

January 18, 2019

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**Re: ERO Posting 013-4293**  
**Bill 66, *Restoring Ontario's Competitiveness Act*, 2018**  
**Comments from the Region of Niagara**

Dear Sir:

I am pleased to offer the Region of Niagara Planning and Development Commission comments on the proposed *Planning Act*, 1990 amendments in *Bill 66, Restoring Ontario's Competitiveness Act*, 2018 ("Bill 66").<sup>1</sup>

The Region is encouraged by the Province's effort to increase municipal autonomy. The availability of an Open-For-Business By-law ("OFB-BL") gives the Region's local municipalities a new option. Each can decide if, where, and how to use this tool.

The Region's needs are different from others in the GTAH. Population and Employment growth has been moderate, although increasing in recent years. The Region does not have provincially significant employment zones identified in the January 15, 2019 draft revised *Growth Plan for the Greater Golden Horseshoe*.

Unlike elsewhere in the GTAH, Niagara's major employment competitor is the State of New York, which has a less regulatory environment.

OFB-BLs may increase the Region's competitiveness – attracting new business and contributing to economic prosperity.

We offer the following comments on the draft Bill and the regulation proposal:

- It is unclear whether an OFB-BL can be used for more than one proposal or area. It may be appropriate for the legislation to prohibit OFB-BLs over a geographic area, where a specific proponent is unknown at the time of passing the OFB-BL.
- Bill 66 allows municipalities to impose conditions and enforce those through agreements on title. The legislation should clarify that agreements accompanying the OFB-BL can contain sunset (and renewal) permissions for the OFB-BL area if proposals are not implemented. This should assist to limit speculative practices.

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<sup>1</sup> The Region's interest in Bill 66 as it relates to other legislation is provided under separate cover.

- The Region would benefit from a better understanding of the Minister's process when reviewing and approving an OFB-BL. We understand the Minister will seek input on individual OFB-BLs from other Ministries. The Region is interested in learning how the Minister will manage input from other Ministries.
- The regulation has not been released; only a proposal is provided. That proposal suggests OFB-BLs requiring a minimum job creation threshold. It provides an example of 50 jobs for municipalities with a population of less than 250,000 people. The Region requires clarification on whether that is a firm threshold or a guidance number that may not apply for certain uses, or if other criteria are satisfied.
- For instance, it is unclear whether an OFB-BL could be used for certain key industries that may generate 40 direct jobs, but may have secondary job creation exceeding 50 jobs.
- Likewise, tourism is a significant employment driver in Niagara. Whether or not OFB-BLs can be used for tourism proposals is unclear. In our view, Bill 66 or the regulation should clarify that OFB-BLs are available for large-scale tourism uses.

Niagara's twelve local municipalities have divergent needs and anticipated growth. The decision on whether or not to use OFB-BLs, and how, should be left to local municipalities.

Although the decision to pass an OFB-BLs is a local one (like all zoning), where a major new employer is contemplating a Niagara location, we anticipate a co-operative effort with local partners – as is always the case – that would include a comprehensive discussion of environmental and social impacts, and contemplation of other Regional incentives and programs.

I would be pleased to provide any further information and answer any questions specific to Niagara Region.

Respectfully,

Rino Mostacci, MCIP, RPP  
Commissioner of Planning and Development Services

CC: Local Area Municipalities CAO and Planning Directors

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