



Essex Region Conservation Authority

Board of Directors

Meeting Agenda

Meeting Date: Thursday, January 18, 2024

Time: 6:00 pm

Location and Details: Council Chambers, Essex Civic Centre
360 Fairview Avenue West, Essex ON

List of Business

Page Number

-
1. Call to Order
 2. Land Acknowledgement
 3. Declarations of Pecuniary Interest
 4. Approval of Agenda 1-4
 5. Adoption of Minutes 5-12
 - A. ERCA Board of Directors
 - B. ERCA Executive Committee
 6. Business Arising from Previous Minutes
 7. Election of Chair and Vice-Chair
 - A. Appointment of Interim Chair (CAO for purposes of Election)
 - B. Appointment of Scrutineers
 - C. Election of Chair
 - D. Election of Vice-Chair
 8. Remarks from Incoming Chair

9. Actions

A. Appointment of ERCA Auditor, Financial Institution, Solicitor, and Insurance Company for 2024

- i. Auditor
- ii. Financial Institution
- iii. Solicitor
- iv. Insurance

B. Approval for ERCA Borrowing Resolution

10. Reports for Approval and Information

None

11. Reports for Information

A. Environmental Registry Reports

None

B. Correspondence

- i. Letter from MNRF regarding Minister's direction for conservation authorities regarding fee changes associated with planning, development and permitting fees dated December 13, 2023
- ii. Letter from MNRF regarding Extension to meet requirements under O.Reg. 687/21 Transition Plan and Agreements dated December 13, 2023
- iii. Letter from Ministry Tourism, Culture and Sport regarding the Community Museum Operating Grant for 2023-2024 dated December 20, 2023

12. 2023 ERCA Annual Report

13. ERCA Staff Service Awards

14. ERCA Conservation Awards Presentation

15. Other Business

A. Next Meeting

The next regular meeting of the ERCA Board of Directors will be held on Thursday, February 15, 2024, starting at 6:00 p.m. in Council Chambers, Essex Civic Centre.

16. Adjournment



A handwritten signature in black ink, appearing to read "Tim Byrne", is written over a faint horizontal line.

Tim Byrne, CAO/Secretary-Treasurer



Essex Region Conservation Authority

Board of Directors

Meeting Minutes

Meeting Date: Thursday, December 14, 2023

Time: 6:00 pm

Location and Details: Council Chambers, County of Essex Civic Centre
360 Fairview Avenue West, Essex, ON

Attendance

Members Present:	Jim Morrison (Chair)	Michael Akpata
	Molly Allaire	Sue Desjarlais (Vice-Chair)
	Peter Courtney	Anthony Abraham
	Jason Matyi	Larry Verbeke
	Tracey Bailey	Joe Bachetti
	Thomas Neufeld	Angelo Marignani (@ 6:21pm)
	Ryan McNamara	Kieran McKenzie

Absent: Kim DeYong

Regrets:	Katie McGuire-Blais	Tania Jobin
	Dayne Malloch	Mark McKenzie

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, CFO/Director Finance and Corporate Services
Kevin Money, Director Conservation Services
James Bryant, Director Watershed Management Services
Tian Martin, Watershed Engineer
Kris Ives, Curator/Education Coordinator

Others

Tom Dufour, Geomatics Technician
Katie Stammler, Water Quality Scientist/Project Manager Source Water Protection
Tom Fuerth, Chair, Source Water Protection Committee

1. Call to Order

Good evening and welcome to the December 14, 2023, meeting of the ERCA Board of Directors. I will call the meeting to order. Thank you all.

We have regrets this evening from:

- Councillor Katie McGuire-Blais, Essex
- Deputy Mayor Dayne Malloch
- Councillor Tania Jobin, Tecumseh
- Councillor Mark McKenzie Windsor

2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomi Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

4. Approval of Agenda

A. ERCA Board of Directors

Resolution 137/23 Moved by Joe Bachetti

Seconded by Larry Verbeke

THAT the Agenda of the December 14, 2023, meeting of the ERCA Board of Directors be approved. **Carried**

5. Hearings

6. Adoption of Minutes

A. ERCA Board of Directors

Resolution 138/23 Moved by Tracey Bailey

Seconded by Jason Matyi

THAT the Minutes of the November 9, 2023, meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

B. ERCA John R. Park Homestead Advisory Board

Resolution 139/23 Moved by Sue Desjarlais

Seconded by Michael Akpata

THAT the Minutes of the November 22, 2023 meeting of the John R. Park Homestead Advisory Board and the recommendations therein be approved as distributed. **Carried**

7. Business Arising from the Previous Minutes

8. Announcements

Since our last meeting, Tim and Shelley have completed meetings with all Municipal Administration related to the Cost Apportionment Agreements for non-mandatory services and are now working to finalize all agreements. On behalf of the Board, I would like to personally thank you for both your vigilance in undertaking this work on behalf of the Authority.

We will discuss the outcome of these meetings in tonight's budget discussion

Last week, staff facilitated five Public Information Centres across the region, in partnership with the County of Essex, to provide information about the updated Shoreline Natural Hazard mapping.

I'm pleased to share that the structural roof repairs to the John R. Park Homestead have taken place, and additional restoration works continue. A big thank you to all the donors who contributed more than \$45,000 towards this work on November 28 for Giving Tuesday. And of course, we continue to thank the Conservation Foundation for making the Homestead repairs its top fundraising priority.

And lastly, I'd like to extend my very best of the holiday season to all Board members. Thank you for your service and commitment to creating a future of sustainability for our region, and I look forward to continuing to work with you in the years to come.

9. Delegations

None

10. Presentations

None

11. Reports for Approval

A. BD48/23 2024 Draft Budget and Municipal Cost Apportionment

Resolution 140/23 Moved by Peter Courtney
Seconded by Joe Bachetti

THAT the 2024 Draft Budget including the Budget Discussion & Analysis companion document, be received for Members' review and approval; and further,

THAT the Board of Directors support the municipal cost apportionment of \$2,971,088, for mandatory programs and services (+2.6%, \$75,965) as supported by the Finance and Audit Advisory Board (Resolution FAAB 09/23); and further,

THAT the Board of Directors support the reduced municipal cost apportionment of \$317,262, restricted to the seven unanimously supported Category 3 programs and services (-63.7%, - \$555,850), and reflecting the outcome of municipal discussions and Resolutions of Councils, regarding the Cost Apportioning Agreement for Category 3 (non-mandatory) programs and services, and further,

THAT Administration circulate the 2024 Draft Budget, Discussion & Analysis companion document, as attached herein, to member municipalities for consultation in accordance with Ontario Regulation 402/22. **Carried**

Resolution 141/23 Moved by Kieran McKenzie
Seconded by Joe Bachetti

THAT the Board of Directors continue to endorse the full suite of Category 3 non-mandatory services, as described in the funding envelope, and included in the draft municipal Cost Apportioning Agreements; and further,

THAT the Board of Directors support the temporary pausing of the watershed stewardship & agricultural outreach program for 2024 and exclude it from non-mandatory cost apportionment, due to insufficient funding; and further,

THAT Administration continue to engage interested member municipalities in the support of agreed-to contributions for land acquisition and protection and; and further,

THAT the Board of Directors accept discretionary municipal contributions to a new and separate land acquisition and protection fund, if directed by any member municipality and included in its Cost Apportioning Agreement, or a revised Agreement with the Authority.

B. BD49/23 John R. Park Homestead Museum Operating Policies

Resolution 142/23 Moved by Sue Desjarlais
Seconded by Anthony Abraham

THAT the Overarching, Collections, Conservation, Interpretation and Education, and Research policy updates for the John R. Park Homestead Conservation Area be approved. **Carried**

C. BD50/23 Development of Policies Regarding E-bike Usage on ERCA Properties

Resolution 143/23 Moved by Molly Alliare
Seconded by Angelo Marignani

THAT Report BD50/23 be received for Members' information; and further,

THAT ERCA Administration be directed to engage in public consultation in order to identify any potential conflicts with the use of e-bikes within ERCA properties and subsequently formulate appropriate policies for the ERCA Board of Directors' consideration. **Carried**

12. Reports for Information

A. BD51/23 Windsor/Essex Stormwater Management Manual Update

Resolution 144/23 Moved by Peter Courtney
Seconded by Ryan McNamara

THAT Report BD51/23 be received for Member's information. **Carried**

B. BD52/23 Essex Region Shoreline Hazard Mapping Project Update

Resolution 145/23 Moved by Larry Verbeke
Seconded by Angelo Marignani

THAT Report BD52/23 be received for Member's information. **Carried**

C. BD53/23 Update on ERCA Bridge Remediation Plan

Resolution 146/23 Moved by Ryan McNamara
Seconded by Angelo Marignani
THAT Report BD53/23 be received for Member's information. **Carried**

D. BD54/23 Watershed Management Services Activities Report for November 2023

Resolution 147/23 Moved by Peter Courtney
Seconded by Thomas Neufeld
THAT the review of Regulations and Planning Applications, as presented in Report BD54/23 be received for Members' information. **Carried**

E. Environmental Registry Reports

- i. Conservation Ontario's comments on the "Proposed regulatory amendments to encourage greater reuse of excess soil" (ERO#019-7636)
- ii. Conservation Ontario's Comments on the "Proposal to return lands to the Greenbelt - Greenbelt Statute Law Amendment Act, 2023 (ERO #019-7739) and the "New Act regarding the Duffins Rouge Agricultural Preserve easements and covenants" (ERO #019-7735)
- iii. Conservation Ontario's Comments on the "Proposed amendments to the Niagara Escarpment Planning and Development Act" (ERO# 019-7696)

Resolution 148/23 Moved by Kieran McKenzie
Seconded by Molly Alliare
THAT Conservation Ontario comments on ERO#019-7636, ERO#019-7739, ERO#019-7735 and ERO#019-7696 be received for Members' information. **Carried**

F. Correspondence

- i. Letter from Prince Edward County with a resolution regarding support for the Province stop the Ministry of the Environment, Conservation and Parks (MECP) proposal to expand the use of the permit-by-rule to waste management systems, storm water management systems, and certain water taking activities, dated November 17, 2023.

Resolution 149/23 Moved by Michael Akpata
Seconded by Angelo Marignani
THAT correspondence received for Members' information. **Carried**

13. Committee of the Whole

None

14. New Business

A. Natural Resources Canada (NRCAN) Funding for Coastal Resilience Plans (Verbal)

James Bryant, Director Watershed Management Services informed the Board of the County's commitment to the Climate Resilient Coastal Communities (CRCC) funding through Natural Resources Canada (NRCAN). With Essex County Council's approval, the County has committed up to \$50k to the Lake St. Clair Resilience Plan and up to \$150k to the Pelee Coastal Resilience Plan. These commitments are contingent on successful funding by NRCAN, which would be matching project dollars at a 3:1 ratio (i.e. up to 75% of project costs). Applications were due and submitted by the respective project leads on December 13, 2023.

15. Other Business.

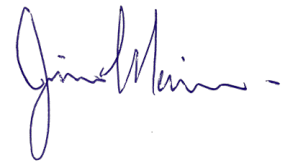
A. Next Meeting

The next meeting of the Board of Directors will be held at the Annual General Meeting on January 18, 2024, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

16. Adjournment

Resolution 150/23 Moved by Angelo Marignani
Seconded by Peter Courtney

THAT the December 14, 2023 meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



Jim Morrison, Chair



Tim Byrne, CAO/Secretary-Treasurer



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Thursday, December 14, 2023

Time: 5:15 pm

Location and Details: Council Chambers, Essex Civic Centre, Essex, ON

Attendance

Members Present: Jim Morrison (Chair) Larry Verbeke
Sue Desjarlais (Vice-Chair) Kieran McKenzie

Absent:

Regrets: Tania Jobin

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, CFO/Director Finance & Corporate Services
Kevin Money, Director Conservation Services
James Bryant, Director Watershed Management Services
Dan Jenner, Regulations Coordinator
Summer Locknick, Regulations Analyst

Others

Sasha Stasko
James Mandarive

1. Call to Order

Good afternoon and welcome to the December 14, 2023, meeting of the ERCA Executive Committee.

2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomi Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

3. **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

4. **Approval of Agenda**

Resolution EC 47/23 Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the agenda for the December 14, 2023 meeting of the ERCA Executive Committee be approved. **Carried**

5. **Hearings**

A. **Executive Committee Convene as the Hearing Board**

Resolution EC 48/23 Moved by Sue Desjarlais

Seconded by Larry Verbeke

THAT the Executive Committee sit as the Hearing Board in respect of an application(s) under Section 28 of the Conservation Authorities Act. **Carried**

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of two applications.

We, as the Hearing Board, are unaware of the matters being brought forward and we are only now receiving and reviewing the information provided by staff this afternoon.

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland. The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding these hearings, the Authority Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of each applicant.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the

ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal. However, this is a quasi-judicial process, and provides for evidence to be given in response to members' question. Therefore, staff and applicants will be asked to swear an oath or provide an affirmation to speak the truth.

In accordance with section 28 of the Act, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons, appeal the decision, to the Ontario Land Tribunal who may refuse the permission, or grant permission with or without conditions.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board.

Staff will first introduce the applicant, his/her owner, and others wishing to speak, and then present the staff position. The applicant and/or their agent may then speak and make any comments on the staff position if they so desire. I would also remind everyone that the Hearing Board is open to the public. However, as stated earlier, this is a quasi-judicial process and accordingly the general public may observe, but are not third-party to the matters before us today and cannot participate. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Dan Jenner, Regulations Coordinator to introduce the applications, I would ask that he swear an oath or provide an affirmation to speak the truth for the duration of the Hearing Board.

Dan Jenner, Regulations Coordinator, Watershed Management Services took an affirmation.

Dan Jenner introduced the applications and context for the application. The Chair asked applicant (or agents for applicant) to swear oath or provide affirmation to speak the truth (as above).

i. [Drew Coulson, Coulson Design Build Inc.](#)

Resolution EC 49/23 Moved by Kieran McKenzie

Seconded by Sue Desjarlais

THAT the application from Drew Coulson, Coulson Design Build Inc., to request relief from access (ingress and egress) policy requirements to construct a dwelling at 23 McBride Road Town of Amherstburg, be approved. **Carried.**

ii. [Sasha Stasko](#)

Resolution EC 50/23 Moved by Kieran McKenzie

Seconded by Larry Verbeke

THAT the application from Sasha Stasko to request relief from access (ingress and egress) policy requirements to construct a multi use building on 7931-7951 Riverside Drive E, City of Windsor, be approved. **Carried.**

B. Hearing Board to Reconvene as the Executive Committee

Resolution EC 51/23 Moved by Kieran McKenzie
Seconded by Larry Verbeke

THAT the Hearing Board reconvene as the Executive Committee. **Carried.**

6. Tenders

None

7. Reports for Approval

A. EC06/23 Purchase of an 80KW Portable Generator

Resolution EC 52/23 Moved by Kieran McKenzie
Seconded by Larry Verbeke

THAT the request for quotation for a 80KW Portable Generator in the amount of \$99,696 + HST be awarded to CF Industries subject to favourable review by Administration. **Carried.**

8. Committee of the Whole

None

9. New Business

None

10. Other Business

A. Next Meeting

The next meeting of the ERCA Board of Directors will be held on Thursday, December 14, 2023 starting at 6:00 p.m. in Council Chambers at the Civic Centre, Essex.

11. Adjournment

Resolution EC 53/23 Moved by Larry Verbeke
Seconded by Sue Desjarlais

THAT the December 14, 2023 Meeting of the Essex Region Conservation Authority Executive Committee be adjourned. **Carried**



Jim Morrison
Chair



Tim Byrne
CAO/Secretary-Treasurer



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Friday, December 22, 2023

Time: 9:03 am

Location and Details: via Zoom web conferencing

Attendance

Members Present: Jim Morrison (Chair) Larry Verbeke
Sue Desjarlais (Vice-Chair) Kieran McKenzie

Absent:

Regrets: Tania Jobin

Staff Present Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA

Others None

1. Call to Order

Good morning and welcome to the December 22, 2023, meeting of the ERCA Executive Committee. We have regrets from Councillor Tania Jobin, Tecumseh

2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomi Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

4. Approval of Agenda

Resolution EC 54/23 Moved by Kieran McKenzie

Seconded by Larry Verbeke

THAT the agenda for the December 22, 2023 meeting of the ERCA Executive Committee be approved. **Carried**

5. Hearings

None

6. Tenders

None

7. Reports for Approval

None

8. Committee of the Whole

A. Confidential Matters related to Personnel Issues

Resolution EC 55/23 Moved by Sue Desjarlais

Seconded by Larry Verbeke

THAT the meeting move from Executive Committee to Committee of the Whole related to Personnel matters. **Carried.**

B. Resume in open session

Resolution EC 56/23 Moved by Sue Desjarlais

Seconded by Kieran McKenzie

THAT the actions of the Executive Committee in Committee of the Whole be endorsed. **Carried.**

9. New Business

None

10. Other Business

A. Next Meeting

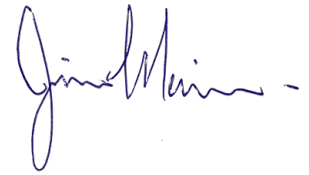
The next meeting of the ERCA Board of Directors will be the Annual General Meeting held on Thursday, January 18, 2024 starting at 6:00 p.m. in Council Chambers at the Civic Centre, Essex.

11. Adjournment

Resolution EC 57/23 Moved by Sue Desjarlais

Seconded by Kieran McKenzie

THAT the December 22, 2023 Meeting of the Essex Region Conservation Authority Executive Committee be adjourned. **Carried**



Jim Morrison
Chair



Tim Byrne
CAO/Secretary-Treasurer

**Ministry of Natural
Resources and Forestry**

Office of the Minister

99 Wellesley St W
Room 6630, Whitney Block
Toronto ON M7A 1W3
Tel.: 416-314-2301

**Ministère des Richesses
naturelles et des Forêts**

Bureau du ministre

99, rue Wellesley Ouest
Bureau 6630, Édifice Whitney
Toronto ON M7A 1W3
Tél.: 416-314-2301



December 13, 2023

TO: All Conservation Authorities

SUBJECT: Extension of Minister's Direction for Conservation Authorities Regarding Fee Changes Associated with Planning, Development and Permitting Fees

I am writing with regards to conservation authority fees for the 2024 year. As you are aware, a Minister's Direction ("Direction") was issued on December 28, 2022, directing conservation authorities not to change fees for programs and services associated with planning, development and permitting for the 2023 calendar year. I have provided a copy of this previous direction for your reference.

Pursuant to my authority under subsection 21.3 (1) of the *Conservation Authorities Act*, I am issuing a new Direction that extends the previous Direction for the upcoming year (attached to this letter as Attachment A). The Direction will be in effect from January 1, 2024 to December 31, 2024 and applies to fees for the same programs and services specified in the Direction that was in effect for 2023.

If you have any questions, please contact Jennifer Keyes, Director, Resources Planning and Development Policy Branch, at 705-761-4831 or jennifer.keyes@ontario.ca.

Sincerely,

The Honourable Graydon Smith
Minister of Natural Resources and Forestry

c: The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
The Honourable Andrea Khanjin, Minister of the Environment, Conservation and Parks

**Minister’s Direction Issued Pursuant to Section 21.3 of the *Conservation Authorities Act*
(this “Direction”)**

WHEREAS section 21.2 of the *Conservation Authorities Act* permits a Conservation Authority to charge a fee for a program or service if the program or service is included in the Minister’s list of classes of programs and services in respect of which a Conservation Authority may charge a fee;

AND WHEREAS subsections 21.2 (6) and 21.2 (7) of the *Conservation Authorities Act* provide that a Conservation Authority shall adopt a written fee policy that includes a fee schedule listing the programs and services that it provides in respect of which it charges a fee, and the amount of the fee charged for each program or service or the manner in which the fee is determined (a “**Fee Schedule**”);

AND WHEREAS subsection 21.2 (10) of the *Conservation Authorities Act* provides that a Conservation Authority may make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, provided the authority shall give notice of the proposed change to the public in a manner it considers appropriate;

AND WHEREAS section 21.3 of the *Conservation Authorities Act* provides the Minister with the authority to give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction;

NOW THEREFORE pursuant to the authority of the Minister of Natural Resources and Forestry under section 21.3, the Conservation Authorities set out under Appendix “A” of this Direction (the “**Conservation Authorities**” or each, a “**Conservation Authority**”) are hereby directed as follows:

Fee Changes Prohibition

1. Commencing on the Effective Date and for the duration of the Term of this Direction, a Conservation Authority is prohibited from making a change under subsection 21.2 (10) of the *Conservation Authorities Act* to the amount of any fee or the manner in which a fee is determined in its fee schedule if such a change would have the effect of changing the fee amount for the programs and services described in paragraphs 2 and 3 of this Direction.

Program and Service Fees Impacted

2. This Direction applies to any fee set out in the Fee Schedule of a Conservation Authority, including without limitation fees for any mandatory program or service

(Category 1), municipal program or service (Category 2), or Conservation Authority recommended program or service (Category 3) related to reviewing and commenting on planning and development related proposals, applications, or land use planning policies, or for Conservation Authority permitting.

3. For greater certainty, this Direction applies to any fees in respect of the following programs or services provided under the Mandatory Programs and Services regulation ([O. Reg. 686/21](#)):
 - a. Section 6: programs and services related to reviewing applications and proposals under the *Aggregate Resources Act*, *Drainage Act*, *Environmental Assessment Act*, and the *Niagara Escarpment Planning and Development Act*, for the purpose of commenting on the risks related to natural hazards arising from the proposal,
 - b. Section 7: programs and services related to ensuring that decisions under the *Planning Act* are consistent with the natural hazards policies in the policy statements issued under section 3 of the *Planning Act* and are in conformance with any natural hazard policies included in a provincial plan as defined in section 1 of that Act,
 - c. Section 8: programs and services related to Conservation Authority duties, functions, and responsibilities to administer and enforce section 28 and its regulations, section 28.0.1, and section 30.1 of the *Conservation Authorities Act*,
 - d. Paragraph 4 of subsection 13 (3): programs and services related to reviewing and commenting on any proposal made under another Act for the purpose of determining whether the proposal relates to a significant drinking water threat or may impact any drinking water sources protected by a source protection plan, and
 - e. Subparagraph 4 iv of section 15: programs and services related to reviewing and commenting on proposals made under other Acts for the purpose of determining the proposal's impact on the Lake Simcoe Protection Plan and the Lake Simcoe watershed.

Application

4. This Direction, applies to all Conservation Authorities in Ontario, listed in Appendix "A" to this Direction.
5. For greater certainty, this Direction also applies to the Conservation Authorities listed in Appendix "A" to this Direction when such Conservation Authorities are meeting as a source protection authority under the *Clean Water Act, 2006*.

Effective Date and Term

6. This Direction is effective from January 1, 2024 (the "**Effective Date**").

7. The term of this Direction is the period from the Effective Date to December 31, 2024 (the “**Term**”).

Amendments

8. This Direction may be amended in writing from time to time at the sole discretion of the Minister.

HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the
Minister of Natural Resources and Forestry



The Honourable Graydon Smith
Minister of Natural Resources and Forestry
December 13, 2023

APPENDIX A

LIST OF CONSERVATION AUTHORITIES TO WHICH THE DIRECTION APPLIES

Ausable Bayfield CA

R.R. #3
71108 Morrison Line
Exeter ON N0M 1S5
Brian Horner
bhorner@abca.on.ca

Cataraqui Region CA

Box 160
1641 Perth Road
Glenburnie ON K0H 1S0
Katrina Furlanetto
kfurlanetto@crca.ca

Catfish Creek CA

R.R. #5
8079 Springwater Road
Aylmer ON N5H 2R4
Dusty Underhill
generalmanager@catfishcreek.ca

Central Lake Ontario CA

100 Whiting Avenue
Oshawa ON L1H 3T3
Chris Darling
cdarling@cloca.com

Credit Valley CA

1255 Old Derry Rd
Mississauga ON L5N 6R4
Quentin Hanchard
quentin.hancard@cvc.ca

Crowe Valley CA

Box 416
70 Hughes Lane
Marmora ON K0K 2M0
Tim Pidduck
tim.pidduck@crowevalley.com

Essex Region CA

Suite 311
360 Fairview Ave West
Essex ON N8M 1Y6
Tim Byrne_
tbyrne@erca.org

Ganaraska Region CA

Box 328
2216 County Road 28
Port Hope ON L1A 3V8
Linda Laliberte
llaliberte@grca.on.ca

Grand River CA

Box 729
400 Clyde Road
Cambridge ON N1R 5W6
Samantha Lawson_
slawson@grandriver.ca

Grey Sauble CA

R.R. #4
237897 Inglis Falls Road
Owen Sound ON N4K 5N6
Tim Lanthier
t.lanthier@greysauble.on.ca

Halton Region CA

2596 Britannia Road West
Burlington ON L7P 0G3
Hassaan Basit
hbasit@hrca.on.ca

Hamilton Region CA

P.O. Box 81067
838 Mineral Springs Road
Ancaster ON L9G 4X1
Lisa Burnside
lisa.burnside@conservationhamilton.ca

Kawartha Region CA

277 Kenrei (Park) Road
Lindsay ON K9V 4R1
Mark Majchrowski
mmajchrowski@kawarthaconservation.com

Kettle Creek CA

R.R. #8
44015 Ferguson Line
St. Thomas ON N5P 3T3
Elizabeth VanHooren
elizabeth@kettlecreekconservation.on.ca

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**Ministry of Natural
Resources and Forestry**

**Ministère des Richesses
naturelles et des Forêts**



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December 28, 2022

TO: Conservation authorities as listed in the Attachment A “Minister’s Direction to Not Change Fees”

SUBJECT: Minister’s direction for conservation authorities regarding fee changes associated with planning, development and permitting fees

In support of Ontario’s Housing Supply Action Plan: 2022-2023, the province made a series of legislative changes through the *More Homes Built Faster Act, 2022* (Bill 23) to help achieve the goal of building 1.5 million homes over the next 10 years. These changes accelerate housing development approvals while continuing to protect Ontario families, communities, and critical resources. A number of these changes affect conservation authorities and are intended to support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

To this end, pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, which is in effect January 1, 2023, I am issuing a Minister’s Direction (“Direction”), attached to this letter as Attachment “A”. Subsection 21.3 (1) provides that the “Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.”

The purpose of this Direction, which is effective from January 1, 2023 to December 31, 2023, is to require a conservation authority not to change the amount of the fee it charges or the manner in which it determines the fee for any program or service that may be provided by the conservation authority. This relates to reviewing and commenting on planning and development related proposals or land use planning policies, or for permits issued by conservation authorities. For greater certainty, the “Prescribed Acts –subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act” regulation (O. Reg. 596/22), effective January 1, 2023, prohibits a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter

made under prescribed Acts. This regulation therefore precludes the charging of a fee by a conservation authority for these specific programs or services provided under subsections 21.1.1 (1) or 21.1.2 (1.1) of the *Conservation Authorities Act*.

The conservation authorities listed in Appendix A of the Direction are encouraged to make the Direction publicly available on the Governance section of their websites.

Pursuant to subsection 21.2 (3) of the Act, I am also re-distributing the Minister's list of classes and programs and services in respect of which conservation authorities may charge a fee along with this Direction, with editorial changes to reflect the recent legislative and regulatory changes.

If you have any questions, please contact Jennifer Keyes, Director, Resources Planning and Development Policy Branch, at Jennifer.Keyes@ontario.ca or 705-761-4831.

If it is in the public interest to do so, I will provide further direction or clarification at a later date related to the matters set out in this Direction.

Sincerely,



The Honourable Graydon Smith
Minister of Natural Resources and Forestry

c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable David Piccini, Minister of the Environment, Conservation and Parks

**Minister’s Direction Issued Pursuant to Section 21.3 of the *Conservation Authorities Act*
(this “Direction”)**

WHEREAS section 21.2 of the *Conservation Authorities Act*, in effect on January 1, 2023, permits a Conservation Authority to charge a fee for a program or service if the program or service is included in the Minister’s list of classes of programs and services in respect of which a Conservation Authority may charge a fee;

AND WHEREAS subsections 21.2 (6) and 21.2 (7) of the *Conservation Authorities Act* provide that a Conservation Authority shall adopt a written fee policy that includes a fee schedule listing the programs and services that it provides in respect of which it charges a fee, and the amount of the fee charged for each program or service or the manner in which the fee is determined (a “**Fee Schedule**”);

AND WHEREAS subsection 21.2 (10) of the *Conservation Authorities Act* provides that a Conservation Authority may make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, provided the authority shall give notice of the proposed change to the public in a manner it considers appropriate;

AND WHEREAS section 21.3 of the *Conservation Authorities Act* provides the Minister with the authority to give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction;

NOW THEREFORE pursuant to the authority of the Minister of Natural Resources and Forestry under section 21.3, the Conservation Authorities set out under Appendix “A” of this Direction (the “**Conservation Authorities**” or each, a “**Conservation Authority**”) are hereby directed as follows:

Fee Changes Prohibition

1. Commencing on the Effective Date and for the duration of the Term of this Direction, a Conservation Authority is prohibited from making a change under subsection 21.2 (10) of the *Conservation Authorities Act* to the amount of any fee or the manner in which a fee is determined in its fee schedule if such a change would have the effect of changing the fee amount for the programs and services described in paragraphs 2 and 3 of this Direction.

Program and Service Fees Impacted

2. This Direction applies to any fee set out in the Fee Schedule of a Conservation Authority, including without limitation fees for any mandatory program or service (Category 1), municipal program or service (Category 2), or Conservation Authority recommended program or service (Category 3) related to reviewing and commenting on

planning and development related proposals, applications, or land use planning policies, or for Conservation Authority permitting.

3. For greater certainty, this Direction applies to any fees in respect of the following programs or services provided under the Mandatory Programs and Services regulation ([O. Reg. 686/21](#)):
 - a. Section 6: programs and services related to reviewing applications and proposals under the *Aggregate Resources Act*, *Drainage Act*, *Environmental Assessment Act*, and the *Niagara Escarpment Planning and Development Act*, for the purpose of commenting on the risks related to natural hazards arising from the proposal,
 - b. Section 7: programs and services related to ensuring that decisions under the *Planning Act* are consistent with the natural hazards policies in the policy statements issued under section 3 of the *Planning Act* and are in conformance with any natural hazard policies included in a provincial plan as defined in section 1 of that Act,
 - c. Section 8: programs and services related to Conservation Authority duties, functions, and responsibilities to administer and enforce section 28 and its regulations, section 28.0.1, and section 30.1 of the *Conservation Authorities Act*,
 - d. Paragraph 4 of subsection 13 (3): programs and services related to reviewing and commenting on any proposal made under another Act for the purpose of determining whether the proposal relates to a significant drinking water threat or may impact any drinking water sources protected by a source protection plan, and
 - e. Subparagraph 4 iv of section 15: programs and services related to reviewing and commenting on proposals made under other Acts for the purpose of determining the proposal's impact on the Lake Simcoe Protection Plan and the Lake Simcoe watershed.

Application

4. This Direction, applies to all Conservation Authorities in Ontario, listed in Appendix "A" to this Direction.
5. For greater certainty, this Direction also applies to the Conservation Authorities listed in Appendix "A" to this Direction when such Conservation Authorities are meeting as a source protection authority under the *Clean Water Act, 2006*.

Effective Date and Term

6. This Direction is effective from January 1, 2023 (the "**Effective Date**").
7. The term of this Direction is the period from the Effective Date to December 31, 2023 (the "**Term**").

Amendments

8. This Direction may be amended in writing from time to time at the sole discretion of the Minister.

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the
Minister of Natural Resources and Forestry**



The Honourable Graydon Smith
Minister of Natural Resources and Forestry
December 28, 2022

APPENDIX A

LIST OF CONSERVATION AUTHORITIES TO WHICH THE DIRECTION APPLIES

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Lake Simcoe Region CA

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Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee

December 28, 2022

Preamble

A conservation authority is permitted to charge a fee for a program or service only if the program or service is included in the Minister's list of classes of programs and services in respect of which a conservation authority may charge a fee. The Minister's published list of classes of programs and services in respect of which a conservation authority may charge a fee ("Minister's Fee Classes Policy") is provided as per the provisions set out in section 21.2 of the *Conservation Authorities Act*. From time to time, the Minister may make changes to the list and will promptly update this document and distribute it to each conservation authority.

Categories of conservation authority programs and services

The *Conservation Authorities Act* establishes three categories of programs and services that a conservation authority may provide:

- Category 1: Mandatory programs and services, which are those that a conservation authority is required to provide under section 21.1 of the Act, and that are described in the "Mandatory Programs and Services" regulation (O. Reg. 686/21).
- Category 2: Municipal programs and services, which are those that a municipality, situated in whole or in part within a conservation authority's area of jurisdiction, requests a conservation authority to provide on behalf of the municipality pursuant to s. 21.1.1 of the Act under a memorandum of understanding or other agreement.
- Category 3: Other programs and services that the conservation authority determines are advisable to provide, pursuant to section 21.1.2 of the Act, to further the purposes of the Act.

Fees that a conservation authority may charge under the *Conservation Authorities Act*

Section 21.2 of the *Conservation Authorities Act* requires a conservation authority to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged. Conservation authorities must maintain their fee schedule and if an authority wishes to make changes to its fee schedule, it must notify the public of the proposed change (e.g., on its website). In its fee policy, a conservation authority must also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may request the

authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the members of a conservation authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the Minister of Natural Resources and Forestry.

Reconsideration of fee charged

A conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration. Where the authority's fee policy permits a person to request the authority to reconsider the fee it has charged that person because it is contrary to the authority's fee schedule or excessive in relation to the program or service for which it was charged, that person may apply to the authority, in accordance with the procedures set out in the authority's fee policy, to request a reconsideration of the fee. After receiving and considering the request, the authority may vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged, or confirm the original amount of the fee.

Fees that a conservation authority may charge as prescribed by other legislation

The Minister's Fee Classes Policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service. For example, where an authority administers an on-site sewage system program under the *Building Code Act, 1992*, the authority has the power to charge fees for that program. Similarly, under Part IV of the *Clean Water Act, 2006*, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority. When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

Prescribed Acts

Pursuant to subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the *Conservation Authorities Act*, the Minister may make regulations to prohibit a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under a prescribed Act. This precludes the charging of a fee by a conservation authority for any such program or service under an Act that has been prescribed for the purposes of subsections 21.1.1 (1.1) or 21.1.2 (1.1).

User-Pay Principle

The fees that conservation authorities charge, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to an authority by a

person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

For the purposes of this Minister’s Fee Classes Policy, a fee may only be applied when the User-Pay Principle is considered appropriate, which is when there is a class of persons that directly benefits from a program or service delivered by an authority (“User-Pay Principle”) (note: other restrictions may apply; see Table 1 below).

Enabling authorities to charge a fee for programs and services where the User-Pay Principle is considered appropriate increases opportunities for an authority to generate revenue. This may reduce an authority’s reliance on the municipal levy (now called an “apportionment”) to finance the programs and services it provides. However, it is up to a conservation authority to decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as the municipal levy. Beginning with the 2024 calendar year budgets, if an authority considered opportunities to raise and use self-generated revenue such as fees to finance its operations, the authority will be required to include in its budget a description of what the authority considered.

Fee amounts

A conservation authority may determine the amount of a fee to be charged for a program or service that it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority’s fee schedule. Some fee amounts cannot exceed the authority’s costs for administering and delivering a program or service. For example, fees for planning services should be developed in conjunction with the appropriate planning authorities and set to recover but not exceed the costs associated with administering and delivering the services on a program basis. Similarly, fees for permitting services should be developed to recover but not exceed the costs associated with administering and delivering the services on a program basis. Other fees set by the authority for a program or service are not subject to this restriction, such as fees for selling products or fees for rentals. Fees that are not subject to this restriction can provide the authority with a source of revenue to help offset costs for other programs and services offered by the authority.

Minister’s direction re fee changes

Pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, the Minister may give a written direction to a conservation authority directing it not to change the amount of any fee it charges, or the manner in which a fee is determined, in respect of a program or

service that is set out in this Minister’s list of classes of programs and services in respect of which a conservation authority may charge a fee. Any conservation authority that receives a direction is required to comply within the time specified in the direction.

Minister’s fee classes

The following is the list of classes of programs and services in respect of which an authority may charge a fee.

Table 1. Classes of programs and services for which conservation authorities may charge a fee

Classes of programs and services	Criteria
<p>Category 1 mandatory programs and services (section 21.1 of the <i>Conservation Authorities Act</i>) and programs and services provided in accordance with the Mandatory Programs and Services Regulation (O. Reg. 686/21)</p>	<p>Category 1 programs and services where the following requirement is met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate.
<p>Category 2 municipal programs and services – i.e., those programs and services an authority provides on behalf a municipality pursuant to a memorandum of understanding or service level agreement or other agreement (section 21.1.1 of the <i>Conservation Authorities Act</i>)</p>	<p>Category 2 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, and where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • The parties agree through provisions in a memorandum of understanding, service level agreement, or other agreement governing the provision of the Category 2 program or service that the authority should be permitted to charge a fee for that program or service.
<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are financed in whole or in part by the municipal levy and on or after January 1, 2024 will require a cost apportioning agreement</p>	<p>Category 3 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, that are financed in whole or in part by the municipal levy, and where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • Where a cost apportionment agreement has been entered into for a Category 3 program or service, the agreement includes provisions permitting the authority to charge a fee for the program or service. This requirement does not apply where the cost

	<p>apportionment agreement relates to any of the following Category 3 programs and services:</p> <ul style="list-style-type: none"> i) Recreational activities that are provided on land that is owned or controlled by the authority with the direct support or supervision of staff employed by the authority or by another person or body, or with facilities or other amenities maintained by the authority, including equipment rentals and renting facilities for special events. ii) Community relations to help establish, maintain, or improve relationships between the authority and community members. iii) Public education services to improve awareness of issues relating to the conservation, restoration, development, and management of natural resources in watersheds in Ontario. iv) The provision of information to the public. v) The sale of products by the authority.
<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are not financed in whole or in part by the municipal levy</p>	<p>Category 3 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, that are not financed in whole or in part by the municipal levy, and where the following requirement is met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate.

Disclaimer

This Minister’s Fee Classes Policy summarizes some of the requirements in the *Conservation Authorities Act* with respect to the charging of a fees by a conservation authority for programs and services. This document should not be construed as legal advice or a substitute for seeking independent legal advice. Anyone seeking to fully understand how the Act and regulations may apply to the charging of fees by a conservation authority for programs or services should refer to the Act and regulations. The Act and associated regulations take precedence in the event of any inconsistency with this policy.

**Ministry of Natural
Resources and Forestry**

Office of the Minister

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**Ministère des Richesses
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93-2023-1094

December 13, 2023

Tim Byrne
CAO/Secretary-Treasurer
Essex Region Conservation Authority
c/o NKupnicki@erca.org

Dear Tim Byrne,

Thank you for your application on behalf of the Essex Region Conservation Authority (ERCA) seeking an extension of time beyond the January 1, 2024 transition date for the purposes of subsections 25 (1.3) and 27 (1.3) of the *Conservation Authorities Act* (CAA), to meet the transition requirements outlined in Ontario Regulation 687/21: Transition Plans and Agreements under the CAA (O. Reg. 687/21).

After careful consideration, I am satisfied that your application demonstrates that additional time is required to conclude a cost apportioning agreement for a program or service that will be provided beyond January 1, 2024 pursuant to subparagraph 10 (1) 2 (i) of O. Reg. 687/21. I am therefore granting the ERCA an extension until March 31, 2024 to meet its transition requirements.

If there are questions about this extension, please feel welcome to reach out to the Conservation Authorities Unit at ca.office@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Graydon Smith".

The Honourable Graydon Smith
Minister of Natural Resources and Forestry

c: Conservation Authority Office (via ca.office@ontario.ca)

**Ministry of Tourism,
Culture and Sport**

Minister

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**Ministère du Tourisme, de la
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December 20, 2023

Mr. Tim Byrne
CAO/Secretary-Treasurer
Essex Region Conservation Authority - John R. Park Homestead
tbyrne@erca.org

Dear Mr. Byrne:

**Re: Community Museum Operating Grant / Pay Equity 2023-24
Transfer Payment Case Number 2023-06-1-2280825369**

Your museum has been approved to receive a grant of \$23,688 from the Community Museum Operating Grant program for the 2023-24 fiscal year.

Museums provide unique educational opportunities for Ontarians and visitors alike to engage with and learn about our province's rich history. This funding assists museums in communities across Ontario with acquiring, conserving, interpreting and exhibiting artifacts of public interest.

Our government is committed to a strong culture sector. Museums are an integral partner in encouraging lifelong learning and building thriving communities. We are pleased to continue to support community museums.

Please contact Shannon Khan, Culture Programs Advisor, for further information about your grant. She can be reached by email at: CMOG-SFMC@ontario.ca.

All the best,

The Honourable Neil Lumsden
Minister of Tourism, Culture and Sport