



November 25, 2020

Hon. Sylvia Jones
Solicitor General
George Drew Building, 18th Floor
25 Grosvenor St.
Toronto, ON M7A 1Y6

Re: Schedule 6 of Bill 229 - Open Letter to the Honourable Sylvia Jones, MPP for Dufferin-Caledon

Dear Honourable Sylvia Jones:

Mono Council unanimously passed a resolution at its meeting of November 24, 2020 and we append a copy of it to this letter. Mono is a member of three conservation authorities – Toronto Region, Credit and the Nottawasaga. We value the services provided – all services but in particular the assistance in making planning decisions that protect our drinking water, that protect us from developing in flood-prone areas and that protect our wetlands and aquifers.

In 2021 Mono will spend \$133,365 on conservation authorities. If we had to hire our own employees – engineers, planners, ecologists, hydrogeologists, foresters, outdoor educational staff, etc. – to do its own work, we would spend much more than \$133,365 for these services.

We were not impressed with Schedule 6 to Bill 229. It undermines the power of conservation authorities to do their job. And we were particularly unimpressed when your government slipped these proposed changes to the Conservation Authorities Act into a Budget Bill.

We are concerned that Schedule 6 undermines the ability of conservation authorities to make non-political, technical decisions based on science. It does this by allowing the Minister to overrule the decisions of conservation authorities. Schedule 6 will also interfere with the fiduciary duty of a conservation authority board member. Board members have to think of watershed-wide interests in making decisions. We are also concerned that Schedule 6 limits the enforcement powers of conservation authorities.

We have to agree with the Canadian Environmental Law Association (CELA) assessment of Schedule 6 of Bill 229, *“the package of amendments as proposed are likely to set back watershed planning and implementation of an ecosystem-based approach by decades. As such, CELA recommends*

that Schedule 6 not be enacted in its present form and instead be withdrawn in its entirety from Bill 229.”

Sincerely,

The Council of the Town of Mono

Mayor Laura Ryan

Deputy Mayor John Creelman

Councillor Ralph Manktelow

Councillor Sharon Martin

Councillor Fred Nix

Attachments:

- I. Town of Mono Resolution 6-VC17-2020 passed November 24, 2020

CC: Hon. Doug Ford, Premier
Hon. Rod Phillips, Minister of Finance
Hon. Jeff Yurek, Minister of the Environment, Conservation and Parks
Andrea Horwath, Leader, Official Opposition
Steven Del Duca, Leader, Ontario Liberal Party
Mike Schreiner, Leader, Green Party of Ontario
Sandy Shaw, Critic, Finance and Treasury Board
Ian Arthur, Critic, Environment
Peter Tabuns, Critic, Climate Crisis

Email copies to: NVCA, CVC, TRCA, Canadian Environmental Law Association, AMO & all Ontario municipalities

Resolution #6-VC17-2020

Moved by Ralph Manktelow, Seconded by Fred Nix

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

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

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

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

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

AND WHEREAS the \$133,365 that Mono spends on three conservation authorities (1% of budget) is a bargain for the services provided and begs the question as to why Mono would have to enter into three separate agreements for services it now happily receives - without further red tape;

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

AND WHEREAS it is sometimes not practical for the Town of Mono to appoint **only** council members (particularly if this excludes mayors and deputy mayors) to each of the three conservation authorities that service our municipality;

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

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

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

AND WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, their municipal partners, and potentially result in delays in the development approval process;

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

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

AND FURTHER THAT while we would prefer that Bill 229, Schedule 6 be repealed in its entirety, Council for the Town of Mono recommends the following amendments (in descending order of importance):

1. Delete the option for a person to appeal to LPAT or directly to the Minister;
2. Maintain the proposed stop work orders and property access;
3. Allow non mandatory programs as deemed advisable by each Conservation board;
4. Allow appointment of a member of the public to the Board and specify 'municipally elected official' rather than 'municipal councillor' which may exclude mayors, and continue to allow board chairs and vice chairs to serve more than one consecutive term.

"Carried"

This motion was passed unanimously.