

January 5, 2023

To: Clerks, CAO's and Planning and Building Departments of Watershed Municipalities

RE: Legislative and regulation changes affecting conservation authorities, effective January 1, 2023

Further to our letter which was sent out on December 5, 2022 (attached), we wanted to provide you with an important update on the Province's implementation of Bill 23 as they are moving forward with a few aspects effective January 1st.

On December 28, 2022, the MNRF sent a letter to all municipalities and conservation authorities informing us that Ontario Regulation 596/22 has been passed. This regulation changes the review and commenting services that conservation authorities may provide to municipalities effective January 1, 2023.

Plan Review Services

This regulation does not affect conservation authorities' provision of mandatory programs or services (Category 1) related to reviewing and commenting on a proposal, application, or other matter made under the various Acts set out in O. Reg. 596/22. Plan review and commenting under the Mandatory Programs and Services Regulation (O.Reg. 686/21) which includes natural hazards and source water protection continues to be unaffected and circulation of applications shall continue as outlined below:

7. (1) An authority shall provide programs and services to ensure the authority satisfies the functions and responsibilities set out in subsection (2), whether acting on behalf of the Ministry of Natural Resources and Forestry or in its capacity as a public body under the Planning Act, for the purposes of helping to ensure that the decisions under that Act are,

(a) consistent with the natural hazards policies in the policy statements issued under section 3 of the Planning Act, but not including those policies related to hazardous forest types for wildland fire; and

(b) where applicable, conform with any natural hazards policies included in a provincial plan as defined in section 1 of the Planning Act, but not including those policies related to hazardous forest types for wildland fire.

Review under Other Prescribed Acts

[Ontario Regulation 596/22: Prescribed Acts](#) effective January 1, 2023 and amended Sections 21.1.1 and 21.1.2 of the *Conservation Authorities Act* prohibit authorities from

providing a program or service related to reviewing and commenting on proposals, applications, or other matters under prescribed Acts **are specific to our non-mandatory review (e.g. natural heritage review and commenting)**. Commenting services on natural hazards and source water protection will continue under the following Acts:

- The Aggregate Resources Act
- The Condominium Act, 1998
- The Drainage Act
- The Endangered Species Act, 2007
- The Environmental Assessment Act
- The Environmental Protection Act
- The Niagara Escarpment Planning and Development Act
- The Ontario Heritage Act
- The Ontario Water Resources Act
- The Planning Act

Given that there is no transition period we have been receiving questions from municipalities, and unfortunately, there are more questions than answers at this time. We want you to know that we are working closely with other Conservation Authorities and Conservation Ontario to seek clarification. We are also committed to working with our watershed municipalities through this transition period, and will be looking to arrange meetings with municipalities shortly to discuss the best way to implement these changes. In the meantime, we will continue to provide natural heritage comments on Planning Act circulations / applications received on or before December 31, 2022.

Updated Fee Schedule

In addition, under the new section 21.3 the Minister provided a direction to freeze our fees effective January 1, 2023 until December 31, 2023. The UTRCA's fees were approved by our Board of Directors in November and effective prior to January 1, 2023, no further fee changes are proposed during this period.

Other Services Provided through MOUs/Agreements

The recent legislative changes do not affect other services provided to municipalities. The Upper Thames River Conservation Authority will continue work on formalizing these arrangements through Memoranda of Understanding and agreements where they are not already present.

We look forward to providing you with exemplary services. We welcome the opportunity to discuss further with you in order to ensure a smooth transition, please contact either Jenna Allain, extension 223 or myself at extension 253.

Yours Truly,



Tracy Annett
General Manager / Secretary-Treasurer



Jenna Allain
Manager, Environmental Planning & Regulations

Enclosure December 5, 2022 Correspondence

c.c.

County of Middlesex Planning and Development, Durk Vanderwerff
County of Oxford Planning and Development Department, Gord Hough
County of Perth Planning and Development Department, Sally McMullen
Strathroy-Caradoc Planning and Development, Jennifer Huff