
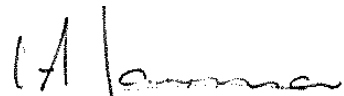




COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	May 14, 2025
SUBJECT:	Section 16 Order Requests Filed for Environmental Assessments (ENG2502) (Wards 6, 7, 8, 11, 12, 13, and 14)
WARD(S) AFFECTED:	Wards 6, 7, 8, 11, 12, 13, and 14
SUBMITTED BY: SIGNATURE:	Ed English Acting Director, Engineering Services Public Works Department 
SUBMITTED BY: SIGNATURE:	Ashraf Hanna Director, Growth Management Planning & Economic Development Department 

Introduction

On January 14, 2025, the City received notice from the Ministry of Environment Conservation and Parks (“Ministry”) that Section 16 Order requests had been filed for four (4) Municipal Class Environmental Assessment projects: Rymal Road (Upper James Street to Dartnall Road); Garner Road (Wilson Street to the Highway 403 off-ramp); Safari Road (Kirkwall Road to Valens Road); and, Airport Employment Growth District Transportation Master Plan Update.

A Section 16 Order request (previously known as a Part II Order request) is a request from an individual, or party, for the Minister of Environment, Conservation and Parks to review a Municipal Class Environmental Assessment project if there are outstanding concerns tied to constitutionally protected Aboriginal rights and treaties, or if there is a belief “that an Order may prevent, mitigate, or remedy this impact” (per the Ministry of Environment, Conservation and Parks’ website).

Section 16 Order Request Process

In the context of Municipal Class Environmental Assessments, Section 16 Orders can only be requested for Schedule B or C projects or for specific projects identified in Master Plans that fulfil the requirements of a Schedule B or C project.

Typically, a Section 16 Order request is sent to both the Proponent and the Ministry and includes minimum information as set out by the province (e.g. basis for request, goal of request, etc.). Once a Section 16 Order is submitted, the project cannot proceed to implementation (design and construction) until a decision is issued by the Minister. Through the review of the project, the Minister can: 1) deny the Section 16 Order request; 2) allow the project to continue after certain conditions are met (e.g. completion of additional technical work); 3) require that the project goes through a mediation process; or, 4) can elevate the project to require that an Individual Environmental Assessment be completed (instead of following the Class process).

Requests are typically submitted after the Notice of Completion is circulated and during the 30-Day Review Period. If no Section 16 Order requests are received, the project can proceed with implementation at the completion of the 30-Day Review Period.

Section 16 Order Requests Received

The Section 16 Order requests received on January 14, 2025 are slightly unconventional. Three of the four requests (Rymal Road, Garner Road, and Safari Road) were received for ongoing projects that had not issued a Notice of Completion. Since the receipt of the requests the Notice of Completion has been issued for Rymal Road.

The fourth request is for the Airport Employment Growth District Transportation Master Plan Update. With this request, there are three main concerns regarding the validity of the request: the request did not identify individual projects; none of the projects in the Master Plan Update fulfilled enough requirements to qualify for a Section 16 Order Request (i.e., the completion of Schedule B or C requirements); and the Master Plan Update already completed the 30-Day Review Period and resolved any concerns received in Q2 2024.

For all projects identified in the requests, correspondence from the Ministry to date has not supplied the information typically required through the Section 16 Order process, including the reason for the request and the desired outcome. Staff have requested this additional information, and communications are ongoing with the Ministry.

Impacts on City Projects

In correspondence received by the City on January 21, 2025, the Ministry confirmed that the ongoing projects – Rymal Road, Garner Road, and Safari Road – can continue with the Municipal Class Environmental Assessment process but cannot proceed to detailed design until the Minister has issued a response.

Since the release of this clarification, the Rymal Road Environmental Assessment has issued the Notice of Completion and the 30-Day Review Period ended on May 6th, 2025. A response from the Ministry is anticipated, project impacts are not yet clear; further updates will be provided when there is an anticipated path forward.

At this time, there are no schedule or budget impacts for Garner Road and Safari Road, but this may change when specific details are provided by the Ministry.

For the Airport Employment Growth District Transportation Master Plan Update, there are currently three separate City-led and one developer-led Class EA projects underway as directed by the Master Plan and no further direction has been received for these projects at this time.

Next Steps

Staff will proceed with the environmental assessments as planned, and are currently awaiting additional direction from the Ministry. No timelines have been provided by the Ministry as to when the Minister's decisions can be expected. Once more information becomes available and should there be impacts (schedule, budgetary and/or scope) to any of the projects, additional communications will be provided.

APPENDICES AND SCHEDULES ATTACHED

None