

November 25, 2020

Dear Clerks, CAOs, Mayors and Municipal Councils

**Re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020**

On November 5th, 2020, the province released their budget Bill 229; *Protect, Support and Recover from COVID-19 Act* (Budget Measures), 2020. Bill 229 includes amendments to 44 Acts, including Schedule 6, the *Conservation Authorities Act*. These new amendments are described on the Environmental Registry of Ontario (ERO) posting "*to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning*".

While previously proposed changes to the act have been posted to the ERO for a period of public comment, these new changes are posted on the ERO for "information only using Section 33 of the Environmental Bill of Rights, 1993 (EBR) which exempts proposals from the public consultation requirements under the EBR if the proposal forms part of or gives effect to a budget or economic statement presented to the Legislative Assembly". Bill 229 has passed second reading and has been referred to Standing Committee which is expected to meet November 30, December 1, and December 2. It is expected to be passed soon thereafter.

The changes outlined in Schedule 6 of Bill 229 to the *Conservation Authorities Act* and the *Planning Act* will significantly either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards. The changes put people and property at risk by limiting the conservation authorities' ability to ensure a watershed-based approach to development.

These changes will impact your municipality:

- Provincial changes limit the conservation authorities' ability to provide input to municipal planning applications and to permit decisions and appeals.
- Changes will negatively impact the development permit process.
- The introduction of new fee appeal methods will result in increased legal costs. These costs will be borne by taxpayers, municipalities (through municipal levy), and/or all permit applicants. Not incurring these legal costs will result in increased liability of conservation authorities and municipalities for people and property at risk.
- Changes to the conservation authorities' role in not being allowed to independently appeal decisions pertaining to municipal planning applications will put more people and infrastructure

**Watershed Member Municipalities**

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,  
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

at risk of flooding and other natural hazards as well as add additional stressors to Ontario's biodiversity.

- The changes do not address increased uncertainty due to the risks and impact of climate change.
- The Province has changed the 'Duty to Members' section of the *Conservation Authorities Act* to have municipal representatives on conservation authority Boards act in the interests of their own municipality rather than the conservation authority's interests, pitting municipality against municipality rather than marshalling the collective experience of municipalities to function in the best interests of everyone within the watershed.

On November 20<sup>th</sup>, 2020, the Saugeen Valley Conservation Authority passed the following resolution:

**WHEREAS the province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act; and**

**WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;**

**and WHEREAS conservation authorities protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act; and**

**WHEREAS the changes allow the Minister to make decisions without SVCA watershed data and expertise and consistency with policies and guidelines; and**

**WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs; and**

**WHEREAS SVCA and municipalities require a longer transition time to put in place new budgets as well as agreements for non-mandatory programs; and**

**WHEREAS the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected; and**

**WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed; and**

**WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative; and**

**WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process; and**

**WHEREAS the province has made changes to the legislation that will limit the ability of SVCA to ensure compliance with the Act and our policies by not including stop work orders and modifying powers to enter property potentially resulting in more legal action; and**

**WHEREAS all watershed residents and municipalities value and rely on the natural habitats and water resources within our jurisdiction for their health and well-being as well as SVCA's work to prevent and manage the impacts of flooding and other natural hazards and to ensure safe drinking water;**

**THEREFORE BE IT RESOLVED THAT the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229); and**

**THAT the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth; and**

**THAT the province respects the current conservation authority - municipal relationships; and**

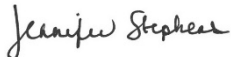
**FURTHER THAT the province embraces their long-standing partnership with conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.**

Saugeen Valley Conservation Authority is requesting the support of your municipality to repeal Schedule 6. Please consider passing the above resolution and send copies of your resolution to the Saugeen Valley Conservation Authority, the Premier of Ontario, the Ontario Minister of the Environment, Conservation and Parks, the Ontario Minister of Finance, and local members of provincial parliament.

The conservation authority watershed model has served Ontario well and is relied upon by many levels of government, businesses, and residents to protect the environment from upstream to downstream.

Please feel free to reach out to me with any questions.

Best regards,



Jennifer Stephens  
General Manager/Secretary-Treasurer



Dan Gieruszak  
Chair, SVCA