



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

January 13, 2026

# PED25181(a)–

City of Hamilton Staff Comments in Response to Proposed Regulations Under Bill 5,  
Protect Ontario by Unleashing Our Economy Act, 2025

Presented by: Scott Turnbull

# Background

## Bill 5, Protect Ontario by Unleashing Our Economy Act, 2025

- On April 17, 2025, the province introduced *Bill 5, Protect Ontario by Unleashing Our Economy Act, 2025*. Bill 5 received royal assent on June 5, 2025.
- Bill 5 includes amendments to 8 different Acts including: the *Electricity Act, 1998*, *Endangered Species Act, 2007*, *Environmental Assessment Act, 1990*, *Environmental Protection Act, 1990*, *Mining Act, 1990*, *Ontario Energy Board Act, 1998*, *Ontario Heritage Act, 1990*, and *Rebuilding Ontario Place Act, 2023*.
- Bill 5 introduced two new Acts, the *Special Economic Zones Act, 2025* and the *Species Conservation Act, 2025*.
- Staff submitted comments to the Province on Bill 5 which were endorsed by Planning Committee on July 8, 2025. A motion in opposition to Bill 5 was also adopted at that meeting.

# Background

## Bill 5 – Environmental Registry of Ontario (ERO) Postings

- Four Environmental Registry of Ontario (ERO) Postings were released in October 2025 seeking public feedback on additional regulations, amendments, and guidance to implement components of Bill 5.
- The Four ERO Postings impact the *Species Conservation Act, 2025*, the *Special Economic Zones Act, 2025*, and the *Ontario Heritage Act, 1990*.
- Staff-level comments on the ERO were submitted to the Province in November 2025 ahead of the Provincial deadline and included comments from the City's:
  - Indigenous Relations Office
  - Planning Division
  - Economic Development Division
  - Public Works Department

## Developing Guidance on Section 16 Activities Under the Species Conservation Act, 2025

- The Province requested input on proposed guidance to support Section 16 of the *Species Conservation Act, 2025*.
- The Province requested input on existing policies, priority guidance components, species groups needing detailed habitat guidance, and additional recommendations.

### Summary of Staff Comments:

- Concerns raised with narrowing definition of “habitat”. Recommendation to reinstate the previous definition to support biodiversity goals.
- Emphasis on science-based habitat guidance for all species to enable equitable, clear and transparent habitat guidance.
- Request for clear guidance on the application of the “adverse impact” test and meaningful consultation with Indigenous Communities and municipalities.

## Proposed Legislative and Regulatory Amendments to Enable the *Species Conservation Act, 2025*

- The Province requested comment on new regulations and amendments intended to implement the Species Conservation Act, 2025.
- The regulations identify protected species, outline requirements for registered and permitted activities, identify exceptions, and set out transition rules from the Endangered Species Act, 2025.

### Summary of Staff Comments:

- Staff have concerns that the proposed list regulation omits certain species resulting in inequitable and insufficient protection that could accelerate biodiversity loss.
- Emphasized the value and services provided by natural assets.
- Need for clearer impact assessment and monitoring guidance.

## Proposed Special Economic Zones Act Criteria

- The Province consulted on a proposed regulatory framework outlining criteria for designating special economic zones, projects, and proponents under the *Special Economic Zones Act, 2025*.
  - **Zone Criteria:** Single area no larger than necessary to support current or proposed activities of economic or strategic importance.
  - **Project Criteria:** Likely to succeed and deliver significant economic and community benefits.
  - **Proponent Criteria:** Strong compliance track record and ability to engage and successfully work with Indigenous Communities.

### Summary of Staff Comments:

- General support for timely action to support the economy.
- Proposed criteria should consider full range of factors (environmental, social, and economic).
- Limit to implementable projects that cannot proceed through standard approvals.
- Emphasis on fairness, transparency, and consistency, including enhanced Indigenous, community, and municipal consultation.

## Proposed Archaeology Exemption Regulation Under the Ontario Heritage Act, 1990

- The Province sought feedback on a proposed regulation to support the implementation of amendments to the *Ontario Heritage Act, 1990* introduced through Bill 5, *Protect Ontario by Unleashing our Economy Act, 2025*.
- The regulation proposes criteria to exempt properties from archaeology related requirements and includes measures to support continued protection of significant archeological and cultural sites.

### Summary of Staff Comments:

- Support for limiting exemptions for archaeological and burial sites, and the requirement to notify indigenous communities.
- Support for considering archaeological potential before granting exemptions, with further clarity needed on the Minister's exemption process and the role of the City.
- Concern that exemptions for economic or strategic activities could impact unidentified archaeological resources.





Hamilton

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THE CITY OF HAMILTON PLANNING COMMITTEE