

Full Authority
18 April 2024
Agenda Item: 12

Regulations Hearing Process Review

Background

During the course of the year, the CVCA Watershed Advisory Board (WAB) will convene when a regulations applicant appeals to the Board seeking a decision when a development proposal does not meet policies as delineated in the CVCA Watershed Planning and Regulations Policy.

This Watershed Advisory Board is responsible to adhere to the Conservation Authorities Act, the new Ontario Regulation 41/24 and the policies adopted by the CVCA Board.

Each of these components establish the role and responsibilities of the CVCA, which is a result of Provincial direction to ensure development is directed outside the flood and erosion hazards associated with the lakes, rivers, streams and wetlands in the CVCA watershed.

This responsibility is handed to the Watershed Advisory Board and performs its function in a quasi-judicial role.

CVCA staff have provided training and information sessions for Board members to acquaint themselves with Ontario Regulation 41/24 (formerly O. Reg. 159/06) and the hearing process.

Current Status

Prior to recent appeals, applicants would present their case to the Board by themselves with the understanding the hearing would be conducted in an informal manner. However, it appears there is a growing trend for applicants to rely more and more on professionals such as lawyers, engineers, consultants, biologists, etc., to present their case. As a result, the informality of the hearing has been changed to appear more like a court case rather than a hearing. In short, the intensity or “stakes” of the hearing has been ratcheted higher.

As a result, staff would like to offer the Board an opportunity to go over process, ask questions or discuss issues that Board members could not raise in a hearing setting. The time set aside at this meeting may also be good timing, as it is still fresh in the minds of the members.

In addition, there have been Board member changes and it would be a time to introduce this process and begin building a good understanding of one key aspect of being a CVCA Board member.

In addition to myself, CVCA Regulations Officers will be available to answer questions, provide clarification and offer any other information the Board may require. Staff would also like to suggest a “lunch and learn session” if any member is interested. This would be held at the CVCA office, which would allow staff to utilize our resources to assist with an informal discussion.

Board Discussion

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