



**CONSERVATION AUTHORITIES ACT HEARING
GUIDELINES**
for the
St. Clair Region Conservation Authority

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1.0 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 St. Clair Region Conservation Authority;

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

“Hearing Committee” means a sub-committee of the Authority that has been delegated powers further to section 28.4 of the Conservation Authorities Act relating to the holding of hearings in relation to permits subject to any limitations or requirements prescribed by regulation; while it is conducting hearings in accordance with the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22.

“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 St. Clair Region 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.

2.0 PURPOSE OF GUIDELINES FOR CONDUCTING HEARINGS

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 Conservation Authorities Act (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 Committee is empowered by law to make a decision, governed by the SPPA. The Committee'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 Section 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 to establish 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 SCRCA Hearing Committee.

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	OLT – Within 90 days of receiving the reasons for the Authority’s decision 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

¹Note: 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.

3.0 ROLE OF HEARING BOARD

3.1 Apprehension of Bias

In any of the hearing scenarios listed in Table 1 above, the Hearing Committee 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 bias but also to avoid the appearance or reasonable apprehension of bias. Therefore, no Board member shall participate as a member of the Hearing Committee in a matter that involves their municipality's interest or an application by a proponent in their municipality. 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 SCRCA 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) If material relating to the merits of an application or other matter indicated in Table 1 that is the subject of a hearing is distributed to Hearing Committee members, the material shall be distributed to the applicant at the same time. The applicant may 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.

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. 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 Hearing Committee's regular meeting schedule.

In cases where 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 the 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: If the Party is not the landowner, the applicant must have and provide written authorization from the registered landowner.
- d) The reasons for the proposed staff recommendation or action. The reasons for the staff recommendation should 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 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.
- f) Reminder that the Party is entitled to be represented at the hearing by a representative such as legal counsel, if desired. The conservation 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.

The Notice of Hearing shall be directed to the Party and/or landowner, by registered mail, and other methods as determined advisable (e.g., e-mail).

3.3 Pre-submission Reports

It is the general practice of the SCRCA to submit reports to the Hearing Committee in advance of the hearing. The Party also has this same opportunity. The Party is allowed reasonable time to prepare a report once the reasons for the staff recommendations have been received, a minimum of at least two weeks. Subsequently, this may affect the timing and scheduling of the

hearing.

4.0 HEARING

4.1 Public Hearing

Pursuant to the *Statutory Powers Procedure Act (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).

4.2 Hearing Participants

The *Conservation Authorities Act* does not provide for third party status at the hearing. The hearing, however, is open to the public. 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 Authority staff as appropriate.

4.3 Attendance of Hearing Committee Members

In accordance with the case law relating to the conduct of hearings, those members of the Hearing Committee who will make a hearing decision must be present during the full course of the hearing. If it is necessary for a member of the Hearing Committee to leave, the remaining members of the Hearing Committee can continue with the hearing and render a decision. The meeting must maintain a quorum, once a quorum is lost the meeting shall be adjourned until the meeting can be re-constituted with a quorum in place.

4.4 Adjournments

The Hearing Committee may adjourn a hearing on its own motion or that of the Party or SCRCA staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held. While adjourned, members of the Hearing Committee shall not discuss the matter that is subject of the hearing.

Any adjournments form part of the hearing record. For Electronic meetings, the Board is not considered adjourned unless any member departs due to technical issues for more than 15 minutes.

4.5 Orders and Directions

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

4.6 Information Presented at Hearings

- a) The *Statutory Power Procedure Act* requires that a witness be informed of their right to object pursuant to the *Evidence Act* R.S.O, 1990, c.E23 and the *Canada Evidence Act*, R.S.C., 1985, c.C-5 (CEA). The *Evidence Act* and *Canada Evidence Act* indicate that any answers provided by a witness during the hearing are not admissible against the Witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- b) It is the decision of the Hearing Committee as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- c) The Hearing Committee may authorize receiving a copy rather than the original document. However, the Hearing Committee 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), if relevant to the issues of the hearing, can be heard.
- f) The Hearing Committee may take into account matters of common knowledge such as 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 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.

4.7 Conduct of Attending Hearing Committee Members

4.7.1 Record of Attending Hearing Committee Members

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

4.7.2 Opening Remarks

The Chair 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 parties and the members of the Hearing Committee must be able to clearly hear one another and any witnesses throughout the hearing.

4.7.3 Presentation of Staff Information

SCRCA Staff present the reasons supporting their recommendation associated with refusal or conditions 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 should be properly indexed and received.

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

4.7.4 Presentation of Party Information

The Party has the opportunity to present information at the conclusion of the SCRCA staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received. It is noted that all information about the application should have been provided to the Conservation Authority to assist staff with making a recommendation on the application. If new information is brought before the Hearing Committee which was not part of the application that was processed by staff, the Hearing Committee may need to adjourn the hearing to allow SCRCA staff sufficient time to review the new information.

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 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 Committee and/or have invited advisors to present information to the Hearing Committee
- The Party's presentation may include technical witnesses, such as an engineer,
- ecologist, hydrogeologist etc.

4.7.5 Questions

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

Pursuant to the *Statutory Powers Procedure Act*, the Hearing Committee can limit questioning

where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that 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.

4.7.6 Deliberation

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

5.0 DECISION

Hearing participants must receive written notice of the Hearing Committee's decision. The Hearing Committee shall itemize and record information of particular significance which led to their decision. If the application has been refused, the Party shall be informed of the 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.

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

Table 2: Hearing Board Decision Powers and Associated Appeal Mechanism²

Hearing Scenario	Decision Powers	Appeal
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 (CAA, ss. 28.1 (8)); or, Appeal to the OLT within 90 days of receiving the Authority's decision (in accordance with CAA requirements) (CAA, ss. 28.1 (20) (21)).
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)); or,</i> 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 (Section 28.1 or 28.1.2 Permit)	(a) Confirm the refusal of the extension; or, (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.	No appeal mechanism.
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 <i>(CAA, ss. 30.4(9))</i>

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

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 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;
- (d) A copy of the Hearing Committee's resolution.

(e) Notice of the Party's right to an appeal (as indicated in Table 2 above).

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. email).

5.2 Adoption

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

6.0 RECORD

The SCRCA shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Ontario Land Tribunal or Minister (as appropriate). The record must include the following:

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

7.0 APPENDICES

Appendix A – S.28.1 Permit Application

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,
R.S.O. 1990, Chapter C. 27 As Amended;

AND IN THE MATTER OF A Permit Application By: **[Applicant]**

MADE TO THE

St. Clair Region Conservation Authority (SCRCA)
pursuant to section 28.1, subsection 5 of the said Act.

TAKE NOTICE that a hearing before the Hearing Committee of the St. Clair Region Conservation Authority will be held under Section 28.1, subsection 5 of the *Conservation Authorities Act* at the offices of said Authority at the SCRCA Administration Office, 205 Millpond Cres., Strathroy, Ontario N7G 3P9 at the hour of **[TIME]**, on the day of **[DATE]** **(for electronic hearings, include details about the manner in which the hearing will be held)** with respect to the application by **[APPLICANT NAME]** to permit development within an area regulated by the St. Clair Region Conservation Authority in order to ensure the activity is not likely to **[affect the control of flooding, erosion, dynamic beaches or unstable or bedrock; create conditions or circumstance that, in the event of a natural hazard, might jeopardise the health and safety of persons or result in the damage or destruction of property]** on **LOT XX, PLAN/LOT XX, CONCESSION XX, STREET IN THE CITY OF, GEOGRAPHIC TOWNSHIP OF, [LOCATION OF PROPERTY]**.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Committee for the meeting of **[MEETING NUMBER]**. If you intend to appear, **[for electronic hearings, or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact [NAME]**. Written material will be required by **[DATE]**, to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is

Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Hearing Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

PLEASE NOTIFY THIS OFFICE by **[NOTIFICATION DATE]** as to whether you and/or your agent will be attending. A copy of Ontario Regulation 41/24 and Section 28.1 of the *Conservation Authorities Act* will be made available to you upon request.

DATED the _____ day of _____, _____.

The Hearings Committee of the St. Clair Region Conservation Authority

Per:

[Chair of Hearing Board/Chief
Administrative Officer/Secretary-Treasurer]

Appendix B – S.28.1.2 Permit Application

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,
R.S.O. 1990, Chapter C. 27 As Amended;

AND IN THE MATTER OF A Permit Application By: **[Applicant]**

MADE TO THE

St. Clair Region Conservation Authority (SCRCA)
Pursuant to section 28.1.2, subsection 7 of the said Act.

TAKE NOTICE THAT a Hearing before the Hearing Committee of the St. Clair Region Conservation Authority will be held under section 28.1.2, subsection 7 of the *Conservation Authorities Act* at the offices of the said Authority at the SCRCA Administration Office, 205 Millpond Cres., Strathroy, Ontario N7G 3P9, at the hour of **[TIME]**, on the day of **[DATE], 20XX, (for electronic hearings, include details about the manner in which the hearing will be held)** with respect to the application by **[NAME]** to permit development within an area regulated by the Authority in association with a Minister's Zoning Order **[REGULATION NUMBER]** on Lot, Plan/Lot, Concession, **[STREET]**, CITY, GEOGRAPHIC TOWNSHIP.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Committee for the meeting of **[Meeting number]**. If you intend to appear **[for electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice]**, please contact **[NAME]**. Written material will be required by **[DATE]**, to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT pursuant to section 28.1.2, subsection 3 of the *Conservation Authorities Act*, a Conservation Authority is required to grant the permit applied for and may only impose conditions to the permit, provided all legislative requirements are met. The Hearing will therefore focus on the conditions to be imposed to the granting of the permit.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada*

Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Hearing Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

PLEASE NOTIFY THIS OFFICE by **[NOTIFICATION DATE]** as to whether you and/or your agent will be attending. A copy of Ontario Regulation 41/24 and Section 28.1.2 of the *Conservation Authorities Act* will be made available to you upon request.

DATED the _____ day of _____, _____.

The Hearing Board of the St. Clair Region Conservation Authority,

Per:

[Chair of the Hearing Board/
Chief Administrative Officer/Secretary-Treasurer]

*Appendix C – Stop Order***NOTICE OF HEARING****IN THE MATTER OF**

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter C. 27 As Amended;

AND IN THE MATTER OF A Stop Order

Issued by the

St. Clair Region Conservation Authority (SCRC)

Pursuant to section 30.4, subsection 6 of the said Act.

TAKE NOTICE THAT a Hearing before the Hearing Committee of the St. Clair Region Conservation Authority will be held under section 30.4, subsection 6 of the *Conservation Authorities Act* at the offices of the said Authority at the SCRC Administration Office, 205 Millpond Cres., Strathroy, Ontario N7G 3P9, at the hour of [TIME], on the day of [DATE], 20XX, **(for electronic hearings, include details about the manner in which the hearing will be held)** with respect to a **Stop Order** issued to [NAME] on [DATE STOP ORDER WAS ISSUED]. The Stop Order requires [NAME] to **[stop engaging in or to not to engage]** in the following activity/activities on Lot, Plan/Lot, Concession, [STREET] in the City of, Geographic Township of

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Committee for the meeting of [meeting number]. If you intend to appear **[for electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice]**, please contact [NAME]. Written material will be required by [DATE], to enable the Hearing Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend this Hearing, the Hearing Committee

of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

PLEASE NOTIFY THIS OFFICE by **[NOTIFICATION DATE]** as to whether you and/or your agent will be attending. A copy of Ontario Regulation 41/24 and Section 30.4 of the *Conservation Authorities Act* will be made available to you upon request.

DATED the _____ day of _____, _____.

The Hearing Board of the St. Clair Region Conservation Authority,

Per:

[Chair of the Hearing Board/
Chief Administrative Officer/Secretary-Treasurer]

Appendix D – Permit Cancellation

NOTICE OF HEARING

IN THE MATTER OF

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter C. 27 As Amended;

AND IN THE MATTER OF cancellation of [Permit Number XXX]

Issued by the

St. Clair Region Conservation Authority (SCRCA)

pursuant to section 28.3, subsection 2, 3 & 4 of the said Act.

TAKE NOTICE THAT a Hearing before the Hearing Committee of the St. Clair Region Conservation Authority will be held under section 28.3, subsection 4 of the *Conservation Authorities Act* at the offices of the said Authority at the SCRCA Administration Office, 205 Millpond Cres., Strathroy, Ontario N7G 3P9, at the hour of [TIME], on the day of [DATE], 20XX, **(for electronic hearings, include details about the manner in which the hearing will be held)** with respect to the **Notice of Intent to Cancel Permit Number XXX** issued to [NAME] on [DATE the Intent to Cancel Notice was issued] that permits development within an area regulated by the SCRCA on Lot , Plan/Lot , Concession , [STREET] In the City of, GEOGRAPHIC TOWNSHIP

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Committee for the meeting of [*meeting number XXX*]. If you intend to appear **[for electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice]**, please contact [NAME]. Written material will be required by [DATE], to enable the Hearing Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend this Hearing, the Hearing Committee

of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

PLEASE NOTIFY THIS OFFICE by **[NOTIFICATION DATE]** as to whether you and/or your agent will be attending. A copy of Ontario Regulation 41/24 and Section 28.3 of the Conservation Authorities Act will be made available to you upon request.

DATED the _____ day of _____, _____.

The Hearing Board of the St. Clair Region Conservation Authority,

Per:

[Chair of the Hearing Board/
Chief Administrative Officer/Secretary-Treasurer]

*Appendix E – Permit Extension Refusal***NOTICE OF HEARING****IN THE MATTER OF**

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter C. 27 As Amended;

AND IN THE MATTER OF refusal of a request for an extension to the period of validity for **[Permit Number XXX]**

Issued by the

St. Clair Region Conservation Authority (SCRCA)

Pursuant to section 11, subsection 4, 5, and 6 of Ontario Regulation 41/24, made pursuant to Section 40, subsection 4 the said Act.

TAKE NOTICE THAT a Hearing before the Hearing Committee of the St. Clair Region Conservation Authority will be held under section 11, subsection 6 of the *O.Reg. 41/24* at the offices of the said Authority at the SCRCA Administration Office, 205 Millpond Cres., Strathroy, Ontario N7G 3P9, at the hour of **[TIME]**, on the day of **[DATE]**, **20XX, (for electronic hearings, include details about the manner in which the hearing will be held)** with respect to a **Request for Permit Extension for Permit Number [XX]** issued to **[NAME]** on **[DATE]** that permits development within an area regulated by the SCRCA on Lot, Plan/Lot, Concession, **[STREET]** In the City of, GEOGRAPHIC TOWNSHIP

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Committee for the meeting of **[meeting number XXX]**. If you intend to appear **[for electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice]**, please contact **[NAME]**. Written material will be required by **[DATE]**, to enable the Hearing Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend this Hearing, the Hearing Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

PLEASE NOTIFY THIS OFFICE by **[NOTIFICATION DATE]** as to whether you and/or your agent will be attending. A copy of Ontario Regulation 41/24 will be made available to you upon request.

DATED the _____ day of _____, _____.

The Hearing Board of the St. Clair Region Conservation Authority,

Per:

[Chair of the Hearing Board/
Chief Administrative Officer/Secretary-Treasurer]

Appendix F – Hearing Procedures

- a) Motion to sit as Hearing Committee.
- b) Roll Call followed by the Chair’s opening remarks. For electronic hearings, the Chair shall ensure that all parties and the Hearing Committee are able to clearly hear one another and any witnesses throughout the hearing.
- c) Staff will introduce to the Hearing Committee the Party, their agent and others wishing to speak.
- d) Staff will indicate the nature and location of the subject matter [**application/issued permit/Stop Order**] and the conclusions.
- e) Staff will present the staff report included in the agenda.
- f) The Party and/or their agent will present their material.
- g) Staff and the conservation authority’s agent may question the Party and/or their agent if reasonably required for a full and fair disclosure of matters presented at the hearing.¹
- h) The Party and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearings.²
- i) The Hearing Committee will question, if necessary, both the staff and the Party/agent.
- j) The Hearing Committee will move into deliberation. The Hearing Committee may also adjourn the hearing and retire in private to confer. For electronic meetings, the Hearing Committee will deliberate in a manner consistent with practices for in-person hearings (e.g., open vs closed session)
- k) Members of the Hearing Committee will move and second a motion.
- l) A motion will be carried which will culminate in a decision.
- m) The Hearing Committee will move out of deliberation. For electronic meetings, the Hearing Committee will reconvene with other participants.
- n) The Chair or Acting Chair will advise the Party of the Hearing Committee decision.
- o) The Chair or Acting Chair shall notify the Party of their right to appeal the decision to the Ontario Land Tribunal, Minister, or other prescribed body (as applicable) upon receipt of the

reasons for decision, in accordance with the provisions and timelines outlined in the Conservation Authorities Act and Ontario regulation 41/24.

p) Motion to move out of the Hearing Committee and sit as Full Authority.

¹ As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

² As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

*Appendix G –S.28.1 Permits***CHAIR'S REMARKS WHEN DEALING WITH HEARINGS
(Section 28.1, Subsection 5 of the *Conservation Authorities Act*)
Permit Application, with or without Conditions**

We are now going to conduct a hearing under section 28.1, subsection 5 of the *Conservation Authorities Act* in respect of an application for a permit by **[Applicant name]** to **[details of proposed activities]**.

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.

The Authority staff have reviewed the proposed activities and provided the applicant with a response and made arrangements for this hearing to be scheduled. A staff report has been prepared and provided to the Hearing Committee members and the applicant as part of this hearing. The applicant was invited to file material in response to the staff report, a copy has which has also been provided to the Hearing Committee.

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 Hearing Committee.

In holding this hearing, the Hearing Committee is to determine whether or not a permit is to be issued, with or without conditions. In doing so, the Hearing Committee 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 Committee.

If the applicant has any questions to ask of the Hearing Committee or of the Authority

representative, they must be directed to the Chair.

Appendix H – Mandatory Permits

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS

(Section 28.1.2, Subsection 7 of the *Conservation Authorities Act*) Mandatory Permits, Zoning Orders

We are now going to conduct a hearing under section 28.1.2, subsection 7 of the *Conservation Authorities Act* in respect of an application for a permit by **[Applicant name]** to **[details of proposed activity]**.

Under section 28.1.2, subsection 3 of the Conservation Authorities Act, an Authority that receives an application for a permit to carry out a development project in the Authority's area of jurisdiction shall issue the permit if an order has been made by the Minister of Municipal Affairs and Housing under section 47 of the Planning Act authorizing the development project under that Act; and the lands in the Authority's area of jurisdiction on which the development project is to be carried out are not located in the Greenbelt Area designated under section 2 of the Greenbelt Act, 2005; and such other requirements as may be prescribed are satisfied.

Furthermore, section 28.1.2, subsection 6 allows an Authority to attach conditions to such permits, including conditions to mitigate: any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; circumstances created by the development project 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; or any other matters that may be prescribed by regulation.

The Staff has reviewed this proposed work and prepared a staff report, including the proposed conditions of approval for the proposed work, which has been given to the applicant and the Hearing Committee. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Hearing Committee.

Under Section 28.1.2, subsection 7 of the *Conservation Authorities Act*, the person applying for a permit has the right to a hearing before the Hearing Committee.

In holding this hearing, the Hearing Committee is to determine the prescribed conditions to be attached to the approved permission. In doing so, we 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 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 members.

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

Appendix I – Chairperson’s Remarks When Dealing with Hearings (Section 30.4, Subsection 6 of the Conservation Authorities Act) To Consider a Stop Order

We are now going to conduct a hearing under section 30.4, subsection 6 of the Conservation Authorities Act in respect to a Stop Order issued to **[Party]** on **[Date], 20XX**.

In accordance with section 30.4, subsection 1 of the Act, **[NAME]** was served with a Stop Order by an officer of the Authority because the officer believed **[NAME]** **[had engaged/was about to engage]** in an activity that **[has contravened/will contravene]** the Act or a regulation made under the Act; **[and/or]** the conditions of **[Permit number XXX]**.

Furthermore, the officer believes that the activity **[has caused/is likely to cause]** significant damage and the damage **[affects/is likely to affect]** the control of flooding, erosion, dynamic beaches or unstable soil or bedrock **[and/or]** in the event of a natural hazard, the damage **[has created/is likely]** to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property; and that, the order will prevent or reduce said damage.

Section 30.4, subsection 6 of the Act requires that a person who is served with a Stop Order be provided with an opportunity to request and attend a hearing before the Authority.

The Staff have prepared a report, a copy of which has been given to the **[Appellant name]** and the Board. The **[Appellant name]** was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

In accordance with section 30.4, subsection 7 of the Act, after holding the hearing, the Authority shall confirm the order, amend the order, or remove the order with or without conditions. In doing so, we can only consider the information 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 **[Appellant name]**. 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 members.

If **[Appellant name]** has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix J – Chairperson’s Remarks When Dealing with Hearings (Section 28.3, Subsections 4 of the Conservation Authorities Act) To Consider the Cancellation of a Permit

We are now going to conduct a hearing under section 28.3, subsection 4 of the *Conservation Authorities Act* to consider the cancellation of **[Permit number XXX]** issued to **[Permit holder]**, on **[Date], 20XX**.

In accordance with section 28.3, subsection 1 of the Act, the Authority notified the permit holder of the intent to cancel **[permit number]** by **[Date], 20XX** because, it is the opinion of the Authority, the conditions of the permit have not been met; **or** that the circumstances prescribed by regulation exist **(include detail here if applicable)**.

Section 28.3, subsection 3 of the Act provides that a permit holder may request a hearing within 15 days of receiving the Authority’s intent to cancel a permit.

The Staff have prepared a report, a copy of which has been given to the permit holder and the Board. The permit holder was invited to file material in response to the Staff report, a copy of which has also been provided to the Board.

In accordance with section 28.3, subsection 5 of the Act, after holding the hearing, the Authority may confirm, rescind, or vary the decision to cancel the permit. In doing so, we can only consider the information 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 permit holder. 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 members.

If the permit holder has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix K- Chairperson's Remarks When Dealing with Hearings (Section 11, Subsection 6 of Ontario Regulation 41/24, made pursuant to Section 40, Subsection 4 of the Conservation Authorities Act) To Consider an Extension to the Period of Validity of a Permit

We are now going to conduct a hearing under section 11, subsection 6 of Ontario Regulation 41/24, made under section 40, subsection 4 of the *Conservation Authorities Act* regarding a request for extension of **[permit number XXX]** issued to **[Permit holder]**.

Section 11, subsections 4 and 5 of Ontario Regulation 41/24 provides that a permit holder may request a hearing to consider their request to extend the period of validity of a permit issued under section 28.1 or 28.1.2 of the Act within 15 days of receiving notice that the Authority intends to refuse a request for extension.

The Staff have prepared a report, a copy of which has been given to the permit holder and the Board. The permit holder was invited to file material in response to the Staff report, a copy of which has also been provided to the Board.

In accordance with section 11, subsection 7 of the Regulation, after holding the hearing, the Authority may confirm the refusal of the extension or grant an extension for a time deemed appropriate, provided the total period of validity of the permit does not exceed the applicable maximum period of 60 months prescribed by Regulation. In doing so, we can only consider the information 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 permit holder. 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 members.

If the permit holder has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix L - Sample Notice of Decision (Refusal / Attaching Conditions)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear [name]:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28.1, Subsection 5 of the Conservation Authorities Act

Proposed [description of proposed activity]

Lot, Plan; [Address], [City/Town]

[Application XXX]

In accordance with the requirements of the *Conservation Authorities Act*, the St. Clair Region Conservation Authority (SCRCA) provides the following Notice of Decision:

On [meeting date and number], the Hearing Committee [refused application/approved application/approved application with conditions]. A copy of the Hearing Committee resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for refusal or attaching conditions relevant to the application in accordance with ss. 28.1 (7) of the Act]

In accordance with s. 28.1 of the Conservation Authorities Act, an applicant who has been refused a permit or a permit holder who objects to conditions imposed on a permit by the Authority may submit a request for a Minister's Review of this decision to the Minister of Natural Resources or may appeal this decision to the Ontario Land Tribunal. These options are further described below:

1. Within 15 days of receiving the reasons for the Authority's decision, submit a request to the Minister to review the Authority's decision. If a request for a Minister's review is submitted, the Minister will indicate in writing whether or not they intend to conduct a review of the Authority's decision. This notice will be provided within 30 days of receiving the request. If the Minister does not reply within 30 days, this is deemed to be an indication that the Minister does not intend to review the Authority's decision.

The Minister may, in accordance with section 28.1 (15) of the Act, confirm or vary the Authority's decision, or make any decision the Minister considers appropriate, including issuing a permit subject to conditions. Per subsection 28.1(19) of the *Conservation Authorities Act*, a decision made by the Minister is final; or,

2. Appeal to the OLT within 90 days of receiving the reasons for the Authority's decision, provided that:
 - a. the applicant/permit holder has not submitted a request for Minister's review; or,

- b. the applicant/permit holder has submitted a request for Minister's review, and;
 - i. the Minister refused to conduct a review further to a request made under ss. 28.1 (8) of the Act; or,
 - ii. 30 days have lapsed since the applicant/permit holder submitted a request for Minister's review and the Minister has not replied; or,
 - iii. If, further to a request for review made under ss. 28.1 (8) of the Act, the Minister indicates their intent to review a decision and the Minister fails to make a decision within 90 days of giving the reply, the applicant/permit holder may, within the next 30 days, appeal the Authority's decision directly to the OLT.

For your information, should you wish to exercise your right for a Minister's review or appeal to the OLT, your requests can be forwarded to:

For Minister's Review:

Hon. Graydon Smith
 Ministry of Natural Resources and Forestry
 99 Wellesley Street West, 6th Floor, Room 6630
 Toronto, ON [M7A 1W3](#)
 Phone: (416) 314-2301
 E-Mail: Minister.mnrf@Ontario.ca

For Appeal to Ontario Land Tribunal:

Ontario Land Tribunal
 655 Bay Street, Suite 1500
 Toronto, ON [M5G 1E5](#)
 Phone: (416) 212-6349 or (866) 855-1155
 Email: OLT.General.Inquiry@ontario.ca
 Link: [Information on Filing an Appeal](#)

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact [**Staff contact**] or the undersigned.

Yours truly,

[Chair of the Hearing Board/Chief Administrative Officer/Secretary-Treasurer]

Enclosure

Appendix M - Sample Notice of Decision (Attaching Conditions, Minister's Zoning Order Permits)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear [name]:

RE: NOTICE OF DECISION

**Hearing Pursuant to Section 28.1.2, Subsection 7 of the Conservation Authorities Act
Proposed [description of proposed activity]**

Lot, Plan; [Address] [City/Town]

[Application Number XXX]

In accordance with the requirements of the Conservation Authorities Act, the St. Clair Region Conservation Authority (SCRCA) provides the following Notice of Decision:

On [**Meeting date and number**], the Hearing Committee approved [**permit number XXX**] [**with conditions/without conditions**]. A copy of the Hearing Committee resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for attaching conditions relevant to the application in accordance with ss. 28.1.2 (8) of the Act]

In accordance with the Conservation Authorities Act, a permit holder who objects to conditions imposed on a permit by the Authority may submit a request for a Minister's Review of this decision to the Minister of Natural Resources or may appeal this decision to the Ontario Land Tribunal. These options are further described below:

1. Within 15 days of receiving the reasons for the Authority's decision, submit a request to the Minister to review the conditions. If a request for a Minister's review is submitted, the Minister will indicate in writing whether or not they intend to conduct a review of the conditions. This notice will be provided within 30 days of receiving the request. If the Minister does not reply within 30 days, this is deemed to be an indication that the Minister does not intend to review the Authority's decision.

The Minister may, in accordance with section 28.1.2 (11) of the Act, confirm or vary the conditions attached by the Authority to a permit, including removing conditions or requiring that such additional conditions be attached to the permit as the Minister considers appropriate. Per subsection 28.1.2 (13) of the Conservation Authorities Act, a decision made by the Minister is final; or,

2. Appeal to the OLT within 90 days of receiving the reasons for the Authority's decision, provided that:

- a) the permit holder has not submitted a request for Minister's review; or,
- b) the permit holder has submitted a request for Minister's review, and;
 - i. the Minister refused to conduct a review further to a request made under ss. 28.1.2 (9) of the Act; or,
 - ii. 30 days have lapsed since the permit holder submitted a request for Minister's review and the Minister has not replied; or,
 - iii. If, further to a request for review made under ss. 28.1.2 (9) of the Act, the Minister indicates their intent to review a decision and the Minister fails to make a decision within 90 days of giving the reply, the permit holder may, within the next 30 days, appeal the conditions attached by the Authority directly to the OLT.

For your information, should you wish to exercise your right for a Minister's review, or appeal to the OLT, your requests can be forwarded to:

For Minister's Review:

Hon. Graydon Smith
 Ministry of Natural Resources and Forestry
 99 Wellesley Street West, 6th Floor, Room 6630
 Toronto, ON [M7A 1W3](#)
 Phone: (416) 314-2301
 E-Mail: Minister.mnrf@Ontario.ca

For Appeal to Ontario Land Tribunal:

Ontario Land Tribunal
 655 Bay Street, Suite 1500
 Toronto, ON [M5G 1E5](#)
 Phone: (416) 212-6349 or (866) 855-1155
 Email: OLT.General.Inquiry@ontario.ca
 Link: [Information on Filing an Appeal](#)

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact [**Staff contact**] or the undersigned.

Yours truly,

[Chair of Hearing Board/Chief Administrative Officer/Secretary-Treasurer]

Enclosure

Appendix N - Sample Notice of Decision (Stop Order)

[Date]

BY REGISTERED MAIL

[Name]

[Address]

Dear [name]:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 30.4, Subsection 6 of the Conservation Authorities Act

Stop Order Lot, Plan; [Address], [City/Town]

[Application/Permit Number XXX]

[Stop Order Number XXX]

In accordance with the requirements of the Conservation Authorities Act, the St. Clair Region Conservation Authority (SCRCA) provides the following Notice of Decision:

On [Meeting date and number], the Hearing Committee [confirmed the Stop Order, amended the Stop Order, or removed the Stop Order, with or without conditions]. A copy of the Hearing Committee resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for confirming, amending, or removing the order, with or without conditions in accordance with ss. 30.4 (8)]

In accordance with the Conservation Authorities Act, the person who requested the hearing may appeal to the Minister for a review within 30 days after receiving the reasons for the Authority's decision. The Minister (or other prescribed body) may confirm, amend, or remove the Stop Order, with or without conditions.

For your information, should you wish to exercise your right for a Minister's review, your request can be forwarded to:

Hon. Graydon Smith
 Ministry of Natural Resources and Forestry
 99 Wellesley Street West, 6th Floor, Room 6630
 Toronto, ON [M7A 1W3](#)
 Phone: (416) 314-2301
 E-Mail: Minister.mnrf@Ontario.ca

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact [**Staff contact**] or the undersigned.

Appendix O - Sample Notice of Decision (Cancellation of Permit)

[Date]

BY REGISTERED MAIL

[Name]

[Address]

Dear [Name]:

RE: NOTICE OF DECISION

**Hearing Pursuant to Section 28.3 , Subsections (2), (3), and (4) of the Conservation Authorities Act Cancellation of Permit
Lot, Plan; [Address], [City/Town]
[Permit Number]**

In accordance with the requirements of the Conservation Authorities Act, the St. Clair Region Conservation Authority (SCRCA) provides the following Notice of Decision:

On [meeting date and number] the Hearing Committee [confirmed/rescinded/varied] the decision to cancel [Permit number XXX]. A copy of the Hearing Committee resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for confirming, rescinding, or varying the decision to cancel the permit, in accordance with ss. 28.3 (5) of the Conservation Authorities Act]

In accordance with the Conservation Authorities Act, the permit holder may, within 90 days after receiving the reasons for the Authority's decision, appeal the decision to the Ontario Land Tribunal (OLT). The OLT has the authority to take evidence, to confirm, rescind or vary the decision to cancel the permit, with or without conditions.

For your information, should you wish to exercise your right to appeal, section 28.3, subsection 7 of the Act requires that the notice shall be sent to the OLT and to the Authority by registered mail.

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto ON M5G 1E5

Phone: 416-212-6349 or 866-448-2248

Email: OLT.General.Inquiry@ontario.ca

[Information on Filing an Appeal Link](#)

Should you require any further information, please do not hesitate to contact [**Staff contact**] or the undersigned.

Yours truly,

[Chair of Hearing Board/Chief Administrative Officer/Secretary-Treasurer]
Enclosure

Appendix P - Sample Notice of Decision (Permit Extension)

[Date]

BY REGISTERED MAIL

[Name]

[Address]

Dear [Name]:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 11, Subsections 4, 5, and 6 of O. Reg. 41/24, pursuant to Section 40, Subsection 4 of the Conservation Authorities Act

Request for Permit Extension

Lot, Plan; [Address], [City/Town]

[Permit Number]

In accordance with the requirements of the Conservation Authorities Act, the St. Clair Region Conservation Authority (SCRCA) provides the following Notice of Decision:

On [meeting date and number], the Hearing Committee [confirmed the refusal of the permit extension/granted the permit extension]. [Permit number XX] shall be valid until [Date], 20XX. A copy of the Hearing Committee resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons relating to the application for refusing or granting the extension, if applicable. In either case, it is best practice to relate the decision to the Conservation Authorities Act tests in ss. 28.1 (1), and ss. 11 (7) of O. Reg. 41/24]

For your information, the Authority's decision is final; there is no legislated appeal process under the *Conservation Authorities Act*.

Should you require any further information, please do not hesitate to contact [**Staff contact**] or the undersigned.

Yours truly,

[Chair of Hearing Board/Chief Administrative Officer/Secretary-Treasurer]

Enclosure