



Staff Report to Council - for Direction

Title: Proposed Bill 5: Protect Ontario by Unleashing our Economy Act, 2025

From: Jack Van Dorp, Director of Planning and Development

Date: May 15, 2025

Report Number: PD-2025-008

Staff Recommendation:

That staff be directed to submit the comments in pages 4-8 of this report (Report PD-2025-008) to the Province through the Environmental Registry of Ontario.

Report Summary:

On April 17th 2025 the provincial government tabled Bill 5, the *Protect Ontario by Unleashing our Economy Act* and initiated consultation on a number of matters within the Bill as outlined in the table below. Comments are being accepted through the Environmental Registry of Ontario until May 17, 2025.

This report discusses changes relevant the County and its local Municipalities. Staff prepared the below draft comments for consideration.

Proposal Title/ Link to ERO Posting	Summary of the Proposal
Special Economic Zones Act, 2025 (ERO 025-0391)	The Ontario government will be able to designate special areas that are critical to Ontario's economy and security, where selected projects could move faster as a result of simplified rules, faster approvals, and one-window access to provincial services.
Proposed Amendments to the Ontario Heritage Act (ERO 025-0418)	A proposal to make legislative amendments to the Ontario Heritage Act to provide new and modified tools to improve enforcement and compliance and allow for exemptions to archaeological requirements where it could potentially advance a provincial priority.

Proposal Title/ Link to ERO Posting	Summary of the Proposal
Proposed Interim Changes to the Endangered Species Act, 2007 and a Proposal for the Species Conservation Act, 2025 (ERO 025-0380)	Interim changes to balance species protection with economic development, introducing the Species Conservation Act, 2025.
Proposed Amendments to the Mining Act 1990, Electricity Act 1998, and Ontario Energy Board Act 1998 (ERO 025-0409)	Amendments to promote economic growth by facilitating mining operations, improving energy infrastructure, and enhancing regulatory efficiency.
Protect Ontario by Unleashing Our Economy Act, 2025 (ERO 025-0416)	Would provide an exemption from Part II of the <i>Environmental Bill of Rights, 1993</i> for proposals for provincial permits and approvals related to the Ontario Place Redevelopment Project
Removing Environmental Assessment Requirements for the York1 Waste Disposal Site Project (ERO 025-0389)	To help provide additional waste capacity in Ontario due to the threat of US tariffs impacting Ontario's waste sector, the province is proposing to remove environmental assessment (EA) requirements for the York1 waste project through the proposed <i>Protect Ontario by Unleashing our Economy Act, 2025</i> .
Addressing Changes to the Eagle's Nest Mine Project (ERO 025-0396)	Proposal to remove the comprehensive environmental assessment requirements for the proposed Eagle's Nest mine project in response to changes to the scope of the project

Background/Analysis:

The proposed legislation reflects provincial government efforts to facilitate development by addressing delays that can be associated with regulatory requirements.

The legislation and ERO postings range from framework setting (Special Economic Zones Act and Ontario Heritage Act, Endangered Species Act) to direct action (Eagle's Nest Mine, York1 Waste Disposal Project, Ontario Place Redevelopment).

The legislation also includes procedural considerations, such as the establishment of "an integrated and coordinated approach where the whole [mine] project would be considered by ministries in parallel with dedicated project management support".

The legislation also includes opportunities for the government to include specifications for country/province/territory of origin for electricity infrastructure and other measures to provide for the protection of the economy from foreign antagonists.

Overall, the legislation would provide new tools and opportunities for the provincial government in an effort to facilitate growth and development.

While there may be benefits to these tools in specific circumstances, each tool requires some provincial bureaucracy to develop and administer further criteria, regulations, and orders and defend against the legal cases that may be brought.

The list below summarizes the potential pathways to obtain approvals for a proposed development project that is considered a provincial priority if the bill is passed:

Pathway	Description
Standard Planning Act Process	Conformity with PPS, OP, Zoning, Building Code, ECA Approvals/EASR, CA Regulations; Community Planning Permit Systems offer a streamlined approach within this standard process
Minister's Zoning Order (MZO)	Minister establishes zoning; conformity with it, Building Code, (ECA Approvals/EASR); CA Regulations may be addressed in the Minister's order
Special Economic Zones (SEZ)	specific areas with criteria for projects and/or proponents to be exempt from or follow modified rules/processes
Standard, MZO, or SEZ Process with Site-Specific Exemptions from standard Requirements	E.g. Lieutenant Governor in Council order exempting property from Heritage Act requirements
Site-Specific Exemptions from specific Acts / processes / permits by legislation	E.g. Ontario Place (Environmental Bill of Rights), Eagle's Nest Mine (Environmental Assessment Act), York1 Landfill (Environmental Protection Act)

If additional tools / pathways are created Municipalities would need to:

- Implement directions/orders given by the province insofar as they relate to municipal decisions/processes;
- Find ways to understand impacts to municipal services and associated costs that may be unaddressed by proponents through project review due to exemptions;
- Engage the province where applicable in its consideration of whether projects / zones might be a good opportunity to apply one or more of the above authorities.

Draft Comments on Proposed Legislation

SPECIAL ECONOMIC ZONES ACT

Background:

This Act gives the provincial government the power to designate zones through regulation if certain criteria are met. A zone will be a geographic area that could include one or more projects of critical or strategic importance. Zones could vary significantly in size, from a small parcel of land to a large area.

Vetted projects in an established zone with reliable proponents that meet high standards for operation, safety, and the environment can benefit from things like:

- faster permitting
- streamlining some permits and approvals
- simplified requirements
- priority access to [provincial] one-window services

One or more future regulations would:

- Include criteria for designating zones, projects, and proponents.
- Designate zones, projects, and proponents per the criteria
- Define the benefits of being 'in the zone' in terms of what regulations, permits, processes, or approvals are exempted, altered, or continue to apply.
 - Exemptions could be for projects or proponents, and apply to requirements under an Act, regulation, or other instrument (including municipal by-laws passed under an Act) and be subject to conditions

Immunity provisions in the act are intended to protect the crown, municipalities, and boards, councils, members, staff, and advisors from actions/proceedings/remedies/cost awards/assertions of expropriation, with the exception of applications for judicial review or a claim for a constitutional remedy. These exceptions likely relate to limits on immunity provisions from prior supreme court decisions.

The immunity provisions do not prevent the crown, municipality, or board from bringing proceedings against current or former council / board members, staff, agents, or advisors.

ANALYSIS:

The County and local municipalities are working to streamline and focus local policy frameworks and align them with provincial direction. We appreciate the province recognizing provincial regulatory requirements can impact the development approval process

In consideration of exemptions, particularly of significant and strategically important projects it is important to ensure critical and sufficient review to ensure everything lines up - and that there are not unresolved issues that could surface with greater impact later in the project. Immunity from indemnification on an issue doesn't resolve an underlying issue.

There is an important role for local decision-making that addresses local contexts, and there is concern about the province identifying new pathways / approaches to override responsibilities delegated to local municipalities.

There is also a broader opportunity for the province to review regulatory purposes, timelines, and resources to move the needle on all projects, not just projects ‘in the [special economic] zone’.

Proposed Amendments to the Ontario Heritage Act

BACKGROUND:

This part of the Bill would allow the Lieutenant Governor in Council (LGIC) to issue an order (not a regulation) that would exempt a property from:

- any requirements in Part VI of the OHA [Conservation of Resources of Archaeological Value] or in related regulations; or
- a requirement to conduct an archaeological assessment set out in any other Act or regulation, or instrument under any other Act, other than a provision of the Funeral, Burial and Cremation Services Act, 2002 or a regulation or instrument made under that Act;

if in the opinion of the Lieutenant Governor in Council the exemption could advance the following provincial priorities: transit, housing, health and long-term care, other infrastructure or such other priorities as may be prescribed.

Immunity provisions are also contained within the proposed exemption authority and are limited in respect of judicial review and constitutional remedies.

The legislation provides opportunity for regulations that establish criteria for issuing orders for exemption. The ERO posting notes that examples where a property might **not** be considered for an exemption could include former Indian Residential School sites, burials and significant archaeological sites, and that the province plans to consult separately on potential criteria for exemptions.

The legislation also includes additional powers and provisions for inspectors and investigators in respect of archaeological resources.

ANALYSIS

It may be challenging to align exemptions from undertaking archaeological assessments and/or conserving cultural heritage resources with Section 35 Aboriginal or treaty rights, particularly in respect of indigenous ancestral sites.

The example criteria noted in the posting address areas where there would be already-known resources - residential school sites, burials, and significant archaeological sites - but do not address areas of archaeological potential which, if investigated, may identify further burial or other archaeological sites prior to their disturbance through development.

Bruce County has worked with professional archaeologists, Saugeen Ojibway Nation (SON), and the Historic Saugeen Metis (HSM) to prepare an Archaeological Management Plan that identifies sites and areas of archaeological potential across the County.

Applying this mapping, and SON engagement in assessment, has led to an increase in the identification of indigenous archaeological sites across the County and SON Territory. As part of the Archaeological Management Plan we have been working with SON and the HSM to identify areas of the most critical archaeological potential, where there is the highest risk of disturbance of cultural heritage resources and especially burial sites of SON Ancestors. The proposed bill appears to have no provision for indigenous engagement in the decision-making process to exempt an area from archaeological assessment requirements.

Planning and BCMCC Staff reached out to SON Archaeology regarding the proposed legislation and opportunities to address SON concerns within County comments, and planning staff met briefly with SON Archaeology staff to discuss the comments. SON staff indicated concern with the proposed legislation and is preparing its own submission to the province.

While proposed immunity provisions offer legal protection, the bill may place municipalities in a position of implementing provincial orders that contradict the best available information developed with indigenous peoples in respect of their history, placing indigenous cultural heritage at risk of destruction and causing harm to relationships and the process of reconciliation.

Proposed Interim Changes to the Endangered Species Act, 2007 and a Proposal for the Species Conservation Act, 2025

BACKGROUND

The Province is proposing to make immediate amendments to the ESA and would later repeal the ESA and enact the new Species Conservation Act, 2025 (SCA). Taken together the changes include:

- Government having authority to add/remove species, as opposed to current system where COSSARO (Committee on the Status of Species at Risk in Ontario) classifies species. COSSARO will still advise the government.
- Removing concept of “harass” from species protections (kill, harm, capture, or take remain)
- Definition of habitat will be revised to focus on what the government considers to be the core protections essential to the conservation of species.
- Shift to registration-first approach (away from requiring permits reviewed by ministry).
- Removing requirement for registration/permits for aquatic species and migratory birds captured under the federal Species at Risk Act

ANALYSIS

Current provincial direction regarding natural heritage includes a range of considerations.

Provincial Direction with respect to species at risk requires they be addressed ‘in accordance with provincial and federal requirements.’ We can appreciate the intent of efforts to increase clarification and reduce duplication.

Changing provincial requirements may result in more projects meeting provincial requirements but not necessarily require a complete change to natural heritage review.

The Natural Heritage System mapped in the proposed new County Official Plan identifies and maps a system where important habitat may be found (e.g., Significant Woodlands), but is not based on mapping listed species’ exact habitats.

In consideration of the changes, it is important to underscore the importance of a healthy and biologically diverse natural environment in the County and the benefit of its residents. If the result is unbalanced growth there may be adverse impacts to present and future generations.

Many species at risk are culturally significant to First Nations communities. If there are fewer protections afforded these species by provincial legislation, First Nations may expect more to be done to address aboriginal and treaty rights and protections for these species through individual development approvals. This could impact trust, time, and certainty for proponents.

A key opportunity for the province is to support the infrastructure that enables development focused within communities, reducing development pressure within natural heritage features / areas.

Proposed Amendments to the Mining Act, Electricity Act, and Ontario Energy Board Act

BACKGROUND

- Electricity Act and Ontario Energy Board Act Changes focused on ability to prescribe Country / Region / Territory of Origin restrictions in regulations / minister’s directives to IESO and indemnify the government against claims.
- Mining Act changes allow suspension of part or all of the mining lands administration system and action in relation to users/prospectors to protect critical mineral resources
- Mining Act changes provide for a “Mine Authorization and Permitting Delivery Team” (MAPDT) for integrated and concurrent review by various ministries involved in this process with dedicated project management support.

ANALYSIS

- Territorial restrictions could affect procurement for energy projects within Bruce County
- The concept of the “MAPDT” could be applied more broadly to projects that require multiple provincial ministries and other levels of government to be engaged in the review and approval process.

Protect Ontario by Unleashing Our Economy Act, 2025, Removing Environmental Assessment Requirements for the York1 Waste Disposal Site Project, Addressing Changes to the Eagle's Nest Mine Project

BACKGROUND

- These postings relate to proposals for targeted, site-specific relief from specific provincial requirements for the redevelopment of Ontario Place; for a waste disposal facility in Chatham-Kent; and for a mine in Northern Ontario.

ANALYSIS

- The individual proposals are not particularly relevant to Bruce County.
- The processes from which exemptions are proposed relate to a broader question of regulatory purposes and efficiency

Financial/Staffing/Legal/IT Considerations:

There are no direct considerations associated with this report.

If the bill and associated regulations are enacted, the County could be named in Judicial Review and Constitutional remedy challenges associated with actions by or within Bruce County, with associated staff time requirements and legal costs.

Interdepartmental Consultation:

Government Relations - preparation of comments

Bruce County Museum and Cultural Centre - preparation of comments

Staff convened 2 calls to brief local municipal staff

Link to Strategic Goals and Objectives:

Strategic Goals

Community and Partnerships - Enhance and grow partnerships

Growth and Innovation - Promote responsible growth

Link to Departmental Plan Goals and Objectives, if any:

Engagement on legislative change is a priority in the Planning Services Agreements between the County and local municipalities.

Report Author/Departmental Approval:

Jack Van Dorp, Director of Planning

Approved for Submission:

Claire Dodds, Commissioner of Community Development