



**Ontario**  
Home Builders' Association

20 Upjohn Rd., Suite 101  
North York, Ontario  
M3B 2V9  
[www.ohba.ca](http://www.ohba.ca)

(416) 443-1545  
Toll Free 1-800-387-0109  
Fax: (416) 443-9982  
[info@ohba.ca](mailto:info@ohba.ca)

August 21, 2020

Callee Robinson  
Ministry of the Environment, Conservation and Parks  
135 St. Clair Avenue West  
Toronto, ON M4V 1P5

**Re: Environmental assessment modernization: amendment proposals for Class Environmental Assessments  
ERO Registry Number: 019-1712**

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 and streamline environmental approvals. We have been actively engaged with the MECP's modernization efforts and have submitted recommendations that respond and generally support the *Modernizing Ontario's Environmental Assessment Process* (ERO 013-5101) in May 2019. Additionally, OHBA passed a resolution (Modernization of Approvals) at our AMM in September 2019 and, the OHBA *Made in Ontario Environment Plan* Submission in early 2019. OHBA has consistently supported streamlining the Municipal Class Environmental Assessment process.

The current environmental registry (019-1712) posting seeks to "modernize the environmental assessment program by working with proponents of Class Environmental Assessments (Class EA) to propose changes that would ensure strong environmental oversight, while aligning assessment requirements with environmental impact, reducing duplication and increasing efficiency of the Class EA process." OHBA broadly welcomes this approach and believe that the current proposed modernization changes can be strengthened by considering additional technical recommendations, which we have detailed herein.

As part of OHBA's June 2020 submission to Ontario's Economic Jobs and Recovery Committee submission, OHBA recommended that the MECP fast track the implementation of the *Made in Ontario Environment Plan* including Municipal Class Environmental Assessments. It is important to recognize that as we reopen the economy to recover from the detrimental affects of COVID-19, we will need to continue delivering housing supply, jobs and economic activity to Ontarians. Based on historic averages, there are approximately 70,000 – 75,000 new housing starts in Ontario on an annual basis. Following the 2007-2008 economic recession, the residential construction sector in played a key role in helping our province rebound economically by delivering new housing and renovations, spurring economic activity and creating jobs across Ontario. Our sector is ready and able to help Ontario rebound from the economic disruption caused by COVID19, as we did back in 2008.

This OHBA submission responding to ERO 019-1712 will be exclusively focused on the amendment proposal #3 **Municipal Class Environmental Assessment** (Municipal Engineers Association):

- A. Municipal Class EA Amendment Table 1 Proposed Changes to Road Schedules
- B. Municipal Class EA Amendment Table 2 Proposed Changes to Water/Wastewater Schedules
- C. Municipal Class EA Amendment Table 3 Proposed Changes to Municipal Class EA Manual
- D. Municipal Class EA Amendment Table 4 Proposed Changes to Transit Schedules

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 costly, unpredictable and often involves multiple government authorities.

OHBA believes that the current MECP proposal achieves the objectives outlined in our recommendations in the OHBA *Made-in-Ontario Environment Plan* submission:

- ) Modernization of Approvals: OHBA recommended the MECP to 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.
- ) MCEA process related to Part II Order Requests: OHBA recommended MECP streamline the Part II Order process for MCEA schedules (risk-based approach for requirements).

OHBA also believes the current proposal achieves the objectives outlined in our recommendations responding to the May 2019 Discussion paper: *Modernizing Ontario's Environmental Assessment Program* (ERO: 013-5101. OHBA was broadly supportive of the provincial direction:

- ) OHBA shares concerns raised by the RCCAO, MEA and OGCA that "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.
- ) 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. Many of the Part II Order requests come from persons who have not indicated a direct adverse impact from the proposed project (simply NIMBYism).
- ) Long delays for MCEA projects such as wastewater management improvements or bridge replacements add costs and uncertainty to deliver municipal infrastructure.

OHBA has a number of specific technical recommendations responding to ERO 019-1712:

**Roads - R28, Appendix 1** – Watercourse crossings are proposed to all move to be Schedule C items whereas in the past many of them were Schedule B items. OHBA believes this will be a very significant problem for development applications implemented under the *Planning Act* that have a roadway or pedestrian crossing of a watercourse. Requiring a Schedule C for every crossing regardless of the size would be extremely onerous (both time and cost). This should be no different from collector roads and should exclude applications done through the *Planning Act*, which should be Schedule B or less.

As an example, OHBA is concerned our members will be required to conduct a Schedule C Municipal Class EA for a small culvert crossing on a local road that is already approved and already reviewed by multiple agencies through the planning process, or even a larger bridge under a collector road that goes through the same process. The approval process for any crossing is already extremely onerous, costly and time consuming. Adding an EA to the mix would not add any value.

While OHBA understands that MEA’s rationale for this schedule change is that the cost of a project does not relate to the environmental risk and should not be used as criteria for classification of the project, these projects do not, in OHBA’s view, warrant a full analysis during the EA process. OHBA therefore recommends a slight change to the amendment so that when a road is approved via the *Planning Act* as a condition of development it would include any bridges on these roads all as Schedule A and that any pedestrian bridges should be Schedule A+.

**Water and Wastewater – W66, Appendix 1** – OHBA believes that it would be helpful to add in “significant” in front of “flows” for this specific clause. It is nearly impossible to avoid some level of minor watershed diversion when switching from natural drainage to a piped urban system. The intention of this clause is to avoid significant watershed diversions, not minor drainage changes incurred during the planning process. OHBA notes that as “significant” is not currently defined in the Class EA, therefore the MEA should provide criteria and a definition for how this schedule is interpreted.

**Water and Wastewater W68** – OHBA suggests that this clause appears to conflict with W59. OHBA recommends adding a qualifier “unless part of a water crossing”. Alternatively, OHBA suggests removing the words “or weir” and if necessary add “weir” to W59 as a schedule B.

**10. A.1.3 – Private Sector Developer** – this clause been reviewed by a member company’s legal team to confirm it still has the same implications as the original clause, which is that an A, A+ or B projects were exempt for private developers provided they are going through a Planning application. Private developers are subject to the full Class EA process for schedule C projects.

Lastly, OHBA recommends that the MECP review using O Reg 345/93 to require rural developers to complete the MCEA Schedule C process for a private well and septic system. This policy should be reconsidered.

On behalf of our 4,000 member companies organized into a network of 27 local home builders’ associations across Ontario, OHBA appreciates the opportunity to provide the provincial government with our feedback and recommendations for modernization of class environmental assessments. OHBA looks forward to continuing to work with the MECP to reduce the administrative burden, impacting the timely construction of basic infrastructure.

Sincerely,



Michael Collins-Williams, MCIP, RPP  
Director, Policy  
Ontario Home Builders’ Association

c. Hon. Jeff Yurek, Minister of the Environment, Conservation and Parks  
c. Municipal Engineers Association