

## Brownfields Showcase

Series No. 3

Summer 2002

### Brownfields Statute Law Amendment Act, 2001

(Royal Assent was given on November 2, 2001. Supporting regulations are being developed.)

#### What does the legislation amend?

Education Act  
 Environmental Protection Act  
 Municipal Act  
 Municipal Tax Sales Act  
 Ontario Water Resources Act  
 Pesticides Act  
 Planning Act

#### Access to the legislation:

Visit the government's Web site at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) or call Publications Ontario Bookstore (416) 326-5300 or 1-800-668-9938

#### For more information call:

Call the **MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**  
**Provincial Planning and Environmental Services Branch** (416) 585-6014  
 Or contact one of the ministry's **Municipal Services Offices:**  
**Central (Toronto)**  
 (416) 585-6226 or 1-800-668-0230  
**Southwest (London)**  
 (519) 873-4020 or 1-800-265-4736  
**East (Kingston)**  
 (613) 548-4304 or 1-800-267-9438  
**Northeast (Sudbury)**  
 (705) 546-0120 or 1-800-461-1193  
**Northwest (Thunder Bay)**  
 (807) 475-1651 or 1-800-465-5027

You can also contact the **MINISTRY OF ENVIRONMENT AND ENERGY**  
 Call the Central Region Office at (416) 326-6700 or 1-800-810-8048



Produced by the Provincial Planning and Environmental Services Branch, Ministry of Municipal Affairs and Housing and the Land Use Policy Branch, Ministry of Environment and Energy

## The Brownfields Statute Law Amendment Act, 2001

Developed by the ministries of Municipal Affairs and Housing, Environment and Energy and Finance, this brownfields legislation is intended to encourage the remediation and redevelopment of brownfield properties. It does so by clarifying environmental liability and providing municipalities with more flexibility in planning and financing. The act improves and adds to the existing legislative framework for brownfields redevelopment.



### HIGHLIGHTS

**ENVIRONMENTAL LIABILITY** - The new legislation clarifies and limits environmental liability, providing certainty to stakeholders involved in brownfields redevelopment. It puts checks and balances in place to ensure that brownfields are properly assessed for contamination and cleaned up prior to redevelopment. These checks and balances are there to protect human health and the environment. Clear rules are legislated for the following:

- Site assessment and clean-up standards;
- Limited liability protection from environmental orders for municipalities, secured creditors, receivers, trustees in bankruptcy, fiduciaries and property investigators;
- Limited protection from environmental orders for owners who follow the prescribed site assessment procedures and file a record-of-site condition stating that a site meets the appropriate standards; and
- Quality assurance through mandatory use of certified site-cleanup professionals, mandatory filing of a record-of-site condition to a publicly accessible environmental site registry, acceptance of risk assessments by the Ministry of Environment and Energy and an enhanced auditing process.

**PLANNING** - The legislation changes the community-improvement provisions aimed at maintaining, remediating, rehabilitating and developing the existing physical environment to accommodate social, economic and environmental activities. Key changes were made to facilitate and speed up redevelopment projects, including brownfields. The legislation

## *Planning cont'd*

- Allows municipalities greater flexibility in designating community-improvement project areas and in preparing community-improvement plans to facilitate the cleanup and redevelopment of individual and scattered brownfield properties;
- Speeds up planning processes by eliminating the need for minister's approval of community-improvement plans that do not involve financing incentive programs;
- Allows municipalities to provide grants and loans to owners and tenants of brownfield properties to assist with the cost of cleanup; and
- Expands the definition of community-improvement project area to include not just physical reasons for improvement but also environmental, social and economic development reasons.

**FINANCING** - The legislation seeks to encourage the owners of brownfield properties to undertake site cleanup by providing them with tax relief to offset all or a part of the costs of remediation. Details follow:

- To encourage property owners to undertake site cleanup, municipalities may freeze or cancel the municipal portion of the property tax on contaminated sites, and the Ministry of Finance may match the municipal tax treatment for the education portion of the property tax; and
- Municipalities will have a one-year option to take ownership of land in a failed tax situation. During that year, municipalities can go on the property to conduct environmental site assessments.

## Companion Tools

**Financing and Planning - Municipal Financial Tools for Planning and Development and the Brownfields Showcase** describes financing incentive and planning tools for redevelopment

**Affordable Housing** - Eligible municipalities can use property tax exemptions and other incentives to encourage construction of affordable housing under O.R. 189/02 of the *Municipal Act*

**Heritage Conservation** - Under the new *Municipal Act* there is a tax reduction tool for heritage designated properties to encourage restoration, maintenance and conservation of eligible heritage properties

**Planning Process - A Standard Municipal Model for Development approvals at Potentially Contaminated Sites** is a standardized process tool that links the planning approvals process with the environmental investigation and cleanup process. See the *Brownfields Showcase Series No. 2 InfoSheet* for a summary.

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### Access to Companion Tools

Visit [www.mah.gov.on.ca](http://www.mah.gov.on.ca) (Municipal Info Link) and [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) (new *Municipal Act*, 2001, S.O. 2001, c. 25)



**Former Paper Mill - Downtown City of Thorold, Niagara Region**

### Did you know that ....

A vacant 16 acre industrial complex in the heart of downtown Thorold, known locally as Maplehurst, the Gallaher Plant and Welland Mills, is being cleaned up and redeveloped into mixed commercial and retail uses.

**Benefits** include the following: urban-core rejuvenation and improved quality of life through neighbourhood renewal; employment and long-term stability in the tax base; economic development and the use of existing infrastructure; the restoration, conservation and reuse of heritage buildings; more visually attractive, pedestrian-safe streetscapes and a cleaner, healthier environment.