



LOWER TRENT CONSERVATION

714 Murray Street, R.R. 1, Trenton, Ontario K8V 5P4

■ Tel: 613-394-4829 ■ Fax: 613-394-5226 ■ Website: www.ltc.on.ca ■ Email: information@ltc.on.ca

Registered Charitable Organization No. 107646598RR0001

NOTICE OF ANNUAL GENERAL MEETING OF THE LOWER TRENT CONSERVATION BOARD OF DIRECTORS

Board of Directors refers to the General Membership as set out in the Lower Trent Conservation Administrative By-Law No. 2021-01

Administration Office, 714 Murray Street, Trenton
Virtually [Join Meeting HERE](#)
Thursday, February 10, 2022
Time: 6:30 p.m.

AGENDA

1. Meeting called to order by the Chair
2. First Nations Acknowledgement
3. Disclosure of pecuniary interests

4. Approval of the Agenda

RECOMMENDED:

THAT the agenda be approved as presented.

5. Delegations

There are no requests for delegations received for this meeting.

6. Public Input (3 minutes per speaker)

7. Adoption of the Minutes:

- a. Board Meeting Minutes of December 9, 2021

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RECOMMENDED:

THAT the Regular Board Meeting Minutes of December 9, 2021 be adopted.

8. Business arising from these minutes

STANDING ITEMS

9. Correspondence – Rhonda Bateman, CAO/Secretary-Treasurer

[Page # 14](#)

- a. Conservation Ontario – Dec. 13, 2021 Response Letter to LTC Chair Re: *Provincial Funding*

- b. Environment and Climate Change Canada – Jan. 20, 2022 Letter to Bay of Quinte Restoration Council Re: *Status of the Degradation of Aesthetics Beneficial Use Impairment – Bay of Quinte Area of Concern.*

RECOMMENDED:

THAT the correspondence to the Board as provided in the agenda package be received as information.

- 10. Section 28, Ontario Regulation 163/06, Development Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation - Summary of Permits approved by staff for period from December 1, 2021 to January 31, 2022** – Janet Noyes, Manager, Development Services & Water Resources [Page # 17](#)

RECOMMENDED:

THAT the summary of Section 28 Permits pursuant to Ontario Regulation 163/06 approved by staff for the period from December 1, 2021 to January 31, 2022 be received as information.

- 11. List of Monthly Payments Issued** – Kelly Vandette, Manager, Corporate Services [Page # 20](#)

RECOMMENDED:

THAT the list of payments of cheques and electronic funds transfers (EFTs) in the total amount of \$254,961.43 for the months of December 2021 and January 2022 be received as information.

- 12. Summary of Education and Outreach Activities** – Rhonda Bateman [Page # 24](#)

RECOMMENDED:

THAT the summary of Recent and Upcoming Education & Outreach Activities be received as information.

13. Updates

- a. Drinking Water Source Protection Update – Rhonda Bateman
- b. Bay of Quinte Remedial Action Plan Update – Rhonda Bateman
 - i. BQRAP Newsletters for December 2021 and January 2022 [Page # 27](#)

RECOMMENDED:

THAT the Drinking Water Source Protection Update and the Bay of Quinte Remedial Action Plan Update be received as information.

- c. Planning and Regulations Update – Janet Noyes

RECOMMENDED:

THAT the planning and regulations updates be received as information.

- d. Flood Forecasting and Warning (FFW) and Ontario Low Water Response (OLWR) Update – Janet Noyes

RECOMMENDED:

THAT the flood forecasting and warning, and Ontario low water response updates be received as information.

14. Summary of Risk Management Official Activity Pursuant to Part IV of the *Clean Water Act* - Period from October 1, 2021 to December 31, 2021 – Rhonda Bateman [Page # 31](#)

RECOMMENDED:

THAT the Summary of Risk Management Official Activity pursuant to Part IV of the *Clean Water Act* for the period October 1, 2021 to December 31, 2021 be received as information.

15. Conservation Lands Update - Period from September 25, 2021 to December 31, 2021 – Rhonda Bateman [Page # 34](#)

RECOMMENDED:

THAT the Conservation Lands Update for the period September 25, 2021 to December 31, 2021 be received as information.

2021 BUSINESS

16. Annual Permit Reports – Janet Noyes [Page # 36](#)

RECOMMENDED:

THAT the Staff Report including the statistical reports provided to Conservation Ontario be received as information.

17. Audit Report to the Board for Year Ending December 31, 2021 – Dan Coleman, Welch LLP

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RECOMMENDED:

THAT the Audit Report to the Board, including the Draft Lower Trent Conservation Financial Statements for the period ended December 31, 2021 as prepared and presented by Welch LLP, Chartered Professional Accountants be adopted and circulated.

18. Members Inquiries/Other Business for 2021

19. Close 2021 Business Year

RECOMMENDED:

THAT the Lower Trent Conservation 2021 Business Year be closed.

2022 BUSINESS

20. 2022 Board of Directors Elections – Rhonda Bateman

- a. Appointment of Scrutineers.
- b. Election of the Lower Trent Conservation Chair.
- c. Election of the Lower Trent Conservation Vice-Chair.

21. 2022 Annual Resolutions – Rhonda Bateman

- a. Authority Solicitor
- b. External Auditor
- c. Financial Institute

- d. Signing Officers
- e. Conservation Ontario Representative and Alternatives
- f. Borrowing

RECOMMENDED:

THAT the law firm of Templeman LLP from the City of Belleville be engaged as solicitor for Lower Trent Conservation for the 2022 business year;

THAT the firm of WELCH LLP be engaged as external auditor by Lower Trent Conservation for the 2022 business year at a cost of \$11,000.00 plus HST;

THAT the Canadian Imperial Bank of Commerce in Trenton serve as Lower Trent Conservation's financial institute;

THAT the Authority Chair, Vice Chair, Chief Administrative Officer/Secretary Treasurer, and Manager, Corporate Services be appointed as the signing officers for Lower Trent Conservation for the 2022 business year; and

THAT the Lower Trent Conservation Chair be appointed as the Conservation Ontario representative, and that the Vice-Chair and Chief Administrative Officer/Secretary Treasurer be appointed as the Conservation Ontario Alternate Representatives for 2022.

THAT the Lower Trent Region Conservation Authority authorize staff to borrow from the approved financial institution, if needed, up to \$500,000, in accordance with Section B.12, Signing Officers, and C.12.e, Annual Meeting, Borrowing Resolution, of By-law No. 2021-01 (Administrative By-law) and Section 3 (5) of The Conservation Authorities Act.

OTHER BUSINESS

22. Staff Report - Warkworth Dam – WECI Application 2022– Janet Noyes

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RECOMMENDED:

THAT the Board supports staff moving forward to access available funds from the Water and Erosion Control Infrastructure (WECI) program through the Ministry of Northern Development, Mines, Natural Resources and Forestry for required work for Warkworth Dam.

23. Proposed Updates to LTC Regulation 163/06 Policy Document – Janet Noyes

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RECOMMENDED:

THAT the proposed revisions and updates to the LTC Regulation 163/06 Policy Document, dated February 10, 2022 be adopted.

24. Program and Service Inventory – Rhonda Bateman

[Page # 324](#)

RECOMMENDED:

THAT the Draft Program and Services Inventory be approved, and further that the final version be distributed to our municipal partners and the Ministry of the Environment, Conservation and Parks prior to February 28, 2022.

25. Phase 2 Regulatory and Policy Proposal Consultation Guide: Regulations regarding Municipal Levies, Conservation Authority Budget Process, Transparency and Provincial Policy for the Charging of Fees by Conservation Authorities (ERO#019-4610) – Rhonda Bateman [Page # 337](#)

RECOMMENDED:

THAT the staff report on the Phase 2 Regulatory and Policy Proposal Consultation Guide and recommendations be accepted as information.

26. CAO's Report – Rhonda Bateman [Page # 362](#)

RECOMMENDED:

THAT the CAO's Report be received as information.

27. Members Inquiries/Other Business

28. Adjournment



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BOARD OF DIRECTORS

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REGULAR BOARD MEETING MINUTES

MEETING # 2021-11

DATE: December 9, 2021
TIME: 6:27 p.m.
LOCATION: Administration Office, 714 Murray Street, Trenton / Virtually
PRESENT:

ON SITE	REMOTE SITE (R)
Mary Tadman (Vice-Chair)	Lynda Reid
Don Clark	Bob Mullin
Eric Sandford (Chair)	Rick English
Jim Alyea	
Gene Brahaney	

ABSENT/REGRETS: Mike Filip, Mark Bateman

STAFF: Rhonda Bateman, Janet Noyes, Kelly Vandette

1. Meeting called to order by the Chair

The meeting was called to order by Chair Sandford at 6:27 p.m. Chair Sandford announced that Director Bateman has taken ill. The Board is thinking of Mark and wishes him a swift recovery.

2. First Nation Acknowledgement by the Chair

"This land is located on the traditional territories of the Anishnabek, Huron-Wendat, and Haudenosaunee (Iroquois) peoples. We acknowledge our shared responsibilities and obligations to preserve and protect the land, air and water. We are grateful to have the privilege to meet, explore, and connect here on these shared lands. In the spirit of friendship, peace and respect, we extend our thanks to all the generations that came before us and cared for these lands - for time immemorial."

3. Disclosure of pecuniary interests

There were no pecuniary interests disclosed at this meeting.

4. Approval of the Agenda

RES: G155/21

Moved by: Mary Tadman

Seconded by: Lynda Reid

THAT the agenda add the items to Other Business and be approved as presented and amended.

Carried

5. Delegations

There were no delegations received for this meeting.

6. Public Input (3 minutes per speaker)

There was no Public Input or participation at this meeting.

7. Adoption of the Minutes:

RES: G156/21

Moved by: Don Clark

Seconded by: Gene Brahaney

THAT the Regular Board Meeting Minutes of November 11, 2021; and THAT the RP-21-049, RP-21-271, and RP-21-316 Hearing Board Meeting Regular and In-Camera Session Minutes of November 11, 2021 be adopted.

Carried

8. Business arising from these minutes

a. Meeting with Conservation Ontario Chair Andy Mitchell

Chair Sandford, Director Alyea and CAO Bateman met with the Conservation Ontario Chair Andy Mitchell and CAO Kim Gavine to discuss the matter of provincial funding.

Director Alyea provided a summary of the discussion and noted that the smaller conservation authorities were impacted by the cut in funds to a greater degree than the larger CAs. He highlighted that the shortfall of funding to support staff time and legal fees for costs incurred for regulatory compliance. There is hope that the Province will reconsider returning the funds that were cut. It appears there would be support from municipalities and Conservation Ontario (CO) to continue advocating. Rhonda Bateman shared that CO will be providing a strategy document prior to the next election to assist in lobbying candidates.

Director Brahaney shared that the Premiere announced additional funding to Trent Hills for infrastructure, bridges and roads. Other members also shared that other municipalities have been contacted by the Province with similar additional funding for infrastructure.

RES: G157/21

Moved by: Lynda Reid

Seconded by: Rick English

THAT the verbal summary regarding the meeting with CO Chair Andy Mitchell be received as information.

Carried

STANDING ITEMS**9. Correspondence**

- a. 2021-11-16 Letter from Stirling-Rawdon – Support
Rhonda Bateman, CAO/Secretary-Treasurer spoke to the letter received from Stirling-Rawdon with a resolution of support for the letter from the Chair to Conservation Ontario for Provincial funding. In addition, she announced that the Municipality of Brighton passed a similar resolution.
- b. 2021-11-30 Letter from Welch LLP – 2021 Year End Audit Approach

RES: G158/21

Moved by: Don Clark

Seconded by: Bob Mullin

THAT the correspondence be received as information.

Carried**10. Section 28, Ontario Regulation 163/06, Development Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation - Summary of Permits approved by staff for period from November 1, 2021 to November 30, 2021**RES: G159/21

Moved by: Mary Tadman

Seconded by: Gene Brahaney

THAT the summary of Section 28 Permits pursuant to Ontario Regulation 163/06 approved by staff for the period from November 1, 2021 to November 30, 2021 be received as information.

Carried**11. List of Monthly Payments Issued**RES: G160/21

Moved by: Jim Alyea

Seconded by: Lynda Reid

THAT the list of payments of cheques and electronic funds transfers (EFTs) in the total amount of \$51,061.02 for the month of November 2021 be received as information.

Carried**12. Summary of Education and Outreach Activities**RES: G161/21

Moved by: Lynda Reid

Seconded by: Rick English

THAT the summary of Recent and Upcoming Education and Outreach Activities be received as information.

Carried**13. Updates****a. Drinking Water Source Protection Update**

Rhonda Bateman shared that the new Technical Rules have been released. Staff are determining the effects of the new rules on the existing Assessment Reports and Source protection plans. There will be work required to update both the Assessment Reports and the Plans. Some of the policy work has been completed in anticipation of the rule changes. Keith Taylor, Program Coordinator, has been proactive on many of these requirements.

The MECP has forwarded the budgeting and workplan for the next fiscal and for the first time has requested a two-year budget forecast. That is a sign of commitment from the province and one we have been asking for quite some time. Keith is calculating the expenses and the workplan submission for early January.

b. Bay of Quinte Remedial Action Plan Update

Rhonda Bateman highlighted the November 2021 BQRAP Newsletter as provided in the agenda package. She further shared that the call for proposals from the federal government for BQRAP funding have been released and staff are working on drafts to submit to continue annual funding for the program.

Director Alyea asked if there was any word regarding BQRAP additional projects initiated as he had heard in the local news of work being done through Quinte Conservation.

Rhonda Bateman responded that there were projects announced by the federal government that were granted to Quinte Conservation including stormwater management implementation which directly feeds into LTC's phosphorous management strategy.

RES: G162/21

Moved by: Jim Alyea

Seconded by: Bob Mullin

THAT the Drinking Water Source Protection Update; and

THAT the Bay of Quinte Remedial Action Plan Update be received as information.

Carried

c. Planning and Regulations Update

Janet Noyes, Manager, Development Services and Water Resources provided the following update:

- The planning and permit numbers continue to increase and exceed the all previous years' statistics to date:
 - 254 planning reviews
 - 368 permit applications
 - 782 new inquiries on properties not previously investigated
 - 61 complaint files received
 - 42 enforcement files
- Staff are working on updating the Regulations Manual for permitting and will bring proposed edits to the Board. LTC is still waiting on changes in the Regulations. Janet Noyes invited interested Board members to participate in a subcommittee for the update to the LTC Regulations Manual.
- Quinte Conservation is undertaking a Lake Ontario/Bay of Quinte Shoreline Study which includes Prince Edward County. Cataraqui CA is collaborating as well. Public input from Quinte West residents are asking why they are not being involved in the LTC area of shoreline. She further explained the NDMP funding model and the expectation of a 50% municipal contribution. A quote of approximately \$30 to \$35K for modelling and mapping along the shoreline has been received and if the opportunity to expand the study along

Quinte West is requested, she will apply to NDMP for funding and reach out to Quinte West to share in the costs of the project.

- Status of current enforcement and legal cases:
 - A civil suit against LTC is in progress in regard to a permit for stream alterations
 - Archer case – no dates set for trial or resolution discussions; however, LTC and lawyer are working on correspondence for follow up.
 - Borba case – next court date is scheduled for Jan. 7, 2022.
 - Wielenga case – pre-trial scheduled for Jan. 14, 2022.

d. Flood Forecasting and Warning (FFW) and Ontario Low Water Response (OLWR) Update

Janet Noyes provided the following update:

- The Flood Contingency Plan is being updated for 2022
- Looking into WECl funding for additional work on Warkworth Dam for 2022 and have contacted Trent Hills for the 50% share in funding.
- Janet Noyes is a member of the Provincial Flood Forecasting and Warning Committee. The Province outlined its deliverables and targets to meet the recommendations from the Flood Advisor's Report.

RES: G163/21

Moved by: Mary Tadman

Seconded by: Don Clark

THAT the planning and regulations updates; and
THAT the flood forecasting and warning (FFW), and Ontario low water response (OLWR) updates be received as information.

Carried

STAFF REPORTS

14. 2022 Business Plan and Budgets

Rhonda Bateman spoke to the final draft 2022 Business Plan and Budgets as per provided in the agenda package. She shared that she presented the budget at Brighton and Stirling-Rawdon and there was good discussion and questions raised and answered. LTC received no requests for an appeal on the apportionment within or after the 30 day appeal window.

a. Levy (matching MNRF funding under S.39 of the *Conservation Authorities Act*): simple majority vote

RES: G164/21

Moved by: Mary Tadman

Seconded by: Jim Alyea

THAT the matching 2022 Municipal General Levy amount of \$68,831 be approved.

Carried

b. Levy (non-matching): weighted vote

Note – a recorded vote is required in accordance with Provincial Regulations to establish the Non-matching Municipal Levy. The vote is weighted based on each Municipality's Apportionment within the Lower Trent Conservation watershed.

RES: G165/21

Moved by: Gene Brahaney

Seconded by: Don Clark

THAT the non-matching 2022 Municipal General Levy amount of \$1,053,348 be approved.

MUNICIPALITY	DIRECTOR	VOTE YES	VOTE NO	%
Twp. Alnwick/Haldimand	Mike Filip	ABSENT		10.3835
Municipality of Brighton	Mary Tadman	X		7.9706
Municipality of Brighton	Mark Bateman	ABSENT		7.9706
Mun. of Centre Hastings	Eric Sandford	X		2.2718
Twp. of Cramahe	Don Clark	X		8.1662
City of Quinte West	Lynda Reid	X		21.5356
City of Quinte West	Jim Alyea	X		21.5356
Twp. of Stirling-Rawdon	Bob Mullin	X		3.6846
Mun. of Trent Hills	Gene Brahaney	X		8.2408
Mun. of Trent Hills	Rick English	X		8.2408
	TOTALS	8		100.00%

Apportionment present at the meeting 81.65%

Apportionment voting in favour of the motion 81.65%

Apportionment voting against the motion 0%

Apportionment absent from the Meeting 18.35%

Carried

c. Business Plan and Budget: simple majority vote

RES: G166/21

Moved by: Rick English

Seconded by: Jim Alyea

THAT the 2022 Lower Trent Conservation Business Plan; and
THAT the 2022 Lower Trent Conservation Budget in the amount of \$2,104,621 (Operating amount of \$2,006,516 and Capital amount of \$98,105) plus an estimated \$950,080 for Regional Source Protection

Program and Bay of Quinte Remedial Action Plan Partnership Programs, be approved.

Carried

OTHER BUSINESS

15. CAO's Report

Rhonda Bateman spoke to her CAO report as provided in the agenda package. She added that MECP confirmed that they are in receipt of our LTC Transition Plan.

RES: G167/21

Moved by: Lynda Reid

Seconded by: Mary Tadman

THAT the CAO's Report be received as information.

Carried

16. Members Inquiries/Other Business

Rhonda Bateman shared a newly released video that was created as a result of SPARK Tourism funding. Two videos have been created that promote LTC's properties. The Sager CA video was viewed by the Board. The videos are available on the LTC YouTube channel for anyone wishing to view them.

Rhonda Bateman spoke to an email received from Quinte West in regards to the spraying of CA lands in the Quinte West area for *Lymantria dispar dispar* (Ldd) (gypsy moth). The estimated cost of the spraying is \$12K for LTC and \$37K for Quinte Conservation at \$113/ha. She consulted staff and received input regarding the impact of the spraying of LTC properties:

- Spraying not only affects Ldd but other caterpillars as well
- LTC has many species of butterflies and moths on the properties. Some of these species may be impacted by the chemical (Btk) spray.
- Two endangered species (currently being monitored by entomologists) may currently exist and overwinter on these properties, and may be impacted if the spraying occurred. Habitat enhancement efforts have been underway on one property for one of these species since 2018.
- Over 95% of songbirds that migrate to our watershed in the spring rely on caterpillars as the main food for their young, spraying can have devastating effects on their populations.
- Most trees on our properties did leaf out again at the end of the summer after the caterpillars metamorphosed into moths or died due to the nucleopolyhedrosis virus (NPV).
- In the past summer, staff saw considerable evidence of NPV killing the gypsy moths on a large scale. Anecdotally, they saw fewer egg masses on our trees during the fall of 2021.
- Conservation Lands staff will be going out over the winter and early spring to look for, and clean off, gypsy moth egg masses on some of our properties.

→ The best defence we have is to care for our forest cover, foster a robust forest cover consisting of a wide diversity of native trees both in our urban and rural areas. That will protect us best in the long term.

Staff recommends not participating in the spraying for Ldd.

The Board moved in to a general discussion regarding the spraying for Ldd.

RES: G168/21

Moved by: Don Clark

Seconded by: Lynda Reid

THAT the items shared by Rhonda Bateman be received as information.

Carried

Director Reid asked for a follow-up with regard to the Goodrich-Loomis CA gardens being maintained. Rhonda Bateman responded that there is no funding allocated nor staff resources available to attend to the gardens and that the gardens are meant to thrive in a natural environment.

The Directors, Vice-Chair, and Chair each wished staff and the Board a wonderful holiday and a happy new year, and to remain healthy and safe. They are keeping Director Bateman in their thoughts and wish him a full recovery and return to the next Board meeting.

Staff thanked the Board for their support during a challenging year due to the impact of COVID-19 and its' variants; as well as, the changes to the *Conservation Authorities Act*. Staff appreciate the Members' patience in adapting to remote/hybrid meetings.

17. Adjournment

There being no further business, the meeting was adjourned.

RES: G169/21

Moved by: Mary Tadman

Seconded by: Rick English

THAT the meeting be adjourned.

Carried

Time 7:45 p.m.

Eric Sandford, Chair

Rhonda Bateman, CAO/ST



December 13, 2021

Eric Sandford
Chair, Lower Trent Conservation
Via email: ericsandford@centrehastings.com

Dear Chair Sandford:

Thank you for your letter of November 11th regarding provincial funding for conservation authorities and follow up meeting of December 3. I am responding on behalf of the Board of Directors who discussed your letter on December 8th.

First off, let me start by stating that the board shares your concerns regarding the cuts that were made to conservation authorities in 2019 on top of the already inadequate provincial funding that we have seen since the mid-90s. I can assure you that Conservation Ontario is seized by this issue and dedicates significant time in advocating for more funding support. This is done through a variety of mechanisms including formal pre-budget submissions (federal and provincial), in-person budget delegations, correspondence to key ministries, briefing notes, press releases, social media and simple, direct “asks” during meetings.

We also share your concern regarding the costs of implementing the Province’s regulations. Ironically, we recently met with Minister Rickford’s staff from the Ministry of Northern Development, Mines, Natural Resources and Forestry to discuss these and other concerns.

As discussed on our call of December 3rd, it is our intention to roll your request regarding provincial funding for conservation authorities into our advocacy work leading up to the provincial election. I hope we have captured your concerns and trust that this approach is acceptable.

As always, I am happy to discuss this matter further. Please do not hesitate to reach out.

Respectfully,



Andy Mitchell
Chair, Conservation Ontario

c.c. LTC Municipal Mayors
LTC Municipal Clerks

Agenda Item #9.b. - Correspondence

Environment and
Climate Change CanadaEnvironnement et
Changement climatique Canada

VIA E-Mail

January 20, 2022

Ms. Rhonda Bateman
Bay of Quinte Restoration Council
Lower Trent Region Conservation Authority
714 Murray Street
Trenton, Ontario K8V 5P4

Mr. Brad McNevin
Bay of Quinte Restoration Council
Quinte Conservation Association
2061 Old Highway 2
Belleville, Ontario K8N 4Z2

Dear Ms. Bateman and Mr. McNevin:

Re: Status of the Degradation of Aesthetics Beneficial Use Impairment – Bay of Quinte Area of Concern

Based on a comprehensive review by Environment and Climate Change Canada and the Ontario Ministry of the Environment, Conservation and Parks of the following report:

- *Bay of Quinte Degradation of Aesthetics Beneficial Use Impairment Assessment Report (September 2020)*

I am pleased to inform you that the Degradation of Aesthetics beneficial use impairment is hereby designated as “not impaired” in the Bay of Quinte Area of Concern, pursuant to the provisions of the Canada-U.S. Great Lakes Water Quality Agreement, 2012.

Congratulations to the members of the Bay of Quinte Area of Concern Restoration Council, the Remedial Action Plan Team, and the local community who have worked so diligently to attain this important environmental milestone.

I look forward to continued collaboration toward our shared goal of restoring the Bay of Quinte and delisting it as an Area of Concern.

Regards,

Susan HumphreyActing Regional Director General, Ontario Region
Environment and Climate Change Canada



DISTRIBUTION

Christopher Wilkie, Secretary – Canadian Section, International Joint Commission

Raj Bejankiwar, Physical Scientist, International Joint Commission

Chloe Stuart, Assistant Deputy Minister, Land and Water Division, MECP

Ling Mark, Director, Great Lakes and Inland Waters Branch, MECP

Carolyn O'Neill, Manager, Great Lakes Office, MECP

Daniel Joyce, COA/Great Lakes Project Manager, MECP

Jennifer McKay, Acting Associate Regional Director General, ECCC

Kate Taillon, Manager, Great Lakes Areas of Concern, ECCC

Carla Torchia, Manager, Great Lakes National Programs Office, ECCC

Agenda Item #10.

Summary of Permits Approved by Staff

ONTARIO REGULATION 163/06 - Development, Interference with Wetlands and Alterations to Shorelines & Watercourses

Prepared by: Janet Noyes, Manager Development Services & Water Resources

For Period: December 1, 2021 to January 31, 2022



Permit #	Municipality	Ward	Geographic Township	Concession	Lot	Street Address	Regulated Area	Permitted Activity
P-21-321	Quinte West	Sidney	Sidney	8	26	28 Pines Lane	Oak Lake Flood Hazard	Construct an above ground pool and deck addition
P-21-326	Trent Hills	Percy	Percy	11	7	44 Riverview Drive	Rice Lake Flood Hazard	Demolish existing cottage
P-21-332	Trent Hills	Seymour	Seymour	14	7	116 Lucky Strike Road	Trent River Floodplain; Trent River Floodplain (allowance)	Demolish existing bunkie; construct a single family dwelling; construct a septic system and undergo erosion protection works.
P-21-334	Quinte West	Sidney	Sidney	1	13	114 Whites Road	South Sidney Tributary 2 Floodplain (allowance)	Installation of an outlet pipe into the roadside ditch
P-21-337	Trent Hills	Seymour	Seymour	14	13	232 B Balsam Court	Trent River Floodplain	Demolish & Reconstruct Cottage outside of flood hazard
P-21-338 (Compliance)	Brighton	Brighton Township	Murray	C	26	28 Willow Point Road	Unevaluated Wetland (allowance); Presqu'ile Bay Marsh PSW (allowance)	Construct a shed and a 3-season addition
P-21-340	Brighton	Brighton Township	Cramahe	4	4	217 Richmond Street	Butler Creek Valley (allowance)	Construct a 56 m ² (600 ft ²) addition to the existing garage
P-21-344	Trent Hills	Seymour	Seymour	12	15	7690 B County Road 50	Trent River Floodplain (allowance)	Demolish existing structure
P-21-345	Trent Hills	Seymour	Seymour	13	14	62 Lake Road	Trent River Floodplain	Install erosion protection along the river bank
P-21-347	Trent Hills	Seymour	Seymour	14	13	214 A Hemlock Lane	Trent River Floodplain	Install erosion protection along the river bank
P-21-348	Alnwick/Haldimand	Alnwick	Alnwick	7	22	362 7th Line Road - Unit 174	Rice Lake Flood Hazard (allowance)	Raise cottage with new foundation; construct a walkout basement and deck
P-21-349	Cramahe	Cramahe Township	Cramahe	1	17	14197 County Road 2	Unevaluated Wetland (allowance); Spencer Point PSW (allowance)	Replace septic system
P-21-350	Quinte West	Trenton	Sidney	1	1	79 Nelles Avenue	DND Creek Floodplain (allowance)	Construct a detached dwelling structure with secondary suite
P-21-351	Alnwick/Haldimand	Alnwick	Alnwick	8	24	334 Sandy Bay Road	Rice Lake Flood Hazard (allowance); Field Verified Wetland (allowance)	Erosion protection works along shoreline
P-21-352	Trent Hills	Percy	Percy	6	13 & 14	28 Lockhart Court	Percy Creek tributary stream	Install a secondary entrance and a watercourse crossing
P-21-354 (Minor)	Trent Hills	Percy	Percy	1	23	447 Concession Road 2 East	Unevaluated Wetland (allowance)	Construct entrance and driveway
P-21-355	Trent Hills	Percy	Percy	4	14	Winter Road	Percy Creek tributary stream	Install a watercourse crossing as part of entrance and driveway installation
P-21-356 (Minor)	Trent Hills	Percy	Percy	3	16	Old Hastings Road	Burnley Creek Floodplain	Abandon 110 m gas pipeline and install new pipeline along Old Hastings Road
P-21-357 (Minor)	Trent Hills	Seymour	Seymour	14	16	1854 14th Line East	Field Verified Wetland (allowance)	Install a second entrance for the sod farm



Summary of Permits Approved by Staff

ONTARIO REGULATION 163/06 - Development, Interference with Wetlands and Alterations to Shorelines & Watercourses

Prepared by: Janet Noyes, Manager Development Services & Water Resources

For Period: December 1, 2021 to January 31, 2022

Permit #	Municipality	Ward	Geographic Township	Concession	Lot	Street Address	Regulated Area	Permitted Activity
P-21-359	Brighton	Brighton Town	Cramahe	1	3 & 4	114 B Ontario Street	Lake Ontario Tributary Stream Floodplain (allowance); Unevaluated Wetland (allowance)	Site Preparation of subdivision site by cutting & grubbing of trees
P-21-360 (Minor)	Alnwick/Haldimand	Haldimand	Haldimand	3	10	Boeve Lane	Unevaluated Wetland (allowance)	Create and entrance and construct driveway
P-21-361	Trent Hills	Seymour	Seymour	13	9	230 Cedar Shores Drive	Trent River Floodplain (allowance)	Construct a 3-season addition on the west side of dwelling
P-21-362 (Minor)	Quinte West	Murray	Murray	C	22	Barcovan Beach Road	Presqu'ile Bay Marsh PSW (allowance)	Install entrance for property
P-21-364 (Minor)	Cramahe	Cramahe Township	Cramahe	6	31 & 32	237 Haynes Road	Cold Creek Wetland Complex PSW (allowance)	Demolish & reconstruct a 5 m2 detached accessory structure within the existing footprint
P-21-365	Trent Hills	Campbellford	Seymour	5	8	5th Line West	Unevaluated Wetland (allowance)	Consolidate existing earth fill material stock piles of the north side of site in preparation for recreation complex
P-21-366	Alnwick/Haldimand	Alnwick	Alnwick	4	10	230 Hampton Crescent	Rice Lake Flood Hazard (allowance)	Replace existing septic system
P-21-367	Alnwick/Haldimand	Alnwick	Alnwick	3	20	12312 County Road 24	Percy Creek PSW (allowance)	Construct a 71 m2 (768 ft2) addition to an existing detached accessory structure
P-21-368	Brighton	Brighton Township	Murray	C	35	138 Folly Lane	Lake Ontario Flood Hazard (allowance); Presqu'ile Bay Marsh PSW (allowance)	Replace failing septic system
P-21-371	Brighton	Brighton Township	Murray	A	23	922 Smith Street	Unevaluated Wetland (allowance)	Demolish and reconstruct a 26 m2 (280 ft2) detached accessory structure within the existing footprint
P-21-372	Trent Hills	Percy	Percy	6	20 & 21	384 Concession Road 6 East	Unevaluated Wetland (allowance)	Construct 8 greenhouses and a workshop
P-21-373	Quinte West	Sidney	Sidney	BF	18	1114 Old Highway 2	Massey Creek Floodplain (allowance); Bay of Quinte Flood Hazard (allowance)	Install a septic system for secondary dwelling structure
P-21-374	Brighton	Brighton Town	Cramahe	BF	5	17 Rabbit Run	Presqu'ile Bay Marsh PSW (allowance)	Construct a single family dwelling
P-21-375	Brighton	Brighton Town	Cramahe	BF	5	19 Rabbit Run	Presqu'ile Bay Marsh PSW (allowance)	Construct a single family dwelling
P-21-381	Trent Hills	Percy	Percy	11	6	69 Woodlawn Drive	Unevaluated Wetland (allowance)	Remove garbage and demolish derelict shed
P-21-383	Trent Hills	Seymour	Seymour	9	15	121 Hearthstone Road	Unevaluated Wetland (allowance)	Install an entrance and driveway and place temporary fill piles within regulated areas

Summary of Permits Approved by Staff

ONTARIO REGULATION 163/06 - Development, Interference with Wetlands and Alterations to Shorelines & Watercourses

Prepared by: Janet Noyes, Manager Development Services & Water Resources

For Period: December 1, 2021 to January 31, 2022



Permit #	Municipality	Ward	Geographic Township	Concession	Lot	Street Address	Regulated Area	Permitted Activity
P-22-001	Quinte West	Sidney	Sidney	6	7	493 Frankford-Stirling Road	Trent River Floodplain	Undergo minor foundation repairs by installing piles under existing covered deck structures
P-22-005	Brighton	Brighton Town	Cramahe	BF	5	23 Rabbit Run	Presqu'ile Bay Marsh PSW (allowance)	Construct a single family dwelling
P-22-006	Brighton	Brighton Town	Cramahe	BF	5	23 Rabbit Run	Presqu'ile Bay Marsh PSW (allowance)	Construct a single family dwelling

AMENDMENTS

P-20-207	Quinte West	Murray	Murray	C	21	41 Clifford Street	Lake Ontario Erosion Hazard	Original Permit to demolish existing 96 m2 (1036 ft2) cottage & 9 m2 (100 ft2) shed and construct a new 116 m2 (1249 ft2) cottage with deck & 28 m2 (308 ft2) detached accessory structure; Amended to include septic replacement.
P-21-099	Trent Hills	Seymour	Seymour	3	6	Hillside Drive	Trent River Floodplain	Original Permit: install bank protection; Amended to include construction of single family dwelling
P-21-186	Trent Hills	Seymour	Seymour	1	5	32 A Jakes Road	Trent River Floodplain	Original Permit to replace and install two septic systems to service cottage structures; Amended to include the demolition of the existing dwelling structure and reconstruction of the main dwelling and 6 cabin structures
P-21-248	Quinte West	Sidney	Sidney	2	A	34 Monogram Place	Glen Miller Creek Tributary Stream	Original Permit: Construct a new commercial food outlet building and site grading; Amended to change grading and stormwater management configuration
P-21-317	Brighton	Brighton Town	Murray	C	34	27 Price Street West	Lake Ontario Flood Hazard; Presqu'ile Bay Marsh PSW (allowance)	Original Permit: demolish existing structures and install 3 entrances as per of the conditions of 2 severance applications; Amended to change driveway entrance at southern parcel location
P-21-348	Alnwick/Haldimand	Alnwick	Alnwick	7	22	362 7th Line Road - Unit 174	Rice Lake Flood Hazard (allowance)	Original Permit: Raise cottage with new foundation; construct a walkout basement and deck; Amended to include holding tank replacement

**Lower Trent Conservation
PAYMENTS LOG - DECEMBER 2021**

CHEQUE #	PAYEE	DETAILS	AMOUNT
/ EFT #			
58967567	Jani-King of Eastern Ontario	Dec/21 Cleaning Services - Office & Workshop - EFT	711.22
15076	A&L Canada Laboratories Inc.	BQRAP - Soil Tests	240.42
15077	Battlefield Equipment Rentals	Chain Saw Repairs & Maintenance	162.48
15078	Brighton Springs	Water Supply - Admin Bldg	14.00
15079	CDW Canada Corp.	Printer supplies	155.49
15080	City of Quinte West	Monthly Utilities - Workshop	117.71
15081	Cogeco Connexion Inc.	Monthly Internet - Workshop	67.74
15082	Conservation Ontario	CO Geowarehouse Teranet Subscription	440.70
15083	Free Flow Petroleum	Monthly gasoline - vehicles/equip	846.46
15084	Hydro One Networks Inc.	Monthly Utilities - Admin Office & Workshop	813.35
15085	Janbar Electric Ltd.	Electrical Repairs - Admin Office	150.29
15086	Nesda Technologies Ltd.	BQRAP - Web & eMail Storage	101.63
15087	OT Group - DCB Business Systems	Monthly photocopier usage/mtn services	242.68
15088	Pitney Bowes Leasing	Oct-Dec/21 Postage Meter	99.53
15089	Practica	CA Supplies - Dog waste bags	93.53
15090	Purolator Inc.	Courier Services	5.70
15091	Quinte Paint & Wallpaper - Trenton	CA Supplies - Stain	333.29
15092	Staples Commercial	Office Supplies	178.96
15093	Telizon Inc	Monthly Telephone Lines	453.74
15094	Cancelled	Replaced by Chq #15122	0.00
15095	M. Filip	2021 Board Per Diem & Travel	200.00
15096	M. Tadman	2021 Board Per Diem & Travel	424.80
15097	M. Bateman	2021 Board Per Diem & Travel	695.60
15098	E. Sandford	2021 Board Per Diem & Travel	754.04
15099	D. Clark	2021 Board Per Diem & Travel	471.60
15100	J. Alyea	2021 Board Per Diem & Travel	393.60
15101	L. Reid	2021 Board Per Diem & Travel	300.00
15102	B. Mullin	2021 Board Per Diem & Travel	364.48
15103	G. Brahaney	2021 Board Per Diem & Travel	549.60
15104	R. English	2021 Board Per Diem & Travel	300.00
15105	B. Pomeroy	2021 SPA Board Per Diem & Travel	90.80
15106	B&T Sales	Janitorial Supplies	96.03
15107	M. Narini	Staff Exp Reimbursed - Clothing/PPE Allowance	254.22
15108	C. Ross	DWSP - Communications	69.95
15109	G. Comeau	Replaced Chq #14661 - lost	11.27
15110	C. Broughton	Replaced Chq #14864 - lost	200.00
15111	Bell Canada	FFW Web Hosting	26.49
15112	Bell Mobility Inc.	Cellular Services	146.09
15113	Brighton Springs	Water Supply - Admin Bldg	32.00
15114	Crowe Valley CA	2021-22 DWSP TCC - 2nd Installment	19,062.28
15115	Enbridge - Uniongas	Monthly Utilities - Workshop & Admin Office	310.50
15116	Ferguson Tree Nursery	2022 Deposit - Native Plants & Trees Order	3,560.06
15117	Free Flow Petroleum	Monthly gasoline - vehicles/equip	449.71
15118	Ganaraska Region CA	2021-22 DWSP TCC - 2nd Installment	29,697.43
15119	Hawley's Garage	Vehicle - Tractor maintenance	2,193.39
15120	Hydro One Networks Inc.	Monthly Utilities - Goodrich-Loomis CA Centre	88.18
15121	Kawartha Region CA	2021-22 DWSP TCC - 2nd Installment	21,248.88
15122	K. Le	Video Production - LTC Conservation Areas Promotion	1,868.00
15123	Krown Rust Control	Vehicles - Rust proofing	434.88
15124	OMERS	Dec/21 Pension Contributions	29,342.34
15125	Otonabee Region CA	2021-22 DWSP TCC - 2nd Installment	22,800.92
15126	Pitney Bowes Works	Postage Meter - Supplies	174.55
15127	River Institute	BQRAP - Fish Consumption WGC Services	5,000.00
15128	Scott's Haulage	Backhoe Work - Proctor Park	807.95

**Lower Trent Conservation
PAYMENTS LOG - DECEMBER 2021**

CHEQUE # / EFT #	PAYEE	DETAILS	AMOUNT
15129	Templeman LLP	Legal Services - Crews & Wienlenga	1,800.67
15130	Trenton Home Hardware	CL - Supplies & Equipment Maintenance	1,555.05
15131	WSIB Ontario	Dec/21 WSIB Insurance Premium	4,800.81
15132	O. Hann	BQRAP - Stewardship Program	360.00
15133	CIBC - VISA	Dec/21 STMT - HST = \$353.34, Admin = \$4,088.46, CL = \$420.46, WSS = \$269.66, DWSP = \$50.88	5,182.80
Total of Cheques & EFT December 2021			<u>\$ 161,347.89</u>

**Lower Trent Conservation
PAYMENTS LOG - JANUARY 2022**

CHEQUE #	PAYEE	DETAILS	AMOUNT
/ EFT #			
59060753	SunLife Assurance	Jan/22 Group Benefits Premium - EFT	6,629.66
59355156	Jani-King of Eastern Ontario	Jan/22 Cleaning Services - Office & Workshop - EFT	1,127.74
59355191	OMERS	Jan/22 Pension Contributions - EFT	20,970.30
15134	Templeman LLP	Legal Services - Archer & Grafton Shores	5,517.23
15135	City of Quinte West	Monthly Utilities - Workshop	108.44
15136	OT Group - DCB Business Systems	Monthly photocopier usage/mtn services	224.86
15137	Scott's Haulage	Gravel - Conservation Lands	994.17
15138	Seymour Mechanical Services	Dec/21 Snowploughing - Seymour CA	79.10
15139	Bay Subaru	Vehicle - Capital Purchase Subaru Forester	34,760.04
15140	Canadian Pacific Railway Company	2022 Annual Lease - TGB	339.00
15141	CDW Canada Corp.	Computer Equipment Supplies	32.30
15142	ComPsych Canada Ltd.	2022 Annual Employee Assistance Program	595.15
15143	Conservation Ontario	2022 1st Installment - CO Membership Levy	11,018.00
15144	J. McCallum	Staff Expense Recovery - Office supplies	69.24
15145	A. Anderson	Staff Expense Recovery - Professional Membership	508.50
15146	B&T Sales	Janitorial Supplies	63.26
15147	Bell Canada	FFW Web Hosting	26.49
15148	Bell Mobility Inc.	Cellular Services	147.05
15149	Brighton Springs	Water Supply - Admin Bldg	8.00
15150	Cogeco Connexion Inc.	Monthly Internet - Worksho	89.61
15151	Enbridge - Uniongas	Monthly Utilities - Workshop & Admin Office	570.78
15152	Federal Express Canada Corporation	Courier Service	36.29
15153	Hydro One Networks Inc.	Monthly Utilities - Admin Office, Workshop & GLCC	1,062.47
15154	KONE Inc	Annual Elevator Maintenance Service Contract	1,388.64
15155	Staples Commercial	Office Supplies	160.19
15156	Telizon Inc	Monthly Telephone Lines	448.48
15157	Templeman LLP	Legal Services - Borba	1,009.19
15158	Waste Management of Canada	Jan/22 Waste Dumpster Services	67.91
15159	G. Hoskin	BQRAP - Stewardship Program	500.00
15160	Municipality of Centre Hastings	2022 Interim Property Taxes	270.54
15161	Municipality of Trent Hills	2022 Interim Property Taxes	727.49
15162	PitneyWorks	Postage Meter Refill	1,145.00
15163	Waste Management of Canada	Feb/22 Waste Dumpster Services	68.74
15164	WSIB Ontario	Jan/22 WSIB Insurance Premiums	3,549.96
15165	L. Oomen	Staff Expense Recovery - Training & Clothing	233.55
15166	A. Boulton	Jan 26/22 SPC Meeting Per Diem	200.00
15167	A. Hukowich	Jan 26/22 SPC Meeting Per Diem	200.00
15168	A. Taylor	Jan 26/22 SPC Meeting Per Diem	200.00
15169	B. Spencer	Jan 26/22 SPC Meeting Per Diem	200.00
15170	B. Clark	Jan 26/22 SPC Meeting Per Diem	200.00
15171	D. Workman	Jan 26/22 SPC Meeting Per Diem	200.00
15172	F. Langmaid	Jan 26/22 SPC Meeting Per Diem	200.00
15173	G. Offshack	Jan 26/22 SPC Meeting Per Diem	200.00
15174	G. Milne	Jan 26/22 SPC Meeting Per Diem	200.00
15175	L. Burt	Jan 26/22 SPC Meeting Per Diem	200.00
15176	M. Gibbs	Jan 26/22 SPC Meeting Per Diem	200.00
15177	R. Gagnon	Jan 26/22 SPC Meeting Per Diem	200.00
15178	R. Straka	Jan 26/22 SPC Meeting Per Diem	200.00
15179	R. Lake	Jan 26/22 SPC Meeting Per Diem	200.00
15180	R. Kelleher-MacLennan	Jan 26/22 SPC Meeting Per Diem	200.00
15181	T. Rees	Jan 26/22 SPC Meeting Per Diem	200.00
15182	T. Taylor	Jan 26/22 SPC Meeting Per Diem	200.00
15183	CIBC - VISA	Dec/21 STMT - HST = \$199.36, Admin = \$39.68, FFW = \$1,487.41, CL = \$277.85	2,004.30

**Lower Trent Conservation
PAYMENTS LOG - JANUARY 2022**

CHEQUE # / EFT #	PAYEE	DETAILS	AMOUNT
15184	Office Central	Office Supplies	178.42
15185	Staples Commercial	Office Supplies	<u>113.11</u>
Total of Cheques & EFTS January 2022			\$ <u>93,613.54</u>



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: January 2022
To: Board of Directors
Re: Summary of Education and Outreach Events for December 2021 and January 2022
Prepared by: Anne Anderson, Manager of Community Outreach and Special Projects, Corinne Ross, Communications Specialist, Jenn McCallum, Environmental Education Technician

The following is a list of education and outreach activities staff have been working on during COVID-19.

In preparation for January programming, Jenn developed two new virtual programs, one entitled “Art and Science of Snow”, and the other called “Our Changing Climate”. The snow program is intended to be mostly fun (with yoga, music, and art) while also educational, and was developed specifically for Grade 2-6 classes learning from their home environments during the modified Stage 2 Reopening. The climate change program is intended for Grades 6-8, and is more appropriate for virtual programming while the students are learning within the classroom. This climate change program includes some introductory climate science, but mostly intends to empower youth to act in tangible ways that conserve resources.

Due to community demand, Jenn also translated the Art and Science of Snow program into French, as “L’art et la science de la neige”. This French-language program has been advertised on social media, but there haven’t been any bookings yet.

The Art and Science of Snow program has been receiving positive reviews! Here is some feedback from one of the Grade 2 classes, who took part in the program while learning from home:

Dear Jenn,

We really liked learning about snow! We really liked making the snowflakes! We had a lot of fun drawing the snowflakes. We loved learning about the science of how snowflakes are made. We enjoyed not having to raise our hands.

Can you teach us about animals next time? Can we draw animals? Maybe you could teach us how to make animal feeders.

Thank you for teaching us about snow! We appreciate you very much, Jenn and we think you are really great at teaching.

In the data provided below, the numbers reflect as accurately as possible the actual number of students in attendance. When students are learning from home, attendance tends to be lower than when the students are in the classroom. Where possible, the numbers shown below indicate how many students attend the online sessions, rather than the total number of students in the class.

RECENT EDUCATION AND OUTREACH EVENTS

Date	Event	Approximate Attendance
Dec. 1	Youth education: Grafton PS – Virtual, Grade 4, Wetlands - Jenn McCallum, Environmental Education Technician	21
Dec. 3	Youth education: Smithfield PS – Virtual, Grade 3, Get the Dirt on Soil - Jenn McCallum, Environmental Education Technician	20
Dec. 7	Youth education: Brighton PS – Virtual, Grade 3/4, Get the Dirt on Soil - Jenn McCallum, Environmental Education Technician	22
Dec. 8	Youth education: Brighton PS – Virtual, Grades 4-8 Learning and Life Skills, Slytherin Snakes - Jenn McCallum, Environmental Education Technician	20
Dec. 9	Youth education: Brighton PS – Virtual, Grade 3/4, Wetlands - Jenn McCallum, Environmental Education Technician	22
	Youth education: Smithfield PS – Virtual, Grade 7, Love Your Watershed, visit #2 - Jenn McCallum, Environmental Education Technician	17
Dec. 10	Youth education: Stockdale PS – Virtual, Grade 2/3, Awesome Plants - Jenn McCallum, Environmental Education Technician	17
Dec. 14	Youth education: Smithfield PS – Virtual, Grade 8, Love Your Watershed, visit #2 - Jenn McCallum, Environmental Education Technician	23
Jan. 7	Youth education: St. Mary CES, Grafton – Virtual, Grade 4/5, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	22
Jan. 10	Youth education: St. Mary CES, Campbellford – Virtual, Grade 3, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	24
Jan. 11	Youth education: St. Mary CES, Grafton – Virtual, Grade 4/5, Water Cycle - Jenn McCallum, Environmental Education Technician	22
Jan. 12	Youth education: St. Peter CES, Trenton – Virtual, Grade 2, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	14
Jan. 13	Youth education: St. Mary CES, Grafton – Virtual, Grade 3/4, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	16
	Youth education: Percy Centennial PS, Warkworth – Virtual, Grade 2, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	10
Jan. 14	Youth education: Grafton PS – Virtual, Grades 1 and 2 (2 classes), Art and Science of Snow - Jenn McCallum, Environmental Education Technician	27

Jan. 18	Youth education: Kent PS, Campbellford – Virtual, Grade 3/4, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	21
Jan. 20	Youth education: Grafton PS – Virtual, Grade 5, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	22
Jan. 26	Youth education: Stockdale PS – Virtual, Grade 2/3, Art and Science of Snow - Jenn McCallum, Environmental Education Technician	17
Total number of youths engaged through December and January programming		357

Social Media Posts

Date	Post	People Reached
December 13	Hydro One Dam Safety for students	192
January 5	Snow Art Program Grade 2 – 6	1,100
January 6	Snow Art Program Grade 2 – 6	220
January 14	Animal Habitat	257
January 21	Climate Change Programing	231
January 24	Climate Change Programing	277

Lower Trent General Communications

Date	Post	People Reached
December 1	Donating to LTC programs	244
December 8	Donating to LTC programs	267
December 8	Drinking Water Source Protection – Ready for Winter	278
December 10	Water Safety Statement	3,500
December 14	Conservation Lands Update – Proctor Park	2,000
December 16	Donating to LTC Programs	176
December 21	Donating to LTC Programs	134
December 22	Drinking Water Source Protection – Road Salt	211
December 29	Drinking Water Source Protection – Snow Storage	249
January 10	Conservation Land Update – Icy Trail Conditions	1,900
January 12	Drinking Water Source Protection – Oil Tanks	269
January 19	Drinking Water Source Protection – Snow Removal	134
January 26	Drinking Water Source Protection – Snow Removal	176

UPCOMING EDUCATION AND OUTREACH EVENTS

February 2022	Youth Education: Virtual education programs
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Waterlogs - December 2021

Today, the Bay of Quinte is a healthy and vibrant ecosystem.
Now, we must focus on keeping it this way.

TIS' THE SEASON - WISHING YOU AND YOUR FAMILY ALL THE BEST THIS HOLIDAY SEASON.



Holiday Greetings
Anne, Shan, Sarah, Jason, Christine, Mary
www.bqrap.ca

TIS' THE SEASON

"And the Grinch, with his Grinch-feet ice cold in the snow, stood puzzling and puzzling, how could it be so? It came without ribbons. It came without tags. It came without packages, boxes or bags. And he puzzled and puzzled 'till his puzzler was sore. Then the Grinch thought of something he hadn't before. What if Christmas, he thought, doesn't come from a store. What if Christmas, perhaps, means a little bit more."

Dr. Seuss

Over the last 18 months or so, being out in nature has saved a lot of people's sanity. When you are thinking of Christmas gifts this year, nature should be top of mind. Here are a couple of ideas to give the gift of nature.



Help to preserve and protect Quinte Conservation's public green spaces by symbolically Adopting an Acre! From November 15th - December 13th

For details and to adopt an acre, visit the **donation page** to adopt your acre.



As a non-profit **registered charity**, Lower Trent Conservation invites you to Give the 'Gift of Green' this year and support our Connecting Kids with Nature youth educational program.

<https://www.canadahelps.org/en/dn/9595>

PLOT AND PLAN THIS WINTER

**"In winter, I plot and plan.
In spring, I move."**

Henry Rollins

Take site photos this fall.

Over the winter design and plan your project and complete the application process. In the spring you will be ready to start implementing your project.

We offer cost-sharing incentives for both rural and urban projects.

<p><u>Rural Stewardship</u></p> <ul style="list-style-type: none"> • Livestock fencing • Riparian buffer zones • Water quality and erosion projects • Alternate watering systems • Cover crops 	<p><u>Urban Stewardship</u></p> <ul style="list-style-type: none"> • Rain Gardens
--	---

Also, we offer **FREE** soil testing.

Winter is a great time to plan next spring's projects. Start with taking site photos this fall, then contact our stewardship technicians for all the details on getting your project planned and ready for spring. <https://www.bqrap.ca/communityprograms/landownerstewardship/>

For details contact - Jason Jobin, BQRAP Environmental Technician, Lower Trent Conservation, P: 613-394-3915 ext. 225 E: jason.jobin@ltc.on.ca

Mary Gunning, BQRAP Environmental Technician, Quinte Conservation, P: 613-968-3434 ext. 106 E: mgunning@quinteconservaton.ca



Waterlogs - January 2022

Today, the Bay of Quinte is a healthy and vibrant ecosystem.
Now, we must focus on keeping it this way

A NEW YEAR'S PRESENT!

The Bay of Quinte Remedial Action Plan (BQRAP) Restoration Council is pleased to announce that another environmental challenge, identified for the Bay of Quinte, has received official confirmation from the federal and provincial governments of a status change to unimpaired. The challenge is: **Degradation of aesthetics**.

How do we define aesthetics for the Bay? In the Remedial Action Plan (RAP), the criteria states: Nearshore surface waters of the Bay of Quinte are free of any substance due to human activity that produces a persistent objectionable deposit, unnatural colour or turbidity or unnatural odour (for instance, oil slick or surface scum).

Monitoring staff from Quinte Conservation and Lower Trent Conservation collected water samples from a total of 215 sites around the Bay. The water samples were evaluated on: clarity, colour, odour and debris. These 4 categories were each assigned a score based on the observed conditions, an overall score above 9 is considered excellent. In 2018 and 2019, the Bay achieved scores of 9.5 and 9.8 (Excellent) respectively.

Now, eight of an original eleven environmental challenges have been deemed restored. The three remaining challenges (**Eutrophication or undesirable algae, Degradation of phytoplankton and zooplankton, and Restrictions on fish and wildlife consumption**) are in the process of either having final reports compiled or a final analysis of the scientific data. After all eleven environmental challenges have completed the formal status change process, the Bay of Quinte can be removed from the Great Lakes Areas of Concern list.

"These are exciting times for the Bay of Quinte Restoration Council. After several decades of rehabilitation in the Bay, we have changed the status of a number of the environmental challenges. Now, it is important to ensure strategies are in place, so the Bay doesn't revert to conditions that required a remedial action plan originally," says Rhonda Bateman, CAO of Lower Trent Conservation and Co-chair of the BQRAP Restoration Council.

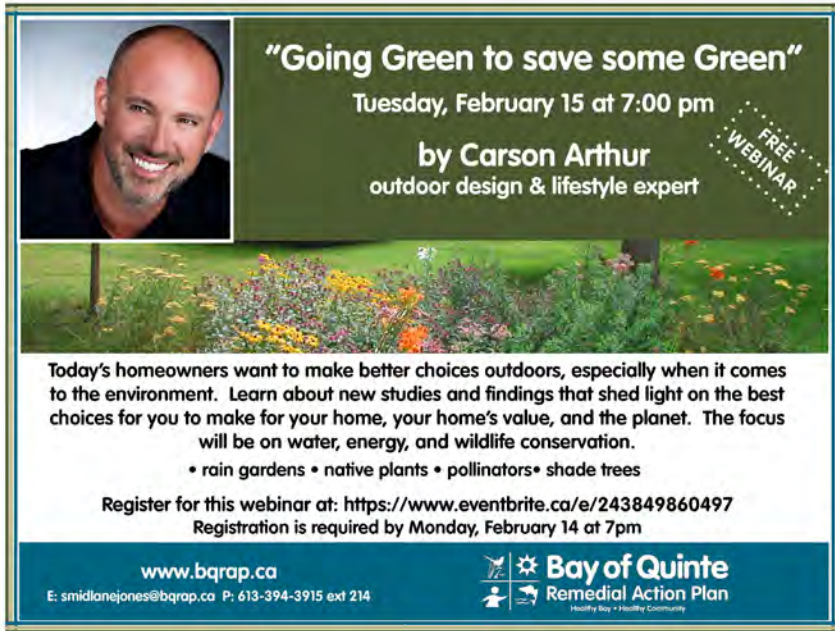
"The Bay of Quinte is a huge economic driver for the area and the source of drinking water for thousands of area residents. Reaching this milestone in rehabilitating the Bay, is a testament to the dedication and hard work of our federal, provincial, and municipal partners, as well as, industry, agriculture, the public, and local conservation authorities," says Brad McNevin, CAO of Quinte Conservation and Co-chair of the BQRAP Restoration Council.

As the RAP starts to wind down, the process of ensuring water quality does not revert, to conditions that required a RAP in the first place, will need to take on a more local focus. Everyone has a role to play in maintaining the Bay's water quality. Whether it's implementing stewardship projects to improve water quality, advocating for water quality issues, volunteering as a citizen scientist, or talking to your local politicians and municipalities about actions to keep the Bay a healthy and vibrant ecosystem. Maintaining water quality is everyone's responsibility.

www.bqrap.ca

In partnership locally with Lower Trent Conservation and Quinte Conservation

GOING GREEN TO SAVE SOME GREEN



"Going Green to save some Green"
Tuesday, February 15 at 7:00 pm
by Carson Arthur
outdoor design & lifestyle expert

FREE WEBINAR

Today's homeowners want to make better choices outdoors, especially when it comes to the environment. Learn about new studies and findings that shed light on the best choices for you to make for your home, your home's value, and the planet. The focus will be on water, energy, and wildlife conservation.

- rain gardens • native plants • pollinators • shade trees

Register for this webinar at: <https://www.eventbrite.ca/e/243849860497>
Registration is required by Monday, February 14 at 7pm

www.bqrap.ca
E: smidlanejones@bqrap.ca P: 613-394-3915 ext 214

Bay of Quinte Remedial Action Plan
Healthy Bay • Healthy Community

"Going Green to save some Green" by Carson Arthur, outdoor design & lifestyle expert
Tuesday, February 15 at 7:00 pm

Today's homeowners want to make better choices outdoors, especially when it comes to the environment. Learn about new studies and findings that shed light on the best choices for you to make for your home, your home's value, and the planet. The focus will be on water, energy, and wildlife conservation. E.g. • rain gardens • native plants • pollinators • shade trees
Register at:

<https://www.eventbrite.ca/e/243849860497>

Carson Arthur is a landscape designer and television personality with several shows that can be seen all around the world. Throughout his 20-year television career, Carson teaches homeowners how to raise the value of their homes through outdoor renovations while

maintaining a focus on environmentally friendly choices. He is a tv mainstay as part of the North American Cityline team. Carson also writes a column for the Halifax Chronicle Herald, the Sun media group including the Toronto Sun about outdoor design and appears regularly in a variety of magazines with guest articles.

He is the North America outdoor design editor for Outdoor Lifestyle magazine; has a syndicated radio show called 'Take it Outside'; is the spokesperson for Better Homes and Gardens Real Estate; and the author of the sold out book Garden Designs for Outdoor Living and has a new book for 2019 called Vegetables, Chickens and Bees. His credits include; the host of HGTV's Green Force and Critical Listing; the Gemini nominated Room to Grow on Global, ION and the Discovery network; Better Homes and Garden's Home, First Home on the Hallmark Channel in the U.S.; and as the gardening expert on HGTV's blockbusters; Home to Win Season 1 through 4.

PLOT AND PLAN THIS WINTER



**"In winter, I plot and plan.
In spring, I move."**
Henry Rollins

Take site photos this fall.

Over the winter, design and plan your project and complete the application process. In the spring, you will be ready to start implementing your project.

We offer cost-sharing incentives for both rural and urban projects.
<https://www.bqrap.ca/communityprograms/landownerstewardship/>

Rural Stewardship

- Livestock fencing • Riparian buffer zones
- Water quality and erosion projects
- Alternate watering systems • Cover crops

Also, we offer FREE soil testing.

Urban Stewardship

- Rain Gardens

Bay of Quinte Remedial Action Plan
Healthy Bay • Healthy Community
www.bqrap.ca

Winter is a great time to plan next spring's projects. Start with taking site photos this fall, then contact our stewardship technicians for all the details on getting your project planned and ready for spring.

<https://www.bqrap.ca/communityprograms/landownerstewardship/>

For details contact - Jason Jobin, BQRAP Environmental Technician, Lower Trent Conservation,
P: 613-394-3915 ext. 225 E: jason.jobin@ltc.on.ca

Mary Gunning, BQRAP Environmental Technician, Quinte Conservation,
P: 613-968-3434 ext. 106 E: mgunning@quinteconservaton.ca



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: January 24, 2022
To: Board of Directors
Re: Summary of Risk Management Official Activity Pursuant to Part IV of the *Clean Water Act* - Period of October 1, 2021 – December 31, 2021
Prepared by: Chris McLeod, Risk Management Official
 Anne Anderson, Risk Management Official

This report summarizes work completed by the Risk Management Official (RMO) to implement Part IV policies in the Trent Source Protection Plan for the review period **October 1, 2021 to December 31, 2021**.

THREAT VERIFICATION

The following table details the overall work done in the watershed by the RMO to date to address verified significant drinking water threats (SDWT) requiring RMO review.

Location	Number of “Part IV”* threats as per RMO/I Database (2014)	Additional SDWT identified	Number of “Part IV” threats determined to be not present or occurring**	Number of threats managed with an RMP	Total number of Active RMPs	Number of “Part IV” threats requiring further follow-up
Stirling	109	12	80	38	21	3
Warkworth	31	0	30	1	1	0
Hastings	29	4	23	10	6	0
Campbellford	73	3	64	12	8	0
Brighton	1	0	1	0	0	0
Colborne	1	1	1	1	1	0
Grafton	0	0	0	0	0	0
Total threats	244	20	199	62	37	3
SDWT=Significant Drinking Water Threat RMP= Risk Management Plan						

*Part IV threats are those activities to be addressed through the Risk Management Plans, Prohibition, or Restricted Land Use provisions of the *Clean Water Act*.

**“Threats not present or occurring” are activities that do not meet threat circumstances or threats that were assumed but are not actually occurring.

SITE VISITS

The following site visits were completed during the review period.

Location	Property Identifier	Purpose	Date
Stirling	6827	Drop off information, discuss potential RMP with property owner	27-Oct-21
Stirling	6855	Drop off information, discuss potential RMP with property owner	28-Oct-21
Stirling	6857	Drop off information, discuss potential RMP with property owner	3-Nov-21
Stirling	6856	Drop off information, discuss potential RMP with property owner	3-Nov-21
Stirling	1545	Drop off information regarding amendments to existing RMP	3-Nov-21
Stirling	6855	Stop by to discuss the vulnerable area and that a RMP is not required	3-Nov-21
Stirling	6856	Tour the property and discuss some best management practices for RMP development	23-NOV-21
Stirling	6857	Tour the property and discuss some best management practices for RMP development	23-NOV-21
Stirling	1545	Tour the property and discuss some best management practices for the amended RMP development	25-Nov-21
Stirling	6856	Stop by for clarification following site tour discussion	25-Nov-21
Stirling	6856	Sign RMP	20-Dec-21
Stirling	6857	Sign RMP and drop off tank sticker	20-Dec-21

RISK MANAGEMENT PLANS (RMP)

The following table details Risk Management Plans established for the review period.

Location	RMP #	Activity	Date Establish
6856	RMP-21-004	Handling and Storage of DNAPLs	20-Dec-21
6857	RMP-21-003	Handling and storage of DNAPLs / Waste Disposal Site	20-Dec-21

NOTICES

The following table details Notices issued for the review period.

Type of Notice*	Notice #	Location	Threat Subcategory
59 (2) (a)	N-21-940	Stirling	Building Permit
59 (2) (a)	N-21-941	Stirling	Building Permit
59 (2) (a)	N-21-942	Stirling	Severance
58 (6)	N-21-803	Stirling	Agreement to a Risk Management Plan
58 (6)	N-21-804	Stirling	Agreement to a Risk Management Plan

*Types of Notices

58(6) - Risk Management Official’s Notice of Agreement on a Risk Management Plan

58(13) - Risk Management Official’s Notice of Agreement on an Amendment to Risk Management Plan

59(2)(a)-Restricted Land Use Notice: neither section 57(Prohibition) nor section 58 (Risk Management Plans) applies.

S.59(2)(b) Restricted Land Use Notice: RMP Required

INSPECTIONS

There were no Inspections during the review period.



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: January 26, 2022
To: Board of Directors
Re: Conservation Lands Update for the period September 25, 2021 to December 31, 2021
Prepared by: David Beamer, Manager, Conservation Lands

PROPOSED RESOLUTION:

THAT the Conservation Lands Update for the period Sept. 25, 2021 to Dec. 31, 2021 be received as information.

REGULAR MAINTENANCE/ACTIVITIES:

During the fall of 2021, regular maintenance was conducted including:

- Cleaned and maintained kiosks
- Removed garbage from conservation areas
- Maintained 22+ km of trail systems and removed downed trees affecting trails
- Removed hazard trees
- Interacted with Conservation Lands visitors and responded to inquiries, complaints, and requests from members of the public and neighbours of Conservation Areas
- Coordinated maintenance of the LTC fleet
- Tested and maintained water systems, septic systems, and performed other general maintenance at the LTC Office and the Goodrich-Loomis Conservation Centre
- Continued to monitor and coordinate maintenance of geocaches on C.A. Lands (including the construction and placement of three new geocaches)
- Painted various picnic tables and structures
- Warkworth C.A. dam was regularly inspected

SPECIAL PROJECTS & PROGRAM IMPROVEMENTS:

- Contracted professional grading to remove potholes in the Proctor Park Conservation Area parking lot.
- Build a new drainage swale to address erosion issues at the Goodrich-Loomis Conservation Area.
- Initiated Conservation Lands Plantation Inventory, which will lead to a Plantation Thinning Plan for four LTC properties.
- Collaborated to create a new partnership with the Brighton Children's Centre for a new snowshoeing program for youth at the Goodrich-Loomis Conservation Area.
- Amended the Kawartha Pine Ridge District School Board contract to include a new (second) teacher at Goodrich-Loomis.
- Inspected and performed minor maintenance on Burnley Creek and Alderville Woods Natural Habitat Areas.
- Inspected and performed maintenance on flood and erosion control structures.
- Removed logs at Warkworth Conservation Area dam.
- Collaborated with HydroOne to remove final posts associated with osprey nest relocation at Seymour Conservation Area.

HAZARD TREE REMOVAL:

As per LTC's Hazard Tree Removal Policy, we inspect, document, and remove hazard trees in various LTC-owned properties.

- Goodrich-Loomis Conservation Area = 23*
- Trenton Greenbelt Conservation Area = 2*
- Alderville Woods Natural Habitat Area = 1
- Bleasdell Boulder Conservation Area = 1
- Seymour Conservation Area = 1
- Proctor Park Conservation Area = 15*
- Barnum House Creek Natural Habitat Area = 1

* Many of these trees were removed due to the significant wind storm that we experienced in December.

CONSERVATION LANDS VANDALISM, MISUSE, AND ENFORCEMENT:

Investigated vandalism/disturbances to Conservation Areas. The most notable were:

- The Kingsley Avenue entrance gate at Proctor Park Conservation Area were damaged due to a motor vehicle collision.
- The Sager Conservation Area entrance gate had been damaged due to a motor vehicle collision.
- An ATV had been driving off-road at the Proctor Park Conservation Area.
- A snowmobile had been driving on the trails at the Trenton Greenbelt Conservation Area.

No Section 29 ticket was issued during this period.

- Murray Marsh Natural Habitat Area was patrolled 2 times during the shotgun season for deer; no infractions were observed on LTC properties.
- No complaints were received regarding dogs off leash
- No individuals were observed consuming alcohol

COVID-19 AND CONSERVATION LANDS:

- Event bookings were on-hold due to COVID-19 restrictions.
- Trails and open areas have been kept open for passive daytime use.
- Public washrooms have been reopened and are outfitted with hand sanitizer and sanitizing spray bottles.
- The Seymour Conservation Area gate between the first and second parking lots remained closed to reduce parties from occurring at the quarry. No complaints were received due to this closure. It is expected that this gate will be open in spring of 2022.
- Signage has been installed at entry and gathering points stating that amenities such as picnic areas and gazebos have been closed. Signs have been inspected at least weekly.
- No significant COVID-19-related issues or complaints with keeping our conservation areas open.



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: January 21, 2022
To: Board of Directors
Re: Annual Permit Reports O. Reg. 163/06
Prepared by: Janet Noyes, Manager – Development Services and Water Resources

PROPOSED RESOLUTION:

THAT the Staff Report including the statistical report provided to Conservation Ontario be received as information.

BACKGROUND:

In April 2019, Conservation Ontario Council endorsed the Conservation Ontario (CO) Client Service and Streamlining Initiative. This initiative identifies actions to be taken by Conservation Authorities (CAs) in order to help the province achieve its objective of increasing housing supply while “protecting public health and safety and the environment.” These actions include: a) Improve Client Service and Accountability, b) Increase Speed of Approvals, and c) Reduce Red Tape and Regulatory Burden.

In June, 2019 CO developed three documents to support the initiative, which were revised in December 2019 to address input from the Association of Municipalities of Ontario (AMO):

- CA-Municipality MOU Template for Planning and Development Reviews;
- Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and
- Guideline for CA Fee Administration Policies for Plan Review and Permitting.

In the past, service standards for Section 28 permit applications were specified by the Ministry of Natural Resources and Forestry (MNRF) in the “*Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (2010)*”. More recently, as part of the commitment to improve client service and accountability and increase speed of approvals, CO has created the Client Service Standards for Conservation Authority Plan and Permit Review guideline that recommends new service standards for Section 28 approvals.

Application Process Step	Timeline
Notification of complete application requirements for the purpose of review of the permit application by the CA, start of “paper trail” documentation, and discussion of timelines and fees – Pre-consultation	<ul style="list-style-type: none"> • Major permit applications: Within 14 days of the pre-consultation meeting. • Minor permit applications: Within 7 days of the pre-consultation meeting. • This will include confirmation of whether the application is considered major or minor, if the applicant has provided adequate information (including the scope and scale of the work) for the CA to make that determination.
Notification whether the permit application is considered complete (i.e.	<ul style="list-style-type: none"> • Major permit applications: Within 21 days of the application being received.

<p>it has met submission requirements) for the purpose of CA review</p>	<ul style="list-style-type: none"> • Minor permit applications: within 14 days of the application being received. • Routine permit applications: within 10 days of the applications being received
<p>Decision (recommendation to approve or refer to a hearing) or Comments to Applicant - Major application</p>	<ul style="list-style-type: none"> • Within 28 days after a complete application is received. • Within 30 additional days upon receipt of each re-submission.
<p>Decision (recommendation to approve or refer to a hearing) or Comments to Applicant - Minor application</p>	<ul style="list-style-type: none"> • Within 21 days after a complete application is received. • 15 additional days upon receipt of each re-submission.
<p>Decision (recommendation to approve or refer to a hearing) or Comments to Applicant - Routine application</p>	<ul style="list-style-type: none"> • Within 14 days after a complete application is received. • 7 additional days upon receipt of each re-submission.

As a best practice, LTC will undertake to be consistent with the timelines shown in the Table above. All timelines presented exclude statutory holidays and the time required for the applicant to respond to CA comments on an application. These best practice timelines are premised on the required planning approvals under the Planning Act being in place prior to the submission of an application to the CA.

There is also an Annual Reporting recommendation for these new guidelines as outlined in the document entitled “*Annual Reporting on Timelines Template For Permissions under Section 28 of the Conservation Authorities Act*”, which was endorsed by CO Council in December 2019. These standards are initially focused on high growth CAs but Lower Trent Conservation staff have made a commitment to follow these guidelines as well.

Beginning in 2020, high growth CAs should report at least annually to their Board of Directors on the timeliness of their approvals under Section 28 of the *Conservation Authorities Act*. It is recognized that many CAs already do so. CAs will develop their own tracking methods to report on the timeliness of their reviews. Once the Board has received the information, the annual report should be placed on the CA’s website, as part of the client-centric checklist material.

An overall summary of LTC permits received and approved for the 2019 to 2021 Calendar Years has been included with this report (Attachment 1). An Annual Report Summary for this past year (2021) has been prepared using the template outlined in the Guideline and was provided to Conservation Ontario in January 2021 (Attachment 2) for their records. This information is being provided to the LTC Board of Directors for information.

LTC O.Reg. 163/06 Annual Permit Statistics

YEAR	Total Permits				Major Permits				Minor Permits				Compliance Permits
	Permit Applications Received	Permit Applications Approved	Applications Approved Within Timelines	% Approved Within Provincial Timelines	Permit Applications Received	Permit Applications Approved	Applications Approved Within Timelines	% Approved Within Provincial Timelines	Permit Applications Received	Permit Applications Approved	Applications Approved Within Timelines	% Approved Within Provincial Timelines	
2019	338	326	324	99.4%	239	227	226	99.6%	99	99	98	99.0%	23
2020	351	325	325	100.0%	275	251	251	100.0%	76	74	74	100.0%	20
2021	383	332	325	97.9%	306	253	246	97.2%	77	79	78	98.7%	25

CO Guidelines: 28 days

21 days

Notes: Permits Received by Calendar Year
 Permits Approved by Calendar Year
 Some Permits are withdrawn, files closed after 6 months with incomplete application, or ongoing review
 Some Permits are applied for in one year but not approved to the next year
 LTC does not have a designation for Routine Permits (no DART applications)

2010 MNR Policy & Procedure Timelines: Major (90 days); Minor (30 days)
 2019 CO Guideline Timeline: Major (28 days); Minor (21 days); Routine (14 days)

LTC O.Reg. 163/06 Reporting - 2021

CONSERVATION AUTHORITY	Number of Permits Issued Within Policy and Procedure Timeline		Number of Permits Issued Outside of Policy and Procedure Timeline			Reason for Variance from Policy and Procedure (Optional)			
	Major	Minor	Major	Minor		Major	Minor		
Lower Trent Conservation	253	79	0	0		-	-		
	Number of Permits Issued Within CO Guideline Timeline			Number of Permits Issued Outside of CO Guideline timeline			Reason for Variance from Guidelines (Optional)		
	Major	Minor	Routine	Major	Minor	Routine	Major	Minor	Routine
	246	78	0	7	1	0	See Notes	-	-

Notes: Policy & Procedure Timeline (2010) Major - 90 days; Minor - 30 days
 CO Guideline Timeline (2019) Major - 28 days; Minor - 21 days; Routine - 14 days

Variance Notes: 5 of these Files required Hearings so the Permit was issued > 28 days after receiving a complete application
 All were issued < 20 days after the Hearing
 1 of these files was over the Christmas Holiday Break and was issued 33 days after receiving a complete application
 1 of these files was issued 74 days after receiving a complete application as there was no urgency in the permit due to proposed timelines, COVID restrictions and LTC staff workload issues.
 1 Minor permit issued 26 days after receiving complete application because works had already been completed and LTC Staff workload and COVID restrictions

REPORT TO THE BOARD OF DIRECTORS

OF

**THE LOWER TRENT REGION CONSERVATION
AUTHORITY**

For the year ended December 31, 2021

Prepared by:
Daniel J.W. Coleman, CPA, CA
Partner
February 1, 2022

AUDIT STATUS

Our audit of the financial statements of The Lower Trent Region Conservation Authority for the year ended December 31, 2021 is substantially complete and we expect to release our auditor's report after the following outstanding matters are completed:

- Receipt of the signed management representation letter
- Approval of the financial statements by the Board of Directors

If any significant matters arise between the date of this report and the signing of our audit report we will raise them with you. The following paragraphs provide information we are required to communicate with you in accordance with Canadian auditing standards.

QUALITATIVE ASPECTS OF ACCOUNTING PRACTICES AND FINANCIAL REPORTING

Our audit includes consideration of the qualitative aspects of the financial reporting process, including matters that have a significant impact on the relevance, reliability, comparability, understandability and materiality of the information provided in the financial statements.

There are no matters with respect to the qualitative aspects of accounting practices that we wish to draw to your attention in relation to the financial statements for the 2021 fiscal year.

MANAGEMENT REPRESENTATIONS

We are required to obtain written representations from management as an acknowledgement of their responsibility for the fair presentation of the financial statements and as audit evidence on matters material to the financial statements. We have provided a draft of the letter of representation as an attachment to this letter. The Manager, Corporate Services has committed to provide us with a signed copy of the letter on a date to coincide with the date of our auditor's report.

MISSTATEMENTS

The corrected misstatements identified during our audit are included in Appendix A. Management made all the corrections we proposed and as a result there are no unadjusted errors to report to you.

SIGNIFICANT DEFICIENCIES IN INTERNAL CONTROL

During our audit we did not identify any significant deficiencies in internal control to report to the Board.

FINANCIAL STATEMENT PRESENTATION

1. Significant Accounting Policies

The Authority's significant accounting policies are disclosed in the notes to the financial statements.

During the year there were no new accounting policies or changes to existing accounting policies.

2. Management's Judgments and Accounting Estimates

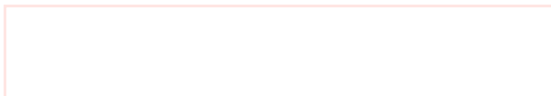
During the audit we did not encounter any situations that required significant judgments on the part of management or involved significant estimates.

MATTERS TO BE COMMUNICATED

Canadian Auditing Standards require us to communicate to you the following:

- Significant matters identified during the audit in connection with the Authority's related parties;
- Whether we encountered other transactions that were unusual or not in the normal course of business;
- Details of any frauds that we identified or information that indicates that a fraud may exist;
- Conditions identified that may cast significant doubt on the Authority's ability to continue as a going concern; and
- Non-compliance with laws or regulations that come to the auditor's attention during the course of the audit.

We did not encounter any such matters during the course of our audit.



ACKNOWLEDGEMENTS

During the course of our audit, we received considerable assistance from the organization's staff and management. We would like to take this opportunity to thank them for their efforts and for their constructive approach to the audit.

Yours truly,

WELCH LLP

A handwritten signature in cursive script that reads "Daniel Coleman".

DANIEL J.W. COLEMAN, CPA, CA

PARTNER

To be dated upon approval of financials

Welch LLP
67 Ontario Street
Trenton, ON
K8V 2G8

Dear Sirs/Madams:

We are providing this letter in connection with your audit of the financial statements of The Lower Trent Region Conservation Authority (the Authority) for the year ended December 31, 2021, for the purpose of expressing an opinion as to whether the financial statements are presented fairly, in all material respects, in accordance with Canadian public sector accounting standards.

We acknowledge that your examination was planned and conducted in accordance with Canadian generally accepted auditing standards so as to enable you to express an opinion on the financial statements. We understand that while your work includes an examination of the accounting system, internal control and related data to the extent you considered necessary in the circumstances, it is not designed to identify, nor can it necessarily be expected to disclose, fraud, shortages, errors and other irregularities, should any exist.

Certain representations in this letter are described as being limited to matters that are material. An item is considered material, regardless of its monetary value, if it is probable that its omission from or misstatement in the financial statements would influence the decision of a reasonable person relying on the financial statements.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit:

Financial Statements

1. We have fulfilled our responsibilities, as set out in the terms of the engagement letter dated January 25, 2019, for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards.
2. The significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable.

Information Provided

1. We have provided you with:
 - (a) Access to all information of which we are aware that is relevant to the preparation of the financial statements, such as records, documentation and other matters;
 - (b) Additional information that you have requested from us for the purpose of the audit; and
 - (c) Unrestricted access to persons within the Authority from whom you determined it necessary to obtain audit evidence.
2. All transactions have been recorded in the accounting records and are reflected in the financial statements.
3. We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud. We have assessed this risk as low.
4. We have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the Authority and involves:
 - (a) Management;
 - (b) Employees who have significant roles in internal control; or
 - (c) Others where the fraud could have a material effect on the financial statements.
5. We have disclosed to you all information in relation to allegations of fraud, or suspected fraud, affecting the Authority's financial statements communicated by employees, former employees, analysts, regulators or others.
6. We have disclosed to you all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing financial statements.
7. We have disclosed to you the identity of the Authority's related parties and all the related party relationships and transactions of which we are aware.

Notes and Accounts Receivable

1. Notes and accounts receivable represent valid claims relating to transactions made before the end of the fiscal year and do not include any amount relating to services provided after year end. Adequate provision has been made for losses which may be sustained in the collection of receivables.

Temporary and Portfolio Investments

1. All investments that are owned by the Authority are recorded in the accounts.
2. The Authority has good title to all investments recorded in the accounts and these investments are free from hypothecation.

3. All income earned on the investments for the year has been recorded in the accounts.
4. Where there has been a significant adverse change in the expected timing or amount of future cash flows from an investment, it has been appropriately written down.

Tangible Capital Assets

1. All charges to tangible capital asset accounts during the year represent actual additions to and no expenditures of a capital nature were charged to the operations of the Authority during the year.
2. All tangible capital assets sold or dismantled have been properly accounted for in the books of the Authority.
3. Appropriate rates have been used to amortize the assets over their estimated useful lives and the provisions were calculated on a basis consistent with that of the previous period.
4. The Authority has good title to the properties represented by the balance carried in the capital asset accounts, and there are no liens, mortgages or other charges against any of the tangible capital assets shown on the books of the Authority.
5. Where the value of any tangible capital assets has been impaired, this fact has been disclosed to you.

Liabilities and Commitments

1. At the year end, with the exception of relatively immaterial obligations for which invoices had not been received or which otherwise could not readily be determined or estimated, all known liabilities of the Authority are included and fairly stated on the statement of financial position.
2. At the year-end there were no contingent liabilities (e.g., discounted receivables or drafts, guarantees, pending or unsettled suits, matters in dispute).
3. The Authority has complied with all aspects of contractual agreements that could have a material effect on the financial statements in the event of non-compliance, including all covenants, conditions or other requirements of all outstanding debt.
4. At the year-end, the Authority had no unusual commitments or contractual obligations of any sort that were not in the ordinary course of business or that might have an adverse effect upon the Authority.
5. All claims outstanding against the Authority or possible claims have been disclosed to you and, where appropriate, reflected in the financial statements or notes thereto.
6. We understand that any illegal or possibly illegal act could damage the Authority or its reputation or give rise to a claim or claims against the Authority. We are not aware of any violations or possible violations of law or regulations the effects of which should be considered for disclosure in the financial statements or as the basis for recording a contingent loss.

Statement of Operations

1. All of the revenues of the Authority for the year has been recorded in the books of account and disclosed in the financial statements.
2. The statement of operations contains no extraordinary or non-recurring items of material amount except as shown thereon.

Restrictions

1. All restrictions on the use of the Authority's funds or assets, as well as all requirements or conditions imposed by third parties, have been brought to your attention and are appropriately disclosed in the financial statements. The Authority complied with all restrictions, requirements or conditions which, in the event of non-compliance could have a significant effect on the financial statements.
2. All assets subject to a lien, pledged or assigned as security or guarantee for liabilities were brought to your attention and are appropriately disclosed in the financial statements.

Corporate Minutes

The minute books of the Authority contain an accurate record of all of the business transacted at meetings of directors and committees of directors up to the date of this letter.

Controlled and Related Entities

1. The Authority does not have relationships with any companies or other not-for-profit organizations that involve control, joint control, or significant influence nor does the Authority have an economic interest in any other not-for-profit organization.

Related Party Transactions

1. Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of Canadian public sector accounting standards.
2. There have been no exchanges of goods or services with any related parties during the year that require disclosure in the financial statements.

Recognition, Measurement and Disclosure

1. Significant assumptions used in arriving at the fair values of financial instruments as measured and disclosed in the financial statements are reasonable and appropriate in the circumstances.
2. The Authority has no plans or intentions that may materially affect the carrying value or classification of assets and liabilities reflected in the financial statements.

3. The nature of all material measurement uncertainties has been appropriately disclosed in the financial statements, including all estimates where it is reasonably possible that the estimate will change in the near term and the effect of the change could be material to the financial statements.
4. The Authority did not undertake any material non-monetary transactions or transactions for no consideration during the financial reporting period under consideration.

Going Concern

We confirm that we have assessed the Authority's ability to continue as a going concern, taking into account all information which is at least twelve months from the year-end date, and we conclude that the Authority is able to continue as a going concern for the foreseeable future.

Other Information

Other information consists of financial or non-financial information (other than financial statements and the auditor's report thereon) included in an entity's annual report. An annual report is a document, or combination of documents, prepared typically on an annual basis by management or those charged with governance in accordance with law, regulation or custom, the purpose of which is to provide owners or stakeholders with information on the Authority's operations and the Authority's financial results and financial position as set out in the financial statements.

1. We intend to prepare and issue other information that has not been provided to you prior to the date of the auditor's report and to provide you with the expected timing of such issuance.

General

1. We are unaware of any frauds or possible frauds having been committed by the Authority, its employees or any of its directors and officers and we have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
2. We have no knowledge of any allegations of fraud or suspected fraud affecting the Authority's financial statements.
3. We acknowledge that we are responsible for the implementation and operation of internal controls that are designed to prevent and detect fraud and error.
4. We are unaware of any known or probable instances of non-compliance with the requirements of regulatory or governmental authorities, including their financial reporting requirements.
5. The effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements as a whole.

6. In the course of your audit of our financial statements for the year ended December 31, 2021, you have recommended certain journal entries and adjustments to our books and records as attached to this letter. We hereby acknowledge that we understand, agree with and approve of the attached journal entries which have been considered necessary to present fairly the financial position and operating results of our Authority.

Events Subsequent to the Year-end

No facts have been discovered which necessitate material adjustment to the year-end figures or disclosure in the notes to the financial statements.

Yours very truly,

THE LOWER TRENT REGION CONSERVATION AUTHORITY

Per _____
Kelly Vandette,
Manager, Corporate Services

Draft for discussion purposes

The Lower Trent Region Conservation Authority

Year End: December 31, 2021

Adjustments

Rev. 10/10/01

Date: 01-01-21 To 12-31-21

Number	Date	Name	Account No	Reference	Debit	Credit	Recurrence	Misstatement
1	12-31-21	Short Term Deposits	1019 LTC	B1	44.86			
1	12-31-21	Short Term Deposit - Shell Cda GLCC	1021 LTC	B1	14.85			
1	12-31-21	Unearned Revenue - Shell Fund	2044 LTC	B1		14.85		
1	12-31-21	Interest Earned - Bank	4069 CS	B1		44.86		
To record investment income earned during the year.								
2	12-31-21	Wages - Permanent Regular	5101 CEO	PL29-2		23,960.94		
2	12-31-21	Wages - Permanent Regular	5101 L-SP	PL29-2	23,960.94			
To transfer portion of Youth Education (Project code 200) program expenses to the SP E&O (Project code 19)								
3	12-31-21	Unearned Revenue - BQRAP Governance	2040 LTC	HH2		141,774.50		
3	12-31-21	Deferred Revenue Recognized	4016 BQRAP	HH2	141,774.50			
to adjust deferred revenue contributions - BQRAP governance (#501)								
4	12-31-21	Accounts Receivable	1023 LTC	C1	2,690.76			
4	12-31-21	HST Rebate	1025 LTC	C1		246.57		
4	12-31-21	Rebates & Recoveries	4077 CL	C1		2,444.19		
To set up AR for Templeman LLP invoice to be reimbursed by land owners. (rebates & recoveries project code 107)								
5	12-31-21	Rebates & Recoveries	4077 BQRAP	HH2-3. 1		15,000.00		
5	12-31-21	Professional & Consultant Services	5501 BQRAP	HH2-3. 1	15,000.00			
To set up additional expenses (re. trsfr from #501 to #515)								
6	12-31-21	Accounts Payable	2007 LTC	BB1		1,874.40		
6	12-31-21	Heat	5350 CL	BB1	62.21			
6	12-31-21	Heat	5350 CS	BB1	195.59			
6	12-31-21	Electricity	5351 CL	BB1	210.27			
6	12-31-21	Electricity	5351 CS	BB1	497.54			
6	12-31-21	Legal Services	5505 WSS	BB1	908.79			
To accrue additional liabilities at year end. (Corp Serv. Project code 051, Conserv. Land project code 052)								
7	12-31-21	Accounts Receivable	1023 LTC	PL28	818.57			
7	12-31-21	Interest Earned - Bank	4069 CS	PL28		785.96		
7	12-31-21	Interest Earned - Bank	4069 R-DWSP	PL28		32.61		
To record bank account interest accrual for December 2021.								
8	12-31-21	Flood & Erosion Control Infrastruct	1820 LTC	HH1	40,704.08			
8	12-31-21	Surplus/Deficit - Beginning of Year	3010 LTC	HH1	40,704.08			
8	12-31-21	Equity in Tangible CAPITALASSETS	3020 LTC	HH1		40,704.08		
8	12-31-21	Erosion Control Structures	5610 CAPITALAS!	HH1		40,704.08		
To capitalize Warkworth Dam (from								

Prepared by	Reviewed by	First Partner	Second Partner
SL 01-25-22		DJWC 01-30-22	

The Lower Trent Region Conservation Authority
Year End: December 31, 2021
Adjustments
Rev. 10/10/01
Date: 01-01-21 To 12-31-21

Table with columns: Number, Date, Name, Account No, Reference, Debit, Credit, Recurrence, Misstatement. Contains multiple rows of financial adjustments with descriptions like 'Project #005', 'HST Rebate', 'Deferred Revenue - Stewardship', etc.

Summary table with columns: Prepared by, Reviewed by, First Partner, Second Partner. Includes names and dates like SL 01-25-22 and DJWC 01-30-22.

The Lower Trent Region Conservation Authority
Year End: December 31, 2021
Adjustments
Rev. 10/10/01
Date: 01-01-21 To 12-31-21

Table with columns: Number, Date, Name, Account No, Reference, Debit, Credit, Recurrence, Misstatement. Contains multiple rows of financial adjustments categorized by project (e.g., Project #515 BQRAP, Project #510 BQRAP, etc.) and ending with a record of amortization for the year.

Summary table with columns: Prepared by, Reviewed by, First Partner, Second Partner. Values include SL (01-25-22) and DJWC (01-30-22).

The Lower Trent Region Conservation Authority

Year End: December 31, 2021

Adjustments

Rev. 10/10/01

Date: 01-01-21 To 12-31-21

Number	Date	Name	Account No	Reference	Debit	Credit	Recurrence	Misstatement
		To charge reserves for items approved in capital management plan						
					672,071.43	672,071.43		
		Net Income (Loss)						241,807.02

Prepared by	Reviewed by	First Partner	Second Partner
SL 01-25-22		DJWC 01-30-22	

THE LOWER TRENT REGION CONSERVATION AUTHORITY

FINANCIAL STATEMENTS

December 31, 2021

Draft for discussion purposes

MANAGEMENT RESPONSIBILITY STATEMENT

The financial statements of The Lower Trent Region Conservation Authority are the responsibility of management and have been approved by the Board.

The financial statements have been prepared in compliance with Canadian public sector accounting standards, as issued by the Public Sector Accounting Board of The Chartered Professional Accountants of Canada. A summary of the significant accounting policies are described in Note 2 to the financial statements. The preparation of financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The Authority's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the financial statements. These systems are monitored and evaluated by management.

The financial statements have been audited by Welch LLP, independent external auditors appointed by the Authority, in accordance with Canadian auditing standards. The accompanying Independent Auditor's Report outlines their responsibilities, the scope of their examination and their opinion on the Authority's financial statements.

Rhonda Bateman
Chief Administrative Officer

Kelly Vandette
Manager, Corporate Services

Date to be determined

INDEPENDENT AUDITOR'S REPORT

To the Members of
THE LOWER TRENT REGION CONSERVATION AUTHORITY

Opinion

We have audited the financial statements of **THE LOWER TRENT REGION CONSERVATION AUTHORITY**, which comprise the statement of financial position as at December 31, 2021, and the statements of surplus, changes in net financial assets, operations and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Authority as at December 31, 2021, and its results of operations and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Authority in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Authority or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Authority's financial reporting process.

INDEPENDENT AUDITOR'S REPORT (continued)

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- ◆ Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- ◆ Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control.
- ◆ Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- ◆ Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Authority to cease to continue as a going concern.
- ◆ Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Trenton, Ontario
Date to be determined

CHARTERED PROFESSIONAL ACCOUNTANTS
LICENSED PUBLIC ACCOUNTANTS

THE LOWER TRENT REGION CONSERVATION AUTHORITY

(Established under the Conservation Authorities Act of Ontario)

STATEMENT OF FINANCIAL POSITION

DECEMBER 31, 2021

	<u>2021</u>	<u>2020</u>
FINANCIAL ASSETS		
Cash	\$ 2,026,174	\$ 1,601,148
Short term investment - <i>note 3</i>	63,858	63,799
Accounts receivable:		
Municipalities	20,180	15,460
Other	11,474	63,626
	<u>2,121,686</u>	<u>1,744,033</u>
 LIABILITIES		
Accounts payable and accrued liabilities	97,031	104,846
Unearned revenue	39,721	50,149
Due to partnership programs - <i>note 5</i>	343,493	124,940
Deferred contributions - <i>note 4</i>	207,745	258,650
	<u>687,990</u>	<u>538,585</u>
 NET FINANCIAL ASSETS	<u>1,433,696</u>	<u>1,205,448</u>
 NON-FINANCIAL ASSETS		
Tangible capital assets - <i>schedule 4</i>	2,944,036	2,935,433
Prepaid expenditures	21,468	16,512
	<u>2,965,504</u>	<u>2,951,945</u>
 ACCUMULATED SURPLUS	<u>\$ 4,399,200</u>	<u>\$ 4,157,393</u>
 Represented by:		
Operating fund - <i>note 6</i>	\$ 807,652	\$ 607,890
Reserve funds - <i>note 7</i>	647,512	614,070
Equity in tangible capital assets	2,944,036	2,935,433
	<u>\$ 4,399,200</u>	<u>\$ 4,157,393</u>

Approved on behalf of the Board

_____ Director

_____ Director

(See accompanying notes)

THE LOWER TRENT REGION CONSERVATION AUTHORITY
STATEMENT OF SURPLUS
YEAR ENDED DECEMBER 31, 2021

	<u>2021</u>	<u>2020</u>
ACCUMULATED SURPLUS , beginning of year	\$ 4,157,393	\$ 3,767,580
Annual surplus	<u>241,807</u>	<u>389,813</u>
ACCUMULATED SURPLUS , end of year	<u>\$ 4,399,200</u>	<u>\$ 4,157,393</u>

STATEMENT OF CHANGES IN NET FINANCIAL ASSETS
YEAR ENDED DECEMBER 31, 2021

	<u>2021</u>	<u>2020</u>
NET FINANCIAL ASSETS, beginning of year	<u>\$ 1,205,448</u>	<u>\$ 801,103</u>
Annual surplus	241,807	389,813
Acquisition of tangible capital assets	(56,315)	(65,985)
Proceeds on disposition of tangible capital assets	-	225,245
Gain (loss) on disposal of tangible capital assets	746	(186,241)
Amortization of tangible capital assets	46,966	43,163
Change in prepaid expenditures	<u>(4,956)</u>	<u>(1,650)</u>
	<u>228,248</u>	<u>404,345</u>
NET FINANCIAL ASSETS, end of year	<u>\$ 1,433,696</u>	<u>\$ 1,205,448</u>

(See accompanying notes)

THE LOWER TRENT REGION CONSERVATION AUTHORITY
STATEMENT OF OPERATIONS
YEAR ENDED DECEMBER 31, 2021

	2021 Budget (Note 11)	2021 Actual	2020 Actual
REVENUE			
Government grants - provincial	\$ 68,831	\$ 68,831	\$ 68,831
Municipal levies - operating	1,003,994	1,003,994	1,003,994
Recoveries - property taxes	24,420	24,253	24,839
Municipal levies - capital	49,053	49,053	-
Legal enquiries, fill permits and plan review	171,000	337,172	242,586
Sundry - note 8	102,500	128,658	64,591
Property rental	29,636	27,386	28,223
Donations - unrestricted	86,023	3,634	2,238
Deferred contributions recognized	-	56,647	30,261
Source Protection RMO/RMI and E&O programs	122,120	128,999	131,099
Recovered from partnership programs - note 10	257,250	277,870	267,889
Government grants - summer students	16,000	11,400	4,480
Government assistance	-	-	25,000
	<u>1,930,827</u>	<u>2,117,897</u>	<u>1,894,031</u>
EXPENDITURES			
Corporate Services, Schedule 1	662,673	600,308	560,282
Watershed Science and Services, Schedule 2	932,314	908,003	812,605
Conservation Lands, Schedule 3	346,363	320,067	295,409
	<u>1,941,350</u>	<u>1,828,378</u>	<u>1,668,296</u>
Annual Surplus before capital items	<u>(10,523)</u>	<u>289,519</u>	<u>225,735</u>
CAPITAL ITEMS			
Amortization	-	(46,966)	(43,163)
Gain (loss) on disposal of tangible capital assets	-	(746)	186,241
Land donations	-	-	21,000
	<u>-</u>	<u>(47,712)</u>	<u>164,078</u>
ANNUAL SURPLUS (DEFICIT)	<u>\$ (10,523)</u>	<u>\$ 241,807</u>	<u>\$ 389,813</u>

(See accompanying notes)

THE LOWER TRENT REGION CONSERVATION AUTHORITY
SCHEDULES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

SCHEDULE OF CORPORATE SERVICES**Schedule 1**

	2021 Budget (Note 11)	2021 Actual	2020 Actual
Wages and benefits	\$ 510,923	\$ 517,421	\$ 457,686
Travel and allowances	15,000	9,720	9,026
Equipment purchases and rental	2,500	-	855
Materials and supplies	12,250	7,138	12,237
Building occupancy costs	25,000	20,295	17,773
General	97,000	69,109	88,113
Less: internal charge for supervision and overhead	<u>-</u>	<u>(23,375)</u>	<u>(25,408)</u>
	<u>\$ 662,673</u>	<u>\$ 600,308</u>	<u>\$ 560,282</u>

SCHEDULE OF WATERSHED SCIENCE AND SERVICES**Schedule 2**

	2021 Budget (Note 11)	2021 Actual	2020 Actual
Wages and benefits	\$ 655,794	\$ 601,045	\$ 564,819
Travel and allowances	5,000	3,880	2,596
Materials, equipment and supplies	5,000	3,534	3,285
Office	8,000	13,473	4,242
Vehicle and equipment - operations and maintenance	8,000	3,922	4,693
Oak Ridges Moraine Coalition	2,500	1,250	2,500
Groundwater monitoring network	-	-	5
Benthic/flow monitoring	39,000	9,946	740
Flood forecasting and control structures	37,300	23,946	48,571
Events and publications	7,500	-	418
Education and outreach programs	19,600	55,107	29,129
Stewardship programs	22,500	62,837	20,870
Source Protection RMO/RMI and E&O programs	<u>122,120</u>	<u>129,063</u>	<u>130,737</u>
	<u>\$ 932,314</u>	<u>\$ 908,003</u>	<u>\$ 812,605</u>

(See accompanying notes)

THE LOWER TRENT REGION CONSERVATION AUTHORITY
SCHEDULES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

SCHEDULE OF CONSERVATION LANDS**Schedule 3**

	2021 Budget (Note 11)	2021 Actual	2020 Actual
Wages and benefits	\$ 231,837	\$ 205,283	\$ 187,991
Travel and allowances	1,600	1,966	421
General maintenance	18,500	16,802	14,297
Property taxes	46,526	43,257	44,470
Insurance	15,900	16,669	14,424
Workshop costs	10,000	9,538	7,754
Goodrich-Loomis Conservation Centre operations	7,000	6,971	7,747
Vehicle and equipment operations and maintenance	15,000	19,581	17,802
Vehicle and equipment lease/purchase	-	-	503
	<u>\$ 346,363</u>	<u>\$ 320,067</u>	<u>\$ 295,409</u>

(See accompanying notes)

**THE LOWER TRENT REGION CONSERVATION AUTHORITY
SCHEDULE OF TANGIBLE CAPITAL ASSETS
YEAR ENDED DECEMBER 31, 2021**

Schedule 4

	Buildings, structures and bridges		Flood and erosion control infrastructure		Roads, parking lots and trails		Furniture and fixtures		Equipment		Office equipment		Vehicles		Computer equipment		2021 Total		2020 Total	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Historical Costs:																				
Operating Balance	2,117,404	832,062	273,132	134,797	39,578	70,924	39,021	200,667	77,548	3,785,133	3,758,152									
Additions	-	12,335	40,704	-	-	-	-	-	3,276	56,315	65,985									
Disposals	(746)	-	-	-	-	-	-	-	-	-	-									(39,004)
Closing Balance	2,116,658	844,397	313,836	134,797	39,578	70,924	39,021	200,667	80,824	3,840,702	3,785,133									

Accumulated Amortization:

Operating Balance	-	304,210	166,857	41,297	37,005	57,552	36,592	140,802	65,385	849,700	806,537									
Amortization	-	13,273	3,420	2,338	514	2,675	728	17,960	6,058	46,966	43,163									
Effects of Disposals	-	-	-	-	-	-	-	-	-	-	-									-
Closing Balance	-	317,483	170,277	43,635	37,519	60,227	37,320	158,762	71,443	896,666	849,700									
Net book value for year ended December 31, 2021	2,116,658	526,914	143,559	91,162	2,059	10,697	1,701	41,905	9,381	2,944,036	2,935,433									

(See accompanying notes)

THE LOWER TRENT REGION CONSERVATION AUTHORITY
STATEMENT OF CASH FLOWS
YEAR ENDED DECEMBER 31, 2021

	<u>2021</u>	<u>2020</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Annual surplus	\$ 241,807	\$ 389,813
Adjustments for:		
Amortization	46,966	43,163
Loss (gain) on disposal of tangible capital assets	746	(186,241)
Land donation	<u>-</u>	<u>(21,000)</u>
	289,519	225,735
Change in non-cash operating balances:		
Accounts receivable	47,432	(42,693)
Prepaid expenditures	(4,956)	(1,650)
Accounts payable and accrued liabilities	(7,815)	20,765
Unearned revenue	(10,428)	25,500
Due to partnership programs	218,553	(206,267)
Deferred contributions	<u>(50,905)</u>	<u>126,702</u>
	<u>481,400</u>	<u>148,092</u>
CASH FLOWS FROM CAPITAL TRANSACTIONS		
Purchase of tangible capital assets	(56,315)	(44,985)
Proceeds on disposal of tangible capital assets	<u>-</u>	<u>225,245</u>
	<u>(56,315)</u>	<u>180,260</u>
CASH FLOWS FROM INVESTING TRANSACTIONS		
Purchase of short-term investment	<u>(59)</u>	<u>(289)</u>
INCREASE IN CASH	425,026	328,063
CASH, beginning of year	<u>1,601,148</u>	<u>1,273,085</u>
CASH, end of year	<u>\$ 2,026,174</u>	<u>\$ 1,601,148</u>

(See accompanying notes)

THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

1. NATURE OF OPERATIONS

The Lower Trent Region Conservation Authority ("the Authority") is established under the Conservation Authorities Act of Ontario to further the conservation, restoration, development and management of natural resources, other than gas, oil, coal and minerals, for the watersheds within its area of jurisdiction. The watersheds include areas in the Municipalities of Centre Hastings, Trent Hills and Brighton, the Townships of Alnwick/Haldimand, Cramahe and Stirling-Rawdon, and the City of Quinte West.

The Authority is a registered charity and is exempt from income taxes.

2. SIGNIFICANT ACCOUNTING POLICIES

The Authority follows Canadian Public Sector Accounting Standards as issued by the Public Sector Accounting Board (PSAB) in preparing its financial statements. The significant accounting policies used are as follows:

Basis of accounting

Revenue and expenditures are recorded on the accrual basis, whereby they are reflected in the accounts in the year in which they have been earned and incurred, respectively, whether or not such transactions have been settled by the receipt or payment of money.

Appropriations to reserves

Authorities may establish reserves by appropriating amounts to earmark them for specific purposes. Appropriations to or from reserves are reported on the statement of surplus as appropriations from or to surplus.

Tangible capital assets

Tangible capital assets are recorded at cost less accumulated amortization and are classified according to their functional use. Amortization is recorded on a declining balance basis commencing in the year the asset is put into service. Donated tangible capital assets are reported at fair value at the time of donation. Amortization rates are as follows:

Buildings, structures and bridges	2.5%
Flood and erosion control infrastructure	2.5%
Roads, parking lots and trails	2.5%
Furniture and fixtures	20%
Equipment	20%
Office equipment	30%
Vehicles	30%
Computer equipment	30 to 45%

**THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021**

2. SIGNIFICANT ACCOUNTING POLICIES (continued)

Revenue recognition

The Authority recognizes revenue as follows:

Municipal levies - general are recognized in the fiscal year in which they are levied.

The Provincial government annual operating grant is recognized in the fiscal year to which the grant relates to the extent that eligible expenditures have been incurred.

User fees and sales are recognized when the service has been performed or the goods have been transferred.

Other grants and specified donations are recognized when the related net expenditures have been incurred.

Property rental income is recognized over the lease term.

General donations are recognized when received.

Any funding received for which the related services have not been performed and/or the related expenditures have not been incurred at the end of the fiscal year are recorded as unearned revenue.

Investments

Investments are measured at acquisition cost.

Use of estimates

The preparation of financial statements in conformity with Canadian Public Sector Accounting Standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements and reported amounts of revenues and expenditures during the reporting period. Items requiring the use of significant estimates include determining the estimated useful lives of tangible capital assets. Actual results could differ from those estimates.

THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

2. SIGNIFICANT ACCOUNTING POLICIES (continued)

Liability for contaminated sites

A contaminated site is a site at which substances occur, in concentrations that exceed the maximum acceptable amounts under an environmental standard. Sites that are currently in productive use are only considered a contaminated sites if an unexpected event results in contamination. A liability for remediation of contaminated sites is recognized when the Authority is directly responsible or accepts responsibility, it is expected that future economic benefits will be given up and a reasonable estimate of the amount can be made. The liability includes all costs directly attributable to remediation activities including post remediation operations, maintenance and monitoring. The liability is recorded net of any expected recoveries. These statements do not include any liability for contaminated sites.

3. SHORT TERM INVESTMENT

The short term investment consists of a T-Bill mutual fund and includes \$15,884 (2020 - \$15,870) which is restricted in use for the Shell Canada project described in Note 4. The market value of the investment is equivalent to its cost.

4. DEFERRED CONTRIBUTIONS

	<u>2021</u>	<u>2020</u>
Balance, beginning of year	\$ 258,650	\$ 131,948
Contributions received in year	5,727	156,891
Interest earned	15	72
Expended in year	<u>(56,647)</u>	<u>(30,261)</u>
Balance, end of year	<u>\$ 207,745</u>	<u>\$ 258,650</u>

Deferred contribution balance includes the following items:

	<u>2021</u>	<u>2020</u>
Shell Canada	\$ 15,884	\$ 15,870
Youth Education Programs and Fundraising Initiative	<u>191,861</u>	<u>242,780</u>
	<u>\$ 207,745</u>	<u>\$ 258,650</u>

The Authority received contributions in a prior year from Shell Canada that are restricted in their use towards capital improvements at the Goodrich-Loomis Conservation Centre.

The Authority received contributions during the year from various donors that are restricted in their use towards Youth Education Programs and Fundraising Initiative.

THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

5. DUE TO PARTNERSHIP PROGRAMS

The Authority has been engaged to manage and administer various non-authority programs on behalf of partners. This includes hiring and supervising the employees of these programs as well as providing technical and administrative support. The Authority is advanced funds to cover the expenditures of these programs. Separate bank accounts are not maintained for these programs. At December 31, 2021 the Authority had the following amounts payable to these programs and funds received and expended for these programs.

	Amount payable (recoverable) beginning of year	Funds received in year	Expenditures	Amount payable (recoverable) end of year
Bay of Quinte Governance	\$ (19,629)	\$ 370,250	\$ 228,476	\$ 122,145
Bay of Quinte Natural Heritage	<u>109,852</u>	<u>249,679</u>	<u>233,509</u>	<u>126,022</u>
Bay of Quinte Remedial Action Plan - total	90,223	619,929	461,985	248,167
Source Water Protection	<u>34,717</u>	<u>764,779</u>	<u>704,170</u>	<u>95,326</u>
	<u>\$ 124,940</u>	<u>\$ 1,384,708</u>	<u>\$ 1,166,155</u>	<u>\$ 343,493</u>

The Authority is the signatory to funding contracts with the Federal and Ontario governments for the above noted programs. Under these contracts, there are periodic submissions of financial reports and reconciliation of expenditures incurred to the funding provided for the contract period. Funding received in excess of eligible expenditures may have to be returned to the funding government.

6. OPERATING FUND

The activity during the year in the operating fund is as follows:

	<u>2021</u>	<u>2020</u>
Balance, beginning of year	\$ 607,890	\$ 493,140
Increase in net financial assets	228,249	404,345
Increase (decrease) in prepaid expenditures	4,956	1,650
Appropriations to reserves	(49,054)	(291,245)
Appropriations from reserves	<u>15,611</u>	<u>-</u>
Balance, end of year	<u>\$ 807,652</u>	<u>\$ 607,890</u>

THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

7. RESERVE FUNDS

Appropriations to or from the reserve for administration facility, reserve for equipment, reserve for special projects, reserve for workshop facility, reserve for conservation lands, reserve for legal fees and reserve for youth education are specific decisions of the Authority's Board of Directors. The Provincial land reserve consists of funds received from sales of lands that are restricted in purpose to the purchase of provincially significant conservation lands, flood operations, flood control structures or hazard land mapping and require provincial approval. The activity in the various reserve funds during the year are as follows:

	Balance beginning of year	Appropriation from Operations	Appropriation to Operations	Balance end of year
Reserve for buildings, structures, and bridges	\$ 80,481	\$ 16,000	\$ 12,335	\$ 84,146
Reserve for vehicles and equipment	103,556	15,275	-	118,831
Reserve for special projects	62,675	1,840	-	64,515
Reserve for conservation lands	15,000	-	-	15,000
Reserve for legal fees	60,000	-	-	60,000
Reserve for youth education	43,113	-	-	43,113
Provincial land reserve	225,245	-	-	225,245
Reserve for IT infrastructure	24,000	6,000	3,276	26,724
Reserve for land infrastructure	-	9,938	-	9,938
	<u>\$ 614,070</u>	<u>\$ 49,053</u>	<u>\$ 15,611</u>	<u>\$ 647,512</u>

During the year, the Authority consolidated the reserve for administration facility and workshop facility into the reserve for buildings, structures and bridges and created the reserve for IT infrastructure allocating \$24,000 from the reserve for vehicles and equipment. Opening balances above reflect these changes.

Appropriations from operations represent the capital levy approved in the year and appropriations to operations relate to actual spending on items approved in the capital asset management plan.

THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

8. SUNDRY

Sundry revenue consists of the following:

	2021 Budget (Note 11)	2021 Actual	2020 Actual
Tree seedling and native potted plant program	\$ 22,500	\$ 28,580	\$ 27,179
	-	-	-
Stewardship programs and other projects	20,000	47,665	26,262
Interest	10,000	8,890	11,150
Warkworth Dam	50,000	39,948	-
Rebates and recoveries	-	3,575	-
	<u>\$ 102,500</u>	<u>\$ 128,658</u>	<u>\$ 64,591</u>

Sundry revenue includes \$39,937 (2020 - \$12,704) related to special projects that were recognized from special levies to the benefitting municipalities.

9. DONATIONS

During the year, the Authority received donations totalling \$6,861 of which \$3,223 were restricted in use and have been included in deferred contributions (see note 4) and \$3,638 is included as donations - unrestricted on the statement of operations.

10. RECOVERIES FROM PARTNERSHIP PROGRAMS

Recoveries from partnership programs are amounts recovered from the programs described in note 5 and include recovery of wages and benefits of general Authority employees, office space and automotive equipment rental and overhead costs. The amounts charged to the programs are as follows:

	<u>2021</u>	<u>2020</u>
Bay of Quinte Remedial Action Plan	\$ 130,136	\$ 122,743
Source Water Protection	<u>147,734</u>	<u>145,146</u>
	<u>\$ 277,870</u>	<u>\$ 267,889</u>

THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021

11. BUDGET AMOUNTS

The budget amounts presented are as approved by the Board of Directors on December 10, 2020. This includes both the operating budget and the capital budget. The operating budget included \$1,831,774 of revenue and \$1,941,350 of expenditures for a deficit of \$109,576. The capital budget included \$99,053 of revenue with projected capital expenditures of \$142,500 for the current year. The Authority does not budget for amortization.

12. FINANCIAL INSTRUMENTS

The Authority's financial instruments consist of cash, short term investment, accounts receivable, accounts payable and accrued liabilities and due to partnership programs. Unless otherwise noted, it is management's opinion that the Authority is not exposed to significant interest rate, currency or credit risks arising from these financial instruments.

The fair value of the financial instruments, excluding short term investment, approximate their carrying values because of their expected short-term maturities and treatments on normal trade terms. The fair value of the short term investment approximates its carrying value as the investment is in a T-bill fund for which the quoted price does not vary.

13. EXPENDITURES BY OBJECT

	<u>2021</u>	<u>2020</u>
Salaries and benefits	\$ 1,385,000	\$ 1,366,617
Operating goods and services	<u>443,378</u>	<u>301,679</u>
	<u>\$ 1,828,378</u>	<u>\$ 1,668,296</u>

14. PENSION AGREEMENTS

The Authority makes contributions to the Ontario Municipal Employees Retirement Fund (OMERS), which is a multi-employer plan, on behalf of the members of its staff. This plan is a defined benefit plan which specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay. Contributions are split equally between the employees and the Authority.

The Authority's share of contributions to OMERS for 2021 was \$125,447 (2020 - \$126,548) for current service costs and is included in the statement of operations.

The OMERS plan has a reported \$3.2 billion actuarial deficit at the end of 2020 (2019 - \$3.4 billion), and \$113.1 billion of actuarial liabilities at the end of 2020 (2019 - \$107.7 billion). Amounts for 2021 are not yet available.

**THE LOWER TRENT REGION CONSERVATION AUTHORITY
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2021**

**15. UNCERTAINTY DUE TO THE ECONOMIC CONSEQUENCES OF THE
CORONAVIRUS DISEASE (COVID-19) OUTBREAK**

In mid-March of 2020, the province of Ontario declared a state of emergency in response to the public health concern originating from the spread of the coronavirus disease.

A high degree of uncertainty persists surrounding the full economic impact of the situation. The unpredictable nature of the spread of the disease makes it difficult to determine any long-term impact on the Authority's financial position and operations.

16. COMPARATIVE FIGURES

Certain comparative figures have been reclassified from those previously presented to conform to the presentation of the 2021 financial statements.



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: January 26, 2022
To: Board of Directors
Re: Warkworth Dam – WECl Application 2022
Prepared by: Janet Noyes, Manager – Development Services and Water Resources

PROPOSED RESOLUTION:

THAT the Board supports staff moving forward to access available funds from the Water and Erosion Control Infrastructure (WECl) program through the Ministry of Northern Development, Mines, Natural Resources and Forestry for required work for Warkworth Dam.

BACKGROUND:

In March 2020, the LTC Board of Directors accepted and approved the three reports prepared by DM Wills for the Warkworth Dam: Warkworth Dam Safety Review Update (DSR – July 2019); Public Safety Risk Assessment (PSRA – February 2019) and Emergency Preparedness Plan (EPP- October 2019). Funding for these studies was obtained through the Province’s Water and Erosion Control Infrastructure (WECl) program which requires a commitment from benefitting Municipality for 50% of the funding of the project (in this case Trent Hills).

The recommendations from the DSR and PSRA are summarized and shown in the Table below with a high/medium/low prioritization and the associated estimate costs. Completed items are shaded green and recommended items to be addressed next in orange.

Category	Recommendation	Priority	Estimate
Civil/ Structural			
	Replacing Log Lifting System	High/Medium	\$10K - \$40K
	Replace missing bars in railing on Dam Deck	High	\$5K
	Low Flow Pipe/ Concrete Work	High/Medium (Pipe); Low (Concrete)	\$2.5K (high) \$15K (med) \$100K (low)
Geotechnical			
	Earth Embankment Erosion Review	High	\$7.5K
	Vegetation Removal around dam abutments	Medium	\$10K
	Repair slumping in pond area	Low	\$5K
Dam Safety Management			
	Routine Dam Inspections	Low	\$0
	Annual Dam Inspections	Low	\$0
	Special Dam Inspections	Low	\$0
	OMS Manual	Medium	\$10K
	EPP	Medium	\$10K
	DSR Update	Low	\$100K

Public Safety Risk Assessment			
	Signage	Medium	\$16K
	Deck Gates / Floodway Railings	Medium	\$15K
	Communications	Medium	\$2.5

As discussed with the Board in 2020, a stepped approach with regards to the recommendations from the reports is to be undertaken. The upgraded log lifting system and the earthen embankment erosion review were completed in FY 2020/2021 with funding from WECl and Trent Hills.

With the installation of the new overhead gantry system last year an updated Operation, Maintenance, Surveillance and Safety Manual (OMS) is recommended. The OMS had been identified as a medium priority in the DSR as the existing manual does not meet the minimum requirement for dam safety and the installation of the new gantry system requires updates as well. General quotes of \$8K to \$10K to complete the OMS were obtained last year. LTC staff are recommending this item for completion this year.

LTC are also recommending the replacement of all 22 stop logs for the Warkworth Dam. In 2011 10 of the logs were replaced but we have no record of the age of the remaining 12 logs. Continual leaking between the logs concerns Trent Hills staff and residents of the area due to inconsistent pond levels especially during low flow conditions. Consultation with other dam owners indicates log replacement is recommended every 10 years. A supplier quote of \$27K to replace logs and have them delivered to Warkworth was obtained last year.

LTC staff attended a Trent Hills Council Meeting on January 26, 2022 to request support for the WECl funding application. Trent Hills Council supported the submissions with a resolution to provide matching funding on a 50/50 cost basis. LTC is requesting total funding of \$34,000 (\$8,000 for OMS and \$27,000 for new logs).



STAFF REPORT

Date: January 28, 2022
To: Board of Directors
Re: Proposed Update to LTC Regulation 163/06 Policy Document
Prepared by: Janet Noyes, Manager, Dev. Services & Water Resources

PROPOSED RESOLUTION:

THAT the proposed revisions and updates to the LTC Regulation 163/06 Policy Document, dated February 10, 2022 be adopted.

BACKGROUND:

Lower Trent Conservation Board of Directors approved the Ontario Regulation 163/06 Policy Document through Resolution G67/16 on May 12, 2016. The document was updated in 2017 to clarify some policies and technical appendices and these revisions were approved by the Board of Director on April 13, 2017 through Resolution G44/17. In 2018 further revisions for clarity and legislative updates were necessary and through Resolution G131/18, the Board of Directors approved these updates.

Lower Trent Conservation staff have been working with the approved document since that time and have identified other areas where legislation changes have necessitated revisions, clarification is required, and general improvements could be made. LTC staff have been waiting for the “Updated Regulations” that are pending from the Ontario government but a timeline for issuance of these regulations is unknown.

As of January 1, 2022, O. Reg. 686/21 is in effect and some definitions have been legislated to be changed. These latest updates have been incorporated into the amended document. For these reasons, LTC staff have revised the existing document to correlate to the changing legislation as best as possible at this time.

Rather than listing each individual modification, LTC staff have included a “track-changes” version of the document for review by the LTC Board of Directors. Some minor typographical errors have been corrected in the document as well as references to updated legislation while clarification in other areas to aid in the review and processing of permit applications

Below is a list of the revisions being proposed to clarify a policy or better describe how the policy is applied. A few definitions have been updated to clarify conditions and more consistent applicability.

GENERAL MODIFCATIONS AND UPDATES ARE LISTED BELOW:

- References to the Provincial Policy Statement have been updated to reflect the 2020 version (PPS 2020).
- References of Local Planning Appeals Tribunal (LPAT) now updated to Ontario Land Tribunal (OLT) throughout the document.
- Updated name of Ministry from Natural Resources and Forestry (MNRF) to Northern Development, Mines, Natural Resources and Forestry (NDMNRF) throughout the document.
- NEW Appendices Included:

- Appendix J – Ontario Regulation 686/21
- Appendix K – Little Lake Flood Hazard Information
- Appendix L – Two-Zone No Fill Mapping
- Appendix M – Watercourse Realignment Checklist
- Update Appendix H - Updates to the Hearing Guidelines to incorporate Hearings for Ministers Zoning Orders (MZOs) have also been included in Appendix H – Hearing Guidelines. These updates have been based on a Template provided by Conservation Ontario (September 2021). These amendments were made to incorporate hearings under 28.0.1 Conservation Ontario Council Conservation Ontario Council and update references to the Ontario Land Tribunal (OLT).
- NEW Definitions Include:
 - Major and Moderate Stabilization works to be applied to both Lake Ontario shoreline and riverine bank systems to provide more flexibility to applicants for erosion protection works. Moderate stabilization works will not require engineered design.
 - New definition of wetlands as per O. Reg. 686/21 has been included and LTC notes that the requirement for hydrologic connection to a surface water body has been removed as one of the tests for a wetland. Requirements are now hydric soils, hydrophytic plants and high groundwater levels.
 - New definitions for Flood Hazard, Erosion Hazard, Hazard Lands and Hazardous Sites are now applicable to the *Conservation Authorities Act* and Regulations under the Act. These have been updated throughout the policy document and in the glossary as well.
- Updated Definition of Boathouse so there is more flexibility for applicants (no size restrictions and no peaked roof requirements).
- Section 1.1. Included discussion of the expanded LTC jurisdiction in Trent Hills and provided documentation of these changes in Appendix H.
- NEW Section 1.3. Notes about provincial ministry name changes
- Section 1.4.1. Discussion of further pending changes to *Conservation Authorities Act* and pending regulations updates which will require future updates to this document.
- NEW Section 1.4.2. – Background on new Section 28.0.1. in *Conservation Authorities Act* requiring Conservation Authorities to issue permits to applications under Ministers Zoning Orders (MZO).
- Section 1.4.3. Added discussion of Hydro One Memorandum of Understanding (MOU) as these applications no longer have exemptions under the *Conservation Authorities Act*.
- NEW Section 1.4.6. to introduce Ontario Regulation 686/21 - Mandatory Programs and Services under the *Conservation Authorities Act*. This regulation came into effect on January 1, 2022, and updates definitions for natural hazards to be used in conjunction with permits issued by Conservation Authorities.
- Section 1.5.1. discussion of changes to Conservation Authority appeal powers with respect to the Planning Act as a result of Bill 229 in December 2020.
- Section 1.6.1. updated definitions from the *Conservation Authorities Act* as required by O. Reg. 686/21.
- Section 1.9.1. updated Lake Ontario Shoreline Management Plan information to reference Zuzek Report (2020) and updated Lake Ontario flood elevations. Also updated to include reference to Bay of Quinte Flood Hazard updates by SJL Engineering (2020).
- Section 1.9.2. updated to include LTC analysis of flood hazard for Little Lake in Cramahe.
- NEW Section 2.5.3. allowing engineered design beach curbs to be installed at the dynamic beach boundary as we have a number of requests for this type of protection that has been supported by coastal engineer design in the past.

- NEW Section 4.2.2.4) clarifying requirements for building additions outside of flood hazard but main building is located within the hazard.
- NEW Section 5.2.1.1. 15) allowing for addition to building outside of second storey addition in the flood hazard (greater than 500 ft²) with no increase in building footprint and no increase in habitation. Allows more flexibility for staff to approve as we have had a few hearings for these circumstances, which have been approved by the Board.
- Section 5.2.1.2. 12) clarification of works that can be completed within the NO Fill Zone of the Mayhew Creek Flood Fringe which allows for redevelopment.
- NEW Section 5.2.1.2. 25) clarifying no setbacks from floodway required when developing within the flood fringe in a Two-Zone.
- Section 6.2.1. 9) and 10) have been edited to clarify that small wetlands are considered to be < 0.5 ha in size for consideration of potential development and required wetland compensation.
- Section 7.2.1. 7) reference to Watercourse Realignment Checklist (Appendix M) has been added to this policy to clarify the requirements of application for realignment or other large alteration of a watercourse.
- Section 8.2.2. has been expanded to include the permit categories that have been endorsed by Conservation Ontario Council and presented to the province in regards to reporting requirements for Conservation Authorities. These categories are similar to the permit types outlined by LTC but clarity is provided regarding the distinction between LTC permit types and required category reporting to the province.
- NEW Section 8.2.2.6. has been added to provide the definitions of the permit categories for reporting.
- NEW Section 8.2.5. to define the Client Service Facilitator as required in the Conservation Ontario's Client Service and Streamlining Initiative
- NEW Section 8.2.6. outlining the process for consideration of completeness of a permit application. Process for requesting an Administrative Review for required components of a complete application are included in this section to outline steps for applicants.
- Section 8.2.7. has been updated to reflect the Timeline requirements for permit applications following the revised timelines that is outlined in the *Annual Reporting on Timelines Template For permissions under Section 28 of the Conservation Authorities Act (CO ARTT)*, which received endorsement by the CO Council in December 2019.
- NEW Section 8.2.11. – Appeals to Minister - has been included to outline the procedure an applicant can take to appeal a decision by LTC regarding a permit application within various steps of the permit process. Timelines for appeal to be initiated are also included.
- Section 8.2.12. – Appeals to OLT – has been significantly updated to reflect the appeal process the applicant may undertake during the permit review process. Timelines for appeal to be initiated are also included.



**Lower Trent Region
Conservation Authority**

**Ontario Regulation 163/06
Policy Document**

**Approved by
Lower Trent Region Conservation Authority
Board of Directors**

~~**May 12, 2016 – RES: G67/16**~~

~~**Revision 1 – Approved April 13, 2017 – RES: G44/17**~~

~~**Revision 2 – Approved October 11, 2018 – RES: G131/18**~~

Revision 3 – Approved February 10, 2022

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Appendix H – ~~Orders in Council (1968 & 1975)~~ [LTC Jurisdiction Information](#)

Appendix I – ~~MNR Memorandum re:~~ Bay of Quinte [Hazard Information](#)

Appendix J – Ontario Regulation 686/21

Appendix K – Little Lake Flood Hazard Information

Appendix L – Two-Zone No Fill Mapping

Appendix M – Watercourse Realignment Checklist

Revision Summary:

Original - Approved May 12, 2016 – RES: G67/16

Revision 1 – Approved April 13, 2017 – RES: G44/17

Revision 2 – Approved October 11, 2018 – RES: G131/18

Revision 3 – Approved February 10, 2022

1 INTRODUCTION

This is the Policy Document for Ontario Regulation 163/06: Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Within this document the Lower Trent Region Conservation Authority is referred to as Lower Trent Conservation or LTC. O.Reg. 163/06 is a Regulation that was enacted in 2006 by the Minister of Natural Resources under the Conservation Authorities Act, R.S.O. 1990, c. C.27.

1.1 Organization of This Document

The first section of this document is the introduction which includes the objective, discussion about relevant legislation, some legislative definitions and references to technical studies identifying hazards in the Lower Trent Conservation watershed. The next 5 sections of this document are organized according to the areas/features regulated under Section 28 of the *Conservation Authorities Act*:

Section 2.0 – General Policies

Section 3.0 - Great Lakes and Large Inland Lakes Shorelines

Section 4.0 - River or Stream Valleys

Section 5.0 - Hazardous Lands (Flood, Erosion, Dynamic Beach, Unstable Soil and Unstable Bedrock)

Section 6.0 – Wetlands

Section 7.0 - Watercourses

Each of these sections is intended to be self-contained while minimizing repetition in the guidelines and all should be read in conjunction with **Section 1.0 Introduction**. It should be noted that more than one type of regulated feature may exist for a given property and application, and as such, reference must be made to all relevant sections and the policies must be applied concurrently. In preparing this document, technical publications have been summarized and as such, staff are encouraged to consult the original documents.

It should be noted that although there are Hazardous Lands (flood, erosion and dynamic beach hazards) associated with Great Lakes and Inland Lakes Shorelines, we have included all shoreline hazardous lands in Section 3.0.

In general, each section provides:

- the relevant excerpts from the LTC Regulation shown in a grey box; and
- policy standards for implementing the LTC Regulation.

These suggested policy guidelines follow a format similar to the *Conservation Authorities Act*, Ontario Regulation 97/04 (the generic regulation) and the LTC individual CA Regulations, Ontario Regulation 163/06. That is, the policies address both the “Development Prohibited” and the “Permission to Develop” requirements of the legislation. The language used in the policies is “shall not be permitted” to reflect the prohibition language while the “may permit” caveat is provided because, consistent with the legislation, there is an expectation that LTC may grant “Permission to Develop”, if “in its opinion”, the

five tests, where applicable, are satisfied (i.e., “the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected”).

Additionally, the “development” policies are complementary to the Natural Heritage (Section 2.1) and Natural Hazard (Section 3.1) policies within the [Provincial Policy Statement \(PPS 2020\)](#). For example, the natural heritage policies 2.1.4 and 2.1.5, which encompass certain wetlands and valleylands, indicate that “Development and site alteration shall not be permitted...unless it has been demonstrated that”. Additionally, the natural hazard policies (Section 3.1) state that “Development or site alteration shall generally be directed to areas outside of” or that it “shall not be permitted” (i.e. in a land use planning context) while in other policies recognizing that “further to development and site alteration may be permitted...”.

Section 8.0 – Procedure for Applications under O.Reg. 163/06

Section 9.0 - Glossary (It provides definitions for the purpose of interpreting and implementing the development policy.)

General Technical Guidelines that provide background information on defining the area of regulation are included in **Appendix A**. Lower Trent Conservation’s jurisdiction to apply the regulation is defined by our Orders in Council, which can be found in **Appendix H**. [In 2018, Lower Trent Conservation and the Municipality of Trent Hills worked together on the expansion of LTC’s jurisdiction in the north section of Trent Hills. This resolution was acknowledged by the province in early 2019. Documentation of this expansion is also included in Appendix H.](#)

1.2 Objective

The objective of this document is to provide policy guidelines to assist the Lower Trent Region Conservation Authority (LTC) in interpreting and implementing the *Conservation Authorities Act*, Section 28 (1) Regulations (i.e. Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations).

The overall approach of this document is to provide for a consistent policy interpretation and implementation across the watershed by staff.

1.3 Notes Regarding Ontario Ministry Names

[Provincial Ministries have gone through a number of name modifications due to changes in political ideology or focus. In the following document references to the current version of the Ministry label have been made but in referencing certain publications by these ministries under previous names, the previous name or acronym associated with the publication at that time is used.](#)

[Ministry of Environment, Conservation and Parks \(MECP\) \(2018 to present\) was previously known as Ministry of the Environment \(MOE\), \(1972 – 1993, 1998 -2014\), Ministry of Environment and Energy \(MOEE\) \(1993 – 1997\) and the Ministry of Environment and Climate Change \(MOECC\) \(2014 – 2018\).](#)

[The Ministry of Northern Development, Mines, Natural Resources and Forestry \(NDMNR\) \(2021– present\) was previously known as the Ministry of Natural Resources and Forestry \(MNRF\) \(2014-2021\) and Ministry of Natural Resources \(MNR\) \(1997 – 2014\).](#)

[The Ministry of Agriculture, Food and Rural Affairs \(OMAFRA\) has held this name since 1994. Prior to that it was known as the Ministry of Agriculture and Food \(1972-1994\).](#)

The Ministry of Municipal Affairs and Housing (MMAH) has existed since 1981 but Housing and Municipal Affairs were separate ministries for short periods in this time frame (1985-1989 and 1991-1995).

1.3.1.4 Overview of Legislative Framework

1.3.1.4.1 Conservation Authorities Act

The *Conservation Authorities Act* (CAA) was created in 1946 in response to erosion and drought concerns, recognizing that these and other natural resource initiatives are best managed on a watershed basis.

In 1956, in response to the severe economic and human losses associated with Hurricane Hazel (1954), amendments to the *Conservation Authorities Act* first empowered a Conservation Authority (CA) to make Regulations to prohibit filling in floodplains. These Regulations were broadened in 1960 to prohibit or regulate the placing or dumping of fill in defined areas where, in the opinion of the CA, the control of flooding, pollution or the conservation of land may be affected. In 1968, amendments to the *Conservation Authorities Act* further extended the Regulations to prohibit or control construction and alteration to waterways, in addition to filling.

In 1998, the *Conservation Authorities Act* was amended as part of the *Red Tape Reduction Act* (Bill 25), to ensure that Regulations under the Act were consistent across the province and complementary to provincial policies. Significant revisions were made to Section 28, which led to the replacement of the “Fill, Construction and Alteration to Waterways” Regulation with the current “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Regulation in 2006. While some CAs have been regulating wetlands, shorelines and inter-connecting channels for years, the amendments required all CAs to regulate Great Lakes shorelines, inter-connecting channels¹, large inland lakes and wetlands in addition to the areas and features each CA historically regulated.

Section 28 of the *Conservation Authorities Act*, as provided in **Appendix B**, includes the following section:

28. (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction
- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
 - (b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

¹ With the exception of the Niagara River which is governed federally for hydro production at Niagara Falls.

- (c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;
- (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;
- (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section.

Section 28 (1)(a) was not enacted under Ontario Regulation 97/04 because of the overlap and potential confusion with the Ministry of Environment, ~~Conservation and Parks and Climate Change's~~ *Ontario Water Resources Act* and related regulations (i.e. Permits to Take Water).

There is a proposed new Section 28 in the CAA that has not yet been proclaimed. The new wording has been included in the CAA Act in **Appendix B** for reference as greyed text boxes. At the time that these changes are enacted, this Regulation Policy document will be required to be updated to reflect the changes.

In 2018 the provincial government moved the oversight of the Conservation Authorities Act from the NDMNRF to the MECP (and thus the name change for this ministry). However, the Section 28 regulations ~~are still considered remain~~ under the authority of the NDMNRF as ~~that is~~ the Ministry overseeing natural hazards. Updated Section 28 regulations are pending and when ~~such the~~ updated regulations are released and approved by the Crown then these policies will require updating ~~as well~~.

1.4.2 Ministers Zoning Order – Permission for Development

In 2020 changes were made to the CAA and other legislation that ~~now~~ require Conservation Authorities to issue permits when a zoning order has been made by the Minister of Municipal Affairs and Housing under section 47 of the *Planning Act*. ~~This~~ ~~authorizesing~~ the development project under ~~the~~ *Planning Act* even if the proposal does not comply with other requirements of the CAA. ~~Ministerial Zoning Orders fall under This Section is numbered 28.0.1 of the CAA in the Act and.~~ Conservation Authorities cannot refuse to issue these permits under a Minister's Zoning Order but can require conditions to be placed on the permission.

Section 28.0.1 of the *Conservation Authorities Act* includes the following sections:

- (1) This section applies to any application submitted to an authority under a regulation made under subsection 28 (1) for permission to carry out all or part of a development project in the authority's area of jurisdiction if,
 - (a) a zoning 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;
 - (b) 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
 - (c) such other requirements as may be prescribed are satisfied.

(2) In this section, “development project” means a development project that includes any development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

(3) Subject to the regulations made under subsection (35), an authority that receives an application for permission to carry out all or part of a development project in the authority’s area of jurisdiction shall grant the permission if all of the requirements in clauses (1) (a), (b) and (c) are satisfied.

(4) For greater certainty, an authority shall not refuse to grant permission for a development project under subsection (3) despite,

(a) anything in section 28 or in a regulation made under section 28; and

(a) anything in subsection 3 (5) of the Planning Act.

(b)

Note that Hearings made be held to address Conditions that the Conservation Authority includes with the Required Permission granted under this section of the Act if the applicant does not agree with the Conditions. The Hearings Guidelines (**Appendix G**) have been updated to include these types of procedures as well.

1.3.21.4.3 Exceptions under the *Conservation Authorities Act*

Section 28 of the *Conservation Authorities Act* includes the following sections dealing with exceptions:

(10) No regulation made under subsection (1),

(a) shall limit the use of water for domestic or livestock purposes;

(b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;

(c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or

(d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act, 1998*.

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent.

While Section 28 (11) provides an exemption to the requirement for a CA’s permission, Section 28 (10) does not. As such, a proponent is still required to obtain permission from a CA for any development within a regulated area or interference to a wetland or watercourse associated with the items listed in Section 28 (10). However, a CA must ensure their Regulation and policies do not limit the uses or interfere with the rights or powers listed in Section 28 (10). This allows a CA to ensure that there is no interference with a wetland or watercourse or the interference is minimized to the extent possible and that the control of flooding, erosion, dynamic beaches or

pollution or the conservation of land are either not affected by the development or the impacts are minimized to the extent possible.

Additionally, it is noted that the *Conservation Authorities Act* does not contain a subsection that specifically “binds the Crown”. ~~Therefore~~Therefore, activities of Provincial Ministries, Federal Departments and Crown Agencies or “Crown Corporations” are not bound by the *Act* and these entities are not legally required to obtain permission under the *Conservation Authorities Act*. The same is true for proponents proposing to undertake activities entirely on Crown Land. Voluntary compliance with the review process requirement is always a possibility for the Crowns and their Agencies. Through their policies, the CAs may invite them to voluntarily submit proposals for works through the permit review process. Although best practice would suggest that they comply to ensure a sufficient technical review of their activity, they are within their legal rights to refuse to participate in the voluntary review process. Typically projects by the Crown on Crown land do not require permission from LTC. However, projects by private entities on Crown Land do require permission through LTC.

In 2021 the Memorandum of Understanding (MOU) between Conservation Ontario and Hydro One Networks Inc. was updated (from original 2011 MOU) to address the reduced public ownership of the company. ~~T~~~~o~~ ~~the~~ ~~ir~~ ~~status~~ ~~as~~ ~~a~~ ~~Crown~~ ~~Corporation~~ ~~was~~ ~~no~~ ~~longer~~ ~~valid~~ ~~held~~ ~~and~~ ~~exemptions~~ ~~provided~~ ~~under~~ ~~the~~ ~~CAA~~ ~~are~~ ~~no~~ ~~longer~~ ~~applicable~~. Therefore, activities by Hydro One ~~now~~ require permits from LTC. Please reference the “2021 Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc.” endorsed by Conservation Ontario Council on June 21, 2021 and by Hydro One Networks on July 19, 2021. Specific forms have been developed for these permits and are available at the LTC Office.

1.3.31.4.4 Ontario Regulation 97/04

Ontario Regulation 97/04 “Content of Conservation Authority Regulations under Subsection 28 (1) of the Act: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” (i.e. Generic Regulation) was approved in May 2004 following a prescribed public consultation process. A copy of Ontario Regulation 97/04 is provided in **Appendix C**. This Regulation established the content requirements to be met in a Regulation made by a CA under Subsection 28(1) of the *Conservation Authorities Act*.

1.3.41.4.5 LTC Section 28 Regulation, Ontario Regulation 163/06

In 2006, the Minister of Natural Resources approved the Development, Interference and Alteration Regulations (individual CA Regulations) for all CAs consistent with Ontario Regulation 97/04 of the *Conservation Authorities Act*. LTC’s Regulation is identified as Ontario Regulations 163/06 and is provided in **Appendix D**. LTC regulates all components noted in Section 28(1) (b) and (c) of the Act, within the area of its jurisdiction.

LTC regulates:

- development in river or stream valleys, wetlands, shorelines and hazardous lands and associated allowances,
- the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or for changing or interfering in any way with a wetland, and

- other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority.

It is not necessary to map a feature before it can be regulated. The legal basis for defining regulated areas remains with the written text. While the LTC Regulation refers to maps which approximate regulation limits (and may be subject to revision), the text of the Regulation prevails. The *Guidelines for Developing Schedules of Regulated Areas* (MNR and CO, 2005) identify the requirements for the preparation of maps and/or revisions to existing maps. Detailed studies requested at the time of an application may further refine or delineate the regulated features (e.g., hazardous lands).

Board-approved CA policies provide a decision-making framework for the review of applications under the Regulation. In general, policies ensure a consistent, timely and fair approach to the review of applications, staff recommendations, and Board decisions. They also facilitate the effective and efficient use and allocation of available resources.

The hierarchy of legislation and policies described in this section is depicted in Figure 1 below.



Figure 1: Hierarchy of Legislation and Policies

Permit Approval Process

To receive permission for proposed works in regulated areas the proponent must submit a permit application to LTC for approval prior to any works. A summary of the permit approval process is outlined below and is discussed in further detail in Section 8 of this document.

- To receive permission for development, it must be demonstrated in an application to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The control of dynamic beaches is applicable to the Lake Ontario shoreline.

- To receive permission to interfere with a watercourse or wetland, it must be demonstrated in an application to the satisfaction of LTC, that the interference on the watercourse or wetland is acceptable in terms of the natural features and hydrologic and ecological functions of the watercourse or wetland.
- To receive permission for development within “other areas” associated with wetlands, it must be demonstrated in an application that interference on the hydrologic functions of the wetland is deemed acceptable.

Permission from LTC will be given in the form of a formal permit and a letter of permission. For any type of application, submission of technical studies may be necessary. These technical studies must be carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC. These established procedures should be in keeping with [NDMNR's Technical Guides for Natural Hazards \(MNR, 2002a; MNR, 2002b; MNR, 1996a; MNR, 1996b; and MNR 1996c\)](#), other Provincial guidelines and/or guidelines approved by the LTC Board. LTC may request that technical studies be carried out at the expense of the applicant.

Where technical expertise within LTC is not available, it may be requested that the study be peer-reviewed by a qualified professional at the expense of the applicant.

1.4.6 Mandatory Services and Programs O.Reg. 686/21

In October 2021, the provincial government defined the Mandatory Programs and Services to be offered by Conservation Authorities in a new regulation under the CAA. This new regulation (O.Reg. 686/21) came into effect on January 1, 2022. Implications of this new regulation for THIS policy document reflect changes to definitions to be used under the CAA and other associated regulations. Specifically, the definitions in the Provincial Policy Statement (PPS 2020) are to be used with respect to regulated area delineation. These new definitions are discussed in the PPS Section below (Section 1.5.2.) and are included in Section 9.0 Glossary of this document. Definitions in the CAA have been updated in this document (Section 1.6.1.) have been updated with these changes as well. The Regulation has been included as **Appendix J**.

It should be noted that with the updated definitions Hazardous Sites have been separated from Hazardous Lands. Although LTC's Regulation O.Reg. 163/06 only refers to Hazardous Lands, O.Reg. 686/21 does note that an authority shall provide the programs and services for a list of natural hazards that includes Hazardous Sites and Section 28 Regulations are included in the list of programs and services. Therefore, Hazardous Sites are included as regulated features in this policy document.

1.4.1.5 Other Related Legislation

It is important to note that the LTC Section 28 permission, if granted, does not exempt the applicant from complying with any or all other approvals, laws, statutes, ordinances, directives and regulations that may affect the property or the use of same. Alternatively, complying with or obtaining all other approvals, laws, statutes, ordinances, directives and regulations, does not exempt the applicant from obtaining permission under Section 28 of the *Conservation Authorities Act*.

1.4.11.5.1 Planning Act

LTC is also involved in the review of planning applications under the *Planning Act* primarily in ~~three~~four ways: as an agency with delegated responsibilities for the review of natural hazards; as a regulatory agency with respect to O.Reg. 163/06; as a technical advisor; and as a commenting agency.

Ontario Regulation 163/06 is intended to be used in a manner that will complement the Natural Hazard (Section 3.1), Natural Heritage (Section 2.1 – Wetlands and Valley Lands) and Water (Section 2.2) policies of the 2014-2020 Provincial Policy Statement (PPS) under the *Planning Act*. However, delegated responsibility for providing input with respect to provincial interests under the PPS is limited to Section 3.1 – Natural Hazards. This delegation of responsibility requires LTC to review and provide comments on policy documents (Official Plans and Comprehensive Zoning By-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One Window Planning Service.

As noted in the *Memorandum of Understanding on Procedures to Address CA Delegated Responsibility (Appendix E)*, LTC may also provide a technical advisory service to our member municipalities for planning applications. In this capacity, LTC staff provide technical input regarding potential environmental impacts and advice about how negative impacts can be avoided or minimized. Comments could apply to a range of matters including, but not limited to natural hazards, natural heritage, and water quality and quantity as well as other Provincial Plans such as the Oak Ridges Moraine Protection Plan and the Greater Golden Horseshoe Growth Plan.

In addition, regulations under the *Planning Act* (O.Reg. 545/06, 543/06 and 200/96) require municipalities to give notice to CAs regarding planning applications and changes to policy documents. In its capacity as a commenting agency, LTC may provide additional advisory comments that relate to its goals and objectives for watershed management.

One of the main differences between the PPS and the Development, Interference and Alteration Regulations is that the *Planning Act* establishes the principle of development and the LTC regulations, like a building permit, identify specific site requirements prior to activities taking place. Prior to the review of a Regulation application, LTC will often see the proposal through their Plan Review process including applications under the *Planning Act* (e.g., severances, site plan, subdivision applications), and the *Environmental Assessment Act*. Although permission may not be issued for many years after the planning application, LTC endeavours to ensure, through its comments on the planning application, that the requirements under the Regulation process can be fulfilled at the time an application under the Regulation is received.

If an application under the *Planning Act* does not meet the Board approved policies (for its regulations), staff should work with the municipality and the proponent to modify the application. As previously noted, the principle of development is established through the *Planning Act* process. It is not acceptable to recommend approval of a planning application and then recommend refusal of a regulatory permission, unless the applicant refuses to meet the specific requirements under the Regulation. If an issue remains unresolved, LTC should not recommend approval of the *Planning Act* application and assess the option of making an appeal

to the ~~Ontario Land~~~~Local Planning Appeal~~ Tribunal (OLPAT). Note that Conservation Authorities ability to appeal to the OLT regarding municipal decisions of planning act applications was limited to appeals regarding Natural Hazards only with the approval of Bill 229 - An Act to implement Budget measures and to enact, amend and repeal various statutes, in December 2020.

Alternatively, it is also recognized that there may be historic planning approval decisions that were made in the absence of current technical information or prior to the establishment of the current regulations and policies, which would now preclude development. In these situations, innovative efforts may be necessary to address the site constraints and accommodate the development. However, in some cases approval should not be granted.

1.4.21.5.2 Other Legislation

There are many other pieces of legislation that address various water and related resource management activities. Some of the key pieces of legislation include:

- *Fisheries Act* (Fisheries and Oceans Canada): managing threats to the sustainability and ongoing productivity of Canada's commercial, recreational and Aboriginal fisheries;
- *Lakes and Rivers Improvement Act* (NDMNR): provides the Minister of Northern Development, Mines, Natural Resources and Forestry with the legislative authority to govern the design, construction, operation, maintenance and safety of dams in Ontario;
- *Public Lands Act* (NDMNR): the “rules” governing the administration of Crown land are laid out in a provincial law known as the Public Lands Act;
- *Environmental Assessment Act* (MECP): requires an environmental assessment of any major public sector undertaking that has the potential for significant environmental effects. This includes public roads, transit, wastewater and stormwater installations;
- *Water Resources Act* (MECP): designed to conserve, protect and manage Ontario's water resources for efficient and sustainable use. The Act focuses on both groundwater and surface water throughout the province; and
- *Drainage Act* (~~OMAFRA~~Ontario Ministry of Agriculture, Food and Rural Affairs): provides a democratic procedure for the construction, improvement and maintenance of drainage works.

1.51.6 Definitions and Interpretations

The following sections outline the key definitions and interpretations recommended for implementing the Regulations. The Regulation allows LTC to prohibit or restrict development (as defined in the *Conservation Authorities Act*) in areas where the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by development. The Regulation also allows for the regulation of interference of watercourses and wetlands. The *Conservation Authorities Act* and the Regulations do not provide definitions for many of these terms. Therefore, other relevant documents were reviewed by the Conservation Ontario Peer Review Committee in 2006 to 2008 in an effort to establish interpretations for those terms not defined in the *Conservation Authorities Act*. It is important to note that where definitions are provided in the *Conservation Authorities Act*, these definitions (e.g. “development”) prevail for the implementation of the Regulation, even if other definitions exist in other relevant documents.

The following definitions provided are essential for interpreting this document and as such are defined in the next sections. Additional definitions of common terms and those used for implementation of this document can be found in Section 79.0 (Glossary). Words found in the Glossary are italicized in the text.

1.5.11.6.1 Conservation Authorities Act

Section 28 (25) of the Conservation Authorities Act provides the following definitions, some of which have been updated pursuant to O.Reg. 686/21 to include definitions from the PPS 2020:

Development means:

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

Hazardous Land (updated definition) means:

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

~~“...land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock”~~

Pollution means:

“...any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies”

Watercourse means:

“... an identifiable depression in the ground in which a flow of water regularly or continuously occurs”

Wetland (updated definition) means:

~~(a) Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of~~

- ~~abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. is seasonally or permanently covered by shallow water or has a water table close to or at its surface,~~
- ~~(b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,~~
- ~~(c) has hydric soils, the formation of which has been caused by the presence of abundant water, and~~
- ~~(d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d).~~

1.5.21.6.2 Provincial Policy Statement

The Provincial Policy Statement (PPS 2020)~~(p. 30)~~ provides the following definitions, which are now to be used in conjunction with the regulations under the Conservation Authorities Act;

Erosion Hazard means:

... the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, ~~and an erosion/erosion access allowance*].~~

~~*NOTE: The Erosion Hazard as contained in the individual CA Regulations **does NOT** include an erosion access allowance within the Erosion Hazard, as referred to in the PPS. The definition, as amended above, should be used for defining the Erosion Hazard as it applies to the LTC Regulations. LTC staff should ensure that an appropriate setback from the Erosion Hazard is maintained within the Regulation allowance (up to 15 metres).~~

Flooding Hazard means:

... the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one-hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm

(1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

2. the one-hundred year flood; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Dynamic Beach Hazard means:

... areas of inherently unstable accumulations of shoreline sediments along the Great Lakes – St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

Hazardous Sites (updated definition) means:

Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

1.5.31.6.3 Additional Interpretations

“Conservation of Land” is not defined in the Act or Regulation or any other planning document prepared by the Province. Based on the review of all of the decisions in their entirety, the **interpretation** below was developed by the Conservation Ontario Section 28 Peer Review and Implementation Committee with representatives from the Ontario Ministry of Natural Resources and Forestry.

Conservation of Land is interpreted as:

... the protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed (February 2008).

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

Protection means to defend or keep safe from or against danger or injury. (It is assumed that this would apply to animate (people) as well as inanimate objects (land or property)).

Management means organize or regulate (while management can also mean managing or being managed as well as being in charge of administration of business concerns or public undertakings).

Restoration means to bring back to original state or bring back to former place or condition; restoration is the act of restoring. (Restoration can also apply to rebuilding or repairing).

Maintaining means to cause to continue; retain in being; take action to preserve in good order (such as in a machine or house etc.)

Enhancing means to heighten or intensify (quality).

For further background information, all ~~Ontario Land Mining and Lands~~ Tribunal (formerly Mining and Lands Commissioner) decisions regarding Section 28 of the *Conservation Authorities Act* may be found at:

<https://olt.gov.on.ca/tribunals/mlt/decisions/http://elto.gov.on.ca/tribunals/mlt/decisions/conservation-authorities-act/>

In addition, the *Conservation Authorities Act* and Ontario Regulation 97/04 do not define “Interference” nor was any definition found in any other planning document; hence, the **interpretation** below was developed by the Conservation Ontario Section 28 Peer Review and Implementation Committee with representatives from the Ontario Ministry of Natural Resources and Forestry. Under the Regulation, “interference” only applies to projects within watercourses and wetlands.

Interference in any way is interpreted as:

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

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

Hinder means to delay or impede

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

Degrade means lower the character or quality of

Impede means to delay or block the progress or action of

1.61.7 Activities Typically Regulated

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

- Construction of all buildings and additions including modification or reconstruction of foundations which support existing buildings;
- Breakwalls, revetments, rubble groynes, jetties, etc;
- Other similar marine works on or near shorelines or lakeshores;
- Dock [Abutments](#);
- Stairs, decks, gazebos;
- Boat ramps, boat storage structures;
- Dredging;
- In-ground and above-ground pools;
- Temporary or permanent placement of *fill*, grading, removal of *fill*, or site alteration;
- Retaining walls;
- Park model trailers and mobile homes;
- Bridges, crossings, roads and pipelines; and
- Municipal drains.

In some cases (e.g., docks), permits may not be required from LTC if permission is granted by Parks Canada or [NDMNR](#). In other cases (e.g., shoreline protection) permits may be required from more than one agency.

Repairs and renovations to an existing building within the existing roofline and exterior walls and above the existing foundation within a hazard area would not require the permission of LTC, unless the proposal is associated with a change in use or increases the number of dwelling units. This type of activity could increase the risk to life, social disruption, or result in damages from the hazard.

It is the direction of LTC to limit the size and number of proposed works. This will assist in assessing cumulative impacts of multiple structures or other development on a subject property, over a period of time.

[1.7.1.8 Provincial Perspective on Natural Hazards](#)

[1.7.1.8.1 Introduction](#)

The Ministry of [Northern Development, Mines](#), Natural Resources and Forestry is responsible for natural hazard management in Ontario. Where CAs have been established, the responsibility for natural hazard management has been delegated to them. The Province, however, continues to provide the overall direction, guidance and technical standards with respect to natural hazard management. The following is an executive summary of the Province's approach to natural hazard management in Ontario.

Natural, physical environmental processes that occur near or at the surface of the earth can produce unexpected events of unusual magnitude or severity. Such occurrences are generally regarded as natural hazards. The outcome can be catastrophic, frequently resulting in damage to property, injury to humans and other organisms, and tragically even loss of life. In these cases, natural hazards are considered natural disasters.

(Excerpt from MNR (2001) – p. 4)

The management of natural hazards involves a combination of four main program components:

1. Prevention – of new development locating within areas subject to loss of life and property damage from natural hazards;
2. Protection – of existing development from natural hazards through the application of structural and non-structural measures/acquisition;
3. Emergency Response – to evacuate and mitigate existing residents through flood forecasting and warning including disaster relief; and
4. Co-ordination – between natural hazard management and planning and development.

Details related to natural hazard management applications are contained in the Natural Hazards Technical Guides (MNR, 2002a; MNR, 2002b; MNR, 1996a; MNR, 1996b; and MNR 1996c).

1.7.21.8.2 Principles

The guiding principles behind natural hazard management are:

- Proper natural hazard management requires that natural hazards (flooding, erosion, leda clay, organic soils, karst bedrock, dynamic beaches) be simultaneously recognized and addressed in a manner that is integrated with land use planning and maintains environmental and ecosystem integrity;
- Effective floodplain management can only occur on a watershed and littoral reach basis with due consideration given to development effects and associated environmental and ecosystem impacts;
- Local conditions vary along floodplains and shorelines including depth, velocity, littoral drift, seiche, fetch, accretion, deposition, valleyland characteristics, etc., and accordingly must be taken into account in the planning and management of natural hazards;
- New development which is susceptible to natural hazards or which will cause or aggravate the hazards to existing and approved land uses or which will cause adverse environmental impacts must not be permitted to occur unless the natural hazard and environmental impacts have been addressed; and
- Natural hazard management and land use planning are distinct yet related activities that require overall co-ordination on the part of Municipalities, Conservation Authorities, the Ministry of Northern Development, Mines, Natural Resources and Forestry, and the Ministry of Municipal Affairs and Housing.

1.7.31.8.3 Consideration of Ingress/Egress

The ability for the public and emergency operations personnel (police, firefighters, ambulance, etc.) to safely access a regulated feature during an emergency, such as a flooding event, is an important factor when considering any application for development. Proposals must be reviewed to ensure access to the proposed development is safe and appropriate for the proposed use. The provision of means by which people, vehicles, and equipment can gain access to and from the regulated feature for maintenance and/or construction of remedial works must also be considered.

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

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

- The degree of risk with the use of the existing access;
- The ability to modify the existing access or construct a new safe access;
- The ability to find and use the access during an emergency; and
- The ability and willingness of the municipality (emergency vehicles) to use the access.

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

1.7.41.8.4 Floodproofing

The “Floodproofing Standard” as defined in the PPS means:

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

Floodproofing includes alteration to the design of specific buildings, raising of ingress and egress roadways and driveways, the construction of dykes, flood control channels, etc. The variety of floodproofing options and requirements are too detailed and extensive to include in a policy and procedures guideline. LTC has established criteria which are outlined in **Appendix F**. Additional information is also available for referencing in the “Technical Guide – River and Stream Systems: Flooding Hazard limit” (MNR, 2002a).

1.8.1.9 Flood, Erosion and Dynamic Beach Hazard Applications in the Lower Trent Conservation Watershed

The regulatory standard for the Lower Trent watershed is:

- Lake Ontario: 1:100 year event
- Trent River: 1:100 year event
- All other watercourses: Timmins event

In the LTC watershed, the following flood, erosion and dynamic beach hazards are applied and the reference documents are listed here for each delineated floodplain.

1.8.11.9.1 Lake Ontario

The flood hazard for Lake Ontario is based on the 100-year flood limit that is comprised of the 100-year flood level plus wave uprush. The erosion hazard is based on the potential for erosion in a 100-year time frame. These hazards along with dynamic beach hazards for Lake Ontario were first identified in the following report:

- Lake Ontario Shoreline Management Plan (LOSMP), 1990, by Sandwell, Swan & Wooster.

Final flood hazard elevations were provided in an update, dated December 1992. Subsequent shoreline studies for the Township of Alnwick/Haldimand and Township of Cramahe were undertaken to build on the information provided in the “Sandwell Report”. ~~These two studies~~

~~represent the source for the flood, erosion and dynamic beach hazard delineations for the Lake Ontario shoreline in these municipalities. The remaining Lake Ontario shoreline for the Municipality of Brighton and the western portion of the City of Quinte West still refer to the "Sandwell Report".~~ The updated studies are ~~were~~:

- *Cramahe Shorelands Project, 1997*
- *Alnwick/Haldimand Township Lake Ontario Shorelands Project, 2002.*

~~In 2018 to 2020, LTC undertook an update to the Shoreline Management Reports in partnership with the Ganaraska Region Conservation Authority (GRCA) and Central Lake Ontario Conservation Authority (CLOCA). The resulting report provided much needed updates to flood, erosion and dynamic beach hazards along the Lower Trent Conservation portion of the Lake Ontario Shoreline. This study extended from Wellers Bay in the City of Quinte West in the as the easternmost extent to the western boundary of the Township of Alnwick/Haldimand. The current Lake Ontario hazard report is:~~

- *Lake Ontario Shoreline Management Plan, November 5, 2020 (Zuzek)*

~~The resulting 100-year combined (still water and wind setup) flood level for the LTC Lake Ontario shoreline is 75.97 metres CGVD28 (Canadian Geodetic Vertical Datum 1928) with varying wave uprush considerations that determine the entire Flood Hazard delineation.~~

~~There ~~are~~ were no detailed technical studies for the Bay of Quinte portion of Lake Ontario but ~~the a~~ Memorandum by the MNR (February 21, 1991—see **Appendix I**) ~~identifies~~ identified the 100-year water level for the Lower Trent Conservation portion of the Bay of Quinte as 75.8 metres CGVD28-GSC. During the 2019-2020 Lake Ontario Shoreline Update, LTC contracted SJL Engineering to provide an update on the Combined 100-year Flood Level for the Bay of Quinte based on statistical analyses completed with the Lake Ontario Study. The resulting memorandum provides an update for the flood level for the Bay of Quinte and is found in **Appendix I**. The resulting flood level for the Bay of Quinte is 76.05 metres CGVD28:~~

- *Bay of Quinte 100-Year Combined Flood Level, February 29, 2020 (SJL Engineering)*

~~There ~~is also~~ are a communications in the historic memos ~~discussion~~ about wave uprush to be used on the Bay of Quinte in the communications between MNR and the Bay of Quinte Conservation Authorities and three acceptable methods to calculate wave uprush were documented. Lower Trent Conservation applies a 0.2 metre uprush to the 100-year flood limit on the Bay of Quinte, resulting in a Flood Hazard elevation of 76.0-25 metres CGVD28-GSC.~~

~~—This is consistent with the approach used by neighbouring Quinte Conservation.—~~ There are no dynamic beach hazards identified on the Bay of Quinte and the standard erosion hazard of ~~30-15~~ metres from the 100-year flood elevation has been applied as per NDMNRF Technical Guidelines for Large Inland Lakes Provincial Guideline, 1996.

1.8.21.9.2 Other Lakes

Both Little Lake in the Township of Cramahe and Oak Lake in the City of Quinte West originally had ~~have~~ mapped flood lines that have had not been delineated through engineered studies. These lines have were identified as a horizontally measured 15 metre zone around the average

lake water level to delineate a potential high water level. A 15-metre regulation limit ~~is~~ was applied to these floodlines for a regulated area of 30 metres beyond the typical water's edge.

In 2021 LTC staff conducted a preliminary hydrology assessment of Little Lake and used LiDAR mapping provided through OMAFRA to better identify the actual flood hazard for Little Lake. This mapping has now been incorporated into the LTC mapping. Flood Hazard elevations for Little Lake are 171.93 metres CGVD2013 or **172.28 metres CGVD1928**. Calculations for this assessment are provided in **Appendix K**.

The preliminary hydrology to calculate flood depths for Oak Lake has been undertaken but there is not accurate enough topographic information to be able to determine the flood hazard mapping for Oak Lake at this time. Therefore, the 15 metre setback is still in effect without any confirmed flood hazard elevation.

Oak Lake is identified as Area Specific Policy 3 in the City of Quinte West Official Plan and the LTC regulated area is still defined as stated above. Planning studies may be required before Lower Trent Conservation can issue permits. These policies should be reviewed in consultation with City of Quinte West planning staff, prior to approval of any LTC permits.

Policies specific to flood hazards on Little Lake and Oak Lake are found in Section 5.2.1.1. regarding One-Zone Floodplain mapping.

1.8.31.9.3 Trent River and Rice Lake

The regulatory event for the Trent River is the 100-year event. The floodplain delineations were completed in two studies and both are treated as one-zone areas. The first study defined the floodplain from the Bay of Quinte to Highway 401 and the second study defined the floodplain from Highway 401 to Rice Lake.

- Trent River Floodplain Mapping Report, 1975. M.M. Dillon Limited.
(Associated Mapping TR-T-1 to TR-T-4).
- Floodplain Mapping Study of the Trent River, 1983. Cumming-Cockburn & Associates.
1:5000 mapping TR-1 to TR-45
1:2000 mapping of Flood Damage Areas:
Hastings: (TR-H-1 to TR-H-5)
Campbellford: (TR-C-1 to TR-C-5)
Percy Boom: TR-PB-1 to TR-PB-3)
Frankford: (TR-F-1 to TR-F-4)

Note that Rice Lake is listed as the smallest of the Large Inland Lakes in the MNR Technical Guide with an area of 100 km². There are no technical studies assessing erosion or dynamic beach hazards on Rice Lake and therefore the flood elevation for Rice Lake identified in the Trent River mapping is the only hazard delineated for Rice Lake at this time (187.9 metres CGVD28). This is covered in Trent River maps (TR-46 to TR-62). Also note that there are some steep shorelines along Rice Lake that would require erosion hazard assessment for steep slopes, similar to a riverine system.

1.8.41.9.4 One-Zone Riverine Areas

Not all streams have delineated floodplains in the Lower Trent Conservation watershed. However, the following reports have floodplain delineations associated with them. The creek name and associated reports are listed below. All of these floodplains have been delineated with the Timmins Storm Regulatory event.

- **Shelter Valley & Barnum House Creeks:** Shelter Valley and Barnum House Creeks Floodplain Study, 1978. Crysler & Lathem Ltd.
- **Colborne Creek (Colborne):** Floodplain Mapping Colborne Creek, Village of Colborne, 1982. Kilborn Limited (Note: 2-Zone study undertaken but results did not support creation of a 2-Zone policy).
- **Dead & York Creeks (Murray Ward):** Dead & York Creek Subwatershed Plan, 1998. Totten Sims Hubicki Associates.
- **DND Creek (Trenton):** DND Creek Floodline Mapping Study, 2002. PSR Group Ltd.
- **Glen Miller Creek (Trenton & Sidney Ward):** Floodplain Mapping and Preliminary Engineering Study, Glen Miller Creek, 1983. Cumming-Cockburn & Associates Limited [\(CCA\); and the Spill Analysis of the Glen Miller Creek by CCA dated April 1984.-](#)
- **Killoran Creek (Hastings):** Killoran Creek Flood Reduction Study, 1985. Totten Sims Hubicki Associates.
- **Mill/Burnley Creek (Warkworth):** Mill Creek Preliminary Engineering Study, 1983. Cumming-Cockburn & Associates Limited.
- **Rawdon Creek (Stirling other than SPA):** Flood Damage Reduction Study, Rawdon Creek, Village of Stirling, 1985. Kilborn Limited.
- **Meyers, Massey and other South Sidney Creeks (Sidney Ward):** South Sidney Watershed Plan, 1985. Totten Sims Hubicki Associates.

1.8.51.9.5 Two-Zone Areas

Two zone concepts recognize that floodplains can be divided into two zones: the floodway, where the majority of the flood is conveyed, and flood fringes, which exist on both sides of the floodway. They can be established by a Municipality in conjunction with the Conservation Authority and MNRF, following recommendations of a detailed engineering study.

There are four two-zone policy areas located within the Lower Trent Watershed: Butler Creek in Brighton, Cold Creek in Frankford; Mayhew Creek in Trenton and Trout Creek in Campbellford. The studies and maps associated with these areas are as follows:

- **Butler Creek 2-Zone (Brighton):** Butler Creek Flood Reduction Study, 1988. Totten Sims Hubicki Associates.
- **Cold Creek 2-Zone (Frankford):** Floodplain Assessment & Policy Formulation for a Two Zone Concept Application in the Village of Frankford, July 1983. Totten Sims Hubicki Associates.
- **Mayhew Creek 2-Zone (Trenton):** Mayhew Creek Two-Zone Concept, City of Trenton and Township of Murray, 1983. Totten Sims Hubicki Associates. – Note that the 2-Zone was only implemented in Trenton and not Murray Township.

- **Trout Creek 2-Zone (Campbellford):** Final Report Trout Creek Floodplain Management Study, 1982. MacLaren Plansearch Inc.

Note that a two-zone study was completed for Colborne Creek in the Township of Cramahe (Ecos Garatech Associates - November 1991) but the report concluded that Colborne Creek was NOT a suitable candidate for implementation of a Two-Zone Concept. Floodplain mapping was updated during this study in several areas so this mapping should be used for regulatory purposes.

1.8.61.9.6 Special Policy Area

A Special Policy Area is an area within a community that has historically existed in the floodplain where site specific policies apply. Only the MNRF and MMAH have the authority to establish Special Policy Areas; this authority cannot be delegated to municipalities and other planning bodies.

Rawdon Creek - Downtown Stirling: One Special Policy Area with respect to floodplains exists in the Lower Trent Conservation watershed within the downtown core of the Village of Stirling in the Township of Stirling-Rawdon. This area is bounded by Front Street and Mill Street in the south, Victoria Street in the north, North Street in the west and Edward Street in the east. The property of the Stirling Creamery located on the south side of Front Street is also considered in this zone although not included in the descriptions. This is because the Special Policy Area is intended to ensure the long term economic viability of the area and the creamery is an integral component of the economy of Stirling. In this area, the 1:100 year flood elevations are to be used for floodproofing requirements rather than the Timmins event. Lands above the 1:100 year elevation may be developed without the need for floodproofing measures. Lands south of Rawdon Creek within this zone that are below the 1:100 year elevation may be developed with floodproofing and causing no impediment to flow to Rawdon Creek. The associated report for the flood elevations identified for this Special Policy Area is Flood Damage Reduction Study, Rawdon Creek, Village of Stirling, 1985, by Kilborn Limited.

2 GENERAL POLICIES

Background:

Lower Trent Region Conservation Authority (LTC) will be guided by the following general administrative guidance with respect to the implementation of its regulatory responsibilities:

- Development, interference and/or alteration activities shall not be undertaken in a regulated area without written permission from LTC.
- Where a regulated area pertains to more than one water-related hazard (e.g., lands susceptible to flooding that are part of a wetland), policies will be applied jointly, and where applicable, the more restrictive policies will apply.
- Technical studies and/or assessments, site plans and/or other plans submitted as part of an application for permission to undertake development, interference and/or alteration in a regulated area must be completed by a qualified professional to the satisfaction of LTC in conformity with the most current provincial technical guidelines or guidelines accepted by LTC through a Board Resolution.

Note: Information regarding technical standards and guidelines is contained within the Appendices.

Similar to the MNR recommended 6-metre erosion access allowance (Section 3.4, Technical Guide for River and Stream Systems: Erosion Hazard Limit, MNR), LTC recommends that a 6-metre access allowance is applied to all hazard lands. Note that emergency access is required along the hazard as well as between the buildings and the lot line to allow for heavy equipment access to the hazard area.

The guidelines for development within the 15 metre adjacent lands to a hazard include an access setback. Three main principles support the inclusion of an access setback:

- providing for emergency access to hazard areas;
- providing for construction access for regular maintenance and access to the site in the event of a natural hazard or failure of a structure; and
- providing protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within a hazard prone area.

Activities in regulated areas that are carried out by other provincial ministries or the federal government do not require a permit. Activities conducted on provincial crown land by third-party proponents in a regulated area may require a permit, unless acting as an agent of the Crown.

Works for which permission is required under the Regulation may also be subject to other legislation, policies and standards that are administered by other agencies and municipalities, such as the Planning Act, Public Lands Act, Nutrient Management Act, Drainage Act, Environmental Assessment Act (EA Act) or the federal Fisheries Act, etc. It is the responsibility of the applicant (or applicant's agent) to ensure that all necessary approvals are obtained prior to undertaking any works for which a permit under this Regulation has been obtained.

LTC Policies – General Policies:

Within areas defined by the regulation (i.e., regulated areas), including Lake Ontario shoreline hazard lands and an allowance, river or stream valleys and an allowance, wetlands or other areas where

development could interfere with the hydrologic function of a wetland (areas of interference), watercourses, or hazardous lands, the following general policies will apply:

- 1) Development, interference and/or alteration will not be permitted within a regulated area, except in accordance with the policies contained in this document.
- 2) Notwithstanding Policy 2. (1), the LTC Board of Directors, sitting as the Hearing Board, may grant permission for development, interference and/or alteration where the applicant provides evidence acceptable to the Board that documents that the development and/or activity will have no adverse effect on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land with respect to Lake Ontario shoreline, river or stream valleys, hazardous land, wetlands, and areas of interference or will not result in an unacceptable interference with a watercourse or wetland.
- 3) In addition to specific conditions outlined through this document, development, interference and/or alteration within a regulated area may be permitted only where:
 - a) risk to public safety is not increased;
 - b) there is no increase in habitation in the hazard area with the exception of allowable flood fringes or wave uprush hazard areas;
 - c) susceptibility to natural hazards is not increased nor new hazards created (e.g., there will be no impacts on adjacent properties with respect to natural hazards);
 - d) safe ingress/egress is available for proposed development that increases habitation outside of hazard lands;
 - e) pollution, sedimentation and erosion during construction and post construction is minimized using best management practices including site, landscape, infrastructure and/or facility design, construction controls, and appropriate remedial measures;
 - f) access for emergency works and maintenance of flood or erosion control works is available;
 - g) proposed development is constructed, repaired and/or maintained in accordance with accepted engineering principles and approved engineering standards or to the satisfaction of LTC, whichever is applicable based on the structural scale and scope, and purpose of the project;
 - h) there are no adverse hydraulic or fluvial effects on rivers, creeks, streams, or watercourses;
 - i) there are no adverse sedimentation or littoral effects on the Lake Ontario shoreline;
 - j) there are no adverse effects on the hydrologic function of wetlands; and,
 - k) the control of flooding, erosion, dynamic beaches, pollution and/or the conservation of land is not adversely affected during and post development.

Prohibited Uses:

- 4) Notwithstanding the General Policies referenced above, in accordance with Section 3.1 of the Provincial Policy Statement, development will not be permitted within hazardous lands as defined in the Conservation Authorities Act, where the use is:
 - an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing and/or protection works, and/or erosion;
 - an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as result of flooding, failure of flood-proofing measures and/or protection works, and/or erosion; or,
 - uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

3 GREAT LAKES AND LARGE INLAND LAKES SHORELINES

3.1 Ontario Regulation 163/06

The Lower Trent Conservation Regulation contains the following sections dealing with the shoreline of Lake Ontario. Although Rice Lake is listed as the smallest of the Large Inland Lakes (100 km²), it has been regulated as a smaller lake.

The LTC Regulation contains the following sections dealing with Great Lakes and Inland Lakes Shorelines:

Development prohibited

- 2.(1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on areas within the jurisdiction of the Authority that are:
- (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority's boundary to the furthest landward extent of the aggregate of the following distances:
 - i) the 100 year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled "*Lake Ontario Shoreline Management Plan*", or as identified in the most recent document entitled "*Cramahe Shorelands Project*" for the Township of Cramahe or in the most recent document entitled "*Alnwick/Haldimand Lake Ontario Shorelands Project*" for the Township of Alnwick/Haldimand, available at the head office of the Authority,
 - ii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period shown in the most recent document entitled "*Lake Ontario Shoreline Management Plan*", or as identified in the most recent document entitled "*Cramahe Shorelands Project*" for the Township of Cramahe or in the most recent document entitled "*Alnwick/Haldimand Lake Ontario Shorelands Project*" for the Township of Alnwick/Haldimand, available at the head office of the Authority,

- iii) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled "*Lake Ontario Shoreline Management Plan*", or as identified in the most recent document entitled "*Cramahe Shorelands Project*" for the Township of Cramahe or in the most recent document entitled "*Alnwick/Haldimand Lake Ontario Shorelands Project*" for the Township of Alnwick/Haldimand, available at the head office of the Authority, and
- iv) an allowance of 15 metres inland;

Permission to develop

- 3.(1) The Authority may grant permission for development in or on the areas described in subsection 2(1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.
- (2) The permission of the Authority shall be given in writing, with or without conditions."

Note: There is no reference to "alterations to shorelines" within the LTC Regulation. However, the additions of "shorelines" to Section 28(17)(b) and 28(18) of the *Conservation Authorities Act* is a Conservation Ontario Council approved proposed amendment (February, 2008). This amendment must be initiated through the Ministry of Natural Resources and Forestry.

3.2 Policy Standards

The following sections outline the policy standards for implementing the LTC Regulation with respect to the Lake Ontario shoreline and the associated allowances. LTC, in their role through the planning process, should review planning applications to ensure that, all development can be set back an appropriate distance from all shoreline hazards.

LTC may require technical studies be undertaken to demonstrate the suitability of development proposals. Technical studies must be carried out by a qualified professional, with recognized expertise in the appropriate discipline, and prepared using established procedures and recognized methodologies to the satisfaction of LTC.

3.2.1 Development within the Shoreline Flood Hazard

Background

For the purposes of the following policies, the shoreline flood hazard is the limit of the landward extent of flooding accounting for the 100-year flood elevation, plus an allowance for wave uprush and other water related hazards. The 100-year flood elevation (sometimes called the Combined Flood Elevation) consists of the 100-year stillwater level plus the wind setup (otherwise known as the storm surge).

LTC Policies

- 1) Development within the shoreline flood hazard shall not be permitted.
- 2) Placement of fill, flood hazard protection and bank stabilization works to allow for future/proposed development or an increase in development envelope within the shoreline flood hazard shall not be permitted.
- 3) Development associated with new and/or the expansion of existing trailer parks / campgrounds in the shoreline flood hazard shall not be permitted.
- 4) *Major development* within the shoreline flood hazard shall not be permitted.
- 5) Redevelopment of derelict and abandoned buildings within the shoreline flood hazard shall not be permitted.
- 6) Stormwater management facilities within the shoreline flood hazard shall not be permitted.
- 7) Basements within the shoreline flood hazard shall not be permitted.
- 8) Underground parking within the shoreline flood hazard shall not be permitted.
- 9) Notwithstanding Section 3.2.1 4), *major development* within the shoreline flood hazard may be permitted where it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) The proposed development is not located at or below the 100-year flood level (75.97 m ~~CGVD28GSC~~ for Lake Ontario or 76.055-8 m ~~CGVD28GSC~~ for Bay of Quinte);
 - b) there is no feasible alternative site outside of the Regulatory flood ~~hazard plain~~ for the proposed development and the proposed development is located in an area of least (and acceptable) risk;
 - c) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
 - d) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques;
 - e) the flood depths on access roads and the lot do not exceed 0.3 metres;
 - f) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - g) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - h) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion and dynamic beach hazards have been adequately addressed ; and,

- i) for *major development* where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering design, carried out by a qualified professional with recognized expertise in the appropriate discipline, must be prepared using established procedures and recognized methodologies to the satisfaction of the LTC.
- 10) Notwithstanding Section 3.2.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the shoreline flood hazard subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- 11) Notwithstanding Section 3.2.1 1), development associated with public parks (e.g. passive or low intensity outdoor recreation, education, or trail systems) may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- 12) Notwithstanding Section 3.2.1 1), shoreline, bank, and slope stabilization to protect existing development and conservation or restoration projects may be permitted within the shoreline flood hazard ~~for subject to *major stabilization works* the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected through detailed engineering design.~~
- 13) Notwithstanding Section 3.2.1 1), *moderate development* and structural repairs may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The submitted plans must demonstrate that:
- a) there is no feasible alternative site outside of the shoreline flood hazard for the proposed development and that the proposed development is located in an area of least (and acceptable) risk;
 - b) the proposed works do not create new or aggravate flooding on the subject, adjacent or other properties;
 - c) the development is protected from the shoreline flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and non-habitable development must be floodproofed to the Regulatory flood elevation;
 - d) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;

- f) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and flood, erosion and dynamic beach hazards have been adequately addressed; and
 - g) for *moderate development* (except decks) where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- 14) Notwithstanding Section 3.2.1. 1), development associated with existing uses located within the shoreline flood hazard such as marine facilities, in-ground (at existing grade) pools, *minor development*, landscaping retaining walls, grading, etc., may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 15) Notwithstanding 3.2.1 1), development may be permitted for the reconstruction or relocation of a building within the shoreline flood hazard, provided that it has not been damaged or destroyed by flooding or other water related hazards and if it has been demonstrated to the satisfaction of the CA that the control of flooding, erosion, pollution, dynamic beaches or conservation of land will not be affected. The submitted plans must demonstrate that:
- a) the building or structure meets the criteria described in Policy 9) above with the exception of Condition a);
 - b) the building or structure must not be located closer to the hazard than the original building; and,
 - c) the building or structure does not exceed the original floor space plus the allowable floor space for *moderate development*. If the building or structure is enlarged, future *moderate development* to the building or structure will not be considered.
- 16) Notwithstanding Section 3.2.1 1), development associated with the construction of a driveway or access way through the shoreline flood hazard in order to provide access to lands outside of the shoreline flood hazard may be permitted subject to the provision of safe access as identified in Section 1.6.3 and if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- 17) Notwithstanding Section 3.2.1 1), removal or placement of *minor fill* and associated site grading or moderate stabilization works may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- 18) Notwithstanding Section 3.2.1 1), the replacement of sewage disposal systems may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The replacement system should be located outside of the shoreline flood hazard where possible and only permitted within the shoreline flood hazard in the area of lowest risk.

- 19) Notwithstanding Section 3.2.1 1), parking areas may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected and that safe pedestrian and vehicular access is achieved.
- 20) Notwithstanding Section 3.2.1 1), *boathouses* may be permitted within the Shoreline Flood Hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beach hazards, pollution or the conservation of land will not be affected, and ~~the boathouse is anchored and constructed as a single storey with no habitable space~~ an engineered design may be required for wet flood proofing, and a peaked roof.

3.2.2 Development within the Allowance Adjacent to the Shoreline Flood Hazard

LTC Policies

- 1) Development may be permitted within the allowance adjacent to the shoreline flood hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The submitted plans must demonstrate that:
- a) development does not aggravate the flood hazard or create a new one;
 - b) development does not impede access for emergency works, maintenance and evacuation;
 - c) the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; and
 - d) the natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion and dynamic beach hazards have been adequately addressed.

3.2.3 Development within the Shoreline Erosion Hazard

Background

For the purpose of the following policy, the shoreline erosion hazard is the limit of the landward extent of the stable slope measured from the existing protected or unprotected toe of slope, plus the limit of the 100 year erosion limit.

LTC Policies

- 1) Development shall not be permitted within the shoreline erosion hazard.
- 2) Stabilization works within the shoreline erosion hazard to allow for future/proposed development or an increase in development envelope or area shall not be permitted;
- 3) Development associated with new and/or the expansion of existing trailer parks/campgrounds in the shoreline erosion hazard shall not be permitted.
- 4) *Major development* within the shoreline erosion hazard shall not be permitted.
- 5) Redevelopment of derelict and abandoned buildings within the shoreline erosion hazard shall not be permitted.

- 6) Stormwater management facilities within the shoreline erosion hazard shall not be permitted.
- 7) Basements within the shoreline erosion hazard shall not be permitted.
- 8) Underground parking within the shoreline erosion hazard shall not be permitted.
- 9) Notwithstanding Section 3.2.3 4), *major development* within the mapped erosion hazard may be permitted where it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The development may be permitted outside of the revised site-specific erosion hazard. The submitted plans must demonstrate that:
 - a) Pre-existing engineered shoreline protection works are present and structural integrity has been confirmed. The shoreline protection works will be given a maximum credit of 35 years erosion protection unless otherwise specified by a qualified professional with recognized expertise in the appropriate discipline. This assessment will define a revised site-specific erosion hazard.;
 - b) there is no feasible alternative site outside of the erosion hazard for the proposed development or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;
 - c) the proposed works do not create new hazards or aggravate erosion on adjacent or other properties;
 - d) the development will not prevent access into and through the shoreline erosion hazard in order to undertake preventative actions/maintenance or during an emergency;
 - e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - f) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion hazards have been adequately addressed-; and
 - g) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the LTC.
- 10) Notwithstanding Section 3.2.3 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the shoreline erosion hazard subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- 11) Notwithstanding Section 3.2.3 1), development associated with public parks (e.g. passive or low intensity outdoor recreation, -education, or trail systems) may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of LTC that the

control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.

12) Notwithstanding Section ~~23~~.2.3 1), ~~shoreline, bank, and slope~~*major stabilization works* to protect existing development and conservation or restoration projects may be permitted within the shoreline erosion hazard subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected through detailed engineering design.

~~12)~~13) Notwithstanding Section 3.2.3 1), ~~removal or placement of minor fill for shoreline stabilization or moderate stabilization works~~ may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.

~~13)~~14) Notwithstanding Section 3.2.3 1), *moderate development, in-ground (at grade) pools and* structural repairs may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The submitted plans must demonstrate that:

- a) there is no feasible alternative site outside of the shoreline erosion hazard and that the proposed development is located in an area of least (and acceptable) risk;
- b) no development is located within the stable slope allowance;
- c) there is no impact on existing and future slope stability and bank stabilization;
- d) development will not prevent access into and along the shoreline erosion hazard in order to undertake preventative actions/maintenance or during an emergency;
- e) development will have no negative impacts on natural shoreline processes;
- f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- g) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented, and flooding, and dynamic beach hazards have been adequately addressed; and
- h) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the LTC.

~~14)~~15) Notwithstanding Section 3.2.3 1), *minor development* associated with existing uses located within the shoreline erosion hazard including landscaping retaining walls, grading, and *minor fill*, may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The submitted plans must demonstrate that:

- a) there is no feasible alternative site outside of the shoreline erosion hazard and that the proposed development is located in an area of least (and acceptable) risk;
- b) development will not prevent access into and through the shoreline erosion hazard in order to undertake preventative actions/maintenance or during an emergency;
- c) there is no impact on existing and future slope stability and bank stabilization;
- d) development will have no negative impacts on natural shoreline processes;
- e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and
- f) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented, flooding hazards, and dynamic beach hazards have been adequately addressed.

~~15)~~16) Notwithstanding 3.2.3 1), development may be permitted for the reconstruction or relocation of a building within the shoreline erosion hazard, provided that it has not been damaged or destroyed by erosion and if it has been demonstrated to the satisfaction of the CA that the control of flooding, erosion, pollution or dynamic beaches or conservation of land will not be affected. The submitted plans must demonstrate that:

- a) the building or structure meets the criteria described in Policy 13) above;
- b) the building or structure is no closer to the hazard than existing development; and
- c) the building or structure does not exceed the original floor space plus the allowable floor space for *moderate development*. If the building or structure is enlarged, future *moderate development* to the building or structure will not be considered.

~~16)~~17) Notwithstanding Section 3.2.3 1), development associated with the placement of *fill* for the replacement of a sewage disposal system may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of the LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The replacement system should be located outside of the shoreline erosion hazard where possible, and only permitted within the shoreline erosion hazard subject to being located in the area of least and acceptable risk. The LTC may request a technical study to ensure that the development is not subject to risk, and/or to establish the area of least and acceptable risk.

~~17)~~18) Notwithstanding Section 3.2.3 1), parking areas may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected and that safe pedestrian and vehicular access is achieved.

~~18)~~ Notwithstanding Section 3.2.3 1), development associated with uses that by their nature are located within the hazard such as the construction or reconstruction of a marine

facility, erosion control works, stairs, and shore wells may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of the LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. LTC will require that the design be carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the LTC.

19)

3.2.4 Development within the Allowance Adjacent to the Shoreline Erosion Hazard

LTC Policies

- 1) Development may be permitted within the allowance adjacent to the shoreline erosion hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) development does not aggravate the erosion hazard or create a new one;
 - b) development does not impede access for emergency works, maintenance and evacuation;
 - c) where new development is proposed adjacent to the erosion hazard, all buildings or structures must be located a minimum horizontal distance of 6 metres beyond the furthest landward extent of the erosion hazard;
 - d) for additions to existing buildings or structures located within the 6-metre setback allowance, the addition cannot encroach further into the setback from the erosion hazard limit than the original building or structure;
 - e) for reconstruction of buildings or structures located within the 6-metre setback allowance, the new building or structure is constructed in the same location as the original building or structure provided that there are no reasonable alternatives to locate the new building or structure outside of the required setback, and the new building or structure cannot encroach further into the setback from the erosion hazard limit than the original building or structure;
 - f) the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - g) the natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion and dynamic beach hazards have been adequately addressed.

3.2.5 Development within the Dynamic Beach Hazard

Background

For the purpose of the following policies the Dynamic Beach Hazard is the limit of the landward extent of the 100 year flood elevation limit, plus the allowance for wave uprush and other water-related hazards, plus the dynamic beach allowance. The dynamic beach allowance is 30 metres on Lake Ontario unless otherwise documented in an approved technical study.

LTC Policies

- 1) Development shall not be permitted within the dynamic beach hazard.
- ~~2)~~ Stabilization works within the dynamic beach hazard to allow for future/proposed development or an increase in development envelope or area shall not be permitted.
- ~~2)3)~~ Notwithstanding Section 3.2.5 2), major stabilization works (such as a beach curb) may be permitted at the transition area between the dynamic beach and existing development if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected through a satisfactory engineering design by a qualified professional.
- ~~3)4)~~ Development associated with new and/or the expansion of existing trailer parks/campgrounds in the dynamic beach hazard shall not be permitted.
- ~~4)5)~~ *Major development* within the dynamic beach hazard shall not be permitted.
- ~~5)6)~~ Redevelopment of derelict and abandoned buildings within the dynamic beach hazard shall not be permitted.
- ~~6)7)~~ Stormwater management facilities within the dynamic beach hazard shall not be permitted.
- ~~7)8)~~ Basements within the dynamic beach hazard shall not be permitted.
- ~~8)9)~~ Underground parking within the dynamic beach hazard shall not be permitted.
- ~~9)10)~~ Notwithstanding Section 3.2.5 1), underground public infrastructure (i.e. sewers) and various utilities (e.g. pipelines) may be permitted within the dynamic beach hazard subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- ~~10)11)~~ Notwithstanding Section 3.2.5 1), development associated with public parks (e.g. passive or low intensity outdoor recreation, -education, or trail systems) may be permitted within the dynamic beach hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- ~~11)12)~~ Notwithstanding Section 3.2.5 1), conservation or restoration projects may be permitted within the dynamic beach hazard subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.
- ~~12)13)~~ Notwithstanding Section 3.2.5 1), development may be permitted for the reconstruction or relocation of a building within the dynamic beach hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) there is no feasible alternative site outside of the dynamic beach hazard and that the proposed development is located in an area of least (and acceptable) risk;
 - b) the building or structure is no closer to the hazard than existing development;

- c) the building or structure does not exceed the original floor space;
- d) there is no impact on existing and future dynamic beach movement;
- e) development will not prevent access into and along the dynamic beach hazard in order to undertake preventative actions/maintenance or during an emergency;
- f) development will have no negative impacts on natural shoreline processes;
- g) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- h) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented, and flooding, erosion and dynamic beach hazards have been adequately addressed.; and
- i) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

13)14) Notwithstanding Section 3.2.5 1), removal or placement of *minor fill* and site grading may be permitted within the dynamic beach hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.

14)15) Notwithstanding Section 3.2.5 1), development associated with the placement of *fill* for the replacement of a sewage disposal system may be permitted within the dynamic beach hazard if it has been demonstrated to the satisfaction of the LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The replacement system should be located outside of the dynamic beach hazard where possible, and only permitted within the dynamic beach hazard subject to being located in the area of least and acceptable risk. The LTC may request a technical study to ensure that the development is not subject to risk, and/or to establish the area of least and acceptable risk.

3.2.6 Development within the Allowance Adjacent to the Dynamic Beach Hazard LTC Policies

- 1) Development may be permitted within the allowance adjacent to the dynamic beach hazard if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beach or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) development does not create or aggravate the dynamic beach hazard;
 - b) development does not prevent access to and along the dynamic beach;
 - c) where new development is proposed adjacent to the dynamic beach hazard, all buildings or structures must be located a minimum horizontal distance of 6 metres beyond the furthest landward extent of the dynamic beach hazard;

- d) for additions to existing buildings or structures located within the 6-metre setback allowance, the addition cannot encroach further into the setback from the dynamic beach hazard than the original building or structure;
- e) for reconstruction of buildings or structures located within the 6-metre setback allowance, the new building or structure is constructed in the same location as the original building or structure provided that there are no reasonable alternatives to locate the new building or structure outside of the required setback, and the new building or structure cannot encroach further into the setback from the dynamic beach hazard than the original building or structure;
- f) the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; and
- g) the natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented and flooding and erosion hazards have been adequately addressed.

4 RIVER OR STREAM VALLEYS

4.1 Ontario Regulation 163/06

The following section identifies how the extent of river or stream valleys are determined for the purpose of administering the LTC Regulation. Inland lakes that do not meet the definition of “large inland lake” (i.e., waterbody that has a surface area equal to or greater than 100 square kilometers where there is no measurable or predictable response to a single runoff event) should be treated in a manner similar to a river or stream valley.

The LTC Regulation contains the following sections dealing with river or stream valleys:

Development prohibited

2.(1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on areas within the jurisdiction of the Authority that are:

- (b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable toe of the slope or, if the toe of the slope is unstable, from the predicted location of the toe of slope as a result of stream erosion over a projected 100 year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
 - A. the distance from a point outside the edge of the maximum extent of the floodplain under the applicable Regulatory floodplain event standard, plus 15 metres, to a similar point on the opposite side, and
 - B. the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side.

Permission to develop

3.(1) The Authority may grant permission for development in or on the areas described in subsection 2(1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

(2) The permission of the Authority shall be given in writing, with or without conditions.

4.2 Policy Standards

The following sections outline the policy standards for implementing the LTC Regulation with respect to river and stream valleys and the associated allowance lands adjacent to natural hazards. LTC, in their role through the planning process, should review planning applications to ensure that, in general, all development can occur an appropriate distance from the river and stream valley hazards.

Development will not be permitted within the regulated area associated with a valley, except in accordance with the policies contained in this section. Note that the hazard lands associated with the River and Stream Valleys and associated policies with these hazard lands are discussed in Section 4 of this report.

4.2.1 Development within the Allowance Adjacent to the Erosion Hazard of a River or Stream Valley

Background

The guidelines for development within the 15 metre adjacent lands to an erosion hazard include an erosion access setback. Note that access is required along the hazard as well as between buildings to allow for heavy equipment access to the hazard area. Three main principles support the inclusion of an erosion access setback:

- providing for emergency access to erosion prone areas;
- providing for construction access for regular maintenance and access to the site in the event of an erosion event or failure of a structure; and
- providing protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within an erosion prone area.

The erosion access setback for river and stream systems shall be 6 metres (Section 3.4, Technical Guide for River and Stream Systems: Erosion Hazard Limit, MNR).

LTC Policies

- 1) Development may be permitted within the allowance adjacent to the erosion hazard of a river or stream valley if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) development does not create or aggravate an erosion hazard;
 - b) development is set back a sufficient distance from the stable top of bank to avoid increases in loading forces on the top of the slope;
 - c) development is not permitted in the access setback of 6 metres from the erosion hazard;
 - d) for additions to existing buildings or structures located within the 6-metre setback allowance the addition cannot encroach further into the setback from the erosion hazard than the original building or structure;
 - e) for reconstruction of buildings or structures located within the 6-metre setback allowance, the new building or structure is constructed in the same location as

the original building or structure provided that there are no reasonable alternatives to locate the new building or structure outside of the required setback, and the new building or structure cannot encroach further into the setback from the erosion hazard than the original building or structure;

- f) development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face;
 - g) development will not prevent access to and along the erosion hazard in order to undertake preventative actions/maintenance or during an emergency;
 - h) the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and
 - i) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented and erosion and flooding hazards have been adequately addressed.
- 2) For slopes and embankments that exist above a proposed site for development, and all or a portion of the upper slope lies within the regulated area, a 15 metre setback from the stable toe of slope will be applied. LTC may consider a reduction of this allowance if it can be demonstrated that the hazard will not be aggravated and the development will not be negatively affected by the hazard. Generally, a technical study conducted by a qualified professional will be required for a reduction to be considered.

4.2.2 Development within the Allowance of the Regulatory Floodplain of River or Stream Valleys

Background

Similar to the MNR recommended 6-metre erosion access allowance (Section 3.4, Technical Guide for River and Stream Systems: Erosion Hazard Limit, MNR), LTC recommends that a 6-metre flood access allowance is applied to the Regulatory floodplain as well. Note that emergency access is required along the hazard as well as between the buildings to allow for heavy equipment access to the hazard area.

The guidelines for development within the 15 metre adjacent lands to a flooding hazard include a flood access setback. Three main principles support the inclusion of a flood access setback:

- providing for emergency access to flood prone areas;
- providing for construction access for regular maintenance and access to the site in the event of a flooding event or failure of a structure; and
- providing protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within a flood prone area.

LTC Policies

- 1) Development may be permitted within the allowance of a Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected. The submitted plans must demonstrate that:

- a) development does not aggravate the flood hazard or create a new one;
 - b) development does not impede access for emergency works, maintenance and evacuation;
 - c) where development is proposed, buildings or structures must be located a minimum horizontal distance of 6 metres beyond the furthest landward extent of the Regulatory floodplain;
 - d) for additions to existing buildings or structures located within the 6-metre setback allowance, the addition cannot encroach further into the setback from the Regulatory floodplain than the original building or structure;
 - e) for reconstruction of buildings or structures located within the 6-metre setback allowance, the new building or structure is constructed in the same location as the original building or structure provided that there are no reasonable alternatives to locate the new building or structure outside of the required setback, and the new building or structure cannot encroach further into the setback from the Regulatory floodplain than the original building or structure;
 - f) the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; and
 - g) the natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion and flooding hazards have been adequately addressed.
- 2) Where development is proposed and the elevation of the Regulatory floodplain is unknown, LTC may request a technical study, completed by a qualified professional, to determine the extent of the Regulatory floodplain.
- 3) If a technical study is completed to establish the extent of the Regulatory floodplain, the 6-metre setback may be applied for development. These studies are to be done at the applicant's expense and must be completed to the satisfaction of LTC.
- 4) Where development is proposed for an addition within the regulatory allowance but the main structure is located within the flood hazard, the development may be permitted if the following can be demonstrated:
- a) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and non-habitable development must be floodproofed to the Regulatory flood elevation;
 - b) the number of dwelling units is the same or less
 - c) habitation is not increased;
 - d) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and

a)f) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion and flooding hazards have been adequately addressed. ~~flood proofing requirements~~

5 HAZARDOUS LANDS

5.1 Ontario Regulation 163/06

The updated definition of hazardous lands referenced in Section 25 of the Conservation Authorities Act is as follows: *“hazardous land” means- property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. ~~land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.~~*

Lower Trent Conservation’s Regulation contains the following sections dealing with hazardous lands.

The LTC Regulation contains the following sections dealing with hazardous lands:

Development prohibited

- 2.(1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on areas within the jurisdiction of the Authority that are:
- (C) hazardous lands;

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2(1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.
- (2) The permission of the Authority shall be given in writing, with or without conditions.

Therefore the following policies have been developed to deal with flooding and ~~erosion and unstable soil or bedrock~~. The dynamic beach hazards were identified in the Great Lakes section along with the flooding and erosion hazards for Great Lakes and Large Inland Lakes.

Also note that with the updated definitions declared in O.Reg. 686/21, Hazardous Sites have been separated from Hazardous Lands. Although LTC’s Regulation O.Reg. 163/06 only refers to Hazardous Lands, O.Reg. 686/21 does note that an authority shall provide the programs and services for a list of natural hazards that includes Hazardous Sites and Section 28 Regulations are included in the list of programs and services. Therefore, Hazardous Sites are included as regulated features in this policy document.

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

5.2 Policy Standards

The following sections outline the policy standards for implementing the LTC Regulation with respect to hazardous lands including flood hazard lands, erosion hazard lands and hazardous sites with unstable soil and/or unstable bedrock. LTC, in their role through the planning process, should review planning applications to ensure that, in general, all development occurs outside the unstable soil and bedrock boundaries.

LTC may require technical studies be undertaken to demonstrate the suitability of development proposals. Technical studies should be carried out by a qualified professional, with recognized expertise in the appropriate discipline, and should be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

5.2.1 Development within Flood Hazard Lands

5.2.1.1 *Development within One-Zone Regulatory Floodplain of River or Stream Valleys (including inland lakes)*

Background

The following policies are focused on development within the One-Zone Regulatory floodplain. These policies do not apply to development within the allowance adjacent to the One-Zone Regulatory floodplain and the reader should refer to Section [34.2.3-2](#) for policies that apply to these areas.

LTC Policies

- 1) Development within the Regulatory floodplain shall not be permitted.
- 2) Placement of fill, flood hazard protection and/or bank stabilization works to allow for future/proposed development or an increase in development envelope within the Regulatory floodplain shall not be permitted.
- 3) Development associated with new and/or the expansion of existing trailer parks / campgrounds in the Regulatory floodplain shall not be permitted.
- 4) *Major development* within the Regulatory floodplain shall not be permitted.
- 5) Redevelopment of derelict and abandoned buildings within the Regulatory floodplain shall not be permitted.
- 6) Stormwater management facilities within the 100 year floodplain shall not be permitted.
- 7) Basements within the Regulatory floodplain shall not be permitted.
- 8) Underground parking within the Regulatory floodplain shall not be permitted.
- 9) Cut and fill operations will not be permitted within the One-Zone Regulatory floodplain.
- 10) Notwithstanding Section 5.2.1.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of

- LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 11) Notwithstanding Section 5.2.1.1 1), development associated with public parks (e.g. passive or low intensity outdoor recreation, education, or trail systems) may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
 - 12) Notwithstanding Section 5.2.1.1 1), stream bank slope and valley stabilization to protect existing development and conservation or restoration projects may be permitted within the Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
 - 13) Notwithstanding Section 5.2.1.1 1), *moderate development and* structural repairs may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) there is no feasible alternative site outside of the Regulatory floodplain for the proposed development or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;
 - b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
 - c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and non-habitable development must be floodproofed to the Regulatory flood elevation;
 - d) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - f) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion and flooding hazards have been adequately addressed ; and,
 - g) for any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

- 14) Notwithstanding Section 5.2.1.1 4), detached non-habitable accessory structures greater than 46 m² (500 ft²) may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
- a) there is no feasible alternative site outside of the Regulatory floodplain for the proposed development or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;
 - b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
 - c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques;
 - d) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - f) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion and flooding hazards have been adequately addressed ; and,
 - g) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- 15) Notwithstanding Section 5.2.1.1 4), construction of a second storey addition to a habitable building greater than 46 m² (500 ft²) may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
- a) The original footprint of the building is not increased;
 - b) Habitation is not increased for the entire building;
 - c) the entire building is protected from the flood hazard in accordance with established floodproofing and protection techniques with dry floodproofing to 0.3 metres above the Regulatory flood elevation;
 - d) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - e) for any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

~~15~~16) Notwithstanding Section ~~45~~.2.1.1 1), development associated with existing uses located within the Regulatory floodplain such as marine facilities, in-ground (at existing grade) pools, *minor development*, landscaping retaining walls, grading, etc., may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.

~~16~~17) Notwithstanding Section 5.2.1.1 1), development may be permitted for the reconstruction or relocation of a building within the Regulatory floodplain, provided that it has not been damaged or destroyed by flooding and if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or conservation of land will not be affected. The submitted plans must demonstrate that:

- a) the building or structure meets the criteria described in Policy 13) above;
- b) the building or structure must not be located closer to the hazard than the original building; and,
- c) the building or structure does not exceed the original floor space plus the allowable floor space for a *minor addition*. If the building or structure is enlarged, a future *minor addition* to the building or structure will not be considered.

~~17~~18) Notwithstanding Section 5.2.1.1 1), development associated with the construction of a driveway or access way through the Regulatory floodplain in order to provide access to lands outside of the Regulatory floodplain may be permitted subject to the provision of safe access as identified in Section 1.7.3 and if it has been demonstrated to the satisfaction of LTC that there is no viable alternative outside of the regulated area and that the control of flooding, erosion, pollution, or the conservation of land will not be affected.

~~18~~19) Notwithstanding Section 5.2.1.1 1), removal or placement of *minor fill* and associated site grading may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected.

~~19~~20) Notwithstanding Section 5.2.1.1 1), the replacement of sewage disposal systems may be permitted within the Regulatory floodplain if it does not require greater than 1 metre depth of *fill* and has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected. The replacement system should be located outside of the floodplain where possible, and only permitted within the floodplain subject to being located in the area of lowest risk.

~~20~~21) Notwithstanding Section 5.2.1.1 1), parking areas may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected, and that safe pedestrian and vehicular access is achieved.

~~21~~22) Notwithstanding Section 5.2.1.1 1), boathouses may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected, and an engineered design

~~may be required for wet flood proofing..the boathouse is anchored and constructed as a single storey with no habitable space and a peaked roof.~~

5.2.1.2 *Development within Two-Zone Regulatory Floodplain of River or Stream Valleys*

Background

The following policies are focused on development within the Two-Zone Regulatory floodplain. See Section 45.2.1.1 for policies associated with the One-Zone Regulatory floodplain. The policies in this section do not apply to development within the allowance adjacent to the Two-Zone Regulatory floodplain and the reader should refer to Section 34.2.23 for policies that apply to those areas.

The Two-Zone floodplain concept consists of two zones in the Regulatory floodplain and these have been defined by technical studies and accepted by the Province. The Floodway is identified as the area of highest risk delineated by the extent of the 100-year flood event. The Flood Fringe is identified as the area of lesser risk located between the 100-year flood elevation and the Regulatory event flood elevation.

Areas subject to the two-zone Regulatory floodplain are:

- 1) Butler Creek (Former Town of Brighton)
- 2) Cold Creek (Former Village of Frankford)
- 3) Mayhew Creek (Former City of Trenton)
- 4) Trout Creek (Former Town of Campbellford)

Policies for each Two-Zone are shown below separately.

Background - For the Butler Creek 2-Zone area:

From the “Butler Creek Flood Reduction Study – Town of Brighton” by Totten Sims Hubicki (1988), the following policies were recommended:

- *No development is allowed within the floodway.*
- *No development within the Butler Creek regional floodplain is recommended from 320 metres north of Harbour Street to the outlet of the creek in the marsh in Presqu’ile Bay.*
- *From 320 metres north of Harbour Street to the Study Limit (north of town), the two-zone concept can be implemented. In the area east of Ontario Street and north of Butler Street, detailed hydraulic design of drainage system will be required to ensure that spill is returned to creek without additional flood damages.*
- *Encroachment in the flood fringe is to be kept away from road and railway crossings to prevent reduction to the relief flow capacity at the crossings.*

LTC Policies - For Butler Creek 2-Zone area:

- 1) Development within the floodway of the two-zone Regulatory floodplain shall not be permitted.

- 2) Development within the flood fringe of the two-zone Regulatory floodplain may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) there is no feasible alternative site outside of the flood fringe of the two-zone Regulatory floodplain for the proposed development and that the proposed development is located in an area of least (and acceptable) risk;
 - b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
 - c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and *non-habitable* development must be floodproofed to the Regulatory flood elevation;
 - d) any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
 - e) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and
 - g) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion hazards have been adequately addressed.
- 3) Notwithstanding Policy 5.2.1.2 2) development within the flood fringe of the two-zone Regulatory floodplain from the outlet of Butler Creek to 320 metres north of Harbour Street shall not be permitted.
- 4) Notwithstanding Policy 5.2.1.2 2) development within the flood fringe east of Ontario Street and north of Butler Street shall not be permitted unless detailed hydraulic design of drainage system is provided to ensure that spill is returned to creek without additional flood damages. An engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- 5) Notwithstanding Policy 5.2.1.2 2) development within the flood fringe near road or railway crossings of Butler Creek shall not be permitted unless detailed hydraulic design confirms that the relief flow capacity at these crossings is not reduced. An engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

Background - For the Cold Creek 2-Zone area:

From the “Floodplain Assessment & Policy Formulation for a Two Zone Concept Application in the Village of Frankford” by Totten Sims Hubicki (1983), the following policies were recommended:

- *No development is permitted in the floodway where the risk of flooding is greatest.*
- *Development, redevelopment or alteration to existing buildings can be undertaken in most parts of the flood fringe under certain conditions which are intended to protect the structure from potential flood damage.*
- *The two-zone policy can apply to the entire Flood Fringe in the village of Frankford, except for:*
 - *The lands fronting on Trent Street from Cold Creek to approximately 39 metres southerly; and*
 - *The lands fronting on March Street west of the C.N.R.*
- *The first floor of all structures constructed in the Flood Fringe should be above the Regulatory Flood Levels. Where it is impractical to construct the first floor above the Regulatory Flood level, such as extension of an existing low building, the applicant must provide means of protecting the first floor from flooding by such means as berming, and a rezoning of the land swill be required. Special consideration may be given to existing or proposed commercial development between the recent berm addition and the Trent River, where the applicant can show that the floodproofing requirement cannot be met in a particular instance.*
- *Basements and foundations must be designed to withstand the hydrostatic pressures by either purposely flooding he basement to equalize the water level inside and outside of the structure, or by keeping the structure dry by providing no openings below the Regulatory Flood Level and relieving the hydrostatic pressure outside the structure by installing porous back-fill, a drainage system and pumps.*
- *A covered sump pit with an automatic submersible pump must be provided in all basements that are not designed to be flooded. The outflow pipe must discharge above the Regulatory Flood Level or include a check valve.*
- *The electrical panel and electrical connection shall be installed above the Regulatory Flood level. Basement designed to be flooded may not have mechanical and/or electrical equipment below the Regulatory Flood Level.*
- *Fill may be placed on lands in the flood Fringe to raise the grade above the Regulatory Flood Level, providing the fill does not divert the natural drainage to lands under a different ownership.*
- *Additions to structure or placement of fill is not permissible on the lands fronting on Trent Street from Cold Creek to 39 metres southerly.*

Mapping for the Cold Creek 2-Zone policy area illustrating the No Fill Area is located in **Appendix L**.

LTC Policies - For Cold Creek 2-Zone area:

- 6) Development within the floodway of the two-zone Regulatory floodplain shall not be permitted.
- 7) Development within the flood fringe of the two-zone Regulatory floodplain may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) there is no feasible alternative site outside of the flood fringe of the two-zone Regulatory floodplain for the proposed development and that the proposed development is located in an area of least (and acceptable) risk;
 - b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
 - c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and *non-habitable* development must be floodproofed to the Regulatory flood elevation;
 - d) any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
 - e) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and;
 - g) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion hazards have been adequately addressed.
- 8) Notwithstanding Policy 5.2.1.2 7) development within the flood fringe of the two-zone Regulatory floodplain in the defined NO FILL zone along South Trent Street from Cold Creek to 39 metres south shall not be permitted.
- 9) Notwithstanding Policy 5.2.1.2 7) development within the flood~~way of the fringe of the two-zone~~ Regulatory Floodplain in ~~and~~ the defined NO FILL zone along March Street west of the rail trail (former CNR train track) shall not be permitted.

Background - For the Mayhew Creek 2-Zone area:

From the “Mayhew Creek Two Zone Concept Study, City of Trenton and Township of Murray” by Totten Sims Hubicki (1983), the following policies were recommended:

- *No development is permitted in the floodway where the risk of flooding is greatest.*
- *The two-zone policy can apply to the entire Flood Fringe except for lands between the north and south branches of the Creek east of Front Street and the lands upstream of the CN Rail main line.*
- *The first floor of all structures constructed in the Flood Fringe should be above the Regulatory Flood Levels. Where it is impractical to construct the first floor above the Regulatory Flood level, such as extension of an existing low building, the applicant must provide means of protecting the first floor from flooding by such means as berming, and a rezoning of the land will be required.*
- *Basements and foundations must be designed to withstand the hydrostatic pressures by either purposely flooding the basement to equalize the water level inside and outside of the structure, or by keeping the structure dry by providing no openings below the Regulatory Flood Level and relieving the hydrostatic pressure outside the structure by installing porous back-fill, a drainage system and pumps.*
- *A covered sump pit with an automatic submersible pump must be provided in all basements that are not designed to be flooded. The outflow pipe must discharge above the Regulatory Flood Level or include a check valve.*
- *The electrical panel and electrical connection shall be installed above the Regulatory Flood level.*
- *Fill may be placed on lands in the flood Fringe to raise the grade above the Regulatory Flood Level, providing the fill does not divert the natural drainage to lands under a different ownership.*
- *Additions to structure or placement of fill is not permissible on the lands between the north and south branches east of Front Street, and in the lands between the CN Rail main line, Wooler Road, the proposed berms and the creek’s channel.*

Note that the 2-Zone Study results were not adopted by the former Murray Township (only the former Town of Trenton adopted the 2-Zone study) so upstream of the former boundary between the old municipalities, the Mayhew Creek Floodplain is a One-Zone and the One-Zone policy applies there.

Mapping for the Mayhew Creek 2-Zone policy area illustrating the No Fill Areas is located in Appendix L.

LTC Policies - For Mayhew Creek 2-Zone area:

- 10) Development within the floodway of the two-zone Regulatory floodplain shall not be permitted.
- 11) Development within the flood fringe of the two-zone Regulatory floodplain may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:

- a) there is no feasible alternative site outside of the flood fringe of the two-zone Regulatory floodplain for the proposed development and that the proposed development is located in an area of least (and acceptable) risk;
- b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
- c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and non-habitable development must be floodproofed to the Regulatory flood elevation;
- d) any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- e) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and;
- g) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion hazards have been adequately addressed; and

12) Notwithstanding Policy 5.2.1.2 11) development within the flood fringe of the two-zone Regulatory floodplain in the defined NO FILL zone between the north and south branches of Mayhew Creek east of Front Street shall not be permitted with the exception of:

a) construction for flood proofing purposes; or

a)b) reconstruction with no footprint increase and no increase in habitation with appropriate floodproofing.

Background - For the Trout Creek 2-Zone area:

From the “Final Report – Trout Creek Floodplain Management Study” by MacLaren Plansearch Lavalin (1982), the following policies were recommended:

- The floodway was subject to the same policies as a one-zone floodplain:
 - *No future federal or provincial government buildings or structures that are vulnerable to flood damage will be placed in the flood risk area.*
 - *Funds from government sources, such as the Canada Mortgage and Housing Corporation will no longer be available for new buildings or structures placed in the flood risk area and subject to flood damage.*
 - *Any buildings or structures vulnerable to flood damage placed in the flood risk area after designation will not be eligible for flood disaster assistance.*

- *The two governments will encourage local municipalities to adopt Official Plan Policies and zoning restriction on development ion the flood risk area.*
- In the flood fringe area development would be allowed provided that it is adequately protected from flood damage and the area has been given due engineering consideration to show no significant impact on existing regulatory flood levels.
- Furthermore, any additions or enlargements made to existing buildings in the flood fringe after designation would also require flood roofing to be eligible for future disaster assistance.

Under the Trent Hills Official Plan (1999), development policies with respect to the Trout Creek two-zone were developed. These policies are quoted below:

- *The Trout Creek floodplain in the Urban Centre of Campbellford is subject to two-zone floodway fringe regulations.*
- *The two-zone floodway fringe concept allows for some development to occur between the 100 year and regional floodlines, but prohibits development within the 100 year floodline.*
- *The 100 year and regional flood lines are identified on the Flood and Fill Line Mapping for Trout Creek, prepared by Lower Trent Conservation and are identified in the Comprehensive Zoning By-law. The following will apply to these lands:*
 - (i) *The placing or removal of fill of any kind, whether originating on the site or elsewhere, or the alteration of any watercourse shall not be permitted without the prior written approval of the Conservation Authority and the municipality;*
 - (ii) *Prior to the issuance of a building permit, the Conservation Authority will be consulted to assess any proposed or necessary flood damage reduction measures which may include such matters as:*
 - *the design of the structure to withstand hydrostatic forces;*
 - *the strength of structural materials and components to ensure that the materials used will not be subject to deterioration from flooding;*
 - *the elevation of living space and building openings relative to the Regulatory Flood level;*
 - *the location and elevation of electrical and heating equipment relative to the Regulatory Flood level;*
 - *the location, elevation and design of municipal services and public utilities;*
 - *the design of the structure to ensure that the interior ground floor level is above such Regulatory Flood level as is determined;*
 - *applicable fill and construction regulations, and,*
 - *such other additional flood damage reduction measures as may be warranted in the context of the location and nature of the proposed building or structure.*
 - (iii) *All new buildings and structures, or additions and renovations to existing buildings or structures, will be protected from flooding to the level of the Regulation Flood level plus 0.3 metre freeboard where applicable.*

LTC Policies - For the Trout Creek 2-Zone area:

~~12~~13) Development within the floodway of the two-zone Regulatory floodplain shall not be permitted.

~~13~~14) Development within the flood fringe of the two-zone Regulatory floodplain may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:

- a) there is no feasible alternative site outside of the flood fringe of the two-zone Regulatory floodplain for the proposed development and that the proposed development is located in an area of least (and acceptable) risk;
- b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
- c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and *non-habitable* development must be floodproofed to the Regulatory flood elevation;
- d) any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- e) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and;
- g) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion hazards have been adequately addressed.

LTC Policies - For All 2-Zone Areas:

~~14~~15) Placement of fill, flood hazard protection and bank stabilization works to allow for future/proposed development or an increase in development envelope or area within the floodway of the two-zone Regulatory floodplain shall not be permitted.

~~15~~16) Development associated with new and/or the expansion of existing trailer parks/campgrounds in the floodway of the two-zone Regulatory floodplain shall not be permitted.

~~16~~17) Stormwater management facilities within the floodway of the two-zone Regulatory floodplain shall not be permitted.

~~17~~18) Basements within the floodway or the flood fringe of the two-zone Regulatory floodplain shall not be permitted.

~~18~~19) Underground parking within the floodway or the flood fringe of the two-zone Regulatory floodplain shall not be permitted.

- ~~19)~~20) Notwithstanding Sections 5.2.1.2 1), 6), 10) & 13), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the floodway of the two-zone Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- ~~20)~~21) Notwithstanding Sections 5.2.1.2 1), 6), 10) & 13), development associated with public parks (e.g. passive recreation and education, trail systems) may be permitted within the floodway of the two-zone Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- ~~21)~~22) Notwithstanding Sections 5.2.1.2 1), 6), 10) & 13), stream, bank, slope, and valley stabilization to protect existing development and conservation or restoration projects may be permitted within the floodway of the two-zone Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected through detailed engineered design.
- ~~22)~~23) Notwithstanding Sections 5.2.1.2 1), 6), 10) & 13), the replacement of sewage disposal systems may be permitted within the floodway of the two-zone Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected. The replacement system should be located outside of the floodplain where possible, and only permitted within the floodplain subject to being located in the area of lowest risk.
- 24) Notwithstanding Sections 5.2.1.2 1), 6), 10) & 13), parking areas may be permitted within the floodway of the two-zone Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected, and that safe pedestrian and vehicular access is achieved. Note that fill placement to achieve safe access in floodway would not be permitted.
- ~~23)~~25) Development permitted within the flood fringe does not require a setback from the 100-year floodway but must include all development (i.e. filling around structures for frost proofing). Plans provided must demonstrate all development located outside of the floodway.

5.2.1.3 *Development within Special Policy Area (SPA)*

Background

Note that there is only one Special Policy Area in the Lower Trent Conservation watershed and it is a defined area within the urban core of Stirling in the delineated Rawdon Creek floodplain. The policies regarding the remainder of the Rawdon Creek floodplain follow the One-Zone Regulatory floodplain policies in Section 5.2.1.1 and the policies for the Allowance of the Regulatory floodplain in Section 4.2.3.

Special Policy Area in the Village of Stirling is bounded by Front and Mill Streets in the south, Victoria Street in the north, North Street in the west and Edward Street in the east. The creamery property located on the south side of Front Street is also considered in this zone.

From the “Flood Damage Reduction Study Rawdon Creek – Village of Stirling” report by Kilborn (1985), the following policies were recommended:

- *In the case of the Rawdon Creek, the horizontal displacement of the flood fringe area is relatively small and the flood fringe area is generally great than one metre at low velocities. Therefore the possibility of the adoption of the Two-Zone Floodway-Flood Fringe concept for the Rawdon Creek is not applicable.*
- *In the case of the Village of Stirling, the majority of the existing development is not within the Regulatory flood plain. However, the business / commercial core of the community is within the Regulatory flood plain and as such, strict application of the Provincial Policy pertaining to a single zone approach whereby no development within the Regulatory Flood Plain would be permitted, would certainly be a threat to continued community viability.*
- *Therefore, the Authority should consider the application of Provincial Policy involving the designation for a Special Policy status for the business / commercial core of the Village of Stirling, bounded by Henry Street on the downstream side to James Street on the upstream side. Beyond this region, i.e. downstream of Henry Street and upstream of James Street, the strict application of Provincial Policy pertaining to a single zone approach should be considered.*
- A Special Policy Area must be formally approved through the Planning Act in order for the below policies to apply.

The Hastings County Official Plan (2017) addresses this Special Policy Area:

The 1 in 100 year mapping was completed in August, 1985 by the Lower Trent Region Conservation Authority (LRTCA) and the Secondary Plan was modified to allow the 1 in 100 year data to be used as the standard for development control in the area bounded by Front Street and Mill Street in the south, Victoria Street in the north, North Street in the west and Edward Street in the east, as follows:

- a) *lands above the 1 in 100 year floodline may be developed without the need for the use of flood proofing measures;*
- b) *Development of those lands to the north of Rawdon Creek which are situated below the defined 1 in 100 year floodline shall be permitted where such development is floodproofed to 0.3 metres above the defined 1 in 100 year floodline;*
- c) *Development of those lands to the south of Rawdon Creek situated below the 1 in 100 year floodline shall be permitted provided such development is floodproofed and providing the design of such development will not affect the anticipated flow of water across the lands in the event of a major storm event. This more restrictive floodproofing requirement was considered appropriate for this area in that the lands will provide the drainage course for waters overspilling the Rawdon Creek during a storm event that exceeds the 1 in 100 year event; and*

- d) *The accompanying map serves to ensure that the general public is aware that even though development is to be permitted within the “special policy area”, the lands are still at risk from flooding in the event of the occurrence of a “Timmins Storm” event.*

LTC Policies

- 1) Development within the floodway must comply with floodproofing standards to the 100-year flood elevation.
- 2) Development within the flood fringe in the defined Special Policy Area is not required to provide floodproofing measures, but floodproofing to the Regulatory Flood elevation will be encouraged.
- 3) Development within the area south of Rawdon Creek between James Street and Front Street will require engineering assessment to ensure the design of such development will not affect the anticipated flow of water across the lands in the event of a major storm event.

5.2.2 Development within Erosion Hazard Lands

5.2.2.1 *Development within the Erosion Hazard of an Apparent (Confined) River or Stream Valley*

Background

The following policies are focused on the erosion hazards associated with apparent river or stream valleys including the shoreline of Rice Lake in some areas. These policies do not apply to development within the allowance adjacent to apparent (confined) river or stream valleys and the reader should refer to Section 34.2.1 for policies that apply to these areas.

LTC Policies

- 1) Development shall not be permitted within the erosion hazard of an apparent river or stream valley.
- 2) Stabilization works within the erosion hazard of an apparent river or stream valley to allow for future/proposed development or an increase in development envelope or area shall not be permitted.
- 3) Development associated with new and/or the expansion of existing trailer parks/campgrounds within the erosion hazard of an apparent river or stream valley shall not be permitted.
- 4) *Major development* within the erosion hazard of an apparent river or stream valley shall not be permitted.
- 5) Redevelopment of derelict and abandoned buildings within the erosion hazard of an apparent river or stream valley shall not be permitted.
- 6) Stormwater management facilities within the erosion hazard of an apparent river or stream valley shall not be permitted.

- 7) Notwithstanding Section 5.2.2.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g., pipelines) may be permitted within the erosion hazard of an apparent river or stream valley subject to the activity being approved through a satisfactory Environmental Assessment process and if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 8) Notwithstanding Section 5.2.2.1 1), development associated with public parks (e.g., passive or low intensity outdoor recreation, education, or trail systems) may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 9) Notwithstanding Section 5.2.2.1 1), stream bank, slope and valley stabilization to protect existing development and conservation or restoration projects may be permitted within the erosion hazard of an apparent river or stream valley subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 10) Notwithstanding Section 5.2.2.1 1), removal and placement of *minor fill* and site alteration within the erosion hazard of an apparent river or stream valley may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 11) Notwithstanding Section 5.2.2.1 1), development associated with the construction of a driveway or access way through the erosion hazard of an apparent river or stream valley in order to provide access to lands outside of the apparent river or stream valley, may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) there is no feasible alternative site outside of the apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;
 - b) there is no impact on existing and future slope stability;
 - c) bank stabilization or erosion protection works are not required;
 - d) development will have no negative impacts on natural stream meandering/fluvial processes;
 - e) structural development would not be susceptible to stream erosion;
 - f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - g) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented and flooding hazards have been adequately addressed; and,

- h) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the Conservation Authority.
- 12) Notwithstanding Section 5.2.2.1 1), *moderate development*, in-ground (at-grade) pools and structural repairs associated with existing uses located within the erosion hazard of an apparent river or stream valley may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
- a) there is no feasible alternative site outside of the apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;
 - b) there is no impact on existing and future slope stability;
 - c) bank stabilization or erosion protection works are not required;
 - d) development will have no negative impacts on natural stream meandering/fluvial processes;
 - e) structural development would not exacerbate stream erosion;
 - f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - g) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented and flooding hazards have been adequately addressed;
 - h) development will not prevent access into and through the valley in order to undertake preventative actions/maintenance or during an emergency;
 - i) no development is located on an unstable slope² except for those works that by their nature must be located on an unstable slope such as slope stabilization works (Policy 5.2.2.1 10); and.
 - j) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- 13) Notwithstanding 5.2.2 1 1), development may be permitted for the reconstruction or relocation of a building within the erosion hazard of an apparent river or stream valley provided that it has not been damaged or destroyed by erosion and if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or conservation of land will not be affected. The submitted plans must demonstrate that:

² For this document, the four main classes of slope movement are: translational or surficial sliding, rotational failures, retrogressive failures, and flow slides or earth flows. Refer to Section 2.4.5.1 of MNR's Technical Guide - River and Stream Systems: Erosion Hazard Limit (2002) for additional information.

- a) the building meets the guidelines described in Policy 12) above; and
 - b) the building does not exceed the original floor space plus the allowable floor space for a *minor addition*. If the building is enlarged, a future *minor addition* to the building or structure will not be considered.
- 14) Notwithstanding Section 5.2.2.1 1), where technical assessment or studies demonstrate that lands within the erosion hazard of an apparent river or stream valley are not subject to an erosion or flooding hazard, policies within Sections 24.2.21, and 4.2.2., for development within the hazard allowance, are applicable.
- 15) Notwithstanding Section 5.2.2.1 1), the replacement of sewage disposal systems may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected. The replacement system should be located outside of the erosion hazard where possible, and only permitted within the erosion hazard subject to being located in the area of least and acceptable risk. LTC may request a technical study to ensure that the development is not subject to risk, and/ or to establish the area of least and acceptable risk.
- 16) Notwithstanding Section 5.2.2.1 1), development associated with uses that by their nature are located within the hazard such as the construction or reconstruction of an erosion control works, stairs, and shore wells may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. In order to be considered, the submitted plans must demonstrate that:
- a) development will not prevent access in order to undertake preventative actions/maintenance or during an emergency; and
 - b) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/ restoration plans.

5.2.2.2 *Development within the Erosion Hazard of a Not Apparent (Unconfined) River or Stream Valley (Meander Belt)*

Background

The following policies are focused on the erosion hazard associated with not apparent river or stream valleys. These policies do not apply to development within the allowance adjacent to river or stream valleys and the reader should refer to Section 34.2.1 for policies that apply to these areas.

LTC Policies

- 1) Development shall not be permitted within the erosion hazard (meander belt) of a not apparent river or stream valley.
- 2) Stabilization works within the erosion hazard (meander belt) of a not apparent river or stream valley to allow for future/proposed development or an increase in development envelope or area shall not be permitted.

- 3) Development associated with new and/or the expansion of existing trailer parks/campgrounds in the erosion hazard (meander belt) of a not apparent river or stream valley shall not be permitted.
- 4) Major development within the erosion hazard (meander belt) of a not apparent river or stream valley shall not be permitted.
- 5) Redevelopment of derelict and abandoned buildings within the erosion hazard (meander belt) of a not apparent river or steam valley shall not be permitted.
- 6) Stormwater management facilities within the erosion hazard (meander belt) of a not apparent river or stream valley shall not be permitted.
- 7) Notwithstanding Section 45.2.2.2. 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the erosion hazard (meander belt) of a not apparent river or stream valley subject to the activity being approved through a satisfactory Environmental Assessment process and if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 8) Notwithstanding Section 45.2.2.2. 1), development associated with public parks (e.g. passive recreation and education, trail systems) may be permitted within the erosion hazard (meander belt) of a not apparent river or stream valley if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 9) Notwithstanding Section 45.2.2.2. 1), stream bank, slope and valley stabilization to protect existing development and conservation or restoration projects may be permitted within the erosion hazard (meander belt) of a not apparent river or stream valley subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 10) Notwithstanding Section 5.2.2.2. 1) and 5.2.2.2. 3), removal and placement of *minor fill* and site alteration within the erosion hazard (meander belt) of a not apparent river or stream valley may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 11) Notwithstanding Section 45.2.2.2. 1), development associated with the construction of a driveway or access way through the erosion hazard (meander belt) of a not apparent river or stream valley in order to provide access to lands outside of the not apparent river or stream valley, may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans shall demonstrate that:
 - a) there is no feasible alternative site outside of the meander belt of a not apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;

- b) bank stabilization or erosion protection works are not required;
- c) development will have no negative impacts on natural stream meandering/fluvial processes;
- d) structural development would not be susceptible to stream erosion;
- e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- f) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented and flooding hazards have been adequately addressed; and,
- g) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

12) Notwithstanding Section 45.2.2.2. 1), moderate development, in-ground (at-grade) pools and structural repairs associated with existing uses located within the erosion hazard (meander belt) of a not apparent river or stream valley may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:

- a) there is no feasible alternative site outside of the meander belt of a not apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;
- b) bank stabilization or erosion protection works are not required;
- c) development will have no negative impacts on natural stream meandering/fluvial processes;
- d) structural development would not be susceptible to stream erosion;
- e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- f) natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented and flooding hazards have been adequately addressed;
- g) development will not prevent access into and through the meander belt in order to undertake preventative actions/maintenance or during an emergency;

- h) no development is located on an unstable slope³ except for those works that by their nature must be located on an unstable slope such as slope stabilization works (Policy 45.2.2.2. 10)); and
 - i) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- 13) Notwithstanding 45.2.2.2. 1), development may be permitted for the reconstruction or relocation of a building within the erosion hazard (meander belt) of a not apparent river or stream valley provided that it has not been damaged or destroyed by erosion and if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or conservation of land will not be affected. The submitted plans must demonstrate that:
- a) the building meets the guidelines described in Policy 12) above; and ,
 - b) the building does not exceed the original floor space plus the allowable floor space for a *minor addition*. If the building is enlarged, a future *minor addition* to the building or structure will not be considered.
- 14) Notwithstanding Section 45.2.2.2. 1), where technical assessment or studies demonstrate that lands within the erosion hazard (meander belt) of a not apparent river or stream valley are not subject to an erosion or flooding hazard, policies within Sections 24.2.1 and 4.2.2.3-2, for development within the hazard allowance, are applicable.
- 15) Notwithstanding Section 45.2.2.2.1), the replacement of sewage disposal systems may be permitted within the erosion hazard (meander belt) of a not apparent river or stream valley if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected. The replacement system should be located outside of the erosion hazard where possible, and only permitted within the erosion hazard subject to being located in the area of least and acceptable risk. LTC may request a technical study to ensure that the development is not subject to risk, and/ or to establish the area of least and acceptable risk.
- 16) Notwithstanding Section 45.2.2.2. 1), development associated with uses that by their nature are located within the hazard such as the construction or reconstruction of an erosion control works, stairs, and shore wells may be permitted within the erosion hazard (meander belt) of a not apparent river or stream valley if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. In order to be considered, the submitted plans must demonstrate that:
- a) development will not prevent access in order to undertake preventative actions/maintenance or during an emergency; and

³ For this document, the four main classes of slope movement are: translational or surficial sliding, rotational failures, retrogressive failures, and flow slides or earth flows. Refer to Section 2.4.5.1 of MNR's Technical Guide - River and Stream Systems: Erosion Hazard Limit (2002) for additional information.

- b) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans.

5.2.3 Development within Hazardous Sites

Background

Hazardous sites consists of sites with unstable soils, such as Leda Clays and Organic Soils, and unstable bedrock, such as Karst formations.

LTC Policies

- 1) Development shall not be permitted within hazardous lands associated with unstable soils or unstable bedrock.
- 2) Redevelopment of derelict and abandoned buildings within hazardous lands associated with unstable soils or unstable bedrock shall not be permitted.
- 3) Notwithstanding Section 45.2.3. 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within hazardous lands associated with unstable soil or bedrock subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, pollution, or the conservation of land will not be affected.
- 4) Notwithstanding 45.2.3. 1), development may be permitted for the reconstruction or relocation of a building within hazardous lands associated with unstable soils or bedrock provided it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or conservation of land will not be affected. The submitted plans must demonstrate that:
 - a) There is no feasible alternative site outside of the hazardous lands;
 - b) The control of flooding, erosion, pollution or the conservation of land will not be affected; and,
 - c) All hazards/risks associated with unstable soils or unstable bedrock have been adequately addressed.
 - d) the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

6 WETLANDS AND OTHER AREAS

6.1 Ontario Regulation 163/06

The Lower Trent Conservation Regulation contains the following sections dealing with wetlands of all types.

The LTC Regulation contains the following sections dealing with wetlands.

Development prohibited

- 2.(1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on areas within the jurisdiction of the Authority that are: ...wetlands or... other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of a Provincially Significant Wetland and areas within 30 metres of all others.

Permission to develop

- 3.(1) The Authority may grant permission for development in or on the areas described in subsection 2(1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

Alterations prohibited

5. Subject to section 6, no person shall ... change or interfere in any way with a wetland.

Permission to alter

- 6.(1) The Authority may grant a person permission ...to change or interfere with a wetland.
6.(2) The permission of the Authority shall be given in writing, with or without conditions.

It should be noted that the *Conservation Authorities Act* and the LTC Regulation all use the wording “in any way” when describing change or interference with a wetland. Activities proposed within the wetland boundary that could interfere in any way with the wetland, including both those activities that meet the definition of “development” and those that do not necessarily meet the definition of “development” are regulated as described in Sections 5 and 6 of the Regulation. An example of an activity that does not strictly meet the definition of “development” and could represent interference is vegetation removal such as clear-cutting or clearing and grubbing large areas.

There are a variety of sources for identifying wetlands. Many wetlands have been identified through the provincial wetland evaluation program. LTC may also identify wetlands as part of other watershed programs such as environmentally significant area and ecological land classification (ELC) mapping. Soils mapping (i.e. OMAFRA) may also be useful in identifying organic soils that would indicate the potential of wetlands.

The province uses the Ontario Wetland Evaluation System (OWES), originally developed in 1983, to identify and evaluate wetlands primarily to support land use planning processes under the *Planning Act*. The OWES currently used within the LTC jurisdiction is the Southern Ontario Wetland Evaluation System (MNR, 1993a). Wetlands identified and evaluated using the OWES can be a valuable resource for implementing Section 28 of the *Conservation Authorities Act*, however, it is important to note that a wetland must meet the definition of ‘wetland’ within the *Conservation Authorities Act*.

6.2 Policy Standards

The following sections outline the policy standards for implementing the LTC Regulation with respect to wetlands and “other areas”. LTC, in their role through the planning process, should review planning applications to ensure that, in general, all development can occur outside and be set back an appropriate distance from the wetland boundaries.

LTC may require technical studies be undertaken to demonstrate the suitability of development proposals. Technical studies should be carried out by a qualified professional, with recognized expertise in the appropriate discipline, and should be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

6.2.1 Development and Interference within Wetlands

Background

Wetland means:

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. ~~is seasonally or permanently covered by shallow water or has a water table close to or at its surface;~~

~~(a) directly contributes to the hydrological function of a watershed through connection with a surface watercourse;~~

~~(b) has hydric soils, the formation of which has been caused by the presence of abundant water, and~~

~~(c) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water;~~

~~but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d).~~

The following policies are focused on all wetlands, no matter the significance.

LTC Policies

- 1) Development and interference shall not be permitted within wetlands.

- 2) Redevelopment of derelict and abandoned buildings within wetlands shall not be permitted.
- 3) Ponds and drains shall not be permitted within wetlands.
- 4) Stormwater management facilities shall not be permitted within wetlands.
- 5) Notwithstanding Section 56.2.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within a wetland subject to the activity being approved through a satisfactory Environmental Assessment process and/ or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable by LTC.
- 6) Notwithstanding Section 56.2.1 1), conservation or restoration projects may be permitted within a wetland if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, pollution or the conservation of land will not be affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable by LTC.
- 7) Notwithstanding Section 56.2.1 1), development associated with public parks (e.g. passive or low intensity outdoor recreation, education, or trail systems) may be permitted within a wetland if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable by LTC.
- 8) Notwithstanding Section 56.2.1 1), development associated with boardwalks (e.g. narrow, raised wooden planked trails) may be permitted within a wetland if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution or the conservation of land will not be affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable by LTC through an Environmental Impact Study (EIS). A boardwalk may be permitted with the following considerations:
 - a) ~~a)~~ the footprint of the development in the wetland is minimized;
 - b) ~~b)~~ boardwalk must be raised over flood level;
 - c) ~~c)~~ maximum width of 1.5 metres;
 - a)d) ~~d)~~ constructed with materials that will not affect the natural environment.
- 8)9) Notwithstanding Section 56.2.1 1), development may be permitted within small (< 0.5 ha), isolated wetlands, as determined by staff or in accordance with other LTC policies, if available, where it has been demonstrated through an Environmental Impact Study (EIS) that the loss of the wetland will not impact the hydrologic and ecological integrity of the landscape.

~~9)10)~~ Further to Section ~~5~~6.2.1 9), development may be permitted within a small (< 0.5 ha) isolated wetland if it has been demonstrated through a technical study that hazards associated with unstable soils have been addressed.

~~10)11)~~ Offsetting may be required to support any of the above at the discretion of LTC. Offsetting must be designed and undertaken by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

6.2.2 Development within Other Areas (Areas of Interference/Adjacent Lands within which Development may Interfere with the Hydrologic Function of the Wetland)

6.2.2.1 Area within 30 Metres of the Wetland

Background

The following policies are focused on lands adjacent to all wetlands, no matter the significance.

LTC Policies

- 1) Development shall not be permitted within 30 metres of the boundary of the wetland.
- 2) Notwithstanding Section 6.2.2.1 1), development within the area within 30 metres of a wetland may be permitted where it has been demonstrated through a technical study, prepared by a qualified professional with recognized expertise in the appropriate discipline using established procedures and recognized methodologies to the satisfaction of the LTC, that:
 - a) there is no feasible alternative site outside of the 30 metre adjacent lands for the proposed development and the proposed development is located in an area of least (and acceptable) impact;
 - b) the hydrologic function of the wetland will not be impacted;
 - c) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control, site stabilization, restoration and / or planting plans; and,
 - d) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and hazards have been adequately addressed.
- 3) Notwithstanding Section 6.2.2.1 1), development within the area within 30 metres of a wetland may be permitted where proposed development impacts will not increase impacts beyond that of historic development activities (i.e. existing- road, driveway, filled yard, foundation, etc.) provided it has been demonstrated to the satisfaction of the LTC, that:
 - a) there is no feasible alternative site outside of the 30 metre adjacent lands for the proposed development and the proposed development is located in an area of least (and acceptable) impact;
 - b) the hydrologic function of the wetland will not be further impacted;

- c) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control, site stabilization, restoration and / or planting plans; and,
 - d) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and hazards have been adequately addressed.
- 4) Notwithstanding Section 6.2.2.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within 30 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC.
 - 5) Notwithstanding Section 6.2.2.1 1), conservation or restoration projects may be permitted within 30 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC.
 - 6) Notwithstanding Section 6.2.2.1 1), development associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail system) may be permitted within 30 meters of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC.
 - 7) Notwithstanding Section ~~5~~6.2.2.1 1), the replacement of sewage disposal systems may be permitted within the 30 metre allowance of a wetland if it has been demonstrated to the satisfaction of LTC that there is no feasible location outside of the 30 metre allowance. The replacement system should be located outside of the wetland and only permitted within the allowance subject to being located in the area of least impact to the ecological and hydrologic function of the wetland.

6.2.2.2 *Area Between 30 Metres to 120 Metres of the Wetland*

Background

The following policies are focused on lands between 30 metres and 120 metres from a provincially significant wetland.

LTC Policies

- 1) Development may be permitted in the area between 30 metres to 120 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC.
- 2) Further to Section 6.2.2.2 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted in the area between 30 metres to 120 metres of a wetland subject to the activity being approved through a satisfactory Environmental Assessment process and/or if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC.
- 3) Further to Section 6.2.2.2 1), conservation or restoration projects may be permitted in the area between 30 metres to 120 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC.

- 4) Further to Section 6.2.2.2 1), development associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail system) may be permitted in the area between 30 metres to 120 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC.
- 5) Further to Section 6.2.2.2 1), development may be permitted in the area between 30 metres to 120 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by LTC. An Environmental Impact Study (EIS) to assess the hydrologic impact shall be required if the submitted plans do not demonstrate the following:
 - a) Disturbances to natural vegetation communities contributing to the hydrologic function of the wetland are avoided;
 - b) The overall existing drainage patterns for the lot will be maintained;
 - c) Disturbed area and soil compaction is minimized;
 - d) Development is located above the high water table;
 - e) All septic systems are located at a minimum 0.9 m above the water table;
 - f) Impervious areas are minimized;
 - g) Best Management Practices are used to:
 - i. maintain water balance
 - ii. control erosion and sediment
 - iii. buffer wetlands
- 6) Further to Section 6.2.2.2 1), larger scale development associated with large commercial uses, industrial uses, multiple residential uses (condominiums, apartments, townhouses, etc.) and/or development into the water table may be permitted in the area between 30 metres to 120 metres of a wetland if the interference on hydrologic functions of the wetland has been deemed to be acceptable by LTC. An Environmental Impact Study (EIS) to assess the hydrologic impact shall be required.

7 WATERCOURSES

7.1 Ontario Regulation 163/06

The LTC Regulation contains the following sections dealing with watercourses.

The LTC Regulation contains the following sections dealing with watercourses:

Alterations prohibited

5. Subject to section 6, no person shall straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse...

Permission to alter

- 6.(1) The Authority may grant a person permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse
6. (2) The permission of the Authority shall be given in writing, with or without conditions.

7.2 Policy Standards

The following sections outline the policy standards for implementing the LTC Regulation with respect to watercourses. The term “interference” below includes all alterations mentioned within the Regulation (straighten, change, divert or interfere in any way). LTC, in their role through the planning process, should review planning applications to ensure watercourse alterations associated with development are appropriate.

LTC may require technical studies be undertaken to demonstrate the suitability of development proposals. Technical studies should be carried out by a qualified professional, with recognized expertise in the appropriate discipline, and should be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

7.2.1 Interference with a Watercourse

Background

The following policies apply to watercourses as defined in the Conservation Authorities Act: “An identifiable depression in the ground in which a flow of water regularly or continuously occurs.”

LTC Policies

- 1) Interference with a watercourse shall not be permitted.
- 2) Proposals for channelization and/or re-alignment will not be considered where the purpose of the proposal is to increase the development potential on the lands.
- 3) Notwithstanding Section 7.2.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within a watercourse subject to the activity being approved through a satisfactory Environmental Assessment process or through other studies deemed necessary by the Conservation Authority and/ or if

- the interference on the natural features and hydrologic and ecological functions of the watercourse has been deemed to be acceptable by the Conservation Authority.
- 4) Notwithstanding Section 7.2.1 1), stream, bank, and channel stabilization to protect existing development or conservation or restoration projects may be permitted within a watercourse if the interference on the natural features and hydrologic and ecological functions of the watercourse has been deemed to be acceptable by the Conservation Authority.
 - 5) Notwithstanding Section 7.2.1 1), any works that are to be located below the bed of the river within a watercourse shall be located below the long term scour depth to the satisfaction of the Conservation Authority.
 - 6) Notwithstanding Section 7.2.1 1), minor interference and/or alteration may be permitted within a watercourse if it has been demonstrated to the satisfaction of the Conservation Authority that the interference is acceptable on the natural features and hydrologic and ecological functions of the watercourse.
 - 7) Notwithstanding Section 7.2.1 1), major interference (e.g. realignment, dam, enclosure, ~~pond~~) with a watercourse may be permitted where supported by the recommendations of a sub-watershed study, Environmental Assessment; or other technical approved study. [A Complete Application Checklist for Creek Realignments can be found in Appendix M. The checklist will be filled out as part of the pre-consultation process for this type of application.](#)
 - 8) Notwithstanding Section 7.2.1 1), watercourse crossings may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the interference on the natural features and hydrologic and ecological functions of the watercourse has been deemed to be acceptable by the Conservation Authority. At a minimum, the submitted plans must demonstrate the following based on morphological characteristics of the watercourse system⁴;
 - a) culverts have an open bottom where it is feasible, or where it is not feasible, the culverts should be appropriately embedded into the watercourse;
 - b) crossing location, width, and alignment should be compatible with stream morphology, which typically requires location of the crossing on a straight and shallow/riffle reach of the watercourse with the crossing situated at right angles to the watercourse;
 - c) the crossing is sized and located such that there is no increase in upstream or downstream erosion or flooding;
 - d) the design should consider fish and wildlife passage;
 - e) have regard for upstream and downstream effects when installing/replacing a culvert.
 - f) the design should incorporate site stabilization and erosion control measures;

⁴ Refer to Adaptive Management of Stream Corridors in Ontario (Stream Corridors Project Management Team, 2001) for more information.

- g) the submitted plans should incorporate detailed information related to installation and sequencing; and,
- h) is consistent with Ontario Ministry of Transportation (MTO) Highway Drainage Design Standard WC-1 (January 2008) and follows the MTO Drainage Management Manual Guidelines.

8 PROCEDURE FOR APPLICATION UNDER ONTARIO REGULATION 163/06

8.1 Ontario Regulation 163/06

The LTC Regulation contains the following sections dealing with the application procedure.

The LTC Regulation contains the following sections dealing with the application procedure:

Application for permission

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing the type and location of the proposed development.
2. The proposed use of the buildings and structures following completion of the development.
3. The start and completion dates of the development.
4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after the development.
5. Drainage details before and after the development.
6. A complete description of the type of fill proposed to be placed or dumped.
7. Such other technical studies or plans as the Authority may request. O. Reg. 163/06, s. 4; O. Reg. 67/13, s. 3.

7. A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere with a wetland shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing plan view and cross-section details of the proposed alteration.
2. A description of the methods to be used in carrying out the alteration.
3. The start and completion dates of the alteration.
4. A statement of the purpose of the alteration.
5. Such other technical studies or plans as the Authority may request. O. Reg. 163/06, s. 7; O. Reg. 67/13, s. 5.

Cancellation of permission

8. (1) The Authority may cancel a permission granted under section 3 or 6 if it is of the opinion that the conditions of the permission have not been met. O. Reg. 163/06, s. 8 (1); O. Reg. 67/13, s. 6 (1).

(2) Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. O. Reg. 163/06, s. 8 (2).

(3) Following the giving of the notice under subsection (2), the Authority shall give the holder at least five days notice of the date of the hearing. O. Reg. 163/06, s. 8 (3); O. Reg. 67/13, s. 6 (2).

Period of validity of permissions and extensions

9. (1) The maximum period, including an extension, for which a permission granted under section 3 or 6 may be valid is,

- a) 24 months, in the case of a permission granted for projects other than projects described in clause (b); and
- b) 60 months, in the case of a permission granted for,
 - (i) projects that, in the opinion of the Authority or its executive committee, cannot reasonably be completed within 24 months from the day the permission is granted, or
 - (ii) projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority or its executive committee, cannot reasonably be obtained within 24 months from the day permission is granted. O. Reg. 67/13, s. 7.

(2) The Authority or its executive committee may grant a permission for an initial period that is less than the applicable maximum period specified in subsection (1) if, in the opinion of the Authority or its executive committee, the project can be completed in a period that is less than the maximum period. O. Reg. 67/13, s. 7.

(3) If the Authority or its executive committee grants a permission under subsection (2) for an initial period that is less than the applicable maximum period of validity specified in subsection (1), the Authority or its executive committee may grant an extension of the permission if,

- a) the holder of the permission submits a written application for an extension to the Authority at least 60 days before the expiry of the permission;
- b) no extension of the permission has previously been granted; and
- c) the application sets out the reasons for which an extension is required and, in the opinion of the Authority or its executive committee, demonstrates that circumstances beyond the control of the holder of the permission will prevent completion of the project before the expiry of the permission. O. Reg. 67/13, s. 7.

(4) When granting an extension of a permission under subsection (3), the Authority or its executive committee may grant the extension for the period of time requested by the holder in the application or for such period of time as the Authority or its executive committee deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 67/13, s. 7.

(5) For the purposes of this section, the granting of an extension for a different period of time than the period of time requested does not constitute a refusal of an extension. O. Reg. 67/13, s. 7.

(6) The Authority or its executive committee may refuse an extension of a permission if it is of the opinion that the requirements of subsection (3) have not been met. O. Reg. 67/13, s. 7.

(7) Before refusing an extension of a permission, the Authority or its executive committee shall give notice of intent to refuse to the holder of the permission, indicating that the extension will be refused unless,

- a) the holder requires a hearing, which may be before the Authority or its executive committee, as the Authority directs; and
- b) at the hearing, the holder satisfies the Authority, or the Authority's executive committee, as the case may be,
 - (i) that the requirements of clauses (3) (a) and (b) have been met, and
 - (ii) that circumstances beyond the control of the holder will prevent completion of the project before the expiry of the permission. O. Reg. 67/13, s. 7.

- (8) If the holder of the permission requires a hearing under subsection (7), the Authority or its executive committee shall give the holder at least five days notice of the date of the hearing. O. Reg. 67/13, s. 7.
- (9) After holding a hearing under subsection (7), the Authority or its executive committee shall,
- a) refuse 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 permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 67/13, s. 7.
- (10) Subject to subsection (11), one or more employees of the Authority that have been designated by the Authority for the purposes of this section may exercise the powers and duties of the Authority under subsections (2), (3) and (4), but not those under subsections (6), (7), (8) and (9). O. Reg. 67/13, s. 7.
- (11) A designate under subsection (10) shall not grant an extension of a permission for any period that would result in the permission having a period of validity greater than 24 months. O. Reg. 67/13, s. 7.

8.2 Procedural Standards

The following outlines the procedural standards for implementing the LTC Regulation with respect to all regulated areas within the watershed.

Permits under Ontario Regulation 163/06 are required for agencies, municipalities and landowners except for the exceptions listed within Section 28 (11) of the Conservation Authorities Act, R.S.O. 1990 as amended. Section 28 (11) states: “A requirement for permission of an authority in regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act*, 1998 received Royal Assent.” Additionally, it is noted that the *Conservation Authorities Act* does not specifically “bind the Crown”. Therefore, activities of Provincial Ministries, Federal Departments and Crown Agencies or “Crown Corporations” are not legally required to obtain permission under the *Conservation Authorities Act*. Note that if third parties are undertaking activities on Provincial Crown Land, with the permission of the province, permits from LTC are still required.

Permits for proposed works will be issued if it has been demonstrated to the satisfaction of the LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected, and the project is technically sound.

A fee schedule has been developed to partially recover the costs associated with administering and delivering the regulations program. LTC staff will assist the applicant in the analysis of their site and the acceptability of the proposed use. However, it shall be the responsibility of the applicant to provide the necessary technical design and environmental data at their own cost and at a quality acceptable to LTC. The LTC assumes no liability for any technical recommendations that staff may provide the applicant in completing the application form. LTC staff will review all applications on a “first-come, first served” basis in a timely, professional manner. Each proposed project that requires the approval of LTC under the regulation, and for which an application has been filed, will be processed according to the procedures set out in this document.

8.2.1 Deposit Fees

For applications requiring professional confirmation of conditions of the permit a deposit fee will be required to cover costs of professional services if the proponent refuses to undertake these additional services. These fees will be used to pay for an Ontario Land Surveyor (OLS) to confirm floodproofing elevation requirements or to pay for the design engineer of shore protection works to visit the property to confirm the works were completed in accordance with the approved design.

The deposit fees will be released back to the proponent within 10 business days of receiving an acceptable OLS or engineering notification confirming compliance of the conditions of the permit.

8.2.2 Types of Applications

Reporting approved recommended by Conservation Ontario Council (CO) and presented to the province identifies three categories of permits based on general scope and response timelines. These timelines have been set by CO and the province and are discussed in Section 8.2.7 below. These three categories are Major, Minor and Routine and are discussed in Section 8.2.2.6 below.

Note that LTC has identified permit types following a similar process but has included further types based on how the fee structure is to be applied. What is noted as a Routine permit category will be considered a Minor Permit application by LTC. Note that there are separate permit types for Standard, Complex, Compliance and Restoration Agreements and associated fees with these types. In some cases, the compliance or restoration required is of a minor nature and fees are reflective of the scale. Major permit category for reporting will include Standard and Complex permit applications as described below as well as the majority of Compliance Permit applications and Restoration Agreements.

The application process is similar for all types of applications and the same application form is used for all types of applications. Other information may be required for different types/levels of permits as described below. Fees are based on the type of permit application.

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8.2.1.18.2.2.1 Minor Permits

Permits for minor works involve *minor fill* (<25 m³ placement or removal of fill); *minor development* (<10 m² development); and *minor site alteration* (<20 m² altered area size) permit applications. Fees for these permits are less than standard permits. Note that most Routine category applications will come under this category.

8.2.1.28.2.2.2 Standard Permits

Standard Permits are considered the “regular” permit for any development, alteration or interference proposed projects that do not qualify as minor works as defined above and does include moderate stabilization works for banks or shorelines.

8.2.1.38.2.2.3 *Complex Permits*

These permits require significant staff involvement due to review of technical studies and the complexity of the proposed project. Multiple staff reviews may be required for different types of technical studies. Higher fees are associated with these applications.

8.2.1.48.2.2.4 *Compliance Permits*

Compliance permits are required when works have been undertaken or in process of being undertaken without prior approval from LTC. Typically these works would have been approved by LTC staff (possibly with minor modifications or conditions). Fees double the regular applicable fee will be charged for these permit applications.

8.2.1.58.2.2.5 *Restoration Agreements*

Restoration agreements will be required by LTC staff when works have been undertaken that would not have complied with the policies in this document and restoration and/or remediation measures are required. A separate Restoration Agreement document may be required to be signed by the proponent in addition or in lieu of the permit application.

Due to the nature of these agreements, the works will not typically follow the policies outlined in this document but the work will be required to restore the regulated feature. As such, LTC staff are authorized to approve these plans if in their opinion the impacts to flooding, erosion, dynamic beaches, conservation of land, and pollution have been addressed in the proposed plans. Similar to compliance permits, double the regular applicable fee will be required with these applications.

8.2.2.6 *Permit Categories for Reporting*

The **Routine** permit category is for activities that are documented through another approval process or are determined to have limited impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. LTC has determined that Routine permit applications would be those involving, Standard Compliance Requirements under the Drainage Act and Conservation Authorities Act Protocol (DART) and non-habitable buildings and structures that are less than 10 m² in size. Note that there is only one Municipal Drain in the LTC watershed and DART applications are very rare. Routine category applications are included in the LTC definitions under Minor Permits (8.2.2.2.) for fee structure but will be recorded separately for reporting purposes and timeline expectations.

Minor permit category applies to projects that would be minor in nature due to the project size, level of risk, location, and/or other factors. These have minor impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. Based on the proximity of the project to the hazard, the minor permit applications are reviewed by CA staff and generally require standard recommendations or conditions. Minor permits are those involving minor fill; minor development; and minor site alteration where there is a high degree of certainty that issues associated with natural hazards are minimal.

Major permit category refers to applications that require significant staff involvement. They could be highly complex projects requiring technical review supported by comprehensive analysis, or smaller scale site specific applications that require complex technical reviews. The proposals may involve developments with significant natural hazards, environmental impacts, or

multiple approval process requirements. Major applications could also include those where works have been undertaken, or are in process of being undertaken, without prior approval from the CA; and those where works have been undertaken that do not comply with the CA Section 28 policies and restoration/remediation measures are required.

8.2.28.2.3 Application Requirements

An application for a permit under the regulation shall be submitted to LTC by the applicant or their agent. If the owner of the property, whether a private citizen, a company, or public body, does not sign the application form, then a signed landowner authorization form for the agent to act on the owner's behalf shall be provided. This form is included in the permit application package. In the case of a corporation, then the written authorization of a designated signing officer shall be required.

If it is necessary to cross or work on another property not owned by the applicant as part of the work (e.g., for equipment access), then a signed landowner authorization form must accompany the permit application.

The following criteria will be used to define the components of a complete permit application. A general list of requirements for a complete application ~~must~~ contains the following components (Note: Applicants should pre-consult with LTC staff, since not all components may be required):

- 1) A completed Permit Application Package including a completed Landowner Authorization form (required if owner is assigning another party as an agent for the project – part of the application package).
- 2) One copy of a plan of the area showing plan view and cross-section details of the proposed alteration (11" x 17" maximum size in hard copy or digital drawings are required).
- 3) The proposed use of the buildings and structures following completion of the development or a description of the methods to be used in carrying out the alteration.
- 4) The start and completion dates of the proposed work (as anticipated).
- 5) The elevations of existing buildings (as applicable and if required), and existing grades and the proposed elevation of buildings and grades after development.
- 6) Drainage details before and after the development and any mitigation measures (eg. silt fence, rock check dam) as required.
- 7) A complete description of the type and quantity of *fill* proposed to be placed or removed.
- 8) Such other technical studies or plans and site specific details as the LTC may request.
- 9) The application fee as required by the most recently approved fee schedule, available on LTC website: www.ltc.on.ca.
- 10) Deposit fee, if required.

Note: A permit application will may not be considered to be complete if an approval under the *Planning Act* is required/pending or if not in compliance with municipally approved Site Plan Control agreement.

8.2.38.2.4 Application Process

The following process will be adhered to when processing permits subject to the LTC regulation.

- 1) An application for a permission in accordance with the LTC Regulation shall be filed on the prescribed form and include all information as required. A unique file number shall be assigned to each application that is submitted. This number shall be related to the order in which it was received

and the current year. The new file will be entered into the Planning & Regulations database on the LTC server (on location at the LTC Office).

- 2) LTC staff will review applications made pursuant to this regulation. Prior to the issuance of a permit, a designated LTC employee will often conduct an inspection of the site. At this time, photos to represent the pre-development condition may be taken and notes regarding the nature of slopes, water features, and any other items should be recorded and put on the file. If a site inspection is deemed necessary by staff, but due to snow cover or other conditions it cannot be sufficiently inspected, then the applicant is to be advised that the review of the application will be suspended until a proper inspection can be conducted.
- 3) The Board of Directors may appoint LTC staff, which are authorized to:
 - a) approve applications in which the permitted uses conform to this Policy Document;
 - b) require from an applicant, any engineering or environmental studies including floodplain, environmental impact, geo-technical, or other studies as per the Authority's policies, considered necessary to make a decision.
 - c) defer any application to the Hearing ~~Boards-Committee~~ of the Conservation Authority in which the restricted uses are those as listed in this Policy Document or do not conform to the other Policies stated herein;
- 4) LTC staff will ensure the date of receipt is noted on all copies of the application.
- 5) LTC staff will ensure the appropriate fee has been collected as per the most current approved fee schedule.
- 6) Upon review and assessment that the application meets the policies outlined in this document, the application will be stamped "Permit Granted" and assigned a Permit Number. One copy will be returned to the applicant (if requested), one copy provided to the municipality (if required), and one copy retained by LTC. Electronic distribution of the permits is encouraged and hard copies will only be provided upon request.
- 7) All applications approved by LTC staff shall be presented to the Board of Directors of the Conservation Authority for information.

8.2.5 Client Service Facilitator

LTC has designated the Manager,

Development Services and Water Resources as the Client Service Facilitator for issues regarding permit applications. If the applicant is not satisfied with the permit application process or that the timelines listed below (8.2.7) are not being met or there is a question about completeness as identified in Section 8.2.6 below, the Client Services Facilitator is the first contact regarding applications issue management.

8.2.6 Consideration of a Complete Application

- 1) Pre-consultation is strongly encouraged to provide clarity and direction, to facilitate receipt of complete applications and to streamline the permit review and decision-making process. To meet these objectives, depending on the scale and scope of the project, pre-consultation may include staff from the following parties: Conservation Authority, the municipality, the applicant, consultants, the developer and owner, and may be supplemented by staff from provincial ministries, Parks Canada and any other appropriate government agencies; and may occur concurrently with *Planning Act* pre-consultation.
- 2) LTC will identify and confirm in writing the complete application requirements for specific projects. However, substantial changes to a proposal or a site visit after pre-consultation may warrant further pre-consultation and/or necessitate changes to the complete application requirements.
- 3) Upon receipt of a permit application LTC will review the submission for completeness and will confirm in writing as to whether the application has been deemed complete or not. If a permit application is deemed incomplete, LTC will provide the applicant with a written list of missing and ~~required~~needed information when notifying the applicant that the application has been deemed incomplete.
- 4) During the review of a ‘complete application’, LTC may request additional information if LTC deems the permit application does not contain sufficient technical analysis. Delays in timelines for decision making may occur due to these requests for additional information to address errors or gaps in information submitted for review. Thus, an application can be put “on hold” or returned to the applicant pending the receipt of further information. If necessary, this could be confirmed between both parties as an “Agreement to Defer Decision”.
- 5) If the applicant is not satisfied with the decision on whether an application is deemed complete they should contact the Client Services Facilitator.
- 6) If the issue regarding completeness is not resolved to the satisfaction of the applicant, the applicant can request an administrative review by LTC’s Chief Administrative Officer/Secretary--Treasurer (CAO/ST). This review will be limited to a complete application policy review and will not include review of the technical merits of the application.
- 7) If the applicant is not satisfied with the response from the CAO/ST, an administrative review by the LTC Board of Directors can be requested. This review will be limited to a complete application policy review and will not include review of the technical merits of the application. This review will be accomplished through Staff Report circulation to the Board and Board decision is ~~through~~by a majority vote as per LTC’s Administrative By-Law.

8.2.48.2.7 Timelines for Application Review

In 2010 the MNRF, in consultation with Conservation Authorities Liaison Committee (CALC), developed the Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (P&P CAPRPA - May 2010) which identified timelines for responding to various applications. In 2019 Conservation Ontario (CO) with input from members of the CO Timely Review and Approvals Taskforce developed the *Annual Reporting on Timelines Template For permissions under Section 28 of the Conservation Authorities Act (CO ARTT)*, which received endorsement by the CO Council in December 2019. This document builds upon the *Conservation Authority (CA) - Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and the Guideline for CA Fee Administration Policies for Plan Review and Permitting.*

All timelines presented below exclude statutory holidays and the time required for the applicant to respond to LTC comments on an application. These best practice timelines are premised on the required planning approvals under the Planning Act being in place prior to the submission of an application to LTC.

Following this updated document, LTC will strive to meet the following standards for rendering decisions and other notifications to applicants during the permitting process.

1. For **Pre-Consultation**: Applicants will be notified of complete application requirements:

- a) Major permit applications: Within 14 days of the pre-consultation meeting.
- b) Minor permit applications: Within 7 days of the pre-consultation meeting.
- c) Confirmation of whether the application is considered major or minor, if the applicant has provided adequate information (including the scope and scale of the work) for LTC to make that determination will be included with this notification.

1.2. Upon receipt of the application, Applicants will be notified on **Completeness of the application**:

- ~~a) within 21 days from a pre-consultation meeting with a proponent of complete application requirements for their particular application;~~
- a) Major permit applications: Within 21 days of the application being received.
- b) Minor permit applications: within 14 days of the application being received.
- c) Routine permit applications: within 10 days of the applications being received.
- d) Note that LTC may choose to issue a permit prior to the end of the notification period. In that case, no notification of complete application would be received.
- ~~b) Note that if the application is incomplete, the decision timeline does not begin (see below). within 21 days from the date an application is received whether or not the application is considered complete, and identify additional requirements if incomplete; and~~
- ~~c) of a rendered decision on a permit (recommendation to approve or refer to a hearing) within 30 days for an application considered "routine" or 90 days for an application considered "non-routine". This timeline does not commence until LTC staff are in receipt of a complete application including the fee.~~

3. Decision to Applicant (recommendation to approve or deny application) will be provided:

- a) Major Permit Application: Within 28 days after a complete application is received and within 30 additional days upon receipt of each resubmission.
- b) Minor Permit Application: Within 21 days after a complete application is received and within 15 additional days upon receipt of each re-submission.
- c) Routine Permit Application: Within 14 days after a complete application is received and within 7 additional days upon receipt of each re-submission.

8.2.58.2.8 Staff Approval of Applications

The LTC Board of Directors has delegated authority to grant permissions under Ontario Regulation 163/06 to the Chief Administrative Officer and Manager, Development Services & Water

Resources for permit applications which: are not a significant departure from the approved LTC Regulation Policy Procedures; are for a time period of 2 years or less; and where the applicant agrees to the conditions of the permit (RES: G41/14).

LTC staff will review applications to ensure conformity with this Policy document. An application is approved when it is technically sound and complies with the Authority policy. Where an application is complete and conforms to this Policy document, staff, delegated with authority to do so, will issue an approval. Staff will issue the permit with only the General Conditions included in the permit application form or they may include additional conditions. Subsequently, LTC staff will provide a report to the Board.

8.2.68.2.9 Staff Refusal of Application

A recommendation for refusal of an application for a permit will be made by staff if it is determined that the proposed works do not meet the approved policies of LTC or if the proponent does not agree with the proposed conditions of the permit.

Staff will negotiate with the applicant in an attempt to resolve the points of concern. However, in such cases where the differences cannot be resolved, the applicant will be informed in writing of the staff decision to recommend denial of the permit and the reasons for the recommendation. The letter will also inform them of their right to request a Hearing before the LTC's Hearing Board. The applicant may then choose to either withdraw the application, modify the application so it can be supported or request a Hearing.

As per Resolution G111/15, permit applications that do not conform with the approved policies will be denied and LTC Staff would recommend submission to the Hearing Board as per resolution:

RES: G111/15

THAT applications for permits coming forward that do not comply with LTC policies be taken to the Hearings Committee, regardless of whether or not they are recommended for approval by staff

8.2.78.2.10 Hearing

For an application to be refused or where the applicant objects to the conditions of approval, the *Conservation Authorities Act* requires that the applicant be given the opportunity for a Hearing by the LTC Board (sitting as the Hearing Board). The Section 28 (3) *Conservation Authorities Act* Hearing Guidelines (CO and MNR, 2005) provides a step-by-step process for conducting Hearings required under Section 28 (12), (13), (14) of the *Conservation Authorities Act* (**Appendix B**). LTC will conduct a Hearing under the Regulation in a manner consistent with these guidelines. The Hearing Board is empowered by law to make a decision, governed by the *Statutory Powers Procedures Act*. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the LTC staff and the applicant and to decide whether the application will be approved with or without conditions or refused.

A Hearing will be set in motion upon the request of the applicant. The Hearing Board is comprised of the LTC Board of Directors. A Hearing can be called if:

- ~~an application is reviewed and found to not fully conform to the Policy document and LTC staff recommend approval of the permit with conditions acceptable to the applicant,~~

- the applicant is granted approval with conditions by LTC staff and the applicant does not agree with the conditions imposed on the permit, or
- an application is reviewed and found to not fully conform to the Policy document and LTC staff recommend denial of the permit.

Once a Hearing is set in motion, the power to grant or deny permission rests with the LTC Hearing Board.

An application for approval under Ontario Regulation 163/06, Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation cannot be refused without the opportunity of a Hearing before the Authority. This is a requirement under Section 28(12) of the *Conservation Authorities Act* which states:

"Permission required under a regulation made under clause 1(b), or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a Hearing before the Authority or, if the Authority directs, before the Authority's Executive Committee"

Appendix G (Hearing Guidelines) sets out the procedures for Hearings.

8.2.11 Appeal to Minister

There are three opportunities for applicants to appeal directly to the Minister regarding decisions made by LTC during the permit review and approval process. These appeals to the Minister must be made within 15 days of receiving the decision from the Conservation Authority. These circumstances are listed below:

- LTC Staff approved the permit application because it follows the policies outlined in this document and included Conditions of the permit. The applicant does not agree with the imposed Conditions.
- LTC Staff refused the permit application because it did not follow the policies outlined in this document and notified the applicant of the opportunity for a Hearing. The applicant can appeal directly to the Minister within 15 days of receiving the notice of refusal.
- LTC Staff refused the permit application because it did not follow the policies outlined in this document and notified the applicant of the opportunity for a Hearing. The applicant opted for a Hearing and the Hearing Board decision was also denial. ~~then~~The applicant can appeal the Hearing Board decision directly to the Minister within 15 days of receiving the notice of decision from the Hearing Board.

For the Minister's Review, if a decision from the Minister is not received within 30 days, the applicant can request whether a review will be completed. If there is No Intent to Review then this appeal can be forwarded to the Ontario Land Tribunal for review. The applicant can also request the OLT for review if no response is provided from the Minister within 30 days. If the Minister responded that a Review will take place, this review will be placed on the Environmental Registry of Ontario (ERO) for decision. If there is no decision from the Minister within 90 days the appeal can be reviewed by the OLT.

8.2.88.2.12 Appeal to ~~Mining & Lands Commissioner~~ Ontario Land Tribunal

An applicant can appeal to the Ontario Land Tribunal (OLT) in different circumstances during the permit application and review process. These circumstances are listed below:

- If a permit application has been submitted and there has been no decision from the Conservation Authority within 120 days, the applicant can appeal to the OLT for a decision;
- If the applicant had requested a Hearing and the Hearing Board decision was denial of the application then they may appeal to the OLT within 90 days of the decision;
- If the applicant has received approval of the application through a Hearing Process but who has been refused permission or objects to the conditions imposed on a permission as a result of the Hearing they may appeal to the OLT, within 30-90 days of receiving the written notice of the Hearing Decision, appeal to the Minister of Natural Resources and Forestry;

~~, who may refuse the permission or grant permission, with or without conditions. The Mining and Lands Commissioner OLT has the been ability to order the Conservation Authority to issue the permit (with or without conditions) or to refuse the permit application. assigned the authority, duties and powers of the Minister of Natural Resources and Forestry under the Ministry of Natural Resources and Forestry Act to hear appeals from the decisions of CAs made under the Conservation Authorities Act. The Commissioner's OLT's decision is final and binding. There are no further appeal procedures with the exception of a "judicial review" based on a decision where there is a perceived "error in law."~~

8.2.98.2.13 Permit

Once approved, authorized Authority staff will issue a permit on the prescribed forms. Where this permit is required by the municipality before a Building Permit is issued, a copy of the permit along with all approved plans and specifications will be forwarded to the Municipality with authorization from the applicant.

8.2.108.2.14 Period of validity of permissions and extensions

As per the Regulation, the maximum period, including an extension, for which a permission granted may be valid is 24 months or 60 months. The 60 month period only applies in the case of a permission granted for projects that cannot reasonably be completed within 24 months from the day the permission is granted or for projects that require permits or approvals from other regulatory bodies that cannot reasonably be obtained within 24 months from the day permission is granted by LTC. Note that applications requesting periods beyond 24 months must be approved by the Board of Directors.

Please see **Appendix D**, Ontario Regulation 163/06, Section 9, for complete details concerning specifics for permit extensions.

8.3 Compliance Inspections

LTC staff may conduct an inspection during the work to ensure permit requirements are being met. If the work is found to be contrary to the permit, the applicant will be contacted, and completion or correction of the work will be requested. Only the approved works are authorized under the permit that was issued, so if the plans have been changed, the applicant needs to apply for a new permit or a permit amendment that accurately describes the new plans. This application (amendment) shall be processed in the normal manner.

If, in the opinion of LTC staff, the change has caused or is likely to cause an impact on the control of flooding, erosion, pollution, or the conservation of land, a cancellation of permission and enforcement action will be considered. LTC staff may request all work cease until the concerns are addressed. Once the works under the permit have been completed (via notification from the applicant), or one month before the permit expires, a final compliance inspection may be performed by LTC staff. During this site inspection, the drawings/plans will be referenced to determine if the works were completed as approved. Post-development photos may be taken and included in the file. If the work is completed and found to be in conformity with the permit, then a letter will be sent to the applicant informing the permit holder accordingly. If a permit has expired and there is still additional work to be done to complete the project, the applicant is required to apply for a new permit.

8.4 Cancellation of Permission:

LTC may cancel a permission granted if the conditions of the permission have not been met. Before cancelling permission, LTC shall give written notice of intent to cancel to the holder of the permit. The holder of the permit may request a Hearing to explain why the permit should not be cancelled. LTC will give the holder of the permit in question a minimum of 5-days notice of the date of the Hearing. Refer to Hearing Guidelines for further details.

8.5 File Closure

Once all requirements of a permit have been met, the file may be closed. Staff will ensure that the information contained within the regulations database is accurate and up to date, and the file folder can be moved to storage. Permit applications that have been suspended for six months or more from the date of receipt of the application may be deemed inactive. For inactive files, a letter will be forwarded to the applicant requesting a status update within a specified time period (normally one month). If no contact is made with the LTC within the specified time period, the file can be closed.

9 GLOSSARY

100 Year Flood Event Standard: That flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Alteration to a Waterway: the act whereby the channel of a watercourse is altered in some manner. Examples of an alteration include, but are not limited to, the following: channelization, full or partial diversions, retaining walls, revetments, bridges, culverts, pipeline crossings erosion protection measures, construction of storm sewer outlets and agricultural tile drain outlets.

Apparent (confined) river and stream valley: Ones in which the physical presence of a valley corridor containing a river or stream channel, which may or may not contain flowing water, is visibly discernible (i.e., valley walls are clearly definable) from the surrounding landscape by either field investigations, aerial photography and/or map interpretation. The location of the river or stream channel may be located at the base of the valley slope, in close proximity to the toe of the valley slope (i.e., within 15 metres), or removed from the toe of the valley slope (i.e., greater than 15 metres)."

Area of interference: Those lands where development could interfere with the hydrologic function of a wetland.

Armour: Artificial surfacing of bed, banks, shores, or embankments to resist scour or erosion.

Authority: The Lower Trent Region Conservation Authority, a corporate body established under the *Conservation Authorities Act* (RSO 1990).

Basement: One or more storeys of a building located below the first storey (Building Code).

Breakwall/Breakwater: An object (especially a groyne or pier) resisting force of waves.

Boathouse: Structure meant for storage of water craft and associated boating equipment located on or within 6 metres of a navigable waterway. The boathouse must be anchored and is to be constructed as a single storey with no habitable space ~~and a peaked roof. The maximum outside dimensions of the structure must fit within an 8 metre x 10 metre rectangular envelope with a maximum height of 4.5 metres~~ The boathouse is considered a detached accessory structure and i-It must be wet floodproofed with openings on two sides to allow the flow of water through and no electrical services to be located less than 0.3 metres above the flood elevation.

Channel: The area of a watercourse carrying normal flows within the banks.

Conservation of Land (CO Interpretation): The protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed.

Crawl Space: A Crawl space must be:

- (a) less than 1500 mm high between the lowest part of the floor assembly and the ground or other surface below, and
- (b) not used for any occupancy.

Development: a) the construction, reconstruction, erection or placing of a building or structure of any kind, b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure, c) site grading, or d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Diversion: The process whereby streamflow is directed from the original channel of the watercourse and returned to the original channel at another point on the watercourse. Diversions may be full or partial re-direction of the streamflow. A diversion may also be the redirecting of flow from the channel of one watercourse to the channel of another watercourse.

Dwelling unit: One or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.

Dyke (dike): An embankment or wall, usually along a watercourse or floodplain, to prevent overflow on to adjacent land.

Dynamic Beach: That portion of the shoreline where accumulated unconsolidated sediment continuously moves as a result of naturally occurring processes associated with wind and water and changes in the rate of sediment supply.

Dynamic Beach Hazard: Areas of inherently unstable accumulations of shoreline sediments along the Great Lakes – St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

Erosion: Continual loss of earth material (i.e., soil or sediment) over time as a result of the influence of water or wind.

Erosion Hazard: The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span) and an allowance for slope stability and an erosion/erosion access allowance.

Fill: Earth, sand, gravel, topsoil, building materials, rubble, rubbish, garbage, or any other material whether similar to or different from any of the aforementioned materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower or in any way affect or alter the contours of the ground.

Flooding Hazard: The inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water related hazards;
- b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 - a. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a

specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

b. the one hundred year flood; and

c. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

~~In Ontario, either storm-centred events, flood frequency based events, or an observed event may be used to determine the extent of the flooding hazard⁵. These events are:~~

~~a) — A storm-centred event, either Hurricane Hazel storm (1954) or Timmins storm (1961). A storm-centred event refers to a major storm of record which is used for land use planning purposes. The rainfall actually experienced during a major storm event can be transposed over another watershed and when combined with the local conditions, Regulatory floodplains can be determined. This centering concept is considered acceptable where the evidence suggests that the storm event could have potentially occurred over other watersheds in the general area;~~

~~b) — 100-year flood event is a frequency based flood event that is determined through analysis of precipitation, snow melt, or a combination thereof, having a return period (or a probability of occurrence) of once every 100 years on average (or having a 1% chance of occurring or being exceeded in any given year). The 100-year flood event is the minimum acceptable standard for defining the Regulatory floodplain; and~~

~~c) — An observed event, which is a flood that is greater than the storm-centred events or greater than the 100-year flood, and which was actually experienced in a particular watershed, or portion thereof, for example as a result of ice jams⁶, and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry.~~

Flood Line: An engineered line delineating the potential extent of flooding.

Floodplain: The area, usually low lands, adjoining a watercourse which has been or may be covered by water.

⁵ High points of land not subject to flooding but surrounded by floodplain or “flooded land” are considered to be within the flood hazard and part of the regulated floodplain.

⁶ However, localized chronic conditions (e.g., ice or debris jams) related to flood prone areas may be used to extend the regulated area beyond the Regulatory Flood limit without the approval of the Minister of Natural Resources and Forestry. It will be necessary to inform the property owner(s) as well as ensuring that the revised limits are reflected in the appropriate municipal documents at the first opportunity.

Floodproofing: A combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damages.

Floodway: The channel of a watercourse and the inner portion of the floodplain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage.

Groyne: A structure extending from the shore to prevent erosion and arrest sand movement along a shoreline.

Habitable: Suitable to live in or on; that can be inhabited. Inhabit means to dwell in, occupy.

Habitation: is measured by the number of bedrooms within a dwelling unit.

Hazardous Land: Property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. ~~Land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.~~

Hazardous Sites: Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hydric Soil: Soil that, in its undrained condition, is saturated, flooded, or ponded long enough during the growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

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

Inert Fill: Earth or rock fill, or material of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances.

Ingress/egress: The ability to access a property or residence by land.

Interference in any way (CO Interpretation): Any anthropogenic act or instance which hinders, disrupts, degrades, or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse.

Jetty: A structure that projects from the land out into water.

Large Inland Lakes: Waterbody that has a surface area equal to or greater than 100 square kilometers where there is no measurable or predictable response to a single runoff event.

Major Development: New structures, additions, or restorations greater than 46 square metres (500 square feet).

Major Stabilization Work: stabilization works that have been approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC through a detailed engineering design that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.

Minor Addition: An addition to an existing structure that does not exceed 46 square metres (500 square feet) and shall not result in an increase in the number of dwelling units. Attached covered structures including decks and garages will be considered habitable space. All new floor space shall be considered when determining the additional floor space including all storeys.

Minor Alteration: Alteration of a watercourse not exceeding 20 square metres (215 square feet).

Minor Development: A small addition to an existing building, a detached accessory building or above-ground pool that does not exceed 10 square metres (108 square feet) and does not increase number of dwelling units in a hazard land. Uncovered decks less than 23 square metres (250 square feet) are also considered minor development.

Minor Fill: A volumetric amount of fill not exceeding 20 cubic metres (26 cubic yards).

Moderate Development: *Minor additions*, detached accessory buildings and above ground pools that do not exceed 46 square metres (500 square feet). Uncovered decks larger than 23 square metres (250 square feet) are also considered moderate development. All moderate development (excluding uncovered decks) will be considered cumulative and will not exceed the 46 square metres (500 square feet). If cumulative moderate development exceeds 46 square metres (500 square feet) *major development* definitions apply.

Moderate Stabilization Work: stabilization works for banks/bluffs two metres or less in height and placement of appropriately sized stone a volumetric amount equivalent of up to one cubic metre per one linear metre of shoreline or stream bank if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.

Non-Habitable: Detached structure not intended for dwelling in (i.e. garage, uncovered deck, picnic shelter, sun shelter, gazebo, pergola, boathouse)

Not Apparent (unconfined) river and stream valleys: Valleys in which a river or stream is present but there is no discernible valley slope or bank that can be detected from the surrounding landscape. For the most part, unconfined systems are found in fairly flat or gently rolling landscapes and may be located within the headwater areas of drainage basins. The river or stream channels contain either perennial (i.e., year round) or ephemeral (i.e., seasonal or intermittent) flow and range in channel configuration from seepage and natural channels to detectable channels.

Offsetting: Measures that are undertaken to counterbalance unavoidable impacts to the ecosystem. Offsetting should be identified through an Environmental Impact Study and considered only when all other options have been deemed not feasible.

One Zone Concept: An approach whereby the entire floodplain, as defined by the regulatory flood, is treated as one unit, and all development is prohibited or restricted.

Pollution: Any deleterious physical substance or other contaminant that has the potential to be generated by development in an area.

Regulated Lands: The area within which development, interference and alteration activities are regulated by the Conservation Authority.

Regulatory floodplain: See definition of flooding hazard

Retaining Wall: A vertical structure designed to resist the lateral pressure of soil and water behind it.

Revetment: A vertical or inclined facing of rip-rap or other material protecting a soil surface from erosion.

Rip-rap: A layer of stone to prevent the erosion of soil.

Routine permit applications: are activities that are documented through another approval process (DART Protocol) or are determined to have limited impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land (i.e. non-habitable buildings and structures that are less than 10 m² in size).

Rubble: Waste fragments of stone, brick etc. from old houses; pieces of undressed stone used especially as backfill for walls; loose angular stones; water worn stones.

Scour: Local lowering of a streambed by the erosive action of flowing water.

Sedimentation: The deposition of detached soil particles.

Sewage Disposal System: A system which contains the entire sewage envelope, including both primary and secondary beds, mantle, septic tanks, and reserve areas, as per the requirements of the Ontario *Building Code Act* or the Ministry of the Environment and Climate Change.

Significant Wetland: An area identified as provincially significant by the ~~Ontario~~-Ministry of Northern Development, Mines, Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

Static water level: The 100 year peak or flood level with a one chance in one hundred of occurring in any given year, without the influences of wave uprush, seiche, ship-generated waves, ice-piling, or other water-related hazards

Storey: The portion of a building;

- a) that is situated between the top of any floor and the top of the floor next above it, or
- a) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

Surficial erosion: The physical removal, detachment, and movement of soil at the ground surface due to water or wind.

Structure: Any material, object or work erected either as a unit or constructed or assembled of connected or dependant parts or elements, whether located under, on, and/or above the surface of the ground.

Top-of-bank: The point at which the slope of a valley or shoreline meets the horizontal plain of the adjacent table-land.

Two Zone Floodway-Flood Fringe Concept: An approach whereby certain areas of the floodplain are considered to be less hazardous than others such that development potentially could occur. The flood fringe defines that portion of the floodplain where development may be permitted, subject to appropriate floodproofing. The floodway defines that portion of the floodplain wherein development is limited. This concept is only implemented after a comprehensive study to evaluate implications has been completed.

Watercourse: An identifiable depression in the ground in which a flow of water regularly or continuously occurs.

Watershed: An area that is drained by a river and its tributaries.

Wetland: Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. Land that a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface, b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse, c) has hydric soils, the formation of which has been caused by the presence of abundant water, and d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause c) or d).

Note: Additional definitions may be found in the MNR Technical Guidelines, Natural Heritage Guidelines and the Provincial Policy Statement under the Planning Act.



LOWER TRENT
CONSERVATION

APPENDIX B

CONSERVATION AUTHORITIES ACT

October 1, 2021

Français

Conservation Authorities Act

R.S.O. 1990, CHAPTER C.27

Consolidation Period: From October 1, 2021 to the [e-Laws currency date](#).

Last amendment: 2021, c. 4, Sched. 6, s. 39.

Legislative History: 1993, c. 27, Sched.; 1994, c. 27, s. 127; 1996, c. 1, Sched. M, s. 40-47; 1996, c. 32, s. 66; 1997, c. 5, s. 64; 1997, c. 26, Sched.; 1997, c. 29, s. 54; 1997, c. 43, Sched. G, s. 19; 1998, c. 3, s. 33; 1998, c. 15, Sched. E, s. 3; 1998, c. 18, Sched. I, s. 1-14; 2000, c. 5, s. 8; 2001, c. 8, s. 203; 2001, c. 9, Sched. K, s. 1; 2002, c. 17, Sched. F, Table; 2004, c. 8, s. 46, Table; 2006, c. 3, Sched. D; 2006, c. 21, Sched. F, s. 105; 2006, c. 22, s. 113; 2006, c. 32, Sched. C, s. 8; 2008, c. 7, Sched. A, s. 19; 2009, c. 12, Sched. L, s. 2; 2010, c. 16, Sched. 10, s. 1; 2011, c. 9, Sched. 27, s. 22; 2017, c. 8, Sched. 17, s. 5; 2017, c. 23, Sched. 4 (but see 2019, c. 9, Sched. 2, s. 10 and 2020, c. 36, Sched. 6, s. 27); 2017, c. 23, Sched. 5, s. 20-23; 2018, c. 16, s. 3; 2019, c. 9, Sched. 2; (but see 2020, c. 36, Sched. 6, s. 28); 2020, c. 36, Sched. 6, s. 1-25 (but see 2021, c. 4, Sched. 6, s. 81); 2021, c. 4, Sched. 6, s. 39.

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**PART I
PURPOSE AND INTERPRETATION**

Purpose

0.1 The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. 2017, c. 23, Sched. 4, s. 1.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 1 - 12/12/2017

Definitions

1 In this Act,

“administration costs” means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenses and maintenance costs of projects; (“frais d’administration”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “administration costs” in section 1 of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 2 (1))

“advisory board” means an advisory board appointed by an authority; (“conseil consultatif”)

“authority” means a conservation authority established by or under this Act or a predecessor of this Act; (“office”)

“executive committee” means the executive committee appointed by an authority; (“comité de direction”)

“land” includes buildings and any estate, term, easement, right or interest in, to, over or affecting land; (“bien-fonds”)

“maintenance costs” means all expenditures required specifically in relation to the operation or maintenance of a project; (“frais d’entretien”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “maintenance costs” in section 1 of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 2 (1))

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“municipality” means a local municipality, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue money under section 69 of that Act; (“municipalité”)

Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by adding the following definition: (See: 2017, c. 23, Sched. 4, s. 2 (2))

“operating expenses” include,

- (a) salaries, per diems and travel expenses of employees and members of an authority,
- (b) rent and other office costs,
- (c) program expenses,
- (d) costs that are related to the operation or maintenance of a project, but not including the project’s capital costs, and
- (e) such other costs as may be prescribed by regulation; (“dépenses d’exploitation”)

“participating municipality” means a municipality that is designated by or under this Act as a participating municipality; (“municipalité participante”)

“project” means a work undertaken by an authority for the furtherance of its objects; (“projet”)

“watershed” means an area drained by a river and its tributaries. (“bassin hydrographique”) R.S.O. 1990, c. C.27, s. 1; 1996, c. 1, Sched. M, s. 40; 1998, c. 18, Sched. I, s. 1; 2002, c. 17, Sched. F, Table; 2019, c. 9, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 40 (1, 2) - 30/01/1996; 1998, c. 18, Sched. I, s. 1 - 18/12/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2017, c. 23, Sched. 4, s. 2 (1, 2) - not in force

2019, c. 9, Sched. 2, s. 1 - 02/02/2021

Existing aboriginal or treaty rights

1.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*. 2020, c. 36, Sched. 6, s. 1.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 1 - 02/02/2021

PART II ESTABLISHMENT OF CONSERVATION AUTHORITIES

Meeting to establish authority for watershed

2 (1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed by resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined part thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or part thereof. R.S.O. 1990, c. C.27, s. 2 (1).

Representatives at meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:

1. Where the population is 1,000,000 or more, seven representatives.

1.1 Where the population is 500,000 or more but less than 1,000,000, six representatives.

1.2 Where the population is 250,000 or more but less than 500,000, five representatives.

2. Where the population is 100,000 or more but less than 250,000, four representatives.

3. Where the population is 50,000 or more but less than 100,000, three representatives.

4. Where the population is 10,000 or more but less than 50,000, two representatives.

5. Where the population is less than 10,000, one representative. R.S.O. 1990, c. C.27, s. 2 (2); 2001, c. 9, Sched. K, s. 1 (1).

Authority of representatives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at the meeting. R.S.O. 1990, c. C.27, s. 2 (3).

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint. R.S.O. 1990, c. C.27, s. 2 (4); 2017, c. 23, Sched. 4, s. 4.

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. K, s. 1 (1) - 29/06/2001

2017, c. 23, Sched. 4, s. 4 - 12/12/2017

Establishment, jurisdiction and initial financing

Establishment and jurisdiction of authority

3 (1) Upon receipt by the Minister of a resolution passed at a meeting held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (1); 2017, c. 23, Sched. 4, s. 5 (1).

Where only part of municipality in watershed

(2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (2).

Name of authority

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words “conservation authority” in English and shall include the words “office de protection de la nature” in French. R.S.O. 1990, c. C.27, s. 3 (3).

Corporate body

(4) Every authority is a body corporate. R.S.O. 1990, c. C.27, s. 3 (4).

Borrowing power

(5) Every authority may, for its purposes, borrow on the promissory note of the authority such money as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1990, c. C.27, s. 3 (5); 2017, c. 23, Sched. 4, s. 5 (2).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 5 (1, 2) - 12/12/2017

Upper-tier municipalities**Regional municipalities to act in place of local municipalities**

4 (1) An upper-tier municipality that was established as a regional municipality before the day subsection 6 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force,

(a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for the purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and

(b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities. R.S.O. 1990, c. C.27, s. 4 (1); 2017, c. 23, Sched. 4, s. 6 (1).

(2) REPEALED: 2017, c. 23, Sched. 4, s. 6 (2).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 6 (1, 2) - 12/12/2017

Toronto and Region Conservation Authority

5 (1) The Metropolitan Toronto and Region Conservation Authority is continued under the name Toronto and Region Conservation Authority in English and Office de protection de la nature de Toronto et de la région in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on December 31, 1990, as it may be altered under this Act. 1997, c. 26, Sched.

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (2).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate,

(a) the municipalities that are the participating municipalities of the Toronto and Region Conservation Authority; and

(b) the area over which the Toronto and Region Conservation Authority has jurisdiction. 1997, c. 26, Sched.

Members

(4) Despite subsections 14 (1), (2) and (5) but subject to subsection 14 (2.1), the number of members appointed to the Toronto and Region Conservation Authority by the City of Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1997, c. 26, Sched.; 2001, c. 9, Sched. K, s. 1 (3).

Section Amendments with date in force (d/m/y)

1997, c. 26, Sched. - 01/01/1998

2001, c. 9, Sched. K, s. 1 (2, 3) - 29/06/2001

Hamilton Region Conservation Authority

6 (1) The Hamilton Region Conservation Authority is continued under the name Hamilton Region Conservation Authority in English and Office de protection de la nature de la région de Hamilton in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1990, as it may be altered under this Act. R.S.O. 1990, c. C.27, s. 6 (1).

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (4).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction. R.S.O. 1990, c. C.27, s. 6 (3).

(4) REPEALED: 2000, c. 5, s. 8.

Section Amendments with date in force (d/m/y)

2000, c. 5, s. 8 - 01/01/2001

2001, c. 9, Sched. K, s. 1 (4) - 29/06/2001

Grand River Conservation Authority

7 (1) The Grand River Conservation Authority is continued under the name Grand River Conservation Authority in English and Office de protection de la nature de la rivière Grand in French as a conservation authority under this Act. R.S.O. 1990, c. C.27, s. 7 (1).

Designation of participating municipalities and area

(2) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction. 2001, c. 9, Sched. K, s. 1 (5).

(3) REPEALED: 2001, c. 9, Sched. K, s. 1 (5).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. K, s. 1 (5) - 29/06/2001

Grouping of municipalities

8 The participating municipalities may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities. R.S.O. 1990, c. C.27, s. 8; 1998, c. 18, Sched. I, s. 2.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 2 - 18/12/1998

Establishment of authority for two or more watersheds

9 Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply with necessary modifications. R.S.O. 1990, c. C.27, s. 9.

PART III

ENLARGING AREAS OF JURISDICTION, AMALGAMATIONS AND DISSOLUTIONS

Enlargement of authority's area

10 (1) If an authority has been established, the council of a municipality that is completely or partly outside the jurisdiction of the authority may call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include an area specified by the municipality. 1998, c. 18, Sched. I, s. 3 (1).

Notice of meeting

(1.1) Notice of the meeting shall be given to each participating municipality of the authority and to any municipality that is completely or partly within the area specified under subsection (1). 2017, c. 23, Sched. 4, s. 8.

Representatives

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2). 2017, c. 23, Sched. 4, s. 8.

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2). 2017, c. 23, Sched. 4, s. 8.

Resolution

(4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:

1. Agree to enlarge the area over which the authority has jurisdiction.
2. Designate participating municipalities for the enlarged area.
3. Designate the enlarged area over which the authority has jurisdiction. 2017, c. 23, Sched. 4, s. 8.

Two-thirds majority vote

(5) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting. 2017, c. 23, Sched. 4, s. 8.

Resolution in effect

(6) A resolution described in subsection (4) takes effect on such terms as it may specify despite anything to the contrary in the order in council establishing the authority. 2017, c. 23, Sched. 4, s. 8.

Minister's copy

(7) The municipality that called a meeting under subsection (1) shall provide the Minister with a copy of any resolution described in subsection (4) passed at the meeting promptly after the resolution is passed. 2017, c. 23, Sched. 4, s. 8.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 3 (1, 2) - 18/12/1998

2017, c. 23, Sched. 4, s. 8 - 12/12/2017

Amalgamation of authorities

11 (1) If two or more authorities have been established for adjoining watersheds or parts thereof, one or more of the authorities or the council of a participating municipality of one of the authorities may call a meeting to consider the establishment of one authority to have jurisdiction over the areas that are under separate jurisdictions. 1998, c. 18, Sched. I, s. 4 (1); 2017, c. 23, Sched. 4, s. 9 (1).

Notice of meeting

(1.1) Notice of the meeting shall be given to each participating municipality of the relevant authorities. 2017, c. 23, Sched. 4, s. 9 (2).

Public notice

(1.2) The body or bodies that call a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality. 2017, c. 23, Sched. 4, s. 9 (2).

Public representations

(1.3) No vote shall be taken on a resolution requesting amalgamation of the authorities unless members of the public have been given an opportunity at the meeting to make representations on the issue. 2017, c. 23, Sched. 4, s. 9 (2).

Representatives

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2). 2017, c. 23, Sched. 4, s. 9 (3).

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2). 2017, c. 23, Sched. 4, s. 9 (3).

Resolution

- (4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:
1. Establish a new authority that has jurisdiction over areas that previously were under the separate jurisdiction of the two or more existing authorities of the adjoining watersheds.
 2. Dissolve the existing authorities.
 3. Designate the participating municipalities for the new authority.
 4. Designate the area over which the new authority has jurisdiction. 2017, c. 23, Sched. 4, s. 9 (4).

Two-thirds majority vote

(4.1) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting. 2017, c. 23, Sched. 4, s. 9 (4).

Approval by Minister

(4.2) The authorities or the municipality who called a meeting under subsection (1) shall submit the resolution passed in accordance with subsection (4.1) to the Minister for approval and the Minister may approve the resolution with such changes and on such terms and conditions as he or she considers appropriate. 2017, c. 23, Sched. 4, s. 9 (4).

Resolution in effect

(4.3) The resolution takes effect in accordance with the terms of the resolution and the Minister's approval. 2017, c. 23, Sched. 4, s. 9 (4).

Assets and liabilities of former authorities

(5) When the establishment of a new authority and the dissolution of the existing authorities take effect under subsection (4.3), all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority. R.S.O. 1990, c. C.27, s. 11 (5); 2017, c. 23, Sched. 4, s. 9 (5).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 4 (1, 2) - 18/12/1998

2017, c. 23, Sched. 4, s. 9 (1-5) - 12/12/2017

12 REPEALED: 1998, c. 18, Sched. I, s. 5.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 5 - 18/12/1998

Participating municipalities following annexation, etc.

13 Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 13.

Dissolution of authority

13.1 (1) An authority shall call a meeting of the members of the authority to consider the dissolution of the authority if, by resolution, the councils of two or more participating municipalities request the meeting. 1996, c. 1, Sched. M, s. 41.

Public notice

(1.1) The authority that calls a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality. 2017, c. 23, Sched. 4, s. 10 (1).

Quorum

(2) Despite subsection 16 (2), a quorum at a meeting called under this section consists of two-thirds of the members of the authority. 1996, c. 1, Sched. M, s. 41; 2017, c. 23, Sched. 4, s. 10 (2).

(3), (4) REPEALED: 2017, c. 23, Sched. 4, s. 10 (3).

Public representations

(5) No vote shall be taken on a resolution requesting dissolution of the authority unless members of the public have been given an opportunity at the meeting to make representations on the issue. 1996, c. 1, Sched. M, s. 41.

Criteria for dissolution

(6) The Lieutenant Governor in Council may dissolve the authority, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, if,

- (a) the Minister receives a resolution requesting the dissolution passed by at least two-thirds of the members of the authority present and entitled to vote at a meeting held under this section and at which a quorum was present;
- (b) the Minister is satisfied that acceptable provision has been made for future flood control and watershed interests and for the disposition of all assets and liabilities of the authority; and
- (c) the Minister is satisfied that acceptable provision has been made for future protection of drinking water sources. 1996, c. 1, Sched. M, s. 41; 2006, c. 22, s. 113 (1); 2019, c. 9, Sched. 2, s. 2.

(7) REPEALED: 2017, c. 23, Sched. 4, s. 10 (4).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 41 - 30/01/1996

2006, c. 22, s. 113 (1) - 03/07/2007

2017, c. 23, Sched. 4, s. 10 (1-4) - 12/12/2017

2019, c. 9, Sched. 2, s. 2 - 02/02/2021

PART IV MEMBERSHIP AND GOVERNANCE

Members of authority

14 (1) Subject to subsection (3), members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers set out in subsection 2 (2) for the appointment of representatives. 2017, c. 23, Sched. 4, s. 12 (1); 2020, c. 36, Sched. 6, s. 2 (1).

Members of council appointed

(1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council, subject to subsection (1.2). 2020, c. 36, Sched. 6, s. 2 (2).

Exception

(1.2) Upon application by a participating municipality, the Minister may grant permission to the municipality to select less than 70 per cent of its appointees to an authority from among the members of the municipal council, subject to such conditions or restrictions as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 2 (2).

Changes in number of members

(2) The total number of municipally appointed members of the authority and the number of municipal councillors that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes. 2001, c. 9, Sched. K, s. 1 (6); 2020, c. 36, Sched. 6, s. 2 (3).

Agreement on number of members

(2.1) Despite subsections (1), (2) and (5), the total number of members of the authority and the number of members that each participating municipality may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities. 2001, c. 9, Sched. K, s. 1 (6).

Municipal agreement

(2.2) If the participating municipalities of an authority enter into an agreement with respect to the total number of municipally appointed members of the authority and the total number of members each municipality may appoint, the authority shall, within 60 days after the agreement is executed,

- (a) provide a copy of the agreement to the Minister; and
- (b) make the agreement available to the public by posting it on the authority's website and by any other means the authority considers appropriate. 2020, c. 36, Sched. 6, s. 2 (4).

Same, transition

(2.3) If an agreement referred to in subsection (2.2) is in force on the day subsection 2 (4) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, the relevant authority shall provide a copy of the agreement to the Minister within 60 days after that day. 2020, c. 36, Sched. 6, s. 2 (4).

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 14 (3).

Member from agricultural sector appointed

(4) In addition to the members of an authority appointed in accordance with subsections (1) to (2.1), an additional member may be appointed to the authority by the Minister as a representative of the agricultural sector. 2020, c. 36, Sched. 6, s. 2 (5).

Limitation on voting

(4.0.1) The member of an authority appointed under subsection (4) shall not vote on,

- (a) a resolution to enlarge an authority's area of jurisdiction that is presented at a meeting called under section 10;
- (b) a resolution to amalgamate an authority with another authority that is presented at a meeting called under section 11;
- (c) a resolution to dissolve the authority that is presented at a meeting called under section 13.1; or
- (d) a resolution relating to any budgetary matter that is presented at a meeting held under section 16. 2020, c. 36, Sched. 6, s. 2 (5).

Term

(4.1) A member shall be appointed for a term of up to four years, as may be determined by the council that appoints the member or, in the case of a member appointed under subsection (4), by the Minister. 2017, c. 23, Sched. 4, s. 12 (2); 2020, c. 36, Sched. 6, s. 2 (6).

Same

(4.2) A member's term begins at the first meeting of the authority after his or her appointment and expires immediately before the first meeting of the authority after the appointment of his or her replacement. 2017, c. 23, Sched. 4, s. 12 (2).

Replacement of member

(4.3) Despite subsections (4.1) and (4.2), a member may be replaced by the council of the participating municipality that appointed the member or, in the case of a member appointed under subsection (4), by the Minister. 2017, c. 23, Sched. 4, s. 12 (2); 2020, c. 36, Sched. 6, s. 2 (7).

Reappointment

(4.4) A member is eligible to be reappointed. 2017, c. 23, Sched. 4, s. 12 (2).

Where part of municipality in authority's area

(5) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and the population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality. R.S.O. 1990, c. C.27, s. 14 (5).

(6) REPEALED: 1996, c. 1, Sched. M, s. 42.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 42 - 30/01/1996; 1998, c. 18, Sched. I, s. 6 - 18/12/1998

2001, c. 9, Sched. K, s. 1 (6) - 29/06/2001

2017, c. 23, Sched. 4, s. 12 (1, 2) - 12/12/2017

2020, c. 36, Sched. 6, s. 2 (1-7) - 02/02/2021

14.1

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 3 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

Meetings of authority

15 (1) The first meeting of an authority shall be held at such time and place as may be determined by the Minister and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority. R.S.O. 1990, c. C.27, s. 15 (1).

Copies of minutes to members

(2) Within 30 days after any meeting of an authority or of an executive committee, the secretary-treasurer of the authority shall send a copy of the minutes of the meeting to each member of the authority. R.S.O. 1990, c. C.27, s. 15 (2); 1998, c. 18, Sched. I, s. 7.

Agenda, minutes to be made public

(2.1) Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, the authority shall,

- (a) make the agenda for a meeting of the authority or of its executive committee available to the public before the meeting takes place; and
- (b) make the minutes of a meeting of the authority or of its executive committee available to the public within 30 days after the meeting. 2020, c. 36, Sched. 6, s. 3.

Same

(2.2) An agenda for a meeting or its minutes that are to be made available to the public under subsection (2.1) shall be made available by posting them on the authority's website and by any other means the authority considers appropriate. 2020, c. 36, Sched. 6, s. 3.

Open meetings

(3) Every meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority. 2017, c. 23, Sched. 4, s. 13.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 7 - 18/12/1998

2017, c. 23, Sched. 4, s. 13 - 12/12/2018

2020, c. 36, Sched. 6, s. 3 - 02/02/2021

Decision-making at meetings

16 (1) Each member of an authority is entitled to one vote. 1998, c. 18, Sched. I, s. 8.

Quorum

(2) At any meeting of an authority, a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum. R.S.O. 1990, c. C.27, s. 16 (2); 2006, c. 22, s. 113 (2).

Majority vote

(3) A majority vote of the members present at any meeting is required upon all matters coming before the meeting. R.S.O. 1990, c. C.27, s. 16 (3).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 8 - 18/12/1998

2006, c. 22, s. 113 (2) - 03/07/2007

Chair, vice-chair

17 (1) At the first meeting held in each year or at such other meeting as may be specified by the authority's by-laws, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43; 2017, c. 23, Sched. 4, s. 14.

Term of chair, vice-chair

(1.1) A chair or vice-chair appointed under subsection (1) shall hold office for a term of one year and shall serve for no more than two consecutive terms. 2020, c. 36, Sched. 6, s. 4.

Representation from each municipality

(1.2) An authority in respect of which more than one participating municipality has been designated shall appoint chairs and vice-chairs from among the members appointed to the authority by each participating municipality on a rotating basis so as to ensure that a member appointed to the authority by a particular participating municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed to the authority by the same participating municipality. 2020, c. 36, Sched. 6, s. 4.

Exception

(1.3) Despite subsections (1.1) and (1.2), upon application by an authority or a participating municipality, the Minister may grant permission to the authority or participating municipality to, subject to such conditions or restrictions as the Minister considers appropriate,

- (a) appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive terms; or
- (b) appoint as chair or vice-chair of the authority a member who was appointed to the authority by the same participating municipality that appointed the outgoing chair or vice-chair. 2020, c. 36, Sched. 6, s. 4.

Vacancy

(2) Subject to subsection (1), upon the death of the chair or a vice-chair, or upon the incapacity of the chair or a vice-chair to act, or upon the chair or a vice-chair ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy. R.S.O. 1990, c. C.27, s. 17 (2).

Absence of chair and vice-chairs

(3) In the event of the absence of the chair and the vice-chairs from any meeting of an authority, the members present shall appoint an acting chair who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chair. R.S.O. 1990, c. C.27, s. 17 (3).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 43 - 30/01/1996

2017, c. 23, Sched. 4, s. 14 - 12/12/2017

2020, c. 36, Sched. 6, s. 4 - 02/02/2021

Employees and advisory boards**Employees**

18 (1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority. R.S.O. 1990, c. C.27, s. 18 (1).

Advisory boards

(2) An authority shall establish such advisory boards as may be required by regulation and may establish such other advisory boards as it considers appropriate. 2017, c. 23, Sched. 4, s. 15.

Same

(3) An advisory board shall comply with any requirements that may be prescribed by regulation with respect to its composition, functions, powers, duties, activities and procedures. 2017, c. 23, Sched. 4, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 15 - 12/12/2017

Executive committee

19 (1) The authority may appoint an executive committee from among the members of the authority. R.S.O. 1990, c. C.27, s. 19 (1).

Chair, vice-chair

(2) The chair and vice-chair of the authority shall be the chair and vice-chair of the executive committee. R.S.O. 1990, c. C.27, s. 19 (2).

(3) REPEALED: 1998, c. 18, Sched. I, s. 9.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 9 - 18/12/1998

By-laws

19.1 (1) An authority may make by-laws,

- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;
- (e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;
- (f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;
- (g) requiring accountability and transparency in the administration of the authority including,
 - (i) providing for the retention of records specified in the by-laws and for making the records available to the public,
 - (ii) establishing a code of conduct for the members of the authority, and
 - (iii) adopting conflict of interest guidelines for the members of the authority;
- (h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;
- (i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and
- (j) respecting such other matters as may be prescribed by regulation. 2017, c. 23, Sched. 4, s. 16.

Conflict with other laws

(2) If a by-law made by an authority conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts, the provision of the Act or regulation prevails. 2017, c. 23, Sched. 4, s. 16.

Periodic review of by-laws

(3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law. 2017, c. 23, Sched. 4, s. 16.

By-laws available to public

(4) An authority shall make its by-laws available to the public in the manner it considers appropriate. 2017, c. 23, Sched. 4, s. 16.

Transition

(5) An authority shall make such by-laws under this section as are required for its proper administration,

- (a) in the case of an authority that was established on or before the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of that day; and
- (b) in the case of an authority that is established after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of the day the authority is established. 2017, c. 23, Sched. 4, s. 16.

(6) REPEALED: 2020, c. 36, Sched. 6, s. 5.

Direction by Minister

(7) The Minister may give an authority a written direction to make or amend a by-law on any matter described in subsection (1), in accordance with the direction, within such period of time as may be specified in the direction. 2017, c. 23, Sched. 4, s. 16.

Compliance

(8) The authority that receives a direction under subsection (7) shall comply with the direction within the time specified in the direction. 2017, c. 23, Sched. 4, s. 16.

Regulation where failure to comply

(9) If an authority fails to adopt a by-law in accordance with the direction made under subsection (7), the Minister may make regulations in relation to the matters set out in the direction that are applicable in the area of jurisdiction of the authority. 2017, c. 23, Sched. 4, s. 16.

Same

(10) Any regulation made by the Minister under subsection (9) prevails over any conflicting by-law that the authority may have adopted. 2017, c. 23, Sched. 4, s. 16.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 16 - 12/12/2017

2020, c. 36, Sched. 6, s. 5 - 02/02/2021

**PART V
OBJECTS, POWERS AND DUTIES**

Objects

- 20** (1) The objects of an authority are to provide, in the area over which it has jurisdiction,
- (a) the mandatory programs and services required under section 21.1;
 - (b) any municipal programs and services that may be provided under section 21.1.1; and
 - (c) any other programs or services that may be provided under section 21.1.2. 2020, c. 36, Sched. 6, s. 6 (1).

Same

- (2) Subject to any other Act relating to gas or oil resources, authorities may enter into agreements to allow exploration, storage and extraction by others in order to share in the revenue from use of gas or oil resources owned by them if,
- (a) the use is compatible with the conservation, restoration, development and management of other natural resources; and
 - (b) extraction occurs on land adjacent to, but not on, conservation authority land. 1998, c. 18, Sched. I, s. 10; 2020, c. 36, Sched. 6, s. 6 (2).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 10 - 18/12/1998

2017, c. 23, Sched. 4, s. 18 - 12/12/2017

2020, c. 36, Sched. 6, s. 6 (1, 2) - 01/10/2021

Powers of authorities

- 21** (1) For the purposes of accomplishing its objects, an authority has power,
- (a) to research, study and investigate the watershed and to support the development and implementation of programs and services intended to further the purposes of this Act;
 - (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land, with consent of the occupant or owner, and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
 - (c) to acquire by purchase, lease or otherwise any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
 - (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;

- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (m.1) to charge fees for services approved by the Minister;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 21 (1) (m.1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 19 (3))

- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;
- (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;
- (p) REPEALED: 2020, c. 36, Sched. 6, s. 7 (4).
- (q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority. R.S.O. 1990, c. C.27, s. 21; 1996, c. 1, Sched. M, s. 44 (1, 2); 1998, c. 18, Sched. I, s. 11; 2017, c. 23, Sched. 4, s. 19 (1, 2, 4, 5); 2020, c. 36, Sched. 6, s. 7.

Approval of Minister

- (2) If the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without the approval of the Minister except if,
- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
 - (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
 - (c) the authority informs the Minister of the disposition. 2010, c. 16, Sched. 10, s. 1 (1).

Terms and conditions

- (3) The Minister may impose terms and conditions on an approval given under subsection (2), including a condition that the authority pay a specified share of the proceeds of the disposition to the Minister. 1996, c. 1, Sched. M, s. 44 (3).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 44 (1-3) - 30/01/1996; 1998, c. 18, Sched. I, s. 11 - 18/12/1998

2010, c. 16, Sched. 10, s. 1 (1) - 25/10/2010

2017, c. 23, Sched. 4, s. 19 (1, 2, 4, 5) - 12/12/2017; 2017, c. 23, Sched. 4, s. 19 (3) - not in force

2020, c. 36, Sched. 6, s. 7 (1-4) - 02/02/2021

Mandatory programs and services

- 21.1** (1) An authority shall provide the following programs or services within its area of jurisdiction:

1. Programs or services that meet any of the following descriptions and that have been prescribed by the regulations:
 - i. Programs and services related to the risk of natural hazards.
 - ii. Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.
 - iii. Programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.
 - iv. Programs and services related to the authority's duties, functions and responsibilities under an Act prescribed by the regulations.
2. Programs or services, other than programs or services described in paragraph 1, that have been prescribed by the regulations on or before the first anniversary of the day prescribed under clause 40 (3) (i). 2020, c. 36, Sched. 6, s. 8 (1).

Same, Lake Simcoe Region Conservation Authority

(2) In addition to the programs and services required to be provided under subsection (1), the Lake Simcoe Region Conservation Authority shall provide, within its area of jurisdiction, such programs and services as are prescribed by the regulations and are related to its duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*. 2020, c. 36, Sched. 6, s. 8 (1).

Standards and requirements

(3) Programs and services required to be provided under subsections (1) and (2) shall be provided in accordance with such standards and requirements as may be set out in the regulations. 2020, c. 36, Sched. 6, s. 8 (1).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 20 (1) - 12/12/2017; 2017, c. 23, Sched. 4, s. 20 (2) - no effect - see 2019, c. 9, Sched. 2, s. 10 (1) - 06/06/2019

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1) - 01/10/2021

Municipal programs and services

21.1.1 (1) An authority may provide, within its area of jurisdiction, municipal programs and services that it agrees to provide on behalf of a municipality situated in whole or in part within its area of jurisdiction under a memorandum of understanding, or such other agreement as may be entered into with the municipality, in respect of the programs and services. 2020, c. 36, Sched. 6, s. 8 (1).

Memorandum, agreement available to public

(2) An authority shall make a memorandum of understanding or other agreement available to the public in such manner as may be determined in the memorandum or agreement. 2020, c. 36, Sched. 6, s. 8 (1).

Periodic review of memorandum, agreement

(3) An authority and a municipality who have entered into a memorandum of understanding or other agreement shall review the memorandum or agreement at such regular intervals as may be determined in the memorandum or agreement. 2020, c. 36, Sched. 6, s. 8 (1).

Terms and conditions

(4) Programs and services that an authority agrees to provide on behalf of a municipality shall be provided in accordance with,

- (a) the terms and conditions set out in the memorandum of understanding or agreement; and
- (b) such standards and requirements as may be prescribed. 2020, c. 36, Sched. 6, s. 8 (1).

Conflict

(5) If there is a conflict between the terms and conditions set out in the memorandum of understanding or agreement and the prescribed standard and requirements, the prescribed standards and requirements prevail. 2020, c. 36, Sched. 6, s. 8 (1).

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1) - 01/10/2021

Other programs and services

21.1.2 (1) In addition to programs and services described in sections 21.1 and 21.1.1, an authority may provide, within its area of jurisdiction, any other programs and services that it determines are advisable to further the purposes of this Act. 2020, c. 36, Sched. 6, s. 8 (1).

Agreement

(2) On and after the day prescribed by the regulations, if financing under section 25 or 27 by a participating municipality is necessary in order for an authority to provide a program or service authorized to be provided under subsection (1), the program or service shall not be provided by the authority unless an agreement that meets the following criteria has been entered into between the authority and the participating municipality in respect of the program or service:

1. The agreement must provide for the participating municipality to pay to the authority,
 - i. an apportioned amount under section 25 in connection with a project related to the program or service, or
 - ii. an apportioned amount under section 27 in respect of the program or service.
2. The agreement must include provisions setting out the day on which the agreement terminates and a requirement that it be reviewed by the parties within the period specified in the regulations for the purpose of determining whether or not the agreement is to be renewed by the parties.
3. The agreement must meet such other requirements as may be prescribed by the regulations. See: 2020, c. 36, Sched. 6, s. 8 (2).

Terms and conditions

(3) Programs and services that an authority agrees to provide under an agreement described in subsection (2) shall be provided in accordance with,

- (a) such terms and conditions as may be set out in the agreement; and
- (b) such standards and requirements as may be prescribed. See: 2020, c. 36, Sched. 6, s. 8 (2).

Conflict

(4) If there is a conflict between the terms and conditions set out in an agreement described in subsection (2) and the prescribed standards and requirements, the prescribed standards and requirements prevail. See: 2020, c. 36, Sched. 6, s. 8 (2).

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1, 2) - 01/10/2021

Consultation

21.1.3 An authority shall carry out such consultations with respect to the programs and services it provides as may be required by regulation and shall do so in the manner specified by regulation. 2020, c. 36, Sched. 6, s. 8 (1).

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 8 (1) - 01/10/2021

Transition plan re s. 21.1.2 (2)

21.1.4 (1) Every authority shall develop and implement a transition plan for the purpose of ensuring that it will be in compliance with subsection 21.1.2 (2) by the day prescribed by the regulations for the purpose of that subsection. 2020, c. 36, Sched. 6, s. 9.

Contents

(2) The transition plan shall address the following matters in accordance with the regulations:

1. Preparation by the authority of an inventory of the authority's programs and services.
2. Consultation by the authority with participating municipalities on the inventory of programs and services mentioned in paragraph 1.

3. If financing under section 25 or 27 by a participating municipality is necessary in order for the authority to provide a program or service authorized to be provided under subsection 21.1.2 (1), steps to be taken by the authority for the purposes of seeking to enter into an agreement with the participating municipality in respect of that program or service.
4. Such other matters as may be prescribed by the regulations. 2020, c. 36, Sched. 6, s. 9.

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 4 - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 9 - 01/10/2021

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 23, Sched. 4, s. 21)

Fees for programs and services

21.2 (1) The Minister may determine classes of programs and services in respect of which an authority may charge a fee. 2017, c. 23, Sched. 4, s. 21.

Publication of list

(2) The Minister shall publish the list of classes of programs and services in respect of which an authority may charge a fee in a policy document and distribute the document to each authority. 2017, c. 23, Sched. 4, s. 21.

Updating list

(3) If the Minister makes changes to the list of classes of programs and services in respect of which an authority may charge a fee, the Minister shall promptly update the policy document referred to in subsection (2) and distribute the new document to each authority. 2017, c. 23, Sched. 4, s. 21.

Where authority may charge fee

(4) An authority may charge a fee for a program or service that it provides only if it is set out on the list of classes of programs and services referred to in subsection (2). 2017, c. 23, Sched. 4, s. 21.

Amount of fee

- (5) The amount of a fee charged by an authority for a program or service it provides shall be,
- (a) the amount prescribed by the regulations; or
 - (b) if no amount is prescribed, the amount determined by the authority. 2017, c. 23, Sched. 4, s. 21.

Fee schedule

- (6) Every authority shall prepare and maintain a fee schedule that sets out,
- (a) the list of programs and services that it provides and in respect of which it charges a fee; and
 - (b) the amount of the fee charged for each program or service or the manner in which the fee is determined. 2017, c. 23, Sched. 4, s. 21.

Fee policy

- (7) Every authority shall adopt a written policy with respect to the fees that it charges for the programs and services it provides, and the policy shall set out,
- (a) the fee schedule described in subsection (6);
 - (b) the frequency within which the fee policy shall be reviewed by the authority under subsection (9);
 - (c) the process for carrying out a review of the fee policy, including the rules for giving notice of the review and of any changes resulting from the review; and
 - (d) the circumstances in which a person may request that the authority reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. 2017, c. 23, Sched. 4, s. 21.

Fee policy to be made public

(8) Every authority shall make the fee policy available to the public in a manner it considers appropriate. 2017, c. 23, Sched. 4, s. 21.

Periodic review of fee policy

(9) At such regular intervals as may be determined by an authority, the authority shall undertake a review of its fee policy, including a review of the fees set out in the fee schedule. 2017, c. 23, Sched. 4, s. 21.

Notice of fee changes

(10) If, after a review of a fee policy or at any other time, an authority wishes to make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, the authority shall give notice of the proposed change to the public in a manner it considers appropriate. 2017, c. 23, Sched. 4, s. 21.

Reconsideration of fee charged

(11) Any person who considers that the authority has charged a fee that is contrary to the fees set out in the fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to the authority in accordance with the procedures set out in the fee policy and request that it reconsider the fee that was charged. 2017, c. 23, Sched. 4, s. 21.

Powers of authority on reconsideration

(12) Upon reconsideration of a fee that was charged for a program or service provided by an authority, the authority may,

- (a) order the person to pay the fee in the amount originally charged;
- (b) vary the amount of the fee originally charged, as the authority considers appropriate; or
- (c) order that no fee be charged for the program or service. 2017, c. 23, Sched. 4, s. 21.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 21.2 of the Act is amended by adding the following subsections: (See: 2020, c. 36, Sched. 6, s. 10)

Reconsideration of fees for permit applications

(13) If an authority receives a request for reconsideration of a fee charged for an application for a permit made under subsection 28.1 (2), the authority shall make its decision within 30 days after receiving the request. 2020, c. 36, Sched. 6, s. 10.

Appeal if no decision

(14) If an authority fails to reconsider a fee described in subsection (13) within 30 days of receiving the request for reconsideration, the person who made the request may appeal the amount of the fee directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 10.

Payment of fee

(15) If, after reconsideration of a fee charged for an application for a permit made under subsection 28.1 (2), an authority orders a person to pay the fee under clause (12) (a) or (b), the person shall pay the fee in accordance with the order. 2020, c. 36, Sched. 6, s. 10.

Payment of fee under protest and appeal

(16) A person who pays a fee under subsection (15) may,

- (a) when paying the fee, indicate to the authority in writing that the fee is being paid under protest; and
- (b) within 30 days after payment of the fee, appeal the amount charged by the authority upon reconsideration to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 10.

Appeal of fee in fee schedule

(17) For greater certainty, an appeal of the amount of a fee under subsection (14) or clause (16) (b) applies even if the amount charged was set out in the fee schedule prepared by the authority under subsection (6). 2020, c. 36, Sched. 6, s. 10.

Hearing

(18) The Local Planning Appeal Tribunal shall hear an appeal made under subsection (14) or clause (16) (b). 2020, c. 36, Sched. 6, s. 10.

Powers on appeal

(19) After hearing the appeal, the Local Planning Appeal Tribunal may,

- (a) dismiss the appeal;
- (b) vary the amount of the fee charged by the authority; or

(c) order that no fee be charged. 2020, c. 36, Sched. 6, s. 10.

Refund

(20) If the Local Planning Appeal Tribunal makes an order under clause (19) (b) or (c), it may order that the authority provide a refund to the appellant in such amount as the Tribunal determines. 2020, c. 36, Sched. 6, s. 10.

Where dismissal required

(21) Despite subsection (19), the Local Planning Appeal Tribunal shall dismiss the appeal if it determines that the fee complies with a regulation made under clause 40 (3) (b). 2020, c. 36, Sched. 6, s. 10.

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 10 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 21.2 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (1))

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 21 - not in force

2020, c. 36, Sched. 6, s. 10 - not in force

2021, c. 4, Sched. 6, s. 39 (1) - not in force

Agreement re road

22 An authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes. R.S.O. 1990, c. C.27, s. 22.

Minister’s powers

23 (1) Despite any powers conferred on an authority by this Act, the Minister may, when and for such periods as he or she considers necessary in the public interest,

- (a) require an authority to carry out flood control operations in a manner specified by the Minister;
- (b) require an authority to follow instructions issued by the Minister for the operation of one or more of the authority’s water control structures; or
- (c) take over the operation of one or more of an authority’s water control structures and require the authority to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Areas not under jurisdiction of authority

(2) Despite any powers conferred on the council of a municipality under this or any other Act, in an area that is not under the jurisdiction of an authority, the Minister may, when and for such periods as he or she considers necessary in the public interest,

- (a) require the council of a municipality to carry out flood control operations in a manner specified by the Minister;
- (b) require the council of a municipality to follow instructions issued by the Minister for the operation of one or more of the water control structures operated by the council; or
- (c) take over the operation of one or more of the water control structures operated by the council of a municipality and require the council to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Definition

(3) In subsection (2),

“municipality” includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 45 - 30/01/1996

2002, c. 17, Sched. F, Table - 01/01/2003

Information required by Minister

23.1 (1) An authority shall provide the Minister with such information as the Minister may require in relation to its operations, including the programs and services it provides. 2017, c. 23, Sched. 4, s. 22.

Same

(2) The information shall be provided at the time and in the manner as the Minister may specify. 2017, c. 23, Sched. 4, s. 22.

Publication

(3) If directed by the Minister to do so, an authority shall publish all or such portion of the information provided to the Minister under subsection (1) and shall do so at the time and in the manner specified by the Minister. 2017, c. 23, Sched. 4, s. 22.

Investigator

(4) The Minister may, at any time, appoint one or more investigators to conduct an investigation of an authority's operations, including the programs and services it provides. 2019, c. 9, Sched. 2, s. 5.

Powers of investigator

(5) For the purposes of an investigation under subsection (4), an investigator may,

- (a) inquire into any or all of the authority's affairs, financial and otherwise;
- (b) require the production of any records that may relate to the authority's affairs;
- (c) inspect, examine, audit and copy anything required to be produced under clause (b);
- (d) conduct a financial audit of the authority's operations, including its programs and services; and
- (e) require any member of the authority and any other person to appear before the investigator and give evidence on oath about the authority's affairs. 2019, c. 9, Sched. 2, s. 5.

Application of *Public Inquiries Act, 2009*

(6) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation under subsection (4). 2019, c. 9, Sched. 2, s. 5.

Report of investigator

(7) On completion of an investigation, an investigator shall report in writing to the Minister, who shall promptly transmit a copy of the report to the authority. 2019, c. 9, Sched. 2, s. 5.

Cost of investigation

(8) The Minister may require the authority to pay all or part of the cost of an investigation under subsection (4). 2019, c. 9, Sched. 2, s. 5.

Immunity for investigators

(9) No action or other proceeding shall be instituted against an investigator appointed under subsection (4) for any act done in good faith in the performance or intended performance of their duties under this Act or for any alleged neglect or default in the performance in good faith of their duties. 2020, c. 36, Sched. 6, s. 11.

Same

(10) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (9) does not relieve the Crown of any liability to which it would otherwise be subject as a result of the actions of an investigator appointed under subsection (4). 2020, c. 36, Sched. 6, s. 11.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 22 - 12/12/2017

2019, c. 9, Sched. 2, s. 5 - 02/02/2021

2020, c. 36, Sched. 6, s. 11 - 02/02/2021

Minister's order, etc.

23.2 (1) If, after reviewing the report of an investigator made under subsection 23.1 (7), the Minister believes that an authority has failed, or is likely to fail, to comply with a provision of this Act or the regulations or of any other Act or regulation that applies to the authority, the Minister may,

- (a) order the authority to do or refrain from doing anything to avoid, prevent or remedy the non-compliance; or
- (b) if the Minister believes it is advisable to do so, recommend to the Lieutenant Governor in Council that an administrator be appointed to take over the control and operation of the authority under section 23.3. 2020, c. 36, Sched. 6, s. 12.

Compliance with order

(2) An authority shall comply with an order made under clause (1) (a) within the time specified in the order. 2020, c. 36, Sched. 6, s. 12.

Public availability

(3) The Minister shall make every order made under clause (1) (a) available to the public in the manner the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 12.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 12 - 02/02/2021

Appointment of administrator

23.3 (1) If the Minister makes a recommendation under clause 23.2 (1) (b), the Lieutenant Governor in Council may make an order appointing an administrator to take over the control and operations of the authority, including the provision of programs and services that the authority provides. 2020, c. 36, Sched. 6, s. 12.

Powers of administrator

(2) The administrator may exercise all the powers and shall perform all the duties of the authority and of its members subject to such terms and conditions as may be specified in the appointment or by the Minister. 2020, c. 36, Sched. 6, s. 12.

Notice to authority

(3) The Minister shall ensure that a copy of an order under subsection (1) is delivered to the authority and to the participating municipalities as soon as is practical after it is made. 2020, c. 36, Sched. 6, s. 12.

Powers of Minister

(4) The Minister may issue directions to the administrator with regard to any matter within the jurisdiction of the administrator and the administrator shall carry out the directions. 2020, c. 36, Sched. 6, s. 12.

Immunity for administrator

(5) No action or other proceeding shall be instituted against an administrator appointed under subsection (1) for any act done in good faith in the performance or intended performance of their duties under this Act or for any alleged neglect or default in the performance in good faith of their duties. 2020, c. 36, Sched. 6, s. 12.

Same

(6) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (5) does not relieve the Crown of any liability to which it would otherwise be subject as a result of the actions of an administrator appointed under subsection (1). 2020, c. 36, Sched. 6, s. 12.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 12 - 02/02/2021

Projects of authority

24 (1) Before proceeding with a project, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 1996, c. 32, s. 66 (1).

(2) REPEALED: 1996, c. 32, s. 66 (1).

Notice re raising of portion of cost

(3) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of apportionment, notify the authority in writing whether the portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years. R.S.O. 1990, c. C.27, s. 24 (3).

Time for notice where apportionment under review

(4) When a municipal council has, in accordance with subsection 25 (2), notified the Ontario Land Tribunal that it is dissatisfied with any apportionment, the time allowed for notifying the authority under subsection (3) shall be reckoned from the date of the order confirming or varying the apportionment. R.S.O. 1990, c. C.27, s. 24 (4); 2017, c. 23, Sched. 5, s. 20; 2021, c. 4, Sched. 6, s. 39 (2).

(5) REPEALED: 1996, c. 32, s. 66 (2).

Approval of works on lakes or rivers

(6) Despite the *Lakes and Rivers Improvement Act*, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act. R.S.O. 1990, c. C.27, s. 24 (6).

Application

(7) This section does not apply to a project unless the project involves money granted by the Minister under section 39. 1996, c. 1, Sched. M, s. 46.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 24 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

Projects requiring approval

24 Before proceeding with a project that involves money granted by the Minister under section 39, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 2017, c. 23, Sched. 4, s. 23.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 46 - 30/01/1996; 1996, c. 32, s. 66 (1, 2) - 01/01/1993

2017, c. 23, Sched. 4, s. 23 - not in force; 2017, c. 23, Sched. 5, s. 20 - 03/04/2018

2021, c. 4, Sched. 6, s. 39 (2) - 01/06/2021

Apportionment of benefit

25 (1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of the apportionment to be sent to the council of each participating municipality by registered mail. R.S.O. 1990, c. C.27, s. 25 (1).

Review of apportionment by Tribunal

(2) Any municipal council that is dissatisfied with any apportionment may, within thirty days after it receives notice of the apportionment, notify the Ontario Land Tribunal and the authority in writing by registered mail that it applies for a review of the apportionment by the Ontario Land Tribunal. R.S.O. 1990, c. C.27, s. 25 (2); 2017, c. 23, Sched. 5, s. 21 (1); 2021, c. 4, Sched. 6, s. 39 (3).

Hearing

(3) Upon application, the Ontario Land Tribunal shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing. R.S.O. 1990, c. C.27, s. 25 (3); 2017, c. 23, Sched. 5, s. 21 (2); 2021, c. 4, Sched. 6, s. 39 (3).

Powers of Tribunal on hearing

(4) The Ontario Land Tribunal has authority to take evidence and to confirm or vary the apportionment of the authority, and its decision is final and conclusive and is not open to appeal. R.S.O. 1990, c. C.27, s. 25 (4); 2017, c. 23, Sched. 5, s. 21 (2); 2021, c. 4, Sched. 6, s. 39 (4).

Variation of apportionment

(5) In the event of the authority varying any apportionment made by it, this section applies with necessary modifications. R.S.O. 1990, c. C.27, s. 25 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 25 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

Recovery of project capital costs

25 (1) An authority may, from time to time, determine the amount of capital costs to be incurred in connection with a project and apportion the capital costs to the participating municipalities in accordance with the regulations. 2017, c. 23, Sched. 4, s. 23.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 25 of the Act is amended by adding the following subsections: (See: 2019, c. 9, Sched. 2, s. 6)

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any capital costs in connection with a project related to a program or service authorized to be provided under subsection 21.1.2 (1). 2019, c. 9, Sched. 2, s. 6.

Same

(1.2) An authority shall include in the apportionment of capital costs to a participating municipality any capital costs in connection with a project related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2). 2019, c. 9, Sched. 2, s. 6.

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice. 2019, c. 9, Sched. 2, s. 6.

Notice of apportionment

(2) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the capital costs for a project that has been apportioned to the participating municipality. 2017, c. 23, Sched. 4, s. 23.

Payment of apportioned amount

(3) Each participating municipality shall pay to the authority the portion of the capital costs for a project that is specified in the notice of apportionment in accordance with the requirements set out in the notice and with this section. 2017, c. 23, Sched. 4, s. 23.

How money to be raised

(4) Each participating municipality may issue debentures to provide financing for the capital costs for a project of an authority. 2017, c. 23, Sched. 4, s. 23.

Where money raised over several years

(5) If the notice of apportionment requires a municipality to raise its portion of the capital costs for a project over a period of two or more years, the municipality shall, within 30 days of receiving the notice of apportionment, give the authority written notice of how it will pay its portion of the capital costs. 2017, c. 23, Sched. 4, s. 23.

Debt due

(6) The amount of the portion of the capital costs for a project that is specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such. 2017, c. 23, Sched. 4, s. 23.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 23 - not in force; 2017, c. 23, Sched. 5, s. 21 (1, 2) - 03/04/2018

2019, c. 9, Sched. 2, s. 6 - not in force

2021, c. 4, Sched. 6, s. 39 (3, 4) - 01/06/2021

Determination of capital expenditure

26 (1) An authority may, from time to time, determine what money will be required for capital expenditure in connection with any project. R.S.O. 1990, c. C.27, s. 26 (1).

Portion to be raised by participating municipalities

(2) The portion of the money so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities. R.S.O. 1990, c. C.27, s. 26 (2).

How money to be raised

(3) Upon notice in writing of the amount required to be raised, signed by the secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such money as may be required by the authority for capital expenditure. R.S.O. 1990, c. C.27, s. 26 (3); 1996, c. 32, s. 66 (3).

Enforcement of payment

(4) Subject to subsection (3), an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 26 (4).

Where only part of municipality in area

(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality. R.S.O. 1990, c. C.27, s. 26 (5).

(6) REPEALED: 1994, c. 27, s. 127.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 26 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

Review of apportionment of capital costs

26 (1) Any participating municipality that receives a notice of apportionment under section 25 may, within 30 days after receiving the notice of apportionment, apply to the Local Planning Appeal Tribunal, or to such other body as may be prescribed by regulation, for a review of the apportionment among the participating municipalities of the capital costs for the relevant project. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority. 2017, c. 23, Sched. 4, s. 23.

Hearing

(3) The Local Planning Appeal Tribunal, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of capital costs among the participating municipalities, including considering whether the apportionment complies with section 25 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party, and such other persons as the Local Planning Appeal Tribunal, or such other body as may be prescribed by regulation, may determine. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Requirement to pay costs stayed

(5) A participating municipality that makes an application under this section is not required to pay the portion of the capital costs that was apportioned to the municipality under the notice of apportionment until the determination of the application. 2017, c. 23, Sched. 4, s. 23.

Delay of notice

(6) A participating municipality that makes an application under this section is not required to give notice under subsection 25 (5) until 30 days after the final determination of the application. 2017, c. 23, Sched. 4, s. 23.

Powers on hearing

(7) Upon hearing an application under this section, the Local Planning Appeal Tribunal, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the capital costs by the authority among the participating municipalities. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Decision final

(8) A decision under subsection (7) is final. 2017, c. 23, Sched. 4, s. 23.

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, section 26 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (5))

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 127 - 09/12/1994; 1996, c. 32, s. 66 (3) - 01/01/1993

2017, c. 23, Sched. 4, s. 23 - not in force; 2017, c. 23, Sched. 5, s. 22 - 03/04/2018

2021, c. 4, Sched. 6, s. 39 (5) - not in force

Maintenance and administration costs

27 (1) REPEALED: 1997, c. 29, s. 54 (1).

Apportionment of maintenance costs

(2) Subject to the regulations made under subsection (16), after determining the approximate maintenance costs for the succeeding year, the authority shall apportion the costs to the participating municipalities according to the benefit derived or to be derived by each municipality, and the amount apportioned to each such municipality shall be levied against the municipality. R.S.O. 1990, c. C.27, s. 27 (2); 1996, c. 1, Sched. M, s. 47 (1).

Apportionment of administration costs

(3) Subject to the regulations made under subsection (16), after determining the approximate administration costs for the succeeding year, the authority shall apportion the costs to the participating municipalities and the amount apportioned to each such municipality shall be levied against the municipality. 1997, c. 29, s. 54 (2).

Minimum levy for administration costs

(4) Subject to the regulations made under subsection (16), an authority may establish a minimum sum that may be levied for administration costs by the authority against a participating municipality, and, where the amount apportioned to any municipality under subsection (3) is less than the minimum sum, the authority may levy the minimum sum against the municipality. R.S.O. 1990, c. C.27, s. 27 (4); 1996, c. 1, Sched. M, s. 47 (3).

Notice of apportionment

(5) The secretary-treasurer of the authority, forthwith after the amounts have been apportioned under subsections (2), (3) and (4), shall certify to the clerk of each participating municipality the total amount that has been levied under those subsections, and the amount shall be collected by the municipality in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (5).

Levy where only part of municipality in area

(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (6).

Enforcement of payment

(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 27 (7).

Appeal

(8) A municipality against which a levy is made under this section may appeal the levy to the Ontario Land Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (1); 2021, c. 4, Sched. 6, s. 39 (6).

Time for appeal

(9) The appeal must be commenced within 30 days after the municipality receives notice of the levy from the authority. 1996, c. 1, Sched. M, s. 47 (4).

Parties

(10) The parties to the appeal are the municipality, the authority and any other person added as a party by the Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

Compliance pending determination

(11) The municipality shall comply with the levy pending the determination of the appeal. 1996, c. 1, Sched. M, s. 47 (4).

Matters to be considered at hearing

(12) The Tribunal shall hold a hearing on the appeal and shall consider,

- (a) whether the levy complies with this section and the regulations made under subsection (16); and
- (b) whether the levy is otherwise appropriate. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

Powers of Tribunal

(13) The Tribunal may, by order, confirm, rescind or vary the amount of the levy and may order the authority or the municipality to pay any amount owing as a result. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

No appeal

(14) No appeal lies from the decision of the Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

When subss. (8-14) begin to apply

(15) Subsections (8) to (14) do not apply until the first regulation made under subsection (16) comes into force. 1996, c. 1, Sched. M, s. 47 (4).

Regulations re levies

(16) The Lieutenant Governor in Council may make regulations governing the nature and amount of the levies made by authorities under this section, including regulations that restrict or prohibit the making of levies described in the regulations. 1996, c. 1, Sched. M, s. 47 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 27 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 24 (1))

Recovery of operating expenses

27 (1) Every year an authority shall determine its operating expenses for the subsequent year and apportion those expenses to the participating municipalities in accordance with the regulations. 2017, c. 23, Sched. 4, s. 24 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 27 of the Act is amended by adding the following subsections: (See: 2019, c. 9, Sched. 2, s. 7 (1))

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any operating expenses related to a program or service authorized to be provided under subsection 21.1.2 (1). 2019, c. 9, Sched. 2, s. 7 (1).

Same

(1.2) An authority shall include in the apportionment of operating expenses to a participating municipality any operating expenses related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2). 2019, c. 9, Sched. 2, s. 7 (1).

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice. 2019, c. 9, Sched. 2, s. 7 (1).

Fixed portion for some municipalities

(2) Despite subsection (1) and subject to the regulations, an authority may establish a fixed minimal amount as the portion of the authority's operating expenses that a participating municipality is required to pay each year, and may apportion that amount to the municipality instead of the portion determined under subsection (1) in any year in which the fixed minimal amount exceeds the portion determined under subsection (1). 2017, c. 23, Sched. 4, s. 24 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 27 (2) of the Act is amended by striking out "subsection (1)" wherever it appears and substituting in each case "subsections (1) and (1.1)". (See: 2019, c. 9, Sched. 2, s. 7 (2))

Notice of apportionment

(3) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the operating expenses that has been apportioned to the participating municipality. 2017, c. 23, Sched. 4, s. 24 (1).

Payment of apportioned amount

(4) Each participating municipality shall pay to the authority the portion of the operating expenses that is specified in the notice of apportionment in accordance with the requirements set out in the notice and with this section. 2017, c. 23, Sched. 4, s. 24 (1).

Debt due

(5) The amount of the portion of the operating expenses specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such. 2017, c. 23, Sched. 4, s. 24 (1).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1996, c. 1, Sched. M, s. 47 (1-4) - 30/01/1996; 1997, c. 29, s. 54 (1, 2) - 01/01/1998

2017, c. 8, Sched. 17, s. 5 (1, 2) - 01/04/2018; 2017, c. 23, Sched. 4, s. 24 (1) - not in force

2019, c. 9, Sched. 2, s. 7 (1, 2) - not in force

2021, c. 4, Sched. 6, s. 39 (6) - 01/06/2021

Review of apportionment of operating expenses

27.1 (1) Any participating municipality that receives a notice of apportionment under section 27 may, within 30 days of receiving the notice, apply to the Ontario Land Tribunal, or to such other body as may be prescribed by regulation, for a review of the apportionment of the operating expenses. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority. 2017, c. 23, Sched. 4, s. 24 (1).

Hearing

(3) The Ontario Land Tribunal, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of the operating expenses, including considering whether the apportionment complies with section 27 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party and such other persons as the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may determine. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

No stay

(5) The appellant municipality shall comply with the notice of apportionment pending the determination of the application. 2017, c. 23, Sched. 4, s. 24 (1).

Powers on hearing

(6) Upon hearing an application under this section, the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the operating expenses by the authority among the participating municipalities and may order participating municipalities to pay such portion of the operating expenses as it determines. 2017, c. 23, Sched. 4, s. 24 (1); 2021, c. 4, Sched. 6, s. 39 (7).

Decision final

(7) A decision under subsection (6) is final. 2017, c. 23, Sched. 4, s. 24 (1).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 24 (1) - not in force; 2017, c. 23, Sched. 4, s. 24 (2) - no effect - see 2020, c. 36, Sched. 6, s. 27 - 08/12/2020

2020, c. 36, Sched. 6, s. 13 - no effect - see 2021, c. 4, Sched. 6, s. 81 (1) - 01/06/2021

2021, c. 4, Sched. 6, s. 39 (7) - 01/06/2021; 2021, c. 4, Sched. 6, s. 39 (8) - no effect - see 2021, c. 4, Sched. 6, s. 81 (1) - 01/06/2021

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2019, c. 9, Sched. 2, s. 8 (1))

Other amounts owing to authority**Specified municipality**

27.2 (1) In this section,

“specified municipality” means, when used in reference to an authority,

- (a) a municipality that is designated under the regulations made under the *Clean Water Act, 2006* as a participating municipality for the authority for the purposes of that Act but that is not one of the authority's participating municipalities under this Act, or
- (b) a municipality that is designated under the regulations made under the *Lake Simcoe Protection Act, 2008* as a participating municipality for the Lake Simcoe Region Conservation Authority for the purposes of that Act but that is not one of the authority's participating municipalities under this Act. 2019, c. 9, Sched. 2, s. 8 (1).

Determination of amounts owing by specified municipality

(2) An authority may, from time to time and in accordance with the regulations, determine the amounts owed by any of its specified municipalities in connection with the programs and services the authority provides in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*. 2019, c. 9, Sched. 2, s. 8 (1).

Notice

(3) If the authority determines under subsection (2) that amounts are owing by any of its specified municipalities, the authority shall send a notice in writing to the specified municipality, setting out the amounts that the specified municipality owes to the authority. 2019, c. 9, Sched. 2, s. 8 (1).

Payment of amounts

(4) Subject to subsections (5) to (10), each specified municipality shall pay to the authority the amounts specified in the notice in accordance with the requirements set out in the notice. 2019, c. 9, Sched. 2, s. 8 (1).

Review of notice

(5) Any specified municipality that receives a notice under subsection (3) may, within 30 days after receiving the notice, apply to the Ontario Land Tribunal, or to such other body as may be prescribed by regulation, for a review of the amounts owing. 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Same

(6) The specified municipality that makes an application under subsection (5) shall send a copy of the notice of application to the authority and to every other participating municipality and specified municipality of the authority. 2019, c. 9, Sched. 2, s. 8 (1).

Hearing

(7) The Ontario Land Tribunal, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the amounts owing, including considering whether the determination of the amounts owing was carried out in accordance with subsection (2). 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Parties

(8) The parties to the hearing are the applicant municipality, the authority, any other participating municipality or specified municipality of the authority that requests to be a party and such other persons as the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may determine. 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Powers on hearing

(9) Upon hearing an application under this section, the Ontario Land Tribunal, or such other body as may be prescribed by regulation, may confirm or vary the amounts owing and may order the specified municipality to pay the amounts. 2019, c. 9, Sched. 2, s. 8 (1); 2021, c. 4, Sched. 6, s. 39 (9).

Decision final

(10) A decision under subsection (9) is final. 2019, c. 9, Sched. 2, s. 8 (1).

Debt due

(11) The amounts owed to the authority set out in a notice sent to a specified municipality or in an order under subsection (9), as the case may be, are a debt due by the specified municipality to the authority and may be enforced by the authority as such. 2019, c. 9, Sched. 2, s. 8 (1).

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 8 (1) - not in force; 2019, c. 9, Sched. 2, s. 8 (2) - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 14 - no effect - see 2021, c. 4, Sched. 6, s. 81 (2) - 01/06/2021

2021, c. 4, Sched. 6, s. 39 (9) - 01/06/2021; 2021, c. 4, Sched. 6, s. 39 (10) - no effect - see 2021, c. 4, Sched. 6, s. 81 (2) - 01/06/2021

Regulations by authority re area under its jurisdiction

- 28** (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,
- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
 - (b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
 - (c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;
 - (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;
 - (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.

Delegation of powers

- (2) A regulation made under subsection (1) may delegate any of the authority's powers or duties under the regulation to the authority's executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. 1998, c. 18, Sched. I, s. 12.

Conditional permission

- (3) A regulation made under clause (1) (b) or (c) may provide for permission to be granted subject to conditions and for the cancellation of the permission if conditions are not met. 1998, c. 18, Sched. I, s. 12.

References to maps

- (4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed at the head office of the authority and are available for public review during normal office business hours. 1998, c. 18, Sched. I, s. 12.

Minister's approval of development regulations

- (5) The Minister shall not approve a regulation made under clause (1) (c) unless the regulation applies only to areas that are,
- (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;
 - (b) river or stream valleys;
 - (c) hazardous lands;
 - (d) wetlands; or
 - (e) other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority. 1998, c. 18, Sched. I, s. 12.

Regulations by L.G. in C. governing content of authority's regulations

- (6) The Lieutenant Governor in Council may make regulations governing the content of regulations made by authorities under subsection (1), including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by authorities under subsection (1). 1998, c. 18, Sched. I, s. 12.

Invalid regulation

- (7) A regulation made by an authority under subsection (1) that does not conform with the requirements of a regulation made by the Lieutenant Governor in Council under subsection (6) is not valid. 1998, c. 18, Sched. I, s. 12.

Transition

- (8) Subject to subsection (9), if a regulation is made by the Lieutenant Governor in Council under subsection (6), subsection (7) does not apply to a regulation that was previously made by an authority under subsection (1) until two years after the regulation made by the Lieutenant Governor in Council comes into force. 1998, c. 18, Sched. I, s. 12.

Same

(9) If a regulation made by the Lieutenant Governor in Council under subsection (6) is amended by an amending regulation, subsection (7) does not apply, in respect of the amendment, to a regulation that was made by an authority under subsection (1) before the amending regulation, until such time as may be specified in the amending regulation. 1998, c. 18, Sched. I, s. 12.

Exceptions

(10) No regulation made under subsection (1),

- (a) shall limit the use of water for domestic or livestock purposes;
- (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
- (d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act, 1998*, c. 15, Sched. E, s. 3 (8); 1998, c. 18, Sched. I, s. 12.

Activities under the *Aggregate Resources Act*

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent. 1998, c. 18, Sched. I, s. 12.

Right to hearing

(12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee. 1998, c. 18, Sched. I, s. 12.

Powers of authority

(13) After holding a hearing under subsection (12), the authority or executive committee, as the case may be, shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.

Grounds for refusing permission

(13.1) If the permission that the person requests is for development related to a renewable energy project, as defined in subsection 2 (1) of the *Electricity Act, 1998*, the authority or executive committee, as the case may be,

- (a) shall not refuse the permission unless it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and
- (b) shall not impose conditions unless they relate to controlling pollution, flooding, erosion or dynamic beaches. 2009, c. 12, Sched. L, s. 2; 2018, c. 16, s. 3 (1).

Reasons for decision

(14) If the authority or its executive committee, after holding a hearing, refuses permission or grants permission subject to conditions, the authority or executive committee, as the case may be, shall give the person who requested permission written reasons for the decision. 1998, c. 18, Sched. I, s. 12.

Appeal

(15) A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Ontario Land Tribunal, and the Tribunal may,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12; 2021, c. 4, Sched. 6, s. 39 (11).

Offence: contravening regulation

(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not

more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).

Limitation for proceeding

(16.1) A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of officers appointed under clause (1) (d) or persons appointed under clause (1) (e). 2010, c. 16, Sched. 10, s. 1 (3).

Orders

(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,

- (a) remove, at that person's expense, any development within such reasonable time as the court orders; and
- (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders. 1998, c. 18, Sched. I, s. 12.

Non-compliance with order

(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated. 1998, c. 18, Sched. I, s. 12.

Liability for certain costs

(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction. 1998, c. 18, Sched. I, s. 12.

Powers of entry

(20) An authority or an officer appointed under a regulation made under clause (1) (d) or (e) may enter private property, other than a dwelling or building, without the consent of the owner or occupier and without a warrant, if,

- (a) the entry is for the purpose of considering a request related to the property for permission that is required by a regulation made under clause (1) (b) or (c); or
- (b) the entry is for the purpose of enforcing a regulation made under clause (1) (a), (b) or (c) and the authority or officer has reasonable grounds to believe that a contravention of the regulation is causing or is likely to cause significant environmental damage and that the entry is required to prevent or reduce the damage. 1998, c. 18, Sched. I, s. 12.

Time of entry

(21) Subject to subsection (22), the power to enter property under subsection (20) may be exercised at any reasonable time. 1998, c. 18, Sched. I, s. 12.

Notice of entry

(22) The power to enter property under subsection (20) shall not be exercised unless,

- (a) the authority or officer has given reasonable notice of the entry to the owner of the property and, if the occupier of the property is not the owner, to the occupier of the property; or
- (b) the authority or officer has reasonable grounds to believe that significant environmental damage is likely to be caused during the time that would be required to give notice under clause (a). 1998, c. 18, Sched. I, s. 12.

No use of force

(23) Subsection (20) does not authorize the use of force. 1998, c. 18, Sched. I, s. 12.

Offence: obstruction

(24) Any person who prevents or obstructs an authority or officer from entering property under subsection (20) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1998, c. 18, Sched. I, s. 12.

Definitions

(25) In this section,

“development” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,

(b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,

(c) site grading, or

(d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“aménagement”)

“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)

“pollution” means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies; (“pollution”)

“watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; (“cours d’eau”)

“wetland” means land that,

(a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,

(b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,

(c) has hydric soils, the formation of which has been caused by the presence of abundant water, and

(d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.

Transition

(26) A regulation that was in force immediately before the day the *Red Tape Reduction Act, 1998* received Royal Assent and that was lawfully made under clause (1) (e) or (f) of this section as it read immediately before that day shall be deemed to have been lawfully made under clause (1) (c). 1998, c. 18, Sched. I, s. 12.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 25)

PART VI REGULATION OF AREAS OVER WHICH AUTHORITIES HAVE JURISDICTION

Prohibited activities re watercourses, wetlands, etc.

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

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

Exception, aggregates

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

Same, prescribed activities

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

Same, prescribed areas

(4) The prohibitions in subsection (1) do not apply to any activity described in that subsection if it is carried out,
 (a) in an area that is within an authority's area of jurisdiction and specified in the regulations; and
 (b) in accordance with any conditions specified in the regulations. 2017, c. 23, Sched. 4, s. 25.

Definitions

(5) In this section,

“development activity” means a development activity as defined by regulation; (“activité d'aménagement”)

“hazardous land” means hazardous land as defined by regulation; (“terrain dangereux”)

“watercourse” means a watercourse as defined by regulation; (“cours d'eau”)

“wetland” means a wetland as defined by regulation. (“terre marécageuse”) 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (1, 2, 7, 8) - 01/04/1999; 1998, c. 18, Sched. I, s. 12 - 18/12/1998

2009, c. 12, Sched. L, s. 2 - 14/05/2009

2010, c. 16, Sched. 10, s. 1 (2, 3) - 25/10/2010

2017, c. 23, Sched. 4, s. 25 - not in force

2018, c. 16, s. 3 (1) - 01/01/2019

2021, c. 4, Sched. 6, s. 39 (11) - 01/06/2021

Permission for development, zoning order

28.0.1 (1) This section applies to any application submitted to an authority under a regulation made under subsection 28 (1) for permission to carry out all or part of a development project in the authority's area of jurisdiction if,

- (a) a zoning 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;
- (b) 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
- (c) such other requirements as may be prescribed are satisfied. 2020, c. 36, Sched. 6, s. 15 (1).

Definition

(2) In this section,

“development project” means a development project that includes any development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority. 2020, c. 36, Sched. 6, s. 15 (1).

Permission to be granted

(3) Subject to the regulations made under subsection (35), an authority that receives an application for permission to carry out all or part of a development project in the authority's area of jurisdiction shall grant the permission if all of the requirements in clauses (1) (a), (b) and (c) are satisfied. 2020, c. 36, Sched. 6, s. 15 (1).

Same

(4) For greater certainty, an authority shall not refuse to grant permission for a development project under subsection (3) despite,

- (a) anything in section 28 or in a regulation made under section 28; and
- (b) anything in subsection 3 (5) of the *Planning Act*. 2020, c. 36, Sched. 6, s. 15 (1).

Conditions prescribed by regulations

(5) A permission granted under this section is subject to such conditions as may be prescribed. 2020, c. 36, Sched. 6, s. 15 (1).

Conditions specified by authority

- (6) Subject to subsection (7), an authority may attach conditions to the permission, including conditions to mitigate,
- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
 - (b) any conditions or 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
 - (c) any other matters that may be prescribed by regulation. 2020, c. 36, Sched. 6, s. 15 (1).

Hearing

(7) An authority shall not attach conditions to a permission unless the applicant for the permission has been given an opportunity to be heard by the authority. 2020, c. 36, Sched. 6, s. 15 (1).

Reasons for conditions

(8) If, after holding a hearing, an authority grants the permission subject to conditions, the authority shall give the holder of the permission written reasons for deciding to attach the conditions. 2020, c. 36, Sched. 6, s. 15 (1).

Request for Minister's review

(9) The holder of a permission who objects to the conditions proposed in the reasons given under subsection (8) may, within 15 days of the reasons being given, submit a request to the Minister for the Minister to review the proposed conditions, subject to the regulations. 2020, c. 36, Sched. 6, s. 15 (1).

Minister's review

(10) Within 30 days after receiving a request under subsection (9), the Minister shall reply to the request and indicate in writing to the holder of the permission and the authority whether or not the Minister intends to conduct a review of the authority's decision. Failure on the part of the Minister to reply to a request within the 30-day period is deemed to be an indication that the Minister does not intend to review the authority's decision. 2020, c. 36, Sched. 6, s. 15 (1).

Same

(11) If a reply given under subsection (10) indicates that the Minister intends to conduct a review, the Minister may in the reply require the holder of the permission and the authority to provide the Minister with such information as the Minister considers necessary to conduct the review. 2020, c. 36, Sched. 6, s. 15 (1).

Information

(12) The holder of the permission and the authority shall submit to the Minister such information as was specified in the reply given under subsection (10) within the time period specified in the reply. 2020, c. 36, Sched. 6, s. 15 (1).

Publication of notice of review

(13) The Minister shall publish on the Environmental Registry notice of the Minister's intention to review a decision made by an authority and shall do so within 30 days of giving a reply to that effect under subsection (10). 2020, c. 36, Sched. 6, s. 15 (1).

No hearing required

(14) The Minister is not required to hold a hearing while conducting a review of an authority's decision. 2020, c. 36, Sched. 6, s. 15 (1).

Conferring with persons, etc.

(15) Before making a decision with respect to a review, the Minister may confer with any person or body that the Minister considers may have an interest in the review. 2020, c. 36, Sched. 6, s. 15 (1).

Minister's decision

(16) After conducting a review of an authority's decision, the Minister may confirm or vary the conditions that the authority proposes to attach to a permission granted under this section, including removing conditions or requiring that such additional conditions be attached to the permission as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 15 (1).

Same

- (17) In making a decision under subsection (16), the Minister shall consider,
- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
 - (b) conditions or 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
 - (c) any other matters as may be prescribed by the regulations. 2020, c. 36, Sched. 6, s. 15 (1).

Decision final

- (18) A decision made by the Minister under subsection (16) is final. 2020, c. 36, Sched. 6, s. 15 (1).

Appeal

- (19) The holder of a permission who objects to the conditions proposed by an authority in the reasons given under subsection (8) may, within 90 days of the reasons being issued, appeal to the Ontario Land Tribunal to review the conditions if,
- (a) the holder of the permission has not submitted a request to the Minister to review the conditions under subsection (9); or
 - (b) the holder of the permission has submitted a request to the Minister to review the conditions under subsection (9) and,
 - (i) 30 days have elapsed following the day the holder of the permission submitted the request and the Minister did not make a reply in accordance with subsection (10), or
 - (ii) the Minister made a reply in accordance with subsection (10) indicating that the Minister refused to conduct the review. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Same

- (20) If the Minister indicates in a reply given under subsection (10) that the Minister intends to review an authority's decision and the Minister fails to make a decision within 90 days of giving the reply, the holder of the permission may, within the next 30 days, appeal the conditions proposed by the authority directly to the Ontario Land Tribunal. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Notice of appeal

- (21) Notice of an appeal under subsection (19) or (20) shall be sent to the Ontario Land Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Hearing by Tribunal

- (22) The Ontario Land Tribunal shall fix a date for a hearing of an appeal under subsection (19) or (20), give notice to all interested parties and give all necessary direction for the hearing. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Powers of the Tribunal

- (23) The Ontario Land Tribunal has authority to hear evidence and to confirm, vary, remove or add to the conditions attached to the permission as the Tribunal considers appropriate. 2020, c. 36, Sched. 6, s. 15 (1); 2021, c. 4, Sched. 6, s. 39 (12).

Agreement

- (24) An authority that grants permission for a development project under this section shall enter into an agreement with respect to the development project with the holder of the permission and the authority and holder of the permission may agree to add a municipality or such other person or entity as they consider appropriate as parties to the agreement. 2020, c. 36, Sched. 6, s. 15 (1).

Content of agreement

- (25) An agreement under subsection (24) shall set out actions or requirements that the holder of the permission must complete or satisfy in order to compensate for ecological impacts and any other impacts that may result from the development project. 2020, c. 36, Sched. 6, s. 15 (1).

Limitation on development

- (26) No person shall begin a development project until an agreement required under subsection (24) has been entered into. 2020, c. 36, Sched. 6, s. 15 (1).

Period of validity of permission and extension

(27) A permission granted by an authority under this section may be granted for a period of time determined in accordance with the rules that apply to permissions granted by authority under a regulation made under subsection 28 (1) and may be extended in accordance with the rules for extending permission set out in those same regulations. 2020, c. 36, Sched. 6, s. 15 (1).

Offence

(28) A person is guilty of an offence if the person contravenes,
 (a) a condition of a permission granted under this section; or
 (b) subsection (26). 2020, c. 36, Sched. 6, s. 15 (1).

Penalty

(29) A person who commits an offence under subsection (28) is liable on conviction,
 (a) in the case of an individual,
 (i) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both, and
 (ii) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and
 (b) in the case of a corporation,
 (i) to a fine of not more than \$1,000,000, and
 (ii) to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues. 2020, c. 36, Sched. 6, s. 15 (1).

Monetary benefit

(30) Despite the maximum fines set out in clauses (29) (a) and (b), a court that convicts a person of an offence under subsection (28) may increase the fine it imposes on the person by an amount equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence. 2020, c. 36, Sched. 6, s. 15 (1).

Rehabilitation orders

(31) In addition to any penalty under subsection (29) or any other remedy or penalty provided by law, the court, upon convicting a person of an offence under subsection (28), may order the convicted person to,
 (a) remove, at the convicted person's expense, any development within such reasonable time as the court orders; and
 (b) take such actions as the court directs, within the time the court may specify, to repair or rehabilitate the damage that results from or is in any way connected to the commission of the offence. 2020, c. 36, Sched. 6, s. 15 (1).

Non-compliance with order

(32) If a person does not comply with an order under subsection (31), the authority that issued the permission under this section may arrange for any removal, repair or rehabilitation that was required in the order. 2020, c. 36, Sched. 6, s. 15 (1).

Liability for certain costs

(33) The person to whom an order is made under subsection (31) is liable for the cost of any removal, repair or rehabilitation arranged by an authority under subsection (32), and the amount is recoverable by the authority by action in a court of competent jurisdiction. 2020, c. 36, Sched. 6, s. 15 (1).

Conflict

(34) If the conditions in a permission granted under this section conflict with the terms of a zoning order made under section 47 of the *Planning Act*, the terms of the zoning order shall prevail. 2020, c. 36, Sched. 6, s. 15 (1).

Regulations, Minister

(35) The Minister may make regulations,
 (a) prescribing requirements for the purposes of clause (1) (c);
 (b) governing permissions granted under this section including,

- (i) requiring that the permission be granted within a specified time period after the application is submitted to the authority,
- (ii) prescribing conditions for the purposes of subsection (5), and
- (iii) prescribing matters for the purposes of clause (6) (c);
- (c) prescribing matters for the purposes of clause (17) (c);
- (d) governing agreements required under subsection (24) including,
 - (i) prescribing the content of the agreements, and
 - (ii) specifying the time within which agreements are to be concluded and signed;
- (e) exempting lands or development projects from this section or from a part of this section or the regulations made under this section, including from the requirement to enter into an agreement under subsection (24) or from including any provision of an agreement that is prescribed by a regulation under clause (d);
- (f) respecting anything that is necessary or advisable for the effective implementation or enforcement of this section. 2020, c. 36, Sched. 6, s. 15 (1).

Regulations, Lieutenant-Governor in Council

(36) The Lieutenant-Governor in Council may make regulations governing Minister's reviews requested under subsection (9) and appeals under subsections (19) and (20) and specifying circumstances in which a review may not be requested or an appeal may not be made. 2020, c. 36, Sched. 6, s. 15 (1).

General or particular

(37) A regulation made under subsection (35) or (36) may be general or particular in its application. 2020, c. 36, Sched. 6, s. 15 (1).

Transition

(38) This section applies to an application for permission to carry out a development project that was submitted to an authority before the day this section came into force if the conditions described in clauses (1) (a), (b) and (c) have been satisfied as of that day. 2020, c. 36, Sched. 6, s. 15 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28.0.1 of the Act is repealed. (See: 2020, c. 36, Sched. 6, s. 15 (2))

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 15 (1) - 08/12/2020; 2020, c. 36, Sched. 6, s. 15 (2) - not in force

2021, c. 4, Sched. 6, s. 39 (12) - 01/06/2021

Permits

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

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
- (b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) any other requirements that may be prescribed by the regulations are met. 2017, c. 23, Sched. 4, s. 25.

Application for permit

(2) A person who wishes to engage in an activity that is prohibited under section 28 in an area situated in the jurisdiction of an authority may apply to the authority for a permit under this section. 2017, c. 23, Sched. 4, s. 25.

Same

(3) An application for a permit shall be made in accordance with the regulations and include such information as is required by regulation. 2017, c. 23, Sched. 4, s. 25.

Conditions

(4) Subject to subsection (5), an authority may issue a permit with or without conditions. 2017, c. 23, Sched. 4, s. 25.

Hearing

(5) An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority. 2017, c. 23, Sched. 4, s. 25.

Renewable energy projects

(6) In the case of an application for a permit to engage in development related to a renewable energy project as defined in subsection 2 (1) of the *Electricity Act, 1998*,

- (a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and
- (b) despite subsection (4), the authority shall not impose conditions on the permit unless the conditions relate to controlling pollution, flooding, erosion or dynamic beaches. 2017, c. 23, Sched. 4, s. 25; 2018, c. 16, s. 3 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28.1 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 6, s. 16 (1))

Definition, pollution

(6.1) In subsection (1) and (6),

“pollution” means pollution as defined by regulation. 2020, c. 36, Sched. 6, s. 16 (1).

Reasons for decision

(7) If the authority, after holding a hearing, refuses a permit or issues the permit subject to conditions, the authority shall give the applicant written reasons for the decision. 2017, c. 23, Sched. 4, s. 25.

Appeal

(8) An applicant who has been refused a permit or who objects to conditions imposed on a permit may, within 30 days of receiving the reasons under subsection (7), appeal to the Minister who may,

- (a) refuse the permit; or
- (b) order the authority to issue the permit, with or without conditions. 2017, c. 23, Sched. 4, s. 25.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28.1 (8) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 16 (2))

Request for Minister’s review

(8) Subject to the regulations, where the authority refuses a permit or imposes any conditions on a permit to which the applicant objects, the applicant may, within 15 days of receiving reasons for the authority’s decision, submit a request to the Minister for the Minister to review the authority’s decision. 2020, c. 36, Sched. 6, s. 16 (2).

Definition

(9) In this section,

“pollution” means pollution as defined by regulation. 2017, c. 23, Sched. 4, s. 25.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28.1 (9) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 16 (2))

Reply by Minister

(9) Within 30 days after receiving a request under subsection (8), the Minister shall reply to the request and indicate in writing to the applicant and the authority whether or not the Minister intends to conduct a review of the authority’s decision. Failure on the part of the Minister to reply to a request within the 30 day period is deemed to be an indication that the Minister does not intend to review the authority’s decision. 2020, c. 36, Sched. 6, s. 16 (2).

Same

(10) If a reply given under subsection (9) indicates that the Minister intends to conduct a review, the Minister may in the reply require the applicant and the authority to provide the Minister with such information as the Minister considers necessary to conduct the review. 2020, c. 36, Sched. 6, s. 16 (2).

Information

(11) The applicant and the authority shall submit to the Minister such information as was specified in the reply given under subsection (9) within the time period specified in the reply. 2020, c. 36, Sched. 6, s. 16 (2).

Publication of notice of review

(12) The Minister shall publish on the Environmental Registry notice of the Minister's intention to review a decision made by an authority and shall do so within 30 days of giving a reply to that effect under subsection (9). 2020, c. 36, Sched. 6, s. 16 (2).

No hearing required

(13) The Minister is not required to hold a hearing while conducting a review of an authority's decision. 2020, c. 36, Sched. 6, s. 16 (2).

Conferring with persons, etc.

(14) Before making a decision with respect to a review, the Minister may confer with any person or body that the Minister considers may have an interest in the review. 2020, c. 36, Sched. 6, s. 16 (2).

Minister's decision

(15) After conducting a review of an authority's decision, the Minister may confirm or vary the authority's decision or make any decision that the Minister considers appropriate, including issuing the permit subject to conditions. 2020, c. 36, Sched. 6, s. 16 (2).

Same

(16) The Minister shall base any decision under subsection (15) on the criteria set out in clauses (1) (a), (b) and (c). 2020, c. 36, Sched. 6, s. 16 (2).

Reasons

(17) If, upon conducting a review of an authority's decision, the Minister decides to refuse to issue a permit or to issue a permit subject to conditions, the Minister shall give the applicant and the authority written reasons for the decision. 2020, c. 36, Sched. 6, s. 16 (2).

Copy to authority

(18) If the Minister issues a permit under subsection (15), the Minister shall give a copy of the permit to the authority within five days after the permit is issued. 2020, c. 36, Sched. 6, s. 16 (2).

Decision final

(19) A decision made by the Minister under subsection (15) is final. 2020, c. 36, Sched. 6, s. 16 (2).

Appeal to Tribunal

(20) Within 90 days after receiving the reasons for the authority's decision under subsection (7), the applicant may appeal the authority's decision to the Local Planning Appeal Tribunal, subject to subsection (21). 2020, c. 36, Sched. 6, s. 16 (2).

Exception

(21) An applicant who submitted a request under subsection (8) for the Minister to conduct a review of an authority's decision shall not appeal the decision to the Local Planning Appeal Tribunal under subsection (20) unless,

- (a) the Minister's reply under subsection (9) indicated that the Minister refused to conduct the review; or
- (b) 30 days have elapsed following the day the applicant submitted the request for a Minister's review and the Minister has not made a reply under subsection (9). 2020, c. 36, Sched. 6, s. 16 (2).

Appeal, no decision by authority

(22) If an application for a permit is made to the authority and the application complies with subsection (3), and if the authority fails to give the applicant notice of a decision with respect to the application within 120 days after the application is made, the applicant may appeal the application directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 16 (2).

Appeal, no decision by Minister

(23) If the Minister indicates in a reply given under subsection (9) that the Minister intends to review an authority's decision and the Minister fails to make a decision within 90 days of giving the reply, the applicant may, within the next 30 days, appeal the authority's decision directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 16 (2).

Notice of Appeal

(24) A notice of an appeal under subsection (20), (22) or (23) shall be sent to the Local Planning Appeal Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 16 (2).

Hearing by Tribunal

(25) The Local Planning Appeal Tribunal shall fix a date for a hearing of an appeal under subsection (20), (22) or (23), give notice to all interested parties and give all necessary direction for the hearing. 2020, c. 36, Sched. 6, s. 16 (2).

Powers of the Tribunal

(26) The Local Planning Appeal Tribunal has authority to take evidence, to refuse the permit or to order the authority to issue the permit, with or without conditions. 2020, c. 36, Sched. 6, s. 16 (2).

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day subsection 16 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.1 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (13))

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

2018, c. 16, s. 3 (2) - 01/01/2019

2020, c. 36, Sched. 6, s. 16 (1, 2) - not in force

2021, c. 4, Sched. 6, s. 39 (13) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections: (See: 2020, c. 36, Sched. 6, s. 17)

Permits issued by Minister**Minister’s order**

28.1.1 (1) Despite subsection 28.1 (1) and subject to the regulations, the Minister may, by order,

- (a) direct an authority not to issue a permit to a person who wishes to engage in a specified activity that, without the permit, would be prohibited under section 28 in the area of jurisdiction of the authority; or
- (b) direct the authorities that are specified in the order not to issue permits to persons who may wish to engage in a type or class of activity described in the order that, without the permit, would be prohibited under section 28 and to continue to refrain from doing so for such period as may be specified in the order. 2020, c. 36, Sched. 6, s. 17.

Minister’s power

(2) If an order is made under subsection (1), the Minister has the power to issue a permit to engage in any activity described in the order that would otherwise be prohibited under section 28 if, in the Minister’s opinion, the criteria described in clauses 28.1 (1) (a), (b) and (c) are satisfied. 2020, c. 36, Sched. 6, s. 17.

Same

(3) An order made under clause (1) (a) may be made either before or after an application for a permit has been submitted to the relevant authority. 2020, c. 36, Sched. 6, s. 17.

Same

(4) An order made under clause (1) (b) may provide that it applies to activities even if applications for permits have been submitted to the relevant authorities and decisions with respect to the applications are currently pending. 2020, c. 36, Sched. 6, s. 17.

Notice of order

(5) Notice of an order made under subsection (1) shall be,

- (a) given to every authority that is directed by the order not to issue one or more permits;
- (b) given to any person who submitted an application for the permits in question before the order was made where the application is still pending; and
- (c) posted on the Environmental Registry within 30 days of being made. 2020, c. 36, Sched. 6, s. 17.

Information forwarded to Minister

(6) If an application for a permit to engage in an activity is submitted to an authority under section 28.1 before the day an order is made under this section directing the authority to not issue such a permit,

- (a) the authority shall forward to the Minister all documents and information relating to the application that were submitted by the applicant and shall do so within the time period set out in the order, if any; and
- (b) the applicant shall forward to the Minister such further information as the Minister may specify in the order and shall do so within the time period set out in the order, if any. 2020, c. 36, Sched. 6, s. 17.

Application to Minister

(7) If an order is made under this section that prevents an authority from issuing a permit to engage in an activity in circumstances where an application for such a permit has not yet been submitted to the authority but may be submitted in the future,

- (a) any person who wishes to engage in the activity shall submit to the Minister,
 - (i) an application for a permit to do so that includes such information as may be specified in the regulation,
 - (ii) a fee in the same amount as the fee that the person would have paid to the authority had the application been submitted to the authority, and
 - (iii) any information that the Minister believes is necessary to make a determination with respect to the issuance of the permit and that may be specified in the order; and
- (b) if the authority receives an application for such a permit after the day the order is made, the authority shall direct the applicant to submit the application in accordance with clause (a). 2020, c. 36, Sched. 6, s. 17.

Conferring with persons, etc.

(8) Before making a decision with respect to an application for a permit, the Minister may confer with any person or body that the Minister considers may have an interest in the application. 2020, c. 36, Sched. 6, s. 17.

Conditions

(9) The Minister may issue a permit subject to such conditions as the Minister determines are appropriate. 2020, c. 36, Sched. 6, s. 17.

Reasons

(10) If the Minister refuses a permit or issues a permit subject to conditions, the Minister shall give the applicant written reasons for the decision and shall provide a copy of the reasons to the relevant authority. 2020, c. 36, Sched. 6, s. 17.

Copy to authority

(11) If the Minister issues a permit under this section, the Minister shall give a copy of the permit to the authority that has jurisdiction over the watershed for which the permit is valid within five days after the permit is issued. 2020, c. 36, Sched. 6, s. 17.

Decision final

(12) A decision made by the Minister with respect to an application for a permit is final. 2020, c. 36, Sched. 6, s. 17.

Appeal

(13) If an application for a permit is made or forwarded to the Minister under this section and the application complies with the requirements of subsection 28.1 (3) or clause (7) (a) of this section, as the case may be, and if the Minister fails to give the applicant notice of a decision with respect to the application within 90 days after the application is made, the applicant may appeal the application directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 17.

Same

(14) Subsections 28.1 (24), (25) and (26) apply with necessary modifications to an appeal to the Local Planning Appeal Tribunal made under subsection (13). 2020, c. 36, Sched. 6, s. 17.

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.1.1 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (14))

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 17 - not in force

2021, c. 4, Sched. 6, s. 39 (14) - not in force

Mandatory permits, zoning orders

28.1.2 (1) This section applies to any application submitted to an authority under section 28.1 for a permit to carry out a development project in the authority's area of jurisdiction if,

- (a) a zoning 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;
- (b) 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
- (c) such other requirements as may be prescribed are satisfied. 2020, c. 36, Sched. 6, s. 17.

Definition

(2) In this section,

“development project” means a development project that includes any development activity as defined in subsection 28 (5) and any other act or activity that, without a permit issued under this section or section 28.1, would be prohibited under section 28. 2020, c. 36, Sched. 6, s. 17.

Permit to be issued

(3) Subject to the regulations, 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 all of the requirements in clauses (1) (a), (b) and (c) are satisfied. 2020, c. 36, Sched. 6, s. 17.

Same

(4) For greater certainty, an authority shall not refuse to issue a permit to carry out a development project under subsection (3) despite,

- (a) the prohibitions in subsection 28 (1) and the fact that the development project may not meet the criteria for issuing a permit under subsection 28.1 (1); and
- (b) anything in subsection 3 (5) of the *Planning Act*. 2020, c. 36, Sched. 6, s. 17.

Conditions prescribed by regulations

(5) A permission granted under this section is subject to such conditions as may be prescribed. 2020, c. 36, Sched. 6, s. 17.

Conditions specified by authority

(6) Subject to subsection (7), an authority may attach conditions to the permit, including conditions to mitigate,

- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
- (b) any conditions or 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
- (c) any other matters that may be prescribed by regulation. 2020, c. 36, Sched. 6, s. 17.

Hearing

(7) An authority shall not attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority. 2020, c. 36, Sched. 6, s. 17.

Reasons for conditions

(8) If, after holding a hearing, an authority issues a permit subject to conditions, the authority shall give the permit holder written reasons for deciding to attach the conditions. 2020, c. 36, Sched. 6, s. 17.

Request for Minister's review

(9) A permit holder who objects to the conditions proposed in the reasons given under subsection (8) may, within 15 days of the reasons being given, submit a request to the Minister for the Minister to review the proposed conditions, subject to the regulations. 2020, c. 36, Sched. 6, s. 17.

Minister's review

(10) Subsections 28.1 (9) to (14) apply with necessary modifications to a Minister's review conducted pursuant to a request made under subsection (9). 2020, c. 36, Sched. 6, s. 17.

Minister's decision

(11) After conducting a review of an authority's decision, the Minister may confirm or vary the conditions that the authority proposes to attach to a permit, including removing conditions or requiring that such additional conditions be attached to the permit as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 17.

Same

- (12) In making a decision under subsection (11), the Minister shall consider,
- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
 - (b) conditions or 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
 - (c) any other matters as may be prescribed by the regulations. 2020, c. 36, Sched. 6, s. 17.

Decision final

(13) A decision made by the Minister under subsection (11) is final. 2020, c. 36, Sched. 6, s. 17.

Appeal

(14) A permit holder who objects to the conditions proposed by an authority in the reasons given under subsection (8) may, within 90 days of the reasons being issued, appeal to the Local Planning Appeal Tribunal to review the conditions if,

- (a) the permit holder has not submitted a request under subsection (9) to the Minister to review the conditions; or
- (b) the permit holder has submitted a request to the Minister to review the conditions under subsection (9) and,
 - (i) 30 days have elapsed following the day the permit holder submitted the request and the Minister did not make a reply in accordance with subsection 28.1 (9), or
 - (ii) the Minister made a reply in accordance with subsection 28.1 (9) indicating that the Minister refused to conduct the review. 2020, c. 36, Sched. 6, s. 17.

Same

(15) If the Minister indicates in a reply given in accordance with subsection 28.1 (9) that the Minister intends to review an authority's 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 proposed by the authority directly to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 17.

Same

(16) Subsections 28.1 (24), (25) and (26) apply with necessary modifications to an appeal made under subsection (14) or (15). 2020, c. 36, Sched. 6, s. 17.

Agreement

(17) An authority that issues a permit to carry out a development project under this section shall enter into an agreement with respect to the development project with the permit holder and the authority and the permit holder may add a municipality or such other person or entity as they consider appropriate as parties to the agreement. 2020, c. 36, Sched. 6, s. 17.

Content of agreement

(18) An agreement under subsection (17) shall set out actions or requirements that the permit holder must complete or satisfy in order to compensate for ecological impacts and any other impacts that may result from the development project. 2020, c. 36, Sched. 6, s. 17.

Limitation on development

(19) No person shall begin a development project until an agreement required under subsection (17) has been entered into. 2020, c. 36, Sched. 6, s. 17.

Conflict

(20) If the conditions in a permit issued under this section conflict with the terms of a zoning order made under section 47 of the *Planning Act*, the terms of the zoning order shall prevail. 2020, c. 36, Sched. 6, s. 17.

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.1.2 of the Act is amended

by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (14))

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 17 - not in force

2021, c. 4, Sched. 6, s. 39 (14) - not in force

Period of validity

28.2 A permit shall be valid for a period to be determined in accordance with the regulations. 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

Cancellation of permits

28.3 (1) An authority may cancel a permit issued under section 28.1 if it is of the opinion that the conditions of the permit have not been met or that the circumstances that are prescribed by regulation exist. 2017, c. 23, Sched. 4, s. 25.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28.3 (1) of the Act is amended by striking out “section 28.1” and substituting “section 28.1 or 28.1.1”. (See: 2020, c. 36, Sched. 6, s. 18 (1))

Notice

(2) Before cancelling a permit, an authority shall give a notice of intent to cancel to the permit holder indicating that the permit will be cancelled on a date specified in the notice unless the holder requests a hearing under subsection (3). 2017, c. 23, Sched. 4, s. 25.

Request for hearing

(3) Within 15 days of receiving a notice of intent to cancel a permit from the authority, the permit holder may submit a written request for a hearing to the authority. 2017, c. 23, Sched. 4, s. 25.

Hearing

(4) The authority shall set a date for the hearing and hold the hearing within a reasonable time after receiving a request for a hearing. 2017, c. 23, Sched. 4, s. 25.

Power

(5) After a hearing, the authority may confirm, rescind or vary the decision to cancel a permit. 2017, c. 23, Sched. 4, s. 25.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28.3 of the Act is amended by adding the following subsections: (See: 2020, c. 36, Sched. 6, s. 18 (2))

Appeal

(6) If the authority confirms the cancellation of a permit or makes another order under subsection (5) to which the permit holder objects, the permit holder may, within 90 days of receiving notice of the authority’s decision, appeal the decision to the Local Planning Appeal Tribunal. 2020, c. 36, Sched. 6, s. 18 (2).

Same

(7) A notice of an appeal under subsection (6) shall be sent to the Local Planning Appeal Tribunal and to the authority by registered mail. 2020, c. 36, Sched. 6, s. 18 (2).

Hearing

(8) The Local Planning Appeal Tribunal shall fix a date for a hearing of an appeal under subsection (6), give notice to all interested parties and give all necessary direction for the hearing. 2020, c. 36, Sched. 6, s. 18 (2).

Powers of the Tribunal

(9) The Local Planning Appeal Tribunal has authority to take evidence, to confirm, rescind or vary the decision to cancel the permit, with or without conditions. 2020, c. 36, Sched. 6, s. 18 (2).

Note: On the later of the day section 2 of Schedule 6 to the *Accelerating Access to Justice Act, 2021* comes into force and the day subsection 18 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force, section 28.3 of the Act is amended by striking out “Local Planning Appeal Tribunal” wherever it appears and substituting in each case “Ontario Land Tribunal”. (See: 2021, c. 4, Sched. 6, s. 39 (15))

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

2020, c. 36, Sched. 6, s. 18 (1, 2) - not in force

2021, c. 4, Sched. 6, s. 39 (15) - not in force

Delegation of power

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.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 23, Sched. 4, s. 26)

Regulations: activities affecting natural resources

28.5 (1) The Lieutenant Governor in Council may make regulations with respect to activities that may impact the conservation, restoration, development or management of natural resources and that may be carried out in the areas of jurisdiction of authorities, including regulations,

- (a) identifying activities that have or may have an impact on the conservation, restoration, development or management of natural resources for the purposes of the regulation;
- (b) regulating those activities;
- (c) prohibiting those activities or requiring that a person obtain a permit from the relevant authority to engage in the activities in the authority's area of jurisdiction. 2017, c. 23, Sched. 4, s. 26.

Same

(2) A regulation under clause (1) (c) that requires that a person obtain a permit from the relevant authority to engage in an activity described in subsection (1) may,

- (a) provide for applications to be made to an authority for the permit and specify the manner, content and form of the application;
- (b) provide for the issuance, expiration, renewal and cancellation of a permit;
- (c) require hearings in relation to any matter referred to in clauses (a) and (b) and specify the person before whom, or the body before which, the matter shall be heard, provide for notices and other procedural matters relating to the hearing and provide for an appeal from any decision. 2017, c. 23, Sched. 4, s. 26.

Same

(3) A regulation made under this section may be limited in its application to one or more authorities or activities. 2017, c. 23, Sched. 4, s. 26.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 26 - not in force

Regulations by authority re lands owned by it

29 (1) An authority may make regulations applicable to lands owned by the authority,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following: (See: 2017, c. 23, Sched. 4, s. 27 (1))

Regulations: public use of authority's property

(1) The Minister may make regulations with respect to land and other property owned by authorities including regulations,

- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;

- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;
- (h) subject to the *Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires. R.S.O. 1990, c. C.27, s. 29 (1); 1998, c. 18, Sched. I, s. 13 (1).

Regulations by L.G. in C. governing content of authority's regulations

(1.1) The Lieutenant Governor in Council may make regulations governing the content of regulations made under subsection (1), including the standards that may be used, and setting out what must be included or excluded from regulations made under subsection (1). 1998, c. 18, Sched. I, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1.1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 27 (2))

Invalid regulation

(1.2) A regulation made under subsection (1) that does not conform with the requirements of a regulation made under subsection (1.1) is not valid unless it has been approved by the Minister. 1998, c. 18, Sched. I, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1.2) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 27 (2))

Offence: contravening regulation

(2) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. C.27, s. 29 (2); 1998, c. 18, Sched. I, s. 13 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (2) of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 27 (2))

Same

(2) A regulation made under this section may be limited in its application to one or more authorities. 2017, c. 23, Sched. 4, s. 27 (2).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 13 (1-3) - 18/12/1998

2017, c. 23, Sched. 4, s. 27 (1, 2) - not in force

30 REPEALED: 2017, c. 23, Sched. 4, s. 28.

Section Amendments with date in force (d/m/y)

2006, c. 21, Sched. F, s. 105 - 25/07/2007

2017, c. 23, Sched. 4, s. 28 - 12/12/2017

Restriction on entry

30.1 (1) An authority or an officer appointed under a regulation made under clause 28 (1) (d) or (e) shall not enter land without,

- (a) the consent of the owner of the land and, if the occupier of the land is not the owner, the consent of the occupier of the land; or
- (b) the authority of a warrant under the *Provincial Offences Act*. 1998, c. 18, Sched. I, s. 14.

Exceptions

(2) Subsection (1) does not apply to entry under clause 21 (1) (b) or subsection 28 (20). 1998, c. 18, Sched. I, s. 14.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 30.1 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 29)

**PART VII
ENFORCEMENT AND OFFENCES**

Appointment of officers

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.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 14 - 18/12/1998

2017, c. 23, Sched. 4, s. 29 - not in force

Entry without warrant

30.2 (1) An officer appointed by an authority under section 30.1 may, subject to subsections (2) and (3), enter any land situated in the authority's area of jurisdiction for the purposes of determining compliance with subsection 28 (1), a regulation made under subsection 28 (3) or section 28.5 or with the conditions of a permit issued under section 28.1 or under a regulation made under clause 28.5 (1) (c). 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 19 (1))

Entry without warrant, permit application

(1) An officer appointed by an authority under section 30.1 may enter any land situated in the authority's area of jurisdiction, without a warrant and without the consent of the owner or occupier, if,

- (a) an application has been submitted under section 28.1 or 28.1.1 for a permit to engage in an activity with respect to the land;
- (b) the entry is for the purpose of determining whether to issue a permit; and
- (c) the officer has given reasonable notice of the entry to the owner or occupier of the property. 2020, c. 36, Sched. 6, s. 19 (1).

Entry without warrant, compliance

(1.1) An officer appointed by an authority under section 30.1 may enter any land situated in the authority's area of jurisdiction, without a warrant and without the consent of the owner or occupier, if,

- (a) the entry is for the purpose of ensuring compliance with subsection 28 (1) or 28.1.2 (19), a regulation made under section 28.5 or with the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);
- (b) the officer has reasonable grounds to believe that a contravention of a provision of the Act or a regulation referred to in clause (a) or of a condition of a permit referred to in clause (a) is causing or is likely to cause significant damage and,
 - (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land, or
 - (ii) in the event of a natural hazard, the damage will or 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
- (c) the officer has reasonable grounds to believe that the entry is required to prevent or reduce the effects or risks described in clause (b). 2020, c. 36, Sched. 6, s. 19 (1).

No entry to buildings

(2) The power to enter land under subsection (1) does not authorize the entry into a dwelling or other building situated on the land. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (2) of the Act is amended by striking out "subsection (1)" and substituting "subsection (1) or (1.1)". (See: 2020, c. 36, Sched. 6, s. 19 (2))

Time of entry

(3) The power to enter land under subsection (1) may be exercised at any reasonable time. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (3) of the Act is amended by striking out "subsection (1)" and substituting "subsection (1) or (1.1)". (See: 2020, c. 36, Sched. 6, s. 19 (2))

Power upon entry

(4) An officer who enters land under subsection (1) may do any of the following things:

1. Inspect any thing that is relevant to the inspection.
2. Conduct any tests, take any measurements, take any specimens or samples, set up any equipment and make any photographic or other records that may be relevant to the inspection.
3. Ask any questions that are relevant to the inspection to the occupant of the land. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (4) of the Act is amended by striking out “subsection (1)” and substituting “subsection (1) or (1.1)”. (See: 2020, c. 36, Sched. 6, s. 19 (2))

No use of force

(5) Subsection (1) does not authorize the use of force. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.2 (5) of the Act is amended by striking out “subsection (1)” and substituting “subsection (1) or (1.1)”. (See: 2020, c. 36, Sched. 6, s. 19 (2))

Experts, etc.

(6) An officer who enters land under this section may be accompanied and assisted by any person with such knowledge, skills or expertise as may be required for the purposes of the inspection. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

2020, c. 36, Sched. 6, s. 19 (1, 2) - not in force

Searches**Search with warrant**

30.3 (1) An officer may obtain a search warrant under Part VIII of the *Provincial Offences Act* in respect of an offence under this Act. 2017, c. 23, Sched. 4, s. 29.

Assistance

(2) The search warrant may authorize any person specified in the warrant to accompany and assist the officer in the execution of the warrant. 2017, c. 23, Sched. 4, s. 29.

Search without warrant

(3) If an officer has reasonable grounds to believe that there is something on land that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the officer may, without warrant, enter and search the land. 2017, c. 23, Sched. 4, s. 29.

No entry to buildings

(4) The power to enter land under subsection (3) does not authorize the entry into a dwelling or other building situated on the land. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

Stop order

30.4 (1) An officer appointed under section 30.1 may make an order requiring a person to stop engaging in or not to engage in an activity if the officer has reasonable grounds to believe that the person is engaging in the activity, has engaged in the activity or is about to engage in the activity and, as a result, is contravening,

- (a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5; or
- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c). 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.4 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 20 (1))

Stop order

(1) An officer appointed under section 30.1 may make an order requiring a person to stop engaging in or not to engage in an activity if the officer has reasonable grounds to believe that,

- (a) the person has engaged in, is engaging in or is about to engage in the activity and, as a result, is contravening or will contravene,
 - (i) subsection 28 (1) or 28.1.2 (19) or a regulation made under section 28.5, or
 - (ii) the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);
- (b) the activity has caused, is causing or is likely to cause significant damage and,
 - (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or the pollution or the conservation of land, or
 - (ii) in the event of a natural hazard, the damage will or 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
- (c) the order will prevent or reduce the damage described in clause (b). 2020, c. 36, Sched. 6, s. 20 (1).

Information to be included in order

- (2) The order shall,
- (a) specify the provision that the officer believes is being, has been or is about to be contravened;
 - (b) briefly describe the nature of the contravention and its location; and
 - (c) state that a hearing on the order may be requested in accordance with this section. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.4 (2) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 20 (1))

Information to be included in the order

- (2) The order shall,
- (a) specify the provision that the officer believes is being or is about to be contravened;
 - (b) briefly describe the nature of the contravention and its location;
 - (c) briefly describe the nature of the damage being caused or likely to be caused by the activity; and
 - (d) state that a hearing on the order may be requested in accordance with this section. 2020, c. 36, Sched. 6, s. 20 (1).

Service of order

(3) An order under this section shall be served personally or by registered mail addressed to the person against whom the order is made at the person's last known address. 2017, c. 23, Sched. 4, s. 29.

Registered mail

(4) An order served by registered mail shall be deemed to have been served on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the order until a later date. 2017, c. 23, Sched. 4, s. 29.

Effective date

(5) An order under this section takes effect when it is served, or at such later time as is specified in the order. 2017, c. 23, Sched. 4, s. 29.

Right to hearing

(6) A person who is served with an order under this section may request a hearing before the authority or, if the authority so directs, before the authority's executive committee by mailing or delivering to the authority, within 30 days after service of the order, a written request for a hearing that includes a statement of the reasons for requesting the hearing. 2017, c. 23, Sched. 4, s. 29.

Powers of authority

(7) After holding a hearing, the authority or executive committee, as the case may be, shall,

- (a) confirm the order;
- (b) amend the order; or
- (c) remove the order, with or without conditions. 2017, c. 23, Sched. 4, s. 29.

Reasons for decision

(8) The authority or executive committee, as the case may be, shall give the person who requested the hearing written reasons for the decision. 2017, c. 23, Sched. 4, s. 29.

Appeal

(9) Within 30 days after receiving the reasons mentioned in subsection (8), the person who requested the hearing may appeal to the Minister and, after reviewing the submissions, the Minister may,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.4 (9) of the Act is amended by striking out the portion before clause (a) and substituting the following: (See: 2020, c. 36, Sched. 6, s. 20 (2))

Appeal

(9) Within 30 days after receiving the reasons in subsection (8), the person who requested the hearing may appeal to the Minister or to a body prescribed by the regulations and, after reviewing the submissions, the Minister or the prescribed body may,

- (a) confirm the order;
- (b) amend the order; or
- (c) remove the order, with or without conditions. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

2020, c. 36, Sched. 6, s. 20 (1, 2) - not in force

Offences

30.5 (1) Every person is guilty of an offence if he or she contravenes,

- (a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5;
- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c); or
- (c) a stop order issued under section 30.4. 2017, c. 23, Sched. 4, s. 29.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30.5 (1) of the Act is repealed and the following substituted: (See: 2020, c. 36, Sched. 6, s. 21)

Offences

(1) Every person is guilty of an offence if the person contravenes,

- (a) subsection 28 (1) or 28.1.2 (19);
- (b) a regulation respecting activities permitted under subsection 28 (3) or (4) or a regulation made under section 28.5;
- (c) the conditions of a permit that was issued under section 28.1, 28.1.1 or 28.1.2 or under a regulation made under clause 28.5 (1) (c); or
- (d) a stop order issued under section 30.4. 2020, c. 36, Sched. 6, s. 21.

Penalty

(2) A person who commits an offence under subsection (1) is liable on conviction,

- (a) in the case of an individual,
 - (i) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both, and
 - (ii) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a corporation,
 - (i) to a fine of not more than \$1,000,000, and

- (ii) to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues. 2017, c. 23, Sched. 4, s. 29.

Monetary benefit

- (3) Despite the maximum fines set out in clauses (2) (a) and (b), a court that convicts a person of an offence under clause (1) (a) or (b) may increase the fine it imposes on the person by an amount equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence. 2017, c. 23, Sched. 4, s. 29.

Contravening s. 29 regulations

- (4) Every person who contravenes a regulation made under section 29 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. 2017, c. 23, Sched. 4, s. 29.

Obstruction of officer

- (5) Every person who prevents or obstructs an officer from entering land under section 30.2 or 30.3 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

2020, c. 36, Sched. 6, s. 21 - not in force

Limitation period

30.6 A proceeding shall not be commenced with respect to an offence under subsection 30.5 (1), (4) or (5) more than two years after the day on which the offence first comes to the attention of an officer appointed under section 30.1. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

Rehabilitation orders

30.7 (1) In addition to any other remedy or penalty provided by law, the court, upon convicting a person of an offence under clause 30.5 (1) (a) or (b), may order the convicted person to,

- (a) remove, at the convicted person's expense, any development within such reasonable time as the court orders; and
- (b) take such actions as the court directs, within the time the court may specify, to repair or rehabilitate the damage that results from or is in any way connected to the commission of the offence. 2017, c. 23, Sched. 4, s. 29.

Non-compliance with order

- (2) If a person does not comply with an order made under subsection (1), the authority having jurisdiction may arrange for any removal, repair or rehabilitation that was required of a person under subsection (1) to be carried out. 2017, c. 23, Sched. 4, s. 29.

Liability for certain costs

- (3) The person to whom an order is made under subsection (1) is liable for the cost of any removal, repair or rehabilitation arranged by an authority under subsection (2), and the amount is recoverable by the authority by action in a court of competent jurisdiction. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

PART VIII MATTERS RELATING TO LAND AND WATER USE

31 REPEALED: 2020, c. 36, Sched. 6, s. 22.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 22 - 02/02/2021

Restrictions on projects**Crown land affected**

32 (1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chair or vice-chair of the authority shall be deposited with the Minister, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister. R.S.O. 1990, c. C.27, s. 32 (1).

Interference with public work

(2) Where a project or a part thereof may interfere with a public work of Ontario, the authority shall file with the Minister of Infrastructure a plan and description of the project or a part thereof together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Infrastructure. R.S.O. 1990, c. C.27, s. 32 (2); 1998, c. 15, Sched. E, s. 3 (3); 2011, c. 9, Sched. 27, s. 22.

Interference with highway

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Transportation a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Transportation. R.S.O. 1990, c. C.27, s. 32 (3).

Costs, how to be borne

(4) The cost of rebuilding any road, highway, bridge, public work or any part thereof and the cost of any other work that any of the Ministers of the Crown may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario. R.S.O. 1990, c. C.27, s. 32 (4); 1998, c. 15, Sched. E, s. 3 (4).

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (3, 4) - 01/04/1999

2011, c. 9, Sched. 27, s. 22 - 06/06/2011

Assessment of lands of authority

33 (1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable for municipal purposes by levy under section 312 of the *Municipal Act, 2001* or section 277 of the *City of Toronto Act, 2006*, as the case may be, upon the assessment and classification of such land determined in each year by the Municipal Property Assessment Corporation and the land shall be assessed under the *Assessment Act* as if the works erected by the authority on the land had not been erected. 1997, c. 5, s. 64 (1); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 8.

Assessment of rented property

(2) Despite subsection (1), section 18 of the *Assessment Act* applies with necessary modifications in respect of lands vested in an authority. R.S.O. 1990, c. C.27, s. 33 (2).

Notice

(3) The Municipal Property Assessment Corporation shall deliver or mail to each authority concerned and to the clerk of each municipality in which any of the land is situated a notice setting out the assessment and the classification of the land in the municipality. 1997, c. 5, s. 64 (2); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Reconsideration under *Assessment Act*

(4) The authority may request a reconsideration under section 39.1 of the *Assessment Act*. 1997, c. 5, s. 64 (3).

Appeal to the Assessment Review Board

(5) The authority or the municipality may appeal to the Assessment Review Board under section 40 of the *Assessment Act* and the last day for appealing is the day that is 90 days after the authority or the clerk of the municipality, as applicable, is notified. 2008, c. 7, Sched. A, s. 19.

***Assessment Act* to apply**

(6) The *Assessment Act* applies, with necessary modifications, with respect to a request for a reconsideration or an appeal. 2008, c. 7, Sched. A, s. 19.

(7) REPEALED: 1997, c. 5, s. 64 (3).

Assessment for next year's taxation

(8) The assessment of land under subsection (1) shall be determined by the Municipal Property Assessment Corporation in each year for the purpose of taxation in the following year. R.S.O. 1990, c. C.27, s. 33 (8); 1997, c. 5, s. 64 (4); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Section Amendments with date in force (d/m/y)

1997, c. 5, s. 64 (1-4) - 01/01/1998; 1997, c. 43, Sched. G, s. 19 - 31/12/1998; 1998, c. 3, s. 33 - 11/06/1998

2001, c. 8, s. 203 - 29/06/2001

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 8 - 01/01/2007

2008, c. 7, Sched. A, s. 19 - 14/05/2008

Cemetery lands

34 (1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in the cemetery or other place of interment. R.S.O. 1990, c. C.27, s. 34 (1).

Notice to plot owners

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or the owner's whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein. R.S.O. 1990, c. C.27, s. 34 (2).

Publication of notice

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,

- (a) that the cemetery or other place of interment has been acquired for the purposes of the authority;
- (b) that other land, describing it, has been acquired by the authority for the purpose of reintering the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at the expense of the owner or person if the owner or person obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines. R.S.O. 1990, c. C.27, s. 34 (3).

Removal of bodies

(4) The authority has full power to cause the removal of any body from the cemetery or place of interment to any lands acquired under subsection (1) despite any other Act and to authorize the removal by any other person of the body for reinterment in any other cemetery or place of interment. R.S.O. 1990, c. C.27, s. 34 (4).

Removal of headstones

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment. R.S.O. 1990, c. C.27, s. 34 (5).

Conveyance of lands for reinterment

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed. R.S.O. 1990, c. C.27, s. 34 (6).

Right to use water power

35 (1) The authority has the right to use any water power created upon lands vested in it for its own uses. 1998, c. 15, Sched. E, s. 3 (5).

(2) REPEALED: 2006, c. 3, Sched. D, s. 1.

Obligation to pay

(3) Any person using water power created upon authority lands shall pay to the authority an annual reasonable compensation for the use of the water power. 1998, c. 15, Sched. E, s. 3 (5).

Arbitration

(3.1) Where the authority and a person described in subsection (3) are unable to agree on the amount of the annual compensation, the matter shall be arbitrated under the *Arbitration Act, 1991*. 1998, c. 15, Sched. E, s. 3 (5).

Charge for power

(4) Subject to review by the Minister of Natural Resources, an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power generated from increased head or flow due to the works undertaken by the authority. R.S.O. 1990, c. C.27, s. 35 (4); 1998, c. 15, Sched. E, s. 3 (6).

When section not to apply

(5) This section does not apply to water power reserved to the Crown under the *Public Lands Act*. R.S.O. 1990, c. C.27, s. 35 (5).

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (5, 6) - 01/04/1999

2006, c. 3, Sched. D, s. 1 - 19/10/2006

**PART IX
MISCELLANEOUS**

Assent of electors not necessary

36 Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, the power may be exercised and the duty shall be performed by the council of the municipality without the assent of the electors. R.S.O. 1990, c. C.27, s. 36.

Delegation

36.1 (1) The Minister may in writing delegate any of his or her powers or duties under this Act to an employee in the Ministry specified in the delegation, other than the power to make a regulation under this Act. 2020, c. 36, Sched. 6, s. 23.

Same

(2) A reference in this Act or the regulations to the Minister shall, for the purpose of a delegation under subsection (1), be deemed to be a reference to the delegate. 2020, c. 36, Sched. 6, s. 23.

Section Amendments with date in force (d/m/y)

2020, c. 36, Sched. 6, s. 23 - 02/02/2021

Spending by authority

37 All money that is paid to an authority for specified purposes under this Act may be spent by the authority as it considers proper. 2017, c. 23, Sched. 4, s. 32.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 32 - 12/12/2017

Annual audit

38 (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the *Public Accounting Act, 2004* and shall ensure that the annual audit is prepared in accordance with generally accepted accounting principles for local governments recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada, as they exist from time to time. 2020, c. 36, Sched. 6, s. 24 (1).

Auditor

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his or her professional capacity. R.S.O. 1990, c. C.27, s. 38 (2).

Auditor's report

(3) An authority shall, upon receipt of the auditor's report of the examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. R.S.O. 1990, c. C.27, s. 38 (3).

Report made publicly available

(4) Within 60 days of receiving the auditor's report, an authority shall make the report available to the public on its website and by any other means that the authority considers appropriate. 2020, c. 36, Sched. 6, s. 24 (2).

Section Amendments with date in force (d/m/y)

2004, c. 8, s. 46, Table - 01/11/2005

2020, c. 36, Sched. 6, s. 24 (1, 2) - 02/02/2021

Grants

39 Grants may be made by the Minister to any authority out of the money appropriated therefor by the Legislature in accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 39.

Regulations, Lieutenant Governor in Council

40 (1) The Lieutenant Governor in Council may make regulations,

- (a) governing advisory boards established under subsection 18 (2), including requiring authorities to establish one or more advisory boards and prescribing requirements with respect to the composition, functions, powers, duties, activities and procedures of any advisory board that is established;
- (b) governing programs and services that authorities may provide including,
 - (i) prescribing mandatory programs and services for the purposes of subsections 21.1 (1) and (2),
 - (ii) prescribing Acts for the purposes of subparagraph 1 iv of subsections 21.1 (1), and
 - (iii) respecting standards and requirements applicable to programs and services for the purposes of subsection 21.1 (3);
- (c) governing the apportionment of an authority's capital costs in connection with a project for the purposes of section 25;
- (d) governing reviews under sections 26 and 27.1, including prescribing a body that may conduct such reviews instead of the Ontario Land Tribunal;
- (e) governing the apportionment of an authority's operating expenses for the purposes of section 27, prescribing expenses as operating expenses for the purposes of section 27, governing the amount that participating municipalities are required to pay under section 27, including the fixed amount that a participating municipality may be required to pay under subsection 27 (2), and restricting and prohibiting the apportionment of certain types of operating expenses;
- (f) governing budgetary matters relating to authorities including,
 - (i) prescribing matters as budgetary matters for the purposes of clause 14 (4.0.1) (d) and for the regulations,
 - (ii) respecting the process authorities must follow when preparing a budget and the consultations that are required, and
 - (iii) providing for rules and procedures governing meetings at which budgetary matters are discussed, including the quorum for such meetings and the rules respecting voting on budgetary matters, and providing for those rules and procedures to apply despite anything in section 16.
- (g) REPEALED: 2021, c. 4, Sched. 6, s. 39 (17).
- (h) governing Minister's reviews of decisions made by an authority to refuse to issue a permit or to issue permits subject to conditions that may be requested under subsection 28.1 (8), including prescribing circumstances under which reviews may or may not be requested or conducted;
- (i) governing transitional matters resulting from the implementation of Minister reviews requested under subsection 28.1 (8) and from the coming into force of section 28.1.1;
- (j) governing the issuance of permits by the Minister under section 28.1.1 including prescribing circumstances in which the Minister may or may not make an order under subsection 28.1.1 (1);

- (k) governing transitional matters relating to the repeal of section 28.0.1 by subsection 15 (2) of Schedule 6 of the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* and any permissions that were granted under that section prior to the repeal and the enactment of section 28.1.2;
- (l) governing Minister's reviews requested under subsection 28.1.2 (9) and appeals under subsections 28.1.2 (14) and (15) and specifying circumstances in which a review may not be requested or an appeal may not be made;
- (m) prescribing a body for the purposes of subsection 30.4 (9);
- (n) defining any term that is used in this Act and that is not defined in this Act;
- (o) respecting anything that is necessary or advisable for the proper administration of this Act. 2020, c. 36, Sched. 6, s. 25 (1); 2021, c. 4, Sched. 6, s. 39 (16, 17).

Same

(2) The standards and requirements established for programs and services in a regulation made under clause (1) (b) may include standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency. 2020, c. 36, Sched. 6, s. 25 (1).

Regulations, Minister

- (3) The Minister may make regulations,
- (a) prescribing matters that may be the subject of by-laws made under clause 19.1 (1) (j);
 - (b) respecting the amount of any fee that may be charged by an authority in relation to a program or service, including determining the manner in which the fee is calculated;
 - (c) respecting standards and requirements applicable to programs and services for the purposes of clause 21.1.1 (4) (b) and subsection 21.1.2 (2);
 - (d) prescribing the period for the purposes of paragraph 2 of subsection 21.1.2 (2);
 - (e) prescribing requirements for the purposes of paragraph 3 of subsection 21.1.2 (2);
 - (f) governing consultations that an authority must carry out for the purposes of section 21.1.3;
 - (g) governing the matters to be addressed in a transition plan under section 21.1.4 and prescribing additional matters to be addressed, including requiring the submission to the Ministry of the inventory mentioned in paragraph 1 of subsection 21.1.4 (2);
 - (h) governing the information that authorities must provide to the Minister under section 23.1, including the publication of that information;
 - (i) prescribing a day for the purposes of subsections 25 (1.1) and 27 (1.1);
 - (j) prescribing circumstances for the purposes of subsections 25 (1.3) and 27 (1.3);
 - (k) governing the determination of amounts owed under subsection 27.2 (2). 2020, c. 36, Sched. 6, s. 25 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 40 of the Act is amended by adding the following subsection: (See: 2020, c. 36, Sched. 6, s. 25 (2))

Minister's regulations, ss. 28 to 28.4

- (4) The Minister may make regulations,
- (a) governing the prohibitions set out in section 28, including,
 - (i) prescribing the limits on river and stream valleys for the purposes of subparagraph 2 iii of subsection 28 (1),
 - (ii) determining or specifying areas for the purposes of subparagraph 2 iv of subsection 28 (1),
 - (iii) determining or specifying areas in which development should be prohibited or regulated for the purposes of subparagraph 2 v of subsection 28 (1),
 - (iv) prescribing activities or types of activities to which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities or types of activities may be carried out and any conditions or restrictions that apply to the activity or type of activity,

- (v) prescribing areas in which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities may be carried out in such areas, and any conditions or restrictions that apply to carrying out activities in such areas,
- (vi) defining “development activity”, “hazardous land”, “watercourse” and “wetland” for the purposes of section 28;
- (b) governing applications for permits under section 28.1, the issuance of the permits and the power of authorities to refuse permits, including prescribing requirements that must be met for the issuance of permits under clause 28.1 (1) (c), conditions that may be attached to a permit or circumstances in which a permit may be cancelled under section 28.3 and respecting the period for which a permit is valid under section 28.2;
- (c) defining “pollution” for the purposes of section 28.1;
- (d) prescribing requirements for the purposes of clause 28.1.2 (1) (c);
- (e) governing permits issued under section 28.1.2 including,
 - (i) requiring that permits be issued within a specified time period after the application for the permit is submitted to an authority,
 - (ii) prescribing conditions for the purposes of subsection 28.1.2 (5),
 - (iii) prescribing matters for the purposes of clause 28.1.2 (6) (c);
- (f) prescribing matters for the purposes of clause 28.1.2 (12) (c);
- (g) governing agreements required under subsection 28.1.2 (17) including,
 - (i) prescribing the content of the agreements,
 - (ii) specifying the time within which agreements are to be concluded and signed;
- (h) exempting lands or development projects from section 28.1.2 or from a part of that section or the regulations made under that section, including from the requirement to enter into an agreement under subsection 28.1.2 (17) or from including any provision of an agreement that is prescribed by a regulation under clause (g);
- (i) governing the delegation of powers by an authority under section 28.4 and prescribing any limitations or requirements related to the delegation;
- (j) respecting anything necessary or advisable for the effective implementation or enforcement of sections 28 to 28.4. 2020, c. 36, Sched. 6, s. 25 (2).

General or particular

(5) A regulation made under this section may be general or particular in its application. 2020, c. 36, Sched. 6, s. 25 (3).

Section Amendments with date in force (d/m/y)

2010, c. 16, Sched. 10, s. 1 (4) - 25/10/2010

2017, c. 23, Sched. 4, s. 33 (1, 2) - no effect - see 2019, c. 9, Sched. 2, s. 10 (2) - 06/06/2019; 2017, c. 23, Sched. 5, s. 23 - 03/04/2018

2019, c. 9, Sched. 2, s. 9 (1-3) - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 25 (1, 3) - 01/10/2021; 2020, c. 36, Sched. 6, s. 25 (2) - not in force

2021, c. 4, Sched. 6, s. 39 (16) - 01/10/2021; 2021, c. 4, Sched. 6, s. 39 (17) - 01/06/2021

Rolling incorporations

41 A regulation made under this Act that adopts a document by reference may adopt the document as it may be amended from time to time after the regulation is made. 2017, c. 23, Sched. 4, s. 34.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 34 - 12/12/2017

Français

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LOWER TRENT
CONSERVATION

APPENDIX G

HEARING GUIDELINES

~~May 12, 2016~~

~~Rev 1: April 13, 2017 (Resolution G44/17)~~

~~Rev 2: November 16, 2018 – Admin Updates~~

~~Rev 3: March 26, 2021 February 10, 2022 and~~

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[Appendix G-7: Chair’s Remarks When Dealing with Section 28.0.1 \(7\)](#)

Revision Notes:

[May 12, 2016 – Original Hearing Guidelines – Approved by Board \(Resolution G67/16\)](#)

[Revision 1: April 13, 2017 – Clarifications and Consistency Updates \(Resolution G44/17\)](#)

[Revision 2: November 16, 2018 – Admin Updates](#)

[Revision 3: March 26, 2021 – Include Electronic Hearings](#)

[Revision 4: February 10, 2022 – MZO Hearings and OLT Reference](#)

G-1. PURPOSE OF HEARING GUIDELINES:

~~The purpose of the Hearing Guidelines is to reflect the changes to the 1998 Conservation Authorities Act. The Conservation Authorities Act requires that the applicant be provided with an opportunity for party to a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if, in the opinion of the Authority, the proposal adversely affects the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. The Hearing Board is empowered by law to make a decision, governed by the Statutory Powers Procedures Act (SPPA).~~

~~The Hearing Rules are adopted under the authority of Section 25.1 of the Statutory Powers Procedures Act (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.~~

~~It is the purpose of t~~The Hearing Board shall hear and ~~to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide whether the~~ application will be approved with or without conditions or refused. In the case of hearings related to applications submitted purposed to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Section G-6 for further details.

~~These guidelines have been prepared as an update to previous hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the Conservation Authorities Act. It is expected that hearings meet the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Section G-6 of this document.~~

G-1.1 Hearing Guideline Updates

Note that these Guidelines have been revised based on changes in legislation to incorporate various considerations as noted below:

- Revised in May 2018 - Housekeeping amendments made reflecting changes to appeal process as a result of the *Building Better Communities and Conserving Watersheds Act, 2017* and subsequent *Order in Council*. Note: changes to appeal process are no longer valid.
- Revised in March 2021 - Amendments made to incorporate the use of electronic hearings.
- Revised in February 2022 - Amendments made to incorporate hearings under 28.0.1 and update references to the Ontario Land Tribunal (OLT).

G-1.2 Additional Hearing Considerations – 2021

With the passage of *Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, a new section of the Conservation Authorities Act came into force. Section 28.0.1 (Permission for development, zoning order) applies to applications for permission submitted to an Authority where a

zoning order has been made by the Minister of Municipal Affairs and Housing authorizing the proposed development project. While the Act outlines that the Authority must issue these permissions, an Authority has the ability to attach conditions to the permission. In the case of these applications for permission, applicants must be given the opportunity for a hearing before the Authority, prior to conditions being attached.

As such, hearings under section 28.0.1 of the Act differ from those under section 28, in that the intent of the hearing is not to determine whether or not to issue a permission, but rather, to finalize the conditions of a permission. The purpose of the interim update to the Hearing Guidelines is to incorporate direction for hearings under section 28.0.1 of the Conservation Authorities Act in Section G-6 of this document.

Further, with the passage of Bill 245, Accelerating Access to Justice Act, 2021, on June 1st, 2021 the Local Planning Appeal Tribunal, Environmental Review Tribunal, Board of Negotiation, Conservation Review Board and Mining and Lands Tribunal were merged into a new single tribunal called the Ontario Land Tribunal (OLT). Amendments have been throughout the Hearing Guidelines to update references to the Mining and Lands Tribunal to now reference the Ontario Land Tribunal.

G-2. PRE-HEARING PROCEDURES

G-2.1 ~~Apprehension of Bias~~ Role of the Hearing Board

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

- a) No member of the Authority taking part in the hearing should have prior involvement with the application 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 reasonable 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 councillor, the *Municipal Conflict of Interest Act* applies. In the case of preciously expressed opinion, the test is that of an open mind, i.e. is the member capable of ~~persuasion~~ persuasion in participating in the decision making. be involved, either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of an apprehension of bias which could jeopardize the hearing.
- b) If material relating to the merits of an application that is the subject of a ~~hearing~~ Hearing is distributed to Board members before the ~~hearing~~ Hearing, the material should be distributed to the applicant. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed to the applicable parties electronically.
- c) ~~In instances where the Authority (or Executive Committee) requires a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse an application for permission, care must be taken to avoid making a final decision until such time as a hearing is held~~ The applicant will be given an opportunity to attend the Hearing before a

decision is made; however, the applicant does not have to be present for a decision to be made.

G-2.2 Application

An applicant has the right to a hearing when:

- staff are recommending refusal of an application because it doesn't comply with the approved policies;
- Staff are unable to approve the permit application because the application does not comply with approved policies; or
- the applicant objects to the conditions of approval.

The applicant is entitled to reasonable notice of the hearing pursuant to the *Statutory Powers Procedures Act*.

G-2.3 Notice of Hearing

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain the following:

- a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act)
- b) The date, time, place and the purpose of the hearing, or for electronic hearings: the time, purpose of the hearing, and details about the manner in which the hearing will be held. Note: for electronic hearings the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.
- c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing. Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.
- d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so they can be adequately prepared for the hearing. It is sufficient to reference in the Notice of Hearing that the 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 applicant that the hearing may proceed in the applicant's absence and that the applicant 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 applicant 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 and/or staff.

f)g) A copy of the Authority's Hearing Guidelines.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail or other method where confirmation of delivery can be verified.

Refer to **Appendix G-1** for an example **Notice of Hearing**.

G-2.4 Pre-submission of Reports

It is the practice of the Lower Trent Region Conservation Authority to submit reports to the Board members in advance of the hearing (i.e., inclusion on an Authority Agenda) and the applicant will be provided with the same opportunity. The applicant will be given 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 staff hearing reports. The applicant will be required to provide sufficient copies of this report for inclusion in the Agenda.

G-2.5 Hearing Information

Prior to the hearing, the applicant should be advised of the local Conservation Authority's hearing procedures. (a copy of this document should be provided with the staff report).

G-3. HEARING

G-3.1 Public Hearing

Pursuant to 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.

G-3.2 Hearing Participants

The Conservation Authorities Act does not provide for third party status at the ~~local~~ hearing. The Hearing however is open to the public. While others may be advised of the local hearing, any Any information provided by third parties that they provide should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff as appropriate.

G-3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the remaining members can continue with the Hearing and render a decision. hearing must be adjourned and resumed when either the member returns or if the hearing proceeds, even in the event of an adjournment, only those members who were present after the member left can sit to the conclusion of the hearing.

G-3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held. Any adjournments form part of the hearing record.

G-3.5 Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix G-2**.

G-3.6 Information Presented at Hearings

- a) The *Statutory Powers Procedure Act* requires that a witness be informed of ~~his~~their right to object pursuant to the *Canada Evidence Act*. The *Canada Evidence Act* indicates that a witness shall not 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 members 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 Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- d) Privileged information, such as solicitor/client correspondence, cannot be heard.
- e) Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- f) The Board 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 information to establish their truth.

G-3.7 Conduct of Hearing

G-3.7.1 Record of Attending Hearing Board Members

A record should be made of the members of the Hearing Board.

G-3.7.2 Opening Remarks

The Hearing Board_Chair should convene the hearing with opening remarks which; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the *Canada Evidence Act*. Please reference **Appendix G-3** for the Opening Remarks Template. In an electronic hearing, all the parties and members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

G-3.7.3 Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation should be properly indexed and received.

Staff of the Authority should not submit new technical information at the Hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

G-3.7.4 Presentation of Applicant Information

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beaches, pollution or conservation of land? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

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

The applicant should not submit new technical information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

G-3.7.5 Questions

Members of the Hearing Board 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. Staff will be given an opportunity to respond to questions posed by either the Board or the applicant. Staff may also rebut comments or pose questions to the applicant at this time.

Pursuant to the *Statutory Powers Procedure Act*, the Board 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.

G-3.7.6 Deliberation

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise the applicant of the Board's decision. The Board members should not discuss the hearing with others prior to the decision of the Board being finalized.

G-4. DECISION

The applicant must receive written notice of the decision. The applicant should be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the [Mining and Ontario Lands Tribunal](#).

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

G-4.1 Notice of Decision

The decision notice should include the following information:

- a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- b) The decision to refuse or approve the application. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail or other method where confirmation of delivery can be verified.

A sample Notice of Decision and cover letter has been included as **Appendix G-4**. Note that if the decision of the Board is to approve the application, the written notice of decision can be included as part of the Permit Cover Letter. An example of Permission Granted through Hearing has been included as **Appendix G-5**.

G-4.2 Adoption

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

G-5. RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the [Mining and Ontario Lands Tribunal](#). The record must include the following:

- a) The application for the permit.
- b) The Notice of Hearing.
- c) Any orders made by the Board (e.g. for adjournments).
- d) All information received by the Board.
- e) Attendance of Hearing Board members.

- e)f) The transcript/minutes, if one exists, of the oral presentations made at the hearing.
- f)g) The decision and reasons for decision of the Board.
- g)h) The Notice of Decision sent to the applicant.

G-6. Hearings Under Section 28.0.1 of the Conservation Authorities Act

Section 28.0.1 of the Conservation Authorities Act came into force with the Royal Assent of *Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*. This section applies to any application submitted to an authority under a regulation made under Section 28 of the Act for permission to carry out all or part of a development project associated with an approved Minister's Zoning Order (MZO). For such applications, an Authority must grant permission to the applicant to carry out the activity, provided an MZO has been made by the Minister of Municipal Affairs and Housing, and provided that the authority's regulated area in which the development activity is proposed to take place is not located in the Greenbelt Area designated under section 2 of the Greenbelt Act. A permission which is granted under s.28.0.1 may be subject to conditions as prescribed by the issuing Authority.

Understanding that an Authority must grant permission for applications submitted pursuant to an approved MZO (pending the above-noted conditions are met), hearings for these applications differ from those under Section 28(12) of the Act, in that a hearing cannot be held to determine if a permission should be refused. The Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. Per s.28.0.1 (7) of the Act, the applicant for a permission will be given the opportunity to be heard by the Authority prior to any conditions being attached to the granted permission.

The following table is intended to provide a step-by-step process to conducting hearings required under Section 28.0.1 (7) of the Conservation Authorities Act. It is recognized that much of the guidance provided in the body of the Section 28 Hearing Guidelines will be applicable to the s. 28.0.1 (7) hearing process. Where processes differ, the table outlines the necessary considerations for the s. 28.0.1 (7) processes. Where the processes are the same, the table refers to the appropriate sections of the Section 28(3) hearing guidelines.

<u>Sections of the <i>Section 28 Conservation Authorities Act Hearing Guidelines</i></u>	<u>Specific Guidance and/or Processes for S. 28.0.1 (7) Hearings</u>
<u>1.0 Purpose of Hearing Guidelines</u>	<u>The <i>Conservation Authorities Act</i> requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. In the case of hearings related to applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority must grant permission to the applicant, provided the requirements set out under this section are met. In this scenario, a</u>

APPENDIX G – HEARING GUIDELINES

	<p><u>hearing will only be held to determine conditions which will be attached to a permission.</u></p> <p><u>Further, 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. In the case of applications submitted pursuant to s. 28.0.1 of the Conservation Authorities Act, the Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. The Hearing Board is empowered by law to make a decision, governed by the Statutory Powers Procedures Act.</u></p> <p><u>The Hearing Rules are adopted under the authority of Section 25.1 of the Statutory Powers Procedures Act (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.</u></p> <p><u>The Hearing Board 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 purposed to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Section G-6 for further details.</u></p> <p><u>These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the Conservation Authorities Act. It is hoped that the guidelines will ensure that hearings meet the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Section G-6</u></p>
<u>2.0 Prehearing Procedures</u>	<u>Not applicable to S.28.0.1(7) hearings</u>

APPENDIX G – HEARING GUIDELINES

<p><u>2.1 Role of the Hearing Board</u></p>	<p><u>In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias.</u></p> <p><u>The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.</u></p> <p><u>(a) No member of the Authority taking part in the hearing should have prior involvement with the application 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 councillor, the <i>Municipal Conflict of Interest Act</i> 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</u></p> <p><u>(b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, 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.</u></p> <p><u>(c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.</u></p> <p><u>(d) Where a hearing is required for applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i> (e.g., to determine the conditions of the permission), final decisions on the conditions shall not be made until such a time as the applicant has been given the opportunity to attend a hearing.</u></p>
<p><u>2.2 Application</u></p>	<p><u>The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. Additionally, in the case of applications submitted pursuant to s. 28.0.1 of the CA Act, the authority shall not attach conditions to a permission unless the applicant has been given an opportunity to be heard by the authority. The applicant is entitled to reasonable notice of the hearing pursuant to the <i>Statutory Powers Procedures Act</i>.</u></p>
<p><u>2.3 Notice of Hearing</u></p>	<p><u>Refer to Section 2.3</u></p>
<p><u>2.4 Presubmission of Reports</u></p>	<p><u>Refer to Section 2.4</u></p>

APPENDIX G – HEARING GUIDELINES

<u>3.0 Hearing</u>	<u>Not applicable to S.28.0.1(7) hearings</u>
<u>3.1 Public Hearing</u>	<u>Refer to Section 3.1</u>
<u>3.2 Hearing participants</u>	<u>Refer to Section 3.2</u>
<u>3.3 Attendance of Hearing Board Members</u>	<u>Refer to Section 3.3</u>
<u>3.4 Adjournments</u>	<u>Refer to Section 3.4</u>
<u>3.5 Orders and Directions</u>	<u>Refer to Section 3.5</u>
<u>3.6 Information Presented at Hearings</u>	<u>Refer to Section 3.6</u>
<u>3.7 Conduct of Hearing</u>	<u>N/A</u>
<u>3.7.1 Record of Attending Hearing Board Members</u>	<u>Refer to Section 3.7.1</u>
<u>3.7.2 Opening Remarks</u>	<u>Refer to Section 3.7.2</u>
<u>3.7.3 Presentation of Authority Staff Information</u>	<u>Refer to Section 3.7.3</u>
<u>3.7.4 Presentation of Applicant Information</u>	<u>Refer to Section 3.7.4</u>
<u>3.7.5 Questions</u>	<u>Refer to Section 3.7.5</u>
<u>3.7.6 Deliberation</u>	<u>Refer to Section 3.7.6</u>
<u>4.0 Decision</u>	<u>Refer to Section 4.0</u>
<u>4.1 Notice of Decision</u>	<p><u>The decision notice should include the following information:</u></p> <p><u>(a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.</u></p> <p><u>(b) The decision to refuse or approve the application, and in the case of applications under s. 28.0.1 of the CA Act, the decision to approve the application with or without conditions. A copy of the Hearing Board resolution should be attached.</u></p> <p><u>It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as Appendix G-4.</u></p>
<u>4.2 Adoption</u>	<u>Refer to section 4.2</u>
<u>5.0 Record</u>	<u>Refer to Section 5.0</u>
<u>Appendix G-6</u>	<u>A new Appendix G-6 has been prepared which provides an example “Notice of Hearing” for hearings under Section 28.0.1 (7) of the Conservation Authorities Act</u>
<u>Appendix G-7</u>	<u>A new Appendix G-7 has been prepared which provides an example “Notice of Decision” for hearings under Section 28.0.1 (7) of the Conservation Authorities Act</u>

Appendix G-1

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,

R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by **XXXXXX**

FOR THE PERMISSION OF THE

CONSERVATION AUTHORITY

Pursuant to Regulations made under

Section 28, Subsection 12 of the said Act

TAKE NOTICE THAT a Hearing before the Full Board of the Lower Trent Region Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority located at 714 Murray Street, RR #1 Trenton, Ontario K8V 5P4- at the hour of , **on the day of , 20__**, [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 order to ensure no adverse effect on **(the control of flooding, erosion, dynamic beaches or pollution or, conservation of land./alter or interfere with a watercourse or wetland)** 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 Board for the meeting of **(meeting number)**. If you intend to appear, [for electronic hearings: or if you believe holding the hearing is likely to cause significant prejudice], please contact **(name)**. Written material will be required by **(date)**, to enable the Hearing Board members to review the material prior to the meeting.

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

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Hearing Board of the

APPENDIX G – HEARING GUIDELINES

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

DATED the ___ day of, _____20__.

The Board of Directors of the Lower Trent Region Conservation Authority

Per:

Staff Member, Title: _____

Chief Administration Officer/ Secretary Treasurer: _____

|

Appendix G-2

HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chair's opening remarks. For electronic hearings, the Chair shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
3. Staff will introduce to the Hearing Board the applicant/owner, his agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority agenda.
6. The applicant and/or his agent will speak and also make any comments on the staff report, if he so desires.
7. The Hearing Board will allow others to speak, and, if necessary, the applicant in rebuttal.
8. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
9. The Hearing Board will move into camera. For electronic hearings, the Hearing Board will separate from the other participants.
10. Members of the Hearing Board will move and second a motion.
11. A motion will be carried which will culminate in the decision.
12. The Hearing Board will move out of camera. For electronic meeting, the Hearing Board will reconvene with other participants.
13. The ~~Chairman~~Chairperson or Acting ~~Chairman~~Chairperson will advise the owner/applicant of the Hearing Board decision.
14. If decision is "to refuse" or "approve with conditions", the ~~Chairman~~Chairperson or Acting ~~Chairperson~~man shall notify the owner/applicant of his/her right to appeal the decision to the ~~Mining and Ontario~~Land Tribunal within 30 days of receipt of the reasons for the decision.
15. Motion to move out of Hearing Board and sit as the Board of Directors.

Appendix G-3

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 163/06.

Date: Month XX, XXXX
O.Reg. 163/06: Permit Application # RP-XX-XXX
Applicant: Name

We are now going to conduct a hearing under Section 28 of the Conservation Authorities Act in respect of an application by _____, for permission to:_____

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 effect on the control of flooding, erosion, dynamic beaches, pollution or conservation of land, or to permit alteration to a shoreline or watercourse or interference with a wetland. This Hearing is about granting permission to develop under the Authority regulations; a separate matter from approvals under the *Planning Act*.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding this hearing, the Hearing Board is to determine whether or not a permit is to be issued, with or without conditions. In doing so, 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. It is not our place to suggest alternative development methods.

It is to be noted that if the Hearing Board decision is "to refuse" or not support the proposed work within the permit submission, the Chair~~man~~ or Acting Chair~~man~~ shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunals.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question. The procedure in general shall be informal without the evidence before it being given under oath or affirmation.

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

APPENDIX G – HEARING GUIDELINES

At this time, if any member of this Board has intervened on behalf of the Applicant with regards to this matter, they should recuse themselves so there is no apprehension of bias and that a fair and impartial Hearing may be conducted.

Appendix G-4

(Date) BY REGISTERED MAIL

(name), (address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28(12) of the Conservation Authorities Act

Proposed Residential Development

Lot, Plan ; ?? Drive, City of

(Application #)

In accordance with the requirements of the Conservation Authorities Act, the Lower Trent Region Conservation Authority provides the following Notice of Decision:

On **(meeting date and number)**, the Hearing Board of the Lower Trent Region Conservation Authority refused/approved your application/approved your application with conditions. A copy the Board's Resolution # _____ has been attached for your records. Please note that this decision is based on the following reasons: **(the proposed development/alteration to a watercourse adversely affects the control of flooding, erosion, dynamic beaches, pollution or conservation of land.)**

In accordance with Section 28 (15) of the Conservation Authorities Act, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the [Mining and Ontario Lands Tribunal](#). For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

~~Office of the Mining and Ontario~~ Lands Tribunal
~~700-655~~ Bay Street, ~~24th Floor, Box 2400~~ Suite 1500
 Toronto, Ontario M5G ~~1Z6~~1E5

A carbon copy of this letter should also be sent to Lower Trent Region Conservation Authority. Should you require any further information, please do not hesitate to contact **(staff contact)** or the undersigned.

Yours truly,

Chief Administration Officer/ Secretary Treasurer

Enclosure

Appendix G-5

Date

FILE #: RP-XX-XXX

PERMIT#: P-XX-XXX

Name of Applicant

Address of Applicant

ATTENTION: It is important that you read and understand the contents of this letter and ensure that all necessary parties (i.e., landowner(s) and anyone conducting site works) are aware of any special mitigation requirements contained herein.

RE: Location where Permission Applies

Application for permission to (development, interference and/or alteration) pursuant to Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.*

As you are aware, your application to allow for (Proposed development/interference/alteration) on the property noted above was heard and approved by the Lower Trent Region Conservation Authority's (LTC) Hearing Board on Hearing Date. The following resolution was passed (draft resolution for final approval at the upcoming LTC's Board of Directors' meeting – Next Meeting Date):

RES: HC2/17 Moved by: Board Member Seconded by: Board Member
THAT the permit application RP-XX-XXX by Applicant for permission (development/interference/alteration) in the (Regulated Area) be approved.
Carried

Please accept this letter as formal notice of the decision of the Hearing Board.

The proposed (development/alteration/interference) is situated within regulated areas associated with (Regulated Area). Attached you will find a copy of Permit No. P-XX-XXX issued for the works noted above in accordance with Ontario Regulation 163/06. The permit has been issued based on the information, plans and specifications submitted with the application as well as your acceptance of the general conditions of approval detailed in the application. The plans and specifications are attached as part of the approved documentation.

The following mitigation measures are expected to be implemented as part of the approval from LTC:

- 1) *Listed Conditions of Permission;*

Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.

Appendix G-6

NOTICE OF HEARING

(Subsection 28.0.1 (7) of the Conservation Authorities Act)

IN THE MATTER OF

The Conservation Authorities Act, R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under Section 28.0.1, Subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28.0.1, Subsection 7 of the Conservation Authorities Act at the offices of the said Authority (located at 714 Murray Street, RR #1 Trenton, Ontario K8V 5P4), at the hour of XX:XX, on the XX day of XXX, 20XX, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (NAME) to permit development within an area regulated by the Authority in association with a Minister's Zoning Order (REGULATION NUMBER) on Lot, Plan/Lot, Concession, (Street) 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 Executive 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 28.0.1 of the Conservation Authorities Act, a conservation authority is required to grant the permission applied for and may only impose conditions to the permission. The Hearing will therefore focus on the conditions to be imposed to the granting of the permission.

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 Executive 24 Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any

APPENDIX G – HEARING GUIDELINES

further notice in the proceedings.

DATED the day of , 202X

The Executive Committee of the Conservation Authority

Per:

Chief Administrative Officer/Secretary-Treasurer

Appendix G-7

HEARING BOARD CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS

(Section 28.0.1, Subsection 7 of the Conservation Authorities Act)

WITH RESPECT TO ONTARIO REGULATION 163/06.

We are now going to conduct a hearing under section 28.0.1 of the Conservation Authorities Act in respect of an application by _____, for permission to: _____

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.

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 Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28.0.1 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive 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 5 of the *Canada Evidence Act*, a witness may refuse 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 Board or of the Authority representative, they must be directed to the Chairperson of the board.



LOWER TRENT
CONSERVATION

APPENDIX H

LTC JURISDICTION INFORMATION

February 10, 2022



ONTARIO

EXECUTIVE COUNCIL OFFICE

OC-1962/68

Copy of an Order in-Council approved by His Honour the Lieutenant Governor, dated the 16th day of May, A.D. 1968.

The Committee of Council have had under consideration the report of the Honourable the Minister of Energy and Resources Management, dated the 8th day of May, 1968, wherein he states that, -

WHEREAS under Section 5 of The Conservation Authorities Act resolutions have been received from the Villages of Colborne and Frankford and the Townships of Brighton, Cramahe and Haldimand, being five municipalities situate wholly within an area comprising:

- (i) that part of the Trent River watershed within the municipalities of the Towns of Campbellford and Trenton, the Villages of Brighton, Colborne, Frankford, Hastings and Stirling and the Townships of Alwick, Brighton, Cramahe, Haldimand, Huntingdon, Murray, Percy, Rawdon, Seymour and Sidney, except the watersheds of the* Crowe River and other streams entering the north side of the Trent River west of the mouth of the Crowe River,
- (ii) the watersheds of all streams entering the Bay of Quinte between the mouth of the Trent River and the point where the west boundary of the Meyers Creek watershed meets the shore of the Bay of Quinte, and
- (iii) the watersheds of all streams within the County of Northumberland entering the Bay of Quinte and Lake Ontario between the mouth of the Trent River and the point where the west boundary of the Township of Haldimand meets the shore of Lake Ontario,

requesting the Minister of Energy and Resources Management to call a meeting for the consideration of the establishment of a Conservation Authority for such watersheds;

AND WHEREAS a meeting for the consideration of the establishment of a Conservation Authority was called for the 30th day of April, 1968, in the Ontario Department of Agriculture

Office, Dundas Street, Brighton, Ontario, notice of which was sent by registered letter to the following municipalities:

The Township of Alwick,
 The Village of Brighton,
 The Township of Brighton,
 The Town of Campbellford,
 The Village of Colborne,
 The Township of Cramahe,
 The Village of Frankford,
 The Township of Haldimand,
 The Village of Hastings,
 The Township of Huntingdon,
 The Township of Murray,
 The Township of Percy,
 The Township of Rawdon,
 The Township of Seymour,
 The Township of Sidney,
 The Village of Stirling,
 The Town of Trenton.

AND WHEREAS the meeting was held as called and the following municipalities were represented by one representative each:

The Township of Alwick,
 The Village of Brighton,
 The Township of Brighton,
 The Town of Campbellford,
 The Village of Colborne,
 The Township of Cramahe,
 The Township of Haldimand,
 The Township of Huntingdon,
 The Township of Murray,
 The Township of Percy,
 The Township of Rawdon,
 The Township of Sidney,
 The Village of Stirling,

and the Town of Trenton was represented by two representatives;

AND WHEREAS a resolution was passed 11 in favour and 5 opposed by the representatives present, requesting the establishment of a Conservation Authority for:

- (i) that part of the Trent River watershed within the municipalities of the Towns of Campbellford and Trenton, the Villages of Brighton, Colborne, Frankford, Hastings and Stirling and the Townships of Alwick, Brighton, Cramahe, Haldimand, Huntingdon, Murray, Percy, Rawdon, Seymour and Sidney, except the watersheds of the Crowe River and other streams entering the north side of the Trent River west of the mouth of the Crowe River,

- (ii) the watersheds of all streams entering the Bay of Quinte between the mouth of the Trent River and the point where the west boundary of the Meyers Creek watershed meets the shore of the Bay of Quinte, and
- (iii) the watersheds of all streams within the County of Northumberland entering the Bay of Quinte and Lake Ontario between the mouth of the Trent River and the point where the west boundary of the Township of Haldimand meets the shore of Lake Ontario;

The Honourable the Minister of Energy and Resources Management therefore recommends that under Sections 3 and 5 of The Conservation Authorities Act, a Conservation Authority be established with jurisdiction over:

- (i) that part of the Trent River watershed within the municipalities of the Towns of Campbellford and Trenton, the Villages of Brighton, Colborne, Frankford, Hastings and Stirling and the Townships of Alwick, Brighton, Cramahe, Haldimand, Huntingdon, Murray, Percy, Rawdon, Seymour and Sidney, except the watersheds of the Crowe River and other streams entering the north side of the Trent River west of the mouth of the Crowe River,
- (ii) the watersheds of all streams entering the Bay of Quinte between the mouth of the Trent River and the point where the west boundary of the Meyers Creek watershed meets the shore of the Bay of Quinte, and
- (iii) the watersheds of all streams within the County of Northumberland entering the Bay of Quinte and Lake Ontario between the mouth of the Trent River and the point where the west boundary of the Township of Haldimand meets the shore of Lake Ontario;

And that the Conservation Authority be known as THE LOWER TRENT REGION CONSERVATION AUTHORITY:

And that the participating municipalities in The Lower Trent Region Conservation Authority be:

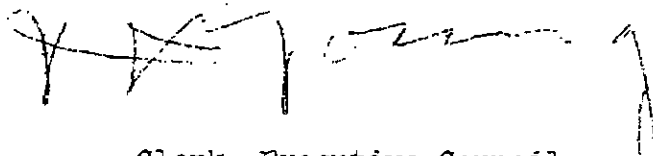
The Township of Alwick,
 The Village of Brighton,
 The Township of Brighton,
 The Town of Campbellford,
 The Village of Colborne,
 The Township of Cramahe,
 The Village of Frankford,
 The Township of Haldimand,
 The Village of Hastings,

4

The Township of Huntingdon,
The Township of Murray,
The Township of Percy,
The Township of Rawdon,
The Township of Seymour,
The Township of Sidney,
The Village of Stirling,
The Town of Trenton.

The Committee of Council concur in the recommendation of the Honourable the Minister of Energy and Resources Management and advise that the same be acted on.

Certified,



Clerk, Executive Council.



ONTARIO

EXECUTIVE COUNCIL OFFICE

OC-3566/72

Copy of an Order-in-Council approved by His Honour the Lieutenant Governor, dated the 22nd day of November, A.D. 1972.

The Committee of Council have had under consideration the report of the Honourable the Minister of Natural Resources, dated November 7th, 1972, wherein he states that,

WHEREAS The Lower Trent Region Conservation Authority, hereinafter referred to as "the Authority", was established by Order-in-Council numbered OC-1962/68 and dated May 16, 1968 with jurisdiction over the watersheds mentioned therein;

AND WHEREAS under section 9 of The Conservation Authorities Act, the Minister of Natural Resources, by resolution of the council of the Corporation of the Township of Sidney, which corporation is hereinafter referred to as "the Township", was requested to call a meeting to consider the enlargement of the area over which the Authority has jurisdiction to include certain additional watersheds;

AND WHEREAS a meeting was called for the 12th day of October, 1972, at the municipal offices of the Township by letter to the Township, being the only municipality either wholly or partly within the watersheds to be included, and by letter to the Secretary-Treasurer of the Authority;

AND WHEREAS the meeting was held as called with the Township being represented by one representative and with the Authority being represented by fifteen of the eighteen municipally appointed members, thus constituting a quorum;



ONTARIO

EXECUTIVE COUNCIL OFFICE

- 2 -

AND WHEREAS a joint resolution requesting the enlargement of the area under the jurisdiction of the Authority by the inclusion of the hereinafter mentioned watersheds was passed by unanimous vote of the municipal representative and the members of the Authority present;

The Honourable the Minister of Natural Resources therefore recommends that under section 9 of The Conservation Authorities Act, effective the first day of January, 1973 the area over which the Authority has jurisdiction be enlarged by the addition of the watersheds of all streams flowing into the Bay of Quinte from the point where the eastern boundary of the Authority meets the shore of the Bay of Quinte to the point where the western boundary of the Potter Creek (Jones Creek) watershed meets the shore of the Bay of Quinte.

The Committee of Council concur in the recommendation of the Honourable the Minister of Natural Resources and advise that the same be acted on.

Certified,

A handwritten signature in black ink, appearing to read "J. F. [unclear]".

Clerk, Executive Council.

TO HIS HONOUR

THE LIEUTENANT GOVERNOR IN COUNCIL:

WHEREAS The Lower Trent Region Conservation Authority, hereinafter referred to as "the Authority", was established by Order-in-Council numbered OC-1962/68 and dated May 16, 1968 with jurisdiction over the watersheds mentioned therein;

AND WHEREAS under section 9 of The Conservation Authorities Act, the undersigned, by resolution of the council of the Corporation of the Township of Sidney, which corporation is hereinafter referred to as "the Township", was requested to call a meeting to consider the enlargement of the area over which the Authority has jurisdiction to include certain additional watersheds;

AND WHEREAS a meeting was called for the 12th day of October, 1972, at the municipal offices of the Township by letter to the Township, being the only municipality either wholly or partly within the watersheds to be included, and by letter to the Secretary-Treasurer of the Authority;

AND WHEREAS the meeting was held as called with the Township being represented by one representative and with the Authority being represented by fifteen of the eighteen municipally appointed members, thus constituting a quorum;

AND WHEREAS a joint resolution requesting the enlargement of the area under the jurisdiction of the Authority by the inclusion of the hereinafter mentioned watershed was passed by unanimous vote of the municipal representative and the members of the Authority present;

- 2 -

NOW THEREFORE the undersigned has the honour to recommend that under section 9 of The Conservation Authorities Act, effective the first day of January, 1973 the area over which the Authority has jurisdiction be enlarged by the addition of the watersheds of all streams flowing into the Bay of Quinte from the point where the eastern boundary of the Authority meets the shore of the Bay of Quinte to the point where the western boundary of the Petter Creek (Jones Creek) watershed meets the shore of the Bay of Quinte.

Minister of Natural Resources

Toronto, November 7th, 1972.



Executive Council

A.4.3

O.C. 3336/75

Copy of an ~~Order-in-Council~~ approved by Her Honour the Lieutenant Governor, dated the 3rd day of December, A.D. ~~1975~~.

The Committee of Council have had under consideration the report of the Honourable the Minister of Natural Resources, wherein he states that,

WHEREAS The Corporation of the Separated Town of Trenton has applied to The Lower Trent Region Conservation Authority to purchase lands situate in the separated Town of Trenton, in the County of Hastings and Province of Ontario, being composed of those parts of lots 38, 39 and 40 and those parts of Blocks A and B according to Registered Plan No. 230, designated as Parts 6 and 8 according to a Reference Plan deposited in the Land Registry Office for the Registry Division of Hastings as Plan No. 21R 1068 and in consideration therefor has agreed to pay to the Authority the sum of \$17,030.00;

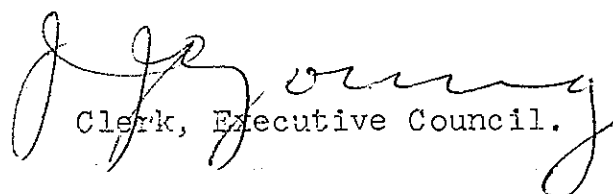
AND WHEREAS under paragraph c of section 20 of The Conservation Authorities Act, a conservation authority has power, subject to the approval of the Lieutenant Governor in Council, to dispose of land acquired by the authority;

-2-

The Honourable the Minister of Natural Resources therefore recommends that under paragraph c of section 20 of The Conservation Authorities Act, The Lower Trent Region Conservation Authority be given approval to sell the lands situate in the separated Town of Trenton, in the County of Hastings and Province of Ontario, being composed of those parts of lots 38, 39 and 40 and those parts of Blocks A and B according to Registered Plan No. 230, designated as Parts 6 and 8 according to a Reference Plan deposited in the Land Registry Office for the Registry Division of Hastings as Plan No. 21R.1068 to The Corporation of the Separated Town of Trenton for the sum of \$17,030.00 or provided that the Authority pays to Her Majesty the Queen in right of Ontario as represented by the Minister of Natural Resources, 65 per cent of the net proceeds of the consideration paid therefor.

The Committee of Council concur in the recommendation of the Honourable the Minister of Natural Resources and advise that the same be acted on.

Certified,


Clerk, Executive Council.



On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that

WHEREAS section 3(2) of the Conservation Authorities Act provides that where a municipality is only partly within a watershed, the Lieutenant Governor in Council may include the whole of the municipality in the area over which the conservation authority has jurisdiction;

AND WHEREAS the Township of Haldimand, the Township of Cramahe, the Township of Brighton, the Township of Murray, the Township of Sidney and the Township of Trenton are participating municipalities of the Lower Trent Region Conservation Authority and have boundaries which extend into Lake Ontario;

THEREFORE pursuant to section 3(2) of the Conservation Authorities Act and section 27(g) of the Interpretation Act, O.C. Number 1962/68 is varied by deleting therefrom the words:

"...., a Conservation Authority be established with jurisdiction over.

- (i) that part of the Trent River watershed within the municipalities of the Towns of Campbellford and Trenton, the Villages of Brighton, Colborne, Frankford, Hastings and Stirling and the Townships of Alwick, Brighton, Cramahe, Haldimand, Huntingdon, Murray, Percy, Rawdon, Seymour and Sidney, except the watersheds of the Crowe River and other streams entering the north side of the Trent River west of the mouth of the Crowe River,
- (ii) the watersheds of all streams entering the Bay of Quinte between the mouth of the Trent River and the point where the west boundary of the Meyers Creek watershed meets the shore of the Bay of Quinte, and

. /2

- 2 -

- (iii) the watersheds of all streams within the County of Northumberland entering the Bay of Quinte and Lake Ontario between the mouth of the Trent River and the point where the west boundary of the Township of Haldimand meets the shore of Lake Ontario;"

And substituting in lieu thereof the words:

"... a Conservation Authority be established with jurisdiction over:

- (i) that part of the Trent River watershed within the municipalities of the Towns of Campbellford and Trenton, the Villages of Brighton, Colborne, Frankford, Hastings and Stirling and the Townships of Alwick, Brighton, Cramahe, Haldimand, Huntingdon, Murray, Percy, Rawdon, Seymour and Sidney, except the watersheds of the Crowe River and other streams entering the north side of the Trent River west of the mouth of the Crowe River,
- (ii) the watersheds of all streams entering the Bay of Quinte between the mouth of the Trent River and the point where the west boundary of the Meyers Creek watershed meets the shore of the Bay of Quinte, and
- (iii) the watersheds of all streams within the County of Northumberland entering the Bay of Quinte and Lake Ontario between the mouth of the Trent River and the point where the west boundary of the Township of Haldimand meets the shore of Lake Ontario;

. /3

- (iv) the watersheds of all streams from the point where the western boundary of the Meyers Creek watershed meets the shore of the Bay of Quinte and the point where the western boundary of the Potter Creek (Jones Creek) watershed meets the shore of the Bay of Quinte.

- (v) That part of the bed of Lake Ontario more particularly described as follows:

COMMENCING at the intersection of the waters edge of Lake Ontario and the easterly boundary of the Township of Hamilton;

THENCE southeasterly along the said easterly boundary to the intersection with a line drawn parallel to and 5.00 kilometres perpendicularly distant from the said waters edge;

THENCE in a generally easterly direction along the said line, every point of which is perpendicularly distant 5.00 kilometres from the said waters edge, to the intersection with the southerly boundary of the Township of Murrarary;

THENCE northerly along the said southerly boundary to the waters edge of Lake Ontario;

THENCE in a generally westerly direction along the said waters edge to the point of commencement.

. /4

(vi) That of the bed of the Bay of Quinte, being part of Lake Ontario, more particularly described as follows:

COMMENCING at the intersection of the waters edge of the Bay of Quinte and the northwesterly boundary of the Township of Ameliasburgh;

THENCE northeasterly along the said northwesterly boundary to the intersection with a line drawn on a course of south 25° 00' east astronomically from the intersection of the said waters edge and the westerly limit of the watershed of Potters Creek;

THENCE on a course of north 25° 00' west astronomically to the waters edge of the Bay of Quinte;

THENCE in a generally southwesterly and southeasterly direction along the said waters edge to the point of commencement.

Certified to be a true copy.

Angene Kellon
Assistant Clerk, Executive Council

Recommended *Incent J. Lewis*
Minister of Natural Resources

Concurred *Murray J. Coste*
Chairman

Approved and Ordered September 1, 1988
Date

R. G. S. [Signature]
Lieutenant Governor

Ministry of Natural Resources
and Forestry
Regional Operations Division
Integration Branch
300 Water Street, 5S
Peterborough, ON K9J 3C7
Tel.: 705-755-1620
Fax.: 705-755-1201

Ministère des Richesses naturelles
et des Forêts
Division des opérations régionales
Direction de l'intégration
300, rue Water, 5S
Peterborough (Ontario) K9J 3C7
Tél.: 705-755-1620
Télééc.: 705-755-1201



Mr. Thomas Thayer
Manager of Legislative Services/Deputy Clerk
Municipality of Trent Hills
P.O. Box 1030
66 Front Street South
Campbellford, ON K0L 1L0

Dear Mr. Thayer

Please accept this letter as confirmation of receipt of your resolution passed at a special meeting called by the Municipality of Trent Hills on March 8, 2018 to enlarge the jurisdiction of the Lower Trent Region Conservation Authority. The Municipality of Trent Hill's letter of notification with the resolution dated March 20, 2018 fulfills the Municipality's requirement pursuant to s.10 (7) of the *Conservation Authorities Act*.

Best regards,

A handwritten signature in blue ink, appearing to read "Kathy Woeller".

Kathy Woeller
A/Director
Integration Branch



Come for a visit. Stay for a lifestyle.

MUNICIPALITY OF TRENT HILLS

P.O. Box 1030

66 Front Street South

Campbellford, ON K0L 1L0

T 705.653.1900 F 705.653.5203

www.trenthills.ca

March 20, 2018

Hon. Nathalie Des Rosiers, Minister
Whitney Block 6th Flr Rm 6630
99 Wellesley Street West
Toronto, ON
M7A 1W3

Re: Proposed Enlargement of the Lower Trent Region Conservation Authority

At the special meeting of the Lower Trent Region Conservation Authority held on March 8, 2018, the following resolution was passed:

Motion No. LTC-SM-20180308-5

Moved by Bill Thompson
Seconded by Jim Alyea

Whereas The Municipality of Trent Hills is partly within the jurisdiction of the Lower Trent Region Conservation Authority;

And whereas The Municipality of Trent Hills deems it beneficial to enlarge the jurisdiction of the Lower Trent Region Conservation Authority to include all of the Municipality of Trent Hills that is not within the jurisdiction of a Conservation Authority;

And whereas The Municipality of Trent Hills has called a special meeting to consider said enlargement of the jurisdiction of the Lower Trent Region Conservation Authority, as per the requirement of the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;

Be it resolved that The jurisdiction of the Lower Trent Region Conservation Authority be enlarged to include all of the Geographic Township of Seymour north of the Trent River and west of the watershed of the Crowe River within the Corporation of the Municipality of Trent Hills, effective immediately;

And that a copy of the Resolution be forwarded to the Minister of Natural Resources and Forestry by the Municipality of Trent Hills, with a copy forwarded to the Lower Trent Region Conservation Authority for their official record.

Member	Disposition
Jim Alyea	In Favour
Ray Bennis	In Favour
Don Clark	In Favour
John Martinello	In Favour
Bob Mullin	In Favour
Eric Sandford	In Favour
Karen Sharpe	In Favour
Mary Tadman	In Favour
Bill Thompson	In Favour
Rick English	In Favour

Carried.

The resolution expands the jurisdiction of the Lower Trent Region Conservation Authority per the enclosed map.

I trust the information provided herein is acceptable. If you have any questions or require clarification, please do not hesitate to contact our office.

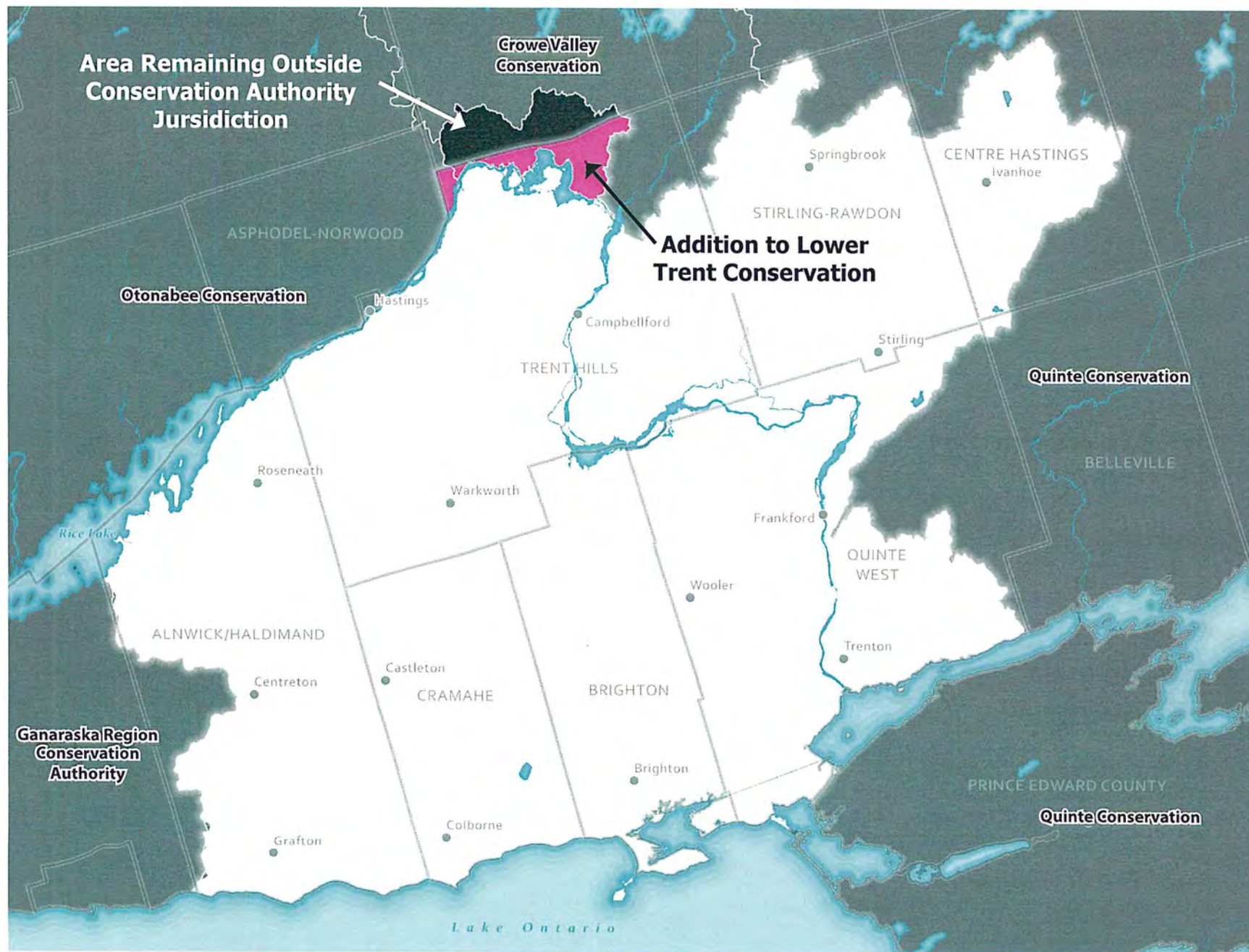
Sincerely,



Thomas Thayer, MSc
Manager of Legislative Services/Deputy Clerk

Encl.

Lower Trent Conservation Boundary Amendment



Ministry of Natural Resources
and Forestry
Regional Operations Division
Integration Branch
300 Water Street, 5S
Peterborough, ON K9J 3C7
Tel.: 705-755-1620
Fax.: 705-755-1201

Ministère des Richesses naturelles
et des Forêts
Division des opérations régionales
Direction de l'intégration
300, rue Water, 5S
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Mr. Thomas Thayer
Manager of Legislative Services/Deputy Clerk
Municipality of Trent Hills
P.O. Box 1030
66 Front Street South
Campbellford, ON K0L 1L0

Dear Mr. Thayer

Please accept this letter as confirmation of receipt of your resolution passed at a special meeting called by the Municipality of Trent Hills on March 8, 2018 to enlarge the jurisdiction of the Lower Trent Region Conservation Authority. The Municipality of Trent Hill's letter of notification with the resolution dated March 20, 2018 fulfills the Municipality's requirement pursuant to s.10 (7) of the *Conservation Authorities Act*.

Best regards,

A handwritten signature in blue ink, appearing to read "Kathy Woeller".

Kathy Woeller
A/Director
Integration Branch



APPENDIX I

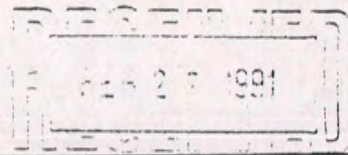
BAY of QUINTE HAZARD INFORMATION

February 10, 2022



Ontario

Ministry of Natural Resources / Ministère des Richesses naturelles



please return to Ernie

21 February 1991

MEMORANDUM TO: Larry Drénnan - Eastern Region
Lower Trent Region Conservation Authority
Moirá River Conservation Authority
Prince Edward Region Conservation Authority
Cataraqú Region Conservation Authority

SUBJECT: 1:100 Year Water Levels in the Bay of Quinte

westward

The above referenced study has been finalized and is being circulated to all Conservation Authorities involved with FDRP digital shoreline mapping projects.

GSC

Briefly, it is recommended that a 1:100 year flood level of 75.9 metres be applied to the shoreline from the boundary of the Lower Trent and Moira River Conservation Authorities, westward through to Youngs Point at the western end of the Adolphus Reach, and a level of 75.8 metres be applied to the remainder of the Bay of Quinte shoreline (see attached map).

For additional information regarding the 1:100 year water levels in the Bay of Quinte, please contact Ralph Moulton of Environment Canada at (416) 336-4580.

The 1:100 year water levels in the St. Lawrence River are currently being reviewed and should be ready for circulation shortly.

M. G. Lewis

M.G. Lewis
Director
Conservation Authorities and Water Management Branch
Room 5620, Whitney Block
Toronto, Ontario M7A 1W3

our maps must be changed to reflect the new elevation of 75.9m

Attachment

AB:ec

cc: Ralph Moulton, Environment Canada

1:100 YEAR WATER LEVELS IN THE BAY OF QUINTE

Background

Calculations of 1:100 year water levels for the FDR program were undertaken for the Great Lakes, including the open shoreline of Lake Ontario. The results of this analysis are contained in the report "Great Lakes System Flood Levels and Water Related Hazards" of February 1989. This analysis utilized data from water level gauge stations, and in areas with no gauges the computer program SURGE was used. The SURGE program makes use of mathematical techniques for calculating surge and contains a database of physiographic and hydrographic information for the Great Lakes. This analysis did not include the Bay of Quinte.

Complexities of the Bay of Quinte

There are no water level gauges within the Bay of Quinte that could be utilized for this analysis. In addition, the SURGE program did not include a database for it. Each point in the SURGE database for Lake Ontario represents an area of ten kilometres by ten kilometres, whereas much of the bay is only about one kilometre wide. In order to represent the bay within the program it would have been necessary to change the scale such that several points across the width of the bay would be included. Hence the scale would need to have been changed by about two orders of magnitude.

Aside from the scale problems, the appropriateness of the SURGE program for the bay was uncertain for two reasons. The first concern relates to the impact of the Murray Canal on the bay. This canal probably constrains the flow of water between the lake and bay, which would influence the magnitude of the surge. The SURGE program is not equipped to handle this type of constraint.

The second concern relates to the convoluted nature of the bay. The SURGE program was designed for use on the Great Lakes which are large, open bodies of water. By contrast, the Bay of Quinte is narrow and twisting in shape. It was uncertain whether SURGE would be appropriate for this type of application.

Other Related Studies

Two previous FDR-funded studies analyzed localized surges within portions of the Bay of Quinte. These studies were for Ameliasburgh and Sophiasburgh Townships and were undertaken by MacLaren Plansearch and Dillon, respectively. Both studies utilized the standard equation for surge and determined that localized surges were less than 10 centimetres at the locations analyzed.

Surge Analysis for the Bay of Quinte

A calculation of localized surge values was made using the standard surge equation of:

$$S = 2.022 * 10^{-7} * U^2 * F/d$$

where

- S - surge in metres
- U - wind velocity in metres per second
- F - fetch in metres

d - depth in metres

These calculations were made for three locations in the Belleville area (north shore) and for Nut Island in Hay Bay. For these analyses, an onshore wind speed of 80 kph was used, as was used in the two studies mentioned in the previous section. For the shore west of the bay bridge at Belleville, a fetch length of 2400 m. and a depth of 6.4 m. was used, resulting in a surge of 4 cm. Between the bridge and Ox Point a fetch of 3200 m. was used along with a depth of 5.5 m., and a surge of 6 cm. was calculated. At Big Bay a fetch of 4800 m. and a depth of 5.8 m. combined to give a surge of 8 cm. The maximum fetch within Hay Bay was 3070 m. at Nut Island and an average depth of 4 m. exists over that fetch. A surge of 8 cm. was determined for Hay Bay.

For the above surge calculations the average depths were determined at a lake level of 75.8 metres, that is, the 1:100 year level. A larger surge could occur for the same wind conditions at a lower lake level since "depth" would be smaller in the above equation, but it is the combination of local surge with lake level that is of importance, and this is maximized when the lake is at the 1:100 year level.

It is important to note that these surge calculations are for surge generated within the Bay of Quinte only. Surge that is generated on Lake Ontario and enters the Bay of Quinte is included in the 1:100 year level of 75.8 metres.

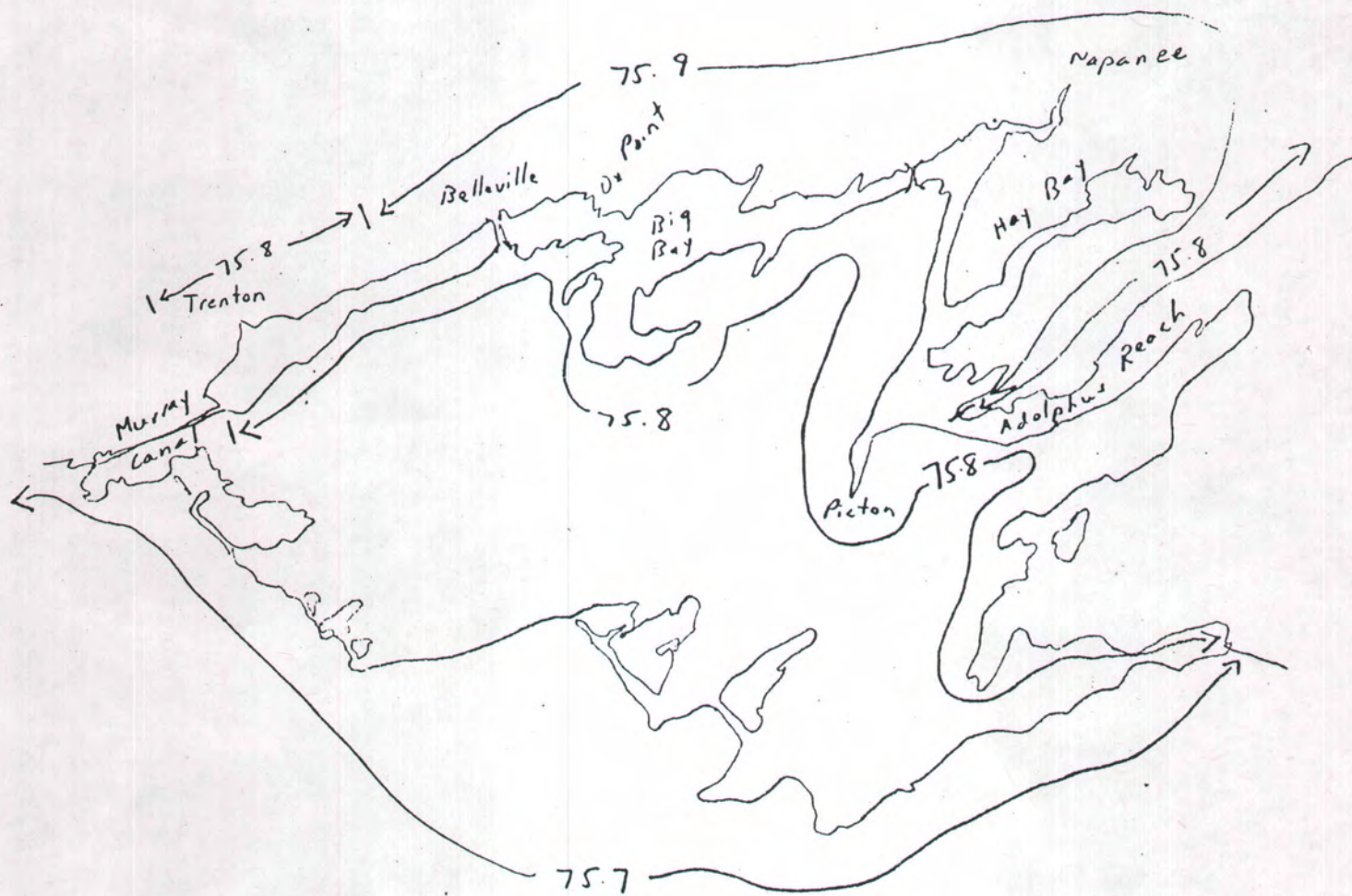
Recommendations

A rigorous determination of flood levels within the Bay of Quinte would require a major study of surge conditions within the bay. However, based on the above discussion and calculations, it would appear that little improvement in accuracy would be gained by such an analysis. Localized surge has not exceeded 10 centimetres during an onshore wind of 80 kph at any of the locations analyzed. It is recommended that 10 centimetres be the upper limit of additional surge added to the appropriate Lake Ontario flood levels for the Bay of Quinte.

The 1:100 year flood level at the Lake Ontario entrance to the Adolphus Reach is 75.8 metres. This flood level would be associated with a west or southwest wind. Winds from these directions would cause localized surge primarily on the mainland portion of the Bay of Quinte, but not on the Prince Edward County portion. Localized surge on the Prince Edward County portion would occur with winds from the northerly through easterly directions, but these winds would also cause a setdown of Lake Ontario levels at the entrances to the Bay of Quinte. This setdown would more than offset the localized setup.

It is recommended that an allowance of 10 centimetres for localized surge be added to the Lake Ontario level at the entrance to the Adolphus Reach for most of the mainland portion of the shoreline, resulting in a flood level of 75.9 metres. This addition is not considered to be necessary for the shoreline of the Adolphus Reach due to its great depth (about 25 to 50 metres), which would virtually eliminate local setup in that area. Near the Murray Canal, the flood level would be affected by the lake flood level at the outlet of the canal, which is 75.7 metres. It is recommended that the 10 centimetre allowance for localized setup be added to this elevation in this area.

In summary, it is recommended that a 1:100 year flood level of 75.9 metres be applied to the shoreline from the boundary of the Lower Trent and Moira CA's ^{east} westward through to Youngs Point at the western end of the Adolphus Reach, and a level of 75.8 metres be applied to the remainder of the Bay of Quinte shoreline.



March, 1992

MEMO Re: Change in Floodline Elevation for the Bay of Quinte

Great Lakes System Flood Levels and Water Related Hazards Report

In February, 1989, a study was completed by the Conservation Authorities and Water Management Branch of the Ministry of Natural Resources which updated flood levels for portions of the Great Lakes including Lake Ontario. The information was largely derived from the Great Lakes Hazard Technical Committee report submitted to the Ministry in November 1988. Based on the findings of this study it was determined by this Authority, as well as our neighbouring authorities, that the Bay of Quinte flood elevation is 75.9m (GSC), a significant decrease from the previous estimate of 76.7.

The flood hazard information and the erosion hazard information being compiled will form the basis for the background Technical Guidelines to accompany the Draft Shoreline Hazard Management Policy Statement. However, the Branch has circulated the updated 100 year flood information to assist authorities in the preparation of shoreline hazard mapping.

M.N.R. Correspondence:

The following points summarize a conversation with Ministry staff concerning the updating of the Authority's floodplain mapping for the Bay of Quinte and the lower portion of the Napanee River.

Larry Drennan

- updating does not have to be done immediately
- if the mapping base is decent, the line could be redrafted on
- new policies are proposed that will consider wave action
- mentioned that a 15m horizontal setback from the floodline could be implemented to account for waves

Norm Goldstein

- when a new study has been completed that proves old data to be wrong, the new data should be applied
- the Authority can guesstimate where the new floodline will be, based on the present contours and spot elevations on the schedules
- the Authority should then send the revised drawings and a letter of explanation to the municipalities involved ("to make things legal and clean")
- Mark Law from the Ministry should be contacted concerning wave uprush and the possibility of applying a 15m setback
- the setback is a "take it or leave it" deal; you either apply it or you don't

Actions/Decisions by Authority Staff

It was decided by Authority staff that the present maps could be revised by delineating the new floodline based on the existing contours and spot elevations. Since the maps were revised, however, problem areas in the maps became evident, particularly in the area of Unger's Island. In the Fall of 1991 staff began surveying the area and it was confirmed that the floodline is far from accurate and further studies will be necessary. Until these problems are corrected the Authority will use the revised mapping, with site inspections where there is some question as to the exact location of the floodline, but the maps will not be sent to the affected municipalities.

It was also decided that there is no need for a 15m setback because of those areas mapped the only area that might be subject to the effects of severe wave action would be the Town of Deseronto and the Town already requires that buildings be set back 80 feet from the floodline.

Lower Trent Region
Conservation Authority

Inter-office Memorandum

Date: June 15, 1995
 Memo to: Planning Staff
 From: Randy
 Re: Bay of Quinte Water Levels

Further to our staff meeting, I have spoken to Ralph Moulton regarding the 1:100 year Bay of Quinte Water Levels. The results of my research are as follows.

The MNR report of February 21, 1991 (attached) does not include wave uprush calculations as I indicated at the planning meeting.

The 0.2 metre uprush factor from the "Canada-Ontario Great Lakes Flood and Erosion Prone Areas" mapping legitimizes the addition of this factor to the 75.8 metre calculation from the 1991 report.

In a report entitled "Great Lakes System- Flood Levels and Water Related Hazards, February, 1989, MNR" (attached), it is recommended that the 15 metre setback for wave uprush is satisfactory for the open lake. The Bay was not calculated. However, a 3 metre setback for wave uprush for the connecting channels was recommended.

Therefore, from a technical perspective, the following values may be used:

75.8 + 0.2 (1:100 yr flood elevation + wind setup + wave uprush)

or

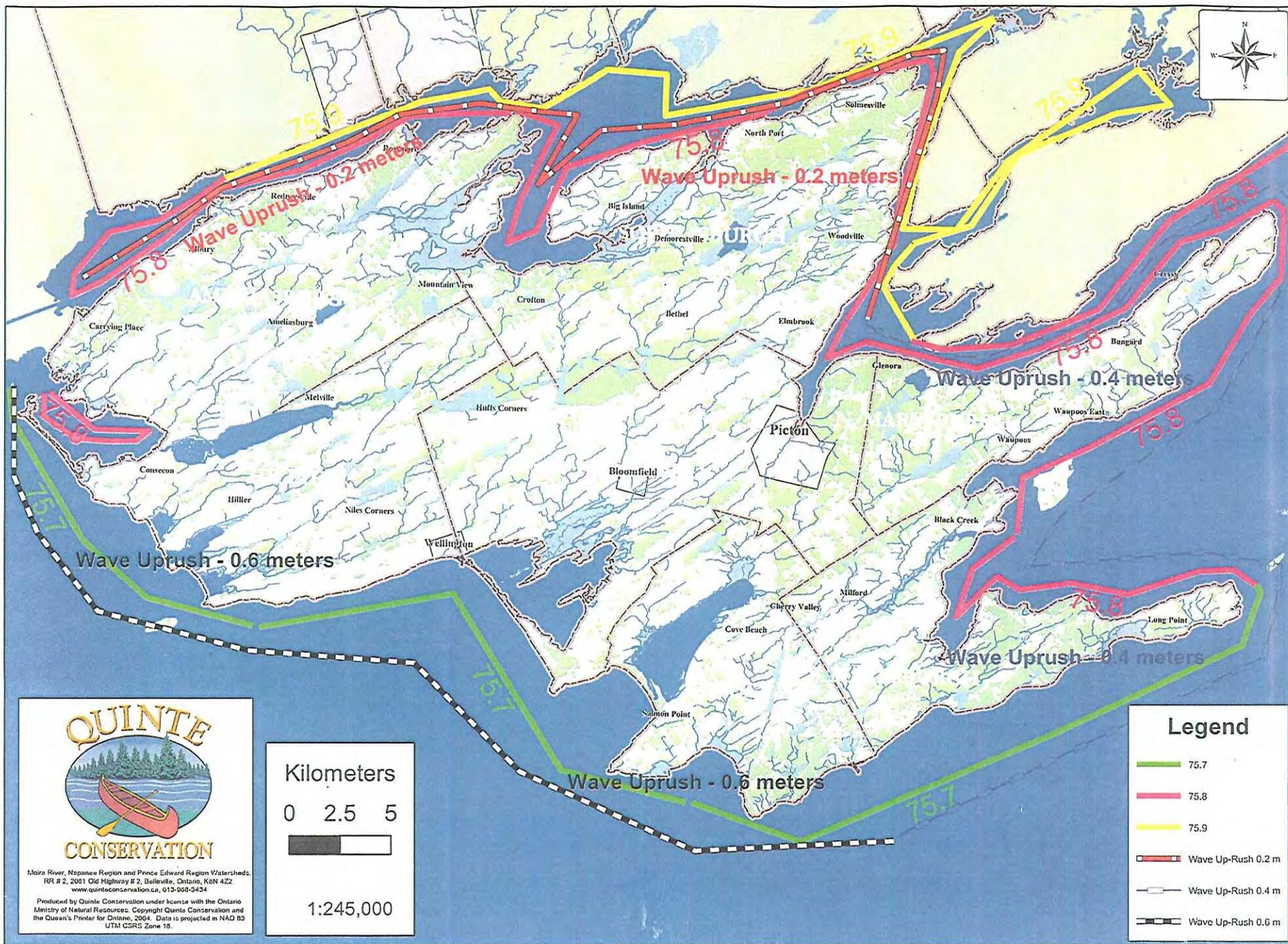
75.8 + 3.0 metres setback (1:100 yr flood elevation + wind setup + connecting channel setback)

or

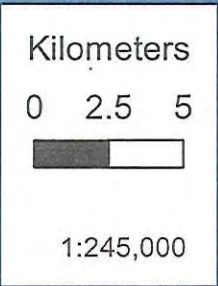
75.8 + 15.0 metres setback (1:100 yr flood elevation + wind setup + open coast setback)



1:100 Year Static Flood Levels (including wind setup and Surge)

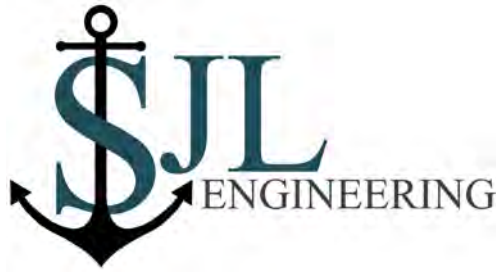


Quinte Conservation
 Moira River, Napanee Region and Prince Edward Region Watersheds,
 RR # 2, 2001 Old Highway # 2, Belleville, Ontario, K8N 4Z2
 www.quinteconservation.ca, 613-968-9434
 Produced by Quinte Conservation under license with the Ontario
 Ministry of Natural Resources. Copyright Quinte Conservation and
 the Queen's Printer for Ontario, 2004. Data is projected in NAD 83
 UTM CSRS Zone 18.



Legend

- 75.7
- 75.8
- 75.9
- Wave Up-Rush 0.2 m
- Wave Up-Rush 0.4 m
- Wave Up-Rush 0.6 m

**SJL Engineering Inc.**

Office | Ottawa, ON

Phone | +1 613 898 1729

Email | slogan@sjleng.ca

Lower Trent Region Conservation Authority
714 Murray Street
Trenton, ON
K8V 5P4

Status: Final

February 29, 2020

Reference # 1052.01**RE: BAY OF QUINTE 100-YEAR COMBINED FLOOD LEVEL**

The 100-year combined flood level is defined as the maximum instantaneous water level resulting from a combination of static lake level and storm surge with a probability of occurrence of 1% in any given year. The 100-year combined flood level is a critical component in the determination of regulated shoreline hazards on the Great Lakes. Shoreline hazards within the jurisdiction of the Lower Trent Region Conservation Authority (LTRCA) are defined in Ontario Regulation 163/06 (Lower Trent Region Conservation Authority: *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*).

100-year combined flood levels for the north shore of Lake Ontario including the LTRCA shoreline have recently been reassessed as a component of the Lake Ontario Shoreline Management Plan, a project led by Zuzek Inc. and supported by SJL Engineering Inc. (2020). Prior to the adoption of these new levels, regulatory flood levels for the region were based on work completed by the Ministry of Natural Resources and Forestry and documented in a 1989 report titled *Great Lakes System Flood Levels and Water Related Hazards* (MNR, 1989). Updated levels presented in Zuzek Inc. (2020) were determined based on an improved joint probability analysis of historical static water levels with adjustments to account for current water level regulation on Lake Ontario (Plan2014) and measured storm surge data at multiple water level gauge locations. These datasets feature an additional 30 years of data over those used in the 1989 study and include the 2017 and 2019 high water seasons during which water levels on Lake Ontario surpassed previous historical records.

Based on the results of the updated joint probability analysis, the recommended 100-year combined flood level for the LTRCA portion of Lake Ontario shoreline is +76.03 m IGLD85'. This represents an increase of 0.23 m over the previously published value of +75.80 IGLD85'. The Bay of Quinte was, however, not included in this updated water level analysis. The LTRCA has jurisdiction over approximately 20 km of shoreline at the west end of the Bay of Quinte. As such, SJL Engineering Inc. was retained by the LTRCA to provide this letter of opinion concerning the application of 100-year regulatory flood levels for the Bay of Quinte.



Review of Past Studies

Great Lakes System Flood Levels and Water Related Hazards (MNRF, 1989):

In 1989 the MNRF undertook an ambitious study to defined 100-year combined flood levels for the Canadian side of the entire Great Lakes basin. Static lake levels associated with various average recurrence intervals were assessed by performing statistical extreme value analyses (EVA) of historical monthly mean lake levels determined from a coordinated network of water level gauges around each of the Great Lakes. Local storm surge events were quantified by performing extreme value analyses of recorded storm surge elevations at several established water level gauge locations around each of the Great Lakes. A joint probability analysis of static lake level and storm surge was subsequently performed at each gauging station to determine the 100-year combined flood level at that location.

Between gauging stations, Environment Canada's SURGE model was used to model storm surge magnitudes associated with various recurrence intervals. The model featured grid cells with a spatial resolution of 10 km by 10 km. Each cell was attributed an average cell depth based on bathymetric charts. Average water level surface elevations in each grid cell were calculated using simplified basic hydrodynamic equations (Welander, 1961) on an hourly basis. The model was driven by wind speed data courtesy of Atmospheric Environmental Service (ECCC) and was calibrated to measured storm surge data at each of the established gauging locations around the lake. The accuracy of the model was reported to be within 0.1 m for all validated surge events.

The nearest gauging stations to the LTRCA shoreline are located at Cobourg to the west and Kingston to the east. Three shoreline reaches were established between these gauge locations using the results of the static lake level and SURGE model joint probability analysis. The established 100-year combined flood levels at each of these locations are summarized as follows (MNRF, 1989):

- Cobourg (Reach O-7) = +75.67 m IGLD55'
- Wellington (Reach O-8) = +75.58 m IGLD55'
- Point Petre (Reach O-9) = +75.54 m IGLD55'
- Prince Edward Bay (Reach O-10) = +75.62 m IGLD55'
- Kingston (Reach O-11) = +75.81 m IGLD55'

For mapping purposes, the values presented above were converted from International Great Lakes Datum (1955) to Geodetic Survey of Canada datum (GSC). The following 100-year flood levels are achieved based on datum conversions provided in the Great Lakes Technical Guide (MNRF, 2001):

- Cobourg = +75.74 m GSC
- Wellington = +75.68 m GSC
- Point Petre = +75.65 m GSC
- Prince Edward Bay = +75.75 m GSC
- Kingston = +75.95 m GSC

Since 1989 the Lake Ontario shoreline within the LTRCA boundaries has been regulated based on the values presented above for Cobourg and Wellington. The entrance to the Bay of Quinte, however, lies within the Prince Edward Bay reach. Interestingly, before being mapped, the MNRF rounded all 100-year flood levels presented above to the nearest 10 cm. This resulted in the Cobourg, Wellington and Point Petre levels being rounded to +75.7 m GSC, and the Prince Edward Bay level being rounded to +75.8 m GSC. This gives the impression that the 100-year flood level at the entrance to the Bay of Quinte is 10 cm higher than it is at Cobourg and Wellington, when in reality the difference between the two

locations was determined to be only 1 cm based on the GSC vertical datum (i.e. negligible). Figure 1 presents the 100-year flood level map for this portion of Lake Ontario with 100-year flood levels rounded to the nearest 10 cm, as per MNRF (1989).

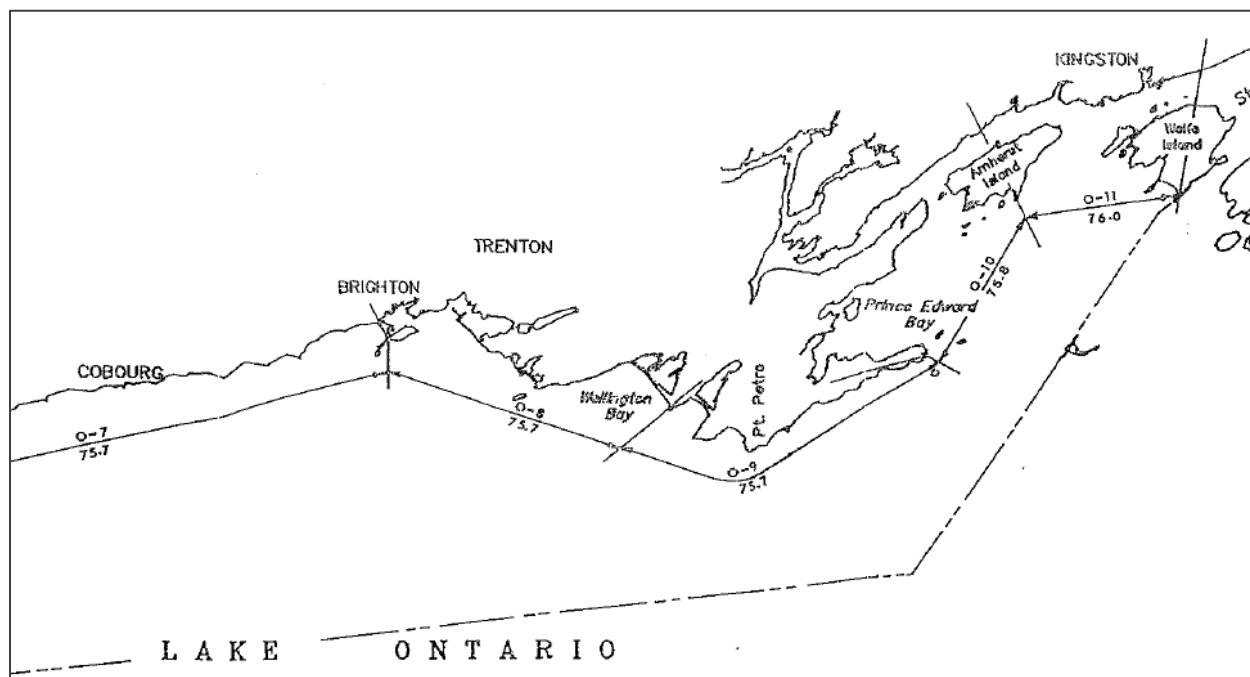


Figure 1 - 100-year flood level map from MNRF 1989 for the north shore of Lake Ontario (vertical datum = GSC)

Policy Document for Ontario Regulation 163/06 – Appendix I – Bay of Quinte Elevation (2016):

Appendix I of the LTRCA Policy Document for Ontario Regulation 163/06 includes a number of correspondences concerning the 100-year combined flood level within the Bay of Quinte. Of particular interest is a letter from the MNRF to the LTRCA dated February 21, 1991, documenting an assessment of storm surge implications within the Bay of Quinte, and recommended adjustments to the 100-year combined flood level at Prince Edward Bay. Key excerpts from this letter are summarized as follows:

- Two prior technical studies assessed surge within the Bay of Quinte for Ameliasburgh and Sophiasburgh Townships. These studies were undertaken by MacLaren Plansearch and Dillon, respectively. Both studies determined that localized surges were less than 10 cm at all analyzed locations.
- The MNRF extended the previous studies to include sites west of Bay Bridge, between Bay Bridge and Ox Point, at Big Bay and at Hay Bay. They found the potential for local surge to be less than 10 cm at all locations, with the site west of Bay Bridge (LTRCA shoreline) being particularly small at only 4 cm.
- The letter suggests that a significant storm surge on Lake Ontario affecting the north shore and entrance to the Bay of Quinte would have to be produced by winds from the southwest quadrant. As such, only the north shore of the Bay of Quinte could experience simultaneous localized surges during the 100-year event.

- The impact of the Murray Canal to the west and the highly variable alignment of channels within the Bay of Quinte to the east, likely constrains flow through the Bay of Quinte sufficiently to reduce the magnitude of surge propagating from the lake.
- Based on the above, it was recommended that the mainland portions of the Bay of Quinte be subjected to an additional 10 cm of storm surge potential in addition to the 100-year flood level at the entrance to the Bay of Quinte. The remainder of the Bay of Quinte shoreline, including the entire portion within the LTRCA jurisdiction, should have a 100-year flood level equal to the level at Prince Edward Bay of +75.8 m GSC.

Figure 2 shows a sketch that accompanied the February 21, 1991 letter from the MNR discussing recommended 100-year flood levels for the Bay of Quinte.

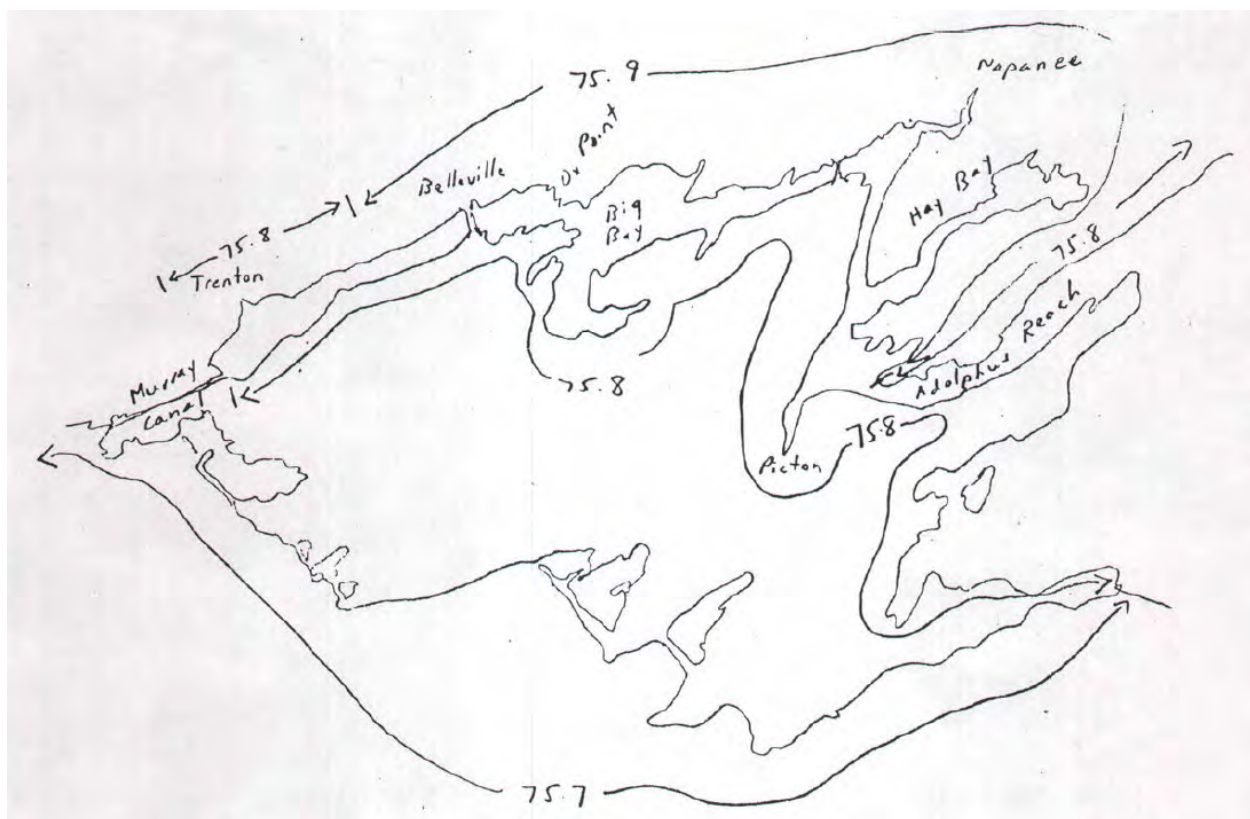


Figure 2 - Sketch from 1991 MNR letter illustrating recommended 100-year combined flood levels for the Prince Edward County and the Bay of Quinte (vertical datum = GSC)

Updated Assessment of 100-year Flood Levels for the Bay of Quinte

100-year Flood Levels at Prince Edward Bay (Entrance to the Bay of Quinte):

The first step in determining appropriate regulatory flood levels for the LTRCA Bay of Quinte shoreline is to determine the appropriate 100-year flood level at the entrance to the Bay of Quinte. This area was denoted "Prince Edward Bay" in the 1989 MNR study.



Converting the 1989 MNRF 100-year flood levels from GSC to the 1985 International Great Lakes Datum (current vertical datum for the Great Lakes) and accounting for the 1 cm level of accuracy originally reported in MNRF (1989) results in the following values:

- Cobourg = +75.80 m IGLD85'
- Wellington = +75.73 m IGLD85'
- Point Petre = +75.70 m IGLD85'
- Prince Edward = +75.79 m IGLD85'
- Kingston = +75.99 m IGLD85'

As such, according to the MNRF (1989) study, the 100-year flood level at Prince Edward Bay is approximately equal to the 100-year flood level at Cobourg based on the IGLD85' datum (as was the case for the GSC datum). The 100-year flood level at Cobourg has been updated to +76.01 m IGLD85' as a component of the Lake Ontario Shoreline Management Plan (Zuzek Inc., 2020). Therefore, it is reasonable to assume based on the SURGE modelling completed by the MNRF (1989) and the updated joint probability analyses completed by Zuzek Inc. and SJL Engineering Inc. (2020), that the 100-year combined flood level at the entrance to the Bay of Quinte (Prince Edward Bay) should be equal to +76.01 m IGLD85'.

To the author's knowledge, the SURGE modelling completed by the MNRF (1989) still represents the most comprehensive study of storm surge gradients for this region of Lake Ontario.

Propagation of Storm Surge from Lake Ontario into the Bay of Quinte:

Whether the storm surge experienced at the entrance to the Bay of Quinte has sufficient time to propagate to the LTRCA shoreline at the western end of the bay is a complicated question that would require detailed numerical modelling to accurately assess. This is largely due to the complicated geography of the Bay of Quinte that includes very narrow channels, shallow depths and several partial barriers or constrictions to flow. However, a reasonable check can be performed by examining the timing and duration of storm surge events at the Kingston and Cobourg water level gauges.

If we assume the 100-year combined flood level is primarily influenced by static lake level, then we can assume that the combined 100-year flood level at Prince Edward (+76.01 m IGLD85') can be produced by a 100-year static lake level (+75.84 m IGLD85' as per Zuzek Inc., 2020) and a 17 cm surge event. Looking at the top 10 historical surge events at the Kingston water level gauge (1960 to 2019), the average duration in which the surge elevation remained at least 17 cm above the static lake level was over 6 hours. Furthermore, the average time required for the storm surge elevation to fully develop from static lake levels at Kingston was less than 3 hours. As such, it is reasonable to assume that if a storm surge event can be fully developed at Kingston, some 130 km from the mode (centre) of the lake and persist for upwards of 6 hours, propagation of the same event a distance of roughly 60 km to the end of the Bay of Quinte before water levels begin to fall is likely possible.

Since Lake Ontario is a closed basin, storm surge will generate a seiche within the lake. A seiche is the process by which an observed water level increase at one end of the basin (Lake Ontario) is offset by a decrease in water level at the opposite end, which subsequently oscillates back and forth. The period of oscillation depends on the effective basin length and the average basin depth. The period of oscillation for Lake Ontario was studied in detail by Rao and Schwab (1976), and later published in the Coastal Engineering Manual (USACE, 2012). The paper concludes that the primary period of oscillation for the long axis of Lake Ontario is 5.11 hours. The time required to reach maximum seiche from static lake level would therefore be half of this value, or approximately 2.5 hours. This further supports the



conclusion that a major seiche event would likely have sufficient time to propagate to the western end of the Bay of Quinte before water levels began to fall.

Based on the above discussion, the 100-year combined flood level at the west end of the Bay of Quinte should be at least equal to the 100-year combined flood level at Prince Edward Bay of +76.01 m IGLD85'.

Local Storm Surge Generated Within the Bay of Quinte

There are two scenarios in which locally generated storm surge could result in a significant water level increase at the west end of the Bay of Quinte. The first scenario was previously explored in the 1991 letter authored by the MNR and presented in Appendix I of the LTRCA Policy Document (discussed above). In this scenario the maximum (100-year) combined flood level at the entrance to the Bay of Quinte is generated by extreme winds out of the west-southwest. These winds would subsequently blow over the Bay of Quinte, resulting in small amounts of surge on the mainland (north) shoreline.

This localized surge was assessed to be on the order of 4 cm for the LTRCA shoreline by the MNR as documented in the 1991 letter discussed above. This scenario was reassessed by SJL Engineering Inc. to confirm the findings of the MNR. First, the 100-year sustained wind speed from the southwest quadrant was assessed from 35 years of WIS (Wave Information Study) data offshore of Prince Edward County. The WIS dataset (USACE, 2012) is a comprehensive wind-wave hindcast dataset covering all five Great Lakes. The surge equations of Ippen (1966) and those presented in Kamphuis (2000) were subsequently used to calculate storm surge along the north shore of the Bay of Quinte near the town of Trenton. The resulting storm surge magnitude was on the order of 10 cm. Adding this value to the previously discussed 100-year combined flood level at the entrance to the Bay of Quinte results in a total 100-year flood level of +76.11 m IGLD85' for the LTRCA Bay of Quinte shoreline.

The second scenario that could result in elevated water levels at the west end of the Bay of Quinte would be an extreme wind arriving from the east north-east (ENE) direction, directly down the long access of the bay between Trenton and Belleville. This wind direction would however result in storm surge at the west end of Lake Ontario, temporarily lowering the water level at the east end. The 100-year storm surge elevation at Burlington for example (west end of Lake Ontario) is presented in MNR (1989) as 0.94 m. As such, a 100-year wind blowing from the ENE would likely result in a temporary reduction in the water level at the entrance to the Bay of Quinte on the order of 0.8 – 0.9 m below the 100-year static lake level. The resulting water level within the Bay of Quinte would be approximately +75.0 m IGLD85'.

The equations of Ippen (1966) and those presented in Kamphuis (2000) were once again consulted to determine the magnitude of local surge generated in the western arm of the Bay of Quinte due to this 100-year ENE wind. The resulting surge magnitudes at the west end of the Bay of Quinte (LTRCA) were determined to be on the order of 0.9 m. Adding this to the drawn-down elevation of +75.0 m IGLD85' at the entrance to the Bay of Quinte results in a water level elevation west of Trenton of approximately +75.9 m IGLD85'. This scenario assumes that no water can escape the west end of the bay via the Murray Canal (conservative).

Between the two scenarios discussed above, the first scenario in which an extreme surge event originates from the west-southwest results in the higher water level at the west end of the Bay of Quinte.

Closing Remarks

Based on the review of past studies and updated, high-level, desktop analyses discussed herein, it is our opinion that a suitable 100-year combined flood level for the LTRCA portion of shoreline on the Bay of



Quinte would be +76.11 m IGLD85', or 10 cm higher than the 100-year combined flood level established at the Cobourg gauge. This value is 8 cm higher than the recommended 100-year combined flood level for the LTRCA portions of exposed Lake Ontario shoreline (+76.03 m IGLD85'), as presented in the Lake Ontario Shoreline Management Plan (Zuzek Inc., 2020).

The information presented in this document is the result of a high-level assessment of past studies and desktop analyses using available data. The conclusions presented and the opinions of the author are informed, though not the result of thorough and rigorous engineering analysis. Such an analysis would require the application of a high resolution, hydrodynamic numerical model and is outside the scope of this assignment. It is recommended that a water level gauge be established at the west end of the Bay of Quinte in the future, such that the conclusions presented in this letter and those presented in the previous studies discussed above can be validated with measured data.

If any additional documentation is requested by the LTRCA beyond that which is contained in this letter, we would be pleased to provide it. Finally, if you have any questions about the content of this letter or the views expressed within, please don't hesitate to contact me.

With thanks,

A handwritten signature in blue ink, appearing to read 'Seth Logan', is positioned above the typed name.

Seth Logan, M.A.Sc., P.Eng.
President | Coastal Engineer
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APPENDIX J

ONTARIO REGULATION 686/21 Mandatory Services and Programs

February 10, 2022



[Français](#)

Conservation Authorities Act

ONTARIO REGULATION 686/21

MANDATORY PROGRAMS AND SERVICES

Consolidation Period: From October 1, 2021 to the [e-Laws currency date](#).

Note: THIS REGULATION IS NOT YET IN FORCE. It comes into force on January 1, 2022.

Last amendment: [686/21](#).

Legislative History: [+]

This is the English version of a bilingual regulation.

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Prescribed ActLake Simcoe Region Conservation Authority

15. Lake Simcoe Region Conservation Authority

R.SK OF NATURAL HAZARDS

Risk of certain natural hazards

1. (1) An authority shall provide the programs and services set out in sections 2 to 8 related to the following types of natural hazards:

1. Dynamic beach hazard.
2. Erosion hazard.
3. Flooding hazard.
4. Hazardous lands.
5. Hazardous sites.
6. Low water or drought conditions.

(2) The authority shall design the programs and services referred to in subsection (1) to achieve the following objectives:

1. Developing an awareness of the areas that are important for the management of the natural hazards referred to in subsection (1) that are within the authority's area of jurisdiction, including,
 - i. wetlands,
 - ii. river or stream valleys,
 - iii. areas that are adjacent to or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, and
 - iv. unstable soils or bedrock.
2. Understanding the risks related to natural hazards referred to in subsection (1), including how these risks may be affected by climate change.
3. Managing the risks related to natural hazards referred to in subsection (1), including preventing or mitigating those risks.
4. Promoting public awareness of the risks related to natural hazards described in subsection (1).

(3) Where the authority considers it advisable to help ensure it complies with its obligation to provide the programs and services described in sections 2 to 8, the authority shall, to the extent it considers appropriate, ensure those programs and services include the following components:

1. The collection, provision and management of information enabling the authority to,
 - i. delineate and map areas of natural hazards within its area of jurisdiction,
 - ii. study surface water hydrology and hydraulics, including surface water flows and levels, and the related interactions between surface and ground water,
 - iii. study stream morphology,
 - iv. study the potential effects of climate change on natural hazards, and
 - v. study the management of natural hazards.
2. The development of plans and policies that will support the delivery of those programs and services.
3. Public awareness, education and outreach components related to the risk of natural hazards within the authority's area of jurisdiction.

4. Consultation on the development and provision of those programs and services.

(4) In this section, “dynamic beach hazard”, “erosion hazard”, “flooding hazard”, “hazardous sites”, “hazardous lands” and “wetland” have the same meaning as in the Provincial Policy Statement, 2020 issued under section 3 of the *Planning Act*.

Flood forecasting and warning

2. (1) An authority shall provide programs and services to support its functions and responsibilities related to flood forecasting and warning as set out in subsection (2).

(2) The authority’s functions and responsibilities with respect to flood forecasting and warning mentioned in subsection (1) are the following:

1. Maintaining information on surface water hydrology and the areas within the authority’s area of jurisdiction that are vulnerable to flooding events.
2. Developing operating procedures for flood forecasting and warning, including flood contingency procedures to ensure continuity of an authority’s operations in respect of flood forecasting and warning.
3. Maintaining a stream flow monitoring network that, at a minimum, includes stream flow gauges available as part of the provincial-federal hydrometric network and, where the authority considers it advisable, includes additional local stream flow gauges.
4. Monitoring of weather and climate information, snow surveys and observed water levels and flows utilizing local, provincial and federal data sources.
5. Analysis of local surface water hydrologic conditions related to flood potential and risk, including flood forecasting, to understand and quantify the response and potential impacts within watersheds to specific events and conditions.
6. Communications to inform persons and bodies that the authority considers advisable of the potential or actual impact of flood events in a timely manner.
7. Provision of ongoing information and advice to persons and bodies mentioned in paragraph 6 to support,
 - i. emergency and flood operations during a flood event, and
 - ii. documentation of flood events.

Drought or low water response

3. (1) An authority shall provide programs and services to support its functions and responsibilities to facilitate drought and low water forecasting and warning as set out in subsection (2).

(2) The authority’s functions and responsibilities with respect to drought and low water forecasting and warning mentioned in subsection (1) are the following:

1. Maintaining information on surface water hydrology and the areas within the authority’s area of jurisdiction that are vulnerable to drought or low water events.
2. Maintaining a stream flow monitoring network that, at a minimum, includes stream flow gauges available as part of the provincial-federal hydrometric network and, where the authority considers it advisable, includes additional local stream flow gauges.
3. Monitoring of weather and climate information, snow surveys and water levels and flows utilizing local, provincial and federal data sources.
4. Analysis of local surface water hydrologic conditions related to risk of drought and low water events.
5. Gathering information to determine when low water levels exist within the authority’s area of jurisdiction and initiating and maintaining the appropriate response to confirmed low water levels in accordance with the document entitled Ontario Low Water Response, dated March 2010, and available on request from the Ministry of Northern Development, Mines, Natural Resources and Forestry, as amended from time to time.
6. Communications to inform persons or bodies that the authority considers advisable of the potential or actual impact of drought and low water events in a timely manner.

7. Provision of ongoing information and advice to persons and bodies mentioned in paragraph 6 to support,
 - i. emergency and drought or low water activities during a drought or low water event, and
 - ii. documentation of drought and low water events.

Ice management

4. (1) An authority shall provide programs and services for ice management within its area of jurisdiction, if the authority determines that ice management is necessary to reduce the risks associated with natural hazards referred to in subsection 1 (1).

(2) Programs or services provided under subsection (1) shall include the development and implementation of an ice management plan on or before December 31, 2024 that identifies,

- (a) how ice within the authority's area of jurisdiction may increase the risk of natural hazards; and
- (b) the steps that are necessary to mitigate these risks, including identifying equipment and resources needed to carry out these steps.

(3) An authority may update the ice management plan referred to in subsection (2) from time to time as the authority considers it advisable.

Infrastructure

5. (1) Subject to subsection (3), an authority shall provide programs and services that support the operation, maintenance, repair and decommissioning of the following types of infrastructure the authority owns or manages:

1. Any water control infrastructure, the purpose of which is to mitigate risks to life and damage to property resulting from flooding or to assist in flow augmentation.
2. Any erosion control infrastructure.

(2) Programs or services provided under subsection (1) shall include the following components:

1. The development and implementation of an operational plan on or before December 31, 2024.
2. The development and implementation of an asset management plan on or before December 31, 2024.
3. The undertaking of any technical or engineering studies necessary to ensure the proper operation and maintenance of the infrastructure to which the program or service applies.

(3) If an authority enters into an agreement with an owner of infrastructure mentioned in paragraph 1 or 2 of subsection (1) to manage the infrastructure on the owner's behalf, the authority shall provide the programs and services to operate, maintain, repair and decommission the infrastructure only in accordance with its obligations under the agreement.

(4) An authority may update the plans mentioned in paragraphs 1 and 2 of subsection (2), from time to time, as the authority considers it advisable.

Comment re applications, proposals

6. (1) An authority shall provide programs and services to enable the authority to review proposals made under an Act mentioned in subsection (2) for the purpose of commenting on the risks related to natural hazards arising from the proposal where the authority considers it advisable.

(2) The Acts referred to in subsection (1) are the following:

1. The *Aggregate Resources Act*.
2. The *Drainage Act*.
3. The *Environmental Assessment Act*.
4. The *Niagara Escarpment Planning and Development Act*.

Plan review, comments

7. (1) An authority shall provide programs and services to ensure the authority satisfies the functions and responsibilities set out in subsection (2), whether acting on behalf of the Ministry of Northern Development, Mines, Natural Resources and Forestry or in its capacity as a public body under the *Planning Act*, for the purposes of helping to ensure that the decisions under that Act are,

- (a) consistent with the natural hazards policies in the policy statements issued under section 3 of the *Planning Act*, but not including those policies related to hazardous forest types for wildland fire; and
- (b) where applicable, conform with any natural hazards policies included in a provincial plan as defined in section 1 of the *Planning Act*, but not including those policies related to hazardous forest types for wildland fire.

(2) The functions and responsibilities mentioned in subsection (1) are the following:

- 1. Reviewing applications or other matters under the *Planning Act* and, where the authority considers it advisable, providing comments, technical support or information to the responsible planning authority under that Act for the purposes set out in subsection (1).
- 2. When requested to by the Ministry of Municipal Affairs and Housing, providing comments directly to the Ministry within the timeframes requested by the Ministry on applications or other matters under the *Planning Act*.
- 3. When requested to by a municipality or planning board, providing advice, technical support, training and any information the municipality or planning board requires for the purposes set out in subsection (1).
- 4. Apprising the Ministry of Municipal Affairs and Housing of any applications or matters under the *Planning Act* where the authority is of the opinion that there is an application or other matter that should be brought to the attention of the Government of Ontario.
- 5. Providing technical input into and participating in provincial review of applications for approval of a "Special Policy Area" within the meaning of the Provincial Policy Statement, 2020 issued under section 3 of the *Planning Act*.
- 6. When requested to by the Ministry of Municipal Affairs and Housing, providing support to the Ministry in appeals on applications or other matters under the *Planning Act* on behalf of the Province at the Ontario Land Tribunal for the purposes set out in subsection (1).
- 7. Undertaking an appeal to the Ontario Land Tribunal of a decision under the *Planning Act* as a public body in accordance with that Act if,
 - i. the appeal relates to a purpose described in subsection (1), and
 - ii. the authority considers it advisable.

Administering and enforcing the Act

8. An authority shall provide programs and services to ensure that the authority carries out its duties, functions and responsibilities to administer and enforce the following:

- 1. Section 28 of the Act.
- 2. The regulations made by the authority under section 28 of the Act.
- 3. Section 28.0.1 of the Act.
- 4. Section 30.1 of the Act.

Note: On the day subsection 15 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020 comes into force, section 8 of the Regulation is revoked and the following substituted: (See: O. Reg. 686/21, s. 16)

Administering and enforcing the Act

8. An authority shall provide programs and services to ensure that the authority satisfies its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts. O. Reg. 686/21, s. 16.

CONSERVATION AND MANAGEMENT OF LANDS

Required components

9. (1) Programs and services provided by an authority with respect to the conservation and management of lands under subparagraph 1 ii of subsection 21.1 (1) of the Act shall include the following:

1. A conservation area strategy, prepared on or before December 31, 2024 for all lands owned or controlled by the authority, including any interests in land registered on title, that meets the requirements set out in section 10.
2. Where the authority considers it advisable to achieve the objectives referred to in paragraph 1 of subsection 10 (1),
 - i. programs and services to secure the authority's interests in its lands that include measures for fencing, signage, patrolling and any other measures to prevent unlawful entry on the authority's land and to protect the authority from exposure to liability under the *Occupiers' Liability Act*,
 - ii. programs and services to maintain any facilities, trails or other amenities that support public access and recreational activities in conservation areas and that can be provided without the direct support or supervision of staff employed by the authority or by another person or body,
 - iii. programs and services to enable the authority, in its capacity as an owner of land, to make applications or comment on matters under the *Planning Act*,
 - iv. programs and services to conserve, protect, rehabilitate, establish, and manage natural heritage located within the lands owned or controlled by the authority,
 - v. programs and services to plant trees on lands owned or controlled by the authority, excluding commercial logging, and
 - vi. the development of one or more policies governing land acquisitions and land dispositions.
3. A land inventory, prepared on or before December 31, 2024, that meets the requirements set out in section 11.
4. Programs and services to ensure that the authority carries out its duties, functions and responsibilities to administer regulations made under section 29 of the Act.

(2) For greater certainty, programs and services with respect to the conservation and management of lands under subparagraph 1 ii of subsection 21.1 (1) of the Act do not apply to any lands where the authority has no legal interest in the lands registered on title and the authority has entered into an agreement with another person or body to manage the lands on the person's or body's behalf.

Conservation area strategy

10. (1) A conservation area strategy referred to in paragraph 1 of subsection 9 (1) shall include the following components:

1. Objectives established by the authority that will inform the authority's decision-making related to the lands it owns and controls, including decisions related to policies governing the acquisition and disposition of such lands.
2. Identification of the mandatory and non-mandatory programs and services that are provided on land owned and controlled by the authority, including the sources of financing for these programs and services.
3. Where the authority considers it advisable to achieve the objectives referred to in paragraph 1, an assessment of how the lands owned and controlled by the authority may,
 - i. augment any natural heritage located within the authority's area of jurisdiction, and
 - ii. integrate with other provincially or municipally owned lands or other publicly accessible lands and trails within the authority's area of jurisdiction.
4. The establishment of land use categories for the purpose of classifying lands in the land inventory described in section 11 based on the types of activities that are engaged in on each parcel of land or other matters of significance related to the parcel.
5. A process for the periodic review and updating of the conservation area strategy by the authority, including procedures to ensure stakeholders and the public are consulted during the review and update process.

(2) The authority shall ensure stakeholders and the public are consulted during the preparation of the conservation area strategy in a manner that the authority considers advisable.

(3) The authority shall ensure that the conservation area strategy is made public on the authority's website, or by such other means as the authority considers advisable.

Land inventory

11. (1) The land inventory referred to in paragraph 3 of subsection 9 (1) shall include the following information for every parcel of land the authority owns or controls:

1. The location of the parcel.
2. The identification of any information the authority has in its possession in respect of the parcel, including any surveys, site plans or other maps.
3. When the authority acquired the parcel.
4. Whether the parcel was acquired using a grant made under section 39 of the Act.
5. Whether the parcel was acquired through an expropriation.
6. Whether the authority owns the parcel or has a registered legal interest in the parcel, including an easement.
7. Identification of the land use categories mentioned in paragraph 4 of subsection 10 (1) that apply to the parcel.
8. For the purpose of ensuring a program or service is not included as a mandatory program or service under subparagraph 2 ii or v of subsection 9 (1), identification of whether,
 - i. a recreational activity is provided on the parcel that requires the direct support or supervision of staff employed by the authority or by another person or body, or
 - ii. commercial logging is carried out on the parcel.

(2) The land inventory shall include a process for the periodic review and updating of the inventory by the authority.

OTHER PROGRAMS AND SERVICES

Required components

12. (1) An authority shall provide the following programs and services in accordance with paragraph 2 of subsection 21.1 (1) of the Act:

1. Programs and services to support the authority's functions and responsibilities related to the implementation and enhancement of the provincial groundwater monitoring program in accordance with subsection (2).
2. Programs and services to support the authority's functions and responsibilities related to the implementation and enhancement of the provincial stream monitoring program in accordance with subsection (3).
3. Programs and services to support the authority's functions and responsibilities related to the development and implementation of a watershed-based resource management strategy on or before December 31, 2024, in accordance with subsection (4).

(2) The authority shall perform the following functions and responsibilities with respect to supporting the implementation and enhancement of the Ministry's provincial groundwater monitoring program mentioned in paragraph 1 of subsection (1):

1. Collecting groundwater samples from wells that are part of the groundwater monitoring program.
2. Submitting samples and associated site information to a laboratory approved by the Ministry for analysis of parameters required by the groundwater monitoring program.
3. Collecting in-field groundwater data and in-field weather data for submission to the Ministry from sites that are part of the groundwater monitoring program.
4. Assessing and maintaining groundwater monitoring program sites and wells for safety and access.
5. Complying with the Ministry's procedures if a sample exceeds a drinking water quality standard set out in Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards) made under the *Safe Drinking Water Act, 2002*.
6. Deploying, removing, operating, calibrating and maintaining all equipment provided by the Ministry for the authority's use when carrying out its functions and responsibilities under the groundwater monitoring program.

7. Carrying out administrative support for the process of procuring groundwater monitoring program equipment, equipment repair services, well repair services, well construction services and well decommissioning services.
8. Cost sharing, with the Ministry, the construction or decommissioning of wells that are part of the groundwater monitoring program.
9. Where a groundwater monitoring well that is part of the groundwater monitoring program is to be located on property not owned by the authority, establishing and maintaining an agreement with the owner of the property to ensure the authority has access to the well.
10. Participating in meetings or training scheduled by the Ministry related to the groundwater monitoring program.

(3) The authority shall satisfy the following functions and responsibilities with respect to supporting the implementation and enhancement of the provincial stream monitoring program mentioned in paragraph 2 of subsection (1):

1. Collecting stream samples from sampling sites that are part of the stream monitoring program.
2. Submitting samples and associated site information to a laboratory approved by the Ministry for analysis of parameters required by the stream monitoring program.
3. Collecting in-field stream water data for submission to the Ministry from sites that are part of the stream monitoring program.
4. Assessing and maintaining stream monitoring program sites for safety and access.
5. Deploying, removing, operating, calibrating and maintaining all equipment provided by the Ministry for the authority's use when carrying out its functions and responsibilities under the stream monitoring program.
6. Participating in meetings or training scheduled by the Ministry related to the stream monitoring program.

(4) The watershed-based resource management strategy referred to in paragraph 3 of subsection (1) shall include the following components:

1. Guiding principles and objectives that inform the design and delivery of the programs and services that the authority is required to provide under section 21.1 of the Act.
2. A summary of existing technical studies, monitoring programs and other information on the natural resources the authority relies on within its area of jurisdiction or in specific watersheds that directly informs and supports the delivery of programs and services under section 21.1 of the Act.
3. A review of the authority's programs and services provided under section 21.1 of the Act for the purposes of,
 - i. determining if the programs and services comply with the regulations made under clause 40 (1) (b) of the Act,
 - ii. identifying and analyzing issues and risks that limit the effectiveness of the delivery of these programs and services, and
 - iii. identifying actions to address the issues and mitigate the risks identified by the review, and providing a cost estimate for the implementation of those actions.
4. A process for the periodic review and updating of the watershed-based resource management strategy by the authority that includes procedures to ensure stakeholders and the public are consulted during the review and update process.

(5) Subject to subsections (6) and (7), a watershed-based resource management strategy may include programs and services provided by the authority under sections 21.1.1 and 21.1.2 of the Act.

(6) If, in respect of programs and services the authority provides under subsection 21.1.1 (1) of the Act, a memorandum of understanding or other agreement is required, a watershed-based resource management strategy may not include those programs and services unless the memorandum of understanding or other agreement includes provisions that those programs and services be included in the strategy.

(7) If, in respect of programs and services the authority provides under subsection 21.1.2 (1) of the Act, an agreement is required under subsection 21.1.2 (2), a watershed-based resource management strategy may not include those programs and services unless the agreement includes provisions that those programs and services be included in the strategy.

(8) The authority shall ensure stakeholders and the public are consulted during the preparation of the watershed-based resource management strategy in a manner that the authority considers advisable.

(9) The authority shall ensure that the watershed-based resource management strategy is made public on the authority's website, or by such other means as the authority considers advisable.

SOURCE PROTECTION AUTHORITY UNDER THE CLEAN WATER ACT, 2006

Required components

13. (1) An authority shall provide the following programs and services under subparagraph 1 iii of subsection 21.1 (1) of the Act:

1. Programs and services to ensure the authority carries out its duties, functions and responsibilities as a source protection authority under the provisions of the *Clean Water Act, 2006*, other than any duties, functions or responsibilities of the authority under Part IV of that Act where the authority has entered into a delegation agreement with a municipality to administer that Part, including the duties set out in subsection (2).
2. Programs and services set out in subsection (3) intended to support the authority's ability to carry out its duties, functions and responsibilities under paragraph 1 of this subsection.

(2) The duties, functions and responsibilities referred to in paragraph 1 of subsection (1) are the following:

1. The operation of the source protection committee that has been established for the authority's area or region under the *Clean Water Act, 2006*.
2. If the authority has been consolidated into a drinking water source protection region established by the Minister under section 6 of that Act, fulfilling its obligations under the agreement referred to in that section.
3. The preparation of amendments to source protection plans in accordance with section 34 or 35 of that Act, as the case may be.
4. Assisting in the review of source protection plans under section 36 of that Act.
5. If the authority is designated in a significant threat policy in a source protection plan as being responsible for implementing the policy, fulfilling its obligation to implement the policy in accordance with section 38 of that Act.
6. If the authority is designated in a source protection plan as being responsible for implementing a policy governing monitoring, complying with its obligation to conduct the monitoring program in accordance with section 45 of that Act.
7. The preparation of annual progress reports in accordance with section 46 of that Act.
8. Satisfying any roles and responsibilities assigned to the authority in a source protection plan if the authority is designated by a policy in the plan as the body responsible for implementing the policy, other than those policies referred to in paragraphs 5 and 6.

(3) The duties, functions and responsibilities referred to in paragraph 2 of subsection (1) are the following:

1. Responding to inquires relating to,
 - i. the *Clean Water Act, 2006*,
 - ii. the source protection plan that applies to the authority's source protection area, and
 - iii. any of the authority's duties, functions and responsibilities under that Act.
2. Conducting assessments to determine whether a source protection plan is up to date.
3. Assisting in the co-ordination and implementation of the source protection plan that applies to the authority's source protection area.
4. Where the authority considers it advisable, reviewing and commenting on any proposal made under another Act that is circulated to the authority for the purpose of determining,
 - i. whether the proposal relates to a significant drinking water threat that is governed by the plan, or
 - ii. the proposal's potential impact on any drinking water sources protected by the plan.

(4) In this section,

“significant drinking water threat” and “significant threat policy” have the same meaning as in the *Clean Water Act, 2006*.

PREScribed ACT

Building Code Act, 1992

14. (1) The *Building Code Act, 1992* is prescribed for the purposes of subparagraph 1 iv of subsection 21.1 (1) of the Act.

(2) If, under subsection 3.1 (1) of the *Building Code Act, 1992*, an authority is prescribed responsibility in the building code for the enforcement of provisions of that Act and the building code related to sewage systems in the municipalities and territory without municipal organization prescribed in the building code, the authority shall provide programs and services to ensure that the authority carries out its duties, functions and responsibilities to enforce those provisions and the building code in the geographic areas prescribed in the building code for that authority.

LAKE SIMCOE REGION CONSERVATION AUTHORITY

Lake Simcoe Region Conservation Authority

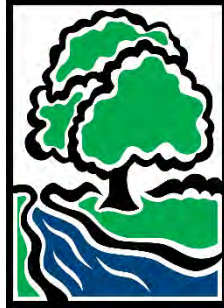
15. In addition to any other programs and services it is required to provide under the Act and this Regulation, the Lake Simcoe Region Conservation Authority shall provide the following programs and services in respect of its duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*:

1. Programs and services to ensure the authority complies with its duties under subsection 6 (9) of the *Lake Simcoe Protection Act, 2008* in respect of the decisions the authority makes related to permissions required under this Act.
2. If, under section 11 of the *Lake Simcoe Protection Act, 2008*, the authority is identified in the Lake Simcoe Protection Plan as being responsible for implementing a policy governing monitoring, programs and services for the purpose of complying with that obligation.
3. If the authority is identified in a strategic action policy in the Lake Simcoe Protection Plan, other than Policy 6.19-SA, as a body that is responsible for leading the implementation of the policy or collaborating with other bodies to implement the policy, programs and services to ensure the authority satisfies its functions and responsibilities set out in those policies.
4. For the purpose of supporting the programs and services referred to in paragraphs 1 to 3, programs and services to,
 - i. respond to inquiries related to the Lake Simcoe Protection Plan and the authority's role under the Plan,
 - ii. assist in the co-ordination and implementation of the Lake Simcoe Protection Plan,
 - iii. assist in the review of the Lake Simcoe Protection Plan under section 17 of the *Lake Simcoe Protection Act, 2008*, and
 - iv. review and comment on proposals made under other Acts that are circulated to the authority for the purpose of determining the proposal's impact on the Lake Simcoe Protection Plan and the Lake Simcoe watershed.

16. OMITTED (PROVIDES FOR AMENDMENTS TO THIS REGULATION).

17. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

Français



APPENDIX K

LITTLE LAKE FLOOD HAZARD

February 10, 2022

Re: Flood Hazard for Little Lake - Discussion

Jeffrey Meyer <jeffrey.meyer@lrc.on.ca>

Wed 2022-01-19 12:03 PM

To: Janet Noyes <janet.noyes@lrc.on.ca>

Cc: Gage Comeau <gage.comeau@lrc.on.ca>


Vertical Control conversions (difference between datum)


Site 21U2288 near Little Lake

CGVD28 minus CGVD2013 = 35.5cm

Latitude		Longitude	
44° 1' 4.8"		77° 50' 6.0"	
UTM			
Zone	Easting (metres)	Northing (metres)	Scale
18	272771.813	4877780.082	1.00024

Vertical Data (levelling)					
Vertical Datum	Elevation (m)	Order	Gravity (mGal)	Published	Project ID
CGVD2013 (2010.0)	106.742	1st	980471.41	2013	H13ML1311
CGVD28	107.097	1st	980528.47	1967	VA6
IGLD85	107.147	1st	980619.90	1992	IGLD85AP92

 The CGVD2013 height reported in the Vertical Data table is approximate because it is calculated from historical levelling data and not from the combination of GNSS and a geoid model.

Vertical Datum Separation				
Datum 1 – Datum 2	Elevation 1 (m)	Elevation 2 (m)	Elevation Difference (m)	Epoch
CGVD28 (lev) – CGVD2013 (lev)	107.097	106.742	0.355 	2010.0
IGLD85 (lev) – CGVD2013 (lev)	107.147	106.742	0.405	2010.0
IGLD85 (lev) – CGVD28 (lev)	107.147	107.097	0.050	

<https://webapp.geod.nrcan.gc.ca/geod/data-donnees/station/report-rapport.php?id=21U2288>

<https://webapp.geod.nrcan.gc.ca/geod/data-donnees/passive-passif.php>

Stations

Map Stations List

▲ Primary Vertical Control(7/81367)

From: Jeffrey Meyer <jeffrey.meyer@ltc.on.ca>
Sent: January 19, 2022 11:53 AM
To: Janet Noyes <janet.noyes@ltc.on.ca>
Subject: Fw: Flood Hazard for Little Lake - Discussion

From: Jeffrey Meyer <jeffrey.meyer@ltc.on.ca>
Sent: March 24, 2021 4:15 PM
To: Janet Noyes <janet.noyes@ltc.on.ca>; Rhonda Bateman <rhonda.bateman@ltc.on.ca>; Gage Comeau <gage.comeau@ltc.on.ca>
Subject: Re: Flood Hazard for Little Lake - Discussion

Here approximate 100 yr estimated at 171.83m CGVD (beige) in addition to Timmins 171.93 (red) as requested.

Rough sketch:



From: Jeffrey Meyer <jeffrey.meyer@ltc.on.ca>

Sent: March 24, 2021 3:56 PM

To: Janet Noyes <janet.noyes@ltc.on.ca>; Rhonda Bateman <rhonda.bateman@ltc.on.ca>; Gage Comeau <gage.comeau@ltc.on.ca>

Subject: Re: Flood Hazard for Little Lake - Discussion

Thanks Janet.

I have estimated a static water level elevation of 171.43m CGVD2013, giving 171.93m CGVD2013 for 0.5m inundation on Timmins event.

Here is the result - flood inundation really only impacts roughly 15 properties on the north end of the lake. During Timmins type event they might also get impacted from behind as the lake joins the spilling wetland, but the road surface seems to stay above for egress. Presumably most of those structures are already elevated.

Rough sketch for discussion:



From: Janet Noyes <janet.noyes@ltc.on.ca>

Sent: March 24, 2021 3:02 PM

To: Rhonda Bateman <rhonda.bateman@ltc.on.ca>; Gage Comeau <gage.comeau@ltc.on.ca>; Jeffrey Meyer <jeffrey.meyer@ltc.on.ca>

Subject: Flood Hazard for Little Lake - Discussion

As you may be aware, the 15-metre "setback" for flood hazards on Oak Lake and Little Lake has always "bothered" me. Both lakes have sides that are quite steep in some areas that would have a very small flood hazard area and other locations are quite low. Applying the 15 metres around the entire lake does not make sense for a flood hazard. This could be defined as some other kind of setback but not a flood hazard. When Mike was issuing permits for around Oak Lake, he would typically tell people to put the main level of the house 1 metre above the ground surface - this basically means the flood hazard is 0.7 metres depth from the ground and the additional 0.3 metres is the floodproofing standard.

I have discussed with Jeff about using a random "2 feet" (0.6 metre) flood line and plotting that to follow Mike's general guideline. Now that we have the 2018 OMAFRA LiDAR we can confidently plot an elevation for a flood hazard. We only have LiDAR for the Little Lake area - not Oak Lake.

In following up with this, I have said that I would actually do some calculations to determine a reasonable depth of flooding on these lakes for Jeff to plot (rather than just pick a random depth like 2 feet).

Watershed Information:

- Drainage Area for Little Lake = 3.57 km² (from OFAT) - 357 ha
- Little Lake Area = 65.85 ha (measured from LTC GIS)
- Remaining lands draining to Little Lake = 291 ha (357 - 66)

Soils in the watershed area are all mostly sandy loams. Based on MTO Design Chart 1.07, runoff coefficients for open sand loams for rolling (5-10% slope) rural landscape range from 0.3 (cultivated lands) to 0.12 (woodlands). For 100-year flow calculations the runoff coefficients usually have 25% added to them. For a conservative estimate, I started with a runoff coefficient of **0.3**. This is really one of the only parameters to do a sensitivity analysis on.

- 0.3 plus 25% = 0.375, which I rounded up to **0.4**
- for sensitivity I looked at a higher runoff number of 0.4 - 0.4 plus 25% = **0.5**

First stab I looked at 100 year 24-hour rainfall depths. I used the MTO IDF Curve tool and the following rainfall depths were considered (note that the tool can use climate change projected curves):

- 2010: 122.6 mm
- 2070: 132 mm
- 2120: 136.8 mm
- **USE 130 mm**

Calculating the depth of flooding on Little Lake I propose to do a simple addition of rainfall depth on the lake (no evaporation or other losses) PLUS runoff contributions from "land" portion of remaining drainage area.

For Runoff Coefficient 0.4:

- Rainfall on Lake + Runoff from Land
- $[(0.130 \text{ m}) \times (658500 \text{ m}^2)] / (658,500 \text{ m}^2) + [(0.4) \times (0.130 \text{ m}) \times (2,910,000 \text{ m}^2)] / (658,500 \text{ m}^2)$
- 0.130 + 0.23
- **0.36 metres**

For Runoff Coefficient 0.5 = **0.42 metres**

Next I looked at the **Timmins** Event, which was **193 mm**

Runoff Coefficient 0.4 - same calculations as shown above

- Depth of Flooding on Little Lake = **0.534 metres**

Runoff Coefficient 0.5 = **0.619 metres**

I would like to suggest a 0.5 metre depth of flooding from the average water level of Little Lake for the flood hazard to delineate using the OMAFRA LiDAR elevation data.

Conversation and discussion is encouraged.

Janet

Janet Noyes, P.Eng.
Manager, Development Services & Water Resources
Lower Trent Conservation
613.394.3915 x211
janet.noyes@ltc.on.ca

****COVID-19 Notice:** We are now able to accommodate in-person meetings at our office by appointment only. We also remain available to serve you virtually or by phone. To ensure your continued safety, we're not open for unscheduled meetings at this time.

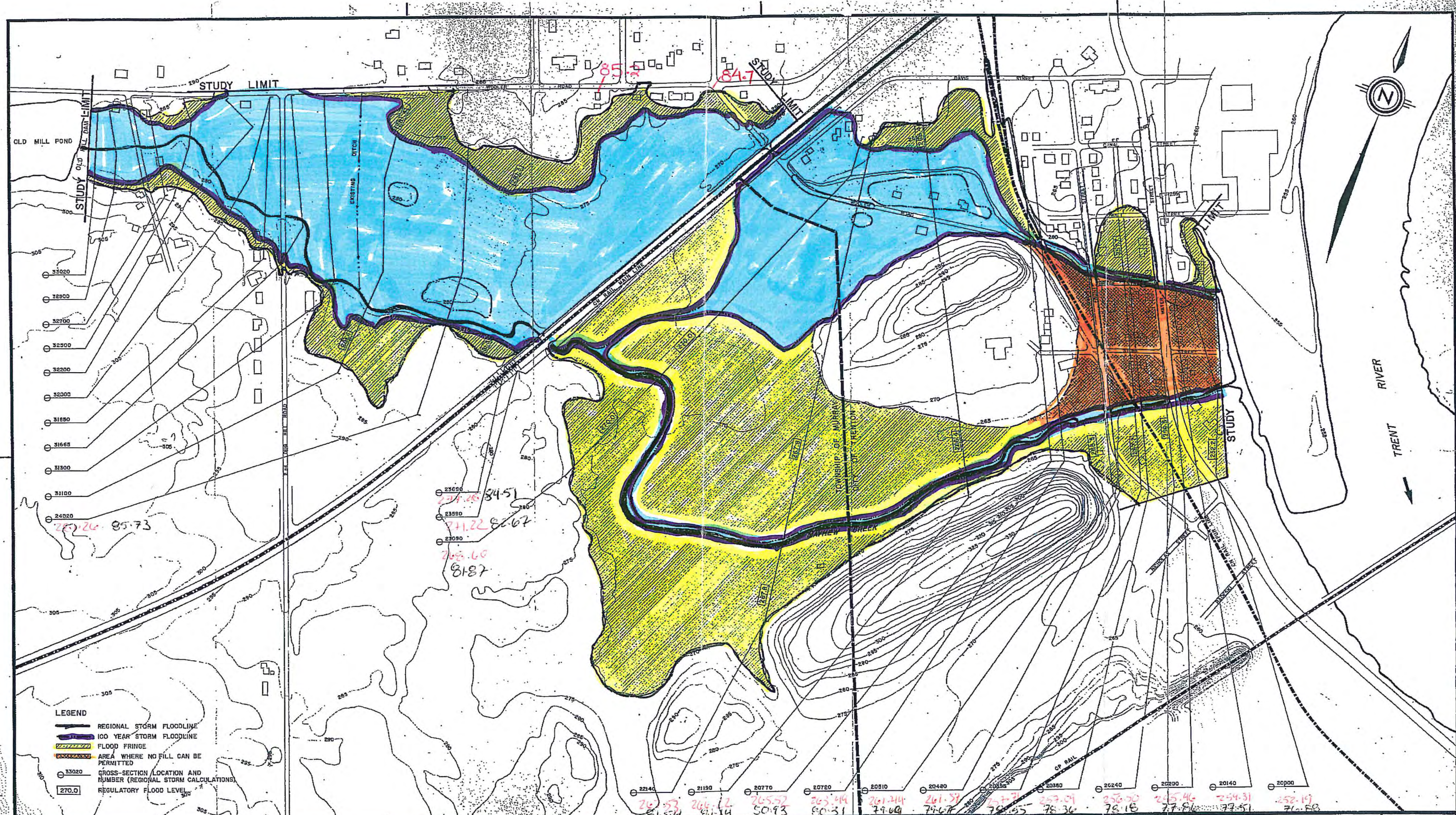
Disclaimer: This communication is intended for the addressee indicated above. It may contain information that is privileged, confidential or otherwise protected from disclosure under the Municipal Freedom of Information and Privacy Protection Act. If you have received this email in error, please notify me immediately.



APPENDIX L

TWO-ZONE NO FILL MAPPING

February 10, 2022



- LEGEND**
- REGIONAL STORM FLOODLINE
 - 100 YEAR STORM FLOODLINE
 - FLOOD FRINGE
 - AREA WHERE NO FILL CAN BE PERMITTED
 - GROSS-SECTION LOCATION AND NUMBER (REGIONAL STORM CALCULATIONS)
 - REGULATORY FLOOD LEVEL

totten sims hubicki associates
CONSULTANTS
 COBOURG WHITBY KINGSTON TORONTO BRACEBRIDGE

BASE MAP IS A COPY OF MAP PREPARED BY: CRYSLER AND LATHAM LTD. (DUMMING-COCKBURN ASSOCIATES) FOR THE 1980 FLOOD CONTROL STUDY.

No.	DATE	BY	REVISIONS




DESIGNER L.S.
 DRAWN R.G.A.
 CHECKED L.S.
 APPROVED D.A.M.
 SCALE 1" = 200'

LOWER TRENT REGION: CONSERVATION AUTHORITY
 MAYHEW CREEK TWO-ZONE CONCEPT
 CITY OF TRENTON AND TOWNSHIP OF MURRAY
 FLOOD FRINGE AREAS - EXISTING CONDITIONS

DATE OCT. 1983
 PROJECT 24-5682

DRAWING **4**

LEGEND

- REGIONAL STORM FLOODLINE.
- - - 100 YEAR STORM FLOODLINE.
-  FLOOD FRINGE - NO FILL OR ADDITIONS TO STRUCTURES CAN BE PERMITTED.
-  FLOOD FRINGE - DEVELOPMENT PERMITTED CONDITIONAL ON FIRST FLOOR CONSTRUCTION ABOVE REGULATORY FLOOD LEVEL.
-  SPILL OUT OF COLD CREEK.
- 111.7 REGULATORY FLOOD LEVEL.



LOWER TRENT REGION CONSERVATION AUTHORITY
 VILLAGE OF FRANKFORD
 ZONING OF FLOOD FRINGE



APPENDIX M

WATERCOURSE REALIGNMENT CHECKLIST

February 10, 2022



COMPLETE APPLICATION CHECKLIST

CREEK REALIGNMENTS

The following checklist has been compiled to assist the applicant in preparing their application for approval pursuant to Ontario Regulation 163/06. This checklist is valid for a period of six months following issuance. The level of detail required in the application will be dependent on the proposed works as well as the natural hazards, natural heritage system, and environmental conditions on site. We recommend that applicants contact Conservation Halton staff prior to submitting the application to determine what level of detail is deemed appropriate. Note: Please be advised that even after all the information requested below is submitted and the application is deemed complete, additional information may be identified as the review progresses or as a result of changes to regulatory requirements.

This checklist must be returned with the Permit application indicating in the appropriate spaces that all required information has been provided.

PROJECT TITLE: DATE:
LOCATION: FILE #
TIMING WINDOW RESTRICTION:

Table with 4 columns: Requirement, Description, Applicable, Provided. Rows include Application Form, Application Fee, Electronically Submitted, Project Description, Photographs, Drawings, Reports, and Qualified Persons.

		Applicable	Provided
Study Confirmation	Confirmation that an approved Environmental Assessment, subwatershed study or similar comprehensive study has recommended the proposed works (applicable for all major creek realignments).	<input type="checkbox"/>	<input type="checkbox"/>
Drawing Requirements			
Digital Copies	<p>Technical drawings and plans provided in the most recent version of AutoCAD and properly georeferenced to real world coordinates (i.e. NAD83, UTM, Zone 17). File formats in order of preference are dgn, dwg, and dxf.</p> <p>GIS data and mapping should be submitted in an acceptable ESRI format and be properly georeferenced to real world coordinates (i.e., NAD83, UTM, Zone 17). It is highly desirable that mapping related data be submitted in ArcGIS Geodatabase format, containing all spatial, attribute, metadata and spatial joins/data rules. ESRI shape file format is an acceptable alternative.</p>	<input type="checkbox"/>	<input type="checkbox"/>
Topographic Survey	<p>Detailed topographic survey of the site by an OLS or qualified P.Eng. extending a minimum 15m upstream and downstream of the project footprint, with information collected at 1m intervals along the creek. The survey is to identify/confirm/include items such as:</p> <ul style="list-style-type: none"> • Creek inverts, creek thalweg • Bankfull locations • Existing infrastructure/utilities • Observed water level • Dams/weirs/knick points • Slopes /valley walls/retaining walls (top and bottom of bank) • Limit of wetlands, staked by CH • Ditch lines • Benchmarks • Date surveyed, etc. 	<input type="checkbox"/>	<input type="checkbox"/>
Plan View(s)	<p>Plan view(s) showing existing conditions and proposed conditions including:</p> <ul style="list-style-type: none"> • Detailed grading (clearly illustrate how the proposed works will blend in with the undisturbed areas) • Limit of work/disturbance • Watercourse (bankfull width) • Culvert/bridges • Flooding hazard limit and location of hydraulic cross-sections with regulatory flood elevations. • Location of approximate regulated limits (ARL) and applicable natural hazards, specifically: <hr/> <hr/> <ul style="list-style-type: none"> • Habitat features • Vegetation • CH staked wetland limits • Structures/buildings • Utilities/infrastructure • Location of cross-sections and profile views, etc. 	<input type="checkbox"/>	<input type="checkbox"/>

Complete Application Checklist – Creek Realignment

		Applicable	Provided
Aerial Photograph(s)	Plan view of the proposed works and limits of disturbance (or other, specifically _____), superimposed over top of a recent aerial photograph of the site. Please specify date of imagery.	<input type="checkbox"/>	<input type="checkbox"/>
Profile View(s)	Existing and proposed longitudinal profile view(s) of the channel (extending a minimum 15m upstream and downstream of project footprint) clearly illustrating the existing conditions and proposed development conditions. Drawings must clearly illustrate the works and its interface with the upstream and downstream watercourse reaches (creek invert, bank details, and overall gradient) that are to remain undisturbed.	<input type="checkbox"/>	<input type="checkbox"/>
Cross-sectional View(s)	Existing and proposed cross sectional views of the channel and valley slope. Bankfull width, creek inverts and low flow channel for fish passage must be illustrated.	<input type="checkbox"/>	<input type="checkbox"/>
Habitat Features	Plan, section and profile details of proposed habitat features (e.g. pools, riffles, dead snags, woody debris, etc.), as well as tie-in to the proposed channel. Bank location (bankfull, low flow), must be clearly identified on the above noted plans.	<input type="checkbox"/>	<input type="checkbox"/>
Substrate Materials	Type, size/gradation and depth of appropriate substrate material. Details of granular mixtures proposed or native material to fill the void spaces must also be included.	<input type="checkbox"/>	<input type="checkbox"/>
Existing Vegetation	A vegetation inventory is required (including scientific names and ELC community mapping to vegetation type). A Tree Preservation Plan is also required. Tree protection fencing location and details must be illustrated on the drawings. Follow Conservation Halton's <i>Landscaping and Tree Preservation Guidelines</i> , available at www.conservationhalton.ca .	<input type="checkbox"/>	<input type="checkbox"/>
Proposed Vegetation	Details on restoration, including a locally native, non-invasive seed mix for disturbed areas as well as compensatory trees and/or shrubs must be indicated on the drawings (including scientific names). Follow Conservation Halton's <i>Landscaping and Tree Preservation Guidelines</i> , available at www.conservationhalton.ca . unless as directed below: _____ _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>

		Applicable	Provided
Staging, Phasing and Access Route Plans	<p>Details regarding the sequence of construction with consideration of site management, best management practices, and aquatic/terrestrial timing window restrictions. The construction sequence should consider:</p> <ul style="list-style-type: none"> • Vegetation removal, • In-stream works, • Wildlife rescue plans, • Seasonal timing of landscaping and bioengineering, • Stockpiling operations, etc. <p>The full limits of disturbance for access to the site must be delineated with details regarding temporary crossings (if applicable). Efforts to minimize the extent of the disturbance must be demonstrated.</p>	<input type="checkbox"/>	<input type="checkbox"/>
Erosion and Sediment Control Plans	<p>Details regarding sediment and erosion control measures, site dewatering, equipment, materials, access to and from work area, monitoring, site supervision, etc. See <i>Erosion & Sediment Guidelines for Urban Construction</i> prepared by the Greater Golden Horseshoe Area Conservation Authorities (www.sustainabletechnologies.ca) for additional guidance.</p>	<input type="checkbox"/>	<input type="checkbox"/>
	<p>Above plan is to be prepared by a qualified professional (i.e. CISEC, CPESC or an approved equivalent).</p>	<input type="checkbox"/>	<input type="checkbox"/>
Technical Study Requirements			
<i>(Studies pertaining to flooding and erosion hazards must be completed in accordance with the Ministry of Natural Resources & Forestry (MNRF) Technical Guidelines (2002).)</i>			
Hydrology Analysis	<p>A hydrologic analysis by a qualified P.Eng to confirm/generate peak flows for the full range of storm events (typically 2, 5, 10, 25, 50, 100 year and Regional Storm). Digital and hard copy input and output files must be provided.</p>	<input type="checkbox"/>	<input type="checkbox"/>
Hydraulic Analysis	<p>A hydraulic analysis by a qualified P.Eng to verify that the proposed works will not increase flooding risks to life or property. The analysis must verify that flood storage is maintained and that there will be no increased flood levels on adjacent properties and no increased on-site flood risks. The assessment must be completed for the full range of rainfall events. A hard copy and digital copy of all models must be provided and must be accompanied by a summary table of pre and post development flood elevations. The source of the hydraulic model must also be specified. A plan view drawing showing the existing and proposed flooding hazard limit as well as the location of hydraulic cross-sections overlain on an existing topographic mapping and/or grading plan (if grading changes are proposed) must be provided.</p>		

		Applicable	Provided
Geotechnical Assessment (Slope Stability)	A geotechnical slope assessment by a qualified P.Eng. Where the location of stable top of bank is required, staff will require plan and cross-sectional views that illustrate, at a minimum, the site's topographical information, location of watercourse, toe of slope, staked top of bank, recommended toe erosion allowance, analyzed long term stable slope allowance and recommended stable top of bank. The location of the analyzed cross-sections must be shown on plan view.	<input type="checkbox"/>	<input type="checkbox"/>
Fluvial Geomorphic Assessment	<p>A fluvial geomorphological assessment by a qualified licenced professional (e.g. P.Geo.) with demonstrated expertise in natural channel design to verify that the design has adequately allowed for natural channel migration, fish/terrestrial passage, sediment transport, and minimizes the risk to infrastructure. The study is to include, but not be limited to;</p> <ul style="list-style-type: none"> • Details on how the proposed design provides a natural channel morphology consistent with anticipated drainage, gradient, and sediment transport regimes; • Channel migration, widening, potential downcutting/scour based on historical observations or acceptable modelling; • Potential changes in channel alignment and bank erosion in upstream and downstream reaches; • Appropriate bankfull flows, water depths, water velocities, and tractive forces. These parameters should be the same within the project footprint as in upstream and downstream natural areas; • Natural bottom substrate matching upstream and downstream substrates with supporting substrate sizing calculations. 	<input type="checkbox"/>	<input type="checkbox"/>
Meander belt Assessment	A meander belt assessment by a qualified P.Geo. or P.Eng. to establish the limits of the erosion hazard associated with the watercourse. Multiple methodologies should be utilized for comparison to determine the most appropriate setback.	<input type="checkbox"/>	<input type="checkbox"/>
Hydrogeological Assessment	A hydrogeological assessment by a qualified P.Eng or P.Geo. to study the potential impacts to surface/groundwater interactions related to creek relocation/lowering, dewatering, and discharge activities. The assessment must provide adaptive management, mitigation and monitoring strategies with considerations for discharge (quality and quantity of water), construction phasing, etc.	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic Habitat Assessment	Detailed description and habitat map of in-stream and bank habitat features including bankfull width, pools, riffles, undercut banks, eroding banks, root wads and large woody debris, thalweg/low flow location, backwater areas, substrate type, etc. See the <i>Environmental Guide for Fish and Fish Habitat (MTO, June 2009)</i> for further guidance.	<input type="checkbox"/>	<input type="checkbox"/>
Additional Fisheries Requirements	Fish passage assessment based on the sustained and burst speeds of the weakest species for baseflow conditions up to a 2-year storm (unless otherwise advised by CH staff).	<input type="checkbox"/>	<input type="checkbox"/>

		Applicable	Provided
Ecological Study	An Ecological Study. Reference must be made to Conservation Halton's <i>Guidelines for Ecological Studies</i> , available at: www.conservationhalton.ca .	<input type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	A detailed adaptive management/monitoring plan outlining elements of the works that are to be monitored, and the methodology, frequency, and duration of monitoring.	<input type="checkbox"/>	<input type="checkbox"/>

Other Requirements

Fisheries Act	On November 25, 2013, amendments to the <i>Canadian Fisheries Act</i> , associated Applications for Authorization (under Paragraph 35(2) (b) of the Fisheries Act Regulations) and Information Requirements Regulations came into force. Depending on the scale of works, as you will be conducting a project in/near water, the proponent has responsibilities under the Fisheries Act to ensure serious harm to fish is avoided. Please refer to the Department of Fisheries and Oceans (DFO) website for additional information. Alternatively, questions can be directed to DFO by phone 1 855 852-8320 or email fisheriesprotection@dfo-mpo.gc.ca .				
Endangered Species	Staff are aware that the Ministry of Environment, Conservation and Parks has outstanding concerns with respect to species listed on the Species at Risk in Ontario list as it pertains to <i>the Endangered Species Act (ESA)</i> in the immediate area around this project. Please contact MOECP directly to determine what detailed project information will be required to begin the ESA approval process: SAROntario@ontario.ca				
<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 50%; text-align: center;">Applicable</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>			Applicable		<input type="checkbox"/>
	Applicable				
	<input type="checkbox"/>				
Prepared by: _____	Signature: _____				

Additional Design Considerations

- Natural channel design appropriate to the fish community and landscape features must be utilized.
- Difference in length of realigned channel (before & after) should be less than 5%.
- Current channel conditions should be replicated (i.e. hydrograph, habitat, slope, etc.) or rationale provided for changing these channel features.
- Substrate material must be appropriate for the fish community. Natural substrate should be utilized where appropriate. Voids of new substrate material should be filled to avoid subsurface flow.
- Where erosion protection measures are required, these should be buried with appropriate substrate within the natural channel boundary. Soft bioengineering techniques (i.e. crib wall, brush mattresses, vegetation, etc.) should be utilized wherever possible rather than hardened, armoured banks.
- The new channel must be stabilized with vegetation prior to the introduction of flows.
- Existing channel must be abandoned using appropriate techniques.
- Work area should be isolated from flowing water. Phasing of works should allow construction to be performed in the dry.
- Settling or filtering of water pumped from work area must be addressed.
- In order to reduce the spread of invasive species, equipment should be thoroughly cleaned before being brought onsite. For guidance in this regard, please refer to the Clean Equipment Protocol for Industry, available online (http://www.ontarioinvasiveplants.ca/files/CleanEquipmentProtocol_Mar152013_D3.pdf).
- Enhanced sediment and erosion controls should be implemented in sensitive areas.
- Monitoring by the proponent after construction is crucial to verify the success of the project.
- Works should adhere to the Migratory Birds Convention Act. Should vegetation removal be required within the core breeding bird season (April 1st to August 31st), consultation with Environment Canada - Canadian Wildlife Services should be completed.



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: February 10, 2022
To: Board of Directors
Re: Draft Program and Services Inventory
Prepared by: Rhonda Bateman, Chief Administrative Officer

PROPOSED RECOMMENDATION:

THAT the Draft Program and Services Inventory be approved, and further that the final version be distributed to our municipal partners and the Ministry of the Environment, Conservation and Parks prior to February 28, 2022.

BACKGROUND:

The release of O. Reg. 687/21 “Transition Plans and Agreements for the Programs and Services Under Section 21.1.2 of the Act” outlines the requirement for Conservation Authorities to develop and deliver an inventory of programs and services to municipalities under its jurisdiction and to the Ministry of the Environment, Conservation and Parks (MECP) by February 28, 2022. The programs and services are to be categorized as mandatory or non-mandatory as outlined in O. Reg. 686/21 “Mandatory Programs and Services”. Below is the excerpt from Section 6 of O. Reg. 687/21 in reference to the inventory:

Section 6 - Inventory of programs and services

- 6. (1)** An authority shall prepare an inventory to include in its transition plan in accordance with this section.
- (2)** In preparing the inventory, the authority shall ensure that,
- (a)** the inventory lists all the programs and services that the authority is providing as of February 28, 2022;
 - (b)** the inventory lists all the programs and services described in subsection (7) that the authority intends to provide after February 28, 2022; and
 - (c)** for each program or service listed in accordance with clause (a) or (b), the authority,
 - (i)** estimates of the total annual cost of providing the program or service in the following manner and includes the estimate in the inventory:
 - (A)** if the program or service has been provided by the authority for a period of five or more years, calculate the average annual cost of providing the program or service for five years,
 - (B)** if the program or service has been provided by the authority for a period of less than five years, calculate the average annual cost of providing the program or service based on the period that the program was offered,
 - (C)** if the program or service has not been provided by the authority but is intended to be provided after February 28, 2022, calculate the average annual cost of providing the program or service based on the authority’s best assessment of what the costs will be and provide an explanation for the assessment, and
 - (D)** if the authority is of the opinion that the average annual cost determined under sub-subclause (A) or (B) does not reflect the average annual cost to provide the program or service in the future, adjust the average annual cost and provide an explanation for this adjustment,
 - (ii)** indicates the sources of funding available to cover the total annual cost estimated in subclause (i), including any municipal funding provided through municipal levy, provincial or federal funding, private funding or funding generated by the authority through user fees or otherwise, and
 - (iii)** provides an estimate of the percentage of the total annual cost estimated in subclause (i) that each of the sources of funding referred to in subclause (ii) is expected to cover.
- (3)** In the inventory, the authority shall classify all of the programs and services listed under clause (2) (a) according to the following categories of programs and services:
- 1. Category 1 programs and services - the mandatory programs and services provided under section 21.1 of the Act.

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2. *Category 2 programs and services - the municipal programs and services provided under section 21.1.1 of the Act.*
 3. *Category 3 programs and services - the other programs and services provided under section 21.1.2 of the Act.*
- (4) *For each Category 1 program or service listed in the inventory under clause (2) (a), the authority shall,*
- (a) *indicate into which type of Category 1 programs and services it falls, based on the types of mandatory programs and services that are,*
 - (i) *described in paragraph 1 of subsection 21.1 (1) of the Act,*
 - (ii) *prescribed by regulation under paragraph 2 of subsection 21.1 (1) of the Act, and*
 - (iii) *described in subsection 21.1 (2) of the Act; and*
 - (b) *explain why, in the authority's opinion, each Category 1 program or service falls into the specified type of mandatory programs and services and, if the authority has concerns about how to classify certain programs and services, explain those concerns.*
- (5) *For each Category 2 program or service listed in the inventory under clause (2) (a), the authority shall include the following information:*
1. *The name of the municipality on behalf of which the program or service is provided.*
 2. *The date on which the authority and the municipality entered into a memorandum of understanding or another agreement with respect to the provision of the program or service.*
- (6) *For each Category 3 program or service listed in the inventory under clause (2) (a), the authority shall include the following information:*
1. *Whether or not the program or service was financed, in whole or in part, through municipal levies collected from participating municipalities.*
 2. *Whether or not the authority intends to seek to enter into a cost apportioning agreement with one or more participating municipalities to ensure all or part of the financing of the program or service after the transition date.*
- (7) *If an authority is aware on or before February 28, 2022 that it intends to provide a new Category 1, Category 2 or Category 3 program or service after February 28, 2022, the authority shall,*
- (a) *include the proposed program or service in the inventory;*
 - (b) *in the case of a Category 2 program or service, indicate in the inventory that the authority intends to enter into a memorandum of understanding or another agreement under section 21.1.1 of the Act with the municipalities on behalf of which the program or service will be provided; and*
 - (c) *in the case of a Category 3 program or service, indicate in the inventory whether the authority intends to seek to enter into a cost apportioning agreement with one or more participating municipalities to ensure all or part of the financing of the proposed program or service after the transition date.*

DISCUSSION:

The programs and services inventory attached is a list with descriptors of programs and services that LTC currently offers and the current and/or anticipated funding mechanism for each program and service. The financial components for each program have not been included to date. It will be completed prior to final distribution to our municipal partners. The financials will be based on the 2022 approved budget.

Definitions for the inventory:

- a) Category 1 – mandatory service – funded by municipal levy
- b) Category 2 – non-mandated service delivered to municipality as requested through an agreement or Memorandum of Understanding
- c) Category 3 – services that are either not receiving any municipal funding OR services that are cost-apportioned with municipalities – other than Category 1 or 2 services
- d) Category Rationale – the section of the *Conservation Authorities Act* or other Acts or Regulations directly related to the mandated delivery of the program or service
- e) Funding Mechanism – funding from municipal levy for mandatory programs, municipal agreements for non-mandatory programs, provincial transfer payments (esp. Source Water Protection), federal

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funding, special benefitting levy for specific municipal programs (i.e. WECl), self-generated for use of existing LTC funds.

This inventory has been developed in consultation through Conservation Ontario with other conservation authorities across the province. Our collaborative Eastern Region GM/CAO working group has participated in several working meetings to discuss common practices and approaches. Neighbouring CAs will be presenting relatively similar formats for their inventories. It is notable that although the inventories for neighbouring CAs will be of a similar format, programs and services will differ. There are differences in watershed size, staff capacity, Board direction, funding opportunities and fiscal capacity locally and across the province.

The estimates for financial costs will be based on LTC's 2022 approved budget as opposed to a five-year average as it better reflects current costs and future anticipated costs. This approach was agreed upon by the Eastern Region GM/CAO working group. The justification for this is found in Appendix 1 of the inventory. The financial components are being prepared to coincide with the inventory as outlined and will require additional breakdown from our regular budgeting and reporting. This information will be adapted to the format and added to the table and forwarded to the Board members prior to the final distribution to municipalities and MECP.

There are three appendices included at the end of the inventory to meet all of the requirements cited under O. Reg. 687/21 which are explanatory in nature.

SUMMARY:

The Draft Program and Services Inventory is being presented to the Board for discussion and approval. The financial components of the inventory will be completed and an updated draft will be distributed to Board members for their information. The final version will be distributed to our municipal partners and the Ministry of the Environment, Conservation and Parks prior to February 28, 2022.

Lower Trent Conservation Inventory of Programs and Services

Draft: January 20, 2022

	Program/Service and Subservices	Description	Category (1,2,3)	Category Rationale Act/Regs	Program Cost Estimate (\$)	Funding mechanism and percentage of costs
Enabling Services:						
Program Description: Key assistance provided to all departments of the conservation authority, board of directors, member municipalities and the general public to enable Lower Trent Conservation to operate in an accountable, transparent, efficient and effective manner.						
	Corporate Services	Administrative, human resources, operating and capital costs which are not directly related to the delivery of any specific program or service, but are the overhead and support costs of a conservation authority. Includes health and safety program, overseeing programs and policies.	1	CA Act 20		Municipal Levy - % Self-Generated -
	Financial Services	Annual budget, accounts payable and receivable, payroll, financial analysis, financial audit, administration of reserves and investments, financial reports for funding agencies, preparing and submitting reports to CRA, benefits program administration.	1	CA Act 20		Municipal Levy - 100 %
	Legal Expenses	Costs related to agreements/contracts, HR, etc.	1	CA Act 20		Municipal Levy - 100 %
	Governance	Supporting CA Boards, Advisory Committees, Office of CAO/ST	1	CA Act Part IV		Municipal Levy - 100 %
	Communications and Outreach	Public awareness-natural hazards, flood forecasting and warning, permitting requirements, natural hazard identification, mitigation, readiness and response, governance, policy, municipal and public relations and engagement, conservation lands.	1	CA Act 20		Municipal Levy – 100 %
	Administration Buildings	Office buildings and workshop used to support LTC staff, programs, and services. Includes utilities, routine and major maintenance, property taxes.	1	CA Act 20		Municipal Levy – 100%
	Information Technology Management/ GIS	Data management, records retention. Development and use of systems to collect and store data and to provide spatial geographical representations of data.	1	CA Act 20		Municipal Levy - % Self Generated - %

	Program/Service and Subservices	Description	Category (1,2,3)	Category Rationale Act/Regs	Program Cost Estimate (\$)	Funding mechanism and percentage of costs
Natural Hazard Management Program						
Program Description: Conservation Authorities (CAs) are the lead provincial agencies on Natural Hazard issues. The goal is to protect life and property from flooding and erosion. This watershed-wide, comprehensive program includes development applications and permits, municipal plan input and review, environmental planning and policy, flood forecast and warning, flood and erosion control infrastructure, technical studies, ice management, education, and public awareness.						
	Section 28 Permit Administration	Reviewing and processing permit applications, associated technical reports, site inspections, communication with applicants, agents, and consultants and legal costs.	1	CA Act 21.1(1)		Municipal Levy – % Self-Generated – %
	Enforcement and Compliance	Under Part VII of the Conservation Authorities Act – enforcement and compliance to Part VI Section 28 permits	1	CA Act 21.1(1), 28		Municipal Levy – 100%
	Municipal Plan Input and Review	Technical information and advice to municipalities on circulated municipal land use planning applications (Official Plan and Zoning By-law Amendments, Subdivisions, Consents, Minor Variances). Input to municipal land-use planning documents (OP, Comprehensive ZB, Secondary plans) related to natural hazards, on behalf of Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR), delegated to CAs (1983). Input to the review and approval processes under other applicable law, with comments principally related to natural hazards, wetlands, watercourses, and Sec. 28 permit requirements.	1	CA Act 21.1(1)		Municipal Levy – %, Self-Generated – %
	Plan Review Not Related to Natural Hazards (i.e., stormwater, hydro-g)	Technical information and advice to municipalities on circulated municipal land use planning applications (Oak Ridges Moraine, Official Plan and Zoning By-law Amendments, Subdivisions, Consents, Minor Variances).	2	CA Act 21.1.1		Municipal Agreements Self-Generated – 100% Provincial – 0%
	Flood Forecasting and Warning	Daily data collection and monitoring of weather forecasts, provincial and local water level forecasts, watershed conditions, snow surveys, flood event forecasting, flood warning, communications and response and equipment maintenance. Annual meeting with municipal flood emergency coordinator.	1	CA Act 21.1(1)	170.0	Provincial Transfer Payment – 40.6% Municipal Levy – 59.4%

	Program/Service and Subservices	Description	Category (1,2,3)	Category Rationale Act/Regs	Program Cost Estimate (\$)	Funding mechanism and percentage of costs
	LTC Owned Flood and Erosion Control Infrastructure Operation and Management	Water and erosion control infrastructure operations and management. Includes all water management structures (flood control, dams and channels, berms, erosion control, etc.) that are annually inspected, and routine maintenance work completed. These structures are included in the asset management plan.	1	CA Act 21.1(1)		Provincial – 0 % Municipal Levy – 100%
	Non-LTC Owned Flood and Erosion Control Infrastructure Operation and Management	Water and erosion control infrastructure operations and management. Includes all water management structures (flood control, dams and channels, berms, weirs, erosion control, etc.) that are annually inspected, and routine maintenance work completed.	2	CA Act 21.1.1	Varies from year to year	Municipal Agreement Municipal Levy – 100% Special Benefitting Levy – when required
	Flood and Erosion Control Infrastructure Major Maintenance	Major maintenance on flood and erosion control structures as required. Projects are dependent on Water and Erosion Control Infrastructure (WECI) funding from the province and support from our municipal partners.	1	CA Act 21.1(1)	Varies from year to year	Provincial WECl– 50% Special Benefitting Municipal Levy – 50%
	Low water response	Conditions monitoring and analysis. Technical and administrative support to the Water Response Team representing major water users and decision makers, who recommend drought response actions.	1	CA Act 21.1(1)		Municipal Levy – 100% Provincial – 0%
	Information Management	Data collection, mapping, data sets, watershed photography. Development and use of systems to collect and store data and to provide spatial geographical representations of data. This includes our geographical information systems and support.	1	CA Act 21.1(1)		Municipal Levy - % Self-Generated – %
	Technical Studies and Policy Review	Studies and projects to inform natural hazards management programs including floodplain management, watershed hydrology, regulations areas mapping update, flood forecasting system assessment, floodplain policy, Lake Ontario shoreline management. These projects often last one to two years and are distributed over time as human resources and funding is available.	1	CA Act 21.1(1)		Municipal Levy – 100% Province – 0% Alternate grant funding when available
	Natural Hazards Communications,	Promoting public awareness of natural hazards including flooding, drought, and erosion. Attending public events, supplying materials. Social media services. Media	1	CA Act 21.1(1)		Provincial – 0% Municipal Levy – 100%

	Outreach and Education	relations. Educate elementary school students and the public about the danger of floodwaters, dangers of dams, etc.				
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	Program/Service and Subservices	Description	Category (1,2,3)	Category Rationale Act/Regs	Program Cost Estimate (\$)	Funding mechanism and percentage of costs
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Provincial Water Quality & Quantity Monitoring

Program Description: Lower Trent Conservation, in partnership with Ministry of Environment, Climate Change and Parks (MECP), has established long term sites to monitor surface and ground water conditions as well as an investment into long-term monitoring of climate change trends.

	Provincial Water Quality Monitoring Network (PWQMN)	CA/MECP partnership for stream water quality monitoring at 9 sites. LTC staff take water samples and MECP does lab analysis and data management. Information is used for watershed report cards and watershed project prioritization.	1	CA Act 21.1(1) O. Reg. 686/21 12 (1) 2		Municipal Levy – 100%
	Provincial Groundwater Monitoring Network (PGMN)	A long-standing CA/MECP partnership for groundwater level and quality monitoring at 11 stations. Costs include equipment, data collection, analysis, data management and reporting. MECP funded network installation and continues to fund equipment replacements. Data collected supports flood forecast and warning, low water response, and water quality monitoring and watershed report cards.	1	CA Act 21.1(1) O. Reg. 686/21 12 (1) 1		Municipal Levy – 100%

Local Water Quality Monitoring

Program Description: Lower Trent Conservation, in partnership with community organizations, municipalities, and federal and provincial agencies has established sites to monitor surface water quality and quantity as well as many other parameters to support a healthy ecosystem.

	Surface Water Quality Monitoring Program	Surface water quality monitoring at 29 baseflow sites, (in addition to PWQMN), 9 additional surface water quality monitoring locations, Lake Ontario nearshore water monitoring at area beaches, benthic monitoring at 26 OBBN sites across the watersheds. Costs include equipment and calibration, sampling, analysis, and reporting. Information is used for watershed report cards and watershed project prioritization.	3	CA Act 21.1.2		Municipal Levy – 100% (to date)
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	Program/Service and Subservices	Description	Category (1,2,3)	Category Rationale Act/Regs	Program Cost Estimate (\$)	Funding mechanism and percentage of costs
Drinking Water Source Protection						
Program Description: The protection of municipal drinking water supplies in the Trent Conservation Coalition (TCC) Region and the Lower Trent Conservation Source Protection Area through the development and implementation of TCC Source Protection Plans. The TCC is a complex regional grouping of five Source Protection Areas including Lower Trent, Crowe, Otonabee, Kawartha and Ganaraska Conservation Authorities						
	Regional Drinking Water Source Protection Program (DWSP)	Coordination of the Trent Conservation Coalition Source Protection Region. Governance support of the Source Protection Committee, administration, technical support. Section 34, 35 and 51 amendments, Section 36 reviews of the Source Protection Plans and Assessment Reports. Activities required by the Clean Water Act and regulations.	1	CA Act 21.1(1) Clean Water Act		Provincial Transfer Payment– 100 %
	Local Source Protection Area DWSP	Source Protection Authority reports, meetings and governance. Delivery of the Activities required by the Clean Water Act and regulations.	1	CA Act 21.1(1) Clean Water Act		Provincial Transfer Payment – 100%
	DWSP Risk Management Official	Carrying out Part IV duties of the Clean Water Act on behalf of municipalities through service agreements.	2	CA Act 21.1.1		Municipal Agreements – 100 %
	DWSP Education and Outreach	Carrying out Source Protection Plan policy G5: Education and Outreach specified action responsibilities on behalf of municipalities through service agreements.	2	CA Act 21.1.1		Municipal Agreements – 100 %
Core Watershed-based Resource Management Strategy						
Program Description: The purpose of a watershed plan is to understand the current conditions of the watershed, and identify measures to protect, enhance, and restore the health of the watershed. Watershed strategies provide a management framework to provide recommendations which consists of goals, objectives, indicators, and management recommendations. This addresses existing issues in the watershed and mitigate impacts from potential future land uses, while recommending appropriate actions to protect, enhance, and restore the watershed.						
New	Strategy Development	New Project: Collate/compile existing resource management plans, watershed plans, studies, and data. Strategy development, implementation, and annual reporting. This project builds on previous Watershed Management Strategies.	1	CA Act 21.1(1) O. Reg. 686/21 12 (1) 3		Municipal Levy – 100%

	Program/Service and Subservices	Description	Category (1,2,3)	Category Rationale Act/Regs	Program Cost Estimate (\$)	Funding mechanism and percentage of costs
Conservation Authority Lands and Conservation Areas						
Program Description: Lower Trent Conservation owns over 3,707 acres (1,500 ha) of land which includes conservation areas, management areas, forests, farmland and flood control structures and surrounding land. Lower Trent Conservation, property is essential to watershed management, environmental protection, helps implement the Watershed Management Strategy and provides areas for passive recreation.						
	Section 29 Enforcement and Compliance	Conservation Areas regulation enforcement and compliance.	1	CA Act 21.1(1) CA Act 29		Municipal Levy – 100 %
	Conservation Areas	Management and maintenance of 10 conservation areas and 7 natural heritage areas with over 20 kilometers of recreational trails. Includes passive recreation, forest management, risk management program, hazard tree management, gates, fencing, signage, brochures, communications, pedestrian bridges, trails, parking lots, pavilions, roadways, stewardship, restoration, ecological monitoring, carrying costs such as taxes and insurance.	1	CA Act 21.1(1)		Municipal Levy – %, Self-Generated – %
	Conservation Area Major Maintenance	Major maintenance and capital improvements to support public access, safety, and environmental protection such as pedestrian bridges, boardwalks, pavilions, trails.	1	CA Act 21.1(1)		Municipal Levy – 100%
	Land acquisition	Strategic acquisition of environmentally significant properties.	2 3	CA Act 21.1	varies	Municipal - % Self-Generated – %
	Vehicle and Equipment	Vehicles and equipment to support the work of LTC, including, fuel, licenses, repairs, and maintenance. Programs and projects are charged for the use of the vehicles and equipment.	1	CA Act 20		Municipal Levy - 100% Self-Generated - %
New	Inventory of Conservation Authority lands	New Project: The land inventory will include the following information: location, date obtained, method and purpose of acquisition, land use. Project updates as inventory changes.	1	CA Act 21.1(1) O. Reg. 686/21 9 (3)		Municipal Levy – 100%
New	Strategy for CA owned or controlled lands	New Project: A strategy to guide the management and use of CA-owned or controlled properties including guiding principles, objectives, land use, natural heritage,	1	CA Act 21.1(1)		Municipal Levy – 100%

	and management plans	classifications of lands, mapping, identification of programs and services on the lands, public consultation, publish on website. Updates of existing conservation area management plans.		O. Reg. 686/21 9 (1)		
New	Land Acquisition and Disposition Strategy	Update: Update current policy to guide the acquisition and disposition of land to fulfill the objects of the authority.	1	CA Act 21.1(1) O. Reg. 686/21 9 (2) vi		Municipal Levy – 100 %

	Program/Service and Subservices	Description	Category (1,2,3)	Category Rationale Act/Regs	Program Cost Estimate (\$)	Funding mechanism and percentage of costs
Special Projects						
Program Description: Lower Trent Conservation delivers other programs that are not part of the mandatory programs and services as outlined in O. Reg. 686/21. Most of these programs are funded without municipal levy but occasionally there are opportunities for municipal participation based on special benefitting funding. All of the programs influence and enhance the health and watershed management of the LTC. They are part of a larger integrated watershed management model.						
	Bay of Quinte Remedial Action Plan Office	To fulfil the delisting criteria for the Bay of Quinte Area of Concern under the Great Lakes Water Quality Agreement. Includes governance, administration, stakeholder and public outreach, First Nation engagement, communications, stewardship programs, data compilation and analysis, science coordination and review, strategic planning and reporting	3	Great Lakes Water Quality Agreement CA Act 21.1.2		Provincial funding - 50% Federal Funding - 50%
	Youth Education	The portion of the education program not directed to mandated programs primarily centered on watershed and natural environment curriculum	3	CA Act 21.1.2		Self-Generated – % Private funding - %
	Community Outreach	Programs that include stewardship and community outreach. Examples include the annual native plant and wildflower sales, private land stewardship including tree planting, guided conservation area field trips, webinars, etc.	3	CA Act 21.1.2		Self-Generated – 100%
	Technical Projects	1) OMAFRA Collaborative Project	3	CA Act 21.1.2		Provincial Funding - 100%
		2) OMAFRA Remote Sensing Project	3			

						Provincial Funding - 100%
NEW	NEW	Placeholder Opportunities for new projects that benefit the watershed and its municipal partners can occur anytime and can have varying durations. These projects may require matching funding or be self-sustaining. New projects may require municipal participation and/or funding.	3	CA Act 21.1.2		

Appendix 1

Caveats –

- 1) All of the financial information provided is based on estimates, including the percentage of the total annual fund contributions of the various funding providers.
- 2) Under O. Reg. 687/21 Section 6. (2)(c)(i)(D) if the authority is of the opinion that the average annual cost determined under sub-subclause (A) or (B) does not reflect the average annual cost to provide the program or service in the future, adjust the average annual cost and provide an explanation for this adjustment

The costs associated with each program and service are estimated based on the 2022 approved budget for Lower Trent Conservation. Due to the COVID pandemic affecting costs for the past two years, a five-year estimate is not reflective of current and future costs. The costs for programs and services increase annually due to increases in wages and benefits and the increased operational costs due to inflation. As well program operations are often modified based on best management practices.

- 3) The financial information included in the tables are associated with operational costs only. Capital asset management is found under the current Capital Asset Management Plan (attached). The current Asset Management Plan includes one structure that does not fall under Category 1 expenses and will be withdrawn from the Capital levy charged to the municipal partners for the 2024 budget.

Appendix 2

Category 2 Summary Information

New or Existing	Category 2 Service	Participating Municipalities	Date of agreement (most recent version)
Existing	Plan Review Not Related to Natural Hazards	Alnwick-Haldimand Brighton Centre Hastings Quinte West Cramahe Stirling-Rawdon Trent Hills Northumberland County	March 2018
Existing	DWSP Risk Management Official	Alnwick-Haldimand Brighton Cramahe Stirling-Rawdon Trent Hills	January 2020
Existing	DWSP Education and Outreach	Alnwick-Haldimand Brighton Cramahe Stirling-Rawdon Trent Hills	January 2020
NEW	DWSP Education and Outreach	Quinte West	No agreement in place, invoice for service Intention to develop an agreement
NEW	Non-LTC Owned Flood and Erosion Control Infrastructure Operation and Management	Quinte West Trent Hills Stirling-Rawdon Brighton – Butler Creek flood works? Alnwick-Haldimand – Barnum House Creek Weir?	Agreement to be developed, to date the service has been paid from municipal levy
NEW	PLACEHOLDER Opportunities for new programs or services that benefit the watershed and its municipal partners can occur at anytime. These programs and services may be requested by a municipality.		

Appendix 3

Category 3 Summary Information

For existing Category 3 programs and services, there are no programs or services financed through any Lower Trent Conservation Authority partner municipality.

For future Category 3 programs and services, the potential exists to seek funding for projects from municipal partners. Future projects that are beneficial to the watershed as a whole or that are benefitting to a particular municipality are variable and generally dependent on other funding sources and their funding criteria.

Lower Trent Conservation will continue to actively search for alternate funding for beneficial watershed and research projects.

Lower Trent Conservation intends to enter into cost apportioning agreements with municipalities as projects are developed and executed, when necessary.



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: February 10, 2022
To: Board of Directors
Re: Phase 2 Regulatory and Policy Proposal Consultation Guide
Prepared by: Rhonda Bateman, Chief Administrative Officer

PROPOSED RECOMMENDATION:

THAT the staff report on the Phase 2 Regulatory and Policy Proposal Consultation Guide and recommendations be accepted as information.

BACKGROUND:

The Ministry of the Environment, Conservation and Parks (MECP) released the Phase 2 Regulatory and Policy Proposal Consultation Guide to the Environmental Registry on January 26, 2022 or 30 days. The consultation guide addresses the proposals for municipal levies, budgeting and fee schedules. The Phase 2 Regulation was part of the provincial working group consultation. There are three webinars proposed based on the consultation guide. The CAO circulated the original correspondence from the MECP to ensure that Board members could register for the webinars as they were being held prior to our February 10th Annual meeting.

DISCUSSION:

In general, the consultation guide is acceptable with the proposed levy and budgeting requirements are consistent with our current budget process and procedures. The transparency requirements can be met without issue. It is important to note that CA representatives within the working group were integral in the development of these regulatory changes.

One of the changes proposed is the removal of the terminology discussing “matching” and “non-matching” funding. These definitions are currently used within our budget vote process. Its origin is in reference to the original 50/50 shared funding for conservation authorities between the Ministry of Natural Resources and the municipalities. Our shared funding vote currently only refers to the remaining Section 39 funding which is approximately 3.4% of the 2022 budget. Whereas the municipal levy portion of the budget is 51%.

The consultation guide indicates that Corporate Administrative Costs will be mandated under municipal levy which is consistent with LTC’s current practice. These costs have been recognized as being necessary for the maintenance of the organization and for the delivery of programs and services. Prior to the release of the guide, corporate administrative costs were not specifically identified under Category 1, 2 or 3.

The Province has indicated that the funding for Drinking Water Source Protection (DWSP) program under the *Clean Water Act* is anticipated to remain with the province. However, the guidance has indicated that program funding can be designated to municipalities. The discussion of “participating” and “specified” municipalities allows for determine costs and application of levies for areas inside and outside of regular jurisdictional watershed boundaries, those specifically aligned with the DWSP program. It is suggested that this part of the regulation addresses some unproclaimed provisions of the *Conservation Authorities Act*.

The identification of classes of programs and services for which a CA can be charged as well as the publishing of the associated fee schedule is not projected to negatively affect Lower Trent Conservation’s current practices.

Conservation Ontario held a General Manager/CAO meeting on Monday January 31st to review the consultation guide and promote discussion. Generally, there was acceptance of the overall direction with the upcoming regulation. There is a reasonable level of flexibility in the budget process and the charging of fees.

The information session held by the MECP on February 2, 2022 may bring forward some further questions that can be discussed at the Board's pleasure.

MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

**REGULATORY AND POLICY PROPOSAL CONSULTATION GUIDE:
Regulations regarding Municipal Levies, Conservation Authority
Budget Process, Transparency, and Provincial Policy for the Charging
of Fees by Conservation Authorities**

Date: January 26, 2022

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PURPOSE

The Ministry of the Environment, Conservation and Parks (the “ministry”) is consulting on a second phase of provincial regulatory and policy proposals that would be made under the *Conservation Authorities Act* to ensure that conservation authorities focus and deliver on their core mandate including helping protect people and property from the risk of natural hazards, the conservation and management of conservation authority-owned lands, and their roles in drinking water source protection and to improve governance and oversight in conservation authority operations.

The purpose of this Consultation Guide (guide) is to provide a description of the proposed Phase 2 levy and budget regulations (Lieutenant-Governor-in-Council (LGIC) and Minister’s regulation), provincial policy to be made under the *Conservation Authorities Act*, and complementary regulatory proposals, in order for the ministry to obtain feedback on the proposals. The guide describes the proposals that would inform the drafting of the regulations and associated policy document and is not intended to convey the precise language that would be used in regulation or policy.

Comments on the proposals may be submitted before the date indicated through either the Environmental Registry of Ontario or can be emailed directly to the ministry at ca.office@ontario.ca. Comments received will be considered by the ministry when developing the final regulations and policy.

INTRODUCTION

In 2018, the government made a commitment in its environment plan to collaborate with municipalities and other stakeholders to ensure that conservation authorities focus and deliver on their core mandate.

As part of that commitment, the government made amendments to the *Conservation Authorities Act* through the *More Homes, More Choice Act, 2019* which received Royal Assent on June 6, 2019. Beginning in late 2019, the ministry undertook extensive consultations with municipalities, the public, landowners, development, agricultural, environmental and conservation organizations as well as conservation authorities, about the core role of conservation authorities.

Based on the extensive and valuable feedback received, legislative amendments to the *Conservation Authorities Act* were made through [Bill 229, Protect, Support and Recover from COVID-19 Act \(Budget Measures\), 2020](#) which received Royal Assent on December 8, 2020.

The government is proclaiming unproclaimed provisions in the *Conservation Authorities Act* (stemming from amendments made in 2017, 2019, and 2020) through a staged process enabling a staggered rollout of regulations and policies in two phases.

The first stage of proclamations occurred on February 2, 2021 and included housekeeping amendments as well as provisions related to conservation authority governance, government requirements and the Minister of the Environment, Conservation and Parks powers. These were followed by the first phase of regulatory proposals posted to the Environmental Registry of Ontario and Ontario's Regulatory Registry for comment for 45-days from May 13 to June 27, 2021.

Following extensive consultation, the final regulations were filed on October 1, 2021 when the enabling provisions in the *Conservation Authorities Act* were proclaimed.

More information on the recently proclaimed provisions and approved regulations can be found via <https://ero.ontario.ca/notice/019-2986>.

REGULATORY AND POLICY PROPOSALS FOR CONSULTATION

The proposals in this guide for consultation are to support development of the following:

1. LGIC regulation governing the apportionment by conservation authorities of their capital costs and operating expenses to be paid by their participating municipalities through municipal levies, as well as related conservation authority budgetary matters, including requirements that conservation authorities distribute their draft and final budgets to relevant municipalities and make them publicly available – i.e. “Municipal Levies Regulation”.
2. Minister's regulation governing the determination by a conservation authority of costs owed by specified municipalities for the authority's mandatory programs and services under the *Clean Water Act, 2006*, and the *Lake Simcoe Protection Act, 2008* – i.e. “Minister's regulation for determining amounts owed by specified municipalities”.
3. Minister's published list of classes of programs and services in respect of which a conservation authority may charge a user fee.
4. Complementary regulations to increase transparency of authority operations.

Until the levy regulations and policy proposals noted above are finalized and in effect and the associated legislative provisions proclaimed into force, conservation authorities and municipalities would continue to follow current levy and budgeting processes, as well as the current list of eligible user fees set out in provincial policy. The schedule of timing for the effective date of these proposed regulations and provincial policy is proposed to align with municipal and conservation authority calendar year budget cycles, beginning January 1, 2023. This would ensure that conservation authority 2024 budgets and levy processes would follow the updated regulations, and conservation authorities would have the necessary time to satisfy the legislative requirements following the Minister's publication of the list of classes of programs and services for which an authority may charge a user fee.

PART 1: PROPOSED MUNICIPAL LEVIES REGULATION

BACKGROUND

MUNICIPAL LEVY FRAMEWORK

The province established conservation authorities through the *Conservation Authorities Act* based on resolutions by municipalities within a common watershed to address provincial and cross-municipal boundary interests in resource management, principally for water and natural hazard management.

The participating municipalities who petitioned for or later joined a conservation authority were agreeing to appoint their share of representative members to the authority, with the collective membership being the authority.

Municipalities also were agreeing to finance the conservation authority which, under the *Conservation Authorities Act*, must be done through the levy provisions. This Act enabled municipalities to take advantage of cost sharing through joint municipal funding of the conservation authority and its programs, services and projects (e.g., flood control infrastructure) that provide economic benefits, including through the protection of people and property.

A 'levy' is a compulsory financial charge on participating municipalities. Under the *Conservation Authorities Act*, an authority has the power to charge the participating municipalities for its operating expenses and capital costs if not funded by other revenue sources. The municipal levy provisions under the Act provide that the authority can determine the amount of levy required for expenses/costs and can apportion an amount of the total to each participating municipality as prescribed in the regulation. The levy under the Act is a debt due by the participating or specified municipalities to the authority and may be enforced by the authority as such.

Un-proclaimed provisions under the Act will, once proclaimed, continue to provide participating municipalities with the ability to appeal to the Ontario Land Tribunal regarding levy apportionments. Participating municipalities also have an opportunity to provide direct input into the authority annual municipal levy and authority budget.

Current legislation, regulations and provincial policy provide direction to the authorities and municipalities on the annual conservation authority budget process. The budget process also determines the total municipal levy required to be paid and how each type of authority cost can be apportioned among the participating municipalities based on the benefit each such municipality receives (or derives) from the costs. The *Conservation Authorities Act* provides that a conservation authority can determine the total benefit afforded to all the participating municipalities and the proportion of the benefit afforded to each of the participating municipalities (clause 21(1)(h)).

In 2019, participating municipalities provided over \$231 million to their conservation authorities through municipal levies (general and special project levies) under the *Conservation Authorities Act*. Municipal levies, the principal source of conservation authority funding, accounted for 56.6% of total authority revenue in 2019 with authority self-generated revenue accounting for 33.6%. Self-generated revenue could include cash raised through fees, such as user fees for park admissions, permitting fees, nature centre programs or stewardship services. Other revenue sources included provincial grants (6%) and federal grants (3.8%) (Conservation Ontario 2019 statistics).

Given the varying scope of programs and services each of the 36 conservation authorities provide and the size of their annual budgets to support those programs and services, each has a different makeup of revenue sources to finance their operations. For example, one authority may finance up to 81% of its annual operations through the municipal levy while another may only rely on the municipal levy for 28% of their budget, with the rest covered through other sources including self-generated revenue or provincial and federal grants (2019 conservation authority statistics).

Please see the Appendix for more information on the current municipal levy framework.

NEW LEGISLATIVE AND REGULATORY FRAMEWORK

With the proclamation of recent amendments made to the *Conservation Authorities Act* and newly approved regulations (Environmental Registry of Ontario notice number [019-2986](#)) made under this Act, the ministry is reviewing the current municipal levy context. Unproclaimed amendments to the *Conservation Authorities Act* would replace the existing municipal levy provisions with new levy provisions, once proclaimed, and would be supported by proposed regulations intended to bring the municipal levy framework into alignment with the new legislative and regulatory framework.

The new legislative amendments and corresponding regulations now require the categorization of conservation authority programs and services into three categories: category 1 (those programs and services every conservation authority is required to provide), category 2 (programs and services a municipality requests the conservation authority to undertake pursuant to a memorandum of understanding or agreement) and category 3 (programs and services the authority decides to adopt to further the purposes of the Act).

Category 1 mandatory programs and services that conservation authorities must now deliver pursuant to [O. Reg. 686/21: "Mandatory Programs and Services."](#) may be funded by provincial grants and, in some cases, conservation authority self-generated revenue (e.g., user fees, resource development). Where such revenue sources cannot finance the entire cost of these programs and services, under the unproclaimed levy provisions, a conservation authority will have the authority to levy their participating municipalities to finance these mandatory programs and services without any separate agreement. Most of the mandatory programs and services reflect long-standing programs and services that all 36 CAs have provided within their areas of jurisdiction.

Category 2 programs and services are those that a conservation authority delivers at the request of and on behalf of one or more municipalities (i.e., are municipally requested). Under the *Conservation Authorities Act*, a memorandum of understanding or service level agreement (or other similar agreement) between the parties is required and would describe the program(s) or service(s) to be delivered and will include provisions for how it is funded, where appropriate. Funding for such programs and services could be through special project levy and/or combined with user fees, or by other means as may be specified in the agreement if the municipality is not a participating or specified municipality. The ability for municipalities to request programs and services to be delivered by authorities on behalf of the municipalities is fundamental in the *Conservation Authorities Act* and long standing in authority budgets.

Category 3 programs and services are those a conservation authority determines are advisable to deliver in their area of jurisdiction (authority determined). For a conservation authority to levy for these programs and services, the authority must have cost apportioning agreements in place with the participating municipalities who have individually agreed to fund the programs and services. This requirement for participating municipalities to decide on funding category 3 programs and services and then enter into a cost apportioning agreement where the municipal levy is proposed to be used, is new to the funding and programming relationship between conservation authorities and participating municipalities. Cost apportioning agreements need to be in place as of January 1, 2024, for authorities to be able to levy for these category 3 programs and services as per the recently approved [O. Reg. 687/21 “Transition Plans and Agreements Regulation”](#).

PROPOSAL

MUNICIPAL LEVY

Unproclaimed provisions of the *Conservation Authorities Act* provide for legislative changes to the current levy provisions to reflect the changes stemming from the new categorization of programs and services and provide for an enhanced LGIC “Municipal Levies” Regulation to replace existing LGIC levy regulations (O. Reg. 670/00 “Conservation Authority Levies”; Ontario Regulation 139/96 “Municipal Levies”).

We are proposing to proclaim unproclaimed provisions of the *Conservation Authorities Act* that provide expanded regulatory authority for the LGIC to develop regulations which will govern the apportionment of the authority ‘operating expenses’ and ‘capital costs’ and conservation authority budgetary matters in general. ‘Operating expenses’ are defined in the *Conservation Authorities Act* and includes salaries of authority staff, per diems of authority members, rent and other office costs, program expenses, and costs related to the operation or maintenance of a project, and authority budgets break down these types of costs.

In order to safeguard the effective and timely transition of conservation authority operations to the new funding framework, we are proposing as part of this new Municipal Levies Regulation to apply the long practised municipal levy processes to the changed municipal levy context by:

- Maintaining consistency with current budget and municipal levy processes (i.e., budget, voting and apportionment methods as described in this guide).
- Using and adapting existing voting and apportionment methods and practices set out in current regulations or provincial policy.

Please see the Appendix for more details on the current municipal levy voting and apportionment methods.

The overall proposed approach in general is to provide direction as well as clarification where required while ensuring conservation authorities and municipalities have the necessary flexibility to respond to local circumstances. For example, for category 3 programs and services where an authority and participating municipalities are entering into cost apportioning agreements, these agreements could be with one, some or all municipalities and could use different apportioning methods on a case by case basis.

As a result, we propose that the Municipal Levies Regulation would:

- Incorporate the two current levies regulations (O. Reg. 670/00 “Conservation Authority Levies”; O. Reg. 139/96 “Municipal Levies”) and update as appropriate, including terminology such as ‘general levy’, ‘special project levy’, and removing ‘matching’, and ‘non-matching’ levy (see appendix for definitions).
- Incorporate the standards and policy for the authority budget process as currently set out in regulation and provincial policy. This is summarized in Table 1 below.

The intent is to ensure clear, consistent and transparent practice by the authorities and municipalities in the annual budget and municipal levy process and approval, and in the authority apportionment of project capital costs and operating expenses, including corporate administrative costs, to participating municipalities.

Additionally, we propose that the Municipal Levies Regulation would include:

- The two existing voting methods (i.e., the ‘one member, one vote’ and ‘weighted vote’, as set out in current legislation and regulation).
- The three current methods of apportioning expenses/costs (i.e., modified current property value assessment, agreement of the authority and participating municipalities, and as decided by the authority), while adapting the appropriate use of the apportionment and voting methods to the categories of programs and services where costs may be apportioned among all participating municipalities or to one or some.

See the Appendix for a summary of the current voting methods and methods for apportioning expenses/costs.

CONSERVATION AUTHORITY BUDGETING

The total annual municipal levy amount is confirmed with the approval of the annual authority budget by the authority (the members) at the annual budget meeting.

Unproclaimed provisions provide the LGIC with regulatory authority to develop regulations that govern conservation authority budget matters including the process authorities must follow when preparing a budget, the consultations required, and the rules and procedures governing budget meetings including quorum for these meetings and voting on the budget.

Current budget processes that the authorities and participating municipalities have developed at the local level are based on a mix of legislation, regulation, policy and guidance, and appears generally to function well and often leads to unanimous approval of the authority budget.

We propose to update and consolidate current regulation, policy and guidance for the budget, where relevant, into the proposed Municipal Levies Regulation. We propose to leave the working relationship for authorities and municipalities to develop, and they can coordinate and communicate their fiscal and budgetary timelines and expectations. The proposed regulation would include what is in the current O. Reg. 139/96 “Municipal Levies”, such as the items provided in Table 1 (i.e., methods of voting and notice).

In addition, it is proposed that as part of the consultation process on the budget with the participating municipalities, conservation authorities would be required to provide a summary of how the authority considered opportunities for self-generated revenue. We know that many conservation authorities provide valuable programs and services that are important to their local communities. These may be funded in whole or in part by self-generated revenue including from contracts with other organizations and user-generated fees or through other means. A greater reliance on self-generated revenue can reduce demands on the overall municipal levy and respect taxpayer dollars. Self-generated revenue can also come from resource development (e.g. logging, hydroelectric generation), fundraising and donations, services such as weddings and other events, as well as other rental / leasing opportunities such as for movie productions.

To enable full transparency in the conservation authority budget process, we are also proposing that the LGIC regulation would require each conservation authority to:

- 1) Publicly post its full draft budget, including the details related to operating and capital costs, on its website, irrespective of sources of revenue. This shall be done upon circulation to the municipality a minimum of 30 days prior to the meeting to decide any municipal levy component of the budget.
- 2) Distribute a copy of the final approved conservation authority budget to the Minister and its participating municipalities; and, make the final budget available

to the public by posting on its website and any other means the authority deems appropriate.

Table 1. Elements of the proposed conservation authority budget process to be included in the proposed Municipal Levies Regulation.

Conservation Authority Budget	Description
<p>1. Draft Annual Budget</p>	<p>Process:</p> <ul style="list-style-type: none"> • Conservation authority staff prepare draft budgets each year including proposed municipal levy amounts (general and special project levies) and apportionments. The overall budget addresses all anticipated revenues and expenditures for the core mandatory programs and services and local priorities (category 2 and 3) as well as corporate costs. • Budgets are set based on the experience from the previous year, staff recommendations to address current priorities, and authority member input and direction. • An authority and participating municipalities coordinate and communicate with each other their fiscal and budgetary timelines and expectations for the municipal levy and for the budget. • The draft preliminary authority budget is circulated to participating municipalities and upon circulation, the authority would be required to publicly post the draft budget to its website a minimum of 30 days before a vote on the final budget by the municipally appointed members. • NOTE: this proposal aligns with current provincial policy. <p>Vote:</p> <ul style="list-style-type: none"> • The authority (i.e. the members) vote to approve the draft preliminary budget for circulation to the participating municipalities by one member/one vote (i.e., each member is entitled to one vote per subsection 16(1) of the <i>Conservation Authorities Act</i>).
<p>2. Notification of Meeting</p>	<ul style="list-style-type: none"> • Minimum 30 days' notice given to participating municipalities of the conservation authority meeting to decide on the municipal levy component of the annual budget (generally held at the meeting to approve the annual budget). • Notice must contain the amount of the municipal levy to be voted on and be accompanied by the financial information used to determine the levy, including the full draft authority budget which includes all operating and capital costs. • NOTE: this proposal aligns with requirements set out in the current Municipal Levies Regulation and provincial policy. • In addition, it is proposed that the conservation authority must provide a summary of how the authority considered opportunities

	for self-generated revenue as part of the consultation process with participating municipalities on the budget and the levy.
3. Municipal Levy Vote	<ul style="list-style-type: none"> • The municipal levy part of the authority budget includes both the general and special project levies, and would continue to be approved by a ‘weighted’ majority vote of 51% of all the members present at the meeting for the levy vote (generally also the meeting for the budget vote), as set out in current regulations. • Member votes are ‘weighted’ by the percentage of municipal levy their appointing municipality pays to the authority (‘pay for say’ principle). • A municipality cannot have a weighted vote of its members exceeding 50% of all the weighted votes unless that municipality has more than 50% of the members in the authority. • When a member represents more than one municipality, each of their weighted votes would be based on the respective municipal weighting. • Municipal levy vote is a recorded vote. No proxy vote. • NOTE: this proposal aligns with requirements set out in the current Municipal Levies Regulation and provincial policy.
4. Budget Vote	<ul style="list-style-type: none"> • Proposal is to provide the two voting options: <ul style="list-style-type: none"> ○ Each member is entitled to one vote. ○ The member vote is ‘weighted’ (as noted above). • The budget vote is a recorded vote. No proxy vote. • NOTE: this proposal aligns with current practices, where some authorities use the one member/one vote while others use the ‘weighted vote’.
5. Final Budget	<ul style="list-style-type: none"> • The conservation authority would distribute a copy of the final approved conservation authority budget to the Minister and its participating municipalities and would be required to make the final budget publicly available by posting it on their website in a timely manner and by any other means the authority considers advisable. • NOTE: this proposal aligns with current practices of many conservation authorities.

APPORTIONMENT METHODS FOR CONSERVATION AUTHORITY PROGRAMS AND SERVICES COSTS

Conservation authorities will be able to levy for all category 1 mandatory programs and services, and only levy for category 2 and 3 programs and services with memorandums of understanding or service level agreements (or other similar agreement) or cost apportioning agreements in place. It would be required that the conservation authority budget clearly show these programs and services categories and detailed associated cost apportionment method for the municipal levy among the participating municipalities for each going forward.

As noted above, we are proposing to provide direction on the methods available to conservation authorities to apportion 'capital costs' and 'operating expenses' while enabling flexibility in determining which method meets local needs.

Category 1 Mandatory Programs and Services

Apportionment of 'operating expenses' and 'capital costs' of mandatory programs and services and the voting on the municipal levies for these programs and services is not proposed to change significantly from the current levy requirements. For the most part, the prescribed mandatory programs and services have been delivered by conservation authorities for many years, paid for (in whole or part) through the municipal levy.

'Operating expenses' for mandatory programs and services are proposed to be apportioned against all the participating municipalities using the modified current property value assessment method as set out in the current O. Reg. 670/00 "Conservation Authority Levies." However, where there may be operating expenses that do not apply to all participating municipalities (e.g., ice management, certain types of infrastructure operation and maintenance costs) it is proposed that those operating expenses may be apportioned by agreement of the authority and participating municipalities, or as decided by the authority, rather than the modified current property value assessment method.

Currently maintenance costs may be apportioned using two of the methods (i.e., modified current property value assessment or agreement of the authority and participating municipalities). It is proposed that capital costs would still be apportioned by any of the three of the current apportionment methods.

Category 2 and 3 Programs and Services

We propose that the apportionment method(s) used for costs/expenses related to category 2 and 3 programs and services would provide flexibility, allowing the conservation authority and its participating municipalities to decide the method to use, which must be set out in an agreement (e.g., memorandum of understanding or service level agreement (or other such agreement) for category 2, or cost apportioning agreement for category 3). This would likely be dependent on the benefit afforded or derived by a municipality from the program or service relative to other participating municipalities funding the program or service and how many participating municipalities may be involved.

Conservation Authority Corporate Administrative Costs (costs not directly related to the delivery of programs and services)

In order to successfully deliver all categories of programs and services, conservation authorities have ongoing 'operating expenses' and 'capital costs' to function effectively as an organization and ensure they can best deliver their programs and services. These

on-going 'corporate administrative' costs are not directly related to the delivery of any specific program or service and are costs to maintain the organization itself.

These costs could include for example: staffing and expenses for the authority members (governance costs), general management, clerical, financial (e.g., accounting, payroll), general asset management planning, IT staff, senior management costs, legal costs (e.g. 'back office functions'), office equipment and supplies including IT, vehicles and machinery, workshop space, main office occupancy costs (e.g., heating, utilities, potentially rent), depreciation on owned buildings and equipment, main office maintenance, repair as well as insurance and property taxes.

These corporate administrative costs do not require a memorandum of understanding or service level agreement (or other similar agreement) or cost apportioning agreement with a participating municipality for an authority to levy for these costs. We are proposing that these costs be included in the Municipal Levies Regulation and accounted for in a transparent, detailed and stand-alone manner in the authority's draft and approved budgets.

Unproclaimed provisions in the *Conservation Authorities Act* would also continue, once proclaimed, to enable a conservation authority to apportion a minimum levy for operating expenses to a participating municipality. The unproclaimed term 'operating expenses' under the Act includes corporate administrative costs as well operating costs of programs and services.

PART 2: PROPOSED MINISTER'S REGULATION FOR DETERMINING AMOUNTS OWED BY SPECIFIED MUNICIPALITIES

BACKGROUND

Recent changes to the *Conservation Authorities Act* include unproclaimed provisions that, once proclaimed, would allow conservation authorities to levy participating municipalities and 'specified municipalities' for the mandatory programs and services related to authority responsibilities under the *Clean Water Act, 2006* and for the Lake Simcoe Region Conservation Authority mandatory policy implementation under the *Lake Simcoe Protection Act, 2008*.

A 'specified municipality' is a municipality designated by regulation for a source protection authority/area under the *Clean Water Act, 2006* or designated under a regulation of the *Lake Simcoe Protection Act, 2008* as a municipality in the Lake Simcoe Region Conservation Authority; however, a specified municipality is not a participating municipality of a conservation authority under the *Conservation Authorities Act*. In other words, a specified municipality is a municipality or part of a municipality that did not join a conservation authority under the *Conservation Authorities Act* and is geographically

outside of any conservation authority area of jurisdiction under the *Conservation Authorities Act*.

The *Conservation Authorities Act* provides the Minister of the Environment, Conservation and Parks with regulatory authority to govern the determination of amounts owed by any of the specified municipalities for the programs and services an authority provides in respect of the *Clean Water Act, 2006* and the *Lake Simcoe Protection Act, 2008*.

We are proposing to proclaim the unproclaimed provisions in the *Conservation Authorities Act* related to the municipal levy and those related specifically to these other Acts.

No change is anticipated to the provincial funding for the drinking water source protection program under the *Clean Water Act, 2006* or *Lake Simcoe Protection Act, 2008*.

The unproclaimed provision (subsection 27.2(2)) of the *Conservation Authorities Act* would enable, once proclaimed, conservation authorities to determine amounts owed by any of its specified municipalities in connection with the mandatory programs and services the authority provides in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008* as set out in O. Reg. 686/21 "Mandatory Programs and Services Regulation."

PROPOSAL

For the proposed Minister's regulation with respect to determining amounts owed by specified municipalities related to the programs and services under the *Clean Water Act 2006* and the *Lake Simcoe Protection Act, 2008*, as set out in the Mandatory Programs and Services Regulation, we propose to:

- clearly identify the specified municipalities for each of these Acts; and
- identify the methods available for conservation authorities to determine the costs that the specified municipalities may need to pay, including a process of engagement with and integration of the specified municipalities with the participating municipalities into the levy and budget process for the costs associated with these two mandatory programs and services, as set out in the LGIC regulation.

For the levy of participating and 'specified' municipalities under the *Lake Simcoe Protection Act, 2008*, the ministry is proposing that the modified current property value assessment method be the method for apportionment. It is anticipated that this would primarily cover operating expenses for the implementation of the mandatory Lake Simcoe Protection Plan policies by the Lake Simcoe Region Conservation Authority.

For the levy of participating and 'specified' municipalities for programs and services provided by a conservation authority in respect of the *Clean Water Act, 2006*, all three

apportionment methods are being proposed (i.e., modified current property value assessment, agreement of the authority and municipalities, and as decided by the authority). This is intended to enable flexibility for the local circumstances in each source protection area, with apportionment, if needed, taking into consideration the extent of risk to sources of drinking water in each municipality. The consideration of risk may involve assessing different agreed upon criteria (e.g., number of municipal drinking water systems, extent of wellhead protection areas and intake protection zones with significant drinking water threats).

The process for engaging specified municipalities on levies under the *Lake Simcoe Protection Act, 2008* and *Clean Water Act, 2006* is proposed to be similar to the levy process and budget process for participating municipalities under the *Conservation Authorities Act* (see Table 1, including the requirement for a minimum of 30 days' notice of the levy vote, distribution of the draft budget to the specified municipalities and public posting of the draft budget to the authority's website upon circulation of it to the specified municipalities). Voting on these levies is proposed to occur with both appointed members from the participating and specified municipalities together and the member vote on the municipal levy for these programs and services is "weighted" by the amount of levy for these mandatory programs and services the municipality pays to the authority. In addition, it is proposed that a copy of the final conservation authority budget be distributed to the specified municipalities, in addition to the Minister and the participating municipalities.

PART 3: PROPOSAL FOR MINISTER'S PUBLISHED LIST OF CLASSES OF PROGRAMS AND SERVICES FOR WHICH A CONSERVATION AUTHORITY MAY CHARGE A FEE

BACKGROUND

The current clause 21(1)(m.1) of the *Conservation Authorities Act* provides conservation authorities with the ability to charge fees for services that are approved by the Minister. The Minister approved list of services that conservation authorities may charge a fee for that is currently in effect is set out in the provincial *Policies and Procedures for the Charging of Conservation Authority Fees* (June 13, 1997) and includes section 28 permit fees, plan review, response to legal, real estate and public inquiries, extension services (e.g., technical advice / implementation of erosion control measures, forest management / tree planting), information and education services, and sale of products.

Also, in addition to the services the Minister approved for the charging of fees, under *Conservation Authorities Act* clause 21(1)(m), conservation authorities may charge admission for the use of lands that they own or control and to their building and facilities on that land for recreational purposes.

PROPOSAL

We are proposing to proclaim s. 21.2 of the *Conservation Authorities Act*, which provides that the Minister may determine a list of 'classes of programs and services' that a conservation authority may charge a fee for, publish this list and distribute it to each conservation authority. An authority would be permitted to charge a fee for a program or service only if it is set out in the Minister's list of classes of programs and services. Once a conservation authority is granted the power to charge a fee for a program and service, the authority may determine the fee amount to charge.

The proclamation of s. 21.2 would ensure that a conservation authority administers fees in a transparent and accountable manner. For example, it would require a conservation authority to adopt and publish a written fee policy and fee schedule that lists the programs and services for which it charges a fee and the amount to be charged. If an authority makes changes to its fee schedule, it would be required to notify the public. The section also requires a conservation authority to set out the frequency with which the authority will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the policy, including giving notice of the review and how the policy will be changed as a result of a review, and the circumstances and procedures under which any person may request the authority to reconsider a fee that was charged to the person.

In addition, a conservation authority would be required to reconsider a fee at the request of any person who finds that a fee the authority has charged is contrary to their fee schedule or excessive in relation to the program or service for which it was charged. After being requested to reconsider a fee, the authority may either vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged or confirm the original amount of the fee.

The Minister's classes of programs and services for which conservation authorities may charge fees captures 'user' fees - i.e., fees paid by a person or organization who requests a service they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or an approval to undertake a regulated activity). The 'user' pay principle is considered appropriate when a program or service is delivered by a conservation authority to a requestor that is the primary beneficiary of the program or service. Conversely, the principle holds that those who do not benefit from the delivery of a program or service should not be obliged to pay. For these types of programs and services, such as the delivery of programs and services by the conservation authority that generate a public good or service, the municipal levy is the primary mechanism to fund conservation authorities.

The Minister's list of classes of programs and services is not however meant to capture fees for programs and services that are already enabled under other legislation. For example, North Bay-Mattawa Conservation Authority may charge a fee to administer on-site sewage systems approvals as prescribed in the *Building Code Act, 1992*. Since the

ability to charge this fee is already enabled through another statute, it is not proposed to be listed in the published list of classes of programs and services for which a conservation authority may charge a fee under the unproclaimed s. 21.2 of the *Conservation Authorities Act*. Similarly, where conservation authorities have been delegated by municipalities the role of a risk management official under the *Clean Water Act, 2006*, they may charge a fee for this role as set out by that Act; this fee will not be listed in the proposed Minister's list of classes for which a conservation authority may charge a fee.

Once subsection 29(1) of the *Conservation Authorities Act* is proclaimed and [O. Reg. 688/21 "Rules of Conduct in Conservation Authorities"](#) is in effect, the current authority for conservation authorities to charge fees under subsection 29(1) would be repealed and a conservation authority's ability to make such regulations would be transferred to the Minister. However, since the new Minister's section 29 regulation does not prescribe any fees, the power to impose fees will depend on the Minister's list of classes of programs and services that conservation authorities can charge a fee for, in amounts that the conservation authority may determine, under section 21.2 of the Act. This would affect the charging of fees by authorities for permits required to engage in activities on conservation authority owned or controlled lands, such as camping permits, and for the use (i.e. rental) of conservation authority property including vehicles, boats, recreational facilities and services.

It is recognized that continuing to enable user fees can increase opportunities for a conservation authority to generate their own revenue as well as reduce the overall municipal levy, respecting taxpayer dollars. We are proposing to continue to enable conservation authorities to charge fees where the user-pay principle applies and that the following be the published list of classes of programs and services that conservation authorities may charge fees for:

Table 2. Proposed classes of programs and services for which a conservation authority may charge a fee.

List of Classes	Qualifications
Category 1 Mandatory programs and services	<p>All mandatory programs and services where the following requirement is met:</p> <ul style="list-style-type: none"> • Where the 'user' pay principle is appropriate such as: <ul style="list-style-type: none"> – Administration of s. 28 permits (current s. 28 and proposed s. 28.1, including technical advice and studies) – Responses to legal, real estate and public inquiries regarding a s. 28 permit – s. 29 regulation activities – Review of applications under other legislation – Access to authority owned or controlled land for passive recreation

<p>Category 2 programs and services – i.e. those requested by municipalities and requiring a memorandum of understanding or service level agreement (or other similar agreement).</p>	<p>All Category 2 programs and services where the following requirements are met:</p> <ul style="list-style-type: none"> • Where the ‘user’ pay principle is appropriate and • Provisions for the charging of fees are set out in the memorandum of understanding or service level agreement (or other similar agreement) between the authority and municipality(ies) for these programs and services. <p>Examples may include commenting on <i>Planning Act</i> applications for matters other than natural hazards, such as for consistency with natural heritage policies.</p>
<p>Category 3 authority determined programs and services <u>with</u> cost apportioning agreement with participating municipalities</p>	<p>All Category 3 programs and services requiring a cost apportioning agreement where the following requirements are met:</p> <ul style="list-style-type: none"> • Where the ‘user’ pay principle is appropriate and • Provisions for the charging of fees are set out in the cost apportioning agreement¹ between the authority and the participating municipality(ies) for the program and service. <p>Examples may include stewardship extension services that are partially funded by municipal levy.</p> <p>Exception to the requirement for provisions to charge fees in the agreement is where the cost apportioning agreement is to fund: i) category 3 park or non-passive recreational programs and services offered by conservation authorities on authority owned or controlled land that are funded in part by the municipal levy (for example, for public access and use (rental) of authority land, facilities and services such as active recreation and equipment rentals) or, ii) community relations, information and education as well as product sales. An authority would be able to charge a fee as appropriate in this case.</p>
<p>Category 3 authority determined programs and services <u>without</u> cost apportioning agreement</p>	<p>All Category 3 programs and services with no cost apportioning municipal agreement (i.e., no levy required), where the ‘user’ pay principle is appropriate, such as:</p> <ul style="list-style-type: none"> • Programs and services offered by conservation authorities on authority owned or controlled land (for

¹ To support this proposed fee class, amendments to [O. Reg. 687/21 “Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act”](#) are proposed to allow a participating municipality and conservation authority to determine where user fees can be established for those programs and services.

	<p>example, public access and use (rental) of authority land, facilities and services such as active recreation).</p> <ul style="list-style-type: none"> • Sale of products from on or off authority owned land. • Provision of community relations / information / education services when on or not on conservation authority owned land.
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PART 4: COMPLEMENTARY PROPOSALS TO INCREASE TRANSPARENCY OF AUTHORITY OPERATIONS

PROPOSAL

Complementary regulations are proposed to increase transparency of conservation authority operations. Specifically, the proposed Minister's list of fee classes would enable fees for category 3 programs and services where a cost apportioning agreement is in place for a program or service if the 'user' pay principle is appropriate and provisions for the charging of fees are set out in the cost apportioning agreement between the authority and the participating municipality as noted in the Table above, including the proposed exception. To support this proposed Minister's fee class, amendments to [O. Reg. 687/21 "Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act"](#) are proposed to allow a participating municipality and conservation authority to determine, through agreement, if user fees can be established for those programs and services. Requiring conservation authorities and participating municipalities to include provisions in the cost apportioning agreements increases transparency of user fees.

We are proposing through a Minister's regulation that conservation authorities be required to maintain a *Governance* section on their website in a conspicuous and easily accessible location for the public to access key information. This section must include the conservation authority membership with email and phone contact information; authority bylaws; draft and final budgets; category 2 and 3 agreements between conservation authorities and municipalities; meeting schedule and could include other relevant governance documents (e.g. strategic plans). Noting that the *Conservation Authorities Act* already requires the following to be posted on the authority website: financial statements, meeting agendas and meeting minutes.

We are also proposing the authority would be required to include a notice on the website when it amends or enters into a new memorandum of understanding or other agreement with municipalities and ensure the most up to date version of the agreements are available on the authority's website. The regulation would provide an exception for agreements that relate to the authority participating in a procurement process or portions of agreements that contain commercially sensitive information.

APPENDIX

CURRENT MUNICIPAL LEVY FRAMEWORK

There are two current LGIC regulations governing the nature and amount of the municipal levies:

- Municipal Levies regulation (O. Reg. 139/96) – provides the procedure for the ‘weighted’ votes for ‘non-matching’ levies and the requirement for notice to participating municipalities when the levy would be approved by a weighted vote. Also, it provides that levies cannot exceed the total cost of the project.
- Conservation Authority Levies regulation (O. Reg. 670/00) – provides the process to ‘apportion’ costs among all the participating municipalities using the modified current property value assessments. Also, it provides that an authority may establish a minimum sum to levied against a participating municipality.

Guidance materials are in place which support authorities and municipalities on the development of the annual authority budget and municipal levy, the voting method on the levies and the accountability of authority members to their appointing municipalities for the authority budget and municipal levy.

CURRENT AUTHORITY BUDGET AND MUNICIPAL LEVY APPROVAL PROCESS

The total municipal levy amount is confirmed by the approval of the authority’s annual budget by the authority. Once the budget is approved, the levy for each participating municipality is automatically apportioned.

The amount of levy required from each municipality is sent in a notice of apportionment. Single-tier and regional municipalities are the ‘participating municipality’ in an authority and the levy would be apportioned to them. The levy is a debt due by the participating municipality to the authority and may be enforced by the authority as such.

The levy amount sent out in the notice to a municipality includes the municipality’s portion of the shared costs that are apportioned among all the participating municipalities, referred to as ‘general’ levy, and the costs specific to that municipality (or shared among a few) for specific authority programs or services, generally referred to as ‘special project levy’.

CURRENT ANNUAL AUTHORITY BUDGET AND MUNICIPAL LEVY VOTING METHODS

For the authority’s current voting process on the municipal levy and the annual authority budget, there are two different voting methods: the ‘weighted vote’ in the Municipal Levies regulation, and ‘one member/one vote’ set out in the Act.

A ‘weighted’ vote occurs in a manner prescribed by the current Conservation Authority Levies regulation which is based on the ‘pay for say’ principle, where the ‘weighting’

reflects the percentage of municipal levy the appointing municipality pays to the authority. This levy vote is carried by a 'weighted majority'; each authority member's vote is 'weighted' by the percent of levy the member's appointing municipality pays to the authority. For example, if a municipality has 10 members in an authority that has a total of 15 members and that municipality has 89% of the levy to pay, the vote for each member of that municipality would 'weigh' 8.9% of the total 'weighted' vote.

The Conservation Authority Levies regulation stipulates however that a municipality cannot have a 'weighted' vote that exceeds 50% of the overall vote unless that municipality has more than 50% of the actual authority members. This ensures that unless that municipality has more than half the members in the authority, the municipality would need to have at least one other municipality's member(s) vote to pass the 'non-matching' levy. For example, if a municipality has 4 appointed members of a total of 10 authority members and that municipality provides 75% of the levy to the authority, the total weighted vote of its four members would not exceed 50% of the total weighted vote. Each member's weighted vote would then be 12.5%; the total of all four members' weighted vote equals 50% of the total weighted vote. Without the 'weighing', each member's vote would have been 18.75% for a total of 75% of the vote. Neither the Act nor current regulations specify when a 'weighted' vote should be used or for what sections of the Act.

Methods for authority voting on the annual budget is also variable among conservation authorities: some vote on the whole budget using the weighted vote, others may use the one member, one vote, with the levy portion of the budget voted by 'weighted vote'.

For approval of the levy associated with certain eligible provincial grant 'projects' (i.e., flood forecasting and warning) that require the authority to match or cost share with matching municipal levy, authority members use the one-member/one vote method.

CURRENT APPROACH TO APPORTIONMENT OF CONSERVATION AUTHORITY COSTS

How the authority's current costs (administration, maintenance, and capital) under the Act are apportioned among the participating municipalities, is determined in different ways for the different types of costs.

1. Modified Current Property Value Assessment

This long-standing apportionment method set out in O. Reg. 670/00 Conservation Authority Levies is based on two principles:

- a. 'Municipal Ability to Pay': determined through the relative value of a municipality's total property tax base to the other property tax bases of the other municipalities in an authority; and

- b. 'Benefit derived' by a municipality from being in the authority: determined through the percentage of a municipality physically in an authority's jurisdiction (which can be in whole or in part) relative to the percentages of all the other municipalities' jurisdictions in an authority's jurisdiction.

The combination of relative modified current property value assessment dollars and the relative percentage of municipal jurisdiction in the authority's jurisdiction creates a percentage of what each municipality is to pay of the total levy amount the authority determines for its annual budget. While the method is complex, basically municipalities with relatively high property tax value pay a larger proportion of authority costs than municipalities with relatively low property tax value, tempered by how much of the geographic area of the participating municipality (the municipal jurisdiction in whole or in part) is located within the authority's area of jurisdiction.

This apportionment approach currently must be used when apportioning administration costs (as currently defined under the Act) as all the participating municipalities would be paying for these costs. This method may also be used for apportioning maintenance and capital costs of a project, again when all participating municipalities are to share these costs. The Conservation Authority Levies regulation describes this apportionment method.

This current levy apportionment method uses municipal property tax assessments at the single and lower tier municipal levels; however, the notice of apportionment (payment) from the authority goes to the 'participating' municipality which would include regional municipalities.

2. Agreement among the Authority and Participating Municipalities

A second method for authorities to apportion costs among all the participating municipalities is also enabled by the Conservation Authority Levies regulation. As an alternative to apportioning based on the modified current property assessment-based method, maintenance costs can be apportioned by agreement among the authority and participating municipalities on what the 'benefit derived' is for each participating municipality related to these maintenance costs where the modified current property assessment value based method is not considered appropriate. Capital costs may also be apportioned by this method.

3. As Determined by the Authority

A third method for an authority to apportion costs is for the authority (the members) to decide among themselves. This is the method often used for capital projects. The authority decides which participating municipalities should pay and how much each should pay ('benefit derived'). Dividing capital costs on the basis of 'benefit' is intended to ensure that costs paid by individual participating municipalities in support of project capital costs are proportionate to the benefits they receive (i.e., those who receive the greatest benefit pay the greatest share of costs).

Table 3. Summary of current apportionment methods and authority costs.

Current Conservation Authority Project Costs	Apportion by Modified Current Property Value Assessment	Apportion by Authority / Municipal Agreement	Apportion by the Authority
Capital	Yes	Yes	Yes
Maintenance	Yes	Yes	No
Administration	Yes	No	No

Table 4. Summary of the current municipal levy framework.

<i>Conservation Authorities Act</i>	Capital Costs for a Project	Maintenance and Administration Costs
Rules for administering	s. 25, s. 26, Municipal Levies regulation and provincial policy	s. 27, Municipal Levies and Conservation Authority Levies regulations and provincial policy
Voting	'Weighted Vote' method under the current Municipal Levies Regulation and provincial policy is required for capital costs unless there are specific provincial natural hazard grants for the authorities, in which case the one vote per member method applies. However, for capital costs, there are no provincial grants to be matched under the <i>Conservation Authorities Act</i> therefore the vote for capital costs has been by weighted vote.	One vote per member method for maintenance and administration costs funded by a specific provincial grant, and 'Weighted Vote' method under Municipal Levies regulation and provincial policy for costs <u>not</u> associated with activities or projects funded by the province.
Apportionment	Authority determines apportionment by benefit derived.	Authority determines apportionment of benefit derived using the modified current property value assessment method for administration costs. Maintenance costs portion may use alternative system to the modified current property value assessment method if agreed upon by the participating municipalities and the authority.
Minimum levy	Not available.	Authority may set a minimum for administration costs.

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LOWER TRENT
CONSERVATION

CAO REPORT

Date: January 31, 2022

To: Board of Directors

Prepared by: Rhonda Bateman, Chief Administrative Officer

CORPORATE SERVICES

Corporate Services introduced a new online timesheet system for the start of the new year. All of the staff have been trained and although there have been a few growing pains, this new system will allow better tracking of staff time associated with projects and programs. The timesheet system feeds directly into the electronic payment system which makes it more efficient and less time consuming for finance staff.

CONSERVATION ONTARIO

The Conservation Ontario (CO) Council meeting was held on December 13th. The minutes from the meeting are available at:

https://conservationontario.ca/fileadmin/pdf/Members_Council/December_2021_Council_Minutes_FINAL.pdf Please contact the CAO for username and password access.

Conservation Ontario has hosted several virtual meetings to promote discussion during the development of the Program and Service Inventory. These conversations have been extremely helpful to keep a relatively consistent approach to the inventories.

On January 17, 2022 the Friends of the Greenbelt hosted an online event where they presented the “2021 Friend of the Greenbelt Award” to conservation authorities for their work in keeping conservation areas open during pandemic conditions and for developing new innovations to engage the general public. Conservation Ontario accepted the award on behalf of all CAs. The other recipient of the award was the Greenbelt Farmers’ Market Network. A quote from their press release: “Throughout the pandemic, Conservation Ontario’s 36 conservation authorities and Greenbelt Farmers’ Market Network pivoted their operations in ways that continued to advance the Greenbelt’s economic, environmental, and social recovery.” If you would like, you can watch the 2021 Award recipient videos [HERE](#).

EASTERN REGION CAs

Eastern Region CA general managers and CAOs continue to meet biweekly to discuss common topics and share development of the program and services inventory.

COVID UPDATE

The onset of the Omicron variant before Christmas and the provincial designation of a Stage 2 re-opening under the pandemic resulted in another Work From Home mandate for staff able to work from home. Many of the staff have been comfortable and able to work from home and continue to

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achieve their goals under these arrangements. There are other staff that are working from the office on a continuing basis. Although there were two staff members who contracted COVID, our existing

COVID protocols are very stringent and there have been no contact infections between employees at the office.

As of January 31, 2022, staff have been directed to return to the office based on the new Stage 3 re-opening. The administrative office remains closed but the public are able to make appointments with staff members.

CONSERVATION LANDS

The CAO and Manager of Conservation Lands met with the Chair of the Brighton Trails Committee to introduce a discussion of a potential extension of a trail through Proctor Park. Further discussion will be undertaken as there are many potential issues associated with trail expansion.

Stewardship staff have been submitting several funding applications for a project on a portion of the LTC owned Trenton Greenbelt. Quinte West Council endorsed the LTC funding application with the Intact Municipal Climate Resilience Funding which required municipal support but does not require a funding commitment from the municipality. The project is to revitalize a section of the Trenton Greenbelt Conservation Area. The project focus is on the southernmost grassed section of lands owned by LTC (parcels outlined in blue below), just south of the former fire hall. The proposal incorporates a trail section (which can be extended in the future) as well as naturalistic landscaping and engaging amenities. Staff are working with Alderville First Nation to incorporate an indigenous story telling perspective into the design, to create a special green space that will attract more people to the Trent River in downtown Trenton.

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