

To: LTVCA Board of Directors
From: Jason Homewood, P.Geo., Water Resources and Regulations Technician
Date: February 10, 2025
Subject: 2024 Permit Statistics, Timelines and Compliance with O. Reg. 41/24

Recommendation:

That the Board of Directors receives the report for information.

Background:

On April 01, 2024, the Conservation Authorities Act was amended, bringing into force new legislative and regulatory requirements associated with Conservation Authority (CA) permitting. The requirements include timelines associated with the permitting process, as well as a new requirement for all CAs to prepare an annual report outlining statistics on permits and the level of compliance with the requirements of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits).

This report provides an overview of the permit statistics and timelines for the period in 2024 when O. Reg. 41/24 was in effect (being between April 01 to December 31) as well as the level of compliance with different sections of the regulation. It is important to note that the permit applications received prior to April 01, 2024 are not included in the below statistics and timelines.

2024 Permit Statistics:

2024 PERMIT STATISTICS – (APRIL 01 TO DECEMBER 31)¹	
Total # of Applications Received	977
Total # of “Complete” Applications Received	606
Total # of Permits Issued (Overall)	584
Total # of “Major” Permits Issued	0
Total # of “Minor” Permits Issued	584
Total # of Applications Subject to Minister’s Order (Minister’s Review):	0

The differential between the number of applications received and the number of “complete” applications received is largely due to a significant number of applications received in December that weren’t reviewed for completeness until January 2025. It wasn’t until January 2025 that those applications were reviewed and the applicants invoiced for the application fees. Per O. Reg. 41/24, payment of an application fee is required in order for the application to be considered to be “complete”.

¹ Note: This report only captures permits issued from April 01 – December 31, 2024, as O. Reg. 41/24 was only implemented as of April 01, 2024. Permits issued between January 01 and March 31, 2024 were issued under O.Reg. 152/06.

Those applications could have been considered to be “complete” in December had the applicants been invoiced promptly and if they had paid promptly.

The differential between the number of permits issued versus the number of “complete” applications received can be attributed to applications which were put on hold or cancelled by the applicant, or hadn’t yet been processed as of the end of 2024.

Two “major” permit applications had been received in this time period but no decision could be made on the issuance of a permit as both required hearings and no hearings were scheduled. This was due to the inability of staff to prepare for and arrange the hearings. The applicants for both applications are eligible to appeal their applications directly to the Ontario Land Tribunal given the lack of an LTVCA decision (per Section 28.1 (22) of the CA Act).

2024 Permit Timelines:

2024 PERMIT TIMELINES – (APRIL 01 TO DECEMBER 31)¹	
Complete Application Review Total # of “complete application reviews” completed within 21 days:	809 168 applications exceeded the 21 days for their “completeness” review.
Permit Timelines (Major) Total Major Permits Issued <u>Within</u> Decision Timeline (90 Days):	0
Permit Timelines (Major) Total Major Permits Issued <u>Outside</u> Decision Timeline (90 Days):	0
Permit Timelines (Minor) Total Minor Permits Issued <u>Within</u> Decision Timeline (30 Days):	405
Permit Timelines (Minor) Total Minor Permits Issued <u>Outside</u> Decision Timeline (30 Days):	179
Variance from Timelines Reason for Variance from Timelines:	The majority of the permit applications were related to the Southwestern Integrated Fibre Technology (“SWIFT”) program – bringing government subsidized high speed internet to rural areas. The projects were large in scope and covered significant portions of our watershed. The influx of these applications were often congregated and lead to immediate congestion and backlog issues given staffing restrictions.
Permit Timelines (Average – All) Overall Average Permit Review Timeline:	23.4 days (ranged between 0 & 92)
Permit Timelines (Average – Major – 90 Days) Average Major Permit Review Timeline:	N/A
Permit Timelines (Average – Minor – 30 Days) Average Minor Permit Review Timeline:	23.4 days (ranged between 0 & 92)

Compliance with O. Reg. 41/24:

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
Mapping Has the Authority undertaken an annual review of the mapping and made necessary updates? (ss. 4(2) of O. Reg. 41/24)	Mapping updates were completed for the implementation of O. Reg. 41/24 prior to April 01, 2024. Further minor improvements were made for usability on the website in April. Since then, staff have identified a number of areas where the mapping requires further updates. The LTVCA has been without a GIS Technician since September. However, a GIS Technician has since been hired and will work on the updates in 2025.
Administrative Reviews Total requests for administrative reviews made to the Authority:	0
Administrative Reviews Total administrative reviews completed within 30 days of the request:	N/A

Analysis and Conclusion:

The LTVCA issued 584 permits in 2024 under O. Reg. 41/24. Of those, 69% met the Provincial standards for service levels. For initial “complete application review”, 83% met the Provincial standard. Variances in meeting time standards for this reporting period can generally be attributed to challenges with staff’s ability to keep up with the workload demand due primarily to high pressures in the private utility industry, specifically fibre optic communication expansions. Even with support from municipal plan review staff, the staffing challenges persisted.

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