

Board of Directors Meeting #5/22 was held via video conference, on Friday, June 24, 2022, pursuant to section c.12 of the Toronto and Region Conservation Authority Board of Directors Administrative By-Law. The Chair, Jennifer Innis, called the meeting to order at 9:38 a.m.

PRESENT

Jennifer Innis, Chair
Jack Heath, Vice-Chair
Paul Ainslie
Kevin Ashe
Shelley Carroll
Ronald Chopowick
Joe DiPaola
Jennifer Drake
Chris Fonseca
Gordon Highet
Linda Jackson
Mike Layton
Josh Matlow
Michael Palleschi
James Pasternak
Steve Pellegrini
Anthony Perruzza
Gino Rosati
Rowena Santos
Don Sinclair

ABSENT

Dipika Damerla
Joanne Dies
Paula Fletcher
Maria Kelleher
Basudeb Mukherjee
Connie Tang

The Chair recited the Indigenous Acknowledgement.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Kevin Ashe declared a pecuniary interest in regard to Item 9.1.3 - Acquisition from ICON Homes (ICON Forest North Limited), as he resides in a home adjacent to the subject property. Member Ashe did not take part in the discussion or vote on the item.

RES.#A 76/22 MINUTES OF MEETING #4/22, HELD ON MAY 20, 2022

Moved By: Josh Matlow
Seconded By: Steve Pellegrini

THAT the Minutes of Meeting #4/22, held on May 20, 2022, be approved.

Carried

SECTION I - ITEMS FOR BOARD OF DIRECTORS ACTION

RES.#A 77/22 DELEGATED AUTHORITY TO AWARD VENDOR OF RECORD (VOR) ARRANGEMENT FOR RENTAL OF CONSTRUCTION EQUIPMENT

Moved By: James Pasternak
Seconded By: Paul Ainslie

WHEREAS no meetings of TRCA Executive Committee and Board of Directors are scheduled for the months of July and August 2022;

AND WHEREAS Resolution #A227/21, adopted at the November 19, 2021, Board of Directors meeting, delegated the approval of time sensitive procurements for the months of July and August to the Chief Executive Officer or his designate;

THEREFORE, LET IT BE RESOLVED THAT the Chief Executive Officer be delegated authority to award the Vendor of Record contracts for rental of construction equipment for an initial term of one (1) year with an option to extend for an additional one (1) year at TRCA staff's discretion;

AND THAT any extensions be brought forward to the Board of Directors for approval at a later date;

THAT should TRCA staff be unable to negotiate contracts with successful Proponents, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked meeting TRCA specifications;

THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents;

AND FURTHER THAT staff report back on the contract award to the Board of Directors at the September 23, 2022 meeting.

Carried

RES.#A 78/22

DELEGATED AUTHORITY REQUEST OVER "SUMMER RECESS"

Moved By: James Pasternak

Seconded By: Paul Ainslie

WHEREAS Toronto and Region Conservation Authority's (TRCA) Procurement Policies require reporting to the Executive Committee for procurements over \$250,000 and to the Board of Directors for procurements over \$500,000;

AND WHEREAS from June 24, 2022 to September 9, 2022 there is a break in Executive Committee and Board of Director meetings for the "summer recess";

AND WHEREAS Resolution #A227/21, adopted at the November 19, 2021, Board of Directors meeting, delegated the approval of time sensitive procurements for the months of July and August to the Chief Executive Officer or his designate;

THEREFORE LET IT BE RESOLVED THAT during the 2022 summer recess the Chief Executive Officer be delegated authority to approve, grant or authorize all activities in connection with acquisition of goods and services that would otherwise require Executive Committee of Board of Directors approval;

THAT any approval under the delegated authority comply with TRCA's Procurement Policies;

THAT should TRCA staff be unable to negotiate contracts with successful Proponents, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked meeting TRCA specifications;

THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents;

AND FURTHER THAT staff report back at the September 23, 2022 Board of Directors meeting with a list of all procurements that were approved under the delegated authority.

Carried

RES.#A 79/22

UPDATE ON MEMORANDUMS OF UNDERSTANDING AND REQUESTED BOARD APPROVAL OF PROGRESS REPORT

Moved By: James Pasternak

Seconded By: Paul Ainslie

THAT the update on Memorandums of Understanding and Toronto and Region Conservation Authority (TRCA) progress report, be received;

THAT TRCA's Board of Directors approve this progress report in fulfillment of the first progress report to be submitted to MECP by July 1, 2022, as required by

O.Reg. 687/21: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act;

AND FURTHER THAT the Clerk and Manager, Policy, circulate this report to TRCA's municipal partners and the Ministry of Environment, Conservation and Parks, in fulfillment of requirements associated with the development and submission of regular progress reports, and that this report also be circulated to Conservation Ontario, neighbouring conservation authorities, the Ministry of Northern Development, Mines, Natural Resources and Forestry, and Ministry of Municipal Affairs and Housing, and partner municipalities.

Carried

**RES.#A 80/22 CITY OF MARKHAM UNIONVILLE SPECIAL POLICY AREA
BOUNDARY UPDATE**

Moved By: Jennifer Drake

Seconded By: Jack Heath

WHEREAS TRCA Board of Directors endorsed the flood plain mapping update of the Rouge River watershed in the Unionville Special Policy Area in the City of Markham in 2019;

AND WHEREAS the City of Markham, in collaboration with TRCA, has undertaken a review to update the boundary of the Unionville Special Policy Area (SPA) in accordance with the provincial guidelines for amending the boundaries of existing SPAs;

THEREFORE LET IT BE RESOLVED THAT the request of the City of Markham to update the boundary of the Unionville SPA through the approval of an Official Plan Amendment and Zoning By-law Amendment be endorsed, subject to final approval from the Minister of Municipal Affairs and Housing (MMAH) and the Minister of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF);

AND FURTHER THAT the Clerk and Manager, Policy, so advise the City of Markham, the Region of York, MMAH and MNDMNRF.

Carried

**RES.#A 81/22 APPLICATION FOR PERMIT PURSUANT TO S.28.0.1 OF THE
CONSERVATION AUTHORITIES ACT (MINISTER'S ZONING
ORDER, ONTARIO REGULATION 773/21)**

Moved By: James Pasternak

Seconded By: Paul Ainslie

WHEREAS the Minister of Municipal Affairs and Housing issued a Minister's Zoning Order (MZO) for the subject property on November 12, 2021, as Ontario Regulation 773/21;

WHEREAS Section 28.0.1 of the Conservation Authorities Act requires the Authority to issue permission for a development project that has been authorized by a Minister's Zoning Order (MZO) issued under the Planning Act, and where the lands in question are not located within a Greenbelt Area as identified through Section 2 of the Greenbelt Act;

WHEREAS Section 28.0.1 of the Conservation Authorities Act requires that the Authority shall not refuse to grant permission for a development project that has been authorized by a Minister's Zoning Order (MZO), outside of the Greenbelt, under subsection (3) despite, (a) anything in Section 28 or in a regulation made under Section 28, and (b) anything in subsection 3(5) of the Planning Act;

WHEREAS Section 28.0.1(6), of the Conservation Authorities Act, permits the Authority to attach conditions to the permission, including conditions to mitigate any effects the development may have on the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land and/or in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;

WHEREAS Section 28.0.1(24), of the Conservation Authorities Act, provides that where a permit is to be issued pursuant to Ontario Regulation 166/06, the applicant is required to enter into an agreement with the Conservation Authority;

AND WHEREAS TRCA staff, in the absence of an approved MZO, would normally issue a Permit for the construction and where it has been demonstrated there will no impact on the control of flooding, erosion, dynamic beaches, pollution, the conservation of land, or jeopardize the health or safety of persons or result in the damage or destruction of property;

THEREFORE, LET IT BE RESOLVED THAT CSPS Annandale Nominee Inc in the Town of Ajax be granted permission through a Permit to make alterations within a valley corridor to construct barn swallow structures, site grade, install temporary erosion control and stormwater management facilities, and construct a commercial building within 221 Church Street South, in the Town of Ajax, Region of Durham;

THAT TRCA staff seek full cost recovery in accordance with TRCA's Administrative Fee Schedule; and

AND FURTHER THAT the Executive Committee, authorize the entering into of an agreement related to the Permit for the phased works.

Carried

RES.#A 82/22 STREAMLINED PERMIT ADMINISTRATION

Moved By: James Pasternak

Seconded By: Paul Ainslie

WHEREAS TRCA is committed to streamline administrative processes associated with the implementation of its regulatory permitting responsibilities under Section 28 of the *Conservation Authorities Act*;

AND WHEREAS TRCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Ontario Regulation 166/06 as amended, enables TRCA to designate one or more employees to grant permissions for development or permission for alteration in accordance with the regulation;

THEREFORE, LET IT BE RESOLVED THAT TRCA designate the following senior positions to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit;

AND FURTHER THAT all existing administrative Enforcement Officer appointments be revoked.

Carried

RES.#A 83/22 INDIGENOUS ENGAGEMENT UPDATE

Moved By: Shelley Carroll

Seconded By: Don Sinclair

THAT the Chief Executive Officer be authorized to execute a relationship agreement(s) with First Nations should there be mutual interest;

THAT TRCA's updated Engagement Guidelines and policies continue to benefit from consultation with First Nations and input from the TRCA Indigenous (First Nations and Metis) Engagement Working Group;

THAT TRCA continue to advocate for enhanced funding for the transformation of Black Creek Pioneer Village so as to better incorporate First Nations historical perspectives;

AND FURTHER THAT the Indigenous Engagement Working Group report back to the Board of Directors on an annual basis with updates on learnings, progress and details on relationship agreements should a relationship agreement be reached with any First Nations.

Carried

**RES.#A 84/22 FINALIZED PHASE 2 REGULATIONS UNDER THE
CONSERVATION AUTHORITIES ACT**

Moved By: James Pasternak

Seconded By: Paul Ainslie

IT IS RECOMMENDED THAT this overview of the recently issued Phase 2 Regulations and Minister's Fee Classes Policy under the Conservation Authorities Act be received;

AND THAT all agreements entered into between Toronto and Region Conservation Authority (TRCA) with municipal partners reflect the requirements of the Phase 2 Regulations;

AND THAT as required by Section 21.2 of the Conservation Authorities Act, a fee policy be brought forward for approval by TRCA's Board of Directors prior to January 1, 2023.

Carried

SECTION III - ITEMS FOR THE INFORMATION OF THE BOARD

RES.#A 85/22 2021 SENIOR STAFF EXPENSES

Moved By: Gino Rosati

Seconded By: Jennifer Drake

IT IS RECOMMENDED THAT the summary of senior staff expenses for TRCA's Chief Executive Officer, Chief Financial and Operating Officer, Chief Human Resources Officer and Divisional Directors for the year ended December 31, 2021, be received.

Carried

**RES.#A 86/22 SUMMARY OF TRCA POLICY CONSULTATION SUBMISSIONS
ON RECENT PROVINCIAL POLICY INITIATIVES**

Moved By: Gino Rosati

Seconded By: Jennifer Drake

WHEREAS to date in 2022, the Province of Ontario posted several legislative, regulatory and policy initiatives on the Environmental Registry of Ontario (ERO) relevant to Toronto and Region Conservation Authority's (TRCA) interests;

WHEREAS TRCA staff submitted letter responses to the provincial government on their initiatives;

THEREFORE, LET IT BE RESOLVED THAT the TRCA staff report on a summary of TRCA policy submissions from October 2021 through May 2022, be received;

AND FURTHER THAT the Clerk and Manager, Policy, so advise municipal partners and Conservation Ontario.

Carried

**RES.#A 87/22 FOLLOW-UP REPORT FOR THE AWARD OF CONTRACT
10036684 – VENDORS OF RECORD FOR SUPPLY AND
DELIVERY OF LIQUID FUELS**

Moved By: Gino Rosati
Seconded By: Jennifer Drake

THAT TRCA recommends that the Follow-Up Report for the Award of Contract 10036684 - Vendors of Record for Supply and Delivery of Liquid Fuels Report, be received, for information.

Carried

MATERIAL FROM EXECUTIVE COMMITTEE MEETING

SECTION I - ITEMS FOR BOARD OF DIRECTORS ACTION

RES.#A 88/22 2021 AUDITED FINANCIAL STATEMENTS

Moved By: Ronald Chopowick
Seconded By: Shelley Carroll

THAT the transfer of funds from surplus to unrestricted reserves in the amount of \$28,568,000 as outlined below and reflected in Note 8, “Accumulated Surplus” to the financial statements (Attachment 1) be approved;

AND FURTHER THAT the 2021 audited financial statements, as presented in Attachment 1 be approved, signed by the Chair and Secretary-Treasurer of Toronto and Region Conservation Authority (TRCA) and distributed to each member municipality and the Minister, in accordance with subsection 38(3) of the Conservation Authorities Act.

Carried

**RES.#A 89/22 REQUEST FOR TENDER FOR SUPPLY AND DELIVERY OF
VARIOUS AGGREGATES TO JIM TOVEY LAKEVIEW
CONSERVATION AREA - SOUTH ISLAND AND SOUTH
COBBLE BEACH**

Moved By: Ronald Chopowick
Seconded By: Shelley Carroll

WHEREAS Toronto and Region Conservation Authority (TRCA) is engaged in a project that requires supply and delivery of various aggregates;

AND WHEREAS TRCA solicited tenders through a publicly advertised process;

THEREFORE Request for Tender (RFT) No. 10037622 be awarded to Doornekamp Construction at a total cost not to exceed \$209,650, plus applicable taxes, to be expended as authorized by TRCA staff;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of \$20,965 (10% of the project cost), plus applicable taxes, in excess of the contract cost as a contingency allowance if deemed necessary;

THAT RFT No. 10037623 be awarded to Gott Natural Stone '99 Inc. at a total cost not to exceed \$333,218, plus applicable taxes, to be expended as authorized by TRCA staff;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of \$33,322 (10% of the project cost), plus applicable taxes, in excess of the contract cost as a contingency allowance if deemed necessary;

THAT RFT No. 10037624 be awarded to Gott Natural Stone '99 Inc. at a total cost not to exceed \$757,313, plus applicable taxes, to be expended as authorized by TRCA staff;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of \$75,731, (10% of the project cost), plus applicable taxes, in excess of the contract cost as a contingency allowance if deemed;

THAT RFT No. 10037627 be awarded to Dufferin Aggregates at a total cost not to exceed \$791,292, plus applicable taxes, to be expended as authorized by TRCA staff;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of \$79,129 (10% of the project cost), plus applicable taxes, in excess of the contract cost as a contingency allowance if deemed;

THAT should TRCA staff be unable to negotiate a contract with any of the above-mentioned proponents, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted quotations (where applicable), beginning with the next lowest bid meeting TRCA specifications;

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the contracts, including the obtaining of necessary approvals and the signing and execution of any documents.

Carried

RES.#A 90/22 ACQUISITION FROM ICON HOMES (ICON FOREST NORTH LIMITED)

Moved By: Chris Fonseca
Seconded By: Mike Layton

THAT 2.19 hectares (5.43 acres), more or less, of vacant land, located north of Finch Avenue and west of Altona Road, municipally known as 2026 Altona Road,

said land being Part of Lot 33, designated as Parts 1,2,11,12, and 13 on Registered Plan 40R-29767, in the City of Pickering, Regional Municipality of Durham, be purchased from Icon Forest North Limited;

THAT the purchase price be \$2.00;

THAT Toronto and Region Conservation Authority (TRCA) receive conveyance of the land free from encumbrance, subject to existing service easements;

THAT the transaction be completed at the earliest possible date and all reasonable expenses incurred incidental to the closing for legal costs and disbursements are to be paid by Icon Forest North Limited;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

Carried

RES.#A 91/22 ACQUISITION FROM CAL- LESLIE DEVELOPMENTS INC.

Moved By: Linda Jackson

Seconded By: Shelley Carroll

THAT 0.24 hectares (0.59 acres), more or less, of vacant land, located east side of Leslie Street and south of Bethesda Sideroad, said land being Part of Lot 4, Concession 2, designated as Block 8 on draft M-Plan by R-PE Surveying Ltd. OLS, Job No. 18-259, municipally known as 12844 Leslie Street, in the City of Richmond Hill, Regional Municipality of York, be purchased from Cal-Leslie Developments Inc.;

THAT the purchase price be \$2.00;

THAT Toronto and Region Conservation Authority (TRCA) receive conveyance of the land free from encumbrance, subject to existing service easements;

THAT the transaction completed at the earliest possible date and all reasonable expenses incurred incidental to the closing for land transfer tax, legal costs, and disbursements are to be paid by TRCA;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

Carried

RES.#A 92/22

**DISPOSITION TO NORTH PICKERING COMMUNITY
MANAGEMENT INC. AND THE REGIONAL MUNICIPALITY OF
DURHAM**

Moved By: Linda Jackson
Seconded By: Shelley Carroll

THAT WHEREAS TRCA is in receipt of a request from North Pickering Community Management Inc., acting as agent for the Regional Municipality of Durham, for the conveyance and a permanent easement of TRCA-owned lands located on the south side of Peter Matthews Drive (formerly Concession Road 3) and west of Valley Farm Road, in the City of Pickering, Regional Municipality of Durham, required for reconstruction and extension of Peter Matthews Drive, Duffins Creek Watershed;

AND WHEREAS it is in the best interest of TRCA in furthering its objectives as set out in Section 20 of the *Conservation Authorities Act* to cooperate with the Regional Municipality of Durham in this instance;

THEREFORE LET IT BE RESOLVED THAT a parcel of TRCA-owned land containing 0.27 hectares (0.67 acres), more or less, of vacant land, required for reconstruction of Peter Matthews Drive, said land being Part of Lot 22, Concession 2 designated as Part 1 on draft Registered Plan by J.D. Barnes Limited, reference no: 12-23-144-28 Plan 2, dated: 02/06/22 in the City of Pickering, Regional Municipality of Durham, be conveyed to the Regional Municipality of Durham;

THAT an easement over approximately 0.02 hectares (0.05 acres) of vacant TRCA-owned land, required for reconstruction of Peter Matthews Drive, said land being Part of Lot 22, Concession 2 designated as Part 2 on draft Registered Plan by J.D. Barnes Limited, reference no: 12-23-144-28 Plan 2, dated: 02/06/22, be conveyed to the Regional Municipality of Durham;

THAT consideration be the sum of \$709,625;

THAT all appraisal, legal, survey and other costs be paid by North Pickering Community Management Inc.;

THAT the Regional Municipality of Durham is to fully indemnify TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from the conveyance of the easement;

THAT the Minister of the Environment, Conservation and Parks be notified of the disposition in accordance with Section 21(2) of the *Conservation Authorities Act*;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

Carried

Moved By: Linda Jackson

Seconded By: Shelley Carroll

THAT WHEREAS Toronto and Region Conservation Authority (TRCA) received 360°kids Support Services' request to amend their lease agreement to permit capital improvements to the coach house that is within the leased premises, being those premises located north of Rouge Street, east of Mill Street, municipally known as 17 Mill Street, City of Markham, Regional Municipality of York, Rouge River watershed;

THAT the rent remains a nominal sum of \$12 per annum, and that 360°kids Support Services is solely responsible for organizing, planning and paying for all renovation and capital costs;

THAT the term be amended to include two additional extension periods of five years at TRCA's sole option;

THEREFORE LET IT BE RESOLVED THAT TRCA amend the lease with 360°kids Support Services to extend the term of the lease and to permit capital improvements to the coach house building within the leased area, being land of 0.97 hectares (0.24 acres), more or less; said land being Part of Lot 9, Concession 8, City of Markham, municipally known as 17 Mill Street, City of Markham, Regional Municipality of York;

THAT the lease with 360°kids Support Services is subject to the following terms and conditions:

- **that the original ten-year term of the lease is amended to include two additional five-year extensions at TRCA's sole option;**
- **that consideration is \$12 per annum, plus HST;**
- **that 360°kids Support Services is responsible for all planning & approvals required to begin construction and subsequent operation of the youth transition facility;**
- **that 360°kids Support Services is responsible for all capital improvements required to renovate the coach house building;**
- **that 360°kids Support Services is responsible for all costs associated with the development and operation of the youth transition facility;**
- **any other terms and conditions deemed appropriate by TRCA staff and solicitor;**

All legal, and other costs associated with the coach house shall be paid for by 360°kids Support Services;

THAT an archaeological review will be completed at the expense of 360°kids Support Services along with any mitigating measures completed to the satisfaction of TRCA;

THAT said lease is subject to the approval of the Ministry of the Environment, Conservation and Parks in accordance with Section 21(2) of the *Conservation Authorities Act*, R.S.O. 1990, Chapter C.27, as amended;

AND FURTHER THAT authorized TRCA officials are directed to take necessary action to finalize the transaction, including obtaining necessary approvals, signing, and executing documents.

Carried

**RES.#A 94/22 UXBRIDGE TRAIL SUSTAINABILITY FUND AND PAID
PARKING AT TRCA TRAIL HEADS**

Moved By: Jack Heath

Seconded By: James Pasternak

THAT Toronto and Region Conservation Authority (TRCA) participate in the Township of Uxbridge trailhead parking permit pilot project;

AND FURTHER THAT staff report back to the Board of Directors on the results of the pilot project.

Carried

**SECTION II - ITEMS FOR EXECUTIVE COMMITTEE ACTION (FOR THE
INFORMATION OF THE BOARD)**

**RES.#A 95/22 APPLICATION FOR PERMIT PURSUANT TO S.28.0.1 OF THE
CONSERVATION AUTHORITIES ACT (MINISTER'S ZONING
ORDER, ONTARIO REGULATION 515/21)**

Moved By: Paul Ainslie

Seconded By: Kevin Ashe

WHEREAS the Minister of Municipal Affairs and Housing issued a Minister's Zoning Order (MZO) for the subject property on October 30, 2020, as Ontario Regulation 607/20;

WHEREAS the Minister of Municipal Affairs and Housing issued an amendment to the Minister's Zoning Order (MZO) for the subject property on July 2, 2021, as Ontario Regulation 515/21;

WHEREAS Section 28.0.1 of the *Conservation Authorities Act* requires the Authority to issue permission for a development project that has been authorized by a Minister's Zoning Order (MZO) issued under the *Planning Act*, and where the

lands in question are not located within a Greenbelt Area as identified through Section 2 of the *Greenbelt Act*;

WHEREAS an MZO is not required to be consistent with the Provincial Policy Statement and Section 28.0.1 of the *Conservation Authorities Act* prohibits the Authority from refusing to grant permission for a development project that has been authorized by a Minister's Zoning Order (MZO), outside of the Greenbelt despite, (a) anything in Section 28 or in a regulation made under Section 28, and (b) anything in subsection 3(5) of the *Planning Act*;

WHEREAS Section 28.0.1(6), of the *Conservation Authorities Act*, permits the Authority to attach conditions to the permission, including conditions to mitigate any effects the development may have on the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land and/or in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;

WHEREAS Section 28.0.1(24), of the *Conservation Authorities Act*, provides that where a permit is to be issued pursuant to Ontario Regulation 166/06, the applicant is required to enter into an agreement with the Conservation Authority;

AND WHEREAS TRCA staff, in the absence of an approved MZO, would normally issue a Permit for the commercial development where it has been demonstrated there will no impact on the control of flooding, erosion, dynamic beaches, pollution, the conservation of land, or jeopardize the health or safety of persons or result in the damage or destruction of property;

THEREFORE, LET IT BE RESOLVED THAT Pickering Developments (Bayly) Inc. in the City of Pickering be granted permission through a Permit to make alterations within an area of interference of a Provincially Significant Wetland for topsoil stripping, grading, installation of an exfiltration gallery and stormwater management outfall to facilitate a commercial development within the Northwest Corner Bayly Street and Church Street, (Lot 15, Concession 1, City of Pickering, Regional Municipality of Durham);

AND FURTHER THAT the Executive Committee, authorize the entering into of the required agreement related to the Permit for the site works.

Carried

**RES.#A 96/22 REQUEST FOR PROPOSAL FOR DETAILED DESIGNS FOR
COLONEL SAMUEL SMITH PARK, CITY OF TORONTO**

Moved By: Paul Ainslie
Seconded By: Kevin Ashe

WHEREAS Toronto and Region Conservation Authority (TRCA) is engaged in a project that requires major maintenance works associated with fifteen shoreline erosion control structures within Colonel Samuel Smith Park;

AND WHEREAS TRCA solicited proposals for through a publicly advertised process and evaluated the proposals based on the pre-established criteria;

THEREFORE, LET IT BE RESOLVED THAT Request for Proposal (RFP) No. 10037151 for Detail Designs for Colonel Samuel Smith Park Major Maintenance Project be awarded to W.F. Baird and Associates Coastal Engineers Ltd. at a total cost not to exceed \$290,557.00, plus applicable taxes, to be expended as authorized by TRCA staff;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of \$29,056 (approximately 10% of the project cost), plus applicable taxes, in excess of the contract cost as a contingency allowance if deemed necessary;

THAT should TRCA staff be unable to negotiate a contract with the above-mentioned proponent, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked Proponent meeting TRCA specifications;

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents.

Carried

SECTION III - ITEMS FOR THE INFORMATION OF THE BOARD

RES.#A 97/22 2022 THREE MONTH FINANCIAL REPORT

Moved By: Steve Pellegrini

Seconded By: Ronald Chopowick

IT IS RECOMMENDED THAT the 2022 Financial Report for the three-month period ending March 31, 2022, be received.

Carried

RES.#A 98/22 2023 PRELIMINARY MUNICIPAL BUDGET UPDATE

Moved By: Steve Pellegrini

Seconded By: Ronald Chopowick

THAT Toronto and Region Conservation Authority's (TRCA) 2023 preliminary municipal levy submissions for the regional municipalities of Durham, Peel and York, and the City of Toronto, be consistent with the anticipated 2023 operating and capital funding envelopes proposed for TRCA in the 2022 budget cycle;

THAT preliminary operating levy targets be set at the variable rates of anticipated 2023 budget for the City of Toronto and Regions of Durham and Peel and York;

THAT TRCA staff work with the Region of York to correct the operating levy imbalance;

AND FURTHER THAT TRCA staff be directed to submit the preliminary 2023 municipal estimates and multi-year funding requests to the regional municipalities of Durham, Peel and York, and the City of Toronto, in accordance with their respective submission schedules.

Carried

RES.#A 99/22 Q1 COMMUNICATIONS SUMMARY REPORT (2022)

Moved By: Steve Pellegrini

Seconded By: Ronald Chopowick

IT IS RECOMMENDED THAT the Q1 Communications Summary Report (2022), be received.

Carried

SECTION IV - ONTARIO REGULATION 166/06, AS AMENDED

RES.#A 100/22 CITY OF PICKERING - ICON HOMES

Moved By: Jack Heath

Seconded By: Joe DiPaola

THAT permits be granted in accordance with Ontario Regulation 166/06, as amended, for City of Pickering – ICON Homes.

Carried

RES.#A 101/22 CITY OF TORONTO (TORONTO AND EAST YORK COMMUNITY COUNCIL AREA) – WATERFRONT TORONTO

Moved By: Jack Heath

Seconded By: Joe DiPaola

THAT permits be granted in accordance with Ontario Regulation 166/06, as amended, for City of Toronto (Toronto and East York Community Council Area) – Waterfront Toronto.

Carried

RES.#A 102/22 CITY OF VAUGHAN – 1264564 ONTARIO LTD.

Moved By: Jack Heath
Seconded By: Joe DiPaola

THAT permits be granted in accordance with Ontario Regulation 166/06, as amended, for City of Vaughan – 1264564 Ontario Ltd.

Carried

RES.#A 103/22 DELEGATED PERMITS FOR RECEIPT - STAFF APPROVED AND ISSUED

Moved By: Jack Heath
Seconded By: Joe DiPaola

THAT standard delegated permits, permission for routine infrastructure works, minor works letters of approval, and permits after the fact / resolution of violations granted by Toronto and Region Conservation Authority staff, in accordance with Ontario Regulation 166/06, as amended, which are listed below, be received.

Carried

RES.#A 104/22 MOVE INTO CLOSED SESSION

Moved By: Linda Jackson
Seconded By: Gino Rosati

THAT the Board of Directors move into closed session, pursuant to Section C.4.(2)(g) of TRCA's Board of Directors Administrative By-Law, to discuss Item 10.1 - OLT Tribunal Cases PL 171136, OLT-22-002104, 2466571 Ontario Inc., 31 and 55 Mounsey Street, Files OP-16-012 and Z.16.051, City of Vaughan, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals.

Carried

RES.#A 105/22 RISE AND REPORT

Moved By: Linda Jackson
Seconded By: Gino Rosati

THAT the Board of Directors rise and report from closed session.

Carried

**RES.#A 106/22 OLT TRIBUNAL CASES PL 171136, OLT-22-002104, 2466571
ONTARIO INC., 31 AND 55 MOUNSEY STREET, FILES OP-13-
012 AND Z.16.051, CITY OF VAUGHAN**

Moved By: Linda Jackson
Seconded By: Gino Rosati

THAT the Board of Directors receive the verbal update regarding OLT Tribunal Cases PL 171136, OLT-22-002104, 2466571 Ontario Inc., 31 and 55 Mounsey Street, Files OP-13-012 AND Z.16.051, City of Vaughan, for information.

Carried

NEW BUSINESS

Chair Innis expressed her appreciation to TRCA staff and volunteers for their response to the May 21, 2022 storm event. Over the past few weeks, staff, volunteers and partners have been working hard over the past few weeks to clear up the storm damage.

Jennifer Drake indicated that this would be her last meeting as a member of TRCA Board of Directors and thanked everyone for the opportunity to serve as a member for the past six years.

On behalf of the Board, Chair Innis thanked Jennifer Drake for her active role as a TRCA Board Member and Chair of the Regional Watershed Alliance.

ADJOURNMENT

ON MOTION by Paul Ainslie, the meeting on Friday June 24, 2022, was adjourned at 10:32 a.m.

Jennifer Innis
Chair

John MacKenzie
Secretary-Treasurer

/jh

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **DELEGATED AUTHORITY TO AWARD VENDOR OF RECORD (VOR)
ARRANGEMENT FOR RENTAL OF CONSTRUCTION EQUIPMENT**
RFP No. 10037819

KEY ISSUE

Staff request to Toronto and Region Conservation Authority (TRCA) Board of Directors to delegate approval authority to the Chief Executive Officer (CEO) to award Vendor of Record (VOR) contracts for the rental of construction equipment contract No. 10037819 prior to the Board of Directors meeting in September 2022.

RECOMMENDATION:

WHEREAS no meetings of TRCA Executive Committee and Board of Directors are scheduled for the months of July and August 2022;

AND WHEREAS Resolution #A227/21, adopted at the November 19, 2021, Board of Directors meeting, delegated the approval of time sensitive procurements for the months of July and August to the Chief Executive Officer or his designate;

THEREFORE, LET IT BE RESOLVED THAT the Chief Executive Officer (CEO) be delegated authority to award the Vendor of Record contracts for rental of construction equipment for an initial term of one (1) year with an option to extend for an additional one (1) year at TRCA staff's discretion;

AND THAT any extensions be brought forward to the Board of Directors for approval at a later date;

THAT should TRCA staff be unable to negotiate contracts with successful Proponents, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked meeting TRCA specifications;

THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents;

AND FURTHER THAT staff report back on the contract award to the Board of Directors at the September 23, 2022 meeting.

BACKGROUND

TRCA requires various construction equipment for completing a variety of engineering, habitat restoration, and trail building projects throughout TRCA's jurisdiction.

VOR arrangements for rental of construction equipment, Vendors are authorized to provide

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these goods and services for a defined period and with fixed pricing.

In accordance with the contract documents for the VOR arrangement, staff may contact a Vendor on the list with the goods, expertise and experience required for their project or program needs for a value up to \$100,000 per project, per annum. Services above this threshold will be procured through a separate competition and are subject to TRCA's Procurement Policy.

Vendors will provide all resources required to service the divisional or program needs in accordance with applicable laws, codes, standards, terms, and conditions of the VOR agreement.

The VOR arrangement will be subject to annual review to confirm that the Vendors are providing an adequate level of service and to update any applicable vendor insurance, certifications, or policies.

The term of this Vendors of Record arrangement is for one (1) year. TRCA has the option to extend for an additional one (1) year, pending further Board of Director and TRCA staff approvals at a later date.

RATIONALE

TRCA staff has been utilizing similar VORs to accommodate construction equipment needs at projects throughout TRCA's jurisdiction. Rental companies provide TRCA staff with a catalog of upwards of 180 different pieces of equipment.

Categories of equipment under this VOR contract include the following:

- Air Compressors;
- Compaction Equipment;
- Concrete & Masonry Equipment;
- Earth Moving Equipment;
- Elevated Work Platforms;
- Generators & Portable lighting;
- Landscaping Equipment;
- Light Use Pumps; and
- Heavy Use Pumps.

With the current VOR arrangement expiring on August 1, 2022, staff request the Board of Directors to grant delegated authority to the CEO to award Contract 10037819. This will continue to ensure timely implementation of projects/programs that require rental construction equipment.

Award of this Contract is anticipated for July 2022, to keep the rental rate submissions as up to date as possible for the effective contract date of August 1, 2022. Once the contract has been approved, staff will prepare a report for the September 23, 2022, Board of Directors Meeting.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategic priority set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 7 – Build partnerships and new business models

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FINANCIAL DETAILS

Based upon expenditures during the previous VOR contract (2020-2022), the anticipated value of the requested goods and services under this contract is anticipated to be approximately \$1,665,000 plus 15% contingency, plus applicable taxes for the initial one (1) year term.

An increase or decrease in workload will have an impact on the value of this contract. Funds for this contract are identified in a variety of capital and cost recoverable project accounts.

Report prepared by: Alex Barber

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For Information contact: Alex Barber, (253) 922-7237

Email: alex.barber@trca.ca

Date: June 3, 2022

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **DELEGATED AUTHORITY OVER “SUMMER RECESS”**
Request for Delegated Authority for the Chief Executive Officer

KEY ISSUE

It is requested that the Chief Executive Officer be granted delegated authority over the “summer recess” for time sensitive procurements to ensure business continuity including support for municipal and partner supported programs and projects.

RECOMMENDATION:

WHEREAS Toronto and Region Conservation Authority’s (TRCA) Procurement Policies require reporting to the Executive Committee for procurements over \$250,000 and to the Board of Directors for procurements over \$500,000;

AND WHEREAS from June 24, 2022 to September 9, 2022 there is a break in Executive Committee and Board of Director meetings for the “summer recess”;

AND WHEREAS Resolution #A227/21, adopted at the November 19, 2021, Board of Directors meeting, delegated the approval of time sensitive procurements for the months of July and August to the Chief Executive Officer or his designate;

THEREFORE LET IT BE RESOLVED THAT during the 2022 summer recess the Chief Executive Officer be delegated authority to approve, grant or authorize all activities in connection with acquisition of goods and services that would otherwise require Executive Committee of Board of Directors approval;

THAT any approval under the delegated authority comply with TRCA’s Procurement Policies;

THAT should TRCA staff be unable to negotiate contracts with successful Proponents, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked meeting TRCA specifications;

THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents;

AND FURTHER THAT staff report back at the September 23, 2022 Board of Directors meeting with a list of all procurements that were approved under the delegated authority.

BACKGROUND

The Executive Committee and Board of Directors schedule does not include meetings from

June 24, 2022 to September 9, 2022 for a “summer recess.” During this period of time there are a number of time sensitive procurements anticipated, to align with project workbacks. There may also be unexpected work requests from partners that TRCA would need to respond to on an urgent basis. During the summer recess is it requested that the Chief Executive Officer be granted delegated authority to approve, grant or authorize all activities in connection with acquisition of goods and services that would otherwise require Executive Committee or Board of Directors approval. The intent of the delegation of authority is to ensure business continuity during summer months by preventing an interruption of project delivery and/or to avoid unnecessary costs.

RATIONALE

It is impossible to fully and accurately predict all potential procurements that may be necessary during the “summer recess” period as TRCA is occasionally asked to conduct time sensitive works including “emergency works” by municipal and senior government agencies and partners, e.g., (recent TRCA shoreline stabilization work for Parks Canada at Rouge Beach) under existing MOU’s or service level agreements. However, at this time it is expected the following procurements would require delegated authority approval over the summer recess in order to meet established timelines for project and program delivery. Note that the anticipated value listed does not include considerations for contingency. This will be incorporated into contracts as deemed necessary.

Project	Description	Type of Goods/Services	Type of Procurement	Anticipated Value	Staff Lead
Humber Bay Park East Revitalization Project: Electrical Services	<p>Pond naturalization, bridges and a boardwalk construction, building demolition, and overall site restoration in support of the Humber Bay Park Master Plan.</p> <p>Delivered in partnership with the City of Toronto.</p>	Supply and installation of electrical services surrounding the Humber Bay Park East area. Specifically, the main hydro connection to the park from the road, the connection to the new building and surrounding trail lighting system to be completed by the end of 2022.	Competitive Tender	>\$0.5M	<p>Ralph Toner</p> <p>(365) 566-2434</p>

Project	Description	Type of Goods/Services	Type of Procurement	Anticipated Value	Staff Lead
Humber Bay Park East Revitalization Project: Pump Services	<p>Pond naturalization, bridges and a boardwalk construction, building demolition, and overall site restoration in support of the Humber Bay Park Master Plan.</p> <p>Delivered in partnership with the City of Toronto.</p>	Supply and installation of a new pump system required for the Humber Bay Park East wetland feature. Given this area is not directly connected to the lake, a pump is required to bring water from the lake into this new wetland system. This work needs to be completed by the end of 2022.	Competitive Tender	\$0.25M	<p>Ralph Toner</p> <p>(365) 566-2434</p>
East Don Trail Tunnel and Bridge Construction	Phase 1 of the East Don Trail is 80% completed with the bridge and tunnel across the Metrolinx rail line remaining. This final piece will provide safe user crossing and open up a significant trail network.	Construction of tunnel and pedestrian overpass to complete Phase 1 of East Don Trail.	Competitive Tender	\$8 -10M	<p>Mark Preston</p> <p>(437) 880-1935</p>
Bolton Camp New Entrance	Improve traffic sight lines and allow for a larger capacity of community users to safely park on the property.	Road widening and Right of Way improvements.	Competitive Tender	\$1M	<p>Aaron D'Souza</p> <p>(437) 880-1949</p>

Project	Description	Type of Goods/Services	Type of Procurement	Anticipated Value	Staff Lead
Head Office POI Furniture and Move	Furniture relocation and furniture purchases	Tear down, move and re-install existing furniture from 101 Exchange and receive, deliver, and install new furniture for 5 Shoreham.	Limited Tender	\$0.4M	Aaron D'Souza (437) 880-1949
Head Office Geothermal Open Loop Installation	Installation of an open loop geo-thermal system for the supply of water for the new administration building's mechanical system	Installation of an open loop geo-thermal system.	Competitive Tender	\$1M	Aaron D'Souza (437) 880-1949
Vendors of Record for Rental of Construction Equipment	TRCA's current 'Vendor of Record' (VOR) for rental of construction equipment expires August 1, 2022. By establishing a VOR arrangement for rental of construction equipment, Vendors are authorized to provide these goods and services for a defined period and with fixed pricing.	Vendors will provide TRCA with a catalog of upwards of 180 different pieces of rental equipment. Rental equipment includes everything from earthmoving equipment, like excavators and front-end loaders, all the way to pumps and generators to conduct by-pass pumping activities.	Competitive Vendor of Record	\$1.665M for the term of the contract (1 year). An increase or decrease in workload will have an impact on the overall annual value of this contract.	Mike Puusa (365) 566-2344

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 1 – Green the Toronto region’s economy

FINANCIAL DETAILS

The following outlines financial considerations for the procurements anticipated to require delegated authority approval.

Humber Bay Park East Revitalization Project: Electrical Services

- Fully recoverable under letter agreement with the City of Toronto. Funds tracked in account: 113-50

Humber Bay Park East Revitalization Project- Pump Services

- Fully recoverable under letter agreement with the City of Toronto. Funds tracked in account: 113-50

East Don Trail Tunnel and Bridge Construction

- Fully recoverable under letter agreement with the City of Toronto. Funds tracked in account: 117-82

Bolton Camp New Entrance

- Funded through Peel capital and the Canada Community Revitalization Fund. Funds tracked in account: 433-01

Head Office POI Furniture and Move

- Funded through the existing Head Office budget. Funds tracked in account: 436-03

Head Office Geothermal Open Loop Installation

- Funded through the existing Head Office budget. Funds tracked in account: 436-02

Vendors of Record for Rental of Construction Equipment

- Funds are identified in a variety of capital and cost recoverable project accounts.

DETAILS OF WORK TO BE DONE

Staff will report back to the September 23, 2022 Board of Directors meeting with a list of all procurements approved under delegated authority, including related financial details.

Report prepared by: Lisa Turnbull

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Date: June 15, 2022

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: John MacKenzie, Chief Executive Officer

RE: **UPDATE ON MEMORANDUMS OF UNDERSTANDING AND REQUESTED BOARD APPROVAL OF TRCA PROGRESS REPORT**
Update on Memorandums of Understanding with partner municipalities

KEY ISSUE

To provide an update to the Board of Directors on work underway to update and develop new Memorandums of Understanding (MOUs) and other agreements with partner municipalities in the context of the updated *Conservation Authorities Act* (CA Act) and regulations, and to obtain Board approval of the first progress report on this work, as required under O.Reg. 687/21, *Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act* under the Conservation Authorities Act ("Transition Regulation") and to be submitted to the Ministry of Environment, Conservation and Parks.

RECOMMENDATION:

THAT the update on Memorandums of Understanding and Toronto and Region Conservation Authority (TRCA) progress report, be received;

THAT TRCA's Board of Directors approve this progress report in fulfillment of the first progress report to be submitted to MECP by July 1, 2022, as required by O.Reg. 687/21: *Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act*;

AND FURTHER THAT the Clerk and Manager, Policy, circulate this report to TRCA's municipal partners and the Ministry of Environment, Conservation and Parks, in fulfillment of requirements associated with the development and submission of regular progress reports, and that this report also be circulated to Conservation Ontario, neighbouring conservation authorities, the Ministry of Northern Development, Mines, Natural Resources and Forestry, and Ministry of Municipal Affairs and Housing, and partner municipalities.

BACKGROUND

Since 2015, the *Conservation Authorities Act* (CA Act) has been amended three times to provide further clarity and transparency surrounding the programs and services that conservation authorities (CAs) provide and the governance and operations of CAs. These amendments were undertaken through the *Building Better Communities and Conserving Watersheds Act, 2017* (Bill 139), the *More Homes, More Choice Act, 2019* (Bill 108), and the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* (Bill 229). As a result of these amendments to the CA Act, CAs will need to execute Memorandums of Understanding (MOUs) with partner municipalities to govern the funding of municipally requested non-mandatory programs and services, and cost apportioning agreements to govern the funding of other non-mandatory programs and services a CA has determined are advisable to further the purposes of the CA Act. Regular updates have been provided to the Board of

Directors including at the Board of Directors' meetings on February 26, 2021 (RES.#A26/21), June 24, 2021 meeting (RES.#A143/21) and November 19, 2021 meeting (RES.#A224/21).

Finalized CA Act Phase 1 regulations were released by the Ministry of Environment, Conservation and Parks (MECP) on October 1, 2021. A review of the Phase 1 regulations, including the Transition Regulation, and requirements for TRCA under these regulations are outlined in the TRCA report Finalized Phase 1 Regulations Under the Conservation Authorities Act, Environmental Registry of Ontario Posting (ERO #019-2986) (RES.#A211/21), at the Board of Directors meeting held on October 22, 2021, as well as in the update brought forward at the November 19, 2021 Board of Directors meeting (RES.#A224/21).

In accordance with the Transition Regulation, TRCA brought forward a Transition Plan for Board approval at the November 19, 2021 Board of Directors meeting (RES.#A224/21), and a draft inventory of programs and services at the February 25, 2022 Board of Directors meeting (RES.#A8/22). Both the Transition Plan and the draft inventory were circulated to MECP and participating municipalities in accordance with the deadlines set out in the Transition Regulation.

Finalized Phase 2 regulations were released April 20, 2022, which set out requirements associated with the process for conservation authority budgets, the apportionment (formerly referred to as 'levy') to participating municipalities, and the methodology for the determination of the apportionment amounts owed to the conservation authority from participating municipalities, and the public sharing of governance-related information, including the requirement to post high level parent MOUs with municipalities to a conservation authority's website. A detailed update on the Phase 2 regulations is the subject of a separate report to the Board of Directors.

Progress Reports

The Transition Regulation sets out the requirement for conservation authorities to prepare and submit six progress reports to MECP by set deadlines, outlining the following:

- any comments or other feedback submitted by a participating municipality regarding the inventory;
- a summary of any changes that the authority has made to the inventory to address comments or other feedback referred to in clause (a), including the changed inventory and a clear description of the changes between the previous inventory and the changed inventory;
- an update on the progress of negotiations of cost apportioning agreements with the participating municipalities; and
- an outline of any difficulties that the authority is experiencing that might affect the ability of the authority to conclude any cost apportioning agreements with one or more participating municipalities by the transition date.

This Board of Directors report is intended to fulfill the requirement for the submission of the progress report, due July 1, 2022, to MECP.

RATIONALE

Comments or feedback from municipalities regarding the inventory

As of February 28, 2022, TRCA had shared the draft inventory with its participating municipalities (Peel Region, York Region, City of Toronto, Durham Region, Town of Mono and Township of Adjala-Tosorontio), as well as other partner local municipalities within TRCA's jurisdiction.

Between January 1 and June 1 2022, TRCA has had formal meetings with the following municipalities within our jurisdiction to present the draft inventory and to move forward MOU discussions with municipalities within our jurisdiction:

- Region of Peel
- York Region
- City of Toronto
- Region of Durham (July 18 scheduled)
- City of Brampton
- Town of Caledon
- King Township
- City of Markham
- Town of Whitchurch-Stouffville
- City of Pickering
- Township of Uxbridge

In addition, a number of less formal discussions have occurred between TRCA and municipal staff across the jurisdiction to ensure necessary work under existing MOU's and agreements can continue while the new MOUs are being prepared.

Thus far, discussions have been focused on sharing the inventory, the classification of various service areas and program areas within Category 1, 2 and/or 3, the rationale for classifications, and next steps for moving forward MOUs. TRCA is working on scheduling follow up meetings, particularly with participating municipalities, to obtain feedback on the inventory after municipal staff have reviewed and discussed the inventory internally.

Summary of changes made to the inventory to address municipal comments

TRCA is expecting feedback from participating and partner municipalities on the draft inventory and is scheduling meetings to obtain comments. Any changes made to the inventory pending further discussion with municipalities will be noted in future progress reports.

Update on cost apportioning agreements

TRCA does not anticipate a need to enter into cost apportioning agreements under Section 21.1.2 of the CA Act. Since the last update to the Board on February 25, 2022, TRCA has continued to work with participating and partner municipalities to develop and execute MOUs and other agreements for municipally requested programs and services under Section 21.1.1 of the CA Act. A summary of the status of municipal agreements and work to move them forward can be found in **Attachment 1**.

Difficulties experienced in developing agreements by transition date

TRCA has taken a proactive response to developing required agreements with municipalities. As such, most municipalities within TRCA's jurisdiction are well acquainted with the need for developing agreements for municipally requested services.

While the Phase 1 CA Act regulations have set out a deadline of January 1, 2024, for the execution of cost apportioning agreements with participating municipalities under Section 21.1.2 of the CA Act, TRCA is also applying this deadline to the development and execution of MOUs and other agreements under Section 21.1.1 and shall work with partner municipalities to develop and execute MOUs in 2022. This is due to the benefits of entering into these agreements, the requirements of the budget process, as well as the fact that TRCA and municipal staff have already collaborated with many partner municipalities to develop advanced

drafts of MOUs that can now be finalized based on the newly released Phase 2 regulations.

The primary challenge that staff foresee regarding execution of municipal agreements are the municipal elections planned for October 2022, which may result in a delay of some agreements being approved by new Councils. In addition, some high growth municipalities have indicated they have higher priorities for this term of Council that must be accomplished prior to dedicating municipal staff resources into MOU development. Others have questioned the need to expedite MOU development when existing agreements and fee for service work is proceeding well. However, TRCA staff plan to continue to work with municipal staff, where municipal staff are willing, throughout the election to undertake the background work required prior to bringing the agreements forward for Council approval to execute MOUs in early 2023.

Additional updates

As a follow up to the release of the finalized Phase 2 regulations, TRCA drafted and circulated a communication to municipalities within our jurisdiction providing an update on the Phase 2 regulations and noting the importance of moving forward MOU development and execution now that all associated regulations are finalized.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

There is no immediate financial impact due to carrying out the recommendations above. However, it should be noted that this worthwhile effort is involving significant time from staff in all divisions across the organization along with municipal partners. The process of undertaking agreements with municipalities related to municipally requested programs and services provided by TRCA under the amended *Conservation Authorities Act*, as well as with other external organizations, is expected to have positive financial impacts for TRCA based on the interest from most municipalities in providing funding and or jointly seeking funding for a selection of TRCA service areas that support areas of need for the municipalities in question and shared municipal and TRCA interests. However, the addition of new process, reporting and municipal approval requirements by the Province in the Phase 2 regulations may unintentionally result in additional staff time for TRCA and its municipal partners and result in budget approval delays. TRCA has emphasized these matters of concern to our municipal funding partners and neighbouring conservation authorities through input on the Phase 2 regulations and through discussions with MECP staff.

DETAILS OF WORK TO BE DONE

Staff will continue to bring forward quarterly MOU-SLA update reports to the Board and to comply with the requirements of the Phase 1 regulations, will continue to ensure that the content of the Board reports align with the Progress Reports required by MECP. Staff will ensure that MOU-SLA update reports are brought forward to the Board according to timelines that align with the following Progress Report deadlines set out in the Phase 1 regulations:

- October 1, 2022 (Expected Board reporting – September 2022)
- January 1, 2023 (Expected Board reporting – November 2022)
- April 1, 2023 (Expected Board reporting – March 2023)
- July 1, 2023 (Expected Board reporting – June 2023)
- October 1, 2023 (Expected Board reporting – September 2023)

TRCA staff will also continue to carry out discussions and MOU development with both participating municipalities and other partner municipalities in accordance with the timelines set out in TRCA's Transition Plan.

Report prepared by: Nancy Gaffney and Victoria Kramkowski

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Date: June 3, 2022

Attachments: 1

Attachment 1: Municipal MOU Status Progress Table (June 24, 2022)

Attachment 1: Municipal MOU Status Progress Table (June 24, 2022)

Municipality	Initial Meeting or Discussions Held	Draft MOU Shared	Detailed Discussions Undertaken	Advanced MOU Development	MOU Approval and Execution
Adjala-Tosorontio	X	X			
Mono	X	X	X		
City of Toronto	X	X	X	X	
Durham Region	X	X	X		
Peel Region	X	X	X		
York Region	X	X	X		
Ajax	X	X	X	X	
Pickering	X	X	X	X	
Uxbridge	X	X	X	X	
Brampton	X	X	X	X	X*
Caledon	X	X	X	X	
Mississauga	X	X	X		
King	X	X	X	X	
Markham	X	X	X	X	
Richmond Hill	X	X	X		
Vaughan	X	X	X		
Whitchurch-Stouffville	X	X	X	X	

Create TO	X	X	X	X	X
Toronto Botanical Gardens	X	X	X	X	X
Infrastructure Ontario	X				
Metrolinx	X	X	X	X	X**
Hydro One	X	X	X	X	X

*An MOU was signed with City of Brampton in December 2020. This MOU will be updated to reflect the CA Act regulations.

**A Service Level Agreement is in place with Metrolinx

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **CITY OF MARKHAM UNIONVILLE SPECIAL POLICY AREA
BOUNDARY UPDATE**
Request for TRCA Board of Directors' endorsement

KEY ISSUE

To request Toronto and Region Conservation Authority (TRCA) Board of Directors' endorsement of the City of Markham's update to the boundary of the Unionville Special Policy Area due to TRCA updated flood plain mapping in the Rouge River watershed.

RECOMMENDATIONS:

WHEREAS TRCA Board of Directors endorsed the flood plain mapping update of the Rouge River watershed in the Unionville Special Policy Area in the City of Markham in 2019;

AND WHEREAS the City of Markham, in collaboration with TRCA, has undertaken a review to update the boundary of the Unionville Special Policy Area (SPA) in accordance with the provincial guidelines for amending the boundaries of existing SPAs;

THEREFORE LET IT BE RESOLVED THAT the request of the City of Markham to update the boundary of the Unionville SPA through the approval of an Official Plan Amendment and Zoning By-law Amendment be endorsed, subject to final approval from the Minister of Municipal Affairs and Housing (MMAH) and the Minister of Northern Development, Mines, Natural Resources and Forestry (MNDMNR);

AND FURTHER THAT the Clerk and Manager, Policy, so advise the City of Markham, the Region of York, MMAH and MNDMNR.

BACKGROUND

Unionville is an existing historical community near Highway 7 and Kennedy Road in the City of Markham that developed within the valley and stream corridors of the Rouge River watershed, prior to the implementation of a provincial flood hazard planning policy. In accordance with current provincial policy and technical guides, flood plains within the valley and stream corridors of TRCA's jurisdiction are subject to the One Zone Concept to flood plain management. In this approach, the entire area within the flood hazard limit, (i.e., the Regulatory Flood Plain – the greater of the 100-year storm and the Regional Storm (Hurricane Hazel)), is considered to be one management unit (i.e., "One Zone") and is referred to as the floodway. The One Zone Concept is the most restrictive and effective way to manage flood hazards from a risk management perspective. In accordance with the One Zone Concept, the Provincial Policy Statement (PPS) and provincial plans generally direct development outside of the flood plain/floodway. Accordingly, these types of policies are also in the York Region Official Plan, the City of Markham Official Plan and in TRCA's Living City Policies.

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An exception to the One Zone approach is municipally initiated and provincially approved Special Policy Areas (SPAs). The SPA approach is employed by the province where it has been demonstrated that the One Zone approach is too restrictive and would not allow for the continued social and economic viability and revitalization of historical communities located within the flood plain. An SPA permits a relaxation of natural hazard policies where it is deemed appropriate by the province. Area-specific policies in the municipal official plan are intended to provide for the continued viability of existing land uses while being sufficiently protective against flood hazards. These site-specific SPA policies are used by TRCA staff to inform and guide TRCA's regulatory permitting responsibilities under section 28 of the *Conservation Authorities Act*.

The PPS states that SPAs are not intended to allow for new or intensified development and site alteration if a community has feasible opportunities outside the flood plain. Application of an SPA requires the approval of two Ministers (MMAH and MNDMNRF), and suitable policies and standards must be incorporated into a municipality's official plan and zoning by-law. PPS 3.1.4 states that any change to the land use policies, designations or boundaries of an existing SPA must be approved by the Ministers. Further, the process to make these changes must be in accordance with SPA update procedures established by the province.

In 1990, MMAH and MNDMNRF granted approval for the City of Markham to implement the Unionville SPA through Council adoption of an Official Plan Amendment. Since that time, two updates were completed to the SPA: modification of the SPA boundaries in 2008 through Official Plan Amendment 153 to the Official Plan (Revised 1987), as amended, due to updated TRCA flood plain mapping, and modification of the SPA policies through the City's 2014 Official Plan review process. Prior to the provincial approval of these two SPA updates and regional approval of the OPAs, TRCA participated in both SPA review processes and the TRCA Board of Directors endorsed the SPA modifications. The Unionville SPA policies in the City's Official Plan were brought into force and effect by the Ontario Municipal Board in 2016.

In 2018, TRCA updated its flood plain mapping in the Rouge River watershed, and at the Board of Directors Meeting held on May 24, 2019, Resolution #A86/19 was approved as follows:

THAT the Unionville SPA two-dimensional (2D) Modelling and Floodplain Mapping Update (February 2019) prepared by Toronto and Region Conservation Authority (TRCA) staff and Valdor Engineering Inc. be received;

THAT TRCA be directed to disseminate the final floodplain mapping, modelling results, and documentation to municipal staff;

AND FURTHER THAT TRCA staff be directed to incorporate the Unionville 2D hydraulic model and updated floodplain mapping into TRCA's jurisdiction-wide floodplain mapping, and utilize this information to inform land use planning, flood emergency response and flood mitigation planning activities.

Shortly after this update occurred, City of Markham planning staff engaged TRCA and Provincial staff to pursue an update to the Unionville SPA boundary to reflect the new flood plain information.

RATIONALE

TRCA staff participated throughout the City's public consultation process for the current SPA Boundary Update. In Fall 2020, City of Markham planning staff held a public information

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meeting to provide background information on the SPA Boundary Update, TRCA flood plain mapping updates, and the study process. TRCA staff attended to field any technical questions.

Throughout the study process, TRCA staff worked closely with City staff to determine the updated boundary, to provide regional flood risk mapping, and provide input to the City's SPA Justification Report. The SPA Justification Report, which provides the necessary technical and planning information to support the SPA boundary changes, was prepared in accordance with the province's "Procedures for Approval of New Special Policy Areas and Modifications to Existing Special Policy Areas" under the PPS. For example, TRCA staff developed regional storm flood risk mapping (see Attachment 1) in accordance with criteria set by MNDMNRF. The flood risk mapping helped identify areas where flood depths and velocities would be considered low risk (safe for vehicular and pedestrian access/egress), moderate risk (safe for pedestrian access/egress only), and high risk (potentially unsafe for both) during a Regional Flood Event (Hurricane Hazel).

In Spring 2021, City of Markham planning staff, in consultation with TRCA, prepared the draft SPA boundaries and draft Official Plan and Zoning By-law Amendments to apply the existing SPA policies only to those lands within the updated boundaries of the SPA. As a result of the TRCA flood plain mapping updates, some lands in the SPA were no longer in the flood plain and needed to be removed from the SPA. Meanwhile some lands that remained in the flood plain still warranted removal from the SPA. TRCA assisted Markham staff with applying criteria for removing non-developable lands from the SPA, such as lands with natural heritage features and/or valley and stream corridor erosion hazards (in addition to public roads and parks). Overall, the proposed SPA update will result in a reduction in the size of the SPA from 43 hectares to 19.6 hectares (see Attachment 2). In addition to engaging TRCA, Markham consulted provincial staff to ensure they were generally satisfied with the proposed SPA boundary and the Justification Report.

In Fall 2021, Markham held a statutory public meeting and a second public information meeting to receive public comments on the draft OPA and ZBA to implement the proposed SPA boundary change with TRCA staff in attendance. A follow up meeting took place with some members of the public, at the request of a City of Markham Councillor and his constituents, to discuss more about the flood plain mapping and SPA boundary updates. TRCA staff attended upon request to field any technical questions on flood plain mapping and flood plain management.

In May 2022, City of Markham planning staff brought forward a [recommendation report](#) to its Planning and Development Committee and Council including a summary of changes to the SPA boundary. The report recommended that the proposed SPA boundaries and SPA Justification Report be endorsed by Council and forwarded to TRCA and the Province for their endorsement and approval; and that upon obtaining endorsements from TRCA and the Province, that the draft OPA be finalized, brought to Council for adoption, and forwarded to York Region for approval. Finally, the report recommended that the Zoning By-law Amendment to amend the SPA boundary overlay on various City zoning by-laws be finalized and brought forward to a future Council meeting to be enacted without further notice. TRCA is in receipt of the Markham Council resolution adopted on May 31, 2022, that, the Markham staff report be endorsed and be forwarded to TRCA and the Province.

TRCA staff are satisfied that the Unionville SPA boundary modifications reflect the changes to the flood plain and no policy changes are occurring to the SPA policies. No development or intensification in the SPA is allowed beyond what is currently permitted in the SPA policies and

Item 7.4

provisions of the City of Markham Official Plan and Zoning By-law, as approved by the province in 2016. Upon TRCA Board or Directors' endorsement, the next step in the process is for City of Markham planning staff to request the Ministers' approval.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 8 – Gather and share the best sustainability knowledge

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-19. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

CONCLUSION

The City of Markham has undertaken an SPA boundary update in accordance with provincial procedures for amending the boundaries of existing SPAs. The City's SPA Justification Report is based on the most current flood plain mapping for the Rouge River watershed to inform land use and emergency planning. This was a technical exercise undertaken to align the SPA boundary with updated flood plain mapping. No changes to underlying development permissions are being made. On this basis, TRCA staff recommend that the Board of Directors support the proposed Unionville SPA boundary update to advance next steps of the provincial approval process.

DETAILS OF WORK TO BE DONE

City of Markham staff will request for both Ministers and for York Region to approve the Official Plan Amendment, upon which the City will enact the corresponding Zoning By-law Amendment. Upon approval by the Province and the Region, TRCA will update all applicable external and internal mapping viewers with the revised Unionville SPA boundary.

Report prepared by: Mary-Ann Burns

Email: maryann.burns@trca.ca

For Information contact: Laurie Nelson, (437) 880-2282, Mary-Ann Burns, (437) 880-2299

Emails: laurie.nelson@trca.ca, maryann.burns@trca.ca

Date: June 10, 2022

Attachments: 2

Attachment 1: Unionville SPA Regional Storm Flood Risk Map

Attachment 2: Proposed Unionville SPA Boundaries

Attachment 1 - Unionville SPA Regional Storm Flood Risk Map

Risk Categories:

HIGH

Product of Depth and Velocity > 0.37 sqm/s or Depth > 0.8m or Velocity > 1.7 m/s

MODERATE

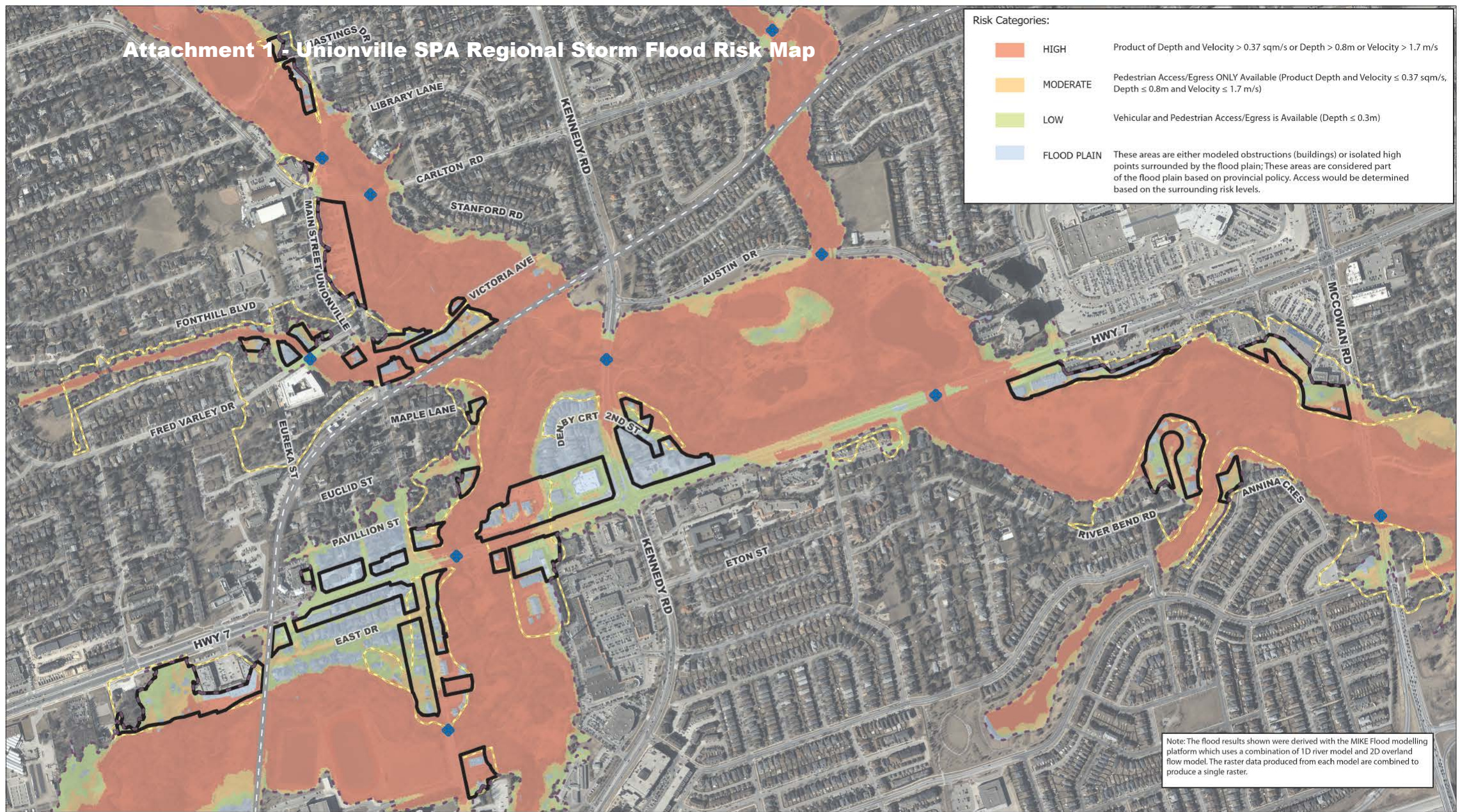
Pedestrian Access/Egress ONLY Available (Product Depth and Velocity ≤ 0.37 sqm/s, Depth ≤ 0.8m and Velocity ≤ 1.7 m/s)

LOW

Vehicular and Pedestrian Access/Egress is Available (Depth ≤ 0.3m)

FLOOD PLAIN

These areas are either modeled obstructions (buildings) or isolated high points surrounded by the flood plain; These areas are considered part of the flood plain based on provincial policy. Access would be determined based on the surrounding risk levels.



Note: The flood results shown were derived with the MIKE Flood modelling platform which uses a combination of 1D river model and 2D overland flow model. The raster data produced from each model are combined to produce a single raster.



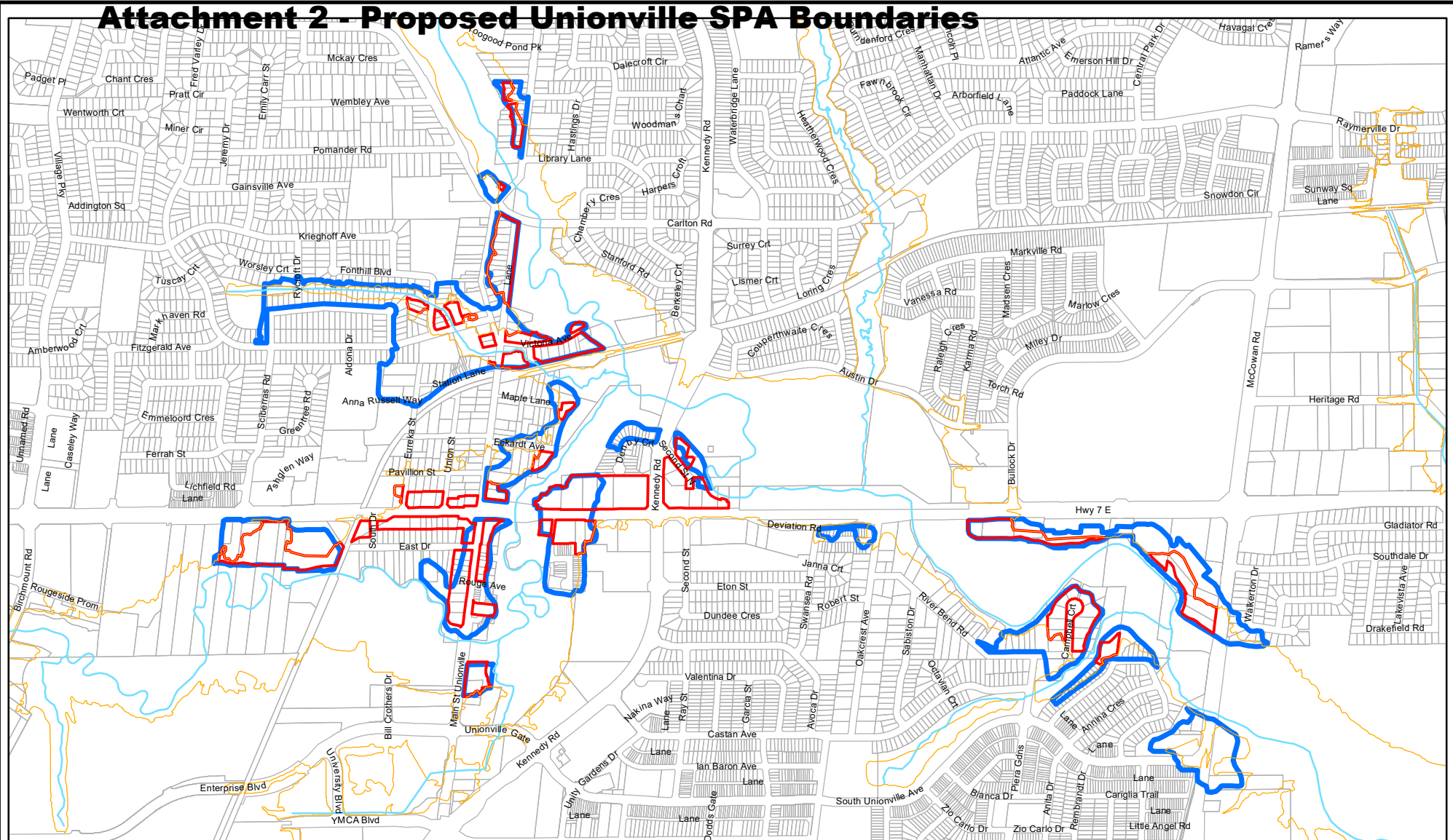
Toronto and Region Conservation Authority
Special Policy Area
- UNIONVILLE -
Regional Storm Event - Risk

Legend:

- SPA Boundary - DRAFT
- SPA Boundary - Existing
- Flood Line - Regional
- Railway Line
- Bridge Deck
* at these locations bridge decks are not included in the model surface to allow for continuous flow.



Attachment 2 - Proposed Unionville SPA Boundaries



Proposed Unionville Special Policy Area Boundaries

— 2019 Flood Plain

Existing Special Policy Area

Proposed Special Policy Area



Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **APPLICATION FOR PERMIT PURSUANT TO S.28.0.1 OF THE CONSERVATION AUTHORITIES ACT (MINISTER’S ZONING ORDER, ONTARIO REGULATION 773/21)**
CFN 66361 requesting permission for Development, Interference with Wetlands & Alterations to Shorelines & Watercourses pursuant to Ontario Regulation 166/06, 221 Church Street (Part Lot 13, 14, Plan 40R-13916, Town of Ajax, Regional Municipality of Durham) by CSPS Annandale Nominee Inc.

KEY ISSUE

Issuance of permission pursuant to Section 28.0.1 of the *Conservation Authorities Act* to make site alterations within a Regulated Area to construct barn swallow structures, site grade, install temporary erosion control and stormwater management facilities, and construct a commercial building within 221 Church Street South, in the Town of Ajax, Region of Durham.

RECOMMENDATION:

WHEREAS the Minister of Municipal Affairs and Housing issued a Minister’s Zoning Order (MZO) for the subject property on November 12, 2021, as Ontario Regulation 773/21;

WHEREAS Section 28.0.1 of the *Conservation Authorities Act* requires the Authority to issue permission for a development project that has been authorized by a Minister’s Zoning Order (MZO) issued under the *Planning Act*, and where the lands in question are not located within a Greenbelt Area as identified through Section 2 of the *Greenbelt Act*;

WHEREAS Section 28.0.1 of the *Conservation Authorities Act* requires that the Authority shall not refuse to grant permission for a development project that has been authorized by a Minister’s Zoning Order (MZO), outside of the Greenbelt, under subsection (3) despite, (a) anything in Section 28 or in a regulation made under Section 28, and (b) anything in subsection 3(5) of the *Planning Act*;

WHEREAS Section 28.0.1(6), of the *Conservation Authorities Act*, permits the Authority to attach conditions to the permission, including conditions to mitigate any effects the development may have on the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land and/or in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;

WHEREAS Section 28.0.1(24), of the *Conservation Authorities Act*, provides that where a permit is to be issued pursuant to Ontario Regulation 166/06, the applicant is required to enter into an agreement with the Conservation Authority;

AND WHEREAS TRCA staff, in the absence of an approved MZO, would normally issue a Permit for the construction and where it has been demonstrated there will no impact on the control of flooding, erosion, dynamic beaches, pollution, the conservation of land, or

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jeopardize the health or safety of persons or result in the damage or destruction of property;

THEREFORE, LET IT BE RESOLVED THAT CSPS Annandale Nominee Inc in the Town of Ajax be granted permission through a Permit to make alterations within a valley corridor to construct barn swallow structures, site grade, install temporary erosion control and stormwater management facilities, and construct a commercial building within 221 Church Street South, in the Town of Ajax, Region of Durham;

THAT TRCA staff seek full cost recovery in accordance with TRCA's Administrative Fee Schedule; and

AND FURTHER THAT the Executive Committee, authorize the entering into of an agreement related to the Permit for the phased works.

MZO PERMIT SUMMARY

- Section 28.0.1 applies, and the Board must issue this permit.
- TRCA Staff support the issuance of this permit application as the applicant has demonstrated that it does not impact flooding, erosion, dynamic beaches, pollution, the conservation of land, or jeopardize the health or safety of persons or result in the damage or destruction of property.
- The conditions of this permit are standard conditions and have been agreed upon by the proponent with their filing of this application.
- An Agreement is required and will include standard Permit conditions.
- This report and approval are required to allow the applicant to proceed with construction.

BACKGROUND

Permit Applications, Property Descriptions and Background

The owner has applied for permission pursuant to Ontario Regulation 166/06, and Section 28.0.1 of the *Conservation Authorities Act* to construct barn swallow structures, site grade, install temporary erosion control and stormwater management facilities, and construct a commercial building for commercial development on lands known municipally as 221 Church Street South, within the Town of Ajax. The lands are located at the northeast corner of Church Street and Bayly Street.

The MZO converted the land use from Golf Facility Zone to Prestige Employment and Environmental Protection (EP) including a mix of commercial uses and related amenities with the valley and hazard lands to be protected and enhanced. The site is located along Duffins Creek, with the EP lands to be conveyed to the TRCA (see **Attachment 1 – MZO Ontario Regulation 773 21 - Map 276**).

The MZO and on-going Site Plan application was and is subject to extensive review with the landowner and Town including TRCA support for a Zoning By-law Amendment prior to the MZO being approved, the staking of the dripline and continuous design meetings between TRCA staff, the Town and the Consulting Team. The valley and stream corridor and development limits were defined, and buffers determined in consultation with the applicant's engineering and environmental consultants. These lands are zoned as Environmental Protection in the MZO.

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The lands rezoned to Environmental Protection will be conveyed to the TRCA. The Town's Site Plan Agreement for Site Plan Application SP1/22 will secure for this land conveyance. Once the Agreement is registered on title, the lands can be legally conveyed. These lands to be conveyed are intended to be restored through a comprehensive restoration plan. The necessary funds to implement the restoration plan will also be secured through the Town's Agreement, as the Town will collect these funds upon execution of the Agreement. The Town, in collaboration and consultation with the TRCA, intend to implement a trail system and passive recreational opportunities (where appropriate and supported) within the restoration lands. This will be a Town capital project separate from Site Plan Application SP1/22 and funded by the Town.

Given the requirements of Section 28.0.1 of the Act which requires TRCA to grant the requested permissions, TRCA staff are proposing a phased release of the permit. Phase 1 includes the installation of barn swallow structures within the valley (**Attachment 2 – Proposed Development Phase 1**); Phase 2 includes temporary erosion and sediment controls including a sediment pond and outlet which intrude into the Regulated Area to facilitate drainage and prevent erosion during topsoil stripping and rough grading; and Phase 3 includes the permanent stormwater management infrastructure, final grading and portions of commercial structures located at the edge of the TRCA regulated area (**Attachment 3 – Proposed Development Phases 2 and 3**).

We have received sufficient information for Phase 1, and for which TRCA staff would support works commencing at this time, subject to TRCA's Standard Conditions (**Attachment 4 – TRCA Standard Conditions**). Additional technical materials are required for Phase 2 and 3, and works would not commence until the additional condition is satisfied (**Attachment 5 – TRCA Additional Conditions**). Accordingly, staff's recommendation is to conditions the mandatory approval which will allow works to proceed at this time on lands for which technical issues are resolved, and to allow for the time for additional materials and confirmation to be provided for the other Phases, prior to the landowner proceeding with Phase 2 or 3 of the permit. To facilitate this, the special condition identified in Attachment 5 is required to be fulfilled prior to the Phase 2 or 3 works taking place. The mandatory agreement required for all MZO permits will recognize the standard conditions identified within Attachment 4 as relating to Phase 1, 2 and 3 of the permit release, and the additional condition identified within Attachment 5 as relating to Phase 2 or 3.

Mandatory Permits for MZO Development Projects

Section 28.0.1 of the amended *Conservation Authorities Act* (CA Act) applies to a development project that has been authorized by an MZO under the Planning Act, within an area regulated under Section 28(1) of the CA Act, outside of the Greenbelt Area. In TRCA's case, the regulated area is prescribed in Ontario Regulation 166/06.

The provisions of this new Section of the Act are summarized as follows:

- CAs shall issue a permit.
- CAs may only impose conditions to the permit, including conditions to mitigate:
 - Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
 - Any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; or
 - Any other matters that may be prescribed by the regulation.
- An applicant has the right to a Hearing before the authority (Board) if there is an objection to the permit conditions being imposed by the CA.
- If the applicant still objects to conditions following a decision of the Hearing, the

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applicant has the option to either request a Minister's review (MNRF) or appeal to the LPAT.

- All MZO-related CA permits must have an agreement with the permittee (can include all parties, e.g., municipalities, on consent of applicant).
- The agreement shall set out actions that the holder of the permission must complete or satisfy to compensate for ecological impacts, (where applicable), and any other impacts that may result from the development project.
- The agreement must be executed before work commences on the site; some enforcement provisions through court proceedings are in effect for MZO permits.

In summary, TRCA must issue a permit for development projects on lands subject to an MZO, outside of the Greenbelt, and can make that permission subject to conditions and must enter into an agreement with the landowner/applicant. Consistent with current practice, Board approval is required.

RATIONALE

Review of Permit Application by TRCA Staff

The applications have been reviewed by TRCA's geotechnical, water resources, hydrogeology, and ecology staff. The proposed site alteration does not impact:

- the control of flooding – all works are located outside of the regional storm floodplain;
- erosion – no geotechnical/slope stability issues have been identified;
- dynamic beaches – not applicable;
- pollution – sediment and erosion control measures will be installed and maintained through construction to prevent sediment from migrating from the site onto the adjacent lands or features;
- conservation of land – no significant vegetation will be removed and no adverse impacts to nearby natural features are anticipated;
- and/or in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property – the temporary stormwater facilities have been sized and located based on current best practices

Policy Guidelines:

The proposed works are consistent with Section 8.4 (General Regulation Policies) and 8.5 (Valley and Stream Corridors) of the Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority.

SUMMARY CONCLUSION

Approval of permission for development within the valley and stream corridor is required to allow site alteration to commence. Staff are recommending that work proceed in phases based upon TRCA's standard permit conditions and an additional condition, which will be included in the Agreement as required by the updated *Conservation Authorities Act*.

Report prepared by: Stephanie Dore and Steve Heuchert

Emails: stephanie.dore@trca.ca, steve.heuchert@trca.ca

For Information contact: Steve Heuchert, (437) 880-2384

Email: Steve.Heuchert@trca.ca

Date: June 7, 2022

Attachments: 5

Attachment 1: Ministers Zoning Order (MZO) - Ontario Regulation 733/21, Map 273

Attachment 2: Proposed Development Phase 1

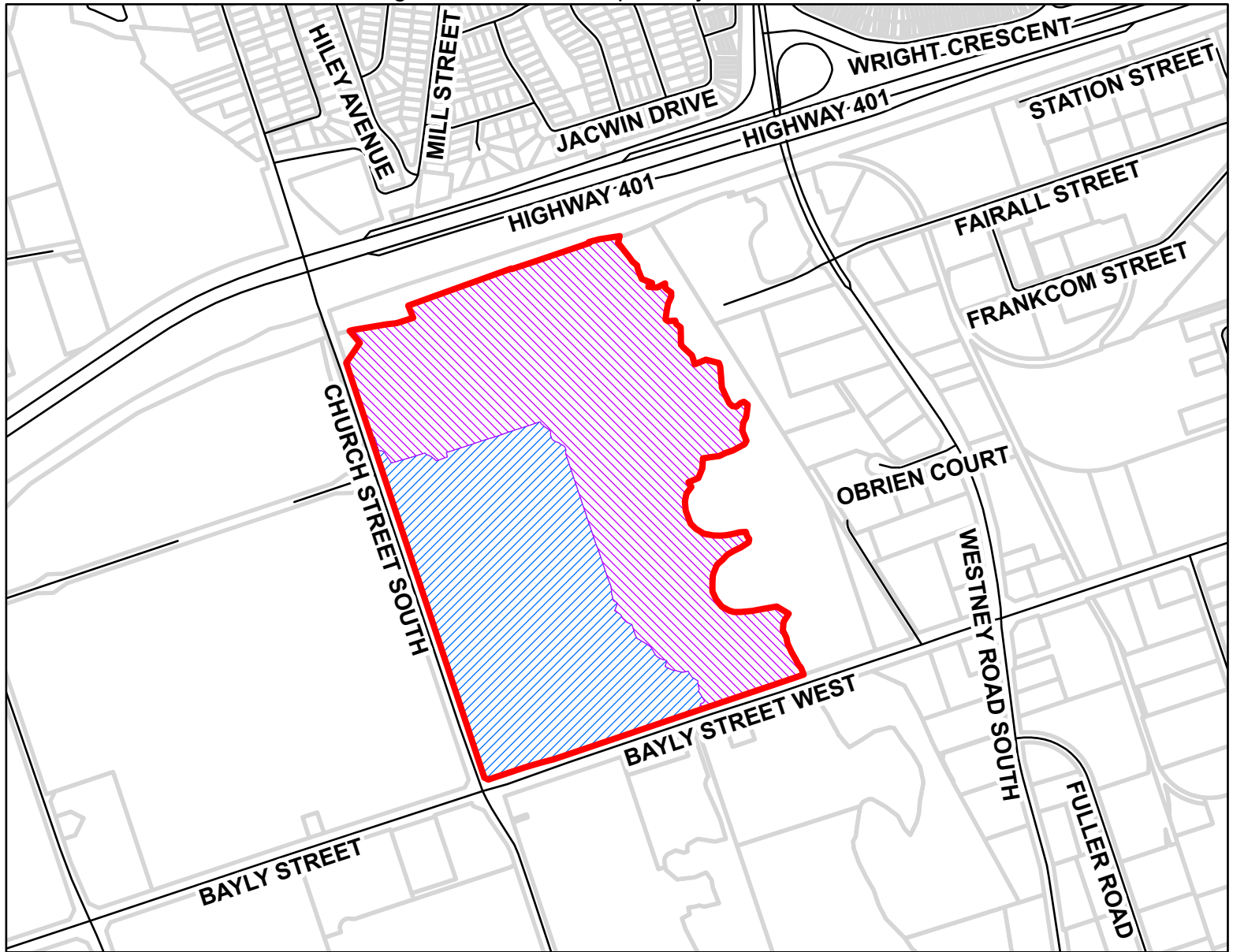
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Attachment 3: Proposed Development Phases 2 and 3

Attachment 4: Standard Permit Conditions

Attachment 5: Additional Permit Condition

Part of Lots 13 and 14, Concession 1, Town of Ajax,
Regional Municipality of Durham



MAP No. 276

Map filed at the office of the
Ontario Ministry of Municipal
Affairs and Housing, 777 Bay St.,
Toronto, Ontario,

Planning Act

Ontario Regulation: 773/21

Date: November 15, 2021

Original Signed By: Minister of
Municipal Affairs and Housing

LEGEND

- Subject Lands
- Environmental Protection Zone (EP)
- Prestige Employment Zone (PE)
- Roads
- Assessment Parcel

0 120 240 480
Metres

1 centimeter equals 117 metres



Map North: 0°

Map Description:

This is map no. 276 referred to in a Minister's Zoning Order. It shows lands which are located in Part of Lots 13 and 14, Concession 1, Town of Ajax, Regional Municipality of Durham. We are committed to providing accessible customer service

(<https://www.ontario.ca/page/accessible-customer-service-policy>).

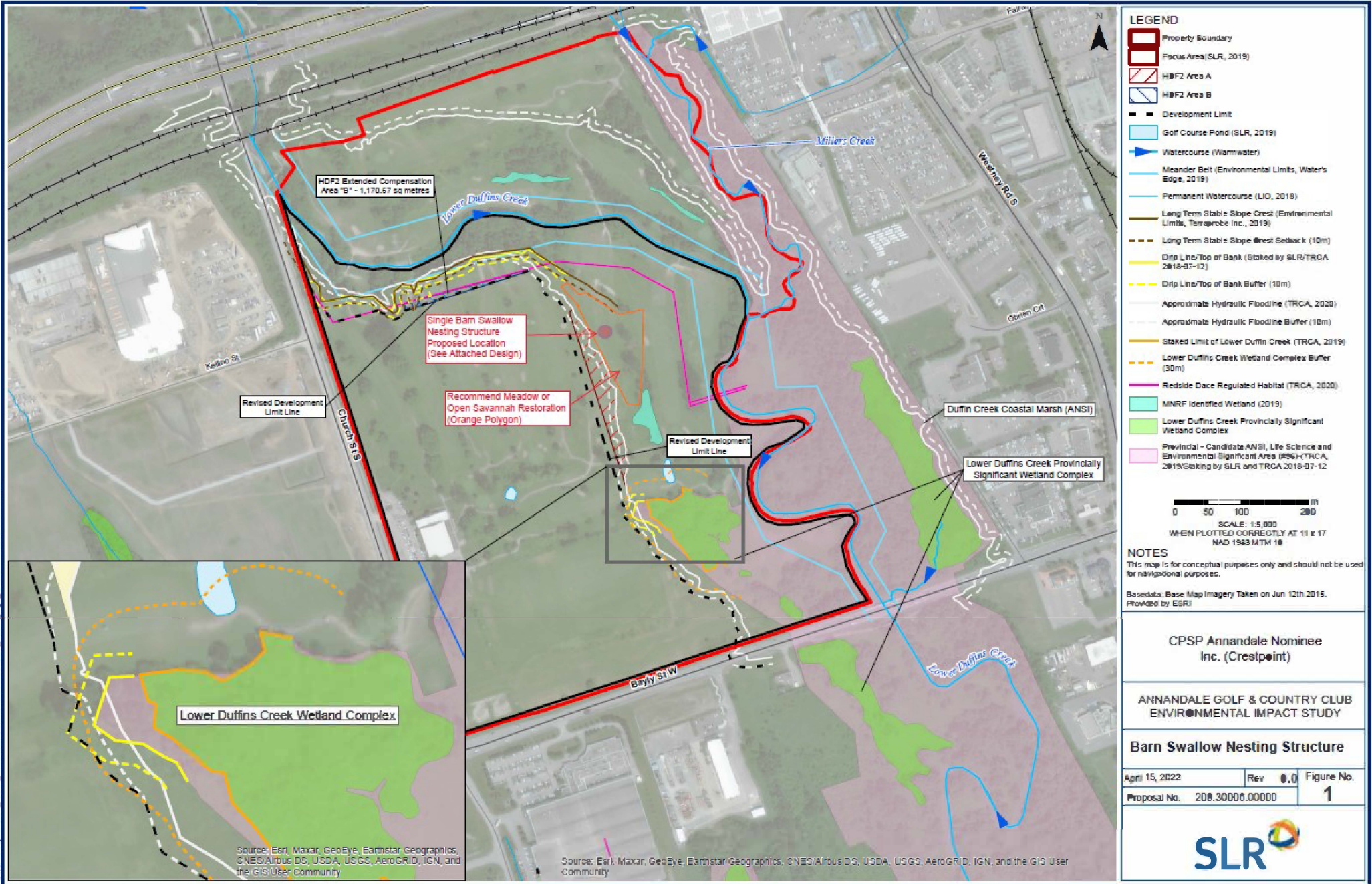
On request, we can arrange for accessible formats and communications supports.

Please contact MMAH by email (mininfo@ontario.ca) for regulation details.

THIS IS NOT A PLAN OF SURVEY

Information provided by the Ministry of Municipal
Affairs and Housing, under licence with the
Ministry of Natural Resources.

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Attachment 3 - Proposed Development Phases 2 and 3

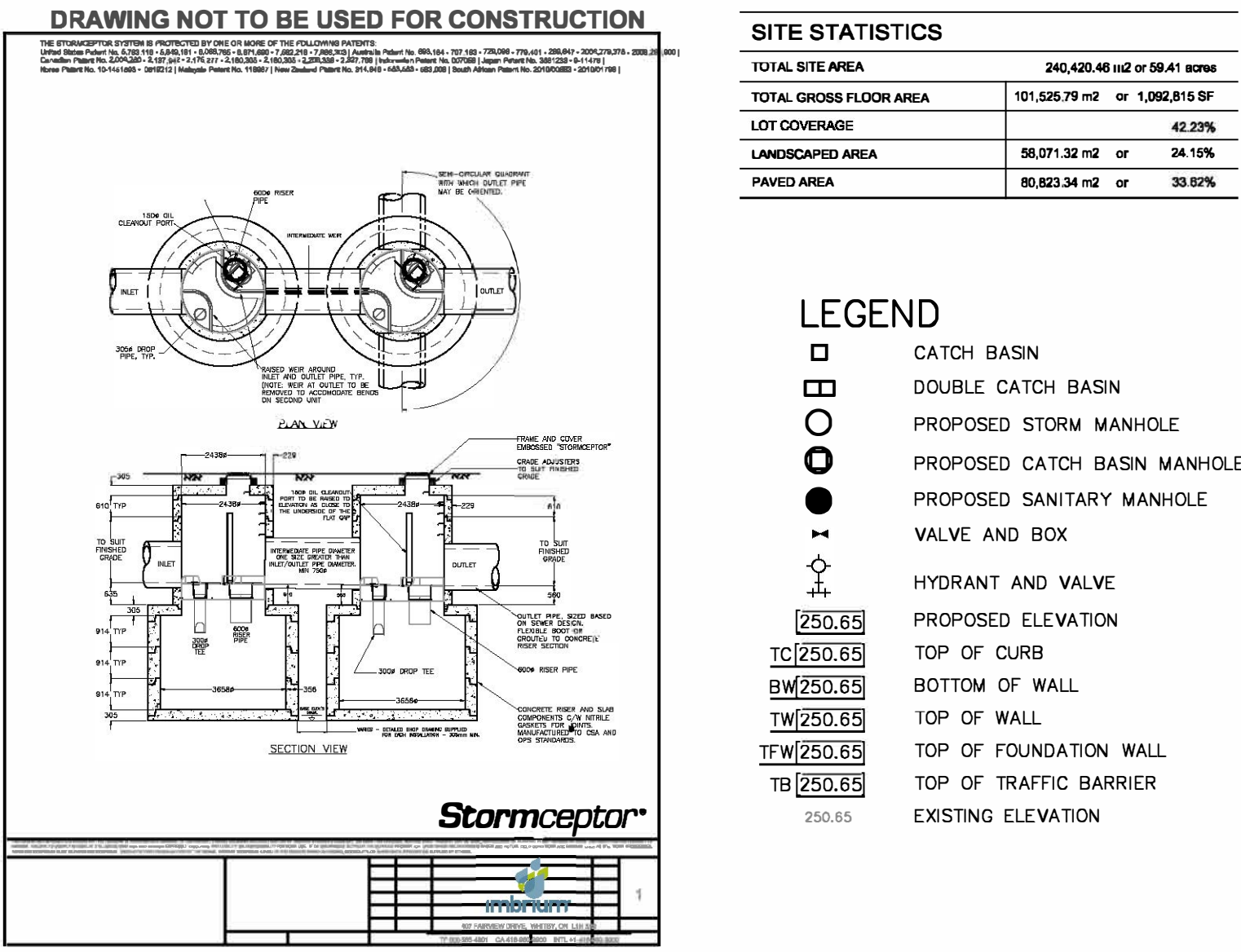
STORMWATER MANAGEMENT SUMMARY FOR MODLINE DEVELOPMENT

TOP OF POND = 85.00m
NWL (PERMANENT) = 83.50m
BOTTOM OF FOREBAY = 82.50m
BOTTOM OF POND = 82.50m

WET POND
SITE @ 90% IMPERVIOUSNESS @ 27.2ha
ENHANCED 80% TSS REMOVAL = 258m³/ha
PERMANENT REQUIRED = 258m³/ha - 40m³/ha = 218m³/ha
THEREFORE, 218m³/ha x 27.2ha = 5,929.6m³ (REQUIRED)
PERMANENT POOL PROVIDED @ 1.0m DEPTH = 7,055.5m³ (ELEV 82.50m - ELEV. 83.50m)
EXTENDED 40m³/ha @ 27.2ha = 1088.0m³ REQUIRED
EXTENDED PROVIDED @ 1.0m DEPTH = 9,850m³ (ELEV 83.50m- ELEV. 84.50m)
25mm @ 27.2ha = 6,400m³ REQUIRED
25mm PROVIDED @ 1.0m DEPTH = 9,266.8m³ (ELEV 83.50m- ELEV. 84.50m)

KEY PLAN

No.	ISSUED	DATE
1	SUBMITTED FOR SPA	03/02/22



WATER BALANCE
5mm TO BE RETAINED
SITE AREA = 25.6ha (256,000m²)
VOL RET'D = 0.005m X 256,000m²
= 1280m³
@40% VOIDS = 3200m³ STONE TRENCH

BASED ON BH 10 SEPT/18
TOP OF TRENCH 83.50
BOTTOM OF TRENCH 82.50
CONFIGURATION 256m(L) X 12.5m(W) X 1m(H)

PAVEMENT STRUCTURE DESIGN DETAILS, SPECIFICATIONS AND SUBDRAINAGE DESIGN, IS NOT UNDER THE CIVIL DESIGN SCOPE. CONTRACTOR IS TO REFER TO GEOTECHNICAL REPORT RELATED SPECIFICATIONS. CONTRACTOR IS TO COORDINATE PAVEMENT MAKEUP AND SUBDRAINAGE INSPECTION WITH GEOTECHNICAL CONSULTANT.
A.M. CANDARAS ASSOCIATES INC. ASSUMES NO RESPONSIBILITY RELATING TO CONSTRUCTION AND INSPECTION OF THE PAVEMENT STRUCTURE.

CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. THE CONTRACTOR SHALL ADVISE THE ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH CONSTRUCTION. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCED NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
A.M. CANDARAS ASSOCIATES INC. ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE LOCATION OF EXISTING UTILITIES AS INDICATED ON THIS DRAWING.

No.	REVISION	DATE
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BALDASSARRA
Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
T. 905.660.0722 | www.baldassarra.ca

SURVEY PROVIDED BY J.D. BARNES LIMITED, DATED JUNE 28, 2018
BENCHMARK: TOWN OF AJAX BENCHMARK No. 217 HAVING AN ELEVATION OF 86.755 METRES.

a.m.candaradas associates inc.
consulting engineers
8551 Weston rd., suite 203
Woodbridge ont. L4L 9R4
905-850-8020 Fax 905-850-8099
Email: civil@amcai.com

OWNERS INFORMATION:



221 Church Street
South

ANNANDALE PARK
Ajax, ON

SITE SERVICING AND
STORMATER MANAGEMENT
PLAN

DATE: JAN 2022	DRAWN BY: N.A.C.	CHECKED: A.M.C.	SCALE: 1:1000
PROJECT No.			DRAWING No.

2051

S-1

Attachment 4

Standard conditions for approval by the Board of Directors on June 24, 2022

1. The Owner shall strictly adhere to the approved TRCA permit, plans, documents and conditions, including TRCA redline revisions, herein referred to as the “works”, to the satisfaction of TRCA. The Owner further acknowledges that all proposed revisions to the design of this project that impact TRCA interests must be submitted for review and approval by TRCA prior to implementation of the redesigned works.
2. The Owner shall notify TRCA Enforcement staff 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein.
3. The Owner shall grant permission for TRCA staff, agents, representatives, or other persons as may be reasonably required by TRCA, in its opinion, to enter the premises without notice at reasonable times, for the purpose of inspecting compliance with the approved works, and the Terms and Conditions of this permit, and to conduct all required discussions with the Owner, their agents, consultants or representatives with respect to the works.
4. The Owner acknowledges that this permit is non-transferrable and is issued only to the current owner of the property. The Owner further acknowledges that upon transfer of the property into different ownership, this permit shall be terminated and a new permit must be obtained from TRCA by the new owner. In the case of municipal or utility projects, where works may extend beyond lands owned or easements held by the municipality or utility provider, landowner authorization is required to the satisfaction of TRCA.
5. This permit is valid for a period of two years from the date of issue unless otherwise specified on the permit. The Owner acknowledges that it is the responsibility of the owner to ensure a valid permit is in effect at the time works are occurring; and, if it is anticipated that works will not be completed within the allotted time, the Owner shall notify TRCA at least 60 days prior to the expiration date on the permit if an extension will be requested.
6. The Owner shall ensure all excess fill (soil or otherwise) generated from the works will not be stockpiled and/or disposed of within any area regulated by TRCA (on or off-site) pursuant to Ontario Regulation 166/06, as amended, without a permit from TRCA.
7. The Owner shall install effective erosion and sediment control measures prior to the commencement of the approved works and maintain such measures in good working order throughout all phases of the works to the satisfaction of TRCA.
8. The Owner acknowledges that the erosion and sediment control strategies outlined on the approved plans are not static and that the Owner shall upgrade and amend the erosion and sediment control strategies as site conditions change to prevent sediment releases to the natural environment to the satisfaction of TRCA.
9. The Owner shall repair any breaches of the erosion and sediment control measures within 48 hours of the breach to the satisfaction of TRCA.

10. The Owner shall make every reasonable effort to minimize the amount of land disturbed during the works and shall temporarily stabilize disturbed areas within 30 days of the date the areas become inactive to the satisfaction of TRCA.
11. The Owner shall permanently stabilize all disturbed areas immediately following the completion of the works and remove/dispose of sediment controls from the site to the satisfaction of TRCA.
12. The Owner shall arrange a final site inspection of the works with TRCA Enforcement staff prior to the expiration date on the permit to ensure compliance with the terms and conditions of the permit to the satisfaction of TRCA.
13. The Owner shall pay any additional fees required by TRCA in accordance with the TRCA Administrative Fee Schedule for Permitting Services, as may be amended, within 15 days of being advised of such in writing by TRCA for staff time allocated to the project regarding issues of non-compliance and/or additional technical review, consultation and site visits beyond TRCA's standard compliance inspections.

Attachment 5 - Additional Permit Condition

Attachment 5

Additional condition for approval by Board of Directors on June 24, 2022

13. Prior to the construction of any temporary or permanent infrastructure, buildings or site grading, the Permit Holder shall provide revised site plan, elevations, grading, stormwater management and erosion and sediment control drawings to TRCA satisfaction to address TRCA technical comments dated June 6, 2022 and any subsequent comments.

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services

RE: STREAMLINED PERMIT ADMINISTRATION
Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06, as amended)

KEY ISSUE

Update to streamline the permit administration of Toronto and Region Conservation Authority's (TRCA) Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, (Ontario Regulation 166/06, as amended).

RECOMMENDATION:

WHEREAS TRCA is committed to streamline administrative processes associated with the implementation of its regulatory permitting responsibilities under Section 28 of the *Conservation Authorities Act*;

AND WHEREAS TRCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Ontario Regulation 166/06 as amended, enables TRCA to designate one or more employees to grant permissions for development or permission for alteration in accordance with the regulation;

THEREFORE, LET IT BE RESOLVED THAT TRCA designate the following senior positions to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit;

AND FURTHER THAT all existing administrative Enforcement Officer appointments be revoked.

BACKGROUND

Sections 3(3) and 6(3) of TRCA's "Development, Interference with Wetlands and Alterations to Shorelines Regulation" (the Regulation), Ontario Regulation 166/06, as amended, pursuant to Section 28 of the *Conservation Authorities Act* enables the Authority to delegate positive permit approval authority to designated staff. At Meeting #9/13, held on November 1, 2013, through RES. #A199/13 and in accordance with the provisions of the Regulation, the Authority delegated to senior staff appointed as Enforcement Officers (Administrative) the authorization to approve and issue:

- permissions that are consistent with TRCA approved policies and procedures
- permissions that are for a period of two years or less; and
- permissions for a one-time extension, provided the period is two years or less.

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Historically, TRCA has had a tradition of having permissions/permits being signed by Enforcement Officers and these administrative appointments are solely for this purpose, and not intended to provide designations to enforce provisions of any Act or regulation. Further, as staff are promoted or new staff join TRCA in senior positions, a report is typically brought forward to the Executive Committee and Board of Directors to authorize them to approve and sign permits.

RATIONALE

In order to streamline administrative processes and reflect the current TRCA organizational structure and staff positions and responsibilities, staff are proposing an update to the procedures that are in accordance with section 3(3) and 6(3) of Ontario Regulation 166/06, as amended. It is recommended that:

- the Authority designate the following senior positions to approve and sign permits as per the criteria set out in the Regulation and this report: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit
- the senior positions designated to sign permits no longer be referred to as an Administrative Enforcement Officer. This will aid to avoid any confusion with the designation of Enforcement Officers within TRCA's Enforcement and Compliance Business Unit.

Upon implementation of the above noted recommendations, all existing Administrative Enforcement Officer appointments will be revoked as they are no longer required.

The streamlined administrative process being requested will not change the current permit reporting procedures on issued permits for information of the Executive Committee and Board of Directors or those permits that require approval of the Executive or Board (e.g., major permits, MZO related permits).

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 7 – Build partnerships and new business models

Strategy 9 – Measure performance

FINANCIAL DETAILS

Section 28 permitting services are funded through permit application fees, account code 110-05.

DETAILS OF WORK TO BE DONE

Staff will undertake all necessary actions to facilitate the implementation of the updated administrative streamlining procedures outlined in this report.

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Date: June 16, 2022

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **INDIGENOUS ENGAGEMENT UPDATE**
Update on Indigenous engagement efforts and initiatives

KEY ISSUE

Update on Indigenous engagement efforts and initiatives.

RECOMMENDATION:

THAT the Chief Executive Officer be authorized to execute a relationship agreement(s) with First Nations should there be mutual interest;

THAT TRCA's updated Engagement Guidelines and policies continue to benefit from consultation with First Nations and input from the TRCA Indigenous (First Nations and Metis) Engagement Working Group;

THAT TRCA continue to advocate for enhanced funding for the transformation of Black Creek Pioneer Village so as to better incorporate First Nations historical perspectives;

AND FURTHER THAT the Indigenous Engagement Working Group report back to the Board of Directors on an annual basis with updates on learnings, progress and details on relationship agreements should a relationship agreement be reached with any First Nations.

BACKGROUND

Toronto and Region Conservation Authority (TRCA) aims to develop positive relationships with nations, confederacies and councils that have established or asserted rights that may be impacted by TRCA projects and programs through a process of meaningful, mutually respectful engagement. The engagement and consultation process may be formal when responding to legislative requirements related to infrastructure projects which TRCA is advancing on behalf of partners, or more informal when building relationships with specific communities related to our programs.

The Supreme Court of Canada has determined that the provincial and federal government ("the Crown") and its agents owe a Duty to Consult Indigenous peoples when it contemplates conduct that may adversely affect existing or asserted Indigenous or treaty rights. While third parties including not for profits such as TRCA do not have this duty, the Crown may delegate procedural aspects of consultation to TRCA through legislation or other means (for example by requesting TRCA to undertake the Environmental Assessment (EA) process for projects funded all or partially by the Crown). A good example of this is TRCA's work on Indigenous engagement for Waterfront Toronto EA's. In addition, TRCA is responsible for managing the engagement process including Indigenous engagement for EA projects including projects under the Conservation Authority Parent Class EA process or the Municipal Parent Class EA process for which TRCA is the proponent.

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In 2015, TRCA penned Engagement Guidelines, which outline the general principles of engagement, in what instances TRCA is required to engage, and the internal engagement process - primarily under a formal engagement (Duty to Consult) scenario. In 2017 TRCA developed our Community Engagement Strategy, which contains high level recommendations regarding the enhancement of relationships with communities. Both documents remain relevant, however, discussions involving First Nations, the TRCA Chair, CEO, and staff along with evolving best practices have prompted TRCA to undertake a refresh of the Engagement Guidelines.

In early 2021 staff set out to establish a dialogue with several First Nations to continue to build relationships and seek their input into TRCA's plans for guideline updates and general knowledge sharing. COVID-19 made these interactions challenging; however, several insightful virtual meetings were undertaken with Mississauga's of the Credit First Nation, Curve Lake First Nation and Huron-Wendat Nation through 2021. These meetings continued into 2022 with the addition of meetings with Six Nations of the Grand River.

Parallel to these meetings, on-going discussions were undertaken with the City of Toronto which was finalizing their Reconciliation Plan and undertaking broad consultation with other municipalities to inform future Indigenous engagement policy updates. TRCA has also been following the work that other municipalities and agencies within our jurisdiction have been undertaking in the development of Indigenous engagement policies and protocols to inform future engagement guideline updates.

To compliment formal engagement efforts, TRCA has a long history of work with First Nations and Indigenous communities through the Education and Training division and their programming across sites.

RATIONALE

The following is a high-level summary of activities and key considerations that will continue to guide TRCA's Indigenous engagement efforts in 2022.

TRCA Indigenous (First Nations and Metis) Engagement Working Group

TRCA has a great interest from staff to discuss opportunities to incorporate Indigenous engagement in their project or program work. In May 2022 an internal working group was established with representation across all divisions to share knowledge and help facilitate corporate-wide adoption of consistent principles and best practices for engagement with Indigenous partners.

Terms of Reference for the group is being drafted with the following key considerations:

- Potential engagement opportunities will be brought to the working group for discussion and coordination (if applicable). This will also allow staff to bring issues or questions related to Indigenous engagement for programs or projects to receive feedback and support.
- Representatives will be asked to be leaders in their division, sharing information with their teams and bringing opportunities to the attention of the working group.
- The working group will be used as a first point of contact for potential training and information sharing with treaty First Nations and Indigenous communities (see relationship agreement discussion for further information).
- Drafting of updated policies and guidelines will originate in the working group, in collaboration with First Nations. All policies will also benefit from TRCA Policy

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Committee and or TRCA Board of Directors approval where this is required.

- The working group lead will be responsible for maintaining a project/program listing of all engagement being undertaken (outside of Duty to Consult).
- Duty to Consult projects being advanced by TRCA on behalf of senior governments that are subject to the Duty to Consult requirement will continue to be coordinated through the archaeology team with a regular reporting to the working group that includes a summary of the project and engagement underway, including key interests expressed from First Nations.
- Regular check-ins with the Credit Valley Conservation working group will be established on an annual basis to share learnings and experiences.
- The working group will report quarterly to Senior Leadership Team on undertakings and any key strategic items and will vet any proposed updates to corporate policies through Policy Committee.
- Work will occur with Corporate Services to provide, manage, and maintain a centralized corporate repository for Indigenous engagement resources and a repository of policies and guidelines.
- Ultimately this group is intended to inform and provide meaningful advice on engagement and reconciliation measures that can be considered by TRCA and to help identify actions to advance this goal recognizing the potential need for funding support from TRCA's partners.

The first formal meeting of the working group is scheduled for June 22, 2022. A member of the Mississauga's of the Credit First Nation will join the meeting to provide Indigenous awareness training specific to TRCA's jurisdiction that will start the dialogue around an update to the Land Acknowledgment statement. This will include considerations around when the Land Acknowledgment is most appropriately used and how it is delivered to ensure this is done in a respectful and meaningful way.

City of Toronto's Reconciliation Plan

In October 2021 TRCA staff met with City of Toronto staff in the Parks Forestry and Recreation Division and the Indigenous Affairs Office regarding their Reconciliation Plan. TRCA staff were made aware at that time that the draft Plan included recommendations for return of land and stewardship rights in ravines. TRCA was circulated the draft Plan in early 2022 and provided approval of a high-level recommendation/action that indicates we work together to develop and sustain partnerships and good relations to ensure support for Indigenous access and stewardships of lands. The Reconciliation Plan was approved at City Council on April 6, 2022. Action #19 details the City's considerations around "Return Land and Stewardship Rights". Although the Indigenous Affairs Office has indicated this action item is not in their 2022 workplan, TRCA will meet with the City in July to discuss how we can work together in the future. TRCA is already undertaking work to make greenspaces more accessible such as the Morningside Legacy Project (described in more detail below) and others across within the City of Toronto that matches with this specific policy direction of the Reconciliation Plan.

Excerpt from the City of Toronto's Reconciliation Plan:

19. Return Land and Stewardship Rights

The City acknowledges that Indigenous oppression and genocide is rooted in the impacts of land dispossession and displacement. The City also acknowledges that Indigenous Peoples are experts in local land stewardship and carry thousands of years of collective knowledge of how to

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live in right relations with the land, water, and all its inhabitants.

The City of Toronto will:

- a. *Prioritize Indigenous worldviews and relational views of land protection and Indigenous community leadership to enhance climate resiliency.*
- b. *Develop a framework to guide the City's real estate acquisitions and disposal processes and policies that affect Indigenous communities, to:*
 - i. *Ensure all transactions are consistent with legislative requirements*
 - ii. *Consider the needs of diverse Indigenous communities residing in Toronto*
 - iii. *Identify and evaluate real estate opportunities to advance Indigenous stewardship, control, and ownership of land within the City of Toronto*
- c. *Engage Indigenous Nations, communities and community leaders in the co-development of protocols, practices, and agreements surrounding Indigenous use of and access to land and water within the City of Toronto;*
- d. *Make every effort to facilitate the transfer of stewardship, control, and/or ownership of lands and waters to Indigenous Nations, communities, collectives, and organizations and agencies.*
 - i. *Where the City can, support Indigenous People in accessing land – in parks, thoroughways, schools, community centres, etc.*
 - ii. *Work with the Toronto Region Conservation Authority to develop and sustain partnerships and good relations to ensure support for Indigenous access and stewardships of lands.*

Project/Program Oriented Updates

Several engagement-oriented programs and initiatives are being undertaken across the organization. The following is a sample of key highlights.

Moccasin Identifier Project

The Moccasin Identifier Project (<https://moccasinidentifier.com/>) is an educational tool to promote public awareness of significant cultural historic sites and the ancestral presence of Indigenous Communities. Its goal is to create a cultural shift in relationships with Indigenous communities and to create a network of knowledge of Indigenous history. The Project achieves this through education, partnerships, and installations. It has been developed by Elder and former Chief of the Mississauga's of the Credit First Nation (MCFN) Carolyn King, in partnership with the MCFN and the Greenbelt Foundation. The Moccasin Identifier Project creates an opportunity for TRCA to work with the MCFN to help share the history and culture of Indigenous communities through installations and promotion at TRCA sites, facilities, programs, and events.

Staff are currently working with the Moccasin Identifier team on an MOU which will outline roles and responsibilities, along with key work plan deliverables for 2022 – 2024. The Moccasin Identifier team has also indicated that they could support TRCA with their Indigenous engagement, and relationship-building efforts (i.e., developing a land acknowledgement, protocols for events, cultural competency training, etc.) as fee for service work.

With the construction of the Head Office at 5 Shoreham Drive scheduled for completion in Q1 2023, there is an immediate opportunity for a permanent Moccasin Identifier installation by the main entrance of the building. Inside of the building in the lobby there could be opportunities for programmable space around theme of Indigenous voices programmed by the Education team in collaboration with Indigenous communities. The indoor display would work as an educational complement to the more typical outdoor installation. Staff are meeting with the Moccasin Identifier team to understand design guidelines and explore options for both indoor and outdoor installations. The installation of the program at the new Head Office would expose a wide variety

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of TRCA clients and stakeholders to the program and would be a unique relationship-building opportunity for TRCA.

Staff are in the process of scoping out a preliminary budget for a head office installation. A preliminary budget will include staffing and consultant costs related to producing a full proposal with timelines and implementation costs, in addition to any budget required to support the Moccasin Identifier team to work with TRCA and consultants on the design of installations for Head Office. Staff will also work with the Moccasin Identifier team to scope out an RFP to retain an Indigenous consultant for the development of a conceptual plan which will identify potential locations for installations, site considerations, programming opportunities and budgets.

Morningside Legacy Project

The Morningside Legacy Project seeks to restore Indigenous acknowledgement and presence at Morningside Park through the creation of an outdoor gathering space that can be used for shared learning experiences and celebration.

The project has involved the Williams Treaty First Nations to help inform the planning and design process. The vision for the final design of the Morningside Legacy Project is taking on the form of an educational trail. The trail has five main components interpreting First Nation history, cultural significance, and connection to ecologically sound and sustainable approaches to land management.

Engagement has been facilitated by a consultant who is a member of the Williams Treaty First Nations. This model and early involvement and contribution through the full lifecycle has been very positively received. The Morningside Legacy Project will be a framework that can be applied to future projects. A potential 2023 project will be scoped to replicate this model and a scan of available grants undertaken.

OCAD-McMichael Art Gallery Mural Project

Bonnie Devine, an Indigenous artist from Serpent River First Nation and instructor at OCAD University, collaborated with TRCA, the McMichael Canadian Art Collection, and the Huron Wendat Nation to create a mural celebrating the Carrying Place Trail and the Humber River. In 2021 the Huron Wendat Nation gave the artist permission to use artifacts from the Seed-Barker site in the mural project. TRCA archaeologists invited the artist to view artifacts from the Seed-Barker site, from which she selected seven to include in the mural project. The mural project was launched at the McMichael Canadian Art Collection in November.

<https://mcmichael.com/event/from-water-to-water/>

Education and Training

Since 2018, TRCA's Education and Training Division has worked with Dr. Hopi Lovell Martin, Waabizheshii Oskaabewis (Ojibwe Maren Clan Ceremonial Helper, Messenger, and Fire Keeper) to host various Indigenous Traditional Teachings through webinars and in-person learning and professional training opportunities engaging staff, educators, early years staff, students, and the general public. Other programs and initiatives have grown from this work, with several partnerships underway or in progress

York Region Nature Collaborative (YRNC)

TRCA partnered with YRNC, Dr. Hopi Lovell Martin and Indigenous Elder Gokoomis (Grandmother) Jacque Lavallee from Shawanaga First Nation in hosting three of 13 land-based webinars on Traditional Ojibwe-Anishinaabe calendar moon teachings (January Big Spirt Moon, February Bear Moon and March Sugar Moon). These webinars described specific relationships

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between Doodoom Aki (Mother Earth), her People and the teachings of the Four Seasons. <https://edgeofthebush.ca/walking-with-grandmother-moon-2/>

Walking Together Through the 4 Seasons

TRCA partnered with York Region Nature Collaborative, Lake Simcoe Region Conservation Authority, Dr. Hopi Lovell Martin and Dr. Diane Kashin to develop and deliver 17 months of intensive training for 90 York Region Early ON staff through an initiative titled “Walking Together Through the 4 Seasons”. This professional development training commenced February 2022 and is intended to build capacity and create a cultural shift for EarlyON professionals by increasing their confidence, efficacy, knowledge, skills, understanding and attitudes of connecting with the land through traditional Anishinaabe Seasonal Pedagogy and learning forest school practices. Participating staff learn this approach to teaching and learning through webinars, in-person learning, sacred ceremony, resources, mentoring and an online community of practice. The in-person events are happening at Kortright Centre, Lake St. George and Scanlon Creek locations.

Land Acknowledgements

TRCA Education and Training staff took part in a facilitated session on establishing and maintaining respectful relationships between Indigenous and non-Indigenous peoples and the relationship between “Land Acknowledgement” and Traditional Ojibwe Protocols.

Wiigiwaam Builds at TRCA Sites

A Wiigiwaam is a Ceremonial shelter, home or teaching lodge that is built with Traditional Ojibwe Teachings of the Four Directions, Four Seasons, Four Races of Humanity and the Four Sacred Medicines connected to the Four Sacred Colours of Yellow, Red, Black and White. The building process of these structures includes traditional knowledge, ceremony, protocol, and teachings. Since 2019, four Wiigiwaams have been constructed at four different TRCA sites, Lake St. George, Kortright Centre, Claireville and Black Creek Pioneer Village. These structures can be used as a place for traditional ceremonies or to connect people with the land. In April 2022, led by Dr. Hopi Lovell Martin, a group of Indigenous Youth participated in sacred ceremony in the newly build Wiigiwaam and worked on the land to care for some of the Sugar Maple Forest on the site.

Peel Community Learning (PCL)

TRCA's PCL and Government and Community relation teams are working with Eagle Spirits of the Great Waters in Mississauga to install a Medicine Wheel Garden at the Arsenal Lands and collaborating on program opportunities on the site. TRCA also continues to work with Four Colours Drumming Circle to support Girls Can Too and Conservation Youth Corps participants in Medicine Wheel Garden teachings and maintenance, smudging and drumming circles.

Gathering of Nations Summer Camp

The Albion Hills Field Centre is hosting the Toronto Catholic District School Board (TCDSB) Gathering of Nations Summer Camp for 20 Indigenous students at Albion Hills Field Centre from July 2 – 23, 2022. TRCA is working with the Indigenous Education Department at TCDCB to plan and support the camp with meals and programming. TCDSB will lead curriculum linked programming for the completion of a grade 9 credit course (NAC 10) – Expressions of First Nations, Metis and Inuit Cultures in Canada and First Nation, Metis and participate in Inuit traditional workshops each afternoon, while TRCA education staff will provide nature-based learning through the Albion Hills Conservation Park.

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Newcomer Youth Green Economy Project

The Newcomer Youth Green Economy Project partners with Alderville First Nation and Woodland Cultural Centre to provide field trips that engage newcomer youth participants in Indigenous learning opportunities. These include a tour of the Alderville Black Oak Savanna and the former Mohawk Institute Indian Residential School. A virtual tour is planned for Woodland Cultural Centre and a in person visit for Alderville.

National Indigenous People's Day – Summer Solstice Event at Kortright Centre

June 20, 2021 on National Indigenous People's Day TRCA celebrated and renewed relationships with the land, and to each other by hosting a free virtual event at Kortright Centre for Conservation. This event was live broadcast to children, families, students, Indigenous and non-Indigenous people and included a traditional Indigenous ceremony, drumming, and dancing. This event had over 45,000 viewers from across the country and TRCA intends to continue the recognition of National Indigenous People's Day in 2022 at Black Creek Pioneer Village focusing on student education. To this end, as part of the day, TRCA will be working with Edge of the Bush, Moccasin Identifier Project, and the Changing the Narrative research committee to welcome students to learn, reflect and “walk together” into the future.

Initiatives Planned/In Progress at Kortright Centre

The following items are currently being planned for future delivery:

- TRCA is working with York Catholic District School Board (YCDSB) and Indigenous consultants in developing and delivering an Indigenous education program for 11 classes of grades 6 and 7's to connect students with the land, learn about ceremony and experience Indigenous traditional approaches to teaching and learning.
- Staff are in the early stages of developing a partnership with YRDSB to support the creation of a Healing Forest on or near the Kortright Centre, dedicating TRCA land to honour and reflect on reconciliation between Indigenous and non-Indigenous people. This site could serve as a future YRDSB learning hub where staff professional development opportunities and student engagement in Indigenous studies could take place.
- In collaboration with Indigenous groups, TRCA staff are exploring the development of an authentic educational program led by Indigenous Elders, knowledge keepers and Ceremonialists to engage students in traditional teachings, ceremony, culture and learning to connect students with the land and build intercultural understanding, empathy, and mutual respect.

Black Creek Pioneer Village

Established in 1960 through a partnership between TRCA, Metropolitan Toronto, local municipalities and the Government of Ontario, Black Creek Pioneer Village is one of Ontario's leading living history museums, boasting over forty (40) heritage buildings of local, provincial, and national significance, and caring for 50,000 artifacts of material culture.

Additionally, TRCA through its *Archaeological Heritage Strategy*, conducts archaeological assessments across the Greater Toronto Area to identify, document and preserve cultural resources on TRCA, private and municipal lands and has a legislated and ethical responsibility to care for the collection. Since 1988, TRCA's archaeological collection has grown to approximately one million artifacts, excluding collections currently housed and stored at the ROM. This collection and history in building partnerships with Indigenous communities has led to a broad suite and range of activities across TRCA that support Indigenous-led peacekeeping and storytelling on and within TRCA's lands and spaces and represents a unique opportunity to

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connect the archaeological history and collection of TRCA with the cultural heritage collection and programming of Black Creek Pioneer Village.

Black Creek Pioneer Village and TRCA, with its extensive heritage and cultural assets and infrastructure, along with a strong history of innovative programming, has an established reputation and name brand awareness. With that said, public perception of heritage villages such as Black Creek Pioneer Village has continued to evolve whereby public programming expectations tend to focus on a broader interest in experiences that provide a more fun and engaging experience within a heritage context, more so than traditional interpretive heritage museum experiences or tours. Furthermore, the connotation of a “pioneer village” presents barriers to inclusion and participation for indigenous communities and new Canadians by focusing on a specific period in Canadian and local history that did not and does not reflect the rich cultural heritage of local communities.

To address the above, TRCA has begun to develop an ambitious re-envisioning of Black Creek Pioneer Village that will support the transformation of this key cultural attraction into an inclusive community common whereby the village is the context to tell the myriad of stories of pre-colonial to current times. Modernization of Black Creek Pioneer Village represents an opportunity to transform the museum and heritage village into a community-commons, with an emphasis on reconciliation and Indigenous-led placemaking and storytelling, and engagement of the multicultural communities of the City of Toronto. This modernization of the Village will contribute to the City of Toronto’s Reconciliation Action Plan, and further serve as a potential anchor and catalyst for the establishment of a Cultural District within the Black Creek neighbourhood.

To kick-start efforts related to Indigenous engagement at Black Creek Pioneer Village, in 2021 TRCA worked successfully to integrate a temporary large-scale art project by Metis encaustic sculptor, Tracey-Mae Chambers, into the “pioneer village” setting. Chambers wove red string through the 19th century schoolhouse located at Black Creek Pioneer Village making a powerful statement on the legacy of residential schools and global unrest while asking visitors to consider how our society can remain hopeful. Chambers is returning with a new installation in 2022 to create a temporary large-scale art project inside the home of a settler family located at BCPV. This installation builds on work underway since 2018 at Black Creek Pioneer Village to create a permanent Indigenous History Gallery through a partnership with York University (including Anishinaabe scholar and historian Dr. Alan Corbiere) and Jumblies Theatre (a project led by Haudenosaunee artist, Ange Loft) and guided by local First Nations representatives. The partnership will result in a permanent exhibit at BCPV, original historical scholarship, and a weaving of Indigenous perspectives, content, and voices through existing interpretation of the Toronto Region in the 19th century. Participating First Nations include: Mississauga’s of the Credit, Six Nations of the Grand River, Mississauga’s of Scugog Island, and Chippewas of Rama.

Recognizing the important role that Black Creek Pioneer Village plays in telling the story of the Toronto region from pre-colonial to the current period, TRCA has begun advocating for enhanced government funding to modernize and transform Black Creek Pioneer Village into an inclusive community common with an emphasis on Indigenous perspectives. With a renewed vision for Black Creek Pioneer Village that is forward-focused, ambitious, and inclusive, the Village can be a catalyst for inclusive conversations on the history of the Toronto region, while also spurring revitalization in the surrounding neighbourhoods. At the request of Toronto Council, the City Manager with input from TRCA will be reporting back on the above matters to inform future City of Toronto and TRCA budget considerations later this year.

Updates on Engagement with First Nations

TRCA had regular meetings with Mississaugas of the Credit First Nation, Curve Lake First Nation and Huron-Wendat Nation. These meetings have continued in 2022 with the addition of meetings with Six Nations of the Grand River. One of the main functions of regular meetings is to proactively bring forward planned archaeological studies and Duty to Consult projects for discussion to allow for a more collaborative dialogue between all parties.

During these meetings, TRCA expressed interest in engaging First Nations in the update of engagement guidelines and land acknowledgement. Through these discussions the concept of entering into a relationship agreement to undertake this work and other priorities was reoccurring. Staff are currently exploring what agreements of this nature might look like based on examples that have been shared with us. Each First Nation has unique interests when it comes to the initiatives they would like to work more collaboratively with TRCA on.

The following are highlights of some of the items discussed to date:

- There was openness to assisting with the update of TRCA's land acknowledgement, incorporating the transfer of knowledge to staff on the history of our jurisdiction and recommendations on when land acknowledgments should be used and how they should be delivered.
- Interest in training and knowledge sharing that benefit both parties was expressed in a variety of discussions. There is an interest in TRCA sharing their knowledge and providing courses like the Ontario Stream Assessment Protocol training to First Nations and in turn offers to undertake customized Indigenous Awareness training for staff and providing traditional knowledge input into initiatives like watershed planning and Environmental Assessment evaluation criteria were discussed.
- Archeological studies undertaken by TRCA continue to be a main interest of First Nations with the desire to have more formalized agreements for review fees and direct participation in field work.
- There is an interest in partnerships and collaboration through TRCA's Boyd Archeology Field School from the Huron-Wendat Nation. The field school has often been run on an ancestral Huron Wendat site: the Seed-Barker site in Vaughan and the current location at the Sebastien site in Pickering (named in honour and in memory of Huron Wendat Elder Heather Sebastian). The Huron Wendat Nation has embarked on Yandata, a strategic partnership with Archeological Services Inc. (ASI) at the Skandatut site in Vaughan which borders TRCA managed and owned lands. The partnership is designed to ensure the Huron-Wendat Nation's leadership in carrying out archaeological work for projects that may have an impact on its physical, cultural, and ancestral heritage in Ontario. TRCA is looking to this innovative work as a potential future model for our own work with the Nation. TRCA's CEO met with the Huron Wendat Nation Grand Chief and delegates on May 18, 2022 to discuss potential partnerships including enhanced cooperation and Huron Wendat involvement with the Boyd Archaeology Field School along with opportunities for greater interpretation and education of Huron Wendat history at TRCA sites across the jurisdiction.

Staff will continue to explore opportunities for relationship agreements in 2022; starting with strategic common interests, with the ability to adapt and evolve.

Naming Strategy

Research to advance a Naming Strategy has not been undertaken to date as resources and in-house expertise is limited. TRCA is exploring the possibility of obtaining consultant services in

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2022 to help navigate this and ensure that there is an expansion of the scope of work to consider all aspects of diversity, equity and inclusion in naming and renaming opportunities. Key next steps include:

- Review of municipal efforts for similar strategies (this has been on-going);
- Review of all TRCA named sites to scan for appropriateness;
- Identification of TRCA's properties of interest to First Nation communities, through consultation;
- Creating a framework for naming and renaming processes; and
- Creation and adoption of a naming policy.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 6 – Tell the story of the Toronto region

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

Programming and projects costs for the noted activities have been funded through a variety of divisional budgets. Cost for potential relationship agreements with treaty communities are currently unknown and will vary depending on priorities for partnership. It is expected that TRCA would need to explore opportunities for contributions from programs and projects to advance these agreements, at least in the short term. Costing for engagement activities will be raised as a budget consideration related to fee for service projects, where, for example, Duty to Consult requirements are present. Opportunities to partner with First Nations on grants to support joint projects and programs will be explored.

DETAILS OF WORK TO BE DONE

2022 Priorities

- Finalize a Terms of Reference for the TRCA Indigenous Engagement working group and initiate meetings.
- Work with First Nations to update TRCA's land acknowledgement and provide a meaningful learning experience for staff as part of this process.
- Draft updates to TRCA Engagement Guidelines with consultation from First Nations and input from the Indigenous Engagement Working Group and Policy Committee.
- Continue to work with the City of Toronto as they roll out the actions of their Reconciliation Plan.
- Works towards advancing and finalizing relationship frameworks or agreements with First Nations in 2022.
- Explore the possibility of retaining consulting assistance to advance a Naming Strategy that may include cooperating with partner municipalities undertaking similar work.

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Date: June 3, 2022

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: John MacKenzie, Chief Executive Officer

**RE: FINALIZED PHASE 2 REGULATIONS UNDER THE CONSERVATION
AUTHORITIES ACT**
Environmental Registry of Ontario Posting (ERO #019-4610)

KEY ISSUE

Overview of the recently released Ministry of Environment, Conservation and Parks (MECP) finalized Phase 2 Regulations under the *Conservation Authorities Act* and next steps.

RECOMMENDATION:

IT IS RECOMMENDED THAT this overview of the recently issued Phase 2 Regulations and Minister's Fee Classes Policy under the *Conservation Authorities Act* be received;

AND THAT all agreements entered into between Toronto and Region Conservation Authority (TRCA) with municipal partners reflect the requirements of the Phase 2 Regulations;

AND THAT as required by Section 21.2 of the *Conservation Authorities Act*, a fee policy be brought forward for approval by TRCA's Board of Directors prior to January 1, 2023.

BACKGROUND

On January 26, 2022, MECP posted on the [ERO](#) a "REGULATORY AND POLICY PROPOSAL CONSULTATION GUIDE: Regulations regarding Municipal Levies, Conservation Authority Budget Process, Transparency, and Provincial Policy for the Charging of Fees by Conservation Authorities" for public comment on the Environmental Registry of Ontario (ERO) for a 30-day public commenting period ending February 25, 2022. A staff report and draft comment letter was received and endorsed by the Executive Committee and submitted to the ERO on February 11, 2022. This submission to the ERO posting was endorsed by the Board of Directors at their meeting on February 25, 2022, and Resolution #A18/22 was approved as follows:

WHEREAS on January 26, 2022, the Ministry of Environment, Conservation and Parks (MECP) posted a "REGULATORY AND POLICY PROPOSAL CONSULTATION GUIDE: Regulations regarding Municipal Levies, Conservation Authority Budget Process, Transparency, and Provincial Policy for the Charging of Fees by Conservation Authorities" for public comment on the Environmental Registry of Ontario (ERO);

AND WHEREAS THE ERO imposes a deadline of February 25, 2022 for submission of comments on Phase 2 of the MECP's regulatory and policy proposals under the Conservation Authorities Act;

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THEREFORE, LET IT BE RESOLVED THAT Toronto and Region Conservation Authority (TRCA) draft comments to ERO #019-4610 be endorsed with any comments from the Executive Committee of the Board of Directors to inform the final submission to the ERO;

AND FURTHER THAT staff report back to the Board of Directors on February 25, 2022, with TRCA's final ERO submission for information and with any further recommendations based on planned discussions with MECP staff;

AND FURTHER THAT the Chief Financial and Operating Officer, so advise TRCA's partner municipalities, the Ministry of Environment, Conservation and Parks, and Conservation Ontario.

RATIONALE

On April 22, 2022, MECP posted the Notice of Decision and the Phase 2 regulations and the Minister's Fee Classes Policy on the [ERO](#). The notice includes a summary of the 24 comments received as consultation feedback and responses to that feedback. The regulations address the municipal levy funding mechanism (now referred to as "apportionment"), the conservation authority budget process and transparency measures, pursuant to the recent amendments to the Act. The Minister's fee policy identifies broad classes of fees under which conservation authorities may charge user fees.

The Phase 2 regulations align with TRCA's framework for implementing the amendments to the Act in respect of the three categories of programs and services, being: Category 1 – legislated as mandatory by the Province, Category – 2 requested by partner municipalities, and Category 3 – other programs and services that the conservation authority determines are advisable to further the purpose of the Act. The budget regulation provides clarification that will enable streamlining the budget process and agreement framework with participating municipalities, in particular, through its provisions governing the apportionment for non-mandatory services and general expenses related to mandatory and non-mandatory services. The Minister's Fee Classes Policy generally reflects TRCA's existing administration of its fee schedules for user fees, and summarizes additional requirements and procedures under the Act for the reconsideration and appeal of fees.

Through engagement with our partner municipalities on the inventory and the agreement framework for non-mandatory programs and services, TRCA is at the forefront of meeting the new regulatory requirements, as we continue to establish comprehensive, updated Memorandums of Understanding (MOUs) with participating municipalities and partner municipalities. Based on feedback received from our municipalities to date, TRCA does not anticipate any changes to its self-sustaining programs and services that benefit our watersheds and the close to 5 million residents and diverse stakeholders within our jurisdiction. Since the outset of this process, TRCA has been supportive of agreements to ensure transparency and accountability with our stakeholders and funding partners.

The following sections of this report provide a high-level overview of the new regulations filed on April 20, 2022, and the new Minister's Fee Classes Policy dated April 11, 2022, and the timing for coming into force.

Ontario Regulation 402/22: Budget and Apportionment

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This regulation, (refer to **Attachment 1**), prescribes certain requirements for a conservation authority's budget process and apportionment methods and includes revocation of the current regulations that govern levies. The regulation sets out the process conservation authorities must follow when preparing a budget, including consultations and rules and procedures governing budget meetings. These requirements will require minor adjustments to TRCA's existing budget process and consultations. In addition, the regulation prescribes the methods for apportioning operating expenses and capital costs to participating municipalities for Category 1, Category 2 and Category 3 programs and services. The Province has advised that the regulation will take effect July 1, 2023 and apply to budgets for subsequent calendar years.

Ontario Regulation 401/22, Determination Of Amounts Under Subsection 27.2 (2) of the Act

This regulation, (refer to **Attachment 2**), deals with the determination of the apportionment under subsection 27.2 (2) of the Act, which pertains to specified municipalities that are designated by regulation for a source protection authority/area under the *Clean Water Act, 2006* or designated under a regulation of the *Lake Simcoe Protection Plan, 2008* as a municipality in the Lake Simcoe Region Conservation Authority. It does not apply to TRCA. The Province has advised that the regulation will take effect July 1, 2023 and apply to budgets for subsequent calendar years.

Ontario Regulation 400/22: Information Requirements

This regulation, (refer to **Attachment 3**), seeks to increase transparency of conservation authority operations by requiring the public posting of prescribed information on a Governance section of a conservation authority's website, including information about the conservation authority's members, meetings, draft and final budgets, and certain agreements between CAs and municipalities for programs and services. The Province has clarified that Category 2 MOUs to be posted to a conservation authority's website are higher level parent agreements that typically run several years, that procurement agreements are not required to be posted to the conservation authority's website, and that any information or document required to be posted is also subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. TRCA is already generally compliant with these requirements through the posting of information and existing plan review MOUs on the Governance page of its website. The regulation provides that it comes into force on July 1, 2022.

Ontario Regulation 399/22, Amending O. Reg. 687/21 (Transition Plans And Agreements For Programs And Services Under Section 21.1.2 of the Act)

This regulation, (refer to **Attachment 4**), amends the transition regulation regarding the use of user fees for Category 3 programs and services, where a cost apportioning agreement is in place. The Province has advised that the amendment to the regulation will be proclaimed into force effective January 1, 2023.

Minister's Fee Classes Policy

As per the decision notice on the ERO, the Minister has also released a Minister's Fee Classes Policy (refer to **Attachment 5**). This policy includes the list of the classes of programs and services for which a conservation authority may charge a fee. Pursuant to the new Section 21.2 of the Act, a conservation authority may only charge a user fee for a program or service if it is set out in this list. The Minister's policy provides that in order for a conservation authority to charge a fee, the User-Pay Principle must be appropriate, which is when a class of persons directly benefits from a program or service delivered by a conservation authority. Further, Section 21.2 of the Act requires a conservation authority to administer the charging of fees in a

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transparent and accountable manner by adopting, publishing and maintaining a written fee policy, including provision for reconsideration of the fee charged and appeal of the reconsideration decision or non-decision. In addition, where Category 2 or Category 3 programs and services are provided pursuant to an MOU or cost apportioning agreement, respectively, the provisions of such agreements shall include provisions permitting the conservation authority to charge a user fee for the program or service. The Minister's Fee Classes Policy is generally consistent with TRCA's existing administration of its fee schedules for user fees. TRCA's updated fee policy will incorporate the new requirements and procedures under the Act for the reconsideration and appeal of fees. The Province has advised that the new Section 21.2 will be proclaimed into force on January 1, 2023.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 7 – Build partnerships and new business models

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

TRCA staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy analysis work associated with implementing the recommendations set out in this report.

DETAILS OF WORK TO BE DONE

TRCA staff are undertaking the following next steps:

- Updating agreement templates in accordance with the streamlined agreement framework enabled through the Phase 2 regulations.
- Continuing to work with partner municipalities to finalize and execute agreements in 2022 and 2023 and ensure coordination with the budget process as it pertains to participating municipalities.
- Bringing forward a fee policy for approval by TRCA's Board of Directors prior to January 1, 2023, reflecting the requirement of the Act and the Minister's Fee Classes Policy.
- Ongoing communication updates to TRCA's Board of Directors on work underway to update and achieve agreements with upper and lower tier municipalities.

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Date: June 21, 2022

Attachments: 5

Attachment 1: Ontario Regulation 402/22, Budget and Apportionment

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- Attachment 2: Ontario Regulation 401/22, Determination of Amounts Under Subsection 27.2 (2) of the Act
- Attachment 3: Ontario Regulation 400/22, Information Requirements
- Attachment 4: Ontario Regulation 399/22, Amending O. Reg. 687/21 (Transition Plans and Agreements For Programs and Services Under Section 21.1.2 of the Act)
- Attachment 5: Minister's Fee Classes Policy

Français

ONTARIO REGULATION 402/22
made under the
CONSERVATION AUTHORITIES ACT

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BUDGET AND APPORTIONMENT

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INTERPRETATION

Definitions

1. (1) In this Regulation,

“benefit-based apportionment method” means the method of apportioning an authority’s operating expenses and capital costs described in subsection 7 (6); («méthode de répartition fondée sur les avantages»)

“Category 1 CWA/LSPA operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 1 CWA/LSPA program or service; («dépense d’exploitation ou coût en immobilisations LES/LPLS de catégorie 1»)

“Category 1 CWA/LSPA programs and services” means the mandatory programs and services that an authority is required to provide under section 21.1 of the Act with respect to its duties, functions and responsibilities under the *Clean Water Act, 2006* and under the *Lake Simcoe Protection Act, 2008*; («programmes et services LES/LPLS de catégorie 1»)

“Category 1 operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 1 program or service; («dépense d’exploitation ou coût en immobilisations de catégorie 1»)

“Category 1 programs and services” means the mandatory programs and services that an authority is required to provide under section 21.1 of the Act; («programmes et services de catégorie 1»)

“Category 2 operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 2 program or service; («dépense d’exploitation ou coût en immobilisations de catégorie 2»)

“Category 2 programs and services” means the municipal programs and services that an authority provides under section 21.1.1 of the Act on behalf of a municipality situated in whole or in part within its area of jurisdiction; («programmes et services de catégorie 2»)

“Category 3 operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 3 program or service; («dépense d’exploitation ou coût en immobilisations de catégorie 3»)

“Category 3 programs and services” means programs and services that are not Category 1 or Category 2 programs and services but are other programs and services provided by an authority under section 21.1.2 of the Act; («programmes et services de catégorie 3»)

“general operating expense or capital cost” means an operating expense or capital cost that is not related to the provision of a program or service that an authority provides; («dépense d’exploitation générale ou coût en immobilisations général»)

“MCVA apportionment method” means a method of apportioning an authority’s operating expenses and capital costs that is based on the modified current value assessment of the properties within the authority’s area of jurisdiction and further described in subsections 7 (2), (3), (4) and (5); («méthode de répartition EVAM»)

“reduced capital costs” means the capital costs of an authority for a given year, as reduced under section 6; («coûts en immobilisations réduits»)

“reduced operating expenses” means the operating expenses of an authority for a given year, as reduced under section 6; («dépenses d’exploitation réduites»)

“specified municipality” means a specified municipality as defined in subsection 27.2 (1) of the Act. («municipalité précisée»)

(2) For the purposes of clause (e) of the definition of “operating expenses” in section 1 of the Act, any costs, other than capital costs in connection with a project, that support the operations of an authority are prescribed as operating expenses.

(3) For the purposes of the definitions of “Category 1 operating expense or capital cost”, “Category 2 operating expense or capital cost” and “Category 3 operating expense or capital cost” in subsection (1),

- (a) a capital cost shall be considered related to the provision of a Category 1, Category 2 or Category 3 program or service, as the case may be, if it is incurred in connection with a project that is related to the provision of the program or service; and
- (b) an operating expense that is incurred in connection with a project shall be considered related to the provision of a Category 1, Category 2 or Category 3 program or service, as the case may be, if the project is related to the provision of the program or service.

Budgetary matters

2. The following matters are prescribed as budgetary matters for the purposes of clause 14 (4.0.1) (d) of the Act:

1. Matters that are required to be voted on under this Regulation.
2. Matters relating to budget reallocations in a calendar year.
3. Matters relating to annual audits under section 38 of the Act.

BUDGET

Annual budget

3. Every authority shall prepare a budget for 2024 and for every subsequent calendar year in accordance with this Regulation.

Budgetary process

4. (1) An authority shall prepare the budget for a calendar year in accordance with the budgetary process set out in this Regulation.

(2) An authority shall begin the budgetary process for a given calendar year at such time during the preceding year as the authority determines and shall end the budgetary process at such time as the authority determines, subject to any timelines set out in this Regulation.

APPORTIONMENT

Determination of revenue, expenses and costs

- 5.** (1) During the first phase of the budgetary process for a given calendar year, the authority shall,
- (a) identify all of the authority's sources of revenue for the year, other than revenue from the apportionment of operating expenses and capital costs under sections 7 to 12, including,
 - (i) revenue from fees or charges paid to the authority,
 - (ii) revenue from donations and grants received by the authority,
 - (iii) self-generated revenue from fund-raising or other efforts made during the year to generate funds,
 - (iv) any amounts that the authority plans to obtain from its reserve funds to finance its capital costs and operations, including its programs and services, for the year,
 - (v) revenue made under agreements entered into under clause 21 (1) (n) of the Act, and
 - (vi) revenue from other sources;
 - (b) determine the amount of revenue from each of the sources identified under clause (a) and add those amounts to determine the authority's total revenue for the year;
 - (c) identify all of the authority's operating expenses for the year, as required under subsection 27 (1) of the Act, and categorize them as,
 - (i) Category 1 operating expenses,
 - (ii) Category 2 operating expenses,
 - (iii) Category 3 operating expenses, or
 - (iv) general operating expenses;
 - (d) determine the authority's total operating expenses for the year;
 - (e) identify all of the authority's capital costs for the year, as required under subsection 25 (1) of the Act, and categorize them as,
 - (i) Category 1 capital costs,
 - (ii) Category 2 capital costs,
 - (iii) Category 3 capital costs, or
 - (iv) general capital costs; and
 - (f) determine the authority's total capital costs for the year.
- (2) If the Minister has consolidated two or more source protection areas into a drinking water source protection region under section 6 of the *Clean Water Act, 2006*,
- (a) the authority that is designated by the Minister as a lead source protection authority shall include under clause (1) (a) any revenue that it receives from other source protection authorities in the source protection region under an agreement entered into under subsection 6 (3) of the *Clean Water Act, 2006*; and
 - (b) the authorities that are part of the source protection region but are not designated as the lead source protection authority shall identify under clause (1) (c) and (e) any operating expenses and capital costs that they are required to pay to the lead source protection authority under an agreement entered into under subsection 6 (3) of the *Clean Water Act, 2006*.

Determination of reduced amounts to be apportioned

6. For the purposes of subsections 25 (1) and 27 (1) of the Act, the authority shall, with respect to each operating expense and capital cost identified under clauses 5 (1) (c) and (e), determine which portion of the operating expense or capital cost will be apportioned to participating municipalities by,

- (a) determining if there are any restrictions or rules with respect to the use of revenue from certain sources by the authority;

- (b) determining if, in the authority's opinion, the operating expense or capital cost can or should be offset, in whole or in part, by any of the revenue identified in clause 5 (1) (a) and the extent to which it should be offset; and
- (c) applying such part of the revenue from a source identified in clause 5 (1) (a) as the authority determines is appropriate to the operating expense or capital cost so as to reduce it.

Methods of apportionment

7. (1) Subject to subsections 8 to 11, an authority may apportion a reduced operating expense or a reduced capital cost among its participating municipalities in accordance with one of the following methods of apportionment:

1. The MCVA apportionment method described in subsections (2), (3), (4) and (5).
2. The benefit-based apportionment method described in subsection (6).

(2) Under the MCVA apportionment method, the portion of a reduced operating expense or of a reduced capital cost to be apportioned to a participating municipality shall be based on the ratio that the participating municipality's modified current value assessment bears to the authority's modified current value assessment.

(3) For the purposes of subsection (2), a participating municipality's modified current value assessment shall be determined as follows:

1. For each of the property classes set out in Column 2 of the Table to this subsection, determine the sum of the current value assessment for all the properties in the municipality that are in the property class, if any.
2. Multiply the current value assessment for each property class by the factor set out in Column 3 of the Table to this subsection opposite the property class.
3. Determine the sum of the amounts obtained under paragraph 2.
4. Multiply the sum obtained under paragraph 3 by a percentage based on one of the following ratios:
 - i. If apportioning an operating expense or capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, the ratio of the amount of the municipality's land that is in the source protection area for which the authority is the source protection authority under that Act to the total amount of land in the municipality.
 - ii. If apportioning any other operating expense or capital cost, the ratio of the amount of the municipality's land that is in the jurisdiction of the authority under the Act to the total amount of land in the municipality.

TABLE
PROPERTY CLASSES AND FACTORS

Column 1 Item	Column 2 Property Class	Column 3 Factor
1.	Residential/Farm	1
2.	Multi-residential	2.1
3.	Commercial	2.1
4.	Industrial	2.1
5.	Farmlands	0.25
6.	Pipe lines	1.7
7.	Managed Forests	0.25
8.	New multi-residential	2.1
9.	Office Building	2.1
10.	Shopping Centre	2.1
11.	Parking lots and Vacant land	2.1
12.	Large industrial	2.1

(4) Despite subsection (3), if a participating municipality is a regional municipality, the modified current value assessment for the regional municipality shall be equal to the sum of the modified current value assessment for all of the local municipalities in the regional municipality, as determined under subsection (3).

(5) For the purposes of subsection (2), an authority's modified current value assessment shall be equal to the sum of the modified current value assessments for,

- (a) if apportioning an operating expense or a capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, every participating municipality in the source protection area for which the authority is a source protection authority under that Act; and
- (b) if apportioning any other operating expense or capital cost, every participating municipality within the authority's area of jurisdiction.

- (6) Under the benefit-based apportionment method, the authority shall apportion an operating expense or capital cost by,
 - (a) evaluating the benefit that each participating municipality obtains from the program or service to which the operating expense or capital cost is related; and
 - (b) allocating to each participating municipality a portion of the reduced operating expense or reduced capital cost that is based on the ratio of the benefit afforded to the participating municipality by the program or service referred to in clause (a), relative to the overall benefit afforded by the program or service to all benefitting participating municipalities.

Category 1 operating expenses and capital costs

8. (1) Before apportioning a Category 1 operating expense or capital cost, an authority shall make the following determinations:

- 1. Whether the related Category 1 program or service,
 - i. benefits all of the participating municipalities within the authority's area of jurisdiction, or
 - ii. benefits one or more, but not all, of the participating municipalities within the authority's area of jurisdiction.
- 2. If the related Category 1 program or service benefits all of the participating municipalities within the authority's area of jurisdiction, whether one or more of the participating municipalities' benefit from the Category 1 program or service is disproportionate to the benefit obtained by the other participating municipalities.
- 3. In the case of a Category 1 CWA/LSPA operating expense or capital cost, a determination made in accordance with Ontario Regulation 401/22 (Determination of Amounts under Subsection 27.2 (2) of the Act) made under the Act that,
 - i. the related Category 1 CWA/LSPA program or service benefits one or more of the authority's specified municipalities, and
 - ii. the benefitting specified municipalities owe or will owe amounts with respect to the program or service under subsection 27.2 (2) of the Act.

(2) An authority shall use the MCVA apportionment method to apportion the reduced operating expense or reduced capital cost for Category 1 operating expenses and capital costs, subject to subsection (3).

(3) An authority shall use the benefit-based apportionment method to apportion the reduced operating expense or reduced capital cost for a Category 1 operating expense or capital cost if the authority has determined under subsection (1) that the related Category 1 program or service,

- (a) benefits one or more, but not all, of the participating municipalities within the authority's area of jurisdiction; or
- (b) benefits all of the participating municipalities within the authority's area of jurisdiction but one or more of the participating municipalities is provided with a benefit that is disproportionate to the benefit provided to the other participating municipalities.

(4) An authority shall apportion a Category 1 CWA/LSPA operating expense or capital cost in accordance with subsections (2) and (3), except if the authority has determined under Ontario Regulation 401/22 that,

- (a) the related Category 1 CWA/LSPA program or service benefits one or more of its specified municipalities; and
- (b) the benefitting specified municipality owes or will owe amounts under subsection 27.2 (2) of the Act.

(5) In the case of Category 1 CWA/LSPA operating expense or capital cost described in clauses (4) (a) and (b), the apportionment of the operating expense or capital cost conducted under Ontario Regulation 401/22 to determine the amounts owing under subsection 27.2 (2) of the Act by specified municipalities shall be considered an apportionment under this Regulation and used to determine the portion of the operating expense or capital cost to be apportioned to each participating municipality within the authority's area of jurisdiction.

Category 2 operating expenses and capital costs

9. When apportioning a Category 2 operating expense or capital cost, an authority shall apportion the reduced operating expense or the reduced capital cost, as the case may be, in its entirety, to the participating municipality that has entered into a memorandum of understanding or other agreement with the authority under section 21.1.1 of the Act for the authority to provide the Category 2 program or service on the municipality's behalf.

Category 3 operating expenses and capital costs

10. (1) When apportioning a Category 3 operating expense or capital cost, an authority shall apportion the reduced operating expense or the reduced capital cost, as the case may be, among the participating municipalities that entered into an agreement described in subsection 21.1.2 (2) of the Act in accordance with that agreement.

(2) Despite subsection (1), if the agreement described in subsection 21.1.2 (2) of the Act does not address how to apportion a Category 3 operating expense or capital cost, the authority shall apportion the reduced operating expense or the reduced capital cost, as the case may be, in the following manner:

1. Subject to subparagraph 2 i, if all of the participating municipalities within the authority's area of jurisdiction have entered into the agreement described in subsection 21.1.2 (2) of the Act, by using the MCVA apportionment method.
2. By using the benefit-based apportionment method if,
 - i. all of the participating municipalities within the authority's area of jurisdiction have entered into the agreement described in subsection 21.1.2 (2) of the Act but, in the authority's opinion, one or more participating municipalities obtains a benefit from the related Category 3 program or service that is disproportionate to the benefit obtained by the other participating municipalities, or
 - ii. one or more, but not all, of the participating municipalities within the authority's area of jurisdiction have entered into the agreement described in subsection 21.1.2 (2) of the Act.

General operating expenses and capital costs

11. When apportioning a general operating expense or capital cost, an authority shall use the MCVA apportionment method to apportion the reduced operating expense or capital cost, as the case may be.

Agreements

12. Despite sections 7 to 11, where an authority has entered into an agreement with its participating municipalities with respect to the apportionment of the following operating expenses or capital costs, the apportionment of the reduced operating expense or the reduced capital cost, as the case may be, shall be in accordance with the agreement:

1. Category 1 operating expenses that are related to a Category 1 program or service that benefits one or more, but not all, of the participating municipalities within the authority's area of jurisdiction.
2. Category 1 capital costs.
3. Category 1 CWA/LSPA operating expenses and capital costs.
4. General capital costs.

DRAFT BUDGET AND CONSULTATIONS

Draft budget

13. (1) After having determined the apportionment of operating expenses and capital costs, an authority shall begin the second phase of the budgetary process by preparing a draft budget.

(2) The draft budget for any given year shall set out:

1. The authority's total revenue for the year, as determined under clause 5 (1) (b).
2. The sources of the revenue for the year referred to in subclauses 5 (1) (a) (i) to (vi) and the amount of the revenue from each such source, as determined under clause 5 (1) (b).
3. The authority's total operating expenses for the year, as determined under clause 5 (1) (d), and a list of operating expenses setting out as separate amounts,
 - i. Category 1 operating expenses related to each Category 1 program and service,
 - ii. Category 2 operating expenses related to each Category 2 program and service,
 - iii. Category 3 operating expenses related to each Category 3 program and service, and
 - iv. general operating expenses.
4. The authority's total capital costs for the year as determined under clause 5 (1) (f), and a list of capital costs setting out as separate amounts,
 - i. Category 1 capital costs related to each Category 1 program and service,
 - ii. Category 2 capital costs related to each Category 2 program and service,
 - iii. Category 3 capital costs related to each Category 3 program and service, and
 - iv. general capital costs.
5. The amount of revenue that the authority will obtain during the year from the apportionment of operating expenses and capital costs under sections 7 to 12 to its participating municipalities, and the portion of this revenue that each participating municipality shall pay.

6. The amount of revenue that the authority will obtain during the year from amounts to be paid by specified municipalities under section 27.2 of the Act, as determined under Ontario Regulation 401/22 (**Determination of Amounts under Subsection 27.2 (2) of the Act**) made under the Act, and the portion of this revenue that each specified municipality shall pay.
7. If the authority considered opportunities to raise and use self-generated revenue to help finance the authority's operations, including the programs and services it provides, a description of what the authority considered.
8. Any additional financial information that the authority considers relevant to include.

Meeting on draft budget

- 14.** (1) An authority shall hold a meeting to,
 - (a) consider the draft budget for a given year; and
 - (b) decide whether or not to approve the draft budget for consultation purposes.
- (2) The authority shall give notice of the meeting on a draft budget for a given year to a specified municipality if,
 - (a) the authority has determined under subsection 27.2 (2) of the Act that the specified municipality owes or will owe amounts for the year in connection with Category 1 CWA/LSPA programs and services; and
 - (b) the amounts owing or to be owed, as determined under sections 5 to 8 of Ontario Regulation 401/22 (**Determination of Amounts under Subsection 27.2 (2) of the Act**) made under the Act, are set out in the draft budget.
- (3) At a meeting held under this section, the authority shall hold a vote on whether to approve the draft budget for consultation purposes.
- (4) If notice of the meeting has been given under subsection (2) to a specified municipality that is designated as a participating municipality under the *Clean Water Act, 2006*, the authority shall, before voting on approving the draft budget under subsection (3),
 - (a) convene the members appointed by the municipalities designated as participating municipalities under the *Clean Water Act, 2006*; and
 - (b) hold a vote of the members referred to in clause (a) to approve, for consultation purposes, the portion of the draft budget relating to programs and services provided by the authority under the *Clean Water Act, 2006*.
- (5) If notice of the meeting has been given under subsection (2) to a specified municipality that is designated as a participating municipality under the *Lake Simcoe Protection Act, 2008*, the authority shall, before voting on approving the draft budget under subsection (3),
 - (a) convene the members appointed by the municipalities designated as participating municipalities under the *Lake Simcoe Protection Act, 2008*; and
 - (b) hold a vote of the members referred to in clause (a) to approve, for consultation purposes, the portion of the draft budget relating to programs and services provided by the authority under the *Lake Simcoe Protection Act, 2008*.
- (6) For greater certainty, for the purposes of a vote held under subsection (4) or (5), section 16 of the Act applies except that the members appointed by the specified municipalities shall be included when determining the quorum and shall be entitled to vote.

Consultations

- 15.** (1) If an authority approves a draft budget for consultation purposes under section 14, the authority shall,
 - (a) send to each participating municipality, and to any specified municipality, a copy of the draft budget and of all financial information relating to the apportionment of operating expenses and capital costs; and
 - (b) make a copy of the draft budget and of the financial information referred to in clause (a) available to the public by posting them on the section of the authority's website entitled "Governance" and by any other means the authority considers appropriate.
- (2) An authority shall carry on such consultations with participating municipalities and specified municipalities affected by the draft budget as are necessary to finalize the annual budget.

APPROVAL OF APPORTIONMENT UNDER SUBSECTIONS 25 (1) AND 27 (1) OF THE ACT AND AMOUNTS OWING UNDER SUBSECTION 27.2 (2) OF THE ACT

Meeting on apportionment, etc.

- 16.** At the beginning of the third phase of the budgetary process, an authority shall hold a meeting to approve,
 - (a) the apportionment of operating expenses and capital costs to participating municipalities under subsections 25 (1) and 27 (1) of the Act, as determined under sections 7 to 12; and

- (b) the apportionment of any Category 1 CWA/LSPA operating expenses and capital costs among participating and specified municipalities in accordance with Ontario Regulation 401/22 (**Determination of Amounts under Subsection 27.2 (2) of the Act**) made under the Act.

Notice of meeting

17. (1) An authority shall give notice of a meeting under section 16 to all participating municipalities and to any specified municipality that is entitled to receive notice of the meeting under subsection (2).

(2) The authority shall give notice of a meeting under section 16 to a specified municipality if, after consultations held under section 15, the authority has determined under section 3 of Ontario Regulation 401/22 (**Determination of Amounts under Subsection 27.2 (2) of the Act**) made under the Act that the specified municipality should be required to pay amounts owing under subsection 27.2 (2) of the Act for the budget year in connection with Category 1 CWA/LSPA programs and services.

(3) The notice of meeting shall be given at least 30 days before the meeting.

(4) The notice of meeting shall include,

- (a) a copy of the most recent draft of the budget; and
- (b) the amount of the reduced operating expenses and reduced capital costs that the participating municipality or specified municipality that is given notice will be required to pay for the year.

Voting on apportionment, etc.

18. (1) At a meeting under section 16, an authority shall,

- (a) if the apportionment of any Category 1 CWA/LSPA operating expenses and capital costs among participating municipalities and specified municipalities is on the meeting agenda, hold such votes as are necessary with respect to the apportionment of those operating expenses and capital costs before voting on the apportionment of any other operating expenses and capital costs; and
- (b) after votes have been held under clause (a), if any, hold such votes as are necessary on the apportionment of other operating expenses and capital costs among participating municipalities.

(2) Despite section 16 of the Act,

- (a) on a vote under clause (1) (a) with respect to an apportionment of the Category 1 CWA/LSPA operating expenses and capital costs, a person appointed by a specified municipality shall be entitled to vote as a member of the authority and shall be included in the quorum of members required for the purposes of that vote; and
- (b) any vote held at a meeting under section 16, including a vote on which members appointed by specified municipalities are entitled to vote, shall be carried by a weighted majority in accordance with section 19.

(3) All votes held at a meeting under section 16 shall be recorded.

Weighted majority vote

19. The following rules apply to a vote that is to be carried by a weighted majority:

1. Each member's vote shall be weighted according to the ratio that the modified current value assessment for the municipality that appointed the member bears to the authority's modified current value assessment.
2. A weighted majority requires 51 per cent or more of the total weighted value for all of the votes cast.
3. In the case of tie vote, the vote is lost.
4. If a municipality appoints more than one member to the authority, each of those members' votes shall be equal to the municipality's weighted vote divided by the number of members the municipality appoints to the authority.
5. A municipality shall not have a weighted vote of more than 50 per cent of the total weighted value for all of the votes to be cast unless the municipality appoints more than 50 per cent of the members to the authority.

Notice to pay

20. (1) An authority shall not send a notice of apportionment to a participating municipality under subsection 25 (2) or 27 (3) of the Act until a vote has been held at a meeting under section 16 with respect to the apportionment under section 25 or 27 of the Act.

(2) An authority shall not send a notice under subsection 27.2 (3) of the Act setting out the amounts owing by a specified municipality with respect to a Category 1 CWA/LSPA program or service until a vote has been held at a meeting under section 16 of this Regulation with respect to the apportionment of the related Category 1 CWA/LSPA operating expenses and capital costs under subsection 27.2 (2) of the Act.

FINAL BUDGET

Final budget

- 21.** (1) An authority shall prepare a final budget as part of the final phase of the budgetary process.
- (2) The final budget shall meet all the requirements of a draft budget under subsection 13 (2), subject to subsection (3).
- (3) The amounts in the final budget shall reflect the matters agreed to during consultations under section 15 and the amounts voted on during a meeting held under section 16.

Meeting

- 22.** An authority shall hold a meeting of its members to approve the final budget.

Vote

- 23.** (1) The vote to approve the final budget shall be carried by a majority of votes.
- (2) Despite subsection (1), the vote to approve the final budget shall be carried by a weighted majority in accordance with section 19 if required to do so by the authority's by-laws.
- (3) A vote held to approve the final budget shall be recorded.

Providing copies and posting of budget

- 24.** Promptly after the final budget is approved by participating municipalities, the authority shall end the budgetary process for a given year by,
- (a) providing a copy of the final budget to the Minister and to each of the authority's participating municipalities and specified municipalities; and
 - (b) making a copy of the final budget available to the public by posting it on the section of the authority's website entitled "Governance" and by any other means the authority considers appropriate.

REVOCATIONS AND COMMENCEMENT

Revocation of regulations

- 25.** The following regulations made under the Act are revoked:
- 1.** Ontario Regulation 139/96 (Municipal Levies).
 - 2.** Ontario Regulation 670/00 (Conservation Authority Levies).

Commencement

- 26.** This Regulation comes into force on the later of the day subsection 24 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day this Regulation is filed.

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ONTARIO REGULATION 401/22
made under the
CONSERVATION AUTHORITIES ACT

Made: April 11, 2022
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DETERMINATION OF AMOUNTS UNDER SUBSECTION 27.2 (2) OF THE ACT

INTERPRETATION

Definitions

1. (1) In this Regulation,

“benefit-based apportionment method” means the method of apportioning an authority’s Category 1 CWA/LSPA operating expenses and capital costs described in section 7; («méthode de répartition fondée sur les avantages»)

“Budget and Apportionment Regulation” means Ontario Regulation 402/22 (Budget and Apportionment) made under the Act; («Règlement relatif au budget et à la répartition»)

“Category 1 CWA/LSPA operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 1 CWA/LSPA program or service; («dépense d’exploitation ou coût en immobilisations LES/LPLS de catégorie 1»)

“Category 1 CWA/LSPA programs and services” means the mandatory programs and services that an authority is required to provide under section 21.1 of the Act with respect to its duties, functions and responsibilities under the *Clean Water Act, 2006* and under the *Lake Simcoe Protection Act, 2008*; («programmes et services LES/LPLS de catégorie 1»)

“Category 2 CWA/LSPA operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 2 CWA/LSPA program or service; («dépense d’exploitation ou coût en immobilisations LES/LPLS de catégorie 2»)

“Category 2 CWA/LSPA programs and services” means the programs and services that,

- (a) relate to the duties, functions and responsibilities of a municipality under the *Clean Water Act, 2006* and under the *Lake Simcoe Protection Act, 2008*, and
- (b) an authority agrees to provide on behalf of the municipality in accordance with section 21.1.1 of the Act; («programmes et services LES/LPLS de catégorie 2»)

“Lake Simcoe watershed” means the Lake Simcoe watershed as defined in section 2 of the *Lake Simcoe Protection Act, 2008*; («bassin hydrographique du lac Simcoe»)

“MCVA apportionment method” means a method of apportioning an authority’s Category 1 CWA/LSPA operating expenses and capital costs that is based on the modified current value assessment of the properties within the relevant source protection area or within the Lake Simcoe watershed, as the case may be, and further described in section 6; («méthode de répartition EVAM»)

“source protection area” has the same meaning as in the *Clean Water Act, 2006*; («zone de protection des sources»)

“source protection authority” has the same meaning as in the *Clean Water Act, 2006*; («office de protection des sources»)

“specified municipality” means a specified municipality as defined in subsection 27.2 (1) of the Act. («municipalité précisée»)

(2) For the purposes of the definitions of “Category 1 CWA/LSPA operating expense or capital cost” and “Category 2 CWA/LSPA operating expense or capital cost”,

- (a) a capital cost shall be considered related to the provision of a Category 1 or Category 2 CWA/LSPA program or service, as the case may be, if it is incurred in connection with a project that is related to the provision of the program or service; and
- (b) an operating expense that is incurred in connection with a project shall be considered related to the provision of a Category 1 or Category 2 CWA/LSPA program or service, as the case may be, if the project is related to the provision of the program or service.

DETERMINATION OF AMOUNTS OWING

When determination made

2. For the purposes of subsection 27.2 (2) of the Act, as part of the budgetary process described in the Budget and Apportionment Regulation, an authority shall determine,

- (a) whether, according to the criteria set out in section 3, any of its specified municipalities owe or will owe amounts in connection with the Category 1 CWA/LSPA programs and services that the authority provides during the budget year; and
- (b) whether any of its specified municipalities owe or will owe amounts in connection with a Category 2 CWA/LSPA program or service that the authority provides on behalf of the municipality under a memorandum of understanding or other agreement made under section 21.1.1 of the Act during the budget year.

Criteria for Category 1 CWA/LSPA operating expenses and capital costs

3. An authority may determine that a specified municipality owes or will owe amounts under subsection 27.2 (2) of the Act in connection with a Category 1 CWA/LSPA program or service only if, in the authority's opinion, the specified municipality benefits from the Category 1 CWA/LSPA program or service.

How determination made

4. (1) The amounts owing under subsection 27.2 (2) of the Act by a specified municipality in connection with a Category 1 CWA/LSPA program or service shall be equal to the portion of the related Category 1 CWA/LSPA operating expenses and capital costs, that the authority apportions to the specified municipality in accordance with section 5, subject to section 8.

(2) The amounts owing under subsection 27.2 (2) of the Act by a specified municipality in connection with a Category 2 CWA/LSPA program or service shall be equal to the related Category 2 CWA/LSPA operating expenses and capital costs incurred by the authority, in their entirety, except that the operating expenses and capital costs may be reduced in accordance with section 6 of the Budget and Apportionment Regulation.

APPORTIONMENT OF CATEGORY 1 CWA/LSPA OPERATING EXPENSES AND CAPITAL COSTS

Apportionment

5. (1) The apportionment of Category 1 CWA/LSPA operating expenses and capital costs shall be made among the authority's participating municipalities and any specified municipalities that, in the authority's opinion, benefit from the related Category 1 CWA/LSPA program or service.

(2) Before apportioning a Category 1 CWA/LSPA operating expense or capital cost under this section, the authority shall determine whether to reduce the amount of the operating expense or capital cost in accordance with section 6 of the Budget and Apportionment Regulation.

(3) Before apportioning a Category 1 CWA/LSPA operating expense or capital cost, as reduced under subsection (2), an authority shall make the following determinations:

1. If the related Category 1 CWA/LSPA program or service is provided under the *Clean Water Act, 2006*,
 - i. whether it benefits all of the municipalities in the relevant source protection area, or
 - ii. whether it benefits only one or more, but not all, of the municipalities in the source protection area.
2. If the related Category 1 CWA/LSPA program or service is provided under the *Lake Simcoe Protection Act, 2008*,
 - i. whether it benefits all of the municipalities in the Lake Simcoe watershed, or
 - ii. whether it benefits only one or more, but not all, of the municipalities in the Lake Simcoe watershed.

3. If the related Category 1 CWA/LSPA program or service benefits all of the municipalities in the source protection area or in the Lake Simcoe watershed, as the case may be, whether one or more of the municipalities' benefit from the Category 1 CWA/LSPA program or service is disproportionate to the benefit obtained by the other municipalities.

(4) An authority shall use the MCVA apportionment method to apportion a Category 1 CWA/LSPA operating expense or capital cost, as reduced under subsection (2), under this section, subject to subsection (5).

(5) An authority shall use the benefit-based apportionment method to apportion the following Category 1 CWA/LSPA operating expenses or capital costs, as reduced under subsection (2), under this section:

1. A Category 1 CWA/LSPA operating expense or capital cost that is related to a Category 1 CWA/LSPA program or service that, in the authority's opinion, only benefits one or more, but not all, of the municipalities in the source protection area or Lake Simcoe watershed, as the case may be.
2. A Category 1 CWA/LSPA capital cost that is related to a Category 1 CWA/LSPA program or service that, in the opinion of the authority,

- i. benefits all of the municipalities the source protection area or Lake Simcoe watershed, as the case may be, and
- ii. provides one or more of the municipalities with a benefit that is disproportionate to the benefit provided to the other municipalities.

MCVA apportionment method

6. (1) Under the MCVA apportionment method, the portion of a Category 1 CWA/LSPA operating expense or capital cost to be apportioned to a municipality shall be based on the ratio that the municipality's modified current value assessment bears to the authority's modified current value assessment.

(2) For the purposes of subsection (1), the modified current value assessment of a municipality shall be determined as follows:

1. For each of the property classes set out in Column 2 of the Table to this subsection, determine the sum of the current value assessment for all the properties in the municipality that are in the property class, if any.
2. Multiply the current value assessment for each property class obtained under paragraph 1 by the factor set out in Column 3 of the Table to this subsection opposite the property class.
3. Determine the sum of the amounts obtained under paragraph 2.
4. Multiply the sum obtained under paragraph 3 by a percentage based on one of the following ratios:
 - i. if apportioning an operating expense or capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, the ratio of the amount of the municipality's land that is in the source protection area for which the authority is the source protection authority under that Act to the total amount of land in the municipality, or
 - ii. if apportioning an operating expense or capital cost that is related to a program or service provided under the *Lake Simcoe Protection Act, 2008*, the ratio of the amount of the municipality's land that is in the Lake Simcoe watershed to the total amount of land in the municipality.

TABLE
PROPERTY CLASSES AND FACTORS

Column 1 Item	Column 2 Property Class	Column 3 Factor
1.	Residential/Farm	1
2.	Multi-residential	2.1
3.	Commercial	2.1
4.	Industrial	2.1
5.	Farmlands	0.25
6.	Pipe lines	1.7
7.	Managed Forests	0.25
8.	New multi-residential	2.1
9.	Office Building	2.1
10.	Shopping Centre	2.1
11.	Parking lots and Vacant land	2.1
12.	Large industrial	2.1

(3) Despite subsection (2), if a municipality is a regional municipality, the modified current value assessment for the regional municipality shall be equal to the sum of the modified current value assessment for all of the local municipalities in the regional municipality, as determined under subsection (2).

(4) For the purposes of subsection (1), an authority's modified current value assessment shall be equal to the sum of the modified current value assessments for,

- (a) if apportioning an operating expense or a capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, every municipality in the source protection area for which the authority is a source protection authority under that Act; and
- (b) if apportioning an operating expense or a capital cost that is related to a program or service provided under the *Lake Simcoe Protection Act, 2008*, every municipality in the Lake Simcoe watershed.

Benefit-based apportionment method

7. Under the benefit-based apportionment method, the authority shall,

- (a) evaluate the benefit that each participating and specified municipality obtains from the Category 1 CWA/LSPA program or service to which the Category 1 CWA/LSPA operating expense or capital cost is related; and

- (b) allocate to each participating and specified municipality a portion of the Category 1 CWA/LSPA operating expense or capital cost, as reduced under subsection 5 (2), that is based on the ratio of the benefit afforded to the participating or specified municipality by the Category 1 CWA/LSPA program or service, as determined under clause (a), relative to the overall benefit afforded by the program or service to all benefitting municipalities.

Agreements

8. Despite sections 4 to 7, where an authority enters into an agreement with participating municipalities and specified municipalities with respect to the amount that the municipalities owe or will owe with respect to a Category 1 CWA/LSPA program or service provided by the authority, the amount that the specified municipality owes or will owe shall be determined in accordance with the agreement.

COMMENCEMENT

Commencement

9. **This Regulation comes into force on the later of the day subsection 8 (1) of Schedule 2 to the *More Homes, More Choice Act, 2019* comes into force and the day it is filed.**

Made by:
Pris par :

Le ministre de l'Environnement, de la Protection de la nature et des Parcs,

DAVID PICCINI
Minister of the Environment, Conservation and Parks

Date made: April 11, 2022
Pris le : 11 avril 2022

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ONTARIO REGULATION 400/22
made under the
CONSERVATION AUTHORITIES ACT

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INFORMATION REQUIREMENTS

Definitions

1. In this Regulation,

“Category 2 programs and services” means the municipal programs and services that an authority provides under section 21.1.1 of the Act on behalf of a municipality situated in whole or in part within its area of jurisdiction; (“programmes et services de catégorie 2”)

“Category 3 programs and services” means programs and services that are not the mandatory programs and services required to be provided under section 21.1 of the Act or Category 2 programs and services but are other programs and services provided by an authority under section 21.1.2 of the Act. (“programmes et services de catégorie 3”)

Required information

2. (1) For the purpose of ensuring that the authority makes public on its website the following information related to the authority’s operations, every authority shall provide the following information to the Minister on or before January 1, 2023:

1. The name of every member of the authority and the participating municipality that appointed that member of the authority.
2. Contact information for every member of the authority, including every member’s phone number and email address.
3. The meeting schedule for the authority for the calendar year.
4. Meeting minutes and agendas for meetings of the authority or of its executive committee, including any attachments.
5. A list of each memorandum of understanding or such other agreement the authority has entered into, as of December 31, 2022, with a municipality under subsection 21.1.1 (1) of the Act in respect of Category 2 programs and services.
6. A list of each agreement that the authority has entered into, as of December 31, 2022, with a participating municipality under subsection 21.1.2 (2) of the Act in respect of Category 3 programs and services.
7. The by-laws of the authority made under section 19.1 of the Act.
8. The annual auditor’s report prepared under section 38 of the Act.
9. Any other document prepared by the authority, such as a strategic plan, that, in the opinion of the authority, it is appropriate to post on the Governance section of the authority’s website referred to in subsection 3 (2).

(2) If the authority publishes the information set out in subsection (1) on its website, the authority may comply with subsection (1) by providing the Minister with a link to the location where that information can be found on the authority’s website.

Publishing requirements

3. (1) Every authority shall publish the information set out in subsection 2 (1) by January 1, 2023.

(2) The information referred to in subsection (1) shall be published on a section of the authority’s website titled “Governance”.

(3) The Governance section referred to in subsection (2) shall be conspicuous and easily accessible from the home page of the authority’s website.

(4) A full copy of the documents referred to in paragraphs 5 and 6 of subsection 2 (1) shall be posted on the Governance section of the authority’s website.

(5) Despite subsection (4), the authority is not required to post the following on its website:

1. Any document referred to in paragraph 5 of subsection 2 (1) that is primarily related to procurement.

2. Any portion of the documents referred to in paragraphs 5 and 6 of subsection 2 (1) containing information that is referred to in sections 10 and 11 of the *Municipal Freedom of Information and Protection of Privacy Act*.

Notice to Minister

4. (1) The authority shall provide written notice to the Minister confirming the publication of information in accordance with section 3.

(2) The notice shall include a link to the Governance section of the authority's website.

Information updates

5. (1) The authority shall update the Governance section of its website with any changes to the information set out in paragraphs 1, 2, 3, 4 and 7 of subsection 2 (1) in a timely manner.

(2) Subject to subsection 3 (5), if the authority enters into a new, or amends an existing, memorandum of understanding or other agreement with a municipality under subsection 21.1.1 (1) of the Act for Category 2 programs and services, the authority shall post the new or amended memorandum of understanding or other agreement on the Governance section of its website within 30 days.

(3) Subject to subsection 3 (5), if the authority enters into a new, or amends an existing, agreement with a participating municipality under subsection 21.1.2 (2) of the Act for Category 3 programs and services, the authority shall post the new or amended agreement on the Governance section of its website within 30 days.

(4) If the authority develops any document that has not been posted in accordance with paragraph 9 of subsection 2 (1) and section 3 and is of the opinion that it is appropriate to make the document publicly available by posting it on the Governance section of the authority's website, it shall post the document on the Governance section of its website in a timely manner.

(5) If the authority amends an existing document that has been posted by the authority on the Governance section of its website in accordance with paragraph 9 of subsection 2 (1) and section 3 or subsection (4) of this section, the authority shall post the amended document on the Governance section of its website in a timely manner.

(6) When the authority makes an auditor's report available to the public on its website under subsection 38 (4) of the Act, the authority shall post the report on the Governance section of its website.

Notice of updates

6. (1) Within 30 days of updating any information or documents in accordance with subsection 5 (2) or (3), the authority shall provide written notice to the Minister and publish a notice on its website.

(2) A notice required under subsection (1) shall include an explanation of the update, together with a link to the updated information.

Governance section of website

7. The authority may comply with a requirement to publish information or post a document on the Governance section of its website by posting a link on the Governance section of its website to the required information elsewhere on its website.

Municipal Freedom of Information and Protection of Privacy Act

8. For greater certainty, any information or document required to be published or posted by the authority under this Regulation is subject to the *Municipal Freedom of Information and Protection of Privacy Act*.

Commencement

9. This Regulation comes into force on the later of July 1, 2022 and the day it is filed.

Made by:
Pris par :

Le ministre de l'Environnement, de la Protection de la nature et des Parcs,

DAVID PICCINI
Minister of the Environment, Conservation and Parks

Date made: April 11, 2022
Pris le : 11 avril 2022

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ONTARIO REGULATION 399/22
made under the
CONSERVATION AUTHORITIES ACT

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Amending O. Reg. 687/21
(TRANSITION PLANS AND AGREEMENTS FOR PROGRAMS AND SERVICES UNDER SECTION 21.1.2 OF THE
ACT)

1. (1) Section 8 of Ontario Regulation 687/21 is amended by adding the following subsections:

(4.1) If the Minister's published list under subsection 21.2 (2) of the Act lists a program or service provided by an authority under section 21.1.2 of the Act and specifies that a cost apportioning agreement may include provisions to establish a fee to be charged by an authority for the program or service, the parties to a cost apportioning agreement may permit the authority who is a party to the agreement to establish a fee for the program or service.

(4.2) If the conditions under subsection (4.1) are met and the parties to a cost apportioning agreement permit the authority who is a party to the agreement to establish a fee for the program or service provided by the authority, the agreement must include provisions that,

- (a) identify the program or service provided by the authority for which the authority may establish and charge a fee; and
- (b) set out any procedures that must be followed before a fee is established by the authority, including consultations with each participating municipality that is a party to the agreement with the authority.

(2) Subsection 8 (6) of the Regulation is revoked.

Commencement

2. (1) Except as otherwise provided in this section, this Regulation comes into force on the later of the day section 21 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day this Regulation is filed.

(2) Subsection 1 (2) comes into force on the later of July 1, 2022 and the day this Regulation is filed.

Made by:
Pris par :

Le ministre de l'Environnement, de la Protection de la nature et des Parcs,

DAVID PICCINI
Minister of the Environment, Conservation and Parks

Date made: April 11, 2022
Pris le : 11 avril 2022

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Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee

April 11, 2022

Preamble

A conservation authority is permitted to charge a fee for a program or service only if the program or service is included in the Minister's list of classes of programs and services in respect of which a conservation authority may charge a fee. The Minister's published list of classes of programs and services in respect of which a conservation authority may charge a fee ("Minister's Fee Classes Policy") is provided as per the provisions set out in section 21.2 of the *Conservation Authorities Act*. From time to time, the Minister may make changes to the list and will promptly update this document and distribute it to each conservation authority.

Fees that a conservation authority may charge under the *Conservation Authorities Act*

Section 21.2 of the *Conservation Authorities Act* requires a conservation authority to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged. Conservation authorities must maintain their fee schedule and if an authority wishes to make changes to its fee schedule, it must notify the public of the proposed change (e.g., on its website). In its fee policy, a conservation authority must also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may request the authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the members of a conservation authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the Minister of the Environment, Conservation and Parks.

Reconsideration of fee charged

A conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration. Where the authority's fee policy permits a person to request the authority to reconsider the fee it has charged that person because it is contrary to the authority's fee schedule or excessive in relation to the program or service for which it was charged, that person may apply to the authority, in accordance with the procedures set out in the authority's fee policy, to request a reconsideration of the fee.

After receiving and considering the request, the authority may vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged, or confirm the original amount of the fee.

Fees that a conservation authority may charge as prescribed by other legislation

The Minister's Fee Classes Policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service. For example, where an authority administers an on-site sewage system program under the *Building Code Act, 1992*, the authority has the power to charge fees for that program. Similarly, under Part IV of the *Clean Water Act, 2006*, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority. When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

User-Pay Principle

The fees that conservation authorities charge, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to an authority by a person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

For the purposes of this Minister's Fee Classes Policy, a fee may only be applied when the User-Pay Principle is considered appropriate, which is when there is a class of persons that directly benefits from a program or service delivered by an authority ("User-Pay Principle") (note: other restrictions may apply; see Table 1 below).

Enabling authorities to charge a fee for programs and services where the User-Pay Principle is considered appropriate increases opportunities for an authority to generate revenue. This may reduce an authority's reliance on the municipal levy (now called an "apportionment") to finance the programs and services it provides. However, it is up to a conservation authority to decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as the municipal levy. Beginning with the 2024 calendar year budgets, if an authority considered opportunities to raise and use self-generated revenue such as fees to finance its operations, the authority will be required to include in its budget a description of what the authority considered.

Fee amounts

A conservation authority may determine the amount of a fee to be charged for a program or service that it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority's fee schedule. Some fee amounts cannot exceed the authority's costs for administering and delivering a program or service. For example, fees for planning services should be developed in conjunction with the appropriate planning authorities and set to recover but not exceed the costs associated with administering and delivering the services on a program basis. Similarly, fees for permitting services should be developed to recover but not exceed the costs associated with administering and delivering the services on a program basis. Other fees set by the authority for a program or service are not subject to this restriction, such as fees for selling products or fees for rentals. Fees that are not subject to this restriction can provide the authority with a source of revenue to help offset costs for other programs and services offered by the authority.

Minister's fee classes

The following is the list of classes of programs and services in respect of which an authority may charge a fee.

Table 1. Classes of programs and services for which conservation authorities may charge a fee

Classes of programs and services	Criteria	Examples
Category 1 mandatory programs and services (section 21.1 of the <i>Conservation Authorities Act</i>)	Category 1 programs and services where the following requirement is met: <ul style="list-style-type: none">• The User-Pay Principle is appropriate.	Examples may include: <ul style="list-style-type: none">– Administration of section 28 natural hazards development permits (current section 28 and unproclaimed section 28.1), including related technical advice and studies.– Responses to legal, real estate and public inquiries regarding a section 28 permit (and unproclaimed section 28.1) and natural hazard inquiries under the <i>Planning Act</i>.– Activities requiring a permit made pursuant to section 29 of the <i>Conservation Authorities Act</i>.– Review and commenting on applications under other

		<p>legislation noted under the Mandatory Programs and Services Regulation (O. Reg. 686/21) and associated inquiries.</p> <ul style="list-style-type: none"> – Access to authority owned or controlled land for recreational activities not requiring direct authority or other staff involvement.
<p>Category 2 municipal programs and services – i.e., those programs and services an authority provides on behalf a municipality pursuant to a memorandum of understanding or service level agreement (or other agreement) (section 21.1.1 of the <i>Conservation Authorities Act</i>)</p>	<p>Category 2 programs and services where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • The parties agree through provisions in a memorandum of understanding, service level agreement, or other agreement governing the provision of the Category 2 program or service that the authority should be permitted to charge a fee for that program or service. 	<p>Examples may include commenting on <i>Planning Act</i> applications for technical and policy matters other than for consistency with natural hazard policies, such as related to natural heritage, storm water management, or other matters requested by a municipality.</p>
<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are financed in whole or in part by the municipal levy and on or</p>	<p>Category 3 programs and services that are financed in whole or in part by the municipal levy, where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • Where a cost apportionment agreement has been entered into for a Category 3 program or service, the agreement includes provisions permitting the authority to charge a fee for the program or service. This requirement does not apply where the cost apportionment agreement 	<p>Examples may include private land stewardship or extension services that are partially funded by municipal levy.</p>

after January 1, 2024 will require a cost apportioning agreement	<p>relates to any of the following Category 3 programs and services:</p> <ul style="list-style-type: none"> i) Recreational activities that are provided on land that is owned or controlled by the authority with the direct support or supervision of staff employed by the authority or by another person or body, or with facilities or other amenities maintained by the authority, including equipment rentals and renting facilities for special events. ii) Community relations to help establish, maintain, or improve relationships between the authority and community members. iii) Public education services to improve awareness of issues relating to the conservation, restoration, development, and management of natural resources in watersheds in Ontario. iv) The provision of information to the public. v) The sale of products by the authority. 	
Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are not financed in whole or in part by the municipal levy	<p>Category 3 programs and services that are not financed in whole or in part by the municipal levy, where the following requirement is met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate. 	Examples may include those listed in the row above that are not financed in whole or in part by municipal levy.

Disclaimer

This Minister's Fee Classes Policy summarizes some of the requirements in the *Conservation Authorities Act* with respect to the charging of a fees by a conservation

authority for programs and services. This document should not be construed as legal advice or a substitute for seeking independent legal advice. Anyone seeking to fully understand how the Act may apply to the charging of fees by a conservation authority for programs or services should refer to the Act. In the event of any inconsistency between the *Conservation Authorities Act* and this policy, the Act will always take precedence.

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **2021 SENIOR STAFF EXPENSES**
Summary of TRCA Senior Staff expenses for 2021

KEY ISSUE

Summary report of Toronto and Region Conservation Authority (TRCA) senior staff expenses for 2021.

RECOMMENDATION:

IT IS RECOMMENDED THAT the summary of senior staff expenses for TRCA's Chief Executive Officer, Chief Financial and Operating Officer, Chief Human Resources Officer and Divisional Directors for the year ended December 31, 2021, be received.

BACKGROUND

At Toronto City Council on November 29, 30 and December 1, 2011, a resolution was approved for the publication on the City's public website, on a semi-annual basis, expenses related to business travel, conferences and training, hospitality, and protocol for senior staff positions at the Division Head level and above. Toronto City Council requested that the City's major agencies and corporations adopt a similar policy for their organization.

RATIONALE

In accordance with the City of Toronto's resolution, starting in 2013, TRCA staff began reporting to the Board of Directors annually on the expenses outlined within the City of Toronto staff report dated October 19, 2011, Feasibility of Publishing Expense Details of Senior City Staff on the City's Website. The information will be made available on TRCA's website as part of this report in the minutes of the meeting.

The following expenses have been detailed in Attachment 1:

1. Business travel, which includes any mileage reimbursement with a personal vehicle, or operating costs of a TRCA vehicle provided to staff;
2. Conferences and training, which includes registration fees, accommodations, per diem allowances and professional membership dues;
3. Hospitality expenses, which includes hosting non-staff at TRCA events, eating establishments or other permitted locations.

Additional expense information can be provided in-camera, upon request.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 9 – Measure performance

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Report prepared by: John Arcella
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For Information contact: John Arcella, (437) 880-2334
Email: john.arcella@trca.ca
Date: June 10, 2022
Attachments: 1

Attachment 1: Summary of Senior Staff Expenses for 2021

Attachment 1: Summary of Senior Staff Expenses for 2021

John MacKenzie, Chief Executive Officer

Business Travel	\$ 6,077
Conferences and Training	\$ 1,860
Total	\$ 7,937

Michael Tolensky, Chief Financial and Operating Officer

Conferences and Training	\$ 1,107
Total	\$ 1,107

Natalie Blake, Chief Human Resources Officer

Conferences and Training	\$ 554
Total	\$ 554

Darryl Gray, Director, Education and Training

Total	\$ -
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Laurie Nelson, Director, Policy Planning

Conferences and Training	\$ 848
Total	\$ 848

Sameer Dhalla, Director, Development and Engineering Services

Business Travel	\$ 46
Conferences and Training	\$ 751
Total	\$ 798

Richard Ubbens, Director, Conservation Parks and Lands

Business Travel	\$ 777
Conferences and Training	\$ 620
Total	\$ 1,397

Anil Wijesooriya, Director, Restoration and Infrastructure

Conferences and Training	\$ 1,295
Total	\$ 1,295

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **SUMMARY OF TRCA POLICY CONSULTATION SUBMISSIONS ON RECENT PROVINCIAL POLICY INITIATIVES**
Summary of TRCA policy consultation submissions

KEY ISSUE

Summary of Toronto and Region Conservation Authority (TRCA) policy consultation submissions on provincial legislative, regulatory and policy initiatives relevant to TRCA interests from October 2021 to May 2022, for the information of TRCA Board of Directors.

RECOMMENDATION:

WHEREAS to date in 2022, the Province of Ontario posted several legislative, regulatory and policy initiatives on the Environmental Registry of Ontario (ERO) relevant to Toronto and Region Conservation Authority's (TRCA) interests;

WHEREAS TRCA staff submitted letter responses to the provincial government on their initiatives;

THEREFORE, LET IT BE RESOLVED THAT the TRCA staff report on a summary of TRCA policy submissions from October 2021 through May 2022, be received;

AND FURTHER THAT the Clerk and Manager, Policy, so advise municipal partners and Conservation Ontario.

BACKGROUND

From time to time, the Province of Ontario releases for consultation, legislative, policy, and regulatory proposals of interest to TRCA, the majority of which are posted on the Environmental Registry of Ontario (ERO). The Planning Policy and Regulation Business Unit within the TRCA Policy Planning Division is primarily responsible for leading internal reviews of government proposals on a range of matters relevant to TRCA interests.

Government initiatives and consultations continued at a steady pace in the last quarter of 2021 towards the end of the second quarter of 2022. TRCA staff maintained business continuity in coordinating virtual internal circulations and drafting digital submissions that integrate the expertise and inter-disciplinary perspectives of TRCA's teams. Comments and recommendations are informed by the successes and challenges staff experience in their day-to-day work with municipalities, proponents and other stakeholders, with emphasis on shared provincial, municipal and TRCA objectives.

Examples of ERO postings responded to include those amending: the *Planning Act*, the *Environmental Assessment Act*, the Greenbelt Plan Area (to add new Urban River Valleys), the Ontario Building Code (to exempt sheds of a certain size from requiring building permits), and for proposed technical guidance on subwatershed planning and low impact development stormwater management. In addition, TRCA responded to the *Conservation Authorities Act*

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(CA Act) ERO posting #019-4610 by the Ministry of Environment, Conservation and Parks (MECP) on the Phase 2 Regulatory and Policy Proposals under the CA Act, as reported to the Board of Directors in February 2022.

All TRCA provincial policy submissions are vetted through senior staff, approved, and signed by the Chief Executive Officer or designate prior to submission to ensure alignment with corporate strategic priorities and objectives.

RATIONALE

The outcomes of senior government initiatives can have implications on TRCA's day-to-day work in multiple roles as a resource management agency, a regulator, a public commenting body with delegated authority to represent the provincial interest for natural hazards, a service provider to municipalities and other public agencies, and landowner, in a region experiencing significant growth and associated land use and environmental challenges. Therefore, it is important for TRCA to provide input on government proposals to encourage alignment with and support for TRCA and municipal partner objectives and interests.

The policy work undertaken to respond to consultations is also important for strengthening relationships and coordination between TRCA and partners. For example, provincial proposals are commonly based on the themes of streamlining reviews and approvals and finding efficiencies to stimulate and expedite business activities such as major plans and projects. This has become an even stronger focus given the ongoing economic recovery from the COVID-19 Pandemic. At the same time, the importance of protected greenspace for both physical and mental health has become evident. It is vital for TRCA to highlight its expertise, experience and shared objectives and issues, to demonstrate TRCA's valuable role in achieving efficiencies and effectiveness that support environmentally responsible and sustainable community building. Accordingly, federal, provincial, and municipal staff sometimes reach out to TRCA for information and advice, in recognition of TRCA's expertise in watershed and ecosystem science, and depth of on-the-ground experience in development and infrastructure planning and detailed design.

Summary of Responses

Due to the volume and limited timeline of consultations established through the ERO process, (generally 30 to 45 days), only TRCA submissions with direct implications are individually reported to the Board of Directors or Executive Committee, e.g., regulatory proposals under the *Conservation Authorities Act*. In some instances, the comment period for ERO postings is concurrent with legislative approval processes so that comments are submitted after a Bill receives Royal Assent (e.g., Bill 109). Despite this, it is important for TRCA to document its interests and any concerns for the public record and for the reference of provincial staff who may be working on subsequent related initiatives.

For the Board's information, in Table 1 below is a list of provincial policy consultations for which TRCA completed and submitted responses from October 2021 to May 2022, with links to the ERO proposals. Recognizing that Board Members may have an interest in TRCA's submissions that are not brought to the Board, the corresponding TRCA letter responses to the ERO proposals are contained as attachments to this report.

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Table 1 - TRCA Submissions to the Environmental Registry of Ontario (ERO) Oct 2021-May 2022

ERO Posting	Proposal Summary	Submission Date
Proposed Additional Delegation of Planning Decisions (ERO #019-4419) Link: https://ero.ontario.ca/notice/019-4419	MMHA proposed changes to the <i>Planning Act</i> to expand matters that the council of a local municipality may delegate to help streamline planning decisions (e.g., minor amendments to zoning by-laws)	November 19, 2021 Refer to Attachment 1
Permit under the <i>Endangered Species Act</i> for the Ontario Line (ERO #019-4601) Link: https://ero.ontario.ca/notice/019-4601	MECP issued an amendment to an existing socio-economic benefit permit under the <i>Endangered Species Act, 2007</i> (ESA) to Metrolinx to broaden the area of impact for the Ontario Line subway in the City of Toronto.	December 23, 2021 Refer to Attachment 2
Moving to a Project List approach under the <i>Environmental Assessment Act</i> (ERO #019-4219) Link: https://ero.ontario.ca/notice/019-4219	MECP proposed regulations and related actions to move toward a project-list approach for projects that will require a comprehensive environmental assessment under the <i>Environmental Assessment Act</i> .	January 25, 2022 Refer to Attachment 3
Permit under the <i>Endangered Species Act</i> for the Yonge North Subway Extension (ERO 019-4075) Link: https://ero.ontario.ca/index.php/notice/019-4075	MECP sought public input on a proposal for a permit from Metrolinx under the ESA in relation to the Yonge North Subway Extension, which may adversely impact species at risk. The proposal considered avoidance options, reasonable alternatives, and proposed actions to minimize adverse effects to the species.	February 4, 2022 Refer to Attachment 4
Regulatory and policy proposals (Phase 2) under the <i>Conservation Authorities Act</i> (ERO #019-4610) Link: https://ero.ontario.ca/notice/019-4610	Regulatory and policy changes under the <i>Conservation Authorities Act</i> were finalized to improve CA governance, oversight, transparency, and accountability. Changes intend to provide the	February 11, 2022 Refer to Attachment 5 Report to Board of

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	flexibility needed to effectively develop budgets to deliver programs and services and were developed with the Conservation Authorities Working Group.	Directors, February 2022
Subwatershed Planning Guide (ERO #019-4978) Link: https://ero.ontario.ca/notice/019-4978	MECP sought input on proposed subwatershed planning guidance, as its current watershed planning guide was released in 1993.	March 11, 2022 Refer to Attachment 6
Proposed Interim Changes to the 2012 Building Code to exempt sheds from Building Code requirements (ORR #22MMAH002) Link: https://cutt.ly/cGFoB6r	The Ministry of Municipal Affairs and Housing (MMAH) proposed changes to the Ontario Building Code to exempt sheds up to 15m2 from requiring a municipal building permit.	March 13, 2022 Refer to Attachment 7
Low Impact Development Stormwater Management Guidance Manual (ERO #019-4971) Link: https://ero.ontario.ca/notice/019-4971	MECP sought feedback on a draft Low Impact Development Stormwater Management Guidance Manual to help municipalities, property owners, planners, developers, and others to manage rain where it falls, reduce flooding risks, and increase resiliency to climate change.	March 28, 2022 Refer to Attachment 8
Municipal Wastewater and Stormwater Management in Ontario Discussion Paper (ERO # 019-4967) Link: https://ero.ontario.ca/notice/019-4967	MECP sought input on potential opportunities and approaches to improve municipal wastewater and stormwater management and water conservation.	March 28, 2022, Refer to Attachment 9
Requesting additional scientific information, traditional ecological knowledge and community knowledge to be considered in preparing recovery strategies for four species at risk (ERO #019-5053) Link: https://ero.ontario.ca/notice/019-5053	MECP sought input and additional scientific information, including traditional ecological knowledge and community knowledge, from the public and Indigenous communities on draft recovery strategies for four species at risk in Ontario. The information received is to be considered	April 19, 2022 Refer to Attachment 10

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	in finalizing the recovery strategies for select species at risk.	
Proposed Amendment to the Greenbelt Area boundary regulation and Greenbelt Plan (ERO #019-4483 and #019-4485) and Ideas for adding more Urban River Valleys (ERO #019-4803) Link: https://ero.ontario.ca/notice/019-4483 https://ero.ontario.ca/notice/019-4485 https://ero.ontario.ca/notice/019-4803	MMAH sought feedback on proposed changes to the Greenbelt Plan (including the schedules) that would add new 13 new Urban River Valley areas to the Greenbelt. In addition, the Ministry sought feedback on ideas for future expansions to the Greenbelt through the addition and expansion of Urban River Valleys.	April 23, 2022 Refer to Attachment 11 (response for these EROs were submitted in one letter)
Proposed Planning Act Changes (the proposed More Homes for Everyone Act, 2022) (ERO #019-5284) and Community Infrastructure and Housing Accelerator – Proposed Guideline (ERO #019-5285) Link: https://ero.ontario.ca/notice/019-5284 https://ero.ontario.ca/notice/019-5285	MMAH sought feedback on Schedule 5 of Bill 109 (More Homes for Everyone Act) that enacts changes to the <i>Planning Act</i> . In addition, the government sought feedback on a proposed Community Infrastructure and Housing Accelerator Guideline. The proposed guideline would set out matters such as where and how to apply the proposed tool.	April 29, 2022 Refer to Attachment 12 (response for these EROs were submitted in one letter)
Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing (ERO #019-5286) and Seeking Feedback on Housing Needs in Rural and Northern Municipalities (ERO #019-5287) Link: https://ero.ontario.ca/notice/019-5286 https://ero.ontario.ca/notice/019-5287	MMAH sought input on how to diversify housing choices in existing neighbourhoods. This consultation focused on finding ways to support gentle density and increase Ontario's missing middle housing, including encouraging multigenerational housing solutions. The Ministry also sought feedback on ideas to address the unique housing needs for rural and northern Ontario municipalities.	April 29, 2022 Refer to Attachment 13 (response for these EROs were submitted in one letter)

Also provided for the information of the Board are the following summaries of select provincial legislative and policy initiatives and submissions from Table 1, closely related to TRCA interests.

Subwatershed Planning Guide (ERO #019-4978)

This MECP posting requested advice for implementing land use planning policies related to watershed and subwatershed planning in coordination with planning for water, wastewater and stormwater servicing. The last provincial guidance for watershed planning was published in 1993 and the proposed Guide aimed to provide a modern framework and a more consistent, coordinated, and efficient approach for subwatershed planning across Ontario. As a member of the multi-stakeholder Conservation Authorities Working Group, TRCA had the opportunity to provide input into the Ministry's collaborative efforts to produce the draft Guide.

TRCA supported the province's intent to update the Guide given the importance of integrated watershed management and the desire for a consistent approach to subwatershed planning across Ontario. In addition to detailed commentary specific to sections of the Guide, TRCA provided comments organized under the following themes and recommendations calling for substantial improvements:

- Provide a clear definition for watershed and subwatershed planning based on provincial plans and the PPS followed by a description of key distinction between the two terms;
- Apply stronger language emphasizing an integrated and systems-based approach throughout the Guide;
- Explain how climate change considerations can be meaningfully incorporated in subwatershed planning;
- Highlight the importance of various forms of green infrastructure to mitigating impacts and direct its inclusion in subwatershed planning, especially in urban and urbanizing watersheds;
- Include specific direction on funding and implementation, and if possible, indicate if there will be provincial support to implement the recommendations of subwatershed plans and provide examples of infrastructure and land use planning management recommendations.

Low Impact Development Stormwater Management Guidance Manual (ERO #019-4971)

Alongside the draft Subwatershed Planning Guide, the MECP also requested input on a Low Impact Development (LID) Stormwater Management (SWM) Guidance Manual. The purpose of the proposed manual was to inform and guide innovative, green SWM practices known as LID. The Manual did not contain mandatory requirements but rather provided information for municipalities, property owners, consultants and others on the benefits of LID and how to plan, design and implement these SWM measures.

TRCA recognized the Manual's intent to help facilitate a shift towards more sustainable land use planning and design that places greater emphasis on LID as a valuable green infrastructure measure to manage stormwater within a treatment train approach (i.e., to treat stormwater where it falls, is conveyed, and stored, prior to being discharged). TRCA also supported the Manual's strong positioning on volume control requirements and promoting better uptake of source controls. In addition to detailed commentary specific to sections of the Manual, TRCA provided comments organized under the following themes and recommendations:

- Improving implementation through the plan review process – We highlighted the need for municipalities and CAs to better understand how to incorporate the information in the proposed Manual through the plan review process, such that development applications that proceed through municipal and/or CA planning and permit stages are consistent with provincial expectations;

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- Feature-based water balance – We commented that the Manual overlooked emerging science and best practices with respect to ecosystem services associated with the protection of the hydrologic function of natural features. We outlined that TRCA and Credit Valley Conservation have developed Stormwater Management Criteria that includes criteria for the protection of hydrological functions of natural features and that it could be used as a reference. We opined that a strong provincial position in the Manual for maintaining hydrological and ecological function through SWM would help raise the bar for water resource and natural feature protection in Ontario.
- Focusing on climate change – We appreciated the inclusion of a section specifically on Climate Change but recommended condensing this section to focus on how climate change will directly affect the design of SWM facilities. Also recommended was to establish climate change parameters to adjust rainfall volumes and intensities in the design of the SWM/LID best management practices.
- Setting direct targets for greater certainty – We recommended the use of more direct language in outlining the design criteria necessary to obtain a provincial permit and what must be undertaken to achieve a proper SWM strategy. We also suggested clear direction to municipalities and CAs regarding requirements to achieve a practical design.

Proposed Planning Act Changes - the proposed *More Homes for Everyone Act, 2022* (ERO #019-5284) & Community Infrastructure and Housing Accelerator – Proposed Guidelines (ERO #019-5285)

The Ministry of Municipal Affairs and Housing (MMAH) requested comments on a series of EROs related to Bill 109 (*More Homes for Everyone Act, 2022*). Bill 109 aimed to encourage construction of more homes faster by expediting planning approvals to help meet Ontario's long-term commitment to address the housing crisis. The proposed changes built upon the recommendations contained in the Ontario Housing Affordability Task Force report released in February 2022.

In our comments, TRCA recognized the importance of streamlining planning approvals to support the growth and development needs in the province, especially in the Greater Golden Horseshoe. We stressed, however, that this should not come at the expense of the fundamental principles of the Growth Plan for “protecting what is valuable” or ensuring the appropriate technical and planning processes take place to ensure consistency between s.47 (Minister's Zoning Orders) of the *Planning Act* and s.28 of the CA Act. The submission asserted that the ecosystem services offered by the natural heritage system and sound natural hazard management are needed for a healthy and resilient growing region.

TRCA comments also included that a Community Infrastructure and Housing Accelerator (CIHA) zoning order, although outside the Greenbelt, may permit a form and scale of development contrary to provincial and municipal policies and CA regulatory requirements. We suggested that given the Province's commitment to prepare for the impacts of a changing climate, there is a need to ensure that development approved through a CIHA zoning order does not create or exacerbate natural hazards or result in unacceptable risk to life and property. Further, we argued CA technical expertise and municipal input as per the current review process, including site plan control and public notice, are critical and should apply to CIHA zoning orders.

TRCA also expressed concern that Bill 109 proposed amendments for refunding municipal planning fees could encourage premature decisions or refusals. This could increase the number

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of appeals to the already backlogged Ontario Land Tribunal, which would further divert public staff and resources from ongoing review and approvals. It would also increase pressure on CAs to expedite their review of applications (and expedite issuance of related permits under the CA Act, where applicable), including those involving complex scientific studies to mitigate environmental impacts and natural hazard risk. To help remedy these concerns, TRCA offered some potential solutions in our submission for the Province to consider given the iterative nature of the planning approvals process (e.g., pre-consultation and submission requirements, pausing timelines to allow for collaborative resolution of issues, etc.).

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

DETAILS OF WORK TO BE DONE

TRCA staff will continue to monitor federal policy consultations, the Environmental Registry of Ontario, the Regulatory Registry of Ontario, and the Province of Ontario News' Website to ensure TRCA is aware of, and where appropriate, participates and comments on legislative, regulatory, policy and technical guidance initiatives affecting TRCA interests.

Staff will keep the Board of Directors and Committees of the Board informed of TRCA submissions at regular intervals, will monitor the outcomes of future decision notices, and report on the implications of major initiatives as appropriate. Staff will also update TRCA policies and procedures as required and facilitate training to reflect legislative and policy changes affecting TRCA.

Report prepared by: Mary-Ann Burns and Daniel Pina

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Date: June 3, 2022

Attachments: 13

Attachment 1: TRCA Submission on ERO_019-4419 – Proposed Additional Delegation of Planning Decisions

Attachment 2: TRCA Submission on ERO_019-4601 – Metrolinx: Permit for activities that will result in significant social or economic benefit to Ontario

Attachment 3: TRCA Submission on ERO_019-4219 – Moving to a project list approach under the *Environmental Assessment Act*

Attachment 4: TRCA Submission on ERO_019-4075 - Metrolinx: Permit for activities that will result in significant social or economic benefit to Ontario

Attachment 5: TRCA Submission on ERO_019-4610 – Regulatory and policy proposals (Phase

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2) under the *Conservation Authorities Act* posted on January 26, 2022

Attachment 6: TRCA Submission on ERO_019-4978 – Proposed Subwatershed Planning Guide

Attachment 7: TRCA Submission on ORR_22MMAH002 - Proposed Interim Changes to the 2012 Building Code to exempt sheds from Building Code requirements

Attachment 8: TRCA Submission on ERO_019-4971 - Low Impact Development Stormwater Management Guidance Manual

Attachment 9: TRCA Submission on ERO_019-4967 - Municipal Wastewater and Stormwater Management in Ontario Discussion Paper

Attachment 10: TRCA Submission on ERO_019-5053 - Requesting additional scientific information, traditional ecological knowledge and community knowledge to be considered in preparing recovery strategies for four species at risk

Attachment 11: TRCA Submission on ERO_019-4483, ERO_019 4803, ERO_019-4485 – Proposed Amendments to the Greenbelt Plan (ERO #019-4485) and Area Boundary Regulation (EROs #019-4483) and Ideas for Adding More Urban River Valleys

Attachment 12: TRCA Submission on ERO_019-5284, ERO_019-5285 - Proposed Planning Act Changes (the proposed *More Homes for Everyone Act*, 2022) & Community Infrastructure and Housing Accelerator – Proposed Guideline

Attachment 13: TRCA Submission on ERO_019-5286, ERO_019-5287 - Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing & Seeking feedback on housing needs in rural and northern municipalities

November 19, 2021

BY E-MAIL ONLY (planningconsultation@ontario.ca)

Planning Consultation
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, ON
M7A 2J3

Re: Proposed Additional Delegation of Planning Decisions (ERO #019-4419)

Thank you for the opportunity to comment on proposed changes to the *Planning Act*, *Municipal Act, 2001* and *City of Toronto Act, 2006* by the Ministry of Municipal Affairs and Housing that would provide municipalities with discretionary authority to delegate additional decisions to committees of council or municipal staff for minor amendments to zoning by-laws through Schedule 19 of Bill 13, of the *Supporting People and Businesses Act, 2021*.

Toronto and Region Conservation Authority (TRCA) conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

Planning applications within TRCA regulated areas are circulated to CAs, in accordance with the provisions of the *Planning Act* and the applicable regulations. TRCA's role under the *Planning Act*, and pursuant to Memorandums of Understanding with partner municipalities, is separate and distinct from its regulatory role under the CA Act. However, TRCA's participation in the review and approval of development applications under the *Planning Act* helps to ensure that development approved under the *Planning Act* can also meet the regulatory requirements governing the issuance of permits under the CA Act. In these roles, and as stated in the Ministry of Environment Conservation and Parks "A-Made-In-Ontario Environment Plan," CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

Government Proposal

The *Planning Act* currently allows council to delegate certain decisions (to a committee of council, to staff, or, in some cases, to a committee of adjustment); for example, decisions in respect of approval of adopted

Attachment 1: TRCA Submission on ERO#019-4419

lower-tier official plan (OP) amendments, site plan, plans of subdivision and consents. We understand that this proposal would expand the matters that the council of a local municipality may delegate to help streamline planning decisions. More particularly, it would provide a new discretionary authority to delegate planning decisions dealing with “minor” amendments to zoning by-laws (ZBLs), subject to criteria established through OP policies. This authority could include delegating decisions for temporary use by-laws, the lifting of holding symbols, and other minor ZBL amendments. It would be up to each municipality to determine whether to exercise this proposed new authority and the types of minor ZBL amendment decisions to delegate. There would also be consequential amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006*.

We understand the proposed delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights, nor would it change the requirements under the *Planning Act* for land use planning decisions to be consistent with the PPS and to conform or not conflict with provincial plans.

Comments

TRCA appreciates the intent of this proposal given the importance of streamlining planning and development approvals. We recognize the importance of efficiency, certainty, transparency and accountability in planning and design review processes, so that development and infrastructure projects can occur in a timely and environmentally sustainable manner.

1. TRCA staff do not principally object to this proposal given it would expedite planning approvals but note there is uncertainty regarding what may constitute a “minor” ZBL. **We suggest more definitive direction be provided regarding what can be considered a “minor” ZBL.** This would offer consistency across municipal boundaries and help distinguish “minor” amendments to ZBLs from minor variances to ZBLs under Section 45.
2. This ERO indicates the proposed amendments would not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the PPS and to conform or not conflict with provincial plans. **We note that certain holding provisions and zoning designations may be in place related to natural hazards (e.g., flooding) and natural heritage features and related development and site alteration would also need to meet the regulatory requirements governing the issuance of permits under the CA Act.**
3. Next to the Province, CAs are the second largest landowners in Ontario. They manage over 146,000 hectares of natural features and systems comprised of wetlands, forests, moraines, lakes, rivers, streams and species at risk habitat. As landowners, CAs may become involved in the planning and development approvals process, either as a landowner or proponent. **We note that Schedules 22 and 23 of the *Supporting People and Businesses Act, 2021*, propose amendments to the *Provincial Parks and Conservation Reserves Act, 2006* and the *Public Lands Act*, respectively, to prohibit acquiring rights in or title to lands to which those Acts apply through the use, possession or occupation of the lands or by prescription. TRCA requests the same, or similar, amendments be made to the *Conservation Authorities Act*.**

Attachment 1: TRCA Submission on ERO#019-4419

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
 Sameer Dhalla, Director, Development and Engineering Services

December 23, 2021

BY E-MAIL ONLY (clairissa.myschowoda@ontario.ca)

Clairissa Myschowoda
Species at Risk Branch - Permissions and Compliance
Ministry of the Environment, Conservation and Parks
300 Water Street
4th Floor, South tower
Peterborough, Ontario K9J 3C7

Re: Metrolinx: Permit for activities that will result in a significant social or economic benefit to Ontario (ERO #019-4601)

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the proposed permit for activities that will result in a significant social or economic benefit to Ontario, sought by Metrolinx. We understand the posting is to solicit input on a proposal to amend an existing permit (ERO 019-2243) that was issued to Metrolinx on August 7, 2020 under the *Endangered Species Act, 2007* for the Ontario Line subway in Toronto. The amendment will expand the area in which the existing permit applies by approximately 35 hectares.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting wildlife species and their habitat given our roles as described below. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under Section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Where endangered species are affected by development, provincial staff undertake a concurrent review of

Attachment 2: TRCA Submission on ERO#019-4601

planning proposals in accordance with the *Endangered Species Act*. TRCA supports our provincial partners and other public infrastructure providers in avoiding, mitigating and compensating to protect and restore wildlife habitat in the environmental assessment process, and through our mandate under the *Conservation Authorities Act*.

Government Proposal

We understand the government is seeking public input on a proposal to expand the proposed study area for the Ontario Line. Socio-economic Permit # CR-D-002-19 was issued to Metrolinx under subsection 17(1) of the *Endangered Species Act, 2007* (ESA) in accordance with the criteria in clause 17(2)(d) on August 7, 2020. It authorizes impacts to the following species that may occur in the study area and which would result from the construction of the Ontario Line subway: Bank Swallow (*Hirundo rustica*), Blanding's Turtle (*Emydoidea blandingii*), Chimney Swift (*Chaetura pelagica*), Eastern Small-footed Myotis (*Myotis leibii*), Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*) and Tri-coloured Bat (*Perimyotis subflavus*).

The proposed amendment would expand the area in which the existing permit applies by approximately 35 hectares. We understand the proposed amendment will not alter any of the existing permit conditions and will extend the obligations of the existing permit to the proposed additional Areas 1 and Area 2. The expanded study area includes the following additional areas:

- Area 1: 182,625 square metres located just north of the Don Valley Parkway; and
- Area 2: 169,273 square metres located south-west of Eglinton Avenue East and Don Mills Road.

General Comments & Recommendation

TRCA commends Metrolinx for proactively seeking permits for species at risk impacts within the project study areas in advance of the detailed design phase. This approach is consistent with a recommendation made in TRCA's previous comments to ERO postings on priority transit projects, with the rationale that comprehensive, creative, and collaborative approaches early in the infrastructure planning process facilitate streamlining, better decision making, positive outcomes and greater certainty for all stakeholders (our previous comments are enclosed for your reference).

We further commend Metrolinx for engaging TRCA through our Voluntary Project Review (VPR) process. TRCA staff have been working closely with Metrolinx in the review of the Ontario Line and have recently provided comments on a Draft Environmental Impact Assessment Report (EIAR). It is unclear if the two additional areas were included in the recently circulated materials. TRCA staff have contacted Metrolinx (copied herein) for clarification. Circulation to TRCA is important since the two areas proposed for addition to the study area are traversed by valley corridors and regulatory flood plain of the Don River watershed. In this regard, TRCA will conduct a comprehensive review of the proposal and any potential impacts to natural hazards, natural features and water resources.

TRCA has no objections to the addition of the two study areas as outlined in the current ERO for an amended ESA permit. For the information of the Ministry, and to meet the intent of an early and

Attachment 2: TRCA Submission on ERO#019-4601

comprehensive review as recommended above, we will be requesting that Metrolinx and the project consultants update the Draft EIAR to include the two additional areas, their proposed use, and to apply the mitigation hierarchy as needed.

Thank you once again for the opportunity to provide comments on the proposed permit for activities that will result in a significant social or economic benefit to Ontario, sought by Metrolinx. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

Encl. TRCA Submission to ERO #019-0614, Four Priority Transit Projects

BY E-MAIL

cc: Rodney Yee, Project Manager, Metrolinx
TRCA: John MacKenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services
Beth Williston, Associate Director, Infrastructure Planning and Permits
Brad Stephens, Senior Manager, Planning Ecology



June 24, 2020

BY E-MAIL ONLY (clairissa.myschowoda@ontario.ca)

Clairissa Myschowoda
Species at Risk Branch - Permissions and Compliance
Ministry of the Environment, Conservation and Parks
300 Water Street
4th Floor, South Tower
Peterborough, Ontario K9J 3C7

Dear Ms. Myschowoda:

Re: Metrolinx: Permit for activities that will result in a significant social or economic benefit to Ontario (ERO #019-1682)

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the proposed permit for activities that will result in a significant social or economic benefit to Ontario, sought by Metrolinx. We understand the posting is to solicit input on a proposal for permits under the *Endangered Species Act* in relation to three priority transit projects that will improve public transit in the Greater Toronto Area. The proposed permits have the potential to impact species at risk and consider options to avoid and minimize impacts on the species.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting wildlife species and their habitat given our roles as described below. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities, as follows:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under Section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Where endangered species are affected by development, provincial staff undertake a concurrent review of planning proposals in accordance with the *Endangered Species Act*. TRCA supports our provincial partners and other public

Attachment 2: TRCA Submission on ERO#019-4601

infrastructure providers in avoiding, mitigating and compensating to protect and restore wildlife habitat in the environmental assessment process, and through our mandate under the *Conservation Authorities Act*.

Government Proposal

We understand the government is seeking public input on a proposal for permits under the *Endangered Species Act*, 2007 (ESA) in relation to three priority transit projects: the Eglinton Crosstown West Extension, the Ontario Line and the Scarborough Subway Extension. The proposed permits have the potential to impact species at risk and consider options to avoid and minimize impacts on the species. The species known to occur in the project study areas are Barn Swallow and Butternut, while publicly-available species occurrence data suggest that Bank Swallow (*Hirundo rustica*), Blanding's Turtle (*Emydoidea blandingii*), Chimney Swift (*Chaetura pelagica*), Eastern Small-footed Myotis (*Myotis leibii*), Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*) and Tri-coloured Bat (*Perimyotis subflavus*) may occur in the study areas.

We understand that this proposal does not imply that the Ministry of Environment, Conservation and Parks (MECP) will issue a permit, and that a permit may only be issued where the legal requirements set out in clause 17(2)(d) of the ESA have been satisfied.

General Comments

We commend Metrolinx for proactively seeking permits for species at risk impacts within the project study areas in advance of the detailed design phase. This approach is consistent with a recommendation made in TRCA's previous comments to the ERO on four priority transit projects, with the rationale that comprehensive, creative and collaborative approaches early in the infrastructure planning process facilitates streamlining, better decision making, positive outcomes and greater certainty for all stakeholders. TRCA submitted comments on March 19, 2020 on MECP's ERO posting #019-0614, "Proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area," to the MECP's Environmental assessment branch. A copy of the letter is enclosed for your information.

From the current ERO posting, we understand that Metrolinx is seeking ways to minimize adverse effects on the species and that many of these mitigation measures may be included as requirements in the proposed ESA permits, such as:

- undertaking studies to confirm or refute the presence of the species prior to construction commencing;
- undertaking work at the time of year when the species are less sensitive to disturbance if habitat will be removed;
- removing it at the time of year when the species are less likely to be present;
- creating or enhancing habitat for the Species to compensate for the habitat that was removed;
- if any members of the species will be removed (i.e. Butternut), compensating for these impacts through actions that benefit the species (e.g. plantings);
- providing contractors with education on how to identify the species at risk and what steps to take should the species at risk be encountered within the study areas; and
- monitoring the effectiveness of any steps taken to minimize adverse effects on the species and taking additional steps to increase their effectiveness should they be found to be ineffective.

Attachment 2: TRCA Submission on ERO#019-4601

In addition to the above efforts of the proponent to minimize impacts, ecological impacts that cannot be mitigated should be compensated for to maintain a robust natural heritage system resilient to the impacts from the new infrastructure. As a major landowner in the GTA and an agency actively engaged in ecological restoration projects, TRCA is well-positioned to provide potential project options and available land to facilitate ecosystem compensation.

Through watershed research, science and expertise, TRCA has developed a number of technical guidance tools and strategies that can be used to inform and support the implementation of the ESA permitting process for mitigating and compensating species and habitat impacts. TRCA's Guideline for Determining Ecosystem Compensation and TRCA's Integrated Restoration Prioritization framework are landscape level approaches to identifying ecological impairments, compensating for and improving ecosystem function. While species at risk (SAR) are not a focus of these tools, many SAR benefit from these approaches through the main restoration objectives that address hydrological processes, natural cover, connectivity, and landforms and soils. Complemented by the framework, TRCA's Restoration Opportunities Planning tool is a method to inventory feasible ecological restoration projects at the watershed sub-catchment scale that include SAR considerations.

Accordingly, TRCA infrastructure planning and restoration ecology staff are available to work cooperatively with the Ministry and Metrolinx to ensure a natural heritage systems approach to environmental impacts is applied throughout the project, which includes accounting for and minimizing impacts to SAR. TRCA and Metrolinx are already working to address issues concerning natural hazards of flooding and erosion risks associated with the transit projects, as outlined to MECP in the enclosed March 19, 2020 letter.

TRCA Recommendations

On the basis of the above comments, TRCA recommends that:

- 1) Metrolinx and the project consultants work collaboratively with TRCA to ensure a systems approach to natural resource conservation is applied throughout the priority transit projects, including minimizing species at risk impacts.
- 2) Opportunities be pursued to coordinate ecosystem compensation with the *Endangered Species Act* process for impacts to the natural heritage system that cannot be mitigated.
- 3) Metrolinx and the project consultants consult with TRCA to identify potential ecosystem compensation project opportunities on TRCA-owned lands.

Thank you once again for the opportunity to provide comments on the proposed permit for activities that will result in a significant social or economic benefit to Ontario, sought by Metrolinx. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original-signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

Attachment 2: TRCA Submission on ERO#019-4601

Encl. TRCA Submission dated March 19, 2020 Re: ERO #019-0614, Four Priority Transit Projects in the Greater Toronto and Hamilton Area

BY E-MAIL

cc:

TRCA:

Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Beth Williston, Associate Director, Infrastructure Planning and Permits
Ralph Toning, Associate Director, Restoration and Resource Management
Daniel Byskal, Associate Director, Property and Risk Management



March 19, 2020

BY E-MAIL ONLY (ken.cunningham@ontario.ca)

Ken Cunningham
Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

Dear Mr. Cunningham:

Re: Proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area (ERO #019-0614)

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area.

Toronto and Region Conservation Authority (TRCA) is a key participant in the environmental assessment (EA) process within its watershed-based jurisdiction, both as a reviewer of EAs and as a proponent of undertakings under the *Environmental Assessment Act*. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CAs) under the *Conservation Authorities Act* and the MNR Procedural Manual chapter on CA policies and procedures. TRCA's roles are:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under Section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

Government Proposal

We understand the government's current proposal would modify the existing environmental assessment process for four priority transit projects in the Greater Toronto and Hamilton Area. It will modify the existing Transit Project Assessment Process (TPAP), as set out under Ontario Regulation 231/08 for Transit Projects and Metrolinx Undertakings, to better suit a public-private partnership (P3) project delivery model, while ensuring appropriate consultation occurs, and that the protection of the

Attachment 2: TRCA Submission on ERO#019-4601

environment remains a priority. Specifically, the proposal is to enact a new regulation pertaining specifically to the Ontario Line Project, and to amend O. Reg. 231/08 Section 15.

The existing TPAP is a scoped environmental assessment process for certain classes of transit projects specified in Schedule 1 of O. Reg. 231/08. These project classes are exempt from the more rigorous class environmental assessment process required by Part II.1 of the *Ontario Environmental Assessment Act*. We understand that the current government proposal is for a further scoped EA process, as compared with the TPAP, for the four priority transit projects, and furthermore that substantial components of the process will be completed within the coming months so construction may begin before the end of 2020.

General Comments

TRCA staff have reviewed the proposal and generally support streamlining the delivery of priority public transit projects while maintaining environmental oversight. TRCA works regularly with its provincial and municipal partners on public infrastructure projects while avoiding duplication and delay. At the same time, we recognize the importance of a robust assessment of environmental, social and economic considerations and public consultation processes, appropriately scoped for project scale and location.

Proposed Ontario Line Regulation

Issues resolution

TRCA supports that objections to the proposed projects are addressed through an issues resolution process that Metrolinx manages. It has been our experience working on other Metrolinx projects, that when Metrolinx maintains full control of their project from a project management perspective, a timelier review and commenting process is facilitated.

Early Works

The Provincial Policy Statement (2020) states the objective to direct development away from areas of natural and human-made hazards, which protects public health and safety, and minimizes cost, risk and social disruption. Through this lens, TRCA has a long-standing relationship with Metrolinx working on major facilities to ensure they are planned and developed to avoid and or minimize impacts from the provincial interest on natural hazards, specifically flood risks.

TRCA emphasizes that natural hazards associated with flooding and erosion must be accounted for during the EA phase in order to properly manage their associated risk to infrastructure investments and the public users of transit projects. The proposed early works process may not account for this, which is of concern to TRCA due to the Ontario Line's location within the lower Don River flood plain and in an area particularly affected by the fluctuating Lake Ontario levels. Considerable financial resources are currently being channeled towards addressing flood risk to over 290 hectares of downtown Toronto and the Port Lands. The studies, monitoring and information arising from the Port Lands Flood Protection initiative should be considered, maintained and incorporated into the planning and development of the Ontario Line. It will be critical that Metrolinx engages with key stakeholders of the Port Lands Flood Protection Initiative to identify and avoid these flood risks as well as develop mitigation measures. TRCA is recommending that the responsibility and accountability for planning, design and implementation of mitigation measures remain with Metrolinx and not be assigned to contractors.

Attachment 2: TRCA Submission on ERO#019-4601

Climate Change Considerations

The impacts of a changing climate should also be accounted for during the project's design phase in order to inform risk management measures. For the Ontario Line, as an example, this may include utilizing updated TRCA or other models to account for changing climate and including additional freeboard for planned infrastructure in flood prone areas to accommodate for rising Lake Ontario water levels. It is imperative that technical studies, including evaluating and planning for the mitigation of such risk using current methodologies, be completed by Metrolinx prior to the detailed design phase. These studies may take time to complete, and as such may cause conflict in the approval of some of the proposed early works, namely bridge structures and any other structures such as stations proposed in flood plain areas.

Accordingly, TRCA staff are concerned with the scope of the proposed "early works" definition of project components that will be allowed to proceed to construction before the completion of the draft Environmental Impact Assessment Report. Early works typically include activities such as land assembly, preloading and utility relocations. This contrasts with the currently proposed major structural realignment activities included as "early works" such as station construction, bridge replacements and expansions and rail corridor expansion. TRCA cautions that as currently proposed the broad definition of early works may result in major alignment challenges with unforeseen impacts to public safety related to flooding and erosion impacts, as well as negative impacts to natural systems that may include natural heritage features of provincial interest.

Another concern is existing riverine flood protection infrastructure that has been constructed to protect life and property, impacts to which must be avoided through the design of the Ontario Line. In addition, the groundwater conditions are a significant environmental factor along stretches of the proposed Ontario Line corridor, much of which is proposed to be tunneled. Developing mitigation strategies for groundwater impacts should be considered in the early works initiatives so as not to impact the overall project schedule. TRCA notes that groundwater conditions may affect the project's construction feasibility, and that groundwater issues are typically identified through the existing Environmental Assessment process.

Preliminary activities should also consider land assembly/acquisition in the early works phase if the entirety of lands within the project area are not owned by the Province. TRCA recognizes that TRCA-owned lands may be required for project completion in certain locations and would appreciate being involved early in the process as these negotiations can be lengthy.

Soil Considerations

TRCA has several planned erosion and hazard management infrastructure projects along the Toronto Waterfront that could be potential sites for the placement of soils. TRCA would appreciate continued engagement on potential soil management strategies as these projects evolve.

Draft Early Works Report

As proposed under Section 8(2).7, the Draft Early Works Report must include measures to mitigate the negative environmental impacts of the preferred alternative. This methodology is problematic as mitigation measures are proposed prior to assessment and evaluation of the impacts that the preferred method of carrying out the early works and other methods might have on the environment (and Metrolinx's criteria for assessment and evaluation of those impacts). Those steps occur as part of the Environmental Impact Assessment Report, however, if the early works as stated in the draft document can proceed prior to the Environmental Impact Assessment Report there could be

Attachment 2: TRCA Submission on ERO#019-4601

unforeseen issues in the future that result in project delays. TRCA would recommend that selection of the preferred alternative, including in the case of early works, include an evaluation of potential impacts and mitigation to confirm feasibility and that the proposed regulation be revised to account for an amendment process.

Preferred alternative determination

The Draft Environmental Conditions Report speaks to mitigating the environmental impact of the preferred alternative in draft regulation Section 4(3).7, suggesting the preferred alternative is determined based on minimal environmental information prior to completion of the Environmental Impact Assessment Report. This approach is problematic, as mitigation occurs prior to assessment and evaluation of the impacts that the preferred method of carrying out the works and other methods might have on the environment (and Metrolinx's criteria for assessment and evaluation of those impacts). Those steps occur as part of the Environmental Impact Assessment Report that follows the Environmental Conditions Report. TRCA would prefer that the selection of the preferred alternative include an evaluation of potential impacts and mitigation to confirm feasibility.

Assessment and reporting requirements

TRCA notes that the proposed regulation lacks a clear definition of "Environment" (draft regulation Section 1), and which studies are to be included in an Environmental Conditions Report (Section 4(3)), Environmental Impact Assessment Report (Sections 15(1) and 18(1)), and Early Works Report (Sections 8(2) and 11(1)). For example, stormwater, groundwater, natural hazards including flooding and erosion, natural heritage, terrestrial and aquatic habitat studies must be specified for the report. TRCA recommends these studies be clearly defined to ensure the proper information is assessed, mitigated and conveyed in the Environmental Conditions Report, Environmental Impact Assessment Report and Early Works Report.

From TRCA's perspective, it is imperative that issues associated with transit construction in proximity to the Waterfront Toronto Port Lands and in particular the associated flood protection features in this area, which constitute technically complex areas prone to significant flooding, are addressed and confirmed through the preliminary Environmental Conditions Report. Satisfying complex technical concerns in this regard is paramount to ensuring the constructability of the project which will in turn reduce risk and save time during construction.

Given the inherent impacts on the natural heritage system associated with transit projects, ecosystem compensation should be addressed in the various project studies. Where impact assessment and mitigation measures are required, ecosystem compensation should also be included as a necessary consideration. This requirement to consider ecosystem compensation earlier in the project will streamline the approach to finalizing required compensation at later planning stages. TRCA recommends that ecosystem compensation should be included in the draft regulation within Sections 8(2).7, 15(2).7 and 21(1).4 of the proposed regulation.

Species at risk

TRCA supports that Metrolinx may apply for and obtain authorization to proceed with measures to accommodate any species at risk or provincial heritage properties in advance of completing the process outlined in the regulation, subject to any consultation or other requirements associated with those processes. In TRCA's experience, issues related to species at risk are raised at the detailed

Attachment 2: TRCA Submission on ERO#019-4601

design stage and can delay approvals, whereas this delay could be avoided if the issues are addressed earlier in the process. TRCA also recommends that the regulation include a protocol or agreement whereby Metrolinx can address issues requiring federal species at risk approvals, as well as approvals from Fisheries and Oceans Canada regarding harmful alteration or disruption, or destruction of fish habitat under the purview of the *Fisheries Act* in order to avoid review delays at the detailed design stage.

Project changes

Regarding how project changes are dealt with in the draft regulation, Section 21(2) states that the procedure in subsection (1) for addressing a change does not apply if the change is required to comply with another Act, a regulation made under another Act, or an order, permit, or approval or other instrument issued under another Act. However, there is no procedure outlined for changes required to comply with these elements (i.e., how changes required to comply with a permit issued under another Act will be incorporated into the project's assessment and approval process). TRCA suggests outlining how a change required to comply with another Act will be addressed and the protocol for circulating proposed changes in order that other agencies, such as conservation authorities remain informed.

Proposed Changes to O. Reg. 231/08

As noted in our comments on the proposed Ontario Line Regulation, given the inherent impacts on the natural heritage system associated with transit projects, ecosystem compensation should be addressed in the various project studies. Where impact assessment and mitigation measures are required, ecosystem compensation should also be included. It is our experience that the inclusion of ecosystem compensation considerations earlier in the planning process will streamline the approach to compensation at later planning stages. TRCA recommends that ecosystem compensation in accordance with Metrolinx's standard should be included in Sections 15(1).3 and (15).4 of O. Reg. 231/08, in the addendum to the environmental project report.

TRCA Recommendations

In order to achieve a streamlined priority transit project development process in a timely manner and continue to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA recommends:

- 1) The proposed project assessment timeline ensures projects can demonstrate that they will avoid increasing risk of natural hazards (flood and erosion risks) to infrastructure or public health and safety through the completion of appropriate technical studies that inform detailed design.
- 2) The environmental studies required are clearly defined within the regulation to ensure the proper information is assessed, mitigated and conveyed in the Environmental Conditions Report, Environmental Impact Assessment Report and Early Works Report.
- 3) A protocol be developed for harmonizing federal approvals and any other required provincial approvals early in the process to avoid delays prior to detailed design. The Aquatic Habitat Toronto model involving DFO, MNRF, TRCA and other government agencies may be helpful to consider in this regard.

Attachment 2: TRCA Submission on ERO#019-4601

- 4) The scope of early works be limited to typical low risk activities such as land assembly, staging, stockpiling, in lower risk areas of the project.
- 5) Should the proposed scope of early works remain as proposed, that a 30% detailed design be required and reviewed by the government agency review team for the project to confirm potential impacts, feasibility and mitigation measures prior to the approval of the early works.
- 6) We recommend that consideration of sustainability strategies such as the placement or use of soil in nearby projects in support of nearby conservation authority flood and erosion control projects be considered to reduce GHG emissions be a requirement.

Thank you once again for the opportunity to provide comments on the proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our comments, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Moranne McDonnell, Director, Restoration and Infrastructure
Beth Williston, Associate Director, Infrastructure Planning and Permits

Attachment 3: TRCA Submission on ERO#019-4219

January 25, 2022

BY E-MAIL ONLY

EA Modernization Project Team
Ministry of Environment, Conservation and Parks
Environmental Assessment Modernization Branch
135 St. Clair Ave W, 4th Floor
Toronto, ON M4V 1P5

eamodernization.mecp@ontario.ca

Re: Moving to a project list approach under the *Environmental Assessment Act* (ERO #019-4219)

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' (MECP) Environmental Registry of Ontario (ERO) posting on "Moving to a project list approach under the *Environmental Assessment Act* (EA Act)."

The Toronto and Region Conservation Authority (TRCA) is a key participant in the environmental assessment (EA) process within its watershed-based jurisdiction, both as a reviewer of EAs and as a proponent of undertakings under the EA Act. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public commenting body under the *Planning Act* and EA Act;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under Section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in "A Made-In-Ontario Environment Plan", TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through service level agreements with municipalities, and other public infrastructure providers (e.g., Metrolinx, Enbridge Gas Distribution), TRCA provides technical advice during the completion of various EAs, as well as at later stages of detailed design and construction under our regulatory role. Where a Crown agency is exempt from the regulatory requirements of the CA Act, TRCA has service agreements in place with select agencies to offer review and comment on a voluntary

Attachment 3: TRCA Submission on ERO#019-4219

basis; uptake on voluntary review highlights the need for provincial infrastructure to be protected from natural hazards, including flooding and erosion.

As a major landowner and close working partner with our member municipalities, TRCA is also a proponent or co-proponent of several remediation and infrastructure-related projects, in which the processes set out in the Conservation Ontario Class EA for Remedial Flood and Erosion Control Projects document (CO Class EA) and/or the Municipal Class EA document are followed. From time to time, major CA or joint municipal-CA projects require an Individual or Comprehensive EA process. Examples of TRCA projects undergoing an Individual EA process are the Scarborough Waterfront project and the Don Mouth Naturalization and Port Lands Flood Protection project.

Government Proposal

We understand that MECP is seeking input on proposed draft regulations and related actions to move toward a project list approach for projects that will require a Comprehensive EA under the EA Act. The proposal follows amendments to the EA Act made through the *More Homes, More Choice Act, 2019* and the *COVID-19 Economic Recovery Act, 2020*. The amendments enabled a project list approach, in which projects that require a Comprehensive EA will be listed in the regulation rather than being based mainly on the project's proponent.

Once amendments are proclaimed and the project list regulation is in place, projects not meeting criteria in the list would not be subject to the EA Act, unless: the project is subject to one of the existing Class EAs, the proponent enters into a voluntary agreement to make the works subject to a Comprehensive EA, or a regulation is made designating the specific project as a Comprehensive EA project. We understand that the Minister will retain the authority to issue a section 16 Order ("Part II Order") to require a proponent to complete a Comprehensive EA for a project which is going through a Class EA process. We further understand that the ministry will be developing regulations and other actions related to the new streamlined EA (Part II.4 of the Act) and will be consulting on these in the future.

TRCA Comments

Please note that we are in receipt of Conservation Ontario's submission on this ERO posting, dated January 20, 2022, and support their comments.

The proposed draft regulations and related actions comprise six new project categories: Electricity, Waste Management, Transit, Highway, Railway, and Waterfront projects. TRCA reviewed the proposal as described in the ERO posting as well as the draft regulations and related actions and provide the following comments.

Please note that we have attached our previous comments of November 10, 2020 to the proposed project list in related ERO #019-2377, as many of the comments and recommendations remain applicable to the current ERO posting. In particular, TRCA maintains that for transportation projects, additional criteria are needed to designate projects as a Comprehensive EA, to ensure the level of review corresponds to the potential for environmental impacts.

Attachment 3: TRCA Submission on ERO#019-4219

Proposed provincial EA regulations and current Federal EA guidelines

Within the current ERO posting's proposed draft regulation for designating a Highway project as a Comprehensive EA, contains the following criteria:

- a. At least 75km in length
- b. Has at least two lanes in each direction
- c. Has a median strip
- d. Has access points primarily grade-separated
- e. Has a posted speed limit

For rail line projects, the draft regulation proposes a 50 km threshold in which proposed rail lines of less than 50 km would be exempt from a Comprehensive EA.

Although the ERO posting states that better alignment with certain thresholds used in the federal EA process is sought, we note that the proposed thresholds for length differ from federal guidelines for transportation projects. The Impact Assessment Agency of Canada (formerly the Canadian Environmental Assessment Agency) requires all-season highways more than 50 km in a new right of way to undergo a federal EA. For new railway lines, the requirement is 32 km or more. Further, the federal Minister of Environment and Climate Change (MECC) may designate a project that is not included in the federal project list based on factors set out in federal legislation. A project may be designated if the MECC considers the project may cause adverse environmental effects or believes that public concerns related to those effects warrant the designation. A risk-matrix is then employed to identify whether a project is likely to cause significant adverse environmental effects. Key technical considerations in determining significance include the following: cumulative effects, likelihood, uncertainty, and benchmarks.

The current provincial ERO posting indicates that the shift to a Comprehensive EA Project List would establish environmental safeguards and help improve harmonization with the federal process. TRCA sees the aforementioned aspects of the federal process as important environmental safeguards that the Province should consider. As stated in our previous comments, the consideration of alternatives in a public process and an ability for appeal to the Minister should remain fundamental parts of provincial EA review. This is required to confirm that the alternative selected through the comprehensive or streamlined processes will fulfill the objectives of environmental assessment, i.e., to support "the betterment of the people of Ontario" and to consider all aspects of the environment, which is broadly defined to include natural, social, economic, cultural and built components.

Transportation projects and environmental impacts

In TRCA staff's experience, transportation project length is not necessarily an indicator of potential environmental impact. The width of a project and the level of modification to terrain should be considered as an addition to the highway and rail project length/size criteria cited above, i.e., whether a transportation corridor is being installed over a natural, undulating area versus a graded and urbanized section of landscape. These aspects of a project can dictate its complexity and the corresponding level of study required.

Recent examples of transportation projects undergoing an Individual (Comprehensive) EA process through TRCA's jurisdiction are the Highway 427 Extension and the Teston Road EA;

Attachment 3: TRCA Submission on ERO#019-4219

both projects are less than 75km in length, but because of the sensitive nature of the subject lands, they were required to undertake an Individual EA. It is anticipated that the level of study will be sufficiently robust to understand potential impacts and determine appropriate mitigation.

As a public commenting body, service provider to public infrastructure providers, and a regulator under the CA Act, TRCA reviews multiple transportation infrastructure undertakings annually under the Municipal Class EA (MCEA) and the Transit Project Assessment Process (TPAP) EA framework. In TRCA's experience, many decisions that would have otherwise been made through the EA process are deferred to detailed design and as the public becomes aware of concerns with preferred alignments, there is no opportunity for comment or alignment correction. Review timelines become extended to resolve fundamental issues that should have been addressed early, during the EA stage, rather than being left to detailed design. Examples of issues for public infrastructure projects in TRCA's jurisdiction have been flood risk (Ontario Line station in the Lower Don), erosion risk (Ontario Line MSF station near Millwood), and natural heritage degradation (Don valley layover). These concerns could have more effectively been addressed during a Comprehensive EA process, initiated through a comprehensive master planning process as in the case of municipal EAs.

Examples of additional criteria from the proposed regulations

We note that, for other types of projects in the proposed regulation, such as transit projects by a municipality or Metrolinx, criteria are applied for whether a project involves, "repairing or replacing a culvert" or "reconstructing a water crossing" or constructing "in or adjacent to a sensitive area." A "sensitive area" is defined in the proposed regulation as, "a) an area of residential land use, or b) an environmentally-sensitive area such as an area that includes natural heritage features, cultural heritage or archaeological resources, recreational land uses or other sensitive land uses." This definition needs refinement, such as adding hazardous lands and hazardous sites, and defining the term "other sensitive uses". Nonetheless, an expanded criteria in Transportation projects, such as construction affecting a water crossing, and construction within a sensitive area, should be considered for capturing other aspects of a highway project less than 75 km or a rail line project less than 50 km.

Recommendations

In light of the above TRCA comments and the previous comments enclosed, TRCA recommends that:

1. The proposed criteria for determining whether Transportation Projects would follow a streamlined or Comprehensive (Individual) EA process be revised, such that:
 - a. The proposed threshold for project length be lowered to better align with federal EA requirements and include a width threshold to reflect overall project size.
 - b. Additional criteria be included to reflect instances where project length is not the sole determinant of potential environmental impact, e.g., through a single or multi-objective risk matrix that considers project size, project cost, number of wetland and/or valley and stream crossings, susceptibility of the

Attachment 3: TRCA Submission on ERO#019-4219

roadway or upstream properties to natural hazard impacts, and development being facilitated.

2. The definition of “sensitive areas” be expanded to enhance clarity and certainty regarding those areas which are environmentally sensitive, such as: areas regulated by CAs, areas containing key hydrological and/or natural heritage features, key hydrologic areas, hazardous lands and agricultural lands.

Thank you once again for the opportunity to provide comments on “Moving to a project list approach under the Environmental Assessment Act.” Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

Encl. TRCA Submission to ERO #019-2377, Comprehensive EA Project List

BY E-MAIL

cc: Leslie Rich, Conservation Ontario

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Beth Williston, Associate Director, Infrastructure Planning and Permits
Anil Wijesooriya, Director, Restoration and Infrastructure

November 10, 2020

BY E-MAIL ONLY (eamodernization.mecp@ontario.ca)

Sharifa Wyndham-Nguyen
Ministry of Environment, Conservation and Parks
Client Services and Permissions Branch
135 St. Clair Ave W
Toronto, ON M4V 1P5

Dear Ms. Wyndham-Nguyen:

**Re: Proposed Project List for comprehensive environmental assessments under the
Environmental Assessment Act (ERO #019-2377)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' (MECP) Environmental Registry (ERO) posting on the Proposed Project List for comprehensive environmental assessments under the *Environmental Assessment Act* (EAA).

The Toronto and Region Conservation Authority (TRCA) is a key participant in the environmental assessment (EA) process within its watershed-based jurisdiction, both as a reviewer of EAs and as a proponent of undertakings under the EA Act. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities, as follows:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act* (EAA);
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under Section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in "A Made-In-Ontario Environment Plan", TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through service level agreements with municipalities, and other public infrastructure providers (e.g., Metrolinx, Enbridge Gas Distribution), TRCA provides technical advice during the completion of various EAs, as well as at later stages of detailed design and construction under our regulatory role. Where a Crown agency is exempt from the regulatory requirements of the CA Act, TRCA has service agreements in place with select agencies to offer review and comment on a voluntary basis; uptake on voluntary review highlights the need for provincial infrastructure to be protected from natural hazards, including flooding and erosion.

Attachment 3: TRCA Submission on ERO#019-4219

As a major landowner and close working partner with our member municipalities, TRCA is also a proponent or co-proponent of several remediation and infrastructure-related projects, in which the processes set out in the Conservation Ontario Class Environmental Assessment for Remedial Flood and Erosion Control Projects document (CO Class EA) and/or the Municipal Class EA document are followed. From time to time, major CA or joint municipal-CA projects require an Individual or Comprehensive EA process. Examples of current TRCA projects undergoing an Individual EA process are the Scarborough Waterfront project and the Don Mouth Naturalization and Port Lands Flood Protection Project.

Government Proposal

We understand that MECP is seeking input on a proposed Project List that will be subject to the comprehensive environmental assessment requirements in Part II.3 of the EAA and will be designated in a regulation as Part II.3 projects. The proposal follows recent amendments to the EAA made through the *More Homes, More Choice Act*, 2019 and the *COVID-19 Economic Recovery Act*, 2020. In some cases, the project types have been described with specific detail, and in other cases, input is being sought for how to describe projects that should be on the Comprehensive EA Project List. Based on input received on the proposed list of projects, MECP will later seek input on a draft regulation.

General Comments

The proposed Comprehensive EA Project list is comprised of the following project categories: Electricity, Waste Management, Transportation, Conservation, Railway Lines, Mining. TRCA staff have reviewed the proposal as described in the EA posting as well as the draft Project List document and provide the following comments organized by the project types relevant to TRCA.

We note that MECP recently solicited Conservation Ontario and TRCA staff's advice through a conference call to conduct a high level discussion regarding conservation authority EA undertakings in the context of the ERO proposal for establishing threshold criteria for Comprehensive EAs to be used in a new regulation under Part II.3 of the EAA. Staff were grateful for MECP's staff's overview of the proposal as contained in the ERO posting and for the question and answer discussion that followed.

TRCA staff also shared their initial reactions to the proposal, which led to a consensus of all attendees that a multi-criteria approach to setting Comprehensive EA thresholds was needed given that a single criterion such as cost or geographic extent was not necessarily indicative of the complexity of the project.

A Project List Proposal document is posted on the ERO in addition to the information provided within the ERO posting. The posting states that projects included in the Project List Proposal are intended to capture those which, in MECP's experience, were seen to have the potential for significant environmental impacts considering the following criteria:

- magnitude of the effect
- geographic extent of the effect
- duration of the effect
- frequency of the effect
- degree of reversibility of the effect
- possibility of occurrence of the effect

Attachment 3: TRCA Submission on ERO#019-4219

The principle of a project list with threshold triggers is held in common with the federal EA approach allowing streamlining where both EA processes are applicable. TRCA is generally supportive of the project list approach as it can help to ensure greater coordination or harmonization with the federal EA process and to provide certainty at the outset of a project as to the level of study required. It is our experience, however, that this certainty and efficiency requires close cooperation and decision making on whose process (provincial or federal) should be followed as the structure for the EA undertaking early in the process.

Notwithstanding the need for early decision making and agreement by provincial and federal EA bodies related to harmonization, it is imperative that the consideration of alternatives in a public process and an ability for appeal to the Minister remain fundamental parts of EA review. This is required to confirm that the alternative selected through the comprehensive or streamlined processes will fulfill the objectives of environmental assessment, i.e., to support “the betterment of the people ... of Ontario” and to consider all aspects of the environment, which is “broadly defined to include natural, social, economic, cultural and built.” Based on TRCA’s experience, we submit that for some project types the proposed Comprehensive EA thresholds/triggers could be enhanced to ensure the appropriate level of review for projects with potential significant environmental impacts.

Project Types

Transportation

As a public commenting body, service provider to public infrastructure providers, and a regulator under the CA Act, TRCA reviews multiple transportation infrastructure undertakings annually under the Municipal Class EA and the Transit Project Assessment Process (TPAP) EA framework. In the current ERO posting, the proposed Project List for Transportation Projects, new provincial and municipal expressways, freeways and transitways of greater than 75 kilometres in length would need to follow the Comprehensive (Individual) EA process. The same project types that are less than 75km in length, would fall into the one of the streamlined EA processes (MCEA, TPAP or new streamlined process for transit projects).

In TRCA staff’s experience, transportation project length (i.e., geographic extent) is not necessarily an indicator of project impact. The ERO posting’s provincial impact criteria of magnitude, duration, frequency, degree of reversibility, and possibility of occurrence of the environmental effects of a project do not particularly correlate to project length. The need for a more robust level of study regarding the potential for environmental impact of new or expanding transportation corridors is based on whether the project is proposed to cross multiple natural heritage features and lands subject to natural hazards. Further, transitways less than 75 km may also be planned in areas that could impact sensitive watershed ecosystems and environments thus requiring a higher level of study. Similarly, when transit stations (e.g., Metrolinx stations) associated with the project are proposed within or adjacent to environmentally sensitive areas or flood or erosion prone lands a higher level of study is warranted.

The threshold for length also ignores the need to more stringently examine potential impacts due to the width of a transportation project (in distance or in number of lanes). Ultimately, the level of modification to terrain should be considered in the threshold or triggers, i.e., whether a transportation corridor is being installed over a natural, undulating area versus an already graded and urbanized section of landscape. This aspect of a project can dictate its complexity and the corresponding level of study required.

Attachment 3: TRCA Submission on ERO#019-4219

Recent and current examples of transportation projects undergoing an Individual (Comprehensive) EA process through TRCA's jurisdiction are the Highway 427 Extension and the Teston Road EA west of Dufferin. These projects are less than 75 km in length, but because of environmental and socio-economic factors including sensitive watercourses, the presence of the Keele landfill, and natural heritage features including, in the case of Teston Road, Natural Core Areas within the Oak Ridges Moraine Conservation Plan, they were required to undertake an Individual EA; it is anticipated that the level of study will be sufficiently robust to understand potential impacts and determine appropriate mitigation.

Conservation

The Conservation Project List preamble uses the Lower Don EA as an example of a Comprehensive EA and states that, "Projects such as these are large scale and gain significant public interest during the environmental assessment process. They are not currently covered by a streamlined process but would have comprehensive environmental assessment requirements." Based on the size, scale and complexity of the Lower Don project, it is clearly a Comprehensive EA project. Its magnitude is unique among typical conservation projects and there may be other smaller, multi-objective projects that may still require a higher level of study such as what the Comprehensive EA process affords.

The ERO posting's proposed thresholds or triggers for Comprehensive EA review for major flood, erosion control and associated conservation projects, are: "significant remedial flood and erosion control projects that facilitate or anticipate development, major flood and erosion control projects such as multipurpose projects." Further the proposals states that, "examples of criteria that could be used to further refine the above are land area in number of hectares, total shoreline affected, proximity to major settlement areas, amount of river realigned, within an Area of Concern, impact to significant natural heritage features," and that, "projects on previously developed lands would not be included."

While single-objective flood and erosion remediation projects meant to reduce existing risk to public safety or remediate existing flood infrastructure likely remain suitable for streamlined processes, similar to the existing Conservation Ontario Class EA, TRCA agrees that "multi-purpose" comprehensive flood and erosion remediation projects to facilitate development (such as for urban revitalization, restoring/naturalizing degraded features, and enhancement to the public realm) should be one of the triggers (in combination with others) for consideration. To ensure these outcomes are optimized, especially with respect to understanding natural hazard risk and remediation and mitigation requirements among multiple stakeholders, a Comprehensive EA level of study may be required for projects with these characteristics.

Clarification is requested on why the suggested criteria for refinement of the triggers/threshold stipulates that projects on lands developed previously would not be included. Flood plain issues exist and can be more acute in developed areas as opposed to undeveloped given the increased level of public at risk. In the context of TRCA, flood remediation projects are all by nature on already developed land.

Recommendation

TRCA recommends that further to the criteria suggested under Transportation and Conservation Projects (project length, multi-purpose, etc.) in the ERO posting, the Ministry consider adding a combination of criteria for triggers or thresholds for both Transportation projects and Conservation projects. In addition to lowering the threshold of greater than 75 km in length for Transportation projects, other project aspects could be considered together as triggers in a risk matrix: single or multi-objective, to facilitate development, project size (length and width), project

Attachment_3:_TRCA_Submission_on_ERO#019-4219

cost, number of crossings of wetlands or valley and stream corridors, and whether lands subject to natural or human made hazards (e.g., landfills, or contaminated sites) are part of the study area. Other socio-economic considerations such as the presence of significant archaeological resources (e.g., historic villages or ossuaries), recreation areas (such as Conservation Areas or outdoor education areas we manage) should also be considered.

Thank you once again for the opportunity to provide comments on the Proposed Project List for comprehensive environmental assessments under the *Environmental Assessment Act*. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Beth Williston, Associate Director, Infrastructure Planning and Permits
Anil Wijesooriya, Director, Restoration and Infrastructure

Attachment 4: TRCA Submission on ERO 019-4075

February 4, 2022

BY E-MAIL ONLY (clairissa.myschowoda@ontario.ca)

Clairissa Myschowoda
Species at Risk Branch - Permissions and Compliance
Ministry of the Environment, Conservation and Parks
300 Water Street
4th Floor, South tower
Peterborough, Ontario K9J 3C7

Re: Metrolinx: Permit for activities that will result in a significant social or economic benefit to Ontario (ERO #019-4075)

Thank you for the opportunity to comment on the proposed permit sought by Metrolinx, as posted by the Ministry of Environment, Conservation and Parks (MECP) on the Environmental Registry of Ontario (ERO). We understand this posting is to solicit input on a proposal for a permit under the *Endangered Species Act, 2007* (ESA) in relation to the Yonge North Subway Extension (YNSE). The proposed permit has the potential to impact species at risk and considers options to avoid and minimize impacts on the species as well as reasonable alternatives.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting wildlife species and their habitat given our roles as described below. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area (GTA).

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Where endangered species are affected by development, provincial staff undertake a concurrent review of planning proposals in accordance with the ESA. TRCA supports our provincial partners and other public infrastructure providers in avoiding, mitigating and compensating to protect and restore wildlife habitat in the environmental assessment process, and through our mandate under the CA Act.

Attachment 4: TRCA Submission on ERO 019-4075

Government Proposal

We understand the government is seeking public input on a proposal for a socio-economic permit under the ESA in relation to the YNSE. Although the exact area of impact is not yet known, a larger area, known as “Study Area”, is being considered for the final designs of the project.

The Study Area extends approximately eight kilometres north from Finch Station in the City of Toronto to Vaughan, Markham, and Richmond Hill. Approximately six kilometres of the extension is underground, and approximately two kilometres is at surface level. An additional kilometre of surface-level track at the northmost portion supports subway operations. A significant portion of the line is planned to be constructed underground. It will involve activities such as:

- vegetation disturbance and removal;
- site grading;
- filling;
- excavation;
- stockpiling of soil or other materials;
- construction of retaining walls, rails and roads
- (TRCA notes that other significant activities are typically establishing construction shafts and constructing emergency exit buildings and storage facilities).

We further understand that Species at Risk (SAR) have been observed within the Study Area for the project, namely: Bank Swallow (*Riparia riparia*), Barn Swallow (*Hirundo rustica*), Butternut (*Juglans cinerea*), and Chimney Swift (*Chaetura pelagica*). Additionally, there is evidence that the following species may be found within the Study Area: Eastern Small-footed Myotis (*Myotis leibii*), Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), Redside Dace (*Clinostomus elongatus*), and Tri-coloured Bat (*Perimyotis subflavus*).

The ERO posting also states that most of the Study Area has not yet been surveyed in detail for SAR. The proposed permit would require surveys to confirm or refute the presence of additional species before construction activities commence.

General Comments

TRCA commends Metrolinx for proactively seeking a permit for SAR impacts within the project Study Area in advance of the detailed design phase. This approach is consistent with a recommendation made in TRCA’s previous comments to ERO postings on priority transit projects (ERO #019-1682, ERO #019-4601, ERO #019-2243), with the rationale that comprehensive, creative, and collaborative approaches early in the infrastructure planning process facilitate streamlining, better decision making, positive outcomes and greater certainty for all stakeholders.

From the current ERO posting, we understand that Metrolinx is seeking ways to minimize adverse effects on the species and that many of these mitigation measures may be included as requirements in the proposed ESA permit, such as:

- undertaking studies to confirm or refute the presence of the species prior to construction commencing;
- undertaking work at the time of year when the species are less sensitive to disturbance if habitat will be removed:

Attachment 4: TRCA Submission on ERO 019-4075

- removing it at the time of year when the species are less likely to be present;
 - creating or enhancing habitat for the species to compensate for the habitat that was removed;
- if any members of the species will be removed (i.e., Butternut), compensating for these impacts through actions that benefit the species (e.g., plantings);
- providing contractors with education on how to identify the SAR and what steps to take should SAR be encountered within the Study Area;
- monitoring the effectiveness of any steps taken to minimize adverse effects on the species and taking additional steps to increase their effectiveness should they be found to be ineffective.

In addition to the above efforts to minimize impacts, ecological impacts that cannot be mitigated should be compensated for to maintain a robust natural heritage system resilient to the impacts from the new infrastructure. As a major landowner in the GTA and an agency actively engaged in ecological restoration projects, TRCA is well-positioned to provide potential project options and available land to facilitate ecosystem compensation.

Through watershed research, science and expertise, TRCA has developed a number of technical guidance tools and strategies that can be used to inform and support the implementation of the ESA permitting process, particularly related to mitigating impacts and providing for an overall benefit to impacted species and their habitat. [TRCA's Guideline for Determining Ecosystem Compensation](#) and [TRCA's Integrated Restoration Prioritization](#) framework are landscape level approaches to identifying ecological impairments, compensating for and improving ecosystem function.

TRCA's Guideline for Determining Ecosystem Compensation complements the Metrolinx Vegetation Guideline, with both tools able to guide the development of a strategy that compensates for and improves lost ecosystem functions, providing for an overall benefit to SAR potentially impacted by the project. While SAR are not a focus of these documents, many SAR benefit from these approaches through restoration objectives that address hydrological processes, natural cover, connectivity, landforms, and soils. Complementing the Integrated Restoration Prioritization framework, TRCA's Restoration Opportunities Planning tool is a method to inventory feasible ecological restoration projects at the watershed sub-catchment scale that include SAR considerations.

Accordingly, TRCA infrastructure planning and restoration ecology staff are available to work cooperatively with MECP and Metrolinx to ensure a natural heritage systems approach to environmental impacts is applied throughout the project, which includes accounting for and minimizing impacts to SAR.

TRCA staff are currently reviewing the YNSE under the Transit Project Assessment Process for natural heritage and natural hazard management issues and are committed to reviewing the project at the detailed design stage through our Voluntary Project Review process. In relation to the current ERO proposal, we would be pleased to work with Metrolinx on an ecosystem compensation strategy that incorporates objectives related to SAR as required under the ESA permitting process, as we have with other Metrolinx projects.

Attachment_4: TRCA Submission on ERO_019-4075

TRCA Recommendations

In light of the above, TRCA recommends that:

- 1) Through the Voluntary Project Review process, Metrolinx and their project consultants continue to work collaboratively with TRCA to ensure a systems approach to natural resource conservation is applied through this priority transit project, including minimizing SAR impacts and implementing an appropriate mitigation and compensation strategy.
- 2) Opportunities be pursued to integrate ecosystem compensation with the ESA permitting process to address impacts to the natural heritage system that cannot be avoided or mitigated.
- 3) Metrolinx and their project consultants consult with TRCA to identify potential ecosystem compensation projects available on TRCA-owned lands.

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc: Kaylin Barnes, Project Manager, Metrolinx

TRCA:

John MacKenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services
Anil Wijesooriya, Director, Restoration and Infrastructure
Beth Williston, Associate Director, Infrastructure Planning and Permits
Brad Stephens, Senior Manager, Planning Ecology

Attachment 5: TRCA Submission on ERO_019-4610

February 11, 2022

Maria Vavro
Ministry of the Environment, Conservation and Parks
Conservation and Source Protection Branch
40 St Clair Ave West, Floor 14
Toronto, ON M4V 1M2

VIA EMAIL
maria.vavro@ontario.ca

RE: Regulatory and policy proposals (Phase 2) under the Conservation Authorities Act (ERO # 019-4610) posted on January 26, 2022

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks (MECP) Environmental Registry of Ontario (ERO) posting on the Phase 2 regulatory proposals under the Conservation Authorities (CA) Act. These comments were endorsed by Toronto and Region Conservation Authority's (TRCA) Executive Committee of the Board of Directors on February 11, 2022, which will be received and endorsed by the Board of Directors on February 25, 2022.

TRCA has been an active participant in the current provincial government's four-year consultation process for proposed changes to the CA Act, advocating for enhanced regulations to advance conservation authority's objectives and requesting that the Province introduce legislation that builds on the best practices that TRCA has already implemented.

Through this process, there has also been an important educational component, when comparing TRCA's operations to the 35 other conservation authorities that operate within Ontario, especially pertaining to the proposed financial regulations included in this Phase 2 consultation.

Key Facts:

- TRCA's annual revenues are **five times larger** than the second largest conservation authority
- TRCA's revenue represents approximately **40%** of collective conservation authorities' revenues and this share is expected to continue growing due to the planned municipal population growth within our jurisdiction

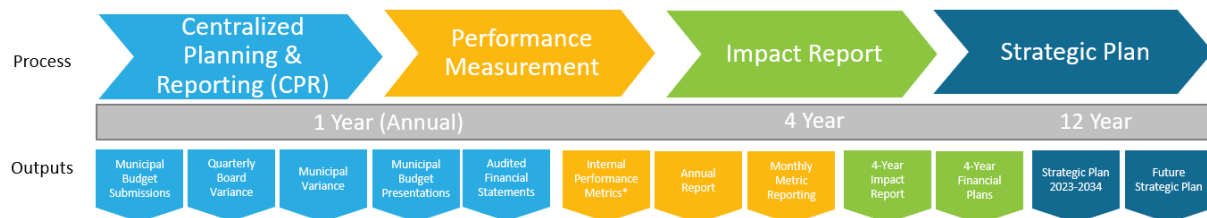
TRCA's success is deeply rooted in open and transparent relationships with our partner municipalities, which has directly led to TRCA providing over \$120M in municipally funded and supported programs and services in 2020. As an independent not for profit corporation, we also regularly leverage funding from our municipal partners to attract millions of dollars of funding from senior levels of government, industry and the philanthropic sector in support of municipal and TRCA objectives.

Attachment 5: TRCA Submission on ERO_019-4610

Practices we have incorporated into our business models include:

- Best practice arrangements supported by participating municipalities, including regular financial reporting
- Providing enhanced value to our stakeholders leveraging municipal support through funding and grant opportunities, including all levels of government, philanthropic and additional private sector stakeholders
- Development of multi-year municipal levy budgets to provide stability and transparency to TRCA's partner municipalities

The following graphic highlights the magnitude that TRCA goes through to ensure that meaningful financial collaboration is the foundation of our relationship with governments and other funding partners.



As the Province is aware, although TRCA's Board of Directors consists of individuals appointed from its partner municipalities (including councillors and citizen representatives) in accordance with the guidelines set out in the CA Act, partner municipalities do not exercise control over TRCA.

TRCA's partner municipalities are not engaged in the direct financial management of the TRCA, including, but not limited to the following:

- TRCA's assets and liabilities
- Financial obligation is limited to the levy apportionment of funding as per Provincial regulations which is addressed through the annual municipal budget processes and any additional fee for service work that is mutually agreed to by both parties
- Preparation of TRCA financial statements which are independently audited
- TRCA's partner municipalities do not direct their appointees on how to vote on any matters (financial or non-financial) that are to be voted on by TRCA's Board. Rather, they vote in accordance with their fiduciary duty to make decisions in accordance with the best interests of TRCA

These truths are paramount to TRCA's financial success and represent the bedrock of our relationship with our municipal partners and allow us to provide products and services efficiently and cost-effectively, removing unnecessary steps that would delay delivery of key initiatives.

Throughout the consultation, the Province has taken note of our transparent governance processes and TRCA is heartened that many of the governance best practices introduced in the document are reflective of our existing best practices, including website disclosures pertaining to user fees, financial statements, budgets, bylaws, as well as meeting agendas and minutes.

At the core of the consultation with the Province, has been the intention to build on what is already working between conservation authorities, municipalities, and other stakeholders noting the need to build in flexibility to recognize the difficulty of drafting legislation and regulations to govern all 36

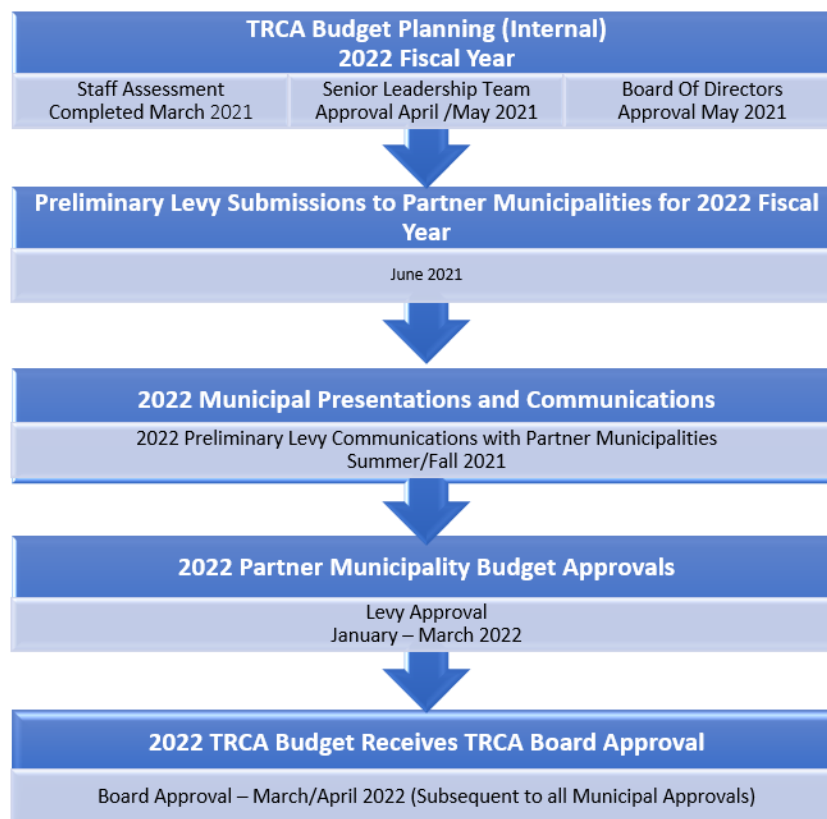
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diverse conservation authorities. As such, this response highlights the key areas in the consultation document that unintentionally divert from this intention and suggest simple changes that would allow the province to fulfil their pledge not to fix what is not broken.

Part 1 – Proposed Municipal Levies Regulation

For our jurisdiction and for our participating single and upper tier partners in the Greater Toronto Area including York, Durham, Peel and the City of Toronto, the unequivocal best budget approval practice is for the conservation authorities' Boards of Directors to approve annual municipal levy apportionments after they have been approved by through the municipal budget process, which is the method that TRCA, nearby GTA CAs, and our participating municipal partners noted above have followed for years.

As depicted below, TRCA's annual budget process ensures ongoing collaboration with our partner municipalities, resulting in an evolution that ensures all parties are on the same page as it relates to priorities, deliverables and the required funding envelope to support these programs and services



Municipal councils only approve the municipal levy component of TRCA's budget. It is universally understood that programs and services offered using the user pay principle to further TRCA's organizational objectives are not intended to fund provincially mandated or municipally requested offerings, and vice versa. The existing collaborative budget process ensures that there are no modifications made to TRCA's draft budget, which receives unanimous approval from our Board of Directors on an annual basis, after the completion of the municipal budget cycle.

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While many of the concepts included in Table 1 of the consultation document may be relevant to conservation authorities in Ontario that have a different or less established collaborative and robust budgeting process, based on their geographic and political factors and the types of programs they deliver, they are not applicable to TRCA and our partner municipalities and even nearby CAs.

Issue #1

The need to notify municipalities 30 days in advance of budget approval and the concept of “weighted voting” related to municipal levy approval is redundant given that our municipalities have already approved the apportionments included in TRCA’s draft budget.

Issue #2

Introducing the requirement for TRCA to have our Board of Directors approve our draft budget and then wait a minimum of 30 days before a final approval vote would needlessly add time to our budget process.

We anticipate that this prescriptive change would push TRCA’s final budget approval to May/June, meaning that at the same Board of Directors meetings, TRCA would be approving our audited financial statements for the prior year, our final budget for the current year, and providing a preliminary update on the subsequent year municipal levy envelopes. This is far from ideal.

Issue #3

The proposal for conservation authorities to provide their full budgets to their partner municipalities for review and justify to their partner municipalities why self-generated revenues are not being used to further reduce municipal levy funding, blurs established municipal budget roles.

The proposed requirement to present full budgets to partner municipalities may make sense in certain contexts for smaller conservation authorities, but in TRCA’s jurisdiction, our partner municipalities specifically request that our budget presentations/documents solely focus on the municipal levy apportionments, as these are the only amounts that our partner municipalities are approving within their budget processes.

For additional context, in 2020, TRCA generated over \$162M in revenue, of which only \$60M (37%) related to municipal levy apportionments. TRCA and our municipal partners have found the budget process to be more understandable and fruitful by focusing on the specific municipal programs and services that we are delivering for the levied funds, rather than the entirety of our budget, for which they do not have an oversight role.

Along these same lines, TRCA’s municipal partners are generally aware of the extent of self-generated programs and services that TRCA offers to our other stakeholders, and they appreciate that such initiatives are done to further our mandate, rather than to offset municipal costs, however, they do not have direct involvement in such initiatives. This proposed regulation could be inadvertently construed as a provincial effort to legislate municipal control over conservation authority operations and lead to discussions on directing the use of self-generated revenues, which historically have been used to primarily support our parks and education initiatives, to instead fund specific municipal initiatives, a proposition which TRCA and our municipal partners explicitly oppose.

Outside of introducing an unnecessary level of time consuming processes and added administration with our municipal parties who are satisfied with the current approach, such well-intentioned regulations could also undermine TRCA’s legal status as an independent body operating as a registered charity, obstructing our ability to leverage municipal funding in support of

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shared objectives. As an example, in 2019 and 2020, TRCA was awarded over \$65.5M in grants from the private sector and other levels of government to support shared conservation authority and municipal priorities in our jurisdiction, including over \$56M in federal Disaster Mitigation and Adaptation Funding (DMAF) to support vital erosion work within our jurisdiction. The resounding success of TRCA's funding and grants initiatives has been widely celebrated by TRCA's Board of Directors and our municipal partners and as such, any regulation that potentially puts our ability to continue operating as an independent registered charity in jeopardy would be inconsistent with the Province's intention to build on what is currently working.

Recommendation

TRCA respectfully requests that the regulations recognize that where a conservation authority waits to approve their budget until after municipal levy allocations have been approved by their municipalities, there is no need for additional prescriptive oversight that impacts the well-established collaborative working relationships and prolongs the budget process.

Further, the regulations must recognize that the continued role of the participating municipalities is to approve that participating municipality's component of a conservation authority's budget, rather than their complete budgets, for which the participating municipality does not have legal oversight.

Further, if this needs to be prescribed specifically for TRCA in the regulation recognizing our well established municipally endorsed processes similar to other matters specific to TRCA already present in provincial CA Act/regulations (e.g., Board composition) we request the regulation do so.

Part 3: Proposal for Minister's published list of classes of programs and services for which a CA may charge a fee

The magnitude of world class programs and services that TRCA offers, whether provincially regulated, municipally requested, or those that further organizational objectives, are unmatched by any other organization in our field. In 2019, prior to the pandemic, TRCA generated over \$36M in fees, which exceeds the **total** revenues of every other conservation authority.

This is a testament to our ability to monetize our assets and offer world class programs and services to a variety of stakeholders. TRCA is delighted that the provincial consultation guide adopts many practices already in effect at TRCA, including Board approval of our user fee schedule on a periodic basis and posting of fees on our website.

Many of these programs and services have well defined offerings that fall into multiple categories. For instance, a regulated program may lead to the opportunity for a municipality to engage TRCA to complete additional discretionary programs, and there may be an opportunity for TRCA to offer additional fee for service work to other stakeholders including provincial and federal agencies and private sector partners, using the user pay principle, or leverage additional funding through grant opportunities.

TRCA's lone issue with this aspect of the consultation guide revolves around the possible misinterpretation that there is a requirement for conservation authorities to receive approval from their partner municipalities to utilize the user pay principle when there is municipal funding involved in the overall program or service.

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Given that the proposed wording of regulations is only generally described in the proposal, TRCA wanted to raise the potential conflicts that would arise if the wording of the regulation is not clarified as municipalities do not dictate the terms of programs and services that conservation authorities offer to further their own objectives, nor do they dictate what stakeholders we conduct business with.

Where TRCA completes work on behalf of our municipal partners, there are clear parameters regarding costs, timelines, deliverables, and several other key elements that are mutually agreed upon, which are independent of all aspects of the user pay principle.

A significant concern with the possible misinterpretation that could arise relates to equating user fees with fee-for-service arrangements. A prime example of an issue that could arise, would be TRCA's Partner's in Project Green program, which has the financial support of 100+ companies in the Greater Toronto Area, and is further supported by TRCA's partner municipalities, for which TRCA completes specific deliverables which are mutually agreed upon. Whether TRCA is completing fee for service work on behalf of the program participants does not impact the financial interests of our partner municipalities, however, the wording in the consultation guide could be interpreted to mean TRCA would need to receive municipal approval to proceed with this independent work. As such, the need to develop cost apportionment agreements, where municipality funding is not contingent on fee for service work introduces a level of complexity that is not operationally practical and which could unfortunately reduce the positive impact of such programs.

Recommendation

TRCA requests that this section be updated to reflect that if a program or service is permitted by the province to be offered, that the only condition for charging a fee is that the user pay principal exist, consistent with current best practices OR that the second condition be based on contingent municipal funding which relies on the conservation authority to raise additional funding through fee for service work.

Part 4: Proposal to require certain information including all agreements and amendments to agreements with municipalities on a conservation authorities website

TRCA fully supports ensuring transparency of conservation authority operations, however, there are some concerns with the requirement that CAs include a notice on their website every single time the CA amends or enters into a new MOU or other agreement with municipalities. This requirement, should it ultimately be included in the transition regulation, should be scaled back to refer only to agreements governing the delivery of programs and services, but not every single agreement related to a program or service. In addition, TRCA requests that the exceptions identified in the proposal be expanded through input and further dialogue with conservation authorities prior to enacting the amendments to the transition regulation.

Recommendation

TRCA requests that the proposed requirement to post agreements with municipalities be limited to overarching MOUs and other Agreements that deal specifically with programs and services, and that the classes of exceptions be broadened.

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Thank you once again for the opportunity to provide comments on the Phase 2 regulatory and policy proposal posted to the ERO. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please reach out at your earliest convenience at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original Signed by>

John MacKenzie, M.Sc. (PI) MCIP, RPP
Chief Executive Officer

cc:

The Honourable David Piccini, Minister of the Environment, Conservation and Parks
Chloe Stuart, Assistant Deputy Minister, Ministry of the Environment, Conservation and Parks
Jennifer Innis, Chair, Toronto and Region Conservation Authority
Hassaan Basit, President and CEO, Conservation Halton
Stephen Conforti, City of Toronto, Executive Director, Financial Planning Division
Jason Li, Regional Municipality of York, Commissioner and Regional Treasurer
Stephanie Nagel, Regional Municipality of Peel, Treasurer and Director of Corporate Finance
Joanne Cermak, Regional Municipality of Durham, Director of Financial Services

Attachment 6: TRCA Submission on ERO_019-4978

March 11, 2022

BY E-MAIL ONLY (mecp.landpolicy@ontario.ca)

Jessica Isaac
Environmental Policy Branch
40 St Clair Avenue West
10th Floor
Toronto, ON
M4V 1M2

Re: Proposed Subwatershed Planning Guide (ERO #019-4978)

Thank you for the opportunity to comment on the proposed Subwatershed Planning Guide (herein referred to as “the Guide”) posted to the Environmental Registry of Ontario by the Ministry of Environment Conservation and Parks (MECP).

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest and responsibility in watershed management and conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry’s Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in MECP’s “A Made-In-Ontario Environment Plan,” CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, to conserve natural resources. We recognize that watershed and subwatershed planning are the responsibilities of the planning authority (typically municipalities) as required under the PPS and provincial plans. In TRCA’s experience, our municipal partners rely on us to lead or co-lead the coordination and development of watershed plans and engage in the planning process where subwatershed plans are required. Further, TRCA collaborates with all stakeholders, such as municipalities and landowners, in the implementation of watershed and subwatershed plans.

Government Proposal

We understand that the proposed Guide is intended to provide advice for implementing land use planning policies related to watershed and subwatershed planning in coordination with planning for

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water, wastewater and stormwater servicing, water resources, drinking water source protection and climate change resilience. The ERO proposal points out that there are requirements for watershed and subwatershed planning in the PPS and the following provincial plans:

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020)
- Greenbelt Plan (2017)
- Oak Ridges Moraine Conservation Plan (2017)
- Niagara Escarpment Plan (2017)
- Lake Simcoe Protection Plan (2009)

The last provincial guidance for subwatershed planning was published in 1993 and the proposed Guide aims to provide a modern framework and a more consistent, coordinated, and efficient approach for subwatershed planning across Ontario.

General Comments

TRCA staff support the proposed guidance in principle, given the importance of integrated watershed management and desire for a consistent approach to the subwatershed planning process across the province. We offer the following general comments, with key elements emphasized in **bolded text** followed by more detailed comments organized by sections in the Guide.

Watershed vs. Subwatershed Planning

TRCA is concerned that the Guide uses watershed planning and subwatershed planning as though they are interchangeable terms. For example, on page 12 under Context, it states, “Watershed/subwatershed planning for land use planning purposes is a responsibility....” Moreover, the Guide states that it is intended, “to provide advice for implementing land use planning policies related to watershed and subwatershed planning in coordination with planning for water, wastewater and stormwater servicing, water resources, drinking water source protection and climate change resilience.” This is an ambitious purpose to achieve all of this in one guide for both watershed planning and subwatershed planning.

While the process for watershed and subwatershed planning may be similar, the scope, scale, and stakeholder roles for each type of plan differ substantially. Referring to them interchangeably undermines the admirable intent of the Guide for clarity, efficiency, and consistency. **TRCA recommends citing early in the Guide, watershed planning and subwatershed planning definitions from provincial plans and the PPS, followed by a description of key distinctions between the two terms. Given that the Guide is directing subwatershed planning, it should be clear as to that purpose and for further clarity, indicate if there is an intent to produce a separate Watershed Planning Guide.**

The existing trio of guidance documents from 1993 include one on Watershed Planning, one on Subwatershed Planning, and the third on Implementation through Municipal Planning documents. Perhaps if a similar approach is taken with the currently proposed guidance (and subsequent guides), it would address the confusion between the overlapping references to watershed and subwatershed planning in the Guide. The ministry should consider leveraging the multi-sectoral expertise present in the Conservations Authorities Working Group and additional time limited consultation and engagement to provide advice on the 2018 version of the Watershed Planning guidance towards this end.

Integrated Watershed Management

As described in the PPS and the Growth Plan, the watershed is the ecologically meaningful scale for integrated, long-term planning for healthy watersheds and healthy communities. This is indicative of the

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dependency between the Water Resource System (WRS) and Natural Heritage System (NHS) and their importance to watershed planning. In contrast, the Guide describes the natural hazard management component of watershed/subwatershed planning in isolation, which does not represent the systems approach or integrated watershed management planning. The absence of this fundamental integration may compromise the ability of subwatershed plans to comprehensively assess conditions and impacts, and to set and establish meaningful targets and management/mitigation recommendations. TRCA recommends that stronger language emphasizing an integrated and systems-based approach necessary for subwatershed and watershed planning is incorporated throughout the Guide. Accordingly, the interdisciplinary expertise of CAs should be emphasized in the Guide as technical experts in not just natural hazard management but as integrated watershed managers, especially if the systems approach is appropriately acknowledged as foundational to effective watershed and subwatershed planning.

Although the Guide references adapting to a changing climate, it does not specify the need to assess the changing climate and incorporate this information into the scenario analysis or decision making. TRCA recommends that additional direction be provided on how climate change considerations can be meaningfully incorporated in the subwatershed planning processes.

Green infrastructure within the built portions of watersheds (such as urban trees, bioswales, green roofs) play an important role in managing urban water and several other valuable ecosystem services. As watersheds become increasingly built-out, watershed and subwatershed planning must evolve to assess impacts and provide watershed management recommendations for intense urban growth and intensification (e.g., redevelopment, retrofit, restoration) to achieve healthy and resilient watersheds for residents. TRCA recommends that the Guide highlight the importance of various forms of green infrastructure to mitigating impacts and direct its inclusion in characterization, impact assessment, and recommendation phases of subwatershed planning, especially in urban and urbanizing watersheds.

Funding and Implementation

A critical early component in the subwatershed planning process to ensure that it proceeds smoothly and expeditiously is determining the funding sources and mechanisms that align with the scope, nature, timing, and extent of work involved. The 1993 Subwatershed Planning document had a section on funding, acknowledging that there is not a generic funding formula in place and that various and innovative approaches to securing funding may be required. In TRCA's experience, there have been different approaches applied to subwatershed planning including a combination of municipal funding, developer/landowner contributions and area specific municipal development charges. It is recommended that a section on funding be added to the draft Guide. This section should also emphasize the cost saving benefits of subwatershed planning in providing certainty and streamlining of future development and infrastructure planning approval processes.

Once watershed and subwatershed plans are developed, adequate resources need to be allocated for its successful implementation and monitoring. This includes implementation through land use planning processes, as well as other initiatives such as awareness building, and stewardship initiatives for ecological restoration and monitoring and maintenance/remediation. All of these are possible only through adequate and sustained

funding, innovative collaborations, and partnerships to meet shared priorities for projects and land securement.

Section 3.4 on page 31 of the Guide briefly describes approval and implementation. In TRCA’s work to support Municipal Comprehensive Reviews through watershed planning exercises (in accordance with existing plan review MOUs), our municipal partners expressed a strong desire for implementation guidance in the form of specific management recommendations. In this regard, section 3.4 could benefit from elaboration on land use planning management recommendations for both development and infrastructure planning. Earlier in the Guide on page 16, one of the purposes of a subwatershed plan is, “identify official plan land use designations.” We suggest it may be helpful to municipalities for the Guide to delve further into how technical information from a subwatershed plan translates to municipal growth management and servicing policies and ultimately, on-the-ground planning. TRCA recommends that the Guide include specific direction on funding and implementation and, if possible, indicate if there will be provincial support to implement the recommendations of subwatershed plans and provide examples of infrastructure and land use planning management recommendations.

TRCA Detailed Comments by Section in the Guide

1. Background and Context	
Purpose of Guide	<ul style="list-style-type: none">• The first sentence and preceding section both include watershed and subwatershed planning, so does the next section, but the Guide later refers only to subwatershed. The confounding of terms contradicts provincial policies in the PPS and Growth Plan. The PPS recognizes the watershed as the ecologically meaningful scale for integrated and long-term planning and speaks to all the components of watershed planning. The Growth Plan specifically differentiates between Watershed Planning and Subwatershed Planning as a matter of scale and the level of direction to municipal planning. Watershed planning is to inform the identification of water resource systems (WRS), the protection, enhancement, or restoration of the quality and quantity of water, decisions on allocation of growth, and planning for water, wastewater, and stormwater infrastructure. Subwatershed plans are to inform planning for large-scale development in designated greenfield areas and can be useful for addressing major intensification and infrastructure proposals in a greyfield context such as an Urban Growth Center. We recommend clarifying the scope and intent of the Guide.• The Guide does not “provide advice for implementing land use planning policies related to watershed and subwatershed planning in coordination with planning for water, wastewater and storm water servicing, water resources, drinking water source protection and climate change resilience” (p.5). There are no specific links to planning for water, wastewater, stormwater, and climate change. We recommend that this link is made clearer in the document.

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	<ul style="list-style-type: none">• The first paragraph (p.5) should list natural hazards and natural heritage (or aquatic and terrestrial ecology) in the list of policies to be consistent with the rest of the Guide as well as with PPS and the Growth Plan.
Benefits of Watershed and Subwatershed Planning	<ul style="list-style-type: none">• This section does not align with the principles of Integrated Watershed Planning and Management and systems approach that are emphasized in the PPS and the Growth Plan. This unfortunate omission of other important systems, e.g., natural systems, also undermines the effectiveness of various hazard management practices. Among others, these practices include protection and restoration of natural heritage systems and implementation of various green infrastructure to improve hazard conditions, particularly more frequent flooding/erosion. Additionally, this section does not recognize the importance of climate impacts and benefits of watershed and subwatershed planning to build climate resilience for natural and built systems in the watersheds.• As such, the list of benefits does not align with the points provided in Section 2.1. on subwatershed studies that includes the first bullet: "Protecting and enhancing the environment, including important natural heritage systems and water resource systems." (p.16)• The draft provincial watershed planning guidance from 2018 recognized and spoke to both watershed and subwatershed planning as being similar processes with a difference of scale. This draft guidance also provided more direction to municipalities on how to connect outputs from watershed planning components to municipal land use and infrastructure planning. This Guide does not provide that provincial direction on how to connect the processes to align with provincial policies.• Integrated and long-term planning would recognize the systems-based approach embedded in the PPS and Growth Plan that recognizes the linkages and related functions of both the WRS and NHS and their importance to watershed planning. Focusing solely on natural hazards does not represent integrated planning and fails to recognize the interrelated nature of watershed components (i.e., flooding, erosion, natural heritage planning, water quality, water resource system features and areas, ecological and hydrological functions).• Climate change adaptation and resiliency should be included in the list of benefits.
Context	<ul style="list-style-type: none">• If the Province published a trio of guidance documents in 1993 including one on Watershed Planning, one on Subwatershed Planning, and the other on Implementation through Municipal Planning documents, then perhaps that is the similar approach that should be taken in this Guide (or subsequent guides) to address the confusion between the watershed and subwatershed planning references in this Guide. Each of these subsequent guides could focus on the targeted component only. Perhaps the Province could consider leveraging the expertise of the Conservation Authorities

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	<p>Working Group to build on the previously released but not finalized 2018 Watershed Planning Guidance document towards this end.</p> <ul style="list-style-type: none"> • For instance, a guide on watershed planning would be helpful to explain how watershed planning is intended to inform water, wastewater, and stormwater management planning. • As is, this Guide can be the update to the second bullet (subwatershed planning, p.6) with clarification that other components' guidance will be separately provided. We strongly encourage the Province consider taking this approach to these documents.
Watershed vs. Subwatershed Plans	<ul style="list-style-type: none"> • Figure 1 is unclear. We suggest using a clearer figure and/or real-world example from the Growth Plan area (e.g., Humber River watershed - Black Creek subwatershed). TRCA would be pleased to provide other illustrative examples to the Province if it is helpful. • The purpose of watershed planning (bullets) needs to recognize the importance of management over the long term, otherwise climate and growth management aspects are not covered. There is a need to recognize changing land use and climate conditions and therefore the text should focus on protection and management for long term sustainability and resilience. • Further to the above comments related to the purpose and context of the Guide, this section should be updated accordingly for clarity regarding watershed and subwatershed planning. • It is recommended that intensification, redevelopment, and community revitalization be included in the list of issues which may trigger the need for a subwatershed plan.
Relationship of Watershed Planning to Land Use and Infrastructure Planning	<ul style="list-style-type: none"> • The first sentence should also include reference to informing NHS planning and green infrastructure planning. • Figure 2 is missing the components of watershed planning and subwatershed planning as defined in provincial policies to be undertaken by municipalities. Definition of watershed planning from the Growth Plan: <i>"Planning that provides a framework for establishing goals, objectives, and direction for the protection of water resources, the management of human activities, land, water, aquatic life, and resources within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts."</i> It is much broader than CA programs and services, and the policies state municipalities are to undertake watershed planning in partnership with CAs as appropriate. This figure needs to reflect that. • The CA Programs and Services listed in Figure 2, are just the mandatory services, but this figure should recognize that CAs are already doing non-mandatory work, and can do much more work (beyond hazard related components) and that many of those programs will feed into watershed plans or implement watershed plans (e.g., municipal or service level agreements). Watershed planning is defined much more broadly above,

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	<p>which is not reflected in the figure. Also, if this figure reflects the municipal needs as they undertake these plans it would be more beneficial and informative.</p> <ul style="list-style-type: none"> • Figure 2 needs to recognize that CAs also provide detailed NHS and WRS mapping, which helps complement provincial and regional natural heritage systems and provides additional potential targeted areas for restoration and enhancement . • Alternatively, Figure 2 could be simplified and kept to a much higher level with components that need to be considered aligned with the policy framework.
Policy Context Equivalent Studies	<ul style="list-style-type: none"> • In reference to the provincial NHS mapping, the Guide should recognize that the provincial NHS is often too coarse for urbanized areas such as the Greater Toronto Area with highly fragmented natural cover. To address this gap many municipalities in partnership with CAs have identified a finer level NHS to complement the provincial NHS. We recommend that this Guide recognize and provide support to implement these initiatives. Furthermore, the requirement for municipal NHS planning is set out in the PPS and Growth Plan and this guide could reference this linkage and the essential intersection of this work in the development of robust subwatershed plans. • It is recommended that “equivalent studies” is meant to be at the subwatershed level for purposed of the Guide.
Roles and Responsibilities	<ul style="list-style-type: none"> • Further to our general comments, watershed planning and subwatershed planning are not synonymous terms. • The emphasis on CAs’ involvement in subwatershed planning linked to services around the reduction of natural hazard risk does not fully reflect the Province’s integrated, systems-based NHS and WRS policy framework. Without a systems-based approach that recognizes the interlinks between the WRS and NHS and the evidence provided by watershed data and watershed science, addressing natural hazards effectively over the long term will be extremely challenging, if not impossible, especially in the face of changing land use and climate. • The section on CAs needs to be more concise and accurately reflect the role of CAs (i.e., focus on CA roles, technical expertise and partnerships and reduce the level of detail regarding the regulations).
2. Purpose and Principles of Subwatershed Planning	
Purpose of Subwatershed Plans	<ul style="list-style-type: none"> • Pg. 16 <i>“Identify natural features, areas, and related hydrologic functions.”</i> is repeated twice. • Within the specific list of what subwatershed plans should do – an additional point should be that they provide information on how the climate is changing and how it will potentially impact the NHS and WRS as an important component for healthy and resilient watersheds.

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Principles for Subwatershed Planning	<ul style="list-style-type: none"> • There should be a principle on adapting to a changing climate, as well as potentially incorporating green infrastructure. • Principles 6 and 7 highlight the importance of watershed planning and subwatershed planning, thus referencing the need for guidance on both. • Principle 9 should include “objectives” - “The role and responsibilities of partners, objectives, milestones, and timelines...” • It is recommended that an additional principle be added to encourage planning authorities to undertake a robust public engagement process to raise public awareness and support for implementation.
3. Subwatershed Planning Process	
Setting the Stage (Step 1)	<ul style="list-style-type: none"> • The first bullet, 3.1, should include “Identifying partners with a legislative responsibility related to or an interest in participating in the subwatershed planning process such as conservation authorities...” • We are pleased to see the requirement for early and active engagement of stakeholders in the initial phases of the process, as well as determining funding mechanisms and responsibilities, with transparency and accountability provided through development of a Charter, Terms of Reference and Steering Committee that follows in Step 2.
Recognizing and Aligning the Interests (Step 2)	<ul style="list-style-type: none"> • Recognizing the tremendous co-benefits associated with watershed health, and the importance of adding an equity lens to watershed and climate issues, this Guide should require that a broad set of intersectoral stakeholders participate in the plan development, including non-traditional partners from the socio-economic and community health fields (i.e., United Way, Public Health, Housing, etc.)
Preparing and Approving the Subwatershed Plan (Step 3) – Phase 1: Identification of Existing Conditions and Initial Assessment – Phase 2: Completion of Impact Assessment and Development of the Land Use Scenario – Phase 3: Implementation and	<ul style="list-style-type: none"> • Based on TRCA’s experience, this process could be simplified as this is the only step that is broken into phases with each phase being a substantial amount of work: <ul style="list-style-type: none"> ○ Stage 1 of the process should be Setting the Stage where the steps include: identifying partners, scoping the study and boundaries, engagement planning and project charter. ○ Stage 2 is watershed characterization (existing conditions) of natural hazards, water quality, terrestrial and aquatic conditions, etc. ○ Stage 3 is Impact Assessment and Land Use Scenarios (i.e., Future Conditions) where the components from characterization are assessed ○ Stage 4 is Developing the Plan, Implementation Planning, and Monitoring/Evaluation Plan. ○ This staged process recognizes the sequence of events more clearly and reflects the level of effort involved for each stage. • It is uncertain how impact assessment and development of preferred land use scenario can be determined before assessing current conditions. These sentences (bottom of p.22, “<i>Work can be undertaken on a subsequent</i>”

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<p>Management Strategies</p> <p>– Subwatershed Plan Timelines</p>	<p><i>phase...</i>") are unclear as the work needs to be sequential and methodological in order to provide the desired certainty for industry and municipal investments and successive infrastructure and development planning processes. Potential future conditions cannot be assessed without first understanding existing conditions. Moreover, a management strategy can't be developed without knowing what the potential impacts will be from various scenarios.</p> <ul style="list-style-type: none">• Phase 1<ul style="list-style-type: none">○ Include the identification of priority geographical areas, with overlapping priorities or watershed issues. Look to previous Watershed Plan Implementation Plans for examples.○ Climate conditions should also be identified in the existing conditions phase.○ In Data Requirements and Collection, we suggest grouping the components listed into larger headings. For example:<ul style="list-style-type: none">▪ Water Resource System▪ Natural Heritage System▪ Water Quality▪ Natural Hazards▪ Infrastructure○ This list should also be tabular with recommended benchmarks or indicators for each component (e.g., amount of natural cover in hectares, water quality parameters of concern based on PWQO, # of flood vulnerable roads/structures, aquatic community rankings (FBI, IBI).• Phase 2<ul style="list-style-type: none">○ In 3.3.2: In the list of inputs used to identify targets, for consistency with provincial policies, please revise to indicate that development is to be directed away from hazardous lands (and further s. 3.1.5 of the PPS prohibits certain development). Also, key hydrologic features are to be protected as well as natural heritage features and their areas of influence or areas of interference with specific requirements for how development could occur there. This list is broader than just sensitive habitats and wetlands and should be recognized for clarity purposes.○ In 3.3.2: Regarding alternatives, the 2018 watershed guidance gave practical examples and case studies. In an Appendix, the Guide could provide direction on how the alternatives should be designed using examples.○ In 3.3.3: Regarding environmental assessments and/or master planning processes alignment with subwatershed plans, the 2018 guidance attempted to provide direction on this and the record of comments from that time should be part of this process. There were sections and tables providing practical examples of outputs from (sub)watershed planning and how they can inform different aspects of municipal land use and infrastructure planning based on provincial policies. Examples:
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	<ul style="list-style-type: none">▪ the identification of WRS, NHS and appropriate buffers to inform any development planning▪ Priority areas for stormwater retrofits or LID implementation based on water quality, flood, and erosion risk.▪ Priority areas for ecological restoration and enhancement to mitigate impacts of land use and required infrastructure. <ul style="list-style-type: none">• Phase 3<ul style="list-style-type: none">○ In 3.3.3, we recommend grouping the list on p. 29, as mentioned in previous comment, by overall themes and including recommendations on benchmarks or indicators per component.<ul style="list-style-type: none">▪ The list is missing WRS (but does mention NHS)○ Significant emphasis needs to be put on this phase, including strategies to actively implement the recommendations by the municipality, CA and through partnerships with owners/industry, utilities, agencies, etc.○ Include the identification of geographic target areas for strategic implementation, where multiple issues may be present that require a comprehensive approach to retrofit or improvement at the catchment/neighbourhood scale. The TRCA Sustainable Neighbourhood Action Program is a nationally recognized award-winning program at the catchment level or neighbourhood scale that can be referenced for examples to inform this point.○ Include the engagement of stakeholders (upper and lower tier municipal and CA departments, industry, agencies, utilities) in identifying targeted areas of shared interest and aligning projects for priority implementation. This may support achievement of subwatershed objectives through projects led by others.• Subwatershed Plan Timelines<ul style="list-style-type: none">○ In 3.3.4, the timeline acknowledges that most of the work occurs during the three phases of step 3 but doesn't account for the other steps in the process. See previous comments on simplifying the process.<ul style="list-style-type: none">▪ Suggest a Gantt chart to illustrate the progression of the stages.
Approval and Implementation of Plan (Step 4)	<ul style="list-style-type: none">• Include the identification of community co-benefits as part of the subwatershed plan implementation (e.g., cost savings of green infrastructure, human health and well-being benefits, skills training, and education, in addition to benefits for the infrastructure and development approvals process including creating certainty for infrastructure and investment, streamlining of successive planning approvals, etc.)• Include the sharing/communication of plan objectives, recommendations and priority projects with stakeholders and community in support of shared implementation

Attachment 6: TRCA Submission on ERO_019-4978

<p>Monitoring and Evaluation (Step 5)</p> <ul style="list-style-type: none"> – Monitoring – Evaluation 	<ul style="list-style-type: none"> This section emphasizes the need for monitoring and evaluation over the long term for successful implementation of the subwatershed plans. This will provide guidance that is beneficial for the subwatershed planning process. Given that long term monitoring needs of the subwatershed, studies need to be nested within the broader regional monitoring programs, often embedded within the watershed plans; it would be helpful if the Guide included clearer directions on CA roles and responsibilities and demonstrated examples of such programs, e.g., long-term regional monitoring services that CAs provide to municipal partners emphasizing their benefit to subwatershed and watershed planning. We recommend that the Guide add this information for clarity and to ensure that an effective monitoring and evaluation process is put in place. We would be pleased to provide such examples of such services from our work with municipal partners including, York, Peel, Durham, and Toronto in our jurisdiction.
<p>4. Public Engagement</p>	<ul style="list-style-type: none"> Very little detail is included regarding the importance of broader public engagement in the (sub)watershed planning process (outside of the steering committee). There is no mention of the development of an engagement plan which is needed to establish engagement methods, timelines, record keeping, how results will be communicated, etc. We recommend that this guidance on engagement be added to the Guide. In our jurisdiction we have attempted to coordinate this engagement with Municipal Comprehensive Review or other appropriate land use planning processes involving our municipal partners to ensure stakeholders and the public are engaged in the most efficient way possible.
<p>5. Indigenous Partnerships and Engagement</p>	<ul style="list-style-type: none"> This section emphasizes the need for Indigenous partnerships and engagement, which we highly commend.
<p>Appendix A – Key Technical Tools and Considerations</p>	<ul style="list-style-type: none"> It is unclear how a definition of components is a technical tool and consideration. A matrix outlining indicators, research questions, and reference materials for each component would be more useful. For example, guidance on how to delineate the WRS including methodologies for identifying each KHF and KHA should be included. <u>Note</u>: water quality is the only one that provides some direction on how to do an assessment and on types of indicators to employ, but it could be better organized in a table. Reference to the NHS is missing and the Province’s Natural Heritage Reference Manual has been a key tool for subwatershed processes we have been engaged in and should be referenced here. There is a critical need to modernize the 2002 natural hazards provincial technical guidelines (flooding and erosion) to incorporate climate change and cumulative impact considerations, to account for technological advancements in modelling methodologies and mapping outputs, and to provide technical and policy guidance specific to flood risk and mitigation in the urban context.

Attachment 6: TRCA Submission on ERO_019-4978

TRCA appreciates the Ministry's collaborative efforts in producing this Guide as a member of the multi-stakeholder Conservation Authorities Working Group that provided input for the Guide.

Thank you once again for the opportunity to provide comments on this ERO proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

< Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
 Sameer Dhalla, Director, Development and Engineering Services
 Laura DelGiudice, Associate Director, Watershed Planning and Ecosystem Science
 Namrata Shrestha, Senior Manager, Watershed Planning and Reporting

Attachment 7: TRCA Submission on ORR_22MMAH002

March 12, 2022

BY E-MAIL ONLY

Minister of Municipal Affairs and Housing
Building and Development Branch
777 Bay Street, 16th floor
Toronto, ON
M7A 2J3

Re: Proposed Interim Changes to the 2012 Building Code to exempt sheds from Building Code requirements (ORR #22-MMAH002)

Thank you for the opportunity to comment on proposed changes to the 2012 Building Code to exempt sheds from Building Code requirements, as posted to the Ontario Regulatory Registry (ORR) by the Minister of Municipal Affairs and Housing.

Toronto and Region Conservation Authority (TRCA) conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in the Ministry of Environment Conservation and Parks "A Made-In-Ontario Environment Plan," CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. TRCA's participation in the review and approval of development applications under the *Planning Act* helps to ensure that development approved under the *Planning Act* can also meet the regulatory requirements governing the issuance of permits under the CA Act.

Government Proposal

We understand that the Ministry is seeking input on potential amendments that would exempt auxiliary structures (e.g. sheds) under 15 m² from Building Code requirements, where currently auxiliary structures 10 m² in area or smaller (without plumbing) are not considered “buildings” and thus need not require a building permit under section 8 of the Building Code Act. We note that this exemption would be based on size threshold alone and that other related technical requirements (i.e., no more than one storey, located a minimum of 3 m from buildings/structures/fences, does not contain plumbing, and is used only to store household/property-related items). We note that the expressed intent of this amendment is to, “provide more flexibility for property owners who want to store equipment and other belongings in sheds that are slightly larger than 10 m²”.

Lastly, we understand that, regardless of whether such an auxiliary structure is deemed to be a building, and therefore subject to Building Code requirements, that municipal zoning by-law (ZBL) requirements must still be met.

Comments

TRCA staff appreciate the intent of this proposal given the need to streamline development approvals. We recognize the importance of efficiency, certainty, transparency, and accountability in development review processes, so that projects can occur in a timely and environmentally sustainable manner. While we do not principally object to this proposal given it would streamline the approval of certain minor auxiliary structures, we note the following:

1. Pursuant to section 3.1 of the PPS, development and/or site alteration is generally to be directed outside natural hazards (e.g., flooding, erosion, dynamic beach).
2. While auxiliary structures of a certain size may be exempt from requiring a permit under the *Building Code Act*, some structures may still meet the definition of development under section 28 of the CA Act and a TRCA permit may still be required prior to construction.

In our experience in working with municipal partners to prevent or reduce risk to life and property from natural hazards, auxiliary structures are frequently proposed within or abutting hazardous lands traversing residential properties. In some instances, such structures are constructed without the appropriate municipal and CA permits and/or designed or converted to maintain a habitable use, thus increasing overall risk, as well as costs associated with enforcement activities. The respective permitting requirements of municipalities and CAs under the *Building Code Act* and CA Act, and subsequent enforcement activities, help to deter and remediate such occurrences. As such, we are concerned that the proposed amendments to expand exemptions for auxiliary structures under 15 m² could exacerbate these issues.

Attachment 7: TRCA Submission on ORR_22MMAH002

TRCA Recommendation

We recommend that direction be provided to the bodies responsible for enforcing Ontario's Building Code to guide structures exempt from permits under the Building Code Act to areas outside natural hazards, in accordance with provincial policy, and to note that permits for such structures pursuant to CA's regulatory authority under the CA Act may still be required.

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

< Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services
Steve Heuchert, Associated Director, Development Planning and Permits
Adam Miller, Associated Director, Development Planning and Permits

Attachment 8: TRCA Submission on ERO_019-4971

March 28, 2022

BY E-MAIL ONLY (John.Antoszek@ontario.ca)

John Antoszek
Ministry of the Environment, Conservation and Parks
Water Standards
40th St. Clair Avenue West, 9th floor
Toronto, ON M4V 1M2

Re: Low Impact Development Stormwater Management Guidance Manual (ERO #019-4971)

Thank you for the opportunity to comment on the proposed Low Impact Development (LID) Stormwater Management (SWM) Guidance Manual (herein referred to as “the proposed Manual”) posted to the Environmental Registry of Ontario by the Ministry of Environment, Conservation and Parks (MECP).

Toronto and Region Conservation Authority (TRCA) conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry’s Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in MECP’s “A Made-In-Ontario Environment Plan,” CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, to conserve natural resources.

GOVERNMENT PROPOSAL

The purpose of the proposal is to consult on a new guidance manual that provides information and guidance on innovative stormwater management practices, including green infrastructure (also known as low impact development (LID)). We understand that the proposed Manual does not contain mandatory requirements but rather provides information for municipalities, developers, consultants, agencies, and others on the benefits of LID SWM, including flexible guidance to assist with implementation of a holistic treatment train approach to SWM using the full spectrum of source, conveyance, and end-of-pipe controls. The proposed Manual is intended to be read in conjunction with the 2003 Stormwater Management Planning and Design Manual and the 2008 Design Guidelines for Sewage Works. We further understand that while these existing documents remain applicable, the proposed LID Manual updates and replaces certain infiltration and filtration guidance, including climate change considerations.

GENERAL COMMENTS

Attachment 8: TRCA Submission on ERO_019-4971

TRCA appreciates that the proposed Manual intends to help facilitate a shift towards more sustainable land use planning and design that places greater emphasis on LID and green infrastructure measures. Further, we applaud the Manual's strong positioning on volume control requirements and promoting better uptake of source controls.

We note that the proposed Manual builds upon previous efforts to provide LID guidance and update the 2003 Manual, most recently in 2020. While we appreciate that some of TRCA's previous comments on the 2020 update exercise have been incorporated into the proposed Manual, many others have not. In these general comments, we highlight key areas of concern that we had raised in our previous comments and are still applicable to the current review.

Improving implementation through the Plan Review process

We wish to highlight the need for municipalities and CAs to better understand how to incorporate the information in the proposed Manual through the plan review process, such that development applications that proceed through municipal and/or CA planning and permit stages are consistent with provincial expectations. In this regard, the Manual would benefit from establishing a stronger position at the planning approval stage to see implementation of LID best practice successful, prior to construction drawings and property allowances being established as part of an Environmental Compliance Approval (ECA) permit. Moreover, it would be helpful for the Province to provide training sessions for approval agencies on interpreting the Manual and navigating through the planning and permitting processes.

Feature-based Water Balance

TRCA staff finds that the Manual overlooks emerging science and best practice with respect to ecosystem services associated with the protection of the hydrologic function of natural features. We are concerned that the Manual oversimplifies the process for protecting the hydrology and water quality of key hydrologic features such as wetlands. This has the potential to stifle innovative approaches to achieving public and private shared objectives for protecting ecologic and hydrologic functions, property and infrastructure.

Both TRCA and Credit Valley Conservation (CVC) are recognized as leaders in environmental management, including SWM and ecological protection. In 2012, after an extensive external consultation process with neighbouring CAs, municipalities and the building industry, the two CAs collaboratively adopted updated Stormwater Management Criteria, which for the first time considered criteria for the protection of hydrological functions of natural features.

The TRCA/CVC SWM Criteria document recognizes that wetlands, watercourses, and woodlands rely on hydrological processes to maintain their ecological functions. Both CAs and our municipal partners have experienced these functions being dramatically impacted by urban development. Our SWM criteria helps address these issues by requiring a "feature-based" water balance analysis (where warranted based on scope, scale, and sensitivity) to ensure that the hydrological function of natural features, and their concomitant ecosystem services, are protected. Conducting feature-based water balance can also help prevent impacts to private property and municipal infrastructure (e.g., nuisance flooding), which, in our experience, can create significant liability issues for municipalities.

TRCA has been working closely with our municipal partners and the development community to develop a variety of tools to facilitate these types of analyses and believe the Province could build upon this work by promoting this approach through the proposed Manual. Through our CA network, we recognize that other CAs are also experiencing detrimental impacts to natural features within their jurisdiction where feature-based water balance is not being adequately considered. A strong provincial position in the Manual for maintaining hydrologic and ecologic function through SWM would help raise the bar for water resource and natural feature protection in Ontario and would enhance implementation guidance for

Attachment 8: TRCA Submission on ERO_019-4971

provincial policy (e.g., PPS 1.6.6.7 and Growth Plan 3.2.7). We would be happy to further discuss the work we have been doing in this regard and how it could be incorporated into the proposed Manual.

Focusing on Climate Change

TRCA welcomes the focus on climate change and its impact on stormwater infrastructure. However, this chapter includes a lengthy general discussion that could be significantly reduced through more concise messaging by referencing other documents, including recent reports by Environment and Climate Change Canada (e.g., Canada's Changing Climate Report, 2019, and Canada in a Changing Climate National Issues Report, 2021). Accordingly, we recommend condensing the climate change section to focus on how climate change will directly affect the design of SWM facilities, and how to establish climate change parameters to adjust rainfall volumes and intensities in the design of the SWM/LID best management practices (BMPs).

Setting Direct Targets for Greater Certainty

We acknowledge that the proposed Manual is intended as guidance and does not include mandatory requirements. However, the predominance of encouraging language like "should" and "may" makes it difficult to understand the exact design criteria necessary to obtain a provincial permit and what must be undertaken to achieve a proper SWM strategy. TRCA staff recommend that the document explicitly state what is required in the Manual's Hierarchical Approach in achieving a Runoff Volume Control Target while moving from Priority #1 to #2 and then to #3. In addition, the Manual should provide clear direction to municipalities and CAs regarding exactly what must be undertaken to achieve a practical design.

DETAILED COMMENTS

In our detailed comments below, we provide examples of CA and municipal work completed in relation to the matters above and others and make recommendations for how they could be incorporated in the proposed Manual. The comments often refer to TRCA's previous comments on the May 2020 draft document, as several of them are still applicable.

1.0 Introduction	
1.2 Role of Ministry Guidance Documents	This section references the 2003 Manual stating that the document inaccurately presupposes that lot level and conveyance controls will not, on their own, satisfy all of the stormwater management criteria, and that in all cases end-of-pipe facilities will be required. The proposed Manual goes on to explain that this is inaccurate because it has been demonstrated that LID installations, when properly sited, designed and maintained, have met all of the performance requirements for SWM. This statement shows that there is a possibility that LID facilities can be used to achieve quantity (flood) control criteria. The statement should also acknowledge that there are challenges to ensuring the proper perpetual function of LID measures installed on private property, and recognize that not all cases of LID installed on private property will receive credit for quantity (flood) control criteria.
1.2 Role of Ministry Guidance Documents	In relation to the 2003 Manual, the text reads: <i>"Aside from the minimum infiltration rates, the design guidance for lot level and conveyance controls in the 2003 Stormwater manual remains valid."</i> There are other elements of the Guide that also require updating (e.g., equations 4.2 and 4.3 are incorrect). Consider including a statement that acknowledges the age of the manual and the evolution of design guidance over time. It would be reasonable to direct readers to more up to date sources of information for design guidance, such as

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	the LID Stormwater Management Planning and Design Guide wiki page . The TRCA/CVC 2010 hard copy guide with the same name is no longer the most current guidance.
1.2 Role of Ministry Guidance Documents	Table 1.1 – Both the table and this section suggest that design guidance provided in the 2003 Manual is sufficient. We suggest strengthening this section by referencing later sections in the manual that present other LID resources.
1.8 Introduction to Green Infrastructure and Low Impact Development	Table 1.2 - Consider including Wetlands in the “Natural” column.
1.8.7 Bioretention (Rain Gardens)	This sub-section could include additional information regarding substrate layers used and optional underdrains. We suggest including a link to the LID Stormwater Management Planning and Design Guide wiki page for further details.
1.8.1.9 Permeable Pavements	Fourth Photo (Permeable Plastic Grid System) – We caution that this photo does not appear to represent good design practice and should be updated.
1.9 Supporting Resources	LID Resources for Planning Design – We suggest including the LID Treatment Train Tool in this section as it is a useful tool for LID site planning and design, especially to evaluate whether SWM criteria are being met.
1.9 Supporting Resources	<p>We suggest rewording the third paragraph (page 31) as follows: “<i>The CVC/TRCA LID Stormwater Management Planning and Design Guide has been transitioned to a curated website (www.wiki.sustainabletechnologies.ca) that encourages feedback from users and is regularly updated as new information becomes available. Guidance provided on the website supersedes guidance provided in the 2010 LID Planning and Design Guide in instances where the same topic is addressed.</i>”</p> <p>In addition, we suggest changing the picture from the 2010 guide to the website since the latter contains more up-to-date guidance.</p>
1.9 Supporting Resources	<p>LID Planning and Design (retrofits) - It could be misleading to suggest that the CVC retrofit guides are the only source of design guidance for retrofit projects. The 2010 LID Planning and Design Guide provides design guidance both for new and retrofit projects. It is our intent to consolidate relevant supplementary information relating specifically to retrofit projects (from the retrofit guides) into the main wiki guide to help satisfy repeated industry requests to have all information provided through a single source. We suggest clarifying that the 2010 and wiki guidance applies both to new and retrofit projects.</p> <p>Any updates provided through the wiki guide should also be regarded as superseding older information provided in earlier formats, including from the retrofit guides (this is important to acknowledge as the information is otherwise contradictory).</p>

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	Consider compiling retrofit guide descriptions into a single section as they have the same theme and there is considerable overlap in process and guidance across land use types. Alternatively, the section could be shortened by only referencing the design guide, construction guide, and inspection & maintenance guide with a note directing readers to the wiki website for other resources. The Sustainable Technologies Evaluation Program (STEP) is currently adding significant content to the wiki related to LID inspection and maintenance, LID construction, plan review checklists and other topics through an MECP grant with a final delivery date of September 2022. New LID fact sheets that supersede those provided in the earlier 2010 guide are now available on the wiki.
1.9 Supporting Resources	LID Resources for Construction, Maintenance, Assumption and Lifecycle Activities – Please include a link to the Life Cycle Costing Tool , which underwent a significant update in 2019 and again in 2021. The tool includes planning level estimates of LID practice capital, maintenance, and rehabilitation costs with user editable fields to tailor costs to specific site contexts.
2.0 Environmental Planning Process	
2.2. Planning for Stormwater in a Watershed Context	<p>It is understood why local study and target development are a desirable approach, however, this section allows too much flexibility in target setting. The objectives that this approach is required to achieve (Section 1.3) do not provide clear requirements or intent. <i>“Reduction in occurrences of undesirable geomorphic change”</i> or <i>“protecting ecosystems to the extent possible”</i> does not provide firm direction to feed into watershed and subwatershed plans, stormwater master plans, environmental management plans or master environmental servicing plans. There is a significant risk that these plans will result in reduced targets from the 90th percentile.</p> <p>We suggest that this section require target setting for watershed and subwatershed plans, stormwater master plans, environmental management plans or master environmental servicing plans using the process provided in Chapter 3. It should be noted that given provincial direction and municipal standards, most new large-scale development will take place through the development of at least one of these plans.</p>
2.2 Planning for Stormwater in a Watershed Context and 2.3 Environmental Assessment	<p>SWM considerations need to be promoted at the earliest stages of the planning process, as SWM facilities and LID BMPs require adequate property allowances, proper siting, and accessibility by maintenance crews to be successful. This can only happen if the SWM/LID BMP consideration is brought forward as early as possible, during conceptual lot layout. The concern here is that the Province has typically not been involved during early stages to date, and there are inconsistent approaches by municipalities leaving CAs to try and achieve water balance through LID BMP usage through planning/permit approvals.</p> <p>Further to the comment above regarding direction for studies in the early planning stages, we recommend that provincial direction/influence be</p>

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	<p>established at the planning approval stage to ensure successful implementation of LID BMPs. Waiting until construction drawings are produced and property allowances are already established as part of an ECA permit application, is often too late to make implementation feasible.</p> <p>Existing conditions needs to consider the receiving system, whether watercourse, wetland or other feature, and an extensive analysis on the function and capacity of the receiving system.</p>
3.0 Stormwater Design Criteria: Runoff Volume Control Target	
3.1.1 Watershed Impervious Area	<p>As TRCA has commented in prior versions, the establishment of the 10% impervious/90% control target is based on a watershed level analysis, which is not appropriate in all situations. Using this as a blanket establishment could potentially result in a risk to the receiving system, as it does not consider the hydrologic needs of the receiving system, nor the capability of the soils to continuously take increased runoff volumes associated with development. There needs to be further recognition that the receiving system (and surrounding features) needs to be considered in an extensive existing conditions site assessment and water balance, rather than a blanket approach that could ultimately be more harmful to receiving systems.</p>
3.1.1 Watershed Impervious Area	<p>Third bullet – This statement conflicts with Figure 3.1 that illustrates 10% runoff occurring from 100% natural cover and 10-20% impervious cover producing 20% runoff.</p>
3.1.2 Background of the 90 th Percentile of Precipitation Event	<p>Based on studies cited, there is no evidence that controlling for the 90th percentile event (rainfall depth ranking) can control 90% of average annual rainfall. Most of the studies indicated that controlling for the 1.25- or 1-inch rainfall depth captures 90% of average annual rainfall, but they didn't connect the depth to a rainfall depth percentile (rank). Only the first study mentions a rainfall depth percentile, but the context is related to water quality treatment not annual rainfall capture. Essentially the target is to have only 10% of the annual water balance be runoff to mimic the water balance of a natural area. It is not evident from the case studies presented that this can always be achieved by controlling the 90th percentile storm event.</p>
3.2 Runoff Volume Control Target for Ontario	<p>We are happy to see that the assumption of “stationarity” is appropriately acknowledged as being no longer valid in Chapter 6.0 (Climate Change). However, the Runoff Volume Control Target (RVCT) for Ontario described in section 3.2 is entirely based on historical rainfall patterns (1970-2005) and recommends rainfall depth ranging from 23 mm to 32 mm across Ontario. There seems to be a gap between the critique of the assumption of stationarity and the proposed RVCT. For example, how does the current rainfall depth range of 23 to 32 mm compare with future climate change projections for the province? Can the 90th percentile precipitation event be managed by this rainfall depth range in the future under changing climate conditions? At a minimum, consider providing the rationale for not including consideration of future climate in development of the RVCT.</p>

Attachment 8: TRCA Submission on ERO_019-4971

	<p>There also seems to be a disconnect between Chapters 3.0 and 6.0. Chapter 6.0 suggests various ways to assess climate change risks and impacts and integrate climate change considerations into SWM design and planning. However, there appears to be no mention of the RVCT and how that should be implemented along with other climate change considerations.</p>
3.2.2 Runoff Volume Control Target for Development	<p>Please provide examples as to what would restrict a development, redevelopment, or linear development site from feasibly providing Control Hierarchy Priority #1 or #2. The concern is that consultants, developers, and municipalities could manipulate the list in Section 3.2.5 to bypass water balance LID BMPs in favour of Priority #3, or conventional practices, as it is easiest and currently understood by them. Moreover, the Province should provide guidance on how it will ensure the practices discussed as Priority #1 and #2 will be adequately used, as CAs have been requesting these for a long time with minimal headway being made, and municipalities continue being one of the strongest to resist for the reasons of maintenance and ROW constraints.</p> <p>Further, please clarify if the remaining rainfall is automatically treated using Priority #3 if it is determined that the water balance requirement for the site is less than the 90th percentile rainfall.</p>
3.2.4 Additional Considerations for Linear Structure	<p>The proposed Manual discusses the impacts of converting a rural cross-section to an urban curb and gutter but does not provide a strong requirement. In TRCA staff's experience, municipalities and/or consultants try to state that the existing asphalt is already "considered" in the downstream system, and only the new pavement needs to be treated. It would be helpful for approval agencies if the Province provided a clear, absolute statement clarifying that, for rural cross-section conversions where grassed ditching (aka, bio-swales) are removed, the entire roadway needs to now be treated given that the existing form of treatment (ditches) are being removed and need to be replaced.</p>
3.2.5 Flexible Treatment Options	<p>Please clarify the following:</p> <ol style="list-style-type: none"> 1. The proposed Manual specifies that High Groundwater suggests that water table levels be greater than 1m separated from the LID. However, TRCA staff have found this to be highly prescriptive given the fluctuation in seasonal groundwater levels. TRCA staff have allowed numerous LIDs with less than 1m freeboard to the water table based on detailed studies confirming appropriateness. Consider adjusting the wording to remove the 1m suggestion and establish the freeboard between water table and LID based on hydrogeologic study. In our experience, proponents tend to see the "1m" and use this as a firm rule that may be used as justification to bypass using LIDs. 2. Please clarify whether areas with contaminated soils that have been rehabilitated can be used for infiltration and if there are steps that need to be taken to confirm soil remediation is successful. 3. Item j) needs to be clear that a feature's requirements need to be determined based on a separate feature-based water balance, and the remainder of the site can adhere to the requirements of this document. Further, features should only be fed using "clean" runoff (rooftop, rear-yard,

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	<p>parkland, etc.), and contaminated storm runoff directed away from the feature unless volume requirements are too restrictive.</p> <p>4. The options provided in the document are sensible. However, CA staff commonly see reluctance and refusal from municipalities on the use of LIDs, often for far less restrictive reasons, such as maintenance staff's inexperience in dealing with LIDs. It would be helpful for the Manual to address these issues and break these barriers for CAs and municipal partners to ensure that Priorities 1 and 2 are achieved.</p>
3.2.5 Flexible Treatment Options	Table 3.2 – Bullet (I) does not provide clear exemption criteria. We suggest its addition for further clarity.
3.2.6 Direct Discharge to Waterbodies, Watercourses or Wetlands	Please note that direct discharges to wetlands may also have specific requirements to maintain the feature-specific hydrological balance.
3.3 Water Quality Expectation	For sites that use Priority 1 or 2 BMPs as part of a treatment train in series (i.e., a bioswale that discharges to an infiltration chamber), please provide a method for determining the combined total suspended solids (TSS) removal of the combined BMPs. Further, several suggested LIDs have limited to no information on how to determine a TSS removal rate, or design parameters required to confirm LID size (i.e., bio-swale length and size to provide 80% TSS filtration). Please clarify if this information will be provided in a subsequent document or if there are references that can be used.
3.3 Water Quality Expectation	<p>Last paragraph after the bulleted list - If rainfall intensity is to be used as a design parameter, further guidance is needed to help practitioners select rainfall intensities that factor in future climate conditions. While tools are proposed (e.g., MTO's IDF Curve Lookup, IDF curves from the Ontario Climate Change Data Portal, and University of Western Ontario's IDF CC Tool), there is a need for more systematic analysis of the similarities and differences of these tools and a more consistent approach to selecting future rainfall intensity.</p> <p>Furthermore, as noted in Chapter 6, many municipalities have started assessing how existing stormwater infrastructure will respond to predicted climate change impacts by running computer simulations that take into consideration updated peak rainfall estimates (from revised IDF curves) or percentage-based increases to rainfall depth. We advise on formulating guidance and recommendation of a province-wide approach that would support and help guide local activities to avoid many disparate approaches being adopted across different jurisdictions.</p>
3.3 Water Quality Expectation	<p>Last paragraph after the bulleted list - Rainfall intensity is not an important design parameter for LID because storage-based facilities are typically designed to fully contain the runoff volume control target on the surface (e.g., bioretention) or underground (e.g., chambers) without overflow. Hence, the caution regarding rainfall intensity and overflows may not be necessary. TRCA's current sizing guidelines for bioretention on the wiki page allow for consideration of the volume infiltrated into the filter media over the course of the event, which would normally be conservatively set at 1 hour (to account</p>

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	for climate change). Is there a recommended duration associated with the design event? In the 2003 Manual the 15 mm 4-hour event is suggested as a design event for infiltration sizing. Since the 90 th percentile event is larger, the size is no longer valid, but what about the duration? Are design events to be used in LID sizing, and if so, is there guidance on which ones? It seems like the proposed Manual leaves this to others to decide based on local codes or historical precipitation records.
4.0 Groundwater	
4.2 Groundwater Risks from LID BMPs	First paragraph (page 89) – Please note that TRCA's 2008 study did not measure chloride. We recommend revising the third sentence to read as follows: <i>"With the exception of chloride, which was not measured, contaminant levels were generally below Ontario soil 'background' concentrations for non-agricultural land uses."</i> In addition, please note that Young and Van Seters, 2009 also covered this topic in detail with reference to the TRCA, 2008 data as well as other data on soil quality in highway ditches and infiltration basins (soil quality in these high loading areas has been impacted, but primarily within the upper soil horizons).
4.2 Groundwater Risks from LID BMPs	Figure 4.2 - The figure and text above show the issues related to chlorides and infrastructure. The document only provides observations from the material and a conclusion or recommendation is not brought forward. Please confirm if using LID BMPs receiving salt-laden runoff (from a municipal right of way [ROW]) is provincially acceptable, where the groundwater systems are not sensitive to salt. This is necessary to understand to establish boundaries for infiltration practices with ROW infrastructure.
4.2.3 Groundwater / Surface Water Interaction and Water Quantity Risk	We suggest including under this section that certain agencies have requirements for the protection of sensitive natural features, such as TRCA's Feature-based Wetland Water Balance criteria and associated guidelines . Please see TRCA's technical guidelines webpage , specifically, the guidance documents listed under "Stormwater Management Guidelines".
5.0 LID Modelling Approaches	
Entire Chapter	We appreciate the useful tips included in this chapter regarding water balance modelling. However, there is little information practitioners can use when quantifying the water budget. The 2003 Manual provides practitioners information that is more useful for design in a concise manner. We suggest both Chapter 5 and Appendix 5 be paired down to only practical information useful for practitioners, and possibly include a compendium document that gives the details provided in the current document for when it is necessary.
5.3.2 Pre-Development Site Conditions	Please clarify if the 90 th percentile retention expectation would still be required if pre-development site conditions showed a much higher than 10% runoff from the site. It should also be clarified how pre-development site conditions and targets are integrated with the 90 th percentile storm expectations. We suggest addressing this topic earlier on in Chapter 3 (target hierarchy) rather than on Chapter 5.

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6.0 Climate Change	
6.5 Roles in Addressing Climate Change	Third bullet under the CAs sub-section (page 140) – We suggest revising, <i>“Enforce development regulations in light of climate change risks”</i> to <i>“Assess risks associated with natural hazards including impacts of climate change, and administer development regulations in light of these risks.”</i>
6.6.2 Assessing Climate Change at the Watershed Scale	<p>We recommend including a statement recognizing that some CAs provide a watershed level analysis of quantity control requirements, providing release rate targets to maintain existing flood levels and not increase flood impacts throughout the watershed and across municipal borders. Further, CAs provide extensive leadership and guidance related to water balance and LID BMPs, especially towards feature protection and maintenance of hydrologic integrity.</p> <p>The Province has not given direction as to how climate change is to be considered in flood plain mapping, as the technical basis for flood plain mapping is based on a series of Regulations/Technical Guides that the Province (MNDMNRF) has established around either actual hurricane level events (Hazel, Timmins) or the 100-year event. Until further direction is given through an update to the MNRF 2003 flood plain mapping guidance documents, climate change cannot be considered with flood plain mapping.</p>
6.8.1 STEP 1 – Identifying Climate Change Considerations	Consider adding temperature extremes to the list of “Key observed and predicted climate change parameters” (page 146), including extreme heat and extreme cold.
7.0 Erosion and Sediment Control During Construction	
General	The STEP/TRCA 2019 ESC Guide provides specific guidance on measures recommended on construction sites for erosion and sediment control. We suggest referencing the guide within this section rather than reiterating this information.
8.0 Operation and Maintenance	
General	The STEP/TRCA document linked here provides specific guidance on inspection and maintenance of LID BMPs integrated into SWM systems. We suggest referencing the STEP guidance within this section rather than reiterating this information.
Appendix 1 – Glossary of Terms	
General	<p>We suggest adding the following terms to the list, all of which are terms used in the main document:</p> <ul style="list-style-type: none"> • Ecologically Significant Groundwater Recharge Area (ESGRA) • Significant Groundwater Recharge Area (SGRA) • Vulnerable Areas as defined under the <i>Clean Water Act</i> • Wellhead Protection Area (WHPA)

Attachment 8: TRCA Submission on ERO_019-4971

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

BY E-MAIL

cc:

TRCA: Sameer Dhalla, Director, Development and Engineering Services
Laurie Nelson, Director, Policy Planning
Darryl Gray, Director, Education and Training

Attachment 9: TRCA Submission on ERO_019-4967

March 28, 2022

BY E-MAIL ONLY (mirek.tybinkowski@ontario.ca)

Mirek Tybinkowski
Ministry of the Environment Conservation and Parks
Great Lakes and Inland Waters Branch
40th St. Clair Avenue West, 10th floor
Toronto, ON M4V 1M2

Re: Municipal Wastewater and Stormwater Management in Ontario Discussion Paper (ERO #019-4967)

Thank you for the opportunity to comment on the Municipal Wastewater and Stormwater Management in Ontario Discussion Paper (herein referred to as the “Discussion Paper”) posted to the Environmental Registry of Ontario by the Ministry of Environment, Conservation and Parks (MECP).

Toronto and Region Conservation Authority (TRCA) conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry’s Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in MECP’s “A Made-In-Ontario Environment Plan,” CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, to conserve natural resources.

Government Proposal

We understand that MECP is seeking input on new opportunities and approaches to improve municipal wastewater and stormwater management and water conservation in Ontario, including through updates to current practices, including climate change adaptation. We further understand that the Discussion Paper does not include any specific policy, regulatory or legislative proposals and that initial input is being sought to inform potential future policy proposals.

Attachment 9: TRCA Submission on ERO_019-4967

General Comments

TRCA appreciates the intent of the Discussion Paper to start a dialogue on best practices in wastewater and stormwater management in light of a changing climate. TRCA's own policy document, The Living City Policies, contains policies for stormwater management (SWM) review and regulation that align with provincial and municipal policies for SWM, including meeting provincial criteria for flooding, water quality, erosion, and water balance. Meeting these criteria for the development and infrastructure in TRCA's jurisdiction is critical in assisting our provincial and municipal partners in preparing for the impacts of a changing climate.

In Chapter 3 of the Discussion Paper, master planning informed by watershed planning is mentioned as a broad infrastructure planning approach. However, this is provided without much context as to what is meant by this. We recommend further clarifying the role of watershed planning in informing water and wastewater planning to enhance implementation guidance of provincial policy.

Please see the following as our responses to some of the questions raised in the Discussion Paper.

Chapter 2 – Reducing Sewage Overflows and Bypasses, and Public Reporting

1. **Question:** *Should municipalities be required (e.g., through a regulation) to provide near real-time monitoring/modelling and public reporting of sewage overflows and bypasses, or should the decision be left to individual municipalities based on guidance material that would be developed by Ontario?*

Answer: TRCA supports greater transparency in reporting especially if it would lead to the reduction in sewage overflows and bypasses. We understand that this requirement could be financially onerous for smaller or lower-growth municipalities, particularly if applied province-wide. Any such regulation should include financial incentives to assist with municipal implementation and ensure effective data collection and modelling/monitoring. TRCA is currently working with the City of Toronto on water quality monitoring program and would be happy to provide further details on this program. The Toronto Wet Weather Tributary Monitoring Program monitors 28 locations throughout Toronto, targeting sites where watercourses flow into the jurisdiction and where they outlet into Lake Ontario. This will allow TRCA to determine how water quality changes as it moves through the City and will represent one of the most comprehensive urban water quality monitoring programs in North America. Using flow and water quality results, contaminant loadings can be calculated to quantify the City of Toronto's efforts to improve and modernize stormwater treatment and controls. A broad spectrum of parameters will be analyzed with some tracked, where possible, in real-time.

2. **Question:** *If it is to be a requirement, should it be province-wide or focused on problem areas (i.e., those areas with many sewage overflow and bypass events or high discharge volumes)?*

Answer: TRCA supports the regulation. The regulation should focus on problem areas but with detailed direction from the Province on how to define "problem areas."

3. **Question:** *What information should be reported to the public by municipalities when a sewage overflow or bypass occurs, how quickly would you want to know, and how should this information be made publicly available?*

Answer: TRCA staff appreciate the importance of improving transparency, particularly as it relates to public safety. The location, risk to public, risk to infrastructure and timing should be reported. The more informed the public is the more likely they will be safe and support the need for necessary mitigation. The sooner this information can be reported, the better. TRCA supports near real time reporting and recommends using a dashboard for reporting for larger municipalities. These systems are much less expensive than they once were and are regularly used by larger municipalities for

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infrastructure management and reporting. Real time dashboards can also save time by not having to constantly download and report on data. But for smaller municipalities, options should be made available to reduce overall costs.

Chapter 3 – Changing the Way Stormwater is Managed in Urban Areas

1. **Question:** *How can greater municipal adoption of green stormwater infrastructure/low impact development practices on public, private and commercial/industrial property be encouraged?*

Answer: The current proposed MECP LID Guidance and Criteria (ERO posting 019-4971) will go a long way to increasing adoption (please see TRCA comments on that ERO posting). The development of municipal standards and programs to encourage LID on private and public lands, guided by provincial standards is key. While standards and guidelines exist for how to implement LID, the problem is the lack of municipal programs and sustainable funding to monitor, maintain and enforce. TRCA supports SWM Fee and Credit systems that many municipalities are beginning to adopt.

Additionally, we suggest that clear and concise minimum standards and timelines for implementation could also assist with uptake. Alongside minimum standards, clear guidelines outlining best practices could also be provided.

2. **Question:** *Should there be a comprehensive and province-wide environmental protection policy or guidance document to provide clear direction on stormwater management to municipalities, developers, planning authorities and others? What should be included?*

Answer: We suggest a hybrid model where minimum standards are established through regulation with accompanying guidelines for BMPs. Minimum standards should include, but not be limited to, water quality criteria for discharges and minimum reuse percentages by industry, possibly based on annual consumptive water use, and timelines to clarify roles (who and when). Further, guidance should be provided with respect to implementation of all relevant water management policy direction in the PPS (i.e., Section 2.2.1). Additionally, guidance should include:

- A rationale outlining why implementation is important;
- BMPs by industry/annual consumptive water use/annual discharge volume to inform what practices and parameters are important; and,
- Technology options explaining how to achieve expected outcomes.

3. **Question:** *Should there be mandatory stormwater management design or technology requirements in Ontario? If so, how can that be phased in for new development and existing development areas?*

Answer: Guidelines for BMPs would advance adoption of new technologies, but it would be beneficial if the Province included mandatory minimum standards. Requiring a minimum stormwater retention rate for new development would help off-set climate change impacts, reduce the burden on municipal drainage systems and promote water conservation. Stormwater quality could be managed through requirements to monitor and meet effluent testing standards and address urban drainage systems beyond water quality standards. To this effect, we recommend the Province leverage existing guidelines put forward by CAs. For instance, in collaboration with CVC, TRCA maintains a Sustainable Technologies Evaluation Program (STEP) [wiki page](#) where we provide information on sustainable design, including our [LID SWM Planning and Design Guide](#).

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Chapter 4 – Updating Policies Related to the Management of Wastewater and the Quality of Ontario's Water Resources

1. **Question:** *What feedback do you have for the potential policy updates and new policies identified above?*

Answer: We support the proposed policy directions in principle, although we note that Lake Erie is not the only Great Lake experiencing algal blooms. As such, wider limits of phosphorous loading may be required.

2. **Question:** *What additional issues should be addressed in the updated or new policies?*

Answer: While the potential policy updates and additions appear reasonable and comprehensive, a possible complement (or alternative) to a regulation would be BMP guidelines, which would help drive additional benefits without causing undue financial hardship for certain municipalities without the means to appropriately implement regulatory requirements.

3. **Question:** *Considering the wide range and complexity of the potential policy updates and additions, this work will have to be undertaken in stages. Which policies should be updated/developed first?*

Answer: First, we suggest focusing on policies regarding nutrient loading onto the Great Lakes. Second, we suggest implementing policies to eliminate chlorine from municipal wastewater effluent. Finally, we suggest considering policies to provide consistency and clarity of expectations respecting proposals for new and managing existing systems for sub-surface disposal of wastewater effluent (i.e., large and multiple septic systems) and reuse of stormwater and wastewater effluent.

Chapter 5 – Promoting Water Reuse in Ontario

1. **Question:** How can the Province encourage water reuse and other water conservation measures in Ontario?

Answer: An encouraging regulatory framework and accompanying guidelines providing clear direction on minimal standards and BMPs would encourage water reuse and conservation. However, financial incentives should be provided to entice early adopters who would pay more due to economies of scale and the cost of research and development. Education and outreach programs highlighting the benefits of early adoption would be central to initial implementation and long-term uptake.

2. **Question:** What are the obstacles that prevent your business from using water reuse technology in your operations?

Answer: No comment.

3. **Question:** *Are there specific operations, facilities or sectors which may benefit from water conservation / water reuse?*

Answer: The benefits would likely be recognized across most, if not all, operations, facilities, and sectors. However, those that consumptively use the most water or produce the most effluent should be prioritized.

4. **Question:** *Should Ontario develop a regulatory framework or guidelines for water reuse?*

Answer: We suggest a hybrid model where minimum standards are established through regulation with accompanying guidelines for BMPs.

Chapter 6 – Recovering Resources from Wastewater

1. **Question:** *Should the Province apply a reduce, reuse, and recycle model to wastewater management?*

Answer: This would be a good starting point. As an example of how to implement such a model, please refer to [York Region's One Water](#) approach, an integrated planning and implementation approach that considers the urban water cycle as a single integrated system.

2. **Question:** *How could the Province encourage resource recovery at a centralized system such as a wastewater treatment plant, or at the source?*

Answer: Funding of pilot projects with willing partners would help incentivize development and implementation of newer technologies and innovative methodologies.

3. **Question:** *Do you see challenges to recovering resources from wastewater, and are there potential solutions?*

Answer: A potential challenge would be adoption by key stakeholders that rely on tried and tested technologies at lower cost. In the current scenario, there is no incentive to develop designs for emerging technologies. We suggest adoption of a hybrid model where a regulation is enacted with minimum thresholds accompanied by a set of guidelines with BMPs.

4. **Question:** *What do you think could be done to help increase uptake of innovative technologies and practices for resource recovery?*

Answer: First, we suggest making modifications to appropriate Codes (e.g., Building Code) to include specific mention and requirements to technologies. Second, we suggest engaging municipal staff, developers and key stakeholders through education and outreach (e.g., online working groups). Finally, the Province should consider financial incentives to early adopters as new technologies come with risks and uncertainties which can lead to higher costs.

Chapter 7 – Improving the Management of Hauled Sewage from Private Septic System

1. **Question:** *What are the potential benefits and/or challenges, including cost and environmental considerations, of the options identified in this section?*

Answer: A province-wide phase-out of land application could lead to a localized improvement near formal disposal sites. For improvements to be significant, a decommissioning plan followed by site restoration would help ensure longer-term gains are maintained. However, this could lead to an increase in illegal dumping with hard-to-quantify socio-economic and environmental impacts. Given the lack of receiving facilities in some locations, this option may be impractical and could lead to significant impacts for rural Ontarians reliant on septic systems.

Geographically-based bans based on local municipal wastewater treatment capacity could lead to localized improvement near former disposal sites. As noted above, it could also lead to illegal dumping elsewhere with difficult to predict impacts. However, this option would be more practical and feasible with moderate to significant impacts anticipated for rural Ontarians reliant on septic systems.

Ultimately, the third option to implement new guidelines for treatment, land application and trench disposal would be the most practical option with the fewest anticipated economic and environmental impacts (i.e., through reduced future illegal dumping), many of which could be mitigated via implementation of BMPs. A simple shutdown of such sites without proper decommissioning would not necessarily lead to environmental improvements.

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Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

BY E-MAIL

cc:

TRCA: Sameer Dhalla, Director, Development and Engineering Services
Laurie Nelson, Director, Policy Planning
Darryl Gray, Director, Education and Training

Attachment 10: TRCA Submission on ERO_019-5053

April 19, 2022

BY E-MAIL ONLY (Recovery.planning@ontario.ca)

Species at Risk Branch – Species at Risk Recovery Section
Ministry of the Environment Conservation and Parks (MECP)
30 Water Street
North Tower, 5th floor
Peterborough, ON K9J 3C7

Re: Requesting additional scientific information, traditional ecological knowledge and community knowledge to be considered in preparing recovery strategies for four species at risk (ERO #019-5053)

Thank you for the opportunity to comment on this Environmental Registry (ERO) posting. Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting wildlife species and their habitat given our roles as described below.

TRCA conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in MECP's "A Made-In-Ontario Environment Plan," CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, to conserve natural resources. Where endangered species are affected by development, provincial staff undertake concurrent review of planning proposal in accordance with the *Endangered Species Act* (ESA). TRCA supports our provincial and municipal partners in avoiding, mitigating, and compensating to protect and restore wildlife habitat in the planning and environmental assessment processes, and through our permitting process under the CA Act.

Government Proposal

We understand that under the ESA, the government must ensure that a recovery strategy is prepared for each species that is listed as endangered and threatened. A recovery strategy provides science-based advice on what

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is required to achieve a recovery of a species and can include knowledge from the public, stakeholders, indigenous communities, and organizations. Once recovery strategies are finalized, the MECP develops a government response statement for each species recovery strategy.

The MECP is requesting input on draft recovery strategies for the following species at risk (SAR):

- Black Ash (*Fraxinus nigra*)
- Cerulean Warbler (*Setophaga cerulea*)
- Gillman's Goldenrod (*Solidago gillmanii*)
- Red-headed Woodpecker (*Melanerpes erythrocephalus*)

General Comments

Of the four subject SAR, only two extend within TRCA's jurisdiction - Black Ash and Red-headed Woodpecker. Of these, TRCA staff have more experience with Black Ash and have focused our comments accordingly.

We find the Draft Recovery Strategy for Black Ash to be comprehensive and well-written. This Strategy's analysis of threats to recovery, the identification of knowledge gaps, recommended recovery goals, protection and recovery objectives, recommended approaches to recovery, and the area for consideration in developing a habitat regulation captures the primary challenges and opportunities for protecting and recovering Black Ash in Ontario. Our detailed comments to select sections of this Strategy are identified in the table below.

Section – Black Ash Recovery Strategy	Page	TRCA Detailed Comments
1.7 Knowledge gaps	21	Detailed Occurrence Information - Quantitative assessment of Black Ash population (density/age structure) surrounding basket making Indigenous communities vs. populations without Indigenous influence could be critical for identifying in-situ priority for Black Ash recovery sites and management of those sites.
1.7 Knowledge gaps	21	Emerald Ash Borer (EAB) - TRCA has observed some of these parasitic biological control agents within our jurisdiction. We suggest including a link (or more information) on how individuals can report these. There is no mention in the Priorities Section of a repository for this information (besides iNaturalist) or any indication that something will be created in the future.
1.8 Recovery actions completed or underway	27	Biological control of Emerald Ash Borer - There is no mention here of native biological controls (e.g., parasitic wasps). At least one native species (<i>Atanycolus cappaerti</i>) has been found to have utilized EAB larvae as a host. We suggest noting this under this section.
2.3 Recommended approaches to recovery	31	Approach to recovery 1.5 - This approach recommends, "rapid permit approval or exemptions for conservation efforts, including seed collection." A focus here should be on identifying exemptions for wetland habitat restoration, enhancement, and recreation to facilitate and support conservation efforts. Clear

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Section – Black Ash Recovery Strategy	Page	TRCA Detailed Comments
		exemption regulations are recommended that support the efforts of conservation organizations and landowners.
2.3 Recommended approaches to recovery	36	Approach to recovery 2.2 - The impacts of habitat loss and fragmentation are poorly understood and have not been quantified. Significant development pressure exists in areas that support Black Ash, specifically in Southern Ontario and across the Greater Toronto Area. The impacts of fragmentation of Ecological Land Classification (ELC) ecosite types that support Black Ash should be a focus of research and monitoring to better understand the impact on the species, and to further inform protection efforts and the area that should be considered in developing a habitat regulation. To this end, Recovery Objective 4.3 should better articulate the need to understand the impacts of habitat loss and fragmentation of ELC ecosite types, and the relative priority should be critical or necessary with a timeline of short-term rather than long-term.
2.3 Recommended approaches to recovery	40	Approach to recovery 3.4 - Engaging Indigenous communities to gather and share traditional ecological knowledge of Black Ash to support protection and recovery goals is assigned the lowest relative priority (Beneficial). We suggest upgrading this relative priority given the cultural importance of Black Ash to Indigenous communities and the desire of these communities to preserve their heritage and be part of solutions.
2.4 Area for consideration in developing a habitat regulation	46	The area recommended for consideration in developing a habitat regulation is appropriate to protect Black Ash and the ecological communities that support it. Understanding the impacts of fragmentation of ELC communities on Black Ash is critical to further informing a recommended habitat regulation, as dispersal and movement across ELC communities may be a critical factor in supporting species protection and recovery, particularly in areas where pressures on and impacts to wetlands and their hydrologic functions are significant.
2.4 Area for consideration in developing a habitat regulation	46	The draft Recovery Strategy outlines that management of Black Ash in Ontario may consider a Regional approach. This approach is supported to ensure that areas that are severely affected by Emerald Ash Borer and areas seeing the greatest decline of Black Ash are the focus of species and habitat protection and recovery. To this end, the recommended area for consideration in developing a habitat regulation could be further refined to take a Regional approach. This will ensure that areas seeing the greatest declines in Black Ash are the focus of habitat regulation. Suitable protection may already be afforded to Black Ash in areas where Black Ash populations are relatively secure in Ontario and threats to the species are minimal, e.g., the provincial protection afforded to Provincially Significant

Attachment 10: TRCA Submission on ERO_019-5053

Section – Black Ash Recovery Strategy	Page	TRCA Detailed Comments
		Wetlands in the PPS and provincial plans, as well as through municipal Official Plans that offer additional protection to wetlands and woodlands, particularly those that support species at risk.
2.4 Area for consideration in developing a habitat regulation	46	Second paragraph - This paragraph indicates that the ELC ecosite type boundary may exclude dry or upland areas with more than two metres depth to the water table. Considering the ranging fluctuations of groundwater and successional areas that may still support Black Ash, it should be clearly recommended here that the individual Black Ash trees remain protected, regardless of the ELC ecosite type within which they are found. Exemption regulations may be necessary to address individual trees outside of ELC ecosite types that typically support Black Ash.

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

< Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John Mackenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services
Laura DelGiudice, Associate Director, Watershed Planning and Ecosystem Science
Brad Stephens, Senior Manager, Planning Ecology

April 22, 2022

BY E-MAIL ONLY (greenbeltconsultation@ontario.ca)

Greenbelt Consultation
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, ON M7A 2J3

Re: Proposed Amendments to the Greenbelt Plan (ERO #019-4485) and Area Boundary Regulation (EROs #019-4483) and Ideas for Adding More Urban River Valleys (ERO #019-4803)

Thank you for the opportunity to comment on the above noted Environmental Registry (ERO) postings. TRCA conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in the "A Made-In-Ontario Environment Plan," TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through Memorandums of Understanding and Service Level Agreements, TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies. TRCA provides science-based policy advice to municipalities related to planning and environmental assessment applications in the Provincial Greenbelt to achieve land use and infrastructure planning decisions that conform to the Greenbelt Plan. The Plan's Urban River Valley designation confers a provincial interest on urban river valleys already protected through municipal official plan policies and TRCA's Regulation and policies.

Government Proposal

Through the subject EROs, the Ministry of Municipal Affairs and Housing is undertaking Phase 2 consultation to grow the Greenbelt. In doing so, we understand that the Ministry intends to build upon previous feedback through Phase 1 of this consultation and seek additional input on proposed amendments to the Greenbelt Plan (including Schedules 1, 2, and 4) and Greenbelt Area Boundary Regulation (Ontario Regulation 59/09) that would add thirteen new Urban River Valley (URV) areas to the Greenbelt Plan.

Additionally, we understand that general feedback for other potential new URV additions or expansions to the Greenbelt is also being sought, provided such recommendations reflect the "Key Principles for Expanding the Greenbelt" identified in Phase 1.

Attachment 11: TRCA Submission on ERO_019-4483, ERO_019-4803, ERO_019-4485

We note that, of the thirteen new URVs proposed, five are located within TRCA's jurisdiction along the Don and Humber River valley corridors within the limits of the City of Toronto. Specifically, the proposals would include portions of the following watercourses:

Don River

- Burke Brooke
- Wilket Creek
- Taylor Massey Creek

Humber River

- Humber Creek
- Black Creek

Comments

TRCA offers the following comments, which are reflective of those previously provided to the Ministry through Phase 1 consultation on Growing the size of the Greenbelt on April 19, 2021 (ERO# 019-3136).

TRCA supports increasing the size of the Greenbelt through new or expanded URVs, especially from an educational and awareness-raising standpoint. As stated in the Greenbelt Plan, the river valleys that run through existing or approved urban areas and connect the Greenbelt to inland lakes and the Great Lakes are a key component of the long-term health of the Natural System.

As per policy 6.2.1 of the Greenbelt Plan, Greenbelt policies related to URVs only apply to public lands. By virtue of this policy application and the new URVs being predominantly on public lands, the new URVs are already protected through other policy and regulatory means. In addition to being protected by existing provincial policies that address natural heritage and hydrologic features and areas (i.e., PPS, Growth Plan, Source Protection Plans) and CA policies and associated regulations, URV lands are typically already designated for protection in official plans (OPs) as parks, open space, recreation, conservation and/or environmental protection.

TRCA has been collaborating with our municipal partners to provide updated science-based Natural Heritage System (NHS) mapping to inform municipal OP updates through the Municipal Comprehensive Review (MCR) process. TRCA has also developed Water Resource System (WRS) data layers to help our municipal partners conform to new provincial policies requiring identification of the WRS. These scientific and systems-based areas (or portions thereof) would more effectively inform future Greenbelt expansions once the NHS and WRS frameworks are in place and related components of MCR work conclude.

TRCA would welcome the opportunity to help delineate and/or refine the most appropriate boundary expansions based on science and in consultation with affected municipalities. However, until MCRs are complete in accordance with the upcoming July 1, 2022 conformity deadline imposed through the Growth Plan, the implications of Greenbelt expansion on other provincial priorities cannot be fully understood, particularly in relation to updated NHS and WRS mapping, Land Needs Assessments, long-term infrastructure planning and the implementation of the Province's Agricultural System.

Notwithstanding the above, TRCA has identified areas we believe generally align with the Province's criteria for URV expansion and would be in keeping with the Greenbelt Plan's objectives, vision and goals while further enhancing the quality and extent of existing protections. Examples of these areas include, but are not limited to:

- Major watercourses in our jurisdiction currently excluded from the Greenbelt but linked to existing Greenbelt areas, URVs with direct connections through the Plan's natural heritage, and water resource systems linked through Lake Ontario.
- Relatively small, isolated pockets, primarily consisting of prime agricultural land containing and/or adjacent to natural features fully encapsulated by (but outside) larger swaths of the Greenbelt, which if enveloped by the Greenbelt would form and further enhance a continuous broad band or protected land built upon the Greenbelt's systems approach.

Attachment 11: TRCA Submission on ERO_019-4483, ERO_019-4803, ERO_019-4485

- Provincially owned lands within the natural heritage system of current OPs that, if expanded, would link existing Greenbelt areas across watershed corridors as part of a larger, connected system.
- Stretches of former Lake-Iroquois shoreline between existing URVs, which represent largely east-west wildlife habitat movement corridors and areas of increased groundwater recharge and discharge functions.

With regard to the ERO's request for ideas to expand the Greenbelt, **TRCA recommends that the Province review the URV policies, with a focus to consider a natural systems-based approach to expanding and enhancing the Greenbelt rather than a private versus public land ownership criteria.** This would better reflect the Province's key factors of Greenbelt expansion and enhancement, as listed in the ERO posting, (i.e., to allow for the ecological connection and integration of the Greenbelt into urban settings through river valley connections, and to protect natural and open space lands to assist in ecological connections, natural heritage and hydrologic features and functions of river valleys).

TRCA's Living City Policies states that TRCA supports the legislated protection and management of the Greenbelt and continues to participate as a partner in coordinated programs to secure lands, provide stewardship, and advance the science and understanding of the Provincial Greenbelt lands through watershed, groundwater, and natural heritage studies and monitoring. Accordingly, **should the Province not consider the above recommendation, TRCA recommends that the Province consider proposing and consulting on a mechanism for newly acquired public lands, that meet provincial criteria for Greenbelt/URV expansion, to be added to the Greenbelt.**

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services
Alexander Schuler, Associate Director, Property, Assets and Risk Management

Attachment 12: TRCA Submission on ERO_019-5284, ERO_019-5285

April 29, 2022

BY E-MAIL ONLY (PlanningConsultation@ontario.ca)

Re: Proposed Planning Act Changes (the proposed More Homes for Everyone Act, 2022) (ERO #019-5284) & Community Infrastructure and Housing Accelerator – Proposed Guideline (ERO #019-5285)

Thank you for the opportunity to comment on the above noted postings to the Environmental Registry of Ontario (ERO). TRCA conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
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- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

TRCA's role as a commenting body under the *Planning Act*, and pursuant to Memorandums of Understanding (MOUs) with partner municipalities, is separate and distinct from its regulatory role under the CA Act. However, TRCA's participation in the review and approval of development applications under the *Planning Act* helps to ensure that development approved under the *Planning Act* can also meet the regulatory requirements governing the issuance of permits under the CA Act.

In these roles, and as stated in the Ministry of Environment Conservation and Parks (MECP) "A Made-In-Ontario Environment Plan," CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through MOUs and Service Level Agreements (SLAs), TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies. Further, TRCA recognizes the importance of efficiency, certainty, transparency and accountability in planning and design review processes, so that development and infrastructure projects can occur in a timely, safe and environmentally sustainable manner.

Attachment 12: TRCA Submission on ERO_019-5284, ERO_019-5285

Government Proposal

We understand that these ERO proposals aim to encourage construction of more homes faster by expediting planning approvals to help meet Ontario's long-term commitment to address the housing crisis. We also recognize that this work aims to build upon the recommendations contained in the Ontario Housing Affordability Task Force.

We note that the subject EROs are requesting feedback (until April 29, 2022) on proposed amendments to the *Planning Act* (and other legislation, e.g., *City of Toronto Act, 2006*, *Development Charges Act, 1997*) that would streamline approvals through a series of changes associated with Bill 109, the *More Homes for Everyone Act, 2022*. These changes include, but are not limited to:

- New legislated timelines for municipalities to decide on complete applications or be required to refund some or all fees to applicants;
- The Minister may now prescribe matters not to be required as a condition of subdivision approval;
- Approval authorities may now deem a subdivision application that lapsed in the past 5 years to not have (if not previously deemed so);
- A municipal Council's legislated ability to decide on site plan applications is now automatically delegated to municipal staff; and,
- A new provincial process for declaring site plan applications complete is to be established;
- The Minister (MMAH) may now suspend the time period for filing a non-decision appeal of a new Official Plan (OP) or OP amendment (OPA) and refer all or part of a new OP/OPA to the Ontario Land Tribunal (OLT) for a recommendation or decision;
- A cap on parkland dedication requirements in Transit Oriented Communities;
- A new Community Infrastructure and Housing Accelerator (CIHA) tool that enables lower- and single-tier municipalities to request (through Council) that the Minister make a zoning order (outside the Greenbelt) to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development; and,
- Proposed guidelines for the CIHA tool which, if published as written in conjunction with the legislative changes through Bill 109:
 - May be applied to community infrastructure, any housing, mixed-use development or buildings/structures that facilitate employment/economic development;
 - Need not be consistent with the PPS and/or conform to provincial policies; and,
 - Allow the Minister (MMAH) to exempt related planning approvals from requirements to be consistent with the PPS and/or conform to provincial policies, provided the requesting municipality demonstrates

Attachment 12: TRCA Submission on ERO_019-5284, ERO_019-5285

to the Minister's satisfaction that impacts (e.g., environmental) from the exemption would be mitigated.

We note that the proposed amendments detailed in the subject ERO postings have now been enacted as they are associated with various Schedules of Bill 109, which was recently passed by Ontario's Legislature and received Royal Assent on April 14, 2022.

We further acknowledge that these changes are the first step of many related concurrent postings (e.g., EROs 019-5286 and 019-5287) and that future initiatives aimed at supporting the "missing middle" are forthcoming, including the Province's preparation of an annual supply action plan to develop new provincial policies over four years, beginning in 2022/23.

COMMENTS

TRCA understands the importance of streamlining planning approvals to support the growth and development needs in the Province, especially in the Greater Golden Horseshoe. However, through our Board of Directors, TRCA has articulated our view that this should not come at the expense of the fundamental principles of the Growth Plan for "protecting what is valuable" or ensuring the appropriate technical and planning processes take place to ensure consistency between S.47(1) of the *Planning Act* and S.28 of the CA Act. The ecosystem services offered by the natural heritage system and sound natural hazard management are needed for a healthy and resilient growing region.

TRCA works in collaboration with our regional and local municipalities to successfully advance a coordinated review and approval process. Through this collaborative work process, natural heritage features and natural hazards are appropriately identified, and impacts avoided, mitigated, or compensated for in cooperation with municipalities, landowners, and the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR).

Community Infrastructure and Housing Accelerator (CIHA)

In the absence of a collaborative exercise as noted above, like other zoning orders authorized by the Minister under the *Planning Act*, a CIHA zoning order issued (outside the Greenbelt) may permit a form and scale of development contrary to provincial and municipal policies and CA regulatory requirements. This may negatively impact CA efforts to mitigate risk to the public and properties from natural hazards, including flooding, erosion, and slope instability. Given the Province's commitment to prepare for the impacts of a changing climate, there is a need to ensure that development approved through a CIHA zoning order does not create or exacerbate natural hazards or result in unacceptable risk to life and property. The technical expertise and input of municipalities and CAs, as per the current development review and approval process under the *Planning Act*, including site plan control and public notice, are critical and should apply to CIHA zoning orders.

To help mitigate potential negative impacts, the Province could include additional parameters in the proposed guidance material for directing infill and intensification outside of natural hazards and natural features by referencing PPS 3.1 (Natural Hazards) and 2.1 (Natural Heritage), which must be considered when implementing legislative or regulatory requirements. Moreover, technical guidance to municipalities could direct them to engage partner CAs to help ensure new development, redevelopment, or any form of intensification mitigates, remediates, or is safely sited outside of natural hazards. Doing so minimizes risk to life and property, while optimizing public-and private-sector time and resources for helping to increase the mix and supply of diverse housing types across the Province.

Attachment 12: TRCA Submission on ERO_019-5284, ERO_019-5285

Further to the above, Bill 109 enables lower- and single-tier municipalities to request a CIHA zoning order. TRCA is currently working with our municipal partners in the completion of their Municipal Comprehensive Reviews (MCR)s. We have collaborated to provide updated science-based natural heritage and water resource system data and mapping, key input on land needs assessments to identify suitable areas for settlement area boundary expansions, and recommendations on draft policies to assist with OP conformity to new provincial policies. The proposed CIHA guidelines would allow lower-tiers to request a CIHA zoning order that could alter the use of land and permit development that could circumvent MCR work by their respective upper-tiers. The potential long-term ramifications on regional growth management, infrastructure investment, watershed planning, and climate change mitigation and adaptation are unclear. Moreover, the potential impacts of such decisions are further complicated if CIHA orders, and related planning approvals (outside the Greenbelt) need not be consistent with the PPS or provincial plans – exemptions which could ultimately ignore the best available science.

Application Processing Time and Fee Refunds

Bill 109 includes a legislated requirement that if municipalities fail to meet statutory deadlines they must refund fees (on a graduated scale over time, up to 100%). The new application timeframe and refund framework could encourage premature decisions or refusals. This could increase the number of appeals to the already backlogged Ontario Land Tribunal (OLT), which would further divert public staff and resources from ongoing review and approvals. It would also increase pressure on CAs to expedite their review of applications (and expedite issuance of related permits under the CA Act, where applicable), including those involving complex scientific studies to mitigate environmental impacts and natural hazard risk. We note that OLT appeals can take upwards of 1+ additional years to be resolved. To help avoid lengthy appeals that could otherwise facilitate new housing units quicker, TRCA suggests the Province monitor the number of related OLT appeals (and subsequent hearing timelines) with a view to extending the timelines and/or reducing refund requirements, or reversing the changes altogether.

In this context, the Province should consider the iterative nature of the planning approvals process and that factors outside the control of approval agencies also significantly impact decision timelines. Despite best efforts to expedite review timelines, requisite processing timelines are often exceeded to ensure an acceptable form of development is approved. In part, this is because proponents contribute significantly to the length of time it takes for an application to be processed as approval requirements are often not addressed through an initial submission. For there to be a timely approval, applicants must meet pre-consultation and submission requirements and include timely re-submission(s) containing the information necessary to make a well-informed decision – particularly when involving matters of health and safety. To help remedy the above noted concerns, the Province could also consider amendments to the *Planning Act* that would effectively pause the new timelines when the onus for resolving municipal and agency comments is on the applicant for consideration and resubmission. Additionally, legislative changes could provide the applicant the option to waive their right for the refund to be returned. This would encourage a more collaborative approach to approvals and provide greater opportunity for productive negotiation to the benefit of all parties without added financial pressure to refuse an application.

We also note that the proposed changes do not encourage construction of new housing units quicker once an approval is received. Perhaps the Province could explore ways of incentivizing expedited construction following approvals within a certain timeframe, e.g., within 2 years of approval. CAs have long used permit expirations as a successful tool in

ensuring development and site alteration are undertaken in an expeditious manner following approvals.

Amendments to Site Plan and Subdivision Control

Subdivisions: The Minister may now prescribe matters not permitted to be required as a condition of subdivision approval. Further clarity on what can and cannot be imposed as conditions of plans of subdivision approval should be provided. In TRCA's experience, conditions, used appropriately, can be a critical tool to ensure high-level matters are carried forward to the detailed design stage. Restricting what can be included as conditions could result in a frontloading of pre-application requirements leading to a significant slowdown in the overall process. Should the prescribed matters include prohibiting financial conditions, this could lead to an inability for agencies like CAs to recover review fees to help pay for growth-related infrastructure and technical review services.

Site Plans: A new process is to be established for declaring site plan applications complete. As a service provider to municipalities through MOUs, and as an agency delegated the provincial responsibility to represent the provincial interest on natural hazards under the PPS, TRCA has worked collaboratively to ensure municipal submission requirements reflect TRCA input to help streamline approvals. This ensures appropriate science-based technical studies are submitted pursuant to our respective roles in the review and approval of applications under the *Planning Act*. It also helps ensure development approved under the *Planning Act* can also meet the regulatory requirements governing the issuance of permits under the CA Act, where applicable. This reduces costs, avoids duplication, and streamlines the overall approvals process.

In addition to complete application requirements, TRCA staff have for many years worked closely with applicants and our municipal partners to encourage pre-consultation application (PAC) meetings when possible. PAC meetings have the potential to further expedite the review process and provide applicants with certainty regarding the approval process. For example, TRCA continues to provide support to Toronto's OPA 550 which requires mandatory PAC meetings for some applications.

We recommend that the Province work with municipalities and CAs in the establishment of a new process to determine when a site plan application is to be deemed complete. As noted above, the Province could also consider a provision for site plan applications that would pause the timing requirements when an application is not with municipal or review agency staff.

Increased Ministerial Powers

The Minister of Housing and Municipal Affairs may now refer all or parts of an OPA or new OPs to the OLT for a recommendation and/or decision (i.e., approve, modify, refuse). TRCA is concerned that such referrals may potentially delay the implementation of a policy and science-based decision planning framework consistent with provincial policies and plans given the complex environmental and natural hazard issues facing municipalities within our jurisdiction. As noted above, TRCA has been working closely with our municipal partners to inform their MCR processes. It is unclear how suspending the timeframe for the Minister to decide on an OP/OPA or expanding appeal rights would expedite the creation of housing units. The potential delay, combined with the possibility of future CIHA zoning orders could have corresponding impacts on lower-tier conformity to upper-tier OPs.

Attachment 12: TRCA Submission on ERO_019-5284, ERO_019-5285

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services

Attachment 13: TRCA Submission on ERO_019-5286, ERO_019-5287

April 29, 2022

BY E-MAIL ONLY (PlanningConsultation@ontario.ca)

Re: Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing (ERO #019-5286) & Seeking feedback on housing needs in rural and northern municipalities (ERO #019-5287)

Thank you for the opportunity to comment on these Environmental Registry (ERO) postings. TRCA conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Northern Development, Mines, Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

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- A resource management agency; and
- A major landowner in the Greater Toronto Area.

TRCA's role as a commenting body under the *Planning Act*, and pursuant to Memorandums of Understanding (MOUs) with partner municipalities, is separate and distinct from its regulatory role under the CA Act. However, TRCA's participation in the review and approval of development applications under the *Planning Act* helps to ensure that development approved under the *Planning Act* can also meet the regulatory requirements governing the issuance of permits under the CA Act.

In these roles, and as stated in the Ministry of Environment Conservation and Parks (MECP) "A Made-In-Ontario Environment Plan," conservation authorities work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through MOUs and Service Level Agreements (SLAs), TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies.

Government Proposal

We understand that the Province is undertaking this consultation as part of its larger consultation on Bill 109: *More Homes for Everyone*, which was passed by Ontario's Legislature and received Royal Assent on April 14, 2022. We further understand that this initiative builds upon a recent report by the Ontario Housing Affordability Task Force

Attachment 13: TRCA Submission on ERO_019-5286, ERO_019-5287

containing recommendations on how to address housing affordability in Ontario. Among the recommendations, we note that two opportunities to create additional housing typologies commonly known as “missing middle” are proposed:

- Allowing “as of right” residential housing up to four units and up to four storeys on a single residential lot, and
- Permitting “as of right” secondary suites, garden suites, and laneway houses province-wide.

Through ERO #019-5286, the Province is seeking specific input on best practices and how to support the creation of more “missing middle” housing forms, including multigenerational housing. Similarly, through ERO #019-5287, the Province is also seeking targeted feedback on ways to increase the range of housing supply in rural and northern municipalities through a range of land use planning and non-land use planning tools. It is understood that any specific policy proposals to address housing matters would be consulted on prior to the government making any additional changes. Lastly, we acknowledge that the Province intends to undertake an annual supply action plan over four years to develop new provincial policies beginning in 2022/23.

General Comments

TRCA generally supports the need to increase housing options and improve housing affordability in urban centres and rural and northern municipalities while maximizing infrastructure efficiency. TRCA also recognizes the importance of efficiency, certainty, transparency and accountability in planning and design review processes, so that development and infrastructure projects are timely, safe, and environmentally sustainable. To this end, the Province’s land use planning framework articulates where and how growth is to occur and identifies where growth should not take place to protect the agricultural land base and ecological and hydrological features. Moreover, pursuant to section 3.1 of the PPS, (and in accordance with TRCA’s Living City Policies), development and site alteration are generally prohibited within natural hazards (e.g., flood, erosion and slope instability). This is consistent with the PPS description of Special Policy Areas, which states that, “A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.”

TRCA is concerned where intensification (e.g., conversion or expansion of existing residential buildings to create additional residential units or accommodation) is proposed within or immediately adjacent to natural hazards given that it would increase the risk to life and property associated with the hazard where previously less risk existed. We assist our municipal partners in assessing, avoiding, remediating or mitigating these risks within the planning process as a commenting body, prior to Planning Act approvals and the issuance of building permits. In order to facilitate the timely approval of these proposals within the planning and permitting processes, both strong provincial policy direction and funding are needed. For instance, inadequate investment in the identification of hazardous areas, to determine where growth and intensification should not occur, can be a key barrier to building a range of housing forms and increasing housing supply in urban, rural and northern areas.

Therefore, increased provincial investment in natural hazards identification, management and remediation along with strong provincial policy direction and technical guidance to municipalities to engage partner CAs, would help ensure new development, redevelopment, or any form of intensification mitigates, remediates, or is safely sited outside of natural hazards. Doing so minimizes risk to life and property, while optimizing public-and private-sector time and resources for helping to increase the mix and supply of diverse housing types across the Province.

Attachment 13: TRCA Submission on ERO_019-5286, ERO_019-5287

We note that a good example of provincial technical guidance is the draft subwatershed planning guide recently developed by the Province through the Conservation Authorities Advisory Working Group. Further to this, CAs and the Province have discussed the need for updates to the provincial technical guides on natural hazards and the Special Policy Area Procedures to enable more efficient technical reviews. Finalization and approval of these guidance documents in tandem with the new planning tools for increasing housing supply would help facilitate the outcomes and shared objectives discussed above.

In light of the above, and in consideration of the discussion questions put forward through the subject EROs, TRCA recommends the following:

- 1) Future policy or other implementation mechanisms associated with the housing matters being consulted on, should explicitly reference section 3.1 of the PPS (Natural Hazards) as constraints that must be considered when formulating or updating policies, zoning and/or implementing legislative or regulatory requirements.**
- 2) Given the Province's commitment to prepare for the impacts of a changing climate, it is critical that the provincial Natural Hazard Technical Guides be updated and modernized to provide technical and policy guidance specific to flood risk and mitigation in the urban context. In addition, the provincial procedures related to Special Policy Areas should be updated, informed by lessons learned by CAs and municipalities from comprehensive updates undertaken since 2009.**
- 3) We encourage the Province to incorporate the feedback provided on the recently posted Proposed Subwatershed Planning Guide ERO #019-4978. The updated guidance would assist municipalities, CAs, the development industry and other agencies to define clear roles and responsibilities, streamline technical study requirements, compress timelines, provide certainty, and facilitate approvals for development.**

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **FOLLOW-UP REPORT FOR THE AWARD OF CONTRACT 10036684 – VENDORS OF RECORD FOR SUPPLY AND DELIVERY OF LIQUID FUELS**
RFP No. 10036684

KEY ISSUE

To provide Toronto and Region Conservation Authority's (TRCA) Board of Directors with follow-up information regarding the award of Contract 10036684 – Vendors of Record for Supply and Delivery of Liquid Fuels

RECOMMENDATION:

THAT TRCA recommends that the Follow-Up Report for the Award of Contract 10036684 - Vendors of Record for Supply and Delivery of Liquid Fuels Report, be received, for information.

BACKGROUND

At Board of Directors Meeting held on November 19, 2021, Resolution #RES.#A250/21 was approved as follows:

LET IT BE RESOLVED THAT TRCA staff be directed to establish a Vendor of Record arrangement with Alpha Oil Inc, Armstrong Petroleums Limited, and Parkland Corporation (operating as Ultramar) for the supply of liquid fuels for a period of three (3) years with an option to extend for an additional two (2) years, at TRCA staff's discretion, at a total cost not to exceed \$1,098,212, plus applicable taxes;

Staff have prepared a report to provide comments addressing common concerns for why some firms may take procurement documents but choose not to provide a Proposal. This report also notes differences between the Ministry of Government and Consumer Services' (MGCS) Vendor of Record (VOR) for bulk fuels and TRCA's bulk fuels VOR established through Contract 10036684.

RATIONALE

TRCA staff completed a follow-up review of the current VOR available through the Ministry of Government and Consumer Services (MGCS) Fuel and Energy. Based on this review the following reasons informed the decision for TRCA to proceed with establishing a Vendors of Record agreement, separate, but not exclusive of the MGCS VOR.

Fuel Delivery Restrictions

During the review of the MGCS VOR it was noted that suppliers within TRCA's jurisdiction would only supply fuel directly to bulk fuel tanks. During an internal review of TRCA's fuel requirements, it was determined that only 16% of TRCA's bulk fueling needs could be serviced with the MGCS VOR, where bulk storage tanks are available. These locations include some of TRCA's conservation parks, satellite offices and outdoor education centres. TRCA's active worksites, which account for approximately 40% of TRCA's fuel needs, require mobile refueling

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services. These services provide direct refueling of pieces of equipment for day-to-day operations. The use of bulk storage tanks at these worksites is either not possible or economical and therefore the MGCS VOR cannot service these operations.

To service these worksites a separate procurement was required, and the scope of this work was captured within Contract #10036684 between TRCA and three (3) Vendors for this VOR. The remaining 44% of TRCA's fueling requirements are completed through Public Fuel Outlets (PFO).

Emergency Delivery Requirements

TRCA is responsible for dewatering and emergency flood mitigation measures that require consistent and rapid delivery of fuel. These requirements for Vendors are outlined within the provisions of our agreements and are specific to TRCA's needs. However, these same requirements for emergency fuel deliveries and order turnaround times are not present in the MGCS VOR.

Biodiesel Delivery

To reduce emissions TRCA has added the option of utilizing biodiesel blends through our liquid fuels VOR. The aim of this addition is to transition toward exclusively using biodiesel blends in TRCA's off-highway equipment. The MGCS VOR is restricted to traditional fuel types, with no availability of biodiesel supply.

Pricing Comparison

Like TRCA's VOR, the MGCS VOR has fluctuating fuel pricing based on Natural Resources Canada's Daily Rack Rate, these prices would therefore be identical between TRCA and MGCS's VOR. The only difference in pricing is related to supply and delivery charges, which TRCA has deemed to be competitive and has followed Public Procurement Directives to establish.

Procurement Process

According to the public procurement website which was utilized for this procurement process (Biddingo.com), eleven (11) firms took the RFP documents associated with the VOR contract. No questions or concerns were noted by any of these firms during the procurement process. At the submission deadline for this procurement process, three (3) Proponents provided Proposals. Generally, firms decide whether submitting a Proposal is of benefit to them, considering the costs and scope of the requested project or tender.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 7 – Build partnerships and new business models

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