

September 3, 2021

VIA email

Public Input Coordinator
NDMNRF - RPDPB - Water Resources Section
300 Water St, 6th Floor South
Peterborough, ON
K9J 3C7

**Re: Regulation – Time to Grant Permission and Enter into a Compensation Agreement on Lands Subject to Zoning Order O Reg 568/21
ERO Number 019-4097**

Canadian Environmental Law Association (CELA) recommends that consultation on the above-noted proposal¹ immediately cease and that no decision be made, until such time as additional detail (including a draft regulation) and an adequate comment period are provided to allow the public to meaningfully participate in the decision-making, pursuant to the intent of Ontario's *Environmental Bill of Rights, 1993*.

To the best of CELA's knowledge, this is the first instance of a proposed regulation dealing with substantive conditions that will apply to a mandated conservation authority authorization, pursuant to a Minister's Zoning Order. As such, it is crucial that the public be given the opportunity to participate in this decision fully and meaningfully before it is implemented. There are many barriers to effective and meaningful public participation, as outlined below.

First, notice was posted on August 6, 2021, simultaneous with the Minister's Zoning Order being made². An information bulletin about the Minister's Zoning Order³ was not posted on the Environmental Registry until yesterday (September 2, 2021), with just 4 days left in the comment period.

¹ Environment Registry of Ontario (ERO) proposal notice, "Regulation – Time to Grant Permission and Enter into a Compensation Agreement on Lands Subject to Zoning Order O Reg 568/21" (ERO Number 019-4097); see <https://ero.ontario.ca/notice/019-4097> and attachment.

² O Reg 568/21: ZONING ORDER - TOWN OF INNISFIL; see <https://www.ontario.ca/laws/regulation/r21568>.

³ ERO bulletin notice, "Ontario Regulation 568/21 - Zoning Order in the Town of Innisfil" (ERO Number 019-4161); see <https://ero.ontario.ca/notice/019-4161> and attachment.

Second, notice was given for 31 days, ending on a statutory holiday, being Labour Day (September 6, 2021). This, effectively, reduces the comment period, which already is inappropriately timed to overlap with a time when many are taking summer vacation.

Third, the contact identified on the ERO notice is generic.⁴ This frustrates the ability of a member of the public to get additional details on the proposal; even more so when many public servants will be taking vacation during the term of the comment period (which falls in the latter part of summer and prior to Labour Day).

Fourth, the only link under “Supporting materials” is to the *Conservation Authorities Act*. There is no link to the Minister’s Zoning Order, nor to the (belated) ERO Bulletin that describes it.

Fifth, while this is a proposed regulation, there is no draft language to review and the content in the ERO notice is not helpful in determining the potential for environmental impact. The provisions under which this regulation will be made anticipate that there will be disruption to the natural environment that would normally be prohibited. There needs to be additional information provided to understand the potential impacts and specificity needed regarding whether any proposed “ecological compensation” is even possible, before a claim of “environmental consequences of the proposal are neutral” can be assessed.

For all these reasons, CELA believes the notice and associated information is woefully insufficient.

Substantively, CELA remains opposed to the imposition of arbitrary and unduly short timelines for the issuance of authorizations or execution of compensation agreements. The ERO notice provides no justification for the suggested 45-day and 90-day time limits. Further, compelling a conservation authority to meet truncated deadlines to fulfill demands of private developers is contrary to the public interest.

CELA recommends that consultation cease immediately and that no decision be made at this time. When additional detail (including a draft regulation) is made available, CELA recommends that the comment period be re-started to allow the public to meaningfully participate in the decision-making, pursuant to the intent of Ontario’s *Environmental Bill of Rights, 1993*.

Further, CELA stresses our on-going concern that rather than allowing for meaning community dialogue about the suitability of proposed developments (such as the one that is anticipated within this proposal), decisions are being made by means of Minister’s Zoning Orders and are

⁴ ERO Number 019-4097 contains these details under “Connect with us”:

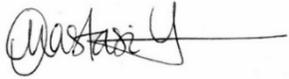
Public Input Coordinator

Phone number: (705) 313-5835

Email address: mnrwaterpolicy@ontario.ca

being implemented without allowing conservation authorities to adequately fulfill the integrated watershed-management role for which they were created.

Sincerely,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read "Anastasia M Lintner", with a long horizontal stroke extending to the right.

Anastasia M Lintner
Special Projects Counsel, Healthy Great Lakes

Cc: Tyler Schulz, Acting Assistant Auditor General, Commissioner of the Environment

Enclosure



Regulation – Time to Grant Permission and Enter into a Compensation Agreement on Lands Subject to Zoning Order O.Reg. 568/21

ERO.(Environmental Registry.of.Ontario) number 019-4097

Notice type Regulation

Act Conservation Authorities Act, R.S.O. 1990

Posted by Ministry of Natural Resources and Forestry

Transferred to Ministry of Northern Development, Mines, Natural Resources and Forestry

Notice stage Proposal

Proposal posted August 6, 2021

Comment period August 6, 2021 - September 6, 2021 (31 days) Open

Last updated August 6, 2021

This consultation closes at 11:59 p.m. on:

September 6, 2021

Proposal summary

The ministry is proposing a regulation that would set a timeframe for a permission to be issued and for an ecological compensation agreement to be signed under s.28.0.1 of the *Conservation Authorities Act* for development on lands described in Ontario Regulation 568/21 (Zoning Order — Town of Innisfil, County of Simcoe).

Proposal details

Proposed Regulation

A regulation is being considered by the Minister of Northern Development, Mines, Natural Resources and Forestry which would require the Lake Simcoe Region Conservation Authority (LSRCA) (Lake Simcoe Region Conservation Authority) to issue a permit for the development on lands within the specified MZO within a certain timeframe (45-days) of receiving a development application.

LSRCA (Lake Simcoe Region Conservation Authority) and the proponent are also required to enter into an agreement whereby the proponent will compensate for ecological impacts caused by the development. A regulation is being considered by the Minister for this site which would require the ecological compensation agreement to be signed within 90 days after the permit is issued, while allowing the development to begin before the agreement is signed. This approach would expedite development while continuing to require compensation for ecological impacts.

Background

On October 14, 2020, the Town of Innisfil (supported by Simcoe County Council) requested that the Minister of Municipal Affairs and Housing (MMAH) (Minister of Municipal Affairs and Housing) consider making a Minister's Zoning Order (MZO) (Minister's Zoning Order) to provide certainty for the delivery of a transit-oriented community centred around a new GO Station to ensure that the GO Station is used efficiently and to increase housing supply.

Innisfil's proposal envisions a mixed-use community based on principles of transit-oriented development. This aligns with the provincial government's commitment to transit-oriented communities and fostering development as part of a province-wide economic recovery strategy.

MMAH (Minister of Municipal Affairs and Housing) issued a zoning order on August 6, 2021 for the requested lands, as described in Ontario Regulation 568/21 (Zoning Order – Town of Innisfil, County of Simcoe).

Where there is an ~~MZO (Minister's Zoning Order)~~ on land outside the Greenbelt, section 28.0.1 of the *Conservation Authorities Act* requires a conservation authority to issue a permit and enter into an agreement with the proponent to compensate for ecological impacts from the development. Conservation authorities may include conditions on these permits, including to address risks to people and property from natural hazards like flooding and erosion.

Regulatory Impact Statement

- Anticipated environmental consequences of the proposal are neutral as it maintains the permitting and ecological compensation requirements under the *Conservation Authorities Act*.
- Anticipated social and economic consequences of the proposal are positive, as it will help expedite development that will provide housing, economic development, employment and transportation in the area.
- No new administrative costs to businesses are associated with this regulation.

Supporting materials

Related links

[Conservation Authorities Act](https://www.ontario.ca/laws/statute/90c27#BK43Resources)
(<https://www.ontario.ca/laws/statute/90c27#BK43Resources>)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

NDMNRF - Resources Planning and Development Policy Branch

300 Water Street, 2nd Floor, South Tower
Peterborough, ON
K9J 8M5
Canada

Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the ERO (Environmental Registry of Ontario) number for this notice in your email or letter to the contact.

[Read our commenting and privacy policies. \(/page/commenting-privacy\)](#)

Submit by mail

Public Input Coordinator
NDMNRF - RPDPB - Water
Resources Section
300 Water St, 6th Floor South
Peterborough,, ON
K9J 3C7
Canada

Connect with us

Contact

Public Input Coordinator

 [\(705\) 313-5835](tel:(705)313-5835)

 mnrwaterpolicy@ontario.ca

Ontario Regulation 568/21 - Zoning Order in the Town of Innisfil

ERO (Environmental Registry of Ontario) number 019-4161

Notice type Bulletin

Act Planning Act, R.S.O. 1990

Posted by Ministry of Municipal Affairs and Housing

Bulletin posted September 2, 2021

Last updated September 2, 2021

This notice is for informational purposes only. There is no requirement to consult on this initiative on the Environmental Registry of Ontario. Learn more about the [types of notices \(/page/glossary#section-4\)](/page/glossary#section-4) on the registry.

Bulletin summary

On August 6, 2021, the Minister of Municipal Affairs and Housing filed a Zoning Order, made pursuant to clause 47(1)(a) of the *Planning Act*, with the Registrar of Regulations as Ontario Regulation 568/21 (O.Reg. (Ontario Regulation) 568/21). The Town of Innisfil requested that the Minister consider making a Zoning Order.

Why consultation isn't

Part II of the *Environmental Bill of Rights Act, 1993* does not apply to proposal to make a Minister's Zoning Order (MZO) under subsection 47(1) of the *Planning Act*, or to amend or revoke an MZO (Minister's Zoning Order) under subsection 47(8) of the *Planning Act*.

required

Bulletin details

A Zoning Order, made pursuant to clause 47(1)(a) of the *Planning Act* regulates the use of land and the erection, location and use of any building and structure on the land.

[O.Reg.\(Ontario Regulation\) 568/21](#) applies to lands described as Part of Lots 21, 22 and 23, Concession 6 and Part of Lots 21, 22 and 23, Concession 5 in the Town of Innisfil, County of Simcoe. For illustrative purposes the lands are shown in the map, the link to which is set out below.

[O.Reg.\(Ontario Regulation\) 568/21](#), made on August 6, 2021, permits a range of urban commercial and residential uses to support the establishment of a transit oriented community in the vicinity of a planned GO train station. Existing environmental features are identified and protected within the Zoning Order.

Pursuant to subsection 47(4) of the *Planning Act*, and except for the purposes of section 24, the Minister deemed [O.Reg.\(Ontario Regulation\) 586/21](#) to be and to always have been a by-law passed by the Council of the Town of Innisfil, with the exception of the permitted uses identified within the Zoning Order.

Supporting materials

Related files

[Location Map \(https://prod-environmental-registry.s3.amazonaws.com/2021-08/Location%20Map_0.jpg\)](https://prod-environmental-registry.s3.amazonaws.com/2021-08/Location%20Map_0.jpg)
jpg.(Graphic file) 4.38 MB

Related links

Ontario Regulation 568/21

(<https://www.ontario.ca/laws/regulation/210568>)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Municipal Services Office - Central Ontario

13th floor

777 Bay Street

Toronto, ON

M7A 2J3

Canada

 [1-800-668-0230](tel:1-800-668-0230)

Connect with us

Contact

Maya Harris

 [416-585-6063](tel:416-585-6063)

 maya.harris@ontario.ca