

**TOWNSHIP OF ESSA  
CONSENT AGENDA  
WEDNESDAY, JANUARY 16, 2019**

**A – ITEMS RECEIVED AS INFORMATION**

- p. 1 1. Correspondence from Enbridge Gas Distribution Inc. dated December 4, 2018, re: Open Bill Access Services (“Application”) – Ontario Energy Board (“Board”) File Number EB-2018-0319.
- p. 3 2. Correspondence from the Nottawasaga Valley Conservation Authority dated December 14, 2018, re: NVCA Board Meeting Highlights.
3. Correspondence from the Association of Municipalities of Ontario (AMO), re: AMO Communications:
- p. 5 a) December 14, 2018 – Cannabis Shortage Will Limit Number of Stores
- p. 6 b) December 18, 2018 – Bill 66 – Municipal Implications Overview
- p. 9 c) December 21, 2018 – Financial Risks for Property Taxpayers and Municipal Budgets
- p. 11 4. Correspondence from the Simcoe Muskoka District Health Unit dated December 20, 2018, re: The Public Health Municipality Guidance for the Implementation of Legalization of Cannabis.
- p. 51 5. E-mail from the South Western Integrated Fibre Technology (SWIFT) dated January 8, 2019, re: Voice your Support: Increase Equal Access to CRTC Broadcast Funding.
- p. 57 6. Correspondence from the Building Industry and Land Development (BILD) Association re: Notice of Appeals for Education Development Charges By-laws in Simcoe and Toronto.
- p. 58 7. Briefing Paper from WSP, re: Bill 66 – Restoring Ontario’s Competiveness Act, 2018.
- p. 72 8. Notice of Decision from the County of Simcoe, re: OP Amendment No. 2 – File No. 43-OP-169096 (Subject Property 2976 Horseshoe Valley Road).

**B – ITEMS RECEIVED AND REFERRED TO SERVICE AREA FOR ACTION**

None to be presented.

**C – ITEMS RECEIVED AND REFERRED TO SERVICE AREA FOR REVIEW AND REPORT TO COUNCIL**

None to be presented.

December 4, 2018

**VIA RESS, EMAIL and COURIER**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario, M4P 1E4

Dear Ms Walli:

**Re: Enbridge Gas Distribution Inc.  
Open Bill Access Services ("Application")  
Ontario Energy Board ("Board") File Number EB-2018-0319**

Please find attached copies of the Application and supporting evidence of Enbridge Gas Distribution Inc. ("Enbridge" or "Company") seeking an order or orders approving the financial terms associated with the Open Bill Access ("OBA") program for 2019 and 2020.

In the EB-2013-0099 proceeding, the Board approved the indefinite ongoing operation of the OBA program, and approved the financial terms associated with the OBA program for the 2014 to 2018 years. In this Application, Enbridge indicates its intention to continue the OBA program, and requests that the Board approve the continuation of the current financial terms for the next two years (2019 and 2020).

Enbridge acknowledges that it is unlikely that the Board will issue any final decision in this Application before January 1, 2019. Therefore, in order to permit the OBA program (which serves more than 1.3 million customers) to continue uninterrupted, Enbridge respectfully requests that the OEB issue an Interim Order that would be effective as of January 1, 2019. Enbridge requests that the Interim Order confirm that Enbridge may continue to offer the OBA program on the same financial terms as set out in the Board-approved Settlement Proposal in the EB-2013-0099 proceeding until such time as the Board issues a Final Order in this Application.

The Application has been filed through the Board's RESS and will be available on the Enbridge website at: [www.enbridgegas.com/ratecase](http://www.enbridgegas.com/ratecase).

Please contact the undersigned if you have any questions.

Yours truly,

(original signed)

Joel Denomy  
Technical Manager, Regulatory Applications

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## ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF ENBRIDGE GAS DISTRIBUTION INC.

**Enbridge Gas Distribution Inc. has applied for approval of the financial terms associated with providing third-parties access to the Enbridge Gas bill for 2019 and 2020.**

**Learn more. Have your say.**

Enbridge Gas Distribution Inc. has applied to the Ontario Energy Board for approval of the financial terms associated with the Open Bill Access program for 2019 and 2020, including approval for the sharing of net revenues with ratepayers. The Open Bill Access program allows third-parties to access Enbridge Gas' bill for a fee to bill for services and provide marketing information. The program provides an annual benefit of \$5.389 million in rates to Enbridge Gas customers.

### THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider the application filed by Enbridge Gas. We will question Enbridge Gas on the case. We will also hear questions and arguments from individual customers and from groups that represent the customers of Enbridge Gas. At the end of this hearing, the OEB will decide whether the financial terms for the Open Bill Access program will be approved.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

### BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Enbridge Gas on the OEB's website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can become an active participant (called an intervenor). Apply by **January 14, 2019** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, you can review the OEB's decision and its reasons on our website.

### LEARN MORE

Our file number for this case is **EB-2018-0319**. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please enter the file number **EB-2018-0319** on the OEB website: [www.oeb.ca/participate](http://www.oeb.ca/participate). You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

### ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. The OEB will determine at a later date whether to proceed by way of a written or oral hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **January 14, 2019**.

### PRIVACY

*If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and e-mail address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.*

*This hearing will be held under section 36 of the Ontario Energy Board Act, S.O. 1998 c.15 (Schedule B).*





## NVCA Board Meeting Highlights December 14, 2018

Next Board Meeting and AGM: January 25, 2019  
at Tiffin Centre for Conservation, Utopia

For the full meeting agenda including documents and reports, visit [nvca.on.ca/about/boardofdirectors](http://nvca.on.ca/about/boardofdirectors)

### Key technical and policy updates expected in 2019

Watershed management services staff presented an overview of three key technical and policy updates expected to go before the board in 2019.

- **Regulation Mapping Update** – NVCA GIS staff recently completed an exercise to further refine the Regulation Limit. This limit sets the area over which NVCA has regulatory jurisdiction. As a result of the refinement, a modest decrease in the area regulated by NVCA is anticipated. Following a protocol established by Conservation Ontario, NVCA will consult with watershed municipalities about the proposed changes and undertake a public consultation process. This consultation will occur during the first and second quarters of 2019, after which the revised mapping will go before the board for approval.
- **Ecological Net Gains Policy** – Balancing development with the protection of natural heritage features often poses a challenge when development calls for the removal of these features to accommodate growth and intensification. To address this challenge, several conservation authorities have developed policies calling for compensation or offsetting for the loss of natural assets. Such policies promote an approach to ensure “no net loss,” and are structured to promote overall “net gains” of natural features on the landscape.

In keeping with this principle, staff are preparing draft guidelines that aim to ensure that every loss of a natural heritage feature in the NVCA watershed is met with an equal or greater gain in value and function. The ecological net gains policy is expected to go to the board for their consideration during the first quarter of 2019.

- **Planning and Regulations Fee Review** – Staff will review NVCA’s planning and regulation fees and propose updates to the board in the second quarter of 2019. The review process will consider issues such as inflation, emerging matters such as increased pre-consultation review, the fees of adjacent conservation authorities, provincial guidelines and stakeholder input.

### In brief

During their meeting, the board also:

- Received a summary of the permits and approvals issued by staff between June 8 and Dec. 1, 2018. During that time, staff issued 304 permits and approved 113 clearances. Year-to-date, staff have approved 405 permits and 209 clearances. In the majority of instances (90%), staff have issued permits and clearances within the prescribed timelines as outlined by the Ministry of Natural Resources and Forestry.
- Approved the allocation of surplus operating funds from the 2018 fiscal year to NVCA’s reserves.

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## Future Meetings and Events

### **NVCA 101:**

#### **Municipal Council Orientation Sessions**

NVCA is offering orientation sessions for all municipal councillors in the watershed. Councillors are invited to come out and learn more about the authority and services we offer, and to have any questions answered.

Sessions run 9:00 am to 12:00 pm.

- **January 21: Midhurst Community Centre** – Municipal council orientation for Oro-Medonte, Springwater and Wasaga Beach
- **January 22: Centre Dufferin Recreation Centre** – Municipal council orientation for Amaranth, Melancthon, Mono, Mulmur and Shelburne
- **January 31: Nottawa Hall** – Municipal council orientation for The Blue Mountains, Clearview, Collingwood and Grey Highlands
- **February 1: Tiffin Centre for Conservation** – Municipal council orientation for Adjala-Tosorontio, Barrie, Bradford West Gwillimbury, Essa, Innisfil and New Tecumseth, as well as others unable to attend their regional meeting

To RSVP, email Haleigh Ferguson at [hferguson@nvca.on.ca](mailto:hferguson@nvca.on.ca).

### **Camp Tiffin Winter Nature Camp**

Wednesday, Jan. 2 to Friday, Jan. 4,  
9:00 am - 4:00 pm (extended care available)  
Tiffin Centre for Conservation, Utopia

### **Christmas Bird Count for Kids**

Saturday, Jan. 5, 9:00 am - 12:00 pm  
Tiffin Centre for Conservation, Utopia

### **Friends of Minesing Wetlands:**

#### **Tour of Fort Willow and AGM**

Saturday, Jan. 19, 4:00 pm - 7:00 pm  
Fort Willow Conservation Area, Grenfell  
Member of the public are welcome to attend.

### **Family Nature Days – Winter Survival**

Friday, Jan. 25, 10:00 am - 3:00 pm  
Tiffin Centre for Conservation, Utopia

For more information on these events, please visit the [NVCA website](http://www.nvca.on.ca).

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**From:** AMO Communications [mailto:communicate@amo.on.ca]  
**Sent:** December-14-18 9:32 AM  
**To:** Lisa Lehr  
**Subject:** AMO Policy Update - Cannabis Shortage Will Limit Number of Stores

December 14, 2018

### **Cannabis Shortage Will Limit Number of Stores**

#### **To the Immediate Attention of Members of Council, Clerks and CAOs:**

Due to a national shortage in cannabis supply, the Ontario government has decided to take a Phased Approach for the number of retail stores and locations in the province. AMO understands this cap will remain in place at least until the supply shortage is addressed.

The Alcohol and Gaming Commission of Ontario (AGCO), the Province's cannabis regulator, will only award 25 store licenses in the initial phase of private recreational cannabis retail starting April 1, 2019. They will be taking applications from potential store operators from January 7-9, 2019. AGCO operator licenses will be decided by lottery that will be overseen by a third-party fairness monitor. Please see AGCO News Release.

Municipal governments still have until January 22, 2019 to decide whether to allow cannabis retail stores in their communities. Municipal governments that have not opted out by January 22, 2019 are deemed to allow cannabis sales in their communities.

All inquiries should be directed to the Alcohol and Gaming Commission of Ontario or the Ministry of the Attorney General. Contact information is at the end of each news release.

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**From:** AMO Communications [mailto:communicate@amo.on.ca]  
**Sent:** December 18, 2018 3:06 PM  
**To:** Greg Murphy <gmurphy@essatownship.on.ca>  
**Subject:** AMO Policy Update - Bill 66 - Municipal Implications Overview

December 18, 2018

**Bill 66 – Municipal Implications Overview**

On December 6<sup>th</sup>, 2018, Minister of Economic Development, Job Creation and Trade, the Honourable Todd Smith, introduced Bill 66, the *Restoring Ontario's Competitiveness Act*. This proposed legislation has significant interest for municipal governments. Bill 66 has only had First Reading at this time and will continue through the debate and hearing process. After this week's sitting, the Legislature is scheduled to return for the next Session on Tuesday, February 19, 2019.

In this members' update, AMO is providing an overview and brief analysis as we pursue additional information and clarification to bring a report to the January Board of Directors meeting. Further communications on the Bill will occur at that time.

Several corresponding proposed regulations are now open for comment on the Ontario Regulatory Registry. In most cases, the deadline for comment is January 20<sup>th</sup> to respond via the registry process.

**Schedule 2 — Repeal of the *Pawnbrokers Act***

Schedule 2 of the Bill repeals the *Pawnbrokers Act* in its entirety. Created in the early 1900s, the Act regulates pawnshops and second hand stores. Municipal governments would retain the authority to create bylaws and business licenses regulating pawnshops, however, the repeal would eliminate law enforcement tools aimed at enforcing against theft and enabling the search and return of stolen goods. AMO will connect with police services to obtain their perspectives on the impacts that the change would bring and consider alternatives.

**Schedule 3 — Amendments to the *Child Care and Early Years Act, 2015* and the *Education Act***

Changes to rules regarding in-home child care services and authorized recreational and skills building programs; increasing the permissible number and age of children per provider a day will likely increase access to childcare. The proposals may also raise concerns related to children's health and safety and the quality of childcare, with possible impacts on municipal monitoring of childcare spaces.

**Schedule 4 — Amendments to the *Ontario Energy Board Act, 1998* (Sub-metering)**

The proposed change deletes references to 'unit sub-metering' from the *Ontario Energy Board Act*, and replaces it with references to smart meters. It is unknown if conversions to smart meters have taken place in all housing units being managed by municipal governments. This may impact the ability to individually charge tenants for energy used. Studies show that lack of individual meters can raise energy use over 30%, which will bring financial impacts. As well, it is unclear if it would have any impact on second suites or inclusionary zoning initiatives.

**Schedule 8 — Amendments to the *Long-Term Care Homes Act, 2007***



Proposed changes for long-term care homes' licences include that the Director, as appointed by the Minister, may determine the need and how public consultations shall be conducted. This may reduce the frequency of attendance by licensees at public meetings. Further, the Ministry would have added flexibility to issue licenses for temporary beds for a longer duration of time. Municipal homes have licences subject to Minister's approval with no designated term. Further efforts to improve long-term care and reduce administrative burden should continue. There is a need for more discussions to develop a less prescriptive, outcomes-based framework that reduces burden while prioritizing patient care and well-being. AMO will continue to work with other long-term care partners to identify opportunities for positive reform and to monitor long-term care impacts of Bill 66 and corresponding regulations. Proposed regulations have been posted for public comment until January 28<sup>th</sup>, 2019.

#### **Schedule 9 — Amendments to the *Labour Relations Act, 1995* (Construction Employer Designation)**

Bill 66 would clarify that municipal governments are not construction employers. Construction employer designation reduces the number of eligible bidders for municipal construction projects and increases municipal capital costs by eliminating competition. Construction is not a core municipal function and municipal governments should not be treated as construction employers. This has been a longstanding municipal ask and AMO has supported past private members' bills seeking this clarification.

#### **Schedule 10 — Amendments to the *Planning Act* ('Open For Business' Tool)**

The proposed legislation introduces a new planning tool called an "open for business" bylaw. Provincial government commentary has indicated that this tool could fast track permanent job creating opportunities, indicating that the specifics of the use of the tool will come in future regulation. The posted description of the scope of a regulation indicates that a proposal to use this tool would require a minimum job creation threshold (e.g. 50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people). It would appear that the tool, like a Minister's Zoning Order (MZO) would be for a specific land use application. We look to the Province to provide greater clarity and how this tool is different or similar to a Minister's Zoning Order.

Once there is greater clarity, we can turn attention to whether this tool can deliver what is expected. The draft legislation outlines the order of the process as follows, presumably after a planning application is received by the municipality as well as some planning evaluation:

1. The municipality must receive approval from the Minister to pass the "open for business" by-law.
2. The municipality passes the by-law.
3. An agreement between the land use proponent and municipality regarding site plan type conditions is signed and registered against the land to which it applies.
4. It comes into effect within 20 days of passing and is sheltered from LPAT appeal.
5. Notice is provided to the Minister within 3 days of passing and to others within 30 days.
6. The Minister may modify or revoke the by-law.
7. The municipality can amend or revoke the by-law.

**NOTE:** Public consultation is not required but not prohibited.

While not clearly stated, the fact that conditions are registered against a specific property implies that the 'open for business' by-law is site specific and not a 'blanket' across a large area of a municipality. As well, we would look to the Province for greater clarity on how the powers to amend, by both the Minister and the municipal government, might be used.



The sections ((6) *Non-application of listed provisions*) indicating which elements of provincial law do not apply to an "open for business by-law" are being widely discussed. This list generally requires that municipal decisions conform to the intent of the listed *Acts*. Many of these Acts refer to environmental and water related protections, which raises questions about achieving economic gains that may result in longer-term environmental concerns. It should be noted that the *Environmental Assessment Act* and EA process has not been identified in this list. Perhaps this is the backstop that will avoid costly environmental remediation.

There are also other financial, health, and safety factors within these listed Acts that need to be considered as well as the other aspects, such as relationship to municipal planning documents and public consultation.

AMO will be continuing our Bill 66 analysis and pursuing answers to these questions over the coming weeks.

**AMO Contact:** Monika Turner, Director of Policy, [mturner@amo.on.ca](mailto:mturner@amo.on.ca), 416.971.9856, ext. 318.

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**From:** AMO Communications [mailto:communicate@amo.on.ca]  
**Sent:** December 21, 2018 5:03 PM  
**To:** Greg Murphy <gmurphy@essatownship.on.ca>  
**Subject:** AMO Policy Update - Financial Risks for Property Taxpayers and Municipal Budgets

December 21, 2018

### **Financial Risks for Property Taxpayers and Municipal Budgets**

Grants from the provincial and federal government are a critical part of the municipal financial picture. They account for 20% of municipal revenue across the sector and for many smaller municipalities, represent an even higher percentage of local revenue.

This interdependence shapes municipal spending decisions, too. Exactly 280 pieces of provincial legislation directly govern municipalities and help to form local budgets. Other sectors, like health or education, deal mostly with one transfer ministry. However, municipal governments relate to many, many more ministries.

AMO's advice to the new government has been to take a comprehensive approach rather than a Ministry funding line review and to consider the cumulative financial impact of how any decisions affect the cost and delivery of frontline services. A comprehensive approach is the only way to understand how provincial decisions affect municipal governments.

It is unclear if this advice is being taken or not. We also advised the Ministry of Finance to offer a status update on the Ontario Municipal Partnership Fund (OMPF). That advice was taken. Today, the Ministry of Finance sent a letter to heads of council and treasurers advising that the OMPF will be reduced by an unspecified amount and allocation notices for 2019 will be delayed.

In 2018, the Ontario Municipal Partnership Fund (OMPF) provided \$510 million in unconditional operating support from the Province to municipal governments. It uses an equalization approach to address challenges in rural and northern communities. The OMPF is a critical source of funding for 389 of 444 municipalities across Ontario. Some are very small municipalities without growth in their property assessment base.

Reducing the overall envelope and delayed allocation notices have immediate and long-term consequences for communities across the province.

**Immediate Impact:** In recent years, the provincial government has announced OMPF allocations in the year prior. This practice facilitated local budget development and council approval for the year ahead. Councils cannot make accurate 2019 spending decisions without this information. As a result, council budget planning will be delayed. If allocations to municipalities are reduced, councils will need to compensate with property tax increases or local service reductions in 2019.

**Long-Term Impact:** OMPF reductions will have a big impact on local property tax rates. For almost half of Ontario's municipal governments, a 1% property tax increase raises less than \$50,000. The Fund has changed over time, in large part to reflect the upload of social assistance.

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The OMPF seeks to address regional economic imbalances by helping municipalities provide local services throughout the province. As noted in the Ontario Government's recent Fall Economic Statement, "employment has grown but has not been experienced across all regions". Northern Ontario has experienced employment declines while the Southwest has remained generally flat. Employment levels reflect a community's fiscal capacity.

OMPF declines will exacerbate economic imbalances between regions. Any reductions will be especially difficult for rural and northern areas. These areas typically have low assessment growth and can least afford significant property tax increases.

Other sources of municipal funding include provincial court security and prisoner transportation. Over \$60 million in 2018 provincial transfer payments for this service are being reviewed. Also, Ontario Community Infrastructure Fund (OCIF) and Ontario Gas Tax for Transit funds are to increase in 2019 and these increases were an election promise. There are also the shared service arrangements for ambulance, public health, and social services. These are just a few of the program grants that are important to municipal property taxpayers and the services that affect their daily lives.

**AMO Contact:** Matthew Wilson, Senior Advisor, [mwilson@amo.on.ca](mailto:mwilson@amo.on.ca), 416-971-9856 ext. 323.

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December 20, 2018

To the Municipal Councils of the County of Simcoe and District of Muskoka:

Municipalities have limited, but important opportunities to reduce the negative health impacts of cannabis legalization within their borders under the Cannabis Control Act, 2018. At the following link you will find **The Public Health Municipality Guidance for the Implementation of Legalization of Cannabis** (Guidance Document). Please forward to the appropriate municipal staff members and elected officials as a reference for their important and time sensitive work. It is intended for use by mayors, councils, enforcement-policy decision makers, and any other municipal staff responsible for cannabis legalization activities.

Simcoe Muskoka District Health Unit (SMDHU) developed the Guidance Document with the support from our Board of Health. It is focused on a public health approach, based on current knowledge and understanding of cannabis legalization and impacts, for addressing the legalization of cannabis. To ensure this document contains the most accurate and applicable information, SMDHU has engaged in a legal consultation about the decisions and considerations required of the municipalities.

The Guidance Document can support your municipality when considering the following three areas, from a public health perspective: a) opt in or out option for allowing cannabis retail stores, b) feedback on proposed locations of retail sites to the Alcohol Gaming Commission of Ontario (ACGO) on three focused areas of public interest, and c) consideration of current and potential revisions to the current smoking by laws.

The early years of cannabis legalization will be a period of evolution. The Guidance Document will be updated and maintained on the SMDHU website with new information about cannabis legalization, local data, and other health information as it becomes available related to cannabis regulation for municipal consideration. Revisions to the document will be shared via email notification. SMDHU may also provide presentations and resources upon municipal request.

If you have questions about this document or would like to request further support please contact Rebecca Dupuis, Substance Use and Injury Prevention Manager at [Rebecca.Dupuis@smdhu.org](mailto:Rebecca.Dupuis@smdhu.org) or by phone at 1-877-721-7520 Ext. 7714 or Martin Kuhn, Tobacco Enforcement Supervisor, at [Martin.Kuhn@smdhu.org](mailto:Martin.Kuhn@smdhu.org) or by phone at 1-877-721-7520 Ext. 7248.

Sincerely,

**ORIGINAL Signed By:**

Charles Gardner, MD, CCFP, MHSc, FRCPC  
Medical Officer of Health

CG:cm

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[www.simcoemuskokahealth.org](http://www.simcoemuskokahealth.org)

# PUBLIC HEALTH GUIDANCE FOR MUNICIPALITIES ON THE IMPLEMENTATION OF LEGALIZATION OF CANNABIS

*December 20, 2018*

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## INTRODUCTION

Simcoe Muskoka District Health Unit (SMDHU) offers this guidance document to assist municipalities to consider a public health perspective in the implementation of legalization of cannabis. This evergreen document will be updated or revised by SMDHU based on new provincial legislation or municipal request. **The Public Health Guidance for Municipalities on the Implementation of Legalization of Cannabis**, which will be hereafter be referred to as the Guidance Document, highlights considerations for opting in or opting out of cannabis retail stores, and three areas of potential public interest feedback within municipal responsibility as identified by the Alcohol and Gaming Commission of Ontario (AGCO): a) public health and safety, b) protecting youth and restricting their access to cannabis, and c) preventing illegal activities in relation to cannabis, from the perspective of protecting public health and by-law options.

This guidance document will focus on the public health considerations of municipal interest when addressing legalization of cannabis based on current knowledge and understanding of cannabis legalization and impacts.

To be able to provide the most accurate and reliable information, SMDHU has consulted with a law firm to provide a legal opinion on the above decisions and considerations required of the municipalities. Their legal opinion has been embedded and referenced throughout the document.

**Along with this document, SMDHU will provide support to municipalities upon request through discussion, presentations and updates to municipal staff and councillors.**

This document will support municipalities when considering the following three areas, from a public health perspective:

- A. Opt in or out option for retail cannabis stores,
- B. Feedback on proposed locations of retail sites to the AGCO on three focused areas of public interest, and
- C. Consideration of current and potential revisions to current smoking by-laws.

Future potential additions to the guidance document could include: funding sources and expenses, tracking health impacts of legalization and subsequent local decisions, and cannabis marketing.

## THE SMDHU PUBLIC HEALTH APPROACH TO CANNABIS

During the nearly 100 years of the criminalization of cannabis in Canada, research on cannabis risks and benefits has been restricted and limited. Currently, there is limited conclusive evidence about the potential positive and negative health outcomes related to cannabis use. Acknowledging the current research limitations, and to protect the public's health until further evidence is available, SMDHU encourages a cautionary and harm reduction approach to recreational adult cannabis use,

with a focus on preventing youth access to cannabis and encourage a harm reduction approach for youth who use cannabis. SMDHU harm reduction recommendations related to cannabis use echo [Canada's Lower Risk Cannabis Use Guidelines](#) and include recommendations such as "delay use past adolescence, start low and go slow, don't mix drugs, and plan for a safe ride" found on the SMDHU webpage [cannabis key messages](#).

Over time, knowledge and evidence will grow regarding general cannabis use and its specific health issues and benefits which will enable public health to provide more specific recommendations about the safe use of cannabis.

The early years of cannabis legalization will be a period of evolution. To support municipalities as they navigate this period, SMDHU will update this document with new information about cannabis legalization, local data and other health information related to cannabis regulation for municipal consideration as it becomes available.

This guidance document is a tool to assist municipalities to consider a public health approach within their decision making process. It can help councils meet requirements of legalization of cannabis in a manner that is respectful of individual choices about use, and insures that the health risks of cannabis use are minimized, especially to youth and others at higher risk. A public health approach for cannabis use within a municipality would include identifying groups vulnerable to health harms and/or social harms within a community (i.e. youth) and to engage in municipal policy creation that decreases exposure and risk of harm (i.e. restricting tobacco and cannabis smoke and vapour on all municipal park land). Taking a public health approach from the inception of the legalization of cannabis is not an experience Canada, and therefore the County and District, has had with other legally used substances (i.e. alcohol and tobacco) and presents a unique opportunity for municipalities to have direct and specific influence on the health and wellness of individuals and the general community.

## **BACKGROUND INFORMATION**

### **Cannabis Legalization and Municipalities**

On October 17, 2018, the federal Cannabis Act was enacted. This Act puts in place a strict framework for controlling the production, distribution, sale and possession of cannabis in Canada. In response to federal cannabis legalization, the Ontario government passed Bill 36, the Cannabis Statute Law Amendment Act (Cannabis Control Act), 2018, <sup>1</sup> which received Royal Assent on October 17, 2018. This provincial Bill amends a number of statutes, including the Smoke-Free Ontario Act (SFOA), 2017, <sup>2</sup> and Ontario *Cannabis Retail Corporation Act, 2017 (OCRC Act)* <sup>3</sup> in relation to the use and sale of cannabis and vapour products in Ontario.

The provincial government has established a regulatory framework (O. Reg. 468.18) under the recently passed Cannabis Licensing Act, 2018 that provides further clarity on how these private businesses will be licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). These regulations deal with various elements of the retail regime including matters in which municipal governments may have an interest.

Under Bill 36, municipalities have limited but specific opportunities to influence the impact of the Ontario cannabis retail model within their boundaries, including whether the community will opt out of cannabis retail outlets and enhancing or passing by-laws about places of use. The Association of Municipalities Ontario (AMO) identifies the implications of legalization into four primary municipal areas of interest: emergency services, economic development, public safety, and public health, as priority considerations in municipal decision making about cannabis. <sup>4</sup>

The most recent release from Health Canada on the Federal Data on Tobacco, Alcohol and Drug use further supports the need to address health aspects of cannabis use within our communities.<sup>5</sup> The report identifies tobacco as the leading preventable cause of premature death and disease and increasing use of cannabis use among adults aged 25 or older in Canada.<sup>5</sup> Implementing the following public health goals of avoiding normalization, protecting vulnerable populations and ensuring safe legal access for those who choose to use can appear to be incongruent with legalization. The Simcoe Muskoka District Health Unit will continue to keep abreast of the legalization of cannabis as it pertains to health and SFOA enforcement best practices, research and evaluation at local and provincial levels recognizing the complex mosaic of needs, expectations, and readiness for change that municipalities face as they make decisions related to cannabis.

### **Cannabis Control Act, 2018 Summary**

The following is a brief summary of the Cannabis Control Act, 2018<sup>1</sup> also known as Bill 36, Cannabis Statute Law Amendment Act, which is the law governing the use and sale in Ontario of cannabis and vapour products.

Please see link for the document; Bill 36, Cannabis Statute Law Amendment Act

The Acts amended by Bill 36:

- a) Cannabis Act, 2017 (renamed the Cannabis Control Act, 2018)
- b) Cannabis Licence Act, 2018 (enacted)  
Newly released Ontario Regulation 468/18
- c) Ontario Cannabis Retail Corporation Act, 2017<sup>3</sup>
- d) Liquor Control Act (2018, c. 12, Sched. 3, s. 18.)
- e) Smoke-Free Ontario Act, 2017 <sup>2</sup>

## f) Highway Traffic Act

## Highlights from the Cannabis Control Act, 2018 (1)

- Adults age 19 and older can possess up to 30 grams of dried cannabis (or the equivalent in non-dried form) in a public place.
- Medical users can be age 18 and they can possess more (150 grams).
- Packaging and labelling of cannabis will include:
  - the ratio of tetrahydrocannabinol (THC) to cannabidiol (CBC)
  - will not have graphics that appeal to youth and
  - will not have lifestyle representations.
- Adults age 19 and older can share up to 30 grams of cannabis with other adults. There are severe penalties if shared with youth under age 18, plus additional penalties under provincial law if shared with youth under age 19.
- Purchase of legal recreational cannabis, as of October 17, 2018, is only available online through the Ontario Cannabis Retail Corporation (OCRC) with delivery by courier. Recipient must prove age of 19 or over.
- Retail storefronts can open on April 1, 2019. Cannabis sold in retail outlets is legal only if purchased through provincially approved sources.
- Growing up to four cannabis plants per residence is permitted for personal use (not for distribution). Seeds must be purchased from the OCRC.
- Adults can make cannabis products such as food/edibles or drinks, however the retail sale of edibles and cannabis concentrates, such as hashish, will be delayed for approximately one year.
- Use of smoked or vaped cannabis will be allowed wherever tobacco use is permitted under the Smoke-Free Ontario Act, 2017.<sup>2</sup> Municipalities will be able to expand restrictions through by-law creation.
- Medical cannabis has additional allowances under the federal Cannabis Act.
- Retailers require a retail operator's license to sell cannabis.

### Retail Sale of Cannabis in Ontario

As of October 17, 2018, Ontario residents who are 19 years or older are able to order cannabis legally from the Ontario Cannabis Retail Corporation (OCRC). The OCRC is the only legal distributor for wholesale cannabis to retailers and the online retailer of recreational cannabis products to the public until April 2019, when private cannabis retail outlets will open in some communities.

The newly enacted Cannabis Licence Act, 2018<sup>6</sup> authorizes the Alcohol and Gaming Commission of Ontario (AGCO) to license and regulate private cannabis retail<sup>7</sup> in the province. Responsibility for inspections and enforcement of the Act are the AGCO and local police forces. The AGCO will license retail store operators, managers and those in senior positions according to set protocols, as well as authorize the proposed cannabis retail site. Under the Act, store locations must be a

minimum distance of 150 metres from a school property line. There is no cap on the number of storefronts. Retail stores cannot operate outside of the hours 0900-2300 daily. Should retail stores proceed with the sale of vapour products for vaping of cannabis, health unit tobacco enforcement staff will likely be required to inspect for compliance with the vapour products regulations contained in the Smoke-Free Ontario Act, 2017.

On December 14, 2018 the AGCO announced they will be taking steps to open retail stores in phases. Initially 25 retail stores will receive licences to begin operation on April 1, 2019. The County of Simcoe and District of Muskoka are within the east region of Ontario. Five licenses will be approved for the east region, based on a lottery system to determine who is eligible for the initial licences to legally operate retail store. Expression of interest by potential retailers must be submitted from January 7–9, 2019. During this initial phase, store locations must be in a municipality with a population of more than 50,000.<sup>20</sup>

Municipalities may opt out of having private cannabis retail outlets in their communities. For those who wish to do so, the deadline is January 22, 2019. This opt out resolution is sent to the AGCO, which will cancel any applications for storefronts in said municipality. A municipality that has opted out can opt back in at a later date. Any decision to opt in, either by default or subsequent to opting out, is final.

For municipalities that have not opted out of having private cannabis retail outlets in their communities, the location of outlets will be approved by the AGCO. The AGCO will provide municipal governments and the public with a 15 day notice period where they can provide comment on the proposed store site. Feedback will be considered only if it is related to public health and safety, protecting youth and restricting their access to cannabis, and preventing illegal activities in relation to cannabis. More information on this process is pending.

The legislation does not permit municipalities to utilize licensing or land-use by-laws to control the placement or number of cannabis retail outlets. Organizations such as the Association of Municipalities Ontario continue to advocate that municipalities are given greater opportunity to influence cannabis retail outlet locations and density.<sup>8</sup>

The Ontario provincial government has outlined financial support to municipalities that chose to opt in or opt out of retail stores to assist in the implementation of legalization of cannabis. Municipalities must use and report on the provincial funding received to address the implementation costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- Increased enforcement (e.g. police, public health and by-law, court administration, litigation)
- Increased response to public inquires (e.g. emergency calls, correspondence)

- Increased paramedic services, increased fire services
- By-law/policy development (e.g. police, public health, workplace safety policy).

Minister of Finance Honorable Vic Fedeli is requesting that the Association of Municipalities of Ontario and the City of Toronto work to establish a process by which a sample group of municipalities can assess the use and impact of these funds.<sup>17</sup>

### **Smoke-Free Ontario Act, 2017 Protections**

The Smoke-Free Ontario Act, 2017<sup>2</sup> prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigs, vapes) to vape any substance and the smoking of cannabis (medical or recreational) in enclosed workplaces and enclosed public places, as well as other designated indoor and outdoor places in Ontario. This regulation is to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, whether or not the vapour contains nicotine. The Act also bans the use of all lighted tobacco, including tobacco in hookah/shisha pipes.

The Smoke-Free Ontario Act, 2017<sup>2</sup> makes it illegal to smoke tobacco, use electronic cigarettes (e-cigs, vapes) to vape any substance, and the smoking and vaping of cannabis (medical or recreational) in the following locations:

- Inside any enclosed workplace or enclosed public place including work vehicles
- Within the indoor common areas of college and university residences, condominiums, and apartment buildings
- Inside a bar and restaurant as well as on all restaurant and bar patios, and public places within a nine-meter radius of the perimeter of patio
- At public or private schools, including the grounds associated with the school, and public areas within 20 metres of any point on the perimeter of the grounds of the school
- At community recreational facilities, including the grounds associated with the recreational facility, and public areas within 20 metres of any point on the perimeter of the grounds of its grounds (a community recreational facility is an enclosed public place or enclosed workplace that offers athletic and recreational programs to the local community and is owned or operated by a municipality, the province, a not-for-profit corporation, or an organization registered as a charity)
- On a children's playground or in public spaces within 20 metres of the perimeter of a playground



- On a publically-owned outdoor sporting area, spectator area next to sporting areas and public spaces within 20 metres of any point of the edge of the sporting or spectator areas
- In a car or other motor vehicle with anyone under 16 years old in the vehicle. No one in a motor vehicle (including motorized snow vehicles such as snowmobiles) or boat that is being driven, or is at risk of being put into motion, can consume cannabis in any manner (smoking, vaping, eating), these provisions enforced by police only
- At child care centres, a place where licensed home child care is provided, or a place where an early years program or service is provided
- Within guest rooms in hotels, motels and inns that are designated smoke-free/vape-free
- On the grounds of all hospitals and within nine metres of any entrance or exit of a public or private hospital, psychiatric facility, long-term care home or independent health facility and within those buildings
- In the reserved seating area of outdoor sports arenas or entertainment venues
- Sheltered areas that have more than two walls and a roof and to which the public and employees are invited (including a bus shelter)
- On the grounds of certain government buildings as set out in the Act's regulation

It is illegal to sell tobacco or vapour products of any kind in the following locations:

- College, university or private school campuses
- Child care centres and a place where home child care is provided
- Public and private hospitals and psychiatric facilities
- Pharmacies
- By vending machine

The Act provides protection for home health-care workers. They have the right to ask a person not to smoke or vape in their presence while they are providing health care services.

### **Traditional Use of Tobacco**

Traditional use of tobacco by Indigenous persons is permitted for traditional Indigenous cultural or spiritual purposes and for non-Indigenous people who are participating in an activity being carried out by an Indigenous person.

## **Public Health Guidance for Municipalities on the Implementation of Legalization of Cannabis**

### ***Part A - Allowing retail stores or opt out of allowing retail stores***

Municipalities need to decide whether to allow retail stores or to opt out of allowing retail stores selling cannabis in their jurisdiction. If a municipality chooses to opt out, a resolution must be passed and notification sent to the Registrar of the AGCO by January 22, 2019.

Unless a municipal government opts out as per Ontario Regulation 468/18 s. 22, they will be considered to have opted in to recreational cannabis retail sale by default.

The Alcohol and Gaming Commission of Ontario has released the criteria for retail sites on December 4, 2018 in the follow document, Registrar's Standards for the Private Retail Sale of Cannabis.<sup>9</sup>

To protect youth, the provincial cannabis retailing regulations include a 150-metre buffer area for cannabis stores to keep them separated from schools. No buffers from any other use has been specified by the regulations.

The following tables outline potential positive and negative outcomes from a public health perspective and a column for municipalities to identify their local perspectives for the opt-in or out option.

Public Health Considerations

Will prevent any concerns of having retail outlets in proximity to sensitive use spaces increases normalization among sensitive populations, such as young persons.		
	Opting out may not decrease cannabis use and its impact on the community since it can be purchased on line or in other municipalities.	
22 Will avoid higher retail outlet density and retail hours that may contribute to increased consumption and related harms.		
Retail sales will not occur at licensed producers in the opted-out municipality <sup>8, 15</sup>		
The municipality would keep its options open, as an initial decision to "opt out" can be reversed later. <sup>16</sup>		
	Opting out could continue the demand on the illegal market and/ or limit ability to control youth access.	

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	May not decrease cannabis use and its impact on the community but could result in demand for the substance shifting to the illegal market.	
	For consumers who already use, in the absence of physical retail outlets the demand for the illegal cannabis market will likely remain.	
	Opting out can be reversed after January 22, 2019; however, the municipal government will not gain any additional funding from the Ontario Cannabis Legalization Implementation Fund (OCLIF) than it had as of January 22, 2019 when it opted out. Municipalities that have opted-out would receive only a second \$5,000 each for a minimum total of \$10,000, with no share of tax revenue thereafter, even if the municipality decides to opt in at a later date. <sup>16</sup>	
	Opting out will restrict provincial funding to respond to costs municipalities may incur related to legalization of cannabis since residents can grow plants in their residence and purchase on line.	

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	<p>Individuals without a physical address, access to transportation or a credit card, will likely not be able to access regulated products, and only have access to the illegal cannabis market, creating demand for the illegal market, inviting illicit criminal activities to enter the municipality, and putting themselves at risk by consuming unregulated products and the risks associated with those products such as unknown potency, therefore decreasing their ability to use safely and manage usage.<sup>16</sup></p>	
<p>Taking more time would allow determinations:</p> <ul style="list-style-type: none"> <li>a) of how and to what extent the Registrar of the AGCO may require compliance with local rules (zoning restrictions and general business licensing requirements)<sup>16</sup></li> <li>b) further information and clarifications from the Provincial Government, in the form of regulations with respects to AGCO duties</li> </ul>		

respecting retail licenses and site authorization. <sup>16</sup>		
	Opting out will limit funding from the province to \$10,000 with no share of tax revenue thereafter, even if the municipality decides to opt in at a later date. <sup>17</sup>	

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Access to retail stores may assist in diverting people from purchasing from illicit market. <sup>10</sup>		
	The decision is final and irreversible such that a municipality would no longer have the ability to "opt out" again	
	The Cannabis Licence Act 2018 does not allow municipalities to utilize licensing or land-use by-laws to control placement or number of retail outlets.	
	Concerns from residents, sent in during the 15 day consultation period, do not need to be acted upon by the AGCO.	
	By opting out, the municipality determines its own future by opting to impose a general ban of retail cannabis locations anywhere within its boundaries. <sup>16</sup>	
	No further buffer zones beyond the 150 m to schools have been specified by the regulations. <sup>11</sup>	

<p>Access to additional provincial funds.</p> <p>Funding from the province is used to address implementation costs associated with cannabis legalization in four areas: increase enforcement, paramedic and fire services, increase response to public inquiries and by-law/policy development.</p>		
<p>Residents and municipality have opportunity to share their views with the AGCO before a retail store is authorized to influence the authorization of a retail license.</p>		
<p>Municipalities will be able to identify local sensitive areas by completing the Municipal Cannabis Retail Policy Statement regarding identification and mapping of local sensitive areas as recommended by the AMO.<sup>11</sup></p>		
<p>Able to access additional funding at a later date out of a portion of any surplus excise taxes collected during the first two years of legalization.<sup>16</sup></p>		
<p>Municipalities that opt-in by January 22, 2019 are eligible for the maximum funding proposed through the Ontario Cannabis Legalization Implementation Fund (OCLIF).<sup>16</sup></p>		

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The provincial government is considering setting aside a certain portion of the municipal funding in each of 2018-19 and 2019-20 for unforeseen circumstances, and priority would be given to municipalities that have not opted-out. <sup>16</sup>		
The Association of Municipalities of Ontario (AMO) has stated it will continue to seek opportunities of municipal influence over store locations and density. <sup>16</sup>		
<b>28</b> Economic growth may occur with the potential creation of jobs and economic benefits that could augment the income of some families.		

## Public Health Guidance for Municipalities on the Implementation of Legalization of Cannabis

### *Part B - Providing feedback to AGCO re: location of retail stores*

Regulating the availability of cannabis is important to reduce the negative impacts of cannabis use in Simcoe Muskoka communities.<sup>12</sup> Lessons from alcohol and tobacco have shown that increased availability to a substance results in increased consumption, which can lead to significant health and social harms and costs.<sup>13, 14</sup>

For those municipalities that have made the decision to allow retail cannabis stores, they will be given the opportunity to provide feedback to the AGCO on proposed applications to open retail site(s) during the 15-day comment period for the public and municipal governments to provide input on proposed locations before granting a license.

AMO suggests that a 'Municipal Cannabis Retail Policy Statement' be adopted by council. Such a policy statement could address what it sees as significant local sensitive uses. A policy statement may identify specific sensitive uses and express some parameters to consider proximity to these sensitive areas, or may set out concerns regarding store concentration in certain areas of their communities, see Appendix A. This statement would provide direction to municipal staff input to the AGCO within its 15-day review period for each store site being proposed by an approved operator.

At this time, the municipal government will not be provided pre-notification of the application, but can make comments about whether the proposal is in the public interest as described by regulation.

AGCO has recommended that municipalities identify a key senior staff lead for proposed cannabis store notices from AGCO. This key contact should be able to gather information from various municipal departments as necessary, provide maps and be able to convey council policy.

Steps to be taken by municipalities:

- Pass a Municipal Cannabis Retail Policy Statement
- Identify key senior staff lead
- Request health unit support if desired
- Provide feedback during the 15-day period related to the three areas outlined by AGCO: <sup>19</sup>
  1. public health and safety
  2. protecting youth and restricting their access to cannabis, and
  3. preventing illegal activities in relation to cannabis.

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<p>1. Public health and safety</p>	<ul style="list-style-type: none"> <li>○ # of stores, density ratio between # of stores and population and distance between potential cannabis stores (rationale: high retail outlet density can contribute to increased consumption and harms). <sup>13, 15</sup></li> <li>○ Prevention of clustering of potential cannabis store and retail outlets selling tobacco and alcohol, as increased availability and exposure of substances result in increased consumption which can lead to significant health and social harms and costs. <sup>13, 15</sup></li> <li>○ By identifying sensitive areas (groups vulnerable to health and social harms), municipalities can comment on the location of potential cannabis stores in relation to vulnerable populations (rationale: retail outlet proximity to sensitive areas may negatively influence vulnerable residents). Some examples: addictions facilities, mental health facilities, correctional facilities as well as Georgian College locations (which prohibits the use, consumption, growing and cultivation of recreational cannabis).</li> <li>○ If the issuance of a retail store authorization in respect of a proposed store is not in the public interest, having regard to the needs and wishes of the residents of the municipality in which the proposed cannabis retail store would be located.</li> </ul>	
<p>2. Protecting youth and restricting their access to cannabis</p>	<ul style="list-style-type: none"> <li>○ Distance beyond 150m between potential cannabis store and schools, recreational centers or any place children and youth congregate or attend (rationale: retail outlet proximity to youth-serving facilities can normalize and increase substance use) <sup>15</sup></li> </ul>	

	<ul style="list-style-type: none"> <li>○ Local sensitive areas of concerns</li> <li>○ Concerns related to cannabis promotion or advertising</li> </ul>	
3. Preventing illegal activities in relation to cannabis	<ul style="list-style-type: none"> <li>○ Local sensitive areas of concerns</li> <li>○ Reporting of illegal dispensaries</li> <li>○ Current location and amount of illegal activities</li> </ul>	

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## Public Health Guidance for Municipalities on the Implementation of Legalization of Cannabis

### *Part C – Municipal considerations under the Smoke-Free Ontario Act, 2017 and Municipal Act, 2001*

#### **A. Requests for Service (including referrals from municipal partners)**

The health unit's tobacco enforcement team responds to all complaints (including anonymous complaints) and requests for service within seven business days. These include requests for signage, complaints related to smoking or vaping in a prohibited place or area, youth accessing tobacco and vapes in the community, etc. All reports and/or violations are kept confidential.

Contact Health Connection for all inquiries and complaints related to the Smoke-Free Ontario Act, 2017:

- Call Monday through Friday, between 8:30 a.m. and 4:30 p.m. at 705-721-7520 or 1-877-721-7520
- Send an email to Health Connection using the [online form](#)
- Connect by [Facebook](#)
- Connect by [Twitter](#)

#### **B. Employer and Proprietor Responsibilities (Notice and Signs)**

Employers and proprietors must provide notice to all persons of the smoke-free/vape-free areas over which they have control and ensure that a person smoking or vaping in a prohibited area does not remain on the premises. By posting smoke-free/vape-free signs throughout the workplace or public place (including outdoor areas over which they have control) employers and proprietors meet their legal requirements.

The expectation for posting of signs is that enough tobacco/e-cigarette signs are posted at areas where smoking and vaping is prohibited (including playgrounds, outdoor sporting areas, entrances and exits to buildings and washrooms, vehicle entrances to smoke-free properties, etc.) to ensure that employees and the public know that they cannot smoke tobacco or cannabis or vape anything there.

Smoke-free/vape-free signs are available from the health unit and [templates are available online from the Ministry of Health and Long-Term Care](#). Municipalities can incorporate the provincial template into their signs as long as all aspects are preserved (including size, content and graphics). Metal signs are available for outdoor smoke-free areas including sporting areas and playgrounds.

### C. Enforcement and Fines

SMDHU tobacco enforcement officers are responsible for education and enforcement of the Act within all communities in Simcoe Muskoka. These settings include:

- enclosed workplaces and public places
- restaurants and bars (including premises with patios)
- schools and school property
- tobacco and e-cigarette vendors (such as variety stores and gas stations)
- multi-unit dwellings including apartment buildings and condominiums
- hospitals, long-term care facilities and nursing homes
- outdoor public playgrounds and publicly-owned sporting areas

The fine for smoking or vaping in a prohibited place commences at \$305 by ticket and can range up to \$1,000 for a first offence or \$5,000 for any further offence.

### D. Municipal by-law considerations for prohibiting smoking and vaping of tobacco and cannabis and vaping of any substance in public places and workplaces not regulated by the Smoke-Free Ontario Act, 2017

The Province of Ontario has moved quickly post-legalization to provide municipalities additional authority to regulate where cannabis can be smoked and vaped. Two provincial Acts provide municipalities the authority to enact smoke-free / vape-free municipal by-laws:

- a) Smoke-Free Ontario Act, 2017 (SFOA, 2017) enacted on October 17, 2018, specifically allows municipalities to enact more restrictive smoking and vaping by-laws than the provisions contained in the SFOA, 2017 (via section 18). As referenced in the SFOA, 2017 chapter of this guidance document, the new act now includes prohibitions and regulations respecting cannabis and vaping in addition to tobacco regulations.
- b) Municipal Act, 2001, both generally and specifically provides municipalities the power to enact by-laws prohibiting smoking and vaping in publicly-owned municipal areas. Effective December 6, 2018, an amendment to the Municipal Act, 2001 received royal assent which expanded section 115 of the Act to include the smoking of cannabis and so specifically provides a municipality the authority to control where cannabis is smoked.

Smoke-free by-laws remain a vital legislative tool which many municipalities within Simcoe County and the District of Muskoka have kept in place and reinforced in the years since the original Smoke-Free Ontario Act came into effect in 2006. These by-laws have allowed municipal partners to keep beaches, parks and outdoor municipal property smoke free (where the provincial legislation has little or no influence). Some municipalities have also enacted vape-

free by-laws which have further protected public areas within their communities. Institutional settings in Ontario are also making bold smoke-free / vape-free decisions including a growing number of university and college campuses (in our region Georgian College most recently has made this policy decision). SMDHU has consistently identified and supported smoke-free / vape-free efforts by multi-unit dwellings including apartments, condominiums and social housing in moving towards smoke-free / vape-free policies to protect residents, visitors and employees. With the legalization of cannabis, the health unit has observed an increased willingness and interest by municipalities, institutions and multi-unit housing in adopting smoke-free / vape-free rules and regulations. The legalization of cannabis is an opportune moment to consider creating or amending a smoke-free / vape-free by-law.

Adopting or expanding a smoke-free / vape-free by-law is an important consideration for a municipality to positively impact the health of the communities it governs. Based on the evidence, SMDHU encourages municipalities within the health unit to enact smoke-free / vape-free legislation for the following reasons:

- Directly contributes to creating a smoke-free / vape-free culture
- Reduces the initiation of smoking and vaping among our youth
- Reduces the prevalence of tobacco use
- Protects the environment
- Protects against secondhand smoke and vape
- Increases the number of people who quit smoking
- Reduces tobacco-related morbidity and mortality, including acute cardiovascular events.

In consultation with legal counsel, SMDHU has determined that a smoke-free / vape-free by-law which includes cannabis controls is likely to be upheld by the court on the basis that it is consistent with the underlying purpose and intent of the SFOA, 2017 to restrict the smoking and vaping of cannabis and tobacco, to minimize the harmful effects on the well-being of citizens. Further, a municipality may regulate or prohibit the public smoking and vaping of cannabis (and tobacco) beyond the places identified in the SFOA, 2017 and that such a by-law, rather than frustrate the objective of the SFOA, 2017 promotes its intent. To this end, SMDHU requested that a sample smoke-free / vape-free by-law be developed by its law firm as a reference for our municipal partners. This sample by-law document titled SMDHU draft smoking and vaping by-law can be located in Appendix B. In developing the sample by-law, SMDHU's legal counsel considered the enabling legislation (SFOA, 2017 and the recently amended Municipal Act, 2001) as well as efforts by other municipalities in the province. The list of prohibited places set out in the SFOA, 2017 is not exhaustive of all conceivable public places where a municipality

may choose to restrict, regulate or prohibit smoking or vaping of tobacco and cannabis and the vaping of any substance. The appended by-law provides sample areas a municipality can control, and therefore, brings under the jurisdiction of municipal enforcement staff. The areas where smoking and vaping is prohibited under the by-law can overlap with SFOA, 2017 prohibited areas further increasing jurisdiction of municipal enforcement staff. A municipality has a range of options when assessing places of use which can be finalized with input from council, staff and residents.

When considering implementation of a by-law SMDHU suggests that in addition to regulating smoking of tobacco the municipality also include smoking of cannabis and vaping of any substance. These protections are provided for in the enabling legislation and align the municipality with the three products regulated by the SFOA, 2017 (tobacco, cannabis and vapour products). This recommendation ensures consistency of law enforcement practice, enhances the efforts of SMDHU in enforcing the SFOA, 2017 and diminishes confusion and conflicting direction and understanding by the public. With the recent amendment to the Municipal Act, 2001, a municipality cannot regulate smoking of tobacco or cannabis on a "highway" which has been judicially interpreted to include the entirety of the municipal road allowance including roads, sidewalks and boulevards. The appended by-law does; however, successfully regulate "sidewalks and municipal boulevards, except to the extent the sidewalk or boulevard is located within a road allowance" which includes sidewalks or boulevards outside a municipal allowance, such as adjacent or running through a park, etc. Public transportation vehicles and taxi cabs are subject to the by-law even when on a highway.

As part of the legal review, SMDHU requested clarification on the evidentiary ability of a municipality to prove that a product being smoked or vaped is cannabis, and therefore, in contravention of the by-law. SMDHU's legal counsel did not locate a municipal tobacco or cannabis by-law enacted by an Ontario municipality that included an evidentiary provision which gave a witness for the prosecution the same ease of proof as afforded by the SFOA, 2017 (which states under section 34 of its regulation the following: "A court may, in the absence of evidence to the contrary, infer that any substance in question is cannabis from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.") The Municipal Act, 2001 does provide evidential presumptions in the case of certain prosecutions under a by-law, such as with respect to adult entertainment establishments at section 154(4); however, it provides no such presumptions with respect to prosecution under a cannabis or tobacco by-law passed under section 115 of the Municipal Act, 2001. Therefore, a witness for the prosecution testifying in support of a charge laid under a by-law similar to the appended sample by-law would identify how they knew that it was cannabis (from training, prior awareness, an item taken into evidence such as a cannabis joint, etc.) Although the evidentiary provision contained in the SFOA, 2017 cannot be used in a by-law, SMDHU's experience in enforcing smoke-free by-laws points to extremely rare instances of the point being raised, i.e.

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the provincial offences court takes both smoke-free by-laws seriously and officers testifying in support of same at their word.

SMDHU intends to provide ongoing consultation and support to municipalities in Simcoe County and the District of Muskoka as council, staff and residents consider smoke-free and vape-free options for their communities. Health unit staff are available for meetings and public consultations as requested. By making the effort to enact these protections at the outset of the legalization of cannabis, each municipality will have more control and ability to influence the societal impacts of cannabis, vaping and tobacco moving forward.

## **SUMMARY**

The Simcoe Muskoka District Health Unit's evergreen document, **The Public Health Guidance for Municipalities on the Implementation of Legalization of Cannabis** has been created to support municipalities to take a public health focus during the implementation of cannabis legalization. This focus will assist to insure public safety, engagement in harm reduction activities and advocacy for health promotion for vulnerable community members are considered.

The early years of cannabis legalization will be a period of evolution. Over time, cannabis knowledge and evidence will grow, regarding general cannabis use and specific health issues and benefits, enabling public health to provide additional and more specific recommendations. SMDHU will continue during this period of implementation and change to offer local data, research updates and other accurate health information related to cannabis regulation for municipal consideration. Together, Simcoe and Muskoka municipalities and SMDHU can engage in continued efforts to modify individual and community risks for cannabis-related health harms through education, policy and programming.

## APPENDIX A – AMO DRAFT TEMPLATE MUNICIPAL CANNABIS POLICY STATEMENT



### Draft Municipal Policy Statement Template:

The template can be used by a municipality that has chosen to allow retail sales of recreational cannabis.

### Purpose & Vision

The purpose of this policy statement is to provide a format for municipal government input to the Alcohol and Gaming Commission of Ontario (AGCO) as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in (name of municipality).

The AGCO is the provincial authority that licences cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. Municipal governments have no licensing authority.

The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, that the proposed store location is consistent with the public interest as defined in the regulations.

The Municipality of .....has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when notice on a specific proposed cannabis retail store site is provided on the site location.

### Principles for Cannabis Retail Store Locations:

#### Relationship to Other Applicable Law:

- **Land Use Planning:** The provincial licensing process does not remove the requirement to comply with the zoning by-law and other municipal planning documents. The definitions within the municipality's Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the retail zones.
- **Municipal Building Inspections:** while the licencing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.

For the purposes of this policy statement, a cannabis retail store shall mean a store licenced by the AGCO.

1. Cannabis Retail Stores and Sensitive activities:

In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth including ....

The policy can address types of activities where youth or the potential for illegal sales or health risk exist. Please note that Ontario Regulation restricts a cannabis retail store from being located within a distance of 150 meters of a public school or most private schools. The municipality cannot adopt a greater distance. The distance buffer would be measured from the property line, if the school is the primary or only occupant of a building; or the boundary of any space occupied by the school within the building, if the school shares space, like in a mall. This distance buffer would not apply to private schools that hold classes online only, or to First Nation schools located on reserve.

The municipal government may want to suggest other youth facilities such as libraries and community centres if appropriate, or other sensitive facilities that serve persons with mental health or addiction challenges.

The policies cannot be so restrictive that it is impossible to locate a store. Nor can the policy state a specific number of stores permitted.

It is recommended that should the municipal government choose a separation distance from a sensitive use that it be a number, not a range and that a rationale for this distance be provided.

Municipal governments should note that municipal density restrictions on cannabis retail stores are not permitted under the legislation or regulations. However, it is possible that the number of cannabis retail stores in one area could in the future be considered under the public interest criteria in the regulations and merit comment from the municipal government and community.

2. Cannabis retail stores should not be permitted in:

Any prohibitive statements must be considered through the lens of eliminating illegal activity, public health and safety or protecting youth and the regulatory definition of the public interest.

Retail locations, if retail is allowed in a zone other than a commercial zone, such concerns may be noted.

How does this prohibition help youth, create a safer environment or limit illegal activity? A municipal government may choose not to have any prohibitions.



3. Attached is a map showing the retail/commercial zones of the municipality and the activities identified in Section 1 above.

A map showing where retail is permitted and the locations of the activities identified in the first section will be very helpful to the AGCO. Municipal governments may choose to provide some sample separation distances as concentric rings around the activities such as addiction treatment facilities etc. to provide sample set backs. The Ministry of Education is working to identify all schools however; municipalities could also provide this information.



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## APPENDIX B – SMDHU DRAFT MODEL OF SMOKING AND VAPING BY-LAW

# DRAFT MODEL

By-law 2018 –

A By-law to prohibit the smoking or vaporizing of tobacco or recreational cannabis and vaporizing of any substance in public places and workplaces in the [name of municipality]

---

WHEREAS Section 8 of the *Municipal Act, 2001*, c. 25, as amended (“*Municipal Act, 2001*”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

WHEREAS clause 6 of subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents; and

WHEREAS the Council of the Corporation of [name of municipality] has the authority to pass a by-law to prohibit or regulate the smoking of tobacco and cannabis in public spaces and workplaces pursuant to Section 115(1) of the *Municipal Act, 2001*, and to define “public place” for purposes of such by-law; and

WHEREAS Section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council are or could become or cause public nuisances; and

WHEREAS Section 129 of the *Municipal Act, 2001*, provides that a local municipality may prohibit and regulate with respect to odours; and

WHEREAS subsection 115(3) of the *Municipal Act, 2001* provides that section 115 of the Act shall not apply to a highway; and

WHEREAS the Council of the Corporation of the [name of municipality] (the “Council”) has deemed it desirable for the health, safety and well-being of the residents of the [name of municipality] to prohibit or regulate smoking or vaporizing of tobacco and cannabis and vaporizing of any substance in public places within the [name of municipality] in accordance with the provisions of this By-law; and

WHEREAS Section 18 of the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Schedule 3, contemplates that where there is a conflict between a provision of this Act and a provision of another Act, a regulation or a municipal by-law that deals with a matter to which this Act applies,

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the provision that is more restrictive of the matter to which this Act applies prevails, subject to section 19 in the said Act.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1.0 BY-LAW TITLE

1.1 This By-law may be cited as the "Tobacco, Cannabis and Vaporizing By-law".

2.0 DEFINITIONS

2.1 For the purpose of this By-law:

- (a) "Cannabis" means cannabis as defined in the *Cannabis Act* (Canada);
- (b) "Municipality" means The Corporation of the [name of municipality];
- (c) "Council" means the Council of the Corporation of the [name of municipality];
- (d) "Officer" means:
  - (i) A Provincial Offences Officer of the Municipality or other person appointed by or under the authority of a Municipal by-law to enforce Municipal by-laws; or
  - (ii) A Police Officer employed by the police service of the [name of municipality], Ontario Provincial Police or the Royal Canadian Mounted Police.
- (e) "Community Centre" means a building or enclosed area owned and operated by the Municipality that is used for public recreation, entertainment or cultural purposes;
- (f) "Health Care Facility" means any building wherein medical, dental, psychological or chiropractic services or advice regarding any illness, disease or injury, physical or mental, is or may be provided and without limiting the generality of the foregoing, includes a pharmacy, a community health centre, the offices of doctor, dentist, chiropractor, optometrist, psychologist or any other health care practitioner. The area so defined includes the administrative offices, food service and eating areas thereof;
- (g) "Municipal Building" means any building, facility or structure owned, leased, controlled or used by the Municipality for municipal purposes, including without limitation municipal offices, transit facilities, bus shelters, community centres,

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libraries, indoor swimming pools, arenas, museums, art galleries, public washrooms, concession stands, recreational centres, fire halls, ambulance stations and police stations;

- (h) "Outdoor Recreational Facility" means any area located on municipal property that is designed, designated or delineated for the playing of sports or for activities, together with any lane, walkway or public parking area leading thereto including but not limited to: swimming pools, splash pads, soccer fields, baseball diamonds, tennis courts, football fields, player benches, side lines, player warm up areas and spectator areas;
- (i) "Park" means lands owned by the Municipality that is designed or used for public recreation including, but not limited to, parklands, parkettes, trails, community gardens, sports fields, playing fields, beaches including any adjacent bodies of water, and includes any lane, walkway or public parking area leading thereto and any spectator or player seating areas;
- (j) "Playground Area" means any part of an outdoor area fitted with play equipment, including but not limited to slides, swings, and climbing equipment, and includes any surrounding natural or man made safety surface of sand, rocks, wood chips, rubber or any similar material that may typically define its border and any trail or pathway within a nine metre radius of a Playground Area;
- (k) "Public Place" includes any place to which the public has access as of right or invitation, express or implied, regarding of whether it is owned by a public or private entity, and also includes any motor vehicle located in a public place or in any place open to public view whether or not such vehicle is in motion;
- (l) "Vaporizing" means:
  - (i) to inhale and exhale the vapour produced by an Electronic Cigarette or similar device containing Cannabis or tobacco or any substance, or
  - (ii) holding or otherwise having control of an Electronic Cigarette that is producing vapour, emissions or aerosol from Cannabis or tobacco or any substance.
- (m) "Electronic Cigarette" means a vaporizer or inhalant-type device, whether called an Electronic Cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine.

(n) "Use" with respect to Electronic Cigarettes, includes any of the following:

- 1) Inhaling vapour from an Electronic Cigarette.
- 2) Exhaling vapour from an Electronic Cigarette.
- 3) Holding an activated Electronic Cigarette.

### 3.0 GENERAL PROHIBITIONS

3.1 In addition to the prohibitions set out in the Smoke-Free Ontario Act, S.O. 2017, c.26, as amended from time to time, no person shall smoke or vaporize Cannabis or tobacco, or hold or otherwise use lighted Cannabis or tobacco, or use an Electronic Cigarette, or vaporize any substance, in or on any Public Place, including, but not limited to, the following:

- (a) Municipal Buildings identified in Schedule "A" or within a 9 metre radius of any public entrance of a Municipal Building;
- (b) the outdoor grounds of any Municipal Building identified in Schedule "A";
- (c) all Health Care Facilities and the outdoor grounds thereof;
- (d) Parks and natural areas located within the Municipality or within a 20 metre radius of the perimeter of such areas;
- (e) public and private parking lots;
- (f) all Outdoor Recreational Facilities or within a 20 metre radius of the perimeter of an Outdoor Recreational Facility;
- (g) all Playground Areas, or within a 20 metre radius of the perimeter of Playground areas;
- (h) sidewalks and municipal boulevards, except to the extent the sidewalk or boulevard is located within a road allowance;
- (i) all schools, daycare facilities, and other child care facilities, or within 20 metres of the boundaries of the properties on which these facilities are situated;
- (j) all retail, commercial and business establishments, including but not limited to shopping malls.

### 4.0 APPLICABILITY

- 4.1 This By-law does not apply to privately-owned property that is primarily a private dwelling.
- 4.2 This By-law does not apply to any highway or any portion of a public road allowance highway.
- 4.3 This By-law does not apply to a person who is entitled to possess Cannabis pursuant to a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230 promulgated under the *Controlled Drugs and Substances Act (Canada)* S.C. 1996, c.19, or successor legislation or regulations made thereunder.

## 5.0 ENFORCEMENT

- 5.1 The provisions of this By-law may be enforced by an Officer.
- 5.2 Where any person contravenes any provision of this By-law, an Officer may direct such person to comply with this By-law. Every person so directed shall comply with such direction without undue delay.
- 5.3 Where an Officer has reasonable grounds to believe that a person has contravened any provision of this By-law, the Officer may require the name, address and proof of identity of that person, and the person shall supply that information. Failure to provide sufficient or any identification shall constitute obstruction of the Officer as set out in section 6.2 of this By-law.

## 6.0 OFFENCES

- 6.1 Any person, who contravenes or fails to comply with any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 6.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.

## 7.0 CONTINUATION, REPETITION PROHIBITED BY ORDER

- 7.1 Where a person has been convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the person convicted, issued an order:
- (i) prohibiting the continuation or repetition of the offence by the person convicted; and
  - (ii) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## 8.0 ADMINISTRATIVE PENALTIES

- 8.1 Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law, an Officer may issue an administrative penalty to the person who has contravened this By-law.
- 8.2 The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33. If an administrative

penalty is issued to a person for the breach, no charge shall be laid against that same person for the same breach.

- 8.3 The amount of the administrative penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in By-law No, [insert number and title of by-law], as amended or any successor by-law.
- 8.4 A person, who is issued an administrative penalty shall be subject to the procedures as provided for in By-law [insert number and title of by-law], as amended or any successor by-law.
- 8.5 An administrative penalty imposed on a person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

#### 9.0 PENALTIES

- 9.1 Every person who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction to a fine of not less than \$100 and not more than \$500;
  - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$500 and not more than \$1,000;
  - (c) Upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100 and not more than \$1,000.

#### 10.0 COLLECTION OF UNPAID FINES

- 10.1 Where a fine is in default, the Municipality may proceed with civil enforcement against the person upon whom the fine has been imposed, pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33.
- 10.2 The Municipality may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in that local municipality for which all of the registered owners are responsible for paying the fine, and to collect it in the same manner as municipal taxes.

#### 11.0 SEVERABILITY

- 11.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular

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circumstances, the validity of this By-law as a whole or any part thereof, other than that part which is declared invalid, shall not be affected and it shall continue to apply in full force and effect to all other circumstances.

12.0 CONFLICTS

12.1 If any provision of this By-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of the smoking of tobacco or of the smoking of Cannabis, as the case may be, shall prevail.

13.0 INTERPRETATION

13.1 The provisions of Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Schedule F shall apply to this By-law.

14.0 FORCE AND EFFECT

14.1 This By-law comes into force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Read a first, second and third time and passed in Open Council on this [insert number] day of [insert month], 2018.

\_\_\_\_\_  
[insert name]  
Clerk of the Municipality

\_\_\_\_\_  
[insert name]  
Mayor

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SCHEDULE "A"  
LIST OF MUNICIPAL BUILDINGS



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**From:** SWIFT <[info@swiftnetwork.ca](mailto:info@swiftnetwork.ca)>  
**Sent:** January 8, 2019 2:49 PM  
**To:** Colleen Healey <[chealey@essatownship.on.ca](mailto:chealey@essatownship.on.ca)>  
**Subject:** Voice your support: Increase equal access to CRTC broadband funding

Voice your support: Increase equal access to CRTC broadband funding.

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## Voice your support: Increase equal access to CRTC broadband funding

With an estimated 100,000 of the 230,000 underserved premises in Southwestern Ontario ineligible for funding, SWIFT is requesting a review of the CRTC's Broadband Fund eligibility criteria.

SWIFT is encouraging all rural broadband stakeholders to [submit comments to the Canadian Radio-television and Telecommunications Commission \(CRTC\)](#) in support of a review of the CRTC Broadband Fund's restrictive eligibility criteria. SWIFT has filed an [application of appeal](#) requesting modifications to the

Commission's ruling in order to increase equal access to funding for all underserved Canadians.

SWIFT is proposing that modifications be made to the exclusive use of the 25km hexagonal system used by Innovation, Science and Economic Canada (ISED) to map "served" and "underserved" areas as a base to determine CRTC funding eligible.

**Why this is important to you:**

The CRTC has classified "high-speed" Internet access as a "basic service" and has committed to providing Internet speeds of at least 50 Mbps for downloads and 10 Mbps for uploads as a universal service objective. Yet, the eligibility and assessment criteria used to evaluate applicants excludes "partially served" areas, a hexagon with at least one household that has access to 50/10 target speeds. "Partially served" areas are not eligible for funding.

The use of ISED's mapping and data as the basis for eligibility for the CRTC Broadband Fund has led to a significant underestimation of the magnitude of the problem and restricts the ability of underserved communities to access much-needed funds.

SWIFT estimates that around 100,000 of the 230,000 underserved premises in Southwestern Ontario alone, are located in CRTC "partially served" areas and are not eligible for CRTC funding.

To highlight the federal funding gap, SWIFT has developed a map to illustrate the large number of underserved businesses and households in its project region of Southwestern Ontario, Niagara and Caledon that are not eligible for funding based upon the Commission's assessment.



### Availability of Basic Broadband Services in Southwestern Ontario

**Bright/translucent lines:** Areas where SWIFT estimates Internet service provider offer service packages with speeds that meet or exceed CRTC's 50/10 "basic service" target.

**Dark hexagons:** Areas considered served/ineligible to apply to CRTC fund.

To view online map, [click here](#).

The Commission's approach to restricting eligibility of "partially served" areas reduces the overall quality of the Broadband Fund, leaving many gaps within

the network that market forces are unlikely to address anytime soon.

**Recommendations made by SWIFT in the appeal to the CRTC to help ensure all underserved Canadians have access to broadband funding include:**

- Redefine service area boundaries and allow areas that are lacking access to meet the Commission's "basic service" (50/10) thresholds as eligible to apply for funding.
- Allow lower levels of government and underserved communities to provide other evidence such as standardized Internet measurements to demonstrate their needs and therefore eligibility to apply.
- Reconsider that in "partially served" areas market forces are not "likely" to improve connectivity anytime soon.
- At a minimum, allow underserved areas in "partially served" zones to be eligible to apply as part of larger projects to incentives private sector participation.

**Make your voice heard – support rural broadband funding**

CRTC has invited written submission for comments from interested individuals and organizations on the issues related to SWIFT's application to review and vary Telecom Regulatory Policy CRTC 2018-377 (Development of the Commission's Broadband Fund).

- by completing the [online form](#)
- by mail to: CRTC, Ottawa, Ontario K1A 0N2
- by fax to: 819-994-0218

The deadline for comment is **February 8, 2019**.

**Additional Information:**

[Press Release: SWIFT is requesting CRTC to reconsider its Broadband Fund eligibility criteria](#)

[View a PDF of SWIFT's application to appeal](#)

[Click here to run a speed test, fill out our survey, and map your results! #broadbandforeverone!](#)

**To learn more, please visit our website:**

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Connect with SWIFT and follow along as we build #broadbandforeverone. Use the links below to visit our website and find us on Facebook and Twitter.



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## Notice of Appeals for Education Development Charges By-laws in Simcoe and Toronto

### **BILD Members:**

Please be advised that BILD Simcoe Chapter and Toronto Chapter have appealed the Education Development Charges (EDC) By-laws passed by the school boards in Simcoe County and the Toronto Catholic District School Board (TCDSB).

- Notice of appeal letters for the Simcoe County District and Simcoe Muskoka Catholic District School Boards' EDC By-laws (approved October 25<sup>th</sup>) were submitted by BILD on November 30<sup>th</sup>.
- A notice of appeal for the Toronto Catholic District School Board's EDC By-law (approved November 15<sup>th</sup>) was filed on December 21, 2018.

As a result of the October 12<sup>th</sup> provincial regulation that placed a temporary "pause" on EDC rate increases until a review of the funding model is completed, the by-laws passed in Simcoe County and by the TCDSB continue the rates that were in place as of August 31, 2018.

Prior to this, many school boards, such as those in Halton Region, Simcoe County, and Toronto, prepared the required Background Studies that would have informed new and updated EDC rates. BILD, alongside with our EDC consultant team, Denise Baker of WeirFoulds LLP and Daryl Keleher of Altus Group, undertook a comprehensive review of all EDC Background Studies that were brought forward and engaged in extensive meetings and conversations with municipal staff to address concerns related to the policy and methodology approaches applied in the studies.

These appeals were filed because, while the school boards passed by-laws that continued existing rates, the Background Studies that are associated to these by-laws contain contentious policies and methodologies that underpin increased rates. In the case of Simcoe and the TCDSB, there were outstanding issues with the Background Studies that were not resolved prior to the by-laws being passed. Given the outstanding concerns related to the Simcoe and TCDSB Background Studies as well as the uncertainty surrounding the nature of the province's forthcoming EDC policy review, BILD filed these appeals out of an abundance of caution and to protect our ability to challenge the Background Studies at a later time, if required.

### Forthcoming EDC Reviews and By-law Updates

There are still a number of GTA school boards that have EDC by-laws that expire in 2019 and will need to pass an updated by-law in order to continue to collect EDCs. This includes the:

- Durham Public / Catholic School Boards (May 2019 expiry);
- Peel Public / Dufferin-Peel Catholic School Boards (June 2019 expiry); and
- York Public / Catholic School Boards (June 2019 expiry).

While it is the expectation at this point in time that these school boards' will pass by-laws that will continue existing rates, BILD and our EDC consultant team will meaningfully engage in the consultation process and complete an analysis of the Background Studies brought forward. As this process continues to unfold and new information comes forward regarding the Provincial review of the EDC policy and funding framework, BILD will keep members informed accordingly.

Thank you,

**Carmina Tupe** MCIP RPP

Planner, Policy and Government Relations

**Building Industry and Land Development Association**

20 Upjohn Road, Suite 100 | Toronto, ON M3B 2V9

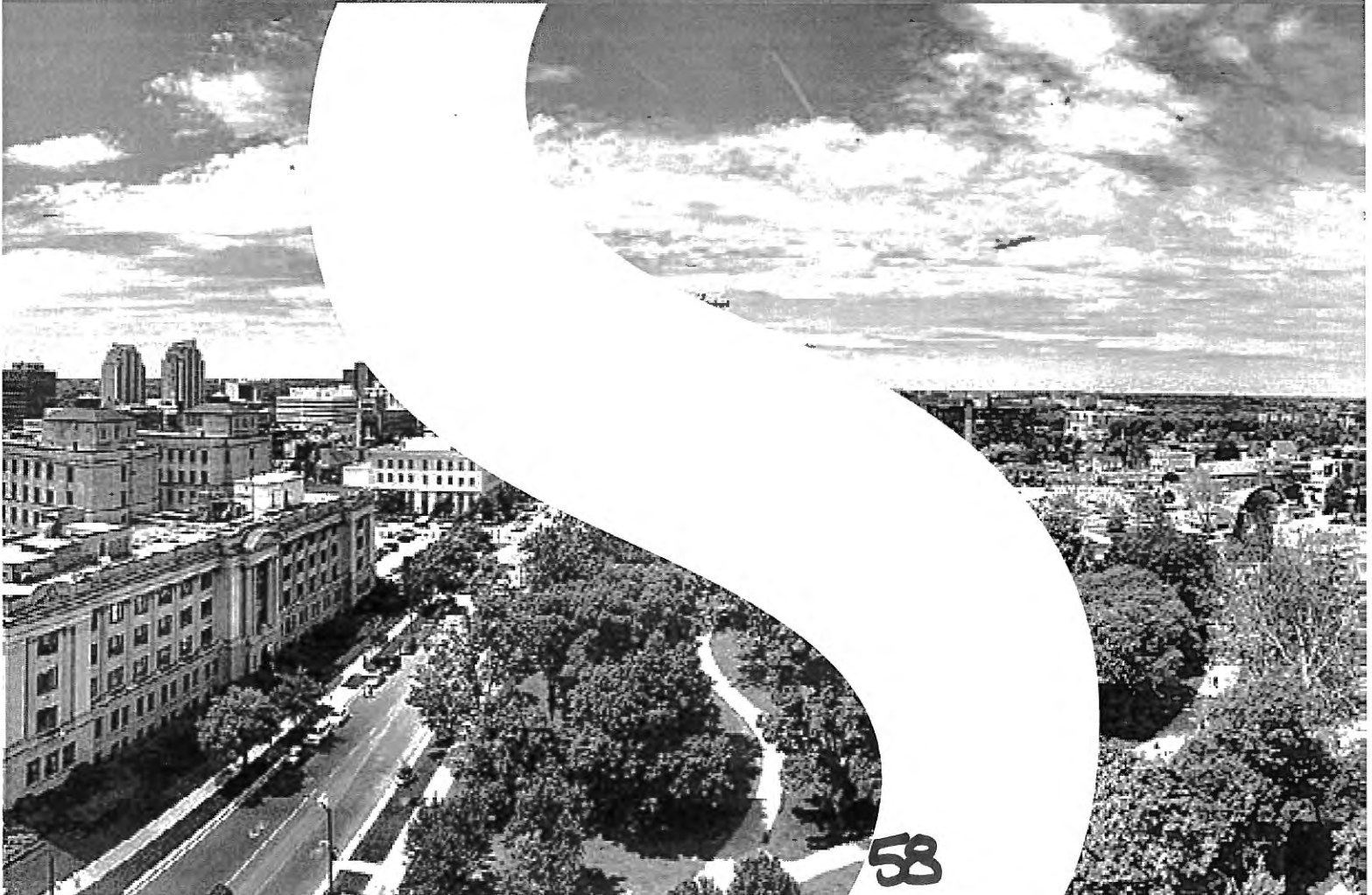
W: 416-391-5704 | M: 647-326-6181 E: [ctupe@bildgta.ca](mailto:ctupe@bildgta.ca)



A WSP White Paper On:

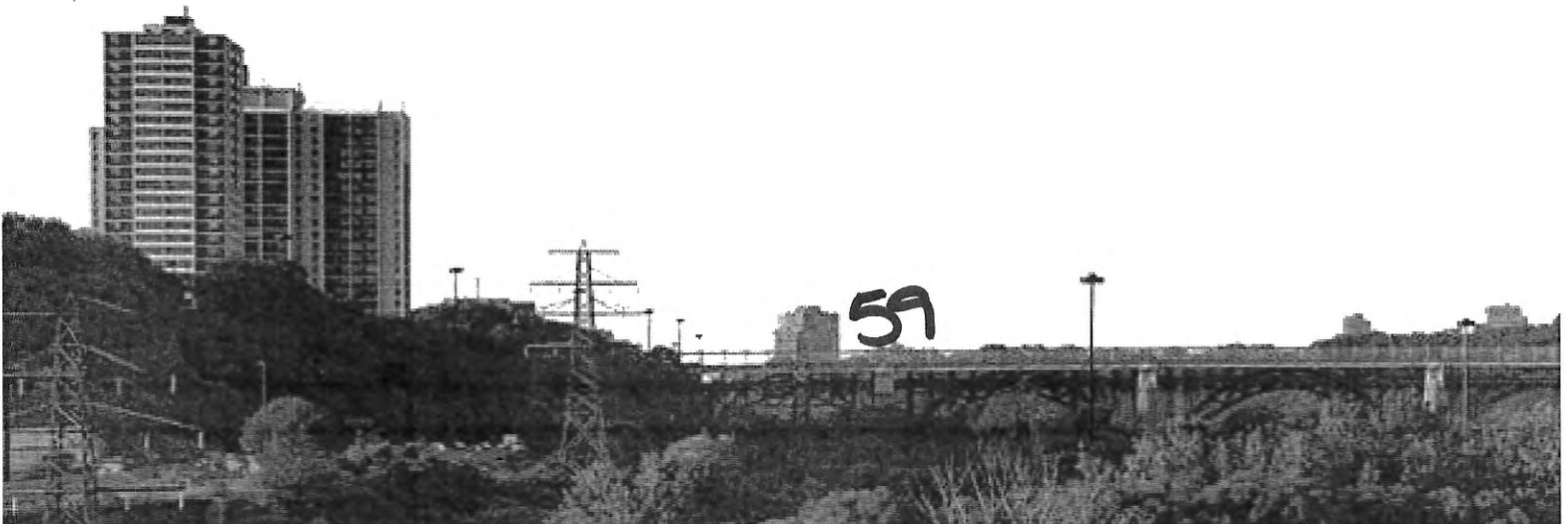
# **Bill 66**

## *Restoring Ontario's Competitiveness Act, 2018*



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## Introduction

The purpose of this white paper is to provide an overview of proposed changes to the *Planning Act* through the introduction of Bill 66: *Restoring Ontario's Competitiveness Act, 2018*.

The omnibus bill, which passed First Reading in the legislature on December 6, 2018, proposes to amend and repeal multiple pieces of existing legislation. Schedule 10 of the Bill proposes changes to the *Planning Act* to include a new "open-for-business planning by-law" that municipalities may pass under certain conditions related to fostering job creation and implementing efficiencies to the planning process.

## Intent

Bill 66 was unveiled by the Honourable Todd Smith, Minister of Economic Development, Job Creation and Trade. The Bill contains over 30 actions, affecting various ministries and has been framed as "part of the government's multi-year Ontario Open for Business Action Plan," which has a target of "reducing red tape for businesses by 25%, across every ministry".

The changes introduced by Bill 66 in relation to the Ministry of Municipal Affairs and Housing have the stated goal of making it easier for businesses to locate or expand in Ontario. The government's press release elaborates that the legislation will:

"Introduce a new economic development tool and remove planning barriers to expedite major business investments and speed up approvals so they would be completed within one year. These proposals to streamline provincial development approvals under the *Planning Act* would cut red tape and shorten the time it takes to build projects that create jobs. Municipalities would have the option to use the streamlined process so they could act quickly to attract major employers. The aim is to have all provincial approvals in place within one year so qualifying businesses can begin construction."

In terms of the legislation itself, Schedule 10 of the Bill introduces amendments to the *Planning Act* by proposing a new planning tool referred to as an “open-for-business planning by-law.” A summary of the proposed legislation of Section 34.1 is outlined in Table 1, which follows this summary. Existing legislation that Bill 66 proposes to affect includes:

- |   |  |    |   |
|---|--|----|---|
| 1 | The <i>Planning Act</i> , 1990           | 6  | <i>Metrolinx Act</i> , 2006                               |
| 2 | The <i>Clean Water Act</i> , 2006        | 7  | <i>Oak Ridges Moraine Conservation Act</i> , 2001         |
| 3 | <i>Great Lakes Protection Act</i> , 2015 | 8  | <i>Ontario Planning and Development Act</i> , 1994        |
| 4 | <i>Greenbelt Protection Act</i> , 2005   | 9  | <i>Places to Grow Act</i> , 2006                          |
| 5 | <i>Lake Simcoe Protection Act</i> , 2008 | 10 | <i>Resources Recovery and Circular Economy Act</i> , 2016 |

Under the current *Planning Act*, planning decisions must be consistent with or conform to Provincial Policy Statements, plans and the local official plan(s), as well as various other laws. Bill 66 would eliminate the need for an open-for-business planning by-law to be consistent or conform with these over-arching policies as well as the environmental and other restrictions and requirements put in place by the legislation listed above. More detail about these changes is contained in Table 1.

## The *Planning Act*

Schedule 10 of Bill 66 adds a new Section 34.1 to the *Planning Act* which allows local municipalities to pass open-for-business planning by-laws. Table 1 provides a brief summary of the proposed Section 34.1 legislation.

Ontario  
*Planning Act*,  
R.S.O. 1990,...



**Table 1: Proposed Section 34.1 of  
the Planning Act**

Proposed Section 34.1	Summary
<p><b>34.1</b> (1) A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,</p> <ul style="list-style-type: none"> <li>(a) involves the exercise of the municipality's powers under section 34; and</li> <li>(b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures.</li> </ul>	<p>Subsection (1) allows a municipality to pass an open-for-business planning by-law through their powers under section 34.</p> <p>Subsection (1)(b) allows a municipality to impose conditions, similar to those in the site-plan process, through an open-for-business planning by-law.</p>
<p><b>Conditions</b> (2) A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:</p> <ul style="list-style-type: none"> <li>1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.</li> <li>2. The prescribed criteria, if any, have been met.</li> </ul>	<p>A municipality is required to receive approval in writing from the Minister, subject to criteria. Further details regarding approval criteria are noted in ERO regulations 013-4239 and 013-4125.</p>
<p><b>Request by municipality</b> (3) The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed information.</p>	<p>Council must pass a resolution to request approval from the Minister and must provide the Minister with the necessary information.</p>
<p><b>Approval subject to conditions</b> (4) The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide.</p>	<p>The Minister may impose conditions on their decision to approve an open-for-business planning by-law.</p>

**Table 1: Proposed Section 34.1 of  
the Planning Act**

Proposed Section 34.1	Summary
<p><b>Purposes of open-for-business planning by-law</b> (5) An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose.</p>	<p>n/a</p>
<p><b>Non-application of listed provisions</b> (6) The following provisions do not apply to an open-for-business planning by-law:</p> <ol style="list-style-type: none"> <li>1. Subsection 3 (5).</li> <li>2. Section 24.</li> <li>3. Subsections 34 (10.0.0.1) to (34).</li> <li>4. Section 36.</li> <li>5. Section 37.</li> <li>6. Section 39 of the <i>Clean Water Act, 2006</i>.</li> <li>7. Section 20 of the <i>Great Lakes Protection Act, 2015</i>.</li> <li>8. Section 7 of the <i>Greenbelt Act, 2005</i>.</li> <li>9. Section 6 of the <i>Lake Simcoe Protection Act, 2008</i>.</li> <li>10. Subsection 31.1 (4) of the <i>Metrolinx Act, 2006</i>.</li> <li>11. Section 7 of the <i>Oak Ridges Moraine Conservation Act, 2001</i>.</li> <li>12. Section 13 of the <i>Ontario Planning and Development Act, 1994</i>.</li> <li>13. Subsection 14 (1) of the <i>Places to Grow Act, 2005</i>.</li> <li>14. Section 12 of the <i>Resource Recovery and Circular Economy Act, 2016</i>.</li> <li>15. Any prescribed provision.</li> </ol>	<p>This subsection outlines the provisions of the <i>Planning Act</i>, from which an open-for-business planning by-law would be exempt:</p> <ol style="list-style-type: none"> <li>1. Subsection 3(5) – requirement for consistency with policy statements and conformity with provincial plans</li> <li>2. Section 24 – requirement for official plan conformity</li> <li>3. Subsection 34 (10.0.0.1) to (34) – restrictions for amending a new zoning by-law within two years of adoption; appeal rights to the LPAT regarding the open-for-business planning by-law; and, providing notice of passing of such by-law, amongst others</li> <li>4. Section 36 – holding provisions</li> <li>5. Section 37 – bonusing provisions</li> <li>6. Section 39 of the <i>Clean Water Act, 2006</i> – requirement that decisions made under the <i>Planning Act</i> and <i>Condominium Act</i> conform with significant threat policies and have regard to other policies set out in the source protection plan.</li> <li>7. Section 20 of the <i>Great Lakes Protection Act, 2015</i> – requirement that decisions made under the <i>Planning Act</i> and <i>Condominium Act</i> conform with designated policies of the initiative and have regard to policies designated in Schedule 1 of the initiative.</li> <li>8. Section 7 of the <i>Greenbelt Act, 2005</i> – requirement</li> </ol>



Table 1: Proposed Section 34.1 of  
the Planning Act

Proposed Section 34.1	Summary
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that decisions made under the *Ontario Planning and Development Act*, the *Planning Act*, or the *Condominium Act* conform to the Greenbelt Plan.

9. Section 6 of the *Lake Simcoe Protection Act, 2008* - requirement that decisions made under the *Planning Act* and *Condominium Act* conform with the designated policies of the Lake Simcoe Protection Plan and have regard for other policies established by the Plan.

10. Subsection 31.1 (4) of the *Metrolinx Act, 2006* - requirement that decisions made under the *Planning Act* and *Condominium Act* within the regional transportation area be consistent with the designated policies in a transportation planning policy statement.

11. Section 7 of the *Oak Ridges Moraine Conservation Act, 2001* - requirement that decisions made under the *Planning Act* and *Condominium Act* conform with the Oak Ridges Moraine Conservation Plan.

12. Section 13 of the *Ontario Planning and Development Act, 1994* - the requirement that a development plan prevails in a conflict between an official plan or zoning by-law.

13. Subsection 14 (1) of the *Places to Grow Act, 2005* - the requirement for conformity with the Growth Plan

14. Section 12 of the *Resource Recovery and Circular Economy Act, 2016* - requirement that decisions made under the *Planning Act* and *Condominium Act* be consistent with all applicable policy statements

**Table 1: Proposed Section 34.1 of  
the Planning Act**

Proposed Section 34.1	Summary
<p><b>Application of site plan control</b> (7) Section 41 of this Act and section 114 of the <i>City of Toronto Act, 2006</i> do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8).</p>	<p>This would eliminate the requirements for an open-for-business planning by-law to adhere to site plan control (either under the <i>Planning Act</i> or <i>City of Toronto Act</i>).</p>
<p><b>Conditions that may be imposed</b> (8) One or more of the following conditions may be imposed in accordance with clause (1) (b):</p> <ol style="list-style-type: none"> <li>1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,             <ol style="list-style-type: none"> <li>i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and</li> <li>ii. drawings showing plan, elevation and cross-section views for any building to be erected which drawings are sufficient to display,                 <ol style="list-style-type: none"> <li>A. the massing and conceptual design of the proposed building,</li> <li>B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,</li> </ol> </li> </ol> </li> </ol>	<p>This subsection provides a list of site plan-style conditions which may be imposed on development under an open-for-business planning by-law.</p>

**Table 1: Proposed Section 34.1 of  
the Planning Act**

Proposed Section 34.1	Summary
<p>C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and</p> <p>D. facilities designed to have regard for accessibility for persons with disabilities.</p> <p>2. Any condition that can be imposed by a municipality under subsection 41 (7).</p> <p>3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).</p> <p>4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipalities considers necessary for the protection of public health and safety.</p> <p>5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.</p>	<p>Municipalities may still use traditional site plan conditions at their discretion.</p>
<p><b>Same</b></p> <p>(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:</p> <ol style="list-style-type: none"> <li>1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.</li> <li>2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (8).</li> <li>3. The manner of construction and construction standards.</li> </ol>	<p>These listed matters are not subject to the conditions imposed under paragraph 1 of subsection (8).</p>

**Table 1: Proposed Section 34.1 of  
the Planning Act**

Proposed Section 34.1	Summary
<p><b>Same</b> (10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),</p> <ul style="list-style-type: none"> <li>(a) the agreement may be registered against the land to which it applies; and</li> <li>(b) the municipality may enforce the agreement against the owner and, subject to the <i>Registry Act</i> and the <i>Land Titles Act</i>, any and all subsequent owners of the land</li> </ul>	<p>Allows agreements to be registered against the land title.</p>
<p><b>Notice</b> (11) No notice or hearing is required prior to the passing of an open-for-business planning by-law, but the municipality shall give notice of the by-law,</p> <ul style="list-style-type: none"> <li>(a) within three days of the passing thereof to the Minister in the prescribed manner; and</li> <li>(b) within 30 days of the passing thereof to any persons or public bodies the municipality</li> </ul>	<p>No notice or public process is required to pass an open-for-business planning by-law. Municipalities are required to notify the Minister within three days of passing. Municipalities have the discretion as to how and who is notified within 30 days of passing an open-for-business zoning by-law.</p>
<p><b>Coming into force of by-law</b> (12) An open-for-business planning by-law comes into force on,</p> <ul style="list-style-type: none"> <li>(a) the 20th day after it is passed, even if that day is a holiday; or</li> <li>(b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.</li> </ul>	<p>An open-for-business planning by-law comes into effect 20 days after it is passed, or on a date specified by the Minister.</p>
<p><b>Minister may modify, revoke</b> (13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force.</p>	<p>The Minister can modify or revoke an open-for-business planning by-law at any time before it comes into force.</p>

**Table 1: Proposed Section 34.1 of  
the Planning Act**

Proposed Section 34.1	Summary
<p><b>Non-application of <i>Legislation Act, 2006, Part III to order</i></b> (14) Part III of the <i>Legislation Act, 2006</i> does not apply to an order made under subsection (13).</p>	<p>This section of the <i>Legislation Act</i> requires every regulation to be filed with the Registrar. A Minister's decision to modify or revoke would not be subject to Part III of the <i>Legislation Act</i>.</p>
<p><b>Order provided to municipality</b> (15) If the Minister makes an order under subsection (13), the Minister shall provide a copy of the order to the municipality.</p>	<p>The Minister must notify the municipality of their intent to modify or revoke the open-for-business planning by-law.</p>
<p><b>Deeming rule for modified by-law</b> (16) If the Minister makes an order modifying an open-for-business planning by-law under subsection (13), the by-law is deemed to have been passed by the municipality with the modifications specified in the order.</p>	<p>An open-for-business planning by-law modified by the Minister is deemed to have been passed by the municipality including the ordered modifications.</p>
<p><b>Amendment and revocation</b> (18) An open-for-business planning by-law may be amended or revoked by a by-law passed by the local municipality in accordance with section 34. However, any provision of the by-law that imposes a condition in accordance with subsection (8) may be amended or revoked by a by-law passed by the local municipality if the municipality has given notice, in such manner as the municipality considers proper, to the owner of the land to which the open-for-business planning by-law applies.</p>	<p>Municipalities can amend or revoke an open-for-business planning by-law. In the case of a condition being imposed under subsection (8), the municipality must give notice to the land owner, through a process which is at their discretion.</p>

**Table 1: Proposed Section 34.1 of  
the Planning Act**

Proposed Section 34.1	Summary
<p><b>Conflict</b> (19) In the event of a conflict between an open-for-business planning by-law and a by-law passed under section 34 or 38, or under a predecessor of either of those sections, the by-law that was passed later prevails to the extent of the conflict, but in all other respects the other by-law remains in effect.</p>	<p>In the event of a conflict between an open-for-business planning by-law, a zoning by-law, and an interim control by-law, the by-law that was passed most recently prevails.</p>
<p><b>Subsection 77 (3) of the Act is amended by striking out “34, 36” and substituting “34, 34.1, 36”.</b></p>	<p>Subsection 77 permits the County of Oxford to exercise all the powers of a lower-tier municipality. This will allow the County of Oxford to pass an open-for-business planning by-law under Section 34.1.</p>

## Process

The proposed amendments to the *Planning Act* are accompanied by two new regulations, both of which are currently listed on the Environmental Registry of Ontario:

1. ERO number 013-4239, the purpose of which is to facilitate implementation of the proposed by-law, provides clarity on the criteria and details municipalities must provide to the Minister when seeking approval, including:
  - > Confirmation that the proposal is for a “new major employment use”; and,
  - > Evidence that the proposal meets a minimum job creation threshold, established as at least 50 jobs for municipalities with a population of less than 250,000 people or 100 jobs for those with more than 250,000 residents.

2. ERO number 013-4125 outlines the streamlined process that would be available to municipalities through these proposed changes, including:
  - > Issuing approvals that are not consistent with or conform to Provincial policy and provincial plans;
  - > Issuing approvals that do not conform to an official plan or zoning by-law;
  - > Removing the requirement for a separate site plan control process;
  - > Leaving public consultation to the discretion of the municipality and eliminating requirements for notice prior to adoption; and,
  - > Giving municipalities the right to make final decisions and removing the right of appeal to the Local Planning Appeal Tribunal, with only Ministerial override as an available last resort option within 20 days of passage.

## Status

Bill 66 was introduced for First Reading on December 6th, 2018 and is currently open for comment until January 20th, 2019 through the Environmental Registry of Ontario. The Ontario Professional Planners Institute has also circulated a survey to members, ahead of forming a response to the provincial government. Further, several municipalities have issued statements, including the City of Guelph, City of Hamilton and City of Burlington. Should you wish to discuss this in more detail, please reach out to us.



**Gregory Bender, MCIP, RPP**  
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A7

# Empowering communities to make places that matter

Planning,  
Landscape Architecture  
& Urban Design (PLAUD)



wsp

71



File No.: 43-OP-169096  
 Municipality: Township of Springwater  
 Subject Lands: 2976 Horseshoe Valley Road

Date of Decision: November 30, 2018  
 Date of Notice: January 2, 2019  
 Last Date of Appeal: January 22, 2019

## NOTICE OF DECISION

With respect to an Amendment to the County of Simcoe Official Plan  
 Subsection 17(34) and 21 of the Planning Act

A decision was made on the date noted above to approve Amendment No. 2 to the Official Plan for the County of Simcoe as adopted by By-law No. 6754 with one modification.

### Purpose and Effect of the County Official Plan Amendment No. 2

The purpose of County Official Plan Amendment No. 2 is to facilitate the development of a waste management facility referred to as the Environmental Resource Recovery Centre on Part of Lot 2, Concession 1, in the Township of Springwater (2976 Horseshoe Valley Road West). This amendment renames Schedule 5.6.1 of the County Official Plan from "County Waste Disposal Sites" to "County Waste Management System" to recognize new and expanded types of operations in waste management facilities. The amendment adds Environmental Resource Recovery Centre to the legend of Schedule 5.6.1 to introduce the specific use. The amendment also adds a symbol for Environmental Resource Recovery Centre to Schedule 5.6.1 identifying the proposed Environmental Resource Recovery Centre. The amendment further amends Section 4.9 of the Official Plan by providing a site specific land use policy to identify the proposed uses associated with the Environmental Resource Recovery Centre. The policy describes the uses permitted within the Environmental Resource Recovery Centre. It also clearly states that permanent disposal of waste materials or landfilling is not permitted on the site.

The technical modification made by the Ministry of Municipal Affairs and Housing recognizes that the County will be relying on ecological enhancement of the contiguous woodland feature at a 2:1 ratio through a combination of reforestation and afforestation measures to mitigate the loss of woodland and wildlife habitat on the site.

### When and How to File An Appeal

Any appeal to the Local Planning Appeal Tribunal must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Manager, at the address shown below and it must, (1) set out the specific part of the proposed official plan

amendment to which the appeal applies, (2) set out the reasons for the request for the appeal, and (3) be accompanied by the fee prescribed under the Local Planning Appeal Tribunal in the amount of \$300.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

### Who Can File An Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

### When the Decision is Final

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

### Other Related Applications:

Township of Springwater File No. OP-2016-005 and ZB-2016-021.

### Getting Additional Information

Additional information about the amendment is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below.

### Mailing Address for Filing a Notice of Appeal

Ministry of Municipal Affairs and Housing  
 Municipal Services Office - Central Ontario  
 777 Bay St., 13<sup>th</sup> Floor  
 Toronto ON M5G 2E5

Submit Notice of Appeal to the attention of:  
 Ross Lashbrook, Manager  
 Community Planning & Development  
 Tel: (416) 585-6063

## DECISION

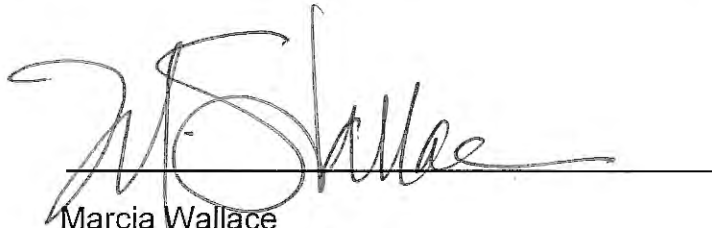
With respect to Amendment No. 2 to the Official Plan of the County of Simcoe  
Subsection 17(34) and 21(1) of the Planning Act

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I hereby approve Amendment No. 2 to the Official Plan of the County of Simcoe as adopted by the Council of the County of Simcoe by By-law No. 6754, subject to the following modification:

1. Item 2.3, last paragraph of new policy 4.9.9, is hereby modified by:
  - a. Removing the words "compensation in terms of" from the first sentence and replacing them with "ecological enhancement to the contiguous woodland feature through a combination of reforestation and"; and
  - b. Removing the word "afforestation" in the second sentence and replacing it with "ecological enhancement".

Dated at Toronto this 30<sup>th</sup> day of November, 2018



Marcia Wallace  
Assistant Deputy Minister  
Municipal Services Division  
Ministry of Municipal Affairs and Housing

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