

MEMORANDUM

To: Regional Council

From: Paul Freeman
Chief Planner

Date: December 13, 2018

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

This memorandum provides Council with a high level summary and analysis of the legislative changes identified in proposed Bill 66, Restoring Ontario's Competitiveness Act, 2018, with a focus on changes to the *Planning Act, 1990*.

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 businesses more flexibility to create jobs, making it easier to locate or expand, and reducing regulatory burden. The Province is proposing legislative changes to facilitate job creation in sectors such as agriculture, childcare, long term care, manufacturing and wireless services. Bill 66 includes proposed changes to the Planning Act to create a new planning tool, the open-for-business planning by-law and regulation. These regulatory proposals have been posted on the Environmental Registry of Ontario for consultation, closing January 20, 2019.

A summary of the proposed changes through Bill 66 are provided in Attachment 1.

Proposed Planning Act changes would create a new economic development tool that could be used by local municipalities to streamline approvals for economic opportunities

Under Bill 66, proposed Planning Act changes would permit local municipalities to pass an "open-for-business planning bylaw" to streamline planning approvals for major employment and economic growth opportunities. Before a local municipality can pass an open-for-business planning bylaw, the municipality must apply for and receive written approval from the Minister of

Municipal Affairs and Housing, and have met certain criteria. However, no criteria has been included under Bill 66, nor does the Bill specifically require the Province to ensure defined criteria be put in place.

In addition, an open-for-business planning by-law would allow a major employment use development to proceed without being subject to:

- Provincial Policy Statements issued under the *Planning Act 1990*, [Metrolinx Act, 2006](#), and the [Resource Recovery and Circular Economy Act, 2016](#)
- Provincial Plans and Acts including the Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Growth Plan, Lake Simcoe Protection Plan and the Great Lakes Protection Plan
- Significant threat policies identified in source protection plans ([Section 39 of the Clean Water Act, 2006](#))
- Regional or local official plans, zoning by-laws, holding provisions and increased height and density provisions in exchange for community benefits

Exemption from Provincial Policy Statements, Plans and Acts may be seen to undermine important protections put in place to protect natural heritage systems, municipal water supply and preserve agricultural land.

York Region's ability to provide fulsome site plan conditions on developments proceeding under this streamlined process could be limited

While not subject to Site Plan Control, under an open-for-business planning bylaw, local municipalities would retain the ability to impose conditions reasonable and related to the appropriate use of land and necessary for protection of public health and safety.

As proposed, It appears regional municipalities have little to no role in the development or implementation of open-for-business planning by-laws. Local municipalities could impose conditions related to Regional roads including right-of way-width, land conveyance, access points and grading.

An Open for Business Planning By-law could be approved without public consultation

Local municipalities will be able to pass an open-for-business planning bylaw without public consultation, with public notification required within 30 days after it is passed. These bylaws would be able to take effect within 20 days of passing, meaning that a bylaw can be in force 10 days prior to notification being required.

A request by a local municipality to use an open-for-business planning by-law will need to be supported by information prescribed by regulation. The Province is proposing a new regulation under the Planning Act that would:

- Require information such as description of subject lands, land use planning information and details about the proposed employment opportunity
- Require confirmation that the proposal is for a new employment use

- Require evidence that the proposal would meet minimum job creation thresholds (e.g. 50 jobs for municipalities with a population of less than 250,000 and 100 jobs for municipalities with a population of more than 250,00 people)
- Identify land uses, buildings and structures that may be authorized under the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use
- Prescribe how notice is to be given the Minister of Municipal Affairs and Housing following the passing of an open-for-business by-law

Regional Staff will provide a formal response to the Province on Bill 66, Restoring Ontario's Competitiveness Act by the January 20th deadline

As currently proposed, the Bill contemplates development may be approved outside of the Region's urban area and potentially contrary to the Region's planned urban structure, infrastructure master planning and the achievement of complete communities.

A more comprehensive review of the proposed changes contemplated by Bill 66 is currently underway. This review will inform a Regional staff response which will be provided to the Province by January 20, 2018. Given the short timeframe, staff will provide another update to Council following submission of staff's comments on the proposed Bill.

Paul Freeman
Chief Planner

Attachment (1)
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