

January 23, 2023

I-02

Dear Municipal CAOs and Planning Staff,

Changes in service per O. Reg. 596/22 and Bill 23

Further to my letter of January 3, 2023, the purpose of this letter is to address questions of our member municipalities and to provide official notice of a change in service that occurred on January 1, 2023, the day that O. Reg. 596/22 took effect.

Over the past three weeks we have been working to understand the scope and implications of the legislative and regulatory changes. The following are answers to key questions and a summary of outstanding matters.

1. MVCA will work with planning staff on a case by case basis to transition those aspects of files affected by the regulation that were in-progress on January 1, 2023.
2. Going forward, MVCA will continue to review and comment on matters specified in Sections 6, 7, and 8 of O.Reg. 686/21, specifically:
 - As a circulated public body with delegated powers from MNRF:
 - Conformity with natural hazard policies set out in provincial plans; and
 - Consistency with natural hazards policies set out in provincial policy statements.
 - As a circulated public body with powers under the *Conservation Authorities Act*, the ability of a proposal to comply with Section 28 of the Act and regulations thereunder, per:
 - straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland; and
 - the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock.
3. What this means for your municipality:
 - MVCA will continue to provide review and comment services listed under item 2 above on all instruments listed under the Planning Act (and other prescribed legislation) and any technical submissions thereunder such as stormwater and drainage plans and designs, geotechnical studies, slope stability and erosion control plans, environmental impact statements (EIS) and wetland evaluations insofar as they are used by applicants to support assumptions regarding matters listed under item 2. Refer to the attached Table 1 for an itemized list.
 - In order to continue to provide this service to municipalities, we ask that you to continue to circulate applications and collect applicable fees based upon current practice.
 - MVCA will continue to comment on risks related to natural hazards arising from proposals under the *Aggregate Resources Act*, *Drainage Act*, and the *Environmental Assessment Act*.

- MVCA will not review and comment on water quality, pollution, and land conservation matters for any instrument listed in the *Planning Act* (or other legislation listed in O.Reg. 596/21) such as Official Plans, Zoning By-laws, Secondary Plans, Interim Control by-laws, Site Plan Control Areas, Park Conveyance Policies or amendments thereunder.
- MVCA will continue to advise on matters regarding water quality, pollution and the conservation of land on matters not subject to O. Reg. 596/22. Specifically, as a knowledge-holder and science-based organization, MVCA will continue to provide you with data and other information such as check-lists, best management practices, natural systems maps, reports and studies, templates, and other tools to aid you in meeting your obligations under the *Planning Act* and the achievement of interjurisdictional goals and objectives set out in local watershed plans.
- MVCA will work with your staff to identify other areas where the authority can continue to provide support, as permitted by regulation and approved by Council and our Board through a new or updated agreement.

4. Areas of continued uncertainty are the following:

- The Minister has frozen conservation authority fees across the province, and we are unable to adjust our fees to reflect changes in level of service. We anticipate that the province will address this, but cannot say when. It should be noted that current fees are not “full cost recovery” and that time will be required to determine the actual impact of these changes on MVCA costs. We intend to review our fees later this year to address these and other changes arising from Bill 108 and Bill 229 that will take effect January 1, 2024.
- Bill 23 appears to prevent conservation authorities from waiving several conditions set out in existing Plan of Subdivision and other agreements where they are the named party. Where the nature of MVCA’s “sign-off” is now *ultra vires*, consideration needs to be given on how best to address this conflict without re-opening subdivision agreements or causing protracted delays.

Eastern Ontario conservation authorities are collaborating to arrange meetings with your staff over the next two weeks to walk through and address questions regarding the contents of this letter, and to discuss transition matters including how best to address unresolved matters, in particular the waiving of conditions. We will be reaching out to your staff directly as meeting details are confirmed.

Thank you for your patience as we work through these changes. Please feel free to call me if you have any questions or concerns.

Sincerely yours,



Sally McIntyre, MCIP, RPP
General Manager

| Table 1: Scope of MVCA Plan Review and Comment Powers | | |
|--|-----------|------------|
| SUBJECT MATTER | IN | OUT |
| 1. Watercourses | x | |
| 2. Flood Hazards | x | |
| 3. Erosion Hazards (slope stability and stream erosion) | x | |
| 4. Unstable Soil/Bedrock | x | |
| 5. Groundwater* | x | |
| 6. Wetlands* | x | |
| 7. Valleylands* | x | |
| 8. Hazardous Lands | x | |
| 9. Hazardous Sites | x | |
| 10. Wildlife Habitat | | x |
| 11. Threatened/Endangered Species | | x |
| 12. Area of Natural and Scientific Interest | | x |
| 13. Environmental Sensitive/Significant Area (ESA) | | x |
| 14. Woodlands | | x |
| 15. Natural Heritage Systems | | x |
| 16. Fish Habitat | | x |
| 17. Stormwater (natural hazards) | x | |
| 18. Stormwater (non-natural hazard) | | x |
| 19. Feature Based Water Balance* | x | |
| 20. Erosion and Sediment Control* | x | |
| 21. Feature Based Water Balance* | x | |
| 22. Erosion and Sediment Control* | x | |
| 23. Setback to identified Plan Review Component* | x | |
| 24. Source Protection Authority under the Clean Water Act | x | |
| 25. Climate Change (related to natural hazards) | x | |
| 26. Special Policy Areas | x | |

* regulatory requirements/natural hazard related function