

Stakeholders laud Ontario Recovery Act reforms

Don Wall July 15, 2020



Ontario construction stakeholders are full of praise for far-reaching Doug Ford government proposals announced recently that will expedite new projects as part of a post-COVID-19 recovery package.

The proposed reforms were introduced July 8 as part of the COVID-19 Economic Recovery Act. Among the changes, revisions to the Environmental Assessment (EA) Act could reduce timelines for some projects from six to three years; routine changes to low-impact municipal sewage collection and stormwater management projects could be pre-authorized without needing separate approvals for each project; and regulatory bottlenecks could be removed from key provincial highway construction projects to allow construction to start earlier.

Toronto Construction Association president and CEO John Mollenhauer called the package a “monstrous move in the right direction” and said he was “excited” and “thrilled” by the government moves, while Ontario General Contractors Association president Giovanni Cautillo said the government has heard what the construction sector has been saying about reducing regulatory burdens “loud and clear,” and “because of that we have the announcement we have and that is fantastic.”

Andy Manahan, executive director of the Residential and Civil Construction Alliance of Ontario, noted the proposed changes to the EA Act could bring about the reforms that his organization has been fighting for since 2009 and praised the government for taking bold steps to stimulate the economy.

“Overall, we support the whole philosophy of trying to cut red tape because of COVID-19,” said Manahan. “We really are in dire straits. We have to be more agile in this environment to help the economy get kickstarted, so cutting red tape and streamlining not just class environmental assessments but a whole bunch of other things is important.”

Manahan thinks the outcomes of municipal EAs will not change, but rather the process will be streamlined and faster.

“That is a big positive,” he said.

He cited an example where a municipality wants to expand a narrow bridge to accommodate a growing population. As it now stands, he said, the municipality has to consult widely to consider multiple alternatives when all it wants is widening for safety and capacity reasons.

“Allow them to do it, hire the best engineering consultant to do the job to tell you how to build the bridge, get some public feedback on it if it’s a heritage bridge...but let’s go ahead and do it, not make this a five-year process,” Manahan said.

Manahan also singled out proposed reforms to the Development Charges Act as worth reviewing. The government is proposing changes that will give municipalities the ability to fund community services for new developments through a new community benefits charge. The municipality could use the revenues to build more long-term-care capacity, Manahan noted, but, he asked, is it fair to charge new homebuyers for that type of community service when it could be argued that general tax funds should pay for services for an aging population?

“That issue jumped out at me,” he said.

Specific reforms highlighted by Cautillo included a proposal to allow the minister of municipal affairs and housing to create regulations that will streamline the Building Code and align it with national construction codes, and changes to EAs that will reduce the possibility of vexatious “bump-up” Class II appeals that can bog down major projects.

“That is not what construction needs at this time,” he said of excess bump-up appeals. “We are not suggesting we do something at the expense of the environment. We are still suggesting things be done properly, but just expeditiously. Reduce the amount of red tape to reduce the hurdles we have to jump over to get a project started.”

The new legislation will also give the minister of municipal affairs the authority under the Planning Act to speed up the development of affordable housing and address site plan matters;

create a new Office of the Provincial Land and Development Facilitator to make recommendations on growth and land-use planning matters; update the red-tape reduction process in a new Modernizing Ontario for People and Businesses Act; and expand the government's transit-oriented development plan to further fund transit expansion.

Mollenhauer said he appreciated the reforms as a package, and, given that the federal government is looking at a deficit of \$343 billion and the province will have a deficit of over \$60 billion, new pro-development policies that don't cost taxpayers money and spur the economy are welcome.

"What I like about it, it is an aggressive look at all kinds of legislation," said Mollenhauer. "What I like is that under normal circumstances it would take years to look at each piece of legislation individually and decide what makes sense...and what they are doing this time around, they are taking a hard look at everything."