

MEMORANDUM

To: Committee of the Whole

From: Paul Freeman
Chief Planner

Date: January 16, 2019

Re: Bill 66, Restoring Ontario's Competitiveness Act, 2018

The memorandum provides Committee with an analysis of legislative changes identified in proposed Bill 66, Restoring Ontario's Competitiveness Act, 2018.

The Province is consulting on proposed legislative changes to reduce regulatory burden on business

On December 6, 2018, the Province released the first draft of Bill 66, Restoring Ontario's Competitiveness Act, 2018 with the intent of giving more flexibility to create jobs by reducing regulatory burden to attract new business. The legislative changes are intended to facilitate job creation in a number of sectors such as agriculture, child-care, long term care, manufacturing and wireless services. Bill 66 would also amend the Planning Act to create a new planning tool, the open-for-business planning bylaw and regulation to ensure municipalities are equipped to quickly respond to emerging employment opportunities. Council was provided a high level summary and analysis of the legislative changes identified in Bill 66 on [December 13, 2018](#).

Since that time, Bill 66 was reviewed by Regional staff and discussed with local municipal staff for a comprehensive response. While this memo focuses on proposed changes to the Planning Act, all legislative changes being proposed through Bill 66 were considered. Detailed staff comments can be found in Attachment 1. It is intended that this memo and attachment comprise York Region's submission due to the Province on January 20, 2019, with notice of any additional input from Regional Council following its meeting of January 31st, 2019.

York Region is supportive of efforts to encourage job growth and economic development opportunities through reducing regulatory burden and streamlining

Under Bill 66, proposed Planning Act changes would permit local municipalities to pass an “open-for-business (OFB) planning bylaw” to streamline planning approvals in response to employment and economic growth opportunities exceeding specific job creation thresholds. Applicable across Ontario, use of the OFB bylaw would be rare, similar to a Minister’s Zoning Order but instead at the request of a local municipality. Before a local municipality can pass an OFB bylaw, the municipality must apply for and receive written approval from the Minister of Municipal Affairs and Housing, and have met certain criteria to be identified through a future regulation. The Province has identified that criteria will address the types of employment and secondary uses that are permitted as well as minimum job creation thresholds (i.e. 50 jobs for municipalities with a population less than 250,000 and 100 jobs for municipalities with a population more than 250,000).

Across the province, there may be some unique situations where relief from land use planning policy may be appropriate to facilitate an economic development opportunity in the public interest. Recognizing this, York Region is supportive of efforts to stimulate business investment, create jobs and make Ontario competitive by reducing regulatory burden and streamlining processes. However, there is a need for safeguards to ensure that developments occur in a manner that provides public consultation, protects the natural environment and public health including safe drinking water supply.

The Open-for-business bylaw would benefit from public consultation

The new planning tool, as proposed, does not require public consultation prior to the approval of an OFB bylaw. While it appears that notice and consultation may be initiated at the discretion of the local municipality, there is concern about having no requirement for a public consultation process and no formal mechanism through which to provide Regional input or conditions. It is recommended that the Province include a public consultation process in support of openness and transparency ensuring the principles of good planning is achieved and the public interest is served.

Appropriate safeguards are needed to protect the financial, human and environmental health of residents and municipalities

As proposed, OFB bylaw would be exempt from a broad range of provincial acts, policies and plans as well as regional and local official plans and zoning. While supportive of providing a streamlined process to facilitate employment growth, safeguards are needed to ensure that no approvals inadvertently negatively impact the financial, human and environmental health of residents and municipalities. York Region staff feels strongly that requirements under the Clean Water Act, 2006 and the Great Lakes Protection Act, 2015 must apply to avoid potential risk to

public health and source water protection. Additionally, the need to confirm adequate and fiscally accountable water and wastewater servicing must be considered.

Municipalities will have to meet certain criteria to use the OFB bylaw

The Province has proposed a new regulation to facilitate implementation of the open-for-business bylaw. The regulation will identify the information that must accompany a municipality's request to use an OFB bylaw including confirmation of major employment use, minimum job thresholds, land use and how notice is to be given to the Minister of Municipal Affairs and Housing. It is recommended that the Province identify additional criteria, perhaps in checklist format, to ensure that safeguards are in place to address financial, human and environmental health of residents and municipalities.

Local municipal responses to Bill 66 vary

There are varying levels of support at the local municipal level for the Planning Act changes being proposed through Bill 66, from fully supportive to not supportive. Regional and local municipalities are generally aligned on the need for a public consultation process, the need for proposals to be subject to protective legislation, as appropriate and warranted, and the need for additional information on the proposed regulation.

Additional detail and time is required to fully assess the impact of the proposed regulatory changes anticipated from the Province

The Province of Ontario is moving quickly to implement its mandate resulting in a number of regulatory changes with more to come. Regional and municipal staff are often unable to obtain Council direction on proposed changes within a 30 to 45 day comment period. The Province should provide a minimum 60-day review window allowing the Province to move quickly on priority actions while ensuring an open and transparent review process that considers the municipal perspective. The Province should also consider coordinating the release of these reviews so they can be assessed comprehensively.

Next Steps

Comments will be submitted to the Province through the Environmental Registry by the January 20, 2019 commenting deadline with a caveat that any additional Council comments would follow. Collaboration with local municipalities interested in using an OFB bylaw will continue to ensure alignment with York Region's Municipal Comprehensive Review, Infrastructure Master Plans, and 10-year capital delivery plans. Regional staff will monitor and review information relevant to Bill 66 as it is released by the Province, and report back as necessary.

Paul Freeman
Chief Planner

Attachment (1)
eDocs # 9085348