



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### December 11, 2020

#### **Information Reports**

**2020-INFO-122** Commissioner and Medical Officer of Health – re: Durham Region Health Department Risk Management Activities

**2020-INFO-123** Commissioner of Planning and Economic Development – re: Active and Sustainable School Travel Program Update

#### **Early Release Reports**

There are no Early Release Reports

#### **Staff Correspondence**

There is no Staff Correspondence

#### **Durham Municipalities Correspondence**

There are no Durham Municipalities Correspondence

#### **Other Municipalities Correspondence/Resolutions**

1. **Region of Peel** – re: Resolution passed at their Council meeting held on November 26, 2020 requesting the provincial government revise the Rules for Areas in Stage 1 under Ontario Regulation 82/20 to address the inequity created between small businesses required to close and businesses permitted to open and conduct sales
2. **City of Greater Sudbury** – re: Resolution passed at their Council meeting held on November 24, 2020, regarding Notice to withdraw from Schedule 6 from Bill 229, Protect Support and Recover from COVID 19 Act
3. **Township of Puslinch** – re: Resolution passed at their Council meeting held on November 18, 2020, requesting the Province to withdraw Schedule 6 from Bill 229

4. **Township of Puslinch** – re: Resolution passed at their Council meeting held on December 2, 2020, in support of the views expressed in the letters from Conservation Halton, Hamilton Conservation Authority, and Grand River Conservation Authority regarding proposed amendments to the Conservation Authorities Act contained in Schedule 6, Bill 229
5. **Township of Georgian Bluffs** – re: Resolution passed at their Council meeting held on November 25, 2020, regarding proposed changes to the Conservation Authorities Act –Bill 229 Schedule 6
6. **Municipality of Southwest Middlesex** – re: Resolution passed at their Council meeting held on November 25, 2020, regarding Municipal Drainage Matters on Canadian National Railway lands
7. **City of Orangeville** – re: Resolution passed at their Council meeting held on December 8, 2020, regarding Bill 229 – Protect, Support and Recover from COVID-19 Act – Schedule 6 – Conservation Authorities Act

### **Miscellaneous Correspondence**

There are no items of Miscellaneous Correspondence

### **Advisory / Other Committee Minutes**

1. Accessibility Advisory Committee (AAC) minutes – **November 24, 2020**

Members of Council – Please advise the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca), if you wish to pull an item from this CIP and include on the next regular agenda of the appropriate Standing Committee. Items will be added to the agenda if the Regional Clerk is advised by Wednesday noon the week prior to the meeting, otherwise the item will be included on the agenda for the next regularly scheduled meeting of the applicable Committee.

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# The Regional Municipality of Durham Information Report

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From: Commissioner & Medical Officer of Health  
Report: #2020-INFO-122  
Date: December 11, 2020

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**Subject:**

Durham Region Health Department Risk Management Activities

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**Recommendation:**

Receive for information.

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**Report:**

**1. Purpose**

1.1 To provide an update on the risk management activities undertaken by Durham Region Health Department (DRHD).

**2. Background**

2.1 DRHD, in partnership with the Finance Department, Risk Management and Insurance Division, undertook a formal set of Enterprise Risk Assessment (ERA) activities, with the assistance of Deloitte LLP, between January and August 2017.

2.2 The objective of the ERA was to identify the key enterprise risks that are inherent in DRHD's mandate, objectives and priorities and to undertake a formal determination of DRHD's key risks.

2.3 DRHD's Executive Team identified 12 key risks which were ranked as high, medium and low priority risks by considering the risk management control activities currently in place at DRHD and the likelihood and impact resulting from the residual risk. Three risks were identified as medium-priority and nine were considered to be low-priority risks.

2.4 The three medium priority risks identified were:

- a. Technology capabilities: Ability to ensure that operations are supported by the needed technology capabilities that meet current and future needs, including

leveraging new specialized technology, providing training to optimize use, and having dedicated and specialized resources to support systems.

- b. Funding optimization and certainty: Ability to influence decision-makers to obtain certainty and sufficiency of funds which impacts implementation of strategies and priorities; and
- c. Privacy: Ability to safeguard personal health information and sensitive health records that are accessed and transferred through shared information systems by the Region, the Province and potentially other stakeholders through physical controls, technological means, and contractual requirements with appropriate handling, disclosure and communication that complies with privacy rules and regulations (e.g., *Personal Health Information Protection Act, 2004*, *Municipal Freedom of Information and Protection of Privacy Act*).

2.5 While the ERA process was part of a broader Enterprise Risk Management (ERM) program adopted by the Region of Durham, in accordance with the [Ontario Public Health Standards: Requirements for Programs, Services, and Accountability](#) (OPHS), DRHD is obligated to ensure that Regional Council, as the board of health, remains informed about its risk management activities.

2.6 DRHD reports its risks and mitigation strategies to the Ministry of Health (MOH) annually.

### 3. Previous Reports and Decisions

3.1 [2017-INFO-136](#) - Durham Region Health Department Enterprise Risk Assessment Report.

### 4. Current State

4.1 DRHD annually reviews its risks, risk ratings and mitigation strategies to ensure exposure to organizational risks are minimized.

4.2 With the onset of the COVID-19 pandemic and the need for staff to telework, there was a need to update the risks reported to the MOH. One new risk has been identified. The current risks identified include:

- a. Technology capabilities: This risk is the same as identified in 2017. This risk is currently rated as high according to the MOH's risk rating system.
  - Risk mitigation activities include: With the implementation of Encounter, DRHD's electronic medical record system, establishment of an Encounter Steering Committee that meets regularly; a Manager that works full-time on Encounter and is acting as public health's IT "super user" in collaboration with the Manager, Health Information, Privacy & Security; a Privacy Impact Assessment (PIA) and Threat Risk Assessment (TRA) undertaken for all new applications; and regular

meetings between the Commissioner & Medical Officer of Health and the Chief Information Officer.

- b. Funding optimization and certainty: This risk is the same as identified in 2017. It is currently not a high risk according to the MOH's risk rating system.
- Risk mitigation activities include: working with the Finance Department to identify five-year operating and ten-year capital opportunities and pressures; when approved funding is less than required, priorities are ranked qualitatively and lower priorities are deferred; seeking revenue opportunities on a regular basis to increase funding; and ongoing review of operations to identify efficiencies and optimize spending.
- c. Privacy: This risk is the same as identified in 2017, however, the COVID-19 pandemic and the move to teleworking for most staff led to the need to increase the likelihood rating of this risk, changing the overall risk rating to high.
- Teleworking has increased risks with respect to privacy and security of personal health information because: the application of technical security controls places greater ownership on staff participation and cooperation; the use of appropriate physical security controls while teleworking places greater responsibility on staff than within the typical office environment; and provincially, nationally, and internationally, there have been many alerts and advisories issued since the declaration of the pandemic regarding an increase in ransomware activity targeting the healthcare and public health sectors.
  - The increased risks have been mitigated through administrative measures including updated policies and ongoing awareness campaigns to enforce: the use of VPN to connect to corporate servers; adoption of dual factor authentication; the use of DRHD approved applications; and the role and responsibility of staff in the prevention of cyber attacks.
- d. Operational/Service Delivery: An additional high risk has been identified as a result of the COVID-19 pandemic. To ensure capacity and meet public health requirements to respond to the pandemic, DRHD has had to significantly reduce delivery of many services and has suspended delivery of non-urgent programs and services, impacting its ability to deliver all programs and services as articulated in the OPHS.
- The Continuity of Operations Plan (COOP) has guided the decisions regarding essential activities to be maintained. An adaptive restoration plan has been developed to resume program activities based on priorities identified in the COOP. The adaptive restoration plan continues to be adjusted as new information becomes available.

**5. Conclusion**

- 5.1 Risk mitigation strategies currently in place are continually reviewed and updated to minimize any impacts on programs and services.
- 5.2 DRHD will continue to monitor and manage the risks identified. Significant changes to risks will be reported to Regional Council as needed.

Respectfully submitted,

Original signed by

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

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# The Regional Municipality of Durham Information Report

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From: Commissioner of Planning and Economic Development  
Report: #2020-INFO-123  
Date: December 11, 2020

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**Subject:**

Active and Sustainable School Travel Program Update

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**Recommendation:**

Receive for information.

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**Report:**

**1. Purpose**

1.1 In 2019, the Region of Durham received a grant from the Ontario Active School Travel program to create School Travel Plans for eight schools across the region during the 2019/2020 school year. The purpose of this report is to provide Council with an update on this project, including a summary of the key findings, challenges, budget and next steps for the Region's Active and Sustainable School Travel (ASST) Program.

**2. Previous Report and Decisions**

2.1 This is the first project status report regarding this matter.

**3. The Active and Sustainable School Travel Program**

- 3.1 The ASST Program is the Region’s Transportation Demand Management<sup>1</sup> program for schools. Its goals are to:
- a. Increase the number of children regularly using active and sustainable modes of transportation to and from school; and
  - b. Decrease traffic congestion around schools and identify other opportunities to improve pedestrian and cyclist safety at schools and along routes to schools.
- 3.2 School Travel Planning (STP) is a collaborative, community-based planning approach that combines TDM principles with school engagement activities. Stakeholders work together to collect data, identify travel needs and develop strategies for increasing active and sustainable school travel.
- 3.3 The following diagram summarizes the key participants in the project and how they relate in terms of their location, jurisdiction and transportation providers:

<b>1 Regional Municipality</b>	<b>Regional Municipality of Durham</b>							
<b>5 Area Municipalities</b>	Pickering		Uxbridge	Scugog	Brock	Clarington		
<b>8 Schools, 4,516 Students</b>	St. Elizabeth Seton CS	St. Isaac Jogues CS	Valley Farm PS	Uxbridge PS	R.H. Cornish PS	Beaverton PS	Charles Bowman PS	St. Elizabeth CES
<b>4 School Boards</b>	Durham Catholic DSB		Durham DSB			Kawartha Pine Ridge DSB	Peterborough Victoria Northumberland and Clarington Catholic DSB	
<b>2 Student Transportation Service Providers</b>	Durham Student Transportation Services					Student Transportation Services of Central Ontario		

<sup>1</sup> Transportation Demand Management (TDM) is the application of policies, programs, services and products that influence how, why, when and where people travel to encourage the use of sustainable transportation modes and achieve more efficient use of transportation resources.



3.4 The STP project is supported by the Regional ASST Committee, which convenes quarterly. Members include the Planning Division (Transportation), Public Works (Traffic), Public Health, five area municipalities, Durham Safety Village, four school boards and two student transportation service providers. Main tasks of the ASST Committee include:

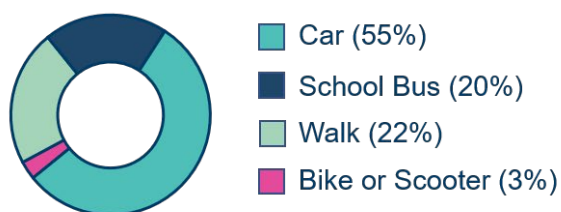
- Participating in data collection and providing data from their own fields of expertise (e.g. location of crossing guards, crime statistics);
- Assisting with School Travel Plan development;
- Helping with plan implementation;
- Sharing information on action items and progress.

#### 4. Key Findings

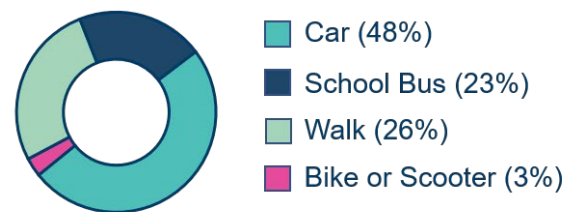
4.1 A student travel survey conducted found that driving is the most common mode of transportation to and from participating schools, with 55% of students driven to school in the morning and 48% picked up in the afternoon. Only 3% of students cycled or used a scooter to travel to and from school.

4.2 The survey also revealed that on average, only 45% of students who live within walking distance (1.6 km) of their school walked or wheeled to school. This means that across the eight schools, almost 1,300 students could be encouraged to take active modes of transportation.

**Travel Mode Share (Morning)**



**Travel Mode Share (Afternoon)**



4.3 A survey of families gathered information on the factors that influence travel choice. Caregivers identified the following measures that would help encourage more walking and cycling:

- Improved sidewalks and crossings;
- Reduced traffic volumes and congestion in the school zones;
- Others to walk with; and
- Presence of secure bicycle parking.

4.4 Neighbourhood Walk-about and Traffic Observation Studies were also conducted for each school by a School Travel Planning Coordinator, with support from school stakeholders, area municipalities and the Region. These activities identified locations where:

- Visibility, safety and/or comfort of pedestrian or cycling facilities located beyond the school grounds could be improved;
- Improved winter maintenance would make it easier and safer for students to use active travel modes during the colder months;
- Additional on-site infrastructure such as bike and scooter racks are needed; and
- Enforcement and education activities could help improve driver behaviour around schools.

## 5. Program Progress to Date

5.1 Regional and area municipal staff have been able to make progress on the following tasks:

- Assessing road segments for intersection or pedestrian control options such as signalized crosswalks, mid-block crossings and pedestrian crossovers;
- Painting ladder markings to increase the visibility of crosswalks as part of the Durham Vision Zero Initiative. High priority ladder marking locations that will be completed before the end of the year include:
  1. Mara Road at Simcoe Street (Beaverton)
  2. Mara Road at Victoria Street (Beaverton)
  3. Mara Road at King Street (Beaverton)
  4. Simcoe Street at Queen Street (Scugog)
  5. Toronto Street at Mill Street (Uxbridge)
- Conducting radar speed studies where speeding has been identified as a concern; and
- Addressing opportunities for sidewalk and multi-use path improvements. For example, significant sidewalk replacements were completed in the zone around R.H. Cornish PS this summer.

5.2 Regional staff have created resources that will help support education and encourage actions in the 2020/2021 school year, including Routes to School Planners (Attachment 2). Routes to School planners help families make informed

choices about travel routes to and from school. They include a map that illustrates how long it takes to walk from various locations around the school and the location of crosswalks, crossing guards, bike lanes and infrastructure.

## **6. Next Steps**

6.1 Regional staff will continue to provide support to the eight schools throughout 2021 to assist with School Travel Plan implementation. Support will include the following:

- Providing resource kits to help schools implement the actions in their School Travel Plans;
- Providing incentives to support school activities, such as prize packs for event participation;
- Providing assistance in evaluating progress;
- Convening stakeholders throughout the year to discuss progress;
- Supporting the Region's Vision Zero initiative by identifying and ranking priorities for ladder pedestrian markings; and
- Assessing current pedestrian crossings for potential upgrades based on recent pedestrian data and industry standards for conversion to intersection pedestrian signals (IPS) and pedestrian crossovers (PXO).

For the 2021/2022 school year, the ASST Committee will identify new schools to work with to develop and implement School Travel Plans.

## **7. Relationship to Strategic Plan**

7.1 ASST program contributes towards the following objectives of the 2020-2024 Strategic Plan:

- **Community Vitality:** To foster an exceptional quality of life with services that contribute to strong neighbourhoods, vibrant and diverse communities, and influence our safety and well-being; and
- **Environmental Sustainability:** To protect the environment for the future by demonstrating leadership in sustainability and addressing climate change.

## **8. Attachments**

Attachment #1: Durham STP Project Summary Report

Attachment #2: Sample Routes to School Planner Map

Respectfully submitted,

Original signed by

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Brian Bridgeman, MCIP, RPP  
Commissioner of Planning and  
Economic Development

# Durham Region School Travel Planning Program Summary Report

2019-2020



**Durham Region School Travel Planning Program - Summary Report**

Created by Green Communities Canada on behalf of Durham Region, August 2020

**Contact:**

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*Cover photo courtesy of Veronica Reiner, October 2019*

## Acknowledgments

Thank you to all of the project partners who contributed time, resources, ideas and inspiration in support of the Durham Region School Travel Planning Program:

- Regional Municipality of Durham, Planning Division, Transportation Planning
- Regional Municipality of Durham, Health Department
- Regional Municipality of Durham, Transportation Services
- Durham District School Board (DDSB)
- Durham Catholic District School Board (DCDSB)
- Kawartha Pine Ridge District School Board (KPRDSB)
- Peterborough Victoria Northumberland and Clarington Catholic District School Board (PVNCCDSB)
- Student Transportation Services of Central Ontario (STSCO)
- Durham Student Transportation Services (DSTS)
- Township of Brock, Public Works
- Municipality of Clarington, Traffic Operations
- City of Pickering, Traffic Operations
- Township of Scugog, Traffic Operations
- Township of Uxbridge, Public Works
- Staff, students and families of the participating schools

The Regional Municipality of Durham gratefully acknowledges the financial support for the program received from the Ontario Active School Travel Fund.

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## Introduction

The Durham Region School Travel Planning (STP) Program was delivered by Green Communities Canada, on behalf of the Regional Municipality of Durham.

Eight schools participated in the program for the 2019-2020 school year. Under the guidance of a Facilitator, the staff, parents, and students at each school worked with stakeholders at the local and regional level to create a School Travel Plan tailored for their school.

This report summarises the objectives and performance of the program and identifies opportunities to further support and grow active and sustainable school travel in Durham Region.

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<b>2 Student Transportation Service Providers</b>	Durham Student Transportation Services					Student Transportation Services of Central Ontario		

Figure 1: Key participants of the Durham Region School Travel Planning Program

## Program objectives

The program was designed to support the goals of the Durham Region Active and Sustainable School Travel (ASST) Committee:

1. Increase the number of children regularly using active and sustainable modes of transportation to and from school;
2. Decrease traffic congestion and perceived traffic-related safety issues at schools and along routes to school.

Encouraging ASST aligns with the following directions of the Durham Transportation Master Plan <sup>1</sup> (TMP):

- Making walking and cycling more practical and attractive
- Promoting sustainable travel choices

The TMP recognizes the important role that achieving greater levels of active transportation plays in addressing a number of strategic Regional goals, including promoting healthy neighbourhoods and addressing climate change. STP in Durham Region supports active transportation by:

- Working with partners to develop an Active School Travel Strategy to guide planning and programs across Durham Region.
- Promoting healthy community design and offering students practical and efficient active travel options for trips to school through transportation facilities.
- Working with partners to develop and implement programs that promote travel choices through events such as Bike Month, Walk to School Month and Carpool Week.

The Durham Region STP program also aligns with the goals of Durham Region's Vision Zero Strategic Road Safety Action Plan (2017) <sup>2</sup>. The Plan seeks to improve road safety throughout the Region of Durham, with the ultimate goal of achieving zero deaths associated with traffic collisions. Pedestrians and cyclists are one of the main emphasis areas within the Vision Zero Plan, with 'school zones' identified as an additional awareness area in the plan. Hence the Vision Zero Plan directly supports students to walk and cycle, by establishing safer school zones and through enhanced signage and line markings, signalized crossings, crossing guards, automated speed enforcement, and education and awareness campaigns to promote and educate students and the public on safe walking and cycling.

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<sup>1</sup> Durham Transportation Master Plan December 2017  
[https://durhamtmp.files.wordpress.com/2018/07/durhamtmp\\_finalreport\\_2018-07-09-web-accessible.pdf](https://durhamtmp.files.wordpress.com/2018/07/durhamtmp_finalreport_2018-07-09-web-accessible.pdf)

<sup>2</sup> Durham Vision Zero – Strategic Road Safety Action Plan (2017) <https://www.durham.ca/en/living-here/resources/Durham-Vision-Zero-Report.pdf>

## The School Travel Planning process

School Travel Planning (STP) is a community-based model for implementing active school travel.

A Five E's approach has been applied to the STP program to ensure a comprehensive, inclusive, and sustainable approach to encouraging students to walk, wheel, and travel by other sustainable modes of transportation to and from school. The Five E's include:

- **Education**
- **Encouragement**
- **Engineering**
- **Enforcement**
- **Evaluation**

Through STP, school and community stakeholders collaborate to create and implement school-level Action Plans to:

- Address ongoing transportation and traffic safety issues.
- Increase the number of students using active and sustainable modes for all or part of the journey to school.

Further details of the STP process can be found in the Canadian School Travel Planning Toolkit, maintained by Green Communities Canada.

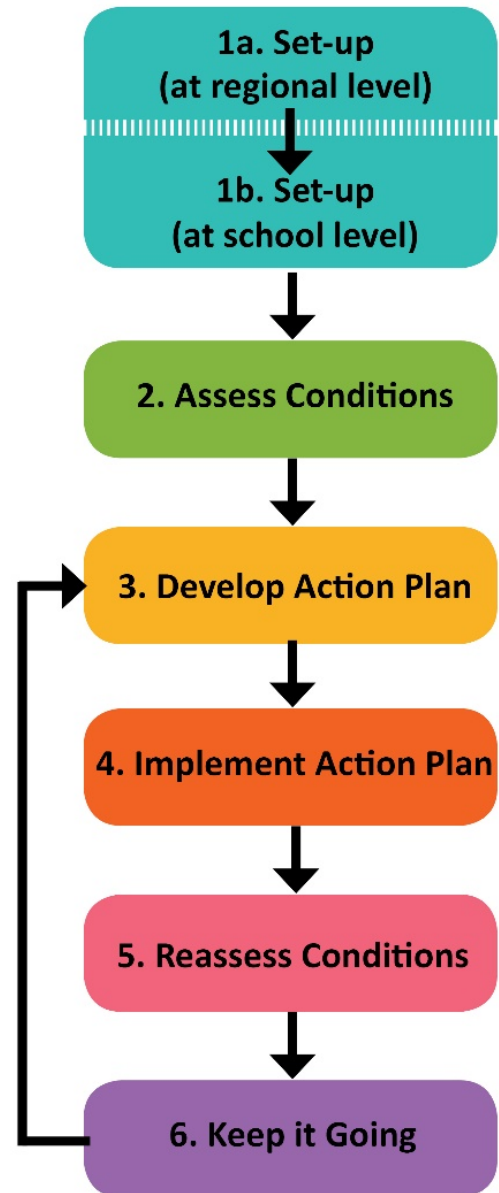


Figure 2: The School Travel Planning Process

## Findings and results

### School characteristics

Eight elementary schools were selected by Durham Region and the Durham ASST Committee to participate in the STP program. Municipal and School Board representatives put forward suggestions and schools were selected based on an evaluation of:

- % of the student population living in the walk zone (i.e. within 1.6km from school)
- Staff support available
- School having a sustainability/environmental team in place
- Infrastructure near the school (e.g. signage, crossings, sidewalks)
- Neighbourhood ‘Walk Score’

The table below shows the name, location and student population for each of the participating schools. It also shows the ‘Walk Zone: Bus Zone Ratio’ for each school – this is the proportion of the students who live within the ‘Walk Zone’ and the proportion of students who live in the ‘Bus Zone’, based on the following definitions:

- **Walk Zone:** *Students who live within the Walking Distance set by the school board, i.e. within 1.6km of the school*
- **Bus Zone:** *Students who qualify for school bus service either because they live further away from school than the Walking Distance, or because they qualify for other reasons e.g. due to special mobility needs*

The data in the table below was sourced from the student transportation services provider for each school for the 2019-20 school year.

School Name	Location	# of students	Walk Zone: Bus Zone Ratio	
Beaverton PS	Beaverton	192	92%	8%
Charles Bowman PS	Bowmanville	793	75%	25%
RH Cornish PS	Port Perry	650	61%	39%
St Elizabeth CES	Bowmanville	585	70%	30%
St Elizabeth Seton CS	Pickering	699	45%	55%
St Isaac Jogues CS	Pickering	520	54%	46%
Uxbridge PS	Uxbridge	357	48%	52%
Valley Farm PS	Pickering	720	82%	18%
<b>Total</b>		<b>4,516</b>		

Table 1: Summary of school travel characteristics for the eight schools participating in the STP Program

## Travel mode share

A Student Travel Survey was conducted at each participating school in Fall 2019 to find out which travel modes students are using for their journeys to and from school.

The Student Travel Survey is a quick and simple survey conducted in the classroom once every school day for one week. Students are asked two questions: ‘How did you travel to school this morning?’ and ‘How will you travel home this afternoon?’. Students indicate which mode they used by raising their hand. They can choose from: bike, walk, roll, school bus, public transit, and car.

The following table provides a summary of the student travel survey results for the journey to school:







Travel mode (to school)	Bike 	Walk 	Roll 	School Bus 	Public Transit 	Car 
Beaverton PS	7%	15%	5%	8%	0%	65%
Charles Bowman PS	1%	37%	3%	13%	0%	46%
RH Cornish PS	0%	30%	0%	17%	0%	53%
St Elizabeth CES	1%	30%	1%	14%	0%	54%
St Elizabeth Seton CS	0%	12%	0%	31%	0%	57%
St Isaac Jogues CS	1%	14%	1%	25%	0%	59%
Uxbridge PS	2%	12%	0%	32%	0%	54%
Valley Farm PS	No data collected					
<b>Average</b>	<b>2%</b>	<b>22%</b>	<b>1%</b>	<b>20%</b>	<b>0%</b>	<b>55%</b>

Table 2: Summary of Student Travel Survey results for the journey to school (data collected Fall 2019)

Key observations from the aggregated Student Travel Survey results for the morning journey to school:

- The most popular mode of transport for the journey to school is by far the car, with an average of 55% of students being driven to school. This is more than the proportion of students walking (22%) and taking the school bus (20%) combined.
- Only a small proportion of students are travelling by bicycle (2%) and scooter (1%).
- No students are currently using public transit for their journey to school.

The following table provides a summary of the student travel survey results for the afternoon journey home from school:







Travel mode (from school)	Bike 	Walk 	Roll 	School Bus 	Public Transit 	Car 
Beaverton PS	7%	26%	6%	8%	0%	53%
Charles Bowman PS	1%	41%	2%	14%	0%	42%
RH Cornish PS	0%	33%	0%	19%	0%	48%
St Elizabeth CES	0%	35%	1%	16%	0%	48%
St Elizabeth Seton CS	0%	17%	0%	43%	0%	40%
St Isaac Jogues CS	1%	16%	1%	28%	0%	54%
Uxbridge PS	2%	14%	0%	33%	0%	51%
Valley Farm PS	No data collected					
<b>Average</b>	2%	26%	1%	23%	0%	48%

Table 3: Summary of Student Travel Survey results for the journey from school (data collected Fall 2019)

Key observations from the aggregated Student Travel Survey results for the afternoon journey home from school:

- The most popular mode of transport for the journey from school is the car, with an average of 48% of students being driven in the afternoon. This is slightly lower than the proportion of students being driven to school in the morning.
- More students walk and take the school bus in the afternoon than in the morning.
- As is the case in the morning, only a small proportion of students are travelling from school by bicycle (2%) and scooter (1%) and no students are currently using public transit.

In addition to showing which travel modes are the most popular, the Student Travel Survey results also help to see whether as many students are walking, or taking the school bus, as might be expected. This difference between actual and expected values is the ‘opportunity gap’ as it indicates how many students could be travelling sustainably but are not currently doing so.

Walk zone opportunity gap

The graph below shows the walk zone opportunity gap for each participating school. The graph is based upon the student travel survey results for the journey to school:

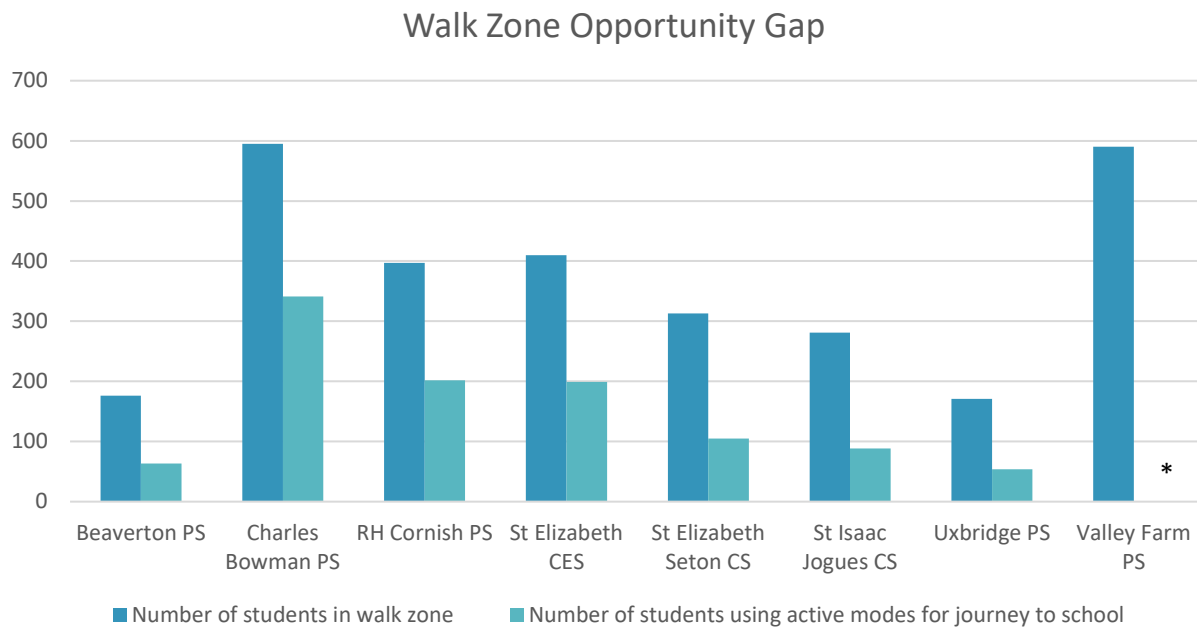


Figure 3: Graph showing the walk zone opportunity gap for each school  
 \*Note: Student Travel Survey data not available for Valley Farm PS

Based on the Student Travel Survey results for the seven schools that returned data:	
Total number of students in the Walk Zone	2,343
Total number of students using active modes for the journey to school	1,052

**On average only 45% of the students who live in the Walk Zone are actually walking or wheeling to school. This represents an opportunity gap of approximately 1,291 students who live within 1.6km of their school but are not travelling actively each day.**

Bus zone opportunity gap

The graph below shows the bus zone opportunity gap for each participating school. The graph is based upon the student travel survey results for the journey to school:

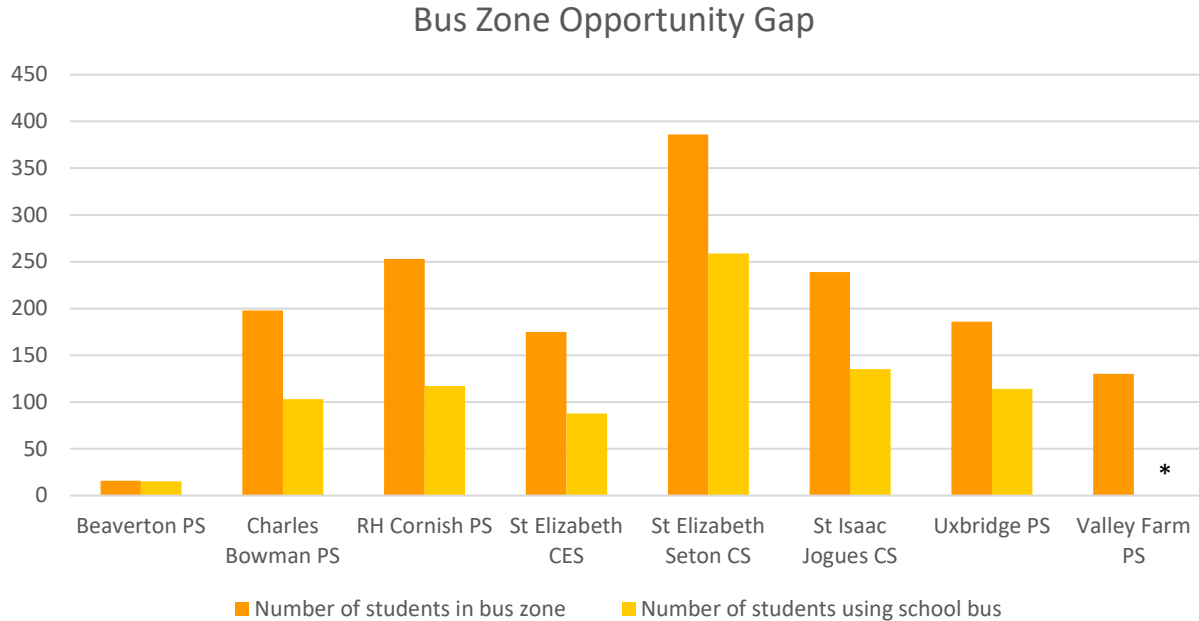


Figure 4: Graph showing the bus zone opportunity gap for each school

\*Note: Student Travel Survey data not available for Valley Farm PS

Based on the Student Travel Survey results for the seven schools that returned data:	
Total number of students in the Bus Zone	1,453
Total number of students using active modes for the journey to school	831

**On average, only 57% of the students who live in the Bus Zone are actually taking the school bus. This represents an opportunity gap of approximately 622 students who are eligible for the school bus but are not using the service each day.**



### Barriers to sustainable travel

A Family Survey was conducted at each participating school in Fall 2019 to gain an understanding from parents and caregivers about what factors influence their child’s travel mode. The survey asks questions about grade, school bus eligibility, travel mode, reasons for travel mode choices, travel time, factors that would encourage walking and cycling for the school journey, and locations of concern.

A total of 704 responses to the Family Survey were received from across the seven schools that returned data. The graph below shows the most common factors affecting their child’s travel mode choice.

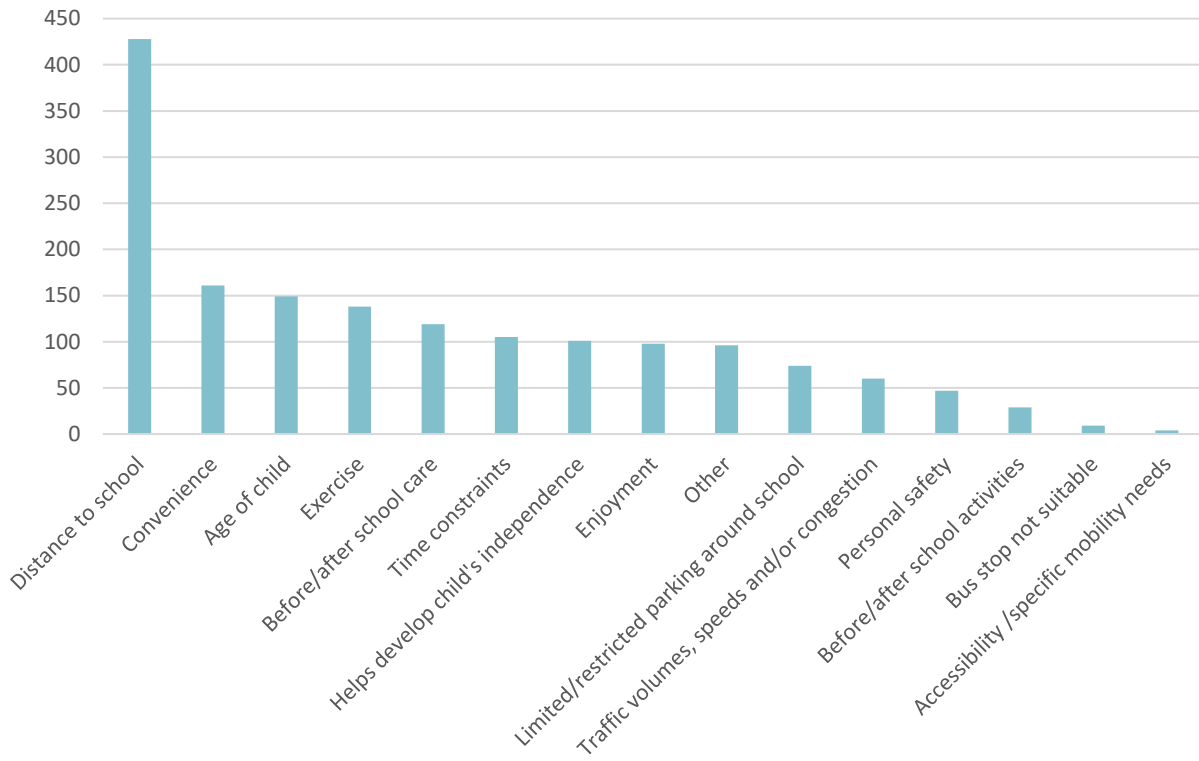


Figure 5: Graph showing aggregate results for the Family Survey question: Why does your child usually travel to school in the way they do? (Shows number of responses received per factor)

The results of the Family Survey found that the factors most frequently cited by parents and caregiver’s as affecting their child’s school travel mode are:

- Distance to school (26% of survey responses)
- Convenience (10%)
- Age of child (9%)

The Family Survey also explored what factors parents and caregivers felt would encourage their child to walk and cycle more:

Primary factors that would encourage walking:

- Others to walk with
- Once child is older
- Improved sidewalks and crossings

Primary factors that would encourage cycling:

- Secure bicycle storage at school
- Reduced traffic volume and congestion in school zone
- Once child is older

*He bikes because he can leave home 30 minutes later than when he takes the bus. Also, he doesn't like that his stop is picked up first and dropped off last.*

...

I walk them even though I can see the school from my house because the traffic is crazy.

...

**Bus ride is more than an hour each direction, the car ride is 12 minutes each direction.**

...

He wants to walk so bad! I have a hard time allowing this. Mostly due to safety. I would wonder if he is eligible for a bus.

...

*She could walk from my work, but it is crazy around our school so I just feel more comfortable to drop her off.*

...

I may consider allowing my son to walk when he's older or if we were to discover other older children that could walk with him.

...

**Although my daughter is eligible to ride the bus she does not enjoy it at all. The level of chaos she experiences every day makes her dread the ride.**

...

Walking with older student at this time as crossing 7A is too dangerous on her own at this time. I have seen many people drive through the red light at the cross walk.

...

*With a young baby at home, it is difficult to walk to school once the snow comes, sidewalks en route are rarely well cleared to get the stroller through*

Figure 6: Sample of comments from parents and caregivers who responded to the Family Survey conducted Fall 2019

## Highlights and achievements

### Program launch event

In November 2019, Regional Chair John Henry joined students and staff at St. Elizabeth Seton Catholic School in Pickering to formally celebrate the launch of the Durham School Travel Planning Program. The school's Principal Norma Wheeler gave a passionate speech to her students about the mental health benefits of outdoor activity and exercise.



Figure 7: Social media post marking the launch of the Durham School Travel Planning Program, November 2019

### Walkabouts

A walkabout was successfully completed of each of the eight school neighbourhoods in Fall 2019. The walkabout is a key opportunity in the STP process to engage local and regional decision makers in identifying and addressing barriers to active and sustainable school travel. Walkabout participants are able to see first-hand the travel challenges encountered by students on their routes to school. Attendees of the walkabouts included students, principals, teachers, councillors, trustees, school board staff and municipal staff.



*Figure 8: Members of the School Travel Planning Committee for Uxbridge Public School participating in the walkabout, November 2019.*

#### Pedestrian infrastructure improvements

The Family Surveys and the Walkabouts identified locations in school neighbourhoods that could be enhanced to better support pedestrians and universal accessibility. Through the STP process, these infrastructure improvements were highlighted for further investigation by the relevant local and regional municipal staff. As a result, the STP program's findings have successfully triggered ongoing technical assessment and design work by traffic operations staff, including site visits and traffic studies, to examine the areas for improvement and determine whether infrastructure improvements are warranted. The following potential improvements are being explored and considered:

- Enhancing existing pedestrian crossings to improve visibility to drivers
- Modifying existing signalized crossings to increase the crossing time for pedestrians
- Installing new/additional pedestrian crossings
- Reviewing on-street parking restrictions and traffic bylaw signage
- Monitoring vehicle speeds, including use of Automated Speed Enforcement cameras
- Installing traffic calming measures to reduce vehicle speeds
- Improving winter maintenance schedule for sidewalks and trails

Resources for schools

A School Travel Plan report has been completed for each of the eight participating schools, containing a summary of the travel characteristics and an action plan to address the key areas for improvement identified. The STP report includes new resources to help the schools to implement their action plan and to continue promoting active and sustainable travel modes:

- **STP Resources List**

A comprehensive listing of local, regional and provincial resources that can help to support education, encouragement and evaluation initiatives and contact information for services to assist with engineering and enforcement issues.

- **Routes to School Planner**

This new map resource shows the school neighbourhood within a 15minute walk/7minute bike ride of the school, including the location of crossing guards, traffic signals and bike lanes. The map is designed to help families plan active routes to school and is suitable for the school to share via mail, noticeboards, websites and social media.

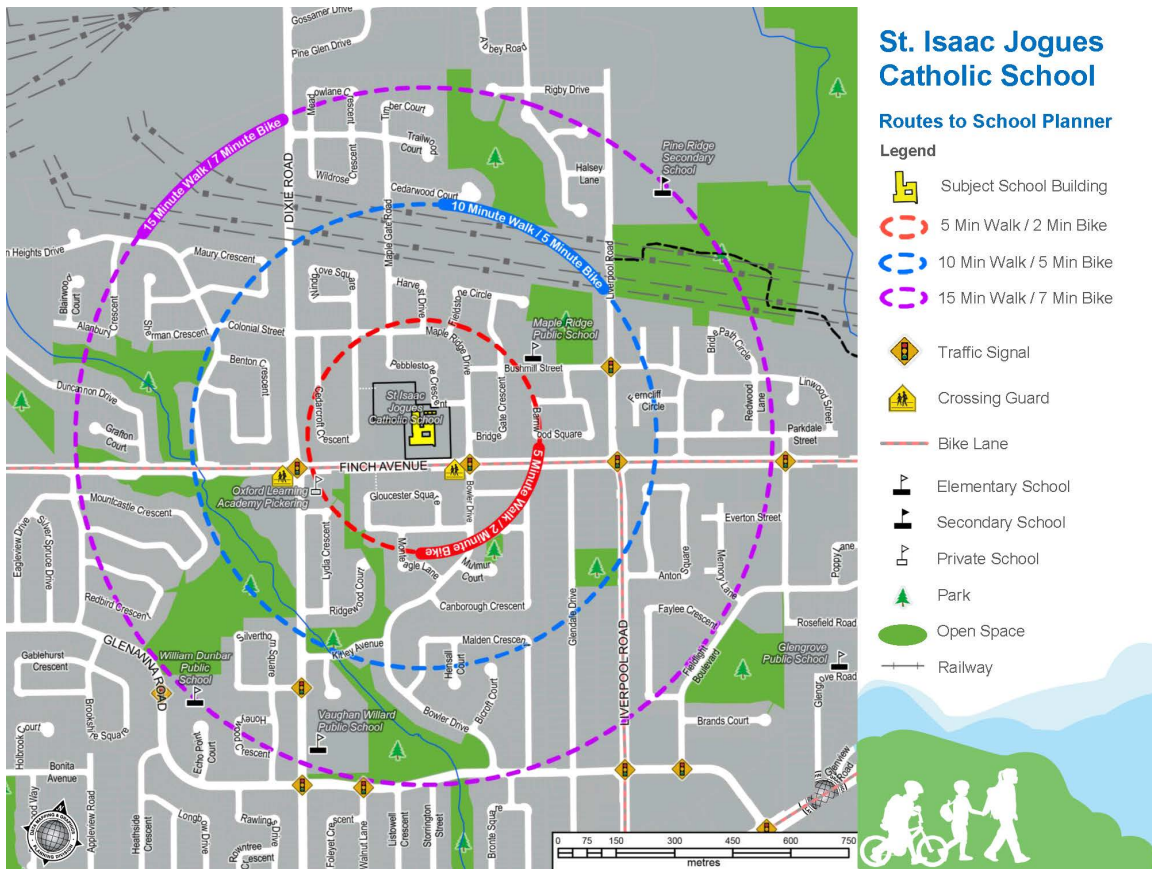


Figure 9: Image of the Routes to School Planner for St. Isaac Jogues Catholic School.

## Student action

Students took the lead in some schools to promote walking and cycling to their peers through announcements, surveys and information booths. For example, at Uxbridge Public School, the Student Leadership Group collaborated with their Public Health Nurse to organize a 'FamJam' social event for students and families, which featured an information station to promote active school travel.



Figure 10: Durham Region Public Health Nurse Lynne Rushak (left) and students (right) promoting active travel at the Uxbridge PS FamJam event, March 2020.

## Challenges encountered

The 2019-20 school year was a challenging period in which to implement a school-based program such as School Travel Planning, due to two major disruptions in the education sector in Ontario:

- Labour action by teacher unions and other school staff unions began in Fall 2019 and continued through to Spring 2020. This meant that teachers and school administrators had less capacity to participate in or support the STP process. School closures due to strike action also caused disruption to normal school activities and schedules, and reduced the opportunities to engage with students, teachers and principals.
- All Ontario schools closed from March 2020 through to the end of the school year due to public health restrictions to limit the spread of Coronavirus. This meant that schools were unable to complete the follow-up data collection (Student Travel Surveys) planned for May 2020 and were unable to make progress implementing school-based education and encouragement initiatives.

The overall impact of these two major challenges was that there was less opportunity for engagement with students, parents and school staff than would normally be expected. In the future this impact could be mitigated by adapting elements of the program to online/virtual formats and by shifting the focus of educational campaigns to the broader community as a whole through municipal communication channels, so that communications are not dependent on schools to convey messages.

The STP program also experienced challenges due to:

- It taking much longer to obtain consent from the School Board’s Ethics and Research Committee for the data collection elements of the STP program. This meant that the baseline data collection scheduled for October 2019 was delayed by several weeks. In the future this impact could be mitigated by consulting with the School Board earlier in the project planning, and collaborating with School Board representatives (e.g. Trustees, Superintendents) who could champion the program and endorse the ethics application.
- The Student Travel Survey being conducted as a paper-based survey – this was very time consuming to administer and in future it would be advisable to utilise the online format of the survey ([www.bikewalkroll.org](http://www.bikewalkroll.org)), subject to approval from the School Board. (In contrast the Family Survey was conducted successfully using an online survey format and language was not found to be a barrier).
- It taking more time than expected to map out and confirm all of the appropriate contacts for each of the school boards and municipalities involved in the program across the multiple locations. Finding the right people within each organization took considerable time, which delayed the acquisition of some key information needed at the outset of the program e.g. site maps and school profile data. In the future this challenge should be more manageable now that the Durham ASST Committee has been established and a contacts list has been created that can be added to in future years.

## Recommendations

The Durham Region School Travel Planning program has established action plans for eight elementary schools to help address traffic congestion and safety-related concerns and increase walking and cycling in their community. It is recommended that the Durham ASST Committee continue to provide support to the eight schools to implement their action plans and to track their progress over the year ahead.

The STP program has collected important data that gives insight to the common characteristics of school travel in Durham region and the key challenges and barriers that influence mode choice. The data collected by the STP program indicates that on average across the participating schools:

- **The most popular mode of transport for the journey to school is by far the car**, with an average of 55% of students being driven to school. This is more than the proportion of students walking (22%) and taking the school bus (20%) combined.
- **Only 45% of the students who live in the Walk Zone are actually walking or wheeling to school.** This represents an opportunity gap of approximately 1,291 students who live within 1.6km of their school but are not travelling actively each day.
- **Only 57% of the students who live in the Bus Zone are actually taking the school bus.** This represents an opportunity gap of approximately 622 students who are eligible for the school bus but are not using the service each day.

Hence this indicates that there is a **significant** opportunity for improving active and sustainable school travel in Durham region by reducing car trips and increasing walking, wheeling and school bus ridership

It is recommended that the Durham ASST Committee review the results of the STP program contained in this Summary Report and consider the following opportunities to further support ASST in Durham Region:

Key issues identified by STP program	Opportunities for action by Durham ASST Committee and its member organizations
Lack of secure storage for bikes and scooters	Source supply of new racks, procured centrally by Municipality or School Board to maximise quality and value for money (e.g. Peel Region’s Bike Rack program): <ul style="list-style-type: none"> <li>- Identify preferred design(s) for bike and scooter racks</li> <li>- Audit existing storage provision across all school sites</li> <li>- Distribute new racks to schools according to need or as a reward program to incentivise schools to promote ASST</li> </ul>
Students lack skills and confidence to walk/cycle	Improve access to educational resources and hands-on training sessions that teach pedestrian safety skills and cycling skills (e.g. York Region’s Making Tracks program)
Traffic congestion in school zone	Develop materials, templates and communication campaigns that can be easily adopted and utilised locally by schools:



Durham Region School Travel Planning Program – Summary Report

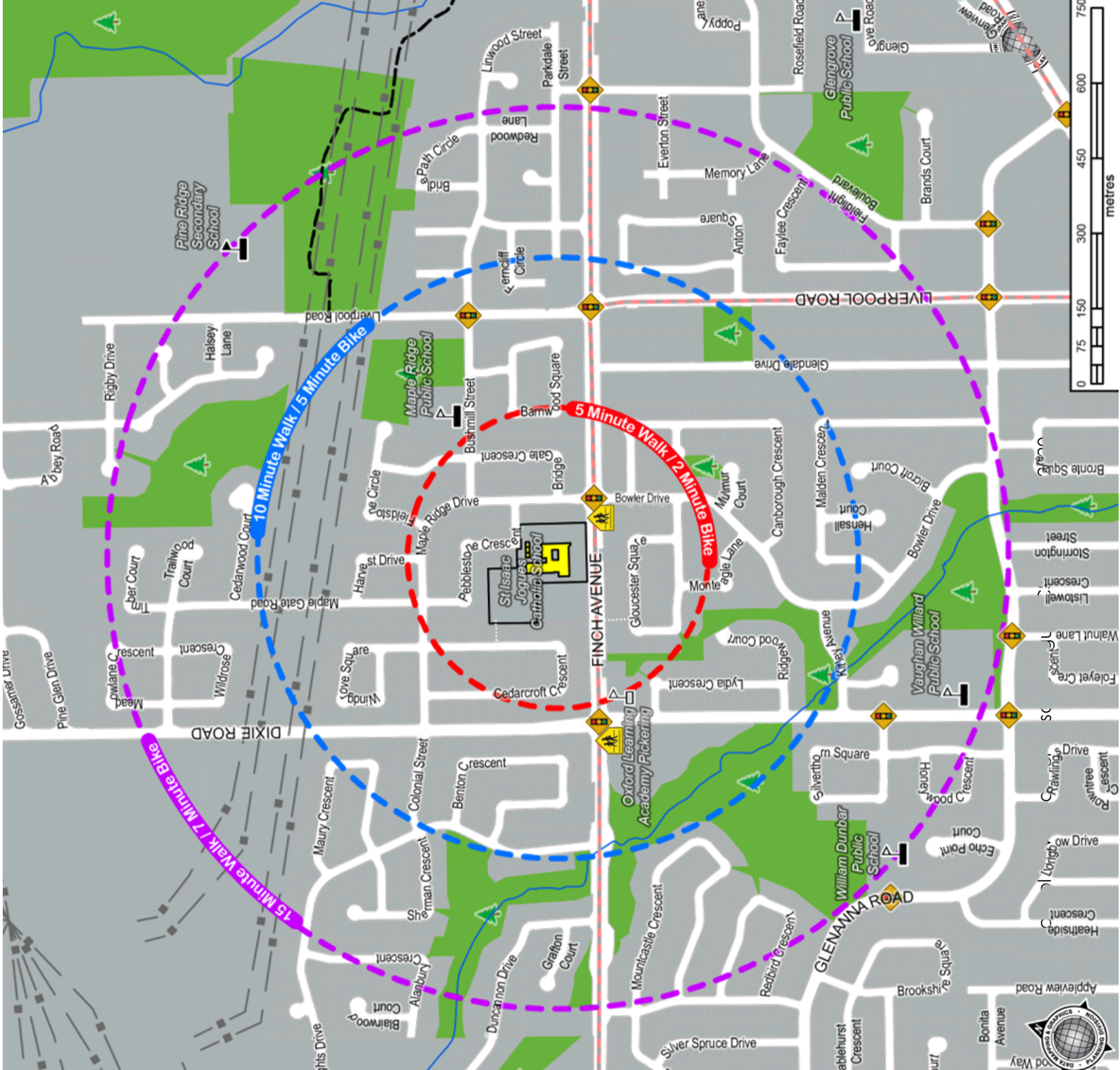
Key issues identified by STP program	Opportunities for action by Durham ASST Committee and its member organizations
	<ul style="list-style-type: none"> <li>- 'Drive to Five' campaign to encourage families that drive to park their vehicle 5 minutes away from school and walk the last few blocks</li> <li>- School Zone Safety campaign to promote safe driver and pedestrian behaviours</li> </ul>
Traffic congestion on school site	<p>Develop 'Drop-off/Pick-Up maps' for each school to convey traffic and safety rules to be followed by pedestrians, cyclists and drivers entering the school site.</p> <p>Review and improve signage and paint markings on all school sites, with attention to parking lots, driveways and drop-off zones.</p>
Low rate of walking amongst Walk Zone students	<p>Develop and promote a 'Routes to School Planner Map' for every school to help families to plan and practice walking and cycling routes.</p> <p>Wayfinding signage and paint markings to highlight routes to school.</p> <p>Develop and promote 'walk and wheel to school day' events throughout the school year to encourage and celebrate active travel.</p> <p>Develop a method/program to cultivate 'Walking Buddies' and help families to find other students for their child to walk with.</p>
Low rate of school bus ridership	Further investigate the reasons that families are choosing to drive by car rather than use the school bus e.g. opinion survey of bus zone families
Students not using transit for school journeys	Promote transit services to students (targeting schools where transit is available) and provide education about how to use transit services safely
Low level of enthusiasm and engagement at participating schools	Add 'school readiness' to the selection criteria when choosing schools to participate in future programs. E.g. conduct a brief interview with Principal to assess their interest, or invite schools to apply to participate in the program
Gaps in pedestrian and cycling infrastructure e.g. narrow or missing sidewalks, lack of bike lanes	Share the STP program findings and reports with relevant municipal planning staff to consider within ongoing and future transportation plans

# St. Isaac Jogues Catholic School

## Routes to School Planner

### Legend

-  Subject School Building
-  5 Min Walk / 2 Min Bike
-  10 Min Walk / 5 Min Bike
-  15 Min Walk / 7 Min Bike
-  Traffic Signal
-  Crossing Guard
-  Bike Lane
-  Elementary School
-  Secondary School
-  Private School
-  Park
-  Open Space
-  Railway



## Routes to School Planner Map & Tips

Use this map designed specifically for your school neighbourhood to plan an active route to school – it may be closer than you think!

### How to plan your active route to school:



**Map out a route from your home to school and practise travelling that route with your child.**

**Things to consider when selecting safe routes to walk, bike, or roll to school can include identifying:**

- Safe locations to cross the road
  - crossing guards present, crosswalks available, stop signs, stop lights, PXOs.
- Landmarks that are visible and well known to you and your child to make it easy to navigate.
- Safety hazards such as routes that are not paved or cleared of snow and debris, poorly lit areas, tripping hazards or lack of curb cuts that would make it challenging to walk, bike or roll to school.
- Locations to meet at or ask for help in case of emergency.

### What if I am not able to walk, bike or roll the whole way?

- Try parking at a safe location 5 or 10 minutes away from school, and walk the rest of the way. You'll avoid the traffic and get some exercise yourself!
- Coordinate with a parent/guardian of your child's friend who lives closer to the school so your children can walk, bike or roll to school together.

### Why use active transportation to travel to and from school?

#### It's healthy!



- Being active leads to improved physical and mental health.
- Travelling actively to school has been linked to increased alertness and attention at school.<sup>1</sup>

#### It's fun!



- Walking and wheeling (by bicycle, scooter, skateboard, etc.) to school is a great way to spend time with family and friends.
- Using an active mode of transportation can be a lot more enjoyable than sitting in traffic.

#### It might be closer than you think!



- Many children can travel 1 kilometer (by biking, walking or rolling) in about 15 minutes or less.

Learn more about active and safe school travel at:  
[ontarioactiveschooltravel.ca](http://ontarioactiveschooltravel.ca)

*Always follow the road safety rules, whatever your travel mode.*



December 2, 2020

The Honourable Doug Ford  
Premier of Ontario  
[premier@ontario.ca](mailto:premier@ontario.ca)

Dear Premier Ford,

On November 26th, Peel Regional Council passed the enclosed resolution (Resolution Number 2020-976) requesting the provincial government revise the Rules for Areas in Stage 1 under Ontario Regulation 82/20 to address the inequity created between small businesses required to close and businesses permitted to open and conduct sales.

The Region of Peel's fundamental priority throughout the COVID-19 pandemic has been to protect the health and safety of Peel residents and this continues to be the highest priority during this crisis, which is why we support the Province's decision to move the Region of Peel into the "Grey: Lockdown Level" of the provincial COVID-19 framework.

While we continue to support this decision, it is critical to recognize that some of the lockdown measures have created an uneven playing field, placing small businesses and local retailers at a significant competitive disadvantage. Larger retail outlets, which are permitted to remain open, sell more than just essentials and are in direct competition with small retailers, which are limited to online sales and curb side pick-up or delivery.

With the holiday shopping season upon us, we must do everything possible to support small businesses. The survival of these businesses is essential for Peel's and the Province's recovery efforts. As such, the Region of Peel is requesting that the Province revise the Rules for Areas in Stage 1 under Ontario Regulation 82/20 (the "lockdown") to address the inequity created between small businesses required to limit their sales to online or curbside pickup and businesses permitted to open and continue in-person sales; to avoid unfair competitive advantage between businesses; and to provide consistency with continued effective health risk management in consultation with Public Health.

In addition, the Region is requesting that clearly defined requirements for masking, physical distancing with capacity limits on a per square meter basis, and limits on numbers of persons admitted to big box and other businesses be implemented and strictly enforced, with additional provincial resources to support enforcement.

The Region encourages the Province to move forward with these measures expeditiously, as many small businesses and local retailers are on the brink of insolvency and need support from all levels of government. It is our shared priority to reach a balance in preventing further spread of COVID-19 to keep our community safe, while supporting these businesses that will form the foundation upon which we build back an even stronger economy.

As we move through this pandemic, the Region will continue to seek opportunities to work with you to help and support Peel's residents and business. In the meantime, if you have any questions, please feel free to contact me at 905-791-7800 x4310. It would be a pleasure to hear from you.

Kindest personal regards,



Nando Iannicca  
Regional Chair & Chief Executive Officer  
Region of Peel

CC: Peel-area MPPs  
GTHA Municipalities

Attached: Resolution 2020-976



**APPROVED AT REGIONAL COUNCIL  
November 26, 2020**

**8. COVID19 RELATED MATTERS**

**8.1 Update Regarding Public Health Staffing in Response to COVID-19**

**Resolution Number 2020-976**

**Moved by** Councillor Crombie

**Seconded by** Councillor Brown and Councillor Groves

*Whereas on November 23, 2020, the Region of Peel entered the province's "Grey Zone: Lockdown," which has put significant restrictions on business operations in the Region, including the closure of small businesses, except for those that can provide online shopping, curbside pick-up, or delivery;*

*And whereas, daily COVID-19 numbers in Peel continue to increase;*

*And whereas, hospitalization numbers and the number of patients in the ICU, throughout Peel, continue to rise;*

*And whereas, the safest way to shop to stop the spread of COVID-19 is through infrequent trips to the store, online shopping, by curbside pick-up, or through take-out;*

*And whereas, in an effort to keep the supply chain operating and ensure people can get the essentials they need like groceries, large retailers have been permitted to continue to operate, albeit with capacity limits;*

*And whereas, larger retailer outlets sell more than just essentials and are in direct competition with small retailers who are not allowed to open, or only with online shopping or curb side pick-up, creating an uneven playing field for small businesses and local retailers;*

*And whereas, the holiday shopping season has begun, a critical time for small businesses due to the provincial restrictions;*

*Therefore be it resolved, that the provincial government be requested to revise the Rules for Areas in Stage 1 under Ontario Regulation 82/20 (the "lockdown") to address the inequity created between small businesses required to close and businesses permitted to open and continue sales; to avoid unfair competitive advantage between businesses; and to provide consistency with continued effective health risk management in consultation with Public Health;*

*And further, that strict enforcement of requirements for masking, physical distancing with capacity limits on a per square metre basis, and limits on numbers of persons admitted to big box and other businesses be emphasized and pursued;*

*And further, that a copy of this resolution be sent to all Peel-area MPPs:*

*Sara Singh, MPP Brampton Centre  
Gurratan Singh, MPP Brampton East  
Kevin Yarde, MPP Brampton North  
Prabmeet Sarkaria, MPP Brampton South  
Amarjot Sandhu, MPP Brampton West  
Sylvia Jones, MPP Dufferin-Caledon  
Natalia Kusendova, MPP Mississauga Centre  
Kaleed Rasheed, MPP Mississauga East-Cooksville  
Sheref Sabawy, MPP Mississauga-Erin Mills  
Rudy Cuzzetto, MPP Mississauga-Lakeshore  
Deepak Anand, MPP Mississauga-Malton  
Nina Tangri, MPP Mississauga-Streetsville,*

*with a request that they advocate and speak up on behalf of the businesses that they are elected to represent*

*And further, that a copy of this resolution be sent to the City of Toronto and Greater Toronto and Hamilton Area municipalities.*

**Carried**

November 25, 2020

The Honourable Doug Ford  
Premier of Ontario  
823 Albion Road  
Etobicoke, ON M9V 1A3

Dear Mr. Ford:

**Re: Motion regarding – Notice to withdraw from Schedule 6 from Bill 229, Protect, Support and Recover from COVID 19 Act**

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PO BOX 5000 STN A  
200 BRADY STREET  
SUDBURY ON P3A 5P3

CP 5000 SUCCA  
200, RUE BRADY  
SUDBURY ON P3A 5P3

705.671.2489

[www.greatersudbury.ca](http://www.greatersudbury.ca)  
[www.grandsudbury.ca](http://www.grandsudbury.ca)

The following resolution #CC2020-272 was passed by the Council of the City of Greater Sudbury on November 24, 2020:

*WHEREAS the Minister of Finance of the Province of Ontario has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;*

*AND WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the critical role of Ontario's conservation authorities in regulating development, in the permit appeal process and when engaging in planning applications;*

*AND WHEREAS the City of Greater Sudbury relies on the watershed expertise provided by the Nickel District Conservation Authority (operating as Conservation Sudbury) to protect residents, property and local natural resources on a watershed basis. The Authority reduces risks to our community from hazards such as flooding in low-lying neighbourhoods, erosion of the banks of rivers such as the Vermillion and the Whitson, the dynamic shorelines of Wanapitei Lake and our more than 300 other lakes, and unstable ground near wetlands and steep valley slopes, which is achieved by regulating development and by engaging in reviews of proposals subject to the Planning Act;*

*AND WHEREAS the changes allow the Minister of Natural Resources and Forestry to make decisions without the benefit of a conservation authority's science based watershed data and expertise;*

*AND WHEREAS the Legislation provides the Minister of Environment Conservation and Parks with the ability to establish standards and requirements for non-mandatory programs, which locally could impact the education offerings that include school field trips to the Lake Laurentian Conservation Area. This would also apply to events such as the popular family fishing days and to the public's access to Camp Bitobig that runs in July and August. These are and must be local-level agreements between the City of Greater Sudbury and Conservation Sudbury to serve demands in our community;*



*AND WHEREAS the City of Greater Sudbury believes that the appointment of representatives to the Conservation Sudbury Board should be a municipal decision; and the Chair and Vice Chair should be duly elected annually;*

*AND WHEREAS the proposed changes to the 'Duty of Members' contradicts the fiduciary duty of a Conservation Sudbury board Member. Our appointed Members serve our residents by acting in the best interests of Conservation Sudbury and invariably its member municipality, as it carries out its responsibilities to the watershed;*

*AND WHEREAS all conservation authorities have already been working with the Province, the land development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;*

*AND WHEREAS changes to the legislation will create more "red tape", increasing costs for both Conservation Sudbury and therefore the taxpayers in the City of Greater Sudbury and will potentially result in delays and greater uncertainty in the development-approval process;*

*AND WHEREAS the City of Greater Sudbury values and relies on our natural spaces and water resources for the health and well-being of residents; we value Conservation Sudbury's work to prevent and reduce the impacts of flooding and other natural hazards; and we value our conservation authority's contributions to ensure safe drinking water;*

*THEREFORE BE IT RESOLVED that the Council for the City of Greater Sudbury, with the support of Conservation Sudbury, requests the following:*

- THAT the Minister of Finance withdraws Schedule 6 from Bill 229, Protect, Support and Recover from COVID 19 Act and,*
- THAT the Province of Ontario works with all conservation authorities to find viable solutions to reduce "red tape" and create conditions for growth,*
- AND THAT the Province support its long-standing partnership with the conservation authorities by providing them with the tools and financial resources needed to effectively implement their watershed management role.*

*AND BE IT FURTHER RESOLVED that this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Rod Phillips, Minister of Finance, the Honourable Jeff Yurek, Minister of Environment Conservation and Parks, the Honourable John Yakubuski, Minister of Natural Resources and Forestry, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Jamie West MPP for Sudbury, France Gelinis MPP for Nickel Belt, to Conservation Sudbury and all Ontario municipalities.*

Sincerely,



Eric Labelle  
City Solicitor and Clerk



RE: Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229

Please be advised that Township of Puslinch Council, at its meeting held on November 18, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2020-331:** Moved by Councillor Bulmer and  
Seconded by Councillor Sepulis

**That the Consent Agenda items 6.2, 6.3, 6.10, 6.11, 6.12, and 6.13 be received; and**

**GIVEN THAT The Township of Puslinch does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor does the Township of Puslinch want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery; and**

**GIVEN the time sensitive nature of this Bill, we encourage the Province to consult with Municipalities and Conservation Authorities in an expedient manner; and**

**GIVEN that the Township of Puslinch feels that there are better solutions to deal with actual and perceived issues.**

**BE IT RESOLVED THAT The Township of Puslinch respectfully requests the Province to withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process. The Township of Puslinch also encourage the Province to engage with municipalities and Conservation Authorities as the Province works on regulations that will eventually define the various Conservation Authorities Act clauses. The Township of Puslinch feels this is critical to ensure that the focus and performance of Conservation Authorities is actually improved where required.**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing,**



**the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, and all Ontario Municipalities.**

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Deputy Clerk

For Immediate Release

November 12, 2020

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## **Cause for Alarm Over Proposed Changes to the *Conservation Authorities Act***

BURLINGTON— Conservation Halton (CH) has reviewed the Province’s proposed changes to the *Conservation Authorities Act* (CA Act) which were released last week in the 2020 Ontario Budget (Bill 229). CH is encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains. CH remains fully supportive of the Province’s stated intent to modernize the watershed-based scope, good governance, service delivery and sustainability of all Conservation Authorities (CAs). CH is, however, concerned that some of the proposed amendments will significantly diminish the ability of CAs to ensure that both people and property are safe from natural hazards, while also protecting Ontario’s environment.

The proposed amendments would grant new powers to the Minister of Natural Resources and Forestry that would allow the Minister to make decisions regarding permit applications and appeals in place of the CA, without the non-partisan technical input and expertise of CAs. Bill 229 also proposes amendments to the *Planning Act*, which if passed, would prohibit CAs from appealing a municipal planning decision to the Local Planning Appeal Tribunal (LPAT) or becoming a party to an appeal before LPAT. While there are currently checks and balances in place to ensure the safe development of communities, CH is concerned that new amendments will allow circumvention that leaves the possibility for development decisions that are both unsafe and negatively impact the environment.

“There are a number of disappointing proposed changes that have the potential to undermine conservation authorities and our ability to make science-based watershed management decisions in the interest of public health and safety,” said Hassaan Basit, CEO of Conservation Halton. “Living through the pandemic, we have seen first-hand just how important our environment and wetlands are to our residents. We do not want to see any decisions made that increase the risks from natural hazards, especially as we continue to work to mitigate climate change and conserve our watershed to allow for responsible growth today, without sacrificing the right of future generations to do the same.”

CH views the governance changes calling for municipal councillors to make up the sole membership of the Board, while also being instructed to represent the interests of their respective municipalities, and not those of the CA or watershed residents, extremely problematic. This will create an environment in which fiduciary duties and responsibilities to the conservation authority are not upheld.

Further, CH is disappointed in the proposed removal of the un-proclaimed stop work orders and limitations on power to entry provisions that this government had previously agreed to grant CAs. The removal of this tool takes away the ability to enforce regulations that keep life and property safe. It also diminishes the ability to address environmental violations early and work with stakeholders to remedy problems, leaving no tools but to pursue costly and time-consuming charges through the courts when violations occur.

While CH waits for updated regulations to better understand how the proposed amendments are to be implemented, it is concerned that there may be many unintended consequences that put the environment and communities at risk, through opaque and financially costly decisions.

As a result of these collective concerns, CH encourages residents of the watershed, its network of supporters, and partner municipalities to reach out to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, as well as their local MPPs over the next two weeks to request that they review and address its concerns before this Bill is enacted.

-30-

*Conservation Halton is the community based environmental agency that protects, restores, and manages the natural resources in its watershed. The organization has staff that includes ecologists, land use planners, engineers, foresters and educators, along with a network of volunteers, who are guided by a Board of Directors comprised of municipally elected and appointed citizens. Conservation Halton is recognized for its stewardship of creeks, forests and Niagara Escarpment lands through science-based programs and services.*

#### Media Contact

Stephanie Bright  
Public Relations Specialist  
Conservation Halton  
Email: [sbright@hrca.on.ca](mailto:sbright@hrca.on.ca)



A Healthy Watershed for Everyone

**For Immediate Release: Friday, November 13, 2020**

## **HCA's preliminary response to the Province's proposed changes to the Conservation Authorities Act**

On November 5, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill of the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operation, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall.

Hamilton Conservation Authority (HCA) staff have reviewed the proposed changes and support enhanced conservation transparency and accountability which is already undertaken by making key documents publicly available; including meeting agendas, meeting minutes, and annual audits. We are encouraged that the Province has reconfirmed our purpose to provide for conservation, restoration source water protection and natural resources management.

However, while we wait for updated regulations to better understand how the changes are to be implemented, we are concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation on our Board.

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits in place of the conservation authority. An appeal process already exists to applicants directly to the HCA Board. Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.

The Province also proposes an amendment to the Planning Act, which if passed, would not allow conservation authorities to appeal a municipal planning decision to the LPAT to represent our interests, unless requested through an agreement with the municipality or the Province. To date, this has not been an issue with the Hamilton Conservation Authority but is an important tool to have. This could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.



A Healthy Watershed for Everyone

Conservation authorities have long requested for the ability to issue stop work orders to protect environmentally sensitive areas. The updated Act removes un-proclaimed provisions for this enhanced enforcement and only retains the current tools such as fines and possible prosecution and these existing tools do not provide the ability to effectively stop any significant threats and impacts.

If passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. These members provide expertise in varied fields and provide input on HCA programs and services from a citizen's point of view. The proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality and not the conservation authority and its watershed. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces, and that protection, is for our community. We will continue promoting our vision of a healthy watershed for everyone. HCA staff will also continue to work collaboratively with all parties to better understand and determine what these changes will mean for conservation authorities in general and for the protection of our watersheds.

Public consultation is not required on these proposals as it has been incorporated as part of the budget. We encourage our watershed residents, municipal partners and supporters to reach out to the Premier, the Minister of Environment, Conservation and Parks and the Minister of Natural Resources and Forestry as well as their local MPP's to ask them to address the concerns outlined above, before the Bill is enacted.

### **Media Contact:**

Councillor Lloyd Ferguson, HCA Chair  
905-973-1359  
[lloyd.ferguson@hamilton.ca](mailto:lloyd.ferguson@hamilton.ca)

Lisa Burnside, HCA CAO  
905-525-2181, ext. 126  
[Lisa.Burnside@conservationhamilton.ca](mailto:Lisa.Burnside@conservationhamilton.ca)

This media release has been formatted to be an accessible document. Should you require this information in an alternate format, please contact the Hamilton Conservation Authority at 905-525-2181 and we will be happy to assist you.

*Coronation Park*  
RESIDENTS ASSOCIATION

November 14, 2020

Hon. Doug Ford  
Hon. Jeff Yurek  
Hon. John Yakabuski  
Hon. Steve Clark  
MPP Stephen Crawford

**Re: Bill 229 - Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020. Schedule 6:Conservation Authorities Act**

As voting citizens, we register our strong objections to Schedule 6 of Bill 229 and recommend it not be enacted in its present form, and be withdrawn in its entirety from Bill 229.

We are shocked to find our legislators using a Bill purported to be a plan for recovery from a global pandemic as a vehicle to undermine the powers of our Conservation Authorities (CA) and jeopardize our protected forests and wetlands.

As Canadians, we are deeply troubled by the ever increasing regularity of our provincial government's propensity toward omnibus bills which limit opportunities for debate and scrutiny. Indeed, we find on the same day the government tabled Bill 229, an Environmental Registry of Ontario (ERO) bulletin titled *Updating the Conservation Authorities Act*3 (ERO # 019-2646) was also posted stating that public consultation is not required under Ontario's Environmental Bill of Rights, 19934 (EBR), because the proposed amendments form part of a budget.

It is shameful to think that as our collective focus is on dealing with Covid-19 and its severe impacts on our lives and livelihoods, our elected officials table legislation to make substantive changes to environmental laws while sidestepping the public's EBR rights.

At a time when it is becoming increasingly more evident that we need climate resilience, it appears the package of amendments as proposed in Schedule 6 are likely to set back watershed planning and implementation of an ecosystem-based approach by decades. Conservation Authorities are a vital line of defence for the natural spaces that mitigate flood risk, provide precious land for hiking, fishing and escape into nature and are an essential habitat for the many species of wildlife, including endangered species that call Ontario home. If we lose these spaces, we can't get them back.

The majority of the Schedule 6 amendments are regressive in nature and are completely contradictory to fulfilling both the purpose of the Conservation Authorities Act and the desire to set the course for more climate resilient communities in the future.



If enacted, Schedule 6 would

- give direct decision making power over proposed development in environmentally sensitive areas, to the Minister of Natural Resources and allow the Minister to make decisions regarding permit applications and appeals in place of the Conservation Authority, thereby eliminating the non-partisan technical input and expertise of CAs.
- allow developers to appeal conservation authority decisions directly to the Minister.
- prohibit CAs from appealing a municipal planning decision to the Local Planning Appeal Tribunal (LPAT) or becoming a party to an appeal before LPAT.
- have the potential to undermine conservation authorities and their ability to make science-based watershed management decisions in the interest of public health and safety.
- institute governance changes to CA boards to have municipal councillors comprise the sole membership, while being instructed to represent the interests of their respective municipalities, and not those of the CA or watershed residents. This will create an environment in which fiduciary duties and responsibilities to the conservation authority are not upheld.
- narrow the CAs authority from providing “programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (CAAct, s20(1)) to only one of three categories: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other programs and services (new CAAct provision 20(1)).

As constituents of Ontario, we have not be able to protect our population against a deadly pandemic, however we are able to direct our elected officials to take decisive steps to effectively protect, restore and manage our watersheds, protected forests and wildlife habitats thereby ensuring a climate resilient Ontario.

Our direction is to withdraw Schedule 6 in its entirety from Bill 229.

Respectfully,

**Pamela Knight**  
President

**Donald Cox**  
Vice President

cc: Oakville Town Council Members  
A. Gohel



905.336.1158  
Fax: 905.336.7014  
2596 Britannia Road West  
Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

Protecting the Natural  
Environment from  
Lake to Escarpment

The Honourable Doug Ford  
Premier of Ontario

The Honourable Jeff Yurek  
Minister of the Environment, Conservation, and Parks  
Ministry of the Environment, Conservation, and Parks

The Honourable Rod Phillips  
Minister of Finance  
Ministry of Finance

November 17, 2020

Dear Premier Ford, Minister Yurek and Minister Phillips,

We are writing to you today in response to the proposed amendments to the *Conservation Authorities Act* (CA Act), contained in Schedule 6, Bill 229. **We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.**

The Progressive Conservative Government under the leadership of George Drew passed the *Conservation Authorities Act* and the *Planning Act*. He recognized that Ontario needed to invest in a sound transformative strategy to help Ontarians recover from the devastation of World War Two, not just economically, but also emotionally, as a community. These progressive actions were further strengthened by Premier Frost. Today, as the Province faces unprecedented pressures from both, a global pandemic and climate change, we need to strengthen the cooperative role played by CAs.

For over 60 years, Conservation Halton (CH) has served the interests of its residents and stayed true to those founding principles – conserving the environment to enable watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting four million trees, to managing 11,000 acres of land, teaching millions of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, CH has been a trusted, accountable partner to the Province and our municipalities. Today, CH serves over one million residents in one of the fastest growing areas in Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure growth and development support sustainable and vibrant communities.

CH has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that

further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same.

It is our view that several of the proposed amendments will increase the risk to life and property from natural hazards and the degradation of the environment. **We respectfully request you withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process.** We also encourage you to engage with CAs as you work on regulations that will eventually define the limits of the various CA Act clauses. We feel this is critical to ensure that the focus and performance of CAs is actually improved.

Several changes, such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. **These changes will also result in a more uncertain, litigious and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development. These changes will undo the hard work CH has done over the last five years to ensure we are customer-centric, accountable, efficient and solutions oriented.** Specifically:

- **There is no duplication, red tape or going beyond our mandate**  
CH and our municipal partners work in a complementary way, avoid duplication of effort and remain focused on our core responsibilities through detailed MOUs and workplans. CH worked with our partners and customers to develop clear, quantifiable service delivery targets, which we have achieved, and publicly reported on with consistency. We track all permitting and plan review metrics on a quarterly basis to ensure nothing is slipping.
- **Our permit/planning fees only cover the cost to review and we have high service standards**  
CH works with the development industry to ensure there is transparency on how our fees are determined, what costs are included and what standard of service we deliver in exchange. This approach is highly appreciated by our BILD chapter and they have encouraged other agencies to adopt our approach. We will be happy to share correspondence to this effect with you. We work on a cost-recovery model to ensure we keep the cost to taxpayers as low as possible.
- **The integrity of the permitting process will be compromised – these amendments will increase risk, liability, delays, and lead to inconsistency**  
CH currently issues 95% of minor permits and 98% of major permits within 30 and 90 review days respectively (not calendar days). We value the process as much as we value the output of our services in this area. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, technical input or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.
- **The amendments introduce a “stakeholder governance model” that has no legal precedence**  
The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. This will significantly reduce the capacity of boards to make

decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our core responsibilities. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest. It runs counter to all governance principles.

- **These amendments compromise our ability to create jobs & deliver services without tax dollars**  
Conservation Halton is focused on our core programs. We are equally competent and resourceful in providing further opportunities for Ontarians in recreation and education on our conservation lands—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. Our municipal levy for 2021 is under 28% and the provincial contribution is close to 2% of our total budget. We have worked hard to achieve such low reliance on taxpayer funding. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic.

**In conclusion, we do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery.** Given the time sensitive nature of this Bill, we encourage the Province to consult with Conservation Halton and other CAs in an expedient manner. We have attached a more detailed (Board) report on our key concerns.

We appreciate you taking the time to consider our concerns. **We feel there are better solutions to deal with actual and perceived issues.** We would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. Please contact Conservation Halton CEO, Hassaan Basit ([CEOoffice@hrca.on.ca](mailto:CEOoffice@hrca.on.ca)) so we can help support your mandate while ensuring success for all stakeholders.

Regards,

Gerry Smallegange



Chair, Conservation Halton Board of Directors

Mayor Rob Burton, BA, MS




Town of Oakville

Mayor Gordon Krantz



Town of Milton

Mayor Marianne Meed Ward



City of Burlington

Mayor Rick Bonnette



Town of Halton Hills

Cc:

The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Ministry of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Minister of Municipal Affairs and Housing

Ted Arnott  
MPP Wellington—Halton Hills

Jane McKenna  
MPP Burlington

Effie J. Triantafilopoulos  
MPP Oakville North—Burlington

Stephen Crawford  
MPP Oakville

Parm Gill  
MPP Milton

Andrea Horwath  
MPP Hamilton Centre

Sandy Shaw  
MPP Hamilton West—Ancaster—Dundas

Rudy Cuzzetto  
MPP Mississauga—Lakeshore

Donna Skelly  
MPP Flamborough-Glanbrook

## Courtenay Hoytfox

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**From:** Susan Fielding [REDACTED]  
**Sent:** Tuesday, November 17, 2020 4:05 PM  
**To:** John Sepulis; James Seeley; Jessica Goyda; Sara Bailey; Matthew Bulmer; Glenn Schwendinger; Courtenay Hoytfox; Mayor Chris White  
**Subject:** Comments of Conservation Authority Proposed Changes

Good afternoon Mayor and Councillors:

I was asked to share this email and I ask it be added to tomorrow's agenda along with the other correspondence from Hamilton and Halton Conservation Authorities. Any support you would consider lending to the concerns outlined would be most appreciated. The following email is from Councillor Tom Jackson, a long-time member of Hamilton Council and on the Hamilton Conservation Authority Board.

**Subject:** Province's Proposal to Eliminate Volunteer Citizen Members on THE HCA Board!!

Dear Mayor Eisenberger and Councillor (HCA Chairman) Ferguson....I heard with dismay and disappointment the above announcement in the last 48 hours!! IF The Province wishes to move forward on this, it will be an absolute shame and disservice to our encouragement of Citizen engagement and participation on an august Board such as the HCA. It boggles my mind why they would even consider going down this path??!! With all due respect to elected members of local Council....to have hypothetically an 11 member HCA Board of only politicians might as well make the HCA a Standing Committee of City Council. One of the treasures I have truly enjoyed over the years has been working alongside volunteer citizen appointees on any Task Force/Board/Advisory Committee, etc., because of the "blend" of elected and non-elected Board members sitting at the same table, assisting in the advancement (and preservation) of that Organization/Service/Agency's mandate/vision/goals TOGETHER!! Plus...on this current Board of 11 voting members, IF The Province's proposal is not withdrawn, 6 less citizens will have the chance to serve their Community on a dynamic and esteemed Board via the appointment process of City Council!! To conclude, if a resolution of our City Council is in order to forward MY (Hopefully OUR) objection to this misguided proposal, I am willing to assist with the motion OR instead to support anyone else that wishes to lead. Thanks for listening. Thoughts?? Councillor Jackson...P.S...HCA CAO Burnside or E.A. Tellier....Can you kindly ensure please that my email is forwarded to the citizen members of the HCA Board?? Thanks in advance. Councillor Jackson....P.P.S...(BTW Council Colleagues...this has nothing to do with the fact I am on the Board currently and do not wish other members of Council to possibly join. For what its worth...I left the Board after the 2014 Civic election to allow a new member of Council to join then.). Just sharing...  
Councillor Tom Jackson

--

Susan Fielding

[REDACTED]

## Courtenay Hoytfox

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**From:** Glenn Schwendinger  
**Sent:** Wednesday, November 18, 2020 9:00 AM  
**To:** John Sepulis  
**Cc:** Courtenay Hoytfox  
**Subject:** RE: We Need Your Support: Changes to the Conservation Authorities Act

**From:** Conservation Halton <[web@hrca.on.ca](mailto:web@hrca.on.ca)>  
**Reply-To:** Conservation Halton <[web@hrca.on.ca](mailto:web@hrca.on.ca)>  
**Date:** Tuesday, November 17, 2020 at 6:29 PM  
**To:** John Sepulis <[jsepulis@puslinch.ca](mailto:jsepulis@puslinch.ca)>  
**Subject:** We Need Your Support: Changes to the Conservation Authorities Act

[View this email in your browser](#)

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***To our Conservation Halton friends:***

I hope you and your family are keeping well. I am writing to you today to ask for your support.

This year has been challenging for us all, but it has also given us an opportunity to take a step back and focus on the important things in life. If there has been any silver lining to our experience living through this pandemic, we have to say that it has been the spirit of community and renewed appreciation for nature that we have seen through the watershed over this past year.

On November 5, 2020, the provincial government tabled Bill 229 *Protect, Support, and Recover from COVID-19 Act (Budget Measures), 2020*. This piece of legislation encompasses more than just a budget in response to COVID-19 as its name might suggest. There have been several proposed **changes** to the *Conservation Authorities Act* within this Bill that we are concerned about. It is not a well-thought-out piece of legislation. We are hoping you can use your voice to support us in

expressing these concerns to the Province. **Since the Province has picked a fast-track process to pass this Bill, timing is of the essence. We need our allies, customers, and supporters to act today by emailing the Premier and your local MPP and by getting loud on social media.**

**Our concerns with proposed CA Act amendments:**

**1) Ability for Developers to bypass CAs:** Conservation Halton has a legislated responsibility to ensure development does not occur in flood hazard areas and that our creeks, valleys and wetlands are not adversely impacted. We work hard to ensure new development is balanced and that our communities are safe and livable, with ample greenspace. The amendments proposed by the Provincial government outline a process whereby developers and others can go around Conservation Authorities to have permits approved by the Province directly.

**2) Ability of CH to continue to offer Parks:** We are proud to provide opportunities in recreation and education on our conservation lands to members of our community—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished.

**3) Ability for CH to remain above politics and special interests:** The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions



with integrity, based solely on our core responsibilities and remains apolitical, yet innovative and solution oriented. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest.

**4) Ability to monitor, restore and grow our natural areas:** Conservation Halton's mission is to help protect the natural environment, from lake to escarpment, for the benefit and enjoyment of present and future generations. Protecting and maintaining our natural heritage in turn benefits human, ecological, and economic health. We inherited our natural spaces from the generations before us and will pass them on to our children and future generations. Our duty as stewards is what continues to inspire us to use science to study and inform us about climate change impacts to our communities and mitigation strategies. Should the new amendments pass, our ability to make independent science-based decisions in the interest of the community will be significantly limited, our wetlands, valleys, and water will be at risk, and our ability to remedy violations that put our environment and communities in danger will be minimal.

### **How You Can Help**

Please raise your voice with ours! We've sent a [letter](#) to the Premier, members of Cabinet and our local MPPs and need you to do the same. Click the green button to send your local MPP, the Minister of Municipal Affairs and Housing, The Minister of the Environment Conservation and Parks, and the Minister of Finance a letter asking them to hold off on making unilateral changes without public consultation. Be sure to follow us on social media where we plan to keep the conversation going!

[Click here to support Conservation Halton](#)

Thank you again for your continued support of our environment and community.

Yours in conservation,

Hassaan Basit  
President and CEO

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Conservation Halton  
2596 Britannia Road West  
Burlington, On L7P 0G3  
Canada

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RE: Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229

Please be advised that Township of Puslinch Council, at its meeting held on December 2, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2020-362:** Moved by Councillor Sepulis and  
Seconded by Councillor Goyda

**That Council receive Correspondence items 10.5, 10.6, 10.7, and 10.8 and Consent Agenda item 6.4 regarding the Proposed Amendments to the Conservation Authorities Act through Bill 229 be received; and**

**Whereas the Township of Puslinch Council has been copied on the following correspondence related to proposed amendments to the Conservation Authorities Act (CA Act), contained in Schedule 6, Bill 229**

- (a) Conservation Halton Letter to Ontario Premier dated Nov. 17, 2020**
- (b) Hamilton Conservation Authority to Ontario Premier and Ministers dated Nov. 23, 2020**
- (c) Grand River Conservation Authority to Ontario Premier dated Nov. 24, 2020; and**

**Whereas Council at it's meeting of Nov. 18 passed the following motion:**

**GIVEN THAT The Township of Puslinch does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor does the Township of Puslinch want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery; and**

**GIVEN the time sensitive nature of this Bill, we encourage the Province to consult with Municipalities and Conservation Authorities in an expedient manner; and**

**GIVEN that the Township of Puslinch feels that there are better solutions to deal with actual and perceived issues.**

**BE IT RESOLVED THAT The Township of Puslinch respectfully requests the Province to**



**withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process. The Township of Puslinch also encourage the Province to engage with municipalities and Conservation Authorities as the Province works on regulations that will eventually define the various Conservation Authorities Act clauses. The Township of Puslinch feels this is critical to ensure that the focus and performance of Conservation Authorities is actually improved where required.**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, and all Ontario Municipalities.**

**Be it resolved that the Township of Puslinch Council supports the views expressed in the above noted letters from Conservation Halton, the Hamilton Conservation Authority and the Grand River Conservation Authority who provide vital services to the Township of Puslinch; and**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, AMO, ROMA and all Ontario Municipalities.**

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Deputy Clerk

# Grand River Conservation Authority

**Report number:** GM-11-20-85

**Date:** November 23, 2020

**To:** Members of the Grand River Conservation Authority

**Subject:** Proposed Amendments to the Conservation Authorities Act through Bill 229

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## **Recommendation:**

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

## **Summary:**

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

## **Report:**

### **Background:**

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41- Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

### **Bill 229**

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10<sup>th</sup>.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

### **Proposed Amendments:**

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:

## 1. **Objects, Powers and Duties**

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

### *GRCA Comments:*

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

## **2. Regulatory**

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal



directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

*GRCA Comments:*

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

### **3. Enforcement**

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
  - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
  - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

*GRCA Comments:*

In previous updates to the Act, the province recognized that many compliance tools were outdated. The legislation prior to 2017 was not a deterrent for illegal activities and rapid response tools were not available to stop ongoing illegal activities. Although the fines have been substantially increased in 2017 (not yet enacted), the current proposal would remove a much needed compliance tool – the Stop (work) Order. The Made-In-Ontario Plan also recognized the role of conservation authorities in enforcement and it includes the provincial action “Work with municipalities, conservation authorities, other law enforcement agencies and stakeholders to increase enforcement on illegal dumping of excess soil.” Although not yet enacted, the Stop Order provision would have provided another tool to use when managing enforcement challenges and could have helped to avoid a time consuming and costly injunction process.

Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

Removing an officer’s ability to enter lands (s. 30.2) within the authority’s jurisdiction is inconsistent with similar municipal and provincial legislation. Coupled with the removal of a Stop Order provision (s. 30.4), these amendments do not afford officers an ability to “prevent or reduce the effects or risks” associated with illegal and egregious activities. Examples of other provincial legislation with Stop Orders include *Building Code Act* S.14, *Environmental Protection Act* S.8, *Planning Act* S. 49.

#### **4. Governance**

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
  - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality’s own councillors only S.14 (1.1)
  - Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).
- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

*GRCA Comments:*

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

There are a number of proposed amendments that require the posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken by the GRCA.

Municipalities will no longer be able to appoint a member of the public to the Board. Over the years, the GRCA has benefited from having citizen appointments to the Board. This has helped to incorporate a diverse perspectives for watershed decision making. In order to ensure that a municipal Mayor may participate on a conservation authority board it is recommended that the specification of 'municipal councillor' in the proposed amendments be changed to "municipally elected official".

In the event that the Minister appoints a member to represent the agricultural sector, the appointment process has not been specified, and it is assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair. It is unclear how the change to fiduciary duty would affect this member.

The current legislation deferred board composition to a future Regulation. The proposed amendment removed this clause and replaced it with clauses that specify who can be a members of the board so there will be no opportunity for further input on determining who is eligible to be a member of the Board.

The proposed amendments have set a limit to the Chair and Vice-chair to hold office for one year term and no more than two consecutive terms. Under GRCA By-law 3-2020, the by-law states, "The individuals elected shall hold office until their successors are elected and will be eligible for re-election to the same office for up to a maximum of five one-year terms."

Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*:

'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, " to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

## 5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

### **Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:**

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
- GRCA requests that Bill 229 Schedule 6 clauses in S.28 be amended by removing references to LPAT and replacing it with the Mining and Lands Tribunal.
- GRCA requests that the existing unproclaimed clauses in the *Conservation Authorities Act* 2019 related to Powers of Entry (30.2) and Stop Order (30.4) remain in the *Conservation Authorities Act* and proposed amendments related to these clauses be removed from Bill 229 Schedule 6.
- GRCA requests that the wording for fiduciary responsibilities in the *Conservation Authorities Act* be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority."
- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNRF to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

**Financial implications:**

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

**Other department considerations:**

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

**Prepared by:**

Samantha Lawson  
Chief Administrative Officer



November 24, 2020

**BY EMAIL**

**To: Grand River Watershed Member Municipalities**

**Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)**

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I am writing on behalf of the Grand River Conservation Authority (GRCA) to provide you with an update on our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

On Monday, November 23, 2020, the GRCA General Membership held a special board meeting to review and discuss the Province's proposed changes to the Conservation Authorities Act and the Planning Act through Schedule 6 in Bill 229.

While the GRCA board expressed support for the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, the board also voiced deep concern that some of the proposed changes may have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

At the meeting, board members passed a motion requesting staff to send *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229* to the Premier of Ontario, the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing, and Finance, as well as all watershed MPPs, watershed municipalities, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association. The report outlines the proposed changes in five key areas of concern for the GRCA: Objects, Powers and Duties; Regulatory; Enforcement; Governance and Other.

Please find attached the GRCA board report, as well as a letter that has been sent to the Province detailing our concerns. The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;
- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;

- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

We would encourage our watershed municipalities to contact their local MPPs and ask that the Province of Ontario work with conservation authorities to address these concerns, before the changes are enacted.

We look forward to continuing our productive partnership with our watershed municipalities, as we work together to address local issues and opportunities that benefit the entire watershed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Jowett', written in a cursive style.

Helen Jowett, Chair  
Grand River Conservation Authority

cc Association of Municipalities of Ontario, Rural Ontario Municipalities Association



November 24, 2020

**BY EMAIL**

The Honourable Doug Ford, Premier of Ontario  
Office of the Premier  
Legislative Building, Queens Park  
Toronto, ON M7A 1A1

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Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;



- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government’s effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair  
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament

# Grand River Conservation Authority

**Report number:** GM-11-20-85

**Date:** November 23, 2020

**To:** Members of the Grand River Conservation Authority

**Subject:** Proposed Amendments to the Conservation Authorities Act through Bill 229

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## **Recommendation:**

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

## **Summary:**

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

## **Report:**

### **Background:**

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41- Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

### **Bill 229**

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10<sup>th</sup>.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

### **Proposed Amendments:**

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:

## 1. **Objects, Powers and Duties**

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

### *GRCA Comments:*

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

## **2. Regulatory**

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
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- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal

directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

*GRCA Comments:*

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

### **3. Enforcement**

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
  - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
  - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

*GRCA Comments:*

In previous updates to the Act, the province recognized that many compliance tools were outdated. The legislation prior to 2017 was not a deterrent for illegal activities and rapid response tools were not available to stop ongoing illegal activities. Although the fines have been substantially increased in 2017 (not yet enacted), the current proposal would remove a much needed compliance tool – the Stop (work) Order. The Made-In-Ontario Plan also recognized the role of conservation authorities in enforcement and it includes the provincial action “Work with municipalities, conservation authorities, other law enforcement agencies and stakeholders to increase enforcement on illegal dumping of excess soil.” Although not yet enacted, the Stop Order provision would have provided another tool to use when managing enforcement challenges and could have helped to avoid a time consuming and costly injunction process.

Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

Removing an officer’s ability to enter lands (s. 30.2) within the authority’s jurisdiction is inconsistent with similar municipal and provincial legislation. Coupled with the removal of a Stop Order provision (s. 30.4), these amendments do not afford officers an ability to “prevent or reduce the effects or risks” associated with illegal and egregious activities. Examples of other provincial legislation with Stop Orders include *Building Code Act* S.14, *Environmental Protection Act* S.8, *Planning Act* S. 49.

#### **4. Governance**

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
  - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality’s own councillors only S.14 (1.1)
  - Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).
- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

*GRCA Comments:*

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

There are a number of proposed amendments that require the posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken by the GRCA.

Municipalities will no longer be able to appoint a member of the public to the Board. Over the years, the GRCA has benefited from having citizen appointments to the Board. This has helped to incorporate a diverse perspectives for watershed decision making. In order to ensure that a municipal Mayor may participate on a conservation authority board it is recommended that the specification of 'municipal councillor' in the proposed amendments be changed to "municipally elected official".

In the event that the Minister appoints a member to represent the agricultural sector, the appointment process has not been specified, and it is assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair. It is unclear how the change to fiduciary duty would affect this member.

The current legislation deferred board composition to a future Regulation. The proposed amendment removed this clause and replaced it with clauses that specify who can be a members of the board so there will be no opportunity for further input on determining who is eligible to be a member of the Board.

The proposed amendments have set a limit to the Chair and Vice-chair to hold office for one year term and no more than two consecutive terms. Under GRCA By-law 3-2020, the by-law states, "The individuals elected shall hold office until their successors are elected and will be eligible for re-election to the same office for up to a maximum of five one-year terms."

Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*:



'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, "to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

## 5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

### **Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:**

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
- GRCA requests that Bill 229 Schedule 6 clauses in S.28 be amended by removing references to LPAT and replacing it with the Mining and Lands Tribunal.
- GRCA requests that the existing unproclaimed clauses in the *Conservation Authorities Act* 2019 related to Powers of Entry (30.2) and Stop Order (30.4) remain in the *Conservation Authorities Act* and proposed amendments related to these clauses be removed from Bill 229 Schedule 6.
- GRCA requests that the wording for fiduciary responsibilities in the *Conservation Authorities Act* be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority."
- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNRF to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

**Financial implications:**

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

**Other department considerations:**

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

**Prepared by:**

Samantha Lawson  
Chief Administrative Officer



November 24, 2020

**BY EMAIL**

The Honourable Doug Ford, Premier of Ontario  
Office of the Premier  
Legislative Building, Queens Park  
Toronto, ON M7A 1A1

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Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;

- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government’s effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair  
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament



Hamilton  
Conservation  
Authority

A Healthy Watershed for Everyone

November 23, 2020

## Via Email

Honourable Doug Ford, Premier of Ontario  
Honourable Rod Phillips, Minister of Finance  
Honourable Jeff Yurek, Minister of Environment, Conservation and Parks  
Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Honourable Steve Clark, Minister of Municipal Affairs and Housing

### **Re: Concerns with *Bill 229: Protect, Support and Recover from COVID 19 Act (Budget Measures Act) - Schedule 6 – Conservation Authorities Act***

On November 5th, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill announced with the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operations, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall to provide a more complete understanding of how the changes are to be implemented and what their full impact will be.

We feel it is important to highlight that conservation authorities were originally created to address concerns regarding the poor state of the natural environment and the need to establish programs based on watershed boundaries for natural resource management. Conservation authorities bring the local watershed science and information into decision making to ensure that Ontario's communities are protected.

While we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same, Hamilton Conservation Authority (HCA) is very concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation and their most valuable insight and input to our Board.

The legislative changes appear to be an excessive intervention in local matters in an area where the Province makes little financial contribution. In the case of HCA, the Province contributes just 2% of the annual revenues for the operating budget. The remaining 98% of our funding comes from our municipal partners (38%) and self generated funds (60%).

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits, in place of the conservation authority. It must be stressed that an appeal process already exists to applicants allowing them access directly to the HCA Board, a Board that is built with municipal oversight imbedded. Conservation authorities are important agencies which help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create safety risks to people. HCA already issues the vast majority of minor and major permits with efficiency and high service standards. HCA is committed to providing excellent client service, and we have a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes. Through a review of the current permit review process, Conservation Ontario estimates that the new changes to the permitting appeals process could delay development approvals by as much as 200 days. As well, costs can be expected to increase due to more staff time being required for permit appeals processes rather than time being spent on actually issuing permits.

Changes have been proposed to the Planning Act that create a gap in the land use planning system. Currently, conservation authority participation in the planning appeals process ensures that watershed science and data is being applied to planning and land use decisions. This input would be lost and it is an important tool for HCA to have when needed. Additionally, though unintentional, this change could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.

Conservation authorities have long requested the ability to issue stop work orders to protect environmentally sensitive areas. The proposed changes to the Act remove unproclaimed provisions for this enhanced enforcement and only retain the current tools such as prosecution, injunctions and fines; these existing tools do not provide the ability to effectively stop, on a timely basis, any significant threats and impacts and prevent damage.

As briefly mentioned, if passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. The citizen members come from diverse backgrounds with experience in a number of fields, and are active members of their communities. They bring a wide array of knowledge, governance experience and expertise to their positions. These members provide valuable input on HCA programs and services from a citizen's point of view.

Of equal importance, HCA has only two participating municipalities with 10 members from Hamilton and 1 from the Township of Puslinch, which represents the unique situation of 99% of our watershed being within the City of Hamilton and the City of Hamilton being our major funder. With the new proposed requirements to rotate the Chair and Vice Chair role, there would be no democratic election process given the

representative from Puslinch would simply be appointed as the Vice Chair or Chair every 2 years. And finally, the proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality they represent and not the conservation authority and its watershed, the organization that they are supposed to represent when sitting as a Board member of the Authority. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces - and that protection - is for our community. We will continue promoting our vision of a healthy watershed for everyone.

We do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. As such I respectfully ask that as a result of our concerns:

- the Province of Ontario withdraw Schedule 6 of the Budget Measures Act (Bill 229)
- the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth
- the Province respect the current conservation authority/municipal relationships
- the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

If there are any actual and/or perceived issues pertaining to certain conservation authorities, they might best be addressed through area-specific solutions created to resolve them that can be identified through local analysis and consultation.

Sincerely,



Councillor Lloyd Ferguson  
Chair, Hamilton Conservation Authority

Cc:

HCA Board of Directors  
City of Hamilton Mayor and Council  
Township of Puslinch Mayor and Council  
Ted Arnott, MPP Wellington – Halton Hills  
Andrea Horwath, MPP Hamilton Centre  
Paul Miller, MPP Hamilton East – Stoney Creek  
Sandy Shaw, MPP Hamilton West – Ancaster – Dundas  
Donna Skelly, MPP Flamborough – Glanbrook  
Monique Taylor, MPP Hamilton Mountain



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2596 Britannia Road West  
Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

Protecting the Natural  
Environment from  
Lake to Escarpment

The Honourable Doug Ford  
Premier of Ontario

The Honourable Jeff Yurek  
Minister of the Environment, Conservation, and Parks  
Ministry of the Environment, Conservation, and Parks

The Honourable Rod Phillips  
Minister of Finance  
Ministry of Finance

November 17, 2020

Dear Premier Ford, Minister Yurek and Minister Phillips,

We are writing to you today in response to the proposed amendments to the *Conservation Authorities Act* (CA Act), contained in Schedule 6, Bill 229. **We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.**

The Progressive Conservative Government under the leadership of George Drew passed the *Conservation Authorities Act* and the *Planning Act*. He recognized that Ontario needed to invest in a sound transformative strategy to help Ontarians recover from the devastation of World War Two, not just economically, but also emotionally, as a community. These progressive actions were further strengthened by Premier Frost. Today, as the Province faces unprecedented pressures from both, a global pandemic and climate change, we need to strengthen the cooperative role played by CAs.

For over 60 years, Conservation Halton (CH) has served the interests of its residents and stayed true to those founding principles – conserving the environment to enable watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting four million trees, to managing 11,000 acres of land, teaching millions of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, CH has been a trusted, accountable partner to the Province and our municipalities. Today, CH serves over one million residents in one of the fastest growing areas in Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure growth and development support sustainable and vibrant communities.

CH has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that



further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same.

It is our view that several of the proposed amendments will increase the risk to life and property from natural hazards and the degradation of the environment. **We respectfully request you withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process.** We also encourage you to engage with CAs as you work on regulations that will eventually define the limits of the various CA Act clauses. We feel this is critical to ensure that the focus and performance of CAs is actually improved.

Several changes, such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. **These changes will also result in a more uncertain, litigious and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development. These changes will undo the hard work CH has done over the last five years to ensure we are customer-centric, accountable, efficient and solutions oriented.** Specifically:

- **There is no duplication, red tape or going beyond our mandate**  
CH and our municipal partners work in a complementary way, avoid duplication of effort and remain focused on our core responsibilities through detailed MOUs and workplans. CH worked with our partners and customers to develop clear, quantifiable service delivery targets, which we have achieved, and publicly reported on with consistency. We track all permitting and plan review metrics on a quarterly basis to ensure nothing is slipping.
- **Our permit/planning fees only cover the cost to review and we have high service standards**  
CH works with the development industry to ensure there is transparency on how our fees are determined, what costs are included and what standard of service we deliver in exchange. This approach is highly appreciated by our BILD chapter and they have encouraged other agencies to adopt our approach. We will be happy to share correspondence to this effect with you. We work on a cost-recovery model to ensure we keep the cost to taxpayers as low as possible.
- **The integrity of the permitting process will be compromised – these amendments will increase risk, liability, delays, and lead to inconsistency**  
CH currently issues 95% of minor permits and 98% of major permits within 30 and 90 review days respectively (not calendar days). We value the process as much as we value the output of our services in this area. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, technical input or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.
- **The amendments introduce a “stakeholder governance model” that has no legal precedence**  
The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. This will significantly reduce the capacity of boards to make

decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our core responsibilities. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest. It runs counter to all governance principles.

- **These amendments compromise our ability to create jobs & deliver services without tax dollars**  
Conservation Halton is focused on our core programs. We are equally competent and resourceful in providing further opportunities for Ontarians in recreation and education on our conservation lands—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. Our municipal levy for 2021 is under 28% and the provincial contribution is close to 2% of our total budget. We have worked hard to achieve such low reliance on taxpayer funding. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic.

**In conclusion, we do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery.** Given the time sensitive nature of this Bill, we encourage the Province to consult with Conservation Halton and other CAs in an expedient manner. We have attached a more detailed (Board) report on our key concerns.

We appreciate you taking the time to consider our concerns. **We feel there are better solutions to deal with actual and perceived issues.** We would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. Please contact Conservation Halton CEO, Hassaan Basit ([CEOoffice@hrca.on.ca](mailto:CEOoffice@hrca.on.ca)) so we can help support your mandate while ensuring success for all stakeholders.

Regards,

Gerry Smallegange



Chair, Conservation Halton Board of Directors

Mayor Rob Burton, BA, MS




Town of Oakville

Mayor Gordon Krantz



Town of Milton

Mayor Marianne Meed Ward



City of Burlington

Mayor Rick Bonnette



Town of Halton Hills

Cc:

The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Ministry of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Minister of Municipal Affairs and Housing

Ted Arnott  
MPP Wellington—Halton Hills

Jane McKenna  
MPP Burlington

Effie J. Triantafilopoulos  
MPP Oakville North—Burlington

Stephen Crawford  
MPP Oakville

Parm Gill  
MPP Milton

Andrea Horwath  
MPP Hamilton Centre

Sandy Shaw  
MPP Hamilton West—Ancaster—Dundas

Rudy Cuzzetto  
MPP Mississauga—Lakeshore

Donna Skelly  
MPP Flamborough-Glanbrook



The Corporation of the  
**Township of Georgian Bluffs**

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December 7, 2020

Ministry of Municipal Affairs and Housing  
17<sup>th</sup> Floor, 777 Bay Street  
Toronto, Ontario M7A 2J3

**RE: Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020**

At its meeting on November 25, 2020, Council of the Township of Georgian Bluffs passed resolution number RES2020-356:

Moved By: Deputy Mayor Sue Carleton  
Seconded By: Councillor Grant Pringle

**Whereas municipalities in Ontario are responsible for conducting fair and democratic elections of local representatives, and**

**Whereas the Province of Ontario, through Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 is proposing changes to the *Municipal Elections Act, 1996*, to extend Nomination Day from the end of July to the second Friday in September, and**

**Whereas Bill 218 also proposes amendments to ranked ballot voting methods, and**

**Whereas the operation, finance and regulatory compliance of municipal elections are the sole responsibility of municipalities, and**

**Whereas local governments understand the needs of local voters, election officials and public officials, and**

**Whereas Bill 218 also proposes to eliminate ranked ballots**

**Now Therefore, the Council of the Township of Georgian Bluffs hereby opposes the proposed amendments to the *Municipal Elections Act, 1996*, as included in Bill 218, and**

**That a copy of this motion be forwarded to the Ministry of Municipal Affairs and Housing, Ministry of the Attorney General, Office of the Premier of Ontario, AMO, AMCTO and all Ontario Municipalities.**



## The Corporation of the Township of Georgian Bluffs

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Carried.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Drury", written in a cursive style.

Brittany Drury

Clerk

519 376 2729 x. 244

[bdrury@georgianbluffs.ca](mailto:bdrury@georgianbluffs.ca)

Cc Via Email:

Ministry of the Attorney General

Office of the Premier of Ontario

AMO

AMCTO

All Ontario Municipalities



Municipality of Southwest Middlesex

December 7, 2020

Please be advised that the Council of Southwest Middlesex passed the following resolution at it's November 25, 2020 Council meeting:

Drainage Matters: CN Rail

Moved by Councillor McGill

Seconded by Councillor Vink

“WHEREAS municipalities are facilitators of the provincial process under the *Drainage Act* providing land owners to enter into agreements to construct or improve drains, and for the democratic procedure for the construction, improvement and maintenance of drainage works; and

WHEREAS municipal drain infrastructure and railway track infrastructure intersect in many areas in Ontario; and

WHEREAS coordination with national railways is required for the construction or improvement of drains that benefit or intersect with national railways; and

WHEREAS the national railways have historically participated in the process for construction, improvement and maintenance of drainage works; and

WHEREAS currently municipalities are experiencing a lack of coordination with national railways on drainage projects; and

WHEREAS the lack of coordination is resulting in projects being significantly delayed or cancelled within a year; and

WHEREAS municipal drains remove excess water to support public and private infrastructure and agricultural operations;

THEREFORE be it resolved that the Province of Ontario work with the Federal Minister of Transportation to address concerns regarding municipal drainage matters and need for coordination with the national railways; and

THAT Council circulate the resolution to the Provincial Ministers of Agriculture, Food, and Rural Affairs, and Municipal Affairs and Housing, and the Federal Minister of Transportation, the local MP and MPP, the Association of Municipalities of Ontario, and all municipalities.”

Municipality of Southwest Middlesex Resolution #2020-274

Carried

Sincerely,

A handwritten signature in cursive script that reads "Bellchamber-Glazier".

Jillene Bellchamber-Glazier  
CAO-Clerk

Cc: The Honorable Marc Gardeau, Minister of Transport  
The Honorable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
Monte McNaughton, MPP Lambton-Middlesex-London  
Lianne Rood, MP Lambton-Kent-Middlesex  
The Association of Municipalities of Ontario  
All Ontario Municipalities

## Lydia Gerritsen

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**From:** Clerks  
**Sent:** December 9, 2020 2:10 PM  
**To:** Lydia Gerritsen  
**Cc:** Brian Bridgeman  
**Subject:** FW: Orangeville Council Resolution

For CIP.

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**From:** info <info@durham.ca>  
**Sent:** December 9, 2020 9:26 AM  
**To:** Clerks <Clerks@durham.ca>  
**Subject:** FW: Orangeville Council Resolution

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**From:** Tracy MacDonald <tmacdonald@orangeville.ca>  
**Sent:** December-08-20 9:26 AM  
**To:** doug.fordco <doug.fordco@pc.ola.org>; sylvia.jones@pc.ola.org; jeff.yurek <jeff.yurek@pc.ola.org>; rod.phillips <rod.phillips@pc.ola.org>; info <info@cvc.ca>  
**Cc:** 'accesshalton@halton.ca'; 'accessyork@york.ca'; 'aclarke@gorebay.ca'; 'admin@acwtownship.ca'; 'admin@dnetownship.ca'; 'admin@eganville.com'; 'admin@englehart.ca'; 'admin@frontofyonge.com'; 'admin@greatermadawaska.com'; 'admin@hiltontownship.ca'; 'admin@jocelyn.ca'; 'admin@mindenhill.ca'; 'admin@nipissingtownship.com'; 'admin@northmiddlesex.on.ca'; 'admin@papineaucameron.ca'; 'admin@porthope.ca'; Admin <admin@puslinch.ca>; 'admin@southbrucepeninsula.com'; 'admin@southfrontenac.net'; 'admin@sundridge.ca'; 'admin@zorra.on.ca'; 'administration@calvintownship.ca'; 'administration@county-lambton.on.ca'; 'administration@greenstone.ca'; 'administration@lambtonshores.ca'; 'administration@valharty.ca'; 'Administration-Office-General@grimsby.ca'; 'adminoffice@gordonbarrieisland.ca'; 'alberton@jam21.net'; 'alnhald@alnhaldimand.ca'; 'arnprior@arnprior.ca'; 'assignackinfo@amtelecom.net'; 'athens@myhighspeed.ca'; 'bayham@bayham.on.ca'; 'bkane@newtecumseth.ca'; 'bknight@huroneast.com'; 'bpaulmachar@vianet.ca'; 'bradley@hastingscounty.com'; 'brant@brant.ca'; 'brenda.fraser@townofkearney.ca'; 'brendacoulter@larderlake.ca'; 'brentstdenis@gmail.com'; 'brethour@parolink.net'; 'brock@townshipofbrock.ca'; 'brucemines@bellnet.ca'; 'burpeemills@vianet.ca'; 'c.parent@northkawartha.ca'; 'cao.clerk@bonfieldtownship.org'; 'cao@duttondunwich.on.ca'; 'cao@elgin.ca'; 'cao@tayvalleytwp.ca'; 'caoclerk@stonemills.com'; 'centralm@amtelecom.net'; 'cgendron@moonbeam.ca'; 'cgroulx@hawkesbury.ca'; 'chapple@tbaytel.net'; 'chollows@muskokalakelakes.ca'; 'christine.tarling@kitchener.ca'; 'cityadmin@owensound.ca'; 'cityhall@brampton.ca'; 'cityhall@cornwall.ca'; 'cityinfo@barrie.ca'; 'civic@hanover.ca'; 'ckinfo@chatham-kent.ca'; 'clerk.greffe@russell.ca'; 'clerk@arran-elderslie.ca'; 'clerk@brockville.com'; 'clerk@burksfalls.ca'; 'clerk@carlowmayo.ca'; 'clerk@cramahetownship.ca'; 'clerk@dawneuphemia.on.ca'; 'clerk@evanturel.com'; 'clerk@gananoque.ca'; 'clerk@howick.ca'; 'clerk@kincardine.ca'; 'clerk@lanarkhighlands.ca'; 'clerk@marathon.ca'; 'clerk@mcmurrichmonteith.com'; 'clerk@northstormont.ca'; 'clerk@papineaucameron.ca'; 'clerk@ryersontownship.ca'; 'clerk@saugeenshores.ca'; 'clerk@schreiber.ca'; 'clerk@stirling-rawdon.com'; 'clerk@strongtownship.com'; 'Julie Forth' <clerk@swox.org>; 'clerk@thorold.com'; 'clerk@town.southbruce.on.ca'; 'clerk@township.limerick.on.ca'; 'clerk@township.mckellar.on.ca'; 'clerk@tudorandcashel.com'; 'clerk@wasagabeach.com'; 'clerk@welland.ca'; 'clerk-greffe@alfred-plantagenet.com'; 'clerkplanning@northfrontenac.ca'; 'clerks@citywindsor.ca'; 'clerks@clarington.net'; 'clerks@grey.ca'; 'clerks@midland.ca'; 'clerks@pelham.ca'; 'clerks@pickering.ca'; 'clerks@richmondhill.ca'; 'clerks@sarnia.ca'; 'clerks@stcatharines.ca'; 'clerks@stratford.ca'; 'clerks@timmins.ca'; 'clerks@vaughan.ca'; 'clerksoffice@carling.ca'; 'clerksoffice@centrehastings.com'; 'clerktreasurer@billingstwp.ca'; 'clerktreasurer@pickelake.org'; 'clerktreasurer@visitmachin.com'; 'cmcgregor@twp.beckwith.on.ca'; 'cob@burlington.ca'; 'cobalt@ntl.sympatico.ca';



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<[gmcnamara@tecumseh.ca](mailto:gmcnamara@tecumseh.ca)>

**Subject:** Orangeville Council Resolution

Please see the resolution below that was passed by Orangeville Council last night.

Resolution 2020-426

Moved by Councillor Peters

Seconded by Mayor Brown

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

AND WHEREAS the Legislation introduces several changes and new sections that could remove and/or significantly hinder conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

AND WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;

AND WHEREAS the changes allow the Minister to make decisions without conservation authority watershed data and expertise;

AND WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

AND WHEREAS the budget that Orangeville spends on conservation authority work is a bargain for the services provided;

AND WHEREAS municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected;

AND WHEREAS it has been the Town of Orangeville’s experience with the Credit Valley Conservation Authority that having a chair or vice-chair serve for more than one year has produced experienced individuals;

AND WHEREAS the changes to the ‘Duty of Members’ contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed;

AND WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario’s Client Service and Streamlining Initiative;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within conservation authority jurisdictions for the health and well-being of residents; municipalities value conservation authorities’ work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value conservation authorities’ work to ensure safe drinking water;

THEREFORE, BE IT RESOLVED THAT: (i) the Province of Ontario repeal Section 6 of the Budget Measures Act (Bill 229), and (ii) that the Province continue to work with conservation authorities to find workable solutions to reduce red tape;

AND

THAT this resolution be circulated to Premier Doug Ford, MPP Sylvia Jones, the Minister of the Environment, Conservation, and Parks Jeff Yurek, the Minister of Finance Rod Philips, all Conservation authorities throughout Credit Valley, and all Ontario Municipalities

Carried

Thanks,

**Tracy Macdonald | Assistant Clerk | Corporate Services**  
**Town of Orangeville** | 87 Broadway | Orangeville ON L9W 1K1  
519-941-0440 Ext. 2256 | Toll Free 1-866-941-0440 Ext. 2256  
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If you require this information in an accessible format, please contact 1-800-372-1102 ext. 2097.

## **The Regional Municipality of Durham**

### **MINUTES**

#### **ACCESSIBILITY ADVISORY COMMITTEE**

**Tuesday, November 24, 2020**

A meeting of the Accessibility Advisory Committee was held on Tuesday, November 24, 2020 at Regional Headquarters, Council Chambers, 605 Rossland Road East, Whitby at 1:00 PM. In accordance with Provincial legislation, electronic participation was permitted at this meeting.

#### **1. Roll Call**

Present: C. Boose, Ajax, Chair  
D. Campbell, Whitby, Vice-Chair, left the meeting at 2:58 PM  
A. Beach, Oshawa  
H. Hall, Participation House  
D. Hume-McKenna, DMHS attended the meeting at 2:05 PM  
Councillor R. Mulcahy attended the meeting at 1:15 PM  
M. Peters, Canadian Council on Rehabilitation and Work Durham, left the meeting at 2:58 PM  
R. Purnwasie, Ajax  
M. Roche, Oshawa  
S. Sones, Whitby  
**\*all members of the committee participated electronically**

Absent: L. Schisler, Whitby

#### **Staff**

Present: J. Austin, Deputy General Manager, Durham Region Transit  
S. Austin, Director of Corporate Policy and Strategic Initiatives  
M. Binetti, Supervisor, Service Design, Durham Region Transit  
J. Christianson, Program Coordinator, Office of the Chief Administrative Officer  
R. Inacio, Systems Support Specialist, Corporate Services – IT  
J. Traer, Accessibility Coordinator, Office of the Chief Administrative Officer  
N. Prasad, Committee Clerk, Corporate Services – Legislative Services

#### **2. Introduction of Members**

J. Traer welcomed A. Beach, H. Hall and M. Peter to the Committee. All members in attendance provided an overview of their background.

#### **3. Declarations of Interest**

There were no declarations of interest.

**4. Adoption of Minutes**

Moved by D. Campbell, Seconded by R. Purnwasie,  
That the minutes of the special Accessibility Advisory Committee  
meeting held on October 1, 2020, be adopted.

CARRIED

**5. Presentations**

A) Ross Ste-Croix, Executive Director, WindReach Farm re: Programs and Services

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R. Ste-Croix, Executive Director, WindReach Farm provided a PowerPoint Presentation with regards to the programs and services offered at WindReach Farm.

Highlights of the presentation included:

- About WindReach Farm
- Our History
- Who We Serve
- Our Programs
- Events

R. Ste-Croix stated that WindReach Farm (the farm) has been in Durham Region since 1989. He stated that the farm uses the farm environment to provide therapeutic programs for people of all abilities as well as those with severe physical limitations who require one on one care; individuals on the autism spectrum who are looking to build friendships and learn new skills; and those coping with mental health issues.

R. Ste-Croix provided an overview of the following programs offered: Learning for Life; Community Participation; Therapeutic Riding Program; The Harvest of Health Horticultural Therapy Program; Day Visitor Program; Overnight Visitor Program; The Beyond the Farm Gate Program and Acres of Fun Summer Camp.

R. Ste-Croix advised that the farm is always working on getting more recognition in the community so that people are able to make use of the programs offered. In doing so, he stated that in a typical year, the farm hosts events such as sheep shearing, Halloween, Christmas, as well as open houses, Founder's Day, and a fundraising gala. He advised that due to the COVID 19 pandemic this year, they were able to have a socially distanced golf tournament, a Halloween event, drive-thru experiences and are currently working on a winter walk-thru event.

R. Ste-Croix responded to questions with regards to whether the programs offered are open to adults with disabilities.

Moved by M. Peters, Seconded by D. Campbell,  
That the Committee recess for 5 minutes.  
CARRIED

The Committee recessed at 1:50 PM and reconvened at 1:55 PM.

Following the recess, the Committee Clerk conducted a roll call and all members of the Committee were present except for L. Schisler.

B) Jamie Austin, Deputy General Manager and Michael Binetti, Supervisor, Service Design, Durham Region Transit re: Update on DRT Services

J. Austin, Deputy General Manager and M. Binetti, Supervisor, Durham Region Transit, provided a PowerPoint Presentation with regards to an update on Durham Region Transit Services.

Highlights of the presentation included:

- COVID-19 response to date
- Impacts
- Resumption of fare collection
- Introducing PRESTO E-tickets
- Using a PRESTO E-ticket
- Multi phase service plan
- Phase A Urban Area – Map
- Transit mobility in rural areas
- What is On Demand?
- Draft Social Equity Guidelines
  - Draft – Equity Priorities in Durham Region
  - Draft – Communities of Focus
  - Guidelines & Goals

J. Austin provided an overview of the measures taken over the past ten months with regards to the COVID-19 pandemic. He stated that transit ridership declined by more than 70% in the spring but has slowly started to rise. He advised that DRT has worked with Metrolinx to issue a new electronic ticketing application, which is a contactless fare payment option available on smartphones across all DRT scheduled, specialized and On Demand services.

M. Binetti stated that DRT introduced a multi-phased new ridership growth network on September 28<sup>th</sup> and is currently in Phase A of that service. He provided an overview of the Phase A Urban Area Map as well as an overview of the On Demand Services in the rural areas of Durham Region.

With regards to On Demand, M. Binetti stated that some common features are as follows:

- zones/areas where ridership is low;
- trips booked the day of travel and as close as 15 mins before;
- regular DRT fares;
- riders picked up by a DRT Promaster van or a contracted service provider sedan or van; and
- riders can travel stop to stop within a zone or connect to DRT bus routes and local GO Train Station when travelling out or into a zone.

M. Binetti stated that DRT is one of the first transit agencies in Canada that is looking at implementing social equity guidelines. He provided a list of the following equity priorities in Durham Region: ability to pay; single parent families; newcomers, new Canadians or refugees; indigenous; language/literacy barriers; seniors; youth; women; and physical or mental abilities. He also stated that the communities of focus are Durham Region's priority neighbourhoods and rural areas.

M. Binetti stated that the draft guidelines and goals are as follows: supportive infrastructure; service coverage and availability; service span and frequency; and transit serving employment uses. He advised that any feedback on the draft social equity guidelines from the committee are welcome.

Discussion ensued with regards to the importance of expanding the definition of 'gender' to be inclusive of trans-identified individuals. It was also suggested that the committee be consulted to ensure accessibility when considering the equity priorities.

## **6. Correspondence**

There were no items of correspondence to consider.

## **7. Information Items**

### **A) Education Sub-Committee Update**

J. Traer provided the following update with regards to future presentations:

- L. Schisler will be providing a presentation with regards to Community Care Durham and what they provide to the community; and
- Several Regional Departments and Divisions have created a new initiative and may be looking for feedback from the committee with regards to accessibility.

### **B) Update on the Transit Advisory Committee (TAC)**

M. Roche thanked J. Traer for scheduling the presentation from J. Austin and M. Binetti, or Durham Region Transit, provided earlier in the meeting.

C) Accessibility Coordinator Update

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J. Traer provided the following update:

- Regional Headquarters will be closed to the public until spring 2021. Meetings will continue to be held virtually until then.
- For people who read lips, J. Traer has found someone (Joyce Hancock of Oshawa) who makes clear masks. She stated that a mask has been ordered for each committee member and will be sent by mail.
- The south accessible parking lot at the Region of Durham is being redesigned to accommodate some of the recommendations provided by the site survey subcommittee.
- With regards to the AAC Awards, plans are in the works for J. Traer and the videographer to meet the recipients and present them with their awards.
- The Region has received notice that the Compliance Division of the Province is doing an audit on the accessibility portfolio. J. Traer has had to complete and provide the requested information to them.
- J. Traer requested that D. Hume-McKenna provide some information regarding service updates sent to community partners with regards to COVID-19 supports across Durham Region.
  - D. Hume-McKenna stated that service updates are sent out to over 200 recipients to advise of services that are open and how they have changed or may change; and is geared to information regarding immediate supports such as Ontario Works; mental health supports; housing; food security; Durham Region Transit; and senior supports. She stated that any requests to be added to the mailing list be sent to J. Traer, who will then advise her.
- J. Traer requested that J. Christianson provide an update on the CityStudio Project survey:
  - J. Christianson advised that since the survey went live, the responses have been great. She advised that there has been 133 visitors to the site with 31 completed surveys and 28 new registrations. She stated that the survey can be accessed until November 30, 2020
- J. Traer advised that she plans to start work on the new multi-year Accessibility Plan in 2021. She advised that she will be looking for a



subcommittee to help with the creation of the new plan. She requested that interested members advise her.

**8. Reports for Information**

There were no reports to consider.

**9. Other Business**

There were no items of other business.

**10. Date of Next Meeting**

The next regularly scheduled meeting of the Accessibility Advisory Committee will be held on Tuesday, January 26, 2021 at 1 PM.

**11. Adjournment**

Moved by M. Roche, Seconded by H. Hall,  
That the meeting be adjourned.  
CARRIED

The meeting adjourned at 3:02 PM

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C. Boose, Chair  
Accessibility Advisory Committee

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N. Prasad, Committee Clerk