



Thursday, November 17, 2022

Sent via email

The Honourable Doug Ford, Premier of Ontario

The Honourable Steve Clark, Minister of Municipal Affairs and Housing

The Honourable Graydon Smith, Minister of Natural Resources and Forestry

The Honourable David Piccini, Minister of Environment, Conservation and Parks

Dear Premier Ford, Minister Clark, Minister Smith, and Minister Piccini,

Re: Bill 23, the More Homes Built Faster Act

We are writing to you in response to Bill 23, the More Homes Built Faster Act, which was announced on Tuesday, October 25th, 2022.

The Essex Region Conservation Authority (ERCA), like all 36 Conservation Authorities across Ontario, supports the province's effort to build more homes faster, reduce unnecessary barriers to development and streamline processes. However, we are concerned that the proposed legislative changes may have unintentional, negative consequences. Rather than creating the conditions for efficient housing development, these changes may jeopardize the province's stated goals by increasing risks to life and property for Ontario residents.

This contradicts the Insurance Bureau of Canada's recommendation which cites an "urgent need for the housing industry and governments to more openly consider and disclose natural hazard and climate risk ... because of the increasing frequency and severity of natural disasters....". In fact, in 2019, the province's own Special Advisor on Flooding, Douglas McNeil, recommended that the province support municipalities and conservation authorities during land use planning due to their vital role in protecting Ontarians and reducing disasters that are occurring in other parts of Canada where conservation authorities do not exist. In recent years, both Alberta and British Columbia have suffered catastrophic losses associated with flooding - costs which are only expected to continue to rise as climate change events become more frequent. Conservation Authorities remain a fundamental reason Ontario has not seen impacts to this extent.

The proposed prohibition to enter Memorandums of Understanding (MOUs) with municipalities for programs or services related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, coupled with the Section 28 permit exemption for development approved under "prescribed Acts", are of particular concern. As proposed in the legislation, the Conservation

Authorities Act restrictions and exemptions may impede and hinder one of the core functions of authorities, which is to facilitate, support and uphold integrated watershed management. The multi-agency approach has been highly successful in ensuring that development has proceeded in a sustainable manner, and we question a directive that would prevent our local municipalities from engaging the conservation authority in support of any municipal function, especially land planning and development, where our responsibilities converge and interrelate.

Across the Windsor-Essex-Pelee Island region, municipalities rely on ERCA's expertise to inform environmental assessments and provide input on official plans, studies, and development applications. This process ensures a watershed-based approach and enables connections to be made between flood control, wetlands, and other green infrastructure, ensuring safe development. In fact, ERCA was a key contributor in recent efforts to ensure that the new Stellantis EV battery plant could be safely sited in such a way that reduces flood risk to itself while also ensuring that it did not negatively impact downstream development. To remove conservation authorities completely from these processes, may compromise our crucial role in mitigating risks of natural hazards.

In addition, it is proposed that the Minister can direct a conservation authority to freeze its fees at any time. This change puts additional pressure on Conservation Authorities and Municipalities. Like the Association of Municipalities of Ontario, we, too, are concerned that unless fully offset by funding to support growth-related projects, maintaining fees at current levels will shift the financial burden of growth-related infrastructure onto existing municipal taxpayers, inappropriately transferring the fiscal responsibility from private developers to the public, which is in clear contradiction of the user-pay principle

Within the Windsor /Essex region, there is only 8.5% natural cover in existence. The bulk of the remnant natural heritage features are situated within floodplain valley land corridors that are fully regulated through Section 28. As the CA (Conservation Authorities) Act regulations are permissive, if no consideration is given to the significance of the natural features present, engineering re-assessments of the valley land features could proceed, allowing for further eradication of the minimal remnant natural heritage of the region. The changes proposed to the Ontario Wetland Evaluation System, in removing the review and approval role of the Ministry of Natural Resources and Forestry, are also of significant concern. The changes to the criteria used to evaluate wetlands and wetland complexes have been significantly altered to make it more difficult for new wetlands to meet the criteria for identification as Provincially significant and easier for existing PSWs to be re-evaluated and shown to not meet the criteria for Provincial significance. Wetlands play a critical role in mitigating floods. In a region where nearly 98% of the wetlands have disappeared, providing an easy mechanism like offsetting could alter this region's risk profile and make our residents more vulnerable to flooding, erosion and the effects of climate change.

These are just some of the concerns that we, as the ERCA Board of Directors and representatives of our respective municipalities have, regarding this Bill. We believe it is critical that the government press pause on the proposed changes and meet with Conservation Authorities and Municipalities to clarify and consider more effective alternatives. It is our hope that we can work with you again to safeguard the best possible outcomes for the Windsor-Essex-Pelee Island region, and for the people of Ontario.

Sincerely,
On behalf of the ERCA Board of Directors



Tania Jobin, Chair



Kieran McKenzie, Vice Chair

Cc. ERCA Board of Directors
Tim Byrne, CAO/Secretary-Treasurer, ERCA
Mayor, Municipal Councilors and CAOs, Windsor/Essex/Pelee Region
The Honourable Andrew Dowie, MPP (Windsor-Tecumseh)
The Honourable Anthony Leardi, MPP (Essex)
The Honourable Lisa Gretzky, MPP (Windsor-West)
The Honourable Trevor Jones, MPP (Chatham-Kent-Leamington)
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The Honourable Brian Masse, MP (Windsor-West)
The Honourable David Epp, MP (Chatham-Kent-Leamington)