THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
2016 COUNCIL MEETING

A G E N D A

DATE: Wednesday, November 23, 2016
CLOSED MEETING: 6:00 P.M.
REGULAR MEETING: 7:00 P.M.

≠ Denotes resolution prepared

1. Call the Meeting to Order

2. Disclosure of Pecuniary Interest & the General Nature Thereof.

3. **CLOSED ITEMS ≠**

   (a) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding the security of the property of the municipality or local board, with respect to 23 Brock Road.
   (b) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to solicitor client privilege, including communications necessary for that purpose – Reid – 7827 Wellington Road 36 - Normal Farm Practices Board Hearing
   (c) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Development agreements.
   (d) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice that is subject to solicitor client privilege, including communications necessary for that purpose – 599 Arkell Road
   (e) Confidential Verbal Report from Karen Landry, CAO/Clerk regarding personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations – Organizational review.

4. Adoption and Receipt of Minutes of the Previous Meeting.**≠**

   (a) Council Meeting – November 9, 2016
   (b) Closed Council Meeting – November 9, 2016

5. Business Arising Out of the Minutes.

   a. Ontario taking action to take water.

6. PUBLIC MEETINGS

None

7. COMMUNICATIONS

1. Ontario Municipal Partnership Fund municipal allocations 2017

   (a) Correspondence from the Ministry of Finance dated November 10, 2016
   (b) Correspondence from AMO dated November 10, 2016
2. Monthly Monitoring Report, Mill Creek Pit, License #5738, 7115 Concession 2
   a. Correspondence from Dufferin Aggregates dated November 10, 2016

3. Mini Lakes Groundwater and Surface Water Quarterly Monitoring Report – Q2
   a. Correspondence from Burnside dated November 3, 2016

4. Township Staff
   a. Correspondence from David Deacon, dated November 7, 2016

5. Notification of Application for Permit to Take Water, Mini Lakes Condominium Community
   a. Correspondence from the Ministry of the Environment dated November 9, 2016

6. Expansion of the Greenbelt Plan Area
   a. Correspondence from Ted Arnott, Wellington-Halton Hills MPP

7. **Intergovernmental Affairs≠**

   (a) Various correspondence for review.

DELEGATIONS / PRESENTATIONS ≠

Delegations with respect to Staff Report PD-2016-031 Site Plan Agreement – Sloot Construction Ltd:

7:15 p.m. – Jeff Buisman, van Harten
7:25 p.m. – Stephen and Jessica Goyda
7:35 p.m. – Michael Oosterveld
7:45 p.m. – Luke Kukovica
7:55 p.m. – Gay Kukovica
8:05 p.m. – Wayne Hodges
8:15 p.m. – David Prior

8:25 p.m. – Sally Prior
8:35 p.m. – Geraldine McCauley
8:45 p.m. – John Sloot
8:55 p.m. – Marny Mason and Marcel Pruski

8. REPORTS

1. **Puslinch Fire and Rescue Services**

   None

2. **Finance Department**

   None

3. **Administration Department**

   None

4. **Planning and Building ≠**

   (a) Report PD-2016-031 Site Plan Agreement – Sloot Construction Ltd., property described as Rear Part Lot 7, Concession 9, municipally known as 599 Arkell Road, Township of Puslinch. ≠
   (b) Report PD-2016-032 Telecommunication Application File A12/MET – Metrolinx, Greater Toronto Transit Authority, Plan 847, Part Block 1, RP61R8973, Parts 3- 4, located on Wellington Road 46 ≠
   (c) Wellington County Report- ONTARIO MUNICIPAL BOARD REVIEW - COMMENTS ON PROPOSED CHANGES≠
   (d) Welling County Report- Bill 39- The Aggregate Resources and Mining Modernization Act, 2016≠

5. **Roads & Parks Department**

   None

6. **Recreation Department**

   None

7. **Mayor's Updates**

   None

9. **NOTICES OF MOTION**

a. Mayor Lever- Municipal Election Act- signatures of 25 supporters
b. Mayor Lever- Closing of the Fiscal gap

10. **COMMITTEE MINUTES**

a. Heritage Committee Minutes – September 26, 2016
b. Planning and Development, Committee of Adjustment Minutes – October 11, 2016
c. Planning and Development Minutes – October 11, 2016

11. **MUNICIPAL ANNOUNCEMENTS**

12. **UNFINISHED BUSINESS**

13. **BY-LAWS**

14. **CONFIRMING BY-LAW ≠**

(a) By-law to confirm the proceedings of Council for the Corporation of the Township of Puslinch.

15. **ADJOURNMENT ≠**

TOWNSHIP OF PUSLINCH

PROGRESSING TOGETHER

RECEIVED
NOV 21 2016
Township of Puslinch

Township of Puslinch
7404 Wellington Road 34
Guelph, ON, N1H 6H9
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Delegate Request

Meeting Date: November 23rd 2016

Applicant Information:

Applicant Name: Michael Dosterveld

Mailing Address: 131 Cooks Mill Rd Puslinch

Email Address: mike@veldmont.com

Telephone Number: 647-409-3998

Purpose of delegation (state position taken on issue, if applicable):

In favour/support of restaurant @ 599 Arkell Rd.

I am submitting a formal presentation to accompany my delegation:

Yes: ☐ No: ☑

I will require the following audio-visual equipment:

PowerPoint: ☐

Note: Delegations are permitted to speak for 10 minutes. Your form or letter must be received 24 hours before the preparation of the Council agenda. This usually means at least one week prior to the Council meeting.

Personal Information collected on this form is collected under the authority of the Municipal Act and will be used only for the purposes of sending correspondence relating to matters before Council and for creating a record that is available to the general public in a hard copy format and on the internet in an electronic format in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information may be directed to the Township Clerk's office.

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Delegate Request

Meeting Date: 24 NOV 2016

Applicant Information:

Applicant Name: LUKE KUKOVICA

Mailing Address: 953 WATSON Rd. PUSLINCH N0B 2J0

Email Address: lukee@yahoo.com

Telephone Number: 519 836 8645

Purpose of delegation (state position taken on issue, if applicable):

IN SUPPORT OF SCOOT CONSTRUCTION FOR 955 ~~WATSON~~ ARKELL ROAD

I am submitting a formal presentation to accompany my delegation:

Yes: ☐ No: ☑

I will require the following audio-visual equipment:

PowerPoint: ☑

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Delegate Request

Meeting Date: Nov 23/16

Applicant Information:

Applicant Name: Gay Kukorica

Mailing Address: 953 Watson Rd S Puslinch N0B 2J0

Email Address: gay.kukorica@gmail.com

Telephone Number: 519-836-5645

Purpose of delegation (state position taken on issue, if applicable):

I am in support of the site plan agreement with Sloat Construction Ltd. for 599 Arkell Rd.

I am submitting a formal presentation to accompany my delegation:

Yes: ☐ No: ☑

I will require the following audio-visual equipment:

PowerPoint: ☑

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Delegate Request

Meeting Date: Wednesday November 23, 2016

Applicant Information:

Applicant Name: Wayne Hodges

Mailing Address: 574 Arkell Rd, Arkell, ON

Email Address: lwaynehodges@gmail.com

Telephone Number: 519 780.3872

Purpose of delegation (state position taken on issue, if applicable):

To contest site plan agreement with Sloot Construction Ltd. (PD-2016-031)

Will list points as to why approval should be denied.

I am submitting a formal presentation to accompany my delegation:

Yes: ☑ No: ☐

I will require the following audio-visual equipment:

PowerPoint: ☐

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Delegate Request

Meeting Date: Wednesday, November 23, 2016

Applicant Information:

Applicant Name: David Prior

Mailing Address: 835 Watson Rd S. Arkell

Email Address: davidgprior@gmail.com

Telephone Number: 519-837-3292

Purpose of delegation (state position taken on issue, if applicable):

To contest site plan agreement with Sloot Construction Ltd. (PD-2016-031)

I am submitting a formal presentation to accompany my delegation:

Yes: ☑ No: ☐

I will require the following audio-visual equipment:

PowerPoint: ☐

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Delegate Request

Meeting Date: Wednesday, November 23, 2016

Applicant Information:

Applicant Name: Sally Prior

Mailing Address: 835 Watson Rd. S. Arkell

Email Address: davidgprior@gmail.com

Telephone Number: 519-837-3293

Purpose of delegation (state position taken on issue, if applicable):

To contest site plan agreement with Sloot Construction Ltd. (PD-2016-031)

I am submitting a formal presentation to accompany my delegation:

Yes: ☑ No: ☐

I will require the following audio-visual equipment:

PowerPoint: ☐

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Delegate Request

Meeting Date: Wednesday, November 23, 2016

Applicant Information:

Applicant Name: Geraldine McCauley

Mailing Address: 834 Watson Rd. S. Arkell

Email Address: Themccauleys9@sympatico.ca

Telephone Number: 519-827-1325

Purpose of delegation (state position taken on issue, if applicable):

To contest site plan agreement with Sloot Construction Ltd. (PD-2016-031)

I am submitting a formal presentation to accompany my delegation:

Yes: ☑ No: ☐

I will require the following audio-visual equipment:

PowerPoint: ☐

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Delegate Request

Meeting Date: Wed 23 Nov.

Applicant Information:

Applicant Name: John Sloot

Mailing Address: 4726 Watson Rd

Email Address: John A Sloot at Hotmail.com

Telephone Number: 519.993-7192

Purpose of delegation (state position taken on issue, if applicable):

Support of Site Plan Approval for 599 Arkell

I am submitting a formal presentation to accompany my delegation:

Yes: ☐ No: ☐

I will require the following audio-visual equipment:

PowerPoint: ☐

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November 22, 2016

The Township of Puslinch

Attention: Nina Lecic, Deputy Clerk

Re: Delegate Request, November 23, 2016

We are writing to request to be a delegate at the November 23, 2016 hearing of the site plan review for 599 Arkell Road.

We have been appointed to represent a group of residents in Arkell who share similar concerns about the development plans for this site. We would like to voice our concerns during this meeting.

We do not have a presentation and do not require any AV equipment.

Thank you,

Marny Mason, Marcel Pruski

13 Boreham Drive, Arkell, ON

519-766-5078.

COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Mark Paoli, Manager of Policy Planning
Date: November 10, 2016
Subject: **ONTARIO MUNICIPAL BOARD REVIEW - COMMENTS ON PROPOSED CHANGES**

1.0 Background:

The province started a review of the Ontario Municipal Board in June. The first phase of the review was based on a discussion paper that was released for comment.
A new phase of the review is underway as the province has released a Public Consultation Document that sets out proposed changes. According to the consultation document, "the government has heard a range of viewpoints regarding the Ontario Municipal Board (OMB), its role in Ontario's land use planning system, and its processes. These views include:

- Citizens feel they don't have a meaningful voice in the process;
- More weight should be given to municipal decisions;
- OMB decisions are unpredictable;
- Hearings cost too much and take too long; and
- There are too many hearings; more mediation should be used."

The province is seeking input on a number of proposed changes and the deadline for comments is December 19th, 2016. The proposed County input is attached in a manner that responds directly to the proposals put forward.

2.0 Comments:

Overall Comment
The County of Wellington's response is based on the following:

1. There is a need for a tribunal like the Ontario Municipal Board to deal with land use disputes.
2. The Ontario Municipal Board should assume that the decisions made by municipalities are correct and should only be authorized to overturn or modify these decisions if there is clear and compelling evidence that the decision is wrong.
3. The current Ontario Municipal Board process is too legalistic, time consuming and expensive and needs to be made simpler and more understandable.

THEME	CHANGES BEING CONSIDERED	COMMENT(S)
Jurisdiction and Powers	**1. Protect public interests for the future** a. The province could specify which parts of its decisions on official plans would not be subject to appeal. This would assist in matters like the preservation of farmland, and the orderly development of safe and healthy communities. b. The province's decisions on new official plans or proposed official plan amendments, where municipalities are required to implement Provincial Plans, would be final and not subject to appeal. c. When the Minister of Municipal Affairs puts zoning provisions in place through a Ministers Zoning Order to protect public interests, the Minister (not the OMB) would have the authority to make final decisions on any requests to amend that zoning.	**County needs to retain right to appeal Modifications to Council's decision.** **Support, if municipal right of appeal is retained.**
	2. Bring transit to more people a. The government is considering restricting appeals of municipal official plans, amendments to these plans, and zoning by-laws, for development that supports provincially funded transit infrastructure such as subways and bus stations. This would help ensure that there are sufficient densities to support transit investments.	**Not a major issue for the County.**

THEME	CHANGES BEING CONSIDERED	COMMENT(S)
Jurisdiction and Powers (continued)	**3. Give communities a stronger voice**	
	a. No appeal of a municipality's refusal to amend a new secondary plan for two years. This recognizes the extensive work and involvement of a community in developing a plan, and would provide certainty and stability for neighbourhoods.	**Not a major issue for the County.**
	b. No appeal of a municipal interim control by-law. This would give municipalities the time to do comprehensive studies that are required to appropriately plan for a neighbourhood, particularly where neighbourhoods are experiencing rapid change or are in transition.	**Support.**
	c. Expand the authority of local appeal bodies to include appeals related to site plans. This would allow them to hear disputes on individual properties relating to, for example landscaping, driveways, or lighting.	**Support.**
	d. Further clarify that the OMB's authority is limited to dealing with matters that are part of a municipal council's decision, meaning the Board is only able to deal with the same parts of an official plan as those dealt with by council.	**Support. Also, OMB needs a way to screen appeals that are clearly frivolous, before they get to Prehearing or Hearing.**
	e. Require the OMB to send significant new information that arises in a hearing back to the municipal council for re-evaluation of the original decision. This would ensure the OMB has the benefit of council's perspective on all significant information.	**Support as this also provides an additional opportunity for local public engagement.**
	4. "De novo" hearings	
	a. Requiring the OMB to review municipal /approval authority decisions on a standard of reasonableness. That means that the OMB hearings would examine whether the original decision was within the range of defensible outcomes within the authority of the municipality/ approval authority. If the decision is found to have been made within the range of outcomes, the OMB would not be able to overturn it.	**Strong support**
	b. Authorizing the OMB to overturn a decision made by a municipality/approval authority only if that decision does not follow local or provincial policies. This would mean that the Board would have to be convinced that the planning decision under appeal is contrary to local or provincial policies. Examples might include approvals of proposals for development in a flood-prone area or a provincially significant wetland, or an official plan that does not meet the Growth Plan for the Greater Golden Horseshoe intensification targets.	**Strong support**
	5. Transition and use of new planning rules	
	a. Land use decisions must reflect provincial policies in place when the decision is made, not when the application is made.	**Do not support**

THEME	CHANGES BEING CONSIDERED	COMMENT(S)
Citizen Participation and Local Perspective	1. The government is considering expanding the Citizen Liaison Office (CLO). Currently, the CLO has one employee dedicated to responding to requests for information for all Environment and Land Tribunals Ontario (ELTO) tribunals, including the OMB. The Government is considering either, hiring more staff to provide easier public access to information or reconfiguring the CLO, including moving it outside of the ELTO. A reconfigured CLO might include in-house planning experts and lawyers who would be available to the public (subject to eligibility criteria).	**Not an issue for the County.**
	2. Exploring funding tools to help citizens retain their own planning experts and/or lawyers**.**	**Should not include municipal funding.**
Clear and Predictable Decision-Making	1. The government is considering increasing the number of OMB adjudicators and ensuring they possess the necessary skills. Further training could be increased - including on decision writing, active adjudication, and dealing with parties that have no legal representation.	**Directed at the wrong end of the problem. Focus should be on reducing number of appeals.**
	2. The government is considering whether to reintroduce multi-member panels with panel members representing a broad range of skill and backgrounds to ensure clear and predictable decision-making at the OMB. Specifically, the government is considering: a. Having multi-member panels only conduct complex hearing; b. Having multi-member panels conduct all hearings	 **Support.** **Do not support.**
Modern Procedures and Faster Decisions	1. The government wants to see less formal and less adversarial culture at the OMB hearings and is considering changes to: a. Allow the OMB to adopt less complex and more accessible tribunal procedures b. Allow active adjudication	 **Strong support.** **Effect is unclear.**
	2. The government is also considering other ways to modernize procedures and promote faster decisions. Options include: a. Setting appropriate timelines for decisions b. Increasing flexibility for how evidence can be heard c. Conducting more hearings in writing in appropriate cases d. Establishing clearer rules for issues lists to ensure that hearings are focused and conducted in the most cost effective and efficient way possible e. Introducing maximum days allowed for hearings	 **Support.** **Support.** **Effect is unclear.** **Support.** **Support if fair to all parties.**

THEME	CHANGES BEING CONSIDERED	COMMENT(S)
Alternative Dispute Resolution and Fewer Hearings	1. The government wants to encourage more land use disputes to be resolved using alternative dispute resolution, which would not only help make the OMB experience a more comfortable one for many people, but also lead to fewer and/or possibly shorter OMB hearings. To achieve this, government is exploring:	**Concerned that this will lengthen the process.**
	a. More actively promoting mediation;	**Support.**
	b. Requiring all appeals to be considered by a mediator before scheduling a hearing;	**Support if can be done locally and provides for local public engagement in the process.**
	c. Allowing government mediators to be available at all times during an application process, including before an application arrives at municipal council, to help reduce the number of appeals that go to the OMB;	
	d. Strengthening the case management at the OMB to better stream, scope issues in dispute, and identify areas that can be resolved at pre-hearing and to further support OMB members during hearings;	**Support**
	e. Creating timelines and targets for scheduling cases, including mediation.	**Support**

Other County Input:

1. **There is a need for a tribunal like the Ontario Municipal Board to deal with land use disputes.**
2. **The Ontario Municipal Board should assume that the decisions made by municipalities are correct and should only be authorized to overturn or modify these decisions if there is clear and compelling evidence that the decision is wrong.**
3. **The current Ontario Municipal Board process is too legalistic, time consuming and expensive and needs to be made simpler and more understandable.**

Recommendation:

That the report "Ontario Municipal Board Review - Comments on Proposed Changes" be forwarded to the Minister of Municipal Affairs, and circulated to local municipalities.

Respectfully submitted,

Mark Paoli
Manager of Policy Planning

COUNTY OF WELLINGTON

COMMITTEE REPORT

To: **Chair and Members of the Planning Committee**
From: **Aldo Salis, Manager of Development Planning**
Date: Thursday, November 10, 2016
Subject: **Bill 39 – The Aggregate Resources and Mining Modernization Act, 2016**

Introduction
This report is a continuation of our previous Committee Report (November 2015) regarding the Government's commitment to "modernize and strengthen the Aggregate Resources Act policy framework".

Background:

In October 2013, the Standing Committee on General Government provided the Legislature with their detailed submission *Report on the Review of the Aggregate Resources Act*. In February 2014, the Province released its *Comprehensive Government Response to Standing Committee on General Government's Report on the Review of the Aggregate Resources Act*. That submission was the combined effort of the Ministry of Natural Resources and other provincial ministries. In October 2015, the Ministry of Natural Resources and Forestry released *A Blueprint for Change.* Having completed that review, the Government then moved to a "phased approach" to policy changes – with the first phase being legislative changes.

Bill 39
On October 6, 2016 the Government introduced a bill to amend the Aggregate Resources Act and the Mining Act referred to as: *The Aggregate Resources and Mining Modernization Act, 2016.* Schedule 1 of Bill 39 is to improve the Aggregate Resources Act (ARA) to: allow for stronger oversight, enhance environmental accountability, improve information and participation in the process, and increase and equalize fees and royalties.

The changes to the ARA under Bill 39 would allow the Minister of Natural Resources and Forestry (MNRF) to enforce new rules and requirements within the amended Act and provide new and revised regulations and procedures. Some of those new rules and requirements would include: create flexibility to waive application requirements; create the ability to require peer review of studies in future; strengthening enforcement and offences provisions (including ability to issue tickets for minor offences); allow the Minister to request studies of existing licences sites; and, clarify that potential impacts to municipal water sources are to be considered when assessing new aggregate applications. A more complete list of the changes proposed under Bill 39 is provided in the attached pages from the EBR posting.

Comments
Many of the proposed changes under Bill 39 are administrative and procedural in nature and generally would not benefit municipalities with the planning approval process of mineral aggregate applications. As raised in our in November 2015 Committee Report regarding *A Blueprint for Change*, the Government is not proposing meaningful changes to the ARA that would assist municipalities in this regard.

The Government does intend to increase fees and royalties associated with private property applications and Crown land (to be addressed within the regulations). Our understanding is that this would include possible increases in the aggregate levy paid to upper and lower tier municipalities. There are no details regarding changes to the levy at this time, but we expect to see some progress on this matter in early 2017 together with specific changes to the regulations.

Also, it should be noted that through Bill 39 it is the Government's intent to shift many of the current statutory requirements from the Aggregate Resources Act into aggregate resources related regulations and the Provincial Standards (for Aggregate Resources of Ontario). This shift from legislation to policy and procedures should provide the MNRF the ability to make swifter changes regarding the processing and management of aggregate resources in the Province. Based on information posted on the Environmental Registry, it would appear that the Government is providing an opportunity for public engagement and input for the next phase of updates. We are hopeful that such public engagement will be provided for any subsequent changes to those regulatory and policy documents.

Next Steps
Bill 39 is currently in Second Reading with the Legislature. Many of the proposed legislative changes under the proposed bill are enabling in nature and will require amendments to regulations under the Aggregate Resources or the Provincial Standards in order to implement the revised Act. Staff will continue to monitor the Government's updating of the Aggregate Resources Act and related regulations and procedures.

Recommendation:

That this report be received for information.

Respectfully submitted,

Aldo L. Salis, BES, M.Sc. MCIP, RPP
Manager of Development Planning
Planning & Development Department

Key Highlights of Bill 39 include:

General

• Authorizing the Minister to develop regulations to require licensees and permittees to submit information related to their operation, and to conduct and submit reports on inventories, tests, surveys and studies related to the operation;

• Standardizing annual tonnage limits for all existing licences and permits, and including all aggregate and recycled aggregate leaving the site in those limits;

• Standardizing and enhancing the provisions for amending site plans and licence or permit conditions across licences, wayside permits and aggregate permits, and enabling regulations to be made allowing licensees and permittees to self-file minor site plan amendments in circumstances that would be set in regulation;

• Recognizing that the Minister must consider whether adequate consultation with Aboriginal communities has been carried out before exercising powers under the Act with respect to licenses or permits;

• Allowing the Minister to add conditions to existing sites, without tribunal hearings, to implement a source protection plan under the Clean Water Act;

• Enhancing powers related to the transfer and revocation of permits and licences;

• Enhancing authority with respect to the management of the Aggregate Resources Trust;

• Creating the authority to make regulations requiring peer review of technical studies and to require the applicant, licensee or permittee to cover the cost of those reviews;

• Clarifying and enhancing the provisions that allow regulations to be made requiring record keeping and reporting on aggregate operations; and

• Allowing self-compliance reporting to be required more or less frequently than once per year as prescribed by regulation.

New operations

• Allowing custom plans to be developed that outline study and consultation requirements in some site specific situations;

• Clarifying that impacts to municipal drinking water sources be considered when making decisions for new licences and wayside permits;

• Allowing the Minister to designate areas of Crown land, Crown aggregate or Crown topsoil where an aggregate permit will not be issued or where it will only be available for a specific purpose or person;

• Expanding the ability to require permits for the removal of stockpiled Crown aggregate or topsoil by describing specific criteria in regulation;

• Creating flexibility for the Minister to waive application requirements in order to address unique situations;

• Authorizing the creation of regulations to exempt specific activities from licencing or permitting requirements if specific conditions are met; and

• Establishing the application documentation requirements for grandfathering applications that are currently described in policy within the legislation.

Enforcement

• Increasing the maximum penalties to $1,000,000 plus an additional $100,000 for each day the offence continues, and eliminating the minimum $500 fine to support the ability to enforce the Act by way of Part I tickets under the Provincial Offences Act;

• Establishing clear offense provisions for submitting false or misleading information in a report or in information that is required under the Act, the regulations, a site plan or a licence or permit;

• Protecting the inspectors, public servants, and the Minister from liability for any acts that they have done in good faith under the Act; and

• Recognizing the inspection report that is currently used to document the findings of an inspection.

Fees and royalties

• Increasing flexibility with respect to the collection and distribution of fees and royalties;

• Requiring existing fees for applications, amendments, transfers, etc. to be established in regulation;

• Enabling setting of new fees in regulation for a broader array of requests (e.g., requests for amendments, acceptance of surrender);

• Clarifying that aggregate permits with a mining lease are subject to royalty charges (unless they have been exempted); and

• Creating flexibility for the Minister to waive certain fees.

Other changes have been proposed to improve the administration of the legislation and address housekeeping edits. For example:

• Clarifying that licensees and permittees are only protected from prosecution on self-reported violations if they are reported before they are discovered by an Inspector;

• Allowing the Minister to substitute a licence for a permit issued to the same person where a different approval type is required because there has been a change in land ownership or designation under s. 5;

• Allowing the Minister to specify when the ministry will require official party status at an Ontario Municipal Board hearing, and allowing the Board to send referrals back to the ministry where objections have been resolved before a hearing starts;

• Clarifying that the name and address of individuals who participate in the prescribed notification and consultation procedures are a part of the public record unless the individual requests that the information remain confidential; and

• Repealing sections and definitions that are no longer required.

In addition several specific definitions and requirements for applications, amendments and reporting are proposed to be moved to the regulations.

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