

FINDING THE BALANCE

Evolving Provincial & Municipal Governance of Nutrient Management

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Final Report
May 31, 2006



Submitted to
Ontario Pork



RESEARCH SUMMARY

The Nutrient Management Act (NMA) represents a major shift in how Ontario manages the siting and expansion of livestock facilities—moving authority from municipalities to the province.

This research tracked how municipalities are responding to this transition, identified key challenges and successes, compared approaches in Alberta and Michigan, and provided recommendations to strengthen the provincial-municipal relationship—protecting both agriculture and the environment.



WHY THIS RESEARCH MATTERED



Creates a “level playing field” for agriculture across Ontario.



Addresses tensions between municipal by-laws and provincial regulation.



Explores lessons from Alberta and Michigan where authority has shifted.



Supports both a strong agriculture sector and a healthy environment.



THE GOVERNANCE SHIFT

BEFORE NUTRIENT MANAGEMENT ACT (pre-2003)

Municipalities regulated livestock facilities through local by-laws.



AFTER NUTRIENT MANAGEMENT ACT

Province has authority for siting, monitoring and enforcement of new and expanding livestock facilities (300+ Nutrient Units).



Section 61(1): Where a provincial regulation and a municipal by-law deal with the same subject matter, the provincial regulation prevails. (Planning Act & Municipal Act)



WHAT THE RESEARCH FOUND (2006 SURVEY RESULTS)



82%

of municipalities said they would refer the application to OMAFRA when provincial approval applies and the local by-law covers the same subject matter.



Nearly half of municipalities had taken no action on their original by-law by 2006.

● No action taken	47%
● Reviewed by-law	31%
● Amended / New by-law	11%
● Repealed by-law	11%



FINDING THE BALANCE: KEY TAKEAWAYS

- ✓ Clear communication between province and municipalities is essential.
- ✓ Provide guidance and training for municipal staff.
- ✓ Streamline application processing and track outcomes.
- ✓ Respect local input while ensuring province-wide consistency.

