

**Pilon, Janet**

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**Subject:** Support of Resolution - Ask Ontario to Better Promote and Support Remediation of Contaminated Properties in Urban Centres

**From:** [DCaskenette@cornwall.ca](mailto:DCaskenette@cornwall.ca) [mailto:DCaskenette@cornwall.ca]

**Sent:** February 21, 2018 11:14 AM

**Subject:** Support of Resolution - Ask Ontario to Better Promote and Support Remediation of Contaminated Properties in Urban Centres

Good morning,

At its regular meeting of September 25, 2017, Cornwall City Council discussed (as a New Business Item) a motion to petition the Ontario Government to create a special tax class within the commercial tax class to promote and support remediation of Brownfield lands. Abandoned contaminated sites are a common problem across municipalities in Ontario. For a landowner or a potential developer, many barriers stand in the way of redevelopment of contaminated sites: the site's environmental condition is unknown; the possibility of unexpected costs; delays that may occur; challenges concerning risk; cross-property movement of contaminants; market challenges; and liability. These uncertainties may lead landowners to abandon the site, paying reduced municipal taxes on the property, and leaving it inactive.

In Ontario, the Ministry that regulates contaminated lands, including Brownfields, is the Ontario Ministry of Environment and Climate Change (MOECC). Through the Environmental Protection Act, the purpose of which is to *protect and conserve the natural environment*, the MOECC (agent) can issue a Control Order to: an owner (or previous owner), a person who is or was in occupation of the source of contaminant; or a person who has or had the charge, management or control of a contaminant.

City Administration presented a report to City Council at the meeting of January 22, 2018 at which time Council endorsed the attached Resolution to request the Ontario Government to implement reforms that would encourage the remediation of abandoned contaminated properties and provide municipalities with additional tools under the Environmental Protection Act and Municipal Act, 2001. The City's Resolution has been forwarded to the Ministry of Finance, Ministry of Municipal Affairs and Housing and AMO for consideration.

The City of Cornwall is seeking the support from Ontario municipalities to petition the Ontario Government to consider and implement reforms that would encourage the remediation of abandoned contaminated properties and provide municipalities with more tools by creating a special tax class within the commercial tax class to enable municipalities to levy taxation on abandoned contaminated properties at a higher tax rate to encourage remediation of these Brownfield lands.

Debbie Caskenette  
Deputy Clerk  
Clerk's Division / Corporate Services  
The Corporation of the City of Cornwall  
360, rue Pitt Street, Cornwall ON K6J 3P9



## RESOLUTION

### The Council of the Corporation of the City of Cornwall

Resolution number: 2018-01  
Date: January 22, 2018

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#### **Ask Ontario to Better Promote and Support Remediation of Contaminated Properties in Urban Centres**

**WHEREAS** Communities across the province have many abandoned and polluted former dry-cleaning and gasoline-dispensing sites that are concentrated in downtowns and high traffic areas such as street corners;

Communities across the province are struggling to redevelop and revitalize those sites but are severely challenged in their efforts due to the cost of revitalization and the risk of encountering unforeseen contamination that is beyond that anticipated to be present in identified brownfield sites;

The financial resources available to developers through CIP programs are stretched to the limit, and steep up-front costs reduce the attraction of tax-increment funding policies, which are in fact taxpayer-funded mechanisms whereby residential ratepayers pay for the remediation of commercial properties;

Under current property assessment rules, commercial property owners who contaminate their own properties are able to appeal and receive a lower assessment based on that contamination;

In many instances, a corporation responsible for the degradation of a site abandons the site and moves to a new site within the same municipality, without assuming any financial responsibility for cleanup, and with lower taxes on the abandoned property due to the contamination;

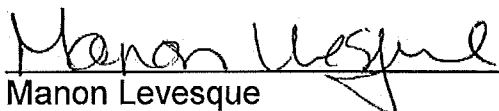
It is necessary to take legislative action to spur intensification and remediation of brownfield sites that occupy valuable urban spaces in the hearts of many communities;

A comprehensive and progressive polluter-pay environment should include policy tools at the provincial and municipal levels that can be used to require a party responsible for introducing contaminants into a shared municipal space environment to remediate that contamination.

THEREFORE, we request the Ontario Government to implement reforms that would encourage the remediation of abandoned contaminated properties and that would provide municipalities with more tools to encourage that remediation, including,

1. Amendments to the *Environmental Protection Act* that extend the circumstances under which a record of site condition is required in respect of a contaminated site, or that otherwise require the remediation of abandoned contaminated properties; and
2. Amendments to the *Municipal Act* that enable municipalities to levy taxation on abandoned properties at rates high enough to encourage remediation and build the resources for effective tax-increment funding programs.

I, Manon Levesque, City Clerk for The Corporation of the City of Cornwall, do hereby certify that the above is a true copy of Resolution Number 2018-01 enacted by Council on Monday, January 22, 2018.

  
Manon Levesque  
City Clerk