



**Planning &
Development Services**

Tel. 905-683-4550

Fax. 905-683-0360

TOWN OF AJAX

65 Harwood Avenue South

Ajax ON L1S 2H9

www.ajax.ca

November 23, 2022

Public Input Coordinator
MNRF - PD - Resources Planning and Development Policy Branch
300 Water Street, 6th Floor, South tower
Peterborough, ON
K9J 8M5

Submitted online to Environmental Registry of Ontario and mnrwaterpolicy@ontario.ca

Re: Bill 23: Build More Homes Faster Act, 2022

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

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

ERO 019-6160 - Revisions to Ontario's Wetland Evaluation System (OWES)

To whom it may concern:

ERO Number 019-6141 was posted onto the Environmental Registry of Ontario on October 25, 2022, requesting comments on proposed amendments to the *Conservation Authorities Act*. Comments are to be submitted by November 24, 2022. Related bulletins were also posted including ERO 019-6160 which requests comments on the Ontario Wetland Evaluation System (OWES) by November 24, 2022, ERO 019-2927 requesting comments on related regulations by December 30, 2022; and ERO 019-2927 requesting comments on regulations related to the Conservation Authorities Act by December 30, 2022.

While the Town thanks the Province for consulting on the proposed amendments, the Province needs to engage in further and comprehensive dialogue with municipalities and Conservation Authorities to understand the full impact associated with the proposed changes. Conservation Authorities provide valuable and cost-effective technical expertise. Watersheds are complex and interrelated systems that require coordinated review and management of both the hydrologic and natural heritage systems. If municipalities cannot partner with Conservation Authorities to deliver these services, it is expected that the natural environment will be degraded, and development application fees will increase significantly.

The Town recommends that the Province re-initiate the Conservation Authorities Working Group to bring together conservation experts, developers, urban planners, agricultural representatives, municipal representatives and provincial ministries. The goal of the working group would be to collaborate on enacting appropriate regulations associated with Bill 23 to address the housing crisis while maintaining the role of Conservation Authorities regarding development application review and environmental protection.

Included as Attachment 1 with this letter are additional comments prepared by staff from the Town's Planning and Development Services Department. The attached comments will be forwarded to a future Council meeting and a copy of a resolution of Council endorsing the comments will be provided at a later date.

The Town urges the Province to reconsider the proposed amendments, and engage in meaningful dialogue with municipalities and Conservation Authorities to find additional methods for achieving the Provinces housing goals.

Thank you again for providing the Town with the opportunity to provide comments and for your consideration of these comments. Should you have any questions please contact Sean McCullough, Supervisor, Planning Policy and Research at Sean.mccullough@ajax.ca or (905) 619-2529 ext. 3234 and he will endeavour to coordinate a response.

ATT 1: Town of Ajax Comments on ERO 019-6141, 019-2927, and 019-6160 Conservation Authorities Act and related regulation, and the Ontario Wetland Evaluation System

Regards,



Geoff Romanowski, MCIP, RPP, CPT
Director of Planning and Development Services
Planning and Development Services
Town of Ajax

Copies:

Patrice Barnes, MPP, Ajax
Steve Clark, MPP, Minister of Municipal Affairs and Housing
Shane Baker, Chief Administrative Officer, Town of Ajax
Dianne Valentim, Director of Finance/Treasurer, Town of Ajax
Jason McWilliam, Manager of Legislative Services/ Acting Clerk
Stev Andis, Manager of Planning, Town of Ajax
Sean McCullough, Supervisor of Planning Policy and Research, Town of Ajax
Julie Mephram, Manager, Budgets and Accounting, Town of Ajax
Toronto and Region Conservation Authority
Central Lake Ontario Conservation Authority

ATT 1: Town of Ajax Comments on ERO 019-6141, 019-2927, and 019-6160 Conservation Authorities Act and related regulation, and the Ontario Wetland Evaluation System

ERO 019-6141 – Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0	
Proposed Change	Town of Ajax Comments
<p>1. Restrictions on non-mandatory services: The proposed amendments identify that a Conservation Authority would not be permitted to provide a program or service to municipalities related to reviewing or commenting on a proposal, application or other prescribed matters, including the <i>Planning Act</i> and <i>Environmental Assessment Act</i>.</p>	<p>The Town does not support the proposal to prevent Conservation Authority staff from reviewing and commenting on development applications. Conservation Authorities provide informative and cost-effective services related to flood management, environmental management and ecology, habitat restoration, geotechnical and slope stability, geomorphology, species at risk, overall watershed management, and related policy expertise. Watersheds are complex and interrelated systems that require coordinated review and management of both the hydrologic and natural heritage systems. If municipalities cannot partner with Conservation Authorities to deliver these services, the Town would be required to hire additional staff and acquire resources to complete technical reviews which will substantially increase the cost of development review as the Town operates on a cost recovery basis. Additionally, Conservation Authorities are effective at collecting monitoring and modelling data, species inventories and mapping at a watershed and Regional scale that assist in the preparation of reports and studies required by both the public and private sectors. Municipalities would not be well positioned to replicate this valuable data resource.</p>
<p>2. Conservation Authority permit could no longer include conditions to mitigate matters related to ‘pollution’ or the ‘conservation of lands’. The conditions are proposed to be replaced with ‘control of unstable soil or bedrock’.</p>	<p>The Town does not support this amendment. While the Town agrees that the ‘control of unstable soil or bedrock’ is an important matter to be included, the health of watersheds require consideration of matters related to ‘pollution’ and the ‘conservation of lands’. Conservation Authorities and municipalities across the Province work closely to protect and manage conservation lands for the betterment of watersheds and the communities where they are located.</p>
<p>3. Amendments to the <i>Planning Act</i> would restrict a Conservation Authorities participation in Ontario Land Tribunal Appeals for non-mandatory services.</p>	<p>The Town does not support this amendment. As outlined earlier, Conservation Authorities provide a valuable and cost-effective service related to a number of technical matters, and their participation in Planning</p>

	Act appeals is important to support improvements to watersheds and their natural heritage system.
ERO 019-2927 - Proposed Regulation under the Conservation Authorities Act	
<p>4. Proposed amendments to the Conservation Authority Regulations propose to change the definition of watercourse from “an identifiable depression in which water regularly or continuously flows” to “a defined channel having a bed and banks or sides.”</p>	<p>The Town does not support this amendment as it appears to remove Headwater Drainage Features from being regulated as watercourses. Headwater Drainage Features (HDF) are integral to watershed health and play critical roles in flood control, water source conveyance, infiltration, water quality, and improve habitat quality. This change would allow development to more easily remove HDFs from the landscape, increasing runoff, reducing infiltration and continuous water conveyance, deteriorating water quality and habitat.</p>
<p>5. Amendments propose to enact regulations to exempt certain development that is authorized under a <i>Planning Act</i> approval from requiring a permit, subject to terms and conditions that would be specified in the regulations. Several questions related to the development of conditions to be established in regulation have also been included:</p> <ul style="list-style-type: none"> • In which municipalities should the exemption apply? How should this be determined? • Which <i>Planning Act</i> authorizations should be required for the exemption to apply? • Should a municipality be subject to any requirements or conditions where this type of exemption is in place? • Are there any regulated activities to which this exemption shouldn't apply? 	<p>The Town does not support this amendment. As outlines above, Conservation Authorities provide a vital role in reviewing, commenting and protecting people and property from flooding across watersheds. In the absence of their authority to review and issue permits, there is greater risk of putting people and property at risk, and cross-jurisdictional issues that negatively impact adjacent or downstream properties. Further, adjacent landowners would not have right to appeal land use decisions and instead would be required to pursue actions through the courts, instead of the Ontario Land Tribunal.</p> <p>The Town recommends that the Province re-initiate the Conservation Authorities Working Group to bring together conservation experts, developers, urban planners, agricultural representatives, municipal representatives and provincial ministries. The goal of the working group would be to collaborate on enacting appropriate regulations associated with Bill 23 to address the housing crisis while maintaining the role of Conservation Authorities regarding development application review and environmental protection.</p>

ERO 019-6160 – Proposed Updates to the Ontario Wetland Evaluation System

The following amendments are proposed to the Ontario Wetland Evaluation System (OWES), which is a manual that has been successfully evaluating the significance of wetlands since 1983, based on four categories: biological, social, hydrological and special features.

6. Revisions remove the Ministry of Natural Resources and Forestry (MNR) as the administrators for the Ontario Wetland Evaluation System (OWES). This means they would no longer be required to provide data, information, mapping, review, and/or approval of OWES evaluation reports and mapping revisions.

7. Amendments remove all oversight of OWES by the Province and instead states that *“evaluators should rely on their observation, data collection and research and use their professional judgement in applying OWES”*. In tandem with this addition, text stating that MNR must review and approve those evaluations has been removed.

8. Amendments would remove the need to consider information about the presence of rare species and hydrological functions that may have a lack of data during and OWES evaluation. Additionally, entire sections have been removed regarding reproductive habitat; migration, feeding, or hibernation habitat for endangered or threatened species being part of the OWES.

The Town **does not support** this amendment. The Town has concerns that MNR would no longer review and approve OWES reports as they have nearly 4 decades of experience administrating the OWES. Review and approval of OWES evaluations needs to be consistent across the Province and should not go to municipalities for approval. Most, if not all, Ontario municipalities lack the expertise and technical knowledge to review OWES evaluations. Wetlands and wetland complexes cross municipal boundaries which will create inefficiencies and confusion on municipal responsibilities related to OWES.

The Town **does not support** this change. This means that a consultant for a developer can evaluate and weight their scoring however they see fit using “professional judgement”. This will lead to significant inconsistencies with implementing the OWES across the province.

The Town **does not support** these revisions as they will result in a significant amount of current provincially significant wetlands losing their status upon re-evaluation because the evaluation can no longer consider how the wetland supports, or could potentially support, endangered or threatened species.

<p>9. Amendments add text stating that single wetland units that are part of previously evaluated wetland complexes can be re-evaluated as an individual unit. There are several sections of text removed that discussed the importance of wetland complexes.</p> <p>10. Amendments delete text that states that an OWES can be used by: <i>“Municipalities to determine whether a wetland is to be protected pursuant to the PPS, CAs as an aid in implementing regulations under the CA Act, CAs for use in watershed planning or study to provide advice to municipalities, MNR to manage and conserve fish, wildlife, land, and other resources”</i>.</p> <p>11. Amendments delete text that states, <i>“where there are wetland features on a site that have not been evaluated or that have not been recently evaluated, municipalities, county governments, CAs, landowners, or others should not assume that the wetland is not significant.”</i></p> <p>12. Amendments add that a tilled site would no longer be considered a wetland.</p> <p>13. Amendments remove a section related to Locally Important Wetlands, which states that although a wetland may not be evaluated as provincially significant through OWES, a</p>	<p>The Town does not support this proposed change and has concerns about the amount of wetland units that would be re-evaluated as being “not provincially significant”. Since approximately 56% of historic wetlands in Ontario have been lost, all levels of government need to prioritize the conservation and restoration of remaining wetlands in Ontario to build resilience towards the expected impacts of climate change and to mitigate the biodiversity crisis. Wetland complexes are often not contiguous and instead linked through complex groundwater interactions and provide habitat/wildlife connectivity both locally and regionally.</p> <p>The Town does not support this revision. An OWES evaluation should be utilized by Conservation Authorities to implement regulations and to complement watershed planning to provide advice to municipalities. It should also be provided to municipalities to determine whether a wetland should be protected pursuant to the PPS.</p> <p>The Town does not support the deletion as the significance of a wetland should be assumed until shown otherwise through a formal OWES evaluation. This follows the precautionary principle.</p> <p>The Town does not support this change as it will lead to the further loss of wetlands across the Province.</p> <p>The Town does not support this revision. If the goal of the legislation is to provide more decision authority to local municipalities, then municipalities should be able to decide to protect a locally significant wetland.</p>
---	---

municipality could decide to protect a local wetland.	
---	--