

For Immediate Release

TRCA's preliminary response to the proposed *Conservation Authority Act* and *Planning Act* amendments

November 6, 2020, Toronto, ON – Toronto and Region Conservation Authority (TRCA) has been a value-added collaborator throughout the three-year Provincial consultation process regarding the modernization of the *Conservation Authorities Act* (the Act). We are encouraged that the Province re-confirmed the purpose of the Act and objects in the proposed amendments released yesterday. However, we are concerned that the proposed changes to the Act and the *Planning Act* relating to permitting, planning and enforcement, if passed, will work to diminish conservation authorities' ability to fulfill the Act's purpose and objects.

We are encouraged that the Act continues to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. We also support proposed amendments made to enhance the transparency and accountability of conservation authorities, which represent best practices and levels of service that we provide to our government partners, stakeholders and the close to five million citizens living in our jurisdiction.

Although the Province has not yet provided the supporting regulations to better understand the intent for implementing the proposed Act amendments, there are substantial concerns regarding proposed amendments to conservation authorities' roles in permitting, planning and enforcement.

In the protection of life and property and the preservation of significant natural features within our watersheds and fast-growing communities in the Greater Toronto Area, TRCA plays a crucial role in the permitting process, often on behalf of our partner municipalities. Unexpectedly, the proposed amendments authorize the Minister of Natural Resources and Forestry to assume jurisdiction for certain permit applications in place of the conservation authority. Further, the amendments allow an applicant, within 30 days of a conservation authority issuing a permit with conditions, or refusing a permit, to request the Minister to review the conservation authority's decision, and the Minister can make any decision including issuing a permit.

The Province also proposes an amendment to the *Planning Act* which, if passed, would prohibit conservation authorities from appealing a municipal planning decision to the Local Planning Appeal Tribunal (LPAT) or becoming a party to an appeal before LPAT. If passed, we would not be able to participate in an LPAT appeal to represent our interests unless we are requested through an agreement with the municipality, or by the Minister in the event the Minister appeals a decision.

These proposed changes to the planning and permitting process have the potential to allow individuals to circumvent checks and balances which exist to protect the safe development of communities in our watersheds. This will impact TRCA's ability to independently represent its' interests in respect of: advice provided to municipalities on natural heritage matters; advice provided to municipalities on natural hazard matters; advice provided to municipalities to ensure coordination with TRCA's regulatory permitting requirements; and TRCA's comments and concerns in its capacity as a landowner of public lands including sensitive landforms, conservation areas and flood infrastructure.

While TRCA has advocated tirelessly throughout the consultation process for enhanced enforcement powers to protect our regulated lands, the updated Act instead retains the current enforcement tools such as laying charges and costly court injunctions and removes the un-proclaimed provisions for conservation authorities to issue stop work orders. Without these powers and the same powers as provincial officers, TRCA is unable to effectively stop significant threats and impacts to environmentally sensitive areas and hazardous lands (e.g., flood plains), such as illegal large-scale fill operations.

As a result of these concerns, we are encouraging our partner municipalities, residents throughout our jurisdiction, and our network of supporters, to reach out to the Premier, the Minister of Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, as well as their local MPP's over the next two weeks to request them to address the concerns outlined above, before the Bill is enacted.

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About Toronto and Region Conservation Authority (TRCA)

With more than 60 years of experience, TRCA is one of 36 Conservation Authorities in Ontario, created to safeguard and enhance the health and well-being of watershed communities through the protection and restoration of the natural environment and the ecological services the environment provides. More than five million people live within TRCA-managed watersheds, and many others work in and visit destinations across the jurisdiction. These nine watersheds, plus their collective Lake Ontario waterfront shorelines, span six upper-tier and 15 lower-tier municipalities. Some of Canada's largest and fastest growing municipalities, including Toronto, Markham and Vaughan, are located entirely within TRCA's jurisdiction.

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