



November 23, 2020

Honourable Doug Ford
Premier of Ontario
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Honourable Christine Elliott
Deputy Premier and Minister of Health
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Honourable Rod Phillips
Minister of Finance
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Honourable John Yakabuski
Minister of Natural Resources and Forestry
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Honourable Jeff Yurek
Minister of Environment, Conservation and Parks
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Dear Premier, Deputy Premier and Ministers:

Re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

I am writing to you today in response to the proposed amendments to the Conservation Authorities Act contained in Schedule 6, Bill 229. The Lake Simcoe Region Conservation Authority (LSRCA) values its partnership with the Province and shares the government's desire to find efficiencies, reduce red tape and increase transparency and accountability. Today, as the Province faces unprecedented pressures from both a global pandemic and climate change, we need to strengthen the cooperative role played by conservation authorities (CAs).

After a detailed review of the changes proposed in Bill 229, the LSRCA anticipates that some of the more prescriptive changes will have unintended consequences that will be counter-productive to your government's stated desire to help CAs modernize and operate with greater focus, transparency and efficiency. In fact, it is our view that several of the proposed

amendments will increase the risk to life and property from natural hazards and the degradation of the environment.

Specifically, changes such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. These changes will also result in a more uncertain, litigious, and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development. These changes will undo the hard work LSRCA has undertaken to ensure we are customer-centric, accountable, efficient and solutions oriented.

At the LSRCA there is no duplication of service, red tape or instances where we have gone beyond our mandate. Programs and services are transparent and changes in policy occur only when affected parties are consulted and involved. We take pride in our efforts to work with all our partners, public and private, as well as BILD who we routinely collaborate with when setting fees and developing policy and new programs. Our permit/planning fees only cover the cost to review applications and render decisions and approvals. Where possible we align our services to provide additional value while ensuring that provincial interests are being met. To ensure accountability we have developed clear, quantifiable service delivery targets and metrics, which we track and report on publicly through our Board of Directors.

We also feel that the integrity of the permitting process will be compromised by these amendments and will increase risk, liability, delays, and lead to inconsistency. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications, and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, the technical input, or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.

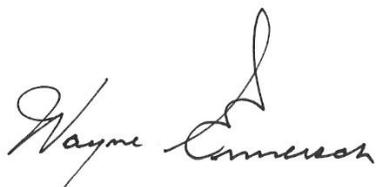
The amendment to our ability to enter a property and repeal of the “stop work orders” severely limits our ability to enforce the provincial regulation (Ontario 179/06). Conservation authorities will have to continue to rely on search warrants to gain entry to a property where infractions/compliance is a concern taking more time and costing more money. Due to the amendment, reasonable grounds for obtaining a search warrant now cannot be obtained unless the activity can be viewed without entry onto the property (i.e. from the road). This restriction protects potential violators. Additionally the repeal of the ability to issue Stop Work Orders, a long requested enforcement tool, means we must resort to obtaining injunctions which again takes further staff time and conservation authorities will incur significant costs for legal and court fees. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, or alteration of a floodplain which then puts people at risk. This unintended consequence is contrary to the Province’s Made in Ontario Plan which

references getting tough with polluters. Illegal filling, dumping of contaminated materials, destruction of wetlands and significant habitat as identified in the Lake Simcoe Protection Plan are happening as this letter is being written. Without the necessary tools, the public and environment are at risk.

Finally, the amendments introduce a “stakeholder governance model” that has no legal precedence. The proposed changes to the composition of CA boards negatively disrupts what is currently an effective and relatively apolitical structure. This will significantly reduce the capacity of boards to make decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure LSRCA makes decisions with integrity based on our mission, values, and core responsibilities. Changing the composition to reflect elected officials that represent the interests of their respective municipalities will invite conflict and is counter to all governance principles. This is supported by other pieces of legislation and a recent decision by the Auditor General regarding the Niagara Peninsula Conservation Authority.

In conclusion, the LSRCA wants to assure the Province that we are here to work with you. Our Authority does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, service disruption or delays that would hinder the government in achieving its goal of economic recovery. Given the time sensitive nature of this Bill, we encourage the Province to withdraw Schedule 6 of Bill 229. We feel there are better solutions to deal with actual and perceived issues and would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. We appreciate you taking the time to consider our concerns.

Sincerely,



Wayne Emmerson
Regional Chairman and CEO
Chair, Lake Simcoe Region Conservation Authority
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