



Clean Air Partnership

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Submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy

RE: Clean Air Partnership Recommendations on Bill 23, More Homes Built Faster Act, 2022

Please accept this letter as feedback on the proposed *Bill 23, More Homes Built Faster Act, 2022* on behalf of Clean Air Partnership (CAP). CAP is a municipal-focussed environmental policy charitable organization that has supported Ontario municipalities for over 20 years on environmental, energy, land-use, climate change and urban development issues.

We appreciate the Government of Ontario's interest in finding solutions to the province's housing crisis which has been impacting Ontarians for many years. While there are some parts of Bill 23 that will encourage intensification across Ontario, there are many other parts of Bill 23 that will encourage economically inefficient and environmentally detrimental development in areas where new infrastructure will need to be built and maintained. Bill 23 may aim to advance the goal we all share of building more housing, but it does so by undermining the environmental and financial sustainability of Ontario municipalities and their residents. There are significant opportunities for improvements to Bill 23 that will achieve the goal of increasing market rate and affordable housing supply without increasing Ontario's infrastructure deficit as well as flood and climate risk to those new neighbourhoods and their surrounding communities.

Clean Air Partnership urges the Government of Ontario to consider the comments below and allow extended consultation time for Bill 23, enabling Ontario municipalities to reconvene their municipal councils and provide feedback on this Bill.

Recommendation # 1: Bill 23 and Municipal Green Development Standards Authorities: Clean Air Partnership recommends that the province of Ontario not undermine municipal green development standards authorities by amending Bill 23 to keep municipal site plan authorities identified in Section 41 (4) of the Planning Act, especially those related to sustainable design elements.

Many municipalities across Ontario have implemented or are developing Green Development Standards (GDSs) that promote advanced energy efficiency, sustainable design and climate-resilience in new buildings. GDSs help to reduce energy poverty by increasing building energy efficiency and reducing operational costs for tenants and owners. They can improve air quality and thermal comfort to protect occupants from indoor air pollutants, extreme heat, and extreme cold. GDSs also help to drive the construction industry and labour market towards

energy efficiency by requiring efficient building envelopes and electrical systems at time of construction.

As the convener of the [Clean Air Council](#) municipal network, which represents 36 Ontario municipalities, CAP is keen to support better engagement between the province and its municipalities to align climate efforts.

If the Province would like to streamline energy efficiency requirements within the building code then there needs to be increased ambition on energy efficiency and greenhouse gas reduction within Ontario's building code. Which at present does not seem to be the direction the Province is planning for the next update to the Ontario Building Code. Below are some recommendations that would enable the Ontario Building Code to advance Ontario low carbon energy efficiency market capability while also reducing Ontarians operational energy costs.

Clean Air Council [Ontario Building Code Recommendations](#) (more information on each of the below recommendation is available via this [link](#)).

- OBC Recommendation # 1: Bring in the Tiered Standards and Timeframe for Advancement to Higher Tiers that Ensures Continuous Improvement and market Transparency
- OBC Recommendation # 2: That the Province adopt a Greenhouse Gas Intensity (GGI) metric option to ensure that a climate lens is applied to energy planning and that developers and municipalities can ensure that the OBC makes progress towards energy affordability and climate commitments.
- OBC Recommendation # 3: Support implementation of the tiered Code through education and capacity building in areas such as airtightness testing, building envelope design and building science.
- OBC Recommendation # 4: Take steps to ensure the move from a prescriptive approach to a performance-based approach
- OBC Recommendation # 5: Support the Scale Up of Energy Efficiency Within Ontario's Existing Building Stock

Recommendation # 2: Clean Air Partnership recommends Bill 23 not undermine the Greenbelt Act and Conservation Authorities Act and ensures ecosystem services of Ontario's natural assets are protected and enhanced.

Ontario's natural ecosystems are essential for maintaining the health and wellbeing of our communities. Ecosystems regulate air and water pollution, protect communities from flooding, control soil erosion, sequester carbon, provide nutritious food, regulate surface temperature, and provide many cultural, recreational, physical and mental health benefits.

They are also crucial to the protection of our drinking water resources through groundwater filtration and recharge, which provides safe drinking water to Ontario residents. Much of the area covered by the Greenbelt is also home to the Oak Ridges Moraine which is identified as a

critical area for protecting groundwater resources. Allowing development on the protected Greenbelt removes many of these vital protections as outlined in the below inquiry reports.

As noted in the [Independent review of the 2019 flood events in Ontario](#) report commissioned by the Government of Ontario, the first core component of emergency management is 'prevention', which includes "... actions taken to prevent flood-related emergencies or disasters from occurring, and includes land use planning and regulatory restrictions to keep development out of the floodplains and other hazardous areas. While we cannot prevent all flooding from occurring, keeping people and property out of flood-prone areas helps ensure naturally occurring flood events do not result in local emergencies." With clear evidence that climate-related heavy rainfall events will continue to increase, it is counter intuitive to remove protections that allow development to occur in these sensitive areas.

At present, it is municipalities that often face the legal liability of sewer and stormwater back ups in the case of flooding events. If Bill 23 passes as is, and the province mandates municipalities to approve developments that could potentially pose a flood risk, then the Province should take on the liability for losses incurred due to flooding events.

Removing provincially significant wetland designations and requiring all wetlands to justify their ecological significance increases Ontario's flood risk. The fact that Bill 23 requires individual wetlands to "justify" their significance based only on that specific wetland's value sets them up for failure. Wetlands work as a system; individual wetlands may not be large enough on their own to provide needed ecological value, but wetlands protected together can. Wetlands need to be valued as a system and not set up to fail in "justifying" their provincial significance in isolated units.

Clean Air Partnership urges the Government of Ontario to maintain the integrity of conservation protections across Ontario, keep to its commitment to Provincially Significant Wetlands and leave the Greenbelt intact. Ontarians have experienced and will continue to experience the devastating impacts of extreme-weather events including flooding when greenspace is paved over, and unsustainable development is permitted in areas that require environmental protection.

Recommendation # 3: Transparency related to Bill 23's ability to improve housing affordability

Clean Air Partnership supports the few areas of Bill 23 that seek to increase intensification and make maximum use of existing infrastructure. However, there are far more changes in Bill 23 that will prioritize greenfield development over intensification. Therefore, the intensification benefits are likely to be completely overwhelmed by increases in more expensive greenfield developments that will only exacerbate Ontario's infrastructure deficit and make our climate commitments even more challenging.

Clean Air Partnership recommends that the Province slow down Bill 23's progression and enable Ontarians and Ontario municipalities to ensure that Bill 23 is best able to achieve its aimed outcomes but does not exacerbate Ontario's infrastructure deficit.

In addition, it should also be a requirement that Ontario maintain transparency on the homes that are being built and reports on the affordability of those homes. There should be annual reports of the housing starts, where they have occurred, what type of housing they are, how environmental and flood risks of development have been identified and addressed, and the demographics of Ontarians that are being housed by those new housing starts.

Recommendation # 4: Bill 23 should not remove planning responsibilities from upper-tier municipalities

Upper Tier municipalities play an important role in the planning and approval process. Regional planning (upper-tier) is essential in helping to develop healthy, complete, and climate-resilient communities. Conformity to Regional official plans and policies ensures that development applications and land use planning is guided by regional goals, that focus on the public good and include provisions that emphasize human and environmental health. The removal of upper-tier approval powers could impact the ability of regional public health units to protect health in their communities, such as the maintenance of a healthy built environment, addressing air quality and noise issues, responding to road safety concerns, and promoting walkability and social and physical activity.

Clean Air Partnership urges the Government of Ontario to maintain upper-tier municipalities' approval authorities for lower tier municipal official plans and amendments. Collaborations between public health and planning needs to continue at the regional (upper-tier) and local municipal level to ensure plans and development applications have the appropriate review to support public health and a healthy built environment.

Recommendation # 5: Bill 23 should not impact municipality's ability to collect development fees

Development fees pay for vital municipal services with public health benefits, including upgrades for climate resiliency infrastructure such as flood protection, transportation infrastructure, public realm improvements, and other amenities and services needed to meet the needs of a growing population. Significant impacts can be expected if the current pool of funding to pay for these services is reduced. Growth will no longer pay for growth, at the expense of healthy, resilient and equitable evolution of our communities.

Clean Air Partnership urges the Government of Ontario to re-evaluate the proposed changes in Bill 23 to ensure that development fees pay for growth, rather than passing the expense along to taxpayers.

Clean Air Partnership is hopeful that Ontario is sincere in providing Ontarians with the time they need to respond to Bill 23 rather than pushing it through the legislature during a time when Ontario municipalities are in between councils and not in a position to respond to Bill 23's

implications. We also hope that the consultation for Bill 23 will be extended and that the province engages with stakeholders affected by Bill 23 to better understand how it can achieve its desired outcomes to improve housing costs in a manner that truly achieves those important goals and does not add to Ontario's already extensive infrastructure deficit, flood risk or greenhouse gas emissions.

Sincerely,

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