

Groups say Bill 257 allows MZOs

By Mark PavilonsEditorLocal Journalism Initiative

A provincial act supporting broadband across Ontario contains a potentially destructive policy. Environmental Defence, Ontario Nature and Ecojustice say Bill 257 exempts Ministerial Zoning Orders (MZOs) from planning laws and policy. This new law, they stress, would allow environmentally destructive projects to go forward even if they contravene basic planning rules. The groups go as far as saying this move is "yet another sneak legislative attack on environmental protection and public participation rules." Within the bill, entitled "Supporting Broadband and Infrastructure Expansion Act, Bill 257," are proposed changes to the Planning Act that will allow Minister's Zoning Orders (MZOs) to override key provisions of the Planning Act. If this legislation becomes law, when a MZO is used to permit development, it will no longer have to be consistent with Ontario's fundamental planning principles "set out in the Provincial Policy Statement (the PPS). Aside from the Greenbelt, lands currently protected under the PPS will become vulnerable to development at the "whim of the Province, as the law will allow MZOs to be issued to fast-track development projects that destroy protected farmland, wetlands and natural features." The environmental groups contend some provisions of the bill appear "designed to retroactively legitimize the unlawful decision by the Minister of Municipal Affairs and Housing to allow the destruction of a large part of the provincially significant Lower Duffins Creek coastal wetland complex in Pickering." This 50-acre wetland is slated to be bulldozed to accommodate a proposed warehouse, authorized through a MZO. Environmental Defence and Ontario Nature, represented by Ecojustice, are challenging this MZO in Divisional Court. The parties assert the Minister unlawfully issued the MZO, which ignores protections for provincially significant wetlands under the PPS and the Planning Act. Faced with this lawsuit, the government is changing the law retroactively to override our right to seek redress in the Courts. "Bill 257 illustrates the Ontario government's willingness to go to great lengths to ensure developers can destroy even the most environmentally sensitive lands and do so without public consultation or comment. It represents an attack on the public's constitutional right to seek judicial review of unlawful decisions. Moreover, the government is using the pandemic as a cover for its environmentally destructive actions, hiding this legislative amendment in a bill unrelated to the environment or land use planning, and without announcing it on the Environmental Registry or any other mechanism as required." (This) "attack on Ontario's most fundamental planning principles is the latest in a broader drive by the government to pave over large swathes of Ontario's countryside and protected lands. That agenda also includes running an unneeded suburban highway through the Greenbelt, forcing municipalities to lock in 30 years of sprawl by expanding settlement boundaries, and the unprecedented misuse of Minister's Zoning Orders to force through sprawl developments in the interim." Environmental Defence is a leading Canadian environmental advocacy organization that works with government, industry and individuals to defend clean water, a safe climate and healthy communities. Ontario Nature protects wild species and wild spaces through conservation, education and public engagement. Ontario Nature is a charitable organization representing more than 30,000 members and supporters, and more than 150 member groups across Ontario. Ecojustice uses the power of the law to defend nature, combat climate change, and fight for a healthy environment. Its strategic, public interest lawsuits and advocacy lead to precedent-setting court decisions and law and policy that deliver lasting solutions to Canada's most urgent environmental problems.