

September 13, 2023

Hon. Premier D. Ford
Ontario Legislative Building Room 281
Queen's Park, Toronto ON
M7A 1A1

Hon. Minister Paul Calandra,
Minister of Municipal Affairs and Housing
College Park 17th Floor
777 Bay St., Toronto ON
M7A 2J3

Delivered via E-mail & Regular Mail

Dear Premier Ford and Minister Calandra:

Re: Land Use Planning Process in Ontario

We write to request that you adopt all of the recommendations of the Auditor General of Ontario in her report dated August 9, 2023, titled Special Report on Changes to the Greenbelt. We have noted media reports that your government has committed to implementing fourteen of those recommendations. We ask that you also implement recommendation # 14, which recommended a re-evaluation of the 2022 decision to change the Greenbelt boundaries. We also ask that the regular review process already established under legislation pertaining to the greenbelt resume. We note that your government conducted consultations in 2021 regarding potential addition of areas to the Greenbelt "Growing the Greenbelt." In fact CELA participated in those consultations and led workshops enabling the public to participate in that process. In doing so, we supported the addition of greenbelt lands to the Paris Galt moraine and urban river valleys. In our 2021 submission, CELA stated:

"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."

Similarly, for these reasons, CELA reiterated that the Greenbelt boundaries need to be expanded, not shrunk, in response to the government of Ontario's consultation in the fall of 2022:

<https://cela.ca/submission-on-proposed-amendment-to-the-greenbelt-plan-and-boundary-regulation-and-the-oak-ridges-moraine-conservation-plan/>

We also submit that once land is added to the Greenbelt; the default planning rule is that it must remain designated as Greenbelt with all of the relevant land use restrictions, and that any removal must be made to be onerous by design. Among other reasons, this avoids the temptation of land-owners to seek land removal; and avoids needless land speculation with the accompanying pressure on land prices, including essential agricultural lands in southern Ontario. High land prices are themselves a threat to the continued viability of agricultural land to remain in food production. They are also hugely detrimental to Ontario's goal of increasing affordable housing.

As noted in our earlier submission, among the vital functions of the Greenbelt is the provision and protection of natural heritage, which not only is absolutely vital in its own terms; but also provides essential services and functions to the large population of southern Ontario including protection and filtration of ground and surface water; protection of drinking water resources; removal of contaminants from the environment; cooling of the land surface and surrounding communities; and much else.

CELA has a long history of providing input on land use planning policy to governments in Ontario. Often this is at the request of government and its officials; including for example sitting on advisory committees ranging from establishment of the development permit system in Ontario; to committees working toward protection of sources of drinking water; and multiple generations of committees advising on changes to the Planning Act and the Provincial Policy Statement over the years. These planning processes are never perfect; and CELA provides advice based on the impact that we observe to the Ontario public; and in the interests of the broader public interest. As noted earlier, our role also includes advocating for laws that allow for public participation, and working to assist the public with providing input into government environmental decision making; including land use planning.

We remain available to provide input on government consultations; and on provincial advisory committees, bringing our deep and lengthy expertise to bear. In terms of the greenbelt processes, our priorities include ensuring transparency; public access to information; principled rights of appeal; and use of principles that are protective of the environment and people; namely land use planning approaches that protect natural heritage, air and water; ensuring healthy communities for Ontario's residents.

Given the findings of both the Auditor General mentioned above, and the Integrity Commissioner J. David Wake, K.C. in his report of August 30, 2023, it is our opinion that public trust in Ontario's land use planning process has been badly eroded and that a top priority of the government of Ontario must be to restore trust and confidence in that process. We must be able to advise members of the public that they can trust the enacted laws and the codified processes; that there is a level playing field for input; that decisions will be rational and supported with cogent reasons. While we absolutely agree with the urgent need for housing, we also note that the government's advisory committee in February 2022 advised there is sufficient land for housing within designated urban boundaries (see memo by CELA lawyer Castrilli, J. November 11, 2023 <https://cela.ca/bill-23-and-the-question-of-need/> citing report of the Report of the Ontario Housing Affordability Task Force, (February 8, 2022) at 10).

We are also concerned to avoid patterns of development that establish needless footprints of urban infrastructure with the massive additional costs, as well as disruption of the continuity of agricultural and natural heritage lands. These patterns of land development increase costs of urban development and the associated housing, as opposed to building within the current urban boundaries. To that end, CELA supported the “densification” provisions of the recent Bill 97; and associated changes to the provincial policy statement that the government consulted on this past spring, which would aim at ending single family zoning; and allow a reasonable amount of “as of right” additional units of housing in established built residential and urban form. These and other changes and policies must be further explored in order to truly accelerate the provision of housing in the province, and to address the current affordability crisis. It will be extremely difficult to pursue such policies in the context of a debate about removing even more land from the greenbelt, and without restoring the land already “removed” by Ontario Regulation 567/22 on December 14, 2022.

We would be happy to meet with you, Premier Ford and Minister Calandra, or your respective offices, to further discuss these matters; and in particular CELA’s views on improving land use planning processes for the betterment of all Ontarians.

Yours very truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read 'T. McClenaghan', written over a faint rectangular box.

Theresa McClenaghan
Executive Director & Counsel

Cc Auditor General of Ontario Bonnie Lysyk
Environmental Commissioner of Ontario Tyler Schultz
Integrity Commissioner J. David Wake, K.C.