

*Bill 23, More Homes Built Faster Act, 2022*

**Purpose of Submission:** Standing Committee Written Submission

**Organization Name:** Conservation Ontario

**Presenter's Name and Title:** Angela M. Coleman, General Manager

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November 9, 2022

Honourable Laurie Scott, MPP

Chair, Standing Committee on Heritage, Infrastructure and Cultural Policy  
College Park 5th Floor  
777 Bay Street  
Toronto, ON M7A 2J3

**RE: Conservation Ontario Comments – Bill 23, *More Homes Built Faster Act 2022*,  
Schedule 2 *Conservation Authorities Act***

Dear Chair Scott and Honorable Members of the Standing Committee,

Thank you for the opportunity to provide comments on Bill 23, *More Homes Built Faster Act, 2022*, specifically, Schedule 2, *Conservation Authorities Act*. We request your thoughtful consideration of the proposed changes in this submission to identify solutions that will increase Ontario's housing supply without jeopardizing public safety.

The following builds on the success of previous amendments to the *Conservation Authorities Act* and ensures safe development in our partner Municipalities. We are committed to do our part to increase the supply of housing in Ontario.

We are concerned, however, that some changes proposed in Bill 23 will:

- Place new responsibilities on municipalities for natural hazards and natural resources that may lead to inefficiencies, uncertainties, and delays in the development review process;
- Weaken the ability of Conservation Authorities to protect people and property from natural hazards; and
- Reduce critical, natural, infrastructure like wetlands and greenspaces that reduce flooding and protect waters in our lakes and rivers.

Our submission includes:

1. **Key Recommendations;**
2. **Verbal Presentation, Angela Coleman, Conservation Ontario; and,**
3. **Suggested Legislative Amendments**

Today we request legislative amendments and continued dialogue to ensure, together, that we can meet our shared objectives in a timely, cost-effective, and efficient manner.

I am pleased to answer your questions following this presentation.

Sincerely,

Angela M. Coleman

## Key Recommendations

1. Municipalities should retain the ability to enter into agreements with conservation authorities for review and comment on development applications such as natural heritage and water resources reviews. Previous legislative amendments by your Government require agreements prior to Conservation Authorities undertaking this work. Recent regulations define requirements to be included in these voluntary agreements. Conservation Authorities provide comments to municipalities in a cost-effective and timely manner. In 2020, through amendments to the *Conservation Authorities Act*, Conservation Authorities are already prevented from commenting beyond mandatory programs and services, such as natural heritage, without a municipal agreement.
2. Development subject to *Planning Act* authorizations should not be exempt from requiring Conservation Authority permits and Conservation Authority regulations should not be delegated to Municipalities. The planning process is insufficient to ensure natural hazard concerns are addressed through design and construction alone. This places additional pressure, responsibility, and liability on Municipalities and could result, for example, in building permits being issued in error. Working beyond political boundaries is essential in the permitting role to consider impacts on upstream and downstream communities. Natural hazards must be considered at both site-specific and watershed levels to ensure safety.

## **Verbal Presentation to Standing Committee:**

My name is Angela Coleman and I am the General Manager of Conservation Ontario. I have the challenging task of taking work that is technical, complex, and not always appreciated and making it easy to understand and meaningful to you as decision makers.

I am a lawyer and have worked hand-in-hand with communities and municipalities for over twenty years. I am a practical person who took this job only 2 months ago knowing sound advice and a reasoned approach is necessary to speed development approvals without: undue cost; delays; or harm to the natural environment or public safety.

I've worked with communities on their worst days. The day infrastructure fails. The day the flood hits. The day there is a loss of property, (or worse, life). I've worked with people facing environmental emergencies: drinking water contamination; floods with people displaced from their homes; landslides where infrastructure slides away; and legacy development that floods, shifts, and sinks.

In my experience, decision makers do not intend to put people and property at risk. Further, most people do not expect nor believe the worst can happen: it can and does. It is most often an ordinary weather day when we're debating: what would be safe, what is a hazard, and what would we need to ensure a successful development proposal. But it's not the average day Conservation Authorities prepare for. We are planning for the 1:100 year flood, or larger storm. It's the day the waters rise, when the roads are underwater, and the emergency vehicles must rescue people from their homes. It is, for example, the consecutive days of heavy rain just after the snow melts and the soils are rivers are already full of water.

Conservation Authorities were created in response to the deaths of 81 Ontarians caused by flooding of homes and infrastructure developed in hazard areas i.e. Hurricane Hazel, 1954. That is a startling wake-up call of what can happen when we fail to plan [or plan to fail].

Bill 23 separates the protection of wetlands and other green features from natural hazard planning. These are the features that slow floodwaters and flows: they are connected. This is particularly concerning for many municipalities that may not have the expertise to independently consider all of these matters when reviewing planning applications, which could elevate municipal risk and liability.

In the past, it cost the Province significant effort and money to move people and communities from their homes to protect them from natural hazards. You will hear from the insurance industry that Ontario is a leader in flood loss avoidance because of the work of Conservation Authorities in partnership with the Province and Municipalities. This is something we cannot, especially now, afford to lose.

Across the Province, Municipalities rely on Conservation Authorities' expertise to inform environmental assessments and provide input on official plans, studies and development applications. The process is a "watershed-based approach" and enables connections to be made between flood control, wetlands and other green infrastructure, ensuring safe development.

*Simply, we request the unintended consequences and costs of limiting Conservation Authority involvement be thoroughly and carefully considered by this Committee.*

## **Suggested Legislative Amendments:**

### **1. Schedule 2 of Bill 23 – subsections 3 and 4 and associated amendments**

*That subsections 3 and 4 be removed in their entirety from the schedule. A complementary amendment to remove 14(3) is also required.*

Explanation: Recent regulations under the *Conservation Authorities Act* require Conservation Authorities transition to new budget and program delivery frameworks. Regular reporting to the Province is required and ongoing dialogue with participating municipalities is occurring. Subsections 3 and 4 propose changes that prohibit Conservation Authorities from entering into Memorandums of Understanding (“MOUs”) with Municipalities, or Conservation Authority Boards to direct development review and commenting services. Many Municipalities choose Conservation Authorities to deliver development review and commenting services due to the efficiency it brings. Prohibiting this work will lead to longer and more costly application review processes and will not contribute to the Province’s goal of “more homes built faster”.

### **2. Schedule 2 of Bill 23 – subsection 7(2) and associated amendments**

*That subsection 7(2) be removed in its entirety from the schedule. Complementary amendments to remove 13(2) and 14(1) are also required.*

Explanation: The Province recently confirmed the mandate of Conservation Authorities, which includes regulating development to address the risk of natural hazards. Subsection 7(2) proposes to exempt certain types and locations of development from the regulation process. This could create a two-tiered approach to the protection of people and property. This exemption is contrary to the core mandate of Conservation Authorities and may put people and property at risk.

Advice should be sought from the Conservation Authorities Working Group about development activities that may be suitable for exemption from requiring a permit using existing clauses within Section 28 (3) and (4) of the *Conservation Authorities Act*. In our view, this approach avoids unintended risks to public safety, properties, or natural hazards.