

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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MEMO TO: Municipal Councils
across Ontario

FROM: R.A. (Bob) Fowler
OPERA Secretary

DATE: November 3, 2007

RE: Bill 136 – Spaces to Grow Act (PTGA)

The Ontario Property and Environmental Rights Alliance (OPERA) is a coalition of trade associations and volunteer citizen organizations mandated in 1994 to protect, and entrench in law, landowner rights and responsibilities. As a research and communication facility, the coalition monitors regulatory proscriptions downloaded to municipal councils by federal and provincial agencies that affect the lives and property of Ontario residents. Many of these decrees not only ignore social and economic diversity but frequently undermine the mandate and authority of democratically elected municipal officials as well.

OPERA recently attended a privately sponsored Conference where an audience of several hundred people, including planners, consultants, developers and municipal officials were introduced to the PTGA. Four excellent speakers, two from Queen's Park and two representing the private sector, provided a wide-ranging overview and analysis of that legislation.

Some statistics, facts and perceptions tabled at the Conference are summarized in three italicized paragraphs as follows:

- 1. Bill 136 applies to all of Ontario and originates with a discussion paper called the Intergovernmental Action Plan.*
- 2. This Act, with an effective date of June 16, 2006, was legislated just prior to the Greenbelt Act in 2005*
- 3. Public input for the Act is transposed from a 2004 Places to Grow Discussion Paper and 2005 Greenbelt Growth Plan.*
- 4. Six existing statutes, such as the Planning Act and the Municipal Act, will be amended to accommodate Bill 136.*
- 5. Growth management over next 15 years is covered in land use designations already in place. (i.e. Greenbelt?)*

Although focused primarily on areas of expected high growth, we believe the PTGA will eventually affect planning initiatives across all of Ontario as indicated by following provisos noted at the Conference::

- 1. All municipal Official Plans and related zoning by-laws in growth areas must conform to Bill 136 by June 16, 2009.*
- 2. Hearing Officers of the Ontario Municipal Board are already obliged to render decisions that comply with the Act.*
- 3. Municipal compliance with Bill 136 may influence provincial contributions to shared-cost infrastructure projects.*
- 4. Any development outside strict urban/rural boundary lines will face PTGA requirements and restrictions.*
- 5. Some PTGA conflicts may arise in current municipal developments officially approved AFTER June 16, 2006.*

Given an estimated Ontario population increase of 4 million people over the next 25 years, advance planning for massive increases in residential, employment and transportation needs is obviously essential. However, some municipalities, particularly those outside high growth areas, might wish to consider other factors when reviewing Bill 136 such as:

- 1. The Act may impose urban planning concepts on rural municipalities that do not need them and cannot afford them.*
- 2. Higher buildings and higher densities control residential growth but increase social pressures and street crime violence.*
- 3. Despite urban re-development, many retiring urbanites will still seek peace and quiet in rural or small town Ontario.*
- 4. Like other provincial command-and-control decrees, Bill 136 appears to treat private land as a public resource.*
- 5. Clearly, advance public consultation and input focused exclusively on the PTGA was limited, if not non-existent.*

Bill 136 is only one of many recent provincial statutes hurriedly crafted and even more hurriedly ratified. Most of these regulatory exercises reflect commendable objectives and promise many benefits. However, many of them also dictate municipal compliance while avoiding any mention of negative consequences or estimate direct monetary costs to local taxpayers. On the proven maxim that "the closest government is the best government", we urge Ontario municipal councils and their constituents, whether or not in a so-called high growth area, to file relevant comment after reviewing Bill 136 on the Internet at www.pir.gov.on.ca/english/growth/ptg-act-2005.htm - then click on Places to Grow Act 2005.

NOTE: Later this month OPERA will circulate an Information Bulletin about Ontario's "strengthened" Species at Risk Act.

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