

January 12, 2023

Planning Departments of the:

Municipality of Lakeshore
Municipality of Leamington
Municipality of Chatham-Kent
Municipality of West Elgin
Municipality of Dutton Dunwich
Township of Southwold
Municipality of Middlesex Centre
Municipality of Strathroy-Caradoc
Municipality of Southwest Middlesex
City of London

Re: **Legislative and regulation changes affecting Conservation Authorities, effective January 1, 2023: Royal Assent of Bill 23, More Homes, Built Faster Act (2022) and O. Reg. 596/22**

Further to the Royal Assent of Bill 23, the province has recently released a new Minister's regulation on Prescribed Acts as well as Minister's Direction on Fees. CA staff wanted to provide you with an important update on the Province's implementation of Bill 23 as they are moving forward with a few aspects effective January 1.

Municipalities are still required to circulate planning applications to conservation authorities so we can review and comment on natural hazard and source water protection matters per O. Reg. 686/21 and the Provincial Policy Statement. The scope of our reviews will also continue to include aspects of wetlands and stormwater management as they relate to natural hazard management (hydric and unstable soils) and source water protection. Please ensure planning applications continue to be circulated to conservation authorities.

The Lower Thames Valley Conservation Authority would like to share the following information and clarification regarding its programs and services and our fee schedules.

PLAN REVIEW SERVICES

Conservation Authorities continue to provide plan review and commenting under the Mandatory Programs and Services Regulation (O.R. 686/21) which includes natural hazards and source water protection. Recent changes to our non-mandatory review and commenting services for development applications as per the Prescribed Acts Regulation (O. Reg. 596/22) does not affect Conservation Authorities' provision of mandatory programs or services (Category 1) related to those prescribed Acts. Municipalities should continue with their regular circulation process to the Lower Thames Valley Conservation Authority.

The Prescribed Acts Regulation restricts CAs from providing services related to **reviewing** and **commenting** on a proposal, application, or other matter made under a number of Acts, which are as follows:

- The Aggregate Resources Act
- The Condominium Act, 1998
- The Drainage Act
- The Endangered Species Act, 2007
- The Environmental Assessment Act
- The Environmental Protection Act
- The Niagara Escarpment Planning and Development Act
- The Ontario Heritage Act
- The Ontario Water Resources Act
- The Planning Act

The Lower Thames Valley Conservation Authority is committed to working with you to clarify planning responsibilities moving forward. Further to this commitment, we will reach out to you in the near future to set up a meeting regarding next steps. In the meantime, we continue to review all planning applications that were previously submitted in a timely manner to support your ability to meet the legislated deadlines under the Planning Act. LTVCA staff are committed to work with you to ensure that you have the information that you need to make informed and timely decisions.

PERMITS

The Lower Thames Valley Conservation Authority will continue to provide its regular permitting services including addressing new provisions concerning Minister's Zoning Orders and Community Infrastructure and Housing Accelerator Orders (Conservation Authorities Act, s. 28.0.1) as amended through Bill 23. All other Section 28 regulations remain unaffected for permitting for works within Hazard lands. We will continue to collaborate with you on efficient delivery of such permits as they arise.

Please note that the provision allowing the Minister to issue regulations to exempt certain development projects with Planning Act approval in certain municipalities from conservation authority permits is not currently in effect.

UPDATED FEE SCHEDULE

The updated fee policy and associated fee schedules (see link below) for planning and permitting for 2023 meets the requirements of the Minister's List of classes of programs and services in respect of which conservation authorities may charge a fee. The Ministerial Order received from the Ministry of Natural Resources and Forestry on December 28, 2022, has issued a direction to freeze the LTVCA's fees for planning and permitting for the year of 2023 so no additional changes will be made to our fee schedule for planning and permitting during this time. The 2023 LTVCA Fee Policy and associated Schedules were approved by the LTVCA's Board of Directors on December 15, 2022, and are now in effect.

LTVCA Fee Policy & Schedules: https://www.lowerthames-conservation.on.ca/wp-content/uploads/2022/12/Fee-Policy-Schedules_FINAL-Dec-15-2022.pdf

LTVCA Planning Fee Schedule: https://www.lowerthames-conservation.on.ca/wp-content/uploads/2023/01/Schedule-1_Planning-Fees-BoD-approved_Dec-15-2022.pdf

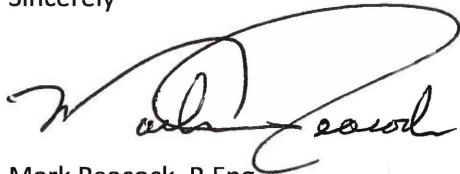
OTHER SERVICES PROVIDED THROUGH MOUs/AGREEMENTS

The recent legislative changes do not affect other services provided to municipalities. The Lower Thames Valley Conservation Authority will continue work on formalizing these arrangements through a Memoranda of Understanding and agreements where they are not already present.

We appreciate that these are uncertain and somewhat complicated times, so please feel free to contact the LTVCA if you have any questions. We will also ensure that we continue open communication with all our municipalities to continue to share information, address any concerns and work closely with you and your staff on implementing changes and finding solutions.

We look forward to providing you with exemplary services. If you have any questions or concerns, please contact either myself, Mark.Peacock@ltvca.ca or ext. 224, or Valerie Towsley at Valerie.Towsley@ltvca.ca or ext. 226.

Sincerely



Mark Peacock, P.Eng.
CAO/Secretary-Treasurer



Valerie Towsley
Watershed Resource Planner

c.c. Municipal Mayors and Clerks
Municipal Building Departments
LTVCA Board Members

Attachment: Letter from MNRF re: Legislative and regulation changes affecting conservation authorities, December 28, 2022

Ministry of Natural Resources and
Forestry

Resource Planning and Development
Policy Branch
Policy Division
300 Water Street
Peterborough, ON K9J 3C7

Ministère des Richesses naturelles et
des Forêts

Direction des politiques de planification et
d'exploitation des ressources
Division de l'élaboration des politiques
300, rue Water
Peterborough (Ontario) K9J 3C7

To: Conservation authorities and participating municipalities, Conservation Ontario
and the Association of Municipalities of Ontario

From: Jennifer Keyes, Director

Date: December 28, 2022

Subject: Legislative and regulation changes affecting conservation authorities

Good afternoon,

I am writing to provide you with information on amendments to the *Conservation Authorities Act* made as part of the *More Homes Built Faster Act, 2022*, as well as two regulations that have been approved by the province in support of Ontario's Housing Supply Action Plan, both of which will come into effect on January 1, 2023. In addition, the Minister of Natural Resources and Forestry has issued a direction regarding fees that will be distributed separately from this letter. A notice will be posted to the Environmental Registry of Ontario (ERO) in the coming weeks regarding these decisions.

Legislative Amendments

As you are likely aware, the *More Homes Built Faster Act, 2022* was passed this Fall, receiving Royal Assent on November 28, 2022. Several changes were made to the *Conservation Authorities Act* that are intended to further focus conservation authorities on their core mandate, support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

Notably, one part of the *More Home Built Faster Act, 2022* which came into effect upon Royal Assent were changes to Section 28.0.1 of the *Conservation Authorities Act*, which include provisions to require a conservation authority to issue a permission or permit where a Minister's Zoning Order has been made under section 47 of the *Planning Act*. This section was amended to also apply to orders made under section 34.1 of the *Planning Act*, otherwise known as the "community infrastructure and housing accelerator" tool, in addition to some other minor changes.

Other changes, which will come into effect on January 1, 2023, include:

- Updates to Section 21 of the Act so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria.
- Sections 21.1.1 and 21.1.2 of the Act which provide that authorities may not provide a program or service related to reviewing and commenting on proposals, applications, or other matters under prescribed Acts.
- A new section 21.3 that enables the Minister to issue temporary direction to a conservation authority preventing the authority from changing the amount of a fee it charges under subsection 21.2 (10) of the Act.

Remaining legislative changes regarding conservation authority development regulations will not come into effect until proclaimed, following the creation of a new Minister's regulation with supporting regulatory details. This regulation is currently being consulted on until December 30th on the ERO, #019-2927: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.

New Regulatory Requirements

Following the passing of these legislative amendments, the government has proceeded with making two regulations, both of which will come into effect on January 1, 2023.

Amendments were made to Ontario Regulation 686/21: Mandatory Programs and Services to require conservation authorities to identify conservation authority lands suitable for housing. This requirement is part of the preparation of the land inventory required to be completed by conservation authorities by December 31, 2024, and certain considerations for identifying whether or not lands are suitable for housing are listed.

A new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act) was also made to focus conservation authorities' role when reviewing and commenting on proposals, applications, or other matters related to development and land use planning. Under this regulation, conservation authorities are no longer able to provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

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| • The <i>Aggregate Resources Act</i> | • The <i>Niagara Escarpment Planning and Development Act</i> |
| • The <i>Condominium Act, 1998</i> | • The <i>Ontario Heritage Act</i> |
| • The <i>Drainage Act</i> | • The <i>Ontario Water Resources Act</i> |
| • The <i>Endangered Species Act, 2007</i> | • The <i>Planning Act</i> |
| • The <i>Environmental Assessment Act</i> | |
| • The <i>Environmental Protection Act</i> | |

This regulation does not affect conservation authorities' provision of mandatory programs or services (Category 1) related to reviewing and commenting on a proposal, application, or other matter made under those Acts.

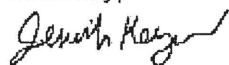
An administrative update to the "Determination of Amounts Owed Under Subsection 27.2 (2) of the Act" regulation (O. Reg. 401/22) was also made to update the methods of determining amounts owed by specified municipalities for operating expenses and capital costs related to mandatory the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008* programs and services to enable use of a benefit-based apportionment method.

I appreciate that with these most recent amendments, along with changes made over the last number of years, this is a time of significant transition for conservation authorities and their member municipalities. Throughout this time, conservation authorities have continued to deliver on their important roles in protecting people and property from natural hazards, conserving and managing lands, and drinking water source protection.

The ongoing efforts of conservation authorities to implement these changes is acknowledged, including initiatives led by conservation authorities and Conservation Ontario that have contributed to the Government's objectives of improving accountability and transparency and supporting timely development approvals to help address Ontario's housing supply crisis.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at ca_office@ontario.ca. I look forward to working with you in the coming year.

Sincerely,



Jennifer Keyes

Director, Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry