



**Town of Whitby**  
**Legal and By-law Services**

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- and -

Ken Petersen  
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RE: Town of Whitby Comments on Bill 66 – “Restoring Ontario’s Competitiveness Act, 2018” and the Proposed “Open-For-Business Planning By-law” Amendments in the Planning Act

Thank you for the opportunity to provide comments regarding Bill 66 – “Restoring Ontario’s Competitiveness Act, 2018” and the proposed open-for-business planning by-law (“**OFBP By-law**”) amendments in the Planning Act. Please accept this letter as the formal comments from the Town of Whitby on the issues we believe most impact the Town.

It is also requested that the Town continue to be sent all future notices and communications from the relevant Ministries regarding the provisions of Bill 66. Should there be an opportunity to make a formal presentation or submission to a Standing Committee or Select Committee of the Ontario Legislative Assembly regarding this matter, the Town also requests to be notified of such opportunity so that it may participate if it so wishes.

## **Employment Standards Act, 2000**

The Town welcomes the proposed changes to the Employment Standards Act, 2000. The removal of the Director's approval for agreements that allow employees to exceed 48 hours of work in a week, and to allow the averaging of employee's hours of work per week for overtime pay purposes, is a positive step. The current filing and reporting system is an unnecessary bureaucratic step, especially in the unionized environment that exists at the Town. We also expect that this will allow the Town, as an employer of choice, to have a greater flexibility to manage and support its employees.

With the removal of this requirement, hopefully the Ministry of Labour will have greater availability to address issues affecting workers in vulnerable sectors, instead of overseeing the municipal sector where employees are well-represented and protected by unions and collective agreements.

## **Labour Relations Act, 1995**

The Town supports the amendment to the Labour Relations Act, 1995 to deem municipalities as non-construction employers. This clarifies the role of municipalities within the construction industry as we build and maintain infrastructure and community facilities. The Town believes that this amendment clarifies that municipalities are allowed to seek the best contract and price for construction work regardless of union affiliation, ensuring the responsible use of municipal revenues.

## **Pawnbrokers Act**

Currently, the Town requires pawnbrokers to obtain a municipal business licence, and also requires them to ensure that they meet the provisions of the Pawnbrokers Act.

The Town requests that if the repeal of the Act moves forward, then such repeal should not take effect until at least 90 days after Bill 66 is passed or receives Royal Assent. This time is required to allow the Town, and other municipalities, to revise local by-laws and ensure that the appropriate licensing and operating requirements are incorporated therein to cover the outgoing provisions of the Pawnbrokers Act.

The local police service has previously indicated that appropriate record-keeping requirements for pawnbrokers are an important investigative tool to assist them in solving crimes. As such, the Town also needs this time to consult with local police to ensure that their needs are met in any new or revised by-laws, and to ensure that there is no legislative gap for enforcement.

## **Planning Act and the Proposed OFBP By-law Provisions**

The Town has concerns about the proposed Planning Act changes and inclusion of the new OFBP By-law provisions.

Within the Town of Whitby, the OFBP By-law could be used to facilitate higher-order industrial (manufacturing with no open storage) and office development on lands that are adjacent to Highways 412 and 407, and Lake Ridge Road. The OFBP By-law could

also be used to assist development in other employment areas identified in the Town's Official Plan and various Secondary Plans.

It would also be helpful for economic growth in Whitby if the surplus provincially-owned lands in the Highway 412 and 407 corridors were released for development. Proposed industrial and office development on those and other lands in the highway corridor could be considered on a site specific basis, and should demonstrate how the building location and form, access, intended use, and the number of created full time jobs would take into account any environmental impacts, with a plan to best mitigate those impacts.

However, the streamlining of the overall employment land development process through the proposed OFBP By-law tool must be balanced with the protection of environmentally sensitive land areas that have been identified through provincial legislation and in the Town's Official Plan.

Even if the OFBP By-law tool is made available through the adoption of Bill 66, the Town remains committed to preserving areas that are otherwise environmentally sensitive or protected, including the provincial Greenbelt and the Oak Ridges Moraine.

The Town suggests that the OFBP By-law should only be used in exceptional circumstances to address site specific issues, while respecting current environmental policies and protections. Some of these site specific issues could also be addressed by the province without the need to adopt the OFBP By-law provisions, through other planning mechanisms that are within the province's authority (e.g., implementing the comments of municipalities regarding the Greenbelt Plan boundary).

There is also a concern that the OFBP By-law provisions have no mechanism for public notice or public input to the municipality or the province prior to the by-law being used, which is contrary to good planning practice. This should be reviewed further by the province.

Consultation between the province and municipal planning departments is also strongly advised in order for the province to fully understand municipal planning concerns related to the OFBP By-law. There needs to be a proper balance between encouraging economic development and sustainable local/provincial planning.

The Town also recommends that a provincial/municipal liaison committee be formed, through the Association of Municipalities of Ontario if it is agreeable, to jointly review and consider all municipal comments and suggested amendments, and make recommendations to the province prior to the passage of Bill 66.

Further public consultation should also be conducted prior to the adoption of these new Planning Act provisions.

If the province is eager to support Ontario's economic competitiveness and development, especially in the Town of Whitby and Durham Region, then the removal of tolls from Highway 412 and the future Highway 418 should be an immediate priority. While the availability of the OFBP By-law could assist development of employment

lands in these areas, the imposition of tolls on these highways is a large negative factor on business development.

Furthermore, since these highways are solely within and serve mainly the residents and businesses in Durham Region, they represent a cost and development restriction that no other region faces in the GTA. In the strongest possible terms, the Town requests that the province immediately remove tolls from Highways 412 and 418. This will also protect the competitive balance among municipalities in the GTA, and will support Durham Region's employment growth.

### **Other Proposed Regulatory Changes**

Contemporaneous with the announcement of Bill 66, there were a number of proposed regulatory changes announced by the province that the Town would also like to comment on briefly:

- The Town is cautiously supportive of expanding connected and autonomous vehicle testing. Encouraging development in this emerging area is a business and employment opportunity for the Town and Durham Region, which has strong experience in the automotive sector and is currently investing in assistance for new technology companies. However, the Ministry of Transportation should be directed to work with municipalities where testing will occur, to ensure that infrastructure and maintenance requirements can support such testing.
- Allowing electric motorcycles on controlled highways is within the province's jurisdiction, but thought should be given on how this could trigger other requirements in terms of increased maintenance and signage. For example, smaller tires are more susceptible to cracks in asphalt, which means an increased need for crack sealing; lower speed considerations; and the need for higher standards of winter maintenance.
- Amending the Workplace Hazardous Materials Information System regulation under the Occupational Health and Safety Act to allow updated labels to be placed on existing chemical containers may save the Town a small amount of funds. Without this change, existing chemicals would need to be disposed of despite still being of use, and new chemicals would need to be purchased.
- The Town would appreciate receiving further information on the new instructions to the Municipal Property Assessment Corporation regarding the assessment of industrial properties. Specifically, the Town would like to better understand the financial impact of assessing these properties based on current permitted uses, as opposed to their highest and best use based on applicable Official Plan designations.

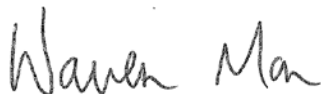
Municipalities already have restrictive revenue tools available, and limiting revenues from property taxes on industrial properties will have a resulting impact on residential property tax rates. Instead, the province should consider

broadening the revenue tools available to all municipalities, or improving the province's revenue sharing with municipalities from its share of the HST.

- For all of these regulatory changes, the Town would like the province to provide a timeframe for when they will be implemented. Where there could be potential costs to municipalities, implementation should be delayed by at least a year so that such costs can be accounted for in future municipal budgets. Proper consultation with municipalities is important. Alternatively, provincial funding should be provided to address such regulatory implementation.

Once again, on behalf of the Town, thank you for the opportunity to make submissions regarding Bill 66. The Town trusts that you find the above comments and recommendations helpful, and it looks forward to their consideration and action as Bill 66 proceeds through review and debate.

Sincerely,

A handwritten signature in black ink that reads "Warren Mar". The signature is written in a cursive, slightly slanted style.

Warren Mar, Commissioner of Legal and By-law Services/Town Solicitor  
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Cc: Minister of Economic Development, Job Creation and Trade  
Minister of Municipal Affairs and Housing  
MPP Lorne Coe (Whitby)