Hamilton

January 6, 2025

Province of Ontario
Ministry of the Environment, Conservation and Parks

Sent VIA ERO POSTING

Re: ERO Posting 019-9310 – Amendments to Reduce Records of Site Condition That Are Not Supporting Brownfields Redevelopment

Please find below and enclosed, on behalf of the City of Hamilton, comments for consideration respecting Environmental Registry of Ontario (ERO) 019-9310 and proposed amendments to Ontario Regulation 153/04 to prohibit the submission of a record of site condition (RSC) for filing in specified circumstances, and to expand an exemption from RSC filing requirements for changes in the use of buildings from commercial or community use to mixed use.

Hamilton Planning Committee and City Council will be reviewing these comments at their January 14, 2025 and January 22, 2025, meetings, respectively. Hamilton City Council may choose to amend or add to the enclosed comments which would be provided in a subsequent letter.

Background and Scope of Proposed Amendments

On November 20, ERO 019-9310 was published seeking comments on proposed amendments to Ontario Regulation 153/04 regarding Provincial requirements for the filing of RSCs. The proposed amendments are generally understood to consist of the following:

1) Prohibiting the submission of a RSC where a Phase One Environmental Site Assessment has been undertaken which has not identified potential environmental impacts that would require further investigation through a Phase Two Environmental Site Assessment. This amendment would prevent third party's, such as municipalities or financial lenders, from requiring the property owner to submit a RSC in such an instance but would not apply to a property owner who willfully seeks to file an RSC for their own property.

2) Modifying current RSC exemptions by:

    a) Removing the six-storey cap on existing buildings which may be exempted from RSC filing requirements when being converted from a commercial or community use to one containing residential or other sensitive uses above the ground floor;

b) Permitting additions to the exterior of a commercial or community building, including the creation of additional stories above the ground floor that expand beyond the existing ground floor footprint for residential or more sensitive land uses, from RSC filing requirements.

It is understood that proposed amendment 1) above is dependent on an enabling legislative amendment also being proposed as part of *Bill 227, Cutting Red Tape, Building Ontario Act, 2024* and could only be undertaken if the related legislative amendment is passed.

City of Hamilton Comments

The City of Hamilton appreciates the opportunity to provide comments on these proposed regulatory amendments.

The City of Hamilton has long been recognized as a leader and champion of brownfield remediation and redevelopment having committed resources, including financial assistance programs that support remediation and redevelopment, for over 20 years. This commitment has resulted in brownfields supporting the needs of our community ranging from providing new market and affordable housing to supporting new economic investment and job creation, all while improving the environment, generating new assessment growth and tax revenue and reducing the need for urban sprawl.

Important to the City's success has been the Province's regulatory regime for RSCs which are vitally important to creating an environment in which brownfields are viewed as viable opportunities for new development by reducing the liability of property owners, municipalities, and others from potential environmental orders while also providing certainty to investors, future purchasers/tenants and the community that a property meets science-based standards for health and safety.

The City recognizes that when the current RSC process is utilized unnecessarily or required by the Province in situations where risk to health and safety are very low, it can become burdensome and lead to Provincial resources being redirected from true brownfields resulting in delays in the remediation and redevelopment of lands for productive land uses.

As such, the City of Hamilton is supportive of the amendments being proposed as they have the potential to improve the feasibility of office/commercial to residential conversion projects in the city to create new housing opportunities and potentially allow Provincial staffing resources to be better directed to supporting remediation and redevelopment efforts on true brownfields. Furthermore, the City provides the following comment for consideration:

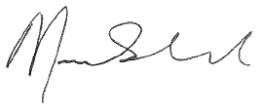
- On May 14, 2023, Mayor Andrea Horwath submitted a letter on behalf of Hamilton City Council to the then Minister of Municipal Affairs and Housing and Minister of the Environment, Conservation and Parks in which the City expressed concerns

respecting delays in Provincially required site remediation approvals that risked the timely uptake of municipal approvals intended to unlock the potential of brownfields. The letter requested further Provincial investment in Provincial staffing resources to support timely development approvals for brownfield sites.

The City continues to support all efforts by the province to identify additional opportunities to best utilize existing Provincial staffing resources and any new Provincial investments that would support efficient environmental approvals to facilitate brownfield remediation and redevelopment.

If you have any questions, please contact Phillip Caldwell RPP MCIP, Senior Project Manager – Urban Renewal, Economic Development Division at (905) 546-2424 x2359.

Regards,



Norm Schleehahn
Director of Economic Development
Economic Development Division
City of Hamilton

Attachment (1) – Letter from Mayor Andrea Horwath to the Minister of Municipal Affairs and Housing and the Minister of Environment, Conservation and Parks dated May 14, 2023.

cc: Dave Heyworth, Manager Sustainable Communities, Planning Division
Rob Lalli, Director Building Division and Chief Building Official

OFFICE OF THE MAYOR
CITY OF HAMILTON

The Honourable David Piccini. M.P.P.
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May 14, 2023

Subject: City of Hamilton request for investment in Provincial staff resources to support timely development approvals for brownfield sites

Dear Minister Piccini and Minister Clark,

As you know, our Province is currently facing an unprecedented housing crisis – with our City having just declared an Emergency of Homelessness. We are looking at every possible opportunity for developing within our existing boundaries in order to not only meet the growing housing needs of our residents, but also to meet the provincial mandate to build 1.5 million houses by 2031. The City of Hamilton has long recognized the potential of Brownfields – vacant, derelict, and often under-utilized environmentally contaminated properties, as having untapped potential as areas for growth and redevelopment. Currently, this includes the provision of financial assistance programs which have supported the creation of over 3,300 residential units and 176,000 square metres of new commercial, industrial, and institutional use floor area on Hamilton brownfields since 2001.

Unfortunately, current delays in Provincially required site remediation approvals are risking the timely execution of the municipally required approvals intended to unlock the potential of these lands. These delays at the provincial level are having a profound impact on our City's ability to meet the needs of our residents.

It is for this reason that Hamilton City Council passed a resolution on April 26, 2023 (Item 2 of the General Issues Committee Report 23-013) which reads as follows:

> "(e) That the City of Hamilton request the Province of Ontario invest provincial staff resources as required to avoid unnecessary provincial delays to the construction of new housing by ensuring timely approval of remediated sites in alignment with municipal approval timelines."

With the needed resources and timely supports, from both the City and the Province, we can revitalize brownfield sites and realize the potential for new housing and economic development.

Thank you in advance for your consideration and I look forward to speaking further in the near future.

Sincerely,

Andrea Horwath
Mayor

CC:

The Honourable Nina Tagri, Associate Minister of Housing

Colin Best, President, Association of Municipalities of Ontario