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# The Regional Municipality of Durham Report

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To: Regional Council  
From: Commissioner of Community Growth and Economic Development  
Report: #2025-CG-7  
Date: May 28, 2025

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**Subject:**

Region of Durham Response to Bill 5, Protect Ontario by Unleashing the Economy Act, 2025

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**Recommendation:**

That it be recommended to Regional Council:

- A) That the letter dated May 16, 2025, found in Attachment #1 to this report, be endorsed as the Region of Durham's response to Bill 5, Protect Ontario by Unleashing the Economy Act, 2025, including the following key comments:
- i) The Region supports efforts to streamline the approvals process for mining projects in Ontario when it does not come at the expense of safeguarding against environmental and community impacts;
  - ii) The Region is supportive of mechanisms that would result in increased local procurement in the electricity sector. Limiting competition, however, could increase costs if local or preferred suppliers are more expensive than international alternatives, which may result in increased electricity prices for ratepayers;
  - iii) Proposed amendments to the Ontario Heritage Act, 1990, fail to address systemic issues in archaeological resource management, such as delayed consultation with Indigenous communities and unilateral provincial control over Indigenous artifacts and cultural heritage. Additionally, the proposed amendments exacerbate already weakened heritage protections brought in

through Bill 23. Any exemptions under the Ontario Heritage Act could result in negative impacts, including the destruction of Indigenous artifacts and burial sites;

- iv) The new proposed regime for endangered species and at-risk species is designed for more flexible permitting and registry-based approvals, rather than automatic prohibitions on activities that harm listed species or their habitats. Additionally, narrowing the definition of habitat in the ESA to just the immediate area surrounding dwelling sites excludes protection of broader ecosystems that endangered and at-risk species rely on for survival. While these changes could expedite development approvals, they may also reduce environmental oversight;
  - v) The “trusted proponent” model under the Special Economic Zones Act, 2025, may create a two-tier development system, favouring select private businesses with fewer regulations; and
  - vi) The Region should be included in consultations related to the identification of Special Economic Zones within Durham and the selection of “trusted proponents” that would operate within the region; and
- B) That a copy of this report be forwarded to the Region’s local area municipalities, conservation authorities, and Williams Treaty First Nations.
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## Report:

### 1. Purpose

- 1.1 On April 17, 2025, the Province introduced the proposed [Bill 5, Protect Ontario by Unleashing the Economy Act, 2025](#) (Bill 5) with a commenting period of 30-days. Various changes were made to the Bill during its passage through Standing Committee of the Interior. These changes included amendments to the purpose of the Act, revisions to definitions, and modifications to sections dealing with species conservation, permits and hearings. The purpose of this report is to provide Regional Council with an overview of the legislative changes proposed by Bill 5 and outline Regional staff’s comments.
- 1.2 To meet the provincial commenting deadline of May 17, 2025, a letter outlining Regional staff comments was sent to the province on May 16, 2025 (Attachment #1). If Regional Council makes any changes to the comments, Regional staff will follow up with the province accordingly.

## 2. Background

2.1 This legislative proposal represents an omnibus Bill that includes 10 schedules, some that propose minor amendments to existing legislation and others that propose new legislation, all with the stated goal of protecting Ontario from global economic uncertainty.

2.2 Bill 5 introduces proposed changes to the following Acts:

- a. Mining Act, 1990 ([ERO Posting #025-0409](#));
- b. Electricity Act, 1998 ([ERO Posting #025-0409](#));
- c. Ontario Energy Board Act, 1998 ([ERO Posting #025-0409](#));
- d. Ontario Heritage Act, 1990 ([ERO Posting #025-0418](#));
- e. Endangered Species Act, 2007 ([ERO Posting #025-0380](#));
- f. Environmental Assessment Act ([ERO Posting #025-0396](#) and [025-0389](#));
- g. Environmental Protection Act (not posted to the ERO); and
- h. Rebuilding Ontario Place Act, 2023 ([ERO Posting #025-0416](#)).

2.3 In addition to changes to existing Acts, Bill 5 also introduces the following new proposed legislation:

- a. Special Economic Zones Act, 2025 ([ERO Posting 025-0391](#)); and
- b. Species Conservation Act, 2025 ([ERO Posting #025-0380](#)).

## 3. Mining Act, 1990

3.1 Currently, mining projects in Ontario are regulated by several ministries, each dealing with different permits or authorizations separately. This requires that proponents engage with multiple permitting ministries and Indigenous communities on each activity separately and in isolation.

3.2 Proposed changes to the Mining Act, 1990, would create a “one project, one process” approach, intended to streamline the above noted processes by taking a project level approach with an assigned “Team Lead” to guide proponents through the approvals/permitting process.

3.3 Further proposed changes would give the Minister of Energy and Mines authority to deny the issuance of mining leases and cancel existing claims and tenures, if the Minister deems it necessary to protect the strategic national mineral supply chain.

3.4 The proposed changes are believed to result in faster project approvals and potentially lower costs for mining companies. **The Region supports efforts to streamline the approvals process for mining projects in Ontario when it does not come at the expense of safeguarding against environmental and community impacts.**

#### **4. Electricity Act, 1998 and Ontario Energy Board Act, 1998**

4.1 Proposed changes to the Electricity Act, 1998, and Ontario Energy Board Act, 1998, would establish regulation-making authority to enable the Minister of Energy and Mines to limit foreign jurisdictions' participation in Ontario's electricity sector through new electricity procurement restrictions. It would also provide a mechanism for the province to respond to future trade restrictions imposed by other countries. No specific regulations to this effect have been released at this time. Regional staff will monitor and report to Regional Council on future proposed regulations and their expected impacts.

4.2 **The Region is supportive of mechanisms that would result in increased local procurement in the electricity sector. Limiting competition, however, could increase costs if local or preferred suppliers are more expensive than international alternatives, which may result in increased electricity prices for ratepayers.**

#### **5. Ontario Heritage Act, 1990**

5.1 Prior to Bill 23, provincial plan review responsibilities for archeology rested with the Region, where we would require archaeological assessments for properties deemed to have archaeological potential. This is now the responsibility of the local area municipalities.

5.2 Bill 5 proposes changes to the Ontario Heritage Act, 1990 that would:

- a. expand inspection and enforcement powers in the protection of artifacts and archaeological sites; and
- b. authorize the Lieutenant Governor in Council to exempt property from archaeological and heritage conservation requirements, if deemed that the exemption could advance provincial priorities (e.g., transit, housing, health and long-term care, other infrastructure or such other priorities as they may be prescribed).

5.3 The amendments would also establish criteria that must be met for a property to be eligible for an exemption. The province has indicated that there will be a separate consultation on potential criteria for exemptions, however, no details have been provided at this time. Regional staff will monitor the progress of these consultations and keep Regional Council apprised.

5.4 **Proposed amendments to the Ontario Heritage Act, 1990, fail to address systemic issues in archaeological resource management, such as delayed consultation with Indigenous communities and unilateral provincial control over Indigenous artifacts and cultural heritage. Additionally, the proposed amendments exacerbate already weakened heritage protections brought in through Bill 23. Any exemptions under the Ontario Heritage Act could result in negative impacts, including the destruction of Indigenous artifacts and burial sites.**

## **6. Endangered Species Act, 2007, and the new Species Conservation Act, 2025**

6.1 There are more than 230 species at risk in Ontario, many of which are located in Durham, including numerous birds, fish, insect, reptile and plant species. These species have experienced population declines over the past several decades and are at risk of being lost completely.

6.2 Bill 5 is proposing to make immediate changes to the Endangered Species Act, 2007 (ESA) with the intent to eventually repeal the ESA and replace it with a new Species Conservation Act, 2025 (SCA).

6.3 Interim changes to the ESA would come into effect as soon as Bill 5 is passed, and include:

- a. updating the purpose of the ESA to remove species recovery and stewardship as explicit goals and include social and economic considerations in addition to species protection and conservation;
- b. allowing government discretion to add species or remove species from the Species at Risk in Ontario list;
- c. narrowing the definition of habitat from the broad area which an animal uses to find food to a more limited area immediately surrounding a den or nest;
- d. removing requirements to create recovery strategies for species at risk;
- e. removing “harass” from the prohibitions regarding harm to species; and
- f. winding down the Species Conservation Action Agency and the Species at Risk Conservation Fund.

- 6.4 The new proposed SCA would enshrine the above interim changes, and:
- a. implement a “registration-first” approach, allowing project proponents to begin activities immediately following registration, subject to following rules set out in a yet to be determined regulation;
  - b. exempt harassment of species as an activity that requires registration or a permit;
  - c. no longer require registration (or permits) for impacts to migratory birds and aquatic species protected under the federal Species at Risk Act;
  - d. create the ability to use mitigation and compliance orders; and
  - e. establish a new Species Conservation Program.
- 6.5 **The new proposed regime for endangered species and at-risk species is designed for more flexible permitting and registry-based approvals, rather than automatic prohibitions on activities that harm listed species or their habitats. Additionally, narrowing the definition of habitat in the ESA to just the immediate area surrounding dwelling sites excludes protection of broader ecosystems that endangered and at-risk species rely on for survival. While these changes could expedite development approvals, they may also reduce environmental oversight.**
- 6.6 The province has indicated that it will be consulting with the public, Indigenous communities, and various agencies and organizations in the development of regulations to implement the registration-first approach, which is expected to come into force early in 2026. Regional staff will monitor the development of this regulation and other associated regulations and report to Regional Council as necessary.

## **7. Environmental Assessment Act and Environmental Protection Act**

- 7.1 As a result of changes to the scope of a specific mining project (Eagles Nest) in northern Ontario, the province is proposing to remove the current requirement, under the Environmental Assessment Act, that the project undergo a comprehensive environmental assessment. Additional changes propose to remove environmental assessment requirements for the YORK1 waste project to provide additional waste capacity in Ontario due to potential impacts of tariffs on Ontario’s waste sector.
- 7.2 The province currently charges a fee for registering an activity in the Environmental Activity and Sector Registry, under the Environmental Protection Act. Such projects pose minimal risk to the environment and human health when regulated. Proposed

changes would allow the Minister of Environment Conservation and Parks to refund the imposed fee in circumstances where a registration has been removed from the Registry.

## 8. Rebuilding Ontario Place Act, 2023

8.1 Currently, there is a requirement for giving public notice and opportunities for comment for proposals for provincial permits and approvals related to the Ontario Place redevelopment project or those that further the project. As such, proposals for permits and approvals would have to be posted to the Environmental Registry of Ontario. Proposed changes provide for an exemption to this requirement.

## 9. Special Economic Zones Act, 2025

9.1 Bill 5 proposes the Special Economic Zones Act, 2025, which is a new law to allow the province to designate special areas, deemed critical to Ontario's economy and security. These areas can range in size from a small parcel of land to a large area.

9.2 Within Special Economic Zones (SEZ), the province can exempt "trusted proponents" and "designated projects" from regulatory frameworks and municipal by-laws to accelerate project permitting and approvals. Projects in SEZ will also benefit from simplified requirements, and priority access to provincial one-window services. **This "trusted proponent" model under the Special Economic Zones Act, 2025, may create a two-tier development system, favouring select private businesses with fewer regulations.**

9.3 The Special Economic Zones Act will allow the province to override municipal zoning, official plans, and development standards. Municipalities would have no decision-making role once a project is designated within a SEZ. Additionally, community engagement processes could be circumvented, reducing transparency and public input. Following the proclamation of Bill 23, the Region is now an "upper-tier municipality without planning approval responsibilities" under the Planning Act, so the local area municipalities will be most impacted by this.

9.4 The proposal does not include a listing of proposed SEZ, so the implications for Durham Region are unknown at this time. However, on May 5, correspondence from Premier Ford to Prime Minister Carney indicated that 'nation-building' projects including the Ring of Fire, nuclear energy generation, GO passenger train service, a new James Bay deep seaport and a driver and transit tunnel expressway under Highway 401 should be prioritized.

- 9.5 Given the density of nuclear facilities within Durham Region, it is possible that the Region or parts of the Region could be designated as a SEZ. Projects such as the Pickering Refurbishment Project, Small Modular Reactor projects and future developments at Darlington, the proposed new large nuclear generation at [Wesleyville](#) (within Northumberland County but immediately adjacent to Durham Region) could be included. Additionally, in November 2024, Ignace Ontario was selected by the Nuclear Waste Management Organization to construct Canada's deep geological repository (DGR) for nuclear waste. This site also has the potential to be identified.
- 9.6 In September 2024, the province announced that it would begin exploring the feasibility of a new Highway 401 tunnel expressway. Currently, this project is not expected to extend into Durham. Similarly, the reference to GO passenger train service likely refers to the GO West to Kitchener, not the GO East to Bowmanville.
- 9.7 Proposed locations of SEZs, how they would be designated, and identification of "trusted proponents" have not been determined. **The Region should be included in consultations related to the identification of SEZs within Durham and the selection of "trusted proponents" that would operate within the region.**
- 9.8 Regional staff will monitor and develop proactive approaches should areas within Durham be designated as SEZs.

## 10. Relationship to Strategic Plan

- 10.1 These proposed legislative changes may impact the Region's Strategic Directions and Pathways in Durham Region's 2025-2035 Strategic Plan:
- a. Connected and Vibrant Communities
    - C2. Enable a full range of housing options, including housing that is affordable and close to transit.
  - b. Environmental Sustainability and Climate Action
    - E5. Respect the natural environment, including greenspaces, waterways, and agricultural lands.
  - c. Resilient Local Economies
    - R1. Attract and retain quality employers that strengthen key economic sectors, including energy and technology.

d. Strong Relationships

- S2. Build and strengthen respectful relationships with First Nations, Inuit, Métis, and urban Indigenous communities.
- S4. Advocate to the federal and provincial government and agencies to advance regional priorities.

10.2 This report aligns with the following Foundation in Durham Region's 2025-2035 Strategic Plan:

- a. People: Making the Region of Durham a great place to work, attracting, and retaining talent.

## 11. Conclusion

11.1 On April 17, 2025, the province introduced Bill 5, which proposes various amendments to existing legislation and includes the establishment of new legislation. The province is inviting comments on the proposals until May 17, 2025, a 30-day commenting window. This condensed timeline did not allow for a report to Regional Council, prior to responding. A letter containing Regional staff comments was submitted to the province on May 16, 2025 (Attachment #1). Any changes made to these comments by Regional Council will be forwarded to the province.

11.2 The proposed legislative changes signal a significant shift in Ontario's environmental, energy, land use, and procurement frameworks – many of which have direct implications for municipalities.

11.3 The new Species Conservation Act reduces automatic environmental protections for species and habitats. Environmental Assessment Act and Ontario Heritage Act amendments introduce new exemptions and ministerial powers. Changes to the Electricity Act, Ontario Energy Board Act, and Mining Act centralize decision-making, introduce procurement restrictions, and extinguish legal recourse – potentially reducing local input on major infrastructure and energy projects. Most notably, the Special Economic Zones Act allows provincial regulations to override municipal by-laws and approvals, posing a substantial risk to local land use autonomy and governance.

11.4 Municipalities must prepare for faster-paced development with fewer consultation requirements, diminished environmental oversight, and reduced legal and planning certainty.

11.5 The specific regulations related to these proposed legislative changes have yet to be determined and/or will be subject to future consultation by the province. Regional staff will monitor the progress of these changes and ensure Regional Council is made aware of any Regional implications.

11.6 A copy of this report will be forwarded to the Region's area municipalities, conservation authorities, and the Williams Treaty First Nations.

## **12. Attachments**

Attachment #1: Region of Durham Staff Response to Bill 5, the Protect Ontario by Unleashing the Economy Act, 2025

Respectfully submitted,

Original signed by

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Colleen Goodchild, Director of  
Community Growth

Recommended for Presentation to Council

Original signed by

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Nancy Taylor BBA, CPA, CA for  
Elaine C. Baxter-Trahair  
Chief Administrative Officer



May 16, 2025

Sent Via Email

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**RE: Region of Durham Staff Response to Bill 5, the Protect  
Ontario by Unleashing the Economy Act, 2025**

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Thank you for the opportunity to provide feedback on proposed Bill 5, the Protect Ontario by Unleashing the Economy Act, 2025 (Bill 5). This legislative proposal represents an omnibus Bill that includes 10 schedules, some that propose minor amendments to existing legislation and others that propose new legislation.

Bill 5 was introduced on April 17, 2025, with a commenting period of 30-days. Considering Regional Council's reporting cycle, the 30-day timeline did not allow for Regional Council to consider this matter prior to the May 17, 2025, commenting deadline. Therefore, the following comments represent those of Regional staff.

A report seeking Regional Council endorsement of these comments will be presented at the May 28, 2025, meeting of Regional Council. Should Regional Council make any changes to the comments, regional staff will follow up accordingly.

1. The Region supports efforts to streamline the approvals process for mining projects in Ontario when it does not come at the expense of safeguarding against environmental and community impacts.
2. The Region is supportive of mechanisms that would result in increased local procurement in the electricity sector. Limiting competition, however, could increase costs if local or preferred suppliers are more expensive than international alternatives, which may result in increased electricity prices for ratepayers.
3. Proposed amendments to the Ontario Heritage Act, 1990 fail to address systemic issues in archaeological resource management, such as delayed consultation with Indigenous communities and unilateral provincial control over Indigenous artifacts and cultural heritage. Additionally, the proposed

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amendments exacerbate already weakened heritage protections brought in through Bill 23. Any exemptions under the Ontario Heritage Act could result in negative impacts including the destruction of Indigenous artifacts and burial sites.

4. The new proposed regime for endangered species and at-risk species is designed for more flexible permitting and registry-based approvals, rather than automatic prohibitions on activities that harm listed species or their habitats. Additionally, narrowing the definition of habitat in the ESA to just the immediate area surrounding dwelling sites excludes protection of broader ecosystems that endangered and at-risk species rely on for survival. While these changes could expedite development approvals, they may also reduce environmental oversight.
5. The “trusted proponent” model under the Special Economic Zones Act, 2025 may create a two-tier development system, favouring select private businesses with fewer regulations.
6. The Region should be included in consultations related to the identification of any Special Economic Zones within Durham and the selection of “trusted proponents” that would operate within the region.

The Region is looking forward to participating in future consultations related to this Bill, as more details are provided and proposed regulations are developed. If you have any questions about the above noted comments, please contact Amanda Bathe, Senior Planner at [Amanda.Bathe@durham.ca](mailto:Amanda.Bathe@durham.ca).

Thank you,

*Colleen Goodchild*

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Colleen Goodchild, MCIP, RPP  
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