registry website on May 2, 2019 with comments due by June 1, 2019:

- The Planning Act (link: <https://ero.ontario.ca/notice/019-0016>);
- The Development Charges Act, 1997 (link: <https://ero.ontario.ca/notice/019-0017>); and
- The Ontario Heritage Act (link: <https://ero.ontario.ca/notice/019-0021>).

Staff are seeking authority to send City comments on the above noted Environmental Registry postings in advance of Council's endorsement of the comments in order to meet the June 1, 2019 deadline.

It is anticipated that additional proposals related to Bill 108 will be posted to the Environmental Registry for comment. If future proposals related to Bill 108 do not materially change, staff are also seeking authority to submit comments contained in this report in response to the associated proposals on the Environmental Registry.

Attachment 1 presents staff comments on proposed amendments to the Cannabis Control Act.

Attachment 2 presents staff comments on proposed amendments to the Conservation Authorities Act.

Attachment 3 presents staff comments on proposed amendments to the Development Charges Act.

Attachment 4 presents staff comments on proposed amendments to the Education Act.

Attachment 5 presents staff comments on proposed amendments to the Endangered Species Act.

Attachment 6 presents staff comments on proposed amendments to the Environmental Assessment Act.

Attachment 7 presents staff comments on proposed amendments to the Environmental Protection Act.

Attachment 8 presents staff comments on proposed amendments to the Local Planning Appeal Tribunal Act.

Attachment 9 presents staff comments on proposed amendments to the Ontario Heritage Act.

Attachment 10 presents staff comments on proposed amendments to the Planning Act.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That Report DS-19-106 dated May 22, 2019 including Attachments 1 to 10, inclusive, be endorsed as the City's comments on Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters.
2. That staff be authorized to forward Report DS-19-106 dated May 22, 2019 and any related resolution of the Development Services Committee to the Ministry of Municipal Affairs and Housing and to provide subsequent follow-up once Council has considered this matter.
3. That staff be authorized to submit comments contained in Report DS-19-106 dated May 22, 2019, related to the Development Charges Act, 1997, the Ontario Heritage Act and the Planning Act in response to the associated proposals on the Environmental Registry website and to provide subsequent follow-up once Council has considered this matter.
4. That staff be authorized to submit comments contained in Report DS-19-106 dated May 22, 2019, related to the Cannabis Control Act, 2017, the Conservation Authorities Act, the Education Act, the Endangered Species Act, 2007, the Environmental Assessment Act, the Environmental Protection Act and the Local Planning Appeal Tribunal Act, 2017 in response to any future associated proposals posted on the Environmental Registry website related to these Acts where, in the opinion of the Commissioner of Development Services, the proposals are not materially different from the amendments proposed under Bill 108.
5. That a copy of Report DS-19-106 dated May 22, 2019, and the related Council resolution be sent to the Association of Municipalities of Ontario, the Region of Durham, Durham area municipalities, Durham area M.P.P.s, the Central Lake Ontario Conservation Authority, the City's Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association (B.I.L.D.) and the Durham Region Home Builders' Association.

3.0 Executive Summary

Bill 108, an Act to amend various statutes with respect to housing, other development and various other matters, was introduced on May 2, 2019 to the Legislative Assembly of Ontario by the Minister of Municipal Affairs and Housing, and includes proposed amendments to 13 different Acts.

The proposed amendments serve, in part, to enable the proposed Housing Supply Action Plan which was also released on May 2, 2019. The Housing Supply Action Plan outlines the Province's proposed approach to addressing housing supply issues in Ontario.

Under the lead of the Ministry of Municipal Affairs and Housing and the Ministry of Tourism, Culture and Sport, the Province released three proposals for comment on the Environmental Registry in relation to the proposed Housing Supply Action Plan, which are:

- Bill 108 – (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act;
- Bill 108 – (Schedule 3) – the proposed More Homes, More Choice Act: Amendments to the Development Charges Act, 1997, and;
- Bill 108 – (Schedule 11) – the proposed More Homes, More Choice Act: Amendments to the Ontario Heritage Act.

It is anticipated that additional proposals related to Bill 108 will be posted to the Environmental Registry for comment. This Department recommends that the comments in this report on Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters, be endorsed as the City's comments.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- City Manager
- Finance Services
- Legal Services
- Central Lake Ontario Conservation Authority

Owing to the timing of the posting on the E.B.R. versus the scheduling of meetings of the Oshawa Environmental Advisory Committee (O.E.A.C.) and Heritage Oshawa, it was not possible to obtain O.E.A.C. and Heritage Oshawa comments to inform this report.

Staff provided a copy of Bill 108 and Report DS-19-NNN dated May 22, 2019 to O.E.A.C. and Heritage Oshawa members and advised committee members to submit their comments directly to the Province by the June 1, 2019 deadline.

5.0 Analysis

5.1 Increasing Housing Supply Consultation Document

On November 28, 2018, under the lead of the Ministry of Municipal Affairs and Housing, the Province posted the Increasing Housing Supply in Ontario consultation document to the Environmental Registry to inform the development of an action plan to help increase the supply of ownership and rental housing in Ontario. The consultation document discussed five broad themes related to barriers to new housing supply, namely:

1. Speed: it takes too long for development projects to get approved;
2. Mix: there are too many restrictions on what can be built to get the right mix of housing where it is needed;

3. Cost: development costs are too high because of high land prices and government-imposed fees and charges;
4. Rent: it is too hard to be a landlord in Ontario, and tenants need to be protected; and
5. Innovation: other concerns, opportunities and innovations to increase housing supply.

The Increasing Housing Supply in Ontario consultation document served to advance the preparation of the Province's Housing Supply Action Plan (the "Plan"). With the release of the proposed Plan on May 2, 2019, it is now appropriate to provide input to the Province.

5.2 Housing Supply Action Plan

The Plan is predicated on a vision that, "all Ontarians can find a home that meets their needs and budget". Furthermore, the proposed Plan seeks to:

- Cut red tape to make it easier to build the right types of housing in the right places;
- Make housing more affordable; and
- Help taxpayers keep more of their hard-earned dollars.

Additional information on the proposed Plan can be found at the following link:
<https://files.ontario.ca/mmah-housing-supply-action-plan-en-2019-05-02.pdf>.

The proposed Plan is also complemented by the Province's Community Housing Renewal Strategy, which outlines the Province's approach to improve community housing across the province. Objectives of this strategy include:

- Helping tenants become economically self-sufficient;
- Making it easier to predict and calculate rent;
- Shortening waiting lists;
- Helping people in greatest need; and
- Making community housing safer.

Additional information on the Province's Community Housing Renewal Strategy can be found at the following link: <https://www.ontario.ca/page/community-housing-renewal-strategy>.

The five themes discussed in the Increasing Housing Supply in Ontario consultation document were used to advance and inform the proposed Housing Supply Action Plan's Five-Point Plan to address housing supply in the Province. Accordingly, the five-point plan focuses on the following elements:

1. Speed: maintain Ontario's strong environmental protections, while making the development approvals process faster;
2. Cost: make costs more predictable, to encourage developers to build more housing;
3. Mix: make it easier to build different types of housing – from detached houses and townhomes to mid-rise rental apartments, second units and family-sized condos;

4. Rent: protect tenants and make it easier to build rental housing; and
5. Innovation: encourage more innovation and creativity in Ontario's housing sector and make sure government is not standing in the way.

5.2.1 Current Initiatives

The proposed Plan identifies the following actions that have been undertaken by the Provincial government to address housing related issues:

- More choice for renters: exempted new rental units from rent control to encourage new rental construction so that there can be more choice for tenants;
- Cost-effective building: committed to increase the use of timber in the home building industry, including training architects, engineers and skilled trades to work with wood and encourage mass timber demonstration projects;
- Investing in infrastructure: improve Ontario's roads and bridges, increase the capacity of our transit systems and improve community, cultural and recreational facilities across the province through the \$30 billion bilateral infrastructure program. Additional information on the infrastructure program can be found at the following link: <https://news.ontario.ca/moi/en/2019/03/ontario-launches-30-billion-infrastructure-funding-program.html>.
- Improving transportation networks: invested in transit across the province, including improved service for transit users and commuters as well as the reveal of our government's transit vision. Additional information on the Transportation Vision can be found at the following link: <https://news.ontario.ca/opo/en/2019/04/premier-ford-unveils-transportation-vision.html>.
- Greater Golden Horseshoe: updating A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

5.2.2 Next Steps

The proposed Plan identifies various actions the Province is currently undertaking to address housing related issues in Ontario.

The following proposed changes are included in proposed amendments to legislation under Bill 108.

5.2.2.1 Proposed changes to the Planning Act

The proposed changes to the Planning Act are intended to achieve the following:

- Bring housing to market faster by speeding up local planning decisions and making the appeals process more efficient;
- Make it easier for homeowners to create residential units above garages, in basements and in laneways;

- Help build housing, including affordable housing, near transit;
- Help municipalities implement community planning permit systems (e.g. in major transit station areas and provincially significant employment zones), which will streamline planning approvals to 45 days;
- Simplify how funds are collected for community benefits such as parks and daycares;
- Make upfront development costs easier to predict; and
- Give communities and developers more certainty on what they can build, and where they can build it.

5.2.2.2 Proposed changes to the Local Planning Appeal Tribunal Act

The proposed changes to the Local Planning Appeal Tribunal Act are intended to achieve the following:

- Hire more adjudicators to help address the backlog of legacy cases by investing \$1.4 million in 2019-20;
- Ensure the tribunal has the powers and resources needed to make more timely decisions;
- Allow the tribunal to make the best planning decisions in the place of Council; and
- Charge different fees and move towards a cost recovery model, while allowing community groups and residents to maintain affordable access to the appeals process.

5.2.2.3 Proposed changes to the Development Charges Act, 1997

The proposed changes to the Development Charges Act, 1997 are intended to achieve the following:

- Reduce the costs to build priority housing types, such as second units;
- Fully cover municipalities' waste diversion costs; and
- Make the costs of development clear from the outset. This will protect new home buyers, as development charges are often passed directly on to the consumer.

5.2.2.4 Proposed changes to the Education Development Charge framework

The proposed changes to the Education Act are intended to achieve the following:

- Allow only modest increases in education development charges to help make housing more affordable; and
- Allow for innovative and lower-cost alternatives to site acquisition.

5.2.2.5 Proposed changes to the Ontario Heritage Act

The proposed changes to the Ontario Heritage Act are intended to achieve the following:

- Maintain local control over heritage conservation decisions, while providing clear direction and timelines for local decision-makers, heritage professionals and development proponents about protecting heritage properties; and
- Create a consistent appeals process.

5.2.2.6 Proposed changes to the Environmental Assessment Act and the Environmental Protection Act

The proposed changes to the Environmental Assessment Act and the Environmental Protection Act are intended to achieve the following:

- Address duplication and streamline processes for projects that pose little risk to the environment;
- Provide clarity to proponents from the outset by better recognizing other planning processes;
- Reduce the amount of soil sent to landfill from construction sites, by making it easier and safer to reuse soil and penalizing those who illegally dump excess soil;
- Clarify the rules and remove unnecessary barriers to building on vacant land, to put prime land back to good use while protecting the environment and human health; and
- Improve service standards to reduce delays.

5.2.2.7 Proposed changes to the Conservation Authorities Act

The proposed changes to the Conservation Authorities Act are intended to achieve the following:

- Clearly define conservation authorities' core programs and services, such as flood protection, and only require municipalities to pay for these services, not frivolous additional expenses;
- Give municipalities more say over non-core programs and services and how municipalities pay for them;
- Streamline and standardize conservation authorities' role in municipal planning to reduce overlap, making approvals faster and less expensive; and
- Improve governance and accountability.

5.2.2.8 Proposed changes to the Endangered Species Act

The proposed changes to the Endangered Species Act are intended to achieve the following:

- Make it easier to harmonize the Endangered Species Act with other equivalent legislation;
- Establish Canada's first Species at Risk Conservation Trust so project proponents can support strategic, coordinated and large scale actions instead of completing piecemeal requirements for permits, agreements and regulatory exemptions;
- Offer more certainty by improving processes;
- Provide clarity on how protected species are identified and transparent rules on how to protect habitat; and
- Support a modern ecosystem-wide approach to species protection, one that balances competing interests, that is effective and efficient.

5.3 Bill 108

On May 2, 2019, the Minister of Municipal Affairs and Housing introduced Bill 108 to the Legislative Assembly of Ontario, which passed first reading. Bill 108 includes amendments to the following legislation:

- 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 Labour Relations Act, 1995
- The Local Planning Appeal Tribunal Act, 2017
- The Occupational Health and Safety Act
- The Ontario Heritage Act
- The Planning Act
- The Workplace Safety and Insurance Act, 1997

On May 8, 2019, Bill 108 was introduced for second reading debate and was further debated on May 9, 2019 and May 13, 2019. All bills introduced in the House must be debated for a minimum of 6.5 hours before being referred to Committee.

The current status of Bill 108 is second reading debate.

5.4 Staff Comments

Staff have provided comments on proposed amendments to the following provincial legislation as it relates to land use planning:

- Staff comments on the proposed amendments to the Cannabis Control Act can be found in Attachment 1.
- Staff comments on the proposed amendments to the Conservation Authorities Act can be found in Attachment 2.
- Staff comments on the proposed amendments to the Development Charges Act can be found in Attachment 3.
- Staff comments on the proposed amendments to the Education Act can be found in Attachment 4.
- Staff comments on the proposed amendments to the Endangered Species Act can be found in Attachment 5.
- Staff comments on the proposed amendments to the Environmental Assessment Act can be found in Attachment 6.
- Staff comments on the proposed amendments to the Environmental Protection Act can be found in Attachment 7.
- Staff comments on the proposed amendments to the Local Planning Appeal Tribunal Act can be found in Attachment 8.
- Staff comments on the proposed amendments to the Ontario Heritage Act can be found in Attachment 9.
- Staff comments on the proposed amendments to the Planning Act can be found in Attachment 10.

Where appropriate, staff have also recommended support or opposition to the proposed amendments to the following legislation which relates to the core business of Development Services:

- The Conservation Authorities Act
- The Development Charges Act
- The Local Planning Appeal Tribunal Act
- The Ontario Heritage Act
- The Planning Act

City of Oshawa staff have considered the proposed amendments under Bill 108 and, in addition to the specific comments listed in the attachments to this report, provide the following additional general comments:

- Bill 108 was introduced to the Ontario Legislative Assembly on the same day as the Environmental Registry postings concerning the proposed amendments to the Development Charges Act, the Ontario Heritage Act and the Planning Act. Staff note that this limits the opportunity for the public to provide fulsome comments, and that the Province should seek additional consultation on the proposed amendments.
- The Environmental Registry postings concerning the proposed amendments to the Development Charges Act, the Ontario Heritage Act and the Planning Act only provide for a 30-day consultation period. Staff note that it is challenging to conduct a fulsome review including obtaining comments from municipal advisory committees and reporting to municipal standing committees and Council in a 30-day period.
- Bill 108 proposes amendments to 13 different Acts. Staff note that clearly defined transitional provisions are required for municipalities and stakeholders.

6.0 Financial Implications

There are no financial implications associated with the comments in this report. However, it is not clear how the proposed amendments in Bill 108 will impact taxpayers and the City's financial resources.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendations advance the Economic Prosperity and Financial Stewardship, Accountable Leadership and Cultural Vitality goals of the Oshawa Strategic Plan.



Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Staff Comments on Proposed Amendments to the Cannabis Control Act

Policy	Description	Staff Comments
Subsection 18 (3.1)	Subsection 18 (3.1) "No entry" is proposed to be added to prohibit persons from entering or attempting to enter closed premises during the closure. Note: an exception to the bar entry is added in subsection 18 (3.2) for police officers and other emergency responders, in exigent circumstances.	No comment.
Subsection 18 (7)	Subsection 18 (7) under "Interim closure of premises – non-application" which provides that section 18 does not apply to premises used for residential purposes, is proposed to be repealed.	Staff note that this amendment repeals a provision that exempted residences from interim closure orders. This will eliminate the loophole of putting a residential unit within an illegal cannabis dispensary to avoid closure.
Subsection 21.1	Subsection 21.1 "Obstruction" is proposed to be added to provide for a general prohibition on obstructing police officers and other persons enforcing the Act.	No comment.
Subsection 23 (2)	Subsection 23 (2) "Penalties" is proposed to be amended to add minimum penalty amounts.	Staff note that this amendment adds a minimum penalty amount, as it relates to unlawful sale, distribution, and landlords. This may help discourage illegal cannabis dispensaries.
Section 25	Section 25 "Order to close premises" is proposed to be amended to authorize court-ordered closure of premises in specified circumstances following conviction.	No comment.

Staff Comments on Proposed Amendments to the Conservation Authorities Act

Policy	Description	Staff Comments
Section 14.1	Section 14.1 “Members of authority” is proposed to be amended to clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority.	<p>Staff note that under Section 2(3) of the Act, Board representatives have the authority to vote and generally act on behalf of their respective municipalities.</p> <p>Staff further note that board members who are appointed as representatives of a stakeholder group should ensure that representing their stakeholder group does not conflict with acting in the best interest of the conservation authority.</p> <p>Staff support the proposed amendment to clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority.</p>
Section 21.1	<p>Section 21.1 “Mandatory programs and services” is proposed to be amended to provide a list of specific programs and services that are required to be provided by an authority, which are:</p> <ol style="list-style-type: none"> 1. Natural hazard protection and management; 2. Conservation and management of conservation authority lands; 3. Drinking water source protection; and 4. Protection of the Lake Simcoe watershed. 	<p>Staff note that the Province has identified four core programs and services to be provided by conservation authorities.</p> <p>Staff further note that watershed management is not identified as a core program area, and recommend that this considered as a key component required to carry out the core program areas.</p> <p>Staff support the proposed core program areas, as they have been key components of conservation authority programming in the past.</p> <p>Staff recommend that the Province consult with conservation authorities and other stakeholders on the development of the regulations outlining the requirements for the identified core program areas.</p>

Policy	Description	Staff Comments
Section 21.1.2	<p>Section 21.1.1.2 “Other programs and services” is proposed to be amended to provide that for programs and services that do not fall within the core program areas, that the conservation authority and the municipality enter into agreements for the delivery of non-mandatory programs and services. A transition period will be established (e.g. 18 to 24 months) for conservation authorities and municipalities to enter into agreements.</p>	<p>Staff note that increased transparency would be accomplished through service agreements with municipalities that clearly define non-mandatory programs and services that will be provided by the conservation authority with municipal funding.</p> <p>Staff further note that some municipalities will have to work with multiple conservation authorities, and that the transition period for agreements should allow time for the agreements to be endorsed by Councils and Boards.</p> <p>On April 29, 2013, Council endorsed the Partnership Memorandum between the City and the Central Lake Ontario Conservation Authority for Plan Review services.</p> <p>As a result, staff support the use of service agreements for non-mandatory programs and services provided by a conservation authority, to increase transparency and clearly define roles and responsibilities.</p>
Section 23.1	<p>Section 23.1 “Information required by Minister” is proposed to be amended to enable the appointment of an investigator to investigate or undertake an audit and report on a conservation authority.</p>	<p>Staff note that the ability to appoint an investigator, when warranted, will contribute to improved transparency.</p> <p>Staff support the ability for the Minister to appoint an investigator. However, it will be important to define clear rules to ensure that there is a justifiable need for an investigation.</p> <p>Staff recommend that the Province determine the circumstances and establish mechanisms for the Ministry and/or municipalities to intervene, when necessary, in conservation authorities’ operations.</p>

Policy	Description	Staff Comments
Section 27.2	<p>Section 27.2 "Other amounts owing to authority – specified municipality" is proposed to be added to authorize a conservation authority to determine the amounts owed by "specified municipalities" in connection with the programs and services the authority provides in respect of the <i>Clean Water Act, 2006</i> and <i>Lake Simcoe Protection Act, 2008</i>.</p>	<p>Staff note that the proposed amendments to this section will allow for clarity and consistency in fees charged and increase conservation authority transparency.</p> <p>Staff support the proposed amendments to increase transparency and clarify permitting actions related to conservation authority fees.</p> <p>Staff recommend that the determination of classes of programs of services for which an authority may charge be informed by discussions between the Province, conservation authorities, municipalities, the building and development industry and the public.</p>

Staff Comments on Proposed Amendments to the Development Charges Act, 1997

Policy	Description	Staff Comments
Subsection 2(4)	Subsection 2(4) "Ineligible services" is proposed to be amended to set out the only services in respect of which a development charge by-law may impose development charges. The services are those set out in current subsection 5 (5), which is proposed to be repealed, and waste diversion services.	<p>Staff note that "soft services" including administration, fire protection, transportation, operations, watercourse improvements, parks, recreation and trails and libraries will no longer be eligible for development charges, but may be included as a new Community Benefits Charge, under Sections 26, 34 or 41 of the Planning Act. What is unclear is what happens on a go forward basis to funds that have already been collected for soft services.</p> <p>Staff further note that the proposed amendments will shift the development costs for soft services from the Development Charges Act to the Planning Act. Staff recommend that this provision remain in the Development Charges Act.</p>
Section 26.1	Section 26.1 "When a development charge is payable" is proposed to be added to set out rules for when a development charge is payable in respect of five types of development: rental housing, institutional, industrial, commercial and non-profit housing. Unless certain exceptions apply, the charge is payable in six annual installments beginning on the earlier of the date of permit issuance and the date the building is	<p>Staff require additional information on the proposed amendments to Sections 26, 34 and 41 of the Planning Act that relate to Community Benefits charges in order to assess the impact of the proposed amendments to this subsection.</p> <p>Staff note that the delay in receiving revenue from development charges will impact municipal cash flow as the cost of goods and services may increase over the five-year period. In addition, the proposed amendment to this section does not clearly define rental housing and non-profit housing.</p> <p>Staff note that Oshawa's current Development Charge By-law has a non-statutory exemption for non-profit housing.</p>

Policy	Description	Staff Comments
	<p>first occupied, continuing on the following five anniversaries of that date.</p> <p>Section 52 "Non-parties bound by agreement" is proposed to be amended to set out equivalent rules in respect of these types of development in the context of non-parties to a front-ending agreement.</p>	<p>It is noted that the proposed amendments do not provide a clear path for municipalities to collect funds if the use does not pay taxes, or to collect overdue payments.</p> <p>Staff further note that the requirement to manage multiple-year collections for building permits issued for each rental housing, non-profit housing and commercial/industrial/institutional development will increase municipal staff requirements and increase opportunities for administrative errors.</p> <p>Staff require additional information and effective mechanisms (i.e. criteria for developers to receive a five-year payment period) to ensure that municipalities are protected in order to assess the impact of the proposed amendments to this section.</p>
Section 26.2	<p>Section 26.2 "When amount of development charge is determined" is proposed to be added to set out rules for when the amount of a development charge is determined. The amount is determined based on the date of an application under Section 41 of the Planning Act (site plan control area) or, if there is no such application, on the date of an application under Section 34 of the Planning Act (zoning by-laws). If neither such application has been made, the amount continues to be determined in accordance with Section 26 of the Act. If a specified period of time has elapsed since the approval of the subject development application, the amount continues to be determined in accordance with Section 26 of the Act.</p>	<p>Staff note that locking in the development charge rates well in advance of the building permit issuance would produce a shortfall in revenue, as the chargeable rates will not reflect the current rate as of the time the development is built.</p> <p>Staff further note that the proposed amendment does not clearly define what constitutes "a specified period of time". This is problematic as municipalities may have approved development applications that date back to the 1990s that have not yet been built.</p> <p>It is also unclear as to what rules would apply in circumstances of multiple rezoning applications on the same site. It is equally unclear on the impact of the proposed amendments to the City's current Development Charge By-</p>

Policy	Description	Staff Comments
		<p>law Background Study which is expected to conclude in June of 2019.</p> <p>As a result, staff do not support the proposed amendments to Section 26.2.</p> <p>Staff recommend that the status quo be maintained which requires payment of Development Charges at the time of issuance of a building permit. This is fair and equitable to the development community and ensures the municipality collects an appropriate amount of revenue to provide growth-related capital infrastructure.</p> <p>Staff also continue to support the fiscally responsible position that growth must pay for growth.</p>

Staff Comments on Proposed Amendments to the Education Act

Policy	Description	Staff Comments
Section 195	Section 195 "Dealings with Property" is proposed to be amended to require a school board to give notice to the Minister if it plans to acquire or expropriate land and to allow the Minister to reject the board's plans.	<p>Staff note that the amendments to this section limit a school board's ability to acquire or expropriate land.</p> <p>Staff further note that additional information is required to determine the grounds on which the Minister may reject a school board's plans to acquire or expropriate land.</p>
Section 257.53.1	Section 257.53.1 "Alternative project" is proposed to be added to provide for alternative projects that, if requested by a board and approved by the Minister, would allow the allocation of revenue from education development charge by-laws for projects that would address the needs for the board for pupil accommodation and would reduce the cost of acquiring land.	<p>Staff note that the amendments to this section may help school boards implement alternative projects that advance their core business.</p> <p>Staff further note that additional information is required to define alternative projects and to determine which alternative projects may be eligible to receive an allocation of revenue from education development charges.</p>
Section 257.53.2	Section 257.53.2 "Exemption for localized education development agreement" is proposed to be added to provide for localized education development agreements that, if entered into between a board and an owner of the land, would allow the owner to provide a lease, real property or other prescribed benefit to be used by the board to provide pupil accommodation in exchange for the board agreeing not to impose education development charges against the land.	<p>Staff note that the amendments to this section may encourage school boards to foster partnerships with local land owners for the extended use of their land or facilities, as an alternative to educational development charges.</p>

Staff Comments on Proposed Amendments to the Endangered Species Act

Policy	Description	Staff Comments
Subsection 7 (4)	Subsection 7 (4) "Species at Risk in Ontario List" is proposed to be amended to extend the time frame for making the regulation from 3 months to 12 months after receiving the Committee on the Status of Species at Risk in Ontario (COSSARO) report.	<p>Staff note that this amendment will extend the time frame for the Minister to make a regulation from 3 months to 12 months after receiving the COSSARO report.</p> <p>Staff further note depending on the results of the COSSARO report, this may be problematic for species that have become more endangered or threatened and require immediate consideration.</p>
Subsection 8 (3) and (4)	Subsections 8 (3) and (4) are proposed to be amended to provide that, once the Minister requests that COSSARO reconsider the classification of a species set out in a report to the Minister, the requirement to make a regulation under section 7 within 12 months of receiving that report no longer applies. The 12-month period will only begin to run once COSSARO submits a second report to the Minister.	<p>Staff note that if the Minister requests that COSSARO reconsider the classification of a species, that the 12 month requirement to make a regulation upon receiving that report would no longer be reasonable.</p> <p>Staff further note that the 12-month period may be problematic if, based on the second COSSARO report, a species is determined to be more endangered or threatened than previously reported.</p>
Section 8.1	Section 8.1 "Ministerial requirements" is proposed to be amended to allow the Minister, by regulation, make an order when a species is listed on the Species at Risk in Ontario List (SRO List) as an endangered or threatened species for the first time. The order would temporarily suspend all or some of the prohibitions in subsections 9 (1) and 10 (1) of the Act with respect to the species for a period of up to three years.	<p>Staff note that this amendment will limit the prohibitions under subsections 9 (1) and 10 (1) when a species is on the SRO List for the first time.</p> <p>Staff further note that additional information is required to determine which specific prohibitions</p>

Policy	Description	Staff Comments
Section 8.2	<p>Section 8.2 “Delay of prohibitions upon initial listing” is proposed to be added to provide that, for a period of one year after a species is listed for the first time on the Species at Risk in Ontario List as an endangered or threatened species, some of the prohibitions under subsection 9 (1) or 10 (1) will not apply to persons who were issued permits or otherwise authorized under the Act to engage in activities before the species was so listed. This one-year delay applies in addition to any order made under Section 8.1 that temporarily suspends the relevant prohibitions for a period of up to three years.</p>	<p>under subsections 9 (1) and 10 (1) will be permitted.</p> <p>Staff note that this amendment will limit the prohibitions under subsections 9 (1) and 10 (1) to those who were issued permits or authorized to engage in the listed activities for a period of one year after the species is on the SRO List.</p> <p>Staff further note that additional information is required to determine which specific prohibitions under subsections 9 (1) and 10 (1) will be permitted.</p>
Subsection 9 (1)	<p>Subsections 9 (1.2) to (1.4) under “Protection and Recovery of Species” are proposed to be added to give the Minister the ability to make regulations limiting the application of the prohibitions with respect to a species. The limitations may relax the prohibitions in various ways, including by indicating that some of the prohibitions do not apply, by limiting the geographic areas in which they apply or by providing that the prohibitions only apply to the species at a certain stage of their development.</p>	<p>Staff note that this amendment allows the Minister to make regulations limiting the application of the prohibitions in subsection 9 (1) with respect to a species.</p> <p>Staff further note that additional information is required to determine on what grounds the Minister may limit the application of the prohibitions in subsection 9 (1).</p>
Section 16.1	<p>Section 16.1 “Landscape agreements” is proposed to be added to allow the Minister to enter into landscape agreements with persons. A landscape agreement authorizes a person to engage in activities that would otherwise be prohibited under Section 9 or 10 with respect to one or more species that are listed on the Species at Risk in Ontario List as endangered or threatened species. The person so authorized is required under the agreement to execute specified beneficial actions that will assist in the protection or recovery of one or more species. The</p>	<p>Staff note that the proposed landscape agreements will authorize activities that would otherwise be prohibited with respect to one or more listed species, specifically under Sections 9 and 10.</p> <p>Staff further note that additional information is required to determine on what grounds a</p>

Policy	Description	Staff Comments
	<p>agreement applies only to the geographic area specified in the agreement. The species impacted by the authorized activities are not necessarily the same as the species that benefit from the beneficial actions. The agreement may only be entered into if specified criteria are met.</p>	<p>landscape agreement will be entered into, and to define "beneficial actions".</p> <p>Staff recommend that specified beneficial actions to the benefit of one species should not negatively impact a different species. More detail should be added to clarify.</p> <p>Staff further recommend that the Minister should consult with the local municipality and conservation authority before entering into a landscape agreement.</p>
Section 18	<p>Section 18 "Instruments under other Acts" is proposed to be amended to provide that the person authorized to engage in the regulated activity may carry out the activity, despite Section 9 or 10, provided certain conditions are met. The conditions require that the regulated activity itself be prescribed by regulations under subsection 18 (3) for the purposes of the section, that the species affected by the regulated activity be similarly prescribed and that other conditions set out in those regulations be met.</p>	<p>Staff note that this amendment will allow an authorized person to engage in activities that are regulated under other Ontario or federal legislation, but prohibited under Section 9 or 10 of this Act, provided that certain conditions are met.</p> <p>Staff further note that additional information is required to further scope the matter and determine which specific activities under Sections 9 and 10 will be permitted, provided that certain conditions are met.</p>
Sections 20.1 to 20.18	<p>Sections 20.1 to 20.18 under "Species at Risk Conservation Fund" are proposed to be added to provide for the establishment of the Species at Risk Conservation Fund and of 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. The primary source of money for the Fund are species conservation charges that certain persons may be required to pay into the Fund under the Act. Those persons are</p>	<p>Staff note that the Species at Risk Conservation Fund will provide funding to activities that are likely to protect and recover species at risk. For municipal works or developments that damage a habitat, a charge in lieu of meeting certain conditions would be possible with a permit. However the municipality or developer would still be required to minimize impacts and seek alternatives.</p>

Policy	Description	Staff Comments
	<p>required to pay the charge as a condition of a permit or other authorization issued or entered into under the Act. Were it not for the permit or authorization, those activities would be prohibited under Section 9 or 10 of the Act with respect to species that are designated by the regulations.</p>	<p>Staff further note that additional information is required to determine the grounds on which a permit will be issued to allow for the damage or destruction of a habitat.</p>
Section 27.1	<p>Section 27.1 "Species protection order" is proposed to be added to give the Minister the power to order a person to not engage in an activity or to stop engaging in an activity that may have a significant adverse effect on a species listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species. The order may also require the person to take steps to address the adverse effect of the activity.</p>	<p>Staff note that the "species protection order" will help protect species that are endangered or threatened.</p> <p>Staff support the amendment to give the Minister the authority to issue a species protection order as a means of protecting species that are threatened or endangered.</p>
Sections 55 to 57	<p>Sections 55 to 57 are proposed to be amended to provide that some regulations are made by the Lieutenant-Governor in Council and others made by the Minister. Section 57 would prevent certain regulations from being made unless the Minister is satisfied that the regulation is not likely to jeopardize the survival in Ontario of a species listed on the Species at Risk in Ontario List as an endangered or threatened species or to have any other significant adverse effect on such a species.</p>	<p>No comment.</p>

Staff Comments on Proposed Amendments to the Environmental Assessment Act

Policy	Description	Staff Comments
Section 11.4	Section 11.4 "Reconsiderations of decisions" as well as Section 12.4 "Transition" are proposed to be amended to provide that Section 11.4 applies in respect of environmental assessments that were prepared under the predecessor of Part II of the Act.	No comment.
Section 15.3	<p>Section 15.3 "Non-application of Act, certain undertakings" is proposed to be added to provide that a Class Environmental Assessment (Class E.A.) may exempt specified categories of undertakings within the class from the Act, based on evaluation criteria specified within one of the following Class E.A.s:</p> <ol style="list-style-type: none"> 1. Class E.A. for MNR Resource Stewardship and Facility Development Projects; 2. Class E.A. Process for Management Board Secretariat and Ontario Realty Corporation; 3. Class E.A. for Provincial Parks and Conservation Reserves; 4. Class E.A. for Activities of the Ministry of Northern Development and Mines under the Mining Act; and 5. Class E.A. for Minor Transmissions Facilities of Hydro One. 	<p>Staff note that the new Section 15.3 exempts certain undertakings within five identified types of Class E.A. based on certain evaluation criteria specified in each type of E.A.</p> <p>Staff further note that the Class E.A. for Municipal Infrastructure Projects is not included in subsection 15.3 (3), and should be considered.</p>
Section 15.4	Section 15.4 "Amendment of an approved class environmental assessment" is proposed to be added to provide a new process governing amendments to approved class environmental assessments. This includes enabling the Minister of the Environment, Conservation and Parks to exempt other undertakings from the Act by amending class environmental assessments and providing rules governing those amendments, including requirements for public consultation.	<p>Staff note that the new Section 15.4 allows the Minister to amend an approved Class E.A.</p> <p>It is noted that additional information is required to determine the grounds on which the Minister may amend an approved Class E.A. and to further define "adequate public notice" under subsection 15.4 (2).</p>

Policy	Description	Staff Comments
Section 16	<p>Section 16 "Order to comply with Part II" is proposed to be amended to add several new subsections to Section 16 of the Act, and accomplish the following:</p> <ul style="list-style-type: none"> • The amendments would limit the Minister's ability to issue such orders to only prevent, mitigate or remedy adverse impacts on constitutionally protected aboriginal or treaty rights or a prescribed matter of provincial interest. The amendments would also provide that the Minister must make an order within any deadlines as may be prescribed and should the Minister fail to do so, that written reasons be provided. • The amendments impose limitations on persons making requests for orders under Section 16 by requiring that the person be a resident of Ontario and make the request within a prescribed deadline. • The amendments to Section 16 would also require the Director to refuse any requests for an order under Section 16 that do not comply with the applicable criteria: <ul style="list-style-type: none"> ○ Raises an issue related to the existing aboriginal and treaty rights; or 	<p>Staff further note that the proposed amendments to this section enable the Minister to exempt amendments to an approved class E.A. from further public consultation. For example, this would be problematic in the case of the Lakeshore East GO Rail Extension in Oshawa, as it would limit public participation in the planning process.</p> <p>Staff note that the amendments to this section would limit the Minister's ability to issue orders to comply with Part II "Environmental Assessments" to matters relating to constitutionally protected aboriginal or treaty rights or a prescribed matter of provincial interest.</p> <p>Staff further note that a request for an order under subsection 16 (5) has been limited from any person to a resident of Ontario. Further, requests for orders must either raise an issue related to existing aboriginal and treaty rights, or be made by a qualified person. Staff recommend that a "person who is qualified to make the request" be further defined.</p>

Policy	Description	Staff Comments
	<ul style="list-style-type: none"> ○ Is made by a person who is qualified to make the request. • The amendments further update the name of the Minister and Ministry, make complementary amendments governing the preparation of new class environmental assessments, set out transitional provisions related to the new Section 15.4 and amendments to Section 16, and provide complementary amendments to the Minister's delegation powers and the authority of the Lieutenant Governor in Council to make regulations. 	

Staff Comments on Proposed Amendments to the Environmental Protection Act

Policy	Description	Staff Comments
Part V.1	<p>Part V.1 "Vehicle Permits and Number Plates" is proposed to be amended to provide that a provincial officer may seize the number plates for a vehicle, including number plates issued by an authority outside Ontario, if he or she reasonably believes that the vehicle was used or is being used in connection with the commission of an offence and the seizure is necessary to prevent the continuation or repetition of the offence. The provincial officer is required to provide notice of the seizure to the driver, the owner of the vehicle and the Registrar of Motor Vehicles under the Highway Traffic Act. The notice must specify a prohibition period, not exceeding 30 days. During the prohibition period, the Registrar is prohibited from taking various steps, including the issuing of number plates to the holder of the permit for the vehicle.</p> <p>In addition, if a person is convicted of an offence, the court may make orders in respect of the permit and number plates for any vehicle that the court is satisfied was used in connection with the commission of the offence. The clerk of the court is required to notify the Registrar and the Registrar is required to take appropriate steps to give full effect to the order.</p>	No comment.
Section 182.3	Section 182.3 "Administrative penalties" is proposed to be amended to broaden the scope of administrative penalties and to provide that they may be prescribed by the regulations.	Staff note that broadening the scope of administrative penalties to any requirement or order under the Act, would improve the natural protection and conservation of the natural environment in Ontario.

Staff Comments on Proposed Amendments to the Local Planning Appeal Tribunal Act, 2017

Policy	Description	Staff Comments
<p>Sections 32 and 33</p>	<p>Sections 32 "Rules" and 33 "Powers of Tribunal re proceedings" are proposed to be amended to provide that, in certain circumstances, participation in alternative dispute resolution processes is mandatory by the parties.</p>	<p>Staff note that alternative dispute resolution processes are generally preferred to minimize costs and resolve matters sooner.</p> <p>Staff support the proposed amendment to provide for the participation in alternative dispute resolution processes by the parties.</p>
<p>Subsection 33 (2.1)</p>	<p>Subsection 33 (2.1) under "Powers of Tribunal re proceedings" is proposed to be added to empower the Tribunal to limit any examination or cross-examination of a witness if:</p> <ul style="list-style-type: none"> • The Tribunal is satisfied that all matters relevant to the issues in the proceeding have been fully or fairly disclosed; or • Any other circumstances the Tribunal considers fair and appropriate. 	<p>Staff note that the L.P.A.T. Act currently prevents any party from adducing evidence or calling or examining witnesses at an oral hearing of certain planning appeals. The interpretation of this restriction is controversial and has made its way up to the Divisional Court from the Tribunal's decision at the first Case Management Conference (C.M.C.); a decision which may be moot, depending on the transition provisions for Bill 108. The proposed amendments to the L.P.A.T. Act remove this restriction but also specifically grant the Tribunal the power to limit the examination or cross-examination of a witness in appropriate circumstances.</p> <p>It is noted that the proposed amendments to examination and cross-examination would align the L.P.A.T.'s procedure with the Statutory Powers and Procedures Act, as well as with other boards and tribunals in Canada. The proposed amendments would allow the evidence before the Tribunal to be fully tested, especially when there are competing expert opinions, while enabling the Tribunal to limit unnecessary or repetitive evidence to ensure that hearings remain efficient and cost-effective.</p> <p>The proposed amendments would give the Tribunal the power to limit any examination or cross-examination if it is satisfied that all relevant information</p>

Policy	Description	Staff Comments
		<p>and/or issues have been fully disclosed and any other circumstances the Tribunal considers fair and appropriate.</p> <p>Staff require additional information on the proposed amendments to this section, as it is unclear as to how much weight municipal decisions will continue to have under the proposed structure.</p>
Section 33.2	<p>Section 33.2 under "Power to examine" is proposed to be added to limit submissions by non-parties to a proceeding before the Tribunal to written submissions only. Subsection 33 (2) is amended to confirm that such non-parties may still be examined or required to produce evidence by the Tribunal.</p>	<p>Staff note that the proposed amendments to this section would limit submissions to the Tribunal by non-parties to written submissions only, whereas under the former O.M.B. procedures, non-parties were also permitted to provide oral evidence submissions.</p> <p>Staff further note that the list of persons for which the Tribunal can examine or require to produce evidence has been narrowed to those persons who are actively involved in the proceeding.</p> <p>As a result, staff do not support the proposed amendments to this section, as it restricts public participation in the planning process.</p>
Section 36	<p>Section 36 "Stating case for opinion of Divisional Court" is proposed to be repealed.</p>	<p>Staff note that the proposed amendments to this section repeal the Tribunal's power to state a question of law to the Divisional Court, which minimizes flexibility and increases the threshold for municipalities to appeal a decision.</p> <p>Staff require additional information on the proposed amendment to this section, as it is unclear how it will translate into practice and impact municipalities.</p>
Sections 38 and 42	<p>Section 38 "Application of section" and 42 "Oral hearings" are proposed to be repealed. Section 33.1 is proposed to be added, which requires a C.M.C. in certain such appeals.</p>	<p>Staff note that the proposed amendments maintain the requirement that the Tribunal hold a C.M.C. for certain <i>Planning Act</i> appeals. Mandatory C.M.C.s add further structure to the former O.M.B. practice of requiring pre-hearing conferences for more complex matters to help identify parties, focus issues and set deadlines for the hearing. C.M.C.s are generally helpful in facilitating a more efficient hearing and appear to be in line with the</p>

Policy	Description	Staff Comments
Subsection 14 (2)	Subsection 14 (2) "Power to set, charge fees" is amended to remove the requirement for the Tribunal to obtain the Attorney General's approval in setting and charging fees, and to provide that this Tribunal may set and charge different fees in respect of different classes of persons or proceedings.	<p>government's goal of ensuring that planning appeals are resolved more quickly and in a cost-effective manner.</p> <p>As a result, staff support the proposed amendments to this section in principle, as it may result in more efficient and cost-effective hearings.</p> <p>Staff note that the Tribunal is currently permitted to set and charge different fees for different types of proceedings. The proposed amendments would also allow it to set and charge different fees for different classes of persons.</p> <p>Staff further note that the Minister's bulletin emphasizes the importance of ensuring that community groups and residents can maintain affordable access to the L.P.A.T. appeals process, which suggests that the Tribunal may set fees for developers and/or municipalities at higher rates than for individuals or community groups.</p> <p>As a result, staff support the proposed amendments to this section in principle, as it may grant the public increased access to the L.P.A.T. process through reduced fees. However, additional information is required to ensure that fees are determined fairly for all parties.</p>

Staff Comments on Proposed Amendments to the Ontario Heritage Act

Policy	Description	Staff Comments
Section 27	<p>Section 27 "Register" is proposed to be amended to require a municipal council to notify the owner of a property if the property has not been designated, but the council has included it in the register because it believes the property to be of cultural heritage value or interest.</p> <p>The owner is entitled to object by serving a notice of objection on the clerk of the municipality and the council of the municipality must make a decision as to whether the property should continue to be included in the register or whether it should be removed.</p>	<p>Staff note that it is important to include property owners in the heritage designation and/or listing process to improve overall transparency.</p> <p>It is noted that the Heritage Oshawa Inventory consists of all properties formally listed or designated under the Ontario Heritage Act on the City's Register of Properties of Cultural Heritage Value or Interest, as well as properties informally identified by Heritage Oshawa as "Class A" or "Class B" (i.e. having the "highest potential" or "good potential" for designation, respectively).</p> <p>Staff further note that it is not clear if municipalities are required to retroactively notify property owners, if a register is already in place. Additional information is required in this regard.</p> <p>As a result, staff support the notification of property owners on a go forward basis if their property is added to the register in the event council considers the property to be of cultural heritage value or interest.</p>

Policy	Description	Staff Comments
Section 29	<p>Section 29 "Designation by Municipal By-law" is proposed to be amended to require municipal council, after a person objects to notice of intention to designate the property, to consider the objection and to make a decision whether or not to withdraw the notice of intention within 90 days. Council may pass a by-law designating the property within 120 days after the notice of intention was published. If a by-law is not passed within that period, the notice of intention is deemed to be withdrawn.</p> <p>If a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be prescribed.</p>	<p>Staff support the proposed amendment to implement the new timelines for notices and decisions, in principle, to ensure that property owners receive timely information.</p> <p>However, staff note that the proposed amendment to this section does not clearly define a "prescribed event" as it relates to a notice of intention to designate a property. Additional information is required in this regard.</p> <p>Staff further note that the timelines affect two processes, both of which have 120 day timelines that would take place simultaneously (i.e. 120 days to pass a by-law on one hand and on the other 30 days to appeal plus 90 days to respond). As such, it would be difficult to meet the legislated deadline for the passing of the by-law, in the event the applicant objected on the 30th day and Council then took the full 90 days to respond, there would be no time to pass the by-law.</p>
Section 32	<p>Section 32 "Repeal of Designation By-law, owners initiative" is proposed to be amended to provide that the municipal council must give notice of the application and that any person may object to the application. The council must, within 90 days after the period for serving a notice of objection on the council ends, make a decision to refuse the application or consent to it and pass a repealing by-law. If the council refuses the application, the owner of the property may appeal the council's decision to the Tribunal or if the council consents to the application, any person may appeal the decision to the Tribunal.</p>	<p>Staff note that allowing any person to object to an application to repeal a designation may improve transparency in the process.</p> <p>It is noted that the proposed amendment to this section may result in a more costly and extensive process.</p> <p>Staff further note that the proposed 90 day timeline for Council to make a decision on an</p>

Policy	Description	Staff Comments
Section 33	<p>Section 33 "Alteration of the Property" is proposed to be amended to provide that an application under the section must be accompanied by the prescribed information and materials required by municipal council.</p> <p>Re-enacted subsection 33 (4) provides that the council must, upon receiving all of the required information, notify the applicant that the application is complete. The council is also permitted, under re-enacted subsection 33 (5), to notify the applicant of the information that has been provided, if any, or that has not been provided.</p> <p>The council must make a decision on the application within 90 days after notifying the applicant that the application is complete.</p> <p>However, if the applicant is not given a notice under subsection (4) or (5) within 60 days after the application commenced, the council's decision on the application must be made within 90 days after the end of that 60-day period. Similar amendments are made to Section 34.</p> <p>Subsection (9) enables the owner of a property to appeal the council's decision to the Tribunal, within 30 days after receipt of the notice.</p>	<p>application to repeal a designation will add more certainty to the process.</p> <p>As a result, staff support the proposed amendments to this section, in principle.</p> <p>Staff note that it is important for heritage property owners seeking to make alterations to their property receive a timely response from council.</p> <p>Staff support the proposed amendments to this section, in principle, as it will provide clear expectations and timelines for the decisions related to the alteration of heritage properties.</p> <p>Staff recommend that extended timelines should be considered for larger-scale alterations, such as the relocation of a designated structure within a new development, as this could require a Heritage Impact Assessment which would possibly require longer than the 60+90 days to be completed, and would be critical to the decision to approve or deny the alteration.</p>

Policy	Description	Staff Comments
Section 34	<p>Section 34 "Demolition or Removal of Structure" is proposed to be amended to also restrict the demolition or removal of any of a designated property's heritage attributes.</p> <p>Consequential amendments are made to Sections 34.3, 41 and 69. Section 1 of the Ontario Heritage Act is amended to provide that, for the purposes of certain specified provisions of the Act, the definition of "alter" (or "alteration") does not include demolition or removal.</p>	<p>Staff note that the amendments to restrict demolition or removal of a designated property's heritage attributes will help municipalities conserve cultural heritage resources.</p> <p>Staff further note that the amendments provide additional clarity on the meaning of "alteration" and "demolition", as it relates to heritage attributes.</p> <p>As a result, staff support the proposed amendments to this section.</p>
Section 70	Section 70 "Regulations" is proposed to be amended to provide regulation-making powers in connection with the amendments described above.	No comment.
Section 71	Section 71 "Regulations re transitional matters" is proposed to be added to give the Lieutenant Governor in Council the power to make regulations governing transitional matters.	No comment.

Staff Comments on the Proposed Changes to the Planning Act

Policy	Description	Staff Comments
Subsection 16 (3)	Subsection 16 (3) "Official Plan – Second Unit Policies" is proposed to be amended to require official plans to contain policies authorizing additional residential units by authorizing two residential units in a house and by authorizing a residential unit in a building or structure ancillary to a house.	<p>It is noted that the Planning Act currently authorizes a second residential unit in association with a detached house, semi-detached house or row house by permitting either two units in the main dwelling or one unit in the main dwelling and one unit in an ancillary building.</p> <p>Staff note that the proposed amendments would allow the creation of a third unit on a property to facilitate a mix of housing types.</p> <p>Staff further note that the proposed amendments may negatively impact residential parking requirements. Permitting a third additional residential unit on a property may result in additional vehicles parked on the street, as well as blocked sidewalks and driveways. This will directly impact residents' safety and accessibility, as well as municipal road maintenance.</p> <p>Staff support the proposed amendment to this section, in principle, as it may help facilitate a mix of housing types. However, additional information and details concerning appropriate mechanisms are required to ensure that adequate parking is available for residents and that public safety, accessibility and road maintenance are not negatively impacted.</p>
Subsection 16 (5)	Subsection 16 (5) "Official Plan – Inclusionary Zoning Policies" is proposed to be amended to provide that official plans of municipalities that are not prescribed for the purposes of subsection 16 (4), may contain those policies in respect of an area that is a planned major	<p>It is noted that the Planning Act currently does not limit the area in which a municipality may implement inclusionary zoning policies.</p> <p>Staff note that the proposed amendments in this section would limit inclusionary zoning to areas around planned major transit</p>

Policy	Description	Staff Comments
	<p>transit station area or an area in respect of which a development permit system is adopted or established in response to an order made by the Minister of Municipal Affairs and Housing under Section 70.2.2, as re-enacted.</p>	<p>stations or areas with a development permit system in place. The proposed changes would restrict the application of this affordable housing tool.</p> <p>Staff further note that there are generally fewer major transit station areas in smaller municipalities, which further limits their ability to use the inclusionary zoning mechanism. For example, the City of Oshawa does not currently have any major transit station located in the vicinity of areas designated for residential purposes. If the Lakeshore East GO Train Extension through Oshawa to Bowmanville is cancelled, it would restrict the City's ability to implement inclusionary zoning policies.</p> <p>However, staff further note that municipalities may implement inclusionary zoning where a development permit system is in place.</p> <p>As a result, staff do not support the proposed amendments to this section. Additional information and details concerning appropriate mechanisms are required to support municipalities without major transit station areas, or lacking major transit station areas in appropriate locations, in developing affordable housing.</p>
<p>Sections 17, 22, 34, and 36</p>	<p>Sections 17, 22, 34, and 36 are proposed to be amended to reduce the timeframe for decisions related to official plans from 210 to 120 days (Sections 17, 22 and 34), those related to zoning by-laws reduced from 150 to 90 days (Sections 34 and 36), and the timeline for making decisions related to plans of subdivision reduced from 180 to 120 days (subsection 51 (34)).</p>	<p>Staff note that the amendments reduce timelines for making decisions related to official plans, which may help speed up the development process.</p> <p>However, staff further note that reducing timelines for official plan, zoning and subdivision decisions may limit public consultation, which could result in more appeals and ultimately extend the development process. It is important for municipalities to have adequate time to consider all</p>

Policy	Description	Staff Comments
Section 17	<p>Section 17 "Approvals" is proposed to be amended to repeal the following subsections:</p> <ul style="list-style-type: none"> • 17 (24.0.1) and (36.0.1) "Basis for appeal"; and • 17 (49.1) to (49.12) "Rules of appeals". 	<p>development applications, resubmissions and compliance issues.</p> <p>As a result, staff do not support the proposed amendments to this section.</p> <p>Staff note that the subsections proposed to be repealed restrict the grounds of appeal to adopt or approve an Official Plan (O.P.) or Official Plan Amendment (O.P.A.) to inconsistency with a policy statement and non-conformity with provincial plans or upper-tier municipal official plans.</p> <p>It is noted that the proposed removal of subsection 17(24.0.1) will allow any of the authorized parties, under subsection 17(24), the right to appeal the adoption or approval of an O.P. or O.P.A. on any basis.</p> <p>Staff further note that this proposed approach is consistent with the Province's proposed amendments to the L.P.A.T. Act. As such, the L.P.A.T. would revert to the previous Ontario Municipal Board <i>de novo</i> approach, which evaluates appeals based on the "best planning outcome". This may slow down the approval process, and subsequently delay O.P.A.s that would address local priorities and changing community needs.</p> <p>As a result, staff do not support the proposed amendments to this section.</p> <p>Staff recommend that the province consult with municipalities and key stakeholders to revise subsection 17(24.0.1) to expand the Basis for Appeal, rather than remove it completely.</p>

Policy	Description	Staff Comments
Subsection 17 (40)	Subsection 17 (40) "Appeal to L.P.A.T." is proposed to be amended to give appeal rights to the following persons or public bodies: the municipality that adopted the plan, the Minister and, in the case of a plan amendment adopted in response to a request under Section 22, the person or public body that requested the amendment.	<p>It is noted that the Planning Act currently allows any person or public body to appeal to the Tribunal with respect to all or any part of an official plan.</p> <p>Staff note that the amendments to this section limit the appeal rights to the municipality that adopted the amendment, the Minister, and the person or body who requested a plan amendment. However, in the case of a two-tier system, it is unclear whether an upper tier municipality would have appeal rights in relation to an amendment adopted by a lower tier municipality.</p> <p>Staff note that the proposed amendments may help speed up the appeal process; however, it limits the opportunity for public participation in the planning process.</p> <p>As a result, staff do not support the proposed amendments to this section.</p>
Section 37	Section 37 "Increased Density, etc." is proposed to be amended to allow a municipality by by-law to impose Community Benefits Charges against land to pay for capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.	<p>Staff note that Community Benefits Charge By-law may help address the costs of providing services to new residents as a result of growth. However, it is not clear which items are to be included in the Community Benefits Charge strategy and what percentage of the "value of land" is to be eligible for collection.</p> <p>Staff further note that it is unclear how the Community Benefits Charge will be implemented in a two-tier municipal system. More information is required on how funds collected under Community Benefits Charges will be allocated to the upper and lower tiers.</p> <p>As a result, staff do not support the proposed amendments to this section. Additional information is required to guide municipalities on how to effectively use this tool and ensure that</p>

Policy	Description	Staff Comments
Section 42	Section 42 "Conveyance of Land for Park Purposes" is proposed to be amended to provide that a by-law passed under subsection 42 (1) is of no force and effect if a Community Benefits Charge by-law under Section 37 is in force.	<p>all costs that are currently eligible under the Development Charges Act will also be eligible under the Community Benefits Charge.</p> <p>Staff note that parkland costs may be included in either the Community Benefits Charge, or under subsection 42 (1).</p> <p>Staff further note that it is not clear how the value of parkland will be determined under the proposed Community Benefits Charge and if the "one hectare for each 300 dwelling units" under subsection 51.1(2) will still apply.</p> <p>As a result, staff do not support the proposed amendments to this section.</p> <p>Additional information is required to provide clarity on the Community Benefits Charge and to ensure that the provision of an appropriate amount of parkland continues to be maintained.</p>
Subsection 51 (39)	<p>Subsection 51 (39) "Plan of Subdivision Approvals – Appeal" is proposed to be amended to:</p> <ul style="list-style-type: none"> ▪ Remove an individual person's ability to appeal a plan of subdivision approval; and ▪ Add the requirement that the person also be a person listed in new subsection 51(48.3), including: <ol style="list-style-type: none"> 1. A corporation operating an electric utility in the municipality or planning area; 2. Ontario Power Generation Inc.; 3. Hydro One Inc.; 4. A company operating a natural gas utility in the local municipality or planning area; 	<p>It is noted that the Planning Act currently enables any person or public body who made an oral or written submission to appeal a plan of subdivision approval. The proposed amendments no longer enable a person who made an oral or written submission to appeal a plan of subdivision approval.</p> <p>Staff note that the amendments to this section limit the appeal rights for a plan of subdivision to those listed in subsection 51(48.3).</p> <p>Staff further note that this may help speed up the appeal process; however, it limits the opportunity for public participation in the planning process.</p> <p>As a result, staff do not support the proposed amendments to this section.</p>

Policy	Description	Staff Comments
Subsection 51.1	<p>5. A company operating an oil or natural gas pipeline in the local municipality or planning area;</p> <p>6. A person required to prepare a risk and safety management plan in respect of an operation under O. Reg. 211/01 within the subdivision area;</p> <p>7. A company operating a railway line any part of which is located 300 metres or any part of the subdivision area; and</p> <p>8. A company operating as a telecommunication infrastructure provider in the subdivision area.</p>	<p>It is noted that the Planning Act currently enables the approval authority to impose a condition that land be conveyed to the local municipality for a park or other public recreational purposes.</p> <p>Staff note that under the proposed amendments, if parkland is conveyed to a municipality under subsection 51.1, the plan of subdivision is not also subject to the Community Benefits Charge.</p> <p>Staff require additional information to provide clarity on the Community Benefits Charge and the implications on parkland.</p> <p>Staff note that a development permit system may be used to help achieve a community's land use vision and to address land use planning challenges.</p> <p>Staff support the proposed amendments to this section in principle.</p>
Subsection 70.2.2	<p>Subsection 51.1 "Parkland" is proposed to be amended to provide that the development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge by-law under Section 37, as re-enacted, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection 51.1 (1) on or after the day Section 37 comes into force.</p> <p>Subsection 70.2.2 "Regulation re Development Permit System" is proposed to be amended such that the Minister may require a municipality to adopt or establish a development permit system that applies to a specified area or to an area surrounding and including a specified location.</p>	<p>Staff note that the Planning Act currently enables the approval authority to impose a condition that land be conveyed to the local municipality for a park or other public recreational purposes.</p> <p>Staff note that under the proposed amendments, if parkland is conveyed to a municipality under subsection 51.1, the plan of subdivision is not also subject to the Community Benefits Charge.</p> <p>Staff require additional information to provide clarity on the Community Benefits Charge and the implications on parkland.</p> <p>Staff note that a development permit system may be used to help achieve a community's land use vision and to address land use planning challenges.</p> <p>Staff support the proposed amendments to this section in principle.</p>

Policy	Description	Staff Comments
		<p>However, further information is required to provide clarity as to when a municipality may be required to adopt or establish a development permit system.</p>
Section 70.10	<p>Section 70.10 "Regulations re Transitional Matters" is proposed to be added to give the Minister the power to make regulations governing transitional matters.</p>	<p>Staff note that additional information is required to provide clarity on the circumstances under which the Minister may determine that a matter is to continue or be disposed of under this Act.</p>

Afreen Raza

Subject: FW: Message from OMAFRA on Agricultural System Implementation

From: Coombs, Johanna (OMAFRA) <Johanna.Coombs@ontario.ca> **On Behalf Of** Bailey, Sharon (OMAFRA)
Sent: Thursday, June 6, 2019 3:12 PM
Subject: Message from OMAFRA on Agricultural System Implementation

**Ministry of Agriculture,
Food and Rural Affairs**

**Ministère de l'Agriculture,
de l'Alimentation et des Affaires rurales**

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C.S. - LEGISLATIVE SERVICES

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Food Safety and Environmental Policy Branch

June 6, 2019

Dear Municipalities in the Greater Golden Horseshoe,

As you may know, the government recently announced the Housing Supply Action Plan. Included in this plan are changes to the Growth Plan (“A Place to Grow: Growth Plan for the Greater Golden Horseshoe”). The changes give communities more flexibility outside of the Greenbelt while continuing to encourage municipalities to develop strategies to sustain or enhance their Agricultural System.

The Agricultural System approach, unique in North America, addresses both the protection of farmland and the viability of the agri-food sector. The intention is to support job creation, allow local food to flourish and create trade and economic opportunities.

OMAFRA would like to collaborate with you on mapping refinements to the agricultural land base to ensure it reflects local realities. Our staff will be in touch to request an opportunity to meet with your planners and economic developers to initiate this process, if not done already.

In the meantime, if you have any updated data and mapping that may not have been captured in the 2018 provincial agricultural land base map (e.g. settlement area boundaries, municipally designated prime agricultural areas), please share it with OMAFRA’s Rural Planner covering your area. We are also interested in learning about issues raised by landowners that need to be considered.

Since the Greenbelt Plan has not been changed, the provincial agricultural land base mapping remains in effect in the Greenbelt. Municipalities are required to bring official plans into conformity with A Place to Grow and Greenbelt Plan by July 1, 2022. This includes refining and incorporating the agricultural land base map into official plans. OMAFRA is inviting municipalities to come forward with refinements to their agricultural land base mapping as soon as they can.

Below you will find a list of additional resources for your convenience. OMAFRA is updating the Implementation Procedures for the Agricultural System in Ontario's Greater Golden Horseshoe (2019) to align with A Place to Grow and will send you a link once posted.

If you could forward this message to the Planning and Economic Development leads in your municipality, that would be appreciated. If you have any questions about the Agricultural System, mapping or web portal, please feel free to contact me, at 519-826-6800 or sharon.bailey@ontario.ca.

Sincerely,



Sharon Bailey
Director
Food Safety and Environmental Policy Branch

Resources

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

[Agricultural System mapping portal](#) - The portal, which can be used for economic development purposes and to inform Agricultural Impact Assessments, helps visualize the agri-food network, such as transportation infrastructure and food processors.

[List of OMAFRA's Rural Planners](#)

[Economic tools](#)

**Ministry of Children,
Community and Social
Services**

**Ministère des Services à
l'enfance et des Services
sociaux et communautaires**



Deputy Minister's Office

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June 6, 2019

Memorandum to: Broader Public Sector stakeholders

Subject: Public Sector Compensation

On June 5, 2019, the government introduced the *Protecting a Sustainable Public Sector for Future Generations Act, 2019*.

The Act, if passed, would enable the government to manage compensation growth in a way that allows for reasonable wage increases while protecting the province's front-line services. Introduction of this legislation follows consultations the government undertook with public sector employers and bargaining agents in April and May.

If passed, the proposed legislation would not impede the collective bargaining process and would not impact existing agreements. Rather, it would put time-limited requirements on new compensation increases for unionized and non-unionized employees in Ontario's public sector while maintaining existing opportunities for increases, such as movement through salary ranges.

The proposed legislative approach would not impose wage freezes, wage rollbacks or cuts to public sector jobs.

If passed, this legislation would apply to approximately 1.2 million bargaining and non-bargaining employees, managers and leadership whose compensation is not otherwise moderated, across the provincial public sector, including:

- Provincial authorities, boards, commissions, corporations, offices or organizations in which a majority of directors, members or officers are appointed or chosen by the province (including Ontario Power Generation, Independent Electricity System Operator and Ornge)

- School boards
- Colleges and universities
- Hospitals
- Long-term care homes
- Children's aid societies
- Transfer payment recipients who received more than \$1M in annual funding in 2018
- The Ontario Public Service

The legislation would not apply to municipalities (including municipal authorities, corporations, boards or long-term care homes), the Ontario Medical Association Physician Services Agreement, for-profit organizations, or Broader Public Sector (BPS) executives covered by the BPS Executive Compensation Act.

Stakeholders are invited to submit feedback on the proposed legislation to psconsultations@Ontario.ca.

For further information on the proposed legislation, please visit ontario.ca/page/protecting-sustainable-public-sector-future-generations-act-2019

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Menard". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Janet Menard

**Ministry of Children,
Community and Social
Services**

**Ministère des Services à
l'enfance et des Services
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6 juin 2019

Destinataires: Intervenants du secteur parapublic

Objet: Rémunération dans le secteur public

Le gouvernement a présenté le 5 juin 2019 la *Loi de 2019 sur la protection d'un secteur public durable pour les générations futures*.

La Loi, si elle est adoptée, permettra au gouvernement de gérer la croissance de la rémunération de façon à octroyer des augmentations raisonnables des traitements tout en protégeant les services de première ligne de la province. La présentation de ce projet de loi fait suite aux consultations réalisées par le gouvernement auprès des employeurs et des agents de négociations du secteur public en avril et en mai.

Le projet de loi, s'il est adopté, n'entravera pas le processus de négociations collectives et n'aura aucune incidence sur les conventions collectives existantes. Il entraînera plutôt la mise en place d'obligations limitées dans le temps concernant de nouvelles hausses de la rémunération pour les employés syndiqués et non syndiqués du secteur public de l'Ontario, tout en maintenant les possibilités actuelles d'augmentations, comme la progression dans l'échelle salariale.

L'approche législative proposée n'imposera ni gel ni réduction de salaires, ni coupures de postes dans le secteur public.

La Loi, si elle est adoptée, s'appliquera à environ 1,2 million d'employés syndiqués et non syndiqués, de chefs et de cadres du secteur public de la province, dont la rémunération n'est par ailleurs pas modérée, notamment :

- offices, conseils, commissions, personnes morales, bureaux et organisations de personnes de la province dont la majorité des administrateurs, des membres ou des dirigeants sont nommés ou choisis par la province (y compris Ontario Power Generation, Société indépendante d'exploitation du réseau d'électricité et Ornge);
- conseils scolaires;
- collèges et universités;
- hôpitaux;
- foyers de soins de longue durée;
- sociétés d'aide à l'enfance;
- bénéficiaires de paiements de transfert ayant reçu plus de 1 000 000 \$ de financement annuel en 2018;
- fonction publique de l'Ontario.

La Loi ne s'appliquera pas aux municipalités (notamment offices, personnes morales, bureaux ou foyers de soins de longue durée qui relèvent d'une municipalité), à l'entente sur les services de médecin conclue avec l'Ontario Medical Association, aux organismes à but lucratif ou aux cadres du secteur parapublic visés par la *Loi de 2014 sur la rémunération des cadres du secteur parapublic*.

Les intervenants sont invités à communiquer leurs commentaires sur le projet de loi par courriel à : psconsultations@Ontario.ca.

Pour de plus amples renseignements sur le projet de loi, veuillez visiter le <https://www.ontario.ca/fr/page/loi-visant-mettre-en-oeuvre-des-mesures-de-moderation-concernant-la-remuneration-dans-le-secteur>.

Bien cordialement,



Janet Menard

**Ministry of
Municipal Affairs
and Housing**

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Ontario

19-3375

June 7, 2019

Dear Head of Council:

On May 2, 2019, I was pleased to release More Homes, More Choice, our government's action plan to tackle Ontario's housing crisis. As you know, this plan is supported by Bill 108, which includes changes to the Planning Act to simplify how municipalities collect funds for community benefits like parks and daycares. Following the introduction of the bill, some municipalities have raised questions about the proposed community benefits authority, and I am pleased to share more information about our government's intent today.

I would like to begin by emphasizing that one of our goals in establishing the new community benefits approach is to maintain municipal revenues. For emphasis, our goal is that municipalities would recover similar revenue from community benefits charges to what they have collected from development charges for discounted services, density bonusing and parkland dedication. While we want to make charges for community benefits more predictable, our intention has never been to reduce the funds available for community benefits and municipalities should not need to choose between parks and other facilities.

We are currently procuring expert advice to ensure that the community benefits framework will achieve these priority objectives. But we also want to hear the important perspectives of the municipal sector. This spring we will start our initial consultation seeking municipal input on the methodology for establishing a formula for a community benefits charge. The formula will be tied to the value of land that is ready for development. Based on the feedback from that consultation, we will again seek your input on a proposed formula before the regulations are finalized.

Municipalities will also have an opportunity to comment on other matters related to community benefits, including the timing of transition to this authority, reporting and types of development that would be exempted from community benefits through regulatory postings this Spring. We will take all feedback into consideration and ensure that there is enough time for municipalities to transition to the new community benefits authority and continue to be able to fund these important benefits.

As a former mayor and CAO, I understand how important it is that municipalities have the resources and tools available to support and build complete communities. I also firmly believe that local residents in growing communities should have a say in how those resources are used. This does not generally happen in today's section 37 negotiations, and we need to take the politics out of planning. Residents living in growing communities need to have an opportunity to share their thoughts, so we are proposing they would have a role in the development of their municipality's community benefits strategy.

We will be consulting with municipalities on the best way to replace the current system with an approach that puts people and communities first. Our proposed community benefits charge and the methodology that underpins it will maintain the principle of growth paying for growth. Libraries will be built. Parkland will be created. Community centres will be opened. As part of Bill 108, we said we would consult with municipalities on this new approach and that's exactly what we plan to do.

We also intend to post proposed directions for other regulatory changes related to the Development Charges Act and the Planning Act on the Environmental Registry this Spring/Summer. Further, we will also convene a teleconference to share this information with all interested municipalities in the near future. We look forward to your participation and suggestions on those proposed directions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clark', written in a cursive style.

Steve Clark
Minister

Development Charges Transition Question and Answer

Q For municipalities that currently levy development charges (DCs) for soft services, what transition provisions are in place if they wish to collect for these services under the community benefits authority?

A Related to the proposed new community benefits charge authority, subsection 2(4) of the DCA is proposed to be amended so that development charges could only be imposed for 'hard services' (i.e., the services for which there is currently no 10% deduction in capital costs in calculating a development charge and waste diversion services). This change will necessarily come into force at the same time as all other changes related to the proposed new community benefits charge authority. However, for municipalities that currently levy DCs for soft services and wish to collect for these services through community benefits charges, transition provisions are proposed in Bill 108.

Existing DC by-laws expiring on or after May 2, 2019

DC by-laws that would otherwise expire on or after May 2, 2019 would remain in force in relation to soft services until the earlier of:

- The day that the DC by-law is repealed by the municipality,
- The day the municipality passes a community benefits charge by-law under the Planning Act, or
- A date that is prescribed in regulation.

Existing DC by-laws expiring after the prescribed date

DC by-laws that would have expired after the prescribed date, would instead expire in relation to soft services on the earlier of:

- The day the municipality passes a community benefits charge by-law, or
- A date that is prescribed in regulation.

Therefore, the bill would not impact the ability of a municipality to establish development charges for soft services until the proposed community benefits charge regime was in effect and would not impact the ability of a municipality to collect development charges for soft services until it passed a community benefits charge by-law or reached the prescribed date. For municipalities with development charge by-laws that would expire before the proposed community benefits charge regime was in effect, it would be for them to determine whether to rely on the proposed transitional extension of by-laws in relation to soft services or prepare a new background study and a new by-law dealing with soft services. In making this determination, they would be aware that the proposed

Ministry of Municipal Affairs and Housing

transitional provisions would provide for a new by-law to be of no force in relation to soft services upon the transition to the community benefits regime.

The transition provisions are not proposed to apply to the current list of fully recoverable services (hard services) or waste diversion services. However, the potential extension of development charge by-laws expiring before the prescribed date would apply to by-laws in relation to ambulance services, which were also added as a fully recoverable service.

Any new DC by-laws passed after proposed amendment to subsection 2(4) of the Development Charges Act, 1997 (DCA) under Bill 108 come into effect would only be able to establish a charge for current hard services and waste diversion (proposed as a fully recoverable service under Bill 108), because soft services would no longer be recoverable under the DCA but instead through the Community Benefit authority.

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

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19-3375

Le 7 juin 2019

Madame la présidente du conseil, Monsieur le président du conseil,

Le 2 mai 2019, j'ai eu le plaisir de publier le plan d'action de notre gouvernement intitulé « Plus d'habitations, plus de choix », destiné à faire face à la crise du logement en Ontario. Comme vous le savez, ce plan est appuyé par le projet de loi 108, qui inclut des modifications à la *Loi sur l'aménagement du territoire* afin de simplifier la collecte des fonds par les municipalités pour les avantages collectifs tels que les parcs et les garderies. Après l'adoption du projet de loi, certaines municipalités ont soulevé des questions au sujet de l'autorité proposée pour les avantages sociaux, et je suis heureux de vous faire part de plus d'informations sur les intentions de notre gouvernement aujourd'hui.

J'aimerais commencer par souligner que l'un des objectifs de la nouvelle approche en matière d'avantages pour la communauté est de maintenir les revenus des municipalités. Notre objectif est que les municipalités récupèrent des recettes provenant des redevances liées aux avantages collectifs, semblables aux redevances d'aménagement pour les services à prix réduit, aux primes de densité et à l'affectation des parcs. Alors que nous voulons rendre les redevances pour les avantages sociaux plus prévisibles, notre intention n'a jamais été de réduire les fonds disponibles pour les avantages sociaux et les municipalités ne devraient pas avoir à choisir entre des parcs et d'autres installations.

Nous faisons actuellement appel à des experts pour nous assurer que le cadre des avantages pour la communauté atteindra ces objectifs prioritaires. Nous souhaitons également connaître les points de vue conséquents du secteur municipal. Ce printemps, nous entamerons notre première consultation en vue de recueillir les commentaires des municipalités sur la méthodologie permettant d'établir une formule de redevances des avantages pour la collectivité. La formule sera liée à la valeur des terres prêtes à la construction. Selon les résultats de cette consultation, nous solliciterons à nouveau vos commentaires sur une formule proposée avant l'achèvement du règlement.

.../2

Les municipalités auront également la possibilité de commenter d'autres questions liées aux avantages pour la communauté, notamment le moment choisi pour la transition vers cette autorité, les rapports et les types d'aménagements qui seraient exemptés des avantages pour la communauté par les affectations réglementaires ce printemps. Nous tiendrons compte de tous les commentaires et veillerons à ce que les municipalités disposent de suffisamment de temps pour passer à la nouvelle autorité en matière d'avantages pour la communauté et continuer de pouvoir financer ces avantages importants.

En tant qu'ancien maire et directeur général de l'administration, je comprends qu'il soit important que les municipalités disposent des ressources et des outils nécessaires pour soutenir et construire de solides communautés. Je suis aussi fermement convaincu que les résidents des communautés en croissance devraient avoir leur mot à dire sur la manière dont ces ressources sont utilisées. Cela n'arrive généralement pas dans les négociations au titre de l'article 37 aujourd'hui, et nous devons sortir de la planification les considérations politiques. Les résidents des communautés grandissantes doivent avoir l'occasion de faire part de leurs réflexions; nous leur proposons donc de jouer un rôle dans l'élaboration de la stratégie d'avantages pour la communauté de leur municipalité.

Nous consulterons les municipalités sur la meilleure façon de remplacer le système actuel par une approche qui donne la priorité aux gens et aux communautés. La contribution que nous proposons pour les avantages de la communauté et la méthodologie sur laquelle elle repose maintiendront le principe de la croissance payant pour la croissance. Des bibliothèques seront construites. Des parcs seront créés. Des centres communautaires seront inaugurés. Dans le cadre du projet de loi 108, nous avons annoncé que nous consulterions les municipalités à propos de cette nouvelle approche et c'est exactement ce que nous prévoyons de faire.

Nous avons également l'intention de publier les orientations proposées pour d'autres modifications réglementaires liées à la *Loi sur les redevances d'aménagement* et à la *Loi sur l'aménagement du territoire* au registre environnemental ce printemps ou cet été. En outre, nous organiserons également une téléconférence pour faire part de cette information à toutes les municipalités intéressées dans un avenir proche. Nous attendons avec impatience votre participation et vos suggestions sur les orientations proposées.

Cordialement,

Le Ministre



Steve Clark

Questions et réponses sur la transition des redevances d'aménagement

Q Pour les municipalités qui prélèvent actuellement des redevances d'aménagement pour les services souples, quelles dispositions de transition sont en place si elles souhaitent percevoir ces services dans le cadre de l'autorité responsable des avantages pour la communauté?

R En ce qui concerne les nouvelles redevances sur les avantages pour la communauté, il est proposé de modifier le paragraphe 2(4) de la *Loi sur les redevances d'aménagement* afin que des redevances d'aménagement ne puissent être imposées que pour les « services fixes » (c'est-à-dire les services pour lesquels aucune déduction de 10 % n'est actuellement appliquée en capital dans le calcul des redevances d'aménagement et des services de réacheminement des déchets). Cette modification entrera nécessairement en vigueur en même temps que toutes les autres modifications liées à la nouvelle autorité proposée relative aux redevances des avantages de la communauté. Toutefois, pour les municipalités qui prélèvent actuellement des redevances d'aménagement pour des services non spécialisés et souhaitent percevoir ces services par des redevances d'aide aux collectivités, des dispositions transitoires sont proposées dans le projet de loi 108.

Règlements sur les redevances d'aménagement existantes expirant le 2 mai 2019 ou après

Les règlements sur les redevances d'aménagement qui, autrement, expireraient à compter du 2 mai 2019 ou après resteraient en vigueur en ce qui concerne les services souples jusqu'à la première des possibilités suivantes :

- Le jour où le règlement sur les redevances d'aménagement est abrogé par la municipalité;
- Le jour où la municipalité adopte un règlement sur les redevances d'avantages pour la communauté en vertu de la *Loi sur l'aménagement du territoire*;
- Le jour prescrit dans la réglementation.

Règlements existants des CD qui expirent après la date prescrite

Les règlements sur les redevances d'aménagement qui auraient expiré après la date prescrite expireraient plutôt en ce qui concerne les services souples au plus tôt :

- Le jour où la municipalité adopte un règlement sur les redevances d'avantages pour la communauté;

- Le jour prescrit dans la réglementation.

Par conséquent, le projet de loi n'aurait aucune incidence sur la capacité d'une municipalité d'établir des redevances d'aménagement pour les services souples jusqu'à ce que le régime de redevances applicables aux communautés proposé soit en vigueur ni sur la capacité d'une municipalité de percevoir des redevances d'aménagement pour les services souples jusqu'à ce qu'elle adopte un règlement sur les redevances sur les avantages pour la communauté ou atteigne la date prescrite. Dans le cas des municipalités dont les règlements de redevances d'aménagement expireraient avant la mise en place du régime de redevances communautaires proposé, il leur appartiendrait de déterminer si elles devaient s'appuyer sur la prolongation transitoire proposée des règlements en ce qui concerne les services souples ou préparer une nouvelle étude préliminaire et un nouveau règlement concernant les services souples. En prenant cette décision, elles seraient conscientes que les dispositions transitoires proposées imposeraient qu'un nouveau règlement ne soit plus en vigueur en ce qui concerne les services souples lors de la transition vers le régime d'avantages pour la communauté.

Il n'est pas proposé que les dispositions transitoires s'appliquent à la liste actuelle des services totalement récupérables (services fixes) ou des services de réacheminement des déchets. Toutefois, l'extension possible des règlements de redevances d'aménagement expirant avant la date prescrite s'appliquerait aux règlements concernant les services d'ambulance, qui ont également été ajoutés en tant que services entièrement récupérables.

Tout nouveau règlement sur les redevances d'aménagement adopté après l'entrée en vigueur de la modification proposée au paragraphe 2(4) de la *Loi sur les redevances d'aménagement* de 1997 en vertu du projet de loi 108 ne pourrait établir une redevance que pour les services essentiels actuels et le réacheminement des déchets (proposé en tant que service entièrement récupérable en vertu de la loi 108), car les services souples ne seraient plus récupérables en vertu de la *Loi sur les redevances d'aménagement*, mais plutôt par l'autorité relative aux avantages pour la communauté.

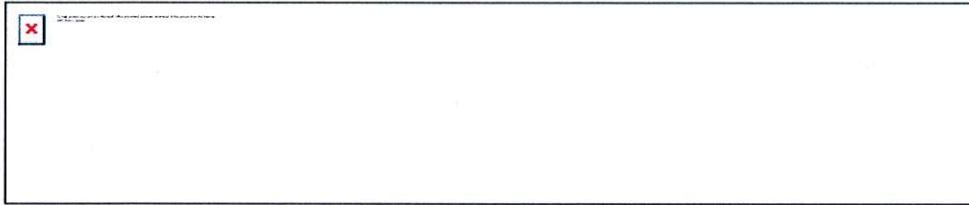
Afreen Raza

From: AMO Communications <Communicate@amo.on.ca>
Sent: June-07-19 9:49 AM
To: Clerks
Subject: Bill 108 Receives Royal Assent with Several Amendments

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June 7, 2019

Bill 108 Receives Royal Assent with Several Amendments

Bill 108, *the More Homes, More Choice Act*, 2019 has now passed third reading at Queen's Park and received Royal Assent. It is now law in Ontario. The Act makes significant changes to the planning appeals process and to development charges. It also introduces a new Community Benefit Charges (CBC) under *the Planning Act* and makes changes to the planning process, conservation authorities, endangered species legislation, environmental assessments and to the *Ontario Heritage Act*.

AMO advocated vigorously on behalf of municipal interests throughout the legislative process, including by presenting before the Standing Committee of Justice Policy, and through our government relations work. A few amendments were introduced during the committee stage, including one that AMO and others proposed on including capital costs for ambulance services in development charges calculations.

Bill 108 will require numerous regulations for implementation. Draft regulations generally involve public consultations. AMO will continue to advocate for meaningful municipal involvement in Bill 108 regulations.

Local Planning Appeal Tribunal Act:

Despite calls from AMO and municipal governments to allow the LPAT to continue to evaluate appeals based on compliance and conformity, *de novo* hearings will now be re-introduced. This move will take authority away from local councils and reverts back to an appeals process known to have a legacy of delays. It is unclear how the return to *de novo* hearings will lead to the faster provision of affordable housing.

Development Charges:

We believe that the new changes to development charges will negatively impact municipal finances and go against the principle that growth should pay for growth. If a development is rental housing, institutional, commercial or industrial, development charge payments are now payable to the municipality as six annual installments commencing at occupancy. An amendment to Bill 108 following committee extends the repayment timeframe to 20 years for non-profit housing. Previously, development charges were payable in advance. This change will reduce the amount of revenue municipalities receive from development charges. It will also increase administrative burden for municipal governments.

On a positive note, municipal governments may now charge the full capital cost of waste diversion services as a development charge. Following ours' and others' proposed amendments at the committee stage, capital costs for ambulance services will now also be included in development charge calculations.

Community Benefit Charges:

Height and density bonusing under Section 37 of the *Planning Act* has been replaced with a new Community Benefit Charges framework. The CBC framework will allow municipal governments to pass by-laws covering a particular area to impose charges against land to pay for the cost of facilities, services and other matters required because of new development. Notably, costs eligible for development charges are excluded from CBCs. Eligible services and the methodology for calculating CBCs will be determined in regulation.

Other Planning Act Changes:

Timelines for making decisions related to official plans are reduced from 210 to 120 days and from 150 days to 90 days for zoning by-law amendments. Plans of subdivision are also sheltered from third party appeals. As well, the use of Inclusionary Zoning will now be limited to transit areas. This limits the utility of this affordable housing tool.

Conservation Authorities:

The mandatory 'core services' of conservation authorities will now be prescribed by regulation. Conservation authorities must also now enter into agreements with municipal governments on service delivery. Municipal governments want assurance that this new regime will not only bring transparency to the financial relationship with Conservation Authorities but will continue to support reaching the 'triple bottom line'.

Endangered Species:

Bill 108 also introduces a new approach to endangered species protection. Species at risk will now be considered in the broader geographic context when determining species' status. The Minister is also now able to enter into landscape agreements that authorize activities that would otherwise be prohibited in relation to listed species under certain circumstances. As per an amendment to the bill, alternative approaches will need to be considered before undertaking an activity that could adversely affect a

listed species. While this direction holds potential to protect species at risk, a strong commitment from the province is required to provide leadership and tools to make this a success.

Environmental Assessment Act:

The Bill will reduce the need to undertake a lengthy justification for low risk activities. AMO looks forward to participating as further information, regulations and guidance are developed.

Ontario Heritage Act:

Ontario Heritage Act changes will require municipal councils to notify property owners if their properties or included in the register due to cultural heritage value or interest. The changes also introduce new timelines aimed at making the heritage process more transparent. A technical amendment was made at the committee stage that the Trust is included in notices. The language around erecting structures on a heritage site was also clarified to stress that the attributes that give heritage significance should not be altered or demolished.

AMO Contacts:

On Development Charges and Community Benefit Charges:

Matt Wilson, Senior Advisor, mwilson@amo.on.ca, 416-971-9856 ext. 323.

On LPAT, planning matters, CAs, endangered species, EAs and heritage:

Cathie Brown, Senior Advisor, cathiebrown@amo.on.ca, 416-971-9856 ext. 342.

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Afreen Raza

From: AMO Communications <Communicate@amo.on.ca>
Sent: June-10-19 5:20 PM
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Subject: The Legislature Rises and Waste Related Developments

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POLICY UPDATE

C.C. S.C.C. File

June 10, 2019

The Legislature Rises and Waste Related Developments

Last week the Ontario Legislature rose for the summer. Pending a surprise or emergency sitting, it is not expected to return until after the federal election on October 28th. Several bills of municipal interest passed in the final days of the spring session.

Last week was also a big week for the Blue Box Program. The provincial announcement on full producer responsibility was also complemented earlier today by an announcement from the federal government on its intention to take action on single use plastics.

Here are the top developments you need to know about with information on these announcements:

1. Key Legislation of municipal interest is now law in Ontario

The legislature passed three keys bills of municipal interest: Bill 107, Bill 108 and Bill 117. These are now law in Ontario. The provincial government also introduced legislation to cap public sector compensation (Bill 124). This proposed legislation will remain at first reading until the return of the House. Notably, it does not affect municipal governments.

Bill 107 makes [legislative amendments related to transportation safety](#). Municipal governments can now charge administrative monetary penalties to drivers for passing an extended school bus stop arm outfitted with a camera. Evidentiary rules will be established through regulation. As well, off-road vehicles are now automatically permitted onto municipal roads unless expressly prohibited by municipal bylaw.

The passing of **Bill 108** means a return to *de novo* land use planning appeal hearings and old OMB rules under the new Local Planning Appeal Tribunal. Bill 108 also makes significant changes to when and how development charges are to be collected and introduces a new Community Benefit Charges to replace height and density bonusing under Section 37 of *the Planning Act*, soft services, and parkland. Other changes include the shortening of planning process timelines, new limits on inclusionary zoning, changes to endangered species rules, environmental assessment reforms and changes to built heritage designation rules. For more information on the municipal impacts of Bill 108, click [here](#).

Bill 117 makes changes to the *Ontario Society for the Prevention of Cruelty to Animals Act* in light of the OSPCA's decision to stop enforcing animal cruelty rules effective June 28th. AMO has warned the province that downloading enforcement responsibilities onto municipal government will negatively affect local budgets. For the interim, Bill 117 introduces measures until a new animal cruelty protection system is ready by 2020. Ontario can now appoint a Chief Inspector who in turn has the power to appoint Inspectors to enforce the Act. AMO expects interested OSPCA-affiliates to express a willingness to continue carrying out the enforcement function. Willing municipal governments may also wish to express interest.

2. The Province Announces Facilitator for Blue Box Transition to Full Producer Responsibility

On Friday, June 7th, the Minister of Environment, Conservation and Parks [announced](#) that [David Lindsay](#) has been retained to facilitate a process between municipal governments, producers and other stakeholder to transition the Blue Box program to full producer responsibility.

The facilitator's work is to be guided by the following policy objectives (which are reflective of municipal advocacy):

- Standardization across the province of what can be recycled in offices, parks, public spaces and homes;
- Improve diversion rates and increase what materials can be recycled;
- Reduce litter and waste in communities and parks;
- Improve Ontario's Blue Box program by requiring producers to pay for the recycling of the products they produce, through achieving producer responsibility; and,
- Maintain or improve frequency of Blue Box collection.

The role of the facilitator is two-fold:

1. A mediation role to foster discussion and help producers, municipalities and other stakeholders to move closer to or reach agreement on key issues; and,
2. An advisory role to provide the Minister with advice on how these issues may be best addressed to ensure Ontario's recycling system is more consistent, reliable and cost-effective for Ontarians.

The facilitator's report is due to the Minister by July 20, 2019.

The province has assured AMO that municipal governments will be involved in provincial engagement. The development is good news and moves municipal governments a step closer to our objective of getting the blue box program to full producer responsibility.

3. Federal Government Announces Plan on Plastic Waste

The province's move to full producer responsibility aligns well with today's [announcement from the Government of Canada](#) that it will work with governments and businesses across the country to ban harmful single-use plastics as early as 2021 where supported by scientific evidence (i.e. plastic bags, straws, cutlery, plates, and stir sticks). The federal government also commits to work with provinces and territories to introduce standards and targets for companies that manufacture plastic products or sell items with plastic packaging so they become responsible for their plastic waste.

AMO will continue to monitor and work with the Federation of Canadian Municipalities (FCM) and other stakeholders on these initiatives. These actions are in keeping with the advice provided by municipalities at the outset of these consultations.

Staff Contacts:

You can contact AMO's Policy Team at policy@amo.on.ca. To reach Monika Turner, AMO's Director of Policy, email mturner@amo.on.ca.

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Afreen Raza

From: AMO Events <events@amo.on.ca>
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Subject: AMO Conference - Request for Delegation Meetings Now Available

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AMO Annual Conference Updates

June 7, 2019

AMO Conference - Request for Delegation Meetings Now Available

Want to make the most of your AMO Conference experience? Delegation meetings with key provincial Ministers and Parliamentarians is a great way to do just that.

The Government of Ontario request form for delegation meetings is now posted.

For information on how to submit a request, please visit:

<http://www.amo.on.ca/Events/AMOCongress/2019Delegations>.

Please note: The Government of Ontario posting will close on June 28, 2019.

You will also find contact information there to request delegation meetings with the Leader of the Official Opposition and NDP Caucus, the Ontario Liberal Caucus, and the Leader of the Green Party Ontario.

See you at the AMO Conference!

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The Regional Municipality of Durham

MINUTES

ACCESSIBILITY ADVISORY COMMITTEE

Tuesday, May 28, 2019

A meeting of the Accessibility Advisory Committee was held on Tuesday, May 28, 2019 in Meeting Room 1-A, Regional Headquarters Building, 605 Rossland Road East, Whitby at 1:04 PM.

Present: S. Sones, Whitby, Vice-Chair
M. Sutherland, Oshawa, Chair
C. Boose, Ajax
K. Galloway, Oshawa
D. Hume-McKenna, DMHS, left the meeting at 2:40 PM
Councillor R. Mulcahy

Absent: R. Atkinson, Whitby
D. Campbell, Whitby
M. Roche, Oshawa

Staff

Present: S. Austin, Director of Corporate Policy and Strategic Initiatives
J. Traer, Accessibility Coordinator, Office of the Chief Administrative Officer
N. Prasad, Committee Clerk, Corporate Services – Legislative Services

1. **Declarations of Interest**

There were no declarations of interest.

2. **Adoption of Minutes**

Moved by K. Galloway, Seconded by D. Hume-McKenna,
That the minutes of the Accessibility Advisory Committee meeting
held on March 26, 2019, be adopted.

CARRIED

Councillor Mulcahy addressed the Committee with regards to National Volunteer Week. She spoke of the importance of volunteers and thanked the committee members for their work and dedication.

3. **Presentations**

A) Dan Hughes, President and Managing Director, Liberty Hamlets Inc. regarding the Axess Condo Project in the City of Pickering

D. Hughes, President and Managing Director, Liberty Hamlets Inc. provided a PowerPoint Presentation with regards to the Axess Condo Project in the City of Pickering.

D. Hughes stated that Liberty Hamlets Inc. is a Canadian developer in the Greater Toronto Area committed to bringing housing solutions to communities with specific attention to creating inclusivity for every demographic. He stated that their condominium designs promote functionality and independence for those with mobility challenges. He advised that the first 20% of units at Axess Condos Pickering will be available for individuals and families with disabilities to purchase.

D. Hughes provided an overview of the floor plans for the different sized condominiums and a review of the characteristics that make them accessible, including: exterior cladding on balconies; wider entrance ways; wider turning locations; placement of washers/dryers; daily shuttle service to local amenities; service animal and a dog run area; gym; multi-purpose room; areas of refuge; and outdoor and sensory gardens.

D. Hughes advised that Liberty Hamlets Inc. has brought in Trillium Support Services to provide the following services to residents, on an as needed basis: personal support workers; developmental service workers; and respite support workers. He advised that the services can be purchased at the concierge desk.

D. Hughes responded to questions with regards to qualifiers to obtaining a condominium; whether there is a screening process of the support workers provided; and the possibility of expanding to other municipalities.

The committee recessed at 1:48 PM and reconvened at 1:58 PM.

B) Carol Slaughter, Works Technician, Waste Management, regarding Feedback on Blue Bin Covers

C. Slaughter, Works Technician, Waste Management, stated that staff was requested by Regional Council in 2018 to investigate ways to help prevent litter caused by the Blue Box program on windy days. She advised that one of the options was to create a new prototype lid. She noted that the lids are made from recycled tires, slip over the corners of the blue box, are heavy enough not to blow away, and hold recyclable materials securely in place.

C. Slaughter provided committee members with blue boxes and lids and requested that they try the lids at the meeting and provide feedback on placing the lids on and off the boxes.

Committee members tried the lids and provided the following comments:

- People with issues such as arthritis, carpal tunnel syndrome, and loss of nerve sensitivity may have issues with placement and removal of the lids;
- Black lids may be hard to spot when blue boxes are turned over on the side;

- Look into the possibility of having a reflective logo placed on top of the lids;
- Look into the possibility of branding the corners of the lids with reflective material to provide better visibility for drivers; and
- The lids may get hot when stored in sunlight.

C. Slaughter advised that any additional comments may be provided by way of feedback on the following web page: [Blue box litter project](https://www.durham.ca/en/living-here/blue-box-litter-project.aspx) (<https://www.durham.ca/en/living-here/blue-box-litter-project.aspx>).

C) Jamie Austin, Deputy General Manager, Business Services, and Mark Duffy, Manager of Safety and Training, Durham Region Transit, regarding Accessibility and Transit Overview

J. Austin, Deputy General Manager, Business Services, and M. Duffy, Manager of Safety and Training, Durham Region Transit provided a PowerPoint presentation regarding accessibility and Transit.

J. Austin provided an overview of the Durham Region Transit Strategic Framework. He advised that the following are the 2019 Priorities of Durham Region Transit:

- Investing in service enhancements
- Strengthening transit services in Rural North Durham
- Building upon customer amenity and outreach initiatives
- Managing fleet assets and transit innovations
- Continuing the transition to electronic fare media
- Advancing higher-order transit

J. Austin stated that members of the public can get involved through the following:

- Customer Service Centre
- Annual Public Information Centres
- Transit Advisory Committee Membership
- Annual Joint DRT-Metrolinx Accessibility Forum
- Five Year Service Plan Consultations
- Regional Budget Process

With regards to operator training, J. Austin stated that DRT operators receive a minimum of 16 days in-class and in-vehicle training; mandatory AODA training through the Region; and participate in a Cyclical Training Program.

J. Austin and M. Duffy responded to questions with regards to pre-loaded cards and challenges associated with getting rid of them; and participation in cyclical training sessions. J. Traer requested that any further comments be provided to her directly to be subsequently provided to DRT.

4. Correspondence

There were no items of correspondence to consider.

5. Information Items

A) Education Sub-Committee Update

There was no update to be provided.

B) Update on the Transit Advisory Committee (TAC)

J. Traer inquired whether any members were interested in sitting on the Transit Advisory Committee as an Accessibility Advisory representative and advised that so far, M. Roche has volunteered.

Moved by K. Galloway, Seconded by S. Sones,
That we recommend to the Finance and Administration Committee
for approval and subsequent recommendation to Regional Council:

That Mike Roche be appointed as the Accessibility Advisory Committee
representative to the Transit Advisory Committee.

CARRIED

C) Accessibility Coordinator Update

J. Traer reminded the committee of National Awareness Week scheduled for May 27 to May 31, 2019. She requested that members contact her if they wish to attend one of the two lunch and learn seminars.

6. Discussion Items

There were no discussion items to consider.

7. Reports

There were no reports to consider.

8. Other Business

There were no items of other business.

9. Date of Next Meeting

The next regularly scheduled meeting of the Accessibility Advisory Committee will be held on Tuesday, June 25, 2019 in Meeting Room 1-A, Regional Headquarters Building, 605 Rossland Road East, Whitby, at 1:00 PM.

10. Adjourment

Moved by K. Galloway, Seconded by C. Boose,
That the meeting be adjourned.
CARRIED

The meeting adjourned at 3:02 PM

M. Sutherland, Chair
Accessibility Advisory Committee

N. Prasad, Committee Clerk