



August 6, 2021

Sanjay Coelho  
Ministry of the Environment, Conservation and Parks - Environmental Policy Branch  
40 St. Clair Avenue West, Floor 10  
Toronto, ON  
M4V1M2

Dear Sanjay Coelho,

On May 4, 2021 the Ministry of the Environment, Conservation and Parks (MECP) posted a notice on the Environmental Registry of Ontario (ERO) for information purposes to highlight a series of initiatives being proposed to strengthen enforcement tools that hold polluters accountable and create consistent guidelines to prevent and address noise and odour issues. The notice links to four separate items being proposed:

1. Land use compatibility guideline (D-Series) ([ERO 019-2785](#))
2. Odour guideline ([ERO 019-2768](#))
3. Compliance policy ([ERO 019-2972](#))
4. Administrative monetary penalties (no posting on the ERO)

A 60 day public comment period began on May 4, 2021 and was proposed to end on July 3, 2021. Given this short commenting period staff provided Council with Staff Report [PL-33-21](#) titled City of Burlington Submission – Land Use Compatibility Guidelines. The staff report advised Council of the consultation opportunity and sought and received direction to prepare a response. In early July the comment period was extended to August 6<sup>th</sup> and City staff took advantage of that extension to provide the following comments.

The City's comments are focussed on the Land Use compatibility guidelines and the compliance policy.

### **Previous submissions to Province related to land use compatibility issues**

In the Joint submission from the Halton Area Planning Partnership (HAPP) during the Provincial Policy Statement (PPS) review in 2019, the need was identified for the Province to update provincial land use compatibility guidelines with respect to planning and

development of major facilities and sensitive land uses. In the same submission the partners agreed for the need for transition to adjacent non-employment uses. The province was asked to provide more guidance as to what the transition area would be and what uses, if any, would be permitted in it.

In addition, the following section on implementation guidelines was provided (*emphasis added*):

### **Implementation Guidelines**

There are numerous policy changes in the proposed PPS where references are made to unknown, draft, or non-existent guidelines that are intended to help implement the policies (such as section 1.1.3.8.e) which appear to relate to the draft Provincial Agricultural Impact Assessment Guidelines released for public comments in March 2018 but not finalized, or section 2.1.10 references to wetland management guidelines that are non-existent). These policies are essentially incomplete if the guidelines that help implement them are not clearly identified in PPS and not finalized for public use. Furthermore, it is difficult for HAPP to provide an accurate evaluation of the impact of proposed policies that reference guidelines when these guidelines are not clearly identified and not yet in place.

PPS policies should largely be developed with sufficient detail to help municipalities and planning authorities achieve planning outcomes without having to rely on supplemental guidance. If certain guidelines are essential to implement PPS policies (such as guidelines that are identified in Attachment 1), *it is important that the Province clearly identify these guidelines and consult extensively with municipalities to ensure that they have utility and can be implemented through planning decisions.*

The short duration of the consultation on this document presents a challenge for municipalities to understand how these guidelines will be considered in planning decisions.

### **Comments**

Please consider the letter as the City of Burlington submission. The comments below are arranged by the appropriate ERO posting and then by theme and may not capture all practical or implementation concerns with the Guideline from the City of Burlington perspective. These comments have not received formal approval from City Council. It is possible that further comments may be identified by City Council. Should further comments be identified they will be provided to Ministry staff as soon as possible.

## **Land use compatibility guideline (D-Series) ([ERO 019-2785](#))**

### **General**

City staff appreciate the consolidation of the previous Guidelines into a comprehensive document. It is expected that it will be helpful to provide guidance for both proponents and planning authorities to consider land use compatibility matters.

### **Roles and Responsibilities**

Staff understand that the proposed Land Use Compatibility Guideline is applicable when approval under the *Planning Act* is required for a new or expanding sensitive land use that is proposed near an existing or planned major facility or a new or expanding major facility is proposed near an existing or planned sensitive land use.

The guidelines reinforce that:

*under the Planning Act and the PPS, planning authorities are responsible for ensuring that major facilities and sensitive land uses are planned and developed to avoid, or if avoidance is not possible, minimize and mitigate adverse effects. They are also responsible for protecting the long-term viability of existing or planned industrial, manufacturing or other employment uses.*

Planning Authorities are tasked with wide ranging responsibilities within the guidelines. The preparation of the 'guiding hierarchy for land use compatibility' presented in Figure 1 is helpful.

### **Area of Influence Distances and Minimum Separation Distances increased significantly**

Staff appreciate that the Area of Influence (AOI) distances and Minimum Separation Distances (MSDs) provided in the proposed guideline are based on analysis of the Ministry's complaint data (specific to noise, dust and odour) from a ten-year period, its experience dealing with issues associated with land use compatibility and considering other ministry guidelines and regulations. This data is reflective of the nature of existing land use compatibility challenges that exist today.

The existing D-6 guideline presents "recommended minimum separation distances" for Class I, Class II and Class III facilities which ranged from 20m to 300m. The comparable minimum separations distances (MSDs) included in the proposed guideline now range from 200m to 500m. In both guidelines it is clear that sensitive land uses should not be located within the MSD. As noted above, the proposed guidelines in Figure 1 present the guiding hierarchy for land use compatibility which clearly states that even with minimization and mitigation a proposed incompatible use should not be permitted to locate closer than the MSD.

Although the impact is not known at this time, this guidance is:

- likely to impact the ability of an existing major facility to invest in existing facilities or proposals for new major facilities located within employment areas near existing sensitive land uses;
- likely to impact proposals for new sensitive land uses throughout the urban area and in particular in any areas of transition, such as Major Transit Station Areas;
- increase the likelihood of requiring compatibility studies as part of a complete application; and
- may impact a municipality's ability to work toward *Planning Act* timeframes.

The proposed guideline states that:

“Planning authorities will need to be satisfied that the classification of a major facility or AOI used are appropriate.”

Table 1 and Table 2 are helpful. However, municipalities will be challenged to determine AOIs and MSDS. What support will be made available to planning authorities to assist in classifying existing and new major facilities? The currency and accuracy of this data is critical.

Given the very active role of MECP in providing an Environmental Compliance Approval (ECA) located within municipalities it is critical that the guideline emphasize the Provincial role in clarifying the result or impact of existing ECAs or the issuance of new ECAs. This principle would mirror the approach MECP has proposed as part of the Compliance Policy, which is to say that since the Province is the permitting authority for the elements of the function of the major facility that introduce land use compatibility challenges the Ministry should ensure clear, accurate and up-to-date information is provided to municipalities. While the change from 3 classes to 5 classes of major facilities may provide better differentiation among the classes, without more support municipalities may experience challenges both from major facilities as well as proponents for new sensitive land uses with respect to how a municipality has classified a major facility. More support is required.

Staff appreciate that the Guideline builds in flexibility for alternate AOI to inform the overall community structure of a particular area. This flexibility may be considered as part of the City's Major Transit Station Area area-specific planning work through the development of compatibility studies.

## **Data Sources**

Under additional mechanisms to support compatibility the Guideline recommends that municipalities maintain inventories of the location of all existing, committed and former *major facilities* within their respective jurisdictions. This could be problematic for municipalities that don't have the capacity or support to monitor and maintain an inventory. The guideline does not identify support from the Province.

In the limited amount of time available to review the ERO posting on Land Use Compatibility Staff attempted to use existing publicly available data to understand the implications of the direction of the guidelines. The Access Environment database is challenging for non-experts to understand. The hope had been that on a preliminary basis it might be possible to generally understand the on-the ground impact of the proposed guidelines in particular the impact of Table 1. The database itself is searchable, but none of the advanced search fields would have a reasonable connection to the specific “Select Major Facility” categories listed in Table 1. In addition, there are 20 different approval types and 7 status types that municipalities would need to understand in order to interpret the Access Environment database. Municipalities will be challenged to identify and classify every major facility and assign an AOI and MSD given the nature of the publicly available data and the limited available data on operational aspects of businesses.

Using the same principle identified as part of the Compliance Policy ERO (companion posting on the ERO) City staff recommend that MECPC consider taking a more significant leadership role as the permitting authority for the operational elements of major facilities that may introduce land use compatibility challenges through the approval of ECAs. This could include, among other things, supplying information about in-force ECAs, providing clear information about which of the Table 1 select major facilities can be readily identified and also connecting any other facilities to the Table 2 related to classes. MECPC can and should have the role of assisting municipalities in classifying major facilities based on their own data and information, such as ECAs.

Municipalities would require MECPC to provide an accurate up-to-date database to understand which facilities exist and their classifications per the Guideline. Given that major facilities change locations and operations, in some cases with no municipal approvals it is not reasonable to expect municipalities to track. Without verified information, in an abundance of caution municipalities would likely need to request that a compatibility study be provided for the majority of development proposals / applications in order to require proponents to demonstrate that their proposed development does not fall within an AOI/MSD of an existing facility. In addition, leveraging existing databases/expertise at a provincial scale is the most efficient approach and would also ensure consistency of data across municipal boundaries, which will benefit project proponents.

The Guideline states:

*“Ensuring compatibility studies are based on the best and current information will help to ensure potential compatibility issues are avoided in the future.”*

It further provides that:

*“Existing ECAs may be able to be used as a source of information for conducting land use compatibility studies in a range of situations. However, there may be limitations on the ability to obtain reports used to inform an ECA. Major facilities are encouraged to provide reports and information when it will be used for such purposes as developing land use compatibility studies for proposed development.”*

MECP should consider modifying the Guideline to ensure that there is a requirement and a responsibility for major facilities to provide such information to planning authorities.

### *The Role of MECP*

The Guideline states:

*“The Ministry does not have a role in reviewing and approving technical studies supporting planning applications under the municipal review process; its role is limited to providing specific technical information or guidance under its mandate and legislation.*

*The Ministry is not a decision-maker on Planning Act applications. As part of its broader mandate to protect Ontario’s air, land and water, the Ministry issues permissions required by its key legislation...do not replace the need for land use planning approvals to address compatibility.”*

Staff request that consideration be given to modifying this section to acknowledge the responsibility of MECP to clarify and document the connections among the permissions issued by MECP (ECAs, others) and to explain how those permissions relate to the proposed classifications of industries and the class or facility-specific AOIs and MSDs proposed by MECP in this guideline.

### **Infill and Intensification**

Staff appreciate the acknowledgment of the challenges of infill and intensification. The guidelines could include further information about which minimization and mitigation approaches may be most appropriate with respect to infill and intensification.

Has any consideration been given to considering a similar approach to NPC-300 with its Class 4 designation as it relates to land use compatibility in key areas identified for intensification, such as MTSAs? Are there other tools and alternatives municipalities should be considering?

### **Compatibility Studies**

The guidelines state that:

*“Planning authorities are responsible for reviewing Planning Act applications (including required compatibility studies) for potential adverse impacts to existing facilities and/or existing sensitive land uses, and only approving planning applications that have demonstrated that such impacts do not exist or that impacts have been addressed and any necessary mitigation will be implemented.”*

Municipalities may not have expertise to review and assess the land use compatibility studies. It is likely that these studies would need to be peer reviewed which would result in additional costs to proponents and have the potential to introduce significant delays. In addition, more information about qualified professionals may be required to support implementation.

Under the *Planning Act* prescribed timelines are established for Official Plan Amendments and Zoning By-law Amendments. Staff note that the requirement for studies to be peer reviewed significantly limits the ability for municipalities to respond to applications within prescribed timeframes, opening up the potential for appeal. Are options available to municipalities to ensure the timely processing of applications?

### Demonstration of Need

Staff are supportive of the requirement for demonstration of need for a proposed sensitive land use if mitigation measures are required to prevent adverse effects or if the proposed use is within a major facility's MSD, and that current ownership of a property (unless the proposal relates to an expansion of an existing use) is not a factor that should be considered.

However, additional clarity is sought on how a proponent of a development, on a parcel of land that they own, is able to provide appropriate and accurate responses to the questions that are to be addressed in a Demonstration of Need study. Will additional guidance be provided on how proponents of sensitive uses should select alternative locations for evaluation as part of a Demonstration of Need assessment?

The definition of 'need' from a city-wide perspective is a valuable tool. A municipally-led discussion of need is valuable as it can take a city-wide perspective. Staff suggest that MECP consider employment conversion processes through municipal comprehensive reviews, such as the Region of Halton, to understand how 'need' should be defined and how need can appropriately be demonstrated.

### **Ontario Land Tribunal**

Decisions on Planning Act applications where land use compatibility issues are considered may be subject to appeal. Given the very specific nature of the guidelines municipalities may be challenged on their approach to implementing the policies of the PPS.

Will additional guidance and resources will be provided to assist in matters at the Ontario Land Tribunal (OLT) in the case of an appeal?

Given the suggestion of including AOs and MSDs in Official Plan policies staff seek clarification as to whether the classification of a major facility is appealable. The guideline

should provide direction on how to manage potential appeals to official plan policies and zoning regulations should they be integrated into municipal documents.

## **Planning Act Tools**

### Official Plans

Table 4 in the Guideline describes how key tools under the Planning Act can be used to enable land use compatibility. Under Official Plan, it indicates that AOI and MSD's for major facilities should be identified in OPs and it's suggested that it can be shown on a land use schedule. This is problematic given that any changes to a major facility (move, expand, etc.) could require updated mapping which would require an OP amendment. The identification of AOI and MSD's for major facilities could potentially be achieved through an appendix to the OP or through a database/GIS mapping. Regardless, staff remain concerned that an Official Plan may not be the best tool to use to identify AOIs or MSDs. Given the changing nature of major facilities this information in an Official Plan has the potential to become stale dated and require frequent and cumbersome updates, which may be further complicated if subject to appeal through the OLT.

### Zoning

Staff would like clarification as to whether the expectation that is set out in the guidelines would require that municipalities use holding symbols for large swaths of land that would be located within MSDs. This would undermine the City's ability to enable redevelopment. Staff request that MECP consider whether this approach would conform to A Place to Grow.

Staff note that under Zoning By-laws and Zoning By-law Amendments it is noted that traditional zoning cannot be applied with conditions, so other mechanisms to ensure compatibility may be required. Has there been any consideration by the Province to pass a regulation under the *Planning Act* to enable the use of zoning with conditions? Zoning with conditions could also support a number of other implementation challenges that have long been identified by municipalities in order to address a wide range of Provincial interests.

### Site Plan Control

Staff acknowledge the role of Site Plan control to manage matters related to that Planning Act tool which does not regulate land use. The guidelines could add clarity about the matters that can be considered through site plan approval such as noise barriers and other matters which cannot such as permitted use.

## **Defined terms and use of terminology**

City staff have identified a number of terms and use of terms that should be considered prior to finalizing the guideline:



### Sensitive Land Use

Staff are supportive of the Guideline clarifying that 'residence', as identified in the definition of sensitive uses, includes long-term care homes, shelters for emergency housing and detention centres. The guideline states:

The above definition does not include a comprehensive list of all types of sensitive land uses. Planning authorities are expected to identify other similar uses as sensitive under the PPS and this Guideline. While uses such as residential are clearly sensitive land uses in all contexts, *sensitive land uses could also include various commercial, retail, institutional, and office uses*. Some additional examples of sensitive land uses may include hotels, community centres and places of worship. Under this Guideline residences includes long-term care homes, shelters for emergency housing and detention centres.

Staff is concerned that the Guideline suggests a range of uses that could be considered sensitive land uses which may equally constitute 'transitional land uses' such as commercial, retail and office uses. For example, in the City of Burlington office uses, limited service commercial and retail uses are permitted uses in all employment designations in the Official Plan and are permitted as-of-right in the Zoning By-law. This is consistent with the Planning Act and the PPS which define Employment Areas as "those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

If a neighbouring development site includes office uses and a site plan and ECA approval come forward with an expansion of an existing major facility would the development of that site be impacted? Clarity on this question might assist in understanding how the introduction of the consideration of office as a sensitive land use might actually undermine the viability of employment uses over the long term.

Please consider clarifying and qualifying what constitutes a sensitive land use, and consider removing the suggestion that core employment area functions such as office uses and limited retail and service commercial uses might be considered sensitive land uses.

### Major Facility

Staff suggest, as noted above, that MECP provide support and explanation about how MECP approvals align with defining a use as a major facility.

Major facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Staff anticipate challenges where planning for new areas with a mandate for the combination of diverse land uses. For example, what guidance can MECP provide to

municipalities undertaking area specific planning within MTSA's that considers, for example, alternative approaches to energy generation facilities to support District Energy.

### Adverse effects

The defined term *adverse effects* is clear, and also quite expansive in definition. Staff would request that care be taken throughout the guidelines to use clear and consistent language. The term *adverse effects* includes elements that address adverse effects to both major facilities and sensitive land uses. The following terms are used in various sections of the guideline. It appears that there are opportunities to ensure the language is clear and appropriate. The following terms are used in addition to the defined term *adverse effect*:

- 'impacts',
- 'potential impacts',
- 'other impacts',
- 'adverse impacts'
- 'minimization and mitigation of impacts'
- 'minimizing potential *adverse effects* on sensitive land uses and potential impacts to major facilities'
- 'assess impacts'
- 'prevent impacts'
- 'address impacts to and from a range of major facilities'

MECP should consider a close review of the language in the document and consider new defined terms or refining the language used to ensure clear and consistent messaging.

### Irreconcilable Incompatibilities

Although the term only appears once in the document it may be important to consider if the term irreconcilable incompatibilities (i.e. *adverse effects* with no feasible required mitigation measures) should be formally defined in the guideline.

## **Cannabis**

The following comments are provided with respect to cannabis production facilities.

Given the breadth of facility types and possible Health Canada licence combinations for cannabis production, staff are supportive of the guidelines including a process to determine an alternative AOI for a specific facility based on factors such as the scale of operations, known mitigation, types of surrounding sensitive land uses, etc. Further, it is also very positive that Health Canada is available to assist with identifying these facilities. Staff do seek clarification of how this would be applied to an existing building, where only a building permit is required to enable a change of use to support a new cannabis production facility.

In terms of the roles and responsibilities across jurisdictions for cannabis production facilities, the order of operations that should be undertaken should a municipality choose to enact a policy or by-law that regulates odour is unclear. Staff understand that

preventing the escape of odours from an indoor cannabis production facility is a requirement of a Health Canada licence and will therefore be enforced by Health Canada. In the case of an odour issue, it is unclear which agency would address a complaint first and how/if the two jurisdictions should work together to resolve an issue. Staff seek further clarification on the relationship between the Cannabis Act and its associated regulations and municipal policies/by-laws with respect to the implementation of odour control requirements.

Staff note that on page 81 of the guideline mentions the following exemption for odour control “Registered designates who need a registration certificate from Health Canada and are producing cannabis with a medical document authorizing the use of cannabis for medical purposes (even when they are cultivating indoors).” Staff are unclear on the source for this exemption and seek clarification. Is this a reference to Designated Growers operating under the previous Access to Cannabis for Medical Purposes Regulations?

### **Other Technical issues**

- The Guideline identifies “Planned” *major facilities or sensitive land uses* means that the land use is already designated in the local official plan (OP) and zoned in the local zoning by-law. This could be problematic when the OP and Zoning Bylaw are not in alignment (i.e. when a new OP is approved, and the Zoning Bylaw has not yet been updated to conform to it).
- The Guideline indicates that it does not apply to federally-regulated facilities. Is there a process at the Federal level that these facilities go through that considers land use compatibility?
- The Guideline identifies engagement between parties to support the undertaking of a compatibility study and includes it as general documentation to be provided as part of a compatibility study. As such, municipalities will have to update their public engagement processes to include this pre-application engagement
- More discussion and guidance may be required with respect to transitional land uses
- What happens when there are approved land uses (not yet developed) that may conflict with other approved land uses (i.e. Evergreen – Residential in Burlington & Employment in Oakville – in both cases, planned uses already permitted by approved secondary plans). Has the Province considered transition policies?
- Beyond phasing or sequencing, what interim mitigation methods can be proposed to assist municipalities in dealing with areas in transition. For example, an MTSA that may contain an existing major facility that introduces land use compatibility challenges that is anticipated to transition to mixed use? Any provision for interim mitigation methods?

## Land Use Compatibility Summary

The City of Burlington is a municipality that is largely built-out. Growth will occur primarily through intensification and infill in line with Growth Plan, the Regional Official Plan and the Local Official Plan. It is not possible to fully appreciate the impact of the proposed guidelines with the information provided through this consultation. It does appear that the guidelines as proposed are:

- likely to impact the ability of existing major facilities to invest in existing facilities or proposals for new major facilities located within employment areas near existing sensitive land uses;
- likely to impact proposals for new sensitive land uses throughout the urban area and in particular in any areas of transition, such as Major Transit Station Areas;
- likely to increase the number of compatibility studies required as part of a complete application; and
- may impact a municipality's ability to work toward Planning Act timeframes.

The guideline includes general statements about balancing other Provincial direction. The guideline also identify the mandate to intensify, in particular in areas around key transportation and transit infrastructure within Major Transit Station Areas. However, the guidelines do not reflect the key challenge to this mandate: that these same areas are also the parts of the municipality around which manufacturing, warehousing and other important employment uses have historically been focused, given convenient access to key transportation infrastructure and access to markets. The guidelines could be proposing new and innovative ways to manage existing and potential land use compatibility challenges while still achieving long term intensification objectives. Staff agree with the concept as discussed in the proposed guidelines that "(p)lanning authorities, proponents (e.g. developers of sensitive land uses and major facility owners) and the surrounding community should work together to achieve land use compatibility". MECP could consider ways to support these sensitive discussions in a way that protects the interests of both municipalities and major facilities with the goal of building more resilient responses to existing and potential land use compatibility challenges.

Given the nature of the PPS as a document the statement that these guidelines respond to specific, limited PPS policies and Growth Plan Policies is inconsistent with the principles of the policy-led planning system which "recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas" (Part III: How to Read the Provincial Policy Statement). The PPS is more than a set of individual policies. Decision makers are charged with considering all of the relevant policies to understand how they work together.

In general, the guideline does not recognize existing context and existing land use compatibility challenges. If the mandate of MECP and the extent of considerations is limited to only avoiding, minimizing and mitigating adverse effects from new development, municipalities and major facilities alike will continue to struggle with land use compatibility issues and will struggle more to meet broader Provincial objectives, particularly in accommodating growth within Strategic Growth Areas. The role of MECP to proactively consider different approaches must be recognized in the context of these guidelines. What can be done to proactively manage existing land use compatibility challenges? What can municipalities and major facilities do to work together? What innovative practices is MECP aware of that might support workable solutions that balance priorities?

Further consultation and engagement is required to assess the guidelines and ensure that they do support the continued operation of existing major facilities while also achieving the broader objectives enshrined in the PPS and the Growth Plan that reinforce the importance of intensification and infill in the existing urban area.

### **Compliance Policy (ERO 019-2972)**

Staff understand that the compliance policy is proposed to be updated “to better enforce regulatory rules associated with ministry permissions and requirements and referring low-risk incidents related to noise and odour outside of this scope to agencies and municipalities”.

Staff also understand that the objective of this change appears to be to support the Ministry in focusing on enhanced capacity to respond to high impact to human health incidents more quickly and effectively. It is agreed that this should be a priority for MECP.

The compliance policy discussion assumes that municipalities are well positioned to take over responsibility for the “low risk” or “nuisance” related incidents to which MECP currently supports responses.

While municipalities may have the tools or the legislative and regulatory authority to develop by-laws there are a number of significant challenges for municipalities which do not appear to be fully captured in the proposal. The following issues are flagged for consideration.

- Capacity
  - Existing tools such as By-laws may not be sufficient.
  - The compliance approach changes proposed would trigger the need to review and develop new, enforceable municipal by-laws to manage and describe a wide range of issues that may or may not currently be directly regulated.

- Significant effort and engagement on the content and intent of those by-laws would be required, it is also likely that there is likely much that the public or stakeholders can influence.
- Resources
  - Municipal by-law enforcements resources are limited and have been stressed to the limit over the course of the pandemic. Further strain on local staff without a commensurate change in the structure of municipal by-law enforcement groups would mean that the proposed role would not be implementable.
  - Resources, training and funding support will be needed to enable municipalities to quickly build enhanced capacity and expertise.
- Expertise
  - Municipalities rely on technical experts and resources from MECP and would need significant support to develop a better understanding of the science and measures used to regulate impacts.

Given both the challenges that the Province and municipalities have faced through the COVID-19 pandemic and the significant number of issues identified above further discussion and consultation is required. It is requested that further consultation be undertaken with municipalities in order to understand opportunities to support the implementation of the MECP's intended direction as it relates to the proposed Compliance policy.

Sincerely,



Mark H. Simeoni, MCIP, RPP  
 Official  
 Director of Community Planning  
 City of Burlington



Nick Anastopoulos, P.Eng, Chief Building  
 Director Building and By-law  
 City of Burlington