



RNAO Bill 23 Submission
To the Standing Committee on
Heritage, Infrastructure and Culture

Nov. 17, 2022



The Registered Nurses' Association of Ontario (RNAO) is the professional association representing more than 50,000 registered nurses (RN), nurse practitioners (NP), and nursing students, in all roles and sectors across Ontario. Since 1925, RNAO has advocated for healthy public policy, promoted excellence in nursing practice, increased nurses' contributions to shaping the health system and influenced decisions that affect nurses and the public we serve. With the assistance of its expert group, the Ontario Nurses for the Environment Interest Group, RNAO welcomes the opportunity to provide to the Standing Committee on Heritage, Infrastructure and Cultural Policy its response to Bill 23: *More Homes, Built Faster Act, 2022*.

Introduction

Bill 23 was announced as part of the government's strategy to expand the housing supply and "provide attainable housing options."¹ While RNAO is a strong advocate of ensuring adequate housing is available to all, we urge the government to withdraw this bill. If passed into law, Bill 23 as written will likely worsen the circumstances of tenants and those who are precariously housed, and will negatively impact multiple social and ecological determinants of health. This submission highlights the threats to health and wellbeing we expect to result should Bill 23 be brought into force.

Housing

Housing is a critical determinant of health – yet in Ontario, we have a crisis with a lack of affordable options and increasing homelessness. More suburbs and sprawl will not help. To address this crisis, new housing legislation needs to target different populations and geographical areas than does the current Bill 23. Why?

Bill 23 proposes changes to the Municipal Act (Schedule 4) and the City of Toronto Act (Schedule 1) that will restrict rental replacement. This will threaten access to homes for the nearly one-third of Ontario residents who rent. For example, rental replacement bylaws allow municipalities to require landlords to offer units to tenants about to be displaced by renovation or redevelopment at rents similar to what they are currently paying. Loss of such provisions make tenants more vulnerable to "renovictions."²

And, standardizing inclusionary zoning rules as proposed in Bill 23 will lead to significantly reduced periods of required affordable units – for example, in Toronto the requirement would lower from permanent to 25 years –and would cap the percentage of affordable housing space at a maximum of five per cent of any new development.³ By comparison, Toronto's inclusionary zoning policy presently targets a 22 per cent level of affordable units.⁴ Bill 23 also does not tie the definition of affordability to income, but to 80 per cent of "market rent" – well out of reach for many residents.^{5 6}

The above elements in Bill 23 would weaken protections for tenants and those struggling to find affordable housing, and are unlikely to support growth and standardization of affordable and rental housing options in our province. And, the planned expansion of housing into Greenbelt land is highly unlikely to directly benefit those suffering from housing insecurity, due to its location.

The lack of affordable housing affects health in many ways including increased risk of injury, mental health challenges and stress associated with chronic illness and the inability to afford other basic needs such as food and health costs.⁷ RNAO urges action on the housing crisis that prioritizes sustainable intensification of communities to meet the housing needs of those at greatest risk.

Climate action

If enacted, Bill 23 will remove essential environmental protections in the name of expediting housing construction:

- Schedule 1 will weaken the Toronto Green Standard⁸ of performance requirements for new developments.⁹
- Schedule 2 will:
 - loosen controls on the sale of conservation authority lands
 - reduce greatly the capacity of conservation authorities to protect water, and eliminate their ability to protect the ecological function of wetlands
 - bar conservation authorities from providing municipalities with reviews or commentaries on any proposal or application or other prescribed matters.¹⁰
- Schedule 9 will allow the province to impose sprawl on municipalities and remove the ability of regional governments in the Golden Horseshoe to plan the location of new construction.¹¹

This is all accompanied by a proposal to remove 7,400 acres of land from the Ontario Greenbelt for housing developments,^{12 13} despite the housing minister's 2021 pledge not to open the Greenbelt to development.¹⁴ It is unclear why this promise was rescinded, which could lead to negative optics¹⁵, given the large amount of land already available to build housing on¹⁶ and Ontario's recent approval of 14,000 hectares – or 34,595 acres – for urban development in the Greater Toronto and Hamilton Area¹⁷. And, although the stated aim of densification around transit hubs is a laudable step in the right direction, densification measures in the Act must be otherwise strengthened.¹⁸

This is all very alarming in the context of climate change – the biggest health threat facing humanity, according to the World Health Organization.¹⁹ The Chief Public Health Officer of Canada's 2022 report on the state of public health in our country was dedicated to the need for urgent widespread climate action to address imminent threats to health.²⁰ And, only days ago, the United Nations (UN) Secretary General António Guterres warned that “we are on a highway to climate hell with our foot still on the accelerator.”²¹

The consequences of climate inaction have been clearly laid out in evidence: increases in global mean temperature will lead to increases in poor health and lost life due to effects such as extreme weather, vector-borne disease, cardiovascular and respiratory illness, heat stress and water and food insecurity and.²² These impacts are borne disproportionately by already-struggling vulnerable populations. Every increase in temperature will put additional pressure on our health system capacity, compounding existing

needs for infrastructure and workforce adaptations. Heatwaves alone may increase the need for emergency health care in Canada by 10 to 15 per cent.²³

RNAO also recognizes the inherent and critical worth of the Greenbelt as it enacts its role of protecting human health and connected biodiversity. In our view – one supported by ample evidence – no portion of the Greenbelt should be used for development. Deforestation and land use change such as the changes proposed to the Greenbelt are key drivers of climate change according to Dr. Theresa Tam, Canada’s chief public health officer.²⁴ The conservation of forests and wetlands is critical for climate change mitigation, as outlined in the 2022 climate report for policymakers by the Intergovernmental Panel on Climate Change (IPCC).²⁵

Forest conservation and restoration also supports achievement of many of the UN’s Sustainable Development Goals (SDG), including “good health and wellbeing” (SDG 3), “clean water and sanitation” (SDG 6) and “sustainable cities and communities” (SDG 11).²⁶ Canada has adopted these SDGs.²⁷ Our national climate plan for Canada relies heavily on the benefits of tree planting and forests²⁸ – research has shown that preserving existing forest is much more effective than planting new trees.²⁹ As identified by the IPCC in a recent report, conservation of high-carbon ecosystems such as those in the Greenbelt has an immediate impact in climate change adaptation and mitigation.³⁰ In this context, it is not reasonable or responsible to develop existing forests, wetlands or greenspaces that provide innumerable benefits to human health at all levels.

Air quality

Developing the Greenbelt areas will also affect air quality in multiple ways. The climate impacts of deforestation, loss of carbon sinks and likely use of concrete in development projects will exacerbate droughts that contribute to worsening wildfires in Ontario’s forests. In turn, these wildfires impact air quality and respiratory health across massive areas of the province. Reducing urban sprawl is a known strategy for reducing both the heat and smoke risk of wildfires.³¹

Expanding urban boundaries and development will also increase dependency on motor vehicles as the outer suburbs grow, and will lead to an increase in greenhouse gas emissions, particulate matter and other pollutants in local air – all associated with multiple ill effects from asthma to lung cancer.^{32 33}

Food security

The global supply chain upheaval and resulting challenges to food access and availability have caused critical threats to the wellbeing of Ontarians. Food prices, now at an all-time high, are dramatically affecting Ontario families, with increasing numbers of families relying on food banks. And, droughts in the Prairies and California have led to crop failure in recent years, compounding food supply shortfalls. Heat and

climate-related disease and insect infestations pose additional threats. Research suggests that we will continue to face threats to our crop survival in Ontario due to less predictable weather.

This makes lands that supports climate mitigation, biodiversity and food production invaluable, especially given the pressures of climate change and related instabilities in the global food market. To foster resilience in the face of a challenging present and future, we must protect all agricultural land including that in the Greenbelt; it is vital to local food security.³⁴

Water

Local food security is closely linked to water security. We want to protect the clean water we currently have. Intensive housing development that does not take the water supply under consideration can further increase the risks of increased flooding, drought or water-borne pathogens such as *E. coli* and *Campylobacter jejuni*, which caused 7 deaths, 65 hospitalizations and 2,300 GI cases in Walkerton, Ontario in 2000.³⁵ Ontario's Greenbelt helps to absorb the impact of storm water and flooding, and to recharge high quality drinking water. Converting part of the Greenbelt to housing disrupts that crucial environmental service.³⁶

Forests, wetlands and natural biodiversity all play integral roles in protecting our water security – roles potentially threatened by development. As noted above, Bill 23 also prohibits conservation authorities from providing input regarding flood risk. Climate change is causing atmospheric rivers and more torrential rain events. Many protected lands and wetlands are on flood plains. They act as a buffer to protect our cities from flooding. Removing them opens up the potential for catastrophic flooding, as evidenced in many jurisdictions around the world during the past two years. Bill 23's proposed amendments to the Conservation Authorities Act would allow any project with land use planning approval through the Planning Act to be exempt from conservation authority regulations that limit water-taking, interference with waterways, conservation, flood or erosion control.³⁷ This has the potential to impact water safety, availability, and quality, affect biodiversity and public safety.

Agency and ownership

Accrued evidence to date presented in a recent and significant international report shows that lands managed by Indigenous Peoples and local communities with secure land rights “vastly outperform both governments and private landholders with respect to the multiple goals of preventing deforestation, conserving, and restoring biodiversity, and producing food sustainably”.³⁸ RNAO recognizes the authority and wisdom of the Indigenous Peoples of this province and asserts that policies and legislation, particularly those such as Bill 23 which relate to land use, must be in conjunction with those whose territory it impacts.

Bill 23 limits the authority and agency of municipalities and conservation authorities by prohibiting green building standards in municipalities and restricting the ability of conservation authorities to apply their

expertise and advise on land and biodiversity conservation. Local communities must have the right to make decisions within their communities and to make changes that address the health crisis of climate change. Conservation authorities are in a unique position to both support flood management and prevent floods and support municipalities as they address intersecting social and ecological issues to prevent the harms that emerge from reductionist approaches.

Conclusion

The health and wellbeing of our population must be the highest priority in land use decision-making. Bill 23 is positioned as a much-needed solution to a current housing crisis, yet it fails to protect the precariously housed and it opens up the possibility to significant ecological and social harms. This submission is not a comprehensive review, but outlines a number of reasons why Bill 23 must be withdrawn and new legislation be drafted to address housing needs, with emphasis on those struggling most.

There is an abundance of land already available for housing construction, and there are many opportunities for densification. There is no need to facilitate further harmful sprawl into protected Greenbelt. And there is no need to weaken protections for the environment or tenants, nor the rights of communities – particularly Indigenous communities – to be consulted on environmental or planning matters. Where there is unnecessary red tape, eliminate it. But do not confuse considered measures to protect communities, tenants or the environment as “red tape.” See them, instead, as essential to a functioning, healthy society.

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- ¹ Ontario Ministry of Municipal Affairs and Housing. (2022.). October 25. *BACKGROUND: More Homes Built Faster Act, 2022* <https://news.ontario.ca/en/backgrounder/1002422/more-homes-built-faster-act-2022>.
- ² Canadian Centre for Housing Rights. (2022). *What you need to know about Ontario's new housing policy – Bill 23*. <https://housingrightscanada.com/what-you-need-to-know-about-ontarios-new-housing-policy-bill-23/>.
- ³ Ontario. (2022). *Bill 23, More Homes Built Faster Act, 2022*. <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-23>. We infer that the total floor space allocated to rent-controlled units is capped at 95 per cent of 5 per cent or 4.975 per cent: “With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where, “A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the Development Charges Act, 1997; and “B” is the number of residential units that are part of the development or redevelopment.”
- ⁴ Hanrahan, L. (2022). Ontario Moves to Override Municipal Zoning, Limit Affordable Housing to 25-Year Terms. *Storeys.com*. October 25. <https://storeys.com/ontario-housing-plan-municipal-zoning-affordable-housing/#:~:text=There%20would%20now%20be%20a,affordability%20period%20of%2099%20years>.
- ⁵ Canadian Centre for Housing Rights. Op. cit.
- ⁶ Ontario. (2022). *Bill 23, More Homes Built Faster Act, 2022*. <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-23>
- ⁷ Ontario Public Health Association. (2022). *Public Health Action on Housing Needs*. <https://opha.on.ca/what-we-do/projects/public-health-action-on-housing-needs>
- ⁸ Toronto. (2022). *Toronto Green Standard*. <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard>
- ⁹ Pothen, P. (2022). *Ontario's Housing Bill is Actually a Trojan Horse for Environmentally Catastrophic Rural Sprawl*. Environmental Defence. <https://environmentaldefence.ca/2022/10/31/ontarios-housing-bill-is-actually-a-trojan-horse-for-environmentally-catastrophic-rural-sprawl>
- ¹⁰ Pothen, P. Op. cit.
- ¹¹ Pothen, P. Op. cit.
- ¹² *Ontario Launches Consultation on Proposed Changes to the Greenbelt*. November 4. <https://news.ontario.ca/en/statement/1002453/ontario-launches-consultation-on-proposed-changes-to-the-greenbelt>
- ¹³ Environmental Registry of Ontario. (2022). *Proposed Amendments to the Greenbelt Plan*. November 4. <https://ero.ontario.ca/notice/019-6216>
- ¹⁴ CBC/Canadian Press. (2022). *Ontario wants to cut Greenbelt land to build homes, contradicting prior pledge*. November 4. <https://www.cbc.ca/news/canada/toronto/ontario-greenbelt-proposal-to-cut-land-for-homes-1.6641278>
- ¹⁵ Javed, N, Kennedy, B, McIntosh, E. (2022). They recently bought Greenbelt land that was undevelopable. Now the Ford government is poised to remove protections — and these developers stand to profit. *Toronto Star*. November 17. <https://www.thestar.com/news/investigations/2022/11/17/they-recently-bought-greenbelt-land-that-was-undevelopable-now-the-ford-government-is-poised-to-remove-protections-and-these-developers-stand-to-profit.html>.
- ¹⁶ “The housing crisis requires immediate action. That’s why Premier Ford’s government should make it easier to build housing on the 88,000 acres across the GTHA that are already zoned and ready for development in communities close to existing transit and services.” Ontario Greenbelt Alliance. (2022). *Statement from Ontario Greenbelt Alliance Steering Committee regarding the Provincial Announcement to Remove Lands from the Greenbelt*. November 7. <https://www.greenbeltalliance.ca/resources/statement-from-ontario-greenbelt-alliance-steering-committee-regarding-the-provincial-announcement-ro-remove-lands-from-the-greenbelt>
- ¹⁷ CBC News. (2022). *Ontario just got 14,000 hectares of land to develop — so why does Doug Ford want the Greenbelt too? Ontario just got 14,000 hectares of land to develop — so why does Doug Ford want the Greenbelt too? | CBC News*.
- ¹⁸ Pothen, P. Op. cit.

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- ¹⁹ World Health Organization. (2021). *Climate change and health*. October 30. <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health>
- ²⁰ Chief Public Health Officer of Canada. (2022). *Mobilizing Public Health Action on Climate Change in Canada*. <https://www.canada.ca/content/dam/phac-aspc/documents/corporate/publications/chief-public-health-officer-reports-state-public-health-canada/state-public-health-canada-2022/report-rapport/report.pdf>
- ²¹ Frangoul, A. (2022). “‘We’re on a ‘highway to climate hell,’ UN chief Guterres says, calling for a global phase-out of coal” *CNBC*. <https://www.cNBC.com/2022/11/07/were-on-a-highway-to-climate-hell-un-chief-guterres-says.html>
- ²² Chief Public Health Officer of Canada. Op. cit.
- ²³ Lancet, CAN, CMA, CPHA. (2022). *The Lancet Countdown on Health and Climate Change: Policy brief for Canada*. https://cpha.ca/sites/default/files/uploads/advocacy/2022_lancet/2022_Lancet_Countdown_Canada_Policy_Brief_e.pdf
- ²⁴ Chief Public Health Officer of Canada. Op. cit.
- ²⁵ Working Group II of Intergovernmental Panel on Climate Change. (2022). *Summary for Policymakers*. https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf
- ²⁶ Ibid.
- ²⁷ Government of Canada. (2019). Towards Canada’s 2030 Agenda National Strategy: Investing in the SDGs. <https://www.canada.ca/en/employment-social-development/programs/agenda-2030/national-strategy.html#h2.04-h3.05>
- ²⁸ Canada. (2022). *Impacts*. <https://www.nrcan.gc.ca/climate-change-adapting-impacts-and-reducing-emissions/climate-change-impacts-forests/impacts/13095>
- ²⁹ Montaigne, F. (2019). *Why Keeping Mature Forests Intact Is Key to the Climate Fight*. <https://e360.yale.edu/features/why-keeping-mature-forests-intact-is-key-to-the-climate-fight>
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- ³¹ Health Canada. (2022). *Health of Canadians in a Changing Climate*. https://ftp.maps.canada.ca/pub/nrcan_rncan/publications/STPublications_PublicationsST/329/329522/gid_329522.pdf
- ³² Health Canada, Op. cit.
- ³³ OECD. (2021). *Transport Strategies for Net-Zero Systems by Design: Chapter 4. Transformational change #2: from sprawl to proximity*. <https://www.oecd-ilibrary.org/sites/6a44f843-en/index.html?itemId=/content/component/6a44f843-en>
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- ³⁵ Funari, E., Manganelli, M. and Sinisi, L. (2012). *Impact of climate change on waterborne diseases*. *Ann Ist Super Sanità* 2012 | Vol. 48, No. 4: 473-487. DOI: 10.4415/ANN_12_04_13. https://www.iss.it/documents/20126/45616/ANN_12_04_13.pdf.
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- ³⁷ Pothen, P. Op. cit.
- ³⁸ Dooley K., Keith H., Larson A., Catacora-Vargas G., Carton W., Christiansen K.L., Enokenwa Baa O., Frechette A., Hugh S., Ivetic N., Lim L.C., Lund J.F., Luqman M., Mackey B., Monterroso I., Ojha H., Perfecto I., Riamit K., Robiou du Pont Y., Young V., (2022). *The Land Gap Report 2022* at page 10. https://www.landgap.org/storage/2022/11/Land-Gap-Report_FINAL.pdf.