FEDERATION OF ONTARIO COTTAGERS ASSOCIATIONS

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To: Premier of Ontario, Hon. Doug Ford premier@ontario.ca
Standing Committee on the Interior sci@ola.org
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Re: Bill 140, the Building Ontario Faster Act, 2026 and related EROs #026-1109 and #026-1048

The Federation of Ontario Cottagers' Associations (FOCA) writes to comment on Bill 140 and related Environmental Registry of Ontario (ERO) postings #026-1109 and #026-1048.

FOCA is strongly opposed to Bill 140's proposed changes to the Environmental Bill of Rights, 1993 (EBR), the Planning Act, R.S.O. 1990, the Environmental Assessment Act (EAA), and the Environmental Protection Act (EPA).

We offer observations grounded in decades of knowledge and action, to help ensure the EBR and the Planning Act are effective where Ontarians live and use water, and to ensure sustainability for future generations.

FOCA's members are 575 waterfront community associations across Ontario, representing 50,000 families who are waterfront property owners and lake stewards. Our members live, work and invest in communities throughout Ontario's watersheds, and have a direct interest in healthy lakes and rivers, safe shorelines, planning, effective natural hazard management, and the protection of drinking water sources that are essential to the health and well-being of rural and remote communities across Ontario.

As drafted, the proposed changes in Bill 140 repeal key environmental safeguards and public rights of participation in Ontario's environmental legislation.

Our specific concerns with proposed Bill 140 include the following:

Schedule 4 of Bill 140, the "Building Highway 69 Faster Act, 2026" exempts the Highway 69 Expansion Project and certain related activities and proposals from the EAA or Part II of the EBR. FOCA disagrees with this exemption which might reduce development time and costs, but only at the expense of established planning processes and environmental safeguards. Additionally, we disagree with the proposal to allow specified early works and related activities to proceed before the final assessment process is completed.

Schedule 8 of Bill 140 should be withdrawn entirely, as its repeal of Statements of Environmental Values (SEV) provisions would remove the legislated requirement for prescribed ministries to develop and consider a ministry-specific SEV when making decisions that may significantly affect the

environment. These SEV have provided an important accountability mechanism by documenting principles such as science-based decision-making, consideration of cumulative effects, precaution, polluter pays, and intergenerational impacts.

FOCA particularly opposes the change proposed for Clause 2 (1) (a) of the EBR which would remove one key existing purpose of the Act: to “where reasonable, **restore the integrity of the environment**”, not just to “protect” and “conserve”.

Schedule 7 proposes to amend the EAA, and **Schedule 9** would amend the EPA. FOCA disagrees with changing provisions like adopting an ‘ecosystem approach’ which is a core principle essential to protecting the environment.

FOCA opposes the proposed repeal of **section 17.5** of Ontario’s EAA in Schedule 7 of Bill 140, as the existing wording provides our municipal partners with important leverage; for example, to safeguard community health and safety in the face of large landfill projects and their potentially adverse environmental impacts. Removing municipal support requirements changes the balance of local accountability for projects with potentially significant impacts on groundwater, surface water, traffic, odour, noise, and community health.

FOCA opposes **Schedule 19** of Bill 140 that proposes amendments to the Planning Act to remove the ability for a municipality or a relevant applicant to appeal any official plan matter that has been referred by the Minister to the Ontario Land Trust (OLT) for a decision or a recommendation.

FOCA believes the EBR’s third-party appeal rights are essential to enable the public to challenge environmentally harmful provincial decisions before an independent tribunal. Schedule 8, **section 10** of Bill 140 as proposed would wholly eliminate sections 38-48 of the EBR, removing the existing third-party leave-to-appeal mechanism. This would impact an important administrative avenue through which members of the public, First Nations, and municipalities can seek independent review of a broad range of environmentally significant permits and approvals.

Further, FOCA opposes the intention to apply leave-to-appeal changes **retroactively**, as that raises serious concerns for applications for review or investigation and third-party leave-to-appeal proceedings that were commenced before the proposed legislation passes. FOCA urges the province to ensure that individuals and communities who have already engaged in these statutory processes are not deprived of the right to have their matters determined on their merits.

Bill 140 proposes that **Subsection 17 (2)** of the EBR be rewritten so that the minister shall consider, “The period of time the public may require to make informed comment” as one of several new factors in deciding the period for public comment on proposals under the Act. FOCA asserts that the minimum notice timelines under the current EBR already challenge community organizations like FOCA, our municipal and environmental partners, and volunteer associations across the province to read, consider, and respond with thoughtful input before a comment period closes. To further limit input timelines would risk human health and safety through impaired or incomplete decision-making.

FOCA disagrees strongly with the province’s statement on ERO #026-1048 that the proposed legislative changes in Bill 140 “are anticipated to have **a neutral impact on the environment**”. While the government proposes to retain opportunities for public input through the Ontario Regulatory Registry, replacing the EBR's dedicated environmental notice-and-comment framework with a more general regulatory process risks reducing the visibility, accessibility, timing, and environmental focus of public participation.

When the EBR was introduced over 30 years ago, FOCA and other legal and environmental partners applauded the move. Last year, the Law Commission of Ontario referred to the EBR as, “a ground-breaking piece of legislation that transformed environmental decision-making in Ontario.” Today, FOCA and members of our community participate regularly by providing ERO comments.

In summary, FOCA asserts that the EBR and the OLT appeals process have led to new and better conditions being applied to environmental plans, laws, regulations, and policies. FOCA considers the EBR an essential tool in environmental decision-making, government accountability, and public input. Together, the EBR and the OLT appeals process form parts of system of checks and balances; they are not ‘red tape’.

As drafted, Bill 140 would gut Ontario’s EBR. FOCA concurs with our partners at the Canadian Environmental Law Association, who have noted that Bill 140 would:

- Eliminate the public’s right to request investigations into suspected violations of environmental laws;
- Eliminate the public’s right to request reviews of outdated environmental laws and regulations;
- Eliminate the public’s right to seek permission to appeal certain government decisions that could cause significant environmental harm;
- Restrict the public’s right to be notified and comment on certain proposed environmental laws, regulations and policies.

FOCA believes communities should remain active participants in the decisions that affect them, as their voices help governments make better-informed choices that protect human health and the environment. Local knowledge matters.

FOCA asserts that changing the free and open public comment process of the current EBR and the leave-to-appeal process at the OLT into a model that can only be challenged in Court will eviscerate public participation and faith in government. Shifting environmental disputes away from accessible administrative process will make for more costly, complex, and less accessible court-based remedies.

Bill 140 must not proceed as drafted. It is a massive roll-back of environmental rights for the public.

Thank you for the opportunity to contribute.



Lesley Lavender
Chief Executive Officer, Federation of Ontario Cottagers’ Associations

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About The Federation of Ontario Cottagers’ Associations

The Federation of Ontario Cottagers’ Associations (FOCA) is a province-wide, non-profit organization representing 575 lake, road and waterfront associations and the interests of 50,000 waterfront property owners across Ontario. Since 1963, FOCA has worked to sustain and enhance the cottage experience for Ontario’s waterfront communities through education, advocacy and partnerships. FOCA champions healthy lakes, resilient shorelines and responsible waterfront stewardship, bringing the collective voice of its members to the policies and decisions that shape the future of Ontario’s lakes and waterfronts.