

Board of Directors

Upper Thames River Conservation Authority



Upper Thames River Conservation Authority Board of Directors' Meeting Agenda January 2025

Date: January 28, 2025

Time: 9:30am

Place: Watershed Conservation Centre Board Room, Fanshawe Conservation Area –
1424 Clarke Road, London, ON

1. Territorial Acknowledgement

2. Modifications to the Agenda

3. Declarations of Pecuniary Interest

4. Presentations/Delegations

5. Administrative Business

5.1. Approval of Minutes of Previous Meeting: December 17, 2024

5.2. Business Arising from Minutes

5.3. Correspondence

5.3.1. Ministry of Natural Resources Agricultural Representative

6. Reports – For Consideration

6.1. UTRCA Hearing Guidelines Update – BoD-01-25-01

6.2. Housekeeping Amendments to Delegation of Powers and Officer
Appointments – BoD-01-25-02

6.3. Notice of Motion – Per Diem Remuneration for Members BoD-01-25-
03

7. Reports – In Camera

- 7.1. Update on Participation in Potential Litigation Affecting the Authority
BoD-01-25-04
- 7.2. Litigation Affecting the UTRCA – Statements of Claim Summary –
BoD-01-25-05

8. Reports – For Information

- 8.1. Administration and Enforcement – Section 28 Status Report – BoD-
01-25-06
- 8.2. Funding Applications Update – BoD-01-25-07
- 8.3. Project Status Update – BoD-01-25-08
- 8.4. Draft Budget Municipal Feedback – BoD-01-25-09
- 8.5. Annual Meeting Details – Verbal Report
- 8.6. [Thames River Current](#)

9. Reports – Committee Updates

- 9.1. Finance and Audit Committee
- 9.2. Hearing Committee

10. Elections

- I. Chair
- II. Vice-Chair
- III. Hearing Committee (two positions)

- IV. Finance and Audit Committee (one to three positions)
- V. Source Protection Striking Committee/Committee Liaison (one position)

11. Notices of Motion

12. Chair's Comments

13. Member's Comments

14. General Manager's Comments

15. Adjournment

Tracy Annett, General Manager

Email Correspondence

From: John Dungavell, Manager, Conservation Authorities and Natural Hazards, Policy Division, Ministry of Natural Resources

Date: January 7, 2025

To: Tracy Annett <annett@thamesriver.on.ca>, tbyrne@erca.org, slawson@grandriver.ca, jmaxwell@lprca.on.ca, r.baldwin@lsrca.on.ca, mark.peacock@ltvca.ca, cbickerdike@nation.on.ca, Leilani Lee-Yates <Llee-yates@npca.ca>, bmcnevin@quinteconservation.ca, sommer.casgrain-robertson@rvca.ca

Subject: Conservation Authority Agricultural Sector Representative Advertisements Posted

Dear General Managers/Chief Administrative Officers,

I hope you and your staff had a wonderful holiday season.

I am writing to the 10 of you today to inform you that the Minister of Natural Resources has decided to pursue additional appointments of agricultural sector representatives (ag reps), and your conservation authority has been identified as a potential recipient.

Under subsection 14(4) of the *Conservation Authorities Act*, the Minister can appoint an ag rep to a conservation authority's membership to increase local agricultural sector perspectives in conservation authority operations. Ag reps take into consideration both the interests of the sector and municipality they represent, as well as the overall authority and its purpose. The role is comparable to other municipally-appointed members but with some limits on voting rights when it comes to budgetary concerns or changing the structure of the conservation authority.

The Ministry has posted 10 job advertisements to the Ontario Public Appointments Secretariat [website](#) to appoint an agricultural sector representative to each of your conservation authority's memberships. These postings are open until **February 3, 2025** for applications to be submitted.

We encourage you to share these postings locally and invite any individuals from your local agricultural sectors who may be interested and meet the qualifications listed in the advertisement to apply.

Please feel free to let us know if you have any questions about these postings.

Thanks,

john

John Dungavell

Manager, Conservation Authorities and Natural Hazards | Policy Division
Ministry of Natural Resources | Ontario Public Service
[REDACTED] | john.dungavell@ontario.ca



Taking pride in strengthening Ontario, its places and its people

To: UTRCA Board of Directors
From: Joe Gordon, Regulations Coordinator
Date: January 16, 2025
File Number: BoD-01-25-01
Agenda #: 6.1
Subject: UTRCA Hearing Guidelines Update

Recommendation

THAT the Board of Directors approve the updates to the UTRCA Hearing Guidelines as presented;

Background

With recent amendments to the *Conservation Authorities Act* (CAA) and its section 28 Regulation in 2024, additional requirements and opportunities for Hearings were introduced requiring an update to UTRCA's existing Hearing Guidelines for section 28 permit applications.

The proposed updates are consistent with Conservation Ontario's (CO) "Conservation Authorities Act Model Hearing Guidelines" which was approved by CO in December of 2024. Development of the CO Guideline was intended to promote the necessary consistency across the province for the holding of hearings under the CAA and Ontario Regulation 41/24.

Prior requirements for Hearings under the CAA were established solely for consideration of refusing or attaching conditions to section 28 permits (28.1(5)) and for consideration of attaching conditions to mandatory permits associated with Zoning Orders (28.1.2(7)).

New amendments to the CAA and O.Reg.41/24 now include the following additional requirements where an applicant can request a hearing:

- Before canceling an existing permit or mandatory permit (CAA 28.3(2));
- Before refusing an extension to an existing permit or mandatory permit (O.Reg.41/24 ss. 11(4-6))
- Stop Orders (CAA 30.4)

Updated opportunities for an applicant to appeal a decision of the Authority to Request Minister Review or appeal the decision to the Ontario Land Tribunal also warranted housekeeping updates to the existing Hearing Guidelines.

In addition to the Hearing requirements prescribed within the CAA and O.Reg.41/24, staff are recommending the following additional scenario listed in Table 1 below where hearings could be considered for staff to obtain required direction from the Hearing Committee.

**Table 1: Other Hearing Scenario Considerations
FOR CONSIDERATION OF UTRCA POLICY**

Hearing Scenario	Purpose	Hearing Board Decision Powers	Appeal
Where an application warrants review and consideration of the Hearing Committee for technical, policy or information purposes.	To consider an application where staff supports the proposed development or interference with a watercourse or wetland but do not have the delegated power to issue the permit in consideration of, or lack of policies within UTRCA's Board approved policies and procedures. <i>(Positive staff recommendation)</i>	(a) Confirm the recommendation of staff to issue a permit, with or without conditions; (b) Issue the permit with amended conditions; or (c) Refuse the permit.	OLT - within 90 days of receiving the written reasons for the Authority's decision. Minister Review - within 15 days of receiving the written reasons for the Authority's decision.

Attached to the staff report is a copy of the proposed final version of the Hearing Guideline with tracked edits and deletions displaying regulatory updates as recommended by the CO Model Guideline in **red**, and additional UTRCA policy considerations shown with **yellow highlights**.

Prepared by:

Joe Gordon, Regulations Coordinator
Christie Kent, Planning Coordinator

Recommended by:

Jenna Allain, Manager, Environmental Planning and Regulations
Tracy Annett, General Manager/Secretary-Treasurer

CONSERVATION AUTHORITIES ACT HEARING GUIDELINES

for the
Upper Thames River Conservation Authority



October 2009 – Amended **January 2025**

REVISIONS	
Date	Revision
January 2025	Amendments to update references for hearings and appeals further to the amended <i>Conservation Authorities Act</i> and O. Reg. 41/24. Amendments to be consistent with the Conservation Ontario Model Hearing Guidelines from additional details / guidance. Includes additional mechanisms for scheduling Hearings to address “Other Hearing Considerations.”
October, 2021	Amendments made to incorporate hearings under 28.0.1 and update references to the Ontario Land Tribunal (OLT)
September, 2020	Amendments to clarify procedures to be utilized for Section 28 Hearings to support electronic Section 28 hearings
August, 2018	Updated terminology 1) Replaced MNRF with Mining and Lands Tribunal 2) Replaced Hearing Board with Hearing Committee
August, 2013	Changed the name of the Committee from ‘Hearings and Personnel Committee’ to ‘Hearing Committee’
October, 2009	UTRCA Hearing Guidelines Approved

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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 Upper Thames River 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 Upper Thames River 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 Conservation Authorities Act requires that the applicant be provided with an opportunity for a hearing before the local Conservation Authority Board, Executive Committee or Subcommittee of the Board (sitting and described hereinafter as a “Hearing Committee”) as the case may be, for an application which has been refused or approved with contentious conditions. A permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches.~~

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.

In addition to the Hearing Requirements prescribed within the *Conservation Authorities Act* and O.Reg.41/24 listed in Table 2, the UTRCA may schedule a hearing for the purposes of obtaining direction from the Hearing Committee on the following additional matters listed in Table 1:

Table 1: Other Hearing Considerations

Hearing Scenario	Hearing Intent
Where an application warrants review and consideration of the Hearing Committee for technical, policy or information purposes.	To consider an application where staff support the proposed development or interference with a watercourse or wetland but do not have the delegated power to issue the permit in consideration of, or lack thereof, associated policies within UTRCA’s Board approved policies and procedures.

~~The Hearing Committee shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted pursuant to Section 28.0.1, the Hearing Committee shall determine what conditions, if any, will be attached to the permission. See **Attachment 1** for further details.~~

~~These guidelines outline the processes which form the basis by which the Upper Thames River Conservation Authority (UTRCA) conducts a hearing pursuant to Section 28 of the Conservation Authorities Act.~~

~~These guidelines are intended to assist the members of the Hearing Committee, Authority staff, applicants and other hearing participants. In summarizing the guidelines, the following key points should be noted:~~

- ~~1. It is essential to have all relevant information available at or prior to the hearing to allow the Hearing Committee an opportunity to be informed of the issues at hand.~~
- ~~2. Sufficient time must be provided to both the applicant and Conservation Authority staff to offer pertinent information and clarification through responses to questions posed by the Hearing Committee, which in turn will allow the Hearing Committee to make an informed decision.~~

- ~~3. The rights and responsibilities of the applicant must be properly communicated and explained prior to proceeding with a hearing.~~
- ~~4. Hearing procedures will be followed as described in these guidelines to help ensure consistent, fair treatment of all matters brought before the Hearing Committee. The Chair of the Hearing Committee conducts the hearing. The Conservation Authority's solicitor may be present for hearings, to provide the Hearing Committee with assistance regarding issues which may arise.~~
- ~~5. The appeal mechanism will be explained to the applicant in the event that the Hearing Committee resolves to deny an application.~~

Table 2 below summarizes the legislative and regulatory requirements where a Party is to be provided with an opportunity for a hearing before the UTRCA Hearing Committee.

Table 2: 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

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.

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. 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 UTRCA 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.

Application

~~The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. The applicant is entitled to reasonable notice of the hearing pursuant to the Statutory Powers Procedures Act.~~

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 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 refusal or conditions of approval shall be specifically stated. 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 for refusal or conditions of approval 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. Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.
- 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 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. Along with the Notice of Hearing (Appendix B), the applicant is sent the following documents: A copy of UTRCA's Hearing Guidelines; Instructions for the Applicant (Appendix A); Hearing Procedure (Appendix D); and Rights of a Witness with Regard to Evidence (Appendix G)

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

3.3 Pre-submission Reports

It is the general practice of the UTRCA 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. Subsequently, this may affect the timing and scheduling of the hearing.

4.0 HEARING

4.1 Public Hearing

Pursuant to ~~Section 9 of the~~ Statutory Powers Procedure Act, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. ~~The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.~~

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 quorum, once 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 UTRCA 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. ~~The UTRCA's hearing guidelines has been included as Appendix D.~~

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 CEA indicate that any answers provided by a witness during the hearing are not admissible against the Witness in any criminal trial or proceeding.** ~~witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided 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. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- e) 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**.
- f) **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.**

~~g) A copy of the UTRCA's Rights of a Witness with Regard to Evidence is included in Appendix G.~~

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. ~~A record will be made of the members of the Hearing Committee.~~

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**. ~~Please reference Appendix D for the Opening Remarks model.~~ 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

Staff of the UTRCA 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 UTRCA staff and who asks questions on behalf of UTRCA 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 UTRCA 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 UTRCA 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.) ~~For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.~~

- 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, **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.** ~~within 30 days upon receipt of the written decision, to Ontario Land Tribunal (Section 13, Statutory Powers Procedure Act; Section 28(14) and Section 28(15), Conservation Authorities Act).~~

~~It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Hearing Committee should itemize and record information of particular significance which led to their decision.~~

Table 3 below summarizes the Hearing Committee decision powers for “Other Hearing Considerations” used by UTRCA:

Table 3: Other Hearing Considerations Decision

Hearing Scenario	Decision Powers	Appeal
Where an application warrants review and consideration of the Hearing Committee for technical, policy or information purposes.	<ul style="list-style-type: none"> (a) Confirm the recommendation of staff to issue the permit, with or without conditions; (b) Issue the permit with amended conditions; or (c) Refuse the permit. 	<p>OLT – within 90 days of receiving the written reasons for the Authority’s decision.</p> <p>Minister review – within 15 days of receiving the written reasons for the Authority’s decision.</p>

*** the decision of the Hearing Committee is limited to the subject matter and is not a decision in relation to any other required hearing scenarios in Table 4 below.**

Table 4 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.

Table 4: 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)	<ul style="list-style-type: none"> (a) Issue the Permit; (b) Issue the Permit subject to conditions; or, (c) Refuse the Permit. 	<p>Request Minister’s Review within 15 days after receiving Authority’s decision (CAA, ss. 28.1 (8)); or,</p> <p>Appeal to the OLT within 90 days of receiving the Authority’s decision (in accordance with CAA requirements) (CAA, ss. 28.1 (20) (21)).</p>
Considering Attaching Conditions (Section 28.1.2 Permit)	<ul style="list-style-type: none"> (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

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

		conditions (CAA, ss. 28.1.2 (9)); or, Appeal to the OLT within 90 days of receiving the Authority's reasons for conditions (in accordance with CAA requirements) (CAA, ss. 28.1.2(14) (15)).
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 (CAA, ss.28.3(6))
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 (CAA, ss. 30.4(9))

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). ~~A Notice of Decision template is included as Appendix H.~~

5.1 Adoption

A resolution advising of the Hearing Committee's decision and particulars of the decision should be adopted.

6.0 RECORD

The UTRCA 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: (~~Section 20, Statutory Powers Procedure Act~~):

- 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.

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 Upper Thames River Conservation Authority (UTRCA) pursuant to **section 28.1, subsection 5 of the said Act.**

TAKE NOTICE that a hearing before the Hearing Committee of the Upper Thames River Conservation Authority will be held under **Section 28.1, subsection 5** of the Conservation Authorities Act at the offices of said Authority at the UTRCA Administration Office, 1424 Clarke Road, London, Ontario N5V 5B9 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*) to permit development within an area regulated by the Upper Thames River 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 (*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 affect 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 Upper Thames River Conservation Authority
Tracy Annett, General Manager/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 Upper Thames River Conservation Authority (UTRCA) pursuant to section 28.1.2, subsection 7 of the said Act.

TAKE NOTICE THAT a Hearing before the Hearing Committee of the Upper Thames 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 UTRCA Administration Office, 1424 Clarke Road, London, Ontario N5V 5B9, at the hour of [TIME], on the day of [DATE], 202X, [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] in the City of , Regional Municipality of , River Watershed.

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 affect 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 _____, _____.

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 Upper Thames River Conservation Authority (UTRCA) pursuant to section 30.4, subsection 6 of the said Act.

TAKE NOTICE THAT a Hearing before the Hearing Committee of the Upper Thames River 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 UTRCA Administration Office, 1424 Clarke Road, London, Ontario N5V 5B9, at the hour of [TIME], **on the day of [DATE], 202X**, [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(ies) on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed:

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 affect 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 Hearings Committee of the Upper Thames River Conservation Authority

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 ##

Issued by the Upper Thames River Conservation Authority (UTRCA) pursuant to section 28.3, subsection 2, 3 & 4 of the said Act.

TAKE NOTICE THAT a Hearing before the Hearing Committee of the Upper Thames River 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 UTRCA Administration Office, 1424 Clarke Road, London, Ontario N5V 5B9, at the hour of [TIME], **on the day of [DATE], 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to a **Notice of Intent to Cancel Permit Number ##** issued to [NAME] on [date the Intent to cancel Notice was issued] that permits development within an area regulated by the UTRCA on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed:

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 affect 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 Hearings Committee of the Upper Thames River Conservation Authority

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 ##

Issued by the Upper Thames River Conservation Authority (UTRCA) 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 Upper Thames River 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 UTRCA Administration Office, 1424 Clarke Road, London, Ontario N5V 5B9, at the hour of [TIME], **on the day of [DATE], 202X**, [*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 ##** issued to [NAME] on [date] that permits development within an area regulated by the UTRCA on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed:

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 affect 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 Hearings Committee of the Upper Thames River Conservation Authority

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)**

~~The Hearing Committee will move into deliberation. For Electronic meetings, the Hearing Committee will separate from other participants for deliberation.~~

- ~~i. In the event that the Hearing Committee is able to make a decision within a reasonable length of time, the Hearing Committee will reconvene the hearing and announce its decision.~~
- ~~ii. In the event that the Hearing Committee wishes more time within which to consider its decision, the hearing will be adjourned and the applicant and staff will be advised that a decision will be made by the Hearing Committee, which decision will be communicated to both the applicant and staff.~~

- k) Members of the Hearing Committee will move and second a motion.

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.

- 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. ~~In all events, the Chair or Acting Chair of the Hearing Committee will advise the staff and the applicant/owner of the Hearing Committee's decision in writing.~~
- n) The Chair or Acting Chair will advise the Party of the Hearing Committee decision.
- o) ~~If decision is "to refuse", or "approve with conditions",~~ 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.

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].

~~The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a watercourse or interference with a wetland.~~ 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 28.0.1 of the Conservation Authorities Act, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28(1) for permission to carry out all or part of a development project, in an area regulated by the Authority, associated with a Minister's Zoning Order, provided the criteria listed under subsection 28.0.1 (1) are met. A permission is subject to any conditions as may be prescribed by the Authority.~~

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 ## 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], 20## 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 ## 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 #]

In accordance with the requirements of the Conservation Authorities Act, the Upper Thames River Conservation Authority (UTRCA) 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
Witney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Phone: 416-314-2301
Email: 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 866-448-2248
Email: OLT.General.Inquiry@ontario.ca
[Information on Filing an Appeal Link](#)

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,

The Hearing Committee of the Upper Thames River Conservation Authority

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 #]

In accordance with the requirements of the Conservation Authorities Act, the Upper Thames River Conservation Authority (UTRCA) provides the following Notice of Decision:

On [meeting date and number], the Hearing Committee approved permit number ### [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
Witney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Phone: 416-314-2301
Email: 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 866-448-2248
Email: OLT.General.Inquiry@ontario.ca
[Information on Filing an Appeal Link](#)

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,

The Hearing Committee of the Upper Thames River Conservation Authority

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 # or Permit #]
[Stop Order #]

In accordance with the requirements of the Conservation Authorities Act, the Upper Thames River Conservation Authority (UTRCA) 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
Witney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Phone: 416-314-2301
Email: 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 Upper Thames River Conservation Authority (UTRCA) provides the following Notice of Decision:

On **[meeting date and number]** the Hearing Committee **[confirmed / rescinded / varied] the decision to cancel permit number ##**. 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.

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 Upper Thames River Conservation Authority (UTRCA) 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 ## shall be valid until [Date], 20##. 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.

To: UTRCA Board of Directors
From: Joe Gordon, Regulations Coordinator
Date: January 28, 2025
File Number: BoD-01-25-02
Agenda #: 6.2
Subject: Housekeeping Amendments to Delegation of Powers and Officer Appointments

Recommendations

Recommendation 1 – Holding Of Hearings

Pursuant to section 28.4 of the *Conservation Authorities Act*, the Board of Directors delegates all of its powers relating to holding of hearings in relation to section 28 regulation permits to the UTRCA Hearing Committee subject to any limitations or requirements that may be prescribed by regulation.

Recommendation 2 – Issuance of Permits

Pursuant to section 28.4 of the *Conservation Authorities Act*, the Board of Directors delegates powers relating to the issuance of section 28 permits that are considered to be in compliance with UTRCA's Board approved policy and procedural manuals, to the following UTRCA staff positions subject to any limitations or requirements that maybe prescribed by regulation:

1. Manager, Environmental Planning and Regulations
2. Regulations Coordinator
3. Planning and Regulations Resource Specialist
4. Land Use Regulation Officer(s)
5. Land Use Regulation Assistant(s)

Recommendation 3 – Appointment of Officers (S.28)

Pursuant to section 30.1 of the *Conservation Authorities Act*, the Board of Directors appoints the following staff as officers for the purposes of ensuring compliance with the regulation enacted under section 28 of the Act and within the Upper Thames River watershed:

1. Joseph (Joe) Gordon
2. Karen Winfield
3. Jessica Schnaithmann
4. Michael Funk
5. Dave Griffin

- 6. Cari Ramsey
- 7. Richard Brewer

Background

Amendments to the *Conservation Authorities Act (CAA) in 2024* resulted in a renumbering of subsections of the Act that prescribes the requirements for “delegation of powers” and new sections regarding “appointment of officers”.

“Delegation of Powers” was previously located in subsection 28(2) in prior versions of the CAA and now has been moved to section 28.4 of the amended CAA.

Delegation of power (CAA)

28.4 An authority may delegate any of its powers relating to the issuance or cancellation of permits under this Act or the regulations, or to the holding of hearings in relation to the permits, to the authority’s executive committee or to any other person or body, subject to any limitations or requirements that may be prescribed by regulation. 2017, c. 23, Sched. 4, s. 25.

“Appointment of officers” for compliance of the section 28 regulation was previously prescribed within the individual regulations for each Conservation Authority in section 10 (ie. UTRCA - O.Reg.157/06) and is now located within section 30.1 of the CAA:

Appointment of officers (CAA)

30.1 An authority may appoint officers for the purposes of ensuring compliance with this Act and the regulations. 2017, c. 23, Sched. 4, s. 29.

To avoid any potential procedural issues with ensuring compliance of the regulation and requirements of the CAA, staff recommends consideration of a few housekeeping motions to ensure that any Board delegation of powers and appointments reference the appropriate new subsections within amended CAA.

The following is a summary of existing UTRCA Board delegations and appointments in relation to the Authority’s Regulations program:

Delegation/Appointment	Person Or Body
Holding of Hearings	UTRCA Hearing Committee
Issuance of S.28 Permits	<u>POSITION:</u> Manager, Environmental Planning & Regulations Planning and Regulations Resource Specialist Land Use Regulation Officer(s) Land Use Regulation Assistant(s)

Delegation/Appointment	Person Or Body
Appointment of Officers (s.28)	Staff: Joe Gordon (Regulations Coordinator) Karen Winfield (Planning & Regulations Resource) Jessica Schnaithmann (Regulations Officer) Michael Funk (Regulations Officer) Dave Griffin (Regulations Officer) Cari Ramsey (Regulations Officer) Richard Brewer (Regulations Assistant)
Request for Reviews (s.8, O.Reg.41/24)	Administrative Review Officers: Tracy Annett (General Manager) Jenna Allain (Manager Environmental Planning & Regulations)

In addition to the existing delegations and appointments, the position of Regulations Coordinator will need to be included in the delegated powers to issue permits as this position did exist when the last delegation was carried.

Furthermore, Carly Sing-Judge as recently filled one of the Land Use Regulations Assistant positions and will require appointment as an officer at a later date once she has completed the minimum Provincial Offences Officer training requirements.

Prepared by:

Joe Gordon, Regulations Coordinator
 Jenna Allain, Manager, Environmental Planning and Regulations

Recommended by:

Tracy Annett, General Manager/Secretary-Treasurer

To: UTRCA Board of Directors
From: Michelle Viglianti, Administrative Assistant
Date: January 13, 2025
File Number: BoD-01-25-03
Agenda #: 6.3
Subject: Notice of Motion – Per Diem Rate of Remuneration for Board Members

Proposed Motion

Submitted by Brian Petrie on January 13, 2025 in compliance with UTRCA By-Law C.14 Notice of Motion

Moved by Brian Petrie
Seconded by

That the UTRCA set the per diem rate of remuneration for board members use the same methodology as the Province of Ontario will be using for the agricultural representative, that it will be appointing to the board. Schedule A, Level 1 of the Agencies and Appointments Directive. Chair and Vice Chair honorariums remain at current levels.

Schedule A: Per Diem Remuneration for Board-Governed Provincial Agencies and Advisory Agencies

Level 1 — basic	Remuneration
Members	Up to \$150 per day
Vice-Chairs	Up to \$175 per day
Chairs	Up to \$225 per day

And furthermore that rate take effect at the first meeting following the passing of the 2025 authority budget.

Reasoning

The Honourable Minister of Natural Resources, Graydon Smith, has decided to exercise his right under subsection 14 (4) of the Conservation Authorities Act that allow the Minister of Natural Resources to appoint an agricultural sector representative to each conservation authority membership to increase agricultural sector perspectives in conservation authority operations. UTRCA was one of ten authorities for which this right was exercised. The Province sets the level of remuneration for their appointed reps. It is my feeling that all members of the Board should be remunerated equitably and therefore I believe that if the Province feels this is a proper amount for a members pay than the UTRCA remuneration for board members should mirror that including the rates for vice-chair and chair due to the extra level of responsibility of those positions during

meetings. I believe the honorarium needs to remain for these positions to compensate those positions for the work required outside of board meetings.

The current rate of remuneration is \$59 per meeting and has not been reviewed in a very long time. This was partially due to the historic requirement for the Ontario Municipal Board to approve changes. I do not feel it compensates members for the time and knowledge needed to perform the role as it is today. The province has shown leadership and that we should follow it on this matter.

To: UTRCA Board of Directors
From: Jenna Allain, Manager, Environmental Planning and Regulations
Date: January 16, 2025
File Number: BoD-01-25-06
Agenda #: 8.1
Subject: Administration and Enforcement – Section 28 Status Report

Recommendation

THAT the Board of Directors receive the report for information.

Background

The attached tables are provided to the Board as a summary of staff activity related to Section 28 of the Conservation Authorities Act and Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits. The table covers permits issued between November 1, 2024, and December 31, 2024.

Overall, 219 permit numbers were assigned in 2024 with 170 of those permits issued before December 31st. An additional 20 permits were issued in 2024 where the permit number was assigned in 2023, and one permit was issued in 2024 where the permit number was assigned in 2022. This brings the total number of permits issued in 2024 to 191. Twenty-five permit extensions or amendments were issued in 2024, and staff issued 321 clearances for regulated properties where proposed development was reviewed and determined not to require a Section 28 permit.

Information about permits in progress has been provided in the table below in a tally format. As noted above, 219 permit numbers were assigned in 2024, with 170 issued by December 31st. Four permits have been issued in January 2025 and will be reported on in the next monthly Section 28 report. Two permits have been cancelled, leaving 43 permit applications currently in progress. Due to inactivity, any 2023 permits that were considered as “in progress” have been closed, and if activity resumes on these applications, a new permit number will be assigned.

Table 1. Permits in Progress Tally

Municipality	Major	Minor	Routine	Total
Township of Blandford-Blenheim	0	1	3	4
Township of East-Zorra Tavistock	0	1	1	2
Town of Ingersoll	1	0	1	2
City of London	7	5	0	12
Township of Lucan-Biddulph	1	0	0	1
Municipality of Middlesex Centre	5	0	4	9
Township of Norwich	0	0	0	0
Township of Perth East	0	0	0	0
Township of Perth South	0	2	0	2
Town of St. Marys	0	0	0	0
City of Stratford	0	0	0	0
Municipality of South Huron	0	0	0	0
Township of South-West Oxford	2	0	0	2
Municipality of Strathroy-Caradoc	0	1	0	1
Municipality of Thames Centre	2	3	1	6
Municipality of West Perth	0	0	0	0
City of Woodstock	0	1	1	2
Township of Zorra	0	0	0	0
TOTAL	18	14	11	43

Recommended by:

Jenna Allain, Manager, Environmental Planning and Regulations

Prepared by:

Joe Gordon, Regulations Coordinator

Jessica Schnaithmann, Land Use Regulations Officer

Ben Dafoe, Land Use Regulations Officer

Cari Ramsey, Land Use Regulations Officer

Mike Funk, Land Use Regulations Officer

Dave Griffin, Land Use Regulations Assistant

Richard Brewer, Land Use Regulations Assistant

Karen Winfield, Planning and Regulations Resource Specialist

Section 28 Status Report – Summary of Applications for 2024

Ontario Regulation 41/24

Report Date: November and December 2024

[Client Service Standards for Conservation Authority Plan and Permit Review \(CO, Dec 2019\)](#)

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Timelines	Staff
159-24	London	1985 Gore Road	Major	Development	Proposed Changes to Previously Approved Plans, 1800mm Municipal Outfall Extension (1800mm) and Wetland Restoration	13-Sep-2024	24-Oct-2024	21-Nov-2024	1-Nov-2024	YES	Schnaithmann
188-24	London	150 Forward Ave	Routine	Development	Proposed 12'x20' Covered Rear Deck	8-Oct-2024	1-Nov-2024	15-Nov-2024	4-Nov-2024	YES	Funk
190-24	London	61 Wyatt Street	Major	Development	Proposed renovations and two-storey addition	16-Oct-2024	4-Nov-2024	2-Dec-2024	4-Nov-2024	YES	Funk
187-24	London	27 Hampton Crescent	Minor	Development	Proposed Garage Addition and Renovations to Existing Deck	31-Oct-2024	31-Oct-2024	21-Nov-2024	7-Nov-2024	YES	Schnaithmann
197-24	SW Oxford	Wilson Drain (SWOX)	Routine	Municipal Drain	Drain maintenance - Through Wetland	14-Nov-2024	14-Nov-2024	28-Nov-2024	18-Nov-2024	YES	Brewer

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Timelines	Staff
194-24	London	199 Wonderland Road - North of London Western Rowing Club Building	Routine	Municipal Project	Proposed Remedial Repair of the Existing Headwall Structure	7-Nov-2024	13-Nov-2024	27-Nov-2024	19-Nov-2024	YES	Schnaithmann
196-24	London	142 Empress Ave	Major	Development	Proposed renovations and single-storey addition	29-Oct-2024	18-Nov-2024	16-Dec-2024	19-Nov-2024	YES	Funk
193-24	London	190 Wharnccliffe Road North	Major	Development	Proposed renovations and two-storey addition	24-Oct-2024	12-Nov-2024	10-Dec-2024	22-Nov-2024	YES	Funk
201-24	London	153 Paul Street	Major	Development	Proposed renovations and two-storey addition	9-Nov-2024	21-Nov-2024	19-Dec-2024	22-Nov-2024	YES	Funk
200-24	London	Bradley Avenue Extension (White Oaks Road to Wharnccliffe Road South)	Routine	Municipal Project	Proposed Vegetation and Tree Removals to Facilitate Construction of the Bradley Avenue Extension from White Oaks Road to Wharnccliffe Road South, including P2 Stormwater Management Pond Expansion	24-Oct-2024	21-Nov-2024	5-Dec-2024	25-Nov-2024	YES	Schnaithmann
204-24	Thames Centre	Dorchester Mill Pond, Mill Pond Rd, Dorchester	Routine	Development	Stabilize and enhance existing pedestrian trail	17-Oct-2024	13-Nov-2024	27-Nov-2024	26-Nov-2024	YES	Brewer
202-24	West Perth	170th Rd - North 42 Line	Minor	Utility Corridor	Proposed Directional Bore and install new HDPE fibre	13-Nov-2024	28-Nov-2024	19-Dec-2024	3-Dec-2024	YES	Brewer

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Timelines	Staff
161-24	London	2425 Old Victoria Rd.	Major	Development	Proposed Addition to the North Side of the Existing Residential Dwelling	18-Nov-2024	25-Nov-2024	23-Dec-2024	4-Dec-2024	YES	Schnaithmann
206-24	London	2648 Woodhull Road	Minor	Development	Proposed Replacement of Septic System	12-Nov-2024	6-Dec-2024	27-Dec-2024	9-Dec-2024	YES	Schnaithmann
173-24	London	725 Hillcrest Drive	Minor	Development	On-ground Pool	25-Sep-2024	9-Dec-2024	30-Dec-2024	10-Dec-2024	YES	Griffin
208-24	London	1718 Blackwater Road and 115 Grenfell Crescent	Routine	Utility Corridor	New Duct for Electrical Distribution System to be Installed by Directional Drilling	27-Nov-2024	10-Dec-2024	24-Dec-2024	10-Dec-2024	YES	Schnaithmann
167-24	London	852 Commissioners Road East	Major	Complex	Realignment of Dayus Creek and construction of apartment building, parking and SWM facility	10-Sep-2024	25-Nov-2024	23-Dec-2024	11-Dec-2024	YES	Funk
205-24	London	58 Wilson Ave	Minor	Development	Addition and Interior Renovations	22-Nov-2024	29-Nov-2024	20-Dec-2024	12-Dec-2024	YES	Funk
213-24	London	1424 Clarke Road	Routine	Development	Safety Boom at Fanshawe Dam	3-Dec-2024	3-Dec-2024	17-Dec-2024	12-Dec-2024	YES	Funk
209-04	London	38 Albion Street	Major	Development	Interior Renovations and Addition	29-Nov-2024	9-Dec-2024	6-Jan-2025	17-Dec-2024	YES	Funk
207-24	London	Adelaide Street North at North Thames River	Routine	Development	Bridge Rehabilitation and Pathway Construction	14-Nov-2024	13-Dec-2024	27-Dec-2024	19-Dec-2024	YES	Funk
217-24	London	415 Platt's Lane (aka 401 to 426 Platt's Lane)	Major	Development	New student residence	9-Dec-2024	19-Dec-2024	16-Jan-2025	19-Dec-2024	YES	Funk

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Timelines	Staff
215-24	London	56 Weston Street	Major	Development	Proposed single family dwelling	27-Oct-2024	19-Dec-2024	16-Jan-2025	20-Dec-2024	YES	Funk
216-24	London	58 Weston Street	Major	Development	Proposed single family dwelling	27-Oct-2024	19-Dec-2024	16-Jan-2025	20-Dec-2024	YES	Funk

To: UTRCA Board of Directors
From: Teresa Hollingsworth
Date: January 21, 2025
File Number: BoD-01-25-07
Agenda #: 8.2
Subject: Funding Applications Update

Recommendation

THAT the Board of Directors receives the report for information.

Funding Proposal Log – January, 2025

Approved

Funder / Submission to:	By / From Unit(s):	Purpose of the funding	Funding Received
Canada Water Agency Great Lakes Freshwater Ecosystem Initiative	Integrated Watershed Management	Lake Erie Precision Conservation Projects Max amount for any one project \$5 mil/year for 4 years Prevent Toxic and Nuisance Algae	\$2.41 M in 24/25 \$5 M/year 2025-2028
Canada Water Agency Great Lakes Freshwater Ecosystem Initiative Innovation Stream	Integrated Watershed Management	Funding to support innovative projects in the watershed that demonstrate the effectiveness of BMPs and knowledge gaps in research relating to phosphorus reduction efforts in the watershed	\$100,000 in 24/25 \$250,000 in each of years 2 to 4
Canada Nature Fund Aquatic Species at Risk	Integrated Watershed Management	Creating, monitoring, restoring, and enhancing habitat for aquatic SARA-listed or at-risk COSEWIC-assessed species of the Upper Thames.	Yr 1 2023/24: \$96,700 Yr 2 2024/25: \$89,500 Yr 3: \$138, 500 Total \$324,700
Environment and Climate Change Canada CNF (SAR turtle and snake)	Integrated Watershed Management	Increase SAR turtle and snake numbers, work toward population viability into the future, and to positively impact a large number of SAR reptiles through habitat restoration	Yr 1 2024/25: \$55,000 Yr 2 2025/26: \$42,000 Total \$97,000
Fisheries and	Integrated	Update and increase knowledge of	Yr 1 2022/23:

Funder / Submission to:	By / From Unit(s):	Purpose of the funding	Funding Received
Oceans Canada Habitat Stewardship Program (Black Redhorse)	Watershed Management	locations of Black redhorse in UTRCA watershed and work with landowners to reduce sediment / nutrient inputs to targeted watercourses	\$15,838 YR 2 2023/24: \$69,537 Yr 3: \$69,430 Total:\$154,805
EcoAction Community Funding Program	Community Partnerships	Oxford County Riparian Enhancement Project – Riparian tree planting, wetland building, pollinator habitat, erosion control	\$85,100 over 2+ years 2024 - 2026
EcoAction Community Funding Program	Community Partnerships	Medway & Dorchester Watershed Enhancement – Riparian tree planting, live staking, cribwall construction, aquatic planting	\$70,530 over 2+ years 2024- 2026
Ministry of Environment, Conservation and Parks (MECP)	Integrated Watershed Management	Shared Waters – Steering and First Nations Committee support, public consultation	\$255,000 2024 to Feb 2026
MECP	Community Partnerships	Installation of three Low Impact Development (LID) projects and hosting professional development opportunities	\$225,000 2024 to Feb 2026
MECP	Community Partnerships	Restoration, education and awareness projects in the Stoney, Dorchester, Cedar, Middle Thames and Medway Subwatersheds.	\$50,000 in each of 2024 and 2025 \$100,000
MECP	Community Partnerships	Great Lakes Student Summit in cooperation with Lake Erie Basin CAs.	\$75,000 over 2025/2026
Ontario Ministry of Agriculture Food and Agribusiness	Integrated Watershed Management	Agriculture based projects – cover crops, soil health promotion, demonstration farm, water recycling project, natural infrastructure	\$219,500 2024-2025
City of London Community Grant UTRCA as a partner with Thames Talbot Land Trust (TTLT)	Community Partnerships Submitted by TTLT	One large Community events per year for 4 years; 1 to focus on climate change resiliency (Fanshawe CA), 1 to focus on biodiversity (Fanshawe CA), 1 to support the water festival public night (Fanshawe CA) and 1 event to be held at the Forks in London -1 small community event / year in conjunction with Friends of Stoney Creek	\$13,500/event/year in London from 2024 - 2027 \$1,250/year for Stoney community day/year \$1000/year for Stream of Dreams Program

Funder / Submission to:	By / From Unit(s):	Purpose of the funding	Funding Received
		-Stream of Dreams programming	
City of London Community Grant UTRCA as a partner with Museum of Archeology (MoA)	Applications submitted by MoA	Events at MoA/Medway Creek, hikes led by Friends of Medway and UTRCA guest speakers at events	\$925/ year over 4 years 2024- 2027
Woodstock Environmental Advisory Committee	Community Partnerships	Oxford Children's Water Festival and Brick Ponds Education Program	\$6,500
TD Friends of the Environment Foundation	Community Partnerships	Oxford Children's Water Festival Support	\$6,550
Huron Stewardship Council via TD FEF	Integrated Watershed Management	Queensnake eDNA work in various watersheds	\$3,750
London Community Foundation	Integrated Watershed Management	Increase SAR turtle and snake numbers, work toward population viability into the future, and to positively impact a large number of SAR reptiles through habitat restoration	\$2,000
Oxford County Community Foundation	Community Partnerships	ISAN Oxford's ReconciliACTION speaker series	\$2,000
Stratford Perth Community Foundation	Community Partnerships	Programming for 2025 Perth Children's Water Festival	\$4,500
Shad Foundation	Integrated Watershed Management	Increase SAR turtle and snake numbers, work toward population viability into the future, and to positively impact a large number of SAR reptiles through habitat restoration	\$5,000
Priority Place Funding	Integrated Watershed Management	Reptile based Species At Risk funding	\$97,000 over 2 years \$55,000 in 24, \$42,000 in 25
Gunns Hill Limited Partnership	Community Partnerships	Trail surface improvements and drainage at Hodge's Trail at Cedar Creek	\$20,000

In Progress

Funder / Submission to:	By / From Unit(s):	1.) Ask 2.) Timeframe for use of the money/Project Timeline 3.) conditions (e.g., 50/50)	Funding Applied for:
Flood Hazard Identification and Mapping Program	Environmental Planning and Regulations	Flood Hazard Mapping Consultation Support	\$363,840 2024 - 2027
Natural Sciences and Engineering Research Council Promo Science	Community Education and Partnerships	Year 1 - \$169,270, Year 2 - \$140,700, Year 3 - \$133,900 Three years, beginning in January 2025	\$307,000 over 3 years 2025, 2026, 2027
Enbridge	Community Partnerships	Additional funding for live staking and tree planting events	TBD
Ontario Soil and Crop Improvement Association	Integrated Watershed Management	Edge of field monitoring of best management practices impact on water quality and quantity	\$90,000/year 2024 - 2028
ECCC Great Lakes Freshwater Ecosystem Initiative Great Lakes Community Science	Community Partnerships Unit	Support Public Engagement through Community- based science Development of a volunteer program and 3 community science programs	TBD
Habitat Stewardship Program for Species at Risk	Integrated Watershed Management	Increase SAR turtle and snake numbers, work toward population viability into the future, and to positively impact a large number of SAR reptiles through habitat restoration	TBD
Ontario Wildlife Foundation	Integrated Watershed Management	Increase SAR turtle and snake numbers, work toward population viability into the future, and to positively impact a large number of SAR reptiles through habitat restoration	\$15,000
Nature London	Integrated Watershed Management/ Community Partnerships / Lands Unit	Potential partnership projects	\$5,000 / yr
Conservation Ontario	Integrated Watershed Management	Identify natural areas to restore, protect and enhance for climate change mitigation and adaptation	Up to \$100,000 over 2 years

Funder / Submission to:	By / From Unit(s):	1.) Ask 2.) Timeframe for use of the money/Project Timeline 3.) conditions (e.g., 50/50)	Funding Applied for:
		based on TRCA modelling	
Fisheries and Oceans Canada Habitat Stewardship Program (Black Redhorse)	Integrated Watershed Management	Mitigate threats to Black Redhorse by implementing stewardship projects that will improve water quality and habitat quality within the UTRCA. Further surveys within the current and historical distribution of the Black Redhorse will help to refine species distribution so that stewardship projects can be targeted.	\$242,500 over 3 years, starting in 2025 - 2026
TD Friends of the Environment Foundation	Community Partnerships	TD Tree Days - tree planting events in Mitchell, St Marys, Woodstock	Approx. \$4,000 for each of 3 events
TD Friends of the Environment Foundation	Community Partnerships	Dorchester Subwatershed Event and Tree ID signs, cribwall, aquatic planting support	\$2,100

Declined

Funder / Submission to:	By / From Unit(s):	1.) Ask 2.) Timeframe for use of the money/Project Timeline 3.) conditions (e.g., 50/50)	Funding Declined:
Federal Economic Development Agency for Southern Ontario	Lands and Facilities	Consultant to provide expertise in providing outdoor recreational activities and to extend the operating season of Fanshawe Conservation Area	\$200,000
Transportation and Fuels Decarbonization Programs	Lands Department	To subsidize the installation of EV chargers for the public at the WCC and for UTRCA fleet	\$55,000

Recommended by:

Teresa Hollingsworth, Manager, Community & Corporate Services

To: UTRCA Board of Directors
From: Tracy Annett
Date: January 28, 2025
File Number: BoD-01-25-08
Agenda #: 8.3
Subject: Project Status Updates

Recommendation

THAT the Board of Directors receive the report for information.

Background

To assist the Board with previously discussed items the following status updates are provided. This report is updated and included at each meeting to identify project timelines and expected future reports.

Discussion

The table below provides progress and timelines associated with UTRCA projects and the strategies required to fulfil the requirements of O.Reg 686/21, Mandatory Programs and Services Regulation. Many of the items provided below that were directed by legislative changes, are now marked completed. Additional implementation and updated regulations that impact our projects / policy direction (e.g., Section 28 regulations under the Conservation Authorities Act (CAA) will continue to be included on the project status updates. Managers are refining their workplans that will guide implementation and reflect the 2025 budget, once approved.

Report Back Items	Planned report or update	Project lead(s)	Status
2024 Draft Budget and discussion items (October 2023 meeting Draft Budget provided)	January, provide update on Municipal Feedback February AGM – 2024 Budget Consideration	Teresa Brad Christine Tracy	Complete – Municipal Communications Complete - Status of contract discussions with Environment and Climate Change Canada Provided updated numbers in October for the proposed Category 1 deficit and the proposed category 3 levy / cost apportionment. Complete – Communications plan
WCC Building Update	January Will be marked complete in	Brent & Mike	Complete - Board Request. To provide an overview of the building now that we have used the space for 10 years, building performance.

Report Back Items	Planned report or update	Project lead(s)	Status
	next report		
Review of S28 Violations	February Will be marked complete in next report	Jenna	Complete - Review of the 2023 violations at the February 2024 Board of Directors meeting
UTRCA Cash Management & Investment Policy	August - complete	Christine and Tracy	Complete – Report to F&A Committee in June, and report to the Board to follow at the August meeting.
Strategic Plan, (June, October, November and December 2024)	November and to be reviewed in December	Tracy Teresa	Phase 1 complete - Consultant engaged. Finalized Vision, Mission and Values to align with Watershed Strategy. Phase 2 – underway and ongoing
Hydro Plant (April 2024, October report to BOD)	In 2025, Next Phase	Chris and Brent	In Progress - Consultant to be engaged to determine potential issues and estimates to resolve the issues. Staff change has delayed the RFP process. Update to be provided in next phases
Reserves Policy (April 2024 and May 2024 report to F&A in September)	Complete	Tracy Christine	Complete - Report to F&A – After the 2023 Audit the policy will be shared with the Finance and Audit committee for further discussion at the May meeting. Following F&A discussion, staff directed to prepare the Reserves Policy and Report approved in October.
Cyber Security	October – Postponed to March	Tracy Christine Chris	In Progress Report to F&A – Staff to prepare a report on the current state of cyber security for the organization and any recommendations to improve to be presented to the Finance and Audit Committee at the April meeting, in-camera. Directed staff for future updates. Report to the Board to follow.
Children’s Safety Village (June 2023, February 2024)	October - Postponed to March	Teresa & Brent	Overdue – Internal Discussions on-going, business plan for use as education / visitors centre and campground registration. Update to be provided to BOD in the fall.
Retention Policy	August – Postponed to March	Tracy & Michelle	Overdue – updated retention policy to be prepared based on a collaborative CA draft. The CA draft has been legally reviewed. Aligning retention policies with integration of Microsoft 365 (file structure, naming conventions, etc.)

Report Back Items	Planned report or update	Project lead(s)	Status
			Currently migrating from GroupWise to Outlook and Microsoft 365.
Wetland Compensation Policy (March 2023 meeting and August 2023)	Postponed aligning with Section 28 Policies as outlined below	Jenna and Sarah	In progress - Draft Wetland Compensation Policies initiated. Changes to the CAA and CA roles in commenting on natural heritage features have required further examination. Discussion Paper presented to the Board in December regarding wetland management with interim measures approved in advance of policy finalization.
Section 28 Regulation Policies and Mapping (March 2024, September 2024)	March 2025	Jenna	<p>In Progress - Release of new Regulations on Friday February 16th, effective April 1, 2024.</p> <p>May Meeting included Technical Checklists and S28 Compliance Procedures</p> <p>Staff will continue to: develop policies and procedures, and undertake consultation with municipalities, partners, and development groups., etc.</p> <p>In Progress - Hazard Mapping Consultation – Report at September Meeting and Presentation in October</p> <p>October – Administrative Review Policy and report back in November</p> <p>December - Environmental Policy Manual Updates and Interim Response Mechanisms: Discussion Papers</p> <ol style="list-style-type: none"> 1) Overview and Discussion 2) Wetland Management Policies <p>(Administrative Review Report in no later than March 31, 2025)</p>
Land Tenant Program Update (March 2022 meeting, November 2023, March 2024, August 2024, October 2024, November 2024)	As required	Brent	In Progress – Ongoing status of land tenant program, in-camera. Report provided. Update provided in October. Verbal in-camera update in November. Future update as required
Land Options	Q1 - 2025	Brent & Tracy	In progress - As requested at the October meeting, report back in the first quarter of 2025 with a report on options for

Report Back Items	Planned report or update	Project lead(s)	Status
			parcels identified in closed session.
Advocacy for Fee Freeze to be lifted (September, 2024)	Complete	Tracy & Brian	Complete – Letter circulated to Municipalities. Discussion with Minister Smith suggested that he wanted data to support. Brian to lead Municipal support request. Tracy to explore other data options with CA's, particularly those in High growth areas. Final letter sent to Minister and provided as Correspondence at October meeting
Draft 2025 Budget & Communications Plan (Preliminary Draft – August and F&A review in September)	Completed	Tracy, Teresa, and Christine	Completed – Circulate budget communications to F&A committee for feedback in July, to finalize materials to include at August Meeting (was based on advocacy required to support for City of London business case. Now preliminary budget shown are within City of London multi-year budget amounts). Summary Communications to be distributed at October meeting

Legislative Requirements	Planned report or update	Project lead(s)	Status
Land Management Strategy (February 2024, May, 2024)	October	Brent Brandon Cathy	Completed – To be completed by December 31, 2024 Inventory and acquisition and disposition policy are linked to this initiative. To be completed December 31, 202 Final Document provided in October
Land Inventory (August 2023, February 2024 and September)	October	Brandon, Phil, Cathy & Brent	Completed – Inventory update was provided in August. To be included with Lands Strategy and a legislative requirement. To be completed December 31, 202 The Lands Inventory will inform the Lands Strategy and acquisition and disposition strategy. Final Inventory provided in October
Land Acquisition and Disposition Strategy (February 2024 and September, 2024)	October	Brent & Brandon	Completed - Complements the Lands Strategy and Land Inventory. To be completed December 31, 2024. Final Document provided in October
Operations Plans	November	Chris	Complete - Compiling background

Legislative Requirements	Planned report or update	Project lead(s)	Status
and Ice Management Plan (November 2023 meeting, September)			information. To be completed December 31, 2024 Final Documents to be provided in November
Watershed-Based Resource Management Strategy (September 2023, February 2024, June and December 2024)	December	Tara	Completed – Complements the Strategic Plan. To be completed December 31, 2024. To Align with UTRCA Strategic Plan Item included in June Agenda, final report provided in December
Asset Management Plans related to natural hazard infrastructure (September, 2024)	December	Chris	Completed – One component of overall group of assets within the UTRCA’s Asset Management Plan. To be completed December 31, 2024. Final Document provided in December
UTRCA Asset Management Plan (January 2024 Policy approved, and September Update)	January 2025	Brent & Christine	In progress - May breakdown into Groups of Assets e.g., Natural Hazard Infrastructure, Fleet, Facilities etc. Regular progress reports to support the above Group of Assets as our first priority. (as below)

Definitions

Progress	Timeline
Not started	indicate project initiation date
In progress	anticipate completion date
Complete	date completed
Overdue	expected completion date and reasons for the delay
On Hold	other circumstances

Summary

The summary provided is intended to help track items requesting report updates to the Board and project updates to meet our legislative requirements. The number of projects undertaken in 2024 was significant. The 2025 projects update will be updated, items completed will be cleared, following the AGM. It is noted that items may be shifted to accommodate the number of agenda items and board meeting schedules.

Recommended by:

Tracy Annett, General Manager

To: UTRCA Board of Directors
From: Tracy Annett, General Manager
Date: January 28, 2025
File Number: BoD-01-25-09
Agenda #: 8.4
Subject: 2025 Draft Budget Municipal Feedback

Recommendation

That the Board of Directors receives the report for information.

Background

The UTRCA 2025 Draft Budget was circulated to member municipalities for comment on November 18, 2024. An invitation was included with the circulation offering for staff to attend individual council meetings with a presentation and/or to answer budget questions. This report provides a summary of municipal input received to date. The Board is asked to review these comments in detail as preparation for final budget approval at February's Annual General Meeting (AGM). Additional comments are expected between now and February's AGM. They will be shared as part of the February Board agenda. Staff have provided council presentations to the following Municipalities:

Town of St. Marys – Budget Committee November 19th
City of Stratford – Finance and Labour Relations Committee November 28th
Township of South Huron – December 16th
Municipality of Thames Centre - January 13th
Township of Perth South – January 14th

A general summary of the feedback is provided below:

Town of St. Marys:

Attended by: Tracy Annett

- A question was asked if the budget will be updated once expenditures are known. The General Manager responded by explaining this is the draft and further refinements will continue prior to consideration at the February AGM
- A councillor recognized that the majority of the increases in expenditures were related to capital projects in the Town.
- Mayor Strathdee feels that the City of London is the largest polluter in the watershed, and that the Authority is not putting enough pressure on the City to improve water quality. The general manager noted that the City has been making progress to improve infrastructure to reduce by-passes at pollution

control plants. It was noted that it takes time to undertake the necessary improvements and the Ministry sets the requirements. The General Manager offered to take this concern back to our Board.

City of Stratford:

Attended by Tracy Annett

- A councillor commented about the improved water quality while the gates were removed during COVID. They wondered if the opportunity to remove permanently was considered. The General Manager explained that a decommissioning of the structure would have to be considered through an Environmental assessment (EA). Staff at the City had confirmed preliminary discussions had highlighted the need for an EA, no further advancement at this time.

South Huron

Attended by: Jim Craigmile and Tracy Annett

- A clarification question was asked regarding one of the pie charts as the totals included municipal contributions, if the township contributed to the Category 3 programs and services.

Thames Centre

Attended by: Tracy Annett

- A Councillor asked how we have mitigated capital costs, highlighted the challenges
- Provided clarification on what is included in administrative costs and what is included. It was explained our allocation system to distribute costs to the programs and services they support.
- A question regarding the actions that reduce phosphorus.
- Councillor Heeman highlighted the work the UTRCA has undertaken at Dorchester CA and the Mill Pond that has benefitted Thames Centre. Appreciation for the work the UTRCA does with the significant rain events and partnership for tree planting. Councillor Heeman highlighted the fees freeze is one of the drivers with respect to the levy.
- The mayor asked if the Conservation Authorities petition the government for additional funding support. It was recognized that continued advocacy is needed for both CA transfer payment and to support the Water and Erosion Control Infrastructure Program. It was noted by the General Manager that the WECl program remains \$5 million for the province, with aging infrastructure the amount does not go far.

Perth South:

Attended by: Tracy Annett and Jim Craigmile

- A councillor asked about the future of Glengowan lands and whether or not the UTRCA was considering selling land as a means of generating needed revenue. The general manager explained that the UTRCA has now completed the required

Lands Management Strategy, Lands Inventory and Acquisition and Disposition Policies to guide if suitable lands are available. A report is being prepared by staff to identify lands that not longer meet our goals for the Board's consideration in the first quarter of 2025.

- A councillor asked if the Federal Funding Program required us to hire two additional staff. It was clarified that the Federal program completely covered the cost of the additional staff needed to support program delivery while also contributing to reducing our overheads.
- A number of questions were asked regarding the UTRCA Phosphorus Reduction Program, the general manager offered Tatianna Lozier to provide a presentation to council at an upcoming meeting.
- The Deputy Mayor felt that London has all the say. It was explained that decisions were made by the Board, the city has 50% of the budget vote.
- A councillor explained that the concern was that there has been regular increases over the past 5 years. The General Manager recognized the concern and explained that our costs have risen. Requirements by the Province for legislated timelines require more staff resources as well general operation and maintenance of aging infrastructure have seen dramatic cost increases over the past few years, similar to what municipalities have experienced.
- A member asked if other efficiencies were explored. The General Manager provided several examples including the Planning and Regulation Program Streamlining review, as well as our partnerships for purchasing groups, CO insurance program and participation with the WSIB H&S excellence program to reduce costs.
- Jim Craigmile further explained that the Board had these same concerns and the option to sell land has been discussed, but there remains uncertainty as to where the funds will be directed by the province. A Councillor thought the funds should go back to the province however Jim was quick to disagree, clarifying the \$8 million in costs for mandatory programs while the province only supports approximately \$180,000 annually. The Board supports not having a negative budget. He also explained the significant lost revenues due to the freeze on fees.
- The mayor appreciated the answers provided and asked if Tatianna could return to Council to discuss the Phosphorus Reduction Project and how we are working with Perth County on invasive species control.

Additional presentations will be scheduled upon request.

Summary:

The presentations to councils highlighted that the increase was needed to balance the budget for mandatory programs and services. Municipalities that have special benefitting structures may see additional costs if capital projects are proposed. The Flood and Erosion Control Asset management plan provides a forecast of projects, while projects proposed for the large dams are predominantly from recommendations of Dam Safety Review studies. Additional staffing is fully funded to deliver the phosphorus reduction program. The budget includes the required GIS software upgrades.

If your member municipality wishes to receive a presentation on the UTRCA's Draft 2025 Budget, please contact the General Manager to arrange.

Prepared by:

Tracy Annett, General Manager