

MEMBER'S RESOLUTION**Date: DECEMBER 15, 2020 – COUNCIL****Title: BILL 229 - SCHEDULE 6, AMENDMENTS TO THE CONSERVATION AUTHORITIES ACT****Submitted by: COUNCILLOR MARILYN IAFRATE**

Whereas on November 5, 2020, the Province of Ontario introduced Bill 229, *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, which proposes amendments to the *Conservation Authorities Act* and *Planning Act* through Schedule 6; and

Whereas Bill 229 received Royal Assent on December 8, 2020 and limited amendments to the *Conservation Authorities Act* are now in force; and

Whereas most of the Bill 229 amendments to the *Conservation Authorities Act* will come into force on a day to be proclaimed by the Lieutenant Governor; and

Whereas the Bill 229 amendments to the *Conservation Authorities Act* reinforce that conservation authorities, like the Toronto and Region Conservation Authority ("TRCA"), exist to deliver programs and services that further the conservation, restoration, development, and management of natural resources in watersheds in Ontario; and

Whereas in accordance with this purpose, the TRCA has confirmed in a press release issued on December 8, 2020 that it will continue using a science-based watershed approach to its decision making and will not change its practices related to planning and permitting except as required when the amendments to the *Conservation Authorities Act* as set out in the Act are proclaimed; and

Whereas the TRCA did advise the Province of concerns it had regarding governance, planning, permitting and enforcement sections within Schedule 6 to Bill 229 prior to Bill 229's passage; and

Whereas the TRCA acknowledges the Province for modifying some parts of Schedule 6 in Bill 229 to reflect the TRCA's input, including the "Membership and Governance" and "Objects, Powers and Duties" sections, which reinforce that board members have a fiduciary responsibility to act in the best interest of the conservation authority in which they serve, and that conservation authorities have flexibility to provide optional programming and services to its partner municipalities and stakeholders in their jurisdiction, without Provincial restriction; and

Whereas it is the TRCA's position that several unprecedented challenges and concerns related to planning and permitting remain within the version of the amendments to the *Conservation Authorities Act* and the *Planning Act* that received Royal Assent on the 8th of December; and

Whereas local residents groups, environmental groups, Associations of Municipalities of Ontario ("AMO"), Ontario Big City Mayors, David Suzuki Foundation, Environmental Defence, Ontario Nature, various Ontario municipalities and notably, Canadian Environmental Law Association, indicated their opposition to the changes made by the Province in Schedule 6 of Bill 229 prior to Bill 229's passage; and

Whereas conservation authorities will no longer be deemed a "Public Body" under the *Planning Act* in some instances which impacts the ability of conservation authorities to participate in most appeals to the Local Planning Appeal Tribunal ("LPAT") of development applications where a decision has been made; and

Whereas new appeal procedures have been created to allow for applicants to go directly to LPAT or the Minister to receive approval of a permit when it has been denied by a conservation authority; and

Whereas new mandatory permitting requirements have been placed on conservation authorities where a Minister's Zoning Order has been issued, provided that the lands are outside of the Greenbelt; and

Whereas the mandatory permission requirements came into effect as of December 8, 2020; and

Whereas demoting the role and authority of conservation authorities is not in the public interest and does not provide the protection and assurance that the public relies upon.

It is therefore recommended that:

- 1. The City of Vaughan request that the Government of Ontario reconsider the amendments to the Conservation Authorities Act and Planning Act in Bill 229 relating to planning, permitting and enforcement and include strengthened provisions related to enforcement including powers to require the restoration of lands including taxation abilities involving local municipalities if they have been subjected to illegal activities, including enforcement powers that are on par with other Provincial Officers in order to support a balanced approach to development, enable conservation authorities to mitigate natural hazards and protect natural heritage, and to prevent any downloading of enforcement costs to municipalities;*
- 2. The City of Vaughan requests that the Government of Ontario allow for further discussions to take place regarding the amendments to the Conservations Authorities Act and the Planning Act set out in Schedule 6 to Bill 229 before proclaiming them to come into effect;*
- 3. The City of Vaughan requests that the Government of Ontario consult with the conservation authorities when developing the newly proposed regulations to ensure they have an opportunity to apply their knowledge and best practices as part of the consultation process to inform development of the guidelines prior to the guidelines being approved by the Province;*
- 4. This resolution be distributed by the Clerk to the Premier, Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, MPPs in the City of Vaughan, the Region of York, and the TRCA.*

Respectfully submitted,

Marilyn lafrate
Councillor, Ward 1
Maple & Kleinburg