

June 10, 2019

The Legislature Rises and Waste Related Developments

Last week the Ontario Legislature rose for the summer. Pending a surprise or emergency sitting, it is not expected to return until after the federal election on October 28th. Several bills of municipal interest passed in the final days of the spring session.

Last week was also a big week for the Blue Box Program. The provincial announcement on full producer responsibility was also complemented earlier today by an announcement from the federal government on its intention to take action on single use plastics.

Here are the top developments you need to know about with information on these announcements:

1. Key Legislation of municipal interest is now law in Ontario

The legislature passed three keys bills of municipal interest: Bill 107, Bill 108 and Bill 117. These are now law in Ontario. The provincial government also introduced legislation to cap public sector compensation (Bill 124). This proposed legislation will remain at first reading until the return of the House. Notably, it does not affect municipal governments.

Bill 107 makes [legislative amendments related to transportation safety](#). Municipal governments can now charge administrative monetary penalties to drivers for passing an extended school bus stop arm outfitted with a camera. Evidentiary rules will be established through regulation. As well, off-road vehicles are now automatically permitted onto municipal roads unless expressly prohibited by municipal bylaw.

The passing of **Bill 108** means a return to *de novo* land use planning appeal hearings and old OMB rules under the new Local Planning Appeal Tribunal. Bill 108 also makes

significant changes to when and how development charges are to be collected and introduces a new Community Benefit Charges to replace height and density bonusing under Section 37 of the *Planning Act*, soft services, and parkland. Other changes include the shortening of planning process timelines, new limits on inclusionary zoning, changes to endangered species rules, environmental assessment reforms and changes to built heritage designation rules. For more information on the municipal impacts of Bill 108, click [here](#).

Bill 117 makes changes to the *Ontario Society for the Prevention of Cruelty to Animals Act* in light of the OSPCA's decision to stop enforcing animal cruelty rules effective June 28th. AMO has warned the province that downloading enforcement responsibilities onto municipal government will negatively affect local budgets. For the interim, Bill 117 introduces measures until a new animal cruelty protection system is ready by 2020. Ontario can now appoint a Chief Inspector who in turn has the power to appoint Inspectors to enforce the Act. AMO expects interested OSPCA-affiliates to express a willingness to continue carrying out the enforcement function. Willing municipal governments may also wish to express interest.

2. The Province Announces Facilitator for Blue Box Transition to Full Producer Responsibility

On Friday, June 7th, the Minister of Environment, Conservation and Parks [announced](#) that [David Lindsay](#) has been retained to facilitate a process between municipal governments, producers and other stakeholder to transition the Blue Box program to full producer responsibility.

The facilitator's work is to be guided by the following policy objectives (which are reflective of municipal advocacy):

- Standardization across the province of what can be recycled in offices, parks, public spaces and homes;
- Improve diversion rates and increase what materials can be recycled;
- Reduce litter and waste in communities and parks;
- Improve Ontario's Blue Box program by requiring producers to pay for the recycling of the products they produce, through achieving producer responsibility; and,

- Maintain or improve frequency of Blue Box collection.

The role of the facilitator is two-fold:

1. A mediation role to foster discussion and help producers, municipalities and other stakeholders to move closer to or reach agreement on key issues; and,
2. An advisory role to provide the Minister with advice on how these issues may be best addressed to ensure Ontario's recycling system is more consistent, reliable and cost-effective for Ontarians.

The facilitator's report is due to the Minister by July 20, 2019.

The province has assured AMO that municipal governments will be involved in provincial engagement. The development is good news and moves municipal governments a step closer to our objective of getting the blue box program to full producer responsibility.

3. Federal Government Announces Plan on Plastic Waste

The province's move to full producer responsibility aligns well with today's [announcement from the Government of Canada](#) that it will work with governments and businesses across the country to ban harmful single-use plastics as early as 2021 where supported by scientific evidence (i.e. plastic bags, straws, cutlery, plates, and stir sticks). The federal government also commits to work with provinces and territories to introduce standards and targets for companies that manufacture plastic products or sell items with plastic packaging so they become responsible for their plastic waste.

AMO will continue to monitor and work with the Federation of Canadian Municipalities (FCM) and other stakeholders on these initiatives. These actions are in keeping with the advice provided by municipalities at the outset of these consultations.