

# Section 28 (12) Conservation Authorities Act Hearing Guidelines

## Lakehead Region Conservation Authority

Version 2



Version	Approval Date	Resolution #
1.0	June 25, 2014	91/14
1(a)	July 17, 2018 (Mining Lands Tribunal change)	
2	October 28, 2020	87/20

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## **1 Introduction**

### **1.1 Application**

These guidelines apply to Hearings before Lakehead Region Conservation Authority under Subsection 28(12) of the *Conservation Authorities Act*.

### **1.2 Conflict with Legislation**

Where these Guidelines are in conflict with any applicable Statute or Regulation, the Act or Regulation governs.

### **1.3 Statutory References**

These Guidelines contain summaries of and other references to Statutes and Regulations for the purpose of convenience. For accurate reference, the official version of the legislation should be used.

## **2 Interpretation**

### **2.1 Definitions**

In these Guidelines,

“Authority” means The Lakehead Region Conservation Authority.

“Chair” means the Chair of the Authority or, in the context of a Hearing Event, the person who acts as chair for purposes of the Hearing Event.

“Hearing Event” means a procedure held by the Authority at any stage of a proceeding and includes a motion, pre-hearing conference and Hearing whether in the form of an Oral Hearing, Electronic Hearing or Written Hearing.

“Member” means a member of the Authority.

“Oral Hearing” means a Hearing Event at which the parties or their counsel or representatives attend before the Authority in person.

“Participant” means a person who wishes to make a statement to the Authority at a Hearing but who does not wish to participate fully throughout the Hearing and may attend only part of the Hearing.

“Party” means a person who will fully participate in the proceedings and who may present evidence, cross examine witnesses and make submissions. Party status does not confer a right to Appeal a decision of the Authority unless specially permitted under the relevant Statute or Regulation.

“person” includes a corporation.

“Written Hearing” means a Hearing Event by means of the exchange of documents whether in written form (hard copy) or by electronic means.

## ***2.2 Authority and Staff***

Unless the context requires otherwise in these Rules or in the Hearing Guidelines, reference to the “Authority” or the “Authority Members” means the Lakehead Region Conservation Authority as a corporate body carrying out its mandate, including when sitting as a Hearing Board hearing applications for permission.

Reference to “Staff” in these procedures Guidelines means those employees at the Authority who have been designated by the Authority to exercise the powers and perform the duties referred to.

## **3 General**

### ***3.1 Interpretation of Guidelines***

These Guidelines shall be liberally interpreted to secure a just, fair, expeditious and cost-effective determination of every proceeding.

### ***3.2 Matters not dealt with in the Guidelines***

The Authority may at anytime in a proceeding make orders with respect to the procedure and practices that apply in the proceeding. If these Guidelines do not provide for a matter of procedure, the Authority may do whatever is necessary and permitted by law to enable it to adjudicate effectively and completely on any matter before it. Without limiting the foregoing, the Authority may follow the Procedural Guidelines for Hearings before the Mining and Lands Tribunal when exercising the authority, power and duties of the Minister under Subsection 28(5) of the Conservation Authorities Act or the Rules of Civil Procedure where appropriate.

### ***3.3 Technical Objections***

Substantial compliance with the requirement of these Guidelines is sufficient.

### ***3.4 Authority May Exempt from the Guidelines***

The Authority may grant all necessary exceptions from these Guidelines or from a Procedural Order, or grant other relief as it considers appropriate to ensure that issues are dealt with in a just, fair, expeditious and cost-effective manner.

### ***3.5 Extension or Reduction of Time***

The Authority may extend or reduce any time required in these Guidelines.

### ***3.6 Effective Date***

These Guidelines come into effect when approved by a Resolution of the Authority and replace any previous guidelines, protocols, procedures and policies relating to Hearing Events

### ***3.7 Amendments to Guidelines***

Amendments to these Guidelines must be approved by a Resolution of the Authority.

## **4 Pre-Hearing Procedures**

### ***4.1 Pre-Hearing Documentation***

Staff will prepare a pre-Hearing package which will be provided to the Applicant with sufficient time to allow the Applicant to prepare for the Hearing. Applicants will be given a minimum of four weeks prior to the Hearing to prepare a report outlining their positions, unless the Applicant is agreeable to a shorter notification period. When possible, the applicant will be consulted to determine an agreeable date and time based on the regular Authority Meeting schedule or at a Special Meeting of the Authority if warranted. If the meeting will be held electronically, the manner in which the Hearing will be held will be provided.

Written Applicant reports must be received at the Authority office a minimum of two weeks prior to the scheduled Hearing otherwise the Hearing may proceed without an Applicant report or be re-scheduled to a later date in order to facilitate a fair Hearing and avoid surprise, in the discretion of the Authority.

The pre-Hearing package will be either delivered personally or sent by mail, fax or email to the Applicant and will consist of the following documents signed by the Chief Administrative Officer:

- Cover Letter
- Notice of Hearing
- Summary of Hearing Procedures
- Staff report which will include an outline of the proposal, investigative procedure and Staff recommendation to either approve or deny the application, with or without conditions.

Pre-Hearing templates are included in Appendix A.

The Authority Members will receive a copy of the Hearing Procedures and Staff Report within their regular Board Meeting Agenda. They will also receive a copy of any submitted reports prepared by the Applicant.

If the Applicant is not the landowner, but a prospective owner, the Applicant must have the written authorization of the registered landowner

#### ***4.2 Disclosure***

The Authority may, at any stage of the proceedings make orders for:

- (a) the exchange of documents;
- (b) the oral or written examination of a party;
- (c) the exchange of witness statements and reports of expert witnesses;
- (d) the provision of particulars;
- (e) any other form of disclosure.

An order for disclosure cannot require the disclosure of privileged information

#### ***4.3 Pre-Hearing Conferences***

The Authority may direct the parties to participate in a pre-hearing conference to consider:

- (a) the settlement of any or all of the issues;
- (b) the simplification of the issues;
- (c) facts or evidence that may be agreed upon;
- (d) the dates by which any steps in the proceeding are to be taken or begun;



- (e) the estimated duration of the hearing; and
- (f) any other matter that may assist in the just and most expeditious disposition of the proceeding.

The Chair may designate a Member of the Authority or any other person to preside at the pre-hearing conference.

A Member who presides at a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the proceeding, including adding parties.

A Member who presides at a pre-hearing conference at which the parties attempt to settle issues shall not preside at the Hearing of the proceeding unless the parties consent.

## 5 Hearings

Applicants for Permits under Regulation 180/06 have a right to require a Hearing under Subsection 28(12) of the *Conservation Authorities Act*.

The following list of circumstances will require that the Application is brought to the Authority for a Hearing:

- The Authority refers the Application to a Hearing;
- The Applicant requests a Hearing because:
  - (a) Staff are recommending refusal of the Application; and/or
  - (b) the Applicant objects to the proposed conditions of approval.

When Hearings are required, the Authority, acting as the Hearing Board will act as the decision-making tribunal. The Authority is empowered by law to make a decision, and is governed by the *Statutory Powers Procedures Act*. It is the purpose of the Authority to evaluate the information presented at the Hearing by both the Conservation Authority Staff and the applicant and to decide whether the application will be approved with or without conditions or be refused. A Permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, erosion, pollution, dynamic beaches or conservation of land.

Hearings will be held during the Authority regularly scheduled Board Meetings or at a Special Meeting.

The Chief Administrative Officer may obtain legal advice and request the solicitor's attendance at the Hearing if deemed necessary.

The Hearing does not address the merits of the activity or appropriateness of a proposed development in the context of planning under the *Planning Act*. The Hearing Board is to determine whether or not the proposed development will affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land and whether a Permit should be granted for it.

As provided in Subsection 28(13) of the *Conservation Authorities Act*, after holding a Hearing, the Authority shall:

- refuse permission,
- grant the permission with conditions, or
- grant the permission without conditions.

## **6 Conducting a Hearing**

### **6.1 Public Hearing**

Pursuant to the *Statutory Powers Procedure Act*, Hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance will be synchronous with the hearing. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that public security, intimate financial, personal or other matters would be disclosed at hearings.

Electronic hearings are permitted and must follow all procedures outlined in Appendix "A". Electronic hearings must permit all participants to communicate adequately with each other during the hearing. For open electronic meetings, the public must be able to attend the hearing electronically and be able to observe all that participants can hear and see at the hearing.

### **6.2 Hearing Procedure**

The Hearing will generally follow the procedures outlined in Appendix "A".

### **6.3 Parties and Participants**

The Authority may grant a person status as a Party or Participant at the Hearing.

In making such a determination the Authority may consider, among other things, the following:

- (a) Does the person have an interest in the subject matter of the proceeding?
- (b) Might the person be adversely affected by the decision?
- (c) Is there a question of law or fact involved in the hearing which is common to a matter involving the person, the Applicant and the Authority?
- (d) Is the interest of the person substantial?
- (e) Is there a public interest in permitting the participation?
- (f) Will permitted participation cause undue delay?

#### ***6.4 Attendance of Hearing Board Members***

Except with the consent of the Applicant or in extraordinary circumstances as determined by the Authority, such as the death of a Member, those Members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the Hearing. If it is necessary for a Member to leave the Hearing, it shall be adjourned until the Member returns, provided that if in the opinion of the Authority it is not possible or practical for such Member to continue to participate or if the Applicant consents, the Hearing may be continued by those remaining who had been Members present at the Hearing.

#### ***6.5 Adjournments***

The Authority may adjourn a Hearing on its own motion or that of the Applicant or Authority Staff where it is satisfied that an adjournment is necessary for an adequate Hearing to be held.

If the Authority requires additional information; the Hearing may be adjourned pending clarification or acquisition of details requested. Where practical the time and date for recommencement of the Hearing will be specified in the adjournment resolution.

Any adjournments shall be noted in the Hearing record. For electronic meetings, the Authority is not considered adjourned unless any member departs due to technical issues for more than 15 minutes.

#### ***6.6 Orders and Directions***

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its Hearing processes.

If the applicant has any questions to ask of the Authority, he/she is free to do so, provided all questions are directed to the Chair.

Pursuant to the *Statutory Powers Procedure Act*, the Board may limit questioning where it is satisfied that there has been full and fair disclosure of the relevant facts. Questions may be limited by the Chair where questioning has clearly gone beyond reasonable or proper grounds or the subject matter is irrelevant, inadmissible or repetitive.

### ***6.7 Evidence under Oath or Affirmation***

Evidence presented at the Hearing will be informal and will not be presented under oath or affirmation unless decided by the Hearing Members.

### ***6.8 Copies of Documents***

The Authority may receive a copy rather than the original document; provided that, it may require copies of the document certified or authenticated in such manner as the Authority may determine.

### ***6.9 Privilege, Hearsay***

Privileged information, such as solicitor/client correspondence, cannot be heard. Second hand information (hearsay), if relevant to the issues of the Hearing, may in the discretion of the Authority be heard and the Authority will determine the weight to be assigned to it.

### ***6.10 Judicial Notice***

The Authority may take into account matters of common knowledge such as geographic or historic facts, times, measures, weights, and generally recognized scientific or technical facts, information or opinions or matters within its specialized knowledge without hearing specific evidence to establish their truth.

### ***6.11 Authority Representative***

Prior to the Hearing the Chief Administrative Officer will appoint a representative (i.e. Staff member or legal counsel) to represent the Authority during the Hearing. The representative will present the information (i.e. Staff Report or any other material) on behalf of the Authority and ask questions on behalf of Authority Staff.

### ***6.12 Record of Attending Hearing Board Members***

Minutes of the Hearing will be recorded including the names of the members of the Hearing Board, Authority Staff, Applicant and others participating in the Hearing.

### ***6.13 Opening Remarks***

The Chair shall convene the Hearing by making the Chair's remarks, a sample of which is attached as Appendix B. In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

### ***6.14 Conflict of Interest Declaration***

The Chair will ask the Members of the Hearing Board whether or not they have a conflict of interest to declare. Members declaring a conflict of interest will not participate in the Hearing.

### ***6.15 Introduction of Applicant***

The Applicant/owner, his/her agent and others wishing to speak will identify themselves and declare whether they support or oppose the Application.

### ***6.16 Requirements for Applicant Evidence***

The Applicant and his and/or her agent will present evidence related to the Applicant's position regarding the permit in question.

Consideration must be given to the effect the proposed activity would have on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land and other matters relevant to the Application and the requirements of the *Conservation Authorities Act* and the Regulations thereunder.

The Applicant may be represented by legal counsel or an agent, if desired.

The Applicant may present evidence in the Hearing personally and may call expert and other witnesses.

### ***6.17 Deliberation***

The Authority may discuss and vote on the application in open session to provide a timely and transparent decision or it may move into in-camera or reserve its decision if deemed appropriate.

If the Authority determines that additional time is required to confer, it may reserve its decision to be delivered at a future sitting of the Authority or it may be provided to the Parties in writing.

The Board members shall not discuss the Hearing with others prior to the decision of the Board being finalized.

### ***6.18 In-Camera Session of the Board***

If deemed appropriate the Authority may pass a resolution to move into an in-camera session to discuss the Hearing proceedings in private. The in-camera portion of the Hearing will be closed to the public and the Applicant. The Authority will pass a resolution to move out of in-camera and then will move out of the In-Camera Session.

### ***6.19 Hearing Decision***

A resolution will be tabled, and the Authority will pass a resolution issuing a decision to:

- refuse permission,
- grant the permission with conditions, or
- grant the permission without conditions.

If the decision is “to refuse”, the Chair will notify the Applicant of his or her right to appeal the decision to the Mining and Lands Tribunal within 30 days of receipt of the decision.

### ***6.20 Corrections in Decision***

The Authority may, at anytime and without prior notice, correct a typographical error, a calculation error, a misstatement, a technical error, ambiguity or failure to pronounce on a matter that should have been provided for in the decision.

## 7 Post-Hearing Procedures

After the completion of the Hearing a post-Hearing package will be prepared by Staff. The post-Hearing package will consist of:

- Cover letter
- Notice of Decision
- Reason for Decision
- Record of Decision
- Permit, if approved.
- Copy of Board Resolution.

Post-Hearing templates are attached in Appendix C.

The post-Hearing package will be mailed by regular or registered mail, personally delivered or sent by e-mail or fax to the Applicant and to any other Parties to the Hearing.

## 8 Appeals

Subsection 28(15) of the *Conservation Authorities Act* provides that a person who has been refused permission or who objects to the conditions imposed on a permission may, within 30 days of receiving the reasons may appeal to the Minister of Natural Resources and Forestry. Further to passage of the *Building Better Communities and Conserving Watersheds Act, 2017* effective April 3, 2018 this appeal has been assigned to the Mining and Lands Tribunal through Order in Council 332/2018. The Mining and Lands Tribunal is part of the Environment and Land Tribunal Cluster (ELTO) of the Ministry of the Attorney General. The Mining and Lands Tribunal may: refuse the permission; or, grant the permission, with or without conditions.

In the event of an Appeal, a copy of the Hearing Record will be forwarded by Authority Staff to the Mining and Lands Tribunal. The record will include the following:

1. The completed Application Form
2. The Notice of Hearing
3. Any orders made by the Board (e.g. for adjournments, disclosure)
4. All evidence filed with the Board at the Hearing
5. The decision and reasons for decision of the Board
6. The Notice of Decision sent to the applicant.

# **Appendix A: Pre-Hearing Templates**



Date

Name

Address

Thunder Bay, ON

Address

Dear Name:

**Re: Conservation Authorities Act 28(3)  
Development, Interference with Wetlands and Alterations to Shorelines and Watercourses  
Application # #/20  
Municipal Address – Project Description**

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Enclosed is Notice of the Hearing which will be held by the Lakehead Region Conservation Authority on **date**, commencing at 4:30 p.m. at the Administrative Office located at 130 Conservation Road (**for electronic hearings, includes details about the manner in which the hearing will be held**) related to your application. You may appear in person or be represented by counsel to support your application.

The following documents relating to the Hearing are enclosed:

- (a) Hearing Guidelines; and
- (b) Hearing Procedure Summary

It is recommended that you prepare a report outlining your position which will be provided to the Authority prior to the Hearing. All reports must be received at the Administrative Office prior to **date**, in order to be included in the Hearing filings. Neither Staff nor the applicant will be able to present new material at the Hearing without special permission from the Authority, so it is important that your report be thorough and complete (**for electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice**) please contact the undersigned.

It is the Staff's opinion that the proposed project **will/ will not** adversely affect the control of flooding, erosion, pollution, dynamic beaches or conservation of land; therefore, staff are recommending **approval/denial** of the application to the Board of Directors with the following conditions in addition to the standard conditions which you approved in making the Application.

**Conditions:**

- 1.

This information is current as of this date and accurate to the best of our knowledge. Our opinion may be amended as more accurate data becomes available.

If you should have any questions, please feel free to call our office.

Yours truly,

Tammy Cook  
Chief Administrative Officer

/mds

Enclosure(s)

# LAKEHEAD REGION CONSERVATION AUTHORITY

130 Conservation Road, P.O. Box 10427, Thunder Bay, Ont. P7B 6T8 Phone 344-5857

## IN THE MATTER OF

THE CONSERVATION AUTHORITIES ACT, R.S.O. 1990, CHAPTER C27 AS AMENDED;

## AND IN THE MATTER OF AN APPLICATION

BY: **Name**

FOR: **Project**

IN RESPECT OF THE FOLLOWING PROPERTY:

**Legal Address**

**Legal Address**

**Legal Address**

FOR THE PERMISSION OF THE LAKEHEAD REGION CONSERVATION AUTHORITY PURSUANT TO A REGULATION MADE UNDER SECTION 28 OF SAID ACT.

## NOTICE OF HEARING

**TAKE NOTICE** THAT A HEARING BEFORE THE LAKEHEAD REGION CONSERVATION AUTHORITY WILL BE HELD UNDER SECTION 28 (12) OF THE CONSERVATION AUTHORITIES ACT AT THE OFFICES OF SAID AUTHORITY AT 130 CONSERVATION ROAD, THUNDER BAY, ONTARIO (**for electronic hearings include details about the manner in which the hearing will be held**) AT THE HOUR OF 4:30 P.M. ON **September 23, 2020** WITH RESPECT TO THIS APPLICATION:

Application **#/20**

**AND FURTHER TAKE NOTICE** THAT IF YOU DO NOT ATTEND AT THIS HEARING, THE LAKEHEAD REGION CONSERVATION AUTHORITY MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

**DATED** THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

DELIVERED

LAKEHEAD REGION CONSERVATION AUTHORITY

PER: \_\_\_\_\_

TAMMY COOK

CHIEF ADMINISTRATIVE OFFICER

**LAKEHEAD REGION CONSERVATION AUTHORITY**

130 Conservation Road, PO BOX 2476, Thunder Bay ON P7B 5J9 Phone: 344-5857

**HEARING PROCEDURE**

**IN THE MATTER OF**

THE CONSERVATION AUTHROITIES ACT, R.S.I. 1990, CHAPTER C27 AS AMENDED

**AND IN THE MATTER OF AN APPLICATION FOR PERMISSION**

BY: \_\_\_\_\_

FOR: \_\_\_\_\_

IN RESPECT OF THE FOLLOWING PROPERTY: \_\_\_\_\_

\_\_\_\_\_

**DATED THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_ **AT THUNDER BAY IN THE DISTRICT OF THUNDER BAY**

The following is a guideline for the information of the Parties as to the order of proceedings generally followed by the Authority. The Authority has the right to vary the proceeding process so as to achieve a fair and expeditious hearing.

**Order of Proceeding**

1. Roll Call. For electronic hearings the Chair shall ensure that all parties and the Authority are able to clearly hear one another and witnesses throughout the Hearing.
2. Chair's opening remarks which may include, among others, the following:  
  
That the Hearing is held under Subsection 28 (12) of the *Conservation Authorities Act*.  
  
That the proceedings will be conducted according to the *Statutory Power Procedure Act* and the Authority's Guidelines.  
  
Whether or not the evidence is to be given under oath or affirmation.  
  
Whether the procedures detailed below will be relaxed or abbreviated so as to efficiently deal with the issues.  
  
That the Authority may ask questions of witnesses for clarification at any time during their evidence.
3. Conflict of interest declarations of Authority Members.
4. Parties and Authority Staff will identify themselves and state whether they support or oppose the application.
5. Preliminary, matters or motions, such as applications for party or participant status will be heard.
6. The Authority Staff representative may provide a preliminary overview of the evidence where doing so will assist in identifying the nature of the application and the issues for determination.
7. The evidence of the Applicant will be heard. As with the evidence of other witnesses, evidence in Chief will be given, followed by cross examination, if any, followed by limited re-examination or response evidence of the Applicant to explain unforeseen matters that arose during cross examination.
8. Presentation of evidence of persons in support of the application.
9. Presentation of evidence of Authority Staff and other Authority witnesses.
10. Presentation of evidence of persons opposing the application.
11. Presentation of limited reply evidence by the Applicant, responding only to matters raised by evidence of Authority or persons in opposition and which could not reasonably have been included in the Applicant's evidence in Chief.
12. Deliberation by the Authority either in open session or in camera.
13. Statement as to Authority decision or, if reserved that the decision to will be released in due course.
14. Completion and provision of post hearing documentation.



**PERMIT SUMMARY**  
**DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO**  
**SHORELINES AND WATERCOURSES REGULATION**  
**O. Reg. 180/06 as amended by O. Reg. 63/13**

**Permit No.: #/##**

<b>Type of Activity</b>	
	Construct a Building or Structure
	Place or Remove fill
	Shoreline Alteration
	Interfere with an existing watercourse
	Interfere with a Provincially Significant Wetland

<b>Permit Category</b>	
	Small Works
	Standard Works
	Large Works
	Major Works
<b>Fee</b>	\$

**Name:** Name  
Address  
Address  
Address

**Location:** Legal Address  
Legal Address  
Municipality

**Proposal Summary:**

**Summary of the Investigation Procedure:**

**Staff Recommendation:**

Prepared by:

\_\_\_\_\_  
Development Regulations Officer

Reviewed by:

\_\_\_\_\_  
Watershed Manager

# **Appendix B: Chair's Remarks**

# **LAKEHEAD REGION CONSERVATION AUTHORITY**

130 Conservation Road, P.O. Box 10427, Thunder Bay, Ont. P7B 6T8 Phone 344-5857

## **GUIDELINE FOR CHAIR'S REMARKS**

When dealing with Hearings with respect to  
Ontario Regulation 180/06 as amended by Ontario Regulation 63/13

This is a Hearing under Section 28 of the *Conservation Authorities Act* in respect of an application by \_\_\_\_\_, for permission to\_\_\_\_\_.

The Province of Ontario has made Regulations under Section 28 of the *Conservation Authorities Act* which require the permission of the Authority for where a development may affect the control of flooding, erosion, dynamic beaches, pollution or conservation of land or may involve alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposal and a copy of the Staff Report has been given to the Applicant.

The *Conservation Authorities Act* (Subsection 28 (12)) provides that:

“Permission required under a Regulation made under clause (1)(b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority’s executive committee.”

In holding this Hearing, the Authority is to determine whether or not a permit is to be issued. In doing so, we will consider the application in the form that is before us, the Staff Report, such evidence as may be given and the submissions to be made on behalf of the applicant and the Staff.

The Hearing will be conducted according to the *Statutory Powers Procedure Act* and the Authority Guidelines.

Evidence will/will not be required to be given under oath or affirmation.

As the Hearing proceeds, the procedures listed in the Hearing Procedure summary provided may be relaxed or abbreviated for efficiency.

The Authority may ask questions of witnesses for clarification at any time.

# **Appendix C: Post- Hearing Templates**

October 20, 2020

REGISTERED MAIL

Name  
Address  
Address  
Address

Dear **Name**:

**Re: NOTICE OF DECISION**  
**Hearing Pursuant to Section 28(12) of the *Conservation Authorities Act***  
**Development, Interference with Wetlands and Alterations to Shorelines and**  
**Watercourses Application # #/20**  
**Project Description**  
**Municipal Address – Municipality**  
**River Regulated Area**

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In accordance with the requirements of the *Conservation Authorities Act*, the Lakehead Region Conservation Authority provides the following Notice of Decision:

On **DATE**, the Board of Directors **refused/approved your application/approved your application with conditions**. A copy of the Board of Director's resolution # has been attached for your records. This decision is based on the following reasons:

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In accordance with Subsection 28 (15) of the *Conservation Authorities Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection 28 (14), appeal to the Minister who may refuse the permission; or grant the permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the Mining and Lands Tribunal. Should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your Appeal must be sent within 30 days of receiving this decision addressed to:

Office of the Mining and Lands Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario M5G 1E5

A carbon copy of this letter should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to call our office.



Yours truly,

Tammy Cook  
Chief Administrative Officer

/mds

Attachments: Lakehead Region Conservation Authority Resolution #  
Record of Decision  
Permit #/##

**LAKEHEAD REGION CONSERVATION AUTHORITY**

130 Conservation Road, P.O. Box 10427, Thunder Bay, Ont. P7B 6T8 Phone 344-5857

**RECORD OF DECISION**

**IN THE MATTER OF** the Conservation Authorities Act, R.S.O. 1990, Chapter 27

**AND IN THE MATTER OF AN APPLICATION**

BY: Name  
FOR: Project Description

**IN RESPECT OF THE FOLLOWING PROPERTY:**  
Legal Address  
Legal Address  
Municipality  
Regulated Area

**FOR THE PERMISSION OF THE LAKEHEAD REGION CONSERVATION AUTHORITY** pursuant to Regulations made under Section 28, Subsection 12 of the said Act

At a Hearing held before the Lakehead Region Conservation Authority, on the **DATE**, the application was **approved/denied** for the reasons outlined in the Notice of Decision.

MEMBERS OF THE TRIBUNAL WHO  
CONCUR WITH THE DECISION:

MEMBERS OF THE TRIBUNAL WHO  
DISSENT

- Grant Arnold
- Donna Blunt
- Joel Brown
- Rudy Buitenhuis
- Erwin Butikofer
- Andrew Foulds
- Trevor Giertuga
- Andrea Goold
- Umed Panu
- Jim Vezina
- Allan Vis

**DATED** THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

LAKEHEAD REGION CONSERVATION AUTHORITY

PER: \_\_\_\_\_  
Tammy Cook  
Chief Administrative Officer



130 Conservation Road, P.O. Box 10427  
Thunder Bay, Ontario, P7B 6T8  
Telephone: 344-5857; Fax: 345-9156

**Permit No. ##/20**

**Resolution # #/20**

**Permit  
Development, Interference with Wetlands and  
Alterations to Shorelines and Watercourses  
Ontario Regulation 180/06**

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This permit is issued under the authority of the *Conservation Authorities Act* and the regulations thereunder.

**Note: The issuance of this Permit does not relieve the Applicant from obtaining any other approval, authority or permission from any person or agency, nor does it relieve the Applicant from the requirements of any law relating to the operation applied for.**

This Permit is issued to:

Name of Permittee: **Name**

Post Office Address: **Address**

To conduct an operation from the **18 of May 2020**, to and including the **17 of May 2020**, on the following permit area:

**Address**

In accordance with your Application dated: **Date**

For the purpose of: **Project Description**

Subject to the following conditions:

1. The Permittee shall keep this permit or a true copy thereof on the work permit area.
2. The person in charge of the operation conducted pursuant to this Permit shall produce and show this Permit or the true copy thereof to any officer of the Lakehead Region Conservation Authority upon request.
3. Those conditions set forth on the reverse side of this Permit **and in Appendix A attached hereto.**

**N.B.**

Persons carrying on operations except as expressly permitted hereunder and in accordance herewith are guilty of an offence and on conviction liable to a fine of not more than Ten Thousand (\$10,000.00) Dollars or to a term of imprisonment of not more than three months.

Date: **Date**

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**Tammy Cook**  
**Chief Administrative Officer**  
**Lakehead Region Conservation Authority**

**Conditions**

This Permit is subject to the following:

1. The Lakehead Region Conservation Authority (the Authority) may, at any time, revoke any Permit if, in the opinion of the Authority, the conditions of the permit are not complied with.
2. The Applicant covenants to indemnify and forever save and keep harmless the Lakehead Region Conservation Authority its officers, employees and agents from and against any and all claims, demands, suits, actions, damages, loss, cost or expenses arising out of any injury to persons, including death, or loss or damage to property of others or for economic loss or in any other manner whatsoever arising out of the issuance of this Permit or out of any operation, thing done or thing omitted to be done actually or purportedly as a result of the issuance hereof.
3. This Permit shall not be assigned or transferred.
4. Upon termination of this permit, the decision to issue a new permit shall be made in accordance with Regulations pursuant to the *Conservation Authorities Act* and the permittee has no right to, nor reasonable expectation for, the issuance of a new permit based on work done pursuant hereto.
5. The operation shall be conducted in such manner as will not adversely affect the control of flooding and erosion; dynamic beaches; pollution; or the conservation of land.

The Applicant accepts the issuance of this Permit including its conditions as set out above **and in Appendix "A."**

Dated at Thunder Bay this \_\_\_\_\_ day of \_\_\_\_\_ **2020.**

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Applicant