



**SENIORS  
for  
CLIMATE  
ACTION!  
NOW**

## THE FORD GOVERNMENT

### CLIMATE CRIME # 28

# Ministerial zoning orders: Heavy-handed tools help government friends

Ontario's *Planning Act* regulates land use, establishing who has authority to authorize a development project. Once upon a time the law clearly envisaged development as shared jurisdiction; different levels of government could make different decisions. Decisions could be reviewed.

Its provision for rapid projects were generally confined to emergency situations. It allows the Minister of Ministerial Affairs and Housing to issue a "Ministerial Zoning Order" (MZO), giving the Minister the power to approve a project even if it is prohibited by municipal zoning laws. The Minister can also greenlight projects when environmental reviews or community consultations haven't happened. There is no process within the *Planning Act* for anyone to appeal an MZO. This emergency provision, enacted in 1969, has been used sparingly. Between 1969 and 2000 Ontario governments had issued only 49 (MZO's).

When Doug Ford's Progressive Conservatives came to office, they started to dramatically accelerate MZO permissions. Under the timeworn guise of "cutting red tape" the government routinely permitted projects that did not have

local municipal approval. It began to avoid environmental assessment requirements. Between 2019 and early 2021 the Minister issued 30 MZO permissions.

\* In December 2020 the government passed Bill 229, the *Protect, Support and Recover from Covid 19 Act* (budget measure). This Act eliminated the ability of Conservation Authorities to veto MZO's. Conservation Authorities were established to manage water use in Ontario, so limiting their authority to veto a MZO made it difficult or impossible for them to protect our water and wetlands.





\*In April 2021 the government passed Bill 257, the *Building Broadband Faster Act*. It changed the *Planning Act* to allow MZOs in cases that clash with the Provincial government’s development master plans. It also expanded the ability of the Minister to issue MZOs in situations well beyond the issue of broadband access. This is a case of Ford’s use of interconnecting legislation to gut environmental regulation and community input, calling such protections “unnecessary red tape”. He defended the use of unappealable MZOs: “We will never stop issuing MZOs for the people of Ontario.”<sup>1</sup>

The government has issued six MZOs for projects of Flato Developments. Half overruled environmental limits on development proposals. The *Toronto Star* revealed that Flato is owned by Ford’s financial backers.<sup>2</sup>

Local municipalities and community groups have been resisting MZOs across Ontario. In 2021 the Ford government issued an MZO for a project that would have allowed the

heritage-listed Dominion Foundry in Toronto to be demolished. Community groups opposing the demolition took the government to court, obtaining an injunction against the demolition until the legal issues could be resolved. That same year the Minister issued an MZO for a glass plant proposal in Stratford. The municipal government opposed the project following several demonstrations by local residents. The project was “indefinitely suspended” by the company involved.

The Ford government’s use of MZOs reflects two of its principal objectives. It can allow building developers, many of whom are Progressive Conservative supporters, to build projects that communities don’t want. It also allows the Government to keep gutting environmental regulations.

Both goals reflect Ford’s fundamental rejection of the fact that we face climate breakdown. They reflect an alarming attitude: confronting catastrophic climate must take a back seat to making money – paving the way for your supporters’ profits.

<sup>1</sup> <https://www.nationalobserver.com/2021/03/09/news/doug-ford-government-approves-6-new-zoning-orders-backlash>

<sup>2</sup> <https://www.thestar.com/news/investigations/2021/06/14/how-the-ford-governments-love-of-mzos-is-increasingly-benefiting-private-developers-with-ties-to-pc-and-local-politicians.html>