



October 29, 2010

Via E-mail (ken.petersen@ontario.ca)

Ken Petersen, Manager
Ministry of Municipal Affairs and Housing,
Legislation and Research Section,
777 Bay Street, Floor 14
Toronto, ON
M5G 2E5

Dear Mr. Petersen:

**Re: Provincial Policy Statement (2005), 5-year Review
*Environmental Bill of Rights Registry Number 010-0766***

In addition to Ecojustice Canada's and Canadian Environmental Law Association's comments which you have received separately as part of the Submissions of Planning for Sustainability: A Provincial Policy Statement Collaborative, we would like to emphasize some important factors we hope you will consider in your review.

Ecojustice Canada (Ecojustice) and Canadian Environmental Law Association (CELA) have had the opportunity to read the submissions regarding urban forests (Local Enhancement and Appreciation of Forests), affordable housing (Wellesley Institute) and integrated community energy planning (Quality Urban Energy Systems of Tomorrow). We support those submissions and encourage you to consider how they link to the vision of sustainability promoted by Planning for Sustainability.

In this letter, we wish to specifically highlight three crucial factors that we recommend you consider in your review.

1) Ecojustice and CELA participated in the review that resulting in significant improvements in land use planning in 2005. We are supportive of many of the existing polices, which can now be further strengthened to reflect the Province's continued commitment to and progress made towards sustainability. For example, much of the existing water and energy policy language in the Provincial Policy Statement 2005 is very good. However, those policies do not always result in corresponding changes to local planning documents (Official Plans, etc.). As such, the Provincial Policy Statement can be strengthened by ensuring there are complementary mechanisms that evaluate the effectiveness of the policies and allow for adaptive management to realize the Province's vision.

2) Ecojustice and CELA strongly encourage the Ministry to create a province-led land use planning system that employs an ecosystem approach. We attach for your

information a policy brief research and written by Katie Tucker, which discusses the role of the ecosystem approach in the province's land use planning regime.

3) As we have prepared the submissions on behalf of Planning for Sustainability, Ecojustice has conducted a number of workshops both inside and outside Toronto. One message that has been very clearly articulated is the local frustration regarding land use changes that are consistent with the Provincial Policy Statement and inconsistent with the values/vision of the local community. In particular, the land use preference provided for aggregate extraction in the PPS is very often at odds with the local community's vision for natural heritage. These conflicts can be addressed before they escalate into litigation by more clearly articulating within the PPS how implementation and interpretation is meant to fulfill the vision and prioritize protection for human health and the environment in cases of conflict or inconsistency among the various policies.

We hope that you find our submissions helpful in your review. We would be happy to meet and discuss our recommendations further. Please feel free to contact Anastasia at 416-368-7533 x30 or by email at alintner@ecojustice.ca to arrange a meeting. We look forward to on-going discussions with you as you complete your review and consult on proposed changes to the PPS.

Sincerely,



Anastasia M. Lintner
Ecojustice Canada



Theresa McClenaghan
Canadian Environmental Law
Association

encl.

cc: Gord Miller, Environmental Commissioner of Ontario