 

December 9, 2022

The Honourable Graydon Smith, Minister of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing

**VIA email**

Dear Ministers Smith and Clark,

**RE: ERO #019-6141 Legislative and regulatory proposals affecting conservation authorities; ERO #019-6172 Proposed *Planning Act* and *Development Charges***

***Act*, 1997 Changes; ERO #019-6163 Proposed *Planning Act* and *City of***

***Toronto Act* Changes; and ERO #019-6211 Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario’s Building Code.**

On behalf of Pickering Naturalists, I would like to state our unequivocal objection to the proposed changes outlined in the EROs listed above. There appears to be an overwhelming disregard for conservation issues in these proposals. Even the basic assumption that our provincial government would uphold minimal tenets of sound land-use planning must seemingly be cast aside in the rush to approve any and all development. This, regardless of the environmental cost to citizens and future generations. We utterly reject the contention that wetlands, the Greenbelt, and, in particular, the Duffins Rouge Agricultural Preserve must have their protected status revoked in order to allow for additional housing to be built. We likewise reject the premise that “land swaps” are a reasonable approach to land-use planning. Sufficient lands are already available for housing, as we will address in our submission.

**About Pickering Naturalists**

Pickering Naturalists is a non-profit organization established in 1977 to provide a local natural history group in Pickering and Ajax (both formerly included in Pickering Township). Membership is open to anyone with an interest in nature. We have individual, family, student and life memberships. A club newsletter, Pickering Naturalist, is published quarterly. Regular outings to sites of interest are offered, both locally and farther afield. Our mission statement, as given on our website, is: encourage the enjoyment and study of nature and the environment; promote the conservation of our flora and fauna, land and water; and foster awareness and education of our natural surroundings. We have a long-standing involvement in conservation issues, dating from early participation in environmental planning for Frenchman’s Bay in 1978. It is from this focus on conservation that we have reviewed the aforementioned Environmental Registry Items.

**Summary of our concerns**

The provincial government has stated that the rationale behind their recent flurry of policy and law amendments is the requirement for additional land to meet housing needs. We find this claim to be totally unsubstantiated. According to Ontario’s Housing Affordability Task Force, 2022 report

<https://files.ontario.ca/mmah-housing-affordability-task-force-report-en-2022-02-07-v2.pdf>,

a shortage of land is not the cause of the housing shortage:

 “Land is available, both inside the existing built-up areas and on undeveloped land outside

greenbelts … Most of the solution must come densification. Greenbelts and other

environmentally sensitive areas must be protected, and farms provide food and security. Relying

too heavily on undeveloped land would whittle away too much of the already small share of land devoted to agriculture.” (pg. 10).

The amount of land now available for housing is far far greater than any requirements. According to an article in the Toronto Star (Jan. 18, 2022), “in the Golden Horseshoe … Municipal plans show that there are approximately 88,000 acres of land within urban boundaries across the region already approved for housing – enough to meet Ontario’s needs for decades to come.” [We cannot sprawl our way to housing affordability | The Star](https://www.thestar.com/opinion/contributors/2022/01/18/we-cannot-sprawl-our-way-to-housing-affordability.html)

We also review proposals in Schedule 2 and Schedule 9, with their deleterious changes to the *Conservation Authorities Act* and the *Planning Act*. With regard to Schedule 1, our comments will address proposed negative limitations on the City of Toronto’s capacity to establish requirements for new developments re the *City of Toronto Act, 2006.* In reference to proposed changes to Ontario’s Building Code, we will discuss negative aspects of those changes as they apply to green standards in many communities in the province.

**Reduced responsibilities and role for Conservation Authorities**

Since it came to power, this government has “progressively” reduced the mandate of CAs in land-use planning. After working with my local CA for over a decade in the role of educating the public and students about watersheds, flooding and the role of CAs, I speak with some considerable experience.

CAs are the most appropriate agency to comment on land-use planning, because they are based on watersheds. Furthermore, they have staff who live and breathe a watershed approach on a daily basis. In reviewing a development proposal, they already know the terrain, and they don’t need to consult a glossary to discover the difference between a 25-year storm, a hundred-year storm, the Timmins Storm and a regional storm. These individuals and their managers have extensive training in their respective fields, and extensive knowledge of the land-base they work with on a daily basis.

The alternative of having someone based out of Queen’s Park pronouncing on land-use decisions in some watershed halfway across the province is ludicrous. To suggest that the province can effectively take the place of a local watershed-based agency makes no sense whatsoever. Additionally, CA staff have effective working relationships with land-use planners in their local municipalities (and regional municipalities, where they exist). There is already an effective team approach to watershed planning – why on earth would we dismantle this process in favour of a top-down provincial bureaucracy that will be vastly less effective?

Those who pine for the “good old days” – “before all of this red tape” may need a history lesson. Those old days featured the tragic deaths of 81 Torontonians living near the Humber River during Hurricane Hazel on October 15, 1954. Reduced flood risk to Ontario citizens has been almost entirely due to advances in land-use planning through our CAs. One would hope that provincial officials who have not learned the lessons of history will not suffer residents of our watersheds to suffer the consequences.

Surely the province is not seeking unrestricted land development that ignores ecological concerns as well as the safety of residents living near rivers and shorelines? A return to a “wild west” of unrestrained land development would benefit neither the citizens of Ontario nor our natural areas. Do the profits of the few really outweigh the needs of the many?

Changes to the *Planning Act* will mean that CA permits currently needed for development projects (to alter water courses, streams or rivers, or to complete erosion control works) will no longer be necessary. This will hobble the CAs’ ability to have a positive influence on development that has a damaging effect on streams or wetlands (or to prevent such development altogether).

There will be a further reduction in environmental oversight with the slashing of the CAs’ ability to comment on pollution or the conservation of lands, as regards CA permits.

Currently, municipalities have the option of seeking agreements with CAs in relation to planning approvals or applications. Under the proposed changes, this will not be allowed. How could there possibly be a problem with having the foxes guard the chicken coop?

Those conservation areas and lands, with their natural areas and flora and fauna that we all enjoy visiting, have not escaped scrutiny in this exercise. In a “Sophie’s Choice” approach to land use planning, CAs will be required to notify the province of lands to be “disposed” of for purposes of development.

There will also be extreme limitations on the capacity of CAs to appeal land use planning decisions. The best guardians of our local watersheds will be defanged. With ongoing climate change, we will be left defenceless in the face of increased flood risks, the degradation of woodlots and wetlands, and the loss of farmland.

We fail to see how these reduced powers of CAs will serve the public good. In contrast, the adverse implications of these proposals are legion.

With our increasing awareness of the global climate change crisis, it is inevitable that we will need strong, resilient local agencies to address ecological issues. Those agencies are our CAs. The CAs will be in a much better position to help us weather the coming storms if their powers and responsibilities remain intact. A reduced role for our CAs will have drastic implications for the ecological integrity of our watersheds. The future of our wetlands, valley-lands, and other important habitats (including forests) will be severely compromised by the absence of effective regulation at the local level.

Do we know whether the Minister of Municipal Affairs and Housing or the Minister of Natural Resources and Forestry sought an opinion from the relevant CAs concerning the government proposal to revoke the protected status of the Greenbelt? Or the Duffins Rouge Agricultural Preserve? Or a review of existing protections for provincial wetlands?

**Public right to consultation and appeal abolished**

Citizens of Ontario have grown accustomed to exercising their democratic right to attend public meetings for draft plans of subdivision, as well as having the option of appealing municipal planning decisions. Well, no more – the government will spare us the necessity of such “frills”. Bill 23 includes alterations to the *Planning Act* (subsections 51(20) to (21.1)) that will eliminate the requirement that draft plans of subdivision trigger a public meeting. In yet another unappealing move, the bill quashes the public’s right to appeal municipal planning decisions.

**Abandonment of responsible approaches to regional planning and growth**

As a long-time resident of Durham Region, I am astonished to see that the province’s nefarious proposals include changes to the *Planning Act* that would eradicate the authority of the Regional Municipalities of Durham, Halton, Peel, Niagara, Waterloo and York, as well Simcoe County, to do planning. How will natural sites and farmland be conserved after this draconian measure is introduced? How will sites to support required municipal infrastructure be assessed? How will large-scale services that extend over a sizable area, such as major road, transit systems, sewer and water facilities, be implemented? The assault on the powers of CAs will exacerbate all of these concerns. Does anyone seriously believe that smaller municipalities will have the staff, expertise and other resources needed to carry out such projects? Speaking of Durham Region, this prospect is truly laughable. Or it would be, if the government weren’t serious in its decimation of so very many aspects of our provincial regulatory systems. The result of these proposals will be a new “improved” system – one that is not coherently planned, one that is much more ad-hoc, one that is anti-environmental, and one that is much more costly and ineffective.

Not even our neighbourhood parks will be spared in this scouring of the shire. Bill 23 will feature alterations designed to “reduce a municipality’s ability to provide for local parks” and, as a result, “the amount of quality, safe, accessible parkland available” (Association of Municipalities of Ontario (AMO) Submission on Bill 23, pp. 4 – 5). <https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Submissions/SC_HICP-LTR_AP_AMO_Submission_Bill%2023_More_Homes_Built_Faster_Act_20221116.pdf?_zs=9Ol6O1&_zl=mbAO2>

In Clarington, for example, the municipality has already approved 5,000 applications to build homes over the last decade, and a further 9,000 units in three of its secondary plans (Brookhill, Southeast Courtice and Southwest Courtice). Note that Clarington’ share of the 1.5 million homes the province says it needs to get built would be 13,000 homes. ['Shock and awe': Impact of Bill 23 on Clarington could be increased taxes, less parkland (durhamregion.com)](https://www.durhamregion.com/news-story/10806028--shock-and-awe-impact-of-bill-23-on-clarington-could-be-increased-taxes-less-parkland/) This article goes on to note disastrous proposed changes to parkland dedication rates. The parkland dedication rates would be cut in half, and a new cap is to be introduced for parkland/cash-in-lieu for residential development. How on earth do these proposals benefit anyone other than developers? To make matters even worse, there are reduced parkland dedication rates (as well as reduced development charges and community benefit charges) for “affordable housing, attainable housing and housing developed through an inclusionary zoning program”. The only thing attainable about such housing (or parkland) is the profits that developers will reap for this massive land grab.

For some inexplicable reason, under these proposals, municipalities will be forced to “spend or allocate 60 per cent of the parkland reserves (or development charges) each year.” It remains to be revealed just exactly how such a “use it or lose it” clause benefits our struggling municipalities. Clarington Regional Councillor Willie Woo observed that one of the issues raised by the staff report was that costs for consulting fees and a reduction in municipal development charges would: “transfer the cost of the burden of growth from developers to taxpayers.” ['Shock and awe': Impact of Bill 23 on Clarington could be increased taxes, less parkland (durhamregion.com)](https://www.durhamregion.com/news-story/10806028--shock-and-awe-impact-of-bill-23-on-clarington-could-be-increased-taxes-less-parkland/). Once again – the benefit to developers is blatantly obvious, the benefit to municipalities – not so much! Clarington council unanimously passed a motion opposing Bill 23, saying: “it is not required, nor is supported because Clarington has sufficient housing capacity.”

The Association of Municipalities of Ontario (AMO) has argued: the cost to municipalities (of freezing, reducing and exempting developers from paying development charges) would be $5.1 billion over a nine-year period. [City of Oshawa issues statement with concerns about provincial housing bill | Durham Radio News](https://www.durhamradionews.com/archives/162601). They noted that this amount would have to be made up by either raising property taxes or reducing services. Elaborating further on this issue, Oshawa mayor Dan Carter [City of Oshawa issues statement with concerns about provincial housing bill | Durham Radio News](https://www.durhamradionews.com/archives/162601) said:

 “We believe growth should pay for growth. Currently, development charges are collected to

fund infrastructure projects required for our growing community like new recreation centres,

bridges and roads. However, with this new legislation, it is clear that there will be a financial

impact to the taxpayer and the City. Removing or restricting the City’s ability to collect and use

development charges to fund critical infrastructure projects will result in the need to fund these

costs by increased taxes for all Oshawa taxpayers. In addition, the City would be acquiring less

parkland and less cash-in-lieu of parkland, resulting in a greater financial burden that would shift

from the developer to the Oshawa taxpayer to maintain the amount of parkland required in new

communities.

**Elimination of Toronto’s ability to establish standards for new developments re Green Criteria**

As proposed in Bill 23, for new developments, the City of Toronto would no longer have the capacity to establish green performance standards. The role of such standards is to reduce carbon emissions, minimize energy usage, lower stormwater runoff, safeguard habitats and landscapes, reduce waste going to landfill and to reduce the incidence of fatal bird collisions with buildings. The Fatal Light Awareness Program Canada (FLAP) ( <https://flap.org/data/> ) has documented losses involving 173 species, including 24 species at risk in the Greater Toronto Area (GTA) alone. An estimated one million birds are lost annually to such collisions in the GTA. This program is proven success story, and new buildings in the city are much safer for birds. It is vital that the City of Toronto retain the capacity to set such green standards. Ontario needs MORE green standards, not less!

In fact, proposed changes will make Ontario communities across the province much more dangerous places for birds. According to the FLAP (draft) submission on proposed changes to the Ontario Building Code: [ERO Submission - Google Docs](https://docs.google.com/document/d/1DfPfyXRq0CrinJ39lKAdXKsDarUMfb-3pirdwGDsVbE/edit)

 “The Ontario government is proposing changes to the City of Toronto Act and Planning

Act through Bill 23 “More Homes Built Faster Act” 2022 that would remove the authority of municipal governments to enforce green building standards. This will result in the discontinuation of bird friendly building design guidelines that have been adopted and enforced through site plan control by numerous municipalities across Ontario, including: Ajax, Aurora, Brampton, Burlington, East Gwillimbury, Fort Erie, Guelph, King, London, Markham, Mississauga, Newmarket, Ottawa, Pickering, Richmond Hill, Toronto, Vaughan and others.”

The government seems to believe that their smokescreen of ‘fast homes” will allow them to shred environmental regulations that have been established over the decades at will. They appear to wish to reverse any and all impediments to unrestricted development, so we might return to “good old days” of unlimited growth. Many of us would disagree – valuing instead those protections that make our communities more livable.

**Conclusion**

It is distressing that this whole exercise feels like a frontal assault on the system of environmental protections that we in Ontario have come to rely on. Since this entire Bill 23 House of Cards teeters precariously on the assumption that there is a shortage of land to meet housing needs – and there is demonstrably no such shortage – would it not be prudent for the government to issue a course correction? Our entire system of land use planning is based on an intricate network of checks and balances. We are intensely concerned that the biodiversity of Ontario will suffer drastic consequences as a result of these proposals. The changes proposed by the government will regress us back to square one and beyond – to the detriment of our society and ecosystems.

Pickering Naturalists implore you to not move forward with the policy and law amendments proposed in ERO #019-6141, 6172, 6163 and 6211.

Yours in conservation,

Pickering Naturalists