



Ontario
Home Builders'
Association

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July 3, 2021

Ministry of the Environment, Conservation & Parks
Technical Assessment and Standards Development Branch
40 St. Clair Avenue West, 7th Floor
Toronto, ON
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RE: Proposed Guideline to address Odour Mixtures in Ontario (ERO Registry # 019-2768)

The Ontario Home Builders' Association (OHBA) thanks the Ministry of the Environment, Conservation & Parks for the opportunity to comment on the proposed guideline to address odour mixtures in Ontario (ERO Registry # 019-2768).

A key concern that OHBA has with the proposed guideline is the regulatory impact upon existing or future residential developments. The proposed language in the consultation document creates uncertainty over what future obligations would be placed upon development proponents and what appeal mechanisms they may have,

“It is the proponent’s responsibility to demonstrate the effectiveness of any proposed mitigation measure to the satisfaction of the planning authority. Planning authorities should also ensure that any mitigation measures put in place are in compliance with provincial requirements. Mitigation measures will likely require discussions and negotiations between the proponent of a sensitive land use and the major facility. Planning authorities can facilitate discussions between the proponents of development (sensitive land uses or major facilities) and existing property owners/operators. Given this, early engagement between all parties, including the planning authority, proponent, and existing major facilities/sensitive land uses is very important.” – Guideline to Address Odour Mixtures in Ontario, Draft for Consultation, Page 21.

While planning authorities may have the responsibility to facilitate engagement between development proponents and existing property owners/operators, it is unclear what appeal mechanism, if any, is present should any party be unsatisfied with odour mitigation efforts.

The odour mixtures consultation document also speaks to situations in which an existing or proposed development/sensitive land use falls within another consultation currently being conducted by the Ministry, that being the proposed land use compatibility guideline (ERO Registry # 019-2785). Within this proposed guideline, there are specific setback distances known as Minimum Separation Distances (MSD), to which development must adhere. In such cases, the planning authority may take the extra step of requiring an Odour Technology Benchmarking Report, a study that only adds further complexity and more cost resulting in delays to residential projects in addition to other land use compatibility study requirements. These requirements could be imposed in areas where sensitive land uses are already permitted.



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Furthermore, the proposed odour mixtures guideline suggests that where there are irreconcilable differences between the development proponent and the planning authority on the feasibility of odour mitigation efforts, the proposal must not be approved. Once again, there is no clarity on what appeal mechanism is present or realistic in these scenarios and presupposes that projects are not viable. It is absolutely imperative that the Ministry test the proposed odour mixtures guideline against currently approved development projects. At present, municipalities across Ontario are working towards intensification as per the Provincial Policy Statement and Provincial Growth Plan. This proposed guideline appears to ignore that reality of intensification in relation to existing business. It is also unclear how this guideline will be applied specific to the Transit Oriented Communities priority that the provincial government has set out and vigorously promoted.

Similar to our comments regarding the proposed land use compatibility guidelines referenced above, OHBA strongly feels the proposed odour mixtures guideline cannot be approved without additional consultation focused on the implementation impact on the practical planning decisions that support the intensification goals of municipalities and the province. We encourage the province to organize technical committees immediately, with development proponents and municipalities participating to provide the practical expertise needed to accurately assess and ascertain the impact of these proposed guidelines on our home building industry. OHBA maintains that the implementation of any guideline causing further delay in the development review and approval processes will have a negative impact on the industry's ability to deliver housing supply and would therefore be unacceptable.

With the announced extension to August 6 for this ERO posting, OHBA will be engaging the Ministry for more information and provide an additional submission in the future.