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**RE: Follow up to January 14 Consultation on Housing Supply in Ontario**

Dear Ms Manson-Smith and Team,

The Ontario Headwaters Institute, a charity working to protect the province's headwaters, natural heritage, and watersheds, thanks you and your staff for inviting us to the sectoral discussion held January 14 on this topic, and for the diligent work done to ensure a successful day.

We also thank you for the invitation to the Minister's Forum on January 31 and look forward to seeing you at that time.

We offer the following comments for your consideration.

**Over-arching Comments**

The combination of the Planning Act and the Provincial Policy Statement (the PPS) form the basis for a reasonable balance so that Ontario can protect natural form and function, natural resources and agricultural lands, and safe, sustainable, and economically-viable development in a policy-led framework.

The OHI believes that our policy-led system is one of the best in the world, and that its basic tenets should be maintained.

We are also in favour of making it more effective and open to innovation such as community owned local energy, but believe most inefficiencies and delays will be found in local ordinances and procedures, not in the provincial framework, for which we make a few recommendations below.

That stated, it is important to note four issues that shaded our concerns on January 14:

- Suggestions that the Ministry "had heard" concerns about red tape and inefficiencies. Without attribution, and with no apparent effort have previously asked our sector our perspective on possible improvements to the Act and the PPS, the OHI felt that staff had been placed in an awkward position by Cabinet, driven by unidentified interests;
- A lack of evidence for various concerns, such as a lack of housing lands, with no attribution, no evidence, and no analysis of apparent problems caused by "red tape" and "inefficiencies", and no suggestion from staff on possible solutions;

- The hornets' nest of mistrust caused by the Open for Business initiative and Schedule 10 of Bill 66, allowing municipalities to suspend protections for environmental and public health, violate norms for public notice and consultation, and to deny public recourse through appeals. While it has since been announced that Schedule 10 will not proceed, it caused an estimated 100,000 hours of civic engagement for an issue that should never had been proposed in a democratic society in the first place; and
- More importantly, we also note the dis-connect between the discussion of January 14 and the consultation document. While we appreciate the opportunity to have been around the table, neither the website description of the consultation to increase housing supply, the consultation document, nor the on-line questionnaire even mention the Planning Act nor the PPS.

**Recommendation 1: Transparency** - That cabinet and provincial staff adopt more fulsome ways to indicate directions about which they are thinking, and to use that to solicit meaningful and informed input on a series of consistent questions.

### **The Planning Act**

As mentioned above, the OHI considers that the combination of the Planning Act and the PPS form the basis for a reasonable balance so that Ontario can protect natural form and function, natural resources and agricultural lands, and safe, sustainable, and economically-viable development in a policy-led framework.

In particular, we express our on-going support for the maintenance of sections 1.1, 2, and in particular items 1.1 a and 2 a through g.

We also express our on-going support for section 3, and think there is both a gap and an incredible ecological and economic opportunity to be addressed by providing additional direction with respect to promoting sustainable development, as per recommendation 2 below.

While not experts in housing construction and delays, our experience and instinct tells us those delays are caused by a development system handcuffed more by local permitting than the vision of the Planning Act. See recommendation 3.

We are similarly concerned that the current scale of greenfield development is unsustainable, based on huge areas, rather than smaller pockets that could be built by a wider array of more efficient, small developers, as per recommendation 4 below.

We also note that the issues of urban infill, mainstreeting, and affordable rent were under-represented in the consultation. Given the availability of huge areas of development lands, the need for affordable housing and housing near transit, and the need for affordable housing and affordable rent, we find no urgency to hurriedly re-write the Planning Act to address unsubstantiated claims of any shortage of new housing lands. See recommendation 5.

Finally, we are remiss that we did not raise two issues during the consultation: hard urban boundaries and sun-setting development applications. See recommendation 6.

**Recommendation 2:** A Sustainable Design and Construction Guideline – That, pursuant to sections 1.1 a) and 3 of the Planning, cabinet direct provincial staff to develop a Sustainability Design and Construction Guideline, similar to the PPS or the Ontario Natural Heritage Reference Manual. The Guideline could help inform the development of both more sustainable community designs and buildings while facilitating the emergence of both a more sustainable development sector and more sustainable infrastructure such as community-owned local power generation.

**Recommendation 3:** Assessment of Local Planning Barriers - That cabinet direct staff do an inventory of and propose solutions for local planning barriers, including opposition to innovation, prior to making potentially unnecessary, short-term, and ill-advised changes to the Planning Act.

**Recommendation 4:** A New Development Model - That cabinet and provincial staff work to encourage the development of a more diversified approach to housing, with smaller development footprints that could encourage greater competition, an increased role for smaller local companies in the development sector, and a workforce geared for tomorrow.

**Recommendation 5:** Development Lands, Urban Infill, and Affordability - That cabinet direct staff to quantify the capacity of existing development lands, urban infill, and mainstreeting to address 30-year housing needs, including affordable housing and affordable rent, before making potentially unnecessary, short-term, and ill-advised changes to the Planning Act.

**Recommendation 6:** Hard Boundaries and Sun-setting - The Ontario government has not addressed past suggestions, most recently articulated in the Four Plan Review, for both hard urban boundaries and the sun-setting of development applications. We ask that cabinet direct staff to provide a framework on both issues.

### **The Provincial Policy Statement**

We are of the firm belief that the PPS has nothing to do with unacceptable restrictions in the supply of housing, nor with respect to the cost of housing - other than to wisely set aside areas to protect nature, protect agricultural lands, and protect people and infrastructure from natural hazards.

We do, however, see ways in which the PPS and aligned initiatives could be rendered more effective, with respect to provincial interests, the protection of wetlands, and consistency in local planning. See recommendations 7, 8, and 9 respectively.

**Recommendation 7:** Provincial Natural Heritage Targets - That cabinet instruct staff to propose a set minimum standards to protect natural heritage, primarily through the establishment of targets similar to those in the federal guideline “How Much Habitat is Enough” for developed areas in south-central Ontario.

We also suggest a target of 50% of land in natural heritage as suggested by the International Union for Conservation of Nature, along with Ontario’s commitment within the Canadian Council of Ministers for the Environment to Keep Clean Areas Clean, for ecological bio-regions in areas such as the Ring of Fire, and a much higher target for lands in the sensitive zones such as boreal forest, peat marshes, and most of Northern Ontario.

**Recommendation 8: Wetlands** - We note that a backlog in the assessment of provincially regionally significant wetlands might delay some development concepts. We suggest the backlog is unnecessary, and that all remaining wetlands in sections of south-central Ontario where high percentages of historic wetlands have been lost should be declared significant.

We recommend that cabinet instruct staff to work with provincial agencies, municipalities, the private sector, and civil society to identify a new assessment process under which regional wetland data and satellite imagery could identify wetlands for immediate designation as significant; that such designation be deemed to be simultaneously included in Official Plans; and that staff produce a much reduced list of wetlands that need to be assessed under OWES, the Ontario Wetland Evaluation System, and that they recommend prioritizing those assessments for completion within a two-year period.

**Recommendation 9: Consistency in Local Planning** - That cabinet direct provincial staff to address inconsistencies between the Ontario Natural Heritage Reference Manual and policies adopted under O. Reg 97/04 - Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses - as well as the unacceptable variety of those policies across conservation authorities. In the past, those applying to conservation authorities for permits demanded and received improved harmonization on permit application procedures and fees. The OHI believes that the harmonization of the protection of natural features and functions is actually more important.

In conclusion, we urge the government and provincial staff to tread carefully on the twin pillars of the Planning Act and the PPS; to view any amendments as a lens to increase sustainable development and sustainability employment opportunities; and we extend our willingness to assist further in any area where we have capacity, especially regarding Recommendations 2, 7, 8, and 9.

Sincerely,

*Andrew McCammon*

Executive Director