

Community Focus Bulletin: ***Creating Community Conversations***



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Our Planning Philosophy:

The Seventh Generation Principle takes its name from the Great Law of the Haudenosaunee, the founding document of the Iroquois Confederacy, the oldest living participatory democracy on Earth. It is based on an ancient Iroquois philosophy that:

“In our every deliberation, we must consider the impact of our decisions on the next seven generations.”

Restoring Ontario’s Competitiveness Act, 2018: Bill 66 – How will it impact community sustainability?

(for the complete document go to <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-66>)

Before breaking for holidays the provincial government introduced one final piece of legislation: Bill 66, the Restoring Ontario’s Competitiveness Act. Its 12 schedules amend many different existing pieces of legislation relating to everything from farm regulation to labour law. The proposed ***Restoring Ontario’s Competitiveness Act, 2018***, if passed, would make significant legislative changes (see the appendix to this Community Focus Bulletin)

Purpose of the Act

- The proposed Restoring Ontario’s *Competitiveness Act, 2018* is the second package in the Ontario Open for Business Plan that helps the government reduce its red tape.
- The *Making Ontario Open for Business Act, 2018* was the first step by the government to eliminate unnecessary costs and burdens to businesses in Ontario.
- The government is committed to bringing forward a series of red tape reduction packages over the coming years to eliminate or reduce costly requirements on Ontario businesses, while improving Ontario’s competitiveness.

Impact on the sustainability of a community

An analysis of the bill shows that there could be a significant impact on a number of environmental protection processes and have major impact on the Greenbelt, a 7,200-square-kilometre parcel of land that during the election the Tories promised to protect.

Bill 66 would allow municipalities to create “open for business” zoning bylaws. If the Bill is passed this change would allow municipalities to bypass numerous existing pieces of legislation. The intent is to attract major employers to the province and allow them to expedite municipal-planning approvals for such developments as factories and office parks. It should be noted that the changes are not intended to speed the development of housing.

The planning process would be changed so that the Minister of Municipal Affairs would be required to approve bylaws passed by town and city councils.

Further the Bill would allow municipalities to bypass significant chunks of legislation:

- major water-protection acts (the Clean Water Act, 2006, Great Lakes Protection Act, 2006 and Lake Simcoe Protection Plan Act, 2008) and
- the recent solid-waste-management law (Resource Recovery and Circular Economy Act, 2016) would no longer apply to projects being approved under these new powers.

From an environmental perspective the changes that are of most concern involve the province’s planning laws:

- the Metrolinx Act, 2006
- the Places to Grow Act, 2005
- the Greenbelt Act, 2005
- The Oak Ridges Moraine Conservation Act, 2001

These could also be set aside for such projects. (All of the acts will still be in effect — including the Greenbelt — except when it comes to bylaws invoking these new powers. Normal bylaws that don’t invoke the new powers will still need to comply with the acts.)

There will be significant changes to the planning approach in Ontario that is: controlling the historic acceptance of urban sprawl-controlling measures that was enacted by the last government. The Greenbelt is one of the last government’s commitment to improve planning and development processes and one that has allowed the preservation of food producing lands of the highest calibre. It supports smart development rather than allowing inappropriate use of precious agricultural land.

“The Greenbelt is the anchor of smart land use in southern Ontario and protects almost 2 million acres of farms, natural areas, and water sources,” says Tim Gray, executive director of the advocacy group Environmental Defence. “Opening it to development will set free rampant land speculation by developers, resulting in a loss of farmland and the disruption of farm

communities. And it will undermine smart growth planning that's aimed at increasing density to facilitate affordable housing and public-transit access."

Other impacts of the Bill:

In addition to allowing environmental and planning laws to be bypassed it will reduce the need for community and citizen engagement. Municipalities will not be required to notify the public or hold public hearings about "open for business" zoning bylaws.

This raises the fear that a municipal council could, if its own procedural bylaws allowed it, introduce a motion in the middle of a council meeting. This would not permit time for public questions or debate. The council could then vote in favour of it, and then send it off to the minister for approval. Such a bylaw would not be subject to appeal to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) and could come into force 20 days later.

The rationale for Bill 66

The government maintains that municipalities will be required to prove that the projects they greenlight using these new powers will lead to job creation, but the threshold won't necessarily be high. The example the government has provided involves 50 new jobs for municipalities under 250,000 people: only eight of Ontario's lower- or single-tier municipalities are larger than that. The minister will have the power to set other limits on the use of these zoning bylaws, but neither the bill nor the proposed regulation contains any suggestion of what shape such limits might take.

Beyond the issues for the Greenbelt and the Oak Ridges Moraine Act what are some of the other impact of Bill 66?

If Bill 66 is passed, industry will be able to bypass drinking water source protections under the *Clean Water Act*. This change according to environmentalists, would weaken critical protections passed in response to the deaths that occurred in Walkerton as a result of contaminated drinking water (seven people died and thousands of people became ill in 2000.)

Bill 66 also proposes to exempt municipal "open-for-business" planning bylaws from land-use planning and environmental protection requirements under several other acts, including the *Planning Act*, the *Greenbelt Act*, the *Great Lakes Protection Act*, and the *Oak Ridges Moraine Conservation Act*, allowing industry to ignore important protections to our natural spaces like the Greenbelt as stated earlier in this bulletin.

The Bill also proposes to repeal the *Toxics Reduction Act, 2009*. This change would undermine transparency and accountability by eliminating industry obligations to report publicly on their

uses of toxic substances and to identify options to reduce those substances through toxic reduction plans.

Other areas of concern to be considered:

- Ontario just passed Bill 57, which eliminated the independent office of the Environmental Commissioner of Ontario (ECO), and placed the role under the office of the Auditor General. The ECO has been a critical watchdog, shedding light on Ontario's climate, environmental protection and energy conservation performance through three separate annual reports to the legislature. Reporting on climate change and energy conservation is no longer mandatory under the amendments brought in by Bill 57, and environmental protection reporting is now under the control of the Auditor General.
- Ontario cancelled the cap and trade program without respecting Ontarian's legal rights to have input on the proposal.

Some questions our community must consider:

1. Should bylaws be passed by municipalities with no public consultation? (Open for Business bylaws do not require municipalities to inform or engage the public,)
2. Should municipal bylaws be allowed to override provincial acts that have been in place for many years to protect people and the environment?
3. Given that 65% of the best farmland in Canada can be seen from the top of the CN Tower in Toronto (paved and built on) how can we continue to protect what is left if Bill 66 is allowed to be passed?
4. Even if the Open For Business bylaws proceed, is the 50 person employment bar set too low? What guarantee will the municipality have that the business will remain open for a significant length of time?
5. Does the public understand that the Bill will override such protection for clean drinking water, source water protection and Great Lakes and Lake Simcoe protection?
6. Is Bill 66 supporting the present government's commitment to protect the Green Belt?
7. The Planning Act will be changed to allow the proposed bylaws to override Official Plans, zoning requirements and site plan approvals as well as provincial policy statements regarding the Acts listed in the schedules found in the appendix of this Community Focus Bulletin. It does not allow appeals to the Local Planning Appeal Tribunal (replacement for the Ontario Municipal Board or OMB). How does this effect the application of both municipal and provincial policies? Does this allow for good planning for sustainable communities?

Sources:

<https://ero.ontario.ca/notice/013-4293#proposal-details>

<https://tvo.org/article/current-affairs/tories-bill-could-punch-factory-sized-holes-in-the-greenbelt>

<https://www.ecojustice.ca/>

<https://www.thestar.com/news/queenspark/2018/12/09> EDWARD KEENAN, Toronto Star

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Appendix

Schedule 1: Ministry of Agriculture Food and Rural Affairs

- Remove outdated and time-consuming reporting requirements under the *Ministry of Agriculture, Food and Rural Affairs Act*, including ones required for loan guarantee programs.
- Amend the *Agricultural Employees Protection Act (AEPA)* to cover ornamental horticultural workers.
- Enable amendments under the *Farm Registration and Farm Organizations Funding Act* to simplify delivery of programs and enhance responsiveness.

Schedule 2: Ministry of the Attorney General

- Repeal the Pawnbrokers Act.

Schedule 3: Ministry of Education

- Remove restrictions on home-based child care providers, including allowing additional children, to make it easier for parents to find affordable child care.
- Lower the age of children that authorized recreation programs can serve from 6 to 4.

Schedule 4: Ministry of Energy, Northern Development and Mines

- Repeal the authority of the Ontario Energy Board to set rates for Unit Sub Metering Providers (USMPs)

Schedule 5: Ministry of the Environment, Conservation and Parks

- Repeal the *Toxics Reduction Act, 2009* by 2021, remove the toxics reduction plan in 2019 and rely on the robust and science-based Federal Chemicals Management Plan
 - See "*Repeal the Toxics Reduction Act, 2009* and all associated regulations by December 31, 2021" (ERO # [013-4234](#)) and
 - See "*Planning and reporting changes under the toxics reduction program and Ontario Regulation 455/09*" (ERO # [013-4235](#))

Schedule 6: Ministry of Finance

- Stop requiring a new regulation whenever businesses and non-profits merge single-employer pension plans into jointly sponsored pension plans.

Schedule 7: Ministry of Government and Consumer Services

- Reduce where operating engineers are required to supervise.
- Repeal the *Wireless Services Agreements Act, 2013* and harmonize with the federal government's national wireless code.

Schedule 8: Ministry of Health and Long-Term Care

- Modernize and streamline administrative requirements for the operators of long-term care homes.

Schedule 9: Ministry of Labour

- Amend the *Employment Standards Act, 2000 (ESA)* to reduce regulatory burden on businesses, including no longer requiring them to obtain approval from the Director of Employment Standards for excess hours of work and overtime averaging.
- Stop requiring employers to post the *Employment Standards Act (ESA)* poster in the workplace, but retain the requirement that they provide the poster to employees.
- Amend the *Labour Relations Act, 1995* to explicitly deem public bodies, including municipalities, school boards, hospitals, colleges and universities, as "non-construction employers".

Schedule 10: Ministry of Municipal Affairs and Housing

- Introduce a new economic development tool and remove planning barriers to expedite major business investments and speed up approvals by about two years.
 - See "Proposed open-for-business planning tool" (ERO # **013-4125**) and
 - See "New Regulation under the Planning Act for Open-for-Business Planning Tool (ERO # **013-4239**)

Schedule 11: Ministry of Training, Colleges and Universities

- Amend the *Private Career Colleges Act, 2005* to reduce administrative burdens.

Schedule 12: Ministry of Transportation

- Allow electronic documentation for International Registration Plans