

Ministry of Natural Resources and Forestry

Resources Planning and Development
Policy Branch
Policy Division
300 Water Street
Peterborough, ON K9J 3C7

Ministère des Richesses naturelles et des Forêts

Direction des politiques de planification et d'exploitation des ressources
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300, rue Water
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To: Conservation authorities and participating municipalities, Conservation Ontario and the Association of Municipalities of Ontario

From: Jennifer Keyes, Director

Date: December 28, 2022

Subject: Legislative and regulation changes affecting conservation authorities

Good afternoon,

I am writing to provide you with information on amendments to the *Conservation Authorities Act* made as part of the *More Homes Built Faster Act, 2022*, as well as two regulations that have been approved by the province in support of Ontario's Housing Supply Action Plan, both of which will come into effect on January 1, 2023. In addition, the Minister of Natural Resources and Forestry has issued a direction regarding fees that will be distributed separately from this letter. A notice will be posted to the Environmental Registry of Ontario (ERO) in the coming weeks regarding these decisions.

Legislative Amendments

As you are likely aware, the *More Homes Built Faster Act, 2022* was passed this Fall, receiving Royal Assent on November 28, 2022. Several changes were made to the *Conservation Authorities Act* that are intended to further focus conservation authorities on their core mandate, support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

Notably, one part of the *More Home Built Faster Act, 2022* which came into effect upon Royal Assent were changes to Section 28.0.1 of the *Conservation Authorities Act*, which include provisions to require a conservation authority to issue a permission or permit where a Minister's Zoning Order has been made under section 47 of the *Planning Act*. This section was amended to also apply to orders made under section 34.1 of the *Planning Act*, otherwise known as the "community infrastructure and housing accelerator" tool, in addition to some other minor changes.

Other changes, which will come into effect on January 1, 2023, include:

- Updates to Section 21 of the Act so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria.
- Sections 21.1.1 and 21.1.2 of the Act which provide that authorities may not provide a program or service related to reviewing and commenting on proposals, applications, or other matters under prescribed Acts.
- A new section 21.3 that enables the Minister to issue temporary direction to a conservation authority preventing the authority from changing the amount of a fee it charges under subsection 21.2 (10) of the Act.

Remaining legislative changes regarding conservation authority development regulations will not come into effect until proclaimed, following the creation of a new Minister's regulation with supporting regulatory details. This regulation is currently being consulted on until December 30th on the ERO, #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.](#)

New Regulatory Requirements

Following the passing of these legislative amendments, the government has proceeded with making two regulations, both of which will come into effect on January 1, 2023.

Amendments were made to [Ontario Regulation 686/21: Mandatory Programs and Services](#) to require conservation authorities to identify conservation authority lands suitable for housing. This requirement is part of the preparation of the land inventory required to be completed by conservation authorities by December 31, 2024, and certain considerations for identifying whether or not lands are suitable for housing are listed.

A new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act) was also made to focus conservation authorities' role when reviewing and commenting on proposals, applications, or other matters related to development and land use planning. Under this regulation, conservation authorities are no longer able to provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

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| • The <i>Aggregate Resources Act</i> | • The <i>Niagara Escarpment Planning and Development Act</i> |
| • The <i>Condominium Act, 1998</i> | • The <i>Ontario Heritage Act</i> |
| • The <i>Drainage Act</i> | • The <i>Ontario Water Resources Act</i> |
| • The <i>Endangered Species Act, 2007</i> | • The <i>Planning Act</i> |
| • The <i>Environmental Assessment Act</i> | |
| • The <i>Environmental Protection Act</i> | |

This regulation does not affect conservation authorities' provision of mandatory programs or services (Category 1) related to reviewing and commenting on a proposal, application, or other matter made under those Acts.

An administrative update to the "Determination of Amounts Owed Under Subsection 27.2 (2) of the Act" regulation (O. Reg. 401/22) was also made to update the methods of determining amounts owed by specified municipalities for operating expenses and capital costs related to mandatory the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008* programs and services to enable use of a benefit-based apportionment method.

I appreciate that with these most recent amendments, along with changes made over the last number of years, this is a time of significant transition for conservation authorities and their member municipalities. Throughout this time, conservation authorities have continued to deliver on their important roles in protecting people and property from natural hazards, conserving and managing lands, and drinking water source protection.

The ongoing efforts of conservation authorities to implement these changes is acknowledged, including initiatives led by conservation authorities and Conservation Ontario that have contributed to the Government's objectives of improving accountability and transparency and supporting timely development approvals to help address Ontario's housing supply crisis.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at ca.office@ontario.ca. I look forward to working with you in the coming year.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Keyes".

Jennifer Keyes

Director, Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry