

November 30, 2023

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Dear Members of the Standing Committee on Heritage, Infrastructure and Cultural Policy, and the Environmental Registry,

cc: The Honourable Doug Ford, Premier of Ontario, The Honourable Paul Calandra, Minister of Municipal Affairs and Housing, The Honourable Hardeep Singh Grewal, Minister of Transportation

Re: ERO 019-7739 - Bill 136, Greenbelt Statute Law Amendment Act, 2023

On behalf of the 19 undersigned organizations, Ontario's leading non-governmental organizations with expertise on environmental and land use issues, we are writing to request that you make some significant amendments to the *Greenbelt Statute Law Amendment Act, 2023* before passing this legislation into law.

Most aspects of the draft legislation would be helpful in implementing the necessary reversal in your government's policy regarding the Greenbelt. However, the amendments listed below are vital if the government is to make good on Premier Doug Ford's promise that Ontario will never again remove land from the Greenbelt. Without the amendments we recommend, the *Greenbelt Statute Law Amendment Act, 2023* will be inadequate to restore the certainty and permanence - so essential to the functioning of the Greenbelt system - that have been so badly damaged by your government's recent actions.

The Ontario government's recent attempt to strip parts of the Greenbelt of their protection has done serious damage that cannot be repaired simply by restoring Greenbelt, Oak Ridges Moraine Conservation Act, and Niagara Escarpment Protection Act protections to the affected lands themselves - even if that protection is made part of the *Greenbelt Act, 2005* itself.

The actions of the government have seriously undermined the sense of certainty among farmers, landowners, prospective real estate investors and the Ontario public at large that land which is currently in the Greenbelt will remain *forever* off limits for sprawl and for other uses that diminish its ecological or hydrological functions or make it less viable for farming. In order help restore agricultural land valuations and permit sustainable long-term agricultural practices and habitat protection initiatives, it is vital that the *Greenbelt Act* be amended to eliminate fear (on the part of current or prospective farmers) or hope (on the part of present or would-be real estate investors or agricultural landlords) that protection will ever be stripped from current Greenbelt lands.

Restoring the certainty that Greenbelt land will forever remain off-limits to suburban development is also vital to maintaining its effectiveness as a measure to promote compact, low-cost development patterns that will increase the number of homes and workplaces created in the Golden Horseshoe region with scarce construction capacity. It is vital that the region's existing designated Greenfield areas are developed, and its existing neighborhoods re-developed, with densities and numbers of homes and workplaces that reflect a recognition that they represent all the land that will *ever* be available for development in the region. The notion that Greenbelt land might one day be "opened up" for development - after existing Designated Greenfield Area - and even the contested countryside or "white belt" beyond it - have been used up - encourages municipal governments to developers to pursue inefficient, low-density and car-dependant forms of housing, commercial and industrial development that squander resources and actually *will* use up developable land before the region's population levels off. That expectation must be eliminated.

Restoring Certainty that Greenbelt Protection is Permanent

The proposed measures in the *Greenbelt Statute Law Amendment Act, 2023* that would enshrine the boundaries of the Greenbelt area in statute are necessary partial steps towards restoring confidence in the permanence of Greenbelt protection. However, they are far from sufficient to make good on the promise that no land will ever be stripped of Greenbelt protection in future. It is also very important that other aspects of the *Greenbelt Act, 2005*, the *Oak Ridges Moraine Conservation Act, 2001* and the *Niagara Escarpment Planning and Development Act* be amended to reduce the practical and political feasibility of stripping land of Greenbelt protection through future statutory amendments.

First, the statutory language governing 10 year reviews of the *Greenbelt Plan* must be amended to ensure that they cannot be abused to "launder" - or to engineer a political pretext for - future removals of land from the Greenbelt - future downgrading of protection within the Greenbelt Plan - or future extensions into the Greenbelt of suburban infrastructure (e.g., roads, sewer pipes) that directly damages or create economic pressure to damage the Greenbelt.

The specific amendments to the *Greenbelt Statute Law Amendment Act, 2003* required to accomplish this are set out as recommendations **1A to 2H**.

Secondly, and more broadly, the *Greenbelt Statute Law Amendment Act, 2003* must amend the Greenbelt Act, 2005 to make clear the intention that Greenbelt protection is meant to be permanent and irrevocable, and to ensure that processes outlined in the *Act* cannot legitimately be used to recommend or create a pretext for the legislature to remove land from the Greenbelt or reduce the protection of Greenbelt lands. To accomplish this, the interpretation provisions and objectives provisions of the Greenbelt Act, 2005 should be amended in accordance with recommendations **2A to 2H**.

Halting “Leapfrog” Sprawl and ensuring that current boundaries of the Greenbelt are a permanent floor, but not a ceiling

Thirdly, and separately, the draft provisions of the *Greenbelt Statute Law Amendment Act, 2003* should be amended so that provisions designed to prevent Cabinet from *removing* land from the Greenbelt do not have the perverse side effect of making it more difficult to *add* land to the Greenbelt in the future.

While it is essential to reinforce the protection of land within the Greenbelt’s restored boundaries against future attempts by this or future governments to remove it by regulation, it is also very important that future governments retain the power to *expand* the Greenbelt nimbly - and without statutory amendments. That is because the Greenbelt by itself does not contain all the land in the Golden Horseshoe that must be kept forever off limits for development. The Greenbelt must grow in order to fulfill its function.

Firstly, one objective of successful land use planning in the region must be, as much as possible, to develop in ways that accommodate all the region’s future growth within existing, pre-2022 settlement boundaries, such that contested countryside - the so-called “white belt” lands between settlements and the Greenbelt, are never needed, even after the current 2051 planning horizon, and can eventually be granted permanent Greenbelt protection.

Secondly, and even more significant, it is vital that the Minister and Cabinet be vigilant and act quickly to ensure extend Greenbelt protection to any land beyond the Greenbelt’s boundaries that is at risk of falling prey to so-called “leap-frog” residential development associated with the economies of Hamilton, Halton, Peel, York Region, Toronto, or Durham Region.

Unfortunately, current language of the draft *Greenbelt Statute Law Amendment Act, 2023* would have the perverse side effect of requiring a statutory amendment to add land to the Greenbelt, rather than only to remove existing Greenbelt land. This is not a natural or inevitable consequence of prohibiting removal of Greenbelt protection, and a process for delivering frequent expansions of Greenbelt protection that requires frequent reopening of the *Greenbelt Act* would undermine the certainty that legislating protection for current Greenbelt lands is meant to create.

To remedy this problem, the draft *Greenbelt Statute Law Amendment Act, 2023* must be revised to provide that, in addition to land shown in the fixed plans enumerated in the amended *Greenbelt Act* the Greenbelt area shall include such other, additional lands as are designated by Cabinet. The objectives of the Greenbelt must also be more clearly enumerated to provide a clear rationale for expanding the Greenbelt to prevent leapfrog development and include “white belt” that proves unnecessary for urban or suburban development. The amendments required to accomplish that are included below as items **3A thru 3C**.

A further recommendation, item **4A**, is required to remedy defects in consultation with indigenous nations that have been revealed over the past year.

Permanently and irrevocably reversing the Greenbelt removals (and the settlement area boundary expansions which accompanied them), and making it nearly impossible for this or any other governments to try and remove land in future, is the necessary first step on the path that leads out of the sprawl and real estate scandal that has engulfed the Ontario government. However, in order to reap the rewards, the government must take that step in earnest. The current language of the *Greenbelt Statute Law Amendment Act, 2023* doesn't accomplish that. Without the amendments proposed below, the Ontario government, and members of the government caucus will be breaking yet another Greenbelt promise.

List of Required Revisions to the Draft *Greenbelt Statute Law Amendment Act, 2023*.

Schedule 2, of the draft Greenbelt Statute Law Amendment Act, 2023 should be amended to alter the review and amendment provisions of the Greenbelt Act, 2005 as follows:

Recommendation 1A - additional new subsection

Section 10(2) of the Greenbelt Act, 2005 is amended by adding the following subsection

(f) limit consultations under subsection 10(2)(a)(b)(c) and (d) with respect to the boundaries of the Greenbelt Area, the Natural Heritage System, the Agricultural system, specialty crop areas, and prime agricultural lands to the question of what lands should be added to those designations, avoiding any consultation or consideration of removing any particular portion of land from the Greenbelt area and avoiding any consultation or consideration of reducing land designated as Agricultural system, specialty crop areas, and prime agricultural lands to a less protective category.

Recommendation 1B - additional new subsection

Section 10 of the Greenbelt Act, 2005 is amended by adding the following subsection

Section 10(3) The sole purpose and only consideration in a review under subsection (1) shall be to enhance the Greenbelt Plan's performance as a means to accomplish the objectives set out in Section 5.

Recommendation 1C - additional replacement of subsection

Section 11 of the Greenbelt Act, 2005 is amended by deleting subsection 11(1) and replacing it with the following:

11(1) The Minister may, in respect of the areas designated as Protected Countryside in the Greenbelt Plan, propose amendments to the Greenbelt Plan, provided that such amendments do not have the effect of removing any piece of land from the Greenbelt Area, or of removing land from the Natural Heritage System, the Agricultural system, specialty crop areas, and prime agricultural lands designations to a less protective category.

Recommendation 1D - additional replacement of subsection

Section 12 of the Greenbelt Act, 2005 is amended by deleting subsection 12(2) and replacing it with the following:

(2) The Minister shall not recommend a proposed amendment under clause (1) (a) if the proposed amendment has the effect of reducing the total land area within the Greenbelt Plan, removing any portion of land from the Greenbelt Area, or reducing land designated as Agricultural system, specialty crop areas, and prime agricultural lands to a less protective category.

Recommendation 1E - additional new subsection

Section 12 of the Greenbelt Act, 2005 is amended by adding the following subsection

(3) A hearing under subsection 12(2)(b) and the making of a report under subsection 12(2)(b) shall be directed exclusively to the question of what will enhance the Greenbelt Plan's performance as a means to accomplish the objectives set out in Section 5, and shall not consider or recommend removing any portion of land from the Greenbelt Area, or reducing land designated as Agricultural system, specialty crop areas, and prime agricultural lands to a less protective category.

Recommendation 1F - additional replacement of subsection

Section 13 of the Greenbelt Act, 2005 is amended by deleting subsection 13(7) and replacing it with the following

(7) The Minister shall not recommend a proposed amendment under subsection (6) if the proposed amendment has the effect of reducing the total land area within the Greenbelt Plan, **removing any portion of land from the Greenbelt Area, or** reducing land designated as

Agricultural system, specialty crop areas, and prime agricultural lands to a less protective category.

Recommendation 1G - additional new subsection

Section 13 of the Greenbelt Act, 2005 is amended by adding the following.

(8) a report under subsection (5) shall not recommend, either expressly or implicitly, removing any portion of land from the Greenbelt Area, or reducing land designated as Agricultural system, specialty crop areas, and prime agricultural lands to a less protective category.

Recommendation 1H - additional replacement of subsection

Section 14(1) of the Greenbelt Act, 2005 is repealed and replaced by the following.

(1) After considering the recommendations under section 12 or 13, the Lieutenant Governor in Council may approve the proposed amendment, in whole or in part, make modifications and approve the amendment as modified or refuse the amendment, in whole or in part, provided such approval, modification or refusal does not have the effect of **reducing the total land area within the Greenbelt Plan, removing any portion of land from the Greenbelt Area, or** reducing land designated as Agricultural system, specialty crop areas, and prime agricultural lands to a less protective category.

Recommendation 1I - additional replacement of subsection

Section 16 (1) of the Greenbelt Act. 2005 is repealed and replaced with the following:

16(1) The Minister may make orders exercising any of the powers conferred upon the Minister under section 47 of the Planning Act in respect of the areas designated as Protected Countryside in the Greenbelt Plan provided such order

a. does not have the effect of reducing the total land area within the Greenbelt Plan, removing any portion of land from the Greenbelt Area, or reducing land designated as Agricultural system, specialty crop areas, and prime agricultural lands to a less protective category,

b. does not have an adverse effect on ecological and hydrological functions or agricultural use of any part of the Oak Ridges Moraine Area, Protected Countryside or on the Niagara Escarpment or of the specific lands to which it applies.

c. Does not foster uncertainty as to the fact that land which is presently in Oak Ridges Moraine Area, Protected Countryside or Niagara Escarpment will never be made available for urban or suburban development or for any use that does not maintain, improve or restore its ecological and hydrological functions or agricultural use.

Recommendation 2A - additional new subsection

Subsection 1 of the Greenbelt Act, 2005 is amended by adding the following subsection:

(3) All provisions of this Act should be interpreted on the basis that Greenbelt protection is to be irrevocable, and in particular in such a manner as to ensure, as much as possible, that none of land which is presently in Oak Ridges Moraine Area, Protected Countryside or Niagara Escarpment will ever be removed from those designations or otherwise made available for urban or suburban development or for any use that does not maintain, improve or restore its ecological and hydrological functions or agricultural use.

Recommendation 2B - additional replacement of subsection

Section 5 (a) of the Greenbelt Act, 2005 is repealed and replaced by the following:

(a) to establish and maintain **in perpetuity** a network of **permanently protected** countryside and open space areas which supports the Oak Ridges Moraine and the Niagara Escarpment;

Recommendation 2C- additional replacement of subsection

Section 5 (c) of the Greenbelt Act, 2005 is repealed and replaced by the following:

(c) to preserve agricultural land **in perpetuity** as a **permanent** commercial source of food and employment;

Recommendation 2D - additional replacement of subsection

Section 5 (e) of the Greenbelt Act, 2005 is repealed and replaced by the following:

(e) to provide **permanent** protection to the land base needed to maintain, restore and improve the ecological and hydrological functions of the Greenbelt Area;

Recommendation 2E - additional replacement of subsection

Section 5 (i) of the Greenbelt Act, 2005 is repealed and replaced by the following:

(i) to **permanently prevent** urbanization or suburban development of all the lands currently designated Protected Countryside and

Recommendation 2F - additional replacement of subsection

Section 5 (j) of the Greenbelt Act, 2005 is repealed and replaced by the following:

(j) to prohibit any transportation and infrastructure in Oak Ridges Moraine Area, Protected Countryside or on the Niagara Escarpment that has an adverse effect on ecological and hydrological functions or agricultural use of those regions or of the land on which it is built.

Recommendation 2G - additional new subsection

Section 5 of the Greenbelt Act, 2005 is amended by adding the following subsections:

(m) to prohibit uses of land and resources anywhere in the Greenbelt Area that do not maintain, improve or restore the ecological and hydrological functions of the Oak Ridges

Moraine Area, Protected Countryside and Niagara Escarpment area and Maintain the Niagara Escarpment and land in its vicinity as a continuous natural environment.

Recommendation 2H - additional new subsection

Section 5 of the Greenbelt Act, 2005 is amended by adding the following subsections:

(n) to foster certainty among landowners, prospective purchasers, agricultural tenants and Ontarians at large that none of land which is presently in Oak Ridges Moraine Area, Protected Countryside or Niagara Escarpment will ever be made available urban or suburban development or for any use that does not maintain, improve or restore its ecological and hydrological functions or agricultural use.

Recommendation 3A - additional new subsection

The new Section 2(1) of the *Greenbelt Act*, 2005, which is Section 2 of Schedule 2 of the Greenbelt Statute Law Amendment Act, is Amended by adding the following subsection

(7) Such further and additional areas of land or water, not designated through subsections (1), (2), (3), (4), (5), or (6), as are identified in plans and designated by the Lieutenant Governor in Council by regulation.

Recommendation 3B

Section 5 of the Greenbelt Act, 2005 is amended by adding the following subsections:

(o) to ensure human needs are met in the way that minimizes expansion of total urban and suburban Built Up Area within the Lake Erie Lowlands and Manitoulin-Lake Simcoe ecoregions.

Recommendation 3C

Section 5 of the Greenbelt Act, 2005 is amended by adding the following subsection:

(p) to prevent residential and commercial development associated with employment in the City of Toronto, the Region of Peel, the Region of York, the Region of Durham, the Region of Halton and the City of Hamilton from spreading further into other parts of the Lake Erie Lowlands and Manitoulin-Lake Simcoe ecoregions.

Recommendation 4A

Section 10(2) of the Greenbelt Act, 2005 is amended by adding the following subsection:

(e) consult meaningfully with the national governments of indigenous nations whose territorial claims overlap with the Greenbelt or whose interests might otherwise be affected by alterations

to the Greenbelt Plan, as well as with the Indian Act band councils of any band whose members belong to those nations

Recommendation 4B

Section 11(2) of the Greenbelt Act, 2005 is amended by adding the following subsection:

the national governments of indigenous nations whose territorial claims overlap with the Greenbelt or whose interests might otherwise be affected by alterations to the Greenbelt Plan and the *Indian Act* band councils of any band whose members belong to those nations.

Sincerely,

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