

Legislative & Regulatory Changes Including Changes to Mapping and Development Permitting

Burlington Agriculture and Rural Affairs Advisory Committee
May 15, 2024

LEGISLATIVE & REGULATORY CHANGES

- **Effective April 1, 2024**
 - Proclamation of sections of the CA Act; s.28 is repealed
 - New O. Reg. 41/24 replaces CH's O. Reg. 162/06
- Changes intended to streamline CA approvals and support the Provincial government's priority to increase Ontario's housing supply

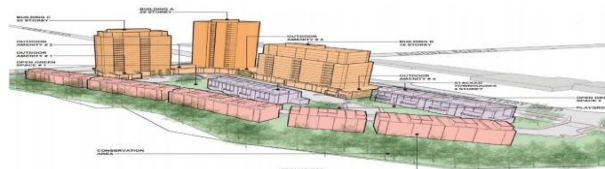


LEGISLATIVE CHANGES

- **Proclaimed sections of the CA Act**
 - Part VI, Section 28 (regulation of areas over which CAs have jurisdiction)
 - Part VII, Section 30 (enforcement and offences)
- **Regulatory tests**
 - changes to the tests used by CAs in permit decisions
 - removal of “conservation of land” and “pollution” tests and addition of “unstable soils and bedrock”
- **Board delegation to staff**
 - issuance or cancellation of permits
 - issuance of 60 month permits/permit extensions

LEGISLATIVE CHANGES

- **Minister's orders**
 - circumstances where CAs must issue permits
- **Appeal process**
 - permit fees, failure to make decisions within 90 days (OLT), permit decisions (Minister's review or OLT), & CA permit cancellations
- **CA enforcement powers**
 - stop orders, property access, etc.
 - extremely high bar to cross

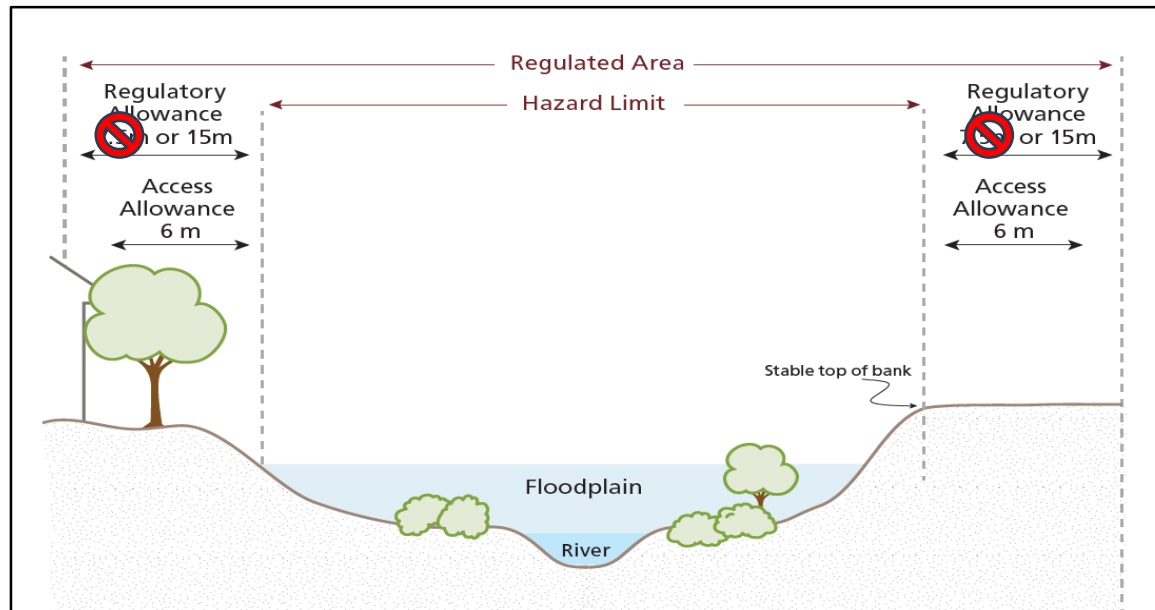


ONTARIO REGULATION 41/24

- **Single regulation for all CAs**
- **CA regulated areas:**
 - watercourses, valleylands, floodplains/spills, wetlands, Lake Ontario shoreline, hazardous lands
 - regulatory allowances adjacent to hazard lands
 - “other areas” adjacent to wetlands
- **Permission is required for:**
 - any development activities within a regulated area (e.g., construction of a building/structure, grading, filling, etc.)
 - activities to straighten, change, divert, or interfere with a watercourse
 - activities to change or interfere with a wetland
- **Updated definitions**

ONTARIO REGULATION 41/24

- **Prohibited activities & areas where a CA permit is required**
 - Increased regulatory allowance in minor valley systems (i.e., 15m from the limit of the greatest hazard)
 - Decreased regulated areas around wetlands (i.e., 30m from the limit of all wetlands, regardless of size or status)



* Staff has interim policies to mitigate the impact of increased regulated areas *

ONTARIO REGULATION 41/24: MAPPING

- **Regulatory Mapping**
 - Make regulation mapping publicly available
 - Annually review and update maps
 - Notify stakeholders of significant updates
- **Recent Changes**
 - Done to be consistent with Regulation
 - No updates outside of consistency
 - Notification through Provincial process



NEW ONTARIO REGULATION 41/24

- **Permit exceptions (including but no limited to)**
 - Rail, chain-link or panelled fence with a min of 75mm width between panels, that is not within a wetland or watercourse
 - Agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley
 - New tile drains that are not within a wetland or watercourse, or within 30m of a wetland or 15m of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley
 - Installation/repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15m of a wetland or a watercourse, and where no excavated material is to be deposited within a regulated area.

ONTARIO REGULATION 41/24

- **Permit application requirements**
 - Pre-submission consultations
 - Enhanced application requirements
- **Service standards for CA permit reviews**
 - 21 days to deem an application complete or incomplete
 - 90 days to make a decision once deemed complete
 - CAs may not ask for additional studies after an application is deemed complete (unless agreed to by applicant)
- **Policy and procedure documents required**

CONSERVATION HALTON KPI	2023 TOTALS
% of minor permit applications processed within 30 days	91%
% of major permit applications processed within 90 days	97%
% of technical reviews for permit applications reviewed within six weeks	99%
% of RIT permit applications processed within 30 days (minor) & 90 days (major)	100%

THANK YOU