



**ONTARIO  
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Planning and Housing Policy Branch  
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By email: [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

**Re: ERO-026-0300** — Proposed *Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001* Changes (Schedules 1, 2 and 7 of Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026*)

Dear Planning Team:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization with a mission to protect, conserve, and restore Ontario's rivers. ORA intervenes in federal and provincial regulatory processes and advocates for effective policy and legislation to ensure development affecting Ontario rivers is environmentally and socially sustainable.

ORA is pleased to submit comments in response to ERO-026-0300. ORA has submitted separately on ERO-026-0315 (April 24, 2026) and ERO-026-0313 (May 14, 2026), which address overlapping elements of the Bill 98 package, including the official plan standardization framework and the restriction of complete application study requirements.<sup>4,5</sup> This submission focuses on three elements of ERO-026-0300 not fully addressed in those prior filings: the removal of public notice requirements for Minister's Zoning Order amendments and revocations; the prohibition on municipal authority to require enhanced development and sustainable design standards; and the removal of the statutory requirement for municipal climate change policies in official plans.

### **1. Context: One Package, Eleven Consultations, and the Cumulative Effect**

ERO-026-0300 must be understood as one component of a coordinated legislative package, not a standalone proposal. As ORA documented in its ERO-026-0315 submission, at least eleven related ERO consultations were posted or scheduled within a six-week window ending May 14, 2026, spanning planning, drinking water, wastewater, parkland, environmental assessment, and complete application requirements. Conservation Authorities (CAs) from 36 watershed-based bodies into 9 regional organizations, caps the environmental studies municipalities may require as conditions of complete applications, and now removes notice requirements for ministerial zoning interventions.<sup>4</sup> No organization in Ontario can meaningfully evaluate the cumulative environmental effect of this volume of interconnected regulatory change within overlapping comment windows.



The government's own Impact on the Environment analysis for ERO-026-0300 characterizes the proposed changes as having a "*neutral impact on the environment*" because municipal decisions must still be consistent with the Provincial Planning Statement. This framing is incomplete.

Consistency with provincial policy is only as effective as the oversight mechanisms that enforce it. This package simultaneously removes those mechanisms: it eliminates Ministerial approval of secondary plans, restructures CAs from 36 watershed-based bodies into 9 regional organizations, caps the environmental studies municipalities may require as conditions of complete applications, and now removes notice requirements for ministerial zoning interventions. A provincial policy that no longer has effective enforcement mechanisms at the municipal scale is not the equivalent of one that does. The cumulative effect of these changes on environmental oversight is substantially negative, regardless of what each change looks like in isolation.

ORA objects in the strongest possible terms to the manner in which this legislative package has been advanced. Bill 98 and its companion measures have been fragmented into more than eleven separate ERO postings addressed to different ministries, different branches, and different planning and regulatory staff, within overlapping consultation windows that close on the same date.

This fragmentation is not an administrative coincidence; it is a deliberate strategy that makes it extremely difficult to determine and comment on the full scope of the cumulative effects. No single reviewer at any ministry receives the full picture. No single ministry is accountable for the cumulative environmental effect.

Municipalities, CAs, environmental organizations, and affected communities are required simultaneously to prepare substantive comments on drinking water regulations, wastewater amendments, parkland provisions, Planning Act changes, and environmental assessment reforms, each posted to a different contact. The connections between these proposals are not incidental: for example, the prohibition on enhanced development standards in this posting directly affects the capacity of municipalities to manage stormwater inflow into aging wastewater systems, which is the subject of ERO-026-0302. No reviewer of this posting is directed to that connection. No reviewer of ERO-026-0302 is directed back. This is the practical consequence of fragmented consultation: the cumulative risk is visible only to those who read all eleven postings together, which the structure of this process is designed to prevent.

ORA submits that the use of simultaneous, fragmented consultation windows to advance a sweeping legislative package is inconsistent with the spirit and purpose of the Environmental Registry and substitutes the form of consultation for its substance. A cumulative environmental assessment of this entire package, conducted in a single consolidated process, is the minimum standard the scope of these changes demands.

## **2. Minister's Zoning Orders: Removing the Last Accountability Mechanism**

Minister's Zoning Orders (MZOs) allow the Minister of Municipal Affairs and Housing to directly impose zoning on any property in Ontario, overriding local planning decisions without the normal approvals process, without environmental assessment, without CA permit review, and without third-party appeal rights to the Ontario Land Tribunal. The current *Planning Act* requires the Minister to provide public notice on proposed amendments to or revocations of MZOs. Bill 98 proposes to remove this requirement entirely.

This is a significant accountability regression. Public notice serves three essential and irreplaceable functions that the government's proposal does not address.



First, notice allows affected landowners, municipalities, and environmental organizations to identify whether an MZO amendment affects ecologically sensitive lands before the amendment takes effect. An MZO can be amended to permit substantially different uses than the original order authorized. Without notice, that change is invisible until after it becomes law.

Second, notice creates a public record of MZO activity. MZOs are already exempt from the independent review that would normally apply to development of comparable significance. Public notice is the minimum transparency mechanism through which this ministerial power can be tracked, documented, and held to account in the public interest.

Third, notice enables CAs and environmental organizations to flag where an MZO amendment affects watershed function, floodplain risk, natural heritage features, or Indigenous and public interests in a specific area. Without notice, these concerns cannot be raised until after the amendment is in force.

ORA's concern is direct and practical. MZOs have been used in Ontario to authorize development on or adjacent to sensitive wetlands, floodplains, and river corridors, in some cases over the objections of CAs and local municipalities. The notice requirement has been the only mechanism by which organizations like ORA can identify when a proposed MZO amendment affects a river system, place concerns on the public record, and seek to influence the Minister's decision before it is made. Removing notice does not constrain the use of MZOs; it makes their use invisible until it is too late. For watershed and river protection purposes, an MZO amendment process with no public notice is a process with no meaningful public participation at all.

ORA submits that notice requirements for MZO amendments and revocations must be retained without qualification. If the government's concern is administrative efficiency, notice can be provided through streamlined electronic means with a fixed and short comment window. Removing public notice entirely is not a proportionate or defensible administrative reform.

### **3. Prohibition on Sustainable Development Standards: Unravelling Watershed Protection at the Site Level**

Bill 98 proposes to prohibit municipalities from requiring mandatory Enhanced Development Standards (EDS) and green building or construction standards as conditions of site plan approval, zoning, or land division. Specifically, the proposed changes would: remove "sustainable design" from site plan control authority; prohibit mandatory green building and construction standards; and create regulation-making authority to explicitly prohibit EDS requirements as conditions of land division approvals. The government states that stormwater management remains permissible, as it is required for health or safety. ORA submits that this narrow exception is both undefined and insufficient.

#### ***3.1 The stormwater exception is undefined and legally fragile***

The proposed legislation does not define the boundary between stormwater management requirements that are permissible because they are "required for health or safety" and sustainable design requirements that are prohibited. The following standards, all of which serve direct watershed protection functions, are now in a legally ambiguous position: low impact development (LID) measures including bioswales, permeable pavement, rain gardens, and green roofs that reduce impervious cover and manage stormwater at the source; natural area set-asides and tree canopy requirements that maintain infiltration and groundwater recharge; riparian buffer conditions in site plan approvals; and stormwater quality controls beyond minimum quantity standards.



Beyond stormwater, the prohibition on enhanced development standards removes municipal authority to manage a broad range of other serious, site-specific environmental risks that vary dramatically across Ontario's landscapes and cannot be addressed through provincial uniformity. Mining-influenced communities provide a direct and urgent example. Greater Sudbury and the surrounding Sudbury Basin municipalities sit within one of Canada's most significant active and historic mining regions. In this context, the authority to impose enhanced development standards is not an abstract planning preference; it is a practical necessity for protecting residents and watersheds from acid rock drainage, tailings pond seepage, heavy metal contamination, and industrial runoff capable of reaching drinking water intakes and river systems through surface and subsurface pathways.

Wastewater treatment infrastructure is another critical dimension where site-level development standards carry direct freshwater consequences. Many Ontario municipalities, including Greater Sudbury and other communities with aging sewage collection systems, face significant inflow and infiltration (I&I) problems: the entry of stormwater and groundwater into sanitary sewers through deteriorated pipes, improper connections, and inadequate on-site drainage. During extreme rain events and spring runoff, excess I&I can overwhelm treatment plant capacity, forcing municipalities to bypass treatment and discharge raw or partially treated effluent directly into rivers and lakes.

This is not a theoretical risk; sanitary sewer overflows are a documented, recurring water quality problem in communities across Ontario. The authority to require on-site stormwater management, disconnection of roof drains and sump pumps from sanitary sewers, and impervious surface controls as conditions of development approval is one of the few tools municipalities have to manage I&I load at source, before new development compounds the problem. Removing that authority through this prohibition directly worsens the conditions that drive wastewater bypassing.

ORA will address the wastewater consent dimension of the Bill 98 package in its submission on ERO-026-0302; the connection between site-level development standards and wastewater system integrity is an additional and compelling reason those standards must be preserved.

If a municipality in the Sudbury Basin cannot require enhanced drainage management, impermeable surface treatment, or groundwater monitoring as conditions of development approval near a contamination risk area, it cannot protect its citizens from foreseeable harm. The same principle applies across Ontario wherever land development occurs adjacent to industrial operations, petroleum storage and handling facilities, chemical manufacturing, or intensive agricultural operations where nutrient loading, sedimentation, and pesticide runoff represent chronic watershed threats. The provincial stormwater exception does not reach any of these risks.

A uniform provincial standard applied across all Ontario communities cannot substitute for the judgment of local councillors and planners who know which sites carry which risks. Stripping municipalities of the authority to respond to local conditions with local standards is not efficiency. It is the elimination of the front-line defense that stands between Ontario's communities and the watershed damage they know their landscapes are capable of sustaining.

Provincial Planning Statement (PPS), 2024, s. 4.2.1, requires planning authorities to protect "the quality and quantity of water."<sup>1</sup> Site-level sustainable design standards are the primary mechanism through which this policy is implemented at the point of development. A bioswale is not an amenity; it is a site-level tool for delivering the water quality and quantity protection that provincial policy requires. If municipalities cannot require these measures as conditions of development permission, provincial policy compliance for water resources depends entirely on voluntary developer action. That is not a responsible planning system.



### **3.2 The Auditor General's findings make this prohibition indefensible**

ORA's submission on ERO-026-0313 summarized the Auditor General's 2022 findings on urban flood risk: southern Ontario loses approximately 1,825 hectares of wetland annually; 73% of municipalities surveyed cannot accurately map their urban flood risk; and \$3.8 billion is needed simply to repair existing stormwater infrastructure before climate intensification is factored in.<sup>3</sup>

These conditions exist in part because site-level development approvals over decades did not consistently require adequate low-impact development, natural infiltration, and stormwater management standards. The solution to a \$3.8 billion infrastructure deficit driven by inadequate site standards is not the legal prohibition of those standards—it is precisely the opposite—they must be strengthened.

The cost of inadequate watershed protection is not theoretical. As this consultation window was open, northeastern Ontario experienced its most severe spring flooding in recent memory. Between late April and early May 2026, eight municipalities simultaneously declared states of emergency: West Nipissing, Billings Township, Central Manitoulin Township, Chisholm Township, the Municipality of French River, Gordon/Barrie Island Township, Greater Sudbury, and Tehkummah Township. Moose Cree First Nation residents were evacuated from their homes with Red Cross assistance. Water depths reached 1.5 metres in some areas. Approximately 50 homes in the French River area were at risk or already underwater. Water levels in Mattawa reached the sixth highest recorded level since 1918. Highways 64 and 805 in West Nipissing were closed. As of May 3, 2026, eight communities remained under active states of emergency as high water continued moving through the regional watershed system.<sup>6</sup>

Businesses across the affected region reported losses in the hundreds of thousands of dollars. Emergency response costs—including provincial sandbag deployment, municipal emergency operations, road closures, and recovery work—are expected to reach into the millions, borne by municipalities, businesses, residents, and provincial taxpayers.

These events were not caused by a single development decision in isolation. They are the product of watershed-scale hydrological dynamics, cumulative development pressure, continued loss of wetland cover, and reduced natural infiltration capacity across entire catchments—precisely the conditions that site-level sustainable development standards, watershed-scale hydrological assessments, and natural hazard studies are designed to identify and address. A government that prohibits municipalities from requiring these standards cannot be surprised when communities sustain foreseeable harm during flood events and cannot credibly disclaim responsibility for the financial and human costs that follow.

### **3.3 Direct contradiction with Ontario's own climate science**

The *Ontario Provincial Climate Change Impact Assessment (OCCIA) 2023* identifies stormwater management infrastructure as facing heightened risk province-wide under current climate conditions, with risks expected to intensify by mid-century.<sup>2</sup> The OCCIA calls for adaptation measures, including improved management of impervious surfaces, enhanced green infrastructure, and reduced runoff at source. Prohibiting the site-level standards that reduce impervious surface cover, increase infiltration, and manage stormwater at source is directly contrary to the adaptation measures Ontario's own climate science identifies as urgent.

Ontario cannot credibly warn of accelerating hydrological risk in its own climate impact assessment while simultaneously prohibiting municipalities from requiring the site-level standards that reduce exposure to that risk. This contradiction is not an oversight; it is a policy choice that transfers the cost of inadequate site-level stormwater management from individual development proponents to municipalities, ratepayers, insurers, and the public over the long term.



#### 4. Removal of Climate Change Policy Requirements

ORA addressed in detail the government's proposal to remove the statutory requirement for municipalities to include climate change policies in their official plans in its submission on ERO-026-0315.<sup>4</sup> The same analysis applies with equal force here, where the same change is advanced through a related legislative vehicle. ORA does not repeat that analysis, but adds one point specific to the government's own Impact on the Environment statement for ERO-026-0300.

The government states that removing the climate change policy requirement from official plans *"would not change the requirement in the Provincial Planning Statement for municipalities to plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate."* This characterization is misleading. A provincial policy requirement exists in a policy statement. The mechanism of local implementation, the official plan provision that translates that policy into a binding local land use direction, is what is being removed. A provincial policy that municipalities are no longer required to implement through their official plans is not functionally equivalent to a policy they are required to implement. Removing the implementation mechanism while preserving the policy document is not a neutral change; it is the removal of the tool through which provincial climate policy produces local action, without touching the provincial document itself.

#### 5. Recommendations:

ORA respectfully submits the following recommendations:

1. Retain notice requirements for all MZO amendments and revocations. The elimination of public notice removes the only transparency mechanism for a ministerial planning power that has no environmental assessment requirement, no CA permit obligation, and no third-party appeal right. Streamlined electronic notice with a defined comment window is an appropriate efficiency measure; elimination is not.
2. Preserve municipal authority to require sustainable development standards that serve watershed protection and water quality functions, including low impact development measures, natural infiltration requirements, stormwater quality controls, riparian buffers, and tree canopy conditions, as part of site plan control and development approval. At minimum, clarify in regulation that these specific measure types remain within municipal authority regardless of the Enhanced Development Standards prohibition. This preservation of authority is especially critical in communities adjacent to mining operations, industrial facilities, and other contamination risk areas where locally-tailored standards are the only effective protection for residents and watersheds.
3. Retain the statutory requirement for municipalities to include climate change policies in official plans. The existence of climate policy in the Provincial Planning Statement does not substitute for the local implementation obligation that official plan policies provide.
4. Commission a cumulative environmental assessment of the full Bill 98 and related ERO package before proceeding with further regulatory change. Eleven interconnected consultations posted within a six-week window, addressed to different ministries and different staff, do not constitute meaningful public engagement with the cumulative effect of these changes on Ontario's environmental protection framework. Fragmenting a legislative package across multiple related ERO postings to prevent a consolidated review is an abusive use of the Environmental Registry process. The Ministry should not treat the absence of the full scope of objections as evidence of acceptance.



Ontario's rivers, wetlands, and watersheds respond to cumulative development pressure, impervious surface cover, reduced infiltration, and altered flow regimes regardless of the legislative instruments used to authorize individual projects.

The planning tools being dismantled through this package, transparent ministerial zoning processes, site-level sustainable design requirements, and local climate policies, are not bureaucratic obstacles to housing. They are the municipal-scale mechanisms through which provincial environmental policy is translated into actual development conditions on the land. Removing them does not simplify governance. It removes accountability at the point where development meets the land and transfers the long-term cost of that removal—measured in flood damage, contaminated drinking water, compromised watersheds, emergency response expenditures, and eroded public trust assets—to the communities, watersheds, and public trust assets that those tools were designed to protect.

Thank you for this opportunity to comment!

Respectfully,

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#### EndNotes

1. Provincial Planning Statement, 2024, Ministry of Municipal Affairs and Housing, effective October 20, 2024. Relevant policies: s. 4.2.1 (protect quality and quantity of water using the watershed as the ecologically meaningful scale). <https://www.ontario.ca/page/provincial-planning-statement-2024>
2. Ontario Ministry of the Environment, Conservation and Parks. *Ontario Provincial Climate Change Impact Assessment (OCCIA)*, January 2023. Technical Report prepared by Climate Risk Institute. Stormwater management infrastructure rated 'medium' to 'high' risk province-wide under current conditions; risks expected to intensify by mid-century. <https://www.ontario.ca/page/ontario-provincial-climate-change-impact-assessment>
3. Office of the Auditor General of Ontario. "Climate Change Adaptation: Reducing Urban Flood Risk," *Annual Report 2022*, Chapter 3.06, November 2022. Southern Ontario loses approximately 1,825 hectares of wetland annually; 73% of municipalities cannot accurately map urban flood risk; \$3.8 billion needed to bring stormwater assets to state of good repair. [https://www.auditor.on.ca/en/content/annualreports/arreports/en22/ENV\\_CCURbFlooding\\_en22.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en22/ENV_CCURbFlooding_en22.pdf)
4. Ontario Rivers Alliance. Submission on ERO-026-0315: Consultation on Upper-Tier Official Plans, Secondary Plans, and Site- and Area-Specific Policies. Submitted April 24, 2026. <https://www.ontarioriversalliance.ca/ero-026-0315-consultation-on-upper-tier-official-plans-secondary-plans-and-site-and-area-specific-policies/>
5. Ontario Rivers Alliance. Submission on ERO-026-0313: Streamlining the Information and Material That Planning Authorities Can Require as Part of a Complete Application. Submitted May 14, 2026.
6. CTV News Northern Ontario. "Flood emergencies persist across northeastern Ontario." April–May 2026. <https://www.ctvnews.ca/northern-ontario/article/flood-emergencies-persist-across-northeastern-ont/> See also: CBC News. "Northeastern Ontario businesses face steep losses after rapid flooding." CBC Sudbury, April 2026. <https://www.cbc.ca/news/canada/sudbury/businesses-flood-9.7169757>