
REPORT TITLE: **Update on Bill 222: Ontario Rebuilding and Recovery Act**

FROM: Andrea Warren, Interim Commissioner of Public Works

RECOMMENDATION

That the comments on *Bill 222: Ontario Rebuilding and Recovery Act*, outlined in the report of the Interim Commissioner of Public Works, titled “Update on *Bill 222: Ontario Rebuilding and Recovery Act*”, be endorsed;

And further, that a copy of the subject report be forwarded to the Ministry of Transportation, the Ministry of Municipal Affairs and Housing, the City of Brampton, the Town of Caledon and the City of Mississauga.

REPORT HIGHLIGHTS

- On October 22, 2020, the Provincial government introduced *Bill: 222 Ontario Rebuilding and Recovery Act*. The Bill received third reading on December 3, 2020, which was the day of the Provincial legislature, and received Royal Assent on December 8, 2020.
- The legislative changes introduced through *Bill 222* are aimed at providing the Province and municipalities with legislative tools to expedite major public transportation initiatives.
- The Ministry of Municipal Affairs and Housing has invited municipalities to consult with Provincial ministries on the challenges and barriers to deliver local linear infrastructure.
- Staff are supportive of the goals of accelerating the delivery of major Provincial public infrastructure projects such as transit, highways and local linear infrastructure projects and provided a comment letter back to the Province on November 23, 2020.
- Regional comments and a summary of the legislative changes are highlighted in Appendix III of the report and Council endorsement is sought of the staff comments.

DISCUSSION

1. Background

On October 22, 2020, the provincial government introduced *Bill 222: Ontario Rebuilding and Recovery Act* which introduced a number of legislative measures, policy changes and communication opportunities to accelerate the delivery of major public (infrastructure) projects (Appendix I). The Bill received third reading on December 3, 2020, which was the last day of the provincial legislature, and received Royal Assent on December 8, 2020.

Many aspects of the legislation are aimed at providing municipalities and the Province with the tools required to expedite major public transportation initiatives. On November 18, 2020, the province sent further communication outlining their intention to consult with municipalities to better understand the challenges and barriers to expediting local municipal infrastructure projects (Appendix II). The correspondence from the Ministry of Municipal

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Affairs and Housing has also initiated new discussions between municipalities and Provincial agencies on measures that can help streamline the approval and construction of local linear infrastructure projects.

Accelerating the delivery of major public infrastructure projects such as transit, highways and local linear infrastructure may support the Region in optimizing the location and servicing of growth in a financially sustainable manner. Regional Council has advocated in the past for the advancement of key transit projects such as commuter GO Rail service to Bolton, two-way all-day service on the Milton and Kitchener GO Lines, and the Airport segment of the Eglinton West Crosstown Light Rail Transit (LRT). These projects will support the continued development of complete and sustainable communities in Peel.

Staff remain committed to working with the Province to assist in Ontario's economic recovery to the COVID-19 pandemic in order to strengthen communities, create jobs and increase critical services within the Region of Peel.

The following provides an overview of changes introduced through Bill 222 and staff comments. The Region's comments were provided to the Ministry of Transportation on November 23, 2020 (Appendix III).

2. Changes Introduced through Bill 222: Ontario Rebuilding and Recovery Act

a) Schedule 1 – *Building Transit Faster Act, 2020*

Schedule 1 of Bill 222 would amend the *Building Transit Fast Act, 2020* to allow other provincial transit projects to be prescribed for the purpose of the definition of "priority transit project". For example, hearings of necessity would be eliminated or streamlined for property expropriation in certain circumstances.

Regional staff had no objections to the proposed amendment; however the Province was requested to clarify how "priority transit projects" will be determined and what, if any, Provincial planning guidance (i.e. Greater Golden Horseshoe Transportation Plan, Metrolinx Regional Transportation Plan) will inform the selection of priority transit projects moving forward.

Additional comments from Regional staff recommended that, in order to enhance the Region's infrastructure planning, it would be helpful to receive advance notice for any projects under consideration for priority designation within the Region of Peel. Additionally, in the event of a significant conflict between critical Regional infrastructure subject to expropriation for a transit priority project, it is important that the Province consult with the Region on the process for expropriation and outline the mechanisms for feedback.

Further, staff recommended that GO Transit projects and other LRT projects in Peel be considered as future "priority transit projects", which have been endorsed as advocacy priorities with Regional Council. These include, but are not limited to:

- Commuter GO Rail Service to Bolton
- Two-way, all day, 15-minute Rail Service on the Milton GO line
- Two-way, all day, 15-minute Rail Service on the Kitchener GO line from Union Station to Bramalea GO Station and further to Mount Pleasant GO

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- The Airport Segment of the Eglinton Crosstown West LRT Extension (Renforth Station to Toronto Pearson Airport)
- GTA West (Transitway)

As additional transit projects are endorsed by Regional Council and as further guidance is provided on the selection of priority transit projects, additional Peel projects would be identified for consideration as future 'priority transit projects'.

b) Schedule 2 – *Public Service Works on Highways Act*

Schedule 2 of Bill 222 would amend the *Public Service Works on Highways Act*. Direction is provided to require a utility company that fails to comply with certain notices or orders under the Act to, comply with the order or authorize a road authority to carry out the work described in the notice. The Region had no objections to the proposed amendments. However, comments were provided requesting that the Province clarify whether there will be a mechanism in place to address the costs associated with re-locating Regional utilities such as water and wastewater infrastructure, as well as municipal roads.

Staff noted that, based on each project initiative, Regional staff would need to examine various opportunities to resolve conflicts and to keep costs/cost sharing and timing at a minimum. These efforts may impact staffing levels and require additional resources and attention for a period of time to facilitate the acceleration of priority projects.

Further, staff recommended that the Province provide a process for municipalities including regional and local bodies to be consulted prior to the relocation of utilities and infrastructure to ensure coordination and efficiency, while also considering the costs associated with their re-location and full life cycle costs of existing infrastructure.

c) Schedule 3 – *Transit Oriented Communities Act, 2020*

Schedule 3 of Bill 222 would amend the *Transit Oriented Communities Act, 2020* to permit other provincial transit projects to be prescribed by Regulation as "priority transit projects". A new section would also give powers to the Minister of Transportation for the purpose of investing assets in, supporting or developing transit-oriented community projects related to provincial priority transit projects.

Regional staff requested clarity on the determination of "priority transit projects". Staff also requested further clarification on the definition of the Eglinton Crosstown West Extension priority project, which identifies that the project will extend westward from the Mount Dennis Station in the City of Toronto. Staff recommended that, as part of its work to determine priority projects, the Province formally acknowledge the LRT extension westward to Renforth Station in Mississauga and further to Toronto Pearson International Airport.

2. Accelerating Infrastructure Initiatives Municipal Engagement

On November 18, 2020, the Ministry of Municipal Affairs and Housing sent a follow up communication to the Region of Peel inviting municipalities to consult with Provincial ministries to better understand the challenges and barriers when delivering local linear infrastructure projects. As part of this communication, the Province is seeking to gain

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insights and perspectives regarding on-the-ground challenges municipalities may have, and potential solutions to expedite municipal infrastructure projects.

A set of questions were distributed requesting written input from municipalities that will help inform any recommendations moving forward. As a part of these consultations, Provincial ministries intend to develop proposals to bring forward for Spring 2021.

Staff coordinated with Regional program areas to provide a consolidated response to the municipal engagement questions prior to the December 18, 2020 deadline.

FINANCIAL IMPLICATIONS

The Region supports Provincial initiatives and opportunities to fast track infrastructure projects that will optimize the location and servicing of growth to support financially sustainable complete communities. Major capital projects such as transit investments may be leveraged to support the development and enhancement of transit oriented complete communities in Peel. As the COVID-19 crisis has highlighted financial challenges associated with Regional revenues, such as reduced development charge revenues, future opportunities to fast-track infrastructure projects will require additional funding from the Province to expedite project delivery.

It should be noted that costs may be incurred associated with relocating Regional infrastructure such as water and wastewater, and municipal roads. Through future consultation with the Province, Regional staff seek to clarify cost sharing arrangements to ensure coordination and efficiency where infrastructure conflicts may arise.

CONCLUSION

Bill 222: Ontario Rebuilding and Recovery Act introduces a package of legislative measures, policy changes and communication opportunities tied to accelerating the delivery of public infrastructure projects. These changes build on previous legislative changes, including *Bill 197: COVID-19 Economic Recovery Act, 2020*, which also aimed at stimulating Ontario's economic recovery from the COVID-19 crisis.

Staff look forward to continuing to work with the Province to accelerate the delivery of major provincial public infrastructure projects in Peel, as well as finding ways to expedite local municipal infrastructure delivery such as water and wastewater linear infrastructure.

Staff will be engaged through the provincial ministry communication opportunities and consultations identified by the Ministry of Municipal Affairs and Housing and note the Province's intention to bring forward additional legislative changes in the Spring of 2021. Staff will continue to report to Council on these initiatives.

APPENDICES

Appendix I – Bill 222: Ontario Rebuilding and Recovery Act, 2020

Appendix II – Letter from the Ministry of Municipal Affairs and Housing on Ontario Rebuilding Recovery Initiative

Appendix III – Bill 222 Region of Peel Response Letter

Appendix IV – Responses to the Ministry of Municipal Affairs and Housing Survey

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For further information regarding this report, please contact Adrian Smith, Interim Chief Planner and Director of Regional Planning and Growth Management 905-791-7800 Ext. 4047, Adrian.Smith@peelregion.ca

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Reviewed and/or approved in workflow by:

Department Commissioner and Division Director.

Final approval is by the Chief Administrative Officer.

A handwritten signature in black ink, appearing to read "James Baker". The signature is written in a cursive style with a large, looping initial "J".

J. Baker, Chief Administrative Officer