

Delegation of Development Review Related Authorities for Consolidated Linear Infrastructure Environmental Compliance Approvals

Date: April 24, 2025

To: Infrastructure & Environment Committee

From: General Manager, Toronto Water, and Executive Director, Development Review Division

Wards: All

SUMMARY

This report recommends the delegation of authority to the Executive Director, Development Review, to designate in writing the appropriate staff authorized to sign, on behalf of the City, any application and notification forms, as may be required under the Ministry of the Environment, Conservation and Parks ("MECP") new Consolidated Linear Infrastructure Environmental Compliance Approval application and notification process for municipal wastewater collection and stormwater management systems ("CLI ECAs"), related to development review and third-party projects as provided under the partnership agreement. It is further recommended that the General Manager, Toronto Water, the Chief Engineer and Executive Director, Engineering & Construction Services, and the Executive Director, Development Review, update their partnership agreement to reflect the City's transition from the MECP Transfer of Review Program to the CLI ECAs application and notification process.

In September 2024, staff who review development applications were consolidated under the newly created Development Review division to expedite the review of all development applications received by the City, with a focus on getting more homes, notably affordable homes, built faster within complete communities. To administer this change, City Council authorized delegation of certain existing planning and infrastructure development review related authorities, including authorities associated with the Transfer of Review Program ("TOR Program") under the Ontario Water Resources Act and the City's Transfer of Review Agreement, to the Executive Director, Development Review, and the appropriate City staff. Prior to this change, these authorities were delegated to Toronto Water and Engineering & Construction Services. Consolidation under Development Review and delegation of authorities were vital to accelerate the City's development application review process.

In October 2021, City Council authorized the designation of the General Manager, Toronto Water, as the Owner Representative to the MECP for the new CLI ECAs. In addition, City Council authorized the General Manager, Toronto Water and the Chief Engineer and Executive Director, Engineering & Construction Services, in consultation, to designate in writing the appropriate staff within their respective divisions authorized to sign on behalf of the City, any forms, letters of acceptance or such further documents, as may be required by the MECP related to the administration of the CLI ECAs. Since 2021, staff have been coordinating with the MECP and planning for the City's transition from the TOR Program to the CLI ECAs application and notification process. Conditional on final terms, staff anticipate the CLI ECAs will be issued by the MECP in 2025. As a result of this transition and re-organization of staff who review development applications that will be subject to the CLI ECAs application and notification process from Engineering & Construction Services to Development Review, the delegation of authority to the Executive Director, Development Review, to designate in writing the appropriate staff authorized to sign, on behalf of the City, any application and notification forms, as may be required under the MECP new CLI ECAs is needed.

Approval of the recommendations in this report will help ensure a smooth transition from the MECP TOR Program to the CLI ECAs application and notification process for development applications that are subject to the CLI ECAs application and notification process.

RECOMMENDATIONS

The General Manager, Toronto Water and the Executive Director, Development Review, recommend that:

1. In addition to, and concurrent with, the authority currently delegated by City Council to the General Manager, Toronto Water, the Chief Engineer and Executive Director, Engineering & Construction Services, and their respective authorized staff designates in writing, City Council delegate authority to the Executive Director, Development Review, to designate in writing the appropriate staff authorized to sign, on behalf of the City, any application and notification forms as may be required by the Ministry of the Environment, Conservation and Parks related to the administration of the new Consolidated Linear Infrastructure Environmental Compliance Approvals application and notification process for municipal wastewater collection and stormwater management systems, related to development review and third-party projects and subject to the partnership agreement.
2. As a condition of the delegation of authority by City Council to the Executive Director, Development Review, and their authorized designates, as set out in Recommendation 1 above, City Council directs the General Manager, Toronto Water, the Chief Engineer and Executive Director, Engineering & Construction Services, and the Executive Director, Development Review, to update their partnership agreement to reflect the City's transition from the Ministry of the Environment, Conservation and Parks' Transfer of Review Program to the Consolidated Linear Infrastructure Environmental Compliance Approvals application and notification process, on terms and conditions satisfactory to the General Manager, Toronto Water, the Deputy City

Manager, Infrastructure Services and the Deputy City Manager, Development and Growth Services.

FINANCIAL IMPACT

There are no financial implications arising from the recommendations in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Consolidated Linear Infrastructure Environmental Compliance Approval Fees

On December 17 and 18, 2024, adopted, on consent, the report “2025 Interim Water and Wastewater Consumption Rates and Service Fees”, authorizing, with regards to the City’s transition from the MECP TOR Program to the CLI ECAs application process, the adoption of service fees effective on the Issue Date of the CLI ECA and deletion of the City’s fees under the TOR Program. Lastly, City Council authorized the amendment of Municipal Code Chapter 441, Fees and Charges, to give effect to the City Council decision.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EX19.9>

On February 11, 2025, Council adopted the report "Budget Implementation Including Property Tax Rates, User Fees and Related Matters" directing that the water and wastewater consumption rates for metered and flat rate consumers and water and wastewater services fees in the amounts set out in Appendix 5 to the Mayor's Proposed Budget, which is consistent with the 2025 interim water and wastewater consumptions rates for metered and flat rate consumers and water and wastewater services fees adopted by Council in Item EX19.9 at its meeting on December 17 and 18, 2024, are the final rates and fees for 2025.

<https://secure.toronto.ca/council/agenda-item.do?item=2025.CC27.1>

Delegation of Development Review Related Authorities

On July 24 and 25, 2024, adopted, the report “Delegation of Development Review Related Authorities”, authorizing delegation of certain planning and infrastructure development review related authorities to the Executive Director, Development Review, and the appropriate City staff. In addition, by its adoption of this Item, City Council delegated authority to staff, designated in writing by the Executive Director, Development Review, to sign on behalf of the City any application forms required by the MECP, as part of the TOR Program for sewage works and under the Municipal Drinking Water Licensing Program.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EX16.20>

Delegation of Consolidated Linear Infrastructure Environmental Compliance Approval Authorities

On October 1 and 4, 2021, adopted, on consent, the report “Ministry of the Environment, Conservation and Parks Consolidated Linear Infrastructure Permissions

Approach for Low Risk Projects related to Sanitary Collection and Stormwater Management", authorizing the designation of the General Manager, Toronto Water, as the Owner Representative to the MECP for CLI ECAs for the City's municipal wastewater collection and stormwater management systems. In addition, by its adoption of this Item, City Council authorized the General Manager, Toronto Water and the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation, to designate in writing the appropriate staff within their respective divisions authorized to sign, on behalf of the City, any forms, letters of acceptance or such further documents, as may be required by the MECP related to the administration of the CLI ECAs.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE24.8>

Transfer of Review Program

On December 16, 2013, City Council adopted, with amendments, the report "Rate Supported Budgets – Toronto Water and 2014 Water and Wastewater Rates and Service Fees," authorizing the transfer of the fees falling under the TOR Program from Engineering & Construction Services, formerly Technical Services, to Toronto Water and the appropriate Toronto Water Fee Schedule. This was the result of the TOR Program review group being reassigned from Engineering & Construction Services to Toronto Water, through a City restructuring, effective February 6, 2013.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX36.17>

On June 8 and 9, 2010, City Council adopted, without amendment and without debate, the report "Implementation of the Ministry of the Environment's Expanded Transfer of Review Program for Sewage Works", authorizing the City to participate in the current TOR Program (an expansion of the then program). Further, City Council delegated authority to staff, designated in writing by the then Executive Director of Technical Services (now the Chief Engineer and Executive Director, Engineering & Construction Services) and the General Manager, Toronto Water, to sign on behalf of the City any application forms required by the MOE (now MECP), as part of the TOR Program. In addition, by its adoption of this Item, City Council authorized the City's agreement with the Province, as represented by the MECP, dated October 3, 2018 governing the City's participation in the TOR Program (TOR Agreement). Lastly, City Council authorized the amendment of Municipal Code Chapter 441, Fees and Charges, to include the new TOR Program fees.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PW33.1>

Municipal Drinking Water Licencing Program

On November 30, December 1, 2, 4 and 7, 2009, adopted, on consent, the report "Signing Authority for Municipal Drinking Water Licensing Program", delegating authority to the appropriate City staff to sign various verification forms and applications required by the MOE (now MECP) under its then new Municipal Drinking Water Licensing Program.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.PW28.11>

On July 16, 17, 18, and 19, 2007, City Council adopted, without amendment, the report "Designating the General Manager of Toronto Water as Owner Representative for Implementation of the Drinking Water Quality Management Standard," authorizing the

designation of the General Manager, Toronto Water, as the Owner Representative for Toronto Water's Quality Management System.

<https://secure.toronto.ca/council/agenda-item.do?item=2007.PW7.9>

COMMENTS

Background

In September 2024, Development Engineering staff were consolidated into Development Review. City Council delegated authorities to the Executive Director, Development Review for the existing Transfer of Review ("TOR") program.

In October 2021, Toronto Water and Engineering & Construction Services were delegated authority related to the new Consolidated Linear Infrastructure Environmental Compliance Approval ("CLI ECAs"). At the time, Development Engineering staff were in Engineering & Construction Services. Now that Development Engineering are in Development Review to maintain continuity, this report recommends delegation of the authority to Executive Director, Development Review, to designate in writing the appropriate staff authorized to sign, on behalf of the City, any application and notification forms, as may be required under the MECP CLI ECAs related to development review and third-party projects as provided under the partnership agreement. Since October 2021, Toronto Water staff have been coordinating with the MECP in respect of the CLI ECAs. The stated purpose from MECP of the CLI ECAs is to consolidate certain municipal sewage works approvals into the following: a single CLI ECA for all municipal sanitary collection works and a single CLI ECA for all municipal stormwater management works (collectively, CLI ECAs).

The delegation of authority needs to be in place to align with the expected issuance by the MECP of the CLI ECAs in 2025. After the issuance of the CLI ECAs by the MECP, any new proposed authorized alterations to the municipal wastewater collection system and the stormwater management systems received will be reviewed under the CLI ECAs. The TOR program will be phased out and eventually terminated. In December 2024, City Council authorized the General Manager, Toronto Water to negotiate, enter into and execute a mutual termination agreement of the TOR program with MECP.

Development Review's role as it relates to the CLI ECAs

As per the partnership agreement, Development Engineering staff in Development Review review development applications and certain third-party projects including alterations to the municipal wastewater collection and stormwater management systems that will be subject to the CLI ECAs application and notification process, the purpose of which is to ensure compliance with the CLI ECAs, including MECP design criteria.

The CLI ECAs authorize certain works for review by the City and for non-authorized works a direct submission to the MECP for review is required. In both cases, the application forms are signed by the appropriate staff designated in writing to sign which can be staff from Toronto Water and Engineering & Construction Services, and after this report, Development Review.

For works authorized for City review, as defined by the CLI ECAs, the forms and alterations are reviewed within Toronto Water by certain staff in Approvals &

Partnerships, Water Infrastructure Management who have been designated in writing to sign letters of acceptance under the CLI ECAs. Approvals & Partnerships' final review verifies compliance with the CLI ECAs, including MECP design criteria, and centralizes record keeping so the City can report to the MECP on alterations that have occurred to the systems under the CLI ECAs.

Once alterations to the municipal wastewater collection or stormwater management systems are constructed and put into service, the MECP Director notification form is signed by the appropriate staff designated in writing to sign which can be staff from Toronto Water and Engineering & Construction Services, and after this report, Development Review notification.

Further Actions

Once City Council approves the delegation of authority to the Executive Director, Development Review, the partnership agreement between Toronto Water, Development Review and Engineering & Construction Services shall be updated. Once the partnership agreement is updated the Executive Director, Development Review shall designate the appropriate staff authorized to sign in writing on behalf of the City, any application and notification forms as may be required by the MECP related to the administration of the CLI ECAs application and notification process.

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