

**Gaps and Inconsistencies: Ontario's *Greenbelt Act* & *Places to Grow Act* – Knowledge
Cluster meeting, March 30, 2006
Discussion led by Maureen Carter-Whitney, CIELAP Research Director**

Handout:

Why is this important?

- With the recent enactment of the *Greenbelt Act* and the *Places to Grow Act*, along with other changes to the land-use planning process in Ontario, there has been a comprehensive and significant overhaul of planning law and policy
- The Ontario government has invested a great deal of energy and expertise in its rapid development of the new regime
- However, for laws and policies to be successful in achieving their purposes, proper and effective implementation is crucial

What is CIELAP planning to do?

- Examine closely the two primary pieces of the recent land-use planning reform package: the *Greenbelt Act* and the *Places to Grow Act*
- Identify **gaps, inconsistencies, overlaps** and **conflicts** between these two new laws and their respective plans, and in relation to the *Planning Act*, the *Niagara Escarpment Planning and Development Act*, the *Oak Ridges Moraine Conservation Act*, the 2005 Provincial Policy Statement, the recently proposed changes to the role of the Ontario Municipal Board, and existing municipal official plans and by-laws
- Where overlaps and conflicts are identified, determine which legislative and plan provisions will take **precedence** and how conflicts will be resolved
- Consider what the new planning regime is likely to mean for environmental protection
- Explore areas where further law and policy development is needed

Who does CIELAP hope to reach with this analysis?

- The provincial government, with advice on the implementation of the new laws and plans
- Municipal governments and other stakeholders who work within the new land-use planning process
- The public, to raise awareness of these issues and inform people's understanding of and ability to use the planning process

Meeting Notes:

Maureen opened the discussion with a brief description of the problem at hand – how the government has just put in place a new regulatory regime but that a number of these acts contradict one another and leave gaps. The government is currently beginning the implementation of this regime, making now an excellent time for an external analysis of the regime and the plans in place. CIELAP's initiative would also ask whether this regime is adequate or not.

It seems as though the government is so intent on promoting the regime and is not looking at all to figure out what faults exist.

Recommendations that came up during the meeting:

- CIELAP should also examine, the *Clean Water Act* and the *Source Water Protection Act* in its analysis.
- One of the problems with the Acts is how they interact. CIELAP may want to look at what's actually going on on the ground. Provincial resources tend to get dropped when a new project comes up because the staff have moved over. This is the "new kid on the block" syndrome. There are never enough resources for actually implementing the plans.
- There are concerns that there is no money left over for the actual monitoring of these acts. This needs greater attention.

Support for this initiative:

- There are many inconsistencies that need to be examined. The Ministry of Municipal Affairs and Housing (MAH) has said that the more environmentally protective Act will prevail; However, this isn't written into the *Greenbelt Act*.
- The communication piece is VERY important – an analysis of this type would give community groups a common language and allow them to be consistent.
- The language in the acts is such that it could be used for "good or for evil". More research would therefore be useful to identify and point out issues before they happen.
- It would be beneficial to look at and identify the Growth Plan's weaknesses. The Growth Plan is so useful because it will be a template for the others. We need to get this one right.

Concerns about the initiative:

- The government may have already done much of this work. If this information isn't accessible to the public, perhaps it simply needs to be pried loose for others to use.

Other Comments:

- The Niagara Escarpment Commission staff have identified the need for Harmonization and are currently looking for funds to do harmonization work.
- There is no indication to lessen environmental protection in any other Act. A harmonization regulation could be passed through the Niagara legislation and also through the Greenbelt legislation. BUT the Greenbelt legislation will not be made better to meet the standards of the others.