

# Brownfields

**From “dirty secrets” to economic opportunities: Ontario’s approach to the cleanup and redevelopment of contaminated properties**

*Contaminated Properties Conference*

Halifax, Nova Scotia

October 21-22, 2003



**Ontario Ministry of Municipal Affairs and Housing**

# Context and Timing

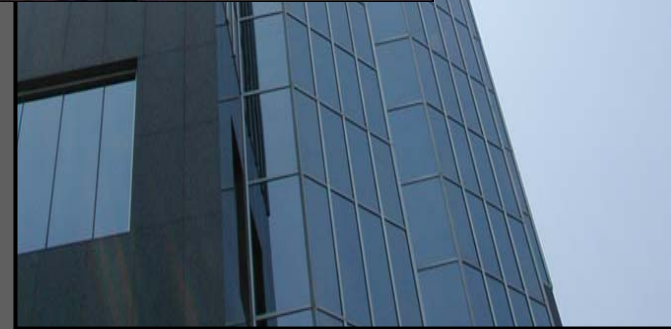
## Canada is 10 years behind the U.S. ... Why?

- No “Love Canal” to raise the brownfields profile
- Less intensely industrialized economy
- Higher urban land values = cleanup costs covered



# Driving Forces ... Why Now ?

- Strong Ontario economy
- Population growth pressures
- Condo popularity and similar developments = higher profit margin to pay for cleanup costs



# Driving Forces con't



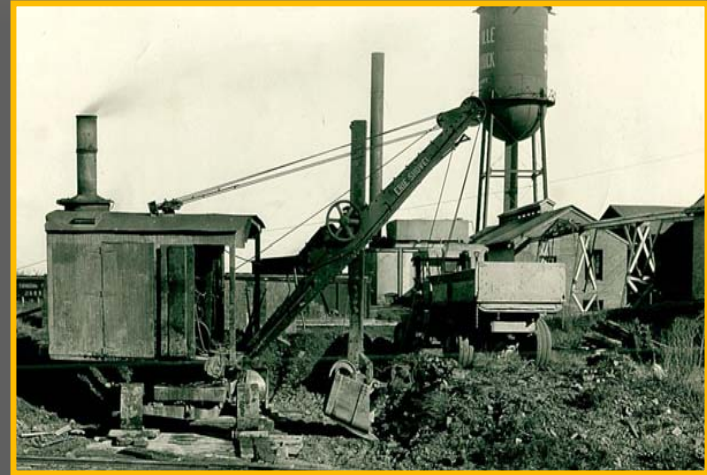
- Public pressure for better growth management practices:
  - Gridlock
  - Loss of farm land and green space
  - Cost of expanding infrastructure
  - Environmental impairment (air, water and soil)

# Ontario's Goals



- To help to find ways to cleanup and redevelop properties
- To garner support for legislative changes and government financial incentives
- To reap the economic, environmental and community benefits of brownfields activities

# AN ONTARIO CASE STUDY



# PHASE I 1999 RESEARCH AND DIALOGUE

- **Reverse Information Flow** – listening to stakeholders and practitioners
- **Legislation and Program Review** of other jurisdictions
- **Municipal Economic Readiness Program (1999)** – municipal economic opportunities
- **First Lesson** – interrelated planning, financing and liability issues = integrated approach



# Phase II – 2000 CHANGING PARADIGM

- **Brownfields Showcase** – setting the stage and international recognition
- **Municipal Financial Tools for Planning and Development** – municipal leadership and available financial tools
- **Sponsored first brownfield conferences** - “Brownie Awards”
- **Provincial staff** trained to work with municipalities and developers



from “dirty secrets”  
to award-winning  
success stories

# Phase III – 2000/01

## POLICY AND LEGISLATION

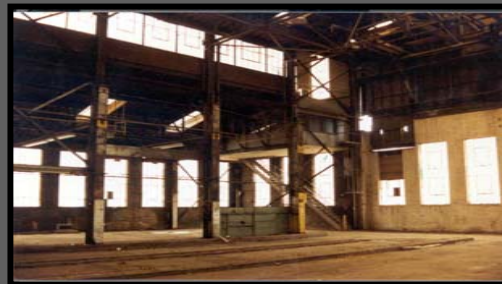


addressing the  
planning, financing and  
liability barriers

- **Brownfields Advisory Panel** – for policy advice and recommendations
- **Information** geared to cabinet ministers and legislators
- **More conferences** – Municipal Affairs and Housing building the momentum

# Ontario's Brownfield Legislation

- *Brownfields Statute Law Amendment Act, 2001*
- Builds on the existing regulatory framework - *Environmental Protection, Planning and Municipal Acts*
- Addresses the three key barriers to brownfields reclamation:
  - environmental liability
  - planning
  - financing



# Highlights - Environment

- Remediation standards tied to sensitivity of new uses
- Five-year protection from regulatory liability for municipalities and secured creditors
- Accreditation for “qualified persons” providing records of site condition
- Public registry system for records of site condition



# Highlights - Financing



- Adds property tax freeze or cancellation to the municipal financial incentive tool box
- Provides municipalities with a one-year option to take ownership of land in a failed tax sale situation. During that year environmental site assessments can be conducted
- Municipal grant and loans under the *Planning Act* can now be extended to owners, tenants or their assignees

# Highlights - Planning

- Municipal flexibility to facilitate the rehabilitation of brownfield properties by allowing community-improvement designations on a site-by-site or area-wide basis
- Community-improvement definition clarified to provide that community-improvement actions can include physical, environmental, social and economic development reasons



**connecting  
brownfields to  
planning**

# Phase IV – 2002/03 Implementation



- **Regulations development** – environment and financing
- **Training provincial staff** to implement the legislation
- **More brownfields conferences** – maintaining the momentum
- **National scene** – provincial participation in developing a brownfields national strategy

# Results: The Changing Paradigm

## Brownfields:

- Are increasingly considered a “normal” and desirable development option
- Are being advertised by municipalities as economic development opportunities (Cobourg, Cornwall, Kitchener)
- Are being glowingly described by real estate sections of major Canadian newspapers



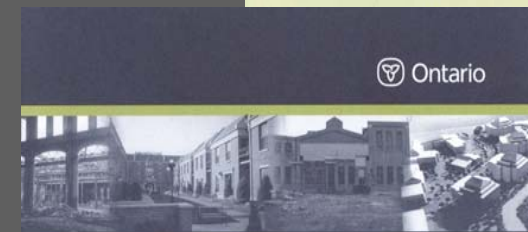
# Results: The Changing Paradigm

## Municipalities:

- Are moving from “custodians of the public purse” to promoters of brownfield investment through the establishment of financial-assistance programs
- Are moving from reactive municipal planning review to facilitation and partnerships with brownfield developers



Outils financiers en matière  
de planification et d'aménagement  
à la portée des municipalités



Municipal Financial Tools for  
Planning and Development



# Towards A National Strategy

- **Be inclusive** – give voice to practitioners
- **Partner** with others for delivery of brownfield messages
- **Understand** brownfields in a broader context -
  - Global economic competitiveness
  - Jobs and housing
  - Health and safety
  - Neighbourhood, community and city-building



**BUILD ON SUCCESS,  
NOT PROBLEMS!**