

## Attachment 2: TRCA Response to Proposed Regulation



May 8, 2019

**BY E-MAIL ONLY** ([alex.mcleod@ontario.ca](mailto:alex.mcleod@ontario.ca))

Mr. Alex McLeod  
Natural Resources Conservation Policy Branch  
300 Water Street  
Peterborough, ON  
K9J 8M5

Dear Mr. McLeod:

**Re: Focusing conservation authority development permits on the protection of people and property (ERO #013-4992)**

Thank you for the opportunity to comment on the Ministry of Natural Resources and Forestry's proposal to regulate how conservation authorities permit development and other activities for impacts to natural hazards and public safety. We understand that the intention of the proposed regulation is to make rules for development in hazardous areas more consistent to support faster, more predictable and less costly approvals.

The Toronto and Region Conservation Authority (TRCA) protects people, property and infrastructure from natural hazards through management of the natural environment on a watershed basis, given our roles and responsibilities as outlined in the MNRF Policies and Procedures Manual for conservation authorities:

- A regulator under Section 28 of the *Conservation Authorities Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A body with delegated authority in plan review to represent the provincial interest for natural hazards;
- A resource management agency operating on a local watershed basis;
- One of the largest landowners in the Toronto region; and
- A source protection authority under the *Clean Water Act*.

These roles are consistent with the description of conservation authorities' roles in the Made-in-Ontario Environment Plan, which states under the heading of "Support Conservation and Environmental Planning" to:

Work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards, and conserving natural resources. (p.48, MECP)

In carrying out our roles, TRCA supports provincial and municipal partners in implementing the natural hazard, natural heritage and water resource policies of the Provincial Policy Statement, which align with TRCA policies for implementing our s.28 regulation under the *Conservation Authorities Act*. TRCA's

Ontario Regulation 166/06 was approved by the Minister of Natural Resources and Forestry in 2006 in conformity with the current content regulation, Ontario 97/04. Where applications for new development and/or servicing fall within TRCA regulated areas, TRCA works with both private and public proponents to facilitate sustainable development and infrastructure that is adequately set back and protected from natural hazards and/or from environmentally sensitive areas.

In addition, TRCA works routinely with provincial agencies, (e.g., Metrolinx) utilities (e.g., Enbridge) and other public infrastructure providers, which may be exempt from TRCA's Regulation, to achieve shared objectives for sustainable infrastructure planning that supports growth, redevelopment and intensification.

TRCA's "The Living City Policies" (2014) directs staff participating in the review of applications under the *Planning Act* and the *Environmental Assessment Act*, to ensure that the applicant and municipal planning authority are aware of TRCA permitting requirements under the Regulation, where applicable; and further, our staff assist in the coordination of these applications to avoid ambiguity, conflict and unnecessary delay or duplication in the process.

### **TRCA Jurisdiction**

TRCA's is an active jurisdiction with a high proportion of historic development and infrastructure networks located within flood and erosion prone areas. A number of municipalities in our jurisdiction are undertaking comprehensive redevelopment/community revitalization initiatives and many are proposed in areas with existing risks. In these instances, TRCA works with provincial and municipal partners to reduce risk and increase resiliency through the planning, environmental assessment and permitting review processes by seeking opportunities for remediation and restoration. In the last six years, TRCA issued on average, just over 1,000 development permits annually for applications that met the tests of the regulation. Hearings on appeal of applications recommended for refusal have been infrequent as TRCA makes every effort to work with applicants and municipalities to facilitate proposals within regulated areas that achieve compliance with TRCA regulatory policies. Much of this collaboration and negotiation is achieved at the earlier stages of the planning process so that TRCA assists municipalities and proponents in meeting provincial and municipal growth planning and environmental objectives from approval in principle through to detailed design.

TRCA supports the provincial government's efforts to improve efficiencies and consistency for regulating development and to streamline development approvals, as evidenced by TRCA's ongoing streamlining initiatives for our roles in the development and infrastructure planning processes as well as the regulatory permitting process. Ultimately, the advisory and regulatory responsibilities of conservation authorities in the development process are not about slowing or preventing development and all its attendant economic benefits. Rather, they are about good environmental planning in which the municipality, the conservation authority and the development industry take a comprehensive, creative and collaborative approach early in the process. TRCA finds that when these efforts are made early and done well, it leads to innovative urban designs that result in shorter review times and cost reductions in the short and long term for all stakeholders. This approach of upfront work, including all required studies to support timely approvals, also helps to avoid the delay and uncertainty associated with appeals to the Local Planning Appeal Tribunal and the Mining and Lands Tribunal.

In participating in Conservation Ontario's CA working group to improve client service and accountability, increase speed of approvals, and reduce the notion of "red tape", staff recently [reported \(pages 42-49\)](#) to TRCA Board of Directors on our own ongoing streamlining efforts for reducing regulatory burden and meeting provincial priorities. In addition, over the last year, TRCA has undertaken a comprehensive,

jurisdiction-wide update to our regulation mapping, in which we have consulted extensively with municipal partners, the public and stakeholders such as the Building and Land Development Industry. These initiatives have helped inform our response to the government's ERO posting on CA permitting regulations.

#### **One Section 28 Regulation (Consolidation of 36 CA Regulations)**

We understand that the Ministry is proposing to create a regulation to replace Ontario 97/04 that would further define the ability of a conservation authority to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards. We further understand the government's intent is to consolidate and harmonize the existing 36 individual section 28 conservation authority regulations into one Minister of Natural Resources and Forestry regulation. This update is meant to ensure consistent requirements across all conservation authorities while still allowing for local flexibility for differences in risks posed by flooding and other natural hazards.

**TRCA supports the consolidation and harmonization of the existing 36 individual CA regulations into one regulation. Nonetheless, each CA must have the ability to establish individual, Board-approved policies that reflect local conditions.**

At this time (at the time of writing and Board endorsement), the ERO posting does not contain proposed wording for new or amended legislation or regulations. We look forward to seeing the details of the proposed regulation in a future consultation process and would be pleased to provide further input at that stage.

As outlined in the current ERO posting, for the purposes of this regulation the Ministry is proposing a series of actions for defining, re-defining and updating terms and processes used in the implementation of the regulation. TRCA staff have reviewed the proposed actions in consultation with the TRCA Board of Directors, and with neighbouring conservation authorities and Conservation Ontario.

For the government's consideration, TRCA offers the following comments to each of the proposed actions in the ERO posting.

#### **Update definitions for key regulatory terms to better align with other provincial policy**

TRCA supports the Province's desire for consistency and harmonization of terms and definitions within provincial policy and regulations. These efforts should result in providing greater certainty to landowners affected by the regulation and enhanced alignment of provincial, municipal and conservation authority implementation approaches affecting development and infrastructure planning. Nonetheless, some of the current definitions of terms, although broad, have stood up well in tribunal hearings and in court. In TRCA's experience, there is a fine balance to be sought between avoiding too broad of a definition, which risks inconsistent interpretation, and too narrow, which hinders adaptability to local contexts. Ultimately, it is important for definitions to be easy to understand and to be defensible in hearing and appeal scenarios. Supporting implementation guidance documents are also a helpful tool in this regard, as described through examples in our comments below.

#### **Wetlands**

TRCA recognizes that the definition of a wetland in the *Conservation Authorities Act* (CA Act) is slightly different than the definition of a wetland in the Provincial Policy Statement (PPS).

"Wetland" as defined in the PPS and Provincial Plans contains many of the critical elements of the *Conservation Authorities Act* definition, including:

- lands that are seasonally or permanently covered by shallow water or where the water table is close to or at the surface;

- the presence of hydric soils;
- the dominance of hydrophytic vegetation; and
- exclusion of lands that are used for agricultural purposes and no longer exhibit these characteristics.

Where the definitions diverge is with respect to hydrologic connectivity: unlike the PPS definition, the CA Act's definition stipulates direct contribution to the hydrologic function of a watershed through a connection with a surface watercourse. This distinction has been problematic from an implementation perspective. The PPS uses the definition from the Ontario Wetland Evaluation System, which is used to identify and evaluate wetlands. In the interest of consistency and streamlining, and given that the PPS definition is founded in the technical evaluation document for wetlands, we would support revising the CA Act definition to match the PPS definition.

**Therefore, TRCA would support replacing the definition of a wetland in the *Conservation Authorities Act* with the PPS definition.**

### **Watercourses**

Watercourse is not a term that is used in the PPS or the Provincial Plans, although these documents use a number of related terms, e.g., permanent and intermittent streams, fish habitat, etc. The Greenbelt Plan defines intermittent streams as: "stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year."

In addition, the definition of "fish habitat" in the PPS and Provincial Plans is taken from the federal *Fisheries Act* and does not specify a type of water feature but rather refers to "spawning grounds and other areas...on which fish depend directly or indirectly..."

We also note that the PPS includes a definition of "river, stream and small inland lake systems" that is, "all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event." It could be argued that this definition would include ephemeral streams, which is not defined in other provincial policy.

Finally, the use of the term "meander belt" occurs in the Oak Ridges Moraine Conservation Plan and is defined as "the land across which a stream may shift its channel from time to time."

The terms used within the definitions noted above, such as "stream", "watercourses" and "channel" are themselves undefined within the PPS and the Provincial Plans. For the term "watercourse" users of provincial policy can also reference section 28(5) of the CA Act, which defines watercourse as: "an identifiable depression in the ground in which a flow of water regularly or continuously occurs." TRCA recognizes that this is a broad definition that could capture many features on the landscape and does not provide guidance as to the source, timing or duration of the "flow of water". But while the current definition is broad, through the planning and/or permit application review processes, features within TRCA's regulation mapping are ground-truthed to confirm the applicability of the regulation (to determine whether a permit will be required).

While a clear definition is important, the establishment of technical guidance documents to support updated definitions would also be helpful in enabling consistent interpretation and to assist in future legal matters that may challenge definitions. For example, TRCA has a technical guidance tool widely used by CAs in the Greater Golden Horseshoe, to assist in identification and evaluation of non-continuously flowing watercourses in a standardized way: the "Evaluation, Classification, and Management of Headwater Drainage Features Guideline", 2014, (the Guideline) can be applied to any

drainage feature, a groundwater seepage area or spring, a connected headwater wetland, or a perennially flowing stream. Identifying and evaluating features through the Guideline points to management recommendations for the feature's location and function on the landscape. Use of the Guideline could also enhance certainty for proponents interpreting the provincial definitions. TRCA has partnered with a number of stakeholders including the development industry and the MNRF in the development of the Guideline for the effective protection and management of these features. A module of the Ontario Stream Assessment Protocol is applied in the evaluation section of the Guideline, and TRCA has worked with provincial staff to explore the possibility of recognizing the Guideline as the standard approach for assessment across Ontario.

It is TRCA's experience that policies and regulations are most effectively implemented when they use well-defined terms (descriptive, informed by science/field work, but concise) augmented by clear implementation guidance tools.

**TRCA recommends that the current definition of watercourse from the *Conservation Authorities Act* be maintained, but should the Province update the definition, TRCA recommends that it include terminology from field-tested guidance and associated implementation guidance documents. Updating the definition of "watercourse" to be more descriptive and direct, and/or to harmonize terms with provincial policy, are initiatives that TRCA supports, subject to review of the pending definition from the Province.**

### **Pollution**

The current CA Act definition of pollution is: "any deleterious physical substance or other contaminant that has the potential to be generated by development." There is no definition, nor substantive reference to pollution in the PPS or in Provincial Plans, so it is unclear how this term will be defined to align with provincial land use planning policy. We acknowledge that pollution is referenced in the *Ontario Water Resources Act*; however, the only mention of pollution in the Provincial Plans is under the definition of "low impact development" as it relates to mitigating stormwater pollution. The use of the term pollution in the *Ontario Water Resources Act* (OWRA) differs slightly from the current CA Act in that the OWRA specifies recourse for the Ministry upon the occurrence of pollution. S.29 (3) of the OWRA states:

Where any person is discharging or causing or permitting the discharge of any material of any kind into or in or near any waters that, in the opinion of the Minister, may impair the quality of the water in such waters, the Minister may apply without notice to the Superior Court of Justice for an order prohibiting such discharge...

The CA Act contains no such provision for enforcement and compliance. In TRCA's experience, major spills of sediment generated construction represent the most common form of pollution impacting watercourses. These spills typically occur at construction sites after large rain storms where erosion and sediment controls are either absent, inadequate, or poorly maintained. These suspended solids threaten water quality, temperature, increase erosion, and can impact fish habitat.

Notwithstanding the above noted omission for enforcement, the existing definition of pollution provides CAs with a broad range of discretion in controlling the release of harmful substances that may be associated with a development activity. The current definition allows CAs to regulate pollution of surface waters or soils and general ecosystem concerns within the watershed. Moreover, where a violation concerning pollution arising from human use of environmentally sensitive areas has been raised, the definition has been used to successfully defend decisions by a CA to regulate pollution.

Therefore, TRCA recommends that the current CA Act definition of pollution be maintained but that its occurrence be tied to the enforcement and compliance provisions within the CA Act and associated regulations.

### **Defining undefined terms as consistent with the natural hazard management intent of the regulation**

TRCA supports consistency of terms and definitions within regulations for better alignment of provincial, municipal and conservation authority implementation approaches. While we acknowledge the ERO posting's assertion that the regulation's intent is with respect to natural hazard management, the regulation also fulfills the provincial interest of maintaining natural features such as valleylands and wetlands on the landscape. Any definitions of regulatory terms should recognize the relationship between natural hazards, the water resource system and the natural heritage system. The natural system policies of the Greenbelt Plan confirm the inter-dependency of landforms and ecological and hydrological functions:

"The Natural System policies protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively provide essential ecosystem services, including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change." (s. 3.2.1)

And as further noted in the "Made-in-Ontario Environment Plan":

"The Greenbelt consists of over two million acres of land in the GGH including farmland, forests wetlands and watersheds. It includes the Oak Ridges Moraine and the Niagara Escarpment, and provides resilience to extreme weather events by protecting its natural systems and features." (p. 48)

Maintaining natural features and functions has several benefits, including increasing resilience on the landscape and tempering the negative effects of climate change.

Finally, the stated purpose of the Act (s.0.1) and the objects on a conservation authority as stated in section 20 of the Act, also indicate the overarching mandate for CAs as natural resource managers. The section 28 regulation is a key mechanism for implementing this mandate.

**TRCA supports the establishment of definitions for undefined terms to address not only the role of CAs have in protecting life and property from natural hazards, but also in protecting natural features and their functions (e.g. wetlands, valleylands) to ensure resilience on the landscape to the effects of climate and land use change. The regulation and/or its definitions should recognize the inextricable link between natural hazard management and natural resources management (natural heritage and water resources).**

### **Interference**

Under the Act, conservation authorities regulate the "straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or the changing or interfering in any way with a wetland." In order to apply the regulation in TRCA watersheds, TRCA's policy document, The Living City Policies, adopts the following Conservation Ontario interpretation of "interference" from its 2008 guidance document prepared to support CAs implementing the regulation: "any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse."

**TRCA recommends that the definition of “Interference” reflect the existing guidance from Conservation Ontario.**

#### **Conservation of land**

While not defined in the *Conservation Authorities Act*, TRCA's application of the “conservation of land” test as described in The Living City Policies (and previous to that in TRCA's Valley and Stream Corridor Management Program) is premised on the need to recognize the relationship between landforms, features and functions in order to protect, manage and restore natural resources within the watershed. TRCA has effectively administered our section 28 regulation for close to 50 years to protect public health and safety and has successfully upheld and defended the regulation before the Mining and Lands Commissioner (now the Mining and Lands Tribunal) and the Ontario courts. With respect to the conservation of land test, both the MLC and the courts have accepted a broad interpretation of the meaning of conservation of land to include, “all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them” (611428 Ontario Limited vs. Metropolitan Toronto and Region Conservation Authority, CA 007-92, February 11, 1994 p. 38). Conservation Ontario has considered this and other MLC decisions to provide its own interpretation: “the protection, management or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and ecological functions and hydrological functions within the watershed” (Conservation Ontario, 2008).

The above mentioned interpretations reflect the importance of assessing impacts to the conservation of land for both form and function of natural features, at both the local and regional scales of the watershed. It is important to note that the natural heritage system provides ecological and hydrological functions related to the conservation of land as well as the other regulation tests of the control of flooding, erosion, dynamic beaches and pollution. Within TRCA watersheds, development impacts on the five tests are considered both incrementally and cumulatively in order to manage the risk to life and property, and to maintain, restore and enhance the ecological and hydrological functions of the natural systems contributing to the conservation of land.

**TRCA recommends that the definition for the conservation of land be consistent with the 1994 MLC decision, or at minimum, that it recognize the relationship between landforms, features and functions in order to protect, manage and restore natural resources within watersheds.**

This is consistent with the mandate of CAs as outlined in the Act, in the Made-in-Ontario Environment Plan, and the regulated features and areas that CAs are required to conserve under their regulation (e.g., river valleys (valley corridors) are regulated not just for their flood plain but from stable top of bank to a similar point on the opposite side, plus an allowance on either side).

#### **Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed**

TRCA's Ontario Regulation 166/06 states that, “no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are: other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands on the Oak Ridges Moraine, and within 30 metres of all other wetlands.”

The ERO posting's reference to a severed hydrological connection needs to be made more clear in order to direct implementation and compliance. TRCA supports streamlining permitting processes by reducing regulatory restrictions within the 30 to 120m of a wetland contingent upon the restriction being applicable to built-up urban areas (e.g., within the Built Boundary of the Growth Plan) where the

hydrologic connection has either already been severed, or wetland water balance has already been addressed through review, approval and construction processes.

Through our current comprehensive regulation mapping update, TRCA is consulting with stakeholders to streamline review processes and reduce regulatory restrictions for the area between 30 and 120 metres of a wetland in built urban areas where there are no other natural hazards (e.g., flood plain). Nonetheless, TRCA maintains that the 120 metre area of interference is warranted for designated greenfield areas in order to assess a development proposal's potential impact on the hydrological function of a wetland within its catchment (e.g., large-scale redevelopment, major infrastructure, major fill placement). This approach is similar to the 120 metre area of study in the "adjacent lands" to a natural heritage feature or area as prescribed within the PPS and accompanying Natural Heritage Reference Manual (MNRF, 2010). Notwithstanding this approach for proposed urban development and infrastructure in greenfield areas, through our regulation mapping update consultation process, TRCA staff have identified the need for streamlining procedures for rural and agricultural related development activities within the 30 to 120 metres.

**TRCA recommends a risk-based approach in which reduced regulatory restrictions between the 30 and 120-metre area of interference around a wetland be limited to built-up urban areas, to minor rural and agricultural activities, or where the hydrologic connection has either already been severed, or wetland water balance has already been addressed through review, approval and construction processes.**

**Exempt low-risk development activities from requiring a permit, including:**

- **certain alterations and repairs to existing municipal drains subject to the *Drainage Act* provided they are undertaken in accordance with the *Drainage Act* and *Conservation Authorities Act* Protocol**
- **Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies**

TRCA has Board-approved measures in place reflecting a risk management approach in which expedited permit review and approval is based on the scale of proposed activities and the absence of hazards or other significant components of the natural system, e.g., minor works applications, staff-delegated approvals, routine infrastructure works permits, etc. Further, there are activities that should not be considered low risk such as large scale development, redevelopment, and fill placement. While we would support such an approach in order to facilitate streamlining, we would welcome further discussions with the Province in order to be clear on the criteria that would constitute "low risk" activities for appropriate implementation and compliance.

TRCA is also supportive of including in this approach the low risk activities outlined in the current Protocol for implementation coordination between the *Drainage Act* and *Conservation Authorities Act*.

**TRCA supports enabling legislation for a low-risk approach to permitting, subject to review of details in the forthcoming regulation.**

**Require conservation authorities to:**

- **develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions**
- **notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries**

- **establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions**

In accordance with its core values concerning collaboration and accountability, TRCA is making ongoing efforts related to all of the above proposed requirements to increase efficiencies, expedite planning and permit reviews, and enhance customer service. These efforts include:

- TRCA Board-approved permitting policies have been in place since 1994 (Valley and Stream Corridor Management Program) and subsequent to that, The Living City Policies (2014);
- consultation with municipalities, the public and stakeholders (e.g., BILD, agricultural community, ENGOs, etc.), consisting of distribution through the TRCA website, newspapers, public open houses, stakeholder meetings and workshops on:
  - regulated area mapping jurisdiction-wide update
  - planning and permitting policy documents, and
  - supporting technical guidance documents;
- hosting and leading municipal and industry training sessions and workshops;
- regular file “triage” and consultation meetings among municipal staff and TRCA plan and permit review staff;
- development of complete application checklists for both planning and permitting;
- establishing expedited permit issuance protocols, including staff delegated permit approvals, routine infrastructure works and emergency works permits
- regular reviews of TRCA fee schedules and service delivery for planning and permitting in consultation with municipalities and the building industry.

**TRCA supports the provincially-proposed requirements for conservation authority transparency and consultation, as they are consistent with TRCA's core values and current practices.**

**Once the regulation is established, the Province is also proposing to bring into force un-proclaimed sections of the CA Act associated with CA permitting decisions and regulatory enforcement**

TRCA supports proclaiming un-proclaimed sections of the Act for to deter non-compliance with section 28 regulations. During the 2017 CA Act review and amendments, TRCA was pleased to see substantial amendments were made to the Act to enhance enforcement mechanisms, i.e., the ability to stop work, the ability to enter privately-owned land (for the purposes of ensuring compliance with permit approvals and conditions and with reasonable grounds to believe an offence has occurred), and the ability to charge significantly higher (offence) penalties than those currently identified within the Act. TRCA had also recommended that Section 30 be amended to include an order to comply; a stop work order be appealed directly to the Minister; clarification regarding “after the fact” permits (i.e., permission for works undertaken in a regulated area without the benefit of a CA permit); and further, that any new or updated regulations include a definition of an officer.

TRCA would like to reiterate these comments and ask the Province to reconsider these matters.

With respect to stop work orders, TRCA recommended that an accompanying “order to comply” be added to the Act to facilitate immediate, albeit interim, mitigation at the expense of the party engaged in the offending activity. Moreover, it was noted that individuals who receive a stop work order have the ability to appeal to the authority, and if not satisfied, to the Minister of Natural Resources and Forestry. TRCA had no objection to an appeal to the Minister. However, it was suggested that an

appeal to the Authority may result in the "apprehension of bias" should the individual make application to apply for a permit for the offending works that could not meet the tests of the Regulation and would be subject to a hearing before the Authority. In such cases, this raised a further issue of "permits after the fact", which TRCA pointed out previously by recommending how authorities should approach these scenarios (i.e., applications for "after the fact" permits that cannot meet the tests of the Regulation) be clarified in the Act, so as to avoid the potential for duplicative processes under the Act and through the courts. Finally, TRCA had recommended that the definition of an officer be included in any new or updated regulation under section 28, as well as section 29 regulations governing lands and property owned by a conservation authority.

The immediate need for improved deterrents to non-compliance is acute in TRCA's highly urbanized watersheds given current development pressures, increasing risks to health and safety and property damage from dumping, illegal activities and extreme weather events.

**TRCA supports enhanced provisions for enforcement of CAs' permitting function through bringing into force un-proclaimed sections of the CA Act but would welcome further enhancement to deter infractions, including:**

- orders to comply
- stop work order appeals only to the Minister
- clarification for "after the fact" permits
- definition of an officer for enforcement purposes.

Thank you again for the opportunity to review this posting. TRCA looks forward to providing feedback on the release of the proposed regulations and amendments to the Act. We trust these comments are of assistance and we would be pleased to meet with Ministry staff at their convenience to discuss any of the above.

Sincerely,



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