



January 20, 2019

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Canada

**Re: Bill 66, Restoring Ontario's Competitiveness Act, 2018, EBO #013-4293
File PLN 1.1.24**

The Bill was posted on the December 6th with comments due by January 20th. This timeframe coincided with the swearing in and orientation of municipal Councils. The recommendations in this letter will not be ratified by Clarington Council until February 4th, 2019.

Schedule 1: Ministry of Agriculture Food and Rural Affairs

- Remove outdated and time-consuming reporting requirements under the *Ministry of Agriculture, Food and Rural Affairs Act*, including ones required for loan guarantee programs.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

Clarington Staff Comments: Agriculture is the #1 economic activity in Clarington. The proposed changes to the *Ministry of Agriculture, Food and Rural Affairs Act* would enhance farmers' ability to access credit to improve their farm assets, adopt new technologies and improve their financial viability. The amendments to Section 8 of the Act would allow loan guarantees to producers, it could be expanded to lenders as well.

The definition of agriculture in the *Agricultural Employees Protection Act (AEPA)* is very broad. When amending the definition care should be taken to not inadvertently exclude those employees engaged in other aspects of horticulture such as fruit and vegetable production. In general, clarifying the language in the AEPA to include the encompassing activities required to farm is necessary, not just for edible horticulture but for all other horticulture groups.

The amendments under the *Farm Registration and Farm Organizations Funding Act* could potentially increase red tape, as it may require multiple registrations for farm

businesses that involve two or more persons. Clarification is needed to ensure registration works across the many variations of farm businesses and corporations.

Schedule 2: Ministry of the Attorney General

- Repeal the Pawnbrokers Act.

Clarington Staff Comments: The Ontario Association of Chiefs of Police and the Association of Municipal Managers, Clerks and Treasurers (AMTCO) have advocated for modernization of the regulation of pawnbrokers for a number of years. A provincial licensing framework, data collection and better tracking could support recovery of stolen goods. No replacement legislation is proposed. Therefore, pawnbrokers will be subject to applicable municipal by-laws. This is downloading of responsibility and will create a patchwork of pawnbroker licensing across the province. The Province should explore alternative provincial policy as recommended by AMCTO and the Chiefs of Police.

Schedule 3: Ministry of Education

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

Clarington Staff Comments: *The Child Care and Early Years Act (CCEYA)* would be amended to increase the maximum number of children and lower the age threshold permitted in home-based child care. Currently home-based child care is considered as a home occupation under Clarington's zoning by-laws. The zoning by-laws are under review and any changes can be incorporated into the definitions. Overall the recommendations would better address the child-care issues faced by rural residents, benefit parents of multiple-birth children and provide more child care options.

Schedule 4: Ministry of Energy, Northern Development and Mines

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

Clarington Staff Comments: The electricity rates set for sub-metered units in multi-residential buildings are outside of the Municipality's control. However; there will be implications to be addressed when multi-residential buildings are being constructed to ensure that sub-metering of services can be provided. It is assumed that the Building Code in its next update will include provisions to address sub-metering in multi-residential buildings.

Schedule 5: Ministry of the Environment, Conservation and Parks

- Repeal the *Toxics Reduction Act, 2009* by 2021, remove the toxics reduction plan in 2019 and rely on the robust and science-based Federal Chemicals Management Plan

- See "*Repeal the Toxics Reduction Act, 2009* and all associated regulations by December 31, 2021" (ERO # [013-4234](#)) and
- See "*Planning and reporting changes under the toxics reduction program and Ontario Regulation 455/09*" (ERO # [013-4235](#))

Clarington Staff Comments: The repeal of the *Toxics Reduction Act* will place the responsibility for oversight under the *Canadian Environmental Protection Act, 1999*. The goal of the federal Chemicals Management Plan is to “assess and manage, where appropriate, the potential health and ecological risks associated with approximately 4,300 substances”. Clarington supports scientifically sound investigations to ensure compliance and relies on the Ministry to investigate exceedances and enforce limits. Further investigation is necessary to determine how this will affect the environmental monitoring and oversight of Environmental Compliance Approvals by the Ministry for industrial uses. While the intent to reduce duplication is supported, the Ministry must continue its oversight and enforcement responsibilities of industrial operations.

Schedule 6: Ministry of Finance

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

Clarington Staff Comments: These changes have no significant implications for public sector employers who can already merge single employer pension plans with a jointly sponsored plan.

Schedule 7: Ministry of Government and Consumer Services

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

Clarington Staff Comments: The Ministry has delegated regulatory functions under the *Technical Standards and Safety Act* to the Authority (TSSA). The TSSA is a not-for-profit corporation that administers and enforces technical and safety standards in Ontario. The amendments would allow alternate rules, which prevail over any municipal by-law. In theory this should reduce red-tape, allow flexibility and allow quicker response to changing technology. However, the TSSA has come under scrutiny for its failure to maintain an inspection and enforcement program that ensures the health and safety of Ontarians. Clarington has experienced major disasters related to the lack of oversight by the TSSA (e.g. the Caledon fire) and does not support moving the oversight further from the Ministry. Additional provincial oversight rather than less is necessary.

Clarington has two major pipelines that traverse the Municipality (some 35 kilometres). One area of neglect by the TSSA has been inspection, enforcement and follow-up of compliance orders for pipelines, which they do not directly inspect but rather rely on the inspection records of the industry. An undetected leak would have devastating effects on the groundwater, waterways, and natural areas within the Municipality. This type of leak has been modeled as part of our Source Water protection responsibilities; the

potential effects are well understood. Again, additional over-sight and resources are necessary for the TSSA to carry out their mandated function.

Clarington supports the repeal of the *Wireless Services Agreements Act, 2013* and harmonization with the federal government's national wireless code. It would eliminate duplication. Access for rural residents to reliable high-speed internet and telecommunication services is vital to modern farming businesses and rural residents.

Schedule 8: Ministry of Health and Long-Term Care

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

Clarington Staff Comments: The recommended changes have been supported by the Region of Durham who is involved in the provision of long-term care. Clarington staff agrees with the Region that the recommendations would support the government's stated intent to build 30,000 beds over the next 10 years and redevelop aging facilities (including two such facilities in Clarington).

Schedule 9: Ministry of Labour

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

Clarington Staff Comments: The recommended changes have been supported by the Region of Durham and the Ontario Federation of Agriculture. Clarington staff agrees with the recommendations as they would have no impact on the agricultural sector and would benefit the municipality through the automatic designation as a non-construction employer.

Schedule 10: Ministry of Municipal Affairs and Housing

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

Clarington Staff Comments: The Proposed Amendments are broad and have major implications for land use planning. Staff provided input to Durham Region when they

were formulating their comments on Schedule 10 and support the recommendations provided by Durham Region as outlined below.

For the proposed Open-for-Business Planning By-law tool, staff recommendations to the Minister of Municipal Affairs are:

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

The Open for Business By-law is intended to be a site specific application. As such, the local municipality should determine the process, public consultation and proponent requirements. The Minister when considering a site specific open for business by-law for approval should respect the decision of the local council.

Schedule 11: Ministry of Training, Colleges and Universities

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

Clarington Staff Comments: No comments on the recommended amendment.

Schedule 12: Ministry of Transportation

- Minor amendments to the *Highway Traffic Act* include regulatory amendments to allow new connected vehicles/autonomous vehicle testing, research and development opportunities.

[Clarington Staff Comments](#): Staff supports the reduction of barriers to testing and implementation as it will support potential manufacturing opportunities.

The legislative and regulatory changes being proposed in Bill 66 may reduce some administrative requirements for both the private sector and Municipality. However, careful crafting of the amendments to avoid unintended consequences while taking into account the comments provided is recommended.

Yours truly,

A handwritten signature in blue ink that reads "Faye Langmaid". The signature is written in a cursive, flowing style.

Faye Langmaid, R.P.P., FCSLA
Acting Director of Planning Services

cc. Mayor and Councillors
CAO and Department Heads

FL/tg