



# Township of Addington Highlands

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December 15, 2020

The Town of Shelburne  
203 Main Street East  
Shelburne, ON L9V 3K7  
e-mailed to: [jwilloughby@shelburne.ca](mailto:jwilloughby@shelburne.ca)

Re: Resolution re Bill 229 "Protect, Support and Recover from COVID-19 Act –  
Schedule 6 – Conservation Authorities Act

To Whom It May Concern,

Please be advised that at their December 1<sup>st</sup>, 2020 meeting, the Council of the Corporation of the Township of Addington Highlands resolved to support your municipality's resolution calling on the Province of Ontario to repeal Schedule 6 of the Budget Measure's Act (Bill 229); to continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth; to respect the current conservation authority and municipal relationships; and embrace their longstanding partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

I trust you will find this letter of support satisfactory.

Sincerely,

*Christine Reed*

Christine Reed  
CAO/Clerk-Treasurer

cc. The Honourable Doug Ford, Premier – [premier@ontario.ca](mailto:premier@ontario.ca)  
The Honourable Rod Phillips, Minister of Finance – [Minister.fin@ontario.ca](mailto:Minister.fin@ontario.ca)  
The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks – [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)  
The Honourable John Yakabuski, Minister of Natural Resources and Forestry – [minister.mnrf@ontario.ca](mailto:minister.mnrf@ontario.ca)  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing – [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)  
Daryl Kramp, MPP Hastings-Lennox and Addington – [daryl.kramp@pc.ola.org](mailto:daryl.kramp@pc.ola.org)  
Brad McNevin, Chief Administrative Officer, Quinte Conservation Authority – [bmcnevin@quinteconservation.ca](mailto:bmcnevin@quinteconservation.ca)  
Sally McIntyre, General Manager, Mississippi Valley Conservation Authority – [smcintyre@mvc.on.ca](mailto:smcintyre@mvc.on.ca)

December 8, 2020

Via email: [admin@ltvca.ca](mailto:admin@ltvca.ca)

Mark Peacock, P.Eng  
Lower Thames Conservation  
100 Thames Street  
Chatham ON N7I 2Y8

**Re: Resolution Bill 229 and the Conservation Authorities**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on December 7, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Moved by Councillor Faas, Seconded by Councillor Thompson

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

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

WHEREAS we rely on the watershed expertise provided by local conservation authorities to 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

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise

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

WHEREAS municipalities believe that 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

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

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

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 municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water

THEREFORE BE IT RESOLVED

THAT the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229)

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

THAT the Province respect the current conservation authority/municipal relationships

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

If you have any questions or comments, please contact Judy Smith at [judys@chatham-kent.ca](mailto:judys@chatham-kent.ca)

Sincerely,



Judy Smith, CMO  
Director Municipal Governance  
Clerk /Freedom of Information Coordinator

C

Honourable Premier of Ontario

Hon. Rod Phillips, Minister of Finance ([rod.phillips@pc.ola.org](mailto:rod.phillips@pc.ola.org))

Hon. Jeff Yurek, Minister of Environment Conservation and Parks  
([jeff.yurek@pc.ola.org](mailto:jeff.yurek@pc.ola.org))

Hon. John Yakabuski, Minister of Natural Resources and Forestry  
([john.yakabuski@pc.ols.org](mailto:john.yakabuski@pc.ols.org))

Local Members of Provincial Parliament

All Ontario Municipalities



December 16, 2020

Premier Ford  
Office of the Premier  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

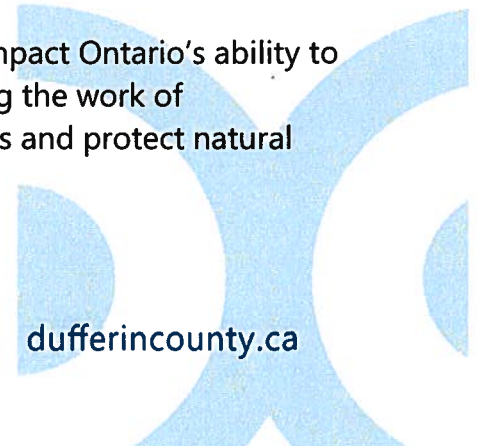
Hon. John Yakabuski  
Ministry of Natural Resources & Forestry  
Whitney Block  
Suite 6630, 6th Floor  
99 Wellesley St. W  
Toronto ON M7A 1W3

Dear Premier Ford & Honourable Yakabuski:

At its meeting held on December 10, 2020, Dufferin County Council discussed the proposed changes to the Conservation Authorities Act through Bill 229.

We as a Council and community are extremely concerned that *Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act* 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. **In our opinion, the purpose and intent of this Bill is simply wrong, and does not move things in a correct direction.** To be clear, Dufferin County relies on the expertise of the local conservation authorities to 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.

Equally of significant concern to us, these proposed changes will impact Ontario's ability to adapt to and mitigate the effects of climate change by undermining the work of conservation authorities to keep development out of high risk areas and protect natural infrastructure.



**The County of Dufferin is imploring the Province to:**

- Work with conservation authorities to address their concerns, and remove Schedule 6 from Bill 229 entirely. Period.
- Delay any enactment of clauses that affect municipal interests, which Bill 229 certainly does.
- Provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority-municipal budget processes.
- Respect the current conservation authority/municipal relationships, embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

**I trust that the County of Dufferin's opinion of and response to proposed changes through Bill 229 are clear. I am available to discuss this further at your convenience.**

Sincerely,



Darren White  
Warden

Cc Hon. Jeff Yurek, Minister of the Environment, Conservation and Parks  
Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Sylvia Jones, MPP  
Dufferin Clerks





T 705-635-2272  
TF 1-877-566-0005  
F 705-635-2132

TOWNSHIP OF LAKE OF BAYS  
1012 Dwight Beach Rd  
Dwight, ON POA 1H0

December 16, 2020

Via email: [llehr@essatownship.on.ca](mailto:llehr@essatownship.on.ca)

Township of Essa  
**Attention: Lisa Lehr, Clerk**  
5786 County Road 21  
Utopia, ON L0M 1T0

Dear Ms. Lehr:

**RE: Correspondence – Bill 229 “Protect, Support and Recover from COVID-19 Act –  
Schedule 6 – Conservation Authorities Act”**

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On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted correspondence was presented at the last regularly scheduled meeting on December 15, 2020, and the following was passed.

**“Resolution #7(e)/12/15/20**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby supports the resolution from the Town of Essa requesting support to Amend Bill 229, Protect, Support and Recover from COVID-19 Act under Schedule 6 - Conservation Authorities Act, dated November 19, 2020;**

**AND FURTHER THAT this resolution be forwarded to the Town of Essa, Premier Doug Ford, the Minister of Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, and all Ontario municipalities.**

**Carried.”**

Should you have any questions, please do not hesitate to contact our Municipal Office at 705-635-2272.

Sincerely,

Carrie Sykes, *Dipl. M.A., CMO, AOMC*,  
Director of Corporate Services/Clerk.

CS/cw

Encl.

Copy to:

Hon. Doug Ford, Premier of Ontario  
Hon. Jeff Yurek, Minister of Environment, Conservation and Parks  
Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Hon. John Yakabuski, Minister of Natural Resources and Forestry  
Hon. Rod Phillips, Minister of Finance  
Conservation Ontario  
All Ontario Municipalities

Corporation of the Township of Essa  
5786 County Road 21  
Utopia, Ontario  
LOM 1T0



Telephone: (705) 424-9917  
Fax: (705) 424-2367  
Web Site: www.essatownship.on.ca

November 19, 2020

Nottawasaga Valley Conservation Authority  
8195 8<sup>th</sup> Line  
Utopia, ON  
LOM 1T0

Sent by email

Attention: Doug Hevenor, Chief Administrative Officer NVCA  
Keith White, NVCA Board Chair  
Marlane McLeod, NVCA Vice Chair

Re: Township of Essa Council Resolution No. CR204-2020  
Bill 229 "Protect, Support and Recover from COVID19 Act – Schedule 6 –  
Conservation Authorities Act"

Please be advised that at its meeting of November 18, 2020, Council of the Township of Essa received a copy of information in relation to Bill 229 in addition to a verbal report from the NVCA Board Chair on the impacts to Conservation Authorities and the trickle effect to municipalities and citizens in Ontario should the Bill pass

As a result of the discussions, Council of the Township of Essa passed the following Resolution:

**Resolution No: CR204-2020 Moved by: White Seconded by: Sander**

*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 we rely on the watershed expertise provided by local conservation authorities to 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 conservation authority watershed data and expertise; 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 municipalities believe that the appointment of municipal representatives on Conservation Authority Boards should be a municipal decision, and the Chair and Vice Chair of the Conservation Authority Board should be duly elected; and*



*WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a Conservation Authority 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*

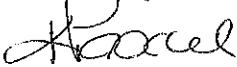
*WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value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

**NOW THEREFORE BE IT RESOLVED:**

- *THAT the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229)*
- *THAT the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth*
- *THAT the Province respect the current conservation authority and municipal relationships; and*
- *THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.*

**----Carried----**

Sincerely,



per; Lisa Lehr, CMO  
Clerk

cc. Conservation Ontario – Kim Gavine, General Manager  
Conservation Ontario – Wayne Emmerson, Chair  
Honourable Doug Ford, Premier of Ontario  
Honourable Rod Phillips, Minister of Finance  
Honourable Jeff Yurek, Minister of Environment, Conservation and Parks  
Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Honourable Steve Clark, Minister of Municipal Affairs and Housing



December 11, 2020

Premier Doug Ford  
Via email – [premier@ontario.ca](mailto:premier@ontario.ca)

**RE: Support of Various Resolutions relating to Bill 229**

At its regular meeting held on December 3, 2020, the Malahide Township Council passed the following Resolution:

**THAT the correspondence received from Kettle Creek Conservation Authority, dated November 19, 2020, requesting the Province of Ontario to remove Schedule 6 from Bill 229 and allow for more time for communication of the regulations and communication of how these proposed changes address issues raised in the February 2020 multi-stakeholder consultations be supported;**

**AND THAT a copy of this correspondence be forwarded to Premier Doug Ford, Catfish Creek Conservation Authority, Town of Mono, Township of Essa, Municipality of Grey Highlands and the Town of Shelburne.**

Attached please find various letters of support including that of the Catfish Creek Conservation Authority, Town of Mono, Township of Essa, Municipality of Grey Highlands, and the Town of Shelburne.

Please do not hesitate to contact this office if you require any further information or documentation.

Yours very truly,  
TOWNSHIP OF MALAHIDE

A handwritten signature in black ink, reading "M. Casavecchia-Somers". The signature is written in a cursive, flowing style.

M. CASAVECCHIA-SOMERS, D.P.A., C.M.O., CMM III  
Chief Administrative Officer/Clerk

Copy -       Catfish Creek Conservation Authority  
              Town of Mono  
              Township of Essa  
              Municipality of Grey Highlands  
              Town of Shelburne



November 19, 2020

**Ms. Michelle Casavecchia-Somers**  
Chief Administrative Officer/Clerk  
Township of Malahide  
87 John St. South  
Aylmer, ON N5H 2C3

**Via Email**

Dear Ms. Casavecchia-Somers:

On April 5<sup>th</sup>, 2019 the Ministry of the Environment, Conservation and Parks (MECP) posted proposals to amend the *Conservation Authorities Act* (CA Act) with the goal to encourage Conservation Authorities to focus and deliver on their core mandate, and to improve governance. The proposed changes were passed in June 2019 as part of Bill 108 *More Homes, More Choice Act*. The details of many of these changes were left to forthcoming regulations.

Kettle Creek Conservation Authority was actively involved in provincial consultation on the proposed CA Act changes with members attending multi-stakeholder consultations sessions in February 2020.

On November 5, 2020 the Province introduced Bill 229 *Protect, Support and Recover from COVID-19 Act* (Budget Measures). Schedule 6 contains proposed changes to the CA Act.

It is unclear how the changes included in Schedule 6 address issues or concerns raised during the February 2020 multi-stakeholder consultations. Moreover, it is difficult to fully contemplate the implications of the changes to KCCA, its member municipalities and the watershed community without the accompanying regulations.

Therefore, at its November 18, 2020 Full Authority meeting Kettle Creek Conservation Authority considered the proposed changes to the CA Act and the *Planning Act* included in Bill 229 and passed the following motion:

FA120/2020

**Moved by:** Grant Jones

**Seconded:** Alison Warwick

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* in Schedule 6;

And whereas KCCA believes it has been working towards better accountability and transparency;

And whereas KCCA has concerns about the proposed changes as outlined in Conservation Ontario's "*Summary of Proposed Amendments to Conservation Authorities Act and Planning Act through Bill 229 and Implications*" dated November 11, 2020;

Therefore be it resolved that KCCA's Board of Directors request that the Province of Ontario remove Schedule 6 from Bill 229 and allow for more time for communication of the regulations and communication of how these proposed changes address issues raised in the February 2020 multi-stakeholder consultations.

**Carried**

For your benefit, Conservation Ontario's "Summary of Proposed Amendments to the *Conservation Authorities Act* and *Planning Act* through Bill 229 and Implications" dated November 11, 2020 is attached. Member municipalities will want to closely review amendments that would, if passed:

- No longer allow municipalities the ability to appoint a member of the public to the CA Board;
- Require members to act on behalf of their respective municipalities contradicting the fiduciary duty of a Board Member to represent the best interest of the CA and the watershed;
- ~~Require agreements between CAs and municipalities for the delivery of non-mandated programs and services to be in place by the end of December 2021;~~
- Remove CAs as a public body under the *Planning Act*;
- Provide applicants with two pathways to appeal a decision of the Authority to deny a Section 28 permit or the conditions on a Section 28 permit.

KCCA is requesting that the Province of Ontario remove Schedule 6 from Bill 229 and allow for the time necessary to clearly explain the proposed changes, how they address issues raised in the February 2020 multi-stakeholder consultations, and provide member municipalities and CAs with the opportunity to review and comment on the yet to be released corresponding regulations. KCCA encourages our member municipalities to do the same.

Sincerely,



Stephen Harvey  
Chair  
Kettle Creek Conservation Authority

cc: Conservation Ontario

Attachment:

Conservation Ontario's "Summary of Proposed Amendments to the *Conservation Authorities Act* and *Planning Act* through Bill 229 and Implications" dated November 11, 2020

**Summary of Proposed Amendments to the *Conservation Authorities Act*  
& *Planning Act* through Bill 229 and Implications**

Description of Proposed Amendments	Implications to Conservation Authorities
<p><b>Existing aboriginal or treaty rights</b></p> <p>Section 1 is amended to include a non-abrogation clause with respect to aboriginal and treaty rights.</p>	<p><b>No concern.</b></p>
<p><b>Members of authority</b></p> <p>Section 14 is amended to ensure that the members of a conservation authority that are appointed by participating municipalities are municipal councillors. The Minister is given the authority to appoint an additional member to a conservation authority to represent the agricultural sector. The powers to define in regulation the composition, appointment or minimum qualifications for a member of the Board have been repealed. The duties of a member are amended, every member is to act honestly and in good faith and shall generally act on behalf of their respective municipalities.</p>	<p><b>There may be a municipal concern.</b> Municipalities will no longer be able to appoint a member of the public to the Board and the specification of ‘municipal councillor’ rather than “municipally elected official” may exclude Mayors.</p> <p><b>There may be a municipal concern.</b> Should the Minister choose to appoint a member to represent the agricultural sector it is assumed that candidates would apply through the Public Appointments Secretariat. It is also assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair.</p> <p><b>There may be a municipal concern.</b> There is no opportunity to manage these legislative amendments through the regulations process as Bill 229 has removed the ability to prescribe by regulation, the composition, appointment, or qualifications of members of CAs.</p> <p><b>Significant concern.</b> The amendment that would require members to act on behalf of their respective municipalities contradicts the fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act.</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p><b>Meetings of authorities</b></p> <p>Section 15 is amended to require that meeting agendas be available to the public before a meeting takes place and that minutes of meetings be available to the public within 30 days after a meeting. They are to be made available to the public online.</p>	<p><b>No concern.</b> CA Administrative By-Laws were completed by the December 2018 legislated deadline and, as a best practice, should already address making key documents publicly available; including meeting agendas and meeting minutes.</p>
<p><b>Chair/vice-chair</b></p> <p>Section 17 is amended to clarify that the term of appointment for a chair or vice-chair is one year and they cannot serve for more than two consecutive terms.</p>	<p><b>There may be a municipal concern.</b> Municipal Councillor interest and availability regarding this requirement is to be determined.</p>
<p><b>Objects</b></p> <p>Section 20 objects of a conservation authority are to provide the mandatory, municipal or other programs and services required or permitted under the Act and regulations.</p>	<p><b>No concern.</b> Previously the objects of an authority were to undertake programs and services designed to further the conservation, restoration, development and management of natural resources. This is still reflected in the Purpose of the Act. The objects now reference the mandatory and non-mandatory programs and services to be delivered. The “other programs and services” clause indicates that “an authority may provide within its area of jurisdiction such other programs and services as the authority determines are advisable to further the purposes of this Act”.</p>
<p><b>Powers of authorities</b></p> <p>Section 21 amendments to the powers of an Authority including altering the power to enter onto land without the permission of the owner and removing the power to expropriate land.</p>	<p><b>No concern</b></p>
<p><b>Programs and Services</b></p> <p>Section 21.1 requires an authority to provide mandatory programs and services that are prescribed by regulation and meet the requirements set out in that section. Section 21.1.1 allows authorities to enter into agreements with participating municipalities to provide programs and</p>	<p><b>Significant concern.</b> The basic framework of mandatory, municipal and other program and services has not changed from the previously adopted but not yet proclaimed amendments to the legislation. What has now changed is that municipal programs and services and other programs and services are subject to such standards and requirements</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>services on behalf of the municipalities, subject to the regulations. Section 21.1.2 would allow authorities to provide such other programs and services as it determines are advisable to further the purposes of the Act, subject to the regulations.</p>	<p>as may be prescribed by regulation. Potentially the regulations could restrict what the Authority is able to do for its member municipalities or to further the purpose of the Act.</p>
<p><b>Agreements for ‘other programs and services’</b></p> <p>An authority is required to enter into agreements with the participating municipalities in its jurisdiction if any municipal funding is needed to recover costs for the programs or services provided under section 21.1.2 (i.e. other program and services). A transition plan shall be developed by an authority to prepare for entering into agreements relating to the recovery of costs. *All programs and services must be provided in accordance with any prescribed standards and requirements.* <i>NOTE- this new addition is addressed as a <b>significant concern</b> under Programs and Services above.</i></p>	<p><b>Potential concern.</b> This appears to be a continuation of an amendment previously adopted but not yet proclaimed. MECP staff indicate that the current expectation that the Mandatory programs and services regulation is to be posted in the next few weeks. It is noted that this will set the framework for what is then non-mandatory and requiring agreements and transition periods. MECP staff further indicated “changes would be implemented in the CA 2022 budgets” which is interpreted to mean that the Transition period is proposed to end December 2021. Subject to the availability of the prescribed regulations this date is anticipated to be challenging for coordination with CA and municipal budget processes.</p>
<p><b>Fees for programs and services</b></p> <p>Section 21.2 of the Act allows a person who is charged a fee for a program or service provided by an authority to apply to the authority to reconsider the fee. Section 21.2 is amended to require the authority to make a decision upon reconsideration of a fee within 30 days. Further, the amendments allow a person to appeal the decision to the Local Planning Appeal Tribunal or to bring the matter directly to the Tribunal if the authority fails to render a decision within 30 days.</p>	<p><b>Some concern.</b> Multiple appeals of fees have the potential to undermine CA Board direction with regard to cost recovery and to divert both financial and staff resources away from the primary work of the conservation authority.</p>
<p><b>Provincial oversight</b></p> <p>New sections 23.2 and 23.3 of the Act would allow the Minister to take certain actions after reviewing a report on an investigation into an authority’s operations. The Minister may order the authority to do anything to prevent or remedy non-compliance with the Act. The Minister may also recommend that the Lieutenant Governor in Council</p>	<p><b>No concern.</b> This appears to be an expansion of powers previously provided to the Minister.</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>appoint an administrator to take over the control and operations of the authority.</p>	
<p><b>Ministerial Review of Permit Decisions</b></p> <p>Subsection 28.1 (8) of the Act currently allows a person who applied to a conservation authority for a permit under subsection 28.1 (1) to appeal that decision to the Minister if the authority has refused the permit or issued it subject to conditions. Subsection 28.1 (8) is repealed and replaced with provisions that allow the applicant to choose to seek a review of the authority's decision by the Minister or, if the Minister does not conduct such a review, to appeal the decision to the Local Planning Appeal Tribunal within 90 days after the decision is made. Furthermore, if the authority fails to make a decision with respect to an application within 120 days after the application is submitted, the applicant may appeal the application directly to the Tribunal.</p>	<p><b>Significant concern.</b> These amendments provide two pathways for an applicant to appeal a decision of an Authority to deny a permit or the conditions on a permit. One is to ask the Minister to review the decision; the other is to appeal directly to the Local Planning Appeal Tribunal. Appeals brought through these processes will create additional workload for the Authority and increase the amount of time that a permit appeal process takes.</p> <p>New guidelines will need to be created to support the Minister and the LPAT in their decision-making processes. There is no reference to a complete application being submitted prior to the 120 day "clock" being started.</p>
<p><b>Minister's Order Re. S. 28 Permit</b></p> <p>New section 28.1.1 of the Act allows the Minister to order a conservation authority not to issue a permit to engage in an activity that, without the permit, would be prohibited under section 28 of the Act. After making such an order the Minister may issue the permit instead of the conservation authority.</p>	<p><b>Significant concern.</b> These powers appear to be similar to a Minister Zoning Order provided for under the <i>Planning Act</i>. Should the Minister decide to use these powers it is appears that the CA may be required to ensure compliance with the Minister's permit.</p>
<p><b>Cancellation of Permits</b></p> <p>Section 28.3 of the Act is amended to allow a decision of a conservation authority to cancel a permit or to make another decision under subsection 28.3 (5) to be appealed by the permit holder to the Local Planning Appeal Tribunal.</p>	<p><b>Some concern.</b> Some conservation authorities use the cancellation of a permit as part of their compliance approach; the ability to appeal to the LPAT will add 90 days to the process prior to a LPAT hearing taking place. Renders the tool ineffective if the permit holder decides to appeal.</p>
<p><b>Entry Without Warrant, Permit Application</b></p>	<p><b>Some concern.</b> The changes are to amendments previously adopted but not proclaimed. For considering a permit application, the officer is</p>



Description of Proposed Amendments	Implications to Conservation Authorities
Subsection 30.2 (permit application) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.	now required to give reasonable notice to the owner <b>and</b> to the occupier of the property, which may result in increased administrative burden for the CA. It also appears to remove the ability to bring experts onto the site.
<p><b>Entry Without Warrant, Compliance</b></p> <p>Subsection 30.2 (compliance) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.</p>	<p><b>Significant/Some concern.</b> The revisions essentially undo any enhanced powers of entry found within the yet to be proclaimed enforcement and offences section of the Act. The result is that CAs essentially maintain their existing powers of entry, which are quite limited. Conservation authorities will likely have to rely on search warrants to gain entry to a property where compliance is a concern. Reasonable grounds for obtaining a search warrant cannot be obtained where the activity cannot be viewed without entry onto the property (i.e. from the road).</p>
<p><b>Stop (work) Order</b></p> <p>Section 30.4 of the Act is repealed. That section, which has not yet been proclaimed and which would have given officers the power to issue stop orders to persons carrying on activities that could contravene or are contravening the Act, is repealed.</p>	<p><b>Significant concern.</b> This is an important enforcement tool that conservation authorities have been requesting for years. Without this tool, conservation authorities must obtain an injunction to stop unauthorized activities which represents a significant cost to the taxpayers.</p>
<p><b>Regulations Made By Minister and LGIC</b></p> <p>The regulation making authority in section 40 is re-enacted to reflect amendments in the Schedule.</p>	<p><b>No concern.</b></p>
<p>Throughout the legislation all references to the Mining and Lands Commissioner has been replaced with the Local Planning Appeal Tribunal</p>	<p><b>Some concern.</b> The LPAT lacks the specialized knowledge that the MLT has with regard to S. 28 applications. There is also a significant backlog of cases at the LPAT.</p>
<p><b>Planning Act – Exclusion of CAs as Public Body</b></p> <p>Subsection 1(2) of the <i>Planning Act</i> is amended to remove Conservation Authorities as a public body under the legislation.</p>	<p><b>Significant concern.</b> There is lack of clarity on the implications of this amendment.</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>Conservation authorities will not be able to independently appeal or become a party to an appeal as a public body at the LPAT.</p>	<p>The intent of the amendment is to remove from conservation authorities the ability to appeal to LPAT any <i>Planning Act</i> decisions as a public body or to become a party to an appeal. Conservation authorities will instead be required to operate through the provincial one window approach, with comments and appeals coordinated through MMAH. Note that the one window planning system is typically enacted for the review of Official Plans and Official Plan Amendments. It is expected that conservation authorities will retain the ability to appeal a decision that adversely affects land that it owns however that has not been confirmed.</p>



CATFISH CREEK CONSERVATION AUTHORITY  
8079 Springwater Road, RR# 5, Aylmer, Ontario N5H 2R4  
PHONE: (519) 773-9037 • FAX: 519-765-1489  
e-mail: admin@catfishcreek.ca • www.catfishcreek.ca

November 26, 2020

Michelle Casavecchia-Somers  
C.A.O./Clerk  
Township of Malahide  
87 John Street South  
Aylmer, ON N5H 2C3

Dear Michelle,

I am writing to advise you of a motion passed by the Catfish Creek Conservation Authority Board of Directors regarding Schedule 6 of Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures).

At a special meeting of the Catfish Creek Conservation Authority Board of Directors on November 26, 2020, the Full Authority considered the proposed changes to the Conservation Authorities Act and the Planning Act included in Bill 229 and passed the following motion:

Motion #SM 05 / 2020  
**Moved By: Sally Martyn**  
**Seconded: Mark Tinlin**

THAT, the Full Authority request that the Government of Ontario remove the proposed amendments to the Conservation Authorities Act and Planning Act as contained in Bill 229 Schedule 6 and continue the process already underway with Bill 108.

**Carried**

We are not opposed to change or improving the process, transparency and accountability of the CCCA, however the Board is concerned about several elements of the proposed legislation. Member municipalities will want to closely review the amendments that if passed would:

1. Require Board Members to act on behalf of their respective municipalities contradicting the fiduciary duty of a Board Member to represent the best interests of the CCCA.
2. Remove CAs as a public body under the Planning Act for appeals, in particular to ensure that conservation authorities will retain the ability to appeal a decision that adversely affects land that it owns.
3. Allow the Minister to make decisions on permit appeals and issue permits without considering the watershed management approach (upstream and downstream impacts).
4. Edit or remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs & services.

The CCCA is requesting the Province of Ontario remove Schedule 6 from Bill 229 and continue the process already underway with Bill 108. The CCCA encourages our member municipalities to do the same.

Sincerely,



Rick Cerna  
Chairperson  
Catfish Creek Conservation Authority

Cc: Conservation Ontario



November 25, 2020

Hon. Sylvia Jones  
Solicitor General  
George Drew Building, 18th Floor  
25 Grosvenor St.  
Toronto, ON M7A 1Y6

**Re: Schedule 6 of Bill 229 - Open Letter to the Honourable Sylvia Jones, MPP for Dufferin-Caledon**

Dear Honourable Sylvia Jones:

Mono Council unanimously passed a resolution at its meeting of November 24, 2020 and we append a copy of it to this letter. Mono is a member of three conservation authorities – Toronto Region, Credit and the Nottawasaga. We value the services provided – all services but in particular the assistance in making planning decisions that protect our drinking water, that protect us from developing in flood-prone areas and that protect our wetlands and aquifers.

In 2021 Mono will spend \$133,365 on conservation authorities. If we had to hire our own employees – engineers, planners, ecologists, hydrogeologists, foresters, outdoor educational staff, etc. – to do its own work, we would spend much more than \$133,365 for these services.

We were not impressed with Schedule 6 to Bill 229. It undermines the power of conservation authorities to do their job. And we were particularly unimpressed when your government slipped these proposed changes to the Conservation Authorities Act into a Budget Bill.

We are concerned that Schedule 6 undermines the ability of conservation authorities to make non-political, technical decisions based on science. It does this by allowing the Minister to overrule the decisions of conservation authorities. Schedule 6 will also interfere with the fiduciary duty of a conservation authority board member. Board members have to think of watershed-wide interests in making decisions. We are also concerned that Schedule 6 limits the enforcement powers of conservation authorities.

We have to agree with the Canadian Environmental Law Association (CELA) assessment of Schedule 6 of Bill 229, *“the package of amendments as proposed are likely to set back watershed planning and implementation of an ecosystem-based approach by decades. As such, CELA recommends*

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F: 519.941.9490

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W: [townofmono.com](http://townofmono.com)

347209 Mono Centre Road  
Mono, ON L9W 6S3

Resolution #6-VC17-2020

Moved by Ralph Manktelow, Seconded by Fred Nix

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

**AND WHEREAS** we rely on the watershed expertise provided by local conservation authorities to 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 conservation authority watershed data and expertise;

**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** the \$133,365 that Mono spends on three conservation authorities (1% of budget) is a bargain for the services provided and begs the question as to why Mono would have to enter into three separate agreements for services it now happily receives - without further red tape;

**AND WHEREAS** municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected;

**AND WHEREAS** it is sometimes not practical for the Town of Mono to appoint **only** council members (particularly if this excludes mayors and deputy mayors) to each of the three conservation authorities that service our municipality;

**AND WHEREAS** it has been the Town of Mono's experience with the Nottawasaga Valley Conservation Authority that having a chair or vice-chair serve for more than one year has produced experienced individuals;

**AND WHEREAS** the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority 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;

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Mono, ON L9W 6S3

Corporation of the Township of Essa  
5786 County Road 21  
Utopia, Ontario  
L0M 1T0



Telephone: (705) 424-9917  
Fax: (705) 424-2367  
Web Site: [www.essatownship.on.ca](http://www.essatownship.on.ca)

November 19, 2020

Nottawasaga Valley Conservation Authority  
8195 8<sup>th</sup> Line  
Utopia, ON  
L0M 1T0

Sent by email

Attention: Doug Hevenor, Chief Administrative Officer NVCA  
Keith White, NVCA Board Chair  
Marlane McLeod, NVCA Vice Chair

Re: Township of Essa Council Resolution No. CR204-2020  
Bill 229 "Protect, Support and Recover from COVID19 Act – Schedule 6 –  
Conservation Authorities Act"

Please be advised that at its meeting of November 18, 2020, Council of the Township of Essa received a copy of information in relation to Bill 229 in addition to a verbal report from the NVCA Board Chair on the impacts to Conservation Authorities and the trickle effect to municipalities and citizens in Ontario should the Bill pass

As a result of the discussions, Council of the Township of Essa passed the following Resolution:

**Resolution No: CR204-2020      Moved by: White      Seconded by: Sander**

*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 we rely on the watershed expertise provided by local conservation authorities to 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 conservation authority watershed data and expertise; 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 municipalities believe that the appointment of municipal representatives on Conservation Authority Boards should be a municipal decision, and the Chair and Vice Chair of the Conservation Authority Board should be duly elected; and*

Cc: Hon. Rod Phillips, Minister of Finance (rod.phillips@pc.ola.org)  
Hon. Jeff Yurek, Minister of Environment Conservation and Parks (jeff.yurek@pc.ola.org)  
Hon. John Yakabuski, Minister of Natural Resources and Forestry  
(john.yakabuski@pc.ols.org)  
Hon Bill Walker, MPP (bill.walker@pc.ola.org);  
Conservation Ontario (info@conservationontario.ca);  
Saugeen Valley Conservation Authority (j.hagan@svca.on.ca)  
Nottawasaga Valley Conservation Authority (mleung@nvca.on.ca)  
Grey Sauble Conservation Authority (t.lanthier@greysauble.on.ca)  
All Ontario Municipalities

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**The Municipality of Grey Highlands**

206 Toronto Street South, Unit One P.O. Box 409 Markdale, Ontario N0C 1H0  
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*A People Place, A Change of Pace*  
**SHELBURNE**  
ONTARIO CANADA

November 25, 2020

Hon. Sylvia Jones  
Solicitor General  
George Drew Building, 18th Floor  
25 Grosvenor St.  
Toronto, ON M7A 1Y6

RE - Bill 229 and the Conservation Authorities

Dear Honourable Sylvia Jones:

Shelburne Town Council passed the following resolution unanimously at its Council meeting held Monday November 23, 2020:

Moved By Councillor Walter Benotto  
Seconded By Councillor Kyle Fegan

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 authority's' role in regulating development, permit appeal process and engaging in review and appeal of planning applications; and

WHEREAS we rely on the watershed expertise provided by local conservation authorities to 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 conservation authority watershed data and expertise; 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 municipalities believe that the appointment of municipal representatives on Conservation Authority Boards should be a municipal decision, and the Chair and Vice Chair of the Conservation Authority Board should be duly elected; and

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a Conservation Authority 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 municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

NOW THEREFORE BE IT RESOLVED:

1. That the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229);
2. THAT the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth;
3. THAT the Province respect the current conservation authority and municipal relationships; and



4. THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

**CARRIED, Mayor Wade Mills**

This motion was passed unanimously.

Thank You

*J. Willoughby*

Jennifer Willoughby  
Director of Legislative Services/Clerk  
Town of Shelburne

CC: Hon. Doug Ford, Premier  
Hon. Rod Phillips, Minister of Finance  
Hon. Jeff Yurek, Minister of the Environment, Conservation and Parks  
Andrea Horwath, Leader, Official Opposition  
Steven Del Duca, Leader, Ontario Liberal Party  
Mike Schreiner, Leader, Green Party of Ontario  
Sandy Shaw, Critic, Finance and Treasury Board  
Ian Arthur, Critic, Environment  
Peter Tabuns, Critic, Climate Crisis

Email copies to: NVCA, CVC, TRCA, Canadian Environmental Law Association, AMO & all Ontario municipalities