

May 10, 2024

Ernie Hardeman, MPP, Chair
Vanessa Kattar, Committee Clerk
Standing Committee on Finance and Economic Affairs
Whitney Block, Room 1405, 99 Wellesley Street W
Toronto, ON M7A 1A2

RE: Bill 185, Cutting Red Tape to Build More Homes Act, 2024

Dear Chair Hardeman and Committee Members,

Mondelez Canada Inc. (“Mondelez Canada”) is the second largest branded manufacturer in snacks in the Province of Ontario (“Province”), manufacturing and marketing some of Canada’s best loved food brands, including Oreo, Ritz and Cadbury.

Mondelez Canada is a major employer, employing over 2,500 people across five manufacturing sites and two distribution facilities in Ontario. Mondelez Canada has invested more than \$250 million into its urban-based factories in the last few years alone – improving productivity and competitiveness and helping to create and retain jobs in the Province. Our Ontario manufacturing facilities include:

- East York Bakery located 5 Bermondsey Road, Toronto;
- Bertrand Plant located at 40 Bertrand Avenue, Toronto;
- Scarborough Bakery located at 370 Progress Avenue, Toronto;
- Hamilton Plant located at 45 Ewen Road, Hamilton; and
- Gladstone Facility located at 277 Gladstone Avenue, Toronto.

Preserving employment areas is of critical importance if the Province is to remain economically vital and competitive. While we understand the urgency of building more housing in the Province, we are concerned about residential projects that may intrude on employment areas that have established manufacturing and/or industrial operations. This will certainly lead to conflicts between manufacturers, as key employers in the Province, with those residential projects on issues such as odour, noise and air quality. These conflicts can ultimately affect the continued ability of those manufacturers to operate.

In this context, we have serious concerns about the implications of Bill 185 which proposes to remove the right of third parties to appeal land use planning decisions. Removing third party appeal rights will have negative impacts on the continued viability of employment and potentially have a negative impact on thousands of workers in Ontario. Our concerns are with respect to the following amendment:

- A. Schedule 12 – Planning Act Item 5: *“Currently, subsection 17 (24) of the Act permits a person to appeal the adoption of an official plan if the person has, before the municipality adopted the plan, made oral submissions at a public meeting or written submissions to the municipality. Amendments are made to provide that a person must be a specified person, as currently defined in the Act. New subsections 17 (24.0.1) to (24.0.4) provide for transitional rules. Similar amendments are made to appeal rights under subsections 17 (36) and 34 (19).”*

The proposed amendments would result in the removal of our right, as existing industrial operation(s), to appeal an official plan, official plan amendment, zoning by-law, and/or zoning by-law amendment affecting our lands, as we would then be considered “third parties” and will not be “specified persons” – the only entities granted third party appeal rights, should the amendment be adopted.

Removing the ability of industrial operators like Mondelez Canada to appeal planning approvals for sensitive development near their facilities means operators will be left with no means of protecting the continued viability of its operations. The introduction of new sensitive land uses close to industrial facilities could result in the potential outcome that a facility that has operated in compliance with law for decades could suddenly be out of compliance with law because of the change of use on a nearby property. Industrial facilities may be forced to spend millions of dollars to mitigate impacts resulting from nearby sensitive development or risk being forced to shut down and relocate.

In light of the [foregoing/below], we respectfully ask that this amendment to the *Planning Act* not be adopted as proposed.

In the alternative, consideration should be given to modifying the definition of “specified person” in section 1(1) of the Act to protect the ability of industry to appeal when land use compatibility issues are involved. With this, we recommend the modifying the definition to add the following language:

- (i) **A company operating a major facility, as defined in a policy statement issued under subsection 3(1), which is located within 1000 metres of any part of the area to which the relevant planning matter would apply, where the planning matter involves permission for sensitive land uses, as defined in a policy statement issued under subsection 3(1).**

Mondelez Canada understands and supports the Government’s goal to build more housing faster. However, achieving that goal at the expense of existing industry will have serious and long-term repercussions for the economy and workers in the Province.

Accordingly, Mondelez Canada asks that the proposed *Planning Act* amendments be revisited to ensure that third party appeals remain available to address concerns about land use compatibility or that the definition of “specified person” be amended as set out above. Mondelez Canada trusts that the amendments can be redrafted in a way

that will continue to achieve the Government's housing goals while not putting employment and manufacturing in Ontario at risk.

We thank you in advance for your consideration.

Yours very truly,

Pierina De Carolis
Corporate & Government Affairs
Mondelez Canada Inc.

CC: Hon. Paul Calandra, Minister of Municipal Affairs and Housing
Hon. Vic Fedeli, Minister of Economic Development, Job Creation and Trade
Mary-Margaret McMahon, MPP Beaches-East York
David Smith, MPP Scarborough Centre
Marit Stiles, MPP Davenport
Sandy Shaw, MPP Hamilton West-Ancaster-Dundas