

Council has 'serious concerns' about Provincial legislation, but stops short of opposition

Aurora Council has expressed 'serious concerns' with Provincial legislation the government says is designed to 'streamline' the creation of homes and stimulate the economy, but critics claim will result in a serious hit to both the environment and a municipality's power to plan for growth.

The formal expression of concern came at a Special Council meeting on July 15, which was called by Ward 1 Councillor Ron Weese, Ward 2 Councillor Rachel Gilliland, Ward 3 Councillor Wendy Gaertner and Ward 5 Councillor John Gallo.

Mayor Tom Mrakas, Ward 4 Councillor Michael Thompson, and Ward 6 Councillor Harold Kim did not attend the meeting.

Councillors went into last Tuesday's meeting with a motion from Councillor Weese calling on Council to formally 'oppose' Bill 5 'the Protect Ontario by Unleashing Our Economy Act, and Bill 17, the Protect Ontario by Building Faster and Smarter Act, both of which are now enshrined into law following Royal Assent.

During the discussions, however, the wording was softened from 'oppose' to an expression of 'serious concern,' pending further information from the Province.

'These bills are not trivial, and while some may wish to take a wait-and-see approach and not join the growing number of municipalities and environmental groups that are questioning the content of these bills, I am not one of them,' said Councillor Weese at the start of the meeting. 'I believe that open and accurate discussion of these bills in public by this Council will provide information that reflects our interests and is part of the role of this Council.

'Let me say that there are parts of this legislation, as well as the intent, that are supportable as we navigate the economic realities that face us and wish to maintain our authority over our community and our country. Likewise, I don't think these motions before [us] are perfect. They may not be exactly reflective, and I welcome both discussion and amendments from my colleagues that express our values here in Aurora.'

Councillor Weese said the motions came following a June 10 Committee of the Whole meeting at which Kathy Duncan of Climate Change Newmarket Aurora asked Council to formally oppose the legislation, followed by similar delegations to Aurora's Environmental Advisory Committee. He noted he hoped to have the motions on the table at Council's July 24 meeting, the last one before the summer recess, but 'was rejected for discussion at that time because it had been submitted and needed a two-thirds majority for inclusion.'

'I didn't get that support when three Council members voted against it, and so we are here tonight,' said Weese.

A similar perspective was added by Councillor Gallo who said he was 'disappointed we had to go through significant hoops in order to get here.'

'Even if you don't agree with these motions, it's important to have those discussions publicly,' he continued. 'I am glad to see that our Procedural Bylaw allows the majority of Council to do this as we are doing tonight.'

The intent to hold a Special Council meeting was announced earlier this month, an announcement which was followed by a statement from Mayor Mrakas that it was not the right time to move forward with firm opposition as many variables had not yet been fleshed out by the Province.

He did not respond to The Auroran's request for comment on why he did not attend the July 15 meeting, but posted a statement to social media on July 20 addressing the issue.

?Last week, four members of Council called a Special Meeting,? he wrote. ?My office was not consulted on the date and time of the meeting, and I was formally notified by the Clerk only after the date and time had been set by the four members. Unfortunately, this meant I was unable to attend. Even though I was unable to attend the meeting, I'm glad to see that the Councillors ultimately amended the motion to reflect a more reasonable and effective approach ? one that followed the position I had already outlined and that aligns with the Association of Municipalities of Ontario (AMO).

?While the meeting itself brought nothing new to the conversation, I'm pleased that my formal statement submitted to the agenda (and received for information at the meeting) helped inform Council's decision to revise the original motion and take a more constructive path forward ? focusing on concerns rather than opposing the legislation (Bill 5 & 17) in its entirety.

?As Mayor and Head of Council, I will continue to stand up for Aurora's interests?just as I've consistently done throughout this term. That means cutting through the noise, staying focused on results, and working directly with the Premier and Ministers to ensure our voice is not only heard but taken seriously at the Province.

Councillor Kim told The Auroran he was unable to attend the meeting due to a family commitment.

?Unfortunately, no one advised me of this Special Council meeting until a week or two prior to the meeting,? said Councillor Kim. ?I am in agreement with the amended motion that was passed by Council. Streamlining housing and infrastructure development is needed but it needs to be balanced with environmental concerns.?

Similarly, Councillor Thompson said he informed staff and all Council members ?well in advance? that he had an all-day work commitment that conflicted with the meeting's 5 p.m. start time.

?Had the meeting been held at our regular 7 p.m. start time, I would have been able to attend and participate,? he said. ?As for Bill 5 and 17 I share the opinion that aspects of these Bills raise practical concerns that merit further discussion and collaboration between the Province, municipalities and key stakeholders. While the goals of stimulating economic development and addressing housing supply are important the implementation of these Bills introduces significant implications for local governance, environmental stewardship and community planning.

?Constructive dialogue is essential, and I support efforts to bring all parties to the table to explore adjustments/changes, identify unintended consequences, and create solutions that are workable, fair and sustainable for all communities across Ontario.?

THE CONVERSATION

Following the presentation of the Motions, Councillor Gilliland, who chaired last week's meeting, addressed the issue by saying she wanted to ?speak from a place of thoughtfulness and concern.?

?The idea of accelerating economic development and reducing red tape resonates with many of us in the public office, especially at the local level, where delays and duplication can sometimes slow good projects,? she said, before putting forward an amendment to change the wording to ?serious concerns.?

?The introduction of Special Economic Zones could, under the right circumstances, help unlock investment jobs and even local innovation. But good intentions aren't enough. What concerns me is how the Bill was passed and what was left behind in the rush. In just 49 days, this Bill moved from the first reading to a Royal Assent, with little time for public consultation, limited debate, and no meaningful municipal engagement,? she continued. ?Even more troubling are the gaps in accountability and protection. One, it allows the province to override local planning authority, potentially without local consent. Two, it weakens long-standing environmental laws, including the Endangered Species Act. Three, it offers broad immunity from legal challenge, effectively cutting off residents and communities from seeking recourse if harm occurs.?

She said she did not agree that the Bills should be opposed by Council in their entirety as that would be "premature and somewhat dismissive of the potential benefits that do come along with this Bill," but it was Council's "duty to raise the red flags where necessary and to suggest a better and more balanced way to go forward."

The wording change, she said, "recognizes the value of economic progress, but insists on transparency, consultation and accountability."

Councillor Gallo, who participated in the meeting over Zoom, noted the wording suggested by Councillor Gilliland was somewhat "lighter" than what was put forward by Councillor Weese, and this was a factor which made Councillor Gaertner oppose the wording change, although she ultimately voted for the motions as amended.

She noted "I don't think that this goes far enough to express the deep concern that I have."

"Bill 5 just guts the endangered species protection and creates economic zones where pretty much anything goes," she said, going as far as to describe the economic zones as "above the law."

"It's called eliminating red tape, and whatever else one wants to say, but if you really look at it, the intent is very, very clear," she continued. "It was clear in the Speech from the Throne. It was clear during the discussion of the Bills, the wording in the new laws—they don't leave much doubt that everything is not as important as the economic advancement. I agree—we need—to make our province healthy and to help Canada as a whole, but at what cost are we looking at?"

"The proposed legislation replaces the province's 18-year-old Endangered Species Act with a narrower Species Conservation Act. The new law gives cabinet, not a committee of scientists, as was previously the case, the power to decide which animals and plants should be protected and abolishes obligations for the government to create recovery strategies and report on them, which is always important for transparency.

"It further says that any other decisions about species at risk can also be delegated to the deputy minister or any other employee in the ministry. It's ludicrous. The concern that comes about the lack of accountability and transparency in the execution of this new act is very concerning, and I believe should be very concerning to anybody who lives in this province or even this country."

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