Office of the Mayor

Bonnie Crombie, MBA, ICD.D
Mayor, City of Mississauga
T 905-896-5555 F 905-896-5879
mayor@mississauga.ca

City of Mississauga
300 City Centre Drive
MISSISSAUGA ON L5B 3C1
mayorcrombie.ca

May 29, 2019

Mr. Parm Gill, MPP
Chair
Standing Committee on Justice Policy
Queen's Park

RE: Mississauga's Response to Bill 108, *More Homes, More Choice Act, 2019*

Dear Chair Gill,

I write to you today on behalf of the City of Mississauga to express our feedback and concerns with Bill 108, *More Homes, More Choice Act, 2019.* It is our intent to provide in-person comment to the Standing Committee reviewing this legislation, but the following represents Mississauga's formal submission.

On May 22, 2019, Mississauga City Council received a report from staff (see attached), which outlines the City's position on Bill 108. This is a lengthy report, so I have done my best to summarize in this letter. However, I would encourage you to read the staff report and have your staff speak with our team at the City of Mississauga further. The following are our major areas of concern.

Public Consultation

We would request that the province extend the public consultation timelines beyond June 1st to allow for greater input and feedback. This is a sweeping piece of legislation that will have tremendous impacts on how we plan and grow as a City, and yet we have only had three weeks to read the legislation introduced on May 2, 2019 and provide formal, Council-approved comments. I think you will agree this is not nearly enough time to provide meaningful feedback, consult with residents, and properly engage with your government on such an important piece of legislation.

While I appreciate that the passage of the legislation is only the first part of the process, and that a detailed review of the accompanying regulations will follow, I would still respectfully ask that you extend the time period for consultation, delay the passage of this legislation until the Fall session of the legislature, and use this time to consult further with

the municipal sector. Given the lack of details in the legislation, Mississauga believes it is imperative the comment period is extended.

Development Charges

Mississauga is concerned that the legislation as it is currently written could have the effect of lowering development charges (DCs) paid to the municipality. As you know, DCs are designed to help a municipality fund infrastructure related to new growth in the community. DCs rely on the principle that growth pays for growth. Under Bill 108 as it is currently written, this principle will no longer be applicable in Ontario and municipalities like Mississauga will force existing taxpayers to fund new growth infrastructure. In effect, Bill 108 aims to make housing more affordable for people who do not yet live in the community at the expense of those who already do.

Bill 108 proposes to change the administration of DCs. Currently, DCs are payable at the time of issuance of the first building permit, based on the DC rate in effect at that time. The legislation changes this to calculate DC rates at an earlier stage of development, most commonly at the time of site plan application. There is a gap between this application and building permit issuance, meaning there will be a reduction in DCs payable to municipalities. Mississauga calculates this change will result in a loss to the City of approximately $7 million over 10 years. DCs account for approximately 80 per cent of a municipality's growth infrastructure, but total about 7 per cent of the sale price of a unit.

Additional Red Tape

While I appreciate your government is seeking to eliminate red tape wherever possible, I am concerned that this legislation will increase red tape and administrative burden on municipalities, in particular, the changes to how DCs are collected. At present, DCs are collected in one payment. Under Bill 108, the proposal is to stagger these payments over 6 installments for many land-uses. In addition to the administrative burden this change will place on the City, which at present is not calculable, the impact on our cash flow will be approximately $10 annually. As well, there will be a cumulative loss of interest of approximately $5 million between 2019-2028.

Recommendations:

- Maintain current calculation and payment dates for DCs for all uses, except rental housing to reduce administrative burden
- Enact a transition period to any change to allow for staff training

Community Benefits Charge

Recommendations:

- Provide additional time to comment on Bill 108 once the regulations are completed
- Further consultation on the development of the regulations
- Use a population, housing units, employment, and gross floor area calculation rather than a land value calculation
- Further consultation with municipalities before a cap is enacted

- Greater clarification of the appraisal process (i.e. who pays)

Secondary Suites Exemption
Mississauga is supportive of the proposal to exempt secondary suites from DCs. This is something Mississauga was ready to implement independent of Bill 108, and is included in our new DC by-law being approved on June 5th, 2019.

Recommendations:

- Work to ensure Housing Supply Action Plan reduces administrative burden on municipalities to implement
- Implement a transition period to allow for operational changes and staff training

Planning Act Appeals
Mississauga has spent the last 2 years transitioning to a new land use planning appeal system, the Local Planning Appeals Tribunal. Under Bill 108 as it is currently written, many of the provisions that provided municipalities with greater control over planning decisions in their communities have been removed. De Novo hearings and new evidence at hearings are just two of the changes that cause Mississauga concern, as well as the elimination of the "consistency and conformity" provision of the current LPAT. Overall, we believe these changes will limit community participation in the development process and weaken the voice of the municipality and residents.

Shorter Approval Timelines
As a growing city, Mississauga's planning department is dealing with complex development applications, often in already defined communities. The current timelines for approval or decision are already tight and Bill 108 seeks to make them shorter. This will cause stress on our planning department and will result in less community consultation and thorough analysis. It will also likely result in greater expenditures to higher more planning staff to meet these deadlines. Over the last 5 years the timelines have changed dramatically and our planning staff are trying to keep up.

Recommendations:

- Extend the timelines to allow for greater community participation and decrease LPAT caseload
- Consult with municipalities before developing regulations around new LPAT rules
- The province should support the modernization of planning approval process. Mississauga has implemented E-Plans that has greatly reduced our timelines for approval and decision. In 2018, Mississauga processed over 93 per cent of all building applications through E-Plans.

Inclusionary Zoning and Major Transit Station Areas
Bill 108 seeks to limit inclusionary zoning (IZ) to areas where the minister requires a community planning permit or a major transit station area (MTSA). In Mississauga, we have developed a middle-income affordable housing strategy called, "Making Room for the

Middle," that seeks to bring affordable options for the middle class to the market more quickly. The proposals in Bill 108 around inclusionary zoning may have the opposite effect in Mississauga as it will limit our ability to provide incentives (using IZ) to bring affordable housing options to market. The use of the community planning permit is new and would impact Mississauga as we have 63 MTSAs. As the community planning permit system is new, it will require many years to become operational and tested. In the interim, we could miss out on capitalizing on development opportunities within an MTSA.

For instance, in Mississauga our downtown core has been pre-zoned – there are no barriers to development. At this MTSA, there will be no benefit to the developer to use the community planning permit system. Moreover, two of Mississauga's largest development sites, Lakeview and the West Village, are located outside of an MTSA and would not be eligible for inclusionary zoning. With over 15,000 units being built on these sites combined, it will be a missed opportunity to build affordable housing using inclusionary zoning.

Almost every employment area in Mississauga is considered provincially significant under Bill 108, meaning the City will not be able to benefit by advancing some employment area conversions in MTSAs. This means we will not be able to fully redevelop these areas.

Recommendations:

- Lift the restrictions on inclusionary zoning for those municipalities with a defined policy already in place and allow it to be used across the municipality
- Allow municipalities to decide what tools should be used to accelerate growth in MTSAs, based on local conditions
- Extend the 45 day window under the community planning permit to lessen the administrative burden on municipalities
- Review the major employment areas, specifically in Mississauga and do not enact a one-size-fits-all solution
- Mississauga is supportive of the Province creating a regulation to enable conditional zoning to quickly pre-zone lands.

Conclusion

While the City of Mississauga is supportive of the Minister's intent to bring more housing supply to the market, we are not convinced that simply speeding up more supply to the marketplace will have an impact on housing affordability or bring to the market the types of affordable units (ownership and rental) that are desperately needed in cities like Mississauga. For instance, in Mississauga, we have over 20,000 units approved and ready to build. The market is dictating when they will be built, not the City of Mississauga's planning process.

In the current legislation, there is no provision that the cost savings realized by developers will be passed on to consumers. Many of the changes will make it easier to build in Mississauga, but it does not mean affordability will be factored.

Finally, we are concerned that at a time when municipalities are being asked to do more with less, to find savings and efficiencies, and reduce red tape, that this legislation will only

add to our administrative burdens and increase costs. To meet the new approval timelines, as well as administer the new DC payment system, we will need new staff and new administrative systems. This is cumbersome and will force Mississauga to make some tough decisions.

I understand this legislation will likely be passed before the Legislature rises for the summer recess. I would strongly encourage you to delay passage of this legislation and at the very least, consult thoroughly with municipalities during the creation of the regulations.

Thank you for your time and your consideration. I would be happy to answer any questions you may have or make my team of staff available to meet at your convenience.

Sincerely,

Bonnie Crombie

Bonnie Crombie
Mayor, City of Mississauga

Cc., Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Rod Phillips, Minister of Environment, Conservation and Parks
Hon. John Yakabuski, Minister of Natural Resources and Forestry
Deepak Anand, MPP
Kaleed Rasheed, MPP
Natalia Kusendova, MPP
Nina Tangri, MPP
Rudy Cuzzetto, MPP
Sheref Sabawy, MPP
Nando Iannicca, Chair, Region of Peel
Association of Municipalities of Ontario

City of Mississauga

Corporate Report

MISSISSAUGA

Date: 2019/05/21

To: Chair and Members of Council

From: Andrew Whittemore, M.U.R.P., Commissioner of Planning and Building

Originator's files:
LA .07.BIL
BILL 108 PROVINCIAL LEGISLATION

Meeting date:
May 22, 2019

Subject

Ontario's Housing Supply Action Plan and Implications for Mississauga

Recommendation

1. That the report titled *"Housing Supply Action Plan and Implications for Mississauga"* from the Commissioner of Planning and Building, dated May 21, 2019, be received for information.

2. That Council endorse positions and recommendations contained and appended to this report, and authorize staff to prepare additional detailed comments on Bill 108 and any associated regulations, as needed.

3. That the Mayor or designate be authorized to make submissions to the Standing Committee with respect to issues raised in this report, or to otherwise provide comments in writing as part of the Ministry's public consultation process.

4. That the City Clerk forward this report to the Ministry of Municipal Affairs and Housing; the Ministry of Natural Resources and Forestry; and the Ministry of Environment, Conservation and Parks; Mississauga's Members' of Provincial Parliament (Deepak Anand, Member of Mississauga Malton; Rudy Cuzzetto, Member of Mississauga – Lakeshore; Natalia Kusendova, Member for Mississauga Centre; Kaleed Rasheed, Member for Mississauga East – Cooksville; Sheref Sabawy, Member of Mississauga – Erin Mills; Nina Tangri, Member of Mississauga – Streetsville), the Association for Municipalities Ontario, and the Region of Peel.

Originators file: LA.07.BIL

Report Highlights

- Recent amendments have been proposed to 13 pieces of legislation that form Bill 108 "More Homes, More Choice Act, 2019" (the Bill) that affect the planning process, appeals and the imposition of development charges (DCs).
- Staff support the need to improve the diversity and affordability of housing. However, Bill 108 does not contain many of the targeted approaches outlined in the City's Housing Strategy such as expanded municipal revenue tools for incentives, simplified inclusionary zoning or tax reforms. Instead the Bill assumes that changes to municipal fees and approval timelines for all land uses and unit types will result in more homes being constructed (selling at lower prices).
- The Bill has the potential to reduce the amount of money available to provide the soft services required to create complete communities including: libraries, community centres and parkland. The financial impact will depend on rules contained in the forthcoming regulations.
- A number of the proposed changes would place new administrative burdens on municipalities which contradict the government's objective of reducing red tape.
- Changes to Local Planning Appeals Tribunal (LPAT) are proposed that will reduce Council's authority and limit resident participation in hearings.

Background

On May 2, 2019, the Honourable Steve Clark, Minister of Municipal Affairs and Housing presented the *"More Homes, More Choice: Ontario's Housing Supply Action Plan"* (the Plan), with the goal of increasing the supply of new ownership and rental housing in Ontario. The Plan is supported by omnibus Bill 108 that was introduced to Provincial legislature and carried on the first reading (May 2, 2019).

The Plan transforms Ontario's land use planning system and includes changes to 13 Acts (including the *Planning Act, Development Charges Act, Local Planning Appeal Tribunal Act* and other legislation), some new or updated regulations and changes to provincial planning policies.

The purpose of this report is to: highlight to Council the major changes to proposed in Bill 108; the potential impacts on the City; identify areas of support and areas of the Bill that should be reconsidered and seek authority to submit comments.

To date, there are limited implementation details available. However, the spirit of the proposed changes signal the potential for adverse impacts to the City from a financial, community building and public engagement perspective. The City is being asked to provide comments in the absence of key regulations that will support implementation.

Comment periods on the proposed legislative changes (via 10 Ontario Environmental Registry postings) close between May 18 and June 1, 2019. Those comments due prior to May 23, 2019 have been provided to the Province. Council is being asked to endorse all comments contained and appended to this report.

City staff will continue to update and advise Council on the impacts of the Bill as implementation details become available. In anticipation of the Bill advancing, including future amended versions and regulations being posted throughout the summer recess, staff also seek authority to submit comments to the Province as needed, where timelines do not permit reporting to Council in advance.

Comments

The City strongly supports provincial aims to create more housing, a greater mix of housing and efforts to make home ownership and renting more affordable. The City further supports the government's commitment to reduce red tape and make it easier to live and do business in Ontario.

Mississauga has some concerns, however, that many of the implementation mechanisms proposed as part of the Plan and the Bill may not support these objectives. Rather, these changes could negatively impact residents, create additional red tape and inadvertently slow down housing coming to market. The City also questions how housing affordability is improved by assisting developers with commercial and industrial developments, as proposed through proposed changes to the development charges regime.

Staff have undertaken a review of the Plan and the Bill. Key areas of interest are set out below by major topic area.

1. Housing Supply Verses Housing Affordability

Housing supply in general is not a major issue in Mississauga as the city has over 20,000 zoned residential units awaiting development. However, the City does have a significant affordable housing supply problem. Bill 108 aims to address housing affordability by reducing planning approvals timelines and various development-related fees imposed for new infrastructure. However, there is nothing in the legislation that requires developers pass along these savings to new homebuyers or tenants.

As noted in the recent report prepared by N. Barry Lyon Consultants and presented to General Council at its meeting of May 1, 2019 developers will price housing at the maximum level the market will support. Any increases/decreases in fees do not affect the sale price of units (the scope of the report was on owned homes and not rental units). Additionally, lost revenue from reduced charges could lead to higher property taxes or reduced services, which increases the cost of housing.

1.1 Impacts on Planned Housing Incentives

Staff are in the process of developing a Community Improvement Plan and financial incentive program for affordable forms of housing. Bill 108 has the potential to lower development-related charges across all land uses (residential, industrial, retail, institutional) and all housing affordability categories. This could leave less tax funding available for the City to offer incentives specifically targeted for affordable housing. Also, limiting inclusionary zoning to community permit and transit station areas will reduce opportunities to create affordable housing city-wide.

1.2 Mississauga's Response:

- The forthcoming regulations should require any reduction to charges be passed directly to future home owners and renters.
- The province should consider expanded municipal revenue tools for incentives, simplified inclusionary zoning and tax reforms as outlined in the City's Housing Strategy. The City would like to see the incentives specifically target affordable and missing middle housing.

2. Community Benefit Charge

Of all the proposed changes, the community benefit charge could be the most significant.

In the current *Planning Act*, "Community Benefits" are known as bonus zoning, applying to sites that see height and density increases, beyond planning permissions. The developer contributes a portion of the land value uplift to help off-set the impact of this unexpected and increased development. The Bill is proposing that the term "Community Benefit" include: Section 37 contributions, soft services development charges (e.g. library, recreation and parks, and other services traditionally subject to the statutory ten per cent deduction under the *Development Charges Act, 1997*); and parkland dedication requirements. The legislation indicates the amount of the charge will be capped as a prescribed percentage of the value of the lands, rather than a per-unit type of charge. If the cap reduces what the City is able to collect, there could be impacts on the tax base or service levels.

The financial impact of this community benefit charge is unknown, as the Province has not released its regulation that will set the cap and associated interest rates. Nor has it provided

direction on how it would be administered – a set average across the city or though individual land appraisals with each development. Staff will monitor the regulations and determine the impact on DCs and parkland contributions.

2.1 Land Value Does Not Correlate With Soft Services Provision

The city has concerns that land value is the basis for calculating the community benefits charge, as land value is not correlated to the provision of soft services. Land values vary significantly across the city and have a limited link to people and jobs. For example, a formerly contaminated site next to a highway may have a lower land value than an ideal development site on the water. However, a development with 1,000 people in each scenario is likely to have similar servicing needs.

A land value based approach may be appropriate for the acquisition of land for parks, community centres and libraries. However, the construction costs of these facilities are static and would be more equitably collected on a per person/unit basis.

2.2 Conflict Around Land Appraisals Are Common

Delays, costs and conflicts could be incurred through an appraisal process Land valuations for high density development are often contentious and subject to frequent change as supply becomes constrained. If there are disputes on the value of lands, this could result in delays in calculations and add cost to the process.

The City also seeks clarity on who would absorb these costs i.e. would the City or the builder pay for and commission the appraisal?), and what the processes would be for managing disagreements. Disputes over land valuation as part of Section 37 agreements are already common, but will be intensified with an expanded scope of Section 37 and the amount of money under consideration.

2.3 Soft Services and Parks Support Complete Communities and Affordability

If the proposed changes result in a loss of revenue, the City would have to make difficult decisions on how to allocate funds between services. The community benefit charge also considers regional soft services such as EMS, social housing, long-term care and childcare. Currently the allocation between services is prescribed based on service levels, which is a better methodology. It is unclear how these funds would be allocated to the regional soft services. Caps for both lower- and upper-tier municipalities may need to be established.

Library collections will no longer be eligible for funding through the Community Benefit and this growth-related cost will become a burden on the tax base.

2.4 Mississauga's Response:

- Additional time to comment on Bill 108 once the regulations are completed would allow the City to understand and comprehensively analyze the full impact of the proposals, including the cumulative financial impacts.
- Further consultation with the City (along with other municipalities) on any draft regulations associated with proposed Bill 108 would be recommended
- Population, housing units, employment and gross floor area drive the need for municipal services. A charge based on these metrics is more equitable than land value for services unrelated to land.
- This Province should consult further with municipalities before enacting a cap, and ensure this cap supports revenue neutrality from the existing legislative framework.
- Further, clarification of the appraisal process is required.

3. Administration of Development Charges

Bill 108 proposes to change the administration of DCs. Currently, DCs are payable at the time of issuance of the first building permit, based on the DC rates in effect at that time.

Bill 108 proposes that DC rates be determined at an earlier stage in the development approval process either at site plan application date, or at the time an application for zoning by-law amendment is submitted for those buildings that are not subject to site plan approval. There will be a reduction in DCs collected for those sites, where an application is submitted and the applicant does not proceed with building in the short term. For example, in greenfield developments where communities take a number of years to build out.

3.1 More Effort and Complexity to Administer Development Charges

The proposed changes would substantially increase the amount of effort required to administer DCs. The City does not currently have the staff or technological resources in place to support the proposed changes. The Province should delay any proposed changes to allow for proper planning to make these major transitions and set up these new processes. Chart 1, below, compares the existing and proposed methods.

Originators file: LA.07.BIL

Chart 1 – Comparison of Administrative Procedures

EXISTING LEGISLATION

		Site Plan /rezoning Application Date	Building Permit Issuance	Occupancy	Year 2	Year 3	Year 4	Year 5	Year 6
All Uses	DC Hard Services		Calculated & Paid						
	DC Soft Services		Calculated & Paid						
	CIL of Parkland		Calculated & Paid						
	Section 37	Calculated & paid at lifting of H							

BILL 108 PROPOSAL

		Site Plan /rezoning Application Date	Building Permit Issuance	Occupancy	Year 2	Year 3	Year 4	Year 5	Year 6
Residential Condo	DC Hard Services	DC Rate Frozen	Pay DC based on Frozen rate						
	DC Soft Services CIL of Parkland Section 37		Community Benefit Charge Calculated & Paid *Appraisal required						
Other Uses	DC Hard Services	DC Rate Frozen	Calculate DC Based on Frozen Rate	Pay 17% of DC + interest	Pay 17% of DC + interest	Pay 17% of DC + interest	Pay 17% of DC + interest	Pay 17% of DC + interest	Pay 17% of DC + interest
	DC Soft Services CIL of Parkland Section 37		Community Benefit Charge Calculated & Paid *Appraisal required						

Under the current administrative framework, there is frequently one point in the process where the City must engage the developer/applicant in relation to development-related costs. Under the proposed system the City will need to engage the developer/applicant up to 10 points in the process, as well as organize and potentially fund a land appraisal. The City requests that the current administrative framework be maintained.

City staff will need to transform current business processes if the proposed changes are implemented. It will be a major administrative burden to collect DCs in six installments and keep track of interest owed. This may require the use of additional agreements registered on title, which will incur additional costs and administration. The City will be challenged to track applicants/businesses over many years, particularly if a business goes bankrupt, is sold or moves. The proposed changes create an active administrative and enforcement role by municipalities that does not currently exist.

It is further noted, calculations of DCs at the site plan application stage is premature as generally the City is not yet sure of proposal details, as internal uses of the building are often not finalized. This is almost always the case for speculative employment buildings. A further administrative burden will be added if the use of a building changes over the period that DCs are being collected.

3.2 Support For Secondary Suites Exemption

Mississauga supports that DCs for new secondary suites be statutorily exempt, so long as the regulation is clear and prevents unintended units from qualifying (e.g. stacked townhouses).

3.3 Mississauga's Response:

- Maintain current calculation and payment dates for all uses except rental housing.
- Ensure the Housing Supply Action Plan reduce the administrative burden on municipalities.
- Any proposed changes should include a transition period to allow for operational changes and staff training.

4. Planning Act Appeals

The Bill will return to many of the practices of the former Ontario Municipal Board. These changes will lessen the strength of Council's planning decisions and the City's planning framework. For example, parties can once again introduce fresh evidence and call and examine witnesses at hearings. Moreover, the consistency and conformity standard of review and 2-stage hearing process have been eliminated. This will allow LPAT to overturn Council's decision for any planning reason. Community participation will continue to be limited to written submissions at LPAT hearings for participants.

4.1 Heritage Matters Appealable to LPAT

The proposed changes would also make Council's decision to designate and permit alterations to heritage properties appealable to LPAT instead of the Conservation Review Board. It is unclear whether the Conservation Review Board will continue to have any authority or jurisdiction going forward.

4.2 Shorter Timelines for Decision Making will Impact Quality Planning Outcomes and Community Participation

The Bill proposes to reduce decision making timelines for Official Plan Amendments, Zoning By-law Amendments and subdivision applications that are shorter than even pre-Bill 139 timelines. These reduced timelines are not sufficient to allow for staff and agency review, and public consultation. It will be difficult for the Province's commenting agencies to meet the shortened

deadlines. Often times, an applicant will refine the application once the agency comments have been received and a public meeting has been held. Sometimes the applicant will engage in a series of meetings with the community to resolve issues. It has also been our experience that applicants will take longer to resubmit a proposal than it takes for the City and agencies to comment. The reduced timelines have the potential to negatively impact applicants in their efforts to resolve issues, and together with the expanded powers of the LPAT on appeal, have the potential to undermine the municipal planning decision-making process.

It is noted that times for development approvals are only one factor in affordability. For example, the Zoning By-law was amended in the mid-1990s to allow unlimited height and density within the downtown core. Nothwithstanding that services were available and a large percentage of the land was vacant, two decades later the area is still not built out.

Instrument	Pre-Bill 139	Bill 139	Bill 108
Official Plan/ Official Plan Amendment	180 days	210 days	120 days
Zoning By-law Amendment	120 days	150 days	90 days
Draft Plan of Subdivision	180 days	180 days	120 days

4.3 Mississauga's Response:

- The significantly shorter timelines impact community participation, reduce the ability to refine development applications and have the potential in increase the LPAT caseload.
- The proposed changes potentially give rise to three streams of LPAT appeals. Without the transition regulations, the impact on staff resources and potential outcomes will be uncertain. Municipalities should be consulted in the development of these regulations.
- Currently, LPAT does not have expertise in matters relating to heritage. Adjudicators with expertise in heritage matters should be appointed
- Mississauga has realized substantial efficiencies through its E-Plans system. The Province (through the Housing Supply Action Plan) could support the modernization of the approvals process with this type of technology.

5. Inclusionary Zoning and Major Transit Station Areas

It is proposed that inclusionary zoning be limited to areas where the minister requires a community planning permit and major transit station areas. The City supports bringing houses to market quicker, but is concerned that the proposals may inadvertently create new and additional barriers and delays. It may also undercut the City's abilities to provide incentives for affordable housing.

The proposed changes enable the Minister to require the use of a community planning permit in specified areas, such as major transit station areas (Mississauga has 63) and provincially significant employment zones. Once a community planning permit by-law is in effect, planning approvals in these areas would be fast tracked to 45 days. It is not clear how proactively the province would use this power, however these requirements could increase pressure on planning staff. There is also limited expertise in Ontario to develop community planning permits for high density, mixed use developments and it can be time consuming to implement.

5.1 Mississauga's Response:

- The City's Housing Strategy identified broad use of inclusionary zoning, and proposed restrictions on this tool undermine the City's ability to offer related incentives and deliver affordable housing.
- The municipality should decide which tools to use to accelerate growth in major transit station areas, based on local conditions.
- A 45 day window is not a feasible window to assess development applications in a community planning permit area.
- Due to almost all of Mississauga's employment areas being identified as a provincially significant employment zone, the City will be unable to benefit from the opportunity to advance some employment area conversions in major transit station areas. This will limit the City's ability to realize Council approved planning strategies to advance redevelopment in these areas. See Appendix 3.
- To speed up development, the City would be highly supportive of the Province creating a regulation to enable conditional zoning to quickly pre-zone lands. The City also requests that the Province re-instate inclusionary zoning municipality-wide.

6. Environmental Protections

As part of the Plan, changes have been proposed to several pieces of environmental legislation, including modifications aimed to streamline the Municipal Class Environmental Assessment processes, promoting beneficial reuse of excess soil, streamlining and standardizing conservation authorities' role in municipal planning to speed up approvals and creating more transparent rules on protecting species at risk and their habitat

6.1 Mississauga's Response:

- Changes to way that endangered species are classified could impact cities ability to protect natural heritage system, as the Act previously provided strong justification to protect key habitats in Mississauga.
- The City is supportive of many of the proposed changes to the Conservation Authorities Act, but seeks greater clarity on how MOU's be reviewed. Appropriate transition should be provided. The City relies on our Conservation Authority partners for natural area

conservation (tree canopy expansion, invasive species management, habitat restoration and stewardship programs). These are all considered "non-core" services in the Plan.

- Changes to excess soil regulations could impact costs of delivering some municipal projects (e.g. new requirements around soil testing could increase costs, but could reduce costs around disposal). The City has requested additional clarification.
- The City would support the Housing Supply Action Plan streamlining processes with commenting agencies in order to expedite approvals.

A detailed breakdown and assessment of the proposed changes are included in Appendix 1

Financial Impact

The changes identified in the proposed Bill 108 may have significant financial impact for the City. The full cost and administrative burden cannot be determined without additional details that will be found in the regulations, when these are released. The following analysis is based on currently available detail.

The City currently collects funds through DCs and CIL-Parkland as well as Section 37, and allocates these funds to relevant projects during the annual budget process. Based on the 2019 approved budget and current revenue projects, the City is projecting $575M in revenues from DCs (excluding Stormwater) and CIL-Parkland for the 2019-2028 period.

Summary of Development-Related Revenues, Excluding Section 37 ($Ms)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
DC Residential Revenues (Hard Services)	20.5	12.5	13.6	14.7	20.3	24.5	16.3	17.2	18.1	20.4	178.0
DC Non-Residential Revenues (Hard Services)	10.4	10.9	11.2	12.5	12.8	9.0	9.2	9.5	10.7	10.9	107.1
DC Residential Revenues (Soft Services)	17.1	12.6	13.6	14.8	20.2	24.0	16.2	17.1	18.0	20.2	173.7
CIL Parkland	11.6	9.3	9.7	10.3	10.8	16.7	12.1	12.7	11.2	11.8	116.2
TOTAL	**59.6**	**45.2**	**48.1**	**52.3**	**64.1**	**74.2**	**53.7**	**56.4**	**58.0**	**63.2**	**575.0**

These revenues flow through the City's Reserve Funds to ensure the City can develop its various services, such as parks, recreation facilities, transit and roads. The 2019-2028 capital program planned to be funded from these revenue sources (including funding already in reserve funds) is shown below.

Summary of Capital Programs Funded From Development-Related Revenues (2019-2028) ($Ms)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
Parks & Forestry	7.0	96.9	18.7	12.0	18.7	29.5	22.6	20.0	16.2	19.4	260.8
Recreation	6.8	5.0	1.8	8.7	7.3	8.2	-	-	-	6.8	44.7
Roads	18.9	25.5	20.8	23.6	28.2	30.4	23.6	23.1	20.8	23.7	238.6
MiWay / Mississauga Transit	0.1	1.2	4.3	3.1	3.9	2.5	2.5	1.9	3.2	8.4	31.0
Other	0.1	-	1.3	0.3	0.3	2.5	5.7	7.3	6.1	10.1	33.7
TOTAL	**32.9**	**128.6**	**47.0**	**47.7**	**58.3**	**73.0**	**54.4**	**52.2**	**46.3**	**68.4**	**608.7**

Section 37 funds are not projected as they are determined on a very individual basis, and spending is specifically based on what is collected. The City collected $2.7M in Section 37 funding in the past year.

The potential impact of Bill 108 differs for different streams of funding within DCs and CIL. The following provides a discussion of anticipated impacts, assuming implementation of the new model in 2020.

7.1 DC Hard Services Revenues Collected at Building Permit

The major change proposed for DC Hard Services Revenues for non-rental residential units is that the rates paid for these DCs will be determined at the time of site plan application rather than when the DCs are paid, at building permit approval. Site plan approval can occur notably earlier than building permit approval, and the DCs collected by the City will not benefit from indexing between these two points in time. Assuming an average one-year delay between these two points in time, and taking into consideration lost interest on collected revenues, the City would be impacted by $7M over 10 years.

7.2 DC Hard Services Revenues Collected in Installments

DCs payable for rental, industrial and commercial units will be now be payable over six installments, with prescribed interest. In addition to the increased administrative burden this will cause, the impact on cashflow will be significant. On average, about $10M annually is anticipated from this revenue source. Now, this payment will be spread out over 6 equal annual payments. There will be a cumulative loss of interest of approximately $5M over the 2019-2028 period. Furthermore, the delayed cashflow will result in either a delay in the implementation of capital projects, increased debt and associated cost to accommodate the loss of cashflow, or an increased pressure on the taxpayer.

7.3 Current DC Soft Services and CILs Collected Through Community Benefit Charge

As noted above, the City is anticipating $174M in DC soft services revenue and $116M in CIL-Parkland revenue, for a total of $290M. Details of how the Community Benefit Charge will impact the City's projected revenues are unknown, but even a 10% reduction would result in a $39M loss of revenue over the 10-year period, after factoring in lost interest. This loss would result in either a delay in the implementation of capital projects, increased debt and associated cost, or an increased pressure on the taxpayer. Every 10% reduction the Community Benefit Charge might have on revenues equates to a 0.8% pressure on the taxpayer.

7.4 Operating Budget Pressures

There will be staffing and technological pressures arising from the increased administration around the proposed changes, but these cannot be determined in the absence of regulations. Library collections (currently budgeted at $90,000 annually) will no longer be eligible for DC funding, and would have to be funded through the tax base.

Conclusion

The Bill, as proposed, has limited alignment with the City's housing Strategy, and could potentially undermine the City's ability to advance some of the key initiatives to incentivize affordable housing. Further, the Bill may actually reduce the City's ability to build complete communities.

Some of the key observations include:

- There is no evidence that any of the savings to be achieved through the Bill will be passed on to the new home owner or renter.
- The potential opportunity for the City to require affordable housing in new development through inclusionary zoning is significantly more restricted, as it will be limited to areas where the minister requires a community planning permit and major transit station areas.
- The Bill does not address key issues of housing affordability which includes the supply of appropriate sized housing and affordability.
- Based on initial evaluations, significant losses in DC revenues as well as increased administrative pressures are anticipated.
- There is a level of uncertainty with the financial and service impacts that the revised community benefits charge will have.
- With shortened timelines, there will be reduced opportunity to engage community and to resolve issues that arise through development application
- With the removal of consistency and conformity test for development applications, there is the potential for more appeals to Council decisions

Overall, the Housing Supply Action Plan and the Bill seek to transform Ontario's land use planning system. However, the Province has not yet released detailed regulations to clarify how these broad and sweeping changes would be implemented. The comments in this report have been made in absence of the proposed regulations or information regarding transition.

City staff are requesting that the Province provide greater clarification, consult further and extend time for municipalities to provide feedback on all aspects of Bill 108. City staff will continue to advise Council of how the changes proposed as part of Bill 108 will impact the Mississauga from a financial, environmental and community building perspective, as these details are available.

Attachments

Appendix 1: Detailed Assessment of Proposed Changes by Bill 108 and Comments to Province

Appendix 2: Comments on Environmental Legislation

2a) Combined Response

- Comments on Endangered Species Act - Due May 18, 2019
- Comments on Environmental Protection Act - Due May 20, 2019
- Comments on Environmental Assessment Act - Due May 25, 2019

2b) Comments on Soil Regulation – Due May 31, 2019

Appendix 3: Comments on Provincially Significant Employment Zones

A. Whittemore

Andrew Whittemore, M.U.R.P., Commissioner of Planning and Building

Prepared by: Katherine Morton, Manager, Planning Strategies

Appendix 1 - Detailed Assessment of Proposed Changes by Bill 108 and Comments to Province

Changes to Development Charges

Bill 108 proposes to impact financing mechanisms currently used by the City of Mississauga. Critical regulations to implement Bill 108 are forthcoming, and City staff are unable to provide detailed conclusions regarding the financial impacts that Bill 108 in the absence of these details. In some areas this Bill supports efforts that the city was already working to implement, such as exempting secondary suites from DCs.

Change	Description	Possible Implications	Comments to Province
Community Benefits Charge By-Law	Section 37 contributions, soft services, DCs and parkland dedication requirements would all be collected under a single community benefit charge (CBC) by-law CBC is based on a prescribed percentage of the value of the lands. Details on the by-law authority and the proposed land value cap will be addressed in the regulations. Note: Soft services include library, recreation, parks, and likely other services subject to the statutory ten per cent deduction	➢ CBC will remain as the only development-related tool for municipalities to raise community infrastructure for growth ➢ City provides services on a per capita basis. Land values are not related to population needs. ➢ Linking charges to land values incents high density development, which could limit diversity in housing form especially missing middle housing, neighbourhood design and quality of life. Higher density development will compound any funding gap in service provision. ➢ Each parcel will need to undergo appraisal which will be complex to administer ➢ Increased competition for funds across city may not allow for local improvements in areas attracting growth.	➢ The regulation is needed to understand the implications of the CBC ➢ Do not support linking land value and soft services. If this approach continues, set a scale of CBC cap rates in consultation with municipalities ➢ Provide transition of later of four years or the expiry of the current DC by-law from the date of Regulation prescribing requirements for s.37 CBC by-law. ➢ S. 9.1(1) of *DC Act* – transition date changed from May 2, 2019 to date Schedule 3 proclaimed in force. ➢ S.37 of the *Planning Act* – That the Province clarify that each of a municipality in an upper-tier and lower tier municipality can pass a CBC by-law for services within its geographic boundary, and shall be each subject to a separate cap. This can be clarified in the Act, or through the Regulations ➢ S.37 of the *Planning Act* – modify language such that City can *require* in-kind contributions (i.e. land for parks)

Change	Description	Possible Implications	Comments to Province
Freezing DCs	Development charge rates fixed at earlier stage in approvals process (e.g. date of site plan or zoning by-law application)	➢ Typically there can be a delay between site plan application and building permit issuance. This is especially true for speculative buildings where there is no tenant.	➢ Developers could apply for site plan with no intent to build in order to freeze rates. ➢ The City should be able to set a time line to freeze rates. ➢ DCs should reflect uplift in land values over that period.
Deferring DCs	DCs for rental housing, institutional, industrial, commercial and non-profit housing would be paid in six equal annual installments over a five-year period starting at building permit issuance.	➢ Create major administrative burden for the City, could require increased staff and resources to administer. ➢ Difficult for City to track businesses, particularly if business moves or goes bankrupt. ➢ Deferred collection will likely incur debt for cash flow. ➢ Changes place increased pressure on property tax base to provide same level of service or reduce service. This impacts the municipality from achieving other competing policy objectives, including complete communities.	➢ Allow the City to decide when DCs are deferred. ➢ Do not support deferring DCs for industrial and commercial developments. This will place a financial burden on the City and is outside the scope of increasing housing affordability or supply. ➢ Authority to register deferral agreements on title must be provided. ➢ Definitions must be provided for different land use types (e.g. rental housing, institutional, industrial, commercial and non-profit) ➢ Indexing should be applied to deferred fees.
Secondary Suites	Exempt a secondary suite in new residential buildings from DCs.	➢ Previously, the Act provided an exemption for a second unit within existing dwellings. ➢ Mississauga supports secondary suites exemption for new dwellings as long definitions prevent abuse.	➢ Mississauga supports that DCs for new secondary suites be statutorily exempt, so long as the regulation is clear and prevents unintended units from qualifying (e.g. stacked townhouses).
Waste Diversion	Remove 10% waste diversion.	➢ Limited impact on Mississauga. ➢ Peel estimates $2M in savings	➢ No comment

Changes to Planning Act Appeals and Local Planning Appeals Tribunal Processes

Bill 108 proposes to repeal many of the changes that were introduced as part of Bill 139 in 2017 (*The Building Better Communities and Conserving Watersheds Act, 2017)*. Bill 108 retains the LPAT by name, but returns to many of the practices and processes of the former Ontario Municipal Board.

Matters, such as transition, are expected to be dealt with through additional regulations. Revisions to the LPAT's Rules of Practice and Procedure are also anticipated.

Change	Description	Possible Implications	Comments to Province
Best Planning Outcome	LPAT authorized to make decisions based on the "best" planning outcome (i.e. good planning). The consistency/conformity standard of review and 2-stage hearing process have been eliminated.	➢ Could lessen the strength of Council's planning decisions.	➢ Council planning decisions should be primary the consideration; LPAT should be limited to reviewing Council decisions. ➢ Restore Bill 139 grounds of appeal of consistency/conformity to be more deferential to Council decisions
Introducing New Evidence	Parties can introduce fresh evidence and witnesses can be examined (e.g. *de novo* hearings).	➢ Could lessen the strength of Council's planning decisions.	➢ Council planning decisions should be primary the consideration. ➢ Reinstate subsections 34(11.0.0.0.3) and 17(7.0.2.1), so that Council can approve a proposal that differs from what was applied for.
Fees	LPAT to charge different fees and move towards a cost recovery model (i.e. "self-sustaining"), while allowing community groups and residents to maintain affordable access to the appeals process.	➢ No further details given at this stage. ➢ Could increase costs for municipalities to defend its decisions. ➢ Increased costs to appeal could create a barrier for community participation.	➢ Ensure appeals process is accessible. ➢ Further clarity is required on cost recovery model and costs for municipalities.
New Adjudicators	To hire more adjudicators at the LPAT to address the backlog of cases by investing $1.4 million in 2019-2020.	➢ Supportive of increased resources to address backlog	➢ No comment.
Heritage	Time limit of 60 days for decisions will be introduced. Council's decision can be appealed to LPAT instead of the Conservation Review Board.	➢ Currently City responds to these requests within 10 days. ➢ Unclear if Conservation Review Board will continue to have any authority.	➢ Suggest adjudicators with heritage expertise be appointed

Proposed Changes to Planning and Building Processes

Bill 108 proposes significant changes to municipal planning and development processes, with the intent to bring housing to market faster, speed up local planning decisions, eliminate unnecessary steps and cut red tape. To support this goal, proposed changes reduce decision and approvals timelines, could mandate the use of planning tools and expand some planning permissions.

Change	Description	Possible Implications	Comments to Province
Inclusionary Zoning	Limits inclusionary zoning in high growth areas, where CPPs are required by the Minister.	➢ Limiting inclusionary zoning could reduce City's ability to obtain affordable housing through development approvals.	➢ Allow municipalities to utilize inclusionary zoning throughout city, in line with Mississauga's Housing Strategy. ➢
Community Planning Permits	Minister can require the use CPPs in specified areas, such as major transit station areas and provincially significant employment zones. Planning approvals in these areas would be fast tracked to 45 days.	➢ City has 63 major transit station areas and 97% of employment area is provincially significant employment zone. ➢ If Province widely uses power, would increase pressure on staff/ resources.	➢ The City considers that the community planning permit approach is relatively untested, and time consuming to put in place. To speed up development, the City would be highly supportive of the Province creating a regulation to enable conditional zoning to quickly pre-zone lands. The City also requests that the Province re-instate inclusionary zoning city-wide.
Shortening Development Application Timelines	Timelines are reduced down to 120 days for official plan amendment applications (from 210 days) and 90 days for zoning by-law amendment applications (from 150 days) and subdivision changed to 120 days (from 180 days). These timelines are considerably shorter than the timelines that were extended to municipalities in 2017 under Bill 139 (as noted), and shorter than the timelines in place prior to Bill 139 (180 days, 120 days and 180 days, respectively).	➢ Given the complexity development applications, shorter timelines would increase pressure on staff/ resources and could impact community participation.	➢ Add a provision allowing a suspension of the timelines for Council decisions upon agreement of the municipality and the applicant ➢ Request that the Province maintain current timelines for planning approvals. ➢ If timelines for development applications are to be shortened, request that the Province return to timelines in place pre-Bill 139 in 2017.

Change	Description	Possible Implications	Comments to Province
Parkland Dedication	Municipalities can still pass a parkland dedication by-law for conveyance of land, but where a s.37.1 by-law is in effect, the parkland dedication by-law is of no force or effect. All cash-in-lieu provisions have been repealed. If parkland is taken at s.51 (subdivision) then s.37 by-law does not apply.	➢ S.37 by-law appears to allow parkland to be included within its scope, and allows in-kind contributions, so it may be that CIL and/or land dedication can still occur, but it may be at a lesser rate (due to the possible caps on charges as a percentage of land value).	➢ Municipalities should have community benefits and parkland dedication to achieve complete communities ➢ Retain current provisions that permit municipalities to require parkland as a condition of development ➢ Growth related park and community infrastructure should be in place until the completion of the CBC strategy ➢ S.37 of *Planning Act* - modify language such that City can require in-kind contributions (i.e. land for parks) ➢ S.37/42 – transition should allow CIL/alternative rate to continue until s.37 CBC by-law enacted
Secondary Suites	Permission for up to 2 second units in a main residence and another unit in another building on the same lot (e.g. second unit in a home and a laneway house).	➢ Previously, the Act provided permission for a second unit only. ➢ Mississauga supports secondary suites, where appropriate.	➢ Clarity should be provided on ancillary garden structures. ➢ Municipalities should be permitted to establish regulations in line with new provincial changes.
Harmonize Provincial and National Building Code	Harmonize the Ontario Building Code with the National Code.	➢ Eliminates requirement for electrical vehicle charging stations in new homes. ➢ Could impact on staff training.	➢ Phase transition to coincide with national updates and limit need for staff training and retraining.

Proposed Changes to Environmental Processes

Changes have been proposed to several pieces of environmental legislation, including modifications to the Municipal Class Environmental Assessment process in an attempt to stream line the process, promoting beneficial reuse of excess soil, streamlining and standardizing conservation authorities' role in municipal planning to speed up approvals and creating more transparent rules on protecting species at risk and their habitat.

Change	Description	Possible Implications	Comments to Province
Identifying and Protecting Species At Risk	Delay in implementing Species at Risk (SAR) identification and Minister can request endangered species categorization be reconsidered. Consider species' condition outside of Ontario prior to classifying species at endangered or threatened. Delay in protection of habitat for SAR.	➢ The City's Natural Heritage System (NHS) contains a variety of habitats for species protected under the ESA. This may result in more difficulties in protecting our NHS as one of the considerations for protection of certain NHS features is the presence of SAR. ➢ Some species may be down listed to a less restrictive classification since areas outside of Ontario are to be considered in the classification. This could also make protection of Mississauga's features more difficult.	➢ Refer to detailed comments.
Geographic Specific Agreements	Geographic specific agreements that allow otherwise prohibited development due to the presence of Species At Risk to proceed.	➢ In areas where the presence of a Species At Risk would result in the preservation of an area, this would allow an area to be impacted by an activity which could result in the loss of Species At Risk habitat (for certain species).	➢ Refer to detailed comments.
Conversation Fund	Establish Species at Risk Conservation Fund. Funds are to be used for "large-scale actions", which typically can't be accommodated in a city where our landscape may not meet the criteria for "large scale" conservation projects.	➢ It is unclear if Mississauga would have access to these funds. They are to be used for "large-scale actions", which typically can not be accommodated in a city where landscape may not meet the criteria for "large scale" conservation projects.	➢ Refer to detailed comments. ➢ Require clarification on ability to access funds.

Change	Description	Possible Implications	Comments to Province
Focus Conservation Authorities (CAs) to Core Areas	CAs to focus and deliver on their core programs and services of flooding, natural hazards, source water protection. Outside of the above, financial agreements with municipality must be in place before CA can provide program or service.	➢ Mississauga's agreements/MOU may need to be reviewed– appropriate transition should be provided.	➢ Refer to detailed comments.
CAs in Development Approvals	Streamline and standardize conservation authorities' role in municipal planning to reduce overlap, making approvals faster and less expensive.	➢ Planning Act approvals are dependent on Conservation Authority review and permit approval.	➢ Refer to detailed comments.
Brownfields	Amends the regulation to align with the proposed soil reuse regulation and rectify some issues with the current regulation.	➢ No significant changes to the regulation. Changes proposed align with items the City had noted required amending.	➢ Refer to detailed comments.
Environmental Compliance Approvals	Would allow developers with agreements with municipality to construct sewage works under the municipality's ECA.	➢ No negative impacts to City	➢ Refer to detailed comments.
New Regulation - Reuse of Soil	Purpose is to increase the beneficial reuse of soils by implementing restrictions on what soils can be sent landfills and providing guidelines and standards for the reuse of excess soil at project sites.	➢ Promotes beneficial reuse of soils. ➢ Could result in increased costs for municipal and private projects due to sampling and reporting requirements. ➢ Would impact soil testing costs on City projects. ➢ May reduce disposal costs for soil collected for ditch clearing in right-of-ways if can be reused instead.	➢ Refer to detailed comments. ➢ It is unclear the City's role when it comes to enforcement of this new regulation.

Change	Description	Possible Implications	Comments to Province
Environmental Protection Act	Proposes to reinstate the ability of officers to seize vehicle plates if the vehicle is involved in any offence under the Act. Administrative penalties have been broadened in scope and double in amount, plus any economic benefits derived by the person as a result of the offence.	➢ No impacts to City ➢ Intended to improve enforcement of illegal soil dumping	➢ Refer to detailed comments.
Environmental Assessment	The Province has taken a twofold approach to modification of the Environmental Assessment Act. There have been changes put forth in Schedule 6 of Bill 108 that are meant to provide immediate modification to the EAA, in parallel to a discussion paper, that is looking at ways to stream line the EAA process as part of the Made-in Ontario Environment Plan. The comments appended are specific to the modifications proposed in Schedule 6 of Bill 108. Comments on the discussion paper to the MECP will be submitted to the ERO under separate cover.	➢ There does not appear to be any impacts to the City with the immediate modification to the EAA	➢ Refer to detailed comments

Related Initiatives – A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

An updated *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019* (Growth Plan, 2019) will also come into effect on May 16, 2019 to drive some of the key actions set out in the *Housing Supply Action Plan*. Notable policy changes for the City of Mississauga are included below.

Initiative	Description	Possible Implications	Comments to Province
Targets and Settlement Area	Changes to the Growth Plan include lower density and intensification targets and simplified processes to expand the settlement boundary.	➢ Combined, these changes will likely lead to more low density growth and could affect Mississauga's growth allocation.	➢ Final Growth Plan now released.
Major Transit Station Areas	Major transit station areas may be delineated and the definition has been modified to a 500 to 800 metres radius of a transit station. The prohibition on appeals will also remain.	➢ City continues to work with Peel to delineate major transit station areas.	➢ Final Growth Plan now released.
System Mapping	Provincial Natural Heritage System and Agricultural mapping does not apply until incorporated into the applicable single or upper-tier municipality's official plan.	➢ City continues to work with Peel to refine provincial agricultural mapping, which includes Ninth Line lands.	➢ Final Growth Plan now released.
New Employment Protection Policy	A new policy has been developed to protect employment lands (outside of employment areas) to ensure new development will retain space for a similar number of jobs to remain accommodated on site	➢ This policy could be of great support for the City looking to protect employment uses and spaces as parcels are redeveloped.	➢ Final Growth Plan now released.

Initiative	Description	Possible Implications	Comments to Province
Provincially Significant Employment Zones	Lands within employments areas may be converted outside of and until the next municipal comprehensive review, provided that they are not located within a provincially significant employment zones. These zones can now also include mixed use employment lands. The Minister can issue specific planning directions.	➢ Technical updates of mapping to be align with in-effect official plans. ➢ Provincial now consulting on more substantial updates to mapping. ➢ Almost all of the Mississauga's employment areas are in zones, including lands identified for conversions in in Council approved plans. ➢ Mixed use lands could be identified.	➢ Update provincially significant employment zones to be in-line with Council approved and regionally supported planning strategies, to support advanced conversions and accelerate mixed use development in major transit station areas.

Appendix 2 – Comments on Environmental Legislation

- 2a) Combined Response
  - Comments on *Endangered Species Act* - Due May 18, 2019
  - Comments *on Environmental Protection Act* - Due May 20, 2019
  - Comments on *Environmental Assessment Act* - Due May 25, 2019

- 2b) Comments on Soil Regulation – Due May 31, 2019

Appendix 2A

Staff Comments on Bill 108: Proposed Changes

ACT / REGULATION	SUMMARY OF PROPOSED CHANGES	STAFF COMMENTS
Environmental Protection Act – Enforcement Tools	**1. Vehicle Permits and Number Plates** • Proposes to re-enact Part V.1 of the EPA to allow provincial officers to seize vehicle permits and numbered plates (including out-of-province vehicle plates) if it is reasonably believed that the vehicle was or is being used in connection with the commission of an offence under the *EPA, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Safe Drinking Water Act or Toxics Reduction Act.* • This proposed enforcement tool is being re-enacted primarily to enhance enforcement of the proposed Excess Soil Regulatory proposal that is also currently posted on the Environmental Bill of Rights registry for public comment until May 31, 2019. • The proposed legislation will ensure that no new vehicle licence permit and plates can be issued to the permit holder of the vehicle until further notice or until the prescribed prohibition period (ending no later than 30 days following the day on which the vehicle plates were seized). • Further, no person can apply for, obtain or have in possession a vehicle permit or plates for a vehicle that would result in a contravention of a notice of seizure, made under s. 49, or a court order issued under s. 50.	NO COMMENTS. *(No issues identified or any significant changes that may affect the City.)*

ACT / REGULATION	SUMMARY OF PROPOSED CHANGES	STAFF COMMENTS
	• Provincial officers may dispose of the seized vehicle plates and section 158.2 of the Provincial Offences Act does not apply to this type of seizure. (s.158.2 of POA relates to seizure under a warrant.) • When a seizure is undertaken under this provision of the EPA, the Ministry is required to give notice to the Registrar. • The court may issue an order under this section in addition to any other penalty imposed.	
Environmental Protection Act – Enforcement Tools	**2. Administrative Penalties** • Propose to repeal s.182.3 of the Act and replace with a revised section on Administrative Penalties, which has been broadened in scope to apply to any requirements or orders made under this Act, instead of a more limited list of circumstances. • A subsection on "prescribed contraventions" has been added, which may be in respect of, (a) A provision of this Act or the regulations; (b) A provision of an order under this Act; or (c) A term or condition of an environmental compliance approval, certificate of property use, renewable energy approval, licence or permit under this Act. • Exception to issuing an order for the above prescribed contraventions if the Director is able to issue an environmental penalty order to the person in respect of the same contravention.	NO COMMENTS. *(No issues identified or any significant changes that may affect the City.)*

ACT / REGULATION	SUMMARY OF PROPOSED CHANGES	STAFF COMMENTS
	• The total penalty has been increased from $100,000 to $200,000 for each contravention. Total amount of the administrative penalty may be increased by an amount equal to the amount of monetary benefit acquired or accrued by the person as a result of the contravention. • The existing subsection that provides the contents of a notice has been removed and is replaced with a subsection prescribing contents of an order made under s. 182.3. • A new provision for an annual report will be required regarding orders made under s. 182.3. • The subsection on regulations has been expanded to include regulations on prescribing circumstances where a provincial officer is authorized or prohibited from issuing an order, the amount of administrative penalties, including the maximum amount relating to monetary benefits, prescribing procedures related to administrative penalties, and payment of interest and late payment penalties.	
Environmental Protection Act - ECA	**Environmental Compliance Approval (ECA) in Respect of Sewage Works** • Overview: The proposed regulation would allow developers who enter into an agreement with the municipality to construct sewage works that the municipality may owner under the municipality's ECA. This would apply to municipalities who have ECAs with pre-authorizations and would enable developers to construct works that the municipality may owner under	NO COMMENTS. *(No issues identified or any significant changes that may affect the City.)*

ACT / REGULATION	SUMMARY OF PROPOSED CHANGES	STAFF COMMENTS
	the municipality's ECAs, if specific conditions are met (see details below). • For the purposes of clause 20.6 (1) (c) of the Environmental Protection Act (EPA), *Prescribed Persons* are defined as, any person who alters, extends, enlarges or replaces a sewage work, if both conditions below are met: o The altering, extending, enlarging or replacing is carried out under an agreement with a municipality, entered into under the *Planning Act* or the *Development Charges Act, 1997.* o The agreement provides that ownership of the sewage works may be transferred to: 1) the municipality; 2) a public utility commission deemed to be a municipal service board under the *Municipal Act, 2001*; 3) a municipal service board established under the *Municipal Act, 2001* or a city board as defined in the *City of Toronto Act, 2006*; or 4) a corporation established under the *Municipal Act, 2001* or under the *City of Toronto Act, 2006.*	

ACT / REGULATION	SUMMARY OF PROPOSED CHANGES	STAFF COMMENTS
Conservation Authorities Act	--	• It is unclear what the impact on municipalities would be from potential new fees for Conservation Authority programs and services • Further clarification of all mandatory and non-mandatory Conservation Authority programs and services will assist in identifying which services/programs are desirable to the municipality and to establish agreements moving forward including transparent recovery of capital costs and operating expenses (as applicable) • It is unclear how new provisions of the Act will impact municipalities with regards to regulation of areas/development permitting
Ontario Regulation 97/04 – CA's	--	• It is unclear if updating definitions for key regulatory terms, including: "wetland", "watercourse" and "pollution" would have impact on the development applications received by the municipality • It is unclear what qualifies as low-risk development allowing conservation authorities to further exempt activities from requiring a permit and what impact this would have on the municipalities

ACT / REGULATION	SUMMARY OF PROPOSED CHANGES	STAFF COMMENTS
		development application process
Environmental Assessment Act	• **Section 5**: o Section 5 amends the Act to make room for future modifications surrounding exempt projects, and exempts the Province from a number of EA requirements related to transit, mines, parks and real estate transactions, as well as Schedule A and A+ municipal class EAs. o Section 5 also adds language to the act that will provide a mechanism for the Minister to amend an approved class environmental assessment. The addition of Section 15.4 allows for both administrative amendments and more substantive amendments to approved Class EAs. • **Section 6**: o **Part 4** is the addition of a sub-section for grounds for order. The addition of subsection 4.1 implies that an order will only be issued when minister is of the opinion that the order may prevent, mitigate or remedy adverse impacts on; ▪ The existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in	• Section 5 - It is unclear at this time how this will impact the City. This could be a housekeeping modification, or further regulations could provide more contexts for this modification. • Section 6, Part 4 - It is unclear at this time how this will impact the City. We would like clarification on the implication of restricting orders in this manner. • Section 6, Parts 6 & 7 - It is our hope that this improves timelines on responses to Part II orders. Effectively creating a screening process for Order requests will mitigate the volume issues the Ministry is experiencing. • Section 6, Part 8 - It is our hope that this will alleviate what is perceived as a staffing issue at the Ministry. Staff support this decision and are optimistic that this modification to the EAA will benefit the City.

ACT / REGULATION	SUMMARY OF PROPOSED CHANGES	STAFF COMMENTS
	section 35 of the constitution Act, 1982; or ▪ A prescribed matter of provincial importance o **Parts 6 and 7** are adding language to deadlines set to request an order as well as to respond to an order. This part also adds the review of request by Director. The new act will require that the Director shall review an order request to determine its validity ahead of presenting to the Minister o **Part 8** allows the Minister to delegate order request issuance to a tribunal	
Excess Soil Regulatory Proposal	--	**Comments provided separately (see attached)**

APPENDIX 2B

COMMENTS ON EXCESS SOIL REGULATORY PROPOSAL - POSTED MAY 1, 2019

Environmental Registry of Ontario No. 013-5000

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE *(section, subsection, para.#, etc.)*	COMMENT	ACTION REQUESTED
PROPOSED CHANGES TO REG. 347				
n/a			NO COMMENT. *(Amendments to Reg. 347 only to add definitions related to excess soil and refer to the proposed excess soil regulation.)*	N/A
ON-SITE AND EXCESS SOIL MANAGEMENT REGULATION				
1	Definition – Excess Soil	s. 1(1)	Is it assumed that the term "excavated" extends to the use of a dry vac and/or suction excavator for the purposes of removing excess soil from the surface of a project area. Please confirm that this interpretation is correct.	Clarification
2	Definition – Project Leader	s. 1(1)	The definition of a Project Leader may need to be modified to include the General Contractor, rather than the property owner. In municipal construction contracts, the municipality has usually placed responsibility on the contractor to retain a Qualified Person and manage soils in accordance with applicable law and dispose of soils to licensed facilities, as applicable. It has been the contractor's responsibility under a contract agreement to locate their own disposal facilities. Under such circumstances under a construction contract, it is our opinion that	Modification

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE *(section, subsection, para.#, etc.)*	COMMENT	ACTION REQUESTED
			the General Contractor should be defined as the Project Leader, rather than the property owner or project manager representing the property owner. In addition, where the property owner or agent has overall responsibility for a project and retains a Qualified Person, and the property owner/agent is relying on the Qualified Person to advise on how to manage soil and find reuse locations, could the Qualified Person be defined as the Project Leader?	
3	Soil Bank Storage Site and Soil Processing Site	s. 1(1)	The definition indicates that soil bank storage sites and soil processing sites are waste disposal sites that will operate on a temporary basis for the storage of excess soils from one or more projects and is not operated by the project leader. What will be maximum term for storage of excess soils at a soil bank or soil processing site? How will operators keep track of excess soils received and transferred elsewhere to a final reuse site, particularly if mixing from different source sites is permitted? Please confirm that the Project Leader's liability and responsibility ends once excess soils are received by a soil bank or soil processing site.	Clarification
4	Exemption from waste designation if reuse site governed by instrument	s. 4(1) Table	Under Item 3, where under Column 1 there is an instrument that imposes <u>less</u> stringent requirements than the applicable excess soil quality standard in accordance with the Soil Rules, then under Column 2 the requirements in the instrument are permitted to stand, and <u>not</u> comply with the Soil Rules. Is this the actual intent to allow municipalities to pass by-laws and create permits that allow less stringent soil quality standards than the proposed excess soil regulation? If yes, what is the rationale behind this? If municipalities do pass by-laws that allow less stringent excess soil	Clarification

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE *(section, subsection, para.#., etc.)*	COMMENT	ACTION REQUESTED
			requirements than the regulation, would municipalities then be held liable and be subject to orders and fines under the *Environmental Protection Act* for non-compliance with the more stringent On-Site and Excess Soil Management regulation? The proposed wording in this table appears to indicate that the ministry would only enforce up to the requirements under the instrument and not the regulation. Please confirm.	
5	Exemption for waste designation if reuse site is not governed by instrument	s. 5(1)(1)	As per this section, the quality of excess soil going to a reuse site must not exceed applicable excess soil quality standards of that reuse site. In scenarios where a project area is exempt from section 7 and as such is not required to complete a Soil Characterization and Excess Soil Destination Assessment Report, it is unclear what the sampling and analytical requirements are in order to show that the soil meets the quality standards. In this scenario, is the excess soil to be sampled as per the frequencies and parameters identified in the Regulation if the soil is being transported to a reuse site? Or, is the acceptable sampling and analytical requirements to be determined by the QP of the reuse site?	Clarification or further guidance.
6	Before depositing specified excess soil, landfilling site, or dump	s. 11(1)	While there is good intent in this section to promote beneficial reuse of good quality soils and prevent unnecessary disposal at a landfill or dump, what if the owner of the source site cannot find a reuse site within the necessary timeframe of the project and the Project Leader has no other recourse than to send the soils to a disposal facility? While every effort will be made to reuse good quality soils, and until there are soil bank sites made available or a soil matching service is made available, there may be occasions where a significant amount of excess soil is generated for a large-scale project and there are not enough reuse sites are available or ready to take the soils at a given point in time, and there is insufficient storage space	Consider addition or clarification to regulation, or further guidance.

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			available on the project site until a reuse site can be identified. Could this be added as a valid reason that a Qualified Person could also cite on a declaration to the operator of a landfill or dump, under s. 11(3)? Will the ministry provide information on how to find potential reuse sites to help Project Leaders?	
7	Before depositing specified excess soil, landfilling site, or dump	s. 11(1)	Is it to be assumed that excess soils that meet the circumstance describe in schedule 1, item 2 (less than 100 m^3 going to a waste disposal site that is not a TESSS) are exempted from requirements under section 11,	Clarification
8	Before depositing specified excess soil, landfilling site, or dump	s. 11(2)	In this subsection, the term "sensitive sites" is neither defined in the regulation nor in the Soil Rules document. For clarity, please add a definition for "sensitive sites", or otherwise explicitly indicate "agricultural, residential, parkland or institutional uses".	Add definition or change wording.
9	Declaration by Qualified Person to operator of landfilling site or dump	s. 11(3)	Does the Qualified Person need to have soil samples collected with laboratory analyses in order to be able to make this declaration? In excess soil cases where less than 2000 m^3, there are no soil sampling or reporting requirements mandated. Could the Qualified Person then make a declaration based solely on visual and olfactory evidence?	Clarification
10	Temporary Soil Storage Site – Maximum amount of soil stored	s. 17(1)(3)	This section indicates that the amount of excess soil stored at a TESSS at any one time must not exceed 2,500 m^3, however, the Excess Soil Rules Part II s. 3(4) states that the maximum size of each pile of stored excess soil at a TESSS must not exceed 2,500 m^3. Please provide clarification as to whether the 2,500 m^3 maximum volume should refer to the total volume at a TESSS, or the individual piles and revise the text accordingly.	Clarification/ revised wording

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE *(section, subsection, para.#., etc.)*	COMMENT	ACTION REQUESTED
11	Temporary Soil Storage Site – Written record of intended reuse site	s. 17(1)(4)(ii)	Where a public body is the owner of a temporary soil storage site and where excess soils are generated by an infrastructure project of less than 2000 m^3 and is composed of topsoil, the regulation indicates that such excess soils are exempt from sections 7 and 10, thus not requiring a Qualified Person and not requiring the preparation of the formal documents required elsewhere in the regulation and in the Soil Rules. As per s. 17(1)(4)(ii) and the Excess Soil Rules Part II s. 3(2)(iv), temporary soil storage sites are required to have a written record identifying the intended reuse site(s) prior to receiving the excess soils and the date on which the reuse site(s) can start receiving the excess soil. However, in the scenario described above, there will be hundreds of locations where excess soils will be generated from multiple, non-adjacent road allowances at several times throughout the spring and summer season to clear out stormwater ditches and at present, the City of Mississauga disposes of such excess soils to a waste disposal facility. The City would like to beneficially reuse this soil in other road allowances, however, there will be hundreds of locations where this soil could be reused. Would it be satisfactory to the ministry in such cases, that the public body maintain an annual list of potential reuse site locations prior to the start of each ditch maintenance season and the anticipated timelines for the maintenance to occur, and instead of tracking individual municipal addresses, to keep a list of streets and intersections where work will be performed in order to be able to use municipal works yards as temporary soil storage sites, mix soils of similar quality (which are all comprised of topsoil) and then send off to multiple reuse sites per the annual list?	Clarification
12	Temporary Soil Storage Site – Storage time constraint	s. 17(1)(7)	It has been identified that the current maximum time of 2 years may not be sufficient to accommodate beneficial reuse of excess soil as it pertains to infrastructure projects.	Consider revision

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			Given the proposed restrictions to when soil can be sent to a landfill or dump site (to come into effect January 2023) and to encourage the beneficial reuse of excess soils, could consideration be given to providing an exemption to the maximum storage time of excess soils at TESSS' owned by public bodies? (Similar to the exemption included for the final placement of excess soil for infrastructure projects [s. 5(1)(6)]).	
13	Temporary Soil Storage Site – Soil characterization and written notification.	s. 17(4)(2)	At the City, soils collected via dry vac and/or suction excavator for the purposes of regular infrastructure maintenance (storm drainage ditches) are brought back to municipal works yards to be characterized prior to transport to an off-site licensed waste disposal facility, as characterization at the project area is not a viable option. Further, this scenario falls under Schedule 1, item 1 (and perhaps item 4) of the regulation and therefore, sections 7 and 10 do not apply. Historically, these soils generally meet O. Reg. 153/04 Table 3 Site Condition Standards for residential/parkland/institutional land uses and have the potential for beneficial reuse after sorting to remove debris. As per s. 17(4)(2), in order for excess soils to be stored at a TESSS, a notification is to be provided to the Director and must include a description of the quality of the excess soil. Could this be interpreted as quality based on the information present at that time (i.e. historical information)? Following characterization at the TESSS, if information provided in the notification is determined to no longer be accurate, corrected information will be provided in accordance with the Regulation. Please confirm that this interpretation is correct.	Clarification
14	Non-application of Sections 7 and 10	Schedule 1	For an temporary excess soil storage site owned by a public body and for excess soils <2,000 m^3, comprising of topsoil generated from linear infrastructure maintenance work from multiple non-adjacent road allowances, the sources would be coming from hundreds of municipal addresses and some properties with no municipal addresses, and the reuse sites would be along	Clarification

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			different and multiple road allowances. It is our interpretation that this scenario falls under Schedule 1, item 1 (and perhaps item 4) of the regulation and therefore, sections 7 and 10 do not apply. 1. Please confirm that this is the correct interpretation. 2. In lieu of a Soil Characterization and/or Excess Soil Destination Assessment Report, what type of documentation, if any, would satisfy the ministry that the public body is in compliance with the regulation for the proper use of the temporary soil storage site and reuse of topsoils?	
15	Liability for Non-compliance by Contractors	N/A	If a property owner, which could be a public body, forms a contract with a company to perform construction or maintenance work on behalf of the public body and in which the contract specifies that the contractor must abide by all applicable law, if the company does not comply with the regulation for the movement and reuse of excess soil, would the property owner be held liable by the ministry for the unlawful act of the company or would the ministry only view the company as being liable and subject to orders, charges, penalties, etc. under the regulation or Act?	Clarification
16	Liability for Non-Compliance and Record Keeping		As part of the City's usual municipal works process, there are various scenarios in which a third-party (i.e. developer) is responsible for the construction of roads and services on City owned lands. In these scenarios, the City enters into an agreement with a developer, at which point the lands are dedicated to the City and the developer is obligated to complete the necessary road and services construction with the dedicated right-of-way. While the City does review some aspects of the work (i.e. the design), the City does not review the construction practices and contract documents (e.g. soil management, construction tender documents etc.), nor are copies of these documents submitted to the City upon	Clarification

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE *(section, subsection, para.#., etc.)*	COMMENT	ACTION REQUESTED
			completion of the work. In addition, the City does not enter into any contracts with the developer the work that is being completed. Please provide clarification regarding what obligations the City would have with regards to conditions imposed on the developer as part of the agreement and what records the City would be required to obtain and retain (if any). Further, please provide clarification as to if the City (being the property owner) would be held liable by the ministry for the unlawful act of the third-party or would the ministry only view the third-party as being liable and subject to orders, charges, penalties, etc. under the regulation or Act.	
17	Record Keeping – Municipal Addresses	N/A	Many infrastructure project areas and potential infrastructure reuse sites do not have a municipal address, but instead are conducted along segments of right of ways, which may or may not be adjacent. While these projects may be exempt from some or all of Sections 7 and 10 of the Regulation, if the excess soil is to be taken to a TESSS and then onto a similar infrastructure project for reuse, a record of the municipal addresses for the project area and the reuse site is currently required as per the regulation. Could consideration be given to revising the references to municipal addresses of project areas and reuse sites to include alternative location identifiers for situations where municipal addresses are not available?	Consider revision
RULES FOR ON-SITE AND EXCESS SOIL MANAGEMENT				
18	General Comment – Use of OPSS	n/a	It is recommended that the ministry consider reviewing the Ontario Provincial Standards Specifications (OPSS) for the management and disposition of materials, e.g., GC 4.03 to ensure consistency with the industry.	Recommendation for guidance materials
19	Excess Soil Planning and	Part II	As a general comment, for the City of Mississauga's Capital Works Delivery	

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE (section, subsection, para.#., etc.)	COMMENT	ACTION REQUESTED
	Management Requirements		work, this will likely add additional time to project duration and requires more analysis and reporting during the planning and detail design phases, before initiation of construction tender development. What consideration is being given to multi-year construction projects that are already underway under an executed contract and fixed budget? Even with the one year phasing-in transition period for the activation of the formal excess soil documentation and reporting, existing construction contracts may need to be amended and at significant additional cost, which have not been budgeted as part of the multi-year capital plan.	
20	Temporary Soil Storage Sites	Part II, 3.	In cases where the temporary soil storage site is owned by a public body, excess top soil is generated from regular infrastructure maintenance work (*i.e.*, clearing out stormwater ditches), total excess soil to be stored is less than 2000 m^3, and there are hundreds of locations throughout the municipality as part of this work. The soils are all topsoil and would be tested to ensure that no contaminants are present and are of similar quality. These soils would be mixed and stockpiled from multiple locations prior to depositing at final reuse sites. In lieu of providing specific municipal addresses, could the public body instead provide a list of streets and intersections where excess soils originated per period of time and a list of potential reuse sites as streets/intersections where the soils could be reused during the spring/summer season? This would be more reasonable for the municipality to be able to track and provide to the ministry on an annual basis. Also, it may not be physically possible to keep soils from multiple road ditches segregated prior to confirmation of soil sampling, due to limited space available in municipal works yards. However, the City of Mississauga has been testing all stockpiled soils by a Qualified Person over several years, which demonstrate the soils are generally all of similar quality, only showing impacts by EC/SAR. Could	Clarification

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			the municipality instead provide a soil screening procedure of how it would audit stockpiled soil quality and segregate soils that show any evidence of impacts (olfactory, visual) in order to be permitted as a temporary soil storage site? As stated earlier, at present the City of Mississauga disposes of all such excess soils to a landfill and would like to beneficially reuse such soil in other road allowances.	
21	Depositing excess soil at a landfill or dump	Part II, 6	Table 2.1 has been referenced in this section. Please provide clarification as to whether this refers to Table 2.1 in Appendix 1, 2 or 3.	Correction to text
22	Assessment of past uses – compliance exemption	Part III, 1(4)(iii)	This section states "Where a qualified person forms an opinion mentioned in a) and b) above, the qualified person shall, in the assessment of past use report…". It appears this should reference "i)" and "ii)", as there is not "a" and "b" listed in the section.	Correction to text
23	Assessment of past uses – compliance exemption	Part III, 1(4)(iv)	It is unclear why this subsection has been included or how it affects the compliance exception. Please provide clarification.	Clarification/ Correction to text
24	Soil Characterization – sampling requirements	Part III.2.(2)(x)(5)	This section makes reference to an "item 5 (below)". This reference could not be located and it is unclear what this is a reference to. Please provide clarification.	Clarification/ Correction to text
25	Soil Characterization – sampling requirements	Part III.2.(2)(xi)	This section makes reference to "parameters listed in (i) and (ii)", and "contaminants outlined in item 4 (below)". These references could not be located and it is unclear what these references are to. Please provide clarification.	Clarification/ Correction to text

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE *(section, subsection, para.#., etc.)*	COMMENT	ACTION REQUESTED
26	Soil Characterization – sampling requirements	Part III.2.(4)(i)	This section makes reference to leachate analysis being required based on "Section 5 of Part IV of this Document", however the referenced section pertains to generic excess soil standards that are "N/A", "N/V" or not listed and not leachate requirements. Please provide clarification.	Clarification/ Correction to text
27	Heavily impacted soil that cannot be reused	Part III.2.(5)	Please clarify which standards should be referenced in this section as it appears to contain an incorrect reference: Part III.2(5) indicates "…exceeding the full-depth excess soil standards for RPI property uses small volume excess soil standard tables set out in Appendix 2 of Part IV of this Document…". The tables included in Appendix 2 of Part IV of this document are the Generic Leachate Screening Level tables. In addition, the tables in Appendix 2 are volume independent as leachate analysis is not required for small volumes.	Clarification/ Correction to text
28	Table 1: Full Depth Background Site Condition Standards	Standards Tables, Table 1	In the Notes section, under item labeled "#", it states that the standards in this table are the same as those in Table 2 of *Soil, Ground Water, and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act,* dated April 15, 2011, providing site condition standards applicable under O. Reg. 153/04 and set for coarse textured soils. However, it appears this should reference Table 1 site condition standards of O. Reg. 153/04.	Correction to text.
PROPOSED CHANGES TO O. REG. 153/04				
29	Change of property use restrictions	s. 4(1) and (2) [of the amending document]	Under this section, Section 15 of the Regulation has been revoked and substituted with a revised Section 15 – exemption to change in use. As per the proposed amendments, s. 15(2) indicates that the change in use restriction does	Clarification/ Consider Revision

COMMENT No.	TOPIC HEADING	DOCUMENT REFERENCE *(section, subsection, para.#., etc.)*	COMMENT	ACTION REQUESTED
			not apply for an industrial, commercial and community (ICC) use property where the change in property or building use is for the purposes of indoor religious gatherings. It is the City's understanding that this exemption is to be revoked one year after the amending regulation is filed. It is the City's understanding that this exemption has been included to provide a transition period for ongoing development projects of ICC properties being converted to the use for indoor religious gathering purposes. However, it is unclear how this exemption will affect a further change in use of that same property or building from the indoor religious gathering use to a residential, parkland or institutional use (other than indoor religious gathering purposes). Could consideration be given to including an exemption, similar to that listed in s 15(1)(iii)C.), such that a change in land use would be prohibited for a change of a property or building that is being used for indoor religious gathering purposes to a residential, parkland or institutional use (other than indoor religious gathering purpose) where that property or building was previously exempt under subsection 15(2) with respect to conversion from ICC to an indoor religious gathering use.	
30	Excess Soil, Phase One ESA	s. 16 [of the amending document]	Under this section, Section 55 of the Regulation has been revoked and substituted with a revised Section 55. As per the proposed amendments, s. 55(1)(2), "The qualified person who is conducting or supervising the phase one environmental site assessment must have determined that the concentration of contaminants in the soil does not exceed the applicable soil quality standards, as determined in accordance with the Soil Rules". Please confirm if the "soil" in this statement refers to the excess soil brought to and finally placed at the RSC property (not the existing soil at the RSC property).	Clarification

Appendix 3 – Comments on Provincially Significant Employment Zones

Mississauga recommends the provincial PSEZ mapping mirror employment area mapping contained in its Official Plan

The City recommends that provincial PSEZ mapping mirror mapping of designated employment areas in its Official Plan.

Mississauga has identified one residential parcel that has been included within a PSEZ (see Appendix – Area 1). It is requested that this site be removed from the PSEZ map.

Mississauga also notes many inconsistencies between its Official Plan mapping and PSEZ mapping of the Pearson International Airport Operating Area. It is recommended that the Province update its mapping to reflect the City's employment area designations.

Mississauga would appreciate ongoing consultation with the Province as PSEZ policies and mapping evolves

The City's planning and economic development staff would appreciate the opportunity to further consult with Provincial staff.

In particular, the City would be keen explore options for the Province to incorporate findings from ongoing municipal planning work into the PSEZ mapping. Mississauga is currently undertaking a range of detailed planning studies (e.g. around the Clarkson and Cooksville GO Stations) that may identify additional employment areas for conversion. The opportunity to advance these conversions could support much needed housing supply and transit investments in the region.

If you have any questions or require additional information, please contact me at (905) 615-3200 ext. 5497 or Katherine Morton at (905) 615-3200 ext. 8524.

Jason Bevan, Director, City Planning Strategies

Attach

cc. Andrew Whittemore, Commissioner, Planning and Building
Jason Bevan, Director, City Planning Strategies
Katherine Morton, Manager, Planning Strategies
Angela Dietrich, Planning Strategies
Romas Juknevicius, Acting Manager, Planning Programs
Taral Shukla, Planning Associate, Planning Strategies

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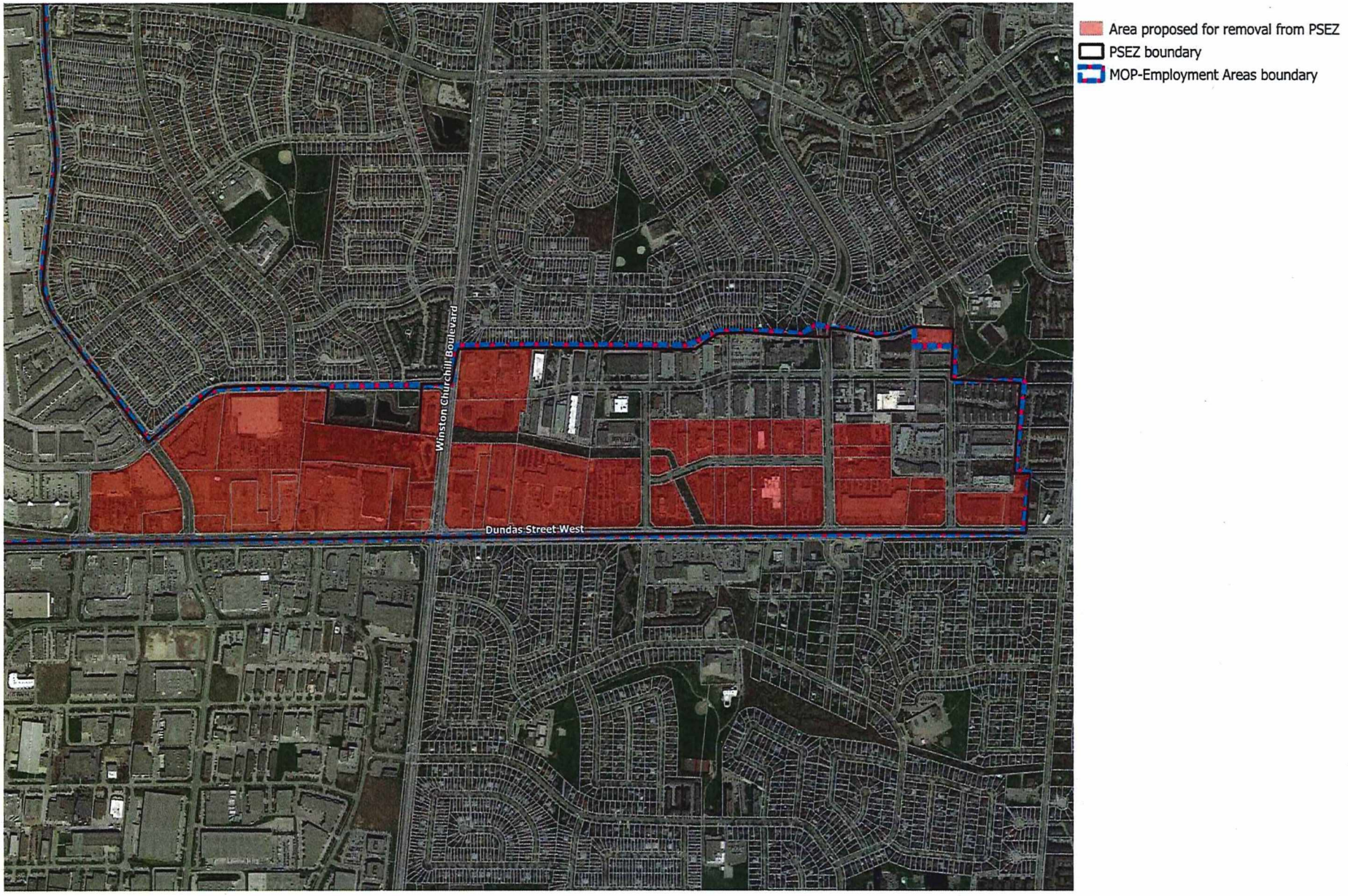
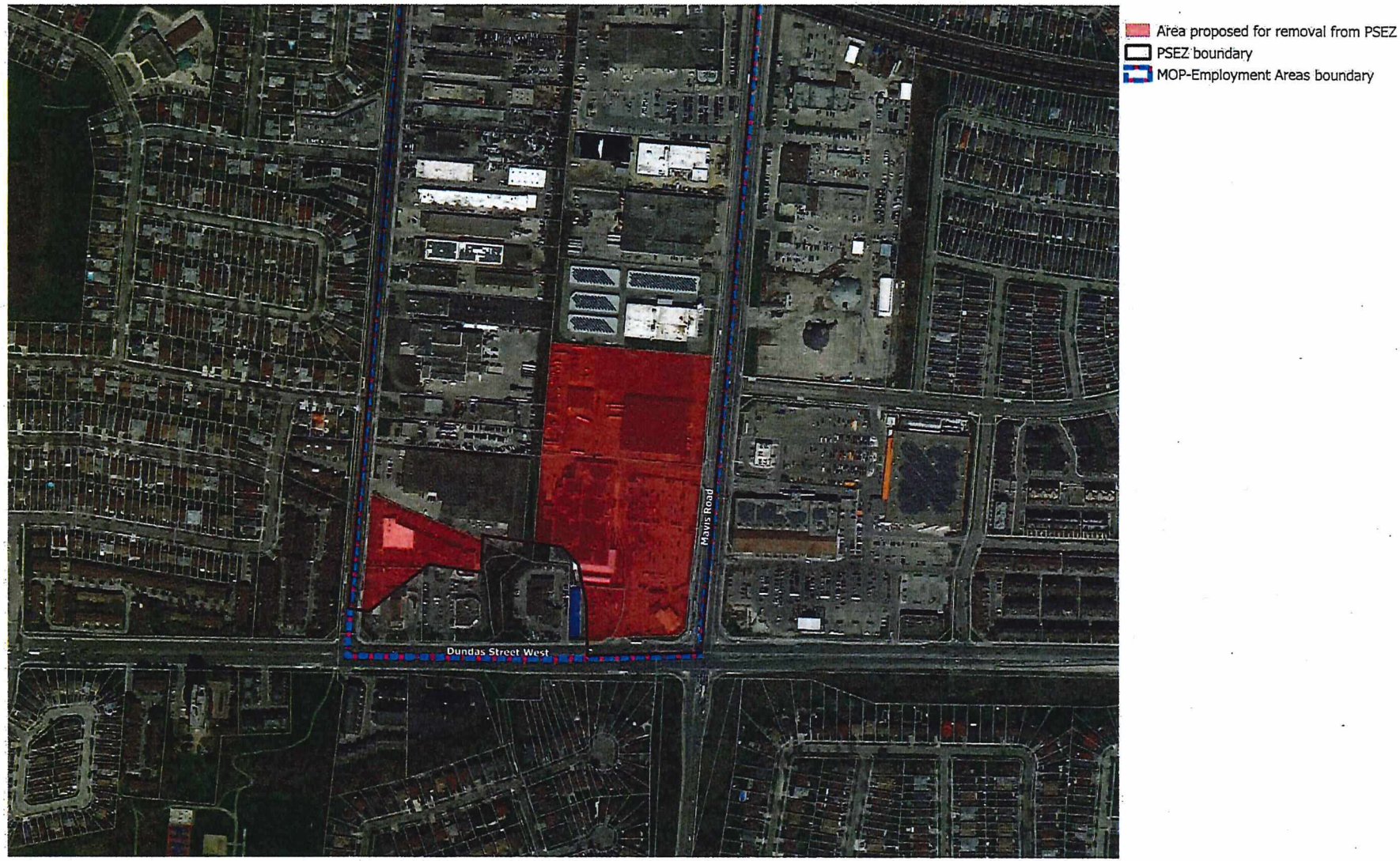
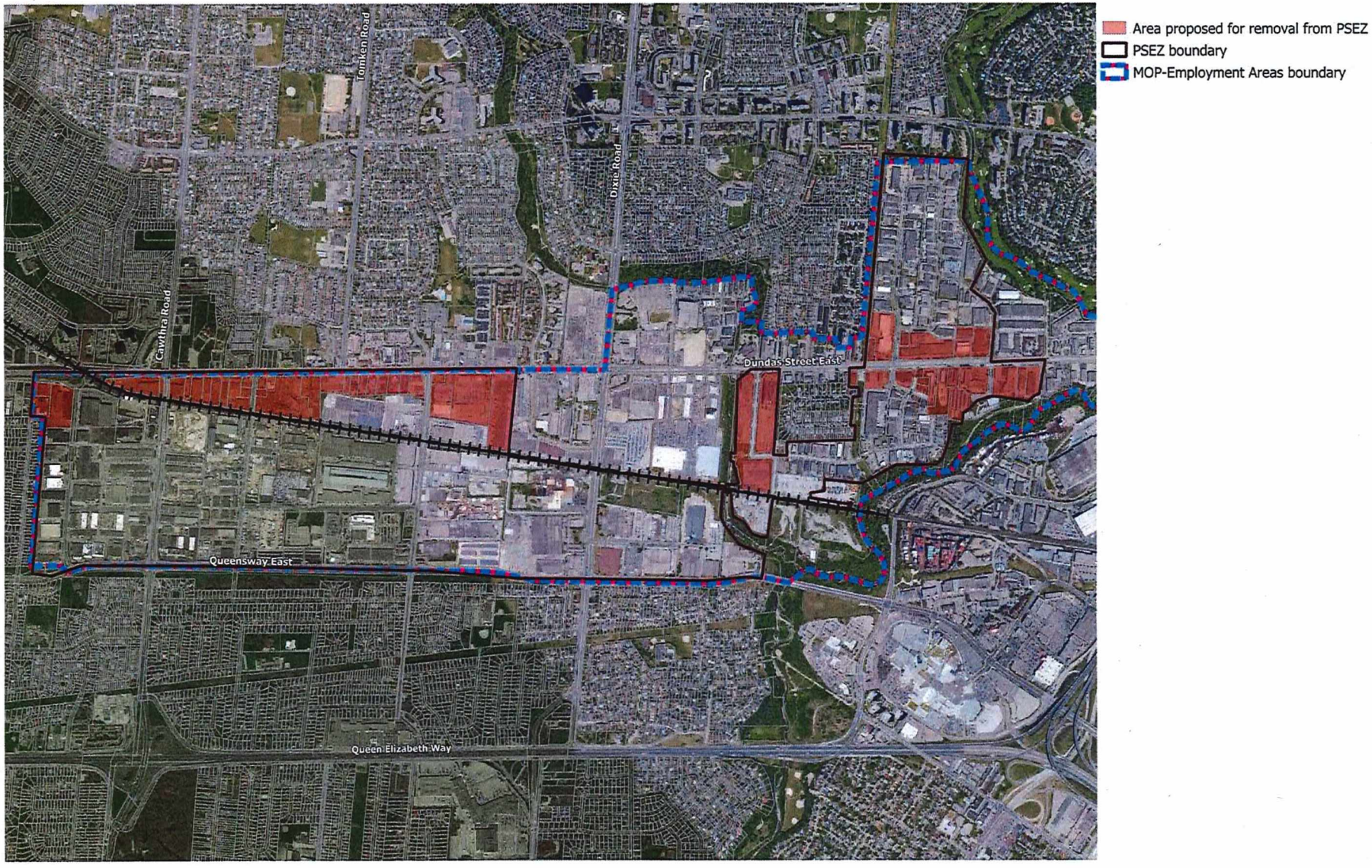
Area 1 – Western Business Park – Request to Remove 68 ha from PSEZs and Fix One Technical Error (1ha)



Area 2 – Mavis-Erindale – Request to Remove 7 ha from PSEZs



Area 3 – Dixie – Request to Remove 61 ha from PSEZs



Area 4 – North East – Request to Remove 7 ha from PSEZs