

**From: Joan Phillips / Agent / Project Manager**  
*(on behalf of Clients / David & Judy Messervey)*

**Agent Address:** 33 McAllister Road, RR#2 Bancroft, K0L 1C0  
**Mobile:** 416-576-0166  
**Email Address:** [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**Project Address:** 1823 Lewis Road Highlands East, ON, Paudash Lake

**To: Tim Pidduck, Andrew McIntyre / Crowe Valley Conservation Authority (CVCA) & CVCA Watershed Advisory Board**  
(CVCA will provide this package to the Watershed Advisory Board for their information & review prior to scheduled hearing on November 17, 2022)

Date: November 4, 2022

Re: **Draft** - Detailed Package to CVCA for requested/confirmed CVCA Watershed Advisory Board Hearing on November 17, 2022, in regard to **Messervey Project (Application #124/22)** Combination Lift-up / Permanent Anchor Point Dock Project, 1823 Lewis Road, Cardiff, Highlands East on Paudash Lake. Denial by CVCA to proceed. Agent is respectfully requesting Board's review/consideration and to grant property owner permission to proceed as per permit application dated May 20, 2022, to CVCA.

**Abbreviation Legend:**

**CVCA:** Crowe Valley Conservation Authority  
**HEM:** Highlands East Municipality  
**MNRF:** Ministry of Natural Resources & Forestry  
**F&O:** Fisheries & Oceans  
**R&J:** R&J Machine Dock Contractor

## Executive Summary

I (Joan Phillips/Agent on behalf of Owner) have prepared this detailed package for submission to the CVCA Watershed Advisory Board for their information prior to a scheduled hearing on November 17, 2022. I have outlined the following summary of the reasoning of the Messervey proposed dock and activities to date which has not yet resulted in approval from CVCA to proceed. We appreciate the Board's review of the information herein.

### **General Project Description & Reasoning for Request of Combination Lift-up/Permanent Dock System/Solution:**

This seasonal cottage property is located at 1823 Lewis Road, Highlands East on Paudash Lake and is within jurisdiction of the Crowe Valley Conservation Authority (CVCA) area and the Municipality of Highlands East. Accessing the property off Lewis Road via driveway is relatively flat/lightly sloping to the cottage dwelling and then to a much greater degree of sloping down to the waterfront (access to waterfront via stairs). Current structures on the property include main cottage dwelling, 1 small accessory building and a pole style dock that is removed from the water on a seasonal basis.

The current/existing dock is a lift-out system, requiring manually carrying rather heavy and awkward sections up the stairs for winter storage. The owners are no longer able to do this work themselves and are seeking approval for the proposed lift-up type dock system (tilt-up dock is 8' x 20') that would require shoreline anchor points (permanent dock portion of 8'x 20') as submitted via permit application to CVCA in May of 2022. It is important to note that the shoreline on this property is such that anchoring points to the shoreline land is proving difficult as the shoreline drops rather severely and vertically the last few feet into the water. The shoreline water is about a foot deep in the summer months (and slightly exposed "beach" after the fall draw-down).

Additional rationale of having the fixed portion of the dock 20 feet wide (along the shore) above and beyond being the anchoring point for the lift up dock– the owners will require some dock surface to store the removable panels from the tilt-up portion of the dock during the winter months. Also, this area will provide a means to access the lake during the winter, as we will need to walk around the tilted-up section, which is 8 feet wide. The owner uses the lake for accessing water, skating, and skiing in winter. In summer, this section will be extremely valuable for keeping kayaks, canoes, etc. at the water's edge, rather than having to carry them up and down the steep stairs.

The owner had investigated alternate solutions previously - including crib construction. When they approached the MNR approximately 4 years ago in this regard, they were told that they would be permitting crib construction provided that the area impacted on the lake bottom would not exceed 10 square metres (now 15 square metres below the highwater mark). That project at that time was stalled as the owner was in the process of purchasing the shoreline road allowance, which was completed in late winter of 2022. At that time, the owners discussed the proposed crib style dock project with contractors and learned that this method of construction was no longer in favour due to several reasons, including an increased likelihood of shifting of the cribs over time due to changing weather conditions and environmental impact, which they certainly appreciated. They then investigated the newer preferred solution (according to contractors, various municipal jurisdictions, as well as MNRF and Fisheries & Oceans) of steel pile dock construction which minimizes the footprint under the highwater mark. In the case of the Messervey permanent dock anchor portion, only 4 steel piles of a diameter of

5.5 inches are required which equates to a total area of 0.061 square metres under the high watermark, a significant reduction from the allowed 15 square metres.

**Pictures of existing lift-out pole dock at the Messervey property:**



**Summary of Application Process and Experience to date with CVCA:**

My clients have been seeking permission since May 20, 2022 from CVCA via permit application, to proceed with replacing their existing lift-out pole dock with this combination new lift-up dock/permanent dock anchor point. To date my client has not received this permission, but rather denial as per email sent via CVCA on July 15, 2022, which we have found confusing and contrary to the previous direction given by CVCA.

As Agent on behalf of my clients I started conversation with Crowe Valley staff (as identified in detailed package) regarding this project, back in March 2022, as follows:

**Important Note:** Several of the email exchanges are relevant to the Messervey project (also a 2<sup>nd</sup> similar project permit application for a permanent dock (Ferguson) and was sometimes captured sometimes in the same email exchange with CVCA).

To:	Date: All 2022	Description:
CVCA	Early Mar 2022	Call with CVCA staff for pre-consultation regarding request and process for CVCA permit application. Discussed existing condition of existing lift out dock. No permanent dock policy was mentioned at that time.
MNRF	Mar 17, > 18	Email exchange between agent & MNRF with confirmation that no work permit is required for permanent docks for Messervey Project.
CVCA	Apr 20	<b>Relevant to Messervey Application:</b> Call & follow-up email with CVCA to overview project (steel pile permanent steel dock) in follow-up to Ferguson permit application and that CVCA stated a permit application will not likely be required
CVCA	Apr 22	<b>Relevant to Messervey Application:</b> Email from regulator stating CVCA Regulation Officers cannot permit the replacement of a floating dock (Ferguson Project) with a permanent dock, as per the CVCA Policy Manual section 6.4.1.8 (Messervey is an existing pole dock)
CVCA	Apr 22	<b>Relevant to Messervey Application:</b> Agent was confused by regulator email of Apr 22 <sup>nd</sup> , as it was stated earlier by CVCA that a permit was not likely needed based on the description of the dock project. The Agent followed up with phone call. Agent spoke to another staff member and asked further questions about the <i>“CVCA Bylaw 6.4.1.8 - New in-water boathouses (for upland boathouses see Policy 5.3.5), structures and permanent docks that are within the channel of a watercourse will be not be permitted”</i> . We discussed the proposed Ferguson Dock being built along the shoreline, <b>not</b> within the channel of a watercourse. The CVCA said they could not provide further clarification and that we would need to follow-up with regulator at a later date as regulator was off on course for 2 weeks. Agent followed-up with email.
CVCA	May 12	<b>Relevant to Messervey Application:</b> Agent did not hear back from previous email to CVCA and followed-up with another email asking for status update regarding Ferguson dock project.

To:	Date: All 2022	Description:
CVCA	May 13	<b>Relevant to Messervey Application:</b> Email from CVCA stating they were consulting with Highlands East (HEM) Municipality and awaiting HEM staff mtg. for a discussion regarding the request for building permanent docks. Agent thanked CVCA and asked for any status updates ASAP.
CVCA	May 19	<b>Relevant to Messervey Application:</b> Call with Beth Lowe (CVCA) who instructed to apply for building permit to HEM
CVCA	May 20	Formal Permit Application for Messervey Dock
CVCA	May 20	Email communication to CVCA applying permit application for Messervey Dock Project
Fisheries & Oceans	May 20 <i>(Received confirmation Jul 25)</i>	Formal application and confirmation that F&O have no concerns/requirements for permanent dock structure for Ferguson Project.
CVCA	May 25	Email from CVCA confirming their discussion with HEM stating that applicants must go through the municipality for a bldg. permit and that this would be in addition to applying to CVCA for a permit. The agent already knew this process and had informed CVCA earlier of the jurisdictions that would be applied to as part of the process, including HEM, MNRF & Fisheries & Oceans. CVCA further states in the email to the agent that once you have consulted with HEM and applied for their building permit, please confirm with CVCA if you have to go through planning as well.
CVCA	May 25	Agent confirmed to CVCA that permit applications had been applied for to HEM for Messervey Project and that <b>no planning</b> was required. Agent offered to meet CVCA at the project site to review. There was no further email response from CVCA.
CVCA	July 15	Agent sent email to CVCA and attached HEM building permit obtained for the Messervey Dock Project
CVCA	July 15	CVCA response and stating the exact same email message for Messervey that they had sent on Apr 22 <sup>nd</sup> (Ferguson Project) stating that CVCA Regulation Officers cannot permit the replacement of a floating dock with a permanent dock, as per the CVCA Policy Manual section 6.4.1.8 (Ferguson Project). CVCA regulator at this time also added that a request would have to be put into the Watershed Advisory Board which has the flexibility to approve the appl. with or without conditions.
CVCA	July 15	Agent tried calling CVCA regulator and left a message. Agent spoke to another staff member in this regard and agent sent response email to CVCA stating the agent's confusion as the agent followed the CVCA direction exactly and if this was the case CVCA could have communicated in May that these applications would be denied, and the agent's clients would not have applied/paid for the costly permit process with HEM. Agent copied the Senior Staff Regulator at CVCA on this email response and requested a call ASAP.

<b>To:</b>	<b>Date: All 2022</b>	<b>Description:</b>
CVCA	Jul 18	Agent followed up with Senior Regulator at CVCA on her email of requesting a call ASAP regarding the denial from CVCA permit applications for permanent dock projects.
CVCA	Jul 19	Agent confirmed via email a call with Senior Regulator at CVCA to be scheduled for Jul 20 <sup>th</sup> .
CVCA	Jul 20	Call with Senior Regulator at CVCA. This regulator suggesting a call with General Mgr./CVCA and that this individual was away on vacation until Aug 2 <sup>nd</sup> . Agent asked Senior Regulator to set-up/confirm this call on Aug 2 <sup>nd</sup> , which the regulator did and confirmed.
CVCA	Aug 2	Call between agent, David Messervey, Rick Hickson and GM/CVCA Tim Pidduck. Call was approximately 35 mins. Tim requested a detailed explanation from Rick Hickson as to the steel pile dock permanent dock construction method, which Rick reviewed in detail. Tim recognized the miscommunication in the CVCA process to date and apologized. He stated that he would review in further detail and get back to the agent by the end of the week with a proposed next step.
CVCA	Aug 5	Email communication from GM/CVCA Tim Pidduck; "Although the MNRF and F&O support the advanced construction methods for the installation of permanent docks, the Crowe Valley Conservation Authority's Regulation Policy at this time does not permit the construction of permanent docks. Therefore, staff will be required to recommend denial of Permit 088/22. Permitting the development to proceed would be in contravention of the CVCA Board approved policy. The process only allows for the Board to overturn policy. Your situation has certainly raised a number of questions regarding the policy and needs to be addressed by an informed CVCA Board. As we discussed, the next CVCA Board meeting when a hearing could be scheduled is on the 15 <sup>th</sup> of September 2022. "
CVCA	Aug 8	Email from agent to CVCA GM/Tim Pidduck. Thanks for your communication, albeit we are very disappointed that this matter couldn't be resolved for my clients, considering we followed the instructions of your regulator without fail. Unfortunately, my client has now borne cost and lost valuable time if only the communication from CVCA staff had been clearer back in the spring time. Agent confirmed to CVCA that the clients wanted to move forward with the hearing and asked if there was a cost as such and asked for an earlier hearing based on in-water timing windows to work below the high-water mark which ends on Sept 30.
CVCA	Aug 10	Email from agent to CVCA GM/Tim Pidduck confirming cost of hearing is \$380 and to be responsibility of agent's clients and would endeavor to obtain an earlier hearing date of Sept 15 <sup>th</sup> of either Sept 1 <sup>st</sup> or 8 <sup>th</sup> . Tim mentioned that a detailed package summarizing the process from start to completion of all activities related be sent at least 2 weeks prior of the Advisory Board hearing date.
CVCA	Aug 10	Agent requested Sept 1 <sup>st</sup> hearing date.

<b>To:</b>	<b>Date: All 2022</b>	<b>Description:</b>
Agent & Clients	Aug 11	Agent discussed with clients and R&J Machine and it was determined that even if the hearing could be arranged for Sept 1 <sup>st</sup> / and permission was granted to proceed there would not be enough time this year to complete the underwater work by Sept 30 <sup>th</sup> .
CVCA	Aug 11	Agent asked CVCA GM/Tim Pidduck via email when next Advisory Board hearing date would be after September 15 <sup>th</sup> (agent would not be able to attend that date as she was travelling outside of the country). Tim responded that Nov 17 <sup>th</sup> would be the next hearing date.
CVCA	Sep 2	Call with CVCA GM/Tim Pidduck to confirmed that agent and clients would like to schedule the Nov 17 <sup>th</sup> Watershed Advisory Board date. Agent follow-up via email in this regard to confirm and CVCA confirmed via return email.
CVCA	Oct 11	Agent called Senior Regulator to confirm when CVCA (to be sent to Andrew McIntyre and Tim Pidduck) would need a detailed overview package prior to Nov 17 <sup>th</sup> to provide info to the Watershed Board. CVCA regulator confirmed that a detailed package should be sent by Nov 1 <sup>st</sup> and that this package would be forwarded on the Watershed Board by CVCA. Agent confirmed it would be sent via email/PDF attachment by Nov 1 <sup>st</sup> .
CVCA	Oct 27	Agent/Owners received email from CVCA with Notice of Hearing document attached. The attached Notice included reasons for which CVCA staff are recommending that the Messervey application be refused. The email also confirmed a hearing time of Nov 17, 2022 at 10:00 am via Google Meet. Additionally, CVCA communicated that an Agent/Owner information package be provided to CVCA by November 7 <sup>th</sup> , 2022.
CVCA	Nov 4	Agent responded to CVCA receipt of email with attached Notice of Hearing and confirmed the hearing timeframe of 10:00am via Google Meet. Agent also confirmed that information package as prepared by agent/owner would be sent via email in PDF format by Nov 7, 2022.

As indicated in the above timeline summary and overview of the requested processes/communications with CVCA, the timeline was extended significantly/unnecessarily to confirm if permission would be granted by CVCA. Even though the Agent followed the process exactly as directed by the CVCA regulator, the process was confusing and not efficient. We believe the evidence outlined herein indicates this lack of clarity, starting from March 2022 when were initially told that the project would not likely require a permit from CVCA leading up to the denial of permit communication on July 15, 2022.

The timeline from CVCA permit Application date of **May 20th to July 15<sup>th</sup> (40 business days)** permit denial, plus, the additional time to arrange the Watershed Advisory Board Hearing (November 17<sup>th</sup>, 2022). Most jurisdictions issue permit/provide status updates within 20 business days. It is also important to note:

- **My client lost the opportunity for the in-water work time window allowed by Fisheries & Oceans from July 16<sup>th</sup> through to September 30<sup>th</sup>, of which I reminded CVCA staff on a regular basis.**
- **Additionally, the contractor (R&J Machine) that were scheduled to do this work for the client have lost business revenue in 2022 for several projects due to this delayed status.**
- **My client's costs to date for application fees/agent & engineering fees/hearing fee is \$2,995.00**

As aforementioned, as part of this package and for the Board's information, I have included copies of communication via both email and calls with several staff at Crowe Valley Conservation regarding request/permission for building a permanent / lift-up dock for my clients. Additionally included for the Board's information is **Appendix A** herein, which provides evidence of all applications submitted to CVCA, Highlands East Municipality, MNRF and Fisheries and Oceans. I/we have received approvals/permits from all jurisdictions with exception of CVCA. I have also included the site plan, structural engineering drawings for proposed solution and pictures of the existing dock/ shoreline (this is sent as a separate PDF file).

In addition to our request for the Messervey dock proposal, we would appreciate/recommend the Board's review of the permit process and current CVCA policies and standards with respect to permanent docks. This steel pile method of dock construction is the preference of most other jurisdictions due to its very low footprint below the high-water mark which does not impact the fish habitat nor the natural shoreline/lake bottom. Jurisdictions to note that embrace/approve the steel pile method include other conservation groups (i.e., Mississippi Valley & Otonabee Conservation Authorities) and numerous other authorities/municipalities (i.e., Trent Severn Waterway, Highlands East, Hastings Highlands, Minden Hills, Kawartha, Muskoka related municipalities, etc.) throughout Ontario along with jurisdictions including the MNRF and Fisheries and Oceans and CVCA's own Watershed Planning and Regulations Policy Manual 2020. I have included overview information, approvals from MNRF and Oceans & Fisheries, Highlands East along with a detailed list in **Appendix B** section.

I/owners received a formal letter via email on October 27, 2022, from CVCA for the reasons stated for refusal of our application as follows and our comments:

**1)** "The proposed development would be located within hazardous lands, being the flood hazard associated with Paudash Lake. Therefore, the proposed development has the potential to negatively impact the control of flooding."

**Agent Comments:** We are struggling to understand how this very small portion of permanent dock that my clients are hopeful to have, will have any impact at all on flood control of Paudash Lake. The control dam for the lake is at the far north end of the lake, at least 5 kms away. Utilizing our requested building methodology is not only just steel pilings but the entire framework is steel and structural engineering has been undertaken and a design has been approved by a structural engineer (we are including a separate drawing package for your information). Only the decking and outer cladding is wood or PVC.



By constructing them this way there is so much weight in the structure that in cases of flooding they will not float, unlike cribs and wood framed docks which will float if the water goes over top of them.

**2a) "CVCA policies do not allow for new permanent docks."**

**Agent Comments:** The intent of the Messervey Dock Project is to have a lift up dock, to replace an aging existing pole dock that is removed seasonally, which is in current disrepair and the owners can no longer remove this heavy dock on their own. The lift-up portion requires an anchor point which would be the permanent portion. Again, I was not told of CVCA's policy when I started the pre-consult process with CVCA prior to permit application. In fact, I was told that it was unlikely the owners would need a permit to proceed based on existing dock conditions. It was after the permit was submitted that this policy was stated. I endeavored to review further with CVCA, the preferred method by many jurisdictions of steel pile dock construction for this small portion of permanent dock section. It was at that time they said they would need to address this request further with Highlands East and would get back to me – of which we have a permit in hand from Highlands East, as per the direction of CVCA.

**2b) "The proposed dock does not constitute a replacement of an existing dock and is therefore considered new development within the floodplain."**

**Agent Comments: This statement is not correct.** As aforementioned the proposed dock is a replacement for the existing, 30+ year old pole style dock, it is a lift-out system, requiring manually carrying rather heavy and awkward sections up the stairs for winter storage. The owners are no longer able to do this work themselves and are seeking approval for the proposed combination lift-up type dock system which is anchored to a portion of permanent dock/anchor point to facilitate fall removal and spring installation.

In conclusion, the majority of municipalities (& others listed herein incl. conservation authorities, MNRF & F&O, etc.), including Highlands East where the Messervey Dock on Paudash Lake is located, prefer the steel pile dock construction and I have obtained these approvals/permits on numerous other dock projects. **I/the owners respectfully request Board approval for my clients to be granted permission to proceed as per the permit application submitted.** We very much appreciate your time, review and consideration leading up to our scheduled hearing on November 17, 2022. Thank you.

Respectfully yours,



Joan Phillips / Agent on behalf of David & Judy Messervey

Cc: David & Judy Messervey, Property Owner  
Rick Hickson, R & J Machine

**Overview & Copies of all E-mail Exchanges, Call & Communications between  
March 2022 through to October, 2022 (starting with most recent & working  
back)**

**Re: Notice of Hearing with CVCA Watershed Advisory Board**  
**Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)>**

**Fri, Nov 4,  
7:39 AM**

to Andrew, dhmesservey, Rick

Good morning, Andrew, hope you are having a good week.  
I am writing to acknowledge receipt of your email and attachment for Notice of Hearing regarding our application [ **file reference no. 124/22** ]. We understand the Hearing will be held on November 17th, 2022 at 10:00a.m via Google Meet and that you will send us a link to join the hearing session.

I will be providing our report/package (via email/PDF format to the CVCA no later than November 7<sup>th</sup>, 2022. Thank you.

Kind Regards,

**Joan Phillips, Project Manager/Consultant**  
Tel: 416-576-0166 , Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**Notice of Hearing with CVCA Watershed Advisory Board**  
**Andrew McIntyre**

**Thu, Oct 27, 3:44 PM  
(8 days ago)**

to dhmesservey, me

c/o Ms. Joan Phillips / Dear Mr. and Ms. Messervey,

Please find attached Notice of Hearing in regard to your application [ **file reference no. 124/22** ]. The Hearing will be held on November 17th, 2022 at 10:00a.m via Google Meet. A link will be provided to you in advance of the meeting.

The attached Notice includes reasons for which CVCA staff are recommending that your application be refused.

You are required to provide a report which includes all information that will be presented during the hearing to the Watershed Advisory Board. This report must be submitted to the CVCA no later than November 7th, 2022, to provide the Watershed Advisory Board ample time for review. No new information will be allowed during the hearing.

Please let me know if you have any questions. I can provide you with a copy of detailed hearing procedures upon request.

Sincerely,  
Andrew  
**Andrew McIntyre**  
Regulations Officer &  
Source Water Protection  
Crowe Valley Conservation Authority

Additionally, **Joan Phillips** arranged a call with **Andrew McIntyre on Tuesday Oct 11, 2022**, to discuss a few projects and confirmed with Andrew the Nov 17<sup>th</sup> hearing date (for Ferguson Permanent Dock Projects) with Watershed Advisory Board and asked Andrew when her overview package was due to CVCA. Andrew advised that CVCA would need package in hand no later than **Nov 2<sup>nd</sup>**, in advance of the hearing on November 17, 2022. Joan Phillips confirmed she would be sending package via email to both Andrew McIntyre and Tim Pidduck by that date. Joan also confirmed that Kim Ferguson (owner/client) and Rick Hickson/R&J Machine/dock contractor will be attending hearing.

**Email trail below as follows:**

**Agent is confirming the fee of \$380 for Watershed Advisory Board hearing for Messervey Project was paid on Oct 25, 2022. Receipt received from CVCA.**

**On Wed, Oct 19, 2022, at 1:36 PM Tim Pidduck <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)> wrote:**

Good Afternoon Joan,

It appears that you did not receive my e-mail (5:23 pm), which stated that each property owner would need to request a hearing and present individually on the 17<sup>th</sup> of November to the Watershed Advisory Board. Therefore, we will need a landowner authorization form to be completed for Mr. Lipsett. As well, since they are separate applications, the \$380.00 hearing fee is required from each property owner.

I trust this is the information you require to move forward with the hearings.

If there is anything else you need assistance with, please do not hesitate to call or email myself or CVCA's Regulation Officer, Andrew McIntyre.

Sincerely,  
Tim Pidduck

**Tim Pidduck** - General Manager/Secretary-Treasurer  
Crowe Valley Conservation  
70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0  
Tel: 613-472-3137 Fax: 613-472-5516

**From:** Joan Phillips [mailto:[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)]

**Sent:** October 19, 2022 12:55 PM

**To:** Tim Pidduck <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>

**Cc:** Rick Hickson <[rick@rjmachine.ca](mailto:rick@rjmachine.ca)>; Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)>

**Subject:** Re: Nov 17th, 2022 Watershed Advisory Board Hearing

Tim as per my email (5:14 pm) in response to your (4:07 pm) yesterday (Tues Oct 18th) I would appreciate if you could kindly confirm as to advisory hearing for both Messervey and Ferguson clients - both projects have been denied CVCA permit and both are projects/clients we have requested a hearing and we understand both will be heard on November 17th hearing dates - as per several of our discussions and emails.

I also want to confirm Rick Lipsett as his agent to be heard as part of the November 17th Hearing (I can send an agent authorization form for this).

Kind Regards,

Joan

**Joan Phillips**

**Project Manager/Consultant**

Tel: 416-576-0166

Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**Tim Pidduck** <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>

**Fri, Sep 2,  
10:26 AM**

**to me, Andrew**

Hi Joan,

The date of the Watershed Advisory Board will be on the 17<sup>th</sup> of November. The CVCA Board meeting starts at 10:00am. The Watershed Advisory Board hearings are typically held after the CVCA Board meeting which usually ends at approximately noon. The Board would then have a brief lunch break and reconvene as the Watershed Advisory Board usually between 12:30 and 1:00.

Of course, we would confirm the time with you well in advance of the hearing. Hope this helps.

Tim

**Tim Pidduck** - General Manager/Secretary-Treasurer

Crowe Valley Conservation, 70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0

Fri, Sep 2,  
9:47 AM

Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)>  
to Tim, Andrew

Hi Tim and Andrew,

As per our recent phone conversation, can you kindly confirm the date and time of the Watershed Advisory Board hearing in November 2022 that we will be on the docket for? Thanks.

Kind Regards,

**Joan Phillips**

**Project Manager/Consultant**

Tel: 416-576-0166

Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**Tim Pidduck** <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>

Mon, Aug 15,  
2:40 PM

to me, Andrew

Good Afternoon Joan,

I would like to confirm with you that the CVCA will be able to convene to conduct a hearing for application 088/22 (&124/22) on the 1<sup>st</sup> of September based on the availability of the Board members. We currently have five members, which narrowly gives us quorum to hold the meeting.

As a reminder, with such tight timelines, we will need certain rights to timelines waived by the owner, especially regarding the exchange of information and the availability of the information provided to the CVCA for dissemination to the Board members.

Please let me know as soon as possible if the owner wishes to proceed with the hearing.

Sincerely, **Tim Pidduck** - General Manager/Secretary-Treasurer  
Crowe Valley Conservation  
70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0  
Tel: 613-472-3137 Fax: 613-472-5516

**Tim Pidduck** <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>

Thu, Aug 11,  
8:35 AM

to me

No worries. The next regularly scheduled Board meeting after the 15<sup>th</sup> of September is the 17<sup>th</sup> of November.

Sincerely, **Tim Pidduck** - General Manager/Secretary-Treasurer  
Crowe Valley Conservation  
70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0  
Tel: 613-472-3137 Fax: 613-472-5516

**From:** Joan Phillips [mailto:[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)]  
**Sent:** August 11, 2022 8:18 AM  
**To:** Tim Pidduck <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>  
**Subject:** Re: CVCA Permit Application 088/22

Thanks for your email Tim, I will discuss with my clients - quick question when is the next Advisory Board meeting after September 15th? If you could advise, thanks.

Kind Regards,  
Joan

**Joan Phillips**  
**Project Manager/Consultant**  
Tel: 416-576-0166 Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)  
**Tim Pidduck** <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>

**Wed, Aug 10,**  
**4:10 PM**

**to me**

Joan,

I will narrow down the request for a hearing on the 1<sup>st</sup> of September. Once again, quorum will be required. Just to let you know, according to our guidelines for hearings, I believe it squeezes timelines – concessions may have to be made such as waiving your right to a two-week period to submit information to the Board. Also, I can't guarantee how receptive the Board will be with reducing timelines, they may consider it precedent setting and not wish to do so. We also have an obligation to circulate your report and the CVCA staff report 2 weeks in advance of the hearing.

Our Board continues to meet virtually. Even without Covid considerations, meeting virtually would help with attendance since some of our Board members are more than an hour away from the office. A couple of members are even close to 2 hours away.

The cost for a hearing is set by the Board at the beginning of the year.

Tim

**Tim Pidduck** - General Manager/Secretary-Treasurer  
Crowe Valley Conservation  
70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0  
Tel: 613-472-3137 Fax: 613-472-5516

**From:** Joan Phillips [mailto:[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)]  
**Sent:** August 10, 2022 3:01 PM  
**To:** Tim Pidduck <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>  
**Subject:** Re: CVCA Permit Application 088/22

Thanks for your note Tim re: cost of hearing (is this typical?) - it would need to be **Sept 1st** as I am away out of country from Sept 7th to the 18th.

Also, we are hoping this is in-person meeting, is that correct?

Kind Regards,

Joan

**Joan Phillips**  
**Project Manager/Consultant**  
Tel: 416-576-0166  
Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

Wed, Aug 10,  
2:13 PM

**Tim Pidduck** <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>  
to me

Good Afternoon Joan,

**The cost of the hearing is \$380.**

I have just spoken with the Chair of the CVCA Board. She is agreeable to hold the hearing earlier than the 15<sup>th</sup> if we can obtain quorum for it. Therefore, I need to poll the Board members to check on their availability. Two dates will work for my Chair, either the 1<sup>st</sup> or the 8<sup>th</sup> of September.

Once I hear back from the Board members, I will let you know asap if one of those dates will work for a hearing.

Sincerely,

Tim

**Tim Pidduck** - General Manager/Secretary-Treasurer  
Crowe Valley Conservation  
70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0  
Tel: 613-472-3137 Fax: 613-472-5516

**From:** Joan Phillips [mailto:[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)]  
**Sent:** August 10, 2022 9:55 AM  
**To:** Tim Pidduck <[tim.pidduck@crowevalley.com](mailto:tim.pidduck@crowevalley.com)>  
**Cc:** Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)>  
**Subject:** Re: CVCA Permit Application 088/22

Hi Tim,

In follow-up to my email of Monday Aug 8th, I would appreciate it if you could advise ASAP, thank you.

Regards,

Joan

**Joan Phillips**  
**Project Manager/Consultant**  
Tel: 416-576-0166  
Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**On Mon, Aug 8, 2022 at 6:48 PM Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)> wrote:**

Hi Tim,

Thanks for your communication, albeit we are very disappointed that this matter couldn't be resolved for my clients, considering we followed the instructions of your regulator without fail.

Unfortunately, my clients have now borne cost and lost valuable time if only the communication from your staff had been clearer back in the spring time.

We want to move forward with the hearing. I have a couple of questions in this regard:

1. What cost if any are associated in conducting a hearing that would be borne by my clients?
2. I would respectfully /urgently request an earlier hearing that September 15 for two reasons: The in-water timing window as we discussed ends September 30th for any work. This would not give R&J enough time for the work on these two projects. Also, I am out of the country from September 7 to September 18 and could not attend the hearing on September 15th.

I would appreciate it if you could advise ASAP your receipt of this email as well as answering my two questions. Thank you.

Regards,

Joan Phillips



Tim Pidduck <tim.pidduck@crowevalley.com>

Fri, Aug 5,  
4:42 PM

to me, Andrew

Good Afternoon Joan,

Further to our telephone conversation today, I would like to confirm the following with you regarding your Permit Application 088/22.

CVCA Regulations staff and I have reviewed the application at length with the additional information provided by yourself, Mr. Rick Hickson and Mr. David Messervey in our phone call on 2 August 2022.

Although the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Department of Fisheries and Oceans support the advanced construction methods for the installation of permanent docks, the Crowe Valley Conservation Authority's Regulation Policy at this time does not permit the construction of permanent docks. Therefore, staff will be required to recommend denial of Permit 088/22. Permitting the development to proceed would be in contravention of the CVCA Board approved policy. The process only allows for the Board to overturn policy.

Your situation has certainly raised a number of questions regarding the policy and needs to be addressed by an informed CVCA Board. As we discussed, the next CVCA Board meeting when a hearing could be scheduled is on the 15<sup>th</sup> of September 2022. I will inform the CVCA Chair of your situation and tight timelines (based on the current in water construction window from 16<sup>th</sup> of July to the 30<sup>th</sup> of September) and determine if the meeting could be rescheduled earlier in September. The Chair will likely want to consult the other 9 Board members of their availability, as a quorum will be required for the meeting and hearing. If you wish to proceed with a hearing, regardless of the date, I advise you to initiate the request at your earliest convenience.

As soon as a decision is made regarding the upcoming meeting date, I will inform you immediately.

Thank you for bringing the situation to my attention and sharing the additional information.

Sincerely,

Tim

**Tim Pidduck** - General Manager/Secretary-Treasurer  
Crowe Valley Conservation

**Agent's Note: During the call on Aug 2<sup>nd</sup>, Joan Phillips was also speaking on behalf of Kim Ferguson (client) was not able to join the August 2<sup>nd</sup> call with Tim Piddick.**

**Sent via email from Joan Phillips to Andrew McIntyre – August 2, 2022**

Morning Andrew,

I look forward to receiving a call from Tim this morning/early afternoon - I have to be in a meeting starting at 2 pm.

Joan

Kind Regards,

Joan

**Joan Phillips**

**Project Manager/Consultant**

Tel: 416-576-0166

Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**On Thu, Jul 21, 2022 at 8:36 AM Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)> wrote:**

Hi Joan,

I did send Tim and email explaining the matter, and provided him with a copy of the correspondence. I let him know that you are available on August 2<sup>nd</sup> up until 2pm and provided him with your phone number.

Thank you,  
Andrew



**Andrew McIntyre**  
Regulations Officer &  
Source Water Protection  
Crowe Valley Conservation Authority

**From:** Joan Phillips [mailto:[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)]  
**Sent:** July 21, 2022 8:11 AM  
**To:** Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)>  
**Subject:** Ferguson and **Messervey** Dock Projects

Hi Andrew,

Thanks for your time yesterday during our call, I appreciate your support. as per our discussion, can you please copy me on the email that you are sending to Tim Pidduck/GM on this matter. I have advised my clients of our call and will expect a call from Tim on the morning of August 2nd. Thank you.

Kind Regards,

Joan

**Joan Phillips**  
**Project Manager/Consultant**  
Tel: 416-576-0166

**On Jul 20, 2022, at 8:35am, Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)> wrote:**

Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

Hi Joan,

Sure 10:15 this morning works. You can reach me at the office number, (613) 472-3137.

Thanks – talk to you then.

Andrew

**Andrew McIntyre**   
Regulations Officer &  
Source Water Protection  
Crowe Valley Conservation Authority

**From:** Joan Phillips [<mailto:joan.4133.phillips@gmail.com>]  
**Sent:** July 19, 2022 4:26 PM  
**To:** Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)>  
**Subject:** Re: Permit Application 124/22 - 1823 Lewis Road

Hi Andrew thanks for your email much appreciated can we arrange for a 10:15 call tomorrow /Wed morning? Can you advise the number I should contact you on?

Joan Phillips

**On Jul 19, 2022, at 2:24 PM, Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)> wrote:**

Hi Joan,

Thanks for reaching out. We can certainly set up a call. Today was full for me with some priority calls and catching up from having the last couple days off. Is there another time this week that would suit you? I am mostly free other than Thursday afternoon.

Thank you,  
Andrew



**Andrew McIntyre**  
Regulations Officer &  
Source Water Protection  
Crowe Valley Conservation Authority

**From:** Joan Phillips [<mailto:joan.4133.phillips@gmail.com>]  
**Sent:** July 18, 2022 5:06 PM  
**To:** Kelsey Davidson <[kelsey.davidson@crowevalley.com](mailto:kelsey.davidson@crowevalley.com)>  
**Cc:** David Messervey <[dhmesservey@gmail.com](mailto:dhmesservey@gmail.com)>; Info <[info@crowevalley.com](mailto:info@crowevalley.com)>; Rick Hickson <[rick@rjmachine.ca](mailto:rick@rjmachine.ca)>; Beth Lowe <[beth.lowe@crowevalley.com](mailto:beth.lowe@crowevalley.com)>; Andrew McIntyre <[andrew.mcintyre@crowevalley.com](mailto:andrew.mcintyre@crowevalley.com)>  
**Subject:** Re: Permit Application 124/22 - 1823 Lewis Road & 88/22 - 1025 Culvert Drive

Hi Andrew,

I am following up to my email of last Friday, I would appreciate if we can arrange a time tomorrow for a call to discuss this urgent matter. I am available between **8 and 9 am and/or anytime between 11 and and 1 pm**. Thank you in advance.

Kind Regards,

**Joan Phillips**  
**Project Manager/Consultant**  
Tel: 416-576-0166  
Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

On Fri, Jul 15, 2022 at 5:04 PM Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)> wrote:

Hi Kelsey,

I am in receipt of your email. I had sent you a note back in May 2022 that "no planning" was confirmed by the Highlands East Municipality and it would not be a requirement (see note below and email trail.) I did not hear from you any further after sending that email to you in May and had applied immediately to and obtained building permits from Highlands East as per your instruction and of which you now have in hand.

*May 25th email to Kelsey Davidson " "Building Permit has been applied for yesterday to Highlands East. In my conversation with the previous CBO 2 months ago and then last week with the Deputy CBO Andy Jack, that the building permit application was what they required vs. Planning. ".*

There was no planning requirement as communicated on May 25th.

I am very confused as to why my client (Messervy & Ferguson) would require a hearing with the CVCA Watershed Advisory Board at this late stage, you never communicated this as a requirement and if it was necessary we could have had it much closer to May timeframe. The window of time for working below the high-water mark commences tomorrow (July 16 up to September 30), my client has their contractor at the ready and as mentioned steel piles are the preferred gold standard method in the majority of the jurisdictions, due to the extremely minimal footprint below the highwater mark as noted in our application.

I also spoke to **Beth Lowe** in this regard today and she mentioned that **Andrew McIntyre** (copied herein) is the Senior Regulations Officer at Crowe Valley as I would appreciate speaking with Andrew on this matter further - I further understand from Beth that Andrew is the individual that also coordinates for CVCA Watershed Advisory Board hearings and can potentially expedite a meeting sooner than later/if necessary. Andrew I would appreciate your assistance and if you can contact me ASAP at 416-576-0166, thank you.

Kelsey I would also appreciate if you could provide the names/roles of the CVCA Watershed Advisory Board members. Thank you.

Regards,

Joan

**Joan Phillips**  
**Project Manager/Consultant**  
Tel: 416-576-0166  
Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**\*\*Important Note to Board:** Additional email sent by Joan Phillips to Kelsey Davidson on May 24<sup>th</sup>, 2022 see further down in email trail in this document, that no planning was required as per Joan's conversation/call with Chief Building Official (Laurie Devolin) at Highlands East back in March 2022 and an additional call/conversation with Deputy CBO Andy Jack on May 20<sup>th</sup>, 2022. This was also noted in the building permit application to CVCA for Messervey Project on May 20<sup>th</sup> – that Joan had been in touch with Highlands East prior and confirmed that no planning was required by them. Building permit from Highlands East has been obtained and fee paid for Messervey Dock Project (\$175.00) (as per the direction of CVCA via email on May 20, 2022 to proceed in obtaining those permits. My client also paid ( \$ 565.00) for structural engineering drawings as requested by Highlands East Municipality that was required of the building permit application as per the process recommended by CVCA.

**RE: Permit Application 124/22 - 1823 Lewis Road**

**From: Kelsey Davidson <kelsey.davidson@crowevalley.com>**

**Fri, Jul 15,  
12:01 PM**

**to me, David, Info**

Good morning Joan,

Thank you for the information.

CVCA Regulations Officers have completed the initial review this permit application. Based on what is proposed in this permit application, CVCA Regulations Officers do not have the authority to permit the construction of a permanent dock as it does not meet CVCA policy.

*6.4.1.8 New in-water boathouses (for upland boathouses see Policy 5.3.5), structures and permanent docks that are within the channel of a watercourse will be not be permitted.*

We do suggest the option of replacing the existing dock with another dock that is not permanent, such as floating, or engineered cantilever, dock. If you choose to not re-configure or re-design the proposed dock to a removable dock, then you can apply for a hearing in front of the CVCA Watershed Advisory Board, which has the flexibility to approve the permit application as presented with or without conditions.

If you have any further questions, please let me know.

Thanks,

**Kelsey Davidson** (she/her)

Regulations Officer

Crowe Valley Conservation

70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0

Tel: 613-472-3137 Fax: 613-472-5516

Fri, Jul 15,  
9:35 AM

**Re: Permit Application 124/22 - 1823 Lewis Road**

**Joan Phillips <joan.4133.phillips@gmail.com>**

to Kelsey, David

Hi Kelsey,

Hope all is well with you. As per our past email trail below, please see attached **the building permit issued by Highlands East for 1823 Lewis Drive on Paudash Lake.** As per your email note/instruction, I understand that evidence of this issued building permit from Highlands East closes final requirements for my client (David Messervey) and to be able to move forward with construction of this dock project. I would appreciate it if you could advise your receipt of this email. Thank you for your assistance on this matter.

Kind Regards,

Joan

**Re: Permit Application 124/22 - 1823 Lewis Road**

**Joan Phillips <joan.4133.phillips@gmail.com>**

Wed, May 25,  
12:27 PM

to Kelsey, Info, dhmesservey

Thanks Kelsey! Building Permit has been applied for yesterday to Highlands East. In my conversation with the previous CBO 2 months ago and then last week with the Deputy CBO Andy Jack, **that the building permit application was what they required vs. Planning.**

I would be very pleased to meet on property at your convenience if you require. Let me know, thank you.

I look forward to status updates from CVCA, thank you.

Joan

On Wed, May 25, 2022 at 10:16 AM Kelsey Davidson <kelsey.davidson@crowevalley.com> wrote:

Good morning Joan,

Thank you for your permit application 124/22 at 1823 Lewis Road (Messervey), for the proposed replacement of existing floating docks with a permanent steel pile driven dock.

CVCA staff have consulted with the Highland East Municipality regarding permanent dock structures. We have been advised that applicants must go through the Municipality for a municipal building permit for permanent dock structures. This is in addition to applying for a permit with the CVCA.

According to Highland East's Official Plan:

### 2.3.19 Regulation of Development on the Lake Bed

#### 2.3.19.1

*In accordance with the vision, objectives, shoreline and environmental policies of this Plan, Council considers the protection of the lakes and lake environs to be a major priority. As a further measure to minimize the impact of recreational use on the lakes, it is a policy of this Plan to control the placement of buildings and structures on lakes. Specifically, this policy is aimed at restricting the construction of boathouses and similar enclosed structures from being built on the lakebed or as a floating structure attached to the shoreline near the water's edge. This policy is premised on the fact that most of the Highlands East lakes are small and are characterized by lots with modest frontages and the development of buildings and structures outward into the lake would have irreconcilable impacts on the natural character of these lakes. On this basis, the Municipality will establish zone regulations to restrict development on the lakebed. This policy is not intended to restrict docks.*

Once you have consulted with the municipality and applied for their building permit, please confirm with us if you have to go through planning as well.

Thanks, **Kelsey Davidson** (she/her) Regulations Officer / Crowe Valley Conservation

Building Permit Application for New Dock

**Joan Phillips** <joan.4133.phillips@gmail.com>

Fri, May 20,  
10:18 AM

to Info

To whom it may concern:

My name is **Joan Phillips**, I am an agent acting on behalf of property **David Messervey** (see owner's agent authorized letter and signature on building permit application). See attached building permit application and drawing package for the proposed construction of a new dock at 1823 Lewis Road, Cardiff, Highlands East on Paudash Lake. I would appreciate it if you can advise on building permit fees, and I will provide payment.



The client currently has existing lift-out pole dock and wants to install a permanent steel pile driven dock with wood decking, attached to this permanent dock would be a prefabricated aluminum lift dock. Detailed drawings, dimensioned site plan, photos, etc. are included in our drawing package - see attached. The new docks will be similar in size to the existing lift-out pole dock and in the same location. Extremely minimal impact to the lakebed below the highwater mark of 2 sq.ft. and no attachment/impact to the shoreline whatsoever. The work will be undertaken via floating barge (R&J Machine is the contractor out of Lakefield, ON.)

I am also attaching an email communication/confirmation with MNRF stating that no permit is required from them. I have an application into Fisheries & Oceans for a project review and I am awaiting their response - verbal conversations with them have indicated positive for the work as there is minimal penetration below the highwater mark and as long as it is undertaken in the allowable in-water timing window (July 16th - Sept 30th). We would not be starting work until the allowable in-water work timeframe. I will forward this additional information to Crowe Valley as soon as I receive from Fisheries & Oceans. I will also be applying to Highlands East for a building permit immediately as instructed by Beth Lowe/CV, as per a conversation with Beth yesterday - May 19, 2022. I had a conversation previously with the CBO at Highlands East confirming that a building permit would be required only vs. any planning review from Highlands East.

*Note: I also applied back in mid April 2022 for another very similar new dock project on Paudash Lake on behalf of my client Kim Ferguson which is currently under review with CVCA. I will be submitting right away for building permit to Highlands East for the Ferguson project as well as per my conversation with Beth Lowe as noted above.*

Best Regards,

Joan Phillips  
Project Manager  
416-576-0166  
Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**\*\*Important Note to Board:** The remaining email trail is specific to a very similar project where I am acting as Agent for another client Kim Ferguson, who's project is also part of the November 17<sup>th</sup> hearing request. I have included this email trail as it is very informative to this overview package for the **Messervey Project** and the process that we were instructed to follow by the CVCA, as follows:

Re: Permit Application 088/22 - 1025 Culvert Drive

Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)>

Tue, May 24,  
9:03 AM

to Kelsey

Thanks for your email Kelsey regarding the Ferguson Dock project and permit application.

I spoke to Andy Jack/Deputy CBO last Friday and I have submitted to Highlands East for Building Permit as per your suggestion and my discussion with Andy (I included your email communication with the application to Highlands East for their information. In previous conversations over 1-2 mos ago with the CBO at the time (Laurie - she is no longer with Highlands East), she said to submit for permit only in this case and **no planning** was required - I mentioned this in my conversation to Andy as well. If you can advise further CVCA permit status, thanks.

Note: Also, I just submitted another building permit application to CVCA last Friday/May 20th for another very similar dock project on Paudash Lake (1823 Lewis Road, Messervey). I have also submitted for building permit to Highlands East this morning for the Messervey Dock Project.

Regards,

Joan

**From:** Joan Phillips [<mailto:joan.4133.phillips@gmail.com>]

**Sent:** May 13, 2022 3:46 PM

**To:** Kelsey Davidson <[kelsey.davidson@crowevalley.com](mailto:kelsey.davidson@crowevalley.com)>

**Subject:** Re: Permit Application 088/22 - 1025 Culvert Drive

Thanks for the update Kelsey, I am hope we might get some direction in the next week or so, thank you.

Have a great weekend!

Joan

**On Fri, May 13, 2022 at 9:30 AM Kelsey Davidson <[kelsey.davidson@crowevalley.com](mailto:kelsey.davidson@crowevalley.com)> wrote:**

Good Morning Joan,

CVCA staff are looking into your request and have been consulting with the municipality on this matter. Currently, we are waiting for the municipality to have a staff meeting. Once we are able to have a discussion with the municipality, we will follow up and provide further comments.

Thanks,

**Kelsey Davidson** (she/her)  
Regulations Officer

Crowe Valley Conservation

**From:** Joan Phillips [mailto:[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)]

**Sent:** May 12, 2022 8:56 AM

**To:** Kelsey Davidson <[kelsey.davidson@crowevalley.com](mailto:kelsey.davidson@crowevalley.com)>

**Cc:** Info <[info@crowevalley.com](mailto:info@crowevalley.com)>; KIM FERGUSON <[clinsight@aol.com](mailto:clinsight@aol.com)>

**Subject:** Re: Permit Application 088/22 - 1025 Culvert Drive

Hi Kelsey,

As per my follow-up call last week - I would appreciate if you can provide any updates in this regard - Kim Ferguson Project.

Thanks Kelsey!

Regards,

Joan

On Fri, Apr 22, 2022 at 11:49 AM Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)> wrote:

Hi Kelsey,

I tried calling in I understand that you are going to be on course for the next two weeks. I did speak to Beth, explain to her the situation of the permanent dock versus replacing with floating. She said that she would discuss further with you our conversation for some additional consideration review from CVCA. Thank you so much in advance and I look forward to hearing from you.

Best regards,

Joan Phillips

**On Apr 22, 2022, at 11:00 AM, Kelsey Davidson <[kelsey.davidson@crowevalley.com](mailto:kelsey.davidson@crowevalley.com)> wrote:**

Good morning Joan,

Thank you for your permit application for the proposed permit dock installation at 1025 Culvert Drive, Cardiff.

CVCA Regulation Officers cannot permit the replacement of a floating dock with a permanent dock, as per the CVCA Policy Manual section 6.4.1.8 - *New in-water boathouses, structures and permanent docks that are within the channel of a watercourse will be not be permitted*. The CVCA Regulations Officers can only permit the repair of existing permanent docks.

The CVCA could permit the replacement of the floating dock, or the installation of an engineered cantilever dock. Removable docks, including pole and cantilever, that are anchored to the shoreline will be permitted provided that they do not impede the flow of water, and they are placed in a location that minimizes vegetation removal and disturbance.

Examples of companies that have installed cantilever docks in the CVCA watershed previously include: R&J Machine, Bertrand Docks, and Kawartha Lakes Construction Co Ltd. This is by no means an exhaustive list, or a list of suggestions, simply a list of companies that have installed cantilever docks within the CVCA watershed previously.

Thank you and please don't hesitate to reach out if you have any questions.

Thanks,  
**Kelsey Davidson** (she/her)  
Regulations Officer  
Crowe Valley Conservation  
70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0

Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)>

Wed, Apr 20,  
11:46 AM

[to info@crowevalley.com](mailto:info@crowevalley.com)

Hi Lou,

Thanks for the earlier call today. I have confirmed with the R&J, the dock contractor that the shoreline is not going to be altered in anyway -, there is no piling whatsoever to the shoreline as the docks are completely supported by steel piles that go into the lake bottom - all work is undertaken via floating barge and no land access/from the property to the lake is required. On this basis you mentioned that a permit from CV will not likely be required, I would appreciate it if you can confirm this in writing as I will need your confirmation to apply for building permit to Highlands East, thank you so much for your assistance Lou, I really appreciate it!

Regards,  
Joan  
416-576-0166

On Mon, Apr 18, 2022 at 12:11 PM Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)> wrote to [info@crowevalley.com](mailto:info@crowevalley.com)

**To whom it may concern:**

My name is **Joan Phillips**, I am an agent acting on behalf of property **Kim Ferguson** (see owner's authorized signature on building permit application). See attached building permit application and drawing package for the proposed construction of a new dock at 1025 Culvert Drive, Cardiff, Highlands East on Paudash Lake. I would appreciate it if you can advise on building permit fees and I will provide payment.

The client currently has floating docks and wants to install a permanent steel pile driven dock with wood decking, detailed drawings, site plan, photos, etc. are included in our drawing package. The new docks will be similar in size to the floating and in the same location. The work will be undertaken via floating barge (R&J Machine is the contractor out of Lakefield, ON.)

I am also attaching an email communication/confirmation with MNRF stating that no permit is required from them. I have an application into Fisheries & Oceans for a project review and I am awaiting their response - verbal conversations with them have initially indicated positive for the work as long as it is undertaken in the allowable in-water timing window (July 16th - Sept 30th). I will forward this additional information to Crowe Valley as soon as I receive from Fisheries & Oceans. I will also be applying to Highlands East for a building permit once I hear back from CV.

Regards,

Joan Phillips  
Project Manager/Agent  
Mobile: 416-576-0166  
Email: [joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)

**\*\* Important Note to Board:** Agent initially called CVCA in March 2022 to confirm process – essentially a pre-consultation call. No permanent dock policy was mentioned.

# Appendix A:

Additional Information regarding submissions to MNRF and Fisheries and Oceans approvals for the Ferguson Permanent Dock Projects, as well as Permit Application to Crowe Valley on April 18<sup>th</sup> stating at that time that Agent had been in touch with Highlands East Municipality and **NO PLANNING** was required and communicated to CVCA back in May 2022.

**Messervey Project:**



Date Received


## PERMIT APPLICATION FORM

FOR A DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES PERMIT  
(CONSERVATION AUTHORITIES ACT – ONTARIO REG. 159/06)

**Please provide the completed Permit Application Form to [info@crowevalley.com](mailto:info@crowevalley.com)**

Contact Information (please print clearly)		
Property Owner's Name(s): David & Judy Messervey		
Mailing Address (Street, P.O. Box) 60 Elgett Drive,	City Ottawa, ON	Postal Code K9J 6Y3
Telephone: Home	Work	Mobile 705-743-5085
Email dhmesservey@gmail.com		
Agent's Name(s): Joan Phillips <span style="float: right; font-size: small;">*property owner's letter of authorization or signature to be attached</span>		
Mailing Address (Street, P.O. Box) 33 McAllister Road	City Bancroft	Postal Code K0L 1C0
Telephone: Home	Work	Mobile 416-576-0166
Email joan.4133.phillips@gmail.com		
Is the Owner aware of this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - Please explain: _____		
Have you contacted the municipality to determine if a Planning Act application is applicable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is a Planning Act application (minor variance, zoning by-law amendment) required for this development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

## Approved Building Permit Received from Municipality of Highlands East:



Open with Google Docs

MUNICIPALITY OF HIGHLANDS EAST  
BUILDING DEPARTMENT

Laurie Devolin  
Chief Building Official

Accessory Structures / Dock (New) Permit  
Permit Set 1823 LEWIS RD P# HE-2022-108 R# 4601102000050000000

### LOCATION OF WORK

Address	Zoning	Legal description
1823 LEWIS RD		CON 8 PT LOT 19 PLAN 429 LOT;30

### PERMIT INFORMATION

Permit number	Date applied	Date issued
HE-2022-108	2022-05-24	2022-07-12

Status  
Issued

Issuer	Completion date
Karl Korpela	-

Reviewed by  
Tracy Evans, Karl Korpela, Kimberley Roberts

### GRANTED TO

Applicant	Property owner
Joan Phillips 33 McAllister Road RR#2 Bancroft Hastings Highlands, Ontario K0L 1C0	David Messervey 160 Elgeti Drive, Otonabee Peterborough County, Ontario K9J 6Y3

replace shoreline dock

## MNRF Email Exchange for Messervey Dock Project – March 18, 2022

RE: Paudash Lake - Client's New Dock on Paudash Lake

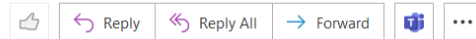


Marunde, Alexander (NDMNRF) <Alexander.Marunde@ontario.ca>  
To: joan.4133.phillips@gmail.com

Sent: March 17, 2022 12:09 PM

To: Marunde, Alexander (NDMNRF) <Alexander.Marunde@ontario.ca>

Subject: Paudash Lake - Client's New Dock on Paudash Lake



Fri 2022-03-18 3:06 PM

Hello Joan,

Thank you for reaching out with your question. Some activities may not require a work permit under the Public Lands Act. Please review the following:

*Activities that do not require a work permit but may require online registration:*

- *undertake minor road maintenance (defined below) on public land*
- *place a registered ice fishing hut on the ice*
- *install a water line, service cable or heat loop for private residential use*
- *remove a dock or boat house that does not involve dredging*

- *construct or place structures that are in physical contact with 15 square meters or less of the shore lands fronting your property (e.g. docks, single-storey boathouses)*

Based on the proposed works that you have described which would not exceed physical contact with 15 square meters or less of shore lands fronting the property, **then you would not require a work permit.**

Regards,

Alexander

Alexander Marunde  
Integrated Resource Management Specialist Intern  
Peterborough & Bancroft District  
Ministry of Northern Development, Mines, Natural Resources and Forestry  
Mobile: (613) 202-2185  
Email: [Alexander.Marunde@ontario.ca](mailto:Alexander.Marunde@ontario.ca)



**From:** Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)>

**Sent:** March 17, 2022 12:09 PM

**To:** Marunde, Alexander (NDMNRF) <[Alexander.Marunde@ontario.ca](mailto:Alexander.Marunde@ontario.ca)>

**Subject:** Paudash Lake - Client's New Dock on Paudash Lake

Hi Alexander,

Hope all is well. Alex I am working on behalf of my clients (David & Judy Messervey who own a cottage property on Paudash Lake in Highland East. Their address is 1823 Lewis Rd. Con 8 Lot 19 Plan 429 Lot 30.

Currently they have an older aluminum post dock that they take in and out of the water during the summer and winter seasons. They are planning to install a permanent pile driven steel dock (8' x 20' above high water mark, however very minimal footprint below the high-water mark of approximately 4 steel piles x.5.5" dia each = 0.061 sq.metres. They would also attach a new aluminum post lift dock to replace old (8'x20') to the permanent anchor dock - again very minimal footprint below the high-water mark. In review of projects requiring a work permit from MNRF, my understanding is this project would not require as such. If you could confirm I would appreciate it.

I will also be making an application to Fisheries & Oceans and eventually Crowe Valley Conservation and Highlands East for building permits required.

If you could confirm your receipt and my understanding of no additional requirements from MNRF, I would appreciate it. Thanks so much Alex!

Regards,

Joan Phillips  
Project Manager/Consultant  
416-576-0166



## Fisheries & Oceans Email Exchange for Messervey Dock Project – July 25, 2022

DFO File 22-HCAA-01327 - Dock Installation, Paudash Lake, Cardiff Project Review Request F&O –

David Messervey

Peat, Tyler <Tyler.Peat@dfo-mpo.gc.ca>

Jul 25, 2022,  
12:03 PM

to me, dhmesservey@gmail.com

Dear Joan:

**Subject: Dock Installation, Paudash Lake, Cardiff (22-HCAA-01327) – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat**

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on May 20, 2022. We understand that you propose to:

- Install a new permanent dock supported by four (4) 5.5” diameter steel piles on Paudash Lake, resulting in less than 1 square meter (m<sup>2</sup>) footprint below the High Water Mark.

Our review considered the following information:

- Request for Review form and associated documents.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*;
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*.

The aforementioned impacts are prohibited unless authorized under their respective legislation and regulations.

Provided that the plans are implemented in the manner, and during the timeframe described, the Program is of the view that your proposal **will not require an authorization** under the *Fisheries Act*, or the *Species at Risk Act*.

Additional information on measures to protect fish and fish habitat can be found in the attached document.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, and the *Species at Risk Act*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to [FisheriesProtection@dfo-mpo.gc.ca](mailto:FisheriesProtection@dfo-mpo.gc.ca) or 1-855-852-8320.

We recommend that you notify this office at least 10 days before starting your project and that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.

If you have any questions with the content of this letter, please contact Tyler Peat at (613) 213-0293 or by email at [tyler.peat@dfo-mpo.gc.ca](mailto:tyler.peat@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

**Tyler Peat**

Biologist, Fish and Fish Habitat Protection Program  
Fisheries and Oceans Canada  
**Cell phone:** (613) 213 – 0293

**From:** Joan Phillips <[joan.4133.phillips@gmail.com](mailto:joan.4133.phillips@gmail.com)>

**Sent:** Friday, May 20, 2022 9:28 AM

**To:** [FPP.CA](#) / [PPP.CA](#) (DFO/MPO) <[fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca)>

**Subject:** 22-HCAA-01327 - Dock, Paudash Lake, Cardiff - Project Near Water - Project Review Request F&O - Messervey/Paudash Lake

**To Whom it May Concern/Fisheries & Oceans - Burlington Office:**

My name is **Joan Phillips** - I am a Consultant acting on behalf of my client (Messervey) who owns an property on Paudash Lake, Ontario near Bancroft. My client currently has an existing lift-out pole dock and is seeking to install permanent steel pile dock layout in the same size and configuration as existing lift-out pole dock – the pole docks will no longer be utilized. There would only be 4 steel piles x.5.5” dia each = 0.061 sq.metres. They would also attach the new aluminum post lift dock to replace old (8'x20') to the permanent anchor dock - again very minimal footprint below the high-water mark. There will be no shoreline/ dredging required whatsoever and work will be undertaken via floating barge.

Please see attached completed / signed application of Project Review Request Application to Fisheries & Oceans . Please see attached signed agent letter giving me authorization to act on the property owner's (Messervey) behalf.

I have also included copies of email communication with MNRF - stating no work permit is required by them. I have had separate verbal conversations with Crowe Valley and CBO at Highlands East and will be applying for building permits for each jurisdiction as required.

Additionally, please see separate attachments with detailed location, dimensions, site plan, photos, dock drawings, etc. I believe all is in order with the information requested by F&O), however please don't hesitate to contact me should you have any questions/need additional information.

Thank you for your review, assistance and consideration, I very much appreciate it.

Best Regards,

Joan Phillips  
Project Manager  
416-576-0166

## Appendix B – Additional Information

Email Exchange below between Rick Hickson / R&J Machine, one of R&J's clients and Mississippi Valley Conservation Authority (MVC). In summary MVC is suggesting that steel piles would be the preferred:

**From:** William Pentney <[wfpentney@gmail.com](mailto:wfpentney@gmail.com)>  
**Sent:** August 22, 2022 12:23 PM  
**To:** Rick Hickson <[rick@rjmachine.ca](mailto:rick@rjmachine.ca)>  
**Subject:** Fwd: Cantilever Dock

Good morning Rick,

See the email string below - the Conservation Authority is asking if it is possible to drive piles and attach the metal plate, instead of building a crib. We had talked about attaching a plate by bolting it into the shoreline rock, but I had not asked about driving piles. And in any event this won't eliminate the need to cut down a few trees. So, what do you think?

I told the guy I would check, so I thought I should start by asking you.

thanks - hope all is well.

Bill

Sent from my iPad

Begin forwarded message:

**From:** Eric Kohlsmith <[ekohlsmith@mvc.on.ca](mailto:ekohlsmith@mvc.on.ca)>  
**Date:** August 22, 2022 at 8:52:52 AM EDT  
**To:** William Pentney <[wfpentney@gmail.com](mailto:wfpentney@gmail.com)>  
**Cc:** Jacob Perkins <[jperkins@mvc.on.ca](mailto:jperkins@mvc.on.ca)>  
**Subject:** RE: Cantilever Dock

That's correct.

I have had two other approvals for cantilever docks that utilized piles connected by a beam to provide attachment and a hinge point. There is less impact to the shoreline and possible erosion over the long term with this method.

Eric

Begin forwarded message:

**From:** Eric Kohlsmith <[ekohlsmith@mvc.on.ca](mailto:ekohlsmith@mvc.on.ca)>  
**Date:** August 22, 2022 at 8:52:52 AM EDT  
**To:** William Pentney <[wfpentney@gmail.com](mailto:wfpentney@gmail.com)>  
**Cc:** Jacob Perkins <[jperkins@mvc.on.ca](mailto:jperkins@mvc.on.ca)>  
**Subject:** RE: Cantilever Dock

That's correct.

I have had two other approvals for cantilever docks that utilized piles connected by a beam to provide attachment and a hinge point. There is less impact to the shoreline and possible erosion over the long term with this method.

Eric

**From:** William Pentney <[wfpentney@gmail.com](mailto:wfpentney@gmail.com)>  
**Sent:** August 22, 2022 8:34 AM  
**To:** Eric Kohlsmith <[ekohlsmith@mvc.on.ca](mailto:ekohlsmith@mvc.on.ca)>  
**Cc:** Jacob Perkins <[jperkins@mvc.on.ca](mailto:jperkins@mvc.on.ca)>  
**Subject:** Re: Cantilever Dock

Good morning Eric,

Not sure if this is possible - will check. Just so that I am clear, you are asking about driving piles into the lake bed and then welding a steel plate to that, have I got it right? We had looked at just drilling some pins into the rock by the shore to anchor a steel plate, but the rocks are not solid enough (shale more than solid rock). And its a rocky bottom where we are.

Can you confirm that I have understood your question? I will then ask about piles and get back to you.

Thank you

Bill  
Sent from my iPad

On Aug 22, 2022, at 8:00 AM, Eric Kohlsmith <[ekohlsmith@mvc.on.ca](mailto:ekohlsmith@mvc.on.ca)> wrote:

Good morning,

After reviewing the application, is there a possibility to support the cantilever dock using piles and a welded beam, instead of the large crib?

Regards,

Eric

Eric Kohlsmith | Regulations Inspector | Mississippi Valley Conservation Authority  
10970 Highway 7 | Carleton Place | Ontario K7C 3P1  
t. 613 253 0006 ext. 256 | f. 613 253 0122 | [ekohlsmith@mvc.on.ca](mailto:ekohlsmith@mvc.on.ca)

### **CVCA Watershed Planning and Regulations Policy Manual 2020:**

See the following excerpts from the above noted CVCA manual – suggesting that attaching a dock to land /shoreline may be requested.

## 3.6 Activities Typically Regulated

The following identifies examples of development activities that CAs typically regulate. In many cases, the proposed development and proposed ancillary uses of the development could detrimentally affect the control of flooding, erosion, pollution, dynamic beaches, or the conservation of land. These development activities may include, but are not limited to:

- Construction of all buildings and additions including modification or reconstruction of foundations which support existing buildings;
- Breakwalls, revetments, rubble groynes, jetties, etc.;
- Headland beach system and artificial nourishment (beach, berm or dune);
- Other similar marine works on or near shorelines or lakeshores;
- **Docks;**
- Stairs, decks, gazebos;
- Boat ramps, boat storage structures;
- Dredging;
- In-ground and above-ground pools;
- Temporary or permanent placement of fill, grading, removal of fill, or site alteration;
- Retaining walls;
- Trailers and mobile homes;
- Bridges, crossings, roads and pipelines; and
- Municipal drains.

Development associated with existing uses in river/stream valleys or shorelines such as non-habitable structures is often differentiated from new development to allow landowners to maintain, and to a limited extent, improve their properties.

### 3.7 Activities That Do Not Require a Permit

The following uses and activities will not require written permission.

- Floating, removable or cantilever docks unless there is a shoreline alteration proposed to anchor the dock to land;

#### **Municipalities and Jurisdictions that allow the gold standard of Steel Pile Driven Dock Construction (as per Agent and contractor's experience and projects undertaken/permit applied for and received):**

- Otonabee Region Conservation Authority
- Mississippi Valley Conservation Authority
- Kawartha Conservation
- Trent Severn Waterway
- Highlands East
- Hastings Highlands
- Minden Hills
- Town of Gravenhurst
- Town of Huntsville
- Township Muskoka Lakes
- Township of Bracebridge
- Township of Havelock-Belmont-Methuen

#### **Messervey Drawing Package provided to CVCA and Highlands East for Building Permit Application.**

Please see separate PDF file with site plan and drawing package including structural engineering drawings as submitted to CVCA and Highlands East for permit application.