January 19, 2021 Suggested BSNA response to the Environmental Registry of Ontario posting for public comment until Jan 30, 2021 (a 45-day posting) of the government proposal to take over the municipal site plan control process for any project subject to a Minister’s Zoning Order (MZO)

See:   <https://ero.ontario.ca/index.php/notice/019-2811>

Dear ERO

**The Board of the Bayview-Sheppard Neighbourhood Alliance (BSNA) is not in favour of the Ministry of Municipal Affairs and Housing (MMAH) taking over the municipal site plan control approval process.**

The BSNA membership is comprised of nine condominium corporations near Bayview and Sheppard avenues in North York and it has taken on an active role in expressing the views and concerns of the residents of the community pertaining to development in the area.

While site plan applications do not currently require public consultation, they do depend on municipal governments, as the ERO posting says, to control:

“…access (for pedestrians and vehicles), walkways, lighting, waste facilities, landscaping, drainage, and exterior design, ensures that a development proposal is properly planned and is designed to fit in with the surrounding uses and to minimizes any negative impacts.”

**We don't believe that MMAH has the capabilities to determine what is in the best interest of the residents of any community in the Province. Nor do we believe the Minister and Ministry have the appropriate level of detail required to make an adequate and equitable decision for these communities and the resources required to complete the numerous developments in a timely manner. We are concerned that if it takes over site plans that it will overlook what could be crucial factors that affect the long-term growth and prosperity of these communities.**

The Province has already granted developers Minister’s Zoning Orders (MZOs) which allow them to bypass its own Provincial rules around the protection of wetlands and the inclusion of any public consultation in the proposed development affecting their community. Having the Minister make decisions that override existing provincial policies in the name of expediency is not sound governance.

In implementing over 30 Minister’s Zoning Orders (MZOs) so far, the government and the Minister already appear to be overriding the original emergency use or broad planning intent for the public good. The government appears to have unilaterally decided that local municipalities and Provincial voters do not need to have a role in determining the character and quality of life within their own communities. MZOs do not require developers to hold community consultations, or to require developers to provide any community benefits.

**Having no further control on site plans by municipalities also means having less input by Ontarians on how a development fits within the existing community or how it contributes to its growth and the health of its local businesses as well as its residents.**

For example, the Lower Duffins Creek Wetland complex is one of the GTA’s largest remaining wetlands on the north shore of Lake Ontario. Developing this land violates provincial law and policy, is destructive to the environment and will increase local flood risks. Despite all these negative factors concerning the impact of the development on the local community the MZO allowing the development to proceed appears to be solely motivated to allow the developer to complete a project for the ease of an existing business arrangement with a USA company for a warehouse that could be located elsewhere. This should not be the intent of these MZO’s especially when other suitable areas exist which would result in far less environmental and community disruption.

**If the MMAH desire is to take over a municipal planning process, then the Ministry should consolidate the entire process of issuing the permits, notify community members, hire engineers and planners to assess the current infrastructure and to ensure that any additional community needs are in place prior to the approval of any such developments.**

**The capability to do the required work should be embedded in MMAH or other Provincial ministries working on behalf of the public. It should not be through the developer’s alternative of hiring consultants who can be beholden to the developers’ interests and payments to them and create a perceived conflict of interest between the goals of the developer and the needs of the community.**

**If the Minister wants control of both the Official Plans and Zoning bylaws where would the necessary checks and balances between the various community, provincial and developer interests occur? Or is the Minister’s interest in making all decisions by expediency at the expense of the public good?**

**We believe having only MMAH determine the appropriateness of any developments would benefit developers at the expense of the communities in which these MZO’s are executed. The community will then have to live with the impact and consequences of these random and potentially ill-conceived projects that favour the developer. Removing the checks and balance in the current process would not serve the public good.**

**If it is the Minister’s intent to take over the site planning process then it should post the intention for each project on the Environmental Registry of Ontario or distribute notifications to nearby residents, as now required of municipalities and get residents (voters) input before any MZO is issued or development approved.**

**Lastly, if the Minister wants to change provincial policy, then the Minister should post it as a standalone initiative, instead of embedding it in a financial Bill, or put it on the election platform for 2022 and let the taxpayers decide whether they want to replace municipal planning with MZOs and Provincial control of the site planning and development control process.**

Thank You

David Reid, BSNA Secretary on behalf of the BSNA Board

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C. BSNA Board