



Legislative Updates to the *Conservation Authorities Act* & How Your Municipality May Be Impacted

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Discussion Items

**1. Completion of the
Transition Period**

**2. Updates to the
*Conservation
Authorities Act***

**3. New Ontario
Regulation 41/24**

**4. Recent Provincial
Proposals
(Minister's Powers, Bill 185,
Proposed PPS)**

Working Together

The need to communicate & collaborate is fundamentally important.

Period of growth & change – both CAs & Municipalities share a goal of creating safe, healthy & sustainable communities.

Coordinate where possible – you may be interacting with more than one CA

- Contact CAs as early as possible — Consult and circulate early.
- Involve CAs in pre-consultation meetings.
- Reach out when uncertain – plenty of changes and new processes.



PART 1: Completion of the Transition Period





Background

CA Program & Service Categories

Category 1

Mandatory Programs and Services

Programs and services which all CAs must provide in their jurisdiction

Eligible for costs to be apportioned to participating municipalities (levy) without an agreement

Category 2

Municipal Programs and Services

Programs and services which a CA agrees to provide on behalf of a Municipality

Eligible for costs to be apportioned to participating municipality if there is an MOU or other agreement

Category 3

Other Programs and Services

Programs and services that a CA determines are advisable to provide to further the purposes of the Act

Eligible for costs to be apportioned wholly or partially to Municipalit(ies) through cost apportioning agreement



Conservation Authority Roles

Land Use Planning & Development

Commenting Role

Planning Act

Consistent with natural hazard policies (PPS) & conform with Provincial Plans

Source Water Protection

Significant drinking water threats & potential impacts to water resources

Regulatory Role

Conservation Authorities Act & O. Reg. 41/24

- Permits for otherwise “prohibited activities”
- Protect health and safety of persons & property damage
- Applicable law under the *Building Code Act*



PART 2:
Updates to the
Conservation Authorities Act





Conservation Authorities Act

Bills 139, 108, 229

Changes made through:

Bill 139 (2019)

Bill 108 (2020)

Bill 229 (2022)

- New permitting framework (prohibited activities specified in Act)
- Introduction of “mandatory programs and services” – includes risks of natural hazards
- New requirement for CAs to issue permit when MZO has been made and lands are not within Greenbelt
- Ability for Minister to review and make changes to CA permitting decisions
- Ability for Minister to take over CA permitting process

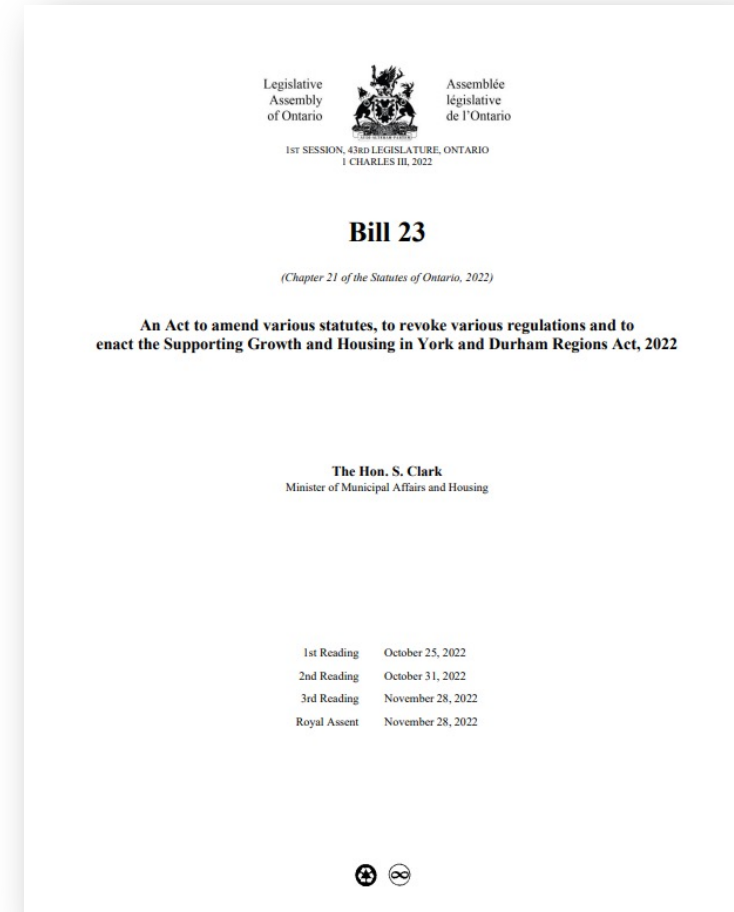
Conservation Authorities Act

Bill 23

Bill 23 (Nov 2022)

- Changes to the “tests” for CA permit applications
- Limiting ability for CA to provide municipal or other programs and services related to commenting on proposals under a “prescribed Act”

All changes required new and/or amended regulations or Minister’s direction to implement



Prescribed Acts O. Reg. 596/22

“Prescribed Acts” include:

- *Aggregate Resources Act*
- *Condominium Act*
- *Drainage Act*
- *Endangered Species Act*
- *Environmental Assessment Act*
- *Environmental Protection Act*
- *Niagara Escarpment Planning and Development Act*
- *Ontario Heritage Act*
- *Ontario Water Resources Act*
- *Planning Act*



Conservation Authority & Municipal Relationships

**All CAs implement
Mandatory (“Category 1”)
Programs and Services
(O. Reg. 686/21)**

**Continued support for
Municipalities to enter
into agreements with CAs
for select review /
commenting services**

**Ongoing dialogue
important for program and
service expectations**



PART 3:

Ontario Regulation 41/24

Prohibited Activities, Exceptions & Permits

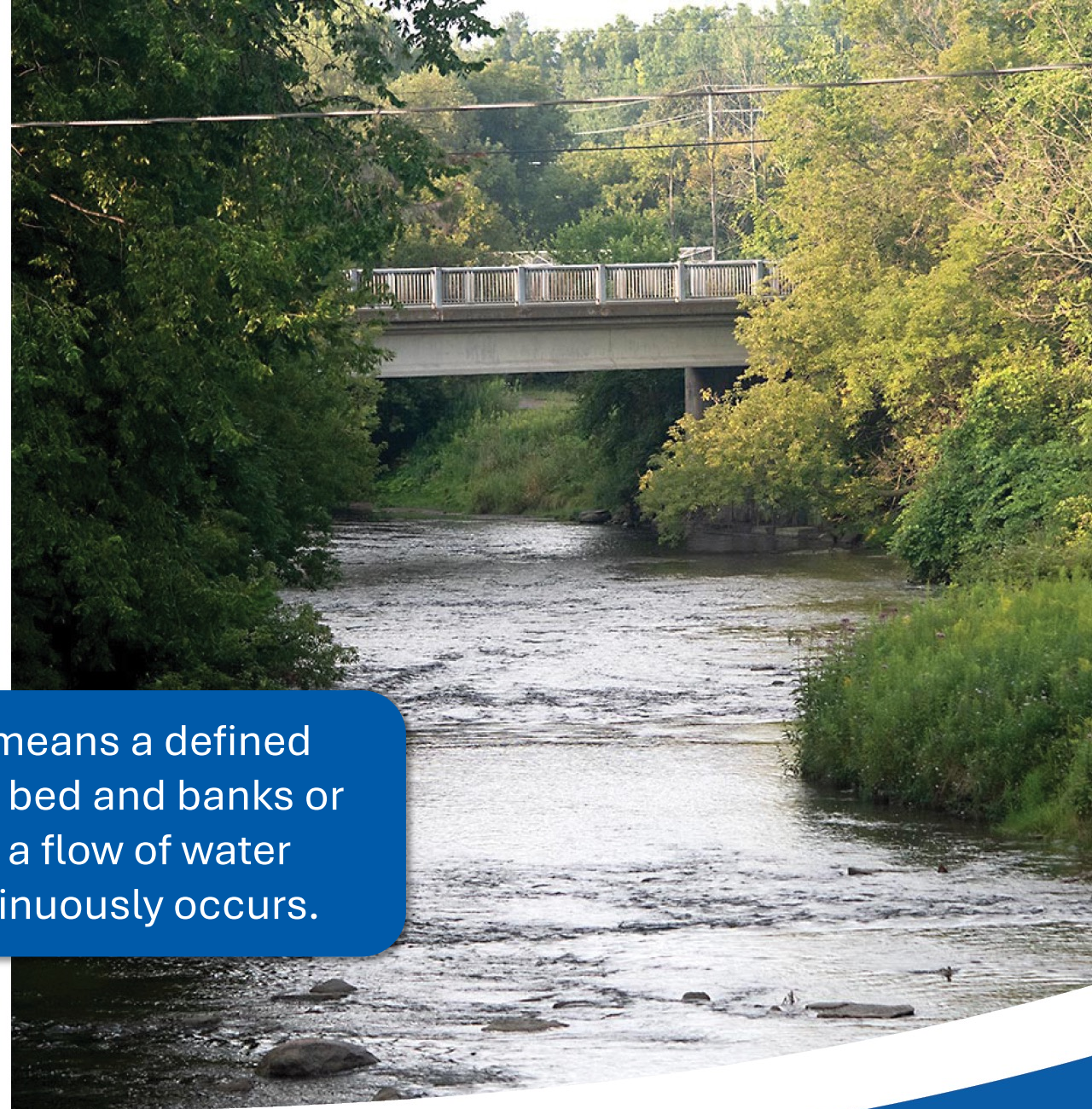








“Watercourse” means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.









Conservation Authority Permitting

Municipal Considerations

Building Permits: *CA Act* and regulations are “applicable law” under Ontario’s Building Code.

Pre-Submission Consultation: CA involvement in municipal pre-consultation provides early opportunity for CA to identify potential constraints and permitting needs.

Ontario Regulation 41/24

- Single regulation for all CAs
- Details for “prohibited activities” (e.g. applicable areas) in both CA Act and regulation.
- Requires CA mapping to be public, reviewed annually and updated
- Exceptions for select activities
- Changes to regulated areas (e.g. 30m around all wetlands)
- Administrative details (pre-consultation, complete application requirements, reviews)





Permit Application Details

Ontario Regulation 41/24

- **Pre-submission consultation** (*must be provided at applicant's request*)
- **Complete application requirements** (*submission requirements & applicable fee*)



Exceptions

Ontario Regulation 41/24

The Act does not apply to certain activities despite prohibitions in the Act and when undertaken in accordance with the regulation details.





Drainage Works

Ontario Regulation 41/24

- Exception for maintenance or repair of municipal drains conducted in accordance with the mitigation requirements set out in the *Drainage Act* and *Conservation Authorities Act* Protocol
- Implementation guidance prepared by CO and Drainage Superintendents Association of Ontario
- Where no permit is required, notification still provided to CA

Update on Conservation Authority Exceptions for the Drainage
Community Further to the Release of Ontario Regulation 41/24:
Prohibited Activities, Exemptions and Permits under the
Conservation Authorities Act



March 28, 2024

Considerations

Ontario Regulation 41/24

Development to be directed outside of natural hazard

Building Code “applicable law”

Continue positive communication and notification

Pre-submission consultation



PART 4: Recent Provincial Proposals & Decisions

Ministers Powers, Bill 185, Proposed PPS





Minister's Permit & Review

Under the *Conservation Authorities Act*

Minister's Review

- Applicant requests Minister review of a CA decision (*following permit refusal or approval with conditions*).
- Minister confirms intent to review and publish notice on ERO.
- Minister confirms or varies CA decision and can issue permit.

Minister's Permit

- Minister directs CA not to issue permit to person(s) for certain activities.
- If permit required, Minister assumes the role.
- Minister can apply **any conditions** they deem appropriate.

Minister's Decision Is Final

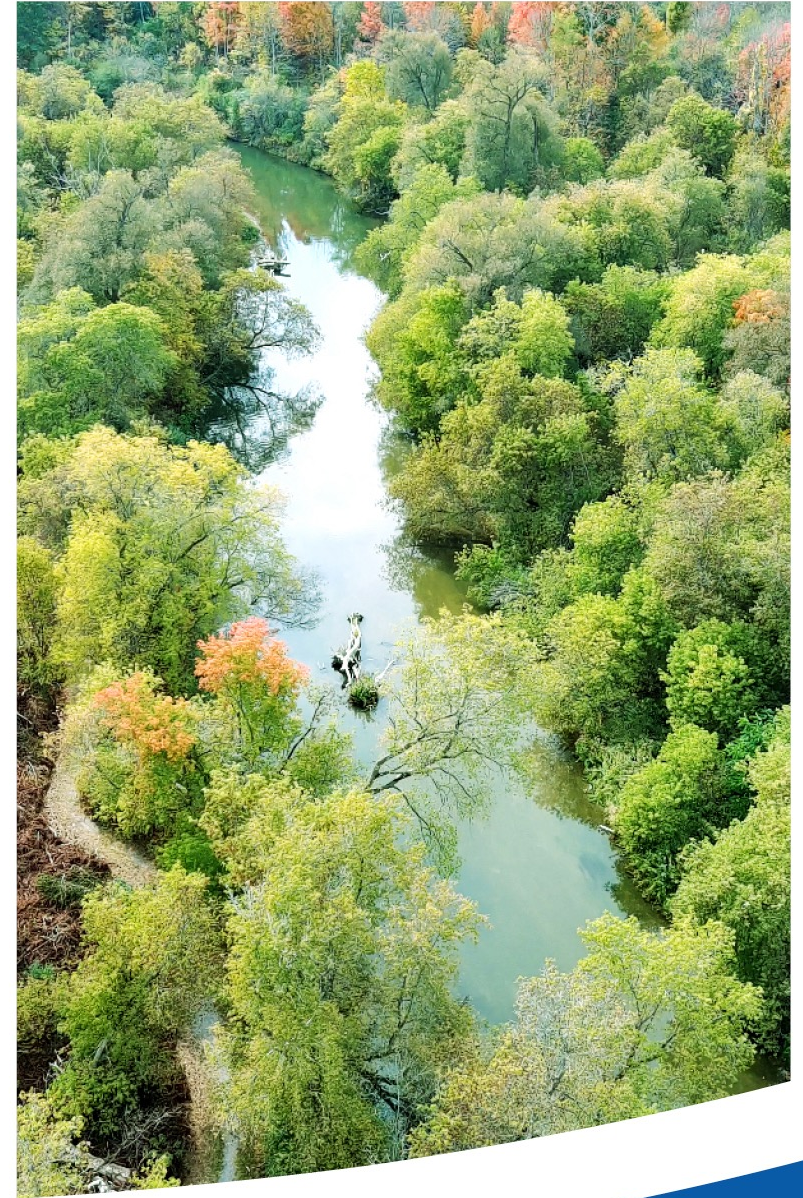


Proposed Regulation

Minister's Permit & Review Powers

Requests / petitions for Minister involvement (review or Minister's permit) would include:

- Indication of whether a local municipality has endorsed the project and the request for Minister's involvement





Bill 185 Overview

- Received Royal Assent on June 6, 2024
- Legislative amendments focused on accelerating development of new housing and infrastructure.



Schedule 12 outlines amendments to the *Planning Act* including:

Pre-Application
Voluntary (at Discretion
of Applicant)

Regulation-Making
Authority to Expedite
Approvals for Certain
Community Service
Facilities

Exempt University-Led
Projects from the
Planning Act

Enhanced Framework for
Additional Residential
Units



Bill 185

Common Goals

**Keeping people and
development safe**

**Having the right tools
to do the job**

**Respect for local
decision making**

Collaboration

Proposed Provincial Planning Statement

New references to collaboration between CAs and Municipalities

Vision

Province, municipalities and CAs work together to mitigate risks to public health and safety or property damage from natural hazards (including climate change)

Natural Hazards

Planning authorities will collaborate with CAs to identify natural hazards and hazardous sites and manage development in those areas.

Watershed Planning

All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.

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Questions?

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