

Appendix I

Implications of Recent Changes to the Conservation Authorities Act Through Bill 229, Protect, Support and Recover from COVID 19 Act (Budget Measures), 2020

Details of Bill 229 Schedule 6 – Amendments to the *Conservation Authorities Act*

The more significant amendments to the *Conservation Authorities Act* (the Act) are described below.

Members of an Authority

Section 14 of the Act is amended to ensure that at least 70 per cent of the members of a Conservation Authority (CA) that are appointed by participating municipalities are municipal councillors. The Minister may grant exceptions to the 70 per cent rule to participating municipalities. The Minister is given the authority to appoint an additional member to a conservation authority to represent the agricultural sector. That member has limited voting rights.

Mandatory Programs and Services

The objects of a CA described in section 20 of the Act are limited to the provision of programs and services required or permitted under sections 21.1, 21.1.1 and 21.1.2. Section 21.1 requires an authority to provide mandatory programs and services that are prescribed by regulation and meet the requirements set out in that section.

Agreements with Participating Municipalities

Section 21.1.1 allows authorities to enter into agreements with participating municipalities to provide programs and services on behalf of the municipalities, subject to the regulations. Section 21.1.2 would allow authorities to provide such other programs and services as it determines are advisable to further the purposes of the Act, subject to the regulations.

An authority is required to enter into agreements with the participating municipalities in its jurisdiction if any municipal funding is needed to recover costs for the programs or services provided under section 21.1.2.

Transition Plan related to Cost Recovery

A transition plan shall be developed by an authority to prepare for entering into agreements relating to the recovery of costs. All programs and services must be provided in accordance with any prescribed standards and requirements.

Fee Reconsideration

Section 21.2 of the Act allows a person who is charged a fee for a program or services provided by an authority to apply to the authority to reconsider the fee. Section 21.2 is amended to require the authority make a decision upon reconsideration of a fee within 30 days. Further, the amendments allow a person to appeal the decision to the Local Planning Appeal Tribunal (LPAT) or to bring the matter directly to the LPAT if the authority fails to render a decision within 30 days.

Actions by the Minister

New sections 23.2 and 23.3 of the Act would allow the Minister to take certain actions after reviewing a report on an investigation into an authority's operations. The Minister may order the authority to do anything to prevent or remedy non-compliance with the Act. The Minister may also recommend that the Lieutenant Governor in Council appoint an administrator to take over the control and operations of the authority.

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Furthermore, if the authority fails to make a decision with respect to an application within 120 days after the application is submitted, the applicant may appeal the application directly to the LPAT.

Zoning Order

New section 28.0.1 of the Act requires a CA to, on application, grant the applicant permission to carry out a development project in the authority's area of jurisdiction if a zoning order has been made by the Minister of Municipal Affairs and Housing under section 47 of the *Planning Act* authorizing the development under that Act.

The permission may be granted subject to conditions specified by the authority. Those conditions may be subject to a review by the Minister or an appeal to the LPAT. Where permission to carry out a development project is granted, the permit holder must enter into an agreement with the authority in order to compensate for ecological and other impacts that may result from the development project.

Ministerial Order not to issue a Permit

New section 28.1.1 of the Act allows the Minister to order a CA not to issue a permit to engage in an activity that, without the permit, would be prohibited under section 28 of the Act. After making such an order the Minister may issue the permit instead of the CA.

Cancellation of Permit Appeal to LPAT

Section 28.3 of the Act is amended to allow a decision of a CA to cancel a permit or to make another decision under subsection 28.3 (5) to be appealed by the permit holder to the Local Planning Appeal Tribunal.

Entry on to Lands

Subsection 30.2 of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority without a warrant and without the consent of the owner or occupier, if an application has been submitted for a permit to engage in an activity with respect to the land.

Issuance of Stop Order

Subsections 30.4 (1) and (2) of the Act are amended to update the circumstances in which officers may issue stop orders to persons carrying on activities that could contravene or are contravening the Act.

Planning Act Amendment.

The schedule amended the *Planning Act* 1(2) where a reference to a public body does not include a CA under the *Conservation Authorities Act* except where an appeal relates to a prescribed natural hazard risk or in the case of an appeal the CA was the applicant for consent in the matter under appeal.