



The Regional Municipality of Durham

COUNCIL INFORMATION PACKAGE

January 25, 2019

Information Reports

- [2019-INFO-3](#) Commissioner of Planning and Economic Development – re: Monitoring of Land Division Committee Decisions of the December 10, 2018 Meeting
- [2019-INFO-4](#) Commissioner of Works – re: 2018 Source Water Protection Annual Report

Early Release Reports

There are no Early Release Reports

Staff Correspondence

1. [Memorandum from Elaine Baxter-Trahair, Chief Administrative Officer](#) - Letter to Mr. Ken Petersen, Manager, Provincial Planning Policy Branch, Local Government and Planning Policy Division, Ministry of Municipal Affairs, regarding Environmental Registry of Ontario Numbers 013-4293, 013-4125 and 013-4239, regarding Bill 66 (Schedule 10) – Proposed Amendments to the Planning Act and Open-for-Business Planning Tool and Regulation

Durham Municipalities Correspondence

1. [Township of Uxbridge](#) – re: Resolution passed at their General Purpose and Administration Committee meeting held on January 7, 2019, supporting the Region of Durham’s resolution that the Province of Ontario and Metrolinx confirm the commitment to extend GO Rail service north of Highway 401 through Oshawa to Bowmanville by 2024
2. [Town of Ajax](#) – re: Resolution passed at their Special Council meeting held on January 14, 2019, regarding notification to “opt-in” of Cannabis Retail Stores
3. [Town of Ajax](#) – re: Resolution passed at their special Council meeting held on January 14, 2019, regarding EBR Registry Number: 13-4293 Bill 66: Restoring Ontario’s Competitiveness Act, EBR Registry Number 013-4125 Proposed Open for Business Planning Tool and EBR Registry Number 013-4239 New Regulation under the Planning Act and Open for Business Planning Tool

4. [Town of Whitby](#) – re: Resolution passed at their Council meeting held on January 21, 2019, regarding notification to “opt-out” of Cannabis Retail Stores
5. [Township of Scugog](#) – re: Resolution passed at their Council meeting held on January 21, 2019, regarding notification to “opt-in” of Cannabis Retail Stores

Other Municipalities Correspondence/Resolutions

1. [Town of Orangeville](#) – re: Resolution passed at their Council meeting held on January 14, 2019 regarding the Proposed Amendments to the Planning Act and Open for Business Planning Tool and Regulation
2. [City of Niagara Falls](#) – re: Resolution passed at their Council meeting held on January 15, 2019, regarding notification to “opt-in” of Cannabis Retail Stores

Miscellaneous Correspondence

1. [Toronto and Region Conservation Authority \(TRCA\)](#) – re: Resolution passed at their meeting held on November 30, 2018, regarding the Toronto and Region Conservation Authority’s (TRCA) Draft Trail Strategy
2. [Municipal Property Assessment Corporation \(MPAC\)](#) – re: 2018 Year-End Assessment Report
3. [Alcohol and Gaming Commission of Ontario \(AGCO\)](#) – re: Information for Ontario Municipalities about Cannabis Retail Store Licensing
4. [Enbridge Gas Inc.](#) – re: Application to raise natural gas rates effective January 1, 2019 – Notice of Hearing
5. [Central Lake Ontario Conservation Authority](#) – re: Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan – CLOCA Comments

Advisory Committee Minutes

1. Durham Environmental Advisory Committee (DEAC) minutes – [January 17, 2019](#)

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

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The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: [#2019-INFO-3](#)
Date: January 25, 2019

Subject:

Monitoring of Land Division Committee Decisions of the December 10, 2018 Meeting

Recommendation:

Receive for information

Report:

1. Purpose

1.1 This report summarizes decisions made by the Land Division Committee¹ at its meeting of December 10, 2018 (see Attachment 1). The approved applications conform to the Durham Regional Official Plan. No appeals are recommended.

2. Distribution

2.1 A copy of this report will be forwarded to the Land Division Committee for its information.

3. Attachments

Attachment #1: Monitoring Chart for the December 10, 2018 Meeting

¹ The Regional Land Division Committee (LDC) was created by Regional Council on December 19, 1973 to make independent decisions on the disposition of consent applications (e.g. severance, right-of-way, lot line adjustment) that have been submitted to the Region for approval under the Planning Act. The Committee consists of eight lay-citizen members (one representing each area municipality), that are appointed by council for a four year term. The Chair of the next LDC will be selected from among the appointed members. The LDC meets monthly and considers approximately 150 consent applications per year.

Respectfully submitted,

Original signed by

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development



Attachment 1: Monitoring of Land Division Committee Decisions for the Meeting Date of Monday, December 10, 2018

Appeal Deadline: Tuesday, January 08, 2019

LD File Number	Owner	Location	Nature of Application	Regional Official Plan	LDC Decision
LD 030/2017	Holland, Ryan	Part lot 12, Conc. 2 Municipality of Clarington (former Darlington)	Consent to sever a 634.9 square metre residential lot, retaining a 635.3 square metre residential lot with an existing dwelling to be demolished.	Conforms	Approved unanimously
LD 148/2017	Chen, Fu Sheng	Part lot 15, Conc. 4 City of Oshawa (former Whitby East)	Consent to sever a vacant 3,621.4 m ² industrial lot, retaining a 47,914.2 m ² industrial lot with an existing building.	Conforms	Approved unanimously
LD 150/2017	Bell, Peter	Part lot 26, Conc. 1 Town of Whitby	Consent to sever a vacant 806.54 m ² residential parcel of land, retaining a 627.78 m ² residential parcel of land.	Conforms	Approved unanimously
LD 151/2017	Bell, Peter	Part lot 26, Conc. 1 Town of Whitby	Consent to sever a vacant 400.96 m ² residential parcel of land, retaining a 405.58 m ² residential parcel of land.	Conforms	Approved unanimously
LD 109/2018	Bortolazzo, Danna	Part lot 19, Conc. 8 Municipality of Clarington (former Darlington)	Consent to add an 8.048 ha non-farm rural residential parcel of land to the north, retaining a 0.7 ha non-farm rural residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously
LD 117/2018	Bridges, David Bridges, Katherine	Part lot 25, Conc. 1 City of Pickering	Consent to sever a vacant 0.09 ha residential parcel of land, retaining a 0.11 ha residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously

LD File Number	Owner	Location	Nature of Application	Regional Official Plan	LDC Decision
LD 137/2018	McFarland, Brendan Kenneth McFarland, Renee Nicole	Part lot 24, Conc. 5 Municipality of Clarington	Consent to grant a 250.1 m2 access easement.	Conforms	Approved unanimously
LD 152/2018	Durham District School Board	Part lot 30, BFC Town of Whitby	Consent to add a vacant 0.808 ha institutional parcel of land to the east, retaining a 1.59 ha institutional parcel of land.	Conforms	Approved unanimously

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



The Regional Municipality of Durham Information Report

From: Commissioner of Works
Report: [#2019-INFO-4](#)
Date: January 25, 2019

Subject:

2018 Source Water Protection Annual Report

Recommendation:

Receive for information.

Report:

1. Purpose

1.1 This report is being provided with a copy of each Source Water Protection Annual Report (Attachments #1 to #3) required by the Clean Water Act, 2006. The attached reports provide a summary of the implementation efforts and activities undertaken in 2018. Each report will be submitted to the corresponding Source Protection Authority by February 1, 2019.

2. Background

2.1 The Regional Municipality of Durham (Region) is divided into three source protection regions:

- the Credit Valley, Toronto and Region, Central Lake Ontario Source Protection Region (CTC);
- the South Georgian Bay Lake Simcoe Source Protection Region (SGBLS); and
- the Trent Conservation Coalition Source Protection Region (TCC).

- 2.2 The attached reports summarize the legislated and voluntary proactive activities the Region has undertaken in 2018 to comply with the Clean Water Act, 2006 and Source Protection Plans. Local Source Protection Plans contain policies that set out the reporting requirements for the Region. These reporting requirements have been developed by the Source Protection Committees and vary between Source Protection Regions. In addition to the local reporting requirements, the Region has a duty to report the actions taken by Risk Management Officials and Risk Management Inspectors to the respective Source Protection Authority under the Clean Water Act, 2006.
- 2.3 On October 31, 2014, the TCC Source Protection Plan received approval from the Ministry of the Environment and Climate Change (MOECC). The TCC Source Protection Plan was approved with an effective date of January 1, 2015.
- 2.4 On January 26, 2015, the SGBLS Source Protection Plan received approval from the MOECC. The SGBLS Source Protection Plan was approved with an effective date of July 1, 2015.
- 2.5 On January 28, 2015, the CTC Source Protection Plan received approval from the MOECC. The CTC Source Protection Plan was approved with an effective date of December 31, 2015.
- 2.6 The annual report includes information on the management of existing drinking water threats, development of Risk Management Plans, education and outreach initiatives and planning implications under each specific Source Protection Plan.

3. Implementation

- 3.1 All of the properties and landowners with significant drinking water threats have met or corresponded with Regional staff regarding the activities occurring on their properties. Based on current information, it is estimated that approximately 17 risk management plans in total are required to address significant drinking water threats in the Region. The Source Water Protection Plans require risk management plans to be negotiated and implemented within five years of approval. Seven risk management plans have been negotiated to date and four are in various stages of negotiations since the implementation of the Clean Water Act, 2006.

3.2 During negotiations, it was found that approximately 90 per cent of the risk management measures contained in the risk management plans included best management practices which were already in place at each location. These practices included:

- Employee training records;
- Inspection records;
- Health and safety inspections;
- Spill prevention;
- Work instructions;
- Proper chemical handling; and
- Storage and regulated waste disposal

3.3 The education and outreach component of source water protection is being implemented through social media posts, new website content, hard copy materials and staff presentations.

3.4 Regional staff continue to participate in several working groups with other municipalities, conservation authorities and the province to collaborate on implementation of risk management measures, risk management plans, municipal guidance documents and education and outreach.

3.5 Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review. Planning Act applications received by the Region are being screened to ensure the requirements of the Source Protection Plans are being implemented.

4. Conclusion

4.1 The attached reports provide a summary of the implementation efforts and activities undertaken in 2018. The reports (Attachments #1 to #3) will be submitted to the corresponding Source Protection Authority by February 1, 2019.

4.2 For additional information, please contact Greg Lymer, Risk Management Official – Source Water Protection, Manager of Technical Support at 905-668-7711, extension 3500.

5. Attachments

Attachment #1: Risk Management Official Annual Report – Credit Valley – Toronto and Region – Central Lake Ontario Source Protection Region – January 1, 2018 to December 31, 2018

Attachment #2: Risk Management Official Annual Report – South Georgian Bay Lake Simcoe Source Protection Region – January 1, 2018 to December 31, 2018

Attachment #3: Risk Management Official Annual Report – Trent Conservation Coalition Source Protection Region – January 1, 2018 to December 31, 2018

Respectfully submitted,

Original signed by

Susan Siopis, P.Eng.
Commissioner of Works

The Regional Municipality of Durham
Risk Management Official Annual Report
Credit Valley – Toronto and Region – Central Lake Ontario Source Protection
Region
January 1 2018 – December 31 2018

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1. List of Abbreviations and Acronyms

AR	Assessment Report
BMP	Best Management Practice
CA	Conservation Authority
CWA	Clean Water Act, 2006
DNAPL	Dense Non-Aqueous Phase Liquid
E&O	Education and Outreach
ID	Identification
IPZ	Intake Protection Zone
MOECC	Ministry of the Environment and Climate Change
OFEC	Ontario Farm Environmental Coalition
OMAFRA	Ontario Ministry of Agriculture, Food and Rural Affairs
PI	Prescribed Instrument
RMI	Risk Management Inspector
RMM	Risk Management Measures
RMO	Risk Management Official
RMP	Risk Management Plan
SDWT	Significant Drinking Water Threat
SPA	Source Protection Authority
WHPA	Wellhead Protection Area

2. Report Information

Name of Municipality	The Regional Municipality of Durham
Source Protection Authority	Credit Valley-Toronto and Region-Central Lake Ontario
Water Supply System	Uxville
SPA Staff Contact	Jennifer Stephens
Submitted By	Greg Lymer, Risk Management Official
Date Submitted	January 15, 2019

3. Annual Report

This annual report is provided in accordance with Section 81 of the *Clean Water Act, 2006*. It outlines the activities undertaken by the Regional Municipality of Durham in 2018 that were required by legislation as well as a summary of progress to date in implementing the Source Protection Plan.

4. Risk Management Officials, Inspectors and Training

RMO/RMI require renewal course every five years.

Name	Title	RMO/RMI Training Date	Property Entry Training Date
Greg Lymer	Risk Management Official	May 2016	May 2016
Beata Golas	Risk Management Official	October 2016	October 2016
Tavis Nimmo	Risk Management Inspector	December 2016	November 2017
Colin Hall	Risk Management Inspector	November 2017	November 2017

5. Risk Management Office

5.1. Provide an overview of work planned for 2019

Item	Description
Threat Verification	Threat verification complete.
RMPs	One RMP required and completed.
E&O	Development of source water booklet is complete and has been distributed amongst the area municipalities. Booklet includes high level overview of source water protection. Fact sheets outlining specific BMPs regarding fuel, road salt application, DNAPLs, organic solvents, waste oil disposal have been development. Staff will distribute targeted E&O materials to low and moderate threat properties as required. Staff will continue to attend community events to promote source water protection.
Application Review and Section 59 Notices	Continue to review Planning Act/Building Permit applications.
Incentives	Reviewed and determined there is no need for incentives in this period.

6. Annual Progress Report as per Section 46(1) Clean Water Act, 2006 and Section 52(1) O.Reg 287/07

6.1. Provide an update for applicable RMO implementer policies

SDWT Type	Policy ID	Status	Existing Percent Complete
Waste Disposal Site	WST-1, WST-6	Complete	100
DNAPL	DNAP-1	Complete	100
Organic Solvents	OS-1	Complete	100

6.2. Provide an explanation for SDWT listed as no progress made in section 4.1.

SDWT	Comments
N/A	N/A

6.3. Provide the number of RMPs required and completed to address SDWTs

SDWT	SDWTs requiring RMP	RMPs Agreed to or Established	Properties Subject to RMPs	SDWT Managed Through RMPs
Waste Disposal Site	1	1	1	1
DNAPL	1	1	1	1
Organic Solvents	1	1	1	1

6.4. Additional risk management measures required by Durham to be implemented in risk management plans.

SDWT	Additional Risk Management Measures
DNAPL	None (0%)
Organic Solvents	None (0%)
Waste Disposal Site	None (0%)

6.5. Provide the number and type of Section 59 notices issued. The risk management office reviews planning/building applications in vulnerable areas to determine if potential land use activities pose a threat to the quality or quantity of municipal drinking water sources.

Number of Section 59 Notices Where No Prohibition or No RMP Required	Number of Section 59 Notices Where RMP Required
N/A	N/A

6.6. Provide the number of instances the RMO received a notice and/or copy of the PI that states the PI conforms to SDWT policies.

SDWT	Prescribed Instrument
0	N/A

6.7. Provide the number of inspections that have been conducted to date.

Inspections for Prohibited Activities	Inspections Indicating that Prohibited Activities were Taking Place	Inspections for Activities that Require an RMP	Inspections Where RMI Found a SDWT Activity Taking Place Without an RMP	Inspections Where RMI Found Non-Compliance with RMP	Properties Inspected
0	0	1	0	0	6

6.8. Describe how any cases of non-compliance were resolved.

Case	Resolution
N/A	No non-compliance cases were discovered.

6.9. Describe the amount of new or additional source protection information the RMO/RMI learned through their duties.

New Information	Comments
No New Information	N/A

6.10. Describe any incentive programs that assisted with policy implementation.

Type of Incentive	Source of Incentive	SDWT	Degree to Which the Incentive Assisted Implementation	Comments
Septic Inspection	Durham Region	Septic	Significant (100%)	Durham covered the cost of the septic inspections for all properties identified as a SDWT.

6.11. RMO tools and resources evaluation

Tool / Resource		Comments and Suggestions
Source protection Interactive Mapping Tool	<input checked="" type="checkbox"/>	Assists both Durham and area municipality in locating properties of interest.
Risk Management Official Forum	<input type="checkbox"/>	
Resource Catalogue / Campaign in a Box toolkit	<input checked="" type="checkbox"/>	Assisting in development of E&O materials.
Education & Outreach webinar	<input checked="" type="checkbox"/>	Assisting in development of E&O materials.
Education & Outreach community of practice	<input type="checkbox"/>	
Guidance Materials (fact sheets, information bulletins)	<input checked="" type="checkbox"/>	Assisting in development of E&O materials.
MOECC Training (e.g. RMO Certification, property entry)	<input checked="" type="checkbox"/>	Reference material
OMAFRRA/OFEC information sessions	<input checked="" type="checkbox"/>	Assisting with development of agricultural materials and establishing dialogue.
Other: Please Specify:	<input checked="" type="checkbox"/>	Source Water Protection table of threats and circumstances tool aids in threat verification.

6.12. Provide a list of SDWT. See appendix A for a detailed summary of SDWT by type.

Municipality or Township	Zone	Score	Threat Type
Uxville	WHPA-A	10	Waste Disposal Site
	WHPA-A	10	DNAPL
	WHPA-A	10	Organic Solvent

7. Legislated Annual Reporting Requirements as per section 81 Clean Water Act, 2006 and section 65 O.Reg 287/07

7.1. Risk Management Plans Agreed to Under Section 58(5) of CWA

#	Township	WHPA or IPZ	SDWT Activity
1	Uxville	WHPA-A	Waste disposal site, DNAPL, Organic solvent

7.2. Risk Management Plans Established by Order Under Section 58(10) Of CWA

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.3. Risk Management Plans Established by Order Under Section 58(12) Of CWA

#	Township	WHPA or IPZ	SDWT Activity	Reason for Refusal
0	-	-	-	-

7.4. Risk Management Plans RMO Refused to Agree to or Establish Under Section 58(16) or Section 58(15) of CWA

#	Township	WHPA or IPZ	SDWT Activity	Circumstances
0	-	-	-	-

7.5. Orders Issued by RMO Under Part IV of CWA

#	Township	WHPA or IPZ	SDWT Activity	Circumstances
0	-	-	-	-

7.6. Notices Received from a Person Engaged in an Activity, Notifying RMO of Their Possession/Intent to Obtain Prescribed Instrument Under Section 61(2) & (7) Of CWA

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.7. Notices Issued by RMO Under Section 61(6) & (8) of CWA Notifying a Person Engaged in a SDWT Activity of the Termination of an Exemption Under Section 61(1)

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.8. Section 61 (1) Exemptions Granted

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.9. Inspections Carried Out Under a Risk Management Plan

#	Township	WHPA or IPZ	SDWT Activity
1	Uxville	WHPA-A	Waste Disposal Site, DNAPL, Organic Solvent

7.10. Inspections Resulting In Non-Compliance with a Risk Management Plan

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.11. Inspections Conducted on Prohibited Activities

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.12. Cases Where Prohibited Activities Were Being Engaged in During Inspections

Description of Circumstances
N/A

7.13. Risk Assessments Submitted, Accepted And Not Accepted Under Section 60

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.14. Instances Where RMO Caused a Thing to be Done Under Section 64 of CWA

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.15. Prosecutions Made Under Section 106 of CWA

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.16. Prosecutions Made Under Section 106 of CWA Resulting in Conviction

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

8. Septic Re-Inspection Program

Item	Description
Required Inspections	Uxville (3)
Lead Authority	Laura Freeland, Manager, Durham Region Environmental Health, Chief Building Official.
Inspection Protocol	A visual inspection is conducted on the property and the site is recorded by GPS then entered into a database. If a potential malfunction is detected then further inspection is conducted.
Inspection Progress	All required properties have been inspected.

9. New, Altered, or Decommissioned Drinking Water Systems

Item	Description
N/A	N/A

10. Source Protection Plan Policy Reporting Requirements

10.1. RMO Policy Reporting Requirements

SDWT	Policy ID	Status	Details
General	GEN-1	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
Waste	WST-1	Complete	One RMP negotiated to deal with disposal of waste oil and lubricants. Best management practices in place prior to RMP included safe handling, spill prevention and response and staff training. Property owner provided with source water overview in order to include in on site staff training.
	WST-6	Not Applicable	No PCB storage or disposal threats.
Agricultural Source Material	ASM-2	Not Applicable	No ASM application threats.
	ASM-4	Not Applicable	No ASM storage threats.
Non-Agricultural Source Material	NASM-1	Not Applicable	No NASM application threats.
	NASM-2	Not Applicable	No NASM storage threats.
Livestock Grazing	LIV-1	Not Applicable	No livestock grazing threats.
	LIV-3	Not Applicable	No outdoor confinement or farm-animal yard threats.
Fertilizer	FER-2	Not Applicable	No application of fertilizer threats.
	FER-3	Not Applicable	No handling and storage of fertilizer threats.
Pesticide	PES-1	Not Applicable	No application of pesticide threats.
	PES-2	Not Applicable	No handling and storage of pesticide threats.
Road Salt	SAL-1	Not Applicable	No application of road salt threats.
	SAL-2	Not Applicable	No application of road salt threats.
	SAL-7	Not Applicable	No handling of road salts threats.
Snow Storage	SNO-1	Not Applicable	No storage of snow threats.
Fuel	FUEL-3	Not Applicable	No fuel threats.
DNAPL	DNAP-1	Complete	One RMP negotiated to deal DNAPLs. Best management practices in place prior to RMP included safe handling, spill prevention and response and staff training. Property owner provided with source water overview in order to include on site in staff training. One property identified in AR as a threat was inspected and removed due to the absence of DNAPLs.
Organic Solvent	OS-1	Complete	One RMP negotiated to deal with organic solvents. Best management practices in place

			prior to RMP included safe handling, spill prevention and response and staff training. Property owner provided with source water overview in order to include on site in staff training.
Recharge	REC-2	Complete	Staff conducted screenings of all new applications for construction in wellhead protection area. No quantity threats identified.

10.2. Municipality Policy Reporting Requirements

SDWT	Policy ID	Status	Details
General	GEN-1	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	GEN-2	Complete	One RMP established. Annual Inspections to be conducted to ensure conformity.
	GEN-5	Complete	Cost of septic inspections was covered by the Region.
	GEN-7	Not Applicable	Only applicable in ICA.
	GEN-8	In Progress	Municipality has engaged and provided E&O materials to properties with significant threats. Low and moderate threats targeted for distribution in 2019.
Waste	WST-2	Complete	Exempt wastes have not been found to date.
Sewage	SWG-1	Complete	Septic inspection program completed in 2015.
	SWG-2	Complete	E&O materials developed in collaboration with area municipalities. To be delivered as needed.
	SWG-6	Complete	Regional council passed amendment to by-law #89-2003 requiring mandatory connection on December 16, 2015.
	SWG-7	Not Applicable	Only applicable in ICA.
Fertilizer	FER-4	Not Applicable	No fertilizer threats.
Pesticide	PES-4	Not Applicable	No pesticide threats.
Road Salt	SAL-8	Not Applicable	No significant road salt threats.
Fuel	FUEL-4	Not Applicable	No fuel threats.
DNAPL	DNAP-2	Complete	E&O materials developed in collaboration with area municipalities. To be delivered as needed.
Organic Solvent	OS-2	Complete	E&O materials developed in collaboration with area municipalities. To be delivered as needed.
Lake Ontario	LO-G-3	In Progress	Terms of reference have been completed. Memorandum of Understanding has been drafted.
Demand	DEM-4	In Progress	Began working with consultant in 2017 to update previous draft of conservation plan. Funding for completion in 2019 budget.

	DEM-5	Complete	E&O materials developed in collaboration with area municipalities. To be delivered as needed.
	DEM-9	Complete	Water sources outside WHPA-Q1 to reduce quantity demand have been assessed.
Recharge	REC-3	Complete	Screening tool developed to assist with property and threat verification. E&O materials developed in collaboration with local municipalities. Incentives have been reviewed and determined they are not needed.

10.3. Planning Approval Authority Policy Reporting Requirements

SDWT	Policy ID	Status	Details
Waste Disposal Site	WST-5	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
Sewage	SWG-3	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	SWG-4	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	SWG-9	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	SWG-12	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	SWG-14	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	SWG-16	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	SWG-18	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
Road Salt	SAL-3	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and

			will be completed as part of the Municipal Comprehensive Review.
Demand	DEM-2	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
Recharge	REC-1	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.

Appendix A

Significant Drinking Water Threats	A	B	C	D	Remaining SDWTs to be Addressed (A+B-C=D)
The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the <i>Environmental Protection Act</i> .	3		2	1	0
The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.	6			6	0
The application of agricultural source material to land.					
The storage of agricultural source material					
The management of agricultural source material					
The application of non-agricultural source material to land					
The handling and storage of non-agricultural source material					
The application of commercial fertilizer to land					
The handling and storage of commercial fertilizer					
The application of pesticide to land					
The handling and storage of pesticide					
The application of road salt					
The handling and storage of road salt					
The storage of snow					
The handling and storage of fuel	1		1		0
The handling and storage of a dense non-aqueous phase liquid	3		2	1	0
The handling and storage of an organic solvent	1			1	0
The management of runoff that contains chemicals used in the de-icing of aircraft					
The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard O. Reg. 385/08, section 3.					
Water taking from an aquifer without returning the water to the same aquifer or surface water body					
Reducing recharge of an aquifer					
Total	14		5	9	0

A = Original estimate of SDWT in the Approved Assessment Report

B = Additional SDWT identified after SPP approved as a result of field verification

C = SDWT included in enumeration estimates at time of plan approval but subsequently determined through field verification that: (i) it was **not** actually engaged in at a particular location after all or (ii) it was **no longer** engaged in at the location

D = SDWT addressed through policy implementation.

The Regional Municipality of Durham
Risk Management Official Annual Report
South Georgian Bay Lake Simcoe Source Protection Region
January 1 2018 – December 31 2018

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1. List of Abbreviations and Acronyms

AR	Assessment Report
ASM	Agricultural Source Material
BMP	Best Management Practice
CA	Conservation Authority
CWA	Clean Water Act, 2006
DNAPL	Dense Non-Aqueous Phase Liquid
E&O	Education and Outreach
ID	Identification
IPZ	Intake Protection Zone
MOECC	Ministry of the Environment and Climate Change
OFEC	Ontario Farm Environmental Coalition
OMAFRA	Ontario Ministry of Agriculture, Food and Rural Affairs
PI	Prescribed Instrument
RMI	Risk Management Inspector
RMM	Risk Management Measures
RMO	Risk Management Official
RMP	Risk Management Plan
SDWT	Significant Drinking Water Threat
SPA	Source Protection Authority
WHPA	Wellhead Protection Area

2. Report Information

Name of Municipality	The Regional Municipality of Durham
Source Protection Authority	South Georgian Bay Lake Simcoe
Water Supply Systems	Cannington, Sunderland, Uxbridge
SPA Staff Contact	Mike Wilson
Submitted By	Greg Lymer, Risk Management Official
Date Submitted	January 15, 2019

3. Annual Report

This annual report is provided in accordance with Section 81 of the *Clean Water Act, 2006*. It outlines the activities undertaken by the Regional Municipality of Durham in 2018 that were required by legislation as well as a summary of progress to date in implementing the Source Protection Plan.

4. Risk Management Officials, Inspectors and Training

RMO/RMI require renewal course every five years.

Name	Title	RMO/RMI Training Date	Property Entry Training Date
Greg Lymer	Risk Management Official	May 2016	May 2016
Beata Golas	Risk Management Official	October 2016	October 2016
Tavis Nimmo	Risk Management Inspector	December 2016	November 2017
Colin Hall	Risk Management Inspector	November 2017	November 2017

5. Risk Management Office

5.1. Provide an overview of work planned for 2019

Item	Description
Threat Verification	Threat verification complete.
RMPs	Continue RMP negotiation with property owners in vulnerable areas that have verified agricultural SDWTs.
E&O	Development of source water booklet is complete and has been distributed amongst the area municipalities and conservation authorities. Booklet includes high level overview of source water protection. Fact sheets outlining specific BMPs regarding fuel, road salt application, DNAPLs, organic solvents, waste oil disposal have been developed. Staff plan on distributing these materials in areas with low and moderate threat levels. Staff will continue to attend community events to promote source water protection.
Application Review and Section 59 Notices	Continue to review Planning Act/Building Permit applications.
Incentives	Reviewed incentive opportunities with Lake Simcoe conservation authorities and OMAFRA. Will continue to work with property owners to guide funding opportunities.

6. Annual Progress Report as per Section 46(1) Clean Water Act, 2006 and Section 52(1) O.Reg 287/07

6.1. Provide an update for applicable RMO implementer policies

SDWT	Policy Number	Status	Existing Percent Complete
Waste Disposal Site	WAST(b)-1,2	Complete	100
Sewage	SEWG(b)-1	Complete	100
Agriculture	ASM(App)-1,2 ASM(Store)-1,2	In Progress	60
Fertilizer	FERT(App)-1 FERT(H&S)-1,2	Complete	100
Pesticide	PEST(App)-1 PEST(H&S)-1,2	In Progress	60
Fuel	FUEL-1,2	In Progress	100
DNAPL	DNAPL-1,2	In Progress	90
Organic Solvents	SOLV-1	In Progress	90
Livestock Grazing	LSTOCK-1,2,3	In Progress	50
Restricted Land Use	RLU-1	Complete	100

6.2. Provide an explanation for SDWT listed as no progress made in section 4.1.

SDWT	Comments
N/A	N/A

6.3. Provide the estimated number of RMPs required and completed to address SDWTs

SDWT	SDWTs Requiring RMP	RMPs Agreed to or Established	Properties Subject to RMPs	SDWTs Managed Through RMPs
Waste Disposal Site	1	1	1	1
Agriculture	4	0	4	0
Pesticide	3	0	3	0
DNAPL	3	2	3	2
Organic Solvents	3	2	3	2
Livestock Grazing	2	0	2	0

6.4. Additional risk management measures required by Durham to be implemented in risk management plans

SDWT	Additional Risk Management Measures
DNAPL	Some (<50%)
Organic Solvents	Some (<50%)

6.5. Provide the number and type of Section 59 notices issued. The risk management office reviews planning/building applications in vulnerable areas to determine if potential land use activities pose a threat to the quality or quantity of municipal drinking water sources.

Number of Section 59 Notices Where no Prohibition or no RMP Required	Number of Section 59 Notices Where RMP Required
3	0

6.6. Provide the number and type of any prescribed instrument the RMO received in order to conform to a SDWT policy.

SDWT	Prescribed Instrument
0	N/A

6.7. Provide the number of inspections conducted to date.

Inspections for Prohibited Activities	Inspections Indicating that Prohibited Activities were Taking Place	Inspections for Activities that Require an RMP	Inspections Where RMI Found a SDWT Activity Taking Place Without an RMP	Inspections Where RMI Found Non-Compliance with RMP	Properties Inspected
0	0	8	0	0	41

6.8. Describe how any cases of non-compliance were resolved.

Case	Resolution
N/A	No non-compliance cases were discovered.

6.9. Describe the amount of new or additional source protection information the RMO/RMI learned through their duties.

New Information	Comments
No New Information	N/A

6.10. Describe any incentive programs that assisted with policy implementation.

Type of Incentive	Source of Incentive	SDWT	Degree to Which the Incentive Assisted Implementation	Comments
Septic Inspection	Durham Region	Septic	Significant (100%)	Durham covered the cost of the septic inspections for all properties identified as a SDWT.

6.11. RMO tools and resources evaluation

Tool / Resource		Comments and Suggestions
Source protection Interactive Mapping Tool	<input checked="" type="checkbox"/>	Assists both Durham and area municipality in locating properties impacted by source water protection.
Risk Management Official Forum	<input type="checkbox"/>	
Resource Catalogue /	<input checked="" type="checkbox"/>	Assisting in development of E&O materials.

Campaign in a Box toolkit		
Education & Outreach webinar	<input checked="" type="checkbox"/>	Assisting in development of E&O materials.
Education & Outreach community of practice	<input type="checkbox"/>	
Guidance Materials (fact sheets, information bulletins)	<input checked="" type="checkbox"/>	Assisting in development of E&O materials.
MOECC Training (e.g. RMO Certification, property entry)	<input checked="" type="checkbox"/>	Reference material
OMAFRRA/OFEC information sessions	<input checked="" type="checkbox"/>	Assisting with development of agricultural materials and establishing dialogue
Other: Please Specify:	<input checked="" type="checkbox"/>	Source Water Protection table of threats and circumstances tool aids in threat verification.

6.12. Provide a list of SDWTs listed in negotiated RMPs. See appendix A for a detailed summary of SDWT by type.

Township	Zone	Score	Threat Type
Cannington	WHPA-B	10	Waste Disposal Site
	WHPA-B	10	DNAPL
	WHPA-B	10	Organic Solvent
Uxbridge	WHPA-A	10	DNAPL
	WHPA-A	10	Organic Solvent

7. Legislated Annual Reporting Requirements as per section 81 Clean Water Act, 2006 and section 65 O.Reg 287/07

7.1. Risk Management Plans Agreed to Under Section 58(5) of CWA

#	Township	WHPA or IPZ	SDWT Activity
1	Cannington	WHPA-B	Waste disposal site, DNAPL, Organic solvent
2	Uxbridge	WHPA-A	DNAPL, Organic solvent

7.2. Risk Management Plans Established by Order Under Section 58(10) Of CWA

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.3. Risk Management Plans Established by Order Under Section 58(12) Of CWA

#	Township	WHPA or IPZ	SDWT Activity	Reason for Refusal
0	-	-	-	-

7.4. Risk Management Plans RMO Refused to Agree to or Establish Under Section 58(16) or Section 58(15) of CWA

#	Township	WHPA or IPZ	SDWT Activity	Circumstances
0	-	-	-	-

7.5. Orders Issued by RMO Under Part IV of CWA

#	Township	WHPA or IPZ	SDWT Activity	Circumstances
0	-	-	-	-

7.6. Notices Received from a Person Engaged in an Activity, Notifying RMO of Their Possession/Intent to Obtain Prescribed Instrument Under Section 61(2) & (7) Of CWA

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.7. Notices Issued by RMO Under Section 61(6) & (8) of CWA Notifying a Person Engaged in a SDWT Activity of the Termination of an Exemption Under Section 61(1)

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.8. Section 61 (1) Exemptions Granted

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.9. Inspections Carried Out Under a Risk Management Plan

#	Township	WHPA or IPZ	SDWT Activity
1	Cannington	WHPA-B	Waste Disposal Site, DNAPL, Organic Solvent
2	Uxbridge	WHPA-A	DNAPL, Organic solvent

7.10. Inspections Resulting In Non-Compliance with a Risk Management Plan

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.11. Inspections Conducted on Prohibited Activities

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.12. Cases Where Prohibited Activities Were Being Engaged in During Inspections

Description of Circumstances
N/A

7.13. Risk Assessments Submitted, Accepted and Not Accepted Under Section 60

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.14. Instances Where RMO Caused a Thing to be Done Under Section 64 of CWA

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.15. Prosecutions Made Under Section 106 of CWA

Description
N/A

7.16. Prosecutions Made Under Section 106 of CWA Resulting in Conviction

Description
N/A

8. Septic Re-Inspection Program

Item	Description
Required Inspections	Uxbridge (1) Sunderland (1) Cannington (18)
Lead Authority	Laura Freeland, Manager, Durham Region Environmental Health, Chief Building Official.
Inspection Protocol	A visual inspection is conducted on the property and the site is recorded by GPS then entered into a database. If a potential malfunction is detected then further inspection is conducted.
Inspection Progress	All required properties have been inspected.

9. New, Altered, or Decommissioned Drinking Water Systems

Location	Description
Cannington	Two new wells drilled in Cannington. Preliminary readings showed that the combined capacity of the two wells produced approximately 150 gpm (9.5 L/s). New threats have not been added to this report as wells have not been put into production.
Sunderland	Drilled a new well near the standpipe. Emergency well currently under construction to connect to existing infrastructure. New threats have not been added to this report as wells have not been put into production.

10. Source Protection Plan Policy Reporting Requirements

10.1. RMO Policy Reporting Requirements

SDWT	Policy Number	Status	Details
Waste Disposal Site	WAST(b)- 1	Complete	One RMP negotiated to deal with disposal of waste oil and lubricants. Best management practices in place prior to RMP included safe handling, spill prevention and response and staff training. Property owner provided with source water overview in order to include in on site staff training.
	WAST(b)- 2	Not Applicable	No future threats seen through planning/building permit application.
Sewage	SEWG(b) -1	Not Applicable	No SDWTs requiring RMP in 2018.

Agricultural Source Material	ASM(App)-1	In Progress	Threat verification complete. RMPs will continue to be negotiated in 2019.
	ASM(App)-2	Not Applicable	No future threats found in 2018.
	ASM(Store)-1	Not Applicable	No existing storage threats.
	ASM(Store)-2	Not Applicable	No future storage threats.
Non-agricultural Source Material	NASM(App)-1	Not Applicable	No NASM threats.
	NASM(App)-2	Not Applicable	
	NASM(H&S)-1	Not Applicable	
	NASM(H&S)-2	Not Applicable	
Fertilizer	FERT(App)-1	Not Applicable	Fertilizer threats previously thought to exist are not significant in accordance with the table of circumstances.
	FERT(H&S)-1	Not Applicable	No handling and storage threats.
	FERT(H&S)-2	Not Applicable	
Pesticide	PEST(App)-1	In Progress	RMPs to be negotiated in 2019. RMP dependent on type of pesticide being applied.
	PEST(H&S)-1	Not Applicable	No handling and storage threats.
	PEST(H&S)-2	Not Applicable	
Road Salt	SALT(App)-1	Not Applicable	No application threats in vulnerable areas.
	SALT(H&S)-1	Not Applicable	No handling and storage threats.
Snow Storage	SNOW-1	Not Applicable	No snow threats.
	SNOW-2	Not Applicable	
Fuel	FUEL-1	Complete	No fuel threats found through verification efforts.
	FUEL-2	Not Applicable	No threats found in 2018.
Dense Non-Aqueous Phase Liquids	DNAPL-1	In Progress	One RMP currently being negotiated for added threat missed during initial verification efforts.
	DNAPL-2	Not Applicable	No threats found in 2018.
Organic Solvents	SOLV-1	In Progress	One RMP currently being negotiated for added threat missed during initial verification efforts.
Livestock Grazing	LSTOCK-1	In Progress	Verification efforts complete. RMP dependent on livestock density on two properties.
	LSTOCK-2	Not Applicable	No outdoor confinement areas or farm animal yard threats.
	LSTOCK-3	Not Applicable	
Restricted Land Use	RLU-1	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.

10.2. Municipality Policy Reporting Requirements

SDWT	Policy Number	Status	Details
Waste Disposal Site	WAST(b)- 5	Complete	The Region owns and operates municipal hazardous waste drop-off locations include the waste management facilities in Oshawa, Port Perry and Brock. Staff attended a Region Municipal Hazardous Waste drop-off event to promote source water protection.
Sewage	SEWG(b) -5	Complete	Durham Region Sewer Use By-law #55-2013 does not permit cross connections. Durham also has no combined sewer overflows.
	SEWG(c)- 3	Complete	Region council passed amendment to by-law #89-2003 requiring mandatory connection on December 16, 2015.
	SEWG(c)- 4	Not Applicable	Area municipality responsibility.
Road Salt	SALT(H&S)- 2	Not Applicable	No handling and storage threats.
Fuel	FUEL-4	Not Applicable	Area municipality responsibility through property standards by-law.
Organic Solvents	SOLV-2	Complete	No threats found in 2018.
Demand	DEMD-3	In Progress	Began working with consultant in 2017 to update previous draft of conservation plan. Funding for completion in 2019 budget.
E&O	EDU-11	Complete	Signage installed prior to plan approval.
Incentive	INCENT- 3	Not Applicable	Area municipality responsibility.
	INCENT- 4	Not Applicable	Area municipality responsibility.

10.3. Planning Approval Authority Policy Reporting Requirements

SDWT	Policy Number	Status	Details
Land Use Planning	LUP-1	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	LUP-2	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	LUP-3	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	LUP-4	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal

		Comprehensive Review.
LUP-5	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-6	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-7	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-8	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-10	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-11	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-12	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-13	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
LUP-15	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.

Appendix A

Significant Drinking Water Threats	A	B	C	D	Remaining SDWTs to be Addressed (A+B-C-D)
The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the <i>Environmental Protection Act</i> .	1			1	0
The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.	21	2	3	20	0
The application of agricultural source material to land.	11		7		4
The storage of agricultural source material					
The management of agricultural source material					
The application of non-agricultural source material to land					
The handling and storage of non-agricultural source material					
The application of commercial fertilizer to land		2	2		0
The handling and storage of commercial fertilizer					
The application of pesticide to land	9		6		3
The handling and storage of pesticide					
The application of road salt					
The handling and storage of road salt					
The storage of snow					
The handling and storage of fuel	27	1	4	24	0
The handling and storage of a dense non-aqueous phase liquid	15	1	13	2	1
The handling and storage of an organic solvent	1	3	1	2	1
The management of runoff that contains chemicals used in the de-icing of aircraft					
The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard O. Reg. 385/08, section 3.		3	1		2
Water taking from an aquifer without returning the water to the same aquifer or surface water body					
Reducing recharge of an aquifer					
Total	85	12	37	49	11

A = Original estimate of SDWT in the Approved Assessment Report

B = Additional SDWT identified after SPP approved as a result of field verification

C = SDWT included in enumeration estimates at time of plan approval but subsequently determined through field verification that: (i) it was **not** actually engaged in at a particular location after all or (ii) it was **no longer** engaged in at the location

D = SDWT addressed through policy implementation

The Regional Municipality of Durham
Risk Management Official Annual Report
Trent Conservation Coalition Source Protection Region
January 1 2018 – December 31 2018

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1. List of Abbreviations and Acronyms

AR	Assessment Report
BMP	Best Management Practices
CA	Conservation Authority
CWA	Clean Water Act, 2006
DNAPL	Dense Non-Aqueous Phase Liquid
E&O	Education and Outreach
ID	Identification
IPZ	Intake Protection Zone
MOECC	Ministry of the Environment and Climate Change
OFEC	Ontario Farm Environmental Coalition
OMAFRA	Ontario Ministry of Agriculture, Food and Rural Affairs
PI	Prescribed Instrument
RMI	Risk Management Inspector
RMM	Risk Management Measures
RMO	Risk Management Official
RMP	Risk Management Plan
SDWT	Significant Drinking Water Threat
SPA	Source Protection Authority
WHPA	Wellhead Protection Area

2. Report Information

Name of Municipality	The Regional Municipality of Durham
Source Protection Authority	Trent Conservation Coalition Source Protection Region
Water Systems	Blackstock, Greenbank, Port Perry, Orono, Newcastle
SPA Staff Contact	Jenna Stephens, Pam Lancaster
Submitted By	Greg Lymer, Risk Management Official
Date Submitted	January 15, 2019

3. Annual Report

This annual report is provided in accordance with Section 81 of the *Clean Water Act, 2006*. It outlines the activities undertaken by the Regional Municipality of Durham in 2018 that were required by legislation as well as a summary of progress to date in implementing the Source Protection Plan.

4. Risk Management Officials, Inspectors and Training

RMO/RMI require renewal course every five years.

Name	Title	RMO/RMI Training Date	Property Entry Training Date
Greg Lymer	Risk Management Official	May 2016	May 2016
Beata Golas	Risk Management Official	October 2016	October 2016
Tavis Nimmo	Risk Management Inspector	December 2016	November 2017
Colin Hall	Risk Management Inspector	November 2017	November 2017

5. Risk Management Office

5.1. Provide an overview of work planned for 2019

Item	Description
Threat Verification	Threat verification for one property remains.
RMPs	Continue RMP negotiation with property owners in vulnerable areas that have verified agricultural SDWTs.
E&O	Development of source water booklet is complete and has been distributed amongst the area municipalities and conservation authorities. Booklet includes high level overview of source water protection. Fact sheets outlining specific BMPs regarding fuel, road salt application, DNAPLs, organic solvents, waste oil disposal have been developed. Staff plan on distributing these materials in areas with low and moderate threat levels. Staff will continue to attend community events to promote source water protection.
Application Review and Section 59 Notices	Continue to review Planning Act/Building Permit applications.

Incentives	Reviewed incentive opportunities with Kawartha conservation and Alternative Land Use Services (ALUS) Canada to promote to agricultural properties
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6. Annual Progress Report as per Section 46(1) Clean Water Act, 2006 and Section 52(1) O.Reg 287/07

6.1. Provide an update for applicable policy implementation

SDWT Type	Policy ID	Status	Existing Percent Complete
Sewage Systems	S-9; S-10	Complete	100
Agriculture	A-1(1-3); A-4(1-3)	In Progress	40
Fuel	F-1; F-2(1-2)	Complete	100

6.2. Provide an explanation for SDWT listed as no progress made in section 6.1.

SDWT	Comments
N/A	N/A

6.3. Provide the number of RMPs required and completed to address SDWTs

SDWT	RMPs Required	RMPs Agreed to or Established	Properties Subject to RMPs	SDWT Managed Through RMPs
Agriculture	7	2	8	20
Fuel	2	2	2	2

Note: One RMP may cover two properties.

6.4. Additional risk management measures required by Durham to be implemented in risk management plans

SDWT	Additional Risk Management Measures
Fuel	Some (<50%)

6.5. Provide the number and type of Section 59 notices issued. The risk management office reviews planning/building applications in vulnerable areas to determine if potential land use activities pose a threat to the quality or quantity of municipal drinking water sources.

Number of Section 59 Notices Where No Prohibition or No RMP Required	Number of Section 59 Notices Where RMP Required
2	0

6.6. Provide the number and type of prescribed instrument the RMO received in order to conform to a SDWT policy.

SDWT	Prescribed Instrument
N/A	N/A

6.7. Provide the number of inspections that have been conducted to date.

Properties Inspected	Inspections for Prohibited Activities	Inspections Indicating that Prohibited Activities were Taking Place	Inspections for Activities that Require an RMP	Inspections Where RMI Found a SDWT Activity Taking Place Without an RMP	Inspections Where RMI Found Non-Compliance with RMP
34	0	0	9	0	0

6.8. Describe how any cases of non-compliance were resolved.

Case	Resolution
0	No non-compliance cases were discovered.

6.9. Describe the amount of new or additional source protection information the RMO/RMI learned through their duties.

New Information	Comments
Some New Information	Prescribed instrument requirements under the Nutrient Management Act in regards to NMS/NMPs. Funding opportunities for property owners.

6.10. Describe any incentive programs that assisted with policy implementation.

Type of Incentive	Source of Incentive	SDWT	Degree to Which the Incentive Assisted With the Implementation	Comments
Drip Tray and Alarm	Durham Region	Fuel	Significant (100%)	Will continue to monitor.
Septic Inspection	Durham Region	Septic	Significant (100%)	Durham covered the cost of the septic inspections for all properties identified as a SDWT.

6.11. RMO tools and resources evaluation

Tool / Resource		Comments and Suggestions
Source protection Interactive Mapping Tool	<input checked="" type="checkbox"/>	Assists both Durham and area municipality in locating properties impacted by source water protection.
Risk Management Official Forum	<input type="checkbox"/>	
Resource Catalogue / Campaign in a Box toolkit	<input checked="" type="checkbox"/>	Assisted in development of E&O materials.
Education & Outreach webinar	<input checked="" type="checkbox"/>	Assisted in development of E&O materials.
Education & Outreach community of practice	<input type="checkbox"/>	

Guidance Materials (fact sheets, information bulletins)	<input checked="" type="checkbox"/>	Assisting in development of E&O materials.
MOECC Training (e.g. RMO Certification, property entry)	<input checked="" type="checkbox"/>	Reference Material
OMAFRA/OFEC information sessions	<input checked="" type="checkbox"/>	Assisting with development of agricultural materials and establishing dialogue.
Other: Please Specify:	<input checked="" type="checkbox"/>	Source Water Protection table of threats and circumstances tool aids in threat verification. Conservation authorities providing input for funding opportunities. Speaking to certified crop advisors and nutrient management specialists.

6.12. Provide a list of SDWT listed in negotiated RMPs. See appendix A for a detailed summary of SDWT by type.

Township	Zone	Score	Threat Type
Port Perry	WHPA-A	10	Fuel
Port Perry	WHPA-A	10	Livestock Grazing
Newcastle	IPZ-2	Modelled	Fuel
Greenbank	WHPA-A	align="center">10	ASM Application
			Fertilizer Application

7. Legislated Annual Reporting Requirements as per section 81 Clean Water Act, 2006 and section 65 O.Reg 287/07

7.1. Risk Management Plans Agreed to Under Section 58(5) of CWA

#	Township	WHPA or IPZ	SDWT Activity
1	Port Perry	WHPA-A	Fuel
2	Port Perry	WHPA-A	Livestock Grazing
3	Newcastle	IPZ-2	Fuel
4	Greenbank	WHPA-A	ASM Application, Fertilizer Application

7.2. Risk Management Plans Established by Order Under Section 58(10) Of CWA

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.3. Risk Management Plans Established by Order Under Section 58(12) Of CWA

#	Township	WHPA or IPZ	SDWT Activity	Reason for Refusal
0	-	-	-	-

7.4. Risk Management Plans RMO Refused to Agree to or Establish Under Section 58(16) or Section 58(15) of CWA

#	Township	WHPA or IPZ	SDWT Activity	Circumstances
0	-	-	-	-

7.5. Orders Issued by RMO Under Part IV of CWA

#	Township	WHPA or IPZ	SDWT Activity	Circumstances
0	-	-	-	-

7.6. Notices Received from a Person Engaged in an Activity, Notifying RMO of Their Possession/Intent to Obtain Prescribed Instrument Under Section 61(2) & (7) Of CWA

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.7. Notices Issued by RMO Under Section 61(6) & (8) of CWA Notifying a Person Engaged in a SDWT Activity of the Termination of an Exemption Under Section 61(1)

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.8. Section 61 (1) Exemptions Granted

#	Township	WHPA or IPZ	SDWT Activity	Prescribed Instrument
0	-	-	-	-

7.9. Inspections Carried Out Under a Risk Management Plan

#	Township	WHPA or IPZ	SDWT Activity
1	Port Perry	WHPA-A	Fuel
2	Port Perry	WHPA-A	Livestock Grazing
3	Newcastle	IPZ-2	Fuel
4	Greenbank	WHPA-A	ASM Application, Fertilizer Application

7.10. Inspections Resulting In Non-Compliance with a Risk Management Plan

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.11. Inspections Conducted on Prohibited Activities

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.12. Cases Where Prohibited Activities Were Being Engaged in During Inspections

Description of Circumstances
N/A

7.13. Risk Assessments Submitted, Accepted And Not Accepted Under Section 60

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.14. Instances Where RMO Caused a Thing to be Done Under Section 64 of CWA

#	Township	WHPA or IPZ	SDWT Activity
0	-	-	-

7.15. Prosecutions Made Under Section 106 of CWA

Description
N/A

7.16. Prosecutions Made Under Section 106 of CWA Resulting in Conviction

Description
N/A

8. Septic Re-Inspection Program

Item	Description
Required Inspections	Blackstock (5) Greenbank (17) Port Perry (3)
Lead Authority	Laura Freeland, Manager, Durham Region Environmental Health, Chief Building Official.
Inspection Protocol	A visual inspection is conducted on the property and the site is recorded by GPS then entered into a database. If a potential malfunction of the septic system is detected then further inspection is conducted.
Inspection Progress	All required properties have been inspected.

9. New, Altered, or Decommissioned Drinking Water Systems

Township	Description
N/A	N/A

10. Source Protection Plan Reporting Requirements

10.1. RMO Reporting Requirements

Type	Policy No.	Status	Details
General	G-8(1)	In Progress	Implementation of source protection plan and negotiation of RMPs underway.
	G-8(2)	In Progress	Threats on agricultural properties are the only remaining RMPs that require establishment.
	G-8(3)	In Progress	The miscellaneous provisions required by this policy have been established in the RMP process.
Sewage	S-9	Complete	Septic inspections completed in 2015.
	S-10	Not Applicable	No future threats in 2018. Section 59 screening tool will be used for future threat verification.
Agriculture	A-1(1)	In Progress	Threat verification almost complete. Only one property requires SDWT verification. Two agricultural RMPs in the negotiation process. RMPs will continue to be negotiated and established in 2019. RMO will also review

			existing prescribed instruments and funding that can be applied to satisfy the policy.
	A-1(2)	In Progress	Applicable prescribed instruments will be considered, as appropriate. Consultation with certified crop advisors will be conducted.
	A-1(3)	Not Applicable	No handling and storage of pesticide threats present.
	A-4(1)	Not Applicable	No future threats requiring prohibition found in 2018.
	A-4(2)	Not Applicable	No future threats requiring RMP found in 2018.
	A-4(3)	Not Applicable	No future threats requiring a prescribed instrument found in 2018.
Fuel	F-1	Not Applicable	No futures threats requiring prohibition found in 2018.
	F-2(1)	Complete	Fuel threat RMPs have been negotiated and established.
	F-2(2)	Complete	Annual inspection required as part of negotiated RMP.
Road Salt	R-1(1)	Not Applicable	No road salt threats.
	R-1(2)	Not Applicable	No road salt application threats.
	R-5	Not Applicable	No road salt storage threats.
	R-6	Not Applicable	No road salt storage threats.
Waste Disposal Site	W-3	Not Applicable	No waste disposal site threats.
	W-4(1)	Not Applicable	No waste disposal site threats.
	W-4(2)	Not Applicable	No waste disposal site threats.
DNAPL	D-1	Not Applicable	No DNAPL threats.
	D-2	Not Applicable	No DNAPL threats.
	D-3(1)	Not Applicable	No DNAPL threats.
	D-3(2)	Not Applicable	No DNAPL threats.
Non-Agricultural Source Material	N-2	Not Applicable	No NASM application, storage or handling threats.
	N-3	Not Applicable	No NASM application, storage or handling threats.
Snow Storage	O-1(3)	Not Applicable	No snow storage threats.
	O-2	Not Applicable	No snow storage threats.
Aquaculture	Q-1	Not Applicable	No aquaculture threats.
	Q-2	Not Applicable	No aquaculture threats.
Aircraft De-icing	P-1(1)	Not Applicable	No De-icing threats.
	P-1(4)	Not Applicable	No De-icing threats.
Monitoring for Nitrate	I-1	Not Applicable	Blackstock Well 1 decommissioned to eliminate nitrate issue. Groundwater from MW8 continues to be monitored for nitrates, results are listed in the annual water quality report.

10.2. Municipality Reporting Requirements

Type	Policy No.	Status	Details
General	G-3(1)	Not Applicable	No properties purchased in 2018.
	G-5(1)	Complete	Source water overview materials developed in collaboration with area municipalities. Additional targeted material developed to address low and moderate threats. E&O policy.
	G-5(2)	Complete	Source water overview materials developed in collaboration with area municipalities. Additional targeted material developed to address low and moderate threats.
	G-5(3)	Complete	Durham taking lead role in E&O.
	G-5(4)	Complete	Durham taking lead role in E&O.
	G-5(5)	Complete	E&O program continues to be developed, materials include fact sheets and BMPs to eliminate threats to drinking water, this includes existing and future fuel threats.
	G-5(6)	Complete	Targeted materials developed. Materials include fact sheets and BMPs to eliminate threats to drinking water; this includes existing and future fuel threats.
	G-6(3)	Complete	Signs installed prior to plan approval.
	G-11(1)	Complete	All emergency response plans updated.
Sewage	S-1(1)	Complete	Septic inspections completed in 2015.
	S-4(1)	Complete	By-law requiring mandatory connection approved by council in 2015.
	S-6(1)	Complete	Emergency response plan updated.
	S-6(3)	Complete	Maintenance and asset management activities have been assessed and completed.
	S-8(2)	Not Applicable	Area municipality responsible for stormwater management.
Snow Storage	O-1(1)	Not Applicable	No snow storage threats.
	O-1(2)	Not Applicable	No snow storage threats.
Transportation Corridors	OT-1(1)	Complete	Spill response plan updated.
	OT-1(2)	Complete	Response plan reviewed and updated as needed annually.
Transport Pathways	OT-2(1)	Complete	Targeted materials developed. Materials include fact sheets and BMPs to eliminate threats to drinking water.
	OT-2(2)	Complete	By-law requiring elimination of transport pathways approved by council in 2015.
Pipeline	L-2(8)	Complete	Spills response plan located at all plants and maintenance depots. Also available online in the Regions Integrated Management System.

			Includes notification of all applicable parties in the event of a spill.
	L-2(9)	Complete	Spills response for pipeline rupture updated to include source water protection.
	L-2(10)	Complete	No activation of emergency response plan in 2017.
	L-2(11)	Complete	Emergency response plans reviewed annually and updated as needed.
Water Quantity Demand	Y-1(6)	Complete	Began working with consultant in 2017 to update previous draft of conservation plan. Funding for completion in 2019 budget.

10.3. Planning Approval Authority Reporting Requirements

Type	Policy No.	Status	Details
General	G-10(1)	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
Sewage	S-3(2)	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	S-4(3)	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	S-5(1)	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
	S-7(1)	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
Road Salt	R-4(3)	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.
Waste	W-2(2)	In Progress	Amendments to the Durham Region Official Plan to implement the policy have been initiated and will be completed as part of the Municipal Comprehensive Review.

Appendix A

Significant Drinking Water Threats	A	B	C	D	Remaining SDWTs to be Addressed (A+B-C=D)
The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the <i>Environmental Protection Act</i> .					
The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.	88	1	62	27	0
The application of agricultural source material to land.	8		4	1	3
The storage of agricultural source material	1				1
The management of agricultural source material					
The application of non-agricultural source material to land	1		1		0
The handling and storage of non-agricultural source material					
The application of commercial fertilizer to land	63		59	1	3
The handling and storage of commercial fertilizer	1		1		0
The application of pesticide to land	7		1	1	5
The handling and storage of pesticide	1		1		0
The application of road salt					
The handling and storage of road salt					
The storage of snow					
The handling and storage of fuel	34	2	33	3	0
The handling and storage of a dense non-aqueous phase liquid	2		2		0
The handling and storage of an organic solvent					
The management of runoff that contains chemicals used in the de-icing of aircraft					
The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard O. Reg. 385/08, section 3.	1	2		1	2
Water taking from an aquifer without returning the water to the same aquifer or surface water body					
Reducing recharge of an aquifer					
Total	207	5	164	34	14

A = Original estimate of SDWT in the Approved Assessment Report

B = Additional SDWT identified after SPP approved as a result of field verification

C = SDWT included in enumeration estimates at time of plan approval but subsequently determined through field verification that: (i) it was **not** actually engaged in at a particular location after all or (ii) it was **no longer** engaged in at the location

D = SDWT addressed through policy implementation



2019-01-18 2:55

January 18, 2019

The Regional Municipality of Durham

Office of the Chief Administrative Officer

605 Rossland Rd. E. Level 5 PO Box 623 Whitby, ON L1N 6A3 Canada

905-668-7711 1-800-372-1102 Fax: 905-668-1567

durham.ca

Elaine Baxter-Trahair B.M.Edu, MBA Chief Administrative Officer

Mr. Ken Petersen Manager, Provincial Planning Policy Branch Local Government and Planning Policy Division Ministry of Municipal Affairs 777 Bay Street 13th Floor Toronto, ON M5G 2E5

Via email: ken.petersen@ontario.ca and PlanningConsultation@ontario.ca

Re: Environmental Registry of Ontario Numbers 013-4293, 013-4125 and 013-4239) regarding Bill 66 (Schedule 10) – Proposed Amendments to the Planning Act and Open-for-Business Planning Tool and Regulation

C.S. - LEGISLATIVE SERVICES

Original To: CP Copy To: C.C. S.C.C. File Take Appr. Action

Dear Mr. Petersen:

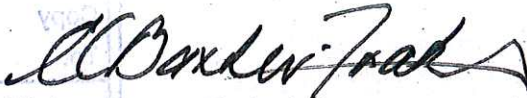
Please be advised that the Durham Region Committee of the Whole considered Report #2019-COW-06 Durham's Response to Bill 66 (refer to Attachment) on January 16, 2019. The report advised Committee of the Whole that the Province has introduced legislation to amend the Planning Act in support of a new economic development tool, the Open-for-Business planning by-law as described in the three ERO postings noted above. The report was discussed at length, slightly amended, and adopted by Committee. The report, and Committee recommendations attached, form the Region's submission on the changes proposed in these postings.

If you require this document in accessible format please contact 1-800-372-1102, extension 2009

However, please note that to meet the commenting deadline, this submission has not yet been ratified by Regional Council which meets on January 30, 2019. The Regional Clerk will notify you of Regional Council's final decision, on this submission, after that meeting.

We appreciated the opportunity to comment.

Respectfully submitted,



Elaine Baxter-Trahair
Chief Administrative Officer

cc Ralph Walton, Regional Clerk, Region of Durham

Attachment 1. Report #2019-COW-06 Durham's Response to Bill 66,
Restoring Ontario's Competitiveness Act, 2018



January 18, 2019

**The Regional
Municipality
of Durham**

Office of the Chief
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Elaine Baxter-Trahair
B.M.Ed., MBA
Chief Administrative Officer

Mr. Michael Helfinger
Intergovernmental Policy Coordination Unit
Ministry of Economic Development, Job Creation and Trade
900 Bay Street, Hearst Block
7th Floor
Toronto, ON
M6H 4L1

Via email: Michael.Helfinger@ontario.ca

**Re: ERO#013-4293 Bill 66, Restoring Ontario's Competitiveness Act,
2018**

Dear Mr. Helfinger:

Please be advised that the Durham Region Committee of the Whole considered Report #2019-COW-06 Durham's Response to Bill 66 (refer to Attachment) on January 16, 2019. The report advised Committee of the Whole that the Province has introduced legislation to amend various Acts.

Of key concern to the Region are changes proposed in Schedule 10 (the Planning Act) in support of a new economic development tool, the Open-for-Business Planning By-law. The Region also makes recommendations on Schedule 2 (the Pawnbrokers Act) and Schedule 7 (the Technical Standards and Safety Act) and provides a recommendation to the Ministry of Transportation. The report was discussed at length, and with three amendments, adopted by Committee. The report, and Committee of the Whole recommendations attached, form the Region's submission in response to the changes proposed in Bill 66 and related ERO postings.

However, please note that to meet the commenting deadline, this submission has not yet been ratified by Regional Council which meets on January 30, 2019. The Regional Clerk will notify you of Regional Council's final decision, on this submission, after that meeting.

Respectfully submitted,



Elaine Baxter-Trahair
Chief Administrative Officer

cc Ralph Walton, Regional Clerk, Region of Durham

Attachment 1. Report #2019-COW-06 Durham's Response to Bill 66,
Restoring Ontario's Competitiveness Act, 2018

2019 -COW- 6 Recommendations as adopted by Durham Region Committee of the Whole,
January 16, 2019

- A) Durham's Response to Bill 66, Restoring Ontario's Competitiveness Act, 2018
(2019-COW-6)
-
- A) That Report #2019-COW-6 of the Chief Administrative Officer be forwarded to the relevant ministry contacts following the Committee of the Whole on January 16, 2019 with a cover letter indicating these recommendations will not be ratified by Council until January 30, 2019;
- B) That with respect to Schedule 2 of Bill 66, which would repeal the Pawnbrokers Act, that the Attorney General be encouraged to explore an alternative provincial policy approach to reduce the criminal activity related to pawnshops and sale of second-hand goods;
- C) That with respect to Schedule 7 of Bill 66 relating to the Technical Standards and Safety Act, the Region recommends that the Minister of Government and Consumer Services ensure:
- i) That appropriate consultation and advanced communications to affected sectors should be the first step in the introduction of "alternate rules"; and
 - ii) Oversee and reinforce that the principle of protection of public safety is the key goal in the design of Technical Standards and Safety Authority inspection and compliance regimes;
- D) That with respect to Schedule 10 of Bill 66 and proposed Open-for-Business Planning By-law tool, the following recommendations be made to the Minister of Municipal Affairs:
- i) That an open-for-business planning by-law proposed under Bill 66 not be exempt from Section 3(5) of the Planning Act requiring consistency with the Provincial Policy Statement;
 - ii) That pre-consultation should be a requirement to ensure timely information sharing. Similarly, applications filed under this process should include complete information as determined by the area municipality to enable informed decision making;
 - iii) That open for business by-laws remain subject to the provisions of the Great Lakes Protection Act, the Lake Simcoe Protection Act, the Clean Water Act and Source Protection Plans to ensure public health and safety;

Report 2019 -COW- 6 Recommendations as adopted by Durham Region Committee of the Whole,
January 16, 2019

- iv) That the Province clarify how the summary site plan review process would enable a municipality to require or implement off-site development related conditions, in the absence of the use of Holding (H) provisions;
 - v) That the Province afford either the Minister or the local municipality the ability to require employment performance measures on the developments approved under an open-for-business planning by-law and monitor its effectiveness;
 - vi) That there should be a mechanism for the open-for-business planning by-law to automatically lapse without having to formally repeal the by-law (e.g. if a building permit is not issued for the project within a specified time such as 24 months);
 - vii) The Province clarify how Greater Golden Horseshoe municipalities should plan for these open-for-business planning by-laws within the context of the required Employment Strategy, that upper tier municipalities must undertake to implement the Growth Plan;
 - viii) That the Province strengthen the restrictions on permissible secondary uses to only employment-generating uses to ensure that the focus is maintained on targeted employment uses; and
 - ix) That the Province impose a time limit on the open-for-business planning tools and require a formal review within three years of them coming into full force and effect; and
- E) That the Regional Clerk notify Durham MPPs, the local area municipalities, and the Association of Municipalities of Ontario of the adoption of these recommendations by Regional Council and forward them a copy of Report #2019-COW-6 and recommendations;
- F) And further:

That the Province be requested to dispense with Class Environmental Assessments with regards to the expansion of existing roads.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2564



The Regional Municipality of Durham Report

To: The Committee of the Whole
From: Chief Administrative Officer
Report: #2019-COW-6
Date: January 16, 2019

Subject:

Durham's Response to Bill 66, Restoring Ontario's Competitiveness Act, 2018

Recommendations:

That the Committee of the Whole recommends to Regional Council:

- A) That Committee's report and recommendations be forwarded to the relevant ministry contacts following the Committee of the Whole on January 16, 2019 with a cover letter indicating these recommendations will not be ratified by Council until January 30, 2019;
- B) That with respect to Schedule 2 of Bill 66, which would repeal the Pawnbrokers Act, that the Attorney General be encouraged to explore an alternative provincial policy approach to reduce the criminal activity related to pawnshops and sale of second-hand goods;
- C) That with respect to Schedule 7 of Bill 66 relating to the Technical Standards and Safety Act, the Region recommends that the Minister of Government and Consumer Services ensure:
 - i) that appropriate consultation and advanced communications to affected sectors should be the first step in the introduction of "alternate rules"; and
 - ii) oversee and reinforce that the principle of protection of public safety is the key goal in the design of Technical Standards and Safety Authority inspection and compliance regimes;
- D) That with respect to Schedule 10 of Bill 66 and proposed Open-for-Business Planning By-law tool, the following recommendations be made to the Minister of Municipal Affairs:

- i) that an open-for-business planning by-law proposed under Bill 66 not be exempt from Section 3(5) of the Planning Act requiring consistency with the Provincial Policy Statement;
 - ii) that pre-consultation should be a requirement to ensure timely information sharing. Similarly, applications filed under this process should include complete information as determined by the area municipality to enable informed decision making;
 - iii) that open for business by-laws remain subject to the provisions of the Clean Water Act and Source Protection Plans to ensure public health and safety;
 - iv) that the Province clarify how the summary site plan review process would enable a municipality to require or implement off-site development related conditions, in the absence of the use of Holding (H) provisions;
 - v) that the Province afford either the Minister or the local municipality the ability to require employment performance measures on the developments approved under an open-for-business planning by-law and monitor its effectiveness;
 - vi) that there should be a mechanism for the open-for-business planning by-law to automatically lapse without having to formally repeal the by-law (e.g. if a building permit is not issued for the project within a specified time such as 24 months);
 - vii) the Province clarify how Greater Golden Horseshoe municipalities should plan for these open-for-business planning by-laws within the context of the required Employment Strategy, that upper tier municipalities must undertake to implement the Growth Plan;
 - viii) that the Province strengthen the restrictions on permissible secondary uses to only employment-generating uses to ensure that the focus is maintained on targeted employment uses; and
 - ix) that the Province impose a time limit on the open-for-business planning tools and require a formal review within three years of them coming into full force and effect.
- E) That the Regional Clerk notify Durham MPPs, the local area municipalities, and the Association of Municipalities of Ontario of the adoption of these recommendations by Regional Council and forward them a copy of the report and recommendations.

Report:**1. Purpose**

- 1.1 On December 6, 2018, the Minister of Economic Development, Job Creation and Trade introduced Bill 66, Restoring Ontario's Competitiveness Act, 2018 for first reading in the Legislature. Bill 66 is an omnibus bill containing 12 schedules that seek to amend numerous Acts.
- 1.2 The Bill was also posted on the Province's [Environmental Registry of Ontario \(ERO #013-4293\)](#) for public review and comment until January 20, 2019. To meet this deadline **staff recommends that Committee's report and recommendations be forwarded to the relevant ministry contacts following the Committee of the Whole on January 16, 2019. A cover letter will indicate that the recommendations will not be ratified by Council until January 30th and that the Regional Clerk will notify the ministries of Council's decision at that time.**
- 1.3 This report provides information and staff's response to Bill 66 by:
 - a. summarizing the elements of the proposed legislation that could have a direct or indirect impact on the Region;
 - b. outlining changes of concern to the Region; and
 - c. making recommendations to the Province to address concerns or improve the Province's proposals.

2. Background

- 2.1 The Environmental Registry of Ontario (ERO) posting describes Bill 66 as "the second in a series of bills through Ontario's Open for Business Action Plan" to reduce regulatory red tape and costs to business. Bill 57, the Making Ontario Open for Business Act, 2018, was the first step in this plan. The government has set a goal of reducing regulatory red tape by 25 per cent by 2022.
- 2.2 Brief descriptions of the Schedules of amendments to various acts proposed in the bill can be found in the explanatory notes at the beginning of [Bill 66](#) posted on the Ontario Legislative Assembly website. Related regulatory amendments have also been posted on the Environmental Registry and Regulatory Registry.
- 2.3 Regional staff reviewed Bill 66 and identified interests and potential impacts for the Region in 10 of the schedules as outlined below. Staff comments or recommendations are included at the end of the Schedule section. The resulting recommendations will be directed to the appropriate Ministry contacts as noted in

the ERO postings.

3. Schedule 1: Ministry of Agriculture, Food and Rural Affairs legislation

- 3.1 Application of rights and protections in the Agricultural Employees Protection Act 2002 would be extended to employees who engage in ornamental horticulture who are not covered by the current definition of agricultural employee. The floriculture and nursery segment of the agriculture sector is a substantial and growing contributor (7.6% in 2016) to the farm cash receipts in Durham Region so this is a positive change for the affected workforce.
- 3.2 Amendments proposed to the Farm Registration and Farm Organizations Funding Act, 1993 are intended to streamline the farm registration process and allow for the Minister by regulation to designate a corporation to administer the farm registration administration under an agreement (i.e. outsourcing).
- 3.3 Amendments proposed to the Ministry of Agriculture Food and Rural Affairs Act would:
 - a. Allow the minister to make orders under section 6.2 to clarify loan guarantee programs; and
 - b. Allow provincial guarantee of loans made to farmers by other entities that make loans to farmers.
- 3.4 The changes related to funding and loans programs will not affect the Region's engagement with our agricultural community. Staff generally support the proposed actions.

4. Schedule 2: Ministry of the Attorney General

- 4.1 This schedule repeals the Pawnbrokers Act and removes the reference to that Act from the Personal Property Security Act.
- 4.2 For several years, the Ontario Association of Chiefs of Police and the Association of Municipal Managers, Clerks and Treasurers have advocated for modernization of the regulation of pawnbrokers. Changes proposed included creation of a provincial licensing framework, more detailed data collection and better tracking of transactions to support recovery of stolen goods.
- 4.3 Staff at the Ministry of the Attorney General indicated to Regional staff that no replacement legislation or other regulatory regime is proposed. Pawnbrokers would be subject to applicable municipal by-laws. Since some municipalities currently rely on the Provincial legislation, a patchwork of pawnbroker licensing

approaches across municipalities may result. This outcome may increase criminal use of such facilities and exacerbate the difficulties for police tracking stolen goods.

- 4.4 **While recognizing that the current Pawnbrokers Act may be out of date, the Region encourages the Province to explore an alternative provincial policy approach to reduce the criminal activity related to pawnshops and sale of second-hand goods.**

5. Schedule 3: Ministry of Education

- 5.1 The Child Care and Early Years Act (CCEYA) would be amended to increase the child to caregiver ratio in **licensed and unlicensed home-based child care settings** from two children under two-years old per home child care provider to three children under two-years old. The amendment would also allow two providers to offer care in one home for up to a maximum of six children under two-years old per home.
- 5.2 The CCEYA changes would not affect Regionally operated child care facilities as the ratios for group child care apply. It will affect the home child care agencies the Region contracts with for delivery of licensed, home-based child care services.
- 5.3 Licensed home-based child care agencies and providers support this change. They believe the ratios should remain at 2:1 for unregulated home child care providers. Licensed home child care providers are inspected/visited by the Ministry of Education, The Region of Durham and their licensed home child care agency to monitor safety and quality. The lower ratio for unregulated homes that are not inspected would maintain the current safety standard. It may also encourage unlicensed providers to enter the licensed system. A benefit will be that parents of multiple-birth children will have more child care options with the higher ratio applied to home-based child care.
- 5.4 Safety issues that occasionally arise in uninspected, unlicensed home child care settings remain a risk but are largely unrelated to the change in ratio proposed.
- 5.5 The Region believes that the changes that apply to the licensed sector will be beneficial in meeting the significant demand for child care spaces for children under two-years old.
- 5.6 The CCEYA ss.6 (4) will be amended to lower the eligible ages for authorized extended day recreation programs from six to four-years old. Currently these programs can accept the younger children for March Break and summer programs, but not for before and after school programs. This change will permit these

programs to better align with the needs for before and after school care for full day kindergarten students when no kindergarten child care arrangements are offered. This change resolves an issue that excluded kindergarten students from attending these programs during the school year.

- 5.7 The Education Act would be amended to remove references that school boards have some responsibility for operational components of third-party operators. The third-party operators will continue to be licensed by the Ministry of Education and will comply with the CCEYA.

**6. Schedule 4:
Ministry of Energy, Northern Development and Mines**

- 6.1 This schedule would repeal the authority of the Ontario Energy Board (OEB) to set electricity rates for sub-metered units in multi-residential buildings. While the OEB had begun consulting on how to regulate what unit sub-meter providers (USMPs) may charge, in practice, the OEB had yet to exercise its oversight in what USMPs charge for services. The OEB Unit Sub-Metering Code requires USMPs to adhere to many of the same requirements as a Local Distribution Company in terms of deposits, disconnect and reconnect charges etc. The Code also provides for dispute resolution with the OEB Consumer Relations Centre. In addition, the Energy Consumer Protection Act requires an agreement with exit provisions for meters in individual suites for newly-constructed multi-residential buildings. The wide range of available licensed and regulated sub-metering organizations should ensure competitiveness when selecting related sub-metering services. At present, the Region's housing portfolio is not affected by this change, but it could affect new social housing units built in future.

7. Schedule 5: Ministry of Environment, Conservation and Parks

- 7.1 This schedule would repeal the Toxics Reduction Act and two related regulations. The Act required industries to have a plan for reducing the use of toxics in their products and processes and to report publicly each year. Implementing the toxic reduction plan was voluntary.
- 7.2 The Province indicates in the ERO posting (013-4234) that the Act was not effective in achieving reductions and notes that "by 2021, all Ontario toxic substances will be covered by the federal Chemicals Management Plan". The goal of the federal plan is to "assess and manage, where appropriate, the potential health and ecological risks associated with approximately 4,300 substances under

the Canadian Environmental Protection Act, 1999 (CEPA 1999)”¹.

- 7.3 Since no Regional facilities were governed by the Toxics Reduction Act, this change will have no impact on Regional operations or reporting.

8. Schedule 6: Ministry of Finance

- 8.1 Schedule 6 includes changes to the Pension Benefits Act which would allow businesses and non-profits to merge single-employer pension plans into jointly sponsored pension plans without the need for an enabling regulation.
- 8.2 This will not have significant implications for public sector employers who can already merge a single employer pension plan with a jointly sponsored pension plan under the Act.

9. Schedule 7: Ministry of Government and Consumer Services

- 9.1 This Schedule includes changes to the Technical Standards and Safety Act (TSS Act) which currently applies to amusement devices, boiler and pressure vessels, elevating devices, fuels (such as gasoline, bulk oil storage, propane), operating engineers and upholstered or stuffed articles. The Ministry has delegated the regulatory functions under the TSS Act to the Technical Standards and Safety Authority (TSSA). The TSSA is a not-for-profit corporation established in 1997 to administer and enforce certain technical and safety standards in Ontario. Amendments proposed for the Act will:
- a. provincial guarantee of loans made to farmers by other entities that make loans to farmers.
 - b. allow alternate rules made by a director and approved by the Minister under the Act to replace a regulation or Minister’s Order made under the Act.
- 9.2 Upholstered and stuffed articles are still subject to the Ontario Consumer Protection Act as well as the federal Consumer Product Safety Act and Textile Labelling Act.
- 9.3 Other amendments proposed throughout the Act will enable the use of “alternate rules” initiated and made by the director and in Section 39 of the Act enable an alternate rule to prevail over any municipal by-law.

¹ Reference from Health Canada webpage accessed Dec. 18, 2018 at <https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/initiatives/subset-substances-prioritized-categorization.html>

- 9.4 The proposed changes to the Act related to alternate rules may have both positive and negative effects. The introduction of alternate rules, if applied appropriately and supported by stakeholder input, could alleviate the requirement for individual site variances. Currently approval of these variances involves significant red tape and cost associated with that process. The option of alternate rule, would allow the TSSA to more quickly apply level conditions across the industry by recognizing and adapting to new technologies and issues that arise during the periods between Code updates. Meeting these rules would allow operators to safely maintain their facilities without having to request a site-specific variance that traditionally would include alternative options to the Codes anyway. The flexibility of the TSSA to respond to changing technology standards or improved equipment design in a timely way may help reduce costs for the Region as a regulated body.
- 9.5 However, expanding the use of alternate rules appears to push out responsibility for designing and enforcing protective “rules” further from Ministry involvement.
- 9.6 In her most recent Annual Report, Ontario’s Auditor General was very critical of the oversight by the Ministry of Government and Consumer Services of the Technical Standards and Safety Authority’s failure to maintain an inspection and enforcement program that ensures the health and safety of Ontarians.²
- 9.7 From a community safety perspective, the Region has specific interests in the adequacy of the TSSA regulatory regime relating to the safe management of fuels and pipelines. The concerns relate to drinking water protection and emergency management.
- 9.8 The Auditor General found that TSSA performed poorly in fulfilling key responsibilities including the inspection, enforcement, tracking of licenses, and follow-up on findings and orders for compliance. One area of neglect that could impact Regional operations was their practice of not directly inspecting oil and gas pipelines, but instead relying on industry inspection records which they only audited every five years. In 2013, two pipeline leaks occurred due to external corrosion that was not detected by the pipeline operator.³ A serious undetected leak could result in contamination of Regional groundwater, waterways, sewage systems and drinking water systems that Durham residents depend on. A fuel spill is very costly and time-consuming to clean up and is rarely completely remediated.
- 9.9 Based on the Auditor’s findings, it seems that the TSSA presently needs more

² For details, see Ontario, Office of the Auditor General 2018 Annual Report, released Dec. 5, 2018, Chapter 3, section 3.13, p.575, available at

http://www.auditor.on.ca/en/content/annualreports/arreports/en18/v1_313en18.pdf

³ Ibid.

provincial oversight, not less as is provided in the alternate rules mechanism. A provincial direction to reduce regulation and rely on private business and industry to meet inspection and compliance standards protective of the people of Ontario may represent an increased risk to public safety.

- 9.10 **With appropriate advance communications to affected sectors, the introduction of “alternate rules” may reduce administrative costs in some of the regulated sectors including the Region. The Region supports taking a consultative and outcome-based approach to creating the alternate rules. However, the Ministry must oversee and reinforce that the principle of protection of public safety is the key goal in the design of TSSA inspection and compliance regimes.**

10. Schedule 8 – Long-Term Care Homes Act 2007 Amendments

- 10.1 Schedule 8 of Bill 66 will amend provisions of the Long-Term Care Homes Act in three areas:
- a. Section 44 is changed to eliminate the need to inform the Ministry’s director of Long-Term Care that an application for placement has been refused. In future, only the applicant and placement coordinator will be notified.
 - b. Sections 99 to 106 which relate to public consultation required when a licence to operate a new long-term care home is issued or an existing licence is transferred or renewed. The effect is to give the director the power to decide whether consultation is warranted in individual cases or to make and publish a policy that outlines when consultation is not required.
 - c. Section 112 relating to the issuance of temporary emergency licences to authorize premises to operate as a long-term care home on an emergency basis or authorize temporary additional beds at a long-term care home, for a term of no more than one year.
- 10.2 The Region has no concern about the Section 44 change.
- 10.3 The changes to public consultation modernize the way the Ministry seeks feedback on licensing transactions for long-term care homes not owned by the municipal sector. The changes will allow additional/alternative formats rather than requiring a public meeting as part every public consultation. The changes will allow the Ministry to streamline the process for renewal and transfer of licenses as well as the issuance of new licences. This would support the government’s stated intent to build 30,000 beds over the next ten years as well as to redevelop aging facilities.
- 10.4 The change relating to issuing temporary emergency licences for up to one year is positive. After the Fairview Lodge fire in 2014, the Region had to go through the

emergency licence renewal process every 60 days which created extra paperwork. The amendment also clarifies that only residents affected by the emergency can be admitted to these temporary beds.

11. Schedule 9 – Ministry of Labour

- 11.1 This schedule includes amendments to requirements under the Labour Relations Act and Employment Standards Act.
- 11.2 The most significant change for the Region will be the automatic designation as a non-construction employer under the Labour Relations Act (LRA). Several municipalities have been deemed construction employers under the LRA over the years thereby subjecting them to province-wide bargaining regimes and precluding them from contracting or sub-contracting with other qualified bidders, including both union and non-union firms. This is very restrictive from a procurement perspective.
- 11.3 The proposed amendments that exempt municipalities from the ‘construction employer’ provisions of the LRA are consistent with the prior positions taken by Regional Council (Report #2015-F-42). The automatic designation as a non-construction employer is a positive change that will protect the Region from potential procurement restrictions.
- 11.4 Many of the Employment Standards Act (ESA) changes are administrative in nature. For example, the Region is no longer required to display the Employment Standards Act poster in its workplaces.
- 11.5 The two changes to the ESA are:
- a. Removal of the requirement to seek Director of Employment Standards approval for working in excess of 48 hours a week. Since the Region will still require express agreement from union/employee to do so, this provision has little impact on the Region.
 - b. Overtime averaging agreements would be limited to a four-week period. Under the current ESA there is no such cap. Human Resources will conduct an audit and review the practices used by departments, but currently is not aware of any averaging agreement in place that exceeds four weeks.

12. Schedule 10 – Ministry of Municipal Affairs and Housing

- 12.1 Schedule 10 of Bill 66, proposes to amend the Planning Act to allow a local municipality to seek approval from the Minister of Municipal Affairs and Housing (MMAH) to pass an open-for-business planning by-law for a site-specific

employment proposal so the local municipality could “act quickly to attract businesses seeking development sites”.

- 12.2 In support of the changes to the Planning Act proposed in Schedule 10, the MMAH also released for public review and comment:
- a. a proposed open-for-business planning tool (ERO #013-4125), and
 - b. proposal that contemplates new regulations under the Planning Act to support the open-for-business planning by-law (ERO # 013-4239). The regulation has not yet been drafted.
- 12.3 An open-for-business planning by-law could be used only for a site-specific development proposal that meets certain criteria. The ERO posting on the proposed regulation indicates that a proposal must:
- a. be for a new major employment use;
 - b. provide evidence that it would meet the minimum job creation threshold (e.g. 50 jobs in a municipality under 250,000 population, or 100 jobs in a municipality of greater than 250,000 population);
 - c. be for lands and buildings that are primarily for manufacturing or research and development uses, but not for residential, commercial (personal services, etc.) or retail (sale of goods) as a primary use.
- 12.4 As proposed, prior to passing an open-for-business planning by-law, the local municipality would need to obtain written approval from the Minister of Municipal Affairs and Housing and demonstrate that any prescribed criteria have been satisfied.
- 12.5 According to the material provided, the process is intended to:
- Allow a local municipality to permit the use without having to adhere to existing local requirements (such as an official plan or zoning by-law);
 - Enable an abbreviated approval process for the proposal instead of the full requirements for site plan approval;
 - Allow the local municipality to impose a limited set of planning-related conditions e.g., approval of plans and drawings that show site plan matters (transportation access, lighting, parking, etc.) and enter into agreements to ensure development conditions are secured;
 - Allow public consultation at the discretion of the municipality, while requiring public notice after the by-law is passed (at a minimum);
 - Provide that decisions are final and cannot be appealed to the Local Planning Appeal Tribunal but allows the Minister of Municipal Affairs and Housing to

intervene to modify or revoke an open-for-business planning by-law before it comes into force. (An open-for-business planning by-law would come into force 20 days after it is passed); and

- Remove the requirement for provincial policies and provincial plans to apply to a decision to pass an open-for-business planning by-law (but allows the Minister of Municipal Affairs and Housing to impose conditions to protect for matters such as public health and safety prior to or when approving the use of such a by-law).

12.6 A local municipal open-for-business planning by-law is proposed to be exempt from the following legislative requirements:

- Section 3(5) of the Planning Act – requiring consistency with the Provincial Policy Statement (2014);
- Section 24 of the Planning Act – requiring that where there is an official plan in effect, no public work may be undertaken and no by-law passed that does not conform therewith;
- Sub Sections 34 (10.0.0.1 to (34) of the Planning Act – zoning by-laws (including requirements for pre-consultation, filing of prescribed information, completeness of applications, information and public meeting requirements, information to public bodies, appeals to Local Planning Appeals Tribunal - LPAT);
- Section 36 of the Planning Act – authorizing the use of holding provision by-laws;
- Section 37 of the Planning Act – authorizing the use of bonusing provisions;
- Section 39 of the Clean Water Act - requiring conformity with significant threat policies and designated Great Lakes policies set out in a source protection plan, and having regard to other policies set out in a source protection plan;
- Section 20 of the Great Lakes Protection Act – requiring conformity with designated policies that are set out in an initiative under the Great Lakes Protection Act, or having regard to policies set out under the Great Lakes Protection Act that are not designated policies;
- Section 7 of the Greenbelt Act – requiring conformity with the Greenbelt Act;
- Section 6 of the Lake Simcoe Protection Act – requiring conformity with policies of the Lake Simcoe Protection Act and Plan;
- Section 31.1(4) of the Metrolinx Act – requiring consistency with the designated policies set out in a transportation planning policy statement;
- Section 7 of the Oak Ridges Moraine Conservation Act – requiring conformity with the Oak Ridges Moraine Conservation Plan and Act;
- Section 14 of the Ontario Planning and Development Act – requiring

conformity with the Act, or plans. In the case of Durham, this is the legislation that governs the Central Pickering (Seaton) area;

- Section 14 (1) of the Places to Grow Act – requiring conformity with the Growth Plan or Act;
- Section 12 of the Resource Recovery and Circular Economy Act – requiring consistency with the designated policies set out in a resource recovery or waste reduction policy statement; and
- Any prescribed provision.

12.7 The Provincial Policy Statement (2014) sets the policy foundation for Ontario's land use planning system and is based on sound planning principles. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. As the key framework document to guide good planning in Ontario, the PPS addresses a wide range of subjects including:

- a. promoting cost effective development patterns;
- b. promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate;
- c. focusing growth and development to settlement areas;
- d. requiring that matters of land use compatibility including matters of noise, odour and other contaminants are either prevented or mitigated;
- e. requiring that planning for sewage and water services are provided in a manner that is feasible, financially viable and complies with all regulatory requirements while protecting human health and the natural environment;
- f. ensuring that natural heritage features (included significant wetlands and woodlands) are protected for the long term;
- g. ensuring that significant built heritage resources and archaeological resources are conserved;
- h. numerous other planning matters.

12.8 The proposed legislation would allow the passage of a by-law regardless of whether it is consistent with the PPS. **To ensure that matters of good planning are addressed appropriately, it is recommended that an open-for-business planning by-law proposed under Bill 66 not be exempt from Section 3(5) of the Planning Act requiring consistency with the Provincial Policy Statement.**

12.9 Bill 66 would make various changes to section 34 of the Planning Act with the intent of expediting the approval process. Although preconsultation is not precluded by the proposal, it is generally a beneficial mechanism for applicants to get early feedback on proposals prior to the formal submission of development

applications. Applicants also benefit from early information on such matters as site conditions, servicing, transportation or other matters that may affect the proposal. **Therefore, the Region recommends that preconsultation should be a requirement to ensure timely information sharing. Similarly, applications filed under this process should include complete information as determined by the area municipality to enable informed decision making.**

- 12.10 The intent of the Clean Water Act is to protect existing and future sources of drinking water. Applications filed under the Planning Act are currently required to conform with significant threat policies and designated Great Lakes policies set out in source protection plans. Bill 66 exempts open-for-business planning by-laws and their associated economic development proposal from Section 39 of the Clean Water Act. A source protection plan is a strategy and set of policies designed to protect municipal sources of drinking water from contamination and overuse. This includes Wellhead Protection Areas, which are areas of land around a municipal well. There are several wellhead protection areas within Durham Region. **It is recommended that open for business by-laws remain subject to the provisions of the Clean Water Act and Source Protection Plans to ensure public health and safety.**
- 12.11 Local municipalities would have limited latitude to impose development conditions on proposals under the proposed combined “summary site plan” review process as part of an open-for-business planning by-law. There may be occasions where off-site improvements may be required. However, the detail regarding how the conditions may be imposed is not included in the ERO posting for the regulation. For example, it is unclear how the Region could ensure that certain studies or infrastructure that may be required to service a development (i.e. through a Traffic Study) would be completed. **It is recommended that the province clarify how the summary site plan review process would enable a municipality to require or implement off-site development related conditions, in the absence of the use of Holding (H) provisions.**
- 12.12 The potential for the use of open-for-business planning by-laws would appear to be greatest in areas that are not already designated or zoned for industrial/employment uses, outside of existing settlement area boundaries, either adjacent to urban areas or in more remote locations. The ability to zone for larger employment uses where they are currently not planned could render areas currently zoned for employment uses less attractive to site selectors from a land cost perspective. Other unintended outcomes could also occur:
- a. Existing vacant urban employment areas could remain undeveloped for longer periods of time;

- b. There could be greater pressure to convert existing urban employment areas to other non-employment uses;
- c. There could be pressure to service employment developments outside of urban areas.
- d. Contiguous blocks of land zoned for agriculture or natural heritage may become fragmented over time making them less effective for those functions.

12.13 Regional staff raise the following additional considerations with respect to the administration and construct of having open-for-business planning by-laws:

- a. It is unclear from the Bill or draft regulation posting whether the Minister would impose performance requirements on a proposed employment proposal. For example, this could include meeting and maintaining the proposed job threshold as described in the application to ensure that promised levels of employment are sustained. **It is recommended that the Province afford either the Minister or the municipality the ability to require employment performance measures on the developments approved under an open-for-business planning by-law and monitor its effectiveness.**
- b. Where an open-for-business planning by-law is passed, but the development does not take place within a specified timeframe, **it is recommended that there should be a mechanism for the by-law to automatically lapse without having to formally repeal the by-law (e.g. if a building permit is not issued for the project within a specified time such as 24 months).** This will help to further incent the timely implementation of bona fide employment proposals as intended by the legislation. Further, any approval of the by-law should permit only the specified use, and any change in use should only be authorized under a new open-for-business planning by-law.
- c. Open-for-business planning by-laws may create a challenge when planning for employment land supply and in official plans, quantifying employment land need. **It is recommended that the Province clarify how Greater Golden Horseshoe municipalities should plan for these open-for-business planning by-laws within the context of the required Employment Strategy, that upper tier municipalities must undertake to implement the Growth Plan through their municipal comprehensive review processes.**
- d. The proposed regulation would allow residential or retail uses as secondary uses to the primary employment use. With the proposed restriction on conditions that could be imposed under an open-for-business planning by-law, it is unclear how pure employment uses, like manufacturing and research and development, as mentioned in the regulation, will be ensured if only the

permitted secondary uses are developed. Further, the rationale behind including retail or residential uses as permissible secondary uses for such activities as primary manufacturing or research and development is unclear. **It is recommended that the Province strengthen the restrictions on permissible secondary uses to only employment-generating uses to ensure that the focus is maintained on targeted employment uses;**

- e. It is uncertain how or where the proposed legislation would be used by area municipalities or how its ultimate effectiveness will be gauged. **It is therefore recommended that the Province impose a time limit on the tools and require a formal review within three years of it coming into full force and effect.**
- 12.14 The bill also exempts the development proposals approved under an open-for-business planning by-law from meeting policy requirements under the Resource Recovery and Circular Economy Act. The Region anticipates no operational impacts as a result of the exemption. However, there is the broader policy consideration of creating a double standard for management of commercial and industrial food and organic wastes by businesses within the community and the Province.
- 12.15 Under an open-for-business planning by-law, the Region would need to work closely with the area municipalities to ensure that the appropriate studies and other typical development requirements necessary to implement the proposal can be secured (e.g. servicing agreements, land dedication for road widenings, proper entrances, turning lanes, etc.) through conditions that local municipalities can impose.
- 12.16 To ensure that complete information is provided to the local municipality prior to the passage of an open for business planning by-law, the Region would review the proposed by-laws and proposals for consistency and conformity with the Regional Official Plan and provincial plans and provide its technical comments. While this information would not be determinative under the proposed open-for-business by-law tool, this information would be sent to the local municipality and the Minister for their consideration.

13. Schedule 12 - Ministry of Transportation

- 13.1 This schedule includes minor amendments to the Highway Traffic Act. Additional regulatory amendments coming into effect January 1, 2019 will allow new CV/AV testing (connected vehicles/autonomous vehicles) and research and development opportunities in Ontario for local business interests and international sector

investments. This will reduce barriers to testing and implementation of automated and driverless vehicles in Ontario and support potential manufacturing opportunities.

- 13.2 This is a positive regulatory change that will support plans for testing of automated transit vehicles in Durham Region.

14. Conclusion

- 14.1 The legislative and regulatory changes being proposed with Bill 66 may reduce some administrative requirements to both private businesses and the municipal sector. The Region supports a number of these changes.
- 14.2 However, in other cases, amendments to the proposed legislation have been suggested as noted within this report.
- 14.3 This report has been prepared with input from staff of all departments in the Region.

Prepared by: Christine Drimmie, Manager, Corporate Initiatives, at 905-668-7711, extension 2029.

Recommended for Presentation to Committee

Original Signed By:

Elaine Baxter-Trahair
Chief Administrative Officer



The Corporation of the
**Township
of
Uxbridge**

In The Regional Municipality of Durham

Town Hall
51 Toronto Street South
P.O. Box 190
Uxbridge, ON L9D 1T1
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Web www.town.uxbridge.on.ca

SENT VIA EMAIL

January 14, 2019

Region of Durham
Clerk's Department
605 Rossland Road E.
Whitby, Ontario, L1N 6A3

Attention: Ralph Walton
Regional Clerk

C.S. - LEGISLATIVE SERVICES

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

**RE: GO RAIL SERVICE EXTENSION TO BOWMANVILLE
TOWNSHIP FILE: A-16 RGG**

Please be advised that during the regular meeting of the General Purpose and Administration Committee of January 7, 2019 the following motion was carried;

THAT the Administration, Emergency Services and Economic Development Committee support the Region of Durham's Resolution that the Province of Ontario and Metrolinx confirm the commitment to extend GO Rail service north of Highway 401 through Oshawa to Bowmanville by 2024 and proactively resolve all pending negotiations with CN and CP rail.

I trust you will find the above to be satisfactory.

Yours truly,


Debbie Leroux
Director of Legislative Services/Clerk
/ljr

cc: The Honourable Jeff Yurek, Minister of Transportation
Phil Verster, President and CEO, Metrolinx
The Honourable Peter Bethlenfalvy, MPP



Afreen Raza

From: Lorraine Billings <Lorraine.Billings@ajax.ca>
Sent: January-17-19 8:55 AM
To: municipal@agco.ca
Cc: Rachael Matheson; Clerks
Subject: Town of Ajax Cannabis Resolution
Attachments: Letter to AGCO - Cannabis in Ajax.pdf; Cannabis in Ajax - R.pdf

Please see the attached resolution regarding the above subject matter that was endorsed by the Town of Ajax at our Special Council meeting held January 14, 2019.

Regards



Lorraine Billings
 Legislative Services Associate | Legislative Services
 Town of Ajax
 65 Harwood Ave. S. Ajax, ON L1S 2H9
 E: lorraine.billings@ajax.ca
 P: 905-619-2529, ext. 3314

C.S. - LEGISLATIVE SERVICES

Original
To: CIP ✓
Copy CAO ✓
To: Dr. Kyle ✓
Nancy Taylor ✓
C.C. S.C.C. File
Take Appr. Action

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TOWN OF AJAX
65 Harwood Avenue South
Ajax ON L1S 3S9
www.ajax.ca

Alcohol and Gaming Commission of Ontario
90 Sheppard Ave E #200,
North York, ON
M2N 0A4

January 16, 2019

Re: Town of Ajax Cannabis Resolution

Please be advised that the following resolution was passed by Ajax Town Council at its Special Workshop Council meeting held January 14, 2019:

That staff be directed to inform the Alcohol and Gaming Commission of Ontario that the Town "opts in" and will allow retail cannabis storefronts to operate within Ajax; and

That the Cannabis Policy Statement, included as ATT-1 to this report, be endorsed by Council, and that staff be delegated authority to comment to the Alcohol and Gaming Commission of Ontario, on behalf of Council, with respect to any store license application that does not meet the public interest of the Town of Ajax based on the Town's Cannabis Policy Statement; and

That staff be directed to report back to Council prior to April 1, 2019 outlining considerations and recommendations addressing additional bylaw restrictions on places of use for cannabis consumption, building on the Smoke Free Ontario Act and Region of Durham's forthcoming updated Smoking Bylaw; and

That Council support requesting the province to include not only schools but also daycares and other sensitive uses as appropriate within the 150 m buffer from cannabis retail locations.

A copy of the Report that prompted this action is attached.

If you require further information please contact Rachael Matheson, Senior Communications Officer – Government Relations at 905-619-2529 ext 3377 or rachael.matheson@ajax.ca

Sincerely,

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

Alexander Harras
Manager of Legislative Services/Deputy Clerk

Copy: J. Henry, Durham Regional Chair
R. Matheson, Senior Communications Officer – Government Relations

Town of Ajax Report



Report To: Council

Prepared By: Rachael Matheson, Sr. Communications Officer – Government Relations

Subject: Cannabis in Ajax

Ward(s): All

Date of Meeting: January 14, 2019

Reference: None

Recommendations:

That staff be directed to inform the Alcohol and Gaming Commission of Ontario that the Town “opts in” and will allow retail cannabis storefronts to operate within Ajax; and

That the Cannabis Policy Statement, included as ATT-1 to this report, be endorsed by Council, and that staff be delegated authority to comment to the Alcohol and Gaming Commission of Ontario, on behalf of Council, with respect to any store license application that does not meet the public interest of the Town of Ajax based on the Town’s Cannabis Policy Statement; and

That staff be directed to report back to Council prior to April 1, 2019 outlining considerations and recommendations addressing additional bylaw restrictions on places of use for cannabis consumption, building on the Smoke Free Ontario Act and Region of Durham’s forthcoming updated Smoking Bylaw; and

That Council support requesting the province to include not only schools but also daycares and other sensitive uses as appropriate within the 150 m buffer from cannabis retail locations.

Background:

The Federal Government legalized Cannabis in Canada on October 17, 2018. Provinces and Territories are responsible for determining how cannabis is distributed and sold within their jurisdictions. The Province of Ontario has implemented a private cannabis retail model, regulated by the Alcohol and Gaming Commission of Ontario (AGCO). The Town must decide whether to exercise its one-time right to opt out of allowing private cannabis retail sites within Ajax’s municipal boundaries by the legislated deadline of January 22, 2019.

Key Provincial Dates

- September 27, 2018 - Cannabis Statute Law Amendment Act introduced, significant changes to Ontario’s Cannabis Act (2017)
- October 17, 2018 – Ontario opened online cannabis sales

- December 17, 2018 – AGCO began accepting retail licence applications
- January 7 – 9 – Expression of Interest submitted for Cannabis Retail Licence Lottery
- January 11 – Cannabis Retail Licence Lottery
- January 22, 2019 – Deadline for municipalities to opt out of hosting cannabis retail sites
- April 1, 2019 – First date that cannabis retail locations can be operational in Ontario

Deloitte's 2018 Cannabis Report estimates that the total cannabis market in Canada is expected to generate \$7.2 billion in total sales in 2019, with overall consumption jumping 35% as legal channels are introduced. According to the report, the projected legal market size in Ontario ranges from \$700 million to \$1.7 billion in sales with 65% of cannabis products to be purchased through legal channels. This could result in \$445 million to \$1.1 billion in legal sales for 2019.

In addition, the federal Parliamentary Budget Officer's projections suggest figures closer to \$2.1 billion to \$2.3 billion in retail sales in Ontario. These are forecasts, however they suggest that entrepreneurs will thrive, and through taxation provincial reserves will benefit extensively from this emerging industry.

Another study, conducted by CIBC World Markets projects that by 2020, the national legal market for cannabis will be approximately \$6.8 billion, of which 95 percent will be recreational use. They estimate that this will be greater than the amount of spirits sold in Canada and close to the amount of national wine sales.

A recent statistic released by Statistics Canada in October stated that 4.6 million Canadians used cannabis in the third quarter of 2018.

Discussion:

Provincial Cannabis Rules

The Ontario Cannabis Retail Corporation oversees online sales and acts as a wholesaler to private retailers. The AGCO will licence private retailers. Other rules and regulations include:

- Cannabis will not be sold in the same retail location as alcohol.
- Anyone caught running an illegal retail location will be barred from obtaining a retail license in the future.
- There will be a 30 gram sales and possession limit. Purchasers must be 19+.
- Recreational users will be allowed to consume cannabis anywhere that a person is able to smoke cigarettes, with the exception of vehicles and boats.
- Ontarians can grow up to four plants per residence (not per person).

1. ONLINE SALES:

Anyone 19+ in Ontario can purchase cannabis online exclusively through the Ontario Cannabis Store (OCS), meaning that anyone over 19 has access to cannabis regardless of any municipality's decision to opt in or out of hosting retail stores. The OCS online outlet launched October 17, 2018, and processed 100,000 sales in its first 24 hours.

The province requires the OCS to:

- Keep appropriate records of its activities in relation to the cannabis that it possesses, including records related to the Federal National Cannabis Tracking System, monthly sales and inventory records, and any records related to product recall; and
- Take adequate measures to reduce the risk of its cannabis being diverted to an illicit market or activities, in accordance with applicable regulations.

Cannabis products (including dried flowers, seeds, pre-rolled product, oils, capsules and accessories) sold by the OCS must be purchased by credit card, along with the provision of personal information to ensure the individual is of legal age. Customers receive their products by Canada Post using standard shipping and ID is checked at the time of delivery.

To date, staff and Council have received limited comments on the subject. Primary concern remains places of use (proximity or potential proximity to children in public places).

2. RETAIL SALES:

The Province of Ontario has created a legislated framework that will allow recreational cannabis to be sold in private cannabis retail stores. Licenced retailers will be able to open cannabis locations in municipalities who have not opted out, beginning April 1, 2019. The Province's system does not allow for municipalities to determine the number, location, concentration or manage the operation of private cannabis retail stores.

Due to supply shortages, the Province of Ontario is limiting the number of Retail Store Authorizations through an Expression of Interest Lottery process from January 2 – December 13, 2019 where authorizations will be subject to a temporary cap of 25.

The province has announced the following allocation for the first round:

- East Region: five (5) stores;
- GTA Region (Durham, York, Peel and Halton): six (6) stores;
- North Region: two (2) stores;
- Toronto Region: five (5) stores; and
- West Region: seven (7) stores.

Applicants can identify up to five (5) Regions for a total of five (5) separate Expression of Interest entries to the lottery.

The draw took place on January 11. Within five (5) days of the results being posted on the AGCO website, the 25 selected Expression of Interest Applicants will need to submit a Retail Operator Licence Application. Following submission of a Retail Operator Licence application, selected applicants must submit a Retail Store Authorization application for a municipality with a population over 50,000 that has opted into hosting cannabis retail.

With only six retail locations allocated to Peel, York, Halton and Durham Region, they would be serving a market of 3.7 million residents – a large economic opportunity. In addition, retail

operators are not required to operate in all jurisdictions (i.e. they could all be located in York Region).

AGCO Licencing

The AGCO will:

1. Issue Retail Operator Licences
 - There is a 25 retailer cap for phase one of retail operations (April 1).
 - Sale or transfer of the license are prohibited and a market concentration limit of 75 retail stores province-wide per operator has been set (future phases).
2. Issue Retail Store Authorizations to licenced Retail Operators
 - 15-day local public notice process – online posting and storefront notice.
 - No requirement to notify municipalities. The AGCO is encouraging applicants to engage with their target municipality prior to submitting their application.
 - Authorized retailers must display a specified seal.
3. Issue Cannabis Retail Manager Licences
4. Conduct compliance and audit processes

AGCO Retail Standards:

- Licensees must obtain criminal background checks from all employees, ensure employee training is completed, ensure all employees demonstrate integrity and comply with the law.
- Cannabis must be stored securely at all times, and all points of access must be protected against unauthorized access including a high resolution surveillance system operating 24 hours/day. Cannabis and related accessories must not be visible from the exterior.
- Signage on the store exterior must clearly identify the business, and images may not be misleading or appealing to young people.

Zoning

If the Town opts in, retail cannabis stores would be permitted in any area zoned for retail, such as Business Improvement Areas (BIAs), strip malls, plazas, or big box centres, subject to being outside the 150 metre buffer from a school site. In most cases, if a retail store was seeking to establish in one of these areas, the only municipal approval required would be a Building Permit, if applicable. A cannabis store must be the only use within any single retail unit, and cannot be part of another type of retailer (i.e. cannot be within a grocery store or Walmart).

Role of Municipalities related to Cannabis Legalization

Under the Cannabis License Act, 2018 the Ontario government has limited municipal authority to add to the cannabis regulatory regime over and above the federal and provincial regulatory frameworks. Specifically, the legislation provides as follows:

- Municipalities are prohibited from further regulating private cannabis retail stores by way of traditional municipal business licensing and zoning powers. This means that

municipalities cannot pass any land use bylaws that distinguish between stores that sell cannabis and those that do not;

- The Province has set a 150 metre buffer zone from public and private schools (defined in the Education Act) where retail cannabis stores cannot locate. Municipal councils do not have the authority to pass bylaws that create larger buffer zones or identify additional sensitive land uses that would be included in the 150 metre buffer; and
- There is no ability for the municipality to limit the number of cannabis retail stores within its boundaries and there is no cap on the number of store authorizations issued in a municipality or across the province. On September 27, 2018, the Deputy Attorney General of Ontario estimated that 500 to 1,000 private cannabis stores would open in Ontario once the retail regime was in force.

Current retail zoning and school buffers in Ajax illustrated on the map on the next page.

AGCO Comment Period

If Council opts in, staff will endeavour to monitor the AGCO website for online postings as part of the 15-day local public notice process.

By way of legislation and regulation, AGCO's 15-day notice period functions as follows:

- Public notice must be provided of an application for a potential retail location by posting the notice on the proposed location site and on the AGCO website.
- Municipalities have 15 days to make written submissions to the AGCO on whether the issuance of the retail store authorization for the site/location is in the public interest, having regard the needs and wishes of the residents.
- The AGCO shall consider the written submissions received on a particular application.

Municipal Cannabis Policy Statement

Although municipalities have the right to make submissions to the AGCO, the 15 day notification period will not allow enough time for staff to receive direction from Council to make a submission on behalf of the Town.

As such, staff would provide comments within the parameters of a municipal cannabis policy statement approved by Council (see proposed draft Appendix 1). A municipal cannabis policy statement may identify specific sensitive uses, and outline ideal parameters for consideration. It's important to note, that any municipal cannabis policy statement and comments based upon them will not have any regulatory authority and will not bind the Province or AGCO. It simply describes the desires of the Town of Ajax as it related to the AGCO's review and decision-making on license applications.

Opt in or opt out Considerations

Consideration	Opt in	Opt out
Ability for Council to change its mind:	Decision is final.	Reversible by a resolution of Council. (2/3 majority required)
Cannabis available for purchase & use by residents:	Whether a community opts in or out, cannabis is available via: <ul style="list-style-type: none"> - OCS website to anyone over 19+ - Any Municipality that has opted in for retail sales - Four plants may be grown per household 	
Revenue sharing:	Per-household allocation of \$30 million in two payments: \$15 million will be divided between all municipalities. Ajax's allocation of the first payment is \$48,959. Durham Region's allocation	Per-household allocation of \$15 million. Second payment of only \$5,000.

	<p>of the first payment is \$300,308.</p> <p>\$15 million will be divided between opt in municipalities. 50% of lower-tier revenues will be shared with the Region of Durham.</p> <p>If Ontario's portion of federal excise duty over the first two years exceeds \$10 million, 50% of the surplus will be shared with municipalities that did not opt out.</p> <p>Revenues must be used for enforcement, response to inquiries, fire services and bylaw/policy development.</p>	<p>Revenues must be used for enforcement, response to inquiries, fire services and bylaw/policy development.</p> <p>It is unclear whether councils that first opt out and subsequently opt back in will be eligible for future revenue sharing. Therefore opting out, regardless of whether the Town opts back in, may jeopardize access to future revenue sharing.</p>
<p>Economic Development:</p>	<p>May dissuade illegal operators, which would be a benefit to the local business community, particularly the BIAs.</p> <p>New stores also fill retail vacancies and increase opportunities for job creation. According to cannabis industry stakeholders, it's estimated that each cannabis retail store will employ 30-40 people creating additional well-paying jobs. In fact, many of these jobs will require specialized training. Durham College offers Cannabis Industry Specialization courses and recognition.</p> <p>In addition, stakeholders believe that cannabis stores will have a positive impact on tourism and local business.</p>	<p>N/A</p>

	Finally, stakeholders have observed a positive impact on surrounding businesses as customers and staff access local shops while attending cannabis stores. Commercial tax revenue opportunities (scale dependent on number of stores).	
Public Health:	Reduction of the illegal market ensures that recreational cannabis users have better access to reputable, regulated product. Whether the Town opts in or out, addictions and mental health programming is mandated by other levels of government via Public Health, medical practitioners and other organizations.	No guarantee that an online sales channel will effectively reduce/eliminate the illegal market. Illegal supply increases potential health risks to users. Whether the Town opts in or out, addictions and mental health programming is mandated by other levels of government via Public Health, medical practitioners and other organizations.

3. MANUFACTURING, WAREHOUSING AND DISTRIBUTION:

Zoning By-law Permissions for Cannabis Production Facilities and Cannabis Warehousing/Distribution Facilities

The Town’s Zoning By-law currently does not specifically define or allow facilities for the production (i.e. growing) and warehousing/distribution of cannabis and cannabis related products. However as outlined below, the Town’s Zoning By-law has existing defined and permitted land uses that could accommodate cannabis production and warehousing/distribution facilities.

Cannabis Production Facilities:

Growing of Cannabis

The Town considers the growing of cannabis plants an ‘Agricultural Operation’ as defined in the Zoning By-law, which allows for the growing, cultivating and processing of crops. The Zoning By-law allows ‘Agricultural Operations’ in the Permanent Countryside Zone and Agriculture Zone.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) also considers the growing of cannabis an agricultural activity. However, in conversations with OMAFRA it was noted that, based on the scale of operation, municipalities might also consider developing criteria to determine when the scale of such an activity would be considered an industrial/manufacturing use.

Production of Cannabis into Oils or Edibles

When a cannabis production facility exceeds a certain scale of activity, it may be more appropriate to consider it an industrial/manufacturing use. Beyond what would be the 'processing of crops' as part of an agricultural operation, the processing of cannabis may also include extraction of oils, rolling and packing of products, and the production of edibles once approval is granted by the federal government. These types of processing activities would be considered manufacturing.

The Zoning By-law allows 'Manufacturing' which is the processing, fabricating or assembly of raw materials or goods in the General Employment and Heavy Employment Zones. The Zoning By-law also allows 'Light Manufacturing' which is the processing, assembly, treatment, or packaging of goods in the Prestige Employment, General Employment, and Heavy Employment Zones, as well as the Downtown Central Area Mixed Employment 1 and Mixed Employment 2 Zones

Through the Town's Comprehensive Zoning By-law Review, staff are looking at specifically defining 'Cannabis Production Facility' (growing and processing) and also looking at appropriate zones in which to explicitly allow for such a facility based on its scale.

Cannabis Warehousing/Distribution Facilities:

In the context of cannabis related operations, warehousing would consist of the storage of all types of cannabis products (dried flower, oils/capsules, and edibles and drinks once they are government approved) and all types of cannabis related accessories, such as smoking accessories (bongs, pipes, papers, and vaporizers), storage/lock boxes, cleaners, scales, grinders, presses, and extractors. Distribution would consist of warehoused cannabis products being distributed to licensed retailers.

The Zoning By-law allows 'Warehouse/Distribution Centres' within the Prestige Employment, General Employment, and Heavy Employment Zones, as well as the Downtown Central Area Mixed Employment 1 and Mixed Employment 2 Zones.

4. PLACES OF USE:

Regardless of opt in or opt out municipal status, Ajax residents will be able to legally purchase and consume cannabis.

The Smoke Free Ontario Act sets out minimum standards for legal cannabis and tobacco consumption. Municipalities are able to add to these standards through bylaws. According to the Act, consumption of cannabis will be prohibited by provincial law in all areas that tobacco is prohibited, as well as in vehicles and on boats.

The Region of Durham is undergoing a process to update their smoking bylaw to include cannabis. This bylaw should be before Regional Council early in 2019. Preliminary discussions indicate that the Region's approach may introduce a number of new limitations on places of use that may be sufficient to address the concerns of Ajax staff and residents. If they are not, Ajax is free to introduce further restrictions.

Staff recommend reporting back to Council prior to April 1, 2019 outlining considerations and recommendations addressing additional places of use bylaw(s) for cannabis consumption, building on the Smoke Free Ontario Act and Region of Durham's bylaw.

Areas that staff will review for potential bylaw changes include:

- Public parks (waterfront, etc.)
- Festivals and events (any hosted by the Town)
- Municipal parking lots
- Public gathering places (i.e. Pat Bayly Square)

These areas of review all received consistent public support. See chart below for further details.

5. PUBLIC ENGAGEMENT:

The Town undertook a comprehensive public engagement process from December 4 -14. Engagement activities included 6 in-person facility pop ups, surveys in high-traffic Town facilities (Audley Recreation Centre, Ajax Community Centre, McLean Community Centre and Ajax Library Main Branch), an automated telephone survey and online survey. In total, the Town engaged a considerable sample size of 2,374 responses. *All of the surveys were open which may have resulted in duplicate submissions.*

The results seen in the chart below reflect provincial trends. It is believed that having previously been illegal, the concept of legal cannabis is new. It will take time to see a shift in social acceptance of legal recreational cannabis use.

	Telephone Survey	Online Survey	Pop-ups & Facility Surveys	Total Valid Surveys
Total Completed*	936	1,324	177	2,374
Support private retail cannabis (in general)	41.3%	47%	57%	45.7%
Oppose private retail cannabis (in general)	58.7%	47.4%	37.9%	51.3%
Support private retail cannabis (in Ajax)	40%	41.8%	46.9%	41.6%
Oppose private retail cannabis (in Ajax)	60.1%	49.6%	44%	53.5%
Support for additional restrictions on cannabis use beyond SFOA**	69.2%	52.5%	61.3%	66.8%
Do not need additional restrictions on cannabis use beyond SFOA**	30.9%	31.8%	34.1%	31.7%
Cannabis rules should be more like alcohol***	45.3%	28.1%	30.2%	35%
Cannabis rules should be more like tobacco***	17.3%	31.4%	30.2%	25.8%
Cannabis rules should be a combination of alcohol and tobacco rules***	37.4%	38.3%	29%	37.3%
Cannabis should be allowed at public festivals and events in designated areas	45.4%	44.8%	53.8%	45.7%
Cannabis should be banned from all public festivals and events	40.1%	42%	32%	40.5%

*Duplicates and responses from those under 18 were removed from analysis.

**Smoke Free Ontario Act.

enforcement and public education. Note: if the lower-tier municipalities opt out, the Region loses their 50% share of the second allocation.

If Ontario's portion of federal excise duty over the first two years exceeds \$10 million, 50% of the surplus will be shared with municipalities that opt in. The province is also keeping a \$10 million fund for "unforeseen circumstances" related to cannabis.

Costs:

The following areas of Town oversight may be financially impacted by cannabis legalization:

- Bylaw
- Customer Service
- Fire
- Additional security needs for facilities and/or events

The above may be further impacted by a Town places of use bylaw.

Communication Issues:

Since cannabis will be accessible to residents 19+ regardless of Council's decision, a dedicated webpage at ajax.ca/cannabis has been established to host frequently asked questions (FAQs), and ongoing social media engagement is planned. Town staff will work closely with local school boards, Durham Public Health and community safety partners to ensure key messaging is distributed and shared amongst residents, students, businesses and community groups.

Further, as April 1 approaches, we will utilize our communications channels to ensure up-to-date messaging is available to the public.

Conclusion:

After reviewing all information available, as summarized below, staff is recommending that Council approve private cannabis retail stores in Ajax – that is, that council "opt in" to the provincial regulatory regime, for the following reasons.

- The anticipated negative consequences of allowing the illicit cannabis market to flourish in the absence of a legal retail option for recreational cannabis users;
- The potential economic development opportunities and impacts of having private retail cannabis stores in Ajax;
- The benefit of quality of legal cannabis product, education and support that can be provided at the point of sale in a retail store model; and
- The public input received mimics and reflects trends seen province-wide, where the public response numbers in support vs. opposing cannabis in Ajax are marginal.

Therefore, based on the information in this report, staff is of the opinion that providing a retail option for consumers best serves the public policy aims of cannabis legalization, and is recommending that Council direct staff to notify the AGCO that the Town of Ajax will permit private cannabis retail stores.

Attachments:

ATT-1: Appendix A – Town of Ajax Cannabis Policy Statement

ATT-2: Town of Ajax Cannabis Policy Statement Map

Prepared by:

Rachael Matheson – Senior Communications Officer, Government Relations – ext. 3377

Submitted by:

Rachael Wraith – Manager of Public & Strategic Affairs (Acting)

Approved by:

Shane Baker – Chief Administrative Officer

ATT-1: Appendix A – Town of Ajax Cannabis Policy Statement

The following cannabis policy statement is based on a template developed by the Association of Municipalities of Ontario (AMO) and is being used as a standard template to guide decision-making and commenting across Ontario including Hamilton and Ottawa.

As stated in the attached report, the Town's cannabis policy statement reflects the desires of the Town and Council, and is not binding to the AGCO.

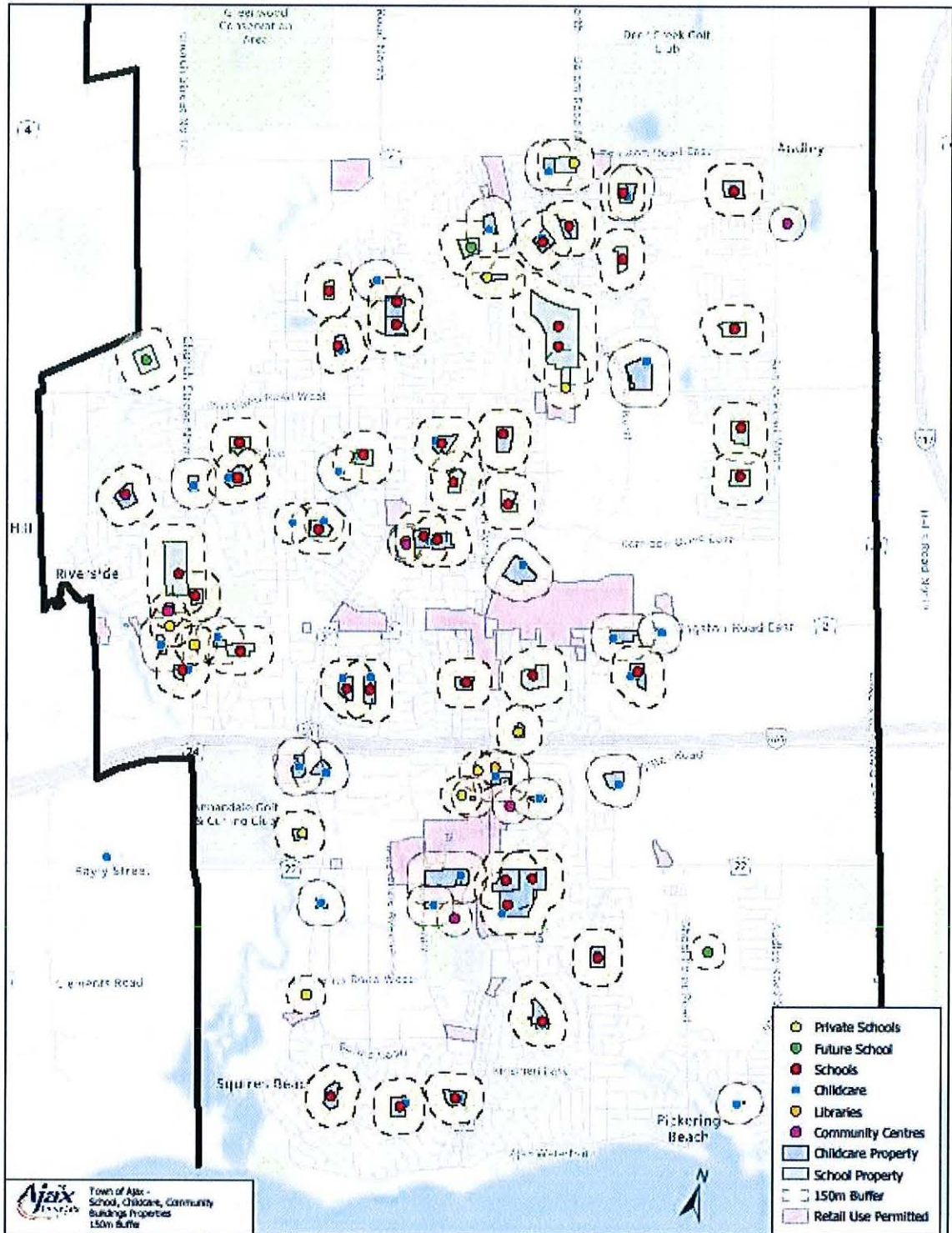
**Town of Ajax
Cannabis Policy Statement**

For the purpose of this Policy Statement, a Cannabis Retail Store shall mean a store licensed by the Alcohol and Gaming Commission of Ontario (AGCO).

1. In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores should generally not be located within 150 metres of:
 - Schools
 - Alcohol and Detox Centres
 - Day Nurseries/Child Care Centres
 - Libraries
 - Community Centres
 - Mental Health/Addiction Centres

2. In the interest of public health and safety, cannabis retail stores should not be permitted in the following:
 - Areas that already have a high concentration of cannabis retail stores (i.e. the "clustering" of stores should be avoided)
 - Locations that have insufficient parking or transit access
 - Locations that are in predominantly residential area

ATT-2: Town of Ajax Cannabis Policy Statement Map





Planning &
Development
Tel. 905-683-4550
Fax. 905-683-0360

C.S. - LEGISLATIVE SERVICES

Original
To: CIP
Copy Regional Chair
To: CAO ✓
B. Brademan
S. Suppis
N. Taylor
Ken Petersen
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, Floor 13
Toronto, ON M5G 2E5
Take Appr. Action

TOWN OF AJAX
65 Harwood Avenue South
Ajax, ON L1S 2H9
www.ajax.ca

January 18, 2019

Michael Helfinger
Senior Policy Advisor
Ministry of Economic Development, Job Creation and Trade
Business Climate and Funding Administration Division
Policy Coordination and Business Climate Branch
900 Bay Street, Toronto, ON M7A 2E1

Ken Petersen
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, Floor 13
Toronto, ON M5G 2E5

Submitted via email to:
michael.helfinger@ontario.ca

Submitted via email to:
ken.petersen@ontario.ca

To whom this may concern,

Re: EBR Registry Number: 013-4293 Bill 66: Restoring Ontario's Competitiveness Act, 2018, EBR Registry Number 013-4125 Proposed Open for Business Planning Tool, and EBR Registry Number 013-4239 New Regulation under the Planning Act for an Open for Business Planning Tool

EBR Registry Postings 013-4293, 013-4125 and 013-4239 were posted on December 6, 2018 requesting comments by January 20, 2019.

Please be advised that the following resolution was passed by the Town of Ajax Council at its special meeting held on January 14, 2019:

1. That Council supports, in principle, the use of Bill 66, *Restoring Ontario's Competitiveness Act, 2018* to attract new major employment uses and investment in Ajax with the provision that the Town passes Open for Business Planning By-laws that respect its commitment to the Greenbelt, water quality, and Town land use and environmental policies and plans.
2. That the following staff comments be submitted to the Ministry of Economic Development, Job Creation and Trade regarding Schedule 10 (amendments to the *Planning Act*) in Bill 66, *Restoring Ontario's Competitiveness Act, 2018* (EBR Registry No. 013-4293):
 - a) Town staff recommend that development approved under an Open for Business Planning By-law should conform to:
 - i. Provincial plans, policies and legislation; and
 - ii. Municipal Official Plans.
 - b) Town staff recommend that municipalities continue to have the ability to impose the site plan and architectural control conditions under Section 41 of the *Planning Act* they deem appropriate for new employment uses approved under an Open for Business Planning By-law.
 - c) Town staff recommend that public consultation be required prior to Council passing an Open for Business Planning By-law to ensure the public is given the opportunity to help identify opportunities and constraints on major developments within their community.
 - d) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be

amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.

3. That the following staff comments be submitted to the Ministry of Municipal Affairs and Housing regarding the proposed Open for Business Planning Tool (EBR Registry Nos. 013-4125 and 013-4239):
 - a) Town staff do not support using an Open for Business Planning By-law to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible. Town staff recommend that the Province clarify, in the *Planning Act*, what secondary or ancillary uses may be permitted in an Open for Business Planning By-law, based on the underlying Official Plan land use designation; the scale of those secondary or ancillary uses; and the criteria to be satisfied for permitting those secondary or ancillary uses.
 - b) Town staff recommend that the Regulation under the *Planning Act* for the Open for Business Planning Tool require new major employment uses to provide a minimum job density target of 50 jobs per net hectare.
 - c) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.
4. That this Report and a copy of Council's resolution be forwarded to the Ministry of Economic Development, Job Creation and Trade and the Ministry of Municipal Affairs and Housing in advance of the January 20, 2019 comment deadline.
5. That a copy of this report be distributed to the Region of Durham, Toronto and Region Conservation Authority, Central Lake Ontario Conservation Authority, CTC Source Protection Region, Ontario Greenbelt Alliance, Environmental Defense, and Canadian Environmental Law Association.

A copy of the staff report that prompted this action and an extract from the January 14, 2019 Town of Ajax Council meeting containing the motion as amended have been enclosed. If you require any additional information please contact Sean McCullough, Senior Planner, at 905.619.2529 (3234) or sean.mccullough@ajax.ca. Thank you for your consideration of the enclosed comments.

Regards,



Geoff Romanowski, MCIP, RPP, CPT
Manager of Planning, Town of Ajax

Copies:

Dave Meredith, Acting Director of Planning and Development Services, Town of Ajax
Alexander Harras, Manager of Legislative Services, Town of Ajax
Stev Andis, Supervisor of Policy Planning and Research
Sean McCullough, Senior Policy Planner, Town of Ajax
Clerk, Region of Durham
Toronto and Region Conservation Authority
Central Lake Ontario Conservation Authority
Ontario Greenbelt Alliance
Environmental Defense
Canadian Environmental Law Association

Town of Ajax Report



Report To: Council

Prepared By: Stev Andis, MCIP, RPP
Supervisor of Planning Policy and Research

Sean McCullough, MCIP, RPP
Senior Planner

Subject: **Bill 66, Restoring Ontario's Competitiveness Act, 2018 and Proposed Open for Business Planning Tool**

Ward(s): All

Date of Meeting: January 14, 2018

Recommendations:

1. That Council supports, in principle, the use of Bill 66, *Restoring Ontario's Competitiveness Act, 2018* to attract new major employment uses and investment in Ajax with the provision that the Town passes Open for Business Planning By-laws that respect its commitment to the Greenbelt, water quality, and Town land use and environmental policies and plans.
2. That the following staff comments be submitted to the Ministry of Economic Development, Job Creation and Trade regarding Schedule 10 (amendments to the *Planning Act*) in Bill 66, *Restoring Ontario's Competitiveness Act, 2018* (EBR Registry No. 013-4293):
 - a) Town staff recommend that development approved under an Open for Business Planning By-law should conform to:
 - i. Provincial plans, policies and legislation; and
 - ii. Municipal Official Plans.
 - b) Town staff recommend that municipalities continue to have the ability to impose the site plan and architectural control conditions under Section 41 of the *Planning Act* they deem appropriate for new employment uses approved under an Open for Business Planning By-law.
 - c) Town staff recommend that public consultation be required prior to Council passing an Open for Business Planning By-law to ensure the public is given the opportunity to help identify opportunities and constraints on major developments within their community.
 - d) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.

3. That the following staff comments be submitted to the Ministry of Municipal Affairs and Housing regarding the proposed Open for Business Planning Tool (EBR Registry Nos. 013-4125 and 013-4239):
 - a) Town staff do not support using an Open for Business Planning By-law to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible. Town staff recommend that the Province clarify, in the *Planning Act*, what secondary or ancillary uses may be permitted in an Open for Business Planning By-law, based on the underlying Official Plan land use designation; the scale of those secondary or ancillary uses; and the criteria to be satisfied for permitting those secondary or ancillary uses.
 - b) Town staff recommend that the Regulation under the *Planning Act* for the Open for Business Planning Tool require new major employment uses to provide a minimum job density target of 50 jobs per net hectare.
 - c) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.
4. That this Report and a copy of Council's resolution be forwarded to the Ministry of Economic Development, Job Creation and Trade and the Ministry of Municipal Affairs and Housing in advance of the January 20, 2019 comment deadline.
5. That a copy of this report be distributed to the Region of Durham, Toronto and Region Conservation Authority, Central Lake Ontario Conservation Authority, CTC Source Protection Region, Ontario Greenbelt Alliance, Environmental Defense, and Canadian Environmental Law Association.

1.0 Background:

As part of Ontario's Open for Business Action Plan, on December 6, 2018, the Province released Bill 66, *Restoring Ontario's Competitiveness Act, 2018* and two associated proposals for an Open for Business Planning Tool on the Environmental Bill of Rights (EBR) Registry. The Province has requested comments on all three proposals by January 20, 2018:

EBR Registry No. 013-4293 ¹	Bill 66, <i>Restoring Ontario's Competitiveness Act, 2018</i>
EBR Registry No. 013-4125 ²	Proposed Open for Business Planning Tool
EBR Registry No. 013-4239 ³	New Regulation under the <i>Planning Act</i> for an Open for Business Planning Tool

¹ Link to EBR Posting No. 013-4293: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM2Nzl0&statusId=MjA4MzU1&language=en>

² Link to EBR Posting No. 013-4125: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM2NTE2&statusId=MjA4MDQ5&language=en>

³ Link to EBR Posting No. 013-4239: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM2Njcx&statusId=MjA4MjY4&language=en>

1.1 Bill 66, *Restoring Ontario's Competitiveness Act, 2018* (Bill 66)

The Province's stated goals on the EBR Registry for Bill 66 are to stimulate business development, create good jobs and make Ontario more competitive. Bill 66 is an omnibus bill which proposes to make amendments to 16 different Acts administered by 12 different Provincial ministries. This Report will focus on proposed changes to the *Planning Act* through Bill 66.

Proposed changes to the *Planning Act* through Bill 66 will enable municipalities to use a new planning tool called the Open for Business Planning Tool. This new tool will enable municipalities to create an Open for Business Planning By-law that supersedes existing provincial and local planning policies and legislation in order to accommodate new large businesses that meet criteria specified in a Regulation under the *Planning Act*.

1.2 What is an Open for Business Planning By-law (OFB By-law)?

An OFB By-law is a site specific development permission that would supersede existing local zoning and site plan requirements, as well as many provincial plans, legislation and policies.

Based on discussions with Ministry staff, it is staff's understanding that an OFB By-law is only a one-time tool. Once a development has been approved through an OFB By-law, any subsequent requests for changes to the development approval would be subject to existing *Planning Act* processes and public consultation (e.g. Official Plan and Zoning By-law Amendments, and Site Plan Control).

If a local municipality chooses to pass an OFB By-law, the specific development being approved under the By-law would not be subject to:

- Provincial Policy Statement (PPS), 2014;
- Greenbelt Plan, 2017;
- Growth Plan for the Greater Golden Horseshoe, 2017;
- Oak Ridges Moraine Plan, 2017;
- Municipal Official Plans;
- Municipal Zoning By-laws, including Holding (H) Provisions;
- Municipal Site Plan Control; however, a municipality may still impose some site plan related conditions within the OFB By-law;
- Height and Density Bonusing (Section 37 of the *Planning Act*);
- Source Water Protection Plans, which includes policies that protect municipal drinking water systems from significant threats;
- Initiatives created under Ontario's Great Lakes Strategy for the purposes of protecting Great Lakes water quality, beaches and coastal areas (Section 20 of the *Great Lakes Protection Act, 2015*);
- Lake Simcoe Protection Plan;
- Any Transportation Planning Policy Statement made under the *Metrolinx Act, 2006*;
- Any development plan made under the *Ontario Planning and Development Act, 1994*;
- *Resource Recovery and Circular Economy Act, 2016*, which addresses waste reduction and recycling; and
- Any other provision prescribed in a Regulation.

1.2.1 What Criteria Does Development Need to Meet to Qualify for an OFB By-law?

In order to be considered for an OFB By-law, proposals would be required to:

- confirm that the use is a new major employment use;
- meet a minimum job creation threshold (e.g. 50 jobs for municipalities with a population of less than 250,000 people or 100 jobs for municipalities with a population of more than 250,000 people); and,
- identify the use of land, buildings or structures that may be authorized through the By-law, such as manufacturing or research and development, but not residential, commercial or retail as the primary use.

1.2.2 What is the Process to Implement an OFB By-law?

Should a municipality want to implement an OFB By-law, they would be required to submit a Council Resolution and any prescribed information to the Minister of Municipal Affairs and Housing requesting permission to pass an OFB By-law. Following written approval from the Minister, which may include conditions, a municipal Council could pass an OFB By-law.

Municipalities are not required to give notice or hold a public meeting prior to passing an OFB By-law. The OFB By-law would come into effect 20 days after it has been passed by Council, or a later date, if specified by the Minister. The Minister may modify or revoke an OFB By-law at any time before it comes into effect.

Although public notice of passing an OFB By-law is not required, a municipality must notify the Minister within 3 days and any persons or public bodies the municipality considers appropriate within 30 days of the passing of an OFB By-law.

The passing of an OFB By-law cannot be appealed to the Local Planning Appeal Tribunal (LPAT).

Once an OFB By-law is in effect, a municipality or proponent can apply to amend the By-law. Since the OFB By-law is a tool that can only be used once per development, an application to amend an OFB By-law would have to follow the same process and requirement for public consultation as any other application to amend the Zoning By-law. Additionally, any further development on the site would be subject to all the standard *Planning Act* processes, such as full Site Plan Control.

2.0 Discussion:

2.1 Exclusion of Provincial Plans, Policies and Legislation

The purpose of overarching Provincial plans, policies and legislation is to provide a foundation for local decision making that protects the environment, supports the principles of strong communities, provides opportunities for economic growth and protects the health and safety of all Ontarians.

The proposed legislation would exempt new major employment uses from complying with key environmental protections and strategic growth policies and legislation:

- Exemption from the Greenbelt Plan and Oak Ridges Moraine Plan means that new major employment uses would not need to comply with protections provided to agricultural lands, and ecological and hydrological features within these landscapes.

These landscapes contain the headwaters of major watercourses within Durham Region that originate and flow through Ajax, providing habitat for plant and animal species including species at risk, and providing recreational opportunities. The Town has been a strong supporter of protecting and growing the Greenbelt.

- Exemption from the Provincial Policy Statement (PPS) means that new major employment uses would not need to comply with land-use policies intended to create efficient patterns of development that protect public health and safety, and the quality of the built and natural environments.
- Exemption from the Growth Plan means that major employment development could be located in areas that would undermine the Growth Plan's intent of focusing growth in strategic areas with existing and planned infrastructure and services, and have financial impacts required to extend services and infrastructure into new areas.
- Exemption from Source Water Protection Plans, the *Great Lakes Protection Act* and the Lake Simcoe Protection Plan means that new major employment uses would not have to comply with the prohibition or mitigation measures required for identified threats to drinking water and initiatives aimed at protecting water quality. The Town has become a leading advocate for the protection of water quality and improvement of the Lake Ontario's nearshore.

Opportunities for economic growth should be balanced with other provincial goals and objectives for protecting the environment and creating healthy, complete communities.

Comments: In principle, the Town supports the use of an Open for Business Planning By-law to attract new major employment uses and investment in Ajax while respecting the Town's commitment to the Greenbelt and water quality.

Town staff do not support the ability for development approved under an Open for Business Planning By-law to be exempt from Provincial policies, plans and legislation.

2.2 Exclusion of Municipal Official Plans and Zoning

Official Plans and Zoning By-laws are the framework for a municipality's long-term growth. The Town of Ajax Official Plan policies set the Town's goals and priorities while implementing earlier versions of the Provincial Policy Statement, Greenbelt Plan and Growth Plan. The Town's Zoning By-law is currently under review to implement those new policies.

Exemption from Official Plans means that new major employment uses could locate in areas not planned for employment. This exemption would create an ad hoc approach that could undermine the significant resources municipalities invest in long-range land use planning exercises that establish appropriate land use structures to make efficient use of existing and planned infrastructure and services.

Comments: Town staff do not support the ability for development approved under an Open for Business Planning By-law to be exempt from municipal Official Plans.

Being exempt from Zoning By-laws may be beneficial in circumstances where lands are identified in an Official Plan as employment, but are zoned agricultural or other non-employment zone category. In such a circumstance where the principle of employment development is established in an Official Plan, being able to compress the time required to undergo the zoning

by-law amendment and site plan processes can be beneficial for new employment uses wanting to realize development sooner. Town staff support the use of an Open for Business Planning By-law to attract new major employment uses within urban areas on lands that have been identified in municipal Official Plans for employment uses but that have yet to be zoned for employment.

Lands in the Town's Official Plan identified for employment are pre-zoned to permit a variety of employment uses. Development on these lands would only require site plan approval and possibly a minor variance. The Town has approximately 195 hectares (482 acres) of serviced and pre-zoned land available to accommodate new major employment uses. As discussed further in Sections 2.6 and 2.7 of this Report, the use of an OFB By-law for development on lands zoned employment in Ajax would not provide new major employment uses with any time saving benefits.

2.3 Limited Site Plan Control

As noted on Section 1.2, development approved under an OFB By-law would not be subject to full site plan control. However, municipalities could ask for development plans showing the location and massing of buildings. Both the local and upper tier municipalities may also impose conditions related to road widening(s), off-street parking, loading facilities, pedestrian walkways, easements for servicing, grading plans and stormwater management facilities. Municipalities may also include any requirement that it deems necessary for the protection of public health and safety. Development would still be required to be designed to have regard for persons with disabilities.

Under the proposed legislation, municipalities would not be permitted to impose conditions related to architectural details, such as the colour, texture and type of building materials, or construction details. The Town of Ajax has Employment Area Urban Design Guidelines and a control architect to ensure employment uses have a superior level of building and streetscape design to create buildings and areas that are attractive, comfortable and functional for all users.

Opportunities for economic growth should be balanced with other municipal goals and objectives for creating healthy, complete communities; as such municipalities should continue to have the discretion to apply an appropriate level of site plan and architectural control deemed to be appropriate for their respective municipality, while balancing objectives and remaining competitive in their ability to attract new major employment uses.

Comments: Town staff recommend that Schedule 10 of Bill 66 be amended to allow municipalities the ability to impose the site plan and architectural control conditions under Section 41 of the *Planning Act* they deem appropriate for new employment uses approved under an Open for Business Planning By-law.

2.4 Lack of Transparency in the Planning Process

The proposed legislation removes requirements under the *Planning Act* for public consultation that the Town would otherwise undertake when processing a zoning by-law amendment application or a minor variance application. While the *Planning Act* does not require public consultation for site plan applications, the Town has often held open house meetings to present proposals and inform the public. Public consultation is fundamental to the planning process to ensure that impacts are adequately identified and mitigated.

Professional planners have a responsibility to the public interest that has been outlined in the Professional Code of Practice to "practice in a manner that respects the diversity, needs, values

and aspirations of the public and encourages discussion on these matters.”⁴ The proposed legislation exempts municipalities from this important public right under the *Planning Act*. Additionally, the proposed legislation also removes the public’s appeal rights for any development approved under an OFB By-law.

Comments: Town staff recommend that Schedule 10 of Bill 66 be amended to require public consultation prior to Council passing an Open for Business Planning By-law, to ensure the public is given the opportunity to help identify opportunities and constraints on major developments within their community.

2.5 Requirements for Development to Qualify for an OFB By-law

The Town’s Official Plan states that the Town will oppose the conversion of employment lands outside of a Municipal Comprehensive Review. This is to ensure that the Town continues to have an adequate supply of employment lands, while ensuring that sensitive land uses that may be incompatible with certain industrial uses do not encroach into employment areas.

The proposed criteria to qualify for an OFB By-law state that the proposed development must be a new major employment use, “but not residential, commercial or retail as the primary use”. The purpose of the OFB By-law is to attract new major employment uses and therefore, within urban areas, be used for employment uses. The OFB By-law should not be used to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible.

Town staff acknowledge that in rural areas a major employment use may require small scale ancillary residential uses to support the day-to-day function of the employment use. Town staff also acknowledge that in some situations ancillary commercial or retail to a major employment use may be appropriate. However, Town staff do not support the use of an OFB By-law as a tool to allow residential or any other sensitive non-employment land-uses that would otherwise not be permitted on employment lands within an urban area.

Comments: Town staff do not support using an Open for Business Planning By-law to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible. Town staff recommend that the Province clarify, in the *Planning Act*, what secondary or ancillary uses may be permitted in an Open for Business Planning By-law, based on the underlying Official Plan land use designation; the scale of those secondary or ancillary uses; and the criteria to be satisfied for permitting those secondary or ancillary uses.

The proposed criteria to qualify for an OFB By-law also state that proposals would be required to meet a minimum job creation threshold. The example given by the Province in the EBR Registry posting is a minimum of 50 jobs for municipalities with a population of less than 250,000 people or 100 jobs for municipalities with a population of more than 250,000 people. This is a very low threshold.

Using the Province’s example could result in new major employment uses that are land extensive with low employment densities. The 2010 Town of Ajax Employment Lands Strategy recommended that the Town encourage higher density employment uses. As a result the Town has an employment density target of 37 jobs per net hectare.

⁴ Planners Professional Code of Practice: <https://ontarioplanners.ca/oppi/about-oppi/professional-code-of-practice-standards>

Recent new employment uses to the Town have achieved employment densities that exceed the Town's target, such as Gordon Food Services (~600 new jobs, employment density of 38.5 jobs per net hectare), Ajax Infinity Dealership (~50 new jobs, employment density of 66.6 jobs per net hectare), Lifetime Fitness (~250 new jobs, employment density of 75.5 jobs per net hectare).

For maximum benefit, the Open for Business Planning Tool should be used to attract uses that have high employment densities and not low density, land extensive employment uses. Therefore, a minimum job density of 50 jobs per net hectare should be required to qualify for an OFB By-law.

Comments: Town staff recommend that the Regulation under the *Planning Act* for the Open for Business Planning Tool require new major employment uses to provide a minimum job density target of 50 jobs per net hectare.

2.6 Process and Timing to Pass an OFB By-law

An OFB By-law would be beneficial in municipalities where employment lands have not been pre-zoned or to permit new uses not contemplated in older by-laws, which would otherwise require a Zoning By-law Amendment. Zoning By-law Amendments have statutory timelines required for review, consultation and approval; and can take 1 year or more to process and approve.

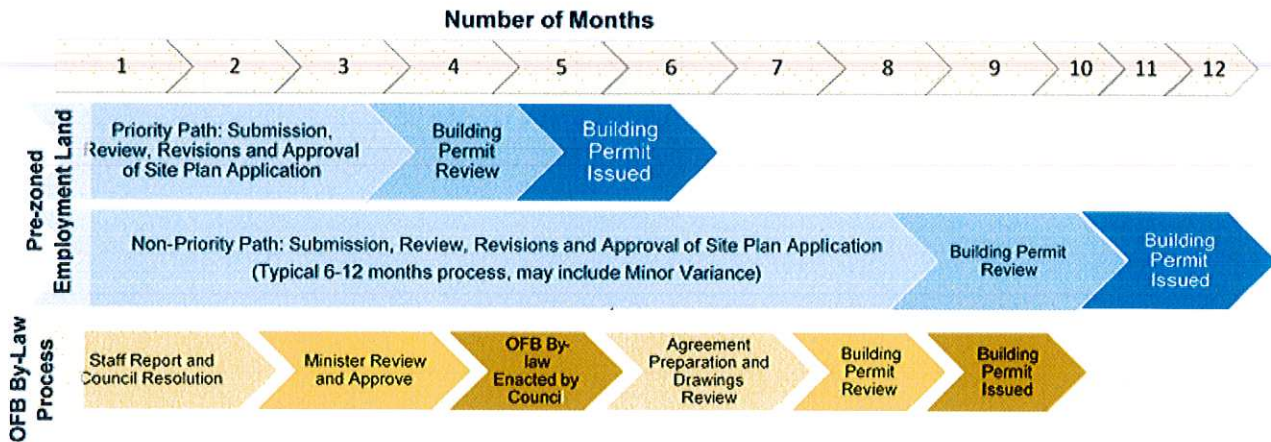
The Town has approximately 195 hectares (482 acres) of serviced vacant employment lands proactively zoned to permit employment uses as of right; requiring new major employment uses to apply only for site plan approval. Site plan approval in the Town has been delegated to staff and the typical timeframe for approval is 6-12 months.

To further encourage development of employment lands the Town has two economic development programs: PriorityPath and PriorityPath Prime. Projects eligible for the PriorityPath program must meet or exceed the Town's employment lands density target of 37 jobs per net hectare and consist of a new building or expansion of at least 25,000 ft². As a result, projects considered through an OFB By-law would likely also be eligible for the PriorityPath programs. The PriorityPath program has a processing timeline of 3-4 months agreed to by both the Town and the applicant.

The processing for an OFB By-law requires additional approval steps by both Council and the Minister that are currently not required for proposals in the Town's employment areas, and could take an additional 3-6 months (dependent on the Minister's committed approval timeline and Council meeting schedule) (See "Figure 1 – Site Plan and OFB By-law Process Timelines" on the following page).

As per discussions with Ministry staff, the OFB By-law is only a one-time tool to attract new major employment uses. This means that development applications for subsequent expansions to businesses would be subject to all *Planning Act* application review and public consultation requirements; however the processing of requests for amendment to an approved OFB By-law is unclear.

Figure 1: Site Plan and OFB By-law Process Timelines



If an OFB By-law is a one-time tool, a new major employment use approved under an OFB By-law may not be in conformity with Provincial and municipal legislation, plans and policies, which may impede its ability to grow and expand in the future. For example, if a future expansion for an employment use approved under an OFB By-law is in an area where major employment is not permitted by provincial plans or an official plan, it may require an official plan amendment, zoning by-law amendment or minor variance. In this situation there is a strong possibility that the requested expansion may not be approved as it would not comply with existing legislation, policies and plans.

Comments: Town staff recommend that proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when changes to a development approval made under an Open for Business Planning By-law are requested.

2.7 Practicality of Using an OFB By-law in Ajax

Based on the comments provided in Sections 2.1 to 2.6, staff support the use of an OFB By-law on lands that are designated in municipal Official Plans for employment, but are not yet zoned for employment. As the Town has approximately 195 hectares (482 acres) of serviced and pre-zoned employment land, and 2 existing economic development tools (PriorityPath and PriorityPath Prime) to facilitate faster planning approvals, staff do not see the benefit of the OFB By-law on the Town's employment lands.

In the Ajax context, an OFB By-law could be used to permit a new major employment use in a non-employment area, such as the Town's Rural Area which is within the Greenbelt. However, the use of such a tool within the Town's Greenbelt lands would be contrary to the many efforts and years spent by previous Town Councils to establish a firm Urban Boundary, protect lands within the Town's Rural Area/Greenbelt and to grow the Greenbelt in municipalities surrounding Ajax.

Prime locations for large employment uses are generally within urban area boundaries close to infrastructure, services, and transportation options. Allowing large employment uses within Ajax's Greenbelt boundary will put a burden on municipalities to provide services. Further, infrastructure and servicing (sanitary and water services) are planned and allocated based on a municipal Official Plan's comprehensive land use structure. The additional time and costs associated with expanding and/or extending services into rural or Greenbelt areas may be an

unintended hindrance. The extension and/or expansion of servicing would also require the approval of the Region.

Financial Implications:

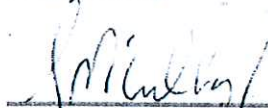
There are no financial implications associated with the endorsement of the recommendations contained within this Report.

Conclusion:

The Province is proposing amendments to the *Planning Act* through Bill 66 and a new Open for Business Planning Tool as an attempt to cut "red tape" and facilitate faster development approvals for new major employment uses, and possibly new residential, commercial and retail uses. The Province is doing this by exempting development approved under an OFB By-law from long-standing provincial and municipal environmental protections and evidence-based growth management policies. Additionally, municipalities are not required to consult with the public on the creation and passing of an OFB By-law which weakens the democratic planning process currently required under the *Planning Act*.


Opportunities for economic growth should be balanced with other provincial and municipal goals and objectives for creating healthy, complete communities; as such, Town staff recommend the Province reconsider aspects of the proposed amendments to the *Planning Act* to establish an Open for Business Planning Tool.

Prepared by:


Sean McCullough – Senior Planner – ext. 3234


Stev Andis – Supervisor of Planning Policy and Research – ext. 3257

Submitted by:


Dave Meredith – Acting Director of Planning and Development Services

Approved by:


Shane Baker – Chief Administrative Officer



**Extract of the Minutes of Council
January 14, 2019**

The following is a recommendation from the January 14, 2019 Special Meeting of Council of the Town of Ajax.

Bill 66, Restoring Ontario's Competitiveness Act, 2018 and Proposed Open for Business Planning Tool

Moved by:

Seconded by:

1. That Council supports, in principle, the use of Bill 66, *Restoring Ontario's Competitiveness Act, 2018* to attract new major employment uses and investment in Ajax with the provision that the Town passes Open for Business Planning By-laws that respect its commitment to the Greenbelt, water quality, and Town land use and environmental policies and plans.
2. That the following staff comments be submitted to the Ministry of Economic Development, Job Creation and Trade regarding Schedule 10 (amendments to the *Planning Act*) in Bill 66, *Restoring Ontario's Competitiveness Act, 2018* (EBR Registry No. 013-4293):
 - a) Town staff recommend that development approved under an Open for Business Planning By-law should conform to:
 - i. Provincial plans, policies and legislation; and
 - ii. Municipal Official Plans.
 - b) Town staff recommend that municipalities continue to have the ability to impose the site plan and architectural control conditions under Section 41 of the *Planning Act* they deem appropriate for new employment uses approved under an Open for Business Planning By-law.
 - c) Town staff recommend that public consultation be required prior to Council passing an Open for Business Planning By-law to ensure the public is given the opportunity to help identify opportunities and constraints on major developments within their community.
 - d) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.
3. That the following staff comments be submitted to the Ministry of Municipal Affairs and Housing regarding the proposed Open for Business Planning Tool (EBR Registry Nos. 013-4125 and 013-4239):
 - a) Town staff do not support using an Open for Business Planning By-law to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible. Town staff recommend that the Province

clarify, in the *Planning Act*, what secondary or ancillary uses may be permitted in an Open for Business Planning By-law, based on the underlying Official Plan land use designation; the scale of those secondary or ancillary uses; and the criteria to be satisfied for permitting those secondary or ancillary uses.

- b) Town staff recommend that the Regulation under the *Planning Act* for the Open for Business Planning Tool require new major employment uses to provide a minimum job density target of 50 jobs per net hectare.
 - c) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.
4. That this Report and a copy of Council's resolution be forwarded to the Ministry of Economic Development, Job Creation and Trade and the Ministry of Municipal Affairs and Housing in advance of the January 20, 2019 comment deadline.
 5. That a copy of this report be distributed to the Region of Durham, Toronto and Region Conservation Authority, Central Lake Ontario Conservation Authority, CTC Source Protection Region, Ontario Greenbelt Alliance, Environmental Defense, and Canadian Environmental Law Association.

CARRIED



Alexander Harras, D-Clerk

Afreen Raza

From: Harris, Chris <HarrisC@whitby.ca>
Sent: January-21-19 9:04 PM
To: municipal@agco.ca
Cc: CouncilMembers; Gaskell, Matthew; Mar, Warren; Narraway, Kevin; Ploss, Diane (MMAH); vic.fedeli@pc.ola.org; celina.caesar-chavannes@parl.gc.ca; lorne.coeco@pc.ola.org; Clerks; clerks@clarington.net; jnewman@scugog.ca; Debbie Leroux; Thomas Gettinby; clerks@oshawa.ca; nicole.cooper@ajax.ca; clerks@pickering.ca; Dave Selby
Subject: Town of Whitby - Opt-out of retail cannabis stores
Attachments: Cannabis Opt-Out Letter - FINAL.PDF

Attn: Alcohol and Gaming Commission of Ontario (AGCO)

Please find attached correspondence from the undersigned advising that at a meeting held on January 21, 2019, the Council of The Corporation of the Town of Whitby opted out of cannabis retail stores in accordance with the Cannabis License Act, 2018.

Confirmation of receipt of this email is kindly requested.

Christopher Harris
 Town Clerk
 Office of the Town Clerk
 Legislative Services

Corporation of the Town of Whitby
 575 Rossland Road East
 Whitby, ON L1N 2M8
 Tel: 905.430.4302 | Fax: 905.686.7005
www.whitby.ca | harrisc@whitby.ca

C.S. - LEGISLATIVE SERVICES

Original
To: CIP
Copy CAO → emailed
To: Dr. Kipler Jan/22
Nancy Taylor
C.C. S.C.C. File
Take Appr. Action

Confidentiality Warning: This e-mail contains information that is confidential and is intended only for the use of the named recipient(s). If you are not the intended recipient, you are hereby notified that any review, copying or distribution of this transmission is strictly prohibited. Please contact the Town of Whitby immediately if you have received this transmission in error and delete this message.



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

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

January 21, 2019

Sent via email to municipal@agco.ca

Alcohol and Gaming Commission of Ontario
AGCO Registrar
90 Sheppard Avenue East, Suite 200-300
Toronto, Ontario
M2N 0A4

Re: The Corporation of the Town of Whitby - Notification to Opt Out of Cannabis Retail Stores

Please be advised that at a meeting held on January 21, 2019, the Council of The Corporation of the Town of Whitby opted out of cannabis retail stores by adopting the following Resolution:

1. In accordance with the Cannabis Licence Act, 2018, cannabis retail stores are hereby prohibited from being located within the municipality of The Corporation of the Town of Whitby;
2. That a copy of this resolution and Report LS 02-19, including the results of the two public surveys and a summary of the reasons why the community is opposed to opting in, be sent to the Minister of Finance, the Alcohol and Gaming Commission of Ontario, Local MP and MPP, Durham Region Police Service, Regional Municipality of Durham, and Local Area Municipalities prior to the province's deadline to opt out of cannabis retail store sales;
3. That the Mayor be authorized to send a letter to the AGCO, Ontario Minister of Finance, Premier of Ontario, federal Minister of Finance, federal Minister of Justice, and our local MP and MPP indicating that Whitby and the Region of Durham should receive a guaranteed, meaningful share of cannabis revenues from the province and federal government, through a revenue sharing formula that provides a fair fixed percentage of annual net revenues, regardless of whether cannabis retail stores are located in the municipality;
4. That the Durham Regional Police Service be requested to take appropriate action regarding any illegal cannabis retail stores in Whitby; and

5. That further to the resolution adopted by Council on December 11, 2018, that the Province be requested to amend Section 115(3) of the Municipal Act to allow municipalities to prohibit cannabis in all public places, including highways, sidewalks, and boulevards so that municipalities have local control over public consumption of cannabis and the ability to restrict its public use in the same manner as alcohol.

Please accept this letter as confirmation that The Corporation of the Town of Whitby is opting out of cannabis retail stores.

Should you require further information, please do not hesitate to contact the undersigned at 905.430.4315.



Christopher Harris
Town Clerk
Town of Whitby

Encl.: Report LS 02-19, Privately-Run Cannabis Retail Stores and the Ontario Cannabis Licence Act, 2018 – Update
Town of Whitby Council Resolution #318-18

Copy: Mayor Mitchell and Members of Council
The Honourable Vic Fedeli, Finance Minister
Ms. Celina Ceaser-Chavannes, M.P.
Mr. Lorne Coe, M.P.P.
M. Gaskell, Chief Administrative Officer, Town of Whitby
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor, Town of Whitby
K. Narraway, Manager of Legislative Services/Deputy Clerk, Town of Whitby
D. Ploss, Ministry of Municipal Affairs and Housing
R. Walton, Regional Municipality of Durham
A. Greentree, Municipality of Clarington
J.P. Newman, Township of Scugog
D. Leroux, Township of Uxbridge
T. Gettinby, Township of Brock
A. Brouwer, City of Oshawa
N. Cooper, Town of Ajax
S. Cassel, City of Pickering
Durham Regional Police Service



Town of Whitby Staff Report

whitby.civicweb.net

Report Title: Privately-Run Cannabis Retail Stores and the Ontario Cannabis Licence Act, 2018 – Update

Report to: Committee of the Whole

Date of meeting: January 14, 2019

Report Number: LS 02-19

Department(s) Responsible:

Legal and By-law Services

Submitted by:

Warren Mar, Commissioner of Legal and By-law Services/Town Solicitor

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Warren Mar, Commissioner of Legal and By-law Services/Town Solicitor, x4342

1. Recommendation:

1. That Council adopt one of the two options as set out in section 4.5 of Report LS 02-19, on whether privately-operated cannabis retail stores should be permitted in Whitby.

2. Highlights:

- Beginning on December 14, 2018, Forum Research conducted a telephone survey of people who live and/or work in Whitby to determine their support or opposition to private retail storefronts selling cannabis in Whitby. As part of the survey, 412 responses were collected. The survey results were deemed to be statistically accurate $\pm 4.83\%$, 19 times out of 20.
- Of those respondents, **48% (196 people) opposed** private cannabis retail stores in Whitby. **33% (135 people) supported** private cannabis retail stores. A further 15% (63 people) neither opposed nor supported such stores, with 5% (19 people) unsure.
- An online survey hosted on the Town's website was also conducted between December 13 and 28, which received 2,219 responses. Of those surveyed, 96% of the respondents indicated that they lived and/or worked in Whitby.

- Based on the online survey results, **51% (1,135 people) opposed** private cannabis retail stores in Whitby. **43% (946 people) supported** private cannabis retail stores. A further 5% (108 people) neither supported nor opposed such stores, with 1% (30 people) unsure.
- As of the date that this report was written, within the GTA only Toronto has agreed to allow private recreational cannabis retail stores. Markham, Mississauga, Richmond Hill, King Township, and Pickering have opted out.
- If Council wishes to opt out of the private retail model, they must do so by passing a resolution directed to the AGCO on or before January 22, 2019. Should a municipality fail to pass a resolution opting out by the deadline, the AGCO will consider that the municipality has no objection to cannabis retail stores, and such a municipality will automatically be considered to have opted in.
- Should Council wish to opt out of the private retail model initially, they may later choose to opt in. However, if the one-time opt out is later reversed, the decision to opt in then becomes final.
- Under new regulations to the Cannabis Licence Act, 2018, and due to a claimed shortage of supply, the province is initially allocating only 25 Retail Store Authorizations in Ontario. In the GTA, five stores are allocated to the City of Toronto, with six stores to be shared in the remainder of the GTA. Cannabis retail stores cannot be located in a municipality that has passed a resolution prohibiting cannabis retail stores from being located in the municipality.
- Regardless of whether Council chooses to opt in or out, the Town and other Ontario municipalities require revenue fairness from the province and the federal government. Whitby should receive a fair share of cannabis revenues and/or the ability to levy cannabis sales taxes, to provide guaranteed, sustainable, and meaningful funding from cannabis legalization, similar to the experience of local governments in Colorado.

3. Background:

Following Council's consideration of Report LS 26-18 and direction to staff at its meeting on December 11, 2018, staff engaged the services of Forum Research to conduct a telephone survey of people who live and/or work in Whitby, regarding whether or not privately-run cannabis retail stores should be permitted in Whitby. This telephone survey began on December 14, and received 412 responses, in order to establish a statistically valid result that is applicable to Whitby's population. The survey results were deemed to be statistically accurate $\pm 4.83\%$, 19 times out of 20.

In addition to the telephone survey, the Town invited residents and business owners in Whitby to complete an online survey hosted on the Town's website,

regarding privately-run recreational cannabis retail stores. The survey was advertised on the Town's social media platforms and website, and in print and online through the Town Page. This survey was open for responses and submissions from December 13 to 28. The online survey received 2,219 responses, of which 96% of the respondents indicated that they lived and/or worked in Whitby.

Further information about cannabis retail store provincial regulations and financial incentives from the province can be found in Report LS 26-18.

4. Discussion:

4.1 Telephone Survey Results

Detailed results of all the questions asked in the telephone survey can be found in **Attachment 1**. Forum Research will also be present at the meeting when this report is considered, in order to address their findings and answer questions from Committee members.

In summary, **48% of respondents (196 people) opposed** private cannabis retail stores in Whitby. This result is the total of those respondents who indicated that they either somewhat opposed or strongly opposed private cannabis retail stores.

33% of respondents (135 people) supported private cannabis retail stores. This result is the total of those respondents who indicated that they either somewhat supported or strongly supported private cannabis retail stores.

A further 15% (63 people) neither opposed nor supported such stores, with 5% (19 people) unsure. Please note that the total percentages may not add exactly to 100% due to rounding. Page 7 of the attached Forum Research report breaks down in more detail the results of those who supported or opposed cannabis retail stores.

The cost of the Forum Research survey in this short time frame, including setup, analysis, and presentation to Council, is \$5,650 plus HST. This amount will be funded from the initial cannabis legalization payment of \$57,082 to the Town from the province.

4.2 Online Survey Results

Corporate Communications engaged in a large effort to advertise the Town's online survey, as summarized in **Attachment 2**. Detailed results of the questions and responses received from the Town's online survey can be found in **Attachments 3 to 6**.

In summary, **51% (1,135 people) opposed** private cannabis retail stores in Whitby. **43% (946 people) supported** private cannabis retail stores. A further 5% (108 people) neither supported nor opposed such stores, with 1% (30 people) unsure.

The results of this survey have been organized by postal code forward sortation areas (the first three characters of a postal code) within Whitby. A map of the five postal code areas in Whitby is included as **Attachment 7**.

The online survey revealed that a high percentage of respondents (95%) were aware of the impacts of cannabis legalization, however 55% of respondents had some level of concern with the way that cannabis legalization was being handled. One conclusion that can be drawn from this result is that there is a high level of public engagement with cannabis legalization, but a majority of the public remains concerned with how the federal and provincial governments are handling legalization.

This is a concern shared by staff, with the changes to Ontario's cannabis sale regime under Bill 36, and the resulting uncertainty as the province attempts to regulate cannabis sales months after legalization – well after all other provinces have achieved a coherent sales model.

The online survey also highlighted a number of reasons about the opposition to private cannabis retail stores. Respondents who completed this survey and who were opposed to the private cannabis retail stores had a number of options to indicate why they were opposed. Respondents were able to choose one, some, or all of the presented reasons, and were also able to submit other reasons for their opposition.

The reason that was selected the most was the inability of the Town to regulate the location of private cannabis retail stores (31% or 684 people), followed closely by a lack of meaningful funding from higher levels of government (31% or 683 people). The inability of municipalities to cap the total number of cannabis retail stores (29%) or the hours of operation (24%) were also cited as reasons in opposition.

Other submitted reasons for opposing cannabis retail stores included:

- the private retail model is not the correct choice and the sale should be handled by the LCBO or a government-run store;
- concerns about social impacts of retail sales, especially to minors, and the normalization of cannabis among youth;
- the lack of municipal control over how the stores can operate;
- a general negative opinion of allowing privately-run cannabis retail stores;
- doubts about the effective municipal or provincial enforcement of cannabis-related offences/issues;
- the unknown health impacts associated with recreational cannabis usage (including second-hand smoke);

- safety concerns associated with cannabis retail stores (individual safety and those of the neighbourhood or community at large);
- not wanting Whitby's image as a "safe and family-oriented place to call home" to be associated with a retail "cannabis culture"; and
- general opposition to cannabis legalization.

Survey respondents in favour of cannabis retail stores were also able to provide comments about their support. The reasons for such support included:

- general support for privately-run cannabis retail sales;
- the fact that cannabis is legalized, and stores should be allowed to open to meet such legal demand in a safe and controlled environment;
- the need to take an active role in how cannabis is sold in Whitby (subject to proper local controls, such as zoning and licensing);
- easier access to cannabis for those with health or medical needs, and its benefits instead of opioids and other pain relievers;
- additional tax revenue for the Town;
- creation of new jobs in Whitby in the cannabis retail sector;
- helping to push out the existing illegal "black market" sellers of cannabis in the community; and
- the need for Whitby to be an innovative, economically vibrant municipality that supports the safe and legal "cannabis culture".

Another group of comments were cautiously supportive of cannabis retail stores, but advocated delaying approval. These comments suggested opting out now, while watching how other municipalities handle and are impacted by retail sales. Commenters suggested that using such experience will better inform how Whitby should handle retail stores if it decides to opt in at a later date.

4.3 Other Municipalities

As of the date that this report was written, within the GTA (Toronto, Halton, Peel, York, and Durham Regions), only Toronto has agreed to allow private recreational cannabis retail stores. Markham, Mississauga, Richmond Hill, King Township, and Pickering have opted out.

The list of municipalities opting in or out is being tracked by the AGCO, and updates can be found at: <https://www.agco.ca/cannabis/list-ontario-municipalities-prohibiting-or-allowing-cannabis-retail-stores>.

4.4 Recent Developments in the Provincial Licensing of Cannabis Retail Stores

Since Report LS 26-18 was considered by Council, the province has expanded on how it intends to roll out and regulate privately-run cannabis retail stores.

Through O. Reg. 468/18 to the Cannabis Licence Act, 2018, Ontario municipalities have a one-time option to opt out of having cannabis retail stores in their municipality. As noted previously, municipalities have until January 22, 2019 to notify the AGCO that their Council has adopted a resolution to opt out of having cannabis retail stores. Should a municipality fail to pass a resolution opting out by the deadline, the AGCO will consider that the municipality has no objection to cannabis retail stores, and such a municipality will automatically be considered to have opted in. Municipalities that choose to opt out can opt in at any time afterwards; but once they have opted in, they may not reverse their decision.

Therefore, cannabis retail stores cannot be located in a municipality that has passed a resolution prohibiting cannabis retail stores from being located in the municipality.

The province is initially allocating only 25 Retail Store Authorizations (“**RSAs**”) in Ontario. In the GTA, five stores are allocated to the City of Toronto, with six stores to be shared in the remainder of the GTA (Halton, Peel, York, and Durham Regions). The first 25 cannabis retail stores may only be located in a municipality that has a minimum population of 50,000 people.

The province is accepting expressions of interest for one of the 25 RSAs between January 7 and 9, with the lottery to select the winning bidders to be conducted on January 11 and the results posted within 24 hours thereafter.

This will all occur before the deadline for municipalities to opt out, creating a situation where a person receiving an initial RSA could be unable to find a suitable municipality to locate a store.

If a person applies for a RSA before January 22, 2019, and the municipality where the person wants to open the store prohibits cannabis retail stores, the AGCO will not issue a RSA for that store, even if the person met all other eligibility requirements.

The province also requires a letter of credit in the amount of \$50,000 from any person who receives a RSA. The letter of credit will be drawn on if the licence holder is not selling cannabis from the approved retail store on April 1 (\$12,500), on April 15 (\$12,500), or by April 30 (\$25,000).

Previous questions from staff that were asked of the province to clarify retail store location proximity to proposed school sites have not been answered.

4.5 Opt In or Opt Out Considerations and Recommendations

In deciding whether to opt in or out of allowing privately-operated cannabis retail stores in Whitby, the following factors may be considered:

- In the telephone survey, 48% opposed private cannabis retail stores in Whitby, while 33% were in support.
- In the internet survey, 51% opposed private cannabis retail stores in Whitby, while 43% were in support.
- Opting out now still allows the Town to permit private cannabis retail stores in the future. However, once the Town opts in, it cannot opt out afterwards.
- Opting out does not preclude the Town from supporting cannabis-related businesses, such as cannabis production facilities.
- Opting out allows the Town to monitor how the AGCO intends to license private cannabis retail stores, and monitor the experience of other municipalities that opt in. This also allows the Town time to avoid the initial “growing pains”.
- Prohibiting cannabis retail stores would limit residents’ access to legal, regulated recreational cannabis, which may not support the goals of reducing access to the illegal market, protecting youth, and ensuring public health and safety.
- If the Town opts in, it should establish a Council-approved public interest municipal cannabis policy framework and locational guidelines to provide feedback to the AGCO about applications for RSAs.
- A cannabis retail store applicant is required to display an AGCO approved notice at the location of the proposed cannabis retail store specified in the application. The time period for making comments to the AGCO is limited to 15 days from the date that the notice is posted, and municipalities are not proactively informed of the application.
- Municipalities do not have the ability to impose their own system of business licences on privately-run cannabis retail stores.
- Municipalities cannot restrict cannabis retail store locations or density through the land use provisions in zoning by-laws. Generally, this means that wherever retail stores are permitted (subject to the 150 metre buffer around schools and private schools), cannabis retail stores will be allowed to operate.
- The regulations do not address separation distances to other sensitive uses (e.g., daycares) or to post-secondary institutions.

- At this time it is unknown what future roles municipalities will have as a result of cannabis legalization, and the cost implications.
- Residents will still have access to purchase legal cannabis through the government-run online store, regardless of the decision to opt in or out.
- Only six stores for the GTA (excluding Toronto) are being permitted through the first round of RSAs.
- Opting out will limit the Town's funding from the province to at least \$62,082 in the next two years, although any funding above that amount is unknown at this time. Opting in will allow the Town to receive \$57,082 in the first funding round, and at least that same amount again in the second round, depending on the number of municipalities that opt in.
- If a municipality opts out by January 22, 2019, and opts back in at a later date, that municipality will not be eligible for additional funding. The maximum amount it will receive will be \$5,000 from the second distribution; it will not have access to the excise duty surplus, and will have a lesser priority to receive funds from the \$10 million pool from the province for unforeseen costs.
- Provincial funding is only committed for two years at this time.
- There has been a steady interest in potential operators looking to open privately-run cannabis retail stores in Whitby, with at least one confirmed serious and well-funded possible retailer.

Should Council choose to **opt in** and allow privately-run cannabis retail stores in Whitby, Council may consider adopting the following motion:

- “1. In accordance with the Cannabis Licence Act, 2018, cannabis retail stores are hereby allowed within the municipality of The Corporation of the Town of Whitby;
2. That a copy of this resolution and Report LS 02-19 be sent to the Minister of Finance, the Alcohol and Gaming Commission of Ontario, Local MP and MPP, Durham Region Police Service, Regional Municipality of Durham, and Local Area Municipalities;
3. That the AGCO be requested to directly notify the municipality about each application for a retail store authorization;
4. That the Mayor be authorized to send a letter be sent to the AGCO, Ontario Minister of Finance, Premier of Ontario, federal Minister of Finance, federal Minister of Justice, and our local MP and MPP indicating that Whitby and the Region of Durham should: (a) receive a guaranteed, meaningful share of cannabis revenues from the province and federal government, through a revenue sharing formula that provides a fair fixed percentage of

annual net revenues; and/or (b) be allowed to levy its own municipal cannabis sales tax or cannabis retail store licensing fee;

5. That staff bring forward a further report, prior to April 1, 2019, for Council to consider: (a) adopting locational guidelines and a municipal cannabis policy statement to address “public interest” concerns for cannabis retail store applications in Whitby; and (b) the delegation of authority to staff to provide comments to the AGCO on cannabis retail store applications in Whitby within the 15-day comment period based on the Council-approved locational guidelines; and

6. That the Durham Regional Police Service be requested to take appropriate action regarding any illegal cannabis retail stores in Whitby.”

Should Council choose to **opt out** and prohibit privately-run cannabis retail stores in Whitby, Council may consider adopting the following motion:

“1. In accordance with the Cannabis Licence Act, 2018, cannabis retail stores are hereby prohibited from being located within the municipality of The Corporation of the Town of Whitby;

2. That a copy of this resolution and Report LS 02-19, including the results of the two public surveys and a summary of the reasons why the community is opposed to opting in, be sent to the Minister of Finance, the Alcohol and Gaming Commission of Ontario, Local MP and MPP, Durham Region Police Service, Regional Municipality of Durham, and Local Area Municipalities prior to the province’s deadline to opt out of cannabis retail store sales;

3. That the Mayor be authorized to send a letter be sent to the AGCO, Ontario Minister of Finance, Premier of Ontario, federal Minister of Finance, federal Minister of Justice, and our local MP and MPP indicating that Whitby and the Region of Durham should receive a guaranteed, meaningful share of cannabis revenues from the province and federal government, through a revenue sharing formula that provides a fair fixed percentage of annual net revenues, regardless of whether cannabis retail stores are located in the municipality; and

4. That the Durham Regional Police Service be requested to take appropriate action regarding any illegal cannabis retail stores in Whitby.”

5. Financial Considerations:

A detailed outline of financial incentives, costs, and opportunities regarding privately-operated cannabis retail stores was provided in Report LS 26-18.

Separate from other issues related to this topic, the financial treatment of municipalities regarding cannabis retail stores and cannabis legalization is a symptom of an underlying problem: the lack of revenue fairness for municipalities in Ontario.

Municipalities in Ontario derive a large majority of their revenue from property taxes. This is supplemented by other revenue sources such as grants, user fees, development charges, and licensing fees. In Whitby's case, over 70% of the Town's revenue is generated from property taxes. Other than Toronto, the ability for municipalities to obtain revenue from other sources is limited by the Municipal Act, 2001.

Experience has shown that property taxes alone cannot address the demands placed on municipal services and infrastructure as municipalities grow and age. Development charges are one avenue to address that shortfall. However, their use is constrained by legislation, and they have a potential impact on housing affordability.

Allowing additional municipal revenue tools by amending the Municipal Act, 2001 is another method to address this financial shortfall, but care must be taken to respect the fact that there is only one taxpayer for all levels of government. Federal and provincial governments can also provide a more meaningful, sustainable, and guaranteed share of taxation revenues to municipalities to address their operational and capital needs.

For cannabis legalization and the shift to the private cannabis retail store model, the provincial government should do more to allow municipalities to tap into this new revenue stream. By restricting the ability for municipalities to regulate or license cannabis retail stores, or levy a tax on cannabis sales, the province is eliminating a new revenue source that could assist municipalities.

While this was somewhat understandable when the intent was to sell cannabis from government-run stores, restricting municipalities from receiving revenue from privately-run stores continues the unsustainable pattern of limiting municipal revenue tools and restricting local regulation.

Other jurisdictions have shown the financial benefits to municipalities where cannabis has been legalized. Colorado has a population of approx. 5.5 million people. It legalized recreational cannabis sales five years ago, in a similar manner as Ontario is now – by allowing private cannabis retail stores while allowing local governments to opt out of such sales. However, Colorado also allows municipalities that have permitted retail stores to levy cannabis sales taxes. The result was at least \$71 million in new revenue for local governments in 2017, according to a recent analysis by the Denver Post:

<https://www.denverpost.com/2018/12/28/colorado-marijuana-taxes-local-cities-towns/>.

If municipalities are unable to tap into the new revenue streams that cannabis legalization can bring, then a meaningful, sustainable, and guaranteed share of cannabis tax revenues should be provided by the federal and provincial governments. However, in Ontario this falls short.

As noted in Report LS 26-18, the Ministry of Finance has confirmed that Whitby will receive \$57,082 as its share of the first payment from the Ontario Cannabis Legalization Implementation Fund, based on a per household calculation. Should the Town allow cannabis retail stores on or before the deadline, the Town's second share will be on a per household basis divided amongst all of those municipalities who have opted-in (with municipalities that opt out receiving a maximum of only \$5,000). This amount will be in excess of \$57,082, but the exact amount is unknown.

This first payment is less than 0.05% in additional revenue for Whitby, in relation to all revenues collected by the Town in its 2018 budget. Furthermore, this revenue commitment is only for two years, with no guarantee of future revenue sharing.

With regards to excise tax revenue sharing, the province has promised that if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, it will provide 50 percent of the surplus to municipalities that have opted-in as of January 22, 2019.

However, as part of the 2018 budget considerations, the Parliamentary Budget Officer expects excise tax revenue for cannabis legalization to reach \$135 million in the first two years. This amount may be even lower due to the initial supply constraints for recreational cannabis.

Based on the 75/25 (provincial/federal) excise tax revenue-sharing agreement, Ontario's share of the excise taxes allocated to the provinces is not projected to exceed \$100 million in the first two years. As such, it is not expected that the province will meet the threshold to share excess tax revenue with municipalities during that timeframe. It is possible that the revenue from cannabis sales will grow over time, as has been the experience in Colorado.

A fairer distribution would be similar to what the provinces have negotiated with the federal government: a guaranteed, ongoing 75/25 municipal/provincial split of Ontario's share of all excise tax revenues it receives from the federal government.

In the absence of this meaningful sharing of cannabis revenue from the province, the Town (together with its regional counterparts and AMO) should request the federal government to directly provide municipalities with money from excise taxes on cannabis. This should be similar to the federal Gas Tax Fund, but without the province acting as the distributor of funds.

A final note about cannabis legalization costs: as mentioned in the previous staff report, it is expected that there will be additional costs as a result of the legalization of cannabis as a whole, regardless of Council's decision whether to opt in or out of allowing cannabis retail stores.

As part of the discussions in municipalities across the province about provincial revenue sharing, there has been repeated mention about how the revenue received from the province will be less than municipal cannabis-related costs.

While cost recovery is a good first step, there appears to be a constant general theme in revenue sharing with municipalities: the revenue received must be directly tied to paying for such costs.

This principle is repeated in the province's distribution of funds: municipalities can only use the funds they receive solely for the purpose of paying for implementation costs directly related to the legalization of cannabis.

This method of approaching revenue sharing perpetuates the lack of revenue fairness for Ontario's municipalities. Revenue sharing should not be limited only to cost recovery. Local governments should be allowed to use cannabis revenues to facilitate local projects that benefit communities as a whole, based on resident and business needs – similar to the experience in Colorado.

6. Communication and Public Engagement:

Staff recommend continuing to engage the public through the existing dedicated information page at whitby.ca/cannabis. Depending on the decision of Council, this webpage will also include information about potential cannabis retail store locations in Whitby, how to submit comments to the AGCO about potential store locations, and relevant links for the public to obtain further information about the retail sale of cannabis from other levels of government.

7. Input from Departments/Sources:

The content of this report has been discussed with and reviewed by Corporate Communications.

8. Strategic Priorities:

Not applicable.

9. Attachments:

[Attachment 1: Forum Research Telephone Survey Results](#)

[Attachment 2: Public Engagement Summary – Cannabis Retail Stores](#)

[Attachments 3-6: Internet Survey and Results](#)

[Attachment 7: Postal Code Map of Whitby](#)

Attachment 1 to Report LS 02-19

180 Bloor Street West | Suite 1400 | Toronto ON | M5S 2V6

TOWN OF WHITBY
CANNABIS SURVEY

FORUM
RESEARCH INC.

Dec 21, 2018

Mr. William Schatten, VP, Research and Analytics | T. 416.960.1310 F. 416.960.9602 | E. vschatten@forumresearch.com

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METHODOLOGY

Method	IVR Telephone Data Collection
Sample Size	412
Fieldwork Dates	December 14, 2018
Margin of Error	± 4.83%, 19 times of 20

RESPONDENT SCREENER

Which of the following best describes you?

	Total	Aware of provincial impacts: very/somewhat at aware	Aware of provincial impacts: not very/not at all	Concerns about legalization: very/somewhat at concerned	Concerns about legalization: not very/not at all concerned	Private retail storefronts: strongly/somewhat support	Private retail storefronts: somewhat/strongly oppose	AGE: 18 to 44	AGE: 45 to 64	AGE: 65 or older	Gender: Male	Gender: Female	Gender: Neither Male nor Female
TOTAL (w/t)	412	276	119	210	195	135	196	189	142	64	186	211	5
Live in Whitby	278	183	84	147	128	90	131	102	106	57	135	131	4
Work in Whitby	63	44	19	23	40	24	22	43	16	3	22	40	0
Both live and work in Whitby	71	50	16	40	27	20	43	45	20	4	29	39	1
	17%	18%	13%	19%	14%	15%	22%	24%	14%	7%	16%	19%	20%

RETAIL CANNABIS

Q1. Overall, how aware are you of the provincial impacts surrounding the use of recreational cannabis, including the introduction of cannabis retail stores?

	Total	Concerns about legalization: very/somewhat concerned	Concerns about legalization: not very/not at all concerned	Private retail storefronts: strongly/somewhat support	Private retail storefronts: somewhat/strongly oppose	AGE: 18 to 44	AGE: 45 to 64	AGE: 65 or older	Gender: Male	Gender: Female	Gender: Neither Male nor Female
TOTAL (w/t)	412	210	195	135	196	189	142	64	186	211	5
Very aware	156 38%	60 28%	95 49%	87 64%	51 26%	68 36%	62 44%	18 29%	87 47%	62 29%	3 60%
Somewhat aware	120 29%	69 33%	50 26%	20 15%	65 33%	53 28%	39 28%	24 38%	51 27%	67 32%	0 0%
Not very aware	56 14%	31 15%	26 13%	10 8%	31 16%	32 17%	14 10%	9 15%	20 11%	33 16%	1 20%
Not at all aware	62 15%	44 21%	18 9%	17 12%	42 21%	31 16%	21 15%	7 11%	22 12%	37 18%	1 20%
Unsure	17 4%	7 4%	5 3%	2 1%	7 3%	6 3%	5 4%	5 8%	6 3%	11 5%	0 0%
(NET) TOP 2 BOX	276 67%	128 61%	146 75%	106 79%	116 59%	121 64%	102 72%	42 66%	138 74%	129 61%	3 60%
(NET) Bottom 2 BOX	119 29%	74 35%	44 22%	27 20%	73 37%	62 33%	35 25%	16 26%	42 22%	71 34%	2 40%

RETAIL CANNABIS

Q2. Overall, do you have concerns about the recent legalization of recreational cannabis?

	Total	Aware of provincial impacts: very/somewhat aware	Aware of provincial impacts: not very/not at all aware	Private retail storefronts: strongly/somewhat support	Private retail storefronts: somewhat/strongly oppose	AGE: 18 to 44	AGE: 45 to 64	AGE: 65 or older	Gender: Male	Gender: Female	Gender: neither Male nor Female
	(w/t)										
TOTAL	412	276	119	135	196	189	142	64	186	211	5
Very concerned	127	75	45	2	118	54	44	21	54	68	1
	31%	27%	38%	2%	60%	28%	31%	33%	29%	32%	20%
Somewhat concerned	83	53	29	14	49	33	26	18	24	55	1
	20%	19%	24%	11%	25%	18%	18%	28%	13%	26%	20%
Not very concerned	99	70	28	42	20	51	33	13	54	43	1
	24%	25%	24%	31%	10%	27%	23%	20%	29%	21%	20%
Not at all concerned	96	76	16	76	8	47	38	9	55	37	2
	23%	28%	13%	56%	4%	25%	27%	14%	29%	18%	40%
Unsure	7	2	0	0	1	3	1	3	1	6	0
	2%	1%	0%	0%	1%	2%	1%	4%	0%	3%	0%
(NET) TOP 2 BOX	210	128	74	17	167	87	70	39	77	124	2
	51%	46%	63%	13%	85%	46%	49%	61%	41%	59%	40%
(NET) Bottom 2 BOX	195	146	44	118	27	99	71	22	108	80	3
	47%	53%	37%	87%	14%	52%	50%	34%	58%	38%	60%

RETAIL CANNABIS

Q3. Do you support or oppose private retail storefronts selling cannabis in Whitby?

	Total (w/t)	Aware of provincial impacts: very/somewhat aware	Aware of provincial impacts: not very/not at all aware	Concerns about legalization: very/somewhat concerned	Concerns about legalization: not very/not at all concerned	AGE: 18 to 44	AGE: 45 to 64	AGE: 65 or older	Gender: Male	Gender: Female	Gender: Neither Male nor Female
	412	276	119	210	195	189	142	64	186	211	5
Strongly support	81	67	13	8	73	42	33	6	40	37	0
	20%	24%	11%	4%	38%	22%	23%	9%	22%	17%	0%
Somewhat support	54	39	14	9	44	21	23	8	27	24	2
	13%	14%	12%	4%	23%	11%	16%	12%	15%	11%	40%
Neither oppose nor support	63	47	14	21	41	24	25	13	35	25	1
	15%	17%	12%	10%	21%	13%	17%	20%	19%	12%	20%
Somewhat oppose	48	36	11	33	14	24	12	9	21	26	0
	12%	13%	10%	16%	7%	13%	8%	15%	11%	12%	0%
Strongly oppose	148	80	61	134	13	64	48	24	58	85	1
	36%	29%	52%	64%	7%	34%	34%	38%	31%	40%	20%
Unsure	19	6	5	5	8	14	2	4	5	13	1
	5%	2%	4%	3%	4%	7%	1%	6%	3%	6%	20%
(Net) TOP 2 box	135	106	27	17	118	63	56	14	68	61	2
	33%	39%	23%	8%	60%	34%	40%	22%	36%	29%	40%
(Net) Bottom 2 box	196	116	73	167	27	88	59	33	79	111	1
	48%	42%	61%	79%	14%	46%	42%	52%	42%	53%	20%

RESPONDENT PROFILE

D1. What is your gender identity?

	Total	Aware of provincial impacts: very/somewhat aware	Aware of provincial impacts: not very/not at all aware	Concerns about legalization: very/somewhat concerned	Concerns about legalization: not very/not at all concerned	Private retail storefronts: strongly/somewhat at support	Private retail storefronts: somewhat/strongly oppose	AGE: 18 to 44	AGE: 45 to 64	AGE: 65 or older
TOTAL (w/t)	412	276	119	210	195	135	196	189	142	64
Male	186	138	42	77	108	68	79	91	66	27
	45%	50%	35%	37%	56%	50%	40%	48%	47%	43%
Female	211	129	71	124	80	61	111	94	71	34
	51%	47%	60%	59%	41%	45%	57%	50%	50%	54%
Neither male nor female	5	3	2	2	3	2	1	3	1	1
	1%	1%	2%	1%	2%	1%	1%	2%	1%	2%
Prefer not to say	10	6	4	7	3	4	5	1	4	1
	2%	2%	3%	3%	2%	3%	3%	1%	3%	2%

RESPONDENT PROFILE

D2. How old are you?

	Total (w/t)	Aware of provincial impacts: very/somewhat aware	Aware of provincial impacts: not very/not at all aware	Concerns about legalization: very/somewhat concerned	Concerns about legalization: not very/not at all concerned	Private retail storefronts: strongly/somewhat at support	Private retail storefronts: somewhat/strongly oppose	Gender: Male	Gender: Female	Gender: Neither Male nor Female
TOTAL (w/t)	412	276	119	210	195	135	196	186	211	5
18 to 44	189	121	62	87	99	63	88	91	94	3
	46%	44%	53%	41%	51%	47%	45%	49%	45%	60%
45 to 64	142	102	35	70	71	56	59	66	71	1
	34%	37%	29%	33%	37%	42%	30%	36%	34%	20%
65 or older	64	42	16	39	22	14	33	27	34	1
	15%	15%	14%	19%	11%	10%	17%	15%	16%	20%
Prefer not to say	17	11	5	14	3	1	15	2	11	0
	4%	4%	4%	7%	2%	1%	8%	1%	5%	0%

Attachment 2 to Report LS 02-19



Whitby Cannabis Survey Social Media Report

December 13 to 28, 2018

Facebook

WHITBY **Town of Whitby**
Published by Sprout Social | December 13 at 3:12 PM

Have your say! The Town is seeking community feedback to help inform Council's decision on whether to have private cannabis retail stores in Whitby: <https://bit.ly/2EIOXNE>



CANNABIS SURVEY

WHITBY CA

Residents Invited to Complete Survey on Private Cannabis Retail Stores in Whitby – Have Your Say!

6,149 People Reached

1,370 Engagements

Boost Post


11 Comments 61 Shares

Lance Pilon, Dave Long and 16 others

Twitter

WHITBY **Town of Whitby, ON** @TownofWhitby · Dec 13

Have your say! The Town is seeking community feedback to help inform Council's decision on whether to have private cannabis retail stores in Whitby: bit.ly/2EIOXNE



CANNABIS SURVEY

1 Reply 5 Retweets 4 Likes

Original Tweet & Post - screenshot taken on December 17, 2018



Social Media Data

Facebook

Number of posts	5
Total People Reached	16,627
Total Engagements	3,159

Twitter

Number of posts	5
Total Impressions	5,856
Total Engagements	285
Total Retweets	12

Attachment 3 to Report LS 02-19

Cannabis Survey

The Town is seeking community input on whether to have private cannabis retail stores within Whitby.

On October 17, 2018, recreational cannabis was legalized by the federal government. Currently in Ontario, the only way to legally purchase recreational cannabis is online through the Ontario Cannabis Store. Beginning in April 2019, however, the provincial government will allow cannabis to be sold through private cannabis retail stores.

The province has given municipalities a one-time option to opt-out of having private cannabis retail stores within their boundaries by January 22, 2019. Have your say by completing the following survey. Feedback collected will help inform Council's decision to opt-in or opt-out.

Do you: *

- Live in Whitby
- Work in Whitby
- Both live and work in Whitby
- Neither live nor work in Whitby

Please enter the first three characters of your postal code: *

Overall, how aware are you of the provincial impacts surrounding the use of recreational cannabis, including the introduction of cannabis retail stores? *

- Not at all aware
- Not very aware
- Somewhat aware
- Very aware
- Unsure

Overall, do you have concerns about the recent legalization of recreational cannabis? *

- Very concerned
- Somewhat concerned
- Not very concerned
- Not at all concerned
- Unsure

Do you support or oppose private retail storefronts selling cannabis in Whitby? *

- Oppose
- Neither oppose nor support
- Support
- Unsure

Please indicate why you do not support private retail storefronts selling cannabis in Whitby

- Lack of municipal control to regulate hours of operation
- Lack of municipal control to regulate total number of storefronts
- Lack of municipal control to regulate location of storefronts
- Lack of funding from the province for the Town to address social impacts
- Other

Additional Comments:

Attachment 4 to Report LS 02-19

ONLINE SURVEY RESULTS

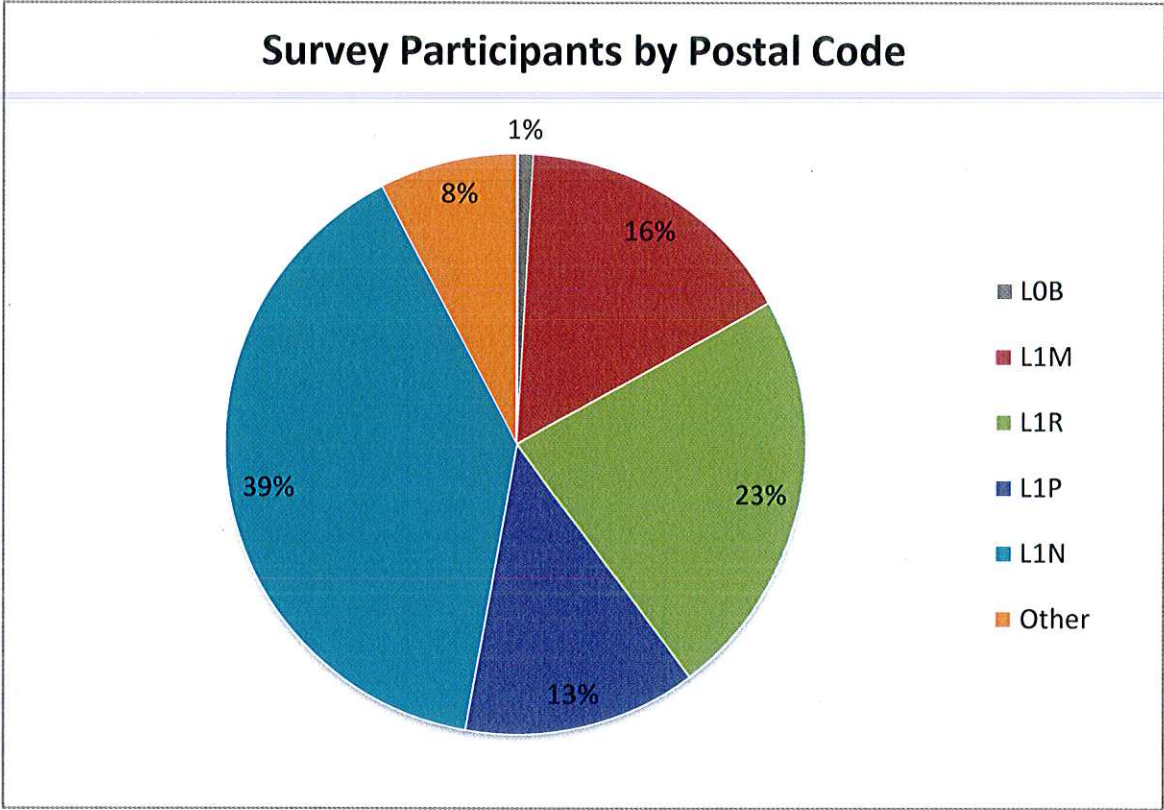
PERCENTAGE BY POSTAL CODE

AREA	BOTH LIVE IN LINE AND WORK IN WHITE					IMPACTS - NOT AT ALL AWARE					LEGALIZATION - VERY CONCERNED					RETAIL - NEITHER SUPPORT OR OPPOSE					NO SUPPORT - CANT REGULATE LOCATION					NO SUPPORT - LACK OF FUNDING					NO SUPPORT - OTHER				
	20	9	3	5	3	0	1	7	12	12	0	3	3	2	12	0	5	1	14	0	0	3	3	3	3	0	3	3	3	3	0	3	3	3	3
LOB	45%	15%	25%	15%	0%	0%	5%	35%	60%	0%	15%	15%	10%	60%	0%	25%	5%	70%	0%	15%	15%	15%	15%	15%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
LIM	355	251	1	103	0	5	15	131	203	1	134	64	65	92	0	181	19	150	5	86	111	112	105	62	0	0	0	0	0	0	0	0	0	0	
LIR	508	392	2	112	2	13	15	187	292	1	228	92	71	117	0	303	28	171	6	131	169	182	185	91	0	0	0	0	0	0	0	0	0	0	
LIP	289	231	3	55	0	5	16	91	177	0	145	40	47	55	2	183	15	89	2	95	103	111	112	70	0	0	0	0	0	0	0	0	0	0	
LIN	878	655	25	198	0	5	19	303	547	4	282	165	145	282	4	402	39	422	15	192	225	242	241	123	0	0	0	0	0	0	0	0	0	0	
Other	169	29	61	6	73	4	10	49	104	2	52	17	25	75	0	61	6	100	2	27	28	34	37	19	0	0	0	0	0	0	0	0	0	0	
TOTALS:	2219	1567	95	479	78	32	76	768	1335	8	844	381	355	633	6	1135	108	946	30	534	639	694	683	368	0	0	0	0	0	0	0	0	0	0	

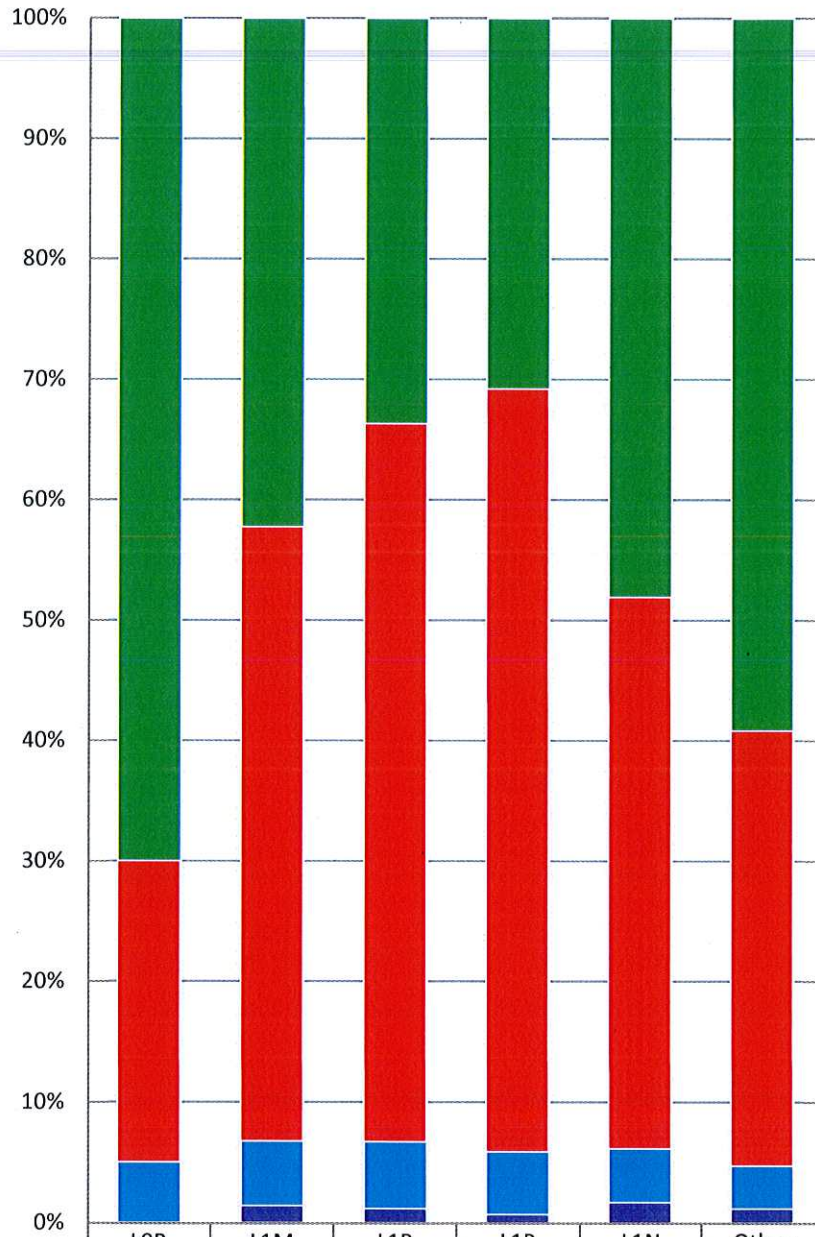
PERCENTAGE OF TOTAL SURVEYED

AREA	BOTH LIVE IN LINE AND WORK IN WHITE					IMPACTS - NOT AT ALL AWARE					LEGALIZATION - VERY CONCERNED					RETAIL - NEITHER SUPPORT OR OPPOSE					NO SUPPORT - CANT REGULATE LOCATION					NO SUPPORT - LACK OF FUNDING					NO SUPPORT - OTHER				
	20	9	3	5	3	0	1	7	12	12	0	3	3	2	12	0	5	1	14	0	0	3	3	3	3	0	3	3	3	3	0	3	3	3	3
LOB	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	
LIM	355	251	1	103	0	5	15	131	203	1	134	64	65	92	0	181	19	150	5	86	111	112	105	62	0	0	0	0	0	0	0	0	0	0	
LIR	508	392	2	112	2	13	15	187	292	1	228	92	71	117	0	303	28	171	6	131	169	182	185	91	0	0	0	0	0	0	0	0	0	0	
LIP	289	231	3	55	0	5	16	91	177	0	145	40	47	55	2	183	15	89	2	95	103	111	112	70	0	0	0	0	0	0	0	0	0	0	
LIN	878	655	25	198	0	5	19	303	547	4	282	165	145	282	4	402	39	422	15	192	225	242	241	123	0	0	0	0	0	0	0	0	0	0	
Other	169	29	61	6	73	4	10	49	104	2	52	17	25	75	0	61	6	100	2	27	28	34	37	19	0	0	0	0	0	0	0	0	0	0	
TOTALS:	2219	1567	95	479	78	32	76	768	1335	8	844	381	355	633	6	1135	108	946	30	534	639	694	683	368	0	0	0	0	0	0	0	0	0	0	

ONLINE SURVEY RESULTS

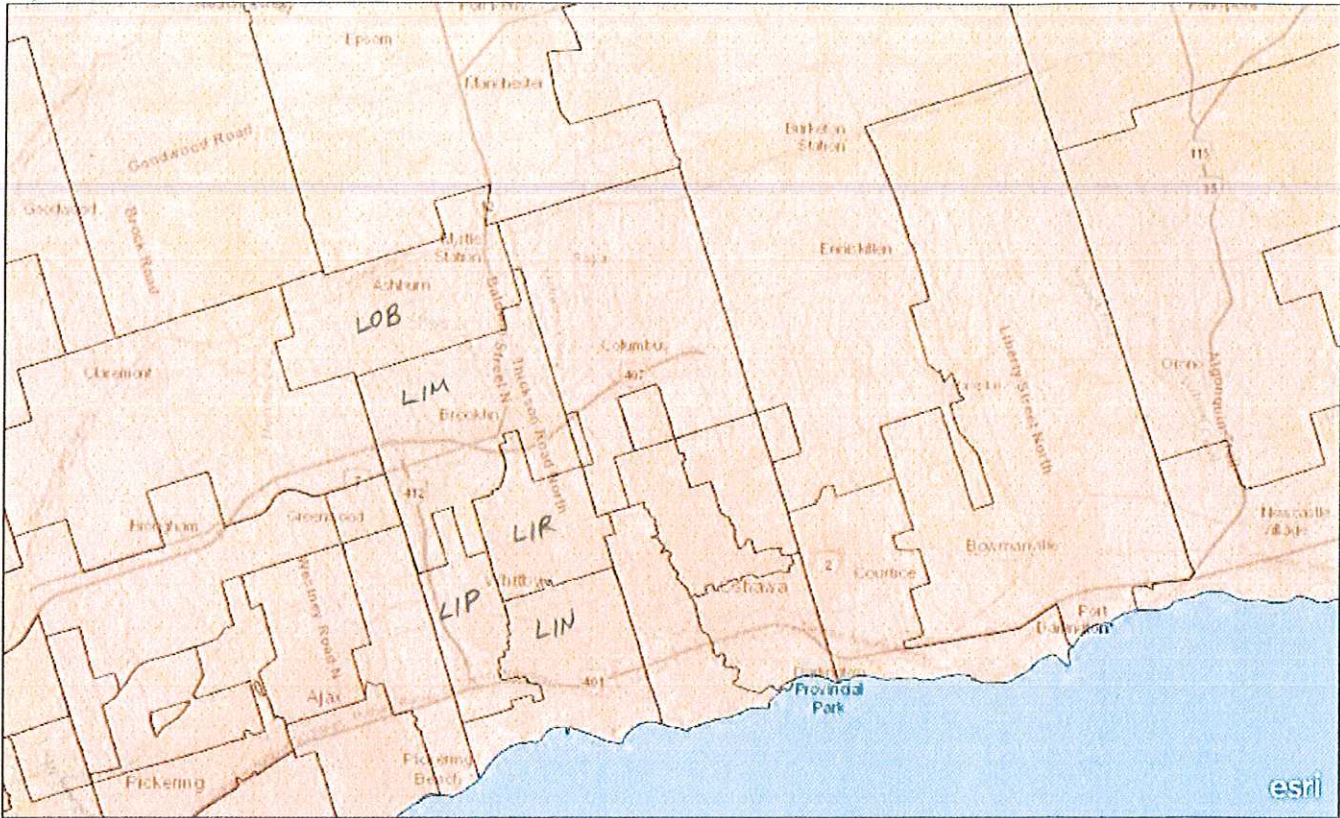


Votes For and Against Cannabis Retail Stores in Whitby - by Postal Code



	LOB	L1M	L1R	L1P	L1N	Other
■ For	14	150	171	89	422	100
■ Against	5	181	303	183	402	61
■ Neither For Nor Against	1	19	28	15	39	6
■ Unsure	0	5	6	2	15	2

Attachment 7 to Report LS 02-19



City of Oshawa, Region of Durham, Ontario Base Map, Province of Ontario, Ontario MNR, Esri Canada, Esri, © OpenStreetMap contributors, HERE, Garmin, USGS, NGA, EPA, USDA, NPS, AAFC, NRCan



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

575 Rossland Road East, Whitby, ON L1N 2M8

www.whitby.ca

December 14, 2018

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Re: Legal and By-law Services Department Report, LS 26-18
Privately-Run Cannabis Retail Stores and the Ontario Cannabis Licence Act, 2018

Please be advised that at a Special Meeting held on December 11, 2018, the Council of the Town of Whitby adopted the following as Resolution #318-18:

1. That Council enact the Cannabis By-law, save and except references to cannabis use on highways, and the Smoking Restrictions By-law appended to Report LS 25-18 as Attachments 2 and 3;
2. That Council requests the Province amend the relevant laws and regulations governing the use of cannabis in order that the use and consumption of cannabis in public places be regulated in the same manner as alcohol in accordance with the Liquor Licence Act; and,
3. That the Clerk be directed to send correspondence the Premier, Minister of Finance, MPP Lorne Coe and Region of Durham Commissioner of Health.

Should you require further information, please do not hesitate to contact the Legal Department at 905.430.4300 ext. 2215.

Original Signed By
Christopher Harris
Town Clerk

Copy: The Honourable Victor Fideli, Minister of Finance-Ontario
Lorne Coe, M.P.P. – Whitby-Oshawa
Region of Durham Commissioner of Health

W. Mar, Commissioner of Legal and By-Law Services/Town Solicitor

Afreen Raza

From: Sandra Frey <SFrey@scugog.ca>
Sent: January-22-19 9:47 AM
To: municipal@agco.ca
Cc: JP Newman; Paul Allore; Kevin Heritage; Mayor And Council; harrisc@whitby.ca; Ploss, Diane (MMAH; Clerks; clerks@clarington.net; Debbie Leroux; Thomas Gettinby; clerks@oshawa.ca; nicole.cooper@ajax.ca; clerks@pickering.ca; Dave Selby; vic.fedeli@pc.ola.org; Erin.OToole@parl.gc.ca; lindsey.park@pc.ola.org
Subject: Township of Scugog Notification to Opt In - Cannabis Retail Stores
Attachments: 2019-01-22 AGCO Confirmation to Opt In to Cannabis Retail Stores.pdf

Attn: Alcohol and Gaming Commission of Ontario (AGCO)

Please find attached correspondence from the Corporation of the Township of Scugog, advising that at a meeting held on January 21, 2019, the Council opted in to permit cannabis retail stores in accordance with the Cannabis License Act, 2018.

Confirmation of receipt of this email is kindly requested.

Sandra Frey
Legislative Services Associate



181 Perry Street, P.O. Box 780
Port Perry, ON L9L 1A7
Tel: 905-985-7346 ext. 118
sfrey@scugog.ca
www.scugog.ca

C.S. - LEGISLATIVE SERVICES

Original
To: CIP
Copy CAO - emailed
To: Dr. Kestle Jan/22
Nancy Taylor
C.C. S.C.C. File
Take Appr. Action

The information contained in this Township of Scugog electronic message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed including attachments. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection and Privacy Act and by the Personal Information Protection Electronic Documents Act. The use of such personal information except in compliance with the Acts, is strictly prohibited. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.



Please consider the environment before printing this email.



January 22, 2019

Sent via email to municipal@agco.ca

Alcohol and Gaming Commission of Ontario
AGCO Registrar
90 Sheppard Avenue East
Suite 200-300
Toronto, Ontario
M2N 0A4

**Re: The Corporation of the Township of Scugog
Notification to Opt In of Cannabis Retail Stores**

Please be advised that at a meeting held on January 21, 2019, the Council of the Corporation of the Township of Scugog opted in to permit cannabis retail stores by adopting the following Resolution:

"That staff be directed to inform the Alcohol and Gaming Commission of Ontario that retail cannabis storefronts are permitted to operate within the Township of Scugog and that such permission be subject to the following:

- a) that the Alcohol and Gaming Commission of Ontario be requested to directly notify the Township regarding all applications received for a private recreational cannabis retail store in Scugog and within 150 metres of the municipal border; and
- b) that the Director of Development Services or designate be delegated the authority to provide comments to the Alcohol and Gaming Commission of Ontario, on behalf of Council, with respect to any storefront license application within the 15 day comment period based on the Council approved locational guidelines that support the public interest in the Township of Scugog."

Please accept this letter as confirmation that The Corporation of the Township of Scugog is opting in to permit cannabis retail stores.

Should you require further information, please do not hesitate to contact the undersigned at 905.985.7346, extension 119.

Regards,



John Paul Newman
Director of Corporate Services/Clerk

Encl.: Report DEV-2019-004, Private Recreational Cannabis Retail Stores in Scugog

Copy: Mayor Drew and Members of Council
The Honourable Vic Fedeli, Finance Minister
Mr. Erin O'Toole, M.P.
Ms. Lindsey Park, M.P.P.
Mr. Paul Allore, Chief Administrative Officer, Township of Scugog
Mr. Kevin Heritage, Director of Development Services, Township of Scugog
D. Ploss, Ministry of Municipal Affairs and Housing
R. Walton, Regional Municipality of Durham
A. Greentree, Municipality of Clarington
C. Harris, Town of Whitby
D. Leroux, Township of Uxbridge
T. Gettinby, Township of Brock
A. Brouwer, City of Oshawa
N. Cooper, Town of Ajax
S. Cassel, City of Pickering
Durham Regional Police Service

Township of Scugog Staff Report



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

Report Number: DEV-2019-004

Prepared by: Rob Vertolli, Planning Technician

Department: Development Services – Planning

Report To: Council

Date: January 21, 2019

Reference: Strategic Direction No.3: Economic Development
DEV-2018-039 Retail Sale of Cannabis Information Report

Report Title: Private Recreational Cannabis Retail Stores in Scugog

Recommendation:

1. That Report DEV-2019-004, "Permit or Prohibit Cannabis Retail in Scugog", be received; and,
2. That staff be directed to inform the Alcohol and Gaming Commission of Ontario that retail cannabis storefronts are permitted to operate within the Township of Scugog and that such permission be subject to the following:
 - a) that the Alcohol and Gaming Commission of Ontario be requested to directly notify the Township regarding all applications received for a private recreational cannabis retail store in Scugog and within 150 metres of the municipal border; and
 - b) that the Director of Development Services or designate be delegated the authority to provide comments to the Alcohol and Gaming Commission of Ontario, on behalf of Council, with respect to any storefront license application within the 15 day comment period based on the Council approved locational guidelines that support the public interest in the Township of Scugog.

Or

3. That staff be directed to inform the Alcohol and Gaming Commission of Ontario that retail cannabis storefronts are prohibited from operating within the Township of Scugog.

1. Background:

On October 17, 2018, recreational cannabis was legalized in Canada. As a result, Provinces now have the ability to regulate the sale of recreational cannabis within their jurisdictions, as they deem appropriate.

To regulate the sale of recreational cannabis in Ontario, the Province passed Bill 36, the "*Cannabis Statute Law Amendment Act*" (2018), which among other matters, permits private retail cannabis storefronts. More specifically, this Bill created both a licencing model, as well as the regulatory framework to be used by the Alcohol and Gaming Commission of Ontario (AGCO) in governing these sites. The province will permit private retail cannabis storefronts to begin operation as of April 1, 2019 and continue with on-line sales to the public.

The province is providing municipalities with the option to prohibit retail cannabis locations within their communities by midnight on January 22, 2019. Should a municipality choose to permit these retail storefronts prior to this deadline, they will be eligible for funding from the federal and provincial governments to address the implementation costs directly related to the legalization of recreational cannabis. However, should a municipality choose to prohibit retail cannabis locations prior to the deadline, they will have the ability to reverse their decision and permit such facilities in the future, but without the benefit of increased funding. Any decision to permit retail cannabis locations within a municipality cannot be reversed.

On December 10, 2018 staff forwarded an information report to Council (DEV-2018-039) regarding the provincial strategy and funding arrangements to regulate cannabis retail locations. In addition, staff had prepared and issued an opinion survey regarding whether the Township should permit or prohibit retail cannabis stores.

This report provides Council with information regarding cannabis licensing and sales within the Township, as well as a recommendation for Council's consideration to either permit or prohibit cannabis retail storefronts in Scugog.

2. Discussion:

In legalizing cannabis for recreational purposes, the federal and provincial governments have established three interrelated goals:

- protect youth;
- ensure public health and safety; and,
- end the illegal sale of cannabis.

It is these goals that form the fundamental framework to evaluate the merits of cannabis retail storefront applications submitted to the AGCO for consideration.

2.1. Cannabis Retail and Proposed Licensing

In Ontario, recreational cannabis can currently be purchased through the provincially managed online store. As of April 1, 2019, the operation of privately-owned cannabis retail stores will be permitted within municipalities that allow their operation. These stores, along with their operators and managers, will be licensed and regulated by the AGCO.

The AGCO regulatory process is a multi-tier review that includes the issuance of three separate licenses, all of which are required for the retail sale of cannabis in Ontario. Licenses are required for the following personnel / activities:

- Retail store authorization and location;
- Retail operator (store owner); and
- Retail manager (administers the operation of the retail facility).

This report focuses on the licensing process to authorize the location of cannabis retail stores.

2.2.1. Retail Store Authorization

The Province currently faces a major shortage of legal cannabis supply from its federally licensed producers. As such, the Province passed O. Reg. 497/18 to implement a phased-in approach and “lottery system” to allocate Private Retail Store Authorization licenses. The initial phase will not conclude until December 3, 2019. The AGCO will issue individual cannabis retail store location approvals in stages, with a maximum of 25 stores throughout the Province being approved in the initial phase.

As part to of the initial phase, a maximum of six Retail Store Authorization licenses have been allocated for the “GTA Region” that includes the following areas:

- Durham;
- Halton;
- Peel; and,
- York.

On January 11, 2019, the Province announced the successful candidates for the 25 retail store authorizations. As part of the process, no retail cannabis storefronts can be located within a

municipality consisting of less than 50,000 people. As per the 2016 Canadian Census Profile, the Township of Scugog contains a population of 21,617 residents.

The AGCO has yet to state when additional authorization phases will be scheduled, or whether there will exist supplementary requirements similar to those found in the initial phase.

The following criteria will be used by the AGCO to evaluate proposed cannabis retail locations:

- A minimum distance of 150 metres must exist between any cannabis retail store and elementary and secondary schools (does not include post secondary institutions); and
- A cannabis retail store must be a “stand-alone” location, meaning it must be enclosed by walls separating it from any other commercial establishment or activity, and must deal exclusively with cannabis product.

When a Licensed Operator submits a request for Retail Store Authorization, the “*Cannabis License Act*” (2018), specifies the following process, which is exclusively enforced by the AGCO:

- Public notice shall be posted on the AGCO website, with a placard also displayed at the proposed individual location for 15 calendar days.
- During this timeframe, both the Township and local residents will be able to submit comments to the AGCO on the proposed cannabis retail store location. Comments must deal directly with the proposed storefront in relation to the “public interest” which is defined to include the following: regulating negative impacts to both public health and/or safety; the protection of youth; and/or the elimination of the illegal market.
- These comments will be circulated by the AGCO to the applicant, who will have five calendar days to respond to such concerns.
- The AGCO will then decide to issue or refuse a Retail Store Authorization.
- At this point, any potential appeal process regarding an AGCO decision has yet to be finalized, with details regarding such a practice forthcoming.

Stores may operate seven days a week from 9:00 a.m. to 11:00 p.m.

The implementation of the phased approach to storefront approvals will limit 75 stores per operator. There is no maximum on the number of private recreational cannabis retail stores to

be permitted in a municipality, leaving market forces to determine locations and the total number of stores.

2.2.3. Planning Issues

a) Retail Uses

Municipalities do not have the authority to pass By-laws to license or establish specific zoning categories for cannabis retail stores. Additionally, the Township does not have the ability to establish a maximum number of retail locations within its boundaries. Should the Township choose to permit cannabis retail locations, such facilities will be permitted in any zone that permits "general retail", or a "Retail Store" as defined by Zoning By-law 14-14.

Although retail cannabis would be considered as a "Retail Store" for the purposes of zoning, any proposal would still be subject to the criteria used by the AGCO, namely, the minimum distance separation from schools, a "stand-alone" location, and whether the proposal is in the public interest.

As per Zoning By-law 14-14, a "Retail Store" is defined as "a building, structure or lot, or part thereof, where goods, wares, merchandise, commodities, substances, foodstuffs, articles or things of any kind are stored, kept, offered or displayed for retail sale or rental to the general public, and includes, without limiting the generality of the foregoing, any uses defined herein as a form of retail store, but does not include any other use defined herein".

With this being the case, a retail cannabis location would be permitted in the following zoning categories:

- Neighbourhood Commercial (C1);
- Neighbourhood Commercial Exception Three (C1-3);
- Neighbourhood Commercial Exception Four (C1-4);
- Community Commercial (C2);
- Community Commercial Exception One (C2-1);
- Community Commercial Exception Two (C2-2);
- Community Commercial Exception Three (C2-3);
- Main Central Commercial (C3);
- Highway Commercial (C4);
- Corridor Commercial (C5);
- Tourist Commercial (C7);
- Prestige Industrial (M1);
- General Industrial (M2);
- General Industrial Exception One (M2-1);
- General Industrial Exception Three (M2-3); and,
- Rural Industrial (M3).

The above noted zones generally apply to lands located within: Downtown Port Perry; commercial areas located along Highway 7A; the Port Perry Employment Area; neighbourhood commercial areas; and, several parcels located within the rural area.

Additionally, as per the “*Cannabis Licence Act*” (2018), any license holder authorized to produce cannabis for commercial purposes is permitted to host a retail store on or within the site as set out by their licence. However, should the Township prohibit such sales, the retail sale of cannabis in the “rural area”, and “employment area”, would not be permitted.

Cannabis cultivation is considered an agricultural use, and in conjunction with cannabis retail, would be permitted in the following zones:

- Agricultural (AG);
- Environmental Protection (EP);
- Recreational (RE);
- Oak Ridges Moraine - Agricultural (ORM-AG);
- Oak Ridges Moraine - Environmental Protection (ORM-EP);
- Oak Ridges Moraine – Recreational (ORM-RE);
- Rural Industrial (M3);
- Extractive Industrial (M4); and,
- Open Space (OS)

Staff are currently reviewing the options to regulate legal cannabis growing facilities in the Township through official plan policies, zoning provisions and site plan control. Issues such as odour, traffic, security, building appearance and scale, lighting, water, wastewater and stormwater, and economic impacts are some of the matters being considered as part of the review.

b) Outstanding Issues

As identified by Staff Report Dev-2018-039, “Retail Sale of Cannabis - Information Report”, the adoption or restriction of retail cannabis locations poses several concerns:

- Security Requirements and Township Policies:
The store operating parameters (e.g. store format, security requirements, etc.) have yet to be established by either regulation or by AGCO Registrar’s standards. It is therefore difficult to determine how such requirements will interact with existing Township policies. The “Cannabis License Act” (2018), for example, stipulates that it is prohibited for a person that is authorized to sell cannabis to display it, or any package or label of cannabis, in a manner that may result in the cannabis, package, or label being seen by a young person.
- Edibles and Opting Out: Currently, “fused products” such as edibles and drinkables have not been addressed by current legislation. As such, there remains an extreme

level of ambiguity regarding their relationship with cannabis retail stores and licensing. It is unclear whether prohibiting the retail sale of cannabis at this time also includes the prohibition of edibles and drinkables and the funding associated with these cannabis products.

- Proposed Uses post Cannabis Retail Authorization: As previously mentioned, the only locational criteria established by legislation is the minimum 150 metre buffer requirement to existing elementary and secondary schools. To date, no information has been provided regarding the process or regulations in locating a school post retail store authorization. Similarly, while the AGCO may give regard to existing sensitive land-uses during their review process, the Township would not be able to prohibit these stores subsequent to their approval by the AGCO should for example a Day Care Centre locate next to a cannabis storefront.
- The Creation and Proliferation of Illegal Dispensaries: Should Council prohibit cannabis retail locations, illegal dispensaries may open to fill the void to meet public demand. Resources for services such as Police, By-law, Fire, and Paramedics along with the Health Unit, to respond to cannabis-related calls may be required regardless of Council's decision, and such enforcement may prove difficult in the absence of continued funding.

c) Proposed Policy Regulations

Should a municipality permit private retail cannabis locations, there will be an opportunity to provide comments to the AGCO regarding retailers applying for a license. Specifically, upon posting of a storefront license proposal, both municipalities and residents will have 15 days to provide written comments to the AGCO. However, municipalities will not be advised directly by the AGCO when a storefront license proposal is submitted. While the AGCO is not bound to the comments received, they will consider these comments before making a final decision to issue a license.

As per the AGCO's guidelines, municipalities can establish a policy statement identifying specific or significant locally sensitive land-uses such as, but not limited to, libraries, community centres, and parks, that should be considered in evaluating a Retail Store Authorization.

This statement will need to rationalize how a retail cannabis storefront would adversely affect locally sensitive land-uses by responding to the provincial goals of protecting youth; ensuring public health and safety; and, ending the illegal sale of cannabis, during the 15-day review period. The intent of maintaining a separation distance between a locally sensitive land use

and a retail cannabis storefront is to limit the immediate access and visibility from places where young persons are likely to attend and congregate.

Should the Township choose to permit cannabis retail stores, given the short time frame to provide comments, staff recommend that Council approve a list of criteria reflecting the Township's public interest, as well as delegate the authority to comment on cannabis retail store applications to the Director of Development Services and/or designate.

Staff has attached maps to demonstrate the impact of a 150 metre buffer from elementary and secondary schools, along with 150 metre buffers from Libraries, Townhalls / Community Centres, and Parks in the Township (ATT-1).

d) Formal Positions Taken By Municipalities

As of January 10th, 2019, the AGCO website indicated that 28 municipalities have chosen to opt-out and 68 municipalities have chosen to opt-in regarding private recreational cannabis retail stores. In the Region of Durham, the City of Oshawa, Township of Brock, Town of Ajax and the Municipality of Clarington all appear that they will opt-in, but the City of Pickering and the Town of Whitby have opted-out. In the Region of York, the City of Markham, City of Richmond Hill, and the Township of King, have all declared that they are opting-out.

3) Financial Implications:

The Province will allocate a portion of \$30 million in cannabis related funding over the next two years among municipalities. The first \$15 million will be shared among all municipalities and be based on the number of municipal households, with the Township in receipt of \$11,118. In 2019, municipalities that prohibit cannabis retail locations will only receive a second payment of \$5,000. Municipalities that permit retail stores will receive a share of the remaining funds. The second installment with these remaining funds is targeted to be distributed in March 2019, with the amount yet to be determined. In addition, those municipalities that agree to have retail stores may be able to share an additional \$10 million that has been set aside for unforeseen circumstances related to the legalization of recreational cannabis. The provincial funding is only committed for two years at this time and should not be considered an on-going revenue source.

If the provincial excise duty revenues on recreational cannabis exceeds \$100 million, municipalities that permit cannabis retail stores will receive a share of 50 percent of the surplus. The province will also set aside a contingency fund in the amount of \$10 million to assist municipalities that permit these locations. The province has yet to announce how these funds will either be accessed or distributed.

The province has set a very clear direction that this funding must be for the sole purpose of paying for the implementation costs directly related to the legalization of cannabis, and have outlined specific permitted costs. Examples of permitted expenditures include:

- increased enforcement (e.g., police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g. telephone and correspondence);
- increased paramedic and fire services; and,
- by-law / policy development (e.g., police, public health, workplace safety policy).

At this time, the province has indicated that there may be a reporting requirement relating to the use of these funds, and that municipalities should be ready to provide supporting documentation in a timely manner. The costs for various Township departments to respond to cannabis related issues are unknown at this time.

It should be noted, as a lower-tier municipality, the Township is required to split this allocation with the Region of Durham, at a rate of 50/50. Currently, the Region is investigating the appropriateness of this prescribed allocation.

4) Communication Considerations:

4.1. Public Survey

Staff has kept the public informed through the Township's website, which provided both a web news-release, as well as a brief outline in regards to provincial funding.

To seek public input regarding the decision to either permit or prohibit retail cannabis locations, a short opinion survey was conducted online to understand the community's attitudes toward cannabis retail storefronts. The ability to participate in the online survey was not restricted to Scugog residents. Additionally, copies of the survey were provided to both the Scugog Chamber of Commerce, and the Port Perry Business Improvement Area (BIA), to share with their members.

The survey asked residents how they felt about the potential for permitting/prohibiting cannabis retail stores within the Township; if they thought additional locational restrictions on specified land uses (libraries, the municipal office, community centers, day care facilities, and parks) over and above the 150m requirement for schools should be pursued; and, gauged the importance provincial funding played in making their decision.

A full summary of the results has been attached (ATT-2), but a general overview is provided below:

- 67.47% (419 respondents) of those surveyed supported permitting cannabis retail stores within Scugog;
- 63.87% (396 respondents) of those surveyed were in favor of expanding regulations for specific land uses over and above the 150m required only of schools; and,
- 21.63% (133 respondents) of the people admitted their decision was influenced by the potential for provincial funding.

A total of 621 people responded to the survey.

The survey also provided respondents with the opportunity to provide general comments regarding the operation of cannabis retail store locations. A significant portion of these comments centered upon additional regulatory restrictions over and above the jurisdictional ability of the Township, both in terms of locational requirements as well as specific funding directions. Of those who supported retail cannabis locations in Scugog, they cited both the opportunity to purchase a safe product through storefronts, rather than an unknown product through illegal means, as well as the hope that potential storefronts would help to reduce, or eliminate, illegal sales.

4.2. Durham Region Health Department

Throughout the legalization process, Township staff have communicated with the Durham Region Health Department (DRHD) to understand the effects of cannabis consumption, as well as discuss methods in which to prevent future problems. In addition to providing general input, the DRHD has provided an official position, attached (ATT-3), which is summarized below:

- Cannabis use carries significant health risks, especially if used frequently and/or use begins at an early age (CAMH, 2014). When used frequently, cannabis is associated with increased risk of problems with cognitive and psychomotor functioning, respiratory problems, cancer, dependence, and mental health problems including anxiety, depression and schizophrenia.
- There is little evidence that illustrates a safe recreational cannabis use for individuals and communities. It is very difficult to tighten regulations once in place. It is best to take an approach that aims to prevent future harms, rather than adding regulations later. Efforts should be made to maximize benefits while minimizing harms, promoting health and reducing inequities for individuals, communities and societies.

- The following setbacks and density measures related to cannabis retailers, ought to be considered for the following land uses:
 - child care centres;
 - post-secondary schools;
 - elementary and secondary schools;
 - beer and LCBO stores;
 - tobacco and vaping product retailers; and,
 - gaming facilities, such as Great Blue Heron Casino in Scugog and Ajax Downs.

The Region of Durham has prepared a new smoke free by-law in draft form that has recently been circulated to the local area municipalities for review and comment. The new by-law proposes to prohibit smoking or vaping in or within a 20 metre (66 feet) radius of public parks, service lines, on any municipal grounds, at an outdoor event registered with a local municipality, on property of a post-secondary institution or long-term care home, or within a 9 metre radius of an entrance to a mall. Staff will be reporting on the proposed by-law to Council in the near future.

4.3 Region's Health & Social Services Committee

On January 10, 2019, the Region's Health and Social Services Committee endorsed a motion regarding cannabis use in public places that will be presented to Regional Council as follows:

- a) Whereas the use of cannabis became legalized in Canada on October 17, 2018; and
- b) Whereas every time cannabis is used it can adversely affect learning and remembering, mental health, and mood and feelings; and
- c) Whereas regular cannabis use over a prolonged period of time can injure the lungs, adversely affect mental health, and lead to physical dependence or addiction; and
- d) Whereas cannabis use in public places combined with its known health effects can adversely affect community safety, such as through impaired driving, etc.; and
- e) Whereas Section 11 of Schedule 1 (Cannabis Act, 2017) of *The Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*, S.O. 2017, c.26 – Bill 174 prohibited the use of cannabis in public places; and
- f) Whereas Section 11 of Schedule 1 (Amendments to the Cannabis Act, 2017 and Other Acts) repealed Section 11 (Restrictions on places of consumption) of the *Cannabis Act, 2017*; and
- g) Whereas Section 12 of the *Smoke-Free Ontario Act, 2017* prohibits the smoking or holding of lighted cannabis in only enclosed public places and workplaces; and

- h) Whereas it is desirable to mitigate the human health effects of cannabis use and to de-normalize the use of cannabis in all public places, particularly with respect to children and youth; and
- i) Whereas it is also desirable to mitigate the community safety impacts of cannabis use in all public places; and
- j) Now therefore be it resolved that the Council of the Regional Municipality of Durham urges the Government of Ontario to amend the Smoke-Free Ontario Act, 2017 such that the smoking or holding of lighted cannabis is prohibited in all public places; and
- k) Now be it further resolved that the Councils of Durham's lower-tier municipalities are requested to endorse this resolution; and
- l) Now be it further resolved that the Premier of Ontario, Deputy Premier & minister of Health and Long-Term Care, Attorney General of Ontario, Minister of Finance, Durham's MPPs, Chief Medical Officer of Health, AMO, and all Ontario Boards of Health be so advised.

4.4 Port Perry Business Improvement Area (BIA)

The BIA has advised that they will support any Council decision.

4.5 Scugog Chamber of Commerce

The Scugog Chamber of Commerce has advised that they will support a decision to permit private recreational cannabis retail stores in the Township.

5. Options for Council

The two options to either permit or prohibit private recreational cannabis retail stores in Scugog potentially have both positive and negative implications. A summary of both scenarios is outlined below for Council's review and consideration.

a) Permitting Private Recreational Cannabis Retail Stores in Scugog

Pros	Cons
<ul style="list-style-type: none"> • In response to the Township's recent public consultation on this matter, 67.5% (419 of 621 responses) are in favour of having private recreational cannabis retail stores in Scugog. • The Township will be eligible to receive potential funding over the next two years from the Ontario Cannabis 	<ul style="list-style-type: none"> • Full details of the AGCO licencing process have not been disclosed, however, parts of the Registrar's standards for private retail have been released. As a result, Township staff do not have, at this time, a complete understanding of how the AGCO

<p>Legalization Implementation Fund (OCLIF), albeit the total amount is unknown at this time.</p> <ul style="list-style-type: none"> • Allowing provincially licensed private recreational cannabis retail stores would support the government's interest to reduce access to the illegal market, protect youth, and ensure public health and safety. • Consumers will continue to have access to cannabis through online sales, personal growing and through retail sales in other municipalities that do not opt-out. • The newly announced AGCO lottery system for private recreational cannabis retail store authorization and a limited first phase of only 25 stores for municipalities with a population of greater than 50,000 residents throughout the province means that Scugog would be ineligible for a retail storefront but would receive the additional funding. • Allows growers to be eligible for retail sales. • Removes potential risk of losing revenues related to drinkables and edibles in the future. 	<p>licensing process, including store authorizations, will actually work.</p> <ul style="list-style-type: none"> • Allowing private recreational cannabis retail stores cannot be reversed in the future. • The Township does not have the authority to regulate the location of private recreational cannabis retail stores, nor their concentration, and the AGCO may not recognize any further restrictions imposed by the Township. • The AGCO will not notify municipalities directly when they receive a retail store licence application and offer a very limited 15-calendar day timeframe to submit comments. • It is unknown at this time what role municipalities will have in the review of storefront locations and the potential cost implications.
--	---

b) Prohibiting Private Retail Cannabis Stores in Scugog

Pros	Cons
<ul style="list-style-type: none"> • Opting-out now does not preclude having private recreational cannabis retail stores in the future. • Opting-out does not preclude the Township from having cannabis production facilities in the employment and agricultural zones. • Will allow the AGCO to release the full details of its provincial licensing model, and allow the Township to observe the model in action and monitor the experiences of municipalities that have 	<ul style="list-style-type: none"> • The Township will receive less funding over the next two years from the OCLIF. • Prohibiting private recreational cannabis retail stores in Scugog would limit residents' access to legal, government-regulated recreational cannabis, which may not support the government's interest to reduce access to the illegal market, protect youth, and ensure public health and safety. • The Township's recent public consultation on this matter resulted in

<p>private recreational cannabis retail stores.</p> <ul style="list-style-type: none"> • Will provide the Township the necessary time to establish Council-approved locational guidelines for commenting to the AGCO should the Township choose to have private recreational cannabis retail stores in the future. • Consumers will continue to have access to recreational cannabis through online sales, personal growing and through retail sales in other municipalities that do not opt-out. 	<p>67.5% (419 of 621 responses) in favour of permitting private recreational cannabis retail stores.</p> <ul style="list-style-type: none"> • Opting-out would prohibit the retail sale of cannabis at production facilities in the employment and agricultural zones that may result in these facilities not locating in the Township. • Potential for economic disadvantage.
---	--

6) Conclusion

The Township has no ability to regulate cannabis stores on lands that permit retail development. While the AGCO has indicated they will consider concerns from municipalities, they are not bound to follow them. Cannabis will continue to be available to Scugog residents through the provincial online retail store, regardless of Council's decision. As discussed, there still exists uncertainty regarding both the proposed authorization evaluation criteria; how such regulations will be interpreted; and, the amount of funding that municipalities that permit retail cannabis stores will receive.

The majority of residents surveyed identified that they support retail storefronts, with some indicating they would like the opportunity to purchase a safe product through these storefronts rather than an unknown product through illegal means.

Should Council prohibit private recreational cannabis retail stores, illegal dispensaries may open to fill the void and meet public demands. Resources for Police, Bylaw, Fire, Paramedics along with the Health Unit, to respond to cannabis-related calls will be required regardless of Council's decision.

At this time, staff does not know if the sale of drinkable and edible cannabis products will be prohibited in municipalities that prohibit retail storefronts.

If Council decides to prohibit private recreational cannabis retail stores, the province requires the municipality to pass a resolution. However, should Council decide to permit retail cannabis stores, it is recommended that the Director of Development Services and/or designate be authorized to provide comments to the AGCO in response to any retail cannabis store license

application in compliance with any Council approved locational guidelines that support the public interest in the Township of Scugog.

This Report provides Council and the general public with a summary outlining the current cannabis legislation, its associative licensing provisions, and the Township's options for moving forward.

Respectfully Submitted:

Reviewed By:



Rob Vertolli, Ba. U. R. Pl
Planning Technician



Kevin Heritage, MES, MCIP, RPP
Director of Development Services

ATT-1: Potential Cannabis Retail Locations

ATT-2: Survey Results

ATT-3: Durham Region Health Department Memo (Oct/24/2018)

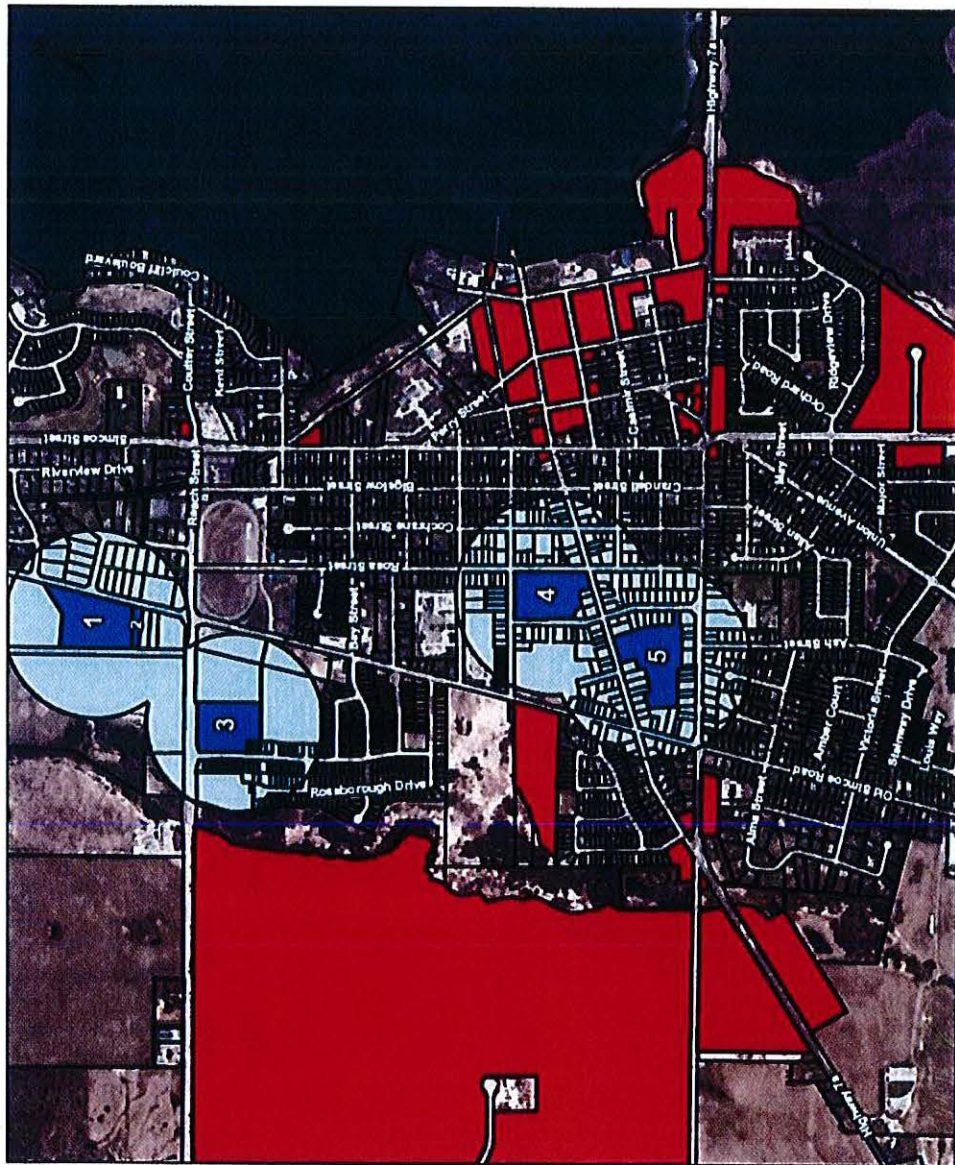
ATT-1: Potential Cannabis Retail Locations

The Township of Scugog
Areas Permitting Retail
Cannabis Locations Based on
AGCO Policy

 SCHOOL SITE (W/152m BUFFER)
 POTENTIAL CANNABIS RETAIL LOCATION

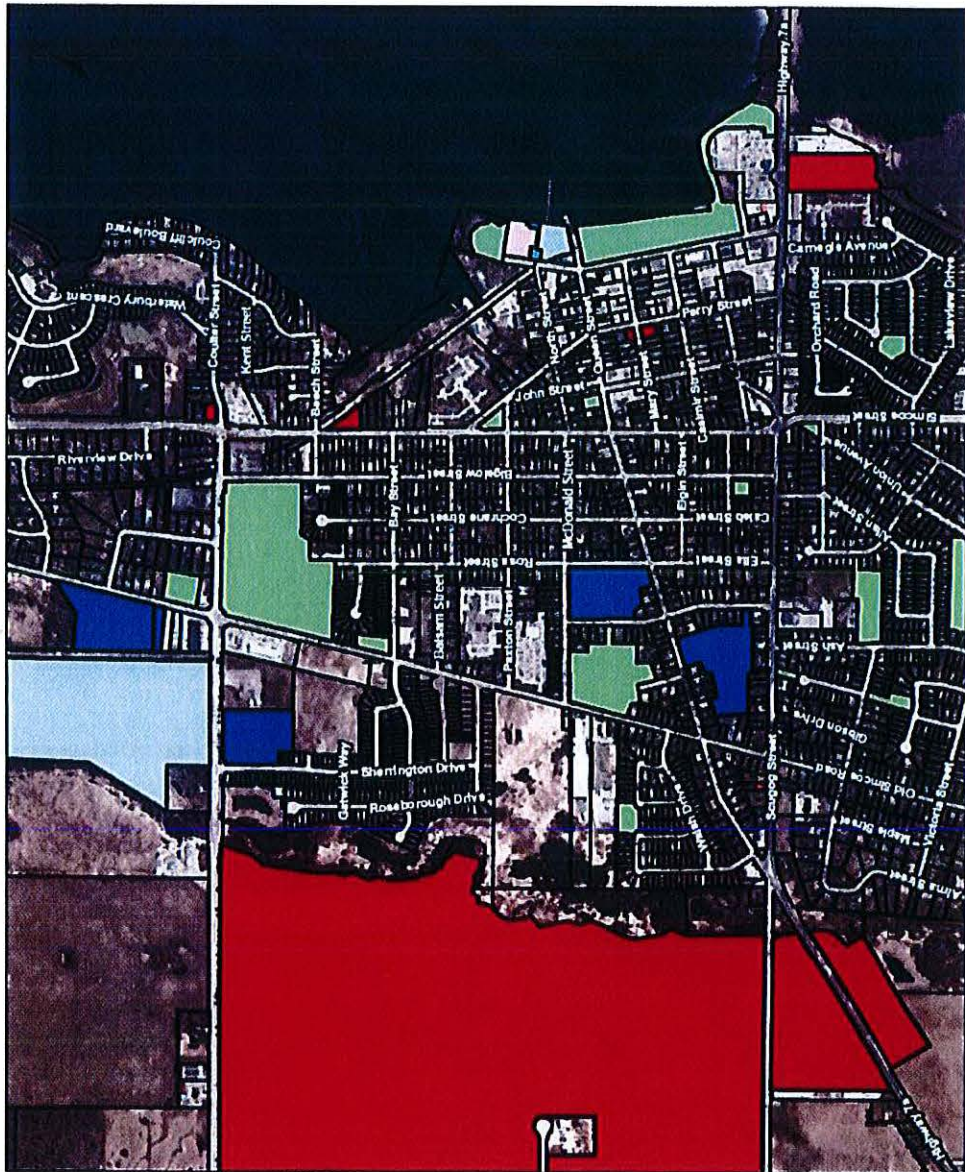
LEGEND

- 1 - S.A. Cawker Public School
- 2 - Children's House Montessori
- 3 - Good Shepherd Catholic School
- 4 - Port Perry High School
- 5 - R.H. Camish Public School



The Township of Scugog
Areas Permitting Retail
Cannabis Locations Based on
Township Policy

-  SCHOOL SITE
-  OPEN SPACE AREA
-  COMMUNITY / RECREATION CENTRE
-  LIBRARY
-  POTENTIAL CANNABIS RETAIL LOCATION

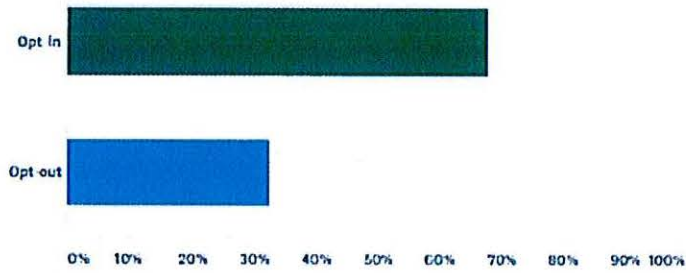


ATT-2: Survey Results

Public Consultation Survey for Cannabis Retail Stores

Q1 Should Scugog opt-in or opt-out of provincial mandate to allow cannabis retail stores in Scugog by April 2019?

Answered: 621 Skipped: 3



ANSWER CHOICES

Opt-in

Opt-out

TOTAL

RESPONSES

67.47%

32.53%

419

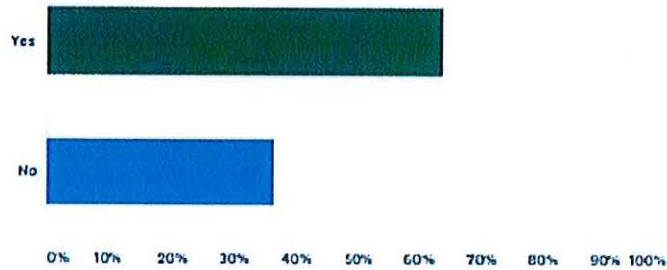
202

621

Public Consultation Survey for Cannabis Retail Stores

Q2 Currently, the province will prohibit retail stores within 150 metres of schools. Do you feel similar restrictions should be applied to the library, municipal office, community centres, day cares and parks?

Answered: 620 Skipped: 4

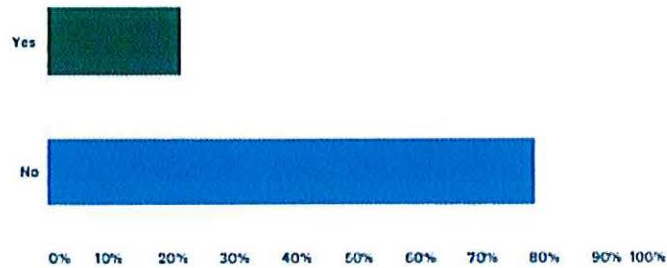


ANSWER CHOICES	RESPONSES	
Yes	63.87%	396
No	36.13%	224
TOTAL		620

Public Consultation Survey for Cannabis Retail Stores

Q3 Each municipality that opts-out will not receive profit sharing funding from the province. If Scugog did not receive funding from the province, would it change your opinion to opt-in?

Answered: 615 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes	21.63%	133
No	78.37%	482
TOTAL		615

ATT-3: Durham Region Health Department Memo (Oct/24/2018)



The Regional
Municipality of
Durham
Health Department

605 ROSSLAND RD. E.
LEVEL 2
PO BOX 623
WHITBY, ON L1N 6A3
CANADA

905-668-7711
1-800-372-1102

durham.ca

Dr. Robert Kyle
Commissioner & Medical
Officer of Health

Interoffice Memorandum

Date: October 24, 2018

To: Brian Bridgeman, Commissioner of Planning &
Economic Development

From: Dr. Robert Kyle, Commissioner & Medical Officer of
Health

Subject: Bill 36 and Suggested Setbacks for Cannabis
Retail Store Locations

On October 17, 2018, Bill 36, the *Cannabis Statute Law Amendment Act, 2018*, received Royal Assent. The Bill amends various Acts and enacts one new Act in relation to the use and sale in Ontario of cannabis and of vapour products.

As you may know, cannabis use carries significant health risks, especially if used frequently and/or use begins at an early age (CAMH, 2014). When used frequently, cannabis is associated with increased risk of problems with cognitive and psychomotor functioning, respiratory problems, cancer, dependence, and mental health problems including anxiety, depression and schizophrenia.

There is little evidence that illustrates safe recreational cannabis use for individuals and communities. It is very difficult to tighten regulations once in place. It is best to take an approach that aims to prevent future harms, rather than adding regulations later. Efforts should be made to maximize benefits while minimizing harms, promoting health and reducing inequities for individuals, communities and societies (CCSA, 2015; Council of CMOHs of Canada 2016).

Kids are vulnerable to negative long-term effects of cannabis use, since their brains are still developing. Use of cannabis before age 25 can cause long-term problems with attention span, memory, problem-solving and emotional control (CCSA, 2015).

The protection of our kids is paramount and should be as important, if not more so, than the economic interests of cannabis and vapour product retailers and suppliers.

A municipality may pass a resolution by January 22, 2019, prohibiting cannabis retail stores from being located in the municipality. Such a prohibition may be lifted by a later resolution passed by the municipality, but a municipality's decision to do so is final and may not be further reversed.

For municipalities that do not prohibit cannabis retail stores, the Registrar of the Alcohol, Cannabis and Gaming Commission of Ontario shall give notice of an application for a retail store:

- by displaying a notice at the location of the proposed cannabis retail store;
- by posting a notice on the commission's website; and
- in any other manner the Registrar considers appropriate

Notice shall include a request for the municipality, its residents and, if the municipality is a lower-tier municipality, the upper-tier municipality of which it forms a part, to make written submission to the Registrar, which must be made no later than 15 days after the notice is first given, as to whether the issuance of the retail store authorization is in the public interest, having regard to the needs and wishes of the residents.

The Registrar shall refuse to issue a retail store authorization if the proposed cannabis retail store would be located less than the distance specified by or determined in accordance with the regulations from a school, as defined in the *Education Act*.

Municipalities have the opportunity to influence location, setbacks and density thresholds of cannabis retail stores, through the Registrar's notice of application written submission process.

The following setbacks and density measures related to cannabis retailers, ought to be considered:

- Child care centres
- Post-secondary schools
- Elementary and secondary schools
- Beer and LCBO stores
- Tobacco and vaping product retailers
- Gaming facilities, such as Great Blue Heron Casino in Scugog and Ajax Downs

- Healthcare facilities, such as hospitals and mental health and addiction services
- Long-term care homes
- Recreation centres
- Arcades, amusement parks, and other places where children and youth congregates
- High priority neighbourhoods where there is a higher degree of crime or higher socioeconomic disparity. The Health Department's Health Neighbourhoods information can be found here:
<https://www.durham.ca/en/health-and-wellness/health-neighbourhoods.aspx>
- Separation distances between sites to control cannabis retail density

We would appreciate it if you would convey this advice to your lower-tier counterparts if and when they plan to make written submissions as regards notices of applications of cannabis retail store authorizations in their respective municipalities.

Respectfully submitted,

Dr. Robert Kyle

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



Town of Orangeville

87 Broadway, Orangeville, Ontario, Canada L9W 1K1
 Tel: 519-941-0440 Fax: 519-941-9569 Toll Free: 1-800-941-0440

Corporate Services

January 17, 2019

Via Email

The Honourable Doug Ford, M.P.P., Premier of Ontario, doug.ford@pc.ola.org
 The Honourable Christine Elliott, M.P.P., Deputy Premier of Ontario, Minister of Health and Long Term Care, christine.elliott@pc.ola.org
 The Honourable Steve Clark, M.P.P., Minister of Municipal Affairs and Housing, steve.clark@pc.ola.org
 The Honourable Sylvia Jones, M.P.P., Minister of Community Safety and Correctional Services, sylvia.jones@pc.ola.org
 Andrea Horwath, M.P.P., ahorwath-qp@ndp.on.ca

Dear Sir/Madam:

At the Town of Orangeville Council Meeting on January 14, 2019 Council passed the following resolution:

Whereas the protection of the integrity of the Green Belt is a paramount concern for our residents;

And whereas the continued legislative protection of our water – groundwater, surface water and waterways – is vitally important for the current and future environmental health of our community;

And whereas significant concerns have been raised by residents, community leaders and environmental organizations such as the Canadian Environmental Law Association (CELA), that provisions within Bill 66 will weaken environmental protections as it "...will enable municipalities to pass "open-for business" zoning by-laws that do not have to comply with..." important provincial environmental statutes;

And whereas an "Open for Business" by-law may be approved without public consultation;

And whereas provisions within Bill 66 may allow exemptions from municipal Official Plans;

And whereas the Town of Orangeville's Official Plan represents not only a significant investment of taxpayer resources but reflects our community's collective vision for current and future planning;

And whereas our Official Plan clearly designates land that is environmentally protected;

And whereas our Official Plan also provides clearly designated land to meet future employment land needs;

Now therefore be it hereby resolved:

1. That Orangeville Town Council opposes planned changes to the Planning Act in the proposed Bill 66 that may allow for an "open for business" planning by-law.
2. That the Government of Ontario be requested to reconsider the proposed changes to the Planning Act included in Bill 66 which speak to the creation of the open-for-business planning by-law.
3. That notwithstanding the future adoption of Bill 66, the Town of Orangeville will not exercise the powers granted to it in Schedule 10 or any successor sections or schedules to pass open-for-business planning by-laws.
4. That a copy of this resolution be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Christine Elliott, Deputy Premier of Ontario, the Honourable Sylvia Jones, Minister of Community Safety and Correctional Services, MPP Dufferin-Caledon and Andrea Horwath, MPP, Leader of the New Democratic Party.
5. That a copy of this resolution be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Yours truly,



Susan Greatrix | Clerk

Town of Orangeville | 87 Broadway | Orangeville, ON L9W 1K1

519-941-0440 Ext. 2242 | Toll Free 1-866-941-0440 Ext 2242 | Cell 519-278-4948

sgreatrix@orangeville.ca | www.orangeville.ca

TM

cc The Honourable François-Philippe Champagne, M.P., Minister of Infrastructure and Communities,
Francois-Philippe.Champagne@parl.gc.ca
The Honourable Patricia A. Hajdu, M.P., Minister of Employment, Workforce Development and Labour,
Patty.Hajdu@parl.gc.ca
The Honourable Lawrence MacAulay, M.P., Minister of Agriculture and Agri-Food,
lawrence.macaulay@parl.gc.ca
The Honourable Catherine McKenna, M.P., Minister of Environment and Climate Change,
Catherine.McKenna@parl.gc.ca
The Honourable Amarjeet Sohi, M.P., Minister of Natural Resources, Amarjeet.Sohi@parl.gc.ca
David Tilson, M.P., Dufferin-Caledon, david.tilson.c1@parl.gc.ca
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities



JAN 23 '19 AM 9:17

January 22, 2019

Ministry of Municipal Affairs and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Minister Steve Clark:

Sent via E-mail

Re: Opting In to Allow Retail Cannabis Stores

Please be advised that at the January 15, 2019 meeting of Niagara Falls City Council, the following motion was passed:

- ORDERED on the motion of Councillor Ioannoni, seconded by Councillor Campbell, that Council opt in to the Provincial Retail Cannabis Store program;**
- AND ALSO, that Council adopt the attached Municipal Policy Statement on Cannabis for the purpose of reviewing and commenting on licence applications;**
- AND ALSO, that City Council harmonize its anti-smoking by-law with amendments to the Regional anti-smoking by-law and work with Regional Health in public consultation regarding additional public areas where tobacco, cannabis and related products can be smoked or consumed;**
- AND ALSO, that City Council send a resolution to the Province requesting that municipalities in Ontario be given greater regulatory controls over the location, distance separations and numbers of Retail Cannabis Stores within a municipality;**
- AND ALSO, that a copy of this motion of Council be sent to all municipalities in Ontario.**

If you have any questions, please contact me directly.

Attach.

c. The Honourable Doug Ford, Premier of Ontario
All Municipalities in Ontario

Sincerely,

Bill Matson
Acting City Clerk

Working Together to Serve Our Community

Clerks
Ext 4342 Fax 905-356-9083
billmatson@niagarafalls.ca

APPENDIX 2

CORPORATE POLICY PLANNING, BUILDING & DEVELOPMENT	DATE EFFECTED December 11, 2018 DATE OF REVISION	PROCEDURE 500.22 Municipal Policy Statement on Cannabis Report: PBD-2018-76
--	--	--

1.0 Purpose & Vision

- a) The purpose of this policy statement is to provide a format for the City of Niagara Falls to provide input to the Alcohol and Gaming Commission of Ontario (AGCO), as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in Niagara Falls.
- b) It is recognized the AGCO is the provincial authority responsible for licensing cannabis retail operators, authorizing cannabis retail locations and licensing senior store staff. Municipal governments have no licensing authority. The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, that the proposed store location is consistent with the public interest as defined in the regulations.
- c) The City of Niagara Falls has chosen to allow retail sales of recreational cannabis within commercial zones.

2.0 Principles for Cannabis Retail Store Locations

- a) For the purposes of this policy statement, a cannabis retail store shall mean a store licensed or under application to be licensed by the AGCO.
- b) Land Use Planning: The provincial licensing process does not remove the requirement to comply with the zoning by-law and other municipal planning documents. The definitions within the municipality's Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the retail zones.
- c) Municipal Building Inspections: The Ontario Building Code applies to cannabis retail store locations. Therefore, where a building or sign permit is required, applications together with appropriate fees shall be submitted to the Niagara Falls Building Division. The building inspector will undertake duties as usual. Fire Code compliance is mandatory.

3.0 Cannabis Retail Stores and Sensitive Activities

- a) The goal is to help ensure public health and safety, protect of youth and reduce illegal sales, retail cannabis stores are discouraged where nearby

properties are designed to serve youth, or the potential for illegal sales or health risk exist. It is recommended that a 150m distance be maintained from:

- i) Schools as outlined in O. Reg 468.18;
 - ii) Facilities such as nursery schools, day care centres and municipal libraries, parks, trailheads and recreational facilities including community centres and arenas; and
 - iii) Facilities that serve persons with mental health or addiction challenges.
- b) Attached is a map showing the retail/commercial zones of the municipality and the activities identified in i), ii) and iii) above.

4.0 Comment Preparation & Submission

- a) Planning Staff when preparing comments to be submitted to the AGCO, shall have regard for:
- i) ensuring zoning allows a retail use as a permitted use and whether the zone provisions and regulations of the zone can be satisfied;
 - ii) the separation distances listed for uses in 3.0 i), ii) and iii) of this Policy are met; and
 - iii) the goal of 3.0 is met.
- b) Where time limits do not allow a report to be brought before City Council, the Director of Planning, Building & Development is delegated the responsibility to submit comments to the AGCO on behalf of the Corporation.



January 8, 2019

Sent via email

SEE DISTRIBUTION LIST

At Board of Directors Meeting #9/18, of Toronto and Region Conservation Authority (TRCA), held on November 30, 2018, Resolution #164/18 in regard to was approved as follows:

WHEREAS it is the objective of Toronto and Region Conservation Authority (TRCA) to collaborate with municipal partners, private interests, community groups and the general public to realize a linked regional open space system with trail networks that connect communities, parks and greenspace through landscapes and landforms like the river valleys, the Lake Ontario waterfront, the Oak Ridges Moraine and the Niagara Escarpment;

AND WHEREAS staff have drafted the Trail Strategy for the Greater Toronto Region through engagement with these external partners to support this objective;

THEREFORE, LET IT BE RESOLVED THAT the Draft Trail Strategy for the Greater Toronto Region, dated November 2018, be endorsed in principle for the purposes of engaging with external partners to obtain input prior to finalizing the Strategy and Workbook and for informing staff reviews of projects and plans and preliminary budget submissions;

THAT TRCA staff report back to the Board of Directors by Q3 2019 for final approval of the Strategy;

THAT staff use the Draft Trail Strategy and Workbook in their work with project partners to develop budget submissions and to prepare an integrated phasing plan with preliminary priorities and a corresponding financial strategy to kick-start implementation of the Strategy;

AND FURTHER THAT TRCA's trail partners and the Regional Watershed Alliance be so advised.

Here is a [link to the minutes](#) for your information and any action deemed necessary, containing the report as approved by the Board of Directors. Please note that in addition to an electronic copy, a physical copy of the Trail Strategy and Trail Strategy Workbook has been sent to you by mail. If you have any questions or require additional information, please contact Caitlin Harrigan at 416-661-6600 extension 5267, caitlin.harrigan@trca.on.ca

Sincerely

A handwritten signature in black ink, appearing to read "Alisa Mahrova", is written over a light blue horizontal line.

Alisa Mahrova
Interim Clerk and Coordinator

cc. Adam Dembe, Senior Project Coordinator, Master Planning and Greenspace Conservation, TRCA
Caitlin Harrigan, Manager, Master Planning and Greenspace Conservation, TRCA
Mike Bender, Associate Director, Master Planning and Greenspace Conservation, TRCA
Tammy Bartley, Administrative Coordinator, Master Planning and Greenspace Conservation, TRCA

DISTRIBUTION LIST

Alexander Harras, Manager, Legislative and Information Services /Deputy Clerk, Town of Ajax
Carey deGorter, General Manager, Corporate Services/Town Clerk, Town of Caledon
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Debbie Shields, City Clerk, City of Pickering
Diana Rusnov, Director of Legislative Services/City Clerk, City of Mississauga
Gillian Angus-Traill, Clerk, Town of Whitchurch-Stouffville
Kathryn Lockyer, Regional Clerk and Director of Clerk's, Regional Municipality of Peel
Kathryn Moyle, Clerk, Township of King
Kathy Pearl, Deputy Clerk, Township of Adjala-Tosorontio
Kimberley Kitteringham, City Clerk, City of Markham
Mark Early, Chief Administrative Officer and Clerk, Town of Mono
Peter Fay, City Clerk, City of Brampton
Stephen Huycke, Director of Legislative Services/Town Clerk, Town of Richmond Hill
Ralph Walton, Regional Clerk / Director, Legislative Services, Regional Municipality of Durham
Todd Coles, City Clerk, City of Vaughan
Ulli S. Watkiss, City Clerk, City of Toronto

Afreen Raza

JAN 16 '19 11:21

CIP 6.12

JAN 16 '19 11:21

From: Kahler, Janice <Janice.Kahler@mpac.ca> on behalf of Colquhoun, Heather <Heather.Colquhoun@mpac.ca>
Sent: January-15-19 2:14 PM
To: Clerks
Cc: Porporo, Michael; Colquhoun, Heather
Subject: 2018 Year-End Assessment Report – Supporting Municipal Council
Attachments: Memo - 2018 Year-End Assessment Report.pdf; MPAC 2018 Year-End-Assessment Report.pdf; Regional Municipality of Durham.pdf

Good Afternoon,

As a follow up to the attached memo of December 14, 2018, from our Vice-President, Carla Y. Nell, I have attached MPAC's 2018 Year-End Assessment Report which includes two municipal level assessment snapshots unique to your municipality. As key municipal staff have had an opportunity to review this document, we now request that you please share this document with your municipal Council.

This report provides a high-level summary of MPAC's 2018 activities that are of interest to the municipal sector and will assist your council to understand changes in the municipality's assessment base to inform ongoing budget and tax policy planning.

We value building customer and municipal relationships and look forward to working with your municipality this year, as we remain committed to continuously improving our service.

Please let me know if you have any questions.

Happy New Year!

Heather

Heather Colquhoun
 Regional Manager, Zone 3
 Municipal & Stakeholder Relations
 Municipal Property Assessment Corporation
 C: 705-627-1778
 T:289-317-0850
 Email: heather.colquhoun@mpac.ca

C.S. - LEGISLATIVE SERVICES

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

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MUNICIPAL PROPERTY ASSESSMENT CORPORATION

December 14, 2018

To: Chief Administrative Officers, Chief Financial Officers, Clerks,
Treasurers and Tax Administrators

From: Carla Y. Nell, Vice President, Municipal and Stakeholder Relations

Subject: 2018 Year-End Assessment Report

As part of our continued commitment to stakeholder engagement and information sharing with our municipal partners, we have prepared the attached **2018 Year-End Assessment Report**, which will be of interest to both municipal administration and elected officials. This report provides a high-level summary of MPAC's 2018 activities that are relevant to the municipal sector, and also two municipal level snapshots of the assessment changes unique to your municipality.

This report will also be provided to Municipal Clerks for submission to municipal councils in January 2019. In the interim, I encourage you to review the report and share any questions with your MPAC Municipal and Stakeholder Relations Regional Manager and/or Account Manager.

Happy Holidays,

A handwritten signature in black ink, appearing to read "Carla Y. Nell", is positioned below the holiday greeting.

Carla Y. Nell
Vice-President, Municipal and Stakeholder Relations

Attachments

Copy Regional and Account Managers

2018
YEAR-END
ASSESSMENT
REPORT
FOR THE 2019
TAX YEAR

AS OF DECEMBER 2018



MUNICIPAL
PROPERTY
ASSESSMENT
CORPORATION



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About MPAC

MPAC stands for Municipal Property Assessment Corporation, and the MPAC team is made up of assessment experts who understand local communities and assess every property in Ontario. Our assessments provide the very foundation that municipalities use to base the property taxes needed to pay for the services we use every day.

As an independent, not-for-profit corporation, our assessments follow the *Assessment Act* and other legislation and regulations set by the Government of Ontario. We also have a Board of Directors made up of provincial, municipal and taxpayer representatives.

MPAC's expertise is in property assessment, customer service and technology. It is these components of MPAC's work that make our contribution to Ontario so valuable.

Learn more at:



mpac.ca



Introduction

Ontario municipalities rely on MPAC to provide expert opinions on the value of properties in our communities. We understand that turning these opinions into assessments goes beyond the determination of values. The work we do includes producing the products and services you require to understand, maintain and support your assessment base, such as property data, phase-in, classification, new assessment base, and appeals. The **2018 Year-End Assessment Report** provides an update on these items.

The Property Assessment Cycle in Ontario

We update the assessment of every property in Ontario every four years to capture changes to properties and the real estate market.

While the effective valuation date of January 1, 2016 remains constant during the four-year cycle, we are responsible for providing an updated annual Assessment Roll to each municipality that includes:

- **Changes to property ownership**
- **Changes to state and condition of a property**
- **Updates to the assessed value and classification**
 - New construction, demolitions and consolidations
 - Requests for Reconsideration (RfR) and Assessment Review Board (ARB) decisions

In advance of the 2019 property tax year, we delivered more than 800,000 Property Assessment Notices to property owners across Ontario where there was a change in property ownership or value. Your municipality also recently received the **2018 Assessment Roll for the 2019 property tax year** and the electronic **Year-End Tax File**. This file includes the updates we made during 2018 to keep your Roll current.

Purpose of This Report

We have prepared this report to assist you in understanding changes in your assessment base to inform ongoing budget and tax policy planning. The report also provides an update on the work we have undertaken over the course of 2018 to deliver an updated and stable Assessment Roll.

In addition, the report shares our plan for the next Assessment Update in 2020, which will provide property values for the 2021–2024 property tax years.

Attached to this report are two municipal-level assessment snapshots:

1. Assessment Change Summary

Provides the updated 2016 current value assessment (destination) and a comparison of the phased-in assessments for the 2018 and 2019 tax years

2. Assessment Base Distribution

Compares the distribution of the total 2018 and 2019 phased-in assessments and includes the percentage of the total assessment base by property class

Responsible for
assessing and
classifying more than

5 MILLION
properties in Ontario

Representing

\$2.78T
in property value

We delivered
more than
800,000
Property
Assessment
Notices

2018 Highlights

Our assessments support the collection of nearly **\$20 billion in municipal taxes annually**. We understand how important our work is to you, which is why we offer a range of services that enables you to understand and employ those values. No two assessment bases are the same. As such, we understand the need to share insights and develop understanding with all municipalities about how markets and communities are changing.

Maintaining Your Annual Assessment Roll

Having accurate and timely data is critical to the assessment process. Throughout the year, we complete regular quality control processes. Specifically, we review assessments and property classification changes received through:

- ▶ **Building permits**
- ▶ **Vacancy applications**
- ▶ **Tax applications**
- ▶ **Subdivision plans**

This ensures information is both current and accurate. This ongoing assessment work provides confidence that the information in your Assessment Roll is reliable and ready to support your budget and tax planning.

New Assessment

In 2018, we delivered more than \$38 billion in new assessment to municipalities across the province. We successfully processed more than 85% of this new assessment within one year of occupancy. Timely processing of new assessment from new

construction or additions to existing property and accurate forecasting of new assessment were identified as key municipal priorities and are included in our Service Level Agreement with municipalities.

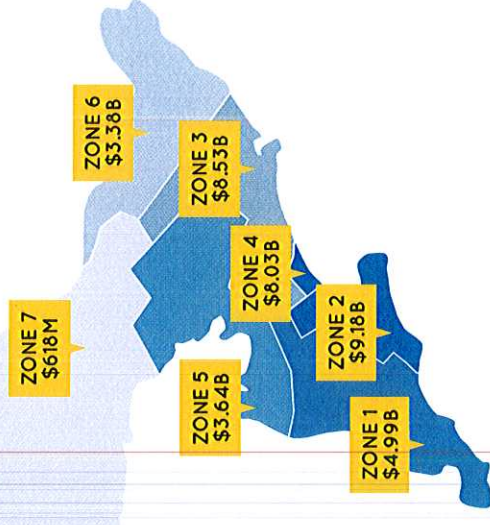
New Assessment Forecasting

A significant change in 2018 was the presentation of the quarterly new assessment forecast and our commitment to capture a minimum of 85% of all new assessment within one year of occupancy, based on availability of information from your municipality.

The other important change in 2018 came from you, our municipal partners.

This year, we started delivering new assessment progress reports on a quarterly basis to support ongoing dialogue between MPAC and municipalities about current and future growth trends and to provide a better sense of future taxable amounts.

2018 NEW ASSESSMENT BY ZONE



We delivered more than

\$38 billion

in new assessment to municipalities across the province

From January 1 to October 31, 2018, MPAC completed a total of 27,917 Requests for Reconsideration

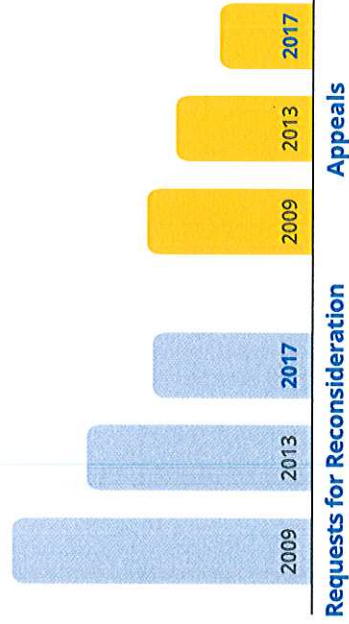
Requests for Reconsideration and Appeals

Another important activity we continue to work on throughout the four-year assessment cycle is responding to and processing assessment changes because of Requests for Reconsideration (RfR) and **Assessment Review Board (ARB)** appeal outcomes. This information is applied to your Assessment Roll throughout the year as part of our ongoing efforts to maintain and deliver stable Assessment Rolls.

We continue to work closely with the ARB and other parties, providing impartial, expert opinions to support the appeal process.

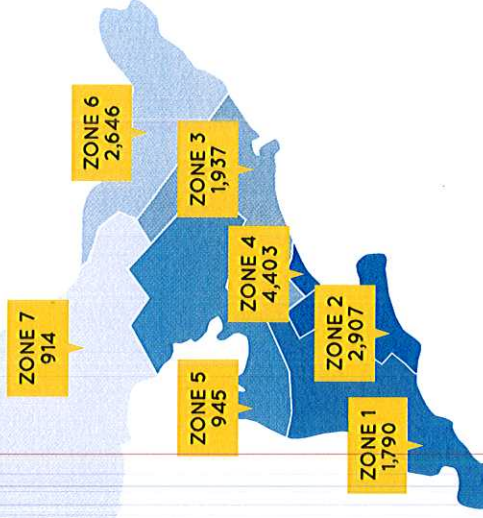
We have seen a steady decrease in the number of RfRs and appeals; since 2009 the number of RfRs filed has decreased by 50% and the number of appeals has decreased by 40%.

We will continue to work with the ARB and other parties to improve the efficiency and effectiveness of the appeals process, with the goal of reducing the time to resolve appeals.



2009, 2013 and 2017 represent the first tax year of the last three Assessment Updates, when the majority of appeals are filed.

2018 TOTAL NUMBER OF COMPLETED APPEALS BY ZONE



We have seen a steady decrease in the number of RfRs and appeals since 2009

Service Level Agreement (SLA)

The service levels in the SLA represent the most important MPAC deliverables as identified by you, our municipal partners. The SLA itself defines high performance standards in key service areas; outlines the roles, responsibilities and dependencies of both parties – reinforcing our shared accountability.

We implemented the SLA in 2017, and the end of 2018 marks a full year of measuring against these service levels.

In 2018, we also launched the SLA Reporting Tool in Municipal Connect to offer an at-a-glance snapshot to guide discussions around SLA objectives, help improve service delivery and promote shared accountability. At the end of our first year, MPAC is happy to report that we have met 96% of all service levels and have worked closely with municipalities, including remedial action, when service levels have not been met.

We have met
96%
of all service levels



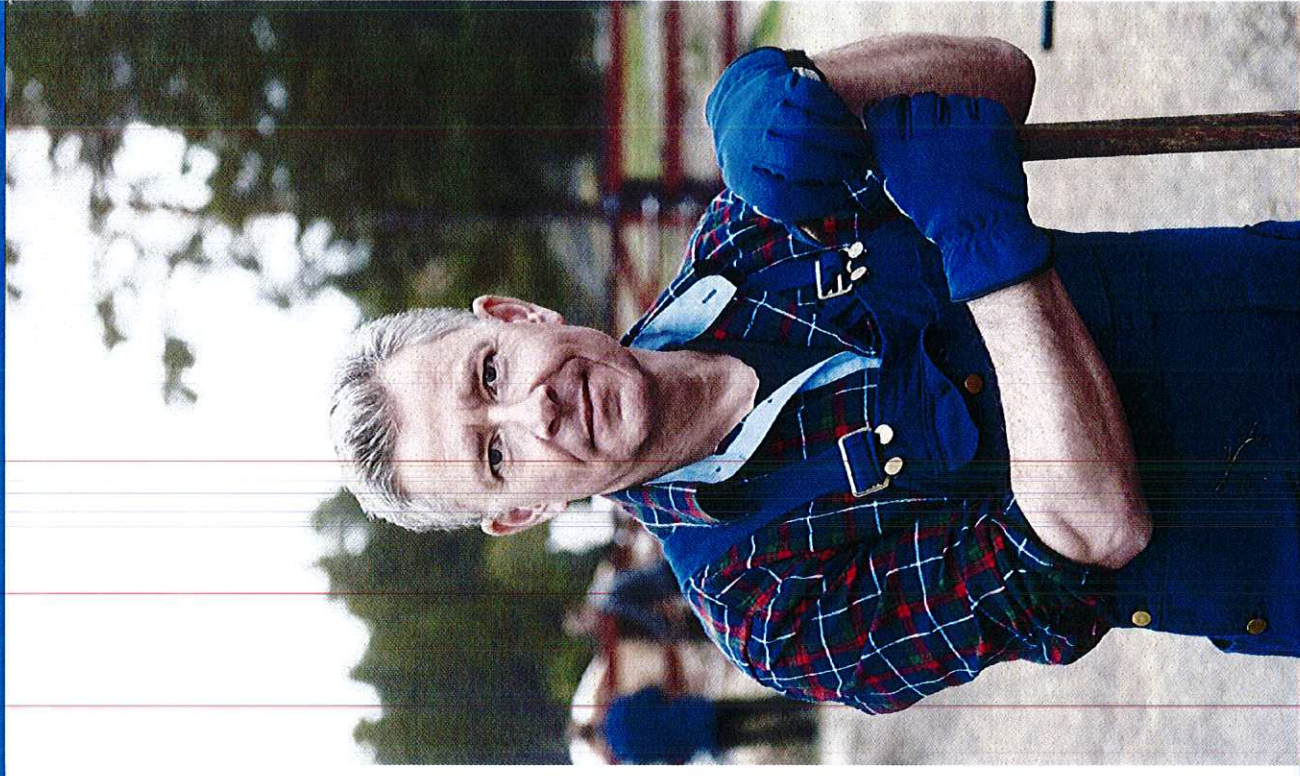
Looking Ahead to the Next Assessment Update

A key change leading up to the **2020 Assessment Update** is the new valuation date of January 1, 2019, passed into legislation by the Province of Ontario. This is two years in advance of the first tax year to which the Assessment Update will apply. In the previous Assessment Update, the valuation date preceded the first tax year by one year.

The four-year phase-in program remains in place, meaning values will be effective for the 2021 to 2024 property tax years. As in the past, all assessment increases are phased-in over four years and assessment decreases are applied immediately.

The earlier valuation date increases the availability of data used to prepare valuations and will provide more time to consult and share preliminary market insights when our engagement activities begin in earnest in 2020.

This will enable MPAC and stakeholders to identify and resolve potential issues before the return of the Roll in December 2020.



Conclusion

At the core of our new **2017-2020 Strategic Plan** is the theme “Valuing What Matters Most.” For municipalities, we value building the customer and municipal relationship. This means enhancing the transparency of new assessment forecasts, processing assessment adjustments in a timely way, ensuring traceability and transparency in our assessment valuation and methodology, and keeping stakeholders apprised of changes in the market that may impact property values.

Through greater collaboration between MPAC and municipalities, we remain committed to continuously improving our service, and we encourage you to share your feedback with us on the delivery of our products and services.

Your local **Municipal and Stakeholder Relations team** is available to support you with any of our products or services. Please contact your Regional Manager, Account Manager, or Account Support Coordinator if you have any questions or would like more information about this report.



APPENDIX 1 Assessment Change Summary by Property Class Regional Municipality of Durham

The following chart provides a comparison of the total assessment for the 2016 base years, as well as a comparison of the assessment change for 2018 and 2019 property tax year by property class.

Property Class/Realty Tax Class	2016 Full CVA	2018 Phased-in CVA	2019 Phased-in CVA	Percent Change 2018 to 2019
R Residential	94,976,898,287	83,671,895,361	89,324,396,759	6.8%
M Multi-Residential	2,624,743,261	2,212,629,109	2,418,686,183	9.3%
C Commercial	5,782,957,377	5,295,753,556	5,539,355,496	4.6%
S Shopping Centre	2,594,169,680	2,313,998,440	2,454,084,067	6.1%
D Office Building	250,485,562	242,786,887	246,636,227	1.6%
G Parking Lot	30,864,200	26,513,745	28,688,972	8.2%
X Commercial (New Construction)	923,065,765	857,338,846	890,202,313	3.8%
Z Shopping Centre (New Construction)	501,939,253	451,072,014	476,505,636	5.6%
Y Office Building (New Construction)	10,601,000	10,119,607	10,360,304	2.4%
I Industrial	921,944,458	873,421,751	897,683,112	2.8%
L Large Industrial	693,967,267	669,219,575	681,593,420	1.8%
J Industrial (New Construction)	87,661,382	86,164,271	86,912,826	0.9%
K Large Industrial (New Construction)	22,900,000	22,900,000	22,900,000	0.0%
P Pipeline	211,663,000	202,021,011	206,842,005	2.4%
F Farm	2,527,713,002	2,113,717,548	2,320,715,275	9.8%
T Managed Forests	111,100,500	96,342,437	103,721,470	7.7%
(PIL) R Residential	363,176,000	327,204,807	345,190,404	5.5%
(PIL) C Commercial	561,409,380	535,608,067	548,508,727	2.4%
(PIL) S Shopping Centre	3,259,300	3,068,150	3,163,725	3.1%
(PIL) D Office Building	32,668,100	30,036,960	31,352,530	4.4%
(PIL) G Parking Lot	13,541,100	12,542,350	13,041,725	4.0%
(PIL) X Commercial (New Construction)	10,743,000	10,355,500	10,549,250	1.9%
(PIL) I Industrial	35,233,400	33,012,084	34,122,742	3.4%
(PIL) F Farm	185,015,300	164,227,287	174,621,291	6.3%
E Exempt	4,749,755,728	4,440,902,263	4,595,328,997	3.5%
TOTAL	118,227,475,302	104,702,851,626	111,465,163,456	6.5%

APPENDIX 2

Assessment Base Distribution Summary by Property Class Regional Municipality of Durham

The following chart provides a comparison of the distribution of the total assessment for the 2016 base year, and the 2018 and 2019 phased-in assessment which includes the percentage of the total assessment base by property class.

Property Class/Realty Tax Class	2016 Full CVA	Percentage of Total 2016 CVA	2018 Phased-in CVA	Percentage of Total 2018 CVA	2019 Phased-in CVA	Percentage of Total 2019 CVA
R Residential	94,976,898,287	80.3%	83,671,895,361	79.9%	89,324,396,759	80.1%
M Multi-Residential	2,624,743,261	2.2%	2,212,629,109	2.1%	2,418,686,183	2.2%
C Commercial	5,782,957,377	4.9%	5,295,753,556	5.1%	5,539,355,496	5.0%
S Shopping Centre	2,594,169,680	2.2%	2,313,998,440	2.2%	2,454,084,067	2.2%
D Office Building	250,485,562	0.2%	242,786,887	0.2%	246,636,227	0.2%
G Parking Lot	30,864,200	0.0%	26,513,745	0.0%	28,688,972	0.0%
X Commercial (New Construction)	923,065,765	0.8%	857,338,846	0.8%	890,202,313	0.8%
Z Shopping Centre (New Construction)	501,939,253	0.4%	451,072,014	0.4%	476,505,636	0.4%
Y Office Building (New Construction)	10,601,000	0.0%	10,119,607	0.0%	10,360,304	0.0%
I Industrial	921,944,458	0.8%	873,421,751	0.8%	897,683,112	0.8%
L Large Industrial	693,967,267	0.6%	669,219,575	0.6%	681,593,420	0.6%
J Industrial (New Construction)	87,661,382	0.1%	86,164,271	0.1%	86,912,826	0.1%
K Large Industrial (New Construction)	22,900,000	0.0%	22,900,000	0.0%	22,900,000	0.0%
P Pipeline	211,663,000	0.2%	202,021,011	0.2%	206,842,005	0.2%
F Farm	2,527,713,002	2.1%	2,113,717,548	2.0%	2,320,715,275	2.1%
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E Exempt	4,749,755,728	4.0%	4,440,902,263	4.2%	4,595,328,997	4.1%
TOTAL	118,227,475,302	100%	104,702,851,626	100%	111,465,163,456	100%

MUNICIPAL
PROPERTY
ASSESSMENT
CORPORATION



APPENDIX 2
Assessment Base Distribution Summary by Property Class
Regional Municipality of Durham

Afreen Raza

Original

To: CIP

*Dr. Kyle
N. Taylor
CAJO*

From: Copy AGCO Municipal <Municipal@agco.ca>

Sent: To: January-11-19 9:45 AM

JAN 16 '19 PM3:32

To: AGCO Municipal

Subject: FOR INFORMATION: Cannabis Retail Stores - Alcohol and Gaming Commission of Ontario

Attachments: Additional Information for Municipalities - English.pdf; Additional Information for Municipalities - French.pdf

C.C. S.C.C. File

IMPORTANT INFORMATION: DECEMBER 13, 2019, ONTARIO REGULATION 468/18 ADMENDMENTS ON MUNICIPALITIES

Take Appr. Action

Given the shortage of legal cannabis supply, on December 13, 2018, the Government of Ontario announced amendments to [Ontario Regulation 468/18](#) that included a temporary cap of 25 Cannabis Retail Store Authorizations for April 1, 2019. The amendments also gave the AGCO the mandate to hold a lottery on January 11, 2019, to determine who may apply for the 25 retail stores.

Of significant interest to Ontario municipalities is that the Ontario Regulation 468/18 sets out that cannabis retail stores may only be located in a municipality that:

- Has chosen not to opt out of permitting cannabis retail stores; and
- Has a **population of 50,000 people or more** as identified in the 2016 Ontario census.

The AGCO will publish the results of the lottery held on January 11, 2019, on its [website](#) within 24 hours of the lottery completion.

Although the 25 stores will only be located in municipalities with a population of 50,000 or more, **the one-time opt-out date for all municipalities remains January 22, 2019.**

For further information regarding the allocation of the 25 retail stores, please see the attached document.

FOR MORE INFORMATION

Please submit any questions you may have to municipal@agco.ca or (416) 326-8593

For questions regarding municipal funding for cannabis under the [Ontario Cannabis Legalization Implementation Fund](#), please contact the Ministry of Finance at OCLIF@ontario.ca

For additional helpful resources please see the attached document

Merci d'être en contact avec la CAJO à propos de votre statut concernant les magasins de vente au détail de cannabis dans votre municipalité.

INFORMATIONS IMPORTANTES: 13 DÉCEMBRE 2019, MODIFICATIONS DU RÈGLEMENT DE L'ONTARIO 468/18 CONCERNANT LES MUNICIPALITÉS

Compte tenu de la pénurie de cannabis légal, le gouvernement de l'Ontario a annoncé le 13 décembre 2018 des modifications au [Règlement de l'Ontario 468/18](#) qui comprenaient un plafond temporaire de 25 autorisations de magasin de détail de cannabis pour le 1^{er} avril 2019. Les modifications ont également donné à la CAJO le mandat de tenir une loterie le 11 janvier 2019 afin de déterminer qui peut faire une demande pour les 25 magasins de vente au détail.

Les municipalités de l'Ontario s'intéressent particulièrement au fait que le Règlement de l'Ontario 468/18 stipule que les magasins de vente au détail de cannabis ne peuvent être situés que dans une municipalité qui:

- a choisi de ne pas refuser d'autoriser les magasins de vente au détail de cannabis; et
- a une **population de 50 000 personnes ou plus**, telle qu'identifiée dans le recensement de 2016 en Ontario.

La CAJO publiera les résultats de la loterie du 11 janvier 2019 sur son [site Web](#) dans les 24 heures suivant la fin de la loterie.

Bien que les 25 magasins ne seront situés que dans les municipalités de 50 000 habitants ou plus, **la date de retrait unique pour toutes les municipalités demeure le 22 janvier 2019.**

Pour plus d'informations sur l'attribution des 25 magasins de vente au détail, reportez-vous au document ci-joint.

POUR PLUS D'INFORMATION

Veuillez soumettre toute question à municipal@agco.ca ou au 416-326-8593.

Pour toute question concernant le financement municipal pour le cannabis dans le cadre du [Fonds ontarien de préparation à la légalisation du cannabis](#), veuillez communiquer avec le ministère des Finances à OCLIF@ontario.ca

Pour d'autres ressources utiles, veuillez consulter le document ci-joint.

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Commission of Ontario

INFORMATION FOR ONTARIO MUNICIPALITIES ABOUT CANNABIS RETAIL STORE LICENSING

The maximum 25 Retail Store Authorizations will be allocated in accordance with Ontario Regulation 468/18, which provides for the maximum number of stores in the following Regions:

- a. **East** (Stormont, Dundas and Glengarry, Prescott and Russell, Ottawa, Leeds and Grenville, Lanark, Frontenac, Lennox and Addington, Hastings, Prince Edward, Northumberland, Peterborough, Kawartha Lakes, Simcoe, Muskoka, Haliburton, Renfrew): five (5) stores
- b. **GTA** (Durham, York, Peel and Halton): six (6) stores
- c. **North** (Nipissing, Parry Sound, Sudbury, Greater Sudbury, Timiskaming, Cochrane, Algoma, Thunder Bay, Rainy River, Kenora): two (2) stores
- d. **Toronto**: five (5) stores
- e. **West** (Dufferin-Wellington, Hamilton, Niagara, Haldimand-Norfolk, Brant, Waterloo, Perth, Oxford, Elgin, Chatham-Kent, Essex, Lambton, Middlesex, Huron, Bruce, Grey, Manitoulin): seven (7) stores

The AGCO has defined [42 municipalities](#) within Ontario with a population minimum of 50,000, based on the 2016 census.

In the **East** Region: City of Barrie, City of Belleville, City of Kawartha Lakes, City of Kingston, City of Ottawa, and City of Peterborough

In the **GTA** Region: Town of Ajax, Town of Aurora, City of Brampton, City of Burlington, Town of Caledon, Municipality of Clarington, Town of Halton Hills, City of Markham, Town of Milton, City of Mississauga, Town of Newmarket, Town of Oakville, City of Oshawa, City of Pickering, Town of Richmond Hill, City of Vaughan, and Town of Whitby

In the **North** Region: City of Greater Sudbury, City of North Bay, City of Sault Ste. Marie, and City of Thunder Bay

In the **Toronto** Region: the City of Toronto

In the **West** Region: City of Brantford, City of Cambridge, Municipality of Chatham-Kent, City of Guelph, City of Hamilton, City of Kitchener, City of London, City of Niagara Falls, Norfolk County, City of Sarnia, City of St. Catharines, City of Waterloo, City of Welland, and City of Windsor



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These changes are in effect until December 13, 2019, when Ontario Regulation 468/18 will be amended.

Although the initial phase of 25 stores will only be located in municipalities with a minimum population of 50,000, **the one-time opt-out date for all municipalities remains January 22, 2019.**

HELPFUL RESOURCES

- [AGCO's list of Ontario municipalities prohibiting or allowing cannabis retail stores](#)
- [Ontario Regulation 468/18](#)
- Cannabis Retail Store Licensing [Expression of Interest Lottery Rules](#)
- [Answers to frequently asked questions](#) on the Cannabis Retail Store Licensing Expression of Interest Lottery
- [Timeline for Cannabis Retail Lottery, Licensing and Store Authorization Process](#)
- Information about Ontario's approach to cannabis legalization can be found at ontario.ca/cannabis.
- For more information about the legalization and regulation of cannabis in Canada, please visit canada.ca/cannabis.



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RENSEIGNEMENTS À L'INTENTION DES MUNICIPALITÉS DE L'ONTARIO AU SUJET DE L'OCTROI DE LICENCES DES MAGASINS DE VENTE AU DÉTAIL DE CANNABIS

Voici les 25 autorisations de magasins de vente au détail qui seront attribuées conformément au Règlement de l'Ontario 468/18, qui prévoit des magasins dans les régions suivantes :

- a. **Région de l'Est** : (Stormont, Dundas et Glengarry, Prescott et Russell, Ottawa, Leeds et Grenville, Lanark, Frontenac, Lennox et Addington, Hastings, Prince Edward, Northumberland, Peterborough, Kawartha Lakes, Simcoe, Muskoka, Haliburton, Renfrew) : cinq (5) magasins;
- b. **Région du Grand Toronto** : (Durham, York, Peel et Halton) : six (6) magasins;
- c. **Région du Nord** : (Nipissing, Parry Sound, Sudbury, Grand Sudbury, Timiskaming, Cochrane, Algoma, Thunder Bay, Rainy River, Kenora) : deux (2) magasins;
- d. **Région de Toronto** : cinq (5) magasins; et
- e. **Région de l'Ouest** : (Dufferin-Wellington, Hamilton, Niagara, Haldimand-Norfolk, Brant, Waterloo, Perth, Oxford, Elgin, Chatham-Kent, Essex, Lambton, Middlesex, Huron, Bruce, Grey, Manitoulin) : sept (7) magasins.

La CAJO a recensé 42 municipalités de l'Ontario ayant une population de 50 000 habitants ou plus, d'après le recensement de 2016.

Dans la région de **l'Est** : Cité de Barrie, Cité de Belleville, Cité de Kawartha Lakes, Cité de Kingston, Ville de Ottawa, Cité de Peterborough

Dans la région du **Grand Toronto** : Ville de Ajax, Ville de Aurora, Cité de Brampton, Cité de Burlington, Ville de Caledon, Municipalité de Clarington, Ville de Halton Hills, Cité de Markham, Ville de Milton, Cité de Mississauga, Ville de Newmarket, Ville de Oakville, Cité de Oshawa, Cité de Pickering, Ville de Richmond Hill, Cité de Vaughan, Ville de Whitby

Dans la région du **Nord** : Cité de Grand Sudbury, Cité de North Bay, Cité de Sault Ste. Marie, Cité de Thunder Bay

Dans la région de **Toronto** : Cité de Toronto

Dans la région de **l'Ouest** : Cité de Brantford, Cité de Cambridge, Municipalité de Chatham-Kent, Cité de Guelph, Cité de Hamilton, Cité de Kitchener, Cité de London, Cité de Niagara Falls, Norfolk County, Cité de Sarnia, Cité de St. Catharines, Cité de Waterloo, Cité de Welland, Cité de Windsor



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Ces modifications sont en vigueur jusqu'au 13 décembre 2019, date à laquelle le Règlement de l'Ontario 468/18 sera modifié.

Bien que la phase initiale de 25 magasins ne sera située que dans les municipalités comptant au moins 50 000 habitants, **la date de retrait unique pour toutes les municipalités demeure le 22 janvier 2019.**

RESSOURCES UTILES

- [Liste de la CAJO des municipalités de l'Ontario qui interdisent ou autorisent les magasins de vente au détail de cannabis](#)
- [Règlement de l'Ontario 468/18](#)
- Octroi de licences pour les magasins de vente au détail de cannabis [Règles de la loterie des déclarations d'intérêt](#)
- [Questions fréquentes sur le processus de loterie des déclarations d'intérêt](#) sur la loterie des déclarations d'intérêt pour l'obtention d'une licence d'exploitation d'un magasin de vente au détail de cannabis
- [Échéancier du processus de loterie, de délivrance de licences et d'autorisation pour les magasins de vente au détail de cannabis](#)
- On peut trouver de l'information sur l'approche de l'Ontario en matière de légalisation du cannabis à ontario.ca/cannabis.
- Pour de plus amples renseignements sur la légalisation et la réglementation du cannabis au Canada, veuillez consulter le site canada.ca/cannabis.

Enbridge Gas Inc. has applied to raise its natural gas rates effective January 1, 2019.

Learn more. Have your say.

The Ontario Energy Board approved the amalgamation of Enbridge Gas Distribution Inc. and Union Gas Limited in August 2018. The companies have amalgamated to form Enbridge Gas Inc.

Enbridge Gas Inc. has applied to the Ontario Energy Board to raise its natural gas rates effective January 1, 2019. If the application is approved as filed, the yearly bill of a typical residential customer within the former Enbridge Gas Distribution Inc. and Union Gas Limited rate zones will increase by the following amounts:

Rate Zones	Residential Annual Bill Increase
Enbridge Gas	\$ 5.74
Union South	\$ 9.98
Union North East	\$ 4.88
Union North West	\$ 6.81

The rates are based on a rate-setting framework and other adjustments previously approved by the Ontario Energy Board for the period 2019-2023. The rates are set using a formula that is tied to inflation and other factors intended to promote efficiency.

C.S. - LEGISLATIVE SERVICES

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Take Appr. Action	

Enbridge Gas Inc. is also asking the Ontario Energy Board to approve its rate design proposal and the costs of certain capital projects that are not part of their regular capital expenditures.

Other customers of Enbridge Gas Inc. may be affected. It is important to review the application carefully to determine whether you will be affected by the changes.

THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider the application filed by Enbridge Gas Inc. We will question Enbridge Gas Inc. on the case. We will also hear questions and arguments from individual customers and from groups that represent the customers of Enbridge Gas Inc. At the end of this hearing, the OEB will decide whether the rate increase, requested in the application will be approved.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Enbridge Gas Inc. on the OEB's website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can become an active participant (called an intervenor). Apply by **February 5, 2019** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, you can review the OEB's decision and its reasons on our website.

LEARN MORE

Our file number for this case is **EB-2018-0305**. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please enter the file number **EB-2018-0305** on the OEB website: www.oeb.ca/participate. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. The OEB will determine at a later date whether to proceed by way of a written or oral hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **February 5, 2019**.

PRIVACY

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and e-mail address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This hearing will be held under section 36 of the Ontario Energy Board Act, S.O. 1998 c.15 (Schedule B).



Ontario

Ontario Energy Board / Commission de l'énergie de l'Ontario

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REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: January 15, 2018
FILE: ACAA12
S.R.: 5620-19

APPROVED BY C.A.O. 

TO: Chair and Members, CLOCA Board of Directors

FROM: Heather Brooks, Director natural Heritage & Watershed Planning

SUBJECT: Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan – CLOCA Comments

The “Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan” hereafter referred to as the “Plan” was posted for review and comment on the Environmental Registry of Ontario on November 29, 2018. The comment period ends on January 28, 2019. This Staff Report focuses on the important role of CLOCA and Conservation Authorities in the implementation and achievement of the Plans’ principles. The Plan identifies 4 environment priorities, all of which reflect core components of CAs mandate. CLOCA Staff have prepared detailed comments addressing specific Actions contained within the Plan. These comments are contained in Attachment 1 to this report and will be submitted to Conservation Ontario for consideration in the preparation of consolidated comments to be submitted to the Province. A brief summary of these comments are provided in this report.

Through this plan, the Province has committed to protecting air, land and water as well as build resilience to the impacts of climate change. There is a heavy reliance on the public and partners to help achieve the goals of this plan. Conservation Authorities are identified as an important partner in protecting people and property from flooding and other natural hazards, protecting water quality and quantity including protecting our Great Lakes, conserving natural resources and protecting ecologically important natural areas.

The following identifies the 3 key principles of the Plan. Within CLOCA’s jurisdiction, the Authority, being the local expert, can support the Province in achieving these principles.

- **Clear Rules and Strong Enforcement:** The Province is committed to holding polluters accountable through stronger enforcement. CAs possess enforcement capabilities and with proclamation of “Part VII Enforcement and Offences” of the Conservation Authorities Act, CAs could support the Province in this regard.
- **Trust and Transparency:** The Province is committed to providing information and tools to better understand the environmental challenges we will be facing over the coming years. CLOCA’s watershed monitoring programs provide up-to-date information and real-time monitoring which we share with our partners, stakeholders and residents through a range of tools and programs, including on-line and web-based options. The data CLOCA collects adds to an improved understanding of watershed conditions and positively contributes to our programs and actions which continue to protect, restore and enhance watershed resiliency. CLOCA’s monitoring information directly informs many of our corporate programs including; plan and permit review, identification of natural hazards, assessment and mitigation of natural hazards, watershed planning, conservation area planning and management, climate change mitigation and adaptation, natural heritage systems planning including restoration, enhancement and protection, education, stewardship and outreach programs.
- **Resilient Communities and Local Solutions:** The Province acknowledges that unique solutions are required to address regional variability and local issues. CLOCA provides local expertise enabling the Authority to understand and predict watershed conditions and impacts brought about by the many challenges we face within our watershed including growth, rapid land use changes, climate change, invasive species, etc.

Cont’d

The Plan identifies 4 environmental priorities as follows:

- **Protecting our Air, Lakes & Rivers:** These are identified as critical systems requiring protection;
- **Addressing Climate Change:** Identify means to mitigate climate change and improve the resilience of our communities to reduce the impacts of climate change;
- **Reducing Litter and Waste in our Communities & Keeping our Land & Soil Clean:** Improve management and enforcement efforts in these areas as a means to protecting air, land and water quality;
- **Conserving Land and Greenspace:** Protect and enhance natural areas, support conservation efforts, conserve species at risk, develop adaptation strategies, promote the importance of healthy natural spaces for future generations and recognition of the importance of natural areas in reducing impacts of climate change.

CLOCA, and CAs in general are key partners in delivering on these environmental priorities and these efforts come to light in many of the comments provided in Attachment 1 to this report. As the local experts and front line workers, CLOCA is connected with our community and watershed providing scientific expertise and data which further informs many of our programs including the sharing of knowledge and information with stakeholders, municipalities, consultants, education community, volunteers and the public.

The Plan is committed to protecting our water resources acknowledging that 1/5th of the world's fresh water is located in Ontario and there are specific Actions focused on site specific issues such as Lake Simcoe, Lake of the Woods, and the St. Clair River. CLOCA recommends that more emphasis be placed on the protection, restoration and enhancement of the Great Lakes contributing watersheds. This includes recognition of the fact that Ontario's water resources are important not just for human use, but for sustaining natural systems which support critical habitat, biodiversity, and healthy watersheds.

The Province has committed to improving municipal wastewater and stormwater management and financing in an effort to improve investment and support new technologies. In addition to the recommendations to provide guidance and leadership with respect to stormwater management and maintenance, it is recommended the repair of combined stormwater/sewer connections as an action that will improve water quality, drinking water and reduce impacts of climate change on residents and property be prioritized.

The climate change section of the Plan is focused on actions which reduce greenhouse gas emissions. It is recommended that a strong recognition of the importance of our natural systems in improving community resilience to climate change be included in the climate change section of the Plan. The Province has identified the creation of the Ontario Carbon Trust and even maybe the use of Green Bonds and it is recommended that a portion of the revenue generated be committed to protecting and improving natural areas as a key component in climate change resiliency.

The Plan recognizes that protecting our natural areas is a shared responsibility. Continued endorsement of the work of CAs in identifying, protecting and enhancing natural areas is fundamental in securing ecosystem resilience within the Province. The role of CAs in protecting public and property from natural hazards is recognized. Provincial support of CA efforts to continue to undertake this work is important. The significant contribution that CLOCA provides to our municipal partners in protecting the public from natural hazards and in protecting natural areas as a key component of a healthy watershed and community supports a strong and prudent planning process which precludes land use conflicts.

Strong enforcement and tougher penalties are a significant component of this Plan, requiring the dedication of resources to effectively implement. CLOCA recommends that this strong approach is balanced with incentives.

Conclusion

The Province is applauded for creating an environmental plan which recognizes the inherent connections between environmental well-being and climate change. This is the first step in ensuring that climate change is a fundamental consideration when protecting, restoring, monitoring and enhancing ecological features and functions and in securing clean air, water and land for future generations.

CLOCA's corporate vision is healthy watersheds for today and tomorrow. CLOCA strives to achieve this vision through engagement, science and conservation. As the local expert and leader with respect to watershed science within CLOCA's jurisdiction, CLOCA is uniquely positioned to support implementation of the Province's Made-in-Ontario Environmental Plan.

Auth.Res. #18/19, of January 15, 2019

“THAT Staff Report #5620-10 be received;

THAT CLOCA's detailed comments on the Plan's Actions be endorsed and sent to Conservation Ontario for consideration in the submission of consolidated comments to the Province; and,

THAT Staff Report #5620-19 be distributed to Durham Region and the local municipalities.”

CARRIED

HB/ms

Attach. - CLOCA Comments

Preserving and Protecting our Environment for Future Generations

A Made-in-Ontario Environment Plan

CLOCA Comments – January 2019

Only those Actions which CLOCA felt necessary to comment upon are included in this Table.

Section	Comments
1. Our Province Today	
<i>Doing our Part</i>	<p>CA's are an important partner in supporting sustainable and healthy watersheds and as the local experts, front line workers and first responders, we are connected with our communities and watersheds. CAs provide significant scientific expertise which is shared with the province, agencies, municipalities, residents, education community and volunteers. In these and other roles, CAs can significantly increase the Province's capacity to implement the Plan.</p>
<i>Guiding Principles</i>	<p>The Plan acknowledges that we ALL benefit from environmental well-being and that as such, we all have a role to play in maintaining and improving our environment. CAs are an important partner in implementing this Plan can support fulfilling the guiding principles identified in the Plan as follows:</p> <p><u>Clear Rules and Strong Enforcement:</u> CAs possess enforcement capabilities and with proclamation of "Part VII Enforcement and Offences" of the Conservation Authorities Act, CAs could support the Province in this regard.</p> <p><u>Trust and Transparency:</u> CA's watershed monitoring programs provide up-to-date information which we share with our partners, stakeholders and residents through a range of tools and programs, including on-line and web-based options. The data CAs collect adds to an improved understanding of watershed conditions and positively contributes to our programs and actions which continue to protect, restore and enhance watershed resiliency. CAs monitoring information directly informs many of our corporate programs including; plan and permit review, identification of natural hazards, assessment and mitigation of natural hazards, watershed planning, conservation area planning and management, climate change mitigation and adaptation, natural heritage systems planning including restoration, enhancement and protection, education, stewardship and outreach programs.</p> <p><u>Resilient Communities and Local Solutions:</u> CAs provides local expertise enabling the Authority to understand and predict watershed conditions and impacts brought about by the many challenges we face within our watershed including growth, rapid land use changes, climate change, invasive species, etc.</p>
2. Protecting our Air, Lakes and Rivers	
<i>Clean Air</i>	
<i>Clean Water</i>	
Action: Continue work to restore and protect our Great Lakes	<p>This Action is focused on the lakes, the immediate coastline and invasive species. The quality of our Great Lakes are influenced by the contributing watersheds and the quality/quantity of water that flows from these watersheds directly into these Lakes. Conservation Authorities are the "keepers" of our watersheds, and we are intimately</p>

Section	Comments
	<p>aware of the condition of these watersheds, the condition of which is reflected in the quality/quantity of water courses. Upstream land use changes, land management practices, growth, urban development, and climate change all place stressors on the health of the watershed and CA's monitor and respond to these conditions in an effort to improve the condition of water flowing into the Great Lakes. This Action would benefit with recognition of this fact and offer programs, including stewardship funding which support the protection, restoration and enhancement of the Great Lake's contributing watersheds.</p>
<p>Action: Continue to protect and identify vulnerable waterways and inland waters</p>	<p>It is noted that Ontario has 1/5th of the world's fresh water. It is incumbent upon all of us to protect this valuable resource. While a specific action item has been identified for Lake Simcoe, this action could be, and should be, expanded to be implemented throughout Ontario in order to ensure that we are taking measures to protect our globally valuable freshwater resource.</p> <p>Environmental impacts to water quality are caused by many different nutrients, pollutants, contaminants and sediments in addition to other stressors such as land use and climate change. Salt is just one element which impacts water quality. While a focus on reducing the impact of salt on our watercourses is a good start, this singular focus may result in a failure to notice changes in other contaminants which have detrimental impacts on water quality. It is better to be inclusive when protecting our water quality.</p>
<p>Action: Ensure sustainable water use and water security for future generations</p>	<p>Ensuring Ontario's drinking water systems are protected for future generations is vital to the continued success of Ontario, warranting the need for continued long term provincial funding for the Source Water Protection Program, including funding to support the successful implementation, monitoring, review and amendment of source water protection plans.</p> <p>It is recommended that the provisions of the Clean Water Act that ensure source protection policy prevails in case of a conflict between land use planning and source protection should not be removed in Schedule 10 of Bill 66.</p> <p>The steps identified in this Action are focused on the anthropogenic uses of water and not on the environmental importance of a sustainable water system. An important tool to ensuring water security for future generations is to protect our natural features, functions and areas, including groundwater resources. This is referenced in "Conserving Land and Greenspace", but a more holistic approach to securing sustainable water resources in "Protecting our Air, Lakes and Rivers" is recommended.</p>
<p>Action: Help people conserve water and save money</p>	<p>CAs are actively promoting water conservation through our various programs and can support the Province in implementing this Action.</p>
<p>Action: Improve municipal wastewater and stormwater management and reporting</p>	<p>We are encouraged by the identification of the need to update policies and financing to improve investment in SWM management, including supporting new and innovative technologies and practices. With provincial leadership and guidance, significant accomplishments can be achieved throughout Ontario which will further the adoption of LIDs as a fundamental component in stormwater design and management. Updating and releasing the performance criteria for stormwater facilities will advance successes</p>

Section	Comments
	<p>in improving SWM management, design and operations, which will in effect improve water quality and aquatic habitat in receiving watercourses.</p> <p>The Province is recommended to prioritize and offer funding which supports the repair of combined stormwater/sewer connections as an action that will positively improve water quality, drinking water, and reduce impacts of climate change on residents and property.</p>
3. Addressing Climate Change	
<i>Building Resilience: Helping Families and Communities Prepare</i>	
Action: Improve our understanding of how climate change will impact Ontario	<p>Recommend that the Province undertake regional impact assessments rather than a provincial impact assessment to identify how climate change will impact residents as this would reflect regional variations and the experiences that can be anticipated within different areas of the Province.</p> <p>It is also recommended that in addition to the assessments proposed for the transportation, agriculture, energy and water sectors, impact and vulnerability assessments for the natural environment, including biodiversity and groundwater resources be conducted. CAs can offer valuable information and insight in this regard. With funding support from the Province, CAs can offer significant support in undertaking regional impact assessments.</p>
Action: Help Ontarians understand the impacts of climate change	<p>This Action focuses on disseminating information about climate change and its impacts including working with experts to identify and create adaptation solutions and support incorporation of climate change science into everyday decisions. This is an effective approach to gain broad support and adoption amongst Ontario residents.</p> <p>Programs which support incorporation of climate change adaptation techniques for home improvement/restoration work should be included and credit for undertaking these types of improvements considered. This can include incorporation of pervious materials when undertaking outdoor improvements to a person's property or ensuring plumbing fixtures are connected to sanitary connections rather than to stormwater systems.</p>
Action: Update government policies and build partnerships to improve local climate resilience	<p>A number of actions are identified in this section including modernizing the building code, review of disaster recovery assistance programs, examine tax policy options to support adoption of climate adaptation measures to protect property, update planning policies to support climate resilience, support back up energy supplies for essential services such as hospitals, improve winter roads, support security of agriculture and food sectors. It is recommended that there be a program and funding to support the repair/retrofit of existing SWM ponds, and on-going management and maintenance of SWM facilities (including LIDS). Significant reductions in natural hazard risks can be achieved through climate change adaptation measures, particularly those risks associated with flooding. Funding to support this work will be fiscally prudent and would minimize serious treats to public safety, communities and vital infrastructure.</p> <p>While the Conserving Land and Greenspace section acknowledges the importance of natural areas with respect to climate change adaptation, it is not identified within the Climate Change section of the Plan. It is recommended that a strong recognition of the</p>

Section	Comments
	<p>importance of our natural systems in improving community resilience to climate change be included in the climate change section of the Plan. The addition of an Action which recognizes the importance of improving partnerships and developing policy supportive of protecting, restoring, and enhancing natural areas as an effective approach to lessening the impacts of climate change is recommended.</p> <p>Healthy natural areas, including wetlands, watercourses and riparian areas possess greater capacity to adapt to climate change impacts. CAs currently have the legislative ability to regulate the natural hazards function of wetlands but not the authority to deal with activities that interfere with the biological health of wetlands. Providing CAs with clear authority to regulate all activities that interfere with biological health as well as natural hazards function in wetlands will significantly improve the capacity of wetlands to reduce impacts associated with climate change.</p> <p>It is recommended that the Province proclaim Section 40 (2) of the Conservation Authorities Act to establish standards and requirements for Conservation Authorities to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency.</p> <p>CLOCA is currently working with Durham Region and local municipalities in the integration of climate change within municipal and CA policies and plans utilizing the report prepared by Ontario Climate Consortium Secretariat in June 2018 titled "Integrating Climate Change Considerations into Plans and Policies in Durham Region". This work will integrate climate change into local policies and plans.</p>
<i>Continuing to do our Share: Achieving the Paris Agreement Target</i>	
<i>Make Polluters Accountable</i>	
Action: Implement emission performance standards for large emitters	Reference is made in this Action to the possible adoption of offset credits and/or payment in lieu of compliance. It is recommended that opportunities to protect/restore/enhance natural areas be considered as a means of implementing these offset credits or use of payments in lieu of compliance. CAs have the expertise to support these types of efforts.
<i>Activate the Private Sector</i>	
Action: Launch an emission reduction fund – The Ontario Carbon Trust – and a reverse auction to encourage private investment in clean technology solutions	The Ontario Carbon Trust is focused on re-investing in commercially viable opportunities. A minimum 20% of the Ontario Carbon Trust should be dedicated to improving the resilience of natural areas as an effective and long term climate change adaptation tool. CAs have the expertise to support the implementation of these types of efforts.
Action: Encourage private investments in clean technologies and green infrastructure	This Action is focused on Provincial investment in businesses and jobs supporting clean technology. In addition to this, the Province should promote and support the use of green infrastructure. The Environment Plan should recognize the important benefits of green infrastructure and the diverse nature of green infrastructure, recognizing that green infrastructure includes the natural capital, semi-natural areas, and vegetative technologies that are designed and/or managed to deliver a wide range of

Section	Comments
	<p>infrastructure functions. It includes everything from tree-lined streets, urban parks and gardens, to green roofs, urban agriculture, bioswales, and permeable pavement. Green infrastructure performs several functions in the same spatial area. In contrast, most grey infrastructure (eg. roads, pipes) usually has only a single purpose and benefit. Green infrastructure investments have a high return over time, provide job opportunities, and can be a cost-effective complement (or alternative) to grey infrastructure.</p> <p>It is recommended that a greater portion of the revenue generated by Green Bonds be used to directly improve resiliency of natural areas. CAs have the expertise to support the implementation of these types of efforts.</p>
<i>Use Energy and Resources Wisely</i>	
Action: Increase access to clean and affordable energy for families	The Province is focusing on increasing the amount of ethanol in gasoline as a means to reduce GHG emissions. While this will reduce GHG emissions for each individual vehicle, the amount of GHG emissions generated by planting, growing, processing corn and shipping corn/ethanol far outweighs any gains garnered by reduced GHG emissions generated by vehicles. This component of the Action needs to be reconsidered.
<i>Doing Our Part: Government Leadership</i>	
Action: Make climate change a cross-government priority	This Action does not consider the value of crown lands and the continued protection of these lands as an important priority in the Environmental Plan and climate change resiliency. This oversight should be addressed in the Plan.
Action: Empower effective local leadership on climate change	CLOCA, in partnership with the Region of Durham has established the Natural Environment Climate Change Collaborative. All the CAs and municipalities within Durham Region are members of the Collaborative. The Collaborative shares our collective knowledge, experiences and understanding of climate change adaptation science and practice, advancing practices, projects and programs that support resiliency of the natural environment as a mechanism to improve community and watershed resiliency to climate change.
Action: Support green infrastructure projects	This Action is solely focused on increasing the number of hybrid and electric vehicles in the Provincial fleet. The Province should support and promote the investment and use of green infrastructure broadly throughout our communities and should also consider the value of this type of infrastructure in reducing/replacing those costs associated with the use, maintenance and replacement value of traditional grey infrastructure.
4. Reducing Litter and Waste in Our Communities & Keeping Our Land and Soil Clean	
<i>Reduce Litter and Waste</i>	
Action: Reduce litter in our neighbourhoods and parks	CAs are significant landowners of natural areas and greenspaces and should be identified as important partners in implementation of this Action.
<i>Clean Soil</i>	
Action: Make it easier and safer to reuse excess soil	CAs play an important role in the management and reuse of excess soil, particularly with respect to enforcement. It is recommended that Part VII Enforcement and Offences of the Conservation Authorities Act be proclaimed to support implementation of this Action.

Section	Comments
Action: Improve management of hauled sewage	Protecting water resources is an important component in managing hauled sewage. Recommend consult with CAs in the development of management approaches and best management practices when locating receiving sites and in the spreading of hauled sewage.
5. Conserving Land and Greenspace	
Action area: Improve the resilience of natural ecosystems	<p>CAs work effectively in conserving and restoring natural ecosystems. As natural resource managers, CAs effectively protect and enhance natural resources within their respective watersheds. Continued endorsement of the work of CAs in identifying, protecting and enhancing natural areas is fundamental in securing ecosystem resilience in Ontario.</p> <p>CLOCA protects over 2700 ha of ecologically significant land through land ownership. Land securement is guided by CLOCA's Land Acquisition Strategy which identifies the protection of additional lands of high natural heritage value in an effort to maintain and improve community and watershed health. CLOCA successfully partners with our municipalities and with environmental organizations such as Ducks Unlimited Canada and Nature Conservancy of Canada in securing environmentally significant lands. Provincial funding support is important in the ability to leverage additional support from other sources. Continued support of CAs and other organizations in the long term protection, management and securement of natural areas is needed.</p> <p>CAs have vital knowledge and experience in managing their watersheds including monitoring, assessing and managing impacts from watershed stressors like invasive species, climate change and land use. This work informs CA programs, projects and actions that support and improve the resilience of our watersheds. Recognition of the important contribution of CAs in this regard is recommended.</p>
Action area: Support conservation and environmental planning	<p>The role of CAs in protecting public and property from natural hazards and protecting important natural areas through strong science, good policy, stewardship and partnerships is recognized. Provincial support of continued CA efforts to undertake this work is important.</p> <p>CLOCA will continue to undertake programs, projects and actions that protect us from flooding and other hazards in a proactive manner and will continue to support protection of environment features and functions throughout our watersheds through our many programs including plan and permit review, watershed planning, conservation areas management/planning, and stewardship and outreach. The work of CAs help municipalities identify natural areas early in the process, supporting a strong and prudent planning process and precluding land use conflicts.</p>
Action area: Promote parks and increase recreational opportunities	CLOCA's landholdings are enjoyed by many and provide a unique experience not matched by existing municipal parks and open space. The number of visitors to CLOCA's conservation areas continues to grow significantly and this places stresses on the ecological value of our land holdings and on the infrastructure and management of these areas. Recognition that protecting these areas is a shared responsibility is important. Tools and programs that support responsible funding of the management and continued protection of our ecologically significant lands is needed.
Action area: Sustainable Forest Management	This Action is solely focused on the relationship of climate change and forestry, specifically regarding greenhouse gas emission and carbon storage. Forests have an important role in climate change resilience that goes far beyond measuring greenhouse

Section	Comments
	gas emissions and carbon storage. This Action needs to address the value of forest management beyond carbon storage and GHG emissions. It should also address the importance of forests ecologically in protecting water resources, habitat, and biodiversity.
Action area: Protect species at risk and respond to invasive species	It is important that the Province continue to protect species at risk and to support on-going management and awareness of invasive species. The work of CAs is invaluable in the early detection of invasive species and this effort should be recognized and supported. CAs also support the species at risk program providing local expertise, liaison services, and knowledge which further advances and informs this program.
6. Next Steps	
Implementing Our Plan	
Next Steps: Continue to consult with the public and engage with Indigenous communities	This Action references key initiatives that the Province is/will be engaging stakeholders in the development of new approaches for environmental and climate leadership. The Plan does not clearly identify which Actions are these key initiatives. CAs should be considered an important stakeholder in these discussions.
Next Steps: Begin implementing priority initiatives	This Action states that there are a number of priority initiatives, implementation of which is already underway or will begin shortly. It is not clearly identified in the Plan which Actions are priority initiatives. CAs should be considered an important partner in implementation of these initiatives.
General Comments	<p>Strong enforcement and tougher penalties are a significant component of this Plan requiring resources and support to effectively implement. It is recommended that this strong approach is balanced with positive enforcement including recognition of goodwill, incentives, inducements and support.</p> <p>It is recommended that key stakeholders, including CAs, be consulted in the development and implementation of the Plan.</p> <p>The Province should be applauded for preparing a comprehensive Plan which integrates climate change and the environment. A statement that supports the comprehensive nature of the Plan would benefit the implementation, ensuring that components of the Plan are not read/implemented in isolation.</p>



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Member of Conservation Ontario

January 18, 2019

via email ONLY

Nicholas Fischer, MS
Policy and Planning Officer
Conservation Ontario
120 Bayview Parkway
Newmarket, Ontario

Dear Mr. Fischer:

**Subject: Central Lake Ontario Conservation Authority Comments for
Preserving and Protecting our Environment for Future Generations: A Made-
in-Ontario Environment Plan
CLOCA IMS No: ACAA12**

At their meeting of January 15, 2019 the Central Lake Ontario Conservation Authority (CLOCA) Board of Directors passed the following Resolution:

Res. #18 Moved by B. Nicholson
 Seconded by S. Lee

***THAT Staff Report #5620-10 be received;
THAT CLOCA's detailed comments on the Plan's Actions be endorsed and sent to
Conservation Ontario for consideration in the submission of consolidated comments to
the Province; and,
THAT Staff Report #5620-19 be distributed to Durham Region and the local
municipalities.
CARRIED***

Accordingly, please find the attached report and attachments enclosed with this letter.

What we do on the land is mirrored in the water



Yours truly,



Heather Brooks, MCIP, RPP
Director Watershed Planning & Natural Heritage

Encl. CLOCA Staff Report 5620-19 and attachment

cc: Hon. Rod Phillips, MPP (Ajax), Minister of the Environment, Conservation and Parks
rod.phillipsco@pc.ola.org
Lindsey Park, MPP (Durham) kindsey.parkco@pc.ola.org
Jennifer K. French, MPP (Oshawa) JFrench-CO@ndp.on.ca
Lorne Coe, MPP (Whitby – Oshawa) lorne.coeco@pc.ola.org
Hon. Peter Bethlenfalvy, MPP (Pickering-Uxbridge), President of the Treasury Board
peter.bethlenfalvyco@pc.ola.org
Ralph Walton, Regional Municipality of Durham, ralph.walton@durham.ca
Alec Harras, Town of Ajax, Alexander.harras@ajax.ca
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If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

The Regional Municipality of Durham

MINUTES

DURHAM ENVIRONMENTAL ADVISORY COMMITTEE

January 17, 2019

A regular meeting of the Durham Environmental Advisory Committee was held on Thursday, January 17, 2019 in Boardroom 1-B, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby at 7:30 PM.

Present: K. Sellers, First Vice-Chair, Ajax
S. Clearwater, Whitby
C. Duffy, Post-Secondary Member
S. Yamada, Regional Councillor, Town of Whitby

Absent: H. Manns, Chair, Clarington
G. Carpentier, Scugog
O. Chaudhry, Pickering
G. Layton, Uxbridge, Member at Large
K. McDonald, Uxbridge
W. Moss-Newman, Oshawa
K. Murray, Clarington, Member at Large
C. Pettingill, Second Vice-Chair, Brock
D. Stathopoulos, Member at Large
M. Thompson, Ajax, Member at Large

Also

Present: S. Lee, Regional Councillor, Town of Ajax

Staff

Present: A. Luqman, Project Planner, Planning & Economic Development Department
S. Penak, Committee Clerk, Corporate Services – Legislative Services

In the absence of the Chair, K. Sellers, First Vice-Chair, assumed the Chair.

At 7:30 PM there was no quorum. As per Section 27.3 of the Procedural By-law, quorum was not present within thirty minutes and the meeting stood adjourned.

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. Presentations

- A) Heather Brooks, Chair, re: Natural Environment Climate Change Collaborative

This item was not considered due to a lack of quorum.

5. Items for Discussion/Action

- A) Update on 2019 DEAC Awards

This item was not considered due to a lack of quorum.

6. Items for Information

- A) Commissioner's Report #2018-INFO-149 – Monitoring of Growth Trends

A copy of Report #2018-INFO-149 of the Commissioner of Planning & Economic Development was received as Attachment #2 to the agenda.

- B) Commissioner's Report #2018-INFO-154 – Monitoring of Land Division Committee Decisions of the November 5, 2018 meeting

A copy of Report #2018-INFO-154 of the Commissioner of Planning & Economic Development was received as Attachment #3 to the agenda.

- C) Commissioner's Report #2018-INFO-158 – Durham York Energy Centre Source Test Update

A copy of Report #2018-INFO-158 of the Commissioner of Works was received as Attachment #4 to the agenda.

- D) Commissioner's Report #2018-INFO-159 – Summary of Commissioner's Delegated Planning Approval Authority, and Summary of Planning Activity in the Third Quarter of 2018

A copy of Report #2018-INFO-159 of the Commissioner of Planning & Economic Development was received as Attachment #5 to the agenda.

- E) Minister of Environment, Conservation and Parks 2017-2018 Chief Drinking Water Inspector Annual Report

A copy of the Minister of Environment, Conservation and Parks 2017-2018 Chief Drinking Water Inspector Annual Report was received as Attachment #6 to the agenda.

F) Regional Response to the Honourable Catherine McKenna, Environment and Climate Change Canada regarding Bill C-69 Impact Assessment

A copy of the Regional Response to the Honourable Catherine McKenna, Environment and Climate Change Canada regarding Bill C-69 Impact Assessment was received as Attachment #7 to the agenda.

Due to a lack of quorum, Items 6. A) to 6. F) inclusive were not considered.

7. Other Business

There was no other business.

8. Next Meeting

The next regular meeting of the Durham Environmental Advisory Committee will be held on Thursday, February 21, 2019 starting at 7:00 PM in Boardroom 1-B, Level 1, 605 Rossland Road East, Whitby.

9. Adjournment

The meeting adjourned at 7:30 PM

K. Sellers, First Vice-Chair, Durham
Environmental Advisory Committee

S. Penak, Committee Clerk