



9 December 2022

The Honorable Steve Clark  
Minister of Municipal Affairs and Housing  
17<sup>th</sup> Floor, 777 Bay Street  
Toronto, Ontario  
M7A 2J3

Regarding:

**ERO 019-6163 Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)**

Dear Minister Clark,

Birds Canada is a non-profit charity that aims to drive action to better understand, appreciate, and conserve birds in Canada. We are writing to express our concern regarding ERO 019-6163 of Bill 23 or the More Homes Built Faster Act, 2022. We believe the proposed changes will harm native Ontario wildlife species and their habitats and will undermine the province's commitments and accomplishments for biodiversity conservation and climate change mitigation and adaptation. We urge the Government of Ontario to provide cities, towns, and rural communities with a mix of ownership and rental housing types that meet the needs of all Ontarians **without** implementing the changes in ERO 019-6163. *We strongly oppose nearly all of the changes under ERO 019-6163 for the reasons summarized below.*

#### **Conservation Authority (CA) approval and input**

ERO 019-6163 removes or reduces the power and involvement of CAs to approve or provide input on development decisions. We think this is a mistake because CAs have unique regional knowledge of watershed and natural heritage systems that is critical for effective conservation measures, environmental protections, and public safety. Birds Canada has firsthand knowledge of this valuable expertise because we work closely with CAs across the province in a variety of ways to help ensure sound conservation of wild birds and other wildlife and the important natural habitats that sustain them (e.g., Cartwright et al., 2021. Assessing terrestrial wildlife populations in the Toronto and Region Area of Concern. *Journal of Great Lakes Research* 47, 273–282). We are concerned that biodiversity conservation and the integrity of natural heritage systems (e.g., wetlands, watersheds) will suffer without the full involvement of CAs development decisions. We urge the Government of Ontario to maximize the power and involvement of CAs to approve or provide input on development decisions, and we urge the Government of Ontario provide financial support for them to do so. This will ensure the best decisions are made for biodiversity conservation in the short and long-term. The identification and protection of natural heritage systems and sensitive areas, e.g., floodplains, are cornerstones of sound land-use planning and the role of CAs is essential for conservation and public safety, as well as identifying areas best suited to development and housing. *The Government of Ontario should not take CAs out of the development decision process as is the case in ERO 019-6163.*

### **Conservation Authority (CA) lands**

ERO 019-6163 makes amendments to CA oversight that make it possible to develop natural areas where development was previously prohibited. It also makes it possible to sell, lease, or dispose of CA lands. We think this is a mistake because in southern Ontario all existing natural areas where development is prohibited, and any existing CA lands, are critical for biodiversity conservation and climate change mitigation and adaptation. Our own research at Birds Canada, for instance, shows that these lands are especially beneficial for conservation of wetland birds and other wildlife (Tozer et al., 2018. Multispecies benefits of wetland conservation for marsh birds, frogs, and species at risk. *Journal of Environmental Management* 212, 160–168). Plus, development of these lands or loss of these lands cannot be realistically compensated elsewhere, as a simple “swap” (see Natural heritage offsetting below). We urge the Government of Ontario to increase the extent of these lands and ensure their protection from development and other threats in perpetuity. *The Government of Ontario should not develop existing natural areas where development is prohibited and it should not sell, lease, or dispose of existing CA lands as is the case in ERO 019-6163.*

### **Third party appeals**

ERO 019-6163 eliminates or limits the ability of Ontarians, including conservation organizations, communities, and other third parties, to appeal planning and development decisions through the Ontario Land Tribunal and other processes. We think this is a mistake because these groups and local communities in particular have critical knowledge and information concerning natural heritage that are needed for sound planning and development decisions. Birds Canada, for instance, has unique biodiversity knowledge relevant to these decisions based on our extensive databases (e.g., NatureCounts, Key Biodiversity Areas) and based on our own research (e.g., Tozer et al., 2020. Species-habitat relationships and priority areas for marsh-breeding birds in Ontario. *Journal of Wildlife Management* 84, 786–801). Eliminating or limiting the ability of third parties and especially local communities to share unique knowledge and information and to appeal planning and development decisions will result in actions that threaten the province’s wildlife and their habitats and cause the province to fail to meet biodiversity targets. We also think this is a mistake because in the spirit of fundamental democracy everyone should have reasonable notice of, as well as reasonable opportunity to comment on and appeal, any planning and development decision. We urge the Government of Ontario to increase the ability of everyone to comment on and appeal planning and development decisions. *The Government of Ontario should not eliminate or limit the ability of third parties to comment on and appeal planning and development decisions as is the case in ERO 019-6163.*

### **Adequate greenspace such as parks**

ERO 019-6163 limits the power and ability of city councils and municipalities to ensure adequate greenspace, such as parks, in new developments, and it includes measures to decrease the amount of greenspace per unit area compared to current thresholds. We think this is a mistake because it is well known that exposure to nature in urban greenspaces is important for human well-being (Jimenez et al., 2021. Associations between nature exposure and health: a review of the evidence. *International Journal of Environmental Research and Public Health* 18, 4790). Urban greenspaces also make meaningful contributions to biodiversity conservation despite the threats that urban land use poses for most species (Soanes et al., 2019. Correcting common misconceptions to inspire conservation action in urban environments. *Conservation Biology* 33, 300–306). We urge the Government of Ontario to increase the power and ability of city councils and municipalities to ensure adequate greenspace in new developments and we urge the government to increase the amount of greenspace per person per unit area compared to current thresholds. *The Government of Ontario should not decrease the amount of greenspace as is the case in ERO 019-6163.*


## Conclusion

Birds Canada is extremely concerned that ERO 019-6163 moves Ontario backwards and not forwards with respect to housing, biodiversity conservation, climate change mitigation and adaptation, and the land-use planning process in general. We urge the Ontario Government to repeal ERO 019-6163 to achieve the following:


- Increase, not decrease, the role and involvement of Conservation Authorities to approve or provide input to development decisions and provide increased funding for them to do so;
- Maintain or increase, not decrease, protections from development for lands where development is currently prohibited, CA lands, and any other existing protected lands;
- Increase, not decrease, the ability of Ontarians to appeal planning and development decisions; and
- Increase, not limit, the power and ability of city councils and municipalities to ensure adequate greenspace in new developments and increase, not decrease, the amount of greenspace per person per unit area compared to current thresholds.

Thank you for the opportunity to provide feedback on ERO 019-6163.

Sincerely,



Laura Irvine  
Director, Ontario Programs



Douglas C. Tozer, PhD  
Director, Waterbirds and Wetlands

c.c. Gregor Beck, Senior Strategist