



**City of Kingston
Planning Committee
Meeting Number 04-2019
Addendum
Thursday January 24, 2019
6:30 p.m., Council Chamber, City Hall**

Correspondence

- a) Correspondence received from Anastasia M. Lintner, dated January 17, 2019, regarding Bill 66, the proposed Restoring Ontario's Competitiveness Act, 2018.

Schedule Pages 1 – 2

Please Note: A motion regarding this matter will be considered by Council on February 5, 2019.

From: Anastasia Lintner
Sent: January 17, 2019 12:50 PM
To: Neill,Jim; Chapelle,Simon; Hill,Wayne; Hutchison,Rob; Kiley,Robert; Osanic,Lisa
Cc: Thompson,James
Subject: Bill 66, the proposed Restoring Ontario's Competitiveness Act, 2018

Dear Chair and Members of the City of Kingston Planning Committee,

As a resident of Kingston, I am deeply concerned about the new “open-for-business planning by-law” tool being proposed in Schedule 10 of Bill 66. Municipalities, planners, and non-government organizations are concerned about the lack of transparency and accountability, as well as the avoidance of protections for drinking water sources and natural heritage, and the legal and regulatory uncertainty likely to come from passing Schedule 10 in Bill 66 as it is currently drafted.

I am proud to live in the City of Kingston and proud of our accomplishments and commitments to sustainability. We are committed to being Canada’s Most Sustainable City. We are committed to improving and enhancing engagement with the community. Many have worked together on a multi-stakeholder committee to create and implement the Cataraqui Source Protection Plan. And, Kingston has recently reviewed, with extensive public input, our Official Plan. The proposed “open-for-business planning by-law” tool runs counter to what I believe is Kingston’s vision and commitment to planning both with and for our community.

As part of my professional work, I am Special Projects Counsel, Healthy Great Lakes at the Canadian Environmental Law Association. As concluded in Canadian Environmental Law Association’s lengthy submission (available online at <https://www.cela.ca/sites/cela.ca/files/1234-CELABrief-Bill66.pdf>):

“In our view, there is no persuasive legal, jurisdictional or environmental rationale for revising the Planning Act in the manner proposed by Schedule 10 of Bill 66. In addition, CELA concludes that exempting open-for-business planning by-laws from important procedural and substantive protections under the Planning Act and other key provincial laws is wholly unnecessary, contrary to the public interest, and potentially threatens the environment and public health.” (p1)

I urge the Planning Committee to recommend that Kingston’s City Council pass a resolution expressing opposition to Schedule 10 in Bill 66 and indicating that, in the event that the proposed Bill 66 is enacted, the City of Kingston will not make use of the open-for-business planning by-law. Draft resolution language is attached, in case it proves useful in your deliberations.

If the Planning Committee will be considering Bill 66 at the upcoming meeting on 24 January 2019, I would be available to appear in delegation, if appropriate.

Regards,

Anastasia

Anastasia M. Lintner, PhD, LLB

Principal

Lintner Law

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Draft Resolution:

Keeping Kingston open for business without jeopardizing safe drinking water and other environmental protections.

WHEREAS, the Government of Ontario has introduced Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts; and

WHEREAS, Schedule 10 of Bill 66 would amend the *Planning Act* to allow municipalities to pass "open-for-business planning by-laws"; and

WHEREAS Bill 66 would allow open-for-business planning by-laws to override important planning, drinking water, agricultural and other environmental protections contained in the *Clean Water Act, 2006*, the Provincial Policy Statement, official plans, and other provincial policies, plans, and legislation; and

WHEREAS no notice or public hearing is required prior to the passing of an open-for-business planning by-law nor any appeals rights thereafter; and

WHEREAS the continued legislative protection of our water – groundwater, surface water and waterways – is vitally important for the current and future environmental and human health of our community; and

WHEREAS, protections included in the *Clean Water Act, 2006* and in the corresponding approved Cataraqui Source Protection Plan are critical to the health of Kingston residents;

WHEREAS Kingston's Official Plan reflects our community's vision current and future planning, including clearly designating land that is environmentally protected, as well as clearly designating land to meet future employment land needs;

THEREFORE BE IT RESOLVED, THAT the City of Kingston opposes Schedule 10 of Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts; and

BE IT FURTHER RESOLVED THAT the Government of Ontario be requested to reconsider the proposed changes to the Planning Act included in Schedule 10 of Bill 66; and

BE IT FURTHER RESOLVED THAT a copy of this motion be distributed to: Premier Doug Ford, the leaders of all parties represented in the Legislature, the Minister of Economic Development, Job Creation and Trade, the Minister of Municipal Affairs and Housing, and the Association of Municipalities of Ontario; and

BE IT FURTHER RESOLVED THAT notwithstanding the future adoption of Bill 66, the City of Kingston will not exercise the powers granted to it in Schedule 10 or any successor sections or schedules to pass open-for-business planning by-laws.