

UPCOMING

AUGUST

- 6 Aurora General Committee, 7:00 p.m.
Oakville Planning & Development Council, 7:00 p.m.
- 7 Brampton Council, 9:30 a.m.
- 8 Hamilton Design Review Panel, 2:30 p.m.
- 12 Brock Council, 7:00 p.m.
Hamilton General Issues Committee, 9:30 a.m.
- 13 Aurora Council, 7:00 p.m.
Georgina Council, 9:00 a.m.
Hamilton Planning Committee, 9:30 a.m.
- 16 Hamilton Council, 9:30 a.m.
- 26 Milton Council, 7:00 p.m.
Newmarket Committee of the Whole, 12:30 p.m.
Newmarket Public Planning Committee, 7:00 p.m.
- 27 Whitchurch-Stouffville Council, 3:00 p.m.
- 30 Vaughan Design Review Panel, time TBC

SEPTEMBER

- 3 Ajax Community Affairs & Planning Committee, 7:00 p.m.
Aurora General Committee, 7:00 p.m.
Durham Planning & Economic Development Committee, 9:30 a.m.
Hamilton Planning Committee, 9:30 a.m.
Markham General Committee, 9:30 a.m.
Markham Development Services Committee Public Meeting, 7:00 p.m.

MUNICIPAL CLASS EA PROCESS

FINDING EFFICIENCIES



Rob Jowett

The Residential and Civil Construction Alliance of Ontario is recommending changes to the municipal class environmental assessment (MCEA) process to reduce the time and cost of undertaking assessments.

The MCEA is a type of environmental assessment that examines the environmental impacts of municipal water, wastewater, and road projects. It is intended to be a simplified version of the environmental assessment process, which is normally intended for major infrastructure projects such as power plants and dams. The MCEA allows the provincial environment, conservation, and parks minister to make a determination of the potential environmental effects of a project, such as impacts to endangered species and natural heritage systems, and to determine whether the project should be allowed to proceed as planned or if changes will be required to reduce environmental impacts.

Ontario is the only jurisdiction in Canada with a municipal class process for environmental assessment.

In a [report](#) released July 17, RCCAO examined the cost and completion time for 12 recent MCEA processes.

“What we found the process we thought on average was taking six months to a year was in fact taking 19 months plus,” **Frank J.E. Zechner Professional Corporation** principal and report author **Frank Zechner** told *NRU*. “And as [for] the cost of these consultants to put together these environmental assessment reports, it’s hundreds of thousands of dollars on average.”

Most of the assessments took 27-39 months, with the longest being a 3.6-kilometre road extension in Kitchener taking 63 months. Costs ranged greatly for the studies, with the most expensive being a study of a potential extension to the Peterborough Parkway, which cost \$8.5-million. A decision on that project will likely not be

made for several more years.

Only one case study reflected what RCCAO generally would consider to be an appropriate time and cost: a replacement project for the North River Bridge in Peterborough that took five months and \$46,000 to complete.

Due to the amount of time that a project can take, a municipality can be without vital infrastructure for years at a time, says RCCAO executive director **Andy Manahan**.

“Let’s say we have flooding... and there is a bridge that... gets washed out. If the bridge were to be built in exactly the same location, you wouldn’t have to go through the class EA process,” he says. “However, that normally wouldn’t happen, and the municipality... [would] look at placing that structure... at a different location, either up-river or down-river. The fact that you’re changing the location means that you have to go through the [municipal] class EA process, which on average

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for a bridge would be 24-27 months.”

That could leave a municipality without a vital river crossing, which may also be an emergency vehicle route.

Zechner says the core of the problem with the assessments is the duplication of several processes already required under the *Planning Act*, forcing municipalities to undertake the same review twice.

“There is a fair bit of time taken up by these municipal class environmental assessments because it requires additional consultation above and beyond anything you might have done with the public before [through] planning act approvals [and] subdivision approvals,” he says. “So, there’s additional consultation, and then there’s an environmental assessment report talking about... the alternatives to this infrastructure.”

Another issue RCCAO identified is the Part II Order, which allows an appeal of an environmental assessment if anyone in Ontario feels that an assessment did not adequately address certain issues. If a Part II Order request is submitted to the environment, conservation, and parks ministry, the project has to stop until the minister makes a decision on the appeal. Zechner says it can take several

months for a decision to be made, and that often, full environment assessments are ordered, resulting in additional requirements and conditions being met.

“In 99 per cent of those cases, the minister decides... the project is going to go ahead, but [the minister] is going to kick it up to a full EA, and sometimes they put additional conditions,” he says. “Sometimes, the ministry will take a year or two or even three to go through this Part II Order request process and sometimes the conditions that they add have nothing to do with what the objectors were talking about.”

Manahan says the redundancies and inefficiencies in the process create a lot of uncertainty for municipalities. He says that studies are often commissioned to go beyond the scope of what is required in the *Planning Act* and MCEA due to the anticipation of a possible Part II Order request.

“A lot of municipalities viewed it as a double-jeopardy,” he says. “And what they meant by that is that one project is subject to two consultation processes, but also subject to two appeal processes by the [local planning appeal tribunal (LPAT)] and under the Part II Order request. And so,

municipalities said ‘we could do an integrated consultation process [but] we’re still going to be subject to those appeals. So, we may as well just keep it separate.’”

Included in RCCAO’s report is a series of recommendations which are intended to make the process more cost-effective and less time-consuming, without sacrificing the environmental protection goals of the assessment. Among them are implementing the recommendations of an [audit](#) of the *Environmental Assessment Act*, which the Auditor General of Ontario released in 2016. That audit determined that the entire environmental assessment process should be overhauled, and recommends ways to reform the processes of all assessments, including MCEAs. The auditor general’s recommendations focus primarily on making the EA process more efficient by reducing timelines for decisions and refining the criteria for assessments and appeals.

RCCAO has additional recommendations, such as

removing criteria from the assessment that are already covered in the planning act, such as public consultation. It also recommends exempting certain schedules of projects, referred to as A and A+, from Part II Order requests. Schedule A and A+ projects are limited in scale such as road maintenance or replacement projects and have few environmental impacts.

The **Municipal Engineers Association (MEA)**, which has been working with RCCAO on advocating for changes to the process, makes additional recommendations. MEA is recommending that certain infrastructure projects, such as active transportation facilities, be reclassified to the A and A+ schedules, rather than the more rigorous B and C schedules which are intended for more impactful projects. It is also recommending that a deadline of 60 days be in place for the minister to consider an appeal on a decision.

Both Manahan and MEA and MCEA advisor **Paul**

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9.4-acre development property (red lined area) at the end of a temporary cul-de-sac, in Whitby. Next to multi-million dollar homes, each built on 3/4-acre estate lot. All underground services have been oversized to accommodate Phase-II development....contact: homeland@powergate.ca

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Knowles say they have been in discussions on these matters with the new provincial government, which is open and willing to make changes to the process.

“What they’re saying is they’re going to... [do is] if an appeal comes in that doesn’t relate to something that’s provincially significant... they’re just going to... deny it right away,” says Knowles. “And if it is something really worthy of consideration, they’re going

to put a deadline on the number of days the minister has to make a decision. And we think this is great because there’s been no deadline and it’s just been... bureaucracy and nothing ever happens.”

Some changes to the process have already been made by the provincial government, such as the exemption for A+ projects from Part II Order requests. Environment, conservation, and parks ministry spokesperson **Gary Wheeler** told *NRU*

that the government intends to implement a two-phased approach to make simple changes quickly while more substantive changes are being considered.

“We are focusing on short-term actions to provide immediate relief on timelines, and get critical infrastructure to Ontario families faster and longer-term proposals for creating a framework that will eliminate duplication, streamline approvals processes, enhance access to and transparency of environmental assessment information, and focus on projects that pose the greatest risk to Ontario communities and ecosystems,”

he says. “In the next few months, the ministry will consult on regulations that provide timelines on Part II Order requests, and focus what the Minister may consider in decisions on those requests to specific matters.”

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Eglinton Ave E, Toronto

22,829 SQ. FT. OFFICE BUILDING

Lot Size	6,878 sq. ft.
Frontage	±50 ft.
Depth	±134 ft.
Official Plan	Mixed Use Areas
Secondary Plan ¹	Mixed Use Area B
Zoning	CR 5.0 (c3.0; r3.0) SS2 (x2497)
Existing Conditions	5-storey vacant office building with 22,829 sq. ft. of space and one level of parking at-grade with 19 spaces.

¹Note: the Yonge-Eglinton Secondary Plan area was modified by the Minister and the decision is not subject to any appeal rights. The revised Secondary Plan is in effect as of June 6, 2019.

MOUNT PLEASANT- EGLINTON USER/INVESTMENT OPPORTUNITY

OFFER SUBMISSION DATE: THURSDAY, AUGUST 15TH, 2019 BY 4:00 PM (EST)

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