



environmental  
defence  
INSPIRING CHANGE

March 2, 2021

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
17th Floor  
777 Bay St.  
Toronto, Ontario  
M5G 2E5

Dear Minister Clark,

## RE: Risk to farmland, drinking water and natural areas from use of Minister's Zoning Orders

We are writing to express our deep concern about the ongoing use and proliferation of Minister's Zoning Orders (MZOs) in municipalities with well-established land use planning systems. In particular, we are concerned about the impact that this use of MZOs has had in slating prime farmland and vital greenspace for development, without going through the usual process of public consultation and official planning review and in conflict with the legal requirements of the *Planning Act* and Provincial Policy Statement. We urge you to discontinue this practice and refrain from using MZOs contrary to their intended purpose.

MZOs were originally introduced to allow the Minister of Municipal Affairs and Housing to make planning decisions over land that had no official plan or to advance a provincial interest (e.g., preservation of farmland, protection of natural heritage). Given that MZOs are issued without opportunity for public input or appeal, it is appropriate that they be used only rarely and judiciously.

However, as noted by the Auditor General of Ontario, there has been a "sharp increase" in the use of MZOs recently, with 29 MZOs issued between January 1st and October 31st, 2020.<sup>1</sup> There have been several more since then, opening the door to controversial residential and industrial developments in areas where there is complete and comprehensive municipal land use planning in place (e.g., Perth South, Whitchurch-Stouffville, Richmond Hill, Vaughan, Pickering, East Gwillimbury, Caledon). In

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<sup>1</sup> Auditor General of Ontario. November 2020. *Operation of the Environmental Bill of Rights*, p. 18.

bypassing municipal planning processes that allow for public and agency consultation, you are denying residents in these and other municipalities their right to participate in important decisions affecting their communities.

### Value of Farmland

Ontario's farmland is the foundation of the agri-food sector, the largest economic sector in the province, employing more than 860,000 Ontarians along the supply chain and annually contributing over \$47 billion to the province's GDP. In light of concerns about food security, we recognize, now more than ever, the importance of this productive farmland to our ongoing health and prosperity. It is a finite and shrinking resource that must be protected through informed land use planning.

MZOs that take prime farmland out of production will lead to land speculation, increased prices of farmland, and loss of agriculture-related businesses, making farming less attractive and eroding agriculture in the area. They also circumvent policy requirements for Minimum Distance Separation and Agricultural Impact Assessments, intended to ensure that the potential impact of development on farm operations is evaluated and properly addressed. Finally, MZOs put surrounding farmland at risk from future development as municipalities may seek to maximize the value of any newly installed municipal infrastructure.

### Safeguarding Water Quality and Reducing Flood Risk

The government has a duty to ensure that its decisions do not impair the quality of drinking water or the health of our watersheds. MZOs that remove greenspace and farmland jeopardize both. As natural areas and farmland are paved over, high water flows and streambank erosion increase, carrying sediments and contaminants, including chloride from road salt, directly into river systems.

Wetlands, in particular, play a vital role in preventing erosion and filtering excess nutrients, chemicals and other waste from run-off. In addition to safeguarding water quality, they also lower the risk of flooding. As noted in the 2019 report of Ontario's Special Advisor on Flooding, a study commissioned by the Ministry of Natural Resources and Forestry, "Maintaining wetlands can reduce flood damages and costs by 29% in rural areas and by 38% in urban areas."<sup>2</sup> Similarly, a 2018 report released by the Insurance Bureau of Canada promoted wetlands and other natural infrastructure as "a cost-effective way to mitigate material financial losses that would otherwise result from flooding."<sup>3</sup>

### Concluding Remarks

It is critical that the government do its utmost to protect our farmland and natural areas. These lands and waters provide safe healthy food, economic growth opportunities, vital recreational space, and environmental goods and services such as flood and erosion mitigation, carbon sequestration, water purification, improved air quality, biodiversity conservation, pollination services, nutrient cycling and

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<sup>2</sup> McNeil, D. 2019. *Ontario's Special Advisor on Flooding Report to Government: An Independent Review of the 2019 Flood Events in Ontario*. Prepared for the Ontario Minister of Natural Resources and Forestry by McNeil Consulting, Inc., p. 113.

<sup>3</sup> Moudrak, N., Feltmate, B., Venema, H., & Osman, H. 2018. *Combating Canada's Rising Flood Costs: Natural infrastructure is an Underutilized Option*. Prepared for the Insurance Bureau of Canada by Intact Centre on Climate Adaptation, University of Waterloo, p. 4.

more. A 2009 study commissioned by the Ministry of Natural Resources valued the benefits provided at over \$84 billion per year in southern Ontario alone.<sup>4</sup>

MZOs pose a direct and immediate threat to these benefits. For this reason, we ask that you reverse the current practice of issuing MZOs to expedite development on our farmland and natural areas. We would appreciate an opportunity to discuss our concerns with you at your earliest convenience.

Yours sincerely,



Ed Scharringa, President  
Christian Farmers Federation of Ontario



Caroline Schultz, Executive Director  
Ontario Nature



Don Ciparis, President  
National Farmers Union–Ontario



Tim Gray, Executive Director  
Environmental Defence



Kathryn Enders, Executive Director  
Ontario Farmland Trust

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<sup>4</sup> Troy, A. & Bagstad, K. 2009. *Estimation of Ecosystem Service Values for Southern Ontario*. Prepared for the Ontario Ministry of Natural Resources by Spatial Informatics Group, p. 18.