Request:

The Province of Ontario has introduced a number of changes to legislation through Bill 108 while committing to improving client service and accountability, increasing speed of approvals and reducing regulatory burden. Amendments to Bill 108 include a new category of mandatory programs and services that would allow for any “programs or services not otherwise covered” to be included in a regulation within one year of the end of the transition period.

The Township of Selwyn strongly encourages the Province to engage Conservation Authorities (CA) and Municipalities in the development of specific standards and requirements to be prescribed in regulation and to determine what additional services should be considered as mandatory. In addition, care will need to be taken in defining the ability of CA’s to regulate prohibited development and other activities to control flooding and protect natural resources. Transition measures need to be carefully crafted and incorporated into Regulation to ensure there is no interruption of services or the creation of delays in responding to clients. The Province must also continue to invest in core mandatory programs and services, and provide technical guidance, policy and training support to promote consistency.

Background:

Conservation Authorities and Conservation Ontario:

- Conservation Authorities (CAs) are community-based watershed management agencies mandated to ensure the conservation, restoration and responsible management of Ontario’s water, land and natural habitats through programs that balance human, environmental and economic needs
- Conservation Ontario is a nonprofit organization that supports the network of 36 Conservation Authorities. On behalf of Conservation Authorities, Conservation Ontario builds strategic partnerships, promotes collective positions and issues, as well as pursues financial and policy opportunities related to Conservation Authority business areas
- Conservation Authorities began to be established in the 1940s and are governed under the Conservation Authorities Act
- Conservation Authorities have a proven track record as being effective service delivery agents on behalf of the Province, particularly as watershed-based resource management agencies
- Conservation Authorities have not seen an increase to their provincial funding for their delegated responsibilities for flood (natural hazard) management since the mid-90s.

The Province passed Bill 108, a sweeping Bill that includes a number of legislated changes that will impact development, housing, planning appeals process etc… Included in Bill 108, is legislation that affects Conservation Authorities. Municipalities and Conservation Authorities were pleased that amendments were made to the final Bill that will ensure mandatory ‘core services’ of Conservation Authorities will now be prescribed by Regulation.
The Township of Selwyn is a member of the Otonabee Region Conservation Authority (ORCA). Selwyn and ORCA believe a watershed approach to conservation is appropriate and is an efficient and effective use of valuable resources. The Township of Selwyn along with ORCA are supportive of changes to the legislation that include provisions to increase transparency, provide for additional enforcement tools, improved standards for governance, standardization across the Province to provide for consistency and a clear legislative role that defines the purpose of Conservation Authorities. Specifically the Bill defines the core mandate of CA’s:

- Source Water Protection
- Natural Hazards
- Management of Conservation Lands

A number of other services considered as non-mandatory, but that are intrinsic to the current role of Conservation Authorities, include:

- Technical review of planning documents for consistency with natural heritage policies outlined in the Provincial Policy Statement (PPS) and conformance with other provincial plans including the Planning Act, etc…
- Environmental services (monitoring programs, stewardship activities and education programs)
- Corporate services (Board support, administration and communications).

Conservation Authorities must also now enter into agreements with municipal governments on service delivery. This is expected to bring greater transparency to the financial and service delivery relationship between Conservation Authorities and municipalities; however there is concern that some member municipalities may not wish to use the resources of the CA for non-mandatory services e.g. technical planning reviews etc… Municipalities may opt out of having the CA provide non-mandatory services which has the potential to create a number of issues:

- If a critical mass of members decline to join (or in the case of ORCA; one member) the watershed approach will be put in jeopardy from both a financial and accountability perspective ~ issues we face with air, land and water are oblivious to political boundaries.
- Consistent application of policies, training and technical interpretation will be thwarted.
- Efficiencies naturally derived from scale and size will be impaired and drive increased costs.
- Administrative burden will be shifted to a smaller tax base.

Suggestions/Recommendations Regarding The Regulatory Process

The Province has committed to defining the new CA standards through the development of Regulations. The Township of Selwyn strongly encourages the Province to:

- engage Conservation Authorities (CA) and Municipalities in the development of these Regulations
- determine what additional services should be considered as mandatory.
- carefully define the CA’s role to regulate prohibited development and other activities to control flooding and protect natural resources.
- develop transition measures to ensure there is no interruption of services or to create delays in responding to clients.
- continue to invest in core mandatory programs and services, and provide technical guidance, policy and training support to promote consistency.

The Township of Selwyn has concerns regarding the financial changes made in the Provincial budget in 2019 – *Natural Hazard Management Grant*

- The Natural Hazard Management Grant under section 39 was reduced by 50% and the summer employment grants were cut. In ORCA’s case, this meant an in-year cut of $86,911.25 and $7,200 in student grants which had to be mitigated through program cuts.
- The Natural Hazard Management Grant has been frozen for 20 years and any available efficiencies have been achieved as ORCA worked to address inflationary pressures.
- Given the critical nature of services offered under this program (dam operations and flood control) there is little opportunity to reduce services or delivery standards without impacting public safety.
- The alternative will be to either increase user fees or the municipal tax levy; which is problematic given the other financial pressures being placed on Municipalities.