



Ontario
Home Builders'
Association

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June 26, 2021

Ministry of the Environment, Conservation and Parks
Conservation and Source Protection Branch
40 St Clair Avenue West, 14 Floor
Toronto, ON
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RE: Regulatory Proposals (Phase 1) under the Conservation Authorities Act (ERO Registry # 019-2986)

OHBA is pleased to provide the Ministry of the Environment, Conservation and Parks (MECP) and the Ministry of Natural Resources and Forestry (MNRF) with our recommendations responding to Regulatory proposals (Phase 1) under the Conservation Authorities Act (ERO Registry Number: 019-2986) consultations. OHBA was supportive of Bill 229, the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, which made changes to the *Conservation Authorities Act* (hereafter referred to as the Act) and the *Planning Act* and has been engaged with MECP throughout the consultation process on Conservation Authorities the past several years.

Over 50 OHBA members attended the (pre-pandemic) public consultation sessions held in different jurisdictions throughout Ontario and OHBA made presentations at the consultations in Port Colborne, Barrie and in London. OHBA has provided the current and previous governments with significant recommendations to modernize the operations of Conservation Authorities and to scope their roles and responsibilities - our recommendations through formal submissions on Conservation Authorities, include:

- Modernizing Conservation Authorities Act – 2019 ERO Registry Numbers: 013-4992 and 0135018;
- Proposed amendments to the *Conservation Authorities Act* as part of Bill (139), *the Building Better Communities and Conserving Watersheds Act*, 2017 (EBR – 013-0561);
- *Conserving Our Future: Proposed Priorities for Renewal*, 2016 (EBR – 012-7583);
- *Conservation Authorities Act Review*, 2015 (EBR – 012-4509).

OHBA is broadly supportive of recent changes designed to improve the governance, oversight and accountability of Conservation Authorities (CA's), while respecting taxpayer dollars by giving municipalities more say over the conservation authority programs and services they pay for. OHBA members from across Ontario have extensive experience working in the 36 CA watersheds and navigating the CA plan review and permitting process. OHBA shares similar broad priorities for modernization and renewal with the MECP and appreciates the opportunity to present our views and recommendations to the provincial government. OHBA believes the current consultation represents an important opportunity to strengthen oversight and accountability mechanisms as well as ensuring greater transparency with respect to services provided to municipalities. It is important that through this review, the provincial



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government continues to clarify the roles and responsibilities of CA's within the broader provincial legislative framework.

Programs and Services Delivered by Conservation Authorities

OHBA is supportive of CA's fulfilling their core mandate, as per the objectives set out in the *Conservation Authorities Act* and are set out through regulation, and particularly through sections 21.1.1, 21.1.2 and 21.1.4 of the Act. This will ensure that the objectives of the CA meet and fulfill its core mandate of watershed management, being accountable to the relevant municipality through prescribed funding requirements and with a full transition plan in compliance with Schedule 6 of the *Protect, Support and Recover from COVID-19 Act, 2020*. In addition, OHBA recommends that the core mandate of the CA's must be examined carefully as water and natural heritage resources are provincial interests that are best managed at a watershed scale with active leadership from CA's. As such, the province needs to maintain or increase funding for the existing and any expanded mandated programs and services. OHBA further supports the implementation of municipal agreements, if necessary, as a means of providing greater transparency on CA activities and programs.

OHBA supports requiring CA's to develop and implement a program or service to address natural hazards such as flooding or erosion as an objective of the Ministry of Natural Resources and Forestry. We would note that these programs should be in compliance with the Provincial Policy Statement. OHBA is also supportive of having more defined CA processes for the acquisition and disposition of CA owned lands.

Non-Mandatory Conservation Authority Programs and Services

Having mutually agreed upon memorandums of understanding (MOU's) between a municipality and a CA, OHBA feels that such MOU's will help ensure greater accountability and transparency for non-mandatory programs and services developed and delivered by CA's. OHBA is supportive of the proposed implementation of this unproclaimed section of the Act. OHBA also supports there being prescribed dates set out in the proposed regulation for CA's to comply with having MOU's in place along with relevant transition plans, inventories, programs and/or services.

Governance and Oversight

As noted in the proposed regulatory package,

"Under the Conservation Authorities Act, conservation authorities (the membership) can establish advisory boards as they consider necessary to provide advice to themselves. The composition of these advisory boards varies depending on their purpose; many are sector based (development, agriculture) and generally include conservation authority members, key stakeholders, subject matter experts, and members of the general public, and could include Indigenous members." - Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities, page 27.



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OHBA strongly supports the establishment of advisory boards that consist of relevant stakeholders in the area. Local stakeholders have insights and perspectives that will assist CA's with meeting their core objectives and it is vital that they be part of the advisory process. OHBA recommends that if community advisory boards are provincially required, then staff and administrative support for the committees should be recognized as a mandated service and be funded accordingly.

Other Regulatory Matters

OHBA supports implementing the new section 29 of the Act to provide more clarity and consistency of the activities that can be prescribed on CA owned lands.

Conclusion

In previous submissions, OHBA has clearly stated that while CA's have an important role in watershed management, OHBA had become increasingly concerned that a number of CA's have extended their reach well beyond a core mandate related to natural hazards (PPS section 3.1) and watershed management. This over-reach is adversely impacting a number of broader provincial goals and objectives, including our members' ability to bring new housing supply to the market. The roles and responsibilities of CA's need to be appropriately balanced with the broader legislative framework that CA's operate in, which allows planning authorities and our members to build strong, healthy communities. OHBA is supportive of the *Made-in-Ontario Environment Plan's* comment that the province will, "work in collaboration with municipalities and stakeholders to ensure that CA's focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards and conserving natural resources."

OHBA, however, feels that the delivery and scope of the Non-Mandatory Programs and Services currently provided by CA's need to be examined and rationalised. Prior to the assumption of any Non-Mandatory Programs and Services by a municipality, the ability of the municipality to provide for such delivery and the related cost implications require attention. The assumption of such program and service delivery by a municipality would have levy and development charge implications that could ultimately add to the cost of providing new housing supply.

OHBA members have an important role to play in protecting and preserving our environment. Through environmental stewardship, building energy efficient new housing, upgrading aging homes, creating transit-oriented communities and remediating brownfield sites, our members are important partners to the government in delivering on a *Made-in-Ontario Environment Plan*. Working with other environmental and development approval authorities, CA's will continue to have an important role in the future of Ontario's economic and community development process.

OHBA looks forward to continuing its discussions with provincial staff in the finalization and implementation of the regulatory proposals. We may have additional recommendations and comments on this file and we will share those with the Ministry following this submission.