

Section:	DEVELOPMENT REGULATIONS		
Title:	DEVREG-05: Pre-Submission Consultation and Complete Application Policy		
Resolution	#112/24	Approval Date:	October 30, 2024
Revisions			

1.0 Background

On April 1, 2024 the Province enacted Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits (O. Reg. 41/24 or the “Regulation”), and associated sections of the [Conservation Authorities Act](#) (CAA). Section 6 of the Regulation explains the pre-submission consultation process which may be used by the authority and the applicant to confirm the requirements of a complete application to obtain a permit for the activity in question, while Section 7 of the Regulation establishes the requirements of a permit application as well as requirements of the authority in receipt of a permit application. Section 12, item 1 of the Regulation requires all Conservation Authorities (CAs) to develop policies and procedures regarding the pre-submission consultation process and additional details related to complete permit application requirements and sets out minimum requirements to be incorporated into a CA’s policy and procedure document(s). This document details LRCAs pre-submission consultation and complete application policies and procedures.

2.0 Pre-submission Consultation

The Authority recommends that pre-submission consultation occur for the purpose of confirming the requirements of a complete application to obtain a permit. Section 6 of Ontario Regulation 41/24 speaks to pre-submission consultation and requires conservation authorities to engage in pre-consultation if requested by an applicant. The pre-consultation process is intended to:

1. Identify information that must be submitted as part of a complete application (e.g. studies, drawings, etc.).
2. Potentially undertake a site visit to verify the presence or absence of regulated features such as wetlands and watercourses.
3. Clarify the general process that is required to obtain a permit.
4. Provide a preliminary determination of compliance with the policies and procedures and feedback on how to achieve compliance if lacking.

Pre-submission consultation should occur as a meeting between Authority staff, the applicant, and the municipality and/or other regulating agencies (if applicable), prior to application

submission. This meeting may occur prior to or at the same time as a site visit to the property where the activity is proposed to be carried out.

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

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

3.0 Complete Application Requirements

A permit application may only be made by the registered owner of the property where the development activity is proposed to take place. The owner may authorize an agent to manage the application process on their behalf. Where a project extends beyond a single property, separate applications will be required for each individual parcel.

An application will only be considered complete upon the submission of the following, including prescribed requirements pursuant to subsection 7(1) of Ontario Regulation 41/24:

1. Completed application form.
2. A description of the proposed works.
3. 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.
4. The proposed use of any buildings or 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.
5. The start and completion dates of the development activity or other activity.
6. A description of the methods to be used in carrying out the activity to straighten, change, divert, or interfere with the existing channel of a watercourse or to interfere with a wetland.
7. 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;
8. Drainage details before and after the development activity or other activity.
9. Complete description of any type of fill proposed to be placed or dumped.
10. 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.
11. Any other technical information, studies, or plans LRCA staff requires including information requested during pre-submission consultations between the authority and the applicant.
12. Payment of application fee.

4.0 Permit Application Package

Information to meet complete application requirements, as outlined above, are covered off within LRCAs Permit Application Package, which consists of the following forms:

- Permit Application
- Schedule A – Authorization
- Schedule B – Construction, Addition and Demolition
- Schedule C – Placement or Removal of Fill and Site Grading
- Schedule D – Alteration to Shorelines and Watercourses
- Schedule E – Infrastructure and Water Crossings
- Schedule F – Other Projects

Pre-consultation is always encouraged to ensure that sufficient information is provided and to direct the applicant to complete the applicable and necessary forms for any given development proposal.

Applicant's can obtain LRCAs Permit Application Package from the Authorities website <https://lakeheadca.com/regulations/permits>, and paper copies are available at the main office.

4.1 Application Fees

The Authority charges a fee for applications requiring a formal Permit under the Regulation. The fee is determined by the type of work to be undertaken. Development undertaken prior to obtaining a Permit will be charged double the fee, if the proposal is approved. If not approved, the landowner will be responsible for restoring the site at their expense. LRCAs Fee Schedule can be found on the authority's website <https://lakeheadca.com/regulations/fees>.

5.0 Notice of Complete / Incomplete Application

As per Section 7(2) of O. Reg. 41/24, upon receipt of a permit application, including payment by the applicant of the fee charged by the authority, 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.

5.1 Complete Application and Notice Requirements

Upon receipt of a permit application, if the authority deems the application complete and in compliance with subsection 28.1(3) of the Act, a Notice of Complete Application will be issued to the applicant within 21 days. LRCAs template Notice of Complete Application is attached.

The review for a complete application only confirms that all required information (as listed above) has been provided and does not prejudice that the contents of the application are satisfactory for a recommendation to approve or deny a permit. Revisions or clarifications requested as the result of a technical review are not considered new information.

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

applicant for clarification or further details regarding any matter related to the application (Section 7(3) O. Reg. 41/24).

5.2 Incomplete Application and Notice Requirements

If the authority determines that the permit application submitted does not comply with subsection 28.1(3) of the Act, a Notice of Incomplete Application will be issued to the applicant. The notice will be issued within 21 days of receiving the application and will outline the requirements of a complete application listed under Section 7(1) of O. Reg. 41/24 and will further explain where additional information is required to be able to determine the application to be complete.

The application will not be processed if information provided with the application is unclear as to the work proposed or is insufficient to allow LRCA staff to complete a technical review and to make recommendations of approval or refusal.

As per Section 8(1) of the regulation, the Notice will also advise the applicant of their right to Request a Review by the authority to resolve issues including if the applicant disagrees with the authority's determination that the application for a permit is incomplete (see Section 5.0). LRCAs template letter for Notice of Incomplete Application is attached.

6.0 Request for Review

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

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

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

Refer to LRCA policy DEVREG-04: Process for Administrative Review for additional information regarding LRCAs Request for Administrative Review Process.

7.0 Processing of Complete Applications

All applications will be reviewed to determine if the proposed development activity meets the legislative requirements and tests of both the *Conservation Authorities Act* and Ontario Regulation 41/24, and that the submitted application conforms to the policies set out in this document. LRCA staff may require consultation with an applicant during the review process to confirm, clarify or request revisions to submitted material in an effort to assist in the successful completion of a permit application.

7.1 Decisions

Upon full review of a complete application, LRCA staff will proceed and either:

- a) Issue an approved permit, with or without conditions, OR
- b) Advise the applicant that staff recommend refusal of the application, and a formal Hearing is required if the applicant wishes to proceed with the application.

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.

Further details of LRCAs procedures regarding permit application approvals, refusals and Hearings can be found in LRCAs DEVREG-01: Rules of Procedure for Permit Application review and Approval.

7.2 Decision Timelines

Decision timelines are legislated pursuant to subsection 28.1 (22) of the *Conservation Authorities Act*, which directs authorities to provide a decision on a permit application within 90 days of receipt of a complete application.

If the LRCA has not provided notice of a decision within 90 days of issuing a Notice of Complete Application, an applicant may file an appeal with the Ontario Land Tribunal.

Further details regarding standard timelines for the authority to make decisions on permit applications can be found in LRCA policy document DEVREG-07: Section 28 Permit Timelines and Compliance Reporting.

Attachments:

- **Notice of Complete Application (template letter)** under s. 7(2) of O. Reg. 41/24 made under the *Conservation Authorities Act*
- **Notice of Incomplete Application (template letter)** under s. 7(2) of O. Reg. 41/24 made under the *Conservation Authorities Act*



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

Date

Name

Company

Address

Address

Dear **Name**:

Re: Notice of Complete Application
Project Name / Proposed Work
Project Address, Municipality

In response to your Application to the Lakehead Region Conservation Authority (LRCA) received **Date**, it has been determined that your application is complete.

As per Section 28.1 (22) of the *Conservation Authorities Act*, a notice of decision with respect to the application will be provided within 90 days.

Yours truly,

Michelle Sixsmith
Development Regulations Officer

/mds

Enclosure(s)

Date

Name

Company

Address

Address

Dear **Name**:

Re: Notice of Incomplete Application

Project Name

Project Address, Municipality

In response to your Application to the Lakehead Region Conservation Authority (LRCA) received **Date**, it has been determined that your application is incomplete.

As per Section 7. (1) of Ontario Regulation 41/24 Prohibited Activities, Exemptions and Permits, an application for a permit under section 28.1 of the Conservation Authorities Act 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.

Based on the above, it has been determined that there is insufficient information to process your permit application. Additional information relating to points **a, b, c, d, e, f, g, h, i**, is required. Further details are as follows:

- **List details of information missing. Note – can use the internal Complete Application Checklist to facilitate the list of missing information; provide additional notes/description/information to each point if required**

Please be advised, if the applicant disagrees with the above information, there is an opportunity to Request an Administrative Review as per Section 8 (1) of O. Reg. 41/24, whereby the applicant may request a review by the authority to resolve issues including the following:

- a) The applicant has not received a notice from the authority within 21 days;
- b) The applicant disagrees with the authority's determination that the application for a permit is incomplete;
- c) The applicant is of the view that a request by the authority for other information/studies/plans is not reasonable.

Details of LRCAs administrative review process (including the 'Request for Administrative Review form), can be found under policy DEVREG-04 'Process for Administrative Review under Section 8 of O. Reg. 41/24' posted to LRCAs website under Development Regulations <https://lakeheadca.com/regulations/development-regulations>. To initiate the Request for Review process, the applicant must submit the completed "Request for Administrative Review" form to the Authority via email to info@lakeheadca.com, or delivering a copy of the request to the Authority office, addressed to the Chief Administrative Officer.

If further information is required, please contact, Michelle Sixsmith, Development Regulations Officer at the Authority office.

Yours truly,

Tammy Cook
Chief Administrative Officer

/mds
Enclosure(s)