

Senior Management Team

Conservation Authorities Act Update

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February 25, 2021

Bill 229: Schedule 6, CA Act Amendments

- *CA Act and Planning Act* amended - Royal Assent, December 8, 2020
- No changes to purpose of *CA Act* - (0.1) *...to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario*
- TRCA supported enhanced transparency and accountability (in keeping with current practice and service levels)
- Most of the amendments made through Bill 229, or amended previously via Bill 108 (2019) and Bill 139 (2017) not yet in effect and subject to future enabling regulations
 - Some exceptions – CA permit for Minister's Zoning Order (MZO) proclaimed upon Royal Assent; other changes recently proclaimed on Feb 2, 2021

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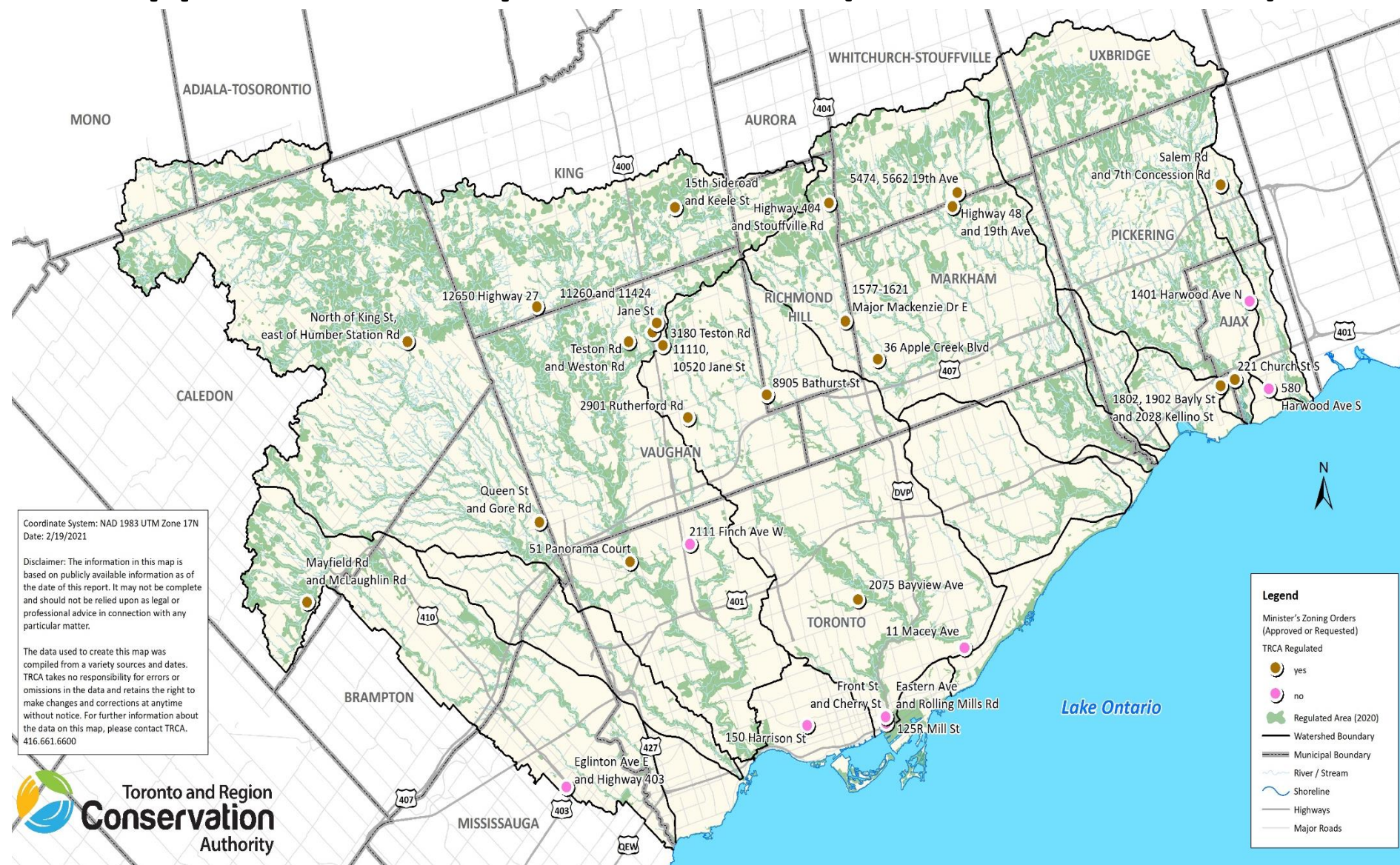
Provisions Proclaimed February 2, 2021

- Housekeeping /administrative
 - clarifying Minister means MECP
- Government requirements
 - Recognizing existing Aboriginal and treaty rights
 - enabling Minister to delegate powers to MECP staff
- Governance
 - changes to CA municipal membership requirements and chair/vice-chair term limits – Minister may grant exceptions
 - Minister can appoint member from agricultural sector; limited voting rights
 - transparency/accountability requirements
 - minor amendments to “powers of authorities” (e.g., integrated CA power to “cause research to be done” with power to “study and investigate the watershed”; consent requirements before CA staff can enter land; removed power of CA to expropriate land)
- Minister’s Powers
 - Enabling Minister to issue binding directive to a CA after investigation

CA Working Group

- **CA Working Group** to provide input on development of proposed regulations under the CA Act.
 - Looking at the first phase of proposed regulations that impacts CAs and their participating municipalities.
 - Chair: Hassaan Basit (HRCA); members: CAs (TRCA – John, Laurie, Sameer), CO, AMO, municipalities, development, agriculture sectors
 - Michael will be engaged on municipal finance matters and other TRCA subject matter experts may be engaged on specific issues
- **Stakeholder/public consultation** (in the coming weeks), on regulatory proposals for CA programs and services:
 - mandatory programs and services
 - municipal agreements for funding
 - development regulation (s.28 permitting)
 - requirement for CA community advisory boards
 - Minister's regulation on operation / management of CA-owned lands (s.29)

Approved or Requested MZO's (TRCA Jurisdiction)



MZOs in TRCA's Jurisdiction – Our Approach

- Report to Board of Directors (Feb 26) - status of MZOs and TRCA's approach to reflect new framework
 - 30 MZOs approved by Minister or requested by municipal councils since 2020 (20 in TRCA's Regulated area)
 - Of these, 22 were issued by the Minister; 4 await Minister's decision; 2 deferred by municipal councils; 2 refused by Minister
- TRCA is proactively advising partnering municipalities, applicants, and the Province of any policy, technical or regulatory issues where MZO requests are known
- TRCA is aware of other potential MZOs that may be considered by councils later this Spring and is actively tracking for issued/potential MZOs
- TRCA will assess an MZO CA permit application in accordance with TRCA's Living City Policies, TRCA's Guideline for Determining Ecosystem Compensation and the applicable provisions of the CA Act

MZO CA Permits

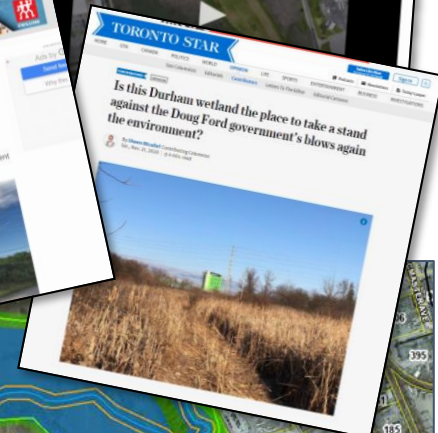
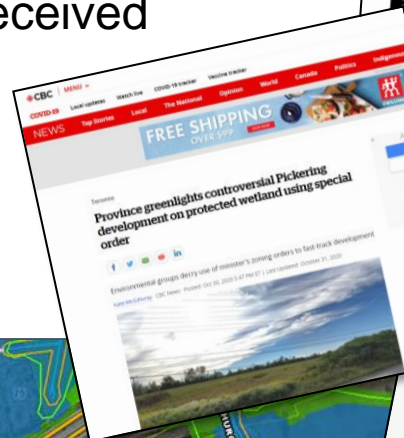
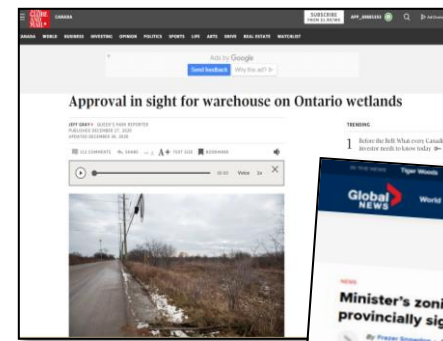
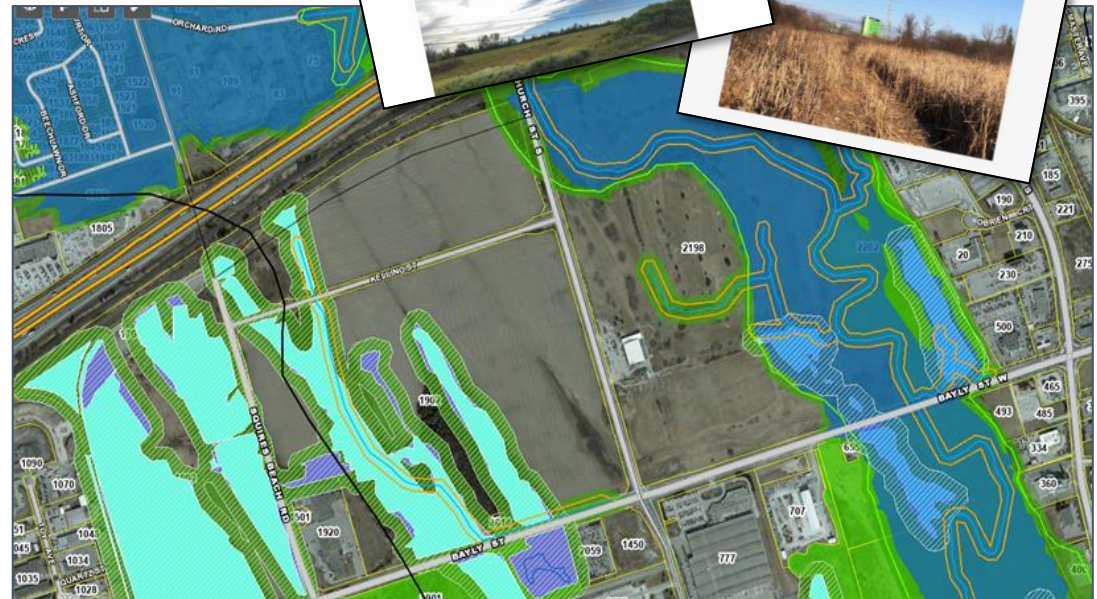
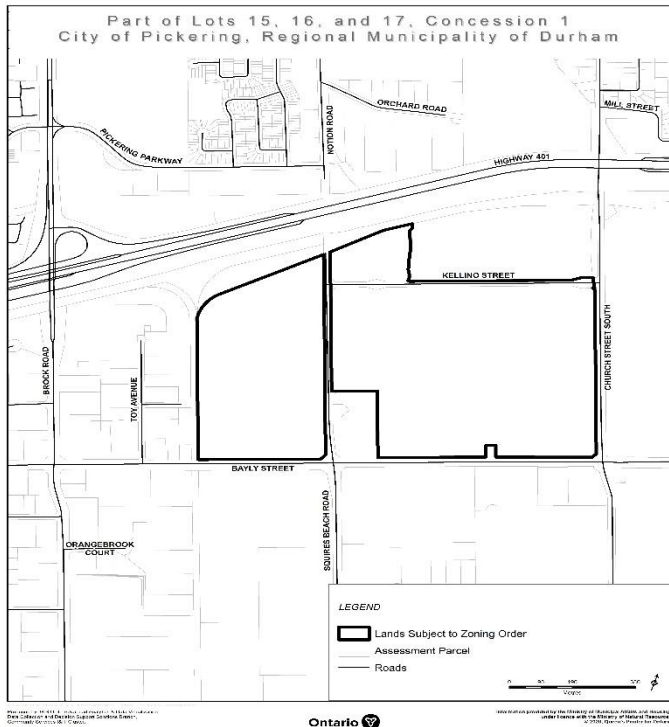
- **New Section 28.0.1**, where a development project has been authorized by an MZO under the *Planning Act*, outside of the Greenbelt:
 - CA shall issue a permit and may only impose conditions to the permit, including to mitigate (the tests)
 - any effects the development project is likely to have on the **control of flooding, erosion, dynamic beaches or pollution or the conservation of land**;
 - any conditions or circumstances created by the development project that, in the event of a natural hazard, might **jeopardize the health or safety of persons** or result in the **damage or destruction of property**; or
 - any other matters that may be prescribed by regulation. 2020, c. 36, Sched. 6, s. 15 (1).

MZO CA Permits Cont'd

- Applicant has the right to a Hearing before the authority (Board) if there is an objection to the permit conditions being imposed by the CA
- If the applicant still objects to conditions following a decision of the Hearing, the applicant has the option to either request a Minister's (MNRF) review or appeal to the LPAT. Following the decision to confirm, vary, remove or add permit conditions, the authority shall execute an agreement with applicant/owner
- All MZO-related CA permits must have an agreement with permittee (can include other parties, e.g., municipalities, on consent of applicant) that:
 - shall set out actions or requirements that the holder of the permission must complete or satisfy to compensate for ecological impacts and any other impacts that may result from the development project
 - must be executed before work commences on the site; some enforcement provisions through court proceedings in effect for MZO permits

Pickering MZO

- Legal action against Province
- Borehole testing permit issued
- Request for grading and site alteration received
- Strong media and stakeholder interest



Implications for SMT

Need for:

- Timely / almost immediate responses required (letters to municipal council and Province) once MZO is known
- Time sensitive advice (briefing/meeting notes) for Chair, CEO, CFOO and SLT in support of discussions with the Province, municipalities and landowners
- Briefing notes in support of media inquiries
- Coordinated communications via CFOO until new SM of Communications
- Intensive science-based work/negotiations to determine if net ecological benefit through agreement is possible where a *Planning Act* MZO is issued
- Work on new conditions for permits and provide input into agreements in a timely manner

Questions?