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November 24, 2023

Sent VIA ERO Posting

RE: ERO Posting 019-7739, Bill 136, *Greenbelt Statute Law Amendment Act, 2023* – Reinstatement of Greenbelt Lands

The intent of this letter is to provide the City of Hamilton’s comments on ERO Posting 019-7739, Bill 136, *Greenbelt Statute Law Amendment Act, 2023*. Through Report PED23244 (enclosed), on November 22, 2023 Hamilton City Council endorsed the reinstatement of all 15 sites removed from the Greenbelt Area by the Government of Ontario and the submissions and recommendations provided in the table below.

Summary of Proposed Change	Comments
Schedule 1 – <i>Duffins Rouge Agricultural Preserve Act, 2023</i>	
The Schedule enacts the <i>Duffins Rouge Agricultural Preserve Act, 2023</i> and repeals the <i>Duffins Rouge Agricultural Preserve Repeal Act, 2022</i> .	The <i>Duffins Rouge Agricultural Preserve Act, 2023</i> applies to lands outside of the City of Hamilton. The City has no comment.
Schedule 2 – <i>Greenbelt Act, 2005</i>	
Currently, Section 2 of the Act provides for the regulations to designate an area of land as the Greenbelt Area. The Greenbelt Area is currently set out in Ontario Regulation 59/05 (Designation of Greenbelt Area). Section 2 of the Act is re-enacted to set out the designated Greenbelt Area, which reflects the Area designated by Ontario Regulation 59/05 but also includes the area of land that was removed from that Regulation on December 14, 2022.	<p>The effect of this change is that the 15 sites removed from the Greenbelt Area by the Government of Ontario on December 21, 2022 will be reinstated.</p> <p>The City of Hamilton fully supports the reinstatement of these lands to the Greenbelt Area.</p> <p>The City’s consultation respecting these lands received significant public interest and input with over 1,000 residents attending the City’s Open House and special meeting of Planning Committee together with hundreds of written submissions and survey responses.</p> <p>Of the public submissions made through the online survey, open house comment sheets, Planning Committee oral and written submissions and separate e-mail submissions, 684 (77.4%) voiced objections or concerns to the Provincial decision to</p>

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	<p>remove these lands from the Greenbelt Plan. The City has submitted a Greenbelt Plan Engagement 2023 Summary Report to the Province (enclosed) containing all input received through this consultation.</p>
<p>New Section 14.1 of the Act provides that the Greenbelt Plan is deemed to provide that specified lands are designated or otherwise identified in the same manner as they were so designated or otherwise identified by the Plan on December 13, 2022.</p>	<p>The effect of this amendment is that future amendments to the Greenbelt Area would require legislation to be passed to amend the <i>Greenbelt Act, 2005</i>; whereas, currently the Act allows the Government of Ontario to make modifications to the boundaries through regulations provided that the minimum consultation requirements under the Act are undertaken and the modification will not have the effect of reducing the total land area within the Greenbelt Plan.</p> <p>The City of Hamilton supports any amendments to the legislation that has the effect of increasing transparency and consultation respecting amendments to the Greenbelt Plan.</p> <p>It is not clear from this legislation if this amendment would remove the requirements under Sections 11, 12 and 13 of the <i>Greenbelt Act, 2005</i> respecting minimum consultation prior to the Minister considering amendments to the Greenbelt Area. While specifying lands within the Greenbelt Area would require new legislation to be enacted to make future boundary amendments, the legislative process does not necessarily result in increased transparency or consultation.</p> <p>As an alternative, the City of Hamilton recommends that the <i>Greenbelt Act, 2005</i> be amended to legislate increased requirements for consultation prior to considering boundary adjustments, including acknowledging the Province’s “duty to consult and accommodate” with Indigenous communities.</p>
<p>Section 19 of the Act, which currently sets out various limitations on remedies, is re-enacted. Among other things, new Section 19 provides that no cause of action arises as a result of amendments to the Act or to regulations made under the Act or</p>	<p>Broadly speaking, the effect of this amendment is to bar certain legal proceedings and remedies from being sought or awarded in relation to the Act, including but not limited to, the addition or removal of lands from the Greenbelt Area, amendments to the Act, representations, negotiations, agreements, and development approvals.</p>

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<p>any representation or other conduct by current or former employees, officers or agents of the Crown in right of Ontario or current or former members of the Executive Council that is related to specified actions.</p>	<p>The City of Hamilton notes that the Bill offers limitations with respect to legal action and remedies, and requests that clarification be provided that these protections extend to municipalities, and that there is clear language in the legislation that reflects that this protection extends to municipalities.</p> <p>Staff also recommend that an exception be provided to Section 19(2) that would permit municipalities to request compensation from the Province to account for costs incurred in relation to the removal of lands from the Greenbelt Area and engagement with the Office of the Provincial Land and Development Facilitator.</p>
<p>New Section 19.1 of the Act provides for the termination of an agreement between a specified company and His Majesty the King in Right of Ontario respecting the settlement of a court proceeding.</p>	<p>The City of Hamilton has no comment.</p>
<p>Ontario Regulation 59/05 (Designation of Greenbelt Area) is revoked.</p>	<p>This regulation established which lands are designated as the Greenbelt Area. As the legislation proposes to include the description of lands into the <i>Greenbelt Act, 2005</i>, this regulation is no longer necessary.</p> <p>The City of Hamilton has no objection.</p>
<p>Schedule 3 – <i>Ministry of Municipal Affairs and Housing Act</i></p>	
<p>Currently, subsection 7 (1) of the <i>Ministry of Municipal Affairs and Housing Act</i> provides for protection from personal liability for acts done in good faith by the Deputy Minister, any employee of the Ministry or anyone acting under the Deputy Minister’s authority. The subsection is amended to also apply to acts done in good faith by Facilitators and Deputy Facilitators appointed under subsection 12 (2) of the Act.</p>	<p>This change explicitly extends the protection of personal liability to the Facilitator, Deputy Facilitator, or any employees of the Office of the Provincial Land and Development Facilitator.</p> <p>The City of Hamilton has no comment.</p>

Schedule 4 – Oak Ridges Moraine Conservation Act, 2001	
<p>Currently, Section 2 of the Act provides for the regulations to designate an area of land as the Oak Ridges Moraine Area. The Oak Ridges Moraine Area is currently set out in Ontario Regulation 1/02 (Designation of Oak Ridges Moraine Area). Section 2 of the Act is re-enacted to set out the designated Oak Ridges Moraine Area, which reflects the Area designated by Ontario Regulation 1/02. A complementary amendment is made to Section 22 of the Act.</p>	<p>The <i>Oak Ridges Moraine Conservation Act, 2001</i> applies to lands outside of the City of Hamilton. The City of Hamilton has no comment.</p>
<p>Section 20 of the Act, which currently sets out various limitations on remedies, is re-enacted. Among other things, new Section 20 provides that no cause of action arises as a result of amendments to the Act or to the regulations made under the Act or any representation or other conduct by current or former employees, officers or agents of the Crown in right of Ontario or current or former members of the Executive Council that is related to specified actions.</p>	<p>The City of Hamilton has no comment.</p>
<p>New Section 26 of the Act provides that Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) is deemed to apply as though the amendments made by Ontario Regulation 568/22 had not been made.</p>	<p>The City of Hamilton has no comment.</p>
<p>Ontario Regulation 1/02 (Designation of Oak Ridges Moraine Area) is revoked.</p>	<p>The City of Hamilton has no comment.</p>

Greenbelt Engagement Summary Report

The City's consultation respecting these lands received significant public interest and input with over 1,000 residents attending the City's Open House and special meeting of Planning Committee together with hundreds of written submissions and survey responses. In total, there were 1,600+ total participants and 26,600+ outreach participants. As discussed in the enclosed Greenbelt Plan Public Engagement 2023 Summary Report, most residents who provided input opposed the Provincial decision to remove lands from the Greenbelt.

To recognize and value the immense public response received respecting these lands, the City recommends that the engagement summary report be considered as part of future Greenbelt Plan reviews.

Request from Town of Grimsby

City staff understand that the Town of Grimsby Council passed a recommendation requesting that the Province of Ontario not include the parcels identified in the enclosed map back in the Greenbelt Plan through Bill 136.

Development of the lands located in Grimsby to the east of Fifty Road for housing could result in transportation impacts at Fifty Road within the City of Hamilton. The Ministry of Transportation (MTO) has previously identified that the QEW / Fifty Road interchange is experiencing operational issues and the MTO has identified this as a challenge for nearby developments. The City had previously raised concerns with this interchange in its submission to the Province on ERO Postings 019-6216 and 019-6217 in November 2022. The City continues to have concerns as development of these lands could have implications on the City's transportation infrastructure.

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Should you have questions or comments, please contact me at Anita.Fabac@hamilton.ca 905-546-2424, ext. 1258 or Dave.Heyworth@hamilton.ca or at 905-546-2424 ext. 1279.

Regards,



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Enclosed.

cc:

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