Performance Audit

Operation of the *Environmental Bill of Rights, 1993*

// Independent Auditor's Report

Office of the
Auditor General
of Ontario

ANNUAL REPORT 2025

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1.0 Audit at a Glance

// Why We Do This Audit

- Our Office is responsible for reporting annually on the operation of the *Environmental Bill of Rights, 1993* (EBR). This includes reporting on how well the government fulfills its obligations under the EBR.
- The EBR is intended to protect the environment by ensuring that Ontarians are informed about, and have an opportunity to participate in, government decisions that could significantly affect the environment.
- When the EBR operates effectively, it supports meaningful public participation in, and transparency and accountability for, the government's environmentally significant decisions.

// What We Found

Ontarians Were Not Consulted About an Amendment to the *Building Code Act, 1992*

- The Ministry of Municipal Affairs and Housing (Municipal Affairs Ministry) did not consult Ontarians about a legislative amendment meant to prevent municipalities from creating and enforcing their own green building standards.

  » **Recommendation 1**

The Province Passed Bill 17 Before Completing EBR Consultation and Considering All Public Comments

- Bill 17, the *Protect Ontario by Building Faster and Smarter Act, 2025,* was passed before EBR consultation on the bill was complete, and before ministries could consider all public comments.
- The bill contained environmentally significant amendments to the *Planning Act*, the *Building Transit Faster Act, 2020* and the *Transit-Oriented Communities Act, 2020*.

» **Recommendation 2**

The Province Exempted Two Major Infrastructure Projects from EBR Consultation

- In November 2024, the Province exempted from EBR consultation all proposals for permits and approvals for, or related to, the Highway 413 project.
- In June 2025, the Province exempted all proposals for instruments for, or related to, the Ontario Place Redevelopment Project from EBR consultation.
- As a result, ministries can issue permits and approvals for these infrastructure projects without first notifying or consulting the public under the EBR.

» **Recommendation 3**

The Environment Ministry Continues to Not Meet its Legislative Duty to Educate the Public about the EBR

- In 2024/25, the Ministry of the Environment, Conservation and Parks (Environment Ministry) did not take any action to provide public educational programs about the EBR. Unlike other provincial bodies that educate the public about their rights, the Environment Ministry does not dedicate staff to lead EBR public education work even though it is its duty to do so.

The Environment Ministry does not dedicate staff to lead EBR public education work

» **Recommendation 4**

Ministries Posted Some Environmental Registry Notices That Lacked Information to Help Ontarians Fully Understand Proposals and Decisions

- Over one-fifth of the proposal notices posted on the Environmental Registry (Registry) that we reviewed did not explain the expected environmental impacts of the proposals.
- Almost one-fifth of instrument decision notices we reviewed did not include links to the issued instruments.

1 in 5 proposal notices on the Registry that we reviewed did not explain the expected environmental impacts

» **Recommendation 5**

The Environment and Natural Resources Ministries Did Not Comply with EBR Application Timelines

- The Environment Ministry missed statutory timelines to respond to four applications for review or investigation, and the Ministry of Natural Resources (Natural Resources Ministry) missed timelines for two.

» **Recommendations 10 and 11**

// Our Conclusion

Despite our findings below, the EBR continued in 2024/25 to enable the public to participate in the Province's environmental decision-making. Ministries notified and consulted the public about hundreds of environmentally significant proposals, and the public submitted thousands of comments. In many cases, ministries made changes to their final decisions as a result of the public's comments.

Ontarians exercised their EBR rights to request six reviews and investigations of environmental matters, and in some cases the Environment Ministry took action to better protect the environment as a result of applications submitted by the public. Ontarians also used the EBR to challenge four ministry decisions about environmentally significant permits and approvals that they would not otherwise have had the right to challenge.

However, again this year, we found examples of a disregard for the public's rights under the EBR legislation. Our findings this year are consistent with past reports. We conclude that, together, the Province's actions, inaction and decisions in recent years are eroding Ontarians' EBR rights and opportunities to participate meaningfully in the government's environmental decision-making. The government is doing this by:

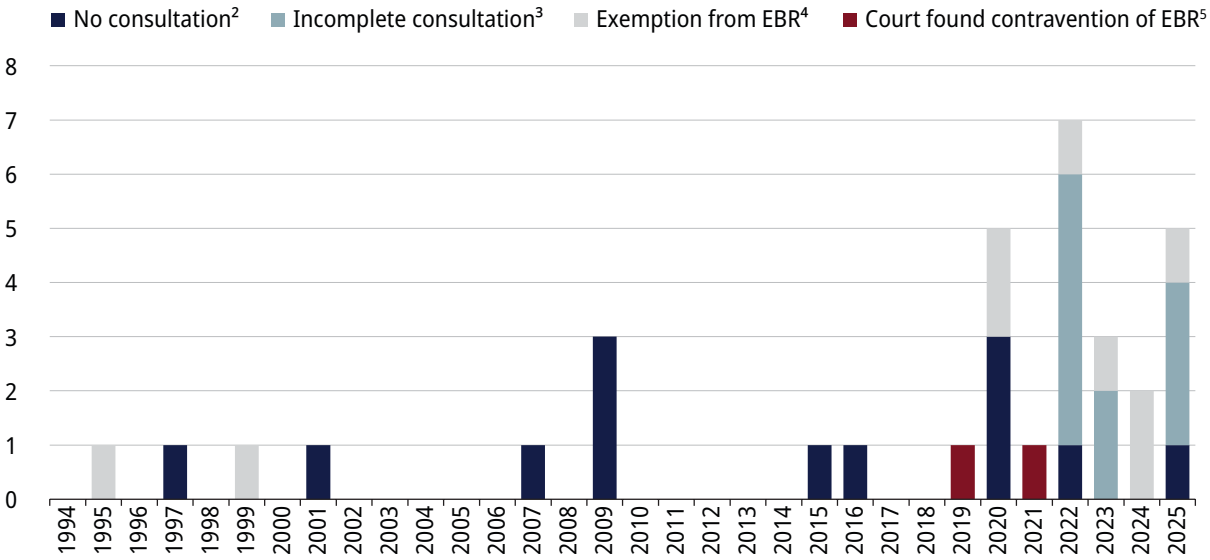
- not following the EBR requirements for consulting the public and responding to applications for review and investigation;
- not addressing gaps in the EBR's coverage; and
- creating exemptions that allow the government to make environmentally significant decisions without public consultation under the EBR.

In particular, since 2019, the Province has been taking actions that had rarely or never been taken since the EBR was enacted in 1994 (see **Figure 1**). For example:

- Bills containing environmentally significant proposals were passed without EBR consultation (see **Section 4.1.1**).
- Bills containing environmentally significant proposals were passed while EBR consultation was still underway, and without the responsible ministries considering the public's comments (see **Section 4.1.2**).
- Environmentally significant permits and approvals necessary for certain major projects have been exempted from the EBR's public consultation requirements (see **Sections 4.2.1** and **4.2.2**), and certain environmentally significant proposals about acts have been retroactively exempted by legislation from EBR public consultation (see **Section 4.2.3**).
- Prescribed ministries have twice been found by the Divisional Court to have contravened the EBR by failing to consult Ontarians about environmentally significant decisions.

Figure 1: Trend in Ministry Actions Eroding the Public's Rights under the EBR, 1994–2025[1]

Prepared by the Office of the Auditor General of Ontario



1. Data from before 2019 is based on information published in reports of the former Office of the Environmental Commissioner of Ontario.
2. Cases in which a ministry did not consult with the public through the Registry in accordance with EBR requirements on an act proposal.
3. Cases in which an act proposal notice was posted for public consultation under the EBR and then a decision was made before the conclusion of the EBR public consultation period.
4. Cases in which exemptions from the EBR were created.
5. Cases in which the Divisional Court of the Ontario Superior Court of Justice ruled that the government contravened the EBR.

Further, the Environment and Natural Resources Ministries have missed application timelines at an increased rate, despite fewer applications being submitted overall (see **Section 4.7.2**).

Actions, inaction and decisions like these limit opportunities for the public to participate in the Province's environmental decision-making and hinder transparency and accountability.

The ministries agreed with nine of the audit's 12 recommendations.

When the EBR operates effectively, it supports meaningful public participation in, and transparency and accountability for, the government's environmentally significant decisions

2.0 Background

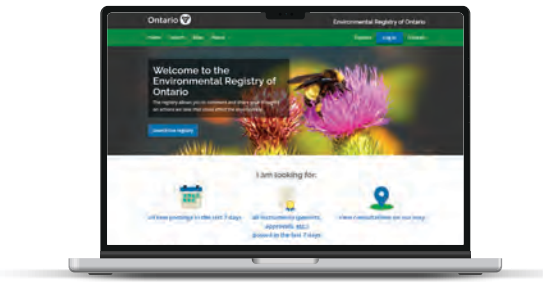
2.1 Overview

The EBR recognizes that the people of Ontario have the right to participate in the government's decision-making about the environment, and to hold the government accountable for those decisions.

The EBR sets out legal requirements for prescribed ministries (see **Appendix 1**), as well as legal rights for Ontarians, including the following:

Public Notice and Consultation Through the Registry

- Prescribed ministries must use the online Registry (**ero.ontario.ca**) to give public notice about proposed acts, regulations, policies and instruments (permits, licences, approvals, and other authorizations and orders) that are environmentally significant. Ministries must give the public at least 30 days to comment on proposals; consider received comments before making a decision; and give notice of decisions "as soon as reasonably possible." This includes explaining whether, and how, public comments affected the decision.



Statements of Environmental Values (SEV)

- Prescribed ministries must publish an SEV that explains how the ministry considers the purposes of the EBR when it makes decisions that may significantly affect the environment.

Applications for Review and Investigation

- Residents of Ontario have the right to ask a ministry to review existing laws, policies, regulations or instruments, or review the need for new laws, policies or regulations. The EBR also gives residents of Ontario the right to ask a ministry to investigate alleged contraventions of certain environmental laws, regulations and instruments.
- Ministries must follow statutory requirements in responding to and undertaking these requests.

Appeals

- The EBR gives residents of Ontario the right to seek leave, or permission, from an adjudicative body (in most cases, the Ontario Land Tribunal) to appeal government decisions on certain instruments.

Lawsuits and Whistleblower Protection

- The EBR gives Ontario residents the right to sue for harm to the environment or a public resource. The EBR protects employees who exercise their environmental rights, or who comply with or seek the enforcement of environmental laws, from employer reprisals.

The Environment Ministry administers the EBR and its regulations. As administrator of the EBR, the Environment Ministry has additional responsibilities, including operating the Registry, posting appeal notices and providing public education programs about the EBR.

See **Appendix 2** for summary information about the use of EBR tools in 2024/25. For more detailed information, refer to **Appendix 3**, **Appendix 4** and **Appendix 5**.

2.2 Why the EBR Is Important for Ontarians

The EBR gives Ontarians rights to participate in the government's environmental decision-making, with the goal of making better decisions for the environment.

When members of the public contribute to environmental decision-making, their input can improve the quality of decisions and outcomes for the environment by providing information and perspectives that can help decision-makers minimize environmental risks. Public participation can also lead to greater transparency for government decision-making, greater public awareness of issues and acceptance of decisions, and better implementation of decisions.

We found examples where the public used the EBR tools to achieve better environmental outcomes

We found several examples in 2024/25 where the public used the EBR's tools to achieve better environmental outcomes. For example:

- The Environment Ministry took action in response to two applications for investigation. In one case, the Ministry ordered a mining company to prevent water contamination originating from its tailings facility. In the other case, the Ministry ensured that proper approvals were in place for sewage works related to the severance and development of three private lots.
- A First Nation successfully obtained leave to appeal the issuance of a water-taking permit for a mining company, using an appeal right that would not exist without the EBR.
- Members of the public and other stakeholders submitted tens of thousands of comments on government proposals through the Registry. In some cases, the public's input led to changes, such as improvements to waste diversion in Far North communities and the enhanced monitoring of private wells that might be affected by a local aggregate operation.

3.0 Audit Objective and Scope

The EBR requires our Office to report annually on the operation of the EBR. Our audit objective was to assess whether the Province of Ontario, including ministries prescribed under the EBR:

The EBR requires our Office to report annually on the operation of the EBR

- implemented the EBR effectively and in compliance with all requirements of the Act;
- provided transparent and accountable environmental decision-making consistent with the purposes of the EBR; and
- enabled the public to effectively exercise their rights under the EBR.

Our audit scope focused on assessing whether prescribed ministries contributed to the effective operation of the Act, not only by meeting the minimum legal requirements of the EBR, but also by performing their duties and exercising their discretion in a way that was consistent with the EBR's purposes.

Our audit scope for the 2024/25 reporting year covered the period from April 1, 2024, to March 31, 2025. It also included any significant subsequent events related to our audit that occurred after the end of the reporting year, in accordance with auditing standards.

We follow a risk-based approach to assessing the Province's effectiveness in implementing the EBR. This year, we selected the following seven ministries as auditees.

1. Ministry of Energy and Mines (Energy and Mining Ministry)
2. Ministry of the Environment, Conservation and Parks (Environment Ministry)
3. Ministry of Infrastructure (Infrastructure Ministry)
4. Ministry of Municipal Affairs and Housing (Municipal Affairs Ministry)
5. Ministry of Natural Resources (Natural Resources Ministry)
6. Ministry of Tourism, Culture and Gaming (Tourism Ministry)
7. Ministry of Transportation (Transportation Ministry)

In March 2025, the former Ministry of Energy and Electrification (Energy Ministry) and former Ministry of Mines (Mining Ministry) combined to form the new Ministry of Energy and Mines (Energy and Mining Ministry). For this audit, we assessed the EBR compliance and implementation of each former ministry separately.

We continued to monitor the other prescribed ministries to identify any issues relevant to our audit. We will continue each year to select auditees on a risk basis and will include other ministries as auditees on a rotating basis.

> As this is an annual audit, some of our findings are similar to those made in past years. As has been our practice, rather than make a new recommendation in this report, we have reiterated our past recommendation(s) for the same or similar findings in 2024/25 for the relevant auditees. We do this to avoid making the same recommendations year over year. Recurring recommendations are indented like this.

For more details, see our **Audit Criteria**, **Audit Approach** and **Audit Opinion**.

4.0 What We Found

4.1 Consultation and Consideration of Public Input

Under the EBR, Ontarians have the right to be consulted about certain proposals that could, if implemented, have a significant effect on the environment. This section outlines our findings about cases in which the public had an EBR right to be consulted, but ministries did not follow the EBR's requirements, depriving the public of their rights.

4.1.1 Ontarians Were Not Consulted About an Amendment to the *Building Code Act, 1992*

On May 12, 2025, the Minister of Municipal Affairs introduced Bill 17, the *Protect Ontario by Building Faster and Smarter Act, 2025*, in the Legislature to help speed up the construction of new homes and infrastructure, including by streamlining development processes and reducing costs.

The Municipal Affairs Ministry did not post an amendment to the *Building Code Act, 1992* found in Bill 17 for public notice and consultation on the Registry. The Ministry's stated purpose of this amendment was to clarify that municipalities do not have the authority to create or enforce their own construction standards. This was in response to municipalities requiring standards that exceeded the Building Code, particularly in relation to "green building standards."

Green building standards are used by municipalities to reduce greenhouse gas emissions and meet their sustainability targets. These standards set design and performance requirements for development projects and cover a range of sustainability issues, such as bird-friendly window design and energy performance for buildings.

The public was deprived of the EBR right to participate in decision-making

The Municipal Affairs Ministry told our Office that it did not consult Ontarians because the proposed amendment was simply for clarification, "with no substantive change to the existing legislation."

Under the EBR, prescribed ministries are required to consult the public about amendments to acts that "could, if implemented, have a significant effect on the environment." Since the proposed amendments were intended to stop municipalities from continuing to enforce, or starting to enforce, their own green building standards, and since green building standards aim to manage environmental impacts, the amendments to the *Building Code Act, 1992* could potentially have a significant effect on the environment.

In October 2025, as a continuation of the Bill 17 amendment to the *Building Code Act, 1992*, the Ministry initiated public consultation on the Registry about municipalities' use of green development standards, which are green standards that apply outside the building envelope, such as permeable pavement and native tree plantings. We will review this consultation in a future audit.

Why It Matters

If the Municipal Affairs Ministry had posted a proposal notice for this amendment on the Registry for public consultation, it could have received public input to inform its decision to clarify that municipalities cannot use their own green building standards to meet their climate targets and other environmental goals. Instead, the public, which showed a high level of interest in this environmentally significant proposal, was deprived of the EBR right to participate in decision-making.

Recommendation 1

We recommend that the Ministry of Municipal Affairs and Housing, when it considers whether a proposal is subject to public consultation requirements under the EBR:

- assess the likely effects of implementing the proposal and determine whether the proposal could, if implemented, have a significant effect on the environment; and
- if the proposal could have a significant effect on the environment, post the proposal on the Environmental Registry for public consultation under the EBR.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.1.2 The Province Passed Bill 17 Before Completing Consultation and Considering All Public Comments

After the Minister of Municipal Affairs introduced Bill 17 on May 12, 2025, ministries posted three act proposal notices for Bill 17 on the Registry:

- On May 12, the Municipal Affairs Ministry posted changes to the *Planning Act* and *City of Toronto Act, 2006* to, among other things, enable the Province to restrict the studies that municipalities could require before issuing planning approvals. In the regulation proposal posted the same day, the Municipal Affairs Ministry proposed prohibiting the following topics as part of a planning application: sun/shadow, wind, urban design and lighting.
- On May 12, the Transportation Ministry posted changes to the *Building Transit Faster Act, 2020* to extend the tools available under that Act, such as the power to enter lands and remove trees and shrubs within transit corridors, for all Metrolinx projects.
- On May 13, the Infrastructure Ministry posted changes to the *Transit-Oriented Communities Act, 2020* to expand the definition of a "priority transit project." This now includes Metrolinx projects to facilitate the development of mixed-use communities along Metrolinx GO and LRT lines.

On June 3, 2025, the Province passed Bill 17, eight and nine days before the required minimum 30-day EBR consultation periods had ended on these three environmentally significant proposals.

In all three proposal notices, the comment function remained open until the end of the consultation period, even though the window of opportunity to inform decision-making had closed. This gave the false impression that comments submitted after the bill had passed could still inform decision-making on the bill.

We found that:

- Over 70% of the 222 public comments were submitted after the bill had passed, so it would not have been possible for the ministries to consider these comments in decision-making. The Municipal Affairs Ministry could not provide evidence that it had considered any of the comments on its proposal, even those submitted before the bill passed.
- The ministries did not update any of the proposal notices to inform the public that Bill 17 had passed and that there was no longer an opportunity for public comments to inform decision-making on the bill.
- The Infrastructure Ministry had still not given public notice of its decision over five months after the bill passed.

This is the fourth year in a row that we have found that the Municipal Affairs Ministry did not consult the public for the minimum 30 days required by the EBR before environmentally significant changes to an act were made, and did not consider all public comments in decision-making.

Why It Matters

When decisions are made before the consultation periods are complete, and when ministries are not transparent about the status of a proposal or their consideration of public comments in decision-making, the value of public input is diminished and there is a risk of undermining the public's confidence in the EBR as a tool for public participation.

Recommendation 2

We recommend that the Ministry of Municipal Affairs and Housing, the Ministry of Infrastructure, and the Ministry of Transportation, when making a proposal for an environmentally significant act:

- make all possible efforts to post a proposal notice on the Environmental Registry for a minimum of 30 days for public consultation, as required by the EBR;
- consider all comments received before making a decision on the proposal, as required by the EBR;
- if, despite the ministry's efforts, the corresponding bill receives third reading in the Legislature before public consultation is complete, immediately inform the public using the Environmental Registry that the bill has passed and that comments can no longer inform decision-making on the bill; and
- if the corresponding bill receives third reading in the Legislature before public consultation is complete, post a decision notice promptly after the decision was made to give a transparent and accurate explanation of the consultation and decision-making timeline, the reason for the shortened consultation period, and the extent to which public comments were or were not considered in decision-making.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.2 EBR Coverage

The public's right to be consulted under the EBR only applies to an environmentally significant proposal if the ministry making the proposal is prescribed under the EBR. For regulations and instrument proposals, the act under which the proposal is made must also be prescribed. For EBR coverage, we describe cases where the public previously had the right to be consulted under the EBR about a proposal, but that right was taken away through a new exemption, or due to a policy decision. We also describe gaps in the EBR's coverage, meaning that environmentally significant decisions by some ministries and under some laws are not subject to the EBR.

This year, we found that the Province had created exemptions from the EBR's public consultation requirements for certain environmentally significant projects and legislative changes. These projects were clearly of high public interest (see **Sections 4.2.1**, **4.2.2** and **4.2.3**). The Environment Ministry also proposed another exemption from the EBR (see **Section 4.2.4**).

We found that the Province had created exemptions from the EBR's public consultation requirements for certain environmentally significant projects and legislative changes

This is part of a larger trend that we have noted in recent years of certain laws and projects being exempted from the EBR (see **Appendix 6**). Also, there have been recent changes to some laws and regulations that do not create specific exemptions from the EBR but could still result in eliminating EBR consultation about certain environmentally significant activities (see **Appendix 7**).

We also found again this year that the EBR regulations are not being kept up to date to ensure all ministries, acts and instruments that should be prescribed under the EBR are prescribed (see **Section 4.2.5**).

4.2.1 The Province Exempted Permits and Approvals for the Highway 413 Project from EBR Consultation

In October 2024, the Environment Ministry posted a proposal notice on the Registry for the proposed *Highway 413 Act, 2024,* contained in Bill 212, the *Reducing Gridlock, Saving You Time Act, 2024.* The Province passed Bill 212 in November 2024.

Highway 413 is a 52-kilometre planned corridor running through York, Peel and Halton regions. A 2021 Impact Assessment Agency of Canada report raised concerns about how Highway 413 could affect species at risk, wildlife corridors and rivers. Studies by the Transportation Ministry also identified that the proposed highway would pass through significant environmental and natural features, including the Greenbelt, and would impact species at risk.

The *Highway 413 Act, 2024* exempts all proposals for instruments, such as permits and approvals, for or related to the Highway 413 project from public consultation under the EBR. The public also will not have the right to challenge ministries' decisions to issue permits, approvals and other instruments using the EBR's third-party leave to appeal rights.

The *Highway 413 Act, 2024* includes a requirement for public consultation as part of the environmental impact assessment report for the project, but does not give Ontarians the same rights that they have under the EBR.

Why It Matters

Excluding environmentally significant proposals from EBR consultation is inconsistent with the EBR's purposes of enabling public participation in, and increasing accountability for, the government's environmental decision-making. The public has an interest in participating in decision-making about Highway 413 that may affect the environment, including any instruments needed to carry out the project.

> In 2020, when the Province exempted itself from consulting on environmentally significant changes to the *Environmental Assessment Act*, we recommended that the Environment Ministry consistently consult with the public about its environmentally significant proposals, and refrain from using provisions that exempt proposals from the EBR. The Ministry responded that it would consider our recommendation in developing any future legislative proposals.
>
> Despite the Ministry's response, it has continued to propose legislative exemptions from the EBR, including an exemption for the Highway 413 project in 2024/25. We continue to maintain that ministries should refrain from proposing exemptions from the EBR for specific projects or legislative proposals.

4.2.2 The Province Exempted Permits and Approvals for the Ontario Place Redevelopment Project from EBR Consultation

In our 2024 report on the operation of the EBR, we found that the Province had exempted itself from public consultation under the EBR when it passed the *Rebuilding Ontario Place Act, 2023.* This meant that the Infrastructure Ministry was not required to notify or consult the public about that environmentally significant act before it became law.

This year, an additional exemption from the EBR was added to the *Rebuilding Ontario Place Act, 2023.* In April 2025, the Infrastructure Ministry posted a proposal notice on the Registry for amendments to the *Rebuilding Ontario Place Act*, *2023* contained in Bill 5, the *Protect Ontario by Unleashing our Economy Act, 2025.* The amendments to the *Rebuilding Ontario Place Act*, *2023* exempt all proposals for instruments, such as permits and approvals, for, or related to, the Ontario Place Redevelopment Project, or any enterprise or activity that furthers that project, from the EBR's public consultation requirements. The Province passed Bill 5 in June 2025.

As a result, despite strong public interest in the Ontario Place Redevelopment Project:

- A ministry can issue any permits or approvals needed for the Ontario Place Redevelopment Project without first consulting the public under the EBR or considering the public's comments.
- The public will not have the right to challenge ministries' decisions to issue such permits and approvals using the EBR's third-party leave to appeal rights.

Why It Matters

As noted in **Section 4.2.1,** excluding environmentally significant instrument proposals from EBR consultation is inconsistent with the EBR's purposes. The public has an interest in participating in decision-making about the Ontario Place Redevelopment Project that may affect the environment, including any instruments needed to carry out the project.

See **Recommendation 3** below.

4.2.3 The Province Exempted Itself from Public Consultation Regarding Changes to Bike Lane Provisions in the *Highway Traffic Act*

On November 25, 2024, the Province passed Bill 212, the *Reducing Gridlock, Saving You Time Act, 2024*. Among other things, Bill 212 made changes to the *Highway Traffic Act* related to bike lanes. When the bill was introduced, the Transportation Ministry posted a notice on the Registry to consult Ontarians about the proposal.

After Committee hearings on Bill 212, the section of the bill related to bike lanes was amended, including changes that required the removal of three bike lanes in Toronto. These amendments also exempted that section of the bill from the EBR's public consultation requirements. This meant that the Transportation Ministry was deemed not required under the EBR to consult the public about that section of the bill or consider public feedback.

Although the Transportation Ministry continued to consult through the Registry despite the exemption, the public no longer had the legal right to participate. Without that right, public consultation is up to ministries on a case-by-case basis.

This is the third time that the Province has retroactively exempted an environmentally significant proposal regarding an act from required public consultation under the EBR. For more details, see **Section 7.0** of our 2020 report on the operation of the EBR, and **Section 5.2.1** of our 2024 report.

Why It Matters

Exempting proposals for acts from EBR consultation requirements, while lawful, is inconsistent with the EBR's purposes and the effective operation of the Act. The public has a right and an interest in participating in decision-making that could affect the environment, including decisions related to the use of bike lanes.

Recommendation 3

We recommend that the Ministry of Infrastructure and the Ministry of Transportation:

- consistently consult with the public about environmentally significant proposals in accordance with the requirements of the EBR; and
- refrain from proposing to exempt specific projects or legislative proposals from the EBR.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.2.4 Environment Ministry Proposed Exempting Species at Risk Permits from EBR Consultation

For almost 15 years, from July 2010 to June 2025, the public had the right to be consulted under the EBR about several types of permits and agreements under the *Endangered Species Act, 2007* (ESA) that could affect Ontario's most at-risk plant and animal species.

In June 2025, the government passed the *Species Conservation Act, 2025* (SCA) to replace the ESA, and in September 2025, the Environment Ministry proposed a blanket EBR exemption for all permits and orders issued under the SCA. This means that, if implemented, the Environment Ministry will not be required to consult the public before issuing any permits or orders under the SCA, even if those permits and orders could have a significant impact on the environment.

The Environment Ministry proposed a blanket EBR exemption for all permits and orders issued under the *Species Conservation Act, 2025*

At the time of finalizing our audit, the SCA was not yet in effect and the Ministry had not made a decision about the proposed blanket exemption for permits and orders. We will review this proposed exemption in a future report.

4.2.5 Regulations Listing Ministries, Acts and Instruments Subject to the EBR Are Not Being Kept Up to Date

The Province has made little progress in addressing the substantive issues we have raised in previous audits regarding keeping the EBR up to date. At the time of our audit, the Environment Ministry was working on a package of administrative updates to the EBR regulations. Recent updates to the regulations have mostly been administrative, such as updating ministry names and removing repealed acts.

In 2020, we recommended that the Environment Ministry, as administrator of the EBR, review all ministries and laws that could affect the environment and take steps to have them prescribed, and to establish and follow processes to regularly review the regulations and keep them up to date going forward. The Ministry did not agree to this recommendation.

The Province has made little progress in addressing the substantive issues we have raised in previous audits regarding keeping the EBR up to date

The Environment Ministry has long asserted that it is not its role to prescribe other ministries or acts, stating that individual ministries are responsible for determining whether they, or acts they administer, should be subject to the EBR. As a result, there is no provincial ministry that can be held accountable for keeping the EBR up to date. This has contributed to the issue of gaps in EBR coverage not being addressed.

This is a longstanding issue that we have reported on for many years (see **Appendix 8** and **Appendix 9**).

Gap Remains in EBR Coverage in Relation to the *Ontario Heritage Act*

In 2022, responsibility for the *Ontario Heritage Act*, other than with respect to museums, was transferred from the Tourism Ministry to the Ministry of Citizenship and Multiculturalism (Multiculturalism Ministry). The *Ontario Heritage Act* and the Tourism Ministry are prescribed under the EBR, but the Multiculturalism Ministry, now responsible for the majority of the Act, is not.

We recommended in our 2023 report on the operation of the EBR that the Multiculturalism Ministry work with the Environment Ministry to be prescribed under the EBR, but the Multiculturalism Ministry decided it would not seek to be prescribed. As a result, no ministry is legally required under the EBR to consult on environmentally significant proposals, or to respond to applications for review submitted by the public, related to the *Ontario Heritage Act*.

Since it became responsible for the *Ontario Heritage Act* in 2022, the Multiculturalism Ministry has voluntarily consulted through the Registry on proposals related to the *Ontario Heritage Act*. In the case of four act proposals, including two from 2024/25, the bills in question passed before public consultation was complete.

Why It Matters

When the EBR regulations are not kept up to date, there is a risk that the public will not have an opportunity to participate in some environmentally significant government decision-making, or to hold the government accountable for these decisions.

Because the Multiculturalism Ministry is not prescribed under the EBR, a gap remains in the EBR's coverage, since the *Ontario Heritage Act* is prescribed under the EBR but there is no corresponding prescribed ministry legally responsible for carrying out EBR obligations in relation to it.

> Since 2020, we have repeatedly recommended that the Environment Ministry take the lead on identifying, and taking steps to prescribe, any ministries that make environmentally significant decisions, as well as any laws under which environmentally significant decisions are made. As administrator of the EBR, the Environment Ministry is responsible for proposing EBR regulation amendments to Cabinet, and is best suited to identify those ministries and laws that should be prescribed under the EBR. We continue to make this recommendation.

4.3 Educating the Public About the EBR

The Environment Ministry has some unique duties under the EBR in addition to the responsibilities shared with other prescribed ministries. Since 2019, the Ministry has been responsible for providing educational programs to the public about the EBR. In our past audit reports we found that the Ministry had done little to fulfill this obligation.

4.3.1 The Environment Ministry Continues Not to Meet Its Legislative Duty to Educate the Public about the EBR

We found that, in 2024/25, the Environment Ministry did not take any action to provide educational programs to the public about the EBR.

In 2020, we recommended that the Environment Ministry develop and implement a plan for providing educational programs about the EBR to a broad range of Ontarians. The Environment Ministry finalized a plan in 2022 to help "raise public awareness of the EBR and educate Ontarians on their rights and how they can participate in government decision-making." This plan outlined several actions, including using the Ministry's social media, developing educational materials, conducting research to gauge public awareness and understanding of the EBR, and sharing materials about the EBR at stakeholder meetings and consultation sessions.

80%

decline in EBR-related posts on Ministry's social media between 2021/22 and 2023/24

To date, other than maintaining a webpage with basic information about the EBR, the Environment Ministry's efforts to educate the public about the EBR have been limited to social media posts on its Twitter/X, Facebook and LinkedIn accounts. These posts declined by 80% between 2021/22 and 2023/24, and generated below-average rates of public engagement. In 2024/25, the Ministry did not make any EBR-related posts on social media. The Ministry has also missed opportunities to link any EBR-related social media posts to environment-related dates and events.

As of 2024/25, the Ministry had not started the research needed to assess public awareness and understanding of the EBR, nor had it undertaken other aspects of its EBR communications plan. The timelines set out in the plan have all passed.

The Environment Ministry continues to not provide educational programs about the EBR to the public, which it has a legal obligation to do.

The Environment Ministry Does Not Dedicate Staff to EBR Public Education and Engagement

The Environment Ministry lacks dedicated staff to provide public education programs about the EBR. The Ministry's Communications Branch developed and is responsible for implementing the Ministry's 2022 communications plan, including providing public-facing communications to promote the EBR. However, the plan's timelines have now passed, and the Ministry did not undertake any EBR-related education activities in 2024/25.

We found that other provincial bodies that educate the public about their rights have dedicated units to lead their public education, outreach and engagement work.

The Ministry continues to not provide educational programs about the EBR to the public, which it has a legal obligation to do

For example, the Ministry of Labour, Immigration, Training and Skills Development provides public education and engagement about the rights under employment, labour, and health and safety acts. This includes guides, manuals and other resources, such as information sessions, webinars and online training. Public education and outreach activities are led by dedicated units within the Ministry's distinct program areas. Dedicated staff in these divisions include learning administrators, co-ordinators and advisors, learning specialists, and policy advisors and analysts. These offices and their staff are separate and distinct divisions from the Ministry's Communications Branch.

The former Office of the Environmental Commissioner of Ontario, which was responsible for providing educational programs about the EBR to the public until 2019, had a dedicated Public Information and Outreach Officer to lead this work. This role entailed actively connecting with Ontarians to raise awareness and understanding of the EBR by answering questions from the public and providing in-person workshops and webinars, as well as attending, presenting and exhibiting at environmental conferences and other events.

Why It Matters

Ontarians cannot exercise their EBR rights if they are not aware of them. A lack of public awareness and education about the EBR means that Ontarians cannot effectively participate in government decision-making when those decisions are likely to have significant impacts on the environment.

Ontarians cannot exercise their EBR rights if they are not aware of them

> We have repeatedly recommended since 2020 that the Ministry take the steps needed to provide educational programs about the EBR to a broad range of Ontarians. Although it agreed to our recommendations, the Ministry has been slow to take these steps and, as noted above, did not provide any public education programs about the EBR in 2024/25. We continue to recommend that the Environment Ministry prioritize providing educational programs to the public to raise awareness and understanding of the EBR and its rights as required under the EBR.

Recommendation 4

We recommend that the Ministry of the Environment, Conservation and Parks:

- dedicate an individual or group of staff within the Ministry to lead and be responsible for the provision of public educational programs about the EBR;
- identify key actions, and establish targets for, providing ongoing educational programs about the EBR to the public;
- by July 2026, finalize and implement a new plan for providing ongoing educational programs about the EBR, including implementation timelines and performance targets for each key action identified; and
- periodically review the plan and update it as necessary.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.4 Information in Registry Proposal and Decision Notices

We reviewed a sample of proposal and decision notices posted on the Registry in 2024/25. We found that 21% of the notices, posted by the Environment, Natural Resources, Municipal Affairs, Energy and Mining Ministries, were not sufficiently informative. Some examples are described in **Sections 4.4.1** and **4.4.2** below.

We also found that the Municipal Affairs Ministry had not fully implemented our recommendation to update the information about EBR appeal rights in some of its instrument decision notices (see **Section 4.4.3**).

4.4.1 Over One-Fifth of Proposal Notices Did Not Explain the Potential Environmental Impacts of the Proposals

Of the proposal notices we reviewed, 22% did not explain the potential environmental impacts of the proposals. In some cases, the notices only mentioned the expected benefits of the proposals, without describing the potential environmental impacts. As we noted in our 2024 report on the operation of the EBR, proposal notices should provide a balanced description of the proposal's potential benefits and impacts.

22%

of the proposal notices we reviewed did not explain the potential environmental impacts

The Environment Ministry Did Not Provide Information Required to Understand the Impacts of Proposed Changes to the Highway 413 Project

In October 2024, the Environment Ministry consulted the public through the Registry on the proposed *Highway 413 Act, 2024*, which would exempt all activities related to Highway 413 from the *Environmental Assessment Act*. As noted in **Section 4.2.1**, the *Highway 413 Act, 2024* would also exempt all proposals for instruments for or related to the Highway 413 project from the EBR's public consultation requirements, even if the proposal is for a prescribed instrument under the EBR.

A 2021 Impact Assessment Agency of Canada report raised concerns about how Highway 413 could affect species at risk, wildlife corridors and rivers. Previous studies by the Transportation Ministry also identified that the proposed highway would pass through significant environmental and natural features, including the Greenbelt, and would impact species at risk. The Environment Ministry did not describe these impacts in the proposal notice and did not provide any information about whether these impacts would be assessed through the new process, or how significant impacts would be mitigated.

The notice also did not explain that, with the passing of the Act, the Transportation Ministry could proceed with obtaining provincial permits and approvals for the project before the completion of an Environmental Impact Assessment Report.

The Energy Ministry Did Not Explain the Potential Negative Impacts of Increasing Natural Gas Consumption

In December 2024, the Energy Ministry posted a proposal notice for a provincial natural gas policy statement that would "support the important role for natural gas in Ontario's energy system and economy." The notice stated that success in achieving government objectives for the province's energy system could have "significant positive impacts on the environment."

The notice did not provide any information about the effects of increasing natural gas consumption on greenhouse gas emissions.

The Environment Ministry Did Not Explain How It Assessed the Risks of Water Taking

We assessed all proposal notices for permits to take water (PTTW) posted by the Environment Ministry in 2024/25. PTTWs authorize the withdrawal of more than 50,000 litres of water per day from a specific water source, for any use. There are three categories of water taking, based on the level of anticipated risk to the environment.

We found that the Ministry has started including in its proposal notices the category of the proposed permit, as well as a description of the three categories. This is more informative for the public than in past years. However, the Ministry did not explain why the proposed water takings were categorized as they were. It did not explain whether, or how, the conditions of the permit would mitigate any potential risks.

We also found that the Ministry has ended its practice of including a link in PTTW proposal notices to a Ministry website that gives more details about PTTWs.

Why It Matters

Without complete information about the potential environmental impacts of a proposal, there is a risk that the public will not be able to provide informed comments to the relevant ministry. Informed public comments can lead to better decisions and environmental protection, as intended by the EBR.

Recommendation 5

We recommend that the Ministry of the Environment, Conservation and Parks add mandatory fields to all proposal notices to be posted on the Environmental Registry, requiring any ministry posting a proposal notice to describe the potential or anticipated environmental impacts of their proposals.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.4.2 The Natural Resources Ministry's Instrument Decision Notices Did Not Include the Issued Instrument, Which Is Needed to Fully Inform the Public

Of the instrument decision notices that we reviewed, 18% did not include links to the applicable permits and approvals, which set out the details, terms and conditions of the approved activities. Five of these instruments were subject to the EBR's leave to appeal rights.

As in past years, we found that the Natural Resources Ministry, which is responsible for the majority of these notices, did not include links to instruments issued under the *Aggregate Resources Act*, some of which are subject to the EBR's leave to appeal rights. Instead, the Ministry states that a copy of the approved instrument can be obtained from the contact identified in the notice.

18% of the instrument decision notices we reviewed did not include links to the applicable permits and approvals

5 of these instruments were subject to EBR leave to appeal rights

We found that other ministries responsible for posting instruments, including the Environment, Municipal Affairs and Mining Ministries, as well as the Technical Standards and Safety Authority, which posts *Technical Standards and Safety Act, 2000* notices, all usually attach copies of, or links to, the instruments in their decision notices.

Why It Matters

Including links to issued instruments enhances the transparency of decision notices. Some instruments are subject to the right to seek leave to appeal under the EBR. An Ontarian who wishes to challenge a decision about an instrument must do so within 15 days of the decision notice being posted. When ministries do not provide a copy of the issued instrument in the decision notice, Ontarians are not given timely access to the information they need to determine whether to exercise this right, or adequate time to prepare and file a leave to appeal application.

> The Natural Resources Ministry has been telling our Office since 2019 that it is working toward a new system to provide the public with online access to view approved *Aggregate Resources Act* licences. Instead, the Natural Resources Ministry's instrument decision notices continue to state that a copy of the approved instrument can be obtained from the contact identified in the notice. We recommended in 2021 that, in the interim, this Ministry include copies of issued approvals as attachments to decision notices posted on the Registry, but this Ministry did not agree to do so. We continue to believe that attaching copies of issued approvals would be a simple change for the Natural Resources Ministry to implement, and would be more helpful for the public.

4.4.3 The Municipal Affairs Ministry Is Still Not Clearly Explaining EBR Appeal Rights for *Planning Act* Decisions

The EBR gives Ontarians the right to challenge ministry decisions about certain instrument types by applying for leave (permission) to appeal. One type is an approval (or "consent") under the *Planning Act* to sever land in areas where there is no official plan.

In November 2022, the *Planning Act* was amended to change who can appeal a decision on a consent. The effect of the amendments is that most members of the public no longer have a third-party right to appeal under the *Planning Act*.

In our 2023 report on the operation of the EBR, we found that the Municipal Affairs Ministry's decision notices for consents posted on the Registry continued to state that the general public had 20 days to appeal the decision under the *Planning Act*, even though the amended *Planning Act* excluded most people from appealing these decisions.

In early 2025, the Ministry started using an updated template that reflected the changes to the *Planning Act* appeal rights for third parties. But the Ministry's new template includes only a passing reference to the EBR leave to appeal right, buried further down in the template. It does not provide a complete description of the right to apply for leave to appeal under the EBR or how to apply.

Other prescribed ministries that are responsible for instrument decisions, including the Environment and Natural Resources Ministries, provide a detailed explanation of the steps involved in the EBR leave to appeal process, and clearly indicate that the process must be started within 15 days.

Why It Matters

Through the leave to appeal process, Ontarians can challenge decisions about instruments that affect the environment. With only 15 days to seek leave to appeal after a decision notice is posted, it is important that ministries ensure that Ontarians are made aware of their EBR appeal rights, and how to exercise them, by displaying that information prominently in decision notices.

With only 15 days to seek leave to appeal after a decision notice is posted, it is important that ministries ensure that Ontarians are made aware of their EBR appeal rights, and how to exercise them

Recommendation 6

We recommend that the Ministry of Municipal Affairs and Housing:

- further revise its decision notice template for *Planning Act* consents to prominently state that all Ontarians have the right to seek leave to appeal the decisions under the EBR, and explain how to exercise that right; and
- review the appeal information in all of the Ministry's decision notice templates for all classified instruments to ensure the information is accurate and up to date and that it clearly explains the public's EBR appeal rights.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.5 Keeping Registry Notices Up to Date

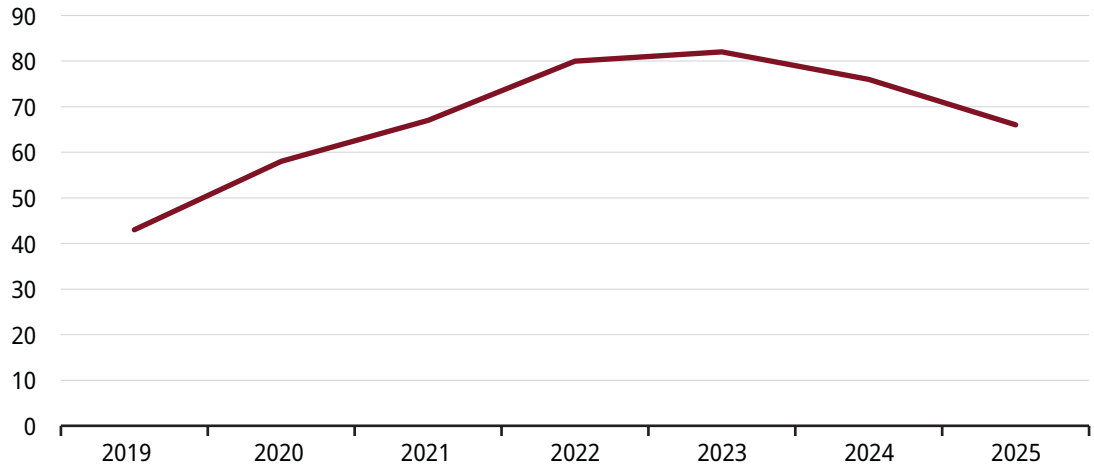
4.5.1 Ministries Gave the Public Notice of Decisions Less Promptly Than in the Previous Three Years

We found that 66% of the decision notices we sampled were posted within two weeks of the decision being made. This adhered to a best practice recommended by the former Office of the Environmental Commissioner of Ontario and echoed by most prescribed ministries in their guidance to staff.

In 2024, we reported that ministries had made significant progress in posting decision notices more promptly since 2018/19, when just 43% of notices we sampled were posted within two weeks of the decision being made. After improving between 2018/19 and 2022/23, with a peak of 82%, there has since been a decline each year in the promptness with which ministries are giving public notice of their decisions (see **Figure 2**).

Figure 2: Percentage of Decision Notices Posted within Two Weeks of Decision, 2019–2025*

Prepared by the Office of the Auditor General of Ontario



* Based on a sample of decision notices posted each reporting year. Years correspond to the year in which a report was released. For example, 2025 refers to the 2024/25 reporting year (April 1, 2024–March 31, 2025).

From our sample, all auditees except the Infrastructure and Tourism Ministries had posted some decision notices more than two weeks after the decision was made. While, as in past years, most delays were only a matter of days or weeks, some decision notices were posted months, and in one case over a year, after the decision was made. Of the decision notices for instruments, 25% were not posted promptly, and 41% of these were subject to EBR leave to appeal rights.

Why It Matters

Long delays in posting decision notices weaken the public's EBR right to transparent and accountable decision-making and can hinder Ontarians' EBR appeal rights. A delay could, for example, allow a company that has been issued an approval to carry on the approved activity for a longer period before an EBR appeal may be granted. Further, a delay could make an appeal application moot if environmental harm resulting from the approved activity has already occurred.

Long delays in posting decision notices weaken the public's EBR right to transparent and accountable decision-making and can hinder Ontarians' EBR appeal rights

> We have repeatedly made similar findings since 2019. We continue to recommend that ministries have internal processes in place, and follow those processes, to post decision notices on the Registry within two weeks after they make a decision.

4.5.2 Ministries Left 81 Outdated Notices on the Registry, 88% More Than in 2023/24

To assess the reliability of the information on the Registry, our Office reviews the number of proposal notices on the Registry as of March 31 each year that were posted more than two years earlier without either a decision notice or an update. We refer to these as "outdated notices."

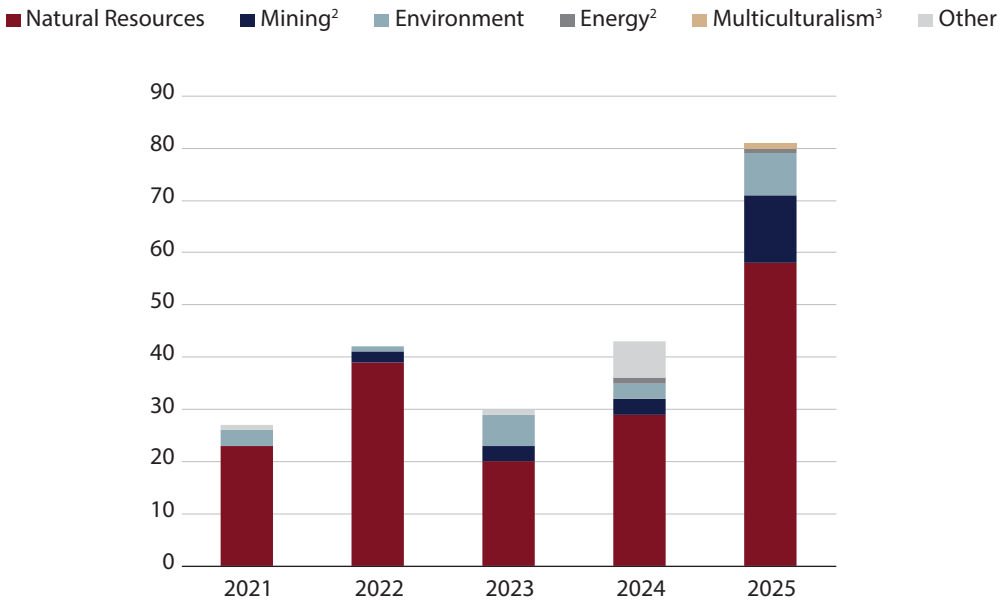
Ministries have significantly reduced the number of outdated notices since 2014/15, when the former Office of the Environmental Commissioner of Ontario found over 1,800 outdated proposal notices on the Registry.

We found 81 outdated proposal notices on the Registry as of March 31, 2025 (see **Figure 3**). This represented an increase of 43 (88%) since the previous year. Sixteen of these notices were originally posted more than 10 years ago. As in past years, the Natural Resources Ministry was responsible for the majority (72%) of outdated notices.

88%
increase in outdated proposal notices on the Registry since 2023/24

Figure 3: Number of Outdated Notices on the Registry, by Ministry, 2021–2025[1]

Source of data: Environmental Registry of Ontario



1. Numbers are as of March 31 each year, and years correspond to the year in which a report was released. For example, 2025 refers to the 2024/25 reporting year (April 1, 2024–March 31, 2025).
2. The Mining Ministry and the Energy Ministry became a single ministry in late 2024/25 (Ministry of Energy and Mines), but notices were still being posted separately on the Registry at the time of assessment.
3. The Multiculturalism Ministry is not a prescribed ministry under the EBR but was responsible for one outdated notice related to the *Ontario Heritage Act*.

Why It Matters

For the Registry to be a reliable source of information, proposal notices posted on the Registry need to be kept up to date. When Ministries do not keep their notices updated, they risk creating uncertainty for the public about whether the proposals are still being considered, have been abandoned, or were decided but decision notices were not posted.

When Ministries do not keep their notices updated, they risk creating uncertainty for the public about whether the proposals are still being considered, have been abandoned, or were decided but decision notices were not posted

> We continue to recommend, as in past years, that all ministries bring and keep their proposal notices up to date.

4.6 Statements of Environmental Values (SEVs)

Under the EBR, each prescribed ministry must develop and publish an SEV that explains how it will consider the EBR's purposes when making decisions that may significantly affect the environment.

4.6.1 Environment, Municipal Affairs, and Energy and Mining Ministries Have Not Updated Their SEVs in the Last Five Years

An SEV that is kept relevant and consistent with the ministry's current mandate and government priorities can more meaningfully inform the ministry's decision-making. Some ministries have committed to periodically reviewing their SEVs and updating them as necessary, with several of them committing to a best practice of reviewing their SEV every five years. However, we found that:

- The Environment Ministry has not updated its SEV since October 2008, other than a minor update in 2015 to reflect the Ministry's name change at the time. The current SEV does not reflect the Ministry's current name, mandate or government priorities. For example, in 2018 the Ministry became responsible for administering the ESA and for managing the province's parks and conservation reserves, but its SEV does not reflect these responsibilities. Its SEV also does not make any references to climate change.
- The Energy Ministry's SEV was last updated in December 2019. In 2024/25, the Energy Ministry was combined with the Mining Ministry to form the Ministry of Energy and Mines. Those former ministries' individual SEVs do not reflect the combined ministry's current mandate.
- The Municipal Affairs Ministry's SEV was last updated in February 2020.

The Municipal Affairs Ministry took initial steps to review and update its SEV in 2024/25, and the Energy and Mining Ministry has commenced work on creating a new, integrated SEV, but neither Ministry had completed that work as of September 2025.

Why It Matters

If a ministry's SEV is not kept up to date, the ministry's consideration of the SEV when making environmentally significant decisions may not be meaningful or lead to better decisions and outcomes for the environment.

> Since 2019, we have recommended that the Environment Ministry review and update its SEV, with public consultation through the Registry, to reflect the Ministry's current mandate and priorities. Despite our repeated recommendations, and despite the Ministry consulting on proposed amendments in 2020, the Ministry has not finalized an updated SEV and undertook no work to update its SEV in 2024/25. We maintain that the Ministry should review and update its SEV without further delay.

Recommendation 7

We recommend that the Ministry of Municipal Affairs and Housing and the Ministry of Energy and Mines, by July 2026:

- review their Statements of Environmental Values (SEVs) to determine whether any updates are needed to reflect their current mandates and government priorities;
- if updates are needed, post a proposal notice on the Environmental Registry, consult the public in accordance with the requirements of the EBR about the proposed updates, and consider any comments on the proposed update submitted by the public; and
- once the respective ministry has finalized any updates to its SEV, post a decision notice on the Environmental Registry, attaching a copy of the updated SEV and explaining the effect of public participation on the ministry's decision-making in updating the SEV.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.6.2 Ministries Could Not Always Show They Considered Their SEVs Meaningfully, or at All, When Making Environmentally Significant Decisions

As in past years, we found issues in 2024/25 with some ministries' compliance with the requirement to consider their SEVs when making environmentally significant decisions. In this year's audit, we asked ministries for proof that they had considered their SEVs in their decision-making for a sample of decisions for policies, acts, regulations and instruments.

We found that for 23% of decisions:

- the relevant ministry was unable to give us any documentation to show that it had considered its SEV; or
- the ministry gave documentation that was either undated or dated after the relevant decision was made, which therefore did not show that the ministry had considered its SEV in making the decision.

The Environment, Natural Resources, Municipal Affairs, Mining and Energy Ministries were each responsible for at least one decision for which proof of SEV consideration could not be provided.

We also found that, in 14% of the cases where ministries gave us evidence of their timely SEV consideration, all for decisions by the Mining Ministry, the documentation did not show that all applicable SEV principles had been considered in decision-making.

We have made similar findings about each of these ministries in one or more years since 2020. All of these ministries have internal guidance stating that staff should consider their SEVs and document those considerations before making a decision that might significantly affect the environment.

Why It Matters

When a ministry does not consider its SEV or document those considerations before it makes environmentally significant decisions, there is less transparency about whether, or how, the ministry has considered the environment when making the decision.

> As in past years, we recommend that, whenever making a decision that might significantly affect the environment, ministries should always consider their SEVs in a manner that shows analysis and judgment in balancing the SEV's principles. They should clearly document that consideration during the decision-making process.

4.7 Handling of Applications for Review and Investigation

4.7.1 The Environment Ministry Could Not Provide Key Evidence to Support Its Reasons for Denying a Requested Review of the Standard for Lead in Drinking Water

In May 2024, the Environment Ministry denied a request to review the *Safe Drinking Water Act, 2002* and the Ontario Drinking Water Quality Standards (O. Reg. 169/03) for lead in drinking water. Ontarians may be exposed to lead in drinking water when municipal drinking water is serviced by lead service line (LSL) connections, which are water service pipes in older drinking water distribution systems. Lead can also leach into drinking water through plumbing materials, like faucets and solder, that contain lead. The applicants stated, "Without long-term requirements to replace faulty portions of drinking water distribution systems in the province, the public will continue to be exposed to lead and all its harmful health impacts."

The applicants asserted that a review was in the public interest. They stated that recent Health Canada findings and scientific literature demonstrate serious, ongoing impacts to human health from lead at Ontario's current drinking water standard of 10 micrograms per litre (µg/L).

The applicants made several recommendations to the Ministry, including that the Ministry lower Ontario's prescribed drinking water standard for lead to 5 µg/L, to make it consistent with Health Canada's guideline and most other Canadian provinces.

The Environment Ministry concluded that the public interest did not warrant a review of the matters raised in the application. The Ministry asserted, among other things, that, considering existing monitoring and mitigation protocols, removing LSLs and reducing the standard to 5 µg/L would not likely result in a noticeable health benefit to Ontarians. For more details about this application and the Ministry's decision, see **Appendix 4**.

The Environment Ministry could not provide our Office with documentation of any analysis that led to the conclusion that reducing the standard for lead to 5 µg/L would not likely result in a noticeable health benefit.

In 2019, after Health Canada revised its guideline for lead in drinking water, the Environment Ministry publicly committed to "consulting with Ontarians on whether and how to adopt Health Canada's reduced guideline for lead in drinking water." According to Ministry documentation, it did not undertake the consultation due to the COVID-19 pandemic.

When we asked the Environment Ministry why it has not undertaken consultation since the pandemic, the Ministry told us that it "continues to develop and evaluate potential approaches in cooperation with public health partners to address concerns. Discussions continue with the government on policy direction for this file."

Without documented evidence of an analysis that led to the Environment Ministry's conclusion, it is not clear that the Ministry's reasons for denying the requested review were reasonable.

Why It Matters

When a Ministry cannot provide documented evidence of an analysis that supports its decision to deny a requested review, it risks undermining the effectiveness of the EBR. It also risks undermining the public's confidence in their EBR rights as a means to take part in, and hold the government accountable for, its environmental decision-making.

Recommendation 8

We recommend that the Ministry of the Environment, Conservation and Parks, when conducting its preliminary consideration of applications for review submitted under the EBR, clearly document the evidentiary basis for its decisions.

Recommendation 9

We recommend that the Ministry of the Environment, Conservation and Parks:

- carry out the public consultation that it committed to undertake in 2019 on whether and how to adopt Health Canada's reduced guideline for lead in drinking water; and
- undertake the necessary analysis to determine whether reducing the standard for lead would likely result in a noticeable health benefit.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.7.2 The Environment and Natural Resources Ministries Did Not Comply with EBR Application Timelines

The EBR sets out timelines that ministries must adhere to in their handling of applications for review and investigation submitted under the Act. Apart from the discretion to extend the time to complete an investigation, with notice to the applicants, ministries do not have discretion to extend the timelines.

Of the 12 applications for review and investigation that the Environment and Natural Resources Ministries either concluded in 2024/25 or that continued as of March 31, 2025 (see **Appendix 3**), the Ministries did not comply with a legislated timeline in their handling of six applications (50%).

For example, the Natural Resources Ministry missed the deadline to notify the applicants that it would not undertake a requested review related to the operation of dog train and trial facilities, delivering its decision notice three weeks after the 60-day deadline. In another case, the Environment Ministry was over seven months late notifying the applicants of its preliminary decision on their request to review air pollution guidelines for incinerator systems that burn municipal waste.

The Natural Resources Ministry told us that, at the time of its missed timelines for two applications in 2024/25, it was transitioning to a new process for finalizing application decision notices.

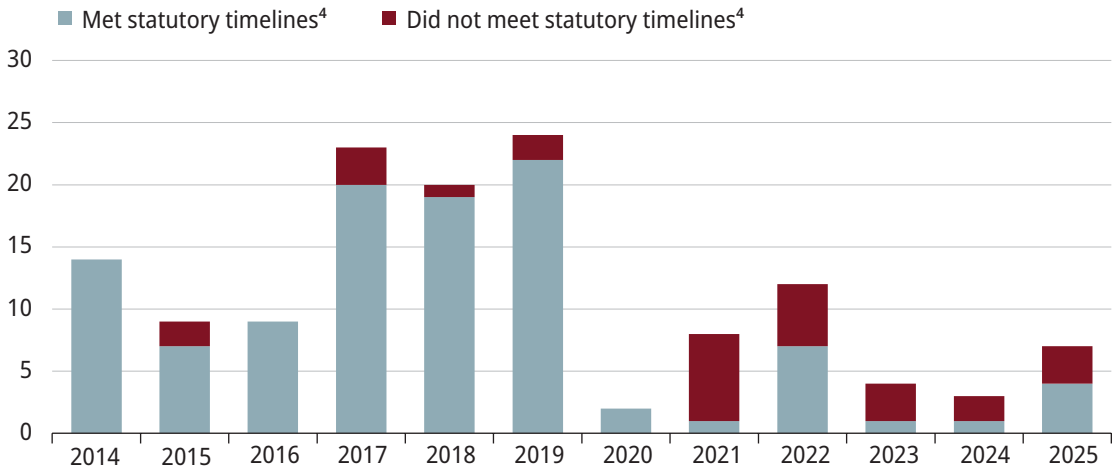
Both the Environment and Natural Resources ministries have missed multiple application timelines since 2019, when our Office became responsible for reporting on the operation of the EBR. We found that, even though the number of applications submitted annually to these ministries has decreased since 2019, the rate at which these ministries have missed application timelines has significantly increased compared to the previous five years (see **Figure 4**).

Why It Matters

When ministries contravene the EBR by failing to meet timelines for responding to applications for review and investigation, it disregards the applicants' rights to a timely response to their concerns. It also risks the public losing confidence in the EBR application process as an effective way to address concerns about the environment.

Figure 4: Timeliness of Concluded[1] Applications for Review and Investigation by the Environment and Natural Resources Ministries, 2014–2025[2,3]

Prepared by the Office of the Auditor General of Ontario



1. Includes applications for review and applications for investigation for which a ministry gave notice of its final decision within a given reporting year.
2. Years correspond to the year in which a report was released. For example, 2025 refers to the 2024/25 reporting year (April 1, 2024–March 31, 2025).
3. Data from before 2019 is based on information published in reports of the former Office of the Environmental Commissioner of Ontario.
4. Includes all timelines for handling applications under the EBR, including the requirement to complete reviews "within a reasonable time."

Recommendation 10

We recommend that the Ministry of Natural Resources follow its updated procedures for handling applications submitted under the EBR, so that it meets all timelines set out in the Act.

Recommendation 11

We recommend that the Ministry of the Environment, Conservation and Parks:

- review its internal procedures for responding to applications submitted under the EBR;
- update its procedures as necessary to ensure that the Ministry, going forward, meets all timelines set out in the EBR; and
- implement and follow any updated procedures.

For the auditee responses, see **Recommendations and Auditee Responses**.

4.8 Operation of the Environmental Registry

The Registry is a searchable, online database operated by the Environment Ministry for prescribed ministries to notify and consult the public on environmentally significant proposals.

4.8.1 The Registry Was Not Functioning for Six Days in April 2025

Since April 1, 2024, there have been at least three periods when there was an unexpected Registry outage, or the public was unable to effectively search for notices, and in some cases comment on proposals.

From April 17 to 23, 2025, an issue with the Registry's search functions prevented users of the Registry from searching for notices using notice numbers or search filters. As a consequence, the public could not view or comment on them.

During this period, the public lost six days of consultation time on over 180 proposal notices that were open for comment. The comment periods for 19 of these notices closed during the outage. Interested members of the public may not have had notice of these proposals or been able to submit comments on them.

In addition, 23 decision notices were posted during this time for instruments that are subject to the EBR's leave to appeal provisions. Under the EBR, the public has 15 days to seek leave to appeal such decisions from the date the decision notice is posted, so the outage shortened the number of days when the public could view those decision notices.

The comment periods for 19 notices closed during the April 2025 outage

Our Office noticed the issue with the Registry search functions and contacted the Ministry on April 17 and 23. On April 23, program staff responsible for the Registry told us they were unaware of the issue. The Ministry later informed our Office that government staff responsible for incident management and service maintenance for the Registry had become aware of the issue on April 22, and the issue was fully resolved on April 23. The Ministry did not notify the public or other prescribed ministries about the issue or recommend that ministries extend the comment periods on proposal notices that were open during the outage period, although it was required to do so by the Ministry's contingency plan for the Registry.

The Ministry drafted an updated contingency plan in August 2025 to better address Registry outages. As of September 2025, the draft plan had not been approved. The draft plan does not include any mechanisms to ensure that Ministry and technical staff responsible for the operation of the Registry promptly discover issues with the Registry.

Why It Matters

Having a Registry that works as intended is essential to the operation of the EBR. The Registry must be available, accessible and functional so that Ontarians can receive notice of environmentally significant proposals and decisions and exercise their EBR rights to participate in environmental decision-making.

The Registry must be available, accessible and functional so that Ontarians can exercise their EBR rights to participate in environmental decision-making

Recommendation 12

We recommend that the Ministry of the Environment, Conservation and Parks:

- update its internal procedures, including its contingency plan for the Environmental Registry, to ensure that outages or other issues with the Registry's functionality are readily discoverable, and the appropriate people are promptly notified of the issues; and
- follow its internal procedures and contingency plan when outages or other issues with the Registry's functionality occur.

For the auditee responses, see **Recommendations and Auditee Responses**.

Recommendations and Auditee Responses

Recommendation 1

We recommend that the Ministry of Municipal Affairs and Housing, when it considers whether a proposal is subject to public consultation requirements under the EBR:

- assess the likely effects of implementing the proposal and determine whether the proposal could, if implemented, have a significant effect on the environment; and
- if the proposal could have a significant effect on the environment, post the proposal on the Environmental Registry for public consultation under the EBR.

Municipal Affairs Ministry Response

The Municipal Affairs Ministry agrees with this recommendation. The Ministry will review and update its training and procedures to highlight that, when considering whether a proposal is subject to public consultation requirements under the EBR, the Ministry will assess whether or not the proposal could have a significant effect on the environment. If it is determined that a proposal could have a significant effect on the environment, the Ministry will post the proposal on the Registry for public consultation.

Recommendation 2

We recommend that the Ministry of Municipal Affairs and Housing, the Ministry of Infrastructure, and the Ministry of Transportation, when making a proposal for an environmentally significant act:

- make all possible efforts to post a proposal notice on the Environmental Registry for a minimum of 30 days for public consultation, as required by the EBR;
- consider all comments received before making a decision on the proposal, as required by the EBR;
- if, despite the ministry's efforts, the corresponding bill receives third reading in the Legislature before public consultation is complete, immediately inform the public using the Environmental Registry that the bill has passed and that comments can no longer inform decision-making on the bill; and

- if the corresponding bill receives third reading in the Legislature before public consultation is complete, post a decision notice promptly after the decision was made to give a transparent and accurate explanation of the consultation and decision-making timeline, the reason for the shortened consultation period, and the extent to which public comments were or were not considered in decision-making.

Municipal Affairs Ministry Response

The Municipal Affairs Ministry agrees with this recommendation. When considering making a proposal for an environmentally significant act, the Ministry will make all possible efforts to post a proposal notice on the Registry for a minimum of 30 days for public consultation and consider all comments received before making a decision on the proposal.

If, despite the Ministry's efforts, the corresponding bill receives third reading in the Legislature before public consultation is complete, the Ministry will immediately inform the public using the Registry that the bill has passed and that comments can no longer inform decision-making on the bill.

If the corresponding bill receives third reading in the Legislature before public consultation is complete, the Ministry will post a decision notice promptly after the decision was made to give a transparent and accurate explanation of the consultation and decision-making timeline, the reason for the shortened consultation period, and the extent to which public comments were or were not considered in decision-making.

Infrastructure Ministry Response

The Infrastructure Ministry agrees with this recommendation. The Ministry will make all possible efforts to post a proposal notice for a minimum of 30 days and consider all comments received before making a decision.

The Ministry will immediately inform the public using the Registry if the corresponding bill receives third reading in the Legislature before public consultation is complete.

The Ministry will make best efforts to post a decision notice promptly after the decision is made if the corresponding bill receives third reading in the Legislature before public consultation is complete.

Transportation Ministry Response

The Transportation Ministry agrees with this recommendation. The Ministry will make best efforts to meet EBR requirements when proposing environmentally significant acts, including posting notices for a minimum of 30 days, reviewing and considering public comments prior to decision-making, and ensuring consultation periods are concluded before a decision is made.

Recommendation 3

We recommend that the Ministry of Infrastructure and the Ministry of Transportation:

- consistently consult with the public about environmentally significant proposals in accordance with the requirements of the EBR; and
- refrain from proposing to exempt specific projects or legislative proposals from the EBR.

Infrastructure Ministry Response

The Infrastructure Ministry does not agree with this recommendation. The Ministry is committed to consistent public consultation on environmentally significant proposals and will make reasonable efforts to avoid proposing exemptions to the EBR. In instances where an exemption is provided, the Ministry will strive to provide opportunity for public consultation and consideration of environmental significance outside of the EBR timelines process.

By advancing priority projects quickly through new streamlined processes, including exemptions from EBR public consultation, we will be able to build priority projects faster.

Transportation Ministry Response

The Transportation Ministry agrees with the first recommended action. The Ministry remains committed to consistent public consultation on environmentally significant proposals and will make reasonable efforts to avoid proposing exemptions to the EBR.

The Ministry does not agree with the second recommended action. In instances where an exemption is provided, the Ministry will strive to provide opportunity for public consultation and consideration of environmental significance outside of the EBR timelines and processes.

Recommendation 4

We recommend that the Ministry of the Environment, Conservation and Parks:

- dedicate an individual or group of staff within the Ministry to lead and be responsible for the provision of public educational programs about the EBR;
- identify key actions, and establish targets for, providing ongoing educational programs about the EBR to the public;
- by July 2026, finalize and implement a new plan for providing ongoing educational programs about the EBR, including implementation timelines and performance targets for each key action identified; and
- periodically review the plan and update it as necessary.

Environment Ministry Response

The Environment Ministry agrees with this recommendation. The Ministry acknowledges the importance of public awareness and understanding of the EBR to support meaningful participation in environmental decision-making. We are committed to ensuring Ontarians are aware of their environmental rights and how to exercise them.

Recommendation 5

We recommend that the Ministry of the Environment, Conservation and Parks add mandatory fields to all proposal notices to be posted on the Environmental Registry, requiring any ministry posting a proposal notice to describe the potential or anticipated environmental impacts of their proposals.

Environment Ministry Response

The Environment Ministry does not agree with this recommendation. The Ministry is committed to transparency and meaningful public engagement. We aim to ensure that all notices posted on the Registry are clear, informative and accessible so that Ontarians can understand what is being proposed and submit comments. The Ministry will highlight key elements of proposals and provide staff with training on legislated posting requirements.

Recommendation 6

We recommend that the Ministry of Municipal Affairs and Housing:

- further revise its decision notice template for *Planning Act* consents to prominently state that all Ontarians have the right to seek leave to appeal the decisions under the EBR, and explain how to exercise that right; and
- review the appeal information in all of the Ministry's decision notice templates for all classified instruments to ensure the information is accurate and up to date and that it clearly explains the public's EBR appeal rights.

Municipal Affairs Ministry Response

The Municipal Affairs Ministry agrees with this recommendation. In addition to changes already made to Registry decision notice templates, the Ministry will work with the Environment Ministry to further review and update its decision notice template for *Planning Act* consents to more prominently state that all Ontarians have the right to seek leave to appeal the decisions under the EBR, and explain how to exercise that right.

The Ministry will review the appeal information in all of its decision notice templates for all classified instruments and work with the Environment Ministry to ensure the information is accurate and up to date, and that it clearly explains the public's EBR appeal rights.

Recommendation 7

We recommend that the Ministry of Municipal Affairs and Housing and the Ministry of Energy and Mines, by July 2026:

- review their Statements of Environmental Values (SEVs) to determine whether any updates are needed to reflect their current mandates and government priorities;
- if updates are needed, post a proposal notice on the Environmental Registry, consult the public in accordance with the requirements of the EBR about the proposed updates, and consider any comments on the proposed update submitted by the public; and
- once the respective ministry has finalized any updates to its SEV, post a decision notice on the Environmental Registry, attaching a copy of the updated SEV and explaining the effect of public participation on the ministry's decision-making in updating the SEV.

Municipal Affairs Ministry Response

The Municipal Affairs Ministry agrees with this recommendation. By July 2026, the Ministry will review its SEV to determine whether any updates are needed to reflect its current mandate and government priorities.

If updates are needed, the Ministry will post a proposal notice on the Registry, consult the public in accordance with the requirements of the EBR about the proposed updates, and consider any comments on the proposed update submitted by the public.

Once the Ministry has finalized any updates to its SEV, it will post a decision notice on the Registry, attaching a copy of the updated SEV and explaining the effect of public participation on its decision-making in updating the SEV.

Energy and Mining Ministry Response

The Energy and Mining Ministry agrees with this recommendation. The Ministry thanks the Auditor General for her feedback on the SEV. The Ministry is working to update the SEV to reflect its current mandate and current government priorities. Once the update is complete, the Ministry will post a proposal notice, consult the public and subsequently post a decision notice on the Registry.

Recommendation 8

We recommend that the Ministry of the Environment, Conservation and Parks, when conducting its preliminary consideration of applications for review submitted under the EBR, clearly document the evidentiary basis for its decisions.

Environment Ministry Response

The Environment Ministry agrees with this recommendation and takes its obligations under the EBR seriously. This includes considering each application for review in a preliminary way, in accordance with the requirements of the EBR, to determine whether the public interest warrants a review of the matters raised in the application. The Ministry will work to ensure that relevant information is considered and the basis for decisions is documented as part of the review process.

Recommendation 9

We recommend that the Ministry of the Environment, Conservation and Parks:

- carry out the public consultation that it committed to undertake in 2019 on whether and how to adopt Health Canada's reduced guideline for lead in drinking water; and
- undertake the necessary analysis to determine whether reducing the standard for lead would likely result in a noticeable health benefit.

Environment Ministry Response

The Environment Ministry does not agree with this recommendation. The Ministry is committed to the ongoing protection of Ontario's drinking water. We will continue to work with other ministries, public health agencies and municipalities on how best to reduce levels of lead in drinking water considering emerging science, infrastructure costs and public health benefit.

Recommendation 10

We recommend that the Ministry of Natural Resources follow its updated procedures for handling applications submitted under the EBR, so that it meets all timelines set out in the Act.

Natural Resources Ministry Response

The Natural Resources Ministry agrees with this recommendation. As acknowledged by the Auditor General, the Ministry transitioned in 2024/25 to a new process for handling applications submitted under the EBR. It is committed to following this new process to ensure its obligations are met for all applications submitted under the EBR.

Recommendation 11

We recommend that the Ministry of the Environment, Conservation and Parks:

- review its internal procedures for responding to applications submitted under the EBR;
- update its procedures as necessary to ensure that the Ministry, going forward, meets all timelines set out in the EBR; and
- implement and follow any updated procedures.

Environment Ministry Response

The Environment Ministry agrees with this recommendation. The Ministry strives to meet legislated timelines for applications submitted under the EBR and provide updates to applicants periodically. We will continue to reinforce procedural requirements and timelines for responding to applications through staff training and guidance material.

Recommendation 12

We recommend that the Ministry of the Environment, Conservation and Parks:

- update its internal procedures, including its contingency plan for the Environmental Registry, to ensure that outages or other issues with the Registry's functionality are readily discoverable, and the appropriate people are promptly notified of the issues; and
- follow its internal procedures and contingency plan when outages or other issues with the Registry's functionality occur.

Environment Ministry Response

The Environment Ministry agrees with this recommendation. The Ministry recognizes the critical role of a reliable Registry and has recently transitioned to a more robust platform designed to support long-term stability and performance. We are reviewing our internal procedures and contingency plan for the Registry. Basic system checks are already in place to confirm the Registry's availability. We will work to enhance these checks, implement system threshold alerts, and explore ways to improve monitoring of key functions so that any issues are quickly identified and addressed in line with established protocols.

Audit Criteria

In planning our work, we identified the audit criteria we would use to address our audit objectives (outlined in **Section 3**). These criteria were established based on a review of applicable legislation, policies and procedures, internal and external studies, and best practices. Senior management at all seven auditees reviewed and agreed with the suitability of the following objectives and associated criteria:

1. Prescribed ministries have up-to-date Statements of Environmental Values (SEVs). Ministries take every reasonable step to consider their SEV whenever they make an environmentally significant decision, in a manner that informs their decision-making, in accordance with the requirements and purposes of the EBR.

2. Prescribed ministries consult the public using the Environmental Registry when making any environmentally significant decisions that are subject to the EBR, in accordance with the requirements and purposes of the EBR, including:

    - consulting about all proposals for policies, acts, regulations and instruments that are subject to EBR consultation and that are not subject to an exception under the EBR;
    - giving accurate descriptions of proposals and their anticipated environmental implications, if known, and including, where feasible, links or attachments to key supporting information, so that commenters have the information that is necessary to provide informed comment;
    - extending the time to comment where warranted based on the factors set out in the EBR to allow the public to provide informed comments before the ministry makes a decision;
    - taking every reasonable step to consider all relevant comments submitted on a proposal as part of the ministry's decision-making process; and
    - giving clear and accurate descriptions of decisions, including: links or attachments to key supporting information, where appropriate; and a brief explanation of the effect of public participation on the ministry's decision.

3. Prescribed ministries ensure that the Environmental Registry is a reliable source of information, by:

    - keeping their proposal notices on the Environmental Registry up to date;
    - giving prompt notice to the public on the Environmental Registry when they make environmentally significant decisions subject to the EBR; and

- when relying on an exception to consultation under the EBR that requires notice, giving prompt notice of the use of the exception.

4. Prescribed ministries handle applications for review and investigation in accordance with the requirements and purposes of the EBR. In particular, they:

   - consider the factors in the EBR when determining whether the public interest warrants undertaking a requested review; and when a ministry agrees to conduct a review, they review all of the key issues raised in the application as agreed to, consistent with the EBR's purposes and requirements;

   - investigate alleged contraventions to the extent that is necessary, unless the Minister determines that an investigation is not warranted, consistent with the EBR's purposes and requirements;

   - are transparent in their notices to applicants about their consideration of applications and the basis for their decision-making regarding applications; and

   - meet all EBR timelines.

5. The Ministry of the Environment, Conservation and Parks effectively executes its additional responsibilities in accordance with the requirements and purposes of the EBR, as follows:

   - providing educational programs about the EBR to members of the public about their EBR rights, and ensuring the public has ready access to information about the EBR that enables Ontarians to understand and exercise their rights under it;

   - operating the Environmental Registry in a manner that ensures it can be used by the public to find information about the government's environmentally significant proposals and decisions, and that enables the public to provide comments on proposals; and

   - ensuring that the public receives prompt notice of leave to appeal applications made under the EBR and appeals of decisions about instruments that are subject to the EBR once the ministry receives these notices from applicants and appellants.

6. Processes are in place to effectively and periodically review the lists of ministries, acts and instruments prescribed under the EBR, and, where needed, update the general and classification regulations so that they include all ministries whose activities are environmentally significant and all acts and instruments that could have a significant effect on the environment, so that the EBR's purposes may be achieved.

Audit Approach

We conducted our audit between January 2025 and August 2025. We obtained written representation from each ministry's management that, effective November 21, 2025, they had provided us with all the information they were aware of that could significantly affect the findings or the conclusion of this report.

As part of our audit work, we had discussions with staff at auditees as needed, and assessed relevant documents and information, relating to the following:

- ministries' and the public's use of the EBR tools, including the use and operation of the Registry;
- ministries' proposal notices, decision notices, bulletins, voluntary notices, exception notices and appeal notices posted on the Registry in 2024/25;
- ministries' consideration of public comments and their SEVs when making decisions about environmentally significant proposals;
- environmentally significant proposals and decisions for which ministries did not give notice on the Registry;
- applications for review and applications for investigation that were submitted, denied, completed or ongoing in 2024/25, including materials submitted by the applicants, relevant ministry documentation and other research as necessary;
- ministries' policies and procedures for complying with the EBR; and
- measures taken by the Environment Ministry to provide educational programs and general information about the EBR to the public, and to operate the Registry.

As an annual audit, our work also followed up on many recommendations from past reports related to implementation of the EBR.

Audit Opinion

To the Honourable Speaker of the Legislative Assembly:

We conducted our work for this audit and reported on the results of our examination in accordance with Canadian Standard on Assurance Engagements 3001—*Direct Engagements* issued by the Auditing and Assurance Standards Board of the Chartered Professional Accountants of Canada. This included obtaining a reasonable level of assurance.

The Office of the Auditor General of Ontario applies Canadian Standards on Quality Management and, as a result, maintains a comprehensive system of quality management that includes documented policies and procedures with respect to compliance with rules of professional conduct, professional standards and applicable legal and regulatory requirements.

We have complied with the independence and other ethical requirements of the Code of Professional Conduct of the Chartered Professional Accountants of Ontario, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour.

We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our conclusions.

December 2, 2025

Shelley Spence, FCPA, FCA, LPA
Auditor General
Toronto, Ontario

Acronyms

Acronym	Definition
EASR	Environmental Activity and Sector Registry
EBR	*Environmental Bill of Rights, 1993*
EPA	*Environmental Protection Act*
ESA	*Endangered Species Act, 2007*
FWCA	*Fish and Wildlife Conservation Act, 1997*
LSL	Lead service line
MZO	Minister's Zoning Order
OWRA	*Ontario Water Resources Act*
PTTW	Permit to take water
SCA	*Species Conservation Act, 2025*
SEV	Statement of Environmental Values

Glossary

Term	Definition
Act	Also known as a law, legislation or statute, an act is adopted by the provincial legislature or federal parliament to set out binding rights, obligations and rules.
Application for investigation	A right under Part V of the EBR allowing two residents of Ontario to formally ask a prescribed ministry to investigate an alleged contravention of a prescribed act, regulation or instrument that has the potential to harm the environment.
Application for review	A right under Part IV of the EBR allowing two residents of Ontario to formally ask a prescribed ministry (or ministries) to review (and potentially amend) an existing prescribed act, regulation, policy or instrument, or review the need to create a new policy, act or regulation.
Consultation	A legally required process under the EBR, where prescribed ministries use the Registry to give public notice about proposed acts, regulations, policies and instruments that are environmentally significant, and to give the public at least 30 days to comment on the proposal. The ministries must consider the public's comments before making a decision on the proposals and then give prompt notice of their decisions, including explaining whether, and how, public comments affected the decision.
Decision notice	A notice posted on the Registry by a prescribed ministry to notify the public that it has made a decision whether to proceed with a proposal for a policy, act, regulation or instrument. A decision notice must explain what effect, if any, the public's comments on the proposal had on the ministry's final decision.
Environmental Registry of Ontario (Registry)	A website (**ero.ontario.ca**) maintained by the Environment Ministry, and used by prescribed ministries, to provide information about the environment to the public, including notices about proposals and decisions that could affect the environment, pursuant to the EBR. The Registry is searchable and includes an archive of previous consultations.
Environmentally significant	Under the EBR, a proposal or decision is environmentally significant when, if implemented, it could have a significant effect on the environment (including air, land, water, plant life, animal life and ecological systems) of Ontario.
Instrument	A permit, licence, approval, authorization, direction or order issued under the authority of an act or regulation. Instruments subject to the EBR are identified and classified in O. Reg. 681/94.
Leave to appeal	Permission to challenge. Under the EBR, residents of Ontario may seek leave to appeal the decisions of prescribed ministries to issue certain types of instruments. An adjudicative body (in most cases, the Ontario Land Tribunal) decides whether to grant or deny leave to appeal.

Term	Definition
Prescribed	Set out in a regulation. For example, the EBR applies only to prescribed ministries, laws and instruments, meaning ministries and laws that are listed in O. Reg. 73/94, and to instruments that are listed in O. Reg. 681/94.
Proposal notice	A notice posted on the Registry by a prescribed ministry to notify the public that it is considering creating, issuing or making changes to an environmentally significant policy, act, regulation or instrument, and to seek the public's comments on the proposal.
Statement of Environmental Values (SEV)	The EBR requires each prescribed ministry to develop and publish an SEV that explains how the ministry considers the purposes of the EBR when it makes decisions that may significantly affect the environment. An SEV is meant to guide ministries in integrating environmental values with social, economic and scientific considerations in their decision-making process, which should lead to better outcomes for the environment. Under the EBR, the ministries must consider their SEVs when making environmentally significant decisions.

Appendix 1: Responsibilities of Each Prescribed Ministry

Source of data: O. Reg. 73/94 and O. Reg. 681/94, under the *Environmental Bill of Rights, 1993*

Ministry[1]	Prepare and Consider Statement of Environmental Values	Consult on Policies and Acts[2]	Consult on Regulations under Prescribed Acts[2]	Consult on Prescribed Instruments (Permits and Approvals)	Respond to Applications for Review	Respond to Applications for Investigation
Environment	✓	✓	✓	✓	✓	✓
Energy and Mining	✓	✓	✓	✓[3]	✓	✓[3]
Municipal Affairs	✓	✓	✓	✓	✓	✓
Natural Resources	✓	✓	✓	✓	✓	✓
Public Services[4]	✓	✓	✓	✓	✓	✓
Transportation	✓	✓	✓		✓	
Agriculture	✓	✓	✓		✓	
Infrastructure	✓	✓				
Tourism	✓	✓	✓			
Economic Development	✓	✓				
Northern Development	✓	✓			✓	
Treasury Board Secretariat	✓	✓				
Health	✓	✓	✓		✓	
Long-Term Care	✓	✓			✓	
Education	✓	✓			✓	
Indigenous Affairs	✓	✓				
Labour	✓	✓				

1. Ministries are listed in descending order based on their share of notices posted on the Registry from 2019 to 2025.
2. This responsibility applies to policies, acts and regulations that could have a significant effect on the environment if implemented.
3. On March 19, 2025, the Ministry of Energy and Electrification and Ministry of Mines were combined to form the new Ministry of Energy and Mines. This responsibility applied to the former Ministry of Mines, but not the Ministry of Energy and Electrification.
4. The Public Services Ministry's responsibilities related to liquid fuels under the *Technical Standards and Safety Act, 2000*, including consulting the public about proposals for variances under the Liquid Fuels Handling Code and regulation, are carried out by the Technical Standards and Safety Authority (TSSA).

Appendix 2: Use of EBR Tools in 2024/25

Prepared by the Office of the Auditor General of Ontario, based on data from the Environmental Registry of Ontario and the Ministry of the Environment, Conservation and Parks

Public Notice and Consultation

Number and Types of Notices Posted on the Environmental Registry in 2024/25

Proposal notices	
Give notice of and invite public consultation on proposals for environmentally significant policies, acts, regulations and instruments (permits and approvals)	
Acts	16
Regulations	35
Policies	18
Instruments	1,183
Total	**1,252**

Decision notices	
Describe decisions on environmentally significant policies, acts, regulations and instruments, as well as describe the impact, if any, of public consultation	
Acts	15
Regulations	48
Policies	14
Instruments	1,159
Total	**1,236**

Voluntary consultation notices	
Give notice of and invite consultation on proposals that are not required by the EBR to be posted, but for which a ministry chooses to consult with the public	
Proposals	31
Decisions	16
Total	**47**

Exception notices	
Required when ministries rely on certain exceptions under the EBR that excuse the ministry from following the usual public consultation requirements, including: when the proposal has already been considered in another public participation process (equivalent consultation); or when the delay to consult would result in danger to health and safety or serious risk to the environment or damage to property (emergencies)	
Total	**5**

Appeal notices	
Placed on the Registry by the Environment Ministry to notify the public of direct appeals of instruments and of applications seeking leave to appeal instruments	
Direct appeals	2
Leave to appeal	3
Total	**5**

Bulletins	
Used to provide information that ministries are not required to post under the EBR and information that ministries are required to post under other laws	
Total	**54**

Between April 1, 2024, and March 31, 2025, Ontario ministries collectively used the Registry to consult the public about 1,252 proposals for acts, regulations, policies and instruments that could have a significant effect on the environment. Ministries also gave notice of 1,241 decisions subject to the EBR in 2024/25, including 1,236 regular decision notices and five decisions that relied on an exception under the EBR. The tables above show the total numbers and types of notices posted on the Registry in 2024/25 by all ministries.

Members of the public submitted over 27,400 comments through the Registry on proposals posted between April 1, 2024, and March 31, 2025, as well as additional comments submitted by email, mail, and in form letters and petitions. For our assessment of the auditees' performance of their EBR notice and consultation requirements, see **Sections 4.1**, **4.4**, and **4.5** of this report.

Statements of Environmental Values (SEVs)

For each of the 1,241 environmentally significant decisions subject to the EBR in 2024/25, each prescribed ministry needed to consider its SEV as part of its decision-making process. For our assessment of the auditees' SEV consideration, see **Section 4.6** of this report.

Applications for Review and Investigation

In 2024/25, members of the public submitted three new applications for review. One was denied, one was returned as it was incomplete and one was ongoing as of March 31, 2025, the end of our reporting period, but was later denied.

Two applications for review that were submitted in 2023/24 were concluded. The Environment Ministry and Natural Resources Ministry each denied one of these applications. Another application for review, submitted in 2010 and undertaken in part by the Environment Ministry in 2011, remained outstanding as of August 2025.

In addition, in 2024/25, members of the public submitted three new applications for investigation, each to the Environment Ministry. The Environment Ministry undertook and completed one of the requested investigations, and the remaining two applications were ongoing as of March 31, 2025.

Two other applications for investigation that were submitted in 2023/24 and were ongoing at the beginning of 2024/25 were concluded. One, which was also submitted to the Natural Resources and Municipal Affairs Ministries and denied by those ministries in 2023/24, was undertaken and completed by the Environment Ministry. The second, which was submitted to the Environment and Natural Resources Ministries, was denied by the Natural Resources Ministry, and undertaken and concluded by the Environment Ministry.

See **Appendix 3** for the list of all applications that were concluded or ongoing in 2024/25, and their status. For a summary of each application that was concluded in 2024/25, see **Appendix 4**. For details of our findings related to applications, see **Section 4.7** of this report.

Appeals

Members of the public exercised their EBR rights by filing four applications for leave, or permission, to appeal decisions made by the Environment Ministry to issue certain instruments. The Ontario Land Tribunal, an independent adjudicative body, dismissed three of the applications without granting leave, finding in each case that the applicants had failed to meet the EBR test for leave to appeal. In the fourth case, the Ministry granted leave to appeal a permit to take water issued for the construction phase of an advanced exploration program for a possible gold mine.

One instrument decision subject to the EBR, an order to prevent discharge of contaminants, was also directly appealed by the orderees. That appeal was ongoing as of August 2025.

See **Appendix 5** for a list of leave to appeal applications and appeals filed in 2024/25.

Lawsuits and Whistleblower Protection

The Environment Ministry advised our Office that it did not receive notice of any actions for harm to a public resource in 2024/25.

The Ontario Labour Relations Board told our Office that no whistleblower complaints were filed under the EBR in 2024/25.

Appendix 3: Applications for Review and Investigation, 2024/25

Prepared by the Office of the Auditor General of Ontario

Ongoing

Description	Ministry	Decision	Status
Applications for Review			
Submitted in 2024/25			
Review of Guideline A-7: Air Pollution Control, Design, and Operation Guidelines for Municipal Waste Thermal	Environment	Denied	Ongoing as of March 31, 2025, but concluded during this audit (*will be assessed in 2025/26 report*)
Review of *Endangered Species Act, 2007* and forked three-awned grass	Environment	Returned	Returned to applicant as incomplete because there was only one applicant. As per s. 61 of the EBR, applications for review must have two applicants.
Review of the *Fish and Wildlife Conservation Act, 1997* and O. Reg. 371/24, regarding train and trial facilities (second application)	Natural Resources	Denied	Concluded in 2024/25 (see **Appendix 4, item 3**)
Previously Submitted (ongoing at the beginning of 2024/25)			
Review of the *Safe Drinking Water Act, 2002* and Ontario Drinking Water Quality Standards related to lead in drinking water	Environment	Denied	Concluded in 2024/25 (see **Appendix 4, item 1**)
Review of the *Fish and Wildlife Conservation Act, 1997* and O. Reg. 668/98 regarding train and trial facilities (first application)	Natural Resources	Denied	Concluded in 2024/25 (see **Appendix 4, item 2**)
Review of the EBR (three related applications submitted between 2009/10 and 2012/13)	Environment	Undertaken	**Ongoing**

Description	Ministry	Decision	Status
Applications for Investigation			
Submitted in 2024/25			
Alleged discharge of sediment from an industrial park, causing impacts to headwater streams and trees within neighbouring nature reserve	Environment	Undertaken	Ongoing as of March 31, 2025, but concluded during this audit (*will be assessed in 2025/26 report*)
Alleged failure of a yachting centre in Honey Harbour to submit reports on sewage works	Environment	Undertaken	Ongoing as of March 31, 2025, but concluded during this audit (*will be assessed in 2025/26 report*)
Alleged discharge of contaminants to water from the tailings storage facility of a gold mine near Timmins	Environment	Undertaken	Concluded in 2024/25 (see **Appendix 4, item 4**)
Previously Submitted (ongoing at the beginning of 2024/25)			
Alleged contravention of several acts and regulations by the Municipality of Callander, the North Bay Mattawa Conservation Authority, and several private citizens in failing to protect a wetland and regulated watercourses during construction projects	Environment	Undertaken	Concluded in 2024/25 (see **Appendix 4, item 5**)
	Natural Resources	Denied	Concluded in 2024/25 (see **Appendix 4, item 5**)
Alleged contravention of several acts and regulations by the Township of King in approving the construction of a long-term care home on ecologically sensitive land (the Oak Ridges Moraine)*	Environment	Undertaken	Concluded in 2024/25 (see **Appendix 4, item 6**)

* This application was submitted to the Natural Resources, Municipal Affairs and Environment Ministries in 2023/24. It was denied by the Natural Resources and Municipal Affairs Ministries in 2023/24. Those decisions were assessed in our 2023/24 report. The Environment Ministry undertook the investigation in 2023/24 and completed it in 2024/25.

Appendix 4: Details of Applications Concluded in 2024/25

Prepared by the Office of the Auditor General of Ontario

Applications for Review

1. Review of the *Safe Drinking Water Act, 2002* and Ontario Drinking Water Quality Standards related to lead in drinking water

What the Applicants Asked For

- In March 2024, two applicants submitted an application for review to the Environment Ministry asking it to review the *Safe Drinking Water Act, 2002* and the Ontario Drinking Water Quality Standards (O. Reg. 169/03) for lead in drinking water.
- The applicants requested the review to better protect the environment and safeguard human health and safety from the risks of lead in drinking water. The applicants asserted that a review was in the public interest, stating that recent Health Canada findings and scientific literature demonstrated serious, ongoing impacts to human health from lead at Ontario's currently prescribed drinking water standard of 10 micrograms per litre (µg/L).
- Ontarians may be exposed to lead when municipal drinking water is serviced by lead service line (LSL) connections, which are pipes in older drinking water distribution systems. Lead can also leach into drinking water through plumbing materials, like faucets and solder, that contain lead. The applicants stated, "Without long-term requirements to replace faulty portions of drinking water distribution systems in the province, the public will continue to be exposed to lead and all its harmful health impacts."
- The applicants made several recommendations to the Ministry, including the following:
  - Lower Ontario's prescribed drinking water standard for lead to 5 µg/L, to make it consistent with Health Canada's guideline and most other provinces in Canada.
  - Require mapping of LSLs and require replacement of all LSLs by 2035.
  - Provide provincial grant programs for interim measures, such as filters, and support LSL replacement initiatives, especially for low-income owners and tenants.
  - Collaborate with First Nations, on-reserve drinking water system operators and the federal government to identify, map and replace all LSLs on reserves by 2030.

Review Denied by the Environment Ministry

- In May 2024, the Ministry gave the applicants notice of its decision to deny the application.
- The Environment Ministry concluded that the public interest did not warrant a review of the matters raised in the application. In coming to this conclusion, the Ministry asserted:
  - Ontario has the most stringent provincial testing regime in Canada for testing lead in drinking water.
  - Ontario has made significant progress in reducing lead in drinking water. For example, the Ministry stated that blood lead levels of Canadians have declined by over 70% in the past 40 years due to ongoing action to reduce lead exposure.
  - Municipalities that identify high levels of lead in their communities are required to develop a lead reduction strategy.
  - The cost to replace all LSLs would be significant and could take away from competing priorities such as critical infrastructure replacements and cybersecurity upgrades.
  - Considering existing monitoring and mitigation protocols, the removal of LSLs and reducing the standard to 5 µg/L would not likely result in a noticeable health benefit to children or other Ontarians.
  - Requiring homeowners to replace their portion of the pipe would impose significant costs on homeowners that may not be worth the minimal benefits.

2. Review of the *Fish and Wildlife Conservation Act, 1997* and O. Reg. 668/98 regarding train and trial facilities (first application)

What the Applicants Asked For

- In March 2024, the Natural Resources Ministry received an application requesting a review of the *Fish and Wildlife Conservation Act, 1997* (FWCA) and Ontario Regulation 668/98 as they related to train and trial operations, and any regulations that may be made under the recently amended Act. When the application was submitted, amendments had been made to the FWCA that would allow for new train and trial facilities, but associated amendments had not yet been made to the regulations.
- Train and trial operations are enclosed areas on private land where certain wildlife, such as cottontail rabbits, red foxes and coyotes, are kept for the purpose of teaching hunting skills to dogs. They are also used to conduct hunting dog competitions, known as "trialing."

- The applicants argued that it was in the public interest to review and revoke the existing train and trial regime for several reasons, including the following:
  - Ontario's existing regime creates significant risks to wildlife, the environment and public health and is in conflict with the Natural Resources Ministry's SEV.
  - Wild animals are subject to physical and psychological distress, including death, in train and trial facilities. These facilities also pose a risk to human health due to the spread of diseases from the wild animals to dogs and humans.
  - The recent decision to amend the FWCA was not made in a manner consistent with Part II of the EBR. As the amendments had been referred for third reading before EBR consultation through the Registry closed, the applicants argued that comments were not considered in the decision to approve the legislation.
  - Dog train and trial areas may contravene the *Criminal Code* of Canada and the *Provincial Animal Welfare Services Act, 2019*.

Review Denied by the Natural Resources Ministry

- In June 2024, the Ministry gave the applicants notice of its decision to deny the application. The Ministry concluded that the public interest did not warrant a review to protect the environment. The Ministry provided the following rationale:
  - The species used in train and trial facilities are common local species that are managed sustainably. Increases to the number of train and trial facilities are unlikely to impact population sustainability.
  - Train and trial facilities are subject to regulatory requirements to minimize risks to wildlife.
  - The Ministry is not aware of evidence to suggest that keeping wildlife in train and trial areas presents risks to human health.
  - Requirements under the FWCA do not relieve train and trial licence holders from compliance with other regulatory requirements, such as the *Provincial Animal Welfare Services Act, 2019*, which is administered by the Ministry of the Solicitor General.
- The Ministry also clarified that a review of future regulations was beyond the scope of the EBR, which only applies to existing regulations.
- The Ministry notified the applicants that it was denying their request for a review in June 2024, 22 days past the 60-day deadline to respond to the application.

3. Review of the *Fish and Wildlife Conservation Act, 1997* and O. Reg. 371/24 regarding train and trial facilities (second application)

What the Applicants Asked For

- In November 2024, the Natural Resources Ministry received an application requesting a review of section 35 of the FWCA and O. Reg. 371/24, which had recently amended O. Reg 668/98, as well as Part IV of O. Reg. 668/98.
- The applicants argued that it was in the public interest to review and revoke the train and trial regime set out in the Act and the regulations. The applicants included arguments that were made in the application for review submitted in March 2024 (see **Item 2** above).
- The applicants also stated that there were significant harms to wildlife and human health that the Ministry did not consider when it decided to amend the Act and regulation to expand train and trial operations. In particular, the applicants cited an investigation released in August 2023 by an animal rights group that showed that dogs maim, attack and kill wildlife in train and trial facilities.
- The applicants argued that by issuing more licences for train and trial operations, the Ministry would be facilitating the spread of the parasite *Echinococcus multilocularis*. This parasite is found in 23% of foxes and coyotes in Ontario and can be transmitted to dogs and humans. It causes alveolar echinococcosis in humans, which can be fatal.
- The applicants also argued that comments they and other groups had submitted during EBR consultations on the legislative amendments were not considered in the Ministry's decision-making.

Review Denied by the Natural Resources Ministry

- In January 2025, the Ministry notified the applicants of its decision to deny the application.
- The Ministry concluded that it was prohibited under the "five-year rule" in section 68 of the EBR from determining that the public interest warranted a review because the decisions to amend the FWCA and regulation were made during the past five years in a manner consistent with the intent and purpose of EBR Part II. The Ministry also determined that a failure to review the decisions could not result in significant harm to the environment based on social, economic, scientific or other evidence that was available and presented to decision-makers.

- The Ministry stated that the "process of making the regulatory requirements considered the significant harm to the wildlife associated with train and trial areas," and that the Ministry considered potential disease risks and took steps to address those risks through provisions in the new regime. The Ministry also noted that *Echinococcus multilocularis* is endemic in wild animals in Ontario and that the impact on host species is generally is mild.
- The Ministry also restated several of the reasons it had given in response to the related application submitted in March 2024 (see **Item 2** above) to support its conclusion that a failure to review the new train and trial regime would not result in significant harm to the environment.

Applications for Investigation

4. Investigation of alleged discharge of contaminants to water from the tailings storage facility of a gold mine near Timmins

What the Applicants Asked For

- In June 2024, two Ontarians submitted an application for investigation to the Environment Ministry, alleging violations of the *Ontario Water Resources Act* (OWRA) and the *Environmental Protection Act* (EPA) at a gold mine near Timmins. The applicants alleged that the tailings storage facility for the mine was structurally compromised.
- The applicants alleged that seepage from the tailings facility was contaminating nearby creeks, with deleterious effects on fish populations. The applicants alleged that the mining company had not done anything to prevent, eliminate or ameliorate any adverse effects from the alleged seepage, or to restore the natural environment.

Investigation Undertaken by the Environment Ministry

- In September 2024, the Ministry informed the applicants that it was undertaking the requested investigation.
- The Ministry conducted inspections of the tailings storage facility in July and August of 2024. In addition, the Ministry reviewed its internal data and had specialists within the Ministry review reports provided by the mining company and its predecessor.

- The Ministry determined that a seepage capture system was not in place at the tailings facility, and therefore, that untreated seepage was being permitted to flow into the natural environment. This seepage contained arsenic and cyanide concentrations that at times exceeded provincial guidelines. The Ministry found that there were contaminants in the groundwater and surface water around the tailings facility that were likely to cause adverse effects to the environment.
- The Ministry determined that the mining company had contravened the OWRA and the EPA. The Ministry notified the applicants and the mining company of its decision in January 2025.
- The Ministry noted that it did not have jurisdiction over the applicants' allegation regarding the structural integrity of the tailings facility or to allegations related to the federal *Fisheries Act*. The Ministry referred the applicants to the Mining Ministry for recent inspections of the facility, and to the federal government for allegations related to the Act.
- The Ministry committed to undertake the following actions related to the contraventions of the OWRA and the EPA:
  - Require the mining company, through a Provincial Officer's Order, to prevent migration of contaminating seepage to the environment, complete studies to determine the impacts of historic seepage, and revise ongoing monitoring programs to better protect receiving waters and aquatic life.
  - Encourage the mining company to work with federal departments to similarly revise monitoring studies required at the federal level.
  - Refer its investigation findings to the Environmental Investigation and Enforcement Branch for potential further actions.

5. Investigation of alleged contraventions of several acts and regulations by the Municipality of Callander, the North Bay Mattawa Conservation Authority and several private citizens in failing to protect a wetland and regulated watercourses during construction projects

What the Applicants Asked For

- In February 2024, two Ontarians submitted an application for investigation to the Environment and Natural Resources Ministries, alleging violations of the OWRA, EPA, ESA and *Conservation Authorities Act*, among other statutes and regulations.

- The applicants alleged that a wetland in the Municipality of Callander was improperly diverted to drain into Lake Nipissing during the development of three rural residential lots. The applicants alleged that the North Bay Mattawa Conservation Authority did not properly carry out its duties when this diversion occurred. The applicants alleged that the diversion caused flooding on private property.
- The applicants further alleged that property owners of one of the three lots conducted site alterations without proper permitting, causing the discharge of sediment into Lake Nipissing and impacts to Blanding's turtle habitat. They alleged that the Municipality of Callander allowed roadworks to be carried out without proper sediment control, which further impacted drainage on private property and Blanding's turtle habitat. Lastly, they alleged that the Municipality of Callander and the North Bay Mattawa Conservation Authority did not properly respond to their concerns about the impacts of these alleged violations to drainage on the property.

Investigation Undertaken by the Environment Ministry

- In June 2024, the Environment Ministry notified the applicants that it would conduct an investigation with respect to the matters within its jurisdiction.
- The Ministry had conducted a site inspection in December 2023, in response to a previous complaint. It conducted a further site visit in July 2024.
- The Ministry concluded that the drainage works running through the three residential properties and a culvert installed on the road qualified as "sewage works" and required environmental compliance approvals under the OWRA.
- The Ministry also reviewed its records and consulted with its Species at Risk Branch. It concluded that some of the site alterations at the private property and the roadworks could adversely impact Blanding's turtle habitat.
- Based on its investigation, the Ministry determined that some of the applicants' allegations with respect to the OWRA and the ESA were substantiated. It notified the applicants of the outcome of its investigation in January 2025.
- The Ministry:
  - Committed to assist the property owners and Municipality of Callander with bringing the sewage works into compliance.
  - Issued a notice of violation to the private property owner with respect to the damage to Blanding's turtle habitat.

- Issued a notice of violation to the contractor and Municipality with respect to the damage to Blanding's turtle habitat caused by the roadworks.

» The Ministry stated that it would also consider providing information to the Municipality and contractor regarding the ESA and making them aware that future non-compliance could result in an investigation for potential prosecution.

» The Ministry notified the applicants that it required more time to complete the investigation and gave its estimated completion date, but then did not complete the investigation or notify the applicants of its revised timing by that date. After it completed the investigation, the Ministry missed the 30-day deadline to give the applicants notice of the outcome.

Investigation Denied by the Natural Resources Ministry

» The Natural Resources Ministry considered the allegations related to the North Bay Mattawa Conservation Authority. It noted that conservation authorities are responsible for determining the appropriate response to public concerns about non-compliance with the relevant parts of the Act and regulations. The Ministry found that there was no evidence that the North Bay Mattawa Conservation Authority had not carried out its statutory responsibilities in responding to the applicants' concerns.

» The Natural Resources Ministry notified the applicants that it was denying their application for investigation in June 2024, 51 days after the 60-day statutory deadline.

6. Investigation of alleged contraventions of several acts and regulations by the Township of King in approving the construction of a long-term care home on ecologically sensitive land (the Oak Ridges Moraine)

What the Applicants Asked For

» In January 2024, two Ontarians submitted an application for investigation alleging that the Township of King had contravened several acts and regulations when it approved the construction of a long-term care home on ecologically sensitive land within the Oak Ridges Moraine.

» The applicants submitted their application to the Environment, Municipal Affairs and Natural Resources Ministries. Related to the laws administered by the Environment Ministry, the applicants alleged that the construction and operation of the long-term care home would result in the discharge of contaminated stormwater and groundwater into Mary Lake, Seneca Lake and Provincially Significant Wetlands.

- As we reported in our 2024 report, the Municipal Affairs and Natural Resources Ministries notified the applicants in March 2024 that they would not be undertaking the requested investigation.

Investigation Undertaken by the Environment Ministry

- The Environment Ministry undertook the requested investigation and notified the applicants of its decision in June 2024.
- The Environment Ministry limited its investigation to the alleged contraventions of the EPA and OWRA, as it administers these statutes and they are both prescribed for the purposes of applications for investigation under the EBR.
- Ministry staff conducted two site visits at the proposed facility. On both occasions, staff did not observe any incidents of non-compliance with the EPA or OWRA.
- Ministry staff also searched government records associated with both the property and property owner and did not identify any records indicating that a contravention of the EPA or OWRA had occurred or was occurring at the site.
- The Ministry found that there were no historical or ongoing contraventions of the EPA or OWRA. The Ministry determined that "the results of the investigation do not demonstrate any compliance or enforcement action is necessary currently."
- The Ministry committed to undertaking the following actions:
  - Inform the township, property owner, property developer and its consultants in writing of the relevant legal requirements of the EPA, OWRA and ESA; and
  - Recommend to the property owner, property developer and its consultants that they implement a communication plan to keep stakeholders, including the Ministry, Toronto Region Conservation Authority and the Region of York, apprised of the project status.

Appendix 5: Leave to Appeal Applications and Appeals Filed in 2024/25

Prepared by the Office of the Auditor General of Ontario

Type of Instrument	Instrument Description	Environmental Registry #	Status/Outcome
Leave to Appeal Applications			
Environmental Compliance Approval (Waste)	Allows a waste transfer station to accept, and temporarily store, solid non-hazardous waste	019-6203	Dismissed
Environmental Compliance Approval (Air)	Amends existing air approval to increase production limit at an automotive manufacturing facility	019-8525	Dismissed
Permit to take water	Allows water to be taken during the construction phase of an advanced exploration program for a possible gold mine	019-8574	Leave to appeal granted
Permit to take water	Allows water to be taken for foundation draining purposes at proposed long-term care home	019-9375	Dismissed
Appeals*			
Order to prevent discharge of contaminants	Requires the orderees to investigate and develop a remediation plan for contaminants on the site of a former gas station	019-6622	Ongoing. A hearing set for July 2025 was adjourned.

* One additional appeal of an EBR-prescribed instrument was filed in 2024/25, of an amendment to an Environmental Compliance Approval (air). The Ministry was not required to post a notice for this appeal on the Registry because it gave notice of its decision to amend the approval through an exception notice. This appeal is ongoing.

Appendix 6: Laws and Regulations Exempting Certain Projects and Decisions from EBR Consultation, 2020–2025[1]

Prepared by the Office of the Auditor General of Ontario

Exempting Laws	Date Passed	Impact on Public Consultation Under EBR
Bill 5, *Protect Ontario by Unleashing our Economy Act, 2025*	Jun 2025	Amended the *Rebuilding Ontario Place Act, 2023* to exempt all proposals for instruments related to the Ontario Place Redevelopment Project (or any related activity) from EBR consultation requirements.
Bill 212, *Reducing Gridlock, Saving You Time Act, 2024*	Nov 2024	Enacted the *Highway 413 Act, 2024*, which exempts provincial permits and approvals related to the Highway 413 project from EBR consultation requirements. Amended the *Highway Traffic Act* to retroactively exempt amendments to the Act related to bike lanes from EBR consultation requirements.[2]
Bill 154, *New Deal for Toronto Act, 2023*	Dec 2023	Amended the EBR to retroactively exempt the *Rebuilding Ontario Place Act, 2023* from EBR consultation requirements. The *Rebuilding Ontario Place Act, 2023*: • exempts undertakings at Ontario Place (and any other undertaking that furthers the project) from the *Environmental Assessment Act* and the *Ontario Heritage Act*; and • gives the Infrastructure Minister powers to make Minister's Zoning Orders (MZOs) under the *Planning Act*. MZOs are exempt from EBR consultation requirements under Section 15.5 of O. Reg. 73/94 (a regulation under the EBR).
Bill 23, *More Homes Built Faster Act, 2022*	Nov 2022	Enacted the *Supporting Growth and Housing in York and Durham Regions Act, 2022*, which exempts provincial permits and approvals related to the York Region sewage works project and the Lake Simcoe phosphorus reduction project.
Bill 197, *COVID-19 Economic Recovery Act, 2020*	Jul 2020	Amended the EBR to retroactively exempt proposed amendments to the *Environmental Assessment Act*, contained in Bill 197, from EBR consultation requirements.

Exempting Laws	Date Passed	Impact on Public Consultation Under EBR
O. Reg. 115/20, Temporary Exemptions Relating to Declared Emergency (under the *Environmental Bill of Rights, 1993*)	Apr 2020	Exempted all prescribed ministries from EBR consultation requirements for all proposals, even proposals not related to COVID-19. The exemption remained in effect for a 10-week period from April 1, 2020, to June 15, 2020. Note: Only nine of 276 exempted proposals were urgent and related to COVID-19. Members of the public also lost their right to seek leave to appeal ministries' decisions on 197 proposed permits and approvals during the period when the regulation was in effect.

1. In addition to the exemptions listed above, on September 26, 2025, the Environment Ministry posted a notice on the Registry proposing, among other things, to exempt all permits and orders issued under the *Species Conservation Act, 2025* from the EBR's public consultation requirements. The public consultation period ended on November 10, 2025. At the time of finalizing our audit, the Ministry had not made a decision about this proposal.
2. The Transportation Ministry had already started consultation through the Registry on Bill 212 amendments regarding bike lanes when the bill was amended at Standing Committee to include this exemption (ERO #019-9266). The Ministry posted an update to the proposal notice to inform the public that the relevant schedule of the bill had changed, but did not mention the exemption. The Ministry completed the consultation on Bill 212 and posted a decision notice.

Appendix 7: Some Changes to Laws and Regulations in 2025 that Could Result in Fewer Opportunities for Public Consultation Under the EBR

Prepared by the Office of the Auditor General of Ontario

Laws and Regulations Affected	Impact
Special Economic Zones Act, 2025[1]	The Act gives Cabinet (formally, the Lieutenant Governor in Council) the authority to designate areas of the province as special economic zones and gives the Minister of Economic Development, Job Creation and Trade the authority to designate trusted proponents and projects. All laws continue to apply in a special economic zone, unless their application is modified, or a project or proponent is exempted, by a subsequent regulation. At the time of finalizing our audit, the Ministry was in the process of consulting on the draft criteria regulation for designating zones, projects and proponents. While no modification or exemption regulation has yet been developed, if a trusted proponent or a project in a special economic zone is exempt from the EBR or from obtaining approvals that are prescribed under the EBR, environmentally significant activities that would otherwise be subject to consultation under the EBR could be carried out without EBR public consultation or EBR appeal rights.
Endangered Species Act, 2007 (to be repealed and replaced with the *Species Conservation Act, 2025*)[1]	Amendments to the Act removed the requirement to develop recovery strategies, management plans and government response statements for species at risk. The amendments also repealed the provision of the Act that governed permitting for activities that would harm species at risk, including permits that were subject to the EBR. The new Act will implement a "registration-first approach," with permits needed only in prescribed circumstances. As recovery strategies, management plans and government response statements are no longer required, the public will only be entitled to be consulted under the EBR about the government's intended actions to recover particular species at risk if the Ministry chooses to make policy proposals for such actions. Further, the repeal of the permitting provision of the Act means that the public no longer has the EBR right to be consulted about individual activities that could harm species at risk.[2]

Regulations under the *Environmental Protection Act* regarding the Environmental Activity and Sector Registry (EASR)	The EASR allows specified activities and sectors to operate without obtaining certain individual environmental approvals normally required under the Environment Ministry's approvals framework. Instead, proponents must register the activity and follow rules set out in a regulation. Unlike individual approvals, the public does not need to be consulted under the EBR about EASR registrations. Over the years, the Environment Ministry has transitioned environmental approvals for several activities and sectors from the individual approval approach to the EASR framework. In 2025, the Environment Ministry filed regulations transitioning certain waste and stormwater management systems, as well as water takings for construction site dewatering activities, from requiring individual approvals to registration under the EASR. As a result, the public no longer has EBR consultation or appeal rights related to these activities.

1. Resulting from Bill 5, *Protect Ontario by Unleashing Our Economy Act, 2025*, which passed in the Legislature on June 4, 2025.
2. On September 26, 2025, the Environment Ministry posted a notice on the Registry proposing, among other things, to exempt all permits and orders issued under the *Species Conservation Act, 2025* from the EBR's public consultation requirements. The public consultation period ended on November 10, 2025. At the time of finalizing our audit, the Ministry had not made a decision about this proposal.

Appendix 8: Some Environmentally Significant Decisions Made by Ministries or Entities Not Currently Prescribed Under the EBR

Prepared by the Office of the Auditor General of Ontario

Ministry/Entity Not Currently Prescribed	Affected Act, Regulation, Policy or Instrument	Environmentally Significant Decisions That Were (Or Would Be) Made Without Public Consultation
Finance[1]	*Protecting Against Carbon Taxes Act, 2024*	Restricts the government's ability to establish a carbon pricing program. The government would need more than 50% voter approval through a referendum to do so.
	Assessment Act	Decisions under the Act can influence land-use decisions by, for example, including incentives for landowners in the Conservation Land Tax Incentive Program to protect provincially important natural areas.
Citizenship and Multiculturalism[2]	*Ontario Heritage Act*	In 2022, the Ministry of Citizenship and Multiculturalism became responsible for the majority of the *Ontario Heritage Act*, which is a prescribed act under the EBR. Because the Ministry is not prescribed, the public cannot exercise their EBR rights related to the Act.
Attorney General[3]	*Accelerating Access to Justice Act, 2021* (Bill 245)	The Act made amendments to other legislation, including the following changes that had potentially significant environmental implications: • changes to procedures that affect public participation in hearings on environmental matters under several prescribed laws administered by the Environment, Energy and Mines, and Agriculture Ministries; and • repealed provisions in several EBR-prescribed acts that permitted an appeal of a tribunal decision to the Minister on grounds other than a question of law.
Conservation Authorities[4]	*Conservation Authorities Act*	In 2022, the Natural Resources Ministry, which is responsible for administering the *Conservation Authorities Act,* denied an application for investigation into alleged violations of the conditions of a development permit because it does not have jurisdiction to enforce development permits, which are issued by conservation authorities. Development permits are required to authorize development activities in flood- or erosion-prone areas.

Ministry/Entity Not Currently Prescribed	Affected Act, Regulation, Policy or Instrument	Environmentally Significant Decisions That Were (Or Would Be) Made Without Public Consultation
Metrolinx[5] (Crown agency under the Ministry of Transportation)	Regional Transportation Plans	Metrolinx is responsible for developing regional transportation plans for the Greater Toronto and Hamilton Area, which have significant impacts on climate change and air quality.
Ontario Energy Board[5]	Energy Policies	The Ontario Energy Board is responsible for developing environmentally significant policies that contribute to a sustainable and reliable energy sector.

1. 2024 report on the Operation of the *Environmental Bill of Rights, 1993*.
2. 2023 report on the Operation of the *Environmental Bill of Rights, 1993*.
3. 2021 report on the Operation of the *Environmental Bill of Rights, 1993*.
4. 2022 report on the Operation of the *Environmental Bill of Rights, 1993*.
5. 2020 report on the Operation of the *Environmental Bill of Rights, 1993*.

Appendix 9: Some Environmentally Significant Regulation Decisions Made by Prescribed Ministries that Did Not Require Public Consultation Under the EBR

Prepared by the Office of the Auditor General of Ontario

Prescribed Ministry	Act Not Prescribed under the EBR	Environmentally Significant Decision[1]
Agriculture[2,3]	*Drainage Act*	In 2020/21, the Agriculture Ministry made a regulation to implement changes to the approval process for minor improvements to drainage works, update design changes to an approved drain and adopt an existing protocol for drain maintenance and repair.
Transportation[2,3]	*Highway Traffic Act* Not prescribed under the EBR except section 75.1 related to vehicle emissions	In 2020/21, the Transportation Ministry proposed a new approach to regulating different sizes and styles of power-assisted bicycles, known as "e-bikes." Other proposals were related to the use of high-occupancy vehicle lanes, speed limits and alternative vehicle use.
Energy and Mining[2,3]	*Electricity Act, 1998*	In 2020/21, the Energy and Mining Ministry made several proposals related to regulations for efficiency standards for products, changes to framework for long-term energy planning and changes affecting renewable energy projects.

1. Although the relevant ministries voluntarily consulted on these proposals, leaving these acts unprescribed under the EBR means that the ministries can choose not to consult the public before making environmentally significant decisions, and can choose not to consider their SEVs or public comments when making their decisions.
2. 2021 report on the Operation of the *Environmental Bill of Rights, 1993*.
3. 2023 report on the Operation of the *Environmental Bill of Rights, 1993*.

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