



Wednesday, July 22, 2020

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
Province of Ontario
College Park 17th Flr, 777 Bay St
Toronto, ON M7A 2J3

Dear Minister Clark,

RE: Bill 197, the COVID-19 Economic Recovery Act, 2020

I'm pleased to provide you with input from the City of Guelph on Bill 197, *the COVID-19 Economic Recovery Act, 2020*. The City appreciates the legislation's focus on reopening Ontario for business and getting our economy back on track as we adapt to our new normal in light of COVID19.

I will focus my comments on schedules of particular interest to the City, namely:

- Schedule 3, *the Development Charges Act*
- Schedule 17, *the Planning Act*
- Schedule 6, *the Environmental Assessment Act*
- Schedule 9, *the Marriage Act*
- Schedule 12, *the Municipal Act*; and
- Schedule 18, *the Provincial Offences Act*.

Schedule 3, the Development Charges Act

While Bill 197 does not eliminate municipal administrative and fiscal challenges arising from development charge (DC) payment deferrals, the City of Guelph is pleased with the amendments to the DC framework put forward by the legislation. In particular, the City welcomes the expansion of services eligible for DCs, the elimination of the 10% DC discount and the inclusion of studies as an eligible expense recoverable by DCs. We also support the two year transition timeline – this will give the City sufficient time to adapt to the new framework.

Despite positive elements in Bill 197, the City is disappointed to see that the legislation fails to clarify eligibility requirements for DC deferrals. It is the City's position that eligibility for DC deferrals should be based exclusively on development type rather than on the type of developer. This would prevent non-profits from

qualifying for 20 year DC deferrals in instances where they are developing market housing. Any measure intended to support the construction of affordable housing should be exclusive to affordable developments. Market housing developments should be ineligible regardless of the proponent.

Recommendation: Amend Section 26.1 (2) of the *Development Charges Act* to clarify that 20-year DC deferrals for non-profit housing developments do not include market rental developments proposed by non-profit organizations.

Schedule 17, the *Planning Act*

Schedule 17 of Bill 197 provides municipal governments with increased clarity on the province's new Community Benefit Charge (CBC) Framework although significant outstanding details remain that are to be addressed via regulation. The City is supportive of the flexibility the CBC framework grants municipal governments when it comes to identifying local priorities to fund using CBCs. The City also supports the reinstating of parkland and alternative parkland rates via by-law as indicated in the Bill.

A shortcoming of Bill 197 is that it makes CBC and Parkland Dedication By-Laws appealable to the Local Planning Appeal Tribunal (LPAT) and empowers the LPAT to amend municipal bylaws. This approach disempowers municipal governments and local councils.

Recommendation: Eliminate provisions in Bill 197 that would enable the LPAT to repeal or amend municipal CBC and parkland by-laws.

Although Bill 197 provides some clarity, many details about the CBC and parkland dedication frameworks are outstanding, including what percentage of land value will be used to calculate the maximum CBC, and CBC exemptions. Given these outstanding details, the financial impact of the CBC framework on municipal governments remains unclear. Additional consultation will be necessary as further details are proposed.

Recommendation: Hold public consultations on proposed regulations related to outstanding elements of the CBC framework prior to finalizing further details to allow municipal governments to provide additional input.

Schedule 6, the *Environmental Assessment Act*

The City of Guelph supports measures to modernize environmental assessments (EAs) to improve environmental outcomes, reduce duplicative and administratively burdensome requirements and to shorten timelines. Any provincial actions taken to streamline EAs must carefully balance environmental protections to ensure our natural environment is protected for generations to come.

Schedule 9, the *Marriage Act*

Schedule 9 amends the *Marriage Act* to extend the validity of marriage licenses that expired during the Declaration of Emergency up to 24 months after the emergency ends. The City of Guelph supports this provincial action. The City had previously recommended extending the validity of marriage licenses to the Minister of Municipal Affairs. We appreciate the government's responsiveness to this municipal ask.

Schedule 12, the *Municipal Act*

Schedule 12 of Bill 197 responds to another ask from the City of Guelph. Enabling electronic participation in council and committee meetings will allow local councils to safely conduct municipal business as we recover from the COVID19 emergency. Leveraging digital technology during council meetings will be helpful in reducing risk as we prepare for a potential second wave.

Schedule 18, the *Provincial Offences Act (POA)*

The City of Guelph supports measures in Bill 197 intended to allow the digitalization of POA matters. Allowing electronic participation in POA proceedings will modernize the POA process and make it accessible as we adapt to our new normal in light of COVID19.

If you have any questions or comments about this letter, I encourage you to contact Leslie Muñoz, Manager, Policy and Intergovernmental Relations, for the City of Guelph at leslie.munoz@guelph.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Stewart", is written over a light blue circular stamp.

Scott Stewart, Chief Administrative Officer

City of Guelph

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