

Memorandum to the Council of Corporation of the Municipality of Temagami

Subject: Ministerial Permitting and Review Powers Under the *Conservation Authorities Act*

Memo No: 2025-M-026

Date: February 13, 2025

Attachment: None

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Recommendation

BE IT RESOLVED THAT Council receives Memo 2025-M-026 as presented.

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Executive Summary

Effective January 1, 2025, a new regulation under the *Conservation Authorities Act* grants the Minister of Natural Resources and Forestry (MNRF) expanded authority to:

1. Issue an order preventing a conservation authority from making a permitting decision and assume direct control over the permitting process (Minister's Permit).
2. Review a conservation authority's permit decision at the request of an applicant (Minister's Review).

These powers apply to projects aligning with provincial interests, such as housing, infrastructure, community services, and economic development. The regulation defines criteria and processes for requesting Ministerial intervention. Municipal projects requiring conservation authority permits may be affected, necessitating ongoing coordination and compliance with provincial regulations.

Background

Conservation authorities regulate development and activities in natural hazard areas to reduce risks to public safety, property, and the environment. These areas include:

- Floodplains
- Shorelines
- Wetlands
- Watercourses

Recent legislative changes to the *Conservation Authorities Act* grant the Minister oversight and intervention powers:

- April 1, 2024 – Amendments introduced two new Ministerial powers:
 - Minister's Permit – The Minister may override a conservation authority's permitting decision and issue a permit directly.

- Minister’s Review – The Minister may review and, if necessary, modify a conservation authority’s permit decision upon an applicant's request.
- January 1, 2025 – A new regulation takes effect, specifying:
 - When the Minister can intervene in the permitting process.
 - The criteria for Ministerial permits and reviews based on provincial interests.
 - The process for applicants to request Ministerial intervention.

Minister’s Permit: Authority and Process

Under Section 28.1.1 of the *Conservation Authorities Act*, the Minister has the authority to intervene in the permitting process if the proposed activity aligns with provincial interests, including:

- Infrastructure projects of provincial significance (e.g., highways, transit, energy projects)
- Economic development initiatives essential to Ontario’s growth
- Housing and land development priorities, including affordable housing
- Environmental, public safety, or climate resilience initiatives
- Other prescribed matters necessary for strategic planning and development

To apply for a Minister’s Permit Order, applicants must submit:

- Applicant’s name and contact information.
- Summary of the proposed development (location, land use, zoning details).
- Justification for Ministerial intervention based on provincial interest.
- Summary of prior permit application efforts with the conservation authority.
- Explanation of why Ministerial intervention is preferred over a standard permit application.
- List of other required permits and their status.

- Confirmation of municipal endorsement (e.g., council resolution).

If a Minister's Order is issued and no prior permit application exists with a conservation authority, the applicant must submit a direct application to the Minister, including:

- Site plan identifying the proposed development and impacts.
- Project start and completion timelines.
- Environmental impact details (e.g., drainage, grading, fill placement).
- Confirmation of land ownership or authorization to proceed.
- Any additional technical studies requested by the Minister.

The Minister must acknowledge receipt of a complete application within 21 days and determine whether to approve, conditionally approve, or deny the permit.

Minister's Review: Authority and Process

Under Sections 28.1 and 28.1.2 of the *Conservation Authorities Act*, an applicant denied a permit or contesting its conditions may request a Ministerial Review of the conservation authority's decision. Alternatively, the applicant may appeal to the Ontario Land Tribunal (OLT).

The Minister may only conduct a review if the development supports a provincial interest.

This requirement does not apply to permit conditions related to a Minister's Zoning Order (MZO) under the *Planning Act*.

To apply for a Ministerial Review, applicants must submit:

- Contact information for the applicant and any representative.
- A copy of the original permit application and the conservation authority's decision.
- Explanation of contested permit conditions and requested modifications.
- Justification for Ministerial review instead of an OLT appeal.
- Confirmation of any municipal endorsement, if available.
- A list of other required approvals and their status.

Review Process and Timelines:

- The applicant must submit a request within 15 days of receiving the conservation authority's decision.
- The Minister must respond within 30 days, stating whether a review will be conducted.
- If the Minister does not respond within 30 days, the request is deemed denied, and the applicant may proceed with an OLT appeal.
- If a review proceeds, the Minister must post a notice on the Environmental Registry of Ontario within 30 days.
- After completing the review, the Minister may uphold, amend, or overturn the conservation authority's decision.

All decisions must be based on the same legislative criteria conservation authorities use concerning natural hazards and public safety.

Implications for the Municipality of Temagami

- **Potential Permit Delays & Ministerial Intervention:** Municipal projects requiring conservation authority permits may undergo Ministerial review or intervention, potentially affecting approval timelines.
- **Regulatory Compliance:** Municipal staff must ensure that local projects align with provincial interests to avoid delays.
- **Coordination with Conservation Authorities:** Ongoing engagement is necessary to manage applications effectively under the new framework.
- **No Appeal Rights for Ministerial Decisions:** Unlike conservation authority decisions, Ministerial permit decisions cannot be appealed to the Ontario Land Tribunal.

Conclusion

Recent regulatory changes to the *Conservation Authorities Act* establish a new Ministerial oversight framework for conservation authority permitting decisions. While these powers may expedite approvals for provincially significant projects, they also introduce new procedural requirements for municipalities.

For the Municipality of Temagami, proactive coordination with conservation authorities, adherence to regulatory changes, and vigilant monitoring of Ministerial decisions will be crucial to ensuring compliance and minimizing delays in municipal project approvals.

Reference

For More Information, Visit:

- [Ontario Regulation ERO 019-8320](#)
- [Ontario.ca – Permits under the Conservation Authorities Act](#)