



THE FEDERATION OF SPCAs AND HUMANE SOCIETIES
FÉDÉRATION DES SOCIÉTÉS D'ASSISTANCE AUX ANIMAUX



To: Members of the Standing Committee on the Interior and the Environmental Registry of Ontario

RE: Bill 5, Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025

Introduction

Humane Canada is the national federation of SPCAs and humane societies, representing organizations in every province and two territories, in rural and urban centres. We drive positive, progressive change to end animal cruelty and improve animal protection through the enactment of effective legislation. Approximately 25% of Canadian humane societies and SPCAs are empowered to enforce provincial and federal legislation, who collectively investigate tens of thousands of complaints every year. Humane Canada members have enforced the law for more than a century, including in Ontario until 2019.

Our organization has a long history of working to advance the welfare of all animals, including wildlife, through legislation, regulation, and standards. It is with much concern that we review some of the proposed changes to endangered species protections that the Ontario Ministry of the Environment, Conservation and Parks introduced in Bill 5, the *Protect Ontario by Unleashing Our Economy Act, 2025* in April 2025. Among those concerns are that the Bill proposes to immediately introduce amendments that would weaken the *Endangered Species Act, 2007* (ESA), as well as the “Special Economic Zones” that would be created where developers and resource companies could be exempt from provincial and/or municipal laws and regulations and the “Registration First” approach.

The government states that the purpose of the species protection legislation is to “drive species protection and conservation while taking into account social and economic considerations, including the need for sustainable economic growth in Ontario”. While we understand the need for housing and economic growth in Ontario, the only thing preventing species at risk and their habitats from being decimated is strong, consistent protection through legislation.

Our concerns are outlined below.

Proposed immediate amendments to the ESA

We are somewhat pleased to see that the temporary suspension of protections upon the initial listing of a species to the *Species at Risk in Ontario List* would be removed under section 5 of Schedule 2’s proposed changes to the ESA and that the role of the Committee on the Status of Species at Risk in Ontario (COSSARO) as an independent science-based committee responsible for assessing and classifying species will not change. However, this is of little comfort when

proposed amendments suggest that making a regulation for the classification of a new species eligible for protection under the Act is no longer mandatory but at the discretion of the Lieutenant Governor in Council and that such a regulation would not be required to list all of the species classified by COSSARO.¹

Further, the proposed redefining of terms like “habitat” and removing the concept of “harass” from species protections does not focus on the core protections essential to the conservation of species.² Reducing the habitat to an animal’s dwelling place and its immediate surroundings may help to clarify terms and parameters, but it fails to consider how the animal in question will gather or hunt for their food and engage in natural behaviours, which could put them at risk of human harm due to the encroaching development into their habitat.

Finally, we oppose the proposed removal of the express ability to establish an advisory committee and subsequent phase-out of the Species at Risk Program Advisory Committee, whose role under the ESA is to make recommendations to the Minister on any matter specified by the Minister that relates to the role in the administration of this Act of the precautionary principle, which states that “where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat” as described in the United Nations Convention on Biological Diversity.³

The Advisory Committee is also responsible for the development and promotion or delivery of incentive and stewardship programs, best management practices related to the protection and recovery of species, and public education and outreach programs. Leaving such an important resource up to government prerogative to seek advice or establish another committee “to do so in the future as needed”⁴ is not only unnecessary when one already exists, it also indicates to the people of Ontario that their government may not be concerned about, or committed to species protection.

Schedule 9: *Special Economic Zones Act, 2025*

Clause 5 (1) of Schedule 10, Exemption from requirements, reads:

The Lieutenant Governor in Council may, by regulation, exempt a trusted proponent or a designated project from requirements under provisions of an Act

¹ [Bill 5, Protect Ontario by Unleashing our Economy Act, 2025 - Legislative Assembly of Ontario](#): Explanatory Note, Schedule 2, ss 4, 4ii

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

³ [Endangered Species Act, 2007, S.O. 2007, c. 6 | ontario.ca](#), s. 48 (a)

⁴ [Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025 | Environmental Registry of Ontario](#)

or of a regulation or other instrument under an Act, subject to conditions specified in the regulation, as those requirements would apply in a special economic zone.⁵

With respect, the concepts of “trusted proponents” and “designated projects”, whom the Minister is able to designate under criteria that the government creates themselves through regulations, is reminiscent of the Greenbelt issue from 2022 when the government removed approximately 2,995 hectares of land from the Greenbelt in December to build 50,000 homes as part of its plan to build 1.5 million new homes in the next decade despite evidence that Greenbelt land was not needed to meet the government's housing target.⁶

The Auditor General noted in their Special Report on Changes to the Greenbelt, published in 2023, that:

In its haste to promote housing development, the government sought to remove (or re-designate) land sites from the Greenbelt without gathering and using complete information and without effectively leveraging the expertise of provincial experts in land-use planning, Indigenous communities, or the municipalities and conservation authorities that would have to address the impact of the changes. Direct access to the Housing Minister's Chief of Staff resulted in certain prominent developers receiving preferential treatment. About 92% of the approximately 7,400 acres ultimately removed from the Greenbelt are five land sites put forward by two developers (which included a land site associated with a third developer) who had access to the [Housing Minister's] Chief of Staff in September 2022.⁷

Creating carveouts for developers through special economic zones, trusted proponents, and designated projects creates inconsistencies that can be exploited by developers because it would circumvent the expertise of local communities, municipal by-laws or wildlife and conservation experts.

Similarly, this calls to mind another government misstep: the overuse of Minister's Zoning Orders (MZOs) in the previous government. In 2023, the NDP revealed a list of 18 MZOs that had been awarded to developers that had attended Premier Ford's daughter's August 2022 wedding; MZOs allow property developers to sidestep municipalities and expedite their building

⁵ [Bill 5, Protect Ontario by Unleashing our Economy Act, 2025 - Legislative Assembly of Ontario](#): Schedule 9 *Special Economic Zones Act, 2025*

⁶ [Ontario government's Greenbelt land swap influenced by well-connected developers, AG finds | CBC News](#)

⁷ [Special Report on Changes to the Greenbelt](#), pp. 5-6

projects.⁸ This prompted another investigation by the Auditor General, who found that in the five-year period between 2019 and 2023, 114 MZOs were made, representing a 17-fold increase from the previous two decades.⁹ The review found that it took an average of 14 weeks for the Ministry to assess most MZO requests, more than twice the six-week target, while one-third of the requests were assessed within six weeks; there was no protocol or apparent rationale for prioritizing some MZO requests over others nor was there any consistent assessment as to whether rezoning by MZO over the municipal planning process was necessary; and that some projects for sites re-zoned with an MZO will not have access to utility servicing, such as water and wastewater, for years and sometimes decades.¹⁰ The Ministry also did not consistently engage with experts to identify or mitigate environmental risks or agricultural impacts,¹¹ failed to accommodate municipality requests for affordable housing as part of their support for MZO requests or track the number of new affordable housing unit created through MZOs,¹² and neglected to perform their constitutional duty to meaningfully consult with Indigenous communities where the decision to re-zone land could negatively impact the exercise of their rights.¹³

Special economic zones would also appear to contravene two of the recommendations made in the Auditor General special report on the Greenbelt regarding consultation with Indigenous communities and stakeholders who may be affected,¹⁴ which Premier Ford said that his government would adopt.¹⁵

To again quote from the Greenbelt report, whose words are equally applicable to the concept of one individual in government having the authority to create special economic zones: “While the people of Ontario deserve prompt action to solve societal problems like those generated by a need for housing, this does not mean that government and non-elected political staff should sideline or abandon protocols and processes that promote objective and transparent decision-making based on sufficient, accurate and timely information”.¹⁶

The “Registration First” approach

Under the proposed new registration system, proponents will be able to get projects started as

⁸ Marit Styles, under Government accountability: [Hansard Transcript 2023-Oct-30 vol. A | Legislative Assembly of Ontario](#)

⁹ [Performance Audit: Minister’s Zoning Orders](#): p. 1

¹⁰ Ibid., p. 2

¹¹ Ibid., p. 4

¹² Ibid., pp. 27-28

¹³ Ibid., pp. 71-74

¹⁴ [Special Report on Changes to the Greenbelt](#), Recommendations 9 and 10, pp. 92-93

¹⁵ [Ontario government's Greenbelt land swap influenced by well-connected developers, AG finds | CBC News](#)

¹⁶ [Special Report on Changes to the Greenbelt](#), p. 6

soon as they have completed their online registration, provided they are following the rules in regulation, eliminating the step of waiting for the ministry to review and approve permits.¹⁷ This system is susceptible to misuse because it would allow work to begin immediately, which puts vulnerable species and their habitats at risk of damage that cannot be undone by revoking a permit. Requirements, information, and protection guidance for species can all be ignored in the haste to build in a self-regulated environment where approvals come after the fact. If approval comes too late to reverse the harm, it may be easier to dismiss as damage already done.

There is also no timeframe given for how long the Ministry would take to review and approve registrations and flag any possible issues, which is also concerning. Because there appears to be no oversight of the registration process, the overall impression left on the public is one where this government is rubberstamping any proposed development, regardless of species impact.

The Doctrine of Paramountcy

In this government's haste to unleash Ontario's economy, it may have forgotten to account for a critical constitutional principle. In Canada, the doctrine of paramountcy is a constitutional tool that helps resolve conflicts between federal and provincial laws; under this doctrine, a provincial law that conflicts with a federal law will be inoperative because federal legislation takes precedence over provincial laws.¹⁸

The newly elected federal Liberal government's platform indicates that although it is committed to building a strong Canadian economy, it also recognizes that Canada's natural heritage is threatened by climate change and unsustainable development.¹⁹ It has pledged to prioritize natural infrastructure like forested areas and wetlands that provide protection against extreme heat, storm surges, flooding and other natural disasters, and "proactively rehabilitate and mitigate environmental and species at risk impacts in areas where we expect there to be significant infrastructure development over the next five years" in cooperation with project proponents, provinces, territories, and Indigenous partners, and will include habitats and environments near ports, railroads, airports, highways, critical mineral sites, energy infrastructure, and more.²⁰

Should these promises become federal law, this government's plans to reduce protections for species at risk and bypass the careful review and approval of proposed activities in favour of "special economic zones" and a "registration first" approach would become void. It would be

¹⁷ [Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025 | Environmental Registry of Ontario](#): Registration-first Approach

¹⁸ [Paramountcy - Centre for Constitutional Studies](#)

¹⁹ [Protect | Liberal Party of Canada](#): Protect Nature

²⁰ [Protect | Liberal Party of Canada](#): Protect Nature

better to move forward with those promises in mind and find alignment to make *Canada Strong*.

Having trust in government and a voice in their decision that may affect things that they care about - like Ontario's wildlife - are equally important considerations to Ontarians as sustainable economic growth for the province, as is this government taking the time for proper review and assessment of whether proposed projects will negatively impact our threatened species and environment.

As seen in the Auditor General reports referenced here, this government has had a documented history of moving quickly and making decisions without considering all of the impacts, which become subject to investigation. As Premier Ford himself acknowledged after the release of the Auditor General's special report on the Greenbelt issue, "We know there are areas for improvement as we move forward [...] We were moving fast. We could have had a better process".²¹

Humane Canada urges this government to consider those words because Bill 5 is an opportunity to include that "better process". We all want Ontario to prosper and emerge victorious over threats to our economy, but it should not be at the expense of reduced protections for our endangered and at-risk species when both can be protected.

²¹ [Ontario government's Greenbelt land swap influenced by well-connected developers, AG finds | CBC News](#)