

CITY OF ORILLIA

TO: Council – December 7, 2022

FROM: Janet-Lynne Durnford, Councillor, Ward 4
Jay Fallis, Councillor, Ward 3
Whitney Smith, Councillor, Ward 1

DATE: November 28, 2022

REPORT NO: MC-22-06

SUBJECT: Response to Bill 23, *The More Homes Built Faster Act*

Recommended Motion

WHEREAS Bill 23, the Province's *More Homes Built Faster Act*, as proposed, will have serious economic, social (or quality of life), democratic, and environmental implications that cannot be ignored, as follows:

1. **Fiscal:** Changes to the *Development Charges Act* and *Planning Act* challenge the long-standing and fundamental principle that growth should pay for growth and threaten to shift the burden of costs associated with growth onto existing municipal taxpayers;
2. **Environmental:** Amendments to the *Conservation Authorities Act* and the *Planning Act* signal a move away from environmental protection at a time when municipalities are experiencing real impacts of climate change and are investing in climate change mitigation measures. These changes significantly weaken environmental protections in the province through curtailing the powers given to conservation authorities. Additionally, these measures could render irrelevant the investments of municipalities to address climate change;
3. **Quality of Life:** Actions to bring new housing to market quickly through amendments to the *Planning Act*, *Heritage Act*, *Ontario Land Tribunal Act*, and the *Conservation Authorities Act* may have the unintended consequence of diminishing the quality, appeal and livability of our communities. Additionally, they may not accomplish the intended goal of making housing more affordable;
4. **Democratic:** This will remove the requirements for public meetings on certain planning matters and remove the right to appeal planning decisions. This would keep advocacy groups and members of the public in the dark on various planning matters and would lead to an inability for the public to participate and challenge decisions made. Additionally, the powers of elected municipal governments are being undermined in this bill. A municipality's capacity to make planning decisions and collect development charges among other things, will be significantly limited;

AND WHEREAS the speed with which the government intends to advance this bill through the legislature provides scant opportunity for municipalities or the public to fully understand the details and the risks.

NOW THEREFORE BE IT RESOLVED THAT the Orillia City Council petition the Provincial Government to overturn Bill 23: *The More Homes Built Faster Act*;

AND THAT this report and resolution be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable David Piccini, Minister of the Environment, Conservation and Parks, Jill Dunlop, MPP, Simcoe-North, the Association of Municipalities of Ontario (AMO) and all Ontario municipalities.

Purpose

The purpose of this motion is to discourage the provincial government from passing this legislation.

Background & Key Facts

On October 25th, the Ontario Provincial Government tabled Bill 23: *The More Homes Built Faster Act*.

Bill 23 is an Omnibus Bill which proposes many significant changes to the province's land use planning and natural heritage policies. Some of the most notable policy changes which would have a negative impact on Orillia and surrounding area include:

Fiscal Impacts

-This bill includes changes to infrastructure financing that would shift development costs from developers to municipalities. This move will result in significant property tax increases and service reductions which will cost the average homeowner much more. According to preliminary analysis done by Association of Municipalities of Ontario (AMO), this bill, if enacted, would reduce the municipal resources available to service new developments by more than \$5.1 billion over the next 9 years. According to AMO's Committee submission on Bill 23:

"Changes that shift the burden of cost from developers to taxpayers, including low-income taxpayers, cannot be supported. The proposed changes will significantly impact how municipal governments fund growth, resulting either in significant increases to property taxes or cuts to existing services and a loss of frontline workers."

Environmental Impacts

Some of the most concerning environment impacts that will arise from the act include:

-Making previously protected conservation lands available to build on.

-Bill 23 also proposes the removal of municipality's authority to set environmental green standards for new builds through site plan controls. According to the Canadian Environmental Law Association's (CELA) Committee Submission on Bill 23:

"a municipality's authority to set performance standards for new developments,...is critical to respond to climate change. As CELA has previously commented, municipalities are on the front lines of climate change. 18 Municipalities also own most of Canada's infrastructure, meaning investment in sustainable building design will help the province in meeting emission targets, while protecting residents and economies from the effects of climate change."

-There is to be an overhaul of the Ontario Wetland Evaluation System used to identify Provincially Significant Wetlands (PSWs). As a result of these changes, very few wetlands would be deemed provincially significant in the future compromising the amount of vulnerable areas that are protected. According to the committee submission on Bill 23 from the Simcoe County Greenbelt Coalition further obstacles are in place that limit the ability to protect and assess wetlands:

"Smaller wetlands can no longer be assessed as an interconnected complex. This means that only individual wetlands at least 4 hectares in size will be assessed."

-Devolving planning matters to lower-tier municipalities will also have a significant environmental impact. This would create development that would be scattered and uncoordinated, thus making it more environmentally harmful. According to the AMO Committee submission on Bill 23:

"Supporting rapid growth efficiently requires a high degree of coordination. This coordination ensures that investments made today can leverage future growth and that assets can be managed for maximum performance. Upper-tier municipalities do this currently by coordinating local plan alignment and managing servicing for maximum effect. Breaking this link is counterintuitive and will lead to inefficiency, confusion and potential gaps in the infrastructure required to support local growth... Ontario's natural environment does not recognize municipal boundaries."

(For reference: Orillia is not a lower tier municipality, it is a single tier municipality)

-Bill 23 prohibits a municipality's choice to request that conservation authorities comment on conservation and environmental matters in the development review process, except for flooding and erosion.

-Additionally, Conservation Authorities ability to assist municipalities is severely impacted by Bill 23. AMO's Committee submission on Bill 23 identifies some of the elements of the act: *"that will severely impact the ability of Conservation Authorities to work with municipalities to understand and mitigate environmental, human health and natural heritage risks by:*

-“Requiring Conservation Authorities to issue permits for projects subject to a Community Infrastructure and Housing Accelerator and allowing the Minister to review/amend any conditions attached to those permits.”

(In essence, Conservation Authorities are going to be required to identify currently protected lands that could be used for housing development)

-“Prohibiting Conservation Authorities and municipalities from entering Memorandums of Understanding for any program or service outside of matters relating to Mandatory Programs and Services

-Imposing limits on Conservation Authority appeals of land use planning decisions to only matters with respect to natural hazard policies in provincial policy statements.”

(this will limit Conservation Authorities’ ability to protect anything beyond managing floodwaters and erosion. It would leave big parts of Ontario’s most important and sensitive habitats unprotected).

Impacts on Quality of Life

-According to AMO’s Committee Submission on Bill 23:

“Changes in Bill 23 also limit the tools available to municipalities to support homeless and underhoused people and families, some of the most vulnerable people in our communities.”

-Municipal governments currently have the ability to include housing services in their development charges. The revenue from these charges are used to improve and increase the community housing facilities municipalities operate (according to AMO, approximately \$150 Million was collected from 2015-2019 using these charges).

-passing Bill 23 would mean that this source of funding would no longer be available to support housing services for vulnerable populations.

-According to the Media Release by Environmental Defence, the provincial government would create just 50,000 of the 1,500,000 promised homes, through failing to follow through on the promise to reduce exclusionary “single detached” zoning.

“This means that families would still be pushed out into low-density car-dependent sprawl.” (Environmental Defence)

-Attempts to create opportunities for Inclusionary Zoning fall well short of what is standard practice and will likely lead to less affordable housing being created, this according to the Simcoe County Greenbelt Coalition. In the Coalition’s Committee submission on Bill 23, it states:

“The Act proposes an upper limit on the percentage of units that can be required to be affordable, at 5%, with a maximum number of years that the unit must remain affordable at 25. Putting this into context, the City of Toronto recently proposed

inclusionary zoning that requires 22% of units to be affordable, with a maintenance at affordable levels of 99 years.”

-Bill 23 would also end the requirement for rental unit replacement when old buildings are replaced. According to the media release by Toronto ACORN, Parkdale People’s Economy, Justice for Queen and Close, and Progress Toronto:

“Rental replacement bylaws are a tool [that] cities can use during the redevelopment of affordable housing to condos to require developers to replace the affordable units and offer them back to existing tenants at the same rent.”

Without these rental replacement tools, it is clear many could end up being forced to leave their homes as unit replacement will not be guaranteed.

-Additionally, this bill will reduce a municipality’s ability to provide for local parks, negatively impacting enjoyment of our communities. The bill proposes:

- Reducing the maximum alternative parkland dedication rate within communities
- Allowing encumbered land and privately owned publicly accessible spaces to be eligible for parkland credits.
- Will also limit the amount municipalities can charge for parkland and cash-in-lieu.

Democratic Impacts

-The bill will strip power from municipalities that are trying to build more new homes within their city boundaries, forcing them to employ the urban sprawl model instead. According to the Nature Ontario Information Package:

“Through changes to the Planning Act, Bill 23 would give the Minister the powers to override municipal planning decisions (i.e. amend municipal Official Plans) and impose the development.”

This could significantly limit elected councils from controlling how their own city looks without any opportunity to challenge the decision.

-Only developers will be able to appeal a council decision on a planning matter. For citizens, conservancies, and advocacy groups, this would remove the ability to hold both councils and developers accountable, quieting public opinion and limiting open dialogue.

-Bill 23 proposes eliminating public meetings for approval of a draft plan of a subdivision. According to CELA’s Committee Submission on Bill 23:

“Proposed changes to subsections 51(20) to (21.1) of the Planning Act, [would] remove the public meeting requirement for draft plans of subdivision. One of the hallmarks of good land use planning includes engaging with the public in a fair and

transparent manner. Public meetings provide the public with an opportunity to review.”

By eliminating public meetings for these plans, the ability of municipalities and the public to raise concerns and make changes to substantial issues with such planning proposals will be significantly limited.

Additionally, Bill 23 proposes eliminating a municipality’s ability to impose site plan control for projects with fewer than 10 residential units.

Aside from the Building Permit review, this adjustment would mean that the municipality would lose the ability to review and approve plans that demonstrate how residential developments with 10 or fewer units might mitigate their impacts on surrounding lands. Such adjustments a municipality might request during this review include: fencing, visual screening, exterior design of the building(s), parking area design/configuration etc. This will be especially impactful on smaller and remote communities (including Orillia) as many projects that would be dealt with would be fewer than 10 residential units.

Response from Organizations and Advocacy Groups

Since October 25th when Bill 23 was first introduced, many notable organizations and advocacy groups (national, provincial and local) have raised concern or come out against Bill 23. Some are listed below. This list represents a mix of general interest groups, environmental advocacy groups, conservation authorities, and affordable housing advocacy groups.

These include:

- Association of Municipalities of Ontario (AMO)
- Canadian Environmental Law Association (CELA)
- Environmental Defence Canada
- Ontario Alliance to End Homelessness (OAEH)
- Ontario Farmland Trust
- Conservation Ontario
- Nature Ontario
- Clean Air Council Network
- Toronto ACCORN
- Architectural Conservancy Ontario
- Credit Valley Conservation (CVC)
- Hamilton Conservation Authority
- Conservation Halton
- Simcoe County Greenbelt Coalition
- Rescue Lake Simcoe Coalition
- AWARE Simcoe
- SCATEH (Simcoe County Alliance to End Homelessness)- Barrie Chapter
- SCATEH (Simcoe County Alliance to End Homelessness)- Orillia Chapter

- Couchiching Jubilee House
- Sustainable Orillia
- Orillia St. Paul's Eco-Justice Social Action Committee
- Stop Sprawl Orillia
- Green Orillia
- Orillia Wetland Watchers

Ontario municipalities which raised concern or came out against Bill 23 include (but are not limited to):

- Town of Aurora
- Town of Collingwood
- The Municipality of Lambton Shores
- Prince Edward County
- Township of Puslinch
- Town of Georgina

Options & Analysis

Option 1 - Recommended

WHEREAS Bill 23, the Province's *More Homes Built Faster Act*, as proposed, will have serious economic, social (or quality of life), democratic, and environmental implications that cannot be ignored, as follows:

- 1. Fiscal:** Changes to the *Development Charges Act* and *Planning Act* challenge the long-standing and fundamental principle that growth should pay for growth and threaten to shift the burden of costs associated with growth onto existing municipal taxpayers;
- 2. Environmental:** Amendments to the *Conservation Authorities Act* and the *Planning Act* signal a move away from environmental protection at a time when municipalities are experiencing real impacts of climate change and are investing in climate change mitigation measures. These changes significantly weaken environmental protections in the province through curtailing the powers given to conservation authorities. Additionally, these measures could render irrelevant the investments of municipalities to address climate change;
- 3. Quality of Life:** Actions to bring new housing to market quickly through amendments to the *Planning Act*, *Heritage Act*, *Ontario Land Tribunal Act*, and the *Conservation Authorities Act* may have the unintended consequence of diminishing the quality, appeal and livability of our communities. Additionally, they may not accomplish the intended goal of making housing more affordable;
- 4. Democratic:** This will remove the requirements for public meetings on certain planning matters and remove the right to appeal planning decisions. This would keep advocacy groups and members of the public in the dark on various planning matters

and would lead to an inability for the public to participate and challenge decisions made. Additionally, the powers of elected municipal governments are being undermined in this bill. A municipality's capacity to make planning decisions and collect development charges among other things, will be significantly limited;

AND WHEREAS the speed with which the government intends to advance this bill through the legislature provides scant opportunity for municipalities or the public to fully understand the details and the risks.

NOW THEREFORE BE IT RESOLVED THAT the Orillia City Council petition the Provincial Government to overturn Bill 23: *The More Homes Built Faster Act*; **AND THAT** this report and resolution be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable David Piccini, Minister of the Environment, Conservation and Parks, Jill Dunlop, MPP, Simcoe-North, the Association of Municipalities of Ontario (AMO) and all Ontario municipalities.

This option is recommended due to the reasons cited above.

Option 2

THAT Report No. MC-22-06 be received as information.

This option is not recommended as the concerns expressed in this motion will not be shared with the provincial government in advance of the bill being voted on in the coming weeks.

Financial Impact

This motion will have no financial impact on the city.

Consultation

During the course of preparing this motion, we had the opportunity to talk with the following individuals:

- Margaret Prophet, Simcoe County Greenbelt Coalition
- Stan Mathewson, President of Sustainable Orillia
- Councillor Phil Brennan, Ward 3- Severn Township

Economic Development Impact

This motion will have no economic development impact on the city.

Communications Plan

This motion will include the requirement that a press release be drafted and sent to local media outlets and posted on all of the city's social media channels.

Relation to Formal Plans, City of Orillia Policy Manual and/or Guiding Legislation

This motion will have no impact on formal plans, City of Orillia Policy Manual and/or guiding legislation.

Conclusion

Bill 23 will pose many challenges both for the city and surrounding area. It is critical that the province be made aware that the implementation of this bill would be harmful to the City of Orillia and Orillians.

Schedules

- Schedule "A" – Bibliography
- Schedule "B" – The Town of Collingwood's Motion on Bill 23
- Schedule "C" – Letter from Sustainable Orillia regarding Bill 23

Prepared by & Key Contact: Councillors Janet-Lynne Durnford, Jay Fallis, and
Whitney Smith

Schedule "A" – Bibliography

Association of Ontario Municipalities (AMO). *Bill 23, More Homes Built Faster Act, 2022 and Plan: AMO Submission to the Standing Committee on Heritage, Infrastructure and Cultural*

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Simcoe County Greenbelt Coalition. *Committee Submission on Ontario's Bill 23 "More Homes Built Faster Act"*. November 17th, 2022.

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Toronto ACORN, Parkdale People's Economy, Justice for Queen and Close & Progress Toronto. *Ontario's Bill 23 will make the housing crisis worse: Bill 23 accelerates demovictions, destroys affordable housing, say Toronto activist groups*. November 18th, 2022. Media Release. https://www.toronto.com/opinion/ontarios-bill-23-will-make-the-housing-crisis-worse/article_d5f5eb28-81bc-5112-bbde-c8a949125fe3.html

Schedule "B" – The Town of Collingwood's Motion on Bill 23

Motion in Response to Bill 23 the new More Homes Built Faster Plan

Whereas Bill 23 the Province's new More Homes Built Faster Plan, as proposed, will have serious economic, social, and environmental implications that cannot be ignored, as follows;

1. Fiscal: changes to the Development Charges Act and Planning Act challenge the long-standing and fundamental tenet that growth should pay for growth and threaten to shift the burden of costs associated with growth onto existing municipal taxpayers;
2. Environmental: amendments to the Conservation Authorities Act and the Planning Act signal a move away from environmental protection at a time when municipalities are experiencing real impacts of climate change;
3. Quality of Life: actions to bring new housing to market quickly through amendments to the Planning Act, Heritage Act, Ontario Land Tribunal Act, and the Conservation Authorities Act may have the unintended consequence of diminishing the quality, appeal and liveability of our communities;

And Whereas the speed with which the government intends to advance this bill through the legislature provides scant opportunity for municipalities or the public to fully understand the details and the risks;

Now Therefore Be It Resolved that the Council of the Corporation of the Town of Collingwood petition the Provincial Government to slow down the process to allow time for a thorough consultation with municipalities, the public and environmental groups, to consider the benefits and the risks of Bill 23, and to contribute to the development of alternatives to enhance the intent of the Bill without compromising the desired outcomes for all municipalities and their residents.

And that this resolution be forwarded to Simcoe County, MPP Brian Saunderson, Minister of Municipal Affairs and Housing Steve Clark, Minister of Finance Peter Bethlenfalvy, Minister of Environment, Conservation and Parks David Piccini, and the Association of Municipalities of Ontario.

Sustainable Orillia

<https://sustainableorillia.ca/>
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PURPOSE

Mobilize participation in the creation of a more sustainable future for present and future residents of the community.

VISION

The community achieves long-term sustainability and net-zero emissions by 2050.

Comments on Bill 23, More Homes Built Faster Act, 2022.

To the Standing Committee on Heritage, Infrastructure and Cultural Policy

CC: The Honourable Steve Clark, MPP
Minister of Municipal Affairs and Housing
100 Strowger Blvd, Suite 101
Brockville ON K6V 5J9
(613) 342-9522

Ministry of Municipal Affairs and Housing
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CC: Jill Dunlop
MPP for Simcoe North
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Tel: 705-326-3246

Dear Minister Clark:

Sustainable Orillia is a not-for-profit organization advocating for decisions that move us closer to—not farther from—a sustainable community for the citizens of Orillia and the surrounding areas—the Townships of Severn, Oro-Medonte, Ramara and Rama First Nation.

In our view, Bill 23 is flawed in that it does not contain sufficient protection for wetlands and greenbelt areas, and, while it is a housing bill, it hands too much control to land developers to regulate themselves in respect to environmental concerns. These outcomes move us farther from sustainability, an outcome that is not affordable now or for future generations.

We do acknowledge the need for additional housing that is both accessible and affordable, but do not agree that it has to come at the expense of a sustainable environment.

It appears that most of the changes made in Bill 23 are targeted at removing wetland and woodland protections and creating a process for selling off conservation lands without oversight. We are particularly concerned that Bill 23 will potentially eliminate environmental review of all planning proposals by removing the Conservation Authority role in development approval,

planning, and environmental protection. It is unclear who would protect Natural Heritage systems, wetlands, and species at risk once this role has been removed. The wording of the amended clause and section below will potentially eliminate environmental review of all planning proposals:

Schedule 2, Conservation Authorities Act, 3 (2) Section 21.1.1 of the Act is amended by adding the following subsection:

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

We are also concerned that the Bill will strip power from municipalities that are trying to build more new homes within their city boundaries, forcing them to sprawl instead. The bill will also take away power to develop Green development standards. While the bill includes some positive zoning changes that will allow a few more homes in cities and near transit stations, the planning for housing must be done with due consideration for all of the factors that exist today, such as the availability of land within existing town and city limits. Land is available inside existing built-up areas and on undeveloped land outside of greenbelts and wetlands.

In the case of Orillia, where Council has asked planning staff to work with the community to identify opportunities for further intensification, the proposed Act will have the effect of nullifying this action by Orillia City Council, just as it has restricted the decisions of other duly-elected municipal Councils. We, along with other community groups, have been working closely with Orillia City staff to identify intensification opportunities. In our informed view, the solution to more housing must, and can, come from densification. Greenbelts and other environmentally sensitive areas must be protected.

Farms provide food and food security (threatened these days by the instability brought on by climate changes). Relying too heavily on undeveloped farmland whittles away too much of the land devoted to agriculture; reducing the Greenbelt and green spaces in particular threatens the future water supplies for southern Ontario. [The Report of the Ontario Housing Affordability Task Force](#) (February, 2022) recognizes the danger of doing so.

In addition, the Task Force report points to the option of densification in the land currently available to developers for building, thereby removing the need for intrusions into the Greenbelt and wetland areas. Under the heading "Require greater density" the report states:

Land is not being used efficiently across Ontario. In too many neighbourhoods, municipal rules only allow single-family homes – not even a granny suite. Taxpayers have invested heavily in subway, light rail, bus and rail lines and highways, and the streets nearby are ideally suited for more mid- and high-rise housing. Underused or redundant commercial and industrial buildings are ripe to be redeveloped into housing or mixed commercial and residential use. New housing on undeveloped land should also be higher density than traditional suburbs, especially close to highways. Adding density in all these locations makes better use of infrastructure and helps to save land outside urban boundaries. Implementing these recommendations will provide Ontarians with many more options for housing. (p. 4)

In addition there are significant opportunities for Ontario agriculture not only to continue to feed our people but, through regenerative agriculture, to contribute significantly to carbon sequestration, thereby contributing to climate change mitigation, the value of which will ultimately outweigh any perceived lost opportunities.

The *Report of the Ontario Housing Affordability Task Force* also found that exclusionary zoning is a major restriction to achieving additional and affordable housing in Ontario. Under the heading "Stop using exclusionary zoning that restricts more housing" the report states:

Too much land inside cities is tied up by outdated rules. For example, it's estimated that 70% of land zoned for housing in Toronto is restricted to single-detached or semi-detached homes.[11] This type of zoning prevents homeowners from adding additional suites to create housing for Ontarians and income for themselves. As one person said, "my neighbour can tear down what was there to build a monster home, but I'm not allowed to add a basement suite to my home. (p. 10)

An additional concern that this Bill raises is the transfer of costs. Sustainable Orillia is a community not for profit and is funded in part by the taxpayer. Our members are all taxpayers. It is clear that the proposal to eliminate development fees is going to shift the cost to taxpayers who will in therefore be subsidizing an already very profitable sector of our economy with no clear promise of more and more affordable homes.

Our final comment is this: *public engagement in the development process needs to be protected.* A member of the public should be permitted to be a "specified person" for the purpose of asking for an OP amendment. A situation where only a developer can appeal a council decision going forward removes the ability of citizens to hold both councils and developers accountable. The proposal to assign costs to unsuccessful proponents further puts a chill on public involvement. This appears to be an effort to stifle public opinion and dialogue and is not consistent with a democratic society.

We are also concerned with the loss of upper tier planning control in Simcoe County and want to see it maintained.

Lastly, it is unknown how Bill 23 will affect the government's ability to keep its promise to keep Lake Simcoe healthy. It would appear that this legislation places the *Protection of Lake Simcoe Act* in jeopardy.

To conclude, we believe that Bill 23 as drafted needs serious review and extensive deliberation. It must reflect a broader perspective on the public good. While there is an urgent need to supply new housing, it should not come at the expense of the environment and the health and welfare of future generations. The emphasis should be on providing for more housing through more efficient use of the available space within our cities and townships while, at the same time, protecting the environment in order to secure a sustainable future for all Ontarians.

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