

October 20, 2017

Dear Premier Wynne,

We are jointly writing to request a pause in the rushed legislative consideration of Bill 139, *Building Better Communities and Conserving Watersheds Act*, to allow a considered consultation of this significant change to Ontario's land-use planning system. We share substantial concerns regarding Bill 139 as drafted: we believe it will serve to exacerbate, rather than remedy, issues in Ontario's land-use planning system. For this reason, we believe Bill 139 should be re-considered and re-drafted before proceeding any further. Alternatively, Bill 139 is in need of major amendments.

As a group, we are urging you to undertake further consultations on these significant changes to a system that impacts all Ontarians and their communities everyday.

As you can see from the collection of groups who have signed on to this letter, we are groups representing divergent – and often competing – viewpoints and interests in Ontario's land-use planning system. We may not have agreed on specific proposals in the past – or even on the specific changes needed to Bill 139 – but we have come together today because we all recognize there are serious flaws in Bill 139.

That such disparate groups are coming together to express common concerns about Bill 139 should be a cause for pause.

We all agree Ontario's land-use planning system is in need of some degree of reform. We also all agree that Bill 139 is not the reform that is needed for Ontario's system.

We believe Bill 139 as drafted may compound or exacerbate existing issues in the system, rather than fix them. We believe there are many unintended consequences that will result from implementing the framework set out in Bill 139.

Possibly the biggest unintended consequence is the fact that Bill 139 reduces or eliminates important procedural rights enjoyed by Ontarians under the existing framework. Simply stated, Bill 139 takes due process out of the system. Procedural fairness and natural justice – core tenets of our legal system for centuries – are effectively curtailed. Under Bill 139, all groups – whether developers, residents or other interested parties – will be very limited in their ability to engage in the process and to hold decision-makers to account.

Giving communities a stronger voice in development and greater control in local planning does not require taking away fundamental rights and procedural protections from all other actors. The limitations on appeal rights and on evidence that can be considered by the Local Planning Appeal Tribunal seriously impact the ability of any planning decisions to be properly considered and tested. These are decisions that will impact our communities for decades to come. Bill 139 as drafted effectively removes the ability to challenge such decisions. These are substantial changes to Ontario's land-use planning system. They should not be actioned without serious consideration for their impact.

That points to another concern we share, which is the speed with which Bill 139 is being rushed through the legislative process. In the process, interested stakeholders are often being prevented from meaningfully engaging in the process. It is only six weeks since the Legislature returned for its Fall

Session. In that time, Bill 139 has moved through Second Reading and had Committee hearings. Clause-by-clause consideration is scheduled for next week. The Standing Committee on Social Policy was supposed to meet for four days over two weeks to consider this Bill. Yet the Committee immediately reduced these hearings to two days in one week, in the process moving up the already-short deadline for written submissions by one week. Many groups have been shut out of this process. Over 50 groups that sought to appear before the Committee were not given a chance to appear and many groups will be unaware of the changed submission deadline. We do not understand why such a fundamental change shouldn't be given a full opportunity to consider its impacts and to hear from those affected.

And that is why we are writing to urge this pause of Bill 139 as drafted. This bill should be re-considered and re-drafted before proceeding any further. Based on our shared concerns, we seek significant amendments to Bill 139 as drafted before it is passed into law. Further consultations are needed on such major changes to a system that impacts all Ontarians and their communities everyday.

Signed,  
Ontario Home Builders' Association  
Canadian Environmental Law Association  
Advocates for Effective OMB Reform  
Preservation of Agricultural Lands Society  
Environment North  
Building Industry and Land Development Association

cc: Hon. Yasir Naqvi, Attorney General  
cc: Hon. Bill Mauro, Minister of Municipal Affairs