



The Regional Municipality of Durham

COUNCIL INFORMATION PACKAGE

November 1, 2019

Information Reports

- [2019-INFO-81](#) Commissioner and Medical Officer of Health – re: Prohibiting of Vaping Products
- [2019-INFO-82](#) Commissioner of Planning and Economic Development – re: Quarterly Report - Commissioner’s Delegated Planning Approval Authority, and Summary of Planning Activity in the Third Quarter of 2019

Early Release Reports

There are no Early Release Reports

Staff Correspondence

There is no Staff Correspondence

Durham Municipalities Correspondence

1. [City of Pickering](#) – re: Resolution passed at their Council meeting held on October 21, 2019, regarding addressing growing municipal liability and insurance costs
2. [City of Pickering](#) – re: Resolution passed at their Council meeting held on October 21, 2019, regarding Provincial Policy Statement Review
3. [City of Oshawa](#) – re: Resolution passed at their Council meeting held on October 15, 2019, regarding the City’s comments on the Proposed Amendments to the Provincial Policy Statement
4. [City of Pickering](#) – re: Resolution passed at their Council meeting held on October 21, 2019, regarding Automated Speed Enforcement Program Implementation
5. [City of Oshawa](#) – re: Resolution passed at their Council meeting held on September 23, 2019, regarding the New Lakeridge Health Hospital – Preferred Location in the Northerly Portion of Oshawa’s Major Urban Area

6. [City of Pickering](#) – re: Resolution passed at their Council meeting held on October 21, 2019, regarding the endorsement of correspondence received from the Town of Whitby regarding Lake Ontario Flooding
7. [Township of Scugog](#) – re: Notice of Planning and Community Affairs Committee Meeting, Monday, November 18, 2019 at 6:30 pm, regarding Community Improvement Plan for the Port Perry Employment Area

Other Municipalities Correspondence/Resolutions

1. [Town of Kingsville](#) – re: Resolution passed at their Council meeting held on October 15, 2019, regarding Local Health Care Services

Miscellaneous Correspondence

1. [Minister of Municipal Affairs and Housing](#) re: Minister's Zoning Order for lands in the Municipality of Clarington, Regional Municipality of Durham

Advisory Committee Minutes

1. Durham Agricultural Advisory Committee (DAAC) minutes – [October 8, 2019](#)
2. Durham Environmental Advisory Committee (DEAC) minutes – [October 17, 2019](#)

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

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.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3111



The Regional Municipality of Durham Information Report

From: Commissioner & Medical Officer of Health
Report: [#2019-INFO-81](#)
Date: November 1, 2019

Subject:

Prohibiting Promotion of Vaping Products

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 To provide an update on the Deputy Premier and Minister of Health's announcement that as of January 1, 2020, the promotion of vapour products in retail stores will only be permitted in specialty vape stores and cannabis retail stores, which are only open to people aged 19 and over.

2. Background

- 2.1 Currently, under the *Smoke-Free Ontario Act, 2017* (SFOA), retail stores that are not specialty vape stores such as convenience stores and gas stations can promote vapour products, if the promotion complies with the *Tobacco and Vaping Products Act*.
- 2.2 Data from the Ontario Student Drug Use and Health Survey, 2016-2017 indicate that five (5) per cent of Durham Region elementary school students and 17 per cent of secondary school students smoked electronic cigarettes (e-cigarettes) in the past year. More importantly, four (4) per cent of elementary school students and 16 per cent of secondary school students reported that they smoked their first e-cigarette within the past year (Durham Region Health Department, 2018).
- 2.3 A recent study shows that vaping within the past 30 days has increased by 74 per cent from 2017 to 2018 among Canadian youth 16 to 19 years old. The prevalence of students that have ever vaped has increased by 26 per cent among this same population (Hammond, et al., 2019).

- 2.4 The Association of Local Public Health Agencies (aLPHa) has been communicating its concerns to the Province regarding the increase in youth vaping and associated risks and has been advocating for the prohibition of promotion and display of vape products for the past few years.
- 2.5 The Durham Region Health Department (DRHD) has taken measures to limit exposure to smoke and vapour products by implementing the Regional Smoking and Vaping By-law which regulates smoking and vaping in public places and workplaces.
- 2.6 The new by-law, which came into effect on June 24, 2019, addresses vaping of any substance intended to be inhaled including nicotine, cannabis and medicinal cannabis as well as smoking of cigarettes, cigars, pipes, water pipes, hookahs, cannabis, medicinal cannabis, or any other lighted or heated smoking product.

3. Current Status

- 3.1 On September 18, 2019, the Deputy Premier and Minister of Health released a statement indicating her increasing concern about the prevalence and possible health consequences of vaping, particularly as they affect youth.
- 3.2 The Deputy Premier and Minister of Health issued a Minister's Order under section 77.7.1 of the *Health Protection and Promotion Act* (HPPA) which requires public hospitals in Ontario to provide the Chief Medical Officer of Health with statistical, non-identifying information related to incidences of vaping-related severe pulmonary disease.
- 3.3 The Province issued the news release [Protecting Youth from the Dangers of Vaping](#) on October 25, 2019, which announced that as of January 1, 2020, the promotion of vapour products in retail stores will only be permitted in specialty vape stores and cannabis retail stores, which are only open to people aged 19 and over. The Deputy Premier and Minister of Health noted that "vaping is not without risk, and the potential long-term effects of vaping remain uncertain."
- 3.4 The goal of restricting promotion of vapour products is to help prevent youth from being exposed and influenced by promotion in retail settings.
- 3.5 Regulatory amendments will be made which will align rules for in-store promotion of vapour products with those for tobacco under the SFOA.
- 3.6 In accordance with the Tobacco, Vapour and Smoke Protocol, 2018 of the *Ontario Public Health Standards: Requirements for Programs, Services, and Accountability* (OPHS), public health units are required to enforce the SFOA.
- 3.7 It is anticipated that public health units will have a role in enforcement activities related to the regulatory changes.

4. Conclusion

- 4.1 DRHD is awaiting further direction from the Province regarding new requirements related to regulatory changes for banning the promotion of vapour products in retail stores, other than specialty vape stores and cannabis retail stores.

5. References

Durham Region Health Department (2018). Quick facts: Students use of e-cigarettes in the past year, 2016-2017. Retrieved from <https://www.durham.ca/en/health-and-wellness/resources/Documents/HealthInformationServices/HealthStatisticsReports/E-cigaretteAlternativeSmokingDeviceStudents-QF.pdf>.

Hammond, D., Reid, J. L., Rynard, V. L., Fong, G. T., et al. (2019). Prevalence of vaping and smoking among adolescents in Canada, England, and the United States: repeat national cross sectional surveys. *BMJ*, l2219. Retrieved from <http://davidhammond.ca/wp-content/uploads/2018/03/2019-ITC-Youth-Vaping-BMJ-Hammond-et-al.pdf>.

Respectfully submitted,

Original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health



The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: [#2019-INFO-82](#)
Date: November 1, 2019

Subject:

Quarterly Report - Commissioner's Delegated Planning Approval Authority, and Summary of Planning Activity in the Third Quarter of 2019. File: 1.2.7.19

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 The Region's Commissioner of Planning and Economic Development has been delegated the authority to approve certain Area Municipal Official Plan amendments in all area municipalities, as well as subdivisions, condominiums, and part lot control exemption by-laws in the Townships of Brock, Scugog, and Uxbridge. The delegation By-law requires the Commissioner to report to Council quarterly concerning actions taken under this delegated authority.
- 1.2 The purpose of this report is to provide an overview of how this delegated authority was used in the third quarter of 2019 (July 1, 2019 – September 30, 2019), and to provide information on the type and volume of other planning-related activity over the quarter. A summary of plan review activity is provided in Attachment 1.

2. Commissioner's Approval of Area Municipal Plan Amendments

- 2.1 Prior to the adoption of an area municipal official plan amendment by a local Council, a draft is forwarded to the Region for review and a determination as to whether it affects a matter of Regional interest, including conformity with

Provincial Plans. If it is felt the draft amendment deals with matters of Regional significance, it is subject to approval by the Commissioner of Planning and Economic Development. If the area municipal official plan amendment does not trigger a matter of Regional interest, then the amendment's approval rests with the area municipality.

2.2 In the third quarter of 2019, the Planning Division received four local official plan amendments from the area municipalities. Three applications are currently in circulation and their exemption status will be determined in the next quarter. One application has been deemed to be of Regional significance:

- Application OPA 2019-02, to designate the lands in order to facilitate the development of high density residential, southeast of Adelaide Avenue East and Ritson Road North, in the City of Oshawa is currently under review;
- Application OPA-O-2019-03, to permit a 192 single occupant micro apartment, mixed-use building for post-secondary and graduate students, south west corner of Niagara Drive and Simcoe Street North, in the City of Oshawa is currently under review;
- Application OPA 2019-W/02, to permit a mixed-use development which includes 747 apartments and 1,365 m² of commercial space, north of Rossland Road West, south of the CP Rail, in the Town of Whitby, is currently under review; and,
- Application COPA 2019-001, to facilitate a surplus farm dwelling severance and permit the farm to be less than 40 hectares, south of Concession Road 9 and west of Middle Road in the Municipality of Clarington, is deemed to be of Regional significance.

3. Commissioner's Approval of Subdivisions and Condominiums

3.1 The Region is the approval authority for plans of subdivision and condominium in the three northern Townships. In the third quarter of 2019, the Commissioner of Planning and Economic Development did not receive any applications, nor issue any draft approvals.

3.2 In the third quarter of 2019, the Commissioner of Planning and Economic and Development did not grant final approval for plans of subdivision or plans of condominium.

4. Region's Review of Planning Applications

4.1 Regional staff review planning applications from the area municipalities to ensure conformity with the Regional Official Plan (ROP), other Regional policies, and Provincial plans and policies. The Planning Division coordinates comments from other Regional Departments and provides a coordinated response to the area municipalities on the following planning matters:

- Area Municipal Official Plan amendment applications;
- Delegated plans of subdivision and condominium, and part-lot control exemption by-laws;
- Zoning By-law amendment applications;
- Select minor variance applications; and,
- Comments to the Regional Land Division Committee on consent applications.

4.2 Attachment 1 provides a numeric summary of Regional staff's review of planning applications across the Region.

5. Regional Council's Approval of Applications to Amend the Durham Region Official Plan

5.1 Regional Council is the approval authority for applications to amend the Durham Region Official Plan (ROPA).

5.2 As of September 30, 2019, there were a total of 13 ROPA applications under consideration, (refer to Attachment 2 which includes a chart and maps). In the third quarter of 2019, four new ROPA applications were submitted.

6. Appeals to the Local Planning Appeal Tribunal¹

6.1 The third quarter of 2019 also saw the following Local Planning Appeal Tribunal (LPAT) activity:

- On July 9, 2019 Land Division Committee application LD 050/2019, in the

1. The Ontario Municipal Board was replaced by the Local Planning Appeal Tribunal (LPAT) on April 6, 2018. All land use planning appeals will now be heard by the LPAT.

Township of Scugog was appealed. Currently awaiting a hearing date to be scheduled.

6.2 Four non-exempt Area Municipal Official Plan amendment applications and three consent applications are currently before the LPAT (refer to Attachments 3A and 3B).

7. Reserved Street Names

7.1 The Planning Division coordinates street naming in the Region. Street names are reviewed by the Region in consultation with Durham Regional Police Services in order to avoid the use of similar sounding street names. Approved street names are included in a street name reserve list for each area municipality. A total of 21 new street names were included on the Regional reserve street name list in the third quarter of 2019. (Refer to Attachment 4).

8. Attachments

Attachment #1: Summary of Regional Review of Planning Applications

Attachment #2: Summary and Maps of Regional Official Plan Amendment applications currently being processed or before the Local Planning Appeal Tribunal

Attachment #3: Regional Planning Approvals before the Local Planning Appeal Tribunal

Attachment #4: Summary of Reserved Street Names

Respectfully submitted,

Original signed by

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

Regional Review of Planning Applications - Summary
July 1 to September 30, 2019

Area Municipal Official Plan Amendments

Received	4
Commented	1

Delegated Subdivisions & Condominiums
(Lakeshore Area Municipalities)

Received	2
Provided Comments & Conditions of Draft Approval	7
Cleared Conditions of Draft Approval	5

Non-Delegated Subdivisions & Condominiums
(Northern Area Municipalities)

Received	0
Provided Comments & Conditions of Draft Approval	0
Cleared Conditions of Draft Approval	0

Zoning By-laws Amendments

Received	25
Commented	17

Non-Delegated Part Lot Control

Received	0
Commented	0

Consents

Received	65
Commented	75

**Regional Official Plan Amendment applications currently being processed or
before the Local Planning Appeal Tribunal (As of September 30, 2019)**

OPA file	Council/ standing committee corr.	Applicant/ Location	Proposed amendment
1997-013	97-352	1204538 Ontario Inc. Lot 11, Conc. 6 (Thorah) Township of Brock (West of Hwy. 12 & 48, North of Main St.)	To permit a rural employment area in the General Agricultural Area designation Status: On hold. Applicant to advise of next steps.
2000-003	2000-273	Town of Ajax (South of Bayly St., East of Church St.)	To delete a Type C Arterial Road (Deferral #3 to the Town of Ajax Official Plan) Status: Regional TMP approved by Council on December 13, 2017, recommending that the Clements Rd. connection be protected (i.e. Deferral #3) for in the ROP. Connection remains in ROP as a result of Amendment #171.
2005-009	SC-2005-66	Loblaw Properties Ltd. Lots 3 & 4, Conc. 1 Town of Ajax (South of Achilles Rd., East of Salem Rd.)	To delete a Type C Arterial Road Status: Regional TMP approved by Council on December 13, 2017, recommending that Shoal Point Rd. extension, North of Bayly Street be protected for in the ROP. Connection remains in ROP as a result of Amendment #171.
2005-011	SC-2005-68	Brooklin Golf Club Limited Lots 21 to 25, Conc. 8 Town of Whitby (South of Myrtle Rd., West of Baldwin St.)	To permit two 18-hole golf courses and resort /conference centre in the Permanent Agricultural Reserve designation Status: Awaiting further technical studies from the applicant.
2014-006		Magnum Opus Developments Part of Lot 4, Conc. 3 Town of Ajax	To delete the Type 'C' Arterial Road (Bayly Street south to Ashbury Boulevard).

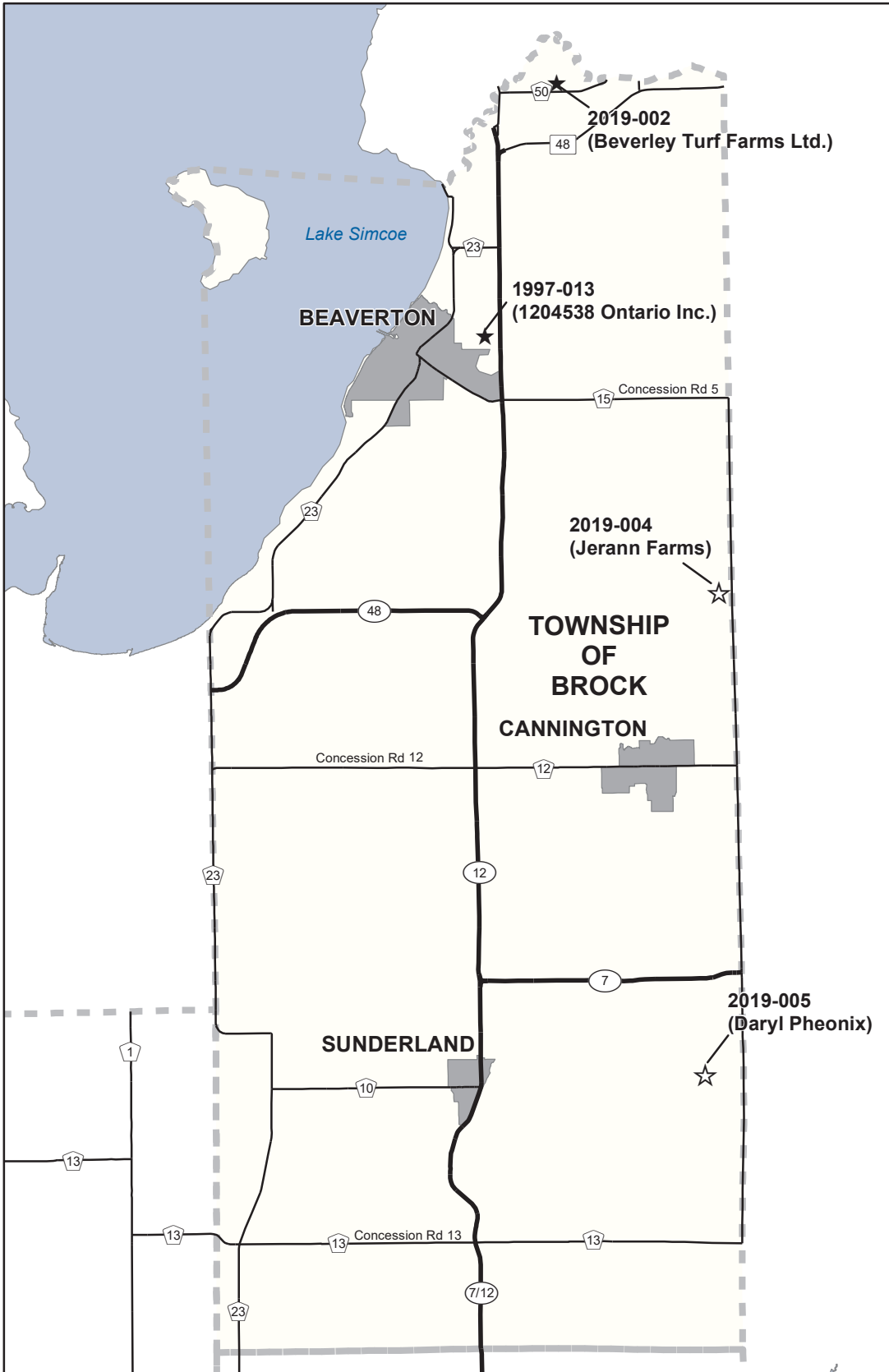
OPA file	Council/ standing committee corr.	Applicant/ Location	Proposed amendment
		(Shoal Point Rd./ Realignment from Bayly St. to Ashbury Blvd.)	Status: OMB decision issued July 18, 2017. Final order withheld until development agreements are finalized by applicant.
2014-008		Vicdom Sand & Gravel (Ontario) Ltd. Part of Lot 15, Conc. 7 & 8 Township of Uxbridge (North of Goodwood Rd., West of Lakeridge Rd.)	To add a new aggregate resource area (18.9 ha. in size) in Uxbridge. Status: Public meeting held on January 6, 2015. Decision meeting to be scheduled.
2016-003		Clara and Nick Conforti – Optilinx Systems Lot 21, Conc. 4 Town of Whitby (Thickson Rd. in between Taunton Rd. East and Conlin Rd.)	To permit the continuation and expansion of a contractor's yard and office in the Major Open Space designation Status: Public meeting held on December 7, 2016. Decision meeting to be scheduled.
2019-001		Region of Durham Initiated	To consider requests for rural water and sanitary sewer service connections to properties that abut existing municipal services within a public right-of-way or easement outside of Urban Areas. Status: Amendment 175 was adopted by Council on September 25, 2019. Appeal period ended October 17, 2019.
2019-002		Beverley Turf Farms Ltd. Lot 8, Concession 11, Township of Brock (B1625 Regional Road 50)	To permit the severance of a non-abutting surplus farm dwelling. Status: Regional Council held on September 25, 2019. Appeal period ended October 17, 2019.
2019-003		Werrcroft Farms Ltd. (Kevin Werry)	To permit the severance of a dwelling rendered surplus as a

OPA file	Council/ standing committee corr.	Applicant/ Location	Proposed amendment
		Lot 3, Concession 8, Municipality of Clarington (8800 Middle Road)	result of the consolidation of non-abutting farm parcels. Status: Public Information Meeting held on September 3, 2019. Decision meeting to be scheduled.
2019-004		Jerrann Farm Lot 1, Concession 1, Township of Brock (C2365 Thora Concession 1)	To permit the severance of a non-abutting surplus farm dwelling. Status: Public Information Meeting Held October 1, 2019. Decision meeting to be scheduled.
2019-005		Daryl Phoenix Lot 22, Concession 6, Township of Brock (S2165 Brock Concession Road 6)	To permit the severance of a non-abutting surplus farm dwelling: Status: Public Information Meeting Held October 1, 2019. Decision meeting to be scheduled.
2019-006		Werrcroft Farms Ltd. Lot 28, Concession 6, Municipality of Clarington (1785 Concession Road 7)	To permit the severance of a non-abutting surplus farm dwelling: Status: Public Information Meeting Held October 1, 2019. Decision meeting to be scheduled.



REGIONAL OFFICIAL PLAN AMENDMENTS (ROPAs) TOWNSHIP OF BROCK

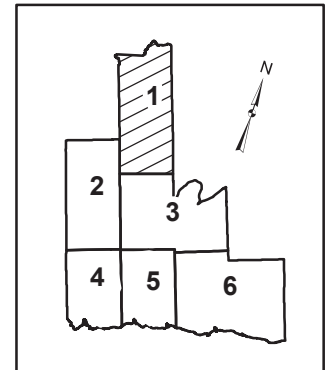
As of September 30, 2019



ROPA Locations

- ☆ New Application
- ★ Under Consideration
- ⊗ Refused/Withdrawn
- ⊙ Appealed to LPAT
- ⊛ Approved
- Regional Official Plan Urban Area
- Municipal Boundary
- 12 Provincial Highway
- 48 Regional Highway
- 5 Regional Road
- Local Road

REGIONAL MAP INDEX



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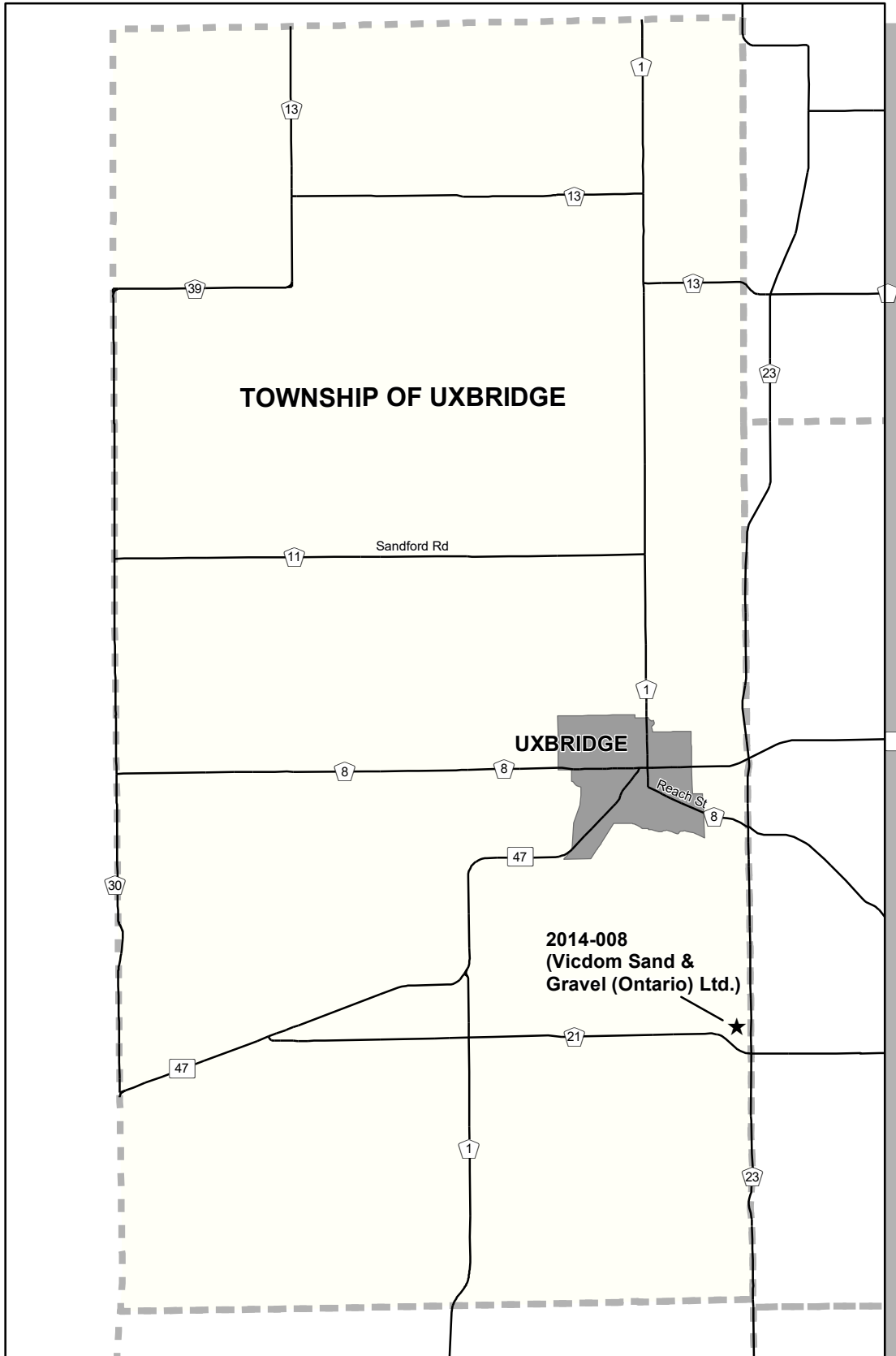
Please Note:
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REGIONAL OFFICIAL PLAN AMENDMENTS (ROPAs) TOWNSHIP OF UXBRIDGE

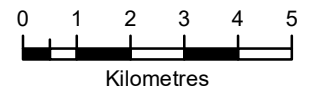
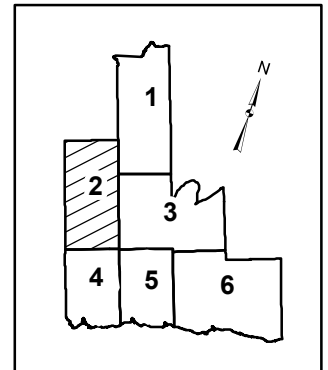
As of September 30, 2019



ROPA Locations

- ☆ New Application
- ★ Under Consideration
- ⊗ Refused/Withdrawn
- ⊙ Appealed to LPAT
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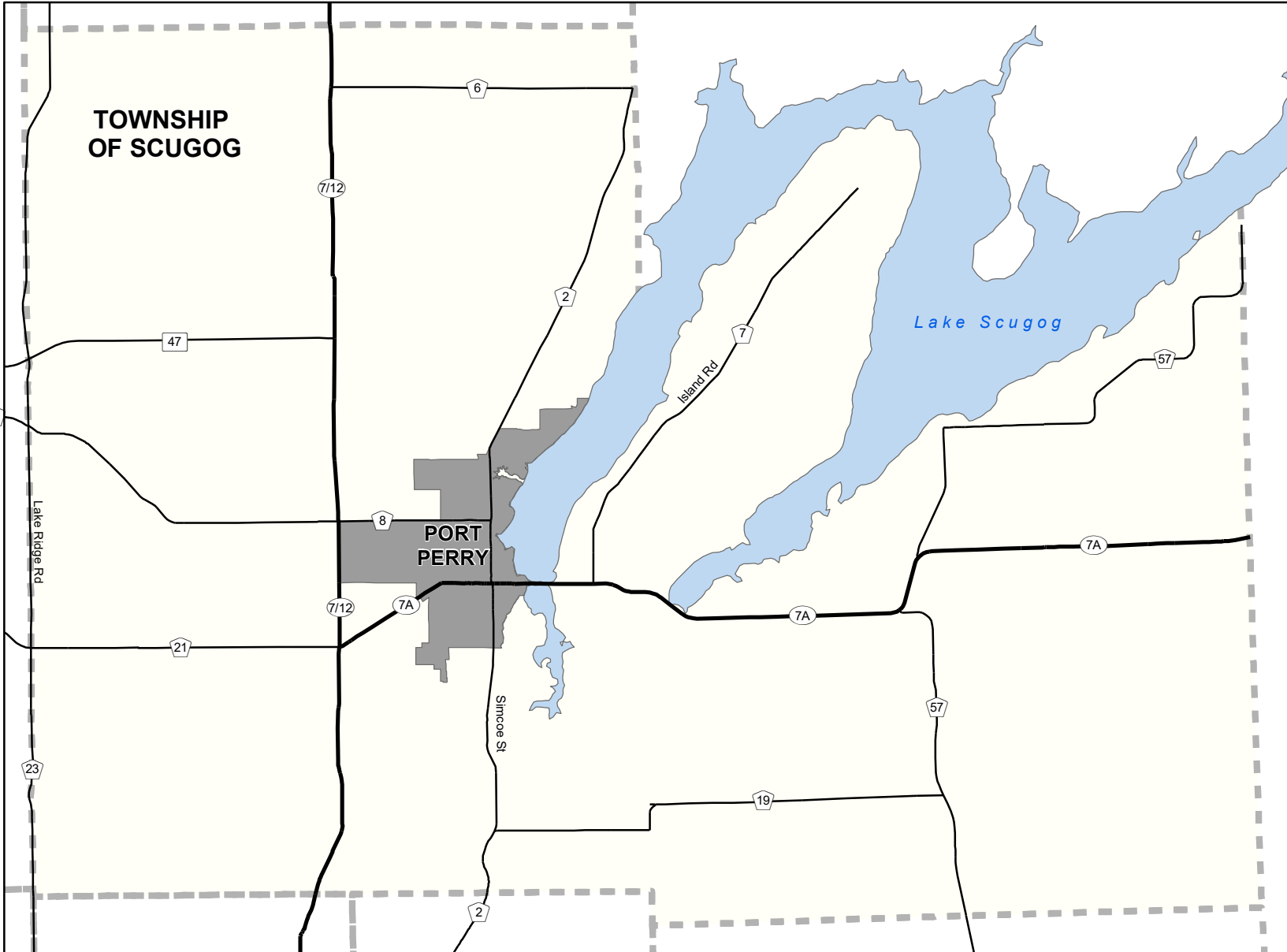
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REGIONAL OFFICIAL PLAN AMENDMENTS (ROPAs) TOWNSHIP OF SCUGOG

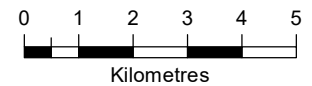
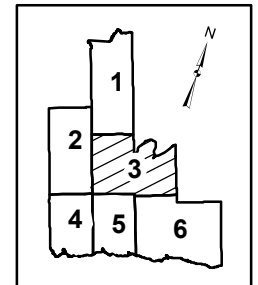
As of September 30, 2019



ROPA Locations

- ☆ New Application
- ★ Under Consideration
- ⊗ Refused/Withdrawn
- ⊙ Appealed to LPAT
- ⊛ Approved
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- - - Municipal Boundary
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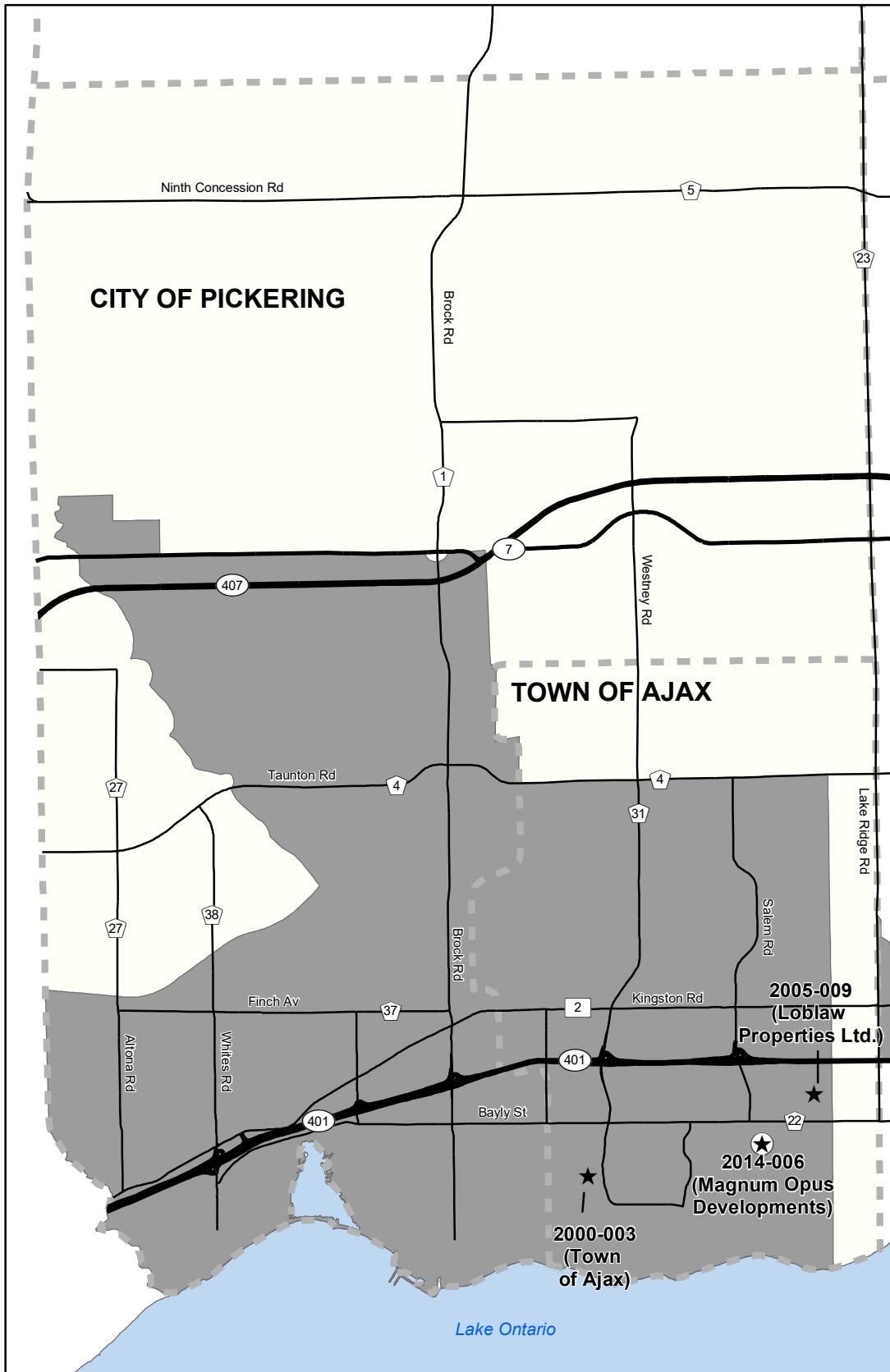
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REGIONAL OFFICIAL PLAN AMENDMENTS (ROPAs) CITY OF PICKERING - TOWN OF AJAX

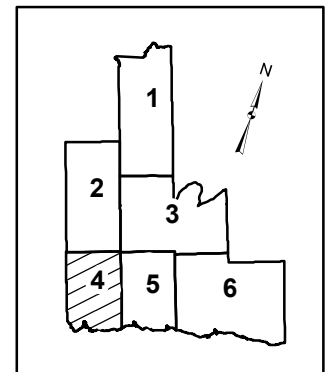
As of September 30, 2019



ROPA Locations

- ☆ New Application
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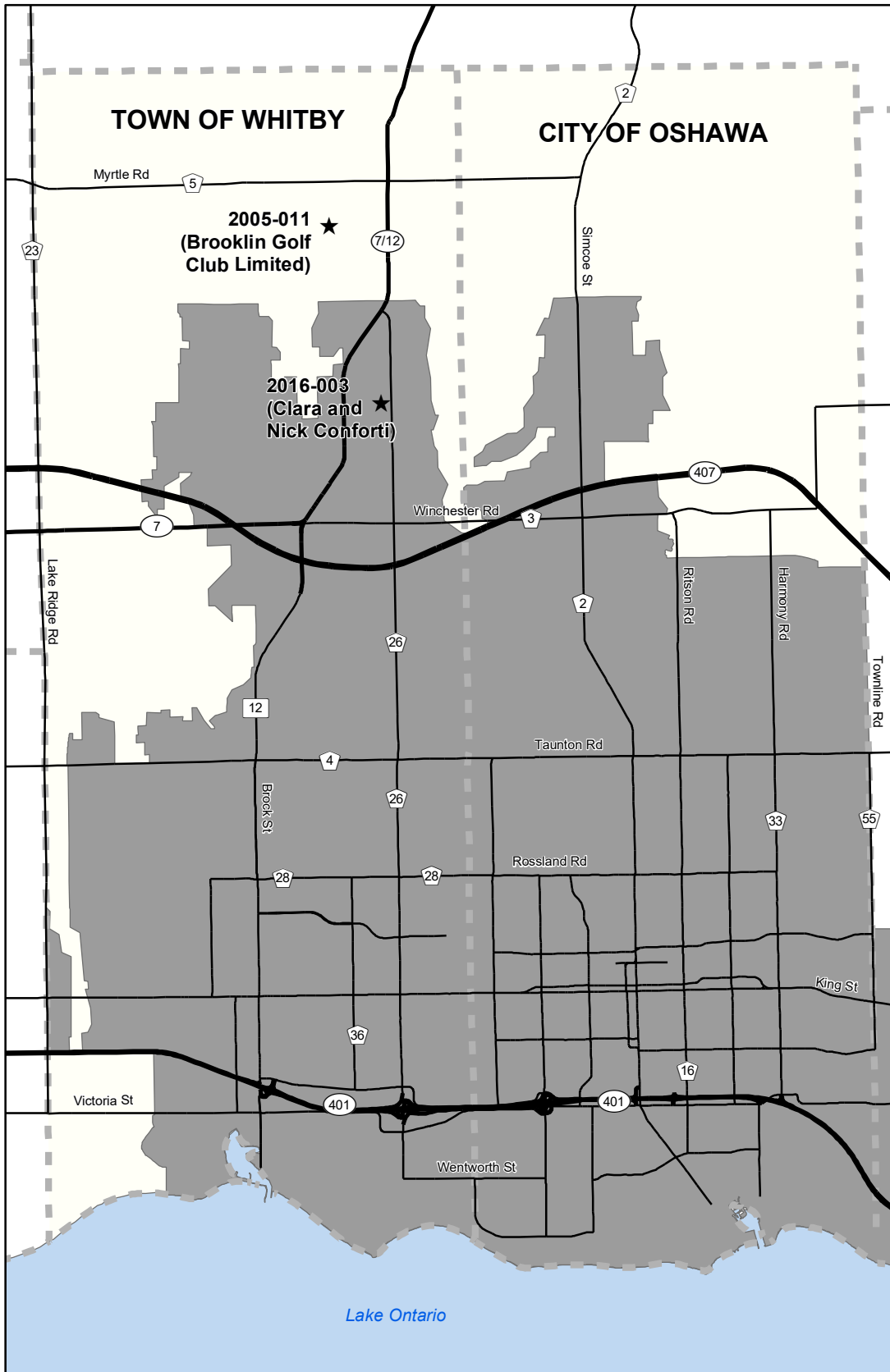
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REGIONAL OFFICIAL PLAN AMENDMENTS (ROPAs) TOWN OF WHITBY - CITY OF OSHAWA

As of September 30, 2019

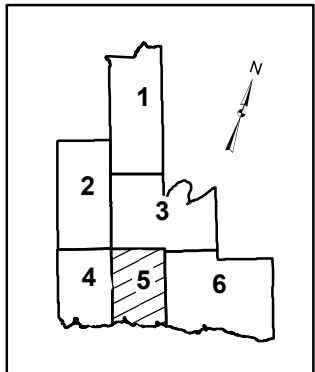


ROPA Locations

- ☆ New Application
- ★ Under Consideration
- ⊗ Refused/Withdrawn
- ⊙ Appealed to LPAT
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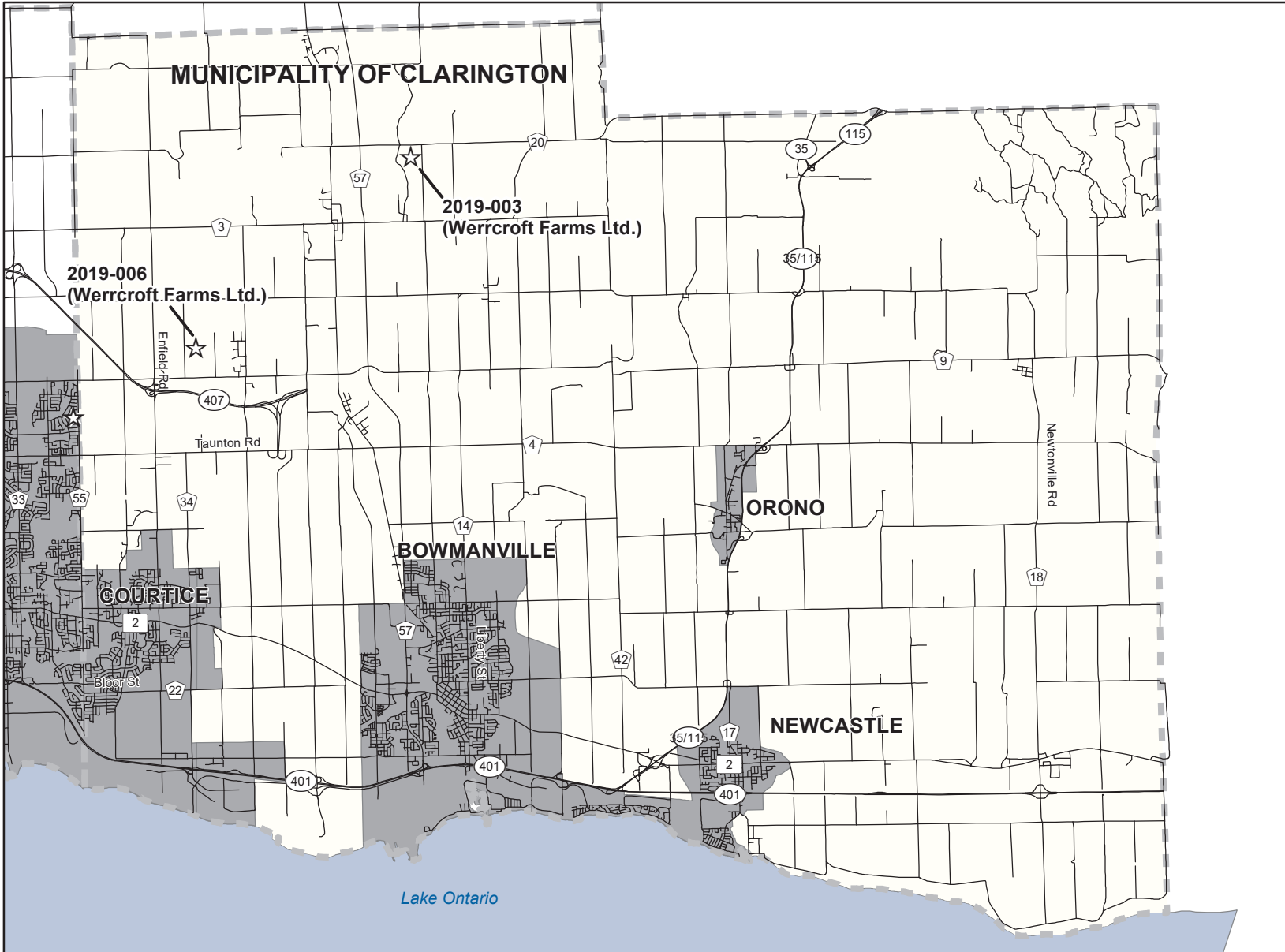
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REGIONAL OFFICIAL PLAN AMENDMENTS (ROPA'S) MUNICIPALITY OF CLARINGTON

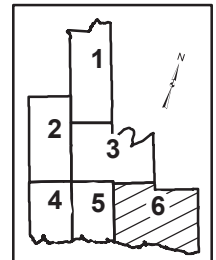
As of September 30, 2019



ROPA Locations

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- ★ Under Consideration
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**Non-Exempt Area Municipal Planning Applications Under Appeal Before the
Local Planning Appeal Tribunal (As of September 30, 2019)**

Regional File No./OMB Case No.	Applicant	Municipality	Purpose	Status
COPA-2016-001/ PL170817 & PL171459	Municipality of Clarington	Municipality of Clarington	Municipality of Clarington's conformity exercise with provincial plans, and the Regional Official Plan. It also included transportation and environmental policies. (Official Plan Amendment 107)	<p>First pre-hearing held on November 16, 2017.</p> <p>Second pre-hearing held on March 19, 2018.</p> <p>Third pre-hearing held on September 25, 2018.</p> <p>Fourth pre-hearing held on June 3, 2019.</p> <p>Hearings scheduled for late fall 2019 and early 2020.</p>
COPA 2012-006 / PL140177	Municipality of Clarington	Municipality of Clarington	To provide a Secondary Plan for the "Courtice Main Street and Town Centre" in order to facilitate the development of a mixed-use corridor along Durham Highway 2. (Official Plan Amendment 89)	<p>OMB decision issued November 28, 2014.</p> <p>OPA 89 still has 1 outstanding appeal. Adjourned sine die.</p>

Regional File No./OMB Case No.	Applicant	Municipality	Purpose	Status
B3100-0368 PL170051 and PL170052	City of Oshawa	City of Oshawa	City of Oshawa's Greenbelt Plan and Growth Plan conformity Amendment (Official Plan Amendment 179)	<p>OMB hearing held February 13, 2018.</p> <p>OMB decision issued February 27, 2018.</p> <p>OPA in full force and effect save and except for outstanding deferrals related to the Columbus Urban Area and the future Thornton Corners GO Station.</p>
D-13-22-01 PL180720	Davies Howe on behalf of North Whitby Holdings Inc. and North Brooklin Holdings Inc.	Town of Whitby	To update the Secondary Plan for the existing Brooklin urban area and introduce urban land use designations for the urban expansion areas north and west of the existing community as well as the employment areas to the south. (Official Plan Amendment 108)	<p>LPAT deemed this appeal invalid on September 21, 2018. Applicant has challenged this ruling. First Motion Hearing held February 6, 2019. Second Motion Hearing held on May 1, 2019. Awaiting LPAT Decision.</p>

**Regional Land Division Committee Applications Currently Before the Local
Planning Appeal Tribunal (As of September 30, 2019)**

Regional File No./OMB Case No	Applicant	Municipality	Purpose	Status
LD 009/2019 PL 180789	Paul Jones & Benita Jones	Town of Ajax	Consent to sever a vacant 514.6 square metre residential parcel of land, retaining a 514.7 square metre residential parcel of land with an existing dwelling to be demolished.	Decision appealed March 7, 2019. Awaiting LPAT Hearing and decision.
LD 016/2019 PL 190168	Youngfield Farms Ltd.	Township of Scugog	Consent to sever a 0.725ha non-farm related rural residential parcel of land, retaining a 37.28 ha agricultural parcel of land. The application is for a surplus farm dwelling.	Decision appealed on April 14, 2019. Awaiting LPAT hearing and decision.
LD 050/2019	Youngfield Farms Ltd	Township of Scugog	Consent to sever a 0.41 ha agricultural parcel of land with an existing dwelling to remain, retaining a 27.9 ha agricultural parcel of land with a barn demolished. The application is for a surplus farm dwelling	Decision appealed on July 23, 2019. Hearing date to be scheduled.

Summary of Reserved Street Names (July 1, 2019 – September 30, 2019)

Municipality	Number of New Street Names Added in Second Quarter of 2019	New Street Names Added*	Total Number of Street Names Reserved
Ajax	0		310
Brock	1	<ul style="list-style-type: none"> • Randy Skinner 	33
Clarington	9	<ul style="list-style-type: none"> • King Vista • Kings Hill • Sailors Landing • Coastal Haven • Corinthian Garden • Euridice Commons • Depew • Caspian • Lookout 	634
Oshawa	9	<ul style="list-style-type: none"> • Air Dancer • Aladancer • Frost Fair • Gelsey • Larida • Magdalen • Orchestrate • Winter Woods • Winter Grace 	441
Pickering	1	<ul style="list-style-type: none"> • Universal City 	656
Scugog	0		158
Uxbridge	0		89
Whitby	1	<ul style="list-style-type: none"> • Yarmola 	338
Total	21		2,659

* At this point in time not all suffixes have been assigned.

Becky Jamieson, Clerk, Township of Brock
Chris Harris, Clerk, Town of Whitby
Debbie Leroux, Clerk, Township of Uxbridge
Mary Medeiros, City Clerk – Interim, City of Oshawa
John Paul Newman, Director of Corporate Services/Clerk, Township of Scugog
Chief Administrative Officer



Towards a Reasonable Balance:

Addressing growing municipal liability and insurance costs

Submission to the Attorney General of Ontario

October 1, 2019

Table of Contents

Letter to the Attorney General of Ontario..... 3

Executive Summary 5

Recommendations 7

Insurance Cost Examples..... 8

Joint and Several in Action - Recent Examples 9

Joint and Several Liability in Action - Other notable cases 11

2011 Review of Joint and Several Liability - Law Commission of Ontario 11

2014 Resolution by the Ontario Legislature and Review by the Attorney General 12

Options for Reform - The Legal Framework..... 13

The Saskatchewan Experience..... 15

Insurance Related Reforms 17

Conclusion..... 18

Sent via email to: doug.downeyco@pc.ola.org
magpolicy@ontario.ca

October 1, 2019

The Honourable Doug Downey
Attorney General of Ontario
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, Ontario
M7A 2S9

Dear Attorney General Downey,

Municipal governments accept the responsibility to pay their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.

But what is a challenge for municipalities and property taxpayers alike, is being asked to assume someone else's responsibility for someone else's mistake. Municipal governments should not be the insurer of last resort. For municipalities in Ontario, however, the principle of joint and several liability ensures that they are just that.

Joint and several liability means higher insurance costs. It diverts property tax dollars from delivering public services. It has transformed municipalities into litigation targets while others escape responsibility. It forces municipal government to settle out-of-court for excessive amounts when responsibility is as low as 1%.

There must be a better way. There must be a better way to help ensure those who suffer losses are made whole again without asking municipalities to bear that burden alone. There must be a better way to be fair, reasonable, and responsible.

AMO welcomes the government's commitment to review joint and several liability. It is a complex issue that has many dimensions. Issues of fairness, legal principles, "liability chill", insurance failures and high insurance costs are all intertwined. Many other jurisdictions have offered additional protection for municipalities and AMO calls on the Ontario government to do the same.

What follows is a starting point for that discussion. Our paper reasserts key issues from AMO's 2010 paper, AMO's 2011 insurance cost survey, provides more recent examples, and details some possible solutions of which there are many options.

Municipalities are in the business of delivering public services. Municipal governments exist to connect people and to advance the development of a community. It is time to find a reasonable balance to prevent the further scaling back of public services owing to joint and several liability, "liability chill", or excessive insurance costs.



**Towards a Reasonable Balance:
Addressing growing municipal liability and insurance costs**

Together with the provincial government, I am confident we can find a better way.

Sincerely,

A handwritten signature in black ink, appearing to be 'JM', with a long horizontal line extending to the right.

Jamie McGarvey
AMO President

Executive Summary

AMO's advocacy efforts on joint and several liability in no way intends for aggrieved parties to be denied justice or damages through the courts. Rather, municipal governments seek to highlight the inequity of how much "deep pocket" defendants like municipalities are forced to pay, for both in and out of court settlements.

It is entirely unfair to ask property taxpayers to carry the lion's share of a damage award when a municipality is found at minimal fault or to assume responsibility for someone else's mistake.

Municipal governments cannot afford to be the insurer of last resort. The principle of joint and several liability is costing municipalities and taxpayers dearly, in the form of rising insurance premiums, service reductions and fewer choices. The *Negligence Act* was never intended to place the burden of insurer of last resort on municipalities.

As public organizations with taxation power and "deep pockets," municipalities have become focal points for litigation when other defendants do not have the means to pay. At the same time, catastrophic claim awards in Ontario have increased considerably. In part, joint and several liability is fueling exorbitant increases in municipal insurance premiums.

The heavy insurance burden and legal environment is unsustainable for Ontario's communities. Despite enormous improvements to safety, including new standards for playgrounds, pool safety, and better risk management practices, municipal insurance premiums and liability claims continue to increase. All municipalities have risk management policies to one degree or another and most large municipalities now employ risk managers precisely to increase health and safety and limit liability exposure in the design of facilities, programs, and insurance coverage. Liability is a top of mind consideration for all municipal councils.

Joint and several liability is problematic not only because of the disproportioned burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states. In total, 38 other states south of the border have adopted proportionate liability in specific circumstances to the benefit of municipalities. Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to consider various options.

There is precedence in Ontario for joint and several liability reform. The car leasing lobby highlighted a particularly expensive court award made in November of 2004 against a car leasing company by the victim of a drunk driver. The August 1997 accident occurred when the car skidded off a county road near Peterborough, Ontario. It exposed the inequity of joint and several liability for car leasing companies. The leasing companies argued to the government that the settlement had put them at a competitive disadvantage to lenders. They also warned that such liability conditions would likely drive some leasing and rental companies to reduce their business in Ontario. As a result, Bill 18 amended the *Compulsory Automobile Insurance Act*, the *Highway Traffic*

Act and the Ontario *Insurance Act* to make renters and lessees vicariously liable for the negligence of automobile drivers and capped the maximum liability of owners of rental and leased cars at \$1 million. While Bill 18 has eliminated the owners of leased and rented cars as “deep pocket” defendants, no such restrictions have been enacted to assist municipalities.

A 2011 survey conducted by AMO reveals that since 2007, liability premiums have increased by 22.2% and are among the fastest growing municipal costs. Total 2011 Ontario municipal insurance costs were \$155.2 million. Liability premiums made up the majority of these expenses at \$85.5 million. Property taxpayers are paying this price.

These trends are continuing. In August of 2019, it was reported the Town of Bradford West Gwillimbury faces a 59% insurance cost increase for 2019. This is just one example. AMO encourages the municipal insurance industry to provide the government with more recent data and trends to support the industry’s own arguments regarding the impact joint and several has on premiums.

Insurance costs disproportionately affect small municipalities. For 2011, the per capita insurance costs for communities with populations under 10,000 were \$37.56. By comparison, per capita costs in large communities with populations over 75,000 were \$7.71. Property taxpayers in one northern community are spending more on insurance than their library. In one southern county, for every \$2 spent on snowplowing roads, another \$1 is spent on insurance.

In 2016, the Ontario Municipal Insurance Exchange (OMEX), a not-for-profit insurer, announced that it was suspending reciprocal underwriting operations. The organization cited, a “low pricing environment, combined with the impact of joint and several liability on municipal claim settlements” as reasons for the decision. Fewer choices fuels premium increases.

Learning from other jurisdictions is important for Ontario. The Province of Saskatchewan has implemented liability reforms to support its municipalities. As a municipal lawyer at the time, Neil Robertson, QC was instrumental in laying out the arguments in support of these changes. Now a Justice of the Court of Queen’s Bench for Saskatchewan, AMO was pleased to have Neil Robertson prepare a paper and address AMO conference delegates in 2013. Much of the Saskatchewan municipal experience (which led to reforms) is applicable to the Ontario and the Canadian municipal context. Summarised below and throughout this paper are some of Robertson’s key findings.

Robertson found that, regardless of the cause, over the years municipalities in Canada have experienced an accelerating rate of litigation and an increase in amounts of damage awards. He noted these developments challenge municipalities and raise financial, operational and policy issues in the provision of public services.

Robertson describes the current Canadian legal climate as having placed municipalities in the role of involuntary insurer. Courts have assigned municipal liability where liability was traditionally denied and apportioned fault to municipal defendants out of proportion to municipal involvement in the actual wrong.

This increased exposure to liability has had serious ramifications for municipalities, both as a deterrent to providing public services which may give rise to claims and in raising the cost and reducing the availability of insurance. The cost of claims has caused insurers to reconsider not only

what to charge for premiums, but whether to continue offering insurance coverage to municipal clients.

Robertson also makes the key point that it is reasonable for municipal leaders to seek appropriate statutory protections. He wrote:

“Since municipalities exist to improve the quality of life for their citizens, the possibility of causing harm to those same citizens is contrary to its fundamental mission. Careful management and wise stewardship of public resources by municipal leaders will reduce the likelihood of such harm, including adherence to good risk management practices in municipal operations. But wise stewardship also involves avoiding the risk of unwarranted costs arising from inevitable claims.”

And, of course, a key consideration is the reality that insurance premiums, self-insurance costs, and legal fees divert municipal funds from other essential municipal services and responsibilities.

It is in this context that AMO appreciated the commitments made by the Premier and the Attorney General to review the principle of joint and several liability, the impact it has on insurance costs, and the influence “liability chill” has on the delivery of public services. Now is the time to deliver provincial public policy solutions which address these issues.

Recommendations

AMO recommends the following measures to address these issues:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

Insurance Cost Examples

The government has requested detailed information from municipalities regarding their insurance costs, coverage, deductibles, claims history, and out-of-court settlements. Municipalities have been busy responding to a long list of provincial consultations on a wide range of topics. Some of the information being sought is more easily supplied by the insurance industry. AMO's 2011 survey of insurance costs produced a sample size of 122 municipalities and assessed insurance cost increases over a five-year period. The survey revealed an average premium increase which exceeded 20% over that period.

All of the same forces remain at play in 2019 just as they were in 2011. Below are some key examples.

Ear Falls - The Township of Ear Falls reports that its insurance premiums have increased 30% over five years to \$81,686. With a population of only 995 residents (2016), this represents a per capita cost of \$82.09. This amount is a significant increase from AMO's 2011 Insurance Survey result. At that time, the average per capita insurance cost for a community with a population under 10,000 was \$37.56. While the Township has not been the subject of a liability claim, a claim in a community of this size could have significant and long-lasting financial and service implications. The Township has also had to impose stricter insurance requirements on groups that rent municipal facilities. This has had a negative impact on the clubs and volunteers' groups and as a consequence, many have cut back on the service these groups provide to the community.

Central Huron - For many years the municipality of Central Huron had a deductible of \$5,000. In 2014, the deductible was increased to \$15,000 to help reduce insurance costs. The municipality also increased its liability coverage in 2014 and added cyber security coverage in 2018. The combined impact of these changes represents a premium cost of \$224,774 in 2019, up from \$141,331 in 2010. Per capita costs for insurance alone are now \$29.67.

Huntsville - Since 2010, the Town of Huntsville reports an insurance premium increase of 67%. In 2019 this represented about 3.75% of the town's property tax levy. At the same time, Huntsville's deductible has increased from \$10,000 to \$25,000. The town also reports a reluctance to hold its own events for fear of any claims which may affect its main policy. Additional coverage is purchased for these events and these costs are not included above.

Ottawa - In August 2018, the City began working with its insurance broker, Aon Risk Solutions ("Aon"), to prepare for the anticipated renewal of the Integrated Insurance Program in April 2019. As the cost of the City's insurance premiums had risen by approximately 25% between 2017 and 2018, this early work was intended to ensure that any further increase could be properly accounted for through the 2019 budget process. Early indications of a possible further 10% premium increase prompted the City and Aon in late 2018 to explore options for a revised Program, and to approach alternative markets for the supply of insurance.

On January 11, 2019, an OC Transpo bus collided with a section of the Westboro Station transit shelter, resulting in three fatalities and numerous serious injuries. This was the second major incident involving the City's bus fleet, following approximately five years after the OC Transpo - VIA train collision in September 2013.

The January 2019 incident prompted insurance providers to re-evaluate their willingness to participate in the City Program. Despite Aon's work to secure an alternative provider, only Frank Cowan Company ("Cowan"), the City's existing insurer, was prepared to offer the City an Integrated Insurance Program. Cowan's offer to renew the City's Program was conditional on revised terms and limits and at a significant premium increase of approximately 84%, or nearly \$2.1 million per year. According to Cowan, these changes and increases were attributable to seven principle factors, including Joint and Several Liability:

1. Escalating Costs of Natural Global Disasters;
2. Joint and Several Liability;
3. Claims Trends (in the municipal sector);
4. Increasing Damage Awards;
5. Class Action Lawsuits;
6. New and/or Adverse Claims Development; and,
7. Transit Exposure.

Cowan also indicated that the primary policy limits for the 2019-2020 renewal would be lowered from \$25 million to \$10 million per occurrence, thereby raising the likelihood of increased costs for the City's excess liability policies.

Joint and Several in Action - Recent Examples

The following examples highlight joint and several in action. The following examples have occurred in recent years.

GTA Municipality - A homeowner rented out three separate apartments in a home despite being zoned as a single-family dwelling. After a complaint was received, bylaw inspectors and Fire Prevention Officers visited the property. The landlord was cautioned to undertake renovations to restore the building into a single-family dwelling. After several months of non-compliance, charges under the fire code were laid. The owner was convicted and fined. A subsequent visit by Fire Prevention Officers noted that the required renovations had not taken place. Tragically, a fire occurred which resulted in three fatalities. Despite having undertaken corrective action against the homeowner, joint and several liability loomed large. It compelled the municipality to make a payment of \$504,000 given the 1% rule.

City of Ottawa - A serious motor vehicle accident occurred between one of the City's buses and an SUV. The collision occurred at an intersection when the inebriated driver of the SUV failed to stop at a red light and was struck by the City bus. This collision resulted in the deaths of the SUV driver and two other occupants, and also seriously injured the primary Plaintiff, the third passenger in the SUV. The secondary action was brought by the family of one of the deceased passengers.

The Court ultimately concluded that the City was 20% liable for the collision, while the SUV driver was 80% at fault. Despite the 80/20 allocation of fault, the City was required to pay all of the approximately \$2.1 million in damages awarded in the primary case and the \$200,000 awarded in the secondary case, bringing the amount paid by the City to a total that was not proportionate to its actual liability. This was due to the application of the principle of joint and several liability, as well as the interplay between the various automobile insurance policies held by the SUV owner and

passengers, which is further explained below. Although the City appealed this case, the Ontario Court of Appeal agreed with the findings of the trial judge and dismissed it.

This case was notable for the implications of various factors on the insurance policies held by the respective parties. While most automobile insurance policies in Ontario provide for \$1 million in third party liability coverage, the insurance for the SUV was reduced to the statutory minimum of \$200,000 by virtue of the fact that the driver at the time of the collision had a blood alcohol level nearly three times the legal limit for a fully licensed driver. This was contrary to the requirements of his G2 license, which prohibit driving after the consumption of any alcohol. Further, while the Plaintiff passengers' own respective insurance provided \$1 million in coverage for underinsured motorists (as the SUV driver was at the time), this type of coverage is triggered only where no other party is in any way liable for the accident. As a result, the primary Plaintiff could only effectively recover the full \$2.1 million in damages if the Court attributed even a small measure of fault to another party with sufficient resources to pay the claim.

In determining that the City was at least partially responsible for the collision, the Court held that the speed of the bus - which according to GPS recordings was approximately 6.5 km/h over the posted limit of 60 kilometres an hour - and momentary inattention were contributing factors to the collision.

To shorten the length of the trial by approximately one week and accordingly reduce the legal costs involved, the parties had earlier reached an agreement on damages and that the findings regarding the primary Plaintiff would apply equally to the other. The amount of the agreement-upon damages took into account any contributory negligence on the part of the respective Plaintiffs, attributable to such things as not wearing a seat belt.

City of Ottawa, 2nd example - A Plaintiff was catastrophically injured when, after disembarking a City bus, he was struck by a third-party motor vehicle. The Plaintiff's injuries included a brain injury while his impairments included incomplete quadriplegia.

As a result of his accident, the Plaintiff brought a claim for damages for an amount in excess of \$7 million against the City and against the owner and driver of the third-party vehicle that struck him. Against the City, the Plaintiff alleged that the roadway was not properly designed and that the bus stop was placed at an unsafe location as it required passengers to cross the road mid-block and not at a controlled intersection.

Following the completion of examinations for discovery, the Plaintiff's claim against the Co-Defendant (the driver of the vehicle which struck the plaintiff) was resolved for \$1,120,000 comprising \$970,000 for damages and \$120,000 for costs. The Co-Defendant's policy limit was \$1 million. The claim against the City was in effect, a "1% rule" case where the City had been added to the case largely because the Co-Defendant's insurance was capped at \$1 million, which was well below the value of the Plaintiff's claim.

On the issue of liability, the pre-trial judge was of the view that the City was exposed to a finding of some liability against it on the theory that, because of the proximity of the bus stop to a home for adults with mental health issues, the City knew or should have known that bus passengers with cognitive and/or physical disabilities would be crossing mid-block at an unmarked crossing. This, according to the judge, could have resulted in a finding being made at trial that the City should

either have removed the bus stop or alternatively, should have installed a pedestrian crossing at this location.

The judge assessed the Plaintiff's damages at \$7,241,000 exclusive of costs and disbursements which he then reduced to \$4,602,930 exclusive of costs and disbursements after applying a reduction of 27.5% for contributory negligence and subtracting the \$970,000 payment made by the Co-Defendant's insurer.

Settlement discussions took place and the judge recommended that the matter be resolved for \$3,825,000 plus costs of \$554,750 plus HST plus disbursements.

Joint and Several Liability in Action - Other notable cases

Deering v Scugog - A 19-year-old driver was driving at night in a hurry to make the start time of a movie. She was travelling on a Class 4 rural road that had no centerline markings. The Ontario Traffic Manual does not require this type of road to have such a marking. The driver thought that a vehicle travelling in the opposite direction was headed directly at her. She swerved, over-corrected and ended up in a rock culvert. The Court found the Township of Scugog 66.7% liable. The at-fault driver only carried a \$1M auto insurance policy.

Ferguson v County of Brant - An inexperienced 17-year-old male driver was speeding on a road when he failed to navigate a curve which resulted in him crossing the lane into oncoming traffic, leaving the roadway, and striking a tree. The municipality was found to have posted a winding road sign rather than a sharp curve sign. The municipality was found 55% liable.

Safranyos et al v City of Hamilton - The plaintiff was leaving a drive-in movie theatre with four children in her vehicle at approximately 1 AM. She approached a stop sign with the intention of turning right onto a highway. Although she saw oncoming headlights she entered the intersection where she was struck by a vehicle driven 15 km/h over the posted speed limit by a man who had just left a party and was determined by toxicologists to be impaired. The children in the plaintiff's vehicle suffered significant injuries. The City was determined to be 25% liable because a stop line had not been painted on the road at the intersection.

Mortimer v Cameron - Two men were engaged in horseplay on a stairway and one of them fell backward through an open door at the bottom of a landing. The other man attempted to break the first man's fall and together they fell into an exterior wall that gave way. Both men fell 10 feet onto the ground below, one of whom was left quadriplegic. The trial judge determined both men were negligent, but that their conduct did not correspond to the extent of the plaintiff's injuries. No liability was attached to either man. The building owner was determined to be 20% and the City of London was found to be 80% liable. The Court awarded the plaintiff \$5 M in damages. On appeal, the City's liability was reduced to 40% and building owner was determined to be 60% liable. The City still ended up paying 80% of the overall claim.

2011 Review of Joint and Several Liability – Law Commission of Ontario

In February 2011 the Law Commission of Ontario released a report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"*. This review examined the application of

joint and several liability to corporate law and more specifically the relationship between the corporation and its directors, officers, shareholders and stakeholders.

Prior to the report's release, AMO made a submission to the Law Commission of Ontario to seek to expand its review to include municipal implications. The Law Commission did not proceed with a broader review at that time, but the context of its narrower scope remains applicable to municipalities. In fact, many of the same arguments which support reform in the realm of the *Business Corporations Act*, are the same arguments which apply to municipal governments.

Of note, the Law Commission's¹ report highlighted the following in favour of reforms:

Fairness: "it is argued that it is unfair for a defendant, whose degree of fault is minor when compared to that of other defendants, to have to fully compensate a plaintiff should the other defendants be insolvent or unavailable."

Deep Pocket Syndrome: "Joint and several liability encourages plaintiffs to unfairly target defendants who are known or perceived to be insured or solvent."

Rising Costs of Litigation, Insurance, and Damage Awards: "Opponents of the joint and several liability regime are concerned about the rising costs of litigation, insurance, and damage awards."

Provision of Services: "The Association of Municipalities of Ontario identifies another negative externality of joint and several liability: municipalities are having to delay or otherwise cut back services to limit exposure to liability."

The Law Commission found that the principle of joint and several liability should remain in place although it did not explicitly review the municipal situation.

2014 Resolution by the Ontario Legislature and Review by the Attorney General

Over 200 municipalities supported a motion introduced by Randy Pettapiece, MPP for Perth-Wellington which called for the implementation a comprehensive, long-term solution in 2014. That year, MPPs from all parties supported the Pettapiece motion calling for a reform joint and several liability.

Later that year the Ministry of the Attorney General consulted on three options of possible reform:

1. The Saskatchewan Model of Modified Proportionate Liability

Saskatchewan has adopted a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent. Under the Saskatchewan rule, where a plaintiff is contributorily negligent and there is an unfunded liability, the cost of the unfunded liability is split among the remaining defendants and the plaintiff in proportion to their fault.

¹ Law Commission of Ontario. "Joint and Several Liability Under the Ontario *Business Corporations Act*." Final Report, February 2011 Pages 22-25.

2. Peripheral Wrongdoer Rule for Road Authorities

Under this rule, a municipality would never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages.

3. A combination of both of the above

Ultimately, the government decided not to pursue any of the incremental policy options ostensibly because of uncertainty that insurance cost reductions would result. This was a disappointing result for municipalities.

While these reviews did not produce results in Ontario, many other common law jurisdictions have enacted protections for municipalities. What follows are some of the options for a different legal framework.

Options for Reform – The Legal Framework

To gain a full appreciation of the various liability frameworks that could be considered, for comparison, below is a description of the current joint and several liability framework here in Ontario. This description will help to reader to understand the further options which follow.

This description and the alternatives that follow are taken from the Law Commission of Ontario's February 2011 Report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"* as referenced above.²

Understanding the Status Quo and Comparing it to the Alternatives

Where three different defendants are found to have caused a plaintiff's loss, the plaintiff is entitled to seek full payment (100%) from any one of the defendants. The defendant who fully satisfies the judgment has a right of contribution from the other liable parties based on the extent of their responsibility for the plaintiff's loss.

For example, a court may find defendants 1 (D1), 2 (D2) and 3 (D3) responsible for 70%, 20%, and 10% of the plaintiff's \$100,000 loss, respectively. The plaintiff may seek to recover 100% of the loss from D2, who may then seek contribution from D1 and D3 for their 70% and 10% shares of the loss. If D1 and/or D3 is unable to compensate D2 for the amount each owes for whatever reason, such as insolvency or unavailability, D2 will bear the full \$100,000 loss. The plaintiff will be fully compensated for \$100,000, and it is the responsibility of the defendants to apportion the loss fairly between them.

The descriptions that follow are abridged from pages 9-11 of the Law Commission of Ontario's report. These are some of the key alternatives to the status quo.

² Ibid. Page 7.

1. Proportionate Liability

a) Full Proportionate Liability

A system of full proportionate liability limits the liability of each co-defendant to the proportion of the loss for which he or she was found to be responsible. Per the above example, (in which Defendant 1 (D1) is responsible for 70% of loss, Defendant 2 (D2) for 20% and Defendant 3 (D3) for 10%), under this system, D2 will only be responsible for \$20,000 of the \$100,000 total judgement: equal to 20% of their share of the liability. Likewise, D1 and D3 will be responsible for \$70,000 and \$10,000. If D1 and D3 are unable to pay, the plaintiff will only recover \$20,000 from D2.

b) Proportionate Liability where Plaintiff is Contributorily Negligent

This option retains joint and several liability when a blameless plaintiff is involved. This option would cancel or adjust the rule where the plaintiff contributed to their loss. As in the first example, suppose the plaintiff (P) contributed to 20% of their \$100,000 loss. D1, D2 and D3 were responsible for 50%, 20% and 10% of the \$100,000. If D1 and D3 are unavailable, P and D2 will each be responsible for their \$20,000 shares. The plaintiff will remain responsible for the \$60,000 shortfall as a result of the absent co-defendants' non-payment (D1 and D3).

c) Proportionate Liability where Plaintiff is Contributorily Negligent with a Proportionate Reallocation of an Insolvent, Financially Limited or Unavailable Defendant's Share

In this option of proportionate liability, the plaintiff and remaining co-defendants share the risk of a defendant's non-payment. The plaintiff (P) and co-defendants are responsible for any shortfall in proportion to their respective degrees of fault.

Using the above example of the \$100,000 total judgement, with a shortfall payment of \$50,000 from D1 and a shortfall payment \$10,000 from D3, P and D2 must pay for the missing \$60,000. P and D2 have equally-apportioned liability, which causes them to be responsible for half of each shortfall - \$25,000 and \$5,000 from each non-paying defendant. The burden is shared between the plaintiff (if determined to be responsible) and the remaining defendants.

d) Proportionate Liability with a Peripheral Wrongdoer

Under this option, a defendant will be proportionately liable only if their share of the liability falls below a specified percentage, meaning that liability would be joint and several. Using the above example, if the threshold amount of liability is set at 25%, D2 and D3 would only be responsible for 20% and 10%, regardless of whether they are the only available or named defendants. However, D1 may be liable for 100% if it is the only available or named defendant. This system tends to favour defendants responsible for a small portion of the loss, but the determination of the threshold amount between joint and several liability and proportionate liability is arbitrary.

e) Proportionate Liability with a Reallocation of Some or All of an Insolvent or Unavailable Defendant's Share

This option reallocates the liability of a non-paying defendant among the remaining defendants in proportion to their respective degrees of fault. The plaintiff's contributory negligence does not

impact the application of this reallocation. Joint and several liability would continue to apply in cases of fraud or where laws were knowingly violated.

f) Court Discretion

Similar to the fraud exception in the option above, this option includes giving the courts discretion to apply different forms of liability depending on the case.

For example, if a particular co-defendant's share of the fault was relatively minor the court would have discretion to limit that defendant's liability to an appropriate portion.

2. Legislative Cap on Liability

Liability concerns could be addressed by introducing a cap on the amount of damages available for claims for economic loss.

3. Hybrid

A number of jurisdictions provide a hybrid system of proportionate liability and caps on damages. Co-defendants are liable for their portion of the damages, but the maximum total amount payable by each co-defendant is capped to a certain limit.

The Saskatchewan Experience

As referenced earlier in this paper, the Province of Saskatchewan responded with a variety of legislative actions to assist municipalities in the early 2000s. Some of those key developments are listed below which are abridged from *"A Question of Balance: Legislative Responses to Judicial Expansion of Municipal Liability – the Saskatchewan Experience."* The paper was written by Neil Robertson, QC and was presented to the annual conference of the Association of Municipalities of Ontario in 2013. Two key reforms are noted below.

1. Reforming joint and several liability by introducing modified proportionate liability: "The Contributory Negligence Act" amendments

The *Contributory Negligence Act* retained joint and several liability, but made adjustments in cases where one or more of the defendants is unable to pay its share of the total amount (judgement). Each of the parties at fault, including the plaintiff if contributorily negligent, will still have to pay a share of the judgement based on their degree of fault. However, if one of the defendants is unable to pay, the other defendants who are able to pay are required to pay only their original share and an additional equivalent share of the defaulting party's share.

The change in law allows municipalities to reach out-of-court settlements, based on an estimate of their degree of fault. This allows municipalities to avoid the cost of protracted litigation.

Neil Robertson provided the following example to illustrate how this works in practise:

"...If the owner of a house sues the builder for negligent construction and the municipality, as building authority, for negligent inspection, and all three are found equally at fault, they would each be apportioned 1/3 or 33.3%. Assume the damages are \$100,000. If the builder has no funds, then the municipality would pay only its share (\$33,333) and a 1/3 share of the builder's defaulting share

(1/3 of \$33,333 or \$11,111) for a total of \$44,444 (\$33,333 + \$11,111), instead of the \$66,666 (\$33,333 + \$33,333) it would pay under pure joint and several liability.”

This model will be familiar to municipal leaders in Ontario. In 2014, Ontario’s Attorney General presented this option (called the Saskatchewan Model of Modified Proportionate Liability) for consideration. At the time, over 200 municipal councils supported the adoption of this option along with the “Peripheral Wrongdoer Rule for Road Authorities” which would have seen a municipality never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages. These two measures, if enacted, would have represented a significant incremental step to address the impact of joint and several to Ontario municipalities.

2. Providing for uniform limitation periods while maintaining a separate limitation period for municipalities: “The Limitations Act”

This act established uniform limitation periods replacing many of the pre-existing limitation periods that had different time periods. The Municipal Acts in Saskatchewan provide a uniform one-year limitation period “from time when the damages were sustained” in absolute terms without a discovery principle which can prolong this period. This helps municipalities to resist “legacy” claims from many years beforehand. This act exempts municipalities from the uniform two-year discoverability limitation period.

Limitation periods set deadlines after which claims cannot be brought as lawsuits in the courts. The legislation intends to balance the opportunity for potential claimants to identify their claims and, if possible, negotiate a settlement out of court before starting legal action with the need for potential defendants to “close the books” on claims from the past.

The reasoning behind these limitations is that public authorities, including municipalities, should not to be punished by the passage of time. Timely notice will promote the timely investigation and disposition of claims in the public interest. After the expiry of a limitation period, municipalities can consider themselves free of the threat of legal action, and continue with financial planning without hurting “the public taxpayer purse”. Municipalities are mandated to balance their budgets and must be able to plan accordingly. Thus, legacy claims can have a very adverse affect on municipal operations.

Here in Ontario, there is a uniform limitations period of two years. Municipalities also benefit from a 10-day notice period which is required for slip and fall cases. More recently, the applicability of this limitation deadline has become variable and subject to judicial discretion. Robertson’s paper notes that in Saskatchewan, courts have accepted the one-year limitations period. A further examination of limitations in Ontario may yield additional benefits and could include the one-year example in Saskatchewan and/or the applicability of the 10-day notice period for slip and fall cases.

Other Saskatchewan reforms

Saskatchewan has also implemented other reforms which include greater protections for building inspections, good faith immunity, duty of repair, no fault insurance, permitting class actions, and limiting nuisance actions. Some of these reforms are specific to Saskatchewan and some of these currently apply in Ontario.

Insurance Related Reforms

Government Regulated Insurance Limits

The April 2019 provincial budget included a commitment to increase the catastrophic impairment default benefit limit to \$2 million. Public consultations were led by the Ministry of Finance in September 2019. AMO wrote to the Ministry in support of increasing the limit to \$2 million to ensure more adequate support those who suffer catastrophic impairment.

In 2016, the government lowered this limit as well as third-party liability coverage to \$200,000 from \$1 million. This minimum should also be increased to \$2 million to reflect current actual costs. This significant deficiency needs to be addressed.

Insurance Industry Changes

In 1989 the Ontario Municipal Insurance Exchange (OMEX) was established as a non-profit reciprocal insurance provider for Ontario's municipalities. It ceased operations in 2016 citing, "[a] low pricing environment, combined with the impact of joint & several liability on municipal claim settlements has made it difficult to offer sustainable pricing while still addressing the municipalities' concern about retro assessments."³ (Retro assessments meant paying additional premiums for retroactive coverage for "long-tail claims" which made municipal budgeting more challenging.)

The demise of OMEX has changed the municipal insurance landscape in Ontario. That joint and several liability is one of the key reasons listed for the collapse of a key municipal insurer should be a cause for significant concern. Fewer choices fuels cost. While there are other successful municipal insurance pools in Ontario, the bulk of the insurance market is dominated by for-profit insurance companies.

Reciprocal non-profit insurers are well represented in other areas across Canada. Municipalities in Saskatchewan, Alberta, British Columbia are all insured by non-profit reciprocals.

The questions for policy makers in Ontario:

Are there any provincial requirements or regulations which could better support the non-profit reciprocal municipal insurance market?

What actions could be taken to better protect municipalities in Ontario in sourcing their insurance needs?

How can we drive down insurance costs to better serve the needs of municipal property taxpayers?

³ Canadian Underwriter, August 11, 2016 <https://www.canadianunderwriter.ca/insurance/ontario-municipal-insurance-exchange-suspends-underwriting-operations-1004098148/>

Conclusion

This AMO paper has endeavoured to refresh municipal arguments on the need to find a balance to the issues and challenges presented by joint and several liability. It has endeavoured to illustrate that options exist and offer the reassurance that they can be successfully implemented as other jurisdictions have done.

Finding solutions that work will require provincial and municipal commitment. Working together, we can find a better way that is fair, reasonable, and responsible. It is time to find a reasonable balance.

Sent by Email

October 25, 2019

Hon. Steve Clarke
Minister of Municipal Affairs & Housing
steve.clark@pc.ola.org

Subject: Director, City Development & CBO, Report PLN 23-19
Provincial Policy Statement Review, Proposed Policies
Environment Registry of Ontario Number 019-0279
File: A-1400-001-19

The Council of The Corporation of the City of Pickering considered the above matter at a meeting held on October 21, 2019, and adopted the following resolution:

1. That Council receive for information and review, a copy of The Regional Municipality of Durham Report #2019-P-42 of the Commissioner of Planning and Economic Development and Chief Administrative Officer, dated October 1, 2019, titled "Provincial Policy Statement Review, Proposed Policies (ERO #019-0279), File: L35-03", provided as Appendix I to Report PLN 23-19;
2. That Council endorse the following recommendations of The Regional Municipality of Durham Report #2019-P-42 as they apply to the City of Pickering: A) i) through x), xii), xiv), xv) and xvii) through xix);
3. That Council endorse the following staff recommendations as part of Council's response to the Province's proposed changes to the Provincial Policy Statement (Environmental Registry of Ontario Number 019-0279):
 - a. That the term "market-based" be defined.
 - b. That the proposed changes to the definition of "on-farm diversified uses" which will permit ground-mounted solar facilities in prime agricultural areas and specialty crop areas, be removed.
 - c. That proposed new Policy 1.6.8.5 be supported as it promotes the co-location of linear infrastructure where appropriate.

- d. That the proposed change to Policy 1.6.10.1 be removed to ensure the consideration of the implications associated with development and land use planning on waste generation.
 - e. That the proposed change to Policy 3.1.3 be supported as it enhances requirements for climate change considerations, as well as recognizes that the impacts of a changing climate are clear and present as opposed to potential.
 - f. That proposed new Policy 4.7 which promotes fast-tracking priority applications that support housing and job-related growth and development, and the reduction of the time needed to process residential and priority applications to the extent practical, be clarified; and,
4. That a copy of Report PLN 23-19 and Council's resolution on the Report be forwarded to: the Minister of Municipal Affairs and Housing; the Environmental Registry of Ontario; the Honourable Peter Bethlenfalvy, MPP Pickering – Uxbridge; and the Region of Durham.

A copy of Report PLN 23-19 is attached for your reference.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660, extension 2019.

Yours truly



Susan Cassel
City Clerk

SC:lh
Enclosure

Copy: Peter Bethlenfalvy, MPP Pickering-Uxbridge
Ralph Walton, Regional Clerk, Director of Legislative Services, Region of Durham
Environmental Registry of Ontario
Chief Administrative Officer
Director, City Development & CBO

From: Kyle Bentley
Director, City Development & CBO

Subject: Provincial Policy Statement Review, Proposed Policies
Environmental Registry of Ontario Number 019-0279
File: L-1100-052

Recommendation:

1. That Council receive for information and review, a copy of The Regional Municipality of Durham Report #2019-P-42 of the Commissioner of Planning and Economic Development and Chief Administrative Officer, dated October 1, 2019, titled "Provincial Policy Statement Review, Proposed Policies (ERO #019-0279), File: L35-03", provided as Appendix I to Report PLN 23-19;
2. That Council endorse the following recommendations of The Regional Municipality of Durham Report #2019-P-42 as they apply to the City of Pickering: A) i) through x), xii), xiv), xv) and xvii) through xix);
3. That Council endorse the following staff recommendations as part of Council's response to the Province's proposed changes to the Provincial Policy Statement (Environmental Registry of Ontario Number 019-0279):
 - a. That the term "market-based" be defined.
 - b. That the proposed changes to the definition of "on-farm diversified uses" which will permit ground-mounted solar facilities in prime agricultural areas and specialty crop areas, be removed.
 - c. That proposed new Policy 1.6.8.5 be supported as it promotes the co-location of linear infrastructure where appropriate.
 - d. That the proposed change to Policy 1.6.10.1 be removed to ensure the consideration of the implications associated with development and land use planning on waste generation.
 - e. That the proposed change to Policy 3.1.3 be supported as it enhances requirements for climate change considerations, as well as recognizes that the impacts of a changing climate are clear and present as opposed to potential.
 - f. That proposed new Policy 4.7 which promotes fast-tracking priority applications that support housing and job-related growth and development, and the reduction of the time needed to process residential and priority applications to the extent practical, be clarified; and

-
4. That a copy of Report PLN 23-19 and Council's resolution on the Report be forwarded to: the Minister of Municipal Affairs and Housing; the Environmental Registry of Ontario; the Honourable Peter Bethlenfalvy, MPP Pickering – Uxbridge; and the Region of Durham.
-

Executive Summary: The Provincial Policy Statement (PPS) is the primary Provincial land use policy document guiding municipal decision-making. Municipalities are the primary implementers of the PPS through policies in their respective official plans, zoning by-laws and other planning related documents. *The Planning Act* requires that decisions on land use planning matters be "consistent with" the PPS.

On May 2, 2019, the government released "More Homes, More Choice: Ontario's Housing Supply Action Plan" (Action Plan). The Action Plan includes a series of distinct but coordinated initiatives to address housing supply, including a review of the PPS.

On July 22, 2019 the Province released, for consultation purposes, proposed policy changes to the current (2014) PPS. The deadline for comment is October 21, 2019.

The Regional Municipality of Durham staff have prepared a report to their Council, providing an overview, preliminary comments, and a number of recommended changes to the PPS (see Appendix I, The Regional Municipality of Durham Report #2019-P-42 on the PPS, October 1, 2019). Durham Region staff's recommended changes include requesting:

- clarification and/or definitions for new terms and/or policies, including that the term "market-based" be revised to "market informed" to better reflect the provincial policy-led planning system, and the Region's long-term planning objectives that support the provision of affordable and supportive housing, while encouraging a more compact urban form that is sensitive to local conditions;
- the addition of natural heritage and hydrologic systems as criteria for consideration in the adjustment of Settlement Area boundaries;
- the existing land use compatibility policies related to sensitive uses and industrial/manufacturing uses be maintained;
- the deletion of proposed new policy that relates to the integration of stormwater and water/sewer planning since stormwater planning is the responsibility of the local municipalities and water/sewer planning is the responsibility of the Region and that the priorities of the different municipalities may differ; and
- that climate data be added to the definition of "impacts of a changing climate", among other additions.

Many of the issues and challenges that the Regional Municipality of Durham would face, arising from the changes to the PPS, are equally applicable to Pickering. Relying on the review and analysis contained in the Durham Region report, Pickering staff recommends that Council endorse certain recommended policy amendments as the City's response to the Environmental Registry's posting (ERO #019-0279) for the Provincial Policy Statement Review, Proposed Policies.

Staff have also provided additional recommendations relating to: adding a definition of “market-based”; removing the change to add solar farms to the proposed definition of “on-farm diversified uses”; supporting policy that promotes the co-location of linear infrastructure where appropriate; removing the proposed change to Policy 1.6.10.1 to ensure the consideration of the implications associated with development and land use planning on waste generation; supporting the proposed change to Policy 3.1.3 as it enhances requirements for climate change considerations; and clarifying what constitutes “priority applications” as proposed in new Policy 4.7 which promotes fast-tracking priority applications that support housing and job-related growth and development, and the reduction of the time needed to process residential and priority applications to the extent practical.

Financial Implications: There are no financial implications associated with the comments in this report.

Discussion: On July 22, 2019 the Province released, for consultation purposes, proposed policy changes to the current Provincial Policy Statement (2014). The deadline for comment is October 21, 2019. A copy of the proposed policy statement is available at ero.ontario.ca/notice/019-0279. An overview document of the proposed policy changes is shown in Attachment #1.

The Provincial Policy Statement (PPS) is the primary Provincial land use policy document that sets out minimum requirements that apply across Ontario. *The Planning Act* requires that all land use planning decisions “shall be consistent with” the PPS.

The Regional Municipality of Durham has prepared a detailed report outlining their response to the proposed policy changes. A copy of the report is provided as an appendix to Report PLN 23-19 for Council’s information and review (see Appendix I, The Regional Municipality of Durham Report #2019-P-42 on the Provincial Policy Statement Review, October 1, 2019).

Staff have reviewed the analysis and recommendations in the Regional Municipality of Durham Report to Council and concur with the following recommendations:

- A (i) That, for clarification purposes, the term “Provincial Interest” be defined in the PPS, or that a reference to Section 2 of the Planning Act be included;
- A (ii) That a policy be included in Policy 1.1.1 that encourages the preparation and implementation of community energy plans as a component of planning for healthy, liveable and safe communities;
- A (iii) That the term “market-based” in Policy 1.1.1.(6) be revised to “market informed” to better reflect the provincial policy-led planning system, and the Region’s long-term planning objectives that support the provision of affordable and supportive housing, while encouraging a more compact urban form that is sensitive to local conditions;
- A (iv) That the Province be requested to either release an updated Land Needs Assessment guidance document, or confirm the existing draft document, to help the Region advance Envision Durham, the Region’s Municipal Comprehensive Review;
- A (v) That the PPS continue to use the word “shall” in policies 1.1.3.6, 1.1.3.7 and 1.6.7.2 to assist with the implementation of orderly and sequential development and complete communities;

-
- A (vi) That the references to Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the PPS be reinstated in Policy 1.1.3.8 to ensure that the review of Settlement Area boundaries is systematic, well planned and comprehensive;
 - A (vii) That natural heritage and hydrologic systems be added as criteria for consideration in the adjustment of Settlement Area boundaries to ensure that these reviews are systematic, well-planned and comprehensive and in sync with the Growth Plan;
 - A (viii) That the proposed wording changes to the land use compatibility policies in Policies 1.2.6.1 and 1.2.6.2 not be supported, as the changes could lead to greater conflict between sensitive uses and industrial/manufacturing uses;
 - A (ix) That the Province be requested to provide additional guidance regarding the appropriate transition area, or distance separation, between industrial and manufacturing uses and non-employment uses, including providing additional clarity regarding Places of Worship that are regarded as sensitive land uses;
 - A (x) That the term “regional economic development corporation” in Policy 1.3.2.5 be changed to “Planning Authority” to be consistent with other policies in the PPS;
 - A (xii) That the Province clarify that the upper-tier planning authority is the level which has responsibility for ensuring residential growth can be accommodated for a minimum of 12 years, and that the three-year supply of residential units is also maintained at the Regional level. In addition, it should be clarified that the upper or single-tier municipality would be responsible for defining the “regional market area”;
 - A (xiv) That proposed Policy 1.6.6.7 of the PPS be deleted related to the integration of stormwater and water/sewer planning, as the responsibilities of municipalities in single-tier and two-tier systems differ;
 - A (xv) That Policy 1.6.7.5 not be deleted as its removal is inconsistent with the PPS overall, as the Province and municipalities are to support the timely planning and implementation of transportation infrastructure improvements, coincident with the scale and pace of development, and the failure to provide this statement does not support the principle of promoting transit supportive development;
 - A (xvii) That the Province provide guidance regarding how excess fill can be managed by the planning and development approvals process and suggest that excess fill can be managed through engineering approvals for developments following the draft approval stage;
 - A (xviii) That the definition of the term “conserved” remain the same as per the 2014 PPS to recognize that municipalities do not have the authority to “approve” or adopt archaeological and heritage impact assessments; and
 - A (xix) That a reference to climate data be added to the definition of “impacts of a changing climate”.

Staff recommend that Council support the above-noted recommendations in the Regional Municipality of Durham Report #2019-P-42, and recommend that the Province amend the PPS accordingly.

In addition to the recommendations above, staff recommend that Council support the following recommendations in response to the Province's proposed changes to the Provincial Policy Statement (Environmental Registry of Ontario Number 019-0279):

- That the term "market-based" be defined.

The Province introduces the term "market-based" in Policy 1.1.1 b) to indicate that healthy, liveable and safe communities are to be sustained by an appropriate "market-based" range and mix of residential types, and identifies a wide range of housing types as examples. It is not clear what is meant by "market-based" and thus the term needs definition.

- That the proposed changes to the definition of "on-farm diversified uses" which will permit ground-mounted solar facilities in prime agricultural areas and specialty crop areas be removed.

This recommendation is consistent with Council's endorsement of the suggestion to introduce policies into the Regional Official Plan to prohibit large solar farms from locating on Prime Agricultural Areas in the Region, and that instead, these types of energy facilities be directed to marginal agricultural lands.

- That proposed new Policy 1.6.8.5 be supported, as it promotes the co-location of linear infrastructure where appropriate.

Proposed new Policy 1.6.8.5 is in keeping with Amendment 31 to the Pickering Official Plan which implements Information and Communication Technology Network policies and the "Dig Once" standard.

- That the proposed change to Policy 1.6.10.1 be removed to ensure the consideration of the implications associated with development and land use planning on waste generation.

Policy 1.6.10.1 is proposed to be amended to remove the following: "Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion." In order to decrease reliance on landfills and increase diversion opportunities, it is important to consider the implications associated with development and land use planning on waste generation.

- That the proposed change to Policy 3.1.3 be supported as it enhances requirements for climate change considerations, as well as recognizes that the impacts of a changing climate are clear and present as opposed to potential.

Policy 3.1.3 is proposed to be amended to require planning authorities to prepare for the impacts of a changing climate rather than simply consider the potential impacts of climate change.

- That proposed new Policy 4.7 which promotes fast-tracking priority applications that support housing and job-related growth and development, and the reduction of the time needed to process residential and priority applications to the extent practical, be clarified.

Proposed new Policy 4.7, although intended to speed up the development process with respect to housing and job-related development, lacks clarity about what constitutes "priority applications".

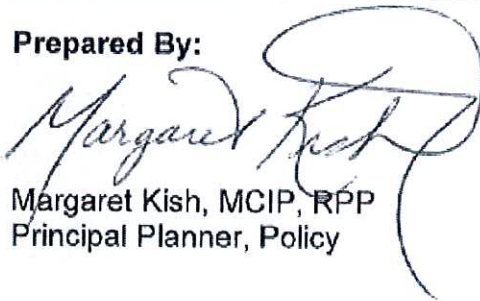
Appendix

Appendix I The Regional Municipality of Durham Report #2019-P-42 on the Provincial Policy Statement, October 1, 2019

Attachment

1. Provincial Policy Statement (PPS) Review
-

Prepared By:




Margaret Kish, MCIP, RPP
Principal Planner, Policy

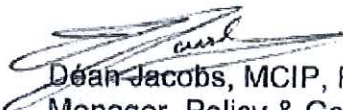
Approved/Endorsed By:



Catherine Rose, MCIP, RPP
Chief Planner



Kyle Bentley, P. Eng.
Director, City Development & CBO



Dean Jacobs, MCIP, RPP
Manager, Policy & Geomatics

MK:ld

Recommended for the consideration
of Pickering City Council



Tony Prevedel, P.Eng.
Chief Administrative Officer

**Appendix I to
Report PLN 23-19**

**The Regional Municipality of Durham
Report #2019-P-42 on the
Provincial Policy Statement, October 1, 2019**

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



The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2019-P-42
Date: October 1, 2019

Subject:

Provincial Policy Statement Review, Proposed Policies (ERO #019-0279), File: L35-03

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That Commissioner's Report #2019-P-42 be endorsed as Durham Region's response to the Environmental Registry's posting (ERO #019-0279) for the Provincial Policy Statement Review – Proposed Policies, including the following recommendations:
- i) That, for clarification purposes, the term "Provincial Interest" be defined in the PPS, or that a reference to section 2 of the Planning Act be included;
 - ii) That a policy be included in Policy 1.1.1 that encourages the preparation and implementation of community energy plans as a component of planning for healthy, liveable and safe communities;
 - iii) That the term "market-based" in Policy 1.1.1.(6) be revised to "market informed" to better reflect the provincial policy-led planning system, and the Region's long-term planning objectives that support the provision of affordable and supportive housing, while encouraging a more compact urban form that is sensitive to local conditions;
 - iv) That the Province be requested to either release an updated Land Needs Assessment guidance document, or confirm the existing draft document, to

- help the Region advance Envision Durham, the Region's Municipal Comprehensive Review;
- v) That the PPS continue to use the word "shall" in policies 1.1.3.6, 1.1.3.7 and 1.6.7.2 to assist with the implementation of orderly and sequential development and complete communities;
 - vi) That the references to Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the PPS be reinstated in Policy 1.1.3.8 to ensure that the review of Settlement Area boundaries is systematic, well planned and comprehensive;
 - vii) That natural heritage and hydrologic systems be added as criteria for consideration in the adjustment of Settlement Area boundaries to ensure that these reviews are systematic, well-planned and comprehensive and in sync with the Growth Plan;
 - viii) That the proposed wording changes to the land use compatibility policies in Policies 1.2.6.1 and 1.2.6.2 not be supported, as the changes could lead to greater conflict between sensitive uses and industrial/manufacturing uses;
 - ix) That the Province be requested to provide additional guidance regarding the appropriate transition area, or distance separation, between industrial and manufacturing uses and non-employment uses, including providing additional clarity regarding Places of Worship that are regarded as sensitive land uses;
 - x) That the term "regional economic development corporation" in Policy 1.3.2.5 be changed to "Planning Authority" to be consistent with other policies in the PPS;
 - xi) That the Province be requested to confirm whether it intends to release updated population and employment forecasts for the Greater Golden Horseshoe that would allow the Region to use a 25-year planning horizon in its Municipal Comprehensive Review;
 - xii) That the Province clarify that the upper-tier planning authority is the level which has responsibility for ensuring residential growth can be accommodated for a minimum of 12 years, and that the three-year supply of residential units is also maintained at the Regional level. In addition, it should be clarified that the upper or single-tier municipality would be responsible for defining the "regional market area";

- xiii) That the proposed wording changes to Policy 1.6.6.3 be revised to address and safeguard the financial and operational risks to a municipality associated with privately-owned communal services;
 - xiv) That proposed Policy 1.6.6.7 of the PPS be deleted related to the integration of stormwater and water/sewer planning, as the responsibilities of municipalities in single-tier and two-tier systems differ;
 - xv) That Policy 1.6.7.5 not be deleted as its removal is inconsistent with the PPS overall, as the Province and municipalities are to support the timely planning and implementation of transportation infrastructure improvements, coincident with the scale and pace of development, and the failure to provide this statement does not support the principle of promoting transit supportive development;
 - xvi) That, for clarification purposes, the term “wayside” not be deleted from the heading in Policy 2.5.5, as the policy is specific to wayside pits and quarries;
 - xvii) That the Province provide guidance regarding how excess fill can be managed by the planning and development approvals process and suggest that excess fill can be managed through engineering approvals for developments following the draft approval stage;
 - xviii) That the definition of the term “conserved” remain the same as per the 2014 PPS to recognize that municipalities do not have the authority to “approve” or adopt archaeological and heritage impact assessments; and
 - xix) That a reference to climate data be added to the definition of “impacts of a changing climate”.
- B) That a copy of this report be forwarded to the Ministry of Municipal Affairs and Housing, and Durham’s area municipalities and conservation authorities.
-

Report:**1. Purpose**

- 1.1 The purpose of this report is to respond to ERO Posting #019-0279 which requests comments on proposed changes to the current (2014) Provincial Policy Statement (PPS).

2. Background

- 2.1 The Planning Act requires that the Minister of Municipal Affairs and Housing undertake a review of the PPS, at a minimum, every ten years. On July 22, 2019 the Province released, for consultation purposes, proposed policy changes to the 2014 PPS. A copy of the proposed changes to the PPS can be downloaded from the province's website [Provincial Policy Statement Review Proposed Policies](#). The deadline for comment is October 21, 2019. A copy of this report will be sent to the Minister following receipt by Committee, recognizing that formal comments from the Region will be sent following the Regional Council on October 23, 2019. Ministry of Municipal Affairs and Housing staff have been advised they will be receiving the Region's official comments shortly after the deadline.
- 2.2 The current version of the PPS came into effect April 30, 2014. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS applies province-wide, and not just to the municipalities within the Greater Toronto Area. The PPS sets the policy foundation for regulating the development and use of land and is complemented by provincial plans such as the Growth Plan for the Greater Golden Horseshoe (A Place to Grow), the Greenbelt Plan, and the Oak Ridges Moraine Conservation Plan.
- 2.3 The PPS fosters conditions for development, while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.
- 2.4 The PPS consists of:
- a. A preamble; description of legislative authority, how to read the PPS; and Vision for Ontario's Land Use Planning System,
 - b. A set of detailed policies addressing three major areas of Provincial interest:
 - Building Strong Healthy Communities;
 - Wise Use and Management of Resources;
 - Protecting Public Health and Safety;
 - c. An explanation of how the PPS is to be implemented and interpreted;
 - d. A Natural Heritage Protection Reference map; and
 - e. Definitions.

2.5 The Durham Regional Official Plan (ROP) implements the PPS and provincial plans by providing Durham Region specific policies. The ROP defines the intent of Regional Council in the guidance of growth and development in the Region. In exercising its approval authority, Regional Council ensures that the area municipal official plans and amendments are consistent with the ROP, the PPS and provincial plans.

3. Proposed Revisions to the PPS

3.1 According to the Province, the proposed revisions are intended to:

- Encourage the development of an increased mix and supply of housing;
- Protect the environment and public safety;
- Reduce barriers and costs for development and provide greater predictability;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

4. Comments

4.1 The comments below are presented by section, with specific recommendations in **bold**.

Preamble

4.2 A proposed new paragraph in the Preamble states that “official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas”. It is unclear if the term is referring to “provincial interests” as defined within section 2 of the Planning Act, 1990 or whether it includes other interests. **It is recommended, for clarification purposes, that the term “Provincial Interest” be defined in the PPS, or that a reference to section 2 of the Planning Act be included.**

Building Strong Healthy Communities

4.3 Section 1.1 of the PPS provides direction on managing and directing land use to achieve efficient and resilient development and land use patterns. In Durham, a Community Energy Plan has been endorsed to improve energy efficiency, support the development of renewable energy, reduce air pollution and support economic development initiatives based on a low carbon pathway. The reduction in energy use and reduced GHG emissions depends on the implementation of compact urban form, the implementation of robust transit services, the construction of

energy efficient buildings, and the development of diverse energy resources.

Although policy 1.1.1 of the PPS is consistent with these objectives, it is recommended that a policy be included that encourages the preparation and implementation of community energy plans as a component of planning for healthy, liveable and safe communities.

- 4.4 A proposed change to the PPS includes changes to Policy 1.1.1 b) which currently states: “[Healthy, liveable and safe communities are sustained by] b) accommodating an appropriate range and mix of residential (including second units affordable housing and housing for older persons)...” The policy is proposed to be revised such that municipalities would be required to plan for “accommodating an appropriate **market-based** range and mix of residential types”. The term “market-based” has been included several times throughout the document. This proposed change is at odds with Ontario’s provincial policy-led planning system¹. This approach would require planning for development that is dictated by the current market as opposed to broader long-term planning policy objectives, including the provision of affordable and supportive housing, and development practices that support the efficient use of land. Since the “market” can be affected by a wide variety of forces such as interest rates, the value of land, the geographic characteristics of sites and changing demographics, defining the market can be open to widely differing viewpoints. However, it is acknowledged that in the conduct of Land Needs Assessments (LNAs) as part of a Municipal Comprehensive Review, experts are mindful of regional market conditions and variations when they prepare development forecasts. These exercises strike a balance between accommodating forecasted housing needs while accommodating other planning policy objectives. Therefore, **it is recommended that the term “market-based” in Policy 1.1.1 (6) and throughout the document be revised to “market informed” to better reflect the provincial policy-led planning system, and the Region’s long-term planning objectives that support the provision of affordable and supportive housing, while encouraging a more compact urban form that is sensitive to local conditions.**
- 4.5 Further, since the Region is currently engaged in undertaking its Land Needs Assessment work, **it is recommended that the Province be requested to either release an updated Land Needs Assessment guidance document, or confirm**

¹ The PPS states, “Ontario’s provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.” (Part III, PPS)

- the existing draft document, to help the Region advance Envision Durham, the Region's Municipal Comprehensive Review.** In the absence of this certainty, the timing of the MCR could be delayed.
- 4.6 Transit-supportive development is enhanced by the requirement being added to several of the policies in Section 1 of the PPS, including Section 1.1.1 that promotes the integration of land use planning, growth management, transit-supportive development and the optimization of transit investments. These proposed changes are supported as they are consistent with the Region's current planning policies in both the ROP and the Region's Transportation Master Plan, 2017.
- 4.7 The nature of a number of policies throughout the PPS have been changed from "shall" to "should", making them less prescriptive. For example, the proposed PPS Policy 1.1.3.7 would read "Planning authorities should establish and implement phasing policies" as opposed to "shall" establish. There is a concern that providing discretion in this policy could enable development to proceed in a non-sequential or potentially haphazard manner. This type of wording change can be the subject of hearings at the LPAT, where debate on provincial policy intent is adjudicated. Further, the replacement of the word "shall" with "should" in policies 1.1.3.6, and 1.6.7.2 would introduce discretion for development other than "compact urban form" in designated growth areas, which is inconsistent with the PPS that provides policy direction for the efficient use of land and resources. This notion that non-sequential growth is permissible may create unnecessary confusion when interpreting PPS policies, and could detract from policies directed toward building complete communities that support transit and a healthy environment. **Therefore, it is recommended that the PPS continue to use the word "shall" in policies 1.1.3.6, 1.1.3.7 and 1.6.7.2 to assist with the implementation of orderly and sequential development and complete communities.**
- 4.8 The proposed PPS maintains the policy requiring the expansion of a settlement area boundary only at the time of a comprehensive review. However, the proposed PPS removes the requirement to examine the natural heritage system or natural hazards as the reference to Section 2, Wise Use and Management of Resources, and Section 3, Protecting Public Health and Safety, has been deleted. **It is recommended that the references to Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the PPS be reinstated in Policy 1.1.3.8 to ensure that the review of Settlement Area boundaries is systematic, well-planned and comprehensive.**

- 4.9 The Settlement Area boundary policies have also been revised to allow adjustments of Settlement Area boundaries outside a municipal comprehensive review if there is no net increase in land within Settlement Areas. This is consistent with the Growth Plan for the Greater Golden Horseshoe, although some of the criteria that must be satisfied are inconsistent between the two documents and could cause unnecessary confusion. For example, both the proposed PPS and the Growth Plan require that when examining Settlement Area boundary adjustments, the impact on the agricultural system be addressed, but the proposed PPS does not reference key hydrologic features or the natural heritage system. **It is recommended that natural heritage and hydrologic systems be added as criteria for consideration in the adjustment of Settlement Area boundaries to ensure that the review is systematic, well-planned and comprehensive.** This systematic evaluation of settlement area boundary expansions avoids a piecemeal and inconsistent approach.
- 4.10 Section 1.2.2 of the PPS is proposed to be revised to state that Planning Authorities **shall** (emphasis added) engage with Indigenous communities and coordinate on land use planning matters. The current PPS “encourages” Indigenous engagement. Over the past few years, the Region has been working to enhance its engagement practices with Indigenous communities through staff education and training, as well as through engagement on the Community Strategic Plan and the Municipal Comprehensive Review. As such, the proposed change to the PPS is consistent with Regional practice. However, this new requirement may have an impact on Regional staff’s ability to meet the new (shorter) planning application approval timelines, depending on a First Nation Council’s capacity to review and comment on planning applications.
- 4.11 Major industrial/manufacturing facilities are to be planned to avoid impacts on sensitive land uses. The land use compatibility policies in the PPS speak to the potential adverse effects from odour, noise and other contaminants, and risks to public health and safety. The existing PPS policies appear to be weakened through the proposed addition of a caveat statement in Policy 1.2.6.1 that states “if avoidance is not possible, minimize and mitigate any potential adverse effects”. A new policy is proposed (Policy 1.2.6.2) that indicates the conditions where avoidance is not possible, and alternative locations are not reasonable, then impacts can be minimized and mitigated in accordance with relevant guidelines and standards pertaining to odour, noise contaminants and risk to public health and safety. **It is recommended that the proposed wording changes to the land use compatibility policies in the PPS not be supported, as the changes could lead to greater conflicts between sensitive uses and**

industrial/manufacturing uses.

- 4.12 The proposed PPS would add a policy (Policy 1.3.2.3) to ensure an appropriate “transition” between industrial/manufacturing uses and non-employment uses. The Region is supportive of this addition as it is consistent with land use planning practices that support land use compatibility. **However, it is recommended that the Province be requested to provide additional guidance regarding the appropriate transition area, or distance separation, between industrial and manufacturing uses and non-employment uses, including providing clarity regarding facilities such as Places of Worship that are regarded as sensitive land uses.**
- 4.13 Proposed Policy 1.3.2.5 would allow for the conversion of employment areas to non-employment uses outside of a municipal comprehensive review, provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally-significant by a regional economic development corporation. This is similar to policies in the Growth Plan. Staff continue to support the systematic evaluation of employment land conversion requests through the Municipal Comprehensive Review process. **As an editorial comment, it is recommended that the term “regional economic development corporation” in Policy 1.3.2.5 be changed to “Planning Authority”, to be consistent with other policies in the PPS.**
- 4.14 The land use planning horizons for the protection of employment areas has been changed from 20 years to 25 years, and the supply of housing to be maintained has changed from 10 years to 12 years. The Region is currently undertaking a Municipal Comprehensive Review of the ROP to plan for 2041 population and employment forecasts, as prescribed in Schedule 3 the Growth Plan (roughly a 20-year planning horizon). **It is recommended that the Province be requested to confirm whether it intends to release updated population and employment forecasts for the Greater Golden Horseshoe that would allow the Region to use a 25-year planning horizon in its Municipal Comprehensive Review.**
- 4.15 Under Policy 1.4.1 of the PPS, planning authorities are required to provide a mix of housing options and densities required to meet the projected requirements of current and future residents of the regional market area. In order to do so, planning authorities are directed to maintain at all times the ability to accommodate residential growth for a minimum of 12 years through residential intensification and redevelopment, and if necessary lands which are designated and available for residential development. The threshold for the accommodation of residential

growth was previously 10 years. The increase to 12 years is supported. Planning authorities are also required to maintain at all times, where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

- 4.16 There has been confusion in the past as to whether the implementation of Policy 1.4.1 is the responsibility of the upper-tier municipality, or each individual area municipality due to the reference to “planning authorities”. This confusion has persisted, despite the policy stating it is for the “regional market area”. Although the “regional market area” is a defined term in the PPS, referring to the upper or single-tier municipality, it can be a larger area, depending on circumstances. Where a two-tier planning system is in effect, as in Durham Region, it is **recommended that the Province clarify that the upper-tier planning authority is the level which has responsibility for ensuring residential growth can be accommodated for a minimum of 12 years, and that the three-year supply of residential units is also to be maintained at the Regional level. In addition, it should be clarified that the upper or single-tier municipality would be responsible for defining the “regional market area”.**
- 4.17 Proposed revisions to Policy 1.6.6.3 would permit the implementation of private communal water services in multi-unit/lot development in rural settlements. The use of privately-owned communal services can be problematic, particularly if these services fail, and there is an expectation for the Region to assume the service. The policy should clarify that ownership and maintenance of a communal system/service would be the responsibility of the condominium corporation or private owner in perpetuity, such that it does not become a future burden to taxpayers. **It is recommended that the proposed wording changes to Policy 1.6.6.3 address the financial and operational risks to a municipality associated with communal services.**
- 4.18 Policy 1.6.6.7 states that stormwater management shall “be integrated with planning for sewage and water services”. It is unclear how this policy should be implemented as sewage, water and stormwater are independent services that serve different purposes, service areas, and flow directions. Further, within Durham Region, stormwater management is primarily the responsibility of the area municipalities, while water and sewer services are the Region’s responsibility. This proposed change to the PPS could imply that an upper-tier municipality would be responsible for stormwater management, which is a departure from current

practice. **It is recommended that Policy 1.6.6.7 of the proposed PPS be deleted related to the integration of stormwater and water/sewer planning, as the responsibilities of municipalities in single-tier and two-tier systems differ.**

- 4.19 Policy 1.6.7.5, which states: *“Transportation and land use considerations shall be integrated at all stages of the planning process”* is proposed to be deleted. This is inconsistent with the Growth Plan which takes the approach that land use and transportation need to be planned together. For example, the compact urban form required by PPS policies requires that transit and active modes of transportation be planned in tandem with this type of infrastructure. Additionally, since it is required that transit supportive considerations be incorporated into development, it is equally important that transportation and land use considerations be incorporated into all stages of the planning process to ensure that development is implemented in accordance with transit supportive policy. The deletion of this policy seems to be in conflict with other policies that support the timely planning and implementation of transportation infrastructure improvements with development, and the promotion of transit supportive development. **It is therefore recommended that Policy 1.6.7.5 not be deleted, as its removal is inconsistent with the PPS overall, as the Province and municipalities are to support the timely planning and implementation of transportation infrastructure improvements, coincident with the scale and pace of development, and the failure to provide this statement does not support the principle of promoting transit supportive development.**

Wise Use and Management of Resources

- 4.20 A policy was added to allow municipalities to choose to manage wetlands not identified as Provincially Significant in accordance with guidelines developed by the Province. The impact of this policy can be further assessed when the guidelines are released by the Province, however, it appears that the policy is giving municipalities the ability to protect smaller and less-significant wetlands, which is supported.
- 4.21 The term “changing climate” has been added throughout the document, recognizing the importance of preparing for the impacts of climate change. This is an enhancement to the 2014 PPS, which focused on “considering” climate change. These additions are supported.
- 4.22 A new policy encouraging planning authorities to use an agricultural system approach is proposed to be added. The Region, has implemented this practice

through the “Prime Agricultural Areas” designation in the ROP. This change is supported.

- 4.23 Section 2.5.5 of the proposed PPS deletes the term “wayside”. A wayside pit is a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project/contract. It is unclear why this term would be deleted when the policy speaks to “wayside pits”. **It is recommended that, for clarification purposes, the term “wayside” not be deleted from Policy 2.5.5 as the policy is specific to wayside pits and quarries.**

Protecting Public Health and Safety

- 4.24 There is a note at the beginning of this section stating that policies related to natural hazards are subject to ongoing review by the Province’s Special Advisor on Flooding. Further changes may be considered as a result of this review.
- 4.25 The proposed PPS adds a new policy regarding excess soil that reads as follows: *“Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment”*. Management of excess soil is regulated by municipalities through Fill By-laws, which are passed under the authority of the Municipal Act, 2001. **As such, it is recommended that the Province provide guidance regarding how excess fill can be managed by the planning and development approvals process. It is suggested that excess fill can be managed through engineering approvals for developments following the draft approval stage.**

Implementation and Interpretation

- 4.26 Additionally, the Province highlights the importance it places on increasing the housing supply by adding a policy regarding the need to facilitate a timely and streamlined development approvals process, that identifies and fast-tracks priority applications, and reduces the time needed to process residential and priority applications. This direction is consistent with changes the Province has recently made to the Planning Act through Bill 108, which has shortened the timelines for the processing of Planning applications. However, the term “priority application” has not been defined, nor have any criteria been provided on how a municipality may determine priority applications. As currently written, this could lead to different interpretations across the Province. Municipalities will need to develop criteria to determine what constitutes a “priority application” (such as affordable housing and employment) in their jurisdiction, and consider what type of support will be

provided to facilitate a timely and streamlined development approvals process.

Definitions

- 4.27 The definition of “conserved” has been revised to state that archaeological and heritage impact assessments are approved or adopted by the planning authority. Municipalities do not have the authority to do so under the Ontario Heritage Act. **As such, it is recommended that the definition of the term “conserved” remain as per the 2014 PPS to recognize that municipalities do not have the authority to “approve” or “adopt” archaeological and heritage impact assessments.**
- 4.28 The definition for “impacts of a changing climate” is very broad and refers to the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels, including extreme weather events and increased climate variability. There is no mention of quantitative data to support illustration of the impacts of a changing climate. **It is recommended that a reference to climate data be added to the definition of “impacts of a changing climate”.**

5. Conclusions and Recommendations

- 5.1 The province has proposed revisions to the PPS which are the subject of this report. Additional revisions are recommended to improve the effectiveness of the PPS, remove inconsistencies, and to clarify policy and terminology, as detailed in this report.
- 5.2 It is recommended that this report be endorsed as the Region’s submission to the Environmental Registry’s posting (ERO 019-0279) for the Provincial Policy Statement Review – Proposed Policies.
- 5.3 This report was prepared in consultation with Corporate Services – CAO’s Office, Corporate Services – Legal Services, the Works Department and Social Services – Housing Services.

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer



PROVINCIAL POLICY STATEMENT (PPS) REVIEW

ONTARIO'S LAND USE PLANNING SYSTEM

WHAT IS THE PPS?

- The Provincial Policy Statement (PPS) is the primary provincial land use policy document that sets out minimum requirements that apply across Ontario
- The Planning Act requires that all land use planning decisions "shall be consistent with" the PPS
- Municipalities are the primary decision-makers for local communities and implement provincial policies, including the PPS, through official plans and other planning decisions
- Municipalities may build on, but not conflict with, PPS policies to reflect local context
- PPS policies are intended to help protect what matters most by providing policy direction related to growth and development, the use and management of resources, and the protection of the environment and public health and safety

GOVERNMENT COMMITMENT TO REVIEW THE PPS

- In early 2019, engagement on the PPS was undertaken as part of the Increasing Housing Supply Consultations
- Input received helped to inform the development of the **More Homes, More Choice: Ontario's Housing Supply Action Plan**, released in May 2019
- Through the Action Plan, the government signaled its intention to review the PPS

HOW CAN I LEARN MORE & PROVIDE FEEDBACK?

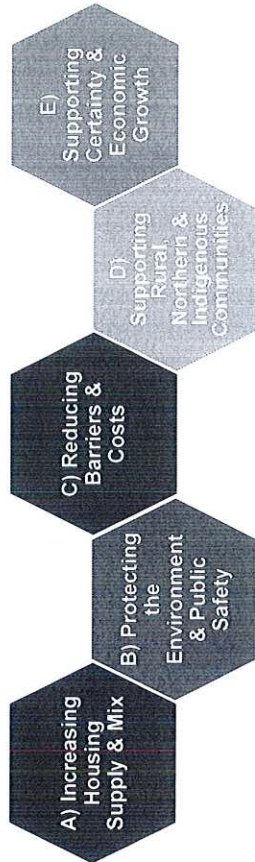
For details on specific policy changes, the draft PPS is available online at: ero.ontario.ca/notice/019-0279

If you are interested in providing written feedback during the 90-day consultation period (July 22, 2019 – Oct 21, 2019), you may do so by either:

- Submitting comments through the Environmental Registry of Ontario at: ero.ontario.ca/notice/019-0279
- Emailing planningconsultation@ontario.ca

PROPOSED PPS POLICY AREAS

The government is proposing PPS changes to reflect Ontario's changing needs across 5 key areas:



QUESTIONS FOR CONSIDERATION

The government wants your feedback on the PPS draft policies and would like your views on the following questions:

- Do the proposed policies effectively support goals related to increasing housing supply, creating and maintaining jobs, and red tape reduction while continuing to protect the environment, farmland, and public health and safety?
- Do the proposed policies strike the right balance? Why or why not?
- How do these policies take into consideration the views of Ontario communities?
- Are there any other policy changes that are needed to support key priorities for housing, job creation, and streamlining of development approvals?
- Are there other tools that are needed to help implement the proposed policies?



PROVINCIAL POLICY STATEMENT (PPS) REVIEW

A

Increasing Housing Supply & Mix

A stable housing market with sufficient supply will help make housing more attainable and affordable for the people of Ontario. It will also attract new investment and create investment-ready communities that are attractive to employers and provide workers with places to live

The PPS draft policies would:

- Increase land supply requirements that municipalities must meet:
 - Increase planning horizon from 20 to 25 years (1.1.2)
 - Increase housing land supply from 10 to 12 years (1.4.1(e))
 - Allow higher minimum requirement for serviced residential land (5 years) for upper- and single-tier municipalities (1.4.1)
- Update provincial guidance to support land budgeting (i.e. Projection Methodology) (1.1.2, 1.2.4(a))
- Increase flexibility for municipalities related to the phasing of development (1.1.3.7) and compact form (1.1.3.6)
- Add flexibility to the process for settlement area boundary expansions (e.g. allow minor adjustments subject to specific tests, highlight that study requirements should be proportionate to the size/scale of development) (1.1.3.8; 1.3.9)
- Support the development of housing to meet current and future housing needs, and add reference to housing options and market-based needs (Vision, 1.4.1, 1.4.3, Definitions: "Housing options")
- Require transit-supportive development and prioritize intensification, including potential air rights development, in proximity to transit, including corridors and stations (1.4.3(e))
- Support municipalities in achieving affordable housing targets by requiring alignment with Housing and Homelessness Plans (1.4.3(e))
- Broaden PPS policies to enhance support for development of long-term care homes (1.4.3(b)(1), Definitions: "Special needs" & "Public service facilities")

B

Protecting the Environment & Public Safety

The Made-in-Ontario Environment Plan includes a commitment to review land use policies that are critical to managing the impacts of a changing climate. Planning for extreme weather events helps protect people and property and makes financial sense

The PPS draft policies would:

- Enhance direction to prepare for impacts of a changing climate (Vision, 1.1.1(f), 1.1.3.2(d), 1.6.1, 1.6.5.1(b)(2), 1.6.6.7(c), 1.6.1, 2.2.1(c), 3.1.3, Definitions: "Impacts of a changing climate")
- Enhance stormwater management policies to protect water and support climate resiliency (1.6.6.7(a), 1.6.6.7(c), 1.6.6.7(d))
- Promote the on-site local reuse of excess soil (3.2.3)
- Maintain current policies related to natural and human made hazards which directs development away from hazardous areas including flood-prone areas in order to protect public health and safety, while work by the Special Advisor on flooding is underway (3.1)
- Maintain current policies that require municipalities in southern Ontario to identify natural heritage systems, and provide flexibility as to how to achieve this outcome (2.1.3)
- Provide a new, voluntary management approach for managing local or regionally-significant wetlands (2.1.10)
- Maintain protections for the Greenbelt

C

Reducing Barriers & Costs

A streamlined land use planning and development process which protects what is important – while reducing barriers and costs – supports economic growth and investment and the continued prosperity of Ontarians

The PPS draft policies would:

- Require municipalities to take action to fast-track development applications for certain proposals (e.g. housing) (4.7)
- Allow mineral aggregate operations to use rehabilitation plans to demonstrate that extraction will have no negative impacts (2.5.2.2)
- Align policies and definition of cultural heritage with recent changes to the Ontario Heritage Act (Definitions: "Cultural heritage landscape", various other definitions)
- Refocus PPS energy policies to support a broad range of energy types and opportunities for increased energy supply (1.6.11.1)
- Ground mounted solar would be permitted in prime agricultural and specialty crop areas as an on-farm diversified use (Definitions: "On-farm diversified uses")
- Make minor changes to streamline development approvals and support burden reduction

D

Supporting Rural, Northern & Indigenous Communities

Rural, northern and Indigenous communities are vital to Ontario's continued prosperity and overall well-being

The PPS draft policies would:

- Allow flexibility for communities by clarifying perceived barriers to sewage and water servicing policies for lot creation and development in rural settlement areas (1.6.6)
- Enhance municipal engagement with Indigenous communities on land use planning to help inform decision-making, build relationships and address issues upfront in the approvals process (1.2.2, 2.5.5, Vision)
- Promote an agricultural systems approach to enhance agricultural protections to support critical food production and the agricultural sector as a significant economic driver (1.7.1(f), 2.3.2, 2.3.6.2, Definitions: "Agricultural system", "Agri-food network")

E

Supporting Certainty & Economic Growth

Economic opportunities and continued investment are vital to supporting jobs and the continued economic well-being of all Ontarians. Supporting jobs is a key priority of Ontario's Open for Business agenda

The PPS draft policies would:

- Encourage municipalities to facilitate conditions for economic investment (1.3.1(c))
- At the time of official plan review or update, encourage municipalities to assess locally-identified employment areas to ensure designations are appropriate (1.3.2.2)
- Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context (current and future) (1.3.2.5)
- Provide enhanced direction for land use compatibility and stronger protection for major facilities such as manufacturing and industrial uses where non-employment uses are planned nearby (i.e. buffering uses from new sensitive uses) (1.2.6.1, 1.2.6.2, 1.3.2.3, Definitions: "Major facilities")

File: A-2100

October 24, 2019

DELIVERED BY E-MAIL

(mininfo@ontario.ca)

Ministry of Municipal Affairs and Housing

Re: City Comments on the Proposed Amendments to the Provincial Policy Statement

Oshawa City Council considered the above matter at its meeting of October 15, 2019 and adopted the following recommendation of the Development Services Committee:

- “1. That Report DS-19-169 dated September 25, 2019, including Attachment 1, be endorsed as the City’s comments on the proposed amendments to the Provincial Policy Statement; and,
2. That staff be authorized to submit the comments contained in Attachment 1 to Report DS-19-169 dated September 25, 2019 as the City’s comments on the proposed amendments to the Provincial Policy Statement in response to the associated proposal on the Environmental Registry website; and,
3. That a copy of Report DS-19-169 dated September 25, 2019, and Council’s related resolution be sent to the Ministry of Municipal Affairs and Housing, the Association of Municipalities of Ontario, the Region of Durham, Durham Area Municipalities, Durham Area M.P.P.s, the Central Lake Ontario Conservation Authority, the City’s Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association and the Durham Region Home Builders’ Association.”

Please find attached a copy of Report DS-19-169.

If you need further assistance concerning the above matter, please contact Warren Munro, Commissioner, Development Services Department at the address listed below or by telephone at 905-436-3311.



Mary Medeiros
Interim City Clerk

/fb

- c. Association of Municipalities of Ontario
Durham Region Members of Parliament and Members of Provincial Parliament
Region of Durham
Durham Region Municipalities
Central Lake Ontario Conservation Authority
Building Industry Liaison Team
Durham Chapter of the Building Industry and Land Development Association
Durham Region Home Builders' Association

To: Development Services Committee

From: Warren Munro, HBA, RPP, MCIP, Commissioner,
Development Services Department

Report Number: DS-19-169

Date of Report: September 25, 2019

Date of Meeting: September 30, 2019

Subject: City Comments on the Proposed Amendments to the Provincial
Policy Statement

File: D-1100-0051

1.0 Purpose

The purpose of this report is to obtain Council approval of City comments on the proposed amendments to the Provincial Policy Statement (P.P.S.).

The proposed amendments to the P.P.S. were posted on the Province of Ontario's (the "Province") Environmental Registry website on July 22, 2019 with comments due by October 20, 2019.

Additional information on the proposed amendments to the P.P.S. can be found at the following link: <https://ero.ontario.ca/notice/019-0279>.

Attachment 1 contains recommended City comments on the proposed amendments to the P.P.S.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, Report DS-19-169 dated September 25, 2019, including Attachment 1, be endorsed as the City's comments on the proposed amendments to the Provincial Policy Statement.
2. That staff be authorized to submit the comments contained in Attachment 1 to Report DS-19-169 dated September 25, 2019 as the City's comments on the proposed amendments to the Provincial Policy Statement in response to the associated proposal on the Environmental Registry website.
3. That a copy of Report DS-19-169 dated September 25, 2019, and Council's related resolution be sent to the Ministry of Municipal Affairs and Housing, the Association of

Municipalities of Ontario, the Region of Durham, Durham Area Municipalities, Durham Area M.P.P.s, the Central Lake Ontario Conservation Authority, the City's Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association and the Durham Region Home Builders' Association.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- City Solicitor
- Central Lake Ontario Conservation Authority (C.L.O.C.A.)

5.0 Analysis

5.1 About the P.P.S.

The P.P.S. is a consolidated statement of the Provincial government's policies on land use planning and is issued under Section 3 of the Planning Act. It applies Province-wide and sets out the Provincial policy direction for:

- The efficient use and management of land and infrastructure;
- Ensuring the provision of sufficient housing to meet changing needs, including affordable housing;
- Protecting the environment and resources, including farmland resources (e.g. wetlands, and woodlands) and water;
- Ensuring opportunities for economic development and job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards, such as flood-prone areas.

The P.P.S. is the primary Provincial land use policy document guiding municipal decision-making. Municipalities are the primary implementers of the P.P.S. through policies in their respective official plans, zoning by-laws and other planning related documents. The Planning Act requires that decisions on land use planning matters be "consistent with" the P.P.S.

5.2 Proposed Amendments to the P.P.S.

On July 22, 2019, under the lead of the Ministry of Municipal Affairs and Housing, the Province posted the proposed amendments to the P.P.S. to the Environmental Registry for consideration. The government is proposing policy changes to:

- Encourage the development of an increased mix and supply of housing;
- Protect the environment and public safety;
- Reduce barriers and costs for development and provide greater predictability;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

The following sections provide a synopsis of the key proposed amendments to the P.P.S. under these five broad themes.

5.2.1 Theme 1: Increasing Housing Supply and Mix

The proposed key amendments to encourage the development of an increased mix and supply of housing would:

- Increase land supply requirements municipalities must meet:
 - Increase planning horizon from 20 to 25 years;
 - Increase housing land supply from 10 to 12 years; and
 - Allow for a higher minimum requirement for serviced residential land (5 years) for upper- and single-tier municipalities;
- Update Provincial guidance to support land budgeting (i.e. Projection Methodology);
- Increase flexibility for municipalities related to the phasing of development and compact form;
- Add flexibility to the process for settlement area boundary expansions (e.g. allow minor adjustments subject to specific tests, highlight that study requirements should be proportionate to the size/scale of development);
- Require transit-supportive development and prioritize intensification, including potential air rights development, in proximity to transit, including corridors and stations;
- Support the development of housing to meet current and future housing needs, and add reference to housing options;
- Support municipalities in achieving affordable housing targets by requiring alignment with Housing and Homelessness Plans; and
- Broaden P.P.S. policies to enhance support for development of long-term care homes.

5.2.2 Theme 2: Protecting the Environment and Public Safety

The proposed key amendments to protect the environment and public safety would:

- Enhance direction to prepare for impacts of a changing climate;
- Enhance stormwater management policies to protect water and support climate resiliency;
- Promote the on-site local reuse of excess soil;
- Maintain current policies related to natural and human made hazards which directs development away from hazardous areas including flood-prone areas in order to protect public health and safety, while work by the Special Advisor on Flooding is underway;
- Maintain current policies that require municipalities in southern Ontario to identify natural heritage systems, and provide flexibility as to how to achieve this outcome; and
- Maintain protections for the Greenbelt.

5.2.3 Theme 3: Reducing Barriers and Costs

The proposed key amendments to reduce barriers and costs for development and provide greater predictability would:

- Require municipalities to take action to fast-track development applications for certain proposals (e.g. housing);
- Allow mineral aggregate operations to use rehabilitation plans to demonstrate that extraction will have no negative impacts;
- Align policies and definition of cultural heritage with recent changes to the Ontario Heritage Act, 1990;
- Refocus P.P.S. energy policies to support a broad range of energy types and opportunities for increased energy supply;
- Direct large ground-mounted solar facilities away from prime agricultural and specialty crop areas.

5.2.4 Theme 4: Supporting Rural, Northern and Indigenous Communities

The proposed key amendments to support rural, northern and Indigenous communities would:

- Allow flexibility for communities by clarifying perceived barriers to sewage and water servicing policies for lot creation and development in rural settlement areas;

- Enhance municipal engagement with Indigenous communities on land use planning to help inform decision-making, build relationships and address issues upfront in the approvals process; and,
- Enhance agricultural protections to support critical food production and the agricultural sector as a significant economic driver.

5.2.5 Theme 5: Supporting Certainty and Economic Growth

The proposed key amendments to support the economy and job creation would:

- Encourage municipalities to facilitate conditions for economic investment, and at the time of official plan review or update, assess locally-identified employment areas to ensure designations are appropriate;
- Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context (current and future); and
- Provide stronger protection for major facilities such as manufacturing and industrial uses where non-employment uses are planned nearby (i.e. buffering uses from new sensitive uses).

5.3 Staff Comments

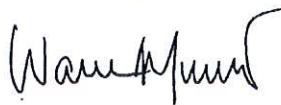
Staff comments on the key proposed amendments to the P.P.S. can be found in Attachment 1.

6.0 Financial Implications

There are no financial implications associated with the comments in this report.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendations advance the Economic Prosperity and Financial Stewardship, Social Equity, Environmental Responsibility and Accountable Leadership goals of the Oshawa Strategic Plan.



Warren Munro, HBA, RPP, MCIP, Commissioner,
Development Services Department

Staff Comments on Proposed Amendments to the Provincial Policy Statement (P.P.S.)

Policy	Description	Staff Comments
Section 1.0 – Building Strong Healthy Communities		
Policy 1.1.1	<p>Subsection 1.1.1(b) is proposed to be amended to indicate that healthy, liveable and safe communities are to be sustained by an appropriate “market-based” range and mix of residential types, and identifies a wider range of housing types as examples.</p> <p>Subsection 1.1.1(e) is proposed to be amended to clarify that cost-effective development patterns are to be achieved through promoting “the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning”. In addition, the “optimization of transit investments” is identified as an explicit objective.</p> <p>Subsection 1.1.1(i) is a newly added subsection to indicate that healthy, liveable and safe communities are to be sustained by “preparing for the regional and local impacts of a changing climate,” whereas the current P.P.S. requires that the impacts of a changing climate only be “considered”.</p>	<p>Staff recommend that additional clarity be provided with respect to what is intended by sustaining communities through an appropriate “market-based” range and mix of residential uses. “Market-based” can potentially be interpreted in a variety of ways. For instance, when interpreted from a “needs” versus “wants” perspective, the issue of affordability would suggest that the need for relatively more affordable types of dwelling units should dictate the type of housing provided. Thus, single detached dwellings – generally the least affordable types of units – would be provided in the fewest numbers relative to all other housing types.</p> <p>Alternatively, “market-based” could be interpreted to mean that demand in the regional market area (assumed to be Durham Region) is predominantly for single detached dwellings, since relative to the remainder of the Greater Toronto Area (G.T.A.), Durham’s relatively cheap land prices are attracting higher numbers of buyers to the Region for this type of product. Viewed from this perspective, the need to provide a high proportion of single detached dwellings relative to elsewhere in the G.T.A. might be argued.</p> <p>With respect to the proposed amendments to subsection 1.1.1(e), staff support these changes in view of the fact that they highlight practices already being advanced at the municipal level to achieve cost-effective development patterns.</p>

Policy	Description	Staff Comments
Policy 1.1.2	Policy 1.1.2 is proposed to be amended to increase the planning horizon from 20 to 25 years.	<p>In terms of subsection 1.1.1(i), staff also support the replacement of “consider” with “preparing for” as this provides clear direction that in managing and directing land uses, municipalities must incorporate climate change considerations in their efforts to build healthy, liveable and safe communities.</p> <p>Staff note that the proposed amendments to Policy 1.1.2 will increase the planning horizon from 20 to 25 years. Staff support extending the time horizon in this regard as it allows additional time for municipalities to plan and prepare for growth development in their communities.</p>
Policy 1.1.3.9	<p>Policy 1.1.3.9 is proposed to be added to provide that municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:</p> <ul style="list-style-type: none"> a) There would be no net increase in land within the settlement areas; b) The adjustment would support the municipality’s ability to meet intensification and redevelopment targets established by the municipality; c) Prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and d) The settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands. 	<p>Staff note that the proposed amendments to Policy 1.1.3.9 will permit the adjustment of settlement area boundaries outside of a Municipal Comprehensive Review (“M.C.R.”), so long as certain criteria are met.</p> <p>Staff further note that under the Provincial Growth Plan, 2019 (the “P.G.P”), the M.C.R. process may only be undertaken by an upper-tier or single-tier municipality. Consequently, as a lower-tier municipality, Oshawa would not be able to undertake a M.C.R. However, the P.G.P. does have a similar policy framework as that being proposed under Policy 1.1.3.9 of the P.P.S. already in place, which allows lower-tier municipalities like Oshawa to “...adjust settlement area boundaries outside of a municipal comprehensive review...” provided certain criteria are met (Policy 2.2.8.4 of the P.G.P.). Since Oshawa is already subject under the P.G.P. to Policy 2.2.8.4, the proposed addition of Policy 1.1.3.9 of the P.P.S. would not materially affect the City.</p>
Policy 1.2.2	Policy 1.2.2 is proposed to be amended such that municipalities, rather than being encouraged to engage with Indigenous communities and	<p>Staff note that the proposed amendments to Policy 1.2.2 may have the inadvertent effect of putting Indigenous communities in the position of requesting municipalities to pay a fee in order to receive comments. Many Indigenous communities do not have</p>

Policy	Description	Staff Comments
	<p>coordinate on land use planning matters, shall now be required to engage.</p>	<p>the financial resources to review planning-related reports, applications and studies that are circulated to them. Such a scenario has already occurred in Oshawa staff's experience. The Province should make appropriate financial resources available to Indigenous communities such that municipalities are not put in the awkward position of paying a stakeholder for input.</p>
<p>Policy 1.2.6.1</p>	<p>Policy 1.2.6.1 is proposed to be amended to specify that major facilities and sensitive land uses "shall", rather than "should", be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.</p>	<p>Staff note that the proposed amendments to Policy 1.2.6.1 provide that major facilities and sensitive land uses shall avoid, minimize and mitigate adverse effects wherever possible. However, the proposed Policy 1.2.6.2 provides that where avoidance is not possible in accordance with Policy 1.2.6.1, that planning authorities shall ensure that the criteria outlined in this policy are met.</p> <p>Staff support the proposed amendments as they require a higher standard in terms of compliance (i.e., "shall" versus "should") but at the same time, recognize that avoidance is not always possible.</p>
<p>Policy 1.2.6.2</p>	<p>Policy 1.2.6.2 is proposed to be added to specify that where avoidance is not possible in accordance with Policy 1.2.6.1, planning authorities shall ensure that the planning and development of sensitive land uses adjacent to existing or planned industrial, manufacturing, or other uses that are particularly vulnerable to encroachment are only permitted if:</p> <ul style="list-style-type: none"> a) alternative locations for the proposed sensitive land uses have been evaluated and there are no reasonable alternative locations; and 	<p>Staff support the addition of this new policy given that it functions in tandem with and complements the changes proposed under Policy 1.2.6.1.</p>

Policy	Description	Staff Comments
Policy 1.3.1	<p>b) potential impacts of these uses are minimized and mitigated in accordance with provincial guidelines, standards and procedures.</p> <p>Policy 1.3.1 is proposed to be amended by adding a new subsection (c) in order to clarify that municipalities shall promote economic development and competitiveness by, among other things, facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment.</p>	<p>Staff support the proposed addition of new subsection (c), and further recommend that consideration be given to adding language to ensure that the efforts of lower-tier municipalities in this regard are reciprocated at the level of the parent upper-tier municipality, to ensure a combined, coordinated approach.</p> <p>Staff also recommend that where the Province has significant land holdings that are designated as Employment Areas and/or are ideally situated to be used for Employment purposes (such as adjacent to 400-series freeways), the appropriate Provincial authorities collaborate with host municipalities to leverage and optimize the use of these land assets for economic development purposes.</p>
Policy 1.3.2.2	<p>Policy 1.3.2.2 is proposed to be added to provide that at the time of an official plan review or update, planning authorities should assess employment areas identified in the local official plan as part of the official plan review or update.</p> <p>The Region of Durham is currently in the process of a M.C.R. and has released several discussion papers focusing on a variety of themes to engage with residents and stakeholders (this M.C.R. exercise is called "Envision Durham").</p> <p>The Region's Growth Management and Urban Systems discussion paper was released on June 4, 2019, and provided an overview of the proposed process for assessing employment area conversions and settlement areas expansions.</p> <p>While staff support the addition of this new policy as it puts into effect a dynamic process of assessment and re-assessment, it</p>	<p>Staff note that the proposed Policy 1.3.2.2 provides that planning authorities should assess employment areas identified in the local official plan as part of the official plan review or update.</p> <p>The Region of Durham is currently in the process of a M.C.R. and has released several discussion papers focusing on a variety of themes to engage with residents and stakeholders (this M.C.R. exercise is called "Envision Durham").</p> <p>The Region's Growth Management and Urban Systems discussion paper was released on June 4, 2019, and provided an overview of the proposed process for assessing employment area conversions and settlement areas expansions.</p> <p>While staff support the addition of this new policy as it puts into effect a dynamic process of assessment and re-assessment, it</p>

Policy	Description	Staff Comments
Policy 1.3.2.3	<p>Policy 1.3.2.3 is proposed to be added to provide that within employment areas planned for industrial and manufacturing uses, planning authorities shall prohibit residential and institutional uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial and manufacturing uses should include an appropriate transition to adjacent non-employment areas.</p>	<p>is recommended that clarity be added to specify that this policy is not to be construed as lending support to the potential conversion of employment areas where it is not deemed by a planning authority to be appropriate.</p> <p>Staff note that the proposed Policy 1.3.2.3 provides that within employment areas, planning authorities shall prohibit residential and institutional uses that are not ancillary to the primary use.</p> <p>Staff further note that according to the Growth Management and Urban Systems discussion paper released by the Region of Durham under its Envision Durham M.C.R., the urban system is intended to create distinct urban areas, balance population and employment growth and function as healthy and complete communities. Employment areas are defined as:</p> <p>“Lands set aside for businesses and industries that require separation from sensitive uses, such as schools and residential uses. Employment Areas are characterized by their need to have access to highway, rail, and/or shipping facilities.”</p> <p>In addition, places of worship should not be permitted in employment areas defined as a Provincially Significant Employment Zone. It is essential that employment areas in Provincially Significant Employment Zones be maintained for employment uses, in order to achieve employment forecasts and move toward a more balanced jobs-to-population ratio of one job for every two residents. However, consideration should be given to permitting places of worship in employment areas that are not located in a Provincially Significant Employment Zone.</p> <p>Staff recommend that a degree of flexibility/clarity be added to the proposed Policy 1.3.2.3 to address the fact that not all types of institutional uses are incompatible with employment areas</p>

Policy	Description	Staff Comments
Policy 1.3.2.5	<p>Policy 1.3.2.5 is proposed to be added to provide that until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as Provincially significant through a Provincial plan exercise or as regionally-significant by a regional economic development corporation working together with affected upper-tier and single-tier municipalities and subject to the following:</p> <ul style="list-style-type: none"> a) there is an identified need for the conversion and the land is not required for employment purposes over the long term; b) the proposed uses would not adversely affect the overall viability of the employment area; and c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses. 	<p>planned for industrial and manufacturing uses. For example, research and development facilities established by post-secondary institutions could complement surrounding industrial/manufacturing uses.</p> <p>Staff note that the proposed Policy 1.1.2.5 provides that lands within existing employment areas may be converted to a designation that permits non-employment uses, provided that certain criteria are met.</p> <p>Staff recommend that consideration should be given to the type of land proposed to be converted. For example, large sized parcels of employment land in proximity to major infrastructure are typically in short supply, and their conversion would have a proportionately greater negative effect than the conversion of a number of smaller parcels having the same combined area.</p>
Policy 1.4.1	<p>Policy 1.4.1 is proposed to be amended to require planning authorities to maintain at all times the ability to accommodate residential growth for a minimum of 12 years, increased from a minimum of 10 years.</p>	<p>Staff note that the proposed amendments to Policy 1.4.1 will increase the requirement for municipalities to maintain the ability to accommodate residential growth from 10 to 12 years. As an additional option, municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five year supply of residential units through a variety of different land</p>

Policy	Description	Staff Comments
	<p>This policy is also proposed to be amended to provide that upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>development formats, increased from a minimum requirement of three years.</p> <p>Staff support these amendments given that they complement the amendment proposed under Policy 1.1.2 to increase the planning horizon from 20 to 25 years.</p>
Policy 1.4.3	<p>Policy 1.4.3 is proposed to be amended such that rather than requiring planning authorities to provide for an appropriate range and mix of housing options and densities to meet “projected requirements” of current and future residents of the regional market area, planning authorities will be required to undertake the same in order to meet the “projected <u>market-based needs</u>” [underline added] of current and future residents of the regional market area.</p> <p>Policy 1.4.3 is also proposed to be amended by adding a new subsection (e) that specifies that one of the methods by which the overarching objective (as noted above) of Policy 1.4.3 is to be achieved is by requiring transit-supportive development and prioritizing intensification, including potential air rights development in proximity to transit, including corridors and stations.</p>	<p>With the proposed addition of a new proviso indicating that planning authorities will be required to provide for an appropriate range and mix of housing options and densities to meet the projected <u>market-based needs</u> of current and future residents of the regional market area, it is recommended that additional clarity be provided in this regard. “Market-based needs” can potentially be interpreted in a variety of ways. For instance, when interpreted from a “needs” versus “wants” perspective, the issue of affordability would suggest that the need for relatively more affordable types of dwelling units should dictate the type of housing provided. Thus, single detached dwellings – generally the least affordable types of units – would be provided in the fewest numbers relative to all other housing types.</p> <p>Alternatively, “market-based needs” could be interpreted to mean that demand in the regional market area (assumed to be Durham Region) is predominantly for single detached dwellings, since relative to the remainder of the G.T.A., Durham’s relatively cheap land prices are attracting higher numbers of buyers to the Region for this type of product. Viewed from this perspective, the need to provide a high proportion of single detached dwellings relative to elsewhere in the G.T.A. might be argued.</p> <p>With respect to the proposed new subsection (e) under Policy 1.4.3, staff note that this proposed amendment is consistent</p>

Policy	Description	Staff Comments
Policy 1.6.6.4	<p>Policy 1.6.6.4 is proposed to be amended to provide that at the time of an official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.</p>	<p>with the Made-in-Ontario Environment Plan (O.E.P.) objective to improve public transportation to expand commuter choice and support communities.</p> <p>Staff further note that the Oshawa Official Plan (O.O.P.) currently contains policies that seek to ensure transit-supportive development and intensification in major transit station areas and along transit corridors. The additional direction proposed under new subsection (e), such as potential air rights development, is supported by staff and reinforces existing O.O.P. policies. However, for clarity, it is recommended that more detail be provided with respect to what is meant by “prioritizing intensification”, i.e., prioritizing relative to what other methods of providing for an appropriate range and mix of housing options (e.g. greenfield development).</p>
Policy 1.6.6.4	<p>Policy 1.6.6.4 is proposed to be amended to provide that at the time of an official plan review or update, upper-tier municipalities should work with lower-tier municipalities to assess the impacts of individual on-site sewage services and water services on the environmental health and character of rural settlement areas.</p> <p>Staff agree that it will be important for the regional and area municipalities to work together to assess the long-term impacts of on-site sewage and water services on human and environmental health. However, to ensure that the manner in which this is carried out is consistent across municipalities, it is recommended that the Province develop a protocol outlining appropriate standards for the required assessment.</p>	<p>Staff note that Policy 1.6.6.4 is proposed to be amended to provide that during an official plan review or update, upper-tier municipalities should work with lower-tier municipalities to assess the impacts of individual on-site sewage services and water services on the environmental health and character of rural settlement areas.</p> <p>Staff agree that it will be important for the regional and area municipalities to work together to assess the long-term impacts of on-site sewage and water services on human and environmental health. However, to ensure that the manner in which this is carried out is consistent across municipalities, it is recommended that the Province develop a protocol outlining appropriate standards for the required assessment.</p>

Policy	Description	Staff Comments
Policy 1.6.6.5	<p>Policy 1.6.6.5 is proposed to be amended to provide that where partial services have been provided to address failed services, infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Further, the extension of partial services into rural areas will only be permitted to address failed individual on-site sewage and individual on-site water services for existing development.</p>	<p>Staff note that Policy 1.6.6.5 is proposed to be amended to provide that where partial services have been provided to address failed individual on-site services, infilling in rural areas may be permitted if there is a logical and financially viable connection to existing partial services, site conditions are suitable and there are no negative long-term impacts.</p> <p>Staff further note that on September 25, 2019, Durham Regional Council adopted the recommendations in Report 2019-P-34 to permit water and sanitary sewer service connections in prescribed circumstances for properties abutting municipal services outside of Urban Area. As such, Section 5.4.8 of the Durham Regional Official Plan, as amended, provides that the extension of partial services into rural areas is permitted even if individual on-site sewage and water services have not failed, which conflicts with the proposed amendments to Policy 1.6.6.5.</p> <p>Staff support this amendment given that it optimizes the use of investment in partial services while closely regulating opportunities for further development in areas served by partial services.</p>
Policy 1.6.6.7	<p>Policy 1.6.6.7 is proposed to be amended by adding a new subsection (a) to provide that planning for stormwater management shall be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term.</p> <p>Additional amendments to Policy 1.6.6.7 include the addition of new language specifying that planning for stormwater management shall minimize erosion and prepare for the impacts of a changing climate through effective management of stormwater.</p>	<p>Staff note that the proposed amendments to subsection 1.6.6.7 (a) provide that stormwater management shall be integrated with sewage and water services to ensure that systems are optimized and to prepare for the impacts of a changing climate. This proposed amendment is consistent with the O.E.P. action to “improve municipal wastewater and stormwater management and reporting”. Given that water and wastewater services are provided at the Regional level and that stormwater management is a City responsibility, an integrated planning approach will require a high level of collaboration which may be challenging when Regional and local municipal priorities for the provision of these services differ.</p>

Policy	Description	Staff Comments
	<p>Subsection 1.6.6.7 (d) is also proposed to be amended to provide that planning for stormwater management shall “mitigate risks to human health, safety, property and the environment”, rather than “not increase risks to human health and safety and property damage”.</p>	<p>With respect to the proposed amendments highlighting erosion as a matter requiring attention as well as the need to prepare for the impacts of a changing climate, City staff support the explicit reference to erosion as a matter to be addressed as well as the direction to “prepare for”, as it enhances requirements for climate change considerations when planning for stormwater management.</p> <p>Staff note that the proposed amendments to subsection 1.6.6.7 (d) to replace “not increase risks” with “mitigate risks” could potentially be construed as not being consistent with the need to reduce the potential for risk to human health, safety and proposed posed by poor stormwater management planning and design. As severe wet weather continues to be felt in Ontario and is expected to continue to exacerbate conditions according to climate change modelling, changes to the existing P.P.S. directions related to stormwater management public safety tests need to be clearly understood for their potential implications. Staff suggest that for clarity, the intent of this policy be more fully described. For example, it is clear that past stormwater management practices have in some cases created less than ideal existing conditions which pose a level of risk higher than what currently would be permitted. The existing policy to “not increase risks” does not function well to address existing conditions where there already is a higher level of risk, whereas direction to “mitigate risks” would encompass efforts to reduce the existing level of higher risk resulting from historical practices.</p>
Policy 1.6.7.5	<p>Policy 1.6.7.5, indicating that “Transportation and land use considerations shall be integrated at all stages of the planning process”, is proposed to be repealed.</p>	<p>Staff note that Policy 1.6.7.5 is proposed to be repealed in its entirety, which would appear to be generally inconsistent with the broader policy direction of the proposed amendments to the P.P.S., identified in the E.R.O. posting, to “ensure the</p>

Policy	Description	Staff Comments
		<p>appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs”.</p> <p>The City of Oshawa has initiated an integrated Planning act and Municipal class Environmental Assessment Act Study for the Columbus community that will guide future growth and development within the Columbus Part II Plan Area, taking into consideration land use and transportation infrastructure requirements.</p> <p>Staff further note that the proposed Policy 1.4.3 (as noted above) provides that planning authorities shall provide for an appropriate range and mix of housing options and require transit-supportive development. In order to improve public transportation options and access across Ontario, it will be essential for municipalities to consider current and future transportation requirements at all stages of the planning process.</p>
Policy 1.6.8.5	A new Policy 1.6.8.5 is proposed to indicate that “The co-location of linear infrastructure should be promoted, where appropriate.”	<p>Staff support this new proposed policy given that it minimizes disruption to the urban fabric of communities as well as reduces the number of crossings over components of the Natural Heritage System. It is also a practice that the City currently already encourages.</p> <p>For example, City staff worked with staff from TransCanada Pipelines (“TransCanada”) and the Ontario Ministry of Transportation to relocate the proposed alignment of TransCanada’s Eastern Mainline project through North Oshawa to a more southerly location abutting the Highway 407 East corridor traversing the City.</p>
Policy 1.6.10.1	Policy 1.6.10.1 is proposed to be amended to repeal, “Planning authorities should consider the	Staff note that Policy 1.6.10.1 is proposed to be amended to repeal the recommendation that planning authorities consider the impacts of development on waste generation, management and diversion, which is inconsistent with the O.E.P. objective to

Policy	Description	Staff Comments
	implications of development and land use patterns on waste generation, management and diversion”.	<p>reduce litter and waste. The O.E.P. states that Ontario’s waste diversion rate has been below 30% over the past 15 years, which implies a heavy reliance on landfills across the Province.</p> <p>Staff further note that in order to decrease reliance on landfills and increase diversion opportunities, it is important to consider the implications associated with development and land use planning on waste generation.</p>
Section 2.0 – Wise Use and Management of Resources		
Policy 2.1.10	Policy 2.1.10 is proposed to be added to provide that municipalities may choose to manage wetlands not subject to Policies 2.1.4 and 2.1.5 in accordance with guidelines developed by the Province.	<p>Staff note that Policy 2.1.10 is proposed to be added to provide that municipalities may manage wetlands that are not subject to Policies 2.1.4 and 2.1.5.</p> <p>Staff support the inclusion of this proposed policy given that it reinforces the position of municipalities seeking to further manage wetlands other than those referred to in Policies 2.1.4 and 2.1.5. However, it is noted that the Province has not provided guidelines regarding the management of wetlands not subject to Policies 2.1.4 and 2.1.5 at this time. It is recommended that the Province consult with municipalities and conservation authorities when developing said guidelines. Alternatively, if the development of guidelines in this regard is not intended by the Province, staff suggest that consideration be given to replacing the term “manage” with “maintain, restore or, where possible, improve”, as this would be consistent with the language contained in Policy 2.1.2. (as well as provide a greater level of clarity in the absence of any guidelines)</p>
Policy 2.2.1(c)	Subsection 2.2.1(c) is proposed to be added to require that planning authorities protect, improve or restore the quality and quantity of water by evaluating and preparing for the impacts of a	Staff note that subsection 2.2.1(c) is proposed to be added to require planning authorities to evaluate and prepare for the impacts of a changing climate as it relates to water resource systems at the watershed level, which is consistent with the

Policy	Description	Staff Comments
	<p>changing climate to water resource systems at the watershed level".</p>	<p>O.E.P. action to ensure sustainable water use and water security for future generations.</p> <p>On April 29, 2013, Oshawa Council endorsed the Partnership Memorandum between the City and C.L.O.C.A. for Plan Review services. Through this agreement, the City of Oshawa is well-positioned to prepare for the impacts of a changing climate as identified in this provision. Accordingly, staff support the inclusion of this provision as it reinforces the need for effective watershed planning and enhances the requirement for planning authorities to evaluate and prepare for the impacts of a changing climate when dealing with water resources.</p>
<p>Policy 2.3.2</p>	<p>Policy 2.3.2 is proposed to be amended to indicate that "Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network".</p>	<p>Staff note that Policy 2.3.2 is proposed to be amended to indicate that planning authorities are encouraged to use an agricultural system approach to maintain the agricultural land base and connections to the agri-food network.</p> <p>Through Envision Durham, the Region released an Agriculture and Rural System discussion paper to provide an overview of Durham's Rural Area and the current Durham Region Official Plan policies framework. In response, the City provided the following recommendations to support agriculture throughout the Region:</p> <ul style="list-style-type: none"> • Define urban agriculture (including examples such as community gardens, greenhouses and roof top gardens) and expand the agricultural focus to recognize urban agriculture as being part of the Region's Agricultural System; • Support the Region's process to evaluate and refine the Agriculture System Mapping. <p>City staff support the proposed policy amendment given that it reflects the type of agricultural system approach needed to ensure a rigorous and robust agri-food system. However, it is</p>

Policy	Description	Staff Comments
Policy 2.6.5	Policy 2.6.5 is proposed to be amended to require planning authorities to engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.	<p>important to ensure that the direction to encourage and enhance “geographic continuity” is not interpreted to downplay the importance of maintaining the integrity of the Natural Heritage System where it traverses agricultural lands.</p> <p>Staff note that Policy 2.6.5 is proposed to be amended to provide for a requirement that planning authorities engage with Indigenous communities to consider their interests related to cultural heritage and archaeological resources.</p> <p>Staff note that the City of Oshawa is situated on treaty land that is steeped in rich indigenous history and is the present day home to many First Nations, Metis and Inuit people, and that it is important to consult with Indigenous communities throughout the planning process. However, staff’s comments provided above with respect to Policy 1.2.2 similarly relate to the amendments proposed to Policy 2.6.5.</p>
Section 3.0 – Protecting Public Health and Safety		
Policy 3.1.3	Policy 3.1.3 is proposed to be amended to require that planning authorities prepare for the impacts of a changing climate that may increase the risk associated with natural hazards, rather than merely consider potential impacts.	<p>Staff note that Policy 3.1.3 is proposed to be amended to require planning authorities to prepare for the impacts of a changing climate rather than simply consider the potential impacts of climate change.</p> <p>Staff support the replacement of “consider the potential impacts of climate change” with “prepare for the impacts of a changing climate” as it enhances requirements for climate change considerations, as well as recognizes that the impacts of a changing climate are clear and present as opposed to potential.</p>
Policy 3.2.3	Policy 3.2.3 is proposed to be added to provide that planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals	<p>Staff note that Policy 3.2.3 is proposed to be added to provide that planning authorities should support the re-use of excess soil, where feasible, which is consistent with the O.E.P. action to “make it easier and safer to reuse excess soil” in order to limit</p>

Policy	Description	Staff Comments
	while protecting human health and the environment.	<p>the amount of soil being sent to landfill and reduce greenhouse gas emissions resulting from soil transport.</p> <p>Staff suggest that additional information be provided by the Province as guidance to municipalities regarding best practices to improve the feasibility of on-site and local re-use of excess soil, in the event that the intent of the proposed new policy differs from that of the guidelines contained in such documents as the Province's Excess Soil Best Management Practices Guide. Alternatively, if the intent is consistent, then reference to these documents should be made in the policy.</p>
Section 4.0 – Implementation and Interpretation		
Policy 4.1	Policy 4.1 is proposed to be amended to remove "April 30, 2014" as a compliance date. A proposed new date has not been provided for transition purposes at this time. The amended P.P.S. will apply to all decisions in respect of the exercise of any authority that affects a planning matter on or after the new date.	Staff note that a proposed transition date has not been provided at this time. Accordingly, staff recommend that municipalities be consulted as part of the process of determining a reasonable compliance date.
Policy 4.6	Policy 4.6 is proposed to be repealed in its entirety. The repealed text states: "This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms."	<p>Staff note that while Policy 4.6 is proposed to be repealed in its entirety, the language of this policy is merely being relocated to Policy 4.4.</p> <p>With respect to the Ontario Human Rights Code (the "Code"), if there is a conflict between the Code and other valid provincial law, the Code prevails unless that law specifically states it applies despite the Code.</p> <p>With respect to the Canadian Charter of Rights and Freedoms (the "Charter"), if there is a conflict between valid Provincial and Federal law, the Federal law will prevail and the provincial law will be inoperative to the extent that it conflicts with Federal law.</p>

Policy	Description	Staff Comments
Policy 4.7	<p>Policy 4.7 is proposed to be added to require planning authorities to take action to support increased housing supply and facilitate a timely and streamlined process for local development by:</p> <ul style="list-style-type: none"> a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and b) reducing the time needed to process residential and priority applications to the extent practical. 	<p>Staff note that Policy 4.7 is proposed to be added to require planning authorities to streamline processes to facilitate residential and job-related development.</p> <p>Staff further note that although the proposed amendments may be intended to speed up the development process with respect to housing and job-related development, reducing timelines for development decisions may limit public consultation, which could result in more appeals and ultimately extend the development process. It is important for municipalities to have adequate time to consider all development applications, resubmissions and compliance issues.</p>
Policy 4.8	<p>Policy 4.8 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up to date with their official plans and this Provincial Policy Statement.”</p>	<p>Staff note that Policy 4.8 is proposed to be repealed and the text contained in this section relocated to the Preamble (Part 1) of the P.P.S.</p> <p>Section 2.1(5) of the Planning Act provides that a decision made by the Council of a municipality in respect of the exercise of any authority that affects a planning matter,</p> <ul style="list-style-type: none"> (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and (b) shall conform with provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. <p>Staff further note that as a general practice, the City of Oshawa reviews the Official Plan, Part II Plans, Secondary Plan and Zoning By-law and recommends technical amendments on an annual basis.</p> <p>The relocation of this text to the Preamble of the P.P.S. is appropriate in view of the challenges that municipalities face in their efforts to keep their zoning and development permit by-laws up-to-date with their official plans and the P.P.S.</p>

Policy	Description	Staff Comments
Policy 4.9	<p>Policy 4.9 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.”</p>	<p>Staff further note that Policy 4.9 is proposed to be repealed in its entirety. However, the text under “Policies Represent Minimum Standards” appearing in Part 3 (How to Read the Provincial Policy Statement) of the P.P.S. already states that planning authorities and decision-makers may go beyond the minimum standards of the policies contained in the P.P.S. to address matters of importance to a specific community, unless doing so would conflict with any policy of the P.P.S..</p> <p>Staff further note that Policy 4.9 is not necessary, as the text contained in this section is already included in Part 3.</p>
Policy 4.10	<p>Section 4.10 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“A wide range of legislation, policies, and plans may apply to decisions with respect to Planning Act applications. In some cases, a Planning Act proposal may also require approval under other legislation or regulation, and policies and plans issued under other legislation may also apply.”</p>	<p>Staff note that Policy 4.10 of the P.P.S. is proposed to be repealed and the text contained in this section relocated to Part 1 (Preamble) of the P.P.S.</p> <p>Staff further note that retaining Policy 4.10 would be redundant in the event that it is added to the text under Part 1 (Preamble) of the P.P.S.</p>
Policy 4.11	<p>Policy 4.11 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be applied to new infrastructure and modifications to existing infrastructure under applicable legislation. There may be circumstances where land use approvals under the Planning Act may be integrated with approvals under other legislation, for example, integrating the planning processes</p>	<p>Staff note that Policy 4.11 of the P.P.S. is proposed to be repealed and the text contained in this section relocated to Part 1 (Preamble) of the P.P.S.</p> <p>Staff further note that retaining Policy 4.11 would be redundant in the event that it is added to the text under Part 1 (Preamble) of the P.P.S.</p>

Policy	Description	Staff Comments
Policy 4.12	<p>and approvals under the Environmental Assessment Act and the Planning Act, provided the intent and requirements of both Acts are met.”</p> <p>Policy 4.12 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“Provincial plans shall be read in conjunction with this Provincial Policy Statement and take precedence over policies in this Provincial Policy Statement to the extent of any conflict, except where legislation establishing provincial plans provides otherwise. Examples of these are plans created under the Niagara Escarpment Planning and Development Act, the Ontario Planning And Conservation Act, 1994, the Oak Ridges Moraine and the Places to Grow Act, 2005.”</p>	<p>Staff note that Policy 4.12 of the P.P.S. is proposed to be repealed in its entirety. The P.P.S. provides a policy foundation whereas provincial plans provide policy direction to address specific needs or objectives in their respective areas.</p> <p>The text under “Relationship with Provincial Plans” appearing in Part 3 (How to Read the Provincial Policy Statement) of the P.P.S. already states that provincial plans are to be read in conjunction with the P.P.S., and that they take precedence over policies of the P.P.S. to the extent of any conflict, except where legislation establishing Provincial plans provides otherwise.</p> <p>Staff further note that retaining Policy 4.12 would be redundant given that it already exists as part of the text under Part 3 of the P.P.S.</p>
Policy 4.13	<p>Policy 4.13 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario, Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.”</p>	<p>Staff note that Policy 4.13 is proposed to be repealed and the text contained in this section relocated to Part 1 (Preamble) of the P.P.S.</p> <p>Staff further note that retaining Policy 4.13 is not necessary as the text is proposed to be added to Part 1 (Preamble) of the P.P.S.</p>

Policy	Description	Staff Comments
	<p>Section 5.0 – Figure 1. Natural Heritage Protection Line</p> <p>There are no proposed amendments to Section 5.0.</p>	
	<p>Section 6.0 - Definitions</p>	
	<p>The following definitions in Section 6.0 are proposed to be added:</p>	
	<p>Agricultural System: a system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:</p> <p>a) an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and</p> <p>b) an agri-food network which includes infrastructure, services and assets important to the viability of the agri-food sector.</p>	<p>Staff note that in 2018 the Province released a Provincial Agriculture System that was comprised of a group of inter-connected elements that create a viable, thriving agricultural section, including the following components:</p> <ul style="list-style-type: none"> • an agriculture land base; and • an agri-food network. <p>Staff further note that the proposed definitions of Agricultural System and Agri-food network in the P.P.S. are consistent with the Provincial Agriculture System.</p>
	<p>Agri-food network: within the Agricultural System, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.</p>	
	<p>Greenbelt area: means the area identified in Ontario Regulation 59/05, as amended from time to time.</p>	<p>No comment.</p>
	<p>Housing options: means a range of housing types such as, but not limited to single-detached,</p>	<p>No comment.</p>

Policy	Description	Staff Comments
	<p>semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings and uses such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.</p>	
	<p>Impacts of a changing climate: means the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.</p>	<p>No comment.</p>
<p>The following definitions in Section 6.0 are proposed to be amended as follows:</p>		
	<p>Cultural heritage landscape is proposed to be amended to provide that “Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, or protected through official plan, zoning by-law, or other land use planning mechanisms.”</p>	<p>No comment.</p>
	<p>Habitat is proposed to be amended to provide that “Habitat of endangered species and threatened species means habitat within the meaning of Section 2 of the Endangered Species Act, 2007”.</p>	<p>No comment.</p>
	<p>On-farm diversified uses is proposed to be amended to provide that ground-mounted solar facilities are permitted in prime agricultural areas</p>	<p>No comment</p>

Policy	Description	Staff Comments
	and specialty crop areas only as on-farm diversified uses.	
	<p>Planned corridors is proposed to be amended to include those that are identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (I.E.S.O.) or any successor to those ministries or entities is actively pursuing the identification of a corridor.</p>	No comment.
	<p>Public services facilities is proposed to be amended to include long-term care services.</p>	No comment.
	<p>Residential intensification is proposed to be amended to include development and introduction of new housing options within previously developed areas.</p>	No comment.

Sent By Email

October 25, 2019

Ralph Walton
Regional Clerk/Director of Legislative Services
Ralph.walton@durham.ca

Subject: Automated Speed Enforcement Program Implementation (2019-W-66)
Corr. 31-19
File: A-1400-001-19

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on October 21, 2019 and adopted the following resolution:

1. That Corr. 31-19, dated September 27, 2019, from the Regional Municipality of Durham, regarding automated speed enforcement program implementation be received; and,
2. That this matter be referred to staff for consideration of one (1) mobile unit, through the City of Toronto contact, for city road designated Community Safety Zones and 2020 pre-budget approval if required.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660 extension 2019.

Yours truly



Susan Cassel
City Clerk

SC:lh

Copy: Chief Administrative Officer

Sent By Email

October 25, 2019

Ralph Walton
Regional Clerk/Director of Legislative Services
Ralph.walton@durham.ca

Subject: Red-Light Camera Program Implementation (2019-W-65)
Corr. 32-19
File: A-1400-001-19

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on October 21, 2019 and adopted the following resolution:

1. That Corr. 32-19, dated September 25, 2019, from the Regional Municipality of Durham, regarding red-light camera program implementation be received; and,
2. That this matter be referred to staff to assess any City intersections that could benefit from the program.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660 extension 2019.

Yours truly



Susan Cassel
City Clerk

SC:lh

Copy: Chief Administrative Officer



File: A-2100

October 24, 2019

DELIVERED BY E-MAIL

(premier@ontario.ca)

The Honourable Doug Ford,
Premier of Ontario

Re: New Lakeridge Health Hospital – Preferred Location in the Northerly Portion of Oshawa's Major Urban Area

Oshawa City Council considered the above matter at its meeting of September 23, 2019 and adopted the following recommendation of the Development Services Committee:

- "1. That, pursuant to Report DS-19-150 dated September 4, 2019, City Council endorse the northerly portion of Oshawa's Major Urban Area as the preferred location for the future site of the Lakeridge Health acute care hospital; and,
2. That a copy of Report DS-19-150 and the related Council resolution be sent to the Premier of Ontario, all Durham Region M.P.s and M.P.P.s, the Minister of Health and Long Term Care, the Minister of Training, Colleges and Universities, the Regional Chair, the C.E.O. of Lakeridge Health, Durham College, Ontario Tech University, Trent University and the Greater Oshawa Chamber of Commerce."

Please find attached a copy of Report DS-19-150.

If you need further assistance concerning the above matter, please contact Warren Munro, Commissioner, Development Services Department at the address listed below or by telephone at 905-436-3311.



Mary Medeiros
Interim City Clerk

/fb

- c. Durham Region Members of Parliament and Members of Provincial Parliament
Minister of Health and Long Term Care
Minister of Training, Colleges and Universities
Regional Chair
C.E.O. of Lakeridge Health
Durham College
Ontario Tech University
Trent University
Greater Oshawa Chamber of Commerce

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-19-150

Date of Report: September 4, 2019

Date of Meeting: September 9, 2019

Subject: New Lakeridge Health Hospital - Preferred Location in the
Northerly Portion of Oshawa's Major Urban Area

File: B-1100-0462

1.0 Purpose

The purpose of this report is to receive Council's endorsement of the northerly portion of Oshawa's Major Urban Area as the preferred location for the future site of the new Lakeridge Health acute care hospital in Durham Region.

Attachment 1 is a map showing the location of the existing Lakeridge Health hospital sites in Durham Region.

Attachment 2 is a letter dated August 8, 2019 from Durham College expressing support for the new Lakeridge Health acute care hospital to be located in north Oshawa.

Attachment 3 is a letter dated August 14, 2019 from Trent University Durham (Trent) expressing support for the new Lakeridge Health acute care hospital to be located in north Oshawa.

Attachment 4 is a letter dated August 27, 2019 from Ontario Tech University (Ontario Tech) expressing support for the new Lakeridge Health acute care hospital to be located in north Oshawa.

Attachment 5 is a letter dated August 20, 2019 from the Greater Oshawa Chamber of Commerce (G.O.C.C.) expressing support for the new Lakeridge Health acute care hospital to be located in north Oshawa.

Attachment 6 is a map showing the location of the Durham College and Ontario Tech campuses in north Oshawa as well as two largely undeveloped Industrial areas designated in Oshawa's Official Plan located in north Oshawa that would be ideal for a new acute care hospital.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-19-150 dated September 4, 2019, City Council endorse the northerly portion of Oshawa's Major Urban Area as the preferred location for the future site of the Lakeridge Health acute care hospital.
2. That a copy of Report DS-19-150 and the related Council resolution be sent to the Premier of Ontario, all Durham Region M.P.s and M.P.P.s, the Minister of Health and Long Term Care, the Minister of Training, Colleges and Universities, the Regional Chair, the C.E.O. of Lakeridge Health, Durham College, Ontario Tech University, Trent University and the Greater Oshawa Chamber of Commerce.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- City Manager
- Commissioner of Community Services
- Commissioner of Corporate Services
- Commissioner of Finance Services/Treasurer
- City Solicitor
- Durham College
- Ontario Tech
- Trent
- G.O.C.C.

5.0 Analysis

5.1 Background

Lakeridge Health is Durham Region's primary public acute care provider with a comprehensive range of healthcare services. There are a total of 17 locations in Durham Region comprised of a variety of facilities (some sharing the same location), including five hospitals (one each in Ajax, Bowmanville, Oshawa, Port Perry and Whitby), four emergency departments, a residential treatment centre and over 12 community healthcare locations. Attachment 1 is a map showing the location of the existing Lakeridge Health hospital sites in Durham Region.

The Lakeridge Health Oshawa Hospital (the "Oshawa Hospital") is located at 1 Hospital Court to the north of the Downtown Oshawa Urban Growth Centre and is a full-service community hospital providing high-quality care to Durham residents. The Oshawa Hospital is also home to the world-class R.S. McLaughlin Durham Regional Cancer Centre and the Lakeridge Health Education and Research Network (L.H.E.A.R.N.). The L.H.E.A.R.N.

centre was developed in partnership with the Queen's University Bowmanville-Oshawa-Lakeridge (Q.B.O.L.) teaching program and houses Q.B.O.L. administrative offices, meeting rooms used for academic teaching, a library and a resident lounge. L.H.E.A.R.N. also includes partnerships with Durham College, Ontario Tech and Trent, providing hands-on learning to students under the guidance of expert instructors across a wide range of health disciplines.

5.1.1 Lakeridge Health Strategic Plan

The Lakeridge Health Strategic Plan 2019-2024 (the "Strategic Plan") was developed through collaboration with the Lakeridge Health team, the community, healthcare providers, partners, patients and families. The Strategic Plan identifies Durham Region as one of the fastest growing municipalities in Canada, with the population expected to nearly double from 680,000 to 1.2 million by 2041. Considering this anticipated growth, it will be important to provide comprehensive health services that meet people's individual needs, particularly for the Region's most vulnerable groups (i.e. older adults, children and those who suffer from chronic illnesses and addiction-related diseases).

In order to address the changing health needs in Durham, the Strategic Plan identifies four Strategic Directions:

1. Improve population health through effective partnerships that promote health and wellness and foster healthy communities;
2. Improve individual healthcare by providing quality care in acute, home and community settings;
3. Create an integrated system of care by leading the transformation of care in Durham Region; and
4. Be a workplace of choice and provide opportunities to teach and train future healthcare professionals.

Overall, the Strategic Plan emphasizes that Lakeridge Health will be a leading health system that is focused on improving overall health and wellness in Durham. A key objective of Strategic Direction 3 is to excel as an economic engine that drives prosperity in Durham Region through expanded academic, research and **post-secondary relationships** [bolding added for emphasis]. This objective, and the four Strategic Directions outlined above, would be optimally advanced by the development of a new acute care hospital in the northerly portion of Oshawa's Major Urban Area.

5.1.2 Lakeridge Health Master Program and Lakeridge Health Master Plan

Lakeridge Health has developed a Master Program and Master Plan to help inform how and where healthcare services will be delivered over the next 20 years. These will serve as a roadmap for the future of healthcare in Durham and ensure that community needs are met.

The Lakeridge Health Master Program (the “Master Program”) identifies the acute care programs and services that are required to meet the needs of the community as well as where those services should be located. The Master Program will consider anticipated changes to communities across Durham, and determine healthcare service requirements over the next 5, 10 and 20 years.

The Lakeridge Health Master Plan (the “Master Plan”) builds on information identified in the Master Program, by creating a blueprint for construction and development of the facilities required to deliver programs and services. The goal of the Master Plan is for Lakeridge Health to be patient focused, community informed and reflect Durham’s growing population. This includes evaluating existing buildings, developing long-term strategies and outlining future developments, including the development of a new comprehensive acute care hospital in Durham.

The Master Plan was approved by Lakeridge Health’s Board of Directors and is intended to be submitted to the Ministry of Health and Long-Term Care (M.H.L.C.) in the near future.

The Master Plan is not available to the public at this time. However, it is anticipated that the City will receive a copy of the Master Plan once it has been approved by the M.H.L.C.

5.2 Education and Partnership Opportunities

The City recognizes that substantial areas in Oshawa face unique health challenges and that education and community partnerships with Lakeridge Health will play a key role in improving health and wellness in the City and across the Region. Locating a new Lakeridge Health acute care hospital in the northerly portion of Oshawa’s Major Urban Area not only optimally situates the hospital in the geographic center of the urban area of Durham’s five lakeshore municipalities, but also situates a much needed facility in the same local area municipality where significant future urban growth is planned to occur.

5.2.1 Durham College

The main campus of Durham College is located in the northerly portion of Oshawa at 2000 Simcoe Street North. Durham College currently has a total enrollment of approximately 13,000 full-time students, of which approximately 1,193 students from the School of Health and Community Services are in placements throughout the Lakeridge Health network.

Durham College has expressed its support for a new hospital in north Oshawa to further facilitate new hands-on learning opportunities for students (see Attachment 2).

5.2.2 Trent University Durham

Trent is located at 55 Thornton Road South in west-central Oshawa and currently has an enrollment of approximately 1,216 students pursuing a variety of Bachelor of Arts and Science degrees. As Trent expands its collaborative program offerings at the Durham campus, a new hospital located in north Oshawa would provide for experiential learning opportunities and collaborative applied research projects. Trent is currently advancing

construction of a six-storey student residence and classroom building at 75 Thornton Road South which will allow Trent to increase enrollment and collaborative opportunities.

Trent has expressed its support for a new hospital in north Oshawa to further facilitate new learning opportunities for students (see Attachment 3).

5.2.3 Ontario Tech

The main campus of Ontario Tech, like that of Durham College, is located at 2000 Simcoe Street North in the northerly portion of Oshawa's built-up area. Ontario Tech currently has an enrollment of approximately 10,000 graduate and undergraduate students. The Ontario Tech campus is a potential suitable location for a future hospital, as it offers a Collaborative Nursing Program as well as health data informatics, knowledge and related resources that are well-positioned to contribute to the functions and operations of a new acute care hospital in north Oshawa.

Ontario Tech has expressed its support for a new hospital in north Oshawa to further facilitate new learning opportunities for students (see Attachment 4).

5.2.4 Greater Oshawa Chamber of Commerce

The G.O.C.C. is a non-profit membership-based organization that has been supporting local businesses for over 90 years. The G.O.C.C. currently serves close to 700 members in Oshawa and Clarington, including Lakeridge Health.

The G.O.C.C. has expressed its support for a new hospital in north Oshawa to further facilitate new teaching and business opportunities.

5.3 Central Durham Lakeshore Location – Northerly Portion of Oshawa's Major Urban Area

Lakeridge Health's Master Plan focuses on providing quality healthcare across Durham Region and the development of a health service network. Based on information obtained from Lakeridge Health's website, the Master Plan includes plans for a new comprehensive acute care hospital in Durham, in order to sustain good health, deliver quality care and improve the health system for future generations.

An acute care hospital located in the northerly portion of Oshawa's Major Urban Area would facilitate the future growth of the Lakeridge Health network in a manner that achieves the primary goal of the Master Plan to be patient focused, community informed and reflective of Durham's growing and diverse populations. It would also support the Ministry of Health and Long Term Care's mandate to deliver a sustainable publicly funded health system that is patient-focused, results-driven and integrated.

For its part, the City of Oshawa is wholly supportive of a new acute care hospital in Durham and actively seeks to engage with Lakeridge Health and the Province to ensure that this facility is built in a north Oshawa location.

Situating a hospital in north Oshawa's Major Urban Area should be advanced for generally the following reasons:

- Oshawa will be one of the fastest growing municipalities in Durham during the period leading up to 2041. Locating a full service hospital in the northerly portion of Oshawa's Major Urban Area would assist in meeting current and future demands for hospital healthcare in Durham in a location that is at the geographical center of the Region's urban population along the lakeshore, and also address the expansive growth planned for north Oshawa, including in the Windfields, Kedron and Columbus communities.
- The northerly portion of Oshawa's Major Urban Area is in the geographic center of the urban area of Durham Region's five lakeshore municipalities, optimizing accessibility and connectivity – key objectives in the Master Plan.
- Oshawa is the home of the main campuses in Durham of the Region's three major post-secondary educational institutions: Durham College, Ontario Tech and Trent University. Both the main campuses of Durham College and Ontario Tech are located in the City's northern urban area (see Attachment 6). These institutions have a close working relationship with Lakeridge Health, and a new acute care hospital in proximity to these institutions optimizes opportunities for collaboration, experiential learning, and cross-functional synergies across a wide variety of disciplines.
- Oshawa's northern urban area has a good transportation network including the Highway 407 East corridor and arterial roads such as Simcoe Street North. There is an existing Highway 407 East interchange at Simcoe Street North and a future interchange planned at Highway 407 East and Thornton Road North. Simcoe Street functions as the Region's primary north-south transit spine with the most frequent north-south service, and is identified in the Region's and Metrolinx's Regional Transportation Plans for future Rapid Transit service.
- The Oshawa Executive Airport is ideally situated in proximity to Oshawa's northern urban area, offering expeditious access to airlift opportunities unmatched by any other Durham municipality, including MedEvac Canada and Ornge to provide patient transport services.
- The Windfields Main Central Area is a designated Regional Centre that centrally anchors the northerly portion of the City's Major Urban Area, ensuring proximity to planned commercial development in excess of 77,850 square metres (838,000 sq. ft.).
- The City's northern urban area has various sites that would be suitable for a new acute care hospital, such as:
 - The Northwood Business Park;
 - The South Columbus Industrial Area; and
 - The main campuses of Durham College and Ontario Tech.
- The Ontario Ministry of Transportation (M.T.O.) currently has significant land holdings along the Highway 407 East corridor within the South Columbus Industrial Area. In the event that this area is identified as the preferred location to accommodate the new

Lakeridge Health acute care hospital, Lakeridge Health stands to benefit from the ability to acquire lands already owned by the Province (as opposed to a private third party) for the development of a hospital.

- The lands in north Oshawa are serviced or are serviceable.
- The Taunton Health Centre is in north Oshawa.

5.4 Planning Policy and Regulatory Framework

Lands designated as Employment Areas in the Durham Regional Official Plan (D.R.O.P.) and as Industrial in the Oshawa Official Plan (O.O.P.) provide opportunities for health-related facilities including uses such as hospitals. D.R.O.P. policy 5.2.1 states that cultural and health facilities shall be directed to locations that are visible and accessible to residents of the Region, preferably in proximity to existing and future transit routes. The five Industrial areas designated in the northerly portion of Oshawa's urban area are all highly visible and accessible – particularly in view of being situated in the geographic center of the Region's lakeshore urban areas – and all are either directly served by or in proximity to existing and/or future transit, including planned Rapid Transit along the Simcoe Street corridor.

Policy 2.4.1.7 of the O.O.P. indicates that community uses, including health facilities such as hospitals, may be permitted subject to compatibility in appropriate locations and/or contexts within industrial areas, either as an exception through an amendment to the O.O.P. and/or the zoning by-law, or through the inclusion of appropriate provisions in the zoning by-law.

Policy 7.2.18 of the O.O.P recognizes that quality of life factors are important considerations when promoting and enhancing economic development in the City, including:

- The availability of local employment opportunities and commercial facilities;
- The availability of social, cultural and recreational facilities;
- Community safety;
- The availability of health and medical facilities;
- The availability of educational facilities;
- The availability of multimodal transportation choices; and
- The availability of healthy, affordable food.

On May 21, 2019, Council considered Report DS-19-72 dated May 1, 2019, and adopted recommended City-initiated amendments to the O.O.P and Zoning By-law 60-94 for part of the Northwood Business Park, including amendments to permit hospital uses. The hospital-related zoning in the Northwood Business Park is further described in section 5.4.1 of this report.

The Northwood Business Park and the South Columbus Industrial Area located in the northerly portion of Oshawa's urban area contain extensive amounts of vacant land and can be designed to be compatible with health and medical related facilities. These include uses such as research and development facilities including those involved in collaborative

synergies with post-secondary institutions and related uses that can benefit from a highly visible and accessible location in proximity to Highway 407 East.

The aforementioned areas are further described in the following sections.

5.4.1 Northwood Business Park

The Northwood Business Park is generally bounded by Taunton Road West to the south, the Oshawa/Whitby boundary to the west, Highway 407 East to the north, and the west branch of the Oshawa Creek corridor to the east (see Attachment 6).

Key attributes of the Northwood Business Park Industrial Area include:

- Located in proximity to Highway 407 East and serviced by an existing network of arterial roads;
- Access to public transit;
- Located adjacent to Durham College and Ontario Tech;
- Located adjacent to the Oshawa Executive Airport;
- Located in proximity to the Taunton Health Centre; and
- Hospital-related zoning: SI-A(16) (Select Industrial) “h-65”, applying to lands on the north side of the intersection of Conlin Road West and Thornton Road North on both sides of Thornton Road North. The purpose of the “h-65” holding zone is to ensure:
 - Site plan approval is obtained;
 - The owner shall prepare and submit to the City for approval a stormwater management plan based on the results of the Master Stormwater Management Plan Study for the Northwood Business Park prepared by Greck and Associates Limited dated August 2016 to the satisfaction of the City and Central Lake Ontario Conservation Authority (C.L.O.C.A.);
 - Appropriate arrangements are made for municipal servicing, including sanitary/water and stormwater management matters, to the satisfaction of the City, the Region and C.L.O.C.A.; and
 - Ensure appropriate engineering and environmental studies are prepared to address any potential environmental impacts of the proposed development on Natural Heritage System to the satisfaction of the City and C.L.O.C.A.

5.4.2 South Columbus Industrial Area

The South Columbus Industrial Area is generally bounded by Highway 407 East to the south, the Oshawa/Whitby boundary to the west, a future Type “C” arterial road to the north (separating the South Columbus Industrial Area from the future Columbus Part II

Plan Residential area), and the Major Urban Area Boundary to the east (see Attachment 6).

Key attributes of the South Columbus Industrial Area include:

- Located in proximity to Highway 407 East and existing arterial roads;
- Access to public transit;
- Located in proximity to Durham College and Ontario Tech; and
- Extensive land holdings currently owned by M.T.O.

Staff will investigate Official Plan Amendments that would permit a hospital in the South Columbus Industrial Area.

5.4.3 Durham College and Ontario Tech Campuses

The Durham College and Ontario Tech campuses are integrated. In terms of their overall area, the campuses are generally bounded by Thornton Road North and the west branch of the Oshawa Creek to the south and west, Britannia Avenue West to the north and Simcoe Street North to the east (see Attachment 6).

Key attributes of the Durham College and Ontario Tech campuses include:

- Located in proximity to Highway 407 East and existing arterial roads;
- Access to public transit;
- Located in proximity to the Oshawa Executive Airport;
- Located in proximity to the Taunton Health Centre; and
- Hospital-related zoning: MIN (Major Institutional).

Policy 2.5.1.2 of the O.O.P. indicates that areas designated as Institutional shall be predominantly used for public, quasi-public and private institutional establishments of a City-wide or regional significance, including hospitals.

5.5 Next Steps

Mayor Carter has advocated for a new Lakeridge Health acute care hospital to be located in north Oshawa, including meeting with the Minister of Health and Long-Term Care at the recent Association of Municipalities of Ontario Conference held in August 2019. It is anticipated that Mayor Carter and Councillor Marimpietri, the Chair of Development Services, will continue this advocacy role by undertaking such activities as meeting with stakeholders including the Provincial Government. Staff will be used as a resource to inform discussions related to this matter.

Following Council's approval of Report DS-19-150 dated September 4, 2019, staff will:

- Develop a webpage to provide general information with respect to the new Lakeridge Health acute care hospital; and

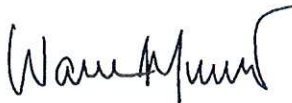
- Report back to Development Service Committee and Council as required.

6.0 Financial Implications

There are no financial implications associated with the recommendations in this report.

7.0 Relationship to the Oshawa Strategic Plan

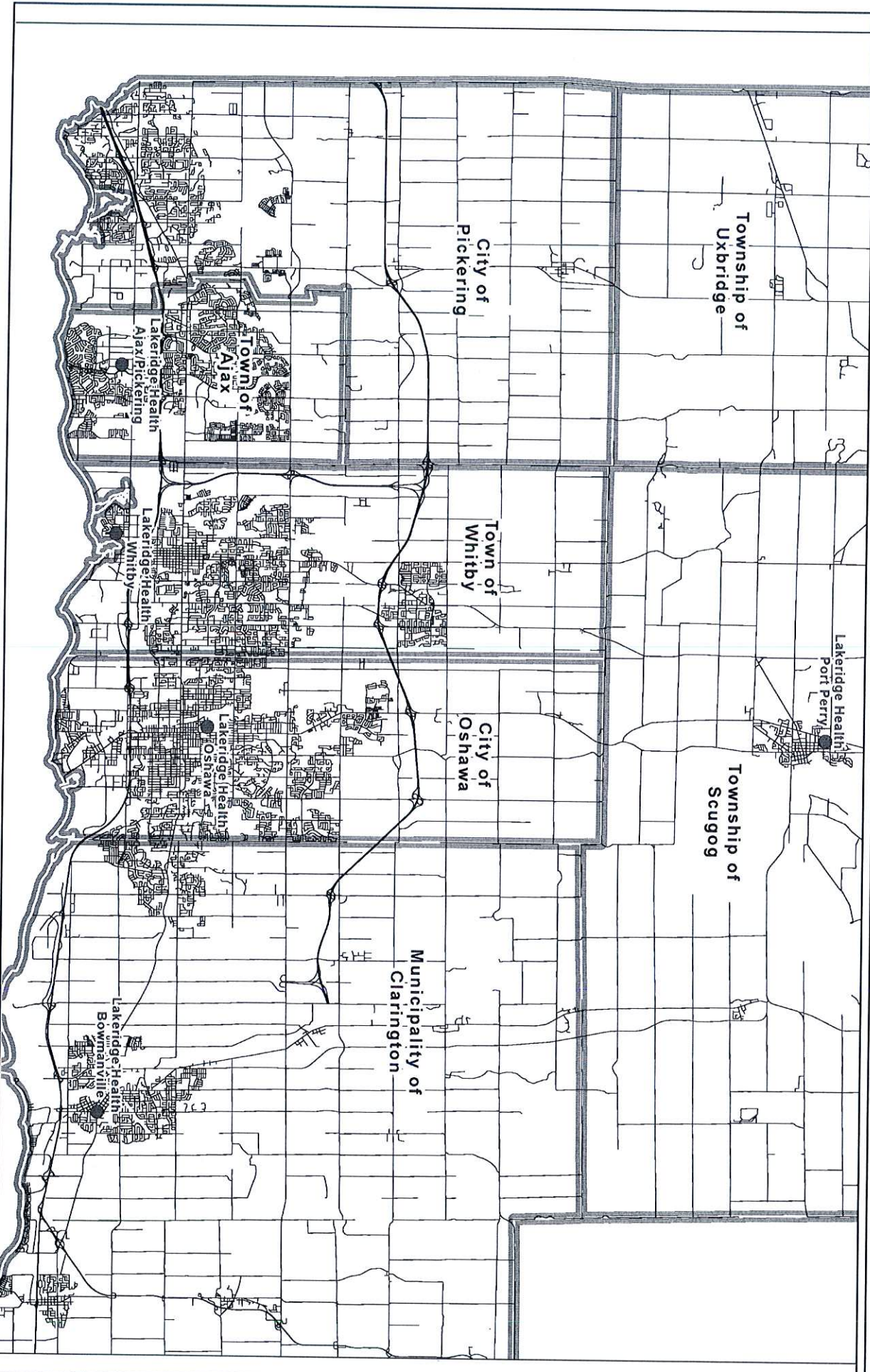
The Recommendation advances the Accountable Leadership, Economic Prosperity and Financial Stewardship and Social Equity goals of the Oshawa Strategic Plan.



Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Title: Location of the Existing Lakeridge Health Hospital Sites in Durham Region
Subject: New Lakeridge Health Hospital - Preferred Location in the Northerly Portion of Oshawa's Major Urban Area
File: B-1100-0462

City of Oshawa
Development Services Department



August 8, 2019

Mr. Warren Munro
City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

Re: Lakeridge Health Master Plan and Proposed Future Hospital

Dear Warren;

Durham College is pleased to support Lakeridge Health's new Master Plan and the proposal for a new hospital in North Oshawa. We know firsthand how much North Oshawa is growing and we believe that this new facility is necessary to serve the needs of our community.

Durham College has been part of the community for over 50 years. We currently serve about 13,000 full-time students and a major part of our success is our focus on experiential learning. While we embed experiential learning in our classrooms, our students benefit the most from placements, co-ops and clinical experiences. On the job experiences enhance our graduates' abilities to learn, grow and succeed in the workforce and Lakeridge Health is a major partner in supporting our students' learning.

Currently, we have approximately 1,193 students from our School of Health and Community Services enrolled in placements throughout the Lakeridge Health network. This number doesn't take into account students from other areas of the college, such as science and technology, skilled trades, and human resources, to mention a few.

From our perspective, a new expanded hospital in close proximity to our campus would provide even more hands-on learning opportunities for our students, creating a new workforce of expert healthcare providers and ensuring that the healthcare needs of the local community are served.

Our partnership with Lakeridge Health is significant and has grown over the years. We are thankful for the services provided to our students, staff and families. We appreciate Oshawa City Council's leadership on this proposal and support a North Oshawa Hospital.

Regards,



Don Lovisa
President

Mr. Warren Munro
Commissioner of Development Services
The Corporation of the City of Oshawa
50 Centre Street South
Oshawa, ON
L1H 3Z7



Wednesday, August 14, 2019

Dear Commissioner Munro,

On behalf of Trent University, we are writing to express our support, in principle, of the Oshawa City Council motion to position the City's northern area around the Northwood Business Park as a preferred location for a new comprehensive acute care Lakeridge Health hospital.

The establishment of a new Lakeridge Health hospital, as part of the Lakeridge Health Master Plan, in the northern part of Oshawa along Highway 407 and in Northwood, would be ideally situated to support the development of applied research synergies between Trent University Durham, Durham College and OntarioTech University. As Oshawa continues to emerge as a leader in the knowledge industry with three thriving post-secondary education facilities in the City, the introduction of a new hospital located in close proximity to the campuses in the northern part of Oshawa would allow for the emergence of partnerships surrounding a teaching hospital.

As Trent University Durham continues to grow and expand its collaborative program offerings at the campus, the new hospital would provide a space to allow for exceptional student experiential learning opportunities and collaborative applied research projects.

Trent University supports Oshawa City Council's vision to have Lakeridge Health plan an infrastructure expansion in northern Oshawa to meet the growing demands of the community in the Region of Durham.

If you require further information or clarification, please contact Dr. Scott Henderson by telephone at (905) 435-5102, extension 5097 or by email to scotthenderson@trentu.ca.

Sincerely,

Dr. Leo Groarke
President, Trent University

Dr. Scott Henderson
Dean and Head, Trent University Durham GTA



August 27, 2019

Mayor Dan Carter
City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

Dear Mayor Carter:

On behalf of the students, faculty and staff at Ontario Tech University, it is my pleasure to offer this letter of support as Lakeridge Health undertakes their Master Plan development process. The University recommends serious consideration be given to northern Oshawa as a location for the acute care hospital. Providing easier access and collisions between doctors, nurses and hospital staff, with researchers, student entrepreneurs and student experiential learning will help both organizations remain on the cutting edge of innovation in the healthcare sector.

Having the hospital located adjacent to Ontario Tech would have significant benefits for both organizations. Benefits include Ontario Tech's Collaborative Nursing Program which prepares nurses who are committed to excellence and innovation in assessing and meeting the nursing needs of society. As modern health care becomes increasingly dependent on complex laboratory tests that aid in the diagnosis, monitoring and treatment of disease, our Medical Laboratory Science program increases in importance. Perhaps even more impactful is Ontario Tech's experience and knowledge in big data, health informatics, intelligent clinical decision support systems, stream computing, temporal data mining, critical care health informatics, neonatal health informatics, cloud computing in healthcare, patient journey modeling and more.

Collisions between the hospital and the university offer other strategic advantages:

- Ontario Tech can assist with the development and implementation of robotics and automation in the hospital environment including pharmacies, delivery of medication, meals and supplies, and surgery.
- Our expertise in artificial intelligence and data analytics can assist with clinical diagnoses.
- Our game development programs can train medical staff and help prepare patients for surgery through simulated environments.
- Our expertise in app development and online tools can enhance the patient journey of care in the hospital or at home.

- Our Brilliant Solutions student teams are multi-disciplinary groups able to help Lakeridge solve important problems and develop new processes like revitalizing and updating a patient's experience in the emergency department.
- A new hospital will certainly require a data centre and we have unique expertise in managing and securing complex networks.
- Our gaming and user experience groups can help revolutionize the way information is presented to hospital staff and patients to best convey complex information so they can make the best possible decision regarding their own health care.
- We also have deep expertise in data visualization which can be harnessed to make complex datasets easier to interpret by clinicians.
- As the province looks to develop Ontario Health Teams, understanding the connection to affiliated health and social services in the community becomes essential. The interdisciplinary relationship between our faculties provides a unique ability to bridge the gap between the technical and societal imperatives.

The northern portion of the City of Oshawa, adjacent to the eastern limits of Whitby, exhibits strategic placement opportunities, including proximity to significant existing and planned residential growth areas, and the availability of large tracts of serviced land. Accordingly, this area offers an exemplary location for Lakeridge Health's expansion with a new hospital, and would be highly compatible with the types of uses permitted in Northwood Business Park. As well, the proposed location is adjacent to Highway 407 and the Oshawa airport for ease of transporting patients. The close location of the shared campus of Ontario Tech University and Durham College allows for exceptional opportunities for post-secondary partnerships with a teaching hospital.

We believe the synergies outlined above warrant specific consideration of north Oshawa as the location of a proposed acute care hospital as Lakeridge Health completes their Master Plan.

Sincerely,



Dr. Steven Murphy
President and Vice-Chancellor



Greater Oshawa Chamber of Commerce

44 Richmond St. W., Suite. 100, Oshawa, ON L1G 7C7 905 728-1683
www.oshawachamber.com

August 20, 2019

Mayor Carter & Oshawa City Council
The Corporation of the City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

Dear Mayor Carter & Council:

Re: Lakeridge Health Master Plan and Proposed Future Hospital

It has been brought to our attention that Lakeridge Health is currently developing a Master Plan to identify the facilities, infrastructure and expansion needs as our community continues to grow. As part of the Master Plan is a much-needed acute care hospital, key to the ongoing care of the expanding communities here in Durham Region, specifically Oshawa.

In the City of Oshawa, the ideal location for a new hospital would be in the northern part of Oshawa in proximity to the newly built highway 407/ETR, Ontario Tech University and Durham College. The partnerships that would be garnered between the hospital and the post-secondary institutions would be ideal for teaching opportunities.

The Greater Oshawa Chamber of Commerce is in full support of new hospital being built in the northern location of Oshawa. The Greater Oshawa Chamber of Commerce has been supporting business in the area for over 90 years. We currently support all of Oshawa and Clarington municipalities, serving close to 700 members of the Chamber. As our business community, as well as residential continues to grow in the City of Oshawa, as does the capacity and needs for healthcare.

Lakeridge Health is a proud member of the Greater Oshawa Chamber of Commerce and one of our largest employers in Oshawa and continues to grow. We would like to thank the City Council for their support toward building a new hospital in the northern part of Oshawa.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Shaw". The signature is fluid and cursive.

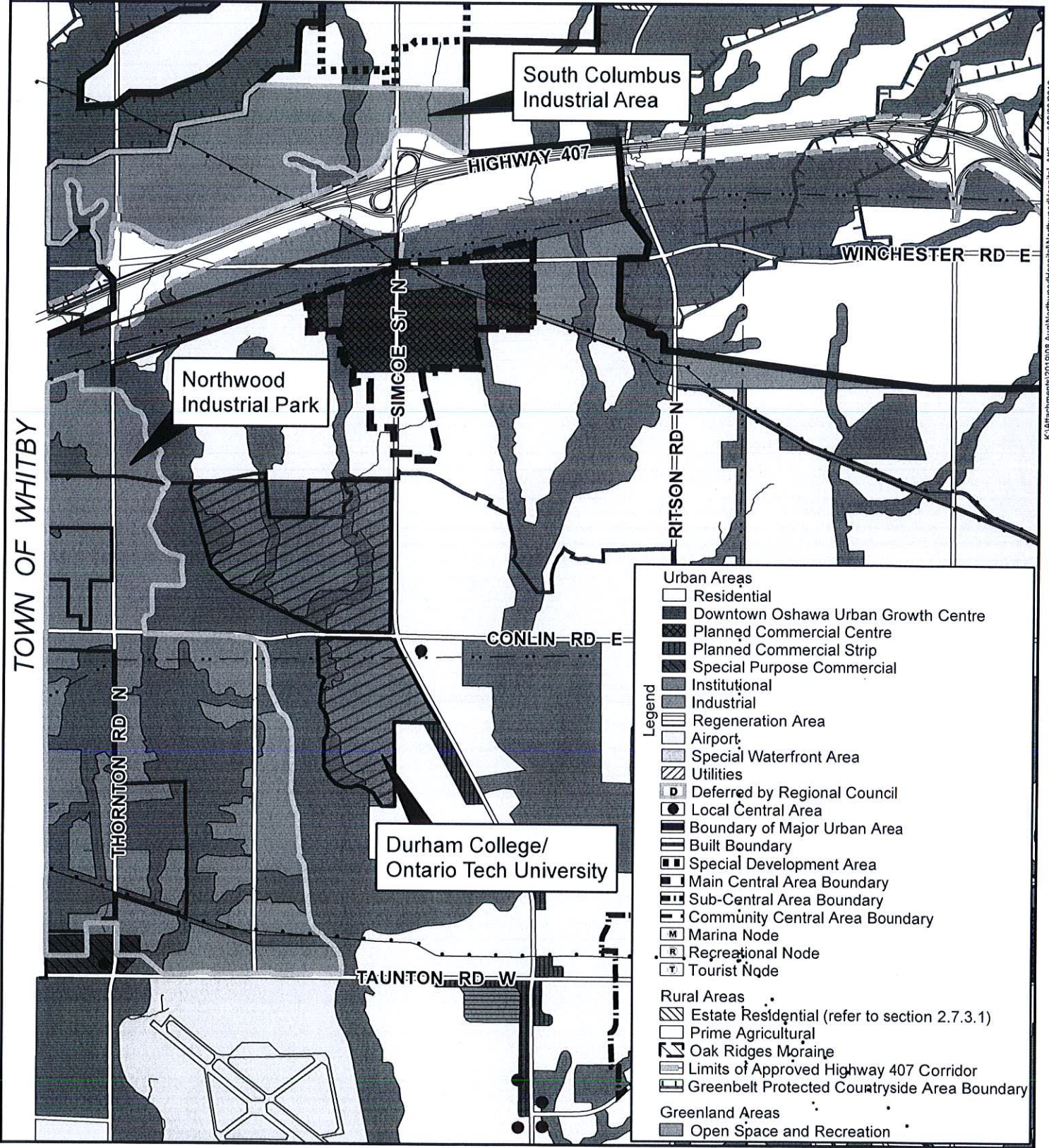
Nancy Shaw
CEO





























Subject: New Lakeridge Health Hospital - Preferred Location in the Northerly Portion of Oshawa's Major Urban Area
File: B-1100-0462



-  Durham College/Ontario Tech University
-  Industrial Areas

City of Oshawa
Development Services Department



- Urban Areas**
-  Residential
 -  Downtown Oshawa Urban Growth Centre
 -  Planned Commercial Centre
 -  Planned Commercial Strip
 -  Special Purpose Commercial
 -  Institutional
 -  Industrial
 -  Regeneration Area
 -  Airport
 -  Special Waterfront Area
 -  Utilities
 -  Deferred by Regional Council
 -  Local Central Area
 -  Boundary of Major Urban Area
 -  Built Boundary
 -  Special Development Area
 -  Main Central Area Boundary
 -  Sub-Central Area Boundary
 -  Community Central Area Boundary
 -  Marina Node
 -  Recreational Node
 -  Tourist Node
- Rural Areas**
-  Estate Residential (refer to section 2.7.3.1)
 -  Prime Agricultural
 -  Oak Ridges Moraine
 -  Limits of Approved Highway 407 Corridor
 -  Greenbelt Protected Countryside Area Boundary
- Greenland Areas**
-  Open Space and Recreation

K:\Attachments\2019\08_Aug\NorthwoodHospital\NorthwoodHospital_Att6.mxd\09/03/2019

Sent by Email

October 25, 2019

Kevin Narraway
Manager of Legislative Services/Deputy Clerk
clerks@whitby.ca

Subject: Lake Ontario Flooding
Corr. 34-19
File: A-1400-001-19

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on October 21, 2019 and adopted the following resolution:

That Corr. 34-19, dated September 27, 2019, from the Town of Whitby, regarding Lake Ontario Flooding, be endorsed.

A copy of the original correspondence is attached for your reference.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660, extension 2019.

Yours truly



Susan Cassel
City Clerk

SC:lh
Enclosure

C.S. - LEGISLATIVE SER. 102

Original
To: <i>cip</i>
Copy
To:
C.C. S.C.C. File
Take Appr. Action

Copy: Hon. Jeff Yurek, Minister of Environment, Conservation and Parks
Hon. John Yakabuski, Minister of Natural Resources and Forestry
Hon. Laurie Scott, Minister of Infrastructure
Hon. Rod Phillips, Minister of Finance
Hon. Catherine McKenna, Minister of Environment and Climate Change
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Johnathan Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard
Hon. Marc Garneau, Minister of Transport
Hon. Bill Morneau, Minister of Finance
Hon. Francois-Philippe Champagne, Minister of Infrastructure and Communities
Hon. Celina Caesar-Chavannes, MP Whitby
Hon. Colin Carrie, MP Oshawa
Hon. Mark Holland, MP Ajax
Hon. Jennifer O'Connell, MP Pickering-Uxbridge
Hon. Erin O'Toole, MP Durham
Hon. Jamie Schmale, MP Haliburton-Kawartha Lakes-Brock
Hon. Peter Bethlenfalvy, MPP Pickering-Uxbridge
Hon. Lorne Coe, MPP Whitby
Hon. Jennifer K. French, MPP Oshawa
Hon. Lindsey Park, MPP Durham
Nicole Cooper, Director of Legislative & Information Services, Town of Ajax
Anne Greentree, Municipal Clerk, Municipality of Clarington
Becky Jamieson, Clerk, Township of Brock
Debbie Leroux, Clerk, Township of Uxbridge
Mary Medeiros, City Clerk – Interim, City of Oshawa
John Paul Newman, Director of Corporate Services/Clerk, Township of Scugog
Ralph Walton, Regional Clerk, Director of Legislative Services, Region of Durham
Central Lake Ontario Conservation (CLOCA)
B. Sutton, President and Chief Executive Officer, Great Lakes and St. Lawrence Cities Initiative

Chief Administrative Officer



Town of Whitby

Office of the Town Clerk

575 Rossland Road East, Whitby, ON L1N 2M8

www.whitby.ca

September 27, 2019

Re: Lake Ontario Flooding

Please be advised that at a meeting held on September 23, 2019 the Council of the Town of Whitby adopted the following as Resolution # 269-19:

Whereas flooding along Lake Ontario's shoreline has adverse environmental, social and financial effects to the Town of Whitby;

And whereas the Town of Whitby has experienced flooding events in 2017 and 2019;

And whereas lake levels will continue to become more unpredictable as a result of climate change and related severe weather events, aging infrastructure in communities surrounding the Great Lakes, and pressures from population growth, resulting in a higher likelihood of reoccurring flooding;

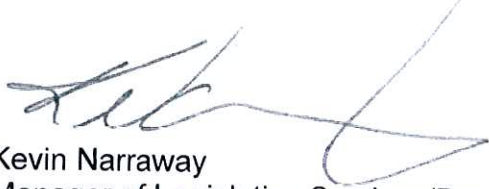
And whereas the property tax base does not provide an adequate source of funding to carry out effective flood management and response measures including the rebuilding of existing infrastructure to ensure the resiliency of our community and those located along the shorelines of the Great Lakes;

Now Therefore be it Resolved:

1. That the Council of The Town of Whitby requests that the Provincial and Federal governments provide additional resources to municipalities and conservation authorities to construct flood resilient infrastructure and undertake flood management and mitigation measures designed to withstand future climate change concerns; and,
2. That the Clerk be directed to forward a copy of this resolution to the Ontario Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Infrastructure, Finance, and Municipal Affairs and Housing; Federal Ministers of Environment and Climate Change, Oceans and Fisheries Canada, Transport, Finance, and Infrastructure and

Communities; Durham Region M.P.s and M.P.P.s; Central Lake Conservation Authority; Great Lakes St Lawrence Cities Initiative, and Durham Local Area Municipalities.

Should you require further information, please do not hesitate to contact the Public Works Department at 905.430.4307.



Kevin Narraway
Manager of Legislative Services/Deputy Clerk

Copy: S .Beale, Commissioner of Public Works

Honourable Jeff Yurek, Minister of Environment, Conservation and Parks – jeff.yurek@pc.ola.org
Honourable John Yakabuski, Minister of Natural Resources and Forestry - john.yakabuski@pc.ola.org
Honourable Laurie Scott, Minister of Infrastructure - laurie.scott@pc.ola.org
Honourable Rod Phillips, Minister of Finance - rod.phillips@pc.ola.org
Honourable Catherine McKenna, Minister of Environment and Climate Change - Catherine.McKenna@parl.gc.ca
Honourable Steve Clark, Minister of Municipal Affairs and Housing - steve.clark@pc.ola.org
Honourable Johnathan Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard - Jonathan.Wilkinson@parl.gc.ca
Honourable Marc Garneau, Minister of Transport - marc.garneau@parl.gc.ca
Honourable Bill Morneau, Minister of Finance – Bill.Morneau@parl.gc.ca
Honourable Francois-Philippe Champagne, Minister of Infrastructure and Communities – Francois-Philippe.Champagne@parl.gc.ca
Honourable Erin O'Toole, M.P., Durham - Erin.OTOole@parl.gc.ca
Honourable Mark Holland, M.P., Ajax - Mark.Holland@parl.gc.ca
Honourable Jamie Schmale, M.P., Brock - Jamie.Schmale@parl.gc.ca
Honourable Colin Carrie, M.P., Oshawa - colin.carrie@parl.gc.ca
Honourable Jennifer O'Connell, M.P., Pickering – Uxbridge - Jennifer.OConnell@parl.gc.ca
Honourable Celina Ceaser-Chavannes, M.P. Whitby - celina.caesar-chavannes@parl.gc.ca
Honourable Rod Phillips, M.P.P, Ajax – rod.phillips@pc.ola.org
Honourable Laurie Scott, M.P.P., Haliburton-Kawartha Lakes-Brock - laurie.scott@pc.ola.org
Honourable Jennifer French, M.P.P., Oshawa - jfrench-co@ndp.on.ca
Honourable Peter Bethlenfalvy, M.P.P., Pickering – Uxbridge
Honourable Lorne Coe, M.P.P., Whitby - lorne.coe@pc.ola.org

- B. Sutton, President and Chief Executive Officer, Great Lakes St Lawrence Cities Initiative - betty.sutton@glslcities.org
Central Lake Ontario Conservation Authority - mail@cloca.com
N. Cooper, Director of Legislative and Information services, Town of Ajax – Nicole.cooper@ajax.ca
B. Jamieson, Township of Brock - bjamieson@townshipofbrock.ca
A. Greentree, Municipal Clerk, Municipality of Clarington - clerks@clarington.net
M. Medeiros, City Clerk, City of Oshawa - mmedeiros@oshawa.ca
S. Cassel, City Clerk, City of Pickering – clerks@pickering.ca
J. Newman, Municipal Clerk, Township of Scugog - jnewman@scugog.ca
D. Leroux, Clerk, Township of Uxbridge - dleroux@town.uxbridge.on.ca



C.S. - LEGISLATIVE SERVICES

Original
To: CIP
Copy
To: B.B

NOTICE OF PLANNING AND COMMUNITY AFFAIRS COMMITTEE MEETING

COMMUNITY IMPROVEMENT PLAN FOR THE PORT PERRY EMPLOYMENT AREA

The Township of Scugog has prepared a Community Improvement Plan (CIP) for the Port Perry Employment Area in accordance with the provisions of the *Ontario Planning Act*. The objective of the CIP is to provide various incentives and programs to the development community to:

- stimulate public and private sector investment in the Port Perry Employment Area;
- strengthen the Employment Area by attracting industries leading to increased competitiveness;
- increase the non-residential tax base in the Township; and
- contribute to the attraction, retention or development of a highly-skilled and knowledgeable local workforce by focusing on creating a high-tech cluster.

The CIP will allow the Township to provide grants, loans, and other financial incentives to private landowners within the Community Improvement Project Area to encourage private sector investment and assist with improvements to certain types of employment properties. The CIP will also enable the Township to apply for funding in accordance with the Region of Durham's Revitalization Program. The location of the Port Perry Employment lands is identified on the attached map.

The CIP includes financial incentive programs, and eligibility criteria for the programs to create positive change in the Port Perry Employment Area. The recommended CIP will be available on the Township website on or after November 1st, 2019.

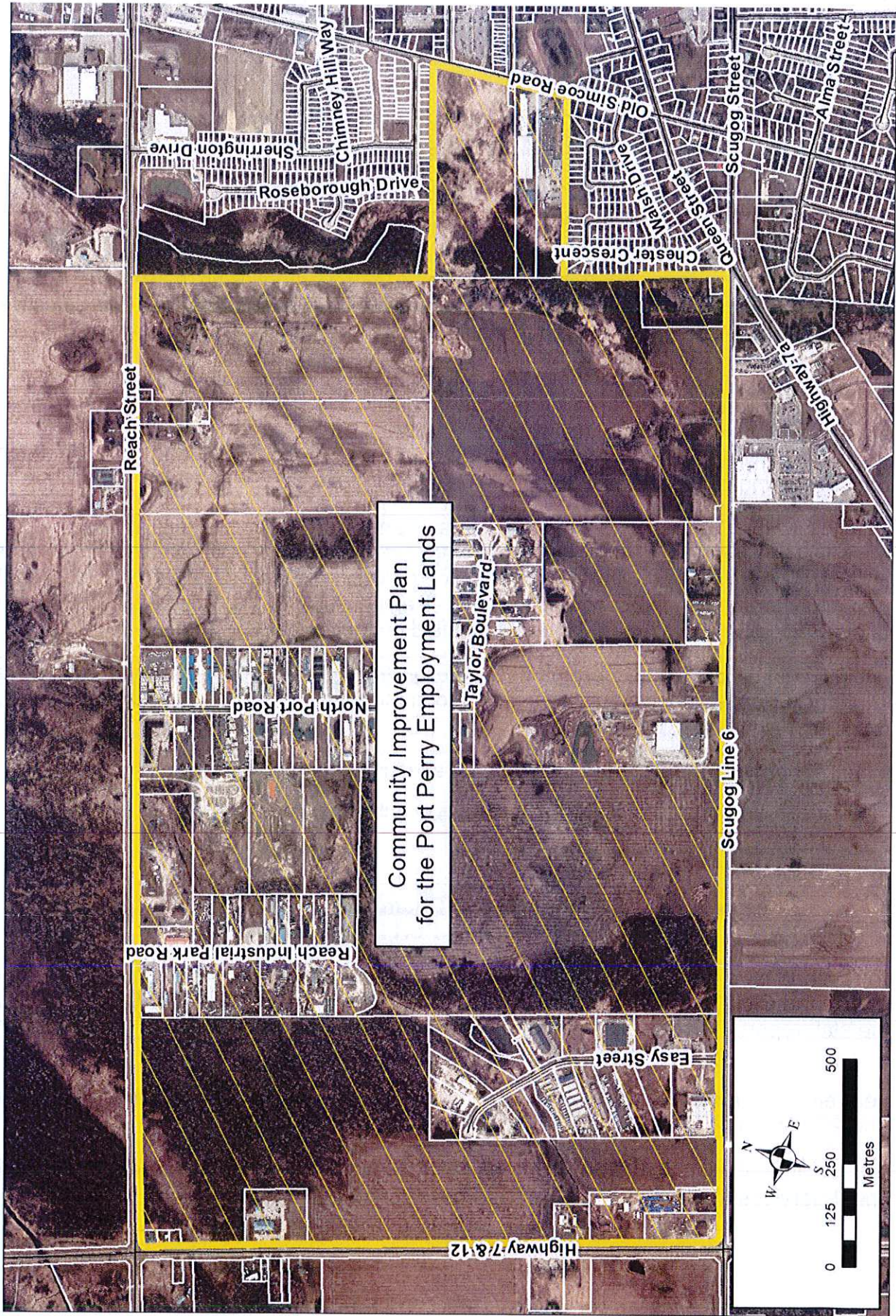
The Township's Planning and Community Affairs Meeting is scheduled as follows:

- Date:** Monday, November 18th, 2019
- Time:** 6:30 p.m.
- Location:** Scugog Council Chamber
181 Perry Street, Port Perry

Should you wish to be a delegation at the Planning and Community Affairs meeting, you are required to register with the Clerk's Department no later than Tuesday, November 12, 2019 at 4:30 p.m. A copy of the staff report will be available on the Township's website on Wednesday, November 13, 2019.

Use the rear entrance located between the original building and the south wing. Take the elevator or stairs to the 2nd floor. Parking is available in the lots at the rear of the building.

Should you require further information regarding the CIP, please contact Kevin Heritage, Director of Development Services at 905-985-7346 ext. 153 or kheritage@scugog.ca





2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

SENT VIA EMAIL

October 25, 2019

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

Dear Premier Ford:

RE: LOCAL HEALTH CARE SERVICES

At its Regular Meeting held on October 15, 2019 Council of the Town of Kingsville passed the following Resolution:

"533-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

WHEREAS public health care consistently ranks as the top priority in public opinion polls, and;

WHEREAS Public Health provides vital health promotion and prevention services based on the unique demographic and economic, social, and cultural needs of our communities; and;

WHEREAS the evidence from hospital amalgamation in Ontario and across Canada is that they have cost billions of dollars and have not yielded the promised administrative savings but have taken money away from frontline care, and;

WHEREAS there is no evidence to support the proposed closure of 25 out of 35 local Public Health Units, the closure of 12 of 22 local ambulance dispatch centres, and the closure of 49 out of 59 local ambulance services, and;

WHEREAS there is a deep consensus among virtually all stakeholders that increasing acuity in our long-term care homes requires additional staff and resources, not

cancellation of the two special funds and real dollar cuts to per diem funding of our long-term care homes, and;

WHEREAS our local hospitals have been downsized for an entire generation and cannot meet population needs while sustaining real dollar cuts to hospital global budgets.

THEREFORE BE IT RESOLVED:

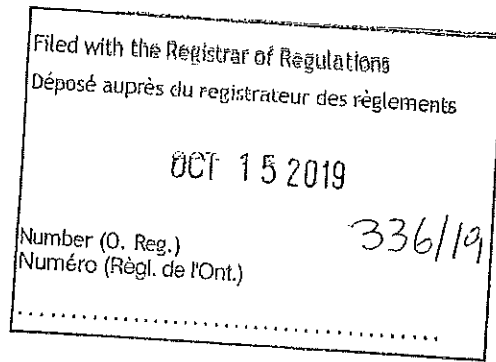
That The Corporation of the Town of Kingsville calls upon the Ontario government to halt the closures of, mergers of, and cuts to our local health care services including Public Health Units, land ambulance services, hospitals and long-term care homes and the Town of Kingsville forward this resolution to all municipalities in the Province of Ontario.”

Yours very truly,



Jennifer Astrologo, B.H.K. (Hons), LL.B.
Director of Corporate Services/Clerk
Corporate Services Department
jastrologo@kingsville.ca

cc: Association of Municipalities of Ontario (AMO)
cc: All Ontario Municipalities
cc: Taras Natyshak, MPP
cc: Windsor-Essex County Health Unit



ONTARIO REGULATION

made under the

PLANNING ACT

ZONING ORDER - MUNICIPALITY OF CLARINGTON, REGIONAL MUNICIPALITY OF DURHAM

Interpretation

1. In this Order,

“accessory” means a use, building or structure that is normally incidental or subordinate to a principal use, building or structure located on lands described in section 2, including but not limited to,

- (a) administrative offices,
- (b) dining facilities,
- (c) doctors’ offices,
- (d) nursing stations, and
- (e) activity rooms;

“long-term care home” has the same meaning as in the *Long-Term Care Homes Act, 2007*.

Application

2. This Order applies to lands in the Municipality of Clarington, in the Regional Municipality of Durham, being the lands outlined in red on a map numbered 232 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Permitted uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in section 2, except a 224-bed capacity long-term care home, together with accessory uses, buildings and structures.

Zoning requirements

4. (1) The zoning requirements for the lands described in section 2 are as follows:

1. The minimum height of the long-term care home is 2 storeys.
2. There is no maximum height of the long-term care home.
3. There is no minimum lot area.
4. There is no minimum lot frontage.
5. There is no maximum lot coverage.
6. The minimum yard setback to the north, east, south and west lot lines is 5 metres.
7. The maximum yard setback to the east lot line is 10 metres.
8. The minimum landscaped open space is 25 per cent.
9. No parking or loading spaces may be located in the front yard.

(2) Except as provided in subsection (1), the provisions of Municipality of Clarington Comprehensive Zoning By-law 84-63, as amended, continue to apply.

Terms of use

5. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Commencement

6. This Regulation comes into force on the day it is filed.

Made by:

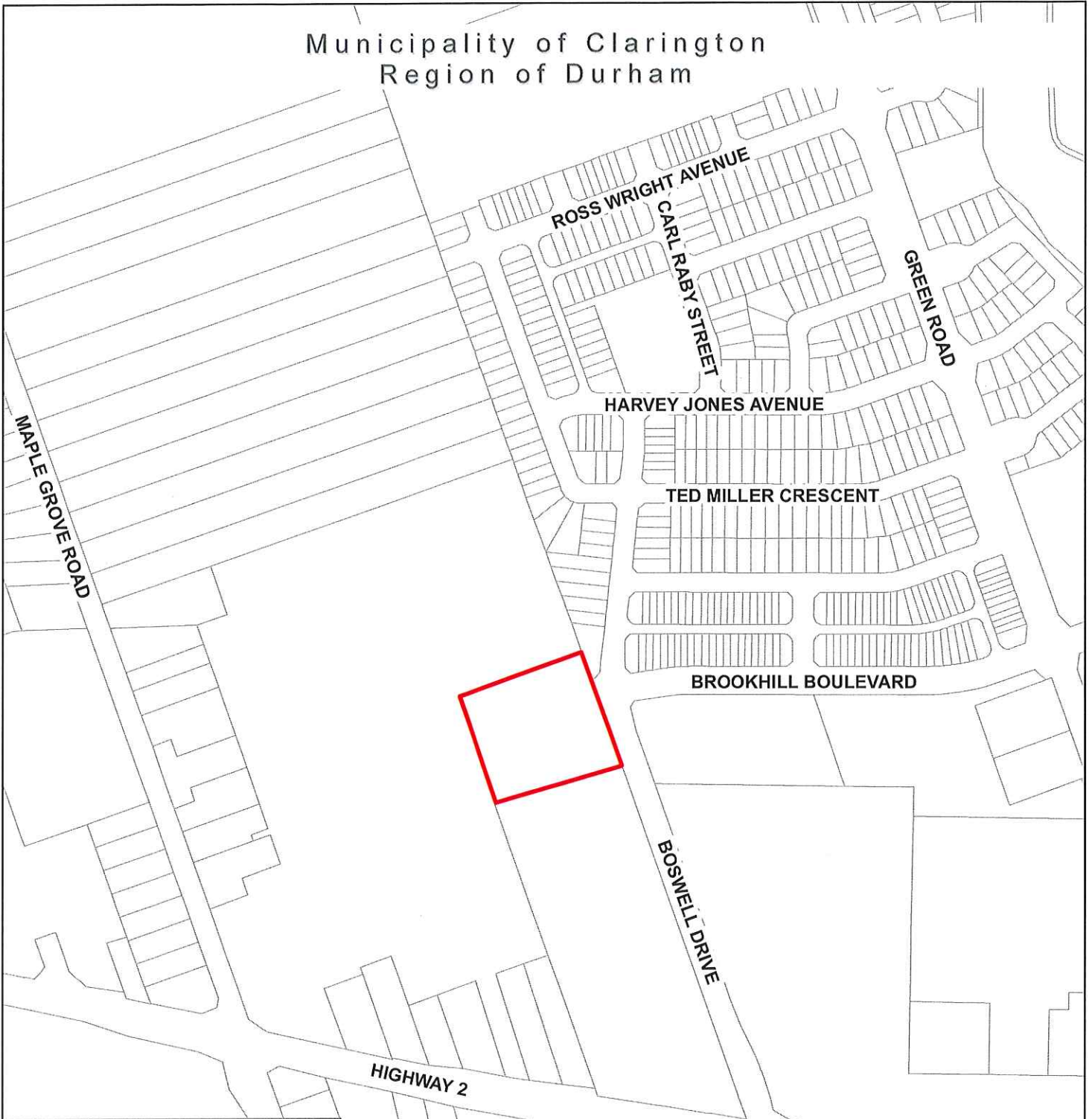

.....
Signature (in blue ink)

Minister of Municipal Affairs and Housing

Date made:

Oct 15 / 2019

Municipality of Clarington
Region of Durham



MAP No. 232



Map filed at the office of the Ontario Ministry of
Municipal Affairs and Housing,
777 Bay St., Toronto, Ontario,

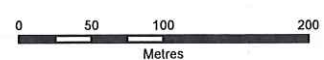
The Planning Act

Ontario Regulation: *336/19*
Date: *October 15, 2019*

Original Signed By:
Steve Clark
Minister of Municipal
Affairs and Housing

LEGEND

-  Lands Subject to Zoning Order
-  Assessment Parcel



If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

The Regional Municipality of Durham

MINUTES

DURHAM AGRICULTURAL ADVISORY COMMITTEE

October 8, 2019

A regular meeting of the Durham Agricultural Advisory Committee was held on Tuesday, October 8, 2019 in Boardroom 1-B, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby at 7:30 PM

Present: Z. Cohoon, Federation of Agriculture, Chair
F. Puterbough, Member at Large, Vice-Chair
T. Barrie, Clarington attended the meeting at 7:35 PM
N. Guthrie, Member at Large
B. Howsam, Member at Large
K. Kemp, Scugog
D. Risebrough, Member at Large
H. Schillings, Whitby
B. Smith, Uxbridge
G. Taylor, Pickering

Also

Present: G. Highet, Regional Councillor

Absent: D. Bath-Hadden, Regional Councillor was absent due to municipal business
K. Kennedy, Member at Large
P. MacArthur, Oshawa
G. O'Connor, Member at Large
T. Watpool, Brock, Vice-Chair
B. Winter, Ajax

Staff

Present: K. Allore-Engel, Senior Planner, Department of Planning and Economic Development
S. Gill, Director, Economic Development and Tourism
N. Prasad, Committee Clerk, Corporate Services – Legislative Services

1. Adoption of Minutes

Moved by B. Howsam, Seconded by H. Schillings,
That the minutes of the Durham Agricultural Advisory Committee meeting held on September 10, 2019 be adopted.

CARRIED

2. Declarations of Interest

There were no declarations of interest.

3. Presentations

A) Urban Strategies Inc. – Growth Management Consultation for Envision Durham – Melanie Hare

M. Walton, Partner, Planscape, E. Davidge, Associate, Urban Strategies Inc., E. Bang, Senior Consultant, Watson & Associates, and M. Hare, Partner, Urban Strategies Inc., provided a PowerPoint Presentation regarding the Growth Management Consultation for Envision Durham.

Highlights of the Presentation included:

- Region of Durham Growth Management Study
- Our Team
- Project Understanding
- The Municipal Comprehensive Review
- Envision Durham
- Our Approach to Land Needs Assessment
 - Integrating Both Supply & Demand
 - Key Inputs and Steps
- Discussion Questions

M. Walton stated that they are working on the Growth Management Study and are having discussions with stakeholders across the Region to get a perspective on Durham from today out to 2041. She stated that they are looking to manage growth and economic prosperity and advised that the Growth Management Consultation is part of the larger Municipal Comprehensive Review.

M. Walton advised that they have assembled a team that understands how to plan, design and build cities. That team includes subject matter and technical experts in infrastructure, transit, agriculture, natural heritage, tourism and retail, all aspects that need to be explored in growth management. She stated that Durham Region's population and employment is expected to grow to 1.2 million people and 430,000 jobs by 2041. She stated that the growth management study needs to be more than a technical equation about land needs and that the goal is to position the Region to attract and accommodate growth in a manner that creates prosperous, complete and sustainable communities.

M. Walton stated that they have been tasked to create the following 5 core deliverables:

1. Intensification Strategy
2. Employment Strategy

3. Designated Greenfill Analysis
4. Housing Forecast
5. Long Term Forecast Summary

M. Walton requested that the Committee provide feedback on the following four discussion questions:

1. What are the most pressing growth issues facing the agriculture sector in Durham today?
2. What are the most promising trends in the agricultural sector in Durham today?
3. Are there any major agriculture infrastructure investments or initiatives about which we should be aware?
4. From the agricultural perspective, what does successful regional growth management look like...in 2041?

Discussion ensued with regards to: transportation and movement of goods; processing of agricultural goods; location of processing facilities; access to the Hamilton/Oshawa Port Authority; high development costs; growth challenges; rural broadband; underserviced lands; and consistency of zoning policies across the Region.

4. Discussion Items

A) Rural and Agricultural Economic Development Update

There was no update to be provided. S. Gill, Director, Economic Development and Tourism, introduced himself to the Committee.

B) 2019 DAAC Farm Tour

Discussion ensued with regards to the 2019 Farm Tour and the following comments were made:

- The 2019 tour was a huge success
- Committee members need to start thinking of themes and locations for the next tour
- People seemed to appreciate the diversity and eco-tourism theme at Willowtree Farms
- Important to keep updating the guest list

C) Envision Durham Update

Discussion ensued with regards to the Envision Durham Update. It was the consensus of the committee that staff be advised that the committee does not feel that the Region needs to review any more policies with regards to septage.

D) Report #2019-P-40 OPA 2019-006 Werrcroft Farms Ltd. Public Meeting Report

A copy of Report #2019-P-40 of the Commissioner of Planning and Economic Development regarding an application to amend the Durham Regional Official Plan, submitted by Werrcroft Farms Ltd., was provided as Attachment #2 to the Agenda.

Discussion ensued with regards to the details surrounding the subject site.

Moved by H. Schillings, Seconded by D. Risebrough,

That the Durham Agricultural Advisory Committee supports the Application to Amend the Durham Regional Official Plan, submitted by Werrcroft Farms Ltd., to permit the severance of a dwelling and associated accessory buildings rendered surplus as a result of the consolidation of non-abutting farm parcels in the Municipality of Clarington, File: OPA 2019-006.

CARRIED

5. Information Items

A) Report #2019-P-41 Envision Durham – Transportation System Discussion Paper Engagement

A copy of Report #2019-P-41 of the Commissioner of Planning and Economic Development regarding Envision Durham – Transportation System Discussion Paper and the Discussion Paper dated October 2019 were provided as Attachments #3 and #4 to the Agenda and received.

B) Report #2019-P-42 Provincial Policy Statement Review

A copy of Report #2019-P-42 of the Commissioner of Planning and Economic Development regarding Provincial Policy Statement Review, Proposed Policies (ERO #019-0279) was provided as Attachment #5 to the Agenda and received.

6. Other Business

A) Request for Information regarding an Event Centred around Sunflowers

Z. Cohoon stated that he was contacted by K. Boadway, a member of the public, with a hope to obtain some leads in assisting with putting on an event centered around sunflowers on the western side of Durham Region. The event will likely have to take place in August during the sunflower blooming period and will require reaching out to farmers who would be willing to host such an event in 2020. Z. Cohoon stated that he will forward the request to Willowtree Farms as well as Cooper's Farm.

B) Noxious Weeds and Weed Control in Durham Region

T. Barrie stated that there's a need for Health Inspectors to do something about Fleabane. He requested that staff look into who regulates noxious weeds and who is responsible for weed control in Durham Region. K. Allore-Engel advised that she will look into it and advise the committee.

7. Date of Next Meeting

The next regular meeting of the Durham Agricultural Advisory Committee will be held on Tuesday, November 12, 2019 starting at 7:30 PM in Boardroom 1-B, Level 1, 605 Rossland Road East, Whitby.

8. Adjournment

Moved by F. Puterbough, Seconded by B. Smith,
That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:13 PM.

Z. Cohoon, Chair, Durham
Agricultural Advisory Committee

N. Prasad, Committee Clerk

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

The Regional Municipality of Durham

MINUTES

DURHAM ENVIRONMENTAL ADVISORY COMMITTEE

October 17, 2019

A regular meeting of the Durham Environmental Advisory Committee was held on Thursday, October 17, 2019 in Boardroom 1-B, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby at 7:01 PM.

Present: G. Carpentier, Scugog, Chair
O. Chaudhry, Pickering
S. Clearwater, Whitby
J. Cuthbertson, Clarington, Second Vice-
R. Dickinson, Brock
B. Foxton, Uxbridge
G. Layton, Oshawa
D. Sallans, Member at Large
B. Shipp, Member at Large
D. Stathopoulos, Member at Large
D. Upadhyay, Youth Member
S. Yamada, Regional Councillor, Town of Whitby

Absent: C. Duffy, Post-Secondary Member
K. Lui, Member at Large, First Vice-Chair
K. Murray, Member at Large
M. Thompson, Ajax

Staff

Present: C. Leitch, Principal Planner, Planning & Economic Development Department
A. Luqman, Project Planner, Planning & Economic Development Department
S. Penak, Committee Clerk, Corporate Services – Legislative Services
G. Pereira, Manager, Transportation Planning, Planning & Economic Development Department

1. Approval of Agenda

Moved by D. Stathopoulos, Seconded by S. Clearwater,
That the agenda for the October 17, 2019 DEAC meeting, as
presented, be approved.

CARRIED

A. Luqman provided the following updates with respect to business arising from previous DEAC meetings:

- In regards to whether the same protocols were used to determine the surface temperatures of Durham Region from 1997 compared to 2017 in the Region's "Managing Urban Heat Islands" study: the source for the

data is the United States Geological Survey which pulls data from the Landsat Provisional Surface Temperature product. It is generated from a series of data sources as noted on the USGS website. A. Luqman advised that she has requested further information from Ian McVey, Manager of Sustainability, and will forward to the Committee once available.

- Regarding whether there's a green roof standard in Durham Region, and if any municipalities have it in place: there are currently no standards in place for green roofs in Durham Region. The only known municipality that has a Green Roof Standard is the City of Toronto.
- A. Luqman followed up with the Works Department with respect to the size of Durham's recycling and compost yards and will forward this information to the Committee once it is received.
- A. Luqman provided the Committee with a copy of the DEAC Awards nomination form which includes the evaluation criteria.

2. Declarations of Interest

There were no declarations of interest.

3. Adoption of Minutes

Moved by S. Clearwater, Seconded by D. Upadhyay,
That the minutes of the regular DEAC meeting held on Thursday,
September 19, be adopted.

CARRIED

It was the consensus of the Committee that the following bullets be clarified and that the minutes be revised accordingly:

That the 5th bullet on page 3 of the September 19, 2019 DEAC minutes, under Item 4A) Presentation: Regional Strategic Plan, under question, "2. Given these challenges, what are the top priorities or most pressing issues that we need to focus on over the next 5 years?", be amended to add the words, 'similar to car emissions' at the end of the sentence; and

That the 6th bullet on page 5 of the September 19, 2019 DEAC minutes, under Item 5A) Presentation: Regional Cycling Plan Update, be amended to now read as follows:

'There are conflicting uses on waterfront trails that need to be addressed in the Region's transportation planning process'.

4. Presentation

A) Chris Leitch, Principal Planner, Transportation Planning, re: Envision Durham Transportation System Discussion Paper

C. Leitch provided a Presentation titled: "Envision Durham Transportation System Discussion Paper".

Highlights from the presentation included:

- Discussion Paper Context
- Transportation Trends in Durham
 - Growth in Travel
 - Changing commuting and travel patterns
 - Mode share for transit and other modes should continue to increase
- Transportation Planning Policy Context and Considerations
- Policy Considerations
 - Land Use and Transportation
 - Public Transit
 - Roads and Corridor Protection
 - Active Transportation
 - Travel Choices
 - Goods Movement
 - Consultation & Engagement

C. Leitch responded to questions from the Committee regarding the definition of light rail transit and if this would be feasible for Durham; whether population growth and noise mitigation (such as truck traffic) around settlement areas is considered during transportation planning; how staff differentiate between ridership of students versus people going to work, and whether transit ridership has increased; whether Durham will increase transit services in the North due to GO removing a lot of their services from the North; the use of Artificial Intelligence (AI) for traffic light timing and to improve existing infrastructure; where "non-conventional" electric vehicles (such as e-scooters) fit in Durham; and the protection of the future commuter rail line in the North and the possibility of it being upgraded in the future.

C. Leitch advised that comments on the Envision Durham Transportation System Discussion Paper are requested by December 30, 2019.

B) Melanie Hare, Urban Strategies Inc., re: Growth Management Consultation for Envision Durham

Sunjay Mathuria, on behalf of Melanie Hare, Urban Strategies, provided a Presentation titled: "Growth Management Consultation for Envision Durham".

Highlights from the presentation included:

- Our Team
- Project Understanding
- The Municipal Comprehensive Review
- Envision Durham
- Our Approach to Land Needs Assessment (LNA)
 - Integrating Both Supply & Demand
 - Key Inputs and Steps

S. Mathuria presented the following three (3) key questions and the Committee provided the following input:

1. When it comes to natural heritage and the environment, what are some key opportunities relating to growth in the Region?
2. When it comes to natural heritage and the environment, what are the key challenges relating to growth in the Region?
3. What does natural heritage and environment look like in Durham in 2041?

- The greenspace areas in Durham has to be protected and expanded
- The heritage of the Northern municipalities and what the North provides needs to be promoted
- Keep nature in mind when changing trails or infrastructure as this can create a displacement factor (a trail can change the characteristics of an area). The impact on wildlife also needs to be factored in
- Importance of preserving wetlands, especially along the Lake Ontario shoreline
- Celebrate the agricultural aspects that Durham has
- There are a limited number of hotels or motels for people to stay in the North when events are held; need to build that infrastructure
- Transportation routes should align with growth of residents
- The creation of heat islands through development should be considered
- Source water needs to be looked at, and balancing of impermeable surfaces with canopy cover
- The Carolinian forest needs to be considered and protected
- There needs to be more opportunities for children to interact and learn about the environment, such as better parks, looking at best practices, and building spaces for children to play in
- Part of the Development Charges should incorporate trees/greenery etc. around the development, such as planting trees along the edges of parking lots
- The challenge of managing residential expectations with in-fill development needs to be considered
- Developers should build around trees instead of destroying them

- Developers should follow “green standards” such as the inclusion of green roofs and pollinator gardens within new home and condominium developments

5. Items for Discussion/Input

A) Update from Climate Change Resiliency Homeowner’s Guide Subcommittee

J. Cuthbertson advised that the Climate Change Resiliency Homeowner’s Guide Subcommittee met prior to the meeting and continued working through the brainstorming/troubleshooting stage. He advised that if Committee members had any comments or input for the Guide, they could email A. Luqman to then communicate it to the subcommittee.

B) Update from Environmental Awards Subcommittee

A. Luqman advised that the Environmental Awards Subcommittee will meet soon.

It was the consensus of the Committee that R. Dickinson be appointed to the Environmental Awards Subcommittee.

C) Envision Durham Environment & Greenlands System Discussion Paper (2019-P-36)

A copy of Report #2019-P-36 of the Commissioner of Planning and Economic Development was provided as Attachment #2 to the agenda.

A. Luqman advised that Report #2019-P-36 Envision Durham Environment & Greenlands System Discussion Paper is available and that comments are due by the end of the year.

It was the consensus of the Committee to comment on the paper individually and provide a copy to A. Luqman.

D) Envision Durham Transportation System Discussion Paper (2019-P-41)

A copy of Report #2019-P-41 of the Commissioner of Planning and Economic Development was provided as Attachment #3 to the agenda.

A. Luqman advised that Report #2019-P-41 Envision Durham Transportation System Discussion Paper serves as formal notification that the paper is available and that comments are due by the end of the year.

[This item was discussed earlier in the meeting. See page 3 of these minutes]

6. For Information

A) Commissioner's Report #2019-P-37 – Durham Environmental Advisory Committee (DEAC) Membership Appointments

A copy of Report #2019-P-37 of the Commissioner of Planning and Economic Development was received as Attachment #4 to the agenda.

A. Luqman introduced the newest member, Brian Shipp, to the Committee.

B) Correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on September 16, 2019, regarding Climate Emergency Declaration

A copy of the Correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on September 16, 2019, regarding Climate Emergency Declaration was received as Attachment #5 to the agenda.

C) Commissioner's Report #2019-INFO-67 – Monitoring of Land Division Committee Decisions of the September 9, 2019 Meeting

A copy of Report #2019-INFO-67 of the Commissioner of Planning and Economic Development was received as Attachment #6 to the agenda.

D) Correspondence from the Town of Whitby, re: Resolution passed at their Council meeting held on September 23, 2019, regarding endorsement of the Commitment to the Global Covenant of Mayors (GCoM), including a pledge to reduce and avoid Greenhouse Gas Emissions and prepare for the impacts of Climate Change

A copy of the Correspondence from the Town of Whitby, re: Resolution passed at their Council meeting held on September 23, 2019, regarding endorsement of the Commitment to the Global Covenant of Mayors (GCoM), including a pledge to reduce and avoid Greenhouse Gas Emissions and prepare for the impacts of Climate Change was received as Attachment #7 to the agenda.

Moved by B. Foxtan, Seconded by J. Cuthbertson,
That Information Items 7A) to 7D) inclusive, be received for information.

CARRIED

7. Other Business

A) Port Granby Project Citizen Liaison Group (CLG)

S. Clearwater advised the Committee that she attended a meeting last week where discussion ensued regarding the closure of the site. She advised that she raised an issue of funding and that Port Hope should investigate getting

funding from the Canadian Nuclear Association with respect to being able to handle a 100-year storm through infrastructure upgrades. She also enquired on the end date of this group.

8. Next Meeting

The next regular meeting of the Durham Environmental Advisory Committee will be held on Thursday, November 21, 2019 starting at 7:00 PM in Boardroom 1-B, Level 1, 605 Rossland Road East, Whitby.

9. Adjournment

Moved by D. Sallans, Seconded by G. Carpentier,
That the meeting be adjourned.
CARRIED

The meeting adjourned at 8:43 PM

G. Carpentier, Chair, Durham
Environmental Advisory Committee

S. Penak, Committee Clerk