



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### March 15, 2019

#### **Information Reports**

[2019-INFO-17](#) Commissioner of Planning and Economic Development – re: Monitoring of Land Division Committee Decisions of the February 11, 2019 Meeting

#### **Early Release Reports**

There are no Early Release Reports

#### **Staff Correspondence**

1. [Letter from Elaine Baxter-Trahair, CAO](#) to Michael Helfinger, Intergovernmental Policy Coordination Unit, Ministry of Economic Development, Job Creation and Trade – re: ERO#013-4293 Bill 66, Restoring Ontario's Competitiveness Act, 2018
2. [Letter from Elaine Baxter-Trahair, CAO](#) to Ken Petersen, Manager, Provincial Planning Policy Branch, Local Government and Planning Policy Division, Ministry of Municipal Affairs – re: Environmental Registry of Ontario Numbers 013-4293, 013-4125, and 013-4239 regarding Bill 66 (Schedule 10) – Proposed Amendments to the Planning Act and Open for Business Planning Tool and Regulation

#### **Durham Municipalities Correspondence**

1. [Town of Ajax](#) – re: Resolution passed by Ajax Council at its meeting held on February 25, 2019 regarding Westney Road/Millington Crescent Signalization
2. [Town of Whitby](#) – re: Resolution passed at their Council meeting held on March 4, 2019, regarding Planning and Development Department Report, PL 28-19, Amendment #1 to Growth Plan for the Greater Golden Horseshoe (2017)
3. [Town of Whitby](#) – re: Resolution passed at their Council meeting held on March 4, 2019, regarding the Government of Ontario Regional Review
4. [City of Oshawa](#) – re: Resolution passed at their Council meeting held on March 4, 2019, regarding City Comments on the Government of Canada's Intent to Amalgamate the Oshawa and Hamilton Port Authorities to Form a New Entity

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

1. [City of Quinte West](#) – re: Resolution passed at their Council meeting held on March 4, 2019, regarding Bottled Water
2. [City of Guelph](#) – re; Resolution passed at their Council meeting held on February 25, 2019, regarding Maintaining the Voters' List for Municipal Elections

### **Miscellaneous Correspondence**

1. [Honourable Erin O'Toole, P.C., C.D., Member of Parliament](#), writing to the Honourable Marc Garneau, MP, Minister of Transportation – re: The proposed Amalgamation of the Oshawa and Hamilton Port Authorities
2. [Lake Simcoe Region Conservation Authority \(LSRCA\)](#) – re: LSRCA's Municipal Stormwater Management Workshop – March 1, 2019 - Presentations

### **Advisory Committee Minutes**

There are no Advisory Committee Minutes

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

Notice regarding collection, use and disclosure of personal information:

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



# The Regional Municipality of Durham Information Report

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From: Commissioner of Planning and Economic Development  
Report: [#2019-INFO-17](#)  
Date: March 15, 2019

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**Subject:**

Monitoring of Land Division Committee Decisions of the February 11, 2019 Meeting

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 This report summarizes decisions made by the Land Division Committee<sup>1</sup> at its meeting of February 11, 2019 (see Attachment 1). The approved applications conform to the Durham Regional Official Plan. No appeals are recommended.

**2. Distribution**

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

**3. Attachments**

Attachment #1: Monitoring Chart for the February 11, 2019 Meeting

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

Respectfully submitted,

Original signed by

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



## Attachment 1: Monitoring of Land Division Committee Decisions for the Meeting Date of Monday, February 11, 2019

Appeal Deadline: Tuesday, March 12, 2019

LD File Number	Owner	Location	Nature of Application	Regional Official Plan	LDC Decision
LD 008/2019	Smith, Ruby Irene	Part lot 11, Conc. 8 City of Oshawa	Consent to add a vacant 1,676.24 m <sup>2</sup> non-farm related rural residential parcel of land to the south, retaining a 6,433.57 m <sup>2</sup> non-farm related rural residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously
LD 009/2019	Jones, Paul Jones, Benita	Part lot 14, Conc. 1 Town of Ajax	Consent to sever a vacant 514.6 m <sup>2</sup> residential parcel of land, retaining a 514.7 m <sup>2</sup> residential parcel of land with an existing dwelling to be demolished.	Conforms	Denied unanimously
LD 010/2019	Smith, David Andrew Smith, James Clifford	Part lot 12, Conc. 2 Twp. of Brock	Consent to add a vacant 4.281 ha non-farm related rural residential parcel of land to the west, retaining a 0.778 ha non-farm related rural residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously
LD 011/2019	Smith, Robert James Smith, Marilynn	Part lot 12, Conc. 2 Twp. of Brock	Consent to add a 0.031 ha vacant non-farm related rural residential parcel of land to the north, retaining a 1.576 ha non-farm related rural residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously

<b>LD File Number</b>	<b>Owner</b>	<b>Location</b>	<b>Nature of Application</b>	<b>Regional Official Plan</b>	<b>LDC Decision</b>
LD 012/2019	McLean, Mike	Part lot 29, Conc. BFC Town of Whitby	Consent to sever a vacant 1.771 ha residential parcel of land, retaining a vacant 1.677 ha residential parcel of land for future development. Application includes easements.	Conforms	Approved unanimously
LD 013/2019	Bisschop, Jake Bisschop, Barbara	Part lot 10, Conc. 11 Twp. of Scugog	Consent to sever a vacant 4,649 m2 non-farm related rural residential parcel of land, retaining a 3 ha non-farm related rural residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously
LD 014/2019	Bisschop, Jake Bisschop, Barbara	Part lot 9, 10, Conc. 11 Twp. of Scugog	Consent to sever a vacant 4,823 m2 non-farm related rural residential parcel of land, retaining a 3 ha non-farm related rural residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously

**Afreen Raza**

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

**Importance:** High

**From:** Tina Lee **On Behalf Of** CAO  
**Sent:** Friday, January 18, 2019 2:32 PM  
**To:** [michael.helfinger@ontario.ca](mailto:michael.helfinger@ontario.ca)  
**Cc:** Christine Drimmie <[Christine.Drimmie@Durham.ca](mailto:Christine.Drimmie@Durham.ca)>; Ralph Walton <[Ralph.Walton@durham.ca](mailto:Ralph.Walton@durham.ca)>  
**Subject:** ERO#013-4293 Bill 66, Restoring Ontario's Competitiveness Act, 2018

Sending on behalf of Elaine Baxter-Trahair, Chief Administrative Officer:

Please find attached correspondence from the Region of Durham. A hard copy will follow in the mail.

**Tina Lee**  
**Executive Assistant to the Chief Administrative Officer**  
Regional Municipality of Durham  
Office of the Regional Chair and Chief Administrative Officer  
605 Rossland Rd. E. | P.O. Box 623 | Whitby, ON L1N 6A3  
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[durham.ca](http://durham.ca)

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**C.S. - LEGISLATIVE SERVICES**

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January 18, 2019

**The Regional  
Municipality  
of Durham**

Office of the Chief  
Administrative Officer

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

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

Via email: [Michael.Helfinger@ontario.ca](mailto:Michael.Helfinger@ontario.ca)

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

Dear Mr. Helfinger:

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elaine Baxter-Trahair". The signature is fluid and cursive, with a long horizontal stroke at the end.

Elaine Baxter-Trahair  
Chief Administrative Officer

cc Ralph Walton, Regional Clerk, Region of Durham

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

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

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

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

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

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

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



## The Regional Municipality of Durham Report

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

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**Subject:**

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

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**Recommendations:**

That the Committee of the Whole recommends to Regional Council:

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

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

**Report:****1. Purpose**

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

**2. Background**

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

the ERO postings.

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

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

### **4. Schedule 2: Ministry of the Attorney General**

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

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

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

## 5. Schedule 3: Ministry of Education

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

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

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

**6.**

**Schedule 4:**

**Ministry of Energy, Northern Development and Mines**

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

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

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

the Canadian Environmental Protection Act, 1999 (CEPA 1999)”<sup>1</sup>.

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

## **8. Schedule 6: Ministry of Finance**

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

## **9. Schedule 7: Ministry of Government and Consumer Services**

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

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

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

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

[http://www.auditor.on.ca/en/content/annualreports/arreports/en18/v1\\_313en18.pdf](http://www.auditor.on.ca/en/content/annualreports/arreports/en18/v1_313en18.pdf)

<sup>3</sup> Ibid.

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

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

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

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

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

## **11. Schedule 9 – Ministry of Labour**

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

## **12. Schedule 10 – Ministry of Municipal Affairs and Housing**

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

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

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

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

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

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

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

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

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

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

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

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

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

applications. Applicants also benefit from early information on such matters as site conditions, servicing, transportation or other matters that may affect the proposal.

**Therefore, the Region recommends that preconsultation should be a requirement to ensure timely information sharing. Similarly, applications filed under this process should include complete information as determined by the area municipality to enable informed decision making.**

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

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

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

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

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

- e. It is uncertain how or where the proposed legislation would be used by area municipalities or how its ultimate effectiveness will be gauged. **It is therefore recommended that the Province impose a time limit on the tools and require a formal review within three years of it coming into full force and effect.**

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

### **13. Schedule 12 - Ministry of Transportation**

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

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

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

#### **14. Conclusion**

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

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

Recommended for Presentation to Committee

Original Signed By:

---

Elaine Baxter-Trahair  
Chief Administrative Officer

**Afreen Raza**

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

**From:** Tina Lee **On Behalf Of** CAO  
**Sent:** Friday, January 18, 2019 2:32 PM  
**To:** [ken.petersen@ontario.ca](mailto:ken.petersen@ontario.ca); [planningconsultation@ontario.ca](mailto:planningconsultation@ontario.ca)  
**Cc:** Christine Drimmie <[Christine.Drimmie@Durham.ca](mailto:Christine.Drimmie@Durham.ca)>; Ralph Walton <[Ralph.Walton@durham.ca](mailto:Ralph.Walton@durham.ca)>  
**Subject:** Environmental Registry of Ontario Numbers 013-4293, 013-4125 and 013-4239) regarding Bill 66 (Schedule 10) - Proposed Amendments to the Planning Act and Open-for-Business Planning Tool and Regulation

Sending on behalf of Elaine Baxter-Trahair, Chief Administrative Officer:

Please find attached correspondence from the Region of Durham. A hard copy will follow in the mail.

**Tina Lee**  
**Executive Assistant to the Chief Administrative Officer**

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January 18, 2019

**The Regional  
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of Durham**

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**Elaine Baxter-Trahair**  
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Chief Administrative Officer

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

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Dear Mr. Petersen:

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

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

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

We appreciated the opportunity to comment.

Respectfully submitted,



Elaine Baxter-Trahair  
Chief Administrative Officer

cc Ralph Walton, Regional Clerk, Region of Durham

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

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

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

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

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

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

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



## The Regional Municipality of Durham Report

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

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**Subject:**

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

---

**Recommendations:**

That the Committee of the Whole recommends to Regional Council:

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

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

**Report:****1. Purpose**

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

**2. Background**

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

the ERO postings.

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

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

### **4. Schedule 2: Ministry of the Attorney General**

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

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

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

## 5. Schedule 3: Ministry of Education

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

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

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

**6.**

**Schedule 4:**

**Ministry of Energy, Northern Development and Mines**

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

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

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

the Canadian Environmental Protection Act, 1999 (CEPA 1999)”<sup>1</sup>.

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

## **8. Schedule 6: Ministry of Finance**

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

## **9. Schedule 7: Ministry of Government and Consumer Services**

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

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

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

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

[http://www.auditor.on.ca/en/content/annualreports/arreports/en18/v1\\_313en18.pdf](http://www.auditor.on.ca/en/content/annualreports/arreports/en18/v1_313en18.pdf)

<sup>3</sup> Ibid.

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

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

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

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

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

## **11. Schedule 9 – Ministry of Labour**

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

## **12. Schedule 10 – Ministry of Municipal Affairs and Housing**

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

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

12.2 In support of the changes to the Planning Act proposed in Schedule 10, the MMAH also released for public review and comment:

- a. a proposed open-for-business planning tool (ERO #013-4125), and
- b. proposal that contemplates new regulations under the Planning Act to support the open-for-business planning by-law (ERO # 013-4239). The regulation has not yet been drafted.

12.3 An open-for-business planning by-law could be used only for a site-specific development proposal that meets certain criteria. The ERO posting on the proposed regulation indicates that a proposal must:

- a. be for a new major employment use;
- b. provide evidence that it would meet the minimum job creation threshold (e.g. 50 jobs in a municipality under 250,000 population, or 100 jobs in a municipality of greater than 250,000 population);
- c. be for lands and buildings that are primarily for manufacturing or research and development uses, but not for residential, commercial (personal services, etc.) or retail (sale of goods) as a primary use.

12.4 As proposed, prior to passing an open-for-business planning by-law, the local municipality would need to obtain written approval from the Minister of Municipal Affairs and Housing and demonstrate that any prescribed criteria have been satisfied.

12.5 According to the material provided, the process is intended to:

- Allow a local municipality to permit the use without having to adhere to existing local requirements (such as an official plan or zoning by-law);
- Enable an abbreviated approval process for the proposal instead of the full requirements for site plan approval;
- Allow the local municipality to impose a limited set of planning-related conditions e.g., approval of plans and drawings that show site plan matters (transportation access, lighting, parking, etc.) and enter into agreements to ensure development conditions are secured;
- Allow public consultation at the discretion of the municipality, while requiring public notice after the by-law is passed (at a minimum);
- Provide that decisions are final and cannot be appealed to the Local Planning Appeal Tribunal but allows the Minister of Municipal Affairs and Housing to

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

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

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

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

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

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

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

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

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

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

applications. Applicants also benefit from early information on such matters as site conditions, servicing, transportation or other matters that may affect the proposal.

**Therefore, the Region recommends that preconsultation should be a requirement to ensure timely information sharing. Similarly, applications filed under this process should include complete information as determined by the area municipality to enable informed decision making.**

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

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

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

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

### **13. Schedule 12 - Ministry of Transportation**

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

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

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

#### **14. Conclusion**

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

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

Recommended for Presentation to Committee

Original Signed By:

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Elaine Baxter-Trahair  
Chief Administrative Officer



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March 11, 2019

Mr. Ralph Walton, Regional Clerk  
Regional Municipality of Durham  
605 Rossland Rd. E.  
Whitby, ON  
L1N 6A3

Re: Westney Road/Millington Crescent Signalization

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Mr. Walton,

Please be advised that the following resolution was adopted by the General Government Committee of the Town of Ajax at its Capital Budget Meeting of February 11, 2019, and endorsed by Ajax Council at its Meeting held February 25, 2019:

ETP027 Westney Road/Millington Crescent Signalization

1. That Council amend Project Number ETP027 Westney Road/Millington Crescent Signalization as follows:
  - a. Advance project from 2023 to 2019
  - b. Amend project scope to reflect the design of safety improvements and traffic signals for Westney Road / Millington Crescent intersection
  - c. Revise costs to the amount of \$50,000, to be funded from the Development Reserve
2. That the 2019 design recommendations and associated costs inform the 2020 capital budget process, for inclusion of construction of safety improvements and signalization for the Westney Road / Millington Crescent intersection.
3. **That Staff be directed to work with the Region as required for the design of safety improvements and traffic signals, for the Westney Road / Millington Crescent intersection.**

If you require further information please contact me directly.

Sincerely,

Alexander Harras  
Manager of Legislative Services/Acting Clerk  
T: 905-619-2529 x 3342  
E: [alexander.harras@ajax.ca](mailto:alexander.harras@ajax.ca)

Cc: S. Siopis, Commissioner of Works, Region of Durham



## Town of Whitby

### Office of the Town Clerk

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March 8, 2019

Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17th Floor  
Toronto, ON M5G 2E5  
E-mail: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Re: Planning and Development Department Report, PL 28-19  
Amendment #1 to Growth Plan for the Greater Golden Horseshoe (2017)

Please be advised that at a meeting held on March 4, 2019 the Council of the Town of Whitby adopted the following as Resolution #84-19:

1. That the comments contained in Report PL 28-19 be forwarded to the Ministry of Municipal Affairs and Housing as the Town of Whitby's comments on Proposed Amendment #1 to the Growth Plan for the Greater Golden Horseshoe with special emphasis on the Town's request that the province expand the designation of provincially significant employment zones to include Prestige Industrial and General Industrial designated lands along Highways 412 and 407; and,
2. That a copy of Council's resolution and Report PL 28-19 be sent to the Region of Durham and the other area municipalities in Durham Region.

A copy of the above noted resolution and Report 28-19 were also submitted electronically to [growthplanning@ontario.ca](mailto:growthplanning@ontario.ca).

Should you require further information, please do not hesitate to contact the Planning and Development Department at 905-430-4306.

Christopher Harris  
Town Clerk

Copy: Brian Bridgeman, Commissioner of Planning and Economic Development  
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R. Saunders, Commissioner of Planning and Development

Attach. PL 28-19



# Town of Whitby Staff Report

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

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**Report Title: Amendment #1 to Growth Plan for the Greater Golden Horseshoe (2017)**

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**Report to: Committee of the Whole**

**Date of meeting:** February 25, 2019

**Report Number:** PL 28-19

**Department(s) Responsible:**

Planning and Development Department

**Submitted by:**

R. Saunders, Commissioner of Planning and Development

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

**For additional information, contact:**

Susan McGregor, Principal Planner, ext. 2282

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## 1. Recommendation:

1. That the comments contained in Report PL 28-19 be forwarded to the Ministry of Municipal Affairs and Housing as the Town of Whitby's comments on Proposed Amendment #1 to the Growth Plan for the Greater Golden Horseshoe; and
2. That a copy of Council's resolution and Report PL 28-19 be sent to the Region of Durham and the other area municipalities in Durham Region.

## 2. Highlights:

- The Ministry of Municipal Affairs and Housing has released proposed amendments to the Growth Plan for the Greater Golden Horseshoe, 2017 seeking feedback by February 28, 2019.
- The changes proposed address intensification and greenfield density targets, Major Transit Station Area boundaries, employment area conversions, settlement area expansions, and other matters.
- The Province is also seeking input on the mapping of provincially significant employment zones.

### 3. Background:

The Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan) came into effect on July 1, 2017, replacing the Growth Plan for the Greater Golden Horseshoe, 2006. The Growth Plan sets out the Province's framework for growth management in the Greater Golden Horseshoe area, with an emphasis on achieving complete communities, prioritizing intensification and higher densities, supporting employment, supporting housing options, integrating land use planning with infrastructure investment, and protecting the natural heritage system and prime agricultural areas.

On January 15, 2019, the Province released Proposed Amendment #1 to the Growth Plan, seeking feedback by February 28, 2019. The purpose of this report is to provide an overview of the key changes proposed and comments to provide as a response to the Province.

### 4. Discussion:

The Proposed Amendment #1 to the Growth Plan (the Proposed Amendment) addresses several sections of the Growth Plan. Many changes are housekeeping in nature, improve or streamline the policy language or update references to matters already implemented. Those changes are not discussed in this report.

Attachment 1 provides an overview of the Proposed Amendment prepared by the Ministry of Municipal Affairs and Housing. The Proposed Amendment and additional information is available on the Province's website at: [www.mah.gov.on.ca/Page20926.aspx](http://www.mah.gov.on.ca/Page20926.aspx).

The following highlights the key proposed changes that have implications for the Town of Whitby including comments as applicable.

#### 4.1 Intensification Targets and Designated Greenfield Area Density Targets

The Proposed Amendment simplifies and relaxes the more stringent intensification and greenfield density targets of the 2017 Growth Plan. The Growth Plan currently requires that municipalities maintain their current intensification target (45% of new units annually in the designated built-up area in Whitby's case) until the next Municipal Comprehensive Review (MCR) by the Region. After that, it would be increased to at least 50% by 2031 and at least 60% after 2031. The Proposed Amendment would cap the intensification target at 50% in certain municipalities including Durham Region, following the next Regional MCR.

With respect to the density target for greenfield areas, the Growth Plan currently requires existing designated greenfield lands to maintain the minimum density target (50 people and jobs per hectare) until the next Regional MCR, then increase the density to 60 people and jobs per hectare. For lands that are not already designated in Official Plans (OP), the required density target would be 80 people and jobs per hectare. In the case of Whitby, this 80 people and jobs per hectare target would apply to the "deferred lands" in the northwest Brooklin area that are

not yet approved for urban land uses in the Regional or Whitby Official Plans. The Proposed Amendment has different targets for different parts of the Greater Golden Horseshoe and maintains the minimum 50 people and jobs per hectare target for certain municipalities, including Durham Region.

The proposed changes to the Growth Plan are supported because they better reflect the diverse conditions and market demand throughout the Greater Golden Horseshoe and provide a range of targets depending on location. The density expectations for Durham Region are less than they are for Hamilton, Peel, York or Waterloo, but higher than they are for more distant areas in the "outer ring," such as the City of Kawartha Lakes and the Counties of Northumberland and Peterborough. If approved, the downwardly adjusted targets would be reflected in the Region's MCR as it assigns intensification and density targets to the area municipalities.

#### **4.2 Major Transit Station Areas**

The Proposed Amendment maintains the minimum density target of 150 residents and jobs combined per hectare for Major Transit Stations served by the GO Transit rail network (eg. the lands around the Whitby GO Station). However, it adds a policy that enables some flexibility in setting a lower target where the Major Transit Station area has restrictions that would prohibit or limit development. The Proposed Amendment also enables the delineation of the Major Transit Station Area in the upper tier official plan before the next MCR.

In Whitby's case, there is the ability to meet the density target through development occurring on the GO Station site and through existing and future development in the vicinity of the Station. The Whitby OP contains intensification policies for high density mixed-use development to support the transit function of the Major Transit Station Area, including within the Port Whitby Secondary Plan. The OP also provides for higher order industrial uses and expansion of post-secondary educational uses in proximity of a future Major Transit Station in Oshawa. Staff are currently working with Regional staff to define appropriate boundaries for the Major Transit Station Area through the Region's ongoing MCR.

#### **4.3 Employment Areas**

The Proposed Amendment includes a number of changes to the Employment Area policies in the Growth Plan.

The Proposed Amendment would allow for new employment area designations to be incorporated into upper and single-tier official plans by amendment in advance of the next MCR. It also allows for lands within existing employment areas to be converted to a designation that permits non-employment uses prior to the next MCR provided it meets certain criteria and would maintain a significant number of jobs on those lands. (The Growth Plan currently only allows such conversions to happen through a MCR.)

The intention to allow conversion of employment lands prior to an MCR is not supported. There are considerable pressures by landowners to convert employment lands for primarily residential and commercial land uses, as these uses are more marketable in the short term. However, conversions erode the ability of the municipality to maintain an adequate employment land supply for the long term, particularly for lands that have locational advantages for industry and business (e.g. adjacent 400 series highways). The current requirement that conversion only be considered during a MCR when a full review of land supply and land need can be undertaken enables municipalities to manage these pressures. The proposed policy would open the door to a host of employment land conversion requests before a comprehensive analysis can be undertaken. It is noted that the consideration of conversion in advance of the MCR would **not** require a demonstration that the lands are not required over the horizon of the Growth Plan for the employment purposes for which they are designated, **nor** would it require a demonstration that the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of the Growth Plan, as is currently required by the Growth Plan. Without this critical analysis, typically undertaken through an MCR at the Regional level, the efforts by municipalities to protect employment lands is undermined. It is unclear whether a conversion in advance of an MCR could be privately-initiated. Should the Proposed Amendment continue to allow conversion requests outside of an MCR, then it is recommended that such requests should only be municipally-initiated.

A new category of employment lands is proposed to be added, called "provincially significant employment zones" (PSEZ), that are identified by the Minister. Such lands are required to be protected through appropriate OP policies and designations. Furthermore, such lands cannot be converted to a non-employment use prior to the next MCR. If the above policy enabling conversion of employment lands prior to a MCR is removed from the Proposed Amendment, the need to include protections through this new classification seems unnecessary.

The references to the preparation of an employment strategy by upper- and single-tier municipalities is proposed to be removed. However, upper- and single-tier municipalities, in consultation with lower-tier municipalities, are still required to establish minimum density targets for all employment areas in OPs that reflect the current and anticipated type and scale of employment for the employment area, and reflect opportunities for intensification of employment areas.

New policies proposed which require clarification by the Province prior to approval of the Proposed Amendments, include the following:

- Policy 2.2.5.8: "The development of sensitive land uses over major retail uses or major office uses will avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment." It is unclear what this policy is intending, particularly since sensitive land uses are to be limited unless they are ancillary to the primary employment use and major

retail uses are to be prohibited or limited in size or scale. This policy should be revised to clearly state the intent; and,

- Policy 2.2.5.14: “Outside of employment areas, the redevelopment of any employment lands should retain space for a similar number of jobs to remain accommodated on site.” Since employment areas are those lands that are designated for clusters of business and economic activity in the upper- or single-tier official plan, it is unclear what is meant by “employment lands” that are outside of employment areas. It is unclear whether this is referring to areas permitting employment uses that are not specifically designated as such, or if it is intended to apply to locally-designated employment areas that are not within Employment land use designations in the upper-tier official plan. Certain lands north of Beech Street, west of Brock Street in Whitby are designated as Prestige Industrial in the Whitby Official Plan although they are not included in an Employment Area designation in the Regional Official Plan. This policy might suggest that redevelopment on these lands maintain approximately the same number of jobs that currently exist. This is a difficult requirement to implement. Such a policy is not required.

#### **4.4 Mapping of Provincially Significant Employment Zones**

As noted above, the Proposed Amendment introduces the concept of PSEZ. Coincident with the release of the Proposed Amendment, the Province released mapping of the proposed PSEZ for feedback. In Whitby, the lands identified as PSEZ generally encompass the lands designated as General Industrial, Prestige Industrial and Special Activity Node B east of Brock Street South and north and south of Highway 401 (refer to Attachment #2).

The PSEZ identified by the Province doesn't include the designated Employment lands along Highway 407 and Highway 412. The criteria for inclusion in a PSEZ include a number of criteria that would apply to these lands, such as:

- Designated employment areas and are inside existing settlement area boundaries;
- May be vulnerable to conversion pressures (eg. to residential conversion);
- Are needed in the region to attract new investment and retain existing industries;
- Located near highways, railway, intermodal facilities, transit and/or other major transportation infrastructure to support the movement of people and goods;
- High concentration of employment and/or economic output, and play an economically strategic role to the region; and

- Contiguous zones and contain large continuous developable, constraint-free lands.

The following should be considered by the Province with respect to the identification of PSEZ in Whitby, as illustrated on Attachment #3:

- The area depicted on the Province's map extends all the way to Lake Ontario. Waterfront lands should not be included;
- Other refinements to the boundaries should be made to include/exclude certain lands, coincident with the Town's Industrial designations; and
- The lands designated as Prestige Industrial and General Industrial along Highway 412 (West Whitby) and Highway 407 (Brooklin area through OPA 108) should be included.

As noted above, if the permission for employment conversions in advance of a MCR is removed from the Proposed Amendment, there would be no need to distinguish PSEZ (since the only distinction is that they can't be converted in advance of a MCR). Likewise, if the additions to the PSEZ requested by staff are made, very little employment lands remain in Whitby that would not be PSEZ, thereby also making the identification of PSEZ largely redundant.

#### 4.5 Settlement Area Boundary Adjustments

The Proposed Amendment would enable municipalities to **adjust** settlement area boundaries outside of a MCR where a number of criteria are met, including that:

- there would be no net increase in land within the settlement area;
- the adjustment would support the municipality's ability to meet the intensification and density targets established in the Growth Plan;
- the location of the lands added would be adequately serviced; and,
- the affected area is not in the Greenbelt Area or in a rural settlement.

Furthermore, a settlement area boundary **expansion** may occur in advance of a MCR if a number of criteria are met, including that:

- the lands that are added will be planned to achieve the minimum density targets;
- the lands would be adequately serviced; and,
- the lands are not a rural settlement or in the Greenbelt Area and that the amount to be added will be no larger than 40 hectares and must be taken into consideration in the land needs assessment associated with the next MCR.

There does not appear to be any appreciable difference between the policies for settlement area boundary adjustments and settlement area boundary expansions, except that the adjustment must achieve no net increase in the settlement area and the expansion cannot exceed 40 hectares. Given the difficulties associated with removing lands from the urban area to achieve no net increase, implementation of these policies would most likely take the form of settlement area boundary expansions.

In Whitby, some minor boundary adjustments/expansions would be appropriate to rationalize the urban area boundary where lands were removed from the Greenbelt during the Greenbelt Plan review. However, given the high level of property owner interest in having lands included in the urban area, this exercise is best done through a MCR where the full land needs assessment can be undertaken and all potential additions weighted appropriately.

A similar policy is proposed to be added to allow minor adjustments to be made to the boundaries of rural settlements outside of a MCR. However, given that the criteria require that the rural settlement area is not in the Greenbelt Area, there are no rural settlements in Whitby that would be eligible.

#### **4.6 Agricultural System and Natural Heritage System**

The Proposed Amendment clarifies that, although Provincial mapping of the Natural Heritage System for the Growth Plan and agricultural land base has been completed, it does not apply until it has been implemented in the applicable upper- or single-tier official plan and that such mapping may be refined at the time of initial implementation in the upper- or single-tier official plan. This approach is supported.

#### **5. Financial Considerations:**

Not Applicable.

#### **6. Communication and Public Engagement:**

Not Applicable.

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

Community and Marketing Services Department

Economic Development staff reviewed the Proposed Amendment and provided comments indicating that they support the protection of employment areas and that they agree with the recommendation that the provincially significant employment zones be expanded to include the Industrially designated lands along Highway 412 and Highway 407.

**8. Strategic Priorities:**

The Proposed Amendment to the Growth Plan addresses the following Council Goals:

3. To deliver local jobs and prosperity through strategic planning and promotion that builds resilience and economic diversity.

9. To remain the community of choice for families and become the community of choice for seniors and job creators; and to focus new growth around the principles of strong, walkable and complete neighbourhoods that offer mobility choices.

**9. Attachments:**

[Attachment #1 – Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017 – Overview Briefing, January 15, 2019 by the Ministry of Municipal Affairs and Housing](#)

[Attachment #2 – Proposed Provincially Significant Employment Zones](#)

[Attachment #3 – Town Proposed Revisions and Additions to Provincially Significant Employment Zones](#)

# Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

## Overview Briefing

January 15, 2019

### Employment Planning

**Anticipated Results:** A modernized employment area designation system that ensures lands used for employment are appropriately protected while unlocking land for residential development

New policies:

- To create a one-time window to allow municipalities to undertake some employment area conversions between the effective date of proposed Amendment 1 and their next municipal comprehensive review, subject to criteria in the Plan, including maintaining a significant number of jobs on those lands
- To identify provincially significant employment zones by the Minister of Municipal Affairs and Housing where employment areas can only be converted through a municipal comprehensive review
- That provide direction on locating and preserving employment areas adjacent to major goods movement facilities and corridors
- That provide direction on buffering around industrial/manufacturing uses within employment areas
- That update the language to provide flexibility to municipalities to set density targets for each employment area and remove the requirement for an employment strategy

### Agricultural System and Natural Heritage System

**Anticipated Results:** Regional mapping Systems that are factual and reflect the local mapping realities, while providing for the appropriate level of protections for our natural heritage and continuing to build the economic viability of our agri-food industry

New policies:

- That specify that the provincial mapping of the agricultural land base and the Natural Heritage System for the Growth Plan do not apply until implemented in upper-/single-tier official plans
- That clarify that before provincial mapping is implemented in official plans, the Growth Plan policies for the Agricultural System and the Natural Heritage System will apply to municipal mapping
- That clarify that municipalities can request technical changes to mapping and OMAFRA and MNRF can update and re-issue mapping in response to such requests
- That allow municipalities to refine and implement provincial mapping in advance of the municipal comprehensive review

### Major Transit Station Areas

**Anticipated Results:** A streamlined approach that enables the delineation of major transit station areas to happen faster so that zoning and development can occur sooner

New policies:

- That allow municipalities to delineate major transit station areas and set targets in advance of municipal comprehensive review, through the Protected Major Transit Station Area tool under the Planning Act
- That simplify the process and criteria for alternative targets that reflect on-the-ground realities

### Settlement Area Boundary Adjustments

**Anticipated Results:** A system that enables local municipal decisions on reasonable changes to settlement area boundaries in a timely manner so as to unlock land faster and to support more jobs and housing in the region

New policies:

- To allow municipalities to undertake settlement area boundary expansions that are no larger than 40 hectares outside the municipal comprehensive review, subject to criteria
- To allow municipalities to adjust settlement area boundaries outside the municipal comprehensive review if there is no net increase in land within settlement areas, subject to criteria
- To remove the requirement to de-designate excess lands when undertaking settlement area boundary expansions
- To create a more outcome-focused approach to boundary expansions, rather than specifying types of studies required to justify the feasibility and location of expansions

### Rural Settlements

**Anticipated Results:** A system that recognizes small rural settlements as areas that are not expected to face significant growth pressures

New policies:

- That define the term "rural settlements" as a subset of "settlement areas" and deletion of the defined term "undelineated built-up areas"
- That specify that rural settlements are not part of the designated greenfield area
- That allow for minor rounding out of rural settlements in keeping with the rural character of the area, and subject to other criteria

## Intensification Targets and Designated Greenfield Area Density Targets

**Anticipated Results:** A simplified approach to minimum intensification and density targets that reflects the objective of supporting provincial transit investments, the local realities of different communities in the region, including market demand for housing

New policies:

- That establish different minimum intensification targets (per cent of new units in already built-up areas) for three different groupings of municipalities
  - Group A, 60%: Hamilton, Peel, York, Waterloo;
  - Group B, 50%: Barrie, Brantford, Guelph, Orillia, Peterborough (City), Durham, Halton, Niagara; and
  - Group C, maintain or improve on existing targets in official plans: Kawartha Lakes, Brant, Dufferin, Haldimand, Northumberland, Peterborough (County), Simcoe, Wellington.
- That allow all municipalities to request alternative targets, with simpler criteria
- That establish different minimum designated greenfield area density targets (residents and jobs per hectare) for three different groupings of municipalities
  - Group A, 60: Hamilton, Peel, York, Waterloo;
  - Group B, 50: Barrie, Brantford, Guelph, Orillia, Peterborough (City), Durham, Halton, Niagara; and
  - Group C, 40: Kawartha Lakes, Brant, Dufferin, Haldimand, Northumberland, Peterborough (County), Simcoe, Wellington.

### Current Policies



### Proposed Policies



## Provincially Significant Employment Zones

**Anticipated Results:** To protect an adequate supply of lands to support the viability of existing businesses and attract new businesses to the region.

- The province has identified 29 provincially significant employment zones that are deemed significant to the regional and provincial economy and that would require provincial input and approval for conversion
- The zones are made up of lands that are currently designated as employment areas in municipal official plans, are located inside of settlement areas and that:
  - may be vulnerable to conversion pressures (e.g. to residential conversion),
  - may be facing encroachment by sensitive land uses that could threaten viability of existing industries and employment,
  - are needed to retain existing industries and attract new investment to the region,
  - are designated employment areas in existing settlement areas
- These zones may meet one or more of the following criteria:
  - Located near highways, railways, intermodal facilities, transit and/or other major transportation infrastructure to support the movement of people and goods;
  - High concentration of employment and/or economic output, plays an economically strategic role to the region;
  - Support industrial uses, which are sensitive to encroachment
  - Are contiguous zones and contain large continuous developable, constraint-free lots (e.g. >10 acres)

## Planning Act Regulation

**Anticipated Results:** Require Ministerial approval for official plan amendments which identify or modify prime agricultural areas or natural heritage systems

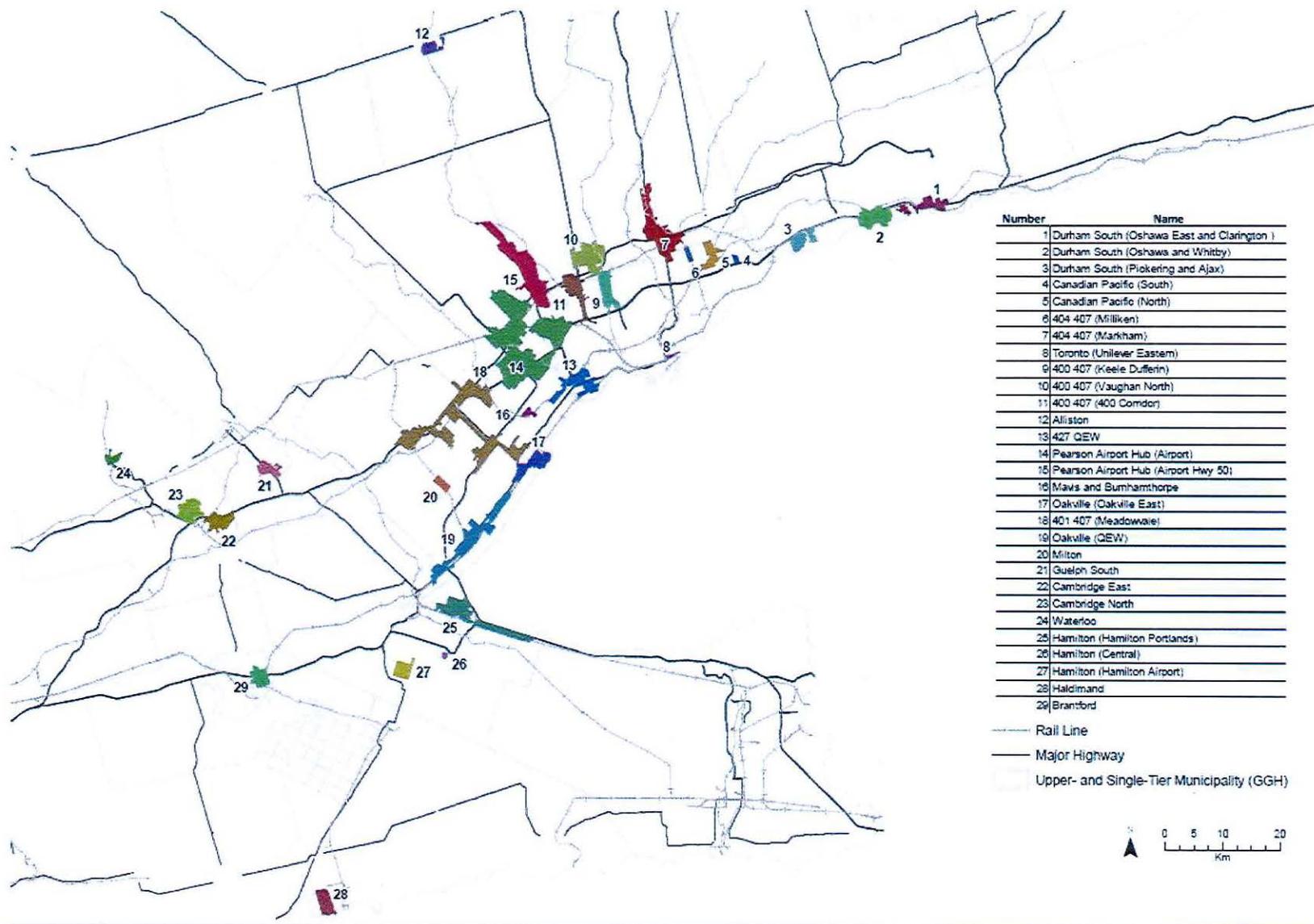
Housekeeping to facilitate the implementation of proposed policies related to refining the Agricultural System for the Greater Golden Horseshoe and the Natural Heritage System for the Growth Plan

## Transition Regulation

**Anticipated Results:** Seeking feedback on proposed modifications to the Growth Plan transition regulation to align with Amendment 1, if approved

Housekeeping to update references to the Growth Plan, and remove wording that is no longer needed

Also seeking feedback as to whether the Minister should consider any additional changes to the regulation at this time with regard to planning matters that are in process



Number	Name
1	Durham South (Oshawa East and Clarington)
2	Durham South (Oshawa and Whitby)
3	Durham South (Pickering and Ajax)
4	Canadian Pacific (South)
5	Canadian Pacific (North)
6	404 407 (Milliken)
7	404 407 (Markham)
8	Toronto (Unilever Eastern)
9	400 407 (Keele Dufferin)
10	400 407 (Vaughan North)
11	400 407 (400 Comdor)
12	Alliston
13	427 QEW
14	Pearson Airport Hub (Airport)
15	Pearson Airport Hub (Airport Hwy 50)
16	Mavis and Burnhamthorpe
17	Oakville (Oakville East)
18	401 407 (Meadowdale)
19	Oakville (QEW)
20	Milton
21	Guelph South
22	Cambridge East
23	Cambridge North
24	Waterloo
25	Hamilton (Hamilton Portlands)
26	Hamilton (Central)
27	Hamilton (Hamilton Airport)
28	Haldimand
29	Brantford

— Rail Line  
 — Major Highway  
 □ Upper- and Single-Tier Municipality (GGH)



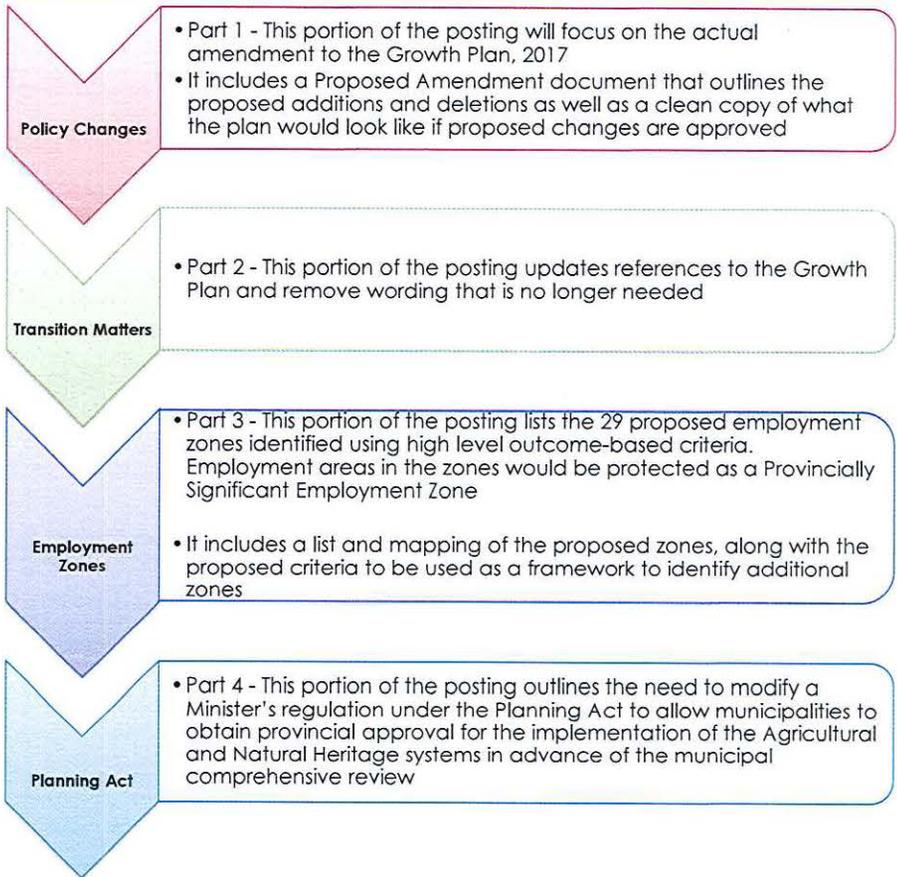
## Proposed Provincially Significant Employment Zones

## Provincially Significant Employment Zones

### 29 Proposed Zones Identified

No.	Zone	Known Sites	MTSAs
1	Durham South (Oshawa East and Clarington)	Large cluster of employment sites	0 MTSAs
2	Durham South (Oshawa and Whitby)	GM Plant	Lakeshore East – 2 MTSAs
3	Durham South (Pickering and Ajax)	Large cluster of employment sites	Greater Toronto Area GO Routes/Lakeshore East – 1 MTSAs
4	Canadian Pacific (South)	Contains many multi-national food manufacturers	Sheppard East LRT Phase 1 - 1 MTSAs
5	Canadian Pacific (North)	Contains many multi-national food manufacturers	Sheppard East LRT Phase 1 - 7 MTSAs
6	404 407 (Milliken)	Heavy industry, including asphalt and cement plants	Stouffville Line – 2 MTSAs
7	404 407 (Markham)	Knowledge-intensive industry cluster	Stouffville Line – 1 MTSAs VIVA/Viva Purple – 11 MTSAs 0 MTSAs
8	Toronto (Unilever Eastern)	Former industrial site	Station planned on Lakeshore East GO line. Greater Toronto Area GO Routes/Barrie – 1 MTSAs
9	400 407 (Keele Dufferin)	Downsview Park	TYSSE – 4 MTSAs Yonge-University-Spadina – 2 MTSAs Greater Toronto Area GO Routes/Barrie – 1 MTSAs
10	400 407 (Vaughan North)	CN Macmillan	TYSSE - 3 MTSAs VIVA/Viva Purple – 4 MTSAs Finch West LRT Phase 1 – 5 MTSAs VIVA/Viva Purple – 3 MTSAs
11	400 407 (Hwy 400 Corridor)	Includes LG distribution centre as well as food processing and pharmaceutical firms	0 MTSAs
12	Alliston	Honda Plant	0 MTSAs
13	427 QEW	Dixie Employment Area, City of Mississauga	Bloor-Danforth – 1 MTSAs Lakeshore West GO – 2 MTSAs Georgetown GO – 3 MTSAs
14	Pearson Airport Hub (Airport)	CN Brampton intermodal site and Brampton Chrysler Auto Assembly Complex within or adjacent to SA	Hurontario LRT – 6 MTSAs Mississauga Transitway – 7 MTSAs
15	Pearson Airport Hub (Airport Hwy 50)	CP Vaughan intermodal site	Finch West LRT Phase 1 – 3 MTSAs
16	Mavis and Burnhamthorpe	Contains many multi-national and large scale food manufactures	0 MTSAs
17	Oakville (Oakville East)	Ford Assembly Plant	Lakeshore West – 1 MTSAs Mississauga Transitway – 1 MTSAs
18	401 407 (Meadowvale)	Meadowvale North Business Park	The Milton GO line (not a priority transit corridor) also connects zone with 2 stations. Lakeshore West – 4 MTSAs
19	Oakville (QEW)	Mixed industrial and office use	0 MTSAs
20	Milton	CN Milton (proposed) Britannia Rd and Tremaine	0 MTSAs
21	Guelph South	Sleeman Brewery	0 MTSAs
22	Cambridge East	Contains many multi-national food manufacturers	IONLRT_Phase2 - 3 MTSAs
23	Cambridge North	Toyota Auto Complex	IONLRT_Phase2 - 1 MTSAs
24	Waterloo	Key sites include Maple Leaf Foods, the Poultry Place and five food distribution warehouses	Waterloo LRT – 2 MTSAs
25	Hamilton (Hamilton Portlands)	Stelco site	0 MTSAs
26	Hamilton (Central)	Contains many multi-national and large scale food manufactures	0 MTSAs
27	Hamilton (Hamilton Airport)	Air freight logistics hub	0 MTSAs
28	Haldimand	Nanticoke - Former Stelco Industrial Site	0 MTSAs
29	Brantford	Contains many multi-national food manufacturers	0 MTSAs

## Four-Part Environmental Registry Posting

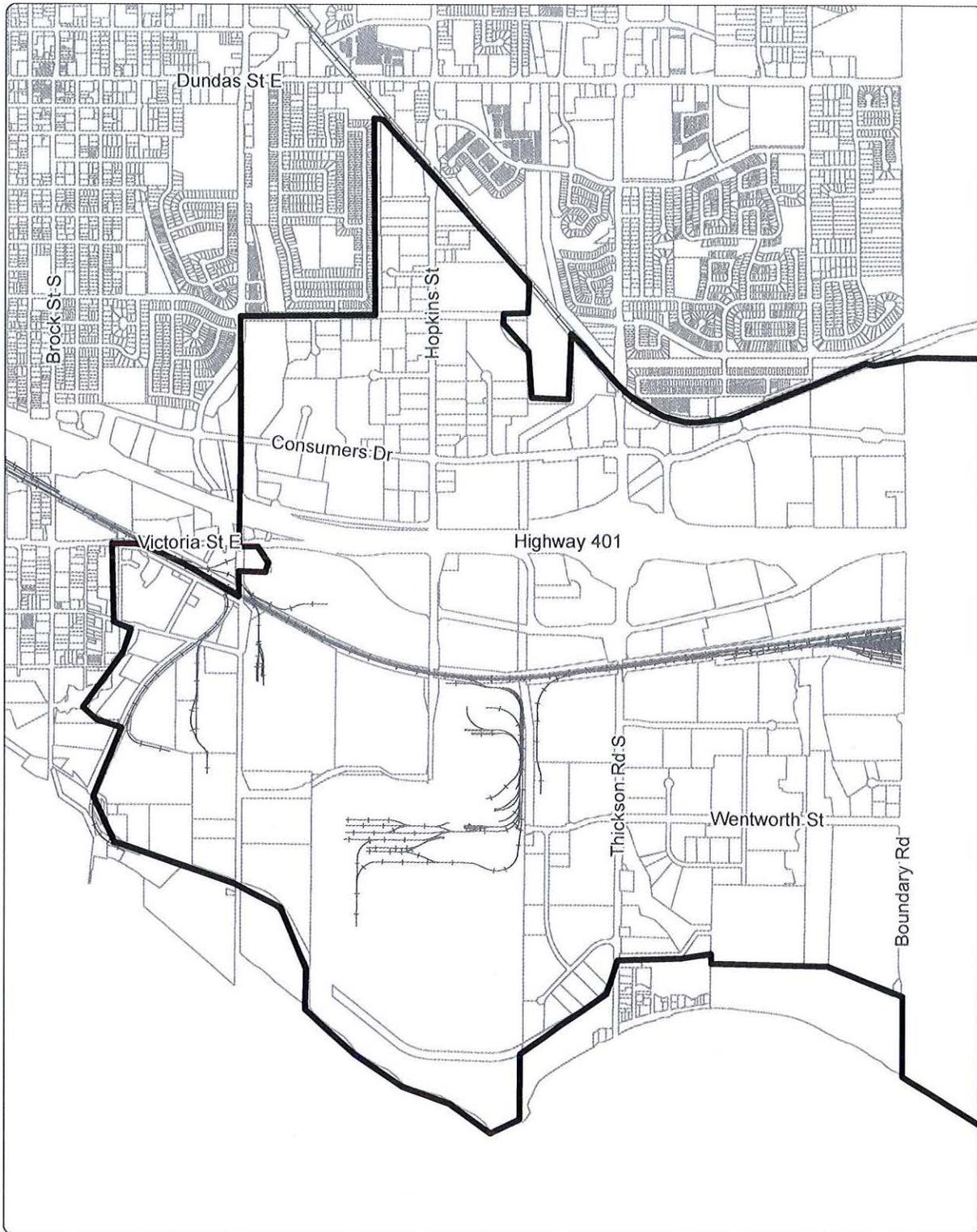


Public consultation on all the changes will open on January 15, 2019.  
The consultation closes on February 28, 2019.

Ontario Growth Secretariat  
Ministry of Municipal Affairs  
777 Bay Street, 23rd Floor  
Toronto ON M5G 2E5  
growthplanning@ontario.ca

### Contact Information

**Attachment #2**  
**Province's Proposed Provincially Significant Employment Zones**



**Proposed Provincially Significant Employment Zones**

**Legend**

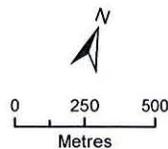
-  Proposed Provincially Significant Employment Zones
-  Parcel Fabric



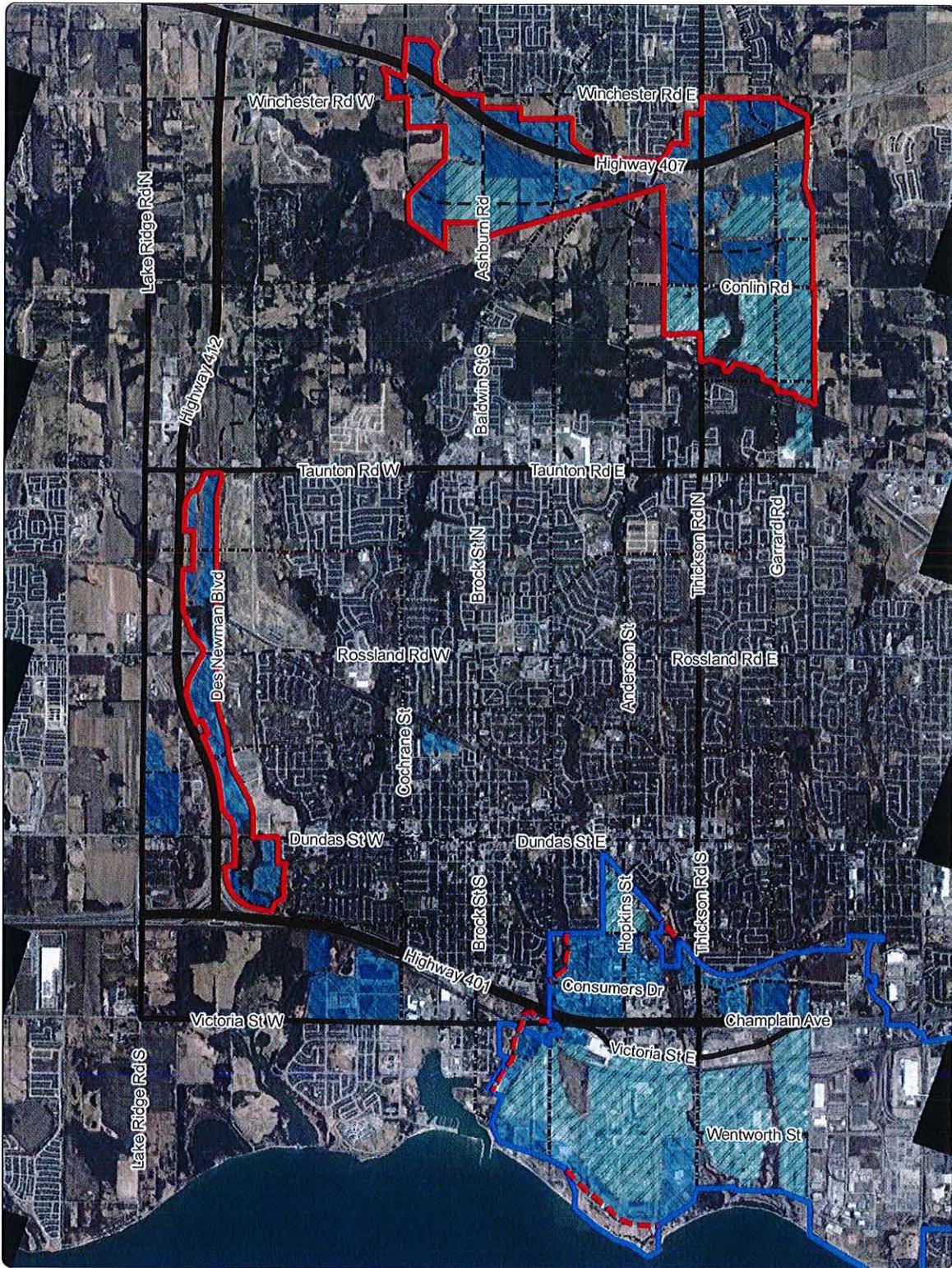
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Town Proposed Revisions and Additions to Provincially Significant Employment Zones



**Whitby's Industrial Areas**

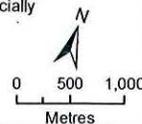
**Legend**

- Controlled Access Highway (Freeway)
- Type A Arterial Road
- Type B Arterial Road
- Type C Arterial Road

**LandUse**

- General Industrial
- Prestige Industrial

- Proposed Provincially Significant Employment Zones
- Town Requested Changes to Provincially Significant Employment Zones
- Town Requested Additions to Provincially Significant Employment Zones



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

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March 8, 2019

Michael Fenn, Special Advisor Appointed by the Province  
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Ken Seiling, Special Advisor Appointed by the Province  
[ken.seiling@ontario.ca](mailto:ken.seiling@ontario.ca)

Re: Regional Review

Please be advised that at a meeting held on March 4, 2019 the Council of the Town of Whitby adopted the following as Resolution #94-19:

Whereas, the Government of Ontario has announced a review of Ontario's eight regional municipalities, the County of Simcoe, and their lower-tier municipalities by appointed Special Advisors;

Whereas, the provincially appointed advisory body will develop recommendations for the Minister for the purpose of improving governance, decision-making and service delivery in the regions and Simcoe County and their lower-tier municipalities;

Whereas, the Association of Municipalities of Ontario informed its members that last August, the Minister of Municipal Affairs and Housing began informal discussions, wishing to hear from people about how this system of governance is working recognizing it was established in the 1970s;

Whereas, the provincially appointed advisory body has included in the review consideration of moving to single-tier municipalities or amalgamating existing municipalities; and,

Whereas, neither the provincial review nor amalgamation was ever discussed during the recent provincial election by the Premier or our local Members of Provincial Parliament;

Whereas, 73 percent of residents are satisfied with the customer service they receive from the Town of Whitby;

Whereas 91 percent of Whitby residents indicate that the quality of life in Whitby is either good or excellent;

Whereas the Town of Whitby has a history of finding efficiencies and savings while enhancing programs, services and facilities;

Whereas the Town of Whitby has contributed to Durham Region's AAA credit rating; and,

Whereas Whitby is recognized as one of Canada's best places to live.

Now Therefore be it Resolved

1. THAT the Council of the Town of Whitby endorses the current effectiveness of our two-tier municipal government as it has evolved on mutual agreement with our partner lower-tier municipalities since its foundation in 1974;
2. THAT the residents of Whitby value their choices, voices and diversity of representation and residents should have their say before any change in municipal representation, or possible merger with other municipalities;
3. THAT Mayors and Councils be provided the opportunity to have their say before any change to municipal representation is made; and,
4. THAT this resolution be forwarded to the Special Advisors appointed by the Province, Durham Region municipalities, the Association of Municipalities of Ontario, the Minister of Municipal Affairs and Housing and made publicly available.

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

  
Christopher Harris  
Town Clerk

Copy: Association of Municipalities of Ontario  
200 University Ave. Suite 801 Toronto ON M5H 3C6

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

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



**CITY OF QUINTE WEST**

*Office of the Mayor  
Jim Harrison*



**P.O. Box 490  
Trenton, Ontario, K8V 5R6**

**TEL: (613) 392-2841  
FAX: (613) 392-5608**

March 8, 2019

**Via Email**

**RE: Resolution – Bottled Water**

Dear: Government Organizations,

Please be advised that the Council for the Corporation of the City of Quinte West passed the following resolution at its meeting held on March 4, 2019:

**Motion No. 19-058 – Notice of Motion – Councillor Cassidy**  
Moved by Cassidy  
Seconded by Kuntze

Whereas water is essential for human life to exist on earth, and access to clean drinkable water should be a basic human right, and water has been commodified by the sale of bottled water;

And Whereas Canada is a participant to the Paris Agreement on Climate Change;

And Whereas the United Nations has called on all countries to reduce green house gas emissions;

And Whereas single use plastics are significant items of unnecessary waste that damage our environment;

And Whereas Canada as a country and all of the provinces and territories are not likely to reach our targets to reduce green house gas emissions by 2030;

And Whereas many scientists and environmental advocates are asking us to end the fossil fuel based economy as soon as possible;

And Whereas the City of Quinte West has undertaken initiatives to limit the use of bottled water and promote the use of municipal drinking water in recent years;

Be it resolved that the City of Quinte West will undertake a review/audit in 2019 of the City facilities to identify areas where the use of municipal water can be further optimized and the use of bottled water can be reduced or eliminated wherever possible;

**C.S. - LEGISLATIVE SERVICES**

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And further that a policy be developed to promote the use of municipal drinking water in the City;

And further be it resolved that the City of Quinte West will encourage our immediate neighbours to do the same;

And further be it resolved that the City of Quinte West will forward this motion as an aspirational objective to the following partners: All municipalities in Ontario, AMO, all other similar provincial and territorial organizations in Canada, all Premiers and the Prime Minister and the leaders of all Provincial and Federal Parties in Canada with the request that they enact legislation to do the same.

**Carried**

We hope that you will take such actions into consideration within your own organization in an effort to reduce bottled water usage and promote the use of municipal water.

Yours Truly,

CITY OF QUINTE WEST

A handwritten signature in black ink that reads "Jim Harrison". The signature is written in a cursive style with a large, sweeping initial "J" and a long, horizontal flourish extending to the right.

Jim Harrison,  
Mayor



March 12, 2019

Carla Y. Neil  
Vice President, Municipal and Stakeholder  
Relations  
Municipal Property Assessment Corporation  
1340 Pickering Parkway, Suite 101  
Pickering ON  
L1V 0C4

Jamie McGarvey, President  
Association of Municipalities of Ontario  
200 University Ave., Suite 801  
Toronto ON  
M5H 3C6

**RE: Maintaining the Voters' List for Municipal Elections**

Please be advised that Guelph City Council at its meeting of February 25, 2019, approved the following motion which reads as follows:

1. That the Council of the City of Guelph supports the re-establishment of the multi-stakeholder working group between the Ministry of Municipal Affairs, Ministry of Finance, AMCTO, MPAC, Elections Canada and Elections Ontario in exploring and identifying ways to create and maintain the Voters' List for Municipal Elections.
2. That Council requests an update to be provided from this Voters' List Working Group on the transformational solutions being discussed.
3. That representatives from MPAC be invited to a future Council meeting to hear the City of Guelph's concerns and advise the City of what steps MPAC will be taking in the future.
4. That a copy of this motion, respecting the Voter's List for Municipal Elections be circulated to all municipalities and the Association of Municipalities of Ontario (AMO).

On behalf of Guelph City Council, we thank you for your consideration respecting this important matter and look forward to your response.

Sincerely,

Dylan McMahon  
Manager, Legislative Services / Deputy City Clerk  
Corporate Services, City of Guelph

CC  
All Ontario Municipalities

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

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guelph.ca



I have serious reservations that the Port of Oshawa will be subsumed by the larger Hamilton operation. I also note that a Lake Ontario or Golden Horseshoe ports review appears to have skipped the Port of Toronto, which serves as the main hub between Oshawa and Hamilton. I would like to understand why Toronto was omitted from your proposal.

I look forward to hearing from you on this.

Respectfully,

A handwritten signature in black ink, appearing to read "Erin O'Toole". The signature is fluid and cursive, with the first name "Erin" and the last name "O'Toole" clearly distinguishable.

Hon. Erin O'Toole, P.C., C.D.

Member of Parliament – Durham

Cc: Dr. Colin Carrie – Member of Parliament for Oshawa

Cc: Dan Carter – Mayor, City of Oshawa

Cc: John Henry – Chair, Regional Municipality of Durham

Cc: Gary Valcour – Chair, Oshawa Port Authority

