



Office of the Chief Administrative Officer  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 • Fax: 905-468-2959

[www.notl.com](http://www.notl.com)

November 23, 2022

Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 17th Floor  
Toronto, Ontario M7A 2J3

Dear Honourable Sir,

**Re: Written Submission on Bill 23 – More Homes Built Faster Act, 2022  
– ERO Posting 019-6162**

Thank you for the opportunity to provide comments on changes proposed to the ten (10) Acts through Bill 23 – *More Homes Built Faster Act*, 2022 (ERO Posting 019-6162).

The Town of Niagara-on-the-Lake appreciates the Province's commitment to providing more housing across Ontario and recognizes the need for more affordable and attainable housing for all. However, the Town is concerned that many of the changes proposed through Bill 23 will result in unintended consequences that will thwart the desired housing outcomes.

The Town's main concerns focus on the potential impacts to:

- Environmental protections
- Heritage conservation
- Allowing “as-of-right” addition of up to three residential units per lot in all existing residential areas on servicing and character
- Site Plan Control and direction for urban design
- Public participation and consultation
- Municipal finances and existing taxpayers
- Acquiring parkland

The Town's comments will focus mainly on the amendments proposed to the *Planning Act*, the *Ontario Heritage Act*, *Conservation Authorities Act*, *Ontario Land Tribunal Act*, and *Development Charges Act*. It is these changes that will have the most impact to the Town.

Comments have been prepared based on the results of the second reading of Bill 23. It is recognized that changes are continuing to be made through the Standing Committee review process. It is also understood that associated Regulations will be prepared and released by the Province in support of the Bill. In the absence of these, the full impact to the municipality and timing of implementation are not yet known.

## Environmental Impacts

Bill 23 proposes significant changes to the current protections and classifications for environmental features, allowing development within previously protected areas.

The Niagara Peninsula Conservation Authority (NPCA) is critical to the protection of life and property from natural hazards and features within our community. The proposed changes to the *Conservation Authorities Act* would result in a decrease and removal of responsibilities to the role of the NPCA in reviewing *Planning Act* applications, issuing permits, and the scope of their regulations. Further, the NPCA will lose the ability to regulate effects on pollution or the conservation of land and will be limited to the control of flooding, erosion, and dynamic beaches.

The Bill also proposes removal of upper tier planning responsibilities. Niagara Region currently provides environmental planning review and support to the Town. The Town does not have the expertise to perform this function in-house and relies on this expertise from both the NPCA and Region.

In February 2020, the Town of Niagara-on-the-Lake declared a climate emergency. The reduction of NPCA and Niagara Region involvement in reviewing development applications could be detrimental to the health and well-being of our community and efforts to mitigate the effects of climate change.

The Town recommends that consideration be given to comments and recommendations provided by the NPCA and Niagara Region.

## Heritage Conservation

Bill 23 proposes changes to the *Ontario Heritage Act* that will be significant to the Town and make it challenging to conserve important heritage buildings.

The proposed changes impact how properties will be designated, changes to Heritage Conservation District requirements, changes to technical reviews, and, most critically for the Town, changes to how listed properties are addressed.

The Town has approximately 200 listed properties on the Municipal Heritage Register. Listed properties will no longer be seen as distinct from the process of designation. Should Bill 23 proceed, a property that is listed on a heritage register must be designated within two years or it will need to be removed from the Register for a period of five years (minimum). Further, the existing listed properties currently on the register must be designated within two years of Royal Assent or they will automatically be removed (again for a period of five years minimum). The outcome of this change could be detrimental to the Town's efforts to preserve our heritage and could result in the loss of important cultural heritage resources.

The Town's tourist economy relies on the attraction of Old Town, its historical character, and its heritage buildings. The Town does not support changes to the *Ontario Heritage Act* that puts a time limitation on designating properties that are listed on the Municipal Register. Being a small municipality, the staff capacity to designate all buildings on the register is not feasible within a two-year timeframe.

The Town recommends that properties listed on the Municipal Register prior to Bill 23 receiving Royal Assent not be subject to the two-year timeframe for designation and may remain on the Municipal Register.

### **Additional Residential Units**

The Town's Official Plan supports the development of a wide range of housing options to accommodate a range of incomes and household sizes. A full range and mix of housing, including affordable and attainable housing, is important in addressing and promoting gentle intensification (including duplexes, triplexes, accessory detached units and accessory apartments). However, allowing additional residential units "as-of-right" in existing residential areas without examining the specific municipal implications could have adverse impacts. The Town suggests that considerations such as servicing capacity and heritage character should be contemplated through a local review for additional residential units.

The Town also recognizes that the intent of these permissions is to create housing options that are more affordable for home buyers and renters. Being a tourist destination, the Town's housing stock is often acquired for investment in short-term rental. Allowing additional residential units "as-of-right" in Niagara-on-the-Lake may not meet the Province's intent of providing more housing for new residents.

While the Town supports additional residential units, it is recommended that local context and considerations be permitted through a local municipal review. This allowance will ensure that these units are implemented appropriately to have the intended outcome of increasing housing availability.

### **Site Plan Control and Urban Design Direction**

Bill 23 proposes amendments to Site Plan Control approvals, limiting comments to health and safety of the development. The municipality would no longer be able to comment on the exterior design of the building or landscaping elements of the property.

The Bill would also no longer require development of ten (10) or fewer residential units to receive Site Plan Approval. The Site Plan process ensures that a site is developed with suitable form, function, and appropriate servicing, as well as integration with surrounding lands and character.

Both limiting the ability to comment on design and the removal of site plan requirements for 10 residential units or less will have a considerable impact to the Town. The Town's growth will be primarily accommodated in smaller infill developments. If the Town does not have the ability to comment or require site plan for these developments, it could create undesirable results and development that does not contribute to a vibrant, attractive neighbourhood.

The Town is supportive, in principle, of increasing the *quantity* of housing; however, part of creating a vibrant public realm and a complete community that benefits all residents and visitors is ensuring that *quality* of development is also considered through the review and approvals process.

## **Public Participation and Consultation**

Public participation and consultation is important in the review of planning applications. Bill 23 proposes to remove the requirement for a public meeting for a plan of subdivision application. While a public meeting would be required for an associated application (such as a Zoning By-law Amendment), where there is no related planning application, the Town believes that a public meeting should be required. A public meeting to receive input on a plan of subdivision is valuable in the decision-making process for the approval authority.

The Bill also proposes to eliminate third-party appeals to the Ontario Lands Tribunal; however, it is understood that this may be changed as a result of review at the Standing Committee. The Town understands some appeals may be lodged without proper justification. This is not always the case. It is recommended that the Province reconsider the elimination of third-party appeals and look at other options for streamlining the OLT process.

## **Financial Impacts**

Bill 23 proposes a variety of development charge (DC) discounts and exemptions. It also introduces changes to the types of eligible charges that could be used to calculate DC rates. For example, studies related to capital growth planning, such as the Development Charges Study and secondary plan studies, may no longer be eligible.

The exact financial implication to the Town is not yet known; however, based on preliminary assessments of financial impacts, the Town would forego \$925,000 to \$1.3 million in Development Charge revenues over a 5-year time frame. The funds would either need to be funded through the existing tax base or supplemented by the Province to make up the difference in funding.

The proposed changes to DCs in Bill 23 will also limit the Town's ability to fund the capital costs of growth-related infrastructure. A longstanding principle in planning is that growth pays for growth. It is anticipated that the proposed changes will have financial implications for the Town, along with the current taxpayers. The changes proposed transfer the financial burden of growth to the taxpayers, with the potential of creating affordability issues for existing homeowners.

## **Acquiring Parkland**

Changes proposed through the Bill will impact the municipality's ability to acquire parkland through dedication, the valuation of parkland, and what is considered acceptable as parkland (i.e. encumbered lands).

Parkland is essential to a community; it provides space for recreation and social gathering. As we learned through the pandemic, access to greenspace was essential for physical and mental health and social well-being. Allowing landowners to identify land to be conveyed could potentially result in lands unsuitable in size, location or quality to develop or maintain as appropriate parkland or recreational facilities.

The Town does not support changes to parkland dedication that would limit the ability to acquire suitable parkland to provide this important community resource.

## Support for the Region and NPCA

The Town supports letters already submitted by the Niagara Region and the Niagara Peninsula Conservation Authority. Both letters are attached for information.

The Town is concerned with losing specific support, such as environmental planning expertise, with the reduction/elimination of responsibilities from both the Region and the NPCA. The Town would support the continuation of a Memorandum of Understanding for review functions.

## Concluding Remarks

While the Town recognizes there is a housing crisis and is supportive of the intent to provide more housing, many of the changes proposed through Bill 23 will have unintended and punitive impacts at the local level.

Local municipalities are working diligently with the development community to bring more housing online sooner with local considerations in mind. While providing more housing is important, it should be balanced with good planning principles and good design so that we are building a community that people will want to live in now and in the future.

The Town respectfully requests that the Province pause approval of Bill 23 and consult further on the changes proposed to understand the implications at the local level. This pause will also provide an opportunity for municipalities to implement changes related to Bill 109, complete local official plan and zoning by-law updates and focus on planning approvals.

Kind Regards,



Marnie Cluckie  
Chief Administrative Officer  
Town of Niagara-on-the-Lake



Kirsten McCauley, MCIP, RPP  
Director Community & Development Services  
Town of Niagara-on-the-Lake



Kyle Freeborn  
Director of Corporate Services / Treasurer  
Town of Niagara-on-the-Lake

Attachments:

1. Written submission to Standing Committee from Niagara Region dated November 17, 2022
2. Written submission to Standing Committee from Niagara Peninsula Conservation Authority dated November 4, 2022

Written Submission to Standing Committee on  
Heritage, Infrastructure and Cultural Policy

Regarding

Bill 23, More Homes Built Faster Act, 2022

November 17, 2022

Ron Tripp, Chief Administrative Officer  
Michelle Sergi, Commissioner, Planning and  
Development Services

Todd Harrison, Commissioner, Corporate  
Services/Treasurer

Regional Municipality of Niagara  
1815 Sir Isaac Brock Way  
Thorold, ON  
L2V 4T7

416-980-6000 ext. 3335

[Ron.Tripp@niagararegion.ca](mailto:Ron.Tripp@niagararegion.ca)

November 17, 2022

Ms. Laurie Scott, MPP  
Chair, Standing Committee on Heritage, Infrastructure and Cultural Heritage  
99 Wellesley Street West  
Room 1405, Whitney Block  
Toronto, ON M7A 1A2

**Re: Niagara Region's Written Submission on Bill 23**  
***(More Homes Built Faster Act, 2022)***

---

Niagara Region appreciates the Province's commitment to providing more housing across Ontario. Niagara Region has long been committed to this goal as demonstrated through various Regional housing initiatives and our new Niagara Official Plan. There are many opportunities to continue to support and improve on the creation of housing in Niagara and to contribute to the goal of building 1.5 million new homes across the Province. However, Niagara Region is concerned that some of the foundational changes proposed through Bill 23 particularly as they relate to municipal development charges and the Planning Act will result in unintended consequences that will prevent the Province, in collaboration with the municipalities, from achieving the desired housing outcomes. With a focus on recommendations and potential solutions, the Region's comments relate to the following matters:

- Financial sustainability and growth-related infrastructure funding;
- Provision of affordable housing;
- Supporting growth through integrated land use and infrastructure planning;
- Coordinated development planning; and
- Protection of resources.

#### **Financial sustainability and growth-related infrastructure funding**

Bill 23 proposes a variety of development charge discounts and exemptions and it also introduces changes to the types of eligible charges that could be used to calculate development charge (DC) rates. While the precise financial implications for the Niagara Region are not entirely clear, preliminary analysis suggests that the impacts will be negative and serve to exacerbate existing gaps in DC revenue and weaken the financial condition of the Region.



The Region of Niagara recently approved a new development charge by-law which, based on preliminary analysis of Bill 23, will be subject to a phase-in of development charge rates. We anticipate that a 20 per cent reduction in the development charge rates will result in an approximate \$12 million dollar deficit in the first year alone. It is estimated that over the five-year life of the by-law the phase-in will have an estimated impact of \$34.2 million, which represents 3.79% of estimated DC collections over the by-law's five-year term.

Additionally, growth-related studies and land acquisitions are also proposed to be removed from the list of eligible DC services. In the Region's 10 year capital plan the estimated value of DC recoverable growth-related studies and land acquisition is \$47 million and \$74 million respectively. These studies and land acquisitions support the Region in managing growth and planning/building growth-related infrastructure and will require funding from alternative sources.

The proposed changes to development charges in Bill 23 will limit the Region's ability to fund the capital costs of growth related infrastructure. To provide the necessary infrastructure for growth, municipalities will be tasked in making decisions between funding repairs to existing infrastructure and building new infrastructure to accommodate for growth which is financially unsustainable. In a time of historically high rates of inflation, pandemic recovery and aging infrastructure, any decision that exasperates the existing challenges we are experiencing related to funding growth-related capital projects could be detrimental to our community.

## **RECOMMENDATIONS**

- 1) The Province could develop mechanisms to offset lost funding to keep municipalities whole from an infrastructure funding perspective.

### **Provision of affordable housing**

As proposed in Bill 23 municipalities will no longer be permitted to include housing services on the list of eligible DC services. The DC's collected for housing services are a key funding component for new assisted and affordable housing initiatives in Niagara to support vulnerable populations. In the Niagara Region's 10 year capital plan, the estimated value of DC recoverable growth-related affordable housing costs planned to be funded with development charges is approximately \$60 million. These projects will no longer be able to be funded by development charges. It goes without saying that the long-term ramifications of this policy decision is that fewer affordable housing projects will be completed in Niagara as it is unlikely that future councils will decide to make up this significant shortfall through increased property taxes.

The proposed legislation provides exemptions for “attainable” housing which ensures that developers will receive the greater level of incentives for units that are more affordable, however, the proposed definition refers to associated regulations that have not yet been released. As such, it is not clear what other criteria may apply. Income eligibility needs to be considered with respect to households who can access the newly created attainable units with appropriate administrative oversight to ensure that those that require the units are the ones that are provided access to them.

### **RECOMMENDATIONS**

- 1) Maintain Housing Services as an eligible DC service.
- 2) Establish a working group with municipalities, the Federal and Provincial governments to discuss the expansion of existing grant programs available to assisted housing providers.
- 3) That there be a definition for attainable housing which ensures that developers will receive the greater level of incentives for units that are more affordable.

### **Supporting Growth through Integrated Land Use and Infrastructure Planning**

Niagara Region has a longstanding and successful integrated approach to planning for growth that ensures land use, infrastructure, and financial planning are integrated and ensuring efficient use of infrastructure and capacity that is coordinated across the Region. Integrated planning is one of the most critical roles carried out by the Region from a planning perspective. As proposed, Bill 23 hinders the Region’s role in coordinating infrastructure with growth and financing. The removal of the Region from this role will challenge the ability of Niagara Region to plan for and support growth in a financially sustainable and timely manner.

In addition, there are implementation issues that would arise with Bill 23 if enacted as proposed as it relates to Regional infrastructure planning. As one example, the changes would eliminate any mechanism for Niagara Region, as “an upper-tier municipality without planning responsibilities” to require the conveyance of land for road widenings necessary to support the Regional road network and goods movement.

### **RECOMMENDATIONS**

- 1) Provide a formal mechanism or tool for upper tier municipalities without planning responsibilities to continue supporting growth through integrated planning with land use/infrastructure/finance.
- 2) Amend the legislation to include provisions to ensure that any necessary Regional right-of-way widenings can be achieved through the development approvals process.

**Coordinated Development Planning**

The proposed changes in Bill 23 appear to have negative impacts on the extensive work already undertaken by Niagara Region and the Area Municipalities to address housing supply and affordability including, streamlining initiatives, to harmonize and improve the development review process to provide consistency throughout Niagara Region. The Region with the area municipalities has a standing working group tasked with continuous process improvement and a Memorandum of Understanding among area municipalities and commenting agencies that sets out responsibilities to ensure there is no duplication of services.

The proposed changes will impact the Region's ability to provide assistance related to harmonization and consistency in planning matters. There is also a likelihood that shifting responsibilities could result in capacity constraints at the area municipal level.

**RECOMMENDATIONS**

- 1) As an alternative to removing planning responsibilities from upper tier municipalities, the Province could require upper tier, lower tier, and external commenting agencies enter into a Memorandum of Understanding or service level agreements to delineate roles and responsibilities in the planning review process, to eliminate duplication of services and create consistency in commenting.
- 2) Should Bill 23 proceed as proposed, consideration needs to be given to ensure that an appropriate transition period is provided to ensure any disruption or delays are minimized with the proposed changes to approval authorities and responsibilities to allow discussion related to the provision of advice.
- 3) Consider providing for the creation of planning services boards for shared services so that multiple municipalities can seek efficiencies in the delivery of services through shared resources.

**Protection of Resources**

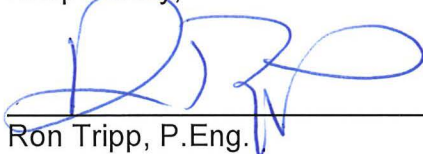
The proposed changes to the Conservation Authorities Act would result in a significant change to the role of Conservation Authorities (CA) in reviewing Planning Act applications, issuing permits, and the scope of their regulations. The role of CAs within our community is critical to the protection of life and property from natural hazards and features. The decrease of CA responsibilities in combination with the removal of upper tier planning responsibilities and other recent postings on the ERO related to OWES and merging the Provincial Policy Statement (PPS) and A Place to Grow (P2G) are concerning as the changes could be detrimental to the health and wellbeing of our community as well as signal a reduction in environmental protection and a regression in efforts to fight the effects of climate change.

**Moving Forward**

Finally, Niagara Region notes that the Planning Act, as well as Provincial planning policies, plans and targets have been in a state of flux since the initiation of the Coordinated Plan Review in 2015. There have been multiple changes to the PPS, P2G, the Greenbelt Plan, in addition to changes to the Development Charges Act. Each change resulted in a need for municipalities to regroup and adjust creating barriers and distractions from focusing on streamlining initiatives and development approvals.

We request that the Province pause and consult further on the changes proposed, allowing municipalities the opportunity to implement changes related to Bill 109, complete local official plan and zoning by-law updates and focus on planning approvals. The goal of seeing 1.5 million homes built over the next ten years is ambitious and challenging in its own right. Working to achieve this goal in the context of the significant changes could challenge and slow the process. Stabilizing the planning framework in Ontario will serve to expedite the creation of housing.

Respectfully,



Ron Tripp, P.Eng.  
Chief Administrative Officer  
Niagara Region



Michelle Sergi, MCIP, RPP  
Commissioner, Planning and Development Services  
Niagara Region



Todd Harrison, CPA, CMA  
Commissioner, Corporate Services/Treasurer  
Niagara Region



November 4, 2022

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

**RE: Niagara Peninsula Conservation Authority (NPCA) Comments – Environmental Registry of Ontario Postings: 019-6160, 019-2927, 019-6141 and 019-6161**

Dear Ms. Scott,

Thank you for the opportunity to provide comments on the above noted Environmental Registry of Ontario Postings (ERO) postings. I am writing to you on behalf of the NPCA in response to Bill 23, the More Homes Built Faster Act, 2022 specifically regarding Schedule 2, which was announced on Tuesday, October 25<sup>th</sup>, 2022. The following are key areas of concerns for the NPCA.

**ERO Posting 019-6160 Proposed Updates to the Ontario Wetland Evaluation Systems (OWES)**

The OWES is a science-based system that outlines a process, and a set of criteria to define, identify, and assess the functions and values of wetlands in Ontario. Conservation Authorities (CAs) rely on this proven scientific methodology as an aid in implementing regulations under the Conservation Authorities Act. This information is used for making decisions for the purposes of public safety, natural hazard prevention and management, regulate wetlands for flood attenuation, natural storage capacities and for preventing shoreline erosion. The NPCA is particularly concerned about the implications of the proposed changes to the OWES. Our concerns are focused on four key areas:

1. Wetland Complexing has been entirely removed from OWES. Upon re-evaluation, each wetland unit must qualify as significant individually.
2. Reproductive Habitat and Migration, Feeding or Hibernation Habitat for an Endangered or Threatened Species sections and scoring has been entirely removed. Scoring was weighted to protect habitat. No consideration or scoring weight adjustment added for this section. The weighted scoring matrix no longer evaluates all criteria against the list of all weighted factors.
3. It is unclear who the 'decision-maker' is and who will ensure evaluations are done by qualified professionals following OWES protocols.
4. It is unclear from the posting who will maintain an appropriate mapping inventory of wetland classifications, particularly non-Provincially Significant Wetlands (PSWs). CAs have been maintaining data inventories of wetlands for many years and would be well-suited to takeover this role with respect to OWES evaluated wetland mapping. This information is vital for municipal decision-making and is well-suited to a CA's resource management agency role.

Requests to re-evaluate a complexed PSW will no longer consider the greater function of that wetland and rather will evaluate it as an isolated wetland unit. The removal of complexing along with the other proposed changes to the OWES would result in the eventual chipping away of our wetland complexes in Niagara. In the NPCA's jurisdiction, there are over 170 wetlands that have been evaluated, with more than 135 evaluated as wetland complexes. With the above changes this means that almost 80% of the NPCA's wetlands that are currently evaluated as complexes could be negatively impacted.

The proposed changes remove language around Locally Important Wetlands (LSWs). These wetlands could be evaluated, partially evaluated or unevaluated. Sometimes they are known as non-PSWs, LSWs, or other wetlands. If these wetlands have been evaluated as non-PSWs, once a re-evaluation of these wetlands occurs, there is no mechanism to identify or preserve it, resulting in negative impacts to evaluated non-PSWs.

Key Recommendations:

- Instead of eliminating the OWES complexing and scoring criteria, work with conservation experts such as Conservation Authorities to amend the OWES criteria for complexing and scoring using a scientific approach.
- Should the Province remove MNRF as the decision-maker, clearly identify who is responsible for determining if an OWES evaluation has been conducted properly. In the absence of MNRF, we recommend that CAs should be identified as the decision-maker to ensure that a consistent standard for OWES evaluations is maintained.
- CAs should be tasked with maintaining the mapping of OWES evaluated wetlands for decision-makers.

**ERO Posting: 019-2927 Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario**

The Province is proposing one Regulation to consolidate the various Regulations across all CAs. We recognize this may help provide a more consistent approach across all CAs towards regulating natural hazards, however, there should be flexibility to identify local watershed conditions, e.g. different regulatory flood standards. Several proposed inclusions to the new Regulation are administrative in nature (program service delivery standards, notification requirements for mapping changes, etc.). The NPCA (and many other CAs) already follow such service delivery standards as set out in several Conservation Ontario guidelines.

Key Recommendation:

- The consolidated Regulation should also include flexibility to identify local watershed conditions, e.g. different regulatory flood standards.

We are very concerned about the removal of the "pollution test" and the "conservation of land" test from the Conservation Authorities Act and the proposed Regulation. These tests are fundamental to the protection of regulated areas and mitigate impacts of natural hazards to life and property.

Key Recommendations:

- In lieu of removing the "conservation of land" test, provide a definition of "conservation of land" in the new Regulation. Conservation Ontario has established a definition for conservation of land that is used by CAs that relates to protection, management, and restoration of lands to maintain and enhance hydrologic and ecological functions.

- Maintain the “pollution” test as the CA Permit is an important first line of defence in pollution prevention during development. Pollution is defined in the Conservation Authorities Act as any deleterious substance or other contaminant that has potential to be generated by development activity. This provision helps to prevent unwanted substances entering into waterbodies and wetlands. Removing this test may have serious environmental implications.

**ERO Posting: 019-6141 Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0**

The proposed changes include exemptions from CA Permits in prescribed municipalities where a Planning Act approval has been granted. It is unclear if this exemption would be limited to certain types of low-risk development and hazards, or if the purpose is to transfer CA responsibilities to municipalities on a much broader scale. While the government wants to focus CAs on their core mandate, this proposed sweeping exemption signals the exact opposite. As proposed in the legislation, the CA exclusions will nullify the core functions of CAs and open up significant holes in the delivery of our natural hazard roles, rendering them ineffective. This will negatively impact our ability to protect people and property from natural hazards, which seem to be more and more prevalent with extreme weather events.

Key Recommendation:

- Maintain CA core mandate responsibilities for delivery of natural hazard management through Plan Review. The NPCA would welcome the opportunity to work with the Province to make further process improvements.

The proposed changes to a CA’s review and commenting role outside of natural hazards may lead to longer review and approval times by municipalities. Many lower-tier and upper-tier municipalities rely on CAs for their expertise in areas such as natural heritage and stormwater management as smaller municipalities may lack this expertise on their staff compliment. The inability of CAs to enter into MOUs with municipalities and other agency partners will result in delays as municipalities have to hire consultants or more technical staff. This may also result in insufficient reviews of natural heritage and stormwater management. It may also result in increased costs to municipalities as CAs are able to provide this necessary service in a more cost-effective manner than private consultants.

Key Recommendations:

- Municipalities should retain the option to enter into MOUs with CAs for plan review services, with clearly defined terms, timelines, and performance measures, as allowed under Section 21.1.1 (1) of the Conservation Authorities Act.
- Work with the Conservation Authorities Working Group (CAWG) to develop guidance for commenting and exploring the option of limiting CAs from commenting beyond natural hazards risks except where a CA has entered into an agreement or MOU.

Proposed changes to the Planning Act will limit appeals on Planning Act matters by CAs to natural hazards only. We appreciate the desire by the province to focus CAs to their core mandate, however, it is unclear if this change will limit the ability of CAs to appeal Planning Act decisions where wetlands are impacted. This is a key component of a CA’s mandate as indicated recently through the Ontario Regulation 686/21 – Mandatory Programs and Services. Given that all Provincial Plans and the Provincial Policy Statement do not explicitly include wetlands as a natural hazard, we encourage the Province to clarify this in the proposed changes.

Key Recommendation:

- Clarify that CAs may appeal Planning Act decisions related to wetlands.

The proposed amendment to the Conservation Authorities Act to allow the Minister to freeze CA fees will not help in the provision of affordable housing. There are no guidelines on the timing or permanence of the fee freeze. The NPCA has recently undertaken an extensive cost-based analysis that has been benchmarked against other development review fees to ensure our fees do not exceed the cost to deliver the service. Should CAs not be able to ensure their fees continue to cover the cost of providing our programs and services, we would be forced to make up any shortfalls from the municipal levy. This would result in the general taxpayer subsidizing the cost of development and seems to go against this government's "User-Pay Principle" outlined in the Minister's April 11, 2022 Fee Policy.

Key Recommendation:

- Require CAs to demonstrate to the Province that permit and planning fees do not exceed the cost to deliver the program or service and only consider freezing fees if CAs are exceeding 100% cost recovery.

The NPCA appreciates the changes to the Planning Act to facilitate a more streamlined process for the disposition of CA-owned lands. This reduces unnecessary process and will allow CAs to dispose of CA-owned lands that were acquired using money under Section 39 grants. However, we have concerns about the intention of the Province's requirement for CAs to identify CA-owned or controlled lands that could support housing development. Nearly all of the NPCA's land contains significant natural heritage features or is hazardous lands and would not be appropriate for development. This typically holds true for all other CAs across the Province. It is unclear if the Province intends for such CA-owned lands to be made available for development (e.g. through powers under Sections 34.1 or 47 of the Planning Act). This would not be an appropriate method to solve Ontario's housing affordability issue.

**ERO Posting: 019-6161 Conserving Ontario's Natural Heritage**

Wetlands play a critical role in mitigating floods and provide valuable ecosystem services. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Wetlands are a cost-effective strategy for protecting downstream properties. The Province must be prudent when considering changes like offsetting, which could negatively affect the ability of wetlands to reduce flooding and confuse roles in wetland management and protection between municipalities and CAs. Any provincial-wide use of offsetting for wetlands should only be allowed in the case of non-PSWs (based on the current OWES scoring criteria), where the protection hierarchy has established that there is no option for avoidance, and there is an ecological net gain to the watershed natural system. Offsetting should also not be used for complete removal of a feature to facilitate development but instead for minor rounding of feature boundaries.

Key Recommendation:

- Offsetting should be limited to non-PSWs where the protection hierarchy has clearly established there is no option for avoidance and an ecological net gain to the watershed natural system can be achieved.

We support the Province's goal of increasing the housing supply. However, the proposed changes affecting CAs and our mandate will have minimal effect in increasing the housing supply and could lead to unintended future consequences associated with the loss of critical natural heritage features such as wetlands. The diminished role of CAs could also lead to more development being



located in natural hazards, higher costs in property damage, increased burden on municipal partners, and absolute erosion of the ecosystem approach applied through the established integrated watershed management lens.

The Province has had such great success through the multi-stakeholder CA Working Group. The NPCA encourages the continued dialog with CAs through this group to help address the lack of housing supply.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Foster', with a long horizontal stroke extending to the right.

Robert Foster,  
Chair,  
Niagara Peninsula Conservation Authority

cc: Ministers MMAH, MNRF, MECP  
Honourable Doug Ford, Premier of Ontario  
NPCA's lower-tier municipalities (Clerks)  
Niagara Region (Clerk)  
City of Hamilton (Clerk)  
Haldimand County (Clerk)  
Conservation Ontario  
Local MPs and MPPs  
Association of Municipalities of Ontario  
Ontario Provincial Planners Institute