

March 11, 2021

To the Standing Committee on the Legislative Assembly of Ontario

Regarding Bill 245, An Act to amend and repeal various statutes, to revoke various regulations and to enact the Ontario Land Tribunal Act, 2021

From: J. Haynes Graham

As a concerned resident of Ontario, I am sending this submission and strongly urging the Committee to withdraw Schedules 6 and 10 from Bill 245. There is no evidence-based justification for the proposed merger of the five tribunals into one entity to be known as the Ontario Land Tribunal. The provisions in both of these Schedules 6 and 10 will:

1. Inhibit access to environmental justice in Ontario;
2. Impair accountability for environmental decision-making;
3. Adversely affect the quality and credibility of Tribunal proceedings and outcomes;
4. Eliminate existing specialized and knowledgeable environmental expertise;
5. Allow the Ontario Land Tribunal to favour procedures that promote fast-tracked politically expedient outcomes at the expense of ensuring purposeful fact-based decision-making;
6. Unduly restrict appeals including those to the Minister on both policy and facts. (Just prior to the introduction of Bill 245, the cost of filing an appeal to the Local Planning Appeal Tribunal for official plan and zoning by-law amendments was significantly increased from \$300 to \$1100 which could create a financial barrier to the public and deter them from even beginning an appeal);
7. Arbitrarily allow written or electronic hearings for the sake of expediency rather than maintain the long-standing procedure of holding in-person hearings in the community where the dispute has arisen;
8. Deprive non-parties, such as witnesses or citizen groups, of the right to make oral submissions, answer questions, and provide relevant evidence to the Ontario Land Tribunal; public participation rights are a vital part in the decision-making process;

9. Give broad discretion to the Ontario Land Tribunal to dismiss a proceeding without holding a public hearing as required by law and before evidence has even been submitted.

I expect the provincial government to be open and transparent about Bill 245 and to have meaningful public consultation with all persons who are interested or potentially affected by these changes. Given that the government did not do this, it's essential that they do this now. To date, the provincial government has not posted any public notice on the Environmental Registry of Ontario in relation to Bill 245 which speaks to the lack of transparency. In fact based on current behaviour, the government, and specifically the Minister of Municipal Affairs, appear to hold the EBR process and the environmental laws of Ontario in contempt.

Amalgamating the Local Planning Appeal Tribunal, the Environmental Review Tribunal, Mining and Lands Tribunal, the Conservation Review Board and the Board of Negotiation into a single entity is unnecessary. Proposing amendments in Schedule 10, including the existing rights of appeal, will force disputes into the courts. Schedules 6 and 10 should be removed from Bill 245.

I appreciate your consideration of the above.

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