



MEMORANDUM

To: Mayor Scarpitti and Members of Council

Cc: Andy Taylor, Chief Administrative Officer

From: Morgan Jones, Director of Operations
Claudia Storto, City Solicitor & Director of Human Resources

Date: March 31, 2021

Re: ***Bill 257, Supporting Broadband and Infrastructure Expansion Act, 2021***

On March 4, 2021, the Ministry of Infrastructure introduced Bill 257, *Supporting Broadband and Infrastructure Expansion Act, 2021*. The Bill includes new legislation entitled *The Building Broadband Faster Act, 2021*, which aims to make it easier and quicker for telecommunication service providers to expand access to broadband.

Specifically, the *Supporting Broadband and Infrastructure Expansion Act, 2021* is intended to make it easier for telecommunications service providers to use existing electricity assets such as hydro utility poles, as well as municipal rights-of-way, to expand access to broadband while reducing the costs to do so. It also proposes to require utility companies to consider possible joint use of hydro utility poles during their planning process.

Bill 257 also proposes amendments to both the *Planning Act* and *Ontario Energy Board Act*. Following the First and Second Reading of the Bill, it was referred to the Province's Standing Committee for consideration. The Bill was considered on March 25, 26, and 30, 2021.

In addition to the expediency in which this Bill was proposed and referred to the Standing Committee, Staff note the following areas of concern:

- The Act removes the City's autonomy over its own Rights of Way (ROW);
- Non-compliance by the City with any orders issued by the Minister may result in administrative penalties;
- The lack of stakeholder engagement which is not typical in any construction project;
- Provides the Minister the ability to authorize a Contractor to excavate without locates, increasing the potential for damages.

On March 26, 2021, staff submitted a letter to the Standing Committee on the City's behalf expressing the above-noted concerns with Bill 257. The Province is not obligated to respond to the City of Markham and can proceed at its own discretion. The next steps towards the Bill becoming law involve a report to the House, Third Reading and Royal Assent.

Proposed Amendments to the *Ontario Energy Board Act* and the *Planning Act*

The *Ontario Energy Board Act* is proposed to be modified to permit the development of, use of or access to electricity infrastructure that is wholly or partly for a purpose other than the generation, transmission, distribution, consumption, sale or demand management of electricity, as specified by Regulation. There are other changes as well to the authorities of the Ontario Energy Board.

The *Planning Act* is proposed to be amended to provide that Minister's Zoning Orders (MZO's) are not required and are deemed to never have been required to be consistent with the Provincial Policy Statement (PPS). However, MZO's related to land in the Greenbelt Area must remain consistent with the PPS. The proposed changes would permit the Minister of Municipal Affairs and Housing to take other considerations into account when making decisions. The commenting period in relation to the *Planning Act* amendments is 30 days - March 4 to April 3, 2021.

Attached:

- Attachment A: Letter to Standing Committee – The Corporation of the City of Markham's Comments on Bill 257, Supporting Broadband and Infrastructure Expansion Act, 2021