



Procedures for the Implementation of the Conservation Authorities Act and Associated Regulations

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**Nottawasaga Valley
Conservation Authority**

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please contact NVCA at 705-424-1479, extension 228 or
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Revision	Date	Comments
1	September 26, 2025	Approved by Board of Directors
2	November 28, 2025	Clarification on Section 3.8

1.0 Introduction

This procedural manual was developed to aid landowners, developers, consultants and other stakeholders who are interested in obtaining *Conservation Authorities Act* (CA Act) approvals from the Nottawasaga Valley Conservation Authority (NVCA). This document will also assist staff in meeting NVCA's permitting responsibilities under Section 28.1 of the CA Act. Further, the procedural manual serves as a valuable source of information for the NVCA's Board of Directors, municipal staff, development industry and the public.

1.1 Document Updates

This document shall undergo a formal review every 5 years, at a minimum, to ensure it remains current and aligned with regulatory changes, environmental considerations, and the evolving needs of the watershed community. The review process will be led by the NVCA staff, in consultation with relevant stakeholders, and shall include:

- An assessment of the effectiveness of existing policies in managing natural hazards and development activities.
- Integration of feedback from municipalities, the province, and other relevant partners involved in land use planning and conservation efforts.
- Review of compliance records and any enforcement actions taken during the past year to identify areas for improvement in policy enforcement or clarity.

1.1.1 Amendment Procedures

If, during the review process, amendments or updates are deemed necessary, the following steps will be taken:

- Draft revisions will be prepared by NVCA staff and submitted to the NVCA Board of Directors for consideration and approval.
- Public consultation will be conducted for any major policy changes that affect development guidelines, environmental regulations, or stakeholder interests. This public consultation may be a written submission period of 30 calendar days. However, technical amendments—such as clarifications, minor adjustments, housekeeping, name changes, or updates that do not significantly alter the intent or application of the policies—will not require public consultation.
- Municipal partners, community organizations, Indigenous communities, the public and others, will be notified of proposed major changes and given the opportunity to provide feedback through consultation sessions and/or written submissions.

- Finalized amendments will be incorporated into the document, and the updated policy will be published on the NVCA’s website and distributed to relevant parties.

1.1.2 Reporting and Documentation

Upon completion of the 5-year review, a report summarizing the review findings, any amendments made, and their rationale will be prepared and presented to the NVCA Board of Directors. This report will be made available to the public to ensure transparency and accountability in the policy update process.

1.2 Definitions

“Act” means the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;

“Applicant” means a person who applies for a Permit to engage in an activity prohibited under the Act within the Authority’s jurisdiction;

“Application” means a formal request for a Permit to engage in an activity prohibited under the Act within the Authority’s jurisdiction;

“Authority” means the Board of Directors of the Nottawasaga Valley Conservation Authority;

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

“Hearing Board” means the Authority or Executive Committee while it is conducting hearings in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. Further to section 28.4 of the *Conservation Authorities Act*, an Authority may also delegate any of its powers relating to the holding of hearings in relation to permits to any other person or body, subject to any limitations or requirements prescribed by regulation;

“Minister” means the Minister of Environment, Conservation and Parks;

“Party” means an Applicant, Permit Holder, or individual subject to a Stop Order;

“Permit” means a permit to engage in otherwise prohibited activities under the Act, issued by the Authority (s. 28.1 and s. 28.1.2 permits) or by the Minister (s. 28.1.1 permits).

“Permit Holder” means a person who holds an active Permit issued by the Authority or a Minister’s Permit issued by the Minister;

“Staff” means the employees of the Nottawasaga Valley Conservation Authority;

“Stop Order” means a stop order issued under section 30.4 of the Act;

“Witness” means a person who is called to speak to evidence presented at a hearing.

2.0 Legislation

2.1 *Conservation Authorities Act*

The *CA Act*, enacted in 1946, established conservation authorities as local agencies that respond to flooding and erosion concerns and the management of natural resources. Their geographic jurisdictions are watershed- based ecological systems.

Section 28(1) of the *CA Act* prevents anyone from undertaking activities to straighten, change, divert, or interfere with an existing channel of a river, creek, stream or watercourse, or to change or interfere in any way with a wetland without a permit from NVCA. Additionally, no one may undertake development activities within the Authority's regulated area (hazardous lands, wetlands, and other areas as determined by the regulation) without a permit.

2.2 **Ontario Regulation 41/24**

NVCA administers Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits Regulation under the *CA Act*. This new regulation supersedes *Ontario Regulation 172/06: Nottawasaga Valley Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* as of April 1, 2024.

Section 12 of O. Reg. 41/24 allows conservation authorities to make policies that prohibit, regulate or allow otherwise prohibited activities in NVCA's regulated areas. Prohibited activities that are likely to affect the control of flooding, erosion, dynamic beaches, unstable soils or bedrock, and have the potential 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 will require a permit from the NVCA.

The enacted Regulation allows the NVCA to ensure that applications for a permit have regard for natural hazard features in order to:

- Prevent loss of life;
- Minimize property damage and social disruption;
- Reduce public and private expenditures related to emergency operations, evacuations and restoration;
- Minimize the hazards associated with development in floodplains and areas which are susceptible to erosion; and
- Promote a transparent and time conscious process for permitting and plan review.

2.3 Regulated Areas

Ontario Regulation 41/24 applies to **hazardous lands** that are defined in Section 1(1) of the Regulation. Hazardous lands are lands that may be unsafe for development due to naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock. These lands make up NVCA's regulated areas, and have been mapped in accordance with guidelines from the Ministry of Natural Resources (MNR) and Conservation Ontario. A cross-section through a typical regulated area is shown by Figure 1.

In addition, the description of the hazards in Section 2 and 3 of Ontario Regulation 41/24 shall prevail over the regulated areas shown on NVCA's regulation map.

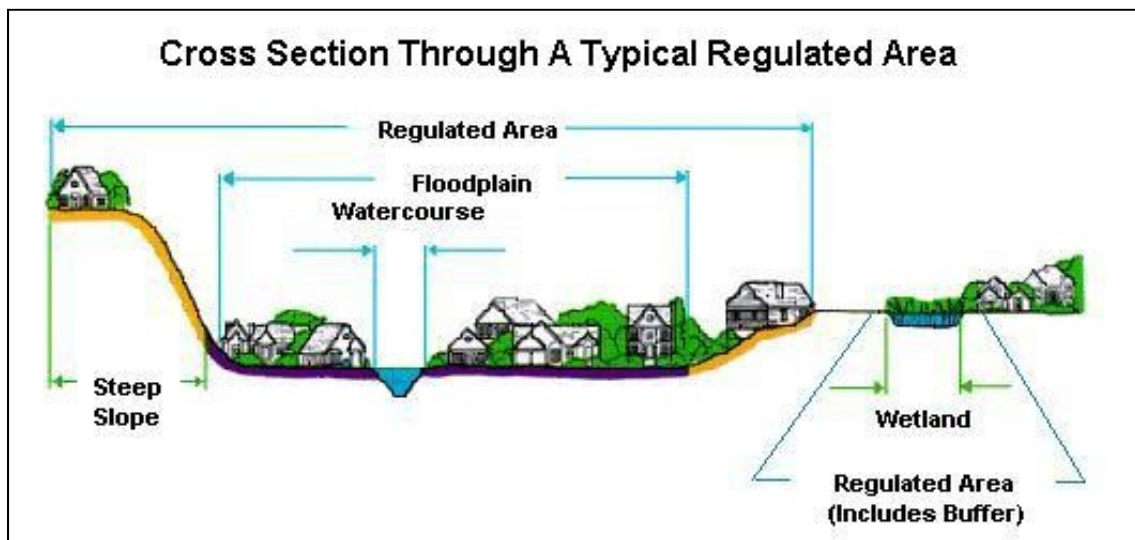


Figure 1 – *Cross-section through a typical regulated area under Ontario Regulation 41/24*

2.4 Regulated Activities

Under Section 28.1 of the *CA Act*, and as defined by Section 1(1) of Ontario Regulation 41/24, a permit from NVCA is required for the following activities conducted within regulated areas.

- The construction, reconstruction, erection or placing of a building or structure of any kind (see exceptions);
- Changes that would alter the use or potential use of a building or structure;
- Increasing the size of a building or structure, or increasing the number of dwelling units in the building or structure;
- Site grading;

- Temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere;
- Straightening, changing or diverting or interfering with the existing channel of a river, creek, stream or watercourse; or
- Changing or interfering with a wetland.

2.5 Exceptions

Under Ontario Regulation 41/24, paragraph 2 of subsection 28 (1) of the *CA Act* does not apply to the activities below. Please pre-consult with NVCA's Planning staff on any development project prior to submitting permit applications.

- a) the construction, reconstruction, erection or placement of,
 - (i) a seasonal or floating dock that,
 - (A) is 10 square metres or less,
 - (B) does not require permanent support structures, and
 - (C) can be removed in the event of flooding,
 - (ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - (iii) agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - (iv) a non-habitable accessory building or structure that,
 - (A) is incidental or subordinate to the principal building or structure,
 - (B) is 15 square metres or less, and
 - (C) is not within a wetland or watercourse
 - (v) an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the *CA Act* applies;
- d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the

- driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the *Drainage Act* and the *CA Act Protocol*, approved by the Minister of Natural Resources and Forestry and available on a government of Ontario website, as it may be amended from time to time;
 - f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space;

2.5.1 NVCA-Specific Exceptions

- a) Hot tubs, above ground pools and temporary pools;
- b) Boreholes and test pits for geotechnical investigations that do not require the construction of an access road to complete sub-surface investigations;
- c) Agricultural practices such as cropping and tilling of existing agricultural lands;
- d) Holding tanks outside of natural hazards where the area is returned to the original grade and the fill is removed off site;
- e) Top dressing of properties (0.1 metres of fill or less), 30 metres from a watercourse and/or a wetland;
- f) Like for like deck replacements where they are to remain unenclosed and/or uncovered and:
 - (i) Not located in a steep slope;
 - (ii) Located greater than 6 metres from the long-term stable top of slope of an erosion hazard; and
 - (iii) Not located within 6 metres of a watercourse;
- g) New attached decks that are:
 - (i) 5'11" and under in height (grade to deck floor);
 - (ii) 35 square metres or less;
 - (iii) Unenclosed and/or uncovered;
 - (iv) Not located within a steep slope;
 - (v) Located greater than 6 metres from the long-term stable top of slope of an erosion hazard;
 - (vi) Not located within 6 metres of a watercourse; and
 - (vii) Does not cover a walkout; and

- h) Replacement of failed septic systems that are like for like where:
 - (i) The elevations remain the same;
 - (ii) Did not fail as a result of flooding or erosion;
 - (iii) Not located within 6 metres of a watercourse;
 - (iv) Not located within a steep slope; and
 - (v) Located greater than 6 metres from the long-term stable top of slope of a slope erosion hazard.

3.0 Permit Process

3.1 Pre-Consultation

It is important for applicants to discuss their development proposal with NVCA staff prior to submitting a formal permit application. Pre-consultations can help identify how the proposal may be affected by NVCA's policies and guidelines and allow staff to confirm what constitutes a complete application.

NVCA staff will inform applicants of the general review and approval process, discuss application requirements, indicate whether the proposal is supported in principle and outline anticipated processing timelines.

Furthermore, NVCA has dedicated staff members that are available for pre-consultation on projects directly related to agricultural practices.

Before a pre-consultation, applicants are encouraged to visit the NVCA website and use the [Interactive Property Map](#) to check whether their property falls within a regulated area.

3.2 Completing a Permit Application Form

Permit application forms are available at the NVCA's administrative office and on the [NVCA's website](#).

Before submitting an application, property owners should consult with NVCA staff to determine if an application is required, and if so, what information should be submitted with the application. NVCA can only determine if the works are permitted once a complete application and detailed plans have been submitted.

At the time an application is submitted, details of the proposed works must be provided. The checklist that is attached to the application form should also be submitted.

NVCA will notify the applicant in writing, within 21 days, whether or not the application complies with subsection 28.1 (3) of the *CA Act*, and whether the application is deemed complete. NVCA staff will advise applicants if additional information is required in order to complete their application. This may include

surveys and technical reports. The cost of these studies is the responsibility of the applicant.

Once an application is deemed complete, no further studies will be requested from the applicant. However, further studies can be submitted upon agreement of NVCA and the applicant.

NVCA will follow Conservation Ontario's Best Practice timelines which outlines decisions for minor permits within 30 days and major permits within 90 days.

3.2.1 Request for Administrative Review

Under Section 8 of Ontario Regulation 41/24, an applicant may request an Administrative Review. A review can be requested when:

- The applicant has not received a notice from staff within 21 days;
- The applicant disagrees with Authorities determination that the application is incomplete; or
- The applicant is of the view that a request by staff for other information, studies, or plans is not reasonable.

The administrative review process is not available for the following applications:

- Applications that have already commenced;
- Pre-consultation applications; or
- Applications with outstanding fees.

Only one administrative review is permitted per application. The administrative review does not determine the outcome of the permit but rather addresses the administrative process.

To request an Administrative Review, an applicant will fill out the appropriate request form and indicate the reason for the request.

Once the request is received, the delegated staff member will have 30 days to issue a decision on the request. The decision can be either:

- Confirmation that the application meets the requirements and is a complete application or provide reasons why the application is incomplete; or
- Provide reasons why the request for other information, studies, or plans is reasonable or withdraw the request for all or some of the information, studies, or plans.

Staff decision on this matter is final and there is no appeals process.

3.3 Payment of Processing Fees

NVCA has established a "[Fee Policy & Fee Schedules](#)" under Section 21.2(7) of the CA Act. This policy is based on the user-pay principle. Fees and revenues generated through this policy are designed to recover the costs associated with administering

and delivering the services on a program basis. This policy is reviewed on an annual basis to monitor the effectiveness of the schedule of fees.

The fee schedule identifies permit categories including: minor, intermediate, and major. The schedule also has separate categories addressing review fees for agricultural projects.

Processing fees for applications submitted under Section 28.1 of the *CA Act* must be paid at the time an application is submitted. If the associated processing fee has not been paid, the submitted application will be considered to be incomplete, and the applicant will be notified. The application will be placed on hold pending the submission of the processing fee.

3.3.1 Fee Reconsideration

Under subsection 21.2(11) of the *CA Act* an applicant may request a fee reconsideration.

An applicant can request a fee reconsideration if they believe the fee charged 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 services or program for which it charged.

The applicant will provide staff with the appropriate form to request a reconsideration, including any supporting documents, and request whether the fee be reduced or waived.

In line with subsection 21.2(13), once staff have received the request for a fee reconsideration for a permit application, the staff member delegated the powers to undertake Fee Reconsiderations will have 30 days to make a decision on the request.

A decision can be either:

- Staying the fee;
- Reducing the fee; or
- Waving the fee

An applicant may only appeal to the Ontario Land Tribunal (OLT) if no decision on the fee reconsideration has been made within 30 days of receiving the request. The appeal to the OLT is only for fee reconsideration requests related to permit applications.

3.3.2 Payment of Fee Under Protest and Appeal

Subsection 21.2(16) outlines that an applicant who pays the fee after an order under a fee reconsideration can, in writing at the time of payment, indicate to Staff that they are paying the fee under protest and, within 30 days, appeal the amount charged by the NVCA upon reconsideration to the OLT.

3.4 Timelines for Processing of Applications

Section 12 of Ontario Regulation 41/24 provides the ability for individual Conservation Authorities to establish “standard timelines for the authority to make a decision on permit applications following notification that an application is complete...as the authority determines advisable”. Certain timelines are outlined in the CA Act (complete application review timelines, administrative review timelines, and appeal timelines for applicants), however the decision-making timeline for a CA is a local determination.

NVCA will follow Conservation Ontario’s Best Practice timelines which outlines decisions for minor permits within 30 days and major permits within 90 days.

3.5 Validity of Permits

Under Section 11 of Ontario Regulation 41/24, the maximum period of validity of a permit issued under Sections 28.1, 28.1.1, and 28.1.2 of the *CA Act*, including any extensions, is 60 months.

- The first category of permit approvals (up to and including 24 months) is expected to address the majority of applications, where a proposed project can reasonably be expected to be completed within two years of receiving a permit from NVCA. Staff note that NVCA currently issues all permits for a length of 24 months. This time period has been sufficient for the implementation of the vast majority of permits granted by the authority.
- The second category of permit approvals is expected to address larger-scale projects, such as municipal infrastructure and subdivisions, which cannot reasonably be expected to be completed within 24 months of receiving a permit from NVCA. This could be due to the fact that the applicant may have to obtain approvals from other regulatory agencies and/or the project is of such a scale that the construction period will extend beyond 24 months. Permits for these types of development may be issued for up to 60 months.

3.6 Transfer of Permits

Permits issued under Section 28.1 of the *CA Act* are non-transferable. Permits will be issued to the registered property owner or an authorized agent unless otherwise authorized by the property owner.

3.7 Responsibility of the Applicant

Issuance of a permit under Section 28.1 of the *CA Act* does not relieve the applicant from the responsibility of obtaining approvals from all other appropriate agencies (e.g., municipalities, Niagara Escarpment Commission), or complying with all conditions that have been imposed by other agencies.

3.8 Cancellation of a Permit

NVCA may recommend the cancellation of a permit if it is of the opinion of NVCA that the information contained within the application for a permit is not accurate or the conditions of the permit have not been met.

Before cancelling a permit, NVCA shall give the written notice of the intent to cancel the permit to the permit holder. The permit will be cancelled on a specified date, unless the permit holder requests a hearing within 15 days of receiving the notice. Any request for a hearing with regards to cancelling a permit shall follow the hearing process and be subject to Section 28.3(4) of the CA Act.

3.9 Applications Submitted Before April 1, 2024

Applications for a permit to develop in a regulated area or interfere with a wetland or watercourse received prior to April 1, 2024, will be subject to the provisions of the applicable Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation in effect at the time the application was received.

If the subject application for the proposed works is not within an area or an activity regulated under the new regulation (O. Reg. 41/24), then the applicant will be advised in writing that a permit is not required for the proposed works.

3.10 Applications Submitted After April 1, 2024

All applications received on or after April 1, 2024, will be subject to the provisions of O. Reg. 41/24.

3.11 Extension of Permits Issued under the Current Act

Permits issued prior to April 1, 2024, and have expiry dates beyond April 1, 2024 will remain valid for the duration identified on the permission. Inspections and conditions enforced under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation will continue until the permit expires.

A request for extension of a permit issued before April 1, 2024, that is received prior to April 1, 2024, will be considered in accordance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.

A request for an extension of a permit issued before April 1, 2024, that is received after April 1, 2024, will be considered in accordance with O. Reg. 41/24. An applicant requesting an extension will be notified in writing that an extension is not required if the permit is for a development activity or interference/alteration not

within a regulated area established under O. Reg. 41/24 or is otherwise subject to an exception under the same.

Requests for an extension of the existing permit must be received by the Authority prior to the date of expiry shown on the permit.

4.0 Hearing and Appeal Process

There are various routes for appeal within the *CA Act*. A summary table can be found in Table 1: Summary of Hearing Requirements under the Conservation Authorities Act and O. Reg. 41/24 of Appendix B.

4.1 Requests for a Hearing

The NVCA Hearing Board is comprised of NVCA's Board of Directors.

The applicant has an opportunity to appeal and request a hearing before the NVCA Hearing Board when:

- An applicant does not agree with the conditions set by NVCA in a permit;
- NVCA staff recommends refusal of an application;
- A Stop Order has been issued to the landowner;
- NVCA staff recommend refusal of an extension of a permit; or
- A permit is cancelled

If a hearing is requested, NVCA will schedule a hearing in accordance with Section 28.1(5) of the *CA Act*. The applicant shall be advised of options that they may wish to pursue in order to bring the application into conformity. They will also be advised of NVCA's hearing process.

4.2 Refusal of Applications

Whenever possible, NVCA staff shall work with applicants in an attempt to find a solution to their proposal when an application is not in conformity with the following policies and legislation:

- [O. Reg. 41/24: Prohibited Activities, Exemptions and Permits \(Ontario Regulation 41/24\)](#);
- [NVCA Planning and Regulation Guidelines \(Aug 2009\)](#);
- [NVCA Natural Hazards Technical Guide \(Dec 2013\)](#);
- The Provincial Planning Statement and associated technical guidelines prepared by the MNR and MMAH; and

- All policy documents and guidelines approved by the NVCA Board of Directors.

However, there are occasions when a mutually agreeable solution cannot be reached. When this occurs, NVCA staff shall:

- Recommend refusal of the application to the Board of Directors, and based on the Board's decision, refuse to issue a permit for the application.

NVCA staff will recommend that an application be refused if:

- The application does not satisfy provincial legislation, NVCA guidelines and standards; or
- In the opinion of Staff, the application:
 - Is likely to affect the control of flooding, erosion, dynamic beaches, unstable soils or bedrock; or
 - Is 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.

4.3 The Hearing Process

The *CA Act*, Section 28.1(5) requires that the applicant be 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.

The NVCA Hearing Board is empowered by law to make a decision based on the *Statutory Powers Procedures Act (SPPA)*. The NVCA Hearing Board shall evaluate the information presented at the hearing by both the conservation authority staff and the applicant and decide if the application should be approved with or without conditions or refused.

Refer to Appendix B for NVCA's Hearing Guidelines.

4.4 Appeal Process

In accordance with Section 28.1(8) of the *CA Act*, an applicant who has been refused a permit by the NVCA Hearing Board or who objects to conditions specified on a permit, may within **15 days**, appeal the decision to the Minister under Section 28.1(7) of the *CA Act*.

Additionally, in accordance with Section 28.1(20) of the *CA Act*, an applicant who has been refused a permit by the NVCA Hearing Board or who objects to conditions specified on a permit, may appeal the decision to the OLT may within **90 days** the decision, Section 28.1(7) of the *CA Act*. The OLT may refuse a permit or order NVCA to issue a permit with or without conditions.

Appeals should be forwarded to:

Ontario Land Tribunal
655 Bay Street, Suite 1500 Toronto
Ontario M5G 1E5

Please refer to the [Ontario Land Tribunal website](#) for the Appellant Form (A1) and more information on filing an appeal.

5.0 Enforcement

NVCA, by virtue of the *CA Act*, R.S.O. 1990 as amended, Section 30.1, appoints the officers to enforce Section 28 of the Conservation Authorities Act as well as any subsequent regulations.

Any work undertaken in an area which is regulated under Ontario Regulation 41/24 without a permit issued by NVCA is in contravention of the regulation.

NVCA officers shall inspect observed and reported violations of the regulation and may issue a violation notice, stop order, or an information letter to the owner of the property, and to the person undertaking the work, if different from the property owner.

In general, where a violation has been identified, property owners have two options:

- 1) Immediately stop activity and contact NVCA to obtain the necessary permits, provided the activity adheres to NVCA requirements; or
- 2) Remove the offending development or stop the activity and restore the area to its original condition by methods acceptable to NVCA.

If neither of these options are exercised to NVCA's satisfaction, the authority may proceed to take the matter to court. Every person who contravenes the regulation may be liable to a fine or a term of imprisonment. The courts may also order removal of development and/or rehabilitation of watercourses and wetlands.

It is the preference of NVCA to avoid having to proceed to court. Rather, NVCA staff prefer to work with applicants to find a mutually agreeable solution that is in alignment with NVCA policies and guidelines.

5.1 Stop Order

Further to Section 30.4 of the *CA Act*, NVCA's Provincial Offences Officers have the authority to issue Stop Orders in limited situations and are supplement to a violation notice. Generally, Stop Orders will be issued when there is imminent risk to the property in which the violation has occurred, an adjacent property, and/or

will cause environmental impact. Staff will only issue Stop Orders after discussion and direction from management staff.

Appendices

Appendix A: Relevant Legislation & Guidelines

Please note legislation and guidelines other than those listed below may be relevant in specific situations.

NVCA Guidelines & Policies

The most current version of NVCA's guidelines and regulations can be found [on NVCA's website](#). This includes:

- [Policies and Procedures for Conservation Authority Plan Review and Permitting Activities](#)
- [NVCA Planning and Regulation Guidelines](#)
- [NVCA Policy to Charge Fees for Services Related to Planning and Development Related Activities](#)
- [Procedural Guideline for the Placement of Large Quantities of Fill](#)
- [Ponds Policy](#)
- [Procedures for the Implementation of Ontario Regulation 41/24](#)
- Links to NVCA's Development Review Guidelines and Guidelines for Stormwater Management Review and Approval Guide
 - [NVCA Natural Hazards Technical Guide](#)
 - [NVCA Stormwater Technical Guide](#)

Provincial Legislation and Policy

The most current versions of the following Acts and regulations can be found at ontario.ca/laws.

- [Conservation Authorities Act](#)
- [Evidence Act](#)
- [Ontario Regulation 41/24 – Prohibited Activities, Exemptions, and Permits](#)
- [Planning Act](#)
- [Provincial Planning Statement, 2024](#)
- [Statutory Powers Procedure Act](#)
- [Oak Ridges Moraine Conservation Plan](#)
- [Niagara Escarpment Plan](#)

Federal Legislation

The most current versions of the following Acts and regulations can be found on the [Government of Canada's Justice Laws Website](#).

- [*Canada Evidence Act*](#)

Appendix B: NVCA Hearing Guidelines

Hearing Guidelines

For Applications made under Section 28 of the *Conservation Authorities Act*
In Conformity with *Conservation Authorities Act* Hearing Guidelines (October 2005,
Amended 2021)
Prepared by Conservation Ontario and
the Ontario Ministry of Natural Resources (MNR)

1.0 Purpose of Hearing Guidelines

The Section 28.1(5) of the *Conservation Authorities Act (CA Act)* 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 applications to be refused or approved with conditions. Typically, staff of a local conservation authority would recommend the refusal of an application if in their opinion, the proposal will adversely affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock.

The Nottawasaga Valley Conservation Authority (NVCA) Hearing Guidelines outline the step-by-step process for conducting hearings required under ss. 28.1 (5), ss. 28.1.2 (7), ss. 28.3 (2), (3) and (4), ss. 30.4 (6) of the CAA and ss.11(4), (5) and (6) of O. Reg. 41/24. Hearings provide due process and ensure the rights of the Party are upheld.

These guidelines ensure hearings meet the legal requirements of the *Statutory Powers Procedures Act (SPPA)* without being unduly legalistic or intimidating to the participants.

The Hearing Board is empowered by law to make a decision, governed by the SPPA. The Board's decision powers are governed by the CAA and O. Reg. 41/24.

Section 25.1 of the SPPA provides that "a tribunal may make rules governing the practice and procedure before it". The hearing rules are adopted under the authority of Section 25.1 of the SPPA. The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority to establish rules to govern such proceedings.

Table 1 below summarizes the legislative and regulatory requirements where a Party is to be provided with an opportunity for a hearing before the Authority, or [where delegated further to s. 28.4 of the CAA] the Executive Committee, or any other person or body [sitting as the Hearing Board].

Table 1: Summary of Hearing Requirements under the Conservation Authorities Act and O. Reg. 41/24

Hearing Scenario	Legislative or Regulatory Reference	Party	Hearing Intent	Appeal
Refusal Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to refuse	OLT – Within 90 days of receiving the reasons for the Authority’s decision Minister’s Review – Within 15 days of receiving reasons for the Authority’s decision
Attaching Conditions Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to attach conditions	OLT – Within 90 days of receiving the reasons for the Authority’s decision Minister’s Review – Within 15 days of receiving reasons for the Authority’s decision
Attaching Conditions Section 28.1.2 Permit	CAA, ss. 28.1.2 (7)	Applicant	Intent to attach conditions	OLT – Within 90 days of receiving the reasons for the Authority’s decision Minister’s Review – Within 15 days of receiving reasons for the Authority’s decision
Cancellation Section 28.1 Permit	CAA, ss. 28.3 (2)	Permit Holder	Intent to cancel	OLT – Within 90 days of receiving notice of decision from Authority
Cancellation Section 28.1.1 Permit	CAA, ss. 28.3 (2)	Permit Holder	Intent to cancel	OLT – Within 90 days of receiving notice of decision from Authority
Refuse Extension Section 28.1 Permit	O. Reg. 41/24, ss. 11(4), (5), and (6)	Permit Holder	Intent to refuse extensions	No appeal

Refuse Extension Section 28.1.2 Permit	O. Reg. 41/24, ss. 11(4), (5), and (6)	Permit Holder	Intent to refuse extensions	No appeal
Stop Order	CAA, ss. 30.4	Individual subject to Stop Order	Issuance of Stop Order	Minister or body prescribed by the regulations – Within 30 days of receiving reasons for the Authority's decision

2.0 The NVCA Hearing Board

In any of the hearing scenarios listed in Table 1 above, the NVCA Hearing Board is empowered by law to make decisions and governed by the *SPPA*. It is the purpose of the NVCA Hearing Board to hear 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 pursuant to Section 28.1(5), the Hearing Board shall determine what conditions, if any, will be attached to the permit. See Attachment 1 for further details.

Section 28.4 of the *CA Act* specifies that a hearing may be conducted by the authority or, if the authority so directs, before the authority's executive committee.

For NVCA, the Hearing Board shall be comprised of members of the Board of Directors. This will ensure that all municipal representatives are aware of permitting issues throughout the entire watershed area and that municipal representation is available for all applicants.

3.0 Pre-Hearing Procedures

3.1 Apprehension of Bias

In considering the application, the NVCA Hearing Board is 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 NVCA Hearing Board taking part in the hearing should have prior involvement with the application or other hearing matter indicated in Table 1 that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councillor, the *Municipal Conflict of Interest Act* applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making.
- b) If material relating to the merits of an application or other matter indicated in Table 1 that is the subject of a hearing is distributed by NVCA staff to the Hearing Board members before the hearing, the material shall be distributed to the applicant at the same time.

The applicant shall be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.

- c) In instances where NVCA requires a hearing to help it reach a determination as to whether to issue a permit with or without conditions or refuse a permit application, a final decision shall not be made 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.

3.2 Right to a NVCA Hearing

In accordance with Section 28.1(5), 28.1.2(7), or 28.3(4) of the *CA Act*, the right to a hearing arises when:

- NVCA staff are recommending refusal of an application to the full authority; or
- An applicant objects to the conditions of approval listed on the permit; or
- The authority has decided to cancel a permit; or
- A stop work order has been issued and written notice has been received within 30 days of the orders issuance; or
- A permit extension has been refused.

Note: If the applicant is not the registered owner of the property, they must have written authorization from the registered owner in order to request a hearing.

3.3 Notice of Hearing

Prior to setting the date for a hearing, the applicant shall be consulted to determine an agreeable date and time based on NVCA's regular meeting schedule. In establishing the date for the hearing, both the applicant and NVCA must be given sufficient time to prepare for the hearing.

The applicant is entitled to reasonable notice of the hearing pursuant to the *SPPA*. A Notice of Hearing shall be sent to the applicant and their agent at least 30 days prior to the date of the hearing, by registered mail.

The Notice of Hearing must contain or append the following information:

- a) Reference to the applicable legislation under which the hearing is to be held (i.e., the *CA Act*). The date, time, and location of the hearing or manner in which the hearing will be held (i.e., intent to refuse Application or request for extension, intent to attach conditions, intent to cancel a Permit, and Stop Order).

If the meeting is to be held electronically, the notice will also include "The Party should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall

assume the Party has no objection to the electronic hearing if no such notification is received”.

- b) Identification of the Party, the location of the property and the nature of the matter that forms the subject of the hearing.

For hearings related to the intent to refuse an Application or attach conditions to a Section 28.1 or 28.1.2 Permit, if the Applicant is not the landowner but the prospective owner, the Applicant must have written authorization from the registered landowner. In these circumstances, landowner authorization should be established further to being a requirement for submission of a complete application, as stated in subsection 7(1)(h) of O. Reg. 41/24.

- c) The reasons for the proposed refusal or conditions of approval shall be specifically stated. Sufficient detail is to be provided to enable the Party 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.

- d) A statement notifying the Party that the hearing may proceed in the Party’s absence and that the Party will not be entitled to any further notice of the proceedings.

Except under extreme circumstances, a hearing before the NVCA Hearing Board shall not proceed in the absence of the Party.

- e) Reminder that the Party is entitled to be represented at the hearing by a representative such as legal counsel, if desired. NVCA may be represented at the hearing by counsel and/or staff.

Reminder of protections afforded to the Party under the *Evidence Act*, R.S.O 1990, c. E.23 and the *Canada Evidence Act*, R.S.C., 1985, c. C-5 regarding information provided during hearings (see s. 3.6(a)).

- f) An electronic link to NVCA’s Hearing Guidelines.

- g) Copies of the Notice of Hearing to:

- The Chair of NVCA;
- Members of NVCA Board of Directors;
- The clerk and chief building official of the municipality in which the site of the proposed work is located; and
- The district offices of the provincial government (e.g., MNR, MECP) if appropriate.

An example of a Notice of Hearing can be found in Appendix 1.

4.0 Pre-submission of Reports

4.1 Disclosure to the Applicant

NVCA shall provide a copy of the following material to the applicant 14 days prior to the date of the hearing:

- Staff report;
- All documents to be entered as exhibits;
- A curriculum vitae for each person speaking at the hearing on behalf of NVCA;
- Witness statements; and
- Copy of the NVCA Hearing Procedures.

4.2 Disclosure to the NVCA

The applicant shall provide a copy of all material to be presented at the hearing to NVCA 14 days prior to the hearing. This will allow the applicant an opportunity to prepare a response once the reasons for the staff recommendation have been provided to them. If the Party does not wish to submit any material to NVCA, they must indicate this in writing to NVCA 14 days prior to the hearing.

4.3 Submission to Members of the Hearing Board

NVCA shall circulate copies of all material to be presented by staff and the applicant to members of the NVCA Hearing Board in advance of the hearing, with the agenda for the upcoming meeting.

5.0 The Hearing

5.1 Public Hearing

Pursuant to the *Statutory Powers Procedure Act*, hearings, including electronic hearings, are required to be held in public ("open to the public"). For electronic hearings, public attendance should be synchronous with the hearing.

A hearing or part of a hearing may be closed to the public in accordance with the SPPA or the Authority's Administrative By-Laws (e.g., where the Hearing Board is of the opinion that public security matters, intimate financial matters, personal matters, or other matters would be disclosed at the hearing).

5.2 Hearing Participants

The *CA Act* does not provide for third party status at a hearing. The hearing, however, is open to the public. While others may be advised of a hearing, any information related to the matter that forms the subject of the hearing provided by third parties must be incorporated within the presentation of information by, or on behalf of, the Party or Staff as appropriate.

5.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, the members of the NVCA Hearing Board 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, provided quorum is maintained.

5.4 Adjournments

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

Any adjournments shall form part of the hearing record.

5.5 Orders and Directions

In accordance with ss. 9 (2) of the SPPA, the NVCA Hearing Board is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. The NVCA's Hearing Procedures are included as Appendix 6.

5.6 Information Presented at Hearings

- a) The *Statutory Powers Procedure Act* requires that a witness be informed of their rights pursuant to the *Evidence Act*, R.S.O. 1990, c. E.23 ("*Evidence Act*") and the *Canada Evidence Act*, R.S.C., 1985, c. C-5 ("*CEA*"). The *Evidence Act* and *CEA* indicate that any answers provided by a Witness during the hearing are not admissible against the Witness in any criminal trial or proceeding.
This information shall be provided to the applicant as part of the Notice of Hearing.
- b) Information presented at a hearing is to be presented under oath or affirmation. Witnesses taking part in the hearing must be informed of this requirement prior to the commencement of the hearing.

- c) The NVCA Hearing Board may authorize receiving a copy rather than the original document. However, the Hearing Board may request certified copies of a document, if required.
- d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), can be heard if relevant to the issues of the hearing.
- e) The NVCA Hearing 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 inform their decision.

6.0 Conduct Hearing

6.1 Record of Attending Hearing Board Members

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

6.2 Opening Remarks

The Chair shall convene the hearing with opening remarks which:

- Identify the Party;
- The nature of the matter that forms the subject of the hearing (e.g., Application, Permit, Stop Order);
- The property location;
- Identify staff participating in the hearing;
- Outline the hearing procedures; and
- Advise participants of requirements under the *Evidence Act* and the *Canada Evidence Act*.

Refer to Appendix 6 for Hearing Procedures. In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

6.3 Presentation of Information by NVCA Staff

NVCA staff shall present the reasons supporting their recommendation/decision associated with refusal or conditions of approval of the Permit Application, refusal of Permit extensions, cancellations or Stop Orders; in addition to providing legislative/regulatory background and case background. The time allowed for this presentation shall generally not exceed 15 minutes.

Any reports, documents or plans that form part of the presentation shall be provided to the applicant and members of the NVCA Hearing Board as outlined in Section 4 of this document.

NVCA staff shall 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 NVCA Hearing Board.

The Director or designate shall coordinate the presentation of information on behalf of authority staff and will ask questions on behalf of authority staff.

6.4 Presentation of Information by the Party

The Party has the opportunity to present information at the conclusion of the authority staff presentation. The time allowed for this presentation shall generally not exceed 15 minutes.

Any reports, documents or plans which form part of the submission by the Party are to be submitted to NVCA's Director of Watershed Management Services a minimum of 14 days prior to the hearing. This is to allow for the circulation of this material to the members of the Hearing Board and for the review of this material by NVCA staff.

It is recommended that the Party provide information regarding the application as it applies to the purpose of the hearing (e.g., related to activities covered by the permit application, permit conditions, activities subject to a Stop Order, etc.).

The NVCA Hearing Board will not consider the merits of the activity or appropriateness of such a use in terms of an application made under the *Planning Act*.

- The Party may be represented by legal counsel or agent, if desired.
- The Party may present information to the NVCA Hearing Board and/or have invited advisors to present information to the NVCA Hearing Board.
- The Party's presentation may include technical witnesses (e.g., engineer, ecologist, hydrogeologist).

The applicant should not submit new technical information at the hearing as NVCA staff will not have had time to review this material and to provide a professional opinion to the NVCA Hearing Board.

The NVCA Hearing Board shall allow both staff and the applicant an opportunity for rebuttal following these presentations. The time allowed for rebuttal shall not exceed 10 minutes.

6.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard or pose their questions following the conclusion of the presentation.

The Party and NVCA staff shall also have the opportunity to pose questions at the end of the presentation of the other party.

Pursuant to the *SPPA*, the NVCA Hearing Board may 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.

6.6 Deliberation

After all the information has been presented, the NVCA Hearing Board may debate and vote in open session or adjourn the hearing and retire to closed session to consider information presented by staff and the applicant. Legal counsel may be secured to advise the Hearing Board when conferring in private.

The NVCA Hearing Board may reconvene on the same date or at some later date to advise of their decision. Only those members of the Hearing Board who are present for the entire hearing may participate in the formulation of the decision. Members of the NVCA Hearing Board shall not discuss the hearing with others prior to the decision of the Board being finalized.

6.7 Orders and Directions

NVCA is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. The hearing procedures are outlined in Appendix 6.

7.0 Hearing Decision

The NVCA Hearing Board shall hold a recorded vote in open session, to decide on the decision motion before the Hearing Board using simple majority rule. The applicant shall be provided with a written Notice of the Decision within 5 days of the date of the hearing by registered mail. The applicant shall be informed of the details on their right to appeal the decision within 30 days upon receipt of the written decision to the Ontario Land Tribunal or within 15 days to the Minister.

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

Table 2: Hearing Board Decision Powers and Associated Appeal Mechanisms

Hearing Scenario	Hearing Board Decision Powers	Appeal Rights
<p>Considering Refusal or Attaching Conditions (Section 28.1 Permit)</p>	<p>(a) Issue the Permit; (b) Issue the Permit subject to conditions; or, (c) Refuse the Permit.</p>	<p>Request Minister’s Review within 15 days after receiving Authority’s decision (CAA, ss. 28.1 (8)); or, Appeal to the OLT within 90 days of receiving the Authority’s decision (in accordance with CAA requirements) (CAA, ss. 28.1 (20) (21)).</p>
<p>Considering Attaching Conditions (Section 28.1.2 Permit)</p>	<p>(a) Issue the Permit; or, (b) Issue the Permit subject to conditions.</p>	<p>Request Minister’s Review within 15 days after receiving Authority’s reasons for conditions (CAA, ss. 28.1.2 (9)); or, Appeal to the OLT within 90 days of receiving the Authority’s reasons for conditions (in accordance with CAA requirements) (CAA, ss. 28.1.2(14) (15)).</p>
<p>Considering Cancellation (Section 28.1 or 28.1.1 Permit)</p>	<p>(a) Confirm decision to cancel Permit; (b) Rescind decision to cancel Permit; or, (c) Vary decision to cancel Permit.</p>	<p>Appeal to the OLT within 90 days after receiving the Authority’s decision (CAA, ss.28.3(6))</p>
<p>Considering Extension (Section 28.1 or 28.1.2 Permit)</p>	<p>(a) Confirm the refusal of the extension; or, (b) Grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the Permit does not exceed the applicable maximum period specified in O. Reg. 41/24.</p>	<p>No appeal mechanism.</p>

Considering Stop Order (Section 30.4)	(a) Confirm the order; (b) Amend the order; or, (c) Remove the order, with or without conditions.	Appeal to the Minister or a body prescribed by the regulations within 30 days after receiving the Authority's decision (CAA, ss. 30.4(9))
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7.1 Notice of Decision

It is important that the hearing participants be provided with a clear understanding of the reasons for the applications' refusal or approval. The NVCA Hearing Board shall itemize and record information of particular significance which led to their decision.

The Notice of Decision notice shall include the following information:

- The identification of the person who requested the hearing, property, and the purpose of the hearing (i.e., Application for a Permit, attaching Permit conditions, request for Permit extension, Stop Order, or cancellation of Permit).
- The decision to refuse or approve the application (as indicated in Table 2 above) and written reasons, in plain language, for the decision. A copy of the resolution by the NVCA Hearing Board shall be attached to the Notice of Decision.

The written Notice of Decision shall be forwarded to the applicant by registered mail. A sample Notice of Decision has been included as Appendices 12-16.

7.2 Adoption

A resolution advising of the Hearing Board's decision and the reasons for this decision should be adopted by the Hearing Board.

7.3 Record of the Hearing

NVCA shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the OLT or Minister (as appropriate). This record shall be comprised of the following documents:

- i) As applicable, copies of the Application for the Permit, the Permit issued, notice of cancellation, or Stop Order that was the subject of the hearing;
- ii) A copy of the Notice of Hearing;
- iii) A copy of any orders made by the NVCA Hearing Board (i.e., for adjournments);
- iv) Copies of all information/exhibits submitted to the NVCA Hearing Board;

- v) Attendance of NVCA Hearing Board members;
- vi) A copy of the decision of the Hearing Board and the written reasons for their decision; and
- vii) A copy of the Notice of Decision sent to the Party.

Attachment 1: Hearings under Section 28.1.2 of the *Conservation Authorities Act* (Mandatory permits, zoning orders)

Section **28.1.2** of the *Conservation Authorities Act* (*CA Act*) came into force on April 1, 2024. This section applies to any application submitted to an authority under a regulation made under Section 28 of the *CA Act* for a permit 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** issue a permit 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 and such other requirements as may be prescribed are satisfied. A permit which is granted under s.28.1.2 of the *CA Act* may be subject to conditions as prescribed by the issuing Authority but limited to:

- Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- 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
- Any other matters that may be prescribed by regulation.

Understanding that an Authority **must** issue a permit for applications submitted pursuant to an approved MZO (pending the above-noted conditions are met), hearings for these applications differ from those under Section 28.1(5) and Section 28.3(4) of the *CA Act*, in that a hearing **cannot** be held to determine if a permit 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 Section 28.1.2(7) of the *CA Act*, the applicant for a permit will be given the opportunity to be heard by the Authority prior to conditions being attached to the issued permit.

The following table is intended to provide a step-by-step process to conducting hearings required under Section 28.1.2(7) of the *CA Act*. It is recognized that much of the guidance provided in the body of the Section 28 Hearing Guidelines will be applicable to the Section 28.1.2(5) hearing process. Where processes differ, the table outlines the necessary considerations for the Section 28.1.2(7) processes. Where the processes are the same, the table refers to the appropriate sections of the hearing guidelines.

Sections of the Section 28 CA Act Hearing Guidelines	Specific Guidance and/or Processes for Section 28 Hearings
1.0 Purpose of Hearing Guidelines	<p>The purpose of the Hearing Guidelines is to provide model hearing guidelines to be adopted by conservation authorities in respect to hearings under the <i>CA Act</i>.</p> <p>The <i>CA 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.</p> <p>In the case of hearings related to applications submitted pursuant to Section 28.1 of the <i>CA Act</i>, the Authority must issue a permit to the applicant, provided the requirements set out under this section are met. In this scenario, a hearing will only be held to determine the conditions which will be attached to a permit. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, erosion, dynamic beaches, unstable soils or bedrock.</p> <p>In the case of applications submitted pursuant to Section 28.1 of the <i>CA Act</i>, the Authority may refuse to grant a permit only if</p> <ul style="list-style-type: none"> 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. <p>The NVCA Hearing Board is empowered by law to make a decision, governed by the <i>Statutory Powers Procedures Act (SPPA)</i>.</p> <p>The hearing rules are adopted under the authority of Section 25.1 of the <i>SPPA</i>. The <i>SPPA</i> applies to the exercise of a statutory power of decision where</p>

Sections of the Section 28 CA Act Hearing Guidelines	Specific Guidance and/or Processes for Section 28 Hearings
	<p>there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The <i>SPPA</i> sets out minimum procedural requirements governing such hearings and provides rule-making authority to establish rules to govern such proceedings. The NVCA 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 NVCA Hearing Board shall determine what conditions, if any, will be attached to the permit.</p> <p>These guidelines are intended to provide a step-by-step process to conducting hearings required under Section 28.1(5), Section 28.1.2(7) and Section 28.3(4) of the <i>CA Act</i>. It is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the <i>SPPA</i> without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.1.2(7) in Appendix 2.</p>
3.1 Apprehension of Bias	<p>In considering the application, the NVCA 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.</p> <p>h) 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</p>

Sections of the Section 28 CA Act Hearing Guidelines	Specific Guidance and/or Processes for Section 28 Hearings
	<p>councillor, the Municipal Conflict of Interest Act applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making</p> <ul style="list-style-type: none"> a) 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. b) 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. c) Where a hearing is required for applications submitted pursuant to Section 28.1.2(7) of the CA Act (e.g., to determine the conditions of the permit), 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.
3.2 Right to a Hearing	<p>The right to a hearing arises where staff recommend refusal of an application or recommend conditions for the approval of an application. Additionally, in the case of applications submitted pursuant to Section 28.1.2(7) of the CA Act, the authority shall not attach conditions to a permit 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 SPPA.</p>
7.1 Notice of Decision	<p>The decision notice should include the following information:</p> <ul style="list-style-type: none"> d) The identification of the applicant, property and the nature of the application was the subject of the hearing.

Sections of the Section 28 CA Act Hearing Guidelines	Specific Guidance and/or Processes for Section 28 Hearings
	<p>e) The decision to refuse or approve the application, and in the case of applications under Section 28.1.2(7) of the <i>CA Act</i>, the decision to approve the application with or without conditions. A copy of the NVCA Hearing Board resolution should be attached.</p> <p>It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision has been included as Appendix 13.</p>

Appendix 1: Notice of Hearing

NOTICE OF HEARING

IN THE MATTER OF

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF

a permit application by <Name>

MADE TO THE

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

Pursuant to Section 28.1, subsection 5 of the said Act

TAKE NOTICE THAT a hearing before the Hearing Board of NVCA will be held under Section 28.1, subsection 5 of the *Conservation Authorities Act* at the offices of the said authority, 8195 8th Line, Utopia, Ontario, at the hour of <time> on the <date, month> of <year>, [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 the activity is not likely to [**affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; 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**] on <Lot , Concession , Municipality, County>.

TAKE NOTICE THAT you have the opportunity to make a delegation and submit supporting written material to the Hearing Board for the meeting of <date>. 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 <appropriate NVCA staff name and title>. Written material will be required by <date>, to allow staff and members of the Hearing Board an opportunity to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedures 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 the 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 the tribunal has no knowledge of the effect of any evidence that a witness may give.

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

DATED this **<date. month>** of **<year>**

<Signature, Name>, Chief Administrative Officer

CC.NVCA Chair, Members of the Hearing Board, Clerk of the municipality in which the site of the proposed work is located, District Office MECP, MNR (if appropriate)

Appendix 2: Notice of Hearing – Section 28.1.2(7)

NOTICE OF HEARING

IN THE MATTER OF

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF

a permit application by

<Name>

MADE TO THE

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

Pursuant to section 28.1.2, subsection 7 of the said Act

TAKE NOTICE THAT a hearing before the Hearing Board of NVCA will be held under section 28.1.2, subsection 7 of the *Conservation Authorities Act* at the offices of the said authority, 8195 8th Line, Utopia, Ontario, at the hour of <time> on the <date, month> of <year>, [for electronic hearings, include details about the manner in which the hearing will be held]with respect to the application by <name> to permit <description of work and waterway/sub-watershed>, which is an area regulated by the authority in association with a Minister’s Zoning Order <REGULATION NUMBER> on <Lot, Concession , Municipality, County>.

TAKE NOTICE THAT you have the opportunity to make a delegation and submit supporting written material to the Hearing Board for the meeting of <date>. 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 <appropriate NVCA staff name and title>. Written material will be required by <date>, to allow staff and members of the Hearing Board an opportunity to review the material prior to the meeting.

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

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedures 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 the 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 the tribunal has no knowledge of the effect of any evidence that a witness may give.

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

DATED this <date. month> of <year>

<Signature, Name>, Chief Administrative Officer

CC.NVCA Chair, Members of the Hearing Board, Clerk of the municipality in which the site of the proposed work is located, District Office MECP, MNR (if appropriate)

Appendix 3: Notice of Hearing – Stop Order

NOTICE OF HEARING

IN THE MATTER OF

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF

a Stop Order

Issued by the

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

Pursuant to Section 30.4, Subsection 6 of the said Act

TAKE NOTICE THAT a Hearing before the Hearing Board of NVCA will be held under section 30.4, subsection 6 of the *Conservation Authorities Act* at the offices of the said Authority, 8195 8th Line, Utopia, Ontario, at the hour of [TIME], **on the day of [DATE], 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to a **Stop Order** issued to [NAME] on [date Stop Order was issued]. The Stop Order requires [NAME] to [stop engaging in or to not to engage] in the following activity(ies) on Lot, Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed.

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

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

DATED this **<date. month>** of **<year>**

<Signature, Name>, Chief Administrative Officer

c.c. NVCA Chair, Members of the Hearing Board, Clerk of the municipality in which the site of the proposed work is located, District Office MECP, MNR (if appropriate)

Appendix 4: Notice of Hearing – Cancellation of Permit

NOTICE OF HEARING

IN THE MATTER OF

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF

Cancellation of Permit Number ##

Issued by the

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

Pursuant to Section 28.3, Subsections 2, 3, AND 4 of the said Act

TAKE NOTICE THAT a Hearing before the Hearing Board of NVCA will be held under Section 28.3, subsection 4 of the *Conservation Authorities Act* at the offices of the said Authority, 8195 8th Line, Utopia, Ontario, at the hour of [TIME], **on the day of [DATE], 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the '**Notice of Intent to Cancel Permit Number XX**' issued to [NAME] on [DATE the Intent to Cancel Notice was issued] that permits development within an area regulated by the Authority 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 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 / 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 affect of any evidence that a witness may give.

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

DATED this **<date. month>** of **<year>**

<Signature, Name>, Chief Administrative Officer

c.c. NVCA Chair, Members of the Hearing Board, Clerk of the municipality in which the site of the proposed work is located, District Office MECP, MNR (if appropriate)

Appendix 5: Notice of Hearing – Refusal of Extension

NOTICE OF HEARING

IN THE MATTER OF

The *Conservation Authorities Act*,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF

refusal of a request for an extension to the period of validity for Permit Number ##

Issued by the

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

Pursuant to Section 11, Subsections. 4, 5, AND 6 of Ontario Regulation 41/24,
made pursuant to Section 40, Subsection 4
of the said Act

TAKE NOTICE THAT a Hearing before the Hearing Board of NVCA will be held under section 11, subsection 6 of O. Reg. 41/24 at the offices of the said Authority, 8195 8th Line, Utopia, Ontario, at the hour of **[TIME]**, **on the day of [DATE], 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with **respect to a 'Request for Permit Extension' for Permit Number ##** issued to **[NAME]** on **[DATE]** that permits development within an area regulated by the Authority 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 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 / 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 affect 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 this Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED this **<date. month>** of **<year>**

<Signature, Name>, Chief Administrative Officer

c.c. NVCA Chair, Members of the Hearing Board, Clerk of the municipality in which the site of the proposed work is located, District Office MECP, MNR (if appropriate)

Appendix 6: Hearing Procedures

1. Motion for the full authority to sit as NVCA Hearing Board.
2. Roll call of the NVCA Hearing Board members. For electronic hearings, the Chair shall ensure that all parties and the NVCA Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
3. Chair's Opening Remarks (see Appendices 4 and 5).
4. The Chief Administrative Officer (CAO) shall introduce to the NVCA Hearing Board, the party, and their agent (if applicable) and NVCA staff who will be participating in the hearing.
5. NVCA staff shall introduce the nature and location of the subject matter **[Application / issued Permit / Stop Order]** and the conclusions.
6. NVCA staff shall present the staff report (the time allowed for this presentation shall generally not exceed 15 minutes).
7. Staff will provide a recommendation to the NVCA Hearing Board for the proposed application.
8. The Party and/or their agent will speak and also make any comments on the staff report, if they so desire (the time allowed for this presentation shall generally not exceed 15 minutes).
9. The NVCA Hearing Board shall allow NVCA staff an opportunity for rebuttal (the time allowed for rebuttal shall generally not exceed 10 minutes and shall be confirmed prior to the commencement of the hearing).
10. The NVCA Hearing Board shall allow the Party an opportunity for rebuttal (the time allowed for rebuttal shall generally not exceed 10 minutes and shall be confirmed prior to the commencement of the hearing).
11. The NVCA Hearing Board shall question, if necessary, both the staff and the Party/agent.
12. The NVCA Hearing Board shall move into deliberation. The Hearing Board may also adjourn the hearing and retire in private to confer. For electronic meetings, the NVCA Hearing Board will separate from other participants for deliberation.
13. Members of the NVCA Hearing Board shall consider the information presented by staff and the Party and formulate a decision motion.
14. The NVCA Hearing Board shall move out of deliberation/closed session. For electronic meetings, the NVCA Hearing Board will reconvene with other participants.

15. The NVCA Hearing Board shall hold a recorded, simple majority vote in open session to formalize the Hearing Board's decision.
16. The Chair shall advise the Party and NVCA staff of the Hearing Board's decision.
17. If there is a decision to "refuse permit" or "approve the application with conditions", the CAO shall notify the Party of their right to appeal the decision to the Minister of Natural Resources and Forestry within 15 days, or the Ontario Land Tribunal within 90 days of receipt of the reasons for the decision.
18. Motion to move out of NVCA Hearing Board and to sit as the full authority.
19. The CAO shall advise the Party in writing (Notice of Decision – see Appendices 6 and 7) of the Hearing Board's decision, the reasons for the decision as well as the owner/applicant of their right to appeal the decision.

Appendix 7: Chair's Remarks when Conducting Hearings (Section 28.1, Subsection 5 of the *Conservation Authorities Act*)

Permit Application, with or without conditions

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

Section 28.1, subsection 1 of the *Conservation Authorities Act* provides that an Authority may issue a permit to a person to engage in an activity that would otherwise be prohibited by section 28, subsection 1 of the Act, in an area regulated by the Authority, if in the opinion of the Authority, the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and any other requirements that may be prescribed by the regulations are met.

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

Under section 28.1, subsection (5) of the *Conservation Authorities Act*, the person applying for a permit has the right to a hearing before the Authority [or as delegated to the Authority's Executive Committee or any other person or body, subject to limitations or requirements that may be prescribed by the regulation].

In holding this hearing, the NVCA Hearing Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the presentation by staff, and such evidence as may be given and the submissions to be made on behalf of the Party. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*.

Under section 9 of the *Evidence Act* and section 5 of the *Canada Evidence Act*, any witness called may object to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish their 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 Party has any questions to ask of the NVCA Hearing Board or of the authority representatives, they must be directed to the Chair of the Board.

Appendix 8: Chair's Remarks when Conducting Hearings (Section 28.1.2, Subsection 7 of the *Conservation Authorities Act*)

Mandatory Permits, Zoning Orders

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

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

Furthermore, section 28.1.2, subsection 6 allows an Authority to attach conditions to such permits, including conditions to mitigate: any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; or any other matters that may be prescribed by regulation.

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 28.1.2, subsection 7 of the *Conservation Authorities Act*, the person applying for a permit has the right to a hearing before the Authority [or as delegated to the Authority's Executive Committee or any other person or body, subject to limitations or requirements that may be prescribed by the regulation].

In holding this hearing, the NVCA Hearing Board is to determine the prescribed conditions to be attached to the approved permit. In doing so, we can only consider the application in the form that is before us, the presentation by staff, and such evidence as may be given and the submissions to be made on behalf of the applicant. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*.

Under section 9 of the *Evidence Act* and section 5 of the *Canada Evidence Act*, any witness called may object to answer any question on the ground that the answer

may tend to incriminate the person or may tend to establish their 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 NVCA Hearing Board or of the authority representatives, they must be directed to the Chair of the Board.

Appendix 9: Chair's Remarks when Conducting Hearings (Section 30.4, Subsection 6 of the *Conservation Authorities Act*)

To Consider a Stop Order

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

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

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

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

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

In accordance with section 30.4, subsection 7 of the Act, after holding the hearing, the Authority shall confirm the order, amend the order, or remove the order with or without conditions. In doing so, we can only consider the information in the form that is before us, the staff report, such evidence as may be given, and the submissions to be made on behalf of [**APPELLANT NAME**]. Only information disclosed prior to the hearing is to be presented at the hearing.

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

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

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

Appendix 10: Chair's Remarks when Conducting Hearings (Section 28.3, Subsections 4 of the *Conservation Authorities Act*)

To Consider the Cancellation of a Permit

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

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

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

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

In accordance with section 28.3, subsection 5 of the Act, after holding the hearing, the Authority may confirm, rescind or vary the decision to cancel the permit. In doing so, we can only consider the information in the form that is before us, the Staff report, such evidence as may be given, and the submissions to be made on behalf of the permit holder. Only information disclosed prior to the hearing is to be presented at the hearing.

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

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

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

Appendix 11: Chair's Remarks when Conducting Hearings (Section 11, Subsection 6 of Ontario Regulation 41/24, made pursuant to Section 40, Subsection 4 of the *Conservation Authorities Act*)

To Consider an Extension to the Period of Validity of a Permit

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

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

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

In accordance with section 11, subsection 7 of the Regulation, after holding the hearing, the Authority may confirm the refusal of the extension or grant an extension for a time deemed appropriate, provided the total period of validity of the permit does not exceed the applicable maximum period of 60 months prescribed by Regulation. In doing so, we can only consider the information in the form that is before us, the Staff report, such evidence as may be given, and the submissions to be made on behalf of the permit holder. Only information disclosed prior to the hearing is to be presented at the hearing.

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

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

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

Appendix 12: Sample Notice of Decision (Refusal / Attaching Conditions)

<Date>

BY REGISTERED MAIL

<Name>

<Mailing address>

Dear <Name>,

RE: NOTICE OF DECISION

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

Proposed Residential Development

<Lot, Plan; Address; City>

<Application #>

In accordance with the requirements of the *Conservation Authorities Act*, the Nottawasaga Valley Conservation Authority provides the following Notice of Decision:

On <meeting date>, the Hearing Board of the Nottawasaga Valley Conservation Authority has <refused/approved your application/approved your application with conditions>. Please note that this decision is based on the following reasons: <the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land>.

In accordance with Section 28.1(8) of the *Conservation Authorities Act*, an applicant who has been refused a permit or a permit holder who objects to conditions imposed on a permit by the Authority may submit a request for a Minister's Review of this decision to the Minister of Natural Resources, or may appeal this decision to the Ontario Land Tribunal. These options are further described below:

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

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

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

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

For Minister's Review:

Minister of Environment,
Conservation and Parks
College Park, 5th Floor
777 Bay Street
Toronto ON M7A 2J3
Phone: 416-314-6790
Email:
minister.mecp@ontario.ca

For Appeal to Ontario Land Tribunal:

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Phone: 416-212-6349 or 866-448-2248
Email:
OLT.General.Inquiry@ontario.ca
[Information on Filing an Appeal Link](#)

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact **<Name>**, Director, Watershed Management Services, or the undersigned.

Yours truly,

<Signature, Name>, Chief Administrative Officer

c.c. Members NVCA Hearing Board
Clerk of the Municipality in which the site of the proposed work is located
District Office MECP
MNR (if appropriate)

Appendix 13: Sample Notice of Decision (Attaching Conditions, Minister's Zoning Order Permits)

<Date>

BY REGISTERED MAIL

<Name>

<Mailing address>

Dear <Name>,

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28.1.2, Subsection 7 of the *Conservation Authorities Act*

Proposed Residential Development

<Lot, Plan; Address; City>

<Application #>

In accordance with the requirements of the *Conservation Authorities Act*, the Nottawasaga Valley Conservation Authority provides the following Notice of Decision:

On **<meeting date>**, the Hearing Board of the Nottawasaga Valley Conservation Authority has **<approved your application/approved your application with conditions>**. A copy of the NVCA Hearing Board resolution has been attached for your records. Please note that this decision is based on the following reasons:

<conditions are required to mitigate the effects of the development project on the control of flooding, erosion, dynamic beaches, unstable soils or bedrock; or 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>.

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

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

The Minister may, in accordance with section 28.1.2 (11) of the Act, confirm or vary the conditions attached by the Authority to a permit, including

removing conditions or requiring that such additional conditions be attached to the permit as the Minister considers appropriate. Per subsection 28.1.2 (13) of the *Conservation Authorities Act*, a decision made by the Minister is final; or,

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

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

For Minister's Review:

Minister of Environment,
Conservation and Parks
College Park, 5th Floor
777 Bay Street
Toronto ON M7A 2J3
Phone: 416-314-6790
Email: minister.mecp@ontario.ca

For Ontario Land Tribunal:

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Phone: 416-212-6349 or 866-448-2248
Email: OLT.General.Inquiry@ontario.ca
[Information on Filing an Appeal Link](#)

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact **<Name>**, Director, Watershed Management Services, or the undersigned.

Yours truly,

<Signature, Name>, Chief Administrative Officer

c.c. Members NVCA Hearing Board
Clerk of the Municipality in which the site of the proposed work is located
District Office MECP
MNR (if appropriate)

Appendix 14: Sample Notice of Decision (Stop Order)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION
Hearing Pursuant to Section 30.4, Subsection 6 of the *Conservation Authorities Act*
Stop Order
Lot , Plan ; [Address],
[City/Town]
[Application # or Permit #]
[Stop Order #]

In accordance with the requirements of the *Conservation Authorities Act*, the Nottawasaga Valley Conservation Authority provides the following Notice of Decision:

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

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

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

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

Minister of Environment,
Conservation and Parks

College Park, 5th Floor

777 Bay Street

Toronto ON M7A 2J3

Phone: 416-314-6790

Email:

minister.mecp@ontario.ca

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

Yours truly,

<Signature, Name>, Chief Administrative Officer

c.c. Members NVCA Hearing Board
Clerk of the Municipality in which the site of the proposed work is located
District Office MECP
MNR (if appropriate)

Appendix 15: Sample Notice of Decision (Cancellation of Permit)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

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

In accordance with the requirements of the *Conservation Authorities Act*, the Nottawasaga Valley Conservation Authority provides the following Notice of Decision:

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

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

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

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

Ontario Land Tribunal

655 Bay Street, Suite 1500
Toronto ON M5G 1E5

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

Email: OLT.General.Inquiry@ontario.ca

[Information on Filing an Appeal Link](#)

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

Yours truly,

<Signature, Name>, Chief Administrative Officer

c.c. Members NVCA Hearing Board
Clerk of the Municipality in which the site of the proposed work is located
District Office MECP
MNR (if appropriate)

Appendix 16: Sample Notice of Decision (Permit Extension)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION
Hearing Pursuant to Section 11, Subsections 4, 5, and 6 of O. Reg. 41/24, pursuant to Section 40, Subsection 4 of the *Conservation Authorities Act*
Request for Permit Extension
Lot, Plan ; [Address],
[City/Town]
[Permit Number]

In accordance with the requirements of the *Conservation Authorities Act*, the Nottawasaga Valley Conservation Authority provides the following Notice of Decision:

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

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

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

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

Yours truly,

<Signature, Name>, Chief Administrative Officer

c.c. Members NVCA Hearing Board

Clerk of the Municipality in which the site of the proposed work is located
District Office MECP
MNR (if appropriate)