

April 19, 2021

**By email: [greenbeltconsultation@ontario.ca](mailto:greenbeltconsultation@ontario.ca)**

Ministry of Municipal Affairs and Housing  
College Park 13th Floor, 777 Bay Street  
Toronto, ON  
M7A 2J3

**Re: Consultation on Growing the Size of the Greenbelt – Environmental Registry of Ontario (ERO) Number: 019-3136**

## **I. Introduction**

The Canadian Environmental Law Association (CELA) appreciates the opportunity to provide comments on the proposal “Consultation on growing the size of the Greenbelt” (ERO Number: 019-3136).<sup>1</sup>

CELA works toward protecting public health and the environment by seeking justice for those harmed by pollution or poor decision-making and by changing policies to prevent problems in the first place. Since 1970, CELA has used legal tools, conducted public legal education, undertaken ground-breaking research, and advocated for increased environmental protection and to safeguard communities. As a specialty clinic funded by Legal Aid Ontario, CELA’s primary focus is on assisting and empowering low-income people and disadvantaged communities.

CELA also has had a long history with water issues in Canada and particularly in the Great Lakes – St Lawrence River region. CELA advocates for the timely development and implementation of effective laws, regulations, and policies to protect waters within Ontario and across Canada. Among other things, CELA represented the Concerned Walkerton Citizens at the Walkerton Inquiry, and was actively involved in the development of the *Safe Drinking Water Act, 2002*, the *Clean Water Act, 2006*, and regulations, policies, and guidelines thereunder. In addition, CELA has a Healthy Great Lakes program which seeks robust, holistic, well-implemented laws and public policy and an engaged citizenry to protect and restore the waters of the Great Lakes – St Lawrence River basin and Ottawa River watershed.

Given CELA’s priorities with respect to empowering vulnerable communities and protecting waters, CELA believes that the Greenbelt should be expanded to fulfill the vision for which it was originally created. The Greenbelt is a broad band of permanently protected land which:

- (a) Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;

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<sup>1</sup> ERO Number 019-3136 - <https://ero.ontario.ca/notice/019-3136>

- (b) Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in southcentral Ontario will be organized;
- (c) Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses; and
- (d) Builds resilience to and mitigates climate change.<sup>2</sup>

The successful realization of this vision for the Greenbelt relies on effective collaboration between the Ontario government, other levels of government, Indigenous communities, residents, private and non-profit sectors across all industries and other stakeholders.<sup>3</sup>

In expanding and enhancing the Greenbelt, CELA recommends that the Ontario government focus on protecting drinking water, food production and natural heritage systems. CELA believes that there is an urgent need to protect these resources due to increasing urbanization and rural development, and fluctuating weather patterns caused by climate change, which will have serious negative impacts particularly on water quality and quantity in Ontario.

In this submission, CELA calls on the Ontario government to meet its obligations to Indigenous Peoples during this and any future consultations relating to Greenbelt expansion, outlines overarching, as well as general and specific comments, in response to the Ontario government's discussion questions, and concludes with a summary list of recommendations.

## II. Respecting Indigenous Rights and Knowledge

Before proceeding with our general and specific comments related to the proposal, we wish to emphasize the importance of upholding the Ontario government's obligations to First Nations, Inuit, and Métis in Ontario. Under the *Constitution Act, 1982*, section 35 recognizes and affirms aboriginal and treaty rights.<sup>4</sup> Further, originating from the *Royal Proclamation of 1763*, the Ontario government must always behave toward Indigenous Peoples in a manner that upholds the honour of the Crown.<sup>5</sup> Indigenous communities are keepers of ecological knowledge that must be treated as equal to scientific knowledge to best inform decision-making regarding any expansion or enhancement of Ontario's Greenbelt.

**Recommendation 1: Ensure Ontario's obligations to First Nations, Inuit, and Métis are fulfilled regarding any expansion or enhancement of the Greenbelt.**

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<sup>2</sup> *Greenbelt Plan*, section 1.2.1: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

<sup>3</sup> *Greenbelt Plan*, section 1.2.1: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

<sup>4</sup> *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, s 35(1).

<sup>5</sup> *Manitoba Metis Federation Inc. v Canada (Attorney General)*, 2013 SCC 14 at para 66, [2013] 1 SCR 623.

### III. Considering and respecting past and current public input

In late 2017, a public consultation was commenced regarding “a study area for potential Greenbelt expansion” (proposal “Protecting Water for Future Generations: Growing the Greenbelt in the Outer Ring”, ERO Number 013-1661). In the decision notice<sup>6</sup>, it is stated that “The government is not proceeding with the policy proposal under this posting. Consultation results *could inform* any future growing the Greenbelt proposals.” (emphasis added) As many organizations and individuals took the time to respond to the invitation for public comment, we strongly encourage the Ministry to actively consider all the submissions made pursuant to ERO Number 013-1661 in this current consultation. For ease of reference, CELA has attached the submission that we made in collaboration with Ontario Headwaters Institute and Ontario Environment Network, which was endorsed by approximately 150 organizations and individuals.<sup>7</sup>

Further, CELA notes that our submission was sent to the email address indicated in the 2017 ERO notice (namely, [protectingwater@ontario.ca](mailto:protectingwater@ontario.ca)). Yet, the decision notice indicates that 0 submissions were made by email. CELA strongly encourages the Ministry to ensure that, if the practice of creating consultation specific email addresses is continued (as, in this consultation, the email [greenbeltconsultation@ontario.ca](mailto:greenbeltconsultation@ontario.ca) is being used), there be an established mechanism to ensure that those submissions are properly collected and used to fulfill the Minister’s duty to consider public comments when making a decision.<sup>8</sup>

**Recommendation 2: When considering public input responsive to the current proposal (ERO Number 019-3136), ensure that relevant submissions made in an early consultation about growing the Greenbelt (ERO Number 013-1661) are similarly considered.**

**Recommendation 3: Generally, if ministries are using consultation specific email addresses to receive public comments, ensure that all submissions are accounted for and included in decision making.**

### IV. CELA’s responses to the six discussion questions posed by the Ministry

*Question 1: What are your thoughts on the initial focus area of the Study Area of the Paris Galt Moraine?*

The Paris Galt Moraine would be an invaluable addition to the Greenbelt. The headwaters of many rivers originate from several moraines, including the Paris Galt Moraine.<sup>9</sup> The Paris Galt

<sup>6</sup> <https://ero.ontario.ca/notice/013-1661#decision-details>

<sup>7</sup> Also available for download: <https://cela.ca/protecting-water-for-future-generations-growing-the-greenbelt-in-the-outer-ring/>

<sup>8</sup> As required by section 35 of Ontario’s *Environmental Bill of Rights, 1993*, SO 1993, c 28 - <https://www.ontario.ca/laws/statute/93e28>

<sup>9</sup> Advisory Panel on the Coordinated Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan, *Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015-2041* (Dec 2015) at 99, online: <http://www.mah.gov.on.ca/Asset11110.aspx?method=1>

Moraine serves as a significant recharge area that maintains groundwater aquifers, which are used for drinking water, agriculture and other purposes.<sup>10</sup> Adding the Paris Galt Moraine to the Greenbelt would build upon the systems approach of the *Greenbelt Plan* to avoid creating unconnected islands of Greenbelt land. Including the Paris Galt Moraine within the Greenbelt will also serve to support human health given that the moraine is a source of drinking water.

CELA supports the inclusion of the Paris Galt Moraine within the Greenbelt and recommends that other moraines across the Greater Golden Horseshoe (GGH) be included as well.<sup>11</sup> All moraines within the GGH help to protect and recharge the groundwater aquifers that provide the basis for a broad range of needs, including drinking water supply, sustaining local ecosystems, and growth and economic management.<sup>12</sup> Further, moraines allow rain and snowmelt to soak into the ground more rapidly and in much greater amounts than the surrounding, less permeable areas.<sup>13</sup> This process provides a reliable, slowly changing supply of water called baseflow to rivers and streams.<sup>14</sup> These ecosystem services are important in augmenting resilience to the impacts of climate change such as extreme weather events, flooding and drought.<sup>15</sup> As discussed below, these impacts tend to be disproportionately borne by low-income and vulnerable communities. Therefore, CELA submits that the Paris Galt Moraine, in addition to other moraines in the GGH, be included within the Greenbelt.

**Recommendation 4: Expand the Greenbelt to include the Paris Galt Moraine, in addition to other moraines in the Greater Golden Horseshoe, to build climate resilience and to protect low-income and vulnerable communities.**

*Question 2: What are the considerations in moving from a Study Area to a more defined boundary of the Paris Galt Moraine?*

The concept of “two-eyed seeing” should inform a systems-based approach to moving from a Study Area to a more defined boundary of the Paris Galt Moraine. “Two-eyed seeing” refers to learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing, and to use both these eyes together, for the benefit of all.<sup>16</sup> Research shows that when Indigenous and

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<sup>10</sup> *Ibid.*

<sup>11</sup> See Save the Oak Ridges Moraine Coalition’s *The Moraines of the Greater Golden Horseshoe*. This report showcases six moraine systems (including the Paris Galt Moraine) that are candidates for Greenbelt protection. The report is Chapter 2 of a larger report prepared for the Greenbelt Foundation, entitled *Protect Our Waters: Building a Moraine Movement in the Greater Golden Horseshoe*. *The Moraines of the Greater Golden Horseshoe* report is available upon request.

<sup>12</sup> See ERO Number: 019-3136 description of Paris-Galt moraine: <https://ero.ontario.ca/notice/019-3136>

<sup>13</sup> See ERO Number: 019-3136 description of Paris-Galt moraine: <https://ero.ontario.ca/notice/019-3136>

<sup>14</sup> See ERO Number: 019-3136 description of Paris-Galt moraine: <https://ero.ontario.ca/notice/019-3136>

<sup>15</sup> Ontario Nature’s draft submission in response to ERO Number: 019-3136, page 2.

<sup>16</sup> Cheryl Bartlett, Murdena Marshall & Albert Marshall, “Two-Eyed Seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing” (2012) 2 J Environ Stud Sci, 331 at 335.

Western knowledge systems are braided together in the governance and management of ecosystems, this can lead to thriving ecosystems and subsequently thriving communities.<sup>17</sup>

A systems-based approach informed by two-eyed seeing will help to ensure the ecological and hydrological integrity of any moraine added to the Greenbelt, including the Paris Galt Moraine. Furthermore, using a two-eyed seeing approach in the placement of a boundary on the Paris Galt Moraine will also help to ensure that the Ontario government fulfills its constitutional obligations to Indigenous Peoples, respects and incorporates Indigenous ways of knowing and works in the spirit of reconciliation.

**Recommendation 5: Use the concept of “two-eyed seeing” to inform a systems-based approach to moving from a Study Area to a more defined boundary of the Paris Galt Moraine.**

*Question 3: What are your thoughts on the initial focus area of adding, expanding and further protecting Urban River Valleys?*

The Greenbelt should be expanded to include more Urban River Valleys (URVs). URVs connect the suburban and rural lands of the Greenbelt to Lake Ontario and provide communities with greenspace to explore.<sup>18</sup> Access to greenspace has been shown to reduce the human stress response and enhance physical and mental health.<sup>19</sup> Given these benefits, access to greenspace during the COVID-19 pandemic, particularly for persons who live in urban areas, has been important in helping persons to cope with feelings of isolation, depression and anxiety resulting from pandemic lockdown measures.<sup>20</sup>

URVs also clean and filter water and air, provide a home for wildlife, and reduce flood risks.<sup>21</sup> Flood risk is expected to increase in Ontario due to the impacts of climate change.<sup>22</sup> Flooding tends to exacerbate existing health inequities and the stresses placed on poor and vulnerable groups in urban settings.<sup>23</sup> For example, basement apartments are at risk of flooding and are often the lowest cost rentals and likely to be occupied by low-income persons.<sup>24</sup>

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<sup>17</sup> Richard Schuster et al, “Vertebrate biodiversity on indigenous-managed lands in Australia, Brazil, and Canada equals that in protected areas” (2019) 101 *Environmental Science and Policy* 1-6; University of British Columbia, “Biodiversity highest on Indigenous-managed lands” *ScienceDaily* (31 July 2019), online: [www.sciencedaily.com/releases/2019/07/190731102157.htm](http://www.sciencedaily.com/releases/2019/07/190731102157.htm)

<sup>18</sup> “Greenbelt Protected Urban River Valleys” (7 Feb 2020), online: [https://www.greenbelt.ca/greenbelt\\_protected\\_urban\\_river\\_valleys](https://www.greenbelt.ca/greenbelt_protected_urban_river_valleys)

<sup>19</sup> Silvia Collado et al, “Restorative environments and health” in Ghazlane Fleury-Bahi, Enric Pol & Oscar Navarro eds, *Handbook of environmental psychology and quality of life research* (New York: Springer International, 2017) 127–148.

<sup>20</sup> Lindsay J. McCunn, “The importance of nature to city living during the COVID-19 pandemic: Considerations and goals from environmental psychology” (2020) *Cities & Health*, 1-4.

<sup>21</sup> *Supra* note 18.

<sup>22</sup> Rain Community Solutions, *Urban Flooding in Ontario: Toward Collective Impact Solutions* (Mar 2017) at 15, 18, online: <http://raincommunitysolutions.ca/wp-content/uploads/2017/04/GCC-UrbanFloodingMar17.pdf>

<sup>23</sup> *Ibid* at 11.

<sup>24</sup> *Ibid*.

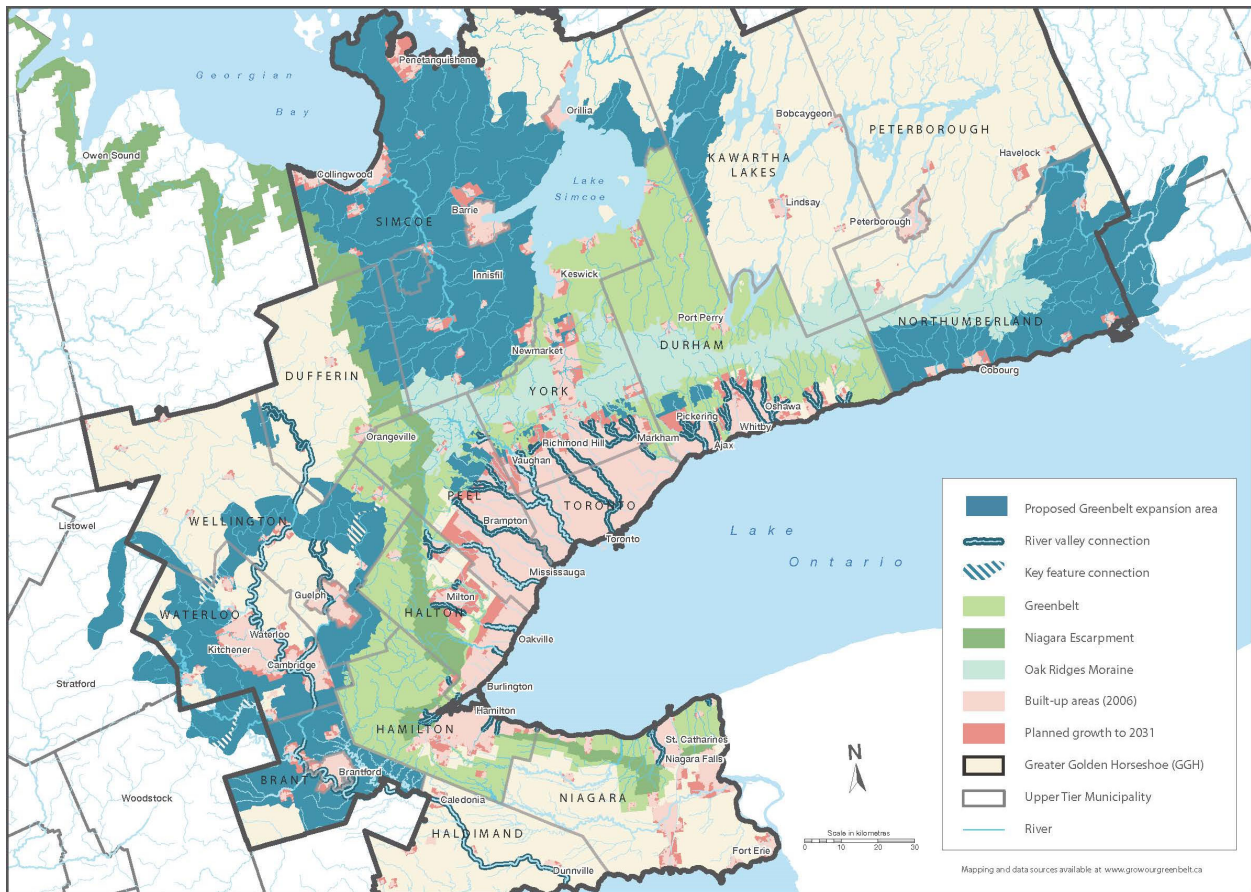


CELA recommends that all river valleys that connect the Greenbelt to the Great Lakes and inland lakes, including the Grand River, be included within the Greenbelt. This will ensure greater access to greenspaces, particularly for persons living in urban settings. Furthermore, adding more URVs to the Greenbelt will foster climate resilience and help to mitigate the impacts of climate change, such as flooding, on low-income and vulnerable communities.

**Recommendation 6: All river valleys that connect the Greenbelt to the Great Lakes and inland lakes, including the Grand River, should be included within the Greenbelt.**

*Question 4: Do you have suggestions for other potential areas to grow the Greenbelt?*

CELA recommends that areas within the GGH that are of high ecological and hydrological significance and under threat from urban development should be added to the Greenbelt. In particular, the Greenbelt should be expanded to include the Oak Ridges Moraine Partnership’s proposed “Bluebelt”.<sup>25</sup> The Bluebelt map (see below) shows vulnerable hydrological areas developed by the Oak Ridges Moraine Partnership. The areas identified include threatened headwaters, moraines, groundwater recharge and discharge areas, wetlands, rivers and streams.<sup>26</sup>



<sup>25</sup> <https://www.protectourwaters.ca/maps>

<sup>26</sup> <https://www.protectourwaters.ca/maps>

Included within the Bluebelt is the Grand River watershed. The Grand River watershed is the largest watershed in southern Ontario. It is a heritage river and provides recharge for groundwater, which is the major source of drinking water for local communities. The current lack of Greenbelt protection of the Grand River watershed is putting pressure on municipalities to protect the watershed and prevent leapfrog development in the area. However, municipal official plans will not provide the robust protection that can be afforded to the watershed if it were included within the Greenbelt.

Further, there are hydrologically significant areas, such as between Lake Simcoe and Georgian Bay, as well as the Lake Iroquois Plain to the east, that are also rich in biodiversity. These areas must be considered in any Greenbelt expansion.

**Recommendation 7: CELA recommends that the Greenbelt be expanded to encompass the Oak Ridges Moraine Partnership’s proposed “Bluebelt”, which is inclusive of the Grand River watershed.**

*Question 5: How should we balance or prioritize any potential Greenbelt expansion with the other provincial priorities mentioned above?*

The provincial priorities of growth management, natural heritage and water resource systems, agriculture and infrastructure are interconnected and therefore must be appropriately balanced in any future expansion of the Greenbelt. By 2051, the GGH population is expected to reach 14,870,000 and employment is expected to rise to 7,010,000.<sup>27</sup> These projected population and employment forecasts signal a need to maintain natural heritage and water resource systems, agriculture and sustainable infrastructure.

Within the Greenbelt, the Natural Heritage System includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or significant natural features and functions.<sup>28</sup> The Water Resource System in the Greenbelt is made up of both ground and surface water features and areas and their associated functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption.<sup>29</sup> The protection of the natural heritage and water resource systems in any expansion of the Greenbelt is imperative to maintaining the Greenbelt’s ecological and hydrological integrity for existing and future population growth.

The Greenbelt also contains prime farmland that is essential to supporting Ontario’s agri-food economy. Ontario’s agriculture and agri-food sectors are leading economic drivers for the

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<sup>27</sup> See schedule 3 of the *Growth Plan*: <https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>

<sup>28</sup> *Greenbelt Plan*, section 3.2.1: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

<sup>29</sup> *Greenbelt Plan*, section 3.2.1: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

province; contributing over \$47 billion in GDP and employing over 837,000 Ontarians.<sup>30</sup> The Greenbelt was created to enhance the protections for farmland and natural resources outlined in provincial land use planning policies in an area of the province that was facing extremely high development pressures.<sup>31</sup> Development pressures have continued to grow across the province, and farmland and natural resources outside of the current Greenbelt area are being lost at an alarming rate.<sup>32</sup> Expanding the Greenbelt will provide additional protections for farmland and natural resources in areas where it is most at-risk, and help enhance the long-term viability of Ontario's agricultural sector.<sup>33</sup> Ensuring the long-term viability of Ontario's agricultural sector will also help to support healthy communities as the population in the GGH increases in the future.

Infrastructure is permitted within the Greenbelt if it meets, among other conditions, one of the following two objectives: (a) it supports agriculture, recreation and tourism, Towns/Villages and Hamlets, resource use or the rural economic activity that exists and is permitted within the Greenbelt; or (b) it serves the significant growth and economic development expected in southern Ontario beyond the Greenbelt by providing for the appropriate infrastructure connections among urban centres and between these centres and Ontario's borders.<sup>34</sup> While infrastructure within the Greenbelt is needed to support these objectives, it must be balanced against protecting the Greenbelt's natural heritage systems, water resource systems and agriculture; all of which sustain healthy ecosystems and communities. Therefore, CELA recommends that the Ontario government: (1) cancel plans to build Highway 413 (GTA West) and (2) curtail the use ministerial zoning orders (MZO).

a) Highway 413 (GTA West)

The GTA West highway risks permanently damaging the ecological and hydrological integrity of the existing and potentially expanded Greenbelt. The highway will have extensive and widespread impacts on the natural heritage system including significant loss in the number, form and function of natural features and species.<sup>35</sup> Furthermore, there has been so much public concern over the GTA West highway that the project was halted and the proponent hired an advisory panel to advise on alternatives.<sup>36</sup> The advisory panel found that there were viable transportation alternatives that would result in the delivery of travel time savings in the same

<sup>30</sup> Ontario Federation of Agriculture, *Agriculture Matters: A Guide for Municipal Councillors and Staff* (Jan 2020) at 2, online: <https://ofa.on.ca/wp-content/uploads/2020/01/Agriculture-Matters-A-Guide-for-Municipal-Councillors-and-Staff-Jan-2020.pdf>

<sup>31</sup> Ontario Farmland Trust, "ERO Registry #019-3136 Consultation on Growing the Size of the Greenbelt" (17 Mar 2021) at 1, online: [https://ontariofarmlandtrust.ca/wp-content/uploads/2020/12/OntarioFarmlandTrust\\_ERO-019-3136.pdf](https://ontariofarmlandtrust.ca/wp-content/uploads/2020/12/OntarioFarmlandTrust_ERO-019-3136.pdf)

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Greenbelt Plan*, section 4.2.1(1): <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

<sup>35</sup> Toronto and Region Conservation Authority, "GTA West Transportation Corridor Individual Environmental Assessment: Stage 2 Update" (24 Jan 2020) at 7, online: <https://pub-trca.escribemeetings.com/filestream.ashx?DocumentId=5418>

<sup>36</sup> Laura Bowman, "GTA West – Request for designation under s.9 of the *Impact Assessment Act*" (3 Feb 2021) at 3-4, online: <https://d36rd3gki5z3d3.cloudfront.net/wp-content/uploads/2021/02/2021-02-03-GTA-West-EA-request.pdf>



order of magnitude as the proposed GTA West highway.<sup>37</sup> Ultimately the advisory panel recommended against the highway.<sup>38</sup> In light of such findings, the GTA West highway is not necessary to meet the infrastructure objectives listed in section 4.2.1(1) of the *Greenbelt Plan*.

b) Curtail Use of Minister’s Zoning Orders (MZOs)

Section 47 of the *Planning Act* allows the Minister of Municipal Affairs and Housing to make MZOs that govern land uses within areas subject to the order.<sup>39</sup> There is much public concern over MZOs because they circumvent community consultation, local planning processes and disregard Aboriginal and Treaty rights to expedite development projects.<sup>40</sup> However, pursuant to section 47 of the *Planning Act*, lands located within the Greenbelt are protected from MZOs. Therefore, expanding the Greenbelt would extend this protection to other areas of natural and hydrological significance that provide ecosystem services such as flood control, local food, water purification, carbon sequestration, biodiversity conservation, and recreational opportunities.

**Recommendation 8: The provincial priorities of growth management, natural heritage and water resource systems, agriculture and infrastructure are interconnected and should be considered together in any future expansion of the Greenbelt. To support growth management, the Greenbelt’s natural heritage (including water resources) and agriculture systems should be protected and enhanced to help foster healthy ecosystems and thriving communities. Further, sustainable infrastructure must be developed to meet the objectives set out in section 4.2.1(1) of the *Greenbelt Plan*. This will mean cancelling the GTA West highway and curtailing the use of MZOs.**

*Question 6: Are there other priorities that should be considered?*

**Recommendation 9: The following priorities should be considered:**

a) Advance Reconciliation with Indigenous Peoples

The Ontario government must proceed with the Greenbelt expansion in a spirit of reconciliation by upholding its constitutional obligations to Indigenous Peoples under section 35 of the *Constitution Act, 1982*. Further, the Ontario government should adhere to the principle of two-eyed seeing to ensure that Indigenous ways of knowing are applied in expanding the Greenbelt.

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<sup>37</sup> GTAW Advisory Panel, “GTA West Corridor Advisory Panel Report” (29 May 2017) at Executive Summary > Benefits from Unexplored Alternatives, online:

<https://web.archive.org/web/20190618163558/http://www.mto.gov.on.ca/english/publications/gta-west-report/executive-summary.shtml#conc>

<sup>38</sup> Bowman, *supra* note 36 at 3-4.

<sup>39</sup> Lee English, Katie Butler & Pitman J. Patterson, “Minister’s zoning orders come to the fore in a pandemic” *BLG* (20 Nov 2020), online: <https://www.blg.com/en/insights/2020/11/ministers-zoning-orders-come-to-the-fore-in-a-pandemic>

<sup>40</sup> Nick Westoll, “Advocates, opposition slam Ontario government’s move to strengthen minister’s zoning power”, *Global News* (5 Mar 2021), online: <https://globalnews.ca/news/7680737/ministers-zoning-order-ontario-government-duffins-creek/>

b) Protect Drinking Water

Groundwater is a source of drinking water for many communities in south western Ontario. Vulnerable water supplies feeding the needs of 1.25 million people in the GGH should be added to the Greenbelt.<sup>41</sup> Key areas that need to be added to the Greenbelt include the Iroquois shoreline, Brant County, Wellington County and Carruthers Creek as well as the areas identified in the Bluebelt discussed above.<sup>42</sup> Inclusion within the Greenbelt will ensure robust and long-term intergenerational protection of these invaluable drinking water sources.

To assist the Ontario government in its work of expanding the Greenbelt to protect sources of drinking water, CELA recommends using the vulnerability mapping for source water protection that was completed before the *Clean Water Act* was passed in 2006.<sup>43</sup> Vulnerability mapping helps to assess water quantity and the susceptibility of water to contamination.

c) Foster Climate Resilience

Fostering climate resilience is essential to protecting low-income and vulnerable communities who tend to disproportionately bare the impacts of climate change. Extreme rainfall events are expected to intensify because of climate change. These events tend to have a pernicious effect on low income and vulnerable persons who may, for example, live in basement apartments that put them at increased risk of flood damage.<sup>44</sup> Protecting natural features such as wetlands can mitigate flood damage and any associated financial loss.<sup>45</sup> The expansion of the Greenbelt is an opportunity for the Ontario government to protect natural features and thereby mitigate the impacts of climate change, particularly on low-income and vulnerable communities.

d) Prioritize the Protection of Drinking Water and Natural Heritage

There is significant economic interest in aggregate development. The aggregate industry is integral to the \$38-billion construction industry - supporting 357,000 jobs in Ontario.<sup>46</sup> In support of these economic interests, the *Greenbelt Plan* permits aggregate development within the Greenbelt subject to certain policies and conditions.<sup>47</sup> Furthermore, municipal official plans and zoning by-laws cannot contain provisions that are more restrictive than the policies of section 4.3.2 of the *Greenbelt Plan* as they apply to mineral aggregate resources.<sup>48</sup>

<sup>41</sup> Susan Lloyd Swail, “We need to grow the Greenbelt to protect critical water supplies before it’s too late” *Environmental Defence* (7 Dec 2017), online: <https://environmentaldefence.ca/2017/12/07/we-need-to-grow-the-greenbelt-to-protect-critical-water-supplies-before-its-too-late/>

<sup>42</sup> *Ibid.*

<sup>43</sup> See as an example: [https://www.grandriver.ca/en/our-watershed/resources/Documents/Water\\_Groundwater\\_RegionalStudy.pdf](https://www.grandriver.ca/en/our-watershed/resources/Documents/Water_Groundwater_RegionalStudy.pdf). This resource contains vulnerability mapping for the Grand River watershed.

<sup>44</sup> Rain Community Solutions, *supra* note 22 at 11.

<sup>45</sup> Douglas McNeil, *An Independent Review of the 2019 Flood Events in Ontario* (25 Nov 2019) at 113, online: <https://files.ontario.ca/mnrf-english-ontario-special-advisor-on-flooding-report-2019-11-25.pdf>

<sup>46</sup> Ontario Stone, Sand and Gravel Association, *Securing Access to Stone, Sand & Gravel: Ensuring Economic Growth and Future Greenspace in the Greater Golden Horseshoe* (28 Nov 2018) at 2, online: [https://www.ossga.com/multimedia/2018-11-28-120315-80372/secure\\_access\\_final\\_2018.pdf](https://www.ossga.com/multimedia/2018-11-28-120315-80372/secure_access_final_2018.pdf)

<sup>47</sup> *Greenbelt Plan*, section 4.3.2: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

<sup>48</sup> *Greenbelt Plan*, section 5.3: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

While the aggregate industry is a source of economic development, aggregate extraction imposes costs on society that effect human health, local water systems, wildlife, natural habitats, and farmland.<sup>49</sup> The impact of aggregate development in southern Ontario on drinking water protection, fresh water, agriculture and natural heritage has become untenable, all too often with the permanent loss of these essential functions due to the current policy environment supporting aggregate extraction.<sup>50</sup> Aggregate reservoirs are sources of groundwater recharge and supply and need to be prioritized and included for protection within the provincial source protection program. Further, the test for aggregate development or expansion within the Greenbelt should be made more stringent to maintain and enhance the ecological and hydrological integrity of the Greenbelt and to ensure safe drinking water for local communities.

#### V. Provide adequate details when taking the next step toward expanding and enhancing Ontario's Greenbelt

Currently, the Ministry is “seeking feedback on *ways* to grow the size and further enhance the quality of the Greenbelt”<sup>51</sup> (emphasis added). It has been emphasized that this is *not* a proposal to grow the Greenbelt. CELA strongly encourages the Ontario government to expediently take the next step.

When proposing such expansion and enhancement, we strongly encourage the Ministry to include proposed regulatory language (as the Ministry of the Environment, Conservation and Parks did recently<sup>52</sup>). This will enable the public to provide informed and meaningful feedback, in keeping with the purpose of Ontario's *Environmental Bill of Rights, 1993*.

**Recommendation 10: When taking the next step toward expanding and enhancing the Greenbelt, ensure that sufficient detail, including draft regulatory language, is provided for public participation and consultation under Ontario's *Environmental Bill of Rights, 1993*.**

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<sup>49</sup> Environmental Commissioner of Ontario, *Good Choices, Bad Choices. Environmental Rights and Environmental Protection in Ontario* (Oct 2017) at 168, online: <http://docs.assets.eco.on.ca/reports/environmental-protection/2017/Good-Choices-Bad-Choices.pdf>

<sup>50</sup> Richard Lindgren, “ERO # 019-1303 – Proposed Amendments to Ontario Regulation 244/97 and the Provincial Standards Under the *Aggregate Resources Act*” *Canadian Environmental Law Association* (15 May 2020), online: <https://cela.ca/wp-content/uploads/2020/05/CELA-letter-to-MNRF-May-15-2020.pdf>; Jacqueline Wilson, “Survey: ‘A Place to Grow’ policies on aggregate resources” *Canadian Environmental Law Association* (31 May 2019), online: <https://cela.ca/wp-content/uploads/2019/07/1278-Survey-A-Place-to-Grow.pdf>

<sup>51</sup> ERO Number 019-3136 - <https://ero.ontario.ca/notice/019-3136>

<sup>52</sup> See the notice “Proposed Implementation of Updates to Ontario's Water Quantity Management Framework” and the resource “Proposed amendments to Regulation 387/04”, ERO Number 019-2017 - <https://ero.ontario.ca/notice/019-2017>

## VI. Summary List of CELA's Recommendations

CELA recommends the following in response to the Ministry's proposal about ways to grow and enhance Ontario's Greenbelt:

- 1) Ensure Ontario's obligations to First Nations, Inuit, and Métis are fulfilled regarding any expansion or enhancement of the Greenbelt.
- 2) When considering public input responsive to the current proposal (ERO Number 019-3136), ensure that relevant submissions made in an early consultation about growing the Greenbelt (ERO Number 013-1661) are similarly considered.
- 3) Generally, if ministries are using consultation specific email addresses to receive public comments, ensure that all submissions are accounted for and included in decision making.
- 4) Expand the Greenbelt to include the Paris Galt Moraine, in addition to other moraines in the Greater Golden Horseshoe, to build climate resilience and to protect low-income and vulnerable communities.
- 5) Use the concept of "two-eyed seeing" to inform a systems-based approach to moving from a Study Area to a more defined boundary of the Paris Galt Moraine.
- 6) All river valleys that connect the Greenbelt to the Great Lakes and inland lakes, including the Grand River, should be included within the Greenbelt.
- 7) CELA recommends that the Greenbelt be expanded to encompass the Oak Ridges Moraine Partnership's proposed "Bluebelt", which is inclusive of the Grand River watershed.
- 8) The provincial priorities of growth management, natural heritage and water resource systems, agriculture and infrastructure are interconnected and should be considered together in any future expansion of the Greenbelt. To support growth management, the Greenbelt's natural heritage (including water resources) and agriculture systems should be protected and enhanced to help foster healthy ecosystems and thriving communities. Further, sustainable infrastructure must be developed to meet the objectives set out in section 4.2.1(1) of the *Greenbelt Plan*. This will mean cancelling the GTA West highway and curtailing the use of MZOs.
- 9) The following priorities should be considered:
  - a. advance reconciliation with Indigenous Peoples;
  - b. protect drinking water;
  - c. foster climate resilience; and
  - d. prioritize the protection of drinking water and natural heritage
- 10) When taking the next step toward expanding and enhancing the Greenbelt, ensure that sufficient detail, including draft regulatory language, is provided for public participation and consultation under Ontario's *Environmental Bill of Rights, 1993*.

CELA hopes these recommendations are helpful and encourages the Ministry to move forward with a proposal to expand and enhance Ontario's Greenbelt.

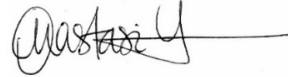
Sincerely,  
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Theresa McClenaghan  
Executive Director and  
Counsel



Maria Lucas  
Ryerson Law Practice  
Program (LPP) Candidate



Anastasia M Lintner  
Special Projects Counsel,  
Healthy Great Lakes

Cc: Sean Fraser, Acting Director, Provincial Planning Policy Branch, Ministry of Municipal Affairs and Housing (sean.fraser@ontario.ca)  
Ian Kerr, Regional Director, Western Municipal Services Office, Ministry of Municipal Affairs and Housing (ian.kerr@ontario.ca)  
Tyler Shultz, Acting Assistant Auditor General, Commissioner of the Environment, Office of the Auditor General of Ontario (tyler.schulz@auditor.on.ca)