

‘The developers are all in control’: Doug Ford’s government moves to limit the power of conservation authorities, sparking fears for the environment

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New legislation by Doug Ford’s provincial government will override the powers of Ontario’s conservation authorities, limiting their ability to assess the environmental impact of developments across the province, according to environmental groups.

Last week, as part of its omnibus budget bill, the province proposed changes to the Conservation Authorities Act that limit the role of the province’s 36 conservation authorities in the development approval process.

“These are probably the most extreme changes we have seen (to the Act),” said Kim Gavine, general manager of Conservation Ontario, the umbrella organization representing the 36 conservation authorities. The authorities are responsible for the protection and restoration of the land, water and natural habitat in their communities.

“We have the science background, we have the data and we make decisions holistically — we don’t do them parcel by parcel,” said Gavine. “The fear is that decisions could be made that will have negative environmental impacts on water quality, water quantity and the overall health of our environment.”

In particular, the legislation takes away the role of the conservation authorities to provide science-based input on development applications, and their cumulative impact on the environment, floodplains and watershed, and puts the power to issue permits for contentious developments directly into the hands of the Minister of Natural Resources and Forestry — allowing decisions potentially to be made based on political influence rather than what is best for the environment.

Liz Benneian of A Better Niagara says community groups are also alarmed that the new legislation will boot citizens off conservation authority boards.

The latest changes come as the Ford government is already facing criticism for its overzealous use of ministerial zoning orders, or MZO, which allow the government to permit development while bypassing municipal planning process, public consultation and environmental assessments.

Changes in the new legislation will allow the developers to bypass any restrictions put into place by conservation authorities.

“This legislation has taken away all the teeth the conservation authorities had to protect the environment,” said Tim Gray, executive director of Environmental Defense. “They can still give advice, but a developer can say, ‘Thanks, but we don’t have to listen to you.’”

Gray said the new legislation strips the conservation authority of any powers they had to protect communities from flooding, or protect wetlands or forests.

“It’s all been taken away,” said Gray. “The developers are all in control.”

Gary Wheeler, a spokesperson for the Ministry of Environment, Conservation and Parks, said that for the past 18 months, the province has been consulting on the role of conservation authorities.

“We heard some concerns that conservation authorities have expanded their programs and services beyond their core mandate,” said Wheeler, in an email. “Based on this feedback, we are moving forward with a proposal to further define the core mandate of conservation authorities.

“These changes would improve the governance, oversight and accountability of conservation authorities, while respecting taxpayer dollars by giving municipalities more say over the conservation authority services they pay for.”

Wheeler said the proposed changes provide a new mechanism for the “province to become involved in the issuance of permits, where there are matters of provincial interest and a desire to ensure a consistent approach for all landowners, the agricultural sector and other proponents that interact with conservation authorities.”

In a statement issued Friday, the Toronto and Region Conservation Authority said it has “substantial concerns” about the proposed amendments.

“TRCA plays a crucial role in the permitting process, often on behalf of our partner municipalities,” it said in its statement. “Unexpectedly, the proposed amendments authorize the Minister of Natural Resources and Forestry to assume jurisdiction for certain permit applications in place of the conservation authority.”

Under the new legislation, if the TRCA refuses a permit or applies conditions, applicants can appeal directly to the minister or take the matter to the Local Planning Appeal Tribunal (LPAT), an independent provincial body that adjudicates contentious municipal planning issues.

Previously, the only mechanism a landowner to appeal a permit was to take the matter directly to the executive board of the local conservation authority.

In the release, the TRCA said it also had concerns around additional proposed legislation — changes to the Planning Act — which would inhibit the ability of conservation authorities to represent themselves at an LPAT hearing.

“If passed, we would not be able to participate in an LPAT appeal to represent our interests unless we are requested through an agreement with the municipality, or by the minister in the event the minister appeals a decision,” the TRCA said.

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“These proposed changes to the planning and permitting process have the potential to allow individuals to circumvent checks and balances, which exist to protect the safe development of communities in our watersheds.”

Ministry’s Wheeler said that “municipalities and the province would continue to be able to work with conservation authorities and rely on their advice and support where they want it during an LPAT appeal.”

Liz Benneian, a director with the community group, A Better Niagara, said that community groups are also alarmed that the new legislation will boot citizens off conservation authority boards, giving their seat to elected officials.

She said to add insult to injury, elected officials have been mandated to put the interest of their municipalities ahead of those of the conservation authority.

“Since when do we have board members on a board who are told they have to act in the interest other than the organization they are supposed to be serving?” she said.