

**BRIEF BY THE CANADIAN ENVIRONMENTAL LAW ASSOCIATION IN RESPONSE  
TO PROPOSED 2023 CHANGES TO THE PROVINCIAL POLICY STATEMENT  
ISSUED UNDER THE PLANNING ACT**

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Places to Grow Act, 2005

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Canadian Environmental Law Association (“CELA”) writes to provide our comments in respect of proposed changes to the Provincial Policy Statement and the Place to Grow Policy by MMAH as a new consolidated policy statement.

CELA is a public interest law clinic dedicated to environmental equity, justice, and health. Founded in 1970, CELA is one of the oldest environmental advocates for environmental protection in the country. With funding from Legal Aid Ontario (LAO), CELA provides free legal services relating to environmental justice in Ontario, including representing qualifying low-income and vulnerable or disadvantaged communities in litigation. CELA also works on environmental legal education and reform initiatives. CELA has extensive experience in the law and policy related to land use planning in Ontario.

Our submissions in relation to the proposed changes to the Provincial Policy Statement are as follows:

### **Changes to the Vision for the PPS:**

References to active transportation and minimizing undesirable impacts to air or water were removed from the Vision. References to adapting and responding to a changing climate were also removed. These should be restored to the Vision or a preamble statement to the PPS. The concepts of healthy communities; social wellbeing; protection of ecological processes; and the overall concept of prevention should be restored to the PPS in the Vision and/or Preamble.

Furthermore many references to climate change were removed in the draft PPS and the relevant portions of the Growth Plan that were amalgamated with the PPS. The necessity of providing mitigative and adaptive responses is a crucial responsibility of governments, businesses and citizens and in particular is absolutely necessary in the realm of land use planning. As the Chief Justice of the Supreme Court of Canada noted,

“The effects of climate change have been and will be particularly severe and devastating in Canada. Temperatures in this country have risen by 1.7°C since 1948, roughly double the global average rate of increase, and are expected to continue to rise faster than that rate. Canada is also expected to continue to be affected by extreme weather events like floods and forest fires, changes in precipitation levels, degradation of soil and water resources, increased frequency and severity of heat waves, sea level rise, and the spread of potentially life-threatening vector-borne diseases like Lyme disease and West Nile virus.”<sup>1</sup>

In this context, the specific areas of guidance that were contained in the PPS and the Growth Plan regarding how to ensure that land use planning in Ontario does not make emissions of greenhouse gases and climate change, and their impacts worse; and how to ensure that land use planning is part of the solution, should all be restored throughout the PPS document. It is also noteworthy that these issues are of concern to all Ontarians, as so vividly and tragically demonstrated even just in the last few months with unprecedented heat waves, forest fires, floods and other impacts. Furthermore, such impacts are even more devastating to communities who are under-resourced in which land use planning is one of the most impactful set of actions that can make a difference to alleviate those insupportable climate stresses.

### **Chapter 2**

The word “healthy” was removed from the title to Chapter 2; instead of “strong and healthy communities” the proposed title leaves out the concept of “healthy” communities. This reference to “healthy communities” should be restored to the title of Chapter 2 in order to assist with interpretation of the new PPS.

Concepts of environmental and healthy wellbeing in addition to prosperity are presently included in the preamble to chapter 2. These were deleted. Similarly, the present preamble to chapter 2 encourages sustainability:

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<sup>1</sup> *Reference re GreenHouseGas Pollution Pricing Act*, 2021 SCC 11 at para. 10

“Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.”

The concepts of environmental and healthy well-being, as well as sustainability, protection of the environment, public health and safety, and resilient communities should all be restored to a preamble to Chapter 2 in order to aid with interpretation of the new PPS.

CELA’s additional specific comments are as follows:

### **Section 2.1.2. Housing Development Supply**

The current PPS / Growth Plan specifies that maintenance of a fifteen year residential growth horizon should be accomplished by prioritizing residential intensification and redevelopment; and only if necessary, require additional lands available for development. Similarly, the provisions requiring municipalities to maintain service availability for new housing prioritized doing so by way of residential intensification and redevelopment. These provisions were deleted, removing the priority for residential intensification and redevelopment, including with respect to servicing.

The priority for residential intensification and redevelopment as a way to satisfy future housing need should be restored. This builds on existing infrastructure, is more efficient and less costly to communities, and avoids needless greenfield development and incursion into agricultural lands. Adding requirements to service new lands when the municipality has land available for intensification and redevelopment wastes existing investments in services, and adds needless costs for storm water, waste water, drinking water, and other infrastructure services.

### **Section 2.1.4. Complete Communities**

While the “phrase” Complete communities” was retained, the mechanisms to achieve complete communities were removed from the proposed document. The specificity of the existing version of the PPS should be restored; including in particular to affordable house and housing for older persons; reference to efficient use of land close to settlement areas; reference to avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Additionally, the language regarding optimization of transit investments; and standards to minimize land consumption and servicing costs should be restored. Very importantly, in the current context of a changing climate and among other impacts, heat and flooding events occurring in Ontario on an unprecedented scale, the language about preparing for the regional and local impacts of a changing climate should also be restored; together with the language addressing twin crisis of biodiversity loss.

The prior language requiring ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs should also be restored. Removing

these provisions will result in the loss of important constraints that were intended to assist with protection of agricultural and food lands, natural heritage lands, ecosystem functions, and biodiversity. Removing these provisions will result in even greater sprawl; stress on existing infrastructure; and unsustainable expense for communities. It will also lead directly to vastly reduced quality of life for residents of those communities.

## **2.2 Housing**

The definition of “affordable housing” was deleted in the proposal. The term “affordable housing” was deleted in the related policies. The proposed policy uses a defined term “housing options”. It also adds the phrase “including housing affordability needs.” The reference to maintenance of targets affordable to “low income and moderate income households” was deleted; as well as the reference to those targets aligning with “housing and homelessness plans.” The definition and provisions requiring provision of affordable housing including specific targets should be restored; along with the requirements align with local planning on housing and homelessness.

## **Section 2.3 – Settlement Areas and Settlement Area Boundary Expansions**

The proposed changes to section 2.3 include the removal of language requiring that negative impacts to air quality and climate change be avoided, and promotion of energy efficiency. These provisions should be restored. Similarly, the requirements to prepare for the impacts of a changing climate should be restored.

The proposal also removes requirements for targets for intensification and redevelopment of built up areas. However this should be restored; this is a very important mechanism to ensure that existing infrastructure is used and avoids unnecessary and expensive expansion of infrastructure.

The language in this section requiring municipalities to consider avoidance of prime agricultural areas should be restored and in fact strengthened.

## **Section 2.5 – Rural Areas in Municipalities**

The proposal eliminates the conservation of existing rural housing stock on rural lands. For those municipalities where housing stock is in short supply; particularly affordable housing stock; provision to reuse existing built housing should be provided.

The omitted language should be restored that provided that rural settlement areas be the focus of growth; and regeneration should be promoted.

## **Section 2.8 – Employment Lands**

There is an addition to the section dealing with Employment Lands allowing for location of industrial, manufacturing and small-scale warehousing adjacent to sensitive land uses. This should be deleted. The proviso “without adverse effects” will not be effective.

### **Section 3.2 – Transportation Systems**

Language requiring promotion of land use patterns, density and mix of uses that minimize length and number of vehicle trips and support current and future use of transit and active transportation was removed. This language and these requirements in the PPS should be restored.

### **Section 3.5 Land Use Compatibility**

There is a significant change proposed in this section such that industrial, manufacturing and other major facilities would no longer be required to demonstrate need for the proposed use; and would no longer be required to demonstrate that there are no reasonable alternatives. These requirements should be restored.

### **Section 3.6 Sewage, Water and Stormwater**

Provisions that presently discourage extension of private communal water services have been weakened and should be restored. Development on partial services should be discouraged. New lot creation should only be permitted with demonstrated capacity of those services. Additionally the language requiring preparation of water infrastructure for the impacts of a changing climate, should be restored.

### **Chapter 4.1 Natural Heritage**

CELA agrees with the restoration of the Natural Heritage policies to the PPS as announced by the province on June 16, 2023 in a revision to the proposed changes; and is therefore not providing detailed comment in this section.

### **Chapter 4.2 Water**

The proposed changes that remove evaluation and preparation for the impacts of a changing climate to water should be restored; along with the specificity of protecting and restoring hydrological functions; protecting, improving or restoring sensitive surface water features, sensitive ground water features and their hydrologic functions. CELA supports the addition of watershed language to this section, but the specificity of the language protecting functions and features is essential to retain in the PPS.

### **Chapter 4.3 Agriculture**

CELA states that protection of agricultural lands and resources in Ontario is of the utmost importance; across all types of agricultural lands. It is essential in a changing climate; and in an era of multi-faceted hazards and threats to our food systems, that Ontarians be able to rely on a strong, robust, diverse, affordable quality food system. Given the province's indication that it is withdrawing the major changes proposed in the Agriculture chapter of the PPS, CELA will not provide detailed comments on this chapter.

## **Chapter 4.5 Mineral Aggregate Extraction**

CELA opposes the proposed changes in proposed section 4.5.4 which reduce or even eliminate the requirements for restoration of aggregate lands to agricultural uses. However CELA also notes that in many contexts this aim to restore the land to agricultural use after aggregate extraction becomes impossible in actuality, and therefore the negative impact to agricultural lands must be elevated to a significant constraint on permitting new aggregate extraction in the first place. Accordingly the language in this section of the PPS should be strengthened to provide significantly better protection of agricultural lands in the province.

## **Chapter 7 – Definitions**

The definitions that were proposed to be deleted in the proposed changes should be restored where applicable to the sections of this submission in which CELA calls for restoration of existing language prior to any amendment and adoption of a revised PPS.

We trust the foregoing is of assistance and would be happy to answer any questions in relation to our analysis.

Yours very truly,  
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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