

November 17, 2022

Public Input Coordinator
MNRF - PD - Resources Planning and Development Policy Branch
300 Water Street, 6th Floor, South tower
Peterborough, ON
K9J 8M5

Submitted online and sent via email to mnwaterpolicy@ontario.ca

Dear MNRF Public Input Coordinator:

Re: ERO 019-6141 - Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted, and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

Provincially, the protection of Ontario's prime agricultural areas for their long-term agricultural use must be a key objective. It is one thing to think about housing the anticipated additional two million people that will reside in Ontario over the next ten years, but it is another to think seriously about how we will feed this increased population. Ontario's agricultural community proudly produces safe, high quality and reliable sources of food, fibre and fuel. Therefore, any proposals looking at increasing housing supply must be done with consideration to the needs and support of the agricultural community.

OFA has concerns regarding Bill 23 and the many related ERO postings. Current landowners and their properties deserve ongoing protections and services at current levels or greater, without bearing significant cost increases. Assurances must be provided that changes put in place to build more homes faster, will not remove or weaken these protections – even if the manner in which these protections are provided may change. Similarly, Ontario's farmers continue to be asked to provide ecological services for the public good that do not provide any benefit to the farmer. Ontario's farmers must be provided with guarantees that they will not be asked to bear the responsibility, cost and/or lost production associated with replacing the forfeited environmental benefits from developing conservation authority lands and building more homes and related infrastructure.

ERO 019-6141 and Schedule 2 of Bill 23 speak specifically to proposed legislative and regulatory changes to the *Conservation Authority Act* to support the Housing Supply Action 3.0. OFA will provide further comments at a later date specifically addressing the proposed changes outlined

in ERO 019-2927: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.

1. Proposed updates to the regulation of development for protection of people and property from natural hazards in Ontario (legislative changes)

- Remove “conservation of land” and “pollution” from CA consideration, but would retain “flooding”, “erosion”, “dynamic beaches”, and add “unstable soils and bedrock” as CA concerns.

OFA is in favour of conservation authorities focusing on risks associated to natural hazards such as flooding, erosion, dynamic beaches, and unstable soils and bedrock.

- This proposal would exempt developments authorized under the *Planning Act* from requiring permits from the conservation authority, in certain municipalities. It requires that CA's issue permits for projects subject to an order under section 34.1 of the *Planning Act*, and enables the Minister to review, amend and prescribe limits on conditions a conservation authority may include on a permit.
- Sections 28.0.1 and 28.1.2 of the Act, which include provisions to require a conservation authority to issue a permission or permit where an order has been made under section 47 of the *Planning Act*, are amended to also apply to orders made under section 34.1 of the *Planning Act*. Regulation making powers are amended to provide that the Minister may make regulations limiting the types of conditions that may be attached to a permission or permit.

It appears that the proposed changes to the *Conservation Authority Act* will allow (in municipalities prescribed by regulation) development authorized under the *Planning Act* to be exempt from some existing prohibitions. This includes, among other provisions, allowing “Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.”

OFA is concerned that the removal of some of the oversight currently provided by conservation authorities may lead to nearby properties being negatively impacted. What consideration does this proposal afford to the potential negative impact on nearby (not just adjacent) properties? What mechanisms will be put in place for neighbouring properties to ensure that negative impacts to their property are remedied by the new development? It must not be left up to the impacted property owner to have to pursue a solution and / or legal action to remedy a problem that would not occur if appropriate checks and balances are in place prior to development. Who retains the liability of damages to neighbouring properties – is it the developer or the new owner of the affordable housing who likely does not have the resources to remediate and prevent further damage? Or is the liability with the Provincial Government who permitted the development to occur without ensuring appropriate protections are in place? We are opposed to changes that expose our members to increased risk, including risks related to water quality or quantity for both surface and/or groundwater. This potential threat of harm to our members is exemplified by the removal of the ability to appeal decisions to the Ontario Land Tribunal.

2. Focusing conservation authorities’ role in review of development related proposals and applications (comments, appeals)

- Focus Conservation Authorities’ role when reviewing and commenting on proposals, applications or other matters related to development and land use planning.

OFA is in favour of having the CA's focus on their reviews and comments to risks associated with flooding, erosion, dynamic beaches and unstable soils and bedrock.

- The new regulation proposes to prescribe the following Acts under which a conservation authority could not perform this review and commenting role as a “municipal” or “other” program or service under sections 21.1.1 and 21.1.2 of the *Conservation Authorities Act*
 - o *The Aggregate Resources Act*
 - o *The Condominium Act*
 - o *The Drainage Act*
 - o *The Endangered Species Act*
 - o *The Environmental Assessment Act*
 - o *The Environmental Protection Act*
 - o *The Niagara Escarpment Planning and Development Act*
 - o *The Ontario Heritage Act*
 - o *The Ontario Water Resources Act*
 - o *The Planning Act*

OFA is in favour of limiting the conservation authority comments to issues of flooding, erosion, dynamic beaches and unstable soils and bedrock as it relates to these pieces of legislation.

- Limiting conservation authority appeals under the *Planning Act*.

As OFA previously submitted, we believe that since conservation authorities have a role and responsibility in development related to natural hazards, the ability to appeal planning decisions counter to these objectives is necessary. OFA requests that the ability of a conservation authority to appeal on its own right or be party to an appeal be retained.

3. Freezing conservation authority fees

- Provide the Minister with enabling authority to direct a CA to maintain its fees charged for programs and services at current levels.

OFA believes that fees charged by conservation authorities should reflect the actual cost to deliver the permit, program, or service. These fees should never be a source of revenue. That being said, it would also be beneficial to examining the potential for standardizing the fees or a fee-range for any conservation authority permit across the province. This could be used to avoid significant disparities across regions for residents.

4. Identifying conservation authority lands suitable for housing and streamlining conservation authority severance and disposition processes that facilitate faster development

- Streamline the process so conservation authorities can sever their land more easily to be developed for housing developments, as well as for infrastructure and utility purposes.

Currently, over 3,000 acres of conservation land is leased to farmers for agricultural purposes. OFA strongly urges that conservation authority lands that are leased to farmers are not included in the lands considered suitable for housing.

OFA is also concerned with the potential unintended consequences of conservation authority lands being used for housing. Specifically, what assurances will be put in place to ensure that

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farmers and agricultural lands will not bare the responsibility of the lost environmental and ecological services that these lands currently serve?

Many of OFA's concerns with this proposal relate to potential unintended consequences that may negatively impact the agricultural community. With the potential of an additional two million residents calling Ontario home within the next ten years, it remains imperative to ensure our agricultural production and systems remain intact and functioning efficiently and effectively. Farmland is a finite resource that cannot be reclaimed once it is lost development. OFA urges continued communications with the agricultural community as the government continues with consultations on their More Homes Built Faster: Ontario's Housing Supply Action Plan.

I trust our opinions and recommendations will be given due consideration.

Sincerely,



Peggy Brekveld
President

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Graydon Smith, Minister of Natural Resources and Forestry
The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
OFA Board of Directors