

April 29, 2024

Conservation Authorities and Natural Hazards Section  
Ministry of Natural Resources and Forestry - RPDPB  
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## Public Works

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### **RE: ERO 019-8320 Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act**

Thank you for the opportunity to review and comment on the proposed regulatory changes as it relates to new Minister's Permit and Review powers under the Conservation Authorities Act (CA Act).

#### **Proposed regulation amendment**

The new regulations would specify the circumstances under which the Minister may issue an order to prevent a conservation authority from making a permitting decision and make the permitting decision in the place of a conservation authority or may undertake a review of a conservation authority permitting decision.

#### **Peel Region Staff Comments**

Generally, the Region is supportive of a number of initiatives introduced or proposed by the province as it relates to facilitating expedited approval of various applications, especially those associated with meeting the province's housing targets.

The proposal related to ERO # 19 – 8320 requires some further clarification as it is unclear as to whether the Minister would take over permitting for applications going to all 36 Conservation Authorities (CAs) that meet the specified provincial interest listed in the proposed regulations.

When it is considered that it would cover a broad range of development activities, there is insufficient information as to how the Minister's action would better streamline existing CA's processes to save proponents time and resources, while still protecting the public safety and property.

Peel Region staff would like to provide the following additional specific comments in response to the proposed amendment:

#### **Technical**

- Given the fact that the CAs are independent entities with Board approved policies, to what extent will the Minister's permit approval decisions be consistent with existing CA policies.

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- CAs, municipal/regional governments, other interested parties, and subject matter experts may all submit comments while the proposal is open for public review on the ERO. The concern would be that a Minister's order for the permit to be reviewed by the Minister (presumably in an effort to provide approval within a shorter timeframe) may circumvent the process of CA review and other interested parties comments.
- This ERO proposed decision only pertains to the Conservation Authorities Act and does not appear to consider one of CA's core mandate duties and functions as a source protection authority under the Clean Water Act. However, it is unclear as to whether the proposed regulation's intent to streamline the permitting framework and powers for the Minister to support development of specified provincial interest is applicable to or extends to any review decisions made under the Clean Water Act.
- One of the major mandates of CAs is related to watershed management, it is unclear from the proposed regulation whether the Minister would take into consideration as part of their decision overall watershed impacts such as upstream, and cumulative impacts having negative implications for downstream residents.
- Quite often CAs as part of the approval process will also undertake compliance, inspections and enforcement. Would that still be an expectation when they were not responsible for issuing of the permits in certain circumstances?
- More clarity is required as to who would be responsible for supporting/attending potential appeals to the Ontario Land Tribunal (OLT) when the permit is issued by the Minister.
- Where there's conflict over a decision, it is unclear if an appeal may result in increased delays with the development approval process and issuance of permit.
- CAs are required to maintain regulatory mapping for their jurisdiction, and many CAs do this by regularly updating hazard models and mapping based on information received from proponents through the permitting process. If the Minister decides on permitting matters, would his decisions be based on the most updated mapping available.
- Where permits are issued by the Ministry of Natural Resources and Forestry (MNRF), the Ministry will also need to deal with potential liability issues associated with permits that may occur on hazard lands?

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- Clarity on when the Province would use these powers, and the criteria should be provided to make this process transparent.
- The province's new powers have the potential to override or bypass local environmental oversight in order to speed up development. Will this approach prioritize accelerating development at the expense of environmental protection? Do municipalities or CAs have any authority to take some sort of action if they perceive the Minister's decision poses risk to environmental protection (water quality, natural environment preservation)?

## Local Decision Making

- With respect to permits reviewed by the Minister, will the new regulations include a set minimum review period during which the proposed permit must be open for public consultation? This is important to ensure that adequate time is allocated for public review and comment, and that a permit approval is not rushed at the expense of thorough public review process.
- It is unclear whether the Minister's decision would occur prior to municipal planning approvals, which would be consistent with current practice where the CA's approval and permits are generally issued prior to municipal planning approvals.

If there are any further questions or clarifications, please do not hesitate to contact Learie Miller [Learie.miller@peelregion.ca](mailto:Learie.miller@peelregion.ca),

Best regards



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