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Bill 240

**An Act to make statutory amendments respecting the transfer of jurisdiction
within The Regional Municipality of Peel and the appointment of
Deputy Provincial Land and Development Facilitators**

The Hon. P. Calandra
Minister of Municipal Affairs and Housing

Government Bill

1st Reading December 12, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

The Schedule amends the *Ministry of Municipal Affairs and Housing Act*.

Currently, subsection 12 (2) of the Act provides that the Minister may appoint the Provincial Land and Development Facilitator and up to four Deputy Facilitators and fix their terms of reference. The subsection is amended to change the number of Deputy Facilitators that the Minister may appoint from four to six.

SCHEDULE 2 MUNICIPAL ACT, 2001

The Schedule amends the *Municipal Act, 2001*.

New section 53.1 provides for the transfer of jurisdiction or joint jurisdiction over highways, including bridges under section 54, and jurisdiction over public utilities collecting the storm water that drains from those highways from The Regional Municipality of Peel to the City of Mississauga, the City of Brampton and the Town of Caledon, based on where those highways and public utilities are located. The transfer is to occur on July 1, 2026 or on a day prescribed by the Minister.

Section 453 is amended to give the Minister authority to make regulations which, in the opinion of the Minister, are necessary or desirable to facilitate the transfer of jurisdiction or joint jurisdiction over highways and jurisdiction over public utilities collecting the storm water that drains from those highways under section 53.1 and jurisdiction over waste management under section 469.1.

New section 469.1 provides that the City of Mississauga has jurisdiction over waste collection within its geographic area in The Regional Municipality of Peel and over the community recycling centres located at 1126 Fewster Drive and 2255 Battleford Road on July 1, 2026 or on a day prescribed by the Minister.

New section 474.10.1.1 protects the Crown, The Regional Municipality of Peel, the City of Mississauga, the City of Brampton and the Town of Caledon from liability for things listed in clauses 474.10.1.1 (1) (a) to (e), whether the cause of action on which a proceeding is purportedly based arose before, on or after the day the *Peel Transition Implementation Act, 2024* comes into force.

**An Act to make statutory amendments respecting the transfer of jurisdiction
within The Regional Municipality of Peel and the appointment of
Deputy Provincial Land and Development Facilitators**

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His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Peel Transition Implementation Act, 2024*.

SCHEDULE 1
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

1 Subsection 12 (2) of the *Ministry of Municipal Affairs and Housing Act* is amended by striking out “four” and substituting “six”.

Commencement

2 This Schedule comes into force on the day the *Peel Transition Implementation Act, 2024* receives Royal Assent.

**SCHEDULE 2
MUNICIPAL ACT, 2001**

1 Items 1 and 4e of the Table to section 11 of the *Municipal Act, 2001* are amended by striking out “All upper-tier municipalities” under the heading “Upper-tier Municipality(ies) to which Part of Sphere Assigned” and substituting in each case “All upper-tier municipalities except Peel”.

2 Section 52 of the Act is amended by adding the following subsection:

Exception

(8) This section does not apply to The Regional Municipality of Peel.

3 Section 53 of the Act is amended by adding the following subsection:

Effect of transfer

(2) The operation of clause (1) (a) does not constitute a breach, termination, frustration or repudiation of an agreement, or an event of default or force majeure.

4 The Act is amended by adding the following section:

Transfer of jurisdiction re Regional Municipality of Peel

53.1 (1) The jurisdiction or joint jurisdiction of The Regional Municipality of Peel over highways, including bridges under section 54, and the jurisdiction over public utilities collecting the storm water that drains from those highways that are within the geographic area of the City of Mississauga, the City of Brampton and the Town of Caledon is transferred, as of the date prescribed by the Minister, to the lower-tier municipality in which the highway and the public utilities are located.

If no date prescribed

(2) If the Minister does not prescribe a date before July 1, 2026, the transfer of jurisdiction or joint jurisdiction under subsection (1) occurs on that day.

Lower-tier municipality stands in place of Peel

(3) On the day that the jurisdiction or joint jurisdiction over highways, including bridges under section 54, and the jurisdiction over public utilities collecting the storm water that drains from those highways is transferred to the City of Mississauga, the City of Brampton or the Town of Caledon under subsection (1), the lower-tier municipality to which jurisdiction has been transferred stands in the place of The Regional Municipality of Peel under any agreement in respect of the highways, bridges under section 54 and public utilities collecting the storm water that drains from those highways.

Effect of transfer

(4) The operation of subsection (3) does not constitute a breach, termination, frustration or repudiation of an agreement, or an event of default or force majeure.

5 Section 453 of the Act is amended by adding the following subsections:

Regulations to facilitate transfer, Region of Peel

(1.1) The Minister may make regulations which, in the opinion of the Minister, are necessary or desirable to facilitate the transfer of jurisdiction or joint jurisdiction over highways, including bridges under section 54, and jurisdiction over public utilities collecting the storm water that drains from those highways under section 53.1 and jurisdiction over waste management under section 469.1.

Same

(1.2) Without limiting the generality of subsection (1.1), the Minister may make regulations,

- (a) providing for and governing the transfer of rights, assets, liabilities and obligations from The Regional Municipality of Peel and its local boards to the City of Mississauga, the City of Brampton, the Town of Caledon or any of their respective local boards, and governing the legal effect of the transfer of such rights, assets, liabilities and obligations;
- (b) terminating, suspending or amending all or part of an agreement to which The Regional Municipality of Peel, the City of Mississauga, the City of Brampton, the Town of Caledon or any of their respective local boards are a party;
- (c) providing for financial adjustments among The Regional Municipality of Peel, the City of Mississauga, the City of Brampton, the Town of Caledon or any of their respective local boards;
- (d) taking any action with respect to operational matters, including employment matters, and requiring The Regional Municipality of Peel, the City of Mississauga, the City of Brampton or the Town of Caledon to conduct work or to provide goods, services or payments to another municipality;
- (e) requiring the members of councils of The Regional Municipality of Peel, the City of Mississauga, the City of Brampton and the Town of Caledon, and the employees and agents of those municipalities and the members, employees and agents

of each local board of those municipalities to co-operate with the Provincial Land and Development Facilitator in the performance of its duties as specified by the Minister;

- (f) requiring The Regional Municipality of Peel, the City of Mississauga, the City of Brampton or the Town of Caledon to provide to the Minister or Provincial Land and Development Facilitator an existing record or a new record created by the municipality, which may include privileged or confidential information, and addressing the legal effect of disclosing such information;
- (g) establishing a process to monitor the actions, duties and decisions of The Regional Municipality of Peel, the City of Mississauga, the City of Brampton and the Town of Caledon until the day on which the transfer of jurisdiction occurs;
- (h) establishing conditions or standards that The Regional Municipality of Peel, the City of Mississauga, the City of Brampton and the Town of Caledon must meet before entering into an agreement that may have an impact on the transfer of jurisdiction;
- (i) in a case of non-compliance with a regulation made under clause (h), authorizing the Minister to make an order requiring the municipalities to do anything that is described in the regulation; and
- (j) prescribing a date for the purposes of sections 53.1 and 469.1.

Retroactivity

(1.3) A regulation made under subsection (1.1) or (1.2) is, if it so provides, effective with reference to a period before it was filed, but not earlier than December 12, 2024.

Same

(1.4) For greater certainty, subsection (1.3) may have the effect of modifying or extinguishing any right, obligation or interest acquired or accrued before the regulation was filed.

6 The Act is amended by adding the following section:

Waste re Regional Municipality of Peel

469.1 (1) The City of Mississauga has, as of the date prescribed by the Minister, jurisdiction over waste collection within its geographic area in The Regional Municipality of Peel and over the community recycling centres, including any personal property associated with waste collection, located at 1126 Fewster Drive and 2255 Battleford Road in the City of Mississauga.

If no date prescribed

(2) If the Minister does not prescribe a date before July 1, 2026, the City of Mississauga has jurisdiction under subsection (1) on that day.

City of Mississauga stands in place of Peel

(3) On the day that jurisdiction over waste collection is transferred to the City of Mississauga under subsection (1), the City of Mississauga stands in the place of The Regional Municipality of Peel under any agreement in respect of waste collection.

Effect of transfer

(4) The operation of subsection (3) does not constitute a breach, termination, frustration or repudiation of an agreement, or an event of default or force majeure.

7 The Act is amended by adding the following section:

Transfer of jurisdiction in Peel Region, immunity from liability

474.10.1.1 (1) No cause of action arises against the Crown, The Regional Municipality of Peel, the City of Mississauga, the City of Brampton, the Town of Caledon, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown, or The Regional Municipality of Peel, the City of Mississauga, the City of Brampton or the Town of Caledon as a direct or indirect result of,

- (a) the enactment, amendment or repeal of any provision of section 53.1, subsection 453 (1.1), (1.2), (1.3) or (1.4) and section 469.1 by Schedule 2 to the *Peel Transition Implementation Act, 2024*;
- (b) the making, amendment or revocation of any provision of a regulation made under subsection 453 (1.1), (1.2) or (1.3);
- (c) anything done or not done in accordance with any provisions referred to in clause (a) or any regulations referred to in clause (b);
- (d) any modification, revocation, cessation or termination of rights in real property, contractual rights or other rights resulting from anything referred to in clauses (a) to (c); or
- (e) any representation or other conduct that is related, directly or indirectly, to anything referred to in clauses (a) to (c), whether the representation or other conduct occurred before or after this subsection came into force.

No remedy

(2) Except as otherwise provided under this Act, no costs, compensation or damages, including for loss of revenues or loss of profit, are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort, misfeasance, bad faith, trust or fiduciary obligation, any equitable remedy or any remedy under any statute, is available to any person in connection with anything referred to in subsection (1) against any person referred to in that subsection.

Proceedings barred

(3) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(4) Subsection (3) does not apply with respect to an application for judicial review, but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief or the enforcement of a judgment, order or award made outside Ontario.

Retrospective effect

(5) Subsections (1) to (4) apply regardless of whether the cause of action on which a proceeding is purportedly based arose before, on or after the day the *Peel Transition Implementation Act, 2024* comes into force.

No costs awarded

(6) No costs shall be awarded against any person in respect of a proceeding that cannot be brought or maintained under subsection (1).

No expropriation or injurious affection

(7) Nothing referred to in subsection (1) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Proceedings by Crown not prevented

(8) This section does not apply with respect to proceedings brought by the Crown.

Commencement

8 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Peel Transition Implementation Act, 2024* receives Royal Assent.

(2) Section 2 is deemed to have come into force on December 12, 2024.

(3) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.