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MG.23.REP
Public Meeting Wards 1-9

DATE: February 13, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: February 27, 2006

FROM: Martin Powell, P.Eng.
Commissioner of Transportation and Works

SUBJECT: **The Effects of Bill 124 and Municipal Services**

RECOMMENDATION: That a by-law be enacted to ensure that no lands shall be used and no buildings or structures shall be erected or used which will result in the creation of a new or additional residential unit until the Commissioner of Transportation and Works has confirmed that municipal services are available in accordance with the City of Mississauga's minimum standards.

BACKGROUND: At the General Committee Meeting of January 11, 2006, the Transportation and Works Department tabled a Corporate Report entitled *Drainage and Grading Modifications on Private Lands and the Effects of Bill 124*, addressing how the City of Mississauga should regulate drainage and grading modifications on private lands.

Also, as a result of Bill 124 becoming law on July 1, 2005, it is appropriate that the effects of changes to the Building Code Act be addressed in the initiative to develop new by-laws to regulate grading and drainage impacts of construction on private lands.

COMMENTS: The Transportation and Works Department has worked closely with Legal Services, By-law Enforcement and Planning and Building to develop a by-law which maintain control over proposed works as they effect municipal services.

Schedule “C” of
Servicing Agreement

With the enactment of Bill 124, the City of Mississauga’s Transportation and Works Department has amended the Subdivision Servicing Agreement to reflect the constraints placed by Bill 124 and reflect these in Schedule “C” of the Servicing Agreement. Schedule “C” has been amended through cooperation with the Planning and Building Department as well as the Urban Development Institute in response to the fact that these contractual commitments can no longer be enforced through withholding a building permit. Current Schedule “C” requirements are limited to subdivision registration issues and do not encumber the issuance of building permits.

The proposed “Municipal Servicing By-law” will address some of the modifications lost in the Servicing Agreement as a result of Bill 124 and preserve the City’s authority regarding the issuance of building permits.

The proposed “Municipal Services By-law” is required to ensure that no land shall be used and no building or structure shall be erected or used which will result in the creation of a new or additional residential unit unless the City’s Commissioner of Transportation and Works has confirmed that municipal services are available in accordance with the City of Mississauga’s minimum standards. These minimum standards, identified within Part 2, General Provisions, Section 3 of this By-law, were developed in consultation with the Region of Peel to ensure both City and Regional requirements pertaining to the issuance of building permits are upheld.

FINANCIAL IMPACT:

The financial impact is such that the administration costs to affect these two by-laws should be offset through fees stipulated within the by-laws.

CONCLUSION:

The City of Mississauga has authority under Sub-Section 34(5) of the Planning Act to ensure that minimum municipal services are provided prior to the issuance of building permits. Section “C” of the Subdivision Servicing Agreement has been amended to reflect the impact of Bill 124. In order to ensure building permits are issued within plans that have been adequately serviced, the Servicing By-law should be enacted.

ATTACHMENTS: Appendix 1: General Committee Recommendation January 11, 2006, GC-0006-2006.

Martin Powell, P.Eng
Commissioner of Transportation and Works

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RECOMMENDATION GC-0006-2006
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on January 18, 2006

- GC-0006-2006
1. That a by-law be enacted to regulate works on private property and municipal right-of-way and to identify deposit amounts required by the Transportation and Works Department to ensure applicants requiring the issuance of building permits for new construction or the installation of in-ground/on-ground pools do not adversely affect drainage and grading or municipal services and assets.
 2. That a public meeting be held pursuant to Section 34 of the *Planning Act*, on the matter of enacting a by-law to ensure that no land shall be used and no building or structure shall be erected or used which will result in the creation of a new or additional residential unit until the Commissioner of the Transportation and Works Department has confirmed that municipal services are available in accordance with the City of Mississauga's minimum standards.