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Home Builders' Association

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Sharifa Wyndham-Nguyen  
Client Services and Permissions Branch  
135 St. Clair Avenue West, 1st Floor  
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**Re:** Discussion paper: modernizing Ontario's environmental assessment program  
**EBR Registry Number:** 013-5101

OHBA is supportive of the *Made-in-Ontario Environment Plan* and the *Housing Supply Action Plan*. A key component of both these plans is to modernize the environmental assessment program. The discussion paper (013-5101) outlines key features of the environmental assessment process and communicates some immediate actions that OHBA supports, while setting out a longer-term vision to modernize the almost 50-year old environmental assessment program.

OHBA strongly believes that there are opportunities for the province to streamline Ontario's EA process to ensure that Ontario is open for business while balancing environmental protections. OHBA is supportive of the *Made-in-Ontario Environment Plan* commitment to: "modernize Ontario's environmental assessment process, which dates back to the 1970s, to address duplication, streamline processes, improve service standards to reduce delays, and better recognize other planning processes." OHBA notes that the current process takes too long, is too expensive and uncertain and often involves multiple government authorities.

A specific example that OHBA cited in our *Made-in-Ontario Environment Plan* submission (January 2019) regarding duplication that provides no additional value to either the project or the public interest: when the City of Ottawa was granted transfer of review authority over SWM city staff compiled data and found that for the previous 103 SWM pond applications made under direct submission only a few were returned, and only for reasons such as, not filling out the applications correctly, incorrect orientation of north arrows on plans, etc. Of the 103 applications there were never any technical or environmental changes required. OHBA believes that there is no value being added by having the MECP involved in the process after master plans are approved.

OHBA continues to recommend the following (OHBA *Made-in-Ontario Environment Plan* submission):

- ) **Transfer of Review:** OHBA recommends MECP reduce the Ministry's review time for the Transfer of Review process, as well as incenting with the intent to expand the number of municipalities that are participating, while updating the program (subject to municipal consent).
- ) **Modernization of Approvals:** OHBA recommends MECP modernize approvals processes by taking a risk-based approach, eliminate duplication, improve customer service, eliminate regulations or take a rules-in-regulation approach to low-risk activities. A modernized risk-based approvals process will make it easier and more affordable to live and conduct business in Ontario while protecting people and resources. OHBA believes we can maintain the integrity of the approvals process, while finding efficiencies in process.
- ) **EAs and ECAs:** OHBA recommends MECP undertake a comprehensive review of all EA processes and Environmental Compliance Approvals (ECAs) to streamline, reduce red tape and eliminate duplication.

Furthermore, MECP should establish timelines / service standards. OHBA also recommends that the monetary threshold for which an EA is required be increased and that the MECP adopt a risk based approach.

- ) **Municipal Class Environmental Assessment (MCEA) process related to Part II Order Requests:** OHBA recommends MECP streamline the Part II Order process for Municipal Class EA schedules (risk-based approach for requirements). Furthermore, MECP should establish service standards.
- ) **Environmental Activity Sector Registry (EASR):** OHBA recommends MECP add more environmental compliance processes to the EASR (e.g. Permits by rule) to make Ontario open for business by speeding up the development approval process.
- ) **Storm Water Management:** it is time consuming, expensive and frustrating that there can be four levels (Local / Regional / CA / Ministry) of government review after an application is prepared and stamped by a Professional Engineer. The entire process should be streamlined by:
  - Reduce ECA review timelines and establish service standards;
  - Eliminate the duplicative MECP review process for SWM work that can add months to timelines with no added value.
  - Respect professional designations for the purposes of 'certified approvals' by professional engineers.

With respect specifically to the discussion paper, OHBA is broadly supportive of the provincial direction and highlights the following:

- ) OHBA shares concerns raised by the RCCAO, MEA and OGRA that the examples listed on page 4 of the Discussion Paper of "all aspects of the environment" are unnecessarily broad with respect to the MCEA process as decisions made by municipal proponents under the *Planning Act* already address social and economic impacts for municipal infrastructure as well as the presence and interaction with existing infrastructure. Thus, the scope of MCEA review should be adjusted to avoid duplication with the *Planning Act* processes. MECP should ensure that the scope of the MCEA process, and any studies or reports required from municipal proponents, exclude impacts for that specific project that have already been considered through the *Planning Act* processes.
- ) OHBA further notes that municipal infrastructure such as local roads, alternatives to the proposed project are likely to have already been considered in the Official Plan, secondary plans or transportation master plans. There is often overlap and duplication of studies and consultations between MCEA and *Planning Act* processes. MECP should ensure that the MCEA process does not duplicate municipal efforts if alternatives have been considered through *Planning Act* processes.
- ) The time to complete the Part II Order responses adds to an already long time frame for many low risk municipal infrastructure projects. OHBA shares the views expressed by the RCCAO, MEA and OGRA that many of the Part II Order requests come from persons who have not indicated a direct adverse impact from the proposed project (simply NIMBYism). The MECP should restrict the Part II Order process to persons who reasonably claim that they are close enough to the proposed project to have a 'direct adverse impact'.
- ) Bill 108 would fully exempt Schedule A and A+ projects from the Act, OHBA further recommends that the Minister's authority for responding to Part II Order requests should be delegated to the Director for both Schedule B and C projects.
- ) Long delays for MCEA projects such as wastewater management improvements or bridge replacements add costs and uncertainty to deliver municipal infrastructure. The MECP should continue to examine opportunities to streamline the process.

Sincerely,



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