



May 24, 2019

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

RE: BILL 108

Dear Premier;

This will confirm that at a meeting held on May 14, 2019, the Council of the City of Markham adopted 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 to make decisions on how our communities evolve and grow; and,

WHEREAS the City of Markham requests that the proposed changes to the Planning Act provide greater deference than that previously afforded to local, municipal decisions on development applications, by restoring the test under the Planning Act that appeals must be on the basis that the municipal decision is not consistent with the Provincial Policy Statement, fails to conform with a provincial plan, or fails to conform with the local and regional Official Plan(s);and,

WHEREAS the City of Markham requests that the tribunal framework, restore the previous ability for participants in Local Planning Appeal Tribunal hearings to provide in person evidence in a hearing; and,

WHEREAS, the City of Markham recognizes that proposed grouping together of a variety of community services, including parkland dedication, under community benefits charge framework and subject to a monetary cap will limit a municipality's ability to continue to provide parks, and a range of community services and facilities at a consistent and equitable level of service across the municipality, and requests that the previous Development Charge "soft services" be maintained and separated from the community benefit charge under the proposed Bill 108; 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.

NOW THEREFORE BE IT RESOLVED:

1. That the City of Markham oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and
2. That the City of Markham supports the positive changes within Bill 108 such as: 1. removing the requirement for low risk projects to undertake environmental assessments; 2. appointing more Local Planning Appeal Tribunal adjudicators to deal with appeals; 3. streamlining the planning process provided that the planning processes are streamlined at both the provincial and local levels; 4. the removal of the 10% discount for determining development charges for hard services; and,

3. The City of Markham 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,
4. 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 further that a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kimberley Kitteringham', with a long horizontal stroke extending to the right.

Kimberley Kitteringham
City Clerk

Cc: The Honourable Christine Elliott, Deputy Premier
The Honourable Steve Clark, Minister of Municipal Affairs
The Honourable Andrea Horwath, Leader of the New Democratic Party,
All MPPs in the Province of Ontario
Association of Municipalities of Ontario (AMO) and all Ontario municipalities