Submission Re: Proposed Bill 23, More Homes Built Faster Act

I understand and support the need to build more homes in Ontario. However, in view of critical competing priorities, we need the right kind of housing in the right places. When we pave over nature with highways and subdivisions, we create more climate pollution, wildlife loss, and flood damage. When we erode the Greenbelt it is at the cost of the legacy that belongs to future generations. And when our democracy is constrained, the very essence of Canada and Ontario is being destroyed.

Unused available lands:

There is no justification for taking more land before the current stock is used. Although the region has an abundant supply of land that is serviced and approved for new residential development, the housing market has been unable to respond to the current housing demand crisis. Significant capacity currently exists for housing in the region's existing Built-Up Area (downtowns and in MTSAs) and on greenfield lands. Why is this land not being built upon, when this could be crucial to advancing the Province's goal of building more homes faster, while still safeguarding environmentally protected land and productive agricultural lands?

Changes to Conservation Authorities and Environmental Protections:

Bill 23 legislation repeals no fewer than 36 regulations that give Conservation Authorities (CAs) oversight over development. These regulations were designed to protect Ontarians from catastrophic floods as well as protect vulnerable water resources throughout the Province, not the least of which are wetlands heretofore designated as "Provincially Significant". In a time of climate change pressures, it is absolutely irresponsible to lessen any protections that currently apply to these resources, including those falling within the purview of the CA's.

The bill proposes the following changes to Conservation Authorities:

- Changes to enact provisions that would limit CA appeals of land use planning decisions.
- Changes to broaden the ability of CAs to use an existing streamlined process to sever and dispose of land.

Cutting and pasting parcels of land to make way for incursions into the continuity and integrity of environmentally protected areas is a negative, destructive manoeuvre. Experts decry your government's move in this direction because it jeopardizes water resources, wildlife habitat and diversity, protection of species at risk, and the value of these natural assets. The only real beneficiaries are developers who stand to reap disproportionate profits at the expense of present and future human and non-human life forms.

IMPLICATIONS FOR NEW APPLICATIONS FOR GRAVEL MINING

Bill 23 proposes changes to the Planning Act and zoning by-laws that will affect mineral aggregate operations. The Ontario government is proposing multiple changes to aggregate rules. The proposed changes would supersede local official plans and zoning to automatically apply province-wide.

One change in aggregate legislation would shift some decisions from the Minister of Natural Resources and Forestry, to lower-level staff at the ministry. This would speed up the approval process. As an internal process change, rather than a revision to legislation, this move requires

no public consultation. A concern is that responding to “industry concerns”, environmental groups and Indigenous communities might see it as “reducing industry oversight.”

Facilitating Aggregate Applications:

- Currently, the Act sets a 2-year period where changes to new official plans, secondary plans and new comprehensive zoning by-laws are not permitted, unless these changes are municipally-supported.
- Changes are proposed to remove the “2-year timeout” period for applications to amend new official plans, secondary plans and zoning by-laws in respect of mineral aggregate operations.

Overriding the authority of local Councils:

We elect our local Councils with the expectation that they will have the authority to make decisions that represent the best interests of our communities and citizens. Your government is ignoring the potential impact on food production arising from climate change exacerbated by the loss of farmland, and the efforts of local authorities to implement sustainable development practices.

Changes to site plan controls:

- Changes are proposed to exempt all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).
- Changes are proposed to limit the scope of site plan control by removing the ability for municipalities to regulate architectural details and landscape design Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design

The legislation as currently proposed would limit the Region’s participation in the development application approvals process to a commenting agency with no appeal rights (including the right to be added to a party at a hearing). The change to the appeal rights differentiates the Region from other public bodies or specified persons in the draft legislation. Given the essential nature of the services the Region provides to support growth and the need to adequately address items of public health and safety, it is critical that ‘upper-tier municipalities without planning responsibilities’ continue to be afforded the right of appeal. For example, the Region has a strong interest in coordinated greenfield development and protecting the region’s groundwater supply; being excluded from the review and commenting process, and the elimination of appeal rights that are directly related to a Regional interest, would have a significant impact on critical services and infrastructure that the Region provides.

How can municipalities continue to pool resources, exchange technical expertise, and address community-wide challenges and opportunities that cross area municipal boundaries? How will the proposed changes impact the ability of area municipalities to use tools such as Green Development Standards, which are critical to meeting environment and climate change goals in local contexts?

Assaulting our Democratic rights and processes:

Bill 23 prevents citizens from appealing planning decisions by local municipalities. A notable example are decisions to rezone land for aggregate extraction by recourse to the Ontario Land Tribunal (OLT) as has heretofore been the case. Aggregate companies, on the other hand, continue to have the right of appeal should municipal decisions deny rezoning. It is

fundamentally undemocratic to provide appeal rights to developers and aggregate companies, who may not even be residents and in the latter case are often large international conglomerates, while denying taxpayers and residents the same right of appeal. This situation constitutes a serious attack on democratic principles and human rights.

Access Limited to Ontario Land Tribunal (OLT)

As a result of the proposed changes under Bill 23, members of the public, ratepayer groups, the Regions and the Conservation Authorities (who are also now a commenting agency) no longer have the ability to appeal matters and seek party status for matters at the OLT. This means that the only recourse would be to seek redress by making an application to court asking for a judicial review of any land use planning decisions or else quash the by-law permitting the use. This implies a far more costly, complex and time-consuming process.

Legal Implications:
The aim of Bill 23 is to accelerate development and create housing. The following are three areas of significant legal implications**:**

1. Loss of Regional Participation in Land Use Planning Decisions

As part of the proposed changes:

• There will no longer be Regional Official Plans.
• The current Regional Official Plans will be deemed to be plans of the lower-tier municipalities.
• Regions will no longer have approval authority over any land use planning instruments including official plans, official plan amendments, and plans of subdivision.
• The Region will have no ability to appeal or request party status before the Ontario Land Tribunal hearings with respect to any land use planning decisions. As a result of the changes, there will be limited Regional control over future land development on a Region-wide basis, there will be a loss of Regional coordination of Region-wide issues, and a disconnect between new residential development and the provision of Regional services for those developments.

2. Increased Burden on Tax Base
There are various proposed exemptions from the payment of development charges (including the development charge phase-in), community benefit charges and parkland dedication. This means that the increased cost of providing municipal as well as Regional services (including to service the new residential developments) will result in an increased use of general revenues or reduction in the provision of service.

3. Financial Implications: Municipalities lose the ability to cover crucial capital costs
The proposed changes to development charges, parkland dedication fees and community benefits charges will limit the ability of municipalities to fund the capital costs of such infrastructure and services. The total cost of home ownership will be higher as a result of further property tax and user rate increases. The proposed legislation will have a material impact on municipalities' ability to fund the infrastructure required to support the targeted growth in housing supply. Ultimately the total cost of home ownership will increase as, in the absence of federal/provincial funding to offset the impacts, the funding of growth-related infrastructure shifts from new development to existing tax and ratepayers. There is no

demonstrable evidence that a reduction in development charges, community benefit charges or parkland dedication rates will translate into lower housing prices, as these prices are driven by market forces.

The financial aspects of the proposed legislation may unintentionally increase the cost of home ownership for all – reducing housing affordability. The proposed legislation reduces the amount of Development Charges, Parkland Dedication fees and Community Benefits Charges collected by municipalities to fund the growth-related capital cost of infrastructure and services needed for new housing to be built and to provide the essential services to its residents. Existing taxpayers and ratepayers will pay more of the cost of growth-related infrastructure, and as such the total cost of housing will increase due to higher property taxes and user rates.

Conclusion:

The More Homes Built Faster Act, 2022 (Bill 23) proposes many changes that will severely limit the province's ability to accelerate housing supply and affordability. At the same time, Bill 23 contains alarming regulatory changes and rollbacks that are destructive to our political, social and environmental futures.

I will not stand by while your government jeopardizes the livability and affordability of Ontario for present and future generations. I oppose Bill 23.

Name:

Date: