



**Grand River Conservation Authority
Addendum - General Meeting**

Friday, December 18, 2020

9:30 a.m.

GRCA Zoom Virtual Meeting

Link to be distributed via email prior to meeting

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9. Presentations	
<i>a. Conservation Areas Year End Update</i>	
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12. Reports:	
<i>a. GM-12-20-94 - Chief Administrative Officer's Report - Update on Bill 229: Protect, Support and Recover from COVID-19 (Budget Measures)</i>	3
THAT Report Number GM-12-20-94 –Amendments to the Conservation Authorities Act through Bill 229 be received as information.	

December 15, 2020

SENT VIA EMAIL

Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Re: Township of Guelph/Eramosa Council Resolution - Bill 229

To The Hon. Doug Ford,

At the regular meeting of Council held on Monday December 7, 2020, the following resolution was put forward and passed:

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act – Schedule 6 – Conservation Authorities Act;

AND WHEREAS the Legislation introduces a number of substantial changes and new sections that will remove and/or significantly hinder the conservation authorities' role to manage watershed natural resources and ensure people and property are safe from natural hazards;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value and rely on the conservation authorities' critical role to mitigate the serious risks that natural hazards like flooding pose to people's lives and property; and municipalities value and rely on the conservation authorities' essential work to ensure safe drinking water.

THEREFORE BE IT RESOLVED THAT the Council of the Township of Guelph/Eramosa support the position of the Grand River Conservation Authority regarding Bill 229;

AND THAT the Province of Ontario work with conservation authorities and municipalities to address these concerns by repealing and/or amending Schedule 6 of Bill 229 and the changes to the *Conservation Authorities Act* and the *Planning Act* to address these concerns;

AND THAT the Province of Ontario delay enactment of clauses affecting municipal concerns and provide at minimum an 18-24 month transition period so that changes

Jenni Spies
Deputy Clerk

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can be appropriately incorporated into both municipal and conservation authority budgets;

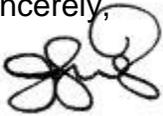
AND THAT the Province respect the conservation authority/municipal relationships;

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their important watershed management role;

AND THAT this resolution be forwarded to the Premier, the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing, and Finance, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association.

Please accept this for your information and any necessary action.

Sincerely,



Jenni Spies
Deputy Clerk

- c.c. Minister of Environment Conservation and Parks (via email)
- Minister of Natural Resources and Forestry (via email)
- Minister of Municipal Affairs and Housing (via email)
- Minister of Finance (via email)
- Association of Municipalities of Ontario (via email)
- Rural Ontario Municipal Association (via email)
- Town of Erin (via email)
- Township of Puslinch (via email)
- GRCA CAO Samantha Lawson (via email)

Grand River Conservation Authority

Report number: GM-12-20-94
Date: December 18, 2020
To: Members of the Grand River Conservation Authority
Subject: Amendments to the Conservation Authorities Act through Bill 229

Recommendation:

THAT Report Number GM-12-20-94 –Amendments to the Conservation Authorities Act through Bill 229 be received as information.

Summary:

On December 8, 2020, Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), which included amendments to the *Conservation Authorities Act* (Schedule 6), received Royal Assent. Grand River Conservation Authority (GRCA) submitted Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 to the Province and circulated it to watershed MPPs, watershed municipalities, AMO and ROMA.

Through the approval process of Bill 229, there were several amendments made to Schedule 6. Some of the concerns identified in GRCA’s submission were addressed; however, additional amendments were included that will further impact GRCA’s ability to review and issue permits under Section 28.

The Province has indicated that regulations to implement the Act will be forthcoming in early 2021. These regulations will be available for public input and consultation.

Report:

In Report Number GM-11-20-85, the proposed amendments to *Conservation Authorities Act* (CAA) through Schedule 6 of Bill 229 were identified and discussed. During the approval process for Bill 229, amendments were made that addressed some concerns identified in GRCA’s submission to Province; however, additional amendments were made (through Standing Committee) that were not included in the original package for Bill 229.

Bill 229 received Royal Assent on December 8th, 2020, including the revised Schedule 6. Many of the amended clauses to the CCA will be enacted at a future date; except for the new clauses related to Ministerial Zoning Orders (MZO) and some housekeeping amendments.

Future regulations to implement the CAA are anticipated to be released in the coming weeks. The Province has indicated that public input and consultation will be completed on the future regulations. Also, on December 16, the Province announced that they will

establish a working group to help with the implement of these legislative and regulatory changes. Currently, Hassaan Basit (President and CEO of Conservation Halton) has been identified as co-chair of the working group. Additional members of the working are to be announced in the coming weeks.

The following section of the report identifies at a high level the changes that were made to Schedule 6 following approval from the Standing Committee and later approved by Parliament. The report follows the same structure as GM-11-20-85.

1. Objects, Powers and Duties

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.

No change.

- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)

Amended to remove “subject to regulations”. This does not appear to address GRCA’s concerns as an additional clause was added under Section 40(3)(c) which allows the Minister to prescribes standards and requirements for Agreements for non-mandatory programs and services.

- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.

Amended to allow CAs to appeal Planning applications on natural hazard issues. As landowners, the Province has made a very limited amendment to enable CAs to appeal a decision on a consent application, made by the CA, to create a new lot on their property.

- Removal of power for CAs to expropriate lands for existing and future projects

No Change.

2. Regulatory

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.

No change.

- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the

Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).

No change.

- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.

No Change.

- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal directly to LPAT where the minister fails to make a decision within 90 days.

No Change.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

No Change.

There is now a new section granting permission for development and MZO's under Section 28:

28.0.1 (1) This section applies to any application submitted to an authority under a regulation made under subsection 28 (1) for permission to carry out all or part of a development project in the authority's area of jurisdiction if, (a) a zoning order has been made by the Minister of Municipal Affairs and Housing under section 47 of the Planning Act authorizing the development project under that Act; (b) the lands in the authority's area of jurisdiction on which the development project is to be carried out are not located in the Greenbelt Area designated under section 3 of the Greenbelt Act, 2005; and (c) such other requirements as may be prescribed are satisfied.

(1) Permission to be granted: (3) Subject to the regulations made under subsection (35), an authority that receives an application for permission to carry out all or part of a development project in the authority's area of jurisdiction shall grant the permission if all of the requirements in clauses (1) (a), (b) and (c) are satisfied.

Same: (4) For greater certainty, an authority shall not refuse to grant permission for a development project under subsection (3) despite, (a) anything in section 28 or in a regulation made under section 28; and (b) anything in subsection 3 (5) of the Planning Act.

Agreement: (17) An authority that grants permission for a development project under this section shall enter into an agreement with respect to the development project with the holder of the permission and the authority and the holder of the permission may agree to add a municipality or such other person or entity as they consider appropriate as parties to the agreement.

Contents of agreement: (18) An agreement under subsection (17) shall set out actions or requirements that the holder of the permission must complete or satisfy in order to compensate for ecological impacts and any other impacts that may result from the development project.

These new amendments to Section 28 regarding development permits and MZO raise concerns. Through these changes section 28.0.1(4) requires a CA to issue a permit regardless of whether it complies with provincial/CA regulation/policy. This changes have raised questions and concerns regarding professional standards and liability when a CA is required to issue a permit that does not meet regulation/policy. These new clauses do allow a CA to attach conditions to the permit. However, the applicant still has the ability to appeal these conditions to the Minister.

In addition, there is a requirement under these new clauses for the CA to enter into a compensation agreement for the permitted impact on the regulated feature(s). This is a fundamental change in the approach to development approvals for CAs and there are concerns that some of the permitted impacts can not be adequately compensated for and/or mitigated.

3. Enforcement

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

Amended to allow stop work orders with set conditions around its use and can be appeal to the Minister or prescribed body. Will be enacted at a future date.

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant.

No change.

4. Governance

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
 - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality's own councillors only S.14 (1.1)

Amended to require at least 70% of the appointees be municipal councillors. The municipality can apply to the Minister to have that percentage reduced; the decision is at the Minister's discretion (including adding any conditions or restrictions).

- Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).

Amended to clarify and limit the voting powers of an agricultural representative appointed as a member of a Board by the Minister. Agriculture members cannot vote on enlarging, amalgamating or dissolving an authority or on any budgetary matter.

- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

Minor amendments to provide additional detail on amendment (1.1) on the Terms of chair, vice-chair. The new clauses (1.2) to (1.3) provide additional rules for appointment of Chairs and Vice Chairs and the option for a CA or municipality to request the Minister's permission to vary from the rules.

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

Amended to the duty of members (14.1) to the original wording; "act... with a view to furthering the objects of the authority"

Conclusion

The amendments to the Act still include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process; this timeframe has not changed.

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services.

Most of the amendments proposed would be implemented through new or amended regulations or policies. The GRCA has contacted MECP and MNRF to offer assistance and technical expertise on any working groups/technical committees established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

It is also important to acknowledge the significant response and support GRCA has received from the public, watershed municipalities and other watershed partners throughout this process. It has demonstrated the importance of, and need for GRCA's programs and services in the Grand River watershed.

Financial implications:

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

Other department considerations:

N/A

Prepared by:

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Chief Administrative Officer