

RCCAO, MEA ‘disappointed’ with government’s decision to end municipal EA review

Angela Gismondi February 25, 2019



Parties who filed an application to review the Municipal Class Environmental Assessment (MCEA) process in Ontario were hoping to get a response from the Ontario government by the end of January, but what they received was notice the review is concluded and a new consultation process will be undertaken as part of the Made in Ontario Environmental Plan.

“The initial response is disappointment because there was good momentum to make changes,” Andy Manahan, executive director of the Residential and Civil Construction Alliance of Ontario (RCCAO), told the Daily Commercial News.

“The previous government was very slow to initiate a consultation.

“Then, activity on this file slowed down with a new government. Although we have built a good foundation for discussion, the feeling is one of starting over.”

In February 2017, a joint application for review under the Environmental Bill of Rights (EBR) was submitted by the RCCAO and the Municipal Engineers Association (MEA), with the

support of 13 signatory organizations, to the Environmental Commissioner of Ontario calling for a review and changes to the EA Act and the MCEA process.

Due to the growing costs and delays associated with the MCEA process, the application looked to reduce the delays, streamline the process and try to determine if there could be additional exemptions or shortcuts without impacting the environment.

The application was forwarded to the then Ministry of the Environment and Climate Change in April 2017, which confirmed it would proceed with a full review and that it would be complete by the end of 2018.

“While this concludes the ministry’s review of this application, the concerns noted in this application were raised with the current government, and the government has responded,” states the review summary issued by the Ministry of the Environment, Conservation and Parks (MECP).

The summary goes on to explain the ministry released its Made-in-Ontario Environment Plan in November 2018.

“This plan represents a new vision for preserving and protecting Ontario’s environment, and specifically looks to modernize Ontario’s EA process to address duplication; streamline processes; improve service standards to reduce delays; and better recognize other planning process. It also aims to improve co-ordination of land use planning and environmental approval processes,” reads the summary.

Through the plan the ministry stated it will continue to work with Municipal Class EA stakeholders on the Municipal Class EA and the EA program as a whole.

“The ministry is working to release in spring 2019, a discussion paper on EA revitalization in Ontario to the broader public, and will continue to consult and engage stakeholders, the public and Indigenous Communities on new initiatives for the EA program,” the summary continued.

In response to the decision, the RCCAO and the MEA sent a letter to the MECP. Manahan said the review should have been extended, not concluded, especially since consultations have already taken place.

“As there has been substantial effort since the Application for Review was filed over two years ago, we are recommending that there be an extension of EBR time period to the end of 2019 and that consultation meetings be reinstated as soon as possible,” states the letter.

The RCCAO and MEA have been advocating for reform and modernization of the MCEA process for many years, stating it’s long overdue. Manahan noted the correspondence made reference to the fact that the review was “preliminary” but he said that’s not the case.

“There was a legitimate process where the Environmental Commissioner of Ontario recommended that this was worthy of review based not only on our application but the auditor general’s review in late 2016,” said Manahan.

“The letter we got had no wording that this is preliminary. It was saying it warranted a review.”

Manahan pointed out the new government has expressly run on a platform of streamlining processes and cutting unnecessary red tape and the MECP should be delivering on this mandate.

“The ministry’s response does not indicate whether any parts of the EA Act were reviewed to identify needed improvements,” reads the letter.

“We believe that much more work is needed by all stakeholders, including the ministry, to reduce the costs and completion time for various MCEA studies and reports, reduce the time needed to respond to PIOR and better integrate studies and consultations under the Planning Act with studies and consultations under the EA Act.”