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Standing Committee on Heritage, Infrastructure and Cultural Policy

Reducing Inefficiencies Act
(Infrastructure Statute Law
Amendments), 2023

1st Session
43rd Parliament

Wednesday 29 March 2023

Comité permanent du patrimoine, de l'infrastructure et de la culture

Loi de 2023 sur la réduction
des inefficacités (modifiant
des lois sur les infrastructures)

1^{re} session
43^e législature

Mercredi 29 mars 2023

Chair: Laurie Scott
Clerk: Isaiah Thorning

Présidente : Laurie Scott
Greffier : Isaiah Thorning

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Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON HERITAGE,
INFRASTRUCTURE
AND CULTURAL POLICY**

**COMITÉ PERMANENT DU PATRIMOINE,
DE L'INFRASTRUCTURE
ET DE LA CULTURE**

Wednesday 29 March 2023

Mercredi 29 mars 2023

The committee met at 0901 in committee room 1.

**REDUCING INEFFICIENCIES ACT
(INFRASTRUCTURE STATUTE LAW
AMENDMENTS), 2023**

**LOI DE 2023 SUR LA RÉDUCTION
DES INEFFICACITÉS (MODIFIANT
DES LOIS SUR LES INFRASTRUCTURES)**

Consideration of the following bill:

Bill 69, An Act to amend various Acts with respect to infrastructure / Projet de loi 69, Loi modifiant diverses lois sur les infrastructures.

The Chair (Ms. Laurie Scott): Good morning, everyone. The Standing Committee on Heritage, Infrastructure and Cultural Policy will now come to order. We're here to conduct public hearings on Bill 69, An Act to amend various Acts with respect to infrastructure.

We are joined by staff from legislative research, Hansard, and broadcast and recording.

Please wait until I recognize you before starting to speak, and as always, all comments should go through the Chair. Are there any questions before we begin? All good? Thank you.

**STATEMENT BY THE MINISTER AND
RESPONSES**

The Chair (Ms. Laurie Scott): Our first presenter is the Minister of Infrastructure—welcome—the Honourable Kinga Surma. She will have 20 minutes to make an opening statement, followed by 40 minutes for questions and answers divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition members and two rounds of five minutes for the independent member. Are there any questions?

I will now call on Minister Surma. You have 20 minutes for your presentation. You may begin.

Hon. Kinga Surma: As a former member of committee, I know how much time and energy you spend, how much time is involved in doing the work that you do, so I really appreciate your time this morning.

I am pleased to have the opportunity to speak to all of you about Bill 69, the Reducing Inefficiencies Act (Infrastructure Statute Law Amendments), 2023.

Now more than ever, we need to build better infrastructure faster, reduce delays and increase efficiency to support the hard-working families and businesses across our province, and we need to lay the foundation for renewal and long-term economic growth.

We know that these are tough and challenging times worldwide. That's why our government is taking action. We have unlocked thousands of cost savings for taxpayers and businesses. We are delivering one of the most ambitious infrastructure plans, with a historic investment of more than \$184 billion over 10 years. We have invested millions of dollars in the skilled trades to ensure that the current labour gap is filled with high-paying jobs while helping to ensure we have a highly skilled labour force to help our government build. We are delivering health care, public transit, highways, schools and more, and we are successfully working with our industry and construction sector partners to better understand the challenges they are facing, whether it be inflation or supply chain disruptions, to identify ways that our government can help. We are taking on the current economic environment head-on so that we can deliver on our promise to build Ontario.

As we build Ontario, we must also be responsible with taxpayer dollars, prudent and efficient. Our government is proposing Bill 69, the Reducing Inefficiencies Act (Infrastructure Statute Law Amendments), 2023, which, if passed, would be the next step in allowing our government to increase operating and fiscal efficiency and save taxpayer dollars. Our bill comes at a time when the people of Ontario are depending on our government to introduce innovative ideas and new approaches to build Ontario. They expect us to cut red tape and practice good governance. This legislation, if passed, will deliver on those expectations.

Bill 69, the Reducing Inefficiencies Act (Infrastructure Statute Law Amendments), 2023, contains two initiatives that will improve management of the province's realty assets and bring efficiency changes to the environmental assessment process.

The first proposed initiative in Bill 69, if passed, would help our government better maintain and manage real estate, and the second initiative, if passed, would help bring much-needed efficiency to the Environmental Assessment Act, all while ensuring continued environmental oversight. This proposed change would allow the Minister of the Environment, Conservation and Parks, on a project-specific basis, to make an order to alter or waive the 30-day

waiting period following completion of a class environmental assessment process. Critical projects such as municipal roads, bridges, waste water and stormwater infrastructure could be built without unnecessary delay when a project has successfully completed an EA process and the minister has no outstanding compliance issues or concerns—work that is absolutely necessary in growing communities. This would help Ontario modernize its almost 50-year-old environmental assessment process, which is too slow, too costly and at times too burdensome.

This bill, if passed and proclaimed into force, would make amendments to the Ministry of Infrastructure Act, 2011; complementary amendments to nine other acts; and the Environmental Assessment Act. The nine other acts affected by our proposed changes are the AgriCorp Act, 1996; the Arts Council Act; Building Opportunities in the Skilled Trades Act, 2021; Capital Investment Plan Act, 1993; Education Quality and Accountability Office Act, 1996; Financial Services Regulatory Authority of Ontario Act, 2016; Fire Protection and Prevention Act, 1997; the Human Rights Code; and the Securities Commission Act, 2021. Together, these initiatives, if passed, would help our government cut red tape and streamline processes so that we can continue to practice good governance on behalf of the people of Ontario.

I would like to take a moment to highlight our government's plan to better manage and maintain real estate. Bill 69, if passed, would establish a framework to remove or modify the real estate authority of 14 entities that primarily hold or use office space, and it would provide the Minister of Infrastructure with the ability to oversee and manage the real estate previously under the control of the prescribed entities.

If the bill is passed, MOI intends that the entities to be prescribed are the Education Quality and Accountability Office; the Financial Services Regulatory Authority of Ontario; the Ontario Financing Authority; the Ontario Securities Commission; the Human Rights Legal Support Centre; the Higher Education Quality Council of Ontario; Intellectual Property Ontario; Skilled Trades Ontario; the Province of Ontario Council for the Arts, also known as the Ontario Arts Council; the Ontario Media Development Corp., also known as Ontario Creates; the Ontario Tourism Marketing Partnership Corp., also known as Destination Ontario; the Ontario Trillium Foundation; AgriCorp; and the Fire Marshal's Public Fire Safety Council.

Chair, I want to thank the hard-working people of these agencies, who help people in communities across Ontario every day. From the skilled trades to the arts, they are making a significant contribution to this province.

The legislative amendments that are being proposed today, if passed, would support the centralization of real estate, subject to any exemptions that would be determined by regulation. By creating a framework to centralize the real estate authority of these 14 entities as a first step, our government would be in a better position to reduce red tape. By doing so, our government would help create a more efficient process so that these entities can focus on the important work that they do for the people of Ontario,

like providing educational programs and services; protecting our finance sector; improving health care; promoting the skilled trades, arts, media and tourism; providing grants and funding opportunities to non-profit organizations that take care of the people in our province; and, of course, much, much more.

Bill 69 would allow our government the unique opportunity to take steps to deliver our real estate portfolio more efficiently by centralizing authority and decision-making. The Ontario government's real estate portfolio is one of the largest in Canada. Currently, accountability for this portfolio is highly distributed among many entities. This means that a holistic approach to managing and making decisions about real estate is needed so we can leverage our real estate expertise and make strategic decisions to better serve the people of Ontario. When realty authority is centralized, it means that all real estate matters would be overseen by a single authority, which would reduce the need for multiple ministries and entities handling similar tasks and processes.

0910

This would also lead to several other benefits, such as reducing redundancies, eliminating duplication of efforts and reducing the need for multiple levels of review and approvals. This, in turn, would streamline processes and cut red tape, ultimately leading to cost savings.

Bill 69, the Reducing Inefficiencies Act (Infrastructure Statute Law Amendments), 2023, is the first step in allowing our government to increase operating efficiency and support our government's objective to act more as one holistic organization and ensure alignment with enterprise-wide objectives. This bill, if passed, has the potential to:

- support real estate being used in the best, most optimal way;
- improve the quality of processes and services through a holistic, enterprise-wide approach;
- provide better value for taxpayers by using a more consolidated approach when it comes to overseeing and managing Ontario's real estate portfolio;
- help our government find and use innovative strategies to revitalize the government's real estate portfolio; and
- remove unnecessary wait times for certain class environmental assessment projects.

Since 2020, the Ministry of Infrastructure has consulted with key stakeholders, including the 14 entities and their eight oversight ministries. Several entities agreed that this initiative is aligned with their ongoing initiatives to optimize their office space and increase efficiencies. That's because the benefits of a more centralized real estate model for decision-making are clear. And they're not only clear to us.

Numerous third-party reviews nationally and internationally have reiterated the benefits of a centralized real estate model to help identify opportunities for enhanced business outcomes. This includes the 2017 Auditor General's annual report, the 2018 Ernst and Young line-by-line review of government spending, the PricewaterhouseCoopers report in 2018 and the 2019 Deloitte report. Each of these

reviews found that a centralized approach to real estate could foster greater levels of transparency while improving decision-making capabilities and reporting, improve strategic alignment for the management of provincial infrastructure assets and could significantly reduce overall spend across government.

Our government has carefully reviewed each of these recommendations, and through this bill, we are responding. I'm sure many members of this committee have heard frustration from their own constituents about red tape and burdensome slow processes. That's why our government is taking action right now. This is a pivotal moment for our province and our economy. This is about good governance, which Ontarians expect from their government. It's about strong leadership by constantly looking at ways we can take the burden off the taxpayers while we fulfill our mandate to build up this province.

Our proposed approach will also continue to build on our previous commitments to better manage and maintain real estate. For example, our government is upcycling properties that sit underused or empty to better meet the needs of our province. We are doing this by implementing a more efficient process to identify buildings and properties that could be used to deliver more programs that the people in Ontario need and deserve. We are looking at regional hubs through our government's regional office optimization work as well. And we are also doing so much more.

As I mentioned earlier, our government has planned infrastructure investments of more than \$184 billion over the next decade, making it one of the most ambitious plans in Ontario's history. We're supporting the development and construction of transit, highways, schools, hospitals and long-term-care homes across the province. And our government has committed nearly \$4 billion to bring access to high-speed Internet to every community across the province by the end of 2025. This is the largest single investment in high-speed Internet in any province by any government in Canadian history. These important steps taken by our government have helped plot a new trajectory for the long-term growth of our province and the future of people in Ontario. Part of that long-term growth includes today's measures that, if passed, would help address issues of regulatory burdens and red tape.

The people of Ontario deserve a responsible, more efficient government. Bill 69, the Reducing Inefficiencies Act (Infrastructure Statute Law Amendments), 2023, if passed, has the potential to provide more efficiency and transparency. This bill is a significant undertaking, and we can't do it alone. It requires support from all levels of government, impacted ministries, as well as members of this committee and the Legislature.

The changes that we are proposing are important to the future of our province. The people of Ontario are depending on innovative ideas and new approaches to reduce inefficiencies. They expect us to be fiscally prudent, respect taxpayer dollars, cut red tape and practise good governance. This legislation, if passed, will deliver on those expectations.

The Chair (Ms. Laurie Scott): Thank you very much, Minister, for the comments.

We're going to start with the official opposition for questions. MPP Shaw, please go ahead.

Ms. Sandy Shaw: Thank you to the minister for your presentation this morning. I have to start by saying, though, I do find it a little disheartening to hear you describe protecting the environment as something that's too burdensome. We have really seen under this government the largest attack, if you will, on environmental protections in the province: our natural spaces, our green spaces, wetlands, our wildlife. This is a government that has done nothing to protect the environment but it has dismantled any protections that we have in this province. You knee-capped the conservation authorities. You're declassifying wetlands. You've given MZO permissions to pave over wetlands. You have a pay-to-slay provision when it comes to species at risk. And we really have absolutely no credible climate progress here in the province. So you will understand why people are very doubtful that anything that you do when it comes to the environment is a step in a positive direction. Really, the environmental assessment is almost the last protection standing under this government.

Can you tell me why anybody should expect you will use power wisely and well, as you have said, when it comes to the environment? And can you specifically say why the minister needs to have this arbitrary power when the people of the province have come through the environmental process, through the Environmental Bill of Rights—they've taken the time to comment. We have experts that put in their time and effort to make sure that the province of Ontario and our environment is protected. So why would you erase that comment period when it just continues to show that this is a government that doesn't want to hear about the environment and doesn't want to hear input from the public when it comes to protecting their environment? This doesn't belong to the government; it belongs to the people of the province of Ontario.

Hon. Kinga Surma: Thank you very much for that question and opening remarks.

I will have to admit, I do not agree with the member whatsoever in terms of how important the environment is to the government. I would remind the member that it is this government that has led the way in investing in industry for clean steel production. We are investing in the largest transit expansion in the province's history to get cars off our roads and reduce emissions. We're also becoming a world leader—not only in North America but in the world—when it comes to electric vehicle manufacturing, which is, I believe, a very significant and strong effort coming from the government in terms of taking care of and protecting our environment.

That being said, the minor change in this legislation, should it be passed, is just simply to give the Minister of the Environment the discretion, should he feel it is necessary, for minor infrastructure works that are quite important to municipalities. It does not in any way—and perhaps the member would like to identify where it is written in the

legislation—reduce or lower the standards of the environmental assessment process. It just simply gives the minister the discretion to remove the 30-day waiting period, should he feel that all of the class environmental assessment standards—

Interjections.

0920

The Chair (Ms. Laurie Scott): The minister is speaking. Be quiet on the sides.

Hon. Kinga Surma:—should the minister feel all of the environmental assessment standards have been met, that there are no concerns from the community and the minister feels that the municipality should carry on with critical work, such as roadwork and stormwater/waste water work. It simply just gives the minister the ability to have the discretion.

The Chair (Ms. Laurie Scott): Thank you very much, Minister.

MPP Shaw.

Ms. Sandy Shaw: Despite what you're saying, this government does not listen to all stakeholders, and I think the people of the province are now relying on the federal government to provide the protections you should be providing.

As we have seen in the Duffins Rouge Agricultural Preserve, the federal government has stepped in to provide protections when it comes to Rouge National Park. The minister was quite clear when he said he has a profound disagreement with this government, with the way this government is treating the environment and natural spaces in the province. So we don't have the provincial government to step in and protect our natural spaces. We now have to rely on the federal government, who have made it quite clear they will use every tool they can to protect the environment.

I would also like to let the minister know that today we have a number of First Nations here: Neskantaga, Grassy Narrows, Kitchenuhmaykoosib Inninuwug, Muskrat Dam and Wapekeka. All the leaders from these communities are here in this Legislature because they hear this government saying they are going to build on their territories, and they do not feel that this government is willing to engage in free and prior consent when it comes to their lands.

You will forgive me again for saying that no one has any trust in this government when it comes to consultation and listening to people that have jurisdiction and that have rights to be consulted.

My question, very specifically: When it comes to the environment, which stakeholders did you consult with when you developed this legislation?

Hon. Kinga Surma: Thank you very much for the question. First of all, I just want to again reiterate that there's nothing in this legislation that in any way removes, inhibits or reduces any standards within the environmental assessment process. This is simply just to give the Minister of the Environment the discretion to remove a mandatory waiting period, should he feel it necessary, should he feel that all of the standards have been met and that the work should proceed.

In terms of your comments pertaining to the First Nations communities, I don't believe there has ever been a Premier, nor a minister, that has built such a strong foundation with the First Nations communities and has consulted. In terms of the ministry—

Interjection.

The Chair (Ms. Laurie Scott): Minister, MPP Harden would just like to ask, in the last few seconds, a question, if that's—

Mr. Joel Harden: Just quickly, how much time do we have left?

The Chair (Ms. Laurie Scott): You have 20 seconds.

Hon. Kinga Surma: I'm sorry. I can't see the time. Is there somewhere I can look—

Interjections.

Mr. Joel Harden: In my last 20 seconds—

Hon. Kinga Surma: So I don't know if I'm—

Mr. Joel Harden: That's fair, Minister. In my last 20 seconds I just want to say to the minister, thank you for joining us this morning. In our next round, we'd like to focus on the Auditor General report that the minister cited from 2017 on real estate services to see how this legislation meets some of the challenges outlined in that report.

The Chair (Ms. Laurie Scott): Now to the independent side and MPP Bowman, please. Welcome.

Ms. Stephanie Bowman: Thank you, Chair. Thank you for the opportunity to be here. Thank you, Minister, for your marks.

Certainly finding efficiencies is a good idea when the impacts are positive etc. I would like to just understand a little more about the rationale for these 14 agencies specifically and the other 20 that are maintaining their own real estate. Why are the other 20 retaining their real estate given the description of the proposed benefits you see in centralizing real estate?

Hon. Kinga Surma: Thank you, and that's a very fair question. I think our objective here—my objective and my ministry's objective—is to look at ways in which we can reduce costs, the burden for government. But we are also looking at ways in which we can better optimize space and we are also looking at ways in which we can modernize working environments. Also, we are looking at the most suitable location for that particular agency.

The agencies that we are reviewing, the 14 that are before you today, are ones where—not all of them, but in the short term their lease is coming up for renewal, which presents us with an opportunity to review the real estate decision-making authority, and also are ones that are located in Toronto, where we believe there may be an opportunity to optimize existing space.

Ms. Stephanie Bowman: So the others could be on the list at a future date?

Hon. Kinga Surma: Our government is always looking at ways to find efficiencies to save taxpayer dollars wherever possible to be responsible, but I would like the opportunity to first evaluate these 14 and be able to come back with recommendations.

Ms. Stephanie Bowman: You mentioned that several of the agencies consulted did agree. That suggests that

maybe a bunch didn't agree. I want you to tell us about that.

But before I get there, I also would like to know, what are the savings in dollar values year on year that are expected from implementing this change?

Hon. Kinga Surma: In terms of answering your first question, what I can speak to is the consultation that has taken place thus far with the agencies in question. The Ministry of Infrastructure has conducted a survey with the agencies. We've also commenced a business case analysis on the agencies. We've also spoken to and consulted with the oversight ministries in question. There has been a general desire that there are ways in which to modernize and optimize space. I think agencies are willing to work with MOI as a partner in order to do that so that they can have better spaces to work in and so that government can reduce the burden and cost wherever possible.

Ms. Stephanie Bowman: So you're not able to say at the moment the estimated savings from these—you said there are business cases; you're not able to share the estimated savings from those business cases?

Hon. Kinga Surma: No, not at this point in time. I think what we are doing right now is a very thorough analysis and evaluation. I am just simply asking to have this authority, moving forward, so that we can complete the business casework, do the evaluation, and should we feel that there is good reason, good cost, good opportunities before us, we can make those decisions in a centralized, holistic matter.

The Chair (Ms. Laurie Scott): There's a minute remaining, roughly.

Ms. Stephanie Bowman: At a future date, when those business cases are done, would the taxpayers of Ontario be able to see what the estimated savings are from this initiative?

Hon. Kinga Surma: I've always done my best to be as transparent as possible. Certainly, if we feel that there is a strong case, then we will be communicating that to the public.

Ms. Stephanie Bowman: You referenced a 2019 Deloitte report that, again, estimated some benefits. Can you share with us what the estimated benefits were from that report?

Hon. Kinga Surma: Yes. I think all of the reports—

Ms. Stephanie Bowman: In dollars.

Hon. Kinga Surma: I'm not sure if I can speak to specific dollars, but I think that there's a common theme and a common message within all of these reports, including the 2017 AG report. I think that the common theme and common message is that in using a centralized approach, there is often a case that there are cost savings to be had. It's very hard to reference numbers because these reports were done in various agencies and jurisdictions—

The Chair (Ms. Laurie Scott): Thank you very much. I'm sorry, we're out of time for that response.

We now move over to the government side for seven and a half minutes. MPP Sabawy.

Mr. Sheref Sabawy: Minister, I will follow up with the environmental part from the colleagues on the other side. If you can help us understand: From my reading of the

changes suggested by this amendment, those 30 days are counted after the comment period. So all the comments have already been submitted. Also, it's only conditioned on if the decision is already taken and all the relevant class EA requirements have been fulfilled. Can you give us a little bit of assurance on that? Because that's my reading. Maybe they read it differently.

0930

Hon. Kinga Surma: Thank you very much, MPP Sabawy. Yes, that is correct. Throughout any environmental assessment process, there is routine and regular consultation that is done with the public throughout the actual environmental assessment process itself, so communities and stakeholders are consulted throughout that process. This is a 30-day waiting period. Once all of the work is done that is mandatory, that is a 30-day waiting period. So even if the municipality, the minister and the community were supportive of this project because it's a very critical road or a very critical stormwater improvement—again, very routine, regular, practical projects where the environmental implications and mitigation efforts are very much well understood—they still have to wait the 30 days. What the minister is simply asking is just to give him the flexibility, the discretion. If he feels that everything has been met, and again, the municipality and all parties are supportive of getting on with the work, he has the ability to start the project.

Why this is so critical is because everyone here in this room I think understands that the costs of things are going up. The cost of construction is going up significantly. So why keep a mandatory 30-day waiting period if the minister truly believes, and the communities are supportive of, again, minor, very well-understood works that are mostly conducted by municipalities? Why should he not have the discretion to allow this critical project to proceed so that you can optimize the construction season and the construction period in Canada?

In my industry, in my ministry, we have two periods: We have non-construction and construction season. And it's so important to optimize that construction season to the best of our ability so that we can spend taxpayer dollars responsibly.

Mr. Sheref Sabawy: Thank you, Minister.

The Chair (Ms. Laurie Scott): MPP Pang, please go ahead.

Mr. Billy Pang: Madam Chair, through you to the minister, thank you for putting forward a bill that, if passed, will enhance fiscal management, cut red tape and save taxpayer dollars, which is very important.

In your remarks, you mentioned about creating a framework to centralize the real estate authority. Could you tell us more about why the government is introducing legislation to remove entities' authority to manage their own real estate?

Hon. Kinga Surma: Yes, of course. Thank you very much, MPP Pang. I guess what I'll do is I'll reference the 2017 AG report in which the AG clearly identifies that the management of real estate within government could be done more cost-effectively. I think that in this particular

situation, we are in a position where there are many, many parties involved making routine real estate decisions. Through this legislation, if passed, it would give the Ministry of Infrastructure greater insight into those real estate decisions. It would give us the authority in real estate decisions so that we can have a holistic view.

I will just use a very simple example: If we have office space in one building and there is room, and we know that there is an agency that could quite possibly fit in that office space, why wouldn't we perhaps look at consolidating? Why wouldn't we look at optimizing that space? Why wouldn't we look at the opportunity to modernize the space with all of the technology that we have available today? I believe that it is the responsibility of government to always be responsible, to always have that line of sight, and if you don't, to create legislation in which you can have that line of sight to be a responsible manager of taxpayer dollars. So with this new legislation, again, if passed, it would give my ministry, the Ministry of Infrastructure, the ability to have a direct line of sight, to have real estate decision-making authority, to be able to optimize and modernize office space.

Mr. Billy Pang: Madam Chair, how much time do I have?

The Chair (Ms. Laurie Scott): I believe there's less than two minutes.

MPP Smith, do you—

Ms. Laura Smith: Thank you and through you, Chair, I'll be very brief.

Thank you for your information. I'm sorry to keep circling back—because there are so many entities to keep track of. The CBREA initiative—doesn't the Ministry of Infrastructure already manage Ontario's real estate portfolio, GREP, and why do these 14 entities not already belong to that portfolio?

Hon. Kinga Surma: That's a very good question.

The Chair (Ms. Laurie Scott): And you only have 60 seconds.

Hon. Kinga Surma: The purpose of this legislation is simply to be more cost-effective and improve the way in which we manage real estate. That is my objective as the Minister of Infrastructure. This legislation, should it be passed, will allow my ministry, the good folks at the Ministry of Infrastructure, to make those improvements if they are necessary.

Ms. Laura Smith: Because there are, like, 54 entities, and that's a huge—I'm thinking of it as a tree, literally. All of these tributaries and they all funnel down into one, so this will help streamline things.

Hon. Kinga Surma: Yes.

Ms. Laura Smith: Thank you. All right.

The Chair (Ms. Laurie Scott): Thank you very much, everyone.

Now, back over—

Interjection.

The Chair (Ms. Laurie Scott): Pardon? MPP Harden, do you have a point of order?

Mr. Joel Harden: I'm just wondering, Chair, if we can know if the minister's remarks would be made available

to us, the text of the remarks. That would be helpful for us after the meeting.

Hon. Kinga Surma: Sure.

Mr. Joel Harden: That's wonderful. Thank you. I appreciate it.

The Chair (Ms. Laurie Scott): Okay. Thank you.

Who would like to speak on this side? It's your turn. MPP Harden.

Mr. Joel Harden: Good morning, Minister. It's nice to see you this morning. You mentioned in your remarks the 2017 report from the Auditor General on real estate services for the Ministry of Infrastructure. I want to return to that report, because as I understand it from your remarks, a lot of what you're proposing in this legislation is motivated by that.

I want to point to page 572 of the Auditor General's report that deals with your ministry and just cite a passage and get your reaction to it, to the extent that Bill 69 is meant to address it. It concerns vacant buildings owned by the government of Ontario. The Auditor General writes, "\$19 million" was "spent in one year on operating and maintaining 812 vacant buildings—Infrastructure Ontario incurred \$18.9 million in rent paid to third parties, property taxes and operating and maintenance costs for 812 vacant buildings across the province in 2016/17. Infrastructure Ontario does not consistently track how long buildings are vacant, but we found" out "600 of the 812 had been vacant for an average of almost eight years. Vacancy dates for the remaining 212 buildings were not readily available."

In Ottawa—I turn a question to the minister—we have an ongoing conversation from the Honourable Mona Fortier, who is talking about repurposing federal office buildings, now often unused, for housing in our city. I'm wondering the extent to which you believe this is a priority of the government through this legislation?

Hon. Kinga Surma: Certainly, I think, for anyone—any constituent, any resident, any legislator—we want to make the best possible use of our assets. Now, I would agree; I think that there is much more that we can do within our real estate portfolio. I would agree with the AG that we should be managing our real estate portfolio, making constant improvements. I think our government has shown an initiative to do this, first of all, through our surplus properties, where we are carefully evaluating surplus properties to see whether or not they can serve a greater purpose for the public, whether it be long-term care; whether it be affordable, attainable housing opportunities; whether or not a surplus property is in proximity to a hospital and perhaps could be evaluated.

And so we have shown the initiative to do that. We are evaluating surplus properties as we speak to see if they can match and meet a government priority such as long-term care and housing. And I would say that this is—

Mr. Joel Harden: My apologies. I only have a certain amount of time.

0940

What I understand you saying in your response is that when you look at the AG's numbers, they're still correct

for 2023—812 vacant buildings, in a time when our seniors and people with disabilities need assisted living and we have a housing and homelessness crisis, and all parties in the Legislature have declared 1.5 million homes over 10 years. I'm very happy to hear you saying that a focus—if I'm reading you correctly; I'm not going to put words in your mouth—of this legislation is dealing with these surplus properties that the people of Ontario right now are paying to maintain vacant. It was an alarming figure when I first read it. I'm glad to hear you agree.

I also want to focus on page 570 of the Auditor General's report and get your reaction to it. She wrote, "Infrastructure Ontario's management of government properties was impacted in part by weaknesses in the enterprise realty service agreement ... between Infrastructure Ontario and the Ministry of Infrastructure. The agreement does not set out any mandatory, minimum standard of performance for managing the costs of capital projects. It also does not set out timelines for meeting the accommodation standard for office space designed to ensure that existing government properties are used efficiently, and timelines for maintaining the state of government-owned properties to the agreement's standard."

With that now read into the record, from the AG's report, Minister, I'm wondering if, once these are centralized, you're going to have criteria to address this issue: that, according to the AG in 2017, at least, costs were spiralling out of control and there weren't coherent criteria to measure the efficiency of government builds.

Hon. Kinga Surma: Thank you very much for those thorough questions.

First of all, the surplus property piece is a big priority for my ministry. But just to be clear, the focus of this particular legislation is the mandatory 30-day waiting period and the realty authority support. But yes, the surplus properties are an objective of this government which we are currently working on.

In terms of the project management services through IO, this is currently in procurement as we speak.

We believe that there are certainly manners in which we can improve. I think that through this legislation, if passed, what I am asking for is simply to have that direct line of sight so that we can make improvements. So—

Mr. Joel Harden: How much time do I have left, Chair?

Sorry, Minister.

Hon. Kinga Surma: That's okay.

The Chair (Ms. Laurie Scott): Two minutes.

Mr. Joel Harden: Okay.

Well, I'm glad to hear that too.

Just to follow up on what the member from Don Valley West was saying about asking for what are the expected cost savings with this bill, I would ask, can you give the committee, this morning, a sense of what the criteria are going to look like?

I know your staff and you have read this report. I was concerned to realize the extent to which the people of Ontario are funding vacant buildings in Ontario during an assisted-living housing crisis for seniors and persons with

disabilities, and during a housing crisis in general. So I'm glad to hear the response on that front.

Again, could you give us a little bit of an idea of, when you're drilling down and realizing how these efficiencies are going to be made, what are the general criteria you're looking at, whether it be heating, accessibility, proximity to transit, refurbishments for energy conservation?

Hon. Kinga Surma: I cannot speak to the specific criteria for the surplus properties because that is not included in the legislation that is here before us, that we are speaking about today.

That being said, in terms of the criteria and the evaluation of the 14 agencies in question, simply, we are looking at: Is the lease coming up for renewal? Is there an opportunity to evaluate? Can there be consolidation? Can there be optimization? Can there be modernization? Can and does the agency fulfill its mandate within that specific space, or is there room for improvement? That is what we are looking at when we're speaking to the 14 agencies.

I am very intrigued and happy to hear how excited you are about our surplus properties initiative.

Mr. Joel Harden: We've got to use them. We paid for them.

How much time do we have left?

The Chair (Ms. Laurie Scott): You have 14 seconds, if you wish.

Mr. Joel Harden: I look forward to following up and perhaps linking some of our federal colleagues who are having this conversation about federal buildings with the work you're trying to do.

Hon. Kinga Surma: I would be very happy to have members of my team at the ministry connect with your office to get your thoughts.

The Chair (Ms. Laurie Scott): MPP Bowman, please. Five minutes.

Ms. Stephanie Bowman: Minister, you mentioned that these 14 agencies are in Toronto. Are you looking at plans to move these agencies and properties out of Toronto?

Hon. Kinga Surma: The government does have a Community Jobs Initiative where it evaluates agencies to, again, determine whether or not their mandate is fully met within its existing location.

We also have a regional optimization strategy where we want to optimize and utilize existing office space. For example, the MTO has regional offices across the province. Perhaps there's room.

That being said, I cannot speculate as to what the outcome of the business cases and the evaluation will be. I simply want the ability to review real estate decision-making. I would like to review very thoroughly the business cases for each of the agencies. I would like to understand whether they're meeting their mandate in that specific location. And I would like to look at office space in general in Toronto to see if there are opportunities to consolidate space, if that exists.

That is all that I am asking for at this point in time.

The Chair (Ms. Laurie Scott): MPP McMahon.

Ms. Mary-Margaret McMahon: Thank you, Minister, for coming to our effervescent and energetic committee.

It's always great to have a minister here. Thank you for your explanations on Bill 69.

As you know, or may not know, some Ontarians are a little concerned about this government and its track record on the environment. I know you had some comments citing solid examples of support, sustainably. But when the government starts off with not mentioning climate change once in the throne speech and then passing Bills 23 and 39, which actually gut the environmental protections of the conservation authorities, the Toronto Green Standard, green standards across municipalities and heritage protections, there's a little bit of concern. You can understand, maybe, that there's somewhat of a distrust amongst the environmental community alone, amongst others.

We're really looking for the government to walk the talk on this. For the environmental protections, do you have examples of projects that actually have been held up by environmental assessments, like examples of specific projects or examples of how many projects have been held up? Is it really that cumbersome and causing a huge delay for many projects?

Hon. Kinga Surma: I have examples of projects where the minister, for example, would advise and it would be his opinion that the 30-day mandatory waiting period would potentially be unnecessary. They're minor stormwater and waste water works, minor municipal roadworks; in Peel, Brampton and Mississauga, for example.

Further to your point about the environment, a lot of the necessary work that—giving the minister the discretion to remove the 30-day period would actually expedite very critical water work, which is necessary in terms of protecting the quality of water within our environments. So I believe, and I believe the Minister of the Environment believes, that if, again, all the standards are met, the municipalities are supportive, the community is supportive, why not remove the 30-day period and get that critical work under way that is actually benefiting the environment?

The Chair (Ms. Laurie Scott): Fifty seconds left.

Hon. Kinga Surma: Waste water work, for example, and stormwater work, as you know, if you don't move quickly, can have consequences on the environment—so again, not lowering the standards, but simply just giving him the ability of that discretion.

Ms. Mary-Margaret McMahon: Okay, thanks.

When you had the consultation with the environmental sector, did anyone suggest maybe not completely removing the 30-day period? Maybe they shorten it to 10 days? What came out of your consultations with the environmental sector? Any kind of middle ground?

Hon. Kinga Surma: Of course, this is a recommendation coming from the Ministry of the Environment and the Minister of the Environment. He is the one who was responsible for leading a lot of the consultation work that took place. It is my understanding that the Minister of the Environment has and is consistently hearing feedback—

The Chair (Ms. Laurie Scott): I'm afraid that's all the time we have. I'm sorry, Minister.

Final round of questions: MPP Thanigasalam.

0950

Mr. Vijay Thanigasalam: Thank you, Minister, for your presentation, and thank you for your leadership in introducing this bill, the Reducing Inefficiencies Act. You explained how complex the real estate portfolio is right here in Ontario, and you have highlighted how we're not changing pretty much anything in the environmental. Thanks for articulating that explanation.

I think all sides of this committee agree that this is a good piece of legislation. Even the members opposite mentioned that they're very happy about what's here and how we are listening to the people, to cut red tape and save taxpayers money.

Minister, my question is very simple. I just want you to highlight how this legislation is going to better the lives of Ontarians and how this legislation would align with the government's overall priorities and objectives. You have answered so many times about the environmental—because this environmental piece is after the successful completion of the full EA process, and then only the minister is allowed to take out the 30-day period. So I think you have given a lot of explanation. But there are a lot of benefits in this legislation. I really want you to give this committee the affirmation—what are the benefits for Ontarians and how does it align with our government's priorities?

Hon. Kinga Surma: If it's okay with you, Vijay, I'd just like to finish my response to the member.

I just wanted to reiterate that the environmental assessment standards that we have in Ontario are the highest and most stringent standards in North America. It is my understanding that the Minister of the Environment is constantly consulting in order to see how we can maintain those standards but also be efficient throughout the process, so that when there is a critical project that the public truly supports, we can do the necessary work but also do it in a reasonable time frame. I think that's his objective and that's how he consults with his stakeholders.

Back to my best parliamentary assistant in the world: In terms of bettering the lives of Ontarians and how this aligns with government priorities, I think, number one, what improves the lives of Ontarians is when we build infrastructure. That is why I love my ministry. When my ministry provides the support to build a bridge or build a hospital, it changes people's lives. That infrastructure will be there for many, many years. People will rely on it. It will save lives. It will help them live better.

I know we're speaking about municipal roads and things that are a little bit minor, but they have an impact on people's lives too. If I'm not mistaken, a common problem in Scarborough is the lack of stormwater management, and people's homes get flooded. That can deeply impact a person, if that work is not done quickly. We're talking about \$40,000, \$50,000, \$60,000 worth of repairs because of a very drastic storm. Sewers can't maintain that water; it flows into people's homes and very badly impacts their lives and impacts them financially.

If we can make the environmental assessment process—again, maintaining standards, always looking to

improve standards, but simply remove unnecessary time-lines, we can get that work going faster, which could save a family from being flooded. I think that's well worth it, and this is what I hope this legislation will help prevent in the future.

And I think when it comes to aligning government priorities, our government has been very clear that we are a government that wants to build Ontario. This was one of our mandates and one of our key platform items in an election that was just a short year away. But I think people always want governments to be fiscally prudent. I think nothing bothers families more than when they're working very, very hard for the money they make to support their families, take care of their parents, their children, and they don't see that government is constantly looking at ways to save money and be more efficient. They work really hard to pay taxes and they want us to always look at the fine line and save every single dollar, because a dollar means a lot to people. We look at sometimes thousands of millions, billions of dollars for projects, for different initiatives. But a dollar means everything to a person that works really hard, and Ontarians are the hardest-working people.

So I think people want us to build, they want us to build efficiently and they always want us to be very, very responsible with taxpayer dollars.

Mr. Vijay Thanigasalam: Thank you, Minister. Chair, time check?

The Chair (Ms. Laurie Scott): It's less than two minutes.

Mr. Vijay Thanigasalam: Okay, I will turn it over to MPP Sabawy.

The Chair (Ms. Laurie Scott): MPP Sabawy, it's really a minute.

Mr. Sheref Sabawy: I'll ask very quickly. I just want to ask a question now. We are talking about centralizing the realty authority. What is the current situation now? Can you give us an idea of how those different ministries now manage their contracts and assets, if they have them?

Hon. Kinga Surma: I'll speak to the 14 that pertain to the legislation that is in front of us, but ultimately, it is the agency and/or the oversight ministry that has the decision-making authority. Now, the challenge is, that particular ministry or that particular agency may not have insight into all the other office space that is available, perhaps even different types of modernizing office space. Perhaps they are not aware that another lease is coming up for renewal in another agency. Perhaps they can complement each other by being in the same space because the work that they do may be part of the same sector. So it would be, I think, extremely beneficial for the Ministry of Infrastructure to be able to provide that holistic approach.

The Chair (Ms. Laurie Scott): Thank you very much, Minister.

Thank you very much, everyone. I'm sorry, but the time has come to an end. We will all rejoin at 1 p.m. when the committee reconvenes. Thank you.

The committee recessed from 0958 to 1301.

The Chair (Ms. Laurie Scott): Good afternoon, everyone. The Standing Committee on Heritage, Infrastructure

and Cultural Policy will now come to order. We are here to resume public hearings on Bill 69, An Act to amend various Acts with respect to infrastructure.

Today's remaining presenters have been scheduled in groups of three for each one-hour time slot, with each presenter allotted seven minutes for an opening statement, followed by 39 minutes of questioning for all three witnesses divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition members and two rounds of four and a half minutes for the independent member of the committee. Are there any questions? I think we're all pretty good. All right.

SIERRA CLUB CANADA, ONTARIO CHAPTER ENVIRONMENTAL DEFENCE

The Chair (Ms. Laurie Scott): I see at the table we have the Sierra Club Canada, Ontario chapter, Jessica Murray, and we have Environmental Defence, Phil Pothen, here before us today. If I could ask Jessica to begin, you can go ahead when you're ready. Please just state your name at the beginning for our Hansard purposes and recording.

Ms. Jessica Murray: Sure. Good afternoon and thank you so much for your time and attention. My name is Jessica Murray, and I'm presenting on behalf of Sierra Club Canada as a board of directors representative for the Ontario chapter.

Sierra Club is a grassroots organization that empowers its members to protect, restore and seek climate solutions. We advocate for biodiversity and speak for the rights of Mother Earth. Activities in Ontario include the Ring of Fire Assessment led by Joseph Duncan, who is a Treaty 9 member, and we also played a role in the discussion around nuclear power plants, for example, the Darlington nuclear plant in Bowmanville, Ontario. We represent local voices as well as bring in experts when needed, and so I'm here today to speak on behalf of the public as well as our members regarding the proposed amendments of Bill 69, the Reducing Inefficiencies Act.

First of all, what is the main intention of this amendment? The newsroom of the Ontario government states clearly that it is to cut red tape. Initiatives include improving the management of realty assets of 14 provincial government agencies. The proposed amendment will allow the Minister of the Environment, on a project-specific basis, to alter or waive the 30-day waiting period for class EAs to help projects get built faster. In essence, this amendment is about real estate management and streamlining the building of the supporting infrastructure. While it's not spelled out, the 30-day waiting period is the period in which the minister would review public concerns about a class EA project and potentially respond through further action.

In addition to being a Sierra Club member, I am also a real estate sales manager. In particular, I work in preconstruction sales with my father, who has been a VIP broker

for over 30 years. So I spend much time with developers of master-planned communities, who routinely complain about the seven to 10 years of zoning red tape. If our provincial government is looking for red tape to cut, surely there is something else in that decade-long process to cut back 30 days rather than silencing the public's concerns.

As a realtor, I am professionally aware of the challenges we face in affordable housing, for which supply is absolutely a piece of the puzzle. For your consideration: Ontario has hundreds of square kilometres of land within urban boundaries that are underdeveloped and zoned exclusively for low density. Rezoning for medium to high density within the large urban boundaries of the greater Golden Horseshoe and Ottawa would be more than adequate in meeting the metrics put out by the province, as well as CMHC. It's also highly recommended as an affordable housing strategy by organizations like CMHC and the Toronto Region Board of Trade. If the Premier directed his energy in this way, might we find a more efficient solution with far less red tape to cut and less environmental damage into green spaces?

Our green spaces matter on a very real level, and yet our current Premier has deregulated and disempowered the conservation authorities tasked to protect our historic watersheds directly linked to plant and animal survival, and so, human health. He has asked conservation authorities to give up their land for development—and you can look at Bill 108 or Bill 229.

Our Premier has also issued numerous permits to companies to build on endangered species habitat through his “pay to slay” scheme whereby developers develop on protected habitats in exchange for a fee.

Our greenbelt is not merely at risk but already under attack and in peril of being irreparably damaged.

The amendment in question today is one piece of a larger machine. The machinery I speak of is our EA process. The intention of environmental assessment is to offer a primary means through which we achieve sustainable development and public participation in environmental decisions. Class EAs are a fast track for projects deemed to have minimal environmental impact.

Our existing EA process has received well-deserved criticism. A paper by the Canadian Environmental Law Association, written by Lindgren and Dunn, in the *Journal of Environmental Law and Practice*, titled “Environmental Assessment in Ontario: Rhetoric vs. Reality” said, “It is important to note that projects subject to a class EA are effectively ‘preapproved,’ which means that proponents may proceed directly with the project” without review or approval.

Furthermore, “many large and environmentally significant projects have been inappropriately slipped into the class EA fast track.”

Under the class EA process, “a ‘no’ decision is not a possible outcome.”

The public can request for the class EA to be bumped up, and they do, typically 60 to 70 times a year, but to the Environmental Commissioner of Ontario's knowledge, the ministry has not granted such a request.

Since 1993, 90% of all EAs have been obtained through class EAs. So, in effect, class EAs are completed but have no real effect on actually protecting the environment, and it seems our individual EAs are no better.

I reviewed the individual EA for Darlington nuclear plant and was at first hopeful to see a list of endangered and threatened species, with notes of observed threats caused by human activities. Finally, I reached the heading “Risk Management Recommendations,” which had but one sentence: “No risk management recommendations are made at this time.” It's 390 pages of witnessing so we can know exactly what we are doing, all to suggest nothing to mitigate or protect. Keep in mind, this was a supposedly high-level, full environmental assessment for a nuclear power plant, which inevitably did result in harm to threatened and endangered terrestrial and aquatic animals, as is recorded on the new Darlington nuclear power plant's own website.

If individual EAs are ineffective to protect the environment and following class EAs are preapproved, what we have is a mirage of any process that could protect our environment.

Given the loss of natural habitats and accelerating climate impacts, the path here should be to—

The Chair (Ms. Laurie Scott): One minute remaining.

Ms. Jessica Murray: —strengthen EAs and the ability of the public to engage in them.

This amendment takes us in the wrong direction. We're on a slippery slope instead of finding traction. This amendment adds oil to reach the finish line of ecological disaster.

We are all interconnected through a web of life whereby the collapse of one system means the collapse of another. Urban sprawl and barrelling through sensitive ecosystems causes the loss of biodiversity. When we lose biodiversity, we lose food, medicine, climate regulation, water purification, culture and resilience to new zoonotic disease outbreaks, like COVID-19. Biodiversity is crucial to our survival.

So to this standing committee and any MPP who might hear this: From the bottom of my heart, as a mother who had twins in the pandemic and who continues to question what future my boys will face, on behalf of the concerned public, if there is anything in your power to create laws, policies and processes that can protect the environment in any meaningful way, please do something.

The Chair (Ms. Laurie Scott): Thank you.

Mr. Pothen, you can start. State your name at the start, please.

Mr. Phil Pothen: My name is Phil Pothen. I'm counsel and Ontario environment program manager with Environmental Defence. I'm here to speak to Bill 69, and in particular, to provisions which would curtail the Environmental Assessment Act class environmental assessment process. In our view at Environmental Defence, this is the latest modest but meaningful step in Ontario's long march towards replacing substantive environmental safeguards with symbolic box-ticking exercises.

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Public communications regarding the so-called Reducing Inefficiencies Act present this as the mere removal of a waiting period. However, what it really, substantively permits is for the minister to rush ahead without ever even reviewing the expert comments that are received as the actual outcome of the class environmental assessment process.

The class environmental assessments, as my friend has mentioned, are already very limited, very fast-tracked versions of the environmental assessment process that are made available for select categories of projects which are not, as one might think, minor projects or projects that are likely to have very predictable environmental impacts. The projects which essentially have been selected by the government for other reasons and lumped together—there isn't a consistent theme drawing them together, other than the fact that the government wants to immunize them from closer scrutiny.

This process is designed, as my friend has mentioned, to let a proponent that has commissioned its own hired consultants to produce class environmental assessment reports to proceed by default without any actual approval by the minister unless—and this is the key point—the results of the initial comment period and the assessment itself warrant imposing a full part two environmental assessment or imposing extra conditions in addition to the conditions of the relevant class EA. So that here is the key point when we're talking about the impacts of this change. Because the class EA reports are prepared by the proponent's own consultants, the comment period and the consideration of those comments are a vital part of the process. I am a lawyer, so perhaps I'm inclined in this direction, but that adversarial element, that outside scrutiny from independent third parties and the opportunity for media and opposition and independent, non-partisan NGOs like ourselves to scrutinize the reports and provide independent expert commentary that is not compromised by the interests of the proponent, is a vital part of the process. And just as vital is the opportunity—and essential, essentially, to making the process work is the opportunity to hold the minister responsible for acting appropriately on all the information that has been received through this process.

These expert, independent reports and third-party reports and public comments, which scrutinize the hand-picked expert reports of the proponent, can be received right up until the last day of the comment period. The comment period is as long as it is for a reason, and that is that it takes time to produce an informed technical assessment of what the proponent has submitted. That means that you're very likely to see, and you can see in the worst-case scenario, serious problems with the original analysis pointed out on the last day of the report. It will take considerable preparation—presentation by staff, in all likelihood, to the minister—in order to put that problem before the minister and to allow the minister to act appropriately by bumping it up essentially to a full impact assessment.

The vital period, which the government describes as a waiting period, is really the “making a considered and informed decision” period. It is the “making a non-arbitrary decision” period. This is the period where the minister is supposed to be undecided going into the room, with no predilection toward whether the project will be bumped up or not, and is supposed to receive that information and decide based on the information before the minister whether to let it go ahead or whether to bump it up. That can't happen if the minister is allowed on day one simply to skip that process.

One might say, “Well, if the minister is the one deciding to do this, surely it's not a problem.” We have to be realistic here. The animating force behind these processes is public scrutiny. This means that the minister has to be held responsible for the information that's submitted. Third parties have to be able to draw attention to the fact that some problem has been identified, and it is that pressure and that scrutiny before it has become a moot point that makes this process actually function. It's part of the process.

The Chair (Ms. Laurie Scott): Final minute.

Mr. Phil Pothen: Sure. The government's proposed amendments would allow the minister to quickly rubber-stamp a project without even considering what the assessment process revealed and without any opportunity for concerned citizens and for independent experts who are not on the proponent's payroll to review and organize around these results to pressure the minister to require a full environmental assessment.

This change shouldn't happen. The only circumstance where it will make a real difference, given that we're talking about a very short period anyway, is a circumstance where it shouldn't be going ahead through the class EA process at all. That's why we'd ask you to remove these elements of this legislation.

The Chair (Ms. Laurie Scott): Thank you very much to the presenters.

We'll now move to the question-and-answer period. MPP Shaw to begin. Please go ahead.

Ms. Sandy Shaw: Thank you very much for your presentation. Either one of you or both can answer this question. I guess it's almost more of a comment on what we have seen in this province since this government took office. We've seen a wholesale, unprecedented attack or dismantling of any environmental protections that exist in the province of Ontario.

We in opposition and almost everyone I speak to is horrified by the direction this government is taking on our environment, particularly when it comes to future generations. They're very upset with this.

We've also seen a government that doesn't want to be accountable, doesn't want to be transparent. They fired the Environmental Commissioner; they got rid of a number of oversight bodies right away. This government—I think it's two or three times—has been proven in court to have broken the law when it comes to following the Environmental Bill of Rights. So I'm just going to speculate here that I think that they have no intention of following the law

as it exists, so to save this minister the embarrassment of continuing to disregard and break the law, why not just change it so it conveniently meets their purposes?

Now, the minister this morning called the environmental assessment “too burdensome.” My question to you is, do you think being accountable to the public, to the future generations, to taxpayers is that’s something that is too burdensome?

Mr. Phil Pothen: Is it okay if I have the first go?

Ms. Jessica Murray: Yes, please go ahead.

Mr. Phil Pothen: This framing of, in particular, this part of the environmental assessment process as too burdensome is part of this consistent pattern of—I’ll take it as misguided and give the government the benefit of the doubt—portraying procedural safeguards or substantive protections or systems as to blame for problems that are really just caused by bad decision-making. We are making less efficient decisions for political reasons at the government level and then blaming things like the environmental assessment process or the fact that we have a settlement area boundary and regional planning system for those problems.

For example—and I’ll just take this as an example just to show—it’s an analogy that people will be better able to understand now, given recent discussions. When it comes to housing, the real obstacle is the government is just not assigning enough homes to Toronto and Toronto is only planning as many homes in Toronto as the government has assigned to it. If the government said, “Plan for 1.4 million residents within the next 30 years,” instead of 720,000 or so, as the government is asking for, the municipal system that we have would deliver that. We’ve always exceeded the number of homes that governments have assigned to Toronto to deliver. And yes, there are steps the government can take directly to get those homes built.

Instead, we’re seeing substantively bad decisions used as a thin pretext, to be frank, for demolishing systems and checks and balances and safeguards that really have nothing to do with the problems that we’re trying to solve here.

Ms. Sandy Shaw: Thank you very much.

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Ms. Jessica Murray: So everything was well said—it was great—by my friend here. I think I would just add a couple of things. Considering what’s at stake, it should be burdensome for them; it really should be. And there should be an onus on them to really show to us that this is absolutely necessary, when it obviously is not. I think we agree on that: It’s burdensome, and it should be, and they should work on that.

Ms. Sandy Shaw: There’s a lot at risk.

Ms. Jessica Murray: The second thing I wanted to ask—I’m not sure if I’m allowed to ask questions back?

Ms. Sandy Shaw: Yes, you can rhetorically ask a question.

Ms. Jessica Murray: Why isn’t the provincial government giving Toronto higher numbers for homes to meet? Because that would just be a win-win situation where we would see better homes with better transit. The highest

demand for homes is within city locales. I don’t know why people would want to be out of that area anyway.

It’s a lot less work in terms of building more infrastructure and then destroying more environment, but also, that pulls away from the labour pool that could be developing inside the city. So I’m curious to know why Toronto as a city hasn’t been given a higher target number when it could.

Ms. Sandy Shaw: It’s a good question, and there’s no clear answer to that. I have a similar question, which is why are they taking acres and acres of greenbelt lands out of protection? We saw with the Rouge national park, the federal government stepped in to protect it. In Hamilton, 1,400 acres have been taken out of protection of the greenbelt when their own experts and other experts have said there’s more than enough room to build not on the greenbelt. So there are certainly a lot of questions.

I’d just like to acknowledge that today in the Legislature, we had five elected Chiefs from different nations across Ontario and the North who were quite clear that the Ring of Fire will not go forward without free and prior informed consent. And what we see is a government that thinks that the rules don’t apply to them, that they can get on a bulldozer and do whatever they want. The fact that they have no concern for, really, the environment—what we see in the Ring of Fire is those peatlands and there’s no talk about that with so much at risk.

When you say, “Why are they not taking this seriously,” I share your concerns. So I do want to just talk about a government that has absolutely no interest in letting people weigh in on the protection of things that are important to their life.

The Chair (Ms. Laurie Scott): A minute and 25 seconds, just to give you a ballpark.

Ms. Sandy Shaw: Yes, you can just—you’ve got a minute if you’d like, or Phil?

Mr. Phil Pothen: Again, this is an example of a consistent kind of pattern that we’re seeing that unfortunately is going to leave us with a much-weakened system of environmental protections. There’s a reason why Ontario is a safer place than most places in the world. There’s a reason why it’s the kind of place that people want to come. And the reason is that we have this system of checks and balances that guards against corruption, that doesn’t take proponents at their will and allow them to file self-serving reports and get away with it. It’s not perfect, as my friend has pointed out. In fact, it leaves a lot to be desired. But what we’ve got is better than nothing.

What we’re seeing is eroding, step by step, those protections that make this a safe place—a place where you can trust that your home isn’t going to be flooded in the middle of the night because your home was built in a flood plain or because someone else’s was built in a flood plain. So we’re talking about cutting out the safety net and then we’re talking about chopping the safety cables as well. That’s kind of what’s happening here. Bit by bit, those safety cables, those strands of the safety net are being chopped away.

The Chair (Ms. Laurie Scott): Thank you very much. I’ll now move to MPP McMahon for five minutes, please.

Ms. Mary-Margaret McMahon: Thank you very much—

The Chair (Ms. Laurie Scott): Sorry, it's four and a half minutes. I apologize.

Ms. Mary-Margaret McMahon: Four and a half? Oh, my gosh.

Thank you for coming in and sharing your thoughts. It's really important to hear from the public and experts in every field, but especially fields pertaining to this bill. We have seen people continuing to lose their faith in this government on the environmental front, starting right out of the gate with the throne speech not mentioning climate change once—the words, even—and when the environment was mentioned, it was “fiscal environment” or something like that. Then we've seen the gutting of the conservation authorities, the destruction of the Toronto Green Standard and all green standards across Ontario and other protections like heritage protection and things like that with Bills 23 and 39.

So here we are with Bill 69, and we heard from the minister this morning, actually, about the reason to fast-track projects, especially citing water projects—waste water, stormwater, purification, that kind of thing—and the mention of the EAs being too burdensome.

In your experience, do you have any knowledge of projects being delayed because of environmental assessments? This seems to be the theme, that this is the problem holding up every project under the sun because of the environmental assessments and hoops that developers need to go through. In your experience, can you think of any?

Mr. Phil Pothén: I'm going to have to pass on that particular question because I was counsel with the Ministry of the Environment and the Ministry of Natural Resources. So I don't want to answer directly.

But I can say the process is designed to allow for more effective scrutiny where required and to allow it to be bumped up, and that can't happen without the waiting period. Unless you were to limit it to some kind of circumstance where this were only available when there had been no comments submitted during the notice period—but that's not a part of this legislation. Otherwise, I can't fathom how the process would work, how the minister would actually be able to make a decision that factored in the results of the notice period the day after.

The reality is, there are other parts of any project that can be tweaked, things that you can get going if you anticipate that the project will actually be approved, that are such that that extra 30 days won't have any end result, when you can get whatever equipment you need lined up. There are all sorts of processes. There are very few projects that start the moment the minister has cleared the EA or essentially once the EA period has been completed.

I doubt that any of the projects that we're discussing today—whether it's the Ontario Line, any of the infrastructure projects. I doubt you'd find a single one that started the next day.

The Chair (Ms. Laurie Scott): Final minute.

Mr. Phil Pothén: So chances are, you're not in fact delaying in any substantive way.

Ms. Mary-Margaret McMahon: Thank you. Jessica?

Ms. Jessica Murray: I'll just agree that I've never heard of this happening. Just from more of a real estate perspective, in my own experience of working with developers, I've never heard anybody say, “It's because we're so delayed on building this waste water pond that we can't get this done, and that's the delay reason.”

Like my friend said here, there are lots of factors that go into building a project, especially right now—as we mentioned earlier, labour restrictions in terms of construction, issues with materials getting there on time. I just wonder whether it's an easy scapegoat to say that it's because of the environmental assessment impact review process that there's a delay, when actually there could be hundreds of other reasons why there's a delay in any given project.

Mr. Phil Pothén: I would emphasize that any concern about waste water—and these are products of not directing—

The Chair (Ms. Laurie Scott): I'm sorry; we're out of time in this round.

Ms. Mary-Margaret McMahon: I'll get you next time.

The Chair (Ms. Laurie Scott): Yes, you have another round.

Over to the government side for seven and a half minutes: MPP McGregor, please.

Mr. Graham McGregor: It's good to see you again, Mr. Pothén—and it's good to meet you, as well. We have Environmental Defence come regularly to this committee, so it's a pleasure to have you back this year.

I want to speak a little bit about where I think the government is coming from, where the minister is coming from on this. Here on the PC side, we don't believe that the environment and the growing province and the growing economy need to be in conflict with each other—actually, far from it.

I look at a riding like my own, Brampton North, where we have wetlands, like Loafer's Lake. We have the Heart Lake Conservation Area. We have Donnelly Pond. We're very proud of these things—Professor's Lake. I was just with our fabulous Minister of the Environment to announce some species-at-risk funding to protect snapping turtles, which are one of the endangered species in my neck of the woods, at Loafer's Lake, with TRCA support and everything else, so it was fantastic. But while we have a lot of residents in my area who are very concerned about the environment and climate impacts—and I consider myself to be one of them—we also have a lot of neighbours who have kids living in their basements. We have a lot of neighbours who are worried about getting into a long-term-care home or getting their parent into a long-term-care home. We have people who are worried about making sure that young people have jobs or getting themselves into another job. With all these things, we need a balance.

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I'd read into the record a little bit because my colleagues talked about our government's environmental record. On our side, through investments in clean steel at Dofasco in Hamilton, we took the equivalent of two million cars off the road, which is not only good economic development, good economic policy, but it's good climate policy as well. Through upping the renewable content in gasoline to 15%, that's the equivalent of 300,000 cars off the road.

At the same time, we also know we've got to take action to put shovels in the ground and have that really balanced approach. I've got some examples of the problem that we're trying to solve with this particular policy. In my own city, the city of Brampton, road construction at Clark Boulevard and Eastern Avenue is under a municipal class environmental assessment. There's a 30-day wait period. I don't think—correct me if I'm wrong. A question for Mr. Pothen: Did Environmental Defence have a comment on that project?

Mr. Phil Pothen: On a particular project, there might not be one. But if there was one required, this is the process that tells you that. Also, we wouldn't—

Mr. Graham McGregor: You didn't. But also—

Mr. Phil Pothen: We don't comment on every project.

Mr. Graham McGregor: Region of Peel's Front Street waste water pumping station and waste water diversion addendum project under the municipal class environmental assessment: Were there comments? There weren't. I—

Mr. Phil Pothen: We wouldn't have commented, but that's not necessarily our focus.

Mr. Graham McGregor: On projects like wider roads, which are important to get people around—it's important for safety. It's important for emission reduction to get cars out of bumper-to-bumper traffic, get them moving. Projects like waste water, which are literally preventing flooding and allowing more housing to come online and housing construction—to reduce these projects by 30 days might not seem like all the time in the world, and I agree we have a lot more to go in the process.

My question for Ms. Murray: You mentioned about 10 years to get a home built. We know that every month of delay on a home, for instance, can cost \$3,300 a month, which is \$40,000 a year. So for your 10 years of delays, that's actually \$400,000 just in cost of delays in getting projects.

In the spirit of being constructive, if this isn't a way that we can modify the environmental assessment process to get shovels in the ground quicker, what are some of the ways that you would, while preserving good outcomes? We want good environmental outcomes, but we want decisions made quickly. What would you like to see done with the environmental assessment process? Do you have any advice for the government that could be considered in addition to this bill or in a future bill that would strengthen but shorten the process?

Ms. Jessica Murray: Sure, if you don't mind me just going back to a few pieces that you mentioned earlier.

Mr. Graham McGregor: Of course.

Ms. Jessica Murray: You said that the PC standpoint is not in conflict with environmental values and hopes as well. However, I think there's a bit of a leap in what you said here, because the way that you've pitched it is that—correct me if I'm wrong, but it just sounds like you're saying that urban sprawl and building into green areas is actually required, when actually what I've said is that if we restricted it to not go into green areas, we could very well not have to deal with a lot of that red tape. Specifically, when you're asking what could be do about not having to have that 10-year timeline—

Mr. Graham McGregor: I think the position is we can do both. We can build and allow people to move to areas outside of Toronto. Actually, residents in my riding don't want to live in Toronto. They like to live in Brampton. Frankly, we want more people to come live in Brampton. We're a growing, booming community. We got a lot going on. I want more residents to come look at Loafer's Lake, not less residents looking at Loafer's Lake.

But particularly on environmental assessments, just with the time that I have, how would you clean up to make that a shorter, more efficient process? Do you have any recommendations?

Ms. Jessica Murray: What I just said was kind of part of the answer that I would offer you. In addition, my question for you is also that perhaps there are some areas, like within urban areas, that class EAs are appropriate. However, if you're moving outside into greenbelt areas, then perhaps they're not.

For example, some class EAs are really kind of inappropriate in terms of why they should be fast-tracked at all. There's mining, GO transit—which is hugely destructive if you're going to be just deciding to roll it out: "I'm just going to build a big train track." My neighbourhood was personally affected by that in Small's Creek. We just wanted a due process. They were saying they were going to hear us out, and then what happened is they just clear-cut a bunch of old heritage trees. So—

Mr. Graham McGregor: Was that before or after this bill, the changes that we're putting forward, recommending in the bill?

Ms. Jessica Murray: This was before, so it's even more problematic.

Mr. Graham McGregor: But just on this bill specifically, the bill that we're doing, is there any—again, on the—

Interjection.

Mr. Graham McGregor: Oh, a time check of 30 seconds—I apologize to my colleague.

The Chair (Ms. Laurie Scott): Actually, on the clock, there's 50 seconds left.

Mr. Graham McGregor: Oh, I apologize. I will share with my colleagues in the supplementary round.

The Chair (Ms. Laurie Scott): You've got a minute left.

Mr. Graham McGregor: I'll share with Mr. Grewal for the last minute.

The Chair (Ms. Laurie Scott): MPP Grewal.

Mr. Hardeep Singh Grewal: Thank you so much, Graham, for that very long minute that you gave me.

My question comes back to you guys. When we talk to the impact of the changes that are going to be proposed by this bill, when we take a look at a lot of the projects—and I look at the numerous amounts of projects that have received approvals but then have to sit there on the minister's shelf for 30 days and have nothing else happening to them because everybody at the table has agreed, and that project is not able to move forward because of this 30-day restriction. We talk about flood mitigation. We talk about protecting our communities. But we also have to talk about action and the time that we have to make that action. So for those projects and those people who are waiting for this action to—

The Chair (Ms. Laurie Scott): We'll pick it up later if you want.

We have to move on now to the official opposition. MPP Shaw.

Ms. Sandy Shaw: Switching a little bit to the other impacts that we're seeing with this government—a track record of their lack of concern for the environment, if we just look at Highway 413 as an example. Thankfully, the federal government has required—

Mr. Graham McGregor: Point of order.

The Chair (Ms. Laurie Scott): Excuse me.

Point of order? Yes, MPP McGregor.

Mr. Graham McGregor: As much as I love the Highway 413—I'd love to talk about it—pursuant to standing order 59(b), I think the member is directing her questions to a matter outside of the scope of the bill. So I just would recommend that we direct her back to the class environmental assessments and the 30-day waiting period.

Ms. Sandy Shaw: Chair, the highway was subject to a class EA.

The Chair (Ms. Laurie Scott): Okay.

Thank you, MPP McGregor. It's not a valid point of order.

MPP Shaw, if you would just continue on with the bill in front of you.

Ms. Sandy Shaw: Absolutely. In all of these projects that require environmental assessment—Highway 413 is required—the federal government is requiring environmental assessment.

The province has exempted themselves from environmental assessment when it comes to the Bradford Bypass.

We know that the estimates for Highway 413 are anywhere between \$10 billion and \$12 billion—we're talking about, to build this highway. We know that it going to cut through prime agricultural farmland that we're losing at the rate of 320 acres a day.

Species at risk—the Bradford Bypass is going to go through the Holland Marsh, the breadbasket of Ontario.

Yet, with huge projects like this, the government does not want to have an environmental assessment.

So my concern here is, without accountability, without a government that seems willing in any regard to protect the environment, what assurances can we give the people of Ontario that the billions of dollars in taxpayer dollars

that are going to these projects will be spent on their behalf by this government—it's not the government's money; it's taxpayers' money—in an ecologically sound way and not bring us to some kind of financial disaster, when we're talking about billions and billions of dollars?

Mr. Phil Pothen: Without a robust environmental assessment process, we cannot guarantee that.

What we are seeing is a pattern of changes that are, in fact, likely to produce less of the infrastructure that we need, fewer homes overall, because they facilitate the long-running pattern of governments squandering infrastructure, construction materials and labour on chasing rainbows out on greenfield when they're desperately needed to build stuff that we already know how to build—which is family-sized apartments on what are now single detached residential lots in existing neighbourhoods, which is compact family homes created by splitting up what are wide-lot bungalows in existing neighbourhoods—and instead facilitating projects that are going to consume far more labour, far more time, far more infrastructure to create the same number of units, which means that we will create fewer units, with less mobility than we would have otherwise, because we're muddying the water here.

What we need is a clear path of least resistance that leads to existing neighbourhoods, leads to densification of existing neighbourhoods, leads to increased transit infrastructure within neighbourhoods. Part of creating a path of least resistance is hardening up the path to the places where you don't want to go. That means strengthening environmental assessment, making it harder to build stuff in the places where it's going to squander resources.

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Ms. Sandy Shaw: Thanks, Phil. You know what? Chasing rainbows in greenfield—I wrote it down.

I know that my colleague MPP Harden would like to ask questions about the other schedule in the bill, so thank you.

The Chair (Ms. Laurie Scott): MPP Harden.

Mr. Joel Harden: Chair, how much time do we have left?

The Chair (Ms. Laurie Scott): You have four minutes.

Mr. Joel Harden: All right. Wonderful. Thank you to both for being here today. I want to begin with you, Ms. Murray. I was having a conversation with the Minister of Infrastructure this morning, and when I was getting ready for our committee work today, I was noting a 2017 report from the Auditor General where she found that we had, at the time the report was written, 812 vacant buildings owned by the province of Ontario, in 2016-17. These were buildings we were heating, we were maintaining, but they weren't being used.

It seems to me that the federal government has embarked on a process—not quick enough in my opinion, but they've embarked on a process to repurpose unused office space in the city of Ottawa for housing. I was wondering, given your expertise in real estate in addition to the environmental expertise, if you had any comment on this matter, if this should be a priority for the government.

Ms. Jessica Murray: Yes, absolutely. I think that's a really, really fantastic idea. I think anything that's not being used but is taking up resources makes sense to be repurposed, absolutely. Especially considering that these days, since COVID-19, so many people are working from co-working spaces, they're working from home. We're actually seeing a lot of development where some people are not wanting to go into a main workspace anymore, and a lot of organizations are not actually even wanting workspace anymore. So we are seeing the building of—for example, at Vic Park and the 401, they're going to be building out—I think it's called commissioners park. I can't remember exactly what it's called, I'm sorry, but it's LSQ that's coming to that neighbourhood. Basically, the idea is that it's right off the 401. You come in, you go to work, you can stay in the condo that's right beside, so you're walking distance. These are communities that builders would not build unless there was actually a real demand for it. I think that actually makes very, very good sense, and we are seeing development kind of respond to the changing needs post-COVID.

The last thing I want to bring back up as well is that I'm wondering whether, in your opinion, there could be any amendment to how this is written so that any time lags, for example—like, if there truly is no comment based on a class EA project, sure, that could be pushed ahead. I'm totally okay with that. But then how can we discern between the ones that do have comments, and can we create a law that actually makes sense so that it discerns between those two different things? Because like you said, we are on the same side. I'm totally not against having projects go ahead if no one is in opposition to it. So I think perhaps the provincial government needs a little bit more time to draft something that makes a little bit more sense in terms of clarity, so that it's a balance in terms of environment as well as development.

Mr. Joel Harden: How much time do we have left?

The Chair (Ms. Laurie Scott): A minute and 15 seconds.

Mr. Joel Harden: I'm going to pass it to MPP French.

Ms. Jennifer K. French: Thank you very much for your presentation. To your question about the amendment, that would be something that I'm sure members of the committee would value, specific wording that you thought would solve that. Because when the government has talked about an example that seems absurd to slow down, but we do recognize that there are concerns out in the community, or what if there are, running roughshod over the process and the importance of considering consultation—we can't stand for that. So if there was specific language that you could submit to the committee, I'm sure that we would be glad to have that.

I guess I don't have a lot of time here, but we've seen time and time again in court cases and whatnot violations of the Environmental Bill of Rights. This isn't a government with a track record of necessarily doing the right thing or inspiring trust. How important is it for this government to stop and reconsider this piece?

The Chair (Ms. Laurie Scott): I'm sorry, there's no time left for the answer at this point.

MPP McMahon, we'll move to your rotation.

Ms. Mary-Margaret McMahon: Just following up on that, we are always open to amendments. I think that was actually what my colleague—I forget his riding, MPP Singh Grewal. He was mentioning that if there are no comments, why would the project be held up? So shoot us your language; I think all committee members would be open to that.

Mr. Phil Pothén: So to answer your question, I would say that would be a very strong argument in favour of a bill that allowed this period to be obviated in cases where there were no comments, but that is not the bill before us, and therefore it's not a good argument in favour of this bill.

Ms. Mary-Margaret McMahon: Okay, and then back to my question. We heard that the EAs aren't perfect, so what would you do if you had your druthers? How would you strengthen environment assessments overall—advice on that?

Mr. Phil Pothén: Sure. I think my friend really hit the nail on the head when they said that there's only so much you can achieve through an assessment process when there are big picture changes that need to be made. One is just a clear, hardline decision by the government that growth needs to go to existing neighbourhoods that are already built up and not into new greenfield areas, because it is, by nature, extremely laborious and nigh on impossible to develop in greenfield land without destroying the ecological values of the remnant habitats between it. Having a subdivision and having effective habitat just don't mix. You can't have a road next to a wetland and have it continue to be, when it's a high-traffic road, good endangered species habitat. You've just got to stay away from it. That's really what it is.

This means that I think we need heightened, more rigorous—more time-consuming, frankly—environmental assessment processes for any development that is outside of existing built-up areas and focus any smoothing of the process on existing built-up areas where a lot of those environmental harms have already been incurred. That's one where, in practice, you'd end up wasting a lot less time if you did it that way, right? You'd discourage people from pursuing those things that are going to be time-consuming to do right in the first place.

Then secondly, obviously we want to make more public and bring to more public attention the opportunities to make comments—streamline those processes so that everybody knows when there's an environmental assessment of a project happening, so that you can actually engage people with the expertise, so it comes to their attention. That's strengthening the publicity requirements and the ease of accessing those reports as well.

Ms. Jessica Murray: And if I have time just to add—

The Chair (Ms. Laurie Scott): A minute and 20 seconds.

Ms. Jessica Murray: Sure. I just wanted to mention that I suspect that perhaps it's easier to develop into green

spaces than it is to infill development, meaning building into the urban areas. So I do think that in terms of putting forth better planning, it's making that different. It should be far more costly to build into the green spaces and far more easy, in terms of whether it's grants or fund money or whatever it is—it should be easier to build inside the urban core that's already developed than to build out into green spaces.

I suspect right now the reverse is happening, that that's not the case right now. I don't know why, but I'm sure our ministers are very practical people and when we look at development, they just kind of follow what makes the most sense from an economics point of view.

I wanted to also add that, from an environmental perspective, building out into green spaces is also damaging because of the fragmentation of land. Wildlife needs areas to move throughout and they cannot be isolated; otherwise they begin to inbreed and they die off. So this is a piece that's important in terms of why biodiversity is being harmed, especially considering that these class EAs have not even been fully assessed for their cumulative effects. If this bill were to pass, there would be a higher volume of class EAs rolled out, and very clearly it's just not—

The Chair (Ms. Laurie Scott): Thank you for your time.

We'll now over to MPP Thanigasalam.

Mr. Vijay Thanigasalam: Thank you, Jessica and Phil, for your presentations. We've been talking about this particular bill that has two components. One is centralizing the management of real estate in the spirit of having effective management to save some money and taxpayer dollars, and the other component is the environmental assessment.

Before I go into the environmental assessment, I just want to talk about the overall government priorities here. As well all know, we are building transit in the GTA, across the GTA. When it comes to urban areas, we're also building transit-oriented communities to take advantage of the urban areas, to have people living in these facilities so we can take cars off the highways. That's why we're building transit and transit-oriented communities. On top of that, we want to become North America's hub for EV batteries, so that will help overall our climate, as well.

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When it comes to this particular bill, there's a second component that we've all been talking about in the environmental analysis. In the bill, it says that after the successful completion of the environmental assessment, the full completion, full consultation with stakeholders, Indigenous communities—after all the completions, if everything is fully done, the Minister of the Environment has an authority to pass the 30-day waiting period, on a case-by-case basis, so that the project can move on. This is not just one month we're talking about. When it comes to infrastructure, there's construction season and non-construction season, so it's not just that they're waiting for one month. For some projects, they're thinking about from one season to the next season in the next year.

Again, there's no reduction, there's no compromise of the environmental assessment, because it clearly says after

the full consultation, including Indigenous communities, stakeholders, the public—after the completion, the minister has the authority to do this.

My question is, if there's nothing else to be dealt with, if everything is fully completed as per the standard—we have a pretty good standard in Ontario—don't you think passing this 30-day, case-by-case, by the Minister of the Environment is actually helpful for the projects to move on in the same construction season, rather than waiting for one more season?

Mr. Phil Pothén: I don't think that's true, and I'll tell you why.

People have to use the information that we get. If I hold a consultation—it exists on paper somewhere; that's not before the minister. It takes time to actually have the minister analyze these reams of information and decide whether it needs to be done. If the minister, on the day after the consultation period, in a situation where there actually have been comments, approves the project to go ahead—essentially, they waive that period—the minister hasn't looked at the comments. It's impossible. It's just not practical. It means the minister has made an arbitrary decision. The minister doesn't know whether the process has been completed.

This is a change that allows the minister, at the minister's discretion, to allow the project to go ahead without any idea of whether the project has been completed. That's the problem.

Mr. Vijay Thanigasalam: In the bill, it talks about, after the full look at the completion of the EA and the consultation—A to Z, everything has been done, and the minister is making case-by-case decisions. So we're talking about after the completion—without leaving anything behind, without compromising the environmental assessment.

So don't you think it would delay, if you're going to wait for the 30 days after everything has been looked at? What do you think happens in 30 days?

Mr. Phil Pothén: The minister doesn't know it's complete unless the minister has seen the reports and read them.

All that has been happening is that—

Mr. Vijay Thanigasalam: No, my question is, what happens in the 30-day period, after all the completion has been done?

Mr. Phil Pothén: A report would properly be compiled and presented to the minister. The minister would read the report and determine whether, in fact, it had been completed. That takes time. That decision is a complicated decision. If the minister has made it the next day, the minister hasn't looked at the submissions—

Mr. Vijay Thanigasalam: Thank you. I will pass it to MPP Laura Smith.

Ms. Jessica Murray: Is there any time to say anything further?

The Chair (Ms. Laurie Scott): It's the government side's time at the moment.

MPP Smith.

Ms. Laura Smith: How much time do we have?

The Chair (Ms. Laurie Scott): You have two minutes and 40 seconds.

Ms. Laura Smith: I'll try to make this as concise as possible.

Thank you for your submissions. I truly appreciate you being here today.

Our government is upcycling properties that sit under-used. This is something that's being done.

Canada is a difficult climate—to be reflective on my colleague's point. There's construction season, and there's not-construction season.

Given everything that we've advised and given the fact that, if passed, this proposed legislation would formalize an existing mechanism that waives the 30 days after the successful environmental assessment has been fully completed and consulted on—I don't know what your opinion would be. Given the fact that it has already been consulted on, we're waiving these 30 days on something that has already been done, and given the fact that at every moment—we all know that there's an expensive nature to building, and we all know, as my colleague said, one season can turn to another, when you're dealing with Canada. It's just the way we live. We love it. We breathe it. But the fact of the matter is, it can snow in April. We can also have an early winter, and that can change everything. Do you have any comments to that effect?

Mr. Phil Pothen: Consultation is not consultation unless it actually leads to uncertainty as to the outcome. This is a consistent problem that governments have: They think

that consultation is a process. Consultation is also a mindset, that you do not know whether you are going to approve it or not, that you are genuinely undecided and that, depending on—that any piece of commentary might actually change the outcome of the decision.

This is why the duty to consult is constantly breached, because the government does not approach Indigenous issues with the idea that if the Indigenous nation says no, it means no to the project. That is not a genuine fulfillment of the duty to consult.

In this case, it is not genuine consultation without having had a report compiled to analyze all of the expertise that was submitted through the comment period. You simply let the process go ahead. That is not consultation, even though the consultation period has been completed, because it did not have the possibility to influence the outcome of the minister's decision.

The Chair (Ms. Laurie Scott): Ten seconds left.

Ms. Jessica Murray: Similar to what I said earlier, from CELA, they had said that in class EAs, there is no way to actually say no. Just to reiterate why my friend here is saying, it's not a true consultation. Class EAs are already problematic for that reason.

The Chair (Ms. Laurie Scott): Thank you to the presenters for being here today. That concludes the business.

A reminder that the deadline for filing written submissions to Bill 69 is 7 p.m. on March 30, 2023. The committee is now adjourned until 10 a.m. on Wednesday, April 12. Thank you very much, everyone.

The committee adjourned at 1358.

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Also taking part / Autres participants et participantes

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Clerk / Greffier

Mr. Isaiah Thorning

Staff / Personnel

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