

Response to proposed Bill 5

April 24, 2025

Initial public consultation concerns:

Proposed Bill 5, "Protecting Ontario by Unleashing our Economy Act," is not just a misleading title, it's a calculated smokescreen, in fact, the devil's in the detail. Split into ten separate schedules with clashing ERO numbers and rammed through under a rushed 30-day consultation, this fragmented approach is a textbook case of regulatory sleight-of-hand. It's designed to overwhelm, confuse, and silence public and expert voices. Just like the Greenbelt grab, it reeks of a developer-first agenda—fast-tracking sprawl while gutting environmental safeguards. What's at stake isn't just process, but principle: the deliberate dismantling of protections and leaving the public with little to no recourse.

- Proposed Bill 5, "Protecting Ontario by Unleashing our Economy Act" is split into 10 different schedules and whereby some schedules have a different ERO reference number of input and others do not (Schedules 1, 4 & 8)
- ERO numbers for response, all due at the same time, May 17, 2025 - 30 days in this instance doesn't allow for adequate public stakeholder input given the range and depth of the proposed legislative changes.
- Given the haste with which all the components of this Bill have been put together, there should be serious concern about how much expert and scientific consultation was sought as part of the preparation process.

Note Schedules 1, 4 & 8 are part of the same ERO reference number as are schedules 2 & 10.

Summary of Ontario's Legislative Changes (10 Schedules, 2025)

These are the potential benefits the province is looking to secure:

- **Faster Project Approvals**, especially in **Special Economic Zones** and **Ontario Place**.
- **Streamlined Energy Procurement** allows the government to prioritize local or aligned suppliers in energy projects of its choosing.
- **Flexible Development Tools** allows the government gains the ability to **modify or exempt regulations** in priority zones

Key Concerns - the 'not-so-hidden' cost:

Environmental oversight isn't just weakened—it's being gutted. Public consultation is sidelined, scientific expertise dismissed, and the foundations of transparency and accountability are under direct attack. Protections for endangered species are slashed, clearing the path for reckless development in ecologically critical areas. Indigenous rights are not just overlooked—they're actively trampled, with carve-outs and closed-door decisions that erase their stewardship and sovereignty. The public's legal ability to challenge harmful projects is stripped away, collapsing democratic checks and balances. Meanwhile, energy decisions are hoarded at the top, shutting out communities and consolidating power where it can't be questioned.

- **Environmental Oversight Weakened:**
Several laws now **limit or bypass public consultation**, especially under the **Environmental Bill of Rights**. This reduces transparency and accountability.
- **Species Protections Rolled Back:**
The new **Species Conservation Act** replaces the stronger **Endangered Species Act**, softening legal protections and enabling more development in sensitive habitats.
- **Indigenous Rights Overlooked:**
Though artifacts may be returned to Indigenous communities, the broader exemption powers and lack of consultation could **undermine Indigenous stewardship** of land and heritage.
- **Erosion of Democratic Participation:**
Legal rights to **comment, appeal, or sue** over environmental and development decisions are restricted or extinguished in several areas, **limiting public and legal recourse**.

BREAKDOWN OF EACH SCHEDULE

Schedule 1 025-0416 [Protect Ontario by Unleashing Our Economy Act, 2025.](#)

Key Concerns: IESO is no longer INDEPENDENT

The government is seizing control over energy contracts, stripping independence from the IESO and Ontario Power Generation by dictating what they can buy—and from whom. It grants itself sweeping powers to block deals, cherry-pick suppliers, and exempt certain goods, all behind closed doors. Even worse, it builds in legal immunity for itself and energy companies, shielding them from lawsuits and cutting off any path to accountability. This isn't just overreach—it's a deliberate power grab that puts politics over public interest and locks the public out of decisions that affect our energy future.

1. **Government Can Control Who Gets Energy Contracts:** The government can now tell Ontario's electricity authority (the IESO) to give contracts for energy projects (like building power plants or buying electricity) based on where the goods or services come from
2. **Limits on What Contracts the IESO Can Make:** The government can also create rules that stop the IESO from making certain contracts for electricity projects, depending on the situation.
3. **The IESO Can't Buy Things Outside Electricity Unless Allowed:** The IESO isn't allowed to buy goods or services that aren't directly related to electricity—unless the government makes specific exceptions in the rules.
4. **Restrictions on Ontario Power Generation (OPG):** OPG and its subsidiaries may also face new rules about what they can buy, based on where those goods or services come from
5. **No Lawsuits Allowed:** A new rule says people can't sue the government, IESO, or OPG over anything connected to these new amendments—even if they believe something wrong was done because of them.

In short: The government has more control over who gets energy contracts, allows them to block certain deals, and protects themselves and energy companies from being sued over these decisions.

Schedule 2 ERO 025-0380 – [Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025 | Environmental Registry of Ontario](#)

The Ontario government is proposing major changes to the **Endangered Species Act, 2007**, and many of them reduce protections for at-risk wildlife and give the government more control over decisions.

Key Concerns:

The Act is being gutted at its core. Its very purpose is hollowed out, automatic protections eliminated, and critical oversight tools dismantled. Habitat definitions are deliberately narrowed, expert science is pushed aside, and enforcement mechanisms are weakened to the point of uselessness. In a blatant trade-off, species protection is sacrificed for development convenience—paving the way for irreversible damage and pushing endangered species closer to extinction. This isn't reform—it's open-season on what little remains of Ontario's biodiversity.

1. **Weakened Purpose of the Act:** The overall *goal of the Act is being changed*, which could shift the focus away from strong protection of species at risk.

2. **Redefining “Habitat”** (s. 2(1)): The definition of what counts as a species’ “habitat” is being updated, which could narrow what areas get protected.
3. **Minister Can Delegate Power** (s. 2.1): The Minister of the Environment can now *hand over their powers to others*, potentially reducing oversight.
4. **Listing of Species is No Longer Automatic** (s. 7):
 - Right now, species assessed as endangered or threatened by COSSARO (the expert science committee) *must* be listed and protected.
 - Under the changes, the government *can choose* whether or not to list those species (s. 7(1)).
 - If a species is removed from the list, its protections *immediately end* (s. 7(3)).
5. **Immediate Protections Removed**: Species that get listed will *no longer get automatic, temporary protection* while full regulations are developed.
6. **Removal of Response Plans and Agreements**: The government will *no longer be required to create action plans or agreements* to help species recover.
7. **Easier to Approve Harmful Activities** (s. 17): The rules are changed so permits to damage or destroy species or their habitats *can be granted more easily*, with fewer conditions.
8. **Hearings Eliminated** (s. 20 & 30): The right to a hearing on certain species-related decisions is being replaced with a more limited appeals process.
9. **End of Species Protection Fund** (s. 20.3): The flow of money into the fund used for species recovery is being stopped.
10. **Agency Wind-Down** (s. 20.19): The agency that helps implement the Act will be shut down.
11. **New Powers to Demand Info** (s. 22.1): People must now *answer questions* from government officials to check if they’re following the rules.
12. **More Inspections, Less Oversight**: Officials can now inspect without a warrant in more cases.
13. **Shift in Enforcement Powers**: Stop orders are removed, and new orders like *mitigation orders* are added, giving more control to the Minister and provincial officers.
14. **Advisory Committees Removed**: The Minister is no longer required to set up advisory groups with experts.
15. **Special Regulation Requirements Repealed** (s. 57): Rules that made it harder to weaken protections through regulations are gone.
16. **Schedules Repealed**: Schedules 1 to 5, which included lists of species and habitat details, are being removed.

In short: Endangered and at-risk species and the avenues to protect them have been dismantled in order to facilitate development.

Schedule 3 ERO 0259- Environmental Assessment Act [Removing Environmental Assessment Requirements for the York1 Waste Disposal Site Project](#)

In short:

The government is giving major industrial projects—like a massive mine in Northern Ontario and a waste site in Chatham-Kent—a free pass to skip environmental assessments. By removing these safeguards, it's slamming the door on transparency, cutting the public and Indigenous communities out of the conversation, and dismantling critical protections for land, water, and wildlife. This isn't streamlining—it's erasure of environmental responsibility in the name of unchecked industrial expansion.

This part of the legislation changes how environmental assessments (EAs) are handled for certain major projects in Ontario, and weakens oversight in key cases:

1. Cancels Environmental Oversight for the Eagle's Nest Mine (s. 3.0.1) ERO 025-0396:

The government is *terminating a special environmental agreement* that applied to the **Eagle's Nest multi-metal mine** near McFaulds Lake in Northern Ontario (Ring of Fire region).

- A related **approval under the Environmental Assessment Act is also being revoked**, meaning the project no longer has to meet those EA requirements.

2. Exempts Chatham-Kent Waste Project from Assessment ERO 025-0389 (Part II.3):

Under **Part II.3** of the Act, big projects usually have to get approval from the Minister before moving ahead. But the **Chatham-Kent waste disposal site** is.

Schedule 4 - Environmental Protection Act ERO (? is part of 025-0416?)

New changes make it easier for businesses to walk away from environmental oversight, while expanding unchecked ministerial power over fees. It's a clear signal: industry convenience is being elevated above environmental responsibility. This isn't just administrative tweaking—it's part of a broader shift toward deregulation and backroom control, with the public and the planet left to bear the cost.

through the **Environmental Activity and Sector Registry (EASR)**, which is a system businesses use to register certain activities that impact the environment (like emissions or waste handling):

1. **Cancels the Existing Fee Document:**

The government is **revoking a document** that was signed by the Minister which set the **fees** for registering in the EASR.

2. **Allows for Refunds:**

The Minister is now allowed to **refund those fees** *if a registration is removed from the system*—for example, if a business no longer needs to be registered or if their registration is cancelled under the Act.

In short:

*It could make it **cheaper or easier for businesses** to withdraw from environmental oversight through the EASR, and gives the Minister more **discretion over fee handling**. While it seems minor, it may signal a broader move to reduce the financial and regulatory burden on companies, even when their activities affect the environment.*

Schedule 5 ERO 025-0409 - Mining Act

This Schedule makes major changes to how mining is managed in Ontario, especially when it comes to protecting what the government calls the “**strategic national mineral supply chain**”—basically, making sure important minerals (like those used in batteries or electronics) are controlled and prioritized.

In short:

These changes hand the Ontario government sweeping, unchecked power over who can access and exploit the province’s mineral resources—especially critical minerals. Framed as an effort to “strengthen the economy while protecting the environment,” the reality tells a different story. The sole focus is economic gain, while environmental protection is treated as a vague afterthought—offered in rhetoric but nowhere in substance. The government can override existing rights, cancel claims, and fast-track industrial projects without public oversight. Legal pathways to challenge these decisions are being wiped out, silencing landowners, Indigenous nations, and environmental defenders. This is not a balanced policy—it’s a blatant power grab that prioritizes profit over people, land, and future generations.

Key Concerns:

1. **Economic Growth Takes Priority Over Environmental and Indigenous Concerns**

The Act now explicitly states that mining activities should support Ontario’s

economy. By embedding economic growth into the law's purpose, ***environmental protection and Indigenous rights risk being sidelined when they conflict with industry interests.***

2. Minister Can Suspend Mining Rules With No Public Input

The Minister has new authority to suspend parts of the online mining claim system to protect the mineral supply chain. ***This power can be used without consultation, including on lands that may hold environmental significance or fall within Indigenous territories.***

3. Fast-Tracking Mining Projects Reduces Oversight

A new permitting team can accelerate mining approvals by coordinating across ministries. ***This push for speed increases the risk that environmental reviews, duty-to-consult obligations, and community concerns will be bypassed or minimized.***

4. Minister Can Deny or Cancel Mining Leases Without Safeguards

The Minister can now block or cancel leases and claims if they believe it benefits the mineral supply chain. ***This expands state control over land decisions — without guarantees that Indigenous rights, environmental harm, or treaty obligations will be considered.***

5. Communities Cannot Challenge Harmful Decisions in Court

The law removes the right to take legal action against decisions made under these new powers — even if a mining claim threatens ecological health or violates Indigenous jurisdiction. ***By extinguishing legal challenges, it cuts off one of the few tools communities have to defend land and water.***

Schedule 6 ERO 025-0409- Ontario Energy Act 1998

Key Concerns:

New rules grant the government sweeping control over where energy companies can purchase goods and services—even within Canada. These decisions are now shielded from lawsuits, effectively locking out any legal recourse. This move consolidates power in the hands of a few, erasing transparency and removing any avenue for public accountability. What we're seeing is a deliberate shift toward

unchecked government influence, where industry interests are prioritized and the public is left without a voice or a means of challenge.

1. New Rules (Sections 43.1 & 73) give more centralized power:

The government can limit where certain goods or services are bought from, based on their country, region, or territory of origin.

These restrictions can apply to:

- **Gas companies** and their subsidiaries — that the government chooses through regulations. (Section 43.1)
 - **Licensed energy companies** and their subsidiaries — again, only the ones specified in regulations. (Section 73)
2. Basically, if the government says so, these companies can be told not to buy from certain places, even from within Canada.
3. **Protection from Lawsuits (Section 134)**

A new section says you *can't sue* the government (or certain other people) over things they did, didn't or will do.

Schedule 7 ERO 025-0418 - Heritage Act [Proposed Amendments to the Ontario Heritage Act, Schedule 7 of the Protect Ontario by Unleashing our Economy Act, 2025](#)

Key Concerns:

New laws grant the government the power to conduct land inspections without consent, restrict Indigenous access to their own artifacts, and enable the seizure and control of cultural heritage. Even worse, sacred sites are now exempt from protection, opening the door for their destruction. These moves fuel surveillance, cultural erasure, and the irreversible loss of land and history—without a shred of accountability. This isn't governance; it's an outright assault on Indigenous rights, heritage, and autonomy. In other words, 'cooperate because there is no alternative'.

1. Loss of Control Over Ancestral Lands:

The Minister can now order inspections on any land, *even underwater*, without consent. This could include traditional territories, raising the risk of intrusion, disruption, or claims on culturally important areas without involving Indigenous

voices.

2. Barriers to Accessing Sacred Artifacts:

The law blocks anyone from touching or moving potential artifacts until a licensed archaeologist says it's okay. This creates a colonial gatekeeping system, where Indigenous people may be denied access to their own cultural items or sites.

3. Artifacts Could Still Be Taken First, Returned Later—If at All:

Although some artifacts may be handed to Indigenous communities, this only happens *after* they're seized. The power to decide where artifacts go still lies with the Minister, not the community they belong to.

4. Cultural Sites Can Be Ignored for Development:

The government can now *exempt* lands from heritage protections to prioritize housing or infrastructure. That means sacred or significant Indigenous sites can legally be bulldozed and ***communities have no legal way to stop it or seek justice.***

5. Increased Surveillance Without Consent:

Investigators have new powers to search, seize, and demand documents—***raising concerns about surveillance*** of Indigenous groups, cultural organizations, or businesses involved in heritage protection or repatriation efforts.

Schedule 8 025-0416 – Rebuilding Ontario Place Act, 2023 ERO 025-0416 [Protect Ontario by Unleashing Our Economy Act, 2025.](#)

This change says that **Part II of the Environmental Bill of Rights, 1993** does not apply to anything involving the **Ontario Place Redevelopment Project**.

What does that mean?

By exempting Ontario Place and related projects from public consultation under the Environmental Bill of Rights, the government is dismantling transparency and silencing the voices of Ontarians. This move opens the door for environmentally destructive decisions to be made behind closed doors, with no opportunity for the public to challenge or hold those in power accountable. It's an outright erosion of democratic participation in decisions that affect us all.

Normally, the public has a legal right to be notified and comment on environmental

decisions (like permits) under Part II of the Environmental Bill of Rights. But now, when it comes to Ontario Place the ***government doesn't have to follow that public consultation process for environmental approvals related to the project.***

This proposed change is dangerous to both the environment and our democracy. By exempting the Ontario Place redevelopment project from key parts of the Environmental Bill of Rights—specifically, the requirement to give public notice and allow for public comment—it effectively silences the voices of Ontarians and removes a critical layer of environmental accountability.

Normally, the Environmental Registry ensures transparency and gives people a chance to weigh in on developments that could affect their communities and ecosystems. Taking that away means decisions that could have serious environmental impacts might move forward without public oversight or scientific scrutiny. And ***it's not just limited to the Ontario Place site—the exemption also applies to related projects beyond the site, creating a broad loophole for unchecked development.***

Schedule 9 ERO 025-0391 – Special Economic Zones Act, 2025 [Special Economic Zones Act, 2025 | Environmental Registry of Ontario](#)

This is a **brand-new law** that creates something called **Special Economic Zones (SEZs)**.

Key points:

In SEZs, favored companies are granted carte blanche to bypass environmental laws, municipal by-laws, and essential regulations. Rules can be rewritten to suit their interests, while legal challenges are effectively shut down—leaving the public powerless and without recourse. This isn't just a loophole—it's a complete undermining of accountability, fairness, and the very foundation of regulatory oversight.

- The government (Lieutenant Governor in Council) can **designate areas as SEZs**—these are zones meant to encourage investment and economic activity.
- The **Minister** can name certain companies or projects as **“trusted proponents”** or **“designated projects”** within those zones.

What can happen in SEZs?

- The government can **exempt trusted companies or projects** from normal rules, like:

- Municipal by-laws
- Environmental rules
- Other legal requirements
- ***The rules can also be changed or modified just for those companies or projects in the zone.***

Also:

- If someone wants to sue over these exemptions or changes? Certain **legal claims (causes of action)** are wiped out—***they can't be brought to court.***

Schedule 10 - Species Conservation Act, 2025, including how it changes things from the old system:

What's Happening?

The **Species Conservation Act, 2025** is a new law that:

- **Replaces the Endangered Species Act, 2007**
- **Changes how at-risk species are protected** in Ontario.

Key Concerns:

Ontario's updated approach to species protection includes new systems and structures — but beneath the surface, several changes weaken the province's ability to prevent species decline and extinction. While the law maintains some conservation elements, it introduces gaps that place vulnerable wildlife and habitats at greater risk.

Ontario's Species Conservation Act undermines vital protections by prioritizing extinction over prevention. It limits enforcement, centralizes unchecked ministerial power, and replaces binding regulations with optional guidelines—leaving vulnerable species and critical habitats exposed to even greater risk. This isn't conservation—it's a step backward, putting biodiversity in jeopardy for the sake of convenience and control.

1. Partial Protections for Some Species

If species are already listed under federal laws, they will not receive full protection under Ontario's legislation. As a result, some at-risk species may be monitored without meaningful provincial intervention — leaving them in danger

despite their known vulnerability.

2. Extinction Becomes the Threshold, Not the Warning Sign

The legislation prohibits actions that would cause a species to become extinct *in Ontario*. However, it does not prevent significant declines in population or habitat loss that fall short of extinction. This shifts the standard of protection dangerously low — effectively allowing harm to continue until a species is on the brink.

3. Permitting System May Facilitate Harmful Activity

While permits are required for activities that may affect species or their habitats, the authority to issue, amend, or revoke these permits rests solely with the Minister. ***This centralized discretion creates the possibility that industrial or development projects may be approved even if they compromise species survival, especially if those projects align with broader government priorities.***

4. Transparency Without Safeguards

A new digital registry will allow the public to view permits, orders, and related notices. However, the registry does not ensure these decisions will be grounded in conservation science or subject to independent oversight. Public visibility, without corresponding accountability, ***offers little assurance that species will be protected from harmful decisions.***

5. Optional Guidelines Offer Weak Enforcement

The Minister may issue codes, standards, or best practices for species protection — but these remain optional and are not binding. ***This undermines efforts to establish clear, enforceable rules for habitat preservation and recovery,*** relying instead on voluntary or situational compliance.

6. Risk of Disruption During Legal Transition

As the province transitions from the previous Endangered Species Act to this new framework, there is potential for disruption in existing protections, funding programs, and recovery efforts. ***Any pause in these activities, even temporary, may have lasting consequences for species already under stress from climate change, habitat loss, and human activity.***

In Conclusion:

I strongly oppose the components of the 10 schedules of Bill 5. This Bill dismantles Ontario's science-based species protections, narrowing the definition of habitat and granting the government unchecked discretion. By prioritizing

rapid development, it abandons ecological responsibility, decimates Indigenous rights, and erodes democratic oversight. The result is devastating: at-risk species are left with no meaningful protections, no clear path to recovery, and communities are stripped of any legal recourse. This Bill doesn't just weaken environmental safeguards—it puts the future of our ecosystems and rights in jeopardy.

Recommendations

The goal should be to **accelerate development** without **compromising public rights** or **nature's protection**. These alternatives can help strike a balance where:

- **Clean energy** projects are fast-tracked and incentivized,
- **Environmental standards** are upheld,
- **Public and Indigenous participation** remains central,
- **Biodiversity and ecosystems** are safeguarded.

1. Streamline Processes Without Eroding Oversight

- **Alternative:** Instead of completely bypassing **environmental consultation**, **fast-track** processes for projects that are already deemed **environmentally neutral** or have **pre-approved environmental standards**. This allows for quicker approvals but ensures environmental safeguards remain intact.
- **How It Helps:** **Maintains transparency** and **public involvement**, while still enabling fast-tracking of clean energy and infrastructure projects.

2. Strengthen Public and Indigenous Consultation

- **Alternative:** Introduce **mandatory consultations** with Indigenous communities and **local residents** for major projects, especially in **Special Economic Zones** or redevelopment areas like **Ontario Place**. Incorporating Indigenous knowledge and perspectives early in the planning process helps ensure land and cultural protection.
- **How It Helps:** Ensures **Indigenous rights** and **community input** are not sidelined, fostering **collaborative decision-making**.

3. Environmental Integrity with Flexibility

- **Alternative:** Use **clear criteria** for when **exemptions or modifications** to environmental rules apply—such as for projects that demonstrate **net positive environmental impact**, like **carbon-offsetting** or **biodiversity restoration** projects.

Introduce a **"green certification"** for developers that meet sustainability standards, allowing them to access **expedited approvals**.

- **How It Helps:** Supports clean energy projects while maintaining **strong environmental protections** and **public trust**.

4. Enhanced Transparency and Accountability

- **Alternative:** Create a more transparent **public dashboard** on the ERO to track **ongoing projects**, environmental assessments, and public consultations. This allows citizens to stay informed, share concerns, and have access to real-time data without having to rely on reactive legal processes.
- **How It Helps:** Increases **public engagement**, ensures **accountability**, and supports **clean energy/mining development** while keeping stakeholders informed.

5. Preserve and Improve Species Protection

- **Alternative:** Create **conservation easements** and partnerships with developers to protect habitat alongside development.
- **How It Helps:** Balances **species protection** with **economic growth**, ensuring that development doesn't come at the cost of biodiversity.

6. Ongoing Investment in Conservation Programs

- **Alternative:** Expand the **Endangered Species Act** to include more **public-private partnerships**, with funding for habitat restoration, sustainable land-use planning, and **community-based conservation** efforts. Provide incentives for landowners or businesses to contribute to biodiversity preservation and carbon reduction.
- **How It Helps:** Promotes **conservation** without stifling development, offering incentives for environmental stewardship.

7. Ensure Fair Compensation and Legal Recourse

- **Alternative:** Instead of extinguishing certain **legal claims** or **appeals**, **reform** the appeal process to make it more accessible and transparent, while ensuring that **meritorious claims** can still proceed, especially for cases where **public health** or **environmental justice** is at stake.
- **How It Helps:** Ensures that people still have access to **legal avenues** for holding the government accountable while **reducing frivolous lawsuits** that delay important projects.

8. Foster Green Innovation in Special Economic Zones

- **Alternative:** Designate **Special Economic Zones** that specifically **promote green technologies** and **sustainable businesses**, such as renewable energy projects, clean-tech startups, or environmental research hubs. Provide **incentives** for companies that meet sustainability and environmental standards.
- **How It Helps:** Encourages **clean energy development**, **green innovation**, and investment opportunities while maintaining **environmental protections** within SEZs.

This Bill dismantles Ontario's science-based protections for at-risk species, narrowing habitat definitions and handing unchecked power to the government. It puts development above ecological responsibility, undermines Indigenous rights, and strips the public of any legal means to challenge harmful decisions — a direct erosion of democratic accountability.