

Board of Directors
Meeting No. BOD-11-20
Friday, October 30, 2020
9:00 a.m.

Agenda

Meeting Location:

To be held virtually by Zoom
Minutes and agendas are available at www.LSRCA.on.ca

Upcoming Events

Board of Directors' Meeting

Friday, November 27 at 9:00 a.m.
To be held virtually by Zoom

A full listing of events can be found at www.LSRCA.on.ca

I. Declarations of Pecuniary Interest

II. Approval of Agenda

Pages 1 - 4

Recommended: That the content of the Agenda for the October 30, 2020 meeting of the LSRCA Board of Directors be approved as presented.

III. Adoption of Minutes

a) Board of Directors

Pages 5 – 11

Included in the agenda is a copy of the minutes of the Board of Directors Meeting No. BOD-10-20 held on Friday, September 25, 2020.

Recommended: That the minutes of the Board of Directors Meeting No. BOD-10-20 held on Friday, September 25, 2020 be approved as circulated.

IV. Announcements

V. Presentations

a) Third Quarter Financial Summary and Forecast

Pages 12 - 21

General Manager, Corporate and Financial Services, Mark Critch, will provide an overview of the Lake Simcoe Region Conservation Authority's third quarter 2020 financial summary and forecast. This presentation will be provided at the meeting and will be available on our website following the meeting.

Recommended: That the presentation by General Manager, Corporate and Financial Services, Mark Critch, regarding the Lake Simcoe Region Conservation Authority's third quarter 2020 financial summary and forecast be received for information.

Included in the agenda is Staff Report No. 41-20-BOD regarding the Lake Simcoe Region Conservation Authority's third quarter 2020 financial summary and forecast.

Recommended: That Staff Report No. 41-20-BOD regarding LSRCA's Third Quarter Financial Report and Year-End Forecast for the period ending September 30, 2020 be received for information.

b) Progress Update: Carbon Reduction Strategy

Pages 22-24

General Manager, Integrated Watershed Management, Ben Longstaff, and Manager, Forestry and Greenspace Services, Phil Davies, will provide an update on the progress made on implementation of the corporate carbon reduction strategy.

Recommended: That the presentation by General Manager, Integrated Watershed Management, Ben Longstaff, and Manager, Forestry and Greenspace Services, Phil Davies, regarding the progress made on implementation of the corporate carbon reduction strategy be received for information.

Included in the agenda is Staff Report No. 42-20-BOD regarding an update on the corporate carbon reduction strategy.

Recommended: That Staff Report No. 42-20-BOD regarding the progress made on implementing the corporate carbon reduction strategy be received for information.

VI. Hearings

There are no Hearings scheduled for this meeting.

VII. Deputations

There are no Deputations scheduled for this meeting.

VIII. Determination of Items Requiring Separate Discussion

(Reference Page 4 of the agenda)

IX. Adoption of Items Not Requiring Separate Discussion

X. Consideration of Items Requiring Separate Discussion

XI. Closed Session

There are no Closed Session items for this meeting.

XII. Other Business

Next Meeting

The next meeting of the LSRCA Board of Directors will be held at @ 9:00 a.m. on Friday, November 27, 2020. This meeting will be held via Zoom, access details to be provided prior to the meeting.

XIII. Adjournment

Agenda Items

1. Correspondence

Pages 25-39

- a) September 23, 2020 letter from Beard Winter to Mr. Kent Elson in response to his correspondence dated August 11, 2020 and September 17, 2020 (included in July Board agenda).

Recommended: That Correspondence Item 1a) be received for information.

2. LSRCA's 2021 Budget Update

Pages 40-49

Recommended: That Staff Report No. 43-20-BOD regarding an update on LSRCA's 2021 Budget be received for information.

Board or Directors' Meeting

Board of Directors Meeting No. BOD-10-20

Friday, September 25, 2020

Held virtually via Zoom

Meeting Minutes

LSRCA Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine Councillor (Vice Chair), Councillor K. Aylwin, Mayor D. Barton, Mayor D. Bath-Hadden, Mayor B. Drew, Councillor A. Eek, Councillor W. Gaertner, Councillor R. Greenlaw, Mayor V. Hackson, Councillor S. Harrison-McIntyre, Mayor M. Quirk, Councillor C. Riepma, Regional Councillor T. Vegh, Councillor A. Waters

LSRCA Board Members Absent

Councillor K. Ferdinands, Councillor E. Yeo, and Township of Ramara

LSRCA Staff Present

R. Baldwin, T. Barnett, A. Brown, K. Christensen, M. Critch, J. Doyley, N. Hamley, S. Jagminas, B. Kemp, D. Lembcke, B. Longstaff, K. Nesbitt, E. O'Connor, G. Peat, B. Piotrowski, M. Rosato, C. Sharp, C. Taylor, K. Toffan, M. Walters, K. Yemm, K. Zeppieri

Guests in Attendance

S. Agnew, L. Bowman, C. Dobell, K. Elson, J. Gibbons, A. Truyens

I. Declarations of Pecuniary Interest or Conflict of Interest

Mayor Quirk declared a conflict of interest regarding the deputation by Mr. Kent Elson due to the Town of Georgina's recent vote against the LSRCA permit issued regarding Maple Lake Estates. Mayor Quirk advised she would not participate in this matter.

II. Approval of Agenda

Moved by: S. Harrison-McIntyre

Seconded by: C. Riepma

BOD-108-20 **Resolved That** the content of the Agenda for the September 25, 2020 meeting of the LSRCA Board of Directors be approved as circulated. **Carried**

III. Adoption of Minutes

a) Board of Directors

Moved by: A. Eek

Seconded by: T. Vegh

BOD-109-20 **Resolved That** the minutes of the Board of Directors' Meeting No. BOD-08-20 held on Friday, July 24, 2020 be approved as circulated. **Carried**

b) Board of Directors

Moved by: A. Eek

Seconded by: T. Vegh

BOD-110-20 **Resolved That** the minutes of the Special Meeting of the Board of Directors No. BOD-09-20 held on Friday, September 4, 2020 be approved as circulated. **Carried**

IV. Announcements

Chair Emmerson advised that the Lake Simcoe Conservation Foundation held its 'Roughin it for a Reason' fundraising camp out last night. Vice Chair Ferragine told how he and his cousin Frank Ferragine roughed it by camping in his backyard raising funds. All proceeds raised went to the Lake Simcoe conservation Foundation for a new Education Centre at Scanlon Creek Conservation Area.

VII. Deputations

Item VII, Deputations, was moved forward in the agenda by Chair Emmerson.

a) Mr. Kent Elson, Elson Advocacy

Mayor Quick, having previously declared a conflict of interest, did not participate in item.

Mr. Elson addressed Board members to share his thoughts regarding a Section 28 permit recently issued and subsequently surrendered regarding Maple Lake Estates. He addressed three key issues outlined in his letters of August 11th and September 17th, which were included in the agenda.

Moved by: P. Ferragine

Seconded by: R. Greenlaw

BOD-111-20 **Resolved That** the deputation by Mr. Kent Elson of Elson Advocacy regarding the LSRCA permit for Maple Lake Estates issued on June 18, 2020.

Carried

b) Mr. Colin Dobell, ClearWater Farm

Mr. Dobell shared his presentation regarding a demonstration project at the ClearWater Farm in Georgina focused on water harvesting to reduce potable water consumption use in irrigation, in which he was seeking LSRCA support in their application to the Green Municipal Fund. He noted that the project has the required municipal support for their application. Mr. Dobell described the project components as being able to connect site to municipal water/sewer to handle human water needs, to harvest water from roofs (barn, garage, greenhouses) to be stored in a cistern, and then an anaerobic biodigester imports water through pure organic food waste with run-off and liquid digestate is used as irrigation/nutrient source for agriculture. To view this presentation, please click this link:

[ClearWater Farm Proposal for LSRCA](#)

Moved by: M. Quirk

Seconded by: A. Waters

BOD-112-20 **Resolved That** the deputation by Mr. Colin Dobell of ClearWater Farm regarding a proposed pilot project at the ClearWater Farm in Georgina be received; and

Further That the request for support from LSRCA be referred to staff. **Carried**

V. Presentations

a) Chemical Contaminants Report

Manager, Environmental Science and Monitoring, David Lembcke, provided a presentation on staff's work on chemical contaminants, sharing some resources and findings on this strategic plan goal to identify existing and emerging contaminants. Existing contaminants are described as contaminants we know and can identify and examine, and emerging being those in the research realm where we have no guidelines or a poor understanding of its impacts. Staff have developed a very useful chemical contaminants webpage, which displays a description of a number of groups of contaminants, as well as research done. For more information on chemical

contaminants, please contact David Lembcke at d.lembcke@lsrca.on.ca. To view this webpage, please click this link: www.lsrca.on.ca/watershed-health/chemical-contaminants. To view this presentation, please click this link: [Chemical Contaminants in the Lake Simcoe Watershed](#).

Moved by: A. Waters

Seconded by: V. Hackson

BOD-113-20 **Resolved That** the presentation by Manager, Environmental Science and Monitoring, David Lembcke, regarding chemical contaminants be received for information. **Carried**

b) LSRCA Watershed Restoration Services Department Updates

Manager, Watershed Restoration Services, Christa Sharp and Restoration Project Manager, Brook Piotrowski provided a presentation on some of the projects and accomplishments of the Watershed Restoration Department for 2020, noting that 25 project have been completed and 80 are in progress. Projects located across the watershed, including agricultural, natural heritage and stormwater projects. She highlighted the Goodyear Farm project in the Township of Beaverton, which began in 2018 to address runoff to Lake Simcoe. A number of best management practices were identified, and some have been implemented. This project is ongoing with a number of restoration activities still to come in the fall of 2020 and spring of 2021.

Another project highlighted was a retrofit project in the City of Barrie in the Victoria Woods parking lot, which was very muddy and had many potholes. This project was a great opportunity for a low impact development feature, where the City resurfaced it with asphalt and run-off was re-directed the hard surface area to a bioretention swale. Many benefits we realized on this project, including stormwater being infiltrated to the low impact development feature, a reduction in phosphorus, and an improvement to water quality and reduction to peak flows.

To view this presentation, please click this link: [Watershed Restoration Services update](#). For more information on watershed restoration services, please contact Christa Sharp at c.sharp@lsrca.on.ca.

Moved by: D. Bath-Hadden

Seconded by: C. Riepma

BOD-114-20 **Resolved That** the presentation by Manager, Restoration Services, Christa Sharp, regarding Restoration Services department updates be received for information. **Carried**

VI. Hearings

There were no hearings at this meeting.

VIII. Determination of Items Requiring Separate Discussion

Item No. 1a) was identified under items requiring separate discussion.

IX. Adoption of Items not Requiring Separate Discussion

Items No. 1b), 1c) and 2 were identified as items not requiring separate discussion.

Moved by: P. Ferragine

Seconded by: K. Aylwin

BOD-115-20 **Resolved That** the following recommendations respecting the matters listed as “Items Not Requiring Separate Discussion” be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

1. Correspondence (Items b and c)

BOD-116-20 **Resolved That** correspondence listed in the agenda as Items 1 b-c be received for information. **Carried**

2. Proposal Call for External Audit Services

BOD-117-20 **Resolved That** Staff Report No. 40-20-BOD regarding Proposal Call for External Audit Services be received; and

Further That staff's recommendation to appoint BDO Canada LLP to provide external audit services for the period 2020 to 2024 inclusive, subject to annual review, at an annual fee of \$18,500 for 2020, \$19,000 for 2021, \$19,500 for 2022, \$20,000 for 2023 and \$20,500 for 2024 be approved. **Carried**

X. Consideration of Items Requiring Separate Discussion

1. Correspondence (Item a)

Mayor Quirk asked for an update on the Pefferlaw Dam, the ownership issue and communications update. General Manager, Planning and Development and Watershed Restoration, Rob Baldwin, advised that stop logs went in once the welding work was

completed, the reservoir is now operating at normal levels, and logs will be removed as usual in early October. Discussions have been held with the Authority and Town of Georgina staff on consultation. The Town has pulled some historic files, which will provide some information. We continue to try to sort out the ownership issue and have had discussions with our insurer. General Manager, Conservation Lands, Brian Kemp added staff have been working with Georgina staff to review old files. Information continues to confirm that Parts 1 and 2 of the survey belong to the Authority, and the owner of the centre strip remains unclear. CAO Walters noted he remains hopeful the ministry will soon be able to do a more fulsome search. Mayor Quirk mentioned the Ministry's letter of August 17th and asked for an update on consultation. CAO Walters noted the ownership issue must be resolved prior to consultation. Mayor Quirk asked that the Board stand down on any decision until after consultation, which may be in the spring of 2021 at this point and to make arrangements to have stop logs put back in in the spring of 2021. Councillor Riepma noted that it's possible the dam is owned by the Federal government and this may be worth exploring. Chair Emmerson noted that staff have already indicated they do not support putting stop logs back in the spring, and asked Mayor Quirk if it's possible the Town of Georgina would take on this task in the spring. Chair Emmerson asked that Mayor Quirk begin having discussions with her staff regarding operating the dam in 2021. Mayor Quirk noted that the ownership issue needs to be confirmed and the community fears with dam will be removed. CAO Walters noted that the Authority has never proposed removing the dam, but rather changing how or if it is operated in the future.

Moved by: B. Drew

Seconded by: C. Riepma

BOD-118-20 **Resolved That** correspondence listed in the agenda as Item 1a) be received for information. **Carried**

XI. Closed Session

There were no Closed Session items for this meeting.

XII. Other Business

1. East Gwillimbury Local Planning Act matter

CAO Walters provided an update on the East Gwillimbury Local Planning Act Tribunal matter, noting he is pleased to advised that staff have come to an agreement through a memorandum of understanding and the Authority has withdrawn from this matter.

2. October Board of Directors' Meeting

Chair Emmerson noted that there was a need to change the October 23, 2020 Board of Directors' meeting to October 30, 2020.

Moved by: M. Quirk

Seconded by: P. Ferragine

BOD-119-20 **Resolved That** the October 2020 Board of Directors' meeting date be changed from October 23rd to October 30th. **Carried**

XIII. Adjournment

Moved by: A. Eek

Seconded by: R. Greenlaw

BOD-120-20 **Resolved That** the meeting be adjourned at 11:00 a.m. **Carried**

Original to be signed by:

Regional Chairman Wayne Emmerson, Chair

Original to be signed by:

Michael Walters, Chief Administrative Officer

Staff Report

To: Board of Directors

From: Katherine Toffan, Manager of Finance

Date: October 19, 2020

Subject

Third Quarter 2020 Financial Report & Year End Forecast

Recommendation

That Staff Report No. 41-20-BOD regarding LSRCA's Third Quarter Financial Report and Year-End Forecast for the period ending September 30, 2020 be received for information.

Purpose of this Staff Report:

The purpose of this Staff Report No. 41-20-BOD is to provide the Board of Directors with a summary of financial activities for the period ending September 30, 2020, as they relate to the 2020 budget approved by the Board on April 3, 2020. Staff have also used this report to review the forecast at a corporate level, the estimated year-end financial position of LSRCA, along with high level issues and trends that staff have been observing through the end of the year.

Background:

The Budget Status Reports are developed for the use of the Board and management, use the same format as the approved budget, and provide a status update on the programs and projects that fall under LSRCA's seven service areas: Corporate Services, Ecological Management, Education & Engagement, Greenspace Services, Planning & Development Services, Water Risk Management and Watershed Studies & Strategies.

Issues:

The Corporate Budget Status report attached in Appendix 1 presents a deficit position of (\$230K) on September 30, 2020. The drivers of this deficit are outlined in the table below:

Staff have conducted a program and project review and forecast at Q3 through to year end and have identified variances that will impact LSRCA's year-end financial position.

Service Area	Surplus/ Deficit	Drivers
Corporate Services	-17	YTD shortfall in overhead revenue
Ecological Management	-82	Tree planting program
Education	5	Surplus from Fees, Foundation Donations, offset of staffing costs to other programs where required
Greenspace Services	12	Surplus from rental income on Aurora and Stouffville rental properties
Planning & Development	-148	Shortfall in Planning Fees
Overall Corporate (Deficit) on September 30	-230	

Relevance to Authority Policy:

In keeping with LSRCA policy, this staff report has been prepared to provide a Q3 financial update on the current overall financial position, project expenditures, opportunities and risks as they relate to the 2020 approved budget, as well as highlight variances identified through the year end forecast.

Impact on Authority Finances:

a) Revenues

Revenues generated by the Authority are lower than anticipated at September 30. The main operational drivers of this continue to be realized in our Tree Planting, Education and Planning programs. COVID-19 was the main driver of the delay and/or loss of revenue in early 2020.

LSRCA's forestry program postponed the Spring tree planting to Fall 2020 and Spring 2021, which has affected revenues through Q3. Our Forestry program will be rolling out the Fall planting in the coming weeks with the goal of wrapping up by early November.

The impact of the school closures on the Education and Engagement programs was that fee-based revenues usually generated by Spring and Summer programming have not realized by the end of Q3. The program work that has taken place through September has been supported with levy and Foundation donations and therefore is not posting a deficit position at Q3.

Planning applications received and reviewed through September 30 have been lower than anticipated which resulted in lower than anticipated revenues.

Staff have worked with the program and project managers on a year-end forecast and will continue to monitor the ongoing impact to LSRCA operations.

b) Expenditures:

The delay in starting some projects in early 2020 has affected the Corporate Overhead we are able to collect from billings on these projects and has resulted in a deficit position in the Corporate Services service area.

Our Forestry program expenditures through Q3 are reflected in the deficit position of Ecological Management service area. Staff in this program continued to work through the winding down of the Spring planting program and putting together the Fall planting program. With the loss of revenue in the Spring, these expenditures have put a pressure on the program which is reflected in our year-end forecast.

c) Timing Variances:

As outlined in Appendix 1, there are some year-to-date revenue and expense variances that can be attributed to timing. Timing variances occur when expenditures have not happened yet, and accordingly recognition of the related revenue is deferred until the project work commences.

Projects in some service areas had to be deferred into Q3 and Q4 due to the COVID-19 restrictions. These restrictions and deferral of work will have a greater impact on the workload of staff in Q3 and Q4 but not on the overall financial position, as these projects are covered by Special Capital, Provincial and/or Partner funding. Key areas of these variances include:

1. Ecological Management - \$2.5M of projects in the Ecological Restoration program include:

- Ecological Offsetting Capital Projects
- Grassland/Meadow Restoration
- Grants to Partner/Landowners for projects

Projects substantially completed at Q3:

- Cawthra Mulock Restoration
- Luck Property Wetland Restoration
- Goodyear Farm Restoration

Projects currently underway or wrapping up:

- Circle Park Wetland Restoration

2. Water Risk Management - \$2.4M of projects in the Water Management/ Restoration program include:

- Water Balance Capital Projects
- LSPOP Capital Projects
- Grants to Partner/Landowners for projects

Projects currently underway or wrapping up:

- York Stormwater Management – Tamarac site
- Aurora LID Monitoring
- East Holland Monitoring

- Mouth of Western Creek Restoration
- Town of Aurora – Pond Maintenance
- City of Barrie – Victoria Woods Parking Lot LID Retrofit
- Yonge and Mount Albert LID Retrofit

d) High Level Forecast to the End of 2020:

The Finance department has worked with program staff to develop a high-level forecast of revenues and expenditures through the end of 2020. The COVID-19 pandemic has continued to affect areas of the organization, specifically in the fee-based programs, and the forecast captures this. This forecast includes assumptions on revenues materializing in late fall, redeployment of current full time staff to areas where additional assistance is needed to complete 2020 AOP items, and expenditures incurred to address safety of staff as they return to work.

Through working with program managers, staff are forecasting a year-end deficit position of (\$335K). This has increased from our Q2 forecast of a deficit position of (\$211K), and the main drivers of this increase are outlined below. Also outlined are some risks and opportunities that the Board should be aware of:

- i) As outlined in the Q2 update, delays in some of the projects have led to a shortfall in overhead being charged and a resulting shortfall of overhead revenue back to the overhead program areas. The forecasted shortfall at the beginning of the year was (\$96K), however staff have taken action to continue to mitigate this shortfall by lowering discretionary spending and redeploying staff from the overhead program areas to complete work on special projects and AOP items where outsourcing or contractors were going to be hired to complete. At Q3 staff forecasted to reduce the pressure by an additional \$24K from Q2 which would result in savings of \$80K. The forecasted pressure from the overhead shortfall is now being anticipated at (\$16K).
- ii) The forecasted loss in Planning & Regulations has increased since Q2 by an additional (\$175K). Offset with savings in delayed hiring and reduced discretionary spending in the programs, we are forecasting an ending deficit for the service area of (\$285K). LSRCA has experienced surpluses from this program in past years which were put in reserves and will draw on those for this year.
- iii) The revised year end forecast for the Forestry program has increased to a deficit of (\$70K) from (\$57K), which was anticipated at the Q2 forecast. This increase is mainly due to additional staff time needed for the program and higher than anticipated planting material costs.
- iv) COVID-19 related operating costs are anticipated to reach \$20K by year-end. This includes expenses to accommodate the level of return to work we are currently

maintaining which is a combination of field and remote work from home. There is still some uncertainty around whether additional costs will be incurred in late 2020 or deferred until early 2021 to accommodate a return to office work plan. COVID-19 related expenses will be drawn from Reserve at year end, as approved by the Board of Director in July.

- v) As outlined in Q2 there is an anticipated shortfall in our budgeted Reserve transfers to Rate Stabilization and Asset Management for 2020. The main driver of the shortfall to Rate Stabilization is due to reduced interest rates being earned through the One Investment Savings program due to the economic climate in the market. The main driver of the shortfall to the Asset Management is that funding that was budgeted to transfer is needed to cover additional work and expense in the information technology management program. The additional work and expense in this area did not result in a deficit to the program but rather shortfall of available funds to transfer to reserve.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 41-20-BOD regarding LSRCA's Third Quarter Financial Report and Year-End Forecast for the period ending September 30, 2020 be received for information.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Corporate & Financial Services/CFO and the Chief Administrative Officer.

Signed by:

Signed by:

Mark Critch

Mike Walters

General Manager, Corporate and Financial
Services, CFO

Chief Administrative Officer

Attachments:

Appendix 1 – Q3 Corporate Budget Status Report

Appendix 2 – Harmonized Service Area Budget Status Reports

Lake Simcoe Region Conservation Authority
 Q3 Corporate Budget Status Report
 For period ending September 30, 2020 (shown in 000's)

Revenue :	Full Year Budget	YTD Budget	Actual YTD	% of YTD Budget
General Levy	\$ 4,009	\$ 3,007	\$ 2,586	86%
Special Capital Levy & Municipal Partners	6,663	4,997	4,368	87%
Provincial & Federal Funding	1,387	1,040	874	84%
Revenue Generated by Authority	8,155	6,116	2,193	36%
Other Revenue	195	146	57	39%
Total revenue	20,409	15,306	10,078	66%
Expenses:				
Corporate Services	6,585	4,939	4,414	89%
Ecological Management	5,333	3,999	1,685	42%
Education & Engagement	665	499	420	84%
Greenspace Services	822	616	726	118%
Planning & Development Services	3,857	2,893	2,595	90%
Water Risk Management	4,268	3,201	1,249	39%
Watershed Studies & Strategies	1,463	1,097	1,021	93%
Total gross expenses:	22,993	17,244	12,110	70%
Expenses included above related to:				
Internal Fee for Service	1,931	1,448	1,227	85%
Net Expenses	21,062	15,796	10,883	69%
Net (deficit) before reserve activity	(653)	(490)	(805)	
Board approved draws on reserve:	939	704	605	
Board approved transfers to reserves:	(286)	(214)	(19)	
Other reserve activity:				
Draw from Asset Management for Scanlon Renovations			75	
Transfer for offsetting operational surplus to payback reserve draws from prior years	-	-	(85)	
Operational (deficit) at September 30	\$ 0	\$ 0	\$ (230)	

Lake Simcoe Region Conservation Authority
Harmonized Service Area Budget Status Report
For period ending September 30, 2020 (shown in 000's)

Corporate Services	2020 Full Year				
	Budget	2020 YTD Budget	2020 YTD Actual	%	of YTD Budget
Revenue:					
General Levy	\$ 2,735	\$ 2,052	\$ 1,803	88%	
Special Capital Levy & Municipal Partners	1,368	1,026	1,168	114%	
Provincial & Federal Funding	-	-	2		
Revenue Generated by Authority	307	230	93	40%	
Other Revenue	108	81	12	14%	
Total revenue	4,519	3,389	3,078	91%	
Expenses:					
Corporate Communications	834	625	503	80%	
Facility Management	1,930	1,447	1,407	97%	
Financial Management	1,387	1,040	807	78%	
Governance	674	505	481	95%	
Human Resource Management	509	382	344	90%	
Information Management	1,252	939	872	93%	
Total gross expenses:	6,585	4,939	4,414	89%	
Expenses included above related to:					
Internal Fee for Service	1,382	1,036	687	66%	
Net expenses	5,204	3,903	3,727	95%	
Net (deficit) before reserve activity	(685)	(514)	(649)		
Board approved draws on reserve:	685	514	582		
Other reserve activity:					
Draw for Scanlon Renovation			75		
Transfer for offsetting surplus	-	-	(24)		
Operational (deficit) at September 30	\$ 0	\$ 0	\$ (17)		

Ecological Management	2020 Full Year				
	Budget	2020 YTD Budget	2020 YTD Actual	%	of YTD Budget
Revenue :					
General Levy	\$ 11	\$ 8	\$ -	0%	
Special Capital Levy & Municipal Partners	1,900	1,425	1,112	78%	
Provincial & Federal Funding	360	270	186	69%	
Revenue Generated by Authority	2,797	2,097	55	3%	
Other Revenue	8	6	1	11%	
Total revenue	5,076	3,807	1,354	36%	
Expenses:					
Ecosystem Science & Monitoring	882	661	582	88%	
Forestry Services	615	461	301	65%	
Restoration & Regeneration	3,835	2,877	803	28%	
Total gross expenses:	5,333	3,999	1,685	42%	
Expenses included above related to:					
Internal Fee for Service	305	228	247	108%	
Net Expenses	5,028	3,771	1,438	38%	
Net surplus/(deficit) before reserve activity	48	36	(84)		
Board approved transfers to reserve:	(48)	(36)	-		
Other reserve activity:					
Transfer for offsetting surplus	-	-	2		
Operational surplus(deficit) at September 30	\$ (0)	\$ (0)	\$ (82)		

**Lake Simcoe Region Conservation Authority
Harmonized Service Area Budget Status Report
For period ending September 30, 2020 (shown in 000's)**

Education and Engagement	2020 Full Year			
	Budget	2020 YTD Budget	2020 YTD Actual	% of YTD Budget
Revenue :				
General Levy	\$ 333	\$ 250	\$ 263	105%
Special Capital Levy & Municipal Partners	-	-	-	
Provincial & Federal Funding	-	-	-	
Revenue Generated by Authority	285	214	133	62%
Other Revenue	-	-	-	
Total revenue	619	464	396	85%
Expenses:				
Community Programming	138	103	23	22%
School Programming	527	395	396	100%
Training & Development	-	-	-	
Total gross expenses:	665	499	420	84%
Expenses included above related to:				
Internal Fee for Service	42	32	29	91%
Net expenses	623	467	391	84%
Net (deficit) before reserve activity	(4)	(3)	5	
Board approved draws on reserve:	4	3	-	
Net position at September 30	\$ (0)	\$ (0)	\$ 5	

Greenspace Services	2020 Full Year			
	Budget	2020 YTD Budget	2020 YTD Actual	% of YTD Budget
Revenue :				
General Levy	\$ 337	\$ 253	\$ 273	108%
Special Capital Levy & Municipal Partners	350	262	343	131%
Provincial & Federal Funding	-	-	-	
Revenue Generated by Authority	58	44	40	91%
Other Revenue	18	14	14	104%
Total revenue	764	573	670	117%
Expenses:				
Management	637	478	610	128%
Property Services	80	60	21	35%
Recreation	-	-	-	
Securement	104	78	95	122%
Total gross expenses:	822	616	726	118%
Expenses included above related to:				
Internal Fee for Service	58	44	67	154%
Net expenses	764	573	659	115%
Net surplus before reserve activity	(0)	(0)	12	
Board approved draws on reserve:	-	-	-	
Net position at September 30	\$ (0)	\$ (0)	\$ 12	

**Lake Simcoe Region Conservation Authority
Harmonized Service Area Budget Status Report
For period ending September 30, 2020 (shown in 000's)**

	2020 Full Year			
Planning and Development	Budget	2020 YTD Budget	2020 YTD Actual	% of YTD Budget
Revenue :				
General Levy	\$ 485	\$ 364	\$ 198	54%
Special Capital Levy & Municipal Partners	462	347	369	106%
Provincial & Federal Funding	101	75	122	162%
Revenue Generated by Authority	2,720	2,040	1,720	84%
Other Revenue	60	45	30	67%
Total revenue	3,829	2,872	2,440	85%
Expenses:				
Development Planning	2,250	1,687	1,580	94%
Environmental Compliance Approvals	-	-	-	
Permitting & Enforcement	1,607	1,205	1,014	84%
Total gross expenses:	3,857	2,893	2,595	90%
Expenses included above related to:				
Internal Fee for Service	2	1	7	574%
Net expenses	3,855	2,891	2,587	89%
Net surplus(deficit) before reserve activity	(26)	(20)	(148)	
Board approved draws on reserve:	26	20	-	
Net position at September 30	(0)	(0)	(148)	

	2020 Full Year			
Water Risk Management	Budget	2020 YTD Budget	2020 YTD Actual	% of YTD Budget
Revenue :				
General Levy	\$ 98	\$ 74	\$ 50	68%
Special Capital Levy & Municipal Partners	1,450	1,087	699	64%
Provincial & Federal Funding	719	539	471	87%
Revenue Generated by Authority	1,908	1,431	77	5%
Other Revenue	-	-	-	
Total revenue	4,175	1,656	1,297	78%
Expenses:				
Flood Management & Warning	441	330	227	69%
Source Water Protection	677	508	430	85%
Water Management & Restoration	2,607	1,955	246	13%
Water Science & Monitoring	544	408	346	85%
Total gross expenses:	4,268	1,736	1,249	72%
Expenses included above related to:				
Internal Fee for Service	92	69	12	17%
Net expenses	4,176	1,656	1,237	75%
Net (deficit) before reserve activity	(1)	-	60	
Board approved draws on reserve:	1	1	-	
Other reserve activity:				
Transfer for offsetting surplus	-	-	(60)	
Net position at September 30	\$ 0	\$ -	\$ 0	

**Lake Simcoe Region Conservation Authority
Harmonized Service Area Budget Status Report
For period ending September 30, 2020 (shown in 000's)**

Watershed Studies and Strategies	2020 Full Year			
	Budget	2020 YTD Budget	2020 YTD Actual	% of YTD Budget
Revenue :				
General Levy	\$ 9	\$ 7	\$ 0	1%
Special Capital Levy & Municipal Partners	1,133	850	676	80%
Provincial & Federal Funding	207	155	92	59%
Revenue Generated by Authority	79	59	75	126%
Other Revenue	-	-	-	
Total revenue	1,428	1,071	843	79%
Expenses:				
Climate Change Adaptation	231	173	155	89%
Research & Innovation	704	528	591	112%
Watershed Subwatershed Planning	528	396	276	70%
Total gross expenses:	1,463	1,097	1,021	93%
Expenses included above related to:				
Internal Fee for Service	51	38	178	470%
Net expenses	1,413	1,060	843	80%
Net surplus before reserve activity	15	11	(0)	
Board approved transfers to reserve:	(15)	(11)	-	
Net position at September 30	0	0	(0)	

Staff Report

To: Board of Directors

From: Ben Longstaff, General Manager, Integrated Watershed Management and Phil Davies, Manager, Forestry and Greenspace Services

Date: October 22, 2020

Subject:

Progress Update: Corporate Carbon Reduction Strategy

Recommendation:

That Staff Report No. 42-20-BOD regarding the progress made on implementing the corporate carbon reduction strategy be received for information.

Purpose of this Staff Report:

The purpose of this Staff Report No. 42-20-BOD is to provide the Board of Directors with a summary of the progress made in implementing the corporate Carbon Reduction Strategy.

Background:

In 2018 LSRCA committed to reducing our corporate carbon emissions by 28% through the approval of our Carbon Reduction Strategy. The strategy calculated LSRCA's carbon emissions from the various sources including vehicle use and natural gas consumption for the baseline year of 2016. The single largest source of carbon emission was our vehicles at over 50% of the total emissions. The strategy identified numerous behavioral change and asset improvements that could be made to reduce our carbon footprint.

LSRCA has been committed to achieving the 40% reduction goal, initially focusing on reducing vehicle emissions as they are the largest source and have the most attainable reduction opportunities.

In accordance with the strategy's recommendations, once a vehicle requires replacement (e.g. end of lease), a replacement vehicle is selected by considering its intended use, opportunities to reduce emission and available budget. Through this process all LSRCA fleet passenger vehicles have now been converted either to full electric vehicles (EV) or plug-in hybrid electric vehicles (PHEV), which have batteries that can be recharged by plugging into an external source of electric power or its on-board engine and generator, providing significant fuel economy and range. In support of these vehicles, six charging stations have also been installed.

A behavioral change campaign was also undertaken in 2019 by the internal SWITCH committee (Sustainable Workplace Initiatives - Thinking, Choices, Habits) to encourage staff to reduce vehicle use such as through carpooling and virtual meetings. The provision of vehicle charging stations and the opportunity for staff to try out green vehicle options through fleet use has also had an influence on staff behaviour, with a number of employees purchasing EV or PHEV for their personal vehicle.

Other emission sources such as natural gas and electricity consumption have remained static or increased slightly between 2016 and 2019, which may be associated with occupying an additional building during the renovation of the Scanlon Creek Operations Centre. The mechanical and electrical systems in the renovated Operations Centre are powered with electricity, with no natural gas or propane servicing, building insulation has been enhanced throughout, and all lighting is with LED fixtures. Additionally, enhanced internet connectivity will reduce the need for staff travel between the Operations and Administrative offices. Effects of the newly renovated Scanlon Creek Operations Centre on our emissions will be determined over the coming years.

Through the various efforts, we are pleased to report a 30% reduction in the emissions from LSRCAs vehicles and a total corporate reduction of 16% between 2016 and 2019.

Clearly the response to COVID-19 is resulting in significant emission reduction in 2020 and into the 2021. One of the few benefits of the pandemic has been to demonstrate how effectively we can work from home and hold virtual meetings, reducing the need for vehicle travel to and from the office facilities. This experience will provide valuable lessons to follow in post-pandemic work environments to help ensure continued emission reductions.

Issues:

There are no issues associated with this staff report.

Relevance to Authority Policy:

Fleet vehicle protocols and guidelines policy will continue to be updated in response to the change in fleet vehicles.

Impact on Authority Finances:

Any increased costs associated with leasing EV/PHEV in relation to regular gasoline vehicles is built into the facilities budget. While the cost of leasing EV/PHEV is greater than gasoline vehicles, this expense is partially offset by reduced fuel costs.

Summary and Recommendations:

Through LSRCA's commitment to the corporate carbon reduction strategy, we have achieved a 20% reduction in our annual emissions between 2016 and 2019. Most of the emission reduction has been associated with greening our fleet vehicles and reducing vehicle use. Ongoing commitment to the strategy is required to ensure we achieve our target of 40% reduction by 2026.

It is therefore **recommended that** Staff Report No. 42-20-BOD regarding the progress made implementing the carbon reduction strategy be received for information.

Pre-Submission Review:

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Signed by:

Ben Longstaff

Mike Walters

General Manager, Integrated Watershed
Management

Chief Administrative Officer



John A. Olah
Direct Line: 416.306.1711
jolah@beardwinter.com

REFER TO FILE: 84905-6

September 23, 2020

Mr. Kent Elson

Elson Advocacy
1061 College Street, Lower
Toronto, Ontario M6H 1A9

Dear Mr. Elson:

Re: Lake Simcoe Region Conservation Authority and Maple Lake Estates

This letter is in response to your correspondence dated August 11, 2020 and September 17, 2020, both of which raised concerns regarding a permit issued on June 18, 2020 to Maple Lake Estates by the Lake Simcoe Regional Conservation Authority (“LSRCA”).

I. Letter of August 11

At this time, we are not prepared to provide substantive answers to the points raised in your August 11, 2020 letter. The submissions you raised in your letter are now moot as a result of the permit dated June 18, 2020 having been surrendered by the land owner.

II. Notice

With respect to your request that the LSRCA provide immediate notice to the North Gwillimbury Forest Alliance (“NGFA”) and the Town of Georgina (“Georgina”), we understand that you represent the NGFA and not Georgina. Therefore our remarks are confined to your client.

Should the developer apply for another permit, which is hypothetical and speculative at this time, given the unique circumstances of this case, the LSRCA will provide notice to the NGFA in writing. We stress that notice will be provided in this case due to the extensive history of this matter and the special circumstances involved.

III. Standing

We note that the legislation and the case law make it clear that the NGFA does not have standing to make submissions regarding a permit application by a landowner. This is because the NGFA is not a party to the permit application hearing before the LSRCA’s Board of Directors. The NGFA will have to bring an application for standing before the tribunal. Any decision to grant intervener or party status rests with the tribunal. If the NGFA decides to

seek party status, then the NGFA is required serve its written application on the land owner and file its application with the LSRCA 10 business days before the hearing. The application must be accompanied by a written, detailed memorandum outlining the facts and the law NGFA relies upon in support of its position. The NGFA, we anticipate, will likely have the opportunity to make submissions before the hearing panel at the outset of the permit application. However, we stress that the Board will make the determination as to timing as well as the nature, length and format of such submissions.

We point out that the Divisional Court held in *McFadyen v. Mining and Lands Commissioner*¹ that the appropriate test on a motion for party status in a fill permit appeal is whether the applicant seeking party status **can make a “useful contribution” to the technical matters at issue in the appeal.**²

As to your client’s reliance on “the importance of the decision to the individual and individuals affected”, one of the criteria set out in *Baker v. Canada (Minister of Citizenship and Immigration)*,³ we note that Divisional Court, held in *Driver et al v. wpd Canada Corporation et al*,⁴ that “while the decision is personally important to the applicants, it does not relate to their fundamental rights, their ability to practice a profession, or their citizenship.” As well, as Justice Kiteley noted in the *Driver* case, the duty of procedural fairness relates to the process by which decisions are made and not to the substantive decision.⁵

If you have any questions, I would be pleased to speak to you.

Yours truly,

BEARD WINTER LLP

*John A. Olah**

Partner

*Executed pursuant to the Electronic Commerce Act

c.c. Kendall Andjelkovic

JAO

¹ 2007 CanLII 54672 (ONSCDC)

² at para 33

³ 1999 CanLII 699 (SCC)

⁴ 2017 ONSC 3824 at para 113

⁵ *ibid.* at para.111

[2] The applicants seek judicial review of the order of the Mining and Lands Commissioner (“the Commissioner”), dated March 9, 2007. In her Order, the [redacted] [redacted] Mr. Russell’s appeal was from the decision of the Executive Committee of the Toronto and Region Conservation Authority (“the TRCA”), dated January 25, 2005.

TRCA denies Russel's permit application

[3] The [redacted] [redacted] A TRCA permit was required since the property is within the area governed by the TRCA’s jurisdiction and [redacted] [redacted] Mr.

[4] The issues to be decided on this judicial review application are as follows:

Commissioner denied party status to applicants, McFayden

- (i) [redacted] in Mr. Russell’s appeal of the TRCA decision?
- (ii) Did the Commissioner deny the applicants procedural fairness by determining that Mr. Russell’s appeal would be conducted [redacted] refusing to allow [redacted]
- (iii) Did the Commissioner deny the applicants procedural fairness in failing to consider the evidence as to the applicants’ involvement in, contribution to and ongoing interest in Mr. Russell’s appeal?
- (iv) Did the Commissioner deny the applicants procedural fairness by pre-judging the evidence the applicants would adduce at the hearing without allowing them to make proper and full submissions in this regard?

[5] Mr. Russell had previously applied to the TRCA for a development permit. That application ultimately reached the Divisional Court by way of an application for judicial review brought by these applicants. The Divisional Court stayed that application until Mr. Russell’s second application (described in para. [6] below) proceeded “to finality”. The respondents in this application submit that first application has no relevance in these proceedings. I agree.

Russell's revised plan and 2nd permit application

[6] In the Fall of 2004, [redacted] with the TRCA and [redacted]

[7] [redacted] a hearing report which concluded that "while the architectural improvements to the building are commendable, it is the opinion of staff that the proposal is [redacted]. [redacted] reconsider its prior decision and [redacted] application as it would affect the conservation of land.

Notice of Hearing sent to McFayden

[8] On January 5, 2005, the TRCA issued a Notice of Hearing in respect of Mr. Russell's application [redacted]

McFayden & their counsel make submissions at permit hearing

[9] On January 14, 2005, the Executive Committee of the [redacted] and the [redacted] that Mr. Russell's application to permit development on his property ought to be denied.

Board denies Russell's application & Russell appeals

[10] On January 25, 2005, the TRCA released its decision [redacted]. On February 14, 2005, Mr. Russell appealed the TRCA decision to the Commissioner under s. 28(15) of the *Conservation Authorities Act*, R.S.O. 1990, c. C.27.

McFayden's application for party status

[11] On November 7, 2005, the applicants served a notice of motion in connection with Mr. Russell's appeal in which they sought an order from the Commissioner granting them party status in Mr. Russell's appeal.

Commissioner denies party status & released her Order and reasons

[12] The applicants' motion was argued on March 3, 2006 and on March 9, 2007, the Commissioner released her Order and reasons for decision [redacted]

[13] On April 5, 2007, the [redacted] of the Commissioner's decision and, on the same day, [redacted] s. Both this application for judicial review and the appeal were heard the same day, the judicial review application being heard first. Following the applicants' submissions on the judicial review application, the [redacted]

Divisional Court dismisses McFaydens' JRA and appeal

[redacted] Counsel for the applicants then submitted that the [redacted] being based upon the same arguments as the judicial review application, should be endorsed [redacted]

The Statutory Scheme

[14] Section 28(15) of the *Conservation Authorities Act* ("CAA") provides the right to appeal a conservation authority's refusal to grant a fill permit to the Minister of Natural Resources ("the Minister"), as follows:

28.(15)A [redacted] or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), [redacted] who may,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions.

Conservation Authorities Act, R.S.O. 1990, c. C.27 (the CAA), s. 28(15) CAA, above

[15] Under s. 6(6) of the *Ministry of Natural Resources Act* (“MNR Act”), the Lieutenant Governor in Council may, by regulation, assign the authorities, powers and duties of the Minister of Natural Resources to the Commissioner. (*Ministry of Natural Resources Act*, R.S.O. 1990, c. M.31, s. 6(6)(b) (“MNR Act”))

[16] Under O.Reg. 571/00, made under the *MNR Act*, the Commissioner is assigned the Minister’s powers and duties for the purpose of hearing and determining fill permit appeals under s. 28(15) of the CAA.

[17] Section 6(7) of the *MNR Act* provides:

6.(7) Part VI of the *Mining Act* applies with necessary modifications to the exercise of authorities, powers and duties assigned to the Commissioner under clause (6)(b).

I. Standard of Review

[18] To the extent that this application raises issues of procedural fairness and natural justice, no assessment of the appropriate standard of review is required. Rather, as our Court of Appeal explained in *London (City) v. Ayerswood Development Corp.*:

[w]hen considering an [redacted] a court need not engage in an assessment of the appropriate standard of review. [redacted]

[redacted] The court does this by assessing the specific circumstances giving rise to the allegation and by determining what procedures and safeguards were required in those circumstances in order to comply with the duty to act fairly.

London (City) v. Ayerswood Development Corp. (2002), 167 O.A.C. 120 (C.A.), at paras. 9-10; (see also: *Moreau-Berube v.*

New Brunswick (Judicial Council) (2002), 209 D.L.R. (4th) 1 (S.C.C.), para. 74)

[19] To the extent that the Commissioner's decision requires a determination of the standard of review, [REDACTED] That approach considers [REDACTED] – [REDACTED] [REDACTED] the expertise of the tribunal relative to that of the reviewing court on the issue in question; the [REDACTED] and, the nature of the question – law, fact, or mixed law and fact – the factors may overlap. (*Dr. Q. v. College of Physicians and Surgeons of B.C.*, [2003] 1 S.C.R. 226 *et seq.*)

[20] Section 117 of the *Mining Act*, above [REDACTED] that prohibits the appeal of interim decisions of the Commissioner:

117. Despite the Statutory Powers Procedure Act, the Commissioner may hear and dispose of any application not involving the final determination of the matter or proceeding, either on or without notice, at any place he or she considers convenient, and I [REDACTED] [REDACTED] and is not subject to appeal but, where the Commissioner makes his or her decision without notice, he or she may later reconsider and amend such decision.

[21] The applicants submit that because their participation in Mr. Russell's application for a fill permit came to an end with the Commissioner's decision, therefore the Commissioner's order is a final order. The applicants submit that s. 117 of the *Mining Act* does not apply. We reject this submission. [REDACTED]

[REDACTED] The presence of this [REDACTED] is [REDACTED] that the Court ought to show deference to the Commissioner's decision. (*Pushpanathan v. Canada (Minister of Employment & Immigration)*, [1998] 1 S.C.R. 982, at p. 1006)

[22] The [REDACTED] At pp. 23-26 of her decision, the Commissioner summarizes the technical issues that are raised on fill permit appeals, including:

- (a) Slope stability and preservation of ephemeral or first order streams and their functions in relation to hydrology;
- (b) TRCA policy, including the Valley and Streams Corridor Management Program and Terrestrial Natural Heritage Program;
- (c) Ecosystem services contemplated by the CAA;

- (d) Disruption of the ongoing biological functions, including forestation or reforestation of mixed natural and invasive species;
- (e) Silt and sedimentation issues caused by disruption of soils; and,
- (f) The role of the valley corridor and strategies for corridor systems and green space restoration.

In our view, [REDACTED]

[23] Pursuant to the CAA, the issues addressed by the Commissioner are [REDACTED] in nature, which also requires that [REDACTED]. Polycentric issues are defined to be [REDACTED] as follows:

Where the purposes of the statute and of the decision-maker are conceived not primarily in terms of establishing rights as between parties, or as entitlements, but rather as a [REDACTED]

While [REDACTED] interests, and factual discovery, [REDACTED]

Pushpanathan, above, at pp. 1008-1009

[24] The [REDACTED] [REDACTED], including the competing interests of [REDACTED]. Section 116 of the *Mining Act* gives the Commissioner wide latitude to establish the procedures to be followed on fill permit appeals.

[25] In essence, who is better placed to make the decision, the Commissioner or this Court? We conclude the expertise of the tribunal and the polycentric issues involved establish that the [REDACTED]. The [REDACTED] nce the Commissioner is given the authority to establish the tribunal's procedure:

The Court should not simply be invited by an order of mine to engage in crafting extensive or detailed guidelines as to the tests to be used by the Board in deciding whether to add parties. Any such exploration of territory inherently foreign to judges has been deliberately circumscribed by statute.

Toronto (City) v. 1133373 Ontario Inc., (2000), 16 M.P.L.R. (3d) 101, paras. 7-8

[26] For the purposes of this appeal, we conclude the standard of review is, at the very least,

[Redacted]

[Redacted]

II. Procedural Fairness

2007 CanLII 54672 (ON SCDC)

[Redacted]



[Redacted]

[Redacted]

[Redacted]

[Redacted]

RATIO #1
s.28 CAA
does not
provide for
added parties

[Redacted]

RATIO #2
Failure to grant status
is not a breach of the
duty of fairness

[Redacted]

[Redacted]

Lafarge Canada Inc. v. 1341665 Ontario Ltd. (2004), 185 O.A.C. 35 (Div. Ct.) at paras. 4-5

[31] The Commissioner received the applicants' request to be added, permitted them to file affidavit material and to have an oral hearing. Their counsel made submissions and was granted a right of reply in a hearing which lasted three hours approximately.

[32] [REDACTED] the Court, in *Lafarge*, above, confirmed that the [REDACTED]. There is ample authority for the proposition that courts should defer to a tribunal in matters of its practice and procedure. (*Zellers Inc. Royal Cobourg Centres Ltd.*, [2001] O.J. No. 1470 (Div. Ct.), paras. 17, 18 and 24; and *Lafarge*, above, at paras. 4-14)

[REDACTED]

[34] [REDACTED]. After an extensive analysis, the Commissioner decided Rule 13.0 [REDACTED]. In effect, she applied the view expressed by Dubin C.J.O., in *Regional Municipality of Peel v. Great Atlantic & Pacific Co. of Canada* (1990), 70 O.R. (2d) 164 (C.A.), at para. 10:

Although much has been written as to the proper matters to be considered in determining [REDACTED] [REDACTED], e, the [REDACTED]

Intervention Test
1. nature of the case
2. issues
3. likelihood of applicant being able to make a useful contribution without causing injustice to the immediate parties

[REDACTED]

[REDACTED]

right to either appeal or to be heard on Mr. Russell’s appeal. The only recourse left to them is to make a motion to the Commissioner seeking party status and convincing me that party status is warranted in the circumstances of the case.

For the Commissioner to be bound by what can best be described as an informal proceeding before the TRCA, which in part was conducted like a town hall meeting in which deputations of neighbours and interested organization were heard, would frankly fetter the discretion of the Commissioner. There is nothing in this situation, and I could not find anything in any case law, which even hinted that the Commissioner could or should be bound by proceedings which took place in front of the TRCA, however they may be characterized.

Commissioner’s Reasons for Decision, p. 18

In concluding as she did, we find no procedural unfairness.

Hearing de Novo

[43] The applicants submit the Commissioner essentially converted an open and public process to a closed process when she determined that Mr. Russell’s appeal would proceed by way of a hearing *de novo*. They submit they were deprived of their right to participate in the appeal of a matter in which they had taken a role at the hearing at first instance. We reject this submission.

[44] Section 113 of the *Mining Act* provides:

- 113. The Commissioner shall determine,
 - (a) an appeal from a recorder, after a hearing by way of a new hearing; and
 - (b) a dispute referred to in section 48 or a claim, question, dispute or other matter within his or her jurisdiction after a hearing,

pursuant to an appointment fixing the time and place for the hearing.

[45] This Court considered the meaning of s. 113 in [redacted], [1987] 58 O.R. (2d) 707 (Div. Ct.). The case involved an appeal to the Commissioner from decisions of the Recorder. [redacted] hearing *de novo* because it was an appeal filed under s. 134(b) (now section 113(b)) of the

Mining Act. The Court distinguished proceedings brought under s. 134(a) (now s. 113(a)) from proceedings brought under s. 134(b) (now s. 113(b)), as follows:

I interpret s. 134(a) of the Act to deal with the nature of all hearings which come before the Commissioner by way of appeal, and s. 134(b) to deal with hearings which come before him at first instance, which, of course, explains the absence in the latter subsection of the words ‘*de novo*’.

[46] [REDACTED] t appeals. In *611428 Ontario Ltd. v. Metropolitan Toronto & Region Conservation Authority*, Appeal No. CA007-92, the tribunal found that its jurisdiction in hearing appeals under the Conservation Authorities [REDACTED] s. On appeal, [REDACTED] [REDACTED] (*611428 Ontario Ltd. v. Metropolitan Toronto & Region Conservation Authority* (1996), 90 O.A.C. 230, at para. 2) The decision to hold a hearing *de novo* on Mr. Russell’s appeal does not constitute procedural unfairness to the applicants.

[47] The applicants submit they were denied procedural fairness in the Commissioner’s finding that they could not make a “useful contribution” to the Russell appeal. They submit, further, that the Commissioner made assumptions as to both the issues and the evidence in the Russell appeal and concluded the applicants could provide no helpful evidence in respect of the appeal. We reject these submissions.

[48] The only evidence on the party status hearing was the affidavit of Mr. Roffey. N [REDACTED] [REDACTED] and Mr. Roffey’s [REDACTED] land of no significance in the appeal. The Commissioner dealt with each issue raised by the applicants and concluded they were of no assistance and had no bearing on the issues to be decided in the appeal.

[49] The Commissioner concluded, as follows:

Yes, the Neighbours are concerned about the possibility that Mr. Russell may be allowed to build a home on his land. That does not mean that they have an interest in the subject matter of the litigation, which is the capacity of Mr. Russell’s land and the surrounding ravine lands to withstand the proposed encroachment. There is, frankly, a difference between having an interest in law and being interested in the outcome. The Neighbour’s interest, as far as I can determine, is that they do not want to lose the amenity of having Mr. Russell’s undeveloped ravine land abutting their

own... Nothing raised by the Neighbours suggests that there is any issue in which they have profound concerns with the evidence of either Mr. Russell or the TRCA and over which the Commissioner has jurisdiction.

In her consideration of the evidence, we find no procedural unfairness.

[50] As to the allegation the Commissioner anticipated and pre-judged the applicants' evidence, the Commissioner was entitled to evaluate the usefulness of that evidence on Mr. Russell's appeal. [REDACTED]

[REDACTED] We find [REDACTED].

[51] Our review of the Commissioner's decision discloses no procedural unfairness and no unreasonable conclusions. The application for judicial review is dismissed.

[52] The respondent, Mr. Russell, shall have costs of \$15,000, inclusive of fees, disbursements and GST, on a partial indemnity scale payable in thirty days. The intervenor does not seek costs.

CARNWATH J.

GREER J.

SPIEGEL J.

Released:

DIVISIONAL COURT FILE NO.: 153/07
Mining and Lands Commissioner File No. CA003-05
DATE: 20071213

**ONTARIO
SUPERIOR COURT OF JUSTICE**

DIVISIONAL COURT

CARNWATH, GREER & SPIEGEL JJ.

B E T W E E N:

NANCY McFADYEN, JOHN McFADYEN,
DAVID ROFFEY, KAREN WALSH

Applicants

- and -

THE MINING AND LANDS COMMISSIONER
and DEREK RUSSELL

Respondents

- and -

ATTORNEY GENERAL OF ONTARIO

Intervenor

JUDGMENT

CARNWATH J.

Staff Report

To: Board of Directors

From: Susan McKinnon, Manager Budget and Business Analysis

Date: October 30, 2020

Subject:

LSRCA's 2021 Budget Update

Recommendation

That Staff Report No. 43-20-BOD regarding an update on LSRCA's 2021 Budget be received for information.

Purpose of this Staff Report:

The purpose of Staff Report No. 43-20-BOD is to provide the Board of Directors with an update on the 2021 Budget preparation and progress.

Background:

The annual budget process begins with the establishment of high-level budget assumptions that are approved by the Board of Directors. Staff then develop the budget in line with these assumptions and other revenue assumptions, making some minor adjustments to accommodate general direction from our municipal funding partners.

2021 Budget Assumptions

On July 8, 2020, the Board of Directors reviewed and approved Staff Report No. 35-20-BOD regarding 2021 budget assumptions. The budget assumptions approved at that time:

1. Inflation: up to 2.00% used only for applicable expenditures (2020: 2.00%)
2. COLA: up to 1.00% (2020: 1.75%) plus applicable step increases
3. Infrastructure levy for Asset Management: 0.00% (2020: 0.00%)
4. No additional new FTE's in 2021, unless they are fully funded from grants and/or fees
5. General and Special Operating Levy: Up to 1.00%, (2020: 2.83%)
6. Special Capital Levy: Up to 1.00% (2020: 2.34%)
7. Investment in Strategic Priorities deferred until 2022: 0.00% (2020:0.00%)

2021 Key Budget Messages

LSRCA will continue to respect our taxpayer by limiting our budget requests to 1.00% and looking for opportunities to cut costs and implement efficiencies. 2021 will be a transition year as we finish our current strategic plan and develop and move into our new strategic plan. The focus of 2021 will be implementing the strategic initiatives developed in our current strategic plan.

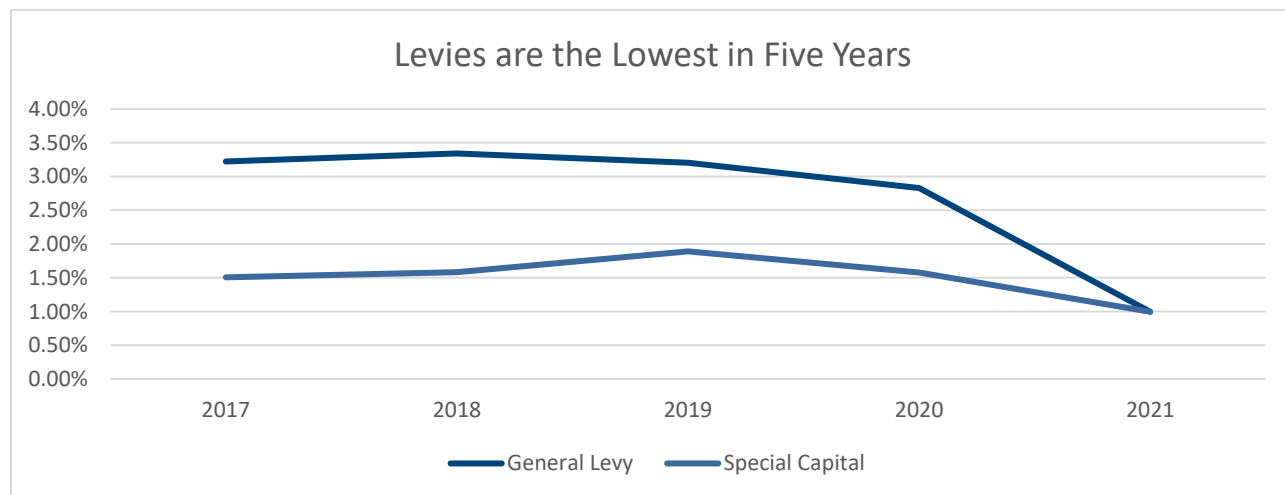
- Respect for the taxpayer
- Transition Year
- Focus on Implementation

Issues:

Pressures to our Operating budget

Expenditures: To allow staff to return safely to the office we will need to add sanitation measures and office modifications. Staff believe this will increase our operating costs by approximately \$42K. Management is considering the use of reserves to phase this cost in over the next two years. Staff continue to look for efficiencies and cost reductions to allow staff to receive a COLA increase in line with industry standard and inflation, but the exact increase is yet to be determined.

Revenues: The budget has been built assuming we will have full contributions from all municipal partners. Since 2017, we have continued to reduce our request for increases to our levies. This year we are asking for a very modest increase of 1.00%. Staff understand the pressures our municipal partners are under and are making every effort to find efficiencies and cost savings to work within this limitation. Please note that continuing to increase the levy at or below inflation will not be sustainable beyond this budget cycle.



LSRCA also continues to look for provincial and federal funding opportunities to leverage the funds received from our municipal partners. These sources of revenue continue to be at risk due to all levels of government facing fiscal limitation in 2021.

2020 has had an impact on some of our revenues being delayed or lost. Education, Tree Planting and Planning & Development fees all were impacted in 2020, and we anticipate these revenues will continue to be impacted in 2021. Our management team continues to monitor these areas and looks for cost savings or redeployment strategies when and if necessary.

Staff re-evaluated the development of the 2021 offsetting budget with a focus on reflecting the reality that these projects are spread over a longer period than initially anticipated. This has resulted in a decrease in the 2021 revenues and expenditure but will have little overall impact to the long-term outcomes.

Staff continue to search out grant opportunities that would enable LSRCA to fulfill its mandate with the help of external grant funding.

Changes to our Capital budget

In 2020, we completed the renovation of the Scanlon Creek Operations centre. This year we plan for a few assets to be replaced as they are at the end of their life, but no large new capital projects have been planned at this time.

Relevance to Authority Policy:

LSRCA is required to prepare annual budgets as part of the fiscal control and responsibilities of the organization. The budget is also used in the audit process for evaluation by the external auditing firm. Annual audits are required as per Section 38 of the Conservation Authorities Act.

Impact on Authority Finances:

2021 Draft Budget

Please note this is an unapproved draft budget for information only. Staff will continue to work with budget holders to finalize this budget and then have it approved by our Board of Directors.

2021 Draft * Capital and Operating Budget		
For the period January - December 31, 2021		
Consolidated Summary (in Millions)	Approved Budget 2020	Proposed Budget 2021
Revenue:		
General Levy	4.0	4.0
Special Capital Levy & Municipal Partners	6.6	6.4
Provincial and Federal Funding	1.6	1.0
Revenue Generated by Authority	8.1	4.2
Other Revenue	0.2	0.1
Total Revenue	20.5	15.7
Expenditures:		
Corporate Services	4.0	4.1
Ecological Management	2.5	2.5
Education & Engagement	0.6	0.6
Greenspace Services	0.7	0.7
Planning & Development Services	3.6	3.7
Water Risk Management	1.8	1.3
Watershed Studies & Strategies	0.9	1.5
Operating Expenditures	14.1	14.4
Capital and Project Expenditures	7.1	1.5
Total Expenditures	21.2	15.9
Required Draws to/(from) Reserve	(0.7)	(0.2)
Net Revenue (Expenditures)	0.0	0.0

Increases to Levies

Our current total levy ask for 2021 is \$8,879,143, which is a 1.00% increase overall.

(in Millions)	2020	Increase	2021	% Increase
General Levy	4.01	0.04	4.05	1.00%
Special Capital	4.29	0.04	4.34	1.00%
Special Operating	0.49	0.00	0.49	1.00%
Total	\$8.79M	\$0.08M	\$8.87M	1.00%

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 43-20-BOD regarding an update on LSRCA's 2021 Budget be received for information.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Corporate & Financial Services/CFO and the Chief Administrative Officer.

Signed by:

Signed by:

Mark Critch

Mike Walters

General Manager, Corporate and Financial
Services, CFO

Chief Administrative Officer

Attachments:

Appendix 1 – 2021 Budget at a Glance

Lake Simcoe Region Conservation Authority

2021 Draft Budget - Budget at a Glance



Lake Simcoe Region
conservation authority



2021 Budget Highlights

- Respect the tax payer
- Transition Year
- Focus on Implementation

LSRCA continues to demonstrate respect for the taxpayer by requesting a modest 1.00% increase to levies in 2021. Our focus in 2021 will be on the implementation of the current strategic initiatives and transitioning into our new strategic plan (currently in development).

LSRCA At-A-Glance

LSRCA is a local watershed management organization incorporated under the Conservation Authorities Act (1946).

Since our formation in 1951, we have been dedicated to conserving, restoring and managing the Lake Simcoe watershed.

Our jurisdiction, which began in the East Holland River with five municipalities, has grown to include the entire Lake Simcoe watershed with the exception of the City of Orillia and the Upper Talbot River subwatershed.

LSRCA is governed by an 18-member Board of Directors, appointed within a four-year cycle by its 9 member municipalities. Each year, the Board of Directors elects a Chair and Vice Chair from among its 18 members.

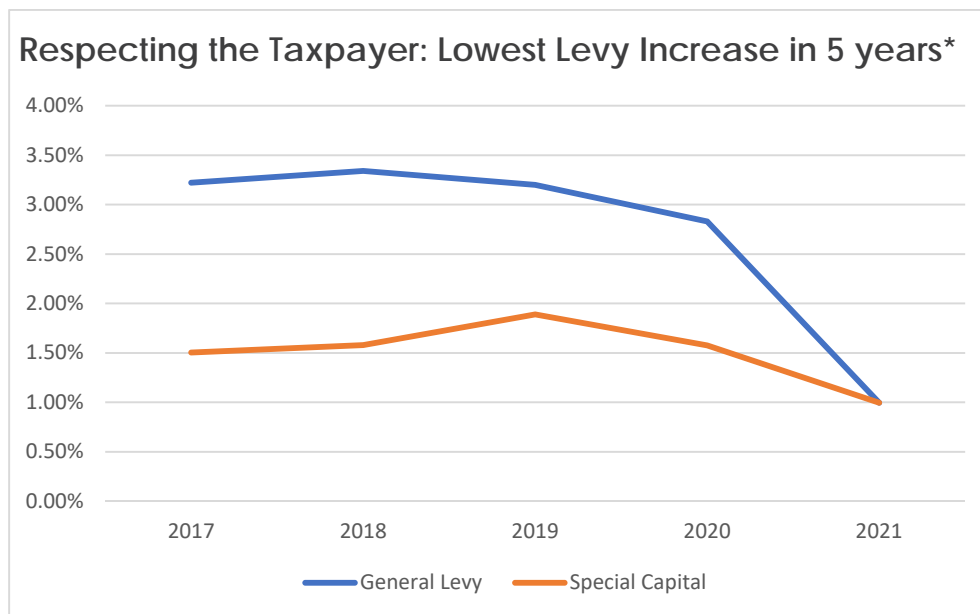
Our Watershed

The Lake Simcoe watershed is a 3,400 square kilometre area of land that sweeps across 20 municipalities, from the Oak Ridges Moraine in the south to the Oro Moraine in the north, through York and Durham Regions, Simcoe County and the cities of Kawartha Lakes, Barrie and Orillia.

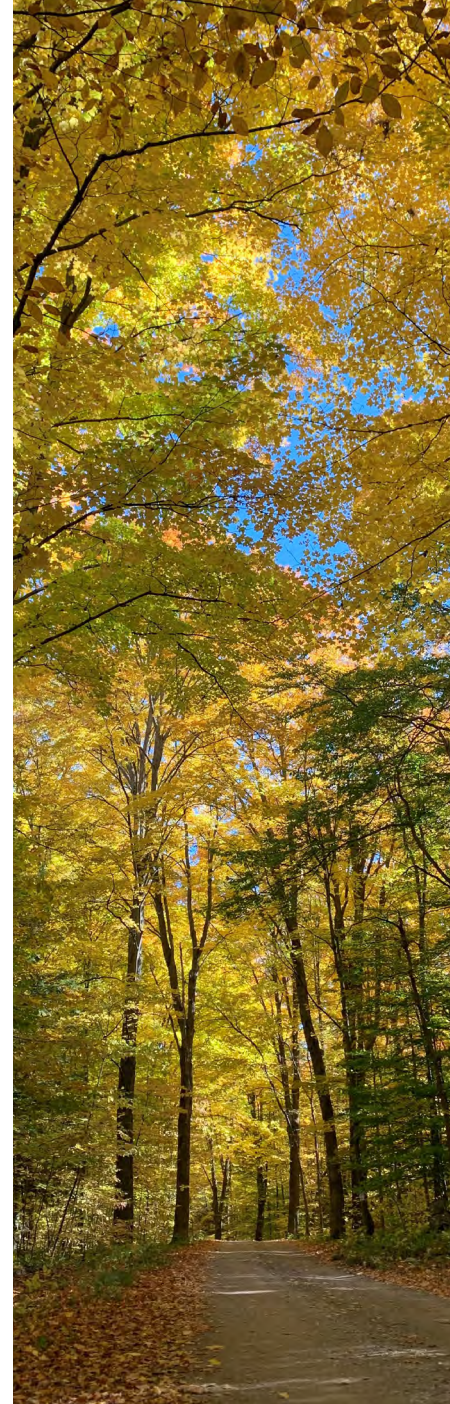
The watershed is delineated by 18 major river systems and many smaller ones that flow through the landscape to the heart of the watershed; Lake Simcoe.

Board Approved Assumptions - July 8, 2020

1. Inflation: up to 2.00% used only for applicable expenditures (2020: 2.00%)
2. COLA: up to 1.00% (2020: 1.75%) plus applicable step increases
3. Infrastructure levy for Asset Management: 0.00% (2020: 0.00%)
4. No additional new FTE's in 2021, unless they are fully funded from grants and/or fees
5. General and Special Operating Levy: Up to 1.00%, (2020: 2.83%).
6. Special Capital Levy: Up to 1.00% (2020: 2.34%).
7. Investment in Strategic Priorities: 0.00% (2020: 0.00%)



* Actual levy increase not budget assumptions.



LSRCA Total Levy Request for 2021

Based on Board Approved Assumptions

	2020 Levy in Millions	Increase in Millions	2021 Levy in Millions	% increase
General Levy	4.01	0.04	4.05	1.00%
Special Capital Levy	4.29	0.04	4.34	1.00%
Special Operating	0.49	0.00	0.49	1.00%
Total	\$8.79M	\$0.08M	\$8.87M	1.00%

2021 Draft* Capital and Operating Budget

For the period January - December 31, 2021

Consolidated Summary

Approved
Budget 2020
(Millions)

Proposed
Budget 2021
(Millions)

Revenue:

General Levy	4.0	4.0
Special Capital Levy & Municipal Partners	6.6	6.4
Provincial and Federal Funding	1.6	1.0
Revenue Generated by Authority	8.1	4.2
Other Revenue	0.2	0.1
Total Revenue	20.5	15.7

Expenditures:

Corporate Services	4.0	4.1
Ecological Management	2.5	2.5
Education & Engagement	0.6	0.6
Greenspace Services	0.7	0.7
Planning & Development Services	3.6	3.7
Water Risk Management	1.8	1.3
Watershed Studies & Strategies	0.9	1.5
Operating Expenditures	14.0	14.4
Capital & Project Expenditures	7.1	1.5
Total Expenditures	21.2	15.9
Required Draws to/(from) Reserve	(0.7)	(0.2)
Net Revenue (Expenditures)	0	0

* Draft budget only, has not been approved by our Board of Directors. Staff will continue to work with budget holders to finalize the 2021 budget.

Municipality of Innisfil

Budget Submissions*

Budget Submissions*	2020 Approved		2021 Proposed		2022 Outlook	
	Municipality Cost	Total Cost	Municipality Cost	Total Cost	Municipality Cost	Total Cost
Corporate Services	32	597	32	599	33	612
Ecological Management	56	1,551	57	1,577	58	1,610
Greenspace Services	9	319	9	321	9	328
Planning & Development	0	25	0	25	0	25
Water Risk Management	34	925	35	933	36	953
Watershed Studies & Strategies	69	878	70	882	71	902
Asset Management	0	0	0	0	2	42
Strategic Initiatives/Growth	0	0	0	0	2	42
Special Capital Programs	200	4,295	203	4,337	211	4,515
Operating	176	4,009	181	4,049	181	4,130
Special Operating	29	487	29	493	30	510
Total	405	8,791	413	8,879	425	9,154

* Subject to Board of Directors approval.

