

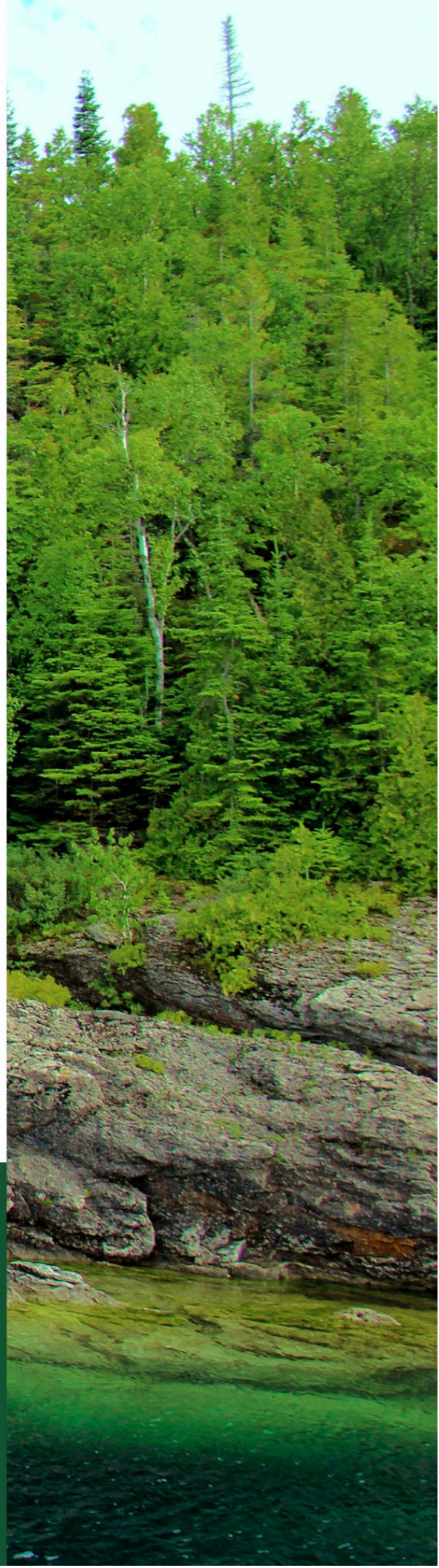


Niagara Escarpment Commission
An agency of the Government of Ontario

ANNUAL REPORT

2023 - 2024

This report describes the activities of the Niagara Escarpment Commission from April 1, 2023 to March 31, 2024.



Date: SEPTEMBER 26, 2024

Table of Contents

1. Introduction and Background	3
1.1 Chair's Message	3
1.2 The Niagara Escarpment	4
1.3 The Niagara Escarpment Commission	4
1.4 Mandate	6
2. Operational Strategy for 2023-2024	7
2.1 Business and Organizational Effectiveness	7
2.1.1 MNR Staff Structure and Functions	7
2.1.2 Recruitment	9
2.1.3 Succession Planning	10
2.1.4 Organizational Culture	Error! Bookmark not defined.
2.1.5 Modern Work (Excellence)	10
2.2 Communicate, Collaborate, Consult	11
2.3 Modernization Efforts and Streamlined Legislation/Regulations	11
2.3.1 Effective NEP Implementation	12
2.3.2 Database Renewal and Information Technology Modernization	13
3. Activity Reports for 2022-2023	14
3.1 Financial Summary	14
3.2 Development Permit Activity	14
3.3 Active Niagara Escarpment Plan Amendment Applications	19
3.4 Compliance	22
3.4.1 Compliance Program Modernization and Enhancements	23
3.4.2 Compliance Action Summary	23
3.5 Niagara Escarpment Parks and Open Space System	24
4. Performance Measures for 2023-2024	27
Appendix 1: Municipalities in the NEP Area	33
Appendix 2: Map of the Niagara Escarpment Plan Area	34
Appendix 3: Niagara Escarpment Commission Order in Council Appointments	34
Appendix 4: Per Diems of NEC Commissioners	37

1. Introduction and Background

1.1 Chair's Message

Dear Minister Smith,

I am honoured to report that the 2023-24 fiscal year was active and rewarding for the Niagara Escarpment Commission (NEC). We continue to improve service to our clients and residents. We have implemented our much-anticipated IT Modernization project and Commissioners and staff remain dedicated to act on the Value-for-Money audit by the Auditor General for Ontario. We celebrate our 50 years of helping Ontario prosper.

This year staff reached several key milestones in its IT Modernization project, including the implementation of an online portal for both those applying for Development Permits and the staff processing them. This portal, along with various NEC website improvements, brings an enhanced customer service that Ontarians will appreciate for years to come.

Commission and Staff have identified a need for cohesion and continuity within the organization. To this end, we are pleased to report that Mr. Shawn Carey has been placed in the role of Director. Under his guidance we have been able to bring our staff up to full compliment allowing the NEC to act on all applications in a timely and cost-effective manner. The same can be said of the Commission that has now been fully staffed at sixteen members. Working together, our hybrid meetings are effective and well balanced.

This year marked the 50th anniversary of the NEC. On June 22, 1973 the Niagara Escarpment Planning and Development Act was passed. The Act provided for the maintenance of the Niagara Escarpment as a continuous natural environment, ensuring development that is sympathetic with that environment and yet balanced with the needs of the 1.4 million people who call the area home. Your Commission and our able staff travelled to Niagara-on-the-Lake, the Escarpment's southern most boundary in Ontario to recognize and celebrate our 50-year anniversary. We dedicate ourselves to the goal of a protected and prosperous escarpment.

Respectfully submitted,

Jim Collard



Chair, Niagara Escarpment Commission

1.2 The Niagara Escarpment

Spanning 725 kilometres from the tip of the Niagara Region to the top of the Bruce Peninsula, the Niagara Escarpment is one of the world's most magnificent natural landforms. It comprises over a quarter of Ontario's Greenbelt and is home to Canada's longest footpath, the Bruce Trail. Over 450 million years old, the Niagara Escarpment is the source of many of the Greater Golden Horseshoe's major river systems. It is also one of southern Ontario's last remaining bands of continuous forest cover and natural heritage linkages. It is a significant source of close-to-market prime agricultural land.

In 1990, the Niagara Escarpment achieved a significant milestone, earning global recognition as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere Reserve. This prestigious designation, one of only 18 across Canada, underscores the Niagara Escarpment's international significance and its role in promoting sustainable development. It's a testament to the unique ecological and cultural value of this natural feature.

With the Niagara Escarpment traversing the Greater Golden Horseshoe (GGH) – one of the fastest growing regions in North America – and boasting a projected population of more than 14 million by 2051, striking the right balance between the development and preservation of this majestic feature has never been more important to Ontario.

1.3 The Niagara Escarpment Commission

In 1973, the Ontario Government passed the ***Niagara Escarpment Planning and Development Act*** (referred to as NEPDA) to manage development on the Niagara Escarpment. Through the NEPDA, a land-use planning process for developments on the Niagara Escarpment was implemented, and the Niagara Escarpment Commission (hereafter referred to as NEC or Commission) was established. Subsequently, in 1985, the Ontario Government created the Niagara Escarpment Plan (NEP) to clarify land-use designations, development criteria, and other permitted uses.

The NEC administers the planning framework for the NEP, established under the NEPDA, by ensuring that development on the Niagara Escarpment meets the purpose and objectives of the NEP. It also makes recommendations to the provincial government on NEP policies and amendments. The NEC reports to the Ontario Legislature through the Minister of Natural Resources by way of a Memorandum of Understanding (MOU).

The NEP protects the Niagara Escarpment and its adjacent lands. The NEP area covers portions of twenty-three (23) local municipalities within seven (7) regions and counties and the City of Hamilton. A list of municipalities within the NEP area can be found in [Appendix 1](#). A map of the NEP area can be found in [Appendix 2](#).

In addition, the NEP protects significant natural heritage features and ensures the maintenance of the Niagara Escarpment's open landscape by conserving the Escarpment's scenery, agricultural land, and complementary rural activities.

The objectives of the NEP are:

- To protect unique ecological and historical areas,
- To maintain and enhance the quality and character of natural streams and water supplies,
- To provide adequate opportunities for outdoor recreation,
- To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible by such means as compatible farming or forestry and by preserving the natural scenery,
- To ensure that all new development is compatible with the purpose of the NEP,
- To provide adequate public access to the Niagara Escarpment, and
- To support municipalities within the NEP Area in the exercise of the planning functions conferred upon them by the Ontario Planning Act.

The membership of the NEC is also set out within the NEPDA and consists of 17 Commission members that Order-in-Council appoints. Nine members, including the Chair, represent the public at large, and eight municipally sponsored members represent the counties, cities, and regions within the NEP area. For a current listing of Commission members, please visit <https://escarpment.org/inside-commission/about-our-commissioners>). NEC Staff are employees of Ontario's Ministry of Natural Resources (MNR), who have been seconded to support the Commission in fulfilling its mandate.

The Commission meets monthly to consider development permit applications, land-use proposals, policy items, and NEP amendments. Commission meetings are open to the public. During the 2023-2024 fiscal year, these meetings were held in a hybrid format consisting of video conferencing on Microsoft Teams and in-person attendance.

The NEP is a living document that is periodically reviewed, amended, and renewed. The current NEP came into effect on June 1, 2017. The most recent review was coordinated with the review of three other provincial land-use plans that manage development in Southern Ontario: The Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Growth Plan for the Greater Golden Horseshoe.

Furthermore, all agencies of the Ontario Government are subject to a mandate review every six years, led by the Treasury Board Secretariat. The last review of the NEC was completed in 2018, concluding that the mandate was being implemented appropriately.

The NEC conducts itself according to the standards of the Ontario Government, including the principles of ethical behaviour, excellence in management, diversity, anti-racism and inclusion, careful administration of public funds, and a professional Ontario Public Service that is transparent, responsive, fair, and respectful.

1.4 Mandate

The NEC has the responsibility to protect, maintain, and enhance the Niagara Escarpment lands, as outlined in the NEP. As a Crown Agency, the NEC operates under the direction of the Ontario Government in fulfilling this mandate.

It is the duty of the Ontario Government to develop and establish the policies of the NEP. In turn, the NEC has a legislated mandate to interpret and apply NEP policies which focus on maintaining and enhancing the vitality of the unique landscape features of the Niagara Escarpment. The Commission makes its decisions independently and impartially.

The NEPDA and the NEP set the Commission's responsibilities and mandate as a Crown Agency. The purpose set out within the NEPDA and the NEP is:

“To provide for the maintenance of the Niagara Escarpment 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.”

2. Operational Strategy for 2023-2024

The NEC's first Operational Strategy was released in 2017, providing a foundation for organizational renewal. A review in Winter 2023 determined that the core elements and pillars remain valid. The review determined the need for additional focus on workplace culture and alignment to broader initiatives of the Ontario Public Service (OPS) as part of the Business and Organization Effectiveness pillar.

In 2022, the Ontario Auditor General's Office (OAGO) conducted a [Value for Money Audit entitled *Conserving the Niagara Escarpment*](#), in which the NEC participated. The final report, released in late November 2022, highlighted critical areas of improvement for the NEC and the MNR, to which both the NEC and MNR responded. The NEC acted on the recommendations of the Audit during the 2023-24 fiscal year, which are discussed in the sections below.

2.1 Business and Organizational Effectiveness

As an organization, the NEC has been working to improve digital citizen-facing services and ensure that public services are efficient, effective, and nimble. Specifically, the NEC has been focused on streamlined regulations and using technology platforms and IT modernization to make processes more efficient. In 2023-24, the NEC implemented a new online portal that modernized how developers, residents and municipalities obtain development permits and how NEC staff processes development permit applications.

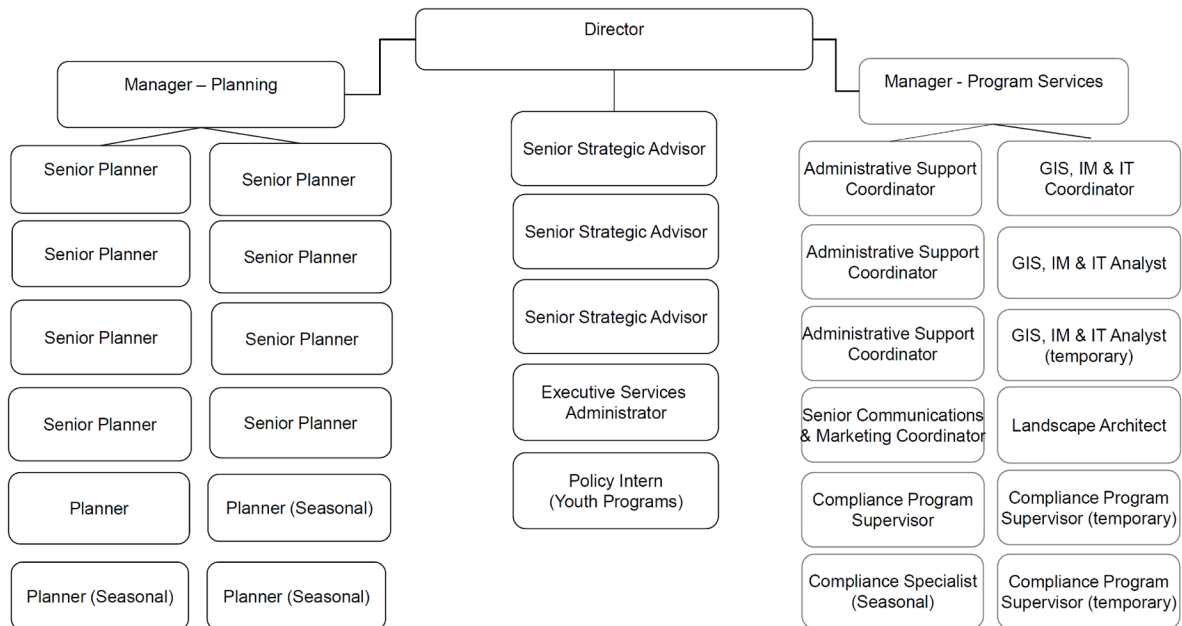
The NEC pursued the following priorities during the 2023-24 fiscal year:

- Modernized IT systems
- Further streamlined legislation/regulations
- Communication and Engagement Strategy: "Communicate, Consult, Collaborate"

2.1.1 NEC Staff Structure and Functions

To continue operating efficiently, the NEC recruited to fill the maximum Full Time Equivalent (FTE) limit of 24 staff, as well as four seasonal positions. It was also successful in securing resources to fill two additional temporary compliance positions and one temporary Geographic Information System (GIS), Information Management, and Information Technology (GIS IM/IT) position. The staff structure remained consistent for the 2023-24 fiscal year.

**Niagara Escarpment Commission
Organization Chart**
January 2024



Functionally, the NEC continued to rely on the geography-based team service delivery model to support its operations. In this model, multi-functional teams are assigned to client groups based on their geographic location to deliver the full range of NEC services. There are three teams comprising one team for each of the southern, central, and northern portions of the NEP area. The team-based approach was implemented to improve client service by increasing collaboration, sharing workload through efficient and consistent triaging, and providing a forum to facilitate knowledge transfer and collaboration amongst NEC staff and with regulatory partners.

Regular team meetings continued in 2023-2024, ensuring that staff had a network of support and a process to highlight issues and obtain assistance from colleagues. In addition, these high functioning teams supported the onboarding of new staff and provided guidance and mentorship. Each geographical team consists of:

- Lead Senior Strategic Advisor,
- Senior Planners,
- Planner(s), and
- Administrative Coordinator.

In addition, staff provide critical business support and program delivery related to:

- Geographic Information System (GIS), Information Management, and Information Technology,

- Compliance,
- Landscape Architect (for visual assessments),
- Communications and Marketing, and
- Commission and Administrative Support.

2.1.2 Recruitment

In 2023-2024, the NEC continued to experience staff turnover due to retirements, learning and development opportunities, and career progression. As a result, there were gaps in staffing throughout this reporting period. The following recruitment was undertaken:

Permanent

- **Director** – Position was successfully filled permanently in February 2024.
- **Program Services Manager** – This new management position was created as part of the organizational restructuring in 2022-23, which was permanently filled as of May 2023.
- **Planning Manager** – The position was filled on a temporary basis to allow for operational continuity as recruitment for the permanent vacancy was undertaken. The position was under recruitment at the end of the 2023-24 fiscal year.
- **Senior Strategic Advisor** – Positions were filled on a temporary basis, to allow for operational continuity while recruitment for permanent fill was undertaken. One position was successfully filled and the other was under recruitment at the end of the 2023-24 fiscal year.
- **Senior Planner** – Four FTE staff were in their positions for the entirety of the fiscal year. Covering these roles was completed through a combination of internal backfilling, temporary hiring, and reprioritizing. At the end of the fiscal year, four Senior Planner vacancies remained of the eight available FTEs.
- **Admin Support Coordinator** – The position was filled on a temporary basis to allow for operational continuity as recruitment for the permanent vacancy was undertaken. The position was successfully filled permanently in September 2023.

Temporary (Fixed Term)

- **Senior Communications & Marketing Advisor** – The position was temporarily filled in October 2022. The position was temporarily filled again as of January 2024.
- **GIS IMIT Coordinator** – The position was vacant for most of 2023. The position was competed in March 2023, but the offer of employment was declined by multiple candidates. The position was temporarily filled in September 2023.

Seasonal Positions

- **Compliance Specialist** – This 42-week position was temporarily filled for most of 2023 and permanently filled as of February 2024.

Youth Programs

- **Intern** – The NEC successfully filled the 10-month Internship position, provided by MNR.
- **Summer Experience Opportunity (SEO) positions** – The NEC successfully filled four, 14-week SEO positions provided by MNR.

Commissioners

Several new Commissioners were appointed, via Order in Council, in 2023-24, including new Chair Jim Collard, who was appointed to a one-year term ending in June 2024. A complete list of Commissioners effective as of March 31, 2024 can be found in [Appendix 3](#).

2.1.3 Succession Planning

Succession planning is important to ensure that the NEC continues to be a healthy and vibrant organization equipped with the human resources needed to effectively implement the NEP. The NEC has significantly benefited from having the Seasonal Planner and the Compliance Specialist positions which can see staff gain experience and capacity to move into more senior positions, the effects of which were felt in 2023-24. Learning and development opportunities for current staff are an important element of succession planning. In 2023-2024, one staff member participated in a comprehensive ministry-based leadership enhancement program.

2.1.4 Modern Work (Excellence)

The NEC is experiencing frequent staff turnover. Therefore, staff must be provided with a solid foundation of support through capacity-building, mentoring, coaching, and learning and development opportunities to ensure their success in meeting the requirements of their roles and providing excellence in customer service. Each staff person works with their manager to develop a learning plan, and where learning needs appear to impact several individuals, a collective approach to training has been provided. This approach continued to be implemented in 2023-24 and will proceed over the next three years. An emphasis continues to be placed on cross-team discussions as a forum to bring forward issues and problem-solving and to ensure consistency in implementing the Plan and Act. The NEC has also instituted monthly staff meetings to

provide broader awareness of the functions of the ministry, the work of partners and other agencies, and broader OPS initiatives. Individual learning and development, including succession planning, continued through MNR programs (e.g., the Diversity Career Champions Program and the Leadership Development Program), broader OPS programs, job shadowing, and opportunities through stakeholders and partners.

The NEC continued to examine business process improvement and mapping processes to find efficiencies. In 2023-2024, emphasis was placed on reviewing how exemptions are handled and how to streamline applications for smaller-scale proposals to ensure the objectives of the NEP continue to be met. This review was initiated to remove the heightened focus on low-risk developments so that more emphasis could be placed on high-risk Escarpment activities and ensure that clients receive a decision on their application in a timely way.

The NEC's new Information Management System, introduced in March 2024, has brought significant benefits to our staff and clients. The system has streamlined the application process, allowing applicants to apply online and staff to track applications more efficiently, thereby supporting the timely completion of process milestones. As the system is still being developed by our staff, we anticipate it will provide better metrics for reporting on application activities and identifying trends for future improvements, demonstrating our commitment to continuous enhancement.

2.2 Communicate, Collaborate, Consult

The 2023-24 fiscal year saw continued critical activities outlined in its communications strategy. The strategy informed how the NEC relates with clients, municipalities, ministry stakeholders, members of the public, and Indigenous communities along the Niagara Escarpment. In line with this strategy, the NEC improved its external website, including launching redesigned web pages to enhance customer service and provide greater access to information. The refreshed design allows for better integration of programs, including an updated Development Permit Application process and new information on exemptions.

New information added during the previous fiscal year includes a robust Frequently Asked Questions page, detailed information on development permits and NEC's mandate and activities, and a well-trafficked inquiry page. NEC continued to monitor this page and others using Google Analytics to prove ease of use and effectiveness.

2.3 Modernization Efforts and Streamlined Legislation/Regulations

Under the *Less Red Tape, More Common Sense Act, 2023*, the government has made revisions to the NEPDA that are designed to enhance efficiency and better meet the needs of our clients and communities. These changes, which came into effect with the Royal Assent of Bill 139 on December 4, 2023, bring several benefits:

- Removed the requirement to publish notices in newspapers for Niagara Escarpment Plan (NEP) amendment proposals and associated hearings and instead required the publication of these notices on a Government of Ontario website or the NEC website, or as determined by the Hearing Officer.
- Expanded the Minister's regulation-making powers to enable broader exemptions for low-risk activities.
- Broadened the range of compliance tools and powers to provide NEC staff with greater abilities to inspect and address non-compliant development activities.

These amendments to the NEPDA are part of our ongoing efforts to improve service delivery, reduce redundancies and administrative burdens, and broaden compliance tools for the NEC. By focusing on more complex applications and protection measures, the Ministry has created more efficient processes. This not only saves time for applicants but also ensures the Escarpment's protection is maintained.

2.3.1 Effective NEP Implementation

The 2017 NEP provides that the NEC, in consultation with MNR, may issue guidance material and technical criteria to assist the implementing authority with the policies of the NEP. Information, technical criteria, and approaches outlined in guidance material are meant to support, but not add to or detract from, the policies of the NEP.

The NEC, in its commitment to ensuring the effectiveness of the NEP, has approved technical criteria for Visual Impact Assessments, Landscape Plans, and Vegetation Protection Plans. Importantly, the use and effectiveness of these criteria are continuously monitored, providing a sense of assurance in their application.

Specifically, the Commission has had several discussions regarding how the NEP policies should support agriculture. In November 2021, the Commission considered a staff report on the agricultural policies of the NEP. It directed staff to bring forward a proposal for the Commission to initiate a Plan amendment of specific agricultural policies. The amendment was initiated in early 2023, with public consultation occurring throughout the winter. There was substantial support for some of the proposals. However, there were formal objections, which resulted in the amendment being referred to the Ontario Land Tribunal for a hearing. Likely, a hearing will not be held on the amendment until early 2025.

2.3.2 Database Renewal and Information Technology Modernization

In the past, the Development Permit Application (DPA) process was managed through a paper-based application system, with no ability to submit or manage applications electronically—processes for NEP amendments and compliance activities needed to be updated and aligned with e-government initiatives. NEC managed the application workflow within a Microsoft (MS) Access Database maintained on a shared drive.

The process for responding to property inquiries is labour intensive – NEC staff respond to over 500 a year.

As a result of the NEC IT Modernization Project, the MS Access Database was replaced in March 2024 with a cloud-based solution called the NEC Information System that enables the digital submission of applications and streamlined application management workflow for NEC staff. Implementation of the system improved digital services that achieve lean principles, including:

- Faster and simpler processes for Development Permit Applications,
- Information being readily available to clients and businesses on the status of approvals,
- Design of performance timelines and standards, and
- A system that is nimble and can accommodate future program design improvements.

The NEC required a modern information management system that allowed for better tracking of Development Permit Applications, compliance, and other business processes – including automation of some functions, better ability to analyze data, better retention of business records, and the ability to offer clients an online self-service portal.

3. Activity Reports for 2023-2024

3.1 Financial Summary

The following table provides a summary of the 2023-2024 operating budget and expenses.

Account Categories	2023-2024 Budget Allocation (Adjusted)	2023-2024 Actual Expenditures
Salary and Wages	\$2,117,600	\$2,273,330
Employee Benefits	\$325,200	\$354,010
TOTALS	\$2,442,800	\$2,627,340
Transportation and Communication	\$43,000.00	\$34,832
Services	\$1,160,200.00	\$1,103,551
Supplies and Equipment	\$31,000.00	\$23,579
TOTALS	\$1,234,200.00	\$1,161,962
Treasury Board Order	\$262,700	\$150,398
GRAND TOTALS	\$3,939,700	\$3,789,302

3.2 Development Permit Activity

The NEPDA mandates that a Development Permit must be obtained from the NEC before undertaking development within the area of Development Control unless the development is exempt under the Revised Regulation of Ontario 1990, Regulation 828. A Development Permit is issued with terms and conditions to ensure development is implemented to minimize impact to the Escarpment.

The number of new applications received during fiscal 2023-24 was the lowest in the last seven years and dramatically lower than the number received during the COVID-19 pandemic.

Figure 1

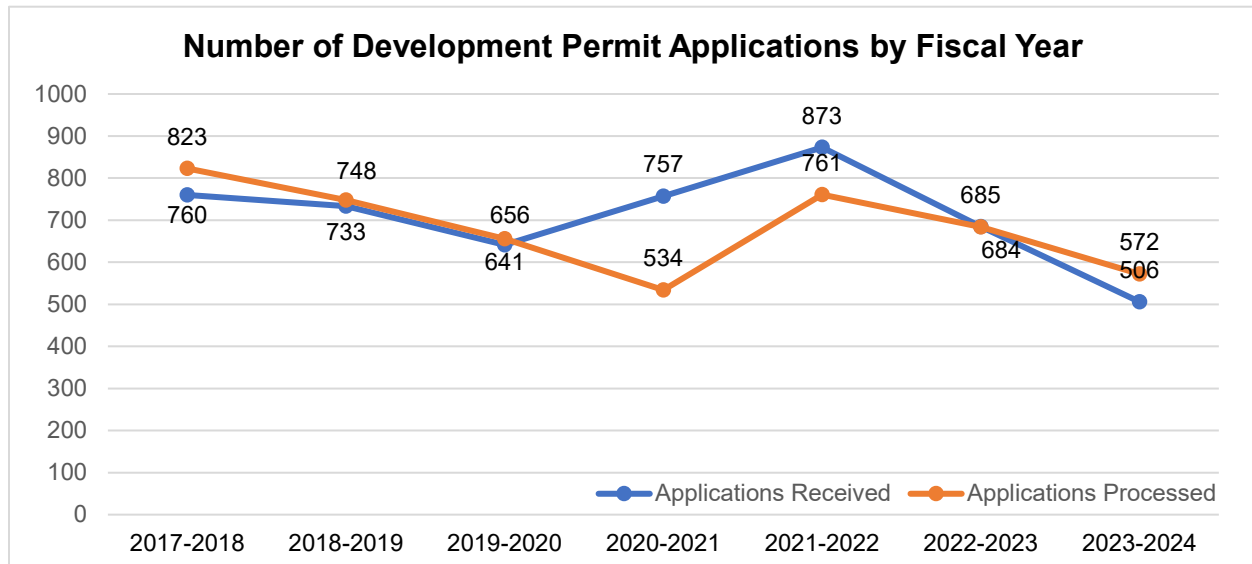


Figure 1 demonstrates that the number of applications processed in the last year exceeded the number of applications received, meaning that the NEC is now clearing the backlog created during the pandemic. It also indicates that applications are taking less time to process than during the COVID-19 pandemic.

Figure 2

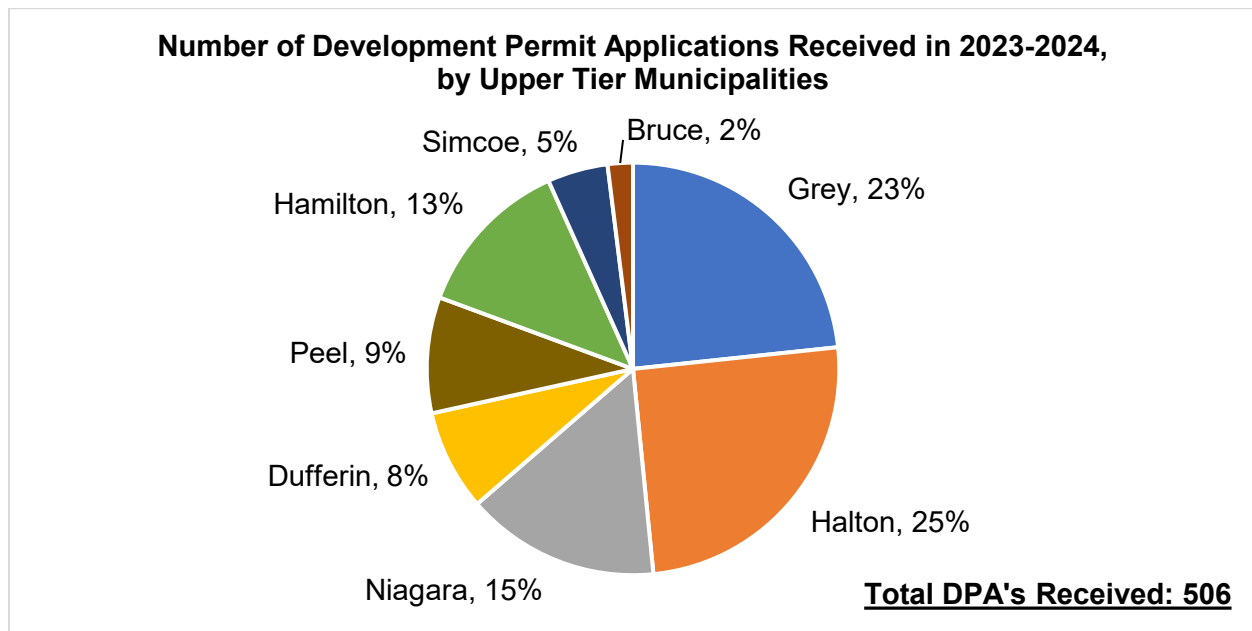


Figure 2 illustrates the number of Development Permit Applications received in 2023-2024 from each upper-tier municipality, which shows that four towns account for 75% of

the applications. Halton Region and Grey County make up 48% of applications, with Niagara Region and Hamilton adding 28%. This distribution tends to remain consistent year-over-year.

Most applications consist of residential applications, contributing to 40%-50% of all applications received and 66-70% of files requiring permits. Over the last few years, most of the permit reduction has come from decreased residential-related applications.

Figure 3

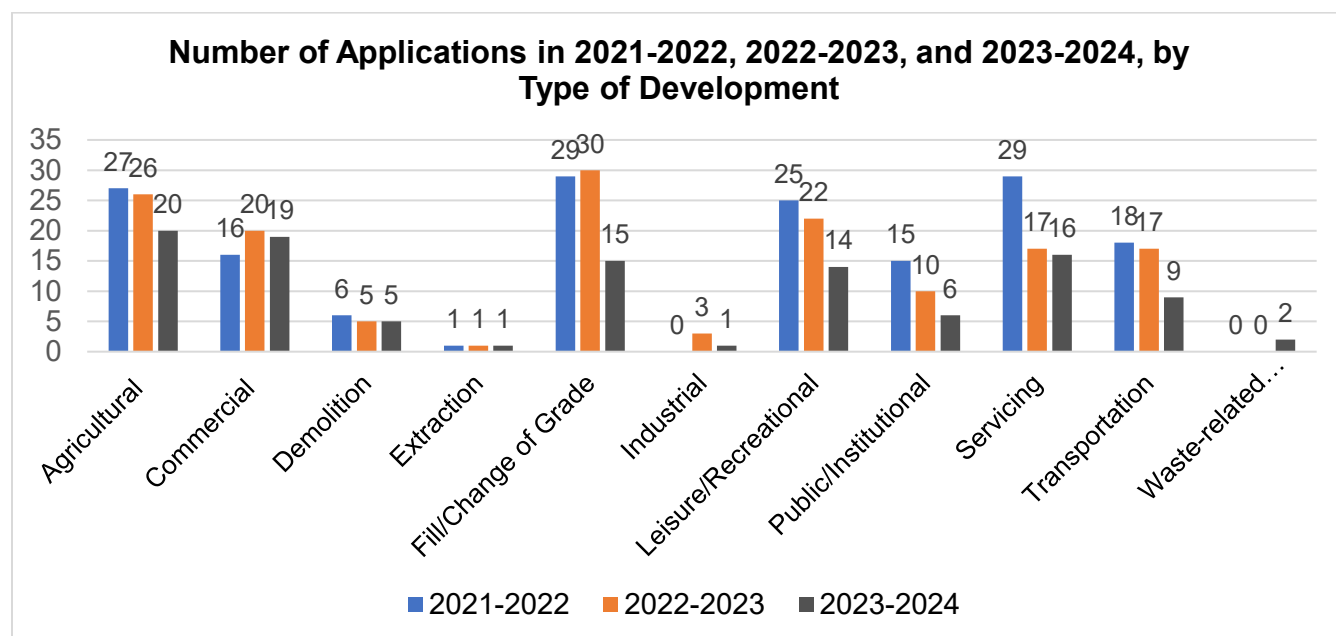


Figure 3.1

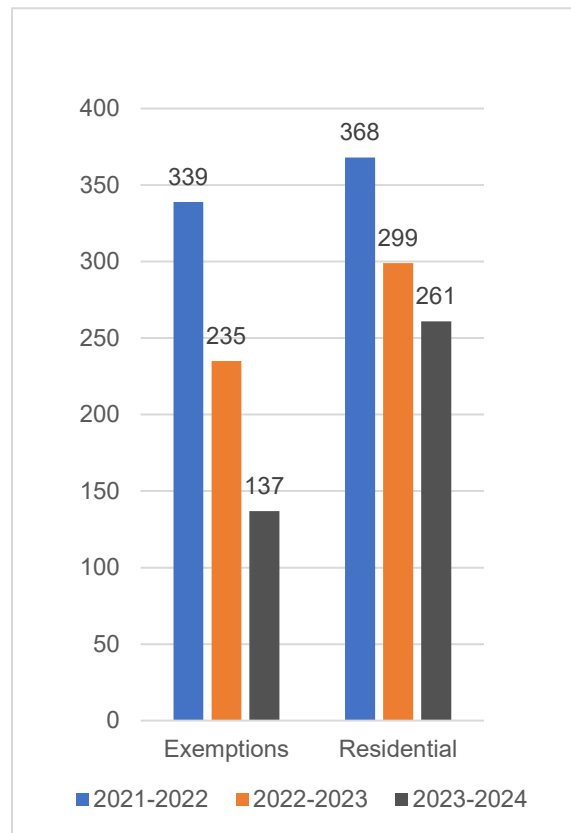
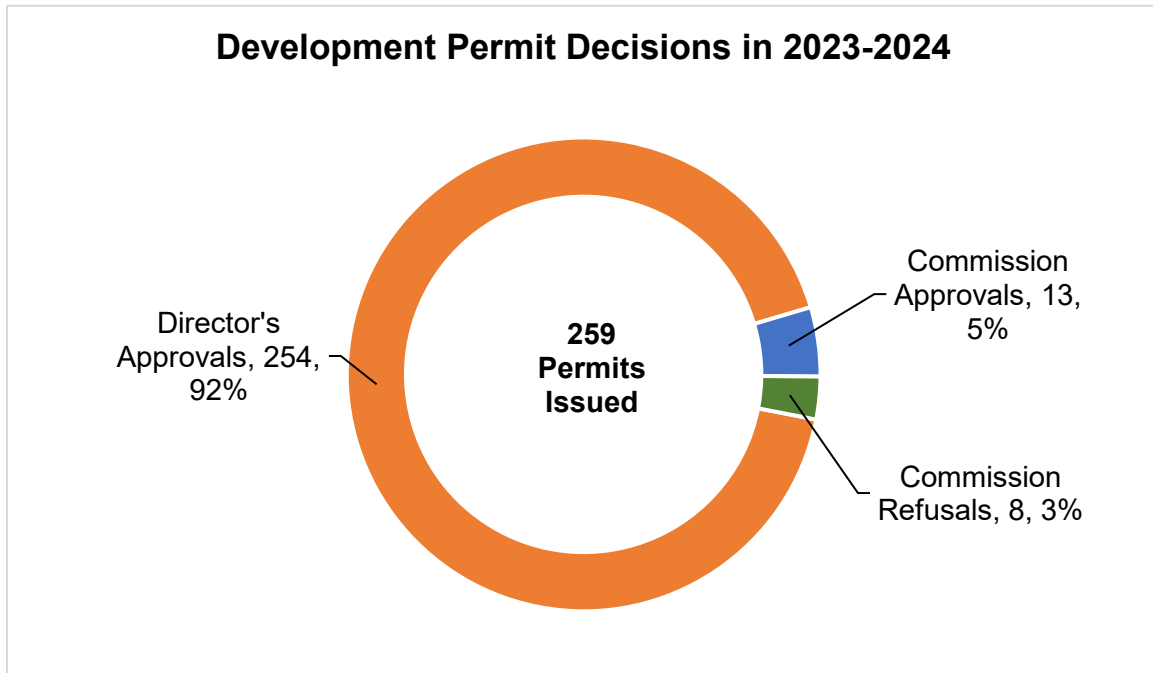


Figure 3 illustrates the number of files in each category of development. Figure 3.1 illustrates the number of exempt development applications that were received. Exemptions are not permit applications but are requests for confirmation that development does not need a permit. Residential applications relate to any activity for residential use or accessory to residential use, such as sheds, decks, and driveways.

Under the NEPDA, the MNR can delegate authority to approve development permits to the Niagara Escarpment Commission. Under the current Delegation of Authority (DOA), the power to approve certain types of development permit applications is, in turn, delegated to the NEC Director.

Figure 4



As illustrated in Figure 4, approximately 92% of NEC approvals in the 2023-2024 fiscal year were approved by the NEC director, like previous years.

For a Development Permit application to earn the Director's approval, it must diligently adhere to the following criteria:

- The application and supporting information must be complete.
- There are no objections to the application from any consulted agencies.
- NEC planning staff have completed a Staff Report recommending approval.
- Conditions of Approval accompany the Staff Report, and the proposed development complies with the NEP and does not require a policy interpretation.
- In the exceptional case of development that has occurred without a development permit, the following conditions must be met:
 - It is the first time the applicant has undertaken development on the property without approval, and
 - The matter is not subject to prosecution.

Figure 5

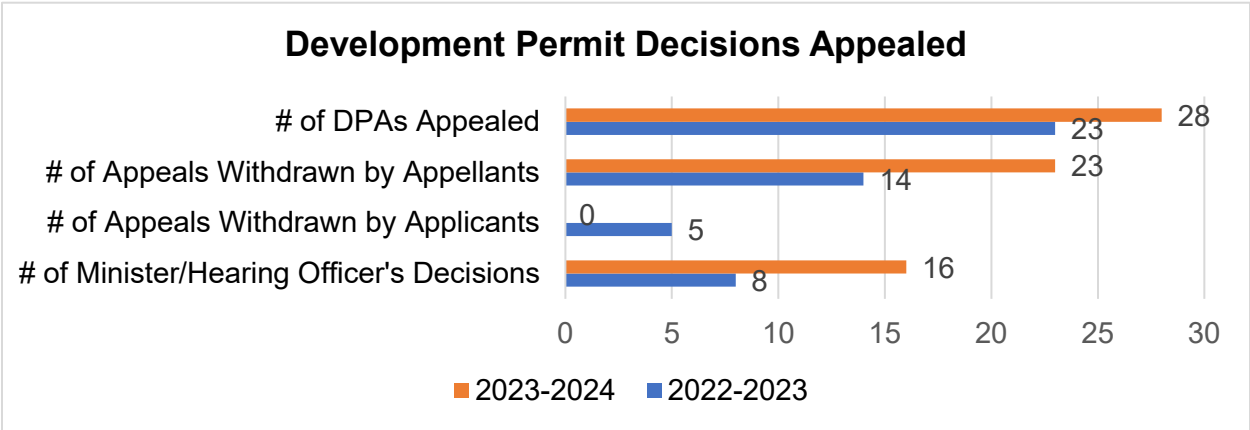


Figure 5 shows the number of NEC decisions appealed in the last two fiscal years. The number of withdrawn applications and decisions made by the Minister or Hearing Officer does not necessarily align with the number of files appealed since withdrawals and decisions are often for files appealed in the previous year. Figure 5 indicates that a slightly higher number of files were appealed in the last fiscal year, but more withdrawals and decisions were made on appeals as well.

3.3 Active Niagara Escarpment Plan Amendment Applications

The following information pertains to the status of active NEPDA Amendment applications as of March 31, 2024.

PH 213-18: Blueland Farms

Blueland Farms Ltd. has applied to amend the NEP to redesignate lands from Escarpment Rural Area to Mineral Resource Extraction Area to permit aggregate extraction both above and below the water table within a 26-hectare area on a 40.5-hectare property known as McCormick Pit, located at 17736 Heart Lake Road (East Part Lot 12, Concession 2 East of Hurontario Street) in the Town of Caledon, Region of Peel. The application also seeks to add a special policy under Part 1.9.3 of the NEP to allow for the continued use of accessory facilities located at 17679 Kennedy Road (West Part Lots 11 and 12, Concession 2 East of Hurontario Street), Town of Caledon, Region of Peel to transport extracted material from the proposed pit at 17736 Heart Lake Road. This application received formal objections and is currently at the Ontario Land Tribunal for a hearing.

PH 218-20: Columbia Northcliffe Campus Inc.

Columbia Northcliffe Campus Inc. has applied for a site-specific amendment to the NEP to permit use of the former Sisters of St. Joseph convent as a day-use private school for a maximum of 1000 students and 80 staff. This amendment is currently in litigation and is therefore on hold pending the outcome.

PH 219-20: Nelson Aggregates

Nelson Aggregates Co. has applied to the NEC for an amendment to expand the existing Nelson Aggregate operations at the Burlington Quarry, Halton, in both southern and western directions. If approved, the amendment would redesignate approximately 78.3 ha (193.5 ac.) of lands from Escarpment Rural Area to Mineral Resource Extraction. The application also seeks to apply a special policy to the subject properties, which would permit the continued use of existing aggregate extraction infrastructure located within the existing licensed pit. Due to formal objections to the amendment, the application has been referred to the Ontario Land Tribunal. A hearing is expected to be held in early 2025.

PH 221-21: 4000 Campbellville Road

This application proposed an amendment to the NEP to redesignate the subject lands (formerly the Campbellville South Pit) located at Part Lot 5, Concession 5, in the Town of Milton, Region of Halton from Mineral Resources Extraction Area to Escarpment Natural Area and Escarpment Protection Area. The application was submitted following the surrender of the Aggregate Resources Act (ARA) licence held by Campbellville Sand and Gravel for the subject property. As of March 31, 2024, this application rested with the Minister of Natural Resources for a decision. The Minister approved the amendment on April 4, 2024.

PH 222-21: 3475 Campbellville Road

The NEC initiated this amendment to change the land use designation of the subject lands (formerly known as Campbellville North Pit), located at Part Lot 6, Concession 4 in the Town of Milton, Region of Halton, from Mineral Resources Extraction Area to Escarpment Protection Area. The amendment application followed the surrender of the ARA licence held by Campbellville Sand and Gravel. As of March 31, 2024, this application rested with the Minister of Natural Resources for a decision. The Minister approved the amendment on April 4, 2024.

PP 223-21: Pinchin Pit

This amendment application was submitted by the Credit Valley Conservation Authority and sought to redesignate 44 ha. of the former Pinchin Pit quarry lands, located at Part Lots 13 and 14, Concession 5, in the Town of Milton, Region of Halton, from Mineral Resource Extraction Area to a combination of Escarpment Rural Area and Escarpment Natural Area. It also proposed to include the lands in the Niagara Escarpment Parks and Open Space System (NEPOSS). This application was submitted following the surrender of the ARA licence authorizing aggregate activity. The Commission recommended approval of the amendment in September 2022. At the end of the 2023-24 fiscal year, the case rested with the Minister of Natural Resources.

PH 224-21: Dufferin Milton Quarry East Expansion

This application by Dufferin Aggregates seeks to redesignate 30.6 ha. (74.6 ac.) of lands adjacent to Dufferin's existing Milton quarry, located in Part Lots 11, 12, and 13, Concession 1 in the Town of Halton Hills, Region of Halton, from Escarpment Rural Area to Mineral Resource Extraction Area, and to apply a special policy under NEP Part 1.9.3 (Permitted Uses) that would apply to the existing quarry lands that would permit the continued use of an office and maintenance buildings, facilities for washing, processing and stockpiling of aggregate, truck washing facility, recycling facilities and the entrance, for the purpose of supporting the extraction of aggregate on the lands proposed to be re-designated. As of March 31, 2024, NEC staff were working to complete Indigenous consultations on this application prior to it being brought to the Commission for a recommendation.

PC 225-22: Agricultural Policies

This amendment was initiated by the NEC to amend the Plan to allow for on-farm diversified uses and agricultural-related uses outside of prime agricultural areas by changing the Permitted Uses in the Escarpment Protection Area to be consistent with the Permitted Uses in the Escarpment Rural Area, and to amend Part 2.7 policies on Development Affecting Natural Heritage so that certain agricultural uses may be compatible in Key Natural Heritage Features under certain conditions. The proposal also entails a housekeeping-related amendment to Part 1 policies on Permitted Uses of the Escarpment Natural Area to better align exemptions under the revised Ontario Regulation 828 on the collection of maple sap within the Permitted Uses of the NEP. The NEC received formal objections to the amendment. The amendment has been referred to the Ontario Land Tribunal for a hearing.

PP 226-22: Brampton Brick

This application by Brampton Brick, is to redesignate 14.7 ha. (36.28 ac.) of the subject lands, located in Part Lots 29 and 30, Concession 5, West of Centre Road (former geographic Township of Chinguacousy), Town of Caledon, Region of Peel, from Escarpment Protection Area to Escarpment Rural Area, and to enable a subsequent application for an amendment to redesignate the same parcel of land from Escarpment Rural Area to Mineral Resource Extraction Area for aggregate extraction. This application is on hold pending additional information from the applicant.

3.4 Compliance

The NEC's Compliance Program is critical to the agency's legislative and regulatory duties. Its purpose is:

- To uphold the purpose and objectives of the NEPDA,
- To ensure that development aligns with the conditions of a Development Permit, and
- To ensure appropriate action is taken to address and remediate development without a permit, mainly when public safety and environmental risks exist.

The NEC Compliance Program is a member of the Regulatory Compliance Ontario Centre of Excellence and diligently implements compliance activities in alignment with [the Regulator's Code of Practice](#). This commitment to the Code underscores the program's dedication to consistency, transparency, and evidence-based decision-making, all of which are instrumental in supporting landowners, businesses, and other organizations in meeting the requirements of the NEPDA.

The NEC's approach to inspections and other compliance activities is firmly rooted in risk assessment, with a clear focus on addressing non-compliance that poses the greatest risk to human health and safety and/or the escarpment environment. This proactive stance is further bolstered by the collaborative efforts of staff, who work closely with property owners, businesses, and other agencies to facilitate information sharing and inform decision-making in compliance response. The compliance continuum (Figure 8) provides a comprehensive overview of the range of response and action that NEC staff may undertake during a non-compliance situation.

Figure 8: Compliance Continuum



3.4.1 Compliance Program Modernization and Enhancements

The NEC undertook or participated in several modernization and enhancement activities during the 2023-24 fiscal year that benefitted the NEC Compliance Program.

The number of alleged violations reported to the NEC annually has increased significantly over the last five years. Processing, analyzing, and investigating new allegations of non-compliance while also maintaining action for ongoing non-compliance situations has put a strain on the NEC's existing compliance staff. To address this pressure, the NEC temporarily increased its staffing allocation for the 2023-24 Compliance Program from one full-time and one seasonal staff to two full-time staff, one part-time staff and one seasonal staff.

As part of Bill 139, the ***Less Red Tape, More Common Sense Act, 2023***, the government enacted revisions to the NEPDA that enabled a broader range of compliance tools and powers. The changes took effect on December 4, 2023, and provide NEC staff with greater ability to inspect and address non-compliant development activities.

The NEC also undertook several initiatives to address recommendations from the Ontario Auditor General's Office (OAGO)'s [Value for Money Audit entitled *Conserving the Niagara Escarpment*](#), related to compliance and ensuring only development compatible with the NEPDA and Niagara Escarpment Plan (NEP) occurs. This included a review of the existing NEC compliance framework, policies and procedures and a scan of MNR compliance and enforcement-related policies, procedures, and directives. These initiatives will continue in 2024-25.

Finally, with the launch of the new NEC Information System in early 2024 (see Section 2.3.2 for additional details), the NEC Compliance Program transitioned management and tracking for compliance information into the new system. Previously, and for most of the 2023-24 fiscal year, NEC staff used an existing Microsoft Excel tracking tool (NEC Occurrence Tracking System) to document and track compliance actions and outcomes.

3.4.2 Compliance Action Summary

For the 2023-24 fiscal year, the NEC received 150 reports of alleged non-compliance with the NEPDA via in-person conversations, phone reporting or the complaint form on the NEC website, a decrease from previous years in but still in-line with the heightened five-year trend. Of these new reports, approximately 40% (60) were determined to be high-risk (i.e., posing a high risk to human health and safety and the escarpment environment), which is an increase from the 2022-23 fiscal year.

Adhering to the compliance continuum (Figure 8, above), NEC staff undertook a wide array of compliance responses and actions throughout the year. This approach was aimed at thoroughly reviewing and assessing incoming reports of non-compliance and effectively addressing situations of confirmed non-compliance. A detailed breakdown of these actions has been provided below.

Promotion / Education: Four (4) reports of non-compliance were confirmed and addressed via education on the requirements of the NEPDA and NEP.

Voluntary Compliance: Six (6) reports of non-compliance were confirmed, and NEC staff worked closely with the affected parties. This joint effort led to the successful resolution of the situation through voluntary actions, thereby restoring compliance.

Inspection: NEC staff undertook 64 site inspections in 2023-24 to assess reports of alleged non-compliance and address situations of confirmed non-compliance. No proactive compliance action was undertaken in 2023-24. Proactive compliance activities include planned audits to evaluate the implementation of activities authorized through permitting or authorization under the NEPDA.

Investigation: NEC staff issued 45 Notices of Violation (Warning Letters), one (1) Order to Stop Work and one (1) Order to Demolish/Restore.

Enforcement: NEC staff work collaboratively with MNR Enforcement Branch staff to implement compliance actions falling under this category of the compliance continuum. In the fiscal year 2023-24, NEC staff issued no Part 1: Provincial Offence Notices (Tickets) and referred three (3) occurrences to the MNR Enforcement Branch for Part 3: Charges. It's important to note that prosecution of those files had not occurred at the time this report was written, underscoring the seriousness and thoroughness of the enforcement process.

In addition to the above, 17 situations were referred to NEC planning staff for direction on pursuing an "as-built" Development Permit, and 26 reports of non-compliance were deemed compliant, exempt or out of scope:

- Activity outside Ontario Regulation 826/90 (5)
- Activity deemed Exempt under Ontario Regulation 828/90 (13)
- Activity compliant with Permit (1)
- No Evidence Found/False Report (7)

3.5 Niagara Escarpment Parks and Open Space System

The Niagara Escarpment Parks and Open Spaces System (NEPOSS) consists of more than 160 parks and open spaces, with the Bruce Trail as the standard linkage connecting NEPOSS lands. The NEPOSS seeks to achieve the NEP Part 3 objectives of providing opportunities for outdoor recreation and appropriate public access to the Niagara Escarpment. Part 3 of the NEP contains policies that guide activities and development within the NEPOSS.

MNR coordinates the development and administration of the NEPOSS, including approval of master/management plans. The NEC works collaboratively with the MNR to ensure that recreational activities and development within the NEPOSS are consistent with the objectives and policies of the NEP.

NEPOSS lands are owned by public agencies and conservation organizations that comprise the NEPOSS Council. Council representatives work collaboratively to further NEPOSS objectives, such as promoting land acquisition and public access. The Council is coordinated and administered by the MNR in partnership with the NEC. It meets at least two times a year to discuss issues with parks and open spaces management.

NEPOSS Council members undertook significant efforts to contribute to the objectives of NEPOSS in 2023-2024, including a continued effort to encourage a coordinated and strategic approach to member agencies' land securement efforts. Some of the highlights include:

- The approval of the Inglis Falls Conservation Area and Eugenia Falls Conservation Area Management Plans (Grey Sauble Conservation Authority).
- The ongoing work is needed to create new management plans for Devil's Punchbowl Conservation Area and Winona and Vinemount Conservation Areas (Niagara Peninsula Conservation Authority).
- The initiation of the management planning process for Mount Albion Conservation Area and Felker's Falls Conservation Area (Niagara Peninsula Conservation Authority).
- The removal of the invasive Common Reed (*Phragmites australis*) species from the Royal Botanical Garden's Cootes Paradise property.
- The ongoing implementation of the Churchill Park Management Plan in the City of Hamilton and the development of the walkway at the north end of the park have created several pathways and increased accessibility.

A large-scale restoration and park revitalization project was completed as part of the first phase of the Belfountain Conservation Area Management Plan in 2023. The project focused on dam restoration and creating a natural channel, heritage garden construction, and bridge and trail upgrades. Final touches, including the installation of interpretive signage, are set for Spring 2024.

In 2023-24, the NEPOSS Council continued working on a report highlighting partner achievements, challenges, and opportunities. This report will be sent to the NEC for endorsement before its delivery to the MNR.

4. Performance Measures for 2023-2024

Activity	Rationale	Performance Measure	Outcomes
Posting Memorandum of Understanding, Annual Business Plan and Annual Report	Agency and Appointments Directive (AAD) requires these documents be prepared and posted annually upon approval by the Minister of Natural Resources. These documents set out how the legislative responsibilities of the Niagara Escarpment Commission are carried out.	Documents prepared and submitted in timely manner, per requirements of AAD and MOU. Documents posted on NEC website once approved by Minister.	Public sector transparency and accountability. Public access to information Responsible and accountable government.
Meetings of the Niagara Escarpment Commission	The NEC meetings focus on specific planning matters and to discuss policy initiatives. These regular meetings are the main vehicle for the NEC to conduct its business and implement its legislated mandate. Meetings will occur monthly, with an additional policy meeting in the spring and fall. Recognizing the advances in technology and the opportunity to provide flexibility in participation to allow for efficiencies, in May 2022 the NEC adopted a hybrid meeting	Agendas and reports prepared for Commission meetings are publicly available through the NEC website. Meetings are open to the public. Procedures on public participation at meetings are posted on the NEC website. Meeting minutes reviewed / approved by NEC and posted on website.	Public access to information. Public engaged in decisions. Transparency of decisions. Implementation of legislated responsibilities.

Activity	Rationale	Performance Measure	Outcomes
	approach (flexibility to attend either in person or virtually) and established hybrid meeting procedures.		
Effective decision making	The Niagara Escarpment Planning and Development Act sets out the roles/responsibilities of the NEC regarding decisions. Requires the NEC to make decisions independently and in accordance with the Niagara Escarpment Plan.	Decisions by the Commission and Director approvals are in accordance with Delegation of Authority signed by the Minister of Natural Resources and the NEC Chair.	Evidence-based and consistent decisions Effective implementation of the Niagara Escarpment Plan. Effective oversight and exercising of delegation of responsibilities.
Customer Service	The OPS government service standards set guidelines for hours of operation and responsiveness to communications (phone, email, correspondence). NEC is required to comply with Accessibility for Ontarians legislation and policies.	NEC operations meet customer service standards related to office hours (Monday-Friday 8:30 a.m.-5:00 p.m.). Telephone calls are answered within four rings during core business hours or directed to voicemail or an alternate number. Voicemails are returned within one (1) business day (24 hours). Emails and written correspondence are acknowledged within	Responsive and effective government. Program development and implementation results provides accessible and inclusive government.

Activity	Rationale	Performance Measure	Outcomes
		two (2) business days and answered within 15 business days. Communications, including website, provided or available in accessible formats. Accommodations considered and offered to ensure accessibility of operations. NEC offers services in French, in accordance with the <i>French Language Services Act</i>	
Information provided to public related to the Niagara Escarpment program	The NEC deals with many inquiries and information requests (e.g., NEP maps and policy information; application forms; guidance documents; publications). It is important that information be provided to the public that is clear, useful, and relevant (e.g.; application forms, relevant guidelines, status of applications, NEC contact information). The NEC will continue to modernize its website with a focus on improving customer service and making	Information is readily available from the NEC's website, in person or other means (e.g., mail) and is as efficient as possible to obtain. Requests for information are responded to (or acknowledged) within 2 business days.	Public access to data and information. Responsive and effective government. Effective relationships with partners, stakeholders, and the public. Informed and engaged clients and partners. Public able to "self-serve" and obtain relevant information directly from website.

Activity	Rationale	Performance Measure	Outcomes
	information readily available the public.		
Development Permit Applications	Most of the NEC's business is conducted through processing development permit applications (approximately 700 annually). Effective operation is critical to implementation of the NEP. Processing times vary for various reasons, including application complexity, delays in obtaining agency comments, and additional information requirements. Performance measures aim to optimize efficiency of the aspect of the process that are within NEC's control.	New applications recorded and opened within 3 business days of receipt.	Modern, digital processes that meet client needs. Elimination of low-risk applications and streamlining of less risk activities. Legislative requirements met.
Niagara Escarpment Plan Amendments	NEP Amendments are more substantive and follow a more complex process than Development Permits. Processing times vary depending on the complexity of the application, whether enough information is provided, whether a hearing is required and	NEC staff follow NEPDA requirements for processing Plan Amendments. Applicants provided with information regarding the status of the Amendment application.	Effective and efficient processes and decision making. Public has high level of awareness of status of their application(s). Legislative requirements met.

Activity	Rationale	Performance Measure	Outcomes
	timelines for Minister decision. Performance measures aim to optimize efficiency of the aspect of the process that are within NEC's control.	Amendments posted on the NEC's website, including their status.	
Review of Applications under Planning Act	Decisions by municipalities under the Planning Act are required to conform to the NEP. The NEC is circulated a range of proposals and applications (e.g., official plans and amendments; zoning bylaws; consent applications; minor variances). NEC plays important role in ensuring alignment with the NEP, and to support municipalities in their planning functions.	NEC comments provided to municipalities within due date (usually 30-60 days). Municipalities have access to information on NEP policies, designations, and development control.	Municipalities are aware of implications of decisions on the NEP. Municipalities are supported and are partners in implementation of the NEP. High level of awareness of NEP implementation.
Management of Compliance Issues	Compliance monitoring is a critical aspect of NEP implementation - to uphold implementation of Development Control, ensure compatible development and mitigate environmental damage. The Compliance Program uses a risk evaluation approach to triage and prioritize	Compliance matters responded to within 48 hours (i.e., call back; site visit; occurrence report).	High quality customer service. NEP and Development Control process effectively implemented. Environmental impacts avoided or remedied.

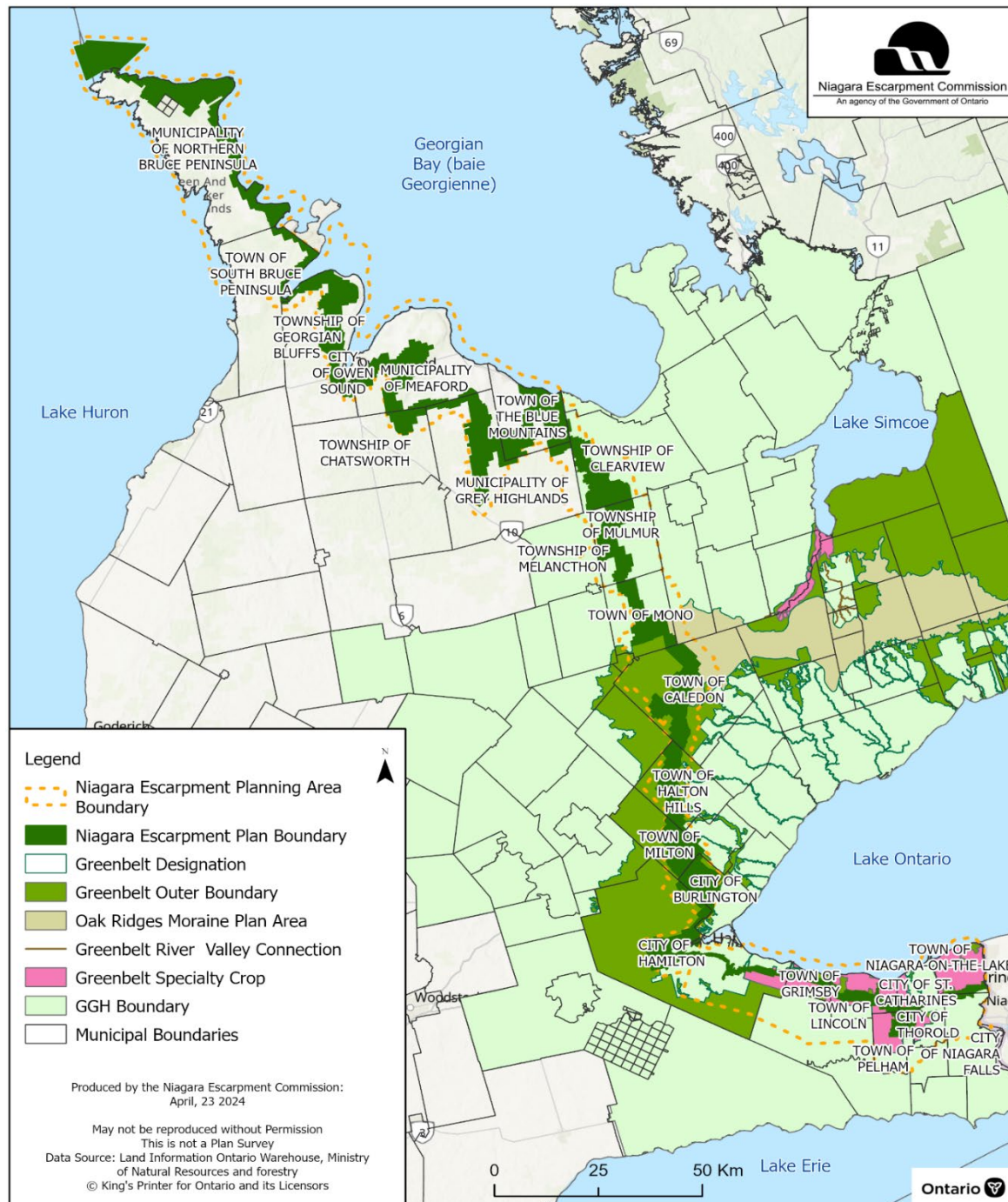
Activity	Rationale	Performance Measure	Outcomes
	compliance activities through completion of an occurrence report for each situation.		

Appendix 1: Municipalities in the NEP Area

Regional Municipality	Lower-tier Municipalities
Niagara Region	Town of Grimsby Town of Lincoln City of Niagara Falls Town of Niagara-On-The-Lake Town of Pelham City of St. Catharines City of Thorold
City of Hamilton	
Halton Region	City of Burlington Town of Halton Hills Town of Milton
Region of Peel	Town of Caledon
County of Grey	City of Owen Sound Municipality of Meaford Township of Georgian Bluffs Municipality of Grey Highlands Township of Chatsworth Town of The Blue Mountains
County of Simcoe	Township of Clearview
County of Dufferin	Town of Mono Township of Mulmur
Bruce County	Town of South Bruce Peninsula Municipality of Northern Bruce Peninsula

Note: Portions of the Municipality of Melancthon in the County of Dufferin are in NEC Development Control but are not within the NEP Area.

Appendix 2: Map of the Niagara Escarpment Plan Area



Appendix 3: Niagara Escarpment Commission Order in Council Appointments

The following table contains information about the Niagara Escarpment Commission Members, effective as of March 31, 2024.

Commissioner Name	Municipal/Public at-large	Region/County/City	Term Expiry
Laurie Golden	Municipal	Bruce County	December 31, 2026
Dane Nielsen	Municipal	Grey County	December 31, 2026
Doug Measures	Municipal	Simcoe County	December 31, 2026
Gail Little	Municipal	Dufferin County	December 31, 2026
Lynn Kiernan	Municipal	Peel Region	December 31, 2026
Gord Krantz	Municipal	Halton Region	December 31, 2026
Matt Francis	Municipal	City of Hamilton	December 31, 2026
Albert Witteveen	Municipal	Niagara Region	December 31, 2026
Jim Collard (Chair)	Public at-large	N/A	June 30, 2024
Johanna Chevalier	Public at-large	N/A	May 10, 2026
Michael Curley	Public at-large	N/A	October 30, 2024
Gord Driedger	Public at-large	N/A	April 24, 2025
Ron Gibson	Public at-large	N/A	July 1, 2025
David Hutcheon	Public at-large	N/A	April 24, 2025
Ken Lucyshyn	Public at-large	N/A	April 23, 2025
Duncan McKinlay	Public at-large	N/A	November 30, 2025

Commissioner Name	Municipal/Public at-large	Region/County/City	Term Expiry
Jennifer Vida	Public at-large	N/A	January 13, 2026

Appendix 4: Per Diems of NEC Commissioners

NEC Commissioners receive a per diem of \$472 per Commission meeting. Commission members are paid equivalent to a full day to attend the meeting, and equivalent to a 1/2 day to review the materials.

Meeting Date	04/27/20 23	05/25/20 23	06/15/20 23	07/20/202 3	08/17/20 23	09/14/202 3	10/19/202 3	11/16/202 3	12/14/20 23	01/18/202 4	02/15/20 24	03/21/2 024	TOTAL
Length of meeting			¼ day		½ day				½ day		½ day	½ day	
Laurie Golden	\$708	\$708	\$236	\$708	\$472	\$0	\$708	\$708	\$472	\$708	\$472	\$472	\$6,372
Doug Measures *	\$0	\$0	\$236	\$708	\$472	\$0	\$708	\$708	\$472	\$708	\$0	\$472	\$4,484
Dane Nielsen *	\$708	\$708	\$236	\$708	\$472	\$708	\$708	\$708	\$0	\$708	\$0	\$472	\$6,136
Gail Little*	\$0	\$0	\$0	\$0	\$472	\$708	\$708	\$708	\$472	\$708	\$472	\$472	\$4,720
Lynn Kiernan*	\$0	\$0	\$0	\$0	\$472	\$708	\$0	\$708	\$472	\$708	\$472	\$472	\$4,012

Meeting Date	04/27/2023	05/25/2023	06/15/2023	07/20/2023	08/17/2023	09/14/2023	10/19/2023	11/16/2023	12/14/2023	01/18/2024	02/15/2024	03/21/2024	TOTAL
Gord Krantz	\$708	\$708	\$236	\$708	\$472	\$708	\$708	\$708	\$472	\$708	\$472	\$0	\$6,608
Matt Francis*	\$0	\$708	\$236	\$708	\$472	\$708	\$708	\$708	\$472	\$708	\$0	\$472	\$5,900
Albert Witteveen	\$708	\$708	\$236	\$708	\$472	\$708	\$708	\$708	\$472	\$708	\$472	\$472	\$7,080
Johanna Chevalier*	\$0	\$0	\$236	\$708	\$472	\$708	\$708	\$708	\$472	\$708	\$0	\$0	\$4,720
Michael Curley	\$708	\$708	\$236	\$708	\$472	\$708	\$472	\$708	\$472	\$708	\$472	\$472	\$6,844
Gord Driedger	\$708	\$708	\$236	\$708	\$0	\$0	\$0	\$708	\$472	\$0	\$472	\$472	\$4,484
Ron Gibson	\$708	\$708	\$236	\$708	\$0	\$708	\$708	\$708	\$472	\$708	\$472	\$472	\$6,608
David Hutcheon	\$708	\$708	\$236	\$708	\$472	\$708	\$708	\$708	\$472	\$708	\$472	\$472	\$7,080

Meeting Date	04/27/2023	05/25/2023	06/15/2023	07/20/2023	08/17/2023	09/14/2023	10/19/2023	11/16/2023	12/14/2023	01/18/2024	02/15/2024	03/21/2024	TOTAL
Ken Lucyshyn	\$708	\$708	\$236	\$708	\$472	\$708	\$708	\$708	\$472	\$708	\$472	\$472	\$7,080
Duncan McKinlay	\$708	\$708	\$236	\$708	\$472	\$708	\$708	\$708	\$472	\$708	\$472	\$472	\$7,080
Jennifer Vida	\$708	\$708	\$236	\$708	\$472	\$708	\$708	\$0	\$472	\$708	\$472	\$472	\$6,372
Chair Rob Nicholson	\$1,488	\$1,488	\$372	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,348
Chair Jim Collard*	\$0	\$0	\$0	\$1,488	\$1,116	\$1,488	\$1,488	\$2,232	\$744	\$1,488	\$744	\$744	\$11,532
Total of per diems per meeting	\$9,276	\$9,984	\$3,676	\$11,400	\$7,724	\$10,692	\$11,164	\$12,852	\$7,824	\$12,108	\$6,408	\$7,352	\$110,460

Note: Doug Measures, Dane Nielsen, Gail Little, Lynn Kiernan, Matt Francis, Johanna Chevalier, and Jim Collard were appointed as Commissioners after April 1, 2023.