



Submission to: Standing Committee on Heritage, Infrastructure and Cultural Policy
Ontario Legislature
Whitney Block Room 1405
99 Wellesley Street West
Toronto, ON M7A 1A2

Date: November 15, 2022

Subject: Bill 23, *More Homes Built Faster Act, 2022*

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November 15, 2022

Ms. Laurie Scott MPP
Chair,
Standing Committee on Heritage, Infrastructure and Cultural Policy
Ontario Legislature
Whitney Block Room 1405
99 Wellesley Street West
Toronto, ON M7A 1A2

Subject: **Ducks Unlimited Canada Submission**
Bill 23, *More Homes Built Faster Act, 2022*

Dear Ms. Scott:

For over 80 years, Ducks Unlimited Canada (DUC) has been Canada's leader in wetland conservation. Using sound science, DUC works with landowners, government agencies and other partners to protect, enhance and restore wetlands. In Ontario alone, DUC has conserved more than one million acres of wetland and associated habitat which support Ontario's resiliency against flooding, improved water quality, increased habitat for species at risk, and access to healthy outdoor recreation for people. As one of Ontario's leading non-governmental conservation organizations, DUC believes that sustainable land use planning and informed decision-making play key roles in improving the ecological health of Ontario.

The protection and restoration of wetlands and associated natural heritage systems and watersheds are critical to addressing the impacts of climate change and to building naturally resilient landscapes.

DUC has reviewed Bill 23's proposed legislative amendments, along with the various other concurrent public consultations, Environmental Registry and Regulatory Registry postings associated with the *Ontario Housing Supply Action Plan 2022-2023*.

DUC understands this government's commitment and priority to help enable an increased supply of housing for Ontarians. Consistent with our input to the Province's Housing Affordability Task Force and active participation on the Rural Ontario Municipal Association Attainable Housing Task Force, DUC is supportive of some aspects of Bill 23 and the *Action Plan 2022-2023*, particularly those proposals that:

- encourage urban and community intensification,
- make best use of existing provincial and municipal infrastructure,
- capitalize upon existing and future mass transit systems and
- limit or preclude urban and community sprawl to rural areas.

Despite this targeted support for some aspects of what the government is proposing through Bill 23, DUC is very concerned about various proposed legislative amendments to the *Conservation Authorities Act* (Schedule 2) and *Planning Act* (Schedule 9), on the basis that these proposed amendments potentially threaten to accelerate the loss of wetlands and their associated ecosystems, including impacts on water and other climate mitigation and adaptation service benefits.

From our understanding of the proposed changes under Bill 23, there may be an incorrect belief that wetland and other critical natural infrastructure features are barriers to enabling increased affordable housing supply and that the role of conservation authorities needs to be limited to more-readily achieve community and provincial housing targets. DUC does not share that belief, nor does the Province's Housing Affordability Task Force 2022 Report point to wetlands, natural heritage systems or the role of conservation authorities as barriers to the province's housing supply. DUC has long maintained that natural infrastructure must be included in planning and development proposals for more climate resilient, healthy, livable communities. We maintain that these goals are achievable in concert with actions to increase housing supply and we are concerned that Bill 23 does not adequately embrace the need to pursue the dual, concurrent imperatives of pursuing environmentally sustainable landscapes and an increased, and affordable, housing supply for Ontarians.

DUC values Ontario's conservation authorities for their role in flood management, watershed management and their invaluable landowner stewardship work. We are proud to work in partnership with Conservation Ontario and its conservation authority affiliates across the province that share our commitment to conserving and restoring wetland and supporting upland habitats.

We strongly support initiatives to streamline approval processes for low-risk projects including habitat restoration projects, but are concerned about several key aspects of the proposed *Conservation Authorities Act* and the *Planning Act* amendments including:

- limiting the regulatory focus of conservation authorities to only natural hazards, which will leave many wetlands at risk to development and loss,
- amending *Conservation Authorities Act* sections 21.1.1 and 21.1.2 to preclude the opportunity for municipalities to engage conservation authorities in technical and land use planning reviews beyond the scope of natural hazards,
- amending *Conservation Authorities Act* Section 28.1 to remove the "conservation of land" as a regulatory consideration for conservation authorities and
- amending various sections of the *Planning Act* to expedite land use development without the benefit of conservation authority review, permitting or appeal.

From our perspective, the cumulative impacts of these proposed amendments may:

- result in a significant lack of available expert natural heritage capabilities to inform municipal land use planning decision making,
- create uncertainty around which public bodies will be responsible for wetland and natural heritage land use planning expertise, particularly given that provincial ministries no longer play an active role in municipal plan input and review,
- result in land use planning decisions being made without the benefit of watershed level perspectives and
- not help communities address the urgent and growing challenges of climate change mitigation and adaptation and the need to ensure the maintenance and restoration of resilient natural systems.

After careful consideration, DUC recommends that the Committee request that the Government remove Schedule 2 (*Conservation Authorities Act*) and the conservation authority related proposals contained in Schedule 9 (*Planning Act*) from Bill 23, to provide more time for government to engage municipalities, the development industry and the conservation community in solutions that ensure important natural features and systems are protected and enhanced.

DUC notes that this deferral of Schedules 2 and 9 would allow government, stakeholders and the public, a better opportunity to engage on the promise of potential improvements to other aspects of Ontario's approach to wetland protection and restoration through concurrent government proposals contained in the broader *Ontario Housing Supply Action Plan 2022-2023*, such as the review of the *Ontario Wetland Evaluation System* manual, a new opportunity for wetland and natural heritage offsetting, and input to the review of the *Planning Act* natural heritage policy statement and the *Places to Grow Act*.

Each of these initiatives represent important opportunities to improve Ontario's approach to achieving net gain in wetlands on the landscape, while helping to enable much needed, and increased, housing supply in Ontario. However, if the government proceeds to approve the proposed Schedule 2 and 9 included in this legislative package, we believe this action will impair the necessary technical reviews needed, and Ontario would not be able to achieve the potential benefits of the other concurrent initiatives.

DUC is committed to working with the Province of Ontario to pursue its housing objectives in the context of embracing science and evidence-based sustainable development and intensification efforts within this proposed policy as well as a commitment to protecting and enhancing natural infrastructure in planning processes. Any viable housing strategy must pursue the joint imperatives of protecting our most ecologically valuable wetland habitats, alongside a commitment to protect and restore our natural systems as we jointly pursue our overall climate change and biodiversity objectives.

DUC thanks the Standing Committee for the opportunity to comment on this package of proposals and for your careful consideration of this submission.

If you have any questions in this regard, please feel free to contact me directly.

Yours truly,



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