

I strongly oppose several aspects of Bill 66, *Restoring Ontario's Competitiveness Act, 2018*. I disagree with the Government of Ontario's contention that Bill 66 cuts "unnecessary" and "out of date" regulations (ERO posting 013-4293). This is patently not true in the case of Schedule 10 which introduces "open-for-business by-laws" that would trump critical requirements under several laws that are designed to protect water, natural heritage and human health and well-being and to ensure fair, consistent and transparent public engagement in land-use decisions.

My concerns are outlined in the below and trust that they will be considered with respect to all three relevant ERO postings (i.e., 013-4293, 013-4125, 013-4239).

Open-for-business by-laws would circumvent fundamental protections for environmental and human health.

The Government of Ontario claims that Bill 66 will "make Ontario more competitive by cutting unnecessary regulations that are inefficient, inflexible or out of date" (ERO 013-4293). To this end it intends to allow municipalities to pass open-for-business by-laws so that they can permit land-uses "without having to strictly adhere to existing local requirements (e.g., official plan and zoning)" (ERO 013-4125). Both government statements are misleading. The laws, plans and policies that will be sidestepped through open-for-business by-laws are neither unnecessary nor out of date. Nor are they simply "local requirements." As outlined in the table below, open-for-business by-laws would override requirements to be consistent with many of Ontario's key planning laws and policies recently passed or updated with extensive public consultation.

Key requirements that will be overridden in seven of the ten laws listed in Schedule 10

Law listed under Schedule 10 of Bill 66	Requirements that would not apply to an open-for-business by-law	Timing of the passing or most recent revision of specific law, plan or policy
<i>Planning Act</i> , Subsection 3 (5)	This section requires the decisions of municipalities and others (boards, ministers, government agencies) to be consistent with policy statements and provincial plans. This includes Provincial Policy Statement (PPS) requirements regarding natural heritage protection, water features protection, active transportation, climate resiliency etc.	The Provincial Policy Statement was revised in 2014 following five years of in-depth public consultation.

<i>Planning Act</i> , Section 24	This section requires public works and by-laws to be consistent with municipal official plans.	Municipal official plans are to be reviewed at least every five years, with community consultation.
<i>Planning Act</i> , Subsections 34 (10.0.0.1) to (34)	These subsections set out requirements for public engagement in order to amend a zoning by-law, including public notice, public consultation and opportunities for appeal.	
<i>Clean Water Act</i> , 2006, Section 39	This section requires land-use planning decisions (municipal, provincial and others) to conform to the significant threat policies and Great Lakes policies adopted in approved source protection plans intended to protect existing and future sources of municipal drinking water. It also requires public works, municipal by-laws and provincial approvals to be consistent with the significant threat policies.	Since the law came into effect in 2007, communities across Ontario have been developing source protection plans, with public input required.
<i>Great Lakes Protection Act</i> , 2015, Section 20	This section requires planning decisions to conform with designated policies in “geographically focused initiatives,” a tool that allows communities to solve complex problems to protect or restore the ecological health of the Great Lakes – St. Lawrence River basin.	The law was passed in October 2015.
<i>Greenbelt Act</i> , 2005, section 7	This section requires that planning decisions conform to the Greenbelt Plan and prohibits by-laws to be passed that conflict with the Greenbelt Plan.	The Greenbelt Plan was amended in 2017, after extensive public consultation.
<i>Lake Simcoe Protection Act</i> , 2008, Section 6	This section requires that planning decisions conform with designated policies of the Lake Simcoe Protection Plan. It requires that in cases where policies in the Lake Simcoe Protection Plan conflict with other provincial plans or policies, that	The law was passed in 2008.

	which provides the greatest level of protection for the ecological health of the Lake Simcoe watershed will prevail.	
<i>Oak Ridges Moraine Conservation Act, 2001, section 7</i>	This section requires that planning decisions conform with the Oak Ridges Moraine Conservation Plan and prohibits by-laws to be passed that conflict with the plan.	The Oak Ridges Moraine Conservation Plan was amended in 2017, after extensive public consultation.
<i>Places to Grow Act, 2005, Subsection 14 (1)</i>	This section requires that planning decisions comply with the Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario.	The Growth Plan for the Greater Golden Horseshoe was amended in 2017, after extensive public consultation.

The potential negative impact of open-for-business by-laws is far-reaching and profound. In each case they would override key operative provisions in the laws listed in Schedule 10, undermining fair and consistent application of laws and policies designed to protect drinking water, natural heritage, farmland and watershed health across Ontario, and leaving communities open to unchecked development. For example, policies that would not apply in open-for-business by-law areas include:

- Those addressing significant threats to municipal drinking water (e.g., landfills, sewage systems, and the storage or handling of fuel, fertilizers, manure, pesticides, road salt, organic solvents and other substances on lands near wells or surface water intake pipes used by municipal drinking water systems);
- Those protecting provincially significant wetlands, woodlands and valley lands and habitat of species at risk;
- Those supporting active transportation, affordable housing, green infrastructure and climate resiliency;
- Those protecting key natural heritage features, key hydrologic features, natural core areas and natural linkage areas across the Oak Ridges Moraine;
- Those protecting two-million acres of natural areas and farmland across the Greenbelt;
- Those protecting fresh water and the ecological health of the Lake Simcoe watershed;
- Those supporting smart, integrated, long-term planning for the Greater Golden Horseshoe, a heavily developed region facing intense development pressures.

These and other outcomes of Bill 66 would run contrary to interests and desires of the people of Ontario: a 2016 Nanos poll found that 90 percent of Ontarians believe the government is responsible to ensure a healthy environment for all, and 97 percent support the right to clean air and water.

Open-for-business by-laws would eliminate opportunities for public input on planning decisions.

Under the guise of cutting red tape, open-for-business by-laws would bypass legal requirements (*Planning Act, Clean Water Act*) designed to ensure fair, consistent and transparent public engagement with land-use decisions in our communities.

Open-for-business by-laws could be passed without any prior public notice or meetings and could not be appealed to the Local Planning Appeal Tribunal. In other words, by-laws passed behind closed doors would trump laws, policies and municipal official plans developed through extensive and open public consultation. Communities would have no recourse to influence or challenge them.

Further, Bill 66 would allow Cabinet (not the Legislature) to add other legal provisions to the list of those in Schedule 10 to be circumvented by open-for-business by-laws, an approach which limits opportunities for transparent public consideration and debate.

Finally, we question whether there is demand from municipalities for open-for-business by-laws, ostensibly proposed by the government to make more employment lands available. At the Growth Plan implementation consultation held on November 8, 2018 at Queen's Park many municipalities indicated that they have a surplus of employment lands and would like to see these repurposed for residential. Since the introduction of Bill 66, many municipal leaders (e.g., in Guelph, Aurora, Burlington, Barrie, Oakville, Hamilton, Toronto) have expressed serious concerns about open-for-business by-laws and the circumvention of laws that protect drinking water, farmlands and natural areas and ensure public input and transparency in decision-making.

Concluding remarks

From Kenora to Toronto and Ottawa to Windsor, Schedule 10 of Bill 66 would turn back the clock on many years of good planning, community input and strong leadership from governments of all political stripes. Open-for-business by-laws would sidestep laws and policies intended to protect the long-term health and resilience of our communities and would facilitate sprawling and unchecked development, threatening sensitive natural features and water resources upon which we all rely. Bill 66 would undermine everything we have learned – sometimes under tragic circumstances – about how to protect our environment and the health of our communities. Ontarians do not want another disaster like Walkerton, when over 2,000

people fell ill and seven died as a result of a failure to safeguard the local water system. Environmental deregulation, budget cuts and staffing reductions were all identified as major contributing factors in that tragedy.

I strongly urge the government to avoid similar mistakes and to remove Schedule 10 from Bill 66.