

From: Cheryl Lewandowski
To: Clerks Richmondhill
Sent: Mon 5/27/2019 2:25 PM
Subject: Fwd: Bill 108 concerns

Good day,

Could you please add this for tomorrow's committee meeting regarding Karen Cilevitz' Bill 108 motion.

Thank-you

Sincerely,

Cheryl Lewandowski

17 Gallacher Ave.

Richmond Hill

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Begin forwarded message:

From: "Cheryl Lewandowski"

Date: May 27, 2019 at 12:46:37 PM EDT

To: <dave.barrow@richmondhill.ca>, <greg@gregberos.com>, <carmine.perrelli@richmondhill.ca>, <joe.dipaola@richmondhill.ca>, <tom.muench@richmondhill.ca>, <castro.liu@richmondhill.ca>, <david.west@richmondhill.ca>, <karen.cilevitz@richmondhill.ca>, <godwin.chan@richmondhill.ca>

Subject: Bill 108 concerns

Good Day Richmond Hill Mayor and Councillors,

I am sending this email to all councillors because it impacts every riding in Richmond Hill and I believe it is crucial that all are aware of these concerns.

Based on past comments from Richmond Hill Councillors and actions by our Mayor, I know Richmond Hill Council is supportive of a healthy environment and has great concern for the budget of the City, endeavouring to keep our taxes low. I would like to make you aware of the current changes in Bill 108 and hope that the City of Richmond Hill will follow the lead of other local municipalities in halting the changes proposed by the Province so that a fulsome consultation with stakeholders can be made.

By June 1st submissions are due on Planning Act changes (OMB) and Development Charges (Schedule 3) in Bill 108. Municipalities are coming forward with comments and recommendations to the province. Many municipalities are opposed to Bill 108 as it downloads costs to municipalities (taxpayers) and reduces their autonomy as well as removes protections for endangered species and reduces the efficacy of Conservation Authorities. Please consider the motion below from the Town of Oakville and Aurora. I hope Council will send a letter or resolution to the province on Bill 108 if you have not already done so.

I've also attached a note outlining ten issues with recent government changes that are concerning.

Best Regards,

Cheryl Lewandowski

17 Gallacher Ave.

Oak Ridges

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Town of Aurora Resolution on Bill 108  
<https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=5348>

Town of Oakville motion:

Notice of Motion- Bill 108

Moved by Councillor Knoll, Seconded by Councillor Elgar

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support;

WHEREAS all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning;

WHEREAS Bill 108 will once again allow an unelected, unaccountable body to make decisions on how our communities evolve and grow;

WHEREAS on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.";

WHEREAS this MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the

Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”;

WHEREAS by signing this agreement, the Province made “...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”;

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997;

NOW THEREFORE BE IT RESOLVED that the Town of Oakville oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

THAT the Town of Oakville call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

THAT a copy of this Motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

THAT a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Provincial government changes are affecting our community at a rapid pace. As you are probably aware, over the last few months there have been a number of policy changes. On May 16, 2019 the new Growth Plan came into effect. The province is currently conducting a review of municipalities to look for efficiencies. And Bill 108 introduced in early May, amends 13 different pieces of legislation to make it easier for developers to build housing at the expense of taxpayers, the environment and communities. We could have strong, inclusive communities, a healthy environment and enough housing for all but the changes in Bill 108 lead us in a different direction. Changes in Bill 108 move to a developer led planning system to prioritize growth and development over protection of endangered species, farmland, and vulnerable ecosystems.

For instance, the amendments to the Development Charges Act in Schedule 3 of Bill 108 downloads many of the costs of growth and development from developers to municipalities and onto taxpayers, moving us away from encouraging a system where growth pays its share of costs for growth related infrastructure. Instead taxpayers will be subsidizing developer's profits.

I believe Richmond Hill Council highly values meaningful public participation in community planning and decision making. I am deeply concerned about the changes in Bill 108 and how they will affect public participation, communities, flooding, rural small businesses, farming businesses and increase municipal taxation across the region.

I would like to draw your attention to the following 10 issues.

1. Limiting or excluding meaningful public participation. Proposed amendments limit or exclude public participation in Environmental Assessments and at the Local Planning Appeals Tribunal (LPAT - formerly the OMB). Local knowledge is valuable and public involvement fundamental to democratic decision making.
2. The changes in Bill 108 impact taxpayers and homebuyers. See the Town of Whitby report below, "Although much of the financial impact on municipalities will not be known until the regulations have been passed, the proposed changes resulting from Bill 108 appear to have significant financial impacts on municipalities and future debt levels by shifting costs from developers to the taxpayer." For instance, changes to the Development Charges Act (Schedule 3) download costs to municipalities, place restrictions on how growth related funding may

be used and limits future parkland in cities. LPAT changes also affect taxpayers and homebuyers. LPAT hearing are expensive, often costing millions of dollars. Developers recover hearing costs through development charges (passed onto homebuyers, adding to the cost of new homes). Municipalities also incur substantial costs in LPAT, OMB hearings. Taxpayers fund municipal participation at the OMB. There are further changes under Bill 108 that require municipalities to defer payment of development charges for commercial and industrial developments. This policy would allow developers to benefit at the expense of taxpayers since Bill 108 would require municipalities to finance the obligations of developers over five years. See Town of Whitby Bill 108, Item 9.3

<https://whitby.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=1643>

3. [Growth Plan](#) changes allow settlement boundary expansions onto farmland. In southern Ontario we are already losing 175 acres of farmland daily mainly to urbanization. Firm urban boundaries give farmers and farming businesses certainty and encourage investment. Opening up Ontario to development creates an unpredictable business environment for small business including farm businesses. Link to Farmland at Risk, <https://ofa.on.ca/resources/farmland-at-risk-report/>
4. Return to the OMB, schedule 9 and 12 of Bill 108. Going back to the old OMB system under the new name, Local Planning Appeal Tribunal. The provincial changes promise to speed up housing approvals and also limit citizen participation. But we have evidence that under the old OMB developer led appeals [delayed housing starts](#) by 3 years on average and returning to hearings de novo, results in longer hearings. Returning to the old OMB rules also threatens to undermine municipal decision making, delays the implementation of Official plans, increases the cost of housing (through delays and the cost of hearing that are borne by buyers), delays construction and limits public participation. Link to Hamilton Spectator article, <https://www.thespec.com/opinion-story/9343807-editorial-ontario-tilts-the-playing-field-in-favour-of-developers/> Ottawa Citizen, <https://ottawacitizen.com/opinion/columnists/leiper-ontarios-bill-108-undercuts-sensible-community-based-planning> City of Toronto planning report and presentation,

5. Conservation Authorities Act, Schedule 2 of Bill 108 makes significant changes to the CA Act that reduce the autonomy of CA's, increase the power of the Minister and reduce the ability of CA's to perform their core mandate of conserving, restoring and managing the natural resources of Ontario's watersheds. Overall changes limit CAs to regulate flooding and related hazards – while simultaneously reducing provincial funding for same. Currently municipalities rely on planning advice from CA's to understand the impact of development applications on watershed systems and natural features. Most disconcerting is the consistency between the policy changes developers wanted and what the province is proposing. Overall, the changes politicize delivery of the core mandate of CA's by providing broad discretion for the Minister to arbitrarily set future restrictions solely via regulation. Link to CA submission CELA and EDC.  
<https://d36rd3gki5z3d3.cloudfront.net/wp-content/uploads/2019/04/ERO-013-4143-ESA-review-submission-FINAL.pdf?x90927>
6. Endangered Species Act- Schedule 5 of Bill 108 threatens protections for the province's most vulnerable plants and animals. The amendments ease protections for species at risk making it easier for industry and developers to proceed with activities that harm these species and their habitats such as pits, quarries and housing. These changes do not protect species at risk as some government publicity suggests. Link to ESA submission Ontario Nature,  
<https://ontarionature.org/wp-content/uploads/2019/05/ERO-013-5033-ESA-May-18-2019.pdf>
7. Provincial Policy Statement changes- At this time it is unclear what changes will be made to the Provincial Policy Statements. The PPS establishes provincial policy interests that guides municipal plans. The last review of the PPS was finalized in 2014 after years of extensive stakeholder consultation. At that time climate change was deemed an area of provincial interest. Changes to the PPS could negatively affect municipal plans and LPAT decisions.

8. Environmental Assessment Act, Schedule 6 changes

Schedule 6 in Bill 108 exempt potentially important projects/activities from an assessment of environmental impacts. It politicizes the EA process by allowing the Minister to exempt other projects – and to revise public participation rules – simply via regulation. Changes under Schedule 6 restricts the ability for citizens to request Part II Orders ( bump up requests) based on constrained criteria again to be done simply via regulation. It allows for less time (via deadlines) for decisions on Part II Order requests and limits the conditions the Minister could impose. Overall these changes affect the ability of citizens to have a say in potentially environmentally harmful activities, reduce the number of issues that are scrutinized under the EAA process and empower government regulations rather than a public process. <https://www.cela.ca/proposed-changes-Ontario-EA>

9. Regional Government Review- The province has appointed to special

advisors to review some of Ontario's regional municipalities including Durham, Halton, Muskoka District, Niagara, Oxford County, Peel, Waterloo, York and Simcoe County, along with their lower-tier municipalities. In total, 82 upper and lower-tier municipalities are included in the review. According to the provincial website the mandate of the advisory body is to provide expert advice to the Minister of Municipal Affairs and Housing and to make recommendations in the fall of 2019 to the government on opportunities to improve regional governance and service delivery. Many municipalities fear amalgamation will be the outcome of these changes Limiting the number of Councillors (generally low paid and non-unionized) often results in hiring more staff to respond to citizens. We need to ensure studies are being done to understand the most effective model for local government. For more information go to <https://www.ontario.ca/page/regional-government-review>

10. Planning Act changes, Schedule 12. There are some good changes under Schedule 12, the Planning Act that encourage development around transit stations and support more rental housing. However the limits to inclusionary zoning and community benefits present challenges to provide low income housing and provide needed community amenities specifically in high density areas. Inclusionary zoning works. In the U.S., over 500 municipalities have rules in place that obligate private developers to include a percent of affordable

units in their projects (due to industry failure to provide units affordable to many households – including rental).

Further amendments under Bill 108 removes the ability of municipalities to secure development charges for important community matters such as libraries and day care centres. Collectively, these changes significantly restrict the ability of municipalities to secure parkland and community facilities, forcing them to choose between parkland and community facilities, and substantially limit the overall value of parkland and community facilities/benefits. As communities intensify, these facilities and parkland are integral to creating healthy, stable and economically successful communities.

The changes to parkland are illustrated in the City of Toronto Bill 108 presentation.

[www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-133165.pdf](http://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-133165.pdf) and presentation

[www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-133199.pdf](http://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-133199.pdf)

At this time the full implications of the legislative changes under Bill 108 is not known as the regulations have not at this time been released. \_ May 23, 2019.