



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### September 16, 2016

#### **Information Reports**

- [2016-INFO-16](#) Commissioner of Social Services – re: Children’s Services Division 2<sup>nd</sup> Quarter Statistical Report
- [2016-INFO-17](#) Commissioner of Works – re: Request for Speed Limit Reduction on Liberty Street (Regional Road 17) between Concession Road 3 and Concession Road 4, in the Municipality of Clarington
- [2016-INFO-18](#) Commissioner of Works – re: Simcoe Street (Regional Road 2) Road Closure from Rossland Road (Regional Road 28) to Robert Street for Road Rehabilitation and Replacement of the Watermain and Sanitary Sewer, in the City of Oshawa
- [2016-INFO-19](#) Commissioner of Planning & Economic Development – re: Reforming the Ontario Municipal Board: Five Actions for Change, Regional Planning Commissioners of Ontario Report
- [2016-INFO-20](#) Commissioner & Medical Officer of Health – re: Program Reports

#### **Early Release Reports**

There are no early Release Reports.

#### **Staff Correspondence**

1. [Memorandum from Dr. Robert Kyle, Commissioner & Medical Officer of Health](#) – re: Health Information Update – September 9, 2016.
2. [Letter from Regional Chair Anderson](#) – re: Certificate proclaiming the week of October 17 to 23, 2016 as “Waste Reduction Week” in Durham Region.

#### **Durham Municipalities Correspondence**

There is no Correspondence from Durham Municipalities.

**Other Municipalities Correspondence/Resolutions (For Information)**

1. [Municipality of Hastings Highlands](#) - writing the Honourable Steven Del Duca, Minister of Transportation informing of their resolution to support the Township of Carlow/Mayo regarding Bill 171, Highway Traffic Amendment Act (Waste Collection and Snow Plows) 2016.

**Miscellaneous Correspondence (For Information)**

1. [Ontario Good Roads Association \(OGRA\)](#) e-mailing regarding Federal and Provincial funding for 35 municipal and First Nation projects in communities across Ontario under the New Building Canada Plan's Small Communities Fund (SCF).
2. [Association of Municipalities Ontario \(AMO\)](#) emailing regarding a two day Energy Symposium being held November 3 and 4, 2016, Holiday Inn Toronto Airport.
3. [Association of Municipalities Ontario \(AMO\)](#) emailing an AMO Policy Update – What's Next Ontario?
4. [Metrolinx Board Update](#) – September 12, 2016.
5. [Ontario Good Roads Association \(OGRA\)](#) Landmark Gift to Support University of Toronto Engineering Research Chair in Asset Management & Infrastructure Informatics.
6. [Canadian Council for Public - Private Partnerships \(CCPPP\)](#) e-mailing regarding the 24<sup>th</sup> Annual National Conference at the Sheraton Centre, Toronto, Ontario, on November 14 and 15, 2016.
7. [Association of Municipalities Ontario \(AMO\)](#) e-mailing an AMO Policy Update – Speech from the Throne Emphasizes Action on Electricity Costs.
8. [Toronto and Region Conservation Authority](#) advising their Resolution #B82/16 was approved at their meeting held on September 9, 2016, regarding a Provincial Review of the Conservation Authorities Act.
9. [SNC-Lavalin Inc.](#) advising of a Public Information Centre hosted by the 407 ETR, regarding the Highway 407 Widening from Markham Road to Brock Road and New Whites Road (Sideline 26) Interchange.

**Advisory Committee Minutes (For Information)**

1. Durham Nuclear Health Committee (DNHC) Minutes – [June 17, 2016](#)
2. Durham Environmental Advisory Committee (DEAC) minutes – [September 8, 2016](#)

**Action Items from Council**

Action Items from Committee of the Whole and Regional Council meetings

(for information only)

Members of Council – Please advise the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca) by 9:00 AM on the Monday one week prior to the next regular Committee of the Whole meeting, if you wish to add an item from this CIP to the Committee of the Whole agenda.



## The Regional Municipality of Durham Information Report

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From: Commissioner of Social Services  
Report: #2016-INFO-16  
Date: September 16, 2016

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**Subject:**

Children's Services Division 2<sup>nd</sup> Quarter Statistical Report

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**Recommendation:**

Receive for information

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**Report:**

**1. Fee Subsidy**

- 1.1 The Children's Services Division Statistics for the 2<sup>nd</sup> quarter (April, May and June 2016) identify there were a total of 3315 children receiving child care fee subsidy as of June 30, 2016.
- 1.2 The number of children receiving subsidy in the 2<sup>nd</sup> quarter of the year has decreased from the 1<sup>st</sup> quarter of 2016.
- 1.3 The waitlist for fee subsidy has increased this quarter from 3489 children to 3848 children.

**2. Durham Behaviour Management Services**

- 2.1 As of June 30, 2016 there were 556 clients on Durham Behaviour Management Services active client list accessing various types and levels of service. All clients of the program have the opportunity to access a variety of service options, such as interim consultation, intensive/comprehensive consultation, workshops and/or phone/email contact with senior consultation while waiting for consultation. Currently there are 114 individuals waiting for ongoing consultation, and 43 individuals currently waiting for intensive consultation services due to the nature and severity of the presenting behaviour.
- 2.2 In addition to the behaviour consultation, community workshops and drop-in sessions are provided to Durham Region residents including families waiting for services. During the period April 1- June 30, 2016, 28 sessions were provided to a



total of 873 individuals.

**3. Attachments**

Attachment #1: Fee Subsidy statistics – April – June 2016

Attachment #2: Behaviour Management Services statistics – April – June 2016

Respectfully submitted,

Original signed by

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Dr. Hugh Drouin  
Commissioner of Social Services



## Children Services Division 2<sup>nd</sup> Quarter Fee Subsidy Statistics

### City of Ajax

Months	Number of Active Sites	Number of Subsidized Children Placed
April	48	984
May	48	956
June	48	964

The total number of children on the wait list in Ajax at the end of this quarter is 1236.

### Brock Township

Months	Number of Active Sites	Number of Subsidized Children Placed
April	4	73
May	4	69
June	4	71

The total number of children on the wait list in Brock at the end of this quarter is 40.

### Municipality of Clarington

Months	Number of Active Sites	Number of Subsidized Children Placed
April	31	264
May	31	263
June	31	263

The total number of children on the wait list in Clarington at the end of this quarter is 268.

### City of Oshawa

Months	Number of Active Sites	Number of Subsidized Children Placed
April	41	751
May	41	704
June	41	709

The total number of children on the wait list in Oshawa at the end of this quarter is 969.

### City of Pickering

Months	Number of Active Sites	Number of Subsidized Children Placed
April	38	597
May	38	591
June	38	602

The total number of children on the wait list in Pickering at the end of this quarter is 534.

### Township of Scugog

Months	Number of Active Sites	Number of Subsidized Children Placed
April	9	40
May	9	38
June	9	39

The total number of children on the wait list in Scugog at the end of this quarter is 36.

### Township of Uxbridge

Months	Number of Active Sites	Number of Subsidized Children Placed
April	10	30
May	10	29
June	10	29

The total number of children on the wait list in Uxbridge at the end of this quarter is 48.

### Town of Whitby

Months	Number of Active Sites	Number of Subsidized Children Placed
April	56	661
May	56	643
June	57	638

The total number of children on the wait list in Whitby at the end of this quarter is 555.

### 2<sup>nd</sup> Quarter totals

Months	Number of Active Sites	Number of Subsidized Children Placed
April	237	3400
May	237	3293
June	238	3315

The total number of children on the wait list at the end of this quarter is 3848. This total includes 162 children awaiting move to Durham Region.

Original signed by:

September 9, 2016

\_\_\_\_\_  
Roxanne Lambert, RCEC  
Director, Children's Services Division

\_\_\_\_\_  
Date



## Durham Behaviour Management Services 2<sup>nd</sup> Quarter Report

The graphic below reflects referrals, active cases receiving behaviour consultation, and closures by geographic area for the Developmental and Special Needs Resourcing programs from April 1-June 30, 2016.

### Referrals

Month	Ajax	Brock	Clarington	Oshawa	Pickering	Scugog	Uxbridge	Whitby
April	14	0	5	20	8	2	1	9
May	15	2	3	26	9	1	0	14
June	10	1	9	10	7	0	2	12
Totals	39	3	17	56	24	3	3	35

### Active

Month	Ajax	Brock	Clarington	Oshawa	Pickering	Scugog	Uxbridge	Whitby
April	88	3	78	187	60	16	10	125
May	92	3	68	191	57	15	10	121
June	93	5	66	193	58	16	10	115
Totals	273	11	212	571	175	47	30	361

### Closures

Month	Ajax	Brock	Clarington	Oshawa	Pickering	Scugog	Uxbridge	Whitby
April	4	1	4	9	6	2	2	11
May	8	0	13	16	10	1	1	12
June	7	0	5	4	4	0	1	14
Total	19	1	22	29	20	3	4	37

Original signed by

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Brian Brittain  
Manager, Durham Behaviour  
Management Services

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



# The Regional Municipality of Durham Report

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From: Commissioner of Works  
Report: #2016-INFO-17  
Date: September 16, 2016

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## **Subject:**

Request for Speed Limit Reduction on Liberty Street (Regional Road 17) Between Concession Road 3 and Concession Road 4, in the Municipality of Clarington

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## **Recommendation:**

Receive for information

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## **Report:**

### **1. Purpose**

- 1.1 The purpose of this report is to address community safety concerns with regard to high vehicular speeds and the lack of pedestrian/cycling facilities on Liberty Street (Regional Road 17) between Concession Road 3 and Concession Road 4, in the Municipality of Clarington (Clarington).

### **2. Background**

- 2.1 At the June 15, 2016, Works Committee meeting, a delegation was made by Clarington resident Ms. Ruth Ross, expressing safety concerns associated with high vehicular speeds and drivers not stopping safely or slowing for busses and vehicles turning right onto residential roads. Ms. Ross also identified the need for safe walking and cycling conditions on Liberty Street.

### **3. Road Safety Assessment**

- 3.1 Liberty Street is a two-lane Type B arterial road built to rural standards with gravel shoulders that transition to an urban cross section approximately 600 metres south of Concession Road 3. Sidewalk exists within the built up area south of Concession Road 3 terminating on the east side of the road north of Bons Avenue and on the west side, north of Longworth Avenue. This section of Liberty Street carries approximately 4,900 vehicles per day, with approximately three per cent of this traffic being trucks.

- 3.2 Collision records indicate that within the last five years, eight collisions have been reported at Concession Road 3 and no collisions at Concession Road 4. Seven collisions have occurred between these intersections of which there is no discernable pattern. The collision experience is considered low.
- 3.3 The posted speed limit transitions from 80 kilometres per hour to 50 kilometres per hour at Concession Road 3. Speed radar studies in the posted 50 kilometres per hour zone show average speeds of 65 kilometres per hour. Compliance with the posted speed is significantly low indicating that a majority of motorists feel comfortable driving above the posted speed limit.
- 3.4 Within the posted 80 kilometres per hour zone, south of Taunton Road, speed radar studies show average speeds of 84 kilometres per hour.
- 3.5 Posted speed limits are implemented in a consistent manner in accordance with Regional policy to maintain a high level of credibility and compliance. Lowering the posted speed limit without proper justification creates a significant number of non-compliant drivers. The lack of compliance would result in a broader range of operating speeds, which may create a more dangerous situation, increased braking, passing maneuvers, driver frustration, and higher collision potential.

#### **4. Planned Improvements**

- 4.1 The rehabilitation of Liberty Street from Concession Road 3 to Concession Road 4 is forecasted for 2018/2019 including drainage improvements, upgrades to the road base and the placement of new surface asphalt. At that time, a partial paved shoulder will be constructed which may alleviate some of the concerns regarding the lack of pedestrian and cycling activities until sidewalks and other facilities are provided.
- 4.2 A traffic control signal warrant will be met at Concession 3 within the next two to three years. Installation of the signals, including reconstructing the intersection to include north-south left turn lanes, is being proposed in the forecast.

#### **5. Conclusion**

- 5.1 A speed reduction is not recommended at this time based on the road safety assessment. There have been no recent changes to the road characteristics or any other factors to suggest the need to reduce the posted limit at this time.

- 5.2 The introduction of a traffic signal at the intersection of Liberty Street (Regional Road 17) and Concession 3 will reduce operating speeds.
- 5.3 As development continues, it is expected that driver behaviour will lower operating speeds as roadside characteristics change.

Respectfully submitted,

**for** Original signed by S. Siopis, P. Eng.  
C.R. Curtis, P.Eng., MBA  
Commissioner of Works

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



## The Regional Municipality of Durham Information Report

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From: Commissioner of Works  
Report: #2016-INFO-18  
Date: September 16, 2016

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### **Subject:**

Simcoe Street (Regional Road 2) Road Closure from Rossland Road (Regional Road 28) to Robert Street for Road Rehabilitation and Replacement of the Watermain and Sanitary Sewer, in the City of Oshawa

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### **Recommendation:**

Receive for information

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### **Report:**

#### **1. Purpose**

1.1 The purpose of this report is to inform Regional Municipality of Durham (Region) Council of a Regional road closure planned for the 2017 construction season.

#### **2. Background**

2.1 The deteriorating watermain, sanitary sewer and related services along Simcoe Street (Regional Road 2) from Rossland Road (Regional Road 28) to Robert Street are scheduled for replacement in 2017. As part of this construction contract, Simcoe Street (Regional Road 2) will require full reconstruction including removal of concrete road base; installation of new storm sewer, curb and sidewalk throughout the project length; and traffic signal reconstruction at Robert Street. The total project length is approximately 770 metres.

2.2 Due to the nature of the proposed works and the narrow right-of-way, this contract will require a full closure of Simcoe Street for the work to be completed safely and to compress the schedule into one construction season. This section of Simcoe Street is a very busy transit route with a large ridership, especially during the college and university school year. In consultation with the City of Oshawa, Durham Region Transit (DRT) plans to detour buses onto City of Oshawa roads.



### **3. Construction Staging**

- 3.1 Construction will generally progress from Rossland Road northerly. It is expected that the watermain and sanitary sewer will be constructed first, starting at the south end, with the storm sewer and roadworks to follow. Construction is expected to last six months and is planned to extend from April/May to October/November.

### **4. Proposed Road Closure and Detour**

- 4.1 In January 2016, staff from the Region and the City of Oshawa met to discuss the road closure and the preferred detour routes. It was determined at the meeting that Mary Street was the preferred route for buses and that other traffic should be detoured to Ritson Road (Regional Road 16). This decision was supported by a traffic study completed by Stantec Inc.
- 4.2 Southbound buses will be detoured from Simcoe Street to Robert Street, Mary Street, and Rossland Road. Northbound buses will be detoured from Simcoe Street to Hillcroft Street, Mary Street, and Robert Street. The main detour route for all other traffic will be via Ritson Road. DRT intends to initiate the detour on April 10, 2017.

### **5. Project Financing**

- 5.1 To allow for an early tendering process and more competitive pricing, it is anticipated that pre-budget approval for the roadwork will be sought as part of the Transportation Servicing and Financing Study scheduled for presentation to Regional Council on November 9, 2016. Construction funding for the watermain and sanitary sewer works is approved in the 2016 capital budget.

### **6. Conclusion**

- 6.1 This project includes several major components and strict scheduling requirements to mitigate both Durham Regional Transit and vehicular traffic impacts. Durham Regional Transit intends to initiate the detour on April 10, 2017, and construction should commence shortly thereafter.
- 6.2 In order to mitigate impacts and compress the construction schedule, a full closure of Simcoe Street (Regional Road 2) is required.

**7. Attachments**

Attachment #1: Detour Plan

Respectfully submitted,

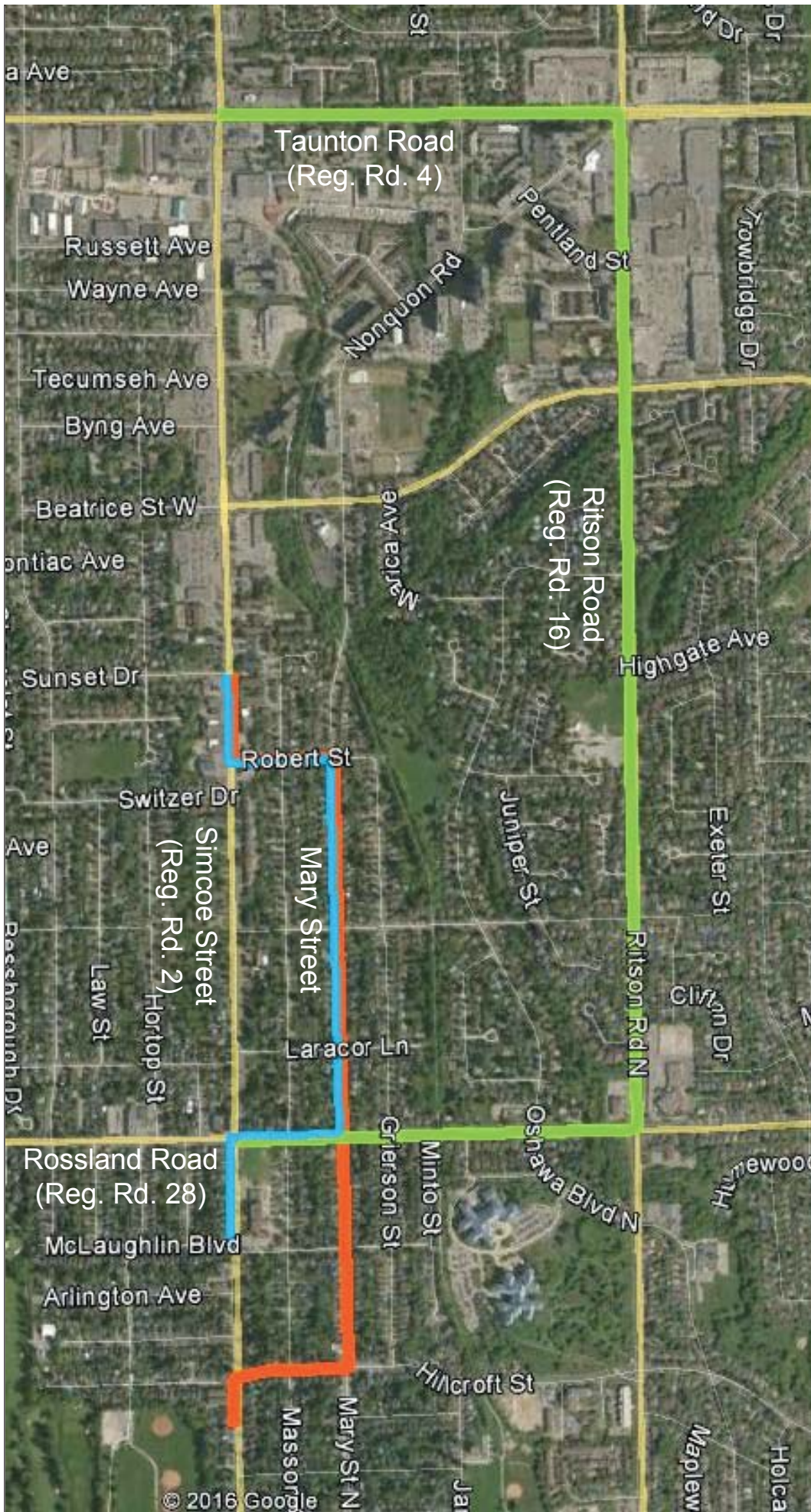
**for** Original signed by S. Siopis, P. Eng.  
C.R. Curtis, P.Eng., MBA  
Commissioner of Works

# Simcoe Street Rossland to Robert

## Detour Route Plan

### Legend

- General purpose (Auto) detour
- Transit Detour Northbound
- Transit Detour Southbound





## The Regional Municipality of Durham Information Report

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From: Commissioner of Planning and Economic Development  
Report: #2016-INFO-19  
Date: September 9, 2016

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**Subject:**

Reforming the Ontario Municipal Board: Five Actions for Change, Regional Planning Commissioners of Ontario Report, File A01-01-14

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 The purpose of this report is to provide Council with an overview of the Regional Planning Commissioners of Ontario's recently released report regarding Ontario Municipal Board reform. The report, entitled "Reforming the Ontario Municipal Board: Five Actions for Change" (the RPCO Report) was submitted to the Province on August 31, 2016 as input, into the Province's forthcoming OMB Review (Attachment 1). On September 9, 2016, RPCO issued a press release with respect to this report (Attachment 2).

**2. Background**

2.1 The OMB is an independent tribunal that makes decisions at arm's length from the government on appeals and applications under a number of statutes, with most of its caseload coming from the Planning Act. As set out under the Planning Act, the OMB is responsible for hearing appeals on decisions related to land use planning including official plans, zoning by-laws and plans of subdivision.

- 2.2 In 2014, the Ontario government mandated that the Ministry of Municipal Affairs work to improve the land use planning system. Part of the Ministry's mandate is to lead a review into the scope and effectiveness of the OMB, and to recommend possible reforms that would improve the OMB's role within the broader land use planning system.
- 2.3 In 2015, RPCO launched a study to provide input to the review process. The Region of Durham, contributed \$15,000 towards the study. RPCO engaged the services of a consultant team led by Joe Berridge of Urban Strategies Inc., as its Lead Researcher, and Ian Lord as the Expert Solicitor. Both are highly regarded in their fields of expertise.
- 2.4 Regional staffs from both the Planning Division and Corporate Services-Legal Services were involved in the consultation sessions facilitated by the consultant team.
- 2.5 In the summer of 2016, the Province released further details regarding the OMB Review and announced that the Ministry of Municipal Affairs and the Attorney General are planning to release a consultation paper in the fall of 2016.
- 2.6 Regional staff will review the Province's consultation paper when it is released, and will prepare a report with a recommended Regional response, for consideration by Committee and Council.

### **3. Overview of RPCO Report**

- 3.1 The purpose of the RPCO Report was to explore what is working, and what is not working, within the current land use appeal process. The activities of the OMB related to matters under other Acts such as the *Development Charges Act*, the *Ontario Heritage Act* and the *Aggregate Resources Act*, among others, were not directly included in the scope of the assignment. The RPCO Report does not recommend that the OMB be abolished. RPCO's proposed reforms are intended to reduce the scope of the OMB and realize efficiencies. The RPCO Report provides an analysis of the type, number and geographic distribution of OMB files. This analysis shows that the Greater Toronto Area accounts for about half of all files of the OMB's work per year. Durham accounts for less than 6% of the OMB's GTA caseload). Nearly half of all cases before the OMB consist of minor variance and consent appeals. Most hearing events take one day or less. These short hearings comprise about half the OMB's overall work load.
- 3.2 In its report, RPCO has identified five inter-connected issues of concern, as

follows:

**Issue 1** - Large, complex hearings take too long and tie up resources;

**Issue 2** - Resolving disputes at the OMB is expensive;

**Issue 3** - The OMB has insufficient regard for the decisions of municipal staff and Councils;

**Issue 4** - The process is too litigious; and

**Issue 5** – De novo<sup>1</sup> hearings need to be limited.

3.3 The RPCO recommendations for reform have been structured around five actions. Each action is designed to focus and improve the operations of the OMB and the overall planning context within which the OMB operates, so that the Board can more effectively and efficiently resolve land use disputes.

3.4 The five proposed actions are:

**Filter:** certain matters from appeal so that only issues of legitimate planning substance (that do not interfere with the implementation of provincial policy) appear before the OMB;

**Sharpen:** the practices and procedures of the OMB so that files move through the system more efficiently;

**Strengthen:** the professional capability of the OMB to undertake its post-reform role;

**Resolve:** rigorously scope matters under appeal and resolve more disputes through mandatory mediation and alternative dispute resolution prior to, or in place of, formal OMB hearings;

**Step Up:** in order for these proposed OMB reforms to be most effective, both the Province and municipalities need to improve their performance in the overall planning system.

#### 4. Conclusion

4.1 The RPCO Report has been forwarded to the Province as input into the MMA's forthcoming OMB review process. Once the Province releases its consultation paper, a report with a recommended Regional response will be prepared for Committee and Council's consideration.

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<sup>1</sup> A de novo hearing is a fresh and fulsome hearing on the matter, including hearing all the evidence considered by Council (and potentially new evidence not considered by Council), with little regard for the prior record on the matter. This is, as compared to a "true" appeal, where a review of a previous decision is conducted on the same record of evidence as the original decision. Typically, no new evidence is permitted on a true appeal.

**5. Attachments**

Attachment #1: Reforming the Ontario Municipal Board: Five Actions for Change

Attachment #2: Regional Planning Commissioners of Ontario News Release, dated September 9, 2016, issuing the Reforming the Ontario Municipal Board: Five Actions for Change report

Respectfully submitted,

Original signed by

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B.E. Bridgeman, MCIP, RPP  
Commissioner of Planning and  
Economic Development

REGIONAL PLANNING COMMISSIONERS OF ONTARIO

Reforming the Ontario Municipal Board:  
**Five Actions for Change**

FINAL REPORT | August 31, 2016





# PREFACE

In 2014, the Government of Ontario announced it would review the scope and effectiveness of the Ontario Municipal Board (OMB) and recommend possible reforms “that would improve the OMB’s role within the broader land use planning system.” The Regional Planning Commissioners of Ontario (RPCO) commend the Province on this initiative and have completed this report to support that review.

Every year across Ontario thousands of decisions are made on land use planning matters. Whether made by a municipal council, a Committee of Adjustment, the OMB, or an appeal court, these decisions can have profound impacts on community form and prosperity. Together, these decisions impact the province’s economy, as planning approvals are often key determinants to investment decisions. In contentious and complex cases, the OMB often functions as the final decision-maker.

RPCO members plan for over 80% of Ontario’s population in urban and rural, northern and southern locales. RPCO, representing both regional municipalities and single-tier municipalities, is well-positioned to take a leadership position in the initiative to reform the OMB as our members are involved to some degree in most of the decisions that lead to files coming before the Board.

RPCO was very intentional in choosing Joe Berridge as its Lead Researcher and Ian Lord as its Expert Solicitor for this project. Both Joe and Ian are highly regarded in their fields of expertise and their commitment to produce this comprehensive, creative, practical, and forward-thinking report was critical to achieving our goal. Our sincere thanks for their personal commitment and the work of their teams.

Over the course of this work, RPCO has also engaged Provincial staff, including the Ontario Municipal Board, who have all been very willing to assist with our work. We trust that our findings will provide both context and new directions for their consideration. Finally, our sincere thanks to all of our RPCO colleagues who have generously supported this initiative from the initial idea to this final report.

The report describes the OMB in the context of planning appeal bodies elsewhere in the world, the evolution of the OMB to its present form, the associated caseload, and insight into today’s appeal process. It assesses the merits and demerits of the Board’s current operations, drawing heavily from the collective experience of municipal planning staff. It concludes with thematic areas for reform and structured recommendations of the RPCO as developed and consolidated by the Lead Researcher, Joe Berridge, supported by his team of Emily Reisman and Inger Squires from Urban Strategies Inc. and Leah Birnbaum of Leah Birnbaum Consulting.

We look forward to hearing from all those reviewing this document and we maintain our commitment to working collaboratively with the Province toward implementing positive change in the near future. Together, we can improve the land use planning system in Ontario to better support our communities and our provincial economy.

Sincerely,

**Ron Glenn, Chair**

*Regional Planning Commissioners of Ontario*

**Rob Horne, Past Chair**

*Regional Planning Commissioners of Ontario*



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**The Regional Planning Commissioners of Ontario (RPCO) commissioned this report to provide input to the Provincially-mandated review of the Ontario Municipal Board (OMB) due to commence in 2016.**

In developing this report, the research team undertook:

- A review of OMB-related literature;
- An analysis of the type, number, and geographic distribution of files in the OMB caseload based on Environment and Land Tribunals Ontario annual reports and the Expert Solicitor's review of some 420 recent decisions delivered from December 2015 to June 2016;
- An analysis of the land use appeal practices in other jurisdictions, based on existing jurisdictional scans;
- A review of earlier reforms to the OMB;
- Results of a questionnaire on experiences with the OMB which was distributed to RPCO members (Appendix C);
- Follow-up interviews with RPCO members; and
- Interviews with key people in planning, law, municipal and provincial policy, and the development industry.

The research has shown that the OMB is arguably the most powerful body of its kind in comparable jurisdictions. Users of the land use planning system on all sides have experienced considerable dissatisfaction with the current role and operation of the Board and have supported the need for reform.

The need for reform of the OMB does not, in our view, require its abolition. The presence of an efficient and accountable dispute resolution body, which is characteristic of most comparable jurisdictions, contributes to a well-functioning planning system and is an important check on any arbitrary or unreasonable imposition of administrative or political power.

Instead, solutions to the current dissatisfaction lie in filtering matters that appear before the OMB, sharpening its processes, strengthening its ability to resolve disputes, and resolving matters through alternative dispute resolution techniques wherever possible. Reform also requires that the Province and municipalities step up their professional planning function so that plans are up to date and in-force, leaving the OMB to focus on resolving substantive disputes and not on setting or broadly interpreting policy.

## 1.1 Purpose of the Report

The Ontario government has mandated that the Ministry of Municipal Affairs work to improve land use planning. Part of the Ministry's mandate is to lead a review of the scope and effectiveness of the OMB and to recommend possible reforms that would improve the OMB's role within the broader land use planning system.

The Ministry's Mandate Letter explicitly states that improvements to the land use planning system should have the effect of reducing appeals to the OMB. This indicates an acknowledgement of why changes are needed to the system at this time: to recognize that current operations of the Board are creating cost, uncertainty and unintended negative consequences to good planning and appropriate development; to acknowledge the increased planning maturity of municipalities; and to validate the extensive work that municipalities do in developing land use policy, leading public consultation, balancing constituents' desired directions, and adopting plans to implement provincial growth management directions.

The OMB is intended to provide a public forum for appeals and to resolve disputes in accordance with the principles of good planning. Public criticism of the Board's role in planning is, however, increasingly vocal. For municipalities, it is often seen as the place where policies designed to implement provincial policy or direct municipal initiatives get delayed, reduced, and rewritten. For the private sector, it increases uncertainty, cost, and risk but adds the prospect of additional rewards. For local communities, it can appear undemocratic and incomprehensible. Most participants interviewed for this research agreed on the characteristic negative attributes of current Board processes: risk, cost and delay, particularly for lengthy hearings. They also agreed that these attributes are playing an unwelcome role in influencing the way that all actors participate in the planning process and on its outcomes.

The purpose of this report is to explore what is and isn't working with the current land use appeal process and to make recommendations for standardizing the parts that work well and reforming the parts that do not. Because the OMB operates as part of the overall land use planning approval system, this report's recommendations look beyond the workings of the OMB itself and suggest ways to improve related functions of the land use planning system at the provincial and municipal levels. The overall vision of a reformed land use planning system is one where land use permissions are developed and implemented through a public process; where development conforms to broader provincial goals that are clearly expressed; and where legitimate disputes are resolved efficiently with the broad public interest being paramount in decisions.

This study focuses on the work of the OMB as it relates to land use planning matters governed by the *Planning Act* and concludes with recommendations for its reform. The activities of the OMB related to matters under other Acts such as the *Development Charges Act*, the *Ontario Heritage Act* and the *Aggregate Resources Act*, among others, are not directly included in the scope of this report.

## 1.2 The OMB within the planning system

The OMB has become more than an appeal body; it has become a fundamental part of Ontario's land use planning system. In a province that is increasingly providing overall planning policy direction and where municipal elected officials are supported by professionally sophisticated planning staff, the question of whether the OMB needs to or ought to be playing such a pivotal role should be thoroughly examined.

Ontario's land use planning approvals system begins with the Province setting broad policy for where and in what form development and other planning initiatives should occur. Then municipalities articulate that policy into the local context through municipal official plans and zoning by-laws. The OMB lies somewhere in the middle, providing decisions to resolve disputes between any combination of policy makers, landowners and community groups.

This report does not start from the position that the OMB should be abolished. Instead, implementing the proposed reforms will reduce its scope and focus its processes. In many ways, the land use planning system benefits from the existence of an appeal body. Planning is not an exact science; it is a complex and on-going social, environmental, and economic negotiation. Moreover, if municipalities fail to make the necessary decisions to implement provincial policy, or if they deny natural justice to property owners, community groups or individuals, some mechanism for redress and decision is required. Were the OMB not the venue for this, some other format would need to be found, with unknown consequences to the planning system.

The overall strategy in this report is therefore to suggest modifications to the existing structure of the OMB to resolve particularly complex and difficult disputes while reshaping and reducing its extent of influence. The OMB constitutes an important avenue for the pursuit of 'good planning' in matters of property and planning interest. This role cannot and should not be eliminated; neither should it be the sole forum for decision making.

The threat that without an OMB local councils may become too beholden to constituents who don't want to see any change in their communities is not an empty one. In San Francisco, for example, due in part to vocal neighbourhood and environmental groups opposing new development, and in part because no OMB-like structure exists to challenge these decisions, that city is struggling to meet a surge in housing demand.

The OMB acts as a balancing force against hyper-local issues having undue influence over municipal-wide matters. Several interview respondents told us that the OMB is useful for tempering the pressures that councils face, particularly in smaller municipalities. As one municipal planner reported, "the shadow of the Board can be very useful thing to have."



## 1.3 Previous attempts at OMB reforms

The OMB dates back to 1906 as the Ontario Railway and Municipal Board, which supervised municipal funds and the provision of rail transport between and within municipalities. The Board was renamed the Ontario Municipal Board in 1932. Most of the powers that the OMB was given at that time still stand today and many new powers have been given through legislative changes.

As an independent quasi-judicial tribunal the Board's main function is to hear appeals and applications, and to resolve disputes on a variety of contentious municipal matters. When a matter is appealed to the OMB, the Board takes the place of the approval authority and can make any decision that the approval authority could have made. This broad authority given to unelected officials has led to criticism, controversy, and persistent calls for the OMB to be reformed or abolished.

In the past 20 years there have been several attempts at reforming the planning system in Ontario, with some specifically focused on the role of the OMB. Many of these attempts at reform have been implemented while others have been either too controversial, too costly or were thought to endanger elements of natural justice.

The most significant reforms to the OMB to date include the following policy directives:

- permitting the Board to refer matters back to Council;
- requiring that complete applications be submitted before the municipal review period begins;
- requiring that the OMB “have regard to” decisions made by municipal councils; and
- restricting third-party appeals to those who participated in the initial decision-making process.

The recently proclaimed Bill 73, *Smart Growth for Our Communities Act, 2015*, introduced further reforms in the *Planning Act* restricting the right of appeal of entire official plans and certain parts of an official plan, as well as other matters, that will alter the current planning approval process. See **Appendix B** for a list of OMB reforms that have been implemented and those that have been proposed but not (or not yet) implemented.

## 1.4 Land use appeals in other jurisdictions

For this report, the research team undertook a review of appeal practices in other jurisdictions, based largely on a review of several existing jurisdictional scans, in particular:

- Moore, Aaron A., *Planning Politics in Toronto: The Ontario Municipal Board and Urban Development*. University of Toronto Press. 2013.
- Taylor, Zachary, Assistant Professor, Department of Political Science, Western University. Correspondence based on unpublished research, 2016.
- David Redmond and Associates. *Overview of Municipal Appeal Mechanisms By Province*. Prepared for the Canadian Home Builders' Association. October 2003.

While none of these reviews are entirely comprehensive, they do provide a good understanding of the way other jurisdictions handle land-use and planning dispute resolution and offer a comparison of the relative scope of appeal, access, powers, procedures and other key characteristics of the Board's operation.

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**From this review it is clear that Ontario is not unique in having an appeal body for local administrative decisions. Other Canadian provinces, the UK, Ireland, Australia and New Zealand all have some kind of land use appeal body. What is unique to Ontario, however, is the range of municipal decisions that are subject to appeal, the broad rights of appeal, and the power of the OMB to create new policy.**

**The following section compares the OMB to other appeal bodies across Canada and provides an overview of the land-use appeal system in the UK.**

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## ► COMPARING THE OMB TO OTHER APPEAL BODIES ACROSS CANADA

*Every other jurisdiction in Canada has a body (or bodies) to hear appeals of some local land use planning decisions. It is useful to compare the varied approaches of appeal bodies across the country because of our shared traditions of parliamentary government, legal system, local government organization, and planning regulation. British Columbia, Alberta, Saskatchewan, Manitoba, and Newfoundland all have local or regional appeal boards. In these cases, local boards are typically appointed by municipal councils and regional boards are appointed by the province governments. Quebec, Ontario and the other Atlantic provinces have single appeal bodies that cover their full territory.*

### Scope of appeals

While all jurisdictions allow appeals for some types of local planning decisions, in most places the scope of appeal is limited so as not to undermine local democratic accountability. Manitoba, for example, completed public consultations for reform of the *Planning Act* in which “most participants agreed that the council should be the final decision-making authority on matters of local interest (Manitoba Intergovernmental Affairs, 2003 page 6).”

All provincial appeal bodies hear appeals by citizens whose development applications have been rejected by local authorities. However, not all types of decisions are appealable to provincial appeal boards. In Nova Scotia, minor variances are appealable to city council, not to the Nova Scotia Utility and Review Board. In Winnipeg, variance and subdivision appeals are heard by a committee of council. In British Columbia, refusals of development proposals are appealable to regional Boards of Variance on grounds that the provisions of the by-law impose “undue hardship.” For these appeals, the Board may order a variance to or exemption from the by-law.

Outside of Ontario, no other jurisdiction in Canada permits the direct appeal of official plans or comprehensive by-laws that apply across a local government’s territory. Distinct from the ability to appeal a site-specific decision, in Ontario the direct appeal of general policies prior to implementation is a unique challenge to the policy-making power of democratically elected councils.

### Third party appeals

In most Canadian provinces participation in appeals by third parties who can demonstrate an interest or injury is permitted. The appeal body usually has discretion over whether the test of sufficient interest or injury has been met – typically referred to as a “leave test.” In Nova Scotia, third-party appeals can only be made by those who believe that the decision will adversely affect the value or reasonable enjoyment of their property. In Saskatchewan, any affected person may appeal on grounds of error of process. In Ontario, third-party appeals are generally permitted if the third party participated or provided comments to the local authority prior to the decision.

## Interpretation of policy documents

One area where the OMB exercises far greater jurisdiction than its counterparts in other provinces is in the interpretation of local and provincial planning policy. The OMB frequently rules on whether applications and plans are “good planning” and has the authority to rewrite any municipal policies.

Other provinces are much more restrictive. In Newfoundland, the appeal board is not permitted to make a decision that is contrary to the intent of the *Planning Act*, regulations, and municipal plan, but may confirm, reverse, or vary the original decision. British Columbia, and Saskatchewan prohibit the appeal board from making a decision that does not comply with official plans or provincial policies. The role of the appeal body is to ensure that planning applications conform to established policy. This is a much stronger direction than Ontario’s “have regard to” standard; elsewhere ‘good planning’ is deemed to be described by the in-force policy documents. Nova Scotia denies leave to appeal if the decision of council reasonably carries out the intent of the municipal planning strategy or the decision is consistent with the by-law in question. The appeal body is required to uphold the council’s decision if it is based on a reasonable interpretation of the intent of municipal planning strategy.

## Appeals based on timely decisions

Most jurisdictions, with the exception of Ontario, New Brunswick and Saskatchewan, do not provide for appeals on the basis of untimely decision-making by local authorities (i.e. the failure of a municipal council or approval authority to make a decision within a prescribed time frame).

## De Novo limitations

Ontario is the only jurisdiction in Canada that has the ability to hear appeals *de novo* – as though it had not already been considered and either approved or denied by a municipal council (although, as noted in Section 2.2, the OMB rarely makes use of truly *de novo* hearings). In Prince Edward Island, appeals are decided strictly on the basis of the evidence presented in the original process. In Saskatchewan, new evidence can be introduced with leave from the Municipal Board, which is limited to reviewing the record for error. In Newfoundland, the appeal board is not permitted to make a decision that is contrary to the intent of the *Planning Act*, regulations, and municipal plan, but may confirm, reverse, or vary the original decision.

## Panel composition

In some places, including Ontario, the Board’s impartiality is secured by requiring no specific expertise of members hearing particular cases. The facts of the case are to speak for themselves. (The OMB is empowered to independently call in experts to clarify technical issues, but we are unaware of its having done so). In other jurisdictions, however, it is deemed important to have members with directly relevant experience hear particular cases. In this model, multi-member panels are usually required to include at least one lawyer or judge to ensure legal correctness. The Manitoba Municipal Board has two full-time and 30-40 part-time members drawn from all regions of the province and relevant professions. Appeals are heard by three-member panels – one full-time member and two part-time members. At the OMB, hearings are typically conducted by one member although larger panels are sometimes assigned to more complex cases and new members are sometimes paired with more experienced members.

## ► LAND-USE APPEALS IN THE UK

*The planning approval process in the United Kingdom and the Ontario approval process, though rooted in the same common law jurisdiction, are very different. The following is a brief overview of the UK land-use appeal process.*

### Planning approvals process

In England and Wales Local Plans are the main planning documents used to govern development. Following background work and consultation, the Local Plan is submitted to the Planning Inspectorate for approval accompanied by a summary of the consultation. The Inspectorate examines the document to ensure the proposed Local Plan meets all legal requirements and is 'sound'. The Planning Inspectorate will consider objections to policies or site proposals during this period if they pertain to material considerations (i.e. issues of good planning and the public interest). The Inspectorate can suggest amendments and modifications to Council but cannot impose a plan on a Council who are the ultimate approval authority. However, the Inspectorate can recommend changes that will affect the policies of the plan if the Local Planning Authority (LPA) has requested it do so. If the Inspectorate deems the plan unsound, it will recommend that the plan not be adopted. In these circumstances the LPA will be required to withdraw it.

### Public consultation

When a planning application is submitted, local planning authorities typically have eight weeks to issue a decision. Comments from the public must be submitted in writing to be formally included in the process. Decisions are either made by a Planning Committee comprising elected officials, where members of the public can register to speak, or are delegated to staff.

### The right of appeal

The British planning does not bestow the right of appeal to third parties. Third parties may only make appeals on points of law in a Judicial Review to the High Court, challenging the local authority on whether it has followed correct procedure or given consideration to all matters required by law. Third parties may also file complaints with the Local Government Ombudsman over issues of fairness or procedural correctness; however the Ombudsman cannot overturn a planning decision.

### The appeals process

An appeal can be triggered if an LPA refuses to grant permission for a development, imposes conditions on an approval, or fails to address an application within a given time frame. Once a decision has been made by the LPA, only the applicant has the right to appeal to the Planning Inspectorate. Appeals are made to the Secretary of State through the Planning Inspectorate. During an appeal, the Inspectorate considers all material planning considerations submitted by the appellant, the LPA, and anyone else who made representations on the original application.

### Format of appeal submissions

Planning appeals are submitted through written representations, usually in the form of a statement of case. Parties may comment on each other's written statements. Most types of appeal are addressed either through a Hearing or a Local Inquiry. Hearings involve the submission of written evidence, followed by a round-table discussion led by the Inspectorate. Third parties are able to attend and participate in the discussion. Hearings typically take one day and include a site visit.

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## The OMB by comparison

**Compared with other Canadian jurisdictions and the UK, Ontario allows appeals of the broadest range of municipal decisions. Ontario's rights to appeal are also very broad; whereby any third party who participated in the initial consultation process before Council can appeal a matter to the OMB. The powers of the OMB itself are also more extensive than other appeal bodies. The OMB is able to make decisions on planning rather than on procedural grounds and can modify planning instruments.**

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## 1.5 Statistical analysis on OMB files

The following is an analysis of the type, number, and geographic distribution of files in the OMB caseload based on Environment and Land Tribunals Ontario annual reports and the Expert Solicitor's review of some 420 recent decisions delivered from December 2015 to June 2016.

### Regional Distribution

The regional distribution of files coming to the OMB has remained fairly steady over time. Reporting on statistics is not consistent but the general pattern is that the GTA accounts for about half of all files (Toronto 25-30%; York 10%; Halton, Peel, and Durham less than 6% each). Ottawa generates about 6% of the OMB's work per year and the rest of the files originate from around the province with no one municipality accounting for more than 5% of the total.

### Types of Appeals

The data shows that the number of annual appeals that the OMB receives is fairly constant with an average of 1,830 appeals received each year over the past decade (Figure 1). Of these appeals, nearly half (46%) consist of minor variance and consent appeals.

### Hearing Events

Over the past decade the OMB has presided over an average of 1465 hearing events per year (data from 2003-2014). Hearing events include pre-hearing conferences, settlement hearings as well as full hearings of any length. They are different than hearing days. Most hearing events (86%) take one day or less. These short hearing events comprise about half of the OMB's overall workload taking up 54% of hearing days (data from 2012-2014).

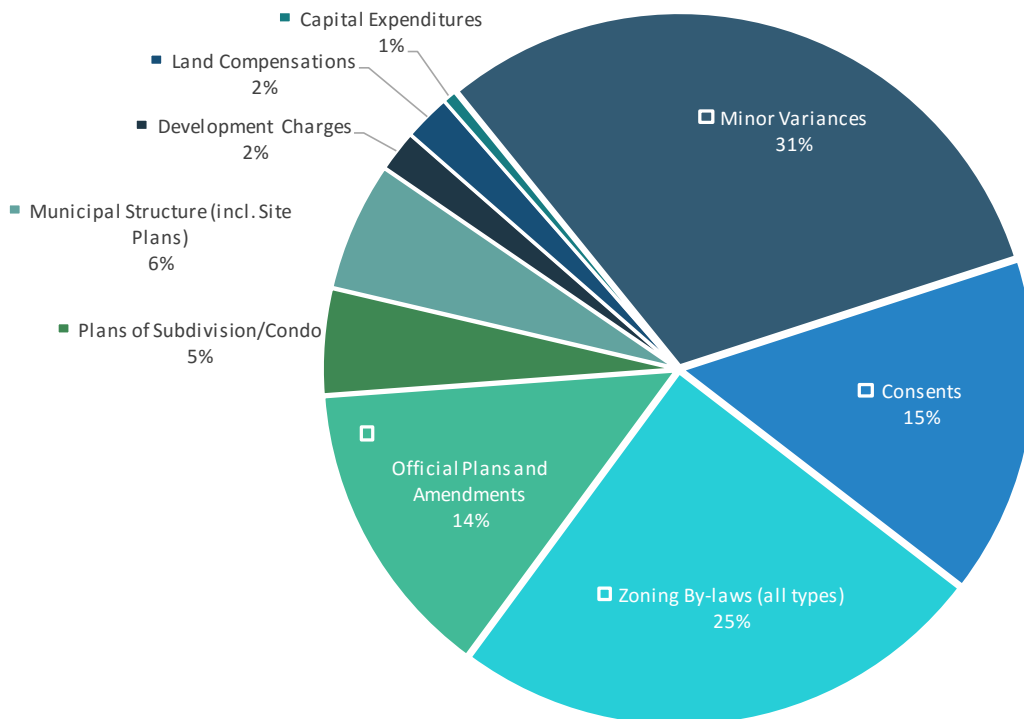


Figure 1: Types of Appeals to the OMB: Averages from 2003-2014.



## Hearing Days

The data show that only 6% of hearing days in 2012/13 and 12% of hearing days in 2013/14 took more than twenty days, averaging 9% over 2 years (Figure 2). Files that have taken more than 20 hearing days include Halton's Regional Official Plan Amendment 39 which has been under appeal since 2012 and the Region of Waterloo's Official Plan which spent over four years at the OMB. Appeals related to Toronto's Central Waterfront Secondary Plan were first heard in 2005 and related hearings continue to this day. While the percentage of files that warrant this type of long hearing is small, this report's research points to these long hearing events as a major source of dissatisfaction with the OMB.

## Number of Hearings

From 2003 to 2014 an average of 2138 hearings were scheduled. Of these, an average of 1465 hearings were held (68%). Of these hearing events, an average of just 68 mediation events were held, representing a small portion (5%) of the OMB's overall work. However, it should be noted that these may involve greater time commitment and play a greater role in complex cases.

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In summary, the OMB's Annual Reports and the close reading of hundreds of recent decisions tell us that much of the Board's hearing event work happens quickly and efficiently. These achievements are not in dispute. Given that more complex files face long delays, however, the question of why so much of the Board's time is devoted to minor variances and consents is raised. The initiation of local appeal bodies by at least one major municipality (Toronto) is in part a response to that question.

See Appendix D: Statistical Data for more details on the statistics presented above.

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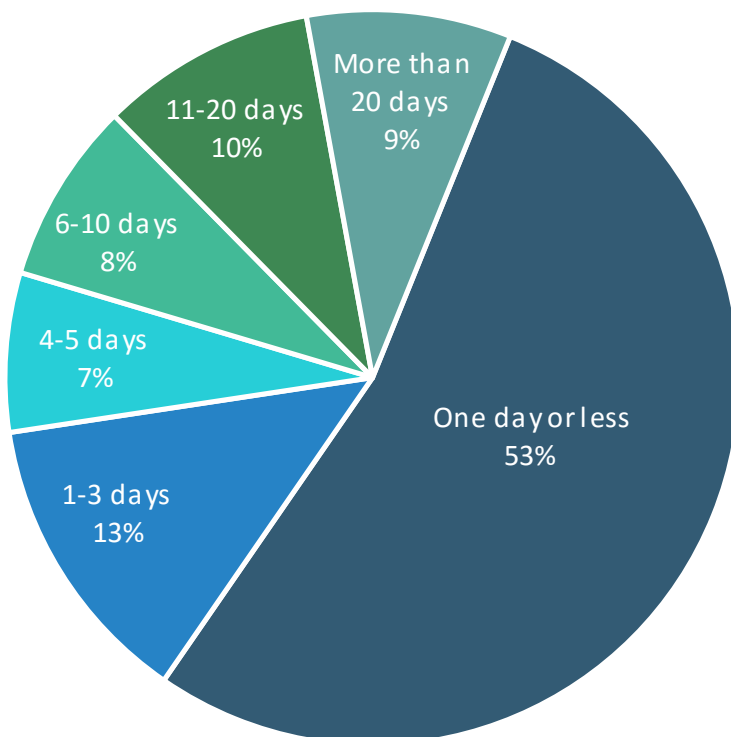


Figure 2: Duration of OMB Hearing Days: Averages from 2012/13 and 2013/14.

The research team prepared and distributed questionnaires to RPCO members (Appendix C) and received responses from all of them. Follow-up interviews were held with RPCO members and their key staff. The research team also undertook interviews with key people in planning, law, municipal and provincial policy, and the development industry. It is evident from the questionnaire results and the interviews that many municipalities and regions are experiencing very similar issues with the performance of the OMB (in particular those in the Greater Golden Horseshoe (GGH)), while some others find that the OMB is working quite well. This research points to several issues of concern to those who frequently interact with the Board.

## 2.1 What is working well?

In their questionnaire responses and in subsequent interviews, respondents raised several good news stories – files that were handled well, and issues that were resolved efficiently to the satisfaction of all parties. The recommendations below will echo these good news stories by identifying and standardizing current non-legislated best practices in order to improve the whole system. In particular, respondents reported satisfaction with the OMB process in cases where:

- Appeals are resolved through mediation and hearings are avoided;
- Appeals are effectively scoped prior to the hearings and are grouped into topics to be heard at different points in the hearing;
- Board members hold all parties to the scoped issues list, achieving a quick resolution;
- Board members schedule a series of pre-hearing conferences and push all parties for results, continuing to schedule formal and informal meetings as talks progress rather than waiting for the hearing date to resolve issues;
- Appeals without merit are quickly dismissed; and
- Board members demonstrate good mediation skills and manage conflict effectively.

## 2.2 What needs improvement?

Many respondents reported concerns, however, where the presence and proceedings of the OMB needed improvement. Most of the concerns had to do with large, lengthy, and complex files coming before the OMB. While the Board generally resolves many small matters efficiently, the system appears ill-equipped to handle large-scale, multi-party appeals of entire plans, sections of plans or plan amendments, or very complex development applications that impact key official plan policies. On these files, the Board process is too slow, too litigious and too expensive. As a result, policy implementation is held back for too long, and private interests operate in uncertainty. Community members are intimidated by the Board's cost and complexity and, while they may participate in hearings, they often feel ignored.

### Five inter-connected issues of concern arose:

1. Large, complex hearings take too long and tie up resources.
2. Resolving disputes at the OMB is expensive.
3. The OMB has insufficient regard for the decisions of municipal staff and Councils.
4. The process is too litigious.
5. The *de novo* hearing limitations



## **ISSUE 1:**

# **Large, complex hearings take too long and tie up resources**

**Municipalities, particularly those in the GGH, can get stuck in a perpetual cycle of overlapping and inconsistent plan approvals. Interviewees report feeling gridlocked by having portions of their official plans and/or zoning by-laws stalled in appeals at the OMB – sometimes for years – while development applications continue to come in that are subject to the regular processing time requirements. Staff struggle to shape applications to be in line with stated municipal policy when much of that policy is not yet in force.**

### **Issue 1A) Administrative delays at the OMB contribute to the time it takes to have complex issues resolved.**

In the Environmental & Land Tribunals Ontario's (ELTO) most recent Annual Report that discusses the scheduling of hearing, (2012-2013), 83% of cases had a first hearing event within 180 days of filing of the last application that formed part of the case. Put the other way, 17% of cases languish at the Board with no pre-hearing conference, settlement meeting, mediation event or hearing scheduled for more than six months. In addition, large and complex cases can continue to draw appeals long after the file first arrives at the OMB. In those cases, even if the first hearing event is scheduled within a reasonable time from the receipt of the last appeal, the original appeal may have been in the Board's hands for months or even years. We also heard from respondents that complex files require several pre-hearing conferences before moving to the hearing stage and there can be long delays between these meetings.

The time between the end of hearings and the issuance of a decision by the OMB also contributes to delays. Although the OMB reports that in 2012-2013, 82% of decisions were issued within 60 days of the hearing, we heard from respondents that part of the delay associated with bringing appealed planning documents into force is waiting for decisions to be issued after hearings have ended. We also heard that decisions are issued quickly for site-specific development cases, including minor variances, while decisions related to the adoption and approval of municipal or regional policy documents are too often subject to long delays in policy implementation.

### **Issue 1B) The length of hearings themselves contributes to delay.**

Interviewees report that hearings are taking longer than necessary because matters before the Board are not sufficiently scoped prior to the hearing. Issues lists prepared by parties are kept deliberately broad and the degree to which issues are scoped prior to hearings varies widely by Board member. The mechanism exists for scoping, by way of motion and decision, but it is complex, expensive and time consuming and, because it is a discretionary decision, it is unpredictable. A lack of scoping can result in repetitive witness testimonies that add to the length of hearings. One commissioner noted that, "In the 1980s a two-week hearing was considered huge. Now we see seven-week hearings." This problem is particularly prevalent in the municipalities subject to the implementation of provincial Growth Plan policies.

Delays in scheduling pre-hearing conferences, teleconferences and hearings can often be attributed to scheduling issues between the lawyers and consultant expert witnesses, and the OMB members' own schedule. Many respondents suggested that event dates should simply be set and all parties should be expected to find a way to make the dates work.

Furthermore, delays in scheduling long hearings and delays in issuing decisions can result in a perpetual cycle of appeals and conformity exercises as dispute resolution overlaps with the required review time periods. The policies are at a gridlock and municipalities struggle to implement both local and Provincial policy.

## **ISSUE 2:**

### **Resolving disputes at the OMB is expensive**

A growing concern with the OMB's current role in the planning process is that resolving disputes is very expensive. Several respondents report that costs are rising as cases before the OMB become more and more complex.

#### **Issue 2A) The OMB consumes a lot of staff time and resources.**

RPCO members report that preparing for and attending OMB hearings involves substantial direct costs for external consultants and lawyers and consumes considerable dedicated staff time. For all municipalities this diverts resources away from other planning matters but it is a particular issue in smaller municipalities where staff numbers are small. For most large RPCO municipalities, OMB hearings occasion direct annual costs of between \$500,000 and \$4 million on external consultants and lawyers. This is over and above the considerable cost of internal staff time and resources. Halton Region, as an example, has spent \$3.5 million at the OMB over the past four years while the Region of Waterloo spent \$1.7 million defending its regional official plan.

Full OMB hearings, attended by consultant expert witnesses, staff expert witnesses, consultant lawyers and staff lawyers, require significant amounts of time and money to prepare for and to attend. Full hearings are only one form of dispute resolution process that the OMB can employ and are arguably the least efficient and the least effective at resolving complex multi-party disputes in the name of good planning. Maximizing opportunities to resolve disputes without full hearings will serve to reduce direct and indirect costs for all parties.

#### **Issue 2B) Cost concerns are driving decision-making.**

RPCO members expressed an increasing concern that staff planners and Councils must sometimes make decisions geared toward avoiding OMB hearings because the municipality cannot afford to go to the Board. Making planning decisions contingently to avoid a costly dispute resolution process highlights the increasingly problematic position of the OMB within a planning system founded on the expression of 'good planning' practice.

## ISSUE 3:

# The OMB has insufficient regard for the decisions of municipal staff and Councils

An issue of major concern to respondents is that the procedures of the OMB and the outcomes of cases do not consistently have regard for the decisions of municipal councils.

### Issue 3A) Regard for Council decisions is inconsistent.

Respondents to our questionnaire felt that when policies are developed at the municipal level with extensive professional staff input, public consultation, and debate at council, that they should not be dismantled on appeal. Indeed, to confirm the substance of these deliberative processes, Bill 51 introduced amendments to the *Planning Act* requiring that the OMB “shall have regard to” the decisions of municipal council in making its decisions.

The intention of introducing the “have regard to” language for municipal decisions was to address concerns that the Board was not adequately considering the information and materials presented to, and ultimately the decision of, a democratically elected council. However, in practice, this test, added under the area of the *Planning Act* that includes a long list of other matters to “have regard to”, gives complete discretion to the Board member as to the weight any of these matters would have in their decision, respondents find that the OMB has in its practice taken varying and contradictory approaches to the application of this subsection of the *Planning Act*.

In some OMB cases, the Board has regard for municipal policies that are under appeal and are not in full force and effect because they speak to the municipality’s intentions. In other hearings, however, these policies are disregarded because they are not yet in force. Many respondents also feel that municipally-initiated policy documents that are adopted and/or approved to implement provincial policy should not be subject to appeal.

RPCO members feel that the OMB should give considerable weight to those municipal decisions in determining any matters under appeal.

### Issue 3B) The status of guidelines and other non-statutory documents is unclear.

The consideration given to planning instruments such as urban design guidelines and precinct plans (which are adopted by councils but do not carry weight under the *Planning Act*) and secondary plans (which do carry legislative weight but are widely variable in their level of detail) is inconsistent in OMB decisions. Guideline documents are increasingly being developed with a substantial amount of public consultation with the expectation that they will be upheld by Council, staff, applicants and the OMB. However, OMB members frequently disregard these documents in their decisions.

Additionally, respondents voiced their frustration that they are unable to implement community planning permit systems (formerly known as the development permit system<sup>1</sup>) because the initial policy framework is appealable.

### Issue 3C) The OMB hears new evidence without remitting matters back to Council.

The procedures of the OMB can also undermine municipal decision-making processes in other ways. Respondents have found that Board members often allow appellants to make changes to their application or submit new information or new studies during the hearing process. This new information has not been previously reviewed by municipal staff nor made available to Council before it issued its decision. While the *Planning Act* contains provisions that allow the OMB member to remit matters back to Council, which would seem appropriate in many such circumstances, this power is rarely used. Respondents report that either motions to remit information back to Council are refused or the delays associated with initiating the motions act as a disincentive to put them forward. Respondents are concerned that the OMB is over-reaching in its scope when it issues decisions on these revised applications.

1. Per the *Smart Growth for Our Communities Act, 2015 (Bill 73)* the former Development Permit System is now referred to as the Community Planning Permit System in the *Planning Act*.

### **Issue 3D) The OMB over-reaches in its decisions.**

RPCO members are also concerned that the OMB over-reaches in its decisions by setting policy rather than simply resolving disputes. For example, cumulative decisions to approve developments in areas of Toronto with high growth pressure undermine the municipal growth strategy and are creating a de facto official plan represented by the Board's collective decisions. In another municipality, an OMB decision to approve a development that was refused by Council also determined the Section 37 benefits, a process usually agreed upon through extensive negotiation between a developer, the community, and the municipality.

Several interviewees reported that Board members have treated the municipal planner as less qualified than outside consultant witnesses. This preference, if accurate, for outside expertise would be a concern as it would indicate a disregard for municipal professionalism. Respondents also noted that community groups are often not taken seriously at the Board unless they have the resources to bring in outside expert consultants to testify. Some noted that the participation of community groups is received as tokenistic – that the OMB provides a venue for groups to air their views while not weighing those views heavily in its decisions.

However, these concerns may not be borne out in actual examination of Board behaviour. Findings from Moore's research, albeit limited to Toronto cases only, suggest that the OMB most often 'sides' with the municipality in a substantial majority of cases where the Council adopted the planning staff recommendations.

### **Issue 3E) The OMB is inconsistent with its application of precedent.**

Some RPCO members questioned whether the OMB should be bound by precedent in order to provide more consistency between decisions. This research considers that while the OMB should be consistent on procedural matters, decisions on land use and public policy matters should not be bound by precedent. In planning, each development application must be evaluated on its merits and within its site context. A decision related to a particular building or site should not bind future decisions, even where the context is similar. If OMB decisions were bound by precedent, the accumulation of OMB decisions would soon entirely supersede municipally-led comprehensive planning.

Consistency on procedural matters, however, should be improved. The OMB should treat issues such as the submission of new evidence, the appearance of new parties, the status of municipal guideline documents, and the requirement to send matters back to Council consistently. Standardizing direction on these issues into clear OMB procedures should improve predictability and consistency on those matters.

## **ISSUE 4:**

### **The process is too litigious**

**The OMB, and therefore the whole planning process, has become too legalized and the proceedings too court-like. Respondents report that the court-like proceedings allow parties with significant resources to spend time on legal manoeuvring rather than on the issues in dispute, adding to overall costs for all parties.**

Respondents are concerned that achieving positive outcomes at the Board has become a matter of 'good lawyering' rather than 'good planning'. A symptom of this issue is that staff planners who are tasked with evaluating the merits of planning applications are assessing applications with an eye to what will be defensible at the OMB if the municipal decision or non-decision is appealed. Planners tell us that they are strategizing for "the win" based on the OMB's record of decisions instead of evaluating the merits of an application based on its adherence to approved municipal plans, policies and guidelines.

Respondents expressed concerns that the OMB's court-like proceedings and the aggressive cross-examination of witnesses is not conducive to resolving disputes over land use and is out of step with broader cultural trends in management and dispute resolution. Further, at a time when the gender and ethno-cultural composition of the planning profession is enjoying new diversity, the reputation of the OMB as an unnecessarily combative arena could detract from the appeal of planning as a profession.

## ISSUE 5:

### The *de novo* hearing limitations

Many users and observers of the OMB have called for limits to the Board's use of *de novo* hearings. Some, including contributors to this research, have argued that the OMB should not hear matters *de novo* but should confine itself to finding whether municipal decisions are legally or procedurally flawed.

This research revealed that, while the OMB may conduct hearings *de novo* because it is an administrative tribunal and not a judicial court, in procedure and practice, it does not actually conduct full *de novo* hearings.

The OMB's Rules of Practice and Procedure allow for early dismissal, for mediation, for pre-hearing conferences, and the *Planning Act* requires Board members to 'have regard to' the municipal decision and any information and materials that they received in relation to the matter – each of these procedures effectively restricts the Board's ability to truly hear matters *de novo*. Given that the primary concerns with the OMB are that it is too slow, too expensive and too litigious, this research has determined that reconstructing the OMB as a body that does not hear matters *de novo* will not, in itself, alleviate these concerns because true *de novo* hearings are rare.

Rather, this research has determined that the Province can use legislation to limit appeal matters and both the Province and the Board can impose directions for changes to the OMB's Rules of Practice Procedure so as to effectively limit the scope of hearings. See Section 3.5.

# Recommendations

The recommendations for reform are structured around five actions. Each action is designed to focus and improve the operations of the OMB and the overall planning context within which it operates so that the OMB can more effectively and efficiently resolve the land use disputes that will still arise.

The overall goal of these directions is to think big and to press for bold, substantive change to a system that is now too slow, inefficient, expensive and uncertain of outcome. As discussed above, the OMB is a necessary institution; some form of secondary determination of land-use planning matters exists in most liberal democracies. The OMB is, however, the most extensive in its powers and operation of any such jurisdiction surveyed. The collective intent of the reforms outlined below is to retain the OMB to focus on the cases that truly require dispute resolution; to assist the work of the OMB towards its prime directive of ‘good planning’; and to reduce the role that formal hearings play in the dispute resolution process so that the whole appeal process can run more efficiently.

The recommendations for reform follow the issues raised by the RPCO members, issues identified in the background research phase reviewing the well-travelled grounds of previous attempts at OMB reform, and input received during other stakeholder interviews.

This array of directions for reform does not form a fully integrated package. If some overall directions are implemented, they may cancel the need for other specific recommendations. Further, some recommendations may be more relevant to areas of the province that are experiencing strong growth pressures.

The recommendations, grouped under the five proposed actions, are:

- 1 FILTER:** Filter certain matters from appeal so that only issues of legitimate planning substance (that do not interfere with the implementation of provincial policy) appear before the OMB.
- 2 SHARPEN:** Sharpen the practices and procedures of the OMB so that files move through the system more efficiently.
- 3 STRENGTHEN:** Strengthen the professional capability of the OMB to undertake its post-reform role.
- 4 RESOLVE:** Rigorously scope matters under appeal and resolve more disputes through mediation and alternative dispute resolution (ADR) methods prior to or in place of formal OMB hearings.
- 5 STEP UP:** In order for these proposed reforms to the OMB to be most effective, both the Province and municipalities need to step up their performance in the overall planning system.

Following each recommendation for reform, this Report highlights whether the effect of each recommendation will require one or more of the following changes:

- 1. Legislative** (i.e. changes to the *Planning Act* and/or *Statutory Powers Procedure Act*);
- 2. Procedural** (i.e. changes to the Ontario Municipal Board’s Rules of Practice and Procedure and/or the *Ontario Municipal Board Act*); and/or
- 3. Administrative** (i.e. administrative changes for municipalities, regions, Province and/or the OMB).



## 3.1 FILTER

Municipalities typically undertake extensive public consultation and analysis to arrive at decisions. Decisions arrived at by democratically elected representatives should not be easily overturned. Further, some comprehensive planning decisions, when approved by any upper-tier municipality and/or the Province, should be protected from appeal so that Ontario’s municipalities can operate with current, in-force planning policies in place.

This direction for reform proposes to filter the types of planning appeals that appear before the Board so that more matters are either removed from appeal or resolved in the municipal arena. Only matters of legitimate planning substance, provided they do not interfere with the implementation of provincial policy direction, should appear before the OMB.

To filter matters before a formal hearing at the OMB, the following actions are proposed:

### **A) Implement Bill 73 (*Smart Growth for Our Communities Act*) and Bill 204 (*Promoting Affordable Housing Act*) through the appropriate regulation.**

The Province has introduced or enacted two pieces of legislation that, when fully implemented, will limit appeals of certain matters. Many of the recommendations in this report build upon these pieces of legislation and require that they be fully implemented.

In the case of Council adopting a “new official plan”, Bill 73 now eliminates the right of appeal of the entire new plan and does not allow appeals of certain parts of an official plan,. It also includes a two-year “time-out” period prohibiting applications to amend new official plans, new comprehensive zoning by-laws and minor variances of site-specific zoning by-laws. This is a welcome change which may provide some stability to new plans. However, as municipalities rarely adopt entire new official plans or comprehensive zoning by-laws, its impact may be limited.

In May 2016 the Province introduced Bill 204, the *Promoting Affordable Housing Act*, 2016 which enables municipalities to adopt inclusionary zoning policies to require that developers provide affordable housing in new developments. Bill 204, as proposed, does not allow for appeals to the OMB for decisions, by-laws or conditions related to inclusionary zoning policies, except by the Minister.

The ability to adopt inclusionary zoning policies without the threat of appeal and the protection of new official plans from some appeals is a step in the right direction. On their own, however, these pieces of legislation do not go far enough to resolve the back-log in the approval of plans. Municipal official plans will still be held up, possibly for years, while the OMB resolves dozens and sometimes hundreds of appeals of sections of plans. Therefore, a more comprehensive restriction on appeals of municipal policies is warranted, as proposed in the following recommendation.



## **B) FILTER: Remove the right to appeal all municipally-initiated official plans or official plan amendments in defined circumstances.**

The *Planning Act* has been amended in the past to remove the right to appeal certain municipal policies including implementing by-laws that allow second units, settlement area boundary changes, and the removal of lands from an area of employment. The *Planning Act* should be further amended to make all municipally-initiated comprehensive and area-wide official plans and official plan amendments exempt from appeal. Land owners and community interest groups would no longer be able to appeal policies as they apply to the full geographical area of the municipality or, in the case of secondary or precinct plan, to a substantial part (to be defined) of that municipality. People would, however, retain the right to appeal policies as they apply to particular lands without compromising the implementation and application of the overall policy.

The Province would retain its right of appeal to ensure that municipal policies are in keeping with provincial policy. In addition, municipalities would retain their right of appeal to provide a check on the provincial power to alter municipal policy.

This reform is necessary to create an environment where municipalities can operate with official plan policies that are up-to-date and in force. These foundation policy documents must be in place and must not be held up in totality by the resolution of site-specific appeals.

The intention of this recommendation is to limit appeals of entire official plan policies while allowing appeals of how those policies impact development rights on particular pieces of land. Those disputes would still proceed through a reformed OMB process but the overall official plan policies would be in force for the remainder of the municipality or defined planning area (once adopted by the municipality and approved by the Region or the Province).

For example, municipal official plan policies with respect to aggregates would not be subject to appeal. However, a person could appeal the application of the aggregates policies to a particular property and have that dispute resolved through OMB processes. Further, a municipal land use map, contained in an official plan, would not be subject to appeal while people could appeal a particular property's inclusion or exclusion from a particular designation.

As now, private official plan amendment applications could still be submitted (subject to the time-out periods under Bill 73). However, in order for the implementation of the official plan to operate with stability, any municipal refusal of a privately-initiated official plan amendment could not be appealed.

**Effect of recommendation: Legislative.**

### **C) FILTER: Reduce the role of the OMB in dealing with appeals of minor variances and consents.**

The OMB is currently able to process appeals to minor variance and consent decisions relatively efficiently. Hearings are generally scheduled within a reasonable amount of time, hearings are short, and decisions are issued quickly. In 2013-14, 25% of files at the OMB were minor variances and 10% were consents.

In order for the OMB to address the backlog and delay associated with its more complex files, these minor cases may be better dealt with elsewhere - as they are in most other jurisdictions.

Having appeals heard through a Local Appeal Body (LAB) rather than at the OMB is already an option. Municipalities should be further encouraged to set up LABs as only one (Toronto) has done so since the enabling legislation was passed in 2006. The Province should examine why LABs are not being implemented in more jurisdictions and encourage their more widespread use.

If costs are a deterrent, the Province should consider amending the *Planning Act* to allow two or more municipalities, regions, or counties, to form LABs together and share costs.

To implement this recommendation, the Province will have to provide sufficient resources to municipalities to set up local appeal bodies – perhaps diverted from the relief of the Board having to deal with these matters. In addition, municipalities must follow through on the powers given to them through Bill 73 to establish criteria for what constitutes a minor variance. This will mitigate the risk that applications will proceed through one or more minor variance or consent applications when they should be determined through applications to amend the zoning bylaw or through plans of subdivision.

In municipalities where LABs are not set up, appeals of minor variances and consents will continue to be heard at the OMB. These appeals should proceed through a triage system with more rigorous procedural timeline standards to separate such hearings from the Board's more complex files, providing an "OMB-lite process" for any appeals. Such a process, without the formality, delay and expense of a full OMB hearing process and one in which the role of mediation is central, would be analogous to the operations of a Small Claims Court.

**Effect of recommendation:** Legislative, Procedural, and Administrative.

### **D) FILTER: Empower municipalities to reject appeals where oral or written submissions were not made.**

The *Planning Act* grants the right of appeal to "a person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council." (24(1)). Despite this, municipalities sometimes receive appeals from people who did not make submissions prior to the council decision. In these cases, municipalities should be empowered to reject the appeal without being required to forward it to the OMB with a recommendation for dismissal.

**Effect of recommendation:** Procedural and Administrative.

## 3.2 SHARPEN

Many of the frustrations with the OMB stem from its lengthy and cumbersome processes and the court-room nature of hearings.

The following actions are proposed to sharpen the procedures of the OMB so that files move through the system more efficiently:

### A) SHARPEN: Dismiss appeals that lack sufficient land use planning grounds.

The OMB currently has the power to dismiss appeals without a hearing, on its own initiative or on the motion of any party, if it is of the opinion that “the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Board” (*Planning Act* subsection 17(45)(a)(i)). This power, replicated in other subsections of the *Planning Act*, is rarely, if ever, used on a Board initiative.

The OMB should use this power more frequently, provided its determinations are properly grounded and made public, within a framework that could meet any challenge for judicial review. The proper exercise of such power could require that the Board be supported by professional planning staff (see below in ‘Strengthen’) so that files can be appropriately screened for planning merits in advance for consideration by the OMB panel and recommended for dismissal if they are found to lack apparent land use planning grounds.

Effect of recommendation: **Procedural.**

### B) SHARPEN: Increase the standards for submitting an OMB appeal.

To ensure that the OMB is tasked with resolving only those disputes with valid land use planning grounds for appeal, and to effectively scope the matters under dispute, the standard for submitting an appeal to the OMB should be raised. Appellants should be required to:

- Provide in their appeal a rationale that addresses and defines the good planning elements upon which the appeal is founded. This rationale would be a critical document in the Mandatory Review and Mediation Process suggested in ‘Resolve’ below;
- Identify the specific changes being requested and provide, where appropriate, alternative policy wording or mapping; and
- Pay an appeal fee that is scaled to better reflect the importance of the outcome of the appeal on the public interest.

Bill 73 introduced a requirement for “enhanced reasons” as part of an appeal letter. As an example, appellants will need to explain why the decision of council is inconsistent or fails to conform with provincial or upper-tier policies. As with many of the other provisions of Bill 73, this is a crucial first step toward ensuring that the OMB is tasked only with matters requiring legitimate planning dispute resolution.

Effect of recommendation: **Legislative and Procedural.**

### **C) SHARPEN: Institute procedural controls designed to improve the scheduling of hearing events.**

One of the major issues identified in this research – and one that informed many of these recommendations – is the delay associated with scheduling events at the OMB. The following actions are proposed to reduce delays in scheduling:

- Provide two Board members for any hearing scheduled for ten or more days. If necessary, Board members would operate as a team with only one member sitting at a time, allowing one to cover the days that the other is not available so hearing dates are less impacted by individual members' schedules.
- Expand the use of technologies such as electronic filing, video-conferencing, and other information management strategies to overcome scheduling and travel obstacles.
- Exert greater authority in scheduling pre-hearing conferences, meetings, and hearings based on the Board's availability as opposed to scheduling to accommodate all parties. In other areas of the judicial system, court dates are set and parties must appear and the judge does not consult on schedule.

**Effect of recommendation:** Procedural and Administrative.

### **D) SHARPEN: Institute procedural controls designed to improve the range and efficiency of dispute resolution processes.**

The length of hearings themselves also contributes to long delays in having disputes resolved. The following actions are proposed to help the process run more quickly:

- Move files through a Mandatory Review and Mediation Process (described below in 'Resolve') to reduce the number of issues in dispute and to focus the scope of any resulting hearing.
- Phase hearings so that if one decision may make subsequent hearings unnecessary, that matter is decided first. For example, if a refusal of an official plan re-designation would remove the need to explore associated zoning or subdivision appeals, the Board should first decide on the official plan matter alone.
- Set page limits for submitted documents.
- Require site visits by Board members before hearings begin. This will ensure that the Board members are familiar with the local context and will remove the need for detailed testimony on the site context.
- Develop protocols for written rather than in-person hearings.
- Institute metrics for issuing timely decisions and require Board members to report on those metrics in annual reports to ELTO and in annual performance reviews.

**Effect of recommendation:** Procedural and Administrative.

**E) SHARPEN: Institute procedural controls designed to make the process less litigious.**

In order for dispute resolution process to resolve land use planning issues using a consensual and more inclusive environment, the following recommendations address expediency and focus:

- Limit examination-in-chief to filed affidavit evidence, with page number limits.
- Limit cross-examination to issues relevant to the witness, as listed on the affidavit.

This recommendation aims to standardize higher levels of hearing room decorum. The Board member does and will continue to have considerable control over decorum during hearings. An atmosphere of respectful problem-solving should accompany the land use dispute resolution process. Board member guidance and actions, together with the recommendations here, can help a polite and productive atmosphere prevail.

**Effect of recommendation: Procedural.**

**F) SHARPEN: Institute rules of practice and procedure regarding the treatment of new evidence brought to the Board.**

The OMB's Rules of Practice and Procedure should be revised to describe how the Board Members should treat new information and material submitted at an OMB hearing that was not provided to council. While Bill 51 revised the *Planning Act* to include new provisions to restrict new evidence before the Board, the Board's own Rules of Practice and Procedure have not adequately changed to describe under what circumstances this information and materials should be sent back to council for them to reconsider their decision.

Updated procedures must also address the timelines that should be followed by council when they are reviewing and making decisions on the new evidence brought forward from the Board.

**Effect of recommendation: Procedural.**

## 3.3 STRENGTHEN

The professional capacity of the OMB needs to be strengthened to carry out its role more effectively.

### **A) STRENGTHEN: Ensure that the OMB’s budget is adequate to support and augment enhanced planning staff review of files.**

Several of the recommendations proposed in this report require that the OMB has the professional planning staff capacity to review files, support the dispute resolution processes, and pro-actively bring parties together to move disputes through the system. These actions collectively suggest the need for the Board’s staff to move beyond basic case management to providing Board members with evaluations of the merits and scope of cases. This administrative review can be of material assistance both for the enhanced scoping and alternative dispute resolution processes being recommended in ‘Resolve’ and the ‘Filtering’ processes recommended above.

While Board members would retain all decision-making powers with respect to dismissing, scoping, and issuing decisions on matters before them, professional planning staff – experienced Registered Professional Planners – would support Board members by reviewing written submissions and providing publically accessible advice to Board members.

**Effect of recommendation:** Administrative.

### **B) STRENGTHEN: Provide better compensation for Board members.**

The current remuneration offered to Board members does not reflect the impact that Board decisions have on the planning system in the Province. To properly perform their function, Board members should be compensated and have terms of employment more on a par with senior civil servant salaries. Better compensation may serve to attract, for example, senior professional planners who are currently underrepresented at the Board. It may also generate interest in candidates – such as senior planners nearing retirement – with experience and expertise in mediating land use planning disputes.

**Effect of recommendation:** Administrative.

### **C) STRENGTHEN: As appropriate, insulate Board decisions from administrative or judicial review.**

Because several of our recommendations aim to speed up the dispute resolution process and limit the length of hearings, implementing them may raise the concern of a judicial review challenge to the decisions of individual Board members. Board decisions should be insulated from judicial reviews by having the OMB’s Rules of Practice and Procedure updated to reflect recommendations such as the dismissal or scoping of appeals, limiting of the length of written submissions, and limiting evidence in chief and cross-examination. Such appropriate procedural regulation should provide adequate protection from judicial review challenge.

**Effect of recommendation:** Procedural.

**D) STRENGTHEN: Enhance the standards for Board member appointment.**

The research revealed that Board members have varying levels of expertise and experience in land use planning, and while some are proficient in mediation, others are not. The Province should set up qualification standards for Board members and prioritize experience and expertise in land use planning and mediation as key skills that Board members must hold. Furthermore, the appointment terms should be adjusted from the two, three, and five-year protocol currently in place to a six-year staggered term with one right to renewal (subject to satisfactory performance reviews described below).

**Effect of recommendation: Procedural and Administrative.**

**E) STRENGTHEN: Institute Board member training and performance review practices.**

In order to maintain the highest professional standards, OMB members and staff should be offered on-going continuing education opportunities, training in dispute resolution, and exposure to best practices in other jurisdictions on issues that frequently come before the Board. Regular performance reviews should be required, the results of which would be tied to re-appointment criteria.

Specific training should be offered on issues such as granting party status and admitting new evidence where more procedural consistency between Board members is required.

**Effect of recommendation: Procedural.**

**F) STRENGTHEN: Relieve the backlog of files awaiting resolution.**

All of the recommendations in this report are designed to help the system run more efficiently but the current backlog of files before the OMB must first be cleared before the impact of any new reforms can be assessed. The OMB (and by extension, the Province) must dedicate resources to resolve outstanding appeals – those that have been in the OMB system for more than two years – without further delay. This may require that additional Board members and mediators be assigned to these files and that case managers push to have pre-hearing conferences and hearing events scheduled.

**Effect of recommendation: Administrative.**



## 3.4 RESOLVE

Many of the recommendations in this report aim to limit the number of files that reach the OMB. For those appeals that do reach the Board, implementing the following recommendations will allow disputes to be thoroughly scoped before they can proceed to a hearing so that hearings can run more efficiently.

Bill 73 amended the *Planning Act* to implement an extension to the time before a matter under appeal is forwarded to the OMB. This lays the foundation for mediation or other alternative dispute resolution (ADR) prior to (or, if successful, instead of) an OMB hearing. The following two recommendations call for a file to proceed through a Board-sponsored planning-based scoping process and for every opportunity for resolving disputes through ADR methods to be explored before parties appear in a formal hearing.

While Bill 73 allows municipalities to structure a dispute resolution process to occur after Council makes a decision but prior to any appeal being forwarded to the Board, this report recommends a slightly different approach to achieve a similar outcome of alternative resolutions to full, formal OMB hearings.

A “Mandatory Review and Mediation Process” is proposed that would take place under the auspice of the Board. Under this process the Board would be able to use its extensive powers to appropriately manage the appeal, to encourage expeditious dispute resolution, and to make timely decisions.

### **A) RESOLVE: Require that appeals proceed through a Mandatory Review and Mediation Process.**

The Mandatory Review and Mediation Process (MRMP) described below represents a formalization and expansion of current best practices in two important regards.

First, all appeals, not only those where parties request mediation, would be subjected to MRMP. Second, a substantive ‘review’ of the appeal matter would be undertaken. That ‘review’ would formalize two steps now frequently used in the Board’s mediation processes - a substantive early evaluation of the planning issues raised by the appeal; and a recommendation as to the route and scope of the appeal following the MRMP process. It would effectively act as a ‘triage’ for appeals, directing the Board on the most effective route to resolution. The MMRP would be applied as follows:

Upon receiving an appeal, the OMB would assign the file to a neutral mediator. The mediator may be a Board member (although not the member who would preside over any resulting hearing) or may be drawn from a roster of qualified planning professionals or others with training in dispute resolution.

The mediator would be responsible for moving the file through the MRMP process within a compressed time frame (75 days is suggested) to ensure that



the process is efficient, effective and succinct. The mediator would review the material submitted as part of the appeal. At a subsequent meeting(s), the mediator would hear a summary of each party's case, and guide the discussion to identify areas of agreement, opportunities for mediation, and identify specific issues in dispute.

The MRMP process would conclude with a mediator's report, submitted to the Board member chairing the matter, assessing the case and, for each appeal, providing a non-binding evaluation of the merits of the case and a recommendations related to one of the following three options:

1. **Dismissal:** The appeal is recommended for early dismissal if it is found to have insufficient planning grounds or if the appeal is withdrawn during the MRMP process.
2. **Alternative Dispute Resolution:** The appeal is recommended for mediation or settlement discussions if the parties involved are moving toward resolution during the MRMP window. The MRMP mediator may be invited to continue and mediate or another mediator may be selected with the parties' consent.
3. **Proceed to scoped hearing:** The appeal is recommended to proceed to a hearing that is scoped to the issues identified through the MRMP review. The option for written and/or video conferencing rather than in-person hearings should be available.

The recommendations in the mediator's report, while non-binding, would be presented to the Board member to review and would shape the extent of issues that the Board member would consider at the hearing. Most importantly, the MRMP process would represent a winnowing of issues and of parties, which could lead to the earlier withdrawal of appeals and the tight scoping of any resultant hearing. To be clear, the mediator's report would not include any confidential information that may prejudice the hearing process.

The MRMP process suggested above will need to be extensively 'road tested' to optimize its efficacy. A three-year trial process is suggested to see what processes and procedures work best to achieve the result of efficient and appropriate dispute resolution.

This recommendation will require that the Board be more interventionist in its approach to dispute resolution and that it exercise sufficient managerial agility to provide the appropriate mediation and support services within the tight timelines now set out in the *Planning Act*.

Furthermore, the research team acknowledges that many details of this proposed MRMP process remain to be worked out. In particular, its relation to the timelines set out for dispute resolution prior to the appeal being forwarded to the OMB set out in Bill 73 must be evaluated. For example, the point at which people may appear to seek party status may take place at the initial meeting with the mediator or may take place on the first day of any resulting hearing, as it does now. There is also a legitimate question as to whether this process would be absolutely mandatory or whether any exceptions would be contemplated.

The clear goal however, is to create a rigorous process whereby files that arrive at the OMB are evaluated for their planning merits and are scoped so that only those issues under dispute proceed to a hearing.

**Effect of recommendation:** Legislative, Procedural, and Administrative.

## **B) RESOLVE: Explore every avenue for dispute resolution prior to hearings.**

As described in the MRMP process above, certain files would be recommended to proceed with further ADR including mediation and settlement discussions. The information contained in the mediator's report will not include any confidential information that may prejudice the appellant's case before the Board. These files, with the consent of the parties, would proceed to Board-sponsored mediation or private settlement discussions. These ADR processes would proceed with more aggressive objectives, deliverables and timelines.

Both the MRMP and any subsequent ADR processes must be subject to timelines that minimize delays. The initial MRMP process must be finalized within a reasonable time frame – perhaps 75 days – of appeals reaching the Board. ADR processes may proceed at different paces depending on whether formal mediation is taking place or settlement discussions are happening outside the formal OMB system. In either case, OMB staff assigned to the file must be pro-active in pushing timelines and bringing parties toward resolution.

If the ADR process does not result in a settlement that can go back to Council for approval, a mandatory report by the ADR representative would be provided to the Board chair detailing the agreed progress toward resolution and listing the agreed specific issues to be resolved through any hearing process.

**Effect of recommendation: Legislative and Procedural.**

## 3.5 STEP UP

For these proposed reforms to positively impact the planning system, both the Province and municipalities need to step up their professional planning contribution to make the overall planning system work more smoothly and to eliminate the broad avenues for appeal that current practices opens up.

The OMB, as envisioned through the reforms proposed in this report, will function to resolve land use disputes in an environment where the municipal official plans and zoning by-laws clearly reflect the municipality's intentions, are up to date with provincial policy directions, and are in force and effect. Both the Province and the municipalities need to step up and be more pro-active to ensure that municipal plans can meet those requirements. Contributors to this research expressed the desire to plan in an environment where municipal comprehensive planning exercises are enforced and are given appropriate weight. The recommendations in this section aim to achieve that by outlining what the Province and municipalities can do to strengthen their role in a reformed land use planning system.

### 1. The Province should step up

The Province should dedicate greater resources toward issuing timely decisions on matters of Provincial Interest, policy direction and policy implementation. The Province should issue clear direction to the Board to improve procedural consistency. Accordingly, the Province must be prepared to step up in the following ways:

#### A) STEP UP: Clarify the requirement to “have regard to” municipal decisions.

The *Planning Act* requires that OMB decisions “shall have regard to” any decision of council, and any supporting information and materials, including oral and written decisions, that council considered in making the decision. However, this requirement is given varying and often contradictory weight in OMB decisions. The Province should provide binding interpretations of “shall have regard to” so that it can be applied consistently across all OMB decisions. This interpretation should be incorporated in to the OMB's Rules of Practice and Procedure.

Additionally, when Council is refusing, approving or adopting a requested planning amendment, it should include more detailed written reasoning for its decision. This detailed reasoning would form part of any subsequent record before the OMB and would provide

the basis upon which the OMB reviews and thus “has regard to” the council decision. OMB decisions should clearly state the original municipal decision (if there was one), and explain any deviations from that original decision in the Board decision.

This recommendation cannot be applied where an appeal has been made for a non-decision of Council. The Province should explore avenues for requiring that an application resulting in a non-decision must, following the MRMP process, go back to Council for a public meeting and a decision before allowing the appeal to go to the Board.

**Effect of recommendation:** Legislative and Procedural.

**B) STEP UP: Quickly and clearly resolve matters of Provincial conformity in municipal official plans and issue notification of conformity (or non-conformity) within reasonable time frame.**

When the Province fails to efficiently process the approval or alteration of municipal official plans and policies, it contributes to the backlog of planning instruments under appeal at the OMB. This creates a scenario common to many Ontario municipalities: their planning instruments are piecemeal with some portions in effect and some portions under appeal while, in many places, development gets approved through fractured in-force regulations, creating Clergy Principle arguments<sup>2</sup>. The Ministry of Municipal Affairs must clearly and quickly issue conformity and approval statements for municipal official plans and official plan amendments. Alternatively, plans could be deemed approved, or in conformity, if no comment is received within a prescribed time such as 120 days.

**Effect of recommendation:** Procedural and Administrative.

**C) STEP UP: When called upon to do so, produce provincial staff to provide evidence on the provincial policy in issue at the OMB.**

RPCO members report that their municipal planners are often called upon to defend the interpretation or implementation of provincial policy in municipal plans. While provincial staff sometimes appear before the OMB at municipalities' request to speak to issues of plan conformity, most often the Province remains silent while parties at the OMB deliberate about whether a proposed piece of policy conforms to Provincial-level direction. When called upon to speak to a matter of conformity during an OMB dispute resolution process, the Province should either promptly issue letters of clarification or make appropriate staff available to appear to provide evidence on the provincial policy at issue.

**Effect of recommendation:** Administrative.

**D) STEP UP: Issue guidance to the OMB on the weight that should be given to municipal guideline documents.**

Municipalities increasingly develop design and area-specific guidelines to complement other policies and to communicate to developers and to the public how change in a certain area is envisioned. While guidelines do not have statutory weight, municipal staff generally rely on them when evaluating development proposals, as they signal Council's intentions. The OMB has treated municipal guidelines inconsistently, sometimes giving them little consideration at all although they informed staff and Council's original decision. Now that the Province has amended the *Planning Act* to include the promotion of well-designed built form as a matter of provincial interest, it should offer clear direction on how the OMB ought to consider the municipal guidelines that shape that built form. Provincial direction should be operationalized in the OMB's Rules and Procedures so that the Board can treat municipal design guidelines consistently.

**Effect of recommendation:** Administrative.

2. The Clergy principle states that, generally, land use planning applications must be judged on the basis of the law and policy in place on the date of the application.

## 2. Municipalities should step up

In some of Ontario's fastest growing cities – and certainly in Toronto which alone generates more than a quarter of the Board's business – the planning system has been described as consisting of 'permanent exceptionalism'; very little development occurs as of right. Planning departments are exposed to appeal because applications do not, nor are they expected to, conform to existing policies because the planning regulations are out of date, often unreflective of contemporary development pressures and precedents.

RPCO members seek to respond to development applications and proposals in an environment with clear planning direction in place. In order to achieve that, municipalities must pro-actively plan and must be, to some extent, insulated from appeals in order to do so. In "exchange" for reforms that reduce appeals, municipalities must be prepared to step up in the following ways:

### **E) STEP UP: Planners be forthright with their professional planning opinion.**

RPCO members expressed concerns that municipal planners are not sufficiently empowered to offer candid planning opinions to councillors, communities, and development industry, partly because the litigious climate of planning approvals encourages planners hold their cards close to their chests until a formal application is made. In a reformed environment, when faced with a potential planning application, municipal planning staff should be straightforward and forthright in their opinion early in the process. Applicants should know very early whether municipal planning staff intend to support or oppose an application. Understanding that proposals are ever-changing from pre-application to submission (or resubmission), planning staff should offer clear and direct professional opinions throughout the process so that applications that do not conform with stated policy are not inadvertently encouraged to proceed.

**Effect of recommendation:** Procedural and Administrative.

### **F) STEP UP: Update zoning by-laws to match official plan designations.**

In many Ontario municipalities, particularly those experiencing high growth pressures, zoning by-laws are not up to date with the planning and development intentions for an area and may not match official plan designations. Understanding that there are staffing and budget constraints, municipalities should make every effort to bring zoning by-laws in line with official plan policy so that more development can occur as of right with no application to amend policy and thus reducing the risk of OMB appeals. The *Planning Act* requires that municipalities bring zoning by-laws up to date with official plan policy within three years of the official plan coming into effect. Shielding official plan changes from appeal should allow municipalities to update zoning with improved timelines.

**Effect of recommendation:** Administrative.

**G) STEP UP: Update the zoning for areas where higher densities are desired so that appropriately-scaled development can proceed as-of-right.**

As an extension of the recommendation above, municipalities should implement zoning that truly reflects the heights and densities that are desired in high-growth areas such as Downtowns, redevelopment areas and major transit station areas. Earlier recommendations aim to insulate such rezonings from OMB appeals. Zoning land to reflect the intended heights and densities will encourage appropriate development and will reduce the uncertainty associated with having decisions rendered through the OMB.

**Effect of recommendation: Administrative.**

**H) STEP UP: Where appropriate, implement community planning permit systems.**

Since 2007, Ontario municipalities have had the option of creating community planning permit systems. Only four have successfully done so, while other attempts are currently under appeal to the OMB with little movement toward resolution. We propose that the initial implementation of community planning permit systems be removed from appeals and then call on municipalities to use the system to guide development, particularly in areas of rapid change. A community planning permit system, if implemented, would also deal with the reason many municipalities deliberately keep their planning regulation low – so that they can capture height and density benefits through Section 37 – an unintended consequence of that legislation which is clearly generating a lot of scope for appeal. The community planning permit system would also allow for the inclusion of design guidelines which will ensure that these guidelines are appropriately applied.

**Effect of recommendation: Administrative.**

The vision for Ontario’s land use planning system is one in which land use permissions are developed through a public process and are adopted by elected councils; where development permissions conform to broader provincial goals and are clearly expressed; and where disputes are resolved efficiently with the broader public interest being paramount in decisions.

The **26 recommendations** for reform found in this report make a contribution toward achieving this vision. The recommendations for reform are structured around five actions: **Filter, Sharpen, Strengthen, Resolve, and Step Up**. Each action is designed to focus and improve the operations of the OMB and the overall planning context within which it operates. The collective intent of the recommendations for reform is to retain the OMB to focus on the cases that truly require difficult dispute resolution, to assist the work of the OMB towards its prime directive of ‘good planning’, and to reduce the role that formal hearings play in the dispute resolution process so that the whole appeal process can run more efficiently.

The five proposed actions are:

1. **Filter** certain matters from appeal so that only issues of legitimate planning substance (that do not interfere with the implementation of provincial policy) appear before the OMB.
2. **Sharpen** the practices and procedures of the OMB so that files move through the system more efficiently.
3. **Strengthen** the professional capability of the OMB to undertake its post-reform role.
4. **Resolve.** Rigorously scope matters under appeal and resolve more disputes through mandatory mediation and alternative dispute resolution (ADR) methods prior to or in place of formal OMB hearings.
5. **Step Up.** In order for these proposed reforms to the OMB to be most effective, both the Province and municipalities need to step up their performance in the overall planning system.

Changes initiated by the Province including updates to the four Greater Golden Horseshoe plans and the use of tools such as inclusionary zoning and community planning permit systems are also steps toward a new planning future. Planning in Ontario may look very different in the coming years. The Province’s land use appeal mechanism must change with the times and must become agile in resolving disputes while leaving policy-setting to elected representatives.

The Regional Planning Commissioners of Ontario can play a key role in describing and nurturing how this new emerging planning system should function. The observations, analyses and recommendations contained in this report are offered in the spirit of collaborative and progressive movement toward an improved planning dispute resolution process for all Ontarians: one that is squarely focused on the fundamental purpose of the Ontario Municipal Board - the determination of good planning.

# Appendices



# APPENDIX A

## References

- Advisory Panel on the Coordinated Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan. Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015-2041 (2015). <http://www.mah.gov.on.ca/Asset11110.aspx?method=1>
- City of Toronto. Staff Report: Provincial Planning Reform Initiatives: consultation papers on OMB reform, Planning Act reform and Implementation tool and Provincial Policy Statement draft policies (2004). <http://www.toronto.ca/legdocs/2004/agendas/committees/plt/plt040628/it018.pdf>
- Commission on Planning and Development Reform in Ontario (Sewell, John; Penfold, G.E.; Vigod, Toby). New Planning for Ontario: final report summary & recommendations of the Commission on Planning and Development Reform in Ontario (1993)
- David Redmond and Associates. Overview of Municipal Appeal Mechanisms by Province. Prepared for the Canadian Home Builders' Association (2003).
- Department for Communities and Local Government. Plain English Guide to the Planning System. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/391694/Plain\\_English\\_guide\\_to\\_the\\_planning\\_system.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/391694/Plain_English_guide_to_the_planning_system.pdf)
- Department of Justice, Canada. Dispute Resolution Reference Guide: Neutral Evaluation. Webpage accessed June 2, 2016: <http://www.justice.gc.ca/eng/rp-pr/csj-sjc/dprs-sprd/res/drrg-mrrc/eval.html>
- Environment and Land Tribunals Ontario. Mandate (2013). [https://www.omb.gov.on.ca/english/OMBInformation/OMB\\_Mandate.html](https://www.omb.gov.on.ca/english/OMBInformation/OMB_Mandate.html)
- Environment and Land Tribunals Ontario. Media FAQs (2013). [https://www.omb.gov.on.ca/english/OMBInformation/OMB\\_Media\\_FAQs.html](https://www.omb.gov.on.ca/english/OMBInformation/OMB_Media_FAQs.html)
- GTA Task Force on OMB reform. Recommendations for reforming the Ontario Municipal Board and Ontario's Planning Appeal Process (2006). <http://www2.hamilton.ca/NR/rdonlyres/52CF4312-8F33-4013-8CE4-8756A5FBC49A/0/Dec06PED05217.pdf>
- Krushelnicki, Bruce. A Practical Guide to the Ontario Municipal Board, 2nd edition (2007). (LexisNexis, Canada) pg. 89.
- Legislative Assembly of Ontario. Bill 51, *Planning and Conservation Land Statute Law Amendment Act* (2006). [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&BillID=455](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=455)
- Legislative Assembly of Ontario. Bill 73, *Smart Growth for Our Communities Act* (2006). [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&BillID=455](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=455)
- Manitoba Intergovernmental Affairs. A Review of Manitoba's Land Use Planning Law. Report on Public Workshops. (2003).
- Ministry of Municipal Affairs and Housing. Planning Reform: Ontario Municipal Board Reform – Planning Reform Initiatives (2004).

Moore, Aaron A., *Planning Politics in Toronto: The Ontario Municipal Board and Urban Development*. University of Toronto Press. (2013).

National Infrastructure Planning. *Planning Inspectorate Role* (2012). <http://infrastructure.planninginspectorate.gov.uk/application-process/planning-inspectorate-role/>

*Nova Scotia Municipal Government Act*. Chapter 18 of the Acts of 1998 (2016). <http://nslegislature.ca/legc/statutes/municipal%20government.pdf>

Ontario Municipal Board. *Rules of Practice and Procedure* (2013). <https://www.omb.gov.on.ca/stellent/groups/public/@abcs/@www/@omb/documents/webasset/ec059424.pdf>

Ontario Professional Planners Institute. *Comments from the Ontario Professional Planners Institute: The role and function of the Ontario Municipal Board* (2002). <http://ontarioplanners.ca/getattachment/70b4b56b-8f86-4264-a6d2-9b79ef529cec/Role-and-Function-of-the-Ontario-Municipal-Board.aspx>

Planning Inspectorate. *Local Plans* (2016) <https://www.gov.uk/guidance/local-plans>

Planning Portal. *Appeal Procedures*. [https://www.planningportal.co.uk/info/200207/appeals/109/appeal\\_procedures](https://www.planningportal.co.uk/info/200207/appeals/109/appeal_procedures)

Region of Peel. *Region of Peel Submission to the Provincial Land Use Planning and Appeal System Review* (2013). <https://www.peelregion.ca/council/agendas/pdf/2014/ma-a2.pdf>

Royal Commission Inquiry into Civil Rights (McRuer Commission, Toronto: Queen Printer, 1968). Pg. 136

Royal Town Planning Institute. *Commenting on planning applications*. [http://www.rtpi.org.uk/media/1065644/commenting\\_on\\_planning\\_applications.pdf](http://www.rtpi.org.uk/media/1065644/commenting_on_planning_applications.pdf)

Saskatchewan Appeals Board. *Planning Appeals Committee* (2003). [www.smb.gov.sk.ca/planning\\_appeals.htm](http://www.smb.gov.sk.ca/planning_appeals.htm)

Taylor, Zachary., Assistant Professor, Department of Political Science, Western University. Correspondence based on unpublished research. 2016.

The National Archives. *Planning and Compulsory Purchase 2004 Act* (2004). <http://www.legislation.gov.uk/ukpga/2004/5/contents>

Urban Forum. *The Handy Guide to Planning* (2012). [http://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0010/396568/planning\\_handy\\_guide\\_2012\\_-\\_RTPI.pdf](http://www.broads-authority.gov.uk/_data/assets/pdf_file/0010/396568/planning_handy_guide_2012_-_RTPI.pdf)

Waqué, Stephen F. and Tang, Isaac. *Practical Lessons Learned from Growth Plan Hearings: A Legal Toolkit for Hearing Management* (2014).

# APPENDIX B

## Previous attempts at OMB reform

### Implemented Reforms:

- Permit the Board to refer matters back to the Council (Sewell 1993). Enacted through Bill 51, 2006.
- Permit the Board to award costs (Sewell 1993).
- Allow for the approval of the unappealed portions of plans and comprehensive zoning bylaws when only site-specific appeals have been filed (Sewell 1993).
- Pilot mediation project to advance mediation initiatives (OPPI, 2002).
- Enshrine in the *Planning Act* a definition of a “complete application” that includes any information reasonably required by the municipality to make an informed decision (City of Toronto, 2004; GTA Task Force on OMB Reform, 2005). Enacted through Bill 51.
- Require the OMB to take on a case management role in mediating and/or adjudicating disputes or appeals based on failure to proceed (City of Toronto, 2004) – this recommendation has been implemented though many would argue not substantially enough.
- Give municipalities the option to establish a “local appeal board” to hear appeals of the Committee of Adjustment (City of Toronto, 2004). Additional changes enacted through Bill 51
- Require the OMB to “have regard to” decisions made by municipal councils in planning matters and the supporting information and material that was considered by council in making its decision. Enacted through Bill 51 though many argue that the impacts of this amendment have been limited.
- Restrictions on parties and evidence at the OMB (Bill 51).
- Requirements for additional public consultation (Bill 51) .
- Limit appeals to those individuals who have participated in the process or provided written comments prior to a council decision on a matter (Bill 51).
- Limit appeals to the OMB regarding official plans, official plan amendments, zoning bylaws, and targets for intensification and density that are in conformity with the policies of the four provincial Greater Golden Horseshoe plans (Crombie Advisory Panel, 2015). In part, implemented in Bill 73.

## Other Suggestions for Reform (not implemented):

- Allow minor variance appeals to be heard by Council, not the OMB (Sewell 1993).
- Convene a procedural meeting of the parties within 30 days after an appeal has been received by the Board (Sewell, 1993).
- If the Board member concludes at a procedural meeting that the appellant on any planning matter does not have an objection which merits a full hearing, the member may order a time and place for the appellant to make representations as to the merit of the appeal (Sewell, 1993).
- Provide Intervenor Funding to fund third-party for public participation in OMB *de novo* hearings (Sewell, 1993; GTA Task force on OMB Reform, 2005).
- Institute a pre-hearing procedural meeting process to deal with the current backlog of cases before the Board (Sewell, 1993).
- Ensure that the Ontario Municipal Board has the necessary resources to carry out its responsibilities – Board member appointment/reappointment process and remuneration (Sewell, 1993; OPPI 2002).
- Require that the Board prepare a plain language hearing guide for the broader community (OPPI, 2002).
- Require that the Board undertake a review of its pre-hearing practices and objectives to ensure that its own practices support the preceding initiatives (OPPI, 2002).
- Require that the OMB refer back to Council those matters that are “failure to proceed” (City of Toronto, 2004).
- The role of the OMB should be to determine whether City Council has acted within its rules and regulations and if it determines that City Council has not, the decision be referred back to Council (City of Toronto, 2004).
- *De novo* hearings should occur only if the Board first finds that a municipality has acted unreasonably, or in a manner not consistent with the Provincial Policy Statement (City of Toronto, 2004; GTA Task force on OMB Reform, 2005; Crombie Advisory Panel, 2015).
- Deny appeals on non-municipally endorsed Official Plan amendments (City of Toronto, 2004).
- Require revisions to Board practices and procedures to facilitate improved public participation in OMB hearings and proceedings and administrative practices with respect to OMB appointments (City of Toronto, 2004; GTA Task force on OMB Reform, 2005; Crombie Advisory Panel, 2015).
- Give the OMB the jurisdiction and direction to stay any appeal process, including a request for leave to appeal (GTA Task force on OMB Reform, 2005).
- Improve support for public participation and fair access to OMB processes, including a user-friendly online tool providing information on OMB hearings (Crombie Advisory Panel, 2015).

# APPENDIX C

## RPCO Members Surveyed (as of March 2016)

Current RPCO Member*	City/Region/County	Title
Alex Georgieff	Durham Region	Commissioner of Planning and Economic Development
Arvin Prasad	Region of Peel	Director of Planning Policy & Research
Bruce McAllister	City of Chatham-Kent	Director of Planning Services
Craig Manley	Haldimand County	General Manager of Planning & Economic Development
David Parks	County of Simcoe	Director of Planning, Development & Tourism
Jason Ferrigan	City of Greater Sudbury	Director of Planning Services
John Fleming	City of London	Director of Land Use Planning
Kerri Voumvakis	City of Toronto	Director, Strategic Initiatives, Policy & Analysis City Planning
Lanie Hurdle	City of Kingston	Commissioner of Community Services
Michael Mizzi	City of Ottawa	Acting General Manager, Planning & Growth Management
Rino Mostacci	Niagara Region	Commissioner, Planning & Development - Niagara Region
Rob Horne	Region of Waterloo	Commissioner of Planning, Development and Legislative Services
Ron Glenn	Halton Region	Director of Planning Services & Chief Planning Official
Samantha Hastings	District of Muskoka	Commissioner of Planning & Economic Development
Thom Hunt	City of Windsor	Executive Director & City Planner
Todd Salter	City of Guelph	General Manager
Valerie Shuttleworth	York Region	Chief Planner

\* The above is a list of the RPCO Members that were sent questionnaires in March 2016.



# APPENDIX D

## Statistical Data

**Table 1: Types of Appeals to the Ontario Municipal Board, 2003-2014**

	2003 - 2004	2004 - 2005	2005 - 2006	2006 - 2007	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	Average
Minor Variances	636	660	612	551	578	552	363	495	607	581	532	<b>561</b>
Consents	311	311	445	341	279	260	176	229	321	231	209	<b>283</b>
Zoning By-laws	276	282	290	340	275	190	187	197	285	250	602	<b>289</b>
Official Plans and Amendments	478	239	226	210	198	162	169	172	382	256	316	<b>255</b>
Zoning Refusal or Inaction	183	148	203	188	172	163	146	160	125	146	166	<b>164</b>
Plans of Subdivision/ Condo	83	108	108	109	95	68	76	98	76	62	73	<b>87</b>
Municipal Structure (incl. Site Plans)	133	147	146	119	92	83	68	90	117	87	114	<b>109</b>
Development Charges	28	91	20	15	16	15	60	9	48	27	44	<b>34</b>
Land Compensations	12	34	55	47	25	29	42	34	31	55	54	<b>38</b>
Capital Expenditures	12	19	23	11	8	9	11	9	5	9	7	<b>11</b>
<b>Total</b>	<b>2,152</b>	<b>2,039</b>	<b>2,128</b>	<b>1,931</b>	<b>1,738</b>	<b>1,531</b>	<b>1,298</b>	<b>1,493</b>	<b>1,997</b>	<b>1,704</b>	<b>2,117</b>	<b>1,830</b>

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Average
Minor Variances	30%	32%	29%	29%	33%	36%	28%	33%	30%	34%	25%	<b>31%</b>
Consents	14%	15%	21%	18%	16%	17%	14%	15%	16%	14%	10%	<b>15%</b>
Zoning By-laws	13%	14%	14%	18%	16%	12%	14%	13%	14%	15%	28%	<b>16%</b>
Official Plans and Amendments	22%	12%	11%	11%	11%	11%	13%	12%	19%	15%	15%	<b>14%</b>
Zoning Refusal or Inaction	9%	7%	10%	10%	10%	11%	11%	11%	6%	9%	8%	<b>9%</b>
Plans of Subdivision/ Condo	4%	5%	5%	6%	5%	4%	6%	7%	4%	4%	3%	<b>5%</b>
Municipal Structure (incl. Site Plans)	6%	7%	7%	6%	5%	5%	5%	6%	6%	5%	5%	<b>6%</b>
Development Charges	1%	4%	1%	1%	1%	1%	5%	1%	2%	2%	2%	<b>2%</b>
Land Compensations	1%	2%	3%	2%	1%	2%	3%	2%	2%	3%	3%	<b>2%</b>
Capital Expenditures	1%	1%	1%	1%	0%	1%	1%	1%	0%	1%	0%	<b>1%</b>
<b>Total</b>												<b>100%</b>

Note: beginning in 2011-2012, the ELTO Annual Reports began to distinguish between the number of files received and the number of appeals received. For 2011-2014, the number of appeals received by the OMB are noted in this table.

**Table 2: Duration of OMB hearing events, 2012-2014**

Percentage of hearing events	2012-2013	2013-2014	Average
one day or less	85	88	<b>87</b>
1-3 days	10	7	<b>9</b>
4-5 days	2	2	<b>2</b>
6-10 days	1.5	2	<b>2</b>
11-20 days	1	1	<b>1</b>
more than 20 days	>1	>1	<b>&gt;1</b>
Percentage of hearing days	2012-13	2013-14	Average
one day or less	54	53	<b>54</b>
1-3 days	16	10	<b>13</b>
<b>4-5 days</b>	<b>7</b>	<b>7</b>	<b>7</b>
6-10 days	7	9	<b>8</b>
11-20 days	<b>10</b>	<b>9</b>	<b>10</b>
more than 20 days	6	12	<b>9</b>

**Table 3: Number of OMB Hearings, 2003-2014**

	2003 - 2004	2004 - 2005	2005 - 2006	2006 - 2007	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	Average
Scheduled hearings	2302	2384	2458	2406	2189	2165	1850	1862	2026	1938	1942	<b>2,138</b>
Hearing Events Held	1674	1744	1836	1638	1652	1271	1213	1261	1320	1226	1282	<b>1,465</b>
Percentage of files that go to hearing (%)	73%	73%	75%	68%	75%	59%	66%	68%	65%	63%	66%	<b>68%</b>
Mediation Events	58	51	-	60	76	72	66	52	90	85	-	<b>68</b>



# APPENDIX E: Biographies

## URBAN STRATEGIES INC .



### EDUCATION

**1971**

Masters of Arts,  
Urban Geography  
University of Toronto  
Toronto, ON

**1968**

Bachelor of Arts  
Social Studies  
University of Sussex  
Brighton, UK

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### JOE BERRIDGE FCIP, RPP, FIUD

Joe Berridge, a partner at Urban Strategies, has played a key role in some of the largest and most complex urban regeneration projects in Canada, the U.S. the U.K., Europe and Asia. His extensive planning for the Toronto waterfront and the growth management and transportation plans for the Toronto region continue to help shape the future of that city.

Joe is currently an advisor on the planning of the next phase of Sydney Harbour and preparing a master plan for Cardiff Bay. He has played a major role in the regeneration of Manchester, first as strategic advisor to the reconstruction after the 1996 city centre bombing and more recently by preparing a regeneration plan for Hulme, an extensive public housing project, and other decayed inner city districts. He is the masterplanner of Manchester Airport City and the Manchester City Etihad Campus. He has master-planned several European large-scale developments, including the waterfront of Cork, Ireland and Belfast's city centre, as well as several London docklands developments. He has prepared master plans for Governors Island in New York harbour, and for several major developments in Singapore.

He has extensive campus planning experience, having recently led the Queen's University and Western University's campus master plans, also providing ongoing advice to the University of Waterloo, most recently in the design of their new 120-acre Research and Technology Park. He led a number of neighbourhood and city centre plans in Sudbury, London, and Kingston, Ontario.

Joe was responsible for coordinating the master planning for the Trade Centre Complex at Exhibition Place and was the master planner for Festival Plaza. For almost a decade Joe was the master planning coordinator for Waterfront Toronto, helping shape the future of the Toronto waterfront. Most recently, he played a central role in outlining a new direction for planning the city's Port Lands, and is currently masterplanning the area around Billy Bishop Airport. He has had extensive involvement in the preparation of Places to Grow and The Big Move; respectively the land use and transportation plans for the Greater Toronto and Hamilton Area. He has appeared on several occasions before the Ontario Municipal Board.

Joe has lectured at universities in Canada, the US, the UK and Europe and has served on many urban design award and competition juries. He is a frequent conference speaker and contributor to planning journals, writes book reviews on urban issues for the Globe and Mail, The Walrus, and the Literary Review of Canada, and is a regular TV and radio commentator. He is a recipient of the Toronto Arts Award and was made a Fellow of the Canadian Institute of Planners and of the Institute for Urban Design in 2002. In 2009 he was appointed to the Enabling Panel of the Commission on Architecture and the Built Environment, the English design review agency. He teaches in the Program in Planning at the University of Toronto and is a Fellow in the School of Public Policy and Governance.

### PROFESSIONAL BACKGROUND

1986 - Present	Partner, Urban Strategies Inc.
1978 - 1985	Partner, Coombes Kirkland Berridge Ltd., Toronto, Canada
1977 - 1978	Project Coordinator, Frankel Lambert Development, Toronto Housing
1973 - 1977	Manager, City of Toronto, Planning Department
1971 - 1973	Economist, Province of Ontario

### PROFESSIONAL ASSOCIATIONS

Fellow, Canadian Institute of Planners  
Fellow, Institute of Urban Design  
Fellow, School of Public Policy and Governance, University of Toronto  
Enabling Panel, UK Commission on Architecture and the Built Environment  
Hon. Campaign Chair, Environmental Studies, University of Waterloo  
Governors Council, Toronto Library Board

## Ian James Lord



### Mediator, Municipal and Planning Law

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Ian Lord is recognized as one of Canada's leading counsel, litigators and facilitators in dispute resolution involving land development problems.

Since 1977, Ian's practice has concentrated on provincial, regional, and municipal development approvals for private interest, NGO's and public sector entities. His practice in administrative and public law includes counsel to development companies, municipalities, university and hospital corporations, foundation, recreation, ratepayer, and disciplinary boards and tribunals. His specialties include planning applications, expropriations, local government law, municipal and hospital redevelopment and restructuring, court and tribunal work, and complex public-private partnership project approvals. Ian has been counsel to several municipalities and boards.

In 2014 Ian restricted his practice to conducting mediation in administrative law, specifically, municipal and land-use planning dispute resolution and adjunct fields.

Ian specializes in complex leading edge property development disputes. His counsel includes complex P3 assembly and development projects and all manner of site specific project approvals. He has defended and projected municipal public sector objectives. Equally, he has been a leading practitioner in scoping court and tribunal attitudes to the use of interim control by-laws and compelling the issuance of building permits and planning permissions or entitlements. He is a leading practitioner in specialized areas relating to the use and application of provincial policy, heritage designations, community improvement plans, complex development approvals, planning advocacy, expropriation and development charges.

He is a practitioner, lecturer, counsel, editor and author.

### Professional Activities

Elected President of Lambda Alpha International (2012-2014), Past President 2014-15.

Director, Simcoe Chapter, Lambda Alpha International, 2014-15.

Past President and Director, Simcoe Chapter, Lambda Alpha International (Honourary Land Economics Society)

Past First Vice President, Secretary and Regional Vice President (Mid West), Lambda Alpha International

Lecturer, Ryerson University (1976-2013)

Lecturer, LLM Program in Municipal Law, Osgoode Hall Law School (2007-2008; 2011-2012)

Editor, Ontario Municipal Board Reports, Thomson Reuters

Lecturer, Ontario Professional Planners Institute (present)

### Practice Areas

Dispute Resolution in:

- Land Development
- Municipal and Land Use Planning
- Litigation

### Called to the Bar

Ontario (1977)

### Education

Osgoode Hall Law School  
LL.B. 1975

University of Toronto  
M.Sc. (Pl.) 1972

Queen's University  
B.A. (Hons) 1970





# Regional Planning Commissioners of Ontario

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[www.rpco.ca](http://www.rpco.ca)

**FOR IMMEDIATE RELEASE :**

## Regional Planning Organization releases its findings to reform the Ontario Municipal Board

*Toronto, Ontario – September 9, 2016* - In 2014, the Government of Ontario announced it would review the scope and effectiveness of the Ontario Municipal Board (OMB) and recommend possible reforms “that would improve the OMB’s role within the broader land use planning system.” The Regional Planning Commissioners of Ontario (RPCO) commend the Province on this initiative and commissioned a report to assist the Province in Reforming the Ontario Municipal Board.

RPCO members plan for over 80% of Ontario’s population in urban and rural, northern and southern locales. RPCO, representing both regional municipalities and single-tier municipalities, given RPCO role in land use planning in the Province we are well positioned to take a leadership position in the initiative to reform the OMB as our members are involved to some degree in most of the decisions that lead to files coming before the Board.

RPCO retained the services of two highly respected practitioners Joe Berridge as its Lead Researcher and Ian Lord as its Expert Solicitor for this project.

Over the course of the development of the Report, RPCO engaged Provincial staff, including the Ontario Municipal Board and the development industry who have all been very willing to provide input to the report.

Chatham-Kent  
Durham  
Guelph  
Haldimand  
Halton  
Hamilton  
Kingston

Bruce McAllister  
Brian Bridgeman  
Todd Salter  
Craig Manley  
Ron Glenn  
Jason Thorne  
Lanie Hurdle

London  
Muskoka  
Niagara  
Ottawa  
Peel  
Simcoe County  
Sudbury

John Fleming  
Samantha Hastings  
Rino Mostacci  
John Moser  
Arvin Prasad  
David Parks  
Jason Ferrigan

Toronto  
Waterloo  
Windsor  
York

Jennifer Keesmaat  
Michelle Sergi  
Thom Hunt  
Valerie Shuttleworth

The key findings recommend five areas for improvement and RPCO has offered to work directly with the Province to immediately implement meaningful changes.

A full copy of the report is available at <http://www.rpco.ca/ontario-municipal-board-reform.html>

- 30 -

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## The Regional Municipality of Durham Information Report

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From: Commissioner & Medical Officer of Health  
Report: #2016-INFO-20  
Date: September 16, 2016

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**Subject:**

Program Reports

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**Recommendation:**

Receive for information

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**Report:**

1. The Chronic Diseases & Injuries Programs, Environmental Health & Emergency Preparedness Programs, Family Health Programs, Infectious Diseases Programs and Professional & Administrative Services Reports for May-August 2016 are appended to this report.
2. Key highlights include:
  - Chronic Diseases & Injuries – Chronic Disease Prevention and Prevention of Injury and Substance Misuse Updates
  - Environmental Health & Emergency Preparedness – Food Safety and Health Hazard Prevention and Management
  - Family Health – Infant and Child Development and Child Health Updates
  - Infectious Diseases – Infectious Diseases Prevention and Control, Sexual Health and Vaccine Preventable Diseases Updates
  - Professional & Administrative Services – Publications, Epidemiology and Evaluation Information Products and Ethics Updates

Respectfully submitted,

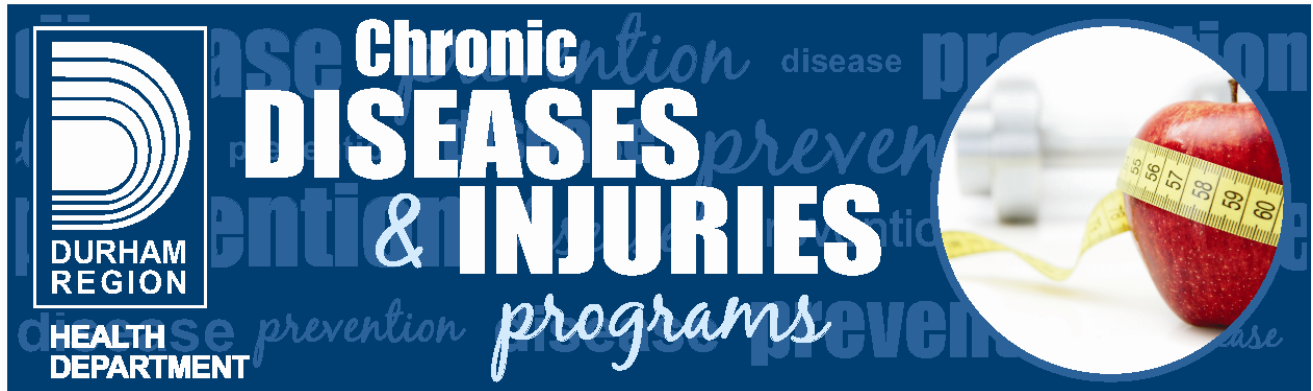
Original signed by

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

## ABBREVIATIONS

- ASD – Autism Spectrum Disorder
- CBSA – Canada Border Services Agency
- CCHS – Canadian Community Health Survey
- CFA – Community Food Advisor
- CFIA – Canadian Food Inspection Agency
- CMHA – Canadian Mental Health Association
- DCDSB – Durham Catholic District School Board
- DDSB – Durham District School Board
- DRHD – Durham Region Health Department
- ECA – *Electronic Cigarettes Act, 2015*
- ED – Emergency Department
- EDI – Early Development Instrument
- EH – Environmental Health Division
- HPV – Human Papillomavirus
- HWIS – Heat Warning and Information System
- ICD – Infant and Child Development
- IFSS – Infant Feeding Surveillance System
- ISPA – *Immunization of School Pupils Act*
- IWT – Industrial Wind Turbine
- KPRDSB – Kawartha Pine Ridge District School Board
- LCBO – Liquor Control Board of Ontario
- MOHLTC – Ontario Ministry of Health and Long-Term Care
- OMAFRA – Ontario Ministry of Agriculture, Food and Rural Affairs
- PHAC – Public Health Agency of Canada
- PHI – Public Health Inspector
- PHN – Public Health Nurse
- PHO – Public Health Ontario
- PHU – Public Health Unit
- PSS – Personal Services Settings
- PVNCCDSB – Peterborough Victoria Northumberland and Clarington Catholic District School Board
- RAD – Racing Against Drugs
- SH – Sexual Health
- SFOA – *Smoke-Free Ontario Act*
- STI – Sexually Transmitted Infection
- STOP – Smoking Treatment for Ontario Patients
- SWMP – Storm Water Management Pond
- TEO - Tobacco Enforcement Officer
- VBD – Vector-Borne Diseases
- WHO – World Health Organization
- WNV – West Nile Virus
- WTK – Welcome to Kindergarten





REPORT FOR MAY - AUGUST 2016

## CHRONIC DISEASE PREVENTION

### Community Food Advisors

The CFA Program is an initiative that was started in 1991 by MOHLTC and OMAFRA. The program aims to improve food skills by promoting safe and nutritious food selection, preparation and storage practices through access to reliable information and education.

CFAs receive training on healthy eating, food safety and communication skills and complement the work of public health professionals, dietitians and teachers in the community. Using Canada's *Food Guide*, CFAs may provide demonstrations, cooking sessions, presentations, displays and other services about safe and healthy food ideas to the Durham Region community. Some of the groups who use the services of CFAs include schools, workplaces, recreation centres, seniors' centres, libraries, prenatal programs, food banks, community organizations and places of worship.

Since the Durham Region CFA Program was officially launched in 2003, a total of **73** volunteers have been recruited and trained. Earlier this year, an additional **25** volunteers were recruited and trained to address the issue of attrition and to continue to meet demand for the program.

This year, the program has received a total of **64** service requests. Of these requests, **38** have been completed, **15** are pending and **11** have been cancelled for various reasons. **42%** percent of services provided were within priority neighborhoods. A highlight for the CFA volunteers this year was an interactive display provided for the Métis Heritage Celebration on June 25 and 26. New CFA volunteers partnered with certified CFAs and PHNs to implement this initiative.

A graduation event for the new volunteers is being planned for the fall. It will be combined with the annual volunteer appreciation/education event.

## **Comprehensive School Health**

Schools are a key setting to promote health. Other than the family, schools exert the most influence on the lives of children and youth. Children and youth spend half of their wakeful time at school and this is where the majority of students can be reached. In addition, families can also be reached through schools.

Education and health are closely linked. Good health supports successful learning and successful learning supports health. Healthy schools have many benefits to the entire school community (students, staff and parents) including:

- improved academic success
- improved student health
- better school attendance
- increased school spirit & positive attitudes among students, staff and parents
- increased communication & parental/guardian involvement within the school

Every school in Durham Region has an assigned PHN who works with the school to address school health using the Foundations for a Healthy School. This framework provides direction for using a comprehensive approach to school health.

During the 2015-16 school year, **89** schools used a comprehensive approach to school health (also referred to as a healthy school approach). This includes:

- **22** Schools in Oshawa
- **5** Schools in Clarington
- **24** Schools in Ajax/Pickering
- **21** Schools in North Durham
- **17** Schools in Whitby

## **Healthy School Award**

DRHD's *Healthy School Award* is a strategy utilized to encourage the creation of environments in schools that are more supportive of health and the prevention of chronic diseases, injuries and substance misuse. Participating schools complete an action plan and submit an application indicating the achieved points according to the following 5 Healthy School components:

- Curriculum, Teaching & Learning
- School & Classroom Leadership
- Student Engagement
- Social & Physical Environments
- Home, School & Community Partnerships

The *Healthy School Award* allows schools to choose from seven health topics, including healthy eating, physical activity, sun safety, tobacco free living, alcohol and marijuana free-living, road safety and mental health. They are also given the option to select their own health topic. Schools have an opportunity to achieve various levels of recognition: bronze (for achieving sufficient points in 3 healthy school components), silver (for achieving sufficient points in 4 healthy school components) and gold for (achieving

sufficient points in all 5 healthy school components). The award acknowledges participating schools as winners for their work in creating a healthy school community.

This is the ninth year the *Healthy School Award* has been promoted to schools. The award was promoted through the DRHD website, social media and by PHNs.

This year, there were a total of **42** eligible applicants, all achieving the gold level award. All participating schools received a framed award certificate acknowledging them as winners and indicating their award level of gold. They were also acknowledged on the DRHD website. In addition, eligible participants won a prize of \$100. The prizes will be used to support healthy school initiatives in the individual schools.

School applicants included representation from DDSB, DCDSB, KPRDSB, PVNCCDSB and a private school.

To recognize schools for achieving the *Healthy School Award* and to provide an educational and networking opportunity for school communities, an annual *School Health In Partnership* event was held on May 18. This event was planned and implemented in partnership with the DDSB and DCDSB. **40** participants representing **16** schools attended the event. The event was open to all educators and parents and featured keynote speaker Jennifer Kolari. Jennifer is a social worker and author of several parenting books and has served as a guest parenting expert on many TV shows and in magazine columns. Jennifer spoke about parenting children to develop resiliency and self-regulation, as well as helping families move through times of transition.

At the event a presentation was provided by PHNs and the DDSB and DCDSB mental health leaders on the healthy schools approach and mental health in schools. Schools who participated in the event also had an opportunity to network and share the activities they had completed this school year. **5** schools submitted slides for the presentation to feature their health activities.

## **Physical Literacy**

Improving the health of Canadians has to start with the basics to get people active for life and reduce potential chronic diseases. This begins with promoting physical literacy in young children. According to the Physical Literacy Consensus Statement, "Physical literacy is the motivation, confidence, physical competence, knowledge and understanding to value and take responsibility for engagement in physical activities for life." Physical literacy involves mastering fundamental movement skills, like throwing or jumping. Children who don't master fundamental movement skills may lack confidence to participate in a variety of sports and activities as they grow up.

Many children lack the fundamental skills, knowledge, and physical activity behaviours needed to lead healthy active lifestyles as evidenced by the startling rates of inactivity, obesity and decreased fitness. In a recent ParticipACTION Report Card, physical activity of Canadian children and youth was given an overall grade of **D minus** for the fourth year in a row because most children and youth in Canada are not meeting the *Canadian Physical Activity Guidelines* which recommends at least 60 minutes of moderate to vigorous physical activity every day. According to the 2011 Ontario Student

Drug Use and Health Survey, only **21.3%** of students in grades 7 to 12 report being physically active daily for at least 60 minutes per day (Paglia-Boak et al., 2011).

In response to these findings, the following strategies were implemented to increase awareness of the importance of promoting physical literacy for children aged 0 to 12:

- Developed a new resource entitled *Move and Play Every Day!* This resource is designed to support parents of young children aged 0 to 6 in teaching their children fundamental movement skills to support physical literacy. The *Move and Play Every Day!* resource has been promoted through a variety of events in schools and in the community. To date, **9485** resources have been distributed to Durham Region parents.
- Provided physical literacy training and resources to **126** educators in Oshawa through an event hosted by the Healthy Kids Community Challenge. DRHD's PHNs collaborated with other community partners in planning this event.
- Promoted **18** *Move and Play Every Day!* resources with Ontario Early Years Centre educators at a training session held May 13, 2016.
- Promoted physical literacy messages on DRHD's physical activity web pages and through Durham Healthy Families Facebook and Twitter messages.

## **Tobacco Control**

### ***Smoke-Free Ontario Act/Electronic Cigarettes Act, 2015***

TEOs have completed over 90% of the required annual youth access inspections on e-cigarette vendors in Durham. During the initial youth access inspections for e-cigarettes warning letters are issued to vendors who sell to youth under 19 years of age as part of a progressive enforcement strategy. To date **33** warning letters have been issued. Further sales to minors will result in charges in 2017.

TEOs have also completed 100% of their first round of SFOA youth access inspections (test shopping) as required by June 30. Each tobacco vendor must be "test shopped" twice annually. An additional inspection is conducted to ensure compliance with the display and promotion requirements of the SFOA. **3** Automatic Prohibition Orders were served on **3** vendors in August.

Signage with respect to the use of e-cigarettes in public/prohibited places will be posted once the regulations are finalized and passed into law and direction has been received from the MOHLTC. DRHD will meet with community stakeholders and local municipalities once more information on signage and requirements are decided.

Other activities the TEOs have participated include participation in a number of community displays at the Whitby Youth Fair, McKinney Centre on May 3 and the RAD Durham with the DDSB May 2-5 at the Iroquois Centre. During the RAD event, the team developed and implemented an interactive real-time electronic cigarette challenge quiz and presented it to the Grade 5 students along with tobacco information to increase their awareness of the SFOA and ECA in our community. TEOs, in collaboration with

PHNN Division, are developing new resources for school boards on amendments to the SFOA and ECA.

### ***Water Pipe Sampling***

MOHLTC, in collaboration with CBSA, is working on finalizing a sampling process to support analysis of water pipe products with all PHUs in Ontario. In addition, the Ministry has conducted a pilot project with Peel Public Health regarding a process for sampling of water pipe products in respective lounges in Peel Region. The purpose of the project was to inspect these premises and sample shisha for the presence of tobacco products. 11 sites were inspected out of a total of 24 premises and 7 samples came back positive for tobacco being mixed into the Shisha products.

Following this pilot, a province-wide training was delivered in June via a webinar to all PHUs. In addition, all PHUs received new forms, factsheets and webinar materials to assist in the process. MOHLTC will schedule the sampling processes across Ontario and authorize PHUs on a staged manner to ensure the CBSA can manage the incoming samples. It is likely that DRHD will be authorized to begin sampling in September of 2016.

Currently there are 5 known hookah establishments in Durham. DRHD is aware of approximately 10 inquiries regarding the opening of new Hookah establishments in Durham Region. Some PHUs are passing by-laws regulating Hookah establishments. The Peel Region by-law will take effect on November 1, 2016 and Toronto's Hookah by-law is scheduled to go back to Council in late August for review.

### ***World No Tobacco Day***

*World No Tobacco Day* was created by the WHO in 1987 and is celebrated annually to focus on the impact of the harmful effects of tobacco. This annual event highlights the tobacco epidemic and emphasizes the important work that still needs to be done in tobacco control, with approximately 2 million smokers remaining in Ontario. We know that we can expect tobacco to kill 1 of every 2 of those long-term users.

In Ontario, tobacco use is responsible for 13,000 deaths per year or 36 deaths per day. Currently, 13% of Durham Region adults aged 18 years and over, smoke. This equates to about 60,000 people smoking in Durham. We know that 70% of current smokers want to quit and with the right support, they can be successful. More concerning is a smoking rate of 22% for Durham's young adults (ages 18 to 24 years) and secondary students (grades 9 to 12) at 14%.

*World No Tobacco Day*, May 31, was celebrated in Durham Region recognizing the 10<sup>th</sup> anniversary of the SFOA. An event was held at Regional Headquarters with 32 in attendance, including representatives from 8 local champions/community partners: CMHA Durham, Durham Non-Profit Housing, Ajax Municipal Housing, DDSB, Tobacco-Free Sports and Recreation champion, Youth Centre, Ajax Library, TEOs and alumni who have assisted throughout the past decade in the development and implementation

of the SFOA. Three youth from Central East Youth Take Action and Stand Up For, Ajax, participated, providing the guests with a presentation and a video on youth accomplishments and overview of SFOA during the past 10 years. Media was in attendance. Refreshments and networking followed the speeches and presentations. There were **5** displays in the community as well (Scugog, Uxbridge, Pickering, Oshawa and Whitby).

In a continued effort to reduce smoking rates in Durham Region, **2** STOP on the Road workshops were held in Oshawa on June 14 and July 27. This neighbourhood has significantly higher rates of smoking than Durham Region overall.

Eligible participants attend a 3-hour workshop, which includes a one hour education session on quit smoking skills. Participants also receive individual consultation to receive a 5-week kit of nicotine replacement therapy (patch), free of charge, and instructions about its use. On June, **22** participants registered and **17** individuals attended the workshop. In July, **24** participants registered and **11** individuals attended.

### **Welcome to Kindergarten/Kindergarten Orientation Events**

WTK is a program that was developed by the Learning Partnership and has been in place in some Durham Region schools since 2004. This program benefits students and families in all communities by:

- Facilitating children's transition to school
- Building parent comfort and trust with schools
- Building the capacity of parents and caregivers to engage children in early learning activities
- Increasing community partner support and engagement and enhancing opportunities for educators to respond to EDI data, and the Health Neighbourhoods in Durham Region data.

**3** WTK workshops (February 9, February 17, & February 25) were provided to DDSB school staff. At the training, a PHN provided participants with a brief description of how their school's PHN could support their WTK events, shared sample interactive activities that can be utilized in schools to promote parent engagement, and promoted DRHD programs and services.

PHNs also attended **2** DCDSB events: Principals/Vice-Principals meeting and a professional development day for Educators to promote our role at Kindergarten Orientation events.

A total of **96%** of all elementary/private schools accessed PHN support to implement their WTK events in collaboration with the school's PHN across Durham Region.

Support included:

- Helping a school to identify and prioritize needs
- Assisting with planning and implementing WTK sessions
- Helping schools to access DRHD resources, programs and services and link to other community agencies

- Providing health education on various topics such as parenting, growth and development, school readiness, healthy eating, positive mental health and resiliency
- Engaging parents and children in interactive activities to promote health messaging.

## **PREVENTION OF INJURY AND SUBSTANCE MISUSE**

### **Alcohol Misuse Prevention**

Research shows that as little as one drink a day for women and two drinks a day for men, increases a person's risk for **7** types of cancer including: mouth, throat, neck, female breast, liver, colon and rectum. Yet, less than one in three (28%) Ontarians are aware that low to moderate drinking can cause cancer.

Over the past year, alcohol has become more available within the community through the sale of beer and cider in Ontario grocery stores. This fall, wine will be available on grocery store shelves and the number of grocery stores selling alcohol within the province will also increase. In addition, the LCBO has made alcohol more accessible and available through the launch of a low-cost home delivery program. Evidence shows that as jurisdictions increase the availability and accessibility of alcohol, consumption rates also increase.

Current drinking trends in Durham indicate that:

- **51%** of Durham residents aged 19 years and over, reported drinking alcohol in excess of the low risk drinking guidelines (CCHS).
- **26%** of secondary school students reported drinking hazardously or harmfully which is similar to Ontario's rate (CCHS).

In an effort to inform residents of the cancer risks associated with alcohol consumption, DRHD has launched a new campaign featuring the message "What's in your Bottle? ... As little as one drink per day can increase your risk for cancer." During the months of August and September, this alcohol message will be visible throughout the community by way of **3** community billboards as well as advertisements within **5** transit shelters and **1** GO train station. In addition, advertisements will be featured at **2** local movie theatres, and on the Weather Network website.

### **Sports Injury**

Sports related injuries among Durham Region youth aged 10-19 years, continue to be an area of concern for DRHD. The rates of sports related ED visits in Durham Region are higher than Ontario's rates (Injuries At A Glance, 2016). Bicycles, in particular, were identified as one of the top three most frequent products that result in injuries to children and youth between 5 and 19 years (*Public Health Agency of Canada, Child and Youth Injury in Review 2009*). Of equal concern are concussions, which are on the rise among

youth engaged in sports activities. In Durham Region, the rate of concussion-related ED visits has been increasing since 2008 (Ambulatory All Visit Main Table, MOHLTC, IntelliHEALTH ONTARIO, extracted Jan 25, 2016).

Helmets, when worn properly, can reduce the risk of brain injury by 88%, head injuries by 85% and upper and mid-facial injuries by 65% (Safe Kids Canada, 2005). In order to reduce the risk of concussions, youth are encouraged to play fair and show respect to other players; play within the rules of the sport and within their abilities; wear the right protective gear that fits properly and is well maintained; make sure that there is nothing they can trip on in the area where they are playing a sport; and follow their sports organization's concussion policy.

DRHD, in collaboration with community partners, provided helmet safety education to schools and residents in the community using the Train the Trainer Helmet Safety Education Kit. The community events included the Easter egg hunt event on March 26, 2016 and at Bicycle Fun and Safety Day on May 28, 2016 at the Kids Safety Village in Whitby. Approximately **400** participants received training through the two events. Promotion of helmet safety messages and Bicycle Fun and Safety Day occurred through our website, a media release and distribution of brochures, posters and postcards to **208** elementary schools. Facebook and Twitter were utilized to promote helmet safety messages throughout the month of May. The news release resulted in **4** media outlets promoting helmet safety awareness and Bicycle Fun and Safety Day, and a PHN interview by one local media outlet. In addition, a grade 4 helmet safety package was developed and distributed to **208** schools.

Furthermore, DRHD promoted concussion prevention awareness messages during the month of June. A media release was sent out on June 22, 2016, and as a result, **2** local media outlets completed interviews with a public health nurse.

Respectfully submitted,

Original signed by

Jean Nesbitt  
Director, Public Health Nursing and Nutrition  
Chief Nursing Officer

Original signed by

Ken Gorman  
Director, Environmental Health





REPORT FOR MAY- SEPTEMBER 2016

## ENVIRONMENTAL HEALTH & EMERGENCY PREPAREDNESS PROGRAMS

### FOOD SAFETY

There continues to be an increase in the numbers and types of special events throughout the Region that include food vendors. PHIs are responsible for reviewing special event applications to assist the coordinator of the event and each individual food vendor to have a safe and successful event. As these events occur in one municipality, other municipalities start to hold their own annual special events, such as Ribfest.

“Food Truck Frenzie” has grown dramatically from less than **30** trucks participating in Whitby in 2014 to over **60** trucks at the recent August event held in Pickering. This past summer Ajax and Scugog also held their first annual Ribfest. Inspections of these events usually occur on the weekends and can require up to **5** PHIs to meet with the operators and conduct inspections to ensure safe food handling practices are implemented and followed.

The current *Fish Inspection Act* which is over 60 years old and outdated is being replaced with a new Fish Food Safety Regulation, under the *Food Safety and Quality Act, 2001*. There are approximately **170** fish processors in Ontario, of which **69** are federally inspected by the CFIA and the others fall under the jurisdiction of OMAFRA.

The new regulation, which is the responsibility of OMAFRA, will be created for the inspection of food processors that process/prepare more than **25,000** kg fish annually and/or produce fish products that contain more than **25%** fish within the product for example, smoking, pickling, canning, prepared fish sticks, etc.

Premises that prepare foods which are delivered directly to the consumer such as, fish and chips and sushi restaurants, etc. will still fall under the jurisdiction of the Ontario Food Premises Regulations 562 and be inspected by local public health units. This new Regulation is proposed to come into effect July 2017.

Ontario Regulation 50/16 made under the *Healthy Menu Choices Act, 2015* will come into effect January 1, 2017. This regulation will help Ontarians make healthier food and

beverage choices when dining out. Owners and operators of food service premises that are part of a chain of **20** or more locations in Ontario will be required to post calorie information for every standard food and beverage item on their menus, and on display tags/labels where standard food items are put on display or are self-serve. PHIs at local PHUs will be appointed by the MOHLTC to enforce this regulation. The MOHLTC has been consulting with PHUs to develop common inspection forms, legal tools for enforcement and training for PHIs prior to the implementation of the regulations.

## **HEALTH HAZARD PREVENTION AND MANAGEMENT**

### **2016 Durham Region Heat Warning and Information System (HWIS) Season**

The 2016 HWIS was launched with public health messages, terminology and threshold criteria consistent with the provincial 'heat harmonization' process. DRHD in consultation with Environment Canada was able to provide regular daily updates to all stakeholders and the general public in accordance with the Provincial Standard Operating Practices for HWIS.

An evaluation of the 2016 HWIS season will be conducted to review the experiences of PHUs on the current process and investigate challenges. The findings and experiences will be shared and discussed with all community partners in an effort to strengthen connections between response agencies and their various approaches. This is in accordance with the Province's *2016 Standard Operating Practice for Heat Warning and Information System* which promotes:

- Standardized heat health messaging as a key component of a harmonized HWIS
- Collaboration with key community partners who can assist in accessing and supporting identified vulnerable groups
- Evaluation with municipalities and community partners in the Post-Heat season to identify gaps and opportunities.

### **Cold Warning and Information System (CWIS) Exploration**

DRHD hosted an evaluation of the 2015 Heat Alert and Response System (renamed HWIS) on December 3, 2015 with a focus group session that included community partners and municipal representatives. During this meeting participants explored the development of a cold warning and information system. The theme of housing and homelessness emerged in terms of the vulnerable populations and the health burden of cold weather events. These findings are consistent with the scientific literature and evidence from workshops gathered by Toronto Public Health that issues an Extreme Cold Weather Alert when Environment Canada forecasts a temperature of -15C or colder or a wind chill of -20C or colder.

EH has had sessions with Social Services, the Social Housing Advisory Group and the Durham Advisory Committee on Homelessness, Cornerstone Community Association

and Shelter, Durham At-Risk Housing Network and North Durham Social Development. These agencies validated PHO evidence on the health challenges of cold due and the long-term chronic effects associated with increased outdoor exposure, cognitive impairment, alcohol ingestion, and subsequent adverse respiratory and cardiovascular outcomes.

Overall, such agencies saw the advantages of formalizing standardized and consistent cold weather notification criteria from the medical officer of health because:

- Staff at shelters would not have to continuously monitor the weather forecasts and could focus on response strategies e.g. extra beds, relaxing admission restrictions, trauma counseling, etc.
- Social Services can use the notifications to trigger emergency shelter information to those in greatest need including a Corporate website link
- Rural agencies can be prompted to promote checking in with elderly neighbours

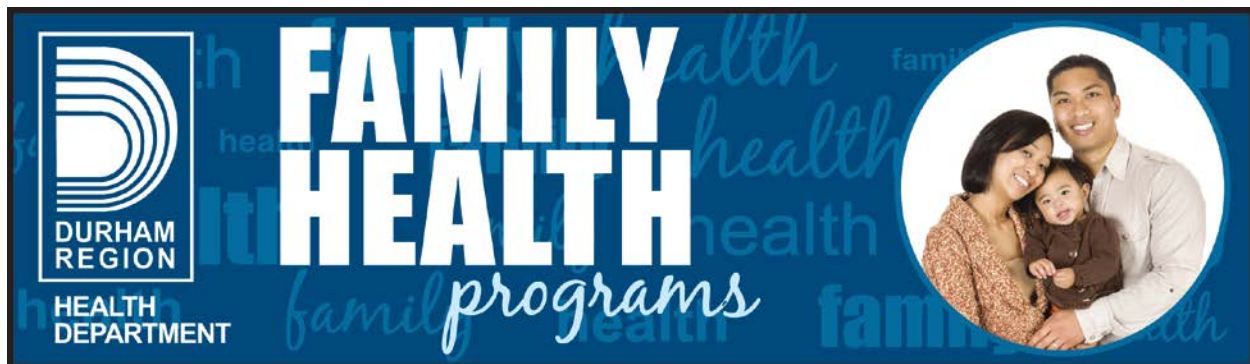
A CWIS can assist agencies to focus on effective and efficient response strategies to help those with an increased vulnerability to the effects of cold weather.

EH will continue discussions with Environment Canada, Health Canada, other PHUs and local working groups to share the latest health research on weather-related morbidity and mortality data and to ensure best practices for notification thresholds are communicated to the public and community

Respectfully submitted,

Original signed by

Ken Gorman  
Director, Environmental Health



## REPORT FOR MAY - AUGUST 2016

### INFANT AND CHILD DEVELOPMENT

The ICD Program provides home-based, early intervention services for infants and young children birth to five with or at risk for, delayed development or disabilities.

Waitlist management strategies continue to play a significant role in identifying those children and families whose needs indicate high priority for access to service. An introductory letter is mailed within one week to all families referred, outlining the options available until active service begins. Following the new protocols for waitlist management, ICD has been able to provide an interim level of service for families during this period depending on child and families' needs. Providing early access to service continues to be a priority for ICD.

Currently, there are **134** infants and young children waiting for service with an average wait time of **77** days for program intake. As of September 1, 2016, there were **282** referrals to ICD with **82%** of these referrals for children less than 12 months of age.

For young children referred to ICD over 24 months of age during this same period, **36%** of these referrals were due to a diagnosis of ASD. In response to the families' need for information, support and timely intervention, ICD has developed a pathway for recommended screenings, a service navigation guide for families as well as interventions strategies that make the most out of this window of opportunity. Early identification and intervention is crucial for young children diagnosed with ASD.

### REPRODUCTIVE AND CHILD HEALTH

#### ***Healthy Sleep Healthy Me Resource***

Sleep is an important factor in a child's overall development. Just like nutrition and physical activity, sleep is essential for attaining optimal physical and mental health. A good night's sleep can benefit a child in many ways. It provides energy needed for

physical activity; helps regulate emotions and temperament; strengthens the immune system and supports cognitive functioning and school performance (PHO, 2015).

Despite its importance, approximately **31%** of school-aged children in Canada are sleep-deprived and **33%** of Canadian children aged 5-13 years report having trouble falling asleep or staying asleep (ParticipACTION, 2016). Although each child is unique, there are age-based sleep recommendations that identify the amount of sleep required to support health and wellbeing. For school-aged children, the amount of sleep needed every night ranges from 8-12 hours with younger children needing more sleep.

The quality of sleep is also important. Although a child may be getting the recommended amount of sleep for their age, their sleep may be negatively impacted by a number of factors including: screen time; busy schedules; inconsistent routines and distracting sleep environments.

*Healthy Sleep Healthy Me*, a new resource developed by DRHD, focuses on sleep in school-aged children. It is designed to help parents build healthy sleep routines with their school-age children. This resource provides information about: the importance of sleep; sleep recommendations according to age; strategies to build healthy sleep routines and ways to address common sleep challenges.

Since the launch in May, approximately **1,300** *Healthy Sleep Healthy Me* resources have been distributed. The resource was promoted with over **470** health care providers through the Family Health Order Form, which resulted in **319** resources being requested by health care providers. **270** copies of the *Healthy Sleep, Healthy Me* resource have been distributed at a variety of community events such as the Make a Difference Event in Oshawa, Pickering Library Parent Event, Oshawa Children's Fair and Durham Farm and Rural. Ontario Early Years Centres have requested **155** copies and an additional **80** copies were shared with parents at Welcome to Kindergarten events.

## **Social Media**

August marks the first anniversary of the Health Department's *Durham Healthy Families* social media pilot project. The Durham Healthy Families social media project engages Durham Region residents through Facebook, Twitter, YouTube and Instagram.

PHNs moderate discussions on the social media sites, and provide health information that primarily focusses on parenting, child health, immunization, chronic disease prevention and prevention of injury and substance misuse. In addition to the aforementioned topics, Durham Healthy Families has also featured spotlight posts about oral health and environmental health topics.

Throughout the year, the social media platforms have steadily grown in followers, allowing PHNs to reach community members in new and different ways. Participants often share DRHD content with others, "like" the posts and offer comments and ideas. As of August 11, 2016, the *Durham Healthy Families* Facebook page received **3,427** lifetime total likes and had an average daily total reach of **4,171**. According to the Facebook Insights data, the community most engaged with the Facebook site is Oshawa, followed by Whitby and Ajax. As of August, the Durham Healthy Families

Twitter Page had **669** lifetime followers, **75,375** average monthly tweet impressions and **12** average monthly mentions. The Durham Healthy Families Instagram Page, which launched in May 2016, has **236** followers.

Respectfully submitted,

Original signed by

Jean Nesbitt  
Director, Public Health Nursing and Nutrition  
Chief Nursing Officer



REPORT FOR MAY - AUGUST 2016

## INFECTIOUS DISEASES PREVENTION AND CONTROL

### *Know Before You Go Durham*

On June 1, 2016, By-law 17-2016 came into effect and launched Durham Region's PSS Inspection Disclosure Program called "Know Before You Go", highlighting the already familiar red/yellow/green postings. Phase 1 of the program requires owners/operators to post the inspection result summary sign. As the mandated inspection frequency of these premises is once a year, all Durham Region's PSS will be posted by May 31, 2017. The second phase will include online posting of these inspection summaries on durham.ca.

From June 1 to August 19, **234** out of **682** premises (**34.3%**) have been inspected and posted.

### Outbreak Summary

From May to August 19, EH investigated a total of **20** reported outbreaks in Durham Region of which **9** were enteric and **11** respiratory in nature. These include: outbreaks involving long-term care homes (**11**), retirement homes (**2**), child care centres (**4**), hospitals (**2**) and community setting (**1**). The causative agents include rhinovirus (**3**), metapneumovirus (**2**), influenza B (**1**), norovirus (**1**), coronavirus/RSV (**1**), parainfluenza (**1**) and no isolate/sample (**11**).

### Reportable Diseases

From April to July, EH investigated **270** confirmed sporadic reportable diseases. The confirmed diseases include, in descending order, influenza (**72**); salmonellosis (**71**); campylobacter (**56**); cyclosporiasis (**12**); giardiasis (**10**); amebiasis (**9**); **7** each of legionella and VTEC including HUS; Lyme disease (**6**); **3** each of cryptosporidiosis, hepatitis A, malaria and yersiniosis; **1** each of listeriosis and typhoid.



## **Vector-borne Diseases**

EH continues to conduct routine surveillance for WNV at long-term standing surface water sites, including SWMPs, ditches, natural field pools, etc. from May to September. The 2016 adult mosquito surveillance program started the week of June 12 and the first positive test for WNV was week of August 7. There are now **7** confirmed positive adult pools identified in Durham Region to the end of August. There have been **no** human cases of WNV reported in Durham Region this season. In comparison, there has been **1** human case in Canada (Manitoba) versus **89** in the United States.

Lyme disease surveillance also continues actively and passively. Active surveillance occurred in the spring on **8** sites in Durham Region and there were **no** blacklegged ticks identified. The next tick-dragging will occur in late September. Passive surveillance has been steady with **50** submissions of ticks that were removed from humans. Of those, **21** were identified to be the blacklegged tick and **3** of those were confirmed to carry the bacteria for Lyme disease (*Borrelia burgdorferi*). This season, there have been **6** confirmed human cases and **3** probable cases of Lyme disease in Durham Region.

## **Zika Virus**

On April 25, PHAC and MOHLTC confirmed the first positive case of Zika virus transmitted sexually in Canada. There have been **no** confirmed cases of locally-acquired Zika virus through mosquitoes, the overall risk in Canada remains very low and mosquitoes known to transmit the virus are not established in Canada and are not well-suited to our climate.

This situation reinforces the need for returning travellers from Zika-affected countries and their sexual partners to take precautions to protect themselves against the virus. Pregnant women and those planning a pregnancy should avoid travel to countries with ongoing Zika virus outbreaks. If travel cannot be avoided or postponed, strict [mosquito bite prevention measures](#) should be taken due to the association between Zika virus infection and increased risk of serious health effects on their unborn baby.

The current scientific consensus is that Zika virus infection causes microcephaly (abnormally small head) in a developing fetus during pregnancy and Guillain-Barré Syndrome. On June 14, WHO declared that the clusters of microcephaly cases and other neurological disorders, continues to constitute a Public Health Emergency of International Concern. As of August 10, Canada reported a case of congenital malformation associated with a travel-related case of Zika virus infection.

DRHD continues to provide relevant information to local stakeholders on the Zika virus through FAX Abouts, social media, and posting information and links to the PHAC, the PHO websites and on durham.ca.

## **SEXUAL HEALTH**

### **Sexual Health Clinic Promotion**



DRHD currently operates three SH clinics located in Oshawa, Pickering and Port Perry to deliver sexual health clinical services.

From January 1 to June 30, **6,557** clients attended the SH clinic. Of those, **1,417** were new clients to the clinic and **998** were walk-in clients. In total, **3,478** clients were counselled on STIs, **2,077** were counselled on risk reduction strategies, and **2,304** clients were counselled on birth control. Treatments for STIs were provided to **392** clients with chlamydia, **72** clients with gonorrhoea and **20** clients with syphilis. In addition, **334** cases of genital warts were treated. **3,656** packages of oral contraceptives were provided at cost. As well, **145** pap tests to women 24 years of age and under were also completed and **7** hepatitis A, **13** hepatitis B, and **42** HPV vaccines were administered.

To increase awareness of SH clinic services in Durham Region, DRHD staff attended **4** community events including World Hepatitis C Day, GL Roberts Health Fair, Durham Caribbean Festival as well as the Black African and Caribbean HIV/AIDS Awareness Day. Several community partners and youth service providers attended sexual health clinic tours.

### **STI Medication Distribution**

The STI medication distribution program was designed to enable local clinics to access publically funded medications for the treatment of STIs through DRHD. Clinics were invited to participate in the launch of this program if they were known to regularly report gonorrhoea, chlamydia and syphilis cases. The medications that are available to order include: Azithromycin, Doxycycline, Ceftriaxone, and Benzathine Penicillin G. A total of **15** clinics across Durham were invited to participate in the launch of the program, several of which are located within or in close proximity to identified priority neighbourhoods; **14** clinics decided to enroll in the program.

PHNs conducted educational outreach site visits with all **14** clinics enrolled in the program. The purpose of the visit was to review the process for ordering the medications which was developed to align closely with the process for vaccine orders. Each of the **14** clinics has accessed their first order of medications. **3** additional orders have been placed since the launch. Clinics have provided positive feedback about the program stating it has made it easier to access the medications and to provide quick treatment. **2** additional clinics have been identified and invited to participate in the program since the launch.

## **VACCINE PREVENTABLE DISEASES**

### **Immunization of School Pupils Act**

In accordance with ISPA, DRHD assesses and monitors the immunization status of all school age children in Durham Region. Under the Act, children attending school must be immunized against diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, meningococcal and varicella. For the 2015-2016 school year, there were

approximately **112,300** students under 18 years of age attending schools in Durham region. All students were assessed for the mandatory immunization under ISPA.

In coordination with schools, parents/guardians are sent notification when students are overdue for mandatory vaccinations to ensure that children are protected from vaccine preventable diseases. There were a total of **24,848** students identified through the provincial immunization database as being overdue for required immunizations. Notices were screened by PHNs for accuracy and **22,504** notices were sent to students. This represents an increase of **4,241** notices compared to the 2014-2105 school year. **5,211** of the total notices sent were to students with no immunization information (newcomers, moved from another region, junior kindergarten students not previously enrolled in a registered child care facility in Durham). **313** students were exempt from immunization requirements through legal exemptions. **248** conscious/ philosophical exemptions and **65** medical exemptions were processed.

### **School-Based Immunization Clinics**

The objectives of school-based immunization clinics are to reduce the incidence of vaccine preventable diseases by providing hepatitis B and meningococcal vaccines to eligible grade 7 students, and human papillomavirus (HPV) vaccine to eligible grade 8 females.

During the 2015-2016 school year, **81%** of eligible grade 7 students received the hepatitis B vaccine. In total, **11,381** grade 7 hepatitis B doses were administered at school clinics, with an additional **959** grade 8 hepatitis B doses administered to students who had not previously completed the series.

In addition, **92%** of eligible grade 7 students received the Menactra vaccine. A total of **7,009** grade 7 Menactra doses were administered at school clinics, with an additional **155** grade 8 Menactra doses administered to students who had not previously received the publicly funded dose in grade 7.

During the 2015-2016 school year, **75%** of eligible grade 8 females received the HPV vaccine. In total of **5,326** HPV doses were administered at school clinics. For the 2016-2017 school year, the HPV program has expanded to include grade 7 boys and girls. During this year of transition, the HPV vaccine will continue to be offered to grade 8 girls, however, grade 8 boys will not be eligible to receive the vaccine.

Respectfully submitted,

Original signed by

Jean Nesbitt  
Director, Public Health Nursing and Nutrition  
Chief Nursing Officer

Original signed by

Ken Gorman  
Director, Environmental Health



## PROFESSIONAL & ADMINISTRATIVE SERVICES

REPORT FOR MAY- AUGUST 2016

### PUBLICATIONS

#### **The Development and Testing of Indicators of Ontario's Local Public Health Units to Address the Social Determinants of Health to Reduce Health Inequities – Phase 2 Report: A Case Study Approach to Pilot Test Indicators.**

This research employed an exploratory, multiple case study design, involving local PHUs to test the health equity indicators developed in Phase 1 for feasibility, understandability, relevance, validity, reliability and comparability. Analysis of all test sites revealed that respondents considered the indicators to be relevant. Refinements were made to the indicators and supporting documentation. The indicators and user guide developed as a result of this research could be used to help PHUs evaluate health equity-related activity within their organizations.

#### **Impacts of industrial wind turbine noise on sleep quality: Results from a field study of rural residents in Ontario, Canada**

Published in the July/August issue of the *Journal of Environmental Health*, this article represents the Master's thesis work of James Lane, Health Analyst, and details the investigation of IWT noise as a possible risk factor for poor sleep quality in rural Ontarians. In this study, the researchers collected sleep data from a community with IWTs and a comparison community without IWTs, and found no statistically significant differences for any of the sleep parameters measured. The authors suggest further studies with larger sample sizes be conducted to determine whether the lack of statistical significance reflects a true lack of association.

**Full article:** Lane J.D., Bigelow P.L., Majowicz S.E., & McColl R.S. (2016). Impacts of industrial wind turbine noise on sleep quality: Results from a field study of rural residents in Ontario, Canada. *Journal of Environmental Health*, 79(1), 8-12.

## **HEALTH NEIGHBOURHOODS**

### **Updated Health Neighbourhoods Overview Report**

The Overview Report has been updated to include the 20 new Health Neighbourhoods indicators that were released in February 2016 as well as information on the Priority Neighbourhoods. This version is also accessible.

### **FOCUSED REPORT ON...**

#### **Socioeconomic Factors Related to Infant Feeding Practices in Durham Region**

A new highlight report based on the Durham Region IFSS has been released in March. This report examines the relationship between socioeconomic factors and infant feeding practices in Durham Region. Data was collected through telephone survey among Durham Region mothers who delivered babies between July 2007 and December 2014.

Socioeconomic factors associated with infant feeding practices are complex and may be interrelated. Multivariate analysis was used to identify socioeconomic factors that independently influence infant feeding practice and determine the strength of associations.

It was found that:

- 93% of new mothers in Durham Region initiated breastfeeding.
- 55% continued to breastfeed for six months or more.
- 6% of Durham Region mothers provided their infants with exclusive breastmilk for at least six months.
- Breastfeeding initiation was independently influenced by mother's country of birth, education, and location of birth hospital. Compared to their counterparts, Durham Region mothers born outside of Canada were 1.8 times, those with college or university education were 2.9 times, and those who gave birth outside of Durham were 1.8 times more likely to initiate breastfeeding than their counterparts.
- Breastfeeding duration was independently influenced by country of birth, maternal age, education and formula use in delivery hospital. Older mothers, mothers of infants who received exclusive breastmilk in hospital (4.5 times), those born outside of Canada (1.6 times) and those with college or university education (2.1 times) were more likely to continue breastfeeding for at least six months than their counterparts.

## **RAPID RISK FACTOR SURVEILLANCE SYSTEM**

### **Shake Your Salt Habit!**

Less than 70% of adults in Durham Region were aware of the guidelines for daily salt or sodium consumption. When asked about the best way to reduce the amount of sodium in their diet, 39% of adults mentioned avoiding prepared, processed and canned foods. Furthermore, 74% of Durham Region adults reported watching their salt intake on a regular basis and less than half (45%) make food choices based on the amount of salt.

These results were significantly higher for females and adults aged 45 years and older, making these groups more likely to practice healthy eating habits related to sodium consumption.

## **AT A GLANCE RESOURCES**

**6 At A Glance** resources have been posted to [durham.ca](http://durham.ca): *Infectious Diseases, Population, Infant Feeding, and Injuries - Sports, Intentional Self-Harm, Prescription Drug Misuse*. These resources present trends over time, health unit and provincial comparisons, and breakdown by some of the determinants of health.

### **Infectious Diseases**

The Infectious Diseases At A Glance resource has been updated with 2015 infectious disease incidence counts and rates for Durham Region with comparisons to Ontario and for some indicators for five of its eight municipalities along with North Durham. This resource includes summaries of trends in incidence rates for selected reportable diseases along with counts for Durham Region for all reportable diseases. This information will be used to inform program planning and evaluation activities of the Infectious Diseases Prevention and Control program.

Rates for all reportable infectious diseases included in the report remain either similar or lower in Durham Region compared to Ontario. Although chlamydia rates decreased between 2011 and 2013 among both Durham Region and Ontario females and levelled off among Durham Region males, rates increased again between 2014 and 2015. Incidence rates of gonorrhoea have been increasing since 2009 in both Durham Region and Ontario, especially among males.

### **Population At A Glance**

The Population At A Glance resource has been updated with 2015 population estimates for Durham Region, Durham's eight municipalities and Ontario. This resource is updated on an annual basis as new estimates are produced by Statistics Canada and provided through the MOHLTC.

The Durham Region population in 2015 was estimated to be 661,190. The largest population growth between 2005 and 2015 was seen in Ajax, with an increase of 30% followed by Whitby with an increase of 19%. The smallest growth was seen in Brock with an increase of less than 1% between 2005 and 2015.

### **Infant Feeding At A Glance**

Infant Feeding At A Glance Report (2006-2015 Births) provides information on selected infant feeding indicators from the Durham Region IFSS.

The IFSS was launched by the DRHD in 2007 to regularly assess infant feeding practices of Durham Region mothers, 15 years of age and older. From 2007 to 2015, 6,307 new mothers in Durham Region completed this telephone survey.

In 2015, 96% of mothers initiated breastfeeding; by six months, 64% were still breastfeeding and 8% were exclusively breastfeeding. Breastfeeding initiation rates

remained stable from 2007 to 2015; both breastfeeding and exclusive breastfeeding rates at six month postpartum have increased since 2011.

### **Sports Injuries**

Hospitalization and ED visit rates due to sports injuries are higher in males than females, and Durham Region rates are higher than Ontario's rates. Since 2003, overall hospitalization rates are declining while the ED visit rates are generally increasing, particularly in younger residents. Youth aged 10-19 years account for the largest proportion of sports injuries. In 2014, there were over 5,000 ED visits due to sports injuries in Durham Region residents and 56% of these were youth aged 10-19 years.

### **Intentional Self-Harm**

Hospitalization and ED visit rates due to self-harm are higher in females than males. While the rates have declined since 2002, in recent years, both the hospitalization and ED visit rates are on the rise, particularly in Durham Region females.

### **Prescription Drug Misuse**

ED visit rates due to prescription opioid misuse are increasing in Durham Region and Ontario. In Durham Region residents, the rate has almost tripled since 2002. In 2015, there were 440 ED visits for prescription opioid misuse in Durham Region residents.

## **QUICK FACTS & TRENDS IN REPORTS**

**8 Quick Facts** and **6 Trends In** report have been posted to [durham.ca](http://durham.ca). These reports present local information on elementary and secondary school students' health behaviors in Durham Region.

### **Problem Drug Use**

Approximately, one in six (17%) secondary school students in Durham Region report problem drug use that may lead to adverse consequences, and this trend in problem drug use has not changed significantly since 2011.

### **Hazardous and Harmful Drinking**

One-quarter (26%) of secondary school students in Durham Region report drinking hazardously or harmfully. Almost two-thirds (63%) of students consumed alcohol in the past year.

### **Suicidal Ideation**

Fifteen percent (15%) of secondary school students in Durham Region seriously considered attempting suicide in the past year, and there is an increasing trend in suicidal ideation among Durham Region students.

### **Suicide Attempts**

Five percent (5%) of secondary school students in Durham Region attempted suicide in the past year, and there is an increasing trend in suicide attempts among Durham Region students.

### **Self-Reported Fair to Poor Mental Health**

Seventeen percent (17%) of secondary school students and 10% of elementary school students in Durham Region self-reported fair to poor mental health. Since 2009, there was no increasing trend detected in Durham Region students.

### **Screen Time**

Sixty-one (61%) of secondary school students and 49% of elementary school students in Durham Region exceed two hours of daily screen time. Since 2009, there has been no significant change in this rate.

### **Cyberbullying**

About one in five Durham Region elementary or secondary school students (21% and 23%, respectively) experienced cyberbullying. Since 2009, there was no increasing trend detected in Durham Region students.

### **Social Media Use**

Three-quarters (78%) of elementary school students and 92% of secondary school students in Durham Region use social media on a daily basis.

## **ETHICS**

In the period of **May – August 2016**, the Ethics Review Committee received **6** research proposals and approved the following evaluation projects:

### **MPOC General Information Survey**

**Research Lead:** Susan Mace

**External Partners:** Lorna Montgomery, Manager, Infant & Child Development Services Peel & CWR&D; Roxanne Young, Manager, Children's Services, Halton Region & CWR&D; Dorothy McLachlan, Infant & Child Development Program, Waterloo Region, CWR&D; Kristin Sibbilin, Children's Services Manager, Canadian Mental Health Association Waterloo, Wellington and Dufferin & CWR&D; Cathy Saul, Manager, York Region Early Intervention Services, CWR&D; Michelle Kapteyn, Preschool Services Manager, Simcoe Community Services; Rachel Teplicky, OT Reg. (Ont.), Research Coordinator, CanChild Centre for Childhood Disability Research McMaster University

**Expected Completion Date:** June 24, 2016

### **Durham Living Wage Study**

**Research Lead:** David Amot

**External Partners:** Scott Aquanno, Faculty of Social Science and Humanities Community Development and Policy Studies; Toba Bryant, Faculty at UOIT Faculty of

Health Sciences; Gerorgia Luyt, Community Developer at Community Development Council Durham; Anika Misfud, Community Development Council Durham

**Expected Completion Date:** 01/01/2017

Respectfully submitted,

Original signed by

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





# Interoffice Memorandum

**Date:** September 16, 2016

**To:** Committee of the Whole

**From:** Dr. Robert Kyle

**Subject:** Health Information Update – September 9, 2016

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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 [Health Department Reference Manual](#), which is continually updated.

In addition, we have attached the following documents which are not available online:

- Rescinding Ebola Virus Disease Directives (Aug 3)
- Perinatal Mood Disorders (Aug 10)
- Lyme Disease Awareness & Testing (Aug 31)
- MERS Co-V and 2016 Hajj (Sept 1)
- Changes to HPV Eligibility Criteria (Sept 2)
- Publicly Funded Shingles Vaccine for Seniors 65 to 70 (Sept 9)

The Health Neighbourhoods Overview Report, which references the Priority Neighbourhoods and 20 new health indicators has been updated and is available at [Health Neighbourhoods Overview Report](#).

It perhaps should be noted that Dr. Kyle has provided these updates to the former Health & Social Services Committee (HSSC) on a regular basis and usually the Friday before HSSC meetings for many years.

Respectfully submitted,

Original signed by

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

**UPDATES FOR COMMITTEE OF THE WHOLE**  
**September 9, 2016**

**Health Department Media Releases/Advisories/Publications**

<http://goo.gl/2ABjrP>

- Heat warning issued for Durham Region (Aug 3)

<http://goo.gl/KwD8MC>

- Information on Beach-Postings (Aug 5)

<http://goo.gl/s3AeF5>

- Heat warning issued for Durham Region (Aug 8)

<http://goo.gl/EV7SGM>

- Heat warning upgraded to an extended heat warning (Aug 10)

<http://goo.gl/eNcPWe>

- Information on Beach-Postings (Aug 11)

<http://goo.gl/yizOhq>

- Durham Region reports season's first West Nile virus positive mosquitoes (Aug 11)

<http://goo.gl/A0XCFt>

- Extended heat warning terminated (Aug 14)

<http://goo.gl/tpkZjp>

- "What's in your bottle?" campaign aims to inform residents of cancer risks associated with cancer use (Aug 17)

<http://goo.gl/EfUqOt>

- Information on Beach-Postings (Aug 18)

<http://goo.gl/kX7hZd>

- Information on Beach-Postings (Aug 25)

<http://goo.gl/hGdMHP>

- Durham Region reports West Nile virus positive mosquitoes in Oshawa and Scugog (Aug 26)

<http://goo.gl/K9U3U2>

- Information on Beach-Postings (Sept 1)

<http://goo.gl/FJ2B2O>

- Heat warning issued for Durham Region (Sept 6)

<http://goo.gl/Npwp5i>

- Health Department reminds the public to take precautions against Lyme Disease (Sept 7)

<http://goo.gl/9PQcZ9>

- Heat warning upgraded to an extended heat warning (Sept 7)
- Extended heat warning terminated (Sept 9)

### **FAX Abouts (attached)**

- Rescinding Ebola Virus Disease Directives (Aug 3)
- Perinatal Mood Disorders (Aug 10)
- Lyme Disease Awareness & Testing (Aug 31)
- MERS Co-V and 2016 Hajj (Sept 1)
- Changes to HPV Eligibility Criteria (Sept 2)
- Publicly Funded Shingles Vaccine Available for Seniors 65 to 70 Years of Age (Sept 9)

## **GOVERNMENT OF CANADA**

### **Employment and Social Development Canada**

<http://goo.gl/18JDTX>

- How accessibility is driving innovation in Canada (Aug 23)

<http://goo.gl/D0h3HS>

- Pursuing post-secondary education passions now more accessible and affordable (Aug 30)

<http://goo.gl/Qv02YT>

- The Government of Canada announce the Tackling Poverty Together Project (Sept 2)

### **Environment and Climate Change Canada**

<http://goo.gl/Rbf1zP>

- Statement – Canada congratulates the United States on stricter greenhouse gas regulations for heavy-duty vehicles (Aug 16)

### **Health Canada**

<http://goo.gl/KAAWDL>

- Statement from Health Canada concerning access to cannabis for medical purposes (Aug 11)

<http://goo.gl/ohnjAC>

- Health Canada Moving Quickly to Control Chemicals Used to Make Fentanyl (Aug 31)

### **Indigenous and Northern Affairs Canada**

<http://goo.gl/vH2XVv>

- Government of Canada Names Commissioners for National Inquiry Into Missing and Murdered Indigenous Women and Girls (Aug 3)

### **Innovation, Science and Economic Development Canada**

<http://goo.gl/1q2UZy>

- 2016 Census response rate exceeds 98 percent (Aug 29)

### **Prime Minister's Office**

<http://goo.gl/Zozu1o>

- The Prime Minister of Canada and Premier of Ontario announce agreement under new federal infrastructure funding program (Aug 23)

### **Public Health Agency of Canada**

<http://goo.gl/3HafUL>

- Outbreak of Cyclospora under investigation (Aug 18)

## **GOVERNMENT OF ONTARIO**

### **Office of the Premier**

<https://goo.gl/cajMRi>

- Ontario Intake for Federal Infrastructure Funds to Begin in Early September (Aug 15)

<http://goo.gl/kCD9Zk>

- Change to Ontario Cabinet Increases Focus on Child Care (Aug 24)

<http://goo.gl/BnrONn>

- Ontario Working with Québec and Mexico to Advance Carbon Markets (Aug 31)

### **Ontario Ministry of Children and Youth Services**

<https://goo.gl/OmZfgt>

- Ontario Keeping Children's Centres Safe and Accessible (Aug 4)

### **Ontario Ministry of Citizenship and Immigration**

<https://goo.gl/QuHv92>

- Ontario Helping Internationally Trained immigrants Find Jobs (Aug 9)

<http://goo.gl/pauG5y>

- Ontario Enhancing Services for Refugees (Aug 25)

### **Ontario Ministry of Community and Social Services**

<http://goo.gl/Yd61rX>

- Ontario Making Access to Services Easier for People with Developmental Disabilities (Sept 2)

### **Ontario Ministry of Community Safety and Correctional Services**

<https://goo.gl/pt4lpo>

- Ontario Investing \$6.5 Million in Fire Safety Upgrades For Community Service Agencies (Aug 18)

### **Ontario Ministry of Economic Development and Growth**

<https://goo.gl/KrRtLA>

- Help Ontario Make Business Easier for the Food Processing Sector (Aug 2)

### **Ontario Ministry of Education**

<https://goo.gl/r2EEqR>

- Ontario Ending Fees for Child Care Wait Lists (Aug 2)

<https://goo.gl/RrEkDa>

- Ontario Helping Students with Special Needs Reach Their Full Potential (Aug 8)

<http://goo.gl/owAo0F>

- Ontario Opening 35 New Licensed Child Care Rooms Across Province (Sept 1)

<http://goo.gl/oyhhnA>

- New Schools Opening Across Ontario in 2016 (Sept 6)

<http://goo.gl/IQyZXt>

- Full-Day Kindergarten Reaches More Than One Million Ontario Students (Sept 9)

### **Ontario Ministry of Finance**

<http://goo.gl/6dzXNP>

- Ontario Allocates \$3.2 Billion for Infrastructure Projects (Aug 30)

<http://goo.gl/6dzXNP>

- Ontario Selects First Grocers to Sell Wine (Sept 2)

### **Ontario Ministry of Health and Long-Term Care**

<https://goo.gl/PNYe2q>

- Breastfeeding Supports Available to Ontarians (Aug 1)

<http://goo.gl/OdpsWf>

- Statement by Minister of Health on Health Quality Ontario's Report on Diagnostic Imaging (Aug 9)

<https://goo.gl/AVyJci>

- Statement by the Minister of Health on Physician Services Agreement (Aug 15)

<https://goo.gl/3IDQG0>

- Ontario Investing Additional \$10 Million to Enhance Behavioural Supports Program (Aug 18)

<https://goo.gl/wVlw0c>

- Ontario Investing \$16 Million to Improve Care in Emergency Rooms (Aug 19)

<http://goo.gl/RoIMyV>

- Statement from Minister of Health on Canadian Institute for Health Information Report (Aug 23)

<http://goo.gl/3bP013>

- Minister Hoskin's letter to OMA (Aug 26)

<http://goo.gl/8aGigT>

- Ontario Investing in Centre for Addition and Mental Health Expansion (Sept 7)

<http://goo.gl/jYr3Lt>

- Ontario Taking Action to Prevent Sexual Abuse of Patients (Sept 9)

### **Ontario Ministry of Indigenous Relations and Reconciliation**

<https://goo.gl/DZbmLt>

- Joint Statement on the National Inquiry into Missing and Murdered Indigenous Women and Girls (Aug 3)

<https://goo.gl/1py4gO>

- Indigenous Trail Markers Installed Along Ontario Trails (Aug 9)

### **Ontario Ministry of Infrastructure**

<https://goo.gl/6OfwEL>

- Ontario Releases Progress Report on Community Hubs (Aug 12)

### **Ontario Ministry of Labour**

<https://goo.gl/UCnlHq>

- Ontario Partners With Paramedic Association of Canada to Improve Mental Health (Aug 10)

<http://goo.gl/eZNwlu>

- Ontario Moving Forward to Close the Gender Wage Gap (Aug 25)

### **Ontario Ministry of Research, Innovation and Science**

<https://goo.gl/ZD9Awv>

- Ontario Investing \$51 Million to Support Research and Foster Innovation (Aug 22)

### **Ontario Ministry of Tourism, Culture and Sport**

<https://goo.gl/YHUjAg>

- Province Investing \$7.2 Million to Support Healthy and Active Communities (Aug 9)

<https://goo.gl/ZrRHrh>

- Ontario Athletes Deliver 15 Medals for Canada in Rio (Aug 22)

### **Ontario Ministry of Transportation**

<https://goo.gl/V5G5DW>

- Ontario Officially Opens Bus-Only Lanes in Durham Region (Aug 10)

<http://goo.gl/xfQmGm>

- Keep Ontario Roads Safe for Kids This School Year (Sept 5)

### **Treasury Board Secretariat**

<http://goo.gl/nCGMAU>

- Ontario Capping Salary & Performance Pay for Broader Public Sector Organizations (Sept 6)

## **OTHER ORGANIZATIONS**

### **Association of Municipalities on Ontario**

<http://goo.gl/XiHFQj>

- Fiscal health of municipalities and infrastructure funding dominate discussion at 2016 AMO Conference (Aug 15)

### **Canadian Concussion Collaborative**

<http://goo.gl/WuuQfU>

- Leading Canadian health organizations produce a guide to help sport and school organizations implement concussion managements protocols (Sept 7)

### **Canadian Environmental Assessment Agency**

<http://goo.gl/pMxYZX>

- Government of Canada Moving Forward with Environmental Assessment Review (Aug 15)

### **Canadian Institute for Health Information**

<http://goo.gl/AqLq9P>

- More doctors, but average payments to physicians virtually unchanged (Aug 23)

### **Cancer Care Ontario**

<http://goo.gl/Hb0bJm>

- Study shows women who received cancer screening invitation letters are more likely to have a Pap test (Aug 5)

### **Conference Board of Canada**

<http://goo.gl/mT0xVq>

- Unmet mental health care needs costing Canadian economy billions (Sept 1)

### **Education Quality and Accountability Office**

<http://goo.gl/1xaVvr>

- EQAO: Elementary school reading results continue to rise, while math results continue to fall. Half of all Grade 6 students did not meet the provincial math standard in 2016 (Aug 31)

### **Ombudsman Ontario**

<http://goo.gl/8hlxkq>

- Ombudsman Calls for Systemic Overhaul to Help Adults with Developmental Disabilities in Crisis (Aug 24)

### **Ontario Chamber of Commerce**

<http://goo.gl/K8TnPX>

- Ontario Requires a Dedicated Innovation Strategy to Support, Retain and Grow Our Health Science Sector (Aug 16)

### **Ontario Coalition for Smoke-Free Movies**

<http://goo.gl/aET9fv>

- Based on a True Story: Children and Youth Exposed to Smoking in Movies (Sept 9)

### **Ontario Medical Association**

<http://goo.gl/9XD9oc>

- Ontario's doctors vote to reject tentative Physician Services Agreement (Aug 15)

### **Ontario Power Generation**

<http://goo.gl/FDjt9W>

- OPG ready to deliver Canada's largest clean power project (Sept 1)

### **Ontario Provincial Police**

<http://goo.gl/uKNKWD>

- Traffic and Boating Fatalities Mar Civic Day Long Weekend, Hundreds of Charges Laid By OPP in "Move Over" and Impaired Boating Campaigns (Aug 2)

### **Public Health Ontario**

<http://goo.gl/yfzUm1>

- Thousands of new cancer cases in Ontario each year due to environmental exposures (Aug 8)

<http://goo.gl/5Z3ljK>

- Fewer teens and young women getting genital warts thanks to HPV vaccine program (Aug 19)

<http://goo.gl/C5kaPx>

- Direct and active parent involvement key to healthy living for kids (Aug 24)

### **Trillium Gift of Life Network**

<http://goo.gl/8oqYtB>

- Ontario Reaches Milestone in Organ Donor Registration (Aug 23)





# FAX about ...



## Rescinding Ebola Virus Disease (EVD) Directives and New Guidance Documents

The World Health Organization recently declared the **end** of the **Public Health Emergency of International Concern** for the **EVD** outbreak in **West Africa**. New EVD cases are still being reported in West Africa. Ontario's health system may encounter patients who have recovered from EVD and who carry the virus. An updated EVD outbreak case definition has been posted on [Ontario.ca/ebola](http://Ontario.ca/ebola). However, the **risk** posed to **Ontarians** from EVD **remains very low**.

As a result, **all EVD directives are no longer in effect as of August 2, 2016**. We acknowledge the efforts of all health care workers and organizations that implemented the requirements of the directives. These efforts ensured the safety of all Ontarians.

Ontario's response to the EVD outbreak strengthened the readiness of our health system to respond to an infectious disease event. As a result, we are pleased to release the Ministry of Health and Long-Term Care's ***Building a Ready and Resilient Health System, Ebola Step-Down and Provincial Baseline Requirements for Infectious Disease Threats***. This plan identifies new baseline requirements for Ontario's health system. These requirements will help ensure that the health system is ready to respond to infectious disease threats. The plan and more information can be found at <http://www.health.gov.on.ca/en/pro/programs/emb/resilience.aspx>.

Public Health Ontario has also released Guidance for Patients with Suspect or Confirmed Viral Haemorrhagic Fevers (VHF) in Acute Care Settings and Management of Ebola Virus Disease (EVD) Survivors in Ontario. These documents will help all health partners prepare for VHF diseases, including EVD. This can be accessed at <http://www.publichealthontario.ca/en/BrowseByTopic/InfectiousDiseases/Pages/Viral-Hemorrhagic-Fevers.aspx>

Health system partners can contact the ministry's Emergency Management Branch by email at [emergencymanagement.moh@ontario.ca](mailto:emergencymanagement.moh@ontario.ca) or phone at 416-212-0822 with questions on the new guidance documents.

Health care providers are reminded to report any cases of hemorrhagic fevers, including Ebola virus disease, Marburg virus disease or other viral causes to the Durham Region Health Department, Environmental Health Division, at 1-888-777-9613.

Durham Region Health Department: 905-723-3818, 1-888-777-9613

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-877-777-9613 August 3, 2016



# FAX about ...



## Perinatal Mood Disorders

Health care providers play an important role in the early detection and management of **Perinatal Mood Disorders (PMD)** among pregnant and postpartum women. As many as 1 in 5 women can be affected by a PMD, however, this number is often underestimated as many women are reluctant to disclose their true feelings and seek help. Undetected and untreated, PMD, can negatively impact mother-child attachment and developmental outcomes for the child.

The Durham Region Health Department offers information and tools to support health care providers in distinguishing between signs and symptoms of PMD and normal adjustment to parenthood. Visit our webpage at [www.durham.ca/PMD](http://www.durham.ca/PMD) and click on Information for Primary Health Care Providers” to access resources and tools such as:

- Initial assessment questions
- **Care pathway** to identify and make decisions about next steps
- The Edinburgh Postnatal Depression Scale (EPDS) to use with clients
- Community resources
- Referral form and information about PMD Support Group

Durham Region Health Department provides a weekly **peer support group** for women experiencing symptoms of PMD. The peer support group runs Tuesday afternoons in Whitby and is facilitated by a Public Health Nurse. The group is free and child care is available. To refer clients to our PMD support group, access our online PMD referral form at <https://www.durhammd.ca/secure/forms.htm> (username: drhd, password: health), or clients can call Durham Health Connection Line at 905-666-6241 or 1-800-841-2729.

**\*Note\*** The group provides peer support not formal group therapy. While it can be an important part of the treatment plan, it is not a replacement for counseling.

**Durham Region Health Department: 905-668-7711, 1-800-841-2729**

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-877-777-9613

August 10, 2016



# FAX about ...



## Lyme Disease Awareness & Testing

Lyme disease (LD) is a preventable disease caused by the bacteria *Borrelia burgdorferi* which is **transmitted to humans through the bite of an infected tick**. In Ontario, the black-legged tick (or deer tick) *Ixodes scapularis* is the sole vector of *B. burgdorferi*. Black-legged ticks have become endemic in certain areas. To date, this season, **50** ticks have been submitted for identification and testing. A total of **26** have been confirmed as **black-legged ticks** and **3** have tested positive for the bacteria *B. burgdorferi*.

The **incubation period** for LD is usually **1 to 4 weeks** after an infected tick bite. During the early stages of infection, **70-80% of cases** present with **erythema migrans (“bull’s eye rash”) or other rash**. Other early symptoms include **fever, headache, muscle and joint pain, fatigue and stiff neck**. Lyme disease is **preventable** and **early treatment** with appropriate antibiotics is important. If left untreated, the disease can progress to a more serious illness involving joint, cardiac, and or neurological symptoms. **Not all black-legged ticks are infected** and an infected black-legged tick **has to be feeding for approximately 24 hours** before it can **transmit** the bacteria to a human host. This season, to date, the Health Department has received laboratory reports of **13 human cases of LD**. This is an **increase from 2015** when a total of **11 human cases of LD** were reported to the Health Department.

Laboratory testing is used to **support the diagnosis** of LD and should be used in conjunction with clinical signs and symptoms. Testing is conducted at the **Public Health Ontario Laboratories (PHOL)**. **Physicians/health care providers must specify** on the **PHO General Test Requisition form ‘Lyme disease testing’** along with **clinical information and travel history** for patient (refer to the PHOL Lababstract on LD).

The DRHD continues to conduct **tick surveillance** for LD. Physicians/health care providers or residents can **submit ticks found on the human body for identification and further testing** if applicable. Please contact the DRHD **Environmental Help Line at 1-888-777-9613 or 905-723-3818** to submit a tick. Establishing the type of tick will help identify risk areas and also assess the risk of acquiring LD.

Physicians/health care providers **must report all cases of LD** (a reportable disease), **including clinical or suspect cases** (no laboratory confirmation) to the **DRHD at 1-888-777-9613 or 905-723-3818**. Additional information, including clinical, treatment, and testing is available at:

[durhamMD.ca](http://durhamMD.ca) : User id: **drhd**; Password: **health**

**Durham Region Health Department: 905-668-7711, 1-800-841-2729**

August 31, 2016

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-877-777-9613.



# FAX about ...



## MERS-CoV and 2016 Hajj

The **2016 Hajj** is taking place from approximately **September 9 -14, 2016** in the **Kingdom of Saudi Arabia**. This spiritual pilgrimage is the largest annual gathering in the world. As with other mass gathering events, the large numbers of people expected to be in attendance during this year's Hajj may increase the risk of transmission of certain infectious diseases, such as influenza, meningococcal disease and Middle East Respiratory Syndrome Coronavirus (MERS-CoV).

As of September 1, 2016, **no cases** of MERS-CoV have been reported **in Canada**. Since 2012, the World Health Organization has received reports of **1,800 cases** and **640 deaths** related to MERS-CoV. To-date, **27 countries** have reported cases of MERS-CoV.

Health care providers are being encouraged to review the MERS-CoV information on the Ontario Ministry of Health's website regularly to ensure the latest guidance recommendations are being followed. Although the risk posed by MERS-CoV in Ontario continues to be **low**, it is important that health care providers maintain readiness to detect, investigate and manage cases that are imported to Ontario.

<http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/guidance.aspx>

The Public Health Agency of Canada has posted a Travel Health Notice about the 2016 Hajj, which can be shared with clients/patients who are travelling to the Kingdom of Saudi Arabia. <https://travel.gc.ca/travelling/health-safety/travel-health-notices/166>

Health care providers are being requested to report a confirmed case, presumptive confirmed case, probable case and person under investigation to the Durham Region Health Department, Environmental Health Division, at 1-888-777-9613.

Additional information can also be found at the Public Health Ontario website:

<http://www.publichealthontario.ca/en/BrowseByTopic/InfectiousDiseases/Pages/Novel-Coronavirus-nCov.aspx>

Durham Region Health Department: 905-668-7711, 1-800-841-2729

Sept. 1, 2016

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-888-777-9613



# FAX about ...



## Changes to HPV Eligibility Criteria

For the 2016-2017 school year, Ontario will offer the Human Papillomavirus (HPV) vaccine to **all boys and girls in Grade 7** as part of the routine school-based HPV immunization program. The HPV school-based immunization program has shifted from Grade 8 to **Grade 7**. This change aligns with current scientific and expert recommendations to immunize girls and boys between 9 and 13 years of age when the vaccine is most effective. Additionally, girls entering Grade 8 in 2016-2017 will be offered the HPV vaccine at school. Boys who are in Grades 8 to 12 during the 2016-17 school year are **not** eligible to receive the publicly funded HPV vaccine.

Effective September 1, 2016, Ontario has expanded the publicly funded HPV immunization program to include a **new high risk criteria**: people who are 26 years of age or younger who identify as gay, bisexual, as well as other men who have sex with men (MSM) including some trans people (specifically, those who identify as MSM).

The special release form for the HPV vaccine for those who meet the high risk criteria or students who cannot receive the vaccine through the school-based clinic as determined by the Durham Region Health Department nurse, can be found on [durhammd.ca](http://durhammd.ca) user name: drhd; password: health

**Thank you for your support in helping to keep Durham healthy!** Please call the Durham Region Health Department for inquires and/or assistance.



For General Inquires: Durham Health Connection Line 1-800-841-2729 or 905-666-6241  
For Vaccine Storage and Handling (VSH) issues: call 905-668-7711 ext. 3063  
For more VSH information visit [durhammd.ca](http://durhammd.ca) (user id: drhd; password: health)

**Durham Region Health Department: 905-668-7711, 1-800-841-2729**

September 2, 2016

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-877-777-9613



# FAX about ...



## Publicly Funded Shingles Vaccine Available for Seniors 65 to 70 Years of Age

The Ontario Ministry of Health and Long-Term Care has announced that the publicly funded **Shingles Immunization Program** will launch on **September 15, 2016**. Through this program, a **single dose** of **Zostavax® II vaccine** will be **publicly funded** in Ontario for:

- 1) Seniors between **65 to 70 years** of age (i.e., up to the day prior to the 71<sup>st</sup> birthday)
- 2) On a **one-time basis**, until **December 31, 2016**, individuals born in **1945** (i.e., those who **are already 71** or will be **turning 71 in 2016**) will also be eligible to receive the publicly funded Shingles vaccine. Note: This is to ensure that those who are at or close to the upper age eligibility cut-off have sufficient time to access the vaccine.

This vaccine may be ordered now but is not to be administered to clients prior to the launch of the program on September 15.

The vaccine can be ordered from the Durham Region Health Department through **special release**. The special release form is found on [durhammd.ca](http://durhammd.ca) **user name: drhd; password: health**

**Thank you for your support in helping to keep Durham healthy!** Please call the Durham Region Health Department for inquires and/or assistance.

For General Inquires: Durham Health Connection Line 1-800-841-2729 or 905-666-6241

For Vaccine Storage and Handling (VSH) issues: call 905-668-7711 ext. 3063

For more VSH information: visit [durhammd.ca](http://durhammd.ca) (user id: drhd; password: health)

Durham Region Health Department: 905-668-7711, 1-800-841-2729

September 9, 2016

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-877-777-9613





**The Regional  
Municipality  
of Durham**

Office of the Regional Chair

605 ROSSLAND ROAD E.  
PO BOX 623  
WHITBY ON L1N 6A3  
CANADA  
905-668-7711  
1-800-372-1102  
Fax: 905-668-1567  
Email: roger.anderson@durham.ca

[www.durham.ca](http://www.durham.ca)

**Roger M. Anderson**  
Regional Chair and CEO

October 1, 2016

**Works Department**  
The Regional Municipality of Durham  
605 Rossland Road East  
Whitby, Ontario  
L1N 6A3

On behalf of Regional Council, I am very pleased to present the enclosed certificate proclaiming the week of October 17<sup>th</sup> to 23<sup>rd</sup>, 2016, as "Waste Reduction Week" in Durham Region.

Kindest personal regards,

Roger Anderson  
Regional Chair & CEO



If this information is required in an accessible format, please contact the Accessibility Co-ordinator at 1-800-372-1102 ext. 2009.





# THE REGIONAL MUNICIPALITY OF DURHAM

## Certificate of Proclamation

Presented to

Works Department  
The Regional Municipality of Durham

On behalf of the Council of  
The Regional Municipality of Durham  
it is my pleasure to proclaim the week of  
October 17<sup>th</sup> to 23<sup>rd</sup>, 2016, as

**Waste Reduction Week**

in Durham Region

A handwritten signature in blue ink, appearing to read 'Roger Anderson'.

Roger Anderson  
Regional Chair & CEO





**Vivian Bloom**  
**Mayor**



**Tel: 613-338-2811 or**  
**Toll Free 877-338-2818**  
**Extension 277**  
**Fax: 613-338-3292**

**Pat Pilgrim**  
**Chief Administrative**  
**Officer**

**#33011 Hwy 62, P.O Box 130**  
**Maynooth, Ontario, K0L 2S0**

**Email:**  
deputyclerk@hastingshighlands.ca  
**C.S. - LEGISLATIVE SERVICES**

September 12, 2016

The Honourable Steven Del Duca  
Minister of Transportation  
77 Wellesley Street West  
Ferguson Block, 3rd Floor  
Toronto, ON M7A 1Z8  
[minister.mto@ontario.ca](mailto:minister.mto@ontario.ca)

Dear Minister Del Duca:

Please be advised that the Council of the Municipality of Hastings Highlands passed the following motion at the Regular Meeting of Council on September 7, 2016 regarding:

**Bill 171, Highway Traffic Amendment Act (Waste Collection and Snow Plows) 2016**

**Resolution #466-2016**

Motion Details
Moved by: Councillor Matheson
Seconded by: Councillor Robinson
<b>CARRIED</b>

**THAT** Council receives this report "Bill 171, Highway Traffic Amendment Act" provided by the Clerk/Manager of Corporate Services and;

**THAT** the Council of Hastings Highlands supports the Township of Carlow/Mayo in their request of support for Bill 171 Amendment and;

**WHEREAS** the Council of Hastings Highlands recognizes the importance of service vehicles as Waste Collection and Snowplows to be acknowledged the same as O.P.P, EMS and Fire vehicles when in operation for the health and safety of the operators of these vehicles in reducing injury or harm and;

Original
To: CIP
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To:
C.C. S.C.C. File
Take Appr. Action

**THEREFORE BE IT RESOLVED** that the Municipality of Hastings Highlands supports the amendments to Bill 171 extending the restrictions on approaching stopped emergency vehicles or tow trucks to approaching a stopped road service vehicle, this including vehicles for an entity such as a municipality in the course of collecting garbage or material for disposal or recycling from the side of a highway and road service vehicles for the purpose of plowing, salting or de-icing a highway or to apply chemicals or abrasives to a highway for snow or ice control and;

**FURTHERMORE THAT** a copy of this resolution be forwarded to the Township of Carlow/Mayo, the Hon. Del Duca, Minister of Transportation, Premier of Ontario, and all Ontario Municipalities.

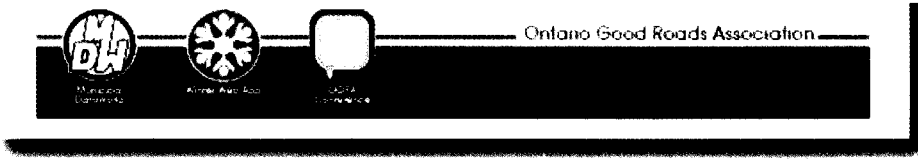
Thank you for receiving our correspondence and considering the request.

Sincerely,

Suzanne Huschilt,  
Acting Deputy Clerk

cc: The Township of Carlow/Mayo [clerk@carlowmayo.ca](mailto:clerk@carlowmayo.ca)  
cc: The Premier of Ontario [premiere@ontario.ca](mailto:premiere@ontario.ca)  
cc: All Ontario Municipalities –will be sent in a separate email





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[Unsubscribe from community emails](#)

CIP 6.2

SEP 08 2016

**From:** AMO Communications <communicate@amo.on.ca>  
**Sent:** September-08-16 6:52 PM  
**To:** Clerks  
**Subject:** AMO Fall Energy Symposium  
**Attachments:** Energy Symposium Flyer.Updated version.pdf

September 8, 2016

Dear AMO Members:

There is an unprecedented interest in energy right now. Municipal leaders across the province have passed resolutions and expressed interest in a range of subjects from the costs of energy to the need to renew and expand electricity and natural gas distribution to power our economies to opportunities of a low carbon economy. Building on this interest, AMO has developed a two-day symposium focusing on energy now and into the future.

I encourage you to sign up today to continue your leadership on this issue.

Yours sincerely,

Lynn Dollin  
 AMO President

**PLEASE NOTE:** AMO Breaking News will be broadcast to the member municipality's council, administrator, and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

**DISCLAIMER:** Any documents attached are final versions. AMO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

**OPT-OUT:** If you wish to opt-out of these email communications from AMO please click [here](#).



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ENERGY  
NOW  
and into the  
FUTURE

Municipal Energy Champions are coming together to discuss ideas, opportunities, best practices and practical tools as they explore and shape Ontario's energy future.

**Why Attend:** The future of energy in Ontario has a new path, and Municipal Leaders are helping pave it.

This two day event will help you build your municipal plan for adapting to and adopting new ideas that will benefit both the climate and the economy of your home area.

**When:** November 3rd and 4th, 2016

**How Much:** \$150 plus HST

**Where:** Holiday Inn Toronto Airport,  
970 Dixon Road

To book a room please call 416.675.7611 and let them know you are attending the AMO Energy Symposium. Room rates are \$119 per night for a standard room. Please note special rates have not been negotiated for other room types.

### What is on the program\*?

Over the course of two days plenary sessions will explore:

- Prologue: What Has Happened and Where We are Today
- Grading Ontario Energy
- The Hard Questions on Electricity
- Current Relationships - Energy and Air
- What's Going on in Other Places
- Micro Grids
- Storage Solutions
- Energy Sources and Best Use Practices
- Beyond 2020
- Tackling Transportation
- Building Better Buildings
- Distributed Generation and Storage
- Cap and Trade Opportunities for Your Municipality

The afternoon of Day two (November 4) will be divided into three streams. These workshops will help you develop a checklist and work plan for you and your municipality to work through.

- Stream 1 is geared to small municipalities (under 10,000 population) or for those who have limited capacity in energy planning.
- Stream 2 is geared to municipalities with a population of up to 50,000 or have some capacity in energy planning.
- Stream 3 is geared to large municipalities who have started energy planning and have strong capacity in this role.

\* Topics subject to change, please visit [amo.on.ca/Events/ES](http://amo.on.ca/Events/ES) for the most up-to-date program



# Energy Now and Into the Future A Symposium for Municipal Leaders Registration Form

November 3 and 4, 2016

Holiday Inn Toronto International Airport, 970 Dixon Rd, Toronto

Name \_\_\_\_\_

Municipality/Organization \_\_\_\_\_

Title \_\_\_\_\_

Twitter Handle \_\_\_\_\_

Mailing Address \_\_\_\_\_

Municipality \_\_\_\_\_

Province \_\_\_\_\_

Postal Code \_\_\_\_\_

Primary Telephone \_\_\_\_\_

E-mail Address \_\_\_\_\_

## Registration Fees:

Full Symposium: \$150 plus HST (\$169.50)

Registration includes: lunch and dinner reception on November 3; breakfast and lunch on November 4.

**Day Two Selection:** Afternoon sessions on November 4th, will be instructor led workshops that will help you build your checklist for a low carbon future for your municipality. Each session will be targeted by size of municipality.

Please select one STREAM option

- Stream 1: Under 10,000 OR new to energy planning
- Stream 2: 10,000 to 50,000 OR modest capacity
- Stream 3: Over 50,000 OR greater capacity

Please let us know if you have any specific dietary or accessibility needs:

## Please send completed forms to:

Fax: 416.971.9872

E-mail: [events@amo.on.ca](mailto:events@amo.on.ca)

Mail: Attn: AMO Events: 200 University Avenue, Suite 801, Toronto, ON., M5H 3C6

## Cancellation Policy:

All conference refund requests must be submitted in writing to [events@amo.on.ca](mailto:events@amo.on.ca) before October 3, 2016, for a full refund, less a \$85 plus HST (\$96.05) processing fee. No refunds will be given after October 3, 2016

## Substitution Policy:

Delegates may substitute in their place another delegate at any time, including on-site.

## Payment Information

Invoice Me (option only available to Member municipalities)

Cheque enclosed please make cheque payable to

Association of Municipalities of Ontario  
HST: 10673294RT001

MasterCard

Visa

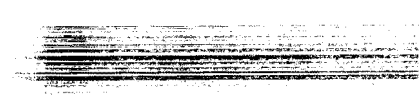
Credit Card # \_\_\_\_\_

Expiry Date \_\_\_\_\_

Signature \_\_\_\_\_

Name on Card \_\_\_\_\_

By completing this registration form you are providing AMO with consent to send information on all activities related to current and future courses on the topic of Energy. If you wish to no longer receive information from AMO please contact [optout@amo.on.ca](mailto:optout@amo.on.ca) to unsubscribe.



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To: communicate@amo.on.ca
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Next Ontario?
Take Appr. Action

**From:** AMO Communications <communicate@amo.on.ca>  
**Sent:** September-08-16 5:32 PM  
**To:** Clerks  
**Subject:** AMO Policy Update

September 8, 2016

**Add your voice to *What's Next Ontario?***

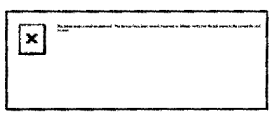
The looming fiscal gap facing Ontario's municipalities for the next ten years was a major theme of this year's AMO conference. You've shared your challenges and we've documented a \$3.6 billion annual gap if we are to close the infrastructure gap and provide for future operating needs. How can the gap be narrowed? This fall add your voice to the municipal conversation about possible solutions.

Between Labour Day and Thanksgiving Day, AMO will be hosting as many discussions with as many municipal elected officials as we possibly can. Invitations are going randomly to at least one elected official in every member municipal government across the province to attend one of thirteen, small, face to face, regional meetings being held this fall.

We will also be hosting a series of webinars from September 26 to October 12 to enable as many other members the opportunity to participate directly in What's Next Ontario? We encourage all elected officials to participate. Webinar signup details can be found [here](#).

Additional background material regarding What's Next Ontario can be found [here](#):

Add your voice. This is an opportunity for us to work together to determine the direction for our own fiscal future.



Lynn Dollin  
AMO President

**AMO Contact:** Matthew Wilson, Senior Advisor, [mwilson@amo.on.ca](mailto:mwilson@amo.on.ca) - 416-971-9856 Ext. 323.

**PLEASE NOTE:** AMO Breaking News will be broadcast to the member municipality's council, administrator, and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

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**OPT-OUT:** If you wish to opt-out of these email communications from AMO please click [here](#).







## CUSTOMER EXPERIENCE COMMITTEE UPDATE

Marianne McKenna, Chair of Metrolinx's Customer Experience Committee, provided a quarterly update on topics the Committee has been discussing recently.

This includes the impact of the June service changes, Metrolinx's fare integration strategy, the increase in UP Express ridership, the new low-floor buses that will be added to the GO Transit fleet over the next four years, and I&IT updates on how we are better communicating with our customers.

The Committee also discussed the PRESTO system updates, and progress on the preliminary architectural and landscape architectural designs of the Hurontario and Hamilton LRTs.

The full presentation can be viewed [here](#).



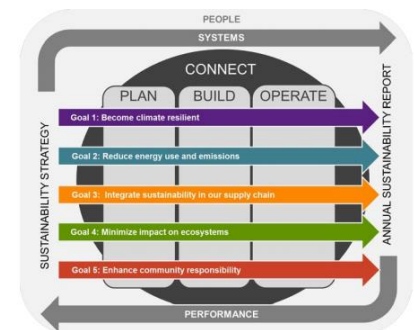
## 2015-2020 SUSTAINABILITY STRATEGY

Chief Planning officer Leslie Woo and Director, Regional Planning, Antoine Belaeff presented Metrolinx's Sustainability Strategy (2015-2020), which received approval from the Board, to be posted publicly on the Metrolinx website, pending minor updates.

Leslie and Antoine spoke to the Strategy's five priority goals, which focus on Metrolinx's approach to planning, building, and operating.

They also discussed how the Strategy is closely aligned with the vision, objectives, and priorities of the Regional Transportation Plan and the Five-Year Strategy.

The full presentation can be viewed [here](#), and the draft strategy can be viewed [here](#).



## 2016-2017 BUSINESS PLAN

The Board also approved Metrolinx's 2016-2017 Business Plan, which was submitted by Chief Financial Officer Robert Siddall.

The Plan outlines our strategic direction, business context, financial profile, priority initiatives and planned deliverables from all corners of our organization.

The draft Business Plan may be viewed [here](#).

Quarterly updates on our PRESTO, Operations, Planning and Policy, Communications and Public Affairs, and Capital Projects groups were also presented. They can be viewed by clicking on each group name.



If you would like more information regarding the Board Meeting material, please contact Rajesh Khetarpal, Director, Stakeholder Relations at [rajesh.khetarpal@metrolinx.com](mailto:rajesh.khetarpal@metrolinx.com) or 416-202-3806.

Best regards,

Judy Pfeifer  
Chief Communications and Public Affairs Officer

**From:** Ontario Good Roads Association <Mail@ConnectedCommunity.org>  
**Sent:** September-12-16 12:21 PM  
**To:** Clerks  
**Subject:** OGRA Landmark Gift to Support U of T Engineering Research Chair

Problems Viewing this Email? [Click Here](#)

The screenshot shows the OGRA website with a navigation bar containing 'OGRA Home', 'Milestones', and 'Career Hub'. A main banner reads 'OGRA Landmark Gift to Support U of T Engineering Research Chair'. Below this is a text block: 'Ontario Good Roads Association makes landmark gift to support U of T Engineering research chair in Asset Management & Infrastructure Informatics.' There are also several small images of buildings and infrastructure.

C.S. LEGISLATIVE SERVICES

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**Ontario Good Roads Association makes landmark gift to support U of T Engineering research chair in Asset Management & Infrastructure Informatics**

*Chair within the Department of Civil Engineering at the University of Toronto will ensure that infrastructure assets are built, catalogued and maintained in an efficient and effective manner*

**For immediate release (Toronto, ON)** — The Ontario Good Roads Association (OGRA) has made a lead gift of \$500,000 to establish an innovative research chair position in the University of Toronto's Department of Civil Engineering.

Investing in and maintaining municipal infrastructure is one of the greatest challenges facing Canada today, and a pressing issue worldwide. The Chair in Asset Management & Infrastructure Informatics will connect

government and industry with the world-leading academic ecosystem at the University of Toronto.

OGRA understands the critical role of municipal infrastructure and has been the driving force behind establishing a Chair in Asset Management & Infrastructure Informatics within U of T Engineering. One of Canada's largest municipal associations, it represents the infrastructure interests of municipalities through advocacy, consultation, training and service delivery.

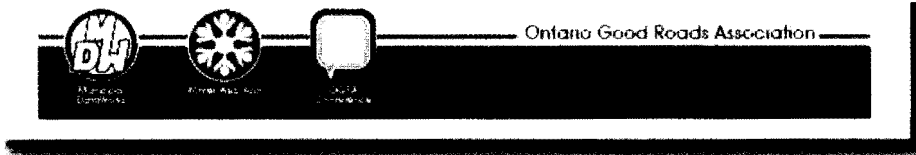
"The partnership with the University of Toronto makes eminent sense when you look at both the organizations' track records in the area of asset management," said Joe Tiernay, OGRA Executive Director. "OGRA has been helping municipalities with real-world asset management solutions, training and advocacy for the past 10 years. Partnering with the University of Toronto to leverage its world-class research capabilities strengthens both organizations and will advance Ontario's and Canada's reputations as leaders in asset management."

U of T's Department of Civil Engineering is an international research leader on the infrastructure challenges of municipalities across the country and around the world. Infrastructure assets such as water and wastewater treatment facilities, piping and service connections, roads, bridges, and culverts need to be continuously maintained and upgraded, often taxing the resources of the municipalities that rely on these services. The Chair in Asset Management and Infrastructure Informatics will ensure that infrastructure assets are built, catalogued and maintained in an efficient and effective manner.

"The establishment of this Chair is an exciting development that will strengthen our connections to industry and government," said Brent Sleep, Chair of the Department of Civil Engineering. "The Chair will allow us to attract and train excellent students who will go on to become leaders in the field of asset management and infrastructure informatics."

**Join the conversation at [the OGRA Interchange](#)**

*The mandate of the Ontario Good Roads Association is to represent the transportation and public works interests of municipalities through advocacy, consultation, training and the delivery of identified services.*



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The 24<sup>th</sup> Annual CCPPP National Conference on Public-Private Partnerships  
**INNOVATING OUR FUTURE**  
 November 14-15, 2016  
 Sheraton Centre Toronto Hotel | Toronto, Canada

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## CCPPP Announces Programming for the 24<sup>th</sup> Annual National Conference - Innovating Our Future

The Canadian Council for Public Private Partnerships (CCPPP) is pleased to announce the program agenda for its 24th Annual National Conference – “Innovating Our Future”. The conference will take place at the Sheraton Centre in downtown Toronto, Ontario on November 14 and 15, 2016.

“Since its inception in 1993, this conference has earned the reputation as the premiere worldwide gathering for all those engaged in public-private partnerships (P3s). We’re raising the bar in 2016,” says Mark Romoff, CCPPP President and CEO. “World renowned keynote speakers, international thought leaders and P3 influencers, and our high performance programming will focus on the subjects and ideas that drive the global P3 agenda.”

The two day program of the national conference will address major issues including **Urbanization: How Cities are Shaping Our Future, Creating an Innovation Culture in the Transit Sector, A Dialogue with Canada’s P3 Agencies, and Facing the Cyber Threat.**

Day one will also feature – **P3 FUNDAMENTALS** - a concurrent, standalone seminar on the basics of public-private partnerships. This is a development opportunity for those who are new to or less experienced in the P3 space. The program includes interactive sessions and presentations on risk transfer, value for money, the role of the procurement agencies, and we'll walk through two P3 case studies.

In addition, on day two of the conference, the afternoon sessions will be specifically devoted to P3 opportunities in the bi-national Great Lakes Region. CCPPP presents "**Great Lakes Infrastructure Exchange**", in co-operation with our U.S. counterpart, the National Council for Public-Private Partnerships and the Council of the Great Lakes Region.

"This is "triple threat" programming," says Romoff. "High level issues viewed through the lens of innovation, a focus on the fundamentals of public-private partnerships and an all-important pipeline discussion in one of North America's biggest P3 markets."

An added value to the high performance programming is the depth of networking opportunities attendees enjoy during two days in Toronto. There are some 1,200 senior government and business leaders from around the world who gather, meet, share stories, and inspire business partnerships.

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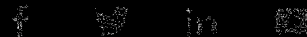
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September 12, 2016

C.C. S.C.C. File

Take Appr. Action

## Speech from the Throne Emphasizes Action on Electricity Costs

The Ontario Legislative Assembly opened its Fall 2016 session today with Lieutenant Governor Elizabeth Dowdeswell delivering Premier Kathleen Wynne's government's second Throne Speech entitled "A Balanced Plan to Build Ontario Up for Everyone". This Speech from the Throne was focused on reducing electricity costs for Ontario residents and businesses. Municipal governments will find the following items of particular interest.

### Energy

Electricity rates impact many, from bottom line operating costs to residents' standard of living and our overall economic competitiveness.

The speech noted that the move toward a cleaner and more reliable electricity system in Ontario had increased costs to residential and business energy consumers. While noting the government's previous moves to contain costs through some renegotiated green energy agreements, consumer programs and conservation incentives delivered through Local Distribution Companies, the speech announced their intent to move forward with additional support to reduce Ontarians' electricity costs.

- **HST Rebate:** The government will rebate the cost to consumers and small businesses of the eight per cent Harmonized Sales Tax (HST) on electricity bills to make them more affordable starting in January 2017.
- **Rural Electricity Costs:** In addition to the new HST rebate, the government will move to "significantly enhance" the existing rural support program so that rural electricity consumers can save up to 20 per cent on their existing costs for electricity.
- **Industrial Conservation Initiative:** For industrial users, the government will expand eligibility for the Industrial Conservation Initiative to help industrial electricity users shift their consumption to non-peak periods yielding savings of up to 34 per cent.

Further details will be forthcoming on these actions. In addition, we'll be investigating what opportunities might exist for municipal savings. While providing rate relief to some consumers, the structure of the hydro system remains unchanged.

### Climate Change

The government's commitment to climate change and cap and trade policy was reaffirmed and that cap and trade revenues will be available next year for reinvestment in greenhouse gas (GHG) reduction projects and helping residents and businesses invest in technologies which reduce GHGs.

### Infrastructure

The government's existing commitment to infrastructure in the Throne Speech was highlighted. The government will spend \$160 billion over 12 years in this area. It also reaffirmed that the government would work with the federal government to provide its Phase 2 infrastructure funding. We are awaiting the Phase 1 Clean Water, Wastewater, and Stormwater Funding (CWWF) in Ontario. The Province is committed to facilitating access to the Ring of Fire.

### Roads and Bridges:

It was said that 5,000 km of roads would be built or repaved and more than 750 bridges will be built, repaired or rebuilt – with almost half of these roads and 200 of these bridges being in Northern Ontario.



**Transit:**

The government also restated its commitment to invest in regional and local light rapid transit, noting that GO regional rail expansion will significantly increase trips while light rail systems in Waterloo, Hamilton, Ottawa, Toronto, and Mississauga will be established.

**Child Care**

The provincial government will provide funding and work with school boards and municipalities to expand community hubs. It will also increase child care spaces by an additional 100,000 across the province in the next five years to support parents.

**Fiscal**

The Province recommitted that the 2017/18 provincial budget will be a balanced budget. It will be important to see how new commitments of today's Throne Speech are reflected in its financial plan. Stay tuned for the Fall Economic Statement expected later this year as it is often accompanied by an Omnibus Bill that can have items of significance for municipal governments.

It is understood that all government bills on the order paper as of September 8<sup>th</sup> will be reintroduced. We will be monitoring what happens to a number of private members' bills of interest to the municipal sector and whether they are also reintroduced and debated. These include items on human trafficking, use of safety cameras, and land use planning.

**AMO Contact:** Craig Reid, Senior Advisor, [creid@amo.on.ca](mailto:creid@amo.on.ca), 416-971-9856 ext. 334.

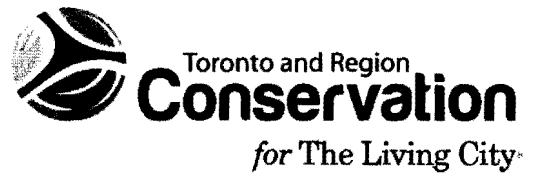
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September 13, 2016

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**SEE DISTRIBUTION LIST**

At Executive Committee Meeting #7/16, of Toronto and Region Conservation Authority (TRCA), held on September 09, 2016, Resolution #B82/16 in regard to Provincial Review of the Conservation Authorities Act was approved as follows:

*WHEREAS the Province of Ontario released Phase Two of its three-phase review of the Conservation Authorities Act by putting forward a set of proposed priorities and actions for public comment on the Environmental Bill of Rights (EBR);*

*AND WHEREAS Toronto and Region Conservation Authority (TRCA)'s Chief Executive Officer and staff are participating in the provincial process for providing a response to the priorities and actions;*

*AND WHEREAS in staff's July 22, 2016 report to the Authority, it was resolved for staff to report back to the Authority on TRCA's final EBR submission;*

*THEREFORE LET IT BE RESOLVED THAT the following report providing the final draft of TRCA's comments to the Province on Phase Two of the Conservation Authorities Act review be received;*

*AND FURTHER THAT this report be circulated to TRCA's municipal partners, neighbouring conservation authorities and Conservation Ontario for their information.*

Enclosed for your information and any action deemed necessary is the report as approved by the Executive Committee. If you have any questions or require additional information, please contact Mary-Ann Burns at 416-661-6600 extension 5763, [mburns@trca.on.ca](mailto:mburns@trca.on.ca) or Noah Gaetz at extension 5281, [ngaetz@trca.on.ca](mailto:ngaetz@trca.on.ca).

Sincerely —

Kathy Stranks  
Senior Manager, Corporate Secretariat

cc. Mary-Ann Burns, Senior Planner, Policy, TRCA  
Noah Gaetz, Senior Ecologist, TRCA

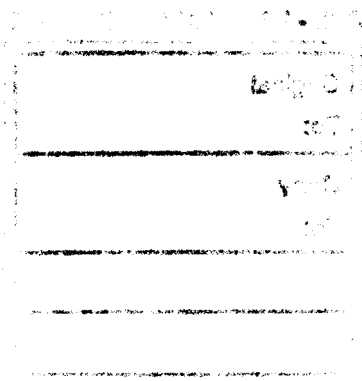
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### Section III – Items for Information of the Board

**RES.#B82/16** -

#### **PROVINCIAL REVIEW OF THE CONSERVATION AUTHORITIES ACT**

Comments to be Submitted to the Province of Ontario through the Environmental Bill of Rights. Toronto and Region Conservation Authority comments on the Province's Phase Two of their three phases in the *Conservation Authorities Act* review. Comments are due for submission to the Province on Phase Two's proposed priorities and actions by September 9, 2016.

Moved by: Jack Ballinger  
Seconded by: David Barrow

**WHEREAS** the Province of Ontario released Phase Two of its three-phase review of the *Conservation Authorities Act* by putting forward a set of proposed priorities and actions for public comment on the Environmental Bill of Rights (EBR);

**AND WHEREAS** Toronto and Region Conservation Authority (TRCA)'s Chief Executive Officer and staff are participating in the provincial process for providing a response to the priorities and actions;

**AND WHEREAS** in staff's July 22, 2016 report to the Authority, it was resolved for staff to report back to the Authority on TRCA's final EBR submission;

**THEREFORE LET IT BE RESOLVED THAT** the following report providing the final draft of TRCA's comments to the Province on Phase Two of the *Conservation Authorities Act* review be received;

**AND FURTHER THAT** this report be circulated to TRCA's municipal partners, neighbouring conservation authorities and Conservation Ontario for their information.

**CARRIED**

#### **BACKGROUND**

Climate change, urban expansion and intensification, competing priorities and fiscal realities – these are the significant challenges facing Ontario in protecting, restoring and managing its precious natural resources. The meaningful review, update and modernization of the *Conservation Authorities Act* and its administration provide an excellent opportunity to find better ways of meeting these challenges.

The concept of a conservation authority (CA) first conceived of in 1946, was a model ahead of its time. Considering what it has evolved to today, it is a model for the times. Watershed-based and partnership driven, CAs are able to take an integrated view of a diverse set of stakeholders and a wide range of activities that impact community building and the environment. The timeliness and value of the CA approach is reflected in the recent release of the report of the Advisory Panel on the Coordinated Review of the Four Provincial Plans and the associated proposed Provincial Plan amendments. The report and the amendments recognize the importance of watershed planning and collaboration among stakeholders in directing growth, addressing climate change and protecting what is valuable.

TRCA has reviewed the Province's five proposed priorities and corresponding proposed actions in "Conserving Our Future – Proposed Priorities for Renewal" and understand that the document was developed based on the feedback received in phase one of the *Conservation Authorities Act* provincial review. For reference, TRCA's comments to the Province from phase one of the review can be found Authority Minutes #8/15, held on September 25, 2015. From TRCA's perspective, more is necessary to further strengthen the contribution of conservation authorities in meeting the needs of Ontarians in a modern context. With this in mind, TRCA's five recommendations are explained in the following comments on this second phase of the provincial review.

#### **TRCA Recommendation 1:**

**Maintain the broad mandate of conservation authorities as currently outlined in the Act, but in any changes to the Act, recognize, validate and strengthen the important and diverse role conservation authorities play as local implementation agents of provincial and municipal objectives.**

The object (s.20) and the powers (s.21) of a conservation authority currently in the Act are very broad and as such, allow conservation authorities to conduct activities in response to natural resource management needs and challenges in both urban and rural environments, even when these have changed, evolved and intensified since the Act was created. It is anticipated that the needs and challenges will continue to change and to vary by CA jurisdiction, so the objects and powers should remain broad to facilitate adaptation.

The currently proposed amendments to the four provincial plans, in particular the Growth Plan for the Greater Golden Horseshoe (GGH), contain policies for directing growth sustainably while addressing climate change through such measures as: watershed planning, low impact development, stormwater management, green infrastructure, natural heritage protection and restoration, natural hazard management, trails, parks and open space, etc. - all of which GGH CAs have extensive programs and expertise in. Much of this expertise is operationalized in CA roles in the planning process, environmental assessment process, land management (in CA's role as landowners), and the s.28 regulation that affects planning matters. Yet none of the four Provincial Plans, nor the CA Act, are clear on CA roles in these areas of the Plans. This diminishes the ability of CAs to effectively assist municipal implementers of the Plans, which ultimately hinders achievement of provincial and municipal objectives for sustainability.

In *Conserving Our Future*, provincial *Priority #1* is *Strengthening Oversight and Accountability*. Staff understands that the Province sees this as a priority because of feedback from stage one about modernizing provisions around board operations and decision making. However, one of the actions the Province proposes for meeting this priority is to add a purpose statement to the Act. This is in order to be clear on the roles of all parties responsible for overseeing and ensuring the accountability of CAs. TRCA suggests that a purpose statement would address *Priority #2* for *Increasing Clarity and Consistency* more so than strengthening oversight and accountability. Currently, CAs are accountable to their funding partners through well-established regimes of reporting to their councils and the Ministry of Natural Resources and Forestry (MNRF) on a regular basis; in addition, CAs are accountable to other funders such as various provincial ministries in accordance with the specific reporting requirements of the particular funding program.

In terms of increasing clarity and consistency, TRCA understands that the varying roles of CAs can create confusion on the weight and the value of CA input depending on the legislative, policy or regulatory context. In response to calls for clarity in the past, a detailed description of CA roles was developed by the "CALC" (Conservation Authority Liaison Committee) and ultimately published by MNR in the "CALC Chapter" of the Procedural Manual for CAs – the "Policies and Procedures for Conservation Authority Plan Review and Permitting Activities" (2010). The CALC was a multi-stakeholder group made up of both public and private sector representatives, such that the roles are widely recognized and accepted. TRCA and other CAs have used the CALC roles in their own policy, guidelines and procedural documents to be transparent about their own interests and activities. Although the CALC Chapter is specific to plan and permit review, the roles are broad enough to apply more widely, i.e., resource management agency, landowner and service provider. Therefore, TRCA requests that if a purpose statement is added to the Act, that it addresses the following in order to maintain the broad mandate already in place for CAs and as reflected in the CALC roles:

- Recognize the strong connection between the work of CAs and sustainable communities and the well-being of Ontarians;
- Recognize the collaborative nature of how CAs work and the strong relationships with a number of provincial ministries, municipalities and watershed stakeholders;
- Recognize the unique conditions and issues specific to local watersheds and communities and how this directs the unique programming of each CA;
- Recognize the ability of CAs to anticipate and respond to emerging sustainability issues and risks (climate change as an example).

#### **TRCA Recommendation 2:**

**Establish a collective administration of the Act by the MNR, Ministry of Municipal Affairs and Housing (MMAH) and Ministry of the Environment and Climate Change (MOECC) that coordinates through an inter-agency liaison body with conservation authorities and municipalities to strengthen the important relationships conservation authorities have with these and other provincial ministries.**

No single ministry captures the breadth of contemporary CA programs; Attachment 1 contains a list of examples of TRCA programs that have been supported through various ministries. TRCA recommends that the relationship between CAs and the Province (multiple ministries) be formalized, establishing clear roles and responsibilities and recognizing the numerous functions CAs currently provide, and could provide, on behalf of the Province and municipalities that go beyond the currently delegated responsibilities related to natural hazard management.

By contrast, the first proposed action under provincial *Priority #3 Improving Collaboration and Engagement* is to establish a provincial one-window approach led by MNR. TRCA has concerns over the development of a one-window approach to coordination. TRCA has established partnerships with a number of provincial ministries that are critical to the work of TRCA and its ability to support a number of provincial objectives and priorities. It is important to maintain the ability to interact and partner directly with a number of different ministries. A "one-window" service delivery model may impede this ability. The working relationships between CAs and member municipalities, as well as the Association of Municipalities of Ontario (AMO), have evolved into strong and complementary partnerships for the implementation of provincial and regional objectives, as well as meeting local needs.

Administration of the *Conservation Authorities Act* by the MNRF, MMAH and MOECC through an inter-agency collaboration would enable leveraging of important multi-ministry interactions that already exist, maximizing opportunities to recognize and grow CA partnership contributions to the work of the provincial government and municipal implementers. The Crombie Panel report itself calls for “sustained focus, investment and coordination across provincial ministries and with other levels of government to ensure that the potential of this great region is realized.”

Fulfilling this recommendation would help to address provincial *Priority #3*. TRCA concurs with Conservation Ontario’s recommendation for the establishment of an inter-agency liaison body that could help guide this collective administration and achieve some of the actions identified by the Province under *Priority #3*, for example:

- Developing an enhanced business relationship with Conservation Ontario and individual conservation authorities;
- Enhancing Indigenous Peoples’ participation;
- Supporting efforts currently being made by conservation authorities to promote efficiency and effectiveness in the delivery of programs and services;
- Furthering dialogue on mutual areas of interest regarding natural resource management and supporting sustainable communities; for example, flood hazard remediation and stormwater management, nature-based recreation and education, aboriginal engagement and cultural heritage.

Conservation Ontario, with accompanying funding, could provide the coordination for this liaison body.

### **TRCA Recommendation 3:**

**Amend section 28 of the *Conservation Authorities Act* to supply sufficient tools for compliance with conservation authorities’ development regulations.**

TRCA strongly supports the Province’s proposed action under its *Priority#2 Increasing Clarity and Consistency* of supplying sufficient tools to ensure compliance with the section 28 CA regulations. A major ongoing issue for CAs and for natural heritage protection and natural hazard management has been an increase in the number and severity of violations of the regulation and CAs’ limited ability to deter and manage violations effectively. Strengthening the compliance mechanisms will allow CAs to effectively and efficiently uphold their regulatory responsibilities and to support the provincial interest in the control of flooding, erosion, pollution, dynamic beaches and the conservation of land.

Further to this, TRCA recommends that MNRF’s oversight of appealed permit decisions under s. 28 of the Act should be maintained under the Mining and Lands Commission (MLC) and separate from the Ontario Municipal Board (OMB). The five tests of the regulation, on which CAs base permit decisions, are focused on natural resource and hazardous lands management, and are not exclusively related to land use planning appeals under the purview of the OMB. Therefore, s.28 appeal hearings appropriately rest with the MNRF.

The third action under the provincial *Priority#2*, proposes the defining of undefined terms currently in the Act. TRCA requests that should the Province proceed to define “conservation of land” that it be consistent with the following interpretation accepted by the MLC and the courts to include “all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them” (611428 Ontario Limited vs. Metropolitan Toronto and Region Conservation Authority, CA 007-92, February 11, 1994 p. 38) Note: In the MLC decision of Russell vs TRCA, 2009, the MLC undertook a comprehensive review of past decisions related to conservation of land and upheld this interpretation (p. 18).

#### **TRCA Recommendation 4:**

**Establish a sustainable and equitable funding model that allows conservation authorities to optimize existing municipal funding and that provides the resources required to sustain the broad suite of conservation authority programs.**

Secure and sustainable funding will help to ensure a consistent base level of service among all conservation authorities. This is one of the most critical changes necessary to level the playing field and enable an equitable and effective program and should be the immediate priority of the Province. TRCA is recommending fundamental improvement to the existing funding model to reflect the significant work CAs undertake on behalf of the Province. This goes beyond the provincial *Priority #4* of simply *Modernizing Funding Mechanisms*.

The current funding model does not recognize the resources required to sustain a broad suite of CA programs that support communities and help realize provincial objectives and priorities. For example, adequate funding is required for CA work to support our provincial and municipal partners in implementing the outcomes that the proposed Provincial Plan revisions intend. The revised funding model must address the following:

- Provincial funding for conservation authority natural hazard management programs is inadequate to sustain flood hazard mapping and the operation and maintenance of flood control infrastructure, and the gap will only widen given the increasing demands in managing the current and future impacts of more frequent flood events, urban intensification and continued funding cuts;
- Recognize and adequately resource the tremendous amount of work and value CAs provide related to provincial interests and priorities beyond the delegated natural hazard management role;
- The funding model should include sustainable multi-ministry (e.g., MNR, MOECC, MMAH, Ministry of Education (MOED), Ministry of Tourism, Culture and Sport (MTCS), Ministry of Transportation (MTO)) funding for basic operational activities of conservation authorities that support multiple provincial priorities. Without this investment, there will continue to be varying capacity to deliver on existing and any additional provincial priorities;
- Specific funding should be provided to Conservation Ontario to build its capacity to facilitate coordination and collaboration between conservation authorities and the Province.



TRCA would like to work with the Province in conjunction with Conservation Ontario, the Association of Municipalities of Ontario, other conservation authorities and municipalities, beyond the review of the Act, to explore the need for new and modified funding mechanisms. New mechanisms are needed to reflect the complexity of natural resource management, the challenges of sustainable community building and the role conservation authorities play in these areas, in order to fulfill the new directions coming out of the Coordinated Provincial Plan Review. Some potential opportunities to explore are within the realms of: the *Development Charges Act*, the *Planning Act*, the *Environmental Assessment Act*, enactment of the *Sustainable Water and Sewage Systems Act* (i.e. recoverable costs from water rates), stormwater fees/rates (e.g. City of Mississauga in 2016; Kitchener), Trillium Foundation infrastructure funding for recreational / outdoor education facilities and green infrastructure initiatives.

Nonetheless, in terms of minor amendments, TRCA supports the Province's *Priority #4 for Modernizing Funding Mechanisms*, given that clarifications are needed around existing funding mechanisms, costs and apportionments within the Act as follows:

- That the Act enable CAs to enter into agreements with municipalities for funding through municipal utility bills, e.g., CAs as a line item on water bills;
- TRCA supports providing clarification on costs and apportionment within Section 1 of the Act following public sector accounting standards and recommends the details be finalized through discussions with MNR staff, AMO, and CA representatives/experts;
- TRCA believes that CAs should maintain the ability to define benefit and therefore apportionment. The Act should not be prescriptive in this regard other than for administration costs (i.e. current value assessment (CVA) formula). TRCA also agrees with the ability of municipalities to question and/or appeal the apportionment;
- That section 3 of the Act be modified to remove the requirement for an authority to seek Minister's approval of the rate of interest on borrowings.

#### **TRCA Recommendation 5:**

#### **Support conservation authorities in continuing to strive for service excellence in all aspects of conservation authority programs and operations.**

Conservation authorities are dedicated to improving service standards and operations and therefore TRCA appreciates the fifth action under provincial *Priority #2* to streamline planning and permitting requirements and associated processes. TRCA has a number of initiatives for streamlining review and approvals including education and outreach to make stakeholders aware of TRCA interests and regulatory requirements:

- Training and education programs for the development industry – Sustainable Technologies Evaluation Program (STEP) and The Living City Campus;
- Excellent relationships with member municipalities and daily interaction with stakeholders, including the development industry, ensure that TRCA is regularly reviewing our service standards and looking for opportunities for improvements;
- TRCA has worked with our municipal partners to develop and implement service agreements for the review of works under the *Environmental Assessment Act*;
- TRCA and municipal partners have developed memorandums of understanding for plan input and review to provide technical clearance on a wide range of legislation, policies and guidelines under the *Planning Act* and the CTC Source Water Protection Plan. e.g., TRCA suggests that further leveraging of CA expertise in natural heritage to improve service delivery in the administration of the *Endangered Species Act* could also be explored;

- TRCA has a clear set of policies, technical guidelines, a procedural manual and fee schedules, all produced in extensive consultation with stakeholders and approved through the TRCA board;
- TRCA participated in the CALC process that included an extensive investigation of CA service standards and made reference to the ability of CAs to charge fees as per s. 20 of the Act and in the fees chapter of the MNRF Policies and Procedures Manual;
- In TRCA's consultation with stakeholders, it has become apparent that further clarification is required for the development industry and the public about CA fee schedule approvals and appeals. In this regard, the MNRF fees chapter could be updated to reflect the guidance provided through the CALC process.

Any further process to establishing consistent service standards, including fees, etc. must recognize the significant differences between political climates, financial capacity, watershed conditions, land use profiles and overall, the complexity of the challenges faced within in each CA's jurisdiction. TRCA supports undertaking minor amendments to the Act for modernizing administrative processes to better reflect current best practices and align with other more current legislation. Suggestions for updating some governance sections of the Act are outlined below:

- The current formula within section 2 of the Act could result in a very large number of appointments to an Authority. TRCA suggests revising the formula to limit the number of members and introduce a process that allows a CA to decide its own board membership;
- Section 14 of the Act should be modified to align the term for members of the Authority with the term for municipal councillors within the *Municipal Act*;
- The current process for amending regulations can be very onerous. TRCA suggests amending section 30 of the Act to streamline the process by delegating approval authority to provincial staff.

As well the land management direction within the Act should be modified as follows:

- Section 21 of the Act should be modified to align the term for leasing CA land without Minister's approval with the term under the *Planning Act*. (i.e., 21 years less one day);
- Section 29 of the Act should be modified to so that the regulations also apply to CA managed lands;
- Section 33 of the Act should be modified to afford CAs the same property tax exemption status as municipalities;
- Where applicable throughout the Act, modernize the communication mechanisms by updating the antiquated communication methods (i.e., registered mail) with options for electronic communication.

## **CONCLUSION**

It has been suggested that many of the issues identified in Phase One of the *Conservation Authorities Act* review resulted from the narrowly defined mandate from the CA program being viewed through the MNRF lens. TRCA supports the Conservation Ontario priority that the myth of the "core mandate" of CAs be dispelled. It is time to move past this circular debate and acknowledge that a formal, multi-ministry engagement framework would facilitate policy direction, oversight, accountability and funding while demonstrating a substantial shift back toward the balanced partnership of local-provincial interests envisaged by what was a very progressive piece of legislation 70 years ago.

Going forward, TRCA would like to be part of any provincial engagement for changes to the Act, forming a provincial policy directive or memorandum of understanding, updating technical guidelines, etc. – given TRCA’s extensive experience and expertise in all facets of CA programing.

**Report prepared by: Mary-Ann Burns, extension 5763, Noah Gaetz, extension 5281**  
**Emails: [mburns@trca.on.ca](mailto:mburns@trca.on.ca), [ngaetz@trca.on.ca](mailto:ngaetz@trca.on.ca)**  
**For Information contact: Brian Denney, 416-667-6290**  
**Emails: [bdenney@trca.on.ca](mailto:bdenney@trca.on.ca)**  
**Date: August 29, 2016**  
**Attachments: 1**

## Attachment 1

### **Sample List of Key Partnerships Between TRCA and Various Provincial Ministries**

Below is a sample of some of the partnerships TRCA has developed with a number of different provincial ministries. It is not an exhaustive list. However, it helps to demonstrate the diversity of TRCA programs and the many ways in which TRCA helps to achieve provincial objectives.

#### **Source Water Protection (MOECC)**

Upon the enactment of the *Clean Water Act*, 2006, the Ministry of the Environment and Climate Change (MOECC) began working with municipalities, conservation authorities and stakeholders to develop source water protection plans for drinking water sources. In the Toronto region, this initiative was carried out by the CTC Source Protection Committee for the areas under the jurisdiction of Credit Valley Conservation, Toronto and Region Conservation Authority, and the Central Lake Ontario Conservation Authority.

#### **Rural Clean Water Program (MOECC)**

The goal of TRCA's Rural Clean Water Program is to reduce the bacteria, nutrient and phosphorus loading to watercourses and ultimately Lake Ontario. Program partners and supporters include the Region of York, City of Toronto, Region of Peel, Province of Ontario, Ontario Federation of Agriculture, and Ontario Soil and Crop Improvement Association.

#### **Great Lakes Protection (MOECC, MNRF, MMAH)**

TRCA has partnered with three different provincial ministries and other stakeholders in the production of conferences, workshops and other resources related to Great Lakes protection. Over the past four years the Western Lake Ontario Collaborative Workshop has been successful in determining the specific needs for western Lake Ontario and identifying collaborative partnerships.

#### **Water Quality Monitoring (MOECC)**

TRCA regularly monitors water quality through the Regional Watershed Monitoring Program in partnership with MOECC and other partners. Samples are collected according to the Provincial Water Quality Monitoring Network protocol and are used for planning, implementation and reporting activities.

#### **Fisheries Management Plans (MNRF)**

Through the development of watershed-based fisheries management plans, TRCA in partnership with MNRF, and in consultation with other agencies, non-government organizations and the public, help to protect and enhance aquatic habitat across the TRCA jurisdiction and achieve provincial fisheries objectives.

#### **Remedial Action Plan (MOECC, MNRF)**

Implementation of the Toronto and Region Remedial Action Plan (RAP) is aimed at restoring the health of Toronto's waters, fish, wildlife and habitats, and has been supported by federal, provincial, and municipal governments (City of Toronto, Peel and York regions), TRCA, environmental non-governmental organizations and the public.

**Aquatic Habitat Toronto (MNRF)**

Aquatic habitat creation and enhancement in the Toronto and Region Area of Concern is coordinated through the Toronto Waterfront Aquatic Habitat Restoration Strategy with guidance from Aquatic Habitat Toronto (AHT). AHT is a committee comprised of representatives from Fisheries and Oceans Canada, Environment and Climate Change Canada, MNRF, TRCA, the City of Toronto, Ports Toronto and Toronto Waterfront Revitalization Corporation.

**Lake Ontario Lakewide Action and Management Plan (LAMP) (MOECC)**

TRCA has been involved in a number of initiatives under this bi-national action plan developed and implemented in consultation with the US and Ontario governments, including the implementation of agricultural best management practices and management of stormwater runoff.

**Ontario Climate Consortium (MOECC, OMAFRA)**

MOECC and the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) partner with the Ontario Climate Consortium (OCC) through funding for specific projects including the annual OCC symposium. OCC provides opportunities for provincial data to be shared and used to inform local climate change initiatives.

**Infrastructure Planning (Metrolinx)**

TRCA has developed a partnership with Metrolinx to provide environmental review of Metrolinx projects. A memorandum of understanding between TRCA and Metrolinx outlines the responsibilities and funding support provided by Metrolinx.

**Professional Access into Employment (PAIE) (Ministry of Citizenship and Immigration)**

Led by TRCA and funded by the Ministry of Citizenship and Immigration (MCI), the PAIE program is an innovative bridge training program that helps internationally-trained environmental professionals launch their careers in engineering, geoscience, environmental science and planning.

**Environmental Education (Ministry of Education and Ministry of Citizenship and Immigration)**

TRCA has partnered with the Ministry of Education and the Ministry of Citizenship and Immigration to develop and administer environmental educational services to seniors, youth and teachers.

**Renewable Energy Initiative (Ministry of Housing)**

TRCA is partnering with the MOH to evaluate the effectiveness of the 70 million dollar renewable energy initiative directed at the affordable housing sector.

**Low Impact Development Evaluation (MOECC)**

TRCA in partnership with MOECC is evaluating a right-of-way bio-retention system in Brampton. MOECC's Showcasing Water Innovation Program supported TRCA and other conservation authorities in promoting innovative low impact development technologies by showing potential buyers the benefits of leading-edge stormwater, rainwater-harvesting and water-conserving technologies and practices.

**Flood Forecasting and Warning (MNRF)**

TRCA has been partnering with MNRF for a number of years on hosting and administering the Flood Forecasting and Warning Workshop for training and advancement of forecasting and warning technologies and best practices.

**Water and Erosion Control Infrastructure (MNRF)**

TRCA receives funding annually through the Water and Erosion Control Infrastructure (WECI) program. This program provides funding towards major maintenance of water control infrastructure. Examples of completed projects funded through this program include dam safety reviews, erosion protection, flood control channel maintenance, and major maintenance at both Clairville and G. Ross Lord Dams.

**Energy Conservation (Ministry of Energy)**

Working with a number of partners and participants, including the Ministry of Energy, TRCA helps facilitate workshops, webinars and other learning and engagement opportunities, bringing experts and practitioners together to shape energy conservation programs and policy.

**Greening Healthcare (Ministry of Health and Long Term Care)**

TRCA is fostering a partnership with the Ministry of Health and Long Term Care through the Greening Healthcare program, a program that helps establish and realize energy targets for individual health care facilities.

**Sustainable Schools (Ministry of Education)**

TRCA has been working with the Ministry of Education to help collect energy consumption data of schools, helping to benchmark existing energy use and promote conservation efforts.

**Innovation, Creativity, and Entrepreneurship (Ministry of Education)**

TRCA Education staff has been coached by staff at the Ministry of Education to deliver Innovation, Creativity, and Entrepreneurship training to students and teachers as part of the Specialist High Skills Major program offered in secondary schools across Ontario. This is an ongoing initiative whereby schools/school boards pay a fee for this service to TRCA and other CAs.

**Supporting and Engaging Older Adults and Seniors (Seniors' Secretariat, MCI)**

TRCA is fostering emerging partnerships with a number of stakeholders including the provincial Seniors Secretariat to support the growing population of older adults, providing them opportunities for greater engagement in TRCA programs and activities.

**Cultural Heritage Resources Engagement (Ministry of Tourism, Culture and Sport, Ministry of Indigenous Relations and Reconciliation, Ministry of Education, MNRF)**

TRCA has one of the only active "in the field" archaeology teams of any public agency in the province – our team of archaeologists and heritage curators manage a significant artifact collection of Aboriginal and Euro-Canadian artifacts. Archaeologists engage with aboriginal communities under the advice of the MTCS, MIRR and MNRF, in accordance with archaeological licensing requirements and TRCA's Engagement Guidelines. In addition, TRCA's Boyd Archaeological Field School is a summer credit course for high school students established in 1975 that has more than 1,100 graduates to-date.

**Black Creek Pioneer Village (MTCS)**

TRCA partners with the Province through financial support for the continuous operations of the Black Creek Pioneer Village.

**Land Management (Ministry of Infrastructure, MTCS, MNRF)**

As a major landholder in the Greater Toronto Area, TRCA manages a number of properties on behalf of the Province, including managing natural heritage and cultural heritage resources. As a former landowner and manager of the Rouge Park, TRCA is working with Parks Canada to convert Park management responsibilities from the various agency landowners.

**Greenspace Planning (MTCS)**

TRCA engages MTCS in the development of strategic regional greenspace and trails plans on TRCA-owned and municipally-owned lands, working to link municipal, provincial and federal trail systems.

**Ecosystem and Species Recovery Planning and Implementation (Ministry of Transportation Ontario)**

TRCA provides guidance and expertise to MTO regarding restoration projects to restore red side dace habitat and other ecosystem functions and services.

**Electric Vehicle Charging Stations (MTO)**

TRCA is partnering with MTO through the EVCO program to install 52 electric vehicle charging stations on TRCA-owned lands and publicly accessible locations throughout the Pearson Airport lands through TRCA's multi-stakeholder "Partners in Project Green" program.

**West Don Lands (Infrastructure Ontario)**

TRCA has successfully worked with Infrastructure Ontario to deliver flood control, park and community infrastructure projects across the Toronto region. A significant example is the West Don Lands project, coordinated through Toronto Waterfront Revitalization Corporation, which mitigated flood risk to over 200 hectares of land within the City of Toronto.

**Evergreen Don Valley Brick Works (Ontario Heritage Trust)**

The Ontario Heritage Trust under the MTCS, the City of Toronto, Evergreen and TRCA, with additional support from the federal government, worked together to acquire and preserve the Brick Works site, initiating a landmark cultural heritage and ecotourism project, that has grown into an urban cultural and natural heritage treasure in the City.

**Headwater Drainage Feature Assessment and Protection (MNRF, MOECC, MMAH)**

TRCA has partnered with a number of stakeholders including the MNRF in the development of guidelines for the effective protection and management of headwater drainage features. The guideline has been added as a module of the Ontario Stream Assessment Protocol and TRCA is currently working with MOECC and MMAH to recognize the guideline as the standard approach for assessment across Ontario.

**Sustainable Neighbourhood Retrofit Action Plans (MOECC, OMAFRA)**

The Sustainable Neighbourhood Retrofit Action Plan (SNAP) program aims to accelerate the implementation of environmental improvements and urban renewal at the neighbourhood scale. It is led by TRCA in collaboration with municipal and community partners. In addition to providing financial support, the Province is interested in the innovative solutions being developed to overcome barriers to local implementation of stormwater management, low impact development and water efficiency actions, helping to achieve provincial objectives associated with Great Lakes protection and sustainable communities.

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**SNC • LAVALIN**

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September 7, 2016

Mr. Paul Gee  
Manager Transportation Design  
Region of Durham  
605 Rossland Rd. E  
Whitby, ON L1N 6A3

**RE: 407 ETR CONCESSION COMPANY LIMITED  
HIGHWAY 407 WIDENING FROM MARKHAM ROAD TO BROCK ROAD  
AND NEW HIGHWAY 407/WHITES ROAD (SIDELINE 26) INTERCHANGE**

Dear Mr. Gee:

SNC-Lavalin Inc. has been retained by 407 ETR Concession Company Limited to undertake the Detail Design for the widening of Highway 407 from Markham Road in the City of Markham to Brock Road in the City of Pickering. The work entails widening to the inside from the existing 3 basic lanes to 4 basic lanes in each direction between Markham Road and the York Durham Line; and the inside widening of the highway between the York Durham Line and Brock Road from its current 2 basic lanes to 3 basic lanes in each direction. The work also entails the design of the Highway 407/Whites Road (Sideline 26) interchange, including a section of Whites Road from south of the interchange northerly to Highway 7 and the necessary widening of Highway 7 to accommodate a signalized Highway 7/Whites Road intersection.

The work is being conducted in compliance with the approval under the Ontario *Environmental Assessment Act* and Order-in-Council Number 1704/98. As part of the public consultation process a **Public Information Centre (PIC) will be held on September 22, 2016**. Attached is the *Notice of Public Information Centre* that is being placed in the Toronto Star, the Markham Economist and Sun and Ajax/Pickering News Advertiser during the week of September 12<sup>th</sup>, 2016.

If you have any questions or require further information, please do not hesitate to contact me at your convenience at 416-252-5311, extension 56276.

Yours very truly,  
**SNC-Lavalin Inc.**

Craig Wallace, BES, EP  
Environmental Planner

cc: P. Ruttan, 407 ETR  
F. Martins, MTO  
B. Wong and J. Mohacsi, SNC-Lavalin

Attach.

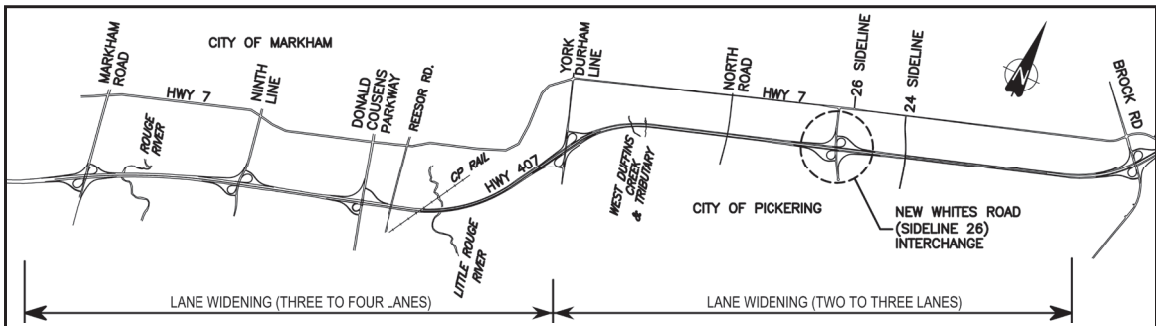


# NOTICE OF STUDY COMMENCEMENT AND PUBLIC INFORMATION CENTRE

## Highway 407 Widening from Markham Road to Brock Road and New Whites Road (Sideline 26) Interchange

### THE PROJECT

407 ETR Concession Company Limited (407 ETR) is the private sector consortium that has purchased from the Province of Ontario the right and the obligation to develop, design, build, operate, maintain, repair and toll Highway 407 from the Queen Elizabeth Way in the City of Burlington to Brock Road in the City of Pickering. The existing section of Highway 407 that extends from Markham Road in the City of Markham in the west to Brock Road in the City of Pickering in the east is referred to as the East Partial Extension of Highway 407. Based on current and forecast traffic capacity needs, 407 ETR proposes to widen the Highway 407 from Markham Road to Brock Road. The work entails widening of approximately 7.2 km of Highway 407 to the inside from the existing 3 basic lanes to 4 basic lanes in each direction between Markham Road and the York Durham Line; and the inside widening of approximately 6.7 km of the highway between the York Durham Line and Brock Road from its current 2 basic lanes to 3 basic lanes in each direction. The work also entails the design of the Highway 407/Whites Road (Sideline 26) Interchange, including a section of Whites Road from south of the interchange northerly to Highway 7 and the necessary widening of Highway 7 to accommodate the signalized Highway 7/Whites Road intersection.



### PROJECT HISTORY/APPROVAL

In compliance with the Ontario *Environmental Assessment Act* approval requirements (Order-in-Council Number 1704/98), 407 ETR is providing public consultation opportunities and will document the results of the design process in a Design and Construction Report, which will be submitted to the Ministry of the Environment and Climate Change for information and monitoring purposes and filing in the Public Record.

### PUBLIC INFORMATION CENTRE

407 ETR is hosting a Public Information Centre (PIC) for interested parties to review and comment on the proposed widening, as follows:

**Date:** Thursday, September 22, 2016  
**Time:** 5:00 p.m. to 8:00 p.m.  
**Location:** Brougham Hall  
3545 Mowbray Street (formerly Brock Road), Brougham, Ontario

407 ETR and consultant staff will be available at the PIC to explain the information displayed and receive comments.

### COMMENTS

All input will be considered in finalizing the Detail Design and will be documented in a Design and Construction Report, which will be filed in the Public Record for review and comments. Notification of further public viewing opportunities will be published at that time. Information and comments will be collected and used in accordance with the *Freedom of Information and Protection of Privacy Act*, solely for the purposes of assisting 407 ETR in meeting the requirements of the *Environmental Assessment Act*. This material will be maintained on file for use during the study and may be included in the project documentation. With the exception of personal information, all comments will become part of the Public Record.

For further information please contact:

**Mr. Craig Wallace, B.E.S., E.P., Environmental Planner**  
SNC-Lavalin Inc.  
tel: 416-252-5311  
e-mail: craig.wallace@snclavalin.com

**Mr. Jonathan Mohacsi, P.Eng., Design Manager**  
SNC-Lavalin Inc.  
tel: 416-252-5311  
e-mail: jonathan.mohacsi@snclavalin.com

## **DURHAM NUCLEAR HEALTH COMMITTEE (DNHC) MINUTES**

### **Location**

Durham Regional Headquarters  
605 Rossland Road East, Whitby  
Meeting Room LL-C

**Date** June 17, 2016

**Time** 1:00 PM

**Host** Durham Region Health Department (DRHD)

### **Members**

Dr. Robert Kyle, DRHD (Chair)  
Ms. Mary-Anne Pietrusiak, DRHD  
Mr. Cameron Clark, DRHD  
Dr. Tony Waker, University of Ontario Institute of Technology  
Ms. Andrea Brown, Ontario Power Generation (OPG)  
Mr. Loc Nguyen, OPG  
Mr. Hardev Bains, Public Member  
Mr. Marc Landry, Public Member  
Dr. Barry Neal, Public Member  
Dr. John Hicks, Public Member  
Mr. Chris Weigel, Public Member  
Mr. Carl Ferencz, Public Member  
Ms. Veena Lalman, Public Member

### **Presenters/Observers**

Mr. Brian Devitt (Secretary)  
Ms. Carrie-Anne Atkins, OPG (Presenter)  
Ms. Cammie Cheng, OPG (Presenter)  
Mr. Jerry Keto, OPG (Presenter)  
Mr. Dave Hardy, Hardy Stevenson and Associates Limited (Presenter)  
Ms. Donna Pawlowski, OPG  
Ms. Christine Drimmie, Office of the Regional Chair and CAO  
Ms. Carol Chan, Haliburton, Kawartha, Pine Ridge Dist. Health Unit  
Ms. Amy Burke, Municipality of Clarington  
Ms. Janet McNeill, Durham Nuclear Awareness (DNA)  
Ms. Renee Cotton, DNA  
Ms. Lynn Jacklin, DNA  
Ms. Lydia Skirko, Whitby Resident  
Ms. Simona Besnea, Whitby Resident  
Dr. Robert Dixon, Ajax Resident  
Mr. A.J. Kehoe, Durham Region Resident

### **Regrets**

Ms. Janice Dusek, Public Member  
Dr. David Gorman, Public Member  
Dr. Lubna Nazneen, Alternate Public Member  
Mr. Raphael McCalla, OPG  
Mr. Ken Gorman, DRHD  
Mr. Phil Dunn, Ministry of Environment and Climate Change

Robert Kyle opened the meeting, welcomed everyone.

### **1. Approval of Agenda**

The Revised Agenda was adopted.

### **2. Approval of Minutes**

The Minutes of April 15, 2016 were adopted as written.

### **3. Correspondence**

**3.1** Robert Kyle's office received the approved minutes for the Pickering Nuclear Generating Station (NGS) Community Advisory Council meetings for March and April 2016.

**3.2** Robert Kyle's office received a response and explanation McNeill, DNA from Carrie-Anne Atkins, Manager, Corporate Relations and Communications, Pickering Nuclear, concerning a question raised by Janet McNeill in the April 15<sup>th</sup> DNHC meeting about a Canadian Nuclear Safety Commission (CNS) issuing a security related notice of violation in January 2016 dated April 20, 2016.

**3.3** Robert Kyle's office received an invitation from the Port Hope Area Initiative Management Office to attend the Port Granby Groundbreaking Ceremony on April 29<sup>th</sup> dated April 25, 2016.

**3.4** Robert Kyle received the resignation from David Penney, Alternate DNHC Public Member for the Municipality of Clarington, explaining his relocation to London, Ontario for a new position in Environmental Consulting dated May 4, 2016.

**3.5** Robert Kyle's office received the news release from Carrie-Anne Atkins concerning OPG's recommitment of \$5 million to Durham College and the University of Ontario Institute of Technology for the next five-year collaborative partnership that began in 2005 dated May 10, 2016.

**3.6** Robert Kyle's office received a letter from Laurie Swami, Senior Vice President, Decommissioning and Waste Management, OPG, concerning the

Repurposing Pickering Study Update that included youth engagement workshops conducted in March 2016 dated May 13, 2016.

#### **4. Presentations**

##### **4.1 Progress Report by OPG concerning the Results of the 2015 Environmental Monitoring Program (EMP)**

Cammie Cheng, Environmental Advisor, Environment Operations Support, OPG, provided a detailed presentation of the monitoring results for the 2015 EMPs. The Dose Results Summary included:

- The Darlington and Pickering NGS's radiological emissions were all below 1% of their respective CNSC Derived Release Limits (DRL).
- The annual public dose resulting from Darlington and Pickering NGSs operations were 0.5 microsieverts and 1.2 microsieverts respectively or approximately 0.1% of the annual regulatory limit.
- The 2015 EMP public dose calculations and EMP report have been reviewed and verified by an independent third party.
- The 2015 EMP report was submitted to the CNSC by April 30, 2016.
- The 2015 EMP report will be available at [Ontario Power Generation](#) September 20, 2016.

Cammie indicated the Key Objectives of EMP were to:

- Demonstrate, independent of effluent monitoring, the effectiveness of containment and effluent control.
- Demonstrate compliance with limits on the concentration/intensity of contaminants/physical stressors in the environment.
- Provide data to assess the level of risk on human health and the environment and/or to confirm predictions made by environmental risk assessments.

Cammie provided the monitoring results of 9 Radioactive Site Emissions to the air and to water for both Darlington and Pickering NGSs with results showing all radioactive emissions were below 1% of DRLs.

Cammie also reported that the results of 11 Non-Radiological Emissions to the air and to water for both Darlington and Pickering NGSs were in compliance for 2014 and met all ECA (Ontario Ministry of the Environment and Climate Change) limits.

The highlights of the 2015 EMP results were:

- 1,004 laboratory analyses were performed for the 2015 dose calculation.
- Monitoring results in the environment reflect station emissions trends and remain similar to previous years.

- Tritium in drinking water was measured at local water supply plants and remained at a small fraction of the Ontario Drinking Water Quality Standard of 7,000 Bq/L or approximately 5 Bq/L.
- In 2015, OPG conducted one supplementary study on 1-131 and particulate in air in support of the Darlington and Pickering NGS's EMPs and the study confirmed very low concentrations as expected and validated the use of modeled concentrations for dose assessment purposes.
- Other monitoring programs conducted were:
  - Thermal monitoring of warm discharge water that has a potential to impact fish spawning and larvae development at Darlington and Pickering NGSs.
  - Impingement and entrainment monitoring at Pickering NGS to protect fish species from impingement during the taking-in of cooling water.
  - Groundwater monitoring at Darlington and Pickering NGS.

Cammie indicated that the main contributors to the 2015 public dose were tritium, carbon-14 and noble gases for Darlington and tritium and noble gases for Pickering. A summary of the key results were:

- The 2015 public dose for Darlington NGS was 0.5 microsieverts. This is approximately 0.1% of the annual CNSC Legal Limit and the estimated background dose around Darlington received in a year.
- The 2015 public dose for Pickering NGS was 1.2 microsieverts. This is approximately 0.1% of the annual CNSC legal Limit and the estimated background dose around Pickering received in a year.
- The annual background radiation for both Darlington and Pickering NGSs is approximately 1400 microsieverts.

EMP monitoring results and estimated public dose calculations are reported to the CNSC annually.

In 2016, OPG will:

- Conduct an EMP supplementary study will measure tritium concentrations in the water at Hydro Marsh to determine if the concentrations of tritium differ significantly from the water at Frenchman's Bay near the Pickering NGS.
- Review and update Darlington and Pickering NGS's DRLs and environmental risk assessments.

Cammie Cheng or her associates will update the DNHC next year on the results of the 2016 EMP results. More information is available at [Ontario Power Generation](#) or by telephone at 1-888-487-4600. The slides Cammie used in her presentation are available for review on the DNHC website at [durham.ca/dnhc](http://durham.ca/dnhc).

#### **4.2 Progress Report by OPG concerning the proposed Low and Intermediate Level Waste Deep Geological Repository (DGR)**

Jerry Keto, Vice President, Nuclear Decommissioning, OPG, provided a presentation on OPG's proposed DGR that is needed to safely store all low and intermediate level waste from OPG's nuclear facilities approximately 680 meters underground.

Jerry provided the background on the proposed DGR that included:

- In 2011, after several years of study, OPG submitted a 15 volume environmental assessment report to a federally appointed independent Joint Review Panel (JRP). The JRP considered 4 years of technical studies and 33 days of extensive public hearings before making a decision.
- In 2015, the JRP concluded "*that the project is not likely to cause significant adverse environmental effects*" and stated that:
  - The Bruce Power Nuclear site is appropriate
  - Worker and public health and safety will be protected
  - The DGR Project will not affect Lake Huron
- In 2016, the new federal government requested additional information on the proposed DGR for the Bruce Power Nuclear site that included:
  - Study the effects of alternate locations
  - Analyze the cumulative effects of locating a used fuel repository close to the OPG's DGR
  - Update the list of OPG's commitments to mitigate any identified effects
- OPG committed to complete the work requested by the federal government and submit the information by December 31, 2016.
- In 2017, OPG expects a Decision on the Environmental Assessment and a construction licence to be issued by the CNSC but the date has not been determined.

Jerry provided an explanation of what OPG will undertake to meet the three requests of the federal government.

1. The Study of Alternate Locations for the proposed DGR will include:
  - OPG will examine the environmental effects of two geological regions in Ontario to assess sedimentary and granite formations and use feasibility criteria to describe alternate sites in these regions.
  - The study will include acquisition of lands to develop the DGR, packaging and transportation of radioactive waste, green-house gas effects and economic impacts.
  - The study is not to seek a new willing host community because that process takes many years to gain community consent.
  - OPG expects to complete the Study of Alternate Locations this fall.
2. The Cumulative Effects Update for the proposed DGR will include:
  - This study assumes a Nuclear Waste Management Organization (NWMO) used nuclear fuel repository is within the DGR study area and OPG will collaborate with NWMO to best understand any potential effects within their traditional territory.

- OPG expects to complete the Cumulative Effects Update this fall.
3. Mitigation Commitments Update for the proposed DGR will include:
- OPG will undertake a complete review of its current list of commitments and all potential mitigation actions.
  - OPG expects to complete the Mitigation Commitments Update that will include construction dust control, groundwater monitoring etc. this fall.

Jerry explained the Post Submission Review and Decision Process that will include:

- The Decision Process is not prescribed but the Canadian Environmental Assessment Agency is the lead agency and will determine the approach to be followed that may involve public comment on OPG's submissions prior to a making a decision.
- OPG will continue to provide updates and information on its work and progress and will seek public and stakeholders views and comments on the proposed work plans.

Jerry's concluding comments included:

- OPG is on track to provide the federal Minister of the Environment and Climate Change the requested information by the end of 2016.
- This information will enable the Minister to approve the Environmental Assessment and allow the construction licence to be issued by CNSC.
- When the construction licence has been issued, OPG will complete the detailed engineering design of the DGR and begin construction.
- The CNSC licence to operate the DGR when completed will likely involve public hearings.

Jerry Kehoe or his associates will provide further updates to the DNHC on the progress of the proposed DGR. The slides used by Jerry in his presentation are available for review on the DNHC website at [durham.ca/dnhc](http://durham.ca/dnhc).

#### **4.3 Progress Report by Hardy Stephenson and Associates Limited on the Repurposing Pickering Project**

Dave Hardy, President, Hardy Stevenson and Associates Limited, provided a detailed progress report on the possible reuses of the Pickering Nuclear site during and after the NGS is decommissioned.

Dave explained that the Repurposing Pickering Project is a long-term planning Project and consultation activities began in the Spring 2015 that included:

- Public consultation series
- OPG employee brainstorming sessions
- The Technical Advisory Committee sessions
- The Pickering Nuclear Generating Station Community Advisory Council
- Youth engagement

- Web site and email address established
- Preliminary Assessment Report completed
- During the consultation activities, the questions asked and comments recorded were:
  - What is your vision of the future of the Pickering site?
  - What ideas do you have for possible land uses?
  - What are some complementary land uses that would generate synergies during the decommissioning period?
- Opportunities were also identified through review of international nuclear sites and the Ontario Brownfield Redevelopment.

Dave provided details on the public consultation series with communities and students that included:

- April 18 to May 12, 2015, Pop-up Booth Sessions at 4 locations in Pickering and Ajax with approximately 600 visitors and 320 conversations resulting.
- April 23, 2015, a Community Open House held at the Pickering Recreation Complex.

The public consultation with students or Youth Engagement Series included:

- March 3 and 4, 2016, College/University Workshops held at Durham College, UOIT, Centennial College and University of Toronto Scarborough Campus.
- March 23 and 24, 2016, high school workshops held at St. Mary's Catholic High School, Pickering High School and Dunbarton High School.
- The Youth Engagement results were:
  - The 2 college and university workshops had 73 students participate.
  - The 3 high school workshops had 74 students participate.
  - There was a wide variety of ideas expressed and many ideas were similar to other public consultation activities for the Project.

Dave indicated that the public consultation series has resulted in more than 600 opportunities for the use of the Pickering site during and after decommissioning. The land use opportunities were primarily related to the following categories/options:

- Power more than 30%
- Recreational more than 30%
- Institutional approximately 20%
- Industrial approximately 15%

Dave indicated the land use assessment to be considered will include regulatory and physical restraints, current and projected market demand and compatibility with on-site and off-site activities. Office, retail and residential space received very little support and will not be recommended for further study.



The Power options with more than 30% support recommended further study to include:

- Combined heat and power
- Natural gas power generation
- Solar power generation
- Small modular reactor
- Energy storage
- Transformer station

The Recreational options with more than 30% support recommended further study to include:

- Expanding existing parklands and sports fields
- Improving the waterfront trail

The Institutional options with approximately 20% support recommended further study to include:

- College or university campus
- Research and development centre
- Professional training centre
- Nuclear-themed museum
- Public tours
- Community centre

The Industrial options with approximately 15% support recommended further study to include:

- Data centre
- District cooling
- Manufacturing
- Medical isotope production
- Outdoor storage

Dave concluded his presentation with the following comments:

- Residential, retail and commercial office buildings are not suitable during the decommissioning period.
- There is a strong correlation between the public's input and the Project team's conclusions.
- Many options are deemed to have potential to provide leverage for existing resources during the decommissioning period.
- The Next Steps in the Project are evaluations to assess commercial viability and ease of implementation.

OPG is currently evaluating the options to assess viability and ease of implementation for the Repurposing Pickering Project and will provide future updates to the DNHC at the appropriate time. More information on the Project can be found at <http://Ontario Power Generation>. The slides Dave used in his

presentation are available for review on the DNHC website at [durham.ca/dnhc](http://durham.ca/dnhc).

## **5. Communications**

### **5.1 Community Issues at Pickering Nuclear**

Carrie-Anne Atkins, Manager, Public Affairs, Pickering Nuclear, OPG, provided an update on Community Issues at Pickering Nuclear and the highlights were:

- Pickering Units 1, 4, 5, 6 and 7 are operating at or close to full power.
- Pickering Unit 8 is in a planned maintenance outage.
- Pickering employees have worked more than 300 days without a lost-time injury.
- May 30<sup>th</sup>, the Ontario Federation of Anglers and Hunters along with the Toronto and Region Conservation Authority launched Phase 3 of the 'Bring Back the Salmon' initiative with the continued lead sponsorship of OPG at Claremont Field Centre.
- OPG President and CEO, Jeff Lyash, provided remarks in the opening ceremonies and 21,000 salmon fries were released into Duffins Creek by attendees and students from a local school.
- Pickering partnered with Bayview Heights Public School in 'Bring Back the Salmon' on April 15<sup>th</sup> and students released 185 salmon fry raised at the Pickering Nuclear Information Centre and Pickering Library into Duffins Creek
- During July and August, Pickering will be hosting 'The Tuesday on the Trail Program' with community partners and it will include educational and environmental programs for families.

Carrie-Anne Atkins, Manager, Public Affairs Pickering Nuclear, OPG, can be reached at (905) 839-1151 extension 7919 or by e-mail at [carrie-anne.atkins@opg.com](mailto:carrie-anne.atkins@opg.com) for more information.

### **5.2 Community Issues at Darlington Nuclear**

Carrie-Anne Atkins, Manager, Public Affairs, Darlington Nuclear, OPG, provided an update on the Community Issues at Darlington Nuclear and the highlights were:

- Darlington Units 1, 2 and 3 are operating at close to full power.
- Darlington Unit 4 is in a planned maintenance outage.
- Darlington employees have worked 202 days without a lost-time injury.
- Darlington will be hosting 'The Tuesday on the Trail Program' with community partners and it will include educational and environmental programs for families.

Jennifer Knox, Manager, Public Affairs Darlington Nuclear, OPG, can be reached at (905) 697-7443 or by e-mail at jennifer.knox@opg.com for more information.

## **6. Other Business**

### **6.1 Topics Inventory Update**

Robert Kyle indicated the Topics Inventory will be revised to include the presentations made today.

### **6.2 Future Topics for the DNHC to Consider**

Robert Kyle indicated the theme of the next DNHC meeting scheduled for September 16, 2016 at the University of Ontario Institute of Technology will be *Progress Reports* and the topics may include:

- Progress report by OPG on the results of the 2015 Groundwater Monitoring Program at Pickering and Darlington NGSs
- Progress report by the UOIT on the Faculty of Energy Systems and Nuclear Science
- Progress report on by DRHD on the Sustainability of the Distribution of KI Pills in Durham Region

### **6.3 Change of Date for the November DNHC Meeting**

Robert Kyle indicated that the DNHC meeting scheduled for November 18<sup>th</sup> has been changed to November 4<sup>th</sup> and will be held at the Durham Regional Headquarters, 605 Rossland Road East, Whitby in Meeting Room LL-C.

## **7. Next Meeting**

**Location** University Of Ontario Institute of Technology

**Date** September 16, 2016

**Time** 12:00 PM Lunch served  
1:00 PM Meeting begins

**Host** UOIT

## **8. Adjournment 3:30 PM**

## **The Regional Municipality of Durham**

### **MINUTES**

#### **DURHAM ENVIRONMENTAL ADVISORY COMMITTEE**

**September 8, 2016**

A regular meeting of the Durham Environmental Advisory Committee was held on Thursday, September 8, 2016 in Boardroom 1-B, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby at 7:12 PM

Present: E. McRae, Chair, Whitby  
O. Chaudhry, Pickering  
S. Clearwater, Whitby, Member at Large  
J. Henry, Regional Councillor, City of Oshawa  
H. Manns, Vice-Chair, Clarington  
C. Pettingill, Brock

Absent: G. Carpentier, Scugog  
G. Layton, Uxbridge  
P. Mabanza, Whitby, Youth Member  
J. Malta, Whitby, Post-Secondary Member  
K. McDonald, Vice-Chair, Uxbridge, Member at Large  
W. Moss-Newman, Oshawa, Member at Large  
K. Murray, Clarington, Member at Larger  
S. Parish, Regional Councillor, Town of Ajax  
E. Salas, Oshawa, Youth Member  
K. Sellers, Ajax  
M. Thompson, Ajax, Member at Large

#### **Staff**

Present: M. Blake, Planner, Planning & Economic Development Department  
C. Tennisco, Committee Clerk, Corporate Services – Legislative Services

#### **1. Approval of Agenda**

This item was not considered due to a lack of quorum.

#### **2. Declarations of Interest**

There were no declarations of interest.

#### **3. Adoption of Minutes**

This item was not considered due to a lack of quorum.

**4. Presentation**

A) Gioseph Anello, Manager, Waste Planning and Technical Services, Works Department, re: Durham York Energy Centre

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Mr. Gioseph Anello, Manager, Waste Planning and Technical Services, Works Department, provided a PowerPoint presentation on the Durham's Road to Energy From Waste (EFW). He advised that the presentation provides an overview on how the Region is moving towards a circular economy.

Highlights of the presentation included:

- Solid Waste Management Hierarchy
  - Mapping of the Regional Municipality of Durham waste management programs
  - Public Expectation
  - Council Direction Leading to EFW
  - Curbside Programs
  - Residential Waste – 2015
  - Moving Towards a Circular Economy
  - Durham York Energy Centre (DYEC) Project Timeline
  - Is It Safe for Human Health and the Environment?
  - Durham/York Region Energy from Waste Project
    - Site Specific/Vendor Specific Studies
  - EA Summary of Findings
  - Health Studies
- Does it make Economical Sense?
  - Business Case – The Findings
- How will we monitor the EFW impacts following Operations?
  - Environmental Surveillance
  - Emission Limits
  - DYEC Monitoring Plans
- Capital and Operating Costs?
  - Capital Costs
  - Operating Costs
- Specific Benefits for Durham
- DYEC – Process

Mr. G. Anello responded to questions of the Committee.

Chair McRae thanked Mr. Anello for his presentation.

**5. Items for Information**

- A) Application to Amend the Durham Regional Official Plan, submitted by G. & L. Group Ltd. (693316 Ontario Ltd.) to permit the establishment of an 18-hole golf course, File: OPA 2011-009 (2016-COW-9)

Amendment #165 to the Durham Regional Official Plan

Standing Committee Correspondence #SC-2011-010 dated January 17, 2012 from The Biglieri Group (2016-COW-9)

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This item was not considered due to a lack of quorum.

**6. Other Business**

This item was not considered due to a lack of quorum.

**7. Next Meeting**

The next regular meeting of the Durham Environmental Advisory Committee will be held on October 13, 2016 starting at 7:00 PM in Boardroom 1-A, Level 1, 605 Rossland Road East, Whitby.

**8. Adjournment**

That the meeting adjourned at 8:15 PM

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E. McRae, Chair, Durham  
Environmental Advisory  
Committee

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C. Tennisco, Committee Clerk