

Grand River Conservation Authority

Report number: GM-03-25-33

Date: March 28, 2025

To: Members of the Grand River Conservation Authority

Subject: Annual Report of Compliance with requirements under Ontario Regulation 41/24

Recommendation:

THAT the Annual Report of Compliance with requirements under Ontario Regulation 41/24 be approved and posted on the Grand River Conservation Authority website.

Summary:

As a result of changes to the *Conservation Authorities Act* and Ontario Regulation 686/21, all Conservation Authorities (CAs) are required to prepare and make public an annual report outlining statistics on permits, including reporting on the level of compliance with requirements of Ontario Regulation 41/24. Conservation Ontario has developed a document that includes a template for the Annual Report to meet the legislative requirements.

The Grand River Conservation Authority's (GRCA) first Annual Report is included as Appendix A and will be posted on the GRCA website. According to available data, approximately 70% of the permits submitted were deemed complete within 21 days of submission, a decision was made within 90 days for approximately 80% of major permits submitted, and a decision was made within 30 days for approximately 80% of minor permits submitted. Of note, the reporting is based on calendar days and does not account for when the application is on "hold" and awaiting a response from the applicant on staff comments provided. To improve these numbers, several actions are being implemented in 2025, including procedural and process improvements and a new permit and planning database which is utilized by other CAs.

Report:

On April 1, 2024, the *Conservation Authorities Act* was amended, bringing into force new legislative and regulatory requirements associated with Conservation Authority (CA) permitting as outlined in [Report GM-03-24-27](#). In addition, Ontario Regulation 686/21 (Mandatory Programs and Services) under the *Conservation Authorities Act* was amended on April 1, 2024, to include annual reporting requirements for CAs. Further to section 8.1 of the Regulation, all CAs are required to prepare and make public an annual report outlining statistics on permits, including reporting on the level of compliance with requirements of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) respecting the application for and issuance of permits, including any associated timelines.

In addition to reporting on permit statistics and timelines, the Annual Report provides details on:

- Public availability and annual review of CA mapping;
- Completion of administrative reviews (within 30 days following a request); and
- Number of applications subject to a Minister's Order.

The first Annual Report is attached as Appendix A and only includes permits submitted on or after April 1, up to December 31, 2024, and a corresponding decision was made with respect to the permit in the same time period. This reflects permit applications received and decisions made pursuant to the amended legislation and regulation.

Permit Application Review Timelines

Timelines associated with CA permit reviews are specified in Section 7 of O. Reg. 41/24 and under Section 28.1 of the *Conservation Authorities Act*. The CA Act and O. Reg. 41/24 outline two distinct timelines associated with CA reviews of permit applications as follows:

- Upon receipt of an application and applicable fee, the CA has to notify the applicant in writing within 21 calendar days whether the application is deemed a “complete application” which means that all required plans/reports needed for staff to review and process the application have been provided.
- Once an application is deemed “complete”, the CA will complete their review and make a decision (approve, approve with conditions, recommend refusal). Per Subsection 28.1 (22) of the CA Act, if the CA has not made a decision within 90 calendar days, the applicant may appeal the application directly to the Ontario Land Tribunal (OLT) on the basis of a non-decision. Alternatively as outlined in GM-01-25-01, pursuant to Ontario Regulation 474/24, an applicant may instead request the Minister of Natural Resources where the proposed activity pertains to or supports a matter of provincial interest, to issue an order to prevent a CA from issuing a permit and take over the permitting process, or to review a CA permit decision (refusal or object to conditions imposed on approval). Rather than appeal to the OLT or the Minister, the applicant is encouraged to reach out to GRCA’s client service facilitators (Supervisors of Planning and Regulations Services) to inquire on review status and resolve outstanding matters.

Conservation Ontario (CO) has prepared a guidance document titled “Annual Reporting Guidance and Template – Permit Timelines and Regulatory Compliance” to ensure consistency in reporting for all CAs. This document outlines best practices related to service delivery and provides a reporting template to facilitate collection of comparable data amongst the CAs for reporting to the Conservation Ontario Council.

Following the CO guidance document, for the purpose of reporting on permit decision timelines, applications are to be categorized as either a major or minor permit application. The GRCA has three types of permit categories: minor, standard, and major. To align with the recommended CO reporting template, minor and standard permits are grouped together and reported as minor applications. The best practice timelines associated with these permit categories are as follows:

- Once an application is deemed complete, the CA has 30 days to make a decision for a minor application and 90 days to make a decision for a major application.

As shown in Appendix A, approximately 70% of the permits submitted were deemed complete within 21 days of submission, a decision was made within 90 days for approximately 80% of major permits submitted, and a decision was made within 30 days for approximately 80% of minor permits submitted. Information on the methodology used for reporting based on available data is further discussed below. Of note, the reporting is based on calendar days and does not account for when the application is on “hold” awaiting a response from the applicant on comments provided.

Administrative Review Timelines

As part of the Annual Report, the number of requests for administrative reviews received and whether reviews are completed within the regulatory timelines of 30 days is reported. Requests for administrative reviews will be completed by the Chief Administrative Officer. Section 8 of O. Reg. 41/24 provides that an applicant may request a review of an application if:

- The applicant has not received notice whether their application is deemed a complete application within 21 days;
- The applicant disagrees with the GRCA’s determination that the application is incomplete; or,
- The applicant believes the GRCA’s request for other information, studies, or plans is unreasonable.

The GRCA has not received a request for administrative review during the reporting period.

Mapping

Section 4 of Ontario Regulation 41/24 requires that CAs develop maps showing regulated areas that are available at the head office and online, and that mapping is reviewed at least annually. The GRCA is in compliance with these requirements as maps are available in the Administrative Centre and online. Quarterly mapping updates are undertaken in addition to amendments based on specific project needs (i.e., floodplain mapping updates). It is important to note that the description of regulated areas in the *Conservation Authorities Act* and O. Reg 41/24 prevail over the areas mapped.

Minister's Order Timelines

The CO reporting template includes the number of applications subject to a Minister's Order. As outlined in GM Report GM-03-24-27 and GM-01-25-01, further to Section 28.1.1 of the CA Act, and subject to Ontario Regulation 474/24, the Minister (Ministry of Natural Resources) may where the proposed activity pertains to or supports a matter of provincial interest, issue an order to:

- Direct a CA not to issue a permit to a person who wishes to engage in an activity that, without a permit, would be prohibited under section 28 of the CA Act; or,
- Direct a CA or CAs to not issue permits to any persons who may wish to engage in a type or class of activity that, without a permit, would be prohibited under section 28 of the CA Act, for a specified period of time.

Where such an order is made, the Minister will assume responsibility for any permitting needs. CAs are not required to track timeliness associated with these permits and will only report on the number of applications subject to such orders in a given year.

The GRCA has not received a Minister's Order during the reporting period.

Discussion of Methodology and Results

100% compliance was not achieved with the legislative requirement to inform the applicant whether their application is complete or incomplete within 21 days, or with best practice timelines related to decision timelines for permitting.

Regarding notification of complete application, there is insufficient data recorded on when applications were deemed complete or incomplete, therefore this report is conservatively based on the number of permit applications that were approved within 21 calendar days of submission. This methodology underestimates compliance achieved as notice was given on more files than recorded.

For the minor permits, the 30-day timeline is calculated from when the application was deemed complete and excludes the time awaiting a response from the applicant on comments provided. There was insufficient data to follow this methodology, therefore the reporting is based on the number of calendar days between date of submission and date of approval (with or without conditions). Of the 75 permits over the timeline of 30 days, 50% were approved within 48 days. The longest approval time was 197 days for an application that was submitted without pre-consultation and initially did not meet policy. This application was "on hold" for 148 days while awaiting a response from the applicant on comments provided.

For the 1 major permit that was over the timeline of 90 days, a decision was made within 92 days after receipt of a complete application. Of those 92 days, the application was "on hold" for 18 days awaiting a response from the applicant to comments provided.

The key reasons for variance from the timelines are summarized in Appendix A and outlined below:

- Service disruption due to staffing shortages which resulted in delays. The Planning and Regulations Department has experienced staff vacancies for the majority of 2024.
- Data Entry Issues. Insufficient information was available on when an application was deemed complete/incomplete and the length of time awaiting a response from the applicant. This resulted in conservative numbers being utilized that may show higher non-compliance than what occurred.

Efforts will be undertaken in 2025 to improve compliance with the legislative requirements as well as service delivery best practices. Procedural and process improvements have been and will continue to be developed and implemented. Revisions have been made to the existing database to better capture when applications are deemed complete or incomplete, completion of a pre-consultation checklist is underway to assist with the submission of complete applications, additional training has occurred, standard operating procedures for permit data entry, file management, and prioritization will be developed, and automated permit timeline notification reminders to staff have been implemented. The internal approval process will be reviewed, and interim internal reporting be implemented, including the development of additional performance measures. A new database will be implemented for the GRCA and is anticipated to aid in data entry and reporting.

Financial Implications:

Not applicable.

Other Department Considerations:

Technical support for permit review is provided by the Engineering Department – Flood Operations staff. On a file specific basis, support from other departments is provided, primarily from the Senior Hydrogeologist and Watershed Ecologist.

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Grand River Conservation Authority

Annual Report of Compliance with requirements of Ontario Regulation 41/24

Annual Reporting – Permit Statistics	
NOTE – Numbers below are based on when permit was approved (with or without conditions) rather than when permit was issued (conditions satisfied)	
Total Permits Approved (Overall) (April 1 – December 31): Total permits approved in 2024 = 626	420
Total Major Permits Approved (April 1 – December 31):	6
Total Minor Permits Approved (April 1 – December 31):	414
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:	297
PERMIT TIMELINES (MAJOR) Total Major Permits approved <u>Within</u> Decision Timeline (90 Days):	5
PERMIT TIMELINES (MAJOR) Total Major Permits approved <u>Outside</u> Decision Timeline (90 Days):	1
PERMIT TIMELINES (MINOR) Total Minor Permits approved <u>Within</u> Decision Timeline (30 Days):	339
PERMIT TIMELINES (MINOR) Total Minor Permits approved <u>Outside</u> Decision Timeline (30 Days):	75
VARIANCE FROM TIMELINES Reason for Variance from Timelines:	Service disruption due to staffing shortages Data Entry Issues
PERMIT TIMELINES (AVERAGE – ALL) Overall Average Permit Review Timeline :	23 days
PERMIT TIMELINES (AVERAGE – MAJOR – 90 DAYS) Average Major Permit Review Timeline:	37 days
PERMIT TIMELINES (AVERAGE – MINOR – 30 DAYS) Average Minor Permit Review Timeline:	23 days
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 GRCA mapping is available online at: Map Your Property Grand River Conservation Authority
MAPPING Has the Authority undertaken an annual review of the mapping and made necessary updates? (ss. 4(2) of O. Reg. 41/24)	Yes GRCA undertakes quarterly updates to regulatory mapping.
ADMINISTRATIVE REVIEWS Total requests for administrative reviews made to the Authority:	0
ADMINISTRATIVE REVIEWS Total administrative reviews completed within 30 days of the request:	Not applicable