

ADVOCATES FOR EFFECTIVE OMB REFORM

November 1, 2017

HAND DELIVERED

Kathleen Wynne, Premier
Legislative Building
Queen's Park
Toronto, Ontario M7A 1A1

Dear Premier Wynne:

RE: *Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139)*

We are writing to express our dismay and serious concern with the lack of respect for the due process of law your Government is showing with the manner in which it is proceeding with Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*.

On multiple occasions, we have come forward to express our concern for the violation of natural justice proposed by this Bill. We have made submissions, engaged in dialogue with your officials, made presentations and offered amendments to the Standing Committee on Social Policy and, most recently, issued a joint letter with a number of industry and environmental groups. In each instance, we have highlighted significant issues with this legislation, in particular that it violates the very protections citizens are supposed to be afforded under the law. None of these entreaties have led to any changes in the Bill or in your Government's approach.

The most recent instance of this odious undermining of natural justice has come with an amendment introduced by your colleagues. In clause-by-clause consideration of Bill 139, the Government introduced and passed a motion that revokes the ability for any person to pursue an action against the Government for any losses incurred as a result of rushing into force the implementation of the new land-use planning regime. In essence, the amendment usurps property rights from landowners and insulates the Government from the consequences of its actions. We do not understand how such an extraordinary action respects the traditions of procedural fairness and due process that is our legal tradition in Ontario. We are concerned that this clause is being added because the government intends to make Bill 139 retroactive to land use planning applications which were filed and are now being processed under the present regime. In light of the prejudicial impact of the proposed amendments in Bill 139 on various stakeholders, the only fair and reasonable transition approach for the implementation of Bill 139 is to have them only apply to applications made on or after Royal Assent is received or a later fixed date. We would note this approach was taken by the Provincial Government when it implemented the changes set out in Bill 51 entitled the *Planning and Conservation Land Statute Law Amendment Act, 2006*.

Once again, we are left wondering why the Government is acting so rashly and hurriedly to pass this legislation? As we've stated before, giving communities a stronger voice in development and greater

control in local planning does not require taking away fundamental rights and procedural protections from all other actors.

We believe it should give you pause that your Government is going to such extreme lengths to implement this legislation. We also believe the need to pass amendments insulating your Government from litigation reflects some of the flaws in the legislation.

The planning of Ontario's communities deserves a considered conversation that affords everyone a voice and protects their fundamental rights as Ontarians. We are very disappointed the actions to pass Bill 139 have not risen to this standard.

Sincerely,

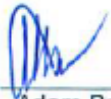
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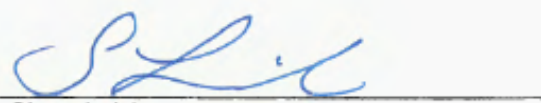
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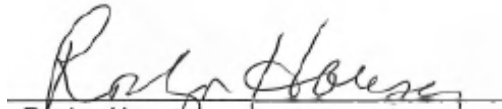
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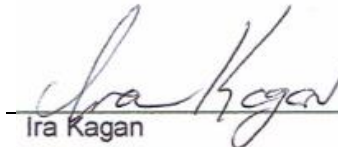
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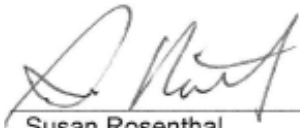
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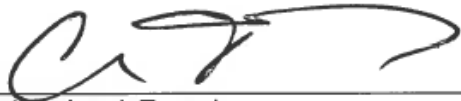
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