



The Regional Municipality of Durham

COUNCIL INFORMATION PACKAGE

November 20, 2020

Information Reports

- 2020-INFO-111** Commissioner of Finance – re: Proclamation of Bill 197: COVID-19 Economic Recovery Act and Bill 108: More Homes, More Choice Act and the impacts on the Development Charges Act, 1997 and to Community Benefits Charges under the Planning Act
- 2020-INFO-112** Commissioner of Finance – re: Economic Update – October and November 2020

Early Release Reports

There are no Early Release Reports

Staff Correspondence

There is no Staff Correspondence

Durham Municipalities Correspondence

1. **City of Oshawa** – re: Resolution passed at their Council meeting held on October 26, 2020, and correspondence to Ontario Minister of Municipal Affairs regarding Modernization of Municipal Election Voting Methods

Other Municipalities Correspondence/Resolutions

1. **City of Brampton** – re: Resolution passed at their Special Council meeting held on November 10, 2020, regarding Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, opposing amendments to the Municipal Elections Act
2. **Town of Fort Erie** - re: Resolution passed at their Council meeting held on November 16, 2020, supporting the Town of Grimsby recommendation that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's wherein the property and its features of cultural heritage value exist

3. **Town of Lincoln** – re: Resolution passed at their Special Council meeting held on November 16, 2020, supporting Norfolk County’s resolution regarding Illicit Cannabis Operations

Miscellaneous Correspondence

1. **Lake Simcoe Region Conservation Authority (LSRCA)** – re: Announcement – Rob Baldwin to Lead Authority as New Chief Administrative Officer
2. **Ontario Regional Chief RoseAnne Archibald, Chiefs of Ontario** – re: Correspondence to Premier Doug Ford regarding Duffins Creek Protected Wetlands located within Traditional and Treaty lands
3. **Chief Kelly LaRocca, Portfolio Chief for the Williams Treaties First Nations** – re: Correspondence to the Mayor of the City of Pickering regarding the recent news of the proposed development of the Pickering wetlands
4. **Correspondence from 96 organizations to the Honourable Steve Clark, Minister of Municipal Affairs and Housing** – re: opposition to the use of Ministerial Zoning Orders (MZOs) to over-ride policy protections for Provincially Significant Wetlands in Ontario

Advisory/Other Committee Minutes

1. Durham Regional Police Services Board (DRPSB) minutes – [October 21 & 29, 2020](#)

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 Finance
Report: #2020-INFO-111
Date: November 20, 2020

Subject:

Proclamation of Bill 197: *COVID-19 Economic Recovery Act* and Bill 108: *More Homes, More Choice Act* and the impacts on the *Development Charges Act, 1997* and to Community Benefits Charges under the *Planning Act*

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 The purpose of this report is to advise Council that the Province has proclaimed the remaining amendments to the *Development Charges Act, 1997* (DCA) and the *Planning Act* through Bill 197: *COVID-19 Economic Recovery Act* and Bill 108: *More Homes, More Choice Act*.
- 1.2 This report highlights the changes to the DCA, the Planning Act as it relates to the Community Benefits Charges (CBC) and the future tasks that staff will be undertaking required to comply with the changes.

2. Background

- 2.1 In 2019, Bill 108, *More Homes, More Choice Act, 2019*, Bill 138, *Plan to Build Ontario Together Act* and Regulation 454/19 resulted in a number of changes to the DCA, effective January 1, 2020. The changes included the installment of DC payments for a number of development types and the freezing of DC rates under certain conditions (previously reported in Report 2020-INFO-6 in January 2020).
- 2.2 Subsequently, the Province passed Bill 197: *COVID-19 Economic Recovery Act* on July 21, 2020 which impacted a number of pieces of legislation, including the DCA and Planning Act as it relates to CBCs. Bill 197 received Royal Assent on July 21, 2020, however the provisions of the Bill were not in force, awaiting proclamation.

2.3 On September 18, 2020, the Province proclaimed the remaining amendments to the DCA and the Planning Act through Bill 197: *COVID-19 Economic Recovery Act* and Bill 108: *More Homes, More Choice Act* which amended multiple pieces of legislation, including the DCA and Planning Act. The following provides a summary of these changes that are now in effect and the next steps by Regional staff.

3. Previous Reports and Decisions

- 3.1 Regional Council in November 2019 approved Report #2019-F-41 which provided staff direction to proceed with amending the Region's DC By-laws to reflect changes to the DCA.
- 3.2 The following information reports in 2019 and 2020 provided updates to Regional Council on the status of the changes to the DCA and Planning Act from Bill 108, Bill 138 and Bill 197:
- a. Report #2019-INFO-51
 - b. Report #2020-INFO-6
 - c. Report #2020-INFO-38
 - d. Report #2020-INFO-73

4. Impacts of Bill 197 and Bill 108

- 4.1 There are many positive aspects of the changes through Bill 197 and Bill 108 which strengthens the ability for municipalities to fund growth-related infrastructure and provides municipalities sufficient time (until September 18, 2022) to implement or amend the appropriate by-laws to comply with the new rules.
- 4.2 The following table provides a summary of the changes with more detailed discussion following in the remainder of section 4 and Attachment #1.

	Changes to DCA	Impact on Durham Region	Impact on Area Municipalities
Eligible Services	<p>The list of DC eligible services have been expanded:</p> <ol style="list-style-type: none"> a. Childcare and early years programs; b. Housing Services; c. Services related to proceedings under the Provincial Offences Act; d. Services related to emergency preparedness; and e. Services related to Airports (only in Regional Municipality 	<p>Social Services is not identified as an eligible DC service. The Region's DC By-law includes Social Services facilities.¹</p> <p>DCs can be collected for ineligible services for two years, until September 18, 2022, or until the</p>	<p>Does not include municipal parking, cemeteries, animal control, by-law enforcement, or airports (exception being the Region of Waterloo).</p>

	of Waterloo).	DC by-law is repealed.	
Ten Per cent Statutory Reduction	Bill 197 eliminates the ten per cent statutory reduction for soft services.	Allows increased cost recovery for Long Term Care, Paramedic Services, Housing Services and Studies.	Increased cost recovery for numerous services for the eight area municipalities within Durham.
	Changes to CBC and Parkland Dedication	Impact on Durham Region	Impact on Area Municipalities
Eligibility Criteria	<ul style="list-style-type: none"> - Only lower and single tier municipality can implement a CBC By-law. - Charges only apply to buildings with at least 5 storeys or greater than 9 residential units. - Cannot be imposed on non-residential development. - Municipalities can use CBCs to fund DC eligible services, but not the same capital costs. 	Cannot impose a CBC By-law.	<p>Can impose a CBC By-law for services that are not DC eligible, like cemeteries and municipal parking, or DC eligible services which costs are not included in a DC bylaw</p> <p>Need to transition non-DC eligible service funding to a CBC By-law by September 18, 2022.</p>
Parkland Dedication	Bill 197 maintains the ability of municipalities to impose the alternative parkland rate, through by-law to acquire land for parks or cash in lieu.	Does not apply to Durham Region.	Existing parkland by-laws can remain in effect, with public process requirements if imposing the alternative parkland rate.

Note

1. Region's DC By-law includes facilities related to Ontario Works delivery and family services. Under Bill 197, the Region will no longer be able to collect DCs for these facilities.

4.3 Services eligible for Development Charges now include:

- a. Ambulance;
- b. Waste Diversion;
- c. Public Libraries;
- d. Long-term care;

- e. Parks and recreation (excluding parkland acquisition);
 - f. Public health;
 - g. Childcare and early years programs;
 - h. Housing Services;
 - i. Services related to proceedings under the Provincial Offences Act;
 - j. Services related to emergency preparedness; and
 - k. Services related to Airports (only in Regional Municipality of Waterloo).
- 4.4 Durham's current Region-wide DC By-law includes a Health and Social Services category, which includes capital cost for Social Services (i.e. facilities for Ontario Works delivery and Family Services). Social Service is not identified as an eligible service under Bill 197 and therefore will no longer be eligible to be included in future DC by-laws. The Region is able to continue to collect development charges for the social services facilities under the current DC by-law until September 18, 2022 or until the DC bylaw is repealed.
- 4.5 The elimination of the ten per cent statutory reduction became effective on September 18, 2020. For Durham, the ten per cent reduction impacts Long Term Care, Paramedic Services, Housing Services, and Development Related Studies under the Region's current Region-wide DC By-law. An amendment to the by-law is necessary to remove these reductions.
- 4.6 The CBC framework only applies to lower and single tier municipalities. The changes to the CBCs made through Bill 197 are provided in Attachment #1.

5. Financial Implications on Durham Region

- 5.1 The Region benefits from the changes to the DCA as the ten per cent statutory reduction is removed for all services. As well, the list of eligible services has increased which may provide opportunities to collect DCs for new services, e.g. emergency preparedness.
- 5.2 However, social services is no longer an eligible service, which will have a financial impact on the Region. As mentioned previously, the Region will continue to collect DCs for the social services facilities until September 18, 2022.
- 5.3 Based on the current DC reserve fund balance for the social services facilities (approximately \$2.1 million) and forecasted revenue over the next two years, it is estimated that the Region will have approximately \$3.0 million in DCs to support the financing of the social service facilities. Based on the 2018 DC Study, an estimated \$9.5 million in DC funding was anticipated to be collected for these facilities.
- 5.4 Although the Region's DC rate will decrease with the removal of social service facilities from the DC by-law, the removal of the ten per cent statutory reduction will increase the DC rate for a number of services (applicable to the services noted above). The removal of the ten per cent reduction will also benefit the Region if the application for a fifth long-term care facility is approved, as it is anticipated that a portion of this facility will be financed by DCs.

6. Next Steps

- 6.1 Next steps include the continuation of work on a new waste diversion DC, exploring opportunities for new DC services, amendments to existing DC By-laws and implementation of the changes to the DCA that are currently in effect.

Development Charge By-laws

- 6.2 As approved by Regional Council in November 2019 (Report #2019-F-41), staff have been authorized to proceed with amending the Region's DC By-laws to reflect changes to the DCA.
- 6.3 Amendments to the following four Regional DC By-laws will be brought forward to Regional Council for consideration:
- a. Region-wide DC By-law #28-2018 (water supply, sanitary sewer, roads, police, long-term care, paramedic, health & social services, housing and studies):
 - Remove 10 per cent reduction;
 - Remove ineligible services (i.e. social services facilities) for September 18, 2022;
 - Modify wording of by-law to reflect new exemptions for residential secondary units; and
 - Modify wording of by-law to reflect changes in the collection of DCs (payment deferred to occupancy and paid over five or twenty years) and the freezing of development charge rates.
 - b. Regional Transit DC By-law #81-2017 and GO Transit DC By-law #86-2001 (the ten per cent reduction does not apply to these services, therefore amendments to remove them are not necessary):
 - Modify wording of by-law to reflect new exemptions for residential secondary units; and
 - Modify wording of by-law to reflect changes in the collection of DCs (payment deferred to occupancy and paid over five or twenty years) and the freezing of development charge rates.
 - c. The Seaton Water Supply & Sanitary Sewer Area Specific DC By-law #38-2019:
 - Modify wording of by-law to reflect new exemptions for residential secondary units;
 - Modify wording of by-law to reflect changes in the collection of DCs (payment deferred to occupancy and paid over five or twenty years) and the freezing of development charge rates; and
 - Review project costs and the alignment of projects (regional constructed, landowner constructed works and local works).

- 6.4 In addition to the proposed amendments, staff continue to work on a new DC By-law for waste diversion services and will explore the opportunities for new DC services that are now permitted under the DCA, including:
- Childcare and early years programs;
 - Services related to proceedings under the Provincial Offences Act; and
 - Services related to emergency preparedness.
- 6.5 The following provides a high level timeline of the future DC work:

	Task	Waste Diversion DC By-law / Amendment to Seaton ASDC By-law ⁽¹⁾	Amendments to By-law No.28-2018, 81-2017 & 86-2001
1.	Background Development Charge Review	June 2020 – October 2021	November 2020 – April 2021
2.	Consultation with development industry, chambers of commerce and area municipalities	May / June 2021	February / March 2021
3.	Public Meeting Notice placed in newspapers (20 days ahead of Public meeting)	By October 6, 2021	By April 7, 2021
4.	Release of Background studies and proposed by-law (60 days prior to passing of DC By-Law and 14 days prior to Public Meeting)	October 12, 2021	April 13, 2021
5.	Public Meeting of Council	October 27, 2021	April 28, 2021
6.	Input from public, local development industry and area municipalities	October - November, 2021	April – May, 2021
7.	Final Date for Public Comment	November 30, 2021	May 27, 2021
8.	Finance and Administration Committee Review of final By-law	December 14, 2021	June 8, 2021
9.	Regional Council Consideration of Final By-law	December 22, 2021	June 23, 2021
10.	Implementation of New DC By-law / Amending By-laws	January 1, 2022	July 1, 2021

Note:

(1) This will include work to investigate potential new DC services such as emergency preparedness.

Implementing Changes to the DCA Currently in Effect

- 6.6 It is important to note that since some of the changes to the DCA became effective on January 1, 2020 (i.e. deferral of DC payments and freezing of DC rates), the Region's DC By-laws are being applied in a manner that is consistent with the DCA. Some of the proposed amendments above will bring the Regional DC by-laws in line with the DCA. Regional staff have been meeting monthly with local area municipal staff to discuss these changes and align processes where feasible. Local area municipalities collect DCs on behalf of the Region.

- 6.7 Regional staff will continue to host meetings with area municipal staff regarding the implementation of the changes to the DCA and the development of a memorandum of understanding between the Region and area municipalities to address:
- a. The importance of complete applications when determining application submission dates;
 - b. The implications of changes to site plan applications;
 - c. Tracking of application submission and approval dates for site plans and zoning by-law amendment applications; and
 - d. Tracking of occupancies by area municipalities and informing the Region as they occur.
- 6.8 As the legislation allows municipalities to charge interest to recover the costs associated with the development charge deferral and / or the freezing of DCs, Regional staff will be developing an interest policy (in consultation with the area municipalities and the development industry) to bring forward to Regional Council for consideration.
- 6.9 It is anticipated that Regional staff will bring forward an interest rate policy and memorandum of understanding with the area municipalities in early 2021.

7. Relationship to Strategic Plan

- 7.1 This report aligns with / addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Enhanced funding for waste diversion services, supporting Goal 1 (Environmental Sustainability); and
 - b. Enhanced funding for paramedic services and affordable housing, supporting Goal 4 (Social Investment).

8. Conclusion

- 8.1 Bill 197 and Bill 108 provide many positive outcomes for both Durham Region and the lower tier municipalities in Durham.
- 8.2 The Inter-department DC working group will continue to undertake the necessary work to amend and prepare new DC by-laws as required by Bill 197 and Bill 108. The inter-departmental group will continue to facilitate ongoing discussions with the local area municipalities.
- 8.3 This report has been prepared with assistance of the Works, Legal and the Planning and Economic Development Departments.

9. Attachments

Attachment #1: Approved Changes to Community Benefit Charges and Parkland Dedication Affecting Local Municipalities Only

Respectfully submitted,

Original Signed By

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Attachment #1:**Approved Changes to Community Benefit Charges and Parkland Dedication Affecting Local Municipalities Only**

10. The significant changes to the CBC framework made through Bill 197 are as follows:
 - a. Imposition of a CBC by-law is limited to lower and single tier municipalities, as upper tier municipalities cannot implement a CBC by-law;
 - b. The CBC is now limited to only be imposed on buildings with at least ten units and at least 5 storeys;
 - c. A CBC cannot be imposed on non-residential developments;
 - d. Municipalities can use DCs and CBCs interchangeably to fund an eligible service, provided that the capital costs to be funded by CBCs are not also funded by DCs or under the parkland dedication provisions of the Planning Act;
 - e. Municipalities need to implement a CBC by-law within two years of the proclamation of Bill 197, but can be implemented sooner;
 - f. Bill 197 maintains the ability of municipalities to impose the alternative parkland rate, through by-law, to acquire land for parks or cash in lieu. Bill 197 sets out process for the by-law to be appealed to LPAT. Existing parkland by-laws can remain in effect for two years after Bill 197 is proclaimed.
- 10.2 Although the expanded list of DC eligible services does not include municipal services such as parking, cemeteries or airports (except for Waterloo), the growth-related capital costs associated with these services could be considered for inclusion in a CBC by-law.
- 10.3 The CBC continues to be a land value-based charge to pay for growth-related infrastructure costs. The charge will be limited to a prescribed percentage of the value of land to be developed, which is 4 per cent.
- 10.4 A CBC Strategy needs to be undertaken prior to passing a CBC by-law to justify the collection of fees. The strategy has many similar elements to a DC background study and is appealable to LPAT.



The Regional Municipality of Durham Information Report

From: Commissioner of Finance
Report: #2020-INFO-112
Date: November 20, 2020

Subject:

Economic Update – October and November 2020

Recommendation:

Receive for information.

Report:

1. Purpose

1.1 The Regional Finance Department monitors economic conditions on an ongoing basis and prepares periodic summary reports to Regional Council. The economy is undergoing a time of significant uncertainty with economic conditions and policies changing on a daily basis. The following summarizes significant changes that have occurred over the month of October and early November.

2. Previous Reports and Decisions

2.1 This report provides an update to Report #2020-INFO-87 – Economic Update – September 2020.

3. Federal Government

3.1 As many businesses continue to struggle during the pandemic, the federal government announced a new Canada Emergency Rent Subsidy. This new subsidy will provide relief to eligible businesses, non-profits and charities by directing benefits directly to qualifying renters and property owners. The benefit provides a maximum base rate subsidy of 65 per cent for businesses experiencing a minimum 70 per cent revenue drop. The subsidy is scaled down for businesses experiencing less than a 70 per cent revenue drop. The subsidy is available retroactively from September 27, 2020 until June 2021.

3.2 The federal government also announced a \$600 million expansion of the Regional Relief and Recovery Fund (RRRF), which will provide further support to business

that do not qualify for other government programs. As part of the expansion, FedDev Ontario will receive an additional \$184 million, on top of the original \$252.4 million, to support businesses in southern Ontario. According to the federal government, FedDev Ontario has provided approximately \$68 million in RRRF support to the struggling tourism industry.

- 3.3 Although the Canadian labour market is slowly recovering from the economic restrictions imposed early in the pandemic, the unemployment rate remains well above pre-pandemic levels. In response, the federal government recently announced an additional \$1.5 billion investment in the Workforce Development Agreements (WDAs) with the provinces and territories. These agreements support programs and services that help Canadians upgrade their skills, gain work experience, and start their own businesses. Ontario is expected to receive an additional \$614 million through this investment.
- 3.4 In an effort to stimulate economic growth, the federal government has announced a \$10 billion major infrastructure growth plan through the Canada Infrastructure Bank. The growth plan will use existing Canada Infrastructure Bank funds and will allocate these funds as follows:
- \$2.5 billion toward green energy projects;
 - \$2 billion toward expanding broadband in underserved communities;
 - \$2 billion toward energy efficient retrofits;
 - \$1.5 billion toward agriculture irrigation projects;
 - \$1.5 billion toward accelerating the adoption of zero-emission buses and charging infrastructure; and,
 - \$500 million to accelerate high impact infrastructure projects.
- 3.5 In further support of broadband connectivity, the federal government announced an additional \$750 million toward the Universal Broadband Fund, bringing the total investment to \$1.75 billion. The fund is intended to connect 98 per cent of Canadians to high-speed internet by 2026, with the goal of connecting all Canadians by 2030. The fund includes a \$150 million Rapid Response Stream for shovel-ready projects to be completed by November 15, 2021. The government also announced a \$600 million agreement with Canadian satellite company Telesat to improve high-speed internet coverage in the far north and rural regions of Canada.
- 3.6 The federal government is also expanding its support of affordable housing by launching a \$1.0 billion Rapid Housing Initiative. The funding is intended to create 3,000 new affordable housing units across the country and will be delivered through two \$500 million funding streams.
- The Major Cities Stream provides dedicated funding to certain pre-determined municipalities, such as Toronto and Peel Region, but does not include Durham Region.
 - The Projects Stream provides application-based project funding to

provinces, territories, municipalities, Indigenous governing bodies and organizations, and non-profit organizations. Applications can be submitted from October 27 until December 31, 2020.

- 3.7 As COVID-19 continues to spread across the country, the federal government announced \$214.4 million in support of vaccine development. Through the federal Strategic Innovation Fund, \$173 million will be provided to Quebec City-based Medicago and \$18.2 million will be provided to Vancouver-based biotechnology company Precision NanoSystems Incorporated to advance development of their respective vaccine candidates. An investment of \$23.2 million will also be made, through the National Research Council of Canada Industrial Research Assistance Program, to advance six COVID-19 vaccine candidates in various stages of clinical trials.
- 3.8 The federal government continues to offer support to individuals impacted by the pandemic. The Canada Emergency Response Benefit (CERB) was scheduled to expire at the end of August, however it was extended to the end of September to provide additional time for individuals to transition to the new recovery benefits. The Parliamentary Budget Office (PBO) has provided cost estimates on the three new recovery benefits, as well as the four-week extension of the CERB. The estimates are subject to change based on labour market and economic activity; however, the following table provides the estimates as of October 7, 2020.

Table 1: PBO Cost Estimates of Canada Recovery Benefits

Program	Cost Estimate (\$ billions)	
	2020-21	2021-22
Canada Recovery Benefit	\$12.85	\$5.09
Canada Recovery Sickness Benefit	\$0.60	\$0.55
Canada Recovery Caregiver Benefit	\$1.19	\$0.21
CERB September Extension (4 weeks)	\$5.37	-
Total	\$20.01	\$5.85

- 3.9 Although the federal government has spent billions of dollars on pandemic support programs, the PBO estimates that the federal government still has some fiscal room to increase spending or reduce taxes before debt levels become unsustainable. According to the PBO's update to the 2020 Fiscal Sustainability Report, the "federal government could permanently increase spending or reduce taxes by 0.8 per cent of GDP, or \$19 billion, while stabilizing the net debt ratio at its pre-pandemic level of 28 per cent of GDP over the long term".
- 4. Ontario Government**
- 4.1 In response to certain Ontario jurisdictions reverting to a modified Stage 2 of the provincial reopening plan, the provincial government has made \$300 million available to support businesses that have been forced to temporarily close as a result of the new restrictions. The funding will be used to provide temporary

property tax and energy cost rebates that are not covered under the Canada Emergency Rent Subsidy. The funding extends to businesses that are currently included in modified Stage 2 closures and will be available to any businesses forced to close in the futures as a result of modified Stage 2 restrictions.

- 4.2 The provincial government announced further support for businesses through the \$60 million Ontario Main Street Recovery Plan. The plan includes the Ontario Main Street Recovery Grant, which will provide one-time PPE grant funding of up to \$1,000 for small businesses with two to nine employees. The plan also includes additional mental health supports, a webpage dedicated to small business recovery, and the Ontario Small Business COVID-19 Recovery Network, which will link Ontario's 47 Small Business Enterprise Centres into a single network.
- 4.3 The provincial government also announced an additional investment of \$680 million to expand broadband and cellular access across the province. The new investment will support Ontario's Broadband and Cellular Action Plan and will be used to fund shovel ready projects starting in 2019-20. The investment will also double the size of the Improving Connectivity in Ontario (ICON) program to \$300 million.
- 4.4 In addition to broadband, the provincial government is investing an additional \$761 million to build and renovate 74 long-term care homes across the province. The funding is part of the government's new modernized funding model and includes funds to renovate existing beds as well as funds to construct new beds. The additional funding will provide 124 new and 100 renovated beds to Chartwell Ballycliffe Long Term Care Residence in Ajax, 125 new and 99 renovated beds to Glen Hill Strathaven in Bowmanville, and 160 renovated beds to Glen Hill Terrace in Whitby.
- 4.5 As many municipalities continue to face rising costs associated with the pandemic, the provincial government announced the launch of the COVID-19 Resilience Infrastructure Stream as part of the federal government's Investing in Canada Infrastructure Program. The program will provide \$1.05 billion in combined federal-provincial funding for dedicated municipal infrastructure projects to be completed by December 31, 2021. The program is cost shared by the federal and provincial government and does not require a municipal contribution. The Region of Durham will receive approximately \$4.8 million through this program.
- 4.6 The provincial government is also investing \$2 million, over two years, in a new Inclusive Community Grants program. The program will provide municipalities and local organizations with up to \$60,000 for projects that foster inclusive community involvement for older adults and people of all abilities. The intake window is now open and applications will be accepted until December 21, 2020.
- 4.7 As the pandemic has led to increased awareness around mental health, the provincial government has allocated \$37 million, of the \$176 million invested in

the Roadmap to Wellness Plan, to expand mental health services in the province. The funding includes \$1.1 million toward mental health and addictions supports for vulnerable and marginalized persons, as well as \$6.5 million to expand mobile crisis response services and \$5 million to provide some mobile crisis response teams with short stay beds for individuals requiring these services.

5. 2020 Ontario Budget – Economic and Fiscal Forecast

- 5.1 On November 5, the provincial government tabled the 2020 Ontario budget, which provided the first set of multi-year economic and fiscal projections since the start of the pandemic. Although multi-year projections were presented, the forecast is subject to a high degree of uncertainty as the unknown trajectory of the virus will significantly impact the underlying assumptions.
- 5.2 After experiencing a 12.3 per cent quarterly GDP contraction in the second quarter of 2020, the budget is projecting Ontario's annual GDP to contract by 6.5 per cent in 2020. Ontario is expected to return to growth in 2021 with a 4.9 per cent rise in GDP, followed by a forecasted 3.5 per cent rise in 2022 and a 2.0 per cent rise in 2023. Depending on the trajectory of the virus, GDP could rise as much as 7.5 per cent in 2021 or as little as 3.3 per cent.
- 5.3 The Ontario Ministry of Finance also consults with private sector economists on economic growth forecasts. The resulting average private sector forecast has Ontario's GDP declining 6.1 per cent in 2020, followed by 5.0 and 3.6 per cent growth in 2021 and 2022.
- 5.4 As the pandemic has required several expansionary fiscal policy measures, government expenses are projected to outpace government revenues over the next couple of years. As a result of these fiscal policy measures, Ontario is expected to see substantial budget deficits and a rising level of net debt. Table 2 provides revenue and expense projections over the next three years, along with the debt and deficit projections.

Table 2: Ontario Fiscal Forecast

	\$ billions		
	2020-21	2021-22	2022-23
Revenues	151.1	152.3	160.2
Program Expenses	174.6	170.2	172.4
Interest on Debt	12.5	13.2	13.9
Budget Deficit	38.5	33.1	28.2
Net Debt	397.9	437.8	472.9
Net Debt to GDP (%)	47.0	48.5	49.6

- 5.5 Significant revenue impacts in 2020-21 include a \$400 million reduction in net income from the Ontario Lottery and Gaming Corporation, a \$45 million reduction in sales tax revenue from electricity price relief programs, and a \$210 million

reduction in education property tax receipts. The rise in expenses is largely due to the additional spending on pandemic support measures.

6. Local Economy

- 6.1 During the early days of the pandemic, the Conference Board of Canada revised its estimates on some key economic indicators for the Oshawa Census Metropolitan Area (CMA). These estimates are provided in Table 3. Since the completion of these forecasts on May 29, the pandemic has continued to impact the economy, which may lead to further forecast revisions in the future.

Table 3: Conference Board of Canada – Oshawa CMA Economic Forecast

Annual Growth Rate (%)	2020	2021	2022	2023	2024
Real GDP	-3.7	5.8	2.6	2.0	2.1
Employment	-2.1	5.7	1.4	2.1	2.1
Retail Sales	-1.1	5.5	3.7	3.1	3.0
Personal Income	2.3	3.8	1.8	3.0	3.0
Unemployment Rate (%)	7.4	5.4	5.3	5.3	5.1
Housing Starts (annualized units)	1,398	2,660	2,190	2,180	2,060
CPI Inflation (%)	0.9	2.8	2.4	2.0	2.0

* Forecast completed May 29, 2020

- 6.2 According to the Statistics Canada Labour Force Survey for October 2020, total employment in the Oshawa CMA, as measured by a three-month moving average, was 219,800. This represents a one per cent increase over the 217,600 observed during the pre-pandemic month of February. This is a significant rebound from June, when employment was over 10 per cent below its pre-pandemic level.
- 6.3 The number of people actively participating in the labour market has also increased. The total labour force in the Oshawa CMA increased to over 239,000 in October, or 2.4 per cent above the pre-pandemic levels of February. Again, this represents a significant recovery from June, when the labour force was 5.2 per cent below pre-pandemic levels. The rebound in the labour force has increased the labour force participation rate to 67.9 per cent in October, or one percentage point above February levels.
- 6.4 Despite the rise in employment, the number of unemployed persons remains well above pre-pandemic levels. After peaking at 28,200 in July, the three-month moving average number of unemployment persons has declined to 19,800 in October, which still represents a 21.5 per cent increase over February. The three-month moving average unemployment rate has also declined from the pandemic high of 12.4 per cent in July, to 8.3 per cent in October. However, the unemployment rate remains well above the 7 per cent observed in February.

- 6.5 Although the local labour market is showing improvement, certain industries are recovering faster than others. In October, employment in the goods producing sector was 8.4 per cent above the pre-pandemic levels of February, and 5.7 per cent above October 2019 levels. All industries within the goods producing sector were experiencing higher levels of employment in October than February.
- 6.6 The service producing sector has seen employment levels decline 0.3 per cent between February and October, although employment levels are up 3 per cent year-over-year. Significant variability exists within the sector as employment in the finance, insurance, and real-estate industry was 42.9 per cent above pre-pandemic levels in October, and the public administration industry saw employment 42 per cent above pre-pandemic levels in October. In contrast, the industries of accommodation and food services, as well as information, culture, and recreation, were experiencing respective employment declines of 31.3 and 27 per cent between February and October.
- 6.7 The labour market is also influenced by the number of businesses in the local community. According to Statistics Canada estimates of business openings and closures, the number of active businesses in the Oshawa CMA has declined from 5,546 in February to 4,848 in July. During the height of the pandemic in April, the number of business openings in the Oshawa CMA was estimated at 227 while the number of business closures was estimated at 698. In July, Statistics Canada estimated the number of monthly business openings in the Oshawa CMA at 437 and business closings at 273.
- 6.8 While the labour market continues to experience lingering weakness, the real estate market continues to experience steady growth. According to the Toronto Region Real Estate Board (TRREB), the number of existing home sales in Durham Region increased 42 per cent year-over-year in October. The average selling price of a home in Durham Region was \$740,436 in October, an increase of over 20 per cent from October 2019.
- 6.9 The strong demand for housing is leading to significant increases in the number of housing starts across the Oshawa CMA. In August, housing starts hit a seasonally adjusted annual rate of 8,634 units for all residential housing types, which represents a 604 per cent increase over August 2019. Housing starts declined to a seasonally adjusted annual rate of 3,745 units in September, which still represents a 132.5 per cent increase over September 2019. In October, housing starts rose to 3,833 seasonally adjusted annualized units, representing a 346 per cent increase over October 2019.
- 6.10 The value of residential building permits has also seen substantial increases on a year-over-year basis. According to Statistics Canada, the total value of residential building permits in September increased 42.3 per cent over September 2019 in the Oshawa CMA. The increase is largely due to the 175 per cent increase in the value of multi-residential dwelling permits. The value of non-residential building permits in the Oshawa CMA declined 40 per cent year-over-year in September.

The decline was led by a 93.2 per cent decrease in the value of industrial permits and a 32.6 per cent decrease in the value of commercial permits.

7. Canadian Economy

- 7.1 After the initial pandemic lockdowns led to significant declines in monthly economic output, the subsequent easing of restrictions led to substantial economic growth. Monthly industrial output grew for the fourth consecutive month in August, rising 1.2 per cent over July. Monthly economic output in August was down only 4.6 per cent from the pre-pandemic levels of February, despite falling over 18 per cent below February levels in April.
- 7.2 Despite the rebound in economic activity, the recovery continues to be unevenly distributed across industries. Industries that provide essential services and industries that can operate remotely have experienced significantly less disruption to economic output. The agriculture industry saw output in August exceed output in February by 2.5 per cent. Retail trade was up 1.2 per cent from the pre-pandemic levels of February, while the finance and insurance industry and the real estate and rental and leasing industry were up 2.1 and 1.5 per cent respectively in August, in comparison to February.
- 7.3 Industries that rely on social interaction continue to struggle as economic output remains depressed relative to pre-pandemic levels. Economic output in the transportation and warehousing industry, which includes air travel, remained 20.5 per cent below pre-pandemic levels in August. The accommodation and food industry, as well as the arts, entertainment, and recreation industry, continue to be severely impacted by the pandemic with economic output in August down 28.2 and 47 per cent respectively, in comparison to February.
- 7.4 The recovery in international trade activity has also been unevenly distributed between goods and services. Although the dollar value of Canadian goods exports remained 5.8 per cent below pre-pandemic February levels in September, this represents a significant rebound from April where the dollar value of exports fell over 33 per cent below pre-pandemic levels.
- 7.5 In September, the dollar value of international goods imports into Canada remained 2.3 per cent below pre-pandemic February levels. However, this represents a significant rebound from May when the dollar value of imports fell over 29 per cent below pre-pandemic levels.
- 7.6 International trade in services remains significantly below pre-pandemic levels as the dollar value of Canadian service exports was over 22 per cent below February levels in September. The dollar value of Canadian service imports was down over 33 per cent from pre-pandemic levels in September. International trade in travel services has been hit particularly hard as exports in September were down 71.8 per cent compared to February, whereas imports of travel services were down 90.1 per cent.

- 7.7 International merchandise trade with the U.S. has also experienced a significant recovery, however trade flows remain below pre-pandemic levels. In September, the dollar value of merchandise exports to the U.S. remained 8 per cent below February levels, whereas merchandise imports were 4.3 per cent below February. In April, the dollar value of merchandise imports and exports to the U.S. fell 38.3 and 43.2 per cent below February levels.
- 7.8 The slowdown in export growth is having spillover effects on manufacturing sales. Canadian manufacturing sales declined 1.4 per cent in August, before rising 1.5 per cent in September. The decline in August was largely attributed to a decline in transportation equipment sales resulting from a 6.8 per cent decline in exports of motor vehicles and motor vehicle parts. The rebound in September was partly attributed to a 10.4 per cent increase in the export of lumber products.
- 7.9 Domestic demand also appears to be levelling off as retail sales for the month of August rose 0.4 per cent. Although the growth rate is shrinking, August marks the fourth straight month of retail sales growth as sales were 1.8 per cent above pre-pandemic February levels. Ontario has also seen a strong rebound as retail sales in August were down only 0.6 per cent from February.
- 7.10 Although retail sales have fully recovered from their pandemic lows, the prices for consumer goods and services continue to trend below target. Inflation, as measured by the Consumer Price Index (CPI), was 0.7 per cent in October. This remains well below the Bank of Canada target of 2 per cent. Although prices for some consumer products, such as meat and vegetables, continued to trend higher in October, CPI inflation was dragged down by a 12.4 per cent decline in gasoline prices and a 22.9 per cent decline in traveler accommodation prices.

8. Labour Market – Canada and Ontario

- 8.1 Although the Canadian labour market continues to recover from the lockdowns and economic restrictions imposed during the early part of the pandemic, the rate of recovery is beginning to slow. In October, the number of employed persons across Canada increased 0.5 per cent from September. Between May and September, Canadian employment was growing at an average monthly rate of 2.7 per cent.
- 8.2 The Canadian unemployment rate dropped another 0.1 percentage points to 8.9 per cent in October. Although the overall unemployment rate continues to fall, the number of people in long-term unemployment, or those that have been unemployed for 27 weeks or more, continues to increase. After rising 36.2 per cent in September, the number of persons in long-term unemployment rose another 50.7 per cent in October. This represents an increasing number of people that lost their job during the early days of the pandemic and are still unemployed today.
- 8.3 As has been the case throughout the pandemic, the labour market recovery continues to be unevenly distributed. Employment in the accommodation and food

industry was down 19.6 per cent year-over-year in October, while the transportation and warehousing industry was down 9 per cent. The utilities industry and the finance, insurance and real-estate industry have both maintained stable employment levels throughout the pandemic as year-over-year employment increased 8.3 and 2.3 per cent respectively in October.

- 8.4 The labour market in Ontario followed a similar path to the national labour market as the pace of employment growth began to slow in October. Employment in Ontario rose 0.4 per cent in October, but still remains 3.8 per cent below pre-pandemic levels. The number of unemployed persons rose another 1.4 per cent in October and was up 76 per cent from February. Table 4 compares key labour market data, for both Canada and Ontario, from February (pre-pandemic), May (pandemic peak) and October (most recent data).

Table 4: Labour Market Indicators for February, May and October 2020

	Canada			Ontario		
	February	May	October	February	May	October
Employment (x1,000)	19,189.40	16,474.50	18,553.50	7,555.10	6,398.6	7,267.20
Unemployment (x1,000)	1,133.80	2,619.20	1,816.80	436.4	1,003.4	768.0
Unemployment rate (%)	5.6	13.7	8.9	5.5	13.6	9.6
Participation rate (%)	65.5	61.4	65.2	65.1	60.1	65.0
Employment rate (%)	61.6	52.9	59.4	61.6	52.0	58.8

9. Economic Outlook

- 9.1 As the economic impacts of the pandemic are becoming more broadly understood, the Bank of Canada has resumed its forecasting of economic growth. According to the most recent Bank of Canada Monetary Policy Report from October, the Bank projects Canadian real GDP to contract 5.7 per cent in 2020, and then expand 4.2 per cent in 2021 and 3.7 per cent in 2022.
- 9.2 The Bank of Canada is also projecting household consumption to contract 3.9 per cent in 2020 before expanding 2.4 and 2.3 per cent in 2021 and 2022. Both GDP and household consumption projections are based on a strict set of assumptions, which are subject to change based on the trajectory of the pandemic.
- 9.3 The International Monetary Fund released its updated World Economic Outlook in October, in which it projected Canadian GDP to contract 7.1 per cent in 2020 and expand 5.2 per cent in 2021. This marks a significant improvement from the June World Economic Outlook where Canadian GDP was projected to contract 8.4 per cent in 2020 and expand 4.9 per cent in 2021.
- 9.4 Canadian real GDP estimates for the third quarter of 2020 are expected to be released by Statistics Canada on December 1, 2020. After a record quarterly contraction of 11.5 per cent, or 38.5 per cent at an annualized rate, in the second quarter of 2020, many private sector economists are expecting a substantial rebound in the third quarter. Table 5 provides economic growth projections from the major Canadian commercial banks.

Table 5: Commercial Bank Economic Growth Estimates

	Quarterly GDP Growth (%)*		Annual GDP Growth (%)		As of
	Q3 2020	Q4 2020	2020	2021	
BMO	47.0	2.3	-5.6	5.5	13-Nov-20
Scotiabank	46.0	2.4	-5.7	4.1	14-Oct-20
RBC	48.0	1.0	-5.6	4.5	Nov-20
CIBC	48.1	2.4	-5.5	4.1	21-Oct-20
TD	47.3	2.1	-5.6	4.1	Sept-20
Average	47.3	2.3	-5.6	4.5	

* Quarterly growth estimates are provided on an annualized basis

10. Relationship to Strategic Plan

- 10.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Economic Prosperity

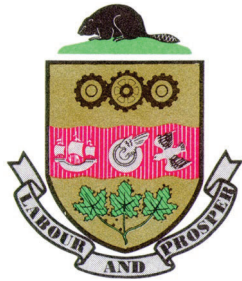
11. Conclusions

- 11.1 The economy is experiencing increasing volatility with uncertainty around the spread of COVID-19. Economic conditions are changing on a daily basis as policy makers continue to navigate this uncharted territory.
- 11.2 The Regional Finance Department will continue to monitor economic conditions and provide timely updates as required.

Respectfully submitted,

Original Signed By _____

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance and Treasurer



OSHAWA
ONTARIO, CANADA

OFFICE OF THE MAYOR

CITY OF OSHAWA
50 CENTRE STREET SOUTH
OSHAWA, ONTARIO
L1H 3Z7
TELEPHONE (905) 436-5611
FAX (905) 436-5642
E-MAIL: mayor@oshawa.ca

MAYOR DAN CARTER

November 17, 2020

The Hon. Steve Clark
Ontario Minister of Municipal Affairs
Frost Building South, 7th Floor
7 Queen's Park Crescent
Toronto, Ontario M7A 1Y7

Dear Minister Clark,

Re: Modernization of Municipal Election Voting Methods

I would like to thank you for the opportunity to be able to bring to your attention the opportunity to review the modernization of our municipal voting methods and the support that we will require from the Province as we forge ahead.

City of Oshawa's staff and Council have undertaken an investigation in regards to updating our voting system. Our municipality is looking to move from the traditional ballot based system to online and telephone voting. We are enthusiastic about exploring and introducing a more efficient way for voters to cast their ballots.


Approximately 200+ municipalities across Ontario have implemented Internet voting and well qualified experts in the fields of Internet voting and cybersecurity have undertaken research on this topic. During Oshawa City Council's consideration of implementing Internet voting, several questions have been raised such as ensuring the security of the vote itself, how a recount would be conducted and who would own the data that is collected. The technology tendering processes and lists of certified vendors are also of concern.

Many municipalities are struggling to find the right combination when it comes to data protection, certified technology, certified companies and processes to follow resulting in each individual municipality to navigate on their own. Without guidelines from the Province, we feel that there are gaps regarding legal, technical and operational security standards and guidelines for municipalities to follow to implement secure Internet voting for elections as well as to ensure consistency across the Province.

As municipalities continue to implement Internet voting as a means to modernize and engage citizens in our election process, it is vitally important that Provincial legislation address the legal, technical and security issues. I am asking that the Province undertake the exercise to bring forward a bill that would provide all municipalities with a legislative framework for consistency across the Province.

I look forward to our conversation and hope the Province will undertake this exercise so that in 2026 Ontario municipalities will have the guidelines and principles in place to be able to modernize their election process.

Yours truly,



Dan Carter
Mayor

cc: Hon. Doug Ford, Premier of Ontario
Jennifer French, MPP
Lindsey Park, MPP
Lorne Coe, MPP
Rod Phillips, MPP
Peter Bethlenfalvy, MPP
Laurie Scott, MPP
Durham Clerks
Durham District School Board
Durham Catholic District School Board
Association of Municipal Managers
AMO

CORP-20-31 Additional Information Related to Report CORP-20-20 – Voting Options for the 2022 Municipal and School Board Elections

CORP-20-20 Voting Method for 2022 Municipal and School Board Elections

Recommendation

Whereas some Ontario municipalities have been using Internet voting since 2003; and,

Whereas in 2018, 194 municipalities in Ontario used Internet voting as a method of election and this number is expected to increase for the 2022 Municipal and School Board Elections; and,

Whereas the City of Oshawa is committed to continuous improvement, innovation, diversification and modernization of services, including Municipal and School Board Elections; and,

Whereas in an effort to provide for modernization of the election processes and to provide greater accessibility and convenience for the electorate, City staff recommended the introduction of Internet and Telephone Voting for 2022 Municipal and School Board Elections as set out in Report CORP-20-20; and,

Whereas newly discovered research from Dr. Nicole Goodman, Associate Professor of Political Science at Brock University, Director of the Centre for e-Democracy, Senior Associate with the Innovation Policy Lab at the Monk School of Global Affairs and is a member of the Laboratory of Local Elections, focuses on the adoption and effects of technology on elections in Canada and internationally; and,

Whereas Dr. Goodman's findings indicate that Internet voting is desirable for election stakeholders in Ontario and is a welcome addition alongside other voting methods to keep pace with societal changes, accommodate electors' increasingly busy schedules, and to help mitigate factors that may limit voter accessibility of physical locations; and,

Whereas Dr. Goodman recognizes that in Ontario it appears that municipal Internet voting uptake will continue to grow and become part of electoral modernization so long as there remains demand from the electorate and candidates, and the bureaucratic will to innovate the administration of elections; and,

Whereas Dr. Goodman identified the importance of sufficient education, outreach and robust communications to engage the electorate and stakeholders early and often; and,

Whereas Dr. Goodman also identified concerns about unsupervised/remote Internet voting such as authentication, auditability and verifiability as well as security which needs to be managed carefully; and,

Whereas Dr. Goodman recommends that online voting should be thoughtfully researched and implemented; and, that the introduction of online voting should be a deliberate and planned process and that it is important for the Provincial Government to establish legal, technical and operational standards regarding Internet voting deployment for consistency across the province; and,

Whereas it is important for the City of Oshawa to advance the modernization of Municipal and School Board Elections and the engagement of its electorate as well as for staff to undertake more due diligence including investigation of risk mitigation strategies prior to the implementation of Internet and Telephone Voting as a method of voting;

Therefore be it resolved:

1. That the same method of voting used in the last election be used for the 2022 Municipal and School Board elections; and,
2. That Council authorize the use of optical scan vote tabulators and accessible voting equipment as the method of voting for the 2022 Municipal and School Board Elections and that the necessary by-law be passed; and,
3. That the Mayor send a letter to the Provincial Government with a request to establish legal, technical and operational security standards and guidelines for municipalities to follow in order to implement secure Internet voting for elections and to ensure consistency across the province; and,
4. That a copy of the letter be sent to all Durham Region municipalities, all Durham M.P.Ps, Durham Region School Boards, the Association of Municipalities of Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), the Minister of Municipal Affairs and Housing requesting their support for the Provincial Government to establish legal, technical and operational standards regarding Internet voting deployment for consistency across the province.



November 12, 2020

MPP Will Bouma
96 Nelson Street, Suite 101
Brantford, ON N3T 2X1

Sent via email: will.bouma@pc.ola.org

Dear MPP Bouma:

Please be advised that Brantford City Council at its Special meeting held November 10, 2020 passed the following resolution:

Bill 218 - Ranked Ballots for Municipal Elections

WHEREAS Bill 218 – “Supporting Ontario's Recovery and Municipal Elections Act, 2020” removes the option for municipalities to choose the ranked ballot system for an election; and

WHEREAS in 2016 the Ontario Provincial Government gave municipalities the tools to use Ranked Balloting in Municipal elections commencing in 2018, which was deployed in the City of London thereby becoming the first Municipality in Canada to make the switch, while Cambridge and Kingston both passed referendums in favour of reform and Burlington, Barrie, Guelph, Meaford and others are now exploring a change as well; and

WHEREAS the change of election method process does not impact the Provincial election models but greatly impacts a Municipalities execution options; and

WHEREAS the only explanation given for this is that we should not be ‘experimenting’ with the electoral process during a pandemic mindful that ranked ballot voting is not an experiment but widely used throughout the world and should be a local option that Municipalities can look to utilize in the next election which is just under two years away

WHEREAS Bill 218 also moves up the Municipal nomination date from the end of July to mid September for no apparent reason thereby reinforcing the power of incumbency and potentially discouraging broader participation in municipal elections; and

WHEREAS these changes are being proposed without any consultation with AMO, Municipalities or the public;

NOW THEREFORE BE IT RESOLVED:

- A. THAT the City Clerk BE DIRECTED to submit the following comments on behalf of the Council of the City of Brantford to the Province of Ontario with respect to the proposed changes to the *Municipal Elections Act, 1996*:
- i. Council does not support the proposed changes to the *Municipal Elections Act, 1996*, specifically related to the removal of the option for a municipality to hold a ranked ballot election;
 - ii. Council does support the principle that each Municipality should be able to choose whether or not to use first-past-the-post or a ranked ballot election; and
 - iii. Council encourages the Provincial government to meaningfully consult with Municipalities on municipal issues before introducing legislative changes of this magnitude; and
- B. THAT the City Clerk BE DIRECTED to forward a copy of this resolution to MPP Will Bouma, Premier Doug Ford, and the list of other Municipalities and include a request to delay the decision until such a time that the Association of Municipalities of Ontario, Large Urban Mayor's Caucus of Ontario, the Federation of Canadian Municipalities and comments from Municipalities have been collected and submitted to the Province.

I trust this information is of assistance.

Yours truly,



Tanya Daniels
City Clerk
tdaniels@brantford.ca

cc: Hon. D. Ford, Premier of Ontario
The Association of Municipalities of Ontario;
The Federation of Canadian Municipalities;
Large Urban Mayor's Caucus of Ontario;
All Ontario Municipalities



Community Services

Legislative Services

November 17, 2020

File #120203

Sent via email: premier@ontario.ca

The Honourable Doug Ford, Premier of Ontario
Room 281, Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Honourable and Dear Sir:

Re: Town of Grimsby - Amendment to Bill 108 - *More Homes, More Choice Act, 2019*, which amended the *Ontario Heritage Act* - Request to Remove the Powers provided to the Local Planning Appeal Tribunal, Retain Authority for Hearing Certain Appeals by the Conservation Review Board, and Return the Authority for Final Decisions to Municipal Councils

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of November 16, 2020 received and supported correspondence from the Town of Grimsby dated November 4, 2020 strongly recommending that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's as the elected representatives of the communities wherein the property and its features of cultural heritage value exist.

Attached please find a copy of the Town of Grimsby's correspondence dated November 4, 2020.

Thank you for your attention to this matter

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk

c.c.

The Honourable Lisa MacLeod, Ministry of Heritage, Sport, Tourism and Culture Industries Lisa.macleodco@pc.ola.org

Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP horwatha-gp@ndp.on.ca

Steven Del Duca, Leader of the Ontario Liberal Party steven@ontarioliberal.ca

Mike Schreiner, MPP and Leader of the Green Party of Ontario Mschreiner@ola.org

Sam Oosterhoff, MPP, Niagara West sam.oosterhoff@pc.ola.org

Devanne Kripp, Deputy Town Clerk, Town of Grimsby dkripp@grimsby.ca

Association of Municipalities of Ontario amo@amo.on.ca

Ontario Municipalities

All MPP's in the Province of Ontario

Niagara Region ann-marie.norio@niagararegion.ca

Mailing Address:

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

B

B

From: "Devanne Kripp" <dkripp@grimsby.ca>
To: "doug.fordco@pc.ola.org" <doug.fordco@pc.ola.org>
Date: 2020-11-04 10:20 AM
Subject: Proposed Regulation under the Ontario Heritage Act – Bill 108

Dear Hon. Doug Ford:

At its meeting of October 19, 2020, the Town of Grimsby Committee of the Whole passed the following resolution, which was subsequently approved by Council on November 2, 2020:

Moved by Councillor Bothwell; Seconded by Councillor Freake;

Resolved that the Report PA20-22 dated October 19, 2020, be received; and, That the report be endorsed and submitted to the Province, along with the following motion, as the Town of Grimsby's comments to the Environmental Registry.

WHEREAS Royal Assent has been granted to Bill 108 entitled 'More Homes, More Choice Act, 2019' on June 6, 2019; and,

WHEREAS Schedule 11 of Bill 108 contains amendments to the Ontario Heritage Act which require appeals under the Ontario Heritage Act to be heard by the Local Planning Appeal Tribunal not the Conservation Review Board; and,

WHEREAS the Conservation Review Board is an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers a number of matters such as:

- The proposed designation of a property as having cultural heritage value or interest;
- Applications for the repeal of a By-law on a specific property;
- Applications related to the alteration of a property covered by a By-law; and,
- Matters related to archaeological licensing, and,

WHEREAS Schedule 11 of Bill 108 will come into effect on a date to be proclaimed by the Lieutenant Governor; and,

WHEREAS the Local Planning Appeal Tribunal are not experts in heritage matters unlike members of the Conservation Review Board; and,

WHEREAS the Local Planning Appeal Tribunal decisions are binding decisions unlike the Conservation Review Board non-binding recommendations; and,

WHEREAS the Ontario Heritage Act provides a means for municipalities to protect and preserve the cultural heritage value or interest of the municipality for generations to come; and,

WHEREAS the Conservation Review Board currently provides reports to municipal council's setting out its findings of fact, and its recommendations so that a final decision can be rendered by municipalities about what is valuable in their community;

WHEREAS the Town of Grimsby remains committed to the preservation and protection of property of cultural heritage value or interest;

NOW THEREFORE BE IT RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to remove the powers provided to

RECEIVED

NOV 16 2020

BY COUNCIL

the Local Planning Appeal Tribunal, retaining authority for hearing certain appeals by the Conservation Review Board; and,

BE IT FURTHER RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's as the elected representative of the communities wherein the property and its features of cultural heritage value exist; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, Lisa McLeod the Minister of Heritage, Sport, Tourism and Culture Industries, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP Steven Del Duca Leader of the Ontario Liberal Party, Mike Schreiner MPP and Leader of the Green Party of Ontario, Sam Oosterhoff MPP Niagara West; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Association of Municipalities of Ontario (AMO), all MPP's in the Province of Ontario, the Niagara Region and all Municipalities in Ontario for their consideration."

We strongly recommend that the Ontario government consider amendments to Bill 108 to return the final authority to municipal Council's to determine what is of cultural heritage value or interest in their communities with the benefits of the expert and professional advice provided by the Conservation Review Board.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

A copy of the report has been enclosed.

Regards,

Devanne Kripp, Dipl. M. A.

Deputy Town Clerk

905 945 9634 ext. 2177

Town of Grimsby | 160 Livingston Avenue, P.O Box 159 | Grimsby ON L3M 4G3 | www.grimsby.ca

Report To: Committee of the Whole

Meeting Date: October 19, 2020

**Subject: Proposed Regulation under the Ontario Heritage Act
(Bill 108)**

Recommendation(s)

1. That the Report PA20-22 dated October 19, 2020, be received and
2. That the report be endorsed and submitted to the Province, along with the following motion, as the Town of Grimsby's comments to the Environmental Registry.

WHEREAS Royal Assent has been granted to Bill 108 entitled 'More Homes, More Choice Act, 2019' on June 6, 2019; and,

WHEREAS Schedule 11 of Bill 108 contains amendments to the Ontario Heritage Act which require appeals under the Ontario Heritage Act to be heard by the Local Planning Appeal Tribunal not the Conservation Review Board; and,

WHEREAS the Conservation Review Board is an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers a number of matters such as:

- The proposed designation of a property as having cultural heritage value or interest;
- Applications for the repeal of a By-law on a specific property;
- Applications related to the alteration of a property covered by a By-law; and,
- Matters related to archaeological licensing. AND,

WHEREAS Schedule 11 of Bill 108 will come into effect on a date to be proclaimed by the Lieutenant Governor; and,

WHEREAS the Local Planning Appeal Tribunal are not experts in heritage matters unlike members of the Conservation Review Board; and,

WHEREAS the Local Planning Appeal Tribunal decisions are binding decisions unlike the Conservation Review Board non-binding recommendations; and,

WHEREAS the Ontario Heritage Act provides a means for municipalities to protect and preserve the cultural heritage value or interest of the municipality for generations to come; and,

WHEREAS the Conservation Review Board currently provides reports to municipal council's setting out its findings of fact, and its recommendations so that a final decision can be rendered by municipalities about what is valuable in their community;

WHEREAS the Town of Grimsby remains committed to the preservation and protection of property of cultural heritage value or interest;

NOW THEREFORE BE IT RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to remove the powers provided to the Local Planning Appeal Tribunal, retaining authority for hearing certain appeals by the Conservation Review Board; and,

BE IT FURTHER RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's as the elected representative of the communities wherein the property and its features of cultural heritage value exist; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, Lisa McLeod the Minister of Heritage, Sport, Tourism and Culture Industries, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP Steven Del Duca Leader of the Ontario Liberal Party, Mike Schreiner MPP and Leader of the Green Party of Ontario, Sam Oosterholf MPP Niagara West; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Association of Municipalities of Ontario (AMO), all MPP's in the Province of Ontario, the Niagara Region and all Municipalities in Ontario for their consideration."

We strongly recommend that the Ontario government consider amendments to Bill 108 to return the final authority to municipal Council's to determine what is of cultural heritage value or interest in their communities with the benefits of the expert and professional advice provided by the Conservation Review Board.

Purpose

To provide staff with direction to provide comments to the Environmental Registry on the proposed changes to the Ontario Heritage Act (Bill 108). As the impetus for the new proposed regulations is Bill 108, *The More Homes, More Choices Act*, staff remain concerned that the Province's stated objective to increase housing supply should not come at the expense of the Town of Grimsby's irreplaceable cultural heritage resources, as the purpose of the *Ontario Heritage Act* being to protect and conserve heritage properties.

Background

Updates to the Ontario Heritage Act (Bill 108)

In November 2018, the Province introduced a consultation document: "Increasing Housing Supply in Ontario." On May 2, 2019, the Minister of Municipal Affairs and Housing introduced "More Homes, More Choice: Ontario's Housing Supply Action Plan" and the supporting Bill 108 – the proposed More Homes, More Choice Act. The Province stated that the objective of these initiatives is to ensure more housing choices/supply and address housing affordability. The Ontario Heritage Act was one of 13 provincial statutes impacted by Bill 108.

At that time, the proposed regulations for the OHA were unknown but the Ministry of Tourism, Culture and Sport indicated that regulations were to be released "later this year" after consultation and would be posted for comment. At that time, the changes to the OHA were expected to be proclaimed and in full force and effect for July 1, 2020. Later this date was changed to January 1, 2021. The proposed regulations were released for public comment on September 21, 2020, being partially delayed by the COVID-19 pandemic. The changes to the OHA are still anticipated to be proclaimed on January 1, 2021. Comments on the proposed regulations are due to the Environmental Registry by November 5, 2020. Communication from the Ministry of Tourism, Culture and Sport indicates that 'Updates to the existing Ontario Heritage Tool Kit, which will support implementation of the amendments and proposed regulation, are forthcoming. Drafts of the revised guides will be made available for public comment later this fall.' Staff will share this information with the Grimsby Heritage Advisory Committee and Council as it becomes available.

Analysis/Comments

The Environmental Registry posting includes the proposed regulations and a summary of the proposed regulations for the following:

1. Principles that a municipal council shall consider when making decisions under specific parts of the OHA.
2. Mandatory content for designation by-laws.
3. Events which would trigger the new 90-day timeline for issuing a notice of intention to designate and exceptions to when the timeline would apply.
4. Exceptions to the new 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued.
5. Minimum requirements for complete applications for alteration or demolition of heritage properties.
6. Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute.
7. Information and material to be provided to Local Planning Appeal Tribunal (LPAT) when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision.
8. Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law.
9. Transition provisions.

Many of the proposed regulations are procedural and provide clarity on the new processes that were including in Bill 108. The summary of the proposals is as follows:

Regulatory Proposals

1. Principles to guide municipal decision making

The amendments to the Ontario Heritage Act give authority to prescribe principles that a municipal council shall consider when making decisions under prescribed provisions of Parts IV and V of the Act. The proposed principles relate to the purpose of the Ontario Heritage Act and are intended to help decision-

makers better understand what to focus on when making decisions under the Act.

The proposed principles are consistent with Ontario's policy framework for cultural heritage conservation. The proposed principles provide context for a municipality to follow when making decisions about designated heritage properties, including the minimization of adverse impacts to the cultural heritage value of a property or district. They also require the municipality to consider the views of all interested persons and communities. The new principles will be used in conjunction with Ontario Regulation 9/06, for which no changes have been proposed at this time. While staff already use many similar principles to guide the review process, it is noted that many of the principles use 'should' rather than 'shall' in reference to the principles. The most problematic is the principle that "property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations". Using 'should' rather than 'shall' contradicts the Provincial Policy Statement 2020, which states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved". Staff would prefer consistency in the language in these two provincial policies and recommend that the language from the PPS 2020 be adopted as a principle for the Ontario Heritage Act.

An additional recommendation would be that the definition of 'adaptive reuse' included in this section be revised from "the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property" to "the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the cultural heritage value or interest and the heritage attributes of the property".

2. Mandatory content for designation by-laws

The Ontario Heritage Act amendments provide a regulatory authority to prescribe mandatory content for designation by-laws. The goal is to achieve greater consistency across municipalities and to provide improved clarity for property owners through designation by-laws including:

- Identifying the property for the purposes of locating it and providing an understanding of its layout and components;*
- Establishing minimum requirements for the statement of cultural heritage value or interest; and*
- Setting standards for describing heritage attributes.*

From staff's perspective, the most significant changes to the requirements for a

designation by-law are:

- The requirement to include a map or image of the area. This has not typically been done in the past due to the preferences of the Land Registry Office; however, from a staff perspective, this would not be difficult or onerous.
- The description of the heritage attributes must be 'brief' and also explain how each attribute contributes to the cultural heritage value or interest of the property. Staff note that the requirement for explanations may make the description less brief, but are generally supportive of this requirement as it may help clarify both the heritage attributes and the cultural heritage value of the property. However, this requirement will likely increase the amount of staff time required to draft designation by-laws.
- The by-law may list any features of the property that are not heritage attributes. Including a formal list of non-heritage attributes within the by-law could provide clarity to both the property owner and the Town of Grimsby.

3. 90-day timeline to issue a Notice of Intention to Designate Amendments to the Ontario Heritage Act establish a new 90-day timeline for issuing a notice of intention to designate (NOID) when the property is subject to prescribed events. It also allows for exceptions to this restriction to be prescribed.

The new timeline is intended to encourage discussions about potential designations with development proponents at an early stage to avoid designation decisions being made late in the land use planning process. The ministry has proposed three triggers which would place this restriction on council's ability to issue a NOID. These are applications submitted to the municipality for either an official plan amendment, a zoning by-law amendment or a plan of subdivision.

The proposed regulation also provides exceptions to when the 90-day timeline applies. The ministry is proposing the following categories of exceptions.

- Mutual agreement – Where an extension of, or exemption from, the 90-day restriction on issuing a NOID is mutually agreed to by the municipality and the property owner who made the application under *the Planning Act*.
- Administrative restrictions – Where municipal council or heritage committee are limited in their ability to reasonably fulfill the statutory requirements for issuing a NOID within the original 90-day timeframe. This would apply in cases of a declared emergency or where a municipal heritage committee would be unable to provide its recommendations to council. The timeframe would be extended by 90 days.
- New and relevant information – Where new and relevant information could have an impact on the potential cultural heritage value or interest of the

property is revealed and needs further investigation. Council would be able to extend the timeframe through a council resolution. In the case of new and relevant information council would have 180 days from the date of the council resolution to ensure there is sufficient time for further information gathering and analysis to inform council's decision.

Expiration of restriction – The 90-day restriction on council's ability to issue a NOID would not remain on the property indefinitely and would no longer apply when the application that originally triggered the 90-day timeframe is finally disposed of under the Planning Act.

The proposed regulation also provides notification requirements related to the exceptions to the 90-day timeframe restriction.

Overall, the regulations provide required clarity to the proposed new timelines. Staff are pleased that one of the exemptions to the new regulated timelines is through mutual agreement, as many developers in Grimsby have demonstrated their willingness to work with staff and Council to work towards heritage conservation goals through the planning process.

The exemption for 'new and relevant' materials is useful to ensure that all parties have all of the information needed to make a decision. To this end, the regulations also provide a definition of 'new and relevant' to be applied in this context.

The termination period for the 90-day timelines is limited to the lifespan of the specific planning application. This will ensure that properties are not prohibited from heritage conservation indefinitely.

However, staff have several concerns in regards to these proposed regulations. First, the 90 day timeline will not provide enough time for the town to request and review a peer review of a Heritage Impact Assessment, should the town feel that review is necessary. Staff recommend that the 90 day timeline be increased, or that an additional exemption be included that provides municipalities more time to address requirements for peer review. Likewise, the substantially reduced time limit for planning decisions in Bill 108, especially in regards to decisions for zoning by-law amendments, will create challenges for staff where heritage properties are involved in a planning application.

Staff also note that these new timelines will require significant changes to internal processes in order to accommodate the regulations, which in turn will take a significant amount of staff time to coordinate between Heritage Planning staff, and Planning staff.

4. 120-day timeline to pass a designation by-law Amendments to the Ontario Heritage Act establish a new requirement for designation by-laws to be passed within 120 days of issuing a Notice of Intention to Designate (NOID). It also

allows for exceptions to be prescribed. The ministry is proposing the following categories for exceptions.

- *Mutual agreement - Where an extension of, or exemption from, the requirement to pass a by-law within 120 days of issuing a NOID is mutually agreed to by the municipality and the property owner.*
- *Administrative restrictions – Where municipal council is limited in its ability to reasonably fulfill the statutory requirements for passing a designation bylaw within the original 120-day timeframe. This would apply in cases of a declared emergency.*
- *New and relevant information – Where new and relevant information that could have an impact on the potential cultural heritage value or interest of the property is revealed and needs further investigation.*
- *Council would be able to extend the timeframe through a council resolution to ensure there is enough time for further information gathering and analysis to inform its decision.*
- *Council would have an additional 180 days from the date of the council resolution to pass the bylaw.*

Exceptions allowing for the extension of the 120-day timeframe for passing a by-law must occur prior to the expiry of the initial 120 days. The proposed regulation includes notification requirements related to the exceptions to the 120-day timeframe.

Similar to the exemptions for the 90-day designation notice timeline, the proposed exemptions to pass a designation by-law, especially through mutual agreement, are generally considered helpful. The practice of passing a by-law soon after the objection period has expired (or an appeal has been resolved), is already undertaken in Grimsby for most designations. However, staff would note that implementing these regulations will require staff time to accomplish.

5. 60-day timeline to confirm complete applications, alteration or demolition and contents of complete applications

Amendments to the Ontario Heritage Act establish a new timeline of 60 days for the municipality to respond to a property owner about the completeness of their application for alteration of, or demolition or removal affecting, a designate heritage property. It also provides a regulatory authority for the Province to set out minimum requirements for complete applications. The purpose of these provincial minimum standards is to ensure transparency so that property owners are aware of what information is required when making an application. The

details of what is proposed in regulation reflect current municipal best practices. The proposed regulation also enables municipalities to build on the provincial minimum requirements for complete applications as a way of providing additional flexibility to address specific municipal contexts and practices. Where municipalities choose to add additional requirements, the proposed regulation requires them to use one of the following official instruments: municipal by-law, council resolution or official plan policy. The proposed regulation establishes that the 60-day timeline for determining if the application is complete and has commenced starts when an application is served on the municipality. It further proposes that applications may now be served through a municipality's electronic system, in addition to email, mail or in person.

The introduction of a timeline to confirm a complete application for heritage issues is new, but is not unwelcome as it will provide clarity for the property owner and the town. The list of submission requirement set out in the regulations is similar to the requirements that the town already requires; however, a more thorough review of any proposed materials should be undertaken and a report brought forward to Council to confirm Grimsby's list of required submissions and be adopted by municipal by-law as required by the regulation. The ability for the town to set its own additional requirements (through due process) is important to ensure that the town's heritage conservation goals are met.

However, staff note that the requirements for a complete application are only applied to subsections 33 (2) and 34 (2) of the *Ontario Heritage Act*, meaning that there are no requirements for a complete application for properties designated under Part V as part of heritage conservation districts. Staff recommend that the requirements for complete application also be applied to district properties.

6. Prescribed steps following council's consent to a demolition or removal under s. 34.3

Amendments to the Ontario Heritage Act provide that municipal council consent is required for the demolition or removal of any heritage attributes, in addition to the demolition or removal of a building or structure. This is because removal or demolition of a heritage attribute that is not a building or structure, such as a landscape element that has cultural heritage value, could also impact the cultural heritage value or interest of a property.

Prior to the amendments, where council approved a demolition or removal under s. 34, the Act required council to repeal the designation by-law. However, in cases where only certain heritage attributes have been removed or demolished, or where the demolition or removal was of a structure or building that did not have cultural heritage value or interest, the property might still retain cultural

heritage value or interest. In these cases, repeal of the by-law would not be appropriate.

The proposed regulation provides municipalities with improved flexibility by requiring council to first determine the impact, if any, of the demolition or removal on the cultural heritage value or interest of the property and the corresponding description of heritage attributes. Based on the determination council makes, it is required to take the appropriate administrative action, which ranges from issuing a notice that no changes to the by-law are required, to amending the by-law as appropriate, to repealing the by-law. Council's determination and the required administrative actions that follow are not appealable to LPAT.

The proposed regulation provides that, where council has agreed to the removal of a building or structure from a designated property to be relocated to a new property, council may follow an abbreviated process for designating the receiving property. The proposed regulation provides a series of administrative steps to support the designation by-law. Council's determination that the new property has cultural heritage value or interest and the subsequent designation by-law made under this proposed regulation would not be appealable to LPAT.

The requirement to issue notice for demolition of any heritage attributes of a property was a concern, however, the clarification that a repealing by-law may not be required for every demolition is helpful. Following the demolition or removal, if the cultural heritage value or interest and heritage attributes do not need amending, the only notice requirement is to the Ontario Heritage Trust, who are already required to receive notice of all decisions regarding alterations, demolitions, removals and relocations.

However, staff would note that the wording of the regulation is slightly confusing: "After the demolition or removal of a building, structure or heritage attribute on the property is complete, the council of the municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, if one has been established, make one of the following determinations.." Staff are unclear on if this means that removal of any building, even one that is not a heritage attribute (i.e. a modern garden shed), requires Council approval.

7. Information to be provided to LPAT upon an appeal with the exception of decisions made under section 34.3 as described above, all final municipal decisions related to designation, amendment and repeal, as well as alteration of a heritage property under the Act will now be appealable to LPAT, in addition to decisions related to demolition and Heritage Conservation Districts, which were already appealable to LPAT. The decisions of LPAT are binding. Preliminary objections to designation matters will now be made to the municipality, before the final decision is made. Prior to the amendments, appeals of designation-related notices or appeals of alteration decisions were made to the Conservation Review Board, whose decisions were not binding.

A regulatory authority was added to ensure that appropriate information and materials related to designations, alteration and demolition decisions are forwarded to the LPAT to inform appeals. The proposed regulation outlines which materials and information must be forwarded for every LPAT appeal process in the Act by the clerk within 15 calendar days of the municipality's decision.

The two-tier process of objection to the municipality, followed by appeal to the LPAT, is a noted concern as this new process will create delays for property owners, staff, the Grimsby Heritage Advisory Committee and Council. The updated regulation does not change this; it provides a list of the materials and information required for LPAT appeals.

8. Housekeeping amendments

Amendments to the Act included regulatory authority to address a few housekeeping matters through regulation. Previously, where a municipality proposed to make substantial amendments to an existing designation by-law it stated that the designation process in section 29 applied with necessary modifications. The proposed regulation clearly sets out the modified process, including revised language that is more appropriate for an amending by-law. The proposed regulation also makes it clear that there is no 90-day restriction on issuing a notice of proposed amendment to a by-law and provides that council has 365 days from issuing the notice of proposed amendment to pass the final amending by-law and that this timeframe can only be extended through mutual agreement.

The proposed regulation also outlines restrictions on a property owner's ability to reapply for repeal of a designation by-law where the application was unsuccessful, unless council consents otherwise. The one-year restriction on an owner's reapplication maintains what had been included in the Act prior to the amendments.

The ability to amend a heritage designation by-law is improved through the regulations that provide clarity to the stated process. Staff support this regulation as it will make it easier to update old designation by-laws as required, as well as make amendments to by-laws that require updating to remove listed heritage attributes as per the new regulation.

9. Transition

Section 71 of the Ontario Heritage Act establishes a regulation-making authority for transitional matters to facilitate the implementation of the amendments, including to deal with any problems or issues arising as a result of amendments. The proposed transition rules provide clarity on matters that are already in progress at the time the amendments come into force.

General Transition Rule

All processes that commenced on a date prior to proclamation would follow the process and requirements set out in the Act as it read the day before proclamation. The proposed regulation sets out the specific triggers for determining if a process had commenced.

Exceptions

Outstanding notices of intention to designate. Where council has published a notice of intention to designate but has not yet withdrawn the notice or passed the by-law at the time of proclamation, the municipality will have 365 days from proclamation to pass the by-law, otherwise the notice will be deemed withdrawn. Where a notice of intention to designate has been referred to the Conservation Review Board, the 365 days would be paused until the Board either issues its report or until the objection has been withdrawn, whichever occurs earlier.

90-Day restriction on issuing a NOID

The 90-day restriction on council's ability to issue a NOID would only apply where all notices of complete application have been issued by the municipality in relation to a prescribed Planning Act application, on or after proclamation.

Prescribed steps following council's consent to demolition or removal (s.34.3)

The ministry is proposing that the prescribed steps would apply following consent to an application by the municipality or by order of the Tribunal, where at the time of proclamation council had not already repealed the by-law under s. 34.3.

Staff would note that the transitions proposed will place increased demand on staff time and resources in order to prepare for the January 1, 2021 implementation deadline. As this has not been accounted or planned for, staff would recommend that the proclamation deadline be pushed to July 1, 2021 to allow municipalities more time to prepare, especially in consideration of the COVID-19 pandemic, which has already created additional stress on staff resources.

Regulatory Impact Assessment

The objective of the proposed regulation is to improve provincial direction on how to use the Ontario Heritage Act, provide clearer rules and tools for decision making, and support consistency in the appeals process. Direct compliance costs and administrative burdens associated with the proposed regulations are unknown at this time. New rules and tools set out in the proposed regulations are expected to result in faster development approvals.

There are anticipated social and environmental benefits as the proposed regulation seeks to achieve greater consistency to protecting and managing heritage property across the province.

Overall, staff support many of the proposed regulation changes, as they provide greater clarity for the new processes created through Bill 108. Some of the concerns identified

by the town in their comments on Bill 108 remain, such as all appeals being moved to the Local Planning Appeal Tribunal (LPAT) from the Conservation Review Board (CRB).

The proposed regulations appear to be consistent with the objectives of Provincial policy and the OHA to conserve significant cultural heritage resources. However, many of the town's existing processes will need to be adjusted to conform to the proposed regulation changes. Staff would recommend to the Province that more time be provided to municipalities to accommodate the new regulations, especially given that the COVID-19 pandemic is in the second wave and also because the revised Ontario Heritage Took Kit has not been provided for draft comment and review. Additionally, staff resources will need to be evaluated in light of the current volume of heritage alteration applications to ensure the delivery of heritage reports and notices occur within the specified timelines. The substantially reduced time limit for planning decisions in Bill 108, especially in regards to decisions for zoning by-law amendments, will create challenges for staff where heritage properties are involved in a planning application.

The Province has noted that the direct compliance costs and administrative burdens are unknown at this time. Staff would suggest that the cost and burden on already stressed municipalities operating in an ongoing pandemic would be significant.

Strategic Priorities

This report addresses the corporate strategic goal to: Protect, preserve and enhancing Grimsby's distinct heritage and culture

Financial Impact

There are no direct financial implications arising from the recommendations in this report. However, the proposed regulation changes will have undetermined financial impacts for the town.


Public Input

Members of the public may provide comments on Bill 108's proposed changes through the related postings on the Environmental Registry of Ontario (ERO) website.

Conclusion

As the impetus for the new proposed Bill regulations is Bill 108, *The More Homes, More Choices Act*, staff remain concerned that the Province's stated objective to increase housing supply should not come at the expense of the Town of Grimsby's irreplaceable cultural heritage resources, as the purpose of the *Ontario Heritage Act* being to protect and conserve heritage properties.

Prepared by,



Name: Bianca Verrecchia
Title: Assistant Heritage Planner

Submitted by,



Name: Antonietta Minichillo
Title: Director of Planning, Building & Bylaw



4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1
905-563-8205

November 17, 2020

SENT VIA EMAIL

Norfolk County
50 Colborne St., S.
Simcoe, ON N3Y 4H3

Attention: Andy Grozelle, County Clerk (andy.grozelle@norfolkcounty.ca)

RE: SUPPORT RESOLUTION FROM THE MUNICIPALITY OF NORFOLK COUNTY, ILLICIT CANNABIS OPERATIONS

Please be advised that Council for the Corporation of the Town of Lincoln at Special Council Meeting held on November 16, 2020, endorsed and passed the following motion in support of Norfolk County's motion (attached) regarding Illicit Cannabis Operations that was passed and ratified on October 20, 2020.

Moved by: Councillor Paul MacPherson; Seconded by: Councillor Dianne Rintjema

THAT Council for the Corporation of the Town of Lincoln support the correspondence item as attached from Norfolk County dated October 26, 2020 regarding Illicit Cannabis Operations.

CARRIED

Regards,

Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

cc: Sam Oosterhoff, MPP
Dean Allison, MP
All Ontario Municipalities



Norfolk County Office of the Mayor

October 26, 2020

The Right Honourable Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Health Canada
Address Locator 0900C2
Ottawa, Ontario
K1A 0K9

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Toronto ON M7A 1A1

Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Queen's Park Building
777 Memorial Avenue
Orillia, ON
L3V 7V3

Dear Right Honourable Prime Minister Trudeau and Premier Ford,

Re: Illicit Cannabis Operations

At their meeting of October 20, 2020 Norfolk County Council approved Resolution No. 6 of the Council-In-Committee meeting of October 13, 2020 which reads as follows:

Res. 6

WHEREAS illicit cannabis grow operations are a significant issue in many municipalities in Ontario;

AND WHEREAS there are often significant negative impacts from illicit cannabis operations upon surrounding communities and residents;

AND WHEREAS the intent of legalizing cannabis was to eliminate the 'black market' not allow it to expand with relative impunity;

AND WHEREAS Norfolk County estimates that there are approximately 70 cannabis operations in our municipality;

THEREFORE BE IT RESOLVED,

THAT the Mayor issue a letter to the Prime Minister of Canada, Premier of Ontario, Health Canada and the Ontario Provincial Police;

AND THAT Norfolk County Council request that solutions to the current crisis which may include but are not limited to; better regulation and tracking of the prescription of cannabis in Canada by doctors, increased regulatory and enforcement presence by Health Canada, increased OPP resources, increased funding to municipalities to deal with complaints and By-Law issues generated by illicit cannabis grow operations;

AND FURTHER THAT a copy of the submission by Debbie France be attached to the Mayor's letter.

Your attention to this important issue is appreciated.

Yours Truly,



Mayor Kristal Chopp
Norfolk County

cc. Toby Barrett- MPP Haldimand-Norfolk
Diane Finley – MP Haldimand-Norfolk
All Ontario Municipalities

Submission Debbie France Cannabis Reference Material

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- 7) Police Intervention – raids involving production exceeding limits
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- 9) Federal MP's who are actively requesting Health Canada to solve Cannabis issue
- 10) Municipal guide to Cannabis legislation (by FCM)
- 11) The final report of the task force on Cannabis legalization and regulation
- 12) Municipalities who have refused requests for exceptions to bylaws
- 13) Court cases - Bylaw violation
- 14) Nuisance bylaw amendment - Cannabis Odour
- 15) Municipalities that have requested assistance from Province

Note: The list of links in this document is a small representation of information mostly connected to news articles that show there are significant issues connected to Marijuana Cultivation in Agricultural areas throughout the Province of Ontario. We encourage anyone viewing this document to search and reach out in their municipality to discover how the issues are unfolding in the Municipality they call home. Further investigation is likely to uncover similar issues in areas throughout the Province of Ontario and across the Country. We expect that further investigation is likely to uncover other elected officials who have been actively trying to find solutions for the constituents they were elected to serve. We encourage anyone viewing this information to connect with the author of the letter that accompanies this list or they can email their contact information and concerns to debbiefrance@live.ca and a representative of this group will reply to help address their concerns.

Cannabis Articles

1) *General knowledge*

Article: Gaping hole in pot legislation is hitting Norfolk hard (Ontario Farmer Jan 24, 2020)
(Perhaps best article to understand entire issue)

<https://www.ontariofarmer.com/features/gaping-hole-in-pot-legislation-is-hitting-norfolk-hard/>

Article: Change is in the wind (Ontario Planners June 1, 2018)
(Outlines challenges for Municipalities from a planning perspective)

<https://ontarioplanners.ca/blog/planning-exchange/june-2018/change-is-in-the-wind>

Submission Debbie France Cannabis Reference Material

Article: Stench among concerns as Bradford council hears about cannabis cultivation in Holland Marsh (Barrie Today Jun 14, 2020)

(Outlines common complaints amongst those living nearby grow ops)

<https://www.barrietoday.com/local-news/bradford-council-hears-from-public-about-cannabis-cultivation-in-holland-marsh-2433271>

Article: County council concerned by marijuana licences (Belleville Intelligencer June 25, 2020)

<https://www.intelligencer.ca/news/local-news/county-council-concerned-by-marijuana-licences>

2) Cannabis land use reports

Article: Final Land Use Study on Cannabis Production in The Town of Pelham

(Explains potential issues between Municipal By-laws & Farm & Food Protection Act relating to Cannabis) Review sections... 3.1, 3.2, 3.3, 3.5, 3.7 to understand potential issues

<https://pelham-pub.escribemeetings.com/filestream.ashx?DocumentId=21743>

3) Municipalities not permitting Cannabis grow ops on agricultural lands

Article: Brighton sets limits on where cannabis production facilities can locate (Northumberland news Apr 9, 2019)

<https://www.northumberlandnews.com/news-story/9274359-brighton-sets-limits-on-where-cannabis-production-facilities-can-locate/>

Article: Prime agricultural land no place for cannabis, Oro-Medonte coalition says (Simcoe May 31, 2020)

<https://www.simcoe.com/news-story/10001301-prime-agricultural-land-no-place-for-cannabis-oro-medonte-coalition-says/>

4) Municipal Panel & Roundtable Discussion with Local & Provincial Law Enforcement

Article: East Gwillimbury Cannabis Production Facilities Panel Discussion OPP & YRP discuss organized crime's active involvement in Cannabis production and the risks that it poses to residents (YouTube video)

<https://youtu.be/Oisv7MEIV14>

Article: Hastings-Lennox & Addington Roundtable on Illicit Cannabis Operations – Fed MP Derek Sloan

<https://www.facebook.com/watch/?v=3216967588368948&extid=jTObBPn7swAbfxrz>

5) Police Intervention - Police shut down massive illegal cannabis operation, seize more than 100k plants (CBC News Aug 21, 2020)

Article: <https://www.cbc.ca/news/canada/hamilton/project-woolwich-cannabis-niagara-1.5695691>

6) Police Intervention - Cannabis production allegedly fueling synthetic drug production labs (Project Moon)

Article: More than \$45m in drugs and cash seized as twin drug gangs dismantled in York Region
(CP24 Aug 8, 2019)

<https://www.cp24.com/news/more-than-45m-in-drugs-and-cash-seized-as-twin-drug-gangs-dismantled-in-york-region-1.4541063>

7) Police Intervention – raids involving production exceeding limits

St. Catharines

Article: Niagara police bust \$34m illegal cannabis operation (Global News July 1, 2020)

<https://globalnews.ca/news/7128873/niagara-illegal-cannabis-grow-op/>

King Township

Article: Police seize \$4.7m in illegal drugs after search of former Joe’s Garden property in King
(York Region Oct 7, 2019)

<https://www.yorkregion.com/news-story/9633352-police-seize-4-7m-in-illegal-drugs-after-search-of-former-joe-s-garden-property-in-king/>

Article: 8 charged after \$400k worth of ‘excess cannabis’ found on King Township grow-op
(CBC News Oct 2, 2018)

<https://www.cbc.ca/news/canada/toronto/eight-charged-marijuana-trafficking-cannabis-farms-york-region-1.4847114>

Article: Police bust marijuana grow op in King Township worth \$6.5m, seize 4,000 plants
(CTV News Aug 3, 2018)

<https://toronto.ctvnews.ca/police-bust-marijuana-grow-op-in-king-township-worth-6-5m-seize-4-000-plants-1.4039863>

Stouffville

Article: Police bust cannabis grow op in excess of licence limits near Aurora
(YorkRegion Jan 29, 2019)

<https://www.yorkregion.com/news-story/9148816-police-bust-cannabis-grow-op-in-excess-of-licence-limits-near-aurora/>

8) Police Intervention - Cannabis busts at US/Canada border

Article: Canadian resident arrested in relation to massive cannabis bust at U.S. border
(Global News June 16, 2020)

<https://globalnews.ca/news/7070697/canadian-involved-significant-drug-seizure-u-s-border/>

9) Federal MP's mentioned in articles who are actively requesting Health Canada to solve Cannabis issue

Article: MP Finley brings the issue of unlicensed large-scale marijuana producers to Parliament (Norfolk Today July 27, 2020) - **Fed MP Diane Finley**
<https://www.norfolktoday.ca/2020/07/27/96986/>

Article: Stomp out cannabis criminality: Sloan (Quinte News July 2, 2020) - **Fed MP Derek Sloan**
<https://www.quintenews.com/2020/07/02/stomp-out-cannabis-criminality-sloan/>

Article: 'Stinks like 10000 skunks': Tottenham residents want more potent restrictions for medical-marijuana growers (Simcoe Feb 11, 2020) - **Fed MP Terry Dowdall**
<https://www.simcoe.com/news-story/9844540--stinks-like-10-000-skunks-tottenham-residents-want-more-potent-restrictions-for-medical-marijuana-growers/>

10) Municipal guide to Cannabis legislation (by FCM)

<https://fcm.ca/en/resources/municipal-guide-cannabis-legalization>

11) The final report of the task force on Cannabis legalization and regulation

<https://hoban.law/2017/01/the-final-report-of-the-task-force-on-cannabis-legalization-and-regulation/>

12) Municipalities who have refused requests for exceptions to bylaws

Article: Marijuana setback relief denied (Simcoe Reformer May 29, 2019)
<https://www.simcoereformer.ca/news/local-news/marijuana-setback-relief-denied>

Article: Council officially denies the marijuana micro-cultivation facility (NewTecTimes March 6, 2020)
<http://newtectimes.com/?p=24388>

13) Court cases - Bylaw/Zoning violations

Article: Cannabis producer pleads guilty to violating bylaw (Simcoe Reformer Feb 20, 2020)
<https://www.simcoereformer.ca/news/local-news/cannabis-producer-enters-guilty-plea>

Article: East Gwillimbury takes medical marijuana facility to court (York Region Aug 12, 2020)
<https://www.yorkregion.com/news-story/10134439-east-gwillimbury-takes-medical-marijuana-facility-to-court/>

14) Nuisance bylaw amendment - Cannabis odour

Article: Council enacts nuisance by-law addressing cannabis odour concerns

(Bradford Today Jun 19, 2020)

<https://www.bradfordtoday.ca/local-news/council-enacts-nuisance-by-law-addressing-cannabis-odour-concerns-2441245>

Article: Hamilton targets large-scale personal grow operations with nuisance bylaw amendment

(Global News Apr 23, 2020)

<https://globalnews.ca/news/6857506/city-of-hamilton-nuisance-bylaw-amendments-personal-grow-operations-cannabis/>

Article: Nuisance bylaw to deal with cannabis odour coming soon to Lincoln

(Niagara This Week Aug 3, 2020)

<https://www.niagarathisweek.com/news-story/10128119-nuisance-bylaw-to-deal-with-cannabis-odour-coming-soon-to-lincoln/>

Article: Pelham gives stamp of approval on odour bylaw to deal with cannabis operations

(Niagara This Week Mar 27, 2020)

<https://www.niagarathisweek.com/news-story/9918340-pelham-gives-stamp-of-approval-on-odour-bylaw-to-deal-with-cannabis-operations/>

Article: Niagara area town buys \$5,000 device to measure weed smell after repeated complaints from residents (Timmins Today Jul 7, 2020)

<https://www.timminstoday.com/around-ontario/ontario-niagara-area-town-buys-5000-device-to-measure-weed-smell-after-repeated-complaints-from-residents-2545977>

15) Municipalities that have requested assistance from Province

Article: Council supports request for more control over cannabis production in municipalities

(Bradford Today May 22, 2020)

<https://www.bradfordtoday.ca/local-news/council-supports-request-for-more-control-over-cannabis-production-in-municipalities-2366228>

Rob Baldwin to Lead Authority as New Chief Administrative Officer *Conservation efforts will continue unhindered during transition*

Lake Simcoe watershed, ON, November 18, 2020 - Lake Simcoe Region Conservation Authority (LSRCA) is pleased to announce that Robert (Rob) Baldwin will be taking the helm as Chief Administrative Officer (CAO) on January 1, 2021.

“I’m incredibly humbled to have this opportunity to take on the role of Chief Administrative Officer,” says Rob Baldwin. “Over the past two decades, I’ve been proud and inspired to have played an active role in the growth and emergence of the Authority as a leading environmental agency in Ontario, with worldwide recognition. Certainly, these are challenging times, but challenges also represent opportunities and I thank the Board of Directors for their confidence in me. I’m committed to working with staff and board members to continue to protect and restore this watershed for the benefit of all its inhabitants.”

For nearly two decades Rob has worked for the conservation authority in various business portfolios, while progressing to his most recent role as General Manager of Planning and Development and Watershed Restoration Services. In these roles he was responsible for leading a multidisciplinary team that implements Provincial and Authority policies and regulations with respect to development and infrastructure activities.

Most recently, he helped develop and has been implementing the Authority’s Ecological, Water Balance and Phosphorus Offsetting Programs with full industry support. These programs are the first of their kind in Canada, requiring developers to compensate for the environmental consequences of development activities on the land.

“On behalf of the board of directors, I want to congratulate Mr. Baldwin for successfully securing this senior leadership role at LSRCA. The field of competitors was of high caliber, and Rob rose to the top of the list with ease. We wish him every success in his new position, and we look forward to working with him and the entire LSRCA team in the coming years,” said York Region Chairman and CEO, Wayne Emmerson, Chair of LSRCA.

Outgoing Chief Administrative Officer, Mike Walters, who retires at the end of this year, echoed Chair Emmerson’s sentiments, adding that “Rob certainly has his work cut out for him, but I think a key success factor will be the fact that he brings tremendous experience and stability, both of which are critically important during these unique and challenging times.”

LSRCA’s mission is to work with our community to protect and restore the Lake Simcoe watershed by leading research, policy and action.

Photo attached: Robert Baldwin, LSRCA’s new CAO as of January 1, 2021

Media Contact: Susan Jagminas, Corporate Communications | e-mail: s.jagminas@LSRCA.on.ca
office: 1-800-465-0437 or 905-895-1281 extension 264 | mobile: 905-836-3469

Secretariat Office
468 Queen St E, Suite 400
Toronto, ON M5A 1T7
Phone: (416) 597 1266
Fax: (416) 597 8365
1 877 517 6527
www.chiefs-of-ontario.org



Political Office
PO Box 3355
Taykwa Tagamou Nation, ON
P0L 1C0
Phone: (705) 272 4103

November 4, 2020

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

Sent via email: premier@ontario.ca

Dear Premier,

Re: Duffins Creek Protected Wetlands located within Traditional and Treaty lands

This week is Treaty Awareness week. I want to bring to your attention the significance and importance of Treaties. We are all Treaty people. We all have an equal responsibility to uphold these sacred connections based on the original spirit of peace and friendship. Duffins Creek Protected Wetlands, which has been granted a Minister's Zoning Order (to fast track development) by your Minister of Municipal Affairs and Housing, happens to be located within the Traditional and Treaty lands of the Williams and Pre-confederation Treaties.

Today, I am writing to request that Ministers Clark and Yakabuski meet with the Chiefs whose Traditional and Treaty lands include Duffins Creek and protected wetlands. As you are well aware, Aboriginal and Treaty Rights are reaffirmed and protected by section 35 of the Canadian Constitution.

Ontario is covered by over 46 Treaties signed between the years 1781-1930. I will remind you that Treaties are contracts that include provisions, promises, relationships, and responsibilities between First Nations and the Crown. Treaties for First Nations are not just a contract but are rich cultural relationships with our languages, cultures, territories and identities. Treaties continue to be important today.

The 94 Calls to Action in the Truth and Reconciliation Commission (TRC) have a particularly important role in bridging the gap between First Nations and Governments today. Recognition of Indigenous rights and respect for our Treaties is at the heart of our relationship going forward and there are numerous tools with which we can move towards achieving a respectful relationship grounded in honouring Treaties and utilizing the TRC calls to action.

Premier, we have significant concerns from First Nations leadership regarding the protection of the environment, and we are seeking the immediate refusal for a Minister's Zoning Order within the protected wetlands, and resources to host meetings to ensure that Aboriginal and Treaty Rights are accommodated.

Here is a list of concerns with respect to the protection of the wetlands:

- The Lower Duffins Creek is a large wetland complex (over 20 hectares) that was designated a Provincially Significant Wetland by the Ministry of Natural Resources in 2005. It is a rare remnant of the coastal Great Lakes wetlands, rarer still by being located within a city. A request for a Ministerial Zoning Order (MZO) to allow the destruction of this protected wetland must be rejected.
- Wetlands such as these provide critical benefits to communities including flood mitigation, water filtration and groundwater recharge. They also have significant value for wildlife, fisheries and recreation.
- Ontario's Provincial Policy Statement prohibits all development and site alteration within provincially significant wetlands. It also prohibits development on adjacent lands. The requirement to ensure their protection is also included under the *Conservation Authorities Act*.
- Granting an MZO to bypass public participation and due process to rezone the Duffins Creek wetland complex would be incredibly short-sighted, undemocratic, and an infringement of section 35 and Treaty rights. Issuing this MZO will completely undermine public confidence in Ontario's wetland conservation program and commitments.
- The increased use of MZOs by this government is a disturbing abuse of power, especially when applied to override environmental protections.

As this is an extremely urgent matter, I would expect a response as soon as possible. Please contact my Executive Assistant, Shelley Stacey, at orcea@coo.org to schedule a meeting.

Ninanaskamon!

Wishing you Peace beyond all understanding,



Ontario Regional Chief RoseAnne Archibald

Copy: Chiefs of Ontario Leadership Council
Chief Laurie Carr, Hiawatha First Nation
Grand Chief Joel Abram, AIAI
The Honourable John Yakabuski, Ministry of Natural Resources and Forestry
Email: john.yakabuski@pc.ola.org
The Honourable Steve Clark, Ministry of Municipal Affairs and Housing
Email: steve.clark@pc.ola.org
The Honourable Greg Rickford, Minister of Indigenous Affairs Ontario
Email: greg.rickford@ontario.ca
Toronto Region Conservation Authority
Email: info@trca.ca



WILLIAMS TREATIES FIRST NATIONS

November 11, 2020

City of Pickering
Attention: Mayor David Ryan
One Esplanade
Pickering, ON
L1V 6K7

To Mayor Ryan:

I am writing on the request and approval by the Chiefs of the Williams Treaties First Nations. We are writing with great urgency in response to the recent news of the proposed development of the Pickering wetlands.

Reconciliation. This word has rolled off the tongues of Canadians so often over the last few years that people often forget its definition: *the act of restoring to harmony.*

As an initial attempt at reconciliation, the Mississauga's of Scugog Island First Nation (MSIFN) was recently invited by the City of Pickering to renew our relationship and fly our First Nation flag on its municipal campus. While we were pleased that the City of Pickering reached out to our MSIFN in an effort to a build stronger relationship with its local Indigenous community, we have come to realize that as a municipal government, the City completely missed the mark. On today's announcement of the wetland development in Pickering, the Williams Treaties First Nations want to state in no uncertain terms that Reconciliation must mean more than land acknowledgements and flag flying. To develop the Pickering wetland amounts to anything but restoring harmony to the land, or harmony to the relationship with the local Indigenous community.

Land acknowledgements are intended to acknowledge that the Indigenous first peoples have inhabited Canadian lands as self-governing Nations for millennia. However, land acknowledgements harness meaning only when they foster inclusion through mindful decision making on the part of those who recite them. As holders of Treaty and Aboriginal rights, it was devastating to learn that the City of Pickering plans to launch a large-scale development project on 57 protected acres of wetlands. Only a short time

since the release of a video on the City's pledge for reconciliation did the interested First Nations learn of the project - we were not consulted, nor asked to hold a seat at the decision-making table. Our ancestors have sought to protect these wetlands since the Gunshot Treaty of 1788 - there is a long history of our people serving as stewards of these lands. We hereby put the City on notice that the said wetlands are an Indigenous Protected Conserved Area (IPCA).

Destroying this land and water source is sending a message to First Nations. The message is that there is no respect, no regard for First Nations treaty rights, or any type of Reconciliation and that the City, and Province for that matter, feel that they have no obligation to consult with First Nations, even when the Courts have stated otherwise.

In honouring the Treaties that encompass Pickering lands, the Williams Treaties First Nations advise your Council to stop its development plan, and to reach out to the rights holders who have stewardship over the lands (and waters) you propose to develop. Meaningful consultation is required at the genesis of proposed project discussions. It is our position that the City of Pickering is without the right to engage such a development - this is a matter over which the Treaty signatories and federal ministries of Crown-Indigenous Relations, DFO, NRCAN, and the Toronto Region Conservation Authority would have carriage.

Baamaapii (until we meet again),



Chief Kelly LaRocca
Portfolio Chief for the Williams Treaties First Nations

Cc: Chief Laurie Carr, Hiawatha First Nation
Chief Emily Whetung, Curve Lake First Nation
Chief David Mowat, Alderville First Nation
Chief Donna Big Canoe, The Chippewas of Georgina Island First Nation
Chief Ted Williams, The Chippewas of Rama First Nation
Chief Guy Monague, Beausoliel First Nation

A
November 16, 2020 A

A
The Honourable Steve Clark A
Minister of Municipal Affairs and Housing A
Office of the Minister A
777 Bay Street, 17th Floor A
Toronto, Ontario M7A 2J3 A

A
Via Email A

A
Dear Minister Clark, A
A

RE: Issuance of Minister's Zoning Orders

A
We, the 96 undersigned organizations, are strongly opposed to the use of Ministerial A
Zoning Orders (MZOs) to over-ride policy protections for Provincially Significant A
Wetlands (PSWs) in Ontario. We ask that you revoke two recently issued MZOs that will A
lead to the destruction of PSWs in the cities of Vaughan and Pickering, and that you A
refrain from using MZOs for this purpose in the future. A

Wetlands are among the most productive and diverse habitats on Earth. They provide A
incalculable benefits for communities, including flood mitigation, water filtration, carbon A
sequestration, wildlife habitat, wild foods and medicines, recreational opportunities and A
more. They are also of immense economic value. For example, wetlands can reduce A
the financial costs of floods by up to 38 percent; in the Great Lakes region the benefits A
provided by wetlands are worth 13 to 35 times more than the cost of protecting or A
restoring them; and in southern Ontario alone wetlands provide over \$14 billion dollars A
in benefits every year. A

Provincial planning law and policy rightly prohibit development on wetlands that are A
deemed to be provincially significant. In fact, PSWs in southern Ontario enjoy the A
highest level of protection of any natural feature. Strict protection of PSWs is also a key A
component of the Ontario Government's *Land Conservation Strategy for Ontario, A
2017 – 2030*, which aims to achieve a net gain in wetland area and function by 2030. A
This approach was endorsed by the MNRF's multi-party Wetlands Conservation A
Strategy Advisory Panel in their 2018 report. This group included representatives from A
the development, agricultural, waterpower and municipal sectors. A

The use of MZOs to sidestep these protections and commitments is unacceptable. We A
are aware of two recent instances where such circumvention has occurred, setting a A
deeply troubling precedent. The first was an MZO to demolish three PSWs on A
agriculturally zoned land in Vaughan adjacent to a planned Walmart distribution facility. A
The second was an MZO to authorize the destruction of a large coastal PSW in A
Pickering to make room for a warehousing facility. As is typically the way with MZOs, A

there was no public notice and no opportunity for public comment in either case. A
Further, these zoning orders are not subject to appeal. A

A
In issuing these MZOs, we believe that the Ontario government failed in its Treaty A
obligations and constitutional duty to consult with affected First Nations. The duty to A
consult arises from s.35 of the *Constitution Act, 1982* and is triggered whenever the A
Crown has either constructive or real knowledge of the potential existence of an
Aboriginal right or title and contemplates conduct that may adversely affect it. Further, A
issuing MZOs without proper consultation is inconsistent with the spirit and intent of the A
revised Provincial Policy Statement 2020 whereby planning authorities must “engage A
with Indigenous communities and coordinate on land use planning matters.” Your A
ministry must recognize Indigenous rights and fulfill its duty to consult. A

A
Ontarians can and should play a meaningful role in planning processes that affect their A
communities. Public participation is vital to ensuring that decisions are in the public A
interest. Yet MZOs eliminate this possibility, allowing deals to be cut with developers A
behind closed doors, without public scrutiny or input. Such lack of accountability is A
highly objectionable, paving the way, in this case, for the loss of wetlands that are A
critical to building community resilience in an era of climate change. A

A
We urge you to cease using MZOs to sidestep policies that protect Ontario’s natural A
areas and farmland and to reaffirm your government’s commitment to respecting and A
upholding protections for all PSWs in Ontario. A

A
Yours sincerely, A
A

Caroline Schultz
Executive Director
Ontario Nature



Tim Gray
Executive Director
Environmental Defence



David Miller
Executive Director
Algonquin to Adirondacks
Collaborative



Liz White
Director
Animal Alliance of Canada



Debra Sherk
President
Bert Miller Nature Club



Gregor Beck
Ontario Director
Birds Canada



Norman Wingrove, CPA, CMA
Acting President and
Secretary-Treasurer
Blue Mountain Watershed
Trust Foundation



Tom Wilson
President
Garden Field Naturalists



John McDonnell
Executive Director
CPAWS Ottawa Valley
Chapter



Lois Gillette
President
Durham Regional Field
Naturalists



Patricia McGorman
President
Canada South Land Trust



Paul Berger
Meetings' Chair
Citizens United for a
Sustainable Planet



Janet Sumner
Executive Director
CPAWS Wildlands League



Dale MacKenzie
Co-Chair
Eagle Lake Farabout
Peninsula Coalition



Raj Gill
Great Lakes Program
Director
Canadian Freshwater
Alliance



J. Bruce Craig
Chair
Concerned Citizens of King
Township



Rachel Plotkin
Boreal Program Manager
David Suzuki Foundation



Hannah Barron
Director, Wildlife
Conservation Campaigns
Earthroots



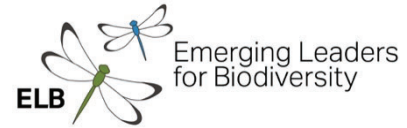
Paul Mero
Executive Director
EcoSpark



Steven Simpson
Past President
Eden Mills Eramosa River
Conservation Association



Thomas McAuley-Biasi
Chair
Emerging Leaders for
Biodiversity



Lynda Lukasik
Executive Director
Environment Hamilton



Richard Bowering
Director-at-Large
Friends of Minesing
Wetlands



John Diebolt
Chair
Friends of Misery Bay



Susan Moore
President
Friends of Salmon River



Wioletta Walancik
Administrative & Programs
Director
Friends of Second Marsh



Jim Robb
General Manager
Friends of the Rouge
Watershed



Bill Lougheed
Executive Director
Georgian Bay Land Trust



Paul Heaven
Wildlife Biologist
Glenside Ecological Services
Limited



Bryan Smith
President
Gravel Watch Ontario



Richard Witham

Chair
Greater Sudbury Watershed
Alliance



Jennifer Court

Executive Director
Green Infrastructure Ontario
Coalition



Don Scallen

Past President
Halton/North Peel Naturalist
Club



Karen Yukich

Co-Chair
High Park Nature



Peter Krats

President
Ingersoll District Nature
Club



Eric Davis

Director
Kawartha Field Naturalists



Dr. Ken Edwards

President
Kingston Field Naturalists



Max Morden & James Corcoran

Co-Chairs
Lakeshore Eco-Network



Lakeshore Eco-Network

Nancy Vidler

Chair
Lambton Shores Phragmites
Community Group



Mike Kent & Mary Martin

Co-Presidents
Lambton Wildlife



Mary Delaney

Chair
Land Over Landings



Janet McKay

Executive Director
LEAF (Local Enhancement
and Appreciation of Forests)



Karen Brown

Chair
Leeds Grenville Stewardship
Council



Marcel Bénéteau

President
Manitoulin Nature Club



Susan Hirst

President
Midland-Penetanguishene
Field Naturalists Club



Bruce Wilson

Acting President
Nature Barrie



Gauri Sreenivasan

Director of Policy
Nature Canada



Rose Feather

President
Nature League



Gordon Neish

President
Nature London



Joyce Sankey

Conservation Director
Niagara Falls Nature Club



Dorothy Wilson

Communications Officer
Nith Valley EcoBoosters



Harold Smith

Former Co-President
North American Native Plant
Society



Cara Gregory

President
North Durham Nature



Jack Gibbons

Chair
North Gwillimbury Forest
Alliance



North
Gwillimbury
Forest Alliance

Brennain Lloyd
Project Coordinator
Northwatch



Kate MacNeil
Executive Director
Ottawa-Carleton Wildlife
Centre



Lori Leblanc
Secretary
Oxford Coalition for Social
Justice



Marg Reckahn
President
Penokean Hills Field
Naturalists



Steve Hounsell
Chair
Ontario Biodiversity Council



Diane Lepage
President
Ottawa Field-Naturalists Club



David Bywater
President
Parry Sound Nature Club



Rene Gareau, President
Steve Paul, Ontario Nature
representative
Peterborough Field
Naturalists



Linda Heron
Chair
Ontario Rivers Alliance



Tom Manley
President
Otter Valley Naturalists



Bob Highcock
President
Peninsula Field Naturalists



Steve LaForest
President
Pickering Naturalists



Dr. John Bacher

Researcher
Preservation of Agricultural
Lands Society



Preservation of Agricultural Lands
Society

Sandra Dowds

President
Prince Edward County Field
Naturalists



Lenka Holubec

Member
ProtectNatureTO



George Thomson

President
Quinte Field Naturalists



Brenda Lorenz

Committee Member
Sarnia Environmental
Advisory Committee

Angus Inksetter

President
Saugeen Nature



Dave Euler

President
Sault Naturalists



Debbie Gordon

Director
Save the Maskinonge



Paul Harpley

President
South Lake Simcoe
Naturalists



Mark Cranford

President
South Peel Naturalists' Club



Mark Bisset

Executive Director
The Couchiching
Conservancy



Bill Roesel

President
The Friends of Ojibway
Prairie



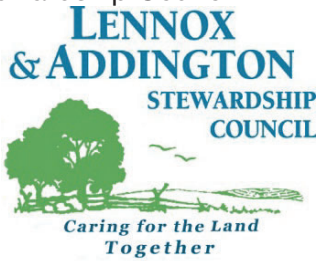
Isabella Rombach

Co-Chair
The Huronia Land
Conservancy



Marilyn Murray

Chair
The Lennox and Addington
Stewardship Council



Otto Peter

President
Thickson's Woods Land
Trust



Michael Polanyi

Climate Campaigner
Toronto Environmental
Alliance



Ellen Schwartzel

President
Toronto Field Naturalists



Justin Peter

President
Toronto Ornithological Club



Raymond Metcalfe

President
Upper Ottawa Valley Nature
Club

David Gascoigne

President
Waterloo Region Nature



Arlene Slocombe

Executive Director
Wellington Water Watchers



Katie Krelove

Ontario Campaigner
Wilderness Committee



Gloria Marsh

Executive Director
York Region Environmental
Alliance



Rick Berry

President
York Simcoe Nature Club



Miranda Virtanen

Executive Director
Junction Creek Stewardship
Committee

*Junction Creek
Stewardship Committee*



Margaret Prophet

Executive Director
Simcoe County Greenbelt
Coalition



Dana Tuju

Communications
Coordinator
Ramara Legacy Alliance



Ramara
Legacy
Alliance

Lisa Kohler

Executive Director
Halton Environmental
Network



Raymond Metcalfe

President
Four Seasons Conservancy



Bruce Thacker

President
Thunder Bay Field Naturalists



A

A

Cc. A The Honourable John Yakabuski, Minister of Natural Resources and Forestry A
The Honourable Rod Phillips, Minister of Finance A