

Paul Johnson, City Manager

Infrastructure Services
City Hall
100 Queen Street West
East Tower, 4th Floor
Toronto, Ontario M5H 2N2

Tel: 416-338-7201
will.johnston@toronto.ca

EA Modernization Project Team
Environmental Assessment Modernization Branch
Ministry of the Environment, Conservation and Parks
135 St Clair Ave West, 4th Floor
Toronto, ON M4V 1P5

February 3, 2026

Thank you for the opportunity to provide feedback on a proposed new regulation to focus municipal environmental assessment requirements ([Environmental Registry of Ontario posting #019-7891](#)).

City of Toronto staff have reviewed the updated proposal and are generally supportive of streamlining the Environmental Assessment (EA) process, and support requirements for proponents to notify Indigenous communities about archaeological potential within the project area for their information and response. We have a few recommendations that would, if implemented, promote more timely and informed decision-making – details are provided in the attached document.

City staff wish to flag some concerns which are further elaborated in the attachment:

- The new proposed Archaeological Assessment Process (AAP) may not provide for a sufficient level of study to adequately inform Indigenous communities or the ministry regarding projects. A focus on archaeology may create a risk that municipalities may be legally compliant but relationally absent. The City's view is that broader engagement is not just goodwill, but in fact risk mitigation, which can help prevent rights escalation that may impact project timelines, and contribute to smoother project delivery.
- The City of Toronto is a complex, built-up environment, where projects are more likely to be near residential areas and trigger property impacts or other significant environmental impacts. Accordingly, City staff are recommending that certain projects be subject to an EA process beyond just the proposed AAP, and/or not be excluded from the Municipal Project Assessment Process (MPAP).
- There are inconsistencies in requiring the AAP for certain municipal projects but not private sector projects (e.g. constructing a new drinking water or wastewater pumping station). In such cases, while a municipality will eventually assume operation of the infrastructure, the potential archaeological impact of the project would not be different depending on who constructs it; therefore, the AAP requirements should be consistent.

In general, additional guidance from Ministry of the Environment, Conservation and Parks (MECP) would help municipalities incorporate the proposed MPAP and AAP into their infrastructure planning processes and mitigate potential risks to projects. Toronto staff would be pleased to work with the ministry in development of additional guidance documents. As noted in our previous

comments related to this initiative (submitted March 17, 2024), we would also like to work with relevant ministries on consequential amendments to other provincial documents such as the Provincial Policy Statement, Greenbelt Plan, and Planning Act that will be needed to ensure municipalities can continue to secure appropriate infrastructure to support planned growth.

Thank you for taking the time to consider Toronto's positions regarding the proposed regulation. If you have any questions about our submission, please feel free to contact Paul Parsons, Senior Consultant in the City Manager's Office (paul.parsons@toronto.ca or 416-937-7093) who can direct your inquiry to the appropriate contact at the City.

Regards,

A handwritten signature in blue ink, appearing to read 'Will Johnston', with a stylized, cursive script.

Will Johnston, P.Eng.
Deputy City Manager
Infrastructure Services

Attachment: City of Toronto Staff Comments on new regulation to focus municipal environmental assessment requirements (ERO #019-7891)

CC: Sarah Harrison, Deputy Minister of Environment, Conservation & Parks
Lisa Trevisan, Assistant Deputy Minister, Environmental Assessment & Permissions
Ziyaad Vahed, Deputy Chief of Staff, Intergovernmental & Agency Relations

City of Toronto staff comments on new regulation to focus municipal environmental assessment requirements (ERO #019-7891)

February 3, 2026

The City of Toronto is generally supportive of streamlining the Environmental Assessment (EA) process and supports the proposed requirement for proponents to notify Indigenous communities about archaeological potential within the project area for their information and response.

City staff have a number of suggestions to assist in timely, informed decision-making, along with several comments and concerns, as outlined below.

Archaeological Assessment Process

The City respectfully recommends the following

- That municipalities be provided access to Ontario's Past Port site to determine whether an archaeological assessment has been undertaken since 2011 that clears the project area of further concern and to support the determination of whether a project area has archaeological potential.
- That archaeological consultants be permitted to assist proponents with the determination of archaeological potential within a project area, and that preparation of the Draft Summary Report can be undertaken without a licensee completing a Stage 1 Project Information Form (PIF).

While the Ministry of Citizenship and Multiculturalism's (MCM) *Criteria for Evaluating Archaeological Potential* is a checklist intended for completion by non-specialists, consultant archaeologists have ready access to data such as locations of archaeological sites and models of archaeological potential, as well as the professional expertise to undertake this analysis. In practice, the MCM has not permitted licensed archaeologists to provide a professional opinion regarding the archaeological potential of lands without obtaining a Project Information Form (PIF). Allowing licensed archaeologists to assist proponents in this work (without requiring a PIF) would support accurate determination of archaeological potential by municipalities and would allow for the articulation of a clear rationale for decision-making without requiring a Stage 1 assessment.

Archaeologists' reports

The proposed AAP requires proponents to prepare a Summary Report that includes all comments received, describes how concerns have been addressed, sets out any commitments that have been made to address concerns and provides report recommendations to mitigate potential impacts on archaeological resources, along with copies of any letters received from MCM. The City respectfully requests clarification of the following points:

- While it is clear in the proposed process that engagement with First Nations is the proponent's responsibility, it remains unclear how this interrelates with the requirement that licensed consultant archaeologists ensure and demonstrate that their professional opinion in a Stage 1 or 1-2 report reflects the comments of First Nations, if the engagement is undertaken by the proponent.
- What is the proposed dispute mechanism to resolve instances where the licensed consultant archaeologist's professional opinion and recommendations in a Stage 1 or Stage 1-2 report do not align with the comments provided by First Nations?

It will be a challenge for municipalities to meet their obligations as proponents (e.g. respond to stated concerns and commit to mitigation measures, including undertaking further archaeological assessment) if the proponent's conclusions are not consistent with the consultant archaeologist's report, therefore,

- It is requested that the *Standards and Guidelines for Consultant Archaeologists* be updated to require Indigenous engagement as a standard for Stage 1 and Stage 2 archaeological assessments. This would create a more efficient and consistent AAP with clear delineation of responsibilities for receiving and addressing input from Indigenous communities on the results of archaeological assessment.

Engagement requirements

Toronto staff note that projects that follow the AAP will no longer have any required points of contact with First Nations outside of archaeological considerations. While nothing precludes municipalities from engaging with First Nations about aspects of a project other than archaeology, there is a strong likelihood that inconsistent practices will hinder respectful relationships between proponents and Indigenous communities. The proposed AAP does not provide for an appropriate level of study to provide sufficient information to Indigenous communities or the ministry regarding projects. There is a possibility that concerns may be raised about adverse impacts to Aboriginal (e.g., fish harvesting) or treaty rights. As a result, there may be requests made for the minister to intervene to address such impacts, which could in turn pose a risk to project timelines.

Project Changes – Addendums

There is also a risk of potential delays to a project with a change that has been determined to be “non-significant” by the municipal proponent with the opportunity for the Minister to intervene or respond to a request to address potential impact to Aboriginal or treaty rights. Is there a notification requirement for an addendum with a non-significant change other than notifying the Director and publishing on the municipal website? Clear guidance from the MECP would be helpful to reduce risks for potentially minor changes to projects with non-significant impacts that can be minimized with mitigation measures.

Interaction with Planning Act requirements

The City currently requires that archaeological assessments be undertaken by private sector applicants for Plan of Subdivision applications, where the application involves lands with archaeological potential. It is unclear how the new proposed AAP will relate to existing Planning Act requirements where they may intersect or overlap.

Proposed project lists - Roads

In the City's previous comments submitted in regard to ERO 190-7891 'New Regulation to Focus Municipal Environmental Assessment Requirements' dated March 17, 2024, the City recommended a number of transportation projects be added either to the MPAP streamlined environmental assessment process project list or be subject to another streamlined provincially-mandated process (i.e. MCEA or revisions to other regulations). The City recognizes that some Transportation projects have now been added to the AAP project list, however it remains unclear if being subject to the AAP will mitigate the key concerns outlined by the City below.

The City still recommends the following projects be added to the project list to be subject to the streamlined environmental assessment process beyond just the AAP including:

- New or Realigned Collector or Arterial Roads and New Grade Separations Beyond a Single Development Site and/or Multiple Property Owners
- Widening of an Existing Road/Grade-separation to Add Motor Vehicle Lanes

New or Realigned Collector or Arterial Roads and New Grade Separations Beyond a Single Development Site and/or Multiple Property Owners

In a complex, built-up environment, like the City of Toronto, property impacts or other significant environmental impacts are often triggered when connecting new roads to the existing network or in reconfiguring/realigning existing road infrastructure through numerous sites. This can involve multiple landowners that may or may not have active development applications.

Maintaining these types of projects as an EA required project, with municipalities as the proponent, would be greatly beneficial given the need to assess and confirm the road infrastructure connections particularly when dealing with multiple landowners and development proponents. The EA process affords municipalities with a provincially mandated process to confirm and verify required infrastructure in an open and transparent manner. Typically, the City of Toronto takes these studies to a preliminary level of design detail to confirm horizontal and vertical alignments. This also provides surety to development and landowner proponents. This level of detail is not typically done at an Official Plan or Secondary Plan level due to the scale of these exercises, and required road infrastructure can also extend beyond Secondary Plan boundaries.

The ministry's proposal to make these projects subject only to the AAP does not address the concern of infrastructure connections and design coordination, as the only requirement is regarding Archaeology.

In addition, the City currently requires private sector applicants to complete archaeological assessment for subdivision applications if there is a potential for Archaeology. It is unclear how the new proposed process by the Ministry may interact with other municipal processes and requirements, including the Planning Act, as detailed above.

Widening of an Existing Road/Grade-separation to Add Motor Vehicle Lanes

Like the above for new roads, widening a road to add motor vehicle lanes beyond the City's existing right-of-way can have significant environmental and property impacts. These types of projects are often outside of Secondary Plan exercises and development applications and can apply to long sections of a corridor. Maintaining these types of projects within the EA Process also allows municipalities to ensure that these projects that are quite large in scale and involve multiple stakeholders can be undertaken and completed through a provincially mandated process.

Proposed project lists – Water / Wastewater

City staff also had comments regarding the listings for specific water and wastewater projects under Table 1 (Archaeological Assessment Process) and Table 2 (Municipal Project Assessment Process):

Table 1 - Private Sector projects

City staff support the change to include certain private sector projects in Table 1 so they will be subject to the AAP. However, there is an inconsistency in requiring the AAP for certain municipal projects but not private sector projects (e.g., Municipal Drinking Water Projects (MDWP) #14 – construct a new drinking water pumping station, Municipal Wastewater Projects (WWP) #29 – construct a new wastewater pumping station). While a municipality will eventually assume operation of the infrastructure, the potential archaeological impact of the project (whether a municipal or a private proponent) would not be different. Therefore, there should be consistency in the AAP requirements for municipal and private sector projects in Table 1.

Project Table 1, Project #12 - Establish, extend or enlarge a drinking water distribution system and all works necessary to connect the system to an existing system or water source, where such facilities are not in a previously disturbed portion of either an existing road allowance or utility corridor.

City staff recommend that MECP define "disturbed" in guidance documents.

Project Table 2 – WWP #8 and Stormwater Management Projects (SWMP) #14

City staff support the proposed revisions to Table 2, WWP #8 and SWMP #14 which address the City's comments from the 2024 proposal and provide additional clarity.

Table 2 - Project #6: Establishing a sewage system other than a subsurface sewage disposal system, with a rated capacity of greater than 100,000 litres per day

The proposed revised project description is confusing and should be reworded for clarity. Specifically, what part of the system does the rated capacity of 100,000 L/d apply to?

Table 2 - Private sector projects

There is inconsistency in the municipal and private sector projects in Table 2 that are proposed to be subject to the MPAP, e.g., establishing a stormwater management facility (Project #14). MPAP requirements should be consistent for the projects, regardless of whether the proponent is a municipality or from the private sector, taking into consideration the potential impacts of the project.

Projects with potential significant impacts near residential areas

Table 2 excludes projects currently subject to the Municipal Class EA that may be complex and have significant impacts on the environment, (e.g., new water and sewage pumping stations, sewage detention facilities). In built-up municipalities, these projects may be located in or near residential areas and can have ongoing operating impacts that pose concerns for nearby residents (odours, noise, etc.). The MECP may want to reconsider the proposal to exclude these types of projects from the MPAP.

Streamlined Environmental Assessment Process - Time Out Provisions

The City of Toronto supports the recent change and flexibility to the proposed “time-out” provisions period that is now proposed to be extended by the proponent for any length of time. While the City supports the flexibility, as it allows proponents more ability to pivot to address unforeseen information that arises, the change to a time out of “any length of time” may reduce the overall efficiencies that the streamlined process seeks to achieve.

Transition Provisions

City staff support the 'Proposed Transition Provisions' as outlined in the ERO posting, and recommend that in addition to these, the Province should provide a transition period of at least one (1) year following the enactment of the regulation in which the current MCEA remains active. For projects removed from Schedule B and C MCEA requirements, the transition period will provide the City of Toronto with the necessary time to develop our own set of project frameworks and processes; and amend our Official Plan to address projects where EAs are no longer required and where further study is required for new, reconfigured or widened roads or other infrastructure (i.e. any such Official Plan amendment will not set alignments for roads where a Secondary Plan currently indicates an EA would be required for such a matter).

Interactions with Other Provincial Documents

In previous comments submitted regarding ERO 019-7891 'New Regulation to Focus Municipal Environmental Assessment Requirements' dated March 17, 2024, the City requested consequential amendments be made to other provincial documents (i.e. Provincial Policy

Statement, Greenbelt Plan and/or Planning Act) to ensure infrastructure requirements to support growth align with policy and legislative requirements. It is the City's understanding from conversation with the Ministry that discussions are being held regarding these items.

City staff would like to work with the relevant ministries to provide commentary to the concurrent amendments to other provincial documents in support of the proposed Environmental Assessment Act changes to ensure municipalities can continue to secure appropriate infrastructure to support planned growth and so that development does not preclude preferred alignments as determined in an Official Plan.

To reiterate the City's comments on consequential amendments to other provincial documents as a result of implementing the changes proposed in ERO 019-7891:

- The Provincial Policy Statement (PPS) 2020 will need to be addressed, at a minimum:
 - Policy 1.6.8.3 in the PPS: Planning authorities are not to permit development in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. *Planned corridors* is defined in the PPS to include a preferred alignment identified in an Environmental Assessment and does not refer to Official Plans. This policy as existed since at least the 1997 PPS and affords public bodies, such as municipalities and the Province for its projects, protection from development precluding needed infrastructure, and was recently strengthened by the Province for such purposes. Under the Planning Act and City of Toronto Act, the City can only require development to convey land for roads if it's a widening of an existing road, has a dedicated transit right-of-way or the development proposes to subdivide/sever land.
 - Section 6 Definitions, 'Development', and related policies. The definition of *development* currently excludes infrastructure identified in an Environmental Assessment. Many policies in the PPS restricts *development* within certain areas (e.g., Section 2.1 of the PPS Natural Heritage) where it may be necessary for municipal infrastructure, such as roads, to be located. This definition will need to be amended to reflect infrastructure identified in an Official Plan, and where an EA is no longer triggered, may be permitted in certain areas.
 - The concurrent amendments to other provincial documents should also reflect the importance of master plans (and Official Plans) as previously regulated in the MCEA process. Mandating master planning processes in provincial policy documents and plans should be strongly encouraged with other provincial ministries.

Future Guidance from MECP

Additional guidance from MECP on the topics below would help support municipalities to incorporate MPAP and AAP processes in their infrastructure planning processes in order to reduce risks to projects (i.e. delays and costs):

- The pre-notification stage (e.g. determining whether a project is subject to MPAP, pre-consultation, and best practices)
- Engagement and potential consultation with Indigenous communities, including outreach to communities
- Consultation with regulatory agencies (e.g. which agencies may be relevant to a project, information needs and when to consult with them)
- Confirmation on how MPAP and AAP will interact with other provincial legislation
- Types of studies that may be needed to support the assessment of a public municipal infrastructure project (i.e. water, sewage, and shoreline/in-water works)
- Addendum process for significant changes to a project
- Compliance and monitoring
- Termination and re-start of a project
- Review of a project that has not commenced within 10-year period
- Review and clarification on the list of Indigenous communities to engage at step 2 of AAP.

City staff would be pleased to work with the ministry in development of additional guidance documents.