

Provincial Policy Conservation Authority Updates

Urban Land Institute

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- **The proposed changes alter both the permitting process and the scope of Conservation Authorities' mandate**



- Process Changes
- Mandate Changes
- Conversation with Eldon on how this will change the planning practice and process

Permits: Process Changes



Road Map for Permitting

1

Apply to the Conservation Authority with new appeal routes

2

Minister Issues the Permits after removing the power from the Conservation Authority

3

“MZO” or “Mandatory” permits

File a Permit Application to CA

Cannot be refused or have conditions imposed "unless Applicant is given opportunity to be heard"
CA to issue decision within 120 days

Permit
Issued

Refused or
Conditions imposed

Decision not issued
within 120 days

15 Days

Seek Minister "Review"

90 Days

"Appeal" to LPAT

30 Days

Minister "Reply"

Will Review

If review refused OR no reply w/
30d OR no decision w/ 90d
Appeal to LPAT (30 days)

90 Days

Minister's Decision is Final

Permit Issued
(with or w/o
conditions)

Permit
Refused

LPAT

No time frame for hearing or decision

Order CA to issue
(with or w/o conditions)

Permit
Refused

Appeal to
LPAT
No time
frame

Minister Issues Permits

Minister by order can direct a CA not to issue a permit for a “specified” activity” or a “type or class of activity”.
Minister can then issue permits (w or w/o conditions) applying the required *criteria*

Application
filed with CA
prior to Order

Applications for Permits
after the Order are
made directly to
Minister

CA will forward Application to Minister; Applicant will
provide any additional material specified by Minister.
Minister can confer

Application, fee and supporting
material is filed with Minister,
Minister can confer

If no decision w/90 d – Appeal to LPAT

90 Days

LPAT

Permit Issued
(with or w/o
conditions)

Permit
Refused

Minister's Decision is Final

Permit Issued
(with or w/o
conditions)

Permit
Refused

“MZO” or “Mandatory” Permits

Application to CA
MZO in Place
Lands NOT in the Greenbelt

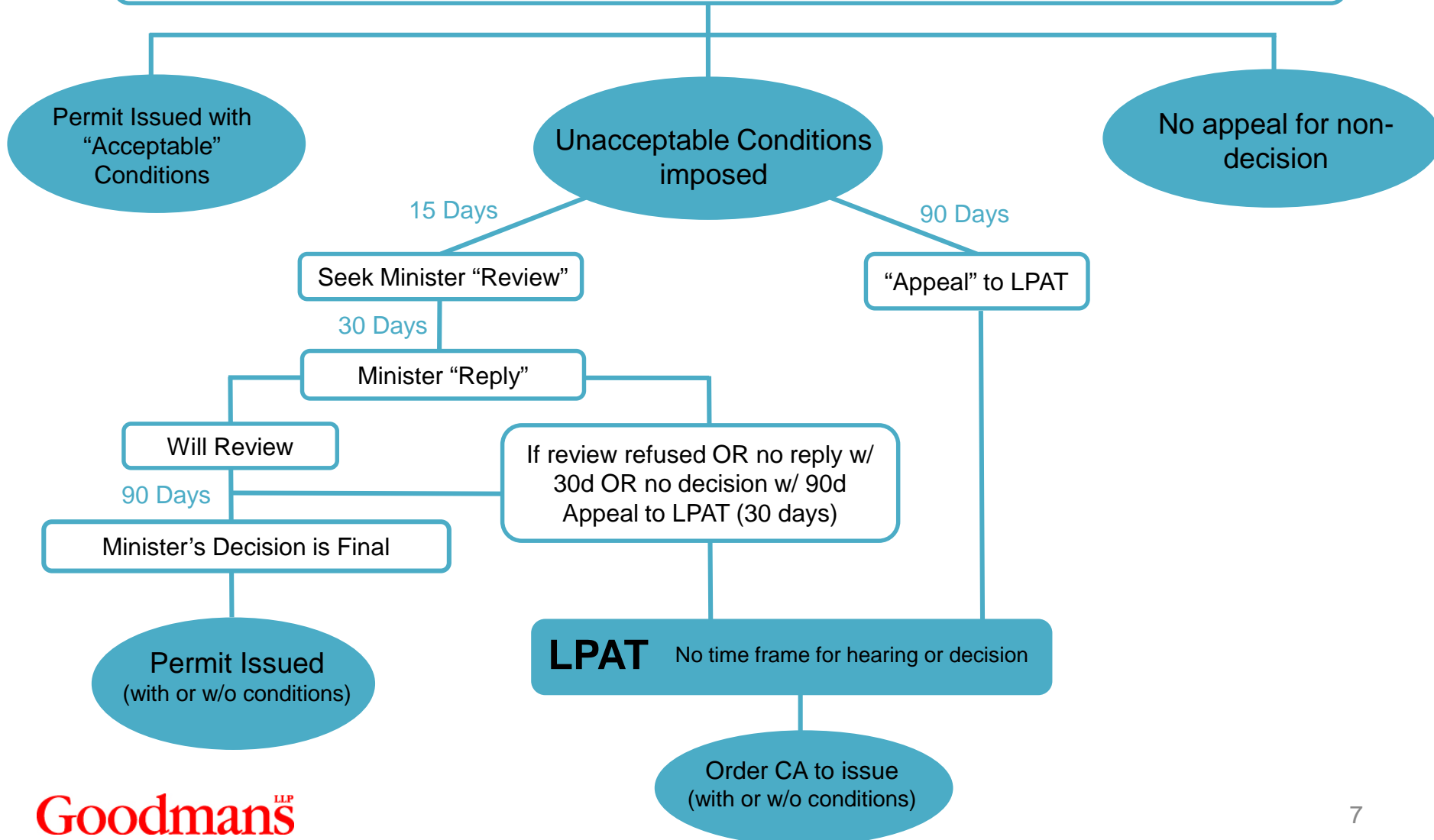
CA “shall **not** refuse to issue a permit” “**despite**, anything in Subsection 3(5) of the *Planning Act*”

- Consistency with PPS and
- Conformity with Provincial Plans

CA may attach conditions to the permit

File a Permit Application to CA for MZO or Mandatory Permit

Conditions unacceptable to the applicant cannot be imposed “unless Applicant is given opportunity to be heard”
CA to issue decision within 120 days



Mandatory Permits - Agreements

- CA “shall enter into an agreement” with the permit holder and the permit holder may add a municipality or such other person or entity as they consider appropriate as parties to the agreement
- Agreement shall set out actions or requirements that the permit holder must complete or satisfy **in order to compensate** for ecological impacts and any other impacts that may result from the development project
- Development cannot proceed until the agreement is executed
- If the conditions in a permit conflict with the terms of the MZO, the MZO prevails

Changes in Conservation Authority's Mandate



Programs and Services

Today

The objects of a CA are to provide “programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals”

In the future

CA to provide programs and services only if they are prescribed by regulation and meet any of the following descriptions:

- “risk of natural hazards”
- “conservation and management of lands owned or controlled by the authority...”
- “the authority’s duties, functions and responsibilities as a source protection authority”

New Mandate Focus

The new mandate appears to focus on Source Water Protection and “Natural Hazards”

Prior to Bill 229

“*hazardous land*” defined as land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.

Bill 229

“*hazardous land*” will be defined by regulation

“Municipal Programs”

Today and in the
Future

The CA continues to provide Municipal programs and services that the authority agrees to provide on behalf of municipalities under a memorandum of understanding

Involvement at LPAT

- **CA's will be excluded as a "Public Body" under the *Planning Act* except under certain circumstances**
- **As a result, CA's could not:**
 - Appeal land use planning decisions; or
 - Act as a party to an appeal at the LPAT, except where the appeal relates to a prescribed natural hazard risk

Other Changes

- **CA's will not be permitted to:**
 - **Charge a fee unless it is approved by Minister**
 - **Enter onto lands without the owner's consent**
 - **Expropriate**

Conversation with Eldon





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