

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

Dear Mr. Helfinger and Ontario Government,

Friends of the Rouge Watershed (FRW) is a charitable ENGO with thousands of newsletter subscribers and volunteers in the eastern GTA. FRW supports Ontario's *Planning Act* and related provincial laws and policies and the important role they play in evidence-based and public-interest-based planning. FRW supports evidence-based steps to streamline the planning process, if they are rational, lawful and consistent with the health and sustainability of our watersheds, communities, ecosystems and economies.

FRW opposes Bill 66, Schedule 10 for numerous reasons, including:

1. It breaks Premier's Fords election promise: "the people have spoken - we won't touch the Greenbelt"
2. It undermines rational planning and "natural justice" by bypassing Public Notice and consultation;
3. It is not necessary; most municipalities already have a 25+ year supply of employment lands;
4. It undermines important public health and safety provincial laws, plans and policies;
5. It increases legal, economic, environmental and political risks for taxpayers and governments;
6. It fails to improve Ontario's competitiveness and attractiveness to business.

In a May 1, 2018 Globe and Mail newspaper article, Doug Ford is quoted: "*The people have spoken – **we won't touch the Greenbelt.***" If Bill 66, Schedule 10, is approved, many Ontario residents will view this approval as a big broken promise and a favour to land speculators and developers at the expense of Ontario residents. Modern businesses and employers are attracted to communities with good planning and transit, and beautiful greenbelts and natural amenities, not more sprawl and traffic. There are enough existing employment lands and under-utilized urban lands to attract businesses and jobs, and to provide transit-supported affordable housing in the GTA.

Undemocratic

Bill 66, schedule 10, would allow municipalities to pass open-for-business zoning by-laws without Public Notice, meetings or appeals. Backroom by-laws would trump laws, policies and municipal official plans which were developed through open public and stakeholder consultation. Court decisions have upheld the public's "natural Justice" right to Public Notice and consultation. Ontario's economic competitiveness and attractiveness to business will not be improved by forcing individuals and communities into the courts and voting booths to challenge undemocratic Bill 66, Schedule 10, zoning bylaws.

Unnecessary

As the attached table outlines, GTA municipalities already have surplus lands for locating new businesses. With some 2,588 hectares of vacant employment lands and an annual absorption rate of 71 hectares/year over the last five years, York Region already has a 36 year supply. Durham Region has more than a fifty year supply of vacant employment lands. There are plenty of strip malls on transit serviced roads which could be re-developed to provide affordable housing and small business opportunities while supporting transit.

Undermining the Greenbelt and Water Protection

Bill 66, Schedule 10 zoning bylaws would not have to be consistent with Provincial Policy Statements (2014) under the *Planning Act* and they would not need to conform with important provincial "public interest" laws, plans and policies, including:

- *Great Lakes Protection Act (2015); Source Water Protection Act; Lake Simcoe Protection Act;*
- *Greenbelt and Oak Ridges Moraine Conservation Acts and Plans (2017);*
- *Clean Water Act (2006) and Toxic Reduction Act (2009);*
- Growth Plan for the Great Golden Horseshoe (2017).

According to legal analyses, the declaration of a Bill 66 open for business zoning bylaw could prevent the municipality from applying not just one but all of the aforementioned provincial laws, plans and policies.

Undermining Public Health and Safety - Serious Legal, Financial and Political Risks

By facilitating the bypassing of "due diligence" laws, plans and policies, Bill 66 Schedule 10 puts municipal and provincial governments at greater legal, financial, environmental and political risk. In the Walkerton E. coli tragedy, the Ontario Government of Mike Harris was found partially responsible. Ontario taxpayers have paid most of the damages according to an April 10, 2018 article in the Globe and Mail:

\$65.5-million has been paid to more than 9,200 individual claimants. A further \$13-million has been paid to Crawford and Co.(Canada), the adjusters overseeing the compensation plan under the auspices of the courts.

In its draft submission on Bill 66, Schedule 10, the Toronto Region Conservation Authority (TRCA) states:

"The Provincial Policy Statement, the Acts listed above, and their associated policies and/or plans are vital to the long-term sustainability, health, and safety of the people of Ontario"...

"Bill 66 proposes to override the need to conform to significant threat policies, which were mandated and approved by the Province in Source Protection Plans under the Clean Water Act" and "creates risks of more contaminated water illnesses and in a worst case scenario loss of life."

"the [proposed] changes ... significantly diminish our ability to... protect drinking water, sensitive lands, and aquatic and natural heritage resources"

"Without the comprehensive tests afforded by the various pieces of identified legislation and regulations, there could be inadvertent and undesirable impacts ... to adjacent and downstream properties ... including flooding, groundwater contamination, loss of critical habitat function or linkages, and the loss of productive agricultural lands that provide important environmental functions."

A 2014 Report for the Credit Valley Conservation Authority (Stormwater Management in Ontario: Legal Issues in a Changing Climate) prudently notes:

"all orders of government can be sued for negligence in relation to their operational decisions, ... each order of government has a strong incentive to consider its existing procedures and systems in light of new information, including ... climate change."

In 2013, flooding damage cost Toronto almost \$1 billion and Calgary almost \$5 Billion. Even as climate change gathers steam and upstream development leads to more runoff and pollution, our provincial government is spending \$Millions to fight carbon pricing / taxing which most economist support as the most efficient and effective way to reduce carbon pollution and combat costly climate change damages. As Governments delay action, our liabilities grow. Insurance companies and damage victims are increasingly launching and winning law suits against governments, particularly if "due diligence" is lacking.

Instead of passing Bill 66 Schedule 10, Ontario should be encouraging efficient urban form and helping municipalities to protect and restore forests and wetlands. This will absorb carbon and water, and reduce the growing costs of pollution, flooding and erosion. According to a September 24th, 2018 article in the Calgary Herald newspaper:

"Property and casualty insurance payouts in Canada have more than quadrupled in the last nine years to an average of \$1.8 billion. While it's troubling for the insurance industry, it's financially catastrophic for individuals and for governments that bear three to four times that cost..."

"the Insurance Bureau's report, Combating Canada's Rising Flood Costs, says conservation and restoration of so-called "natural infrastructure" - wetlands, forests and floodplains ... "is both cheaper and more beneficial"

Conclusion

Bill 66, Schedule 10 is a developer's dream, and a potential citizen and governmental nightmare. Bill 66 Schedule 10 **should not** be passed. It is not necessary since most municipalities already have a 25+ year supply of employment lands. There are already enough under-utilized urban lands (e.g. strip malls) to attract businesses, and provide transit-supported jobs and affordable housing, particularly in the GTA.

Bill 66 Schedule 10 is contrary to important laws and policies for protecting green-space, farmland, water and air quality, public health and safety, and our quality of life. If it is passed, Bill 66, Schedule 10, will be seen by most voters as a favour to land speculators and developers at the expense of Ontario residents.

Make no mistake, if Bill 66 Schedule 10 is approved, it will increase land speculation and development within the Greenbelt contrary to the Premier's promise that "*we won't touch the Greenbelt*". It will encourage costly and inefficient infrastructure expansions and transit-deficient growth. It will increase pollution, taxes and traffic. All this is contrary to the interests of Ontario residents.

Sincerely,



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GTA Municipalities already have a 25+ Year Employment Land Supply

York Region 2,588 hectares of vacant employment lands (33% of total)

Annual absorption rate employment lands **71 hectares/year** (2013 to 2017)

$2,588/71 = 36$ year supply

Durham Region 3,147 hectares of vacant employment lands

56% of total vacant, 17% under-utilized

More than a 50 year supply of employment lands exists already

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

York = <https://www.york.ca/wps/wcm/connect/yorkpublic/faa33468-b3c9-464a-9676-10be05613f20/mar+22+vacant+ex.pdf?MOD=AJPERES>
 Halton = <http://beta.halton.ca/repository/Halton-Competitiveness-Study-2016>
 Peel = http://www5.mississauga.ca/research_catalogue/N_12_2016_VacantLands_Profile.pdf
http://www.brampton.ca/EN/City-Hall/meetings-agendas/PDD%20Committee%202010/20151207pis_Full%20Agenda.pdf
 Brampton has 1280 **Measured TOTALS for Brampton and Mississauga on Neptis Geoweb
 Durham = https://www.durham.ca/en/living-here/resources/Documents/EnvironmentalStability/EAServicing_Durham.pdf
 Hamilton = <https://www.hamilton.ca/mapping-business-reporting/activity-reports/employment-area-inventory>
 Simcoe = https://www.simcoe.ca/Planning/Documents/Simcoe%20County%20Land%20Budget_Data%20Collection%20and%20Analysis_Phase%202%20Employment_Hemson%20Consulting_20%20June%2017.pdf
 Niagara = <https://niagararegion.ca/council/Council%20Documents/ICP%208-2014.pdf> ** Measured total on Neptis Geoweb