

Hon. Laurie Scott, MPP (Haliburton—Kawartha Lakes—Brock)

Chair, Standing Committee on Heritage, Infrastructure and Cultural Policy
Legislative Assembly of Ontario
Queen's Park, Whitney Block, Room 1405
Toronto, Ontario
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Sent via email: schicp@ola.org

May 1, 2026

Dear Ms. Scott and Committee Members,

We write to you on behalf of the Council of Canadians, urging you to take an unequivocal position: oppose Bill 98 and call for the full repeal of the Ford government's Water and Wastewater Public Corporations Act, 2025.

Water is not a commodity nor a resource. Water pre-dates human systems in natural law, and through hard-won advocacy, was enshrined as a human right and a commons. Water belongs in the public trust, and is a sacred component to life that Ontarians have built, paid for, and depended upon across generations. What the Ford government has constructed through this legislation — and now seeks to entrench through Bill 98 — is a privatization framework in public-interest clothing. We urge this committee to name it plainly and reject it forcefully.

The corporate form is the problem

The government has insisted this is not privatization because shares in the proposed water corporations will be held by governments or their agents if Bill 98 is adopted. But this framing misunderstands — or deliberately obscures — how privatization works. A legal opinion commissioned by CUPE Ontario and authored by Simon Archer of Goldblatt Partners LLP (March 2026) confirmed what critics have long argued: the word "public" in the Act's name carries no legal weight.¹ The legislation does not mandate public ownership, and grants the Minister of Municipal Affairs and Housing broad discretionary power over who may own these corporations — with no limit, in the law as written, on who that may be.

As legal scholar Joel Bakan has long documented, once the corporate form is in place, its institutional logic — the legal obligation to prioritize the creation of wealth for shareholders — will assert itself regardless of the initial stated intent. When put in charge of public services, corporations' institutional imperatives cannot align with ensuring citizens have equal access to potable water.

We already see this pattern in the disproportionate burden of water insecurity borne by Indigenous and Black communities across so-called Canada — a disparity well-documented by researchers including Ingrid Waldron and in successive federal reports on First Nations drinking water advisories.

The corporate form and the public good are, in this sense, structurally incompatible. What has been paid for by Ontario's people through public taxation should be governed by Ontario's people through democratic institutions — not managed by appointed boards operating under corporate mandates.

A telling sign of the government's true intentions can be found in a consultation notice posted on the Environmental Registry of Ontario, which proposes prohibiting the transfer of water and wastewater debt from Peel Region to the new corporation — while creating new regulation-making authority for the province to address all matters of debt in the future. This is a classic privatization manoeuvre: socialize the liabilities and position the corporation to capture the profits.

There is a better way forward

There is straightforward, much more effective alternative: the provincial government should fund water and wastewater infrastructure directly, through existing mechanisms such as the Ontario Community Infrastructure Fund — not through third-party corporations, debt financing schemes, or private sector arrangements of any kind. The basic function of government is to raise revenue for what people collectively need, and water infrastructure is exactly that. At a moment of compounding climate and public health crises, water infrastructure is not a line item to be handed to the private sector — it is the foundation everything else depends on.

One avenue the Standing Committee on Heritage, Infrastructure and Cultural Policy could champion with broad public support is a wealth tax on Ontario's multi-millionaires and billionaires to fund the upgrading of old and building of new water pipes, filtration facilities, and sewage treatment plants. Recent public opinion research indicates a strong appetite for this approach amongst voters.

Repeal, not reform

We recognize that Bill 98 includes provisions the government describes as safeguards — language purporting to maintain public ownership and restrict asset transfers. We are not reassured. These amendments do not remove the corporate structure; they dress it up. The appropriate legislative response is not to patch a flawed framework but to dismantle it. Since the Ford government's water corporations act is so new and hasn't been used yet, undoing this inherently flawed law is still simple.

There is precedent for this. In 2022, the Ontario legislature passed Bill 35, the Keeping Students in Class Repeal Act, which repealed the Keeping Students in Class Act, 2022 and deemed it to have never been in force. The same mechanism is available here. We urge members of provincial parliament (MPPs) to advance repeal of the Water and Wastewater Public Corporations Act, 2025 as official policy and to make clear that no amount of amendments or regulatory tinkering renders the underlying framework acceptable.

A moment that calls for clarity

The Ford government's water corporations legislation is not an isolated policy decision. It is part of a consistent pattern — evident across Bills 5, 33, 60, 68, 97, and now 98 — of centralizing power in the executive branch, reducing democratic oversight, and opening public assets to private interests under the cover of administrative modernization. This is not protecting Ontario from Donald Trump; it is mimicking him. The de-democratization of public water governance is, historically, step one in the privatizers' playbook. As elected representatives of the people, we urge you to stop this de-democratization.

Maude Barlow, former senior advisor on water to the president of the United Nations general assembly, has long observed that the threats to public water never arrive all at once. They are incremental, procedural, and dressed in the language of efficiency or innovation. The best moment to stop this privatization is before the infrastructure is gone.

We stand ready to support all MPPs in presenting a clear and compelling public water platform that does not involve business corporations. We recommend that you oppose Bill 98 in its current form, commit to repealing the Water and Wastewater Public Corporations Act, 2025, and champion direct provincial investment in water infrastructure as the only path consistent with water as a public good.

Thank you for your attention and your service to Ontarians.

In solidarity,



Jessica Cheung
Water and Climate Campaigner
Council of Canadians



Maude Barlow
Co-Founder, Council of Canadians
Former Senior Advisor on Water, United Nations General
Assembly

cc:

Marit Stiles, MPP (Davenport), Leader of the Official Opposition
Jeff Burch, MPP (Niagara Centre), Critic, Municipal Affairs and Skilled Trades
Jennifer French, MPP (Oshawa), Critic, Infrastructure
Peter Tabuns, MPP (Toronto–Danforth), Critic, Environment, Conservation and Parks
Jessica Bell, MPP (University–Rosedale), Critic, Finance and Treasury Board
Members of the Keep Water Public Coalition (ACORN, CAPE, CUPE Ontario, Ontario Nature)

¹ Simon Archer, Goldblatt Partners LLP, legal opinion commissioned by CUPE Ontario, March 2026. Reported in: CUPE Ontario, "Damning legal opinion challenges Ford Conservatives' claims about water privatization" (March 13, 2026); Environmental Defence, "New legal opinion confirms Ontario's slippery slope toward water privatization" (March 13, 2026); The Trillium, "Union's legal review challenges Ontario's promise that water corporations will be publicly owned" (March 12, 2026).