

File Number G07-01-05-BROW

10 May 2005

Eugene Nyberg
Acting Executive Director and CEO
National Roundtable on the Environment and the Economy
344 Slater Street, Suite 200
Ottawa ON K1R 7Y3

Dear Mr. Nyberg:

**Re: "Greening Canada's Brownfields: A National Framework for Encouraging
Redevelopment of Qualifying Brownfields through Removal of Crown Liens and
Tax Arrears" - Comments on Final Report**

Thank you to you and your staff on inviting myself and Ken Hughes to take part in the experts' workshop held in Ottawa on March 9, 2005. After reviewing the final report, we are in agreement with all of the recommendations except in regards to the application protocol.

In the key steps in the protocol process noted on page 12, the trigger for invoking the process would be a proposed or failed municipal tax sale and a municipality wanting to encourage redevelopment on the site. With respect, it is our submission that the criteria of a failed or even a proposed tax sale is very narrow. In Ontario, municipalities have the option of whether or not to register a tax arrears certificate and commence the tax sale process (s. 373 of the *Municipal Act, 2001*) as well as an option of deciding or not whether to vest a brownfields property in the City following a failed tax sale (s. 379 (5)(b)). Many municipalities, such as Ottawa, are therefore only commencing tax sales where there is no known environmental contamination and where there is a reasonable prospect of a sale.

Municipalities will want to encourage redevelopment of a brownfield site with or without the prospect of a proposed or failed tax sale as a mandatory trigger. Proof that a particular site is in the hands of trustee in bankruptcy or receiver would, in our opinion, be more appropriate as the mandatory trigger. A proposed or failed tax sale could be a discretionary trigger which would also add to the strength of needing financial relief under this protocol. In all other

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respects, we are in agreement with the protocol especially in respect of the establishment of coordinating brownfields offices at all levels of government.

If you have any further questions about this submission, please do not hesitate to contact Ken Hughes, Manager of Revenue at 580-2424 ext. 13485.

Yours truly,



for: Jennifer Jackson
Legal Counsel

cc: Ken Hughes, Manager of Revenue, Finance Services Branch, Corporate Services
Leslie Paterson, Program Manager, Planning Policy, Planning & Growth Management
Angus Ross, Chair, Advisory Panel, Canadian Brownfields Network