



Study calls for regulatory overhaul, citing expensive delays

Home News

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A new report delineating a surge in study costs and ever-expanding timelines is calling for the Municipal Class Environmental Assessment Process to be overhauled.

Entitled “Case Studies That Support Reforming Ontario’s Municipal Class Action Environmental Assessment Process,” and commissioned by the **Residential and Civil Construction Alliance of Ontario (RCCAO)**, the [report](#) notes that, unlike any other Canadian province, Ontario is subject to lengthy and expensive appeals processes, irrespective of how trifling the reasons.

“It triggers a Part II Order, or bump up request, where they ask the province’s minister of the environment for a full environmental hearing, which is at least 10 times more expensive than a municipal class environmental assessment,” said the report’s author Frank Zechner, an independent lawyer and environmental consultant. “It could be for something as benign as putting a bike lane next to a road way. Most people would think it’s a no-brainer—it’s good for the environment, reduces traffic and promotes exercise, but you have to go through all the bells and checks to make sure it doesn’t have an adverse environmental impact.”

While the report doesn't use housing case studies, **the RCCAO's Executive Director Andy Manahan** says superfluous environmental assessments delay real estate development, and the lost time translates into more dollars spent.

“Building infrastructure linkage results in the ability to build more buildings,” said Manahan. “If you have a properly functioning transportation infrastructure system, you'll have more development. The 407 has been in existence since 1999 and, through 2017, has contributed billions of dollars of extra economic benefits, including the commercial real estate built around the 407 corridor.”

Environmental assessments are duplications of conditions under the current Planning Act, and that rankles municipalities, added Manahan.

But, mirroring real estate development's NIMBY problem, all it takes is a single anti-development resident for the engine to sputter to a halt.

“They can request a bump up request where they ask the minister of environment to look at the project, but at least 95% of those requests are deemed not worthy,” said Manahan. “This is a growing region, and based on the growth plan it's accepted that growth is inevitable if it's done in a proper and manageable way. It's unfortunate that one or two or three people have been able to stop development.”

Zechner says that, at times, triggering a Part II Order is used as a ploy to extract more money during land expropriations. However, his overriding concern is that it's preponderantly a waste of precious financial resources.

“It's adding expense when dollars are short and very hard to come by—we're talking a time when municipalities are strapped to fund their infrastructure programs and every dollar going towards overhead administration is one less dollar going to a contractor or supplier to build infrastructure.”