

Advocates divided on court MZO ruling

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TORONTO — Advocates are weighing in on both sides after the Ontario Divisional Court issued a judgment saying the Government of Ontario broke the law when it failed to comply with the public consultation requirements of Ontario’s Environmental Bill of Rights in issuing changes to the Planning Act broadening the scope of Minister’s Zoning Orders (MZOs).

In a decision released on Sept. 3, the court declared that the Minister of Municipal Affairs and Housing acted “unreasonably and unlawfully” in failing to consult with the public on changes to the Planning Act regarding MZOs. The Residential Construction Council of Ontario (RESCON) has issued a statement saying it is disappointed with the ruling.

“MZOs are a very necessary tool because the development approvals process in some municipalities is much too slow,” said RESCON president Richard Lyall. “Projects can get stalled due to duplicative red tape or a bureaucratic logjam. Oftentimes, MZOs are simply the only way for a project to be moved forward.”

MZOs serve a purpose in the right circumstances, and it is municipalities that have often requested the Minister of Housing to intervene, RESCON pointed out.

“The use of MZOs is reflective of a systemic problem in the planning approvals process,” said Lyall. “The present system, quite simply, is inefficient and needs to be modernized and digitized.”

Meanwhile, environment advocates praised the ruling.

“As environmental commissioner of Ontario for 15 years, I am heartened to see the court uphold the rights of people to participate in government decision-making affecting the environment,” said Gord Miller, chair of Earthroots, in a statement. “The court’s declaration is clear – the government of Ontario broke the law in violating those rights.”

“The Environmental Bill of Rights provides very significant tools for the people of Ontario to know about, and participate in, decisions that affect their environment. Complying with the Ontario EBR is not ‘optional,’” said Theresa McClenaghan, executive director of the Canadian Environmental Law Association. “In this decision, the divisional court has reaffirmed the requirement for the Ontario government to ensure those rights are provided to the public.”