



Ontario
Home Builders'
Association

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Ministry of the Environment, Conservation & Parks
Environmental Policy Branch
40 St Clair Avenue West, 10th Floor
Toronto, ON M4V 1M2

Proposal Number: ERO # 019-6240

RE: Amendments to Certain Requirements under the Excess Soil Regulation

The Ontario Home Builders' Association (OHBA) is the voice of the residential construction industry in Ontario. OHBA represents over 4,000 members including builders, developers, professional renovators, trade contractors and many others within the residential construction sector.

Background

As previously noted in OHBA comments to the Ministry of the Environment, Conservation and Parks as well as the Resource Productivity & Recovery Authority (RPRA), a considerable amount of the price of new housing is tied directly to fees and costs outside the control of development proponents. These costs are passed onto new home buyers, making new housing increasingly unaffordable and out of reach for thousands of Ontario families.

Feedback

The first proposed amendment notes that projects taking place on land that is currently agricultural, residential, parkland or institutional, that planning requirements would not apply. OHBA takes this to mean that a proponent would not have to file a notice on the registry, a proponent would not be required to have formal reports completed such as assessment of past uses, excess soil destination report, etc and finally they would not have to have a tracking system in place (drivers would just need to maintain a hauling record while moving soil off of a project area). This would apply for any soil volume, as long as the project proponent determines that the project area was not used as an enhanced investigation project area and that it has not been impacted by historical contamination. Previously, the regulation only allowed this exemption for low-risk projects if they were moving less than 2,000 m³.

OHBA requests further details under the proposed change on what reuse sites will require in order to accept the material. Reuse sites still need to ensure the material they are bringing in does not impact their land, so they may still require sampling, and they have the freedom to set the sampling requirements that they feel comfortable with and will work for local industry. OHBA would imagine in most cases the reuse sites will not request a soil sample every 200m³ as the regulation requires, but instead maybe some confirmatory samples, or a review by a qualified person. In any case, this should relieve some direct costs to builders and therefore new home buyers.

The second proposed amendment is to increase the allowable stockpile volumes. Previously, stockpiles could only be 2,500m³, and the proposal to increase this limit to 10,000m³ is welcomed by industry. This practical



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change is positive for housing affordability as this will increase the ability for builders to move soil and begin the home construction process.

OHBA recognizes that generating excess soil from construction is a necessary and significant by-product of robust economic development, that of building more homes. Properly managing this resource in a comprehensive, cost effective and practical way is the ultimate goal that should be shared by the Ministry and stakeholders. Furthermore, it is important that in order for this regulation to be successful, that the Ministry dedicate the needed capital and resources to RPRA and towards education for registry users. This will assist with compliance and ensure that those moving soil are put in a position to meet the spirit and intent of the regulation.

We thank the Ministry for the opportunity to comment on these proposals. We also recognize that there is still more work to do and OHBA as a critical housing stakeholder in the housing sector may provide further comments at a later date. We look forward to continuing engaging with the Ministry in order to ensure these proposals are aligned with the goals of improving housing attainability.