



News Release

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Ontario Bypassing People's Rights to Be Consulted on the Environment: Auditor General

(Toronto) “Although the *Environmental Bill of Rights, 1993* (EBR Act) requires the government to inform and consult with Ontarians on important environmental decisions, there are a number of instances where this is not happening,” Auditor General Bonnie Lysyk says in a report tabled today in the Legislature. “On the positive side, we did find that there have been day-to-day improvements made by ministries’ staff in the administration of the EBR Act.”

The EBR Act gives each person in Ontario the right to participate in—and hold officials accountable for—government decisions that affect the environment. But Ontarians’ ability to exercise those rights depends on how effectively government and ministries exercise their responsibilities under the EBR Act. The audit noted a number of significant issues where the public should have been fully consulted but was not.

For instance, in March 2022, the Ministry of Municipal Affairs and Housing opened public consultation on Bill 109, the *More Homes for Everyone Act, 2022*, which made environmentally significant changes to the *Planning Act* that could impact community greenspace. However, the Bill was passed into law two weeks before the required minimum 30-day consultation period ended, limiting Ontarians’ rights to provide feedback and have their comments considered before the decision was made.

Also, in the spring of 2022, the Ministry of Energy released two new environmentally significant policies without consulting with Ontarians as required by the EBR Act. These policies relate to the deployment of small modular nuclear reactors and to building a low-carbon hydrogen economy. By not consulting with the public under the EBR Act, the Ministry denied Ontarians the opportunity to provide input that could inform decision-making.

“The Ministry of the Environment, Conservation and Parks, which is responsible for administering the EBR Act and educating the public on the rights and tools provided by this law, should be leading by example,” Lysyk says. “But for the fourth year, we found the Ministry has not ensured that the EBR Act is being applied to all environmentally significant decisions, it has not fully implemented a communications plan for the EBR Act, nor has it fulfilled a 2011 commitment to review the Act.”

The audit report includes 21 recommendations for improvement.

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Read the report at www.auditor.on.ca

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