

November 24, 2022

Public Input Coordinator  
MNRF - PD - Resources Planning and Development Policy Branch  
300 Water Street  
2nd Floor, South Tower  
Peterborough, ON  
K9J 3C7

To Whom it May Concern:

Re: **Flato Developments Inc. (“Flato”)**  
**Bill 23, *More Homes Built Faster Act, 2022* (“Bill 23”)**  
**Proposed Updates to the Ontario Wetland Evaluation System**

We are counsel for Flato, a community builder that has active projects in over 10 municipalities across the Province and is committed to helping address the housing crisis.

We write on behalf of our client to express support for the proposed amendments to the Ontario Wetland Evaluation System (“OWES”). The Ministry of Natural Resources and Forestry is proposing to add new guidance related to the evaluation of wetlands, and updates to the mapping of evaluated wetland boundaries, along with proposed changes to recognize the professional opinion of wetland evaluators and the role of local decision makers (“**Proposed Revisions**”). We appreciate the opportunity to file submissions with respect to these important legislative changes.

Our client is generally supportive of the Proposed Revisions as they provide flexibility, while serving and protecting the natural environment. The Proposed Revisions will facilitate a more logical and efficient approval process. They will also assist in getting more homes built and to market. We ask that you consider the below additional revisions and requested clarification.

Wetlands that are connected due to anthropogenic changes to the land should not necessarily qualify for complexing. Evaluation of a new potential complex should be based on overall function and contribution to the larger wetland. In some cases compensation or enhancement of the core wetland should be considered for removal of the lower functioning or anthropogenic pocket. The function and origin of those wetlands needs to also be considered in these cases. The amendments to the Wetland Size section in the OWES may alleviate some of these issues.

Including the isolated wetland section removes the complexing concern but it still notes that in order for a wetland to be isolated there can be no surface flow. In some cases there may be surface flow that is intercepted by a road and/or culvert but the wetland feature itself is opportunistic and should still be considered isolated. Where the hydrologic connection can be maintained without maintaining the entirety of the small wetland, it should be considered isolated.

Lastly, many wetlands in urban areas are choked by non-native or invasive species. These non-native or invasive species should not be viewed as wetland plants, and should not be viewed as one of the 3 requirements (vegetation, soils, and water) when evaluating a wetland. Invasive species should not be accounted for equally in the 50% rule. Also, more clarification needs to be provided regarding opportunistic species that could be wet or dry.

We respectfully ask that these submissions be considered in the OWES review.

Thank you for the opportunity to make this submission.

Yours truly,

**Dentons Canada LLP**



**Katarzyna Sliwa**  
Partner

KS/db

Copy: Client