



**SUBJECT:** City of Burlington comments – Bill 97 and proposed Provincial Planning Statement

**TO:** Community Planning, Regulation & Mobility Cttee.

**FROM:** Community Planning Department

Report Number: PL-39-23

Wards Affected: All

Date to Committee: May 30, 2023

Date to Council: June 13, 2023

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### **Recommendation:**

Direct the Director of Community Planning to provide this report, its attachments and any additional comments based on feedback at the May 30, 2023, CPRM Committee to the Province in advance of Council approval on June 13, 2023.

### **PURPOSE:**

The purpose of this report is to present staff comments related to Bill 97- *Helping Homebuyers, Protecting Tenants Act, 2023* and the Proposed Provincial Planning Statement.

### **Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth
  - Improve integrated city mobility
  - Support sustainable infrastructure and a resilient environment
  - Building more citizen engagement, community health and culture
  - Deliver customer centric services with a focus on efficiency and technology transformation
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### **Background and Discussion:**

The province introduced Bill 97- *Helping Homebuyers, Protecting Tenants Act, 2023* on April 6, 2023.

The goal of the legislation is to support the implementation of the Province's Housing Supply Action Plan and its commitment to build 1.5 million homes by 2031. The omnibus bill proposes amending a number of existing statutes including: the *Building Code Act*, *City of Toronto Act*, *Development Charges Act*, *Ministry of Municipal Affairs and Housing Act*, *Municipal Act*, the *Planning Act*, and the *Residential Tenancies Act*.

As of the date of writing this report the Bill has had second reading and has been referred to the Standing Committee on Heritage, Infrastructure and Cultural Policy.

Also on April 6, the province released the proposed Provincial Planning Statement, representing a combination of the Provincial Policy Statement, 2020 ("PPS, 2020") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ("A Place to Grow"). As was noted in the Fall of 2022, the province sought feedback and initiated "a review on approaches for leveraging the housing supportive policies of both documents, removing barriers and continuing to protect the environment through a streamlined province-wide land use planning policy framework". Based on the feedback collected the province combined elements of A Place to Grow and the PPS, 2020 into a new land use policy document. The proposed Provincial Planning Statement was released through [ERO posting no. 019-6813](#) for public feedback, with comments due by June 5, 2023. Through ERO 019-6813, the province also released a document outlining the proposed approach to implementation of the proposed Provincial Planning Statement. The document indicates that the province expects to release the final policies for a short period of review, currently targeting fall of 2023.

### **Previous Comments**

A number of staff reports have been prepared since the release of Bill 23 including:

- [CS-12-22: Consultations on Bill 23 More Homes Built Faster, 2022](#). Set out the opportunities for consultation and the guiding principles that would inform staff comments on the wide-ranging consultation opportunities.
- [PL-82-22: City of Burlington submissions as of November 25 on Ontario's Housing Supply Action Plan and Bill 23](#). This report shared twelve individual submissions on a wide range of consultation opportunities.
- [PL-05-23: ROPA 48, 49 and Bill 23 – Approach to achieve conformity and compliance](#). This report was focused on a process update related to the new Official Plan. This report also shared the City's submission ([Appendix A to PL-05-23](#)) on the request for feedback on the province's initiative to consider combining the PPS, 2020 with A Place to Grow.
- [PL-24-23 Burlington Housing Pledge](#). This report focused on the City's response to the identified housing pledge for the City of Burlington.

Consistent among the submissions, and the approach that City staff has taken, is to consider the guiding principles set out in CS-12-22. Whether by highlighting the long-term Strategic Plan, Vision to Focus, Burlington Official Plan, 2020, or the City's Housing Strategy, feedback to the Province continues to reinforce the work and engagement done to date and is a reflection of our local interests and objectives.

The majority of the actions that the Province has taken to date focus on housing-related outcomes. The City, while taking action on creating more housing supply, is also interested in ensuring that new housing will be delivered to:

- support actions related to the City's climate emergency declaration;
- support the objectives of the Integrated Mobility Plan;
- support the creation of housing in the right areas as set out in the Burlington Official Plan, 2020;
- support the creation of housing of a variety of tenures, types and sizes that will welcome more people and families to the city; and
- support the creation of more complete communities with all the infrastructure (water and wastewater, schools, community centres, parks etc.) required to support these new homes and people.

Through the City's Housing Pledge commitment letter the following key principles reinforced that:

- any additional homes built must not be built in the Greenbelt or Niagara Escarpment Plan Areas.
- the City reaffirms our position outlined in the council approved Strategic Plan to maintain the current urban/rural boundary and take every opportunity to advocate for the Greenbelt Plan.
- directing growth within the existing urban boundary set out in ROPA 49 will protect Burlington's critically important agricultural and natural heritage systems while still allowing the City to meet all population and employment growth objectives and targets, including the housing pledge.

### **Bill 97 Comments**

While Bill 97 proposes changes to a number of Acts, staff have focused on the changes to the *Planning Act* and the *Municipal Act*.

## **Planning Act**

### Area of employment definition

Through Bill 97, the Province has introduced changes to the definition of 'area of employment' that would exclude institutional uses and commercial uses. This new definition would exclude retail and office uses that are not associated with a primary industrial use. Bill 97 does include transition provisions that set out two conditions to be satisfied, which would allow one or more parcels of land whose use is otherwise excluded.

### Staff Comments

This change, coupled with the changes to the PPS related to employment conversions, would require a review of the City's currently designated Area of Employment. Office uses and some limited commercial uses have long been permitted within the Area of Employment and within the specific employment land use designations. This is the case as policy development was guided by the definition in the *Planning Act*, the PPS, 2020 and A Place to Grow which all similarly define employment area as:

“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.” (PPS, 2020)

This change, coupled with the changes to the PPS related to employment conversions, could result in lands that are currently designated as Employment in the City's Official Plan that contain an institutional or commercial use (including retail, office or recreational uses) which will no longer be subject to the employment area policies of the PPS and would no longer require an employment conversion, as they are uses that are no longer permitted within the Employment Area.

The province has been clear that expectations about accommodating employment forecasts remain to 2051, however, this change in definition has the potential to further erode the protected Employment Area and the employment land supply, and may also impact economic development. Staff encourage the Province to pause on this wholesale definition change at this time, to allow for local municipal approaches to employment conversion in accordance with the proposed Provincial Planning Statement.

### Extension of development application fee refund

Bill 109 set January 1, 2023, as the date after which municipalities would be required to refund fees if *Planning Act* timelines were not met for specific applications for a variety of applications. This Bill extends the date to July 1, 2023.

### **Staff Comments**

While staff are appreciative of the extension and will move ahead with new processes and approaches to supporting Council decisions within the Planning Act timelines. The Town of Oakville comments suggest that more creative solutions exist, such as a “stop the clock” provision to allow staff and proponent to work together to address issues. Staff would be supportive of an approach that supports working together with our development community for better outcomes.

#### **Appeal to the initial passing of an Interim Control By-law**

Bill 97 would allow the right to appeal the initial passing of an Interim Control By-law as well as the existing right to appeal the extension.

### **Staff Comments**

Interim Control By-laws are an important tool for municipalities to employ when detailed study of an issue is required. Staff note that the initial change to not allow the appeal of the initial passing of an Interim Control By-law was applauded and supported by municipalities. This change would be counter to the objectives of an interim control by-law and, instead of expediting the creation of new housing this change could further slow down the creation of new units.

#### **New Ministerial powers**

Bill 97 proposes significant new ministerial powers to take a more direct and involved role in the planning process, including among other powers the ability to determine the non-application of policy statements and other policies in making an order.

### **Staff Comments**

The new powers conferred to the Minister transfer and could potentially undermine local decision making. The province is encouraged to continue its practice of working closely with local Councils who are best able to understand the local impacts and context.

### **Municipal Act**

#### ***New regulations to impose limits and conditions to 99.1***

Under Section 99.1 of the Municipal Act, 2001, municipalities may enact a bylaw that prohibits and regulates the demolition or conversion of multi-unit residential rental properties of six units or more. The government is proposing to enact its regulation-making authority to set minimum requirements which municipalities must impose on landowners if they have a rental replacement by-law. The intent is to increase consistency among municipalities that establish by-laws. The proposed changes build on the recent changes made under Bill 23, *More Homes Built Faster Act, 2022*, which provided the Minister with the authority to prescribe limits to municipal powers related to

the demolition and conversion of residential rental properties of six units or more. The associated posting was released on April 6 through [ORR proposal no. 23-MMAH005](#).

### **Staff Comments**

Burlington's rental stock provides some of the City's most affordable housing, providing homes to some of Burlington's most vulnerable residents. The construction of more homes should always include *rental* homes. Like in many of Ontario's cities, the demand for rental units in Burlington is rising and demand has outpaced supply consistently over the last 15 years. Burlington's vacancy rate has been at or below 2% for the last 15 years. To keep up with the growing demand, Burlington will need to see the creation of over 200 rental units per year. As the demand for rental units continues to grow, it will be important for municipalities to have the tools available to protect existing rental stock and to incentivize the creation of new rental housing.

After extensive study and consultation, the [City of Burlington's Housing Strategy, 2022](#), recommended leveraging the existing policies within the Burlington Official Plans (1997 in effect and 2020 largely under appeal) to implement a rental-replacement by-law that would protect the existing rental stock. The policies of the Official Plan(s) seek to protect rental units and are responsive to local rental market conditions.

Limiting the ability of municipalities to be responsive to local context and rental market conditions to protect existing rental stock will undermine their capacity to provide housing for residents. In Burlington, it will undermine the City's ability to meet growing rental demand, lowering an already exceedingly low vacancy rate, reducing affordability, reducing the capacity to deliver housing options and impacting the quality of life of residents. Please find attached as Appendix A the cover letter and detailed responses to the consultation questions submitted to the ORR by the consultation deadline in advance of Committee and Council consideration.

### **Provincial Planning Statement**

The [proposed Provincial Planning Statement](#) combines elements of the existing policies of A Place to Grow and the PPS, 2020 and introduces new concepts with the objective of speeding up government approval processes and supporting the creation of new housing.

Like the PPS, 2020 this proposed Provincial Planning Statement is considered a policy statement within the Planning Act and the requirement for "consistency" with its policies would apply.

### **General**

The proposed Provincial Planning Statement proposes fundamental changes to the planning policy framework that will have long lasting impacts on land use planning in the

Province. From the seemingly simple name change of “Provincial Policy Statement” to “Provincial Planning Statement”, to the many fundamental policy changes required to bring all planning documents into conformity, there will be significant resource requirements for implementation. These are complex and lengthy exercises, and their implementation will place additional pressure on planning and legal resources.

The proposed Provincial Planning Statement remains incomplete at this time as subsection 4.1 “Natural Heritage” has not been released, as of the date of the preparation of this report. Yet, the proposed document highlights the importance of the concept that the Policy Statement is more than a set of individual policies- that it is to be read in its entirety and that the relevant policies should be applied to each situation. Staff recommend providing the comments within this report but do take the opportunity to note concerns with providing comments in the absence of a complete document.

While the document includes significant changes, staff are encouraged to see that the municipal official plan continues to be recognized as the key implementation tool of the proposed Provincial Planning Statement.

### **Planning for People and Homes**

Since the Growth Plan was enacted in 2006, the document set out goals, policies and a vision to accommodate growth within the Greater Toronto Hamilton area coupled with specific population and employment growth forecasts to a specific horizon year. These specific growth forecasts, coupled with intensification and density targets to accommodate the forecasted growth has been removed in the proposed PPS. As a result of not carrying forward the minimum intensification targets, the concept of the delineated built boundary and the delineated built-up area has also been removed. The Province has indicated through the proposed approach to implementation document that it is expected that municipalities would continue to use the 2051 forecasts provided by the province at a minimum. The City of Burlington is expected to meet the growth forecasts allocated to the City through ROPA 49. Over time, as it becomes necessary to update the forecasts and extend beyond the 2051 horizon, it is expected that municipalities would move towards their own forecasting of population and employment growth.

Municipalities are now required, when updating official plans, to have enough land designated for at least 25 years and the planning is now permitted to extend beyond this time horizon. This is a change from “up to 25 years” in the Growth Plan and the previous growth management exercises of planning up to (and not beyond) a specific time horizon. Municipalities are still required to provide an appropriate range and mix of housing options and must maintain the ability to accommodate growth for a minimum of 15 years on lands that are designed and available for residential development. The former Provincial Policy Statement directed that this 15-year supply of residential growth

was through residential intensification and redevelopment. This distinction has been removed. However, the definition of designated and available remains in the proposed PPS which indicates that only lands that have commenced the detail planning process (i.e. secondary plans) are considered designated and available.

### **Staff Comments**

Bill 23 has made changes to the Planning Act that upon proclamation will remove the planning responsibilities of the upper tier municipalities. Currently, the upper-tier through the Regional Official Plan allocates the Growth Plan, 2019 population and employment targets to the local municipalities and ensure that there is adequate and phased infrastructure delivery to support the new growth. While staff are supportive of the change to move towards their own forecasting of employment and population growth that reflects the City's planning objectives and vision, it is necessary that this forecasting be coordinated with Halton Region that is responsible for delivering infrastructure services. Currently under the Growth Plan, accommodating the growth and density targets is subject to a Land Needs Assessment methodology laid out by the province. The proposed PPS does not contain a uniform methodology. Staff recommend that the province consider providing guidance policies or documents that would identify a methodology that all municipalities could follow in preparing their growth analysis work that would provide consistency and certainty across the province for accommodating growth. A consistent and uniform methodology would also support the defensibility of population and employment growth targets for each municipality and minimize the risk of appeal and expedite land use planning to deliver more homes faster.

### **Large and fast-growing municipalities**

The proposed PPS introduces the definition of large and fast-growing municipalities by including a Schedule with 29 municipalities, which includes the City of Burlington. These large and fast-growing municipalities were also all assigned housing targets through the municipal housing pledge initiated by the Province. Municipalities are required to identify and focus growth in Strategic Growth Areas (SGAs), including identifying an appropriate minimum density target and type and scale of development for each SGA. In addition, the proposed policies continue to place requirements on municipalities to delineate the boundaries of Major Transit Station Areas (MTSAs) on higher order transit corridors and to plan to meet the minimum density targets for MTSAs. These changes remove the previous mandatory intensification and density targets under A Place to Grow, while maintaining the minimum density targets for MTSAs in large and fast-growing municipalities of 150 residents and jobs per hectare for those served by commuter or regional inter-city rail (i.e., GO Transit). The changes also only 'encourage', but do not require, large and fast-growing municipalities to plan



for new settlement areas or settlement area expansion lands with a minimum density target of 50 residents and jobs per gross hectare.

### **Staff Comments**

Staff continue to support intensification growth directed to our SGAs which currently include the combined Burlington GO Urban Growth Centre/MTSA, the Appleby GO and Aldershot GO MTSAs, the Downtown Centre and the Uptown Centre. The Region's new Urban Structure and the City's Urban Structure and Growth Framework (in the Burlington Official Plan, 2020) provide a useful tool to identify SGAs in the context of the proposed Provincial Planning Statement. In general staff believe that the existing policy documents establish an appropriate local framework to deliver housing and complete communities and significant changes to the Urban Structure and the Growth Framework are not anticipated to maintain consistency with the proposed Provincial Planning Statement.

Staff note that the definition of SGA remains largely the same as within A Place to Grow, with a slight reordering of the areas considered SGAs. A Place to Grow provided specific guidance about establishing and measuring density targets. Staff are concerned that the policies will require the development of density targets for all SGAs, whereas in some cases the establishment of a density target would not be possible or practical. Staff suggest considering a minor modification to policy 2.4.1 a) as follows:

“identifying an appropriate minimum density target for each strategic growth area, where appropriate;”

Should the policy continue as initially proposed, staff are interested in understanding if the Province is considering supplemental guidance related to density targets for SGAs.

### **Settlement Areas and Settlement Area Boundary Expansions**

The changes in the proposed Provincial Planning Statement remove the concept of, and the need for a “municipal comprehensive review” and remove the test of demonstrated need for the consideration of a settlement boundary expansion, or identification of a new settlement area. Instead, the proposed policy limits the focus of considerations for expansion to sufficient capacity in infrastructure and public service facilities and minimizing impacts on agricultural lands.

### **Staff Comments**

While the concept of a municipal comprehensive review of Official Plans has not been carried forward in the proposed Provincial Planning Statement, Section 26 of the Planning Act which requires an official plan review remains unchanged. Staff do not anticipate this section of the Planning Act to change as it ensures that municipal official plans conform to and or are consistent with provincial policies and matters of provincial interest.

Please see comments within the Agricultural section below related to settlement area boundary expansions impacts on agricultural lands.

### **Planning for Complete Communities**

The proposed PPS maintains the notion of complete communities. The concept of complete communities was foundational to the Growth Plan and now the proposed Provincial Planning Statement further establishes schools as a distinct element and directs municipalities to collaborate with school boards to ensure that schools are delivered as part of development. The proposed Provincial Policy Statement also recognizes opportunities for innovative approaches in the design of schools, including opportunities to locate schools within high rise developments.

### **Staff Comments**

Staff are supportive of strengthening the importance of schools as elements of a complete community. This is important for the City of Burlington as the City continues to plan for intensification in our strategic growth areas. The City will continue to work with our school boards to examine options to deliver non-traditional school locations in the MTSAs in a compact built form.

### **Employment Area and Land Use Compatibility**

As noted above, the changes through Bill 97 to the definition of Employment Area are considered in tandem with the proposed changes to the PPS.

Currently, the PPS, 2020 and A Place to Grow provide protection for employment areas by limiting their conversion to non-employment uses. Such conversion may only occur during an MCR where it is demonstrated that the lands are no longer required for employment purposes. The proposed Provincial Planning Statement will permit employment conversions to occur at any time outside of an MCR, subject to a limited demonstration that the land is not required for an employment area over the long term. Such conversions would only be subject to a test of 'no negative impact' to the overall viability of the employment area, rather than reliance on achieving employment growth forecasts from A Place to Grow which have not been carried forward into the proposed Provincial Planning Statement.

The proposed Provincial Planning Statement continues to protect existing or planned industrial and manufacturing uses and major facilities from the encroachment of sensitive uses. However, coupled with the proposed changes in Bill 97 to the definition of employment area, the focus on mitigation for land use compatibility is limited to industrial and manufacturing uses and other major facilities. Further, the proponent of a sensitive use is no longer required to demonstrate need or evaluate alternative locations for sensitive land uses where avoidance of adverse effects is not possible. The proposed policies do focus on protecting the longer-term viability of industrial and

manufacturing uses, as well as major facilities, while also encouraging industrial, manufacturing and small-scale manufacturing uses in SGAs (such as MTSAs) and other mixed-use areas where frequent transit service is available outside of employment areas, without adverse effects.

### **Staff Comments**

The changes to the definition of Employment Area and the related policies, including conversions outside of an MCR (which, as noted above, is a concept no longer carried forward), may result in fragmented planning and may have impacts to the City's new growth framework. These changes may also impact the City's ability to continue to protect employment areas and ensure the economic viability of the City's employment base. While the City is supportive of the Province's objective to deliver more homes faster, it should be held in balance with, among many other things, maintaining and protecting the employment base. This not only benefits the City's economic viability but also the Provincial economy.

### **Agricultural Policies**

The proposed Provincial Planning Statement introduces a broad range of changes impacting agriculture, including:

**Weakened protections for prime agricultural lands in the consideration of settlement area expansions:** Under the PPS 2020, a proposed settlement area expansion into a prime agricultural area requires an evaluation of alternative locations to determine that no reasonable alternatives exist (i) which avoid prime agricultural areas or (ii) on lower priority agricultural lands within the prime agricultural area. Under the proposed Provincial Planning Statement, settlement area expansions would now "give consideration" to avoidance, or where avoidance is not possible, minimizing, and mitigating impacts to the extent feasible on agricultural lands and operations adjacent or close to the settlement area, with no specific emphasis on prime agricultural lands or areas. Impacts would be assessed through an agricultural impact assessment (a new defined term) based on provincial guidance.

Under the PPS 2020, it also must be "demonstrated" that lands proposed for a settlement area boundary expansion did not comprise specialty crop areas. Under the proposed Provincial Planning Statement, planning authorities "should consider" whether the applicable lands comprise specialty crop areas. The new "should consider" threshold also applies in relation to agricultural impact assessment and minimum distance separation formulae requirements.

**Elimination of the requirement to use the provincially mapped agricultural land base:** Under A Place to Grow, municipalities are required to implement the provincially mapped agricultural land base (which includes prime agricultural areas and rural lands).

Under the proposed Provincial Planning Statement, the provincial agricultural land base mapping is considered optional, though municipalities must still designate prime agricultural areas and ensure their long-term protection for agricultural use. The revised definition of “prime agricultural area” notes that such lands may be identified by the province, or by a planning authority based on provincial guidance.

**Permitting additional dwelling units and new residential lots in prime agricultural areas:** Under the PPS 2020, permitted uses within prime agricultural areas (with some limited exceptions, such as mineral aggregate extraction) are agricultural uses, agriculture-related uses and on-farm diversified uses. Under the proposed Provincial Planning Statement, new policies clarify that a principal dwelling associated with an agricultural operation may be permitted as an agricultural use in a prime agricultural area (subject to criteria) and that, subordinate to the principal dwelling, up to two additional residential units may be permitted (also subject to criteria).

Under the PPS 2020, lot creation in prime agricultural areas is discouraged and may only be permitted for agricultural uses, agriculture-related uses, surplus farm dwelling severances and infrastructure the creation of new residential lots is not permitted, except in accordance with these uses. Under the proposed Provincial Planning Statement, a new policy permits the creation of up to three new residential lots from a parcel of land that existed as of January 1, 2023, within a prime agricultural area.

**Elimination of alternative evaluations for mineral aggregate extraction rehabilitation:** Under the PPS 2020, one of the tests regarding the rehabilitation of prime agricultural lands is whether alternative lands have been considered by the proponent. Under the proposed Provincial Planning Statement, this requirement has been eliminated and the retained policies simply speak to the feasibility of restoration based on the planned depth of extraction and maximizing agricultural rehabilitation in remaining areas.

**Permitting land-extensive energy facilities as on-farm diversified uses:** Under the PPS, 2020, “ground-mounted solar facilities” are permitted within prime agricultural areas as an on-farm diversified use. Under the proposed Provincial Planning Statement, this permission has been broadened to “land-extensive energy facilities, such as ground-mounted solar or battery storage”.

### **Staff Comments**

Many of the proposed changes may not have direct impacts within Burlington, as the entirety of the City’s current rural area is located within the Greenbelt Plan Area and the Niagara Escarpment Plan Area, and the province has not indicated that changes to these plans are forthcoming. The Greenbelt Plan and the Niagara Escarpment Plan are to be read in conjunction with the PPS but the policies of these plans take precedence over the policies of the PPS to the extent of any conflict, except where the relevant

legislation provides otherwise. Where the policies of these plans address the same, similar, related or overlapping matters as policies in the PPS, applying the more specific policies of these plans satisfies the requirements of the more general policies in the PPS.

On that basis, many of the new rural and agricultural permissions of the proposed Provincial Planning Statement (i.e. additional residential units and lot creation) would not be applicable within the Greenbelt/Niagara Escarpment Plan areas, unless the policies of those plans were to be amended. Further, the revised boundary expansion criteria would be of limited effect as the majority of Burlington's urban boundary is informed by the 'permanent' protections of the Greenbelt. However, staff note that recent changes to the boundaries of the Greenbelt Area to facilitate settlement area expansions in several municipalities have introduced a level of uncertainty regarding the 'permanent' nature of the protections of the Greenbelt.

While the proposed Provincial Planning Statement may impact certain aspects of the future review of the North Aldershot Area, there are currently no prime agricultural areas identified within North Aldershot (though agricultural uses do exist in the area). Similarly, no specialty crop areas have been identified within the city, meaning changes to specialty crop policies in the PPS will not have direct impacts in Burlington.

With respect to the proposed change to optional implementation of the provincially mapped agricultural land base, staff note that Halton Region is one of four Ontario municipalities which conducted its own Land Evaluation and Area Review to identify a prime agricultural area in advance of the more recent requirements in A Place to Grow. The provincial mapping for Halton was largely informed by the existing prime agricultural area mapped by the Region- which has already been incorporated in the Burlington Official Plan, 2020. Under the proposed Provincial Planning Statement, the provincial mapping would simply function as an additional input to reviewing and refining the agricultural land base already mapped by Halton Region for the City of Burlington.

Staff are supportive of the introduction of new permissions for additional residential units as it relates to providing appropriate housing for on-farm employees. Staff note that there may also be additional opportunities to support the provision of appropriate housing options for on-farm employees within the Greenbelt Area through the future review of other provincial plans- for example, Niagara Escarpment Plan policies could be reviewed to determine whether there is an opportunity to enhance permissions for additional residential units with rural settlement areas. However, aside from housing for on-farm employees, new housing should be focused within urban and rural settlement areas, or in rural areas outside of agricultural areas, supported by appropriate edge planning. Additional residential units proposed for non-farm uses (i.e. not for the purpose of housing on-farm employees) should also be subject to an agricultural impact assessment.

In relation to the definition of “agricultural uses,” specific and implementable criteria should be established in provincial guidance documents which outline how a municipality is to confirm “when the size and nature of the operation requires additional employment” in order for on-farm housing to be considered an agricultural use. Policies should also limit severance permissions for newly constructed dwellings for on-farm housing for a set period of time.

Staff are not supportive of the introduction of new permissions for the creation of residential lots in prime agricultural areas and believe that the existing policies should be maintained in this regard. If the proposed residential lot creation policies are retained in the Provincial Planning Statement, policies should be revised to account for previously severed lots and to limit further severances. For proposed subsection 4.3.3.(1) a) 1), specific and implementable criteria should be established in provincial guidance documents which outline how a municipality is to confirm that agriculture is the principal use of an existing parcel. All severances should also be subject to an agricultural impact assessment.

As the introduction of non-agricultural uses to the rural area is likely to cause an increase in farm nuisance complaints, the Farming and Food Production Protection Act, as well as the resourcing of the Normal Farm Practices Protection Board, should be reviewed to ensure appropriate protection for farmers and the timely resolution of complaints. Consideration should also be given to potential impacts to the mineral aggregate sector, in terms of how an increase in residential uses within rural areas may impact the feasibility of ongoing and/or future extraction activities due to heightened concerns over land use compatibility and public health and safety.

Regarding the removal of the requirement to consider alternative lands to prime agricultural areas for settlement boundary expansions and post-mineral aggregate extraction rehabilitation requirements, though it signals a lesser focus on agricultural protection, staff question the effectiveness of the existing policies and do not anticipate significantly different outcomes in the absence of this requirement. The existing policies lack clear implementation guidance and therefore allow highly subjective interpretation. A more effective approach would be the application of a cumulative lens to agricultural impact assessment, supported by robust policies and resources for proactive agricultural restoration and enhancement (beyond aggregate extraction similar to the manner in which natural heritage is commonly approached). Without any minimum threshold to maintain the integrity of the system as a whole, and in the absence of targeted restoration and enhancement efforts, the trend of drastic decline in agricultural lands observed in Ontario is likely to continue under either policy framework.

Staff do not have concerns with the increased permissions for land-extensive energy facilities, as the detailed policies and guidance for on-farm diversified uses generally provide sufficient limits to the scale and intensity of such uses.

In addition, staff have reviewed the Ontario Federation of Agriculture submission to the ERO regarding the proposed Provincial Planning Statement and Bill 97, attached as Appendix B to this report, and support the following elements of the submission:

- the request for stronger protections for agricultural lands, including additional classes of soil particularly in agricultural areas where class 1-4 soils are not present;
- the request to move forward with increased permissions for on-farm Additional Residential Units without the introduction of new permissions for residential lot creation in prime agricultural areas; and
- the request to limit the use of MZOs to non-agricultural areas (i.e. primarily within the urban area).

Staff concur with the Ontario Federation of Agriculture's opinion that the best use of Ontario's highly limited and finite supply of farmland is agricultural production, which supports Ontario's economy and enhances food security. Farmland also plays a significantly undervalued role in hosting substantial components of the natural heritage and water resource systems, which provide valuable ecological goods and services.

Further reduction and fragmentation will compromise the economic viability and ecological integrity of the remaining agricultural land base as whole, which runs counter to the provincial objective of protecting these lands for long-term agricultural use. Although direct impacts may be more limited in rural Burlington, given the interconnected nature of the agricultural system, individual municipalities are not likely to be insulated from the broader effects of continued decline.

## **Implementation**

The proposed Provincial Planning Statement includes significant changes with respect to implementation. The preamble confirms that municipal official plans continue to be identified as the key implementation tool for the proposed Provincial Planning Statement. The implementation policies direct that official plans and zoning by-laws are required to be kept up to date. Further, the proposed policies note:

*Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with this Policy Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with this Policy Statement.*

The background material indicates that while a short release of the final document is anticipated in fall 2023. The effective date has yet to be established, after which the Policy Statement will apply to all decisions in respect of the exercise of any authority that affects a planning matter.

### **Staff Comments**

As noted above, staff are encouraged to see that the municipal official plan continues to be recognized as the key implementation tool of the proposed Provincial Planning Statement within the preamble. Staff suggest that this should be identified within the implementation section policy as well.

While a general statement regarding “provincial guidance” is found within the preamble staff are interested in understanding in greater detail the types of guidance that is expected to be developed and look forward to opportunities to provide feedback on guidance required from a local perspective.

Staff suggest that the Province consider future changes to ensure that through the transition from upper tier municipalities that maximum protections from appeals on issues directly implemented from the proposed PPS are not the cause of future delays of the creation of new housing and meeting the province’s housing objectives.

Staff note that generally every change of the policy context will have the effect of slowing down the process of bringing forward new policies. In addition, each municipality must invest significant resources, effort and costs in order to address consistency with the proposed Provincial Planning Statement. The province should consider a halt on more significant changes to allow municipalities the opportunity to take stock and implement the changes that have been made to date. Additionally, a pause will afford an opportunity to reflect on changes, their impacts and offer an opportunity to refine approaches and policy supported by monitoring and analysis.

### **Barriers to accelerating development and construction**

#### **Ontario Land Tribunal**

The consolidation of planning documents is a welcome opportunity to develop a more streamlined policy framework. However, staff note that the benefits of any efficiencies gained will be limited if the OLT process is not substantially reformed to reduce the strain on municipal resources.

To reduce this strain, *Planning Act* provisions limiting the right to appeal upper-tier official plans should be extended to lower-tier municipalities, or *Planning Act* provisions limiting appeal rights to certain policies (e.g. additional residential units and aspects of Major Transit Station Areas) should be expanded to incorporate additional policy areas. In the case of a comprehensive official plan review or a new official plan, the province should re-introduce rigour around what constitutes an acceptable appeal and build in mechanisms to ensure that valuable tribunal time is not spent on arguing the nature or validity of appeals. This is particularly relevant where the applicable upper-tier municipality and/or province has established policies that are not subject to interpretation/discretion by local municipalities or applicants. The province should consider re-introducing requirements for appellants to specifically outline Official Plan



policies subject to appeal and how they do not conform/align with specific provincial policies.

Broad appeals to Official Plan policies should be evaluated by the OLT in a timely manner and appeals to policies that have already been deemed to be in conformity/alignment with the provincial policy framework (through the post Bill 23 provincial approval process) should be deemed invalid and dismissed by the Tribunal without the need to go to a hearing; this evaluation should also determine whether an appeal is appropriately filed as “broad” or “site-specific” and appellants should have to provide strong rationale for filing an appeal on a broad basis.

A standardized format/template for appeals should be implemented by the OLT, to avoid vague and expansive appeals which unnecessarily slow down the process and inadvertently block progress on implementing new permissions for housing. In order to achieve that greater specificity, it would be preferable to introduce a longer appeal period to allow for more precisely structured appeals in a consistent format. Shifting this work to the outset of the process may reduce the likelihood of having substantial portions of an Official Plan frozen for years at a time while the details of issues are determined.

Further, for each of the 29 large and fast-growing municipalities identified by the Province, a transition process should be developed to prioritize the expedient review, modification and approval of any municipally initiated Official Plan Amendments or new Official Plans currently subject to appeal. This could be accomplished by:

- revoking third party appeals and converting all remaining broad appeals to site-specific matters; or
- pausing existing hearings to allow municipalities to undertake a comprehensive process for bringing their Official Plans into conformity with the revised provincial policy framework, including the transition of upper-tier planning responsibilities, where applicable, to be approved by the Minister of Municipal Affairs and Housing with any remaining appeals being heard on a site-specific basis only; or
- administratively prioritizing OLT resources to fast-track ongoing hearing processes (though this would not address potential resourcing limitations within the affected municipalities).

Without such intervention, municipalities such as the City of Burlington will find themselves in a policy quagmire that far exceeds the current complexity caught between an ‘old’ Official Plan, a ‘new’ Official Plan, an inherited upper-tier Official Plan and a drastically different provincial policy framework which is not reflected in any of the three documents. Further, the comprehensive review and update of the City’s Zoning By-law will largely be held up until the majority of appeals to the new Official Plan are resolved *and* the in-effect portions of the plan have been amended to align/conform with the new provincial policy framework all further complicated by the inheritance of the upper-tier Official Plan. While these critically important planning documents remain under appeal or out of date, many property owners will need to apply to amend the Official Plan and Zoning By-law introducing added costs and time delays, as well as the

prospect of additional appeals- to the detriment of City and Provincial housing objectives.

**Strategy/process/risk**

Staff have worked expeditiously to deliver this report. Given the quick turnaround formal comments on Bill 97 were not provided in advance of the commenting deadline.

**Options Considered**

Not applicable

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**Financial Matters:**

In consideration of the guiding principle “growth pays for growth,” it is critical to avoid or minimize the burden of growth costs falling on existing taxpayers. Bill 23, financial impact analysis (F-10-23), summarized Development Charges and Community Benefits Charges revenue impact at approximately \$36.6 million, and a further estimated impact of \$420 million with respect to parkland dedication. Without this funding, it is inevitable that growth related projects will be delayed, and it will become necessary to use tax supported funds to ensure growth-related infrastructure is provided for complete communities, contrary to the above principle.

Finance staff are updating the Development Charges Background Study and Community Benefits Strategy to align with the changes resulting from Bill 23 legislation and update the city’s growth-related capital needs, prior to the DC by-law expiration of June 1, 2024.

**Total Financial Impact**

Not applicable

**Source of Funding**

Not applicable

**Other Resource Impacts**

While not related exclusively to Bill 97 or the proposed Provincial Planning Statement, the long-term impacts of the variety of changes proposed related to Bill 109, Bill 23 and other potential planning and municipal governance changes continue to drive the need for significant analysis, reporting and effort from multiple service areas across various City Departments.

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### **Climate Implications:**

On April 23, 2019, Burlington City Council unanimously passed a motion to declare a climate emergency. Broadly, the City has set out frameworks to provide for innovative solutions and opportunities to address local housing issues while making better use of existing infrastructure and services. This will be done through the provision of additional residential units and directing new housing options in locations designated for intensification, such as Major Transit Station Areas.

In accordance with the existing Growth Plan for the Greater Golden Horseshoe, planning in Burlington must have as a guiding principle the need to “integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.” Staff note that the proposed Provincial Planning Statement does not carry forward climate change considerations in the same way or to the same extent.

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### **Engagement Matters:**

Given the very tight timelines for the proposals reflected in the attachments, engagement was limited to City staff departments.

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### **Conclusion:**

Fundamental changes to the basic framework of the Provincial policy-led system alongside changes already discussed through other legislative and regulatory consultations are all intended to support Ontario’s Housing Supply Action Plan and the provincial commitment to build 1.5 million homes by 2031. There are significant challenges and opportunities in this time of change. Balancing all matters of provincial interest and implementing the local vision in Official Plans is critical to support the creation of a full range of housing, including housing that is affordable in relation to real incomes, the accommodation of employment, improving mobility, taking action on climate change and protecting agriculture, the environment and cultural heritage.

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Respectfully submitted,

Jamie Tellier, MCIP, RPP, Acting Director of Community Planning

Alison Enns, MCIP, RPP, Manager of Policy and Community

Karyn Poad, MCIP, RPP, Senior Planner

Kelly Cook, Senior Planner

**Appendices:**

- A. City of Burlington staff comments on ORR Proposal Number 23-MMAH005
- B. Ontario Federation of Agriculture Submission Re: Bill 97 and Proposed Provincial Planning Statement

**Notifications:**

Curt Benson, Region of Halton

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



200 Hanlon Creek Boulevard  
Guelph, ON N1C 0A1

Tel: 519.821.8883  
Fax: 519.821.8810

May 5, 2023

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
17th Floor, 777 Bay Street  
Toronto, Ontario  
M7A 2J3

Sent via email to: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca) and [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)  
and submitted online through the Environmental Registry of Ontario

Dear Minister Clark,

**Re: ERO 019-6821 - Proposed *Planning Act*, *City of Toronto Act, 2006*, and *Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 - the proposed Helping Homebuyers, Protecting Tenants Act , 2023)***

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

Ontario's agri-food sector is an economic powerhouse – producing more than 200 farm and food products, fuelling rural communities, generating nearly 750,000 jobs, and contributing over \$47 billion to Ontario's annual GDP. The province's agri-food strategy, Grow Ontario, aims to strengthen the agri-food sector, support economic growth, and ensure an efficient, reliable and responsible food supply. By removing barriers, unnecessary costs and red tape, Ontario farmers will be positioned to seize opportunities and rise to the challenge of an ambitious growth strategy, allowing the agri-food sector to drive the economy forward.

We appreciate the opportunity to provide our comments with respect to Schedule 6 of Bill 97 which makes various amendments to the *Planning Act*, including:

“A new subsection 47 (4.0.1) is added to provide that the Minister may, in an order made under clause 47 (1) (a), provide that policy statements, provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by the order may be established.”

Section 47 of the *Planning Act* allows you as the Minister of Municipal Affairs and Housing (“Minister”) to make “Minister's Zoning Orders” (“MZOs”), to govern land uses within areas subject to the order. We note that significant acres of farmland have been lost to development because of Minister's Zoning Orders (MZOs) to date.

As you know, OFA is a strong advocate for the protection of Ontario's farmlands for their long-term ability to produce food, fibre, fuel, flowers, and nursery stock, not only for Ontario's growing population, but also for consumers beyond our borders.

OFA believes that farming to produce food, fibre, fuel, flowers, and nursery stock is the best use for farmland. Ontario's limited supply of farmland is a scarce resource, making up less than five percent of all the land in the province. It's vital that Ontario has a strong, viable and sustainable supply of food products grown, harvested, and processed right here at home. Ontario's shrinking agricultural land base is alarming. The current rate of loss is measured at 319 acres per day in our province, according to the 2021 Census of Agriculture. These losses are not sustainable.

We also wish to emphasize that there is only one Ontario landscape. The full range of urban, rural, agricultural, natural heritage, cultural heritage, and mineral extraction land uses must coexist across this landscape.

Provincially, the protection of Ontario's prime agricultural areas for their long-term agricultural use must be a key objective. It is one thing to think about housing the anticipated additional two million people that will reside in Ontario over the next ten years, but it is another to think seriously about how we will feed this increased population. Ontario's agricultural lands are a finite and shrinking resource. We cannot sustain continuing losses of agricultural land while maintaining our ability to produce food, fibre, fuel, flowers, and nursery stock from this limited and declining agricultural land base. Therefore, any proposals looking at increasing housing supply must be done with consideration to the needs and support of the agricultural community.

OFA endorses the 2020 Provincial Policy Statement (PPS 2020)'s Agriculture policies [Section 2.3] that require municipalities protect their prime agricultural areas for their long-term agricultural use. We further support the flexibility afforded to farmers to engage in on-farm value adding of primary farm products, as well as agriculture-related, on-farm diversified and agri-tourism uses. Although the PPS 2020 defines prime agricultural land as Canada Land Inventory (CLI) Class 1-3 soils plus specialty crop areas, the OFA believes that prime agricultural lands should be defined as Class 1 to 4 soils plus specialty crop lands. Class 5-6 soils that are part of an ongoing agricultural operation deserve protection too. These soils can support agricultural activities such as grazing livestock or growing crops for biofuels, and their productivity can be improved through activities such as tile drainage, stone picking and the addition of lime. Where Class 1-4 soils are not present in a county or region, the best agricultural lands in that county or region should be recognized and protected for their agricultural use.

OFA is a strong supporter of the preservation of Prime Farmland classes 1, 2, 3 & 4 plus specialty crop lands across rural Ontario. We believe strongly in the PPS 2020 Agriculture policies that governs farmland and rural areas protecting the right to farm and the Agriculture System in Ontario. In addition to this, OFA believes strongly that lot creation and further fragmentation of farmland in the rural area is counterproductive for the agricultural business structure in Ontario's rural areas. However, OFA supports additional residential units on existing farm parcels (but not on a severed lot from the farm parcel), and in rural hubs, hamlets, and communities to support our agricultural system.

OFA is unable to support amendments to the *Planning Act* that would give the Minister or any other planning authority the ability to make planning decisions which are not consistent with the PPS 2020. On balance, the policies of the PPS 2020 represent the minimum standard in support of protecting the environment, farmland and public health and safety.

.....

In our previous submissions to the government regarding the PPS 2020, we have commented that the PPS 2020 does not go far enough in protecting our finite agricultural lands. We have recommended strengthening of the PPS 2020 in order to require fixed urban settlement boundaries and policies requiring mandatory intensification within the existing built urban areas as well as mandatory “greenfield” density requirements to better utilize infrastructure, improve the financial viability of public transit and protect our prime agricultural lands from sprawl.

OFA does not support the *Planning Act* amendment specified in Schedule 6 of Bill 97 to give the Minister the ability to issue MZOs that are not consistent with policy statements, provincial plans and official plans. However, OFA understands the need for the Minister to have the power of an MZO and we support MZO usage in areas of the province that are without robust local planning processes. We have no objection to MZOs being used within the lands that would be considered the Urban Envelope.

We are concerned that amending the *Planning Act* in a way that would allow for planning decisions that are inconsistent with the PPS 2020 could open up the floodgates for a rash of developments that run counter to our overarching philosophy of farmland preservation which is paramount to our mission of “Farms and Food Forever.”

In addition to this submission, OFA will be providing comments on Bill 97 to the Standing Committee on Heritage, Infrastructure and Cultural Policy during the hearings scheduled for May 10<sup>th</sup> and May 11<sup>th</sup>, 2023.

OFA appreciates the opportunity to provide our feedback and agricultural perspectives on the proposed *Planning Act* changes. We look forward to working with the provincial government and our municipal counterparts to protect Ontario’s farmlands as well as sustain Ontario’s housing supply and communities.

Sincerely,



Peggy Brekveld  
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs  
OFA Board of Directors



289-983-0648  
Jamie.Tellier@burlington.ca

May 19, 2023

**Electronic submission only**

**ATT:** Residential Tenancies  
Residential.tenancies@ontario.ca

**RE: Seeking Feedback on Future Regulations To Create A Balanced Framework Around Municipal Rental Replacement By-Laws**

Ontario Regulatory Registry Posting N/A, Proposal Number 23-MMAH005

**Background:**

Under Section 99 of the Municipal Act, 2001, municipalities may enact a bylaw that prohibits and regulates the demolition or conversion of multi-unit residential rental properties of six units or more. The government is proposing to enact its regulation-making authority to set minimum requirements which municipalities must impose on landowners if they have a rental replacement by-law. The intent is to increase consistency among municipalities that establish by-laws. The proposed changes build on the recent changes made under Bill 23, *More Homes Built Faster Act, 2022*, which provided the Minister with the authority to prescribe limits to municipal powers related to the demolition and conversion of residential rental properties of six units or more.

**Comments:**

Burlington's rental stock provides some of the City's most affordable housing, providing housing units to some of Burlington's most vulnerable residents. The construction of More Homes should always include *rental* homes. Like in many of Ontario's Cities, the demand for rental units in Burlington is rising and demand has outpaced supply consistently over the last 15 years. Burlington's vacancy rate has been at or below 2% for the last 15 years. In order to keep up with the growing demand, Burlington will need to build over 200 rental units per year. As the demand for rental units continues to grow, it will be important that municipalities have the tools available to protect existing rental stock and to incentivize the creation of new rental housing.

After extensive study and consultation, the [City of Burlington's Housing Strategy, 2022](#), recommended leveraging the existing policies within the Burlington Official Plans (1997 in effect and 2020 under appeal) to implement a rental-replacement by-law that would protect the existing rental stock. The policies of the Official Plan(s) seek to protect rental units and are responsive to local rental market conditions.

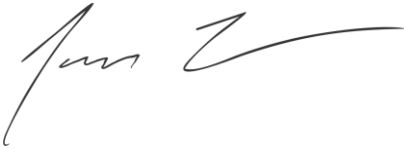
Limiting the ability of municipalities to be responsive to local context and rental market conditions to protect existing rental stock will undermine their capacity to provide housing for residents. In Burlington, it will undermine the City's ability to meet growing rental demand, lowering an already exceedingly low vacancy rate, reducing affordability, reducing the capacity to deliver housing options and impacting the quality of life of residents.



**Next Steps:**

Please accept this letter and its attachment as the City of Burlington submission on ORR posting Proposal Number 23-MMAH005. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity. Should a Regulation come forward, staff look forward to engaging with the Province to provide comments and finding solutions together.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Tellier', with a long horizontal flourish extending to the right.

Jamie Tellier, MCIP, RPP  
Acting Director of Community Planning  
Community Planning Department  
City of Burlington

**Ontario Regulatory Registry Proposal Number 23-MMAH005**

**City of Burlington Staff Comments (submitted in advance of Council approval)**

Items	Staff Comments	Approaches or alternatives for consideration
<p>Prescribe minimum requirements for landowners to give tenants the option to rent a 'replacement unit' at the same location as their demolished unit, and at a similar rent. This requirement would apply in instances where a 'replacement unit' is required to be built at the same location as the demolished unit.</p>	<ul style="list-style-type: none"><li>• The proportion of renters in Burlington has increased steadily over the last 10 years. In 2021, a quarter of all households in Burlington (24.9%) were tenant households.</li><li>• As the demand for rental units continues to grow, it will be important that municipalities have the tools available to protect existing rental stock.</li><li>• Providing the right to first refusal should be upheld for all displaced tenants. The replacement unit should be made available at similar a rent and provide the same core features.</li><li>• The core features of the replacement units(e.g., type, numbers of bedrooms) should be similar to the demolished unit</li><li>• Ample notice should be given to tenants of their right of first refusal.</li></ul>	<ul style="list-style-type: none"><li>• The regulation should indicate the requirement for landowners to give notice to inform tenants their right and eligibility before demolition.</li></ul>

<p>Set common rules about the types of compensation that would be required to be provided to displaced tenants.</p>	<ul style="list-style-type: none"> <li>• Financial compensation is currently required by the Residential Tenancies Act.</li> <li>• Consider financial compensation that enables tenants to rent a comparable accommodation while displaced by the demolition and construction process.</li> <li>• A well-justified and consistent financial compensation framework and any associated criteria should be developed and approved by City Council, and secured through a legal agreement.</li> <li>• The financial compensation package should be based on the rent that tenants currently pay.</li> <li>• Tenants should be provided with the right to first refusal in all instances and should be charged the same rent as their original unit.</li> </ul>	
<p>Prescribe minimum requirements for landowners to build 'replacement units' with the same core features (e.g., same number of bedrooms) as demolished units.</p>	<ul style="list-style-type: none"> <li>• The regulation should consider the development of complete communities and provide for a range and mix of housing options based on community housing needs and household characteristics.</li> <li>• The core features of the replacement units should at a minimum, be built to reflect the core features of the existing (to be demolished) units, but should also consider the future needs of local residents.</li> </ul>	
<p>Limit municipalities from imposing minimum square footage requirements for 'replacement units'.</p>	<ul style="list-style-type: none"> <li>• Limiting municipalities from imposing square footage requirements of 'replacement units' may impact the ability to maintain the core features of replacement units.</li> <li>• The regulation should consider required adequate housing and affordable housing to</li> </ul>	<ul style="list-style-type: none"> <li>• A monitoring framework could be considered to identify minimum square footage requirements based on community needs and during each 5 year period in alignment with Census Data and CHMC data.</li> </ul>

	ensure the rental stock is not negatively impacted and that the number of residents in Core Housing Need does not increase.	
Should rent for replacement units be regulated? If so, how?	<ul style="list-style-type: none"> <li>• Yes, rent for replacement units should be regulated to sustain housing affordability and avoid urban gentrification and displacement.</li> <li>• The rent charged for the replacement units should be comparable to the rent of the previous unit to ensure that existing tenants have unrestricted access to the right of first refusal.</li> <li>• Any increase in the rent charged for the replacement unit should not exceed the standard rent increase amount set by the Ontario government.</li> </ul>	<ul style="list-style-type: none"> <li>• The rent of the replacement unit should be regulated by a legislative framework and a set of criteria that can maintain the rent in an affordable range relative to renter income.</li> <li>• The government should authorize municipalities to set out the criteria for the rent of replacement units that reflect the local rental market and average household income.</li> </ul>
Are there any types of entities/institutions that own or operate residential rental properties of six or more units that should be exempt from rental replacement rules? If so, what are they, and why should they be exempt?	<ul style="list-style-type: none"> <li>• No exemptions are required.</li> </ul>	

<p>Are there any other elements the government should consider?</p>	<ul style="list-style-type: none"><li>• A regulation should focus on protecting the right of first refusal, maintaining the core features of the demolished units and ensuring that the rental rates remain consistent.</li><li>• Any regulation that comes forward should not limit the ability of municipalities to prepare demolition and conversion by-laws that are responsive to local context.</li></ul>	<ul style="list-style-type: none"><li>• Consider exempting demolition/conversion of rental units with 6 or more residential rental units from required conditions (such as required 3% vacancy rate) if:<ul style="list-style-type: none"><li>▪ More or same residential units are being provided by proposed development/conversion</li></ul></li></ul>
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# . . . Memo

**To: Mayor and Members of Council**

**From: Jamie Tellier, Director of Community Planning**

**Date: July 28, 2023**

**Re: ERO Posting 019-6813  
Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument.  
Updated Natural Heritage Policies.**

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Community Planning Department report [‘PL-39-23’](#) was considered by Community Planning, Regulation & Mobility Committee (CPRM) on May 30, 2023, and by Council on June 13, 2023. That report provided a review of the Provincial consultation on the proposal to revise and integrate the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) and the Provincial Policy Statement (PPS). At the time that the report was published, the provincial consultation did not include direction pertaining to natural heritage policies. Upon release of the draft document on April 6, 2023, the policies and definitions related to natural heritage were struck out in red, and the ERO posting specifically identified that these policies would be released at a future date.

On May 30, 2023, [ERO Posting 019-6813](#) was updated to extend the commenting deadline from June 5, 2023, to August 4, 2023. On June 16, 2023, this posting was updated providing notice that the natural heritage policies were ready for review and input and had been added to the supporting documentation appended to the ERO posting.

## **Review of the Proposed Natural Heritage Policies.**

As proposed, the unedited natural heritage policies of the PPS 2020 are to be utilized within the new integrated document. No substantial changes are proposed. Where the natural heritage policies were previously within Section 2.1 of the PPS (2020), they will now be moved to Section 4.1 of the proposed document.

The policies of the Growth Plan pertaining to natural heritage are largely being left out of the new document in favor of the PPS policies which apply more broadly. The Growth Plan natural heritage policies are predominantly focused on lands outside of settlement areas and lands adjacent to the natural heritage system for the Growth Plan.

The policies of the Growth Plan required that municipalities incorporate the Natural Heritage System for the Growth Plan into Official Plans. This work was ongoing through the Region of Halton’s Regional Official Plan Review (ROPR) but has not been completed. The City of

Burlington 2020 Official Plan (under appeal) contains policies referencing the applicability of Growth Plan natural heritage system policies and the requirement to incorporate provincial mapping into the City's Official Plan (S. 2.2.3 (d) (viii)). There is no information or direction provided within the relevant ERO posting that the natural heritage system for the Growth Plan is to be integrated into the new Provincial Planning Statement, thus it is staffs' current understanding that it will no longer be required to be implemented through Official Plan policy. Staff will seek clarification of the status of the system through comments provided on ERO Posting 019-6813. Through targeted local policy realignment processes, staff will gain a better understanding of what updates need to be made to local policy documents to achieve conformity with the new PPS.

On a development application level, the policies of the Growth Plan are concerned with identifying key features, assessing impacts to those features, and establishing vegetation protection zones to key features, all outside of settlement areas. It is noted that many of these policy directions are replicated more broadly in the PPS natural heritage policies, and more explicitly in the natural heritage policies of other applicable provincial plans (Niagara Escarpment Plan, Greenbelt Plan). These plans define key natural heritage and key hydrologic features, and apply policies focused on protecting and, where possible, enhancing their functions. In areas where other Provincial Plans do not apply, namely, parts of the North Aldershot Planning Area, the applicable natural heritage policies of the Region of Halton Official Plan and City of Burlington Official Plans will be in effect. Official Plan policies similarly strive to define, protect, and enhance key features and apply a systems-based approach to planning for the natural heritage system.

### **Review of the Proposed Natural Heritage Definitions.**

The proposed PPS identifies nineteen (19) definitions that are specific to natural heritage considerations and utilized within the body of the PPS policies. Many of these definitions are proposed to remain unchanged from the 2020 PPS; the following definitions are where a notable change is proposed, accompanied with a brief review of the perceived implications:

#### *Natural Heritage Features and Areas.*

Upon original review of the June 16, 2023, draft PPS document released by the province, reference to the *habitat of endangered and threatened species* had been removed from the definition of *natural heritage features and areas*. Without notification a new version of the draft document was replaced in [ERO Posting 019-6813](#) which had the effect of reverting this definition back to its 2020 version which included the *habitat of endangered and threatened species*. As a result of this reversion, there is no change proposed, and thus no implications for municipally defined natural heritage systems (NHS).

#### *Significant.*

Items (a) and (b) have been altered to remove reference to the Ministry of Natural Resources and Forestry (MNRF) for *significant wetlands* and *significant woodlands*. This aligns with previous Ontario Wetland Evaluation System (OWES) changes as part of Bill 23 which removed MNRF as the arbiter of provincial significance for wetlands. Through the proposed PPS that direction is

being carried through to apply to woodland significance as well. Criteria and procedures for assessing the significance of these features will still emanate from “the Province” (ex. [OWES Southern Manual](#), [Natural Heritage Resource Manual](#)). These documents are considered to be guidance documents.

## **Conclusion**

As reviewed by staff, the June 16, 2023, draft PPS contains no substantial changes to natural heritage policies when compared to the 2020 PPS. It should be expected moving forward that determination for wetland and woodland significance will be largely predicated on professional opinions and decisions of planning approval authorities. How key features and areas within natural heritage systems are defined are not affected by the changes proposed and no change to the City’s Official Plan policies in this regard should be required. The presumed removal of the natural heritage system for the Growth Plan is expected to have minimal impact to the City of Burlington and will be addressed through future policy realignment and conformity exercises.

Staff will be submitting this CIP memo as part of the earlier report, '[PL-39-23](#)', to the Ministry of Municipal Affairs and Housing (MMAH) as part of their ongoing consultation on the PPS and Growth Plan. Additional comments can be accommodated in the submission if provided prior to the closing date of August 4, 2023.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Tellier', written in a cursive style.

Jamie Tellier, MCIP, RPP  
Director of Community Planning  
Community Planning Department





## Community Planning, Regulation & Mobility Committee Meeting Minutes

Date: May 30, 2023  
Time: 9:30 am  
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Members Present: Paul Sharman (Chair), Shawna Stolte, Kelvin Galbraith, Lisa Kearns, Rory Nisan, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Brynn Nheiley, Jamie Tellier, Craig Kummer, Kevin Arjoon, Allan Magi, Richard Bellemare (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

**1. Declarations of Interest:**

None

**2. Statutory Public Meetings:**

None

**3. Delegation(s):**

3.1 Michael and Gita Sobhi spoke to the Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

3.2 Vanessa Hicks, Cultural Heritage Consultant representing the property owner, spoke to the Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

**4. Consent Items:**

4.1 New Zoning By-law Project update for Q1 2023 (PL-41-23)  
Moved by Mayor Meed Ward

Receive and file community planning department report PL-41-23 providing committee and council with an update on the City's New Zoning By-law Project for Q1 2023.

**CARRIED**

4.2 Burlington Housing Strategy update (PL-01-23)

Moved by Mayor Meed Ward

Receive and file community planning department report PL-01-23 regarding City of Burlington Housing Strategy update.

**CARRIED**

**5. Regular Items:**

5.1 Committee of Adjustment Terms of Reference update (PL-37-23)

Moved by Councillor Galbraith

Approve the updated Committee of Adjustment Terms of Reference attached as Appendix A to community planning department report PL-37-23.

**CARRIED**

5.2 Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

Moved by Mayor Meed Ward

Decline the objection and affirm the March 21, 2023 City Council decision to state an intention to designate the property at 488 Locust Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 488 Locust Street prepared by ARA Associates Inc., dated February 6, 2023; and

Approve the by-law attached as Appendix D to community planning department report PL-38-23, designating the existing building at 488 Locust Street, in accordance with Part IV, Section 29 of the Ontario Heritage Act.

**CARRIED**

5.3 City of Burlington comments – Bill 97 and proposed Provincial Planning Statement (PL-39-23)

Moved by Councillor Nisan

Direct the Director of Community Planning to provide this report, its attachments and any additional comments based on feedback at the May 30, 2023, CPRM Committee to the Province in advance of Council approval on June 13, 2023.

**CARRIED**

5.4 Motion Memo - Burlington School Safety and Mobility Committee (CPRM-07-23, SD-28-23)

Moved by Councillor Kearns

Direct the Director of Transportation to explore the creation of a Burlington School Safety & Mobility Committee for Council's consideration in the 2024 budget including:

- Confirm the level of involvement with the School Boards and Halton Regional Police Services
- Establishing level of Corporate Supports
- Terms of Reference
- Costing (SD-28-23)

**CARRIED**

**6. Confidential Items and Closed Session:**

None

**7. Rise and Report:**

None

**8. Procedural Motions:**

None

**9. Information Items:**

Moved by Councillor Bentivegna

Receive and file the following 3 items, having been given due consideration by the Community Planning, Regulation and Mobility Committee.

**CARRIED**

- 9.1 Correspondence from Michelle Diplock, West End Home Builders' Association, regarding New Zoning By-law Project update for Q1 2023 (PL-41-23)
- 9.2 Staff presentation regarding Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)
- 9.3 Delegation material from Michael Sobhi regarding Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

**10. Staff Remarks:**

**11. Committee Remarks:**

**12. Adjournment:**

11:07 a.m. (recessed), 11:15 a.m. (reconvened)

Chair adjourned the meeting at 11:30 a.m.



**Regular Meeting of Council**

**Minutes**

Date: June 13, 2023  
Time: 9:30 am  
Location: Council Chambers Level 2, City Hall

Members Present: Mayor Marianne Meed Ward, Kelvin Galbraith, Lisa Kearns (present from 10:57 a.m. to 11:18 a.m.), Rory Nisan, Shawna Stolte, Paul Sharman, Angelo Bentivegna

Staff Present: Tim Commisso, David Thompson (Audio/Video Specialist), Richard Bellemare (Audio/Video Specialist), Debbie Hordyk, Kevin Arjoon (Clerk)

Note: This City Council meeting was conducted using a hybrid model, allowing members of Council, city staff and delegations the option of participating remotely or in-person.

1. **Call to Order:**
2. **National Anthem:**
3. **Land Acknowledgement:**
4. **Regrets:**
5. **Proclamations:**
  - 5.1 Longest Day of Smiles: June 18, 2023
  - 5.2 World Sickle Cell Day: June 19, 2023
  - 5.3 National Phlebotomy Technicians Recognition Week: June 19 - 23, 2023
6. **Recognitions and Achievements:**

None.
7. **Motion to approve Council Minutes:**

Moved by: Councillor Bentivegna  
Seconded by: Councillor Galbraith

Confirm the minutes of the following meeting of Council:

**CARRIED**

7.1 Regular meeting of Council May 16, 2023

7.2 Regular meeting of Council June 1, 2023

**8. Presentations:**

None.

**9. Declarations of Interest:**

None.

**10. Delegations:**

10.1 Jennifer Kagan-Viater spoke regarding Declaration of Intimate Partner Domestic Abuse Crisis in Burlington (ADM-07-23)

10.2 Deputy Chief Jeff Hill representing Halton Police spoke regarding Declaration of Intimate Partner Domestic Abuse Crisis in Burlington (ADM-07-23)

10.3 Laurie Hepburn representing Halton Woman's Place spoke regarding Declaration of Intimate Partner Domestic Abuse Crisis in Burlington (ADM-07-23)

10.4 Kirk Robinson spoke regarding Declaration of Intimate Partner Domestic Abuse Crisis in Burlington (ADM-07-23)

10.5 Vanessa Hicks spoke regarding Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

10.6 Michael Sobhi spoke regarding Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

10.7 Gita Sobhi spoke regarding Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

10.8 Amanda Burns representing The Atmospheric Fund spoke regarding Better Homes Burlington Program (EICS-04-23)

**11. Petitions:**

None.

**12. Recommendations from Standing Committees:**

12.1 Community Planning, Regulation & Mobility Committee meeting of May 30, 2023

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (6 to 0)**

a. New Zoning By-law Project update for Q1 2023 (PL-41-23)

Receive and file community planning department report PL-41-23 providing committee and council with an update on the City's New Zoning By-law Project for Q1 2023.

**CARRIED**

b. Burlington Housing Strategy update (PL-01-23)

Receive and file community planning department report PL-01-23 regarding City of Burlington Housing Strategy update.

**CARRIED**

c. Committee of Adjustment Terms of Reference update (PL-37-23)

Approve the updated Committee of Adjustment Terms of Reference attached as Appendix A to community planning department report PL-37-23.

**CARRIED**

e. City of Burlington comments – Bill 97 and proposed Provincial Planning Statement (PL-39-23)

Direct the Director of Community Planning to provide this report, its attachments and any additional comments based on feedback at the May 30, 2023, CPRM Committee to the Province in advance of Council approval on June 13, 2023.

**CARRIED**

- f. Motion Memo - Burlington School Safety and Mobility Committee (CPRM-07-23, SD-28-23)

Direct the Director of Transportation to explore the creation of a Burlington School Safety & Mobility Committee for Council's consideration in the 2024 budget including:

- Confirm the level of involvement with the School Boards and Halton Regional Police Services
- Establishing level of Corporate Supports
- Terms of Reference
- Costing (SD-28-23)

**CARRIED**

- d. Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

Decline the objection and affirm the March 21, 2023 City Council decision to state an intention to designate the property at 488 Locust Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 488 Locust Street prepared by ARA Associates Inc., dated February 6, 2023; and

Approve the by-law attached as Appendix D to community planning department report PL-38-23, designating the existing building at 488 Locust Street, in accordance with Part IV, Section 29 of the Ontario Heritage Act; and

**Direct that the by-law be amended to recognize the objection to the designation received April 21, 2023 and to recognize Council's June 13, 2023 decision to affirm the March 21, 2023 City Council decision to state an intention to designate the property at 488 Locust Street.**

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.), Councillor Nisan, and Councillor Stolte

OPPOSED: (2): Councillor Sharman, and Councillor Bentivegna

**CARRIED (5 to 2)**



Moved by: Councillor Sharman  
Seconded by: Councillor Bentivegna

**Defer recommendation PL-38-23 to the July 11, 2023 Council meeting to afford additional time for the home owner to further discuss options with staff.**

IN FAVOUR: (3): Councillor Galbraith, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (4): Mayor Meed Ward, Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.), Councillor Nisan, and Councillor Stolte

**LOST (3 to 4)**

Moved by: Councillor Nisan  
Seconded by: Councillor Stolte

**Direct that the by-law be amended to recognize the objection to the designation received April 21, 2023 and to recognize Council's June 13, 2023 decision to affirm the March 21, 2023 City Council decision to state an intention to designate the property at 488 Locust Street.**

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.), Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

**CARRIED (7 to 0)**

12.2 Corporate Services, Strategy, Risk & Accountability Committee meeting of May 31, 2023

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, and Councillor Bentivegna

Absent (2): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.), and Councillor Sharman

**CARRIED (5 to 0)**

- a. Financial results for Burlington Enterprises Corporation for the period ended December 31, 2022 (F-07-23)

Receive and file finance department report F-07-23 providing financial results for Burlington Enterprises Corporation.

**CARRIED**

- b. New development charges and community benefits strategy process (F-21-23)

Receive and file finance department report F-21-23, regarding new development charges and community benefits strategy process.

**CARRIED**

- c. 2023 capital budget variance and project closure (F-22-23)

Direct the Chief Financial Officer to proceed with the closure of 73 capital projects identified as being ready for closure in finance department report F-22-23.

**CARRIED**

- d. Financial status report as at March 31, 2023 (F-17-23)

Receive and file finance department report F-17-23, providing the financial status report as at March 31, 2023.

**CARRIED**

- e. Bill 23 Parkland Dedication Bylaw review (F-11-23)

Receive and file finance department report F-11-23, regarding Bill 23 Parkland Dedication Bylaw review and background report prepared by Watson & Associates Economist Ltd., entitled City of Burlington Parkland Dedication By-Law Review, included as Appendix A.

**CARRIED**

- f. 2023 BMA Management Consulting Inc. financial condition assessment (F-19-23)

Receive and file finance department report F-19-23, regarding 2023 BMA Financial Condition Assessment; and

Direct the Chief Financial Officer to undertake an update to the City of Burlington's Financial Condition Assessment every four years with each new term of Council.

**CARRIED**

- g. 2023 asset management financing plan update (F-20-23)

Direct the Chief Financial Officer to increase the dedicated infrastructure levy by 0.40% to 2.00% for consideration as part of the 2024 Budget, as Council's acceleration of the five-year commitment to the long-term infrastructure renewal program and preparation for the 2025 Asset Management Plan Update.

**CARRIED**

- h. Confidential legal services department report regarding a litigation matter for 720, 735, 740 Oval Court (L-33-23)

Instruct the Acting Executive Director of Legal Services and Corporation Counsel or their designate to proceed in accordance with the instructions sought in confidential legal services department report L-33-23.

**CARRIED**

- 12.3 Environment, Infrastructure & Community Services Committee meeting of June 1, 2023

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (6 to 0)**

- a. Construction and Mobility Management Policy update (ES-05-23)

Approve amending By-law 36-2023 a By-law to amend Municipal Consent By-law 65-2021, attached as Appendix B to engineering services department report ES-05-23; and

Approve the Municipal Consent Reserve Fund By-law 37-2023, attached as Appendix C to engineering services department report ES-05-23

**CARRIED**

- b. Lansdown Park and Palmer Park renewal (ES-26-23)

Approve the revised scope and increase in project budget for Lansdown Park and Palmer Park Tennis/ Pickleball Court reconstruction as outlined in engineering services department report ES-26-23; and

Approve the following revised total budgets:

-\$2.2 million for Lansdown Park (PR0232)

-\$150,000 for Palmer Park – Tennis/ Pickleball Courts (PR0227);  
and

Authorize the additional funding in the amount of \$340,000 from the Capital Purposes Reserve Fund.

**CARRIED**

- c. Community gardens update (RCC-06-23)

Receive and file recreation, community and culture department report RCC-06-23 regarding the Community Garden Program.

**CARRIED**

- d. Public tree removal report – 603 Woodland Avenue (RPF-14-23)

Approve the request by the applicant to remove (1) public tree in order to proceed with the proposed two-storey detached dwelling as outlined in roads, parks & forestry report RPF-14-23; and

Instruct the applicant, David Carrothers to provide compensation for the public tree removal by providing cash-in-lieu of replacement totaling \$1,000.00; and

Direct that a tree permit be obtained for the public tree removal and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public tree (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

**CARRIED**

- e. Public Tree By-law amendment (RPF-06-23)

Approve amending By-law 38-2023 in Appendix A to roads, parks & forestry department report RPF-06-23, a By-law to amend By-law 68-2013 Public Tree Bylaw.

**CARRIED**

- f. Tree planting initiatives (RPF-05-23)

Direct the Director of Roads, Parks, and Forestry to amend Bylaw 55-2020 Tree Planting Initiatives Reserve Fund By-law in consultation with Legal Services and Finance to enhance the useability of the Tree Planting Reserves by including funding for tree establishment and enhancement initiatives; and

Authorize the Manager of Urban Forestry to develop a Community Tree Planting Grant Application and process for community supported tree planting and canopy enhancement initiatives.

**CARRIED**

- g. Grading and Drainage Clearance Certificate By-law amendment (ES-03-23)

Approve By-law 39-2023, attached as Appendix A of engineering services department report ES-03-23, a By-law to amend By-law 52-2018 Grading and Drainage Clearance Certificate providing revisions to definitions and policy to prohibit or regulate the placing or dumping of fill, removal of topsoil or fill, alteration of the grades and drainage of residential lands that contain ten (10) residential units or less.

**CARRIED**

- h. Halton Digital Access Strategy (EICS-09-23)

1. Endorse the following actions:
  - a. Adopt the business case in respect of the creation and operation of a Municipal Services Corporation (“**MSC**”) as described in environment, infrastructure and community services report EICS-09-23;
  - b. Receive the results of public consultation in respect of the creation and operation of a MSC as described in environment, infrastructure and community services report EICS-09-23;
  - c. Endorse the creation and operation of a MSC to be known as “Halton Digital Access Services Corporation” (“**HDASC**”) as described in environment, infrastructure and community services report EICS-09-23;
  - d. Adopt the Transfer Policy as described in Attachment 1 to environment, infrastructure and community services environment, infrastructure and community services report EICS-09-23;
  - e. Authorize the City Manager to act as an incorporator of HDASC;
  - f. Approve the subscription for shares in the capital of HDASC by the City;
  - g. Nominate and authorize the City Manager to be City’s representative on the HDASC Board of Directors;
  - h. Approve the City entering into the following agreements described in environment, infrastructure and community services report EICS-09-23 all with content satisfactory to the City Manager, and in form satisfactory to the Executive Director of Legal Services and Corporation Counsel:
    - i. Unanimous Shareholders Agreement;
    - ii. HDASC Municipal Pole License Agreement
    - iii. Any such related agreements, forms or other documents that the City Manager deems are reasonably required for the creation or operation of HDASC,
  - i. Approve the City, as a shareholder of HDASC, to authorize HDASC to enter into, adopt or approve as the case may be

the following all with content satisfactory to the City Manager, and in form satisfactory to the Executive Director of Legal Services and Corporation Counsel:

- i. Unanimous Shareholders Agreement;
- ii. HDASC Municipal Pole License Agreements;
- iii. Loan Agreement and related ancillary documents;
- iv. Any such related agreements, resolutions, by-laws, forms or other documents the City Manager deems are reasonably required for the creation or operation of HDASC,
- j. Authorize the City Manager, in his capacity as a director of HDASC, to execute any such agreements documents, or forms and to do such other things as are reasonably required as a director of HDASC;
- k. Authorize the Mayor and City Clerk to execute agreements on behalf of the City including in its capacity as a shareholder of HDASC, and to sign such other documents, agreements or forms as are reasonably required of the City including in its capacity as shareholder for the creation and operation of HDASC; and

2. Direct the City Clerk to send a copy of environment, infrastructure and community services report EICS-09-23 to the Region of Halton and the Towns of Halton Hills, Milton and Oakville for their information.

**CARRIED**

- i. Former Robert Bateman High School – communication and engagement update (RCC-10-23)

Direct the Director of Corporate Communications and Engagement and the Director of Recreation, Community and Culture to execute the communications and engagement tactics included as Appendix A or recreation, community and culture department report RCC-10-23.

**CARRIED**

j. Private Tree By-law Program update (RPF-04-23)

Receive and file the roads, parks and forestry department report RPF-04-23 which provides a program update with respect to the Private Tree By-Law and related activities.

**CARRIED**

k. Future vision of the Waterfront Centre (RCC-09-23)

Direct the Executive Director of Environment, Infrastructure and Community Services to retain a consultant to provide options for the capital renewal and/or replacement of the outdoor amenities at the Waterfront; and

Authorize the Chief Financial Officer to transfer \$60,000 from the Waterfront Reserve Fund to fund the study as outlined in recreation, community and culture department report RCC-09-23.

**CARRIED**

l. Better Homes Burlington Program (EICS-04-23)

Approve the establishment of the Better Homes Burlington Energy Retrofit Pilot Program to provide a maximum of twenty loans to Burlington homeowners who meet program eligibility criteria to support the implementation of air source heat pumps as outlined in environment, infrastructure and community services report EICS-04-23; and

Approve By-law No. 40-2023, being the Better Homes Burlington Energy Retrofit By-law, substantially in the form attached as Appendix A to environment, infrastructure and community services report EICS-04-23, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel, or designate; and

Authorize the Executive Director of Environment, Infrastructure and Community Services, or designate, to execute necessary agreements with each homeowner participating in the Better Homes Burlington Energy Retrofit Program, and any extension



thereto, with content satisfactory to the Manager of Environmental Sustainability, or designate, and form satisfactory to the Executive Director of Legal Services and Corporation Counsel or designate; and

Direct the Executive Director of Environment, Infrastructure and Community Services to monitor and assess the results of the Better Homes Burlington pilot program and report back to council in one year with recommended next steps; and

**Direct the Executive Director of Environment, Infrastructure and Community Service to implement an interest free loan for the Better Homes Burlington Home loan program.**

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, and Councillor Sharman

OPPOSED: (1): Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (5 to 1)**

Moved by: Councillor Nisan

Seconded by: Councillor Stolte

**Direct the Executive Director of Environment, Infrastructure and Community Service to implement an interest free loan for the Better Homes Burlington Home loan program.**

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, and Councillor Sharman

OPPOSED: (1): Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (5 to 1)**

**13. Motion to Approve Standing Committee Minutes:**

Moved by: Councillor Bentivegna

Seconded by: Councillor Nisan

Approve the following minutes:

**CARRIED**

- 13.1 Council Workshop meeting minutes of May 15, 2023
- 13.2 Council Workshop meeting minutes of May 16, 2023
- 13.3 Community Planning, Regulation and Mobility Committee meeting minutes of May 30, 2023
- 13.4 Corporate Services, Strategy, Risk and Accountability Committee meeting minutes of May 31, 2023
- 13.5 Environment, Infrastructure, Community Services Committee meeting minutes of June 1, 2023

**14. Urgent Business:**

None.

**15. Confidential Items and Closed Session:**

- 15.1 Confidential closed session minutes of Council for June 1, 2023

Moved by: Councillor Stolte

Seconded by: Councillor Sharman

Approve the confidential closed session Council minutes of June 1, 2023

**CARRIED**

**16. Rise and Report:**

**17. Motions of Members:**

Mayor Meed Ward passed the gavel to Deputy Mayor Stolte to chair this portion of the meeting as she moved the following item.

- 17.1 Declaration of Intimate Partner Domestic Abuse Crisis in Burlington (ADM-07-23)

Moved by: Mayor Meed Ward

Seconded by: Councillor Nisan

Whereas the jury that adjudicated the Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam Inquest (The Renfrew Inquest) issued 86 recommendations to the Province of Ontario on Intimate Partner Violence; and

Whereas recommendation #1 of the Inquest is for the Province of Ontario to declare Intimate Partner Violence an epidemic; and

Whereas, every six days in Canada a woman is killed by her intimate partner; and

Whereas, on any given night in Canada, over 6,000 women and children sleep in shelters because it is not safe for them at home; and

Whereas this past year in Ontario, 52 women or one every week, were victims of femicide; and

Whereas in Halton in 2022 there were 3,503 Intimate Partner Violence calls made to Halton Regional Police and there were 2,342 calls to the Women's Shelter Crisis/Hotline calls; and

Whereas Halton Women's Place receives 2,500 calls annually to its crisis information and support line, supports 400-600 women through their various outreach services and sees 140 women and children through their safe shelter every year; and

Whereas 93% of the CAS domestic violence-related intake cases involve a girl/woman as the primary participant; and

Whereas the waitlist for counselling can be difficult to access; and Domestic Abuse Crisis in Burlington; and

Whereas violence against women costs the national justice system, health care systems, social service agencies, and municipalities billions of dollars per year; and municipalities are on the front lines in addressing gender-based violence; and

Whereas Burlington City Council recognizes that issues of violence against women in all communities are of local importance to the health and wellness of our residents;

Therefore, be it resolved that Burlington City Council

- recognizes the issues of violence against women and girls in Halton as serious to the health and wellness of local families; and
- is committed to engaging with community partners to educate and support our residents about the seriousness and long-term danger of violence in our community; and

That Burlington City Council declares, in accordance with Recommendation #1 of the Renfrew Inquest, that Intimate Partner Violence and Violence Against Women are epidemic; and

**Request that the City Manager's Office review the Renfrew Recommendations and develop a workplan with the Halton Violence Prevention Council on how the City of Burlington can advance the objective of ending intimate partner violence; and**

**Send a letter to the Premier of Ontario requesting that the Province declares a crisis.**

Be it further resolved that this resolution be circulated to The Honourable Doug Ford, Premier of Ontario, The Honourable. Charmaine A. Williams, Associate Minister of Women's Social and Economic Opportunity, The Honourable Parm Gill Minister of Red Tape Reduction, Natalie Pierre, MPP Burlington, Effie Triantafilopoulos, MPP Oakville North-Burlington, Halton Region, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, and the Ontario's Big City Mayors.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (6 to 0)**

Deputy Mayor Stolte passed the gavel back to Mayor Meed Ward to continue chairing the meeting.

Moved by: Councillor Nisan

Seconded by: Mayor Meed Ward

**Request that the City Manager's Office review the Renfrew Recommendations and develop a workplan with the Halton Violence Prevention Council on how the City of Burlington can advance the objective of ending intimate partner violence; and**

**Send a letter to the Premier of Ontario requesting that the Province declares a crisis.**

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (6 to 0)**

**18. Council Information Package:**

18.1 Council Information Package May 19, 2023

18.2 Council Information Package May 26, 2023

18.3 Council Information Package June 2, 2023

18.4 Council Information Package June 9, 2023

**19. Motion to Receive and File Information Items:**

Moved by: Councillor Sharman

Seconded by: Councillor Nisan

Receive and file Information items, having been considered by Council:

**CARRIED**

19.1 Memorandum from Reena Bajwa, Coordinator of Financial Strategies & Business Consulting regarding Better Homes Burlington Pilot Program (EICS-04-23)

19.2 Memorandum regarding amendment of heritage designation by-laws for 2358 Lakeshore Road and 38 Frontier Trail (ADM-08-23)

19.3 Delegation presentation from Vanessa Hicks regarding Objection to Notice of Intention to Designate 488 Locust Street (PL-38-23)

**20. Notice of Motion:**

None.

**21. Motion to Approve By-Laws:**

Items 21.2 through to 21.10 were voted upon by way of one consent vote.

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (6 to 0)**

21.2 33-2023: A by-law to amend designation By-law 44-2009 at 38 Frontier Trail.

21.3 34-2023: A by-law to amend heritage easement agreement at 38 Frontier Trail.

- 21.4 35-2023: A by-law to amend designation By-law 138-1993 at 2358 Lakeshore Road.
- 21.5 36-2023: A by-law to amend By-Law 65-2021 being a by-law to regulate the construction, road cuts and road occupancies located on City owned road allowances, or other property under the jurisdiction of the City of Burlington.
- 21.6 37-2023: A by-law to establish a reserve fund and guidelines for the utilization of the Municipal Consent Reserve Fund.
- 21.7 38-2023: A by-law to amend By-law 68-2013, being a by-law to regulate planting, maintenance and preservation of trees on or affecting public property.
- 21.8 39-2023: A by-law to amend By-law 52-2018 Grading and Drainage Clearance Certificate.
- 21.9 40-2023: A by-law to authorize the undertaking of energy efficiency and water conservation works on private residential property as local improvements under the Better Homes Burlington Energy Retrofit Program.
- 21.10 2020.456: Removal of Holding (H) Symbol By-law
- 21.1 32-2023: A by-law for the designation of 488 Locust Street in accordance with Part IV, Section 29 of the Ontario Heritage Act.

IN FAVOUR: (4): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, and Councillor Stolte

OPPOSED: (2): Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (4 to 2)**

**22. Confirmatory By-law:**

Enact and pass By-law Number 41-2023 being a by-law to confirm the proceedings of Council at its meeting held June 13, 2023, being read a first, second and third time.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns (present from 10:57 a.m. to 11:18 a.m.)

**CARRIED (6 to 0)**

**23. Statements by Members:**

**24. Motion to Adjourn:**

Moved by: Councillor Sharman

Seconded by: Councillor Nisan

Adjourn this Council now to meet again at the call of the Mayor.

Councillor Kearns joined the meeting from 10:57 a.m. to 11:18 a.m.

Councillor Sharman was absent from 11:27 a.m. to 11:30 a.m.

11:18 (recessed), 11:27 (reconvened), 11:57 (recessed), 1:04 (reconvened)

Adjourned at 1:27 p.m.

**CARRIED**

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Kevin Arjoon

City Clerk

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Marianne Meed Ward

Mayor