protectmono

Nov 27th, 2019

Strategic and Corporate Policy Branch
56 Wellesley St W
Toronto, ON
M5S 2S3
Canada

Re: Bill 132, Better for People, Smarter for Business Act, 2019 – ERO#: 019-0774

Protect Mono is a local community organization with a membership of over 200 households focused on protection of the cultural and natural heritage and environment in the Town of Mono in Dufferin County. The Town of Mono is a mixed rural residential area and is the headwaters of 3 of Ontario's major river systems, The Nottawasaga, Credit and Humber. In addition to residences, the Town is home to businesses both large and small (e.g. Hockley Valley Resort, art studios, country restaurants, etc…) that depend on the year round natural beauty of the Hills of Headwaters as a tourist draw to drive their businesses. Agriculture is also a major business in Mono, including both large leased acreage and smaller family operations. For the most part, these businesses run in harmony with and are mostly owned and/or operated by local residents.

We appreciate the opportunity to comment on Bill 132, however we do have deeply held concerns regarding both the content and the manner in which this consultation is being executed.

Earlier this year, the government posted proposed changes to the Provincial Policy Statement followed by Proposed Changes to the Aggregate Resource Act. When Bill 132 was posted for comment on the ERO, the comment period for the proposed Changes to the Aggregate Resource Act had not yet ended. This indicates to us that the Provincial Government is operating in bad faith as it could not possibly have reviewed all comments (including those not yet submitted) before posting the review of Bill 132, which contains the actual changes. This <u>not</u> the way a good faith consulting process is supposed to function.

In regards to Bill 132 itself, with such a large omnibus style bill, it is exceptionally difficult for citizens to digest the entire content, which is a concern in and of itself. This forces us to focus on particular portions of the bill. We have concerns with schedule 9, however due to time constraints we will focus our comments on schedule 16 which contains the ARA changes.

Schedule 16

Our first concern is over the prohibiting of vertical zoning

> Exception
> (1.1) If a zoning by-law prohibits a site in a part of Ontario designated under subsection 5 (2) from being used for the making, establishment or operation of pits and quarries, any restriction contained in the zoning by-law with respect to the depth of extraction at the site is inoperative.

We do not believe it is appropriate to exclude depth of extraction from municipal zoning bylaws. According to the PPS, Municipalities have a responsibility to protect water within their jurisdictions. Removing the tool of vertical zoning, even if an objection/tribunal process becomes available places the financial burden of analyzing an amendment to go below the water table onto the Municipality. With vertical zoning, the peer review by municipal employees or contractors would be to the account of the applicant, where it belongs. From a free market philosophical view, the risk should always be placed on the beneficiary and this should be a near universal governance rule applied in general when it comes to legislation/regulation.

Further, with other activities such as multiple floor underground parking garages, the municipality clearly has the ability to vertically zoning already. We see no valid reason this should not extend to aggregate licence amendments.

With regard to conditions being placed on a licence by the LPAT or Minister

> Exception
> (1.1) Despite clause (1) (h), the Minister or the Local Planning Appeal Tribunal shall not have regard to road degradation that may result from proposed truck traffic to and from the site.

While this may be appropriate for some sites, we are concerned with disallowing such conditions outright. We can envision a situation where a site is very remote, requiring longer distance transport prior to entrance onto a provincial highway, thereby rendering the royalties insufficient to cover the costs of any degradation. We can accept that it should be rarely used, however we cannot accept that in a situation described above, the ratepayers of the municipality should be financially penalized for the financial benefit of a private company as a direct consequence of this change.

We do not believe it is appropriate to enact legislation that requires regulations, until the regulations have been posted, at least in draft form.

> (3.2) Despite subsection (3.1), a licensee may make such amendments to the site plan as may be prescribed without the approval of the Minister if the

amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee.

This sort of change should not be made without knowing the types of amendments that can be "prescribed" and the related conditions. Rather than wide changing omnibus bills, smaller bills along with their corresponding regulations should be analyzed together to determine the impact of changes. This change could be a positive direction with appropriate regulations, however without those regulations in hand, we strongly oppose its adoption.

On the topic of boundary expansion, we believe any licence area expansion should not be allowed without a de nova license application. That said, we could accept the following amendment, provided :

1. Wording is added such that the municipality must agree with the expansion, and
2. both sides of the road allowance are already licenced.

Amendment

(2) A licensee may apply to the Minister for an amendment of the licence and an amendment to the site plan to expand the boundaries of the area subject to the licence if,

(a) the proposed expansion area is wholly within a portion of a road allowance directly adjacent to the boundaries of the area subject to the licence; and

(b) the prescribed conditions, if any, are satisfied.

In general, we are very concerned with the further eroding of the powers of municipalities with regard to regulating where aggregate operations may be located and believe that due to budget constraints and the apparent inability of the province to live up to its responsibilities in terms of inspection and enforcement, that municipal powers should be significantly increased in these areas rather than decreased as we interpret this bills effects to be. We have difficulty comprehending why these changes, which we believe weaken protections for the environment and rural municipalities, are required. Aggregate is not a leading factor of the economy, rather it is an area of business which follows the economy as the true leading economic areas require. We see no appreciable change in the price of aggregate at the scales, nor indications the industry is in financial trouble. Without one of those 2 drivers objectively in place, we see no legitimate reason to make these changes.

We hope you will take these comments seriously and consider major revisions to the proposed Aggregate Resource Act changes in Bill 132 or remove it from the bill altogether.

-The Board of Directors of Protect Mono