



**Policy and Procedure for the Administration of
Ontario Regulation 41/24 and Part VI of the
Conservation Authorities Act**

June 18, 2026

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Conservation Authority Approval

Board Meeting Date 2026-06-18	THAT the Crowe Valley Conservation Authority Board of Directors rescind the Watershed Planning and Regulations Policy Document approved June 20, 2024; and
Resolution Number Agenda Item # 9	THAT the Crowe Valley Conservation Authority Board of Directors approve the Policy and Procedure for the Administration of Ontario Regulation 41/24 and Part VI of the Conservation Authorities Act; and THAT the General Manager/Secretary-Treasurer be authorized to modernize the delivery of the program. Moved by: Shawn Pack Seconded by: Colin McLellan

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Part A: Policy Background for the Administration of O.Reg.41/24 and Part VI of the Conservation Authorities Act

The general policies contained in this document apply specifically to the Crowe Valley Conservation Authority's (Crowe Valley Conservation) regulatory role under Part VI of the *Conservation Authorities Act (CA Act)*.

Crowe Valley Conservation is committed to providing a timely, objective, impartial, consistent, and comprehensive review of all permit applications submitted for approval under the *CA Act* Section 28 regulation (O. Reg. 41/24). Every attempt will be made to apply the regulation in a manner consistent with the Provincial Planning Statement (PPS) made under the authority of Section 3 of the *Planning Act*.

The objectives of this regulation are to:

- Prevent loss of life as a result of flood or erosion hazards;
- Minimize property damage and social disruption resulting from flooding or erosion;
- Minimize public and private expenditure for emergency operations, evacuations, disaster relief and restoration;
- Prevent hazardous development within floodplains, flood and erosion areas and unstable slopes, soil and bedrock which may in future require substantive mitigation measures;
- Ensure that development does not increase risks to upstream and downstream landowners;
- Prevent filling and/or draining of natural storage areas, and development that may limit floodplain storage capacity, increase flood elevations and/or decrease slope stability;
- Prevent interference with the hydrologic function of wetlands;

On April 1, 2024, the Province released Ontario Regulation 41/24 and proclaimed associated sections of the *Conservation Authorities Act*, the text of which is continuously referenced throughout the following sections of this document.

1.1 Authority of the Regulation

1.1.1 Prohibited Activities

Section 28 of the *Conservation Authorities Act*, includes the following section:

28 (1) Subject to subsections (2), (3) and (4) and section 28.1, no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
2. Development activities in areas that are within the authority's area of jurisdiction and are,
 - i. hazardous lands,
 - ii. wetlands,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
 - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations; or,
 - v. other areas in which development should be prohibited or regulated, as may be determined by the regulations. 2017, c. 23, Sched. 4, s. 25.

“development activity” means,

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

1.1.2 Permits

Section 28 of the *Conservation Authorities Act*, includes the following section:

28.1 (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,

- a. the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- b. the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and

- c. any other requirements that may be prescribed by the regulations are met. 2017, c. 23, Sched. 4, s. 25; 2022, c. 21, Sched. 2, s. 9 (1).

1.1.3 Areas Subject to the Regulation

What areas of the watershed does Crowe Valley Conservation regulate?

In summary and in accordance with Ontario Regulation 41/24, Crowe Valley Conservation has regulated areas within its jurisdiction as follows:

Hazardous Lands

This component of the Regulation applies to development within hazardous lands which is defined under O.Reg. 41/24 pursuant to Section 28 of the *CA Act* as land that could be unsafe for development due to naturally occurring processes associated with flooding (including spills), erosion, dynamic beaches, or unstable soil or unstable bedrock.

Unstable soil and bedrock include, but are not limited to: sensitive marine clays, organic soils, and karst topography. Sensitive marine clays are not identified within the watershed. Organic soils are normally formed by the decomposition of vegetative and other organic materials. Peat soils are the most common type of organic soil in Ontario. Karst topography may be present in limestone or dolomite bedrock and is extremely variable in nature and does exist within the Crowe Valley Conservation watershed.

Wetlands (including swamps, marshes, fens, and bogs)

This component of the Regulation applies to development within a wetland, or change or interference in any way with a wetland.

Other areas where activities could interfere with the wetland (areas of interference) are defined as the regulated 30 metre area adjacent to any wetland (S. 28 (1) 2. v. of the *CA Act*).

River or Stream Valleys

This component of the Regulation applies to development within river and stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:

- Where the river or stream valley is apparent and has stable slopes, the valley extends to the stable top of bank plus 15 metres to a similar point on the opposite side.
- Where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or if the toe of slope is unstable, from the predicted location of the toe of slope as a result of stream erosion over a projected 100 year period plus 15 metres to a similar point on the opposite side.
- Where the river or stream valley is not apparent, the valley extends:
 - To the greater of:

- the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard to a similar point on the opposite side, and
- the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard to a similar point on the opposite side, and
- an additional 15-metre allowance on each side, except in areas within the jurisdiction of the Niagara Peninsula Conservation Authority.

Crowe Valley Conservations watershed includes shorelines of small inland lakes. The regulation limit associated with these lakes is determined using technical guides associated with River or Stream Valley systems from the MNR, as amended from time to time. River or Stream Valleys contain hazardous lands associated with both flooding and erosion.

Although the regulation is focused on natural hazards, river and stream systems also provide physical, biological and chemical support functions for sustaining ecosystems. These functions are directly associated with the physical processes of discharge, erosion, deposition and transport which are inherent in any river and stream system. The interplay between surface and ground water and the linkages, interactions and inter-dependence of aquatic environments with terrestrial environments supply hydrologic and ecological functions critical to sustaining watershed ecosystems.

Rivers, Creeks, Streams, or Watercourses

This component of the Regulation applies to the straightening, changing, diversion, or interference in any way with the existing channel of a watercourse, including lakes and their shorelines that are within the Crowe Valley Conservation watershed.

This component of the Regulation does not apply to dug-out or isolated ponds located outside of any wetland or other areas of a wetland, river or stream valley, hazardous land associated with unstable soil or bedrock, and/or the applicable regulated allowance. A watercourse must have a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.

The Regulation Limit

The approximate extent of regulated areas associated with river or stream valleys, wetlands, hazardous lands, areas of interference with wetlands, and watercourses is identified by a Regulation Limit.

How has the Regulation Limit been established?

Throughout the watershed, the Regulation Limit has been mapped by Crowe Valley Conservation in accordance with guidelines from the Ministry of Natural Resources (MNR) and Conservation Ontario (CO).

As per S.4(5) of Ontario Regulation 41/24, it is important to recognize that this limit is an approximation and that in case of a conflict, the written description of those areas in Section 2(1) of Ontario Regulation 41/24 shall prevail over the Regulation limit illustrated on the maps.

Mapping is available to the public online at www.crowevalley.com and at the head office of Crowe Valley Conservation. To accurately assess and determine the regulation limit, Crowe Valley Conservation staff may be requested to attend the site to verify and delineate any regulated features present on the property as noted above. As part of any permit application staff may require to be present onsite to determine extent of regulated areas.

1.1.4 Not considered Development

What is not considered development?

There are several activities that fall outside of the definition of development and do not require a permit from Crowe Valley Conservation. These include:

- Non-structural activities associated with existing agricultural use (cropping, pasturing, tilling, fence row clearing, stone pile removal, etc.);
- Maintenance and upkeep of existing building or structures (window repair, siding, etc.);
- Landscaping that does not result in alterations to existing grade (e.g., patios, gardens, nurseries, timber harvesting without stump removal, etc.);
- The patching or resurfacing of existing access routes (public roads, driveways, private access roads, and entrance ways) that does not result in alterations to existing grade;
- Well installation; and,
- Fence installation, not including stone or concrete walls.

As long as these activities would not result in the straightening, changing, diversion or interference in any way with a watercourse, or interference in any way with a wetland, they are not subject to Ontario Regulation 41/24 and do not require written permission from Crowe Valley Conservation.

Are municipal drains regulated?

The Drainage Act defines a process whereby property owners can petition their local municipality to develop communal solutions to solve drainage problems. The Drainage Act is primarily used in rural Ontario but is occasionally used to resolve drainage issues in urban areas. Once a municipal drain is constructed and adopted through by-law, municipalities are required to maintain and repair these drains. Under the *Conservation Authorities Act*, CAs regulate development in wetlands and watercourses, amongst other things. Municipal drains are often regulated due to the definition of a watercourse under Ontario Regulation 41/24.

When reviewing these types of drainage proposals, Crowe Valley Conservation will look to the requirements set out in the Drainage Act and the *Conservation Authorities Act Protocol*, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time.

Once established, the maintenance and repair of municipal drains is exempt from requiring a permission under Ontario Regulation 41/24; (5) e).

There are no municipal drains within the Crowe Valley Conservation watershed at this time.

1.1.5 Exceptions under the Regulation

Section 28 of the *Conservation Authorities Act* includes the following sections dealing with exceptions to the prohibition on development activities, alterations or interference in regulated areas.

Exception, aggregates

Subsection 28 (2); The prohibitions in subsection (1) do not apply to an activity approved under the *Aggregate Resources Act* after December 18, 1998, the date the *Red Tape Reduction Act, 1998* received Royal Assent. 2017, c. 23, Sched. 4, s. 25.

Same, prescribed activities

Subsection 28 (3); The prohibitions in subsection (1) do not apply to an activity or a type of activity that is prescribed by regulation and is carried out in accordance with the regulations. 2017, c. 23, Sched. 4, s. 25.

Same, prescribed areas

Subsection 28(4); The prohibitions in subsection (1) do not apply to any activity described in that subsection if it is carried out,

- a. in an area that is within an authority's area of jurisdiction and specified in the regulations; and,
- b. in accordance with any conditions specified in the regulations. 2017, c. 23, Sched. 4, s. 25.

Ontario Regulation 41/24 includes "Exceptions" for a limited number of activities in areas that are regulated by Crowe Valley Conservation, e.g., seasonal or floating dock, tile drains, ponds for watering livestock. Crowe Valley Conservation shall not require a permit for these activities provided the activities meet the requirements outlined in the Regulation.

Crown Activities

It is noted that the *Conservation Authorities Act* does not contain a subsection that specifically "binds the Crown". Therefore, activities of Provincial Ministries, Federal Departments and Crown Agencies or "Crown Corporations" are not bound by the Act and these entities are not legally required to obtain a permit under the *Conservation Authorities Act*.

Determining whether a particular body is an agent of the Crown depends on the specific functions of the body and the degree of control exercised over that body by the Crown. In some circumstances, changes to a corporation's ownership may result in the corporation's status changing from a crown corporation to a private entity. For example, Hydro One and its affiliates no longer hold status as crown corporations. CO and Hydro One developed an updated MOU (2025),

acknowledging the new requirement for Hydro One and its affiliates (Hydro One Telecom Inc. and Hydro One Sault Ste. Marie LP) to obtain a CA permit under Section 28 of the CA Act for their work. This MOU outlines protocols and best practices that streamline the review process. This MOU will be referred to when reviewing and approving applications by Hydro One.

While the *Conservation Authorities Act* does not bind Crown proponents for activities taking place on Crown land, a third-party proponent, not acting on behalf of the Crown would be subject to the Act and pursuant regulations.

Voluntary compliance with the permit review process is encouraged for the Crown and its Agencies. Crowe Valley Conservation will review proposals upon request for conformity to policies and tests related to Section 28 permits and as outlined in this document. Best Practice suggests that compliance with respect to technical review of any activity be achieved, however it is within their legal rights to refuse to participate in the voluntary review process.

Renewable Energy Projects

Renewable energy projects (28.1 (6)) limit the 'tests' that may be applied to Crowe Valley Conservations consideration of a permit application and the conditions that can be attached to these permits. Crowe Valley Conservation shall not refuse an application unless it is of the opinion that it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bedrock; and the Crowe Valley Conservation shall not attach conditions to the permit unless the conditions relate to controlling flooding, erosion, dynamic beaches or unstable soil or bedrock. In other words, the test broadly related to health or safety and found in 28.1 (1) (b) does not apply to these permits. As with similar applications, the applicant has a right to a hearing where an application may be refused, or conditions are being contested. After a hearing the CA shall provide an applicant with written reasons for the decision. Hearing procedures are outlined in **Part B** of this document.

What activities are excepted under the Regulation?

EXCEPTION ACTIVITIES

Pursuant to Ontario Regulation 41/24, the following activities do not require a permit from the Authority:

- a. the construction, reconstruction, erection or placement of:
 - (i) a seasonal or floating dock without a permanent support structure(s) that is 10 square metres or less, and can be removed in the event of flooding,
 - (ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - (iii) agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - (iv) a non-habitable accessory building or structure outside a wetland or watercourse that is 15 square metres or less and is incidental or subordinate to the principal building or structure,
 - (v) an unenclosed detached deck or patio outside a wetland or watercourse that is 15 square metres or less and does not utilize any method of cantilevering;
- b. the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- c. the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area regulated by Crowe Valley Conservation;
- d. the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;

- e. the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the *Conservation Authorities Act* Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and
- f. The reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

1.1.6 Emergency Works

A temporary permission may be granted by letter/email to municipalities and other agencies for emergency works to repair existing infrastructure within a regulated area that is at immediate risk of failure or other public safety concerns provided that Crowe Valley Conservation is notified prior to conducting remediation works, and where appropriate or possible given the opportunity to review, provide technical guidance related to the control of flooding and erosion, unstable soils and bedrock and supervise where necessary. Municipalities shall provide a description of the emergency works or 'as built' information upon the completion of emergency works.

1.2 How to Apply – Steps to getting to the application stage

In keeping with its commitment to the direction established by the Board of Directors, the Province of Ontario and Conservation Ontario, Crowe Valley Conservation will be guided by the following principles:

- ***Crowe Valley Conservation is committed to reviewing all permit applications in an efficient and effective manner.***
- ***Crowe Valley Conservation is committed to ensuring that the permitting process is aligned with the approval process under the Planning Act.***
- ***Crowe Valley Conservation is committed to working with applicants to be certain that the process is easy to understand.***

1.2.1 Pre-consultation

Prior to undertaking any development, applicants are encouraged to:

1. Contact Crowe Valley Conservation by **using the inquiry form as the first point of contact with Crowe Valley Conservation staff**. This is available at www.crowevalley.com.
2. You will be prompted to fill out some basic required information, including the address of the property in question and details of your development or alteration proposal. There is the ability to upload supporting documentation (i.e. site plan or sketches). This is highly recommended.

Alternate ways of contacting Crowe Valley Conservation are in person, by phone, or by email.

3. Determine if the property in question falls within or adjacent to a regulated area. This is done by using our Regulated Areas Mapping, also available at the above link on our website.
4. If desired, the applicant can submit a Proposal Inquiry Application to Crowe Valley Conservation. Crowe Valley Conservation staff will review this application and, in most cases will make a site visit to determine whether a permit is required for the proposed works.

The pre-consultation process should achieve the following:

- determine if an application is required and if the required *Planning Act* approvals are in place prior to the permit application;
- determine the information required to be submitted with the application (e.g. technical information, studies, drawings, etc.) to ensure that comprehensive submissions are made that can efficiently lead to complete submissions;
- discuss if a formal inquiry process should be engaged (fees required) and to undertake site visit(s) to verify the presence or absence of features such as wetlands and watercourses, where required;
- clarify the general process that is required to obtain a permission;
- identify any concerns that Crowe Valley Conservation may have with the proposed undertaking and to provide a preliminary determination of compliance with the policies contained within this document; and,
- determination of the required Fee.

More information regarding pre-consultation and application procedures are found in Part B of this document.

1.2.2 Proposal Inquiry & Natural Hazard Assessment Application Process

This inquiry application process has been developed as part of a more in-depth pre-consultation.

This process should be engaged when:

- the applicant requests formal correspondence on letterhead with details/information; process requirements, or application submission requirements regarding a possible development on a specific piece of land;
- Crowe Valley Conservation staff are required or requested to go onsite for the purposes of hazard delineation/assessment, survey topographic information or to identify the regulation limit, amongst others;
- Crowe Valley Conservation technical staff are required to provide substantial technical review or advice prior to a permit application; and,
- Pre-consultation for highly complex major permit applications, if agreed necessary.

The Proposal Inquiry & Natural Hazard Assessment application form can be obtained from the administrative office, or via email directly from staff. **Requests for this application can also be made by completing a general inquiry online.**

Fees as per the current approved Fee Policy and Schedules will apply for this process. Staff will identify the approximate assessed cost and provide this to you prior to you submitting the application.

Note: All application fees are established by the Crowe Valley Conservation Board of Directors and are reviewed annually. The fee policy and schedules are posted on the Crowe Valley Conservation website and is available in hard copy from the Crowe Valley Conservation office.

1.2.3 How to Apply for a O.Reg. 41/24 Permit

Crowe Valley Conservation allows applicants to apply for a permit in the following ways:

- Online at crowevalley.com.
- In person at the administrative office located at 70 Hughes Drive, Marmora, ON.

O. Reg. 41/24 outlines the minimum submission requirements that you **MUST include in your application**. They are as follows:

- 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 watercourse, or change or interfere with a wetland;
- 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;
- the start and completion dates of the development activity or other activity;
- 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;
- 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;
- drainage details before and after the development activity or other activity;
- a complete description of any type of fill proposed to be placed or dumped;
- 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
- any **other technical information, studies or plans that the authority requests** including information requested during pre-consultation between the authority and the applicant.

Once an application has been received, you will be contacted regarding how to pay the required fee amount. Typically, fees can be paid by Credit Card, Cash or Cheque.

Please see Part B of this document for more information on procedures related to the application and approval process including:

- Pre-Requisite Approvals;
- Complete Application Requirements;
- Requests for Administrative Review;
- Fee's (and requests for reconsideration);
- Processing of Complete Applications;
- Required Timelines;
- Decisions; and
- Ability for Hearings and Appeals, etc.

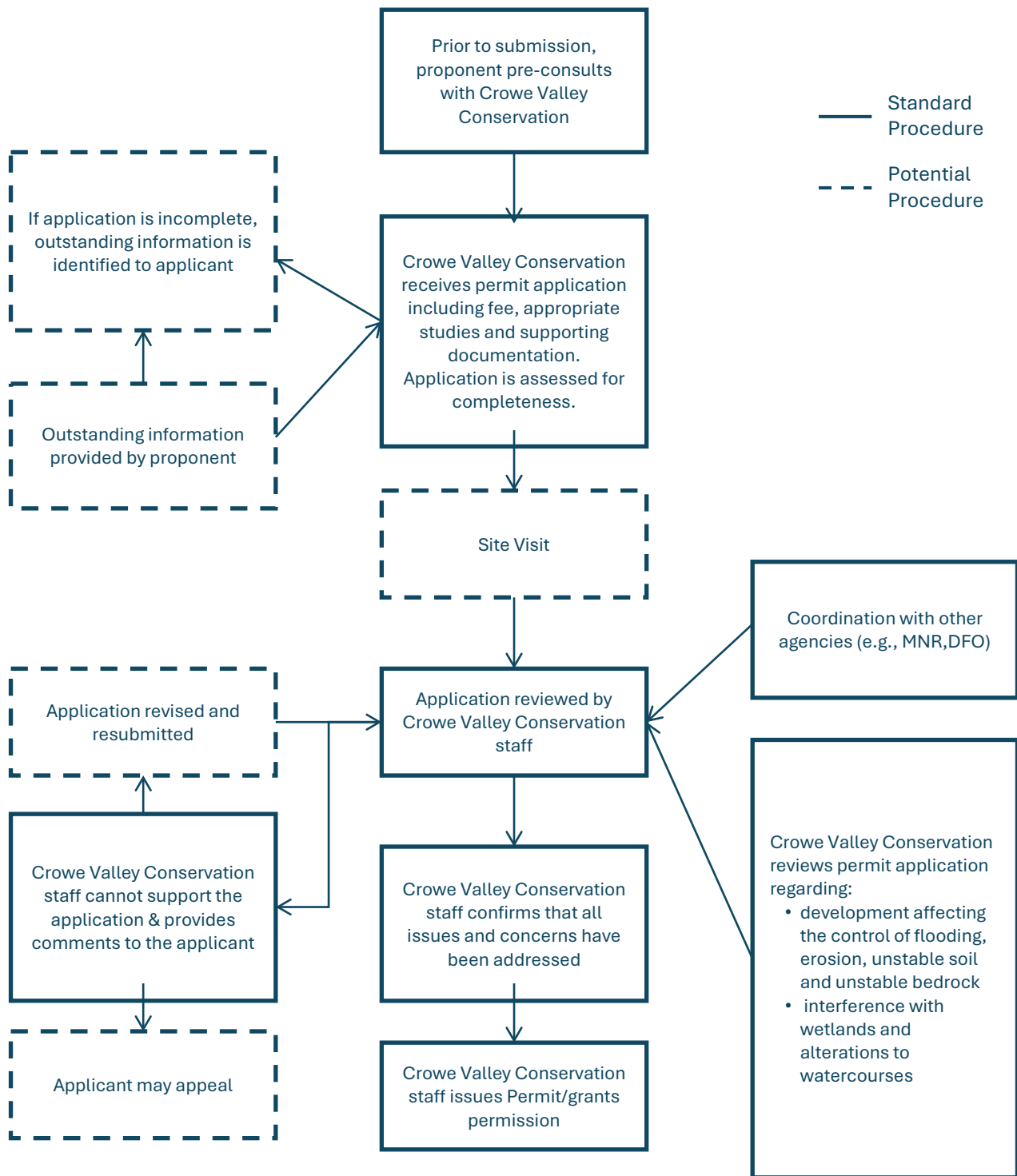


Figure 1.1 | How Crowe Valley Conservation generally processes permit applications – See Part B of this document for further procedural options and their process.

1.3 Interpretations

1.3.1 Definitions

Appendix A provides definitions that will be used by Crowe Valley Conservation staff to assist in the appropriate and reasonable interpretation of terms to assist in the implementation and administration of Ontario Regulation 41/24 and Part VI of the Conservation Authorities Act.

1.3.2 Interference

The *Conservation Authorities Act* and Ontario Regulation 41/24 do not define “Interference” nor has any definition been found in any other technical guide or planning document; hence, the interpretation below was developed by the Ministry of Natural Resources and Conservation Ontario. Under the Regulation, “interference” only applies to projects within watercourses and wetlands.

Interference in any way is interpreted as:

“any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic functions of a wetland or watercourse” (MNR/CO, 2008).

The common uses of words in this interpretation are:

Hinder means: to delay or impede

Disrupt means: to interrupt or disturb (an activity or process)

Degrade means: lower the character or quality of

Impede means: delay or block the progress or action of

The term interference includes all **alterations** mentioned within Ontario Regulation 41/24 (**straighten, change, divert or interfere in any way**).

1.3.3 Internal Renovations

The definition of development in Ontario Regulation 41/24 includes ... “1. (1) (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure”.

Repairs and renovations to an existing building within the existing roofline and exterior walls and above the existing foundation within a hazard area would generally not require a permit from Crowe Valley Conservation, **unless the proposal is associated with a change in use or increases the number of dwelling units** (see definition of ‘development’). A change in use or an increase in the number of dwelling units will require a permit.

When reviewing internal renovation proposals, Crowe Valley Conservation will consider other changes that may be associated with an internal renovation e.g., upgrades or replacement of a septic system, new openings for doors or windows etc. These additional activities may meet the

definition of development and will be considered under the health or safety tests e.g., increase to the risk of injury or fatalities, social disruption, or result in damages from the hazard.

1.4 Health or Safety

Conservation Authorities have historically considered the health or safety of people and emergency responders in the evaluation of permits. Typically, this included the evaluation of an application under the ‘tests’ of flooding, erosion, dynamic beach etc. and may have included other tests that are no longer part of the *CA Act* (e.g., pollution, conservation of land). In addition to the current tests of: “the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;” the province has included an additional test of **“the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;”** (*CA Act* S. 28 (1) (a)-(b)). The latter section reflects the decision of the [Court of Appeal for Ontario](#) that confirms CAs consider health or safety and damage or destruction of property in their decisions.

Health may include the physical health of people such as injury and/or the potential for loss of life/fatality. Under the test of ‘health’, Crowe Valley Conservation may consider detrimental social disruption or short- and long-term mental health effects on people in the event of a natural hazard, and the potential for injury to a landowner, future landowner/occupant, or an emergency responder. The potential loss of life is more commonly considered under the ‘safety’ test but this may be considered under ‘health’ as well. Factors that may be considered include direct impacts (e.g., a fatality due to flooding in a basement or elevator, vehicle submerged in flood waters) or indirect factors (e.g., a fatality due to the inability for emergency responders to reach a person in a medical emergency during a natural hazard).

It is important to note that Crowe Valley Conservation relies on the best available information at the time of reviewing a permit application. This may include technical studies and plans prepared by a qualified professional and Crowe Valley Conservation staff technical and policy opinions. The final decision is determined when, in the opinion of Crowe Valley Conservation, there are ‘reasonable grounds’ to approve, approve with conditions, or recommend refusal of a permit application.

1.4.1 Consideration of Safe Access (Ingress & Egress)

The ability for the landowner, future landowners/occupants, public and emergency operations staff (police, firefighters, ambulance, municipal flood response teams etc.) to safely access a site during an emergency, such as a flooding or erosion event, is an important factor when considering any application for development activities. A permit application must be reviewed to ensure access to the proposed development is safe and appropriate for the proposed use. The applicant shall provide to the satisfaction of Crowe Valley Conservation, studies and/or plans that demonstrate how pedestrians, vehicles, emergency responders and equipment can gain access to and from the regulated feature in the event of a natural hazard. This includes ingress/egress that

meets the access standards in these circumstances: during an event, for maintenance or repair, and/or construction of new remedial works.

In the context of new development activities, the risks should be controlled by prohibiting development in potentially dangerous or inaccessible portions of the regulated feature.

For existing development, safety risks are a function of the occupancy of structures, the susceptibility of the structure and the access routes to the structure. For existing development, the following factors should be considered:

- the degree of risk with the use of the existing access;
- the ability to modify the existing private or public access or construct a new safe access;
- the ability to find and use the access during an emergency;
- the ability and willingness of the municipality to allow staff and emergency vehicles to use the access (confirmation in writing may be considered); and
- the access will be in place prior to the completion of the development activity.

The risk can also be controlled by limiting the size (and therefore limiting the occupancy) of additions or reconstruction projects. If the risk is determined to be too great, no modifications/alterations/reconstructions of existing structures should be considered.

Where applications propose development within areas that have ingress/egress issues, Crowe Valley Conservation will work with the applicant to ensure that safe access is achieved. Where safe access is not demonstrated or is not possible based on the proposed permit application information, Crowe Valley Conservation will advise the applicant and try to work with the applicant to identify alternative options (if available).

If safe access cannot be ensured to the satisfaction of Crowe Valley Conservation, consideration should be given to recommending refusal of the permit application if the tests under S. 28 of the CAAct cannot be met.

The MNR Technical Guide: River & Stream Systems: Flooding Hazard Limit (2002) and Technical Guide: River & Stream Systems: Erosion Hazard Limit (2002) include further guidance regarding safe access. Crowe Valley Conservation will use these resources and any new resources brought forward by the Province in their determination of safe access and egress.

1.4.2 Floodproofing

The PPS provides a definition of floodproofing standard. "Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water related hazards along the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes and flooding hazards along river, stream and small inland lake systems."

Floodproofing includes alteration to the design of specific buildings, raising of ingress and egress roadways and driveways, the construction of dikes, flood control channels, etc. The variety of floodproofing options and requirements are too detailed and extensive to include in a policy guideline. For more guidance, please consult Appendix 6: “Floodproofing” of the “Technical Guide – River and Stream Systems: Flooding Hazard Limit” (MNR, 2002 as may be amended or updated from time to time). Advances in floodproofing methodologies are ongoing, therefore, Crowe Valley Conservation may consider other technical or construction options prepared by a qualified professional. **Passive, dry floodproofing, if feasible, shall be the preferred approach to floodproofing over wet or active floodproofing measures.**

When buildings can be approved, but the services of a licensed professional engineer are required, the designer shall also produce a summary or “owners manual” for the owner (and for subsequent owners) that outlines measures to be taken prior to, during and following a flood event and that ensure the buildings suitability for ongoing human habitation and to outline ongoing maintenance responsibilities and requirements.

Floodproofing requires measures to be completed to specific elevations to meet policy and technical guide requirements. The specific floodplain elevation for those areas along the Kawartha Lakes and Trent River are found in Appendix B. For regulatory floodplain elevations where engineered floodplain mapping exists, Crowe Valley Conservation will supply the floodplain information. Where no floodplain information exists, proponents may be required to complete a study that determines and recommends an appropriate elevation, to the satisfaction of Crowe Valley Conservation. Crowe Valley Conservation uses the Timmins Regional storm as its event standard for the purposes of defining the regulated area, however, the greater of the 100-year storm (1% AEP) or the Timmins Regional storm will be used to inform floodproofing requirements.

1.5 Cumulative Impacts

The assessment of impacts from development and alterations of hazardous lands, sites and watercourse and wetland features will include the potential for cumulative impacts. Where necessary, Crowe Valley Conservation will restrict development that may, singularly or cumulatively, affect the natural hazards or impact other properties. Examples of cumulative impacts are: development activities that restrict riverine channel capacities to pass flood flows or reduce storage capacity in floodplains and wetlands resulting in increased flood levels and creation of a potential danger to upstream and downstream landowners; the construction of multiple additions to a residential dwelling in the flood hazard over time, resulting in an unacceptable risk to life and property; and, alterations to shorelines and watercourses to address erosion that may disrupt the channel or shoreline natural processes for erosion and deposition of material.

1.6 General Policies

Crowe Valley Conservation will be guided by the following general policies:

Prohibited activities shall not be undertaken in a regulated area without written permission from Crowe Valley Conservation.

Technical studies and/or assessments, site plans and/or other plans submitted as part of an application must be completed by a qualified professional to the satisfaction of Crowe Valley Conservation, the cost of which is borne by the applicant. Compliance with current standards is required.

Crowe Valley Conservation may issue permits where, to the satisfaction of Crowe Valley Conservation staff or its Board of Directors, the tests, as outlined in the CAACT have been met, or the intent of the tests have been met alongside consideration of the general policies outlined below.

The tests, as outlined by the legislation, and satisfaction thereof, supersedes the requirements of any specific policy.

Within areas defined by the regulation (i.e., regulated areas) the following general policies will apply:

GENERAL POLICIES

1.6 (1) Development, interference and/or alteration will not be permitted within a regulated area, except in accordance with the policies contained in this document.

1.6 (2) Notwithstanding Policy 1.6 (1), Crowe Valley Conservation may grant permission for:

- Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland; and,
- Development activities in areas that are within the authority's area of jurisdiction and are:
 - i. hazardous lands;
 - ii. wetlands;
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations;
 - iv. other areas in which development should be prohibited or regulated, as may be determined by the regulations;

Provided that, the applicant submits evidence acceptable to Crowe Valley Conservation and that if in the opinion of Crowe Valley Conservation the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, the activity is not likely to create conditions or circumstances that, in the

event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and any other requirements that may be prescribed by the regulations are met.

1.6 (3) Development, interference and/or alteration within a regulated area will be permitted only where:

- There is no feasible alternative location for development outside the hazard;
- The development activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;
- Susceptibility to natural hazards is not increased or new hazards created (e.g., there will be no impacts on adjacent properties with respect to natural hazards);
- Sedimentation and erosion during construction and post construction is minimized using best management practices including site, landscape, infrastructure and/or facility design, construction controls, and appropriate remedial measures;
- Access for emergency works and maintenance of flood or erosion control works is available if necessary;
- Proposed development is constructed, repaired and/or maintained in accordance with accepted engineering principles and approved engineering standards or to the satisfaction of Crowe Valley Conservation, whichever is applicable based on the structural scale and scope, and the purpose of the project;
- There are no adverse hydraulic or fluvial impacts on rivers, creeks, streams, or watercourses;
- There are no adverse impacts on the hydrologic function of wetlands as determined by Crowe Valley Conservation or as demonstrated by a qualified professional; and,
- The control of flooding, erosion, unstable soil and bedrock is not adversely affected during construction and post development.

PROHIBITED USES

1.6 (4) Notwithstanding the General Policies referenced above, development will not be permitted within hazardous lands as defined in the *Conservation Authorities Act*, where the use is:

- An institutional use including hospitals, long term care homes, retirement homes, pre-schools, school nurseries, day care and schools, where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of erosion and/or failure of protection works/measures; or
- an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of erosion, or any other hazard associated with erosion and/or as a result of failure of protection works/measures; or
- Uses associated with the disposal, manufacture, treatment, or storage of hazardous substances.

Part B: The Procedures for the Implementation of O.Reg.41/24

2.1 Part VI of the Conservation Authorities Act

Part VI of the *Conservation Authorities Act (CAAct)* sets out how various development activities are regulated to protect people, property, and the environment in relation to flooding and erosion hazards.

Reference should be made to the *CAAct* and regulations available at ontario.ca/laws for the complete legal text.

In accordance with the requirements of the *CAAct*, this chapter sets out the procedures for many of the provisions within.

2.2 Prohibited Activities, Tests for Approval

Section 28 of the *Conservation Authorities Act* sets out the prohibited activities as follows:

“No person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

- 1 Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
- 2 Development activities in areas that are within the jurisdiction of an authority and are:
 - i. hazardous lands,
 - ii. wetlands,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations, or
 - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
 - v. other areas in which development should be prohibited or regulated, as may be determined by the regulations.

“**Development Activity**” is defined as:

- The construction, reconstruction, erection or placing of a building or structure of any kind,
- Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- Site grading,
- The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Section 28.1 of the *Conservation Authorities Act* establishes the legal tests for approval of permit applications. A conservation authority may issue a permit:

“if in the opinion of the authority,

- a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property...”

2.3 Mapping of Regulated Areas

Section 4 of Ontario Regulation 41/24 prescribes requirements for mapping of areas where development activities are prohibited. This includes requirements for annual review and updating, public access and notification.

Mapping of the approximate regulated area has been undertaken by Crowe Valley Conservation in support of Ontario Regulation 41/24. In some cases, such as more recent floodplain mapping projects undertaken by Crowe Valley Conservation, the mapping is highly precise and provides an accurate depiction of the regulated area. Dated hazard mapping may require to be updated. In the case of wetlands, the mapping is sometimes only an approximation based upon the best available information, development based inquiry, or requests from the public for site inspection. As staff field verify regulated features and their associated regulated areas or carry out projects to further and more accurately delineate natural hazard features and their regulated areas, this data will be included by an annual update procedure, as required by the regulation. The regulated area is not a development setback, land use designation, zone, or a specific development limit. The regulated area includes flooding and erosion hazards associated with river and stream systems, hazard lands including small inland lakes, wetlands and *areas of interference* around the wetlands. Please find the mapping available at www.crowevalley.com.

As per S.4(5) of Ontario Regulation 41/24, it is important to recognize that this limit is an approximation and that in case of a conflict, the written description of those areas in Section 2(1) of Ontario Regulation 41/24 shall prevail over the Regulation limit illustrated on the maps.

In updating the mapping, Crowe Valley Conservation will use standardized procedures and guidelines as developed by the MNR and Conservation Ontario, as amended or updated from time to time.

2.4 Exceptions

Section 5 of Ontario Regulation 41/24 prescribes exceptions to the regulation of development activities for a list of specific types of development activities under certain conditions. These activities include certain types of docks, fencing, agricultural erosion control structures, nonhabitable accessory structures, decks or patios. The specific list may be viewed here:

<https://www.ontario.ca/laws/regulation/240041#BK4>

Please contact Crowe Valley Conservation staff to get in touch with a regulations officer to determine if your development activity meets the applicability of certain exceptions to the regulation. An inquiry form is found online at www.crowevalley.com and can be sent by following the instructions online.

2.5 Permit Phases

Before the development activity (filling, grading/site alteration, or construction) may proceed in a regulated area, a permit must be issued.

There are five (5) primary phases in the permit application process:

1. Pre-requisite Approvals
2. Pre-submission Consultation or “Pre-Consultation”
3. Determination of a “Complete Application”
4. Technical Review, Commenting and Application Refinement
5. Decision: Recommendation for Approval (and Permit Issuance) or Refusal (and Hearings(s))

The phases listed above take place sequentially and are discussed in detail below.

2.6 Pre-requisite Approvals

Development proposals should be evaluated through up-to-date provincially and municipally approved planning policy and zoning prior to engaging the permit application process with Crowe Valley Conservation. This ensures that the ‘principle of development’ has been determined through the appropriate planning approval and ensures that requirements under the *Conservation Authorities Act* are streamlined and focused on natural hazard concerns and development activities in the area of jurisdiction of the Conservation Authority. Where *Planning Act* approvals are typically sought first, in some instances or site specific cases, Conservation Authority permits may be issued prior to the ‘principle of development’ being established.

2.7 Pre-submission Consultation or “Pre-consultation”

The Regulation includes minimum requirements for Crowe Valley Conservation regarding the presubmission requirements and process for a permit application.

Prior to the submission of an application for a permit under section 28.1, all applicants are strongly encouraged to consult with Crowe Valley Conservation staff to assess the proposal and determine application requirements. Section 6 of *Ontario Regulation 41/24* sets out the preconsultation concepts and directs that if an applicant requests a pre-submission consultation, Crowe Valley Conservation is required to engage in the pre-consultation.

The pre-consultation process should achieve the following:

- determine if an application is required and if any *Planning Act* approvals deemed necessary by the municipality are in place;
- determine the information required to be submitted with the application (e.g. technical information, studies, drawings, etc.) to ensure that comprehensive submissions are made that can efficiently lead to complete submissions;
- discuss if a formal inquiry process should be engaged (fees required) and to undertake site visit(s) to verify the presence or absence of features such as wetlands and watercourses, where required;
- clarify the general process that is required to obtain a permission; and
- identify any concerns that Crowe Valley Conservation may have with the proposed undertaking and to provide a preliminary determination of the level of compliance with the policies contained within this document and the tests of the regulation.

The type, scale and location of the proposal will determine the extent and formality of the pre-consultation process. For complex or major applications, applicants should contact Crowe Valley Conservation staff to arrange a formal meeting which could involve several internal staff as well as external municipal, agency, provincial and federal representatives who may have an interest in the review of the proposed activity. Pre-consultation meetings should also include input on the terms of references for technical requirements (e.g. Natural Hazard Impact Assessment or Slope Stability Studies) to ensure that the matters of interest are sufficiently addressed.

Crowe Valley Conservation will work within a 21-day timeline (from the date of the pre-consultation meeting) to identify and confirm complete application requirements for specific projects and will provide this information in writing to the proponent. It should be noted, however, that substantial changes to a proposal or a site visit by Crowe Valley Conservation staff following the pre-consultation meeting may affect the information required, as well as the ability of Crowe Valley Conservation to respond conclusively within the 21-day period.

2.8 Complete Application

Crowe Valley Conservation is committed to streamlining the review of permit applications. The submission of a complete application is a critical component. Once pre-consultation is over and the supporting documentation is ready for submission, Crowe Valley Conservation staff will advise the applicant to proceed with an application. An application for a permit must be made by an owner of the lands/property or an authorized agent, **with the landowner having provided the required landowner authorization.**

The minimum prescribed requirements are as follows (S.7 (1) of the Regulation):

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

- 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 watercourse, or change or interfere with a wetland;
- 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;
- the start and completion dates of the development activity or other activity;
- 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;
- 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;
- drainage details before and after the development activity or other activity;
- a complete description of any type of fill proposed to be placed or dumped;
- 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
- any other technical information, studies or plans that the authority requests including information requested during pre-consultation between the authority and the applicant.

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

Provided the applicant has submitted the above requirements and any of the other technical requirements as determined in pre-consultation, the application process will likely proceed quickly to the permit issuance phase.

Once the application is received by Crowe Valley Conservation it will be assigned a file number which can be referred to for further processing and payment. Applications will not be received if there are outstanding violations of *Ontario Regulation 41/24* on the subject lands.

To ensure the application may be appropriately assessed, including the technical aspects of a proposal against the tests set out in subsection 28.1 (1) of the *Conservation Authorities Act*, the submission may be required to contain **other technical information, studies or plans**. The scale, location, and complexity of a proposal and type of feature and or hazard existing typically determines which information items listed below will apply to an application. The level of detail required for studies and reports can vary widely depending on the property and the proposal. In some situations, a single-page letter from a qualified expert will be sufficient, while in other cases

a major study will be necessary. In the absence of a full set of complete application information, it is not possible for staff to determine if an application may be recommended for approval or considered at a Hearing Board in the case of a recommendation for refusal.

Possible Technical Requirements (i.e. Other Technical Information, studies or plans per above and clause 7(1)(i) of *Ontario Regulation 41/24*)

- legal survey;
- existing and proposed topographic and/or metric geodetic elevations;
- floodplain study;
- structural elevations and construction details;
- architectural plans with floodproofing;
- channel crossings assessment;
- erosion and sediment control plans;
- grading plans;
- geotechnical/slope stability study;
- hydrological, hydrogeological assessment;
- landscaping/site rehabilitation plan/revegetation plans;
- natural hazard impact study/assessment;
- stormwater management study/design drawings;
- water balance analysis;
- cut and fill analysis;
- construction access and staging plans;
- soil quality report; and,
- other reports/studies identified through staff consultation.

Works that involve substantial site development should be prepared using the services of qualified professionals. In all cases, it is necessary that the information provided with the application is clear as to the work proposed and is sufficient to allow Crowe Valley Conservation staff to complete a technical review and to make recommendations of approval or refusal.

When proposed development is also subject to the *Planning Act*, *Planning Act* approvals will be obtained prior to submission of permit applications and integrated with Crowe Valley Conservation technical input to ensure that most, if not all, matters are addressed proactively prior to implementing the permit process under the *Conservation Authorities Act*. A permit amendment application will be required to modify the permit to match post permit issuance changes that result from *Planning Act* applications when not completed prior. This will be subject to further fees and potential delays and is strongly discouraged.

2.9 Requests for Administrative Review

Pursuant to subsection 8 (1) of *Ontario Regulation 41/24*, an applicant may request a review by the CAO/Secretary Treasurer if:

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

The request for review applies to applications made under s. 28.1 of the CAACT and does not apply to comments provided by Crowe Valley Conservation through the land use planning process.

The request for review is required to be submitted in writing, to the CAO/Secretary Treasurer and shall identify what element is to be reviewed (a, b or c above) in detail, and the rationale for the request, including the details of the application as submitted. Requesters should use "Section 8 Review Request – Permit File #, Address" in the subject line.

Pursuant to subsection 8(2) of *Ontario Regulation 41/24*, a review request shall be completed by Crowe Valley Conservation no later than 30 days after it is requested, and Crowe Valley Conservation shall either:

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

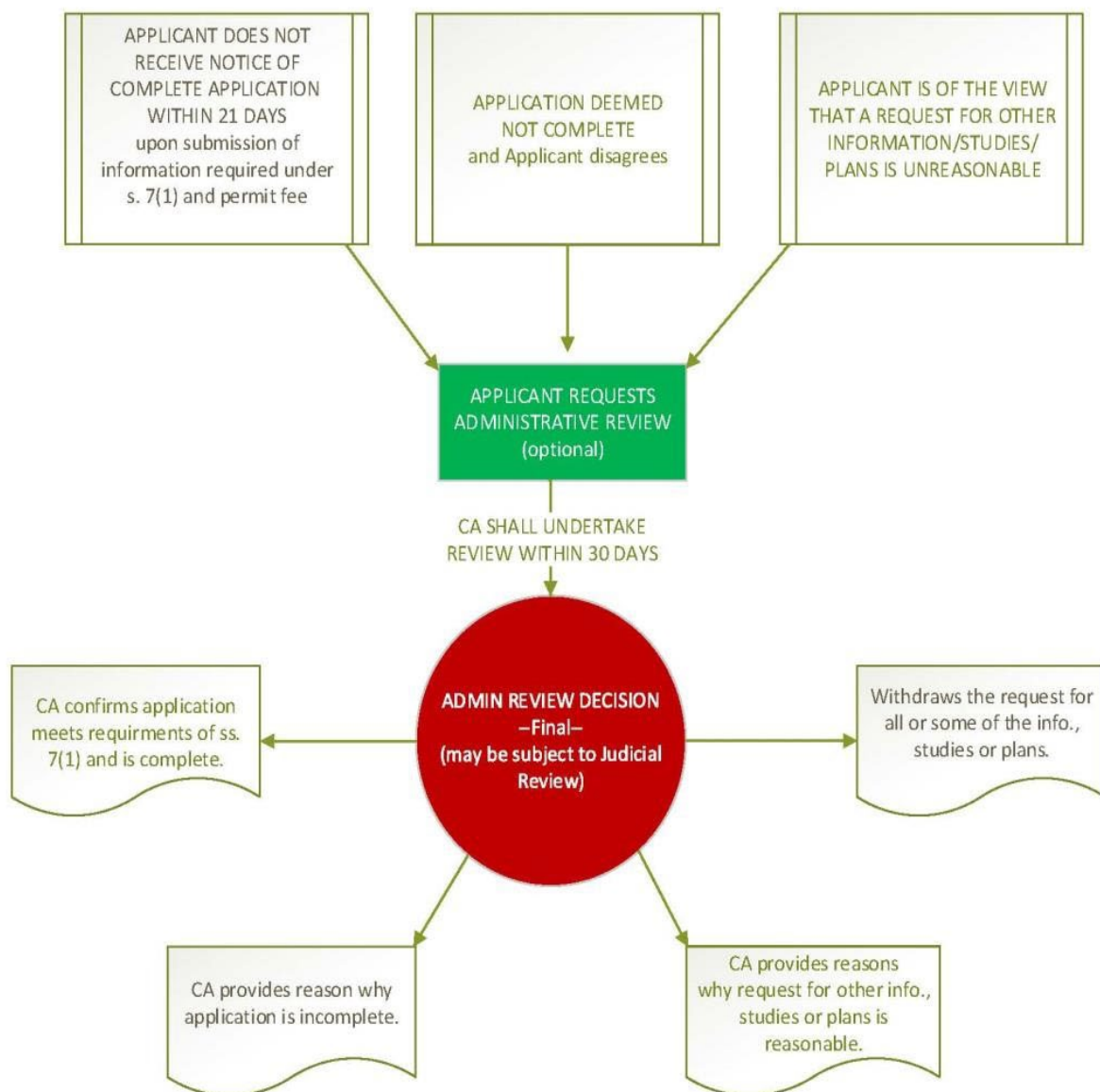


Figure 1: Administrative Review Process (Conservation Ontario)

2.10 Application Fees, Fee Reconsiderations and Fee Appeals

In accordance with subsection 21.2(4) of the *Conservation Authorities Act*, Crowe Valley Conservation is responsible for setting and collecting fees. Fees are set out in annual fee schedules approved by the Crowe Valley Conservation Board of Directors, pursuant to subsection 21.2(6) of

the *Conservation Authorities Act* (the Act), for the administration and review of applications and must be paid in full at the time of submitting an application.

Pursuant to subsection 21.2(7) of the Act, Crowe Valley Conservation's full *Fee Policy* (and schedules) has been adopted by the Board of Directors and may be found at www.crovevalley.com.

Note that the following provisions relate only to permit-related application fees and not to fees for planning services:

Pursuant to subsection 21.2 (13) of the Act applicants may request to reconsider a permit-related fee in writing to the *General Manager & Secretary Treasurer*. Requesters should use "Section 21.2 Fee Review Request, Permit File #, Address" in the subject line. Crowe Valley Conservation shall make its decision within 30 days after receiving the request.

Pursuant to subsection 21.2 (14) of the Act, if Crowe Valley Conservation does not reconsider a fee within 30 days of receiving a request for reconsideration, the person who made the request may appeal the amount of the fee directly to the Ontario Land Tribunal.

Pursuant to subsection 21.2 (15) of the Act, if, after reconsideration of a fee charged for an application for a permit, Crowe Valley Conservation orders a person to pay the fee, the person shall pay the fee in accordance with the order.

Pursuant to subsection 21.2 (16) of the Act, a person who pays a fee under subsection (15) may: (a) when paying the fee, indicate to Crowe Valley Conservation in writing that the fee is being paid under protest; and (b) within 30 days after payment of the fee, appeal the amount charged by Crowe Valley Conservation upon reconsideration to the Ontario Land Tribunal.

Crowe Valley Conservation will undertake an update of the fee schedule annually to ensure that the cost recovery is appropriate and that fee rates are in-line with the prevailing inflation rate.

2.11 Processing of Complete Applications

All applications are reviewed to determine completeness and to ensure that they meet any legislative requirements and the *tests* of the *Conservation Authorities Act* and applicable pursuant regulations.

Site visits may be conducted to confirm on-site or nearby features and application information. Site visits can also be used to determine and/or stake the limits of natural features, and natural hazards including the boundaries of wetlands as defined under the *CAAct*. In some cases, a site visit may reveal the need for technical studies that were not identified during pre-consultation.

In the review of certain technical studies there may be a need for Crowe Valley Conservation to retain external expertise to assist in the review (geomorphology, soil quality/geotechnical). The cost of such a peer review is borne by the applicant.

If an application remains **inactive** for the period of 12 months from the date of application submission or the issuance of Crowe Valley Conservation comments regarding the submission requirements, Crowe Valley Conservation will consider the application to be abandoned, and the file will be closed. A file reactivation fee will be applied to reopen the application after this 12-month period.

Renewable Energy Projects proposed in areas regulated by Crowe Valley Conservation pursuant to Section 28.1 of the *Conservation Authorities Act*, requires permission to ensure the tests of the control of flooding, erosion, dynamic beaches or unstable soil or bedrock are addressed only.

2.12 Decisions

After an application is deemed complete, Crowe Valley Conservation staff will either:

- issue a permit, with or without conditions; or
- recommend approval, with or without conditions to the Authority board for a decision; or
- advise the applicant that the application cannot be supported and refer the application to the Crowe Valley Conservation Board with a recommendation for refusal.

Permits MUST be signed by the applicant/owner and the appropriate signing authority of Crowe Valley Conservation (typically the Regulations Officer and the General Manager & Secretary Treasurer).

Approval granted by Crowe Valley Conservation under Ontario Regulation 41/24 shall not be interpreted as eliminating the need to fulfill the requirements of other federal, provincial and municipal bylaws, statutes, regulations and requirements.

2.13 Staff Delegated Approvals

Crowe Valley Conservation regulations officers are appointed by the Board of Directors as per Subsection 30.1 of the *Conservation Authorities Act*.

Appointed regulations officers are delegated the responsibility to:

- Obtain from an applicant, any surveys, studies, engineering models and other information as may be necessary to make a decision on an application and to be able to deem an application complete.
- Approve and forward approved permits to the appropriate signing authority (General Manager & Secretary Treasurer) in response to applications that:
 - Demonstrate compliance to policies of this document and the tests of the regulation;
 - are considered standard or typical, generally not being overly complex; and,
 - are being issued for a maximum period of 24 months.
- Extend a permit that was granted for a period of 24 months.

- Approve and forward approved permits to the appropriate signing authority (General Manager & Secretary Treasurer); **AND, inform the Board of Directors** at the next regularly scheduled meeting that a permit has been (or will be) approved in response to applications that are:
 - those applications subject to section 28.1.2 of the *Conservation Authorities Act*,
 - issued for a period of time greater than 24 months.

Examples of delegated non-complex applications include:

- minor infrastructure including bridge/road crossings or repairs;
- shoreline erosion control works;
- primary or accessory structures located in a regulated area that can be floodproofed according to technical guidance provided by the Province of Ontario.

Non-delegated Approvals:

The following applications will be referred to the Authority Board for an approval decision prior to issuance:

- applications considered to be significantly complex;
- applications considered to be greatly controversial;

Complex applications are those which are a significant departure to the applicable regulations and legislation and any applicable related policies.

Applications referred to the Authority Board will be accompanied by a staff report with a rationale including an assessment of impacts to the tests of the regulation. The applicant will be notified of the Board meeting date and provided a copy of the staff report. If approved by the Authority Board, staff will issue a permit within 5 working days of the decision.

2.14 Conditions of Permits

The regulation includes the following requirements for conditions that are requirements of a permit from the CA:

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

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

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

An example of a condition that mitigates the effect of development, alteration or interference would include the installation and maintenance of erosion and sediment control under the test of erosion (e.g., surface erosion during site preparation activities removal of vegetation, pre-grading, and construction, etc.).

2.15 Decision Timelines and Annual Reporting

Decision timelines are legislated pursuant to subsection 28.1(22) of the *Conservation Authorities Act*, which directs that if Crowe Valley Conservation has not provided notice of a decision within 90 days, an applicant may appeal the application directly to the Ontario Land Tribunal.

Guidance related to service standards for Section 28.1 permit applications are also specified by the Ministry of Natural Resources (MNR) and addresses administrative matters including determining “complete applications,” and decision timelines for “minor” and “major” applications. Following the determination of a “complete application”, this policy indicates that conservation authorities should aim to render a decision within 30 days for a minor application or 90 days for a major application.

Conservation Ontario’s ‘Client Service Standards for Conservation Authority Plan and Permit Review’ establishes a second, more aggressive, set of service standards that conservation authorities would *strive to meet as a best practice* beyond provincial guidance. Under this framework, for applications with complete information, conservation authorities would complete their review and make a decision within 28 days for “major” applications, 21 days for “minor” applications and within 14 days for “routine” applications.

Ontario Regulation 686/21 (S.8.1(1)) requires that Crowe Valley Conservation prepare and publish an annual report that outlines statistics on permits, including reporting on its level of compliance with the requirements of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits), made under the Act, respecting the application for and issuance of permits, including any associated timelines. These reports will be available annually on the website, www.crowevalley.com, or made available upon written request.

2.16 Refusal Decisions

If, in the opinion of Crowe Valley Conservation staff, an application cannot be supported, the applicant will be advised of options that may be pursued to either bring the application into conformity, withdraw the application, or, of steps that can be taken to proceed to a formal Hearing before the Authority Board. The hearing process is discussed later in this document and guidelines for a hearing are found in Appendix B.

If a permit application is brought forward to the Board/Executive Committee with staff recommendation, and the Authority Board disagrees with the recommendation report for

approval, the application must be referred to a Board Hearing and notification requirements must be adhered to.

2.17 Period of Validity and Extensions

Pursuant to subsection 11(1) of *Ontario Regulation 41/24*, the maximum period of validity of a permit, including any extensions, is 60 months (5 years), however most standard permits will be issued with a 24 month (2 year) period of validity.

Pursuant to subsection 11(2) of *Ontario Regulation 41/24*, if a permit is granted for a period of time less than 60 months, the holder of a permit may, at least 60 days before the expiry of the permit, submit an application to Crowe Valley Conservation for an extension of the permit.

Pursuant to subsection 11(3) of *Ontario Regulation 41/24*, Crowe Valley Conservation may grant an extension of the permit to a total maximum validity period of 60 months (5 years).

Pursuant to subsection 11(4) of *Ontario Regulation 41/24*, if Crowe Valley Conservation refuses a request for a permit extension, Crowe Valley Conservation shall give “notice of intent to refuse” to the holder of the permit indicating that the extension will be refused unless the holder requests a hearing.

Pursuant to subsections 11(5) to (7) of *Ontario Regulation 41/24*, within 15 days of receiving a “notice of intent to refuse” a request for an extension, the holder of the permit may submit a written request for a hearing to Crowe Valley Conservation. Crowe Valley Conservation will then hold a hearing within a reasonable time and shall give the holder at least five (5) days’ notice of the date of the hearing. After holding a hearing, Crowe Valley Conservation may (a) confirm the refusal of the extension or (b) grant an extension for such period of time that it deems appropriate, as long as the total period of validity of the permit does not exceed 60 months (5 years).

2.18 Amending/Revising Permits

If a proposal is revised after the issuance of a permit but prior to completion of works, the permit may be amended/revised. An application to amend the permission along with any required information and the required fee must be submitted. Amendments can include changes to the proposal and/or changes to the conditions of approval. All revisions to a proposal that are not in keeping with the permission shall require approval from Crowe Valley Conservation. If approved, the permit shall be amended to reflect the revised permission and either a letter of amendment or completely new permit paperwork will be issued.

Typically, such amendments will be addressed by staff without the need for a specific referral to the Authority Board. However, if it is deemed to be a significant revision that results in a new or changed activity that is considered a significant departure from that already approved, the amending application may be referred to the Authority Board with a staff report or the applicant will be required to file a new permit application

2.19 Hearing

The applicant has a right to a hearing before an Crowe Valley Conservation Hearing Board when:

- staff is recommending refusal of an application or the Crowe Valley Conservation Board of Directors cannot support a permit application (subsection 28.1(5) of the CAAct);
- The applicant objects to the conditions of approval (subsection 28.1(5) of the CAAct);
- Crowe Valley Conservation cannot support a request for an extension of a permit (subsection 11(5) of Ontario Regulation 41/24); or,
- Crowe Valley Conservation intends to cancel a permit (Subsection 28.3(2) of the CAAct).

Hearing Guidelines are found in Appendix B of this document.

2.20 Ministers Reviews and Ministers Orders

As per 28.1(8) of the *Conservation Authorities Act*, if, after a hearing by the Crowe Valley Conservation Hearing Board, and a permit is refused or there are conditions on a permit to which the applicant objects, the applicant may, within 15 days of receiving reasons for the refusal, submit a request to the Minister responsible for the *Conservation Authorities Act* to review the decision. Subsections 28.1(9) to (19) of the *Conservation Authorities Act* set out the further process for a Minister's Review once a request has been made.

Ontario Regulation 474/24 sets out the guidelines on when the Minister can order a conservation authority to not issue a permit, and to take over the permitting process in the place of a conservation authority if the development is a matter of provincial interest. Matters of provincial interest are outlined within the regulation (O.Reg. 474/24, S.7) and the regulation also outlines all the procedures and criteria for which the Minister can complete reviews and orders.

2.21 Cancellation of Permits and Cancellation Appeals

Subsection 28.3(1) of the *Conservation Authorities Act* provides that Crowe Valley Conservation may, at any time, cancel a permit if it is of the opinion that the conditions of the permit have not been met.

Pursuant to Subsections 28.3(2) to (6) of the *Conservation Authorities Act*, before cancelling a permit, Crowe Valley Conservation staff shall give "notice of intent to cancel a permit" to the permit holder indicating that the permission will be cancelled on a date specified, unless the holder requests a Hearing by submitting a written request to Crowe Valley Conservation within 15 days of receiving a "notice of intent to cancel a permit." Crowe Valley Conservation will then set a date and hold a Hearing as per the process outlined by the Hearing Guidelines (Appendix B).

After a Hearing, a decision may be made to confirm, rescind or vary the decision to cancel a permit. If the permit holder objects to the decision/order of the Hearing Board appeal the decision to the Ontario Land Tribunal.

2.22 Appeals

An applicant who has been refused a permission or is not in agreement with conditions of an approval may, within 15 days of the receipt of the reasons for the decision, submit a request to the Minister of Natural Resources as discussed above in this document.

Pursuant to subsection 28.1(20) of the *Conservation Authorities Act*, within 90 days after receiving the reasons of decision to refuse a permit from the Hearing Board the applicant may appeal the decision to the Ontario Land Tribunal except in instances where a request for Minister's review has been made (see subsection 28.1(21) of the *Conservation Authorities Act*).

Finally, pursuant to subsection 28.1(22) of the *Conservation Authorities Act*, if an application for a permit is made to the authority and the application has been deemed complete, and if the authority fails to give the applicant notice of a decision with respect to the application within 90 days after the application is made, the applicant may appeal the application directly to the Ontario Land Tribunal.

2.23 Violations and Compliance with Approved Permits

All works in a regulated area require permission from Crowe Valley Conservation Authority. If permits are not obtained or if work is carried out that is not in keeping with the terms and/or conditions of the permit, this work is in violation of Ontario Regulation 41/24.

In some cases, landowners may not be aware that permission is required from Crowe Valley Conservation. In other cases, work is carried out by those who may be familiar with Crowe Valley Conservation requirements and their obligations but compliance is avoided.

Part VII of the *Conservation Authorities Act*, sets out enforcement powers and offences including provisions related to appointment of officers, entry without warrant, searches, stop orders, offences, a limitation period and rehabilitation orders.

Enforcement is an important component of Crowe Valley Conservations mandate to ensure the integrity of the legislation and the protection of the environment, people and property in relation to flooding and erosion natural hazards. Pursuant to section 30.1 of the *Conservation Authorities Act*, Crowe Valley Conservation has appointed Officers for the purpose of ensuring compliance with the Act and the regulations. These officers have the responsibility of liaising with applicants and inspecting properties. Responsibilities also include investigating and monitoring violation situations as well as undertaking all other enforcement work under the Act and Ontario Regulation 41/24. Regulation officers carry identification for inspection purposes. The provisions of the *Conservation Authorities Act* and the Provincial Offences Act direct Crowe Valley Conservation appointed Officers and staff when investigating a violation.

Violations of the Act may be subject to a fine or imprisonment. If convicted, contraventions must be addressed and any prohibited activities removed at the expense of the landowner. Depending on the nature of the contravention, landowners may also be required to undertake rehabilitation in a manner prescribed by the Court.

Crowe Valley Conservation is committed to working with landowners. Before any work is undertaken, all landowners are encouraged to contact Crowe Valley Conservation to obtain the necessary approvals and are encouraged to adhere to any conditions identified by Crowe Valley Conservation.

2.24 Court Action

Penalties available to a Court under the *Conservation Authorities Act* are identified under subsection 30.5(2), which states that a person who commits an offence under the *Conservation Authorities Act* is liable on conviction, (a) in the case of an individual, (i) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both, and (ii) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and (b) in the case of a corporation, (i) to a fine of not more than \$1,000,000, and (ii) to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues.

Despite the maximum fines contained in subsection 30.5(2) of the Act, pursuant to subsection 30.5(3) a court that convicts a person of certain offences under the Act may increase the fine it imposes on the person by an amount “equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence

2.25 Revisions and Updates to this document

This document will be reviewed and revised with respect to changes to provincial policy, legislation or regulatory directions (e.g. technical guides) on five-year intervals. Public and stakeholder consultation will be completed using an online platform for the dissemination of information as the authority considers advisable.

Appendix A: Definitions

Access (ingress/egress) for the purposes of this document refers to **Safe access (ingress/egress)** definition.

Accepted Engineering Principles refers to current coastal, hydraulic and geotechnical engineering principles, methods and procedures that would be judged by a peer group of qualified engineers (by virtue of their qualifications, training and experience), as being reasonable for the scale and type of project being considered, the sensitivity of the locations, and the potential threats to life and property.

Accepted Scientific Principles refers to current principles, methods and procedures which are used and applied in disciplines including but not limited to geology, geomorphology, hydrology, botany, and zoology, and that would be judged by a peer group of qualified specialists and practitioners (by virtue of their qualifications, training and experience), as being reasonable for the scale and type of project being considered, the sensitivity of the locations, and the potential threats to life and property.

Accessory Building or Structure means a use or a building or structure that is subordinate and exclusively devoted to a main use, building or structure and located on the same lot.

Adjacent Lands means those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives (adapted from Provincial Planning Statement, 2024).

Adverse Impacts as it relates to Hydrologic, Hydraulic and/or Fluvial processes: means impacts that will result in unacceptable modifications to flow regimes and flooding characteristics including flood attenuation and storage. Meaning that flood elevations are not increased, flood and ice flows are not impeded and the risk of flooding to and erosion on adjacent upstream and/or downstream properties is not increased.

Anthropogenic adverse human impact.

Aquifer is defined as an underground layer of water-bearing permeable rock or unconsolidated materials (gravel, sand, silt or clay).

Areas of Interference refers to other areas where development could interfere with the hydrologic function of a wetland and includes all areas within 30 metres of all wetlands.

Backwater Area is defined as a section of watercourse with an elevation that is increased above normal because of a downstream human-made obstruction such as a narrow bridge opening or culvert that restricts natural water flow.

Bankfull Width refers to the formative flow of water that characterizes the morphology of a fluvial channel. In a single channel stream, “bankfull” is the discharge, which just fills the channel without flowing onto the floodplain.

Best Management Practices (BMPs) methods, facilities and structures which are designed to protect or improve the environment and natural features and functions from the effects of development or interference, including Low Impact Development and Green Infrastructure.

Buffers are an area or band of permanent vegetation, preferably consisting of native species, located adjacent to a natural heritage feature and usually bordering lands that are subject to development or site alteration. The purpose of the buffer is to protect the feature and its function(s) by mitigating the impacts of the proposed land use and allowing an area for edge phenomena to continue (e.g., allowing space for edge trees and limbs to fall without damaging personal property, area for roots of edge trees to persist). A buffer may also provide an area for recreational trails and a physical separation for new development that will discourage encroachment (adapted from Natural Heritage Reference Manual 2nd edition, 2010).

Building Envelope means the three-dimensional area within which a building may be erected, located or used.

Compensation in the context of wetlands is defined as the development of a wetland through the manipulation of physical, chemical, or biological characteristics where a wetland did not previously exist.

Comprehensive Plan means a study or plan undertaken at a landscape scale such as a watershed/subwatershed plan, an Environmental Assessment, a detailed Environmental Implementation Report (EIR) that has been prepared to address and document various alternatives and is part of a joint and harmonized planning or Environmental Assessment process, or a community plan that includes a comprehensive Environmental Impact Study.

Confined River or Stream System includes those where the watercourse is located within a valley corridor, either with or without a floodplain, and is confined by valley walls. The watercourse may be located at the toe of the valley slope, in close proximity to the toe of the valley slope (less than 15 metres) or removed from the toe of the valley slope (more than 15 metres). The watercourse can contain perennial, intermittent or ephemeral flows and may range in channel configuration, from seepage and natural springs to detectable channels.

Conservation Activities include projects that are intended to maintain, enhance, or restore the functions of a wetland, or to create a wetland where one did not exist previously.

Creek refers to a natural stream of water normally smaller than and often tributary to a river.

Cumulative Effects or Cumulative Impacts refers to the combined effects of all activities in an area over time and the incremental effects associated with individual project in an area over time.

Cut and Fill Balance refers to all fill placed at or below the flood elevation is balanced with an equal amount of soil material removal within a defined reach of a watercourse.

Dam is defined as a structure or work holding back or diverting water and includes a dam, tailings dam, dyke, diversion, channel, artificial channel, culvert or causeway (Lakes & Rivers Improvement Act, R.S.O. 1990 c. L3, s.1).

Designated Vulnerable Area refers to areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

Development (CA Act) is “development activity” as defined by Ontario Regulation 41/24: “development activity” means,

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

Development as defined by the Provincial Planning Statement means the creation of a new lot, a change in land use, or the construction of buildings or structures, requiring approval under the Planning Act, but does not include:

- Activities that create or maintain infrastructure authorized under an environmental assessment process;
- Works subject to the Drainage Act; or,
- Underground or surface mining or minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act.

Drainage Area means, for a point, the area that contributes runoff to that point.

Dredging Plan refers to a report prepared to address the potential impacts of dredging on natural features and hydrologic functions. At a minimum, dredging plans shall include the following:

- Statement of purpose
- Dimensions and volume calculations
- Operational details (e.g., timing)
- Sediment and erosion control plan
- Edge/bank stabilization details

Dug-out or Isolated Ponds is defined as anthropogenic waterbodies that are created by excavating basins with no inlet or outlet channels and in which surface and ground water collect.

Dwelling unit is defined as a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Ecological Function refers to the natural processes, products, or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Ecosystem refers to systems of plants, animals and micro-organisms together with non-living components of their environment, related ecological processes and humans.

Enclosure refers to a pipe or other conduit for carrying a creek, stream or watercourse underground.

Enhance in the context of wetlands and wetland buffers refers to the altering of an existing functional wetland to increase or improve selected functions and benefits.

Environmental Assessment refers to a process that is used to predict the environmental, social and economic effects of proposed initiatives before they are carried out. It is used to identify measures to mitigate adverse effects on the environment and can predict whether there will be significant adverse environmental effects, even after the mitigation is implemented.

Environmental Impact Study (EIS) refers to a report prepared to address the potential impacts of development or interference on natural features and their hydrological/ecological functions.

Erosion Access Allowance is a 6 metre development setback applied to the erosion hazard for confined (apparent) and unconfined (not apparent) river or stream systems. The erosion access allowance is applied to: provide for emergency access to erosion prone areas; provide for construction access for regular maintenance and access to the site in the event of an erosion event or failure of a structure; and, provide for protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within an erosion prone area.

Erosion Hazard refers to the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit associated with confined river and stream systems is determined using considerations that include an allowance for toe erosion, an allowance for slope stability, and an allowance for access. The erosion hazard limit associated with unconfined river and stream systems is determined using considerations that include the flooding hazard limit or the meander belt width, whichever is greater, plus an allowance for access.

Essential Emergency Service refers to services that would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Existing Use refers to the type of activity associated with an existing building or structure or site on the date of a permit application.

Fill includes earth, sand, gravel, rubble, rubbish, garbage, or any other matter whether similar to or different from any of the aforementioned materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way effect the existing grade (does not include herbaceous or woody plant material).

Flooding Hazard refers to the limits of an area of inundation under a flood resulting from the rainfall experienced during the Timmins storm (1961). For the Kawartha Lakes, the flood hazard is prescribed by regulation pursuant to the *Conservation Authorities Act*.

Floodplain refers to the area, usually low lands, adjoining a river, stream or small inland lake system, which has been or may be subject to flooding hazards.

Floodproofing Standard the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards*, wave effects and other water-related hazards along the Great Lakes-St. Lawrence River System and large inland lakes, and *flooding hazards* along the river, stream and small inland lake systems.

Floodway as defined by the Provincial Policy Statement for river, stream and small inland lake systems, means the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage.

Frequent flooding refers to a site that is subject to the 1:25 year flood event or a more frequent flood event.

Ground Water Feature refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydro-geologic investigations.

Sensitive Ground Water Feature refers to areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Habitable – that portion of a building or structure containing rooms or spaces required and intended for overnight occupancy and associated living space and includes those portions which contain facilities for storage, heating, air-conditioning, electrical, hot water supplies, etc., which are necessary to maintain the habitable condition.

Hazardous Lands is defined by the Conservation Authorities Act as land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.

Hazardous Lands is defined by the Provincial Planning Statement as property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous Sites is defined by the Provincial Policy Statement as property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous Substances are defined as substances which individually or in combination with other substances, are normally considered to pose a danger to or threat to public health, safety and the environment. These substances generally include a wide range of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Headwater refers to the source and extreme upper reaches of a river, creek, stream, or watercourse.

Hydrologic Function refers to the functions of the hydrologic cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Hydrologic Study refers to a report prepared to address the potential impacts of development and interference on the hydrologic functions of a wetland or other natural feature.

Inert in the context of fill refers to earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances (Environmental Protection Act, R.S.O. 1990, Regulation 347, s. 1(1)).

Infrastructure as defined by the Provincial Planning Statement means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications

including broadband, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities.

Interference in any way means any anthropogenic act or instance which hinders, disrupts, degrades in any way the natural features or hydrologic functions of a wetland or watercourse.

Hinder means: to delay or impede

Disrupt means: to interrupt or disturb (an activity or process)

Degrade means: lower the character or quality of

Impede means: delay or block the progress or action of

Institutional Use means land uses where there is a threat to the safe evacuation of vulnerable populations' such as older persons, persons with disabilities and those who are sick and young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Isolated or Dug-out Ponds means anthropogenic waterbodies that are created by excavating basins with no inlet or outlet channels in which surface and ground water collect.

Karst means an area of irregular limestone in which erosion has produced fissures, sinkholes, underground streams, and caverns.

Material includes earth, sand, gravel, stone or woody debris (e.g., root wads, fascines).

Meander Belt Allowance means a limit for development within the areas where the river system is likely to shift. It is based on twenty (20) times the bankfull channel width where the bankfull channel width is measured at the widest riffle section of the reach. A riffle is a section of shallow rapids where the water surface is broken by small waves. The meander belt is centred over a meander belt axis that connects the riffle section of the stream.

Meander Belt Axis means the line or "axis" that the meander belt is centred over which connects all the riffle sections of a stream.

Meander Belt means the area of land in which a watercourse channel moves or is likely to move over a period of time. It is generally considered 20 times of bankfull channel width at riffles in the reach.

Mitigate means to prevent, modify, or alleviate impacts (negative) on the natural environment. Mitigation also includes any action intended to enhance beneficial effects (modified from Natural Heritage Reference Manual, Second Edition, Ontario Ministry of Natural Resources and Forestry 2010).

Multi-lot means four lots or more.

Multi-unit means any property, building or structure or portion thereof that contains more than one unit for any use (e.g. a residential dwelling unit, an industrial/commercial/institutional space designed or intended to be occupied or used for business, commercial, industrial or institutional purposes).

Negative Impact means:

- a) In regard to natural hazards, is a modification or disruption resulting from a development activity that will aggravate existing or create new natural hazards.
- b) In regard to wetland, is a development activity that interferes or alters the hydrologic regime of that wetland or a development activity that reduces the natural or preexisting capacity of the wetland to attenuate floodwaters and provide flood storage.

Negligible means not measurable or too small or unimportant to be worth considering.

Normal High-Water Mark means the usual or average level to which a body of water rises at its highest point and remains for a sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bankfull level” which is often the one to two year flood flow return level. For inland lakes, it refers to those parts of the waterbody bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominantly aquatic vegetation to terrestrial vegetation (excepting water tolerant species). Along the Trent-Severn Waterway lakes, the Upper Controlled Navigation Limit is deemed to be the high-water mark.

One Hundred Year Flood Event (100-year flood) means rainfall or snowmelt, or a combination of rainfall and snowmelt, producing at any location in a river, creek, stream or watercourse a peak flow that has a probability of occurrence of one per cent during any given year.

Other Water-Related Hazards means water-associated phenomena other than flooding hazards and wave effects which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Protect in the context of wetlands, means the preservation of wetlands in perpetuity through implementation of appropriate physical and/or legal mechanisms (e.g. hydrological/ecological buffers, development setbacks, zoning, fencing, conservation easements, etc.).

Protection Works means structural or non-structural works which are intended to appropriately address damages caused by flooding, erosion and/or other water-related hazards.

Qualified Professional means a person with specific qualifications, training, and experience authorized to undertake work in accordance with the policies in accepted engineering or scientific principles, provincial standards, criteria and guidelines, and/or to the satisfaction of Crowe Valley Conservation.

Regulated Area means those areas within the jurisdiction of the Crowe Valley Conservation Authority defined in Ontario Regulation 41/24.

Regulatory Flood means the inundation under a flood resulting from the rainfall experienced during the Timmins Storm (1961) the limits of which define the flooding hazard.

Replacement means the removal of an existing building or structure and the construction of a new building or structure. Replacement does not include reconstruction on remnant foundations or derelict or abandoned buildings or structures.

Riffle means a section of shallow rapids where the water surface is broken by small waves.

River means a large natural stream of water emptying into an ocean, lake, or other body of water and usually fed along its course by converging tributaries.

Restore in the context of wetlands means the re-establishment or rehabilitation of a former or degraded wetland with goal of returning natural or historic functions and characteristics that have been partially or completely lost by such actions as filling or draining.

Riparian Vegetation means the plant communities in the riparian zone, typically characterized by hydrophilic plants.

Riparian Zone means the interface between land and a flowing surface water body. Riparian is derived from Latin *ripa* meaning river bank.

Safe Access (Ingress/Egress) means the standards and procedures currently applied in engineering practice associated with providing safe passage for vehicles and people to and from a property during an emergency situation as a result of flooding, other water related hazards (e.g., erosion), the failure of floodproofing and/or erosion protection works, that have been reviewed and approved by the Conservation Authority and/or the Ministry of Natural Resources. Crowe Valley Conservation looks to the criteria set out by the Province, as may be amended from time to time.

Setback is a physical separation. Setbacks form boundaries by establishing an exact distance from a fixed point, such as a property line, an adjacent structure, or a natural feature, within which development and/or site alteration is prohibited.

Settlement Area means urban areas and rural settlement areas within municipalities that are:

- Built up areas where development is concentrated and which have a mix of land uses; and,
- Lands which have been designated in an official plan for development over the long term planning horizon.

Site Alteration as defined by the Provincial Policy Statement means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Surface Water Feature means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands and associated riparian lands that can be defined by their soil moisture, soil type, vegetation and topographic characteristics. **Sensitive Surface Water Features** means areas that are particularly susceptible to impacts from activities or events including but not limited to, water withdrawals, and additions of pollutants.

Stage-Storage Discharge Relationship means the relationship of flood storage and flood elevation values at various flood flow rates within a particular watercourse/floodplain reach. This relationship is used as a factor to determine whether the hydraulic function of the floodplain is preserved.

Stream means a flow of water in a channel or bed, as a brook, rivulet, or small river.

Toe of Slope means the lowest point on a slope, where the surface gradient changes from relatively shallow to relatively steep.

Top of Slope means the point of the slope where the downward inclination of the land begins, or the upward inclination of the land levels off. This point is situated at a higher topographic elevation of land than the remainder of the slope.

Upper Controlled Navigation Limit is the upper limit of the navigation range, which is defined by the regulated minimum and maximum water levels on each Trent-Severn Waterway lake.

Unconfined River or Stream System includes those where the watercourse is not located within a valley corridor with discernable slopes, but relatively flat to gently rolling plains and is not confined by valley walls. The watercourse can contain perennial, intermittent, or ephemeral flows and may range in channel configuration, from seepage and natural springs to detectable channels.

Valley or Valleyland means land that has depressional features associated with a river or stream, whether or not it contains a watercourse.

Valleylands as defined by the Provincial Policy Statement means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of time.

Watercourse means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.

Watershed means an area that is drained by a river and its tributaries.

Wave Effects as defined by the Provincial Policy Statement, means the movement of water up onto a shoreline or structure following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of wave effects is the point of furthest landward horizontal movement of water onto the shoreline.

Wetland as defined by the Conservation Authorities Act means land that:

- Is seasonally or permanently covered by shallow water or has a water table close to or at the surface;
- Directly contributes to the hydrological function of a watershed through connection with a surface watercourse;

- Has hydric soils, the formation of which have been caused by the presence of abundant water; and
- Has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water.

The definition of a “wetland” as defined by the Conservation Authorities Act does not include periodically soaked or wet land used for agricultural purposes which no longer exhibits wetland characteristics.

As per the MNRF and Conservation Ontario (2005) “Guidelines for Creating Scheduled Areas”, all wetlands are deemed to directly contribute to the hydrological function of a watershed. Where a surface connection between a wetland and a watercourse is not apparent, it is assumed a groundwater connection exists between them, unless there is information to the contrary.

Wetland as defined by the Provincial Planning Statement means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens.

Appendix B: Hearing Guidelines

Note: *The purpose of the “Conservation Authorities Act Model Hearing Guidelines” is to provide model (“example”) hearing guidelines for Conservation Authorities (CAs) in respect to hearings held pursuant to the Conservation Authorities Act (CAA) and O. Reg. 41/24 (Prohibited Activities, Exemptions and Permits).*

Development of these Model Hearing Guidelines is intended to promote the necessary consistency across the Province for the holding of hearings under the CAA and O. Reg. 41/24. These Model Guidelines are available to be referenced by individual CAs when preparing or updating local hearing policy and procedure documents.

The following is derived from Conservation Ontario Model Hearing Guidelines, 2024

2.25.1 DEFINITIONS

“Act” means the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;

“Applicant” means a person who applies for a Permit to engage in an activity prohibited under the Act within the Authority’s jurisdiction;

“Application” means a formal request for a Permit to engage in an activity prohibited under the Act within the Authority’s jurisdiction;

“Authority” means the Board of Directors of the [XX] Conservation Authority;

“Executive Committee” means the Executive Committee appointed by the Authority;

“Hearing Board” means the Authority or Executive Committee while it is conducting hearings in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. Further to section 28.4 of the *Conservation Authorities Act*, an Authority may also delegate any of its powers relating to the holding of hearings in relation to permits to any other person or body, subject to any limitations or requirements prescribed by regulation;

“Minister” means the Minister of Natural Resources;

“Party” means an Applicant, Permit Holder, or individual subject to a Stop Order;

“Permit” means a permit to engage in otherwise prohibited activities under the Act, issued by the Authority (s. 28.1 and s. 28.1.2 permits) or by the Minister (s. 28.1.1 permits).

“Permit Holder” means a person who holds an active Permit issued by the Authority or a Minister’s Permit issued by the Minister;

“Staff” means the employees of the [XX] Conservation Authority;

“Stop Order” means a stop order issued under section 30.4 of the Act;

“Witness” means a person who is called to speak to evidence presented at a hearing.

2.25.2 2.0 PURPOSE OF HEARING GUIDELINES

The Hearing Guidelines provide a step-by-step process for conducting hearings required under ss. 28.1 (5), ss. 28.1.2 (7), ss. 28.3 (2), (3) and (4), ss. 30.4 (6) of the CAA and ss.11(4), (5) and (6) of O. Reg. 41/24. Hearings provide due process and ensure the rights of the Party are upheld.

These guidelines ensure hearings meet the legal requirements of the *Statutory Powers Procedures Act* (SPPA) without being unduly legalistic or intimidating to the participants.

The Hearing Board is empowered by law to make a decision, governed by the SPPA. The Board's decision powers are governed by the CAA and O. Reg. 41/24.

Section 25.1 of the SPPA provides that "a tribunal may make rules governing the practice and procedure before it". The Hearing Rules are adopted under the authority of s. 25.1 of the SPPA. The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for establishing rules to govern such proceedings.

Table 1 below summarizes the legislative and regulatory requirements where a Party is to be provided with an opportunity for a hearing before the Authority, or [where delegated further to s. 28.4 of the CAA] the Executive Committee, or any other person or body [sitting as the Hearing Board].

2.26 Table 1: Summary of Hearing Requirements under the Conservation Authorities Act and O. Reg. 41/24¹

Hearing Scenario	Legislative or Regulatory Reference	Party	Hearing Intent	Appeal
Refusal Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to refuse	Minister's Review – Within 15 days of receiving reasons for the Authority's decision
Attaching Conditions Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to attach conditions	
Attaching Conditions Section 28.1.2 Permit	CAA, ss. 28.1.2 (7)	Applicant	Intent to attach conditions	
Cancellation Section 28.1 Permit	CAA, ss. 28.3 (2)	Permit Holder	Intent to cancel	OLT – Within 90 days of receiving notice of decision from Authority
Cancellation Section 28.1.1 Permit	CAA, ss. 28.3 (2)	Permit Holder	Intent to cancel	
Refuse Extension Section 28.1 Permit	O. Reg. 41/24, ss. 11(4), (5), and (6)	Permit Holder	Intent to refuse extensions	No appeal
Refuse Extension Section 28.1.2 Permit	O. Reg. 41/24, ss. 11(4), (5), and (6)	Permit Holder	Intent to refuse extensions	
Stop Order	CAA, ss. 30.4	Individual subject to Stop Order	Issuance of Stop Order	Minister or body prescribed by the regulations – Within 30 days of receiving reasons for the Authority's decision

¹ Note: The information presented in this table is a summary. For full details, please review the relevant sections of the *Conservation Authorities Act* and O. Reg. 41/24.

2.26.1 3.0 ROLE OF THE HEARING BOARD

2.26.2 3.1 Apprehension of Bias

In any of the hearing scenarios listed in Table 1 above, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority (or delegate) taking part in the hearing should have prior involvement with the Application or other hearing matter indicated in Table 1 that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councilor, the *Municipal Conflict of Interest Act* applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e., is the member capable of persuasion in participating in the decision making.
- (b) Any material distributed to the Hearing Board relating to the merits of an Application or other matter indicated in Table 1 that is the subject of a hearing shall also be distributed to the Party at the same time. The Party will be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.
- (c) The Party will be given an opportunity to attend the hearing before a decision is made; however, the Party does not have to be present for a decision to be made.

Note: Consistent with section 12 of O. Reg. 41/24, individual CAs will develop a document outlining their own practices and procedures relating to the review and reporting of section 28.1, 28.1.1 and 28.1.2 Permit Applications, including the role of Staff, the Applicant and the Authority or Hearing Board, as well as the procedures for the hearing itself. Such policies and procedures shall be available to the members of the public upon request and on the CA's website. Procedures related to hearings shall have regard for the above information and should be approved by the CA Board of Directors.

See Appendix F for sample Hearing Procedures.

2.26.3 3.2 Notice of Hearing

The Party is entitled to **reasonable notice** of the hearing pursuant to the *SPPA*. The Notice of Hearing shall be sent to the Party within sufficient time to allow the Party to prepare for the hearing.

Policy Recommendation: *To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the Party be consulted to determine an agreeable date and time based on the CA's regular meeting schedule.*

In cases where the Authority (or designated Staff) intends to refuse a request for a Permit extension, the Permit Holder must be given **at least 5 days'** notice of the hearing date, per ss. 11(6) of O. Reg. 41/24. This represents the minimum notice, and other timelines provided in these guidelines may influence the total notice period (e.g., timelines associated with pre-submission of reports).

The Notice of Hearing must contain or append the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the *Conservation Authorities Act*).
- (b) The time, place and the purpose of the hearing (i.e., intent to refuse Application or request for extension, intent to attach conditions, intent to cancel a Permit, and Stop Order).

OR for Electronic Hearings: The time, purpose of the hearing, and details about the manner in which the hearing will be held. For Electronic Hearings, the Notice must also contain a statement that the Party should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority will assume the Party has no objection to the electronic hearing if no such notification is received.

- (c) Particulars to identify the Party, property, and the nature of the matter that forms the subject of the hearing.

Note: *For hearings related to the intent to refuse an Application or attach conditions to a Section 28.1 or 28.1.2 Permit, if the Applicant is not the landowner but the prospective owner, the Applicant must have written authorization from the registered landowner. In these circumstances, landowner authorization should be established further to being a requirement for submission of a complete application, as stated in subsection 7(1)(h) of O. Reg. 41/24.*

- (d) Reasons for the decision / Staff recommendation / action.

Note: *Reasons shall be specifically stated. Written reasons should be clear and concise and contain sufficient detail to enable the Party to understand the issues so he or she can be adequately prepared for the hearing.*

It is sufficient to reference in the Notice of Hearing that the decision / Staff recommendation is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the Party that the hearing may proceed in the Party's absence and that the Party will not be entitled to any further notice of the proceedings.

Note: *Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the Party.*

- (f) Reminder that the Party is entitled to be represented at the hearing by a representative such as legal counsel, if desired.

Note: *The Authority may also be represented at the hearing by counsel or Staff.*

- (g) Reminder of protections afforded to the Party under the *Evidence Act*, R.S.O 1990, c. E.23 and the *Canada Evidence Act*, R.S.C., 1985, c. C-5 regarding information provided during hearings (see s. 3.6(a)).

- (h) A copy of the Authority's Hearing Guidelines.

Policy Recommendation: *It is recommended that the Notice of Hearing be directed to the Party and/or landowner, by registered mail, and other methods as determined advisable (e.g., e-mail). Please refer to **Appendices A to E** for Notice of Hearing examples.*

2.26.4 3.3 Pre-submission of Reports

Staff may prepare and submit a written report to the Hearing Board in advance of the hearing. A copy of the Staff report will be shared with the Party. The Party shall be provided with the same opportunity to submit a written report to the Hearing Board.

***Note:** The above-noted policy is applicable where it is the practice of the Authority to submit reports to the Hearing Board members in advance of the hearing (i.e., inclusion on an Authority / Executive Committee agenda). In such instances, the **Party shall be given at least two weeks** to prepare a report once the reasons for the Staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the Staff hearing reports.*

2.26.5 4.0 HEARING

2.26.6 4.1 Public Hearing

Pursuant to the SPPA, hearings, including electronic hearings, are required to be held in public (“open to the public”). For electronic hearings, public attendance should be synchronous with the hearing.

A hearing or part of a hearing may be closed to the public in accordance with the SPPA or the Authority’s Administrative By-Laws (e.g., where the Hearing Board is of the opinion that public security matters, intimate financial matters, personal matters, or other matters would be disclosed at the hearing).

2.26.7 4.2 Hearing Participants

The Act does not provide for third party status at the hearing. Any information related to the matter that forms the subject of the hearing provided by third parties must be incorporated within the presentation of information by, or on behalf of, the Party or Staff as appropriate.

2.26.8 4.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, members of the Hearing Board who will make a Hearing decision must be present during the full course of the hearing. If it is necessary for a member to leave, the remaining members can continue with the hearing and render a decision, provided quorum is maintained.

2.26.9 4.4 Adjournments

The Hearing Board may adjourn a hearing on its own motion or that of the Party or Staff where it is satisfied

that an adjournment is necessary for an adequate hearing to be held. While adjourned, members of the Hearing Board shall not discuss the matter that is the subject of the hearing.

Any adjournments form part of the hearing record.

2.26.10 4.5 Orders and Directions

In accordance with ss. 9 (2) of the SPPA, a Hearing Board is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes.

Note: *Example Hearing Procedures are included in **Appendix F**.*

2.26.11 4.6 Information Presented at Hearings

- (a) The SPPA requires that a Witness be informed of their right to object pursuant to the *Evidence Act*, R.S.O. 1990, c. E.23 ("*Evidence Act*") and the *Canada Evidence Act*, R.S.C., 1985, c. C-5 ("*CEA*"). The *Evidence Act* and *CEA* indicate that **any answers provided by a Witness during the hearing are not admissible against the Witness in any criminal trial or proceeding.**

Note: *This information should be provided to the Party as part of the Notice of Hearing.*

- (b) Information [**is / is not**] presented under oath or affirmation.

Note: *It is the decision of the Hearing Board as to whether information is presented under oath or affirmation. It is not a legal requirement. The Party must be informed of the above, prior to or at the start of the hearing.*

- (c) The Hearing Board may authorize receiving a copy rather than the original document. However, the Hearing Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard.
- (e) Information that is not directly within the knowledge of the speaker (hearsay) can be heard if relevant to the issues of the hearing.

- (f) The Hearing Board may take into account matters of common knowledge (e.g., geographic or historic facts, times, measures, weights, etc.) or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to inform their decision.
- (g) Staff and the Party shall not present new information at the hearing that has not been submitted to the Hearing Board and the other Party.

2.26.12 4.7 Conduct of Hearing

2.26.13 4.7.1 Record of Attending Hearing Board Members

Attendance of Hearing Board members shall be recorded at the opening of the hearing.

2.26.14 4.7.2 Opening Remarks

The Chairperson shall convene the hearing with opening remarks which generally; identify the Party, the nature of the matter that forms the subject of the hearing (e.g., Application, Permit, Stop Order), and the property location; outline the hearing procedures; and advise on requirements of the *Evidence Act* and the *CEA*.

In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any Witnesses throughout the hearing.

Note: *Model Opening Remarks are provided in Appendices G-K.*

2.26.15 4.7.3 Presentation of Staff Information

Staff present reasons for their recommendations/decision associated with refusal or conditions of approval of the Permit Application, refusal of Permit extensions, cancellations or Stop Orders; in addition to providing legislative/regulatory background and case background. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Note: *Consideration should be given to the designation of one Staff member or legal counsel who coordinates the presentation of information and asks questions on behalf of all Staff. Additional Staff may participate as required (e.g., technical Staff).*

2.26.16 4.7.4 Presentation of Party Information

The Party has the opportunity to present information at the conclusion of the Staff presentation. Any

reports, documents, or plans which form part of the submission should be properly indexed and received.

The Party shall present information as it applies to the purpose of the hearing (e.g., related to activities covered by the permit application, permit conditions, activities subject to a Stop Order, etc.).

- The Party may be represented by legal counsel or agent, if desired.
- The Party may present information to the Hearing Board and/or have invited advisors to present information to the Board.
- The Party's presentation may include technical Witnesses, such as an engineer, ecologist, hydrogeologist, etc.

2.26.17 4.7.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The Party and/or agent can make any comments or questions on the Staff report.

Pursuant to the SPPA, the Hearing Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented.

Note: *The courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.*

2.26.18 4.7.6 Deliberation

After all the information is presented, the Hearing Board may debate and vote in open session or may adjourn the hearing and retire in private to confer. Legal counsel may be secured to advise the Hearing Board when conferring in private. The Board may reconvene on the same date or at some later date to advise of their decision. The Hearing Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

2.26.19 5.0 DECISION

Hearing participants must receive written notice of the Hearing Board's decision. The Hearing Board shall itemize and record information of particular significance which led to their decision.

Note: *It is important that the person who requested the hearing has a clear understanding of the decision, as well as the Party's right to appeal the decision to the Ontario Land Tribunal, the Minister, or other prescribed body (as appropriate and in accordance with the CAA and O. Reg. 41/24). See Appendices L-P for sample Notice of Decision letters.*

Table 2 below summarizes the Hearing Board decision powers in accordance with the Act and O. Reg. 41/24, as well as associated appeal rights for the Party.

2.27 Table 2: Hearing Board Decision Powers and Associated Appeal Mechanisms²

Hearing Scenario	Hearing Board Decision Powers	Appeal Rights
Considering Refusal or Attaching Conditions (Section 28.1 Permit)	(a) Issue the Permit; (b) Issue the Permit subject to conditions; or, (c) Refuse the Permit.	Request Minister’s Review within 15 days after receiving Authority’s decision (<i>CAA, ss. 28.1 (8)</i>); or, Appeal to the OLT within 90 days of receiving the Authority’s decision (in accordance with CAA requirements) (<i>CAA, ss. 28.1 (20) (21)</i>).
Considering Attaching Conditions (Section 28.1.2 Permit)	(a) Issue the Permit; or, (b) Issue the Permit subject to conditions.	Request Minister’s Review within 15 days after receiving Authority’s reasons for conditions (<i>CAA, ss. 28.1.2 (9)</i>); or, Appeal to the OLT within 90 days of receiving the Authority’s reasons for conditions (in accordance with CAA requirements) (<i>CAA, ss. 28.1.2(14) (15)</i>).
Considering Cancellation (Section 28.1 or 28.1.1 Permit)	(a) Confirm decision to cancel Permit; (b) Rescind decision to cancel Permit; or, (c) Vary decision to cancel Permit.	Appeal to the OLT within 90 days after receiving the Authority’s decision (<i>CAA, ss.28.3(6)</i>)
Considering Extension	(a) Confirm the refusal of the extension; or,	No appeal mechanism.

² Note: The information presented in this table is a summary. For full details, please review the relevant sections of the *Conservation Authorities Act* and O. Reg. 41/24

(Section 28.1 or 28.1.2 Permit)	(b) Grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the Permit does not exceed the applicable maximum period specified in O. Reg. 41/24.	
Considering Stop Order (Section 30.4)	(a) Confirm the order; (b) Amend the order; or, (c) Remove the order, with or without conditions.	Appeal to the Minister or a body prescribed by the regulations within 30 days after receiving the Authority's decision (CAA, ss. 30.4(9))

2.27.1 5.1 Notice of Decision

The Notice of Decision should include the following information:

- (a) The identification of the person who requested the hearing, property, and the purpose of the hearing (i.e., Application for a Permit, attaching Permit conditions, request for Permit extension, Stop Order, or cancellation of Permit).
- (b) The decision (as indicated in Table 2 above).
- (c) Written reasons for the decision.

Note: *Written reasons for the decision must be clearly outlined in plain language.*

- (d) A copy of the Hearing Board resolution.
- (e) Notice of the Party's right to appeal (as indicated in Table 2 above).

Note: *It is recommended that the written Notice of Decision be forwarded to the Party by registered mail, and other methods as determined advisable (e.g., e-mail). See Appendices L-P for sample Notice of Decision letters.*

2.27.2 5.2 Adoption

The Hearing Board shall adopt a resolution containing the decision and any particulars of the decision.

2.27.3 RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the OLT or Minister (as appropriate).

The record must include the following:

- (a) As applicable, copies of the Application for the Permit, the Permit issued, notice of cancellation, or Stop Order that was the subject of the hearing;
- (b) The Notice of Hearing;
- (c) Any orders made by the Hearing Board (e.g., adjournments);
- (d) All information received by the Hearing Board;
- (e) Attendance of Hearing Board members;
- (f) The decision and written reasons for decisions of the Hearing Board; and,
- (g) The Notice of Decision sent to the Party.

Example Template Notices, Letters and Decision documents referenced in this guide are available in the original Model Hearing Guidelines, 2024, developed by Conservation Ontario.