

Grand River Conservation Authority Hearing Guidelines and Procedures

Approval Date: June 26, 2026



Grand River Conservation Authority Hearing Guidelines
Conservation Authorities Act, Section 28,
Ontario Regulation 41/24

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1.0 DEFINITIONS

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

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

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

“Authority” means the Board of Directors of the Grand River Conservation Authority;

“Hearing Board” means the Authority 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 Grand River Conservation Authority;

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

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

2.0 PURPOSE OF HEARING GUIDELINES:

The Hearing Guidelines provide a step-by-step process for conducting hearings required under ss.28.1 (5), ss.28.1.2 (7), ss.28.3 (2), (3) and (4), ss.30.4 (6) of the *Conservation Authorities Act (CAA)* and ss.11(4), (5) and (6) of *Ontario Regulation 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 s. 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 for establishing 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.

Table 1: Summary of Hearing Requirements under the Conservation Authorities Act and O.Reg.41/24¹

Hearing Scenario	Legislative or Regulatory Reference	Party	Hearing Intent	Appeal
Refusal Section 28.1 Permit	CAA, S. 28.1 (5)	Applicant	Intent to refuse	OLT- within 90 days of receiving the reason 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, S. 28.1 (5)	Applicant	Intent to attach conditions	
Attaching Conditions Section 28.1.2 Permit	CAA, S. 28.1.2 (7)	Applicant	Intent to attach conditions	
Cancellation Section 28.1 Permit	CAA, S.28.3 (2)	Permit Holder	Intent to cancel	OLT – within 90 days of receiving notice of decision from the Authority
Cancellation Section 28.1.1 Permit	CAA, S28.3 (2)	Permit Holder	Intent to cancel	
Refuse Extension Section 28.1 Permit	O.Reg 41/24, S.11(4), (5) and (6)	Permit Holder	Intent to refuse extension	No appeal
Refuse Extension Section 28.1.2 Permit	O.Reg 41/24, S.11(4), (5) and (6)	Permit Holder	Intent to refuse extension	
Stop Order	CAA, S.30.4	Individual subject to Stop Order	Issuance of Stop Order	Minister or body prescribed by the regulations- within 30 days of receiving the reason for the Authority's decision

¹ Note: The information presented in this table is a summary. For full details, please review the relevant sections of the *Conservation Authorities Act* and O.Reg.41/24.

3.0 PREHEARING PROCEDURES

3.1 Fair Hearing/Apprehension of Bias

In any of the hearing scenarios listed in Table 1, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias. The following are three examples of steps to be taken to avoid a reasonable apprehension of bias where it is likely to arise:

- a) No member of the Authority taking part in the hearing should have prior involvement with the Application or other hearing matters 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 influence the exercise of the official's public duty. Where a member is a municipal councilor, the *Municipal Conflict of Interest Act* applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e., is the member capable of persuasion in participating in the decision-making.
- b) If material relating to the merits of an Application or other matters indicated in Table 1 that is the subject of a hearing is distributed to the Hearing Board members before the hearing, the material shall be distributed to the Party at the same time. The Party will be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.

Note: for electronic hearings the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.

- c) In instances where the Authority requires a hearing to help it reach a determination as to whether to give permission with or without conditions, refuse a permit application or cancel a permit, a final decision shall not be made until such time as a hearing is held. The Party will be given an opportunity to attend the hearing before a decision is made, however, the Party does not have to be present for a decision to be made.

A hearing may be conducted in person or electronically in conformance with the general meeting provisions of the GRCA By-law.

3.2 Notice of Hearing

The Party is entitled to reasonable notice of the hearing pursuant to the *SPPA*. The Notice of Hearing shall be sent to the applicant a minimum of 30 calendar days prior to the hearing to allow the Party to prepare for the hearing. To ensure that reasonable notice is given, prior to sending the Notice of Hearing, the Party will be consulted to determine an agreeable date and time based on the Conservation Authority's regular meeting schedule.

In cases where the Authority (or designated Staff) intends to refuse a request for a Permit extension, the Permit Holder must be given at least 5 days' notice of the hearing date, per S. 11(6) of O. Reg. 41/24. This represents the minimum notice, and other timelines provided in these guidelines may influence the total notice period (e.g., timelines associated with pre-submission of reports).

The Notice of Hearing must contain the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the *Conservation Authorities Act*).

- (b) The time, place, and the purpose of the hearing ((i.e., intent to refuse Application or request for extension, intent to attach conditions, intent to cancel a Permit, and Stop Order).

For electronic hearings: The time, purpose of the hearing, and details about the manner in which the hearing will be held. For Electronic Hearings, the Notice must also contain a statement that the Party should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority will assume the Party has no objection to the electronic hearing if no such notification is received.(c) Particulars to identify the applicant, property and the nature of the matter which are the subject of the hearing.

Note: 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 to submit a permit application and to act on behalf of the landowner at a hearing

- (d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. The reasons in the Staff report to the Hearing Board will contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the recommendation for refusal, cancellation or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report.

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

Except for exceptional circumstances, it is recommended that the hearing not proceed in the absence of the applicant.

- (f) Reminder that the Party is entitled to be represented at the hearing by counsel or agent, if desired. The Authority may be represented at the hearing by counsel or Staff.

- (g) Reminder of protections afforded to the Party under the *Evidence Act*, R.S.O. 1990, c. during hearings.

The Notice will be sent out by the Board Chair or Chief Administrative Officer. It is recommended that the Notice of Hearing be directed to the Party and/or landowner by registered mail or hand delivered. Please refer to **Appendix A to E** for Notice of Hearing examples.

3.3 Pre-submission of Reports

Staff will prepare and submit a written report to the Hearing Board in advance of the hearing. A copy of the Staff report will be shared with the Party, who shall be provided with the same opportunity to submit a written report to the Hearing Board.

The Party shall be provided with all reports from Staff that will be provided to the Hearing

Board. The Party shall be given two (2) weeks to prepare a report once the reasons for the Staff recommendations have been received. The Party's report will accompany the Staff hearing report provided with the agenda to the Hearing Board. Subsequently, this may affect the timing and scheduling of the Staff hearing reports.

3.4 Hearing Information

Prior to the hearing, the applicant shall be advised of the Grand River Conservation Authority's hearing procedures.

4.0 HEARING

4.1 Public Hearing

Pursuant to the *SPPA*, 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. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that confidential financial, personal, legal or other matters would be disclosed at hearings.²

4.2 Public Participation

The *Conservation Authorities Act* does not provide for third party status at the hearing. While others may be advised of the hearing, any information that they provide should be incorporated within the presentation of information by, or on behalf of, the Party or Staff. The General Membership Board meeting is open to the public and as such members of the public may address the Board as a delegation at the beginning of the meeting, in accordance with the Grand River Conservation Authority By-Laws

4.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Hearing Board who will make a Hearing decision must be present during the full course of the hearing. If it is necessary for a member to leave, the hearing may be adjourned and resumed when the member returns. If the hearing proceeds, only those members who were present throughout the entire hearing can participate in the remaining portion of the hearing and the decision. In the event of an adjournment, only those members who attended the entire hearing may participate in the discussion and decision on the hearing when it is reconvened.

4.4 Adjournments

The Hearing Board may adjourn a hearing on its own motion or that of the Party or 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 form part of the hearing record.

4.5 Orders and Directions

In accordance with ss. 9 (2) of the *SPPA*, a Hearing Board is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix F**.

4.6 Information Presented at Hearings

- (a) The *SPPA*, requires that a witness be informed of his right to object pursuant to the *Evidence Act*, R.S.O1990,c. E.23 ("*Evidence Act*") and the *Canada Evidence*

² Note: A closed meeting, or portion of a meeting, may be convened for an item deemed appropriate for a closed meeting in accordance with the *SPPA* or the Grand River Conservation Authority By-Laws

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 should be provided to the applicant as part of the Notice of Hearing.

- (b) It is not a requirement to provide information under oath or by affirmation.
- (c) The Hearing Board may authorize receiving a copy rather than the original document. However, the Hearing Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Hearing Board may consider matters of common knowledge such as geographic or historic facts, times, measures, weights, etc. or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.
- (f) New information should not be presented at the hearing by the Party or Staff.

4.7 Conduct of Hearing

4.7.1 Record of Attending Board Members

Attendance of Hearing Board members shall be recorded in the minutes of the hearing. Quorum is required and will be confirmed at the commencement of the hearing.

4.7.2 Opening Remarks

The Chair of the Authority shall convene the hearing with opening remarks which generally identify the Party, the nature of the matter, and the property location; outline the hearing procedures; and advise on requirements of the *Evidence Act and CEA*. Please reference **Appendix C1-C5** for the Opening Remarks model. 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. Hearing Board Members will be reminded that they must be present throughout the entire hearing to participate in the decision.

4.7.3 Presentation of Authority Staff Information

Staff will present their report, and specifically the reasons supporting the recommendation/decision associated with the refusal or conditions of approval of the Permit Application, a refusal of Permit extensions, cancellations or Stop Order; in addition to providing legislative/regulatory background and case background. Any supplementary reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff should not submit new information at the hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

A Supervisor of Planning and Regulations Services will coordinate the presentation of information on behalf of Staff and will respond to questions on behalf of Staff. GRCA legal counsel or technical staff may also be requested to respond to questions.

4.7.4 Questions of Staff

Members of the Hearing Board will be canvassed a maximum of three times for questions of staff.

Pursuant to the *SPPA*, the Hearing Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented.

Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

4.7.5 Presentation of Party Information

The Party, and/or their agent(s) will have up to ten (10) minutes to present information on their position, and specifically why their permit application should be approved. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the purpose of the hearing. The hearing does not address the merits of the activity or the appropriateness of such a use in terms of planning.

- The Party may be represented by legal counsel or agent, if desired
- The Party may present information to the Hearing Board and/or have invited advisors to present information to the Board
- The Party's presentation may include technical witnesses, such as an engineer, ecologist, etc.
- The Party and/or agent can make any comments or questions on the Staff report.

The Party should not submit new information at the hearing as the Staff will not have had time to review it and provide a professional opinion to the Hearing Board.

4.7.6 Questions of the Party

Members of the Hearing Board will be canvassed a maximum of three times for questions of staff.

Pursuant to the *SPPA*, the Hearing Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented.

Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

4.7.7 Hearing Board Member Comments

Hearing Board Members will be canvassed a maximum of three times for comments about the matter.

4.7.8 Deliberation and Voting

The Hearing Board will be conducted in open session, except where the subject matter fits within the identified exceptions for Closed Meetings as identified in the GRCA's Administrative By-law. The GRCA's legal counsel may be present to advise the Hearing Board when conferring in a closed meeting.

At the conclusion of deliberation, the Chair will request a mover and seconder for a motion on the matter and a vote will be conducted to make a decision. The Chair will announce the Hearing Board's decision and advise the Party on options available for appeal.

5.0 DECISION

Hearing participants must receive written notice of the Hearing Board's decision. The Hearing Board shall itemize and record information of particular significance which led to their decision.

The Party must receive written notice of the decision. The Party shall be informed of the right to appeal the decision upon receipt of the written decision to the Ontario Land Tribunal and/or Minister, as outlined in Table 2.

It is important that the hearing participants have a clear understanding of why the application was refused or approved or why the permit was cancelled. The Hearing Board shall itemize and record information of particular significance that led to their decision.

Table 2: Hearing Board Decision Powers and Associated Appeal Mechanisms³

Hearing Scenario	Hearing Board Decision Power	Appeal Rights
Considering Refusal or Attaching Conditions (Section 28.1 Permit)	(a) Issue the Permit; (b) Issue the Permit subject to conditions; or, (c) Refuse the Permit.	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)).
Considering Attaching Conditions (Section 28.1.2 Permit)	(a) Issue the Permit; or (b) Issue the Permit subject to conditions	Request Minister's Review within 15 days after receiving Authority's reasons for 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)).
Consider Cancellation (Section 28.1 or 28.1.1 Permit)	(a) Confirm decision to cancel Permit; (b) Rescind decision to cancel Permit; or, (c) Vary decision to cancel Permit.	Appeal to the OLT within 90 days after receiving the Authority's decision (CAA, ss.28.3(6))
Considering Extension (Section 28.1 or 28.1.2 Permit)	Confirm the refusal of the extension; or, (b) Grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the Permit does not exceed the applicable maximum period specified in O. Reg. 41/24.	No appeal mechanism.
Considering Stop Order (Section 30.4)	(a) Confirm the order; (b) Amend the order; or, (c) Remove the order, with or without conditions.	Appeal to the Minister or a body prescribed by the regulations within 30 days after receiving the Authority's decision (CAA, ss. 30.4(9))

5.2 Adoption

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

5.3 Notice of Decision

The decision notice should include the following information:

- (a) The identification of the 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).
- (b) The decision.
- (c) A copy of the Hearing Board resolution .
- (d) Notice of the Party's right to appeal (as indicated in Table 2),

It is recommended that the written Notice of Decision be forwarded to the Party by registered mail, and other methods as determined advisable (e.g. email). A sample Notice of Decision and cover letter has been included as **Appendix L-P**.

6.0 RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Minister/Ontario Land Tribunal. The record must include the following:

- (a) 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;.
- (b) The Notice of Hearing.
- (c) Any orders made by the Hearing Board (e.g., for adjournments).
- (d) All information received by the Hearing Board.
- (e) The minutes of the meeting made at the hearing.
- (f) The decision and reasons for decision of the Hearing Board.
- (g) The Notice of Decision sent to the Party.

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
MADE TO
THE GRAND RIVER CONSERVATION AUTHORITY
Pursuant to section 28.1, subsection 5 of the said Act

TAKE NOTICE THAT a Hearing before the Grand River Conservation Authority Board will be held under section 28.1, subsection 5 of the *Conservation Authorities Act* at the offices of the said Authority [400 Clyde Road, Cambridge, Ontario], at the hour of XXX, on the day of XXX, 202X, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by [NAME] to permit development within an area regulated by the Authority in 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 , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , Grand River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Board of The Grand River Conservation Authority 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 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 Board the Grand River Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of , _____ 202_____

The Grand River Conservation Authority

Per:

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

c.c. Clerk, Municipality
Building Inspector, Municipality
Agent

**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
MADE TO THE
THE GRAND RIVER CONSERVATION AUTHORITY
Pursuant to section 28.1.2, subsection 7 of the said Act**

TAKE NOTICE THAT a Hearing before the Grand River Conservation Authority Board will be held under section 28.1.2, subsection 7 of the *Conservation Authorities Act* at the offices of the said Authority (400 Clyde Road, Cambridge, Ontario), at the hour of XXXX on the day of XXX, 202X, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by [NAME] to permit development within an area regulated by the Authority in association with a Minister's Zoning Order [REGULATION NUMBER] on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , Grand River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the [Executive Committee / Board of Directors] 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 pursuant to section 28.1.2, subsection 3 of the *Conservation Authorities Act*, a Conservation Authority is required to grant the permit applied for and may only impose conditions to the permit, provided all legislative requirements are met. The Hearing will therefore focus on the conditions to be imposed to the granting of the permit.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

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

DATED the _____ day of _____, 202__

The Grand River Conservation Authority
Per:

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

c.c. Clerk, Municipality
Building Inspector, Municipality
Agent

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
GRAND RIVER CONSERVATION AUTHORITY
Pursuant to Section 30.4, Subsection 6 of the said Act

TAKE NOTICE THAT a Hearing before the Board of the Grand River Conservation Authority will be held under section 30.4, subsection 6 of the *Conservation Authorities Act* at the offices of the said Authority (400 Clyde Road, Cambridge, Ontario), at the hour of XXX, on the day of XXX, 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 , the Grand River Watershed:

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the 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 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 Board of the Grand River Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of _____, 202__

The Grand River Conservation Authority

Per:

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

c.c. Clerk, Municipality
Building Inspector, Municipality
Agent

Appendix D

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
GRAND RIVER CONSERVATION AUTHORITY
Pursuant to Section 28.3, Subsections 2, 3, AND 4 of the said Act

TAKE NOTICE THAT a Hearing before the Board of the Grand River Conservation Authority will be held under Section 28.3, subsection 4 of the Conservation Authorities Act at the offices of the said Authority (400 Clyde Road, Cambridge, Ontario), at the hour of XXX, on the day of XXX, 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 , the Grand River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the 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 the 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 Board of the Grand River Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of _____, 202__

The Grand River Conservation Authority

Per:

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

c.c. Clerk, Municipality
Building Inspector, Municipality
Agent

Appendix E

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
GRAND RIVER 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 Board of the Grand River Conservation Authority will be held under section 11, subsection 6 of O. Reg. 41/24 at the offices of the said Authority (400 Clyde Road, Cambridge, Ontario), at the hour of XXX, on the day of XXX, 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 , the Grand River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the 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 Board of the Grand River Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

The Grand River Conservation Authority

Per:

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

c.c. Clerk, Municipality
Building Inspector, Municipality
Agent

HEARING PROCEDURES

1. Motion to sit as Hearing Board. The Chair will call the Hearing to order.
2. Quorum will be confirmed by the Secretary-Treasurer.
3. The Chair will make opening remarks. The Chair will state the purpose of the hearing. The Chair will introduce participating staff, the Party and/or their agents, and any other individuals who require introduction to Hearing Board Members. For electronic/hybrid hearings, the Chair shall ensure that all Parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing. Hearing Board Members will be reminded that they must be present throughout the entire hearing to participate in the decision.
4. The Chair will request members of the tribunal to declare any prior participation in the matter before the tribunal, either through participation in a committee or intervention on behalf of the applicant or other interested parties.
5. Staff will present the Staff report included in the Grand River Conservation Authority agenda package and the reasons for the Staff recommendation.
6. Hearing Board Members will be canvassed a maximum of three times for questions of staff.
7. The Party and/or his/her agent may discuss their material in the Grand River Conservation Authority agenda and may also comment on the Staff report and the reasons why the application should be considered.
8. Staff and/or the Grand River Conservation Authority's agent may question the Party and/or their agent (through the Chair) if reasonably required for a full and fair disclosure of matters presented at the Hearing⁴.
9. The Party and/or their agent may question the Staff and/or their agent (through the Chair) if reasonably required for full and fair disclosure of matters presented at the Hearing.⁵
10. The Hearing Board Members will be canvassed a maximum of three times for questions of the Party /agent.
11. Hearing Board Members will be canvassed a maximum of three times for comments about the matter.
12. The Chair will request a mover and seconder for a motion regarding the matter and conduct a vote.
13. The Chair will announce the Hearing Board decision and advise the Party and/or their agent of the Hearing Board decision (with confirmation of the decision to follow in writing). The decision will be either a refusal in support of staff recommendations, approval or approval with conditions.
14. The Chair shall notify the Party of their right to appeal the decision to the Ontario Land Tribunal, Minister or other prescribed body (as applicable) upon receipt of the reasons for the decision, in accordance with the provisions and timelines outlined in the *Conservation Authorities Act* and *Ontario Regulation 41/24*.
15. Motion to conclude the hearing and rise from tribunal to return to the General Membership meeting of the Grand River Conservation Authority Board.

³ Note: As per the SPPA a tribunal may reasonably limit further examination or cross-examination of a Witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

⁴ Note: As per the SPPA a tribunal may reasonably limit further examination or cross-examination of a Witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS
(Section 28.1, Subsection 5 of the Conservation Authorities Act)
Permit Application, with or without conditions

We are now going in tribunal to conduct a hearing under Section 28, ss. 5 of the *Conservation Authorities Act* in respect of an application for a permit by _____; for permission to: _____

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 applicant and the Hearing 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, subsection (5) of the *Conservation Authorities Act*, the person applying for a permit has the right to a hearing before the Authority.

In holding this hearing, the Authority is to determine whether or not a permit is to be issued, with or without conditions.). In doing so, we can only consider the application in the form that is before us, the Staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

The hearing is a proceeding by tribunal and will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish 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 Board.

If the Applicant has any questions to ask of the Hearing Board or of the Staff, they must be directed to the Chair of the Board.

Members of the tribunal are asked to declare any prior participation in the matter before the tribunal, either through participation in committee or intervention on behalf of the Party that will exclude them from the proceedings.

Members are advised that they must remain present throughout the entire hearing to participate in the decision.

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.1.2, Subsection 7 of the Conservation Authorities Act) Mandatory Permits, Zoning Orders

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

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

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under section 9 of the *Evidence Act* and section 5 of the *Canada Evidence Act*, any witness 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 applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the Board.

Members are advised that they must remain present throughout the entire hearing to participate in the decision.

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS
(Section 30.4, Subsection 6 of the Conservation Authorities Act)
To Consider a Stop Order

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

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

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

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

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

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

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

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

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

Members are advised that they must remain present throughout the entire hearing to participate in the decision.

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS
(Section 28.3, Subsections 4 of the Conservation Authorities Act)
To Consider the Cancellation of a Permit

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

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

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

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

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

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

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

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

Members are advised that they must remain present throughout the entire hearing to participate in the decision.

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS

(Section 11, Subsection 6 of Ontario Regulation 41/24, made pursuant to Section 40, Subsection 4 of the Conservation Authorities Act)

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

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

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

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

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

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

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

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

Members are advised that they must remain present throughout the entire hearing to participate in the decision.

Appendix L

Sample Notice of Decision (Refusal / Attaching Conditions

(Date)

BY REGISTERED MAIL

(name) (address)

Dear:

RE: NOTICE OF DECISION

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

Proposed Residential Development

Lot , Plan ; [Address], [City/Town]

[Application #]

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

On [meeting date and number], the [Authority/Executive Committee] [refused application/approved application/approved application with conditions]. A copy of the [Authority/Executive Committee] resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for refusal or attaching conditions relevant to the application in accordance with ss. 28.1 (7) of the Act]

In accordance with s. 28.1 of the *Conservation Authorities Act*, an applicant who has been refused a permit or a permit holder who objects to conditions imposed on a permit by the Authority may submit a request for a Minister's Review of this decision to the Minister of Environment, Conservation and Parks, 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:

The Honourable XX Minister of XX
Queen's Park, Whitney Block
99 Wellesley Street West,
Toronto, Ontario M7A 1W3
P: <insert phone number>
E: <insert email address>

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5
P: 416-212-6349 or 866-448-2248
E: OLT.general.inquiry@ontario.ca
Link: Information on Filing an Appeal (<https://olt.gov.on.ca/appeals-process/>)

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 [Supervisor of Planning and Regulations Services] or the undersigned.

Yours truly,

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

Appendix M

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

(Date)
BY REGISTERED MAIL
(name) (address)

Dear:

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/Town]

[Application #]

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

On [meeting date and number], the [Authority/Executive Committee] approved permit number ### [with conditions / without conditions]. A copy of the [Authority/Executive Committee] resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for attaching conditions relevant to the application in accordance with ss. 28.1.2 (8) of the Act]

In accordance with the *Conservation Authorities Act*, a permit holder who objects to conditions imposed on a permit by the Authority may submit a request for a Minister's Review of this decision to the Minister of Environment, Conservation and Parks, 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:

The Honourable XX Minister of XX
Queen's Park, Whitney Block
99 Wellesley Street West,
Toronto, Ontario M7A 1W3
P: <insert phone number>
E: <insert email address>

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5
P: 416-212-6349 or 866-448-2248
E: OLT.general.inquiry@ontario.ca
Link: Information on Filing an Appeal (<https://olt.gov.on.ca/appeals-process/>)

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 [Supervisor of Planning and Regulations Services] or the undersigned.

Yours truly,

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

Appendix N

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 Grand River Conservation Authority provides the following Notice of Decision:

On [meeting date and number], the Authority confirmed the Stop Order, amended the Stop Order, or removed the Stop Order, with or without conditions]. A copy of the Authority 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 requests can be forwarded to:

The Honourable XX Minister of XX
Queen's Park, Whitney Block
99 Wellesley Street West,
Toronto, Ontario M7A 1W3
P:<insert phone number>
E:<insert email address>

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 [Supervisor of Regulations] or the undersigned.

Yours truly,

Samantha Lawson
Chief Administrative Officer,
Grand River Conservation Authority.

Encls.

Appendix O

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 [Conservation Authority] provides the following Notice of Decision:

On [meeting date and number], the Authority [confirmed the refusal of the permit extension / granted the permit extension]. Permit number ## shall be valid until [Date], 20##. A copy of the Authority 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 the Supervisor of Planning and Regulations Services, or the undersigned.

Yours truly,

Samantha Lawson
Chief Administrative Officer
Grand River Conservation Authority

Enclosure

Appendix P

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 Grand River Conservation Authority provides the following Notice of Decision:

On [meeting date and number] the Authority [confirmed / rescinded / varied] the decision to cancel permit number ##. A copy of the Authority 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.

Additional information is available at the Ontario Lands Tribunal website [here](https://olt.gov.on.ca/) (https://olt.gov.on.ca/).

Should you require any further information, please do not hesitate to contact the Supervisor of Planning or Regulations Services or the undersigned.

Yours truly,

Samantha Lawson
Chief Administrative Officer
Grand River Conservation Authority

Enclosure