

# Consequences of Bill 229, Schedule 6, Conservation Authorities Act

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Board of Directors' Meeting  
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**Lake Simcoe Region**  
conservation authority



Member of Conservation Ontario

# Chronology of Bill 229, Schedule 6

November 5	First Reading
November 17	Second Reading, debate
November 23	Carried, referred to Standing Committee
December 7	Third Reading, reported as amended, Order of the House
December 8	Third Reading, Carried Royal Assent

# Schedule 6: Main Areas of Concern

- Amendments to the *Planning Act* to remove CAs as public bodies,
- Concerns Related to Regulatory Changes,
  - Appeals of Section 28 Hearing Board Decisions to the Minister and/or to the LPAT.
  - Minister's Orders/ Minister's Powers.
  - Enforcement Clauses.
- Scoping of Non-Mandatory CA Programs,
- Changes to CA Governance

# Planning Act: Removal of Conservation Authorities as public bodies

There is no requirement for municipalities to circulate planning files and CAs do not have the ability to initiate LPAT hearings.

Status: **Partially Addressed**

- Amended changes to the Planning Act to allow for CA LPAT appeals regarding natural hazards,
- As a landowner appeals are limited to only when CA requesting a consent (creation of new lot).
- Previous concerns remain unchanged, cumulative impacts to watershed health remain an issue.

# Concerns Related to Regulatory Changes

The appeal processes proposed will significantly slow down the permitting process, creating delays, more red tape and additional costs.

Status: **Not Addressed – Additional Amendment**

- Introduced amendment associated with Minister Zoning Orders' which could force a conservation authority to issue a permit even if it goes against their provincially-delegated responsibility to protect people, infrastructure and the environment.
- Amendments which included new powers for the Minister to bypass conservation authorities and issue permits as well as curtailing the CAs' ability to appeal to the Local Planning Appeal Tribunal.

# Concerns Related to Regulatory Changes (continued)

Amendments limit our ability to enforce Section 28 such as reducing right of entry and repealing “stop work” orders will protect would be violators increasing the risk to people and property and environmental degradation.

Status: **Addressed**

- Enforcement officers may enter onto properties to investigate if landowners are in violation.
- The amendment to repeal the “stop work” tool was itself repealed allowing for officers witnessing violations of Section 28 regulations to issue stop work orders.

# Scoping of Non-Mandatory CA Programs

A fundamental principle of Conservation Authority's are the jurisdictional area does not follow political boundaries but natural watershed divides.

Status: **Not Addressed**

- Watershed planning is an integral to informed decision making, currently this is not a core mandatory program,
- This change undermines the ability of Conservation Authorities to identify the broader environmental and resource management issues facing our watersheds,
- It limits an Authorities ability to address watershed wide issues and the cumulative impact of change,
- Results in less informed decision making increasing the risk to people and property due to flooding, may result in negative impacts to the environment.

# Changes to CA Governance

The Province has changed the 'Duty to Members' section of the Conservation Authorities Act to have municipal representatives on CA Boards act in the interests of their own municipality rather than that of the conservation authority's.

Status: **Repealed**

- No longer contradicts the fiduciary duty of board members,
- Is not contrary to a recent recommendation by the Auditor General,
- Will not limit discourse on issues or result in decisions contrary to watershed interests.

# Moving Forward

Schedule 6 may require drafting of new regulation therefore it is recommended that:

- The Province collaborative with the Conservation Authorities to develop a transition plan, new guidance materials, and drafting of the regulations.
- 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 watershed management role.