

Save the Oak Ridges Moraine (STORM) Coalition Submission to the Environmental Registry of Ontario on Bill 5, 2025

**RE: Bill 5 – *Protect Ontario by Unleashing our Economy Act, 2025*
Submitted: May 2025**

Introduction

Founded in 1989, the Save the Oak Ridges Moraine (STORM) Coalition is dedicated to protecting the water, woodlands, wildlife, and ecosystems of the Oak Ridges Moraine (ORM)—a critical landscape that supports the social and economic health of the Greater Toronto Area (GTA). STORM played a central role in the creation of the Oak Ridges Moraine Conservation Plan (ORMCP) and its accompanying Act (ORMCA). Today, we continue to defend the ORM and adjacent Greenbelt lands by advocating for progressive conservation measures, the protection of rural economies, and sustainable land use planning.

Since 2018, we have documented numerous actions by the Ontario government that have hindered or undermined the application and enforcement of the ORMCP and the ORMCA, including:

- **Bill 23 (2023):** This legislation stripped conservation authorities of their ability to review natural heritage impacts, weakening core enforcement mechanisms in ORMCP Sections 23 and 41, and eliminating safeguards against unsustainable development in sensitive areas of the Moraine.
- **Greenbelt Land Removals (2022–2023):** Although some lands were later returned, the initial removal signaled the Province's willingness to override local conservation planning and violated the ORMCP's principle of "permanency of protection" (Section 2).
- **Municipal Planning Restructuring:** The dissolution of regional planning bodies, such as in Peel Region, has weakened intermunicipal coordination for ORMCP implementation.
- **Minister's Zoning Orders (MZOs) and "Mini-MZOs":** These tools are increasingly used to fast-track development—including a recent request by the Town of Whitchurch-Stouffville—without full adherence to the ORMCP or adequate public and Indigenous consultation.¹

¹ "Did Stouffville Council Just Endorse the Smallest MZO Request Ever?" *YorkRegion.com*, November 8, 2023,
https://www.yorkregion.com/news/council/did-stouffville-council-just-endorse-the-smallest-mzo-request-ever/article_e2f23bdf-9b6b-5d75-809d-abc2de24dc35.html.



Collectively, these policy changes have generated significant confusion and have encouraged some lower-tier municipalities to misinterpret or ignore the ORMCP's intent, function, and enforcement requirements.

We are deeply concerned that Bill 5 will continue this trend. Bill 5 represents a regressive and destabilizing initiative that threatens environmental protections and disempowers Indigenous and community-led land use planning processes. The bill's "one project, one process" model risks eroding both the ecological integrity of the ORM and the legal protections established under the ORMCP.

Furthermore, Bill 5 would undermine democratic governance, similar to previous legislation you have passed (e.g. strong mayor powers). This again is unacceptable and Bill 5 should be withdrawn

The ORMCP is not "red tape" to be eliminated. The OORM sustains the ecological and hydrological systems of the Greater Golden Horseshoe, serving over 54% of Ontario's population (more than 20% of Canada's total population). It also supports the natural infrastructure that underlies more than 50% of Ontario's GDP (over 20% of Canada's GDP).

We therefore respectfully request that Bill 5 be withdrawn. We further recommend that it not proceed without significant and substantive revision, including the integration of robust protections for ecological and hydrological integrity, vulnerable communities, and community-led land use planning.

Below is a detailed review of our objections, organized by schedule.

Schedule 2: Amendments to the Endangered Species Act, 2007

As documented by the Auditor General's 2021 Value-for-Money Audit, the ministry responsible for the implementation and enforcement of the *Endangered Species Act (2007)*—then the Ministry of the Environment and currently the Ministry of the Environment, Conservation and Parks (MECP)—was found to be employing "systems and processes for approvals [that] facilitate and enable harm to species at risk and their habitat."² Moreover, as the Auditor General predicted at the time, the Ministry's response to that report has done little to substantially improve the system.³ The ongoing failure to correct these systemic weaknesses

² Office of the Auditor General of Ontario, *Value-for-Money Audit: Protecting and Recovering Species at Risk* (Toronto: Office of the Auditor General of Ontario, 2021), 8, https://www.auditor.on.ca/en/content/annualreports/arreports/en21/ENV_ProtectingSpecies_en21.pdf.

³ "The existing response statements are not likely to improve the status of species at risk." Office of the Auditor General of Ontario, *Value-for-Money Audit: Protecting and Recovering Species at Risk* (Toronto:



provides essential context for understanding the changes proposed under Schedule 2 of Bill 5, which, if passed, would further erode already fragile protections for species at risk in Ontario.

One of the most concerning elements of Schedule 2 is the narrowing of the definition of “habitat” under the *Endangered Species Act*. The new definition would limit “habitat” to areas that are habitually used by a species—such as dens or nests—and the immediate surroundings. This change excludes broad swaths of land necessary for migration, dispersal, and seasonal movement, all of which are essential to the life cycles of many species. This fundamentally contradicts the Oak Ridges Moraine Conservation Plan (ORMCP), particularly Sections 26 and 27(1)(a), which mandate protection for the full range of habitat functions for threatened and endangered species.

In addition to redefining habitat, Bill 5 introduces a dangerous shift from science-based to politically mediated species listing. Currently, species identified by the Committee on the Status of Species at Risk in Ontario (COSSARO) are automatically added to the list of protected species. Bill 5 would make that process discretionary, allowing Cabinet to decide whether to accept a COSSARO recommendation. This opens the door for political interference and delays in protection, directly undermining ORMCP Section 13(1), which depends on up-to-date species listings to enforce restrictions in Natural Core and Natural Linkage Areas.

Equally concerning is the elimination of recovery strategies, management plans, and reporting requirements for listed species. These tools are central to the ORMCP’s ability to assess the cumulative and long-term impacts of development proposals on species and their habitats. Without them, it will be nearly impossible for municipalities and planning authorities to apply ORMCP protections effectively or proactively manage land use in a way that supports species recovery.

Schedule 2 also weakens the permitting regime for development activities affecting species at risk. The new language removes conditions that previously required developers and the government to consider the recovery needs of affected species. This directly undermines ORMCP Section 41, which stipulates that any development must demonstrate “no net negative impact” on ecological integrity. Without recovery-based permit conditions, that standard is unenforceable.

Finally, the delegation of decision-making authority from the Minister to unelected staff raises serious concerns about transparency and public accountability. This shift reduces oversight for decisions with long-term environmental consequences, further weakening the ORMCP’s enforcement architecture and increasing the risk of arbitrary or inconsistent application.

Office of the Auditor General of Ontario, 2021), 9,,
https://www.auditor.on.ca/en/content/annualreports/arreports/en21/ENV_ProtectingSpecies_en21.pdf.



Recommendation: STORM Coalition strongly urges the Province to withdraw Schedule 2 of Bill 5 in its entirety. We further recommend restoring the automatic species listing process, retaining the broader habitat definition, and reinstating requirements for recovery planning and Ministerial oversight. These measures are essential to maintain the integrity of the *Endangered Species Act* and ensure the continued enforcement of the Oak Ridges Moraine Conservation Plan.

Schedule 3: Amendments to the Environmental Assessment Act (EAA), 1990

Schedule 3 of Bill 5 proposes amendments to the *Environmental Assessment Act (EAA)* that would exempt a wide range of major projects—including large-scale industrial developments like the Eagle’s Nest Mine and the York 1 landfill—from undergoing comprehensive environmental assessments. This exemption is especially troubling when applied to ecologically sensitive areas such as the ORM, where robust environmental review processes are not only prudent but required by law. Specifically, Sections 41 and 42 of the ORMCP mandate careful consideration of both the cumulative and long-term impacts of proposed developments before any approvals can be granted. Removing the requirement for an environmental assessment strips away one of the most important mechanisms for ensuring that new projects do not degrade the ecological or hydrological integrity of the Moraine.

Equally concerning is the erosion of public and agency engagement in the planning and approval of major projects. By limiting or eliminating EAA oversight, Schedule 3 reduces opportunities for local residents, Indigenous communities, and conservation authorities to participate meaningfully in land use decision-making. This runs counter to Sections 5 and 6 of the ORMCP, which emphasize the importance of transparent governance, public involvement, and interjurisdictional coordination in managing development on the Moraine. Public engagement is a cornerstone of legitimate and effective planning—it not only improves outcomes, but also builds trust in the integrity of land use systems.

Recommendation: STORM Coalition urges the Province to withdraw Schedule 3 of Bill 5 and reinstate full *Environmental Assessment Act* oversight for all major development projects, particularly those proposed in sensitive landscapes such as the Oak Ridges Moraine. Environmental assessments serve a critical role in protecting the Moraine’s natural heritage and water systems, and any attempt to bypass or dilute this process threatens the foundational objectives of the ORMCP.

Schedule 4: Amendments to the Environmental Protection Act (EPA), 1990

Schedule 4 removes program funding for the Environmental Activity and Sector Registry (EASR), undermining Ontario’s capacity for compliance monitoring. The EASR supports



site-specific environmental reviews across sectors. Eliminating its funding weakens oversight and enforcement capabilities.

On the Moraine, this loss is significant. EASR tools help evaluate risks to groundwater recharge areas and hydrological systems, which are explicitly protected under ORMCP Sections 26 and 31. Without these tools, environmental protection becomes reactive rather than preventative.

Recommendation: Withdraw Schedule 4 and restore critical funding and oversight mechanisms that support environmental protection and public health.

Schedule 9: Special Economic Zones Act, 2025

Schedule 9 introduces the Special Economic Zones (SEZs) framework, allowing designated areas to bypass municipal planning authority and environmental laws. Municipalities with jurisdiction over ORM lands would lose their ability to enforce zoning or development rules.

This directly conflicts with ORMCP Sections 5 and 6, which assign municipalities a key role in implementing the Plan. SEZs also provide Crown immunity, shielding governments and developers from legal accountability—even in cases of ecological harm or negligence.

Moreover, this schedule disregards Indigenous rights by failing to uphold Section 35 of the *Constitution Act, 1982*, which guarantees consultation and co-management responsibilities. Indigenous communities have long been stewards of the Moraine; SEZs undermine this relationship.

Recommendation: Withdraw Schedule 9. The broad exemptions it introduces are incompatible with rule-of-law governance and the collaborative, conservation-based framework of the ORMCP.

General Recommendations and Conclusion

STORM Coalition calls on the Ontario government to withdraw Schedules 2, 3, 4, and 9 of Bill 5. These schedules represent a sweeping rollback of environmental protections, reduce public oversight, and disregard Indigenous governance responsibilities—all of which are foundational to the ORMCP's success.

We further urge your government to recognize environmental values when preparing new legislation. Strong environmental values are held by most Ontarians, and these values have been the foundation of environmental legislation developed since the early 1960s. Using the tariff argument to trample on environmental values is clearly not resonating with Ontarians. Prioritizing economic matters is unacceptable and the response of Ontarians to Bill 5 is



evidence of the importance of environmental values and their proper consideration in future development.

Based on Bill 5's complete lack of consideration for environmental values, the Bill should be withdrawn.

Bill 5 threatens decades of progress in environmental stewardship and sustainable planning. If enacted as proposed, it will undermine the legal protections, institutional accountability, and community trust that have preserved the Oak Ridges Moraine. We urge the Province to take a different path—one rooted in science, transparency, and respect for the natural systems that support all Ontarians.

Respectfully,
STORM Coalition

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