

Objection to Bill 23 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)

ERO number: 019-6163

Notice type: Act

Act: Planning Act, R.S.O. 1990

Posted by: Ministry of Municipal Affairs and Housing

Good afternoon,

As a resident of Ontario, I would like to offer my objection to Bill 23 and make the following statements in support of my objection to More Homes Built Faster Act, 2022.

I have three objections to this bill which unfortunately has already been passed, without the benefit of fulsome public input. This Bill was intended to address a housing shortage in Ontario, more specifically "affordable" housing. However, in my view this bill will actually lead to higher property taxes, weaken conservation authority powers, weaken municipality Official Town Plans and because of who the builders are and how they came to secure the lands it is unclear how this plan will actually make homes more affordable and ultimately who will really benefit from Bill 23.

Objection #1 What is Affordable Really

The proposal states it will remove 7,400 acres from previously protected lands (Greenbelt) so 50,000 homes can be built in and around the GTHA, in exchange 9,400 acres of yet to be determined land will be added to the Greenbelt elsewhere. The lands identified within the Greenbelt have been designated for a vast number of very important ecological and environmental reasons, "swapping them out" for development is unacceptable especially as municipalities across the country are challenged to reduce their carbon footprint and embrace every opportunity to increase the quality of life for residents. This very definitely includes maintaining the greenspaces we do have and maximizing the precious few open third spaces yet to be fully utilized in our urban centres. Removing Greenbelt lands diminishes life, reduces sustainability, impacts our mental health and physical wellness, reduces recreation and agriculture opportunities that in my view is too important and not affordable at any price.

The Bill 23 announcement does not define clearly what the government deems to be affordable, so even using currently accepted standards for affordable home ownership as 80% of market value, the areas identified will certainly fetch more than a million dollars, making 800,000 the standard price, which in my mind is not affordable to most Canadians let alone new immigrants as suggested.

Developers unless heavily subsidized will not likely jump at the chance to build homes valued at anything less than market value to say nothing of homes that will need to be far less than market value. And what then for the rental market, will there be additional incentives to insist on mixed or inclusive zoning that will raise density at the same time as keep rents lower and affordable. Will the new residents of these fast tracked neighbourhoods be stranded by geography, constrained to more car centric transportation routes that by definition they may not have or want. Incenting developers by removing development charges sounds affordable but where then will the funds that bring amenities such as parklands, corner retail and pedestrian infrastructure come from? Downloading the costs associated with non-negotiable fast-tracked growth to the Municipality is not wise and certainly not affordable.

Objection #2 Process and the Certainty to Operate

What mechanisms other than perhaps the little known ERO have been used to inform and collect public input on the latest Bill 23? Having said that comments are still welcome until Dec.09 even though the Bill was passed Nov 28, 2022, pretty much describes how much the government values public input, right.

The province with its announcement Nov. 28, 2022, More Homes Built Faster Act proposing to remove land from the Greenbelt, in order to build at least 50,000 new homes, while adding new land elsewhere. Is a step the government of Ontario has repeatedly said it would not take.

Bill 23 proceeded too quickly through the legislature with public input after the fact, means it will pass before many recently elected municipal Councils have been sworn in, and before many local Official Plans can be revised to create local language that protects their region from opposed or inappropriate industrial / commercial development.

Bill 23 and the province's new More Homes Built Faster Plan, as proposed, will have economic, social, and environmental implications beyond the GTHA and makes changes to the Development Charges Act and Planning Act that when applied will significantly impact how small, often under staffed municipal governments approve local projects and how they recover the costs associated with their growth.

Bill 23 proposes exemptions to developers who build affordable, and attainable housing units from paying development charges but this also may include exemptions to parkland fees, greenspace and community benefit charges, which will adversely affect neighbourhoods and disrupt community compatibility efforts already underway.

Many of the proposed amendments in Bill 23 and the previous Bill 257 affect the Conservation Authorities Act and the Planning Act are concerning as they signal a move away from environmental protection at a time when climate change impacts are being felt more at the local level.

Proposals like Bill 23 and Bill 257 raise more confusion between upper and lower tier municipalities and will complicate growth at a time when many are initiating new councilors who are not aware of local initiatives particularly those already in the midst of commercial / industrial land use discrepancies. The unintended or perhaps intended consequence of this Bill is that it empowers the well-resourced developer to an advantage position, especially in rural Ontario in how they report and act on environmental impacts impeding current or future projects.

Bill 23 as proposed will allow pits and quarries to request official plan amendments within two years of a new official plan or secondary plan coming into effect. With Bill 23 and 257 in place and without previous protections of Conservation Authorities or Soil and Well Management plans what will happen to the many municipalities disputing aggregate and asphalt expansions?

Hidden within Bill 23 is the plan to gut the OWES Ontario Wetland Evaluation System. This of course is the process used by Conservation Authorities to comment on proposed projects, on or near wetlands that could ultimately oppose proposed developments. Of course this process has to be amended if the intent of the Build Faster Act is to proceed unencumbered over many thousands of sensitive acres of wet land or previously identified flood plain areas.

Previous to this soon to be legislation, the developer to proceed with their Environmental Compliance Application for building had to receive an approval first from the Conservation Authority and the Municipality

if a Zoning ByLaw Amendment was being sought. Now not only can the developer proceed without Municipal approval, without Conservation Authority approval, the developer can now hire their own consultant to adjudicate any environmental concerns / disputes with local landowners or municipalities. How is this process fair to the environment or the adjacent land owners?

Objection #3 Land Selection

Recently it has been revealed by several media outlets that key Conservative party donors stand to benefit from the opening up of 7,400 acres of protected Greenbelt land to housing construction. Even though part of a land swap, includes 9,400 acres in "other" areas to be added, it is not clear to me and the rest of the province how the land chosen (7400) was selected and how the remainder will be selected. The notion the parcels of land selected are readily available for development, raises even more questions about how the developers in question had the insight to be "ready" when others were not.

"an investigation by the Toronto Star and the Narwhal found that of the 15 areas where development will soon be allowed, eight included properties purchased since the Premier`s election in 2018."

"The NDP MPP from Davenport has asked the auditor general to probe the land deals. She said the Tories are making changes to "benefit powerful landowners" with ties to the governing party.

Nine of the developers who stand to benefit most from the Greenbelt land swap have donated about \$572,000 to the Tories since 2014. The Liberals, who created the Greenbelt and were in office from 2003 to 2018, received around \$326,000 from the same donors over that same period."

Toronto Star, Nov 28, 2022

So, without naming names, the lands already selected for development are controversial at best and the ones yet to be named, because of the lack of process are also suspect to me.

As a resident of Ontario who has been involved with the ECA process with two other very large and influential developers resulting in dispute I have legitimate concerns about the communication of the ERO process, the transparency of developers during the ECA process and the efficacy of the Ministry mandates that protect the environment or adjacent residents.

"In one case, a company associated with developer, purchased nearly 700 acres in the Greenbelt in the Township of King for \$80 million, just two months before the government announcement."

In short I object to Bill 23 and all of its amendments because as it is written it does not address the affordable housing shortage, it does little to ease the housing shortage outside of the GTHA, I object to Bill 23 because the process that brought the Bill to the legislature was not with public debate (clearly there is need), I object to Bill 23 because in the changes to the Planning Act it diminishes the ability of municipalities to object to inappropriate development, I object to Bill 23 because it guts the OWES system and the Conservation Authorities critical to the protection of wetlands and flood plains, I object to Bill 23 because the changes to the Planning Act unfairly favours developers in land use impact disputes, I object to Bill 23 because in removing the developer charges it reduces park land designations, overall liveability and places undue burden on local taxpayers, I object to Bill 23 because of the partisan manner in which the lands have been selected for development, I object to Bill 23 because the Auditor General has been asked to look into the appropriateness of the land swap, But most importantly I object to Bill 23 because it arbitrarily removes the much needed protections sensitive ecological lands require in Canada and sets a dangerous precedent for future pillaging of land we once held as protected.