

Conservation Authorities Act
Loi sur les offices de protection de la nature

REVISED REGULATIONS OF ONTARIO

REGULATION 164

Amended to O. Reg. 118/95

**FILL, CONSTRUCTION AND ALTERATION TO
WATERWAYS-NOTTAWASAGA VALLEY**

This Regulation is made in English only.

1. In this Regulation,

"Authority" means the Nottawasaga Valley Conservation Authority;

"building or structure" means a building or structure of any kind;

"drainage area" means, for a point, the area which contributes runoff to that point;

"fill" means earth, sand, gravel, 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 the contours of the ground;

"fill line" means any line designated as such on the maps referred to in the Schedules;

"regional storm" means a storm producing in a twelve hour period in a drainage area of,

(a) ten square miles or less, a rainfall that has the distribution set out in Table 1, or

(b) more than ten square miles, a rainfall such that the number of inches of rain referred to in each case in Table 1 shall be modified by

the percentage amount shown in Column 2 of Table 2 opposite the size of the drainage area set out opposite thereto in Column 1 of Table 2:

TABLE 1

0.6 inches of rain in the first hour
0.8 inches of rain in the second hour
0.4 inches of rain in the third hour
0.1 inches of rain in the fourth hour
0.2 inches of rain in the fifth hour
0.8 inches of rain in the sixth hour
1.7 inches of rain in the seventh hour
0.8 inches of rain in the eighth hour
0.9 inches of rain in the ninth hour
0.5 inches of rain in the tenth hour
0.5 inches of rain in the eleventh hour
0.3 inches of rain in the twelfth hour

TABLE 2

Column 1	Column 2
Drainage Area (Square Miles)	Percentage
11 to 20 both inclusive	97
21 to 30 both inclusive	94
31 to 40 both inclusive	90
41 to 60 both inclusive	87
61 to 80 both inclusive	84
81 to 100 both inclusive	82
101 to 150 both inclusive	79
151 to 200 both inclusive	76
201 to 300 both inclusive	74
301 to 400 both inclusive	70
401 to 500 both inclusive	68
501 to 600 both inclusive	66
601 to 700 both inclusive	65
701 to 800 both inclusive	64
801 to 900 both inclusive	63
901 to 1000 both inclusive	62
1001 to 1500 both inclusive	58
1501 to 2000 both inclusive	56
2001 to 2500 both inclusive	53
2501 to 3000 both inclusive	50

"river", "lake", "creek", "stream" or "watercourse" means any river, lake, creek, stream or watercourse under the jurisdiction of the Authority. R.R.O. 1990, Reg. 164, s. 1.

2. The areas described in the Schedules are areas in which, in the opinion of the Authority, the control of flooding or pollution or the conservation of land may be affected by the placing or dumping of fill. R.R.O. 1990, Reg. 164, s. 2.

3. Subject to section 4, no person shall,

(a) construct any building or structure or permit any building or structure to be constructed in or on a pond or swamp or in any area susceptible to flooding during a regional storm;

(b) place or dump fill or permit fill to be placed or dumped in the areas described in the Schedules whether such fill is already located in or upon such area, or brought to or on such area from some other place or places; or

(c) straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse. R.R.O. 1990, Reg. 164, s. 3.

4. Subject to the *Ontario Water Resources Act* or to any private interest, the Authority may permit in writing the construction of any building or structure or the placing or dumping of fill or the straightening, changing, diverting or interfering with the existing channel of a river, creek, stream or watercourse to which section 3 applies if, in the opinion of the Authority, the site of the building or structure or the placing or dumping and the method of construction or placing or dumping or the straightening, changing, diverting or interfering with the existing channel will not affect the control of flooding or pollution or the conservation of the land. R.R.O. 1990, Reg. 164, s. 4.

5. No person shall commence to construct any building or structure or dump or place fill or straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse in any area to which section 3 applies before permission to do so has been obtained under section 4. R.R.O. 1990, Reg. 164, s. 5.

6. (1) A signed application for permission to construct a building or structure shall be filed with the Authority and shall include,

- (a) four copies of a plan of the property showing the proposed location of the building or structure, its elevation and the proposed final grade plan;
- (b) four copies of a complete description of the type of building or structure to be constructed, including drainage details;
- (c) four copies of a statement of the dates between which the construction will be carried out; and
- (d) four copies of a statement of the proposed use of the building or structure following completion of the construction.

(2) A signed application for permission to place or dump fill shall be filed with the Authority and shall include,

- (a) four copies of a plan of the property on which the fill is to be placed, showing the proposed location of filling, the depth to which it is proposed to fill and the proposed final grade of the land when filling is completed;
- (b) four copies of a complete description of the type of fill proposed to be placed or dumped;
- (c) four copies of a statement of the dates between which the placing or dumping will be carried out; and
- (d) four copies of a statement of the proposed use of the land following completion of placing or dumping.

(3) A signed application for permission to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse, shall be filed with the Authority and shall include,

- (a) four copies of a plan on which shall be shown in plan view and cross section the details of such straightening, change, diversion or interference;

(b) four copies of a description of the protective measures to be undertaken;

(c) four copies of a statement of the dates between which the straightening, changing, diverting or interfering will be carried out; and

(d) four copies of a statement of the purpose of the proposed work.
R.R.O. 1990, Reg. 164, s. 6.

7. The Authority may, at any time, withdraw any permission given under this Regulation, if, in the opinion of the Authority, the conditions of the permit are not complied with. R.R.O. 1990, Reg. 164, s. 7.

8. The Authority may, from time to time, appoint officers to enforce this Regulation. R.R.O. 1990, Reg. 164, s. 8.

SCHEDULE (WITHOUT TABLES OR DESCRIPTIONS)

SCHEDULE 1

In the County of Simcoe, more particularly described as follows: In the Township of West Gwillimbury in the County of Simcoe and being composed of those parts of the following lots and concessions: as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Richmond Hill as Nos. NV1-1 to NV1-46, both inclusive.

R.R.O. 1990, Reg. 164, Sched. 1.

SCHEDULE 2

In the County of Simcoe, more particularly described as follows: In the Town of Innisfil, in the County of Simcoe and being composed of those parts of the following lots and concessions: as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Aurora as Nos. NV2-1 to NV2-5, NV2-7 to NV2-17.

O. Reg. 47/93, s. 1.

SCHEDULE 3

In the County of Simcoe, more particularly described as follows: In the Township of Tecumseth in the County of Simcoe and being composed of those parts of the following lots and concessions: as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Richmond Hill as Nos. NV3-1 to NV3-65, both inclusive.

R.R.O. 1990, Reg. 164, Sched. 3.

SCHEDULE 4

In the County of Dufferin, more particularly described as follows: In the Township of Mono, in the County of Dufferin and being composed of those parts of the following lots and concessions: as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Richmond Hill as Nos. NV4-1 to NV4-60, both inclusive.

R.R.O. 1990, Reg. 164, Sched. 4.

SCHEDULE 5

In the County of Simcoe, more particularly described as follows: In the Township of Nottawasaga, in the County of Simcoe and being composed of those parts of the following lots and concessions: as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Aurora as Nos. NV5-2 to NV5-17 and NV5-19 to NV5-26, both inclusive.

O. Reg. 47/93, s. 2.

SCHEDULE 6

In the County of Simcoe, more particularly described as follows: In the Town of Stayner, in the County of Simcoe and being composed of the area contained within the following irregular boundaries: as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Aurora as Nos. NV6-1 to NV6-3, both inclusive.

O. Reg. 47/93, s. 2.

SCHEDULE 7

In the County of Simcoe, more particularly described as follows: In the City of Barrie, in the County of Simcoe and being composed of those parts of the following lots and concessions: as shown on maps filed in the Regional Office of the Ministry of Natural Resources at Aurora as Nos. NV7-1 to NV7-5, NV7-11 to NV7-14, NV7-20 to NV7-22, NV7-29 to NV7-32, NV7-40 to NV7-43, NV7-52 to NV7-54, NV7-90, NV7-96 to NV7-101, NV7-103 to NV7-108.

O. Reg. 47/93, s. 2.

SCHEDULE 8

In the County of Simcoe, more particularly described as follows: In the Township of Adjala, in the County of Simcoe and being composed of those parts of the following lots and concessions: as shown on maps filed in the Aurora Regional Office of the Ministry of Natural Resources as Nos. NV8-1 to NV8-14, inclusive.

O. Reg. 47/93, s. 2.

SCHEDULE 9

In the County of Simcoe, more particularly described as follows: In the Township of Springwater (formerly the Township of Vespra), and being composed of those parts of the following lots and concessions: as shown on maps filed in the Regional Office of the Ministry of Natural Resources in Aurora, as Numbers NV9-2 to NV9-21, both inclusive, NV9-22A, NV9-22B, NV9-23 to NV9-29, both inclusive, NV9-30A, NV9-30B, NV9-31 to NV9-37, both inclusive, NV9-38A, NV9-38B, and NV9-39 to NV9-48, both inclusive.

O. Reg. 118/95, s. 1.

SCHEDULE 10

In the County of Simcoe, more particularly described as follows: In the Township of Springwater (formerly the Township of Flos), and being composed of those parts of the following lots and concessions:

as shown on maps NV10-2 to NV10-20, both inclusive, NV10-22 to NV10-33, both inclusive, NV10-35 to NV10-36, both inclusive, and filed in the Regional Office of the Ministry of Natural Resources in Aurora.

O. Reg. 118/95, s. 1.

SCHEDULE 11

In the County of Dufferin, more particularly described as follows: In the Town of Shelburne, described by the following irregular boundaries: as shown on the maps filed in the Regional Office of the Ministry of Natural Resources at Aurora as Number NV11-1 to NV11-5, both inclusive.

O. Reg. 118/95, s. 1.