
To: UTRCA Board of Directors
From: Joe Gordon, Regulations Coordinator
Date: February 25, 2025
File Number: BoD-02-25-15
Agenda #: 8.1
Subject: Annual Report of Administration and Enforcement – Section 28,
Prohibited Activities, Exemptions and Permits (O.Reg. 41/24)

Recommendation

That the Board of Directors receives the report for information.

Section 28 Annual Report on Timelines

UTRCA has tracked permit review timelines for many years based on standards that were set by the province in 2010 (MNRF, *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*, May 2010). The previous policy directs conservation authorities to render an application decision regarding a permit within 90 days for a major application and 30 days for a minor application.

Annual reporting since 2019 has also tracked permit review timelines based on the best practice timelines recommended by Conservation Ontario in their *Client Service Standards for Conservation Authority Plan and Permit Review (2019)* requesting annual statistics on permits issued within 14 days for Routine Permits, 21 days for Minor Permits and 28 days for Major Permits.

However in 2024, new legislative and regulatory framework changes occurred to the *Conservation Authorities Act* which included a new Section 28 Regulation entitled “Ontario Regulation 41/24” Prohibited Activities, Exemptions and Permits” which came into effect on April 1, 2024.

As a result of the new Section 28 Regulation, Ontario Regulation 686/21: Mandatory Programs and Services under the *Conservation Authorities Act* was amended which now requires Conservation Authorities under regulation to “...prepare and publish an annual report that outlines statistics on permits, including reporting on its level of compliance with requirements of Ontario Regulation 41/24... respecting an application for, and issuance of permits, including any associated timelines.” (s.8.1. O.Reg.686/21)

The CA Act and O. Reg. 41/24 outlines two distinct timelines associated with CA reviews of permit applications:

1. Upon receipt of an application and applicable fee, the Authority has 21 days to notify the applicant in writing whether or not the application is deemed a “complete application”.

2. Once an application is deemed “complete”, the CA will complete their review and make a decision. Per subsection 28.1 (22) of the CA Act, if the CA has not made a decision within 90 days, the applicant may appeal the application directly to the Ontario Land Tribunal on the basis of a non-decision. All timelines presented are in calendar days and exclude statutory holidays.

In response to the annual reporting requirements now established within regulation, Conservation Ontario (CO) developed the *Annual Reporting Guide and Template: Permit Timelines and Regulatory Compliance (September 23, 2024)*.

The 2024 CO Guide recommends tracking by only two Permit Categories based on the following:

- **Major Applications** for section 28.1 permits require significant staff involvement. These are generally highly complex projects (e.g., large subdivisions requiring technical review supported by comprehensive analysis), or smaller-scale site-specific applications requiring complex technical reviews. These proposals may involve sites with significant natural hazards, environmental impacts, or multiple approval process requirements. Major applications may include: Plans of Subdivision or Condominium, large Site Plan Control applications, major watercourse alterations, and major infrastructure development.
- **Minor applications** for section 28.1 permits generally have minor impacts on the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock. Permit applications may be considered minor due to: a limited scale/scope of work, level of risk to health and safety of persons or property damage, location, or application requirements for technical information, studies or plans. Minor permit applications are reviewed by CA staff and generally require standard recommendations or conditions. Generally, these include: minor fill, development, or site alteration where there is a high degree of certainty that issues associated with natural hazards are minimal.

In addition to reporting on permit statistics and timelines, the Annual Report template also provides details on compliance with the following elements of O. Reg. 41/24:

- Public availability and annual review of CA mapping;
- Notification of complete applications; and,
- Completion of administrative reviews (within 30 days following a request).

Once the annual report has been received by the Board, the Annual Report will be published on UTRCA’s website.

2024 Data and Results

The following table provides the 2024 annual report for UTRCA based on the new CO Reporting Template.

NOTE: For the first annual report using this framework under O. Reg. 41/24 will only capture permits issued from April 1 – December 31, 2024.

Upper Thames River Conservation Authority (2024):	
Annual Reporting – Permit Statistics	
Total Permits Issued (Overall) (January 1 ¹ – December 31):	# 141
Total Major Permits Issued (January 1 ¹ – December 31):	# 38
Total Minor Permits Issued (January 1 ¹ – December 31):	# 103
Total Applications Subject to Minister's Order (Minister's Review):	# 0
Annual Reporting – Permit Timelines	
COMPLETE APPLICATION REVIEW Total complete application reviews completed in 21 days:	# + commentary for those not completed in 21 days. 122
PERMIT TIMELINES (MAJOR) Total Major Permits Issued <u>Within</u> Decision Timeline (90 Days):	# 37
PERMIT TIMELINES (MAJOR) Total Major Permits Issued <u>Outside</u> Decision Timeline (90 Days):	# 1
PERMIT TIMELINES (MINOR) Total Minor Permits Issued <u>Within</u> Decision Timeline (30 Days):	# 103
PERMIT TIMELINES (MINOR) Total Minor Permits Issued <u>Outside</u> Decision Timeline (30 Days):	# 0
VARIANCE FROM TIMELINES Reason for Variance from Timelines (Optional):	Commentary
PERMIT TIMELINES (AVERAGE – ALL) Overall Average Permit Review Timeline	Average # of days 7
PERMIT TIMELINES (AVERAGE – MAJOR – 90 DAYS) Average Major Permit Review Timeline:	Average # of days 7
PERMIT TIMELINES (AVERAGE – MINOR – 30 DAYS) Average Minor Permit Review Timeline:	Average # of days 6
Annual Reporting – Compliance with O. Reg. 41/24	
MAPPING Are maps of regulated areas available at the CA head office and on the CA website? (ss. 4(1) of O. Reg. 41/24)	Yes / No (+commentary) Yes – UTRCA has an online GIS mapping portal that the public can search by address.

¹ Note: For the first Annual Report using this framework will only capture permits issued from April 1 – December 31, 2024.

MAPPING Has the Authority undertaken an annual review of the mapping and made necessary updates? (ss. 4(2) of O. Reg. 41/24)	Yes / No (+commentary) Yes – currently under public consultation process prior to approval of updates.
ADMINISTRATIVE REVIEWS Total requests for administrative reviews made to the Authority:	# 1
ADMINISTRATIVE REVIEWS Total administrative reviews completed within 30 days of the request:	# + commentary for those not completed within 30 days 1

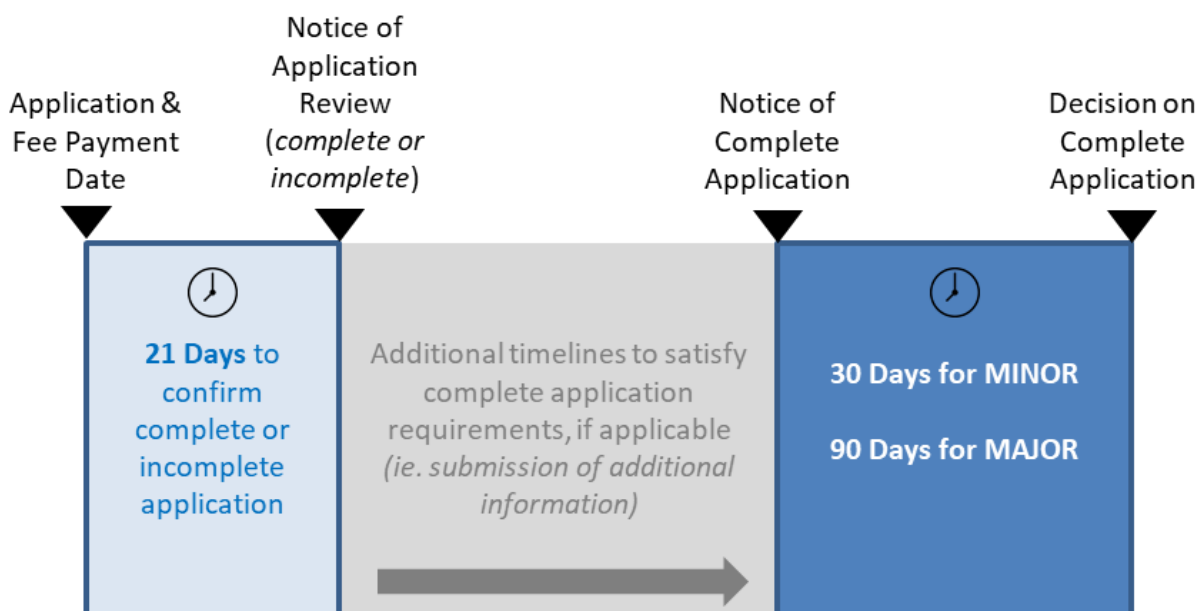
Analysis and Conclusion:

UTRCA is pleased to report that a combined total of 191 permits were issued in 2024 with 99% meeting the Provincial Standards as required by O. Reg. 41/24.

Fifty (50) Permits were issued between January 1 – March 30 under O. Reg. 157/06 and 141 Permits were issued under O. Reg. 41/24 between April 1 – December 31, 2024.

The increase in development pressure experienced in prior years continued through 2024. However, Regulation staff has strived to achieve the provincial standard timelines and improve efficiencies in review of applications during stages of required timelines.

However, as illustrated in the following Figure additional timelines are typically experienced in between notification of a complete/incomplete application (ie. 21 days after application and fee submission) and when the application is actually deemed to be complete, prior to rendering a decision on the application (ie. 90 days from a complete application).



Delays during this period are commonly attributed to timelines for the applicant and/or their agent to obtain, collect or prepare the additional information required for resubmission, disputes to application requirements, and/or due to poor quality of technical reports received.

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