

January 20, 2019

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

Ken Petersen  
Manager  
Provincial Planning Policy Branch  
Ministry of Municipal Affairs and Housing  
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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**

Dear Mr. Helfinger and Mr. Petersen,

The Ontario Headwaters Institute, a charity working to protect the province’s headwaters, natural heritage, and watersheds, seeks the withdrawal of many aspects of the above-cited initiatives, as they:

- 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. 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 (Ministerial Zoning Orders), toward a goal of identifying new employment lands, when even the most rudimentary research shows that there is no shortage of employment lands, as per the chart below.

<b>Employment Land by Regional Municipalities in the GGH (ha) (2015-2017)</b>			
<b>Region</b>	<b>Total</b>	<b>Vacant</b>	<b>% Vacant to Total</b>
York	7759	2588	33%
Halton	6099	2800	46%
Peel (exl. Caledon)	10772	2070	19%
Durham	5611	3147	56%
City of Hamilton	4554	918	20%
Simcoe	6527	2919	45%
Niagara (2014)	6895	2300	33%
<b>Total</b>	<b>48217</b>	<b>16742</b>	<b>35%</b>

Clearly, both key premises of the three initiatives are without merit, and there is therefore no need to trample the Greenbelt and other natural areas. In addition, and ironically, the proposed Open for Business bylaws will create more red tape, confusion, and probable legal actions about what protocols are in place in which areas of the Province than the imaginary red tape they purport to eliminate. (See 2.3 below.)

2. 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 these three initiatives:

- 2.1 We support the comments of other organizations focused on the public health aspects of the exemptions of Schedule 10 in Bill 66, 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;
- 2.2 We are equally concerned that Open for Business parcels of land are exempt from the Provincial Policy Statement (PPS), with similar exemptions regarding Official Plans, existing municipal bylaws, 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.

- 2.3 The concerns expressed in 2.2 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 various locations.

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, in contrast to a proud Ontario track record of appropriate protective measures, the three 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.

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

Finally, we have grave concerns that Schedule 10 of Bill 66 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.

### Conclusion

The three initiatives are unnecessary, duplicate existing powers, suspend hundreds of policies, are corrosive to environmental and public health, are toxic to the future of sound planning, and subvert democracy in Ontario.

We urge the government to withdraw Schedule 10 of Bill 66, as well as aligned aspects of the other initiatives that over-ride the Provincial Policy Statement, aligned legislative initiatives, official plans, and municipal bylaws.

Sincerely,

*Andrew McCammon*

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