

May 13, 2022

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay St. 17th Floor  
Toronto, ON  
M5G 2E5

Dear Minister Clark,

**Re. Violation of Environmental Bill of Rights public consultation requirements**

On behalf of 62 organizations, we are writing to express our deep concern about the fact that once again, the Ministry of Municipal Affairs and Housing (MMAH) has violated the public consultation requirements of the *Environmental Bill of Rights, 1993* (EBR). In this case, significant amendments were made to the *Planning Act* prior to the completion of and without regard to outcomes from the public consultation initiated through ERO #019-5284 and 019-5285. We request that you advise us on the specific steps you will take to ensure that your ministry complies with EBR requirements in the future.

On March 30, 2022, MMAH posted notice, on the Environmental Registry of Ontario, of a 30-day consultation regarding proposed amendments to the *Planning Act*: <https://ero.ontario.ca/notice/019-5284>. Yet, on the same day, March 30<sup>th</sup>, the Government of Ontario introduced Bill 109, the *More Homes for Everyone Act, 2022*, which brought the proposed changes forward in the Legislature. Then, on April 14<sup>th</sup>, only half-way through the public consultation period, the proposed changes became law through the passing of Bill 109.

The environmental impacts of these *Planning Act* amendments are significant. According to the ministry's explanation in ERO #019-5284, they will reduce planning timelines, limit appeals and broaden the Ontario Land Tribunal's jurisdiction over major land use planning matters. Also among the changes is the establishment of a new Community Infrastructure and Housing Accelerator tool intended to expedite development approvals by circumventing provincial land use plans, the Provincial Policy Statement and municipal Official Plans (as described in proposed guidelines ERO# 019-5285).

It is our understanding that a Minister must consult with the public on proposed laws, policies or regulations that "could, if implemented, have a significant effect on the environment," as outlined in s.14 of the EBR. Further, the Minister "shall do everything in his or her power to give notice of the proposal to the public at least thirty days before the proposal is implemented" (EBR, s. 15(1)). Pursuant to s. 1(6)(b) of the EBR, a proposal for an Act is implemented on the date of third reading in the Legislature. The third reading of Bill 109 took place on April 13<sup>th</sup> and 14<sup>th</sup>. (<https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-109/status>). Clearly, the EBR requirements were not met in this case.

This is not the first time that MMAH has violated the EBR public consultation requirements. As the Minister at the time, you will be aware that the Auditor General of Ontario raised a similar

concern in 2020 about Bill 197, *COVID-19 Economic Recovery Act, 2020*. This legislation amended the *Planning Act* to expand the Minister’s power to unilaterally issue Ministerial Zoning Orders that circumvent public participation rights and environmental protection policies. A group of organizations and individuals, represented by the Canadian Environmental Law Association, successfully challenged these amendments. In September 2021, the Ontario Divisional Court determined that the Government of Ontario broke the law when it failed to comply with the EBR public consultation requirements, declaring that the Minister of Municipal Affairs and Housing had acted “unreasonably and unlawfully” in failing to consult with the public on changes to the *Planning Act*.

It is deeply disturbing that MMAH has chosen to ignore the rule of law and once again has violated the EBR public consultation requirements. These actions suggest a profound disrespect for the public participation rights under Part II of the EBR and for our legal system. If this was not the intent, then we ask that you advise us on the specific steps you will take to ensure that the ministry complies with EBR requirements in the future.

Yours truly,

**Caroline Schultz**  
*Executive Director*  
Ontario Nature



**Deb Sherk**  
*President*  
Bert Miller Nature Club



**Carl Michener**  
*President*  
Blue Mountain Watershed  
Trust Foundation



**Patricia Michener**  
*President*  
Campbell Michener & Lee

**Patricia McGorman**  
*President*  
Canada South Land Trust

**Tom Wilson**  
*President*  
Garden Field Naturalists



**Yannick Beaudoin**  
Director of Innovation and for  
Ontario  
David Suzuki Foundation



**Lois Gillette**  
President  
Durham Region Field  
Naturalists



**Dale MacKenzie**  
Co-Chair  
Eagle Lake Farabout  
Peninsula Coalition



**Franz Hartmann**  
Executive Director  
Earthroots Canada



**Steven Simpson**  
Past President  
Eden Mills Eramosa River  
Conservation Association



**Keith Brooks**  
Program Director  
Environmental Defence



**Lynda Lukasik**  
Executive Director  
Environment Hamilton



**Robert Barnett**  
Executive Director  
Escarpment Biosphere  
Conservancy



**Karen Alexander**  
President  
Essex County Field  
Naturalists Club



**Sharon Boddy**  
Director  
Friends of Carlington Woods

**Sharon Boddy**  
Director  
Friends of Hampton Park

**Naomi Saunders**  
Chair  
Friends of Minesing  
Wetlands



**John Diebolt**  
President  
Friends of Misery Bay



**Susan Moore**  
President  
Friends of Salmon River



**Kevin O'Connor**  
President  
Friends of the Rouge  
Watershed



**Kevin Thomason**  
Vice-Chair  
Grand River Environmental  
Network



**Ken Bell**  
Treasurer  
Great Lakes Community  
Eco-Initiative



**Mark Whitcombe**  
Chair  
Headwaters Nature



**Sharon Lovett**  
Co-Chair  
High Park Nature



**Richard Heron**  
President  
Huntsville Nature Club



**Peter Krats**  
Co-President  
Ingersoll District Nature  
Club



**Miranda Virtanen**  
*Executive Director*  
Junction Creek Stewardship  
Committee



**James Corcoran**  
*Co-Chair*  
Lakeshore Eco-Network

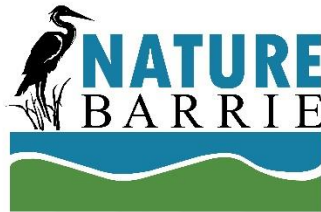


**Lakeshore Eco-Network**

**Nancy Vidler**  
*Chair*  
Lambton Shores Phragmites  
Community Group



**Bruce Wilson**  
*President*  
Nature Barrie



**Judy Brisson**  
*President*  
Nature Guelph



**Migs Baker**  
*Past President*  
Nature League



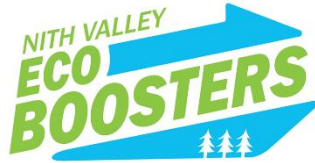
**Gordon Neish**  
*President*  
Nature London



**Joyce Sankey**  
*Conservation Director*  
Niagara Falls Nature Club



**Tom Knezevich**  
Chair  
Nith Valley EcoBoosters



**Harold Smith**  
former Co-President and  
Director  
North American Native Plant  
Society



NORTH AMERICAN  
NATIVE PLANT SOCIETY

**James Kamstra**  
President  
North Durham Nature



**Brennain Lloyd**  
Project Coordinator  
Northwatch



**Peter Wynnyczuk**  
Executive Director  
Ontario Urban Forest Council



**Denis Paccagnella**  
President  
Orillia Naturalists' Club



**Marg Reckahn**  
President  
Penokean Hills Field  
Naturalists



**Rene Gareau**  
President  
Peterborough Field  
Naturalists



**Elizabeth Churcher**  
Corresponding Secretary  
Quinte Field Naturalists



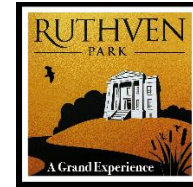
**Stephanie Sobek-Swant**  
Executive Director  
rare Charitable Research  
Reserve



**Claire Malcolmson**  
Executive Director  
Rescue Lake Simcoe



**Jim Smith**  
Chair of the Stewardship  
Committee, Director  
Ruthven Park National  
Historic Site Inc.



**Angus Inksetter**  
President  
Saugen Nature



**David Euler**  
President  
Sault Naturalists



**Margaret Prophet**  
Executive Director  
Simcoe County Greenbelt  
Coalition



**Paul Harpley**  
President  
South Lake Simcoe  
Naturalists



**Mark Cranford**  
President  
South Peel Naturalists' Club



**Terry Crabe**  
President  
Stratford Field Naturalists

**Mark Bisset**  
Executive Director  
The Couchiching  
Conservancy



**Otto Peter**  
President  
Thickson's Woods Land  
Trust



**Courtney Mondoux**  
President  
Thunder Bay Field Naturalists



**Hal Watson**  
Secretary  
Trees for Halton Hills



**Janet Ozaruk**  
President  
Waterloo Region Nature



**Chris Leys**  
Director  
West Elgin Nature Club



**Frank Godfrey**  
President  
Willow Beach Field  
Naturalists



**Gloria Marsh**  
Executive Director  
York Region Environmental  
Alliance



**Richard Berry**  
President  
York Simcoe Nature Club

