

Ministry of Municipal Affairs and Housing

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November 18, 2020

Office of the Chief Administrative Officer
Office of the Commissioner of Planning/Commissioner of Public Works
Director's Office – Planning/Public Works Department

Re: Ontario Rebuilding and Recovery Act: Accelerating Infrastructure Initiatives Municipal Engagement

Dear Municipal Partners,

As you may be aware, on October 22, 2020, the Province introduced the Ontario Rebuilding and Recovery Act, 2020: Accelerating Infrastructure Projects – a package of legislative measures, policy changes, and communication opportunities that would accelerate the delivery of major public (infrastructure) projects. The details of the announcement can be found [here](#).

As part of the Ontario Rebuilding and Recovery initiative, the Ministry of Municipal Affairs and Housing is working together with the Ministry of Transportation, Ministry of Infrastructure and other partner ministries to consult with municipalities to better understand the challenges and barriers they are facing in delivering local linear infrastructure projects. We will also explore what new authorities municipalities may need to accelerate the delivery of these projects, considering the accelerating measures recently included in the *Building Transit Faster Act*, the *COVID-19 Economic Recovery Act, 2020*, the proposed Ontario Rebuilding and Recovery legislative package, and other potential authorities and tools.

The anticipated outcomes of the proposed municipal consultation for accelerated delivery of municipal infrastructure projects include, but are not limited to:

1. Improving our understanding of the challenges and barriers to expediting municipal infrastructure delivery;
2. Determining whether the authorities in the *Building Transit Faster Act, 2020* (BTFA) could offer potential solutions if made available to municipalities;
3. Exploring potential additional accelerating authorities that may be of benefit to municipalities;
4. Considering how municipal infrastructure projects could be designated by the province as priorities to support economic recovery.

Additional background material on the overview of the BTFA authorities (see Appendix C) are attached for your reference.

As part of these municipal consultations, my ministry together with partner ministries, is requesting written input from our municipal partners across the province. For your reference, we have attached a copy of the discussion questions and parameters for discussion to guide your submission (see Appendix A and B). We are also reaching out through other municipal forums such as Association of Municipalities of Ontario (AMO-MOU), Toronto-Ontario Cooperation and Consultation Agreement (T-OCCA), the Provincial-Municipal Technical Working Group, Regional Planning Commissioners of Ontario (RPCO) Regional Public Works Commissioners of Ontario (RPWCO) and the Municipal Engineers Association (MEA).

Your invaluable insight and perspectives will help inform any recommendations we will make going forward. We want to hear from you regarding on-the-ground challenges municipalities like yours may be experiencing, and any suggestions you may have that offer potential solutions to help expedite priority local infrastructure projects. Informed by these consultations, my ministry, working with partner ministries, plan to develop proposals to bring forward for Spring 2021.

We have prepared an online survey, available [here](#), with some discussion questions to gather your feedback and perspectives. If you prefer to provide us with a written submission, we encourage you to submit your input to PlanningConsultation@Ontario.ca by December 18, 2020. In the meantime, if you have any questions, please feel to contact Sean Fraser, Director or the Provincial Planning Policy Branch, at Sean.Fraser@Ontario.ca.

Once again, please accept our sincere thanks for your support and we look forward to engaging with you on this important government initiative.

Yours truly,



Kate Manson-Smith
Deputy Minister
Ministry of Municipal Affairs and Housing

Cc: Jonathan Lebi, ADM, Local Government and Planning Policy
Sean Fraser, A/Director Provincial Planning Policy Branch

Appendix A: Questions for Discussion, *Ontario Rebuilding and Recovery Act:* Municipal Consultations

Part 1. Problem Identification

- Q1: What are the challenges/barriers that your municipality is facing in moving funded and planned priority infrastructure forward?
- Q2: Which of these challenges/barriers are best addressed municipally through existing functions?

Part 2. *Building Transit Faster Act, 2020* Authorities

- Q3: Can or should the authorities included in the BTFA be made available to support municipal infrastructure?
- Q4: Which authorities should be scoped for municipal application? Are there any limitations to municipal application?
- Q5: Which authorities should/could be used in partnership with the Province?

Part 3. How to Use/Apply Potential New Authorities

- Q6: What types or categories of infrastructure projects should we consider for any new authorities?
- Q7: What key considerations or criteria should be used to assess any proposed new municipal authorities?
- Q8: How might an infrastructure project be identified or designated as being eligible to benefit from the accelerating authorities?
- Q9: What obligations should run with any delegated/granted new authorities (e.g. public consultation)?

Part 4. Other Considerations

- Q10: What other authorities beyond the BTFA would be helpful to meet municipal infrastructure challenges?
- Q11: Can you foresee any challenges or obstacles with potential new authorities for municipalities?
- Q12: With what other parties and/or stakeholders should the province engage on this topic?

Appendix B: Parameters for Discussion, *Ontario Rebuilding and Recovery Act*: Municipal Consultations

The following describes what is in-scope and what is out-of-scope for consideration of accelerating authorities for the delivery of municipal infrastructure projects:

In Scope

- New municipal authorities like the authorities of the BTFA for municipal transportation infrastructure (regional roads, corridors)
- New municipal authorities like the authorities of the BTFA applied to other infrastructure (water, sewer, other linear corridors)
- New authorities that were not included in the BTFA

Out of Scope

- EA modernization is ongoing and is a separate initiative
- Provincial approvals/fast-tracking the land use planning and development approvals (e.g., MZOs) and permitting process—ongoing and involves separate initiatives of a number of different ministries
- Municipal buildings and vertical infrastructure
- Funding, loans and other financial or tax support
- Other aspects of the Ontario Rebuilding and Recovery initiative

Appendix C: Overview of the accelerating authorities provided under the *Building Transit Faster Act, 2020*

The *Building Transit Faster Act, 2020* (*BTFA* or *Bill 171*) received Royal Assent on July 8, 2020, and includes several measures designed to address challenges, accelerate timelines, reduce project delivery risk, and enable stronger partnerships in respect of the delivery of four priority transit projects. Many of the Act's provisions are intended as a "back-stop" in their application, with the commitment that the Province would first use a collaborative approach to reach agreements with necessary parties.

These new authorities for accelerating priority transit projects include:

1. Corridor Development Permits

- Require development and construction activities in the transit corridor land to obtain a permit
- Aids in coordinating activities in the corridor and managing timing of construction to reduce impacts to safety, schedule and budget
- Intent is to collaborate with proponents throughout the permit process, allows for the Minister of Transportation to establish a process for proponents to seek a review of permit decisions.
- Includes an escalating enforcement regime to support compliance

2. Ability to Enter Land

- Ability to enter transit corridor lands to conduct preview inspection, obstruction removal and construction danger inspection and elimination work during planning and construction phases, without consent of the property owner
- Limits and obligations include: notice, time of day restrictions, no entry to dwellings, restoration of property, compensation for damages or removals

3. Land Assembly

- Exempt lands from Hearing of Necessity requirements under the *Expropriations Act* for land that is at least partially on the transit corridor land
- Enables the Minister to establish an alternative process for considering comments from landowners about a proposed expropriation and for considering those comments, potentially saving five months from land assembly timelines
- Every effort made to negotiate amicable land purchases before expropriation

4. Utility Company Coordination

- Enhanced process to coordinate utility relocations to support better management of project schedule and costs
- Provides clear process for dispute management, including mechanism to permit the seeking of compensation from utilities when work not completed on time or court order upon failure to comply

5. Municipal Service and Right-of-Way-Access

- Ability of the Minister of Transportation to issue an order outlining conditions for the use or modification of municipal assets where negotiations are unsuccessful
- Provides certainty that transit works can proceed where a negotiated agreement not reached
- Intent to work collaboratively with municipalities and only used as a last measure