



Permits for development in regulated areas

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When Hurricane Hazel struck Ontario in 1954 it killed 81 people and washed away whole neighborhoods in flood-prone river valleys in Toronto.

To reduce the chances of that happening again, the Ontario government has implemented policies to control construction and development in floodplains and other natural areas.



Regulation protects lives and property.

Conservation Authorities manage the restrictions for regulated areas such as floodplains, wetlands, steep slopes along waterways, watercourses and the Lake Erie shoreline.

The broad goals are:

- To reduce the threat to lives and property by controlling development in regulated areas,
- To ensure the hydrological functions of rivers, streams and wetlands are maintained. Activities that could impair hydrological functions include placing fill in a floodplain or wetland, blocking the flow of water or altering the course of a waterway.

Legislation and regulations

The powers and responsibilities of the GRCA are spelled out in provincial law and regulations:

- **The Conservation Authorities Act** – Subsection 28(1): Regulations by authority re: area under its jurisdiction
- **Ontario Regulation 97/04** – Content of Conservation Authority Regulations under Subsection 28(1) of the Act: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. (This regulation expands on Subsection 28(1) for all conservation authorities)
- **Ontario Regulation 150/06** – Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses. (This regula-

tion is specific to the GRCA.)

GRCA policies and agreements

The GRCA board has adopted policies and procedures for implementing the Act and regulations.

These include:

- Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses
- Compliance Policies and Procedures for Administering the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation

In addition, the GRCA is a signatory to the Grand River Notification Agreement, along with Six Nations of the Grand River, Mississaugas of the New Credit, Ontario, County of Brant, City of Brantford and County of Haldimand. Signatories notify other partners of actions that may affect the environment (land, water or air) within the notification area.

Affected areas

Regulated areas include:

- ravines, valleys and steep slopes with associated erosion hazards
- wetlands including swamps, marsh, bogs, fens and ponds
- any river, creek, floodplain or valley land, and
- the Lake Erie shoreline



Regulation 150/06 includes definitions of these areas, which are spelled out in more detail in the GRCA policies.

The areas affected include the natural feature itself, as well as an adjacent area. The size of the adjacent area can range from five metres to 120 metres, depending on the nature of the feature.

About one-third of the land area of the Grand River watershed is regulated.

Affected activities

Regulated activities include:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure
- site grading
- the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.
- development along the Lake Erie shoreline
- work on bridges and erosion protection infrastructure

Permit application and approval process

Anyone considering a construction or development project within the regulated area must apply for a permit from the GRCA. The granting of a permit will be based on how the proposed activity complies with the regulations and GRCA policies.

Applications can be entered online on the GRCA website, or via a paper form. Along with the forms, the website also provides policies and technical guides. Fees are based on the type and complexity of the application.

Applicants are advised to contact the GRCA early in the process for advice.

Potential applicants can learn the location of regulated areas on their land using the “Map My Property” feature on the website. This allows landowners to create a map of their property, showing regulated areas, which can be used to develop their plans and attach to an application.

Applications are reviewed by GRCA planners and technical staff to determine if they comply with regulations and policies.

In many cases, GRCA staff will visit the site or ask for additional information. The planner may suggest changes to the proposal in order to make it comply with the regulations and policies.

Applications that comply are examined by a committee

of senior staff and then approved by the Chief Administrative Officer, after which the permit is issued. A summary of permits is provided to the GRCA board.

In a small number of cases, a permit application may be taken to the GRCA board for a decision. These applications are recommended by staff for approval but there are matters that need the consideration of the board, such as:

- it is not covered by an approved GRCA policy
- there are factors in addition to policy considerations which should be considered, or
- it precedes a decision or settlement of a legal proceeding or tribunal, such as the Ontario Municipal Board.

Finally, there are cases where an application does not meet or may be contrary to a GRCA policy. In these cases, the applicant has the opportunity to ask for a hearing by the GRCA board. If the permit is refused, the applicant can file an appeal to be heard by the Office of the Mining and Lands Commissioner for Ontario, an independent adjudicative tribunal.

Enforcement and penalties

GRCA resource planners and regulation officers will work with applicants early in the process to help them develop a plan that conforms to the regulations and policies.

GRCA staff will inspect some sites to ensure the work complies with the permit.

However, from time-to-time a landowner may undertake a project without first securing a permit. If the applicant later becomes aware that a permit is required, and the work is consistent with the policy, the landowner will be assessed a fee of 150 per cent of the normal fee.

If the work does not comply with GRCA policies, the GRCA and landowner may negotiate a settlement in which the scope of the work is changed or the land is returned to its previous state.

In the few cases where a landowner undertakes work that violates GRCA policies, charges can be laid by a resource planner or enforcement officer under The Conservation Authorities Act. If the landowner is convicted, the court will assess a fine and could order restoration of the affected area.



Landowners can create their own maps showing regulated areas on their property.