



Governance Committee Meeting

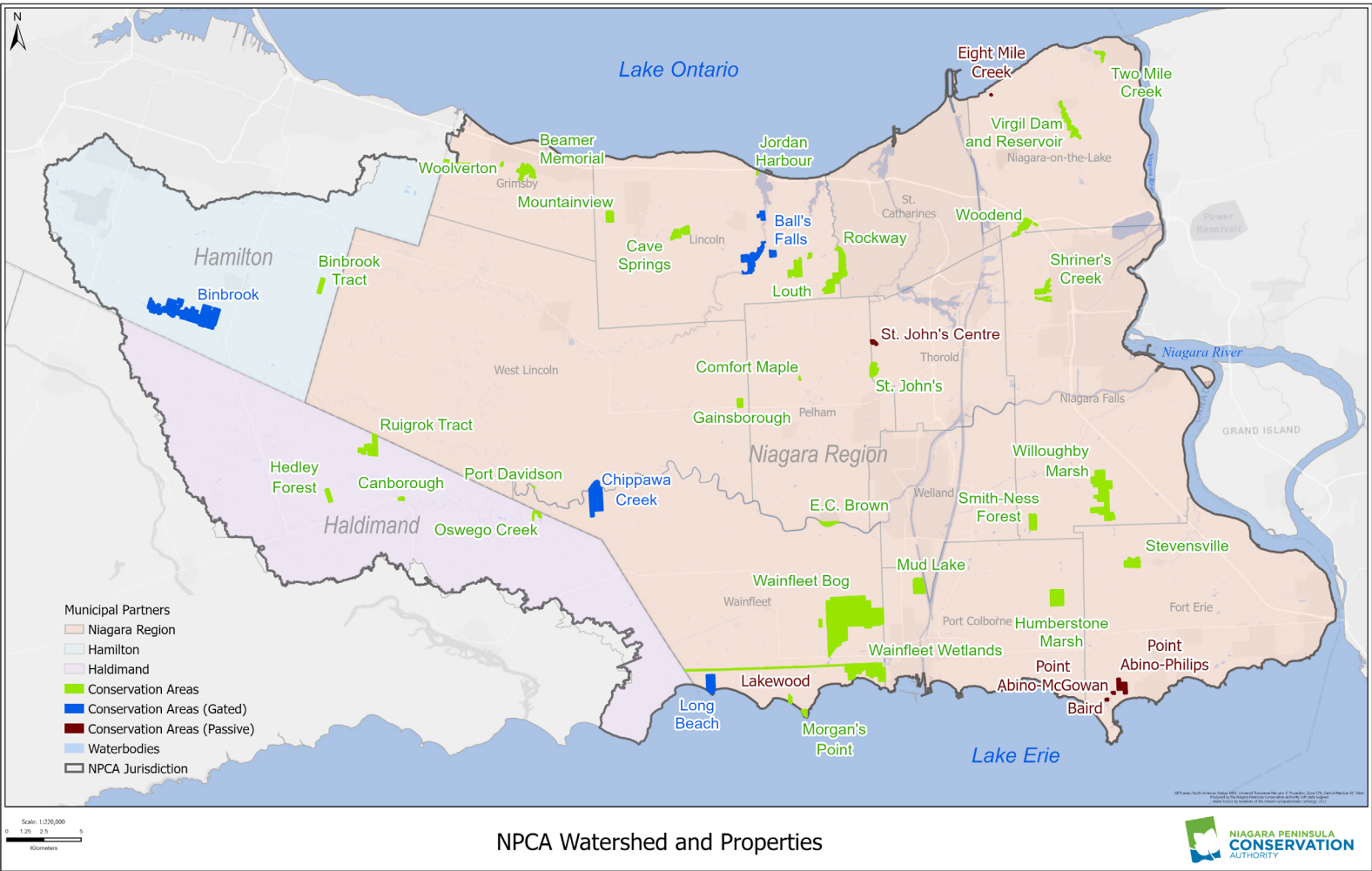
NPCA Section 28 Compliance and Enforcement Procedural Manual

June 30, 2022

Presentation Outline:

- Legislative jurisdiction
- Regulatory partners
- Process review
- Questions

NPCA Watershed



Legislative Jurisdiction

- Conservation Authorities Act, Ontario Regulations 155/06 (what, where and why).
- The Provincial Offences Act (how).
- Procedural manual only applies to Section 28 of the CA Act, and Ontario Regulation 155/06. Not Section 29 of the CA Act (lands owned by the CA, both active and passive).
- Section 28 – applies to all private and public lands (not owned by the CA) subject to planning and permitting approvals from the NPCA.
- Legislated authority only applies within the NPCA watershed for those lands identified as being regulated.

Regulatory Partners

FEDERAL

- Department of Fisheries and Ocean (watercourse interference)

PROVINCIAL

- Ministry of Environment, Conservation and Parks (placement of fill, movement of sediment/pollution).
- Ministry of North Development, Mines, Natural Resources and Forestry (wetlands)
- Niagara Escarpment Commission (much the same as CA Act and O. Reg 155/06 but only within designated escarpment areas)
- Other provincial ministries - OMAFRA

LOCAL

- Upper and Lower Tier Municipalities (site alteration, placement of fill, unauthorized structures, grading, significant removal of vegetation)

NPCA Regulations Officers

- Are class designated Provincial Offences Officers by the Province of Ontario – agents of the crown.
- Must have a clean criminal record, must have and continue to have adequate training, must be designated by the Board of the CA (required to meet the requirements for class designation by the Province).
- Have the authority to work with other regulatory partners for coordination of cases with overlapping legislative jurisdiction.
- Receive on-going annual and technical training as required.

How Do We Find Out?

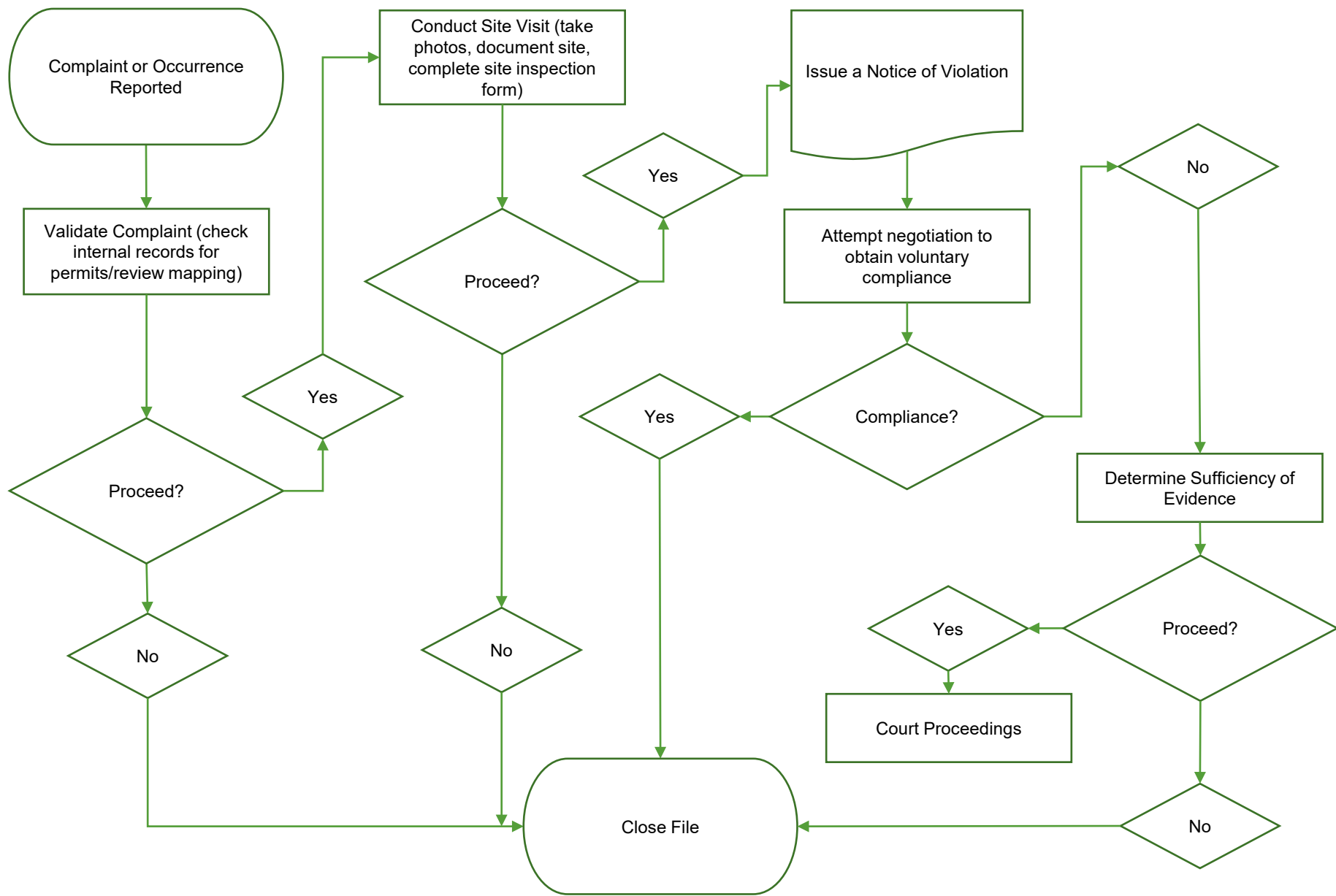
- Professional contacts – internal staff, staff at other regulatory agencies, municipal partners.
- Concerns brought forward by the public.
- Found while conducting other inspections.

Resources for the Public

- Dedicated Compliance and Enforcement webpage, list of Frequently Asked Questions, and an online submission form.
- Dedicated enforcement email at TIPS@npca.ca .
- Dedicated enforcement extension 255 for leaving electronic voicemails.
- Section 28 regulation limit online mapping.

What Do We Do?

- Regulations Officers review information, prioritize the files based on information received, and determine next steps.
- Regulations staff generally do not contact initial complainants unless additional information is required, or potentially for a witness statement.
- Objectives: 1. Stop the Offence 2. Find a Solution.
- Regulations Officers may conduct a site inspection if required.
- If possible/feasible – attempt to negotiate voluntary compliance.
- If required, execute Search Warrants for the collection of evidence.
- If not possible or successful – determine next steps and prepare for potential court proceedings.



Additional Key Elements

- Regulations staff do not respond to complainants or keep them updated on compliance matters. Complainants may be contacted if additional information is needed.
- Any person who provides information which leads to an Officer taking compliance or enforcement action may be required to provide a statement and testify as a witness.
- Officers must lawfully investigate, while preserving the Charter, privacy and prosecutorial rights of any landowner, individual or company.
- The response of regulations staff to any incident should be proportionate to the amount of risk presented.
- Compliance tools can include education and outreach, warnings, voluntary compliance and prosecution.



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CONSERVATION
AUTHORITY

Questions?

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