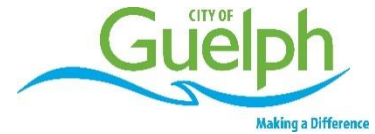


# Information Items



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**Week Ending November 15, 2019**

## **Reports**

1. Bill 138, Plan to Build Ontario Together Act - Informing Guelph's Legislative Submission

## **Intergovernmental Consultations**

1. Bill 132, Better for People, Smarter for Business Act, 2019 – Proposals on the Environmental Registry
2. Building Code Services Transformation

## **Correspondence**

1. Wellington Catholic District School Board RE: Notice of EDC Regulation Changes
2. Metrolinx RE: Public Meeting - Electrification of the Guelph Subdivision
3. Ontario Health RE: Ontario Health Transitional Regional Leadership
4. Town of Wasaga RE: Resolution - Conservation Authority Levies
5. Town of Wasaga RE: Resolution - Nottawasaga Valley Conservation Authority Levy
6. Township of Perry RE: Transforming and Modernizing the Delivery of Ontario's Building Code

## **Boards and Committees**

1. Committee of Adjustment Hearing Minutes – October 10, 2019

## **Items Available in the Clerk's Office**

1. None

# Information Report

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Service Area	Office of the Chief Administrative Officer
Date	Friday, November 15, 2019
Subject	<b>Bill 138, Plan to Build Ontario Together Act - Informing Guelph's Legislative Submission</b>
Report Number	CAO-2019-21

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## Executive Summary

### Purpose of Report

To provide information to Council on aspects of Bill 138, *Plan to Build Ontario Together Act, 2019* (Fall Economic Statement) of interest to the City and to advise Council that staff will be preparing a legislative submission based on the information contained in this report.

### Key Findings

Bill 108-related proposed amendments to the *Development Charges Act* and the *Planning Act* are responsive to some municipal concerns previously raised to the province by the City and other municipal governments. While the full financial impacts to the City arising from changes to development charges and the introduction of community benefits charges remain negative and unknown, the legislative proposals in Bill 138 represent a minor improvement. Once passed, community benefits charges will also be appealable through the Local Planning Appeal Tribunal, potentially creating an administrative burden for the City with financial implications.

The opening of the *Cannabis License Act* and the *Gasoline Tax Act* also create opportunities for the City to advocate for a greater municipal say in cannabis retail store locations and to advance Guelph's interests as they relate to the Gas Tax Program.

### Financial Implications

No direct financial implications as a result of this report.

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## Report

### Details

Bill 138, *Plan to Build Ontario Together Act, 2019* was introduced on 6 November, 2019 by the Minister of Finance along with the tabling of the Fall Economic Statement. It includes legislative measures necessary to implement the province's fall budget update. Most notably, Bill 138 contains provisions linked to Bill 108-

related development charge changes and the introduction of the Community Benefits Charge under *the Planning Act*. It also introduces legislative measures to enable shifts in provincial cannabis policy and makes minor amendments to the *Gas Tax Act* amongst other legislative proposals.

At the time of writing, first reading of Bill 138 has carried and the proposed legislation is set to enter second reading debate at the Ontario Legislature. It will likely then be referred to the Standing Committee on Finance and Economic Affairs similar to past budget measures legislation. City of Guelph staff will be making a legislative submission during the public consultation period of the committee stage to advance the City's interests on development charges, the community benefits charge, the Gas Tax Program and provincial cannabis policy.

Schedules of interest or impact to the City are explained below. Descriptions of potential impacts to Guelph are also provided.

#### **Schedule 4 – Amendments to the *Cannabis License Act*, 2018**

Description of Legislative Proposal:

If enacted as proposed, Bill 138 amendments to the *Cannabis License Act* will permit the online and telephone purchase of cannabis from legal retail stores. Customers would still be required to pick up their cannabis in person from a legal retailer. As well, Schedule 4 Section 4.1 would enable federally licensed producers to open cannabis retail stores onsite at their facilities.

Impact on the City of Guelph:

The City of Guelph is not directly impacted by currently proposed amendments affecting the legal sale of cannabis because there are no existing or currently planned legal retail stores or licensed producers within the City. Guelph nonetheless has an interest in proposing further amendments to the *Cannabis License Act* and related regulatory changes that would enable a greater municipal say in cannabis storefront siting should a legal retailer apply to open within Guelph's boundaries.

Currently, the licensing process established under the *Cannabis License Act* and O. Reg. 468/18: General prevent municipal governments from using business licensing by-laws under *the Municipal Act* and zoning-related bylaws under *the Planning Act* to regulate the location of local cannabis retail stores. Instead, municipal governments, along with the general public, have 15 days to submit comment to the Alcohol and Gaming Commissioner of Ontario (AGCO) once an application for retail store authorization has been made. To date, the AGCO has signaled that is not willing to meaningfully consider municipal input on cannabis retail siting location when making a licensing decision, including municipal concerns related to storefront location near sensitive use areas.

The *Cannabis License Act* should be amended through Bill 138 to allow municipalities like the City of Guelph the unrestricted ability to control cannabis storefront location via zoning or business licensing. This would require the repeal of Section 42 of *the Cannabis License Act* and its replacement with enabling provisions for municipal governments.

Given the local negative impacts of the normalization of cannabis consumption and substance abuse, Guelph should also use this opportunity to advocate for a renewed provincial commitment on cannabis excise tax funding for municipal governments. The current agreement which distributes \$40 million to municipalities and 50% of any excise tax collected by Ontario over \$100 million will soon expire and will require renegotiation.

### **Schedule 10 – Amendments to the *Development Charges Act, 1997***

Description of Legislative Proposal:

Schedule 10 of the Bill proposes to amend the Development Charges (DC) payment schedule for commercial and industrial properties. DCs for these property types will now be payable, in full, at occupancy. Bill 108, More Homes, More Choices 2019, had made DCs payable through six installments over a five-year period starting at occupancy instead of at building permit as historically done.

Impact on the City of Guelph:

This change has a favourable impact on the City because the administrative requirement to track and bill development charges owing by industrial and commercial developers over a five year period will not be needed. It also provides for an alignment of DC collections with growth related expenditures and eliminates the risks associated with time value of money, inflation, payment default and lost interest.

### **Schedule 14 – Amendments to the *Gasoline Tax Act, 1990***

Description of Legislative Proposal:

Proposed amendments to the *Gasoline Tax Act* focus on the tax rate for aviation fuel and make additional provisions for cases in which the fuel is acquired or transferred in Northern Ontario.

Impact on the City of Guelph:

Proposed amendments to the *Gasoline Tax Act* under Schedule 14 of Bill 138 will not have a direct impact on the City of Guelph. However, the opening of the legislation provides an opportunity to discuss and advance Guelph's interests in the Gas Tax Program – a key provincial funding program financed with taxes obtained under the *Gasoline Tax Act*.

Ontario's Gas Tax Program is currently under review by the Ministry of Transportation. The review creates financial risk for the municipality. The Gas Tax program is critical to the City of Guelph's public transit funding needs. It is important that funding levels to Guelph increase or remain the same to ensure the program continues to be a reliable funding source for the City's transit system. Additional funds would help expand and enhance public transit services for Guelph's residents. As part of the review, the provincial government should ensure that the level of funding is sufficient to meet the level of need. If the Gas Tax Program is to be extended to other communities, the funding envelope must also increase to ensure no municipal government experiences negative financial impacts because of the program review.



## **Schedule 31 – Amendments to the *Planning Act*, 1990**

### **Description of Legislative Proposal:**

Schedule 31 of Bill 138 proposes to preserve the alternative parkland provision (of 1 hectare for every 300 dwelling units) during the transition period to community benefit charges. As well, Bill 138 amendments propose to make the community benefit charge calculation appealable through the LPAT.

### **Impact on the City of Guelph:**

Proposed changes to *the Planning Act* will allow the City to collect a provision for parkland for the period between January 2020 and January 2021 while the new Community Benefit Charge By-law is being developed. This will help ensure there are funds available to provide parks to new and redeveloping communities.

The proposal to make community benefit charge calculation appealable to the LPAT represents a potential administrative burden for the City as an appeal consumes staff time and resources and has financial impacts to the municipality.

## **Financial Implications**

No direct financial implications as a result of this report.

## **Consultations**

Finance

Operations - Bylaw Services

The City of Guelph's legislative input on Bill 138 will be provided to Council via the Intergovernmental Consultation Information Items.

## **Strategic Plan Alignment**

This report aligns with the City of Guelph's Strategic Plan priorities on Working Together for our Future and Navigating our Future. It does this by advancing advocacy aimed at maintaining funding for the delivery of core services and by advocating for new funding options to ease taxes for residents and businesses.

## **Attachments**

Attachment-1: Information Report CAO-2019-12 (Impact of Provincial Legislative and Policy Changes to the City of Guelph). 21 June 2019.

Attachment-2: Staff Report PS-2018-38 (Cannabis Retail Storefronts – Municipal Impacts). 17 December 2018.

## **Departmental Approval**

Jodie Sales, General Manager, Strategy, Innovation and Intergovernmental Services

## Report Author

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# Information Report

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Service Area	Office of the Chief Administrative Officer
Date	Friday, June 21, 2019
Subject	<b>Impact of Provincial Legislative and Policy Changes to the City of Guelph</b>
Report Number	CAO-2019-12

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## Executive Summary

### Purpose of Report

As a means of achieving its Provincial mandate to reduce the deficit, in part, by effecting efficiencies and cost-savings, the Ontario Government (the Province) has introduced a number of significant financial and operational reforms that impact on municipalities. Local governments and municipal associations have been actively assessing the impact these reforms will have on municipal revenue, service delivery, infrastructure and, ultimately, municipal sustainability. Specifically, the Province's [More Homes, More Choice: Ontario's Housing Supply Action Plan](#) (the Action Plan) and [related legislation \(formerly Bill 108\) \(the Act\)](#) will have the greatest effect on municipal decision-making regarding planning matters and revenue generation.

Although City staff will not be able to determine the full repercussions of these policy changes until more information is delivered by the Province, and the City hears from its partnering agencies, staff have been advocating, alongside the City's municipal counterparts, to pressure the Province into modifying its proposed legislation, subsequent regulations, and various service/program arrangements with municipalities affected by the proposed changes. This report outlines the impact the Province's reforms will have on the community and the various approaches the City has undertaken to ensure concerns are reflected in new Provincial legislation, corresponding regulations, and provincial-municipal service delivery.

### Key Findings

Municipal associations are participating in discussions with the Province to acquire additional details and clarification on all the changes that have been announced in the recent months. Additionally, the Province had undertaken more than 10 different consultations related to these policy changes, which were intended to inform any amendments to respective legislation and future regulations. Nevertheless, the short consultation period restricted staff's ability to fully assess the impact the legislation would have and respond accordingly.

The Province's new Action Plan and the Act create a number of budget impacts for the City of Guelph. While staff have worked to review and understand the impacts

of the legislation, the Province continued to push the legislation through the parliamentary process. Although the legislation was passed on June 6, 2019, the City is now pursuing various opportunities to influence the development of the policies and related regulations.

An additional challenge is to identify how the changes to the Provincial budget may reduce services or increase taxes at the local level. Services impacted include public health, libraries, paramedics and child care, and will have a cascade effect that could indirectly impact other aspects of residents' lives.

## **Financial Implications**

The combination of anticipated revenue shortages and the increase in expenses resulting from both changes arising from the 2019 provincial budget and the Action Plan, will unquestionably alter the City's 2020 capital and operating budgets. It will be necessary for the City to explore cost-savings and efficiencies in order to redirect funds to other needs. In addition, City initiatives that have been deferred to the 2020 budget from previous years or any new non-essential capital or operating expenses may have to be postponed to future budget years or abandoned altogether.

Currently, there are insufficient details on how elements of the Act will be implemented through the regulations and municipalities can only speculate on the potential loss in revenue from development charges. One of the greatest uncertainties is the impact that the forthcoming creation of the Community Benefits Charge Authority will have on DCs for soft services. As the provincial regulations evolve, staff will be in a better position to make a full assessment.

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## **Report**

### **Background**

Since the new Ontario Government was sworn in on June 29, 2018, it begun implementing its mandate to reduce the deficit and find efficiencies. Program cancellations, such as the Cap and Trade Program, began immediately, while many other cuts to program funding were announced in the Provincial budget, [Protecting What Matters Most](#), on April 11, 2019 and the weeks following.

On May 27, 2019, the Province announced it would postpone certain municipal cuts until 2020-namely, those related to public health, paramedic services, and childcare. Despite this delay, the Province is expected to proceed with these reforms once municipalities have an opportunity to prepare their budgets for the next fiscal year.

On May 2, 2019, the Ministry of Municipal Affairs and Housing (the Ministry) launched its [More Homes, More Choice: Ontario's Housing Supply Action Plan](#) (the Action Plan) and introduced an omnibus bill, entitled [Bill 108: More Homes, More Choice Act \(the Act\)](#). The Action Plan outlines the Province's goal of managing Ontario's housing crisis, in part through changes that it says will streamline the development approvals process. The Province's declared intent is also to make costs and timelines more predictable, and enable specific types of priority housing to be built.

On June 6, 2019, the Provincial Legislature passed Bill 108 into law to the dismay of the municipal sector, given that most of the concerns and proposed solutions expressed by way of consultations with the Ministry and individual meetings with the Minister were not reflected in the Act. Nevertheless, although approval of this overarching legislation is complete, City staff still have the opportunity to influence and tailor policies through ongoing dialogue and advocacy with Provincial public servants in various ministries. During the stage in which the regulations—which prescribe how this Act will be implemented—are developed, staff can work with the ministries to design the rules, policies and related programs as they evolve.

Staff are of the opinion that all Guelph residents will feel the impact of Provincial funding reductions at the local level. Local governments will continue to disproportionately experience mounting economic, demographic, environmental and social impacts over the next 10 to 20 years.

The City, with the support of the Large Urban Mayor's Caucus of Ontario (LUMCO), insists on a respectful partnership between the Province and municipalities and will continue to advocate that consultation with municipalities and their citizens must be part of the process.

The City has established an interdepartmental working team to monitor, analyze and advise on impacts of changes to municipal budget and local service delivery levels. This team will continue to lead the internal conversations and the external communication regarding the City's response to and involvement in the development of the regulations.

## **Provincial Consultations**

Since the release of the Provincial budget, municipalities have been vocal about the incremental approach the Province has taken to informing municipalities of funding cuts and service realignments, which have generally been conducted without meaningful municipal consultation. In response to municipal pressure, the Province has undertaken consultations related to the Action Plan. However, municipalities were expected to respond quickly to the proposed changes to these complex pieces of legislation. With a condensed, one-month consultation window, City staff had a limited opportunity to review, assess and comment on these changes. Proposed changes to legislation that will have an impact on the City have been communicated in the weekly Council Information Package. The following consultations were available through the month of May:

- 10<sup>th</sup> Year Review of Ontario's Endangered Species Act: proposed changes
- Amendments to the Conservation Authorities Act (Operations)
- Modernizing Ontario's environmental assessment program  
Environmental Assessment Act and Discussion Paper
- Excess soil regulatory proposal and amendments to Record of Site Condition (Brownfields) Regulation
- Amendments to the Development Charges Act, 1997
- Amendments to the Planning Act
- Amendments to the Ontario Heritage Act
- Amendments to the Local Planning Appeal Tribunal Act, 2017
- Amendments to the Cannabis Control Act, 2017
- Amendments to the Endangered Species Act, 2007

Since the legislation was passed, the Province has committed to providing both indirect (written response) and direct (individual meetings) consultations with municipalities as the regulations and respective policies are developed, which City staff will be actively pursuing.

## **Other Advocacy Approaches**

As representatives of large municipalities across Ontario, LUMCO and the City addressed the Legislative Standing Committee on Justice through written correspondence on May 31, 2019, to outline concerns about *the Act* and strongly encourage changes to the legislation. The Municipal Finance Officers' Association of Ontario (MFOA) and the cities of Toronto and Ottawa were selected to present at the Legislative Standing Committee on Justice Policy where they voiced similar messages to Guelph's.

In addition, the Association of Municipalities of Ontario (AMO) continues to convey the impact Provincial changes are having on municipalities. Other municipal-related associations are also undertaking their own advocacy campaigns and sharing information with City staff.

## **Impact of Provincial Reductions on Local Programs**

The changes to the Provincial budget will require additional resources at the local level to support the continuation of those programs previously offered by other agencies. At a time when municipalities are already fiscally constrained by limited revenue sources and infrastructure deficits, provincial incentives to encourage municipalities to reduce spending as well as provincial service realignments are placing unrealistic demands on municipal finances. The likely result will be increased taxes from residents to maintain services, which is unsustainable as the Guelph community continues to grow.

Provincial reductions may impact the services Guelph residents have come to expect from Guelph Police Services, the Grand River Conservation Authority, Public Health, the County, the library and school boards. The programs or services that will have an impact on the City as a direct result of the Action Plan and *the Act* have been identified in red in Attachment 1 to Report Number CAO-2019-12. That Attachment illustrates the anticipated financial and social impacts all of the policy changes may have on the City of Guelph and its residents, based on available information. At this time, most significant reforms will apply to local health care delivery.

## **Local Health Care Reforms**

After considerable push-back from municipalities regarding the drastic, immediate changes to local health care, the Province announced on May 27, 2019 that it will delay the implementation of the funding and service changes. Municipalities will have only a few months to influence the policies before the proposed service delivery and cost-sharing agreements are reflected in municipalities' 2020 budgets.

## Public Health Units

Thirty-five regional public health (PH) entities will be amalgamated into 10 PH entities and 10 new regional boards of health. In May, 2019, the City received notice that the Wellington-Dufferin-Guelph Public Health unit (WDGPH) will join the Regions of Waterloo, Peel, and Halton to become the largest and fastest-growing public health entity in the Province.

Municipal-Provincial funding arrangements for PH are expected to change in 2020. The cost-sharing agreement has historically been a 75:25 Provincial/municipal model. The proposed new cost-share apportionment will now be a 70:30 model.

The City estimates the lost provincial revenue for WDGPH, as a result of the cost allocation changes, could be in the range of \$1.5M to \$3M, and Guelph's portion approximately \$675K to \$1.35M. This excludes any impact from the amalgamation of the PH units. Currently, the City's 2019 budget for WDGPH is \$3.9M and, until more information is known about the future of PH, staff cannot advise of impacts.

## Local Health Integration Networks (LHINs)

The Province has proposed the dissolution of 14 LHINs and the merger of six health agencies (including Cancer Care Ontario and eHealth) into a new agency called Ontario Health. As the LHINs are consolidated, there may be consideration for service realignment and include municipalities and long-term care homes. At this time, the Province has not provided further details.

## Paramedic Services

Similar to the LHINs, there has been little information about how proposed changes to paramedic services will be implemented, limiting municipalities' ability to prepare. The Province is proposing to streamline paramedic services through the integration of Ontario's 59 emergency health services operators and 22 provincial ambulance dispatch services. Should paramedic services be removed from municipal control, certain guarantees must be assured by the Province. These would include:

- Honour and assume any long-term leases and agreements entered into by municipalities for the provision of paramedic services.
- Reimburse municipalities for any capital costs incurred for the purpose of providing paramedic services for items that are within their projected life cycle, or negotiate / enter into long-term leases for any capital property owned by municipalities for the purposes of providing paramedic services.
- Provide assurances to municipalities that enhancements to services, including capital and operating increases, can be considered and implemented as current and past practice. This will require the Province's continued commitment to contribute to the resulting cost increase in subsequent years, as done in previous years.

Without more information, the City cannot engage in longer-term planning, capital purchases or enter into long-term leases for stations.

## **More Homes, More Choice: Ontario Housing Supply Action Plan and *More Homes, More Choice Act* (formerly Bill 108)**

The Action Plan and corresponding legislation will have repercussions on municipal planning, revenue generation, and financing infrastructure projects, particularly as they relate to the collection of soft service development charges. These reforms will restrict municipalities' ability to manage community planning and have "growth pay for growth".

In addition, years of municipal advocacy, collaboration with the Province, and subsequent positive improvements to the Ontario Municipal Board (OMB) are now being largely reversed. The recent transition from the OMB to the Local Planning Appeal Tribunal (LPAT) was intended to help put planning decisions back into the hands of municipal councils, to ensure growth reflects the needs of their communities. However, the proposed reforms to the *Local Planning Appeal Tribunal Act, 2017* will mean the LPAT will return to the type of review associated with the former OMB, which treated each appeal as a fresh application (i.e. a "hearing de novo") with only limited regard for any municipal-level decision. This effectively means the LPAT will be able to make final planning decisions, overriding municipal-level decisions, based on its own opinion of the "best planning outcome" approach, in much the same manner as the former OMB had done.

City responses that outlined the most significant changes and the impact they will have on Guelph, including the Development Charges Act, 1997, the Planning Act, the Ontario Heritage Act, the Endangered Species Act, 2007 and the Local Planning Appeals Tribunal Act, 2017, were submitted to the Ministry and the Ministry of Tourism, Culture, and Sport through the Ministry consultation process. Included in the submission was Council's May 27, 2019 resolution opposing the Act. The official City staff responses are provided in Attachment 2 to Report Number CAO-2019-12, which provide specific details about how each change directly affects the City's operations.

### **New Community Benefits Charge Authority**

Although the City's response in Attachment 2 touches on the new Community Benefits Charge (CBC) Authority, its relationship with development charges and parklands requires further explanation.

Given that a significant portion of Guelph's new growth-related infrastructure is dependent on revenue from development charges (DCs), the risk of funding shortfalls has been identified as the City transitions to the CBC regime.

Planned municipal projects currently underway are likely to experience a revenue shortfall even though the Province has said this is not the intent of new legislation. Specifically, soft service DCs collected for recreation centres, trails, parks and libraries will no longer be eligible for the collection. Rather, municipalities are authorized to pass a new CBC By-law to collect revenue for these purposes. This new revenue stream will also replace the current Parkland Dedication By-law and any revenues that would be generated from height and density bonusing.



Staff are concerned about this new CBC regime because it is based upon land value, similar to the current Parkland Dedication By-law, which makes it a very difficult, long-term financial planning tool. Rather than being able to estimate revenues based on cost of capital, revenues will be based on value of the developable land in the city. The Province will be imposing a “cap” on the amount that municipalities can collect; however, this value has not yet been disclosed.

Further concerns relate to the City’s inability to require parkland conveyance as an alternative to cash, and the language that up to 60% of the funds must be allocated or spent within each year.

The effects of this new CBC regime are substantial and, as a result, City staff are turning their attention to addressing implementation concerns, preparing for changes to internal processes and financing, and providing input on the development of the regulations once they become available. There will likely be a point in time where municipalities will choose between raising taxes to fund services that are expected by residents or to eliminate some of these services altogether.

## **Next Steps**

All governments need to innovate to enable growth and economic opportunities, find efficiencies, and improve the services provided to their citizens. The cost to innovate should be balanced between the three orders of government, so as to avoid the tax burden being placed more heavily on one level of government over others.

Over the next several months, the Province is expected to release more information as it consults with the public, municipalities and municipal associations, including draft regulations on “Bill 108” and other service reforms. Specifically, the province has committed to acquiring additional input from municipalities on CBCs through:

1. its Environmental Registry of Ontario (ERO) portal to seek feedback on the methodological approach for development of a proposed formula;
2. a Technical Working Group for the purposes of advising on the methodological approach for development of a proposed formula, and;
3. a second ERO posting to seek additional feedback on the proposed formula developed by the consultant and with municipal input through the first ERO posting and technical working group.

The Province anticipates that the consultation process related to CBCs will conclude by this Fall.

Through the coordination of the diverse perspectives of the internal staff working team and in consultation with LUMCO, City staff will continue to work with the Province to shape the cost-sharing arrangements and the Action Plan’s rules, regulations, policies and programs to better prepare and mitigate the effects of the Provincial changes.

## **Financial Implications**

The Province announced that all budget impacts for paramedic services, public health and childcare would be deferred until 2020, to allow municipal councils time to plan for impacts. Nevertheless, it is expected that there will be a significant impact on the City's 2020 operating and capital budgets, largely as a result of these Provincial program cuts and downloads, as well as likely reductions to development charges, cash-in-lieu of parkland and height and density bonusing revenues. At this time, the full fiscal impact on the City cannot be determined until more details about how the changes will be implemented through various Acts' corresponding regulations.

### **Budget 2020**

The City's Finance Department is actively planning the 2020 budget with Provincial funding announcements and the DCs/CBC revenue changes in mind. There will be difficult service-level decisions for Council to make as a result of the Provincial Government's changes, and as the City finalizes its strategic plan. Council will consider 2020 budget planning options throughout the month of July, 2019 as staff seek direction for both City departmental and local board guidelines.

Capital budget considerations, including pausing already-approved spending from the soft service DCs reserve funds, and limiting further capital obligations beyond DCs to be collected in the short-term period, will need to be reviewed.

### **Audit and Accountability Fund**

On May 22, 2019, the Minister of Municipal Affairs and Housing launched the Audit and Accountability Fund which extends funding to large municipalities to conduct service delivery and administrative expenditure reviews with the goal of finding efficiencies. The declared intent is to help municipalities in finding cost savings to offset the impacts of the provincial cost downloads to the municipal taxpayers. Expression of Interest (EOI) for these funds was due June 14, 2019 with the final application due on June 30, 2019. Staff have advised the Province of the City's interest in applying for these funds however has not yet identified a project for submission. There is hope that this review will provide cost escalation mitigation and corporate efficiencies.

## **Consultations**

In addition to the Ministry consultations in which City staff participated, staff have been monitoring various municipal associations as they review and provide in-depth analysis of the affects the Provincial policies will have on various municipalities, depending on their size and location. Staff are also soliciting information from other municipalities about their advocacy approaches, responses to Provincial consultations, and their next steps.

In preparing this report, multiple City departments were consulted to better understand the potential impacts the legislation and Provincial policy proposals will have on municipal operations, including: Culture, Tourism and Investment; Parks and Recreation; Business and Economic Development; Engineering and

Transportation Services; Planning and Building Services; Legal, Realty and Court Services; Guelph Wellington Paramedic Service; and Library Services.

### Communications with the Public

A strategy was developed and is underway with the aim of influencing Bill 108's regulations and policies, and protecting local decision-making authority, discretion, and tools for revenue generation. To this end, the City is blending advocacy and public information to make citizens and other stakeholders aware of the potential impacts of the Provincial changes, and to encourage them to take action. The City will continue to inform the public as the situation unfolds.

## **Corporate Administrative Plan**

### **Overarching Goals**

Service Excellence

Financial Stability

Innovation

### **Service Area Operational Work Plans**

Our Services - Municipal services that make lives better

Our People - Building a great community together

Our Resources - A solid foundation for a growing city

### **Attachments**

Attachment 1 - Potential and Real Provincial Budget Reductions & Impact on Guelph and Local Stakeholders

Attachment 2 - City of Guelph response to Ministry Consultations related to:  
Schedule 3 – Development Charges Act, 1997  
Schedule 11 – Ontario Heritage Act; and  
Schedule 12 – Planning Act


### **Departmental Approval**

Christopher C. Cooper, General Manager, Legal, Realty and Court Services / City Solicitor

Tara Sprigg, General Manager, Corporate Communications and Customer Service

## Report Author

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# Potential and Real Provincial Budget Reductions &

## Impact on Guelph and Local Stakeholders

Attachment 1 to CAO-2019-12

Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
<b>Alcohol</b>	Extension of alcohol consumption in public areas	To be determined based on whether Council adopts by-law	Police Services may be impacted by potential increases in disturbances	<ol style="list-style-type: none"> <li>1) Local by-law will require updating to align with provincial legislation</li> <li>2) May require resources for additional by-law enforcement officers</li> <li>3) Additional Solid Waste resources directed to public areas designated for alcohol consumption</li> </ol>	<ul style="list-style-type: none"> <li>• Potential increase in public disturbances, including noise violations</li> <li>• Could be potential community safety concerns</li> <li>• Public areas may experience an increase in traffic, vandalism, and uncleanness</li> </ul>
<b>Audit and Accountability Fund</b>	\$7.35 million offered to large urban municipalities interested in conducting reviews to identify potential cost reductions, while maintaining front-line services	Offset the province's downloads, which could range from \$1 to 3 million.	Also applies to school boards	Optional uptake	<ul style="list-style-type: none"> <li>• May create greater efficiencies in service and better delivery or could result in diminished service</li> </ul>
<b>Cap and Trade Program</b>	Companies would "pay" to pollute (carbon credits) to incentivize greener investments in their businesses, which would be passed on	Unknown at this time		GHG Challenge Fund grant for Wastewater Treatment Digester Gas Storage project of \$315K cancelled in 2018. City received \$20K as part of wind-	<ul style="list-style-type: none"> <li>• Residents can no longer apply and receive rebates for retrofitting homes to be more energy efficient</li> </ul>

# Potential and Real Provincial Budget Reductions &

## Impact on Guelph and Local Stakeholders

Attachment 1 to CAO-2019-12

Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
	<p>to consumers to encourage consumers to make more environmentally friendly choices.</p> <p>Financed the Green Ontario Fund (\$377 million), which has now been eliminated</p>			down grant process to fund costs incurred to date. Other City impacts are difficult to quantify.	<p>(from the Green Ontario Fund)</p> <ul style="list-style-type: none"> <li>Cost for Consumer products would remain unchanged</li> </ul>
<b>Child Care Services</b>	<p>Fee stabilization support that helped child care centres cover increasing labour costs without passing them on to parents will be eliminated</p> <p>April 2019, all service managers will be required to cost-share operating portion of Expansion Plan funding for new child care spaces</p>	<p>Reduction of \$50 million</p> <p>By contributing 20% municipal funding (\$43.2 million based on \$216 million funding envelope) in order to access provincial funds</p>	<p>The City's 2019 Child Care budget (delivered by the County of Wellington, the Consolidated Municipal Service Provider), is \$3.79 million.</p> <p>Specific impact to be determined</p>		Costs for labour may increase and may be transferred to parents causing increasing living expenses for families
<b>Community Homelessness Prevention Initiative</b>	The Province will significantly reduce expenditures for this program this year and may affect	Unknown at this time	The County may be impacted by any reductions or	The City's 2019 Housing budget (delivered by the County of Wellington, the Consolidated	Reduction of funding will impact vulnerable groups that rely on services

# Potential and Real Provincial Budget Reductions &

## Impact on Guelph and Local Stakeholders

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Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
	funding levels for housing and homelessness programs administered by municipal service system managers. Also a portion of \$174 million in 2019-2020 for mental health and addictions services will go toward supportive housing		provincial status quo on funding  County has confirmed that they will be losing an Addiction Services grant of \$120K. Further assessment and costing will be forthcoming	Municipal Service Provider), is \$15.6 million.  It has yet to be determined whether the province will commit to increasing funding by \$15 million in 2019, which may impact on social services provided by the City	provided by associated agencies
<b>Education Development Charges</b>	Regulatory amendments have implemented restricted rate increases of 5% or \$300 per residential unit and a max yearly increase of 5% for non-residential rates	Unknown at this time	Impacts on school board revenue	No impact to City of Guelph	<ul style="list-style-type: none"> <li>May impact on construction budget for new schools</li> </ul>
<b>Education Property Tax</b>	Revenue is projected to increase at an average annual rate of 0.9% between 2019-19 and 2021-22 largely due to growth in property	No impact to City of Guelph	Impacts school board revenues	City collects this revenue on behalf of the School Boards. There is no financial impact to the City of Guelph. There is an indirect impact that these property taxes	<ul style="list-style-type: none"> <li>Changes total property taxes for residents</li> </ul>

# Potential and Real Provincial Budget Reductions &

## Impact on Guelph and Local Stakeholders

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Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
	assessment base resulting from new construction activities			are added to the tax bill and the general tax payer doesn't see the difference of City/School Board	
<b>Local Health Integration Networks (LHINs)</b>	Dissolution of 14 LHINs and the merger of six health agencies (including Cancer Care Ontario and eHealth) into Ontario Health	Unknown at this time	As the LHIN is consolidated, there may be consideration of service realignment	More information required before impact on Guelph can be determined	Change to local health services may create temporary confusion as these services are transferred to other agencies.
<b>OntarioBuys Program</b>	Funding has been cut to this program, which is intended to make investments to support innovation, facilitate and accelerate the adoption of integrated supply chain, back-office leading practices and operational excellence. OntarioBuys helps drive collaboration and improve supply chain processes in Ontario's broader public sector.	Unknown at this time. Current approved grant totaled \$1.98 million with \$780K received to date.		Guelph, in partnership with the Cities of Barrie and London, will have its funding reduced for its Municipal Innovation Exchange project. This will result in condensed timelines and reduced scope.	The initiatives anticipated from this project would result in improved municipal service delivery that is replicable for other local governments. The reduction in funding will prevent these initiatives from being developed and implemented



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## Impact on Guelph and Local Stakeholders

Attachment 1 to CAO-2019-12

Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
<b>Ontario Community Infrastructure Fund (OCIF)</b>	Provides assistance to communities less than 100,000	\$200 million no longer available	Reduction of funding may impact service delivery for the County as they may have been eligible for this funding	No – Guelph is not eligible for these funds	No indirect impact
<b>Ontario Library Services</b>	50% of library funding for Ontario Library Service North (OLSN) and the Southern Ontario Library Service (SOLS) resulting in SOLS ending in interlibrary loan service and threaten e-book access	OLSN and SOLS funding reduced by half	May impact the County in attempts to acquire interlibrary loans from other jurisdictions	Funding cuts have resulted in the cancellation of interlibrary loans	The program that enables Inter-library loans between public library systems – including national and international – has been cancelled and reducing quality of library services
<b>Paramedic Services</b>	Paramedic services will be streamlined through integration of Ontario's 59 emergency health services operators and 22 provincial dispatch communication centres	Details not yet known		Should services be removed: <ul style="list-style-type: none"> <li>• Long-term leases would need to be fulfilled</li> <li>• Reimbursement of capital costs incurred for the purpose of providing</li> </ul>	May impact on quality of services and emergency arrival times.

# Potential and Real Provincial Budget Reductions &

## Impact on Guelph and Local Stakeholders

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Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
				paramedic services <ul style="list-style-type: none"> <li>Matters related to collective bargaining</li> </ul>	
	Funding for Paramedics will be held at the 2018 budgeted amounts	\$819k funding gap from what was approved in the 2019 city budget. The City portion of this is approximately \$500k and the County approximately \$420k	This was an unexpected freeze and will create a real financial pressure this year for the City and the County, and would also negatively impact patient response times if staffing levels were reduced to offset the funding loss.  Emergency services negotiations may be affected.		May impact quality of services available to residents
<b>Property Assessment</b>	Province is conducting a review to enhance accuracy and stability of property assessments	Information unavailable	All stakeholders may have their service delivery impacted	More details required. May impact property tax revenue and property tax ratios should property values be reduced/increased following an assessment	Property tax ratios may shift
<b>Provincial Gas Tax Program</b>	Province will not move forward on its campaign promise to increase municipal	Overall, \$364M less to invest in transit		The increase to 4 cents/litre was not built into the City of Guelph capital plan so	The increase in funding would have contributed to the rehabilitation and

# Potential and Real Provincial Budget Reductions &

## Impact on Guelph and Local Stakeholders

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Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
	share of provincial gas tax funds	infrastructure provincially		there is no impact to the Long-term Financial Plan. This lost opportunity would have provided the City an additional \$27 million from 2019 to 2028	maintenance of municipal road work
<b>Public Health</b>	<p>Amalgamating regional public health entities by establishing 10 public health entities and 10 new regional boards of health</p> <p>Additionally, PH cost allocations were announced to move from the current 75%:25% provincial/municipal model to a 70%:30% model and then further in some cases to a 60%:40% model</p>	<p>\$200M or 26% reduction in public health funding</p> <p>WDG Public Health will be merging with Peel Region, Halton Region and Waterloo Region to make the largest Public Health agency in the Province overseeing 3 million people.</p> <p>Province reducing the current cost-sharing 75:25 arrangement over three years beginning in 2019</p>	<p>Public Health is currently operated by 4 partners:</p> <ul style="list-style-type: none"> <li>• Province</li> <li>• City of Guelph</li> <li>• County of Wellington</li> <li>• Dufferin County</li> </ul> <p>Future will include the regional partners.</p>	<p>The City estimates that the lost provincial revenue as a result of the cost allocation changes could be in the range of \$1.5 to \$3 million. Guelph's portion of this would be \$675K to \$1.35M.</p> <p>Currently the City's 2019 budget for Public Health is \$3.9M</p>	<p>Change to local health services may create temporary confusion as these services are transferred to other agencies.</p> <p>Programs that will be affected include food safety, water-quality inspections, and immunization costs</p>

# Potential and Real Provincial Budget Reductions &

## Impact on Guelph and Local Stakeholders

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Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
		<ul style="list-style-type: none"> <li>• 70:30 for public health units &lt;1M population</li> <li>• 60:40 for public health &gt;1M</li> </ul>			
<b>Specialized School Programs</b>	Funding for programs that provide after-school jobs for at-risk youth	\$25 million impacting 72 school boards	Guelph-Wellington School Board	Not in Guelph's jurisdiction of responsibilities	Children at risk will not receive the supports they require to be successful and productive residents of Guelph
<b>Wastewater</b>	Municipalities will be required to provide real-time reporting of sewage outflows	<p>Unknown at this time</p> <p>Dependent on requirements of the Province</p> <p>Full cost to implement would likely be municipal responsibility</p>	Unknown at this time	<ul style="list-style-type: none"> <li>• Additional resources required to update policies on reporting overflows</li> <li>• May require the purchase of new technology/tools to monitor outflow</li> </ul>	<p>Provides an added service for the community to help prevent property damage and mitigate the impact of flooding</p> <p>Also provides information on water quality issues</p>

## Potential and Real Provincial Budget Reductions specific to Bill 108 & Impact on Guelph and Local Stakeholders

Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
<b>Cannabis</b>	As a result of the Ontario Cannabis Store losing \$25M in 2018-2019, there will be no additional cannabis funding for 2019-20 as the threshold of \$100M of cannabis excise tax would not be reached	Unknown at this time	By-law enforcement may be impacted on potential loss in funding. Announcement only specific to direct impact on municipalities (not as it relates to Police enforcement)	Funding for cannabis was intended to compensate for increased enforcement. Guelph will be required to make up for any potential loss in funding	<ul style="list-style-type: none"> <li>Potential for shortage of by-law enforcement resulting in community safety concerns (smoking violations)</li> </ul>
<b>Conservation Authority Programs</b>	<p>Cuts from the annual \$7.4 million transfer payment from the Hazard Program (2019).</p> <p>Streamlining conservation authorities role may effect participation in development permitting and municipal plan review</p>	\$3.7 million cut	Reduction in Conservation Authority program funding	To be determined pending response from the GRCA. May result in downloading flooding and erosion mitigation to the City	Support for flood plain management and flood response measures may result in increasing property damage resulting from flooding
<b>Endangered Species Act</b>	Creation of a Species at Risk Stewardship Program to fund academics, communities,	Unknown at this time	Conservation Authorities may also be involved in supporting this new program	Funds for the program will come from municipalities and developers, who can	<ul style="list-style-type: none"> <li>Environmental conservationists may raise concerns over the delayed timing it takes for new</li> </ul>

# Potential and Real Provincial Budget Reductions specific to Bill 108 & Impact on Guelph and Local Stakeholders

Program	Details	Cost Impact	Impact on County and Municipal Agencies, Boards, & Committees	Impact on Guelph	Indirect Impact on the Community
	organizations and Indigenous peoples across Ontario to implement on-the-ground activities that benefit species at risk and their habitats			pay a fee into the program directly	species on the at-risk list to receive protection
<b>Housing Supply Action Plan and Bill 108</b>	Outlines the Provincial government's plan to manage Ontario's Housing crisis, in part, through proposed changes that would streamline the development approvals process	Unknown at this time	County will also be impacted on new housing requirements	<ol style="list-style-type: none"> <li>1) Potential reduction in Development Charge, Bonusing, and Parkland Dedication revenue</li> <li>2) Infrastructure projects underway that depended on DCs will be stalled until new funding can be acquired</li> <li>3) Potential loss of control on planning decisions to LPAT</li> <li>4) Significant number of by-law amendments (Zoning, Official Plan, Development Charges)</li> </ol>	<ul style="list-style-type: none"> <li>• Fewer opportunities for engagement and consultation with the public on planning matters</li> <li>• Potential increase in traffic congestion from increased development if not adequately mitigated</li> <li>• Reduction in development charges will prevent the construction of key community amenities (i.e. Recreation centers)</li> </ul>



May 31, 2019

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
17<sup>th</sup> Floor, 777 Bay Street  
Toronto, Ontario M5G 2E5  
Canada

Dear Minister Clark:

**RE: Bill 108, (Schedule 3) – *More Homes, More Choice Act*: Amendments to the *Development Charges Act, 1997***

Thank you for the opportunity to comment on the proposed Bill 108, *Mores Homes, More Choice Act* (Schedule 3) Amendments to the *Development Charges Act (DCA), 1997*. On May 27, 2019 City of Guelph Council passed the following resolution:

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

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

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

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

WHEREAS This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and

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

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

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Now Therefore Be it Hereby Resolved That the City of Guelph oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

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

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

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Thank you again for the opportunity to comment on Bill 108 Schedule 3. As outlined above, the City has highlighted a number of concerns regarding the proposed Bill that we encourage the province to consider in its review. Further, the City requests to be actively engaged with the province as it reviews comments regarding the Bill and any subsequent programs and regulations. Please do not hesitate to contact me if you have any questions regarding the City of Guelph's feedback.

Sincerely,



Scott Stewart

Deputy CAO, Infrastructure, Development and Enterprise

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cc: Association of Municipalities of Ontario  
County of Wellington  
Lloyd Longfield, MP, Guelph  
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## **City of Guelph comments on Bill 108 Schedule 3**

### **Overview**

The City of Guelph strongly believes in the fundamental principle of “Growth paying for Growth” and for this reason cannot support many of the proposed changes in Bill 108 related to the Development Charges Act (DCA) and the Planning Act Sections 37 and 42. Movement away from a methodology that links development revenues to the long-term cost of infrastructure to a methodology based upon market-driven land value is in principle, a poor financial model. Like the province and the development community, municipalities need reliable revenue streams to develop growth business plans and this policy change will create unmanageable risk and unwarranted administrative burden, which collectively, will slow growth and housing supply creation. Give municipalities the choice between DCA and Section 37 of the Planning Act.

The proposed DCA impacts are further exacerbated by the requirement to choose between Sections 42/51.1 or Section 37 of the Planning Act; essentially leaving municipalities to choose between conveyance of parkland or the funding to build community infrastructure. The goal should not be building more housing at the expense of complete, health communities with parks, trails, and recreation facilities. Consideration of user fees (or increases) to recover the full cost of managing municipal parks, natural open spaces, trails and recreational facilities for residents who frequent these amenities may be required, which may ultimately pose a deterrent if unaffordable.

Protection of our Ontario tax payers should be the highest priority when considering the merits of Bill 108. Guelph is concerned that this Bill does not go far enough to protect our resident’s investment in affordable housing. Ontario tax payers should not become the bank to finance industrial and commercial developments. We need assurances that developers are passing on the savings to new homeowners and we need mechanisms to ensure that affordable units are not sold and made available for above-market profit. Community Investment Plans (CIPs) can better achieve the housing supply goals that the DCA is unequipped to provide.

Any legislation that reduces municipal cash flows in the development process will mean less financial capacity to fund the linear infrastructure resulting in slowed growth and housing supply creation. Guelph cautions that the provincial proposals to collect DCs over a six year period and freezing DCs at a point in time prior to building permit will have the negative and opposing effect of what the province was intending.

### **Timing**

Similar to the Province’s recent announcement to reconsider the timing for cost-sharing and funding reforms to key services, Guelph strongly advocates for a delay in passing any of the changes to the DCA and Planning Act Sections 37, 42 and 51.1 until

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the implications can be studied more holistically which will provide for an orderly transition.

Guelph requests to be part of the consultation for the development of the regulations as they are foundational for the seamless implementation of the policy and for cultivating a growing and healthy housing supply.

Below is a comprehensive summary of staff comments regarding this Bill for consideration.

**Development Charges Act:  
Section 2(4) – Service eligibility**

The proposed changes to eliminate development charges (DCs) for the collective “soft or social services” will likely result in a capital funding shortfall for growth-related infrastructure required for indoor and outdoor recreation (parks, trails and recreation centres), libraries, public health, child care and social housing, homes for the aged, paramedic services and parking. Without the specific regulations, Guelph cannot quantify the impact of these changes. Nevertheless, we do know that it leaves approximately \$155 million of capital funding vulnerable considering these monies were planned in our [DC Study that was approved in February 2019](#). These services are critical to creating livable, healthy communities and it is expected that new populations/businesses fund the growth infrastructure that is necessary for services in the same way as the other critical services such water, wastewater, roads and fire/police services. The current DCA provides a measurable and equitable means to quantify the cost of these services in each municipality based on existing service levels. Replacing this system with a Community Benefit Charge (CBC) regime based upon land value has many faults:

- i) Land value is subject to market conditions making it a very unreliable long-term financial planning tool – the Province advocates long-term capital planning with capital asset management plans and policies however is proposing to make a reliable capital revenue become unpredictable and unplannable.
- ii) Land value can vary based on proximity to the GTA making it an unfair method for funding common infrastructure needed across the province. The cost of building a recreation centre or a park may only vary upwards of 15% across the province whereas land value in the GTA for a single family lot may be 20 times that of the same size lot elsewhere in the province. This will create the have/have-not effect of urban centres versus rural communities where the revenue generation tool is unequitable to the cost of infrastructure.
- iii) The need for appraisals and the ability for the applicant to challenge the appraisal will create more burden and expense for municipalities rather than it creating a streamlined process that was the original intention of the province.
- iv) In a regional or county government system, the DCA contained guidance for the apportionment of the DC revenue collected according to the government

body levying the charge considering it was directly attributable to their respective capital project plan. A system established on land value will create a new undefined, burdensome process to determine how this Community Benefit Charge would be allocated between the local and regional/county bodies.

## Waste Diversion and Paramedic Services

The City applauds the decision to make Waste Diversion a non-discounted service and would stand firmly in the recommendation that all municipally-delivered services should be non-discounted so that growth development is really paying for growth. At a minimum, Guelph believes that Paramedic Services infrastructure should be treated equally to Police and Fire Services as they collectively create our first response emergency services team and are subject to mandatory requirements for response times as imposed by the province. Growth costs for provincially mandated services should be fully recovered from growth development.

### Actions:

Guelph recommends that municipalities be given the option to choose between the DCA and Section 37 CBC as the growth-related revenue tool for soft services. Let municipalities make a choice rather than forcing the implementation of a separate, cumbersome, costly and unnecessary CBC regime, which will require separate studies, by-laws and administration.

If the Province feels that reducing municipal fees is necessary, it would be preferable to keep soft services in the DCA and simply limit the extent of recovery within the existing DCA to a cap as prescribed by the province.

Guelph recommends Paramedic Services should be a non-discounted service in the DCA similar to the other provincially legislated first response emergency services of Fire and Police.

## **Section 3.1 DC Exemption for second dwelling units in new residential buildings**

The City understands and supports a concept to increase housing supply and agrees that this exemption would achieve more units. However, the City urges the province to put in place a mechanism to ensure developers transfer this cost reduction to the homebuyer.

Further, Guelph is requesting the province to acknowledge that exempting DCs does not change the cost of the infrastructure required for that development and this is a form of cost downloading to the citizens of Ontario. The lost DCs that would have otherwise been collected on these units will need to be recovered from property taxes and user fees. The DCA is based on a full cost recovery model, and any revenues not collected through DCs are subsidized by our citizens and businesses.

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## **Section 26.1 Certain types of development, when charge can be payable - 6 annual installments**

Guelph strongly opposes any payment deferral arrangements for Institutional, Industrial or Commercial (ICI) development. Fundamentally, the provincial goal is to increase housing supply with Bill 108; ICI development does not create housing. The effect of ICI deferred payment arrangements will actually have the negative and opposing effect by slowing growth and reducing housing supply because the City's cash flows will be impaired early in the development cycle resulting in limited capacity to build road and pipe servicing infrastructure. Specifically, concerns relating to the six year ICI payment plan include:

- Property tax payers become a financing institution for the ICI development community. Let the banking industry finance and let the municipalities focus on building the infrastructure to accommodate development.
- Since municipalities are not banks, we do not have a building permit financial system in place to invoice development fees over a period of time. This new requirement necessitates an overhaul to the City's financial systems, increase risk of collection, increase staffing required to manage the extended collection period and generally will increase costs, time and red tape that will be passed back to the homeowners through increases in fees.
- A six year payment plan will reduce hard DC cash flows in Guelph by \$900,000 per year and increase the amount of debt funding required for growth-related infrastructure. There is insufficient debt capacity to simultaneously manage current and growth capital needs. Over-leveraging the City with more debt will mean a decrease in its credit rating and an increase in debt carrying costs which will ultimately be transferred to developers through increased DC rates.

The City understands and supports a concept to incentivize non-profit and rental housing. However, incentivising affordable housing units through the DCA (DC deferred payment arrangements over 6 years) does not allow for the appropriate level of security to keep those units affordable after they are built. It also does not allow for local municipalities to tailor the incentives to the types of units or construction that is needed in their community. We take affordable housing seriously in Guelph and are very concerned with the lack of protection and local influence over the 6 year payment plan currently proposed in the DCA. Just this week, Council approved the following [staff report motion](#) to provide \$1.3 million in grants to developments creating 230 new affordable units in Guelph. Further, we have a dedicated [affordable housing incentive policy](#) that guides our investments to ensure we are targeting the right units for our community. Without agreements, we cannot guarantee these units stay affordable.

Guelph would advocate for a requirement to implement a Community Improvement Plan (CIP) to incent affordable housing in each community (based upon a population requirement). This is a much more productive and effective way to incent, it enables the province to approve the CIP policies that are proposed, it allows local focus towards the types of units that are needed in the community, it provides consolidated reporting already built into the municipal FIR, and provides the protection to our Ontario tax payers investment in affordable housing. Affordable housing incentives go beyond DCs and a CIP would be a more inclusive and holistic way to require municipalities to have housing policies that align with the provincial mandates.

Actions:

Guelph strongly recommends removing any deferred payment language for ICI development and would direct those developers to secure financing from a lending institution rather than the property tax payers of Ontario.

Incentives are best achieved through CIPs or other local policies where appropriate security is available to protect that new housing supply from converting to unaffordable housing types. Guelph recommends that instead of the new proposed DCA deferral, that a requirement for municipalities to create a CIP to incent affordable housing (in more ways than just deferring DCs) with a local focus on the needs of that community. This will have a real impact on new supply of affordable housing in a way that protects the Ontario tax payer's investment.

**Section 26.2 When amount of development charge is determined**

The proposed requirement to freeze the DC obligation at a point in time years before the development occurs will significantly reduce the amount of DCs currently planned in the approved Background Study. This will require an update to the DC Study for this undefined time period and will result in an increased DC rate to make up for this lost revenue. The DCA is premised upon a full cost recovery model for the hard services and therefore this revenue loss would be made up through increases in DC rates immediately. Other concerns related to this proposal include:

- Increased burden in the system as incomplete or unwarranted planning applications and minor variances will be submitted to cities with the sole purpose to freeze a lower DC rate years before any development actually occurs. This will increase the planning and development fees to cover this additional burden.
- Building permit financial systems across the province are built to invoice fees at the building permit issuance date and has no mechanism to calculate fees on any other date. This new requirement will again require an overhaul to financial systems and reduce cash flow in the short term to fund the needed servicing infrastructure.

The City understands that certainty in development costs is desirable; however, similar to their cost of construction materials and labour increases over time, City costs also continue to increase. Guelph feels this proposed legislation has transferred all the financial risk to be borne by the property tax payers rather than the private industry. The DCA provides a high degree of certainty as the notice period for any rate change is highly regulated and requires significant public consultation. Guelph would support a transitional phase-in of rate requirements that do not extend beyond a two-year period during the time that a new DC By-law is introduced.

Action:

As the DCA already provides a high degree of fee certainty to the development community, Guelph recommends that DC obligations be determined at the time a building permit is issued and to seek out alternative phase-in language of increases to DC rates at the time of DC By-law approvals. Guelph does not support a phase-in or DC freeze period beyond 2 years.

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## **Section 60 Regulations and Section 61 Transitional issues**

The proposed Bill does not include the regulations or details regarding the transitional provisions that would provide municipalities more detail to quantify the real implications including the effective date of transition, the prescribed interest rate, the prescribed amount of time for frozen DC fees, and definitions of types of affordable developments. In addition to these omissions, it is also not clear how municipalities are to be compensated for over-drawn DC reserve funds for which debentures were used to fund the construction of large facility infrastructure. Guelph has \$12.7 million in outstanding DC debt that was issued under the current DCA.

### Actions:

Guelph requests that municipalities are engaged during the development of the regulations as these will be foundational for planning for an orderly transition of any of these changes.

In the event that a CBC is implemented and there is no choice to use the DCA as a more cost effective and reliable revenue authority, then Guelph would strongly urge the province to allow the CBC revenues to satisfy any remaining DC debt obligations remaining at the time of transition.

## **Planning Act:**

### **Section 37: Combining parkland dedication, height and density bonusing, and community benefit charge into one authority**

The proposed CBC would take three distinct revenue streams with unique purposes and authorities, like the conveyance of land, and consolidate them into one, less dynamic revenue tool. The parkland conveyance authority is fundamental to accessing land at the most affordable point in a development. If municipalities are required only to collect funds in lieu of parkland and in turn strategically buy parkland parcels throughout the city, this is a more expensive alternative and will decrease parkland affordability in the city. Removing the conveyance of parkland option will significantly increase the cost of development as buying land after an area is built up is more costly than acquiring it early in the development. This would effectively result in less overall parkland for residents and a decrease in access to open spaces and outdoor recreation opportunities.

The process of developing a Community Benefits Strategy would provide municipalities with greater flexibility for funding services; however, it will likely mean less funding in total to build community assets. If the intent of the legislation is to encourage growth and development, these proposed changes would mean that residents in new neighborhoods will likely see a drastically lower service level than those built under previous legislation.

### Action:

Guelph urges the province to remove the either/or option for Section 37 or Section 42/51.1. Require a choice between soft DCs in the DCA or Section 37 of the Planning Act (with a provincially legislated cap) but not both. It is also encouraged that Section 42 remain intact to be used in conjunction with Section 37 or DCA to convey parkland

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so we can ensure parks are available for future residents.

### **Section 37: Requirement to spend or allocate**

The requirement to spend or allocate 60% of the funds received via the proposed CBC would drastically change how Guelph funds large recreation infrastructure. Funds to build arenas, swimming pools or acquire land for parks and sports fields require substantial investment that can take years of accumulation of funds to afford.

#### Action:

Guelph requests that the definition of the word “allocate” includes ear-marking funds for future large projects where spending will not occur for many years until funds are sufficiently accumulated.

### **Section 42 and 51.1: Eliminating the alternative rate**

The proposed legislation removes reference to the alternative rate for parkland dedication. The contemplated changes would result in less parkland overall, and more specifically, less parkland for residents that purchase homes under the proposed legislation. This would either create a service level disparity between ‘older’ homes and ‘newer’ homes or would require that municipalities contemplate tax increases to maintain parkland service levels. This results in an increased burden on taxpayers and a significant shift away from the ‘Growth pays for Growth’ principle.

#### Action:

Guelph requests that the alternative rate for parkland dedication remains so that future communities can enjoy the same access to parks as older communities.

### **Section 37, 42 and 51.1: Transitional concerns**

Due to the quick pace at which Bill 108 was drafted, with limited input from stakeholders, there has been little rationalization between the various Acts and even sections within the same Act. Guelph notes below a number of concerns and impacts that will arise with the passing of Bill 108 in its current form.

- Non application of Section 42(6.1) to CBC requires an amendment to the building code to include a section 37 by-law as applicable law.
- Non application of s. 42(7) to CBC means redevelopment will potentially be subject to a fresh charge even where parkland conveyance or even previous community benefits or DCs have been paid for the same services.
- Lack of rationalization between proposed Section 37 and 51.1 means that municipalities who chose to take land as a condition of subdivision approval will be unable to impose a charge for soft services. Alternatively, if a CBC is imposed, it may be forced to buy or expropriate land within the proposed subdivision from the developer for the provision of park and other recreational services which will likely require paying at a greater rate than the rate used to determine the charge.
- Key terms in Section 37 are not defined and will need further clarity in the development of the regulations including the words “allocated”, “value of the

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land”, “land” and “development”.

- Effect of repealing current Section 37 will be that the certain Official Plan (OP) policies that require “bonusing” to allow increased height will be unavailable. Amendments and updates to the OP will be required.
- Proposed Section 37 “in kind contribution” language appears to require reduction of payments to be based on estimates rather than actual costs. There is no allowance made to permit a credit where the amount of an in kind contribution would exceed the charge. No statutory power to enter into agreements, and nothing on how in-kind community benefits and DC credit for services agreements are allowed to interact. In kind contributions also do not appear to be limited to things included in the CBC by-law.
- Proposed Section 37 could be read as permitting multiple charges where there are multiple triggers; or the land value cap could be circumvented where multiple triggers exist.
- Proposed Section 37(13) appears to say “shall” where it should likely say “may”.

Action:

Guelph strongly advocates for a delay in passing any of the changes to the DCA and Planning Act Sections 37, 42 and 51.1 until the implications can be studied more holistically. This will enable municipalities to implement any changes in an orderly transition. There are many legal concerns with the disconnectedness of the proposed Bill 108 language and its interacting Acts.



May 31, 2019

Hon. Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street  
Toronto, Ontario M5G 2E5

Dear Minister Clark,

**RE: Proposed Changes to Bill 108-More Homes, More Choice Act, 2019**

Thank you for the opportunity to comment on the proposed changes to Bill 108: *More Homes, More Choice Act, 2019* (Schedule 5, 11 and 12). Although the City of Guelph supports building more housing to meet Ontario's growing needs, the City is concerned that Bill 108 threatens the ability of municipalities to develop complete communities and provide livable cities for all its residents.

Several changes proposed to the *Planning Act* jeopardize Guelph's ability to meet its community needs for parkland, affordable housing and other community benefits that enhance the wellbeing for all residents. Additional clarity on the proposed changes are also required to ensure that municipalities have the tools to consistently and fairly implement the proposed legislation. The City has attached additional comments related to Bill 108 and we appreciate consideration of our feedback.

We respectfully request to be included in future consultation when developing regulations associated with Bill 108 prior to the Bill coming into force. Transparent and extensive consultation with municipalities on regulations will be crucial to ensure we have a comprehensive understanding of the impacts of Bill 108. We look forward to ongoing discussions on Bill 108 and its associated regulations in the future. Please do not hesitate to contact me if you have any questions regarding the City of Guelph's feedback.

Sincerely,



Scott Stewart, C.E.T., Deputy CAO  
Infrastructure, Development and Enterprise  
City of Guelph  
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cc. Association of Municipalities of Ontario  
County of Wellington  
Lloyd Longfield, MP, Guelph  
Mike Schreiner, MPP, Guelph

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## **Administration's Comments**

### **Schedule 12 – Amendments to the Planning Act**

#### **Section 16 (3) Additional residential unit policies**

The City of Guelph (City) is supportive of providing opportunities to add additional residential units where appropriate. The City has been a leader in enabling additional residential units and we acknowledge their important role in increasing density and promoting efficient use of infrastructure. However, through our experiences and ongoing community feedback we also recognize that additional residential units can pose challenges if they are not properly regulated to consider the local context. Some concerns include parking considerations, servicing feasibility and safe access to units.

The City requests that the Province clarify that these policy directions are not as of right and would be subject to additional municipal regulations so that municipalities can ensure that additional units are sensitive to their local planning context.

Although the City understands and supports this concept to increase housing supply and agrees that the exemption for second dwelling units in new residential buildings would achieve more units. However, the City urges the province to put in place a mechanism to ensure this reduction to the cost of housing is transferred to the homebuyer.

Further, the City is requesting the province to acknowledge that exempting Development Charges (DCs) does not change the cost of the infrastructure required for that development and this is a form of cost downloading to the citizens of Ontario. The lost DCs that would have otherwise been collected on these units will need to be recovered from property taxes and user fees. The *Development Charges Act, 1997* (DCA) is based on a full cost recovery model, and any revenues not collected through DCs are subsidized by the property tax base.

#### **Section 16 (5) Inclusionary Zoning**

Providing affordable housing is an important area that Guelph continues to explore. There has been significant local interest in using additional tools to incentivize inclusionary housing options. As a result, it is disappointing to see that inclusionary zoning will no longer be a tool available to Guelph as these provisions have been limited to areas with protected major transit stations and development permit systems. The City believes that tools to assist with inclusionary zoning should continue to be supported and accessible in order to address the growing need for affordable housing in Guelph as well as communities across Ontario.

## **Reduction of processing timelines**

Bill 108 has reduced the timelines for processing an official plan or official plan amendment from 210 days to 120 days, a zoning bylaw amendment from 150 days to 90 days and a draft plan of subdivision from 180 days to 120 days. The existing timeframes were previously examined as part of the province's review of the Planning Act, which occurred prior to the introduction of the *Building Better Communities and Conserving Watersheds Act, 2017* ("Bill 139" in the 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session) and it was determined that the existing timelines introduced through Bill 139 were necessary to provide adequate time to assess planning matters, hear input from the public before making a decision, and enable municipalities to negotiate solutions to issues throughout the process. The timelines established in Bill 139 were lengthened to reduce the number of appeals and contribute to a more transparent and efficient decision making process. Now Bill 108 is proposing to condense the timelines for approvals to a period that is even shorter than the timelines pre-Bill 139. No additional study appears to have been conducted, or additional rationale provided, for these proposed reduced timelines. The City believes the proposed timelines in Bill 108 compromise the municipality's ability to make comprehensive decisions that consider public feedback. Therefore, it is recommended that the existing timelines as established in Bill 139 be maintained.

## **Section 37: Community benefits charges and changes to the *Development Charges Act, 1997***

The City of Guelph is opposed to the proposed changes to Bill 108 related to a community benefits charge. Guelph is committed to maximizing community benefits for residents and are concerned that the proposed changes will compromise our ability to provide these amenities. The proposed community benefits charge also appears inconsistent with the Province's commitment to ensure that "Growth pays for growth".

By removing options for land conveyance for parks and limiting the community services function of DCs, Guelph will be unable to provide parkland and a range of other community facilities and services that the community requires. The community benefits charge will be limited to a prescribed percentage which may force municipalities to choose between competing community needs. A percentage limit could also result in a financial shortfall and force the municipality to look to other sources of funding to pay for community needs or become unable to provide them at all.

In addition, the ability to provide additional facilities and services through increased height or density has been removed in Bill 108. The elimination of this provision prevents Guelph from using height and density bonusing as a tool to assist in addressing some of its rapidly growing community needs as it continues to develop.

Although the Province has stated a desire to provide municipalities with the resources to support complete communities, the community benefits charge will result in the opposite. The City of Guelph requests more information on how the percentage limitation on the charge will be determined. We request consultation on developing this percentage limit to ensure it will adequately provide for a diverse range of community needs and to confirm it will be based on the principle that "growth should pay for growth". Additional information is also required to highlight the financial impact of this provision so the City can assess how this charge compares to the benefits provided through existing Development Charges and conveyance of land for parks. This information will be crucial to ensure that Guelph can continue to support community benefits that improve the quality of life for all its residents.

From a municipal finance perspective, the proposed changes to eliminate DCs for the collective "soft or social services" will likely result in a capital funding shortfall for growth-related infrastructure required for indoor and outdoor recreation (parks, trails and recreation centres), libraries, public health, child care and social housing, homes for the aged, paramedic services and parking. Without the specific regulations, Guelph cannot quantify the impact of these changes. Nevertheless, we do know that it leaves approximately \$155 million of capital funding vulnerable considering these monies were planned in our [DC Study that was approved in February 2019](#). These services are critical to creating livable, healthy communities and it is expected that new populations/businesses fund the growth infrastructure that is necessary for services in the same way as the other critical services such as water, wastewater, roads and fire/police services. The current DCA provides a measurable and equitable means to quantify the cost of these services in each municipality based on existing service levels. Replacing this system with a Community Benefit Charge (CBC) regime based upon land value has many faults:

- i) Land value is subject to market conditions making it a very unreliable long-term financial planning tool – the Province advocates long-term capital planning with capital asset management plans and policies however is proposing to make a reliable capital revenue become unpredictable and unplannable.
- ii) Land value can vary based on proximity to the GTA making it an unfair method for funding common infrastructure needed across the province. The cost of building a recreation centre or a park may only vary upwards of 15% across the province whereas land value in the GTA for a single family lot may be 20 times that of the same size lot elsewhere in the province. This will create the have/have-not effect of urban centres versus rural communities where the revenue generation tool is unequitable to the cost of infrastructure.
- iii) The need for appraisals and the ability for the applicant to challenge the appraisal will create more burden and expense for municipalities rather than it creating a streamlined process that was the original intention of the province.
- iv) In a regional or county government system, the DCA contained guidance for the apportionment of the DC revenue collected according to the

government body levying the charge considering it was directly attributable to their respective capital project plan. A system established on land value will create a new undefined, burdensome process to determine how this Community Benefit Charge would be allocated between the local and regional/county bodies.

Guelph recommends that municipalities be given the option to choose between the DCA and Section 37 CBC as the growth-related revenue tool for soft services. Let municipalities make a choice rather than forcing the implementation of a separate, cumbersome, costly and unnecessary CBC regime, which will require separate studies, by-laws and administration.

If the Province feels that reducing municipal development charges is necessary, it would be preferable to keep soft services in the DCA and simply limit the extent of recovery within the existing DCA to a cap as prescribed by the province.

### **Section 37: Combining parkland dedication, bonusing and development**

The proposed CBC would take three distinct revenue streams with unique purposes and authorities, like the conveyance of land, and consolidate them into one, less dynamic revenue tool. The parkland conveyance authority is fundamental to accessing land at the most affordable point in a development. If municipalities are required only to collect funds in lieu of parkland and in turn strategically buy parkland parcels throughout the city, this is a more expensive alternative and will decrease parkland affordability in the city. Removing the conveyance of parkland option will significantly increase the cost of development as buying land after an area is built up is more costly than acquiring it early in the development. This would effectively result in less overall parkland for residents and a decrease in access to open spaces and outdoor recreation opportunities.

The process of developing a Community Benefits Strategy would provide municipalities with greater flexibility for funding services; however, it will likely mean less funding in total to build community assets. If the intent of the legislation is to encourage growth and development, these proposed changes would mean that residents in new neighborhoods will likely see a drastically lower service level than those built under previous legislation.

The City urges the province to remove the either/or option for Section 37 or Section 42/51.1. Require a choice between soft DCs in the DCA or Section 37 of the Planning Act (with a provincially legislated cap) but not both. It is also encouraged that Section 42 remain intact to be used in conjunction with Section 37 or DCA to convey parkland so the City can ensure parks are available for future residents.

### **Section 37: Special Fund and Requirement to spend or allocate**

The requirement to spend or allocate 60% of the funds received via the proposed CBC would drastically change how Guelph funds large recreation infrastructure. Funds to build arenas, swimming pools or acquire land for parks and sports fields require substantial investment that can take years of accumulation of funds to afford.

The City of Guelph requests that the definition of the word “allocate” includes earmarking funds for future large projects where spending will not occur for many years until funds are sufficiently accumulated.

### **Section 42 and 51.1: Eliminating the alternative rate**

The proposed legislation removes reference to the alternative rate for parkland dedication. The contemplated changes would result in less parkland overall, and more specifically, less parkland for residents that purchase homes under the proposed legislation. This would either create a service level disparity between ‘older’ homes and ‘newer’ homes or would require that municipalities contemplate tax increases to maintain parkland service levels. This results in an increased burden on taxpayers and a significant shift away from the ‘Growth pays for Growth’ principle.

The City of Guelph requests that the alternative rate for parkland dedication remains so that future communities can enjoy the same access to parks as older communities.

### **Section 70.2. Orders re development permit system**

The City of Guelph requests more information and clarification on the criteria for the Minister to require a local municipality to adopt or establish a development permit system. The City’s previous examination of development permit systems illustrated that alternative instruments would be more effective in implementing the goals of the Growth Plan due to the challenges associated with a development permit system. As a result, greater certainty around this provision would allow the City to better assess the proposed change.

### **Appeal to L.P.A.T**

Bill 108 proposes a fundamental shift in the system of land use planning appeals in the Province of Ontario, and generally repeals changes introduced through Bill 139. The effect of these changes is a return to the “de novo hearing” standard of review that had historically been applied in appeals to the former Ontario Municipal Board.

A return to the hearing “*de novo*” standard as proposed in the current Bill 108 is contrary to the province’s agreement that municipalities are a mature, accountable order of government and that local governments should have the appropriate authority to uphold their provincially approved Official Plans and promote community driven planning.

The City of Guelph continues to support a system of true appeals under which reviews of planning decisions are undertaken on a standard of reasonableness, primarily based on the record before the approval authority. Elected municipal councils should

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continue to have primary responsibility for local planning decisions, as their decisions comply with the *Planning Act* are consistent with applicable provincial policies they should not be subject to review by an external agency. The Local Planning Appeal Tribunal (LPAT) should have the power to overturn or replace a municipal level decision on a planning matter only under the conditions where the original decision is outside of its jurisdiction, is inconsistent with good planning principles (e.g. “political” decisions), or does not conform with relevant local and provincial planning policies.

A more appropriate balance between the current (*i.e.* post Bill 139) system and the previous (pre Bill 139) system would be to permit the LPAT to overturn or replace only those municipal decisions found to be lacking jurisdiction or not falling within a reasonable spectrum of good planning as established by local and provincial policies, and eliminating the current requirement to refer those decisions back to the municipal councils that made them. This will ensure the decisions of democratically-elected municipal council are respected while offering a more streamlined process for appeals. It would also encourage better decision making at the municipal level by providing improved guidelines on local planning matters and meaningful oversight of those decisions.

If the *de novo* standard is to be reintroduced despite the City’s objections, the City of Guelph recommends that the *Planning Act* include stronger requirements that the LPAT fully consider the decision of municipal councils. There should be specific direction to the LPAT that it only replace a municipal decision with its own decision where there is a specific, identified, public interest in doing so. Where a municipal level decision satisfies applicable policies and the public interest, that the Tribunal might have made a different decision on the same facts should not, on its own, be sufficient grounds to overturn the decision of an elected municipal council.

The changes introduced through the current Bill 108 would also limit the ability for new evidence introduced at a hearing to be sent back to the municipality for review. This has the potential to undermine the process at the municipal level by discouraging applicants from putting their “best foot forward” as part of the initial application. The tactic of introducing a revised or “improved” application as the subject of a *de novo* review on appeal to the former Ontario Municipal Board was not uncommon before Bill 139. Combined with the proposal to reduce timelines for municipal review of applications, the effect will be to reduce the ability to improve applications at the municipal level and reduced input from elected municipal councilors on proposals before they may be appealed to the LPAT.

The City is supportive of changes that will allow the LPAT to restrict new evidence from being entered on the hearing of an appeal, as this is consistent with the view that appeals ought to continue to be based primarily upon the record of the application at the municipal level. The City would propose that these provisions be strengthened to indicate that the LPAT shall only allow new evidence to be introduced

where it is satisfied that the municipal record is insufficient to make a decision on the appeal.

The City of Guelph generally supports restrictions on appeals, and who may be a party to an appeal, introduced through Bill 108 as long as they achieve the objective of reducing the number of appeals to local planning decisions. The proposed restrictions on appeals to non-decisions on official plans that are not exempt from approval are important, as they will resolve the current situation where the entirety of an official plan may be appealed by any person where an approval authority fails to make a decision on that plan. Restrictions on who may appeal a decision to approve or refuse a draft plan of subdivision will potentially result in a reduced number of appeals of municipal decisions. It must be noted, however, that there may be instances where other related applications required in conjunction with plan of subdivision applications (e.g. Zoning By-law amendments, Official Plan amendments) may remain subject to appeal by third parties. There may also be circumstances where legitimate public interest appeals will be restricted by these changes.

It is unclear whether the transitional rules introduced for *Planning Act* appeals will require existing appeals under the post Bill 139 system to be re-filed under the post Bill 108 system. The City of Guelph would request the opportunity to review and comment on the proposed regulations before this transition takes effect.

### **Section 37, 42 and 51.1: Transitional concerns**

The City of Guelph notes below a number of additional concerns and impacts that may arise with the passing of Bill 108 in its current form:

- Non application of Section 42(6.1) to CBC requires an amendment to the building code to include a section 37 by-law as applicable law for the purposes of subsection 8(2) of the Building Code Act, 1992.
- Non application of s. 42(7) to CBC means redevelopment will potentially be subject to a fresh charge even where parkland conveyance or even previous community benefits or DCs have been paid for the same services.
- Lack of rationalization between proposed Section 37 and 51.1 means that municipalities who chose to take land as a condition of subdivision approval will be unable to impose a charge for soft services. Alternatively, if a CBC is imposed, it may be forced to buy or expropriate land within the proposed subdivision from the developer for the provision of park and other recreational services which will likely require paying at a greater rate than the rate used to determine the charge.
- Key terms in Section 37 are not defined and will need further clarity in the development of the regulations including the words "allocated", "value of the land", "land" and "development".
- Effect of repealing current Section 37 will be that the certain Official Plan (OP) policies that require "bonusing" to allow increased height and/or density will be unavailable (i.e. They will be capped at lower heights and densities then were previously available through the application of the existing section



37 of the Planning Act).

- Proposed Section 37 “in kind contribution” language appears to require reduction of payments to be based on estimates rather than actual costs. There is no allowance made to permit a credit where the amount of an in kind contribution would exceed the charge. No statutory power to enter into agreements, and nothing on how in-kind community benefits and DC credit for services agreements are allowed to interact. In kind contributions also do not appear to be limited to facilities, services or matters included in the CBC by-law.
- Proposed Section 37 could be read as permitting multiple charges where there are multiple triggers; or the land value cap could be circumvented where multiple triggers exist.
- Proposed Section 37(13), which deals with payment of CBCs under protest, appears to say “shall” where it should likely say “may”.

## **Schedule 11 – Amendments to the Ontario Heritage Act**

Changes proposed by Bill 108 to the Ontario Heritage Act (OHA) could significantly impact the City of Guelph’s ability to conserve its heritage resources.

### **Adjudication of heritage designation by-laws and Part IV heritage matters by LPAT**

Under the proposed changes to the OHA, Part IV designation by-law appeals would be adjudicated by the LPAT. Currently, Council has the final authority for heritage designation under Part IV of the OHA. Designations (and alterations) can be referred/appealed to the Conservation Review Board (CRB), but its members review the merits of a Council decision and make a recommendation back to Council- their decisions are not binding.

The City of Guelph has significant concerns with proposed amendments that reduce municipal Council’s decision-making authority. It is recommended that municipal Councils retain their current authority on all Part IV heritage matters. Such appeals should only be permitted to new heritage designations initiated post-Bill 108.

Further, the City does not support broadening the scope and type of hearings managed by the LPAT. The inclusion of Part IV heritage matters under the LPAT’s authority will add complexity to the heritage process, as well as incur additional staff resources and costs to municipalities and applicants.

### **LPAT adjudicators should have heritage expertise**

The proposed elimination of the existing CRB hearing process and recommendation will give control over municipal heritage protection to the LPAT.

The City is concerned that the LPAT members will not have the heritage expertise comparable to that of CRB members. Taking authority over heritage designation

away from municipalities could have a negative impact on heritage conservation, which should be determined locally as well as respected.

### **Alteration vs. demolition**

Bill 108 proposes that appeals to a Council's decision with respect to both proposed alterations under section 33 and proposed demolitions under section 34 of the OHA, be adjudicated by the LPAT.

The City believes that municipalities should retain control over the final authorization of alterations to designated heritage properties. With the narrowing of the definition of "alteration", significant changes will be required to the City's heritage permit application process to ensure that the proposed legislative requirements are followed with respect to the proposed demolition of any heritage attribute.

### **Complete application requirements for alteration and demolition permits**

Bill 108 proposes a new 60-day timeline for notifying property owners on when their (heritage permit) applications for alteration and demolition are complete – a new concept in the context of the OHA. However, the Bill is unclear in terms of what would occur in the event of a "notice of incomplete application."

The City recommends that a process to address incomplete applications should be provided by the legislation. Given the emphasis on expeditious decision-making and mandatory adherence to a complete application review for all alterations and demolitions, the City will need to review and adapt the existing heritage permit application process, including the creation of new documents for complete and incomplete applications.

### **Principles required to designate**

Bill 108 proposes to amend the OHA to enable the Province to introduce "prescribed principles" in relation to Part IV properties as well as heritage conservation districts (HCDs) that a Council will be required to consider when making decisions about designating a property or district, or when making decisions affecting the property or district. Draft "prescribed principles" have not yet been released, and as such, the potential implications of this requirement are uncertain.

The City has concerns about the relationship between provincial "prescribed principles" and the stated objectives of a HCD Plan that is already in force. In addition, the new language that is proposed to be inserted into section 34.5(2) of the OHA makes it unclear how individual property attributes are intended to be regulated within a district plan area which, by definition, is intended to manage change on an area-wide scale and currently provides only general policies and

guidelines for alterations. Consultation on the “prescribed principles” should be undertaken with municipalities to determine the extent of revisions required to the City’s existing HCD plan.

### **Interim protection during designation process**

The City requests that the Province clarify that a property subject to an appealed designation by-law would also be treated “as designated” for the purposes of the OHA until the matter is adjudicated by the LPAT.

### **Restricting designation to 90 days after a “prescribed event”**

Under Bill 108, Council will be required to consider and make a decision on a notice of objection to the designation of a property under section 29(1) of the OHA within 90 days after the end of the 30-day period during which a notice of objection may be filed. Until municipalities have an opportunity to review the regulations, it is difficult to determine the full impact of the proposed changes.

### **Clarification of defined “prescribed” terms and revision of regulations**

New (or revised) criteria for determining whether a property has cultural heritage value or interest could be prescribed as a result of Bill 108; however it is currently unknown to what extent the changes will be to the existing criteria set out in O. Reg. 9/06.

The City recommends that before Bill 108 is passed or its corresponding regulations finalized, municipalities should be consulted on what constitutes a “prescribed event” (in addition to “prescribed criteria”, “prescribed principles,” and all the non-existent supporting regulations).

### **Notice to owners regarding the listing of heritage properties**

Under Bill 108, a municipal Council will be required to provide notice to owners within 30 days of its decision to list a property on the heritage register as a non-designated property of potential cultural heritage value or interest. Regulations will prescribe the contents of the notification. This is generally the process already followed by the City of Guelph, although the contents of the notice will require changes to ensure that the prescribed content is included.

Bill 108 proposes that property owners be able to object to Council's decision to list a property, and Council be required to consider any objection and make a second decision to confirm or remove the listing. Council would then provide an additional notice to the owner within 90 days of its decision.

Under the proposed new section 27(3) of the Ontario Heritage Act, the City recommends that a time limit for objections be specified. It is noted that this new

objection process would not apply to properties included in the heritage register before Bill 108 comes into force.

The City recognizes that Bill 108 will substantially impact the resources available to heritage planners as it will require updates to internal procedures and information systems in order to ensure the delivery of heritage reports and notices within the specified timelines.

### **Schedule 5 – Amendments to the Endangered Species Act**

The City of Guelph has a long history of protecting its natural heritage. In 1993, the Hanlon Creek Subwatershed Study put the City at the forefront of watershed planning in Southern Ontario. This led to a series of subsequent studies, which were a key influence on the evolution of our Official Plan policies. In 2010, the City completed its natural heritage strategy. This strategy provided the technical basis and background for the development of a new comprehensive set of natural heritage policies and the identification of a natural heritage system, one of the first in Ontario. These policies came into full effect in 2014. Through this environment first approach the City has made a commitment to protect, monitor, restore and enhance the natural heritage system to support biodiversity. Many of these commitments will be realized through the implementation of our Natural Heritage Action Plan that was developed in 2018.

The natural heritage system contributes to enhancing the quality of life within the city and represents a portion of the City's natural assets that supports natural processes, populations of indigenous species and sustains local biodiversity.

Recently the City of Guelph released its Community Plan, the culmination of a year-long engagement process where we heard from more than 10,000 community members, visitors, and City staff. One of the common community values identified in our plan is environmental stewardship. We are passionate about our green spaces and the beauty of our natural environment. We understand the crucial need to take care of it. We are proud to be environmental leaders, helping address pressing national and international concerns.

In light of the above, the proposed changes within Schedule 5 of Bill 108 (i.e. the proposed changes to the Endangered Species Act) are of concern to the City. Many of the changes run contrary to science-based evidence and decision-making. Further, the proposed change to allow proponents to take advantage of paying into a conservation fund rather than protecting Species at Risk and their habitats could potentially result in a net loss of species/habitats in Guelph. As proposed, the monies collected in this arrangement do not necessarily have to be directed towards the conservation of the particular species/habitat that was impacted and do not even have to be used for beneficial projects in the geographical area where the impacts occur. Additionally, the agency overseeing the fund would be able to spend

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a portion of the monies collected on its establishment, administration and operation. Overall, the proposed changes to the Endangered Species Act appear to represent reduced protection for Species at Risk and their habitats that will result in worse outcomes compared to the existing legislation.

Given our concerns, the City urges the province to remove Schedule 5 from Bill 108.

# Staff Report



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To	<b>City Council</b>
Service Area	Public Services
Date	Monday, December 17, 2018
Subject	<b>Cannabis Retail Storefronts – Municipal Impacts</b>
Report Number	PS-2018-38

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## Recommendation

1. That staff be directed to create a City bylaw mirroring the Smoke Free Ontario Act allowing for enforcement of tobacco and cannabis consumption by the City's Bylaw Compliance Officers, Guelph Police Service or other designated individuals.
2. That staff be directed to conduct further public engagement on the need to further strengthen regulations pertaining to smoking within the City of Guelph.
3. That staff be directed to inform the Alcohol and Gaming Commission of Ontario that retail cannabis storefronts are permitted to operate within the City of Guelph and that the Delegation of Authority Bylaw (2013)-19529, be amended to authorize staff to provide comments to the Alcohol and Gaming Commission of Ontario, on behalf of the City Council, with respect to any store licence application that does not meet the public interest of the City of Guelph.

## Executive Summary

### Purpose of Report

Provide information to Council regarding cannabis within the City of Guelph including options for Council's consideration with respect to cannabis retail stores and consumption bylaws.

To seek Council direction on creating a bylaw to allow Bylaw Compliance Officers, Guelph Police Service and other designated individuals to enforce consumption of cannabis and tobacco.

To seek Council direction on conducting further public engagement on smoking restrictions within the City of Guelph.

To seek delegated authority to have licensing staff provide comments to the Alcohol Gaming Commission of Ontario on cannabis storefront applications.

## **Key Findings**

Recreational cannabis was legalized on October 17, 2018. On April 1, 2019, the province intends to allow private retail cannabis stores to operate. There will not be government operated cannabis storefronts in Ontario.

The province is responsible for licensing and regulating privately owned cannabis retail stores. Ontario municipalities have until January 22, 2019 to pass a resolution prohibiting retail cannabis storefronts within their boundaries (opting out). Municipalities that do not opt out of retail cannabis storefronts are automatically considered to have opted in. Municipalities that opt out will receive a smaller portion of funding from the province, regardless of when they decide to opt in.

Municipalities do not have the authority to pass bylaws pertaining to the licensing or specialized zoning of cannabis retail stores. The government has regulated the Alcohol Gaming Commission of Ontario to approve retail storefront business licenses similar to the issuance of liquor licences.

Municipalities that opt in will have the ability to provide comments to the Alcohol Gaming Commission of Ontario on licensing retail store applications within 15 days of public notice regarding the requested location of a cannabis retail store.

Municipalities will have the authority to pass bylaws further restricting the consumption of cannabis and tobacco, in addition to The Smoke Free Ontario Act. The existing framework to purchase medical cannabis has not been affected.

## **Financial Implications**

The Province will split \$30 million over the next two years between municipalities. The first \$15 million will be shared among all municipalities, based on the number of households. Guelph will receive the first funding allotment in the amount of \$141,661 in January 2019 for the first year.

In 2019, municipalities that opt out will only receive a second payment of \$5,000 each. Municipalities that permit retail stores will receive a share of the remaining funds. The second installment with these remaining funds is targeted to be distributed in March 2019, but the amount has not yet been communicated.

If the provincial excise duty revenues on recreational cannabis exceeds \$100 million, municipalities that permit retail cannabis stores will receive a share of 50 per cent of the surplus. The province will also set aside a contingency fund in the amount of \$10 million to assist municipalities that permit retail stores. The province has not yet announced how these funds would be accessed or how they may be distributed.

Costs for various departments and agencies to respond to cannabis issues are unknown at this time. To provide better direction and field support for Bylaw operations, \$40,000 of available cannabis funding will be utilized to upgrade two existing bylaw positions to facilitate cannabis enforcement. The remaining funds received will be allocated to departments and agencies once costing becomes known due to the restrictions and potential reporting requirements of the grant.

The province has very clear direction that this funding must be for the sole purpose of paying for implementation costs directly related to the legalization of cannabis and have outlined specific permitted costs. At this time, the province has indicated that there may be a reporting requirement on the use of these funds and that municipalities should be ready to provide supporting documents in a timely manner.

The costs incurred to date for conducting the telephone survey (\$6,500) was funded through the approved 2018 Operations Department budget.

## **Report**

On October 17, 2018, the federal Cannabis Act legalized recreational cannabis. This Act established the legislative framework for cannabis in Canada and set rules for the production, distribution, sale and possession of cannabis. This Act allowed provinces and territories to set or amend rules for cannabis, including the legal minimum age, how recreational cannabis could be sold, where cannabis could be consumed and setting limits on possession and growing. The ability and the means to purchase medical cannabis is not affected.

The Ontario Cannabis Act further set the framework for cannabis in Ontario including setting the legal minimum age to purchase, possess, consume and/or grow recreational cannabis to 19 years of age. The Act also confirmed that Ontario residents have the ability to grow cannabis plants under certain conditions to a maximum of four plants per residence.

The Act provided authority to Police services, but also allowed the Attorney General to designate other persons to enforce the Act. This broadens the scope of enforcement beyond Police, allowing flexibility for municipalities to choose an enforcement approach that best suits the community's needs.

In addition, the Cannabis Statute Law Amendment Act was passed by the Ontario legislature. This Act introduced the model for retail cannabis stores within Ontario, and included amendments to the Smoke Free Ontario Act setting new regulations on the consumption of tobacco and both medical and recreational cannabis.

### **Cannabis Retail Storefronts**

In Ontario, recreational cannabis can currently be purchased online through the provincially operated online store. All previously announced government operated retail store fronts, including the one identified for Stone Road West in Guelph, will not proceed. However, as of April 1, 2019, the operation of privately-owned cannabis retail stores will be permitted within municipalities that allow their operation. These stores along with their operators and managers will be licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). While there will be no caps on the number of licences issued by the AGCO in each municipality, the Cannabis License Act (O.Reg. 468/18) has established limits on ownership concentration (a maximum of 75 stores per operator). In addition, rules such as hours of operation (9 am – 11 pm, seven days a week), and distance buffers of 150 metres between retail stores and schools are regulated by the AGCO.



Municipalities do not have the ability to control cannabis retail stores through business licensing or specialized zoning. However, each municipality has been given the opportunity to opt out of cannabis retail stores within its boundaries. Municipalities have until January 22, 2019 to pass a resolution to opt out. If a municipality does not opt out, the province automatically considers them as having opted in. Municipalities that opt out of cannabis retail stores by January 22, 2019 may pass a subsequent resolution opting in on a later date.

Should a municipality opt in to privately-owned cannabis retail stores, there will be the opportunity to provide comments to the AGCO on retailers that apply for a license. Specifically, upon receipt of an application for a storefront licence, residents and municipalities will have 15 days to provide written comments to the AGCO. While the AGCO is not bound to the comments received, they will consider these comments before making a final decision to issue a licence.

Should Guelph permit cannabis retail stores, given the short time frame to provide comments, staff are recommending that Council pre-approve a list of criteria (ATT-1) reflecting the City's public interest and delegate the authority (ATT-2) to comment on cannabis retail store applications to City staff.

#### Enforcement: Places of Use

The Smoke Free Ontario Act regulates the smoking of tobacco, recreational and medical cannabis. Under this Act, cannabis can be used in:

- Private residences (not including residences that are also workplaces such as retirement homes)
- Many outdoor public places, such as sidewalks and parks
- Designated guest rooms in hotels, motels, and inns
- Under certain conditions, residential vehicles and boats that have permanent sleeping accommodations and cooking facilities and that are parked or anchored
- Scientific research and testing facilities

Controlled areas within:

- Long-term care homes
- Certain retirement homes
- Residential hospices
- Provincially-funded supportive housing
- Designated psychiatric or veterans' facilities

Under this Act, cannabis cannot be used in:

- Indoor common areas
- Enclosed public places and enclosed workplaces
- Non-designated guest rooms in hotels, motels, and inns

- Schools, on school grounds and public areas within 20 metres of these grounds
- Children's playgrounds and public areas within 20 metres of playgrounds
- Child care centres, or where an early years program is provided
- Where home childcare is provided, even if children aren't present
- Within nine metres from the entrance or exit of hospitals and other health facilities
- Outdoor grounds of hospitals and psychiatric facilities
- Non-controlled areas in long-term care homes, certain retirement homes, provincially-funded supportive housing, designated psychiatric or veterans' facilities, and residential hospices
- In publicly owned sports fields (not including golf courses), nearby spectator areas and public areas within 20 metres of these areas.
- In a vehicle or boat being driven or is at risk of being put into motion (in addition to smoking/vaping, eating cannabis is also prohibited in a boat or vehicle under the same conditions)
- In restaurants and on bar patios and public areas within nine metres of a patio
- On outdoor grounds of specified Ontario government office buildings
- In reserved seating areas at outdoor sports and entertainment locations
- Grounds of community recreational facilities and public areas within 20 metres of those grounds
- In sheltered outdoor areas with a roof and more than two walls which the public or employees frequent, or are invited to (e.g. a bus shelter)

Municipalities do have the ability to pass bylaws that can further restrict the smoking and vaping of cannabis and tobacco. Additional restrictions on smoking and vaping may also exist in lease agreements, and the policies of employers and property owners.

Prior to the passing of the Cannabis Statute Law Amendment Act on October 17, 2018, the regulations regarding place of use were under the Ontario Cannabis Act. Under this Act, a plan was developed that would have sought a designation to allow Bylaw Compliance Officers to enforce the smoking prohibition locations throughout the city.

As of October 17, the regulations regarding consumption were amended and moved from the Ontario Cannabis Act to the Smoke Free Ontario Act 2017. While Police have the ability to enforce regulations regarding the consumption of cannabis within vehicles, the only agency authorized under the Smoke Free Ontario Act to enforce places of use is Public Health staff.

City staff did reach out to the Ontario Ministry of Health (MOH) to seek designation for Bylaw staff. Unfortunately, due to the short time frame, the MOH was not prepared to review this request at that time. MOH did indicate they may be able to review this request in six to twelve months, but recommended that should the City of Guelph wish to have Bylaw staff or others designated to enforce smoking regulations, that they create a bylaw that mirrors the Smoke Free Ontario Act.

Section 11 and section 115 of the Municipal Act allows Council to create such a bylaw.

The enforcement of the Smoke Free Ontario Act is performed by the Wellington Dufferin Guelph Public Health, which operates regular business hours. Given the fact that City of Guelph Bylaw staff operate 24 hours a day, 365 days a year and are able to respond in a timely manner, staff are recommending that Bylaw staff take the lead in enforcing the bylaws related to smoking of cannabis and tobacco. As such, staff recommends that Council provide direction to create a bylaw that mirrors the Smoke Free Ontario Act and provides authority for Bylaw Compliance Officers, Guelph Police Service and Wellington Dufferin Guelph Public Health staff to enforce as a cohesive team.

It should be noted, as an interim process to respond to calls, Bylaw staff have been addressing concerns regarding the smoking of cannabis and tobacco on City owned and school properties through authorities under the Trespass to Property Act. It is recommended that staff continue to engage the community to determine if additional controls on smoking are warranted.

#### Enforcement: General Regulations

Responsibility for the enforcement of the federal and provincial acts regarding cannabis falls to local Police and the AGCO. AGCO will be responsible for licensing and ensuring licensed businesses operate within the regulations. Police will be responsible for the enforcement of cannabis allowances and impaired driving.

Enforcement of illegal sales will default to local Police; however, under certain conditions the Ontario Cannabis Act does allow for the designation of others such as Bylaw Compliance Officers to enforce illegal sales as a means to alleviate some of the pressures on Police services.

Over the past year, City staff have been in communication with the Ministry of the Attorney General's office on this matter and are prepared, with support from Guelph Police Service to seek a designation under the Ontario Cannabis Act for the City's Bylaw staff. Once designated, Bylaw staff will be able to assist with the enforcement of illegal dispensaries and sales.

With residents being legally permitted to grow four plants per residence, it is anticipated that the City's Bylaw Division will see an increase in the number of property standards calls related to home operations. City staff anticipate calls to increase on issues such as mold.

There have been some discussions with Guelph Police Service regarding the policing of the plants in private residences. Although this enforcement falls to the Police, we continue to explore options to offset the number of Police investigations while still maintaining safety for Bylaw Compliance Officers.

Given the complexity of the issues and the expected increase in calls, it becomes important to provide better field support for Bylaw staff and customer service to our residents. Consideration will be given to upgrade two existing Bylaw positions to lead officers.

### Cannabis Working Group

Throughout the legalization process, City staff have maintained communication with the Ministry of the Attorney General, the Ontario Ministry of Finance and the Ontario Ministry of Health. To help guide these conversations and to create a framework for cannabis within Guelph, staff formed a working group. The Cannabis Working Group consists of community partners including the Guelph Police Service, Wellington Dufferin Guelph Public Health, Wellington Guelph Drug Strategy, University of Guelph, Upper Grand District School Board, and Wellington Catholic District School Board. In addition, the group has a number of City representatives, including staff from Guelph Fire, Guelph Wellington Paramedic Services, Zoning, Community Investment, Intergovernmental Relations, Development Planning, Finance, Court Services, Corporate Communications, Strategy Innovation, Parks and Recreation, and Operations.

In addition to providing general input, all group members on behalf of their agencies and departments were provided the opportunity to provide input on cannabis retail stores and consumption bylaws within the city of Guelph. While responses received from these agencies and departments have been attached (ATT-3), below is a brief overview of the working group comments:

- Increased access may result in increased consumption and increased harms
- Potential increased access by youth
- Sufficient access to a legal supply of cannabis may reduce the risks of an black market
- Product concerns related to the black market
- Need to better understand social and financial impact of legalization
- Normalization of cannabis use is of great concern
- Balance is needed when considering access to legal cannabis
- Public Health will need to be a significant resource to schools and the community
- Financial and economic gains should be considered in light of the potential social and health costs to the community
- Financial impacts of opting out will be far reaching within the City departments
- Cannabis is already the fourth most costly substance in Canada in terms of social and health impacts
- Findings from legalization in other locations have shown increases in cannabis use, cannabis-related emergency department visits, and motor vehicle collision fatalities
- Increased costs to support Police and Bylaw enforcement
- Options to legally purchase medicinal and recreation cannabis will still be available if the City opts out

- Controlling cannabis retail with zoning and municipal bylaws is critical
- Municipalities do not have the authority to control the placement or number of cannabis retail outlets in their communities
- Unknown how much influence municipalities will have over AGCO decisions on store locations and density
- City should wait for information on controls/impacts before opting in
- Set minimum distances from schools, parks, recreation areas, sensitive areas, LCBO, and tobacco stores
- Restrict clustering
- Set limits on the number of storefronts
- Set store hours to restrict late night or early morning sales

### Public Engagement

Staff have kept the public informed through the City's website that provided questions and answers on cannabis, resources of credible agencies and information on the working group's efforts.

To seek public input on the decision to opt in or out, two surveys (telephone and online) were conducted to understand the community's feelings toward cannabis retail storefronts. The ability to participate in the online survey was not restricted to Guelph residents and staff are aware that a number of residents in neighbouring communities and others wishing to open businesses in Guelph did participate in the survey. Therefore, noting the online survey would be broad and not statistically valid, staff also contracted an independent survey company to conduct 600 telephone surveys specifically with Guelph residents.

Both of the surveys asked residents how they felt about cannabis stores, concerns or benefits they see with cannabis stores in Guelph, and if they thought additional restrictions on cannabis consumption beyond the Smoke Free Ontario Act should be pursued. A full summary of the results of the phone survey and the online survey have been attached (ATT-4), but below is an overview:

Sixty-five per cent of the people from the telephone survey supported or strongly supported having cannabis retail stores in Guelph. We asked residents to rate their concern with proximities of cannabis to certain areas of the city that were raised by the Cannabis Working Group. Their order of concern was:

- registered daycare centres
- playgrounds
- youth facilities
- addiction clinics

When asked of benefits if cannabis retail stores were allowed to operate within Guelph, the comments included:

- more jobs
- safer than the black market
- diminish illegal sales
- ensuring the age restriction is enforced

The survey asked residents if they believed the City should have its own regulations in addition to the Smoke Free Ontario Act, and 64 per cent of phone survey responses were in favour of expanding regulations. Only 27 per cent of those participating in the online survey responded the same. In addition to the survey results, comments received by email and social media from the public (ATT-5, ATT-6) are attached.

Staff have attached maps to demonstrate the impact of a 150 metre buffer from elementary and secondary schools, along with 150 metre buffers from addiction clinics, registered daycares, youth facilities and recreation centres (ATT-7).

#### Staff Summary and Options for Council with Respect to Cannabis Storefronts

Community partners have strongly voiced concern about access to cannabis and the overall impacts to the community. While cannabis is legal, there are health risks related to its consumption. If Council opts out, Council can opt in at a later date.

The City of Guelph has no ability to regulate cannabis stores. While the AGCO has indicated they would consider any concerns from municipalities, they are not bound to follow them. Cannabis will continue to be available to Guelph residents through the online retail store regardless of Council's decision.

The majority of residents surveyed on the phone and online do want retail storefronts, with some indicating they would like the opportunity to purchase a safe product through these storefronts rather than an unknown product through illegal means. Residents indicated that they would like the option to pay cash at a retail store. Reasons include privacy, inability to access credit cards and socio-economic accessibility.

Should Council not permit cannabis retail stores, illegal dispensaries may open to fill the void and meet public demands. Resources for Police, Bylaw, Fire, Paramedics along with the Health Unit to respond to cannabis-related calls will be required regardless of Council's decision. At this time, staff do not know if the sale of edible cannabis products will be prohibited in municipalities that opt out of retail storefronts. The funding impacts tied to Guelph's decision to opt out or in to cannabis retail stores may be substantial.

If Council decides it wants to opt out of cannabis retail stores, it must pass a resolution. Although staff recognize the concerns of our community partners, staff are recommending that cannabis retail storefronts be permitted to operate in the City of Guelph; further, that staff be authorized to provide comments to the AGCO on any cannabis retail store licence application that does not meet Guelph's public interest. Should Council permit cannabis retail stores to operate but not pass the delegation of authority to staff, we would not be able to provide comments (ATT-3) to the AGCO on proposed storefront locations, and any direction to provide comments would have to come to Council and may not meet the 15-day time limit.

However, should Council wish, a motion may be passed to inform the Alcohol Gaming Commission of Ontario that the City of Guelph has opted out of the retail storefront program and will not support cannabis retail storefronts to operate within the city's boundaries. Should Council wish to proceed with opting out, the following recommendation should be considered by Council:

That Council direct Staff to advise the Alcohol and Gaming Commission of Ontario that the City of Guelph opts-out of the cannabis retail stores.

## **Financial Implications**

The Province will split \$30 million over the next two years between municipalities. The first \$15 million will be shared among all municipalities and based on the number of households. Guelph will receive the first funding allotment in the amount of \$141,661 in January 2019 for the first year.

In 2019, municipalities that opt out will only receive a second payment of \$5,000 each. Municipalities that permit retail stores will receive a share of the remaining funds. The second installment with these remaining funds is targeted to be distributed in March 2019, but the amount has not yet been communicated.

If the provincial excise duty revenues on recreational cannabis exceeds \$100 million, municipalities that permit retail cannabis stores will receive a share of 50 per cent of the surplus. The province will also set aside a contingency fund in the amount of \$10 million to assist municipalities that permit retail stores. The province has not yet announced how these funds would be accessed or how they may be distributed.

Costs for various departments and agencies to respond to cannabis issues are unknown at this time. To provide better direction and field support for Bylaw operations, \$40,000 of available cannabis funding will be utilized to upgrade two existing Bylaw positions to facilitate cannabis enforcement. The remaining funds received will be allocated to departments and agencies once costing becomes known due to the restrictions and potential reporting requirements of the grant.

The province has very clear direction that this funding must be for the sole purpose of paying for implementation costs directly related to the legalization of cannabis and have outlined specific permitted costs. At this time, the province has indicated that there may be a reporting requirement on the use of these funds, and that municipalities should be ready to provide supporting documents in a timely manner.

The costs incurred to date for conducting the telephone survey (\$6,500) was funded through the approved 2018 Operations Department budget.

## **Consultations**

Ministry of the Attorney General's Office  
Ontario Ministry of Finance

Ontario Ministry of Health  
Guelph Police Service  
Guelph Fire  
Guelph Wellington Paramedic Services  
Wellington Dufferin Guelph Public Health  
Building Department (Zoning)  
Community Investment  
Intergovernmental Relations  
Development Planning  
Finance  
Court Services  
Corporate Communications  
Strategy Innovation  
Parks and Recreation  
University of Guelph  
Upper Grand District School Board  
Wellington Catholic District School Board  
Wellington Guelph Drug Strategy

## **Corporate Administrative Plan**

### **Overarching Goals**

Service Excellence

### **Service Area Operational Work Plans**

Our Services - Municipal services that make lives better

Our People- Building a great community together

Our Resources - A solid foundation for a growing city

## **Attachments**

ATT-1 Listed concerns for applications to AGCO

ATT-2 Delegated authority to respond to cannabis storefront applications

ATT-3 Comments from members of the Cannabis Working Group

ATT-4 Survey results

ATT-5 Comments emailed from public

ATT-6 City of Guelph Facebook comments

ATT-7 Maps of 150 metre buffer zones

## **Departmental Approval**

Tara Baker, General Manager Finance/City Treasurer

## **Report Author**

David Wiedrick, Manager- Bylaw Compliance, Security and Licensing





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**Approved By**

Doug Godfrey  
General Manager  
Operations Department  
519-822-1260 ext. 2520  
Doug.Godfrey@guelph.ca



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**Recommended By**

Colleen Clack  
Deputy CAO  
Public Services  
519-822-1260 ext. 2588  
colleen.clack@guelph.ca

**List of Comments**

**150M PROXIMITY**

- Addiction Centres
  - (Homewood Health)
- Recreation Centres
  - Guelph Youth Music
  - YMCA
  - VRRRC
  - West End Rec Centre
  - St Andrews House
  - Wyndham House
  - Hope House
- Playgrounds
- Registered Daycare

Schedule "LL"  
By-law Number (2013)-19529  
**[added by By-law (2018) – XXXXX]**

**DELEGATION OF AUTHORITY**

Authority to Communicate with Alcohol Gaming Commission of Ontario pertaining to cannabis retail store locations.

**Power to be Delegated**

**Reasons in Support of Delegation**

- o Contributes to the efficient management of the City of Guelph.
- o Provides comprehensive customer service to Applicants.
- o Meets the need to respond to issues in a timely fashion.
- o Maintains accountability through conditions, limitations and reporting requirements.
- o Minor in nature.
- o Supports the City's Corporate Strategic Plan.

**Delegate(s)**

The following staff or their successors thereof:

- o Chief Administrative Officer (CAO)
- o Deputy Chief Administrative Officer (DCAO)-Public Services
- o General Manager, i/c Operations,
- o Manager, Bylaw Compliance, Security and Licensing
- o A person who is appointed by the CAO or selected from time to time by the General Manager Operations, to act in their stead.

**Council to Retain Power Conditions and Limitations Review or Appeal Reporting Requirements**

Not Applicable

Annual information report to Council on cannabis retail store applications.

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**From:** Timothy Yawney <timothy.yawney@wellingtoncdsb.ca>  
**Sent:** October-30-18 8:05 PM  
**To:** Raven Rise; Doug Godfrey  
**Subject:** FW: Cannabis working group presentation and deadline for next steps

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Cannabis

Good evening Raven and Doug,  
Here is some feedback from Wellington Catholic from our Director of Education Tamara Nugent.

Thank you.

**Tim Yawney | Assistant Superintendent of Education**  
Wellington Catholic District School Board  
75 Woolwich St. | Guelph ON | N1H 6N6 | 519-821-4600



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**Subject:** RE: Cannabis working group presentation and deadline for next steps

- **Should the City of Guelph consider opting out of private retail sales and why?**
  - If the City of Guelph does opt out, its residents will still find ways to legally purchase and consume. There may be an advantage of letting other communities “go first” and learning from their implementation process.
  - People who require medical marijuana, who possess the required medical documentation, will still be able to access it by purchasing directly from a licensed producer and having it sent directly to them via Canada Post courier.
  - Concerns remain regarding planning and zoning, public health education, police enforcement, including the impact on budgets, training, road safety and illegal dispensaries.
  - Health education of our young people is essential for understanding the effects of cannabis use and the risks, both short and long term. The normalization of its use of great concern. Public Health will need to be a significant resource to schools and the community in this regard.
- **If the City of Guelph was to permit retail cannabis sales, what “public interest” considerations would you like to communicate to the AGCO. I.e. buffer distances to clinics, hospitals, etc.**
  - Controlling cannabis retail with zoning and municipal bylaws to restrict where stores can operate is critical. Buffer zones for schools, parks and recreation areas, need to be significantly far away from retail outlets, i.e. not within walking distance and ideally not on public transit lines.

---

**From:** Jennifer Passy <Jennifer.Passy@ugdsb.on.ca>  
**Sent:** October-31-18 12:36 PM  
**To:** Raven Rise; Doug Godfrey; David Wiedrick  
**Cc:** Gary Slater; Jenny Marino; Heather Imm; Martha Rogers; Linda Busuttil; Heather Loney  
**Subject:** RE: Cannabis working group presentation and deadline for next steps

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Cannabis

Thank you for the opportunity to provide input to the City as you prepare a community engagement survey and staff report to Council with respect to offer the following questions and comments as staff on behalf of the Upper Grand District School Board.

- Do you have concerns that children and youth under 19 years of age will be able buy cannabis under the private retail model?
- Do you have concerns that licensed cannabis retail stores may be located close to elementary schools?
- Do you have concerns that licensed cannabis retail stores may be located close to high schools?
- How far away from a school site should licensed cannabis retail stores be located? 0-150m, 151-250m, 251m-500m
- Do you have concerns about consumption of recreational cannabis on City property adjacent to schools (i.e. parks)?
- Do you support the City adopting a by-law restricting consumption of recreational cannabis on City property adjacent to schools (i.e. parks)?
- Do you have concerns about consumption of recreational cannabis in the yards, balconies or common outdoor space of residential dwellings next to school sites?

Regarding opt-in vs. opt-out, we respect the concern raised by both Guelph Police Services and Wellington Dufferin Guelph Public Health around increased access and therefore increased consumption. We share concerns that potential increased access by youth in our communities may result in more addiction, mental health, and discipline issues in our schools. However, we also share the concern about quality issues since under aged users are reliant on black market access to cannabis. At this time, we encourage that the City opt-out of retail distribution until there is a clearer understanding of the social and financial impacts of legalization and retail distribution.

As shared at our meeting on October 29th, the UGDSB has examined separation distances from existing LCBO and Beer Store locations throughout Wellington, Dufferin, Guelph. The average separation between school parcels and parcels of land containing where retail beer or liquor sales exist (including in grocery stores) throughout the district is approximately 445m. In Guelph the average separation distance is 376m.

We would also like to raise a matter for clarification; if a municipality does not opt-in as of January 22, 2019, are they forever excluded from a portion of the federal excise duty on recreational cannabis as outlined on Page 6 of the October

29th PowerPoint slide deck? Or is the situation such that if they do opt-in at a later date, they are eligible for their portion of these funds?

Jennifer Passy, BES, MCIP, RPP  
Manager of Planning

Upper Grand District School Board  
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Guelph, ON N1E 6K2  
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# CANNABIS IS NO ORDINARY COMMODITY:

## A public health approach for municipalities on cannabis retail outlets

November 7, 2018



**PublicHealth**  
WELLINGTON-DUFFERIN-GUELPH  
*Stay Well.*

1-800-265-7293  
[info@wdgpublichealth.ca](mailto:info@wdgpublichealth.ca)  
[wdgpublichealth.ca](http://wdgpublichealth.ca)

# Introduction

The newly enacted Cannabis License Act, 2018 sets the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator of cannabis retail outlets. For municipalities that have not opted out of having private cannabis retail outlets in their communities by January 22, 2019, the location of outlets will be determined by the AGCO with consideration given to comments provided by municipalities.<sup>1</sup>

Regulating the availability of cannabis is important in order to reduce the negative impacts of cannabis use in Wellington County, Dufferin County and the City of Guelph.<sup>2</sup> Research regarding alcohol and tobacco has shown that increased availability of a substance results in increased consumption, which can lead to significant health and social harms and costs.<sup>3,4</sup> While accessibility of legal cannabis is important for addressing the illegal market, this needs to be balanced with an evidence-informed approach that protects public health and safety.

## A Public Health perspective on cannabis retail outlet options

Municipalities have the authority to opt-in or opt-out of cannabis retail stores by January 22nd, 2019.

The decision to opt-out can be reversed, but any decision to opt-in is final.<sup>1</sup>

**Considerations regarding each of these potential decisions are presented below:**

### **1. Opt-out and re-consider once more information is available:**

Municipalities that choose to initially opt-out can monitor the situation and choose to opt-in later.

Opting out will allow municipalities to make a decision about cannabis retail knowing more about the provincial regulations surrounding retail. Evidence will also be available about the impacts and potential costs of cannabis retail from other Ontario municipalities that have already opted in and from other jurisdictions across Canada.

Information on store operating parameters, distance buffers (e.g. to sensitive locations such as schools), and the degree of input municipalities will have over store locations and density has not yet been released.

Also, the impact of cannabis legalization and its various retail models on community health and safety is not yet known.

However, opting out would mean not receiving a share of the initial funding available from the province for municipalities that opt in. Municipal governments that permit cannabis retail stores will receive a population-based share of \$40 million in additional funding from the province.<sup>1</sup>

Cannabis retail stores would also create local business opportunities. These financial and economic gains should not be considered in isolation of the social and health costs that municipalities may incur due to increased access to cannabis retail.



## 2. Opt-in by the January 22 deadline:

Municipalities that opt-in to cannabis retail stores will be unable to opt-out later if they are dissatisfied with cannabis retail in their communities.

If Guelph chooses to opt-in, Wellington-Dufferin-Guelph Public Health would encourage the City to advocate for the following considerations where opportunities for input exist. (It should be noted that currently there are no provincial policies that assure that the City of Guelph would have input into determining the locations or numbers of retail stores in the City.)

**Below is a list of considerations to help guide a decision to opt-in or opt-out of cannabis retail stores:**

ISSUE	CONSIDERATION
High retail outlet density can contribute to increased consumption and harms. <sup>5,6,7,8</sup>	Reduce cannabis retail outlet density through minimum distance requirements between cannabis retail outlets and limits on the overall number of outlets. <sup>9</sup> Example: The City of Calgary has enacted a 300m separation distance between cannabis stores. <sup>10</sup>
Retail outlet proximity to youth-serving facilities can normalize and increase substance use. <sup>4,11,12</sup>	Prevent the role-modeling of cannabis use and reduce youth access through minimum distance requirements from youth-serving facilities such as schools, child care centres, and community centres. <sup>2,12</sup> Example: The State of Washington has enacted a 1000ft (300m) separation distance requirement between cannabis retail stores and youth-serving facilities. <sup>13</sup>
Combined use of cannabis and other substances increases the risk of harms such as impaired driving. <sup>2</sup>	Discourage combined use of cannabis and other substances by prohibiting co-location and enacting minimum distance requirements between cannabis and alcohol or tobacco retail outlets. <sup>2,9</sup> Example: KFL&A Public Health recommend a 200m separation distance between cannabis retail outlets and alcohol or tobacco retail outlets. <sup>14</sup>
Retail outlet proximity to other sensitive areas may negatively influence vulnerable residents. <sup>8,9</sup>	Protect vulnerable residents by limiting the clustering of cannabis retail outlets in low socioeconomic neighborhoods and enacting minimum distance requirements from other sensitive areas. <sup>1,9</sup> Example: The City of Vancouver has restricted medical cannabis retail outlets to commercial zones instead of residential ones. <sup>15</sup>
Longer retail hours of sale significantly increases consumption and related harms. <sup>5,16</sup>	Reduce cannabis consumption and harms by limiting late night and early morning retail hours. <sup>5,16</sup> Example: The Centre for Addiction and Mental Health recommends that cannabis retail hours reflect those established by the LCBO. <sup>16</sup>

Adapted with the permission of The Regional Municipality of Halton<sup>17</sup>

# WDG Public Health's Recommendation to the City of Guelph

Since the role of municipalities regarding store locations and the impacts of cannabis retail availability are not yet well-understood, Public Health's recommendation is to wait until more information is available before making a permanent decision to opt-in.

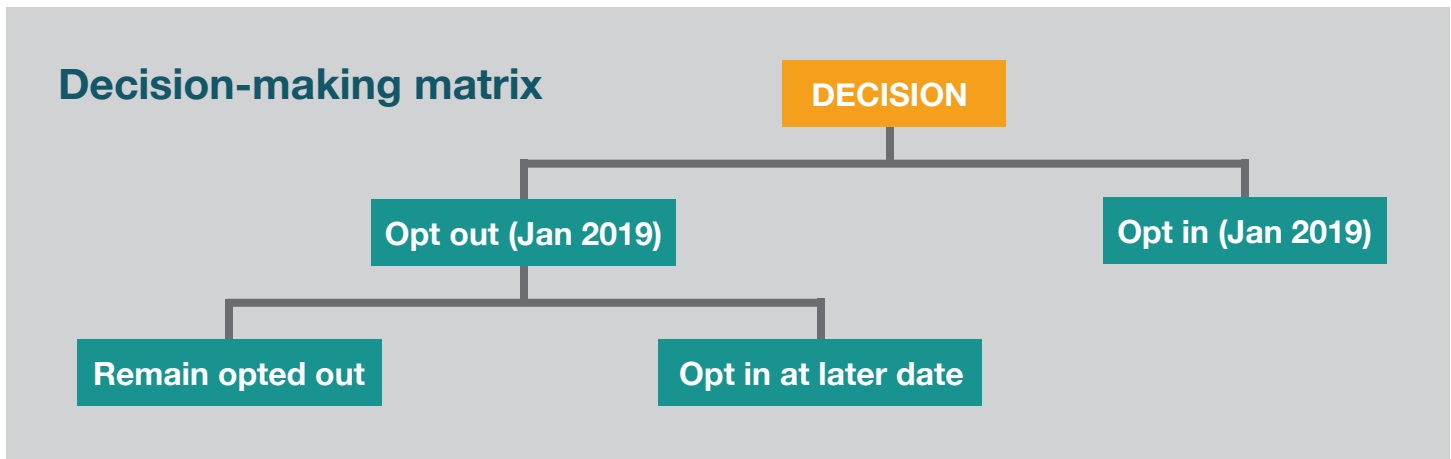


Figure 2: Decision-making matrix

## Like alcohol and tobacco, cannabis can cause harm:

Cannabis use can affect learning and memory, lead to addiction, mental health problems, respiratory issues, and cause harm if used during pregnancy. Impairment from cannabis can also lead to injuries and fatalities, such as motor vehicle accidents.<sup>18,19</sup>

## Increasing access to a substance can increase consumption and harm:

Increasing availability of a substance can make it more socially acceptable to use and can make people think it's less harmful to use. Increasing availability makes it easier for a person to obtain a substance by reducing its total cost (e.g. time and travel) to obtain. This can increase impulse purchases by experimental users, occasional users, and users who are trying to quit.<sup>20</sup> When a substance is easier to obtain, people are more likely to use it more. It can be expected that an increase in cannabis use would result in increased social and health harms. For example, increased alcohol availability is associated with higher levels of violence, assault, public disturbances, alcohol-related crashes and fatalities.<sup>5</sup>

American jurisdictions that have legalized cannabis have expressed concern with the density of retail sales outlets and the close proximity of some outlets to schools. This occurred in Denver, Colorado<sup>21</sup> where legalized non-medical cannabis became legal in 2012 and began licensing retail outlets in 2014.<sup>22</sup> As of June 2017, there were 491 retail cannabis stores in the state of Colorado, which exceeded the number of Starbucks (392) and McDonald's (208). 65% of local jurisdictions in Colorado have banned medical and recreational cannabis businesses.<sup>22</sup>

## Ontario municipalities will have limited control over cannabis retail locations:

The Cannabis License Act does not permit municipalities to use licensing or land use by-laws to

control the placement or number of cannabis retail outlets in their communities. It is still unknown how much influence municipalities will have over AGCO decisions on store locations and density.<sup>1</sup>

### **Financial opportunities should be considered with potential health and social costs in mind:**

Municipal governments that permit cannabis retail stores will receive a population-based share of \$40 million in additional funding from the province.<sup>1</sup> Cannabis retail stores would also create local business opportunities.

These financial and economic gains should be considered in light of the potential social and health costs to the community.

In 2014, before legalization, cannabis was already the fourth most costly substance in Canada in terms of social and health impacts. Costs associated with cannabis include: healthcare, lost productivity, criminal justice and other direct costs to society, totaling at least \$2.8 billion.<sup>23</sup>

Early findings from legalization in Colorado and Washington states have shown increases in cannabis use among young adults and adults, cannabis-related emergency department visits and hospitalizations, and cannabis-related motor vehicle collision fatalities.<sup>24</sup>

Municipalities may also incur increased costs to support police and by-law enforcement to protect areas where smoking is not permitted and to respond to nuisance complaints. While the impact of retail stores on these outcomes has not yet been established, research supports the finding that increased availability of a substance is generally associated with increased consumption and harms.

## **Conclusion**

### **Balance is needed when considering access to legal cannabis:**

Ensuring access to a regulated and legal supply of cannabis is important, especially since the latest Canadian data indicates that 15% of Canadians have used cannabis in the past year.<sup>25</sup>

A public health approach to cannabis legalization strives to minimize the health and social harms from substances, and recognizes that the greatest harms occur at the extremes of prohibition and commercialization for profit (Figure 2).

Legalization without strict regulations, such as restrictions on retail density and locations, may increase cannabis-related harms.<sup>2</sup>

While it is important to provide sufficient access to a regulated legal supply of cannabis to avoid the risks of an illicit market, too much access may increase consumption and associated harms.

In April, communities across Ontario will continue to have access to a legal source of cannabis through the online Ontario Cannabis Store. Since the impacts of different retail models across Canada are not yet known, it is important to consider a precautionary approach with stricter regulations to try and minimize health and social problems.<sup>2</sup>

As such, Public Health recommends waiting until further information is available on municipal controls and the impacts of cannabis retail on other municipalities before making a permanent decision to opt-in.

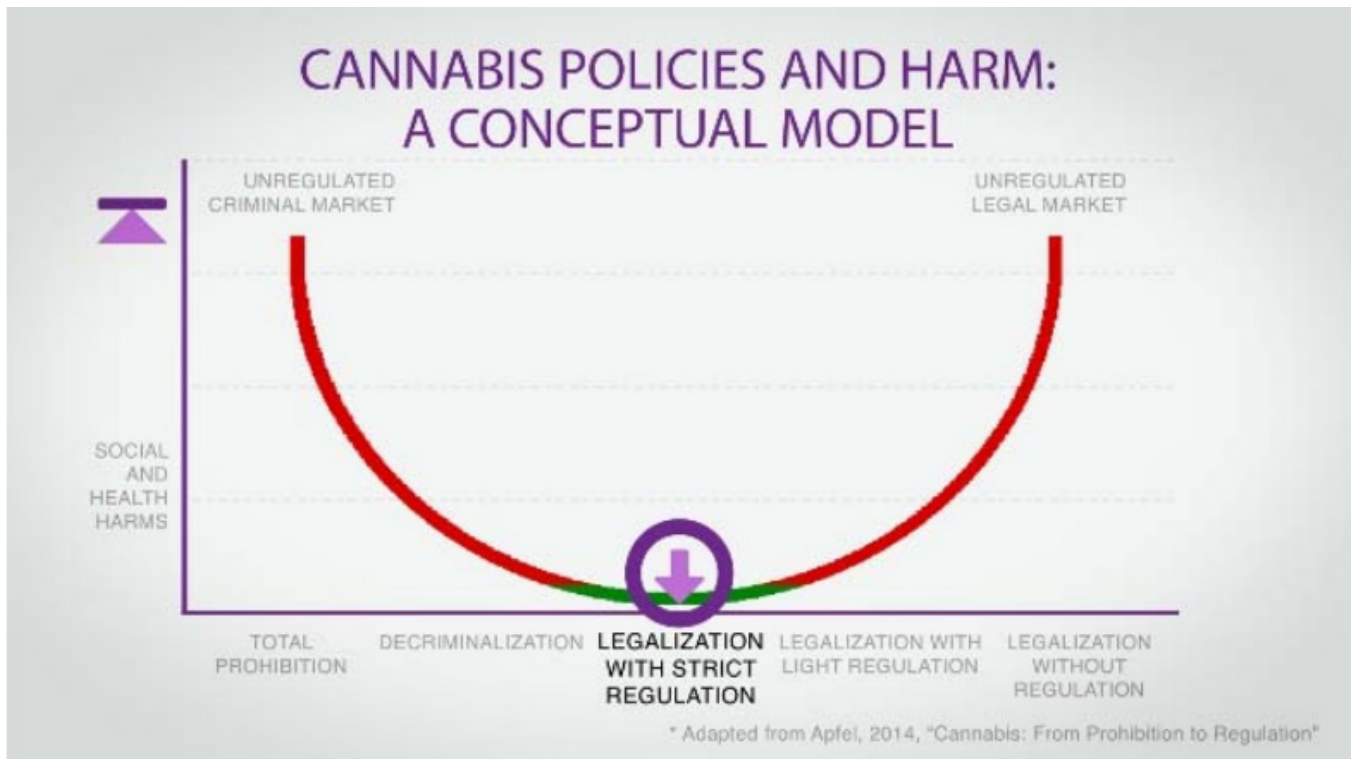


Figure 2: Reproduced with permission from Centre for Addiction and Mental Health: Cannabis Policy Framework. Adapted from Alice Rap: Cannabis – From Prohibition to Regulation.<sup>26</sup>

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# Cannabis Survey Results in Wellington-Dufferin-Guelph (WDG)

## Guelph Highlights

Anonymous and voluntary online survey | Residents of Wellington County, Dufferin County and the City of Guelph | Ages 16+ | June 7, 2018 - July 8, 2018

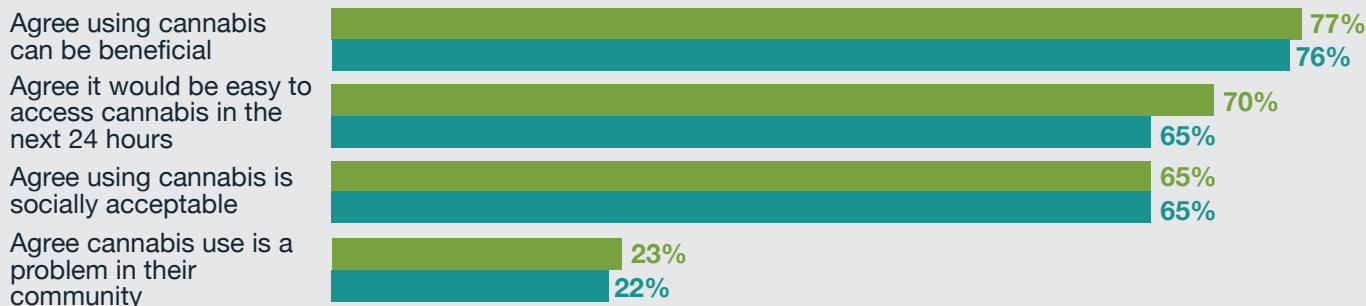
A total of 4,073 respondents completed the survey. After removing participants who lived outside of WDG, participants who were under age 16 and participants who had missing data on age, education and gender, the final data set consisted of 2,776 responses.

KEY:  WDG  Guelph



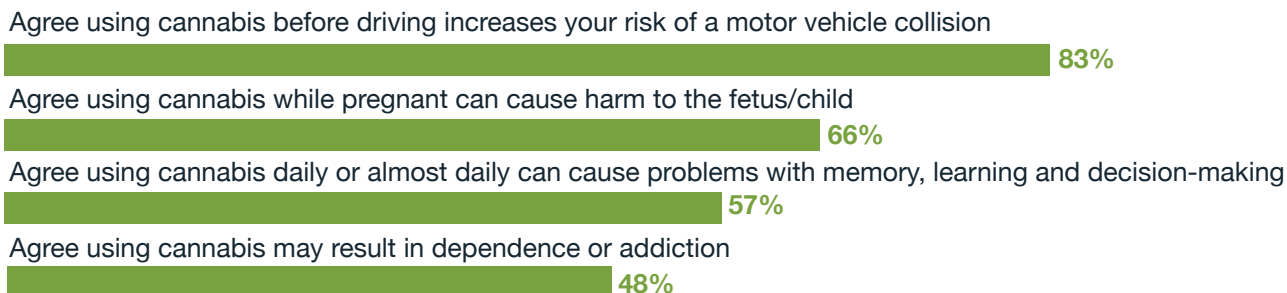
### Attitudes about cannabis in WDG

Many respondents feel there are benefits to using cannabis, that accessing cannabis is relatively easy and that cannabis use is not a problem in the community.



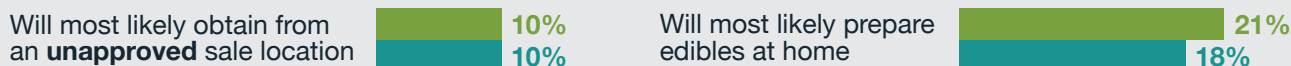
### Knowledge about cannabis in WDG

Many respondents are unaware of some of the potential health effects and risks of using cannabis. In general, people who use cannabis, males and people who are younger, tend to perceive fewer health risks.



### Edibles

The majority (61%) of people who are interested in consuming edibles for medical or non-medical purposes once legal will most likely obtain edible products from an approved sale location.



**45%** are aware of the delayed onset of edible effects. This poses the risk of consuming more, which can lead to negative reactions like paranoia and anxiety.



### Non-medical cannabis use

#### Top 3 sources of cannabis:

**26%** Dealer or storefront dispensary | **25%** Family or friend | **16%** Shared around a group of friends. Guelph is comparable.

Of those who have **not** used non-medical cannabis in the past year, most do not intend to try once legal: **55%** | **57%** **71%** of those who have ever used non-medical cannabis report their first time using was before age 19. Most common age of initiation was 16 for both WDG and Guelph.

#### Of those who have used non-medical cannabis in the past year:

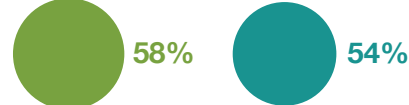
Use cannabis daily



Has driven a motor vehicle within two hours of using cannabis



Are at a moderate risk for negative health and social outcomes



**Survey limitations:** These findings are not representative of all residents of WDG as convenience sampling was used. Results were weighed for age, gender and education, to make the sample more representative of the WDG population, but not for cannabis use. This survey was overrepresented by people who have used cannabis in the past 12 months. Self-reported data is subject to recall and response bias, especially with cannabis being an illegal substance at the time of data collection.

# CANNABIS IS NO ORDINARY COMMODITY:

## Public health considerations for municipalities on cannabis retail outlets

November 27, 2018

# Introduction

The newly enacted Cannabis License Act, 2018 sets the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator of cannabis retail outlets. For municipalities that have not opted out of having private cannabis retail outlets in their communities by January 22, 2019, the licensing and location of outlets will be determined by the AGCO with consideration given to comments provided by municipalities.<sup>1</sup>

Regulating the availability of cannabis is important in order to reduce the negative impacts of cannabis use in Wellington County, Dufferin County and the City of Guelph.<sup>2</sup> Research regarding alcohol and tobacco has shown that increased availability of a substance results in increased consumption, which can lead to significant health and social harms and costs.<sup>3,4</sup> While accessibility of legal cannabis is important for addressing the illegal market, this needs to be balanced with an evidence-informed approach that protects public health and safety.

## A Public Health perspective on cannabis retail outlet options

Municipalities have the authority to opt-out of cannabis retail stores by January 22<sup>nd</sup>, 2019. To opt-out, municipal councils must provide a notice of resolution to the AGCO.<sup>1</sup>

The decision to opt-out can be reversed, but any decision to opt-in is final.<sup>1</sup>

**Considerations regarding each of these potential decisions are presented below:**

### 1. Opt-out by the January 22<sup>nd</sup> deadline and re-consider once more information is available:

Municipalities that choose to initially opt-out can monitor the situation and choose to opt-in later.

Ontario's regulations for cannabis retail stores provide minimal restrictions on cannabis store locations, and do not provide any assurance to municipalities that they will have any control over the placement or number of retail outlets.

Opting out would disqualify a municipality from receiving a share of the two years of funding available from the province to support municipalities with cannabis retail. However, the economic gain from those funds should not be considered in isolation of the social and health costs that communities may incur due to increased access to cannabis retail (e.g. policing costs, by-law enforcement costs, emergency response costs, etc.).

The impact of cannabis legalization and its various retail models on community health and safety is not yet known. Opting out will allow municipalities to make a decision about cannabis retail after knowing more about the impacts of Ontario's private retail model on communities that choose to opt-in across Ontario.

### 2. Opt-in:

Municipalities that opt-in to cannabis retail stores will be unable to opt-out later if they are dissatisfied with cannabis retail in their communities.

If the municipality chooses to opt-in, Wellington-Dufferin-Guelph Public Health would encourage the municipality to advocate to the AGCO for the following considerations for store placement and hours in their community, where opportunities for input exist. This would likely have to be done on a license by license basis, which could become onerous depending on the number of cannabis

store applications submitted in that municipality. (It should be noted that currently there are no provincial policies that assure that municipalities would have input into determining the locations or numbers of retail stores in their communities.)

Table 1: Issues and considerations for influencing the physical availability of cannabis outlets

ISSUE	CONSIDERATION
High retail outlet density can contribute to increased consumption and harms. <sup>5,6,7,8</sup>	Reduce cannabis retail outlet density through minimum distance requirements between cannabis retail outlets and limits on the overall number of outlets. <sup>9</sup> Example: The City of Calgary has enacted a 300m separation distance between cannabis stores. <sup>10</sup>
Retail outlet proximity to youth-serving facilities can normalize and increase substance use. <sup>3,11,12</sup>	Prevent the role-modeling of cannabis use and reduce youth access through minimum distance requirements from youth-serving facilities such as schools, child care centres, and community centres. <sup>1,12</sup> Example: The State of Washington has enacted a 1000ft (300m) separation distance requirement between cannabis retail stores and youth-serving facilities. <sup>13</sup>
Combined use of cannabis and other substances increases the risk of harms such as impaired driving. <sup>1</sup>	Discourage combined use of cannabis and other substances by prohibiting co-location and enacting minimum distance requirements between cannabis and alcohol or tobacco retail outlets. <sup>1,9</sup> Example: KFL&A Public Health recommend a 200m separation distance between cannabis retail outlets and alcohol or tobacco retail outlets. <sup>14</sup>
Retail outlet proximity to other sensitive areas may negatively influence vulnerable residents. <sup>8,9</sup>	Protect vulnerable residents by limiting the clustering of cannabis retail outlets in low socioeconomic neighborhoods and enacting minimum distance requirements from other sensitive areas. <sup>4,9</sup> Example: The City of Vancouver has restricted medical cannabis retail outlets to commercial zones instead of residential ones. <sup>15</sup>
Longer retail hours of sale significantly increases consumption and related harms. <sup>5,16</sup>	Reduce cannabis consumption and harms by limiting late night and early morning retail hours. <sup>5,16</sup> Example: The Centre for Addiction and Mental Health recommends that cannabis retail hours reflect those established by the LCBO. <sup>16</sup>

Adapted with the permission of The Regional Municipality of Halton<sup>17</sup>

# WDG Public Health's Recommendation to the City of Guelph

Since the role of municipalities regarding store locations and the impacts of cannabis retail availability are not yet well-understood, Public Health's recommendation is to wait until more information is available before making a permanent decision to opt-in.

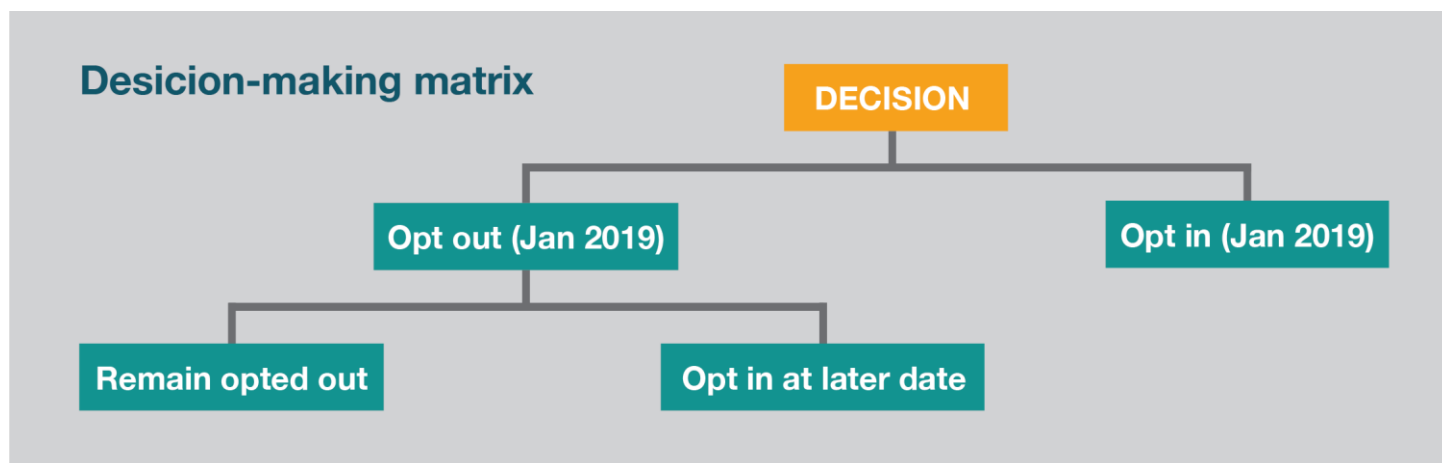


Figure 1: Decision-making matrix

## Rationale for a Public Health Approach to Cannabis Retail

### Like alcohol and tobacco, cannabis can cause harm:

Cannabis use can affect learning and memory, lead to addiction, mental health problems, respiratory issues, and cause harm if used during pregnancy. Impairment from cannabis can also lead to injuries and fatalities, such as motor vehicle accidents.<sup>18,19</sup>

### Increasing access to a substance can increase consumption and harm:

Research shows that increasing availability of a substance increases consumption and related harms (see Table 1). Increasing availability of a substance can make it more socially acceptable to use and can make people think it's less harmful to use. Increasing availability makes it easier for a person to obtain a substance by reducing its total cost (e.g. time and travel) to obtain. This can increase impulse purchases by experimental users, occasional users, and users who are trying to quit.<sup>20</sup> When a substance is easier to obtain, people are more likely to use it more. It can be expected that an increase in cannabis use would result in increased social and health harms. For example, increased alcohol availability is associated with higher levels of violence, assault, public disturbances, alcohol-related motor vehicle collisions and fatalities.<sup>5</sup>

### Other jurisdictions that have legalized cannabis have seen a proliferation of retail stores

American jurisdictions that have legalized cannabis have expressed concern with the density of retail sales outlets and the close proximity of some outlets to schools, particularly in Denver, Colorado.<sup>21</sup> Colorado legalized non-medical cannabis in 2012 and began licensing retail outlets in 2014.<sup>22</sup> As of

June 2017, there were 491 retail cannabis stores in the state of Colorado, which exceeded the number of Starbucks (392) and McDonald's (208). 65% of local jurisdictions in Colorado have banned medical and recreational cannabis businesses.<sup>22</sup>

### **Provincial regulations for cannabis retail stores provide limited municipal power and public health protection:**

The newly released Ontario Regulations made under the *Cannabis License Act, 2018*, have set out requirements regarding retail store licensing and operations.<sup>23</sup> The regulations establish a minimum distance of 150 metres between cannabis retail stores and schools, and have set the store hours of operation between 9:00am to 11:00pm.

These regulations do not contain required separation distances from other sensitive areas (such as recreation centres, universities, addiction treatment facilities, hospitals, etc.), and no required separation distances from other cannabis stores. Municipalities were also not granted the power to create their own by-laws to control density and separation distances. This may lead to a clustering of cannabis stores in certain neighborhoods. Research from alcohol, tobacco, and cannabis has shown that lower-income neighborhoods tend to have a higher density of outlets.<sup>3,24,25,26</sup>

It is still unknown how much influence municipalities will have over AGCO decisions on store locations and density.<sup>1</sup>

### **Balance is needed when considering access to legal cannabis:**

Ensuring access to a regulated and legal supply of cannabis is important, especially since the latest Canadian data indicates that 15% of Canadians have used cannabis in the past year.<sup>27</sup>

A public health approach to cannabis legalization strives to minimize the health and social harms from substances and recognizes that the greatest harms occur at the extremes of prohibition and commercialization for profit (Figure 2). Legalization without strict regulations, such as restrictions on retail density and locations, may increase cannabis-related harms.<sup>2</sup>

While it is important to provide sufficient access to a regulated legal supply of cannabis to avoid the risks of an illicit market, too much access may increase consumption and associated harms.

In April, communities across Ontario will continue to have access to a legal source of cannabis through the online Ontario Cannabis Store (although it should be noted that some vulnerable groups, such as those without an address or credit card, may have limited access). Since the impacts of different retail models across Canada are not yet known, it is important to consider a precautionary approach with stricter regulations to try and minimize health and social problems.<sup>2</sup>

### **Financial opportunities should be considered with potential health and social costs in mind:**

Municipal governments that permit cannabis retail stores will receive a population-based share of \$40 million in funding from the province for two years, and potentially additional funding from taxes.<sup>1</sup> Cannabis retail stores would also create local business opportunities, however municipalities would not be permitted to license cannabis retail stores.

These financial and economic gains should be considered in light of the potential social and health costs to the community.

In 2014, before legalization, cannabis was already the fourth most costly substance in Canada in terms of social and health impacts. Costs associated with cannabis include: healthcare, lost productivity, criminal justice and other direct costs to society, totaling at least \$2.8 billion.<sup>28</sup>

Early findings from legalization in Colorado and Washington states have shown increases in cannabis use among young adults and adults, cannabis-related emergency department visits and hospitalizations, and cannabis-related motor vehicle collision fatalities.<sup>29</sup>

Municipalities may also incur increased costs to support police and by-law enforcement to protect areas where smoking is not permitted and to respond to nuisance complaints. While the impact of retail stores on these outcomes has not yet been established, research supports the finding that increased availability of a substance is generally associated with increased consumption and harms.

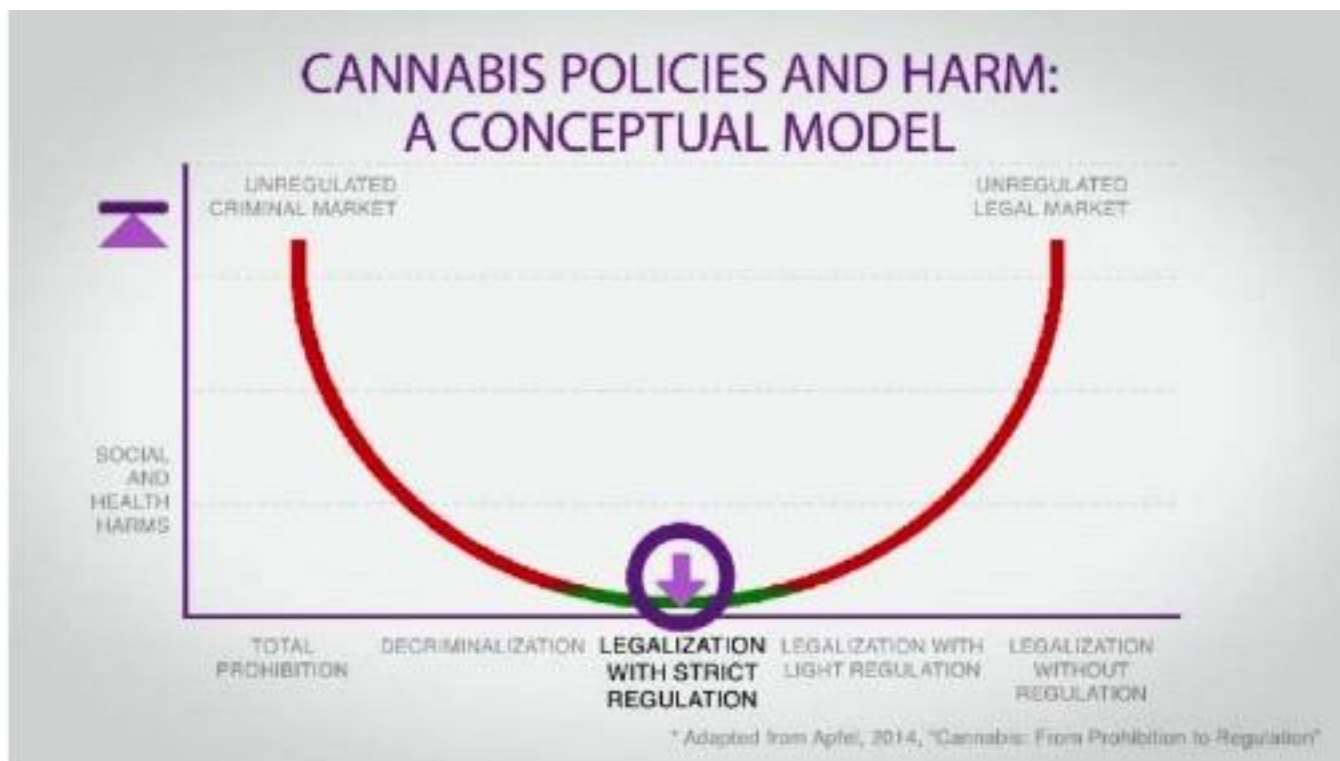


Figure 2: Reproduced with permission from Centre for Addiction and Mental Health: Cannabis Policy Framework. Adapted from Alice Rap: Cannabis – From Prohibition to Regulation.<sup>30</sup>

## Conclusion

Increased access to substances, increases consumption and related harms. Ontario's regulations for cannabis retail stores provide minimal restrictions on cannabis store locations, and minimal power for municipalities to set their own regulations. It is not yet known how much influence municipalities will be have over AGCO decisions on store locations and density. Since the decision to opt-in is final, and the impact of Ontario's private retail model on communities is not yet known, WDGPH recommends monitoring the impacts in other communities before choosing to opt in.



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# INTERNAL MEMO



DATE: December 5, 2018

TO: **DCAO Colleen Clack**  
**GM Doug Godfrey**

FROM: Jennifer Smith –Manager

DIVISION: Corporate Community Strategic Initiatives,

DEPARTMENT: Strategy Innovation Intergovernmental Services

**SUBJECT: Public Engagement**

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Please find below an update with respect to the surveys that were conducted

## Public engagement

To gain some understanding of public opinion regarding cannabis retail, staff commissioned Oracle Poll to conduct a telephone survey. A total of 600 interviews were completed, with 100 surveys conducted in each of the six wards. The margin of error for the total N=600 sample is  $\pm 4.0\%$  at 95% confidence.

The survey was open for those aged 19 and older to complete and demographic characteristics were monitored to ensure it reflected the community.

The survey was conducted by phone using computer assisted techniques of telephone interviewing (CATI) and random number selection (RDD) and included both landline and cellular telephone numbers.

The surveys were conducted between 8 November, 2018 and 14 November, 2018.

The survey was designed to gain an understanding of:

- Support or opposition to cannabis retail stores operating in the City of Guelph
- Preferred purchase method
- Locational concerns
- Perceived potential benefits of cannabis stores
- Within the context of the Smoke Free Ontario Act, the perceived need for further restrictions of tobacco and cannabis usage
- Whether the City should receive funding to help with issues related to retail

The full results report can be seen in appendix attachment 4. Some summary insights are as follows:

- 65 per cent of respondents' support having retail cannabis stores in the city.
- Younger residents tend to be more in favour compared to those older
- 45 percent of respondents prefer retail store over online purchase
- Residents do have concerns over their potential locations. The highest concern is having retail shops in the proximity to where children and youth are present, including daycares, playgrounds and youth facilities
- Other concerns related to addiction treatment centres and proximity to postsecondary schools, parks, libraries and high density residential areas



- There was lesser concern regarding locations not serviced by transit and existing LCBO's
- When asked about potential benefits of having cannabis retailers operating in the city almost four in ten could not or did not see any benefits
- Those that did see benefits cited black market sales, an additional source of revenue and economic spinoffs
- More than six in ten want to see tighter regulations above provincial standards on where cannabis and tobacco can be consumed
- Three quarters would support or like to see provincial money in the community to offset issue related to retail

In addition, Staff have kept the public informed of the progress of cannabis policy through the City's website that provided questions and answers on cannabis, resources of credible agencies and information on the working group's efforts.

In addition to the telephone survey, members of the public could also answer questions via the City's website. This option provides opportunity for anyone to provide comments on the matter of cannabis retail. There are a number of limitations of this approach in that it is not a statistically representative sample and the results should be viewed and interpreted with this in mind. Over 5000 people responded to the on-line survey and headline results are attached in the attached appendix. These results were more pronounced in favour of retail sales within the City.

If you have any questions, please contact me.

Yours truly,

<b>Name</b>	<b>Jennifer Smith</b>
Title	Manager Corporate Community Strategic Initiatives, Strategy Innovation Intergovernmental Services



## Cannabis Retail Store Survey Report



November 2018

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# Methodology & Logistics

## Background & Overview:

The following represents the findings from a November 2018 public opinion telephone survey of City of Guelph residents (19 years of age or older) conducted by Oraclepoll Research Limited for The City of Guelph. The purpose of the research was to gather opinions from residents on issues related to allowing cannabis retail stores in the community.

## Study Sample:

A total of N=600 interviews were completed, with N=100 surveys conducted in each of the six (6) Wards. The survey screened to ensure respondents were 19 years of age or older. Gender and age samples were also monitored to ensure they reflected the demographic characteristics of the community.

## Survey Method:

All surveys were conducted by telephone using live operators at the Oraclepoll call center facility. A total of 20% of all interviews were monitored and the management of Oraclepoll Research Limited supervised 100%.

The survey was conducted using computer-assisted techniques of telephone interviewing (CATI) and random number selection (RDD). A dual sample frame random database was used that was inclusive of landline and cellular telephone numbers.

## Logistics:

Surveys were conducted by telephone at the Oraclepoll call center using person to person live operators from the days of November 8<sup>th</sup> and November 14<sup>th</sup>, 2018.

Initial calls were made between the hours of 6:00 p.m. and 9:00 p.m. Subsequent call-backs of no-answers and busy numbers were made on a (staggered) daily rotating basis up to 5 times (from 10:00 a.m. to 9:00 p.m.) until contact was made. In addition, telephone interview appointments were attempted with those respondents unable to complete the survey at the time of contact. If no contact was made at a number after the fifth attempt, the number was discarded and a new one supplanted it.

## Confidence:

The margin of error for the total N=600 sample is  $\pm 4.0\%$  at 95% confidence.



## Preamble

After being screened to ensure they were residents of the City of Guelph, 19 years of age or older, all N=600 respondents were read the following introductory statement. The preamble set the context for the questions to be asked by providing background information about the legalization of cannabis and the provincial guidelines for retail stores in Ontario. This also included what options municipalities have along with what funding they will receive.

*“Before we begin, I am going to read a short introduction about the issue. As of October 17<sup>th</sup>, 2018, Cannabis is legal to produce, sell, distribute, possess and consume.”*

*“In Ontario, cannabis can now be purchased online, but there are no government-operated stores. Next year on April 1<sup>st</sup>, 2019, the Province of Ontario will allow privately-owned stores to operate within municipalities that allow it.”*

*“While Municipalities will have the opportunity to permit or prohibit the operation of cannabis retail stores within their boundaries, the Government will be responsible to license and to set controls for these stores through the Alcohol Gaming Commission of Ontario. There will be no caps on the number of licenses allowed in each municipality, however, a distance between private cannabis retail stores and schools will be established.”*

*“Municipalities have until January 22, 2019 to decide whether or not to permit the operation of retail stores within their boundaries. Guelph City Council will make this decision on December 17, 2018.”*

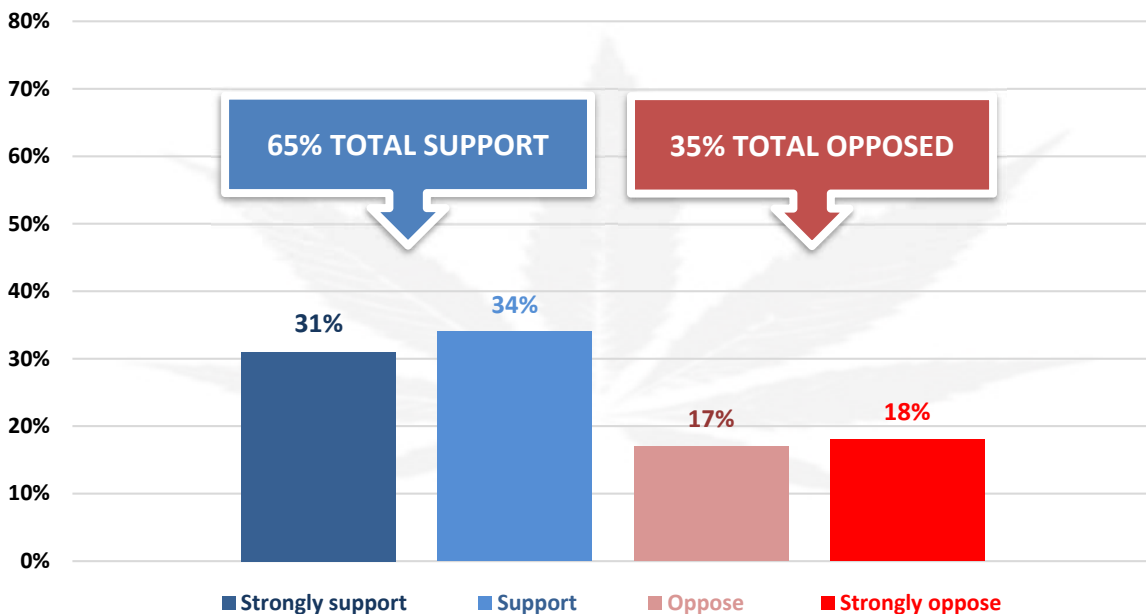
*“Municipalities that permit stores to operate within their boundaries will receive a share of \$40 million of funding over the next two years for costs related to hosting storefronts. Municipalities that do not allow retail stores will not be eligible for this funding.”*

After the script was read, respondents were asked questions about cannabis retail stores in Guelph.

## Support / Opposition to Cannabis Stores

The first question asked all N=600 respondents if they support or oppose having cannabis retail stores in the City of Guelph. A four-point rating scale was used to gauge support (support & strongly support) and opposition (opposed & strongly opposed).

**Q1. "Do you support or oppose having cannabis retail stores operating in the City of Guelph? Please respond using a scale of strongly support, somewhat support, somewhat oppose or strongly oppose."**



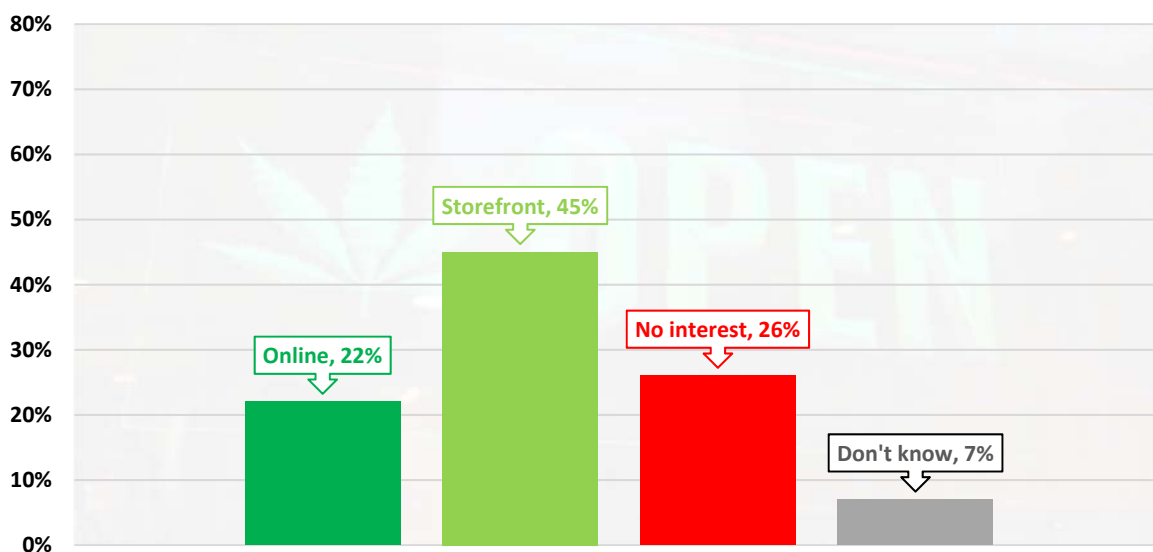
In total, 65% of residents support (34%) or strongly support (31%) having retail cannabis stores operating within the municipality. Slightly more than a third or 35% oppose (17%) or strongly oppose (18%) the presence of cannabis retail outlets in the community.

Younger residents 19-34 most support cannabis retailers at 76% (highest strongly support – 47%), followed by 35-50-year old's at 70%. Support drops to 60% among those 51-64 and less than half of seniors 65+ are in favor at 47%. More males (68%) in relation to females (62%) also support retail stores as did a higher percentage of residents of Ward 6 (70%).

## Preferred Purchase Method


Next, respondents were asked about their preferred method to purchase cannabis – either online or at a retail store. This question is projective or hypothetical and was not intended to be a definitive indication of one’s usage or intended usage. Results below reveal how citizens prefer the sale of legal cannabis to be distributed.

**Q2. “If you were to purchase cannabis, would you prefer to purchase it online or at a storefront?”**



Storefront retail was named by 45% of residents, while 22% cited online ordering. There were 26% that answered they have no interest in purchasing cannabis and 7% were unsure.

Online purchasing was most recalled by 19-34 (35%) and 35-50 (22%) year old’s, but by only 14% of those 51-64 and 13% of residents 65+. Retail storefronts had the highest response from those in the 35-50 (51%) and 19-34 (49%) cohorts, followed by 51-64-year old’s (42%) and then respondents 65+ (33%). Respondents most inclined to say they had no intent to purchase were 65+ at 40% and 51 to 64 at 35% (23% – 35 to 50 & 12% – 19 to 34), while do not know answers were also elevated among those 65+ (13%).

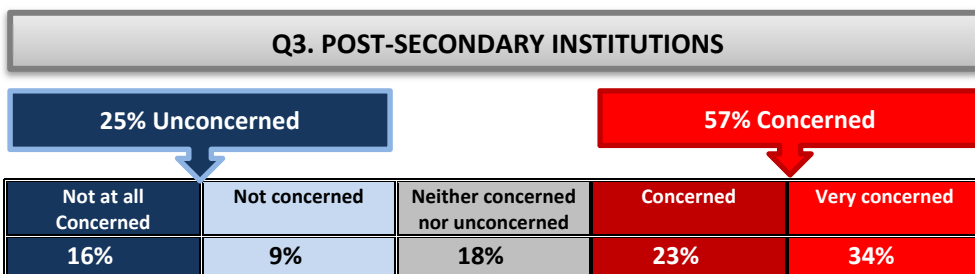
 *Note: Results are consistent with an Oraclepoll national syndicated survey on cannabis conducted in 2017. In that study, regardless of usage, more Canadians preferred retail outlets to online delivery methods – this because a significant number felt that distribution of the product could be better managed to ensure that sales to minors would be controlled.*

## Locational Concerns

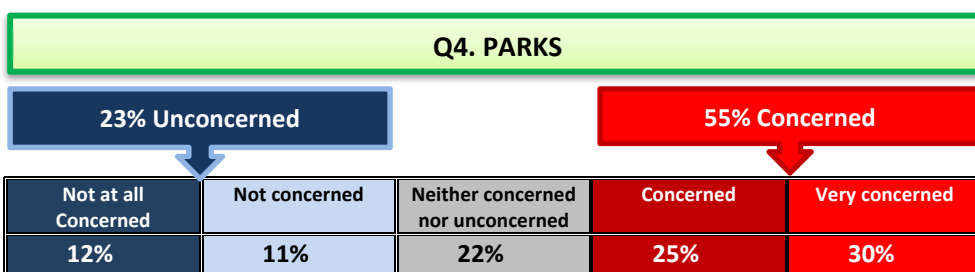
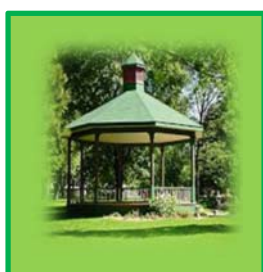
A short statement was read about the location of cannabis retailers and the role that municipalities will have in determining their site placements. Respondents were then asked to rate their level of concern with having cannabis retailers in proximity to a series of institutions, areas or facilities in the community.

*"The provincial government will determine the allowable proximity of cannabis retailers to schools. However, residents and municipalities may be allowed to have input on stores that apply for a cannabis retail licence through the Alcohol Gaming Commission of Ontario."*

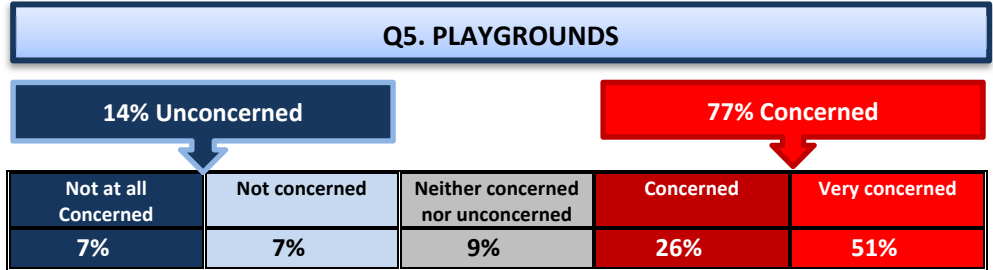
*"Next, I am going to ask you to rate your level of concern with respect to having cannabis retail stores located in proximity to a series of locations in the community. After each location I read, please respond using a scale from one not at all concerned to five very concerned."*



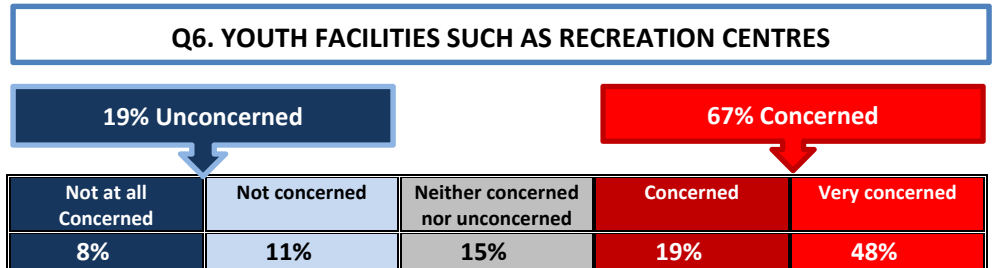
- There are 57% concerned with having location in proximity to post-secondary institutions, with those 65+ (75%) and 55-64 (69%) being most concerned. Only 25% were unconcerned while 18% had a mid-point view.



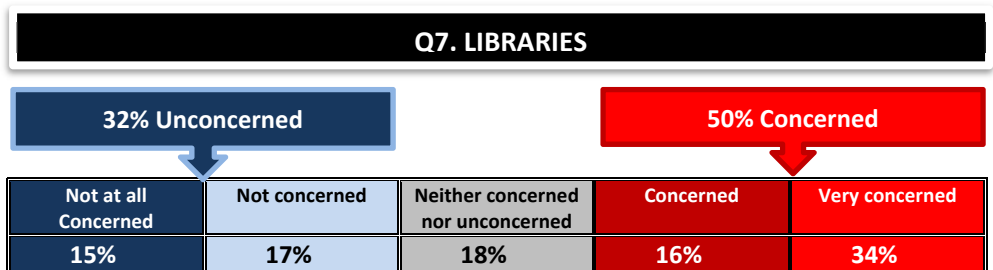
- Concern over having retailers located near parks is 55%, with only 23% having no concerns and 22% expressing a neutral opinion of neither concerned nor unconcerned. Older residents had higher concerns (66% – 65+), but results were more equally spread among younger cohorts.



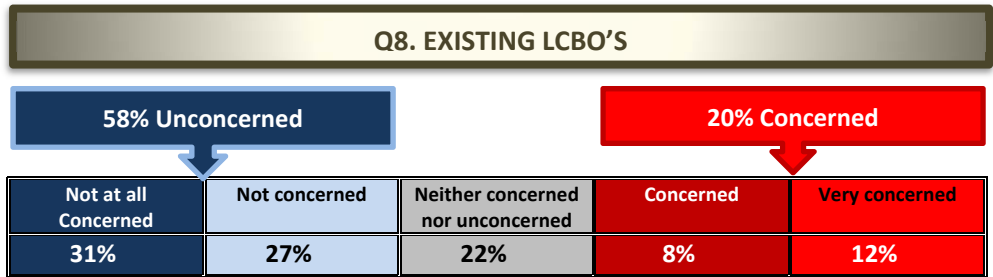
- The second highest locational concern after daycares as expressed by 77% of residents was for having cannabis retail stores located near playgrounds. All cohorts expressed concern with this location.



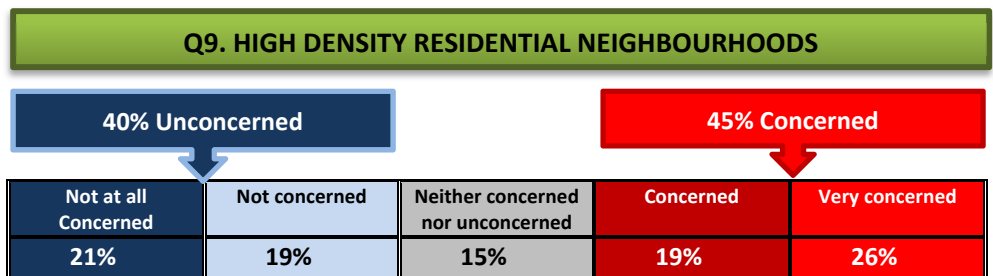
- A two-thirds majority said they were concerned (19%) or very concerned (48%) with having cannabis dispensaries operating near youth facilities. It was the area of third highest concern after daycares and playgrounds.



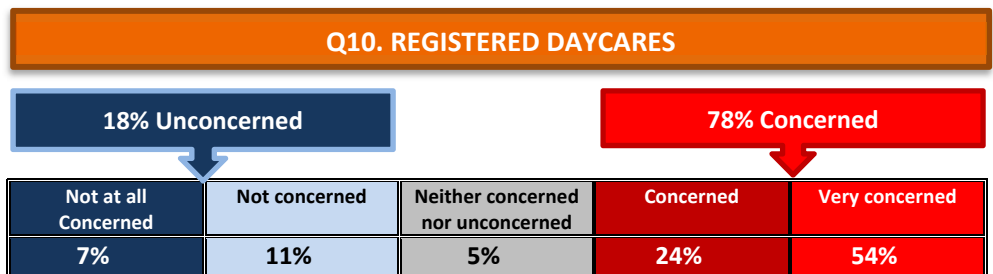
- Half of residents expressed concern over locating stores near libraries, while almost a third were unconcerned. Younger residents 18-34 were least likely to be concerned or very concerned (37%).



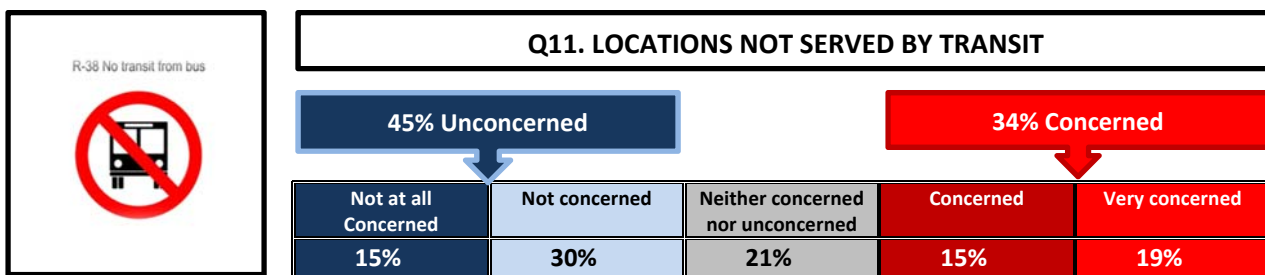
- The lowest concern at 20% and highest unconcerned rating (58%) was for locating cannabis stores near LCBO outlets.



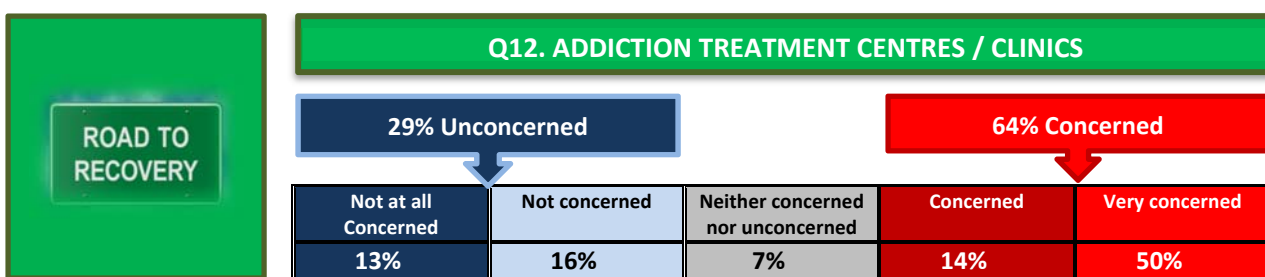
- There was more of a split on locating stores near high density neighborhoods with 45% being concerned and 40% unconcerned. Those 65+ were most concerned at 63%, while an almost equal number of 19-34-year old's said they were unconcerned.



- The highest rated location that was of concern for residents was for having cannabis retailers in the proximity of daycares. Almost eight in ten or 78% were concerned, compared to only 18% unconcerned.



- The second lowest rated area of concern after having locations near LCBO's was for having stores in areas not served by transit at 34%. Forty-five percent were unconcerned and 21% were neither concerned nor unconcerned.



- Having cannabis stores in proximity to addiction treatment clinics concerned 64% of residents – the fourth highest of the ten areas rated. Slightly less than three in ten were unconcerned and 7% were neither concerned nor unconcerned.

## Benefits of Retail Cannabis Stores

In an open-ended or unaided question, respondents were asked to name the benefits if retail cannabis stores were to open in the community.

### **Q13. “What benefits do you see if retail cannabis stores open in Guelph?”**

■ None / no benefits	22%
■ Stops illegal sales / cuts back on crime	21%
■ Don't know	15%
■ More revenue for the City	14%
■ More accessible for people that use	8%
■ Ensures quality / safety of the product	5%
■ Economic boost / growth	4%
■ Will be regulated like the LCBO	4%
■ Medicinal benefits	3%
■ New business for the City	2%
■ I have no concerns / problems	2%
■ Taxation / money for government	1%

There were 37% that said there would be no benefits (22%) or did not know and could not recall one (15%). Among those with mentions, stopping the illegal black market was most named by 21%, while economic benefit citations totaled 21% including City revenues (14%), an economic boost (4%), new businesses (2%) and tax monies (1%). Providing an accessible market for users was stated by 8%, while quality assurance (5%) and regulation of the market (4%) were next most mentioned. Others said that there are medicinal benefits (3%) and that they have no problems with storefront operations.

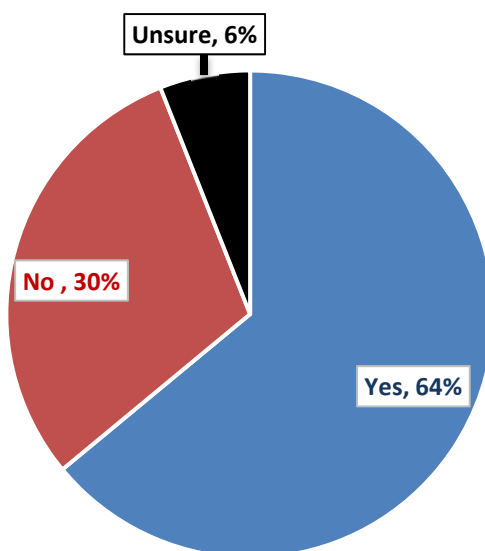


## Restrictions

The following short statement was read that provided a brief description of the Smoke Free Ontario Act which has been updated to include where cannabis and tobacco can be consumed. Respondents were then asked if they felt the City of Guelph should place further restrictions on where these products can be consumed.

*“The Province of Ontario has updated the new Smoke Free Ontario Act to include areas where tobacco and cannabis cannot be consumed. This includes a nine-metre restriction to the entrance of a medical health facility and restaurant patio, a 20-metre restriction to a playground and perimeter of a sports field, school and recreation facility.”*

**Q14. “In your opinion, should the City of Guelph further restrict where tobacco and cannabis can be consumed?”**

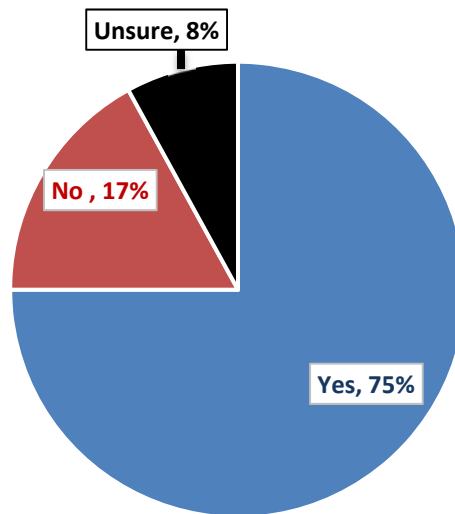


A 64% majority of residents are of the opinion that the City should further restrict where tobacco and cannabis can be consumed. Three in ten do not support this policy and 6% were undecided. Support for further restrictions was strongest among those 65+ (76%) and 54-64 (70%) but drops to 59% for respondents 35-50 and 55% for 19-34-year old's.

## Provincial Funding

In a final question, respondents were asked if they felt the City should receive provincial funding to assist with any issues arising from cannabis retail stores in the community.

***Q15. "In your opinion, should the City of Guelph receive funding from the province to help with issues arising from cannabis retail stores?"***



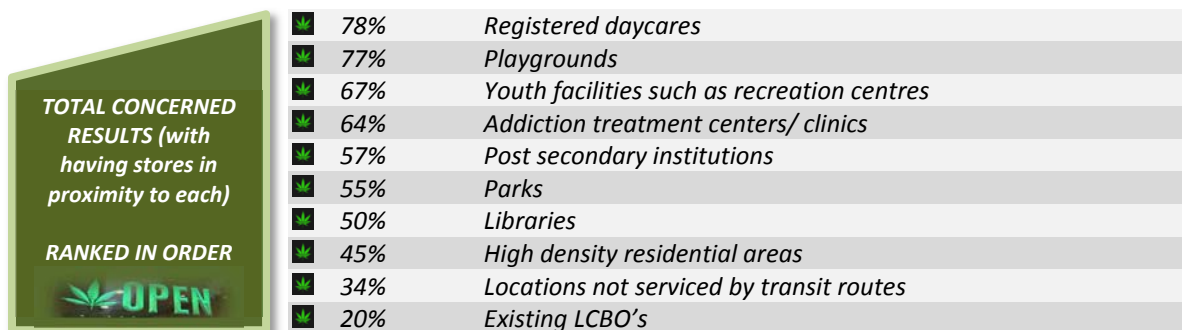
Three-quarters of those surveyed agreed that the municipality should receive provincial money to help offset issues that may result in cannabis stores in the City of Guelph.

## Summary

There is a 65% majority support for having retail cannabis stores in the City, although only 31% strongly support and 34% somewhat support the measure. As with most indicators in the survey, younger residents tend to be more in favor compared to those older.

On the issue of purchasing cannabis, by a more than two to one margin (45% to 22%) residents prefer retail store sales of cannabis over the online purchase method. As stated, the intent of the question was to determine a public policy approach to managing sales rather than usage or product demand.

Despite an overall willingness to accept cannabis dispensaries in the community, residents do have concerns over their potential locations. The highest concern is having these retail shops in proximity to where young children are present – including, daycares, playgrounds and youth facilities such as recreation centers. Majority concern was expressed over locating cannabis stores near addiction treatment facilities. There is moderate or mid-level concern with having them near post-secondary schools, parks and libraries, while residents appear to have lesser worries with having them close to high density neighborhoods. A low level of trepidation was expressed over cannabis stores being located where there is no transit service and a very low number are concerned with them being in proximity to LCBO's. Overall, older residents expressed concerns compared to younger citizens.



When asked about the benefits of having cannabis retailers operating in the City almost four in ten could not or did not see any. Those with opinions on the benefits most cited stopping black market sales, providing a source of revenue, the economic spinoffs and enabling users to have a reliable safe source of product.

A more than six in ten majority of Guelph residents also want to see tighter regulations above provincial standards on where cannabis as well as tobacco can be consumed. In addition, three-quarters would support or like to see provincial money in the community to help offset any issues related to cannabis retail outlets.



## Canabis Retail Survey Results Report

**Q1. Do you support or oppose having cannabis retail stores operating in the City of Guelph? Please respond using a scale of strongly support, somewhat support, somewhat oppose or strongly oppose.**

	Frequency	Percent
1-Strongly support	186	31.0
2-Somewhat support	202	33.7
3-Somewhat oppose	102	17.0
4-Strongly oppose	110	18.3
Total	600	100.0

**Q2. What is your preferred method of having cannabis sold to Guelph consumers? Would it be online or through storefront businesses?**

	Frequency	Percent
Online	133	22.2
Storefront	268	44.7
I have no intent of purchasing cannabis	157	26.2
Don't know	42	7.0
Total	600	100.0

**Next, I am going to ask you to rate your level of concern with respect to having cannabis retail stores located in proximity to a series of locations in the community.**

**After each location I read, please respond using a scale from one not at all concerned to five very concerned.**

**Q3. Post secondary institutions**

	Frequency	Percent
1-Not at all concerned	95	15.8
2-Not concerned	53	8.8
3-Neither concerned nor unconcerned (neutral)	109	18.2
4-Conerned	140	23.3
5-Very concerned	203	33.8
Total	600	100.0

**Q4. Parks**

	Frequency	Percent
1-Not at all concerned	73	12.2
2-Not concerned	66	11.0
3-Neither concerned nor unconcerned (neutral)	130	21.7
4-Conerned	153	25.5
5-Very concerned	178	29.7
Total	600	100.0

**Q5. Playgrounds**

	Frequency	Percent
1-Not at all concerned	42	7.0
2-Not concerned	44	7.3
3-Neither concerned nor unconcerned (neutral)	56	9.3
4-Conerned	154	25.7
5-Very concerned	304	50.7
Total	600	100.0

**Q6. Youth facilities such as recreation centres**

	Frequency	Percent
1-Not at all concerned	46	7.7
2-Not concerned	68	11.3
3-Neither concerned nor unconcerned (neutral)	88	14.7
4-Conerned	112	18.7
5-Very concerned	286	47.7
Total	600	100.0

**Q7. Libraries**

	Frequency	Percent
1-Not at all concerned	89	14.8
2-Not concerned	100	16.7
3-Neither concerned nor unconcerned (neutral)	108	18.0
4-Conerned	98	16.3
5-Very concerned	205	34.2
Total	600	100.0

**Q8. Existing LCBO's**

	Frequency	Percent
1-Not at all concerned	185	30.8
2-Not concerned	164	27.3
3-Neither concerned nor unconcerned (neutral)	131	21.8
4-Conerned	48	8.0
5-Very concerned	72	12.0
Total	600	100.0

**Q9. High density residential areas**

	Frequency	Percent
1-Not at all concerned	128	21.3
2-Not concerned	112	18.7
3-Neither concerned nor unconcerned (neutral)	88	14.7
4-Conerned	115	19.2
5-Very concerned	157	26.2
Total	600	100.0

**Q10. Registered daycares**

	Frequency	Percent
1-Not at all concerned	41	6.8
2-Not concerned	64	10.7
3-Neither concerned nor unconcerned (neutral)	27	4.5
4-Conerned	142	23.7
5-Very concerned	326	54.3
Total	600	100.0

**Q11. Locations not serviced by transit routes**

	Frequency	Percent
1-Not at all concerned	90	15.0
2-Not concerned	178	29.7
3-Neither concerned nor unconcerned (neutral)	126	21.0
4-Conerned	91	15.2
5-Very concerned	115	19.2
Total	600	100.0

**Q12. Addiction treatment centres/ clinics**

	Frequency	Percent
1-Not at all concerned	78	13.0
2-Not concerned	94	15.7
3-Neither concerned nor unconcerned (neutral)	44	7.3
4-Conerned	86	14.3
5-Very concerned	298	49.7
Total	600	100.0



**Q13.What benefits do you see if retail cannabis stores open in Guelph?**

	Frequency	Percent
None / no benefits	134	22.3
Stops illegal sales / cuts back on crime	124	20.7
Don't know	90	15.0
More revenue for the City	84	14.0
More accessible for people that use	50	8.3
Ensures quality / safety of the product	27	4.5
Economic boost / growth	23	3.8
Will be regulated like the LCBO	21	3.5
Medicinal benefits	19	3.2
New business for the City	12	2.0
I have no concerns / problems	9	1.5
Taxation / money for government	7	1.2
Total	600	100.0

**Q14. In your opinion, should the City of Guelph further restrict where tobacco and cannabis can be consumed?**

	Frequency	Percent
Yes	382	63.7
No	183	30.5
Don't know	35	5.8
Total	600	100.0

**Q15.In your opinion, should the City of Guelph receive funding from the province to help with issues arising from Cannabis retail stores?**

	Frequency	Percent
Yes	451	75.2
No	99	16.5
Don't know	50	8.3
Total	600	100.0

The final question is about yourself and is important for reporting and analysis. Once again, I would like to assure you that all personal information will remain confidential and will be used for statistical purposes only.

**D1. Which of the following age groups may I place you in?**

	Frequency	Percent
19-34	174	29.0
35-50	159	26.5
51-64	153	25.5
65 or older	114	19.0
Total	600	100.0

**D2. Gender**

	Frequency	Percent
Male	292	48.7
Female	308	51.3
Total	600	100.0



## Cannabis Retail Survey

## Survey Results

Question		Answers	Skips
<b>01</b>	I declare that I am 19 years of age or older (Mandatory)	<b>5,101</b> 100%	<b>0</b> 0%

	0%	50%	100%	COUNT	PERCENT
Yes				<b>5,095</b>	<b>100%</b>
No				<b>6</b>	<b>0%</b>

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Question		Answers	Skips
<b>02</b>	Do you support or oppose having cannabis retail stores operating in the City of Guelph? (Mandatory)	<b>5,096</b> 100%	<b>5</b> <1%

	0%	39%	78%	COUNT	PERCENT
Strongly support				<b>3,945</b>	<b>77%</b>
Strongly oppose				<b>516</b>	<b>10%</b>
Somewhat support				<b>460</b>	<b>9%</b>
Somewhat oppose				<b>142</b>	<b>3%</b>
Don't know/ not sure				<b>33</b>	<b>1%</b>

Question		Answers	Skips
<b>03</b>	If you were to purchase cannabis would you prefer to purchase online or through storefront businesses? (Mandatory)	<b>5,096</b> 100%	<b>5</b> <1%

	0%	37%	74%	COUNT	PERCENT
Storefront				<b>3,728</b>	<b>73%</b>
I have no intention of buying cannabis				<b>864</b>	<b>17%</b>
Online				<b>288</b>	<b>6%</b>
Don't know/ not sure				<b>216</b>	<b>4%</b>

Question		Answers	Skips
<b>04</b>	Please rate your level of concern with respect to having cannabis retail stores located in proximity to various locations in the community.	<b>5,079</b> 100%	<b>22</b> <1%

	NOT AT ALL CONCERNED	NOT CONCERNED	NEITHER CONCERNED NOR UNCONCERNED...	CONCERNED	VERY CONCERNED	DON'T KNOW / NOT SURE
Post secondary institutions	<b>2,449</b>	736	531	555	730	16
Parks	<b>2,208</b>	899	670	476	740	14
Playgrounds	<b>1,598</b>	668	749	915	1,018	20

	NOT AT ALL CONCERNED	NOT CONCERNED	NEITHER CONCERNED NOR UNCONCERN...	CONCERNED	VERY CONCERNED	DON'T KNOW / NOT SURE
Youth facilities such as recreation centres	1,594	674	803	918	988	25
Libraries	2,391	867	736	359	617	19
Existing LCBO's	3,344	717	401	156	310	48
High density residential areas	2,711	867	555	247	577	27
Registered daycares	1,804	695	720	730	970	69
Locations not serviced by transit routes	2,209	645	713	550	707	154
Addiction treatment centers/ clinics	1,519	534	667	778	1,017	176

Question

05

What benefits do you see if retail cannabis stores open in Guelph? (Mandatory)

Answers

5,095

100%

Skips

6

&lt;1%

210,981,679	Get rid of the illegal market	Today, 5:26AM
210,960,113	Medical Cannabis has to many taxes bringing prices up so this would help many people.	Yesterday, 8:04PM
210,945,671	None	Yesterday, 4:20PM
210,939,674	None	Yesterday, 3:04PM
210,933,750	No benefits.	Yesterday, 1:59PM
210,933,153	None	Yesterday, 1:52PM

Question

06

In your opinion, should the City of Guelph further restrict where tobacco and cannabis can be consumed?

Answers

5,089

100%

Skips

12

&lt;1%

	0%	31.5%	63%	COUNT	PERCENT
No				3,174	62%
Yes				1,304	26%
Don't know				308	6%
Other Option				303	6%

Question

07

In your opinion, should the City of Guelph receive funding from the province to help with issues arising from Cannabis retail stores?

Answers

5,063

99%

Skips

38

1%

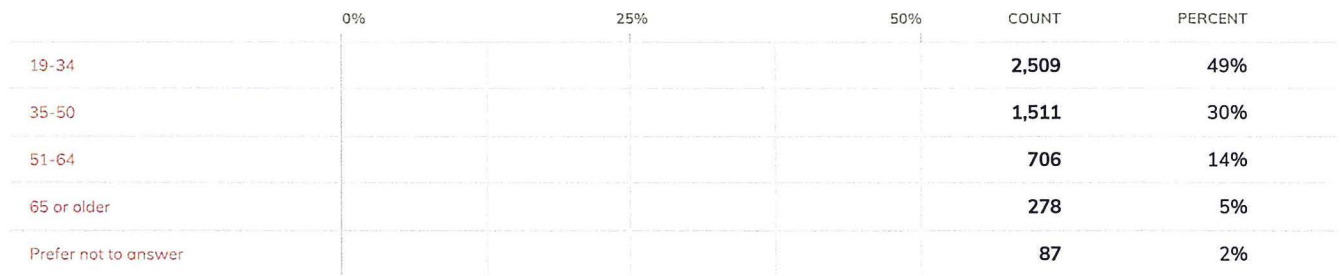


Question  
**08**

What is your age category?

Answers  
**5,091**  
100%

Skips  
**10**  
<1%



# Cannabis Retail Store Engagement

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METHODOLOGY AND RESULTS



# Methodology

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## RANDOM TELEPHONE SURVEY

Oracle poll completed a live interview telephone survey

Nov 8<sup>th</sup> – 11<sup>th</sup>

CATI software includes land lines and cellular

Study sample of 600 (95% confidence)

## SELF SELECTION ONLINE SURVEY

Online survey available for residents to complete voluntarily

Survey was open Nov 8<sup>th</sup> – 18<sup>th</sup>

Promoted through a media release, city news (paper) ads and through social media

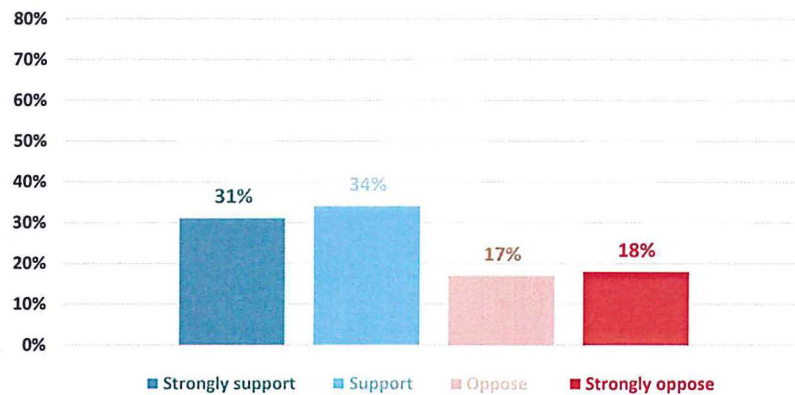
Completed by 5066 respondents



# Results

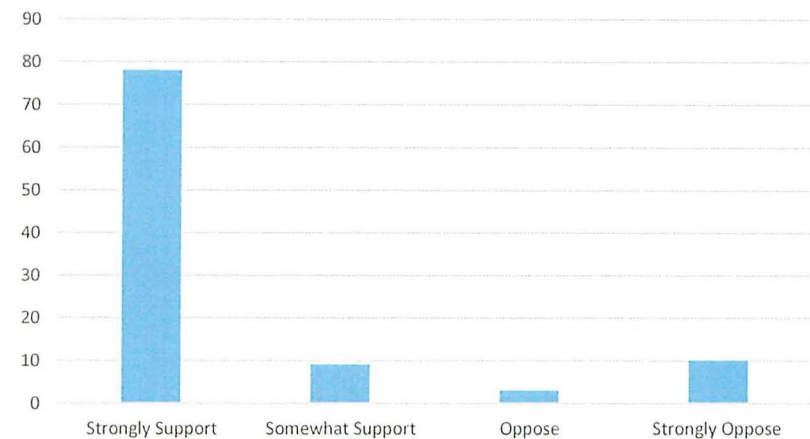
## TELEPHONE SURVEY

*Q1. "Do you support or oppose having cannabis retail stores operating in the City of Guelph? Please respond using a scale of strongly support, somewhat support, somewhat oppose or strongly oppose."*



## ONLINE SURVEY

*Q 1. Do you support having cannabis retail stores opening in the City of Guelph?*





# Results – Proximity , restrictions and funding

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## TELEPHONE

High concern with retail located near daycares, play grounds, youth facilities and treatment centres.

Low concern with Transit routes and LCBO locations

64% felt the City **should** further restrict where tobacco and cannabis could be smoked

75% thought the City should receive funding from the provincial government

## ONLINE

Moderate concern with retail located near addiction treatment centres, youth facilities, playgrounds and daycares.

Low concern with LCBO locations, libraries and residential areas.

63% felt the City **should not** further restrict where tobacco and cannabis are smoked

49% felt the City should receive funding from the government

# Benefits

*What benefits do you see if retail cannabis stores open in Guelph?*

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## TELEPHONE

No benefit

Stops illegal sales/ cuts back on crime

Economic benefit for the City – tax revenue, jobs, keeping money local

Ensuring safety of product

More accessible for those that use it (medicinal use was mentioned often)

No idea

Regulation

## ONLINE

Restricting something legal is restricting a persons rights and freedoms

Will reduce underground sales and sales to underage buyers/ discourage black market

Economic benefits including increased business tax base, jobs and keeping money in Guelph

Better education about the product/ buying safe and appropriate product

People will be less likely to drive high

Privacy

No benefit



**From:** -----

**Sent:** November-19-18 10:11 AM

**To:** Doug Godfrey <[Doug.Godfrey@guelph.ca](mailto:Doug.Godfrey@guelph.ca)>

**Subject:** Cannabis Opinion

Good morning Sir, I apologize for bothering you with this, but could you please forward this email to the appropriate department. I was trying to give my opinion about Guelph opting-out of cannabis, but I could not find the proper contact information online. Your contact info is the only one I found near the cannabis voting page.

I would like Guelph to opt-out of cannabis because I believe nothing good comes out of drugs. I have cousins and uncles who have consumed cannabis and nowadays they have lots of health and mental issues, such as schizophrenia. We need to educate people and campaign against the use of cannabis, just like we do for cigarette. Just because alcohol and cigarettes are bad and legal, does not justify making cannabis more accessible.

Please note that I fully support the use of cannabis for regulated and prescribed medicinal reasons (this excludes self-medication).

Thank you, have a good day.

---

**From:** \_\_\_\_\_  
**Sent:** November-21-18 12:42 PM  
**To:** \_\_\_\_\_  
**Subject:** Marijuana - OPT OUT  
**Importance:** High

In light of the recent changes surrounding the legalization of marijuana on October 17, 2018, there has been a great deal of speculation as to how this will impact our communities.

As a concerned, private citizen, I have conducted extensive research and prepared the attached paper providing a closer look at the impact marijuana will have on our communities. The topics addressed include forfeiting rights as a municipality, the black market, impaired driving, emergency services, marijuana edibles, health, second-hand smoke, workplace safety, by-laws and policies, economical impact, environmental, real estate, insurance, entries to the U.S., and pardoning of criminals.

Despite federal and provincial governments hoisting marijuana legalization upon us with blatant disregard to facts and lack of research, **municipalities have the power to OPT OUT of hosting retail marijuana outlets before January 22, 2019.**

Thank you for taking the time to read about the impact marijuana will have on our communities.

Kindest Regards,

\_\_\_\_\_  
Belwood, Centre Wellington

# IMPACT OF MARIJUANA

by -----

November 21, 2018

There are countless reasons why municipalities must **OPT OUT** permanently from allowing private marijuana retailers and producers from entering our communities. By-laws must be immediately established and enforced to protect citizens from the resulting impact of marijuana.

**If municipalities don't opt out, they are automatically opted in, forfeiting all rights regarding licensing, and the number and location of retail outlets. The municipalities' hands will be tied: "... any existing by-law passed by a municipality to regulate cannabis retail location is deemed to be of no effect."** (Section 42(3), Bill 36 Cannabis Statute Law Amendment Act, 2018).

"Municipal governments will be the first to witness and respond to the impacts of cannabis legalization in our communities." (Association of Municipalities—AMO)

Despite federal and provincial governments hoisting marijuana legalization upon us with blatant disregard to facts and lack of research, **municipalities have the power to say NO before January 22, 2019**, priding themselves in protecting their thriving communities.

No amount of **money** can justify the negative ramifications of marijuana legalization. It does not account for the undertaking of building the framework to support legalization: public health and safety, workplace safety, policing, emergency services, and education.

Some think organized crime and dealers will be curtailed when marijuana sales become legal. This is not true. One of the most important drivers of **black market** sales is the price gap between legal and illegal products. Since the gap is large (up to 50%), black markets will flourish. Is one to believe drug dealers will suddenly develop a conscience because marijuana is legal? Will pushers decide to engage in a new, unscrupulous profession abandoning one that has been lucrative? Certainly not. They will continue to illegally export to other countries. They will push harder to their current clients and underage **children**.

Buyers will stay with who and what they trust. There is no incentive to switch to a private retailer. In a small community, where people know one another, patrons don't want the **stigma** of being seen by their employer or others entering or exiting marijuana stores.

Since the THC content in black market supply is two to four times stronger, one would have to buy the equivalent amount at a greater cost legally to achieve the high they are accustomed to.

With the legal amount of 30 grams yielding approximately **100 joints** and four plants yielding approximately **3000 joints** every three months, and the ability to stock-pile, concerns over increased drug usage, addiction, and dealing will increase.

Explosions caused by using **flammable solvents** in the refining process to obtain oil from home-grown marijuana plants, culminate in demolished houses, serious injury, and **death**. This puts our community and **firefighters** at further risk.

Municipalities can "**specify that the use of residential premises for the growing of [cannabis plants] is prohibited**" (Federation of Canadian Municipalities <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf> (p.22))

We must consider the safety and protection of everyone, particularly **children**, in environments where marijuana is produced and consumed in various ways, be it smoked, vaped, or as edibles.

Making marijuana legal gives false perception to adolescents of the drug's harmful effects. Allowing smoking normalizes that it is safe and acceptable.

A great deal of time and money is being spent on economic development, beautification, and revitalization of our communities, only to be undone by loitering and crime which will further escalate since marijuana stores will stay open until 11:00 p.m., when other businesses will be closed.

Envision walking down the street and in parking lots, through clouds of second-hand smoke on your way to your favourite restaurant, store, park, or arena.

There is only **one** person in all of Wellington-Dufferin-Guelph Public Health to enforce tobacco laws, now being compounded by adding cannabis. That is **one person for a population of 300,000**. How can this possibly be done effectively?

**Municipalities can implement by-laws declaring a smoke-free environment, prohibiting use of tobacco and marijuana in any form.**

**Municipalities can also ban edibles.**

Drinking and driving and distracted driving continue to cause **death**. The problem will be further compounded with **drug impaired driving** and the consumption of **both alcohol and drugs** in combination. A ten-year trend shows **one in four** teens who died in motor vehicle accidents tested positive for cannabis. This impacts the safety of all citizens and puts a tremendous amount of pressure on our **police** forces.

This paper provides a closer look at the impacts of forfeiting rights as a municipality, the black market, impaired driving, emergency services, marijuana edibles, health, second-hand smoke, workplace safety, by-laws and policies, economical impact, environmental, real estate, insurance, entries to the U.S., and pardoning of criminals.

Colorado is used as a model since this state was the first to legalize marijuana for recreational use in 2014. There, the black market is booming. Crime is on the rise. Hospital visits are increasing. Now, its governor won't rule out recriminalizing it.

The following excerpts contain factual and statistical information and can be cross-referenced with accompanying links prefacing summaries.

## FORFEITING RIGHTS AS A MUNICIPALITY

<https://www.amo.on.ca/AMO-PDFs/Cannabis/What-s-New-with-Bill-36.aspx>

If you opt in, you forfeit all rights as a municipality regarding the number and location of retail outlets.

- **“Restrictions on Municipal By-law Making Authority: Section 42(1) of the Act denies municipal governments the authority to pass a business licensing by-law respecting the sale of cannabis or the governance of retail stores. Section 42(2) of the Act denies municipal governments the authority to pass a by-law under the Planning Act that has the effect of distinguishing where cannabis can or cannot be sold. Under section 42(3), any existing by-law passed by a municipality to regulate cannabis retail location is deemed to be of no effect.”**
- licenses will be granted by the Alcohol and Gaming Commission of Ontario (AGCO) **NOT** municipalities
- There is no cap on how many stores will be allowed to open in Ontario. In addition, a **single** company will be able to open up to a maximum of **75 stores**. This raises concerns about large corporations setting up shops on every corner.
- Will marijuana retailers be liable for selling to someone who uses the substance, gets in a vehicle, and kills someone? Will municipalities be negligent in allowing this to happen? Do you want this on your conscience?

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-36#Sched247>

**Bill 36 of the Cannabis Act outlines that once a retail store is allowed to operate, the decision cannot be reversed.**

Lifting of prohibition

- 41(3) A municipality that has prohibited cannabis retail stores under subsection (1) may, by resolution, lift the prohibition and permit cannabis retail stores to be located in the municipality.

Lifted prohibition may not be restored

- 41(4) A resolution passed for the purposes of subsection (3) is final and may not be reversed.

## BLACK MARKET

[www.cbc.ca/news/world/colorado-marijuana-black-market-1.4647198](http://www.cbc.ca/news/world/colorado-marijuana-black-market-1.4647198)

Colorado: When recreational marijuana went on sale in 2014, the government's goal was to regulate and tax a drug that was already widely used and to squeeze out dealers and traffickers in the process. But, law enforcement authorities in the state say legalization has done the exact opposite.

- The black market is booming, despite more than 500 recreational marijuana dispensaries in the state.
- It's being driven by criminal organizations that grow marijuana in Colorado and smuggle their crop into states where it is still illegal and can be sold for a much greater profit.
- The black market hasn't gone away within the state, either, because some marijuana users are deterred by the higher dispensary prices and are loyal to their long-time dealers.
- Paul Roach, supervisor for Drug Enforcement Administration (DEA)
  - Drug trafficking organizations move there—disguised as legitimate operations
  - Will exploit Canadian laws to increase profit

- Anonymous drug dealer says legalization hasn't had a big impact on his business because he caters to clients who don't want to be seen going into a dispensary. His clientele also includes a number of truck drivers, who are prohibited from using marijuana under federal transportation laws.
- Users continue to support black market because they've built trust, and the drugs are cheaper.

[www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/](http://www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/)

- The elimination of illicit markets won't happen. Dispensaries will still have limits requiring proof of age, set price, potency constraints, and the stigma of being seen at these retailers in a small community. These restrictions are deterrents ensuring others will continue to turn to the streets.

[www.cbc.ca/news/canada/british-columbia/legal-marijuana-in-colorado-brought-spike-in-black-market-1.4587048](http://www.cbc.ca/news/canada/british-columbia/legal-marijuana-in-colorado-brought-spike-in-black-market-1.4587048)

- In Denver, DEA public information officer Randy Ladd said people sometimes peddle pot right outside legal dispensaries and they'll undercut prices in legitimate stores and skirt taxes.
- Ladd has a warning for Canadians who think legalizing cannabis will snuff out the illegal market and the crime that goes with it, even if all the jurisdictions in Canada legalize the drug at the same time.
- Ladd: "There are people who come to Colorado, and they'll come to Canada if they can — they'll come from the United States and they'll come from around the world to **rob people at gunpoint** for their marijuana. **They'll kill people**," he said. "I can tell you, there's a very dark side to it."

[www.teenchallenge.ca/get-help/canadian-drug-crisis](http://www.teenchallenge.ca/get-help/canadian-drug-crisis)

- Canadian Security Intelligence Service (CSIS) estimates there are roughly 950 organized criminal groups active in Canada. About 80% derive revenues from illegal drug sales. *Edmonton Journal*, April 4, 2009
- 23% of Ontario students report that they were offered, sold, or given a drug at school in the last year. That's about 219,000 students. (*Legalization will not prevent this from occurring*).

## IMPAIRED DRIVING

<https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14679-eng.htm>

- Impaired driving still remains one of the most frequent criminal offences and is among the leading criminal causes of death in Canada.
- In 2015, drug-impaired driving doubled since 2009, when data became available.
- Drug-impaired driving is on the rise ([Allen 2016](#)).
- At least 1 out of 6 persons accused in an impaired driving court case in 2014/2015 had been previously accused in another impaired driving case during the preceding 10 years.

## EMERGENCY SERVICES

### FIRE

<https://www.cbc.ca/news/canada/nova-scotia/hrm-fire-anticipates-increased-risks-from-home-grown-marijuana-1.4704155>

- Home cultivation has brought increased risks of fires from people growing and smoking pot at home

- Someone takes a home and tries to build a modified greenhouse in a bedroom or room that's not built for that
- Increased risk comes from:
  - compressed carbon dioxide tanks that are used to increase yields
  - high-watt light bulbs that may melt nearby wiring
  - explosions from butane used to extract THC from marijuana
  - wiring issues caused by the theft of electricity to power high-watt lights

<https://cafc.ca/page/cannabis>

The Canadian Association of Fire Chiefs is concerned the federal government is overlooking the following implications:

- explosion conditions, fumigation, automation sprinkler systems, automatic emergency power systems, hazardous materials, exhaust, fumes, carbon dioxide emission, flammable and combustible liquid extraction systems, inspection, and education

## **POLICE**

<https://www.wellingtonadvertiser.com/comments/index.cfm?articleID=41719>

Inspector Scott Lawson, Wellington County O.P.P Detachment Commander states:

- “You just have to know that cannabis will impair you. There’s tons of medical evidence to back that up.”
- “When you combine [cannabis and alcohol] and you get behind the wheel of your boat, of your motorcycle, of your vehicle, you’re going to be impaired.”
- “How would we know what 30 grams is because they’re not going to give us all a little scale. We don’t want to open those packages ... we’re not handling product”
- “If organized crime is currently what’s supplying cannabis to Canada ... they [could] find ways to get into the legal market and start distributing legal cannabis in an illegal way and using the profits to fund what they fund.”
- “With taxes added to the sale of marijuana, there’s a chance people will continue to buy illegal cannabis anyway.”
- “If you have young kids in your home or youth in your home and you’ve got four plants growing and curious kids ... they kind of get it. The next thing you know, they’re cutting a bit of bud off it and trying to figure it out and they saw mom and dad rolling it. We won’t have any control over that. We won’t see that; we won’t know that until paramedics get called because the kid’s gone down or is struggling.”

## **PARAMEDICS**

Paramedics are already victims of abuse, assault, and violence. Will this escalate with increased marijuana use?

<https://www.theglobeandmail.com/cannabis/article-with-cannabis-legalization-looming-doctors-foresee-uptick-in/>

- “Paramedics have seen more marijuana-related calls and are concerned about impaired driving causing collisions, as well as children who accidentally consume cannabis edibles. (Randy Mellow, President of Paramedic Chiefs of Canada).
- It makes it challenging for paramedics to distinguish the cause of the emergency

<https://www.cbc.ca/news/health/cannabis-overdose-legalization-edibles-public-education-1.4800118>

- Data from the Canadian Institute for Health Information (CIHI) shows that over the past three years the number of emergency room visits because of cannabis overdoses in Ontario has almost tripled — from 449 in 2013-14, to nearly 1,500 in 2017-18.
- Symptoms of cannabis overdose (THC poisoning) include elevated heart rate and blood pressure, anxiety, vomiting and in some cases psychosis, possibly necessitating hospitalization.

## MARIJUANA EDIBLES

Edibles, including food and beverages, will be introduced in 2019.

**Food and beverage companies are forming alliances with cannabis producers. This is dangerous.**

[www.nejm.org/doi/full/10.1056/NEJMp1500043](http://www.nejm.org/doi/full/10.1056/NEJMp1500043)

- Implications of edibles:
  - **psychoactive** effects delayed up to 4 hours, but can last more than 8 hours, extending the duration of impaired judgment and coordination that can lead to unsafe driving and accidental injuries
  - higher rates of calls (70%) to **poison**-control centres for unintentional marijuana exposure [edibles] in **children under 9 years of age**
  - increased **hospital** visits
  - cause **death**
- Increase in potency: THC more than 20%; levels in hashish reach up to 90%

## HEALTH

[www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051](http://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051)

- the rational part of the brain is not fully developed until the age of 25

<https://www.cps.ca/en/documents/position/cannabis-children-and-youth>

- Structural changes of the brain on MRI have been documented in youth who use cannabis regularly indicating damage by THC.
- The THC content of marijuana available today is two to four times higher than from typical products used 40 years ago (20), a factor likely to magnify impact on the adolescent brain.
- increased neural activity, which means the brain is working harder to perform tasks

[www.ncbi.nlm.nih.gov/pmc/articles/PMC3930618/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3930618/)

- marijuana use affects brain development and functioning
- causes deficit in attention and memory
- leads to risky behaviours, including increased marijuana use, aggressive and delinquent behaviour

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4827335/>

- long-term marijuana use leads to addiction and increases when used in the teen years or daily



- 2.7 million people aged 12 and older met criteria for dependence
- Cessation is difficult and leads to relapse due to irritability, sleeping difficulties, dysphoria, craving, and anxiety

<https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-marijuanas-effects-lung-health>

- Marijuana smoke contains carcinogenic combustion products, including about 50% more benzoprene and 75% more benzantracene (and more phenols, vinyl chlorides, nitrosamines, reactive oxygen species) than cigarette smoke.
- Because of how it is typically smoked (deeper inhale, held for longer), marijuana smoking leads to four times the deposition of tar compared to cigarette smoking.

<https://www.drugabuse.gov/publications/research-reports/marijuana/there-link-between-marijuana-use-psychiatric-disorders>

- marijuana use increases risk for psychiatric disorders, including psychosis (schizophrenia), depression, anxiety, and substance use disorders

<https://www.drugabuse.gov/publications/research-reports/marijuana/how-does-marijuana-use-affect-school-work-social-life>

- marijuana's negative effects on attention, memory, and learning can last for days or weeks after the acute effects of the drug wear off
- someone who smokes marijuana daily functions at a reduced intellectual level most or all of the time
- students who smoke marijuana have poorer educational outcomes than their non-smoking peers, are significantly less likely to finish high school or obtain a degree
- have a much higher chance of developing dependence, using other drugs, and attempting suicide
- heavy marijuana use linked to lower income, greater welfare dependence, unemployment, criminal behavior, and lower life satisfaction

## SECOND-HAND SMOKE

[www.drugabuse.gov/publications/research-reports/marijuana/what-are-effects-secondhand-exposure-to-marijuana-smoke](http://www.drugabuse.gov/publications/research-reports/marijuana/what-are-effects-secondhand-exposure-to-marijuana-smoke)

- The National Institute on Drug Abuse reports the effects of **second-hand smoke** as being psychoactive, registering in the blood and urine, and affecting the lungs. Concerns raised about vulnerable populations include children and asthmatics.

<https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf> (p.32)

- The understanding that tobacco consumption can be harmful to respiratory health and contribute to cancers, and that second-hand smoke can have similar negative health impacts, has qualified as health-related reasons for municipal restrictions on tobacco consumption. Local governments are likely to be able to draw on a similar approach for cannabis consumption where authorized. (The Federation of Canadian Municipalities)

## WORKPLACE SAFETY

Consideration must be given to workplace safety, operation of machinery, detection, disciplinary action, decreased work performance, attendance, and loss of productivity.

<https://www.drugabuse.gov/publications/research-reports/marijuana/how-does-marijuana-use-affect-school-work-social-life>

- Increased risk for injury or accidents in the workplace: One study among postal workers found that employees who tested positive for marijuana on a pre-employment urine drug test had 55% more industrial accidents, 85% more injuries, and 75% greater absenteeism compared with those who tested negative for marijuana use.

## BY-LAWS AND POLICIES

<https://www.cbc.ca/news/canada/kitchener-waterloo/university-of-guelph-cannabis-policy-1.4791679>

- University of Guelph—not allowed to smoke marijuana or tobacco anywhere on campus, including residences; no sales or deliveries are permitted

<https://www.orangeville.com/news-story/8996509-up-in-smoke-shelburne-council-says-no-to-recreational-cannabis-use-in-public-spaces/>

- Shelburne council voted in favour of a new by-law — based on rules recently adopted in Markham — forbidding the smoking or vaping of recreational cannabis in public spaces.
- That means no lighting up or vaping of recreational cannabis anywhere that is accessible to the public including parks, trails, parking lots, town facilities, sidewalks, roads, shopping malls and other retail, commercial and business establishments.
- Markham (pop. 330,000), Richmond Hill (pop. 200,000), and King Township (pop. 25,000) have all opted out of allowing marijuana stores in their communities.
- **Our municipalities have the power to do the same.**

## ECONOMICAL IMPACT

[www.cbc.ca/news/business/cannabis-weed-pot-canada-1.4598560](http://www.cbc.ca/news/business/cannabis-weed-pot-canada-1.4598560)

- Economist and policy analyst Rosalie Wyonch, from the Canadian C.D. Howe Institute, says, “The clear economic logic is that so long as there is demand beyond what the legal industry can supply when new legislation takes effect this year, a market supplied by criminals will continue to exist.”
- In the Canadian case, the C.D. Howe investigation indicates that immediately after recreational sales are permitted, illegal suppliers will continue to control about half the market, wiping out roughly \$420 million in potential excise tax revenue that would otherwise be collected.

[http://research.cibcwm.com/economic\\_public/download/eijan16.pdf](http://research.cibcwm.com/economic_public/download/eijan16.pdf) (p.8)

- Avery Shenfeld, CIBC economist, states, “The bottom line is that federal/provincial governments might reap as much as \$5 billion from legalization, but only if all the underground sales are effectively curtailed. That’s on the order of 0.25% of GDP, no barnburner.”

[www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/](http://www.theglobeandmail.com/news/national/ontario-vows-to-give-municipalities-40-million-for-marijuana-law-enforcement/article38260217/)

- \$40 million over 2 years shared amongst 444 municipalities in Ontario. This will not be divided equally among municipalities. A minimum of \$10,000 will be given only if opting in.
- The federal government's share of the duties is capped at \$100 million with only half to be shared with provinces and territories. This could also lessen. In fact, in December, 2017, it was 75%, now it is down to 50%. This is provided on a **per household** basis, which would not equate to much based on the 2016 census of approximately 10,800 households in Centre Wellington, 4,600 in Wellington North, 4,500 in Guelph-Eramosa, 4,000 in Erin, 3,200 in Minto, 3,100 in Mapleton, and 2,700 in Puslinch. The City of Guelph is 52,000.

<https://www.amo.on.ca/AMO-Content/Policy-Updates/2018/AMOREcommendationsBill36OntarioCannabisStatuteLawA>

- The Association of Municipalities Ontario (AMO) remains concerned that the costs related to legalization, from closing illegal dispensaries to road enforcement and other use, will exceed the funds the province receives from the federal government, of which \$40 million to be shared with municipal governments.

## ENVIRONMENTAL

[https://www.mccarthy.ca/en/insights/blogs/canadian-era-perspectives/spotlight-cannabis-part-2-taking-closer-look-environmental-costs-cannabis-cultivation?utm\\_source=Mondaq&utm\\_medium=syndication&utm\\_campaign=inter-article-link](https://www.mccarthy.ca/en/insights/blogs/canadian-era-perspectives/spotlight-cannabis-part-2-taking-closer-look-environmental-costs-cannabis-cultivation?utm_source=Mondaq&utm_medium=syndication&utm_campaign=inter-article-link)

- The primary environmental issues arising from the production of cannabis on a commercial scale include contaminated sites management, water use, effluent and waste management, odours and air quality, energy use and greenhouse gas (GHG) emissions.
- a cannabis plant needs 22 litres of water a day
- impacts on local watersheds as a result of the diversion of water for cannabis production
- generate effluent containing growth nutrients and pesticides, which could have potentially adverse environmental impacts on local ecosystems
- cannabis production generates a significant waste stream
- a significant amount of which is being disposed in landfills rather than being composted, which takes months and a considerable amount of space
- the growth of cannabis plants emits terpenes, which are a type of volatile organic compound (VOC) known for their strong odour
- The cultivation of cannabis is an energy intensive activity, particularly for the indoor production of cannabis which requires high-intensity lighting, air conditioners, and dehumidifiers to regulate humidity and temperature. The Northwest Power and Conservation Council has calculated that it takes approximately 5,000 kWh to produce one kilogram of cannabis product – this is the same amount of energy an average Canadian household would use in 4 months.

<https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf> (p.14)

- As a type of intensive agriculture, cannabis production needs a supply of: water for irrigation, electricity for lighting, and energy for heating.

- Cannabis production has some special impacts in relation to odour emissions and a need for heightened security that can be associated with high-value crops.
- risks of outdoor cultivation to children and domestic pets

## REAL ESTATE

<https://www.zoocasa.com/blog/cannabis-report-2018/>

- In a survey released on October 16, 2018, most Canadians feel that smoking cannabis inside their homes is generally a bad idea.
- 64% of those who indicated they were homeowners felt doing so would harm its resale value, an increase from the 39% who indicated as such in Zoocasa's previous Housing Trends Report.
- Over half of homeowners – 57% – felt that growing even the legal amount of cannabis (up to four plants under the Cannabis Act), would have a negative impact on a home's value.
- This stigma extends to prospective home buyers, too: A total of 52% respondents say they'd be less likely to consider specific houses for sale if they knew even a legal amount of cannabis had been grown in them.
- 42% agree that dispensaries will reduce values of homes in a neighbourhood compared with liquor stores (11%)
- 48% of respondents stated the presence of a dispensary nearby would reduce their desire to purchase a specific property
- 88% of landlords want to ban smoking in their rental units

## INSURANCE

<https://www.bnnbloomberg.ca/home-auto-insurance-costs-could-rise-after-marijuana-legalized-experts-1.1146073>

- Canadians could face rising home and car insurance costs once recreational marijuana is legalized as insurers eye increased risks stemming from a potential increase in people consuming cannabis, according to industry experts.
- "A recent Statistics Canada survey revealed that about **one in seven** cannabis users with a driver's licence report **driving within two hours** of using it. This is an alarming statistic and this road safety risk and uncertainty around it will most likely be reflected in some level of increased auto insurance rates." (Hazel Tan, Intact Financial)
- "Ontario Automobile Policy **excludes coverage** for accidental loss or damage **caused by drivers under the influence** of intoxicating substances. If accidents as a result of cannabis use increase, insurance companies' loss-ratios will increase, and that will ultimately increase individual drivers' premiums." (Alyssa Furtado, CEO of Ratehub.ca)
- Tan also said the insurer would be introducing some **coverage limits** in their home insurance policies to "reflect the risk" once cannabis is legalized.
- "The biggest risks for insurers from people growing cannabis at home are **damages** to a property due to **fire and theft**, even if they're not growing pot at the scale of a grow-op," Furtado said.
- "Cannabis growers often modify the heating and electrical systems on their property, which can increase risks for **fire and electrocution**. Fumes can build up inside the home's ventilation system and cause **mould or fungus** to develop," Furtado said.

## ENTRY TO U.S.

<https://www.ctvnews.ca/canada/why-investing-in-pot-could-pose-problems-at-the-u-s-border-1.4011813>

- Problems at the border could impact thousands of Canadian investors who have put an estimated \$25 to \$30 billion into Canada's biggest pot production companies—in theory making them financiers of a drug illegal under U.S. federal laws.
- Canadian businesspeople have been denied entry and even banned from investing in U.S. companies.
- includes a business man working for a company making equipment to harvest marijuana who was banned for life

## CRIMINALS PARDONED

<https://www.cbc.ca/news/politics/tasker-pot-pardons-limitations-1.4866610>

<https://www.ctvnews.ca/politics/bill-to-pardon-past-pot-convictions-coming-before-the-end-of-2018-1.4137578>

- Those with criminal records for possession of marijuana will be pardoned and possibly have records expunged.
- Will they ask for compensation for having been incarcerated, costing taxpayers more money?
- A previous criminal record does not necessarily prohibit someone from obtaining a licence to run a legal cannabis store.

## CONCLUSION

Many issues surrounding the legalization of cannabis are counterintuitive, defying common sense.

Municipalities have the power and social responsibility to enact by-laws to protect the health and safety of our citizens. Do the right thing. Be proactive. Protect and prevent erosion of our communities.

**Declare a smoke-free environment in public spaces, prohibiting use of tobacco and marijuana in any form. Implement by-laws prohibiting the growing of cannabis anywhere. Ban edibles.**

**Do not forfeit your rights. Stop private marijuana retailers and producers from entering our communities.**

**Please OPT OUT before January 22, 2019.**

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From: -----

Sent: November-11-18 4:42 PM

To: Mayors Office <Mayor@guelph.ca>

Subject: Cannabis Retail Stores

Dear Mr. Guthrie,

I thought this would be a good time to drop you a line. I have heard rumors and rumblings that Guelph may not get a retail cannabis store because council may choose to opt out. I think this is a gross miscalculation of the market place in Guelph. I firmly believe that the city would support several brick and mortar retailers. It also stands to reason that if people in the city don't have a place to go to make legal purchases that this will empower the black market within the city.

Thanks for listening,

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# Cannabis social media metrics

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## Facebook

A total of six Facebook posts were done to promote the online survey.

Metric type	Total
Comments	41
Reach	22,548
Engagements	3,755
Shares	86
Interactions	41

The following are constructive comments from the community around cannabis retail stores. This does not include comments or questions received about the survey.

### Facebook comments

This shouldn't even be a debate. You can't opt out of your citizens being legally allowed to consume cannabis in your city so why would you opt out of making it convenient for your citizens to purchase it and the jobs, elimination of the black market and other benefits that local retail stores provide? Are you going to shut down the LCBO, Bee Store, Sleeman, local breweries and distilleries too, since alcohol is arguably more dangerous than cannabis? Quit with the false "Reefer Madness" narrative. A large portion of the city's citizens has already been safely consuming illegally purchased cannabis for many years.

No, no retail stores for cannabis. It is bad enough that it has been legalized. Now we can smell the pungent odour on every corner...I live in a high-rise apartment and now I am getting it in my apartment. I am so not happy. And nothing that can be done: it is legal. Never mind my rights to a smoke free, clean environment.

Honestly people have been having it delivered to there door in Guelph for well over two years by underground services so having a store wouldn't really matter. I'm all for having a few in Guelph just don't let it over run the downtown core like we saw in Hamilton. Put one in old Quebec street mall, one somewhere near the stone road mall and I think that'd be perfect, maybe even another in the north end but that's it. Make sure you got parking though cause in this town, you're gonna be busy.

Another comment about proximity to child spaces....I found it awkward to discuss a few things with my kids, one of them being the "haunted house" beside the Hanlon that the school bus drove by. Scary things do happen in that place but opened the door to tough conversations at a young age. Another of note, the impotence warning on tobacco products made for an entertaining day for my pals as they watched me explain the image and meaning to my 6 year old. It was only when the Values, Influences and Peers program began at school that we were uncomfortable at all regarding weed. With police pressuring children to "rat out" parents, it was delicate and frightening time. Lastly, the LCBO stores

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are highly visible and do not pose a problem so I fail to see any reason why proximity to schools or daycares would be an issue for a dispensary.

Much prefer it to the fiasco Doug Ford created! Use LCBO as the model not tobacco and you will do better

To be honest I really don't care as long as the laws are being followed. What I do fear is a rise in armed robberies not just for cash but also for the products so location is key.

I did they survey. I feel like it was way too short. It didn't ask anything about how many there should be. It's one of the things I am most worried about. I do think we should have them but the numbers should absolutely be limited.

Yes!! Privately run stores with the ability to sell organic locally grown and produced cannabis products.

Please not in the Stone Road area. There should be some discretion on the location and not so close to 4+ schools. Why do we even need privately owned? It's really not necessary.

I want there to be private stores, so that there can be varying hours of operation between stores, based on ownership. I also like retail settings, where owners can create a vibe and not have all stores offer the same look, and the same products, as the government will. Private owned stores can bring in a better range based on their customers asks/needs and the staff could potentially provide more knowledge. However, going back to the hours, it would be nice to have those vary, as some owners may feel they need to stay open until 11pm on a Friday (as example) where they may see a demand at that time of night. Private-owned stores can make their own hours. Government run stores will all be the same, with the same blank walls, and same brands, etc. Boring. Currently, vs. the online sales market, I'd like to the freedom of being able to purchase cannabis when I know I want it... i.e. a Saturday evening when I am entertaining and have no cannabis at home, I can go to the store and purchase some that night for consumption. This is how a majority of folks purchase their alcohol and groceries for entertaining; that evening, right before, as prep. If I can only order online and am not prepared, and/or my delivery comes a day later than expected, there are no backup options.

There are so many flaws in the way that the government has handled this... Let's not add opting out to the list. This is an opportunity to create jobs! We should be encouraging the independent farmers and retailers.

It's better to have stores where people can go in and talk to someone about strains or educate and help them properly. Instead of the crap webpage the government threw together.

Guelph needs one or more. I've filled out the survey and have done an online order via the government and was unhappy. A retail store would be so much more beneficial for product knowledge and fresher product.

I say go for it brings jobs to our city and the staff will be able to educate people in regards to there product, rather than click some buttons online and it get delivered whenever the post office gets to it due to there rotating strike. How about we focus on important issues like addiction to hard drugs that is causing all these overdoses. People are dying and all the city wants to do is focus on whether we have a store or not or how wide your neighbours driveway is. Give your head a shake and get your priorities in check, wasting resources on to have a store or not have a store

Not all users would be irresponsible. Since not all doctors will prescribe it, people who use it medically buy it through the recreational venues. Your lack of trust in people is sad. Hopefully someone trusts you.



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You should mark, put up signs in the areas where it is allowed to be smoked, but please have a separate area for tobacco smoking

I don't see a need for any and don't think we should have any. Cannabis for recreational use is no better or healthier than cigarettes (which already cause health issues, legal issues, and litter issues). And it will cause just as many problems as drinking. Sure if done responsibly it won't be much of a problem, but since when can people be trusted to be responsible.

I sincerely hope that the city will take into more consideration the opinions of those who do not support recreational cannabis over those who do, as we all know many of those who smoke/do drugs do not stop to consider the impact they have on those around them (and if you believe otherwise you're lying to yourself)

## Twitter

A total of six tweets on Twitter were done to promote the online survey.

Metric type	Total
Comments	6
Impressions	11,653
Engagements	300
Retweets	16
Likes	8

The following are constructive comments from the community around cannabis retail stores. This does not include comments or questions received about the survey.

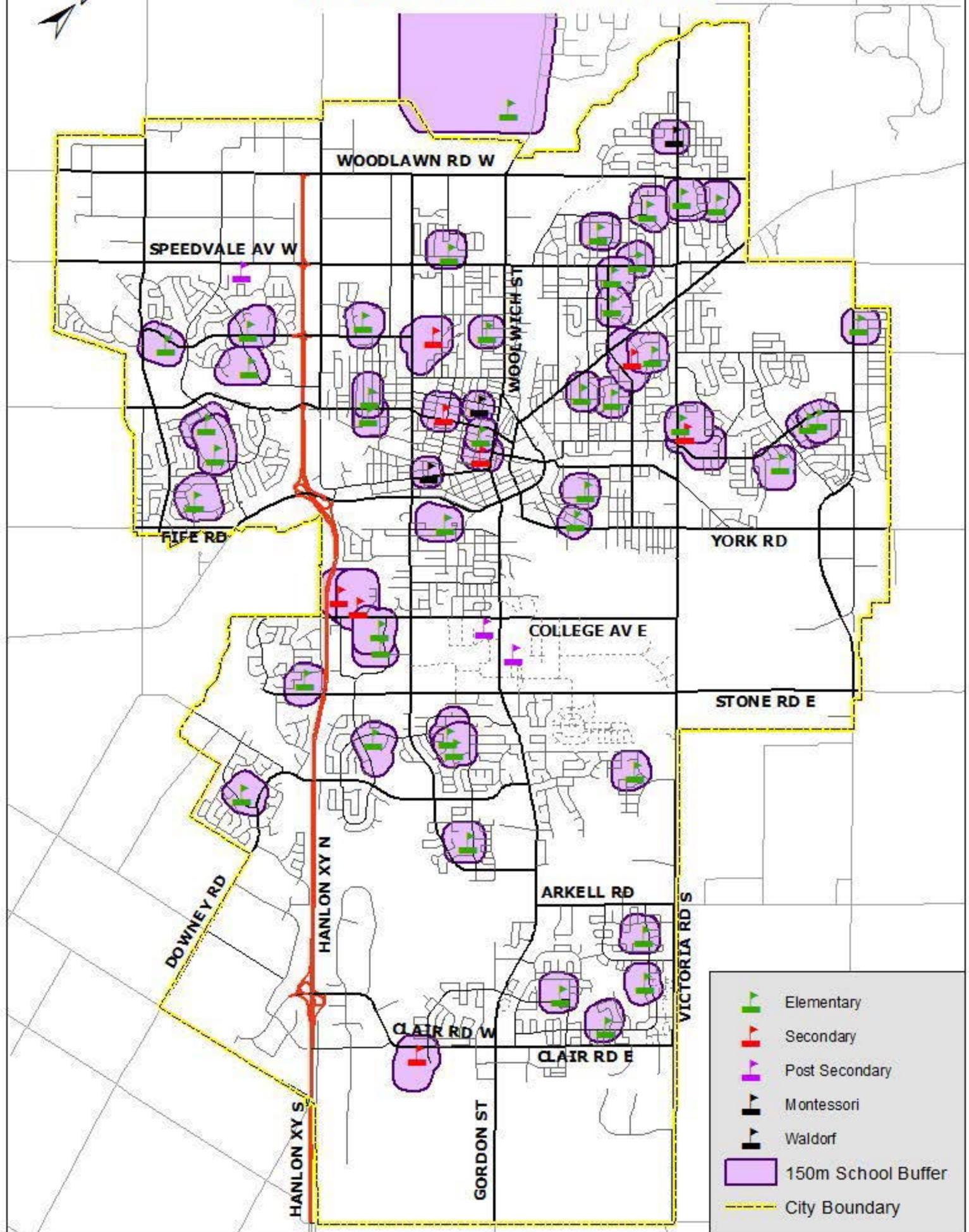
### Twitter comments

I appreciate that you are conducting this survey, but there are no controls at all in place (or questions) to determine whether it is Guelph residents responding to it.

Thank you for the survey

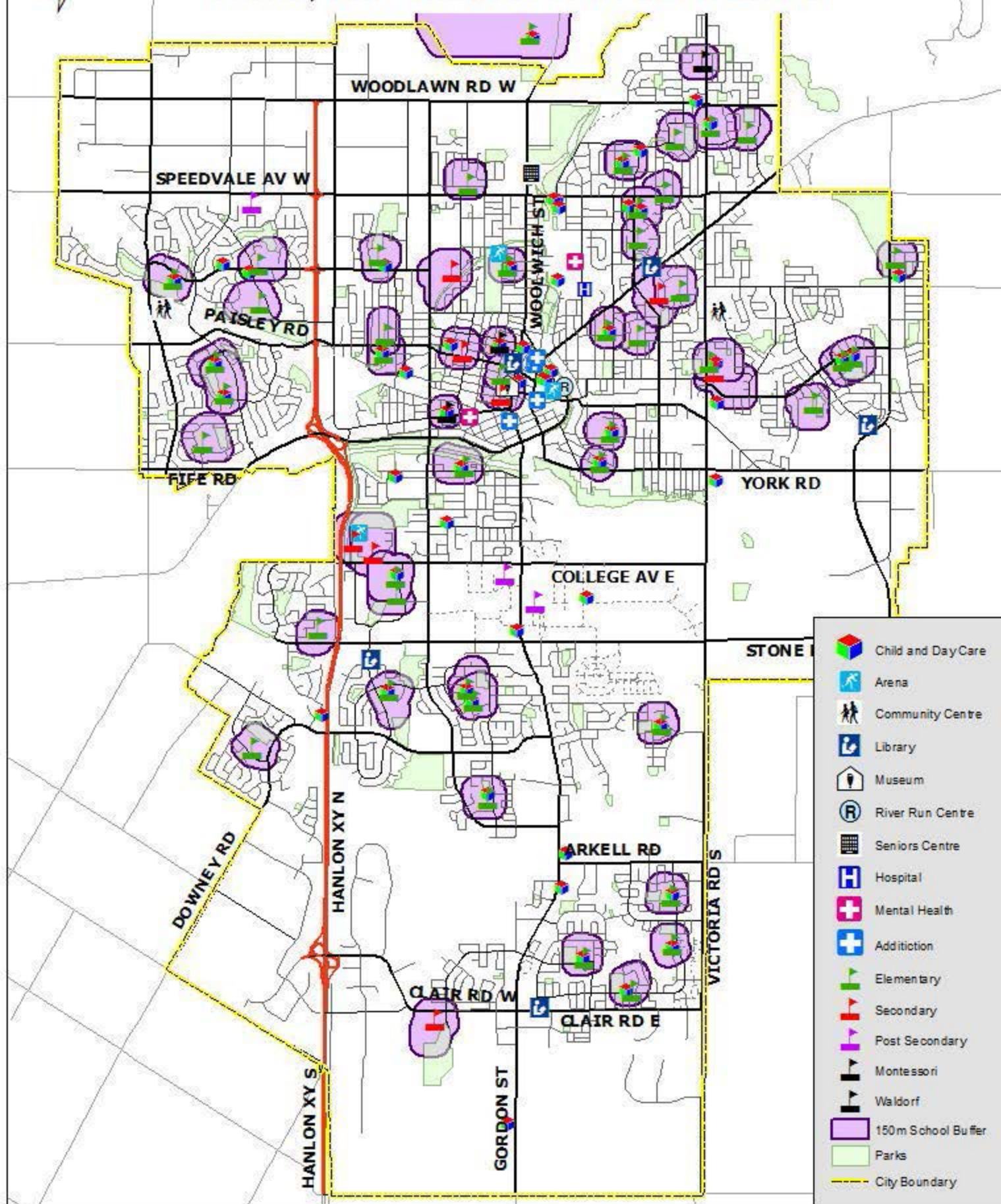
I honestly don't think [the survey] was up long enough. I want to have my say...whatever. I'm a yes.

# Schools with 150m Buffer





# Childcare, Recreation Facilities, Hospitals, Mental Health Services, Addiction Centres, Parks, and Schools with 150m Buffer



Provincial/Federal Consultation Alert							
Title	Ministry	Consultation Deadline	Summary	Proposed Form of Input	Rationale	Lead	Link to Ministry Website
Bill 132, Better for People, Smarter for Business Act, 2019 – Proposals on the Environmental Registry	Ministry of Economic Development, Job Creation and Trade; Ministry of Environment, Conservation and Parks; and Ministry of Natural Resources and Forestry	November 27th	<p>The provincial government is seeking public input on Bill 132 via the Environmental Registry. The posting contains links to numerous related regulatory proposals also linked to Bill 132 that focus on:</p> <ul style="list-style-type: none"><li>- <i>Mining Act</i> related Closure Plan Amendments</li><li>- Amendments to the <i>Pesticides Act</i></li><li>- Changing the Mandate of the Resource Productivity and Recovery Authority</li><li>- Holding Polluters Accountable by Expanding the use of Administrative Monetary Penalties for Environmental Contraventions</li><li>- Repealing Section 172 of the <i>Environmental Protection Act</i></li><li>- Transfer of Motor Vehicle Provisions from the <i>Environmental Protection Act</i> to the <i>Highway Traffic Act</i></li><li>- Waterpower Exemption from Permits to Take Water</li><li>- Amendments to Three Statutes administered by the MNRF to support Bill 132 and a proposal for a new regulation under the <i>Lakes and Rivers Improvement Act</i>.</li></ul>	<p>That the City of Guelph make a formal submission to the overarching regulatory posting on Bill 132 cc'ing the Ministry contacts for the underlying consultation processes. The City will focus on key proposals of interest to the municipality, including:</p> <ul style="list-style-type: none"><li>- the mandate of RPRA</li><li>- Administrative monetary penalties and the relaunch of the Ontario Community Environment Fund program</li><li>- the repeal of Section 172 of the <i>Environmental Protection Act</i>; and</li><li>- Waterpower Exemption from Permits to Take Water.</li></ul>	Environment Services will review these regulatory proposals and provide comments to advance the City of Guelph's interests.	Environmental Services	<a href="https://ero.ontario.ca/notice/019-0774">https://ero.ontario.ca/notice/019-0774</a>

Provincial/Federal Consultation Alert							
Title	Ministry	Consultation Deadline	Summary	Proposed Form of Input	Rationale	Lead	Link to Ministry Website
Building Code Services Transformation	Ministry of Municipal Affairs and Housing	November 25, 2019.	<p>The provincial government has heard from stakeholders about the need for better, modern, and timely services to support the building sector's ability to understand and apply building code requirements. To do this, the ministry is proposing to establish a new administrative authority to deliver a suite of enhanced and new user-driven services. Modernized service delivery will ensure that the sector has the supports it needs to continue growing Ontario's economy, while protecting public health and safety.</p> <p>Feedback will help inform enhancements to current building code services and the development of new services, which would:</p> <ul style="list-style-type: none"><li>• strengthen public safety</li><li>• streamline customer service and approval processes</li><li>• deliver sector-driven services</li><li>• provide timely and modern tools and products</li><li>• promote consistency across the province</li><li>• enhance integrity in the system</li></ul>	Written comments submitted to the Ministry of Municipal Affairs and Housing	<p>The City of Guelph, Building Services has concerns related to public safety, conflict of interest and staffing impacts with regards to the proposed certified professionals.</p> <p>Building Services is supportive of the assistance proposed to recruit experienced building code professionals and the consistent application of code requirements across the Province as well as requiring coordinating professionals.</p> <p>The proposals will be reviewed in more detail and written comments provided.</p>	Planning & Building Services	<a href="https://ero.ontario.ca/notice/019-0422">https://ero.ontario.ca/notice/019-0422</a>





November 15, 2019

**Re: Notice of EDC Regulation Changes**

We write to advise that on November 8, 2019, the Minister of Education issued Ontario Regulation 371/19, which, among other things, exempted a number of uses from the payment of education development charges (“EDCs”). The additional uses that became exempt on November 8, 2019 are as follows:

1. private school;
2. long-term care home, as defined in the Long-Term Care Homes Act, 2007;
3. retirement home, as defined in the Retirement Homes Act, 2010;
4. hospice or other facility that provides palliative care services;
5. child care centre, as defined in the Child Care and Early Years Act, 2014;
6. memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion;
7. college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002;
8. university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education;
9. Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017.

For Numbers. 6, 7 , 8, and 9 above, the institution must also be the owner of the land to qualify for the exemption.

The new exemptions listed above apply now regardless of whether they are reflected in the Board's current EDC by-law.

The exemptions that are currently reflected in the Board's EDC by-law continue to apply.

The Board will be amending its EDC by-law in due course to incorporate these additional exemptions. In the interim, would you please be sure to take note of these amendments to the EDC scheme.

Please do not hesitate to contact me directly if you have any questions regarding this change.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tracy McLennan', with a long, sweeping horizontal line extending to the right.

Tracy McLennan  
Associate Director, Corporate Services and Treasurer



October 29, 2019

Metrolinx is transforming the existing GO rail system to deliver a whole new rapid transit experience to your community. With more frequent train service and a seamless, convenient, integrated transit network, you'll have more options to get you where you need to go.

Two-way, all-day service on the Kitchener corridor requires a host of new infrastructure between Kitchener GO and Bramalea GO is required. Significant steps are underway to make the changes needed, including an environmental assessment (EA) to study electrification of the rail corridor starting from west of Georgetown to Kitchener; this section is known as the Guelph Subdivision.

On Wednesday, November 20, Metrolinx will host a public meeting in Guelph related to this EA, being carried out as part of the Transit Project Assessment Process (TPAP) for electrification of the Guelph Subdivision. Metrolinx is inviting the public to the Guelph Civic Museum between 5 p.m. and 8 p.m. to learn more about this Project, provide input, and meet the Project team. This first Public Meeting will introduce:

- Kitchener Corridor
- Kitchener GO Expansion progress / current work
- Project overview and scope
- EA process (TPAP)
- Environmental & technical studies
- Overview of proposed infrastructure:
  - Overhead contact system
  - Types of bridge modifications
  - Hydro One Tap study area
  - Traction Power Facility general study areas
- Baseline conditions
- Project timelines
- Next steps

Included is the advertisement that will appear in the Guelph Mercury Tribune, Guelph Today and the Wellington Advertiser on Thursday November 7, inviting members of the community to attend. The advertisement has also been mailed directly to property owners within 100 metres of the rail corridor. Details of where and when the meetings will be held are included in the advertisement.

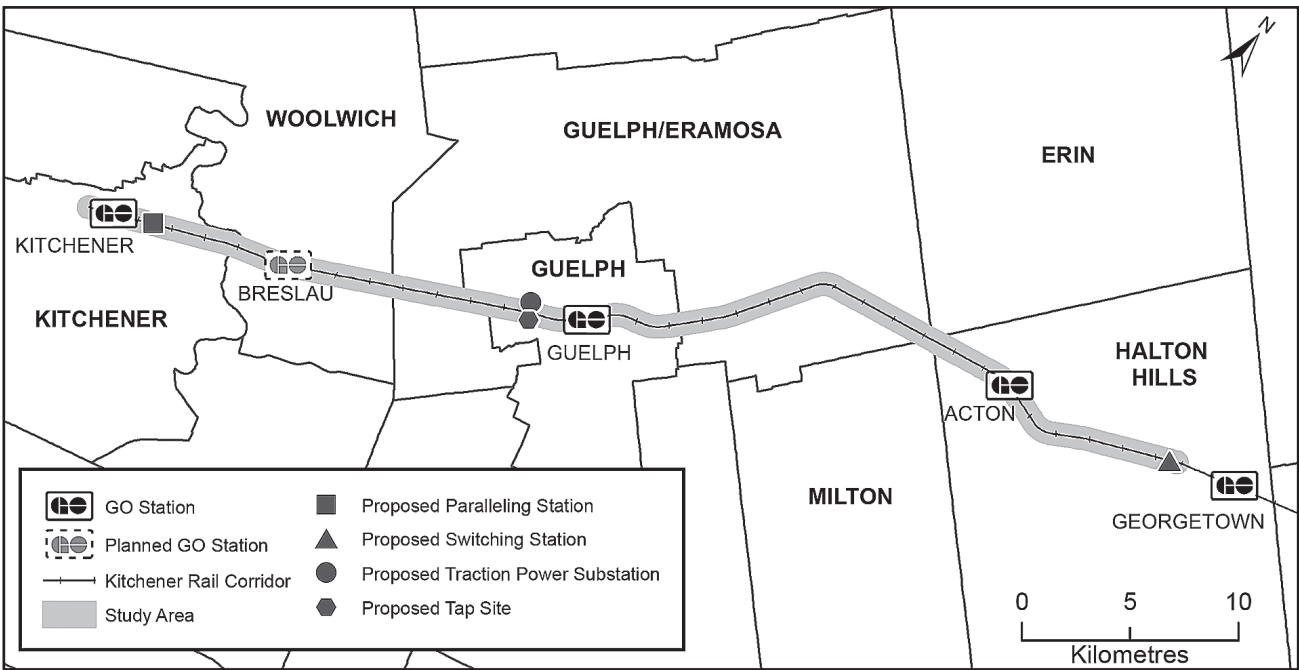
Please feel free to reach out if you have any questions or concerns.  
Thank you,

Leona Hollingsworth  
Senior Manager, Community and Stakeholder Relations  
416-202-3349; c. 647-203-7549  
[Leona.Hollingsworth@Metrolinx.com](mailto:Leona.Hollingsworth@Metrolinx.com)





Public Meetings: Kitchener Corridor Expansion Program



**Metrolinx** is transforming the existing GO system to deliver a whole new rapid transit experience, making connections like never before. The Kitchener GO expansion will transform the line into a true frequent rapid transit experience. There will be more trips at every point along the line - from Kitchener-Waterloo, Guelph, Halton Hills, Brampton, Mississauga and Toronto. Two-way, all-day service to Kitchener requires a host of new infrastructure on the corridor.

Starting in November 2019, Metrolinx will be hosting a number of public meetings to share information and seek your feedback on the Guelph Subdivision Transit Project Assessment Process (TPAP).

Metrolinx is currently carrying out the Guelph Subdivision TPAP (the Project) under *Ontario Regulation 231/08 - Transit Projects and Metrolinx Undertakings*. The scope of this environmental assessment study includes electrification of the rail corridor starting from west of Georgetown to Kitchener (see key map). The proposed electrification infrastructure includes power supply and power distribution components as well as various ancillary works: one (1) Tap location, three (3) Traction Power Facilities (i.e. Paralleling Station, Switching Station and Traction Power Substation), overhead contact system, aerial/underground feeders, grounding and bonding, and bridge modifications.

**Wednesday, November 20, 2019** Guelph Civic Museum  
52 Norfolk Street  
Guelph, Ontario  
5:00 p.m. – 8:00 p.m.

**Monday, November 25, 2019** Kitchener Central Library  
85 Queen Street North  
Kitchener, Ontario  
5:00 p.m. – 8:00 p.m.

**Wednesday, November 27, 2019**  
Acton Arena and Community Centre  
415 Queen Street  
Acton, Ontario  
5:00 p.m. – 8:00 p.m.

We encourage you to attend to learn about the Project and to provide your input. Project staff will be available to answer questions and to receive your feedback.

If you would like to be added to our Project contact list, or receive additional information related to the Project, please contact us at:  
e-mail: [kwGOexpansion@metrolinx.com](mailto:kwGOexpansion@metrolinx.com)  
telephone: 416-202-3467  
website: [metrolinxengage.com](http://metrolinxengage.com)

Comments and information regarding these projects are being collected to assist in meeting the requirements of the *Environmental Assessment Act*. All personal information included in a submission - such as name, address, telephone number and property location - is collected, maintained and disclosed by the Ministry of the Environment, Conservation and Parks for the purpose of transparency and consultation. The information is collected under the authority of the *Environmental Assessment Act* or is collected and maintained for the purpose of creating a record that is available to the general public as described in s. 37 of the *Freedom of Information and Protection of Privacy Act*. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential. For more information, please contact the Ministry of the Environment, Conservation and Parks Freedom of Information and Privacy Coordinator at 416-895-0724.

Metrolinx is working to provide residents and businesses in the GTHA with a transportation system that is modern, efficient and integrated. Find out more about Metrolinx’s Regional Transportation Plan for the GTHA, as well as GO Transit, PRESTO and Union Pearson Express at [www.metrolinx.com](http://www.metrolinx.com).

Disponible en français.



From: Bill Hatanaka  
Ontario Health Board Chair

Susan Fitzpatrick  
Ontario Health Interim CEO

Re: Ontario Health Transitional Regional Leadership

We are writing to provide you with two updates taking place today.

In order to provide ongoing oversight of the 14 LHINs while enabling the continued delivery and coordination of regional care across the health care system, we are aligning the LHINs during this transitional period to five interim and transitional regions. This is not a merger of the LHIN boundaries. Rather, these changes are a means of streamlining the regional oversight as an interim measure as the ministry continues its work to integrate home and community care supports with Ontario Health Teams.

Effective today, 14 LHINs have been clustered into five interim and transitional geographic regions that are to be led by five LHIN CEOs who have been cross-appointed as Transitional Regional Leads and will report to Susan Fitzpatrick, Interim CEO of Ontario Health, in addition to the LHIN boards, to support Ontario Health with transition planning.

The five Transitional Regional Leads are responsible for the ongoing management of operations including:

- Coordinating patients' access to home and community care and long-term care;
- Continuing the day-to-day administrative oversight of health service providers;
- Engaging with patients and families through your patient and family advisory councils;
- Engaging with Indigenous and Francophone peoples, and;
- Leading and managing the LHIN workforces within their region.

Please join us in welcoming the following leaders in their new roles:

- Bruce Lauckner will become the Transitional Regional Lead in western Ontario (and managing Erie St. Clair, Hamilton Niagara Haldimand Brant, South West and Waterloo Wellington).
- Renato Disenza will become the Transitional Regional Lead in eastern Ontario (and managing Champlain, South East and Central East).
- Scott McLeod will become the Transitional Regional Lead in central Ontario (and managing Central, Central West, Mississauga Halton, and North Simcoe Muskoka).
- Tess Romain will become the Transitional Regional Lead in Toronto (and managing Toronto Central).
- Rhonda Crocker Ellacott will become the Transitional Regional Lead in northern Ontario (and managing North East and North West).



As we transition to five Transitional Regional Leads, patient safety and quality care will not be affected, and home and community care services will not be impacted. Your workforces will be well supported in their delivery of critical services on the frontlines.

Together, as a leadership table with the Ontario Health Transition Team, the Transitional Regional Leads will have a view of the big picture across the province, ensuring effective transition planning for LHIN functions.

The Transitional Regional Leads will soon be in touch with staff in their respective regions about next steps.

We also want to share that the Ontario Health Board of Directors express their sincerest and deepest appreciation to the departing CEOs for their tremendous contributions and years of dedicated service. Ontario has greatly benefitted from their leadership, commitment, ongoing professionalism and excellence in ensuring high quality health service planning and delivery in their regions.

And lastly, we want to share with you that transfer orders were issued today by the Honourable Christine Elliott, Deputy Premier and Minister of Health, to Cancer Care Ontario, eHealth Ontario, HealthForceOntario Marking and Recruitment Agency, Health Shared Services Ontario and Ontario Health Quality Council operating as Health Quality Ontario. The transfer orders state that those agencies will be transferred to Ontario Health on December 2, 2019.

Your organizations and the Trillium Gift of Life Network are not transferring into Ontario Health at this time as the ministry and Ontario Health are taking every precaution to ensure the continuity of direct patient care and services are maintained while their detailed planning moves forward, enabling a smooth transition at the right time and in the right way.

## **Looking Ahead**

Since the proclamation of the *Connecting Care Act, 2019* last June, the agencies that will eventually form Ontario Health have been working diligently and cooperatively towards the goal of transferring. We would like to thank all of you for your patience, professionalism, and ongoing commitment to high-quality patient care during this transition. Continuity of patient care will remain a top priority.

This is an exciting time for health care delivery in the province and you are all part of its evolution. We will continue to update you on our progress. In the meantime, we look forward to our continued work together – improving health care delivery for all Ontarians.

Until next time,

Bill and Susan



Date: 13 novembre, 2019

À: Tout le personnel

De: Bill Hatanaka  
Président du conseil de Santé Ontario

Susan Fitzpatrick  
PDG intérimaire de Santé Ontario

Objet : Direction régionale transitionnelle de Santé Ontario

Nous vous écrivons pour vous informer de deux changements apportés aujourd'hui.

Afin d'offrir une supervision continue des 14 RLISS tout en permettant la poursuite de la prestation et la coordination de soins régionaux dans l'ensemble du système de santé, nous alignons les RLISS avec cinq régions provisoires et transitionnelles pendant cette période de transition. Il ne s'agit pas d'une fusion des délimitations des RLISS. Ces changements constituent plutôt un moyen de simplifier la supervision régionale de manière provisoire pendant que le ministère poursuit son travail d'intégration des soutiens de soins à domicile et dans la communauté avec les équipes de Santé Ontario.

À compter d'aujourd'hui, 14 RLISS ont été regroupés en cinq régions géographiques provisoires transitionnelles qui seront dirigées par cinq PDG de RLISS qui ont été nommés conjointement comme responsables régionaux transitionnels et travailleront sous la direction de Susan Fitzpatrick, PDG intérimaire de Santé Ontario, en plus des conseils des RLISS, pour contribuer à la planification de la transition de Santé Ontario.

Les cinq responsables régionaux transitionnels sont chargés de la gestion continue des opérations, y compris :

- Coordonner l'accès des patients à des soins à domiciles et en milieu communautaire et à des soins de longue durée;
- Poursuivre la supervision administrative quotidienne des fournisseurs de services de santé;
- Communiquer avec les patients et les familles par l'intermédiaire de vos conseils consultatifs des patients et des familles;
- Mobiliser les peuples autochtones et francophones;
- Diriger et gérer la main d'œuvre des RLISS au sein de leur région.

Ensemble, souhaitons la bienvenue aux responsables suivants dans l'exercice de leurs nouvelles fonctions :

- Bruce Lauckner qui deviendra responsable régional de la transition de l'Ouest de l'Ontario (et directeur des RLISS d'Érie St. Clair, Hamilton Niagara Haldimand Brant, Sud-Ouest et Waterloo Wellington).
- Renato Disenza qui deviendra responsable régional de la transition de l'Est de l'Ontario (et directeur des RLISS de Champlain, du Sud-Est et du Centre-Est).



# Ontario Santé Health Ontario

- Scott McLeod qui deviendra responsable régional de la transition du Centre de l'Ontario (et directeur des RLISS du Centre, du Centre-Ouest, de Mississauga Halton, et de Nord-Simcoe Muskoka).
- Tess Romain qui deviendra responsable régionale de la transition à Toronto (et directeur général du RLISS du centre de Toronto).
- Rhonda Crocker Ellacott qui deviendra responsable régionale de la transition du Nord de l'Ontario (et directeur général des RLISS du Nord-Est et du Nord-Ouest).

Ce passage à cinq responsables régionaux transitionnels n'affectera aucunement la sécurité des patients, la qualité des soins ni les services de soins à domicile et en milieu communautaire. Votre personnel sera bien appuyé dans la prestation de services critiques de première ligne.

Ensemble, en tant que comité de leadership avec l'équipe de transition de Santé Ontario, les responsables régionaux transitionnels se feront une idée de la situation globale de la province, garantissant une planification efficace de la transition des fonctions des RLISS.

Les responsables régionaux transitionnels prendront bientôt contact avec le personnel de leurs régions respectives au sujet des prochaines étapes.

Nous souhaitons également, au nom du conseil d'administration de Santé Ontario, remercier infiniment les PDG qui nous quittent pour leurs immenses contributions et leurs années de service et de dévouement. L'Ontario a grandement bénéficié de leur leadership, engagement, professionnalisme et excellence pour assurer la planification et la prestation de services de santé de qualité supérieure dans leur région.

Et pour finir, nous souhaitons vous annoncer que des ordonnances de transfert ont été délivrées aujourd'hui par l'honorable Christine Elliott, vice-première ministre et ministre de la Santé, à Action Cancer Ontario, cyberSanté Ontario, l'Agence de promotion et de recrutement de ProfessionSantéOntario, Services communs pour la santé Ontario, et le Conseil ontarien de la qualité des services de santé qui mène ses activités sous le nom de Qualité des services de santé Ontario. Les ordonnances de transfert indiquent que ces organismes seront transférés vers Santé Ontario le 2 décembre 2019.

Vos organismes et le Réseau Trillium pour le don de vie ne sont pas transférés vers Santé Ontario à l'heure actuelle, car le ministère et Santé Ontario prennent toutes les mesures nécessaires pour assurer la continuité des soins et les services offerts aux patients pendant la planification détaillée, afin d'offrir une transition harmonieuse opportune et adéquate.

## **Un regard vers l'avenir**

Depuis la promulgation de la *Loi de 2019 pour des soins interconnectés* en juin dernier, les organismes qui finiront par composer Santé Ontario travaillent avec ardeur et coopération pour se préparer au transfert. Nous souhaitons tous vous remercier pour votre patience, votre professionnalisme, et votre



engagement continu envers des soins de haute qualité pendant cette transition. La continuité des soins des patients demeure une priorité absolue.

Il s'agit d'une période charnière de la prestation de soins de santé dans la province, et vous participez tous à cette évolution. Nous continuerons à vous informer de nos progrès. En attendant, nous sommes impatients de continuer à travailler ensemble, pour améliorer la prestation de soins à tous les Ontariens.

À très bientôt,

Bill et Susan



October 30, 2019

Hon Doug Ford  
Premier of Ontario  
Premier's Office  
Room 281  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

BY EMAIL ONLY

Dear Premier:

Re: Resolution from the Township of Springwater – Conservation Authority Levies

Please be advised that the Council of the Town of Wasaga Beach, during their October 29, 2019 Council meeting and at the request of the Township of Springwater, adopted the following resolution:

“Whereas the Township of Springwater supports the objects of balance on conservation, environmental stewardship, and sustainability to anchor its operations, planning, services, and strategic vision;

And Whereas the Township of Springwater understands the need for both the Province and its municipalities to deliver clear, costed, and sustainable programs and services for taxpayers;

And Whereas both tiers of government must assess all programs and services to eliminate duplication and balance costs on tests of affordability, health, safety, and environmental stewardship;

And Whereas the Minister of Environment, Conservation, and Parks signaled on August 16, 2019 of a need for conservation authorities to re-focus their operations related to core mandates as currently defined in the Conservation Authorities Act, 1990, R.S.O. 1990, c. C.27 and its prescribed regulations;

And Whereas the Minister of Environment, Conservation, and Parks signaled on August 16, 2019 that Conservation Authorities should not proceed with any increases to fees or levies;



Therefore Be It Resolved That the Township of Springwater supports any Provincial effort to require its municipal levy only apply to core mandated programs and services;

And That this resolution be forwarded to Premier Doug Ford, the Minister of the Environment, Conservation, and Parks, the Honourable Jeff Yurek, the County of Simcoe, all Ontario municipalities, the NVCA and Ontario's other 35 Conservation Authorities, and Conservation Ontario, signaling the Township of Springwater's support of the Province's review, consultations and development of an updated Conservation Authorities Act and the willingness to participate in all consultations and submissions to the same."

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at [cao@wasagabeach.com](mailto:cao@wasagabeach.com) or (705) 429-3844 Ext. 2222.

Sincerely



George Vadeboncoeur  
Chief Administrative Officer

Enclosure.

- c. Hon. Jeff Yurek, Minister of the Environment, Conservations, and Parks  
County of Simcoe  
Nottawasaga Valley Conservation Authority  
Ontario Conservation Authorities  
All Ontario Municipalities



October 21, 2019

Nottawasaga Valley Conservation Authority  
8195 8<sup>th</sup> Line  
Utopia ON, L0M 1T0

**RE: Conservation Authority Levies**

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Please be advised that at its meeting of October 16, 2019, Council of the Township of Springwater passed the following resolution:

**C456-2019**

Moved by: Coughlin

Seconded by: Cabral

Whereas the Township of Springwater supports the objects of balance on conservation, environmental stewardship, and sustainability to anchor its operations, planning, services, and strategic vision;

And Whereas the Township of Springwater understands the need for both the Province and its municipalities to deliver clear, costed, and sustainable programs and services for taxpayers;

And Whereas both tiers of government must assess all programs and services to eliminate duplication and balance costs on tests of affordability, health, safety, and environmental stewardship;

And Whereas the Minister of Environment, Conservation, and Parks signaled on August 16, 2019 of a need for conservation authorities to re-focus their operations related to core mandates as currently defined in the Conservation Authorities Act, 1990, R.S.O. 1990, c. C.27 and its prescribed regulations;

And Whereas the Minister of Environment, Conservation, and Parks signaled on August 16, 2019 that Conservation Authorities should not proceed with any increases to fees or levies;

Therefore Be It Resolved That the Township of Springwater supports any Provincial effort to require its municipal levy only apply to core mandated programs and services;

And That this resolution be forwarded to Premier Doug Ford, the Minister of the Environment, Conservation, and Parks, the Honourable Jeff Yurek, the County of Simcoe, all Ontario municipalities, the NVCA and Ontario's other 35 Conservation Authorities, and Conservation Ontario, signaling the Township of Springwater's

support of the Province's review, consultations and development of an updated Conservation Authorities Act and the willingness to participate in all consultations and submissions to the same.

**Carried**

Sincerely,



Renée Chaperon  
Clerk  
/cp

cc. Doug Ford, Premier of Ontario  
Jeff Yurek, Minister of Environment, Conservation and Parks  
The County of Simcoe  
Conservation Ontario  
Ontario municipalities  
Ontario Conservation Authorities



October 30, 2019

Hon Doug Ford  
Premier of Ontario  
Premier's Office  
Room 281  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

BY EMAIL ONLY

Dear Premier:

Re: Resolution from the Township of Springwater – Nottawasaga Valley Conservation  
Authority Levy

---

Please be advised that the Council of the Town of Wasaga Beach, during their October 29, 2019 Council meeting and at the request of the Township of Springwater, adopted the following resolution:

“Whereas the Township of Springwater, like all municipalities in Ontario must confront fiscal limitations and re-evaluate programs, services, and the financial sustainability of each;

And Whereas the Township of Springwater is a constituent municipality in portions of the watershed under the jurisdiction of the Nottawasaga Valley Conservation Authority and is compelled to remit non-negotiable levy funding to the Authority on an annual basis;

And Whereas the Township of Springwater cannot exercise line-item scrutiny of Nottawasaga Valley Conservation Authority's budget and operations nor does the Authority itself provide detailed substantiation of the same to its member municipalities like the Township of Springwater;

And Whereas the Township of Springwater must account for all taxpayer funds it expends within its operations and that it forwards to local agencies and boards;  
Therefore Be It Resolved That the Township of Springwater requests that the Nottawasaga Valley Conservation Authority provide prior to passage of its 2020 budget the following:

- (1) Its interpretation and understanding of its mandated operations as found in the current Conservation Authorities Act, 1990, R.S.O. 1990, c.C.27 and its prescribed regulations;
- (2) The costs of each as determined under (1);
- (3) Detailed definitions and determinations of what can be characterized as non-mandatory programming and services(s);
- (4) The costs of each as determined under (3);
- (5) Detailed definitions and determinations of fee-for-service activities of the Nottawasaga Valley Conservation Authority, the revenues they generate as the activities take place within and/or requests originate from geographic area of the Township of Springwater; and
- (6) The Costs that arise from programs and services enabled through the Memorandum of Understanding with the Severn Sound Environmental Association.

And That this resolution be circulated to Premier Doug Ford, the Minister of the Environment, Conservation, and Parks, the Honourable Jeff Yurek, the County of Simcoe, all Ontario municipalities, the NVCA and Ontario's other 35 Conservation Authorities, and Conservation Ontario."

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at [cao@wasagabeach.com](mailto:cao@wasagabeach.com) or (705) 429-3844 Ext. 2222.

Sincerely



George Vadeboncoeur  
Chief Administrative Officer

Enclosure.

- c. Hon. Jeff Yurek, Minister of the Environment, Conservations, and Parks  
County of Simcoe  
Nottawasaga Valley Conservation Authority  
Ontario Conservation Authorities  
All Ontario Municipalities



October 21, 2019

Nottawasaga Valley Conservation Authority  
8195 8<sup>th</sup> Line  
Utopia ON, L0M 1T0

**RE: Nottawasaga Valley Conservation Authority Levy**

---

Please be advised that at its meeting of October 16, 2019, Council of the Township of Springwater passed the following resolution:

**C457-2019**

Moved by: Coughlin

Seconded by: Moore

Whereas the Township of Springwater, like all municipalities in Ontario must confront fiscal limitations and re-evaluate programs, services, and the financial sustainability of each;

And Whereas the Township of Springwater is a constituent municipality in portions of the watershed under the jurisdiction of the Nottawasaga Valley Conservation Authority and is compelled to remit non-negotiable levy funding to the Authority on an annual basis;

And Whereas the Township of Springwater cannot exercise line-item scrutiny of Nottawasaga Valley Conservation Authority's budget and operations nor does the Authority itself provide detailed substantiation of the same to its member municipalities like the Township of Springwater;

And Whereas the Township of Springwater must account for all taxpayer funds it expends within its operations and that it forwards to local agencies and boards;

Therefore Be It Resolved That the Township of Springwater requests that the Nottawasaga Valley Conservation Authority provide prior to passage of its 2020 budget the following:

(1) Its interpretation and understanding of its mandated operations as found in the current Conservation Authorities Act, 1990, R.S.O. 1990, c.C.27 and its prescribed regulations;

(2) The costs of each as determined under (1);

(3) Detailed definitions and determinations of what can be characterized as non-mandatory programming and service(s);

(4) The costs of each as determined under (3);

(5) Detailed definitions and determinations of fee-for-service activities of the Nottawasaga Valley Conservation Authority, the revenues they generate as the activities take place within and/or requests originate from geographic area of the Township of Springwater; and

(6) The costs that arise from programs and services enabled through the Memorandum of Understanding with the Severn Sound Environmental Association.

And That this resolution be circulated to Premier Doug Ford, the Minister of the Environment, Conservation, and Parks, the Honourable Jeff Yurek, the County of Simcoe, all Ontario municipalities, the NVCA and Ontario's other 35 Conservation Authorities, and Conservation Ontario.

**Carried**

Sincerely,



Renée Chaperon  
Clerk  
/cp

cc. Doug Ford, Premier of Ontario  
Jeff Yurek, Minister of Environment, Conservation and Parks  
The County of Simcoe  
Conservation Ontario  
Ontario municipalities  
Ontario Conservation Authorities



# Township of Perry

PO Box 70, Emsdale, ON P0A 1J0

PHONE: (705)636-5941

FAX: (705)636-5759

[www.townshipofperry.ca](http://www.townshipofperry.ca)

November 8, 2019

The Honourable Doug Ford, Premier of Ontario  
Legislative Building , Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Ford:

## **RE: Transforming and Modernizing the Delivery of Ontario's Building Code**

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Please be advised that the Council of the Township of Perry, at its meeting held on November 6, 2019, passed the following resolution:

### **Resolution No. 2019-420**

Moved by: Joe Lumley

Seconded by: Jim Cushman

*WHEREAS the Province of Ontario has legislated in the Building Code Act that "the council of each municipality is responsible for the enforcement of this Act in the municipality" and "the council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction",*

*AND WHEREAS "the council of a municipality may pass by-laws applicable to the matters for which and in the area in which the municipality has jurisdiction for the enforcement of this Act",*

*AND WHEREAS the Province has asked local municipal governments to find efficient and cost effective ways to deliver municipal services is now asking these same municipalities to collect a tax on their behalf to create a new "Delegated Administrative Authority" to deliver services that have historically been the responsibility of the Ontario Government,*

*AND WHEREAS Premier Ford stated in his keynote address at the Association of Ontario Municipalities 2019 Conference that "we can't continue throwing money at the problem (broken systems) as our predecessors did, into top-down, big government schemes. That is neither compassionate nor sustainable",*

*AND WHEREAS alternative methods of building administration and enforcement have been proposed in this consultation that remove municipal authority but not the associated liability,*

*NOW THEREFORE LET IT BE RESOLVED that the Council of the Township of Perry requests that the Province of Ontario research their own efficient and cost effective means to deliver their own services, work with current building sector groups that, for the past fifteen years, have been filling the voids as the Ministry of Municipal Affairs and Housing has severely reduced its service delivery role and provide documented evidence based justification to all Ontario municipalities that the creation of a new "Delegated Administrative Authority" is necessary prior to any legislative changes to the Building Code Act, with regard to building service delivery, are introduced in the Legislature; and*

*FURTHER BE IT RESOLVED THAT a copy of this motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, The Honourable Jim McDonnell, Parliamentary Assistant for Municipal Affairs and Housing and The Honourable Norm Miller MPP for Parry Sound Muskoka; and*

*FURTHER BE IT RESOLVED THAT a copy of this motion be sent to the Associations of Municipalities of Ontario (AMO) and all Ontario Municipalities for their consideration.*

*Carried.*

Your attention to this matter is appreciated.

Yours truly,



Beth Morton  
Clerk-Administrator

BM/ec

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable Jim McDonnell, Parliamentary Assistant for Municipal Affairs and Housing  
The Honourable Norm Miller, MPP, Parry Sound-Muskoka  
Association of Municipalities of Ontario (AMO)  
All Ontario Municipalities



# Committee of Adjustment Minutes



**Thursday, October 10, 2019, 4:00 p.m.**

**Council Chambers, Guelph City Hall, 1 Carden Street**

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## **Members present:**

K. Ash, Chair  
D. Kendrick, Vice Chair  
S. Dykstra  
K. Meads  
J. Smith

## **Members Absent:**

D. Gundrum  
L. Janis

## **Staff Present:**

B. Bond, Zoning Inspector  
J. da Silva, Council and Committee Assistant  
S. Daniel, Engineering Technologist  
T. Di Lullo, Secretary-Treasurer  
L. Sulatycki, Planner  
A. Watts, Planner

## **Call to Order**

### **Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

### **Approval of Minutes**

Moved by D. Kendrick

Seconded by S. Dykstra

That the minutes from the September 26, 2019 special hearing of the Committee of Adjustment, be approved as circulated.

Carried

### **Requests for Withdrawal or Deferral**

#### **Application: B-14/19**

Owner: 43 Arthur Street South LP, 2590339 Ontario Inc.

Agent: Matthew Robson, Robson Development Consulting

Location: 43 Arthur Street South

In Attendance: N/A

Secretary-Treasurer T. Di Lullo noted that the agent for the application requested deferral to allow additional time to correct an error on the drawing. She recommended that the application be deferred sine die to provide the applicant with ample time for resubmission.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by D. Kendrick

Seconded by K. Meads

THAT application B-14/19 for 43 Arthur Street South, be **deferred** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

Reasons:

This application is deferred at the request of the agent to allow additional time to revise the application.

Carried

## **Current Applications**

### **Application: A-88/19**

Owner: Estate of Natalina Carere, c/o Aldo Carere

Agent: N/A

Location: 24 Carroll Crescent

In Attendance: A. Carere

Secretary-Treasurer T. Di Lullo clarified that the request section of the public notice indicated a maximum floor area of 110 square metres, when the applicant requested a maximum floor area of 118.02 square metres, as was noted in the proposal section of the public notice.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Carere, representative for the owner, responded that the sign was posted and comments were received.

No members of the public spoke.

Chair K. Ash recommended that the percentage of total floor area be rounded up to 42 percent to allow for additional flexibility in floor area.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by S. Dykstra

Seconded by K. Meads

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 24 Carroll Crescent, to permit an accessory apartment size of 118.02 square metres, or 42 percent of the total floor area of the dwelling, when the By-law requires that the accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be **approved**.

Reasons:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

### **Application: A-89/19**

Owner: Heather Margaret Lane

Agent: Paul Jackson, Birch Lane Builder

Location: 63 Arnold Street

In Attendance: H. Lane

P. Jackson

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. H. Lane, owner, responded that the sign was posted and comments were received.

H. Lane explained the application and displayed photos of the previous carport and enclosed porch, previous survey, as well as current photos of the dwelling and an example of the porch design.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements from Table 5.1.2 Row 6, Section 5.1.2.7 i), Section 4.13.2.1 and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 63 Arnold Street, to permit:

- a) a carport and the required off-street parking space to be located 2.4 metres from the front property line, when the By-law requires a minimum front yard setback of 6 metres or the average of the setbacks of the adjacent properties, and where the off-street parking space is located within a garage or carport, the setback for the garage or carport shall be a minimum of 6 metres from the street line, and that in a R.1, R.2 and R.3B Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and
- b) a 0 metre front yard setback for the proposed covered porch, when the By-law requires that an open roofed porch not exceeding 1 storey in height has a minimum setback of 2 metres from the front lot line,

be **approved**.

Reasons:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

**Application: A-90/19**

Owner: Wesley Woods Ltd.

Agent: N/A

Location: 425 Watson Parkway North

In Attendance:           A. Allendorf  
                              M. Borg  
                              S. Bryant  
                              P. Thompson  
                              S. Weaver

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from M. Hitchcock, resident of Shackleton Drive, with concerns about the application. A copy of the correspondence was provided to the committee members.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Allendorf, representative of the owner, responded that the sign was posted and comments were received.

A. Allendorf explained the application and showed the proposed site plan.

Member S. Dykstra recommended that the application be approved with a condition preventing the internal amenity area from being converted to residential or commercial units in the future. A. Allendorf responded that the condition was unnecessary as the internal amenity space is part of the common amenity area calculation. Planner L. Sulatycki explained that the condition is not necessary because any conversion would require a future minor variance approval as the property would be further deficient in amenity area than what was originally applied for.

M. Borg, resident of Severn Drive, expressed concerns that greater flexibility in rules are given to developers versus individual home owners, as well as concerns with congestion and increased density.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by S. Dykstra

Not seconded

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section

5.4.2.4.1, Section 4.16.2 and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 425 Watson Parkway North, to permit:

- a) a minimum common amenity area of 2,384.55 square metres, when the By-law requires that the minimum common amenity area is not less than 30 square metres per dwelling unit for each unit up to 20, and for each additional dwelling unit, not less than 20 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres (a minimum of 2,980 square metres of common amenity area is required based on 139 dwelling units);
- b) an angular plane to the street of 51 degrees, when the By-law requires, an angular plane applied to a street to be a maximum of 45 degrees; and
- c) underground parking spaces to be a minimum of 2.75 metres by 5.5 metres in size, when the By-law requires that the minimum parking space dimensions be 3 metres by 6 metres within a garage or carport,

be **approved**, subject to the following condition:

1. That the internal amenity areas are not converted into residential or commercial units.

Not carried

The motion to approve with a condition was not carried as there was no seconder.

Moved by D. Kendrick

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.4.2.4.1, Section 4.16.2 and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 425 Watson Parkway North, to permit:

- a) a minimum common amenity area of 2,384.55 square metres, when the By-law requires that the minimum common amenity area is not less than 30 square metres per dwelling unit for each unit up to 20, and for each additional dwelling unit, not less than 20 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres (a minimum of 2,980 square metres of common amenity area is required based on 139 dwelling units);
- b) an angular plane to the street of 51 degrees, when the By-law requires an angular plane applied to a street to be a maximum of 45 degrees; and
- c) underground parking spaces to be a minimum of 2.75 metres by 5.5 metres in size, when the By-law requires that the minimum parking space dimensions be 3 metres by 6 metres within a garage or carport,

be **approved**.

Reasons:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

### **Application: A-91/19**

Owner: Mirexus Biotechnologies Inc., 10347779 Canada Inc.

Agent: Andy Briski, Ramar Contractors Inc.

Location: 590 Hanlon Creek Boulevard

In Attendance:       A. Briski  
                              L. May

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Briski, agent, responded that the sign was posted and comments were received.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by S. Dykstra

Seconded by K. Meads

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements from Table 7.4 Row 4, Section 7.4.4.5 and Section 4.13.1 of Zoning By-law (1995)-14864, as amended, for 590 Hanlon Creek Boulevard, to permit:

- a) a left side yard setback of 1.42 metres for the proposed industrial mall, when the By-law requires a minimum side yard setback of 6 metres;
- b) a minimum of 31 parking spaces, when the By-law requires 1 parking space per 50 square metres up to 1,000 square metres of gross floor

area, and 1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area (total of 36 parking spaces required based on a gross floor area of 2,577.6 square metres); and

- c) 5 additional off-street parking spaces for 590 Hanlon Creek Boulevard to be located at the adjacent property 574 Hanlon Creek Boulevard, when the By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking,

be **approved**, subject to the following condition:

1. That prior to the issuance of site plan approval, the property owner shall enter into an agreement with the owners of 574 Hanlon Creek Boulevard and the City, secured on title to both properties agreeing to ensure the continued availability of five (5) parking spaces at 574 Hanlon Creek Boulevard as shown on the Public Notice sketch.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

### **Application: B-13/19**

Owner: Fabpiovesan Holdings Inc.

Agent: Joe Lakatos, AJ Lakatos Planning Consultant

Location: 51-53 College Avenue West

In Attendance: J. Lakatos

Secretary-Treasurer T. Di Lullo noted that correspondence was received from J. Lakatos, agent for the application, indicating that he was satisfied with the recommendation and conditions. A copy of the correspondence was provided to the Committee members.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Lakatos, agent, responded that the sign was posted and comments were received.

No members of the public spoke.



Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by D. Kendrick

Seconded by K. Meads

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 8, Registered Plan 283, currently known as 51-53 College Avenue West, a parcel with frontage along College Avenue West of 7.8 metres and an area of 285.6 square metres, substantially in accordance with a sketch prepared by L.G. Woods Surveying Inc., file number 17-1043REF, be **approved**, subject to the following conditions:

1. That prior the issuance of Certificate of Official, the owner(s) shall deed a 3.787 metres wide road widening along the frontage of 51-53 College Ave West, at no cost to the City, free of all encumbrances and at no risk to public health and safety and to the environment.
2. That prior to issuance of Certificate of Official, the owner(s) applies to the satisfaction of the City Solicitor for an encroachment agreement and obtains approval for the encroachment of all items including but not limited to the front porch.
3. That prior to issuance of Certificate of Official, the owner(s) shall complete the SSQ (Site Screening Questionnaire) in accordance with the City of Guelph guidelines for development of contaminated or potential contaminated sites.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

7. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

## **Staff Announcements**

Secretary-Treasurer T. Di Lullo noted that in order to more efficiently conduct the work of the Secretary-Treasurer it was necessary to appoint a Deputy Secretary-Treasurer with all of the authority and powers of the Secretary-Treasurer.

Moved by D. Kendrick

Seconded by J. Smith

That Juan da Silva be appointed as Deputy Secretary-Treasurer pursuant to Section 44(8) of the Planning Act, R.S.O. 1990, c. P.13.

Carried

Chair K. Ash acknowledged the decision from the Local Planning Appeal Tribunal (LPAT) regarding the appeal of the minor variances for 15 Dumbarton Street (file A-21/19). The LPAT authorized the variances subject to conditions.

## **Adjournment**

Moved by K. Meads

Seconded by D. Kendrick

That this hearing of the Committee of Adjustment be adjourned at 4:39 p.m.

Carried

**"Original signed by"**

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K. Ash

Chair

**"Original signed by"**

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T. Di Lullo

Secretary-Treasurer