

CLIMATE ACTION MUSKOKA Response to ERO Consultations 019-6216, 019-6217, 019-6218

SUBMISSION RE: Proposed Amendments to the Greenbelt Plan, Greenbelt Area boundary regulation (O. Reg. 59/05), and Oak Ridges Moraine Conservation Plan (O. Reg. 140/02)



December 4, 2022

Climate Action Muskoka

Climateactionmuskoka.org

This response to proposed amendments to the Greenbelt Plan is being submitted by Climate Action Muskoka. We are individuals concerned about climate change in Muskoka. We agree that climate change is the issue of our time, that we can and must take definitive action against it and that we are stronger if we take action together. We are an inclusive non-partisan group focused on positive change. We focus locally on education, community engagement to reduce GHG emissions and collaboration with municipalities to build a more resilient community as Muskoka transitions to a post-carbon future and a clean, green and just economy. For more information about our organization please visit climateactionmuskoka.org

We are submitting our response to proposed Amendments to the Greenbelt Plan ERO numbers 019-6216, 019-6217 and 019-6218 because their implementation will make achievement of the critical climate goals set by municipalities and regions unattainable. Indeed, it will increase GHG emissions and make it impossible to achieve the legislated commitments to GHG reductions of 50% by 2030, reaching zero by 2050.

The passing of Bill 23 and these attendant proposed amendments meant to support it are deeply connected and deeply flawed.

First, we see any intrusion into the Greenbelt as a climate catastrophe for Ontario. It opens the door to further incursions and sets a precedent which will affect municipal land use planning across the province.

Second, we see amending the Greenbelt Act, 2005 as an appalling abuse of provincial power to benefit a few PC-friendly developers, some of whom bought these specific parcels of land as late as September, 2022 bringing up the question of whether they had prior knowledge of the pending legislation to remove them from the protected Greenbelt. Calls have been launched for the Integrity Commissioner to investigate these purchases.

Third, the actual boundaries and expanse of the Greenbelt were set based on deep environmental knowledge of areas at risk, areas of high environmental significance, areas vital to the integrity of the biosphere and areas providing natural services, such as flood protection, water purifying services and carbon sequestration to the Greater Toronto area, and indeed to the climate in Ontario. You cannot just willy-nilly substitute one natural area for another.

Bill 23 will not create *affordable* homes in already serviced communities, but rather accelerate climate-wrecking greenhouse gas emissions (GHGs) by creating massive sprawl, more areas of asphalt, and increased fossil vehicle travel. Suburban car-dependent subdivisions are ***not*** *affordable* for the majority of those needing housing, nor do they provide rental options. So, to say it is meeting the housing need is a falsehood upon which amendments to the Greenbelt are being predicated. It is appalling to imagine that some of the sprawl envisioned in these amendments will extend into areas clearly protected by law in 2005.

The majority of those seeking housing in the GTA want and need both active and public transportation, including walkable communities. New builds should be required to use green building standards and to build in these already serviced urban greenfield areas, not sprawling into Greenbelt subdivisions. Existing urban boundaries in Ontario communities are more than sufficient to achieve the much-needed new *attainable* housing and to accommodate the predicted population increase up to 2050. Building in those areas will be the only way to reach the significant GHG reductions required by the climate imperative.

Instead, what these amendments will do is set a precedent which can be applied elsewhere in Ontario and will open the door for developers to pave over wetlands, farmlands, forests and waterways that were previously protected and are provincially significant under current OWES definitions. These wetlands are essential to addressing the climate crisis. Bill 23 exacerbates sprawl, undermines affordability, creates car dependent communities and ends the use of municipal green building standards. Bill 23 and these Greenbelt amendments in conjunction with all the other amendments planned to other Acts to enable Bill 23 goals will set Ontario on a new path with little to no consultation with Indigenous groups or the public in general and indeed will remove the democratic right to public consultation. The only winners here are the builders of new subdivisions. The losers are the citizens of Ontario, our municipalities, and everyone across Canada who is looking for leadership in developing *housing that is part of the climate solution*, not part of the climate problem.

Bill 23 in itself is an appalling abuse of power. In conjunction with precedents set in these amendments and in the OWES amendments, its seriousness cannot be overstated and is of particular concern to us in Muskoka. It strips municipal powers to enact *any*policies around land use, climate action, wetland protection, regional/District decision-making, building, and watershed-wide decision-making. It disregards Indigenous and Treaty rights. These local policies are essential to the protection of our deeply-entwined environment and economy in Muskoka.

Bill 23 gives the Province the right to supersede municipal planning decisions, which we have already seen in the province’s rejection of Hamilton Council’s decision to freeze its urban boundaries, including Official Plans; it gives the Province the right to override planning proposals and the advice of staff, including experts like the Muskoka Watershed Council, a critical science table advising local government on watershed planning; it silences Conservation Authorities (CAs) and other environmental groups protecting the Greenbelt and other environmentally sensitive areas; it withdraws the rights of citizens to be informed of new developments and of the right to appeal; it eliminates development fee revenues necessitating a rise in municipal taxes which will eliminate municipalities’ ability to hire staffing to address climate initiatives; it eradicates the ability to have watershed-wide regional planning which is already ongoing in Muskoka funded by the Ontario government; it redefines what a provincially significant wetland is; it overrides green building standards and the municipal power to require developers to build with climate mitigation and adaptation in mind; and it ensures that any significant responses to the declared Climate Emergencies in Muskoka are unattainable.

This Bill was undemocratically introduced on purpose on the day after the municipal election - at a time when municipalities were in transition disarray between the old and new councils, indeed when there was no elected government in the District of Muskoka and some of its lower-tier municipalities; it gave a very short public response timeline preventing new councils and citizens from having adequate time to consider the long-term ramifications and to respond in depth. Indeed, even these consultations with closing dates before most new Councils have even met for the first time are unacceptable in a democracy. We call on the ERO to extend consultations to give municipalities and other groups an appropriate amount of time to respond.

Following, please find a deeper analysis of Bill 23, Build More Homes Faster Act, and its attendant amendments to the Greenbelt Act et al. These points have been identified as key concerns by our organization.

* **Ecological, wholistic watershed planning is eradicated**. It is being replaced by political boundary decision-making which will eradicate the integrated planning of lower tiers of government. As written, it will seriously compromise our region’s ability to protect wetlands, forests, farmlands and fragile ecosystems. Decision-making will be fragmented and resources inadequate to do the job in every little community. This is a gift to developers and they are celebrating. It is also a nail in the coffin of climate mitigation and adaptation.
* **Green Building Standards are gutted.** The provisions of this Bill particularly attack municipalities’ ability to require green building standards some of which are already in place in many communities across the province. While our local municipalities across Muskoka were only just on the verge of developing green building initiatives, this provision will seriously impact our ability to put the necessary standards in place. This means that it will be more difficult to build energy-efficient, climate resilient buildings which are both more affordable for residents and essential if we are to meet the legislated commitments to reduce GHG emissions as adopted by both District and municipalities across Muskoka.
* **Climate Action will be restricted.** We know buildings and transportation are the two highest sources of greenhouse gas (GHG) emissions. Implementing upfront building standards (low carbon materials, air-source heat pumps) is far cheaper than the cost of retrofits down the line and saves home-owners considerable energy costs. Bill 23 will severely restrict and even eliminate the ability of a municipality to require this upfront energy efficiency in the design of new housing.
* **Wetlands will be redefined.** This legislation changes the criteria for the designation of critical wetlands and will result in the removal of some of our most essential natural heritage. The new criteria will make it difficult to protect wetlands from development. This weakens our ability to respond to climate change, maintain essential biodiversity, prevent flooding in extreme weather events and retain irreplaceable carbon sinks.
* **Conservation Authorities stripped of power.** Conservation Authorities (CA) will no longer rule on the environmental impact of a proposed development on protected farmland (our food security), habitat, and waterbodies. The CA will not be able to prevent construction debris from impacting water supplies. This Bill opens the door to more contamination of land and water, more flooding and landslides. While we do not have a Conservation Authority in Muskoka, we are working hard to implement an Integrated Watershed Management Plan to make land use planning decisions to protect both the economy and ecological integrity of Muskoka, an imperative if we are to respond to the urgency of the climate crisis. This Bill will jeopardize not only our region’s opportunities to make climate responsible decisions across all jurisdictions but it will also harm climate resiliency across all of Ontario.
* **Changes to the Planning Act will impact site plan approvals.** Some requirements for plans of subdivision, industrial parks, businesses and site plan approvals will not require approval. By amending sec. 23 of the Planning Act, Ministerial Zoning Orders can be used to overturn municipal decisions. This could open Muskoka to massive development exploitation at a time when protecting Muskoka for future generations has become an increasingly shared value across the District.
* **Development fees, community benefit charges and parkland requirements will be removed** including but not limited to affordable housing. This will seriously diminish the ability of municipalities to do their own planning, to manage their own budget, to protect any land, or have policies to try and protect the environment or the economy.
* **Tax increases** will be the only way for municipalities to pay for development when these development fees and permitting approvals are removed at the municipal level in order to expedite building. Municipalities will need to pay for the infrastructure services into these new developments in spite of being unable to collect development fees. There is no guarantee that the savings to developers to expedite building will be passed on to buyers to reduce costs and make housing more affordable.
* **It violates Treaty and Indigenous Rights.** Consultation and reconciliation efforts are not addressed in this Bill. Nowhere is there room for an Indigenous voice at the table.
* **Bill 23 overrides Democratic Rights.** Bill 23 removes requirements regarding public notification and public meetings on planning matters and removes the right for citizens to appeal planning decisions. These provisions infringe on our democratic rights and principles and must not be supported.
* **It overrides municipalities’ right to manage their money.** Bill 23 requires municipalities to spend or allocate 60% of reserve funds annually making it difficult if not impossible to use development charges to gather funds for large infrastructure projects and for future needs for infrastructure growth.
* **Less not more affordable housing** will be the outcome of this Bill. Housing experts, including this government’s own advisory board, state the urgent need for both an efficient use of limited resources, materials and infrastructure, and the need for densification in existing communities to meet the housing crisis. This bill will not deliver more housing, just bigger housing with more massive sprawl into rural areas – a developer’s dream, a climate nightmare.

The only benefactors of Bill 23 and all the subsequent amendments to the Greenbelt Act and the other various Acts will be a few developers and land speculators who will profit enormously. Bill 23 and its attendant amendments are a developers’ charter for unrestrained and unregulated growth. None of these changes will contribute to more affordable and attainable housing. Instead, they will undermine our ability to build climate resilience into livable and affordable neighbourhoods. They will gut environmental protections and prevent decisive climate action.

The Secretary General of the UN, at the opening of COP27 said, “We are on the highway to climate hell with our foot firmly on the accelerator.” Bill 23 and its attendant amendments is a” Made in Ontario” example.

We submit our request that no amendment that takes any land out of the Greenbelt be allowed and indeed that the Act be amended to definitively state this. A further amendment to the Act needs to be that the Greenbelt is protected in perpetuity as part of Ontario’s commitment to GHG mitigation and to meeting our climate obligations to hold global temperature rise to below 1.5C.

Climate Action Muskoka

[climateactionmuskoka@gmail.com](mailto:climateactionmuskoka@gmail.com)

<https://www.climateactionmuskoka.org/>