

 Corporate Services Department Legislative Services Division	
Date & Time Received:	March 28, 2024 10:18 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	



March 27, 2024

SEE DISTRIBUTION LIST

RE: CONSERVATION AUTHORITIES ACT LEGISLATIVE AND REGULATORY AMENDMENTS EFFECTIVE APRIL 1, 2024

Toronto and Region Conservation Authority's (TRCA) Board of Directors is pleased to have endorsed the [Report on the Conservation Authorities Act Legislative and Regulatory Amendments Effective April 1, 2024](#) at its meeting on March 22, 2024 adopting Resolution A#38/24 as follows:

WHEREAS the pending proclamation of amendments to the Conservation Authorities Act (CA Act) and associated regulations, as summarized in this report, come into force on April 1, 2024;

THEREFORE, LET IT BE RESOLVED that the Interim Policy and Procedure Guidance set out in the attachments to this report be approved for implementation of the legislative and regulatory changes;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 21.2 of the CA Act, the Board of Directors delegate decisions related to requests for the reconsideration of fees to the Chief Executive Officer;

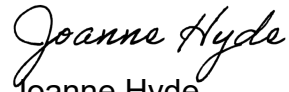
AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors designate the following senior positions under to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors delegate decisions related to requests for the reconsideration of complete application determinations to the Chief Executive Officer;

AND FURTHER THAT the Clerk and Manager, Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

If you have any questions or require additional information, please contact Laurie Nelson, Director, Policy Planning laurie.nelson@trca.ca or (437) 880-2282.

Sincerely,



Joanne Hyde
Clerk and Manager, Policy

cc. John MacKenzie, Chief Executive Officer, TRCA
Laurie Nelson, Director, Policy Planning, TRCA
Mary-Ann Burns, Senior Manager, Provincial and Regional Policy, TRCA
Jennifer Keyes, MNRF, ca.office@ontario.ca
Angela Coleman, Conservation Ontario, acoleman@conservationontario.ca
Victoria Mortelliti, TRCA-BILD Working Group, vmortelliti@bildgta.ca
City of Toronto, clerk@toronto.ca
Regional Municipality of Durham, clerks@durham.ca
Town of Ajax, clerks@ajax.ca
City of Pickering, clerks@pickering.ca
Township of Uxbridge, dleroux@town.uxbridge.on.ca
Regional Municipality of Peel, regional.clerk@peelregion.ca
City of Brampton, cityclerksoffice@brampton.ca
City of Mississauga, city.clerk@mississauga.ca
Town of Caledon, legislative.services@caledon.ca
Regional Municipality of York, regionalclerk@york.ca
City of Markham, customerservice@markham.ca
City of Richmond Hill, clerks@richmondhill.ca
City of Vaughan, clerks@vaughan.ca
Town of Aurora, clerks@aurora.ca
Township of King, clerks@king.ca
Town of Stouffville, clerks@townofws.ca
Township of Adjala-Tosorontio, Clerk@adjtos.ca
Town of Mono, ClerksOffice@townofmono.com

[Attachment 1 Exceptions from Requirements for Permit Applications](#)

[Attachment 2 Fees Policy](#)

[Attachment 3 Pre-Submission Consultation Permit Applications](#)

[Attachment 4 Complete Applications Permit Applications](#)

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: CONSERVATION AUTHORITIES ACT LEGISLATIVE AND
REGULATORY AMENDMENTS EFFECTIVE APRIL 1, 2024

KEY ISSUE

To provide a summary of Conservation Authorities Act legislative and regulatory amendments and requirements coming into effect April 1, 2024 and to request Board of Directors approval of interim policy and procedure guidance related to these amendments.

RECOMMENDATION:

WHEREAS the pending proclamation of amendments to the Conservation Authorities Act (CA Act) and associated regulations, as summarized in this report, come into force on April 1, 2024;

THEREFORE, LET IT BE RESOLVED that the Interim Policy and Procedure Guidance set out in the attachments to this report be approved for implementation of the legislative and regulatory changes;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 21.2 of the CA Act, the Board of Directors delegate decisions related to requests for the reconsideration of fees to the Chief Executive Officer;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors designate the following senior positions under to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors delegate decisions related to requests for the reconsideration of complete application determinations to the Chief Executive Officer;

AND FURTHER THAT the Clerk and Manager of Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

Item 8.2

BACKGROUND

Since 2017, the Conservation Authorities Act (CA Act) has been amended by the Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139), the More Homes, More Choice Act, 2019 (Bill 108), the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 (Bill 229) and the More Homes Built Faster Act, 2022 (Bill 23). The initial amendments were made to improve governance, transparency, accountability and clarity in the roles and responsibilities of conservation authorities (CAs). The more recent amendments streamline permitting approvals under the CA Act to support the government's commitment under Ontario's Housing Supply Action Plan 2022-23 to have 1.5 million homes built over the next ten years.

On February 16, 2024, the Province released two new regulations ([Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits](#) and [Ontario Regulation 42/24: Mandatory Programs and Services](#)), under the [Conservation Authorities Act](#). O. Reg. 41/24 will replace TRCA's existing individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (O. Reg. 166/06) and this single regulation will be used by all conservation authorities (CAs). O. Reg. 42/24 amends [Ontario Regulation 686/21: Mandatory Program & Service Regulation](#) to require CAs to undertake annual permitting and regulatory compliance reporting. The enactment of these regulations coincides with the proclamation of associated sections within the CA Act, all of which come into effect on April 1, 2024.

Also coming into effect on April 1, 2024 is [Ontario Regulation 688/21: Rules of Conduct in Conservation Areas](#), which replace all individual CA Section 29 regulations, including TRCA's R.R.O. 1990, Reg. 119, governing the rules of conduct in conservation areas.

The following is a summary of the key legislative and regulatory changes that will come into effect on April 1, 2024.

Legislative Proclamations - Conservation Authorities Act

New Part VI – Regulation of Areas Over Which Authorities Have Jurisdiction

The new part VI of the Act establishes the regulated area within the jurisdiction of each CA related to natural hazards including watercourses, wetlands, and development activities. Section 28(1) sets out the prohibited activities (e.g. interference in any way with a watercourse or wetland, development, etc.) within regulated areas (hazardous lands, wetlands, river or stream valleys, areas adjacent the Great Lakes, 'other areas' e.g., adjacent to wetlands), as well as certain exceptions to these prohibitions.

Section 28.1 provides for the issuance of permits despite the prohibitions 28(1), subject to the tests set out in the Act.

Permit Issuance Tests (CA Act s. 28.1)

The tests used by CAs in permit decisions:

- "conservation of land" and "pollution" tests have been removed and replaced with "unstable soils and bedrock" resulting in the following: *"the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock"*;
- a test has been added: *"the activity is not likely to create conditions or*

Item 8.2

circumstance that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property”.

Exceptions (CA Act, 28(2), (3), (4) & (4.1))

Enables CA permit exemptions for the following:

- continues exception for activities approved under the Aggregate Resources Act;
- adds exceptions for prescribed activities, areas of municipalities or types of authorizations under the Planning Act (Note: these exceptions must be prescribed by regulation); and
- some exceptions for low-risk development activities are prescribed in O. Reg. 41/24.

Minister’s Orders and Powers (CA Act s.28.1.1)

Provides the Minister with powers to:

- direct a CA not to issue a permit;
- direct a CA or CAs not to issue a permit for a specified period of time;
- enable the Minister to issue a permit for any activity if s.28.1 "tests" are satisfied;
- make an order before or after a CA application has been submitted (even if CA decision is pending); and
- enable the Minister to issue permit with conditions as determined appropriate.

Mandatory permits, zoning orders (s.28.1.2)

Requires CAs to issue permits for:

- projects subject to a Community Infrastructure and Housing Accelerator order or Minister’s Zoning Order (MZO) issued under the Planning Act and not located in the Greenbelt Area; and
- the provisions of this section are consistent with the currently in-effect MZO provisions in s.28.0.1 of the Act (i.e., updated section numbering).

Permit Appeal Process – Regular Permits (CA Act s.28.1(8), 28.1(20), 28.1(22), 28.3(3) & (6))*

Establishes additional processes for applicants to:

- request a Minister’s review of the CA’s decision where a permit was refused or the permit conditions imposed (within fifteen (15) days);
- appeal to the Ontario Land Tribunal (OLT) a CA’s decision to refuse a permit or issue a permit subject to conditions (appeal provisions limited where a request for a Minister’s review has been made);
- appeal to the OLT for failure of a CA to make a decision on complete permit submission within ninety (90) days; and
- appeal to the OLT permits that have been cancelled following a CA hearing (within ninety (90) days).

*Note: the above applies to Section 28.1 permits (non-zoning orders). MZO permits

Item 8.2

under Section 28.1.2 have similar appeal provisions, except there is no provision for refusal appeals (since MZO permits cannot be refused) and no provision for non-decision appeals (however for MZO permits, the timing for decision can be subject to a regulation made by the Lieutenant Governor, requiring that permits be issued within a specified time period).

Permit Cancellation (CA Act s.28.3)

The permit cancellation provisions were moved from the CA regulations to the Act.

Delegation of Authority (CA Act s.28.4)

The provision governing delegation of authority related to the issuance or cancellation of permits for permits were moved from the CA regulations to the Act.

Reconsideration of Fees (CA Act s.21.2(11-12))

Establishes new provisions to allow for the reconsideration of user fees:

- a person who believes they were charged a fee contrary to the fee schedule, or that the fee is excessive, may ask a CA to reconsider the fee that was charged; and
- upon reconsideration of the fee that was charged, a CA may uphold the fee, vary the amount of the fee, or order that no fee be charged.

Reconsideration of Fees for Permit Applications (CA Act s.21.2(13-21))

Establishes new provisions to governing the reconsideration of permit application fees:

- CAs have thirty (30) days to make a decision upon receipt of the request from an applicant;
- applicants can appeal to the OLT for non-decision by the CA;
- if upon reconsideration a CA upholds the fee, it shall order the applicant to pay the fee and the applicant may pay the fee under protest and appeal to the OLT within 30 days; and
- the OLT may dismiss an applicant's appeal or may vary the amount or order that no fee be charged and order a CA to provide a refund.

New Part VII Enforcement and Offences (CA Act s.30.1 – 30.7)

This new section covers the enforcement and offences powers which include:

- appointment of officers;
- entry without warrants for permit application and compliance (subject to criteria and no entry to dwellings or buildings); searches with warrant and without warrant (subject to criteria);
- ability to issue "stop orders" under certain circumstances; and
- enhanced penalty provisions upon conviction and power of the court to issue rehabilitation orders.

Summary of Regulatory Changes

The following is a summary of the key regulatory changes that will come into effect on April 1, 2024. **It is important that O. Reg 41/24 be read in conjunction with the CA Act.**

Single Permit Regulation for all CAs

[O. Reg. 41/24: Prohibited Activities, Exemptions and Permits](#) will replace TRCA's existing individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (Ontario Regulation 166/06). This new regulation applies to all CAs.

Definitions (O. Reg. 41/24, s.1)

- definitions were moved from the CA Act to O. Reg. 41/24;
- revised definition of a watercourse from "an identifiable depression in the ground in which a flow of water regularly or continuously occurs" to "a defined channel, having a bed or banks or sides, in which a flow of water regularly or continuously occurs"; and
- the definition of "development" remains the same but is now referred to as "development activity".

Prohibited Activities (O. Reg. 41/24, s.2)

Changes to the activities and areas where a CA permit is required:

- the distance CAs now regulate around all wetlands is 30 metres.

Note: This is a reduction in the 120-metre regulated area around Provincially Significant Wetlands and all wetlands on the Oak Ridges Moraine as set out in TRCA's Ontario Regulation 166/06. Since 2019, TRCA has implemented a permit streamlining measure and applied a 30-metre distance to all wetlands in the urban built boundary.

Applicable Flood Event Standards (O. Reg. 41/24, s.3)

- No changes for TRCA.

Maps of regulated areas (O. Reg. 41/24 s.4)

Enhances mapping provisions requiring a CA to:

- make regulation mapping publicly available on website;
- annually review mapping to determine if updates are required; and
- notification to municipalities, public, stakeholders of significant updates.

Note: Under Section 4(5) of O. Reg. 41/24, in the case of a conflict between the description of the areas where a permit is required in the CA Act and regulation and the depiction of those areas on the mapping, the description in the CA Act and regulation prevail over the maps, i.e., the text in the CA Act and regulation prevail over the regulation mapping. This approach is consistent with TRCA's existing regulation and mapping.

Item 8.2

Exceptions (O. Reg. 41/24 s.5)

Outlines CA permit exemptions for specified low-risk development activities, including small non-habitable structures not located in a watercourse or wetland (refer to Attachment 1). These provisions in the regulation are prescribed pursuant to Section 28(3).

Pre-submission Consultation & Complete Applications (O. Reg. 41/24 s.6 & 7)

- CAs to engage in pre-submission consultations to confirm permit requirements; and
- complete application requirements as set out in the regulation, including any other technical information, studies or plans the authority requests.

Prescribed Review Timelines (O. Reg. 41/24, s.7):

- deeming an application complete (or incomplete) within 21 days of receiving an application, including the associated landowner authorization and a fee;
- limiting the ability for a conservation authority to ask for additional studies, technical information or plans once an application has been deemed complete (unless applicant agrees); and
- requiring a conservation authority to make a decision on a permit, once deemed complete, within 90 days.

Administrative Reviews re Deeming Application Complete (O. Reg. 41/24 s.8)

New provisions allow applicants to request a CA administrative review if:

- notice for deeming application complete (or incomplete) has not been received within 21 days;
- applicant disagrees with the decision that an application is incomplete; or
- applicant disagrees that the request for information, studies or plans is reasonable.

Note: CAs must undertake administrative reviews within thirty (30) days of receiving a request to confirm if the application is complete, provide reasons why the application is incomplete or provide reasons why the request for information, studies or plans is reasonable. There is no appeal mechanism under the CA Act if the applicant disagrees with the outcome of the administrative review.

Permit Conditions (O. Reg. 41/24 s.9)

An authority may attach conditions on a permit issued under section 28.1 of the Act only if, in the opinion of the authority, the conditions:

- assist in preventing or mitigating any effects that control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard; or
- support administration or implementation of the permit, including reporting and

Item 8.2

notification, monitoring, and compliance with the permit.

Period of Validity of permits and extensions (O. Reg. 41/24 s.11)

- the maximum validity of a permit issued under sections 28.1, 28.1.1 and 28.1.2 of the Act, including any extensions is 60 months; and
- sets out provisions related to permits and extensions for the maximum period of validity, less than 60 months.

Policy and Procedure Documents (O. Reg. 41/24 s.12)

Requirement for CAs to develop policy and procedure documents that include:

- details of pre-consultation processes and complete application requirements;
- procedures of the permit review process;
- standard timelines for a CA to make a decision for permit once deemed complete; and
- any other policies or procedures, as the authority considers advisable for purposes of administering the issuance of permits under Part VI of the Act; and
- a process for the periodic review of policies and procedures.

Reporting Requirements (O. Reg. 42/24)

[O. Reg. 42/24](#) amends O. Reg. 686/21: Mandatory Program & Service Regulation to require CAs to undertake annual reporting outlining statistics on permits and compliance with the requirements of O. Reg. 41/24.

New Section 29 Regulation (O. Reg.688/21)

A single Section 29 regulation governing the rules of conduct in conservation areas, [Ontario Regulation 688/21: Rules of Conduct in Conservation Areas](#), will come into effect on April 1, 2024, replacing all individual CA regulations, including TRCA's R.R.O. 1990, Reg. 119. The consolidated regulation is generally the same as the existing individual regulations. The appointment of officers to enforce this regulation resides in Section 30.1 of the Act and is covered in a separate report to the Board of Directors to be considered at the March 22, 2024 meeting.

RATIONALE

General Implications and Implementation Actions

TRCA commented on the legislative and regulatory changes described in this report when they were introduced by the Province through legislation (e.g., Bill 229 and Bill 23) and through consultations posted on the Environmental Registry of Ontario. Many of the administrative related changes are consistent with current TRCA practices (e.g., pre-consultation and complete application requirements, annual regulation mapping updates, annual reporting on service delivery for permit applications, etc.). TRCA staff will have to further examine the impacts of the changed definition of a watercourse and changed regulatory distance from wetlands in the context of development proposals in our jurisdiction. The new definition of a watercourse appears to weaken protections for previously impacted headwater streams or drainage features where development is proposed recognizing that some of these areas may still also be protected through other

Item 8.2

regulatory policies related to flooding and hazards. In the case of wetlands, for non urban and urbanizing areas of TRCA's jurisdiction the reduced regulatory standard of 30m from 120m will limit TRCA's ability to mitigate negative impacts of proposed uses on wetlands through the land use and permit review process.

The period from the release of the regulations to when the legislative and regulatory changes come into effect was limited to six weeks. The Ministry of Natural Resources and Forestry conducted a webinar for conservation authorities on March 7, 2024 and provided a technical overview of the legislative and regulatory changes. The updated legislation and regulations will require updating of current policies, procedures, and guidelines to be consistent with the Act and regulations. TRCA has prioritized the following actions to meet the implementation of these changes by April 1, 2024:

Maps of Regulated Areas:

TRCA's annual regulation mapping update to reflect the most current information available related to regulated natural hazards and natural features, as well as the technical requirements of O. Regulation 41/24, is covered in a separate report to the Board of Directors for its March 22, 2024 meeting. Following endorsement by the Board, the mapping will be distributed for municipal screening purposes and posted on the website for the effective date of April 1, 2024.

Re-Designation of Staff to Approve and Sign Permits

Section 28.4 of the amended CA Act enables the Authority to delegate positive permit approval authority to designated staff. This delegation provision exists within TRCA's current permit regulation, O. Reg. 166/06. On June 22, 2023, at meeting #5/22, RES.#A 82/22, was approved as follows:

WHEREAS TRCA is committed to streamline administrative processes associated with the implementation of its regulatory permitting responsibilities under Section 28 of the Conservation Authorities Act;

AND WHEREAS TRCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Ontario Regulation 166/06 as amended, enables TRCA to designate one or more employees to grant permissions for development or permission for alteration in accordance with the regulation;

THEREFORE, LET IT BE RESOLVED THAT TRCA designate the following senior positions to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit.

Re-designation of the above noted staff positions is recommended to implement the legislative and regulatory changes coming into effect on April 1, 2024.

No change is being proposed to the current permit reporting procedures on issued permits for information of the Executive Committee and Board of Directors or those

Item 8.2

permits that require approval of the Executive or Board (e.g., major permits, MZO related permits).

Enforcement and Compliance

The appointment of officers under Section 30.1 of the CA Act for the purpose of ensuring compliance with the Act and regulations is covered in a separate report to the Board of Directors on March 22, 2024.

Minister's Direction – Fees

On November 10, 2022, the Board of Directors approved the 2023-2024 Planning, Permitting and Infrastructure Planning Fee Schedules and these have been in effect since that time. On December 28, 2022, all CAs received notification that a Minister's Direction pursuant to subsection 21.3(1) of the CA Act had been issued with the effect of preventing any changes to these fee schedules for the 2023 calendar year both in terms of fee rates and fee classification for fees related to permitting and to review and commenting on development related proposals or applications, such as applications made under the Planning Act. On December 13, 2023, all CAs received notification that this Minister's Direction would remain in effect from January 1, 2024, to December 31, 2024. TRCA's existing 2023-2024 Planning, Permitting and Infrastructure Planning Fee Schedules therefore continue to be applicable. TRCA fees for other programs and services are not affected by this Direction and may continue to be reviewed per the normal course of business.

Interim Policy and Procedure Guidance:

TRCA has developed the following to align with the CA Act legislation and regulation:

1. **Exceptions from Requirement for Permit Applications** (Attachment 1)
2. **Fees Policy** (Attachment 2)
3. **Pre-Submission Consultation: Permit Applications** (Attachment 3)
4. **Complete Applications: Permit Applications** (Attachment 4)

Administrative

Staff will be updating regulatory and legislative references on all applications, forms, website, database systems, etc.

Notifications

TRCA will notify municipal staff, stakeholders and the TRCA-BILD Working Group about the key legislative and regulatory changes and update the TRCA website accordingly.

Training

Internal staff training will be held for TRCA staff. External municipal and stakeholder training will be conducted, upon request. In addition, the Province will be requested to support and or conduct training on any areas where implementation issues are identified.

Relationship to TRCA's 2023-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

Item 8.2

Pillar 1 Environmental Protection and Hazard Management:

- 1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

Pillar 1 Environmental Protection and Hazard Management:

- 1.4 Balance development and growth to protect the natural environment ensuring safe sustainable development

Pillar 2 Knowledge Economy:

- 2.3 Advocacy and adaptability in the face of policy pressures

Pillar 2 Knowledge Economy:

- 2.4 Integrate environmental considerations and science into decision making

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. Programs and services related to ensuring that TRCA satisfies its duties, functions, and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts, are mandatory under O. Reg. 686/21.

DETAILS OF WORK TO BE DONE

TRCA staff will execute the priority action items as set out in this report to meet the legislative and regulatory changes that come into effect April 1, 2024. Given the scope of changes, it is anticipated that there will be additional actions required, (e.g., updated policies, guidelines, procedures, etc.). Staff will report on these at the appropriate time, as well as any implications to TRCA's permitting and compliance program and services arising from the implementation of the legislative and regulatory changes.

Report prepared by: Laurie Nelson, Director, Policy Planning; Barbara Montgomery, Legal Counsel

Emails: laurie.nelson@trca.ca; barbara.montgomery@trca.ca

For Information contact: Laurie Nelson, (437) 880-2282

Email: laurie.nelson@trca.ca

Date: March 20, 2024

Attachments: 4

Attachment 1: Exceptions From Requirement for Permit Applications

Attachment 2: Fees Policy

Attachment 3: Pre-Submission Consultation: Permit Applications

Attachment 4: Complete Applications: Permit Applications

Attachment 1: Exceptions from Requirements for Permit Applications

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

EXCEPTIONS FROM REQUIREMENT FOR PERMIT APPLICATIONS UNDER SECTION 28.1 OF THE CONSERVATION AUTHORITIES ACT

Pursuant to Section 28(3) and Section 5 of O. Reg. 41/24, a permit is not required for development activity described below:

- (a) the construction, reconstruction, erection or placement of,
 - (i) a seasonal or floating dock that,
 - (A) is 10 square metres or less,
 - (B) does not require permanent support structures, and
 - (C) can be removed in the event of flooding,
 - (ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - (iii) agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - (iv) a non-habitable accessory building or structure that,
 - (A) is incidental or subordinate to the principal building or structure,
 - (B) is 15 square metres or less, and
 - (C) is not within a wetland or watercourse, or
 - (v) an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and

where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;

(d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;

(e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and

(f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

Attachment 2: Fees Policy

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

FEES AND FEE SCHEDULES UNDER SECTION 21.2(7) OF THE CONSERVATION AUTHORITIES ACT

Fee Schedules

1. (1) In accordance with Section 21.2 of the Act, TRCA shall maintain fee schedules that set out,

(a) the list of programs and services TRCA provides and in respect of which it charges a fee; and

(b) the amount of the fee charged for each program or service or the manner in which the fee is determined.

(2) TRCA's fee schedules shall include user fees for programs and services only if the program or service is included in the Minister's list of programs and services in respect of which a conservation authority may charge a fee, made pursuant to Section 21.3 of the Act.

(3) TRCA's Fee Schedules shall be made available to the public on its website and by any other means that any affected TRCA business units consider appropriate.

Periodic Review of Policy

2. TRCA shall review this policy no less frequently than every five years, and may undertake a review of the fees set out in the fee schedules annually, subject to any Minister's direction regarding fee changes made under Section 23.1(1) of the Act. TRCA shall give notice to the public of any review on its website and by any other means that any affected TRCA business units consider appropriate.

Notice of Changes to Fee Policy and Fee Schedules

3. If, after a review of a fee policy or at any other time, TRCA makes a change to the fee policy or list of fees set out in the fee schedules or to the amount of any fee or the manner in which a fee is determined, TRCA shall give notice of the proposed change to the public on its website and by any other means that any affected TRCA business units consider appropriate.

Reconsideration of Fee Charged

4. Any person who considers that TRCA has charged a fee that is contrary to the fees set out in a fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to TRCA in accordance with the procedure for reconsideration set out in this policy and request that TRCA reconsider the fee that was charged.

Powers of TRCA on Reconsideration

5. (1) Upon reconsideration of a fee that was charged for a program or service, TRCA may,
- (a) order the person to pay the fee in the amount originally charged;
 - (b) vary the amount of the fee originally charged, as TRCA considers appropriate; or
 - (c) order that no fee be charged for the program or service.

Reconsideration of Fees for Permit Applications

6. If TRCA receives a request for reconsideration of a fee charged for an application for a permit made under subsection 28.1(2) of the Act, TRCA shall make its decision within 30 days after receiving the request.

Appeal if No Decision on Reconsideration of Fees for Permit Application

7. If TRCA fails to reconsider a fee charged for an application for a permit made under subsection 28.1(2) of the Act within 30 days of receiving the request for reconsideration, the person who made the request may appeal to the Ontario Land Tribunal in accordance with the provisions of Section 21.2 of the Act.

Procedure for Reconsideration

8. (1) Where TRCA receives a request for reconsideration of a fee charged, the request will be addressed by the Director with responsibility for the fee schedule to which the reconsideration request relates.
- (2) The responsible Director shall conduct a review of the request and make a recommendation to the Chief Executive Officer for decision.
- (3) TRCA shall provide its decision in accordance with Section 21.2 of the Act.

Payment of Fee for Permit Application After Reconsideration

9. If, after reconsideration of a fee charged for an application for a permit made under subsection 28.1(2) of the Act, TRCA orders a person to pay the fee under clause 5(1) (a) or (b), the person shall pay the fee in accordance with the order.

Payment of Fee for Permit Application under Protest and Appeal

10. A person who pays a fee under Section 9 for an application for a permit made under subsection 28.1(2) of the Act may,
- (a) when paying the fee, indicate to TRCA in writing that the fee is being paid under protest; and
 - (b) appeal the amount charged by TRCA upon reconsideration to the Ontario Land Tribunal in accordance with the provisions of Section 21.2 of the Act.

Attachment 3: Pre-Submission Consultation: Permit Applications

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

PRE-SUBMISSION CONSULTATION: PERMIT APPLICATIONS MADE UNDER SECTION 28.1 OF THE CONSERVATION AUTHORITIES ACT AND PURSUANT TO O. REG. 41/24

Pre-Submission Consultation

1. (1) Prior to submitting an application for a permit under section 28.1 of the Act and pursuant to On. Reg. 41/24, TRCA and an applicant may engage in pre-submission consultation for the purposes of confirming the requirements of a complete application to obtain a permit for the activity in question, which may include,

(a) requests by TRCA to the applicant for,

(i) initial information on the proposed activity such as a description of the project and any associated plans, or

(ii) details about the property upon which the activities are proposed to be carried out, including copies of plans, maps or surveys; or

(b) meetings between the authority and the applicant prior to the submission of an application, including any site visits to the property where the activities are proposed to be carried out.

(2) If the applicant requests a pre-submission consultation under subsection 1(1), TRCA is required to engage in the pre-submission consultation.

Procedure for Pre-Submission Consultations

2. (1) Applicants are required to complete a pre-submission consultation application form.

(2) The TRCA planner will determine the form of the pre-submission consultation (i.e., email, telephone, virtual or in-person meeting).

(3) The TRCA planner will determine whether a site visit is necessary.

(4) The applicant shall pay applicable fees in accordance with TRCA's fee schedule prior to any site visit or review by TRCA of information provided under subsection 1(1).

(5) The TRCA planner shall provide written comments to the applicant including setting out the requirements for a complete application in accordance TRCA's Complete Application Policy.

Periodic Review of Policy

3. TRCA shall review this policy no less frequently than every five years or as circumstance warrant. TRCA shall give notice to the public of any review on its website and by any other means that any affected TRCA business units consider appropriate.

Attachment 4: Complete Applications: Permit Applications

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

COMPLETE APPLICATIONS: PERMIT APPLICATIONS MADE UNDER SECTION 28.1 OF THE CONSERVATION AUTHORITIES ACT AND PURSUANT TO O. REG. 41/24

Complete Application Requirements

1. (1) An application for a TRCA permit made under section 28.1 of the Act and pursuant to O. Reg. 41/24 shall include:

- (a) a plan of the area showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (b) the proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland;
- (c) the start and completion dates of the development activity or other activity;
- (d) if applicable, a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (e) the elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity;
- (f) drainage details before and after the development activity or other activity;
- (g) a complete description of any type of fill proposed to be placed or dumped, if any;
- (h) a confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner; and
- (i) any other technical information, studies or plans that the authority requests including information requested during pre-submission consultations between the authority and the applicant.

(2) Upon receipt of a cover letter summarizing the submission, and a completed and signed application form, the information required under subsection 1(1) and payment by the applicant

of the application fee, TRCA shall notify the applicant in writing, within 21 days, whether or not the application complies with subsection 28.1(3) of the Act and is deemed to be a complete application. Where TRCA and an applicant engaged in pre-submission consultation, the cover letter shall refer to the requirements identified during the pre-submission consultations.

(3) If TRCA notifies an applicant under subsection 1(2) that the application is complete, TRCA shall not require new studies, technical information or plans under clause 1(1)(i) from the applicant to make a determination on the application, unless agreed to by the authority and the applicant. For greater certainty, the TRCA may ask the applicant for clarification or further details regarding any matter related to the application.

Request for Review

2. (1) An applicant may request a review if,

- (a) the applicant has not received a notice from TRCA within 21 days in accordance with subsection 1(2);
- (b) the applicant disagrees with the TRCA's determination that the application for a permit is incomplete; or
- (c) the applicant is of the view that a request by TRCA for other information, studies or plans under clause 1(1)(i) is not reasonable.

(2) A review requested by an applicant under subsection 2(1) shall be completed by TRCA no later than 30 days after it is requested and TRCA shall, as the case may be,

- (a) confirm that the application meets the requirements of subsection 1(1) and is complete or provide reasons why the application is incomplete; or
- (b) provide reasons why a request for other information, studies or plans under clause 1(1)(i) is reasonable or withdraw the request for all or some of the information, studies or plans.

Procedure for Review

3. (1) A request for review should be made in writing to Director, Development and Engineering Services, using the review request form provided by TRCA, as may be updated from time to time, setting out the applicant's reasons that the application should be deemed complete, or why a request for other information, studies or plans under clause 1(1)(i) is unreasonable.

(2) The written request made pursuant to subsection 3(1) may append additional information or supporting material.

(3) The Director, Development and Engineering Services shall conduct a review of the request and make a recommendation to the Chief Executive Officer for decision.

(4) TRCA shall provide its decision to the applicant on the day the review is completed and in accordance with subsection 2(2).

Periodic Review of Policy

3. TRCA shall review this policy no less frequently than every five years or as circumstances warrant. TRCA shall give notice to the public of any review on its website and by any other means that any affected TRCA business units consider appropriate.