



The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

**Ontario Public Health Association**  
l'Association pour la santé publique de l'Ontario  
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  - Association of Public Health Epidemiologists in Ontario (APHEO)
  - Association of Supervisors of Public Health Inspectors of Ontario (ASPHIO)
  - Canadian Institute of Public Health Inspectors - Ontario Branch (CIPHI-O)
  - Community Health Nurses' Initiatives Group (RNAO)
  - Health Promotion Ontario (HPO)
  - Ontario Association of Public Health Dentistry (OAPHD)
  - Ontario Association of Public Health Nursing Leaders (OAPHNL)
  - Ontario Dietitians in Public Health (ODPH)

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**Submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy**

**RE: Bill 23, More Homes Built Faster Act, 2022**

Please accept this letter as feedback in the review of *Bill-23 More Homes Built Faster Act, 2022* on behalf of the Ontario Public Health Association (OPHA). We fully support the need for Ontario to find more affordable housing opportunities for its citizens and would like to share some recommendations on how to proceed in a manner that reduces the risk of inadvertent harms to the health and resiliency of communities.

The built and natural environment impacts the health of people where they live, work and play. Ensuring that people have access to recreational spaces, including parks, and having walkable communities with mixed residential and commercial space, can help people stay active and healthy, reduce the risk and improve the management of chronic diseases like diabetes or heart disease, and reduce the burden on the health care system. Designing communities and buildings that protect people from unhealthy environmental exposures such as traffic-related air pollution, extreme heat and climate-related health risks reduces the impact of acute and chronic diseases. These measures also have multiple health equity benefits. Keeping people healthy and well contributes to the sustainability of the health care system and supports a growing economy.

OPHA has serious concerns with provisions within Bill 23 and the implications this has for public health, health equity, climate-resiliency and healthy communities. We are concerned that legislative changes proposed in Bill 23 will not meet the Government of Ontario's goals for increasing housing supply and will have many unintentional, negative consequences to the health, equity and climate resiliency of communities.

Public health agencies have long recognized the connections between healthy environments and population health, and thus the importance of healthy public policy across all sectors to strengthen health protection and equity. This includes policies related to housing, the built and natural environment, land-use planning, climate-resiliency including mitigation and adaptation, and ecosystem protection. Many of our OPHA members work at the local public health unit level and are actively engaged with municipal partners and watershed-based conservation

authorities to achieve the Ontario Public Health Standards goals which include: *“To reduce exposure to health hazards and promote the development of healthy built and natural environments that support health and mitigate existing and emerging risks, including the impacts of a changing climate.”*<sup>i</sup> The changes proposed by Bill 23 to several pieces of provincial legislation may significantly harm population health and health equity, and is a step in the wrong direction in mitigating and adapting to climate change.

**OPHA urges the Government of Ontario** to consider our comments below and to provide more time for public consultation on Bill 23 given its far-reaching impact on so many aspects of population health and health equity. We also urge the Government of Ontario to undertake robust and meaningful consultation with Indigenous Peoples on the far-ranging matters provided in Bill 23 and the accompanying policy proposals posted to the Environmental Registry of Ontario. In addition, we ask the Standing Committee to pause its proceedings in order to assess all of the input, oral and written, before continuing any further consideration of this Bill.

Specifically, the OPHA urges the Government of Ontario to:

1. Remove language within Bill 23 that limits site plan control for sustainable design (proposed changes to section 41 under the Planning Act), which results in negative consequences associated with ending the use of municipal green building standards in Ontario.
2. Maintain the integrity of conservation protections across Ontario, withdraw language that would undermine the conservation of wetlands, woodlands, farmlands and other protected ecosystems, and keep to its commitment to leave the Greenbelt intact.
3. Encourage higher density, mixed use communities, enable healthy and sustainable transportation systems, and focus on the development of compact, complete, carbon-neutral and climate resilient communities.
4. Follow the advice in the [Report of the Ontario Housing Affordability Task Force](#) and other experts in solving the housing crisis through more housing density across the province.
5. Re-evaluate parkland dedication provisions in order to prioritize equitable access to parks and natural areas for all residential development proposals and types of housing units, including affordable and attainable housing units.
6. Maintain upper-tier municipalities’ approval authorities for lower tier municipal official plans and amendments.
7. Strengthen the ability of Conservation Authorities to protect natural ecosystems from damages that ultimately impact human health, in keeping with the Province of Ontario’s acknowledgement that the work of Conservation Authorities significantly limits losses associated with flooding in Ontario when compared to the rest of Canada.
8. Re-evaluate the proposed changes in Bill 23 to ensure that development fees pay for growth, rather than passing the expense along to taxpayers.

Below, we provide a brief synopsis of each of OPHA’s concerns with Bill 23.

#### **1. Public Health Implications of Bill 23 in Preventing Municipalities from Implementing Green Building Standards**

Several municipalities across Ontario have adopted Green Development Standards that incorporate higher tiers of energy efficiency for new buildings and other sustainability and climate-resiliency features that benefit health and the planet. These features can help to reduce energy poverty by increasing building energy efficiency and reducing energy cost for tenants and owners. Green building standards can also achieve

improved air quality and thermal comfort to protect occupants from indoor air pollutants, extreme heat, and extreme cold. Several public health agencies across Ontario have provided input into green building standards presenting the health and equity evidence to support improved energy efficiency and climate-resiliency.

As mandated by the Ontario Public Health Standards, health units also provide input on municipal bylaws and standards with respect to housing conditions and temperature control *“to support changes which are intended to improve health outcomes and address the impacts of the social determinants of health.”*<sup>ii</sup> As noted in OPHA’s comments earlier this year on proposed changes to Ontario’s Building Code: “Building standards and building energy efficiency are closely linked to a number of health risk factors, health inequities, and population health outcomes including: indoor air quality, thermal comfort, climate- resiliency, housing conditions and affordability, and energy poverty.”<sup>iii</sup>

Removing the ability of municipalities to implement Green Development Standards and other site planning requirements, undermines the affordability and health benefits that energy efficient and climate resilient buildings provide to owners and tenants. Changes proposed in Bill 23 will make future homes more unaffordable, less efficient, and less resilient to the health impacts of climate change. On the flip side, strengthening policies for energy efficiency and environmental sustainability of new development provides a significant opportunity for the province to meet its climate targets, reduce greenhouse gas emissions, create jobs in the green energy sector, lessen the housing affordability crisis through home energy cost savings, and create healthier indoor environments.

Public health units have provided health-related comments when addressing architectural details and landscape design aesthetics in the scope of site plan control. By removing these elements, public health will have less ability to provide input into development applications. This could result in fewer health considerations in the design of streets, paths or buildings. Similarly, the removal of public meetings as part of the subdivision approval process will result in fewer opportunities for the community to engage in planning decisions, which may in turn impact health equity considerations.

**OPHA urges the Province of Ontario** to remove language within Bill 23 that limits site plan control for sustainable design (proposed changes to section 41 under the Planning Act), which results in negative consequences associated with ending the use of municipal green building standards in Ontario. This is essential to effectively allowing municipalities to preserve their long-standing green development standards.

## **2. Public Health Implications in Bill 23 of Removing Protections from the Greenbelt and other Changes that Undermine Conservation of Wetlands, Woodlots and Farmland, and Jeopardize Source Water Protection**

Healthy natural ecosystems are essential to human health. Natural ecosystem services include regulating air and water pollution, flood protection, erosion control, carbon sequestration, provision of nutritious food and clean water, surface temperature regulation, and several cultural, recreational, physical and mental health benefits.<sup>iv</sup>

These green spaces are crucial to the protection of our drinking water resources including recharge of our groundwater to provide safe drinking water to Ontario residents. Many of the greenbelt areas are located in the Oak Ridges Moraine and are identified as critical areas for protection of groundwater resources. After the drinking water tragedy in 2000 in Walkerton, Justice Dennis O’Conner made 121 recommendations related to

source water protection under the Clean Water Act.<sup>v</sup> Allowing development on the protected Greenbelt removes many of these vital protections as outlined in the inquiry reports.

The legislative changes proposed in Bill 23 will disrupt these essential natural ecosystem services – reducing their ability to provide local sources of healthy, nutritious food, to control climate-related health impacts including flooding, extreme heat and other extreme weather events, to mitigate climate change, and to support equitable access to nature. Carving out portions of the Greenbelt for development removes vital protections for wetlands, woodlots and wildlife habitat. These cannot be replaced by providing protection in other areas, even if that was the case with the Bill 23 proposal. (The proposed replacement of Greenbelt lands with greenspace in other areas will not maintain greenspace protected areas as many of the proposed replacement areas are already protected from development through other mechanisms e.g. urban river valleys.)

As noted in the [Independent Review of the 2019 Flood Events in Ontario<sup>vi</sup> report](#) commissioned by the Government of Ontario, the first core component of emergency management is prevention, which includes “... actions taken to prevent flood-related emergencies or disasters from occurring, and includes land use planning and regulatory restrictions to keep development out of the floodplains and other hazardous areas. While we cannot prevent flooding from occurring, keeping people and property out of flood-prone areas helps ensure naturally occurring flood events do not result in local emergencies.” With clear evidence that climate-related heavy rainfall events will continue to increase, it is counter intuitive to remove protections that allow development to occur in these sensitive areas.

Greater consideration of health impacts must be incorporated into the decision-making process affecting the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan (ORMCP). The protected lands in the Greenbelt and ORMCP work together to promote the development of healthy and complete communities; protecting natural heritage, water, and agricultural systems; and promoting a culture of conservation. These plans help the province meet its climate change targets by providing a carbon sink, improving air quality, and reducing energy usage as forested areas reduce the urban heat island effect, and help buffer against flooding and responding to social determinates of health and achieving net zero communities.

OPHA is concerned with the agricultural land base no longer being afforded permanent protections in the Greenbelt and ORMCP Plans. Both greenspace and farmland provide ecological, economic, social and health benefits for our residents, including land for growing food, access to local food, opportunities to connect with farmers and food production. The loss of agricultural land does not support other provincial policy directives namely the Local Food Act, 2013, which was created to help foster successful and resilient local food economies and systems.

Ontarians have experienced and will continue to experience the devastating impacts of extreme-weather events including flooding when greenspace is paved over, and unsustainable development is permitted in areas that require environmental protection. Moreover, the value of productive farmlands in these areas for local, healthy food production, for environmental protection including that of speciality crops (e.g., tender fruits and grapes) many residents rely on for their livelihood, and for our economy supports continued protection of the existing Greenbelt.<sup>vii</sup>

**OPHA urges the Government of Ontario** to maintain the integrity of conservation protections across Ontario, withdraw language that would undermine the conservation of wetlands, woodlands, farmlands and other protected ecosystems, and keep to its commitment to leave the Greenbelt intact. Conversely, we encourage the province to prioritize building in existing designated development areas and increasing density to increase housing stock more effectively with co-benefits for health, environment and economy.

### **3. Public Health Implications of Bill 23 in Encouraging Unsustainable Development, Unsustainable Transportation Systems and Climate Inaction**

Compact, complete mixed-use communities support physically active lives and help people meet the physical activity objectives recommended to prevent premature chronic disease morbidity and mortality. They are health-promoting and climate-friendly as they encourage healthy, active, and sustainable modes of transportation (e.g., walking, cycling and public transit) while reducing reliance on polluting forms of transportation (e.g., cars), therefore reducing greenhouse gas emissions. They preserve greenspace and agricultural lands, and they provide mixed housing types that are affordable for all. Building higher density communities, ensuring that sustainable transportation infrastructure requirements are better integrated through provincial policy, and ensuring that housing provision is matched with both hard and soft infrastructure, supports growth that is sustainable, equitable and economical.

A growing body of research has identified that community and transportation design, construction and operation can impact the health of residents. Transportation and land-use planning decisions influence greenhouse gas emissions which are responsible for climate change, impact exposure to traffic-related air pollution, influence urban sprawl, impact agriculture, local food production and green spaces, and influence health behaviours. In turn, impacts are seen on rates of chronic diseases, such as heart disease, respiratory illnesses and diabetes, related conditions such as obesity and physical inactivity, as well as air quality, cardiovascular and respiratory illnesses, water quality, access to healthy foods, noise levels, mental health, traffic-related injuries, and health equity. This ultimately burdens the health care system and increases health care costs.

**OPHA urges the Government of Ontario** to encourage higher density communities, enable healthy and sustainable transportation systems, and focus on the development of compact, complete, carbon neutral and climate resilient communities. OPHA strongly encourages the province to prioritize health protection, health equity and the climate crisis in all decisions related to proposed changes to Bill 23 and other legislation under provincial jurisdiction.

### **4. Public Health Implications of Bill 23 related to Healthy, Sustainable and Affordable Housing**

Building healthy, livable and resilient communities is about more than the provision of housing alone. The quality of housing is critical, and this includes site design and the accompanying public realm. Healthy, attractive community design that incorporates sustainability, trees, and greenspaces requires the ability for municipalities to consider site design in the context of the larger community.

As noted above, climate-friendly sustainable housing is healthier and can be more affordable for tenants and owners across Ontario. With respect to housing supply, OPHA recognizes the urgent need for many more affordable housing units to be built in urban and other settlement areas where people live, work and play. Several organizations have provided advice to the province on how this can be accomplished within existing

municipal settlement boundary areas. Intensifying development within these existing settlement boundaries has multiple health and equity benefits, including providing more affordable housing, shorter and more sustainable commutes, equitable access to jobs and affordable transportation, reducing carbon emissions, increasing climate resiliency, improving social connections and building healthier communities.

**OPHA urges the Government of Ontario** to follow the advice in the [Report of the Ontario Housing Affordability Task Force](#) and other experts in solving the housing crisis through more housing density across the province, and more efficient use of land within existing built-up areas.<sup>viii</sup>

## 5. Public Health Implications of Changes to Parkland Dedication Provisions

Reduction of parkland requirements and parkland dedication fees will significantly reduce access to local greenspace. This will have negative impacts from a climate resiliency and health perspective, increasing health risks by impacting people's access to cool outdoor spaces during heat events and disproportionately impacting equity-deserving groups, especially people most vulnerable, who have limited access to parkland and with the least resources to adapt. Additionally, these lands provide access to greenspace and recreational opportunities for the public. Access to greenspace plays an important role to address chronic diseases such as cardiovascular disease and diabetes, improves mental health, and helps reduce environmental exposures which impact health, such as extreme heat and air pollution. Reducing parkland dedication also places pressure in intensifying communities where reduced private greenspace and living spaces will put greater pressure on accessing outdoor and recreational amenities within one's neighbourhood.

From a health equity perspective, OPHA is extremely concerned with proposals within Bill 23 that will exempt certain types of development, in particular affordable housing from the parkland dedication requirement. There is mounting evidence of the health and equity benefits of access to nature, including parkland for all populations, and in particular, children and youth and people living with inequities. As noted in the report [Green City: Why Nature Matters to Health – An Evidence Review](#), frequent access to nearby green space is important, especially for children, and nearby green space may provide added benefit in low-income neighbourhoods.<sup>ix</sup>

**OPHA urges the Government of Ontario** to re-evaluate parkland dedication provisions in order to prioritize equitable access to parks and natural areas for all residential development proposals and types of housing units, including affordable and attainable housing units.

## 6. Public Health Implications of Bill 23 of Removing Planning Responsibilities from Upper-Tier Municipalities

Upper tier municipalities play an important role in the planning and approval process. Regional planning (upper-tier) plays an essential role in coordinating community planning and helping to develop healthy, complete and climate-resilient communities. Planning and development of complete communities, including regional transportation, utilities and other critical infrastructure, is coordinated at the regional level to support health and quality of life. Conformity to regional official plans and policies ensures that development applications and land use planning is guided by regional goals, that focus on the public good and include provisions that emphasize human and environmental health. The removal of upper tier approval powers could impact the ability of public health units associated with upper tier municipal governments to protect health in their communities, such as the maintenance of a healthy built environment, addressing air quality

and noise issues, responding to road safety concerns, and promoting walkability and social and physical activity.

**OPHA urges the Government of Ontario** to maintain upper-tier municipalities' approval authorities for lower tier municipal official plans and amendments. Collaborations between public health and planning needs to continue at the regional (upper-tier) and local municipal level to ensure plans and development applications have the appropriate review to support public health and a healthy built environment.

#### **7. Public Health Implications of Bill 23 related to Changes to the Conservation Authorities Act**

Conservation Authorities have an important role in source water protection in communities. Reducing the scope and oversight of the Conservation Authorities may impact health hazards, including risks associated with flooding and impacts of pollution on Ontario's critical water resources. Conservation Authorities have critical functions and expertise on natural environments and ecosystem functions, and they protect environmentally sensitive areas for the public's interest. The Government of Ontario acknowledges the positive impact of conservation authorities: "the federal Parliamentary Budget Office has credited Ontario's floodplain and hazard management policies and programs, including the role of [conservation authorities], with keeping losses associated with flooding in Ontario lower than losses seen in other Canadian provinces." Protecting and preserving environmentally sensitive areas is critical to both human health and environmental health. Threats to environmentally sensitive areas could deplete forest cover which would negatively impact air quality, contribute to climate change and directly impact human health. OPHA recommends that Conservation Authorities continue to review and comment on development applications and land use planning policies to avoid compromising protections for environmentally sensitive areas and negatively impacting natural heritage systems.

For example, OPHA is particularly concerned with Schedule 2 of Bill 23 that proposes to repeal Clause 28.0.1 (6) (a) of the Conservation Authorities Act "*...an authority may attach conditions to the permission, including conditions to mitigate, (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;*" and substitute it with "*... (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock...*". Removing the ability of conservation authorities, who have expertise in this area, to mitigate the impacts of pollution from development proposals, has major negative environmental health and public health consequences.

**OPHA urges the Government of Ontario** to strengthen the ability of conservation authorities to protect natural ecosystems from damages that ultimately impact human health, in keeping with its own acknowledgement that Conservation Authorities limit losses associated with flooding in Ontario. This includes retaining the ability under clause 28 and other sections of the Conservation Authorities Act for conservation authorities to include conditions on development projects to mitigate the impacts of pollution and to conserve land to maintain vital ecosystem functions.

#### **8. Public Health Implications of Bill 23 related to Development Fee Reductions**

Development fees pay for vital municipal services with public health benefits, including upgrades for climate resiliency infrastructure such as flood protection, transportation infrastructure, public realm improvements,

and other amenities and services needed to meet the needs of a growing population. Significant impacts can be expected if the current pool of funding to pay for these services is reduced. Growth will no longer pay for growth, at the expense of healthy, resilient and equitable evolution of our communities.

**OPHA urges the Government of Ontario** to re-evaluate the proposed changes in Bill 23 to ensure that development fees pay for growth, rather than passing the expense along to taxpayers.

In closing, on behalf of all OPHA members, we trust that our comments provide insight into the community and public health concerns of certain provisions within Bill 23. As noted in the introduction, we fully support the need for Ontario to find more affordable housing opportunities for its residents and create healthy, equitable and climate resilient communities. At the same time, it is vital that these processes are undertaken in a manner that reduces the risk of inadvertent harms and inequities to the health and climate resiliency of communities. We would welcome the opportunity to meet with the government to discuss the proposed changes and solutions that address concerns related to the bill.

Sincerely,



John Atkinson

Executive Director

Ontario Public Health Association

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<sup>i</sup> Page 34, Ontario Public Health Standards, 2021

[https://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/docs/protocols\\_guidelines/Ontario\\_Public\\_Health\\_Standards\\_2021.pdf](https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2021.pdf)

<sup>ii</sup> Page 4, Ontario Public Health Standards, Healthy Environments and Climate Change Guideline, 2018

[https://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/docs/protocols\\_guidelines/Healthy\\_Environments\\_and\\_Climate\\_Change\\_Guideline\\_2018\\_en.pdf](https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Healthy_Environments_and_Climate_Change_Guideline_2018_en.pdf)

<sup>iii</sup> Ontario Public Health Association Comments on Proposed Changes to the Ontario Building Code. 2022. <https://opha.on.ca/wp-content/uploads/2022/03/OPHA-Comments-Ontario-Building-Code-Update-March-13-2022.pdf?ext=pdf>

<sup>iv</sup> EcoHealth Ontario resources. <https://www.ecohealthontario.ca/resources>

<sup>v</sup> Golden Horseshoe Food and Farming Alliance <https://foodandfarming.ca/new-reports-and-case-studies-show-impact-and-value-of-our-agri-food-sector/>

<sup>vi</sup> Report of the Ontario Housing Affordability Task Force <https://files.ontario.ca/mmah-housing-affordability-task-force-report-en-2022-02-07-v2.pdf>

#### **More about the Ontario Public Health Association**

OPHA has established a strong record of success as the voice of public health in Ontario. We are a member-based, not-for-profit association that has been advancing the public health agenda since 1949. OPHA provides leadership on issues affecting the public's health and strengthens the impact of those who are active in public and community health throughout Ontario. OPHA does this through a variety of means including advocacy, capacity building, research and knowledge exchange. Our membership represents many disciplines from across multiple sectors.