



January 20, 2019

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Senior Policy Advisor
Policy Coordination and Business Climate Branch
Ministry of Economic Development, Job Creation and Trade
PDF via e-mail

Ken Petersen
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**RE: ERO 013-4293 Bill 66: Restoring Ontario's Competitiveness Act, 2018;
 ERO 013-4125 Proposed open-for-business planning tool; and,
 ERO 013-4239 New Regulation under the Planning Act for open-for-business planning tool**

We enclose for the above three posting on the Registry a letter signed by ourselves and 24 other organizations.

We understand that Item 1 and other references to the pledge of a party leader during the 2018 provincial election campaign are not within the purview of the Registry and the mandate of provincial staff, but the other items in the letter are clear expressions of concern about these initiatives.

Please contact Andrew McCammon as below should any further clarification be needed.

Sincerely,

Andrew McCammon

Executive Director
Ontario Headwaters Institute
andrew@ontarioheadwaters.ca
416 231 9484

John Jackson

Chair
Grand River Environmental Alliance



RE: Schedule 10 of Bill 66

Dear Premier Ford,

The Grand River Environmental Network, the Ontario Headwaters Institute, and the undersigned 24 organizations are writing you, as well as colleagues in your cabinet and others, with respect to our concerns about Schedule 10 of Bill 66. We seek the withdrawal of this schedule as many of its aspects:

- Violate your campaign promise to protect Ontario's Greenbelt;
- Propose solutions to problems that do not exist;
- Are corrosive to environmental and public health in Ontario; and
- Subvert democracy in Ontario while impugning trust in the government.

1. Proposed Zoning Bylaws Violate Campaign Promise to Protect Ontario's Greenbelt

Media coverage, including a video, in late April and early May 2018, clearly capture you, as the leader of the Conservative party, stating that you would "open a big chunk" of the Greenbelt for development as a way to decrease housing prices.

Shortly thereafter, you made conflicting statements pledging to replace lands removed from the Greenbelt with an equal amount of new Greenbelt lands, and then pledging to protect the Greenbelt in its entirety. On this latter point, you are quoted as saying

"There have been a lot of voices saying that they don't want to touch the Greenbelt. I govern through the people, I don't govern through government. The people have spoken – we won't touch the Greenbelt."

Whether it be the Province or a municipality with express authority from the province, allowing a municipality to permit development in the Greenbelt contradicts your pledge, which was clear: "We won't touch the Greenbelt".

Schedule 10 of Bill 66 stands in violation of that pledge. The Grand River Environmental Network, the Ontario Headwaters Institute, and the undersigned organizations want Schedule 10 removed from Bill 66 to honour your pledge to protect Ontario's Greenbelt.

2. Open for Business Zoning Bylaws Provide Solutions to Problems That Do Not Exist

The proposed Open for Business bylaws largely replicate at the municipal level existing provincial powers, toward a goal of identifying new employment lands - when credible independent studies show there is no shortage of employment lands.

There is therefore no need to trample the Greenbelt and other natural areas; the delegation of the proposed new municipal powers is unnecessary; and, ironically, the Open for Business bylaws will create more red tape and confusion about what protocols are in place in which areas of the Province than the red tape they purport to eliminate. (See 3.3 below.)

3. Schedule 10 of Bill 66 is Corrosive to Environmental and Public Health in Ontario

We offer the following with respect to the extensive list of exemptions under Schedule 10 of Bill 66:

- 3.1 We support the comments of other organizations focused on the public health aspects of the exemptions of Schedule 10, particularly those related to the Clean Water Act. It is unconscionable for the Province to consider suspending protective measures put in place to prevent another Walkerton;
- 3.2 We are equally concerned that Open for Business parcels of land are exempt from the Provincial Policy Statement (PPS), with similar exemptions regarding the Growth Plan, Greenbelt Act, Oak Ridges Moraine initiatives, the Lake Simcoe Protection Act, and similar initiatives.

These initiatives are key aspects of how the current planning framework identifies and protects natural heritage and therefore our air, water, and biodiversity; agriculture and therefore regional farm lands, farmers, food security, and the agricultural system; and hazards, the designation of which protect human health and infrastructure from outcomes such as erosion and flooding.

Exempting Open for Business parcels of land from the PPS and similar protective measures is not only a threat to public health and safety, it enables rapid approvals that could significantly harm terrestrial and aquatic natural heritage, overall biodiversity, and regional ecological integrity, as well as Ontario's social wellbeing and economic vitality.

- 3.3 The concerns expressed in 3.2 above relate to individual parcels of land under Open for Business bylaws. The cumulative impact of the individual applications of these bylaws is also a major concern. As no standard approach for such bylaws is required, and location-specific exemptions and prescribed criteria are possible, Ontario could end up with a patchwork of parcels of land with unique combinations of provincial exemptions and policies in place.

In addition, the general vagueness of wording, the absence of proposed regulations, reliance on ministerial discretion instead of standards, lack of direction on issues such as the role of conservation authorities, climate change, transportation, and even the implementation aspects of any permits issued under Open for Business bylaws could result in a provincial checkerboard of unimaginable variety, in contrast to the clear rules we have now.

Overall, against a proud Ontario track record of appropriate protective measures, the three Open for Business initiatives, and in particular Schedule 10 of Bill 66, introduce short-term development anarchy that is corrosive to environmental and public health and may prove toxic to the current system of land use planning.

4. Schedule 10 of Bill 66 Subverts Democracy in Ontario and Impugns Trust in the Current Government

Finally, we have grave concerns that Schedule 10 runs roughshod over the democratic process.

Key ways in which traditional rights and democratic protocols are invalidated or negated include:

- Allowing a municipality to ignore or take actions in opposition to an official plan or existing bylaw, either of which would invalidate past public input to the plan or bylaw;

- Enabling a municipality to deny the democratic norms of public notice and consultation to both nearby landowners and stakeholders in the community at large (service costs, transportation and transit, complete communities, investors, etc);
- Exempting applications from residents and stakeholders to the Local Planning Appeal Tribunal with respect to the Open for Business bylaw; and,
- Essentially denying the broader community the peace of mind that the Provincial Government is adhering to its pre-existing legal obligations with respect to public health and natural resources, such as its responsibilities under the Clean Water Act, the Great Lakes Protection Act, numerous other acts and protocols, as well as the Canada-Ontario Agreement, sub-national obligations under the Aichi Biodiversity Targets, various binational compacts, etc.

In addition, each of the bullets above undermine trust in government – both municipal and provincial.

On this we remind you that, prior to coming to power, your party was a vocal opponent of the denial of municipalities to have permitting rights for installations under the Green Energy Act. Now, Bill 66 gives subscribing municipal corporations broad powers but denies that municipality's citizens and other stakeholders the rights of democratic participation.

Your position is contradictory to what it was before, anti-democratic, and in violation of your pledge to be a "government for the people, by the people."

Conclusion

Schedule 10 of Bill 66 violates a specific pledge from you, is unnecessary, duplicates existing powers, suspends hundreds of policies, is corrosive to environmental and public health, is toxic to the future of sound planning, and subverts democracy in Ontario.

We urge you to withdraw Schedule 10 of Bill 66.

Sincerely,

Andrew McCammon

Executive Director
Ontario Headwaters Institute
andrew@ontarioheadwaters.ca
416 231 9484

Please contact Andrew McCammon for further discussion on this letter.

John Jackson

Chair
Grand River Environmental Alliance

cc	Tod Smith, MEDJC&T John Yakabuskio, MNRF Andrea Horwath	Steve Clark, MMAH Ernie Hardeman, OMAFRA; Michael Shcreiner	Rod Philips, MECP Selected others
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LIST OF CO-SIGNATORIES

Antler River Rally
Tom Cull, Director

APT Environment
Susan Bryant, Co-ordinator

AWARE Simcoe
Ann Truyens, Director

Canadian Association of Physicians
for the Environment (CAPE)
Kim Perrotta, MHSc, Executive Director

Coalition on the Niagara Escarpment
Robert Patrick, Chair

County Sustainability Group
Don Ross, Chair

Credit Valley Heritage Society
Tanya Achilles, President (Acting)

Friends of the Rouge Watershed
Jim Robb, General Manager

Friends of Salmon River
Susan Moore, President

Gravel Watch Ontario
Graham Flint, President

Land Over Landings
Mary Delaney, Chair

Langford Conservancy
Richard Tunstall, President

London Environmental Network
Skylar Franke, Executive Director

Midhurst Ratepayers' Association
Sandy Buxton, President

Oakvillegreen Conservation Association Inc.
Karen Brock, President

Ontario Soil Regulation Task Force
Ian McLaurin, Chair

Protect Our Water and Environmental
Resources (POWER)
Doris Treleaven, President

People Plan Community
Susan Robertson, Principle Planner

Simcoe County Greenbelt Coalition
Sandy Agnew, Chair

StormWaterForestry
Chris Morrison, Principal

Sustainable Brant
Ella Haley, Project Manager

Ramsey Lake Stewardship Committee
Lilly Noble, Chair

York Region Environmental Alliance
Gloria Marsh, Executive Director

York Simcoe Nature Club
Jeanne Beneteau, President