**Climate Action Newmarket-Aurora input for**

**BIll 185 Cutting Red Tape ERO 019-8365**

***The Greenbelt and our agricultural lands are threatened even more so now with Bill 185 and the proposed Provincial Planning Statement than the 2021-23 Greenbelt controversy.***

Bill 185 Cutting the Red Tape omnibus bill (i) and other related ERO provisions, combines and impacts so many other pieces of legislation and policies that the purpose of this input therefore, will be focused on Climate Action Newmarket Aurora’s opposition to the components in regard to: emissions and the ongoing promotion of fossil fuels and fossil gas; urban sprawl single dwelling planning; the potential to diminish carbon sink lands as well as prime agricultural land and GDP; and the potential to deteriorate the quality of soils, water systems and crops of the Greater Golden Horseshoe and Greenbelt-adjacent areas; References will be made to the other pieces of legislation linked to ERO 019-8365 such as the Proposed Provincial Planning Statement (ii), ERO 019-8462 (iii), ERO 019-8366(iv), and 019-8527(v). Since ERO 019-8365 specifies that comments should be inputted with the relevant accompanying EROs, this input will be provided for each of those listed.

**Petroleum, gas/hydrocarbon pipelines and emissions**

Sections 2.9.1 1 a-e - Energy Conservation, Air Quality and Climate Change and 3.8 Energy Supply of the new planning standards (ii), provide statements about municipality expectations for these components but no specific plan or support to address those expectations. This appears to leave it solely up to the municipalities to fund and manage these critical components without any descriptors for accountability, climate targets or funding options.

Schedule 11 of Bill 185(i) also adjusts the scope of the Ontario Energy Board by removing the need for consultation or approval for the replacement or relocation of existing ‘hydrocarbon’ pipelines. Given that Canada, and therefore Ontario, is moving away from fossil fuels, fossil gas included, this Bill proposes to perpetuate the use of fossil gas pipeline infrastructure, contradicting the intent of other sections 2.9.1 and 3.8 (ii) to safeguard climate efforts, the environment and public health.

Sections 4.4. 1-5 (ii) states that ‘mineral mining operations and petroleum resource operations shall be identified and protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.’ While the current government of Ontario needs to address UNDRIP (vi) and Free Prior Informed Consent (vii) in its current speculator and prospector policies in the far north (viii) (Kitchenuhmaykoosib Inninuwug (KI, or Big Trout Lake First Nation), Wapekeka, Neskantaga, and Asubpeeschoseewagong Anishinabek (Grassy Narrows) (ix), minerals are going to be needed for our transition from fossil fueled vehicles. Bill185 makes no mention of Free Prior Informed Consent, Indigenous leaders’ involvement or referrals to the Crown to liaise. With First Nations consent, involvement and compensation, the safe and environmentally-focused mineral extraction will support all with the future economy of EVs and technologies.

Petroleum is a different matter. Canada and Ontario are moving away from petroleum (x) and its derivatives like single-use plastics.(xi) The climate and health issues in regard to petroleum emissions, and fossil gas for that matter, such as methane, benzene (xii) and carbon dioxide are well documented.(xiii) Any new legislation in Ontario and Canada should include this phasing out in its legislation, yet, in conjunction with Bill 165 (xiv), the ‘leave-to-construct’ approval changes reinforce this provincial government’s commitment to fossil fuels (schedule 11) (xv). Moreover, Bill 185 leaves rehabilitation of any expropriated lands vague and mostly ‘encouraged’ or ‘where feesible’.

(i) <https://ero.ontario.ca/notice/019-8365>

(ii) ​​[https://prod-environmental-registry.s3.amazonaws.com/2024-04/Proposed%20Provincial%20Planning%20Statement,%20April%2010,%202024%20-%20EN%20(2).pdf](https://prod-environmental-registry.s3.amazonaws.com/2024-04/Proposed%20Provincial%20Planning%20Statement%2C%20April%2010%2C%202024%20-%20EN%20%282%29.pdf)

(iii) <https://ero.ontario.ca/notice/019-8462>

(iv) <https://ero.ontario.ca/notice/019-8366>

(v) <https://ero.ontario.ca/notice/019-8527>

(vi) [Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act](https://www.justice.gc.ca/eng/declaration/about-apropos.html#:~:text=need%20this%20legislation%3F-,The%20United%20Nations%20Declaration%20on%20the%20Rights%20of%20Indigenous%20Peoples,non%2Ddiscrimination%20and%20good%20faith).

(vii) [Free, Prior and Informed Consent | Indigenous Peoples | Food and Agriculture Organization of the United Nations](https://www.fao.org/indigenous-peoples/our-pillars/fpic/en/#:~:text=Free%2C%20Prior%2C%20and%20Informed%20Consent,universal%20right%20to%20self%2Ddetermination).

(viii) [First Nations in Ontario call for a one-year pause on mining claims filed online](https://www.nationalobserver.com/2024/01/25/news/first-nations-ontario-call-one-year-pause-mining-claims-filed-online#:~:text=Under%20Section%2035%20of%20the,nearby%20First%20Nations%20in%20person).

(ix) <https://freegrassy.net/news/first-nations-chiefs-call-on-ford-government-to-stop-mining-on-their-lands/>

(x) <https://www.iisd.org/articles/insight/ending-canada-support-fossil-fuels>

(xi)<https://www.canada.ca/en/environment-climate-change/news/2024/04/canada-brings-the-world-together-in-pursuit-of-an-ambitious-global-deal-to-end-plastic-pollution.html>

(xii) [Aamjiwnaang First Nation urges calm following state of emergency declaration | CBC News](https://www.cbc.ca/news/canada/windsor/aamjiwnaang-first-nation-1.7186208#:~:text=Aamjiwnaang%20First%20Nation%20declares%20state%20of%20emergency%20over%20benzene%20levels&text=Aamjiwnaang%20First%20Nation%20in%20southwestern,with%20headaches%2C%20nausea%20and%20dizziness)

(xiii) [Fossil Fuel Advertising is Fuelling a Public Health Crisis: An Open Letter from Health Professionals in Canada - CAPE](https://cape.ca/letter-to-stop-fossil-fuel-ads/#:~:text=Up%20to%2034%2C000%20deaths%20or,that%20would%20be%20illegal%20outdoors).

(xiv)[Bill 165, Keeping Energy Costs Down Act, 2024 - Legislative Assembly of Ontario](https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-165)

(xv) ​​[Proposed Amendments to the Ontario Energy Board Act, 1998 and associated regulations to modernize leave-to-construct approvals for pipeline relocation or reconstruction projects to build transit and housing faster.](https://ero.ontario.ca/notice/019-8527)

**Urban Sprawl:**

There are positive components in Bill 185 and relevant policies such as: allowance for increasing the number of dwellings on an existing developed parcel of land and farms; the expectations for increased intensity - schedule 12 section 9 (xvi) and variety of dwellings around transit corridors; and providing municipalities with the tools to move away from inactive approved developments and channel what is necessary to those developments that are ready to proceed. More positives that BIll 185 creates are the removal of minimum parking requirements in major transit station areas and consultation promise to removing building code prohibitions on single egress construction up to 4 storeys and on ‘mass timer’ construction for up to18 storeys. All these proposals would have gone a long way to greener, denser housing. Unfortunately, the following negates the benefits from those efforts. In direct contrast, this proposed law and Provincial Planning Statement would erase the protective Settlement Area Boundaries and Municipal Comprehensive Review processes. The latter both prevent low-density sprawl from destroying farmland and natural areas outside the Greenbelt - the ‘white belt’.

Under the proposed Provincial Policy Statement, developers could literally demand parcels of farmland, including prime agricultural land, wetlands and wildlife habitat not just for housing but also industry, infrastructure. and non-permanent residences like hotels and resorts. This proposed law also ties the municipality’s hands since the developer can appeal any municipal Official Plan amendment refusal and it also compels any expert Ontario Land Tribunal oversight to rule in favour of the development if the province deems the project in the interests of Ontario (subsection 22 6.2, subsections 34, 41 & 51).

Furthermore, the Bill transfers development decision making to lower-tier councils who may not have the strong legal and land use planning teams to handle an onslaught of developer teams. It also ignores the Association of Municipalities of Ontario’s recommendation to only permit MZOs with municipality agreement (xvii) and through this bill, the government can lease or sell municipal lands cheaper than market value. Additionally, Bill 185 overturns much of ERO 019-6877, ‘A Place to Grow’ (xviii) that protects farmland or natural habitats. The number for people housed per acre used to be 80. This government reduced it previously to 50 and Bill 185 reaffirms this. Skilled labour will likely channel itself to where the profit and pay is greater. This effectively means that urban sprawl housing will draw away the workforce needed to create the lower-cost housing in existing neighbourhoods. Moreover, this Bill doesn’t allow 4plexes. The climate, environment, farmland, and marshes will suffer yet middle to lower income families will not get what they need.

(xvi) <https://ero.ontario.ca/notice/019-8366>

(xvii) <https://www.amo.on.ca/policy/land-use-planning-resources-and-climate-change/bill-185-cutting-red-tape-build-more-homes>

(xviii) <https://ero.ontario.ca/notice/019-6177> <https://ero.ontario.ca/notice/019-8462>

**Loss of Green Space and Agricultural Lands**

The latest [Census of Agriculture](https://www.ontario.ca/page/agriculture-census) (xix) shows 116,478 acres of farmland are lost annually. This is vital carbon sequestration, 1 metric tonne per hectare per year (xx), to meet emissions goals, the impact to the GDP, and our current and future food security. The Golden Horseshoe provides 25% of Canada’s GDP. $47 billion or 6.4% of Ontario’s GDP is from agriculture and ‘1-in-10 of the province’s labour force are employed throughout the agri-food supply chain’. (xxi) Ontario already loses over 319 acres ***a day*** of agricultural land Stats Can. 2021) and 383 kha of tree cover/carbon sequestration (xxii). This Bill threatens to undermine the economic value of Ontario’s green spaces and agricultural land; it removes the Ontario ‘Place to Grow’ Growth Plan since it contradicts such statements as:

‘Unique and high quality agricultural lands will be protected for the provision of healthy, local food for future generations. Farming will be productive, diverse, and sustainable.’

With this Bill, there is no longer provincial or regional growth plans on how Ontario moves forward to handle population growth while maintaining farmland and green spaces, unlike the comprehensive, visionary Growth Plan of 2006. No longer legislation will ensure hard boundaries for human growth in order to protect food security, water systems and biodiversity. Now, this Bill removes that hard line and the governmental supports to decide what lands are protected outside of the Greenbelt and no requirement to map agricultural systems.

The new appeal rights provided by Bill 185 would in effect overrule any municipal decisions about development in and adjacent to their boundaries, while also curtailing any third party appeals. The potential therefore, is that a developer could buy a piece of agricultural or green space land, be denied municipal permission to proceed, appeal to the Ontario Land Tribunal and effectively without much of an argument if it provides housing and/or industry deemed important to Ontario, will be able to proceed. Moreover, while the Bill attempts to add the caveat that if the land in question is prime agricultural land, the developer must first develop the least prime sections of the land in question, yet it doesn’t prevent the developer from developing on all the land at some point.

Moreover, Ontario is no longer set to meet its emissions reduction targets given the legislative policies (Bills 162 and 165 included) of the current government.(xxiii) & (xxiv). Bill 185 will ove Ontario further away from its climate target this since the potential loss of green space means a loss of substantial carbon sequestration.

(xix) <https://www.ontario.ca/page/agriculture-census>

<https://news.ontario.ca/en/release/1004153/growing-ontarios-agriculture-and-food-export-markets>

(xx) [Farmers are Capitalizing on Carbon Sequestration: How Much is Your Carbon-Rich Soil Worth?](https://modernfarmer.com/2016/04/carbon-sequestration/)

(xxi) [Grow Ontario: a provincial agri-food strategy](https://www.ontario.ca/page/grow-ontario-provincial-agri-food-strategy#:~:text=48%2C346%20Ontario%20farms%20producing%20over,of%20the%20province's%20total%20GDP%20)).

(xxii) [Ontario, Canada Deforestation Rates & Statistics | GFW](https://www.globalforestwatch.org/dashboards/country/CAN/9/)

(xxiii) [Ontario veering off track from its climate change targets, internal forecasts reveal | CBC News](https://www.cbc.ca/news/canada/toronto/ontario-climate-change-doug-ford-carbon-emission-targets-1.6259637)

(xxiv) [A REVIEW OF THE PAST FOUR YEARS OF ONTARIO'S CLIMATE CHANGE (IN)ACTION](https://environmentaldefence.ca/wp-content/uploads/2022/05/Environmental-Defence-Report-Ontario-Climate-Change-2018-to-2022.pdf)

In summary, Climate Action Newmarket Aurora ***opposes*** these components of Bill 185:

* Changes to the Land Tribunal Appeal process that removes consent of the municipality;
* Legislation that allows the expropriation, speculation or development of agricultural lands, marshes and wooded/forested lots;
* Legislation that allows new developments of housing beyond current Official Plan municipality boundaries;
* Legislation that allows contingencies to expropriate, purchase and/or protect lands for petroleum, fossil gas or hydrocarbon extraction, production or transfer (eg. pipelines).

Sincerely,

Climate Action Newmarket Aurora

Additional Sources:

[Statement: Bill 185 and Proposed Provincial Planning Statement Would Unleash a Wave of “Greenfield Scandals” by Removing Tribunal Oversight of Sprawl Approvals - Environmental Defence](https://environmentaldefence.ca/2024/04/10/bill-185-and-proposed-provincial-planning-statement-would-unleash-a-wave-of-greenfield-scandals-by-removing-tribunal-oversight-of-sprawl-approvals/)

[the future of farmland - Greenbelt Foundation](https://www.greenbelt.ca/the_future_of_ontario_farmland#:~:text=In%20my%20new%20role%20as,nearly%20320%20acres%20every%20day).

[Bill 185, Cutting Red Tape to Build More Homes Act, 2024 - Legislative Assembly of Ontario](https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-185)

McMillan Lawfirm: [Introducing Bill 185, the Cutting Red Tape to Build More Homes Act, and an Update on the New Provincial Planning Statement - McMillan LLP](https://mcmillan.ca/insights/publications/introducing-bill-185-the-cutting-red-tape-to-build-more-homes-act-and-an-update-on-the-new-provincial-planning-statement/)

* **Regulations re: Provincial Interests:** Amendments to the *City of Toronto Act*[[9]](https://mcmillan.ca/insights/publications/introducing-bill-185-the-cutting-red-tape-to-build-more-homes-act-and-an-update-on-the-new-provincial-planning-statement/#9) and *Municipal Act*[[10]](https://mcmillan.ca/insights/publications/introducing-bill-185-the-cutting-red-tape-to-build-more-homes-act-and-an-update-on-the-new-provincial-planning-statement/#10) would allow the Province to make regulations authorizing municipalities to grant assistance to a specified ***manufacturing, industrial or commercial*** enterprise if the Province considers it necessary or desirable in the provincial interests to attract investment in Ontario. Within the regulations, the Province may set out the types of assistance that may be granted (subject to limits or conditions), such as the leasing or selling of municipal property for less than fair market value, the lending of money, or the granting of exemptions from municipal levies, fees or charges. No regulations have yet been proposed setting out the particulars of this power.
* **New Appeal Rights Respecting Settlement Boundary Areas:** Bill 185 proposes amendments to the *Planning Act* to allow appeals of a municipality’s refusal or failure to adopt or approve an application for an (“**OPA**”) seeking to amend all or part of a settlement boundary in a municipality, provided that the subject expansion does not result in any land in the Greenbelt Area being included in the settlement boundary area.

**SCHEDULE 11 of BIll 185
ONTARIO ENERGY BOARD ACT, 1998**

The Schedule amends the *Ontario Energy Board Act, 1998*. Currently, subsection 90 (2) of the Act provides that the requirement to obtain leave to construct does not apply to the relocation or reconstruction of a hydrocarbon line unless the size of the line is changed or the acquisition of additional land or authority to use additional land is necessary. The subsection is re-enacted to provide that the requirement to obtain leave to construct applies to the relocation or reconstruction of a hydrocarbon line only if the conditions prescribed by the regulations are met. A complementary re-enactment of subsection 92 (2) of the Act is made.

[Proposed housing legislation could derail appeal of Lansdowne 2.0 decision | CBC New](https://www.cbc.ca/news/canada/ottawa/ottawa-bill-185-lansdowne-2-0-1.7172149)