



The Regional Municipality of Durham

COUNCIL INFORMATION PACKAGE

July 14, 2017

Information Reports

[2017-INFO-76](#) Commissioner of Planning and Economic Development re: Monitoring of Land Division Committee Decisions of the June 12, 2017 Meeting

Early Release Reports

There are no early release reports.

Staff Correspondence

1. Memorandum from [Dr. R. Kyle, Commissioner and Medical Officer of Health](#), re: Health Information Update, July 7, 2017

Durham Municipalities Correspondence

There is no Durham Municipalities correspondence.

Other Municipalities Correspondence/Resolutions

There are no Other Municipalities Correspondence/Resolutions.

Miscellaneous Correspondence

1. [Kathy Stranks, Senior Manager, Corporate Secretariat, CEO's Office, Toronto and Region Conservation Authority](#) re: Resolution from their Authority Meeting on June 23, 2017 regarding the Amendments to *Bill 139, The Building Better Communities and Conserving Watersheds Act*
2. [Trish Barnett, Coordinator, BOD/CAO, Projects and Services, Lake Simcoe Region Conservation Authority](#), re: Township of Ramara's Appeal to the Mining and Land Commission
3. [Ron Holman, Rural Ontario Municipal Association](#), re: Proposed Municipal Asset Management Planning Regulation Comments

4. [Howard Njoo, Deputy Chief Public Health Officer and Acting Vice President, Infectious Disease Prevention and Control Branch, Public Health Agency of Canada](#), re: Lyme Disease
5. [Kevin Powers, Director, Public Affairs, Ontario Power Generation \(OPG\) Nuclear](#), re: Canadian Association of Nuclear Host Communities Municipal Support and Endorsement for OPG's Proposal to Develop a Deep Geologic Repository for Low and Intermediate Level Radioactive Waste in Kincardine
6. [Sean Fahey, Municipal Advisor, Municipal Services Office – Central Ontario/Municipal Services Division, Ministry of Municipal Affairs/Ministry of Housing](#), re: National Disaster Mitigation Program
7. Correspondence submitted by Dr. R. Kyle, Commissioner & Medical Officer of Health, from [James Chirico, Medical Officer of Health/Executive Officer, North Bay Parry Sound District Health Unit](#), re: Resolution from their June 28, 2017 Board of Health meeting regarding The Revealing of Imperial Tobacco Canada Ltd.'s Anti-Contraband Campaign
8. Correspondence submitted by Dr. R. Kyle, Commissioner & Medical Officer of Health from [Jesse Helmer, Chair, Middlesex-London Board of Health](#), re: Resolution from their June 15, 2017 Board of Health meeting regarding Smoke-Free Clauses in the Standard Lease Under the *Residential Tenancies Act*
9. Correspondence submitted by Dr. R. Kyle, Commissioner & Medical Officer of Health from [Alan Caslin, Regional Chair, on behalf of the Niagara Region Board of Public Health](#) re: Requesting Support for the Enactment of Legislation under HPPA to Allow Inspection and Enforcement Activities of Personal Service Settings
10. Correspondence submitted by Dr. R. Kyle, Commissioner & Medical Officer of Health, from [Penny Sutcliffe, Medical Officer of Health and Chief Executive Officer, Sudbury & District Board of Health](#), re: Resolution from the July 15, 2017 Board of Health meeting regarding *The Fair Workplace, Better Jobs Act (Bill 148)*
11. [Kathy Stranks, Senior Manager, Corporate Secretariat, CEO's Office, Toronto and Region Conservation Authority](#), re: Resolution from their Authority Meeting on June 23, 2017 regarding Wetland Protection

Advisory Committee Minutes

There are no Advisory Committee minutes.

Action Items from Council (For Information Only)

[Action Items](#) from Committee of the Whole and Regional Council meetings

Members of Council – Please advise the Regional Clerk at clerks@durham.ca by 9:00 AM on the Monday one week prior to the next regular Committee of the Whole meeting, if you wish to add an item from this CIP to the Committee of the Whole agenda.



The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: 2017-INFO-76
Date: July 11, 2017

Subject:

Monitoring of Land Division Committee Decisions of the June 12, 2017 Meeting

Recommendation:

Receive for information

Report:

1. Overview

1.1 Attachment 1 summarizes decisions made by the Land Division Committee at its meeting of June 12, 2017. The approved applications conform to the Durham Regional Official Plan. No appeals are recommended

2. Distribution

2.1 A copy of this report will be forwarded to the Land Division Committee

3. Attachments

Attachment #1: Monitoring Chart for the June 12, 2017 Meeting

Respectfully submitted,

Original signed by

B.E. Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development



Monitoring of Land Division Committee Decisions for the Meeting Date of Monday, June 12, 2017

Appeal Deadline: Tuesday, July 11, 2017

LD File Number	Owner	Location	Nature of Application	Regional Official Plan	LDC Decision
LD 011/2017	Foord, Robert Chaun, Kenneth	Part lot 6, Conc. BF City of Oshawa	Consent to sever a vacant 1.06 hectare industrial parcel of land, retaining a vacant 1.556 hectare industrial parcel of land.	Conforms	Approved unanimously
LD 061/2017	Benoliel, Josh	Part lot 24, Conc. BF Municipality of Clarington (former Darlington)	Consent to add a vacant 0.7926 hectare industrial parcel of land to the north, retaining a vacant 5.86 hectare industrial parcel of land. Application includes easement.	Conforms	Approved unanimously
LD 062/2017	Deligio, Vito Deligio, Doriana	Part lot 35, Conc. 2 Municipality of Clarington (former Darlington)	Consent to sever a vacant 597.0 square metre residential lot, retaining a 1,754.9 square metre residential lot.	Conforms	Approved unanimously
LD 063/2017	Sacco, Dora	Part lot 35, Conc. 2 Municipality of Clarington (former Darlington)	Consent to sever a vacant 1,161.5 square metre residential lot, retaining a 1,642.0 square metre residential lot with an existing dwelling to remain.	Conforms	Approved unanimously
LD 064/2017	Sacco, Dora	Part lot 35, Conc. 2 Municipality of Clarington (former Darlington)	Consent to add a vacant 74.0 square metre residential parcel of land to the north, retaining a vacant 1,161.5 square metre residential lot.	Conforms	Approved unanimously

LD File Number	Owner	Location	Nature of Application	Regional Official Plan	LDC Decision
LD 067/2017	Nohos, Flora Nohos, Nick	Part lot 30, Conc. 1 City of Pickering	Consent to sever a 497.5 square metre residential parcel of land with an existing dwelling to be demolished, retaining a 497.5 square metre residential parcel of land.	Conforms	Approved unanimously
LD 068/2017	Goldenberg, Shawn	Part lot 2, Conc. 7 Town of Ajax	Consent to grant a 1,999.7 square metre access easement in favour of the property to the west, retaining a 8,065.4 square metre commercial parcel of land.	Conforms	Approved unanimously
LD 069/2017	Roy, Ryan Windrem, Shannon	Part lot 17, Conc. 4 Twp. of Uxbridge (former Scott)	Consent to add a vacant 0.1258 hectare non farm related rural residential parcel of land to the property to the west, retaining a 17.552 hectare non farm related rural residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously
LD 072/2017	Penner, Donald Penner, Laurie-Anne	Part lot 29, Conc. 6 Twp. of Uxbridge (former Uxbridge)	Consent to sever a vacant 590 square metre residential parcel of land, retaining a 3,637 square metre residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously
LD 073/2017	Penner, Donald Penner, Laurie-Anne	Part lot 29, Conc. 6 Twp. of Uxbridge (former Uxbridge)	Consent to sever a vacant 580 square metre residential parcel of land, retaining a 3,057 square metre residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously
LD 074/2017	Penner, Donald Penner, Laurie-Anne	Part lot 29, Conc. 6 Twp. of Uxbridge (former Uxbridge)	Consent to sever a vacant 686 square metre residential parcel of land, retaining a 2,371 square metre residential parcel of land with an existing dwelling to remain.	Conforms	Approved unanimously



Interoffice Memorandum

Date: July 14, 2017

To: Committee of the Whole

From: Dr. Robert Kyle

Subject: Health Information Update – July 7, 2017

Health
Department

Please find attached the latest links to health information from the Health Department and other key sources that you may find of interest. Links may need to be copied and pasted directly in your web browser to open, including the link below.

You may also wish to browse the online Health Department Reference Manual available at [Health Department Reference Manual](#), which is continually updated.

Boards of health are required to “superintend, provide or ensure the provision of the health programs and services required by the [Health Protection and Promotion] Act and the regulations to the persons who reside in the health unit served by the board” (section 4, clause a, HPPA). In addition, medical officers of health are required to “[report] directly to the board of health on issues relating to public health concerns and to public health programs and services under this or any other Act” (sub-section 67.(1), HPPA).

Accordingly, the Health Information Update is a component of the Health Department’s ‘Accountability Framework’, which also may include program and other reports, Health Plans, Quality Enhancement Plans, Durham Health Check-Ups, Performance Reports, business plans and budgets; provincial performance indicators and targets, monitoring, compliance audits and assessments; RDPS certification; and accreditation by Accreditation Canada.

Respectfully submitted,

Original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health

UPDATES FOR COMMITTEE OF THE WHOLE
July 7, 2017

Health Department Media Releases/Advisories/Publications

<https://goo.gl/JNpDHs>

- Heat warning issued for Durham Region (Jun 10)

<https://goo.gl/rnAaui>

- Information on Beach-Postings (Jun 16)

<https://goo.gl/zv9qnA>

- Grade 5 Action Pass offers free activities this summer (Jun 21)

<https://goo.gl/JxwSsv>

- Information on Beach-Postings (Jun 23)

<https://goo.gl/xk5961>

- Information on Beach-Postings (Jun 29)

<https://goo.gl/7CFHYw>

- Information on Beach-Postings (Jul 7)

FAX Abouts (on DurhamMD.ca – UserID: drhd; Password: health)

- Suspect Rabies Human Exposure and PEP (Jun 13)
- Respiratory Viral Testing at PHOL (Jun 19)
- Website Content Update (Jun 27)

GOVERNMENT OF CANADA

Agriculture and Agri-Food Canada

<https://goo.gl/ggvJEK>

- Working together to build A Food Policy in Canada (Jun 23)

Department of Finance Canada

<https://goo.gl/9SCAEy>

- Government's Plan to Build a Strong Middle Class Receives Royal Assent (Jun 22)

Employment and Social Development Canada

<https://goo.gl/r1Yf7W>

- Historic Agreement between the Federal, Provincial and Territorial Governments on a Multilateral Early Learning and Child Care Framework (Jun 12)

<https://goo.gl/loiB6W>

- Canada ratifies international convention, supports worker's rights to organize and collective bargaining (Jun 14)

<https://goo.gl/GRh9s6>

- Statement from the Minister of Families, Children and Social Development on the situation of children in Canada following UNICEF's *Building the Future* report release (Jun 15)

<https://goo.gl/Pc5RT0>

- The Government of Canada and the Government of Ontario concludes the first early learning and child care bilateral agreement (Jun 16)

Environment and Climate Change Canada

<https://goo.gl/20SNeL>

- Canadian scientists discover how forests reduce air pollution (Jun 14)

<https://goo.gl/qxZVKy>

- Low Carbon Economy Fund to reduce greenhouse gas emissions and generate clean growth (Jun 15)

<https://goo.gl/SXYSt7>

- The Government of Canada proposes amendments to the Federal Sustainable Development Act (Jun 19)

<https://goo.gl/gajngo>

- The Government of Canada to develop a National Strategy for the safe and environmentally sound disposal of lamps containing mercury (Jun 26)

Health Canada

<https://goo.gl/Jj7XN8>

- Government of Canada invests in initiative that engages men to improve health and wellness (Jun 12)

<https://goo.gl/HyJQXc>

- Plain Language Labelling Regulations come into force for non-prescription drugs (Jun 13)

<https://goo.gl/aX1EB9>

- New measures to inform Canadians of the risks of prescription opioids out for consultation (Jun 16)

<https://goo.gl/cdae2N>

- Government of Canada proposes new regulations to help eliminate risk of strangulation from corded window coverings (Jun 16)

<https://goo.gl/8dzkAU>

- Statement from the Minister of Health on the "Lower-Risk Cannabis Use Guidelines" (Jun 23)

<https://goo.gl/8dD6Ky>

- Government of Canada enables new access to drugs in urgent public health situations (Jun 28)

Infrastructure Canada

<https://goo.gl/4oDSHm>

- Canada launches negotiations with Provinces and Territories for long term infrastructure investments (Jul 6)

Innovation, Science and Economic Development Canada

<https://goo.gl/5LvMB>

- Historic Canadian Free Trade Agreement takes effect July 1 (Jun 29)

Natural Resources Canada

<https://goo.gl/b7Ey6w>

- Discussion Paper Released on Environmental and Regulatory Processes (Jun 29)

Parks Canada

<https://goo.gl/aEeKw5>

- Government of Canada fulfills promise to protect Rouge National Urban Park (Jun 19)

Prime Minister's Office

<https://goo.gl/tP6Hne>

- Prime Minister announces new Ambassador for Climate Change (Jun 27)

Public Health Agency of Canada

<https://goo.gl/eM6GBf>

- Statement from the Minister of Health on the release of new national surveillance data on dementia, including Alzheimer's disease (Jun 21)

<https://goo.gl/sA6hPg>

- Government of Canada Appoints Chief Public Health Officer (Jun 26)

Status of Women Canada

<https://goo.gl/X7KeW7>

- It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence (Jun 19)

Transport Canada

<https://goo.gl/Rpf7Lf>

- *Locomotive Emissions Regulations* to reduce air pollutants (Jun 28)

GOVERNMENT OF ONTARIO

Office of the Premier

<https://goo.gl/08DNdV>

- Schools Receiving \$1.4 Billion for Repairs and Renewal This Year (Jun 13)

<https://goo.gl/yxeSv5>

- Statement of the Premier on Ontario Medical Association Vote (Jun 17)

<https://goo.gl/1UsDHB>

- Updates to Provincial Regulations Create a Fairer, Better Ontario (Jun 30)

Ontario Ministry of Advance Education and Skills Development

<https://goo.gl/Y9YtCf>

- Ontario Equipping More Adults with Essential Job Skills for Free (Jun 16)

Ontario Ministry of Agriculture, Food and Rural Affairs

<https://goo.gl/krzHWX>

- Boosting Competitiveness and Innovation for Ontario's VQA Wineries (Jun 20)

Ontario Ministry of the Attorney General

<https://goo.gl/8Y7JFC>

- Statement from Attorney General and Minister of Health and Long-Term Care on a Public Inquiry into the Circumstances of the Elizabeth Wettlaufer Case (Jun 26)

Ontario Ministry of Children and Youth Services

<https://goo.gl/VzfpXm>

- Ontario Increasing Supports for the Infant Hearing Program (Jul 4)

Ontario Ministry of Community and Social Services

<https://goo.gl/dQRMch>

- Improving Access to Services for People with Developmental Disabilities (Jun 21)

<https://goo.gl/ky94Tq>

- Ontario Supporting New Community Services Hub in Durham (Jun 29)

Ontario Ministry of Education

<https://goo.gl/xMe822>

- The Government of Canada and the Government of Ontario Conclude the First Early Learning and Child Care Bilateral Agreement (Jun16)

Ontario Ministry of the Environment and Climate Change

<https://goo.gl/1NVf3E>

- Ontario Announces Results of June Cap and Trade Program Auction (Jun 13)

Ontario Ministry of Health and Long-Term Care

<https://goo.gl/gXdM31>

- More Front-Line Workers for Every Community in Ontario to Combat Opioid Crisis (Jun 12)

<https://goo.gl/vFK9iq>

- Expanding Access to Transition-Related Surgeries (Jun 22)

<https://goo.gl/WqA3W7>

- Ontario Partnering with Carrot Rewards App to Encourage Healthy and Active Living (Jul 6)

Ontario Ministry of Housing

<https://goo.gl/QXxi4i>

- Ontario Capping Rent Increases to 1.8 Per Cent for Tenants in 2018 (Jun 23)

Ontario Ministry of Tourism, Culture and Sport

<https://goo.gl/u44vws>

- Ontario Increasing Access to Technology at Public Libraries (Jun 22)

Ontario Ministry of Transportation

<https://goo.gl/fM2mLn>

- Ontario Taking Major Step Forward to Electrify the GO Rail Network (Jun 15)

<https://goo.gl/kJpTxQ>

- New Oshawa Bus Facility Brings More Transit to Durham Families (Jun 19)

OTHER ORGANIZATIONS

Canadian Cancer Society

<https://goo.gl/bAApCh>

- Nearly 1 in 2 Canadians expected to get cancer: report (Jun 20)

Canadian Institute for Health Information

<https://goo.gl/uqaESg>

- Alcohol leads to more hospitalizations than heart attacks do in Canada (Jun 20)

Canadian Institutes of Health Research

<https://goo.gl/Mz8Ve6>

- Supporting the next generation of Indigenous health researchers (Jun 28)

Canadian Transportation Agency

<https://goo.gl/ZyyB34>

- Canadian Transportation Agency Chair and CEO shares his vision for accessible transportation in Canada (Jun 19)

Centre for Addiction and Mental Health

<https://goo.gl/iWjcTn>

- Public health guidelines aim to lower health risks of cannabis use (Jun 23)

Community Food Centres Canada

<https://goo.gl/FhqaCf>

- 9 in 10 Canadians see no progress being made on food insecurity, poll finds (Jun 19)

Drug Free Kids Canada

<https://goo.gl/tbnCKD>

- Drug Free Kids Canada launches national campaign to help parents talk to kids about cannabis (Jun 19)

Health Quality Ontario

<https://goo.gl/8j4Jxr>

- Addictions program that reduces emergency room visits for opioid overdose and improves patient experience is spreading across Ontario (Jul 6)

Institute of Clinical Evaluative Sciences

<https://goo.gl/gb9xFx>

- Patients who suffer a stroke in Ontario are getting admitted to rehabilitation one day earlier: stroke report cards (Jun 13)

Office of the French Language Services Commissioner of Ontario

<https://goo.gl/qCDDKc>

- The Office of the French Language Services Commissioner: A Credible Actor Who Took a Stand (May 30)

Office of the Information and Privacy Commissioner/Ontario

<https://goo.gl/K6CGWQ>

- Ontario's Information and Privacy Commissioner calls for legislation to manage the privacy risks of big data in the public sector (Jun 19)

Office of the Information Commissioner of Canada

<https://goo.gl/a5qUvP>

- The Information Commissioner's 2016-2017 annual report (Jun 8)

Ombudsman Ontario

<https://goo.gl/qCDDKc>

- Ombudsman Lauds New Era of Oversight – Annual Report 2016-2017 (Jun 27)

Ontario Energy Board

<https://goo.gl/WUq13M>

- Electricity prices are dropping again on July 1 (Jun 22)

Ontario Human Rights Commission

<https://goo.gl/B12qB3>

- OHRC's annual report emphasize bold action (Jun 30)

Ontario Neurotrauma Foundation

<https://goo.gl/N2PKeT>

- ONF releases new standards to guide how post-concussion care is provided in Ontario (Jun 13)

Ontario Provincial Police

<https://goo.gl/yit6LW>

- Speeders Drive Road Deaths Up; OPP to Crack Down (Jun 27)

Public Health Ontario

<https://goo.gl/2KfwKF>

- PHO Connections (Jun 19)

DISTRIBUTION LIST

Gillian Angus-Traill, Clerk, Town of Whitchurch-Stouffville
Gloria Collier, Clerk, Town of Richmond Hill
Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority
Michael deRond, Town Clerk, Corporate Services Department, Town of Aurora
Mark Early, Chief Administrative Officer and Clerk, Town of Mono
Peter Fay, City Clerk, Clerk's Department, City of Brampton
Kim Gavine, General Manager, Conservation Ontario
Carey deGorter, General Manager, Corporate Services, Town of Caledon
Crystal Greer, Clerk, Clerk's Department, City of Mississauga
Alec Harras, Manager of Legislative Services / Deputy Clerk, Town of Ajax
Doug Hevenor, Chief Administrative Officer/Secretary-Treasurer, Nottawasaga Valley
Conservation Authority
Barb Kane, Clerk and Deputy Treasurer, Township of Adjala-Tosorontio
Kimberley Kitteringham, City Clerk, City of Markham
Debbie Leroux, Clerk, Township of Uxbridge
Kathryn Lockyer, Regional Clerk and Director of Clerk's, Regional Municipality of Peel
Mark Majchrowski, Chief Administrative Officer, Kawartha Conservation
Deborah Martin-Downs, General Manager/Secretary-Treasurer, Credit Valley Conservation
Authority
Barbara McEwan, City Clerk, City of Vaughan
Kathryn Moyle, Clerk, Township of King
Christopher Raynor, Regional Clerk, Regional Municipality of York
Debbie Shields, City Clerk, City of Pickering
Mike Walters, CAO / Secretary Treasurer, Lake Simcoe Region Conservation Authority
Ralph Walton, Regional Clerk / Director, Legislative Services, Regional Municipality of Durham
Ulli S. Watkiss, City Clerk, City Clerk's Office, City of Toronto

RES.#A113/17 -

CONSERVATION AUTHORITIES ACT PROPOSED AMENDMENTS

Comments on the *Conservation Authorities Act* Component of Bill 139. On May 31, 2017, the provincial government posted proposed amendments to the *Conservation Authorities Act* on the Environmental Bill of Rights Registry (EBR#013-0561) for a 61-day commenting period ending July 31, 2017.

Moved by: Glenn De Baeremaeker
Seconded by: Jim Karygiannis

WHEREAS the Province on Ontario has posted the proposed amendments to the *Conservation Authorities Act* (CA Act) as part of Bill 139, the *Building Better Communities and Conserving Watersheds Act* for public comment on the Environmental Bill of Rights (EBR);

AND WHEREAS the Province has released “Conserving our Future: A Modernized Conservation Authorities Act” outlining the suite of legislative, regulatory, policy and program actions that the Ministry of Natural Resources and Forestry (MNRF) intends to take to modernize the CA Act;

AND WHEREAS Toronto and Region Conservation Authority (TRCA)’s Chief Executive Officer and staff have participated in the provincial CA Act review process;

THEREFORE LET IT BE RESOLVED THAT the staff report on the provincial government’s proposed amendments to the CA Act under Bill 139 be received and inform TRCA’s final EBR submission;

THAT staff continue to work with MNRF, Conservation Ontario and TRCA’s municipal partners in the actions proposed by MNRF to modernize the CA Act;

AND FURTHER THAT TRCA’s municipal partners, neighbouring conservation authorities and Conservation Ontario be so advised.

CARRIED

BACKGROUND

In 2015, the Ministry of Natural Resources and Forestry initiated a three-phase review of the *Conservation Authorities Act*, which governs Ontario’s 36 conservation authorities (CAs). MNRF developed an initial Conservation Authorities Discussion Paper (fall 2015) to provide an overview of CAs, their funding and governance (EBR#012-4509) along with a series of questions to solicit feedback on opportunities to improve the legislative, regulatory and policy framework governing the creation, operation and activities of conservation authorities.

In spring 2016, MNRF posted a second discussion paper (EBR#012-7583) that identified priorities for moving forward with the CA Act review, *Conserving Our Future: Proposed Priorities for Renewal*. This was followed by multi-sector engagement sessions hosted by MNRF.

TRCA, Conservation Ontario and several other conservation authorities participated in the engagement sessions and provided responses to both discussion papers. TRCA’s comments on *Conserving Our Future* were received at Authority Meeting #7/16, held on September 23, 2016, under Resolution #A159/16.

As a third phase of the review, an amended *Conservation Authorities Act* was introduced to the legislature on May 30, 2017 and passed First Reading as part of Bill 139, the *Building Better Communities and Conserving Watersheds Act*. Bill 139 is an "omnibus bill", which groups various Acts to be amended including the CA Act, labelled as Schedule 4. The other schedules within the Bill contain amendments to other Acts dealing with the government's Ontario Municipal Board (OMB) reform, for which the commenting period ends August 14, 2017. Staff will report on this aspect of the Bill at a future meeting.

Further to the May 31, 2017 EBR notice for the proposed CA Act amendments, the Province released "Conserving our Future: A Modernized Conservation Authorities Act". This supporting document was posted on June 14, 2017 ([EBR#012-7583](#)) and outlines a comprehensive suite of actions to be taken by MNR to modernize the CA Act. Organized into five themes, the document lists the legislative amendments proposed under the Act as well as a number of proposed policy, regulation and program changes informed by the feedback provided through the ministry's review. The document's five themes are:

- Strengthening Oversight and Accountability
- Increasing Clarity and Consistency in Programs and Services
- Increasing Clarity and Consistency in Regulatory Requirements
- Enhancing Collaboration and Engagement
- Modernizing Funding Mechanisms

The document concludes with a section on implementation which states that the proposed policy, regulation and program changes would be phased in over the next four years to provide the ministry, conservation authorities, participating municipalities, Indigenous communities and other interested parties the opportunity to participate in their development. It goes on to state that a phased approach is also being used in consideration of the time and resources that it may take to operationalize some of the proposed changes.

Bill 139 must pass through two more readings in the legislature before it can be enacted. This could take place during the next session of Parliament scheduled to commence September 11, 2017. During this time, it will be debated by Members of the Legislature and could be referred to a Standing Committee for a "clause by clause" review. It should be noted that many of the proposed legislative amendments are enabling only, meaning that, if passed, they would not come into force until a later date through regulations made by the Lieutenant Governor in Council (LGIC) or the Minister.

Summary of Proposed Amendments

For reference purposes, an unofficial redline version of the proposed amendments to the *Conservation Authorities Act* can be found in Attachment 1. The following summarizes some of the more substantial changes as a result of Bill 139:

The addition of a purpose statement (section 0.1):

The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario.

Currently, the Act does not contain a purpose; however, existing section 20 (1) states the objects of a conservation authority. Section 20 (1) is not proposed to be repealed but is proposed to be amended as follows:

The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. R.S.O. 1990, c. C.27, s. 20.

Governance of conservation authorities:

A new section 19.1 is proposed that sets out the power of an authority to make by-laws in relation to its governance, including its meetings, employees, officers and its executive committee. Many of these powers were previously regulation-making powers that CAs held under section 30 of the Act; they are now legislative requirements. Section 19.1 outlines the minimum expectations for the content of administrative by-laws. CAs must have compliant by-laws in place within one year of enactment of Bill 139.

Programs and services:

A new section 21.1 (1) of the Act, entitled Programs and Services, is being proposed, which sets out three categories of program and services that a CA is required or permitted to provide within its area of jurisdiction:

1. Mandatory programs and services that are required by the regulation.
2. Municipal programs and services that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a memorandum of understanding.
3. Such other programs and services as the authority may determine are advisable to further its objects.

The new provisions of section 40 of the Act would enable the LGIC to make regulations outlining the provincially mandated programs and services CAs are required to provide in (1) above, in accordance with any applicable standards or requirements outlined in the regulation. Furthermore, as per section 40 (2) such regulations may include standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency.

Fees for programs and services:

The powers of authorities under Section 21 (1) in the current Act remain largely intact with the exception of 21 (1) (m) and (m.1) that are proposed to be repealed. Sections 21 (1) (m) and (m.1) are CA powers for using CA-owned or managed land for park or other recreational purposes, to erect structures for such purposes and to charge fees for such services, and to charge fees for services in general approved by the Minister. A new section 21.2, Fees for programs and services, has been added to the Act. The ability for CAs to charge fees for classes of programs and services is now proposed to be determined by the Minister and prescribed through regulation. A CA may charge a fee for a program or service that it provides only if it is set out on the list of classes of programs and services published by the Minister. The amount of a fee charged by a CA for a program or service shall be the amount prescribed by the regulations, or if no amount is prescribed, the amount determined by the CA. In addition, CAs will be required to maintain a fee schedule that sets out the list of programs and services that it provides and in respect of which it charges a fee, the amount of the fee charged or the manner in which the fee is determined. Every CA will be required to adopt a written fee policy that is available to the public and includes the frequency that the policy will be reviewed; the process for carrying out a review and notice of the review; and how a fee can be appealed.

Apportionment of Costs:

Sections 24 to 27 of the Act are repealed and replaced with new sections allowing CAs to recover their capital costs with respect to projects that they undertake and their operating expenses from their participating municipalities. Currently, the apportionment of those costs and expenses is based on a determination of the benefit each participating municipality receives from a project or from the CA. The amendments provide that the apportionment and where appeals will be heard, will be determined in accordance with regulations to be approved by the LGIC. A definition of “operating expenses” has been added to the Act in section 1 replacing the “administration” and “maintenance” expenses categories in the current Act, yet the amended Act provides no definition of “capital costs”. Existing rules regarding apportionment of costs and their appeal will continue to apply until such time that new regulations are proposed and approved.

Regulating Activities:

Section 28 of the Act is repealed and substantially updated to provide additional clarity, scope and consistency in the types of activities that are subject to conservation authority approval. The authority of individual CAs to make regulations concerning development and interference with watercourses or wetlands is transferred to the Minister. The content of Section 28 CA regulations, which is currently part of the “content regulation” for CAs (Ontario Regulation 97/04), has been moved up into the Act. Similarly, prohibitions have been added to the Act. Provisions have been added that would enable the Minister to establish exemptions for activities provided that they are undertaken in accordance with regulations made by the ministry.

The scope of a CA’s review of a permit application has been further clarified and strengthened in Section 28.1 (4). A CA may now refuse a permit if the activity is likely to create conditions or circumstances 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. A CA can refuse a permit if in its opinion the activity is likely to affect (versus current wording “will affect”) the control of flooding, erosion, dynamic beaches, pollution or conservation of land. This strengthened test allows a consideration of probability and possibility.

New regulation-making enabling powers by the LGIC are set out in section 28.5 governing other activities that may impact the conservation, restoration, development and management of natural resources within the area of jurisdiction of a conservation authority. This provision would enable the Province to regulate other activities within the area of the CA in the future, in order to be responsive to current and future natural resource management challenges.

The ability to enable regulations governing lands and property owned by a conservation authority, under section 29 of the Act has been transferred from CAs to the Minister.

Enforcement and Compliance:

Other substantial amendments proposed under Bill 139 are enhanced enforcement mechanisms, i.e., the ability to stop work, the ability to enter privately-owned land, and the ability to charge significantly higher penalties than those currently allowed. The proposed amendments in section 30 update and modernize the suite of compliance tools that can be used by conservation authorities to enforce compliance with regulatory requirements. This section will be enacted at a date to be determined by the Lieutenant Governor.

Regulations, Lieutenant Governor in Council and Regulations, Minister:

Section 40 of the Act has been enhanced significantly to identify all the regulations needed to operationalize the proposed amendments to the Act. These regulations are either approved by the LGIC or the Minister of Natural Resources and Forestry. These regulatory changes will be subject to additional public and stakeholder consultation.

Preliminary Assessment on the Proposed Amendments to the Act

The TRCA review team made up of staff representatives from the CEO's Office, Finance, Planning and Development, Watershed Strategies, and Property Services are studying the proposed amendments in consultation with TRCA legal counsel. "Conserving our Future: A Modernized Conservation Authorities Act" is an important supplementary document as it explains the intent of the Ministry's proposed amendments to the Act, as well as a suite of proposed regulatory, policy and program changes. The review team has also compared the proposed amendments to the Act with TRCA's main recommendations to the Province in September 16, 2016 on phase 2 of the CA Act review (Attachment 2).

Overall, the changes are positive in that the new purpose statement maintains the broad mandate of CAs with regard to natural resource management, enforcement tools for the section 28 regulation have been enhanced, and CAs' ability to assist municipalities managing watersheds and combatting climate change has been recognized. Furthermore, many of the standards, requirements and administrative aspects of CAs that are proposed as required to be part of a by-law and provincial regulations are already existing in TRCA's case either through our own documents, e.g., our Section 28 Regulation, The Living City Policies, supporting technical guidelines, TRCA Rules of Conduct, various memoranda of understanding and service delivery agreements, TRCA's Fee Policy for Planning and Permitting Fees, etc., or through provincial documents, e.g., Hearing Guidelines, Policies and Procedures for Conservation Authorities (including the CA fees chapter and the CA planning and permitting chapter ("CALC")). All of these documents exist as a solid foundation for the new requirements for documentation and transparency pursuant to the Province's priority for strengthening oversight and accountability of CAs. Furthermore, TRCA's current Rules of Conduct (by-laws) are mostly in compliance with the Section 19.1 requirements, therefore staff can recommend the changes/additions required to be in place within one year of enactment of Bill 139.

That said, much of the outcome of the CA Act review has been deferred to the content of regulations either under the Minister's approval or through Provincial Cabinet. The details of such regulations and their implications for CAs are unknown at this time.

Financial Implications:

While no changes to current provincial funding are proposed, MNRF has indicated that outlining provincial expectations for the programs and services to be provided by CAs will provide the opportunity to review existing levels against these expectations and ensure that appropriate funding levels are in place to ensure sustainability of these programs and services.

The proposed amendments to the Act will enable the Province to make regulations governing the kinds of cost to be apportioned among participating municipalities as "capital costs" (not currently defined in the Act) and "operating expenses". Similarly, the Province will also be enabled to make regulations governing how capital costs and operating expenses (e.g. associated with conservation authority programs, services and operation) are apportioned by CAs. Conserving our Future indicates that the Province will work with municipalities and CAs to update the way in which costs are apportioned to participating municipalities, including determining the appropriate body for hearing appeals of apportionment decisions. TRCA will need to monitor and be engaged in this process to more fully understand the implications of the proposed changes, in particular as to how municipalities are able to fund CAs given the categories of programs and services being introduced under the new section 21.1 (1).

Fees:

The Province has indicated it will be updating the ministry's Policies and Procedures for the Charging of Conservation Authority Fees to provide CAs with additional guidance on the development of fee schedules. TRCA is well-positioned in this regard as it relates to its plan and permit review functions, given its board-approved Planning, Permitting and Environmental Assessment Fees Policy and Guideline (2009) that is consistent with the intent of the proposed amendments. Yet what remains unclear at this time is the scope of programs and services that are to be included in the Minister's regulation, how prescriptive the amounts to be charged will be, and the manner in which fees are to be calculated (current fees for TRCA services range widely from those for renting a campsite and booking banquet facilities, to environmental education workshop fees and admission fees to conservation areas). This has obvious potential implications to TRCA's operations and budgeting.

Working Groups:

Conserving Our Future indicates that MNRF will establish a multi-ministry working group in order to develop the proposed regulatory changes and options for increasing provincial funding levels. A multi-stakeholder Service Delivery Review Committee will be established and tasked with supporting MNRF in the development of proposed policies and procedures. Any proposed regulatory and policy changes will be subject to additional public and stakeholder consultation as appropriate. In consideration of the time and resources that it may take to operationalize some of the proposed changes, a phased approach over the next four years is being proposed by MNRF.

Roles and Responsibilities:

As also indicated in Conserving Our Future, if passed, the MNRF intends to use the LGIC regulation-making authority to propose regulations to outline the provincially-mandated roles and responsibilities of CAs and provide greater certainty including:

- a new regulation outlining the roles and responsibilities of CAs in managing water-related natural hazards, including programs and services associated with flood forecasting and warning, flood and erosion control and ice management
- a new regulation outlining the roles and responsibilities of CAs in reviewing planning documents for consistency with Provincial Policy Statements, including policies related to natural hazards and land use patterns that promote climate change adaptation and mitigation
- a new regulation outlining the roles and responsibilities of CAs in supporting Ontario's proposed Wetland Conservation Strategy and provincial commitments to stopping the net loss of wetlands
- working with the Ministry of the Environment and Climate Change to create a regulation for CAs' programs and services that includes standards and requirements to mitigate climate change and provide for adaptation to a changing climate, including through resiliency
- working with a multi-ministry working group to identify additional areas where mandate programs and services could be developed to support other areas of provincial interest, such as programs and services associated with natural heritage identification, assessment and reporting, land and cultural heritage conservation, biodiversity conservation and watershed planning and management.

Implementation:

The Province has identified a four-year time horizon for implementation. Given the number and breadth of the regulations proposed to be developed, the timeline for full implementation is ambitious. Moreover, the amendments do not include transition provisions to address the time between the enactment of the amendments and the development and promulgation of the regulations. In this regard, there are some amendments proposed under Bill 139 that may serve CAs better were they to be in force immediately upon enactment. For instance, staff are pleased to see the enhanced enforcement powers and submit that these should be enacted immediately. With respect to stop work orders, staff would request that an accompanying "order to comply" also be added in order to facilitate immediate (albeit interim) mitigation at the expense of the party engaged in the offending activity. Additionally, the amendments do not mention the mapping that supports the s.28 regulations, which would assist in the proper enforcement of the new compliance measures.

An amendment that was not proposed but that staff would like to see is with respect to risk management. That is, given the potential liability associated with the operation of flood control infrastructure for which CAs are responsible, particularly in the face of increased exposures associated with climate change, some form of statutory immunity for the good will operation of this essential infrastructure is warranted. Staff would request that a clause to this effect be added to the Act.

FINANCIAL DETAILS

Staff are reviewing the proposed amendments and the supporting Conserving Our Future document as part of existing budgets. No additional funding is required for this review.

DETAILS OF WORK TO BE DONE

In the coming weeks the TRCA review team, in consultation with TRCA legal counsel, will continue to refine the comments on the proposed amendments to the CA Act, informed by the recently posted Conserving Our Future document. Staff welcome any additional comments from Authority members to be incorporated into the submission to the EBR by the deadline of July 31, 2017. Staff will continue to work with TRCA's municipal partners, Conservation Ontario and the Province in understanding the implications of the proposed amendments and timing of the pending regulations to the operation of TRCA programs and delivery of services. In order to be responsive to the watershed needs of municipal partners in a rapidly growing and intensifying city-region, an approach that provides clarity and direction during this interim/transition period is needed. This is of particular interest to the renewal and creation of municipal memorandums of understanding for various TRCA services, as well as existing section 28 and 29 regulations. Staff will keep the Authority informed on this third and final phase of the Province's *Conservation Authorities Act* review.

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Date: June 23, 2017

Attachments: 2

Conservation Authorities Act

R.S.O. 1990, CHAPTER C.27

Amended by: 1993, c. 27, Sched.; 1994, c. 27, s. 127; 1996, c. 1, Sched. M, ss. 40-47; 1996, c. 32, s. 66; 1997, c. 5, s. 64; 1997, c. 26, Sched.; 1997, c. 29, s. 54; 1997, c. 43, Sched. G, s. 19; 1998, c. 3, s. 33; 1998, c. 15, Sched. E, s. 3; 1998, c. 18, Sched. I, ss. 1-14; 2000, c. 5, s. 8; 2001, c. 8, s. 203; 2001, c. 9, Sched. K, s. 1; 2002, c. 17, Sched. F, Table.

NOTE: 2004, 2006, 2008, 2009, 2010 and 2011 amendments were inserted; the Current E-laws bill can be found <https://www.ontario.ca/laws/statute/90c27?search=The+Conservation+Authorities+Act#BK27>

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Purpose

0.1 The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario.

1. In this Act,

~~“administration costs” means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenses and maintenance costs of projects; (“frais d’administration”)~~ “operating expenses” include,

- (a) salaries, per diems and travel expenses of employees and members of an authority,
- (b) rent and other office costs,
- (c) program expenses,
- (d) costs that are related to the operation or maintenance of a project, but not including the project’s capital costs, and
- (e) such other costs as may be prescribed by regulation; (“dépenses d’exploitation

“advisory board” means an advisory board appointed by an authority; (“conseil consultatif”)

“authority” means a conservation authority established by or under this Act or a predecessor of this Act; (“office”)

“executive committee” means the executive committee appointed by an authority; (“comité de direction”)

“land” includes buildings and any estate, term, easement, right or interest in, to, over or affecting land; (“bien-fonds”)

~~“maintenance costs” means all expenditures required specifically in relation to the operation or maintenance of a project; (“frais d’entretien”)~~

“Minister” means the Minister of Natural Resources; (“ministre”)

“municipality” means a local municipality, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue money under section 69 of that Act; (“municipalité”)

“participating municipality” means a municipality that is designated by or under this Act as a participating municipality; (“municipalité participante”)

“project” means a work undertaken by an authority for the furtherance of its objects; (“projet”)

“watershed” means an area drained by a river and its tributaries. (“bassin hydrographique”) R.S.O. 1990, c. C.27, s. 1; 1996, c. 1, Sched. M, s. 40; 1998, c. 18, Sched. I, s. 1; 2002, c. 17, Sched. F, Table.

Meeting to establish authority for watershed

2. (1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed by resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined part thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or part thereof. R.S.O. 1990, c. C.27, s. 2 (1).

Representatives at meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:

1. Where the population is 1,000,000 or more, seven representatives.
 - 1.1 Where the population is 500,000 or more but less than 1,000,000, six representatives.
 - 1.2 Where the population is 250,000 or more but less than 500,000, five representatives.
2. Where the population is 100,000 or more but less than 250,000, four representatives.
3. Where the population is 50,000 or more but less than 100,000, three representatives.
4. Where the population is 10,000 or more but less than 50,000, two representatives.
5. Where the population is less than 10,000, one representative. R.S.O. 1990, c. C.27, s. 2 (2); 2001, c. 9, Sched. K, s. 1 (1).

Authority of representatives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at the meeting. R.S.O. 1990, c. C.27, s. 2 (3).

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, ~~but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time.~~ R.S.O. 1990, c. C.27, s. 2 (4).

Establishment, jurisdiction and initial financing

Establishment and jurisdiction of authority

3. (1) Upon receipt by the Minister of a resolution passed at a meeting ~~or adjourned meeting~~ held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (1).

Where only part of municipality in watershed

(2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (2).

Name of authority

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words "conservation authority" in English and shall include the words "office de protection de la nature" in French. R.S.O. 1990, c. C.27, s. 3 (3).

Corporate body

(4) Every authority is a body corporate. R.S.O. 1990, c. C.27, s. 3 (4).

Borrowing power

(5) Every authority may, for its purposes, borrow on the promissory note of the authority, ~~at such rate of interest as the Minister approves,~~ such money as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1990, c. C.27, s. 3 (5).

Regional municipality to act in place of local municipalities

4. (1) ~~Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established,~~ **Upper-tier municipalities**

Regional municipalities to act in place of local municipalities

(1) An upper-tier municipality that was established as a regional municipality before the day subsection 6 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force,

- (a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for the purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and
- (b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities. R.S.O. 1990, c. C.27, s. 4 (1).

Members appointed by local municipality continue

~~(2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality.~~ R.S.O. 1990, c. C.27, s. 4 (2).

Toronto and Region Conservation Authority

5. (1) The Metropolitan Toronto and Region Conservation Authority is continued under the name Toronto and Region Conservation Authority in English and Office de protection de la nature de Toronto et de la région in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on December 31, 1990, as it may be altered under this Act. 1997, c. 26, Sched.

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (2).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate,

- (a) the municipalities that are the participating municipalities of the Toronto and Region Conservation Authority; and
- (b) the area over which the Toronto and Region Conservation Authority has jurisdiction. 1997, c. 26, Sched.

Members

(4) Despite subsections 14 (1), (2) and (5) but subject to subsection 14 (2.1), the number of members appointed to the Toronto and Region Conservation Authority by the City of Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1997, c. 26, Sched.; 2001, c. 9, Sched. K, s. 1 (3).

Hamilton Region Conservation Authority

6. (1) The Hamilton Region Conservation Authority is continued under the name Hamilton Region Conservation Authority in English and Office de protection de la nature de la région de Hamilton in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1990, as it may be altered under this Act. R.S.O. 1990, c. C.27, s. 6 (1).

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (4).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction. R.S.O. 1990, c. C.27, s. 6 (3).

(4) REPEALED: 2000, c. 5, s. 8.

Grand River Conservation Authority

7. (1) The Grand River Conservation Authority is continued under the name Grand River Conservation Authority in English and Office de protection de la nature de la rivière Grand in French as a conservation authority under this Act. R.S.O. 1990, c. C.27, s. 7 (1).

Designation of participating municipalities and area

(2) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction. 2001, c. 9, Sched. K, s. 1 (5).

(3) REPEALED: 2001, c. 9, Sched. K, s. 1 (5).

Grouping of municipalities

8. The participating municipalities may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities. R.S.O. 1990, c. C.27, s. 8; 1998, c. 18, Sched. I, s. 2.

Establishment of authority for two or more watersheds

9. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply with necessary modifications. R.S.O. 1990, c. C.27, s. 9.

Enlargement of authority's area

10. (1) If an authority has been established, the council of a municipality that is completely or partly outside the jurisdiction of the authority may call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include an area specified by the municipality. 1998, c. 18, Sched. I, s. 3 (1).

Notice of meeting

~~—(1.1) The council of every municipality completely or partly within the jurisdiction of the authority or the area specified under subsection (1) shall be given notice of the meeting. 1998, c. 18, Sched. I, s. 3 (1).~~

Representatives

~~—(2) With respect to each municipality so notified, subsection 2 (2) applies. R.S.O. 1990, c. C.27, s. 10 (2).~~

Quorum

~~—(3) At any meeting called under this section, a quorum consists of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than two members of the authority and three municipal representatives are present at a meeting or an adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. R.S.O. 1990, c. C.27, s. 10 (3).~~

Resolution

~~—(4) A joint resolution, passed at a meeting held under this section, at which a quorum was present, by not less than two-thirds of the members of the authority present at the meeting and not less than two-thirds of the municipal representatives present at the meeting, agreeing to the enlargement of the area over which the authority has jurisdiction, amends the order in council establishing the authority and has the effect of enlarging the area and designating the additional municipalities and the additional area over which the enlarged authority has jurisdiction in accordance with the resolution. 1998, c. 18, Sched. I, s. 3 (2).~~

Notice of meeting

(1.1) Notice of the meeting shall be given to each participating municipality of the authority and to any municipality that is completely or partly within the area specified under subsection (1).

Representatives

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2).

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2).

Resolution

(4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:

1. Agree to enlarge the area over which the authority has jurisdiction.
2. Designate participating municipalities for the enlarged area.
3. Designate the enlarged area over which the authority has jurisdiction.

Two-thirds majority vote

(5) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting.

Resolution in effect

(6) A resolution described in subsection (4) takes effect on such terms as it may specify despite anything to the contrary in the order in council establishing the authority.

Minister's copy

(7) The municipality that called a meeting under subsection (1) shall provide the Minister with a copy of any resolution described in subsection (4) passed at the meeting promptly after the resolution is passed.

Amalgamation of authorities

11. (1) If two or more authorities have been established for adjoining watersheds or parts thereof, one or more of the authorities or the council of a municipality situated completely or partly within the jurisdiction of one of the authorities council of a participating municipality of one of the authorities may call a meeting to consider the establishment of one authority to have jurisdiction over the areas that are under separate jurisdictions. 1998, c. 18, Sched. I, s. 4 (1).

Notice of meeting

(1.1) ~~The council of every municipality situated completely or partly within the jurisdictions of the authorities shall be given notice of the meeting. 1998, c. 18, Sched. I, s. 4 (1).~~ Notice of the meeting shall be given to each participating municipality of the relevant authorities.

Public notice

(1.2) The body or bodies that call a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality.

Public representations

(1.3) No vote shall be taken on a resolution requesting amalgamation of the authorities unless members of the public have ~~(1.1)~~ been given an opportunity at the meeting to make representations on the issue.

Representatives

~~(2) With respect to each municipality so notified, subsection 2 (2) applies. R.S.O. 1990, c. C.27, s. 11 (2).~~

Quorum

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2).

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2). ~~(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. R.S.O. 1990, c. C.27, s. 11 (3).~~

Resolution

(4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:

1. Establish a new authority that has jurisdiction over areas that previously were under the separate jurisdiction of the two or more existing authorities of the adjoining watersheds.
2. Dissolve the existing authorities.
3. Designate the participating municipalities for the new authority.
4. Designate the area over which the new authority has jurisdiction.

Two-thirds majority vote

(4.1) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting.

Approval by Minister

(4.2) The authorities or the municipality who called a meeting under subsection (1) shall submit the resolution passed in accordance with subsection (4.1) to the Minister for approval and the Minister may approve the resolution with such changes and on such terms and conditions as he or she considers appropriate.

Resolution in effect

(4.3) The resolution takes effect in accordance with the terms of the resolution and the Minister's approval. ~~(4) A resolution, passed at a meeting held under this section, at which a quorum was present, by not less than two-thirds of the representatives present at the meeting, agreeing to the establishment of one authority, has the effect of establishing the new authority, dissolving the existing authorities and designating the municipalities that are the participating municipalities and the area over which the new authority has jurisdiction in accordance with the resolution. 1998, c. 18, Sched. I, s. 4 (2).~~

Assets and liabilities of former authorities

(5) ~~Upon the establishment of a new authority and the dissolution of the existing authorities under subsection (4),~~ When the establishment of a new authority and the dissolution of the existing authorities take effect under subsection (4.3) all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority. R.S.O. 1990, c. C.27, s. 11 (5).

12. REPEALED: 1998, c. 18, Sched. I, s. 5.

Participating municipalities following annexation, etc.

13. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 13.

Dissolution of authority

13.1 (1) An authority shall call a meeting of the members of the authority to consider the dissolution of the authority if, by resolution, the councils of two or more participating municipalities request the meeting **Public notice**

(1.1) The authority that calls a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of

the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality.. 1996, c. 1, Sched. M, s. 41.

Quorum

(2) Despite subsection 16 (2), a quorum at a meeting called under this section consists of two-thirds of the members of the authority ~~who were appointed by participating municipalities.~~ 1996, c. 1, Sched. M, s. 41.

Members not entitled to vote

~~—(3) Despite subsection 16 (1), members of the authority who were appointed by the Lieutenant Governor in Council before section 42 of Schedule M of the *Savings and Restructuring Act, 1996* came into force are not entitled to vote at a meeting held under this section. 1996, c. 1, Sched. M, s. 41.~~

Notice of meeting

~~—(4) The authority shall ensure that notice of the meeting is published in a newspaper having general circulation in each participating municipality at least 14 days before the meeting. 1996, c. 1, Sched. M, s. 41.~~

Public representations

(5) No vote shall be taken on a resolution requesting dissolution of the authority unless members of the public have been given an opportunity at the meeting to make representations on the issue. 1996, c. 1, Sched. M, s. 41.

Criteria for dissolution

(6) The Lieutenant Governor in Council may dissolve the authority, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, if,

- (a) the Minister receives a resolution requesting the dissolution passed by at least two-thirds of the members of the authority present and entitled to vote at a meeting held under this section and at which a quorum was present; and
- (b) the Minister is satisfied that acceptable provision has been made for future flood control and watershed interests and for the disposition of all assets and liabilities of the authority. 1996, c. 1, Sched. M, s. 41.
- (c) the Minister of the Environment is satisfied that acceptable provision has been made for future protection of drinking water sources. 1996, c. 1, Sched. M, s. 41; 2006, c. 22, s. 113 (1).

Authority continued by s. 5, 6 or 7

(7) If an authority continued by section 5, 6 or 7 is dissolved under subsection (6), the Lieutenant Governor may, by proclamation, repeal that section on a day named in the proclamation. 1996, c. 1, Sched. M, s. 41.

Members of authority

~~14. (1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 (2) for the appointment of representatives, and each member shall hold office until the first meeting of the authority after the term for which he or she was appointed has expired. Members of authority~~

(1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers set out in subsection 2 (2) for the appointment of representatives.

(2) Subsection 14 (4) of the Act is repealed and the following substituted:

Requirements regarding composition of authority

(4) The appointment of members to an authority shall be in accordance with such additional requirements regarding the composition of the authority and the qualification of members as may be prescribed by regulation.

Term

(4.1) A member shall be appointed for a term of up to four years, as may be determined by the council that appoints the member.

Same

(4.2) A member's term begins at the first meeting of the authority after his or her appointment and expires immediately before the first meeting of the authority after the appointment of his or her replacement.

Replacement of member

(4.3) Despite subsections (4.1) and (4.2), a member may be replaced by the council of the participating municipality that

appointed the member.

Reappointment

(4.4) A member is eligible to be reappointed. R.S.O. 1990, c. C.27, s. 14 (1).

Changes in number of members

(2) The total number of members of the authority and the number of members that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes. 2001, c. 9, Sched. K, s. 1 (6).

Agreement on number of members

(2.1) Despite subsections (1), (2) and (5), the total number of members of the authority and the number of members that each participating municipality may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities. 2001, c. 9, Sched. K, s. 1 (6).

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 14 (3).

Term

(4) No member of an authority shall be appointed to hold office for more than three years at any one time. R.S.O. 1990, c. C.27, s. 14 (4).

Where part of municipality in authority's area

(5) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and the population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality. R.S.O. 1990, c. C.27, s. 14 (5).

(6) REPEALED: 1996, c. 1, Sched. M, s. 42.

Meetings of authority

15. (1) The first meeting of an authority shall be held at such time and place as may be determined by the Minister and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority. R.S.O. 1990, c. C.27, s. 15 (1).

Copies of minutes to members

(2) Within 30 days after any meeting of an authority or of an executive committee, the secretary-treasurer of the authority shall send a copy of the minutes of the meeting to each member of the authority. R.S.O. 1990, c. C.27, s. 15 (2); 1998, c. 18, Sched. I, s. 7 **Open meetings**

(3) Every meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the bylaws of the authority.

Decision-making at meetings

16. (1) Each member of an authority is entitled to one vote. 1998, c. 18, Sched. I, s. 8.

Quorum

(2) At any meeting of an authority, a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum. R.S.O. 1990, c. C.27, s. 16 (2); 2006, c. 22, s. 113 (2).

Majority vote

(3) A majority vote of the members present at any meeting is required upon all matters coming before the meeting. R.S.O. 1990, c. C.27, s. 16 (3).

Chair, vice-chair

~~17. (1) At the first meeting of an authority and thereafter at the first meeting held in each year~~ At the first meeting held in each year or at such other meeting as may be specified by the authority's by-laws, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43.

Vacancy

(2) Subject to subsection (1), upon the death of the chair or a vice-chair, or upon the incapacity of the chair or a vice-chair to act, or upon the chair or a vice-chair ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy. R.S.O. 1990, c. C.27, s. 17 (2).

Absence of chair and vice-chairs

(3) In the event of the absence of the chair and the vice-chairs from any meeting of an authority, the members present shall appoint an acting chair who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chair. R.S.O. 1990, c. C.27, s. 17 (3).

Employees and advisory boards

Employees

18. (1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority. R.S.O. 1990, c. C.27, s. 18 (1).

Advisory boards

~~(2) An authority may appoint one or more advisory boards~~(2) An authority shall establish such advisory boards as may be required by regulation and may establish such other advisory boards as it considers appropriate.

Same

(3) An advisory board shall comply with any requirements that may be prescribed by regulation with respect to its composition, functions, powers, duties, activities and procedures. R.S.O. 1990, c. C.27, s. 18 (2).

Executive committee

19. (1) The authority may appoint an executive committee from among the members of the authority.

19.1 (1) An authority may make by-laws,

- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;
- (e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;
- (f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;
- (g) requiring accountability and transparency in the administration of the authority including,
 - (i) providing for the retention of records specified in the by-laws and for making the records available to the public,
 - (ii) establishing a code of conduct for the members of the authority, and
 - (iii) adopting conflict of interest guidelines for the members of the authority;
- (h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;
- (i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and
- (j) respecting such other matters as may be prescribed by regulation.

Conflict with other laws

(2) If a by-law made by an authority conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal*

Freedom of Information and Protection of Privacy Act or a provision of a regulation made under one of those Acts, the provision of the Act or regulation prevails.

Periodic review of by-laws

(3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law.

By-laws available to public

(4) An authority shall make its by-laws available to the public in the manner it considers appropriate.

Transition

(5) An authority shall make such by-laws under this section as are required for its proper administration,

(a) in the case of an authority that was established on or before the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of that day; and

(b) in the case of an authority that is established after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of the day the authority is established.

Direction by Minister

(6) The Minister may give an authority a written direction to make or amend a by-law on any matter described in subsection (1), in accordance with the direction, within such period of time as may be specified in the direction.

Compliance

(7) The authority that receives a direction under subsection (6) shall comply with the direction within the time specified in the direction.

Regulation where failure to comply

(8) If an authority fails to adopt a by-law in accordance with the direction made under subsection (6), the Minister may make regulations in relation to the matters set out in the direction that are applicable in the area of jurisdiction of the authority.

Same

(9) Any regulation made by the Minister under subsection (8) prevails over any conflicting by-law that the authority may have adopted. R.S.O. 1990, c. C.27, s. 19 (1).

Chair, vice-chair

(2) The chair and vice-chair of the authority shall be the chair and vice-chair of the executive committee. R.S.O. 1990, c. C.27, s. 19 (2).

(3) REPEALED: 1998, c. 18, Sched. I, s. 9.

Objects

20. (1) The objects of an authority are to provide, in the area over which it has jurisdiction, programs and services designed to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. R.S.O. 1990, c. C.27, s. 20.

Same

(2) Despite subsection (1) and subject to any other legislation pertaining to these resources, authorities may enter into agreements to allow exploration, storage and extraction by others in order to share in the revenue from use of gas or oil resources owned by them if,

- (a) the use is compatible with the conservation, restoration, development and management of other natural resources; and
- (b) extraction occurs on land adjacent to, but not on, conservation authority land. 1998, c. 18, Sched. I, s. 10.

Powers of authorities

21. (1) For the purposes of accomplishing its objects, an authority has power,

- (a) to study and investigate the watershed and to determine programs and services a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;

- (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
- (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;
- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- ~~(m.1) to charge fees for services approved by the Minister;~~
- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals ;
- (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;
- (p) to cause research to be done;
- (q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority" R.S.O. 1990, c. C.27, s. 21; 1996, c. 1, Sched. M, s. 44 (1, 2); 1998, c. 18, Sched. I, s. 11.

Programs and services

21.1 (1) The following are the programs and services that an authority is required or permitted to provide within its area of jurisdiction:

1. Mandatory programs and services that are required by regulation.
2. Municipal programs and services that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a memorandum of understanding referred to in subsection (3).
3. Such other programs and services as the authority may determine are advisable to further its objects.

Mandatory programs and services

(2) Programs and services referred to in paragraph 1 of subsection (1) shall be provided in accordance with such standards and requirements as may be set out in the regulations.

Memorandum of understanding with municipalities

(3) An authority may enter into a memorandum of understanding with a municipality situated in whole or in part within its area of jurisdiction in respect of programs and services that the authority will provide on behalf of the municipality.

Memorandum available to public

(3.1) An authority shall make a memorandum of understanding referred to in subsection (3) available to the public in such manner as may be determined in the memorandum.

Periodic review of memorandum

(4) An authority and a municipality who have entered into a memorandum of understanding described in subsection (3) shall review the memorandum at such regular intervals as may be determined by the memorandum.

Municipal programs and services

(5) Programs and services that an authority agrees to provide on behalf of a municipality shall be provided in accordance with the terms and conditions set out in the memorandum of understanding or in such other agreement as may be entered into by the authority and the municipality.

Consultation

(6) An authority shall carry out such consultations with respect to the programs and services it provides as may be required by regulation and shall do so in the manner specified by regulation.

21 The Act is amended by adding the following section:

Fees for programs and services

21.2 (1) The Minister may determine classes of programs and services in respect of which an authority may charge a fee.

Publication of list

(2) The Minister shall publish the list of classes of programs and services in respect of which an authority may charge a fee in a policy document and distribute the document to each authority.

Updating list

(3) If the Minister makes changes to the list of classes of programs and services in respect of which an authority may charge a fee, the Minister shall promptly update the policy document referred to in subsection (2) and distribute the new document to each authority.

Where authority may charge fee

(4) An authority may charge a fee for a program or service that it provides only if it is set out on the list of classes of programs and services referred to in subsection (2).

Amount of fee

(5) The amount of a fee charged by an authority for a program or service it provides shall be,

- (a) the amount prescribed by the regulations; or
- (b) if no amount is prescribed, the amount determined by the authority.

Fee schedule

(6) Every authority shall prepare and maintain a fee schedule that sets out,

- (a) the list of programs and services that it 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.

Fee policy

(7) Every authority shall adopt a written policy with respect to the fees that it charges for the programs and services it provides, and the policy shall set out,

- (a) the fee schedule described in subsection (6);
- (b) the frequency within which the fee policy shall be reviewed by the authority under subsection (9);
- (c) the process for carrying out a review of the fee policy, including the rules for giving notice of the review and of any changes resulting from the review; and
- (d) the circumstances in which a person may request that the authority reconsider a fee that was charged to the person and the procedures applicable to the reconsideration.

Fee policy to be made public

(8) Every authority shall make the fee policy available to the public in a manner it considers appropriate.

Periodic review of fee policy

(9) At such regular intervals as may be determined by an authority, the authority shall undertake a review of its fee policy, including a review of the fees set out in the fee schedule.

Notice of fee changes

(10) If, after a review of a fee policy or at any other time, an authority wishes to make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, the authority shall give notice of the proposed change to the public in a manner it considers appropriate.

Reconsideration of fee charged

(11) Any person who considers that the authority has charged a fee that is contrary to the fees set out in the 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 the authority in accordance with the procedures set out in the fee policy and request that it reconsider the fee that was charged.

Powers of authority on reconsideration

(12) Upon reconsideration of a fee that was charged for a program or service provided by an authority, the authority may,

- (a) order the person to pay the fee in the amount originally charged;
- (b) vary the amount of the fee originally charged, as the authority considers appropriate; or
- (c) order that no fee be charged for the program or service.

Approval of Minister

- (2) If the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without the approval of the Minister except if,
- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
 - (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
 - (c) the authority informs the Minister of the disposition. 2010, c. 16, Sched. 10, s. 1 (1).

Terms and conditions

- (3) The Minister may impose terms and conditions on an approval given under subsection (2), including a condition that the authority pay a specified share of the proceeds of the disposition to the Minister. 1996, c. 1, Sched. M, s. 44 (3).

Agreement re road

22. An authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes. R.S.O. 1990, c. C.27, s. 22.

Minister's powers

23. (1) Despite any powers conferred on an authority by this Act, the Minister may, when and for such periods as he or she considers necessary in the public interest,
- (a) require an authority to carry out flood control operations in a manner specified by the Minister;
 - (b) require an authority to follow instructions issued by the Minister for the operation of one or more of the authority's water control structures; or
 - (c) take over the operation of one or more of an authority's water control structures and require the authority to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Areas not under jurisdiction of authority

- (2) Despite any powers conferred on the council of a municipality under this or any other Act, in an area that is not under the jurisdiction of an authority, the Minister may, when and for such periods as he or she considers necessary in the public interest,
- (a) require the council of a municipality to carry out flood control operations in a manner specified by the Minister;
 - (b) require the council of a municipality to follow instructions issued by the Minister for the operation of one or more of the water control structures operated by the council; or
 - (c) take over the operation of one or more of the water control structures operated by the council of a municipality and require the council to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Definition

- (3) In subsection (2),

"municipality" includes an upper-tier municipality.

Information required by Minister

23.1 (1) An authority shall provide the Minister with such information as the Minister may require in relation to its operations, including the programs and services it provides.

Same

- (2) The information shall be provided at the time and in the manner as the Minister may specify.

Publication

- (3) If directed by the Minister to do so, an authority shall publish all or such portion of the information provided to the

Minister under subsection (1) and shall do so at the time and in the manner specified by the Minister.
2002, c. 17, Sched. F, Table.

Projects of authority

Projects requiring approval

24 Before proceeding with a project that involves money granted by the Minister under section 39, the authority shall file plans and a description with the Minister and obtain his or her approval in writing.

Recovery of project capital costs

25 (1) An authority may, from time to time, determine the amount of capital costs to be incurred in connection with a project and apportion the capital costs to the participating municipalities in accordance with the regulations.

Notice of apportionment

(2) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the capital costs for a project that has been apportioned to the participating municipality.

Payment of apportioned amount

(3) Each participating municipality shall pay to the authority the portion of the capital costs for a project that is specified in the notice of apportionment in accordance with the requirements set out in the notice and with this section.

How money to be raised

(4) Each participating municipality may issue debentures to provide financing for the capital costs for a project of an authority.

Where money raised over several years

(5) If the notice of apportionment requires a municipality to raise its portion of the capital costs for a project over a period of two or more years, the municipality shall, within 30 days of receiving the notice of apportionment, give the authority written notice of how it will pay its portion of the capital costs.

Debt due

(6) The amount of the portion of the capital costs for a project that is specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such.

Review of apportionment of capital costs

26 (1) Any participating municipality that receives a notice of apportionment under section 25 may, within 30 days after receiving the notice of apportionment, apply to the Ontario Municipal Board, or to such other body as may be prescribed by regulation, for a review of the apportionment among the participating municipalities of the capital costs for the relevant project.

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority.

Hearing

(3) The Ontario Municipal Board, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of capital costs among the participating municipalities, including considering whether the apportionment complies with section 25 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate.

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party, and such other persons as the Ontario Municipal Board, or such other body as may be prescribed by regulation, may determine.

Requirement to pay costs stayed

(5) A participating municipality that makes an application under this section is not required to pay the portion of the capital costs that was apportioned to the municipality under the notice of apportionment until the determination of the application.

Delay of notice

(6) A participating municipality that makes an application under this section is not required to give notice under subsection 25 (5) until 30 days after the final determination of the application.

Powers on hearing

(7) Upon hearing an application under this section, the Ontario Municipal Board, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the capital costs by the authority among the participating municipalities.

Decision final

~~(8) A decision under subsection (7) is final.~~

~~24. (1) Before proceeding with a project, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 1996, c. 32, s. 66 (1).~~

~~—(2) REPEALED: 1996, c. 32, s. 66 (1).~~

Notice re-raising of portion of cost

~~—(3) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of apportionment, notify the authority in writing whether the portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years. R.S.O. 1990, c. C.27, s. 24 (3).~~

Time for notice where apportionment under review

~~—(4) When a municipal council has, in accordance with subsection 25 (2), notified the secretary of the Ontario Municipal Board that it is dissatisfied with any apportionment, the time allowed for notifying the authority under subsection (3) shall be reckoned from the date of the order confirming or varying the apportionment. R.S.O. 1990, c. C.27, s. 24 (4).~~

~~—(5) REPEALED: 1996, c. 32, s. 66 (2).~~

Approval of works on lakes or rivers

~~—(6) Despite the *Lakes and Rivers Improvement Act*, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act. R.S.O. 1990, c. C.27, s. 24 (6).~~

Application

~~—(7) This section does not apply to a project unless the project involves money granted by the Minister under section 39. 1996, c. 1, Sched. M, s. 46.~~

Apportionment of benefit

~~—25. (1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of the apportionment to be sent to the council of each participating municipality by registered mail. R.S.O. 1990, c. C.27, s. 25 (1).~~

Review of apportionment by O.M.B.

~~—(2) Any municipal council that is dissatisfied with any apportionment may, within thirty days after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board. R.S.O. 1990, c. C.27, s. 25 (2).~~

Hearing

~~—(3) Upon application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing. R.S.O. 1990, c. C.27, s. 25 (3).~~

Powers of O.M.B. on hearing

~~—(4) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision is final and conclusive and is not open to appeal. R.S.O. 1990, c. C.27, s. 25 (4).~~

Variation of apportionment

~~—(5) In the event of the authority varying any apportionment made by it, this section applies with necessary modifications. R.S.O. 1990, c. C.27, s. 25 (5).~~

Determination of capital expenditure

~~—26. (1) An authority may, from time to time, determine what money will be required for capital expenditure in connection with any project. R.S.O. 1990, c. C.27, s. 26 (1).~~

Portion to be raised by participating municipalities

~~—(2) The portion of the money so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities. R.S.O. 1990, c. C.27, s. 26 (2).~~

How money to be raised

~~—(3) Upon notice in writing of the amount required to be raised, signed by the secretary treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such money as may be required by the authority for capital expenditure. R.S.O. 1990, c. C.27, s. 26 (3); 1996, c. 32, s. 66 (3).~~

Enforcement of payment

~~—(4) Subject to subsection (3), an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 26 (4).~~

Where only part of municipality in area

~~—(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality. R.S.O. 1990, c. C.27, s. 26 (5).~~

~~—(6) REPEALED: 1994, c. 27, s. 127.~~

Maintenance and administration costs

27. (1) REPEALED: 1997, c. 29, s. 54 (1).

Apportionment of maintenance costs-Recovery of operating expenses

27 (1) Every year an authority shall determine its operating expenses for the subsequent year and apportion those expenses to the participating municipalities in accordance with the regulations.

Fixed portion for some municipalities

(2) Despite subsection (1) and subject to the regulations, an authority may establish a fixed minimal amount as the portion of the authority's operating expenses that a participating municipality is required to pay each year, and may apportion that amount to the municipality instead of the portion determined under subsection (1) in any year in which the fixed minimal amount exceeds the portion determined under subsection (1).

Notice of apportionment

(3) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the operating expenses that has been apportioned to the participating municipality.

Collection as taxes

(4) Each participating municipality shall collect the amount apportioned to it in the same manner as municipal taxes for general purposes and shall remit the amount collected to the authority.

Debt due

(5) The amount of the portion of the operating expenses specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such.

45

Review of apportionment of operating expenses

27.1 (1) Any participating municipality that receives a notice of apportionment under section 27 may, within 30 days of receiving the notice, apply to the Mining and Lands Commissioner, or to such other body as may be prescribed by regulation, for a review of the apportionment of the operating expenses.

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority.

Hearing

(3) The Mining and Lands Commissioner, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of the operating expenses, including considering whether the apportionment complies with section 27 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate.

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party and such other persons as the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may determine.

No stay

(5) The appellant municipality shall comply with the notice of apportionment pending the determination of the application.

Powers on hearing

(6) Upon hearing an application under this section, the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the operating expenses by the authority among the participating municipalities and may order participating municipalities to pay such portion of the operating expenses as it determines.

Decision final

(7) A decision under subsection (6) is final.

~~—(2) Subject to the regulations made under subsection (16), after determining the approximate maintenance costs for the succeeding year, the authority shall apportion the costs to the participating municipalities according to the benefit derived or to be derived by each municipality, and the amount apportioned to each such municipality shall be levied against the municipality. R.S.O. 1990, c. C.27, s. 27 (2); 1996, c. 1, Sched. M, s. 47 (1).~~

Apportionment of administration costs

~~—(3) Subject to the regulations made under subsection (16), after determining the approximate administration costs for the succeeding year, the authority shall apportion the costs to the participating municipalities and the amount apportioned to each such municipality shall be levied against the municipality. 1997, c. 29, s. 54 (2).~~

Minimum levy for administration costs

~~—(4) Subject to the regulations made under subsection (16), an authority may establish a minimum sum that may be levied for administration costs by the authority against a participating municipality, and, where the amount apportioned to any municipality under subsection (3) is less than the minimum sum, the authority may levy the minimum sum against the municipality. R.S.O. 1990, c. C.27, s. 27 (4); 1996, c. 1, Sched. M, s. 47 (3).~~

Notice of apportionment

~~—(5) The secretary treasurer of the authority, forthwith after the amounts have been apportioned under subsections (2), (3) and (4), shall certify to the clerk of each participating municipality the total amount that has been levied under those subsections, and the amount shall be collected by the municipality in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (5).~~

Levy where only part of municipality in area

~~—(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (6).~~

Enforcement of payment

~~—(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 27 (7).~~

Appeal

~~—(8) A municipality against which a levy is made under this section may appeal the levy to the Mining and Lands Commissioner appointed under the *Ministry of Natural Resources Act*. 1996, c. 1, Sched. M, s. 47 (4).~~

Time for appeal

~~—(9) The appeal must be commenced within 30 days after the municipality receives notice of the levy from the authority. 1996, c. 1, Sched. M, s. 47 (4).~~

Parties

~~—(10) The parties to the appeal are the municipality, the authority and any other person added as a party by the Commissioner. 1996, c. 1, Sched. M, s. 47 (4).~~

Compliance pending determination

~~—(11) The municipality shall comply with the levy pending the determination of the appeal. 1996, c. 1, Sched. M, s. 47 (4).~~

Matters to be considered at hearing

~~—(12) The Commissioner shall hold a hearing on the appeal and shall consider,~~

~~—(a) whether the levy complies with this section and the regulations made under subsection (16); and~~

~~—(b) whether the levy is otherwise appropriate. 1996, c. 1, Sched. M, s. 47(4).~~

Powers of Commissioner

~~—(13) The Commissioner may, by order, confirm, rescind or vary the amount of the levy and may order the authority or the municipality to pay any amount owing as a result. 1996, c. 1, Sched. M, s. 47(4).~~

No appeal

~~—(14) No appeal lies from the decision of the Commissioner. 1996, c. 1, Sched. M, s. 47(4).~~

When subss. (8-14) begin to apply

~~—(15) Subsections (8) to (14) do not apply until the first regulation made under subsection (16) comes into force. 1996, c. 1, Sched. M, s. 47(4).~~

Regulations re levies

~~—(16) The Lieutenant Governor in Council may make regulations governing the nature and amount of the levies made by authorities under this section, including regulations that restrict or prohibit the making of levies described in the regulations. 1996, c. 1, Sched. M, s. 47(4).~~

Regulations by authority re area under its jurisdiction

Prohibited activities re watercourses, wetlands, etc.

28 (1) Subject to subsections (2) and (3) and section 28.1, no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
2. Development activities in areas that are within the authority's area of jurisdiction and are,
 - i. hazardous lands,
 - ii. wetlands,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
 - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
 - v. other areas in which development should be prohibited or regulated, as may be determined by the regulations.

Exception, aggregates

(2) The prohibitions in subsection (1) do not apply to an activity approved under the *Aggregate Resources Act* after December 18, 1998, the date the *Red Tape Reduction Act, 1998* received Royal Assent.

Same, prescribed activities

(3) The prohibitions in subsection (1) do not apply to an activity or a type of activity that is prescribed by regulation and is carried out in accordance with the regulations.

Same, prescribed areas

(4) The prohibitions in subsection (1) do not apply to any activity described in that subsection if it is carried out,
(a) in an area that is within an authority's area of jurisdiction and specified in the regulations; and
(b) in accordance with any conditions specified in the regulations.

Definitions

(5) In this section,

“development activity” means a development activity as defined by regulation; (“activité d'aménagement”)

“hazardous land” means hazardous land as defined by regulation; (“terrain dangereux”)

“watercourse” means a watercourse as defined by regulation; (“cours d'eau”)

“wetland” means a wetland as defined by regulation. (“terre marécageuse”)

Permits

28.1 (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28.

Application for permit

(2) A person who wishes to engage in an activity that is prohibited under section 28 in an area situated in the jurisdiction of an authority may apply to the authority for a permit under this section.

Same

(3) An application for a permit shall be made in accordance with the regulations and include such information as is required by regulation.

Power to refuse, etc.

(4) Subject to subsection (5), the authority may attach conditions to a permit or refuse to issue a permit if, in the authority's opinion,

(a) the activity is likely to create conditions or circumstances 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;

(b) the activity is likely to affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land; or

(c) any circumstances as may be prescribed by regulation exist.

Hearing

(5) An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority.

Additional criteria, renewable energy projects

(6) Despite subsection (4), in the case of an application for a permit to engage in development related to a renewable energy project as defined in subsection 1 (1) of the *Green Energy Act, 2009*,

(a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and

(b) the authority shall not impose conditions on the permit unless the conditions relate to controlling pollution, flooding, erosion or dynamic beaches.

Reasons for decision

(7) If the authority, after holding a hearing, refuses a permit or issues the permit subject to conditions, the authority shall give the applicant written reasons for the decision.

Appeal

(8) An applicant who has been refused a permit or who objects to conditions imposed on a permit may, within 30 days of receiving the reasons under subsection (7), appeal to the Minister who may,

(a) refuse the permit; or

(b) order the authority to issue the permit, with or without conditions.

Definition

(9) In this section,

"pollution" means pollution as defined by regulation.

Period of validity

28.2 A permit shall be valid for a period to be determined in accordance with the regulations.

Cancellation of permits

28.3 (1) An authority may cancel a permit issued under section 28.1 if it is of the opinion that the conditions of the permit have not been met or that the circumstances that are prescribed by regulation exist.

Notice

(2) Before cancelling a permit, an authority shall give a notice of intent to cancel to the permit holder indicating that the permit will be cancelled on a date specified in the notice unless the holder requests a hearing under subsection (3).

Request for hearing

(3) Within 15 days of receiving a notice of intent to cancel a permit from the authority, the permit holder may submit a written request for a hearing to the authority.

Hearing

(4) The authority shall set a date for the hearing and hold the hearing within a reasonable time after receiving a request for a hearing.

Power

(5) After a hearing, the authority may confirm, rescind or vary the decision to cancel a permit.

Delegation of power

28.4 An authority may delegate any of its powers relating to the issuance or cancellation of permits under this Act or the regulations, or to the holding of hearings in relation to the permits, to the authority's executive committee or to any other person or body, subject to any limitations or requirements that may be prescribed by regulation.

26 The Act is amended by adding the following section:

Regulations: activities affecting natural resources

28.5 (1) The Lieutenant Governor in Council may make regulations with respect to activities that may impact the

conservation, restoration, development or management of natural resources and that may be carried out in the areas of jurisdiction of authorities, including regulations,

- (a) identifying activities that have or may have an impact on the conservation, restoration, development or management of natural resources for the purposes of the regulation;
- (b) regulating those activities;
- (c) prohibiting those activities or requiring that a person obtain a permit from the relevant authority to engage in the activities in the authority's area of jurisdiction.

Same

(2) A regulation under clause (1) (c) that requires that a person obtain a permit from the relevant authority to engage in an activity described in subsection (1) may,

- (a) provide for applications to be made to an authority for the permit and specify the manner, content and form of the application;
- (b) provide for the issuance, expiration, renewal and cancellation of a permit;
- (c) require hearings in relation to any matter referred to in clauses (a) and (b) and specify the person before whom, or the body before which, the matter shall be heard, provide for notices and other procedural matters relating to the hearing and provide for an appeal from any decision.

Same

(3) A regulation made under this section may be limited in its application to one or more authorities or activities.

~~28. (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction;~~

- ~~—(a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;~~
- ~~—(b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;~~
- ~~—(c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;~~
- ~~—(d) providing for the appointment of officers to enforce any regulation made under this section or section 29;~~
- ~~—(e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.~~

Delegation of powers

~~—(2) A regulation made under subsection (1) may delegate any of the authority's powers or duties under the regulation to the authority's executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. 1998, c. 18, Sched. I, s. 12.~~

Conditional permission

~~—(3) A regulation made under clause (1) (b) or (c) may provide for permission to be granted subject to conditions and for the cancellation of the permission if conditions are not met. 1998, c. 18, Sched. I, s. 12.~~

References to maps

~~—(4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed at the head office of the authority and are available for public review during normal office business hours. 1998, c. 18, Sched. I, s. 12.~~

Minister's approval of development regulations

- ~~—(5) The Minister shall not approve a regulation made under clause (1) (c) unless the regulation applies only to areas that are,~~
 - ~~—(a) adjacent or close to the shoreline of the Great Lakes St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;~~
 - ~~—(b) river or stream valleys;~~

~~—(c) hazardous lands;~~

~~—(d) wetlands; or~~

~~—(e) other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority. 1998, c. 18, Sched. I, s. 12.~~

Regulations by L.G. in C. governing content of authority's regulations

~~—(6) The Lieutenant Governor in Council may make regulations governing the content of regulations made by authorities under subsection (1), including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by authorities under subsection (1). 1998, c. 18, Sched. I, s. 12.~~

Invalid regulation

~~—(7) A regulation made by an authority under subsection (1) that does not conform with the requirements of a regulation made by the Lieutenant Governor in Council under subsection (6) is not valid. 1998, c. 18, Sched. I, s. 12.~~

Transition

~~—(8) Subject to subsection (9), if a regulation is made by the Lieutenant Governor in Council under subsection (6), subsection (7) does not apply to a regulation that was previously made by an authority under subsection (1) until two years after the regulation made by the Lieutenant Governor in Council comes into force. 1998, c. 18, Sched. I, s. 12.~~

Same

~~—(9) If a regulation made by the Lieutenant Governor in Council under subsection (6) is amended by an amending regulation, subsection (7) does not apply, in respect of the amendment, to a regulation that was made by an authority under subsection (1) before the amending regulation, until such time as may be specified in the amending regulation. 1998, c. 18, Sched. I, s. 12.~~

Exceptions

~~—(10) No regulation made under subsection (1),~~

~~—(a) shall limit the use of water for domestic or livestock purposes;~~

~~—(b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;~~

~~—(c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or~~

~~—(d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act*. 1998, c. 15, Sched. E, s. 3 (8); 1998, c. 18, Sched. I, s. 12.~~

Activities under the *Aggregate Resources Act*

~~—(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent. 1998, c. 18, Sched. I, s. 12.~~

Right to hearing

~~—(12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee. 1998, c. 18, Sched. I, s. 12.~~

Powers of authority

~~—(13) After holding a hearing under subsection (12), the authority or executive committee, as the case may be, shall,~~

~~—(a) refuse the permission; or~~

~~—(b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.~~

Grounds for refusing permission

~~(13.1) If the permission that the person requests is for development related to a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, the authority or executive committee, as the case may be,~~

~~(a) shall not refuse the permission unless it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and~~

~~(b) shall not impose conditions unless they relate to controlling pollution, flooding, erosion or dynamic beaches. 2009, c. 12, Sched. L, s. 2.~~

Reasons for decision

~~(14) If the authority or its executive committee, after holding a hearing, refuses permission or grants permission subject to conditions, the authority or executive committee, as the case may be, shall give the person who requested permission written reasons for the decision. 1998, c. 18, Sched. I, s. 12.~~

Appeal

~~(15) A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may,~~

~~(a) refuse the permission; or~~

~~(b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.~~

Offence: contravening regulation

~~(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1(2).~~

Limitation for proceeding

~~(16.1) A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of officers appointed under clause (1) (d) or persons appointed under clause (1) (e). 2010, c. 16, Sched. 10, s. 1(3).~~

Orders

~~(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,~~

~~(a) remove, at that person's expense, any development within such reasonable time as the court orders; and~~

~~(b) rehabilitate any watercourse or wetland in the manner and within the time the court orders. 1998, c. 18, Sched. I, s. 12.~~

Non-compliance with order

~~(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated. 1998, c. 18, Sched. I, s. 12.~~

Liability for certain costs

~~(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction. 1998, c. 18, Sched. I, s. 12.~~

Powers of entry

~~(20) An authority or an officer appointed under a regulation made under clause (1) (d) or (e) may enter private property, other than a dwelling or building, without the consent of the owner or occupier and without a warrant, if,~~

~~(a) the entry is for the purpose of considering a request related to the property for permission that is required by a regulation made under clause (1) (b) or (c); or~~

~~(b) the entry is for the purpose of enforcing a regulation made under clause (1) (a), (b) or (c) and the authority or officer has reasonable grounds to believe that a contravention of the regulation is causing or is likely to cause significant environmental damage and that the entry is required to prevent or reduce the damage. 1998, c. 18, Sched. I, s. 12.~~

Time of entry

~~—(21) Subject to subsection (22), the power to enter property under subsection (20) may be exercised at any reasonable time. 1998, c. 18, Sched. I, s. 12.~~

Notice of entry

~~—(22) The power to enter property under subsection (20) shall not be exercised unless,~~

~~—(a) the authority or officer has given reasonable notice of the entry to the owner of the property and, if the occupier of the property is not the owner, to the occupier of the property; or~~

~~—(b) the authority or officer has reasonable grounds to believe that significant environmental damage is likely to be caused during the time that would be required to give notice under clause (a). 1998, c. 18, Sched. I, s. 12.~~

No use of force

~~—(23) Subsection (20) does not authorize the use of force. 1998, c. 18, Sched. I, s. 12.~~

Offence: obstruction

~~—(24) Any person who prevents or obstructs an authority or officer from entering property under subsection (20) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1998, c. 18, Sched. I, s. 12.~~

Definitions

~~—(25) In this section,~~

~~“development” means,~~

~~—(a) the construction, reconstruction, erection or placing of a building or structure of any kind,~~

~~—(b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,~~

~~—(c) site grading, or~~

~~—(d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“aménagement”)~~

~~“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)~~

~~“pollution” means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (e) applies; (“pollution”)~~

~~“watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; (“cours d’eau”)~~

~~“wetland” means land that,~~

~~—(a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,~~

~~—(b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,~~

~~—(c) has hydric soils, the formation of which has been caused by the presence of abundant water, and~~

~~—(d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,~~

~~but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.~~

Transition

~~—(26) A regulation that was in force immediately before the day the *Red Tape Reduction Act, 1998* received Royal Assent and that was lawfully made under clause (1) (e) or (f) of this section as it read immediately before that day shall be deemed to have been lawfully made under clause (1) (e). 1998, c. 18, Sched. I, s. 12.~~

Regulations by authority re lands owned by it

~~29. (1) An authority may make regulations applicable to lands owned by the authority,~~ (1) The Minister may make regulations with respect to land and other property owned by authorities including regulations

- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;
- (h) subject to the *Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires. R.S.O. 1990, c. C.27, s. 29 (1); 1998, c. 18, Sched. I, s. 13 (1).

Regulations by L.G. in C. governing content of authority's regulations

(1.1) The Lieutenant Governor in Council may make regulations governing the content of regulations made under subsection (1), including the standards that may be used, and setting out what must be included or excluded from regulations made under subsection (1). 1998, c. 18, Sched. I, s. 13 (2).

(2) A regulation made under this section may be limited in its application to one or more authorities.

Invalid regulation

~~(1.2) A regulation made under subsection (1) that does not conform with the requirements of a regulation made under subsection (1.1) is not valid unless it has been approved by the Minister. 1998, c. 18, Sched. I, s. 13 (2).~~

Offence: contravening regulation

~~(2) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. C.27, s. 29 (2); 1998, c. 18, Sched. I, s. 13 (3).~~

Regulations by authority: mandatory regulations

~~30. (1) Subject to the approval of the Minister, an authority shall make regulations,~~

- ~~(a) providing for the calling of meetings of the authority and prescribing the procedure at those meetings;~~
- ~~(b) prescribing the powers and duties of the secretary treasurer;~~
- ~~(c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority; and~~
- ~~(d) delegating all or any of its powers to the executive committee except,~~
 - ~~(i) the termination of the services of the secretary treasurer,~~
 - ~~(ii) the power to raise money, and~~
 - ~~(iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority. R.S.O. 1990, c. C.27, s. 30 (1).~~

Time for making regulations

~~(2) Every authority shall make regulations under subsection (1) within one year after its establishment. R.S.O. 1990, c. C.27, s. 30 (2).~~

Legislation Act, 2006

~~(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to regulations made under this section. 2006, c. 21, Sched. F, s. 105.~~

Restriction on entry

Appointment of officers

30 An authority may appoint officers for the purposes of ensuring compliance with the Act and the regulations.

Entry without warrant

30.1 (1) An officer appointed by an authority under section 30 may, subject to subsections (2) and (3), enter any land situated in the authority's area of jurisdiction for the purposes of determining compliance with subsection 28 (1), a regulation made under subsection 28 (3) or section 28.5 or with the conditions of a permit issued under section 28.1 or under a regulation made under clause 28.5 (1) (c).

No entry to buildings

(2) The power to enter land under subsection (1) does not authorize the entry into a dwelling or other building situated on the land.

Time of entry

(3) The power to enter land under subsection (1) may be exercised at any reasonable time.

Power upon entry

(4) An officer who enters land under subsection (1) may do any of the following things:

1. Inspect any thing that is relevant to the inspection.
2. Conduct any tests, take any measurements, take any specimens or samples, set up any equipment and make any photographic or other records that may be relevant to the inspection.
3. Ask any questions that are relevant to the inspection to the occupant of the land.

No use of force

(5) Subsection (1) does not authorize the use of force.

Experts, etc.

(6) An officer who enters land under this section may be accompanied and assisted by any person with such knowledge, skills or expertise as may be required for the purposes of the inspection.

Searches

Search with warrant

30.2 (1) An officer may obtain a search warrant under Part VIII of the *Provincial Offences Act* in respect of an offence under this Act.

Assistance

(2) The search warrant may authorize any person specified in the warrant to accompany and assist the officer in the execution of the warrant.

Search without warrant

(3) If an officer has reasonable grounds to believe that there is something on land that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the officer may, without warrant, enter and search the land.

No entry to buildings

(4) The power to enter land under subsection (3) does not authorize the entry into a dwelling or other building situated on the land.

Stop order

30.3 (1) An officer appointed under section 30 may make an order requiring a person to stop engaging in or not to engage in an activity if the officer has reasonable grounds to believe that the person is engaging in the activity, has engaged in the activity or is about to engage in the activity and, as a result, is contravening,

- (a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5; or
- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c).

Information to be included in order

- (2) The order shall,
 - (a) specify the provision that the officer believes is being, has been or is about to be contravened;
 - (b) briefly describe the nature of the contravention and its location; and
 - (c) state that a hearing on the order may be requested in accordance with this section.

Service of order

(3) An order under this section shall be served personally or by registered mail addressed to the person against whom the order is made at the person's last known address.

Registered mail

(4) An order served by registered mail shall be deemed to have been served on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the order until a later date.

Effective date

(5) An order under this section takes effect when it is served, or at such later time as is specified in the order.

Right to hearing

(6) A person who is served with an order under this section may request a hearing before the authority or, if the authority so directs, before the authority's executive committee, by mailing or delivering to the authority, within 30 days after service of the order, a written request for a hearing that includes a statement of the reasons for requesting the hearing.

Powers of authority

(7) After holding a hearing, the authority or executive committee, as the case may be, shall,

- (a) confirm the order;
- (b) amend the order; or
- (c) remove the order, with or without conditions.

Reasons for decision

(8) The authority or executive committee, as the case may be, shall give the person who requested the hearing written reasons for the decision.

Appeal

(9) Within 30 days after receiving the reasons mentioned in subsection (8), the person who requested the hearing may appeal to the Minister and, after reviewing the submissions, the Minister may,

- (a) confirm the order;
- (b) amend the order; or
- (c) remove the order, with or without conditions.

Offences

30.4 (1) Every person is guilty of an offence if he or she contravenes,

- (a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5;
- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c); or
- (c) a stop order issued under section 30.3.

Penalty

(2) A person who commits an offence under subsection (1) is liable on conviction,

- (a) in the case of an individual,
 - (i) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both, and
 - (ii) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a corporation,
 - (i) to a fine of not more than \$1,000,000, and
 - (ii) to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues.

Monetary benefit

(3) Despite the maximum fines set out in clauses (2) (a) and (b), a court that convicts a person of an offence under clause (1) (a) or (b) may increase the fine it imposes on the person by an amount equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence.

Contravening s. 29 regulations

(4) Every person who contravenes a regulation made under section 29 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Obstruction of officer

(5) Every person who prevents or obstructs an officer from entering land under section 30.1 or 30.2 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Limitation period

30.5 A proceeding shall not be commenced with respect to an offence under subsection 30.4 (1), (4) or (5) more than two years after the day on which the offence first comes to the attention of an officer appointed under section 30.

Rehabilitation orders

30.6 (1) In addition to any other remedy or penalty provided by law, the court, upon convicting a person of an offence under clause 30.4 (1) (a) or (b), may order the convicted person to,

- (a) remove, at the convicted person's expense, any development within such reasonable time as the court orders; and
- (b) take such actions as the court directs, within the time the court may specify, to repair or rehabilitate the damage that results from or is in any way connected to the commission of the offence.

Non-compliance with order

(2) If a person does not comply with an order made under subsection (1), the authority having jurisdiction may arrange for any removal, repair or rehabilitation that was required of a person under subsection (1) to be carried out.

Liability for certain costs

(3) The person to whom an order is made under subsection (1) is liable for the cost of any removal, repair or rehabilitation arranged by an authority under subsection (2), and the amount is recoverable by the authority by action in a court of

competent jurisdiction.

~~Restriction on entry~~

~~30.1~~ (1) ~~An authority or an officer appointed under a regulation made under clause 28 (1) (d) or (e) shall not enter land without,~~

~~(a) the consent of the owner of the land and, if the occupier of the land is not the owner, the consent of the occupier of the land; or~~

~~(b) the authority of a warrant under the *Provincial Offences Act*, 1998, c. 18, Sched. I, s. 14.~~

Exceptions

~~(2) Subsection (1) does not apply to entry under clause 21 (1) (b) or subsection 28 (20). 1998, c. 18, Sched. I, s. 14.~~

Expropriation

31. The *Expropriations Act* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers. R.S.O. 1990, c. C.27, s. 31.

Restrictions on projects

Crown land affected

32. (1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chair or vice-chair of the authority shall be deposited with the Minister, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister. R.S.O. 1990, c. C.27, s. 32 (1).

Interference with public work

(2) Where a project or a part thereof may interfere with a public work of Ontario, the authority shall file with the Minister of Infrastructure a plan and description of the project or a part thereof together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Infrastructure. R.S.O. 1990, c. C.27, s. 32 (2); 1998, c. 15, Sched. E, s. 3 (3); 2011, c. 9, Sched. 27, s. 22.

Interference with highway

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Transportation a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Transportation. R.S.O. 1990, c. C.27, s. 32 (3).

Costs, how to be borne

(4) The cost of rebuilding any road, highway, bridge, public work or any part thereof and the cost of any other work that any of the Ministers of the Crown may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario. R.S.O. 1990, c. C.27, s. 32 (4); 1998, c. 15, Sched. E, s. 3 (4).

Assessment of lands of authority

33 (1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable for municipal purposes by levy under section 312 of the *Municipal Act, 2001* or section 277 of the *City of Toronto Act, 2006*, as the case may be, upon the assessment and classification of such land determined in each year by the Municipal Property Assessment Corporation and the land shall be assessed under the *Assessment Act* as if the works erected by the authority on the land had not been erected. 1997, c. 5, s. 64 (1); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 8.

Assessment of rented property

(2) Despite subsection (1), section 18 of the *Assessment Act* applies with necessary modifications in respect of lands vested in an authority. R.S.O. 1990, c. C.27, s. 33 (2).

Notice

(3) The Municipal Property Assessment Corporation shall deliver or mail to each authority concerned and to the clerk of each municipality in which any of the land is situated a notice setting out the assessment and the classification of the land in the municipality. 1997, c. 5, s. 64 (2); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Reconsideration under *Assessment Act*

(4) The authority may request a reconsideration under section 39.1 of the *Assessment Act*. 1997, c. 5, s. 64 (3).

Complaint to the Assessment Review Board

(5) The authority or the municipality may appeal to the Assessment Review Board under section 40 of the *Assessment Act* and the last day for appealing is the day that is 90 days after the authority or the clerk of the municipality, as applicable, is notified. 2008, c. 7, Sched. A, s. 19.

***Assessment Act* to apply**

(6) The *Assessment Act* applies, with necessary modifications, with respect to a request for a reconsideration or an appeal. 2008, c. 7, Sched. A, s. 19.

(7) REPEALED: 1997, c. 5, s. 64 (3).

Assessment for next year's taxation

(8) The assessment of land under subsection (1) shall be determined by the Municipal Property Assessment Corporation in each year for the purpose of taxation in the following year. R.S.O. 1990, c. C.27, s. 33 (8); 1997, c. 5, s. 64 (4); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Cemetery lands

34. (1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in the cemetery or other place of interment. R.S.O. 1990, c. C.27, s. 34 (1).

Notice to plot owners

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or the owner's whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein. R.S.O. 1990, c. C.27, s. 34 (2).

Publication of notice

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,

- (a) that the cemetery or other place of interment has been acquired for the purposes of the authority;
- (b) that other land, describing it, has been acquired by the authority for the purpose of reintering the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and

- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at the expense of the owner or person if the owner or person obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines. R.S.O. 1990, c. C.27, s. 34 (3).

Removal of bodies

(4) The authority has full power to cause the removal of any body from the cemetery or place of interment to any lands acquired under subsection (1) despite any other Act and to authorize the removal by any other person of the body for reinterment in any other cemetery or place of interment. R.S.O. 1990, c. C.27, s. 34 (4).

Removal of headstones

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment. R.S.O. 1990, c. C.27, s. 34 (5).

Conveyance of lands for reinterment

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed. R.S.O. 1990, c. C.27, s. 34 (6).

Right to use water power

35. (1) The authority has the right to use any water power created upon lands vested in it for its own uses. 1998, c. 15, Sched. E, s. 3 (5).

Restriction on sale

(2) REPEALED: 2006, c. 3, Sched. D, s. 1.

Obligation to pay

(3) Any person using water power created upon authority lands shall pay to the authority an annual reasonable compensation for the use of the water power. 1998, c. 15, Sched. E, s. 3 (5).

Arbitration

(3.1) Where the authority and a person described in subsection (3) are unable to agree on the amount of the annual compensation, the matter shall be arbitrated under the *Arbitration Act, 1991*. 1998, c. 15, Sched. E, s. 3 (5).

Charge for power

(4) Subject to review by the Minister of Natural Resources, an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power generated from increased head or flow due to the works undertaken by the authority. R.S.O. 1990, c. C.27, s. 35 (4); 1998, c. 15, Sched. E, s. 3 (6).

When section not to apply

(5) This section does not apply to water power reserved to the Crown under the *Public Lands Act*. R.S.O. 1990, c. C.27, s. 35 (5).

Assent of electors not necessary

36. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, the power may be exercised and the duty shall be performed by the council of the municipality without the assent of the electors. R.S.O. 1990, c. C.27, s. 36.

Payment to and spending by authority

37. 37 All money that is paid to an authority for specified purposes under this Act may be spent by the authority as it considers proper.

~~proper. All money required by this Act to be raised for the purposes of an authority shall be paid to the authority, and the authority may spend money as it considers proper, except that no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board. R.S.O. 1990, c. C.27, s. 37.~~

Annual audit

~~38 (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the Public Accounting Act, 2004. R.S.O. 1990, c. C.27, s. 38 (1); 2004, c. 8, s. 46.~~

Auditor

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his or her professional capacity. R.S.O. 1990, c. C.27, s. 38 (2).

Auditor's report

(3) An authority shall, upon receipt of the auditor's report of the examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. R.S.O. 1990, c. C.27, s. 38 (3).

Grants

39. Grants may be made by the Minister to any authority out of the money appropriated therefor by the Legislature in accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 39.

Regulations

~~40 The Lieutenant Governor in Council may make regulations defining any term that is used in this Act and that is not defined in this Act. 2010, c. 16, Sched. 10, s. 1 (4).~~

Regulations, Lieutenant Governor in Council

40 (1) The Lieutenant Governor in Council may make regulations,

- (a) governing the composition of conservation authorities and prescribing additional requirements regarding the appointment and qualifications of members of conservation authorities;
- (b) governing advisory boards established under subsection 18 (2), including requiring authorities to establish one or more advisory boards and prescribing requirements with respect to the composition, functions, powers, duties, activities and procedures of any advisory board that is established;
- (c) governing programs and services provided by authorities under paragraph 1 of subsection 21.1 (1), requiring authorities to provide those programs and services and respecting standards and requirements applicable to those programs and services;
- (d) governing the apportionment of an authority's capital costs in connection with a project for the purposes of section 25;
- (e) governing reviews under sections 26 and 27.1, including prescribing a body that may conduct such reviews instead of the Ontario Municipal Board or the Mining and Lands Commissioner, as the case may be;
- (f) governing the apportionment of an authority's operating expenses for the purposes of section 27, prescribing expenses as operating expenses for the purposes of section 27, governing the amount that participating municipalities are required to pay under section 27, including the fixed amount that a participating municipality may be required to pay under subsection 27 (2), and restricting and prohibiting the apportionment of certain types of operating expenses;
- (g) defining any term that is used in this Act and that is not defined in this Act;
- (h) respecting anything that is necessary or advisable for the proper administration of this Act.

Same

(2) The standards and requirements established for programs and services in a regulation made under clause (1) (c) may include standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency.

Regulations, Minister

(3) The Minister may make regulations,

- (a) prescribing matters that may be the subject of by-laws made under clause 19.1 (1) (j);
- (b) respecting the amount of any fee that may be charged by an authority in relation to a program or service, including determining the manner in which the fee is calculated;
- (c) governing consultations that an authority must carry out for the purposes of subsection 21.1 (6);
- (d) governing the information that authorities must provide to the Minister under section 23.1, including the publication of that information;
- (e) governing the prohibitions set out in section 28, including,

- (i) prescribing the limits on river and stream valleys for the purposes of subparagraph 2 iii of subsection 28 (1),
- (ii) determining or specifying areas for the purposes of subparagraph 2 iv of subsection 28 (1),
- (iii) determining areas in which development should be prohibited or regulated for the purposes of subparagraph 2 v of subsection 28 (1),
- (iv) prescribing activities or types of activities to which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities or types of activities may be carried out and any conditions or restrictions that apply to the activity or type of activity,
- (v) prescribing areas in which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities may be carried out in such areas and any conditions or restrictions that apply to carrying out activities in such areas,
- (vi) defining “development activity”, “hazardous land”, “watercourse” and “wetland” for the purposes of section 28;
- (f) governing the issuance of permits under section 28.1, including applications for the permits, prescribing conditions that may be attached to a permit or circumstances in which a permit may be refused under subsection 28.1 (4) or cancelled under section 28.3 and respecting the period for which a permit is valid;
- (g) defining “pollution” for the purposes of the Act;
- (h) governing the delegation of powers by an authority under section 28.4 and prescribing any limitations or requirements related to the delegation.

(2) Clause 40 (1) (e) of the Act, as enacted by subsection (1), is amended by striking out “Mining and Lands Commissioner” and substituting “Mining and Lands Tribunal”.

33 The Act is amended by adding the following section:

Rolling incorporations

41 A regulation made under this Act that adopts a document by reference may adopt the document as it may be amended from time to time after the regulation is made.

Commencement

34 (1) Subject to subsection (2), this Schedule comes into force on the day it receives Royal Assent.

(2) Sections 2, 13 and 16, subsections 19 (3) and 20 (2) and sections 21, 23, 24, 25, 26, 27, 28 and 32 come into force on a day to be named by proclamation of the Lieutenant Governor. _____

Attachment 2

PROPOSED AMENDMENTS COMPARED TO PREVIOUS TRCA COMMENTS

TRCA's main recommendations to the Province in its September 9, 2016 comments are listed below with a corresponding response for each on if, and/or how, the recommendations are addressed in Schedule 4, Bill 139.

- **Maintain the broad mandate of conservation authorities as currently outlined in the Act, but in any changes to the Act, recognize, validate and strengthen the important and diverse role conservation authorities play as local implementation agents of provincial and municipal objectives.**

Partially addressed. A purpose statement has been added to the Act that is similar to the existing broad "objects" of a CA currently in the Act (s. 20 (1)). The new purpose is broad so as to support and maintain CAs' broad mandate. However, this achievement is tempered by CA programs and services being divided into three categories (new Section 21.1 (1)) with one category being mandatory, comprised of programs and services that will be required by regulation. Another positive is that these standards and requirements may include those for increasing resiliency to address climate change. Conserving our Future states on page 13: "The science-based, watershed management programs and services that conservation authorities provide will be increasingly required in the face of climate changes and the resulting vulnerabilities to biodiversity and natural resources in the province. The programs and services include those mandated by the Province, assigned by municipalities and developed by conservation authorities in response to local needs and priorities."

- **Establish a collective administration of the Act by the MNRF, Ministry of Municipal Affairs and Housing (MMAH) and Ministry of the Environment and Climate Change (MOECC) that coordinates through an inter-agency liaison body with conservation authorities and municipalities to strengthen the important relationships conservation authorities have with these and other provincial ministries.**

Partially addressed. MNRF remains the sole administrator of the CA Act; however, Conserving Our Future states the intention of the Ministry to establish multi-ministry working groups to develop the regulations that would outline the requirements for the delivery of provincially mandatory programs and services of CAs. These regulations will be developed in consultation with municipalities, Indigenous communities, CAs, stakeholders and the public. As TRCA staff learns more about these working groups and the potential for municipal and CA participation, staff will keep the Authority informed.

- **Amend section 28 of the *Conservation Authorities Act* to supply sufficient tools for compliance with conservation authorities' development regulations.**

Addressed. Enhanced compliance mechanisms have been added to the Act such as Stop Orders, Search without a Warrant, Orders to Comply and increased penalties for violations.

- **Establish a sustainable and equitable funding model that allows conservation authorities to optimize existing municipal funding and that provides the resources required to sustain the broad suite of conservation authority programs.**
-

Partially addressed. Funding is not directly addressed by the amendments however MNRF has indicated that the multi-ministry working group will be tasked with exploring options for increasing provincial funding. Conserving Our Future states that the adequacy of funding existing provincially mandated programs and services, as well as any new ones that may be prescribed by the Province in regulation, will be assessed. Additionally, opportunities to access new funding envelopes to help finance conservation authority programs and services will be identified through this process

- **Support conservation authorities in continuing to strive for service excellence in all aspects of conservation authority programs and operations.**

Partially addressed. The Province will be establishing a multi-stakeholder Service Delivery Review Committee tasked with advising the ministry on ways to improve the establishment, tracking and achievement of service delivery standards and other roles as assigned. The committee would serve to replace the former Conservation Authorities Liaison Committee previously established to support the development and implementation of the ministry's "Policies and Procedures for CA Plan Review and Permitting Activities" (MNR 2010). TRCA supports undertaking the modernization of administrative processes to reflect current best practices. However, as regulations are to be created about the charging of CA fees, this process must recognize the significant differences between political climates, financial capacity, watershed conditions, land use profiles and overall, the complexity of the challenges faced within each CA's jurisdiction. Therefore, TRCA will need to be engaged in this process, together with municipalities, to understand the funding implications to TRCA's programs and services.

Maria Flammia

From: Trish Barnett <T.Barnett@lsrca.on.ca>
Sent: July-06-17 11:31 AM
To: 'Aurora Clerks Department'; 'Christopher Raynor (York Region)'; 'Cindy Maher (New Tecumseth)'; 'Dawn McAlpine (Barrie)'; 'Debbie Leroux (Uxbridge)'; 'Doug Irwin (Oro-Medonte)'; 'Fernando Lamanna'; 'Gillian Angus-Trail'; 'Janet Nyhof'; 'Janette Teeter (Oro-Medonte)'; 'Jennifer Connor (Ramara)'; 'John Daly (Simcoe)'; 'John Espinosa'; 'JP Newman (jnewman@scugog.ca)'; 'Judy Currins (Kawartha Lakes)'; 'Karen Shea (kshea@innisfil.ca)'; 'Kathryn Smyth (King)'; 'Mike Derond (Aurora)'; 'Newmarket Clerks'; 'Patty Thoma'; 'Rebecca Murphy (Clerk, Bradford/West Gwillimbury)'; 'Thomas Gettinby'; 'agendaitems@city.kawarthalakes.on.ca'; 'jwatts@city.kawarthalakes.on.ca'; 'kcreamer@innisfil.ca'; 'kjacob@innisfil.ca'; 'dhewitt@oro-medonte.ca'; 'kgill@townofbwg.com'
Cc: 'Betty DeBartolo (bdebartolo@e-aurora.ca)'; 'Councillor Avia Eek'; 'Councillor Avia Eek(aeek@king.ca)'; 'Councillor Dave Kerwin'; 'Councillor Ken Ferdinands (Whitchurch-Stouffville)'; 'Councillor Pat Molloy (Uxbridge)'; 'Councillor Peter Ferragine (Bradford West Gwillimbury)'; 'Councillor Peter Silveira (Barrie)'; 'Councillor Richard Simpson (Innisfil)'; 'Councillor Scott Macpherson (Oro-Medonte)'; 'Councillor Shira Harrison McIntyre (New Tecumseth)'; 'Councillor Stephen Strangway'; 'Debbie Bath'; 'Deputy Mayor/Regional Councillor Naomi Davison'; 'Gina Casey'; 'Jay Dolan (Barrie Citizen)'; 'Mayor Geoffrey Dawe (Town of Aurora) (gdawe@e-aurora.ca)'; 'Mayor Margaret Quirk (Georgina)'; 'Mayor Virginia Hackson'; 'Bobbie Drew'; 'Tammi Roberts'; 'Mike Walters
Subject: LSRCA Letter to Members of Council regarding the Township of Ramara - Additional Information
Attachments: Letter to LSRCA Member Municipalities regarding the Township of Ramara - June 2017.pdf

Good morning Regional and Municipal Clerks:

On June 29th, the attached letter regarding the Township of Ramara was sent to member municipalities. It would appear by some responses received that we were not entirely clear in our request, and we apologize for any confusion caused.

In the letter we mention that the Township of Ramara has appealed its 2017 LSRCA levy apportionment to the Mining and Lands Commission, and that this will result in a hearing where both LSRCA and Ramara will present their cases for judgement. We do not yet have a date for this hearing; however, we anticipate it may be September or later given that Ramara has just recently begun this appeal process. Each member municipality has the option to attend this hearing, but we suggest an alternate approach whereby LSRCA would gather support by way of resolution from each member that would be introduced by LSRCA during the hearing.

We ask that you please consider approving a resolution similar to the following, with a copy being provided by return email to Trish Barnett (t.barnett@lsrca.on.ca) by September 1, 2017:

- WHEREAS the Lake Simcoe Region Conservation Authority (LSRCA) has advised its member municipalities that the Township of Ramara has advised that it no longer wishes to be an LSRCA member, and that it is appealing the 2017 LSRCA levy apportionment to the Ontario Mining and Lands Commissioner;
- AND WHEREAS it is LSRCA's position that the Township of Ramara be held accountable for its fair and equitable share towards the provincially mandated programs being delivered by LSRCA;

- THEREFORE BE IT RESOLVED THAT (insert municipality) is in full support of the Lake Simcoe Region Conservation Authority in its quest to hold the Township of Ramara accountable for its fair and equitable share towards the provincially mandated programs being delivered by LSRCA.

~~We thank all of you for your support, and we hope this clears up any confusion that we may have caused.~~

Thank you and best regards,
Trish

Trish Barnett

Coordinator, BOD/CAO, Projects and Services
Lake Simcoe Region Conservation Authority
120 Bayview Parkway,
Newmarket, Ontario L3Y 3W3
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From: Trish Barnett
Sent: Thursday, June 29, 2017 3:01 PM
Subject: LSRCA Letter to Members of Council regarding the Township of Ramara

Good afternoon Regional and Municipal Clerks:

Attached please find a letter from Mike Walters regarding the Township of Ramara. We ask that you please share this letter with your Members of Council for their consideration.

If you have any concerns or questions or would like some additional information, please do not hesitate to contact us.

Best wishes to all of you and your families for a safe and Happy Canada Day long weekend !

Thank you and regards,
Trish

Trish Barnett

Coordinator, BOD/CAO, Projects and Services
Lake Simcoe Region Conservation Authority
120 Bayview Parkway,
Newmarket, Ontario L3Y 3W3
905-895-1281, ext. 223 | 1-800-465-0437 |
t.barnett@LSRCA.on.ca | www.LSRCA.on.ca

Twitter: @LSRCA

Facebook: LakeSimcoeConservation



June 29, 2017

Via email only to Regional and Municipal Clerks

Chairs, Mayors and Members of Council
LSRCA Member Municipalities

Dear Chairs, Mayors and Members of Council:

Re: The Township of Ramara

Original
To: CIP
Copy B.
To: Bridgeman ✓
C.C. S.C.C. File
Take Appr. Action

I am writing to inform you that the Township of Ramara (Ramara) has appealed the Lake Simcoe Region Conservation Authority's (LSRCA) levy apportionment for 2017 and has informed LSRCA that it no longer wishes to be a member. While rationale for this decision has not been provided in writing, Ramara Mayor and Council did imply during a meeting that the municipality is not getting a fair return on its investment and that LSRCA is limiting Ramara's ability to grow.

The current levy apportionment to Ramara is approximately \$42,213, which funds core programming and services such as water risk management (flood forecasting and warning, hazard mapping, implementation of the Section 28 regulations including enforcement, plan review), integrated watershed management (development and implementation of subwatershed plans, source water protection), as well as corporate services support (administration and basic operations).

Currently, Ramara is a member of LSRCA, and accordingly LSRCA is required through provincial legislation to deliver specific core services to its member municipalities. LSRCA is expending significant resources to deliver water risk and integrated watershed management programs within Ramara and is resolute that the benefiting municipality should be responsible for its share of funds to cover these expenses. The consequences of Ramara's non-payment of its levy would shift this financial burden to our other member municipalities, an outcome that is neither fair nor equitable, and LSRCA will be seeking a ruling to ensure that Ramara continues to pay its fair share of the levy as required.

Ramara's appeal has been made through the *Conservation Authorities Act*, Section 27, to the Mining and Lands Commission and will result in a hearing where upon both parties will present their cases for judgement. As the outcome of the hearing will directly impact each municipality as a funding partner, each member municipality will have the option to attend and represent its own interests at the hearing. As this could require significant municipal staff time and resources, instead I would like to recommend an alternate approach which would still be as impactful as your municipality's attendance at the hearing. This alternate approach involves gaining each member municipality's support by way of a resolution of support that would

Chairs, Mayors and Members of Council
LSRCA Member Municipalities
June 29, 2017
Page 2

request that the Township of Ramara be directed to pay its share of LSRCA's 2017 levy. The resolutions would be introduced during the hearing to support LSRCA's position that Ramara be held accountable and pay its fair and equitable share towards the provincially mandated programs being delivered by LSRCA.

Ramara's suggestion that they are not receiving good return on their investment is totally unfounded as they have benefited financially probably more than any other municipality in the watershed. The costs to undertake hazard mapping, subwatershed plans and fund remedial projects have largely been resourced through LSRCA's partnerships with the Federal and Provincial governments, as well as the Lake Simcoe Conservation Foundation and other interest groups. From 2010 to 2016, a total of 146 remedial projects were completed in Ramara at a total cost of more than \$2.4 million dollars. The total investment by Ramara towards these programs for this period was \$105,844, which equates to a return of more than \$23 dollars for every \$1 invested. Costs associated with completing the subwatershed planning totalled approximately \$234,000, of which Ramara contributed \$37,500 resulting in a return of \$5 dollars for every \$1 dollar invested. Other services such as education and engagement, environmental monitoring, and a host of support services associated with implementation of the Lake Simcoe Protection Act and Plan have been provided at no cost to Ramara.

It truly is unfortunate that Ramara does not recognize the value of its membership with LSRCA and is opting to discontinue this partnership. However, until such time as Ramara is successful in its bid to leave, LSRCA will not only continue to provide the provincially mandated and legislated program and services but will also seek Ramara's financial support to help cover these costs.

Your municipality's role and continued support as a member of LSRCA is very much appreciated and is integral to LSRCA's success in achieving our mission to work with our community to protect and restore Lake Simcoe and its watershed.

Should you have any questions or require additional information, please do not hesitate to contact me at this office.

Sincerely,



Mike Walters
Chief Administrative Officer

copy: LSRCA Board of Directors

broad range of activities on behalf of our membership, ROMA values and respects the rural lifestyle and the diversity of interests among its members. ROMA strongly believes that municipal governments are mature and responsible. We take policy positions and develop other resources while applying our *Rural and Northern Lens* to a host of issues.

Keeping the above in mind, ROMA has taken a significant and detailed look at the proposed Asset Management Planning Regulation through our *Rural and Northern Lens*. We have noted the following issues that might be of specific interest to our members:

Developing/Renewing Asset Management Plans & Strategic Asset Management Plan Policy Setting

- Assets are defined as all those *directly owned or consolidated on the financial statement of a municipality*, but do not include the assets of Joint Water Boards
- Municipalities will be required to develop and adopt a Strategic Asset Management Plan policy by Jan 1, 2019
- The resulting policy will form the foundation of the municipality's approach to asset management planning.
- The policy requirements indicate a strong focus on climate change vulnerability
- There will be a three phase approach to building/renewing an Asset Management Plan
- Phase 1 and 2 include core assets (most assets aside from buildings and rolling stock) by 2020, and all assets by 2021. A significant addition will be the need to define and integrate service levels, inventory analysis, and costing to sustain service into Asset Management Plans. If the municipal population is over 25,000 there

will also be a need to incorporate costing to service growth

- Phase 3, due June 1, 2022, takes the Asset Management Plan developed under Phase 1 and 2 and adds more integrated elements, including: proposed service levels, lifecycle management, a financial strategy and addressing shortfalls, with the latter two appearing to be significant in terms of scope and implications. If the municipal population is over 25,000, the subject municipality will need to include a financial strategy to service growth and risk analysis.

Updates, Approvals and Data Collection

- The proposed Regulation includes a requirement to have Asset Management Plans signed by a qualified and licensed Engineer prior to presentation to and adoption by Municipal Council
- Asset Management Plans will be required to be updated every five (5) years
- The Regulation contains a requirement for detailed progress reports on local implementation of the Plan
- Public posting and availability of documents is required
- Detailed annual reporting/submission requirements to the Province is required.

The Ministry of Economic Development, Employment and Infrastructure should be aware that 270 of the 444 municipalities in Ontario have populations under 10,000 residents; incredibly, 189 have populations under 5,000 residents. Moreover, 250 municipalities across the Province raise under \$50,000 with a 1% increase in their annual levies which illustrates a difficult fiscal reality. The vast majority of these communities, if not all of them, have difficulty in executing

the large amount of prescribed responsibilities as set out in various pieces of legislation. In addition, the reporting burden on various matters to the Province of Ontario has become overwhelming. A recent technical report produced by AMCTO entitled; *"Bearing the Burden; A Review of Municipal Reporting to the Province"* found the following :

1. Reporting negatively impacts service delivery and prevents municipalities from innovating and preparing for the future.
2. Reporting is onerous and excessive
3. The purpose of reporting is often unclear.
4. Municipal-Provincial reporting is highly fragmented.
5. Municipalities think reporting is important.

Using the foundational matters above, ROMA has come to the conclusion that the proposed Asset Management Planning Regulation is overly burdensome and prescriptive. More specifically, we have concerns in the following areas:

Capacity

Many small, rural and Northern rural communities already suffer from a lack of staffing expertise and capacity. Resulting from a combination of the inability to attract professionally trained staff and reliable funding, this lack of capacity will only exacerbate an already untenable situation. While the phasing in of certain requirements of the Regulation may assist implementation in larger communities it only prolongs the difficulty in complying for the smaller communities.

Financial Burden

Ontario Municipal Partnership Fund is being reduced along with other supporting grants, the additional burden will be fatal to municipal budgets. This burden is ongoing and so one-time funding assistance will not be beneficial in the long run.

The proposed Regulation is very prescriptive. In a best case scenario it will require most communities to engage outside professional assistance in order to complete the various requirements such as the five year renewal, progress reporting, service level definitions, risk analysis and the approval of an engineer; this will require additional funds that will need to come from the local ratepayer. In a worst case scenario, all the requirements will need to be satisfied by outside assistance placing an even higher financial burden on those who can least afford the increased costs. In an era where the

Climate Change

The Regulation does indicate a strong focus on climate change vulnerability. Some communities may be in a position to comment on this but many have not yet begun to turn their attention to this issue. The focus on climate change will only increase the burden to the small and understaffed municipalities resulting in imperfect and unreliable reporting.

Risk Analysis

Risk Analysis and Management is a relatively new concept for many communities. It is an unknown commodity for far too many and suffice it to say that the introduction of such analysis places the discussion and comprehension of risk beyond many. The smaller communities in the sector are not yet ready for this concept which only adds to the impending confusion.

Training

Given the complexity of the Regulation, the municipal sector will require intensive training. The necessary training will be most necessary for the smaller municipalities that lack the capacity and expertise to fully comprehend the new regulatory requirements. Even in a good year, these communities financially struggle to train staff and Council in many of the current governance and administrative necessities; the new Regulation will only increase the struggle.

Reporting

The Ministry must take into account the findings of the *AMCTO* report entitled;

"Bearing the Burden; A Review of Municipal Reporting to the Province as described above. While municipalities understand the importance of reporting, there is a limit to what those same municipalities can do. Certainly the requirements in the Regulation will not result in data that is either accurate or usable and will only serve to frustrate municipalities.

Rural Lens

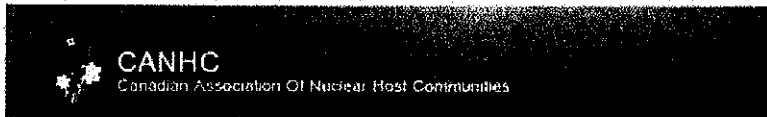
A review of the *Rural Lens* as it relates to the proposed Regulation gives us cause for concern. For example, we are not sure how the Regulation accounts for the effect on lower or sparse populations that exist in many of our member communities. The proposed Regulation does not take into consideration the administrative impact on our members and we are sure that many will not be able to comply with even small parts of the Regulation. Most will not have adequate human and financial resources for compliance. While we do appreciate that input and advice was sought from many of our members during the development of the Regulation, it does not appear that the points raised were taken into consideration in the final draft Regulation.

Summary

In summary, ROMA is of the opinion that the proposed Regulation will generate resource and fiscal strain on our members, most specifically on those that are the most vulnerable and sensitive to an increasingly burdensome regulatory environment. The proposed Regulation is overly prescriptive and does not reflect the principle that municipalities are responsible, mature governments.

Best Regards,

Ron Holman
ROMA Chair



July 06, 2017

To municipal councils in Ontario,

Re: Municipal Support and Endorsement for Ontario Power Generation Proposal to Develop a Deep Geologic Repository for Low- and Intermediate-Level Radioactive Waste in Kincardine

We are writing to confirm our full support for the proposal by Ontario Power Generation (OPG) to develop a Deep Geologic Repository (DGR) at the Bruce Nuclear site. We recognize that other municipalities in Ontario may have an interest in this project.

The Municipality of Kincardine – as host community for the DGR – has reaffirmed its support for the project for more than a decade, from an agreement with OPG that council ratified in October 2004, to a resolution of support that council passed this past February 2017.

As the most recent Kincardine council resolution states, "Council has based its support on the solid scientific evidence and strong community social license for the proposal." The resolution concludes with a recommendation that the federal Minister of Environment and Climate Change "approve the project and take the necessary steps to move the project forward."

The DGR proposal has been the subject of thorough study, including extensive public consultation, hearings and scrutiny by a Joint Review Panel under the auspices of the Canadian Nuclear Safety Commission (CNSC) and the Canadian Environmental Assessment Agency (CEAA). The panel's report in 2015 leaves no doubt that the DGR is a safe and prudent way to permanently dispose of the low- and intermediate-level waste, which is currently stored on an interim basis above ground at the Bruce site.

We urge you to avail yourself of information available from OPG, the CNSC and the CEAA on the DGR's safety case. This project, supported by public review and volumes of scientific studies, deserves the support of municipal leaders and councils across Ontario, given our constituents' shared interests in obtaining safe, low-cost and clean energy, dealing responsibly with nuclear waste and protecting the environment.

We welcome any questions you may have about our evidence-based support for the DGR.

Best regards,

Anne Eadie
Anne Eadie
Mayor, Municipality of Kincardine

Adrian Foster
Adrian Foster
Mayor, Municipality of Clarington
Chair, Canadian Association of Nuclear Host Communities

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National Disaster Mitigation Program

The National Disaster Mitigation Program (NDMP) is a five-year program with \$183 million in federal funding for projects that mitigate future flood events by addressing significant and recurring flood risks and costs.

Under the NDMP, the federal government funds up to 50 per cent of the costs of eligible flood mitigation projects, up to \$1.5 million in federal funding per project.

Projects can address riverine or urban flooding and proponents are responsible for the remainder of project costs.

Project proposals can be in one or more of the following streams:

- Flood risk assessment
- Flood mapping
- Flood mitigation planning
- Investments in non-structural and small scale structural flood mitigation

How to Apply?

In Ontario, NMDP project proposal forms must be submitted to the Ministry of Municipal Affairs.

Who is eligible?

Ontario is accepting proposals from municipalities, conservation authorities, Indigenous communities and other organizations eligible under federal guidelines.

How are proposals evaluated?

Project proposals must meet program requirements from Canada and Ontario. Ontario assesses project proposals from eligible organizations and submits selected proposals to Public Safety Canada.

When are the application deadlines?

- September 15, 2017 for projects that begin in 2018-2019
- September 14, 2018 for projects that begin in 2019-2020

Where can I find more information?

Visit the [National Disaster Mitigation Program](#) website or join our Q&A webinars on July 7 or July 19, 2017 (www.mah.gov.on.ca/Page14903.aspx).

July 6, 2017

The Honourable Dr. Eric Hoskins
Minister of Health and Long-Term Care
10th Floor, Hepburn Block
80 Grosvenor Street
Toronto, ON M7A 2C4

Dear Minister Hoskins:

Subject: The Revealing of Imperial Tobacco Canada Ltd.'s Anti-Contraband Campaign – BOH
Resolution #BOH/2017/06/11

On June 28, 2017, at a meeting of the Board of Health for the North Bay Parry Sound District Health Unit, the Board approved the following motion #BOH/2017/06/11:

***Whereas,** a 2012 slide deck from Imperial Tobacco Canada Ltd. (ITCL) demonstrates that the National Coalition Against Contraband Tobacco (NCACT) and the Ontario Convenience Stores Association (OCSA) have worked on behalf of ITCL to convince Ontario municipalities of the importance of the contraband tobacco problem; and*

***Whereas,** the 2012 ITCL slide deck makes clear that the anti-contraband campaign pursued by the NCACT and the OCSA in Ontario is designed in part to block tobacco excise tax increases and regulation of tobacco products generally; and*

***Whereas,** these other campaign objectives were either not communicated to municipalities by either the NCACT or the OCSA during meetings with municipal staff or councillors; and*

***Whereas,** the North Bay Parry Sound District Health Unit supports tobacco excise tax increases as a proven effective means of encouraging tobacco cessation; and*

***Whereas,** contrary to tobacco industry messaging, impartial research by the Ontario Tobacco Research Unit at the University of Toronto has shown that tobacco excise tax increases do not lead to large increases in contraband; and*

***Whereas,** higher tobacco taxes have been identified as the most effective strategy to reduce smoking prevalence, and Ontario has one of the lowest tobacco tax rates in Canada (Smoke-Free Ontario Scientific Advisory Committee, 2010; Ontario Tobacco Research Unit, 2015); and*

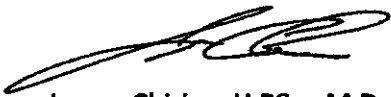
Whereas, the North Bay Parry Sound District Health Unit previously passed a smoke-free bylaw and supports protection of the public from second-hand tobacco smoke, protection of our youth from tobacco industry products, and tobacco tax increases to encourage smokers to quit and to raise revenue to offset the healthcare costs of tobacco use, which are more than double the current revenue raised from provincial tobacco taxes;

Therefore Be It Resolved, that elected representatives and staff of the North Bay Parry Sound District Health Unit will have no further meetings or discussions about any tobacco-related issue with representatives of the NCACT, the OCSA, or individuals otherwise representing the tobacco industry, but forward any communication to the medical officer of health or designate;

Furthermore Be It Resolved, that the North Bay Parry Sound District Health Unit commends the Ontario Ministry of Finance for raising tobacco excise taxes in the recent budget, and encourages this Ministry to enhance enforcement activities designed to reduce the presence of contraband tobacco in Ontario communities;

Furthermore Be It Resolved, that a copy of this resolution be forwarded to the Minister of Health and Long-Term Care, the Association of Local Public Health Agencies, the Ontario Campaign for Action on Tobacco, MPP Victor Fedeli, and Premier of Ontario, Kathleen Wynne.

Sincerely,



James Chirico, H.BSc., M.D., F.R.C.P. (C), MPH
Medical Officer of Health/Executive Officer

/sb

C: Hon. Kathleen Wynne, Premier of Ontario
Victor Fedeli, MPP, Nipissing
Linda Stewart, Executive Director, Association of Local Public Health Agencies
Ontario Campaign for Action on Tobacco

The Honourable Chris Ballard
Minister of Housing / Minister Responsible for the Poverty Reduction Strategy
17th Floor, 777 Bay Street
Toronto, Ontario, M5G 2E5

Dear Minister,

The Middlesex-London Board of Health applauds the Government of Ontario for considering possible amendments to the *Residential Tenancies Act, 2006* (RTA) to encourage the participation of small landlords and private homeowners in the rental housing market, while maintaining strong protections for tenants. The introduction of Bill 124, the *Rental Fairness Act*, enabled the Government to entertain amendments to the RTA to meet goals related to increasing the availability and the affordability of housing. Although Bill 124 does not include any amendments related to no-smoking provisions, the provision of smoke-free clause options in the proposed “prescribed form of tenancy agreement” (Standard Lease), created under Bill 124, warrants consideration.

At its June 15, 2017 meeting, the Middlesex London Board of Health considered [Report No. 033-17](#) “**Smoke-Free Clauses in the Standard Lease Under the Residential Tenancies Act**” and voted to:

1. Receive Report No. 033-17 re: Smoke-Free Clauses in the Standard Lease Under the *Residential Tenancies Act* (RTA);
2. Communicate its support for the inclusion of smoke-free clauses in the Standard Lease under the RTA by sending a letter to the Honourable Chris Ballard, Minister of Housing/Minister Responsible for the Poverty Reduction Strategy;
3. Forward Report No. 033-17 to Ontario Boards of Health and the Smoke-Free Housing Ontario Coalition to communicate its support for smoke-free housing policy measures; and
4. Direct staff to participate in consultation processes to inform regulatory changes under the RTA to increase the availability and enforceability of smoke-free clauses within tenancy agreements.

According to an [Ipsos Reid study](#) conducted in 2010, when given a choice, 80% of multi-unit residents would choose a smoke-free building, and in 2011, [data from the Rapid Risk Factor Surveillance System](#) (RRFSS) showed nearly two-thirds of those living in multi-unit housing in Middlesex-London supported prohibiting smoking everywhere within multi-unit housing. Nonetheless, despite strong public support and demand for smoke-free accommodations, there are very few smoke-free housing options available. Low-income families have even less choice in the housing market, and often must take whatever housing is available. Those fortunate enough to find subsidized housing may not be able to relocate easily when faced with smoke infiltration from other units. As a result, individuals in our community continue to be exposed to second-hand smoke on a regular basis in their home environments.

No-smoking provisions offer many benefits, including a healthier environment, reduced exposure to second-hand smoke, reduced risk of fire, and lower cleaning and insurance costs. Therefore, smoke-free multi-unit housing should be made available for those who want it, and be offered by those providing private and community/non-profit multi-unit housing.

...////1

In order to make the development of no-smoking provisions more appealing to landlords and increase the smoke-free housing options available in our community, no-smoking clause options should be added to the “Prescribed form of tenancy agreement” (Standard Lease) prescribed by regulation under Bill 124. The proposed “Prescribed form of tenancy agreement” (Standard Lease) described in Bill 124 clearly outlines the agreement between the housing provider and the tenant, including all of the conditions under which occupancy can be terminated. Inclusion of no-smoking clause options to the Standard Lease created under Bill 124 would make it clear to landlords that they can offer no-smoking provisions, and would create a consistent approach to the implementation and enforcement of no-smoking clauses within multi-unit housing tenancy agreements. This would provide landlords with the tools they need and make it as easy as possible to offer smoke-free housing, and would support landlords in ensuring compliance with this expectation between tenant and landlord. If the Standard Lease does not provide an option for smoke-free housing, most landlords and tenants will be under the impression that smoke-free clauses are not allowed. As a result, landlords will be far less inclined to include them and tenants less likely to ask for them.

The health effects from second-hand tobacco smoke exposure are widely known, and the evidence is quite clear that second-hand smoke can drift from one unit to another in multi-unit housing. In fact, the best science indicates that there is no safe level of exposure to second-hand tobacco smoke. About one in five Ontarians (21%) who live in multi-unit housing report exposure to second-hand smoke coming from outside their units. This exposure causes short-term harm, such as exacerbation of asthma or COPD, as well as longer-term health problems. However, tobacco is not the only substance that can affect the reasonable enjoyment and health of tenants within multi-unit housing.

The smoking of cannabis (recreational and medicinal) is a growing concern and a common complaint that the Middlesex-London Health Unit receives from tenants and landlords. When speaking with landlords, property management groups and condo corporations, and tenants within multi-unit housing complexes, the use of marijuana is a growing concern. The health effects from exposure to marijuana smoke is similar to the health effects from tobacco smoke. Regular marijuana smoking has been associated with chronic bronchitis and reduced lung function. The combustion of marijuana creates a smoke that contains many of the same carcinogens as tobacco smoke. While there is some evidence that marijuana smoking can be a risk factor for lung, head, neck and throat cancers, the association is unclear because of dual use of marijuana and tobacco smoking. Exposure to second-hand marijuana smoke has been studied less than second-hand tobacco smoke; however, due to the similarities in composition between tobacco and marijuana smoke, marijuana smoke is likely to be a similar public health concern. Exposure in an unventilated room can cause non-smokers to experience drug effects, including minor problems with memory and coordination, and, in some cases, testing positive for the drug in a urinalysis. The harmful health effects from exposure to second-hand marijuana smoke, regardless of whether or not the marijuana smoked is for medical purposes, warrants health protective regulations. With the coming legalization and regulation of cannabis in 2018, this issue may become even more prominent across the province.

A hookah (also known as a waterpipe, narghile, goza, or hubble-bubble) is a device used to smoke specially made tobacco and non-tobacco (herbal) products called shisha. Hookah is an alternative form of smoking whereby the shisha is heated with charcoal, the smoke from which travels down through the body of the apparatus into a water-filled chamber, which cools the smoke before it is inhaled. Hookah users will then inhale the smoke through hoses attached to the apparatus. Hookah sessions are generally longer and involve deeper inhalation than cigarette smoking. Under the *Smoke-Free Ontario Act* (SFOA), the prohibition on smoking only applies to hookah use if the shisha contains tobacco, and only applies to the common areas of multi-unit housing; however, like cigarettes, a hookah also produces second-hand

...///3

smoke that can be harmful whether or not the shisha contains tobacco or not. Studies of both tobacco-based shisha and “herbal” shisha show that the smoke from both preparations contains many of the same chemicals as cigarettes, such as carbon monoxide and other toxic agents associated with smoking-related cancer, respiratory illness and heart disease. Furthermore, [a study](#) of second-hand smoke exposure in Toronto water-pipe cafes showed that indoor air quality values for PM_{2.5}, ambient carbon monoxide and air nicotine are hazardous to human health.

Therefore, due to the negative health consequences from exposure to second-hand smoke, the Middlesex London Board of Health encourages the Government of Ontario to consider the need for smoke-free clause options to include tobacco, marijuana and shisha smoke. Additionally, the Middlesex-London Health Unit recommends that any no-smoking clause options indicate the maximum protection possible from second-hand smoke exposure. The language should state what provisions are covered under existing legislation, such as the *Smoke-Free Ontario Act* (SFOA), and what additional provisions are legal, permitted and enforceable under the no-smoking clause. The language should also state examples of the most protective provisions feasible, such as the entire building and property being smoke-free, and include other provisions, such as setbacks from entrances and exits, no smoking on balconies or patios, and designated outdoor smoking areas. These provisions should also state that if the landlord permits a designated outdoor smoking area on the property, it must be far enough away to ensure that second-hand smoke cannot drift into private units or balconies.

Smoke-free multi-unit housing is a critical policy issue and the Ministry of Housing is in a powerful position to signal to the housing community that smoke-free housing is a preferred option and offers tremendous health and property benefits. Adding no-smoking clause options that specify where no-smoking provisions can and cannot be made, and that include all forms of smoking in the “Prescribed form of tenancy agreement” (Standard Lease) created by regulation under Bill 124, would encourage landlords to create spaces where tenants can live without involuntary exposure to second-hand smoke from any source of smoke, whether from tobacco, marijuana, or shisha.

Sincerely,



Jesse Helmer, Chair
Middlesex-London Board of Health

cc. The Honourable Dr. Eric Hoskins, Minister of Health and Long-Term Care
The Honourable Kathleen Wynne, Premier of Ontario
Andrew Noble, Chair, Smoke-Free Housing Ontario Coalition
Ontario Boards of Health



TO: Chair and Members of the Board of Health

FROM: Dr. Gayane Hovhannisyan, Acting Medical Officer of Health
Laura Di Cesare, Acting Chief Executive Officer

DATE: 2017 June 15

SMOKE-FREE CLAUSES IN THE STANDARD LEASE UNDER THE *RESIDENTIAL TENANCIES ACT*

Recommendation

It is recommended that the Board of Health:

- 1) *Receive Report No. 033-17 re: Smoke-Free Clauses in the Standard Lease Under the Residential Tenancies Act (RTA);*
- 2) *Communicate its support for the inclusion of smoke-free clauses in the Standard Lease under the RTA by sending a letter to the Honourable Chris Ballard, Minister of Housing/Minister Responsible for the Poverty Reduction Strategy;*
- 3) *Forward Report No. 033-17 to Ontario Boards of Health and the Smoke-Free Housing Ontario Coalition to communicate its support for smoke-free housing policy measures; and*
- 4) *Direct staff to participate in consultation processes to inform regulatory changes under the RTA to increase the availability and enforceability of smoke-free clauses within tenancy agreements.*

Key Points

- Second-hand smoke drifts between units in multi-unit housing complexes, and is especially harmful to children, the elderly, those who have chronic health problems and those who are pregnant.
- The current mechanism for enforcement of no-smoking clauses in lease agreements can be cumbersome, and has raised questions about the legality of these policies.
- The opportunity exists to prescribe smoke-free clause options by regulation in the proposed “prescribed form of tenancy agreement” (Standard Lease), under the RTA, to provide a consistent approach for the promotion and enforcement of smoke-free provisions within tenancy agreements.

Second-Hand Smoke Exposure in Rental Housing

Under the [*Smoke-Free Ontario Act*](#), smoking is prohibited in any common area in a condominium, apartment building, or university or college residence, including elevators, hallways, parking garages, entertainment rooms, laundry facilities, lobbies and exercise areas. However, the *Act* does not prohibit smoking in private units, on balconies, or around the entrances to housing complexes. As a result, second-hand smoke exposure continues to be an issue for those living in multi-unit housing complexes. No matter how well built or maintained a building may be, second-hand smoke can seep through shared walls, ventilation systems, doors, windows, shared balconies and gaps around electrical outlets and plumbing.

While second-hand smoke exposure can cause a range of adverse health effects for anyone, it can be especially harmful to children, the elderly, those who suffer from chronic health problems and those who are pregnant. If a tenant is smoking in one unit and the smoke drifts into a neighbouring unit that is supposed to be smoke-free, often the only solution to reducing the unwanted exposure to second-hand smoke is to move and seek housing elsewhere. However, moving may not be feasible for those with disabilities, older adults and those with limited incomes. For those with greater choice and the means to move, smoke-free housing may still not be an option due to the lack of availability in Middlesex-London. Therefore, in 2015, the Board of Health endorsed the actions and priorities outlined by the Smoke-Free Housing Ontario Coalition,

attached as [Appendix A](#), and directed staff to “encourage the Ontario Ministry of Housing to develop government policies and programs to facilitate the provision of smoke-free housing ([Report 013-15](#)).”

Enforceability of Smoke-Free Policies

No-smoking provisions within a multi-unit housing environment offer many benefits, including a healthier environment, reduced exposure to second-hand smoke, reduced risk of fire and lower cleaning and insurance costs. Therefore, smoke-free multi-unit housing should be made available for those who want it, and be offered in both the private and community/non-profit multi-unit housing markets. However, the current mechanism for enforcement of no-smoking policies can be cumbersome, and has raised questions about the legality of these policies. It is the responsibility of the landlord to ensure reasonable enjoyment for all tenants, and, if there is a breach, such as drifting second-hand smoke, there must be adequate data to demonstrate frequent and ongoing interference with normal use and enjoyment of the housing unit. According to [case law analysis](#), although the majority of cases taken to the Landlord Tenant Board (LTB) have prevailed in favour of the landlord, LTB decisions are not bound by precedent and may not be pertinent to other situations that appear before the LTB. This means that even if a landlord follows the procedure to enforce a provision in the lease, there is no guarantee of success. If a no-smoking policy is created and cannot easily be enforced, the impact is felt by the landlord and by the tenants, who selected the housing unit based on the guarantee of a smoke-free home. Landlords and tenants desire assurance that smoke-free housing policies are enforceable.

Bill 124, the *Rental Fairness Act* and the Standard Lease

In March 2016, as part of its Long-Term Affordable Housing Strategy, the Ontario Government considered making amendments to the RTA to encourage the participation of small landlords and private homeowners in the rental housing market, while maintaining strong protections for tenants. The introduction of [Bill 124, the *Rental Fairness Act*](#), enabled the Government to entertain amendments to the RTA to meet goals related to increasing availability and affordability of housing. During the public consultation process for Bill 124, the Smoke-Free Housing Ontario Coalition recommended that amendments be made to the RTA to enable landlords to terminate tenancy based on violations of no-smoking provisions in leases. Additionally, advice was provided that no-smoking provisions under the RTA should address smoking of all products, including tobacco, cannabis and shisha, and that the RTA should clearly define areas where no-smoking prohibitions can be prescribed to provide maximum tenant protection from second-hand smoke.

The Government chose not to include smoke-free clauses in the RTA; however, regulations under the RTA are now being developed. The opportunity exists to prescribe smoke-free clause options by regulation in the proposed “prescribed form of tenancy agreement” (Standard Lease). The Standard Lease would outline the agreement between the housing provider and the tenant, including the conditions under which occupancy can be terminated. The inclusion of smoke-free clause options to the Standard Lease would make it clear to landlords that they can include no-smoking clauses, and would provide a consistent approach for the promotion and enforcement of smoke-free provisions within tenancy agreements. It is recommended that the Board of Health communicate its support for the inclusion of smoke-free clauses in the Standard Lease by sending a letter (attached as [Appendix B](#)) to the Honourable Chris Ballard, Minister of Housing/Minister Responsible for the Poverty Reduction Strategy.

This report was prepared by the Chronic Disease Prevention and Tobacco Control Team, Environmental Health and Infectious Disease Division.



Dr. Gayane Hovhannisyian, MD, PhD, FRCPC
Acting Medical Officer of Health



Laura Di Cesare, CHRE
Acting Chief Executive Officer

This report addresses the following requirements of the Ontario Public Health Standards (revised May 2016):
Foundations: Principles 1, 2; Comprehensive Tobacco Control: 1, 6, 7, 9.



Office of the Regional Chair | Alan Caslin

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June 14, 2017

Hon. Eric Hoskins
Minister of Health & Long Term Care
10th Floor, Hepburn Block
80 Grosvenor Street
Toronto, Ontario M7A 2C4

Dear Minister Hoskins:

Re: Requesting Support for the Enactment of Legislation under the Health Protection & Promotion Act (HPPA) to Allow for Inspection and Enforcement Activities of Personal Service Settings

I am writing to you on behalf of the Board of Health for Niagara Region.

We thank you for your emphasis on transparency and patient safety during your tenure as Minister. Under your leadership, local public health agencies now investigate complaints concerning infection prevention and control (IPAC) in a wider array of facilities, and we disclose our investigation findings in short order to the public. While this work has resulted in considerable additional work for local public health during a time of constrained funding, we think the residents and many visitors to Niagara are safer because of it.

I am writing today to request your government's help in streamlining this work to ensure Ontarians can expect the highest standards of IPAC practices. Specifically, we have endorsed the enclosed requests by Wellington-Dufferin-Guelph Public Health and the Board of Health for the District of Algoma Health Unit to enact a regulation specific to personal service settings (PSS) coupled with the authority to ticket under the Provincial Offenses Act.

Local public health agencies inspect all PSS to ensure adherence to IPAC standards of practice. Whether through these proactive inspections or through complaint investigations, when deficiencies in IPAC practices are identified, we seek to rectify the practices using education in the first instance. While effective in the vast majority of cases, on occasion, repeated attempts to educate prove unsuccessful at bringing about needed changes. In these cases, graduated enforcement processes are needed.

Currently, the only enforcement measures afforded under the HPPA are the closure of the premise and the use of legal orders. These are blunt and coercive tools that are not always proportionate. As well, when a PSS owner/operator does not adhere to a legal order to correct practices, the

process of laying a charge for breach of the order is lengthy, costly, and, most critically, delays correction of the health risk. Where education is ineffective, but the health risk is not sufficiently severe to justify a closure or legal order, there are currently no tailored enforcement tools that would permit a graduated escalation of actions.

Conversely in food premises, where deficiencies in food safety are identified, there is the option of issuing a ticket under Part I of the Provincial Offences Act. This is possible since food safety practices have been embedded in a regulation specific for food safety (Regulation 562: Food Premises) coupled with a schedule of offences listed in a regulation under the Provincial Offences Act (Regulation 950: Proceedings Commenced by Certificate of Offence). The time needed to prepare and serve the ticket is also considerably less than the time required for a closure or legal order under the HPPA. Few tickets are actually issued for food safety; the threat of receiving tickets alone deters owners/operators from operating in contravention of established standards of practice.

A provincial regulation specific to IPAC practices in PSS, coupled with a schedule of offences under the Provincial Offences Act would facilitate adherence to best practice standards, and not impose any new or additional requirements on PSS businesses. More importantly, it would better protect the public by enabling swifter correction of IPAC breeches, reduce the need for heavy-handed enforcement, and reduce expenditure of provincial and local tax dollars on enforcement. Such a PSS enforcement regimen would also align with other public health enforcement regimens.

Thank you for considering this request, and for your ongoing leadership of Ontario's integrated health system.

Yours Truly,



Alan Caslin
Regional Chair

Cc:

David Williams, Chief Medical Officer of Health
Roselle Martino, Assistant Deputy Minister, Population & Public Health Division
Association of Local Public Health Agencies
Ontario Boards of Health
Niagara MPPs

Encl.

Wellington-Dufferin-Guelph Public Health Letter to Premier (January 4, 2017)
Algoma Public Health Letter to Premier (March 29, 2017)

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March 29, 2017

The Honourable Kathleen Wynne
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Dear Premier Wynne,

Re: Requesting Support for Enactment of Legislation under the HPPA to Allow for the Inspection and Enforcement Activities of Personal Service Settings.

At its meeting on March 22, 2017, the Board of Health for the District of Algoma Health Unit considered the correspondence forwarded by Wellington-Dufferin-Guelph Public Health in regards to support for enactment of legislation under the to allow for the inspection and enforcement activities of personal service settings.

The Board of Health for the District of Algoma Health Unit passed the following resolution in support of Wellington-Dufferin-Guelph Public Health's request for support:

Resolution 2017-

WHEREAS the Hepatitis C rate in Algoma between 2012-2016 has increased by 7.2% compared with a decrease in the province of 4%; and

WHEREAS some services provided by Personal Service Settings (PSS) potentially expose individuals to bloodborne infections; and

WHEREAS due to the lack of legislation for PSS, APH instituted an optional program where operators are provided with a "Registered for Inspection " certificate that they post at their premise to showcase to the patrons that they have voluntarily been inspected; and

WHEREAS education and training are the first steps to ensure Infection Prevention and Control Practices (IPAC) best practices are adhered to, there are occasions when enforcement maybe needed; and

WHEREAS due to the lack of legislation, associated regulations, and set fee schedules to allow for issuing of certificates of offence (tickets) for enforcement purposes, API-I has had to utilize more cumbersome and inefficient Section 13 orders to ensure compliance; and

WHEREAS some PSS providers are conducting the procedures in uninspected environments such as private homes in the Algoma district, and

WHEREAS creation of provincial legislation governing PSSs would support a consistent, progressive enforcement model amongst Ontario's public health units.

THEREFORE BE IT RESOLVED THAT the Algoma Public Health Board support the Wellington Dufferin-Guelph Public Health in recommending that the Government of Ontario

enact legislation under the HPPA to support inspection and enforcement activities within PSSs; and

FURTHER THAT this resolution is shared with the Minister of Health and Long Term Care, Members of Provincial Parliament, Chief Medical Officer of Health, Association of Local Public Health Agencies and all Ontario Boards of Health.

Sincerely,

Dr. Marlene Spruyt Bsc, MD, CCFP, FCFP, MSc-PH
Medical Officer of Health/CEO
On behalf of Algoma Public Health Board of Health

Encl. Wellington-Dufferin-Guelph Public Health correspondence

cc: Hon. Dr. Eric Hoskins, Minister of Health and Long-Term Care
Dr. David Williams, Chief Medical Officer of Health
Michael Mantha, MPP Algoma-Manitoulin
Association of Local Public Health Agencies
Ontario Public Health Units



January 4, 2017

DELIVERED VIA E-MAIL & REGULAR MAIL

The Honourable Kathleen Wynne
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Dear Premier,

Re: Requesting Support for Enactment of Legislation under the HPPA to Allow for the Inspection and Enforcement Activities of Personal Service Settings

On behalf of the Board of Health of Wellington-Dufferin-Guelph Public Health (WDGPH), I am writing to request your support of the enactment of legislation under the Health Promotion and Protection Act (HPPA) to allow for the inspection and enforcement activities of personal service settings.

Six provinces and territories currently have specific legislation for the regulation of personal service settings which increases the enforcement abilities of public health staff and provides an incentive for operators to comply with infection protection and control best practices. Ontario has no provincial legislation that requires operators to comply with these best practices.

In those provinces and territories where regulations exist, non-compliance with the regulations by personal service setting staff or operators can result in a conviction and/or monetary fines, without requiring public health staff to prove the existence of a health hazard in order to proceed with enforcement actions.

The creation of legislation under the HPPA, specific to personal service settings, would contribute to the standardization of minimum infection best practices in personal service settings. Based on an assessment of complaints received by WDGPH, most complaints in personal service settings are associated with potentially invasive services such as manicure, pedicure and aesthetics services. The enactment of legislation for all premises offering personal services could help mitigate infection control risks to staff working in these premises and members of the public receiving these services.

The most recent complaint to WDGPH was in December 2016 and pertained to the cleanliness of reusable tools and equipment and the reuse of single-use items such as nail files and buffer blocks. If legislation was in place that allowed for inspection and enforcement procedures similar to those in food premises, a ticket could have been issued on the spot with a set fine for non-compliance with infection prevention and control best practices. This would have helped lower infection risks for current staff and clients as well as been an

incentive for ongoing infection control for this specific owner and a general incentive for the wider community of personal service setting operators.

Recently, WDGPH has observed an expansion in the range of services offered within personal service settings to include more invasive services such as micro-needling, botox injections and microdermabrasion. The invasive nature of these services is accompanied by an increased risk of subsequent infection if infection prevention and control practices are not followed during the provision of these services. In many cases, these services are being offered by non-Regulated Health Professionals, meaning that inspection of these services and enforcement of minimum infection control best practices falls to public health.

It is therefore our hope that you will consider enacting legislation for infection protection and control requirements for all personal service settings under the HPPA, supported by short-form wording under the Provincial Offences Act.

Thank you for giving this correspondence your every consideration.

Sincerely,

Nancy Sullivan
Chair, Wellington-Dufferin-Guelph Board of Health

Encl. to enforce infection prevention and control practices within personal service settings,
Board of Health Report, December, 2016)

cc (via e-mail):

Hon. Dr. Eric Hoskins, Minister of Health and Long-Term Care
MPP Liz Sandals, Guelph
MPP Sylvia Jones, Dufferin-Caledon
MPP Ted Arnott, Wellington-Halton Hills
Dr. David Williams, Chief Medical Officer of Health
Association of Local Public Health Agencies
Ontario Boards of Health



Enactment of legislation to enforce infection prevention and control practices within personal service settings under the HPPA

TO: Chair and members of the Board of Health
MEETING DATE: December 7, 2016
REPORT NO: BH.01.DEC0716.R21 Pages: 6
PREPARED BY: Katherine Paphitis, Public Health Inspector, Control of Infectious Diseases
APPROVED BY: Christopher Beveridge, Director, Health Protection Division

SUBMITTED BY: _____
Original signed document on file
Dr. Nicola J. Mercer, MD, MBA, MPH, FRCPC
Medical Officer of Health & CEO

Recommendations

It is recommended that:

1. The Board of Health receive this report for information.
2. The Chair, on behalf of the Board of Health, write a letter to the Honourable Kathleen Wynne, Premier of Ontario, in support of the creation of regulations for Personal Service Settings (PSS).

Key Points

- This report provides a rationale for the enactment of legislation under the HPPA to support inspection and enforcement activities within PSS.
- No provincial legislation currently exists that requires operators to comply with infection prevention and control (IPAC) best practices.
- Several provinces and territories within Canada have legislation specific to PSS premises, increasing the enforcement abilities of public health staff and providing an incentive for operators to comply with IPAC best practices.
- While education is considered the first step in gaining operator compliance, sometimes enforcement actions are the only means of gaining compliance with minimum requirements in order to ensure public safety

- Several boards of health have submitted letters to The Honourable Kathleen Wynne, Premier of Ontario, in support of enacting legislation specific to PSS, and specifically in support of the creation of wording under the Provincial Offences Act (POA) that would allow public health staff additional enforcement options when dealing with infractions in these premises.

Discussion

Public health staff across the province of Ontario enforce infection prevention and control (PAC best practice recommendations under the Infection Prevention and Control Best Practices for Personal Service Settings document (2009) by performing annual inspection of all PSS, with additional inspections in response to operator requests, complaints and to follow-up on any outstanding issues identified during routine compliance inspections. 1-3 In accordance with the Infection Prevention and Control in Personal Service Settings Protocol (2015), if WDGPH receives a complaint regarding a PSS, public health staff are required to initiate a response to the complaint within 24 hours in order to 'determine the risk of communicable disease transmission, and the appropriate board of health response' and must then 'take action based on the findings of its assessment, up to and including issuing orders under the HPPA' 2-4. Currently public health inspectors (PHIs) conduct routine, follow-up and complaint inspections of PSS premises, using the Infection Prevention and Control Best Practices for Personal Service Settings document (2009) as a guideline, and classify identified infractions as either 'critical' or 'non-critical', with critical infractions defined as those that potentially pose an infection control risk if found to be non-compliant with best practices. PHIS revisit premises to ensure that infractions are corrected and will work with operators in order to achieve compliance with minimum infection control best practices.

This year, WDGPH has received 26 PSS complaints from the public regarding infection control (the majority associated with manicure/pedicure/aesthetic services) as well as several public requests for infection control information. The majority of complaints associated with PSS were due to the re-use of single-use disposable items or due to infection following a cut or other injury accidentally received during a manicure/pedicure or other potentially invasive service. While onsite operator education can be helpful in gaining voluntary compliance in correcting infection control infractions, public health staff have limited enforcement actions available to them to ensure compliance in premises with repeat infractions or where operators are unwilling to comply with IPAC best practices.

If additional enforcement is required to gain compliance from operators, a PHI may issue a Section 13 Order under the HPPA 4 This is a lengthy process and requires the PHI to believe that a "health hazard" (as defined under Section 1 of the HPPA) exists
Enactment of legislation to enforce infection prevention and control practices within personal service settings under the BH.01.DEC0716.R21

that may pose a risk to the health of any member of the public.⁴ This is in contrast to inspections of food premises (such as restaurants, grocery stores and institutional food service departments) — in these premises PHIs have several enforcement options, including the issuance of a Section 13 Order, a ticket under Part t of the POA or a direct summons to court under Part III of the POA 4-7. The additional enforcement options for food premises are due to the existence of a regulation under the HPPA that legislates specific requirements for food premises, and which is supported by a document that sets out set monetary fines for any non-compliance with the regulation 57. This document allows PHIS across the province to issue tickets to operators on the spot, which has proven to be helpful both in gaining immediate compliance from operators as well as from other premise operators via general deterrence. Regulations exist under the HPPA for public swimming pools, recreational camps, spas and rabies, however none currently exist for personal service settings.

In early 2016, a provincial working group was created with the purpose of updating the Ontario Best Practices document; an equivalent federal working group is currently updating a similar document for use by provinces that don't have specific guidelines for PSS premises. Six provinces and territories in Canada currently have legislation for the regulation of PSS premises; Alberta, Newfoundland/Labrador, NWT, Yukon, Nunavut and Nova Scotia, with the remaining provinces relying on provincial or federal guidance documents, as applicable. In those provinces and territories where regulations exist for PSS premises, non-compliance with the regulations can result in a conviction and/or strict monetary fines, without requiring public health staff to prove the existence of a health hazard in order to proceed with enforcement actions.

In addition to infection control complaints, WDGPH receives requests for information from members of the public, looking for guidance on where to go to receive personal services, particularly regarding services such as manicures, pedicures, tattooing or body piercing. Subsequent to BOH report BH.OI .APR0214.RIO (Online disclosure of personal service settings inspection results), WDGPH made inspection results for PSS premises available online in October of 2014. This was to increase transparency of inspection results and to assist members of the public in making informed decisions when deciding where to go to receive a personal service. ⁹ Public disclosure of inspection results has also been shown to have a positive impact on operator compliance with relevant legislation and best practices. ¹⁰

Annual inspection of all PSS premises is an accountability indicator for the Ministry of Health and Long-Term Care. ¹¹ The creation of legislation under the HPPA, specific to personal service settings would contribute to the standardization of minimum 'PAC best practices in PSS premises, and assist public health staff in enforcing minimum standards. The overall goal is to prevent infectious disease transmission risks to PSS staff and members of the public who use these services. Several public health units in

Enactment of legislation to enforce infection prevention and control practices within personal service settings under the HPPA BH.01.DEC0716.R21

Ontario have written letters to The Honourable Kathleen Wynne, Premier of Ontario, in support of the creation of regulations specific to PSS and particularly those that offer invasive services, such as tattooing and body modification.12.13

Conclusion

Legislation regulating PSS activities along with annual public health inspections are necessary to reduce infection control risks to the public. Having PSS Regulations would give public health inspectors enforceable infection control requirements while assessing PSS practices.

Ontario Public Health Standard

The management of infectious diseases, inspection of PSS and increased public awareness of infection prevention and control practices are required under the Infectious Diseases Program Standards (2008), with the goal of reducing the burden of infectious diseases of public health importance.

Specific requirements of the Infectious Diseases Program Standard are outlined in:

Requirement #14: The board of health shall inspect settings associated with risk of infectious diseases of public health importance in accordance with the Infection Prevention and Control in Licensed Day Nurseries Protocol, 2008 (or as current); the Infection Prevention and Control in Personal Services Settings Protocol, 2008 (or as current); and the Risk Assessment and Inspection of Facilities Protocol, 2008 (or as current).

Requirement #10: The board of health shall ensure that the medical officer of health or designate receives reports of and responds to complaints regarding infection prevention and control practices in settings for which no regulatory bodies, including regulatory colleges exist, particularly personal service settings. This shall be done in accordance with the Infection Prevention and Control in Personal Services Settings Protocol, 2008 (or current) and the Infection Prevention and Control Practices Complaint Protocol, 2008 (or as current).

W GPH Strategic Direction(s)

Check all that apply:

Enactment of legislation to enforce infection prevention and control practices within personal service settings under the HPPA BH.01.DEC0716.R21

Building Healthy Communities

[Check] We will work with communities to support the health and well-being of everyone.

Service Centred Approach

We are committed to providing excellent service to anyone interacting with Public Health.

Health Equity

[Check] We will provide programs and services that integrate health equity principles to reduce or eliminate health differences between population groups.

Organizational Capacity

We will improve our capacity to effectively deliver public health programs and services.

Health Equity

The proposed legislation applies a compliance centered approach to equitably increase positive outcomes to all users of these services equally and would ensure that workers in PSS establishments understand their obligations and are protected from risk by a comprehensive communication plan promoting the proposed legislated requirements.

Appendices

None.

References

Ontario. Ministry of Health and Long-Term Care (2009). Infection Prevention and Control Best Practices for Personal Service Settings. Accessed online at:

http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/pssp2008.

Ontario. Ministry of Health and Long Term Care (2008). Ontario Public Health Standards: Infectious Diseases Program Standards. Accessed online at:

http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/ophs2008.

Enactment of legislation to enforce infection prevention and control practices within personal service settings under the HPPA BH.01.DEC0716.R21

Ontario. Ministry of Health and Long-Term Care (2008). Infection Prevention and Control in Personal Service Settings Protocol. Accessed online at:

<http://www.health.gov.on.ca/en/pro/programs/publichealth/ophstandards/docsinfectionpreventionpersonal services.pdf>

Health Protection and Promotion Act, R.S.O. 1990. Accessed online at:
<http://www.elaws.gov.on.ca/html/statutes/english/elawsstatutes90h07e.htm>

Health Protection and Promotion Act. R.R.O. 1990, Ontario Regulation 562 — Food Premises. Accessed online at: <https://www.ontario.ca/laws/regulation/900562>

Provincial Offences Act. R.S.O. 1990. Accessed online at:
<https://www.ontario.ca/laws/statute/90p33>

Ontario Court of Justice (2001). Set Fines I of the Provincial Offences Act: Schedule 40. Accessed online at: <http://www.ontariocourts.ca/ocj/how-do-i/set-fines/changes-to-the-consolidated-set-fine-schedules/schedule-40-2001-11-27/>

Alberta. (2014). Alberta Regulation 20/2003 Public Health Act: Personal Services Regulation. Accessed online at: <http://www.canlii.org/en/ab/laws/req/alta-req-202003/latest/alta-req-20-2003.html>

Wellington-Dufferin-Guelph Public Health (2014). BOH Report - BH.OI .APR0214.RIO Online Disclosure of Personal Service Settings Inspection Results. Accessed online at: <http://www.wdqpulichealth.ca/?q=bohreports>

Lee, B. (2012). Food Safety Interventions of Food Service Establishments: Current Evidence. CIPHI National PowerPoint presentation. Accessed online at:

http://www.nccch.ca/sites/default/files/CIPHI_2012_Food_Service_Establishments-Lee.pdf

Ontario. Ministry of Health and Long-Term Care (2016). Technical Document: Health Protection Indicators. Accessed online via the Public Health Performance Management Data Sharing Network (DON) secure website.

Personal communication. (2016). Letter from the Peterborough County-City Health Unit Board of Health to The Honourable Kathleen Wynne.

Personal communication. (2016). Letter from the Sudbury & District Health Unit Board of Health to The Honourable Kathleen Wynne.

Enactment of legislation to enforce infection prevention and control practices within personal service settings under the HPPA BH.01.DEC0716.R21



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Health Unit

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June 30, 2017

VIA EMAIL

The Honourable Kathleen Wynne
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Dear Premier Wynne:

Re: The Fair Workplaces, Better Jobs Act (Bill 148)

At its meeting on June 15, 2017, the Sudbury & District Board of Health carried the following resolution #37-17:

WHEREAS the Sudbury & District Board of Health has a mandate to decrease health inequities such that everyone has equal opportunities for health and can attain their full health potential without disadvantage due to social position or other socially determined circumstances; and

WHEREAS the Board of Health discharges this mandate through a long history of strategies including advocacy, strategic direction, policy development and program interventions; and

WHEREAS the Sudbury & District Board of Health participated in the 2015 Changing Workplaces Review public consultations and recommended that the provincial government strengthen minimum employment standards and reduce barriers to collective bargaining for all workers, especially those in precarious employment, to ultimately improve health outcomes;

THEREFORE BE IT RESOLVED that the Sudbury & District Board of Health commend the provincial government's actions to address the root causes of precarious work through the Changing Workplaces Review of 2015-16 and subsequent introduction of Bill 148; and

FURTHER THAT the Board of Health support the proposed changes to the Employment Standards Act that expand the pay equity provisions and increase the minimum wage for workers and the proposed changes to the Labour Relations Act that better support precarious workers' rights; and

FURTHER THAT the Board of Health urge the provincial government to adopt the World Health Organization (WHO) definition of a healthy workplace; and

The Honourable Kathleen Wynne

June 30, 2017

Page 2

THAT the Sudbury & District Board of Health share this motion and supporting materials with SDHU community agencies, municipalities and elected representatives, and the Association of Local Public Health Agencies (alPHA), Ontario Boards of Health and others as appropriate.

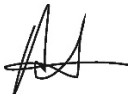
Workplaces are a critical determinant of health, and the health promoting or health damaging nature of workplaces impacts all workers, their families, neighbourhoods, communities and societyⁱ.

Support from public health for an increase in minimum wage comes from the overwhelming evidence confirming the link between income and health. People living with lower incomes have far greater risks of premature morbidity and mortality than those people living with higher incomes^{ii,iii,iv,v,vi}.

Precarious work is also a significant contributor to poor health and health inequalities^{vii,viii,ix}. Precarious workers are more likely to experience more difficult working conditions and lower autonomy and control over working conditions and arrangements than non-precarious workers^x.

Members of the Sudbury & District Board of Health commend the provincial government on the proposed mechanisms in the Fair Workplaces, Better Jobs Act (Bill 148) to strengthen employment standards in support of workplace health. Further, the members of the Sudbury & District Board of Health strongly urge the provincial government to ratify the (Bill 148) in order to protect and promote the health of Ontarians including those individuals working in precarious employment.

Sincerely,



Penny Sutcliffe, MD, MHSc, FRCPC
Medical Officer of Health and Chief Executive Officer

cc: Hon. Eric Hoskins, Minister of Health and Long-Term Care, Ontario Government
Hon. Kevin Flynn, Minister of Labour, Ontario Government
Ms. Roselle Martino, Assistant Deputy Minister, Health and Long-Term Care
Dr. David Williams, Chief Medical Officer of Health
Ms. Linda Stewart, Executive Director, Association of Local Public Health Agencies
Ms. Pegeen Walsh, Executive Director, Ontario Public Health Association
Ms. Alison Stanley, Executive Director, Federation of Northern Ontario Municipalities
Mr. Glenn Thibeault, MPP, Sudbury
Ms. France G elinas, MPP, Nickel Belt
Mr. Michael Mantha, MPP, Algoma-Manitoulin
Ontario Boards of Health

ⁱ Jackson, A., & Rao, G. (2016). The unhealthy Canadian workplace. In: Raphael D, editor. Social determinants of health: Canadian perspectives. 3rd ed. Toronto, ON: Canadian Scholars' Press Inc; 2016. p. 99-113.

ⁱⁱ Commission on Social Determinants of Health. Closing the Gap in a Generation: Health Equity through Action on the Social Determinants of Health. Final Report of the Commission on Social Determinants of Health. Geneva: World Health Organization, 2008.

ⁱⁱⁱ Health Canada. Chief Public Health Officer's Report on the State of Public Health in Canada 2008 (Catalogue HP2-10/2008E) Ottawa: Minister of Health, 2008.

^{iv} McIntosh CN, Finès P, Wilkins R, Wolfson MC. Income disparities in health-adjusted life expectancy for Canadian adults, 1991 to 2001. Health Reports 2009; 20(4): 55-64. Erratum in: Health Reports 2010; 21(4): 101.

^v Braveman PA, Cubbin C, Egerter S, et al. Socioeconomic disparities in health in the United States: what the patterns tell us. American Journal of Public Health 2010; 100(S1): S186-96.

^{vi} Tjepkema, M., Wilkins, R., Long, A. (2013). Cause-specific mortality by income adequacy in Canada: A 16-year follow-up study. Health Reports, Vol. 24, no. 7, pp. 14-22, July 2013 • Statistics Canada, Catalogue no. 82-003-X

^{vii} European Foundation for the Improvement of Living Working Conditions. (2002). Quality of work and employment in Europe: Issues and challenges. Foundation paper No. 1. Retrieved from <http://www.eurofound.europa.eu/publications/foundation-paper/2002/working-conditions/quality-of-work-and-employment-in-europe-issues-and-challenges-foundation-paper-no-1-february-2002>

^{viii} Quinlan, M., Mayhew, C., & Bohle, P. (2001). The global expansion of precarious employment, work disorganization, and consequences for occupational health: a review of recent research. International Journal of Health Services 31(2):335-414.

^{ix} Ontario Society of Nutrition Professionals in Public Health Food Security Workgroup. (2015). Income-related policy recommendations to address food insecurity. Retrieved from www.osnp-ph.on.ca/membership/documents.

^x Lewchuk, W., Lafleche, M., Dyson, D., Goldring, L., Meisner, A., Procyk, S., et al. (2013). It's more than poverty: Employment precarity and household well-being. Poverty and Employment Precarity in Southern Ontario Research Group. United Way Toronto: McMaster University.

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RES.#A103/17 -

WETLAND PROTECTION

Protection for Urban and Near-urban Wetlands. Responding to the Authority's request for staff to report on what is being done to protect urban and near-urban wetlands.

Moved by: Glenn De Baeremaeker
Seconded by: Jennifer McKelvie

THAT Toronto and Region Conservation Authority (TRCA) staff continue to work with our provincial and municipal partners in the identification and protection of wetlands in the TRCA jurisdiction;

THAT staff continue to encourage TRCA's partners to support the integration of these wetland features into the greenspace planning for new communities as they are so important to the long term health of the natural heritage and hydrologic systems;

AND FURTHER THAT the Ministry of Natural Resources and Forestry, the Ministry of the Environment and Climate Change, the Ministry of Municipal Affairs, Conservation Ontario and TRCA's municipal partners be so advised.

CARRIED

BACKGROUND

At Authority Meeting #10/16, held on January 6, 2017, amendment #A211/16 was approved as follows:

THAT staff report back on what is being done to protect urban and near urban wetlands;

Wetlands are a critical component of healthy watersheds. The ecosystem services that wetlands provide such as flood attenuation, improving air and water quality, and provision of habitat for many important species are invaluable.

All watersheds in southern Ontario, including TRCA's watersheds, currently have less wetland cover than they did prior to extensive European settlement (c. 1800), with losses exceeding 70% in many jurisdictions. Environment Canada in its report, "How Much Habitat is Enough?" recommends that "each major watershed should have a minimum, 10% wetland cover protected and restored." On average, TRCA's watersheds have less than 5% wetland cover (Figure 1). Even in the best cases, none of the individual watersheds reach the 10% target recommended by Environment Canada.

Watersheds		Wetlands		
Watershed	Area (m ²)	Area (m ²)	Area (ha)	% of Watershed
Carruthers	38,129,320	3,668,056	366.8	9.6%
Don	358,060,192	2,827,504	282.8	0.8%
Duffins	286,535,957	21,625,107	2,162.5	7.5%
Etobicoke	211,647,944	4,937,427	493.7	2.3%
FrenchmansBay	27,129,483	1,896,889	189.7	7.0%
Highland	101,577,557	687,117	68.7	0.7%
Humber	910,777,586	48,349,725	4,835.0	5.3%
Mimico	77,091,237	447,663	44.8	0.6%
Petticoat	26,822,177	2,561,022	256.1	9.5%
Rouge	332,879,060	18,664,097	1,866.4	5.6%
Waterfront	121,575,753	1,333,098	133.3	1.1%
TOTALS	2,492,226,267	106,997,704	10,699.8	4.3%

Figure 1

In a growing and intensifying city region such as TRCA's jurisdiction, protected and functioning wetlands are critical to combatting the impacts of urbanization and the compounding effects of climate change.

Policy and Regulation

The protection of wetlands is a multi-jurisdictional endeavor requiring the different levels of government to work together. Provincial policy sets the general direction for protection of wetlands in the provincial interest, and municipalities and conservation authorities are responsible for implementing those policies through their own programs and policies.

Provincial Policy Statement

The Ontario Wetland Evaluation System (OWES) is used by the Ministry of Natural Resources and Forestry to identify and evaluate wetlands to determine if they are Provincially Significant Wetlands (PSWs). Designated PSWs are protected under the Provincial Policy Statement (PPS), 2014, which states that, "Development shall not be permitted in significant wetlands...unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."

Provincial Plans

Provincial plans such as the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan also contain policies to protect all wetlands on the Oak Ridges Moraine and/or in the Greenbelt as "key natural heritage features" and "key hydrologic features" in which development or site alteration is prohibited.

Municipal Official Plans

Municipal Official Plans must contain wetland protection policies in accordance with the PPS and provincial plans. The policies of the PPS represent minimum standards; however, planning authorities and decision-makers may go beyond these minimum standards. In TRCA's jurisdiction, many municipalities have adopted or proposed policies for the protection of wetlands beyond just PSWs.

Conservation Authorities Act Section 28 Regulation

The only regulation for wetlands in Ontario is the section 28 regulation under the *Conservation Authorities (CA) Act*. TRCA's section 28 regulation (Ontario Regulation 166/06, as amended) applies to all wetlands regardless of provincial significance or permissions in official plans. It fills the gap for applications that do not require any approvals under the *Planning Act*. It is also the only enforcement body for the protection of wetlands.

The Living City Policies

The Living City Policies (LCP) implements TRCA's roles in the development planning process, the infrastructure planning process and the Regulation. The LCP guides staff in their day-to-day operation, helping to implement the PPS, provincial plans and TRCA's Terrestrial Natural Heritage System Strategy; the LCP also helps support municipalities' wetland protection policies. The LCP contains policies that recommend the protection of wetlands under *Planning Act* and *Environmental Assessment Act* processes. It also contains policies to implement TRCA's Regulation where development is proposed within Regulated Areas associated with a wetland.

Challenges and Opportunities

Wetland Identification

Not all wetlands have been identified, mapped or evaluated (under OWES). TRCA's terrestrial inventory and monitoring programs continue to identify wetlands across the jurisdiction. The inventory work also documents the habitat functions of the wetlands including the presence of flora and fauna. These data are entered into TRCA's GIS mapping databases and are used by TRCA staff in their review role. The information is also available to municipalities and to consultants on request to support their development and infrastructure planning activities. In addition, TRCA regularly updates our information with data from the Ministry of Natural Resources and Forestry (MNRF).

Municipally-led planning exercises such as subwatershed studies, Block Plans and Master Environmental Servicing Plans, also offer an opportunity to identify and evaluate wetlands in new urban areas.

Under the text of Ontario Regulation 166/06, as amended, a wetland is regulated even if it is not currently mapped.

Non-Provincially Significant Wetlands

As noted above, municipalities may choose to go beyond the PPS and provincial plans to protect local wetlands in their policies. However, there are often costly legal appeals to these policies when there is no provincial requirement for protection. In the case of linear infrastructure, it is often impossible to avoid impacting wetlands, including PSWs.

To deal with the situation where wetlands cannot be protected in-situ, TRCA has been developing a Compensation Protocol for Ecosystem Services. The draft protocol is currently out for consultation; however, staff has piloted the draft protocol with willing municipalities and proponents where unavoidable losses of natural features have occurred.

Non-provincially significant wetlands are usually small and have less complex ecosystem functions than PSWs. TRCA has expertise and experience in being able to recreate/restore wetlands elsewhere if they cannot be protected in-situ.

Some municipalities have or are considering compensation policies in their planning documents for non-provincially significant features.

The Province of Ontario's draft Wetland Conservation Strategy has identified that in parts of Ontario where wetland losses have been the greatest, that perhaps, all wetlands should be protected. The draft Strategy also presents compensation/offsetting as something to be explored.

Wetland Hydrology (Water Balance)

Wetlands and their ecological functions are very much defined by each of their unique hydrologic regimes. For example, hydrology is one of the main factors influencing whether or not amphibians are able to use a wetland to breed. Truly protecting a wetland goes beyond just setting aside the land and providing a buffer. Protecting the hydrologic regime or water balance (volume, timing, and duration of water inputs and outputs) is critically important. This can be very challenging when land is urbanized and the amount of stormwater runoff increases dramatically and water quality decreases. It becomes necessary to take measures to match the quantity and quality of water entering the wetland if the wetland is going to continue to function adjacent to development.

The LCP contains requirements for a water balance analysis to demonstrate that the hydrology of the feature will be maintained once the development occurs. To assist proponents, TRCA has produced a Wetland Water Balance Monitoring Protocol to provide consistent guidance for proponents where their proposals have the potential to impact wetland features.

TRCA is also working on a Risk Evaluation Tool to determine the level of monitoring and evaluation that is required based on the sensitivity of the wetland and the extent of hydrologic change the development is likely to cause. These guidelines and tools have been or are being developed with input from an external stakeholder committee that includes membership from TRCA municipalities, other CAs and the building and consulting industry.

TRCA and Credit Valley Conservation have also initiated a research study to better understand when significant adverse impacts from development are likely to occur.

Unauthorized Removals or Damage

TRCA's Enforcement Officers play an important role in the management of natural hazards and features within TRCA watersheds. As noted above, the only regulation for the protection of wetlands comes under section 28 of the *CA Act* and so too the enforcement and compliance of the regulation. Violation trends within TRCA's jurisdiction range from minor intrusions into wetland features to major site alterations. Through the investigation process of unauthorized works, it is a challenge to delineate the original feature limits when wetlands that are not mapped or evaluated are damaged or removed outside of the land use planning process.

TRCA's compliance approach is to resolve minor infractions through landowner cooperation and resolve violations by notice through discussions and negotiations for restoration where possible. Currently, there are no Stop Work provisions or Order to Comply provisions within the *CA Act*. Prosecutions are generally reserved for situations where a negotiated resolution is not possible and the offence is significant in nature. However, these legal proceedings take multiple years to resolve, the costs of which are borne by the CA.

Wetland Restoration

TRCA has developed strong expertise in the creation, enhancement and ecological restoration of wetlands. Using an understanding of the natural heritage needs in each watershed along with TRCA's inventory and monitoring data, restoration opportunities have been identified and prioritized. In the last five years, TRCA has restored nearly 100 ha of wetlands in TRCA watersheds, moving us towards the target of 10% wetland cover.

FINANCIAL DETAILS

The work done at TRCA to protect wetlands is accomplished through established planning and environmental assessment processes and is part of the regular planning and development budgeting process.

Funding support for science and research (including the water balance work) is supported through grants from the Great Lakes Sustainability Fund, the Toronto Region Remedial Action Plan (RAP), with additional capital funding from York and Peel regions. Credit Valley Conservation has made significant in-kind contributions to this work as well.

Funding support for restoration work comes through various municipal capital projects, Peel's climate change fund, and various grants from external organizations such as Great Lakes Sustainability fund, Toronto RAP, and TD Friends of the Environment Fund, etc.

DETAILS OF WORK TO BE DONE

Staff supports the direction in the Province's draft Wetland Conservation Strategy for the protection of all wetlands, in areas where wetland loss has been the greatest, and the use of off-setting or compensation to replace wetlands that are damaged or lost. Staff is awaiting the next round of consultation from the Province on implementation of their Wetland Conservation Strategy and, as needed, will contribute to its implementation.

Staff will continue to strengthen partnerships and working relationships with municipalities and other conservation authorities to protect and restore wetlands within TRCA's watersheds.

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Date: June 23, 2017

Action Items Committee of the Whole and Regional Council

Meeting Date	Request	Assigned Department(s)	Anticipated Response Date
September 7, 2016 Committee of the Whole	Staff was requested to provide information on the possibility of an educational campaign designed to encourage people to sign up for subsidized housing at the next Committee of the Whole meeting. (Region of Durham's Program Delivery and Fiscal Plan for the 2016 Social Infrastructure Fund Program) (2016-COW-19)	Social Services / Economic Development	October 5, 2016
September 7, 2016 Committee of the Whole	Section 7 of Attachment #1 to Report #2016-COW-31, Draft Procedural By-law, as it relates to Appointment of Committees was referred back to staff to review the appointment process.	Legislative Services	First Quarter 2017
October 5, 2016 Committee of the Whole	That Correspondence (CC 65) from the Municipality of Clarington regarding the Durham York Energy Centre Stack Test Results be referred to staff for a report to Committee of the Whole	Works	
December 7, 2016 Committee of the Whole	Staff advised that an update on a policy regarding Public Art would be available by the Spring 2017.	Works	Spring 2017
January 11, 2017 Committee of the Whole	Inquiry regarding when the road rationalization plan would be considered by Council. Staff advised a report would be brought forward in June.	Works	June 2017

Meeting Date	Request	Assigned Department(s)	Anticipated Response Date
January 18, 2017	In light of the proposed campaign self-contribution limits under Bill 68 and the recent ban on corporate donations which will require candidates for the elected position of Durham Regional Chair to raise the majority of their campaign funds from individual donors, staff be directed to prepare a report examining the potential costs and benefits of a contribution rebate program for the Region of Durham.	Legislative Services	Fall 2017
March 1, 2017 Committee of the Whole	Staff was directed to invite the staff of Durham Region and Covanta to present on the Durham York Energy Facility at a future meeting of the Council of the Municipality of Clarington.	Works	
March 1, 2017 Committee of the Whole	Staff was requested to advise Council on the number of Access Pass riders that use Specialized transit services.	Finance/DRT	March 8, 2017
March 1, 2017 Committee of the Whole	A request for a report/policy regarding sharing documents with Council members.	Corporate Services - Administration	Prior to July 2017

Meeting Date	Request	Assigned Department(s)	Anticipated Response Date
<p>May 3, 2017 Committee of the Whole</p>	<p>Discussion ensued with respect to whether data is collected on how many beds are created through this funding; and, if staff could conduct an analysis of the Denise House funding allocation to determine whether an increase is warranted. H. Drouin advised staff would investigate this and bring forward this information in a future report.</p>	<p>Social Services</p>	
<p>May 3, 2017 Committee of the Whole</p>	<p>Discussion ensued with respect to whether staff track the job loss vacancies in Durham Region, in particular the retail market. K. Weiss advised that staff will follow-up with the local area municipalities and will report back on this matter.</p>	<p>Economic Development & Tourism</p>	