

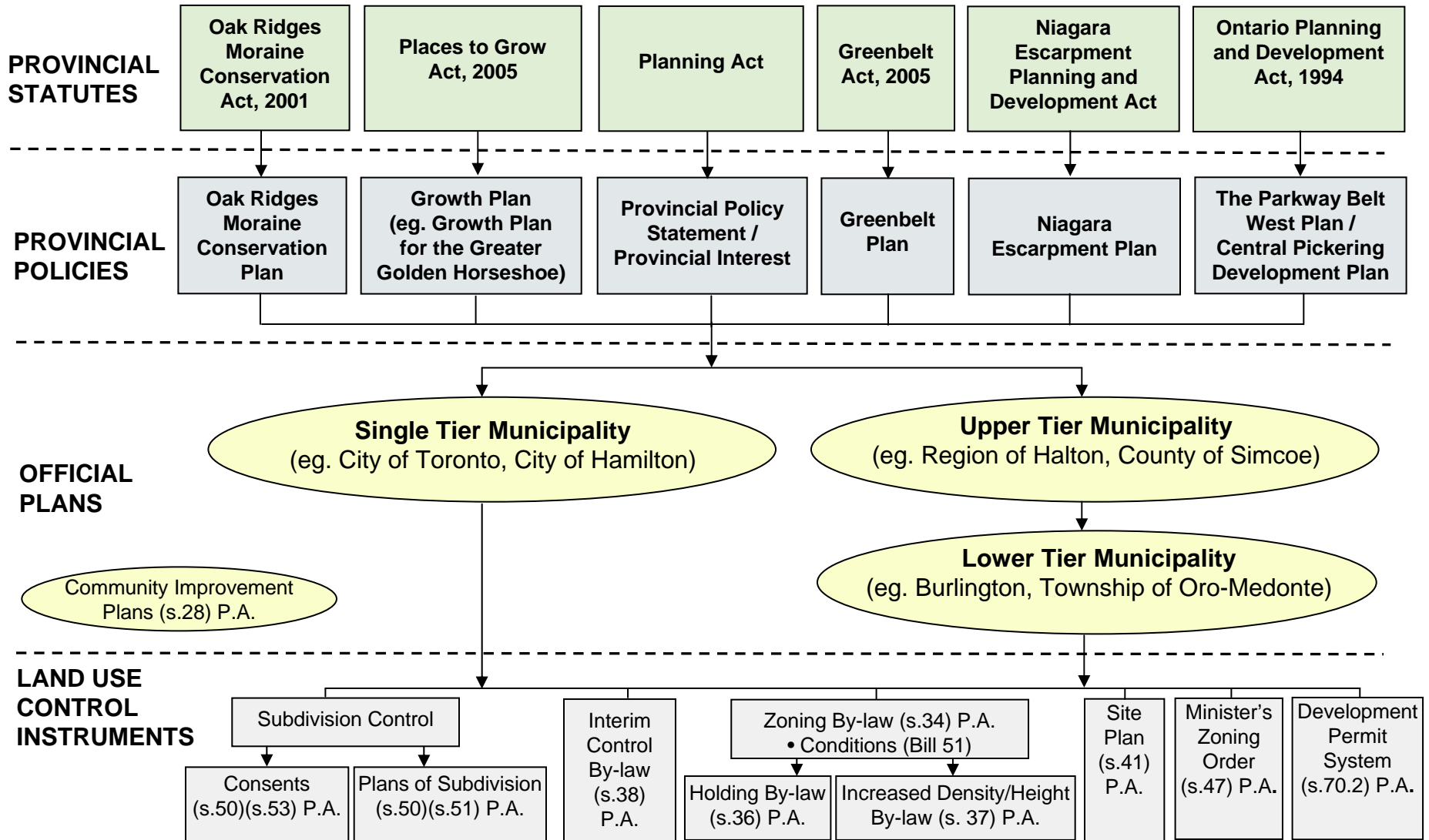


Water in the Context of Land Use and Development

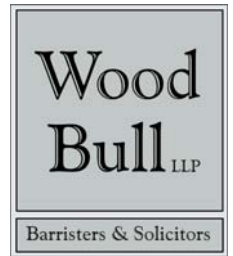
**LSUC Six-Minute Municipal Lawyer
Presented by Dennis H. Wood**

May 11, 2009

Provincial / Municipal Planning Structure



Planning Significance of Provincial Policy Statement and Provincial Plans



Section 3(5) of the Planning Act:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5.

Section 3(6) of the Planning Act:

Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5.

Conflicts between Plans made under Planning Statutes

If matter relates to natural environment or human health

Direction that provides more protection to natural environment or human health prevails

If not, generally, the provision that more specifically addresses the matter will prevail

Growth Plan

Greenbelt Plan

Parkway Belt West Plan /
Cen. Pickering Dev. Plan

Oak Ridges Moraine Plan

PPS

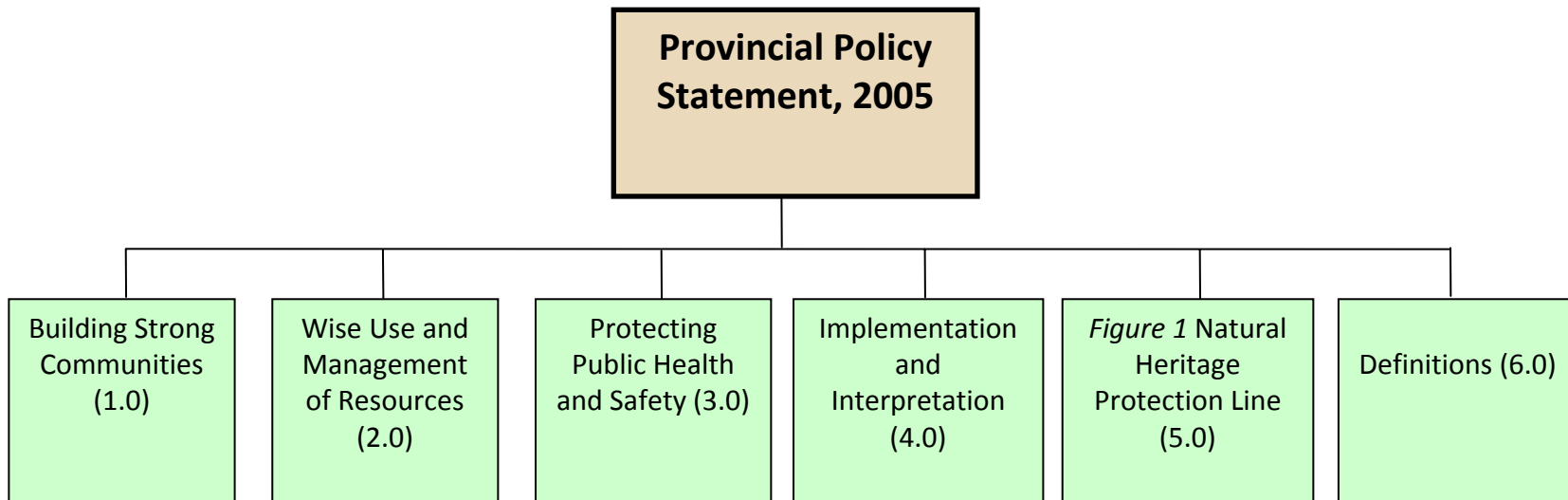
Niagara Escarpment Plan

Except

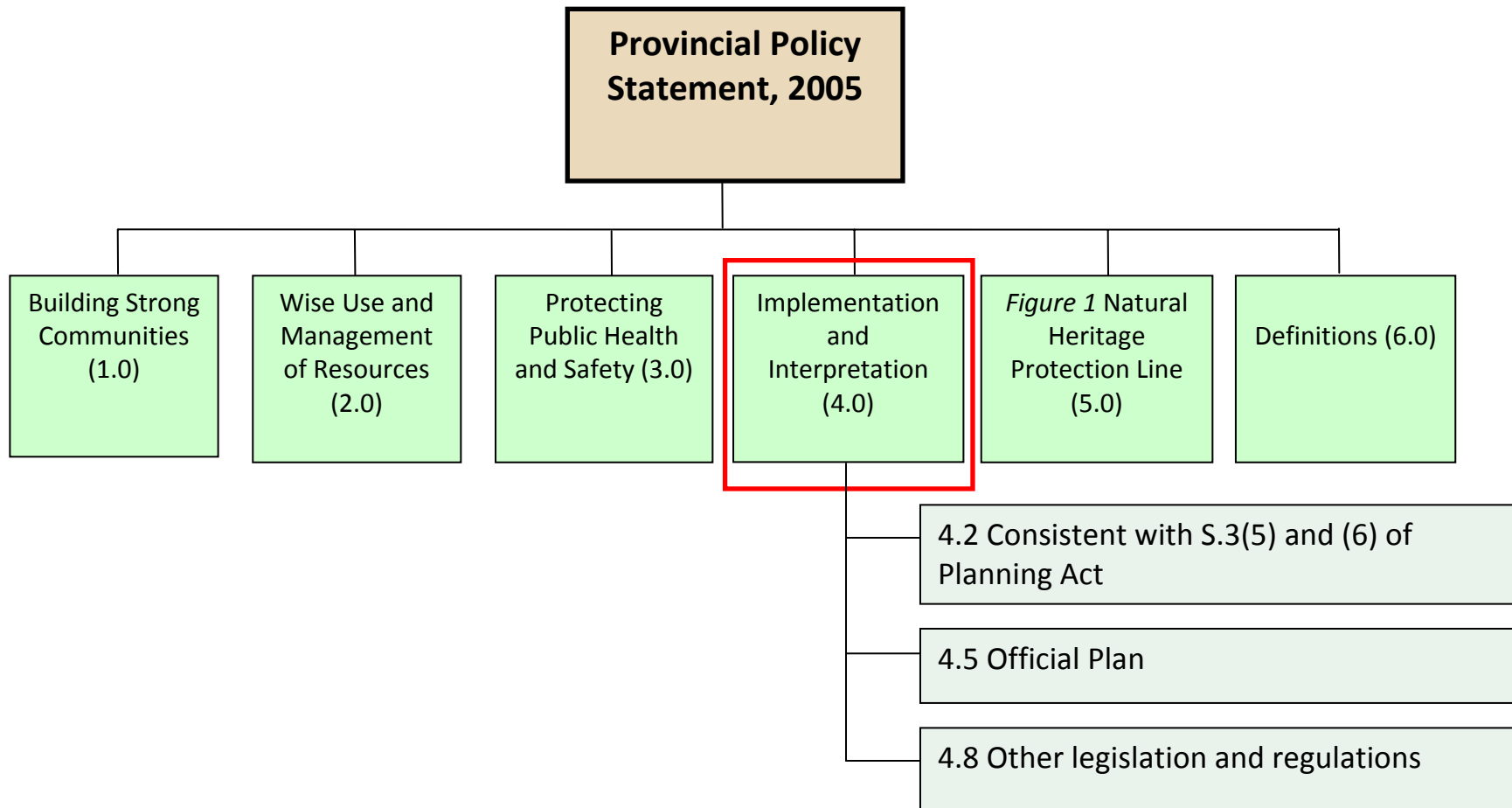
Will *not* prevail over Oak Ridges Moraine Plan or Niagara Escarpment Plan

Will *not* prevail over Growth Plan, Greenbelt Plan, Parkway Belt West Plan / Central Pickering Development Plan, Oak Ridges Moraine Plan, or Niagara Escarpment Plan

Provincial Policy Statement, 2005



Provincial Policy Statement, 2005



4.0 Implementation and Interpretation

4.2 In accordance with Section 3 of the Planning Act, as amended by the Strong Communities (Planning Amendment) Act, 2004, a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, “shall be consistent with” this Provincial Policy Statement.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

Section 3(5) of the Planning Act:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5.

Section 3(6) of the Planning Act:

Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5.

4.0 Implementation and Interpretation

4.5 The official plan is the most important vehicle for implementation of this Provincial Policy Statement.

Comprehensive, integrated and long-term planning is best achieved through municipal official plans. Municipal official plans shall identify provincial interests and set out appropriate land use designations and policies. Municipal official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions.

Municipal official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of a municipal official plan.

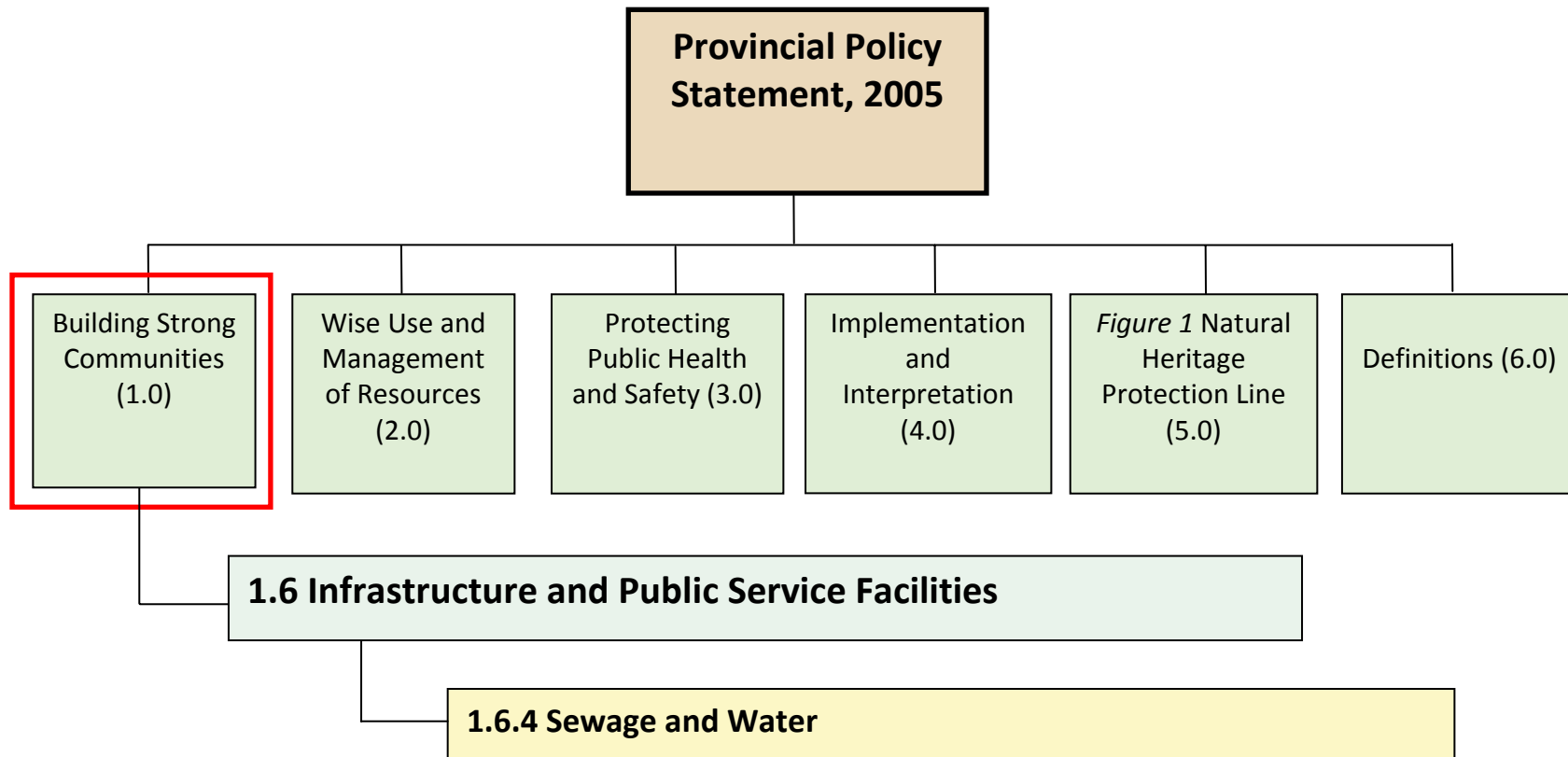
4.0 Implementation and Interpretation

4.8 In addition to land use approvals under the *Planning Act*, **infrastructure** may also require approval under other legislation and regulations, including the *Environmental Assessment Act*; the *Canadian Environmental Assessment Act, 1992*; the *Environmental Protection Act*; the *Ontario Energy Board Act, 1998*; the *Ontario Water Resources Act*; the *Conservation Authorities Act*; the *Ontario Heritage Act*; and the *Safe Drinking Water Act, 2002*. An environmental assessment process may be applied to new infrastructure and modifications to existing infrastructure under applicable legislation.

Infrastructure is defined in Section 6.0 of the PPS:

means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: **sewage and water systems, septage treatment systems**, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Provincial Policy Statement, 2005



1.6.4 Sewage and Water

1.6.4.1 -- Planning for **sewage and water services** shall:

- a. direct and accommodate expected growth in a manner that promotes the efficient use of existing:
 1. **municipal sewage services** and **municipal water services**; and
 2. **private communal sewage services** and **private communal water services**, where *municipal sewage services* and *municipal water services* are not available;

Section 6.0 of the PPS defines the following

sewage and water services: includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services* and *partial services*.

municipal sewage services: means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

private communal sewage services: means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

municipal water services: means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002.

private communal water services: means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002 that serves six or more lots or private residences.

Section 1 of the Ontario Water Resources Act: “sewage works” means any works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the Building Code Act, 1992 applies

Section 2 of the Safe Drinking Water Act: “municipal drinking water system” means a drinking water system or part of a drinking water system,

- (a) that is owned by a municipality or by a municipal service board established under the Municipal Act, 2001 or a city board established under the City of Toronto Act, 2006,
- (b) that is owned by a corporation established under sections 9, 10 and 11 of the Municipal Act, 2001 in accordance with section 203 of that Act or under sections 7 and 8 of the City of Toronto Act, 2006 in accordance with sections 148 and 154 of that Act,
- (c) from which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system, or
- (d) that is in a prescribed class;

“non-municipal drinking water system” means a drinking water system that is not a municipal drinking water system

1.6.4 Sewage and Water

1.6.4.1 Planning for *sewage and water services* shall:

- b. ensure that these systems are provided in a manner that:
 - 1. can be sustained by the water resources upon which such services rely;
 - 2. is financially viable and complies with all regulatory requirements; and
 - 3. protects human health and the natural environment;
- c. promote water conservation and water use efficiency;
- d. integrate servicing and land use considerations at all stages of the planning process; and
- e. subject to the hierarchy of services provided in policies 1.6.4.2, 1.6.4.3 and 1.6.4.4, allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. **The determination of sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.**

individual on-site sewage services is defined in Section 6.0 of the PPS:

means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

Fact Sheet - "Provincial Policy Statement, 2005: Reserve Sewage System Capacity for Hauled Sewage" provides guidance on the PPS for septage treatment capacity for hauled sewage

1.6.4 Sewage and Water

1.6.4.2 *Municipal sewage services and municipal water services* are the preferred form of servicing for *settlement areas*. *Intensification and redevelopment* within *settlement areas* on existing *municipal sewage services and municipal water services* should be promoted, wherever feasible.

1.6.4.3 Municipalities may choose to use *private communal sewage services* and *private communal water services*, and where policy 1.6.4.4 permits, *individual on-site sewage services* and ***individual on-site water services***, where:

a. *municipal sewage services and municipal water services* are not provided; and

b. the municipality has established policies to ensure that the services to be provided satisfy the criteria set out in policy 1.6.4.1.

1.6.4.4 *Individual on-site sewage services* and ***individual on-site water services*** shall be used for a new development of five or less lots or private residences where *municipal sewage services and municipal water services* or *private communal sewage services and private communal water services* are not provided and where site conditions are suitable for the long-term provision of such services. Despite this, *individual on-site sewage services* and ***individual on-site water services*** may be used to service more than five lots or private residences in *rural areas* provided these services are solely for those uses permitted by policy 1.1.4.1(a) and site conditions are suitable for the long-term provision of such services.

individual on-site water services is defined in 6.0 of the PPS:

means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

1.6.4 Sewage and Water

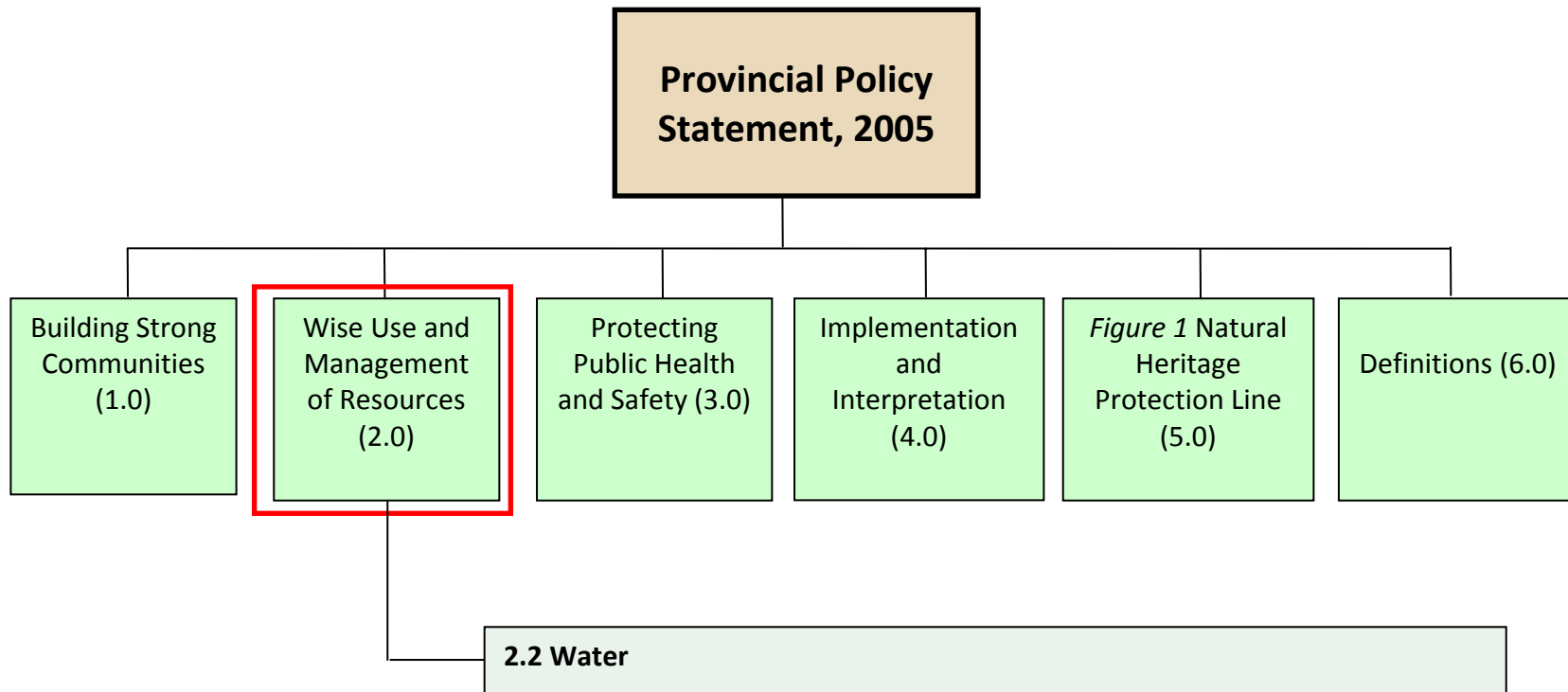
1.6.4.5 **Partial services** shall only be permitted in the following circumstances:

- a. where they are necessary to address failed *individual on-site sewage services and individual on-site water services* in existing development; and
- b. within *settlement areas*, to allow for infilling and rounding out of existing development on *partial services* provided that:
 1. the development is within the *reserve sewage system capacity and reserve water system capacity*; and
 2. site conditions are suitable for the long-term provision of such services.

Partial services is defined in Section 6.0 of the PPS:
means

- a. *municipal sewage services or private communal sewage services and individual on-site water services*; or
- b. *municipal water services or private communal water services and individual on-site sewage services*.

Provincial Policy Statement, 2005



2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

a. using the *watershed* as the ecologically meaningful scale for planning;

b. minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;

c. identifying *surface water features, ground water features, hydrologic functions* and *natural heritage features and areas* which are necessary for the ecological and hydrological integrity of the *watershed*;

d. implementing necessary restrictions on *development* and *site alteration* to:

1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;

**Clean Water Act,
2006 : Provides for
the preparation of
Source Protection
Plans for Source
Protection Areas**

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

e. maintaining linkages and related functions among *surface water features, ground water features, hydrologic functions and natural heritage features and areas*;

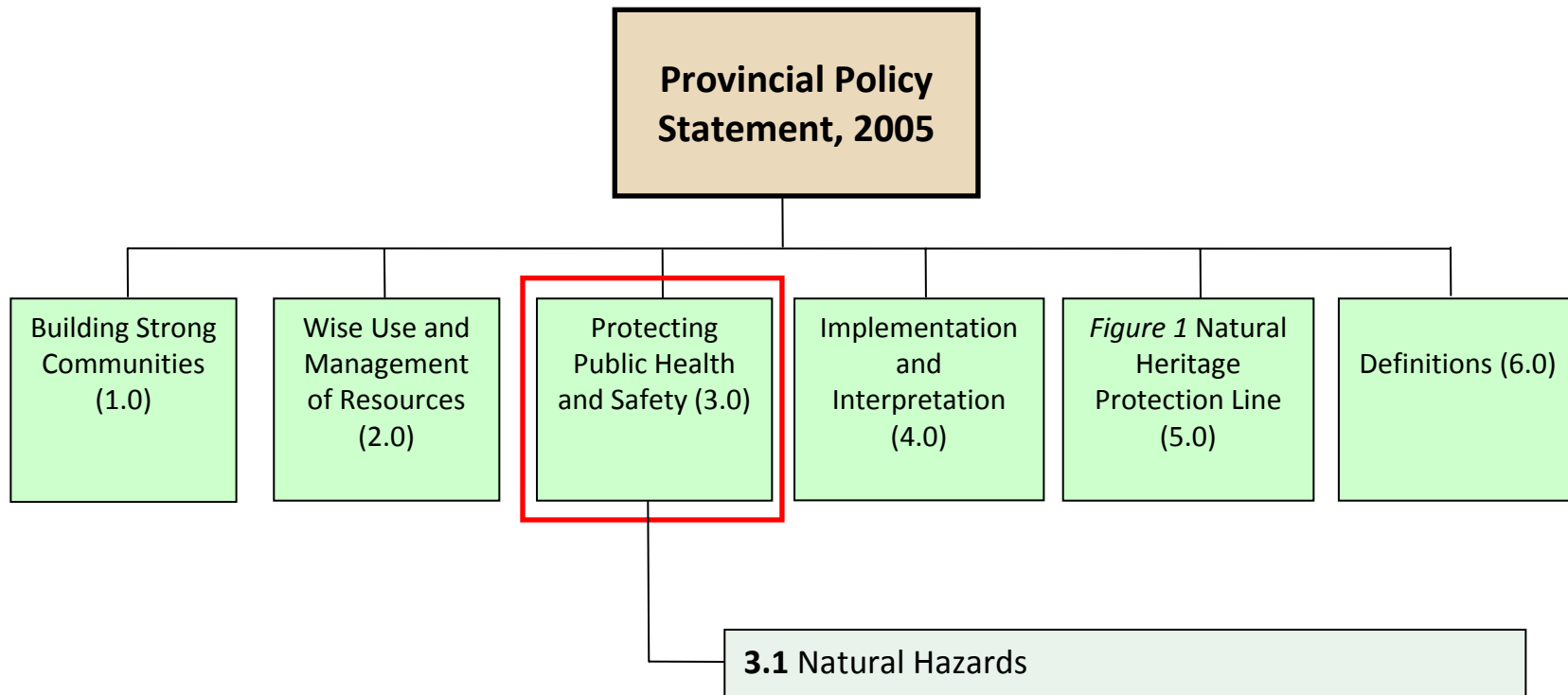
f. promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and

g. ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features and sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features, and their hydrologic functions*

Provincial Policy Statement, 2005



3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

- a. *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- b. *hazardous lands* adjacent to *river, stream* and *small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c. *hazardous sites*.

3.1.2 *Development* and *site alteration* shall not be permitted within:

- a. the *dynamic beach hazard*;
- b. *defined portions of the one hundred year flood level along connecting channels* (the *St. Mary's, St. Clair, Detroit, Niagara* and *St. Lawrence Rivers*);
- c. areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d. a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1 Natural Hazards

3.1.3 Despite policy 3.1.2, development and site alteration may be permitted in certain areas identified in policy 3.1.2:

- a. in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the site-specific policies or boundaries applying to a *Special Policy Area*, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or
- b. where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.4 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a. an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- b. an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
- c. uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1 Natural Hazards

3.1.5 Where the two zone concept for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources.

3.1.6 Further to policy 3.1.5, and except as prohibited in policies 3.1.2 and 3.1.4, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of all of the following:

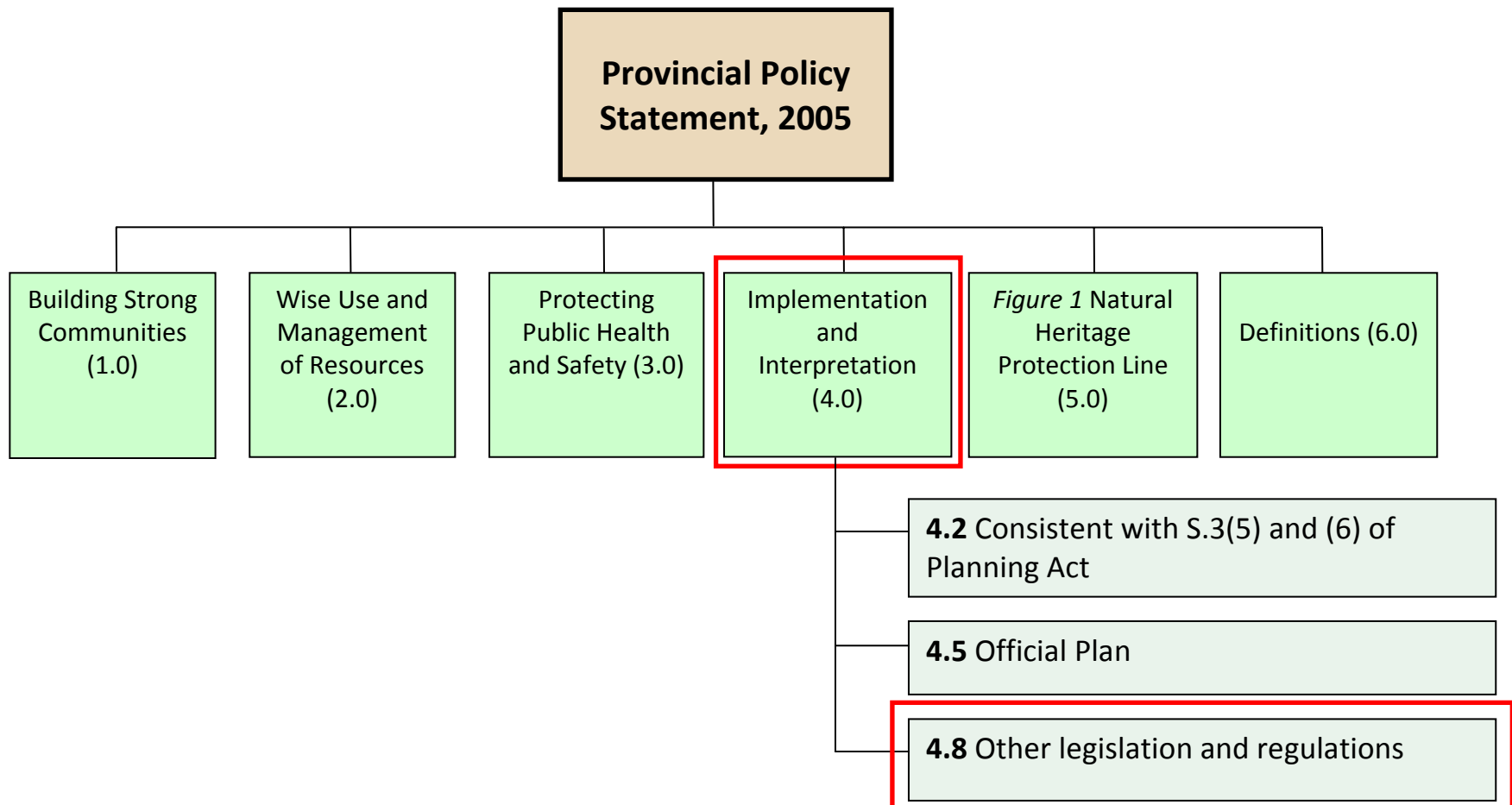
a. *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;

b. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

c. new hazards are not created and existing hazards are not aggravated; and

d. no adverse environmental impacts will result.

Provincial Policy Statement, 2005



4.0 Implementation and Interpretation

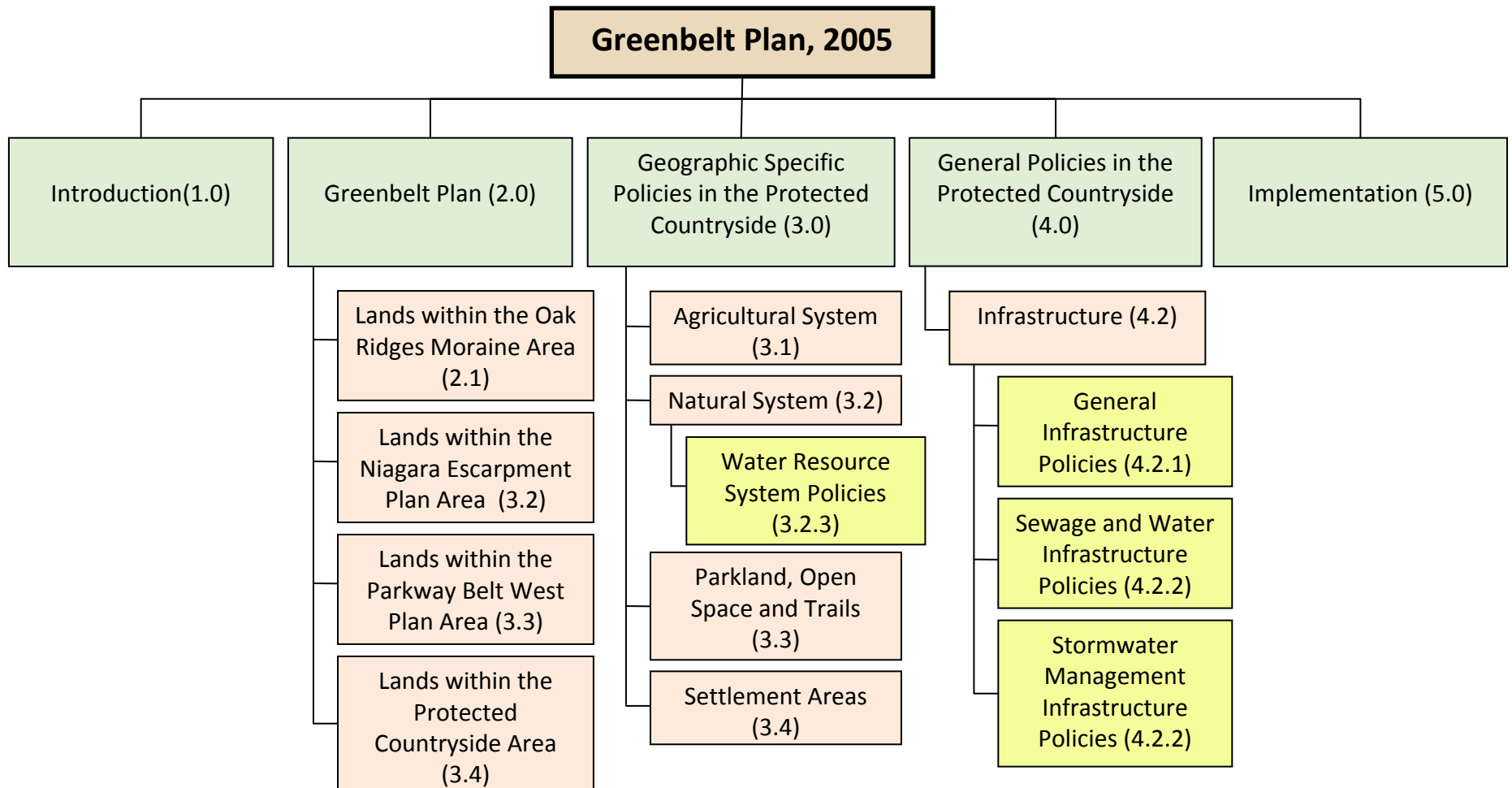
4.8 In addition to land use approvals under the *Planning Act*, infrastructure may also require approval under other legislation and regulations, including

- the *Environmental Assessment Act*;
- the *Canadian Environmental Assessment Act, 1992*;
- the *Environmental Protection Act*;
- the *Ontario Energy Board Act, 1998*;
- the *Ontario Water Resources Act*;
- the *Conservation Authorities Act*;
- the *Ontario Heritage Act*; and
- the *Safe Drinking Water Act, 2002*.

An environmental assessment process may be applied to new infrastructure and modifications to existing infrastructure under applicable legislation.

Greenbelt Plan, 2005

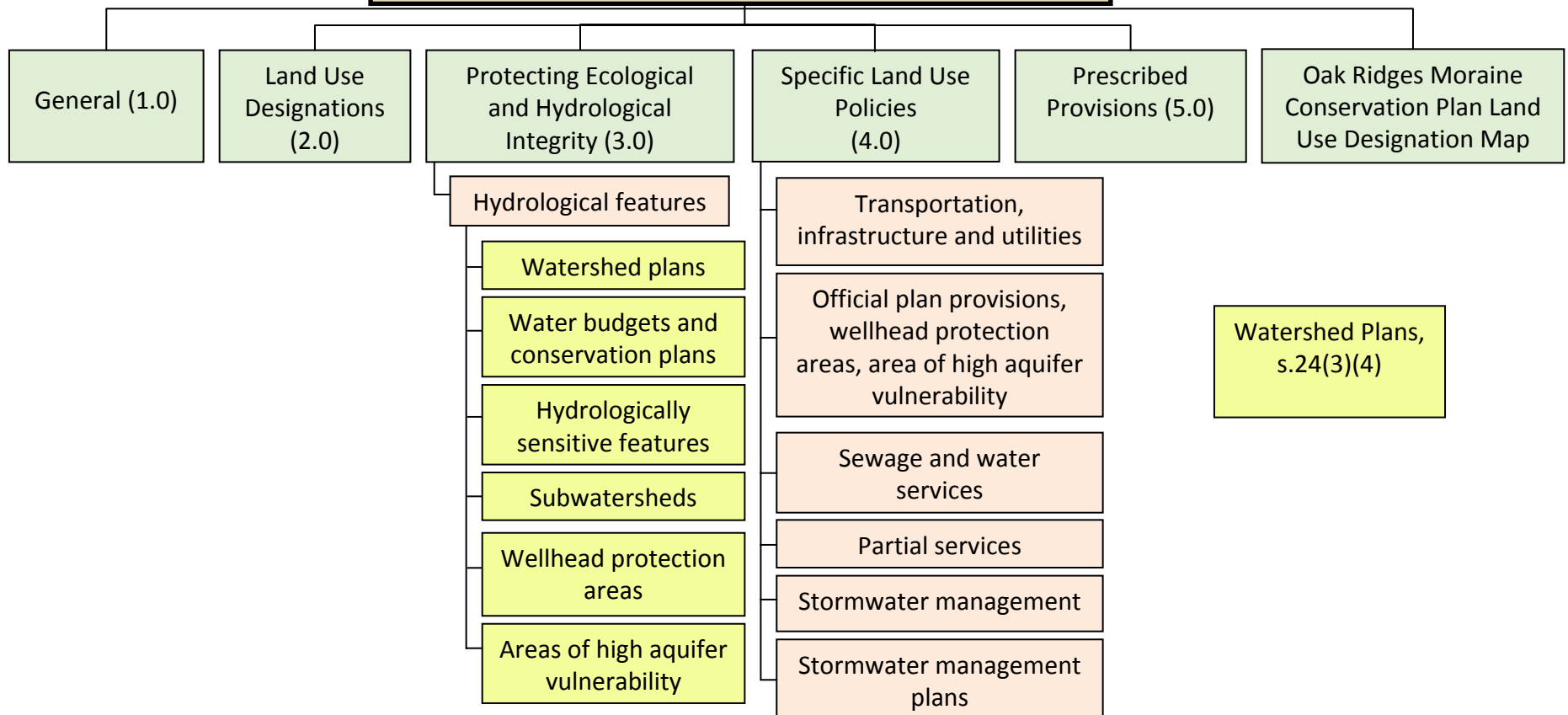
The Greenbelt Plan for the Greenbelt Area identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on this landscape



Oak Ridges Moraine Conservation Plan

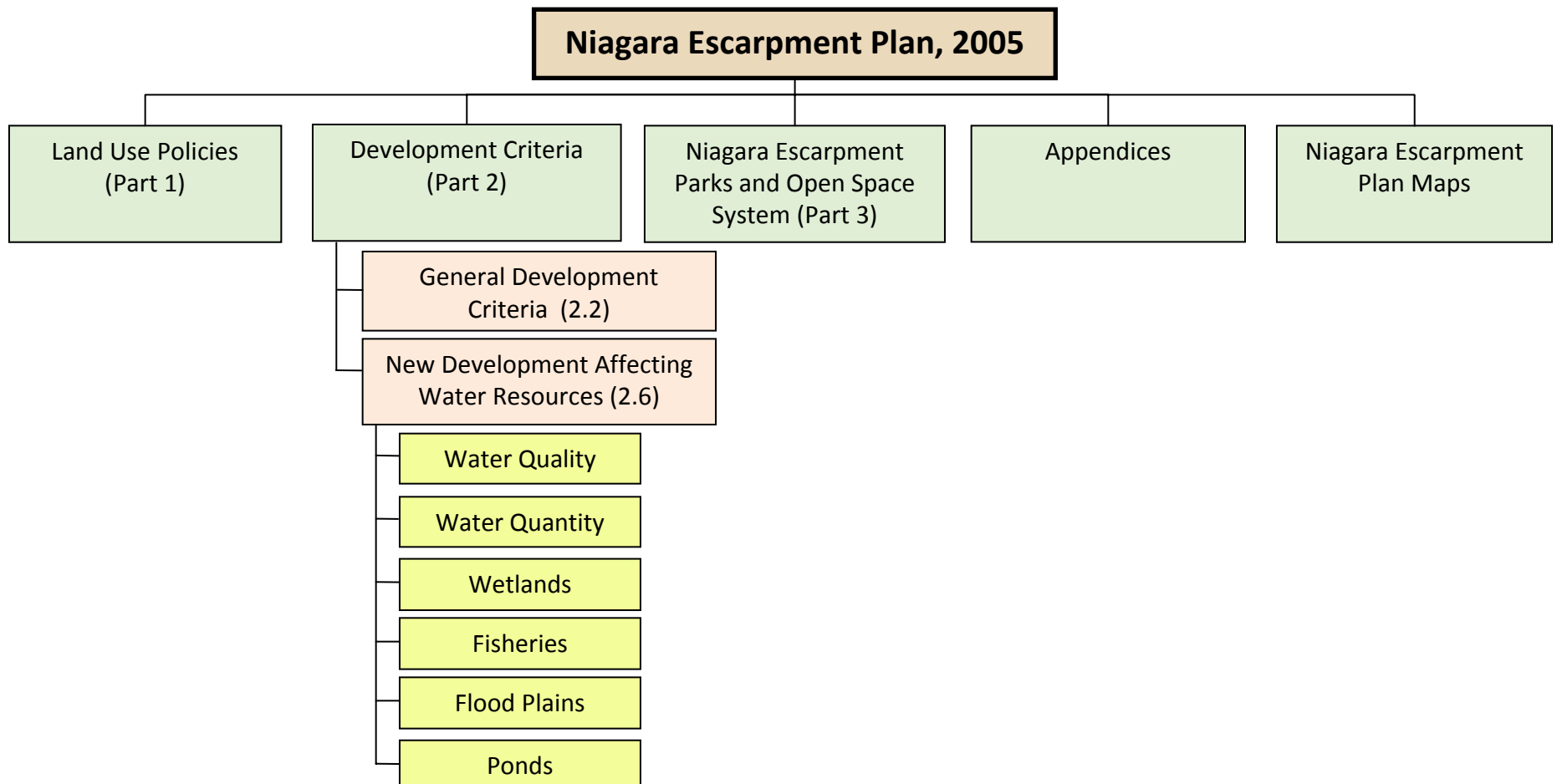
The purpose of the Oak Ridges Moraine Conservation Plan for the Oak Ridges Moraine Area is to provide land use and resource management planning direction to provincial ministers, ministries, and agencies, municipalities, municipal planning authorities, landowners and other stakeholders on how to protect the Moraine's ecological and hydrological features and functions

Oak Ridges Moraine Conservation Plan, 2001



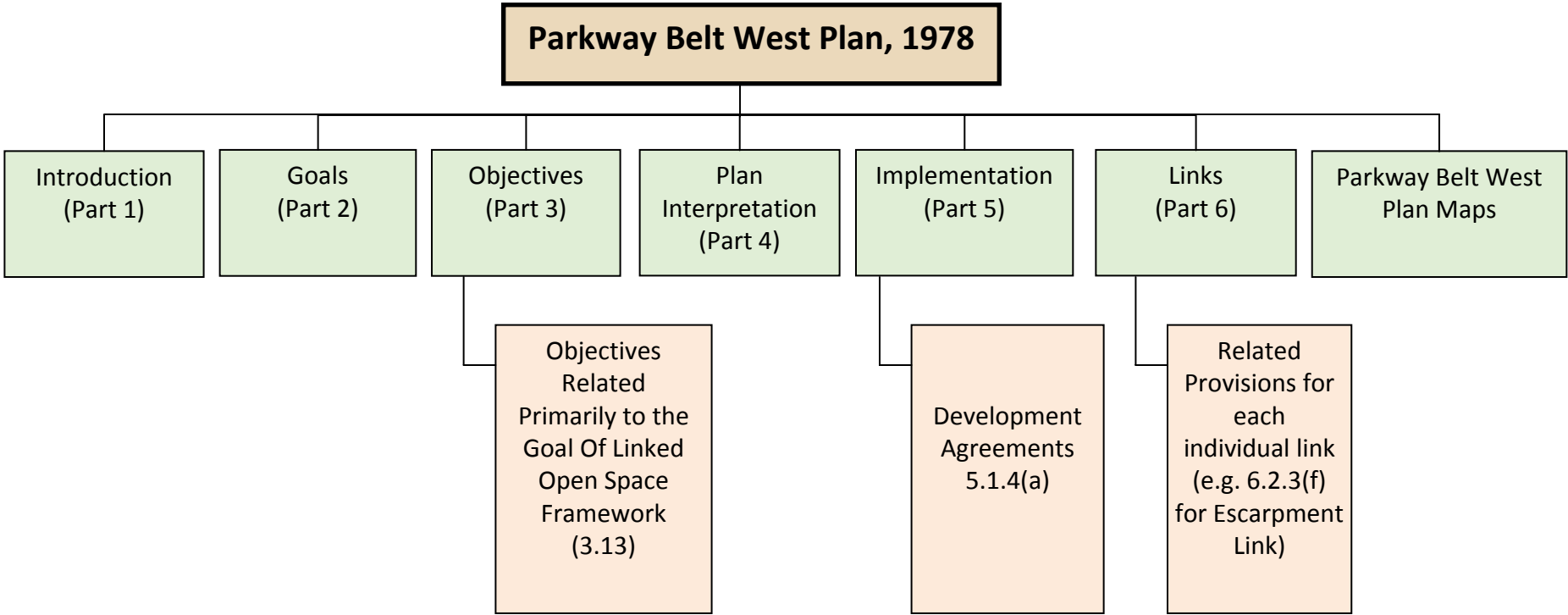
Niagara Escarpment Plan, 2005

The purpose of this Plan is to provide for the maintenance of the Niagara Escarpment Planning Area and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.



Parkway Belt West Plan, 1978

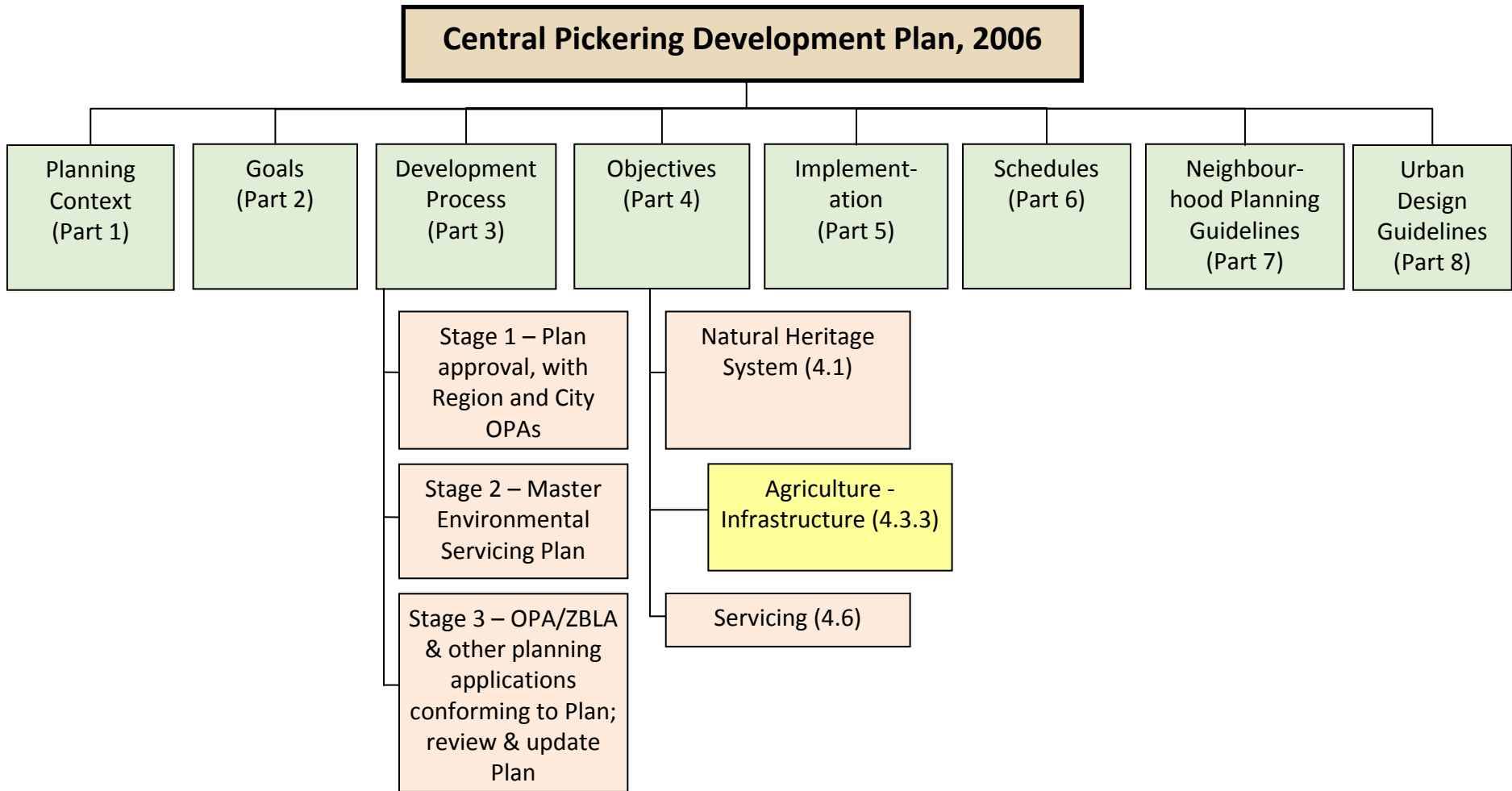
The Parkway Belt West Plan was prepared for the Parkway Belt West Development Planning Area.



Central Pickering Development Plan, 2006

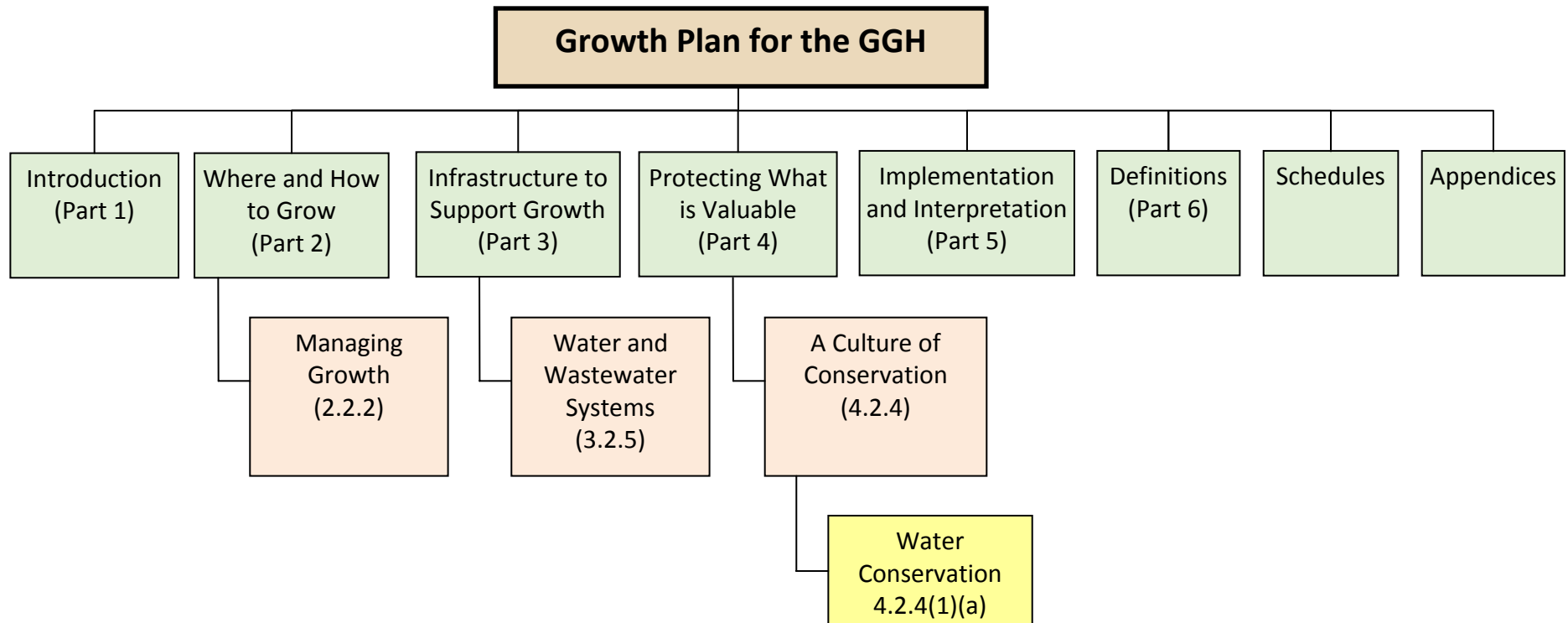


The Central Pickering Development Plan for the Central Pickering Development Planning Area establishes a comprehensive new vision for Central Pickering: that of a sustainable urban community in Seaton integrated with a thriving agricultural community in the Duffins Rouge Agricultural Preserve and an extensive Natural Heritage System.

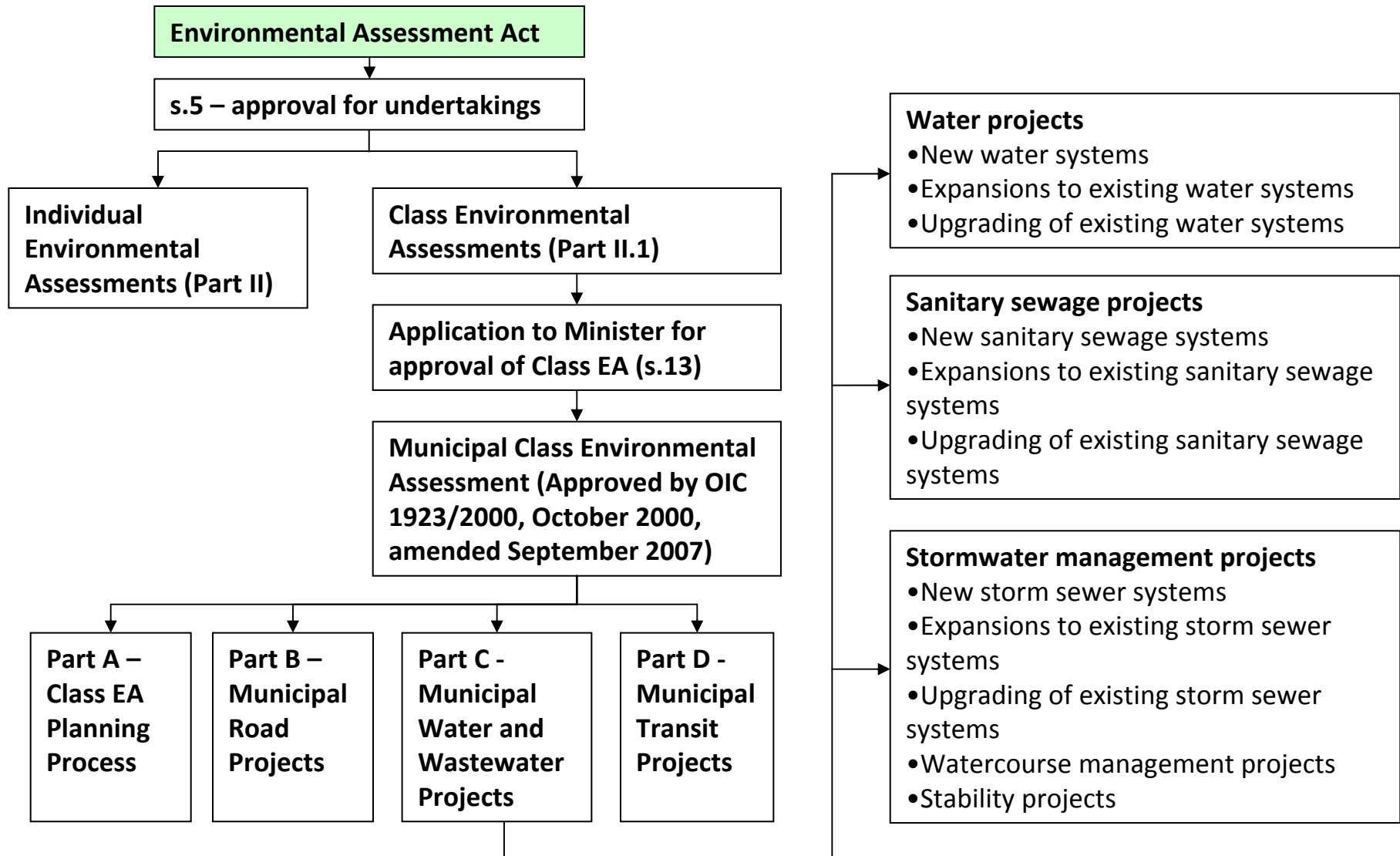


Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe Growth Plan Area is a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in this region to 2031.



Environmental Assessment Act (Ont.)



Conservation Authorities Act

Powers of Conservation Authorities, generally (s.21)

- Acquire and lease land
- Enter agreements to facilitate projects
- Control flow of surface waters to prevent floods or pollution or their adverse effects
- Do any acts necessary for the carrying out of any project

Powers of Conservation Authorities to make regulations (subject to Minister approval) (s.28)

O. Reg. 97/04 (Content of Conservation Authority Regulations under Subsection 28 (1) of the Act: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)

Individual Regulations for each Conservation Authority e.g. O. Reg. 166/06 (Toronto and Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)

There are many implementation/policies documents produced by individual Conservation Authorities (e.g. TRCA's policy documents include their Strategic Plan, stormwater management criteria, Fisheries Management Plan, etc.)

Conservation Authorities Act / Clean Water Act

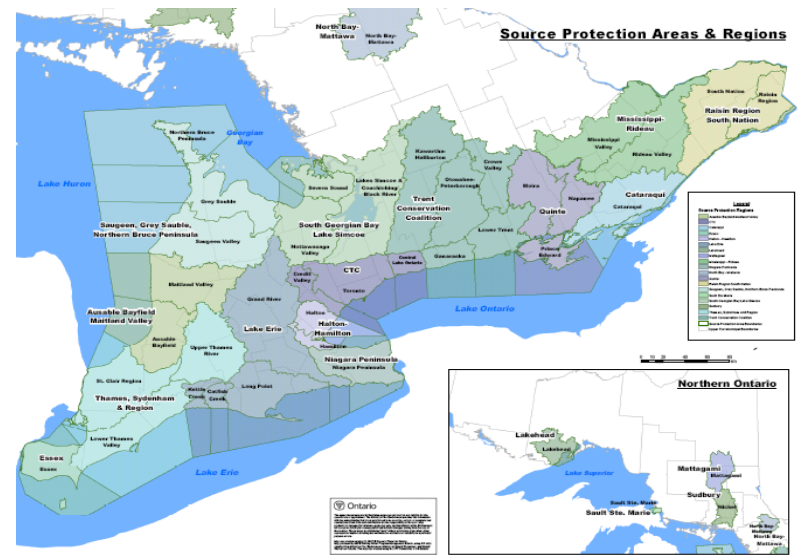
Conservation Authority Act

36 Conservation Authorities established by Minister (ss.2-3)

Clean Water Act

40 Source Protection Areas established (O. Reg. 284/07, under ss. 4-5 CWA)

11 Drinking Water Source Protection Regions established (O. Reg. 284/07, under s.6 CWA)



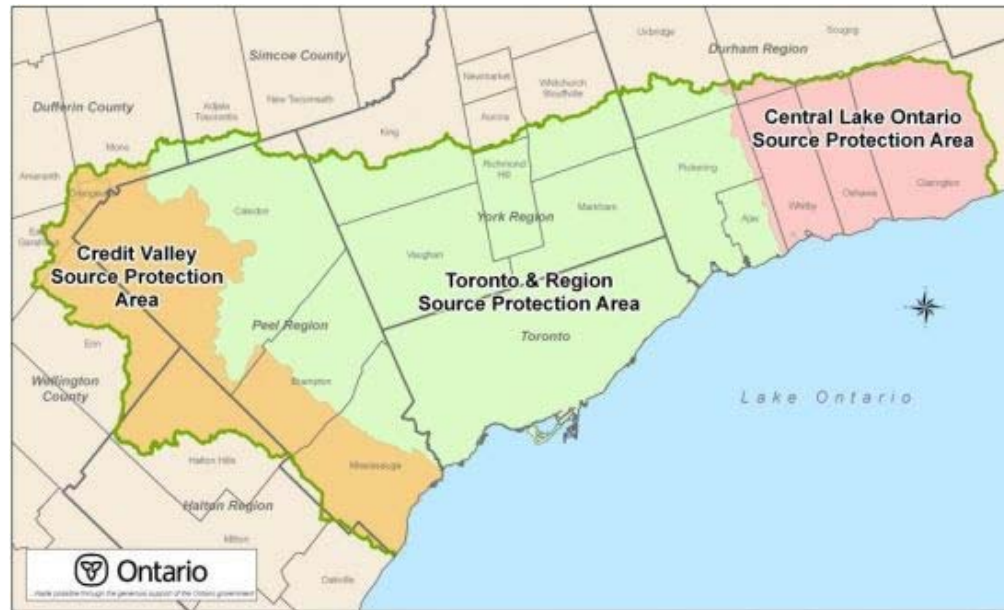
Clean Water Act, 2006

Drinking Water Source Protection Regions
Example: CTC Source Protection Region

Credit Valley Source
Protection Area

Toronto And Region Source
Protection Area
(also serves as Lead Source
Protection Authority, s.6)

Central Lake Ontario Source
Protection Area



Clean Water Act, 2006

Establishing Drinking Water Source Protection Authority and Region

Individual Conservation Authority established as drinking water source protection authority (SPA) (s.4)

Drinking water source protection area established as same area over which individual Conservation Authorities have jurisdiction (s.4)

Minister establishes drinking water source protection region and lead source protection authority by regulation (s.6)
•O. Reg. 284/07

Establishing Terms of Reference

Water **Source Protection Committee (SPC)** established by SPA for each authority area

SPC develops **Terms of Reference (TOR)** for assessment report

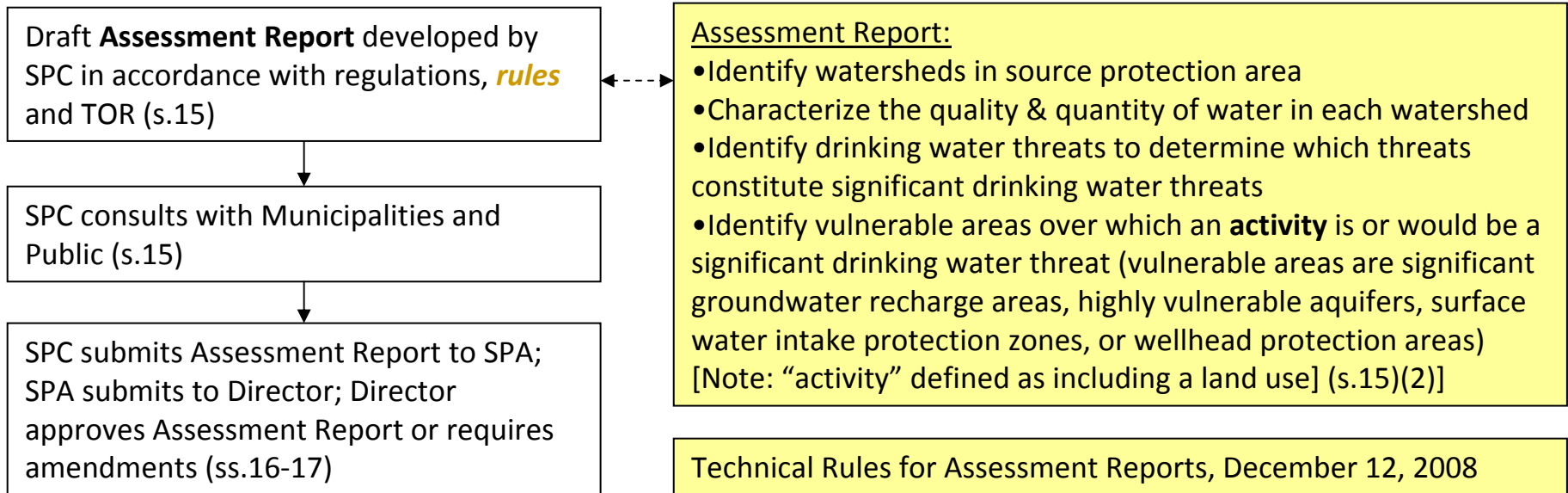
Proposed TOR submitted to SPA; SPA submits proposed TOR to Minister; Minister approves TOR or requires the SPA to amend the TOR or resubmit the TOR

•SPC consult with Municipalities and public (**O. Reg. 287/07 (General)** provides consultation requirements)
•Municipalities may pass resolutions requiring TOR to include other existing or planned drinking water systems in the source protection planning process

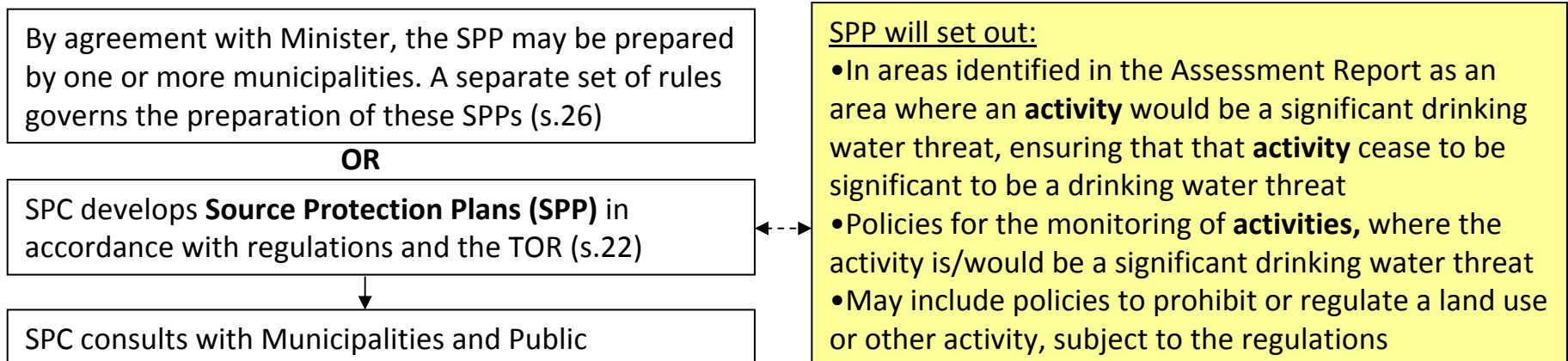
Where water flows into Great Lakes, the TOR require consideration of Great Lakes agreements:
•Great Lakes Water Quality Agreement of 1978
•Great Lakes Charter
•Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem 2002

Clean Water Act, 2006

Establishing Assessment Reports

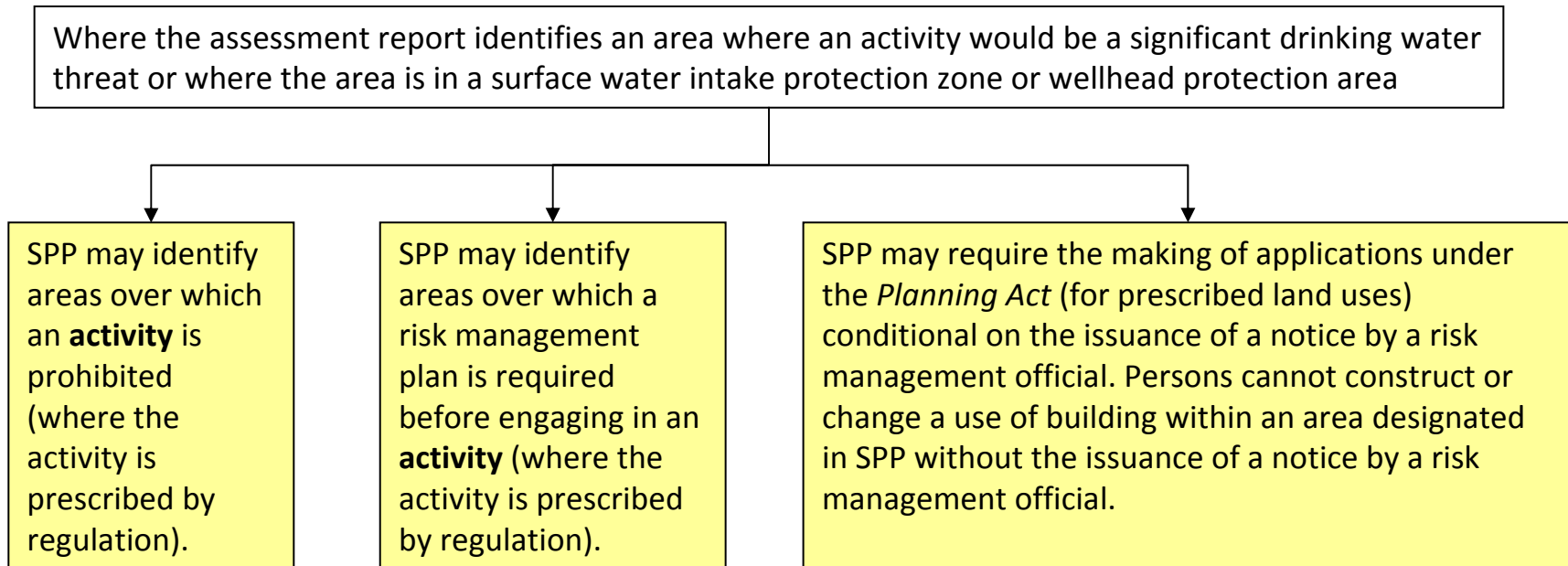


Preparation of Source Protection Plans



Clean Water Act, 2006

Permissive contents of Source Protection Plans



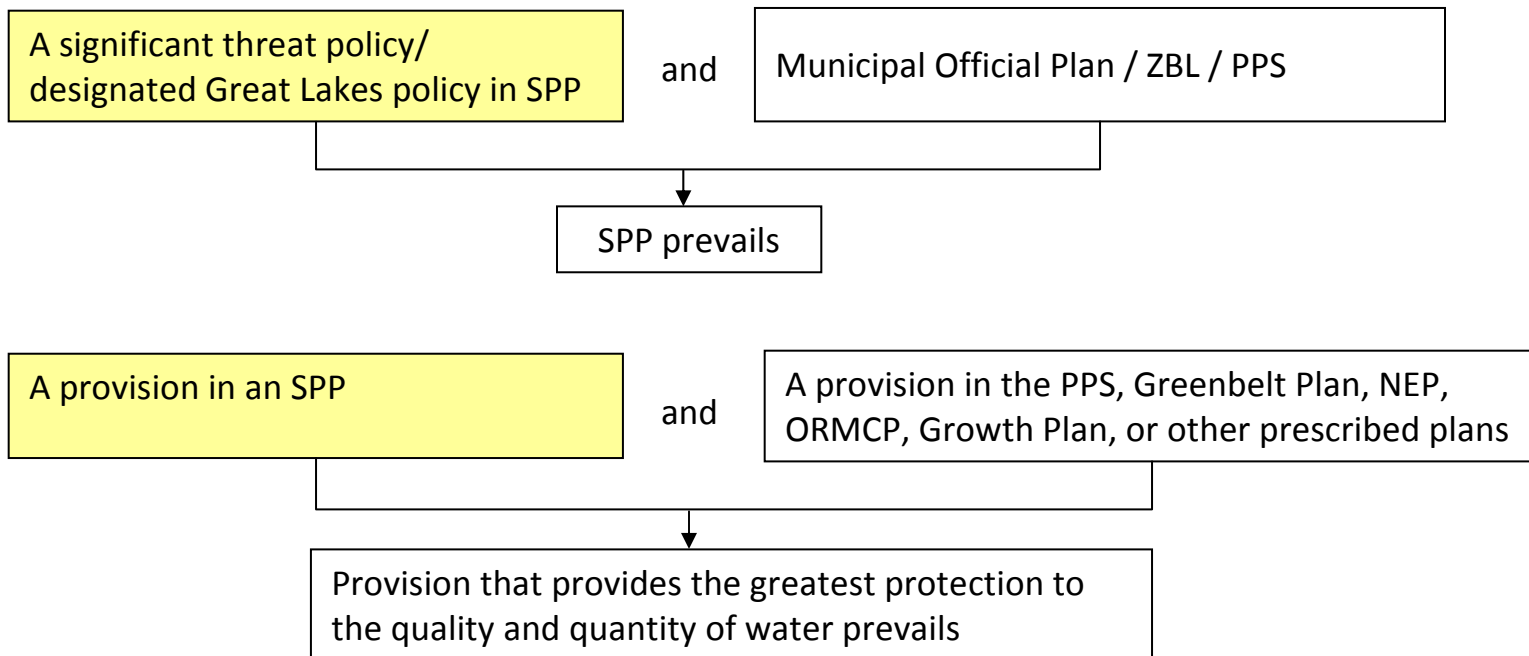
O. Reg. 287/07 (General) Identifies activities that are drinking water threats

Clean Water Act, 2006

Effect of Source Protection Plans on Municipalities

- Decisions made by municipalities under the *Planning Act* must conform with significant drinking water threat policies and designated Great Lakes policies set out in the SPP and have regard for other policies in the SPP (s.39(1))
- Municipalities shall not undertake public work or pass any by-law that conflicts with significant threat policy and designated Great Lakes policy set out in the SPP (s.39(6))
- Municipalities must amend their Official Plan and Zoning By-law to conform with the significant threat policies and designated Great Lakes Policies in the SPP (s.40, 42)

Conflicts (s.39)



Safe Drinking Water Act, 2002

To establish a regulated non-municipal drinking water system, the regulations must be met and the Director must approve (s.52)

The construction of non-municipal drinking water systems to serve major residential developments (six or more private residences) requires written consent from municipality (s.53)

Drinking Water Systems Regulation (O. Reg. 170/03) regulates municipal and private water systems that provide water to year-round residential developments and designated facilities that serve vulnerable populations such as children and the elderly.

Ministry Documents, Guidelines, Backgrounders, etc.

- Providing Safe Drinking Water to the Public: A guide for owners and operators of non-residential and seasonal residential Drinking Water Systems that Serve Designated Facilities (February 2009, PIBS 5361e01)
- Providing Safe Drinking Water to the Public: A guide for owners and operators of Non-municipal Year-Round Residential Drinking Water Systems (February 2009, PIBS 5362e01)
- Technical Update: For Municipal Residential Drinking Water Systems under O. Reg. 170/03 (June 2006, PIBS 4478e15)
- Improvements to the Drinking Water Systems Regulation (O.Reg. 170/03) for Non-Municipal Year-round Residential Systems (June 2006, PIBS 5696e)
- Improvements to the Drinking Water Systems Regulation (O.Reg. 170/03) for Systems Serving Designated Facilities (June 2006, PIBS 5697e)

Building Code Act

Building Permits

- 8(2) The chief building official shall issue a permit referred to in subsection (1) unless,
- (a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;

Building Code (O. Reg. 350/06)

1.4.1.3. (1) For the purposes of section 8 of the Act, applicable law means, the statutory requirements in the following provisions with respect to the following matters:

- (c) regulations made by a conservation authority under clause 28 (1) (c) of the *Conservation Authorities Act* with respect to permission of the authority for the construction of a building or structure if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development,

Ontario Water Resources Act

Policy Making

Ontario Clean Water Agency given same powers as municipality for regulating the construction of water or sewage works (s.12)

Offences

Offence where any person discharges material that may impair quality of water (s.30)

Director may prohibit/regulate discharge of sewage; Director may make orders to alleviate effects of impairment of quality of water (ss.31-32)

O. Reg. 223/07
(Environmental Penalties)

Permits, Licensing, etc.

Wells

No construction of well in a designated area without a permit issued by the Director (s.36)

Reg. 903 (Wells)

Sewage Works

Director approval required to establish, alter, extend or replace sewage works (s.53)

O. Reg. 525/98: (Approval Exemptions) include:

- Change in service connection, appurtenance or the relining, replacement of existing watermain under certain conditions
- The establishment, alternation, extension or replacement of a change in SWM facility that:
 - serves one lot/parcel
 - Discharges into storm sewer (not combined)
 - Does not service industrial land or a structure located on industrial land or is not located on industrial land

Ontario Water Resources Act

Permits, Licensing, etc: Permits to Take Water

Section 34 regulates water takings:

- 50,000 L/day max
- Exceptions:
 - For fire fighting
 - For domestic use
 - For farm use (with certain exceptions)
 - For some water takings where the means of water taking was built prior to March 29, 1961



Water Takings and Transfer Regulation (O. Reg. 387/04):
Sets out specific matters for the Ministry to consider when reviewing applications for a Permit to Take Water

O. Reg. 450/07: Charges for Industrial and Commercial Water Users

- **Guide** to Permit to Take Water Application Form (Sept 2007, PIBS 5046e)
- **Technical Bulletin:** Permit to Take Water Program, Monitoring and Reporting of Water Takings (Nov 2006, PIBs 6003e)
- **Permit To Take Water (PTTW) Manual** (April 2005, PIBS 4932e)
- **Compendium** to the Final Water Taking and Transfer Regulation (Dec 2004)
- **Technical Bulletin:** Reporting Requirements for Owners and Operators of Communal Water Works under Section 5 of Ontario Regulation 450/07: Charges for Industrial and Commercial Water Users (PIBS 6598e)
- **Technical Bulletin:** Reporting Requirements for Phase One Industrial or Commercial Water Users under Section 4 of Ontario Regulation 450/07: Charges for Industrial and Commercial Water Users (PIBS 6660e)
- **Technical Bulletin:** New Requirement to Obtain a Permit To Take Water (PTTW) for Some Types of Grandfathered Water Takers (PIBS 6661e)

Other Regulatory Regimes

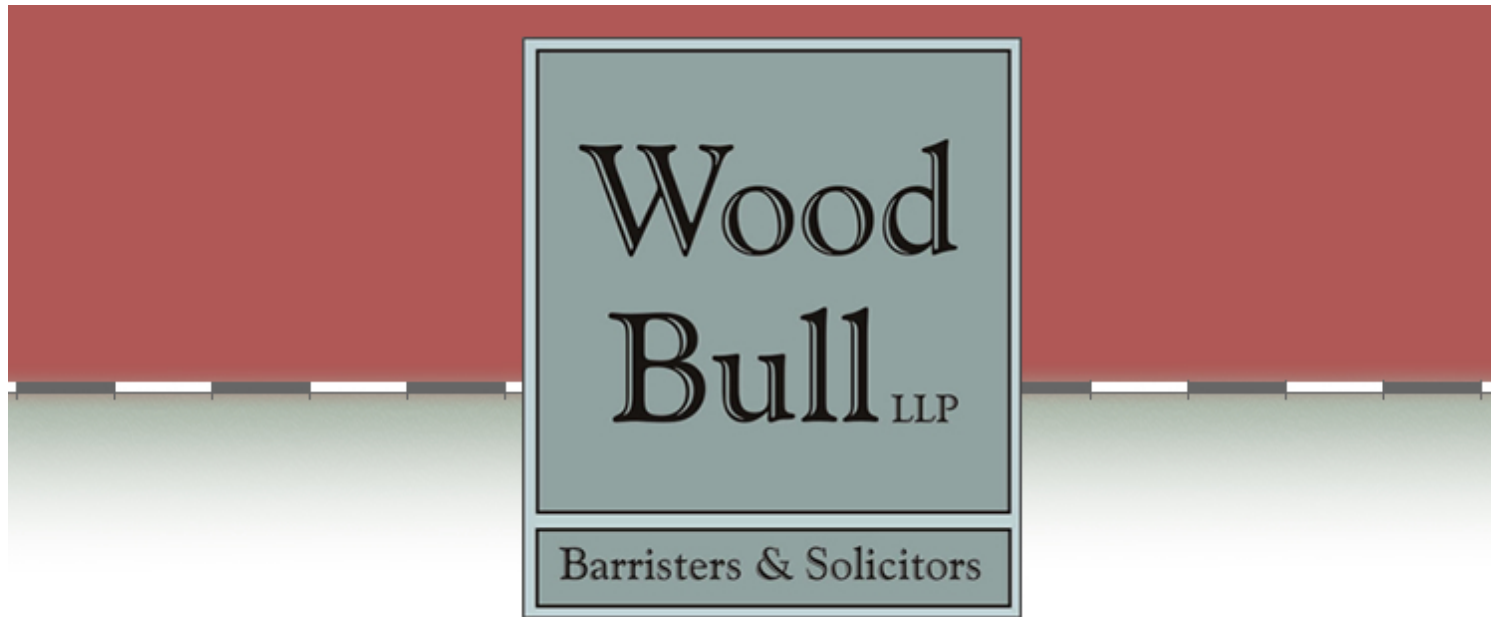
Other provincial and federal regulatory regimes relating to work that may affect fish habitat or other environmentally sensitive areas:

- Lake Simcoe Act (Provincial)
- Fisheries Act (Federal)
 - **Agreements** between Fisheries and Oceans Canada and Conservation Authorities relating to the review of projects under the Fisheries Act
 - **Operational Statement** in regard to Fish Timing Windows where construction is taking place in or around water
- Navigable Waters Protection Act (Federal)
- Canada Waters Act (Federal)
- Species at Risk Act (Federal)
- Lakes and Rivers Improvement Act (Provincial)
- Sustainable Water and Sewage Systems Act, 2002 (not yet in force) (Provincial)

Memorandums of Understanding

Example: Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility.

An MOU defining the roles and relationships between Conservation Authorities, the Ministry of Natural Resources, and the Ministry of Municipal Affairs and Housing in planning for implementation of Conservation Authority delegated responsibilities under the Provincial One Window Planning System.



Water in the Context of Land Use and Development

**LSUC Six-Minute Municipal Lawyer
Presented by Dennis H. Wood**

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