

April 10<sup>th</sup>, 2024

**VIA EMAIL**

**To: Planning Departments & Chief Building Officials of:**

**Bruce County**

Municipality of South Bruce

Township of Huron-Kinloss

**Huron County**

Municipality of Central Huron

Municipality of Huron East

Municipality of Morris-Turnberry

Town of Goderich

Township of Ashfield-Colborne-Wawanosh

Township of Howick

Township of North Huron

**Perth County**

Municipality of North Perth

Municipality of West Perth

Township of Perth East

**Wellington County**

Town of Minto

Township of Mapleton

Township of Wellington North

**Re: Legislative and Regulatory Changes Affecting CA Development Permitting  
(Effective April 1, 2024)**

On February 16, 2024, a new Minister's regulation (Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits) under the *Conservation Authorities Act* was approved by the Province. This regulation will replace the existing individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (Ontario Regulation 164/06) held by the Maitland Valley Conservation Authority (MVCA) and moving forward, O. Reg. 41/24 will be used by all CAs. The regulation's effective date is April 1, 2024. The enactment of O. Reg. 41/24 will also coincide with the proclamation of associated sections within the *Conservation Authorities Act*.

While O. Reg. 41/24 represents a single regulation for all CAs, much of the CA regulatory process remains unchanged. The administration of O. Reg. 41/24 is a Mandatory Program and Service of the Conservation Authorities as per Section 21.1.1 of the *Conservation Authorities Act* and as stipulated in O. Reg. 686/21: *Mandatory Programs and Services*. Under section 8 of O. Reg. 686/21, Conservation Authorities shall provide programs and services to ensure that the Authority carries out its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

**CAs will continue to require applications for a permit to undertake otherwise prohibited development, interference and alteration activities in regulated areas as defined under the *Conservation Authorities Act* and in O. Reg. 41/24.**

For those applications submitted prior to the enactment of O. Reg. 41/24, the current permitting process will be followed. New permit applications submitted on or after April 1, 2024 will follow the processes outlined in the updated Section 28 of the *Conservation Authorities Act* and O. Reg. 41/24. MVCA will keep you informed as we work to develop and update our implementation support materials.

## **Key Changes**

MVCA and Conservation Ontario are still actively seeking guidance and clarification from the Province of Ontario to accurately assess the changes that will occur as a result of:

- Updated definitions for activities and regulated features
- Updated tests against which permit applications are considered
- Pre-consultation requirements as per the amended CA Act
- List of exempted activities

These changes will require CAs to review and update their regulatory mapping (as appropriate) to reflect the new regulated limits. Municipalities are advised that CA regulatory mapping which has been shared for screening purposes may require updates.

Additionally, section 5 of O. Reg. 41/24 provides a list of activities or works where a CA permit is no longer required, where works are carried out in accordance with the regulation. Applicants are encouraged to confirm exceptions with the CA prior to carrying out the work. CAs will work to provide implementation support materials to municipalities, particularly around Drainage Act procedures, as they are available.

Additionally, it is MVCA's expectation that significant updates will be seen in the near future around the Ministry of Natural Resources and Forestry guidelines for Natural Hazards (Great Lakes as well as Riverine).

## **Plan Review Services**

There are no changes to CA planning services at this time. Conservation Authorities **continue to provide mandatory or Category 1 programs or services related to reviewing and commenting on applications and other matters (e.g., planning document updates) under the *Planning Act*, and for proposals under Acts** referred to in Section 6 (2) of Ontario Regulation 686/21: Mandatory Programs and Services. Municipalities must continue to circulate planning applications and other matters, including technical reports to CAs so that we may review and comment on natural hazards and wetland matters per Ontario Regulation 686/21. Comments provided will reflect a watershed-based approach to the provision of mandatory programs and services.

## **Fee Schedule**

The attached fee schedule for 2024 meets the requirements of the "Minister's List of classes of programs and services in respect of which conservation authorities may charge a fee". The Minister has issued a direction to freeze Conservation Authority fees for planning and permitting for the year of

2024 so no increase to existing fees will be made to our fee schedule for planning and permitting fees during this time.

MVCA will continue to work closely with all of our member municipalities and provide updates as we receive additional information from the Ministry of Natural Resources and Forestry. Please reach out to MVCA staff if you have any questions or concerns.