

Written Submission to the  
Standing Committee on Heritage  
Infrastructure and Cultural Policy

Regarding

Bill 23, More Homes Built Faster Act, 2022

17 November 2022

Linda Heron, Chair

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Ms. Laurie Scott, MPP  
Chair, Standing Committee on Heritage, Infrastructure and Cultural Heritage  
Whitney Block, Room 1405  
99 Wellesley Street West  
Toronto, ON  
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Re: ORA Submission on Bill 23 – More Homes Built Faster Act, 2022

Dear Madam Chair and Standing Committee Members:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization with a mission to protect, conserve and restore riverine ecosystems across Ontario. ORA advocates for effective policy and legislation to ensure that development affecting Ontario rivers is environmentally and socially sustainable.

The ORA is pleased to comment on the proposed Bill 23 - More Homes Built Faster Act, 2022, which involves changes to the *Planning Act*, *Ontario Heritage Act*, *Conservation Authorities Act*, as well as numerous associated regulatory changes, as part of the provincial government's commitment to making it easier and faster to build 1.5 million new homes over the next ten years.

The short deadline and lack of consultation for stakeholder comments on Bill 23 and its multitude of associated Environmental Registry postings are anti-democratic and demonstrate a supreme lack of respect and consideration for stakeholders, municipalities, Indigenous communities and the general public.

The ORA is concerned that Bill 23 will have far-reaching negative effects on the environment and communities. This major streamlining of development is irresponsible and a recipe for disaster. Bill 23 works against sustainability and the watershed approach at a time when Government decision-making should be focused on protecting the environment and building climate resilience into Ontario's communities and infrastructure.

**“A World of Healthy River Ecosystems”**



The ORA is strongly opposed to Bill 23 and its associated Environmental Registry postings that would remove the authority of municipalities and Conservation Authorities from making local planning decisions designed to help mitigate some of the more severe effects of climate change and ensure green and sustainable development practices.

**ORA recommends** that the government postpone passage of Bill 23 until a meaningful public and Indigenous consultation has taken place, as well as consideration of all the associated comments that will be posted on the Environmental Registry notices that are due on 24 November 2022.

### **ORA's comments on Bill 23:**

#### **1. Proposed Planning Act & City of Toronto Changes Schedules 1 & 9**

The *Planning Act* and other related legislation and policy serve to protect our environment, communities and valued assets such as our wetlands, lakes, rivers, farmland, green spaces, and critical resources. Municipalities have developed their official plans and zoning bylaws through years of rigorous public consultation to ensure that their decisions are responsive to local values, needs and goals.

ORA is very concerned about the proposed loss of municipal authority and the ability to set its own development standards. Each municipal government has unique considerations concerning challenges, geography, industries, population numbers, footprint, and valued natural resources and heritage.

Councillors actually live in the communities they serve at the municipal level; therefore, they are closer to their citizens than any other level of government. Consequently, municipalities must be allowed to continue to engage with their constituents in developing their official plans and zoning bylaws, setting their green climate standards, and making planning and development decisions tailored to the best interests and circumstances of their communities. This is all crucial to ensure municipalities have the necessary tools to make their towns and cities more resilient to climate change.

The purpose of omnibus Bill 23 and the proposed changes to the land use planning system is reported to “*expedite development (time savings), remove barriers and reduce costs (e.g., application fees) for the development sector and private homeowners*”.



This short-sighted and wrong-headed approach sends Ontario in the wrong direction by not addressing the real concerns of:

- The dangerous and unprecedented increase in species extinction rates;
- Unsustainable and irresponsible land and water use decisions;
- Climate change considerations in both the short and long term; and
- Pollution of our air, land and waterways.

Instead, we require transformative changes to restore and protect nature for the public good, increased resilience to the extremes of climate change (heat waves, extreme rain and extreme drought), and comprehensive environmental assessments at a local, regional and provincial scale. These measures are essential to ensure safe, healthy and environmentally sustainable communities.<sup>1</sup>

*“Schedule 1 of Bill 23 would make consequential amendments to the City of Toronto Act, 2006 related to proposed changes to site plan provisions.”*

For the reasons set out above, the ORA is opposed to the proposed amendments and repeals in Schedule 1, which remove the authority of the City of Toronto to respond to climate change and to create and enforce its Toronto Green Standards with their sustainable design and performance requirements for new and city-owned developments.

**Recommendation 1:** Without significant amendments, Schedules 1 and 9 should be completely removed. Failing that:

**Recommendation 2:** Remove Section 2 of Schedule 1 and Section 11 of Schedule 9, so the City of Toronto and other municipalities retain their authority to require green development and other performance standards through site plan control.

## **2. Removal of Upper-Tier Municipal Planning Responsibilities – Schedule 9**

ORA is strongly opposed to removing the planning responsibilities of upper-tier municipalities that would no longer constitute a “public body” with the right to appeal official plan amendments.

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<sup>1</sup> *UN Report: Nature’s Dangerous Decline ‘Unprecedented’; Species Extinction Rates ‘Accelerating’.*



We appear to be living in a dictatorial province where developers have the upper hand over elected municipal officials and where the power of a municipality to make planning and development decisions based on the values, needs and consensus of its constituents is being undermined by the provincial government.

**Recommendation 3:** Remove sections 1(2), 1(5), 1(6), 2(1), 3, 4(2), 5(4), 8(6), 17(2) & 23 of Schedule 9, to ensure upper-tier municipal planning authority for the County of Simcoe and the Regional Municipalities of Halton, Peel, York, Durham, Niagara and Waterloo is maintained.

### **3. Minister's Amendments of Official Plans – Schedule 9**

ORA is opposed to Schedule 9 and its proposed amendments that would allow the Minister to amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest. The minister must be required to follow the current section 23 procedural steps. The power of a municipality to set its own course in municipal planning is crucial.

**Recommendation 4:** Remove section 7 of Schedule 9.

### **4. Revocation of Third-Party Appeal Rights – Schedules 7 & 9**

ORA strongly opposes the removal of third-party appeal rights under the *Planning Act* in Schedule 9. Public engagement is essential to a healthy democracy and helps to avoid later conflicts, resistance and anger resulting from bad land-use decisions. It is crucial for stakeholders to be able to voice their concerns, provide input and be heard. The appeal process through the Ontario Land Tribunal provides an important backstop for poor planning decisions.

Without strong public engagement and input into a trusted and fair land-use planning process, there will be stronger resistance to development resulting from the suppression of the public voice and turning a blind eye to the public interest. Removing third-party appeal rights for residents concerned about zoning changes that could impact local air, land and water quality would remove an important third-party independent adjudicator working in the public interest.

In fact, because the Ontario Land Tribunal makes public interest determinations on good land use planning, this process must be made available and fully accessible to the public. There should also



be no fees or costs required to file or go through the appeal process, and an appellant must not be burdened with adverse cost awards or deterred from participating in a tribunal hearing.

**Recommendation 5:** Removal of the sections in Schedule 7 relating to the costs and summary dismissal of appeal proceedings.

**Recommendation 6:** Removal of sections that terminate third-party appeal rights in Schedule 9.

## 5. Proposals affecting Conservation Authorities (CA) - Schedules 2 & 9

ORA is opposed to Schedule 9 changes to the *Conservation Authorities Act*, which would “*limit CA appeals of land use planning decisions*”, “*broaden the ability of CAs to use an existing streamlined process to sever and dispose of land*”, and “*enable the exemption of development authorized under the Planning Act from requiring a permit under the Conservation Authorities Act, in municipalities set out in regulation, where certain conditions are met as set out in regulation.*” We also oppose several other measures designed to ensure and speed up permitting and effectively remove planning and development decision-making and authority from the CAs.

The ORA is very supportive of the excellent work being done by the CAs across Ontario. The importance and scope of the planning and permitting work CAs perform with a watershed and regional approach across municipal boundaries is extremely important in flood control. The CA operates in the local communities and are the feet on the ground necessary and vital to maintaining a safe, healthy and resilient watershed.

The role of CAs in *Planning Act* appeals must be retained so that planning and land development does not interfere with their crucial role in flood control. CAs must have authority over flood mitigating factors such as preventing the loss of wetlands and woodlands, especially in the face of climate change.

It is irresponsible to fast-track environmental approvals by neutering Conservation Authorities and taking away their important role and authority in ensuring planning decisions are environmentally and socially responsible and will not result in the loss of life and property.



**Recommendation 7:** Remove sections of Schedule 2 to Bill 23 that would restrict CAs from commenting on development and planning applications, as well as those sections of Schedule 2 providing for delegation of natural hazards review to municipalities.

**Recommendation 8:** Remove sections of Schedule 2 that would remove the ability of CAs to comment on factors related to the conservation of land and prevention of pollution in their permitting decisions.

**Recommendation 9:** Retain Ministerial approval for any land disposition by CAs.

**Recommendation 10:** Do not allow housing on lands protected for environmental and natural hazard protection purposes.

**Recommendation 11:** Remove section 1(4) of Section 9, regarding the elimination of CA appeal rights on land-use planning decisions.

## **6. Removal of Public Meetings for Plans of Subdivision – Schedule 9**

ORA is strongly opposed to removing the requirement for public meetings for draft plans of subdivision.

Notifying the public about proposed development plans and inviting them to public consultation meetings is essential to the outcome of a project. The public and Indigenous communities must have an opportunity to be consulted, ask questions and provide input on a proposed development. This is a key planning and consultation mechanism that must be provided to stakeholders in a healthy democracy.

**Recommendation 12:** Remove section 17(4) of Schedule 9 to ensure a public meeting requirement for draft plans of subdivision.

## **Conclusion**

The Ontario government does not have to sacrifice environmental protection, valued wetlands or other sensitive areas, including the greenbelt, in the name of a housing crisis. Their own 2022 housing affordability report stated that *“a shortage of land isn’t the cause of the problem. Land is available, both inside the existing built-up areas and on undeveloped land outside greenbelts.”* However, the report’s most effective solution was *“the ability to by-pass long, drawn out consultations and zoning by-law amendments... Most of the solution must come from densification. Greenbelts and other environmentally sensitive areas must be protected, and farms provide food and food security. Relying too heavily on undeveloped land would whittle away too much of the already small share*



*of land devoted to agriculture.*<sup>2</sup> Unfortunately, this government not only took the report's advice to cut the red tape but decided to sacrifice it all to the benefit of hungry developers.

The ORA will comment separately on several other policy proposals in Bill 23, which would dismantle the Ontario Wetland Evaluation System, replace the Provincial Policy Statement and create a natural heritage offsetting policy to compensate for the loss of wetlands, woodlands and other valued ecosystem services. Much of this red tape cutting is being done through separate Environmental Registry notices with an unreasonable short comment deadline for such a large and complex Bill.

Thank you for this opportunity to comment.

Sincerely,

Linda Heron  
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<sup>2</sup> Report of the Ontario Housing Affordability Task Force. 8 February 2022.