



**ONTARIO SOIL
REGULATION
TASK FORCE**

January 20, 2019

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

**Submission on New Regulation under the Planning Act for open-for-business planning tool
ERO #013-4239**

It does appear, given the large amount of designated employment lands that are lying vacant, that Schedule 10 of Bill 66 is a mechanism to allow speculators to cash in on greenbelt lands. Other submissions from local governments are likely to have covered in detail the acreage of vacant employment lands they are sitting on and the undesirable impacts of development that is contrary to existing policy, plans, and zoning. Citizens are likely to have protested the undemocratic nature of the process that would enable the secret imposition of a factory into their neighbourhood, for which there is no appeal. Environmental groups would have decried the erosion of the greenbelt and the danger to watersheds, drinking water and human health.

We strongly protest the open-for-business planning by-law. It should be withdrawn.

The ERO posting for #013-4239 contains very little detail. If the government proceeds with this proposal, we sincerely hope that the legal text of the regulations for a municipality's request for a OfB planning by-law will be posted to the ERO. Our observations of the proposal as described in ERO #013-4239 are in three areas.

land use planning information

The regulation must be specific on the land use planning information to be provided. It must describe in detail the provisions that will not apply and the implications of disregarding those provisions, for example, the potential damage of allowing the proposed factory to operate within the municipality's source water protection zone. It is only with this information that the Minister's office could evaluate a request to ensure that the proposed development would not have undesirable consequences, such as building in a planned transportation corridor.

In our experience, the smaller rural municipalities do not have the expertise nor the resources to consider the implications of disregarding the provisions that would not apply and there would be a conflict of interest if the proponent's consultants would provide that analysis. The regulation should stipulate that the proponent pay the cost of the municipality's consultant.

job creation

What is a job? This must be defined as a full time job on the payroll at the site shortly after the development is up and running. Not the construction jobs. Not 50 positions for part timers as-and-when needed. Not contract workers. Not counting employees working at other locations.

There must be consequences when the jobs do not materialise within a time limit.

use of land

The Ontario Soil Regulation Task Force has been monitoring the dumping of 25 million cubic meters of excess construction soil each year throughout Ontario. Some of that soil is contaminated and has impacted upon the neighbours of the dump sites. Some of that dumping has been done by unscrupulous operators applying a variety of loopholes, such as aerodromes, gun ranges, and agricultural rehabilitation, to gain permits to dump soil on lands. The profits on a soil dump can be several times the value of the land. This leaves them with little incentive to follow through with the development.

Our fear is a developer walking away from the development after the site has received loads of soil and leaving the municipality to monitor for and clean up from any contamination. We have seen it happen. There must be consequences if the developer fails to complete the development.

Ontario Soil Regulation Task Force is a not-for-profit volunteer organization assisting over 20 community groups in southern Ontario deal with soil dumps in their neighbourhoods. OSRTF has identified over 75 such dumps. We feel that this regulation would worsen the situation.

We strongly protest the open-for-business planning by-law. It should be withdrawn.

OSRTF will be submitting comments for ERO #013-4293 and ERO # 013-4239.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian McLaurin', written in a cursive style.

Ian McLaurin
Chair, Ontario Soil Regulation Task Force

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