



Section:	DEVELOPMENT REGULATIONS		
Title:	DEVREG-04: Process for Administrative Review Under Section 8 of O. Reg. 41/24		
Resolution	#100/24	Approval Date:	September 25, 2024
Revisions			

1.0 Background

On April 1, 2024 the Province enacted Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits (O. Reg. 41/24 or the “Regulation”), and associated sections of the [Conservation Authorities Act](#) (CAA). Section 8 of the Regulation establishes the eligibility, timeline, and notification requirements for an applicant to request a review of their permit application by the Authority. Section 12, item 2 of the Regulation requires all Conservation Authorities (CAs) to develop policies and procedures for the administrative review process and sets out minimum requirements to be incorporated into a CA’s policy and procedure document(s).

2.0 Purpose of and Administrative Review

The purpose of an administrative review is to provide the applicant with an opportunity to resolve issues specified in ss. 8 (1) of the Regulation.

Administrative reviews do not determine whether a permit will be issued, or the scope of conditions proposed to be attached to a permit; these factors will be assessed throughout the permit review process, after the administrative review is complete. An applicant will be provided with an opportunity to be heard by the Authority in a hearing should staff recommend refusal of their application or should staff propose permit conditions the applicant disagrees with.

Additionally, administrative reviews are not intended to be a procedure to settle permit fee disputes. Disputes related to the charging of the Authority’s permit fees will be addressed in accordance with the Authority’s fee policy (FIN-08: Fee Policy).

3.0 Pre-submission Consultation

The Authority recommends that pre-submission consultation occur for the purpose of confirming the requirements of a complete application to obtain a permit.

Pre-submission consultation should occur as a meeting between Authority staff, the applicant, and the municipality and/or other regulating agencies (if applicable), prior to application submission. This meeting may occur prior to or at the same time as a site visit to the property where the activity is proposed to be carried out.

Pre-submission consultation is a critical value-added service that assists applicants with the application process. After the pre-submission consultation meeting, the CA will provide the applicant with complete application requirements, scoping of required studies and inform the applicant of their right to an administrative review. A successful pre-submission consultation should result in a quality submission where the CA's complete application requirements are met; thereby reducing the potential for an administrative review request.

Where an application has been submitted without pre-consultation, complete application requirements will be communicated to the applicant, in writing, during the 21 days allotted for a complete application decision.

4.0 Complete Application Requirements

The Authority's complete application requirements are in accordance with s. 7 (1) and (2) of O. Reg. 41/24 and are outlined in the Authority's Complete Application Policy (DEVREG-05).

5.0 Eligibility

Requests for administrative review apply to applications made under s. 28.1 of the *Conservation Authorities Act*. Administrative reviews undertaken by the Authority (or its delegate) shall be conducted under the following circumstances:

- 1) The applicant has not received written confirmation from the Authority within 21 days upon submission of the application and fee in accordance with the Authority's Complete Application Policies; or,
- 2) The applicant disagrees with the Authority's determination that the application for a permit is incomplete; and/or,
- 3) The applicant is of the view that the request for other information, studies or plans is not reasonable.

The administrative review process is not available where the development activity has commenced without the necessary CA permits in place.

6.0 Timeline for Review

Administrative reviews are completed within 30 days of receipt of a requested review. However, there may be extenuating circumstances where it is not possible to complete the administrative review within 30 days. In these cases, the Authority (or its delegate) will provide notice to the applicant of any anticipated delays and obtain written approval of the applicant to extend the timeline, if feasible.

7.0 Authority (or Delegate) Powers

Subsection 8(2) of the Regulation establishes the outcome of an administrative review; being that the Authority (or its delegate) must:

- (a) confirm that the application meets the requirements for a complete application; or provide reasons why the application is incomplete; and/or,
- (b) provide reasons why a request for other information, studies or plans is reasonable or withdraw the request for all or some of the information, studies, or plans.

Section 28.4 of the *Conservation Authorities Act* enables an Authority to delegate any of its s. 28.1 powers related to the issuance or cancellation of permits or to the holding of hearings in relation to the permits to its executive committee or to any other person or body subject to limitations or requirements prescribed by regulation. As such, the Authority delegates the above administrative review powers to the Chief Administrative Officer (as outlined in the Authority's Rules of Procedure for Application Review and Approval, Section 4.4).

8.0 Submitting a Request for Administrative Review

The administrative review process must be commenced by the applicant by notifying the Authority in writing via email to info@lakeheadca.com, or delivering a copy of the request to the Authority office, addressed to the Chief Administrative Officer.

The applicant can obtain the "Request for Administrative Review" form from the Authority's website www.lakeheadca.com, or they can request a paper copy. Upon submission of the completed form and permit application fee, the delegated Authority staff member will commence the administrative review.

9.0 Administrative Review Process

Upon receipt of a completed "Request for Administrative Review" form, the Authority (or delegate) shall review all the information provided through the submission as well as all information available on the application in question. The Authority (or its delegate) may also reach out to the applicant for clarification or questions regarding their request for administrative review.

The Authority (or its delegate) will evaluate the request for administrative review in accordance with s. 9.1 below.

9.1 Evaluation Criteria

The Authority (or delegate) shall evaluate the request for administrative review in accordance with the following standards:

- 1) That the request for review meets the eligibility criteria outlined in section 5 of these policies.

- 2) That the application and/or the requests for information, studies and plans by the CA are consistent with the requirements of the *Conservation Authorities Act* and O. Reg. 41/24.
- 3) That the applicant has submitted all information detailed in the Complete Application Policy (DEVREG-05);
- 4) To determine if the CA's request for other information, plans and studies is reasonable, the request must be made in accordance with the LRCA's Development Regulation Policies (DEVREG-06) for the proposed project, and the request is consistent with similar application requirements within the watershed.

10.0 Decision

The decision for an administrative review is limited to determining a complete application and / or whether the request for all or some of the information, studies or plans is reasonable; it is not a decision as to whether or not to issue a permit, nor a process to settle permit fee disputes. The administrative review decision of the Authority (or its delegate) is final.

Upon completing the administrative review, the Authority (or delegate) will notify the applicant of the decision in writing, which must:

- Confirm that the application meets the Authority's complete application requirements,
- Withdraw the request for all or some of the information, studies or plans (if applicable),
- Provide reasons why the application is incomplete; and/or,
- Provide reasons why requests for other information, studies or plans are reasonable.

A copy of or link to the CAs policy and decision-making framework will be included in the decision notice.

11.0 Notice and Communication

The Authority (or delegate) shall provide the following correspondence in writing to the applicant:

- 1) Within 1-2 business days, upon receipt of a "Request for Review" form, confirm the receipt of the request, set out the start and end dates of the administrative review period (requests for administrative review shall be completed within 30 days upon receipt of the request, unless an extension is approved by the applicant); and,
- 2) Forthwith, upon completion of the review, provide notice of decision, with reasons.

12.0 Administrative Review Policy - Updates

The Authority will review and update the Administrative Review Policies consistent with the CAs (Service Delivery Standards for Administration of Ontario Regulation 41/24). Draft updates to the

policies will be posted on the CA's website for a minimum of 30 days for stakeholder and public consultation in advance of consideration by the Authority's Members.

Attachments:

- ***Request for Administrative Review Form*** under s. 8 of O. Reg. 41/24 made under the *Conservation Authorities Act*
- ***Notice of Decision – Request for Review*** (Request for Review under s. 8 of O. Reg. 41/24 made under the *Conservation Authorities Act*)



Request for Administrative Review Form
Under Section 8 of O. Reg. 41/24

130 Conservation Road, P.O. Box 10427, Thunder Bay, ON P7B 6T8
Telephone 344-5857, Fax 345-9156, Email: info@lakeheadca.com, www.lakeheadca.com

Office Use Only
Application #
Date received:

08.29.24

Date of Request							
SECTION 1- Applicant Information/Project Location							
Applicant Information:							
Name:							
Organization/Company (if applicable)							
Mailing Address:		Postal code:					
		Fax:					
Email:		Telephone:					
		Cell:					
Subject Property Location: Same as above : <input type="checkbox"/>							
Municipal Address:							
Municipality:							
Legal Address: (if no fire number issued)		Lot:		Concession:		Registered Plan:	

In accordance with the LRCA's Process for Administrative Review Policy, a request for administrative review applies to permit applications made under Section 28.1 of the *Conservation Authorities Act*, and under the following circumstances. Check all that apply:

- I [the applicant] believe I have submitted all information required for a complete application and I have not received written confirmation from the Authority within 21 days upon submission of the application. I would like confirmation from the Authority that my application has been received by this office and is complete.

The permit application for my proposed project was submitted on
[Date:] _____.

- I [the applicant] disagree with the Authority's determination that the application for my permit is incomplete.

Please explain:

I [the applicant] am of the view that the Authority's request for other information, studies or plans is not reasonable.

Please explain:

The proposed project has not commenced. **YES/NO**

I have paid the CA permit application fee for the proposed project. **YES/NO**

Signature of Applicant

Date

To be completed by LRCA upon receipt of form:

Signature of LRCA Chief Administrative Officer

Date Received



130 Conservation Road, PO Box 10427
Thunder Bay, ON P7B 6T8
Phone: (807) 344-5857 | Fax: (807) 345-9156

Date

Recipient Name

Recipient Position/Organization

Address 1

Address 2

Re: Notice of Decision: Request for Administrative Review
Permit Application **No. xx**

The Authority carried out an administrative review of your permit application to undertake (description of proposed project) at (legal property description). As per your request, the administrative review was based on the following grounds *(insert those that apply)*:

- The applicant submitted all the information required for a complete application on (date); and did not receive notice of a complete application from the Authority within 21 days.
- The applicant disagrees with the Authority's determination that the application for a permit is incomplete; and/or,
- The applicant is of the view that the request by the Authority for other information, studies or plans is not reasonable.

The CA's complete application requirements are established in accordance with s. 7(1) of O. Reg. 41/24 and are outlined in *(refer to the CAs policy for complete application requirements)*.

Decision

The Administrative review commenced on **[start date]** and was completed on **[completion date]** and was conducted in conformity with the CA's Administrative Review Policies. Based on a review of the information provided through the review process, the Authority) reached the following decision *(insert those that apply)*:

- The application is complete.
- The application is incomplete.
- The request for other information, studies or plans is reasonable; and/or,

- The Authority will be withdrawing the request for other information, studies or plans *(reasons provided at the discretion of the CA)* Information to be withdrawn:

Reasons for Decision

[This paragraph: CA to provide detailed, clear and concise reasons for deciding against the opinion of the applicant. Provide a link to applicable policy on the CAs website. The reasons must be well documented should the review decision be subject to judicial review at the Superior Court.]

Next Steps

[Provide information on what next steps should be. i.e. information required to complete the application., etc.]

Conclusion

This document serves as the record of the Administrative Review decision under s.8 (2) of O. Reg. 41/24 made under the *Conservation Authorities Act*. The Authority’s administrative review decision is final. Should you have any questions, please contact the undersigned.

Yours truly,

Tammy Cook
Chief Administrative Officer