



LONG-TERM THINKING FOR TODAY'S ISSUES

January 18, 2019

Michael Helfinger  
Senior Policy Advisor  
Ministry of Economic Development, Job Creation and Trade  
Policy Coordination and Business Climate Branch  
900 Bay Street,  
Hearst Block, Floor 7  
Toronto ON, M6H 4L1

Dear Mr. Helfinger,

**RE: The Open-for-Business Planning By-law  
ERO 013-4293 Bill 66: Restoring Ontario's Competitiveness Act, 2018**

The Christian Farmers Federation of Ontario (CFFO) is an Accredited Farm Organization representing the interests of over 4,000 farm families in Ontario who are called to the vocation of farming. CFFO policy promotes economically, socially, and environmentally sustainable farming, advocating that farmers receive fair return for their production and stewardship efforts.

Cutting red tape can often speed up inefficient systems and economize on costly reporting. It is vital, however, to make sure that improved efficiency in one area does not cause undue harm in another. Within Bill 66, there are positive recommendations for reducing red tape, but there are also several recommendations that raise our concerns, primarily in the proposed addition of section 34.1 to the Planning Act (or the "open-for-business planning by-law"), as outlined in schedule 10 of Bill 66.

We are concerned that the amendment to the Planning Act as part of Bill 66 threatens issues of key importance to CFFO and to farmers more generally. Since the election, CFFO has written to three cabinet ministers regarding these issues, and we have shared these letters more broadly to further ministers and members. We would like to re-iterate our concerns with direct reference to what government is now proposing.

Our previous letters are attached but, in summary, our concerns are the following:

1. CFFO is concerned about the long-term protection of our best farmland for farming and stronger protections for all of the best available farmland facing development pressures—in and beyond the Greater Golden Horseshoe.

We need to balance growth with food production, especially since the greatest population growth is taking place in areas with the most productive farmland. Good planning and density targets can prevent urban sprawl onto our valuable food-growing and naturally sensitive lands. Without government intervention, building outward will

remain more profitable than building upward.

2. CFFO is concerned that provincial policies should promote not only economic success for the agri-food sector but also improved soil health, improved water quality, and safeguarded water quantity for the long-term success of the industry and the health of all residents.

In line with Bill 66, the CFFO supports the removal of unnecessary red tape, but given our priority concerns summarized above, we have understandable interest in schedule 10 of Bill 66. CFFO believes that the amendment to the Planning Act introducing section 34.1 would allow open-for-business planning by-laws to bypass existing, established, agreed-upon policies that should be considered essential rather than extraneous “red tape.” We encourage government to remember that rules and reporting that some may call “red tape” is necessary for the wider public good.

For example, schedule 10 of Bill 66 could allow municipalities to bypass important policies, such as section 39 of the Clean Water Act (2006), which was developed in response to the Walkerton tragedy that saw over 2,300 people fall ill and seven deaths, caused by a lack of effective protections for source water (CELA, 2018).

Furthermore, many of the provisions listed under subsection 6 of the open-for-business planning by-law, such as, but not limited to, section 39 of the Clean Water Act (2006) and section 7 of the Greenbelt Act (2005) were originally developed through extensive consultation with both the public and with experts. This process led to the creation of effective policies that are specifically intended to protect the environment, natural heritage sites, human health, and farmland. The Acts to be superseded by what Bill 66 proposes were developed via extensive processes to establish community support. There is no evidence to suggest any change in wider public preferences regarding the substance of these Acts or support for schedule 10, especially in how it supersedes these Acts.

It is important to recognize that farmland should be prioritized when considering development opportunities. Once farmland has been developed for residential or industrial purposes, the possibility of that land ever returning to agriculture is essentially nonexistent due to, for example, the loss of top soil during development.

**What is best for society now and into the future from an optimal social, economic and environmental sustainability balance moving forward cannot be ignored.**

If this is not the government’s priority, then we would like to hear this directly. On reading Bill 66 and especially schedule 10, the priority reads as one of economic growth at the expense of environmental and social well-being for current and future generations.

The proposed section 34.1 of the Planning Act runs contrary to CFFO’s long-term goals of soil quality, water quality, farmland preservation, and agri-food sector success. If Bill 66 is passed, regardless of the recent vocal widespread concerns, CFFO strongly recommends that it also include additional provisions to provide transparency and increase accountability in order to minimize these concerns.

CFFO recommends the following amendments to Bill 66 as proposed by your government:

1. Municipalities should focus on redeveloping brownfields within municipal borders and should be given incentives to adhere to *existing* provincial density targets that would have urban areas build vertically rather than expand outward into land that is valuable for agricultural

productivity, source water protection and natural landscapes, such as that within the Greenbelt.

- a. Incentives could be designed to reduce the current municipal dependence on a land tax revenue base, which is now biased towards extending “outwards” instead of “upwards.”
  - b. With urban sprawl, increasing scarcity of good farmland means its value is also rising. In the limit, it becomes priceless. Let’s not push our outward growth to that limit.
2. In order to establish public accountability, it is necessary that all deviations from the listed provisions under subsection 6 be documented in detail, listing the superseded provisions for all Acts, and the intention of the superseding, at both the municipal and provincial levels.
- a. Firstly, it should be required that all municipal resolutions under the open-for-business planning by-law be voted on with full disclosure of all documented deviations from the list of provisions under subsection 6 of this amendment. This means that at the local level, prior to the vote by the municipal council, the council should list, and make public, all provisions under subsection 6 that are to be superseded by passing an open-for-business planning by-law.
  - b. Secondly, once the request to use the open-for-business planning by-law has been submitted to the Minister, the Minister should be required to make the application available for public review inclusive of the list of all the deviations from the provisions listed in subsection 6.
  - c. Thirdly, once the Minister drafts his or her decision, this decision should be made public, with the list of superseded provisions under subsection 6, for a period of at least 90 days for discussion and feedback before a final decision is made.

The provisions that could be superseded according to the proposed schedule 10 involved extensive consultation and careful planning to create meaningful and effective policies to protect public interests, such as drinking water and the Greenbelt. Further, the importance of protecting farmland from development cannot be understated – development of agricultural land is irreversible. For this reason, the CFFO believes that protocols need to be in place to provide accountability in the decision-making process so that farmland protections are not disregarded when planning future development projects and to ensure further safeguards that development goals indeed balance social, economic, and environmental concerns and sustainability moving forward.

Thank you for your consideration of these comments.

Sincerely,



Clarence Nywening, President  
Christian Farmers Federation of Ontario  
BD, JK

**CC:** Hon. Doug Ford, MPP, Premier of Ontario  
Hon. Ernie Hardeman, MPP, Ministry of Agriculture, Food and Rural Affairs  
Hon. Steve Clark, MPP, Ministry of Municipal Affairs and Housing  
Hon. Rod Phillips, MPP, Ministry of Environment, Conservation and Parks