Grand River Environmental Network

c/o Greg Michalenko

63 Menno St.

Waterloo, ON N2L 2A6

January 23, 2022

Dawn Mittelholtz, Municipal Clerk

Township of Wilmot

60 Snyder’s Road West

Baden, ON N3A 1A1

**Re: Request by Cachet Ltd. For support of a Minister’s Zoning Order for 1265 and 1299 Waterloo St.**

The Grand River Environmental Network (GREN), now in its 20th year, works to preserve and enhance the quality of the environment in the Grand River Watershed. Its membership includes not only residents of the cities but also residents of small towns and rural areas. We have a very active membership in the Township of Wilmot. Presently, much of our work concerns important policy changes of the Ontario Government that potentially threaten the environment. The abuse of Minister’s Zoning Orders is a very serious concern.

GREN believes that good governance is based on evidence-based decision-making, sound administrative institutions, accountability through public consultation, and mechanisms for built-in arms-length assessment. In Ontario, the office of the Auditor General of Ontario exists for that purpose.

**The Auditor General’s role and its implications for the use of Minister’s Zoning Orders**

The Auditor General Act mandates the Auditor to examine the government’s financial accounts and to report on misuse or mismanagement of public funds. The website of the Office of the Auditor General office emphasizes that the auditor is independent. It is “an officer of the Legislative Assembly”, and this “provides a vital safeguard to fulfill its responsibilities objectively and fairly by making it independent of the government and its administration”. It strives to make sure “that there is transparency in public reporting”.

We note that Brock University’s Goodman School of Business’ 2020 Distinguished Leader Award was awarded to Auditor General Bonnie Lysyk. This gives us additional confidence in the soundness of its investigations and judgements.

**The Auditor General’s serious concerns about the abuse of Minister’s Zoning Orders**

In late 2021 the Auditor published an important report, “Land Use Planning in the Greater Golden Horseshoe”. It provides the findings of its exhaustive investigations of the Ministry of Municipal Affairs and Planning. Its perspective is that “effective land-use planning means that lands are developed to meet the current and future needs of communities and the people who live in them, while safeguarding valuable resources such as agricultural lands, wetlands, forests, and distinctive natural features and landscapes.”

The report clearly concludes that the use of MZOs is undermining sound municipal planning:

“Our audit found that numerous changes to land-use planning policies, insufficient collaboration between the Ministry and other entities responsible for infrastructure planning, and **the Province’s intervention in municipalities though Minister’s Zoning Orders, have undermined the goals of the Growth Plan**” (page 2).

**“Broad and frequent use of minister’s zoning orders undermine the land-use planning process. MZOs are being used to fast track development and circumvent normal planning processes.** Planning processes that often take months or years to complete because they ensure that sufficient due diligence is conducted through technical studies and public consultation are being bypassed by MZOs. Our audit found that MZOs were originally intended to be used only in special circumstances such as in areas with no municipal governance or to quickly advance provincial initiatives. However, since 2019, the Province has publicly indicated numerous times that the reason for issuing recent MZOs is to overcome potential barriers and delays to development. **This approach treats the land-use planning process as a hurdle”** (page 4).

**“Lack of transparency in issuing MZOs opens the process to criticisms of conflict of interest and unfairness.** We found that there is no formal process that interested parties are required to follow to request an MZO. **We also found that there are no established criteria according to which the Minister assesses requests for MZOs. Therefore we could not determine what factors the Minister considered in deciding whether to issue an MZO, or whether the Minister assessed the merits of each MAO against the same set of factors. (page 5).**

**“**In our review of supporting documentation, we noted that 17 (or39%) of the 44 MZOs facilitated development projects by the same seven development companies or groups of companies (page 5).”

“Municipal representatives told us that these MZOs present significant challenges **not only to their land use planning but also their fiscal planning processes. This is because municipal services such as water and wastewater systems require significant upfront costs and must be planned prior to developments proceeding” (page 5).**

**“ ‘Enhanced’ MZOs can now trump municipal site plan control, and are no longer required to be consistent with provincial land-use policy”** Bill 197, the COVID-19 *Economic Recovery Act*, 2020, expanded the scope of the Minister’s powers to issue ‘enhanced’ MZOs, Enhanced MZOs can override the use of site plan control, by which a municipality examines the design and technical aspects of a proposed development to ensure it is attractive and compatible with the surrounding area. In addition, **Bill 257, the *Supporting Broadband and Infrastructure Expansion Act, 2121,*  amended the *Planning Act* to provide that all MZOs are not required, and are deemed to never have been required, to be consistent with the Provincial Policy Statement. This amendment goes against one of the purposes of the *Planning Act*, which provides for a land-use planning system led by provincial policy”** (page 5).

**GREN’s position**

The Auditor General’s conclusions are shocking. Wilmot’s approval of the MZO request would not only undermine responsible, rational planning processes and accountability to the public and electorate, but also could result in substantial financial difficulties for the Township and a substandard, defective urban development.

The MZO request should be viewed as a non-starter, and soundly rejected.

**The Cachet proposal and climate change**

GREN is pleased that the Township of Wilmot is concerned about the issue of global climate change and has gone on record, as have many progressive municipalities, of supporting the goal of a 50% reduction in greenhouse gas emissions by 2030. However, the Cachet proposal largely ignores the issue and we fear that its proposal is obsolete and approval of the present proposal would make it far more difficult for Wilmot to reach its overall carbon reduction targets.

It makes no sense to build such an outdated subdivision. Homeowners would be faced with extensive costly renovations to bring buildings up to forthcoming mandated carbon-reduction standards, and living costs would be considerably greater, month over month. For example, the carbon tax on heating bills and transportation alone will increase by 325% over the next 7 years.

Wilmot’s new developments deserve to be state-of-the-art, not pathetic replicas of a now bygone age. Cachet’s present proposal should be rejected. Our good Earth deserves it.

We thank you for your consideration.

Greg Michalenko

On behalf of the Grand River Environmental Network

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