

# Rules of Procedure for Permit Application Review and Approval

Policy: DEVREG-01

in Accordance with Ontario Regulation 41/24  
made under Section 28 of the  
*Conservation Authorities Act*

Version 5.0



**LAKEHEAD REGION**  
CONSERVATION AUTHORITY

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## Table of Contents

1	Introduction .....	1
1.1	Approval of Document.....	1
1.2	Effective Date of Document.....	1
1.3	Interpretation.....	1
2	Background .....	2
2.1	Conservation Authorities Act.....	2
2.2	History of LRCA Administration of the Regulation .....	3
3	Applicant Requirements .....	4
3.1	Application and Fees.....	4
3.1.1	Permission on land not owned by the Applicant.....	5
3.2	Pre-consultation.....	5
4	Review of Permits .....	6
4.1	Complete Application.....	6
4.2	In-Complete Application .....	6
4.3	Decision Timelines for Permits .....	6
4.4	Request for Review .....	6
5	Issuance and Extension of Permits .....	7
5.1	Delegated Approval Authority to Staff .....	7
5.1.1	Approval process to be used by Delegated Staff.....	8
5.1.2	Conditions of Permits.....	8
5.2	Mandatory Permits related to an issued Minister’s Zoning Order (MZO) .....	9
5.3	Permits Issued by the Minister .....	10
5.4	Types of Permits to be approved by formal Hearing.....	10
5.5	Permit Amendments .....	10
6	Hearings .....	11
7	Period of Validity for Permits.....	11
7.1	Permit Extensions .....	12
7.2	Permit Cancellations .....	13
8	Appeals.....	14
9	Municipal Drains – <i>Drainage Act</i> and <i>Conservation Authorities Act</i> Protocol .....	14
9.1	Maintenance and Repairs to Existing Municipal Drains .....	15
9.2	New Municipal Drains and the Extension of Existing Drains .....	15
9.3	Potential Study Requirements Where Permits Are Required .....	15
10	Hydro One Memorandum of Understanding .....	15

Appendix A:	O. Reg. 41/24
Appendix B:	LRCA Permit Application Form
Appendix C:	Section 28 (12) Conservation Authorities Act Hearing Guidelines, Lakehead Region Conservation Authority

## **1 Introduction**

This document outlines the Rules of Procedure for Permit Application Review and Approval by the Lakehead Region Conservation Authority (LRCA) in accordance with Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits (Appendix A), made under Section 28 of the *Conservation Authorities Act*.

This document has been prepared referencing the Ministry of Natural Resources documents entitled *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*, dated May 2010 and the *Draft Guidelines to Support Conservation Authority Administration of the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”* dated April 21, 2008.

This document will be made available to Staff, Member Municipalities, Board of Directors of the LRCA and members of the public upon request.

### **1.1 Approval of Document**

This document was adopted by the LRCA Board of Directors on June 25, 2014, by Resolution # 91/14. Version 2.0 of this document was adopted on August 26, 2015, by Resolution #82/15. Version 3.0 of this document was adopted on April 29, 2020, by Resolution #40/20. Version 4.0 was adopted on February 24, 2021, by Resolution 30/21. Version 5.0 was adopted on March 27, 2024, by Resolution # 44/24.

### **1.2 Effective Date of Document**

The procedures in version 5.0 of this document will come into effect on April 1, 2024. Permits received on or after this date at the Authority office will be reviewed and approved according to this Procedure.

Amendments to this document will be required to be approved by the LRCA Board of Directors and will come into effect at the time of approval or as otherwise stated.

This document, once in effect, will replace any previous procedures and protocols related to Permit review and approval and Hearings.

### **1.3 Interpretation**

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

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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 and in the Hearing Guidelines means those employees at the Authority who have been designated by the Authority to exercise the powers and perform the duties referred to.

## **2 Background**

### **2.1 Conservation Authorities Act**

The *Conservation Authorities Act* was enacted in 1946 in response to erosion and drought concerns, recognizing that these and other natural resource initiatives are best managed on a watershed basis.

In 1956, in response to the severe economic and human losses associated with Hurricane Hazel (1954), amendments to the *Conservation Authorities Act* first empowered Conservation Authorities (CAs) to make Regulations to prohibit the filling in of floodplains. These Regulations were broadened in 1960 to prohibit or regulate the placing or dumping of fill in defined areas where, in the opinion of the CA, the control of flooding, pollution or the conservation of land may be affected. In 1968, amendments to the *Conservation Authorities Act* further extended the Regulations to prohibit or control construction and alteration to waterways, in addition to filling.

In 1998, the *Conservation Authorities Act* was amended as part of the *Red Tape Reduction Act* (Bill 25), to ensure that Regulations under the Act were consistent across the province and complementary to provincial policies. Revisions were made to Section 28, which led to the replacement of the “Fill, Construction and Alteration to Waterways” Regulation with the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Regulation in 2006. The main change was the addition of wetlands as a regulated feature. The content of each Authority’s Regulation was made under Ontario Regulation 97/04. Under these regulations CAs were enabled to make regulations applicable to the area under their jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses, wetlands, shorelines of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands.

On December 8, 2020, amendments were made to the *Conservation Authorities Act* within Bill 229, *Protect, Support and Recover from COVID 19 Act* (Budget Measures), 2020, Schedule 6. The changes included requiring a Conservation Authority to issue a permit if a zoning order under the *Planning Act* has been issued outside the Greenbelt.

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The Authority cannot deny the permit; however, would be able to attach conditions which would be appealable to the Minister.

On February 16, 2024, a new Minister's regulation (Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits) under the *Conservation Authorities Act* was approved by the Province. This regulation replaced the existing individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation [O. Reg. 180/06] held by the Lakehead Region Conservation Authority (LRCA) and is applicable to all Conservation Authorities (CAs). The regulation's effective date of April 1, 2024, also coincided with the proclamation of associated sections within the *Conservation Authorities Act*.

The administration of O. Reg. 41/24 is a Mandatory Program and Service of the Conservation Authorities as per Section 21.1.1 of the *Conservation Authorities Act* and as stipulated in O. Reg. 686/21: Mandatory Programs and Services. Under section 8 of O. Reg. 686/21, Conservation Authorities shall provide programs and services to ensure that the Authority carries out its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

## **2.2 History of LRCA Administration of the Regulation**

The LRCA has been administering Regulations under Section 28 of the *Conservation Authorities Act* since 1974. Initially the Regulation was known as the Fill, Construction and Alteration to Waterways Regulation, O. Reg. 515/73 as amended by O. Reg. 158/74, which was replaced in 1991 by O. Reg. 152/91. In 2006, as a result of the Red Tape Commission, the Province of Ontario required all Conservation Authorities to replace the "Fill, Construction and Alteration to Waterways Regulation" with the Generic Regulation entitled "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". The Regulation was changed to ensure all Conservation Authorities were regulating with a consistent Regulation. This was primarily to ensure abutting Authorities in Southern Ontario with common watersheds were administering the same Regulation. This was not an issue in the north.

The LRCA regulation was approved under O. Reg. 180/06. The regulation was amended on February 12, 2013, under O. Reg. 63/13. This amendment primarily clarified wording within the regulation; provided the ability of the Authority to delegate positive Permit decisions to Staff; extended Permit validity to a maximum of 60 months under specific circumstances; and enabled Conservation Authorities to require technical studies to support Permit applications.

Prior to this document taking effect, all Regulation Permits at the Lakehead Region Conservation Authority were processed through a Hearing held at the monthly Authority Board Meetings, and were approved or denied, with or without conditions, by the Authority Members, through the passing of a Resolution. The decision was based on provided Staff Reports which included recommendations to either permit or deny the application. Permits were then prepared by Staff and signed by the Chair of the Authority.

On April 1, 2024, O. Reg. 180/06 was revoked and replaced with O. Reg. 41/24 and various sections within the *Conservation Authorities Act* were proclaimed.

### **3 Applicant Requirements**

#### **3.1 Application and Fees**

All applicants must submit a signed Application Form (Appendix B) and associated drawings, site plans, etc. for permission to undertake development within the regulated area. All applicable sections must be completed on the application form including a clear description of the proposed development and shall include all information as outlined in Section 7 of O. Reg. 41/24.

**Application for permit**

7. (1) An application for a permit under section 28.1 of the Act shall be submitted to an authority and shall include,

- (a) a plan of the area showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (b) the proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland;
- (c) the start and completion dates of the development activity or other activity;
- (d) a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (e) the elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity;
- (f) drainage details before and after the development activity or other activity;
- (g) a complete description of any type of fill proposed to be placed or dumped;
- (h) a confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner; and
- (i) any other technical information, studies or plans that the authority requests including information requested during pre-submission consultations between the authority and the applicant.

The prescribed fee must also be submitted to the Authority. The Schedule of Fees is attached as Schedule B to the Application Form. In addition, any other technical studies or plans as required by Staff will be required to be submitted.

### **3.1.1 Permission on land not owned by the Applicant**

If the applicant is not the owner (i.e. agent, consultant, etc.) of the property, Schedule A – Letter of Authorization, found attached to the Application Form (Appendix B) must be submitted with the application, as required in Section 7(h) of O. Reg. 41/24.

If the work is to be carried out by a Campers Association or any other type of group ownership, a letter authorizing the work must be provided that is signed by the legal representative of the Association or group.

If work is to be carried out on a Municipal right-of-way, a letter authorizing the work must be provided that is signed by an authorized representative of the Municipality.

All applications are considered incomplete until the appropriate Letter of Authorization is received at the Authority, if applicable.

### **3.2 Pre-consultation**

Pre-consultation with Authority Staff prior to submitting an application is encouraged to provide clarity and direction, to facilitate receipt of complete applications and to streamline the review and decision-making process. Required information or studies can be discussed related to the specific project. Pre-consultation will be conducted as outlined in Section 6 of O. Reg. 41/24.

#### **Pre-submission consultation**

**6.** (1) Prior to submitting an application for a permit under section 28.1 of the Act, an authority and the applicant may engage in pre-submission consultation for the purposes of confirming the requirements of a complete application to obtain a permit for the activity in question, which may include,

- (a) requests by the authority to the applicant for,
  - (i) initial information on the proposed activity such as a description of the project and any associated plans, or
  - (ii) details about the property upon which the activities are proposed to be carried out, including copies of plans, maps or surveys; or
- (b) meetings between the authority and the applicant prior to the submission of an application, including any site visits to the property where the activities are proposed to be carried out.

(2) If the applicant requests a pre-submission consultation under subsection (1), the authority is required to engage in the pre-submission consultation.

## **4 Review of Permits**

Authority Staff will receive all Permit applications and associated fees at the Authority office.

### **4.1 Complete Application**

Upon receipt of an application, and payment by the applicant of the fee charged by the Authority under Section 21.2 (4) of the Act, the Authority shall notify the applicant in writing, within 21 days, whether or not the application complies with subsection 28.1 (3) of the Act and is deemed to be a complete application (per Section 7(2) of O. Reg. 41/24).

If the application is deemed complete, the Authority shall not require new studies, technical information or plans from the applicant to make a determination on the application, unless agreed to by the Authority and the applicant. For greater certainty, the authority may ask the application for clarification or further details regarding any matter related to the application (Section 7(3) O. Reg. 41/24).

### **4.2 In-Complete Application**

If the application is deemed to be incomplete within 21 days, the applicant will be notified in writing, and will be provided with a written list of missing or needed information.

Staff may request additional information if it has been deemed that the application does not contain sufficient technical analysis. Delays in timelines for decision making may occur due to requests for additional information to address errors or gaps in information submitted for review. Thus, an application may be put in abeyance or returned to the applicant pending the receipt of further information. If necessary, this could be confirmed between both parties as an “Agreement to Defer Decision”.

### **4.3 Decision Timelines for Permits**

The Authority (either Staff or Authority Members) will provide the applicant notice of a decision within 90 days following the confirmation of a complete application (as outlined in 28.1(22) of the *Conservation Authorities Act*).

### **4.4 Request for Review**

If the applicant has not received notice of a complete application within the legislated 21 days, or the applicant disagrees with the determination of the permit being

incomplete or considers the request for additional information to be unreasonable, a review can be requested by the applicant per Section 8 of O. Reg. 41/24, to which the Authority must respond within 30 days.

The request must be made in writing, addressed to the Chief Administrative Officer, outlining the reasons for the request for review. The review will be conducted by the Chief Administrative Officer. If the applicant continues to be dissatisfied, they can request in writing that the review be brought to the Authority Members.

**Request for review**

- 8.** (1) An applicant may request a review by the authority if,
- (a) the applicant has not received a notice from the authority within 21 days in accordance with subsection 7 (2);
  - (b) the applicant disagrees with the authority's determination that the application for a permit is incomplete; or
  - (c) the applicant is of the view that a request by the authority for other information, studies or plans under clause 7 (1) (i) is not reasonable.
- (2) A review requested by an applicant under subsection (1) shall be completed by the authority no later than 30 days after it is requested and the authority shall, as the case may be,
- (a) confirm that the application meets the requirements of subsection 7 (1) and is complete or provide reasons why the application is incomplete; or
  - (b) provide reasons why a request for other information, studies or plans under clause 7 (1) (i) is reasonable or withdraw the request for all or some of the information, studies or plans.

## 5 Issuance and Extension of Permits

Permits will either be issued or extended by delegated Authority Staff or the LRCA Members. Permits can only be refused by Authority Members through the Hearing process.

### 5.1 *Delegated Approval Authority to Staff*

The Development Regulations Officer or designate will receive and process all Permit applications. Staff reports and recommendations will be reviewed by the Watershed Manager prior to Permit issuance.

The Chief Administrative Officer and the Watershed Manager have the delegated authority to issue positive Permits, under Section 28 of the *Conservation Authorities Act* and O. Reg. 41/24.

Permits will be reviewed and signed by the Chief Administrative Officer or in his/her absence, will be reviewed and signed by the Watershed Manager. The Chief Administrative Officer will be advised of all permits signed by the Watershed Manager.

### **5.1.1 Approval process to be used by Delegated Staff**

Permit applications will be reviewed and if in Staff's opinion, as provided in Section 28.1 or the *Conservation Authorities Act* and O. Reg. 41/24, the control of flooding, erosion, dynamic beaches and unstable soil or bedrock will not be affected, or that the development would create conditions or circumstances that, in the event of a natural hazard might jeopardize the health and safety of persons or result in damage or destruction of property by the development or alteration, Staff will process the Permit, with or without conditions.

For each Permit a Permit Summary will be completed outlining the proposal, summary of investigative procedure and recommendation to approve the Permit with or without conditions. The Permit will be reviewed and signed by the Staff person delegated the Permit approval authority. Approved Permits will be circulated at the next scheduled Board Meeting, along with a monthly summary table outlining all approved Permits in the circulating binder.

The applicant will be provided with a cover letter, Permit Summary and the Permit personally or by email and regular or registered mail.

Per Section 28.1(22) of the Act, the Authority has 90 days to issue a notice of decision with respect to an application. If no decision is made, the applicant can appeal the application directly to the Ontario Land Tribunal.

### **5.1.2 Conditions of Permits**

Conditions may be attached to permits by either staff or LRCA Members provided they meet Section 9 of O. Reg. 41/24.

#### **Conditions of permits**

**9.** (1) An authority may attach conditions on a permit issued under section 28.1 of the Act only if, in the opinion of the authority, the conditions,

- (a) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard; or
- (c) support the administration or implementation of the permit, including conditions related to reporting, notification, monitoring and compliance with the permit.

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Per Section 28.1(5) of the Act the authority shall not attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the Authority through the Hearing process. When warranted, conditions will be included in an issued permit. Within 15 days of receiving the issued permit, the applicant must request in writing to the Chief Administrative Officer a request for a Hearing to review the conditions, if desired.

Per Section 28.1(8) of the Act, the applicant has 15 days of receiving the Authority's decision related to issued conditions to submit a request to the Minister for the Minister to review the authority's decision. Per Section 28.1(20), the applicant can appeal within 90 days to the Ontario Land Tribunal, provided they have not submitted a request for review to the Minister; the Minister refused to conduct the review; or 30 days have elapsed following the day the applicant submitted the request for Minister's review and Minister had not replied.

## ***5.2 Mandatory Permits related to an issued Minister's Zoning Order (MZO)***

Permits issued under Section 28.1.2 (Mandatory Permits, Zoning Orders) of the *Conservation Authorities Act* related to an issued Minister's Zoning Order (MZO) under the *Planning Act* authorizing the development project under that Act, where an authority shall not refuse to grant permission (Section 28.2.1 (4)), will be issued by the Authority Members.

Staff will review the Permit application and complete a Permit Summary report outlining: the proposal, summary of investigative procedure, summary of the MZO and Staff recommended conditions (if warranted). The Permit will be summarized in a Staff Report and included in a regular Board Meeting agenda. Permits issued related to an MZO will be signed by the Chair of the Authority.

If conditions are attached to the permit, the applicant must be given the opportunity to be heard by the Authority through the Hearing process, following the Authority's Hearing Procedures. If after holding a Hearing, conditions are attached to a permit, the Authority shall give the permit holder written reasons for deciding to attach the conditions. A permit holder who objects to the conditions proposed in the reasons given by the Authority, may within 15 days of the reasons being given, submit a request to the Minister for the Minister to review the proposed conditions. A permit holder who objects to the conditions may within 90 days of the reasons given appeal to the Ontario Land Tribunal to review the conditions provided no request has been submitted to the Minister; or 30 days have elapsed following the day the permit holder submitted the request to the Minister with no reply; or the Minister replied that the Minister refused to conduct the review. If the Minister indicates that a review will be conducted

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and no decision is made within 90 days, the permit holder may within the next 30 days appeal the conditions directly to the Ontario Land Tribunal.

Per Section 28.1.2 (17), an Authority that issues a permit to carry out a development related to an MZO shall enter into an agreement with respect to the development project with the permit holder and the Authority and the permit holder may add a municipality or such other person or entity as they consider appropriate as parties to the agreement. The agreement shall set out actions or requirements that the permit holder must complete or satisfy in order to compensate for ecological impacts and any other impacts that may result from the development project.

### ***5.3 Permits Issued by the Minister***

Per Section 28.1.1 (1) of the Act, the Minister may issue an Order that directs an authority to not issue a permit either before or after an application for a permit has been submitted to an authority, and even if decisions are pending. The Minister also has the power to issue a permit.

### ***5.4 Types of Permits to be approved by formal Hearing***

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

- the Authority Members refer an application to a Hearing;
- Applications where Staff are recommending refusal;
- the Authority intends to cancel a permit and the applicant within 15 days requests a Hearing;
- the Authority intends to refuse a permit extension and applicant within 15 days requests a Hearing;
- the Applicant is advised of proposed conditions attached to a permit and requests a Hearing.

Refer to Section 6 and Appendix C for procedures related to Hearings.

### ***5.5 Permit Amendments***

Amendments to Permits that are not anticipated to substantially change the original purpose of the Permit and will not materially impact flooding, erosion, dynamic beaches, unstable soil or bedrock, or that the development would create conditions or circumstances that, in the event of a natural hazard might jeopardize the health and safety of persons or result in damage or destruction of property will be approved by the Staff delegated approval authority. If the amendment is related to a permit approved

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by the LRCA Members, the proposed amendment will be considered by the LRCA Members and either granted or denied by Resolution. Applicants would be advised in writing of the approved or denied amendment request.

Permit amendments will be subject to the applicable Permit Amendment fee prescribed in the current LRCA Schedule of Fees attached to the Application Form (Appendix B).

Applicants that are denied a Permit amendment or who choose instead of the amendment process to re-apply for a new Permit through the regular application process would have such application subject to all rules and regulations in force at the time of application.

## **6 Hearings**

Per Section 28.2 (5) of the Act an Authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant has been given an opportunity to be heard by the Authority through the Hearing process.

If a person has been issued a permit related to an MZO and the Authority has attached conditions, the applicant must be given the opportunity for a Hearing related to the conditions (*Conservation Authorities Act* Section 28.1.2(7)).

Within 15 days of receiving the notice of intent to cancel a permit from the Authority, the permit holder may request a Hearing with the Authority.

When Hearings are required, the LRCA Members sitting as the Hearing Board will act as the decision-making tribunal. Hearings will be held during the LRCA's regularly scheduled Meetings or at a Special Meeting of the Board of Directors.

All Hearings will be conducted according to the current version of the *Section 28.1 Conservation Authorities Act Hearing Guidelines*.

## **7 Period of Validity for Permits**

Per Section 11(1) of O. Reg. 41/24, permits may be issued for a maximum period of 60 months by Staff or the Authority Members. By regulation, a Permit shall not be extended beyond the maximum period of validity being 60 months. If the works covered by the application are not completed within the legislated timeframe, the applicant must reapply and delays in approval may result. Typically, the policies in place at the time of re-application will apply.

Permits will normally be issued for a period of 24 months; however, Staff may use their discretion to shorten or lengthen the period of validity if warranted. If a Permit is issued

for a period less than the maximum period of validity, the Chief Administrative Officer or Authority Members may extend the Permit up to the maximum allowed period of 60 months. The granting of an extension for a different period of time other than the period of time requested does not constitute a refusal of an extension.

### **7.1 Permit Extensions**

Extensions will be subject to the applicable Permit Extension Fee prescribed on the current Authority's Schedule of Fees (Appendix B).

Per Section 11(2) of O. Reg. 41.24, for a Permit to be extended the Applicant must request in writing that their approved Permit be extended at least 60 days before the expiry of the Permit. Requests must be made to the LRCA's Chief Administrative Officer for permits issued by the Authority and to the Minister for permits issued by the Minister. Permit validity can only be extended to a total validity period of 60 months, including the original approved validity timeframe.

If the Authority intends to refuse a request for extension of a Permit, the Authority shall give notice of intent to refuse the Permit holder, indicating that the extension will be refused unless the Permit holder within 15 days, submits a written request for a Hearing. The Authority must then hold a Hearing in a reasonable time and shall give the holder at least five days' notice of the date of the Hearing, which will typically be the next regularly scheduled Board Meeting.

After holding the Hearing, the Authority shall:

- Confirm refusal of the extension, or
- grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period allowed.

All extension requests, whether approved or not, will be notified in writing of the approval or refusal of extension.

**Period of validity of permits and extensions**

**11.** (1) The maximum period of validity of a permit issued under sections 28.1, 28.1.1 and 28.1.2 of the Act, including any extension, is 60 months.

(2) If a permit is issued for less than the maximum period of validity, the holder of a permit may, at least 60 days before the expiry of the permit, submit an application for an extension of the permit to,

- (a) the authority that issued the permit, in the case of permits issued under section 28.1 or 28.1.2 of the Act; or
- (b) the Minister, in the case of permits issued under section 28.1.1 of the Act.

(3) An authority or the Minister, as the case may be, may approve an extension of the period of validity of a permit that was issued for a period of less than 60 months but the total period of validity of the permit, including the extension, shall not exceed 60 months.

(4) If an authority intends to refuse a request for an extension, the authority shall give notice of intent to refuse to the holder of the permit, indicating that the extension will be refused unless the holder requests a hearing under subsection (5).

(5) Within 15 days of receiving a notice of intent to refuse a request for an extension, the holder of the permit may submit a written request for a hearing to the authority.

(6) If a request for hearing is submitted under subsection (5), the authority shall hold the hearing within a reasonable time, and shall give the holder at least five days notice of the date of the hearing.

(7) After holding a hearing under subsection (6), the authority may,

- (a) confirm the refusal of the extension; or
- (b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permit does not exceed the applicable maximum period specified in subsection (1).

## **7.2 Permit Cancellations**

Per Section 28.3 of the Act, the Authority may cancel a Permit if it is of the opinion that the conditions of the Permit have not been met or that the circumstances that are prescribed by regulation exist.

If a Permit holder has not met the conditions of the Permit, Staff will provide a Staff Report to the Authority at a regular Authority Meeting with a recommendation to cancel the Permit. If the Authority concurs, the Permit holder will then be notified in writing of the recommendation to cancel the Permit. Within 15 days of receiving the notice of intent to cancel a permit from the Authority, the permit holder may request for a Hearing to the Authority. The Permit holder will be given at least five days' notice of the Hearing, in accordance with O. Reg. 41/24.

After holding the Hearing, the Authority shall:

- cancel the Permit, or
- provide additional time for the Permit holder to meet the conditions, or
- allow the Permit to remain in effect.

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## 8 Appeals

Per Section 28.1 (8) of the Act, where the Authority refuses a permit or imposes conditions on a permit to which the applicant objects, the applicant may, within 15 days of receiving the reasons for the Authority's decision, submit a request to the Minister for the Minister to review the Authority's decision.

Per Section 28.1(20) of the Act, within 90 days after receiving the reasons for the authority's decision, the applicant may appeal the authority's decision to the Ontario Land Tribunal, provided that the no request has been submitted to the Minister; or 30 days had elapsed following the day the permit holder submitted the request to the Minister with no reply; or the Minister replied that the Minister refused to conduct the review. If the Minister indicates that a review will be conducted and no decision is made within 90 days, the permit holder may within the next 30 days appeal the conditions directly to the Ontario Land Tribunal.

If an application for a permit is made to the Authority in accordance with the regulations and includes the information required by regulation, and the Authority fails to give the applicant a notice of decision within 90 days after the application is made, the applicant can appeal directly to the Ontario Land Tribunal.

A notice of appeal shall be sent to the Ontario Land Tribunal and to the Authority by registered mail by the applicant.

## 9 Municipal Drains – *Drainage Act* and *Conservation Authorities Act* Protocol

Municipalities are responsible for managing, maintaining, repairing and improving drainage systems that have been constructed under the authority of the *Drainage Act*. Generally, Municipal Drains are designed by a drainage engineer and constructed by the municipality. The *Conservation Authorities Act* does not exempt the creation, or modifications/extensions of Municipal Drains from requiring approval under O. Reg. 41/24; therefore, municipalities are required to obtain approval from the Authority for those activities concerning Municipal Drains. Procedures related to the approval of activities related to Municipal Drains will follow the *Drainage Act* and *Conservation Authorities Act* Protocol (Protocol for Municipalities and Conservation Authorities in Drain Maintenance and Repair Activities), MNRF, dated 2012.

### **9.1 Maintenance and Repairs to Existing Municipal Drains**

Per O. Reg. 41/24 the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the *Drainage Act* and the *Conservation Authorities Act* Protocol, approved by the Minister and on a government of Ontario website, as it may be amended from time to time does not require a permit from the Authority (i.e., listed as an exception in Section 5(e)).

### **9.2 New Municipal Drains and the Extension of Existing Drains**

New Municipal Drain works, including new sections of existing drains, will require permits supported by appropriate study under O. Reg. 41/24 if the proposed works are located within the regulated area.

Approval of permit applications for new drains and extensions of existing drains will follow the procedures outlined in the *Rules of Procedure for Permit Application Review and Approval*.

### **9.3 Potential Study Requirements Where Permits Are Required**

Where proposals to maintain, repair, improve, modify, or create a municipal drain require a permit under O. Reg. 41/24, the LRCA may require related studies be undertaken in order to quantify anticipated impacts and recommend mitigation measures. The extent of such studies will depend on the nature of anticipated impacts of the works. The applicant should pre-consult with Authority staff in this regard.

## **10 Hydro One Memorandum of Understanding**

As Hydro One is no longer considered a crown corporation as of May 2017 any development within the regulated area requires permission from the Conservation Authority. All proposed work will be processed using the 2021 Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc. Written permission can be achieved either by adhering to Standard Compliance Requirements (SCRs), Standard Best Practices (SBRs) issued by the Authority or through the regular process of obtaining a *Conservation Authorities Act* Section 28 permission. Both approaches are considered to represent a form of written permission under Section 28 of the Act.

Permits will be approved per the delegated approval authority outlined in Section 5.1. Standard Compliance Requirements and Standard Best Practices will be issued by the Development Regulations Officer, Watershed Manager or Chief Administrative Officer.

**Appendix A:**  
**Ontario Regulation 41/24**



Français

## ONTARIO REGULATION 41/24

made under the

### CONSERVATION AUTHORITIES ACT

Made: December 5, 2023

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### PROHIBITED ACTIVITIES, EXEMPTIONS AND PERMITS

#### CONTENTS [-]

<u>1.</u>	Definitions
<u>2.</u>	Prohibited activities, subparagraph 2 iii of s. 28 (1) of the Act
<u>3.</u>	Applicable Flood Event Standards
<u>4.</u>	Maps of regulated areas
<u>5.</u>	Exceptions
<u>6.</u>	Pre-submission consultation
<u>7.</u>	Application for permit
<u>8.</u>	Request for review
<u>9.</u>	Conditions of permits
<u>10.</u>	Lake Simcoe Protection requirements
<u>11.</u>	Period of validity of permits and extensions
<u>12.</u>	Policy and procedure documents re permits
<u>13.</u>	Commencement
<u>Schedule 1</u>	Flood event standards
<u>Schedule 2</u>	Description of standards
<u>Schedule 3</u>	Water surface elevations

#### Definitions

1. (1) In section 28 of the Act and in this Regulation,

“development activity” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,

- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“activité d’aménagement”)

“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)

“watercourse” means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs; (“cours d’eau”)

“wetland” means land that,

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which have been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which have been favoured by the presence of abundant water. (“terre marécageuse”)

(2) The definition of “wetland” in subsection (1) does not include periodically soaked or wet land used for agricultural purposes which no longer exhibits a wetland characteristic referred to in clause (c) or (d) of that definition.

**Prohibited activities, subparagraph 2 iii of s. 28 (1) of the Act**

**2.** (1) For the purposes of subparagraph 2 iii of subsection 28 (1) of the Act, river or stream valleys include river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined as follows:

1. Where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of the bank, plus 15 metres, to a similar point on the opposite side.
2. Where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side.
3. Where the river or stream valley is not apparent, the valley extends,
  - (i) to the furthest of the following distances:
    - A. the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard to a similar point on the opposite side, and
    - B. the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard to a similar point on the opposite side, and
  - (ii) an additional 15-metre allowance on each side, except in areas within the jurisdiction of the Niagara Peninsula Conservation Authority.

(2) For the purposes of subparagraph 2 iv of subsection 28 (1) of the Act, areas adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards include,

- (a) the area starting from the furthest offshore extent of the authority’s boundary to the furthest of the following distances:
  - (i) the 100-year flood level, plus the appropriate allowance for wave uprush, and, if necessary, for other water-related hazards, including ship-generated waves, ice piling and ice jamming, except in respect of Wanapitei Lake in the Nickel District Conservation Authority, the applicable flood event standard for that lake being the one set out in item 1 of Table

16 of Schedule 1,

- (ii) the predicted long-term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period, and
- (iii) where a dynamic beach is associated with the waterfront lands, an allowance of 30 metres inland to accommodate dynamic beach movement, except in the areas within the jurisdictions of the Mattagami Region Conservation Authority, the Nickle District Conservation Authority and the North Bay-Mattawa Conservation Authority where the allowance is 15 metres inland; and

(b) the area that is an additional 15 metres allowance inland from the area described in clause (a).

(3) For the purposes of subparagraph 2 v of subsection 28 (1) of the Act, other areas in which development activities are prohibited are the areas within an authority's area of jurisdiction that are within 30 metres of a wetland.

#### **Applicable Flood Event Standards**

3. The applicable flood event standards with respect to an authority, for the purposes of paragraph 3 of subsection 2 (1) and to determine the maximum susceptibility to flooding of lands or areas in the area of jurisdiction of an authority are the standards specified in Schedule 1 as those standards are described in Schedule 2.

#### **Maps of regulated areas**

4. (1) An authority shall develop maps depicting the areas within the authority's area of jurisdiction where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act which shall be filed at the head office of the authority and made available to the public on the authority's website, and by any other means that the authority considers advisable.

(2) At least once annually, the authority shall,

- (a) review the maps referred to in subsection (1) and determine if updates to the maps are required;
- (b) make and file such updates to the maps at its head office if required; and
- (c) make the updated maps available to the public on its website and by any other means it considers advisable.

(3) Where new information or analysis becomes available that may result in significant updates to the areas where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act, including enlargements or reductions to such areas, the authority shall ensure that stakeholders, municipalities and the public are notified of the proposed changes in any manner that the authority considers advisable, including making any relevant information or studies available online at least 30 days prior to an authority meeting during which the proposed changes are on the agenda.

(4) Where significant changes to the areas where development activities are prohibited have been made in accordance with subsection (3), the authority shall promptly update the maps described in subsection (1).

(5) For greater certainty, in case of a conflict regarding the boundaries of the areas where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act, the description of those areas in that paragraph and in section 2 of this Regulation prevail over the depiction of the areas in the maps referred to in subsection (1) of this section.

#### **Exceptions**

5. Paragraph 2 of subsection 28 (1) of the Act does not apply to,

- (a) the construction, reconstruction, erection or placement of,
  - (i) a seasonal or floating dock that,
    - (A) is 10 square metres or less,
    - (B) does not require permanent support structures, and

- (C) can be removed in the event of flooding,
- (ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
- (iii) agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
- (iv) a non-habitable accessory building or structure that,
  - (A) is incidental or subordinate to the principal building or structure,
  - (B) is 15 square metres or less, and
  - (C) is not within a wetland or watercourse, or
- (v) an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;
- (d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- (e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and
- (f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

**Pre-submission consultation**

6. (1) Prior to submitting an application for a permit under section 28.1 of the Act, an authority and the applicant may engage in pre-submission consultation for the purposes of confirming the requirements of a complete application to obtain a permit for the activity in question, which may include,

- (a) requests by the authority to the applicant for,
  - (i) initial information on the proposed activity such as a description of the project and any associated plans, or
  - (ii) details about the property upon which the activities are proposed to be carried out, including copies of plans, maps or surveys; or
- (b) meetings between the authority and the applicant prior to the submission of an application, including any site visits to the property where the activities are proposed to be carried out.

(2) If the applicant requests a pre-submission consultation under subsection (1), the authority is required to engage in the pre-submission consultation.

**Application for permit**

7. (1) An application for a permit under section 28.1 of the Act shall be submitted to an authority and shall include,

- (a) a plan of the area showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream

or watercourse, or change or interfere with a wetland;

- (b) the proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland;
- (c) the start and completion dates of the development activity or other activity;
- (d) a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (e) the elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity;
- (f) drainage details before and after the development activity or other activity;
- (g) a complete description of any type of fill proposed to be placed or dumped;
- (h) a confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner; and
- (i) any other technical information, studies or plans that the authority requests including information requested during pre-submission consultations between the authority and the applicant.

(2) Upon receipt of the information required under subsection (1) and payment by the applicant of the fee charged by the authority under subsection 21.2 (4) of the Act, the authority shall notify the applicant in writing, within 21 days, whether or not the application complies with subsection 28.1 (3) of the Act and is deemed to be a complete application.

(3) If the authority notifies an applicant under subsection (2) that the application is complete, the authority shall not require new studies, technical information or plans under clause (1) (i) from the applicant to make a determination on the application, unless agreed to by the authority and the applicant. For greater certainty, the authority may ask the applicant for clarification or further details regarding any matter related to the application.

#### **Request for review**

8. (1) An applicant may request a review by the authority if,

- (a) the applicant has not received a notice from the authority within 21 days in accordance with subsection 7 (2);
- (b) the applicant disagrees with the authority's determination that the application for a permit is incomplete; or
- (c) the applicant is of the view that a request by the authority for other information, studies or plans under clause 7 (1) (i) is not reasonable.

(2) A review requested by an applicant under subsection (1) shall be completed by the authority no later than 30 days after it is requested and the authority shall, as the case may be,

- (a) confirm that the application meets the requirements of subsection 7 (1) and is complete or provide reasons why the application is incomplete; or
- (b) provide reasons why a request for other information, studies or plans under clause 7 (1) (i) is reasonable or withdraw the request for all or some of the information, studies or plans.

#### **Conditions of permits**

9. (1) An authority may attach conditions on a permit issued under section 28.1 of the Act only if, in the opinion of the authority, the conditions,

- (a) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard; or

(c) support the administration or implementation of the permit, including conditions related to reporting, notification, monitoring and compliance with the permit.

(2) In addition to the conditions referred to in subsection (1), the Lake Simcoe Region Conservation Authority may attach conditions to a permit that relate to designated policies and other policies in the Lake Simcoe Protection Plan that apply to the issuance of the permit.

#### **Lake Simcoe Protection requirements**

**10.** For the purpose of clause 28.1 (1) (c) of the Act, a decision to issue a permit within the area of jurisdiction of the Lake Simcoe Region Conservation Authority shall,

- (a) conform with any designated policies in the Lake Simcoe Protection Plan that apply to the issuance of the permit; and
- (b) have regard to any other policies in the Lake Simcoe Protection Plan that apply to the issuance of the permit.

#### **Period of validity of permits and extensions**

**11.** (1) The maximum period of validity of a permit issued under sections 28.1, 28.1.1 and 28.1.2 of the Act, including any extension, is 60 months.

(2) If a permit is issued for less than the maximum period of validity, the holder of a permit may, at least 60 days before the expiry of the permit, submit an application for an extension of the permit to,

- (a) the authority that issued the permit, in the case of permits issued under section 28.1 or 28.1.2 of the Act; or
- (b) the Minister, in the case of permits issued under section 28.1.1 of the Act.

(3) An authority or the Minister, as the case may be, may approve an extension of the period of validity of a permit that was issued for a period of less than 60 months but the total period of validity of the permit, including the extension, shall not exceed 60 months.

(4) If an authority intends to refuse a request for an extension, the authority shall give notice of intent to refuse to the holder of the permit, indicating that the extension will be refused unless the holder requests a hearing under subsection (5).

(5) Within 15 days of receiving a notice of intent to refuse a request for an extension, the holder of the permit may submit a written request for a hearing to the authority.

(6) If a request for hearing is submitted under subsection (5), the authority shall hold the hearing within a reasonable time, and shall give the holder at least five days notice of the date of the hearing.

(7) After holding a hearing under subsection (6), the authority may,

- (a) confirm the refusal of the extension; or
- (b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permit does not exceed the applicable maximum period specified in subsection (1).

#### **Policy and procedure documents re permits**

**12.** Each authority shall develop policy and procedure documents with respect to permit applications and reviews that, at a minimum, include the following:

1. Additional details regarding the pre-submission consultation process described in section 6 as well as additional details related to complete permit application requirements.
2. Procedures respecting the process for a review under section 8.
3. Standard timelines for the authority to make a decision on permit applications following a notification that an application is complete under subsection 7 (2), as the authority determines advisable.

4. Any other policies and procedures, as the authority considers advisable, for the purpose of administering the issuance of permits under Part VI of the Act.
5. A process for the periodic review and updating of the authority's policy and procedure documents, including procedures for consulting with stakeholders and the public during the review and update process, as the authority considers advisable.

#### Commencement

**13. This Regulation comes into force on the later of the day subsection 25 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day this Regulation is filed.**

#### SCHEDULE 1 FLOOD EVENT STANDARDS

1. For the following conservation authorities, the applicable flood event standards are those specified in Table 1 below:

1. Ausable Bayfield Conservation Authority.
2. Catfish Creek Conservation Authority.
3. Credit Valley Conservation Authority.
4. Ganaraska Region Conservation Authority.
5. Grand River Conservation Authority.
6. Halton Region Conservation Authority.
7. Kettle Creek Conservation Authority.
8. Maitland Valley Conservation Authority.
9. Saugeen Valley Conservation Authority.
10. Toronto and Region Conservation Authority.

TABLE 1

Item	Areas	Applicable Flood Event Standards
1.	All areas	The Hurricane Hazel Flood Event Standard, the 100 Year Flood Event Standard and the 100-year flood level plus wave uprush

2. For the following conservation authorities, the applicable flood event standards are those specified in Table 2 below:

1. Cataraqui Region Conservation Authority.
2. Long Point Region Conservation Authority.
3. Quinte Region Conservation Authority.
4. Raisin Region Conservation Authority.
5. South Nation River Conservation Authority.

TABLE 2

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard and the 100-year flood level plus wave uprush

3. For the following conservation authorities, the applicable flood event standards are those specified in Table 3 below:

1. Mississippi Valley Conservation Authority.
2. Rideau Valley Conservation Authority.

TABLE 3

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard

4. For the following conservation authorities, the applicable flood event standards are those specified in Table 4 below:

1. Mattagami Region Conservation Authority.
2. Nottawasaga Valley Conservation Authority.
3. Sault Ste. Marie Region Conservation Authority.

TABLE 4

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard, the Timmins Flood Event Standard, and the 100-year flood level plus wave uprush

5. For the Crowe Valley Conservation Authority, the applicable flood event standards are those specified in Table 5 below:

TABLE 5

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard, the Timmins Flood Event Standard, the Hurricane Hazel Flood Event Standard and the 100-year flood level

6. For the Kawartha Region Conservation Authority, the applicable flood event standards are those specified in Table 6 below:

TABLE 6

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard and the Timmins Flood Event Standard

7. For the Central Lake Ontario Conservation Authority, the applicable flood event standards are those specified in Table 7 below:

TABLE 7

Item	Areas	Applicable Flood Event Standards
1.	Pringle Creek and Darlington	The 100 Year Flood Event Standard
2.	Lake Ontario in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The Hurricane Hazel Flood Event Standard

8. For the Essex Region Conservation Authority, the applicable flood event standards are those specified in Table 8 below:

TABLE 8

Item	Areas	Applicable Flood Event Standards
1.	The main branch and the east branch (Silver Creek) of the Ruscom River, and its tributaries within the Town of Lakeshore and the Town of Kingsville and the main and north branch of Canard River in the Town of LaSalle, Concessions I and II, and on the main branch of the Canard River in the Town of Amherstburg, Concessions I, II, III and IV	The March 1985 Flood Event Standard
2.	All other areas	The 100 Year Flood Event Standard

9. For the Grey Sauble Conservation Authority, the applicable flood event standards are those specified in Table 9 below:

TABLE 9

Item	Areas	Applicable Flood Event Standards
1.	The Sauble River Watershed	The 100 Year Flood Event Standard
2.	Lake Huron and Georgian Bay in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other watersheds	The Timmins Flood Event Standard

10. For the Hamilton Region Conservation Authority, the applicable flood event standards are those specified in Table 10 below:

TABLE 10

Item	Areas	Applicable Flood Event Standards
1.	Watercourses WCO, WCI, WC2, 3, 4, 5.0, 5.1, 6.0, 6.1, 6.2, 6.3, 6.4, 7.0, 7.1, 7.2, 7.3, 8.0, 9.0, 10.0, 10.1, 10.2, 11.0 and 12.0 as indicated on Map Figure 1 of Project 98040-A, Stoney Creek, Stormwater Management Assessment, prepared by Philips Engineering and located at the Hamilton Region Conservation Authority head office and Hamilton Harbour in the Great Lakes-St. Lawrence River System	The 100-year flood level
2.	Lake Ontario in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The Hurricane Hazel Flood Event Standard

11. For the Lake Simcoe Region Conservation Authority, the applicable flood event standards are those specified in Table 11 below:

TABLE 11

Item	Areas	Applicable Flood Event Standards
1.	Bunker's Creek and Sophia Creek	The 100 Year Flood Event Standard
2.	Talbot River and the Trent-Severn waterway	The Timmins Flood Event Standard
3.	Lake Simcoe	The 100-year flood level plus wave uprush
4.	All other areas	The Hurricane Hazel Flood Event Standard

12. For the Lakehead Region Conservation Authority, the applicable flood event standards are those specified in Table 12 below:

TABLE 12

Item	Areas	Applicable Flood Event Standards
1.	The main channel of the Kaministiquia River	The 100 Year Flood Event
2.	Lake Superior in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	Timmins Flood Event Standard

13. For the Lower Thames Valley Conservation Authority, the applicable flood event standards are those specified in Table 13 below:

TABLE 13

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 1937 Regulatory Flood Event Standard and the 100-year flood level plus wave uprush

14. For the Lower Trent Region Conservation Authority, the applicable flood event standards are those specified in Table 14 below:

TABLE 14

Item	Areas	Applicable Flood Event Standards
1.	The main channels of Rice Lake and Trent River	The rainfall, snowmelt, or a combination of rainfall and snowmelt, that would produce the water surface elevations above Canadian Geodetic Datum described in Table 1 of Schedule 3
2.	Lake Ontario in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The Timmins Flood Event Standard

15. For the Niagara Peninsula Conservation Authority, the applicable flood event standards are those specified in Table 15 below:

TABLE 15

Item	Areas	Applicable Flood Event Standards
1.	The watersheds associated with Shriner's Creek, Ten Mile Creek and Beaverdam Creek (including Tributary W-6-5) in the City of Niagara Falls	The Hurricane Hazel Flood Event Standard
2.	Lake Ontario and Lake Erie in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The 100 Year Flood Event Standard

16. For the Nickel District Conservation Authority, the applicable flood event standards are those specified in Table 16 below:

TABLE 16

Item	Areas	Applicable Flood Event Standards
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1.	Wanapitei Lake	The maximum flood allowance elevation of 267.95 metres Canadian Geodetic Datum (in accordance with Ontario Power Generation's Licence of Occupation Agreement #6168)
2.	All other areas	The Timmins Flood Event Standard and the 100 Year Flood Event Standard

17. For the North Bay-Mattawa Conservation Authority, the applicable flood event standards are those specified in Table 17 below:

TABLE 17

Item	Areas	Applicable Flood Event Standards
1.	Chippewa Creek and its tributaries below the North Bay Escarpment, Parks Creek, the Mattawa River in the Town of Mattawa and the La Vase River	The 100 Year Flood Event Standard
2.	Lake Nipissing	100-year flood level plus wave uprush
3.	All other areas	The Timmins Flood Event Standard

18. For the Otonabee Region Conservation Authority, the applicable flood event standards are those specified in Table 18 below:

TABLE 18

Item	Areas	Applicable Flood Event Standards
1.	Rice Lake, Stony Lake, Clear Lake, Lovesick Lake, Deer Bay, Buckhorn Lake, Chemong Lake, Pigeon Lake, Katchiwanooka Lake and Lower Buckhorn Lake	The rainfall, snowmelt, or a combination of rainfall and snowmelt, that would produce the water surface elevations above Canadian Geodetic Datum described in Table 2 of Schedule 3.

2.	All other areas	The Timmins Flood Event Standard
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19. For the St. Clair Region Conservation Authority, the applicable flood event standards are those specified in Table 19 below:

TABLE 19

Item	Areas	Applicable Flood Event Standards
1.	Perch Creek	The 100 Year Flood Event Standard
2.	Lake Huron, Lake St. Clair and St. Clair River in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The Hurricane Hazel Flood Event Standard

20. For the Upper Thames Region Conservation Authority, the applicable flood event standards are those specified in Table 20 below:

TABLE 20

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 1937 Flood Event Standard

SCHEDULE 2  
DESCRIPTION OF STANDARDS

1. The Hurricane Hazel Flood Event Standard means a storm that produces over a 48-hour period,

- (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 1; or
- (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 1 is modified by the percentage amount shown in Column 2 of Table 2 opposite the corresponding size of the drainage area set out Column 1 of Table 2.

TABLE 1

73 millimetres of rain in the first 36 hours
6 millimetres of rain in the 37th hour
4 millimetres of rain in the 38th hour
6 millimetres of rain in the 39th hour
13 millimetres of rain in the 40th hour

17 millimetres of rain in the 41st hour
13 millimetres of rain in the 42nd hour
23 millimetres of rain in the 43rd hour
13 millimetres of rain in the 44th hour
13 millimetres of rain in the 45th hour
53 millimetres of rain in the 46th hour
38 millimetres of rain in the 47th hour
13 millimetres of rain in the 48th hour

TABLE 2

Column 1 Drainage Area (square kilometres)	Column 2 Percentage
26 to 45 both inclusive	99.2
46 to 65 both inclusive	98.2
66 to 90 both inclusive	97.1
91 to 115 both inclusive	96.3
116 to 140 both inclusive	95.4
141 to 165 both inclusive	94.8
166 to 195 both inclusive	94.2
196 to 220 both inclusive	93.5
221 to 245 both inclusive	92.7
246 to 270 both inclusive	92.0
271 to 450 both inclusive	89.4
451 to 575 both inclusive	86.7
576 to 700 both inclusive	84.0
701 to 850 both inclusive	82.4
851 to 1000 both inclusive	80.8
1001 to 1200 both inclusive	79.3
1201 to 1500 both inclusive	76.6
1501 to 1700 both inclusive	74.4
1701 to 2000 both inclusive	73.3
2001 to 2200 both inclusive	71.7
2201 to 2500 both inclusive	70.2
2501 to 2700 both inclusive	69.0
2701 to 4500 both inclusive	64.4
4501 to 6000 both inclusive	61.4
6001 to 7000 both inclusive	58.9
7001 to 8000 both inclusive	57.4

2. The Timmins Flood Event Standard means a storm that produces over a 12-hour period,

- (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 3; or
- (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 3 is modified by the percentage amount shown in Column 2 of Table 4 opposite the corresponding size of the drainage area set out in Column 1 of Table 4.

TABLE 3

15 mm of rain in the 1st hour
20 mm of rain in the 2nd hour
10 mm of rain in the 3rd hour
3 mm of rain in the 4th hour
5 mm of rain in the 5th hour
20 mm of rain in the 6th hour
43 mm of rain in the 7th hour
20 mm of rain in the 8th hour
23 mm of rain in the 9th hour
13 mm of rain in the 10th hour
13 mm of rain in the 11th hour
8 mm of rain in the 12th hour

TABLE 4

Column 1 Drainage Area (km <sup>2</sup> )	Column 2 Percentage
26 to 50 both inclusive	97
51 to 75 both inclusive	94
76 to 100 both inclusive	90
101 to 150 both inclusive	87
151 to 200 both inclusive	84
201 to 250 both inclusive	82
251 to 375 both inclusive	79
376 to 500 both inclusive	76
501 to 750 both inclusive	74
751 to 1000 both inclusive	70
1001 to 1250 both inclusive	68
1251 to 1500 both inclusive	66
1501 to 1800 both inclusive	65
1801 to 2100 both inclusive	64
2101 to 2300 both inclusive	63

2301 to 2600 both inclusive	62
2601 to 3900 both inclusive	58
3901 to 5200 both inclusive	56
5201 to 6500 both inclusive	53
6501 to 8000 both inclusive	50

3. The 100 Year Flood Event Standard means rainfall, snowmelt, or a combination of rainfall and snowmelt, producing at any location in a river, creek, stream or watercourse a peak flow that has a probability of occurrence of one per cent during any given year.

4. The 100-year flood level means the peak instantaneous still water level plus an allowance for wave uprush and other water-related hazards for inland lakes and the Great Lakes-St. Lawrence River System that has a probability of occurrence of one per cent during any given year.

5. The March 1985 Flood Event Standard means the flood levels observed, surveyed and mapped, and located at the Essex Region Conservation Authority head office, along portions of the relevant prescribed watercourses that exceeded the 100 Year Flood Event Standard.

6. The 1937 Flood Event Standard means the historical observed 1937 flood on the Thames River. This event is equivalent to the combination of events that caused the flood event on the Thames River in April of 1937. The 1937 flood event is estimated to be equivalent to a 1 in 250-year return flood.

7. The 1937 Regulatory Flood Event Standard means the historical observed 1937 flood on the Thames River. This event is equivalent to a flow of 1,540 cubic metres per second (cms) commencing at Delaware and proportionately reducing until 1,160 cms at Thamesville and 1,125 cms at Chatham. The 1937 flood event is estimated to be equivalent to a 1 in 250-year return flood.

SCHEDULE 3  
WATER SURFACE ELEVATIONS

1. The water surface elevations above Canadian Geodetic Datum applicable to Item 1 in Table 14 of Schedule 1 are shown in Table 1.

TABLE 1  
LOWER TRENT REGION CONSERVATION AUTHORITY

Location	Water Surface Elevation
Rice Lake	187.9 metres
Trent River below Dam #1 (Trenton)	77.2 metres
Trent River below Dam #2 (Sidney)	81.3 metres
Trent River below Dam #3 (Glen Miller)	87.7 metres
Trent River below Dam #4 (Batawa)	95.7 metres
Trent River below Dam #5 (Trent)	101.7 metres

Trent River below Dam #6 (Frankford)	107.9 metres
Trent River below Dam #7 (Glen Ross)	113.5 metres
Trent River below Dam #8 (Meyers)	117.9 metres
Trent River below Dam #9 (Hagues Reach)	128.1 metres
Trent River below Dam # 10 (Ranney Falls)	143.4 metres
Trent River below Dam #11 (Campbellford)	148.3 metres
Trent River below Dam #12 (Crowe Bay)	154.3 metres
Trent River below Dam #13 (Healy Falls)	175.5 metres
Trent River below Dam #14 (Hastings)	186.7 metres

2. The water surface elevations above Canadian Geodetic Datum applicable to Item 1 in Table 18 of Schedule 1 are shown in Table 2.

TABLE 2  
OTONABEE REGION CONSERVATION AUTHORITY

Water Body	Water Surface Elevation
Rice Lake	187.90 metres
Stony Lake	235.95 metres
Clear Lake	235.95 metres
Lovesick Lake	242.16 metres
Deer Bay	244.31 metres
Buckhorn Lake	247.12 metres
Chemong Lake	247.12 metres
Pigeon Lake	247.12 metres
Katchiwanooka Lake	233.68 metres
Lower Buckhorn Lake	244.31 metres

Made by:

Pris par :

*Le ministre des Richesses naturelles et des Forêts,*

GRAYDON SMITH

*Minister of Natural Resources and Forestry*

Date made: December 5, 2023

Pris le : 5 décembre 2023

Français

**Appendix B:**  
**LRCA Permit Application**  
**Form**



<b>Office Use Only</b>
Submission #
Fee \$
Payment Type:
Date received:

Please read, complete form where applicable, date and sign this application.

03.20.24

SECTION 1- Applicant Information/Project Location						
<b>Applicant or Agent Information:</b>						
Name:						
Organization/Company (if applicable)						
Mailing Address:					Postal code:	
					Fax:	
					Telephone:	
Email:					Cell:	
<b>Property Owner Information: Same as above : <input type="checkbox"/></b>						
Name:						
Mailing Address:					Postal code:	
					Fax:	
					Telephone:	
Email:					Cell:	
<b>Correspondence will be sent to the owner and copied to the applicant (if different)</b>						
<b>Subject Property: Same as above : <input type="checkbox"/></b>						
Municipal Address:						
Municipality:						
Nearest Major Intersection:						
Legal Address: (if no fire number issued)	Lot:		Concession:		Registered Plan:	
Has a previous application to the LRCA been filed on this property?						
<input type="checkbox"/> No <input type="checkbox"/> Yes (provide details):						

Pre-consultation with LRCA staff is strongly suggested to verify a complete application is being submitted. All applications must be deemed “complete” with technical supportive documents (if required) before the application is processed.

Pre-Consultation
Have you conducted any pre-application consultation with the LRCA to determine site issues, and technical requirements for a “complete” application? <input type="checkbox"/> No <input type="checkbox"/> Yes
Have you received a LRCA site map showing the regulated areas on the property? <input type="checkbox"/> No <input type="checkbox"/> Yes
Are there any other required approvals? (e.g. Ministry of Natural Resources and Forestry, Fisheries and Oceans Canada, TB District Health Unit) <input type="checkbox"/> No <input type="checkbox"/> Yes (provide details):

**SECTION 2: Submission Requirements – CHECK LIST**

1. Completed and signed Application Form.
2. Each application must be accompanied by the appropriate Project Details Schedule applicable to the type of work – see the list of Schedules on Page 3 of this form.
3. Each application must be accompanied by the appropriate fee as noted on the current Fee Schedule.
4. If the applicant is not the owner, the Letter of Authorization (Schedule A) must be completed.
  - a) If the land is a Camper’s Association or group ownership a letter of authorization must be provided signed by the legal representative of the group.
  - b) If the land is a Municipal right-of-way a letter of authorization must be provided signed by the authorized representative of the Municipality.
5. Additional studies as requested by the Authority (i.e. geotechnical study, Environmental Impact Statement, etc.).
6. Copies of applicable drawings including Site Plan, Cross-Section, Site Grading and Elevation Plans, Blueprints, etc. must be submitted with the application.

**Examples of information that should be included on your site plan(s): See Page 4 - Sample Site Plans**

Project Type:	Details to be included:
Construction, Renovation, Reconstruction	➤ Location, dimensions, watercourses, structures, drainage/flow path, existing and proposed grades, geodetic elevations
Placement of Fill, Dredging, Site Grading	➤ Location, dimensions, watercourses, drainage/flow path, existing and proposed grades, sediment and erosion control measures
Alteration to Shorelines and Watercourses	➤ Location, plan view (existing/proposed), cross-section (existing/proposed), dimensions, structures, size of rock being used, sediment and erosion control measures

**Section 3: Permit Review Procedures**

Permits are issued by the Conservation Authority or delegated Staff, under the current *Rules of Procedure for Permit Application Review and Approval*. Applicants will be notified within 21 days of whether or not their application is considered complete. Within 90 days from the date of confirmation of a complete application, the Authority or delegated Staff will make a decision with respect to the application. If Staff is recommending refusal of the application and the owner wishes to proceed with the proposal, the Authority will convene a Hearing to consider the application. If the owner objects to the proposed conditions of the approval they may request a Hearing. Applicants will be given notice of all Hearings prior to being held. All Hearings will be conducted according to the document entitled *Section 28.1 (5) Conservation Authorities Act Hearing Guidelines, Lakehead Region Conservation Authority*. The Authority may at any time cancel any permission given under the Regulation if in the opinion of the Authority the condition(s) on the permit are not complied with. Any false or misleading statement in this application may result in cancellation of any permission issued on the basis of this application.

Be advised that other municipal (e.g. building permit, etc.), provincial (e.g. MNRF Work Permit, etc.) or federal (e.g. *Federal Fisheries Act*, etc.) approvals or permits may also be required.

Permits issued by the LRCA are issued to the current owner of the property and are not transferrable.

**SECTION 4 – Notice of Collection**

Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, the personal information contained in this form is collected under the authority of the *Conservation Authorities Act*. This information is used to assess applications, and where approved, issue a permit under O. Reg. 41/24 Prohibited Activities, Exemptions and Permits. Information on this form may be disclosed to Government and Municipal agencies for review, comment, or to members of the public through the Freedom of Information process or in the Hearing process. Questions related to the collection of information should be directed to the Chief Administrative Officer, LRCA, 130 Conservation Road, P.O. Box 10427, Thunder Bay, ON, P7B 6T8, 807-344-5857.

**SECTION 5 - Applicants Statement**

By signing this application, consent is given to the LRCA, its employees and other persons as required by the LRCA, to access the property, for the purpose of inspection, obtaining information, and/or monitoring any and all works, activities and/or construction pertaining to the property in addition to the works as approved under cover of any permit issued by the LRCA.

I acknowledge and agree that any false or misleading statement made on this application will render null and void any permission granted in the discretion of the Authority.

*I hereby declare that I have read the above statements and that the information I have provided is true and correct to the best of my knowledge and belief and that, all of the above information, plans and submissions to be true, valid and current. I further accept the aforementioned terms and conditions to be binding upon the registered owner(s) of the property and all assigned agents, contractors and/or constructors acting on my behalf. I have authority to bind the foregoing to these terms and conditions.*

<b>Signature of Owner:</b>	<b>Date:</b>
<b>Signature of Agent:</b>	<b>Date:</b>

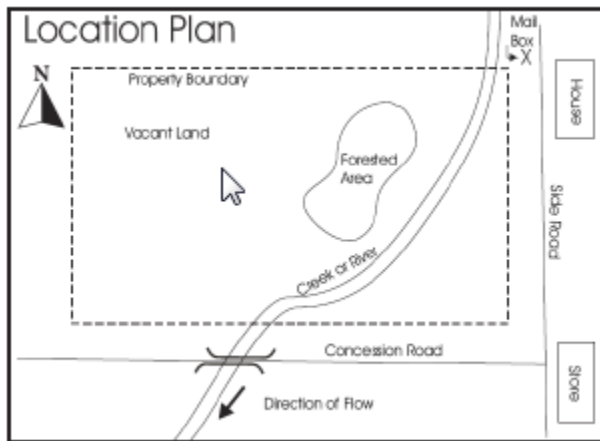
Check all applicable Schedules to be submitted with this application:

- Schedule A – Letter of Authorization
- Schedule B – Project Details – Construction, Addition and Demolition
- Schedule C – Project Details – Placement/Removal of Fill and Site Grading
- Schedule D – Project Details – Alteration to Shorelines and Watercourses
- Schedule E – Project Details – Infrastructure and Water Crossings
- Schedule F – Project Details – Other

**Internal Use Only**

<b>Inspection Date:</b>		<b>Regulatory Flood Elevation:</b>	
-------------------------	--	------------------------------------	--

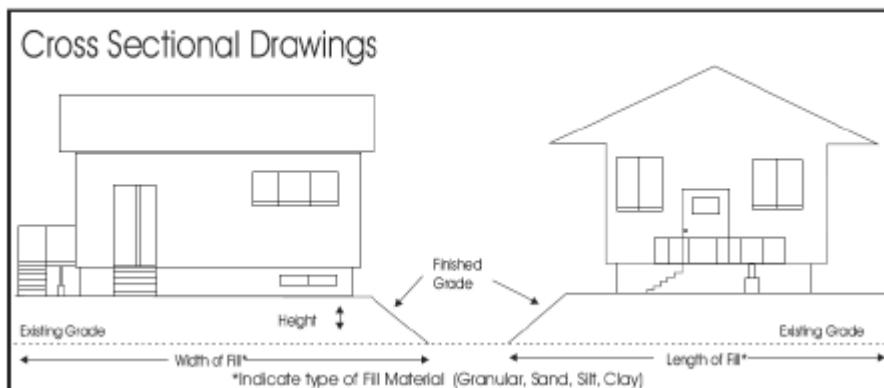
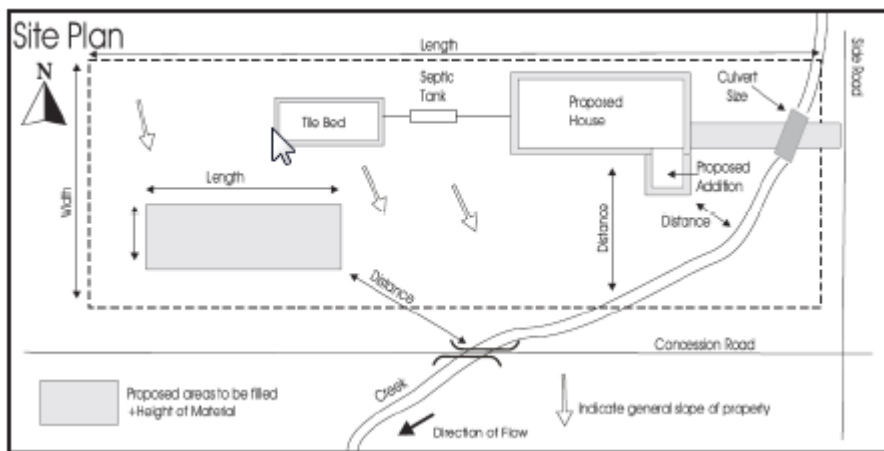
**Application Form Revision Date:** April 1, 2024



**Instructions:**

These drawings are not for design purposes. They are examples to illustrate the minimum level of detail required to enable the LRCA to process your application.

Drawings should include the location and dimensions of proposed works (i.e. buildings, quantity and areas of fill, landscaping features, culvert(s) and location of existing buildings or features, location of water bodies, wetlands and drainage areas.



Cross sections must show existing and final grade elevations, existing and finished floor elevations and lowest openings into buildings.

Elevations must be geodetic (as determined by an Ontario Land Surveyor).

Office Use Only
Submission #
Date received:

**Authorization to submit an Application for a Permit under O. Reg. 41/24 Prohibited Activities, Exemptions and Permits by a Person other than the Legal Owner.**

I \_\_\_\_\_, being the legal owner of the property described as  
 Lot \_\_\_\_\_, Concession \_\_\_\_\_, Plan \_\_\_\_\_,  
 Parcel \_\_\_\_\_ in the Municipality/Township of \_\_\_\_\_,  
 located at Municipal address \_\_\_\_\_  
 Authorize \_\_\_\_\_

as my agent to submit the attached application and all information, documents and submissions relating thereto to the Lakehead Region Conservation Authority (LRCA), and to appear on my behalf at any Hearing(s) of the application and to provide any information or material required by the LRCA relevant to the application for purposes of obtaining a permit in accordance with the requirements of Ontario Regulation 41/24, Prohibited Activities, Exemptions and Permits.

Dated at \_\_\_\_\_  
 Municipality

Signature of Legal Owner \_\_\_\_\_

Date \_\_\_\_\_



<b>Office Use Only</b>
Submission #
Date received:

Complete each section as required, use one form per building

03.21.24

<b>B-1: Project Description</b>
<b>Project Name</b> (if applicable):
<b>Municipality:</b>
<b>Project Location</b> (address):
<b>Nearest Major Intersection:</b>
<b>Check that which applies:</b>
<input type="checkbox"/> Floor Area ≤ 20 square metres (Small Works- accessory buildings and structures)
<input type="checkbox"/> Floor Area > 20 but ≤ 186 square metres (Standard Works – new, reconstruction, accessory)
<input type="checkbox"/> Floor Area > 187 but ≤ 450 square metres (Large Works – new, reconstruction, accessory)
<input type="checkbox"/> Floor Area > 450 square metres, multi-unit projects, floodplain reconstruction (Major Works)

<b>B-2: Construction Details</b>			
<input type="checkbox"/> Construct a new building or structure	<input type="checkbox"/> Demolish an existing structure		
<input type="checkbox"/> Construct an addition to an existing building or structure			
<input type="checkbox"/> Re-construct an existing building or structure – In Floodplain: <b>Yes / No</b>			
Proposed use of building/structure (i.e. dwelling, shed, garage, etc.):			
Length (m):	Width (m):	Height (m):	# of Storeys:
Actual proposed floor area (m <sup>2</sup> ):		Existing floor area (m <sup>2</sup> ):	
Foundation: No <input type="checkbox"/> Yes <input type="checkbox"/> Type:		Proposed Depth (m):	
Structure lowest opening elevation (m):		Ground elevation (m):	
Distance of works from watercourse <input type="checkbox"/> shoreline <input type="checkbox"/> wetland <input type="checkbox"/> (m):			
Distance from Regulatory Floodline (m):		Distance from Top of Stable Slope (m):	

<b>Are Planning Act or Municipal approvals required? :</b>	
<input type="checkbox"/> No	<input type="checkbox"/> Yes (check all that apply):
<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Land Severance/Consent
<input type="checkbox"/> Zoning	<input type="checkbox"/> Minor Variance
<input type="checkbox"/> Building Permit	<input type="checkbox"/> Other:
Proposed Start Date:	Anticipated Date of Completion:
Will fill placement/removal or site grading be required as part of the construction?	
No <input type="checkbox"/>	
Yes <input type="checkbox"/> - Also fill out Schedule C – Placement/Removal of Fill and Site Grading	

**HAND DRAWN SITE PLAN** (unless already attached):

Include the property boundary and the proposed location(s) of work(s); indicate location of and distances from any waterways, ponds, wetlands and shorelines either on or near the subject property.

**Complete Application Requirements**

This schedule must be accompanied by detailed plans for the proposed works. The detailed plans must include the following, where applicable:

1. Site Plan (if not drawn above).
2. Construction techniques and access.
3. Cross-section(s) of the proposed work(s) showing existing grade and final grade.
4. Complete engineering/architectural drawings of proposed work(s).

**Other Technical Requirements May Include:**

- |   |   |
|---|---|
| <input type="checkbox"/> Legal Survey                                     | <input type="checkbox"/> Pre/Post metric geodetic elevations            |
| <input type="checkbox"/> Geodetic elevations of the lowest opening(s)     | <input type="checkbox"/> Structural elevations and construction details |
| <input type="checkbox"/> Erosion and Sediment Control Plans               | <input type="checkbox"/> Grading Plans                                  |
| <input type="checkbox"/> Landscaping/Site rehabilitation plan             | <input type="checkbox"/> Geotechnical/Slope Stability Study             |
| <input type="checkbox"/> Coastal Engineering Study                        | <input type="checkbox"/> Hydrogeological Assessment                     |
| <input type="checkbox"/> Floodline Delineation Study/Hydraulic Assessment | <input type="checkbox"/> Scoped or Full Environmental Impact Study      |
| <input type="checkbox"/> Watercourse Meander/Erosion Analysis             |   |

**Placement or Removal of Fill and Site Grading**  
**Prohibited Activities, Exemptions and Permits, 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](http://www.lakeheadca.com)

Office Use Only
Submission #
Date received:

Complete each applicable section as required.

03.21.24

C-1: Project Description
<b>Project Name</b> (if applicable):
<b>Municipality:</b>
<b>Project Location</b> (address):
<b>Nearest Major Intersection:</b>
<b>Check those that apply:</b> <input type="checkbox"/> Fill activity of 25 to 100 cubic metres (Small Works) <input type="checkbox"/> Fill activity of 101 to 500 cubic metres and/or < 0.5 ha of site grading (Standard Works) <input type="checkbox"/> Fill activity of 501 to 2000 cubic metres and/or grading area of 0.5 – 1.0 ha (Large Works) <input type="checkbox"/> Fill activity > than 2000 cubic metres and/or grading and area > 1.1 ha (Major Works)

C-2: Fill Placement or Removal
<b>Place Fill:</b> <input type="checkbox"/> Sand <input type="checkbox"/> Gravel <input type="checkbox"/> Crushed Stone <input type="checkbox"/> Rip Rap <input type="checkbox"/> Topsoil <input type="checkbox"/> Other:
<b>Approximate quantity of Fill</b> (m <sup>3</sup> ):
<b>Placement or Removal of Fill to take place in a Flood or Erosion Hazard?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes: Flood Hazard – <i>this may require a cut and fill to verify no net loss of floodplain storage</i> <input type="checkbox"/> Yes: Erosion Hazard – <i>further technical reports may be required</i>
<b>Fill Area:</b> Length (m):                      Width (m):                      Avg. Depth (m):
<b>Removal of Fill from Site:</b> <input type="checkbox"/> Topsoil/Organic <input type="checkbox"/> Clay <input type="checkbox"/> Rock/Boulders <input type="checkbox"/> Sand/Gravel
<b>Quantity of fill removed</b> (m <sup>3</sup> ): <b>Location to be Deposited</b> <sup>1</sup> :
<b>Is this a Cut and Fill Operation?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes - Describe:

C-3: Site Grading
<b>Material being graded:</b> <input type="checkbox"/> Imported Fill <input type="checkbox"/> Native Material
<b>Size of Area to be re-graded</b> (m <sup>2</sup> or ha): <b>Final Grade Elevation</b> (m):
<b>Total grade increase or decrease</b> (± m):
<b>Describe final slope grades</b> (if applicable) H:V (m):
<b>Will slopes be armored/protected from erosion?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes - Describe:

<sup>1</sup> If fill removed from a site is deposited in a LRCA regulated area, additional permits may be required.

<b>C-4: General Information</b>	
<b>Existing Site Conditions or Use:</b>	
<b>Proposed Site Conditions or Use:</b>	
<b>Description of construction methods and equipment/materials used:</b>	
<b>Distance of activity from:</b> watercourse <input type="checkbox"/> ; shoreline <input type="checkbox"/> ; wetland <input type="checkbox"/> (m):	
<b>Distance from Regulatory Floodline (m) (if applicable):</b>	
<b>Sediment/erosion control plan</b> (e.g. silt fencing, turbidity curtain - indicate locations on attached site plans):	
<b>Proposed Start Date:</b>	<b>Anticipated Date of Completion:</b>
<b>Will Construction of a Building or Structure also be included in the project?</b> No <input type="checkbox"/> Yes <input type="checkbox"/> - Also fill out <i>Schedule B – Construction, Reconstruction and Addition</i>	
<b>Other:</b>	

**Complete Application Requirements**

This schedule must be accompanied by detailed plans for the proposed works. The detailed plans must include the following, where applicable:

1. Site Plan - include the property boundary and the proposed location(s) of work(s) and access to property; indicate location of and distances from any waterways, ponds, wetlands and shorelines either on or near the subject property.
2. Cross-section(s) of the proposed work(s) showing existing grade and final grades/slopes.

**Other Technical Requirements May Include:**

- |  |   |
|--|---|
| <input type="checkbox"/> Legal Survey<br><input type="checkbox"/> Geodetic elevations of the lowest opening(s)<br><input type="checkbox"/> Erosion and Sediment Control Plans<br><input type="checkbox"/> Landscaping/Site rehabilitation plan<br><input type="checkbox"/> Coastal Engineering Study<br><input type="checkbox"/> Floodline Delineation Study/Hydraulic Assessment<br><input type="checkbox"/> Watercourse Meander/Erosion Analysis | <input type="checkbox"/> Pre/Post metric geodetic elevations<br><input type="checkbox"/> Structural elevations and construction details<br><input type="checkbox"/> Grading Plans<br><input type="checkbox"/> Geotechnical/Slope Stability Study<br><input type="checkbox"/> Hydrogeological Assessment<br><input type="checkbox"/> Scoped or Full Environmental Impact Study |
|--|---|



Office Use Only
Submission #
Date received:

Complete each applicable section as it relates to your project

03.21.24

**D-1: Project Description**

**Project Name** (if applicable):

**Municipality:**

**Project Location** (address):

**Nearest Major Intersection:**

**Check those that apply:**

Docks and Boathouses < 15 square metres in area (Small Works)

Docks and Boathouses > 15 square metres in area (Standard Works)

Shoreline Alteration/Erosion Protection Works < 50 metres in length (Small Works)

Shoreline Alteration/Erosion Protection Works 51 to 500 metres in length (Standard Works)

Shoreline Alteration/Erosion Protection Works > 500 metres in length (Major Works)

Channel/Lake Bed Alteration < 200 metres in length or 0.5 ha in area (Standard Works)

Channel/Lake Bed Alteration > 200 metres in length or 0.5 ha in area (Large Works)

**D-2: Docks and Boathouses**

**Type of Construction:**  New Installation  Re-construction  Addition

**Boat House** - complete this section to describe in water support structures – complete *Schedule B: Construction, Re-construction and Addition* to provide building construction details.

**Dock** – temporary docks do not require a permit (e.g. roll out, floating, etc.)

Number of cribs/structural supports required:

Approximate total area of lake/stream bed to be occupied by cribs/supports (m<sup>2</sup>):

**Proposed dimensions of each structure:**

Length (m):                      Width (m):                      Height (m):

**D-3: Shoreline/Watercourse or Lake Bed Alteration**

**Alteration:**  Retaining Wall  Boat Ramp  Other – describe:

New Installation  Repair/Maintenance  Re-Construction/Modification

**Proposed dimensions of each element/structure** (if applicable):

Length (m):                      Width (m):                      Height (m):

**Proposed dimensions of dredged area** (if applicable):

Length (m):                      Width (m):                      Depth (m):

**Proposed dimensions of Boat Ramp** (if applicable): Length (m):                      Width (m):

**Approx. Volume and type of Fill Material** (m<sup>3</sup>):

**Alteration to Shorelines and Watercourses  
Prohibited Activities, Exemptions and Permits, O. Reg. 41/24**

D-4 Erosion Protection Works		
<input type="checkbox"/> New Installation <input type="checkbox"/> Repair/Maintenance <input type="checkbox"/> Re-Construction/Modification		
<b>Area and Depth of Erosion Protection Measures:</b>		
Length (m):	Width (m):	Depth (m):
<b>Approx. Volume and type of Fill Material (m<sup>3</sup>):</b>		
<b>Final Slope/Grade (if applicable):</b>		

D-5 General Project Information	
<b>Existing Site Conditions or Use:</b>	
<b>Proposed Site Conditions or Use:</b>	
<b>Description of construction methods and equipment used:</b>	
<b>Description of proposed materials used (i.e. concrete, wood type, rock type and sources):</b>	
<b>Elevation of proposed works (m):</b>	<b>Metres above High Water Mark:</b>
<b>Sediment/erosion control plan (e.g. silt fencing, turbidity curtain - indicate locations on attached site plans):</b>	
<b>Proposed Start Date:</b>	<b>Anticipated Date of Completion:</b>
<b>Additional Details or Information:</b>	

**Complete Application Requirements**

This schedule must be accompanied by detailed drawings for the proposed works. This includes a site plan and cross sectional drawing of the proposed works showing dimensions and placement relative to shorelines and watercourses.

*A work permit from the Ministry of Natural Resources and Forestry may be required for in-water work under the Public Lands Act and/or the Lakes and Rivers Improvement Act. In water work is subject to timing windows under the Fisheries Act and may require review from the Department of Fisheries and Oceans.*

Office Use Only
Submission #
Date received:

Complete each applicable section as required.

03.21.24

E-1: Project Description
<b>Project Name</b> (if applicable):
<b>Municipality:</b>
<b>Project Location</b> (address):
<b>Nearest Major Intersection:</b>
<b>Check those that apply:</b> <input type="checkbox"/> Infrastructure Maintenance (Small Works) <input type="checkbox"/> New infrastructure including culverts/bridges - < 3m width/span (Standard Works) <input type="checkbox"/> New infrastructure including culverts/bridges - 3 to 25 m width/span (Large Works) <input type="checkbox"/> New infrastructure including culverts/bridges - > 25 m width/span (Major Works)

E-2: Infrastructure
<b>Type of Construction:</b> <input type="checkbox"/> New Install <input type="checkbox"/> Re-construction/Modification <input type="checkbox"/> Repair/Maintenance
<b>Description of Infrastructure:</b>
<b>Distance of activity from:</b> watercourse <input type="checkbox"/> ; shoreline <input type="checkbox"/> ; wetland <input type="checkbox"/> (m):
<b>In Floodplain:</b> <input type="checkbox"/> No <input type="checkbox"/> Yes: <b>Floodline Elevation</b> (m):
<b>Approximate total area of lake/stream bed to be occupied by infrastructure</b> (m <sup>2</sup> ):
<b>Does this project require an Environmental Assessment?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes

E-3: Water Crossings (Bridges and Culverts)	
<input type="checkbox"/> <b>Culvert:</b> <input type="checkbox"/> Replacement/Modification <input type="checkbox"/> Repair/Maintenance <input type="checkbox"/> New installation	
<b>Engineered to pass storm flow?</b> <input type="checkbox"/> 10 year <input type="checkbox"/> 25 year <input type="checkbox"/> 100 year <input type="checkbox"/> Regional <i>Attach calculations and associated design drawings.</i>	
<b># of Proposed Culverts:</b>	
<b>Diameter of existing culvert(s)</b> (m):	<b>Length of existing culvert(s)</b> (m):
<b>Diameter of proposed culvert(s)</b> (m):	<b>Length of proposed culvert(s)</b> (m):
<b>Road width</b> (m):	<b>Depth of fill over culvert</b> (m):
<b>Describe bank slope and material on slope:</b>	



<b>Is Access and Egress Achievable?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes: <b>Up to what storm?:</b>	
<input type="checkbox"/> <b>Bridge:</b> <input type="checkbox"/> Pedestrian/Recreational <input type="checkbox"/> Vehicular	
<input type="checkbox"/> Replacement/Modification <input type="checkbox"/> Repair/Maintenance <input type="checkbox"/> New installation	
<b>Engineered to pass storm flow?</b> <input type="checkbox"/> 10 year <input type="checkbox"/> 25 year <input type="checkbox"/> 100 year <input type="checkbox"/> Regional <i>Attach calculations and associated design drawings.</i>	
<b>Bridge freeboard during storm design flow? (m):</b>	
<b>Is Access and Egress Achievable?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes: <b>Up to what storm?:</b>	
<b>Span/width of Bridge (m):</b>	
<b>Existing bridge opening area (m<sup>2</sup>):</b>	<b>Proposed bridge opening area (m<sup>2</sup>):</b>
<b>Bridge Abutments:</b>	
Length (m):	Width (m):
Height (m):	Total Volume (m <sup>3</sup> ):
<input type="checkbox"/> Other type of crossing – Describe:	

<b>E-4: General Project Information</b>	
<b>Description of construction methods and equipment used:</b>	
<b>Description of proposed materials used (i.e. concrete, wood type, rock type and sources):</b>	
<b>Sediment/erosion control plan</b> (e.g. silt fencing, turbidity curtain - indicate locations on attached site plans):	
<b>Fill required in floodplain</b> (including abutments)? <input type="checkbox"/> No <input type="checkbox"/> Yes: <i>fill out Schedule C: Placement or Removal of Fill and Site Grading</i>	
<b>Other Details:</b>	
<b>Proposed Start Date:</b>	<b>Anticipated Date of Completion:</b>

**Complete Application Requirements**

This schedule must be accompanied by detailed drawings for the proposed works. This includes a site plan and cross sectional drawing of the proposed works showing dimensions and placement relative to shorelines and watercourses. Water Crossings may need to be designed and stamped by an Engineer in order to be approved. Other technical submissions may be required – pre-consultation with LRCA staff is recommended.

Office Use Only
Submission #
Date received:

Complete each applicable section as required.

03.21.24

F-1: Project Description
<b>Project Name</b> (if applicable):
<b>Municipality:</b>
<b>Project Location</b> (address):
<b>Nearest Major Intersection:</b>
<b>Purpose of Project:</b>

F-2: General Project Information	
<b>Existing Site Conditions/Use:</b>	
<b>Proposed Site Conditions/Use:</b>	
<b>Description of construction methods and equipment used:</b>	
<b>Description of proposed materials used</b> (i.e. concrete, wood type, rock type and sources):	
<b>Associated Hazard:</b> <input type="checkbox"/> shoreline <input type="checkbox"/> wetland <input type="checkbox"/> watercourse <input type="checkbox"/> river valley <input type="checkbox"/> unstable bedrock	
<b>Distance of project works from associated Hazard:</b> (m):	
<b>Distance from Regulatory Floodline</b> (m):	<b>Distance from Top of Stable Slope</b> (m):
<b>Sediment/erosion control plan</b> (if applicable) e.g. silt fencing, turbidity curtain - indicate locations on any attached site plans:	
<b>Other Details:</b>	
<b>Proposed Start Date:</b>	<b>Anticipated Date of Completion:</b>

**HAND DRAWN SITE PLAN** (unless already attached):

Include the property boundary and the proposed location(s) of work(s); indicate location of and distances from any waterways, ponds, wetlands, river valley lands and shorelines either on or near the subject property.

**Complete Application Requirements**

This schedule must be accompanied by detailed plans for the proposed works. The detailed plans must include the following, where applicable:

1. Site Plan (if not drawn above).
2. Construction techniques and access.
3. Cross-section(s) of the proposed work(s) showing existing grade and final grade.
4. Complete engineering/architectural drawings of proposed work(s).

**Other Technical Requirements May Include:**

- |   |   |
|---|---|
| <input type="checkbox"/> Legal Survey                                     | <input type="checkbox"/> Pre/Post metric geodetic elevations            |
| <input type="checkbox"/> Geodetic elevations of the lowest opening(s)     | <input type="checkbox"/> Structural elevations and construction details |
| <input type="checkbox"/> Erosion and Sediment Control Plans               | <input type="checkbox"/> Grading Plans                                  |
| <input type="checkbox"/> Landscaping/Site rehabilitation plan             | <input type="checkbox"/> Geotechnical/Slope Stability Study             |
| <input type="checkbox"/> Coastal Engineering Study                        | <input type="checkbox"/> Hydrogeological Assessment                     |
| <input type="checkbox"/> Floodline Delineation Study/Hydraulic Assessment | <input type="checkbox"/> Scoped or Full Environmental Impact Study      |
| <input type="checkbox"/> Watercourse Meander/Erosion Analysis             |   |

**Appendix C: Section 28.1**  
***Conservation Authorities***  
***Act* Hearing Guidelines,**  
**LRCA**

# Section 28 (12) Conservation Authorities Act Hearing Guidelines

## Lakehead Region Conservation Authority

Version 3



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
3	February 24, 2021 (MZO permit)	30/21

## Table of Contents

1	Introduction .....	1
1.1	Application.....	1
1.2	Conflict with Legislation .....	1
1.3	Statutory References.....	1
2	Interpretation .....	1
2.1	Definitions .....	1
2.2	Authority and Staff .....	2
3	General .....	2
3.1	Interpretation of Guidelines.....	2
3.2	Matters not dealt with in the Guidelines .....	2
4	Pre-Hearing Procedures.....	3
5	Hearings.....	5
6	Conducting a Hearing .....	6
6.1	Public Hearing.....	6
6.2	Hearing Procedure.....	6
6.3	Parties and Participants.....	7
6.4	Attendance of Hearing Board Members .....	7
6.5	Adjournments.....	7
6.6	Orders and Directions.....	8
6.7	Evidence under Oath or Affirmation .....	8
6.8	Copies of Documents.....	8
6.9	Privilege, Hearsay .....	8
6.10	Judicial Notice .....	8
6.11	Authority Representative.....	9
6.12	Record of Attending Hearing Board Members .....	9
6.13	Opening Remarks .....	9
6.14	Conflict of Interest Declaration.....	9
6.15	Introduction of Applicant.....	9
6.16	Requirements for Applicant Evidence .....	9
6.17	Deliberation.....	10
6.18	In-Camera Session of the Board.....	10
6.19	Hearing Decision .....	10
6.20	Corrections in Decision .....	10
7	Post-Hearing Procedures.....	11
8	Appeals .....	11

## List of Appendices

### Appendix A: Pre-Hearing Templates

- Staff letter to Applicant
- Notice of Hearing
- Hearing Procedure
- Permit Summary /Staff Report

### Appendix B: Sample Chair's Remarks

### Appendix C: Post-Hearing Templates

- Notice of Decisions/Reasons
- Record of Decision
- Permit

## **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.
- The application is related to a Municipal Zoning Order and the permit has conditions attached.

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 (cannot refuse permission for permits related to a Municipal Zoning Order, per Subsection 28.0.1(4)),
- 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 the 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 (cannot refuse permission for permits related to a Municipal Zoning Order, per Subsection 28.0.1(4)),
- 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.

If the permit is related to an MZO, and after holding a Hearing the applicant objects to attached conditions, the holder of the permission, within 15 days of the reasons being given, submit a request to the Minister of Environment, Conservation and Parks for the Minister to review the proposed conditions (*Conservation Authorities Act* Section 28.0.1(9)). Within 90 days of the reasons being given, the applicant can appeal to the Local Planning Appeal Tribunal to review the conditions (*Conservation Authorities Act* Section 28.0.1 (19)).

In the event of an Appeal, a copy of the Hearing Record will be forwarded by Authority Staff to the Mining and Lands Tribunal, Minister or appropriate body. 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**

---

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.



# **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 #/##





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