

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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## **Official Report of Debates (Hansard)**

P-12

## **Journal des débats (Hansard)**

P-12

### **Standing Committee on Public Accounts**

2022 Annual Report,  
Auditor General:

Ministry of Natural Resources  
and Forestry

Niagara Escarpment Commission

1<sup>st</sup> Session  
43<sup>rd</sup> Parliament

Monday 5 June 2023

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Rapport annuel 2022,  
vérificatrice générale :

Ministère des Richesses  
naturelles et des Forêts

Commission de l'escarpement  
du Niagara

1<sup>re</sup> session  
43<sup>e</sup> législature

Lundi 5 juin 2023

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Chair: Tom Rakocevic  
Clerk: Tanzima Khan

Président : Tom Rakocevic  
Greffière : Tanzima Khan

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
PUBLIC ACCOUNTS**

**COMITÉ PERMANENT DES  
COMPTES PUBLICS**

Monday 5 June 2023

Lundi 5 juin 2023

*The committee met at 1405 in room 151, following a closed session.*

2022 ANNUAL REPORT, AUDITOR  
GENERAL  
MINISTRY OF NATURAL RESOURCES  
AND FORESTRY  
NIAGARA ESCARPMENT COMMISSION

Consideration of value-for-money audit: conserving the Niagara Escarpment.

**The Chair (Mr. Tom Rakocevic):** I would like to call this meeting of the Standing Committee on Public Accounts to order. We are here to begin consideration of the value-for-money audit on conserving the Niagara Escarpment from the 2022 Annual Report of the Office of the Auditor General of Ontario. Joining us today are officials from the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission.

You will have 20 minutes, collectively, for an opening presentation to the committee. We will then move into the question-and-answer portion of the meeting, and we will rotate back and forth between the government and official opposition caucuses in 20-minute intervals, with some time for questioning allocated for the independent member.

Before you begin, the Clerk will administer the oath of witness or affirmation.

**The Clerk of the Committee (Ms. Tanzima Khan):** Good afternoon, everyone. I will read out the affirmation and then I will say your names individually. If you could kindly just affirm after you hear your name—thank you.

Do you solemnly affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Deputy Minister, please go ahead.

**Ms. Monique Rolf von den Baumen-Clark:** I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Ms. Amy Mouganel, please go ahead.

**Ms. Amy Mouganel:** I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Ms. Jennifer Keyes.

**Ms. Jennifer Keyes:** I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Ms. Kim Peters.

**Ms. Kim Peters:** I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** I will move on to the virtual presenters who are joining us today.

Mr. Rick Watchorn. Mr. Watchorn, if you can hear us, could you kindly affirm?

**The Chair (Mr. Tom Rakocevic):** We'll move on. If he speaks, then we'll ask him to affirm at that time.

**The Clerk of the Committee (Ms. Tanzima Khan):** ADM Craig Brown. Can you hear us?

**Mr. Craig Brown:** Yes, I can hear you.

**The Clerk of the Committee (Ms. Tanzima Khan):** Did you hear the affirmation being read?

**Mr. Craig Brown:** Sorry; I did not.

**The Clerk of the Committee (Ms. Tanzima Khan):** I will read out the affirmation one more time—and then if you could kindly affirm.

Do you solemnly affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

**Mr. Craig Brown:** Yes, I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Mr. Watchorn, if you can hear us, please affirm.

**Mr. Rick Watchorn:** Yes, I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Mr. Nicholson.

**Mr. Rob Nicholson:** Yes.

**The Clerk of the Committee (Ms. Tanzima Khan):** Ms. Jankowski.

**Ms. Amanda Jankowski:** I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Ms. Westman.

**Ms. Trisha Westman:** I also affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Ms. Woeller.

**Ms. Kathy Woeller:** I affirm.

**The Clerk of the Committee (Ms. Tanzima Khan):** Thank you.

**The Chair (Mr. Tom Rakocevic):** I would invite each of you to introduce yourselves to Hansard before you begin speaking. Thanks again for being here.

You may begin when ready.

**Ms. Monique Rolf von den Baumen-Clark:** I'm Monique Rolf von den Baumen-Clark, deputy minister for the Ministry of Natural Resources and Forestry.

Good afternoon, Chair and members of the standing committee. I'm pleased to be here to address the Standing Committee on Public Accounts and speak to the important

work of the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission. Thank you to the Auditor General for her report and her recommendations.

I'm pleased to be joined today by Kim Peters, a manager at the Niagara Escarpment Commission, and Jennifer Keyes, a director in our policy division in MNRF, as well as Amy Mougenel. I would also like to introduce Kathy Woeller, director of the NEC, who is here virtually, on camera. As well, I'm pleased to be joined by the current chair of the commission, Rob Nicholson. Here virtually, as well, is the assistant deputy minister for policy division, Craig Brown; Amanda Jankowski, who's our director in our corporate management and information division. Various other senior staff from both my ministry and the commission are in attendance, as well.

Today you will hear from us about several aspects of the Niagara Escarpment Commission's work and the many ways it contributes to our province's economic prosperity and environmental well-being. Before we get into your questions, I'd like to take this opportunity to tell you a little bit more about the commission and the work that the ministry does in association with them.

The Niagara Escarpment Commission is an arm's-length agency of the Ontario government dedicated to maintaining and enhancing the vitality and sustainability of the Niagara Escarpment. To put that in context, the Niagara Escarpment spans over 700 kilometres. It's an important region which makes significant economic and environmental contributions to prosperity and well-being in our province. Every year, the Niagara Escarpment draws in residents from across Ontario and people from around the world. They come to the region to enjoy its natural beauty and partake in the recreational activities it affords. It also contains Ontario's most visited downhill ski centre, and it's home to the Bruce Trail, Canada's longest footpath, which attracts 400,000 visitors each year.

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The escarpment region also supports rural and agricultural communities that produce food which, like its travel and tourism appeals, reaches residents of our province and people from around the world. The agricultural variety contained within the Niagara Escarpment Plan region is quite significant. It's well-known for its wineries, tender fruit horticulture and field crops, which support a thriving agri-tourism industry.

Together, the substantial array of businesses and attractions across the Niagara Escarpment provide thousands of jobs and make significant contributions to both the regional and provincial economies. Together, the Ontario government and the Niagara Escarpment Commission work to provide for the sustainable maintenance and responsible development of the area as directed by Ontario's Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan.

The NEC was established 50 years ago to administer the Niagara Escarpment Plan. The Niagara Escarpment Plan is Canada's first large-scale environmental land use plan. The plan serves as a framework of objectives and

policies to strike a balance between development, protection and enjoyment of this important landform feature and the resources it supports. The Ontario government develops and establishes the policies of the Niagara Escarpment Plan itself, and it is the Niagara Escarpment Commission's legislative mandate to interpret and apply Niagara Escarpment Plan policies. The ministry works collaboratively with the Niagara Escarpment Commission, partner ministries, municipalities and conservation authorities to maintain the Niagara Escarpment and land in its vicinity as a continuous natural environment and to ensure compatible development.

With respect to the role of the Ministry of Natural Resources and Forestry, we have oversight for both the legislation and policies and the Niagara Escarpment Commission itself. In this capacity, the commission's collaboration with the ministry includes reviewing and recommending Niagara Escarpment Plan policy amendments to the minister and drafting annual reports and business plans for ministerial approval. In turn, the ministry is responsible for a variety of governance responsibilities for the commission. This includes approving the commission's annual report, business plan and memorandum of understanding, and approving the commission's budget as part of the broader Ministry of Natural Resources and Forestry business plan. The ministry also provides support ensuring the commission's compliance with the Agencies and Appointments Directive, assists with legislation, regulations and policy, and coordinates legal services on behalf of the commission as needed.

In terms of the Niagara Escarpment Plan review, the Niagara Escarpment Plan, as I mentioned, is a large-scale environmental land use plan that establishes land designations and development criteria and related permitted uses within the NEP area. It also provides a framework for a string of more than 160 parks and open spaces linked by the Bruce Trail. The MNRF is responsible as a co-lead with the Ministry of Municipal Affairs and Housing for conducting the coordinated plan review, which allows for a simultaneous review of the Niagara Escarpment, the greenbelt and the Oak Ridges Moraine Conservation Plan, and this occurs at 10-year intervals. This coordinated plan review is comprehensive and involved.

During the last such review, Ontario appointed a panel to develop recommendations on how to amend and improve the plan, and had a number of stakeholder meetings and engagement sessions designed to seek public input. The next review is scheduled to start in 2025. It will present an important opportunity to consider the recommendations the Ontario Auditor General's office provided in its 2022 Value-for-Money Audit: Conserving the Niagara Escarpment.

As an arm's-length agency, the Niagara Escarpment Commission is committed to conducting itself in accordance with high standards—those shared with the government of Ontario. These include professionalism in public service, transparency, fairness, diversity, anti-racism and inclusion, ethical behaviour and prudent administration of public funds. Government sets out policies concerning the

Niagara Escarpment and the Niagara Escarpment Plan and looks to the commission to interpret and apply these policies. This is carried out across a set of distinct objectives, including:

- protecting unique ecological and historical areas;
- maintaining and enhancing the quality of natural stream and water supplies;
- providing adequate opportunities for outdoor recreation;
- maintaining and enhancing the open landscape character of the Niagara Escarpment;
- ensuring new development is compatible with the purpose of the Niagara Escarpment Plan; and
- providing adequate public access to the escarpment.

We also support municipalities within the Niagara Escarpment Plan area in carrying out planning functions.

These responsibilities are carried out by the commission's 17 members, who are appointed by the order in council: nine representatives, including the chair, on behalf of the public at large, and eight members sponsored by municipalities from within the area of the Niagara Escarpment Plan. This body holds public meetings to consider a variety of measures relevant to the responsible use, development and maintenance of the escarpment, including development, permit applications, land use proposals, policy items and amendments to the Niagara Escarpment Plan itself.

Like many organizations, the Niagara Escarpment Commission experienced some disruption to its business as a consequence of COVID-19 but has had an opportunity to look at ways to improve our service delivery. The commission has already identified that finding new, more efficient models of service delivery and business processes were essential to its mission. These are also priorities the commission shares with the OPS—a commitment to adopt digital practices and technologies to provide simpler, faster and better services to Ontarians.

In terms of this year's priorities for 2023, over the next several years, we do have a number of things that we are looking at in terms of enhancements. I'd like to speak to some of those priorities in terms of looking ahead and commenting on the role of our ministry in relation to working with the commission on them. In setting its operational strategy for the coming three years, the commission identified three interrelated elements and points of emphasis: business and organizational effectiveness, communication, and modernized legislation and regulation.

In this first area, the commission's priorities are closely aligned with the Ministry of Natural Resources and Forestry and our own modernization and business improvement office. This office is focused on enhancing our digital citizen-facing services, streamlining policy and building efficiency. Specifically, the commission is working toward optimizing some further program success in terms of refining its internal processes, operations and culture. This includes supporting effective implementation of the Niagara Escarpment Plan by enhancing the strengths of existing processes, recommending legislative and regulatory improvements to modernize processes, and

modernizing commission technology. This last item includes establishing electronic submission and management of applications, responding to growing public preference for access to services online.

As a relatively small organization with 24 full-time staff, the Niagara Escarpment Commission continues to see challenges such as retirement and staff attrition. This has motivated the commission to place renewed emphasis on staff capacity, building and development. The organization is currently preparing a learning plan to match opportunities in technical training, policy development and information management to staff priorities. This learning plan will also leverage opportunities provided to the Ministry of Natural Resources and Forestry's own career and leadership programs, as well as broader OPS initiatives.

The ministry's strategic human resources branch is also working with the commission to prepare a succession plan as part of its ongoing evaluation of the commission's organization needs and providing assistance with a review of the current compliance protocol. Activities in the coming years will allow the commission to pursue and extend its current communications strategy, which informs how the commission reaches clients, ministry stakeholders, members of the public and Indigenous communities along the escarpment. In line with its current communications strategy, the commission plans to significantly renew both its internal and external websites to enhance customer service, provide better access to information and streamline internal collaboration, communication and staff training.

In collaboration with the Ministry of Natural Resources and Forestry, the commission is exploring the potential to create a social media presence in line with the channels used by other provincial agencies to support its marketing and communications. The ministry will provide support and guidance on this topic, including sharing expertise on potential future communications campaigns the commission might prepare.

Lastly, the commission continues to collaborate with the Ministry of Natural Resources and Forestry's own policy division in analysis of its legislative and regulatory framework. This collaboration will indicate amendments which can improve service to commission clients and support initiatives by streamlining development permit reviews and exemptions. Together with its ongoing information technology and website renewal, this project will present opportunities to create more modern and efficient processes and services at the NEC.

In summary, the MNRF continues to work with and support the commission in carrying out its responsibilities to maintain and enhance the Niagara Escarpment.

I will turn over the floor to the chair for his remarks, and then we'd be happy to take some questions. Thank you.

**1420**

**Mr. Rob Nicholson:** Good afternoon, Chair and members of the standing committee. As the deputy mentioned, I'm Rob Nicholson, the current chair of the Niagara Escarpment Commission. I'm pleased to appear before the Standing Committee on Public Accounts to shed some

light on the activities of the Niagara Escarpment Commission as it relates to our mandate of maintaining and enhancing the vitality of the Niagara Escarpment.

First, I will start by thanking the Auditor General for the recommendations in the Niagara Escarpment audit report released in November 2022. Over the past few months, the NEC staff have reviewed and carefully considered the Auditor General's report and recommendations. We view the audit as an opportunity to improve our services and processes.

Secondly, I would like to thank the hard-working staff of the commission for the tremendous efforts that they have made in preparation for this meeting today. It has been my great honour to chair the Niagara Escarpment Commission for the past three years, from March 2020, in the early days of the COVID-19 pandemic, until now. I have witnessed first-hand the dedication of staff and commissioners to conducting their duties effectively and efficiently. I have noted how staff go beyond and above to work with landowners and applicants across the escarpment area to ensure that they are able to enjoy the use of their land, to do business and also to maintain the natural environment in such a manner that it can continue to be enjoyed for future generations.

I am joined here today, virtually and in person, by a number of members of the NEC leadership team. Attending virtually is Kathy Woeller, the director who leads and provides direction to all the staff of the NEC, and attending physically is Kim Peters, the manager who has oversight of planning and permit processing in the NEC. From us, you will hear various updates about the exceptional work being done at the Niagara Escarpment Commission and how we go about fulfilling our legislative mandate.

The Niagara Escarpment has long been a part of the Ontario landscape. The Niagara Escarpment Commission was established in 1973 with the creation of the Niagara Escarpment Planning and Development Act, and it takes pride in the regulatory activities that we undertake to ensure that any development on the escarpment is compatible with the natural environment. We take our work seriously.

With regard to the findings and recommendations of the Auditor General, I would like to state that a number of the recommendations have either been implemented or are in the process of being implemented. I will briefly highlight a few of those initiatives and activities that have already begun to improve the Niagara Escarpment Program.

First, the modernization of our information management system: The NEC is in the process of developing and implementing a new information system. This system is to replace the existing database, which goes back to the early 2000s and has been experiencing periodic system failures over the past few years. NEC staff are working with external consultants to build a modern information management system that will be particularly useful in making the NEC's permit-authorizing processes more efficient for both our clients and staff. The new system is being built with the client at the forefront, to enhance their customer service experience with the Niagara Escarpment Commission. Now, with three fiscal years of funding secured from

the ministry and also through the Ontario awards program, it allowed the project to commence in the winter of 2021-22, and is now on track for the design to be completed and fully operational to the public by early 2024.

Second, an emphasis on digital-first communications. In line with the NEC communications strategy to communicate, collaborate and consult stakeholders, the NEC has recently undertaken an initiative to improve its digital identity. The newly redesigned NEC website officially launched in late February this year and is but one example of this renewed goal of improving communications with the public. The purpose of the website redesign is to improve user experience by making the site more visually appealing and by providing information in accessible, easy-to-understand formats, and by providing various contact forms that direct applicants to the correct stages of the internal triaging process. Phase 1 of the redesign project was completed in February 2023 and work continues, with a focus on providing educational resources about the Niagara Escarpment and the rationale for protection and conservation. We aim to provide these resources using clear, plain language that helps demystify our policies and processes.

Last but certainly not least is our renewed focus on outreach to community partnerships. The NEC has built strong community partnerships over the years. We work collaboratively with several partner agencies to properly manage the various land use activities that occur within the escarpment area. NEC staff actively engage in outreach activities with municipal partners and other agencies to advance the objectives of the Niagara Escarpment Plan. One example of these efforts—and it happened just last fall, before the auditor's report was released, when NEC staff attended the Latonnell Conservation Symposium, which was also attended by representatives from conservation authorities, municipalities, the provincial and federal governments, non-governmental organizations, consultants and academia. Likewise, most recently, the staff met with representatives of the Bruce Trail Conservancy, the region of Halton and the Niagara region to exchange information and to propose ideas on how we can collaborate with them in the present and in the future.

**The Chair (Mr. Tom Rakocevic):** You have about a minute and a half left.

**Mr. Rob Nicholson:** Thank you.

These are but a few of the activities that the NEC has engaged in to better implement the Niagara Escarpment Plan.

I will end by saying that I am proud of the work the staff and the commissioners have done over the past years, despite the various challenges that they have.

I want to acknowledge that the report on conserving the escarpment will help inform program developments. We will continue to work hard to implement the recommendations as we can. We will continue to work with the Ministry of Natural Resources and other provincial ministries and partners to ensure only compatible development is permitted in the Niagara Escarpment area.

Thank you very much.

**The Chair (Mr. Tom Rakocevic):** Thank you very much for your presentations.

This week, we will proceed in the following rotation: 20 minutes to the government members, 20 minutes to the official opposition members, three minutes to the independent members, and we'll follow this rotation for two rounds. I'll endeavour to give you a 10-minute warning followed by a two-minute warning so that we're all on track.

We're beginning with the government. MPP Skelly, please proceed.

**Ms. Donna Skelly:** My question is to Mr. Nicholson.

I am an MPP representing one of the rural ridings in Hamilton, and I was a city councillor prior to becoming an MPP. One of the more frustrating parts of my job, both as a councillor and as an MPP, was helping people navigate the unbelievable number of levels of regulation regarding permit application, permit approvals—even building something as simple as a shed.

Do you work at all with either municipalities or conservation authorities to streamline application processes so that applicants have an easier time navigating the layers of bureaucracy required to build anything, really, in some of the regions of the province?

**Mr. Rob Nicholson:** Well, it isn't just the NEC—as you know, there's the municipalities that have to work with us; they have to give us input on these things. Again, we want to expedite this process to the extent possible, and I know the staff works very hard to do this—and working with the applicants, as well. Sometimes these things get very complicated when you have the applicants making the application, and you need the municipalities because you want to make sure that you're getting their input. But I know the staff work very hard, and they're very diligent about doing these things.

I'll call on the other members of the staff if there's any additional information they would like to provide.

Kathy or Kim Peters, is there anything you'd like to say?

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**Ms. Kim Peters:** I would add to what Chair Nicholson has said by stating that the approach that we take through the commission is a one-window approach. We accept applications and we circulate them to our partner agencies, most frequently municipalities and conservation authorities, to obtain their comments. Through that process, applicants become aware of all agency requirements, and we coordinate those going forward. Although additional approvals such as building permits or conservation authority permits might be required, all of that information gets disclosed to applicants through our process. Usually, if sufficient detail is provided, once our approval is in place, they should very rapidly be able to receive other approvals.

**Ms. Donna Skelly:** How do your requirements differ from those of a conservation authority—which would probably be more aligned to your objectives—and/or municipalities?

**Ms. Kim Peters:** For conservation authorities, right now their scope really is only to look at hazard lands and to protect life and property from natural hazards. The Niagara Escarpment Plan is based on permitted uses, and if it's not a permitted use within the area of the plan, there's really no point in moving on to get conservation authority approval if there's a hazardous condition that needs to be addressed, because it's simply just not a permitted use.

**Ms. Donna Skelly:** Could you be more specific on what permitted use is? Wouldn't that have been, perhaps, caught at the municipal level?

**Ms. Kim Peters:** Yes. It depends on whether zoning is in effect. In some places within the Niagara Escarpment Plan, such as downtown Hamilton or downtown St. Catharines, municipal zoning is in place and that directs permitted uses, but in other areas of the plan there is no zoning bylaw and so it's the list of permitted uses within the Niagara Escarpment plan that is referred to. They might be something simple, such as a single dwelling, or something that requires more analysis, such as an on-farm diversified use or agriculture-related use. Those are examples of permitted uses.

**Ms. Donna Skelly:** Sorry—no zoning bylaw in rural Hamilton?

**Ms. Kim Peters:** That's correct. For most of Flamborough, for instance, zoning bylaws do not apply. It is the Niagara Escarpment Plan that provides what land uses are permitted.

**Ms. Donna Skelly:** It's interesting; you mentioned rural Flamborough. I'll just share with you the frustration of one applicant. He was a mushroom farmer trying to build an additional shed. I think it was three years in, and we were still trying to get to the application process.

My question to you is, how do we streamline this so that anyone, whether you're putting in a swimming pool or you're building a shed or you want to build a single-family home—how do we minimize the amount of time and paperwork and somehow encourage these agencies to work together? Is it not possible that you could have the same oversight over what conservation authorities have oversight over? Could you not share that responsibility? Could we not have a municipality also look at what you're looking at so that we're not having to submit permit applications to all different agencies?

**Ms. Kim Peters:** The approach, again, as I said, is a one-window approach where we work with multiple different agencies, and the objective of that is that we're not duplicating expertise.

In terms of trying to streamline permit applications, two things are relevant to that. One is O. Reg. 828/90, which we refer to as our exemption regulation, which is a list, essentially, of types of development that do not require a development permit from the Niagara Escarpment Commission. Also, most recently, during the pandemic, we introduced what we term a streamlined process for some forms of minor development which may not be exempt, but rather than circulating to agencies—we are generally aware that such uses would be permitted, so we expedite

the approval, only sending out a notice that the commission has made a decision about the development. Sometimes that saves quite a bit of time, in terms of not having to collect comments from other agencies.

**Ms. Donna Skelly:** You mentioned a one-window approach. So a homeowner or a farmer could approach the city of Hamilton and say, “I need to build a shed,” and they forward everything to you? Is that how it works? Or does the farmer or the homeowner still have submit their application through the Niagara Escarpment Commission and contact the conservation authorities?

**Ms. Kim Peters:** That is correct. Yes. They—

**Ms. Donna Skelly:** So it’s not really a one-window approach.

**Ms. Kim Peters:** Not in the sense that it’s one application form, but we do work together to collaborate and provide comments simultaneously or in tandem. As I said, once the conservation authority or the building department is ready to issue a permit, it should not take much longer, once our permit has been issued.

**Ms. Donna Skelly:** I’m going to push back on that. The Auditor General said that the average timeline was about two years from remarks to the approval process for a permit. Is that about accurate?

**Ms. Kim Peters:** It really depends on the nature of the development. One of the struggles that we’ve had with the tracking application times is the fact that we have not had a very accurate information-management system, which, as our chair alluded to, we’re working on right now. Some applications do remain in abeyance for quite some time if specialized studies are needed, such as an environmental impact study or a visual impact study. So there are some applications that do drag out timelines, but the vast majority do not take two years to process.

**Ms. Donna Skelly:** Those were her words. I’m just saying that she suggested that the average time was two years to process from once you start receiving feedback to the actual permit being approved. I don’t see this as a one-stop kind of process.

How, then, do we move forward? What can all of you—whether it’s the conservation authority working with you, municipalities etc.—do to address this? You could be talking about three to four years from an application being submitted to the city of Hamilton before you see shovels in the ground, simply because of the different agencies that have to give their approval. They’re looking at the same piece of property, and they’re looking at it one after the other. Now you’ve just seen the cost of a home, especially over COVID, probably double. So how can you approach this? Is there a way that we can have all of these different regulatory bodies collaborate so that the applicant can expedite the process?

**The Chair (Mr. Tom Rakocevic):** We’re at halftime, 10 minutes.

**Ms. Monique Rolf von den Baumen-Clark:** I think Kim is trying to articulate the current process of how they’re working together.

Certainly, what we do in the ministry is, from a policy perspective, continue to look at how we can improve things.

Jennifer, I don’t know if there are other things you might want to add.

**Ms. Jennifer Keyes:** As Kim said, there is a regulation, regulation 282, which has exemptions in it for things like small sheds. We continuously look at what the conservation authority permit does versus what the NEC permit does versus what municipal planning does and try to make sure that we’re not duplicating efforts, so that we have very unique considerations in the permit conditions, so that proponents aren’t going to two agencies for two cross-purposes. We want to make sure that NEC’s permit is explicit to the direction that’s provided for them in the Niagara Escarpment Plan versus conservation authority permits that are unique. So each permit has a unique consideration when it’s being issued.

We continuously look to update the regulations to support those case studies, where we see a trend of proponents who are frustrated with a small shed, for example, that may not have a hazard consideration or a consideration in the Niagara Escarpment. We’re trying to remove burdens and barriers for individual citizens to apply.

**Ms. Donna Skelly:** Can you give me some examples of progress that has been made, where you’ve been able to eliminate some of the red tape so that people can expedite the process?

**Ms. Jennifer Keyes:** Recently, we updated one of the regulations under Niagara Escarpment legislation, which was an old regulation that used to have complex words in there that described the geographic setting that the permit would apply, and we changed it to be a map so that citizens can see whether or not they’re in the Niagara Escarpment area without having to hire a lawyer and a surveyor to figure out whether or not they are in the escarpment. So that’s part of our digitization strategy to make sure that people understand where their property is in relation to what’s being required under the Niagara Escarpment Plan.

We also updated regulation 826 to exempt small infrastructure projects from a permit.

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**Ms. Donna Skelly:** Such as?

**Ms. Jennifer Keyes:** Such as a swimming pool.

**Ms. Donna Skelly:** Maybe you should walk me through the timeline. If somebody submits an application to build a home or a barn on a farm and they’re within the Niagara Escarpment and, of course, the Hamilton Conservation Authority and the city of Hamilton—I’m just using the city of Hamilton because I’m familiar with it. Can that application go to all three agencies at the same time, and is it possible to start putting deadlines on when those applications should be processed and can be processed?

**Ms. Kim Peters:** As it stands right now, we endeavour to circulate applications to our partner agencies as soon as possible after we receive them, although that depends on whether or not we have received a complete application with a site plan and all information required about the project. We ask that our partner agencies respond within 30 days of receiving our request for their input. Admittedly, many of our partner agencies have difficulty meeting

that 30-day timeline because of their own priorities, but we do work with them to the greatest degree possible to help them meet that deadline by reminding them, offering them more information, sometimes providing pre-consultation services to both the applicant and our municipal and conservation authority partners, by sitting down all together at once, again, depending on the complexity of the development permit application.

**Ms. Donna Skelly:** I guess I'm just going to be beating a dead horse.

What I would love to see is truly that one window—that an application, especially in this virtual world, is submitted and boom, boom, boom it goes, and you're all looking at it at the same time. Again, I'm sure you've heard this many times, but I've heard from applicants who say they don't hear for 30, 60 days; that a permit is sitting on someone's desk, and then they find out it's missing this, it's missing this, and then another 30 days goes by, another 60 days, before anything could even be received. There's got to be a way of checking off all the boxes and saying, "Now this application is complete. It's going to all of the different agencies that require approval at the same time so that we can do it within a reasonable window of time." That's something I'd love to see. When we talk about one-window shopping, I think that would be what my constituents would certainly appreciate.

I think MPP Byers would like to jump in.

**Mr. Rick Byers:** Thank you, MPP Skelly, and thanks to the presenters.

My riding is Bruce–Grey–Owen Sound, and it goes right up the Bruce Peninsula, so I'm certainly familiar with the NEC in terms of their involvement in the community. In fact, I live in a single-unit dwelling on NEC land, so thank you for approving that in 2010. I also have the Bruce Trail go through the property, so I see that relationship as well. So I look forward to and appreciate the work you're doing.

I wanted to ask first about governance—perhaps to Chair Nicholson or others. You've got a commissioner governance model. I've sat, in the past, on Toronto Transit Commission, also the board of Metrolinx, and I've seen those two public agency governance models. Governance in a public agency model is different and, frankly, in ways more challenging than a corporate model. I'm curious about the role of commissioners as distinguished between traditional board governors. Are you happy with the model? Is it working? Is it doing all you want it to do from a governance point of view? I'd be willing to get your comments on that. I appreciate it.

**Mr. Rob Nicholson:** I think it does work. One of the things that has completely impressed me over the last three years is the amount of work and the effort put into it by commissioners. We get a lot of material to review for our meetings, and again, I'm so impressed by the fact that so many of them take all the time that they need to figure out what the issues are. Many times, they have tough questions to ask when we have a commission meeting here. Again, it's not a full-time job for anybody, but nonetheless, it's impressive. I've been very, very pleased by the contributions made over the last three years that I have been chair.

**Mr. Rick Byers:** I appreciate that. It's an important part of the whole public sector mandate of the organization, so thank you for your work, and the commission's as well.

Next I want to ask about the land use designation—various designations, be they rural, agricultural, recreational, otherwise. I'm curious how those are identified. Do they change over time? Does that impact some of the questions that MPP Skelly was asking about from a development point of view? I'm just curious about that element of the NEC's work.

**The Chair (Mr. Tom Rakocevic):** Just under two minutes.

**Ms. Monique Rolf von den Baumen-Clark:** Kathy Woeller, would you be able to speak to the land use designations, please?

**Ms. Kathy Woeller:** There are seven designations under the Niagara Escarpment Plan. They are focused mostly on the feature that's there. For instance, our most important natural features—whether that be that very prominent brow, the wetlands, large woodland features—are under our more restrictive designation as the "natural area."

Then, we have our "protection," which somewhat buffers those areas, and also has features within those. It's not as restrictive.

"Rural" is picking up all of our very important prime agricultural lands and our rural lands across the escarpment, very focused on protection of our farmland and the value that it brings not only in the escarpment, but also Ontario in general, including our speciality croplands in the Niagara area. We do allow for lands to be designated as "mineral resource extraction" if they are currently designated as "rural"; 1% of the escarpment is designated "mineral resource extraction."

Then, we have "escarpment recreation areas." Those are the ones where we are trying to focus recreational opportunities. You would be familiar with the Town of the Blue Mountains; most of that is escarpment recreation because of the ski slopes, so recognizing that. Then we—

**The Chair (Mr. Tom Rakocevic):** Thank you. We're at time.

We're going to proceed to the official opposition, beginning with MPP Burch.

**Mr. Jeff Burch:** Thank you, everyone, for being here.

Rob, it's good to see you again. You look younger since you left politics.

Obviously, a lot of the things that have been brought out by the report have to do with underfunding. We hear that over and over and over again through the report. There's only so much you can do, being drastically underfunded for so many years. So I want to concentrate some questions on things that are more non-monetary.

Perhaps I'll start by picking up on some of the questions from MPP Byers around the composition of commissioners. One of the things that came out in the auditor's report pretty clearly is that there needs to be some work done on balancing out the representation on the commission. At the time of the audit, six of the nine public-at-large members, including yourself, the chair, were from Niagara region.

The membership had a narrow variety of perspectives. The auditor found that there were more members from industry and there had become fewer people, over the years, with environmental expertise. Only four of the 17 commissioners were women. In terms of best practices, you always want to strive for some kind of gender parity on any commission. And there has only been one Aboriginal representative since 1973. Clearly, I think there's some work to do in this area. What steps have been taken to create a more balanced board or commission?

1450

**Mr. Rob Nicholson:** First of all, many of the people we have here are people who are coming from the municipalities. So it's up to the municipality to decide who is the person that's going to be there.

You make some very good points. These commissions and these boards have to represent the diversity of this province, of this country.

You mentioned that a number of the members are from the Niagara region. I found, over the three years that I've been chair, that it didn't matter where these people came from; they would do their homework on this to get involved with this and to make sure that the proper decision is being made. The fact that they reside in a particular municipality as opposed to others doesn't mean they don't come up with logical and good reasons as to why we should take certain steps or not take certain steps.

Again, we have to do this and we have to make sure that we're aware of all these different issues here and take them into consideration when appointments are being made.

**Mr. Jeff Burch:** Is the commission addressing the need for orientation and ongoing training for commissioners, including training for chairs? Is that something that was pointed out in the report, as well?

**Ms. Monique Rolf von den Baumen-Clark:** Chair Nicholson, would you like either Kathy or myself or our policy people to speak to that, or would you like to?

**Mr. Rob Nicholson:** Kathy, go ahead.

**Ms. Kathy Woeller:** I'll first speak to onboarding and training, and then I can turn it to my colleagues with respect to appointments.

We take the training of the chair and the commissioners very seriously. We want to ensure that they have well-rounded knowledge of what the act speaks to and what the objectives of the plan are. We recognize that having one training session—if you're in a term for three years—isn't going to be satisfactory. We are looking to update our training package, so that it's enhanced and there are refresh opportunities for the commission and the chair. We have updated our website and we are putting in a portal that will contain all of the training materials, so that material will be at hand and the commission members can go to that any time they require it. We are also ensuring that they receive appropriate training on all of their legislative and regulatory requirements, including conflict of interest and integrity. Our legal services also helps them understand the legislation and what they are bound by.

**Mr. Jeff Burch:** You touched on my next question, which was about the lack of a conflict-of-interest policy.

In order to train them, you would need a policy to train them on, so is that something you're working on—actually having a conflict-of-interest policy so that commissioners can be trained?

**Ms. Kathy Woeller:** They are already subject to the provincial conflict-of-interest requirements for agencies and directives. The auditor recommended, and we agree, that we could have our own procedures and policies, including that annual declaration of conflict of interest. The chair already does call for any conflict of interest at the beginning of the meeting. The commission members receive their packages one week ahead of time so they are aware of what items are coming before them, so they can make that determination as to whether they are in conflict. But we certainly agree that more could be done, and we have committed, by the end of this year, December 2023, to have some more guidance and procedures in place to assist the commissioners and the chair with conflict of interest.

**Mr. Jeff Burch:** Will that mean that there will be an actual written policy to be followed and to train people on?

**Ms. Kathy Woeller:** One exists. We are going to look at that broad one, the very general conflict-of-interest guidance, and determine what additional requirements the Niagara Escarpment Commission would like to put in place. Then we will, in keeping with the commissioners, pull a procedure or a policy together.

**Mr. Jeff Burch:** I asked the Auditor General specifically if there was any policy, and she said there wasn't. So is that general guidance? Or are you saying that there is actually a written policy?

**Ms. Kathy Woeller:** I may need to turn that over to our corporate management.

There is a conflict-of-interest policy assigned to every agency and board, so a conflict-of-interest policy does exist. I think she's referring to a very specific Niagara Escarpment Commission conflict-of-interest policy; it is true that we do not have a specific one, but they are already guided by existing legislation.

**Mr. Jeff Burch:** But you will have a specific one. That's what you're saying. You're going to develop one.

**Ms. Monique Rolf von den Baumen-Clark:** Sorry; can I just clarify? My understanding is that it's the Public Service of Ontario Act. Amanda, is that correct? And is there any other information you want to provide in terms of conflict-of-interest policy?

**Ms. Amanda Jankowski:** No, nothing at this time.

You're correct—Public Service of Ontario Act.

**Ms. Monique Rolf von den Baumen-Clark:** Thank you.

**Mr. Jeff Burch:** Moving on to the strategic plan: As someone who has worked with a lot of strategic plans, I was surprised that there wasn't an up-to-date one. Could you bring us up on the history of that and why there would not be a strategic plan? And what steps are being taken to make sure that you go through that process and there is one in the near future?

**Ms. Monique Rolf von den Baumen-Clark:** I can pass that on to Kathy.

**Ms. Kathy Woeller:** Thank you for the question.

**The Chair (Mr. Tom Rakocevic):** We're just over 10 minutes.

**Ms. Kathy Woeller:** Although the Niagara Escarpment Commission does not have a document entitled "strategy plan," it is required legislatively to develop a business plan with a three-year time horizon. That is in place. The business plan is revised annually and must be approved by the minister. That business plan allows the Niagara Escarpment Commission to update on any actions that were identified in the previous report, including any highlights of achievements. The business plan also outlines various strategic goals of the Niagara Escarpment Commission within that three-year window and does in fact provide operational performance targets. The plan also identifies possible risks in achieving those targets and mitigation measures that we would put in place.

We have committed to looking at that existing legislative requirement for the business plan over the next year and a half to determine if there are any opportunities for enhancements or improvements, and if there are, we will incorporate those and we will publicly report on those enhancements.

**Mr. Jeff Burch:** I don't think a strategic plan and a business plan are exactly the same thing, but I appreciate what you've said.

Are you saying that you will be embarking on a strategic planning process so that there will be at some point in the future a strategic plan?

1500

**Ms. Kathy Woeller:** We have committed to looking at that business plan, which we do consider to be strategic from an operational perspective, with that time horizon to determine if, in fact, there are things that are missing within that plan and then make the necessary improvements to it.

**Mr. Jeff Burch:** In my experience, a business plan might be part of a strategic plan.

I think I'll just move on.

I wanted to talk about performance measurement and ask what progress the commission has made in working with other government partners in developing, implementing and reporting on a performance measurement framework?

**Ms. Monique Rolf von den Baumen-Clark:** Kathy, I know you've been doing some work on performance measurement, in terms of how we are monitoring it.

I know that when we started this in 2005 we had an environmental monitoring program. So I know that, as well, is something that—as we approach the coordinated plan review, we're looking at developing a set of performance indicators.

I just want to see if it's something that policy wants to speak to in terms of that work—or Kathy.

**Ms. Jennifer Keyes:** Again, in consultation with the Niagara Escarpment Commission, municipalities and stakeholders and other committed partners of the plan, we are continuing to address environmental monitoring as a

key component of the upcoming coordinated plan review, which is scheduled to begin in 2025.

For the purpose of the Niagara Escarpment, environmental monitoring shall consider performance indicators and monitoring as required by the Niagara Escarpment Plan. The purpose of the environmental monitoring program is to regularly monitor and report on outcomes related to the effectiveness of the plan and policies to inform further updates.

The coordinated plan review provides an opportune opportunity to evaluate the effectiveness of the NEP policies in achieving the purpose and objectives of the plan, as well as addressing any gaps in past performance indicators that would be beneficial for further reporting.

The Ministry of Municipal Affairs and Housing, the Ministry of Natural Resources and Forestry and other ministries will need to work together to better determine if appropriate indicators are working to address the plan. Any reporting on our new performance indicators and monitoring would occur associated with the Niagara Escarpment's digital program implementation.

**Mr. Jeff Burch:** It was pretty clearly identified that there was not a performance measurement framework, so developing that framework first so that it can be implemented is something that is being recommended. Is that part of the future plans? It would actually be part of a strategic plan to develop a performance measurement framework? Is that something that has been embarked on at the present time, or are time limits going to be started?

**Ms. Monique Rolf von den Baumen-Clark:** As part of the review in 2015, we had indicators in terms of how we were reporting. So we are looking at the coordinated plan review in consultation with others in terms of how we continue to look at a certain set of performance indicators to help measure the implementation of the plan's policies.

**Mr. Jeff Burch:** With respect to permit approvals, has the commission begun to evaluate the cumulative effects of the development permit approvals on the natural environment of the escarpment and factor that into the permit approval process to make that process better or more efficient?

**Ms. Monique Rolf von den Baumen-Clark:** Kim, do you have any information on that? I think that, in general, we do look at the indicators, but I'm not sure about the cumulative impacts. Is there anything you can say to that?

**Ms. Kim Peters:** There is a policy in the plan that requires us to look at the impacts of existing proposed and future development on the Niagara Escarpment Plan area. We do, at the time of plan reviews, take an opportunity to look back and summarize trends and address concerns that may be appearing in those trends. For instance, during the 2015 coordinated review, we prepared a series of discussion papers that were essentially evidence-based research on issues of concern that were raised by commissioners and others.

For the next coordinated plan review, 2025, we will likely take a similar approach—again, evidence-based, looking at the last 10 years of development permit applications to see what the trends are—and then hopefully

make recommendations based on that sort of evidence-based research.

**Mr. Jeff Burch:** So there's no plan to change the way you currently do things. You're saying that it's something that has always been done and you will continue to look at that process—the permit.

**Ms. Kim Peters:** During my time at the NEC, that is the way it has been done.

**Mr. Jeff Burch:** How much time do I have left, Chair?

**The Chair (Mr. Tom Rakocevic):** Just over two minutes.

**Mr. Jeff Burch:** Okay. I wanted to touch on the issue of revenues and the tremendous problems the commission has had, as the auditor has pointed out, with respect to being able to pay for pretty much anything—when you look at the report. There are some things that could be done, aside from government funding. One of those things, as pointed out, was cost recovery, which there's almost none of happening right now with the commission.

The auditor had some numbers that they put together, and there's almost \$400,000 under one scenario that could be raised through fees and fines and those kinds of things. Why has that not happened to this point? Is that because of pressure from private interests? You've had a funding problem for a long time, so it kind of begs the question as to why no one has made any effort to raise those kinds of funds so you can pay for inspectors and things like that.

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for the question.

Certainly, that was contained in the recommendation. I think in our response to it, we indicated that definitely we would be looking into that as part of one of the many recommendations, and particularly over the next couple of years as we do the coordinated plan review and look for where there may be opportunities.

**Mr. Jeff Burch:** For that process, that would be something the commission would discuss. Would you get input on that, or how would that process happen? I'm surprised it hasn't happened to this point, when you're so strapped for funding. What needs to change so that happens in the future?

**Ms. Monique Rolf von den Baumen-Clark:** It would be a policy decision that we would have to make.

**Ms. Jennifer Keyes:** If we did charge a fee or a cost recovery for a permit application, we would have to go to Treasury Board, obviously, and seek approval for the increased fee, and we would want to make sure that we align it with the other agencies that are issuing permits as well, because we've heard earlier in the deliberations about concerns about multiple permits for the same activities. So we want to make sure that when we do a fee, it's cumulative and we're aware of all the fees that other agencies charge.

**The Chair (Mr. Tom Rakocevic):** We're now returning to the government side. MPP Byers.

**Mr. Rick Byers:** Just returning to the land use designation of the previous question: Are those designations changed over time—just curious—or once they're set in

those ways, is that, in effect, a permanent designation under NEC rules?

**Ms. Monique Rolf von den Baumen-Clark:** Kathy, can you finish your response to that question, please?

**Ms. Kathy Woeller:** Thank you for the question.

Anybody can apply for a plan amendment to seek a redesignation. The example I've given before was with respect to someone wishing to license a site for aggregate extraction; they can seek a plan amendment to remove those lands. For others, we can actually increase the area of escarpment natural area. So if lands have changed—which they do over time; woodlands have increased—if those lands now have the features that would make them eligible for that designation, then we will also designate those lands through a plan amendment to a natural area designation.

**1510**

There hasn't been a dramatic change to the designations; it is site-specific. If other information comes forward or through the coordinated plan review, we may make recommendations that some lands change designation because they're now more reflective of the criteria that those lands should represent.

**The Chair (Mr. Tom Rakocevic):** MPP McCarthy.

**Mr. Todd J. McCarthy:** Thanks very much for the presentation and the answers to the questions today.

I think about 1973, 50 years ago; I remember being a student, in grades 5 and 6, and our teachers, in both years, teaching us about the history of the Niagara area, the importance of the Niagara Escarpment as a beautiful and diverse area, a treasure, from the perspective of a world-wide view. We attract, of course, visitors from within the province, across Canada and around the world.

After 50 years—because I believe that's what we're celebrating, in terms of the commission being established 50 years ago, more or less—how can we continue to make the Niagara Escarpment area and the commission's mandate relevant to the 21st century, respectful of the unique nature among the most beautiful scenery in the world, the Bruce Trail connected to it? How can we make it relevant? How can we, with technology and all the other changes that have happened since its original mandate in 1973, make it relevant for the next 50 to 100 years and continue to protect it and, at the same time, make it an attractive place for tourists, both local and across the country and worldwide?

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for the question.

I think that there are a number of things we're already talking about doing. I know that Chair Nicholson talked about some of the social media marketing pieces. Maybe I can have Kathy or Kim talk a little bit about that piece from a communications piece that you referenced. We can start with that.

**Ms. Kathy Woeller:** Thank you for the question.

It's really about being relevant and client-service focused. We know that, yes, 1973 is quite some time ago, and we need to be relevant to what our clients need today. We have been working with the ministry's modernization

and improvement branch as being part of that organization, streamlining services and making sure we are being efficient and effective so that we can focus on the most important things, as you just mentioned, in terms of Protecting those natural areas, working with our stakeholders and the public on outreach and education.

We have been pursuing work relating to streamlining our regulations and using digital approaches. I wanted to go a little bit further than what Chair Nicholson spoke to. Our top priorities are in developing internal processes and operations to optimize our program success. We're looking at enhancing our existing processes to support effective implementation. We have been recommending legislated and regulatory improvements to streamline and modernize processes. And we are modernizing our technology by looking at our existing database and allowing for electronic submission.

The first thing was really about service modernization, the project which we are currently undertaking. The intent is to be not only responsive, but we actually want to reflect the world we live in today. Our system is from the 1990s. The public has an expectation to be able to sit at home on their phone and access our services; currently, that doesn't exist. We did pursue funding, and we did receive it for—it was called a discovery phase, meaning: What does the public expect of us? What are their needs? How would they like to interact with us? We also looked at our existing processes to make sure that they were also modern. Through those processes, it was a three-year funding envelope. We are in our final year of building that system, and it is expected that it will be up and running for our clients to be able to access us online by March 2024—so no more paper-based mailing-in applications, but being able to go online, submitting their information directly to us. That, in itself, is more efficient than the process that we're currently using right now.

The other initiative that we would like to highlight is our digital-first customer service. We have been doing that through website redesign. Again, we want the client to have the best experience possible when they are dealing with the Niagara Escarpment. We want it to be more intuitive, user-friendly, more visually appealing and easier to navigate. We want people to be engaged when they're on the site, and we want them to be able to find information as quickly as possible and to be able to answer their questions while being online. We did have part of that project already completed earlier this year. It was really focused on, "How can we help you?" That is our tag line when clients come on. We are there to serve them, so what do they need from us and how can we help them?

The second part of our redesign is providing educational resources. As you mentioned, this is Canada's first environmental plan. It has natural beauty. We want to be able to educate the public on the importance of the Niagara Escarpment. We want to be able to increase educational outreach opportunities, and that work is tracking for completion later this year.

The Niagara Escarpment Commission is very much in a modernization headspace. We have numerous efforts

under way to build public confidence and trust so that Ontarians are able to access our services and information effectively and efficiently.

**Ms. Monique Rolf von den Baumen-Clark:** Does that answer your question?

**Mr. Todd J. McCarthy:** Yes, it does.

If I may, in a different area, consistent with keeping it beautiful: One thing that came up in the auditor's report on conserving the Niagara Escarpment is the question of contraventions. Apparently, it's the case that contraventions have climbed significantly over the last five years. I don't think the right question is, is the commission doing enough to lay charges, but rather—maybe I should put it a different way. Can you tell us about any enhancements made by the Niagara Escarpment Commission to the compliance program?

**The Chair (Mr. Tom Rakocevic):** We're at halftime; just about 10 minutes remaining.

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for the question.

There are a number of ways that it's approached. Kathy can talk about how they execute their compliance program, and then we're happy to turn it over to Rick Watchorn, who is our director of compliance and enforcement, and we can talk about the interrelationship between what they do in the commission as well as what we do in the ministry in working together.

Kathy, over to you.

**Ms. Kathy Woeller:** Thank you for the question.

As the deputy mentioned, the Niagara Escarpment Commission's staff use case-specific information to help inform the appropriate compliance response. We have a number of options for responses under our act. We can encourage voluntary compliance. We can request that they seek a development permit for an as-built to gain compliance. We can apply an administrative order, such as a restoration order or a warning, and if needed we can lay a charge under the Provincial Offences Act.

**1520**

We do plan our inspections to monitor compliance with permits that are issued, to ensure that the landowner is meeting their conditions. Of course, inspections are also undertaken in response to information that's reported by the public partner agencies or as part of a targeted inspection campaign.

Compliance is a core function of our agency's legislative and regulatory responsibilities. As the deputy mentioned, this is a shared responsibility, and we have an existing memorandum of understanding between the Niagara Escarpment and the Ministry of Natural Resources.

There has been a significant increase in the number of complaints of possible violations, which has put a strain on the NEC's limited resources, and we expect this trend to continue. We have taken a number of steps. Firstly, we put in place additional staffing. We introduced a seasonal compliance specialist position, and that position is in place when it's during the busiest time, usually building season, so it's another resource in place there. We also have had the opportunity to hire a former OPS compliance professional who provides advice and also carries out our

compliance inspections but provides that very important mentoring and on-the-ground assistance for compliance.

We believe succession planning is critical, so we have a summer experience student. We have had that position for a number of years now. Those students, if they are soon to depart university, have become our compliance specialists. Over the four months that they are with us, they learn about the program, they get mentored, learn and then have a greater ability to take on those compliance specialist positions.

I already mentioned our information management, but that's not just for our development permit applications. It has really been able to look at where we are seeing trends in our applications, where we are seeing occurrence reports, where we are getting notices of violation. To use that information as a trend over time—that will certainly help us from a data perspective.

Most importantly, though, we work with our municipal bylaw officers, we work with conservation authority staff—we are all on the landscape. We all have a level of responsibility for these areas, and we ensure, as my colleague Jennifer Keyes mentioned, that we are not duplicating effort. Conservation authorities have their own regulations for hazard lands; we may have other areas of interest. We would work together with them, including doing joint site inspections so we are all hearing the information at the same time.

We are also undertaking training and development and have started monthly conversations with our colleagues in enforcement branch, as they have a myriad of knowledge and experience to help our staff go through.

So I hope it demonstrates that NEC is continuing to put a priority on compliance. We're going to continue to look at our tools to determine if there are opportunities for further enhancement and possibly legislative and program changes that may be required.

**Ms. Monique Rolf von den Baumen-Clark:** Thanks, Kathy.

Rick, is there anything further you would like to add in terms of the role enforcement branch plays, working with NEC?

**Mr. Rick Watchorn:** The partnership between NEC compliance staff and conservation officers has been in place for a number of years. We do look forward to continuing to strengthen that, and as Kathy mentioned, that's work that we're continuing to do together. Typically, through the compliance spectrum, conservation officers undertake the more complex investigations, where maybe those initial compliance activities aren't having the desired effect. We're able to apply skills, experience and technology that conservation officers have, to try to support NEC in those compliance matters. We're always happy to do that. I've enjoyed a strong partnership and relationship for many years.

**Ms. Monique Rolf von den Baumen-Clark:** Did that answer your question?

**Mr. Todd J. McCarthy:** Yes. Thank you very much to the deputy and to the other participants.

Chair, if I may, I'd like to turn it over to the MPP for Thornhill because I believe she may have some questions.

**Ms. Laura Smith:** How much time do we have?

**The Chair (Mr. Tom Rakocevic):** We have three and a half minutes.

**Ms. Laura Smith:** Thank you. I also want to thank everybody for contributing today.

The escarpment is probably one of my favourite parts of Canada, and it's the beautiful divider that I love. I actually know a walking group of women who started in the southern end and walked all the way up to Tobermory slowly. It's remarkable when you consider the ecosystem that's running through it.

Have you considered the potential impacts—there's development and there's an approval process, but how do you plan on balancing the need for development while protecting the beauty of the escarpment?

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for the question.

There's a policy and an operational piece to that. What I'll do is start with the policy piece, if you don't mind, and we will move to the operational.

**Ms. Jennifer Keyes:** The Niagara Escarpment Plan, again, is reviewed every 10 years. In 2025, we're scheduled, with municipal affairs and housing, to review the greenbelt and the Oak Ridges moraine plan, which is called the coordinated review. I think part of that review is to really ensure that we are balancing those interests—the protection that enables through the plan, as well as the development pressures—making sure that we're finding the right balance to protect the world biosphere for future generations.

**Ms. Laura Smith:** You talked about making sure that there is service modernization—I'm sorry to jump back to that—and meeting the individuals of 2023. What would you say is your most important role right now for future generations?

**Ms. Monique Rolf von den Baumen-Clark:** You just heard in terms of the planning and following the intent of the Niagara Escarpment Plan and the act and also the modernization piece—if we can make sure that we're actually doing the work in a much more effective and efficient way, but also being able to modernize it for today's world.

I will ask, Kathy and Kim, if there's anything more you want to add to that in terms of where things are going, in terms of the commission work.

**The Chair (Mr. Tom Rakocevic):** You have a minute left.

**Ms. Kathy Woeller:** It's an excellent question.

I think the opportunity for the planned review is going to open us up to the opportunities of doing a critical evaluation of the plan and determining if it is future-focused. Does it look forward while recognizing the importance and the history of the escarpment? I think that's really what our priority will be over the next year, and using that review as that opportunity for the examination.

**The Chair (Mr. Tom Rakocevic):** We have 20 seconds left.

**Ms. Laura Smith:** I want to know a little bit more about the Bruce Trail and how that connectivity works within your work.

**Interjection:** It's not enough time.

**The Chair (Mr. Tom Rakocevic):** Ten seconds.

**Ms. Laura Smith:** Thank you very much. I appreciate all of your efforts.

**The Chair (Mr. Tom Rakocevic):** We will now be returning to the official opposition side for the final questions of the second round. We'll begin with MPP Stevens.

**Mrs. Jennifer (Jennie) Stevens:** Thank you to all the participants this afternoon—and maybe I can get to follow up on the member for Thornhill. I am MPP Jennie Stevens from St. Catharines.

Recommendation 10 touches on a commitment to complete the parks systems—where it was characterized as the ministry having no plan to commit to completion of the parks systems and securing a permanent route for the Bruce Trail. The Bruce Trail is beautiful—of course, I've used it because it touches at Queenston Heights Park, which is in Niagara Falls. It is an important element of this recommendation—trying to expedite the process by working with Bruce Trail Conservancy, something the minister confirmed they would do in December. Can you provide an update to that correspondence and process?

1530

**Ms. Monique Rolf von den Baumen-Clark:** I'm sorry; can you just clarify in terms of what you're looking for? I know you're talking about a recommendation—

**Mrs. Jennifer (Jennie) Stevens:** An important element of this recommendation is trying to expedite the process by working with the Bruce Trail Conservancy, something the minister confirmed they would do in December. So I'm just wondering, can you provide an update on that correspondence and process?

**Ms. Monique Rolf von den Baumen-Clark:** We have been working in terms of looking at funding programs associated with the Niagara Escarpment Parks and Open Space System land securement program. That may be what you're referring to.

I'm going to pass it over to Jennifer Keyes, and she can speak in a little bit more detail. Let us know if that answers your question.

**Ms. Jennifer Keyes:** The Ministry of Natural Resources coordinates the NEPOSS council, which collaborates to achieve the overall objectives of the open spaces program and the Niagara Escarpment Plan. The NEPOSS council members represent municipalities, conservation authorities, the province and environmental interest groups, such as Bruce Trail Conservancy, that own and are stewards of the parks and protected areas within some of the Niagara Escarpment Plan. There are opportunities for groups to have land holdings within the Niagara Escarpment to leverage funds from provincial resources, such as the Greenlands Conservation Partnership program, which is a \$14-million program that was announced in the 2023 budget, administered by the Ministry of the Environment, Conservation and Parks. Two of the Bruce Trail's acquisitions were supported through the Greenlands funding in 2022. So since 2022, the Bruce Trail Conservancy has secured 395 acres and 3.5 kilometres of optimum trail through provincial, municipal and private funding.

**Mrs. Jennifer (Jennie) Stevens:** You've summed it up pretty well. Thank you for that.

In the past five years, only 19 of 1,661 escarpment development permits were refused in those years. I find this very staggering, actually, when I read that.

What measures are being taken right now to ensure that the development applications are thoroughly reviewed for their compliance with environmental regulations before the approval?

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for that question.

The NEC staff recommendations and the decisions of the commissioners are guided by the purposes and objectives that are laid out in the act, the plan and the NEP policies and the regulations. In many cases, sometimes what you'll see is that it has been approved but it's often conditional. I can pass it along to Kim, and she can speak a little bit in terms of how that process works and the numerous stipulations that are usually included that ensure that those proposed developments are in alignment with the planning requirements.

**Ms. Kim Peters:** One thing that really doesn't get documented very well in our numbers—and, in fact, it's kind of reflected in the fact that it does take sometimes a long time to get to a point where we can approve a development permit—is that staff works very closely with applicants when an application is received to get it to a point where it could be approvable. For instance, for something as simple as a single dwelling, we'll work with the applicant to locate it at the best possible place on the lot, where it has minimal environmental impact and visual impact, to ensure that the scenery is protected.

Staff also invests a significant amount of time in pre-consultation with applicants to, in fact, deter applications that are not approvable. A frustration of mine is that we don't have metrics that speak to how many applications we deter from actually being submitted by outreach and education with landowners and informing them what is permitted and what's not permitted on their properties. In addition to that, there are policies in the plan that do require a certain degree of interpretation. Staff always takes the most conservative interpretation of the plan, but in those cases, we are, through our delegation of authority, required to bring those applications to the commission for a decision. It's the commission's role in those cases to essentially interpret the policy, based on the advice, of course, that staff provides.

**Mrs. Jennifer (Jennie) Stevens:** So when it goes to the commission for effective implementation of the plan, is it safe to say that the ministry provides insufficient financial and staffing resources to the commission and that's why only 19 out of 1,661 permits in the past five years were refused?

**Ms. Monique Rolf von den Baumen-Clark:** No, it's not around the resourcing; it's around in terms of how we do the process of going through it in terms of—what Kim was trying to explain is that by working closely with the applicants, we make sure that we bring the proposals forward that will help conform to the policies and planning.

**Mrs. Jennifer (Jennie) Stevens:** So the finances there and staffing levels are adequate?

**Ms. Monique Rolf von den Baumen-Clark:** It's not associated with what you're mentioning.

**Mrs. Jennifer (Jennie) Stevens:** Okay. As I said, the impact on having, I feel, that underfunded and under-focused commission seems to be the critical point to me.

There are 23 recommendations proposed by the Auditor General, but most of the vital ones have to wait until the official review in 2027. Are there mechanisms within the ministry to start the review now or in the near future? I think 2027, in my personal opinion, is quite a far distance away. And what is needed to make this a reality?

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for the question.

The next review is scheduled to start in 2025. To your point: We are oftentimes already working on this, partly because we're always responding to these kinds of recommendations from the auditor. Many of these things we actually will be already starting to do work on in preparation for the start of the coordinated plan review, which is in 2025.

**Mrs. Jennifer (Jennie) Stevens:** Thank you.

Chair, I'm going to pass it over to MPP Burch. He has indicated that he has a few more questions for clarification of his last round.

**The Chair (Mr. Tom Rakocevic):** MPP Burch.

**Mr. Jeff Burch:** A question for the ministry—sorry if this is repetitive, but a few questions have been asked about the Bruce Trail and the open space system. I'm wondering if steps have been taken to secure or have a plan to secure the financing for that.

**The Chair (Mr. Tom Rakocevic):** We're just over 11 minutes, so almost halftime.

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for the question.

There is funding that has been allocated for that.

Jennifer, can you speak to the funding that's available through the open spaces network?

**Ms. Jennifer Keyes:** As I mentioned earlier, in the 2023 Ontario budget there was \$15 million earmarked for the Greenlands partnership. Again, that's focusing on bringing partners together—private land acquisitions as well as provincial, municipal and conservation authority funding—to enhance the Bruce Trail.

**Mr. Jeff Burch:** I have a question about aggregate mining. I was just looking for the area—I can't find it—but I believe it was 2017 when a former government removed a prohibition on aggregate mining, on licences that impacted endangered species. I think to change that back would require a legislative change. Can you comment on that? Is that something the ministry and/or the commission would have a position on?

**Ms. Monique Rolf von den Baumen-Clark:** Sorry; when was that; what year you were saying?

**Mr. Jeff Burch:** I believe it was 2017.

**Ms. Monique Rolf von den Baumen-Clark:** Sorry; can you repeat—

**Mr. Jeff Burch:** Licences were not given for aggregate mining when it impacted endangered species. There was a

legislative change—I can't recall the year. Now it seems that those licences can be given and there's no limit on the amount of extraction, as well, in many of the approvals, and the auditor recommends that that be reversed because it's obviously putting species at risk that were more protected in the past.

1540

**Ms. Monique Rolf von den Baumen-Clark:** Since the plan was first approved in 1985, it has permitted aggregate extraction—approximately 1% is in mineral extraction area.

Kim or Kathy, is there anything relative to ESA that has changed in the Niagara Escarpment Plan?

**Mr. Jeff Burch:** I've actually found it; I apologize. I'll clarify: The changes to the plan in 2017 were made to allow development that harms endangered species habitats. The ministry changed the plan to align it with changes made in 2007 to Ontario's endangered species legislation. As a result, protecting an endangered species habitat is no longer explicit grounds for the commission to refuse a development application. Up until 2017 the plan didn't allow new development in endangered species habitat, and now it does; for example, aggregate mining or other types of development, which seems to be unfettered now because the commission doesn't have the resources to properly police it, which was pretty clear in the report. So a lot of endangered species are being put at risk. Is that something that the ministry and/or the commission would have a position on to change?

**Ms. Monique Rolf von den Baumen-Clark:** Thank you for clarifying that. I'll hand it over to Jennifer to provide some clarification on that.

**Ms. Jennifer Keyes:** The Ministry of the Environment, Conservation and Parks has the responsibility for the Endangered Species Act, and obviously they would need to be consulted if we made any changes to the plan.

You're correct; during the last coordinated plan review, the Niagara Escarpment Plan was updated to clarify the relationship between the plan and the Endangered Species Act. The Niagara Escarpment Plan includes additional protection to the habitat by prohibiting development, with some exceptions, in the Niagara Escarpment area and escarpment plan area designations. In other parts of the Niagara Escarpment Plan, if the development is proposed in habitat, it must be reviewed in accordance with both the Niagara Escarpment Plan as well as the Endangered Species Act. Any future review of the Niagara Escarpment policies would include an assessment of whether these policies respecting the habitat or endangered species need to be updated to be aligned with the changes that happened in the Endangered Species Act.

**Mr. Jeff Burch:** So are you saying that it's being evaluated?

**Ms. Jennifer Keyes:** As part of our coordinated plan review scheduled in 2025, we'll be looking at the Endangered Species Act language as it relates to the Niagara Escarpment Plan.

**Mr. Jeff Burch:** So I guess I'm hearing that the ministry or the commission does not have a firm position on it right now?

**Ms. Monique Rolf von den Baumen-Clark:** At this point in time, there's nothing changing, but it will be looked at in terms of looking at how these things align during the coordinated plan review.

**Mr. Jeff Burch:** Do you believe that endangered species are being put at risk because of the changes that have been made by previous governments?

**Ms. Monique Rolf von den Baumen-Clark:** That's not for me to answer. Sorry.

**Mr. Jeff Burch:** Just a general question about finances: Is the ministry, right now, evaluating the financial and staffing resources that are needed to implement the act and the plan in collaboration with the commission? Are you looking—because it comes out over and over again, and we've talked about it.

I don't have to go through all of the report, but basically the commission doesn't have the resources to do anything—that's basically what it says. If you really read the Auditor General's report—I know the commission does good work, but they obviously don't have the funding to do their core function, which is to protect the Niagara Escarpment. It's not happening. People are just doing whatever they want, taking as much aggregate out of the ground as they want, and there's no monitoring of permit applications. The actual oversight of the escarpment is abysmal, and that's very, very clear from the auditor's report, over and over and over again; and the answer, over and over and over again, is that there's not enough money, there's not enough funding. It has been cut and cut, and inflation—they've got one person for the whole area for fines and investigations. It's not working. There's not enough money, it's not effective, and they can't do their core jobs. So what's happening in terms of saying, "This is how much money it's going to take," in order for them to actually do their job somewhat effectively at least?

**Ms. Monique Rolf von den Baumen-Clark:** Thank you very much for the question.

We look at the funding and the resources from the Ministry of Natural Resources and Forestry perspective, so we allocate the budgeting. It's something that we look at every year in terms of how much we can allocate towards that, based on the needs of the organization.

One of the things that we did recently through that digital modernization was, we gave additional funding towards the modernization of the systems, knowing that that was critical for us to be able to move into the modern way of not only enabling people to access and being able to submit things digitally, but also to help enhance the efficiency for staff and make it easier and faster for them to get their work done.

The point Kim raised earlier—and I think MPP Skelly raised it—was, how do we help interconnect with other planning authorities to do better? We invested some additional money to do that. We'll continue to see how that helps. As you heard, we hope to see that implemented as soon as next year, and see what other resources we need to invest. We do look at this as an annual process, in terms of looking at where we need to allocate our resources. And if we need to ask for additional resources, then we look at that as an in-year budget process.

**Mr. Jeff Burch:** For the ministry or for the work that the commission does, or both?

**Ms. Monique Rolf von den Baumen-Clark:** For both. We'll look at it in terms of what we need to allocate from the ministry within. Like I said, we allocated resources to the digital modernization project that we used from within the ministry. So if we have to ask for additional resources, we do that as part of business process planning. But we want to see how the modernization work is going to help create some more efficiency and help improve the work that's going on. We're really hopeful that that will help make things a lot better by next year, and we'll re-evaluate how the resources are looking at that point in time.

**The Chair (Mr. Tom Rakocevic):** A minute and a half remaining.

**Mr. Jeff Burch:** From the Auditor General's report, it's pretty clear that efficiency is not the problem. You could get maximum 100% efficiency, and you're going to be nowhere near the resources that are required for the commission to do their job. That's very, very clear in the Auditor General's report.

What I'm trying to get at is, does anybody, through this entire process—yourself, the commission, everyone together. Is there anyone who at some point is going to say, "In order to protect the Niagara Escarpment, this is how much money we need, this is how many more staff we need, this is the kind of budget we need," so that the government can at least hear from you and consider what they need to put forward in funding in order to get the job done?

**Ms. Monique Rolf von den Baumen-Clark:** These are the types of ongoing conversations we do have. The commission and the chair do create a report; the report goes to the minister, so it's looked at that way in terms of how things are run. I meet regularly with Kathy, the director, in terms of looking at the resources. As I mentioned, that's when we looked at investing some additional resources in terms of modernization.

I understand your point about efficiency. From our perspective, we were looking at what would make it easier for the staff in terms of getting their job done. So we looked at that as a really significant component, and we really wanted to invest in it now and make a difference.

But absolutely, we do talk about this as a regular part of our conversation between the director and myself. The director reports to me, as deputy, and so we do consider it as part of the discussions we have on an ongoing basis. We do look at it from a budget point of view, in terms of the ministry, to look at what the needs are of the organization.

**The Chair (Mr. Tom Rakocevic):** That concludes the time for questions this afternoon.

I'd like to thank all of you for appearing before the committee today. We want to thank the ministry as well as the commission for being here. You're dismissed.

We'll now pause briefly as we go into closed session so that the committee may commence report-writing. We will be having a 10-minute recess.

*The committee recessed at 1550 and later continued in closed session.*

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