



Date: December 17, 2024      Time: 1:00 p.m.  
SCRCA Administration Office  
205 Millpond Cres., Strathroy, ON N7G 3P9

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**Directors Present:** Joh Brennan, Pat Brown, Chair; Sue Cates, Greg Grimes, Frank Kennes, Don McCabe, Don McCallum, Mary Lynne McCallum, Steve Miller, Kristen Rodrigues, Jerry Westgate.

**Directors Remote:** Terry Burrell, Aaron Hall, Rhonda Jubenville, Betty Ann MacKinnon

**Directors Regrets:** Al Broad, Anne Marie, Adam Kilner, Ross O'Hara, Lorie Scott, Vice-Chair

**Staff Present:** Emily De Cloet, Interim Flood Forecasting and Warning Coordinator; Melissa Deisley, Director of Planning and Regulations; Chris Durand, Manager of IT and GIS; Ashley Fletcher, Administrative Assistant and Board Coordinator; Rashida Naznin, Engineer Technician; Ken Phillips, General Manager; Merrick Van Der Vaart, Regulations Officer; Meagan Weber, Regulations Officer

**Guests:** Dave Ferguson, Municipality of Brooke-Alvinston, Candis MacDougall, permit applicant

### **1. Land Acknowledgement**

A land acknowledgment was read by Chair, Pat Brown which recognized the St. Clair Region Conservation Authority watershed as part of the traditional territories of the Anishinaabeg, Haudenosaunee, Lūnaapéewak and Chonnonton Nations, who have a sacred responsibility to preserve the land and water of southwestern Ontario. Also acknowledged are the Treaties that allow the SCRCA to work alongside the First Nation Communities of Kettle and Stony Point, Aamjiwnaang and Bkejwanong to ensure we share the responsibility of preserving the land and water.

### **2. Roll Call**

A roll call of hearing board members was conducted.

### **3. Call to Order and Chair's Remarks**

The meeting was called to order by the Chair, Pat Brown, who welcomed members, staff, and guests.

Hearing Procedures were reviewed and confirmation from all parties that notification and documentation was received within the necessary time frame.

The Chair requested that each Director declare a conflict of interest on any item within the Hearing agenda in that a Director may have pecuniary interest and gave his remarks:

“We are now going to conduct a hearing under Section 28.1, subsection 5 of the Conservation Authorities Act in respect of an application by Candis MacDougall for permission to construct a deck on the lake side of the dwelling.

Section 28.1, subsection 1 of the Conservation Authorities Act provides that an Authority may issue a permit to a person to engage in an activity that would otherwise be prohibited by section 28, subsection 1 of the Act, in an area regulated by the Authority, if in the opinion of the Authority, 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.

Staff have reviewed this proposed work and prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under section 28.1, subsection (5) of the Conservation Authorities Act, the person applying for a permit has the right to a hearing before the Authority.

In holding this hearing, the Hearing Board is to determine whether or not a permit is to be issued, with or without conditions. In doing so, the Hearing Board can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 9 of the Evidence Act and section 5 of the Canada Evidence Act, any witness called may object to answer any question on the ground that the answer may tend to incriminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the Hearing Board.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the Board.”

**HBD-24-01**

**Cates – Grimes**

**“That the St. Clair Region Conservation Authority Board of Directors convenes as a Hearing Board, pursuant to Section 28.1, subsection 5 of the Conservation Authorities Act to consider Application No. R#2023-0272 from Candis MacDougall.”**

**CARRIED**

**HBD-24-02**

**Kennes – Burrell**

**“That the SCRCA Hearing Board adopts the hearing meeting agenda, as presented.”**

**CARRIED**

**4. Staff Introduction of Guests and Speakers**

Director of Planning and Regulations, Melissa Deisley provided introductions to the applicant and guests of the hearing.

**5. Staff introduction to the nature and location of subject application**

Director of Planning and Regulations, Melissa Deisley provided the Hearing Board with an introduction to the nature and location of the subject application.

**6. Staff Presentation**

A presentation of information, supporting documents and images was provided by Director of Planning and Regulations, Melissa Deisley.

**7. Applicant Presentation**

A presentation of information, supporting documents and images was provided by applicant, Candis MaDougall.

**8. Comments and Rebuttals**

SCRCA Planning and Regulations staff and the applicant were given the opportunity to question one another and/or their agent for the full and fair disclosure of matters presented at the Hearing.

**9. Questions from the Hearing Board**

Directors made clarifying questions to both SCRCA staff and the applicant following their respective presentations.

**10. In-Camera**

**HBD-24-03**

**Cates – Burrell**

**“That the Hearing Board regarding Application No. R#2023-0272 go in camera at 2:23 p.m.”**

**CARRIED**

**HBD-24-04**

**McCallum, D – Westgate**

**“That the Hearing Board regarding Application No. R#2023-0272 rises out of camera at 2:51 p.m.”**

**CARRIED**

Following in-camera deliberation, the following decision was announced.

**HBD-24-05**

**Cates – Grimes**

**“That the Hearing Board in accordance with the requirements of the Conservation Authorities Act, held a hearing for Candis MacDougall, Application No. R#2023-0272 on December 17, 2024 and hereby *approves* the application under the condition that the proposed structure is not attached to the dwelling and will not include a roof or enclosure, and further directs staff to issue a Notice of Decision.”**

**CARRIED**

**11. Other Business**

**HBD-24-06**

**McCabe – Kennes**

**“That the Hearing Board direct staff to review and revise SCRCA board approved shoreline policies to include recognition and consideration of an existing retaining wall or other mitigation measures in their approval process.”**

**CARRIED**

**12. Adjournment**

**HBD-24-07**

**Grimes – Jubenville**

**“That the SCRCA Hearing Board adjourns the Hearing at 2:58 p.m.”**

**CARRIED**

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**Pat Brown**  
**Chair**



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**Ken Phillips**  
**General Manager**