



BOARD OF DIRECTORS MEETING
Wednesday, April 6, 2022 @ 6:30pm
Tillsonburg Administration Office

AGENDA

Agenda Page

1. Welcome and Call to Order
 2. Additional Agenda Items
 3. Declaration of Conflicts of Interest
 4. Presentation:
 - a) LPRCA Conservation Stewardship Award – Paul DeCloet
 5. Minutes of the Previous Meeting:
 - a) Board of Directors Annual General Meeting of March 4, 2022 1-8
 6. Business Arising from the previous minutes:
 7. Review of Committee Minutes: none
 8. Correspondence: none
 9. Development Applications:
 - a) Section 28 Regulation Approved Permits (L. Minshall) 7-20
 10. New Business:
 - a) General Manager's Report (J. Maxwell) 21-22
 - b) Update to CA Act Section 28 Hearing Guidelines (L. Minshall) 23-45
 - c) Enclosed Public Spaces Face Mask Covering Policy Update (A. LeDuc) 46-49
 - d) 2022 Septic Disposal Services Tender (A. LeDuc) 50-51
 11. Closed Session
 - a) Regular Closed Session Minutes of February 23, 2022 1-2
- Adjournment



LONG POINT REGION CONSERVATION AUTHORITY Board of Directors Annual General Meeting Minutes of March 4, 2022

The Board of Directors Annual General Meeting was held via videoconference, on Friday, March 4, 2022 pursuant to section C.9, of the LPRCA's Board of Directors Administrative By-Law.

Members in attendance:

John Scholten, Chair
Michael Columbus, Vice-Chair
Dave Beres
Robert Chambers
Valerie Donnell
Tom Masschaele
Stewart Patterson
Ian Rabbitts
Peter Ypma

Township of Norwich
Norfolk County
Town of Tillsonburg
County of Brant
Municipality of Bayham/Township of Malahide
Norfolk County
Haldimand County
Norfolk County
Township of South-West Oxford

Regrets:

Kristal Chopp
Ken Hewitt

Norfolk County
Haldimand County

Staff in attendance:

Judy Maxwell, General Manager
Aaron LeDuc, Manager of Corporate Services
Zachary Cox, Marketing Coordinator
Dana McLachlan, Executive Assistant

1. Welcome and Call to Order

Chair, John Scholten, called the meeting to order at 1:30 p.m. and read the following statement.

The Chair advised that the meeting was video/audio recorded and live-streamed through the LPRCA YouTube channel.

2. Declaration of Conflicts of Interest

None were declared.

3. Additional Agenda Items

There were no additional agenda items.

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell, Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

4. Minutes of the Previous Meeting

a) Special Board of Directors Meeting of February 23, 2022

There were no questions or comments.

A-31/22

Moved by R. Chambers

Seconded by P. Ypma

That the minutes of the Board of Directors Meeting held February 23, 2022 be adopted as circulated.

Carried

5. Business Arising

There was no business arising from the previous minutes.

6. Chair's Remarks

Chair, John Scholten, thanked Michael Columbus, former LPRCA Chair, for his leadership and dedication to the organization this past year. He also thanked the members of the Board, the Lee Brown Marsh Management Committee, and the Backus Museum committee for their contributions and support.

COVID-19 was again a factor in 2021 operations. Despite the challenges, the staff achieves many milestones in 2021, including various parks enhancements, and improved turn-around times for the permitting process.

7. Audit and Finance Committee

The Chair called upon Dave Beres, Chair of the Audit and Finance Committee to present the committee report.

After introducing Ashley Didone, Audit Partner of MNP, Audit and Finance Committee Chair Beres reported that the Committee met on February 18, 2022 and received and reviewed the financial statements in detail. MNP issued a clean opinion of the Authority's 2021 financial reports and found that the financial statements fairly presented the Authority's position.

A-32/22

Moved by T. Masschaele

Seconded by V. Donnell

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell, Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

THAT the minutes of the LPRCA Audit and Finance Committee's meeting held February 18, 2022 be adopted as circulated.

Carried

A-33/22

Moved by S. Patterson
Seconded by I. Rabbitts

THAT the LPRCA Board of Directors approves the financial statements for the year ended December 31st, 2021 audited by MNP, LLP, Chartered Accountants.

Carried

A-34/22

Moved by P. Ypma
Seconded by V. Donnell

THAT the LPRCA Board of Directors receives the LPRCA 2021 Audit Findings Report from MNP, LLP Chartered Professional Accountants.

Carried

A-35/22

Moved by M. Columbus
Seconded by T. Masschaele

THAT the LPRCA Board of Directors approves the appointment of MNP, LLP Chartered Accountants as LPRCA's auditors for the 2022 fiscal period.

Carried

8. Notice of Formal Motions

a) Designate Signing Officers

A-36/22

Moved by D. Beres
Seconded by I. Rabbitts

That the LPRCA Board of Directors approves the Chair, Vice-chair, General Manager, and Manager of Corporate Services as designated signing officers for Authority business for the year 2022.

Carried

b) Borrowing

A-37/22

Moved by V. Donnell
Seconded by S. Patterson

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell, Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

That the LPRCA Board of Directors authorizes the Chair or Vice-Chair and the General Manager or Manager of Corporate Services to borrow funds as required for the day-to-day operations of the Authority.

Carried

c) Designate Conservation Ontario Council Representatives

A-38/22

Moved by T. Masschaele

Seconded by D. Beres

That the LPRCA Board of Directors designates the Authority Chair as the Authority's representative to Conservation Ontario (CO), with the Vice-Chair designated as alternate,

AND

Further that the General Manager be directed to participate on appropriate committees of CO and be authorized to vote in the absence of the designated representatives.

Carried

9. 2021 Annual Report

The General Manager presented the 2021 annual report and provided an overview of the year's activities.

Enhanced safety protocols within the parks, initiated in 2020 due to the COVID-19 pandemic, continued throughout 2021. Additional serviced sites were added to the Waterford North Conservation Area, and seven sites were upgraded at Deer Creek Conservation Area. The Planning Department issued 272 permits, and the Flood Forecasting and Warning department issued 11 flood messages.

The GM thanked staff, the Board, municipal partners, the various community partners, and customers for their continued support.

A-39/22

Moved by P. Ypma

Seconded by D. Beres

That the LPRCA Board of Directors receives the 2021 Annual Report as information.

Carried

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell, Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

10. Stewardship Award Presentation

Paul DeCloet, nominated by Kristen Bernard of the Nature Conservancy of Canada, was selected as the recipient of the 2021 Long Point Region Conservation Stewardship Award.

Paul's participation in tree planting and restoration projects throughout the watershed has earned him respect and gratitude from his peers, community, and conservation organizations. Thanks to his efforts, well over 100,000 trees have been planted in the area.

From 1987 to 1997, Paul was a member of the LPRCA Board of Directors. During his tenure, he sat on many LPRCA committees and served as Vice-Chair in 1992 and as Chair from 1993 to 1996.

Mr. DeCloet was unable to attend the meeting and will be presented with his award at a later meeting.

11. Service Awards Presentation

The following staff were recognized for reaching service milestones with LPRCA this past year.

Leigh-Ann Mauthe, Interim Manager of Watershed Services	5 years
Jeff Calliau, Carpenter, Waterford Workshop	5 years
Don Chapman, Support Staff, Norfolk Conservation Area	5 years
Frank Schram, Workshop Supervisor	10 years
Paul Gagnon, Lands and Waters Supervisor	20 years
Bonnie Bravener, Resource Planner	30 years
Ginny Van Louwe, Accounting Clerk	35 years

12. New Business

a) Dump Truck Tender LP-025-22

No bids were received from the tender. Staff requested quotes from three suppliers and received one quote from Carrier Truck Center Inc. yesterday.

New information from Carrier was provided to staff this morning, advising that the price quoted is not guaranteed due to price fluctuations caused by supply chain issues. The price would only be locked-in once the build date is scheduled, which is expected to be in mid-2023.

LPRCA is currently without a dump truck and staff requested flexibility to seek further quotes and to proceed with an order if the quote is within budget.

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell, Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

A-40/22

moved: V. Donnell

seconded: P. Ypma

THAT the LPRCA Board of Directors does not accept staff's recommendation,

AND

THAT the Board directs the GM to seek additional quotes,

AND

THAT the Board authorizes the General Manager to purchase a dump truck within the approved budget.

Carried

Member, Robert Chambers announced that former Board Member Sam Lamb recently passed away and offered his condolence. Condolences will be sent by LPRCA on behalf of the Board and staff.

14. Adjournment

The Chair adjourned the meeting at 2:15 p.m.

John Scholten
Chair

Judy Maxwell
General Manager

/dm

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell, Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma



LONG POINT REGION CONSERVATION AUTHORITY STAFF REPORT

Date: April 6, 2022

File: 3.3.1

To: Chair and Members,
LPRCA Board of Directors

From: General Manager, LPRCA

Re: Section 28 Regulation Approved Permits
Development, Interference with Wetlands & Alterations to Shorelines and
Watercourses Regulations (R.R.O. 1990 Reg. 178/06)

Recommendation:

THAT the LPRCA Board of Directors receives the staff approved Section 28 Regulation Approved Permits report as information.

Links to Strategic Plan:

Strategic Direction #1 – Protect People and Property from Flooding and Natural Hazards
Strategic Direction # 2 – Deliver Exceptional Services and Experiences
Strategic Direction # 4 – Organizational Excellence

Background:

Application# LPRCA-13/21

Plan 226, Lot 3, 9 Snooks Drive, Norfolk County - Charlotteville

- The proposed work – to recognize the repair/reconstruction of the existing residential structure, on a pier foundation, within the same footprint,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- The top of foundation is above the floodproofing standard,
- No habitable space is proposed in the flood hazard and the utilities are located above the flood hazard,
- The structure meets the floodproofing standard,
- The application is within the Lake Erie shoreline flooding allowance and this proposal will not negatively affect the control of flooding.

Application# LPRCA-15/22

Plan 500, Lot 716, 68 Concession St., West, Oxford County - Tillsonburg

- The proposed work – interior renovations to the existing residential structure, construct a 278 m² addition and second-storey open deck,

- A satisfactory site plan and construction drawings were submitted in support of this application,
- There is no risk of structural failure due to potential hydrostatic/dynamic pressures,
- There is no habitable floor space below the elevation of the Regulatory Flood,
- The application is within the riverine flooding hazard allowance and this proposal will not negatively affect the control of flooding.

Application# LPRCA-16/22

Concession 2, Pt Lot 24, 2 Windham Road 2, Norfolk County - Windham

- The proposed work – the engineered placement of approximately 1100 m² of fill material,
- A satisfactory site plan and engineered drawings were submitted in support of this application,
- There is no feasible alternative site outside the Regulation Limit,
- There is no impact on existing or future slope stability,
- The risk of creating new Riverine Erosion Hazards or aggravating existing Riverine Erosion Hazards as a result of the development is negligible,
- Access into and through the valley for maintenance will not be prevented,
- The application is within the riverine valley system and this proposal will not negatively affect the slope stability.

Application# LPRCA-17/22

Plan 207, Block 75A, Lots 50-52, 62 River Drive, Norfolk County – Port Dover

- The proposed work – to enlarge the existing deck by 19 m² and construct a roof structure over the entire existing deck,
- There is no feasible alternative outside the Flooding Hazard,
- A satisfactory site plan and engineered drawings were submitted in support of this application,
- There is not an increased risk of flooding or erosion upstream or downstream,
- There is no opportunity for conversion into habitable space in the future,
- The application is within the riverine flooding hazard and this proposal will not negatively affect flood flows,
- The application is within the Lake Erie shoreline flooding hazard and this proposal will not negatively affect the control of flooding.

Application# LPRCA-18/22

Plan 207, Lot 9, 3 Anne St S, Norfolk County – Port Dover

- The proposed work – recognize the construction of an approximate 19 m² gazebo,
- A satisfactory site plan and sketch was submitted in support of this application,
- There is no impact on the existing or future slope stability,
- The risk of creating new Riverine Erosion Hazards or aggravating existing Riverine Erosion Hazards as a result of the development is negligible,
- Access into and through the valley system is not prevented,
- The application is within the riverine valley system and this proposal will not negatively affect slope stability.

Application# LPRCA-20/22Concession 1, Part Lot 4, 303 Radical Road, Norfolk County - Woodhouse

- The proposed work – construct a 151 m² two-storey addition onto the existing residential structure,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- The proposed development is not subject to the Riverine Erosion Hazard,
- The proposed development is set back from the stable top of slope,
- There is no impact on existing or future slope stability,
- The risk of creating new Riverine Erosion Hazards or aggravating existing Riverine Erosion Hazards as a result of the development is negligible,
- Access into and through the valley system for maintenance is not prevented,
- The application is within the riverine erosion hazard allowance and this will not negatively affect slope stability.

Application# LPRCA-21/22Concession 1, Lot 15, 6 Sunset Street, Haldimand County - Walpole

- The proposed work – to construct an 18 m² addition, on a pier foundation, onto the existing residential structure,
- A satisfactory site plan and construction drawings have been submitted in support of this application,
- The addition is set back from the top of stable slope which includes an erosion hazard component that recognizes the existing erosion protection structure,
- Access for emergency works and maintenance of the erosion control structure is maintained,
- The application is within the Lake Erie shoreline erosion hazard and this proposal will not negatively affect the control of erosion.

Application# LPRCA-23/22Plan 436, Lot 542, 11 Rogers Avenue, Norfolk County – South Walsingham

- The proposed work – to demolish the existing 139 m² residential structure and construct a 167 m² two storey replacement residential structure and septic system,
- A satisfactory site plan and construction details were submitted in support of this application,
- The top of foundation elevation is at 176.85 m CGVD28,
- No habitable space is proposed in the flooding hazard and the utilities are located above the flooding hazard,
- The proposed foundation has been designed and stamped by a professional engineer licensed in the Province of Ontario to withstand potential hydrostatic/dynamic pressure due to flooding without significant structural damage,
- The structure meets the floodproofing standard,
- The proposed septic system has been designed to be effective when the water table reflects the maximum monthly Lake Erie water level (175.0 IGLD85),
- The application is within the Lake Erie shoreline flooding and erosion hazard and this proposal will not negatively affect the control of flooding and erosion.

Application# LPRCA-25/22

Plan 436, Lot 330, 1 Blue Bill Avenue, Norfolk County – South Walsingham

- The proposed work – to construct two single-storey additions totaling 26m² on pier foundations,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- The number of dwelling units is the same,
- All habitable floor space is at the existing ground floor elevation,
- The application is within the Lake Erie shoreline flooding hazard and this proposal will not negatively affect the control of flooding.

Application# LPRCA-26/22

Plan 436, Lot 42, 63 Woodstock Avenue, Norfolk County – South Walsingham

- The proposed work – To demolish the existing 29 m² sunroom and reconstruct a 58 m² two-storey structure within the same footprint. The proposed addition will be constructed on the previously approved engineered pier foundation. Construct a 35 m² open two-storey deck extending the roofline over the upper deck,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- The addition is no closer to the lake than the existing structure,
- The number of dwelling units is the same,
- All habitable floor space is at the existing ground floor elevation and above the floodproofing standard,
- The proposed deck is set back from the top of shoreline structure and a maintenance access is retained,
- The application is within the Lake Erie shoreline flooding and erosion hazard and this proposal will not negatively affect the control of flooding and erosion,

Application# LPRCA-27/22

Plan 546, Lot 39, 365 Cedar Drive, Norfolk County - Charlotteville

- The proposed work – demolish the existing boathouse and 6 m x 4.2 m sheet pile boatwell and install a new 6 m x 4.2 m steel sheet pile shoreline structure – same foot print,
- A satisfactory site plan and construction drawings/details were submitted in support of this application,
- The susceptibility to natural hazards is not increased or new hazards created,
- There will be no adverse impacts on the natural shoreline processes of Lake Erie,
- The application is within the Lake Erie flooding hazard and this proposal will not negatively affect the control of flooding.

Application# LPRCA-28/22

Concession 5 & 6, Lot 1, Victoria Street, Norfolk County - Simcoe

- The proposed work – to remove the existing utility from the bridge and install approximately 147 m of NPS 4", 20 m of NPS 2" and 54 m of NPS 1 ¼" natural gas pipeline using the horizontal directional drill method,
- A satisfactory design drawing and project description was submitted in support of this application,

- A satisfactory sediment and erosion control plan and an emergency response plan were submitted in support of this application,
- The application is within the riverine valley system and this application will not negatively affect the control of flooding and erosion.

Application# LPRCA-29/22

Plan 429, Lot 103, 10 Teal Avenue, Norfolk County – South Walsingham

- The proposed work – to construct a new 6 m X 9 m boatwell with a steel sheet pile shoreline structure,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- The susceptibility to natural hazards is not increased or new hazards created,
- There will be no adverse impacts on the natural shoreline processes of Lake Erie,
- The application is within the Lake Erie flooding hazard and this proposal will not negatively impact the control of flooding.

Application# LPRCA-30/22

Concession 11, Part Lot 8, 265 Quarter Townline Road, Oxford County - Tillsonburg

- The proposed work – recognize the installation of approximately 24 m of a single row of armour stone and the placement of fill material,
- A satisfactory site plan and construction details were submitted in support of this application,
- Susceptibility to natural hazard is not increased or new hazards created,
- There is not an increased risk of flooding or erosion upstream or downstream,
- The application is within the riverine valley system and this application will not negatively affect the control of flooding and erosion.

Application# LPRCA-31/22

Concession 4, Lot 50, 6 Butternut Drive, Simcoe

- The proposed work – to construct a 251.84m² residential structure approximately 106 m from a Provincially Significant Wetland,
- Satisfactory construction drawings and grading plan were submitted in support of this application,
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-32/22

Concession 4, Lot 51, 2 Butternut Drive, Simcoe

- The proposed work – to construct a 263.39m² residential structure approximately 94m from a Provincially Significant Wetland,
- Satisfactory construction drawings and grading plan were submitted in support of this application,
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-33/22Concession 4, Lot 1, 7 Butternut Drive, Simcoe

- The proposed work – to construct a 282.43m² residential structure approximately 70m from a Provincially Significant Wetland,
- Satisfactory construction drawings and grading plan were submitted in support of this application,
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-34/22Concession 4, Lot 2, 11 Butternut Drive, Simcoe

- The proposed work – to construct a 282.43m² residential structure approximately 90m from a Provincially Significant Wetland,
- Satisfactory construction drawings and grading plan were submitted in support of this application,
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-35/22Concession 4, Lot 3, 15 Butternut Drive, Simcoe

- The proposed work – to construct a 238.50m² residential structure approximately 90m from a Provincially Significant Wetland.
- Satisfactory construction drawings and grading plan were submitted in support of this application.
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-36/22Concession 4, Lot 4, 19 Butternut Drive, Simcoe

- The proposed work – to construct a 263.39m² residential structure approximately 110m from a Provincially Significant Wetland.
- Satisfactory construction drawings and grading plan were submitted in support of this application.
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-37/22Plan 190, Lot 206, 13 Arnold Street, Norfolk County - Charlotteville

- The proposed work – to demolish the existing 80 m² residential structure and reconstruct a 167 m² two-storey residential structure on a continuous wall/strip foundation that does not contain an open void, a detached garage and septic system,
- A satisfactory site plan and construction details were submitted in support of this application,
- The top of foundation elevation is at 176.85 m CGVD28,
- No habitable space is proposed in the flooding hazard and the utilities are located above the flooding hazard,

- The structure meets the floodproofing standard,
- The proposed septic system has been designed to be effective when the water table reflects the maximum monthly Lake Erie water level (175.0 IGLD85),
- As per the July 5, 2017 Board Resolution# A-178/17, the requirement for safe access is deemed to be satisfied by the Norfolk County Safety Strategy for Long Point and Turkey Point.

Application# LPRCA-38/22

Plan 270, Lot 9, 26 Isabel Street, Norfolk County - Charlotteville

- The proposed work – to raise the existing residential structure on a new foundation,
- Satisfactory engineered construction drawings were submitted in support of this application,
- The top of foundation is above the floodproofing standard,
- No habitable space is proposed below the flooding hazard elevation,
- The utilities are located above the flood hazard elevation,
- The application is within the Lake Erie shoreline flooding hazard allowance and this proposal will not negatively affect the control of flooding.

Application# LPRCA-39/22

Concession/Plan 41M-264, Lot 9, 55 River Oaks Drive, Norwich

- The proposed work – to construct a deck addition and an aboveground pool approximately 50 m from a Provincially Significant Wetland.
- Satisfactory construction drawings were submitted in support of this application.
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-40/22

Plan 57, Lot 133, 125 Ordance Drive, Norfolk County - Charlotteville

- The proposed work – construct two single-storey minor additions totaling 30 m² constructed on a crawl space foundation and a 40 m² screened-in covered porch,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- The addition is no closer to the lake than the existing structure,
- All habitable space is at the existing ground floor elevation,
- The application is within the Lake Erie shoreline flooding hazard and this proposal will not negatively affect the control of flooding.

Application# LPRCA-41/22

Concession 1, Part Lot 22, 26 Ramona Crescent, Norfolk County - Woodhouse

- The proposed work – to demolish the existing residential structure and redevelop a 315 m² residential structure, 62 m² attached garage and septic system,
- A satisfactory site plan and construction drawings were submitted in support of this application.
- The set back from the top of stable slope includes an erosion hazard component,
- Access for emergency works and maintenance of the erosion control structure is maintained,

- The application is within the Lake Erie shoreline erosion hazard and this proposal will not negatively affect the control of erosion.

Application# LPRCA-42/2022

Plan 120, Lot 34 & 35, 2011 Maple Blvd., Norfolk – Port Dover

- The proposed work – to construct a 58 m² open carport;
- Satisfactory drawings were submitted in support of this application;
- The proposed structure is no closer to the lake than the existing structures and a maintenance access setback has been retained;
- The application is within the Lake Erie shoreline erosion hazard and this proposal will not negatively affect slope stability or negatively affect the control of erosion.

Application# LPRCA-43/2022

Plan 133, Lot 48, 105 Ordinance Avenue, Norfolk County - Charlotteville

- The proposed work – to demolish the existing residential structure and construct a replacement 268 m² residential structure and new septic system,
- Satisfactory construction drawings and grading plan was submitted in support of this application,
- The new structure will be constructed on a continuous wall/strip foundation that does not contain an open void (crawl space),
- The top of foundation elevation is at 176.8 m CGVD28,
- No habitable space is proposed below the floodproofing elevation,
- The utilities are located above the floodproofing elevation,
- The structure meets the floodproofing standard,
- The septic system is designed to be effective when the water table reflects the maximum monthly Lake Erie Water Level (175.0 m CGVD28),
- The application is within the Lake Erie shoreline flooding hazard and this proposal will not negatively affect the control of flooding.

Application# LPRCA-44/22

Concession 10, Part Lots 21 & 22, Elgin County - Bayham

- The proposed work – demolish the existing residential structure and construct a 315 m² residential structure, an 89 m² attached garage, a 248 m² detached garage and septic system,
- There is no feasible alternative site outside the Riverine Erosion Hazard,
- All development is set back from the stable top of slope,
- There is no impact on existing or future slope stability and bank stabilization or erosion protection works are not required,
- The risk of creating new Riverine Erosion Hazards or aggravating existing Riverine Erosion Hazards as a result of the development is negligible,
- Access into and through the valley system for maintenance is not prevented,
- The application is within the Big Otter Creek erosion hazard and this proposal will not negatively affect the control of erosion.

Application# LPRCA-45/22

Concession 1, Part Lot 18, 1036 South Coast Drive, Haldimand County - Walpole

- The proposed work – install a new septic system,
- A satisfactory site plan and construction details were submitted in support of this application,
- The septic system is set back from the stable top of bank and is located landward of the structure,
- The application is within the Lake Erie shoreline erosion hazard and this proposal will not negatively affect the control of erosion.

Application# LPRCA-46/22

Plan 128, Lot 67, 246 Cedar Drive, Norfolk County - Charlotteville

- The proposed work – raise the existing residential structure on an engineered foundation,
- A satisfactory site plan and engineered construction drawings were submitted in support of this application,
- The top of foundation is at 176.8 m CGVD1928,
- No habitable space is proposed below the flood hazard elevation,
- The utilities are located above the flood hazard elevation,
- The structure meets the floodproofing standard,
- The application is within the Lake Erie shoreline flooding and this proposal will not negatively affect the control of flooding.

Application# LPRCA-47/22

Concession STR, Part Lot 186, Railway Right-of-Way, Haldimand County - Middleton

- The proposed work – remove the existing railway bridge,
- A satisfactory site plan and construction drawings and work methodology was submitted in support of this application,
- A satisfactory report summarizing the potential environmental impacts and proposed mitigation measures was submitted in support of this application,
- The application is within the North Creek riverine system and this proposal will not negatively affect the control of for flooding and erosion

Application# LPRCA-48/22

Plan 546, Lot 22, 399 Cedar Drive, Norfolk County - Charlotteville

- The proposed work – Raise the existing residential structure on an engineered foundation,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- The top of foundation is at 176.8 m CGVD1928,
- No habitable space is proposed below the flood hazard elevation,
- The utilities are located above the flood hazard elevation,
- The structure meets the floodproofing standard,
- The application is within the Lake Erie shoreline flooding and this proposal will not negatively affect the control of flooding.

Application# LPRCA-49/22

Concession 1, Lot 11-12, 5 Bridge Street, Elgin County - Bayham

- The proposed work – to maintenance dredge approximately 372 m of shoreline,
- The excavated material will be removed from the Riverine Flooding and Erosion Hazard and placed outside/beyond the Regulation Limit;
- The application is an alteration to a watercourse and it will not negatively affect the watercourse.
- The application is within the riverine flooding hazard and it will not negatively affect flood flows.

Application# LPRCA-50/22

Concession 388, Lot 153, 26 Norfolk Street, Otterville, Oxford County

- The proposed work – to construct a 33 m² detached accessory structure (greenhouse/sunroom) approximately 100 m from a Provincially Significant Wetland,
- Satisfactory construction drawings and a site layout plan was submitted in support of this application,
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-51/22

Concession 5, Lot 24. Haldimand County - Walpole.

- The proposed work – Bridge rehabilitation - rip rap and riverstone installation at all quadrants,
- Satisfactory engineered drawings have been submitted in support of this application,
- The awarded contractor will submit an Environmental Mitigation Plan for LPRCA review and approval,
- The application is within the flood and erosion hazard associated with the Stoney Creek and this proposal will not have a negative affect on the control of flooding and erosion.

Application# LPRCA-53/22

Plan 37M-38, Lot 20, 14 Golden Meadow Drive, Norfolk County – Port Dover

- The proposed work – to demolish the existing 22 m² deck and reconstruct a 26m² open deck with a roof structure,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- There is no impact on the existing or future slope stability,
- This risk of creating new Riverine Erosion Hazards or aggravating existing Riverine Erosion Hazards as a result of the development is negligible,
- Access into the through the valley system is for maintenance is not prevented,
- The application is within the riverine erosion hazard and flood hazard allowance and this proposal will not negatively affect the control of flooding and erosion.

Application# LPRCA-54/22

Concession 13, Part Lot 15, 300 Norwich Road, Brant County – Burford

- The proposed work – Construct a 219 m² residential structure, a 174 m² detached garage and septic system approximately 30 m from a Provincially Significant Wetland,
- A satisfactory site plan, sediment control plan and construction drawings were submitted in support of this application,
- Technical staff has completed a site inspection and reviewed the submitted site plan and staff are satisfied with the site layout,
- The application is within regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-55/22

Plan 436, Lot 545, 17 Rogers Avenue, Norfolk County – South Walsingham

- The proposed work – install a 4500 L holding tank with no proposed changes to the grade,
- A satisfactory site layout plan was submitted in support of this application,
- Susceptibility to natural hazards is not increased or new hazards created,
- The application is within the Lake Erie shoreline flooding hazard and this proposal will not negatively the control of flooding.

Application# LPRCA-56/22

Plan 64, Lot 10, 5-10 John Pound Road, Tillsonburg (Oxford County)

- The proposed work – to construct a 109m² residential structure,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- No development or placement of fill material occurs within the 100-year flood plain,
- There is no risk of structure failure due to potential hydrostatic/dynamic pressures,
- There is no habitable floor space below the elevation of the Regulatory Flood, and
- The application is within the Big Otter Creak riverine flood hazard allowance and this proposal will not negatively affect the control of flooding.

Application# LPRCA-57/22

Plan 64, Lot 6, 5-6 John Pound Road, Tillsonburg (Oxford County)

- The proposed work – to construct a 94m² residential structure,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- No development or placement of fill material occurs within the 100-year flood plain,
- There is no risk of structure failure due to potential hydrostatic/dynamic pressures,
- There is no habitable floor space below the elevation of the Regulatory Flood, and
- The application is within the Big Otter Creak riverine flood hazard allowance and this proposal will not negatively affect the control of flooding.

Application# LPRCA-59/22

Plan 64, Lot 11, 5-11 John Pound Road, Tillsonburg (Oxford County)

- The proposed work – to construct a 131m² residential structure,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- No development or placement of fill material occurs within the 100-year flood plain,
- There is no risk of structure failure due to potential hydrostatic/dynamic pressures,
- There is no habitable floor space below the elevation of the Regulatory Flood, and
- The application is within the Big Otter Creek riverine flood hazard allowance and this proposal will not negatively affect the control of flooding.

Application# LPRCA-61/22

Plan 4, Lot 10, 345594 Quaker Street, Norwich, Oxford County

- The proposed work – to construct an approximately 558 m² storage/machinery structure approximately 80 m from a Provincially Significant Wetland,
- Satisfactory construction drawings and site layout plan were submitted in support of this application, and
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development.

Application# LPRCA-63/22

Concession 1, Part Lot 12, 396 South Coast Drive, Haldimand County - Walpole,

- The proposed work – repair the existing septic system with the installation of a new septic system/tile bed within the same footprint,
- A satisfactory site plan and construction details were provided in support of this application,
- The proposed tile bed is located within the existing footprint and is set back from the stable top of bank,
- The application is within the Lake Erie shoreline erosion hazard and this proposal will not negatively affect the control of erosion.

Application# LPRCA-64/22

Plan 436, Lot 67, 115 Woodstock Avenue, Norfolk County – South Walsingham

- The proposed work – demolish the existing garage and carport and reconstruct a 103 m² single-storey garage,
- A satisfactory site plan and construction drawings were submitted in support of this application,
- There is no opportunity for conversion into habitable space in the future,
- The application is within the Lake Erie shoreline flooding and erosion hazard and this proposal will not negatively affect the control of flooding.

Application# LPRCA-65/22

Plan 436, Lots 1-3, 1002 George Lane, Port Rowan (Norfolk County)

- The proposed work – to repair/replace the existing steel sheet pile shoreline structure with the installation of approximately 75 metres of 8-gauge steel sheet pile (within the same footprint) complete with cap and tie backs.

- A satisfactory site plan and construction drawings/details were submitted in support of this application.
- The susceptibility to natural hazards is not increased or new hazards created.
- The application is within the regulated area adjacent to a wetland. The hydrologic function of the wetland will not be negatively impacted by this development
- The application is within the Lake Erie flooding and erosion hazard and this proposal will not negatively affect the control of flooding

Financial Implication:

N/A

Prepared by:

Bonnie Bravener

Bonnie Bravener, Resource Technician

Aisling Laverty

Aisling Laverty, Resource Planner

Approved and submitted by:

Judy Maxwell

Judy Maxwell, CPA, CGA
General Manager

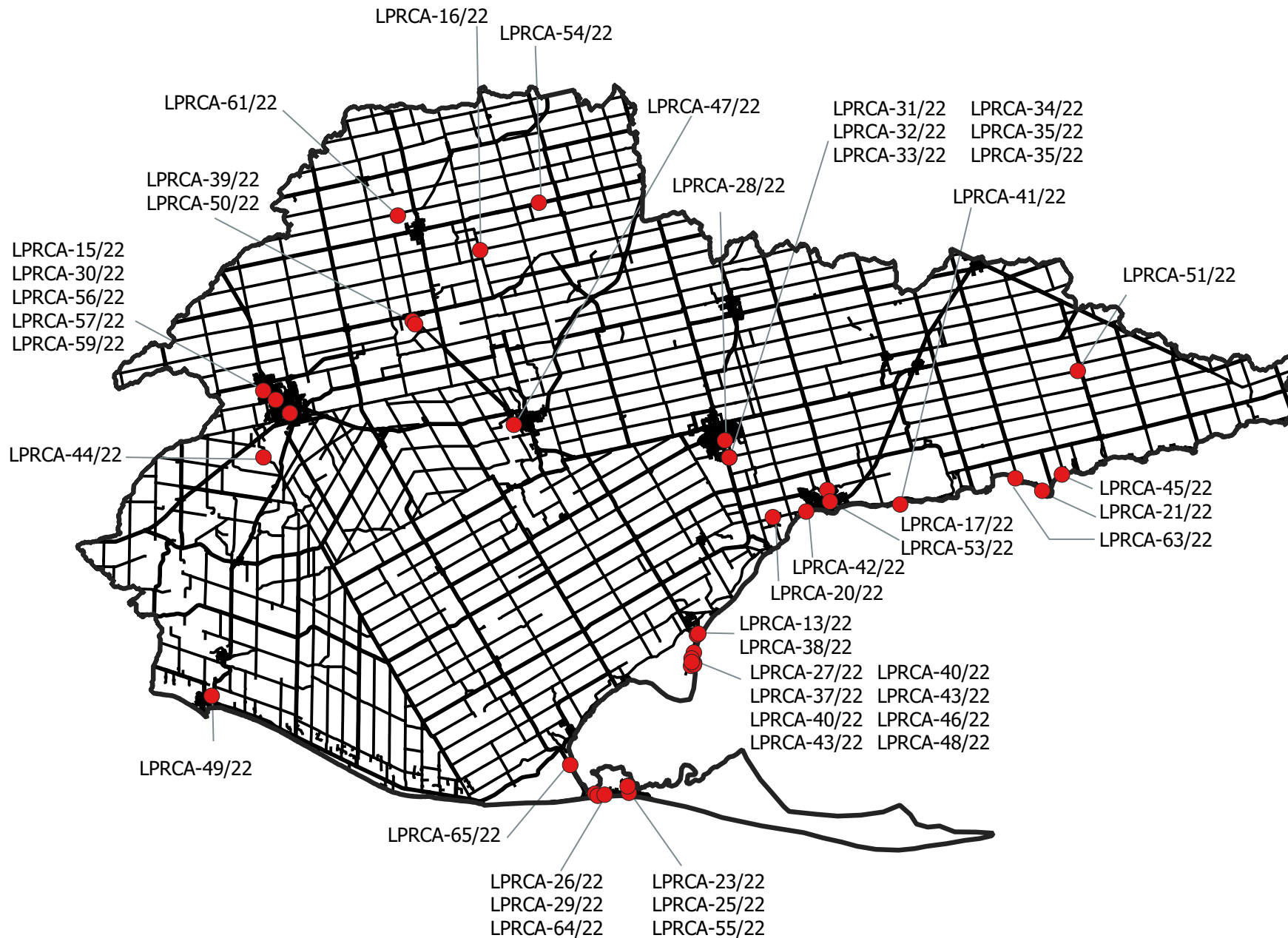


LONG POINT REGION
CONSERVATION
AUTHORITY

Approved Application
O. Reg. 178/06

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Conservation Authority





LONG POINT REGION CONSERVATION AUTHORITY STAFF REPORT

Date: March 30, 2022

File: 1.1.2

To: Chair and Members, LPRCA Board of Directors

From: General Manager, LPRCA

Re: **GM's REPORT – February & March 2022**

Recommendation:

THAT the LPRCA Board of Directors receives the General Manager's Report for March 2022 as information.

Links to Strategic Plan:

Strategic Direction #1 – Protect People and Property from Flooding and Natural Hazards

Strategic Direction #2 – Deliver Exceptional Services and Experiences

Strategic Direction #3 – Support and Empower Our People

Strategic Direction #4 – Organizational Excellence

Background:

The Annual General Meeting was held on March 4th as a virtual meeting over zoom and we are looking forward to having the next AGM as a face-to-face meeting.

On February 22nd, John Scholten, Chair, and I attended a virtual Lake Erie Source Protection Region Management Committee Meeting. The Lake Erie Source Protection Program Manager provided an update on the program and a financial update. The Ministry of Environment Conservation and Parks has requested a two-year grant funding application versus the traditional one-year which will cover April 1st, 2022 to March 31st, 2024. The funding request for the two years is approximately \$1.3 million.

Staff has reviewed 66 permit applications as of March 30th compared to 55 permit applications in 2021. Staff has also reviewed and provided comments to municipal staff on 49 Planning Act applications.

On February 16th, 2022, LPRCA staff issued a Flood Watch for all rivers within the watershed due to above freezing temperatures, 34.7 mm of snow water equivalents on the ground, and a forecasted 25-50 mm of rain. The Flood Watch was upgraded to a Flood Warning on February 17th, 2022 as water levels within river systems, especially the Big Otter Creek, rose significantly. Minor flooding within the town of Vienna did occur, specifically on Plank Road, Edison Drive, and King Street. Bayham staff evacuated four houses on King St and two houses on Plank road but residents were able to return to their homes after the floodwaters receded.

On February 21st, 2022, LPRCA staff issued another Flood Watch for all rivers within the watershed as a new low-pressure system was expected to bring an additional 15-20 mm of rain. High flows within river systems resulted in minor flooding in Vienna. The Flood Watch was terminated on February 25th, 2022 as watercourse flows declined significantly.

Corporate Services staff have been working with the Superintendent of Conservation Areas to interview and recruit summer staff for the campgrounds. We are fortunate to have seven out of the ten supervisors and assistant supervisors returning for the 2022 season. Staff will be starting on April 11th and preparing the campgrounds for opening on May 1st. Corporate Services staff is also processing seasonal camper applications.

On February 22nd, staff working remotely returned to the administration office and the safety protocols remained in place for the workplace. On March 9th, 2022, Ontario's Chief Medical Officer of Health, Dr. Kieran Moore, announced that the province's mask mandate would end in most settings on March 21st, 2022, along with remaining regulatory requirements for businesses, such as safety plans. LPRCA has continued with the mask mandate and it will be removed once the Board of Directors repeals the Enclosed Public Space Face Mask Covering Policy approved on August 5th, 2020.

We are continuing to monitor the information on COVID-19 that is provided by our local health units, the Government of Ontario, and the Government of Canada as the health and safety of our employees and visitors is a priority. The Ministry of Health, on March 9th, issued Living With and Managing Covid-19 which we are using as a reference document.

Prepared and submitted by:

Judy Maxwell

Judy Maxwell, CPA, CGA
General Manager



LONG POINT REGION CONSERVATION AUTHORITY
STAFF REPORT

Date: April 6, 2022

File: 1.2.10.2

To: Chair and Members,
LPRCA Board of Directors

From: General Manager, LPRCA

Re: Hearing Procedures Policy - Update

Recommendation:

THAT the LPRCA Board of Directors approves the Hearing Procedures Policy, *Conservation Authorities Act*, Section 28 as presented.

Strategic Plan:

Strategic Direction #1 – Protect People and Property from Flooding and Natural Hazards
Strategic Direction #2 – Deliver Exceptional Services and Experiences
Strategic Direction #4 - Organizational Excellence

Purpose:

The purpose of this report is to present to the LPRCA Board of Directors an updated Hearing Procedures Policy. Proposed changes to the policy include:

- Hearing procedures for applications under Section 28.0.1 (7) of the *Conservation Authorities Act* where the Minister of Municipal Affairs and Housing has made a Ministers Zoning Order under the *Planning Act*.
- Reference to the Ontario Land Tribunal in place of the Local Planning Appeal Tribunal, and
- General administrative updates.

Background:

LPRCA's Hearing Procedures Policy was previously approved on July 5, 2017 and updated July 3, 2019 and January 13, 2021. The purpose of the Hearing Procedures Policy is to guide the LPRCA Hearing Board when conducting hearings under Section 28 of the *Conservation Authorities Act*.

Discussion:

With the passage of Bill 229, *Protect Support and Recover from COVID-19 Act (Budget Measures)*, 2020, a new section of the *Conservation Authorities Act* came into force. Section 28.0.1 (Permission for development, zoning order) applies to applications for permission

submitted to an Authority where a zoning order has been made by the Minister of Municipal Affairs and Housing authorizing the proposed development project. While the Act outlines that the Authority must issue these permissions, an Authority has the ability to attach conditions to the permission. In the case of these applications for permission, applicants must be given an opportunity for a hearing before the Authority, prior to conditions being attached. As such, hearings under section 28.0.1 of the Act differ from those under section 28, in that the intent of the hearing is not to determine whether or not to issue a permission, but rather, to finalize the conditions of a permission. The purpose of this update to the Hearing Procedures Policy is to incorporate direction for hearings under Section 28.0.1 of the *Conservation Authorities Act*.

Further, with the passage of Bill 245, *Accelerating Access to Justice Act*, 2021 on June 1, 2021, the Local Planning Appeal Tribunal, Environmental Review Tribunal, Board of Negotiation, Conservation Review Board and Mining and Lands Tribunal were merged into a single tribunal called the Ontario Land Tribunal (OLT). Amendments have been made through the Hearing Procedures Policy to update references to the Local Planning Appeal Tribunal to now reference the Ontario Land Tribunal.

The updated Hearing Procedures Policy is attached to this report with the proposed changes. The amended policy once approved will be posted to the Authority's website and will accompany any Hearing Notice to applicants.

Financial Implication:

There are no financial implications associated with this report.

Prepared by:

Lorrie Minshall

Lorrie Minshall, P. Eng.
Interim Manager of Watershed Services

Approved and submitted by:

Judy Maxwell

Judy Maxwell, CPA, CGA
General Manager/Secretary Treasurer



Long Point Region Conservation Authority

Hearing Procedures Policy

Conservation Authorities Act, Section 28

Approved July 5, 2017 Resolution No. A-171/17
Effective July 5, 2017

4 Elm Street
Tillsonburg, ON N4G 0C4

www.lprca.on.ca

Amendments

Amended July 3, 2019 by Res. A-100/19 re. MLT

Amended January 13, 2021 by Res. A-12/21 re. Electronic Hearings

Amended xx by Res. A-xx/xx re OLT and hearings under Section 28.0.1

**Long Point Region Conservation Authority
Hearing Procedures Policy,
Conservation Authorities Act, Section 28**

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Hearing Procedures Policy

Ontario Regulation 178/06

1.0 INTRODUCTION AND PURPOSE

The purpose of the Hearing Procedures Policy is to guide the Long Point Region Conservation Authority (LPRCA) Hearing Board in conducting hearings under Section 28 of the *Conservation Authorities Act*.

The Conservation Authorities Act (~~Section 28~~) requires that the applicant be ~~party to~~ provided with an opportunity for a hearing by the local Conservation Authority Board for an application to be refused or approved with contentious conditions. Further, where staff is recommending that a permit be cancelled under *Ontario Regulation 150/178/06*, a hearing will be held to provide the applicant with the opportunity to show cause why the permit should not be cancelled. In the case of hearings related to applications submitted pursuant to s. 28.0.1 of the Conservation Authorities Act, where a Minister's Zoning Order has been approved, the Authority must grant permission to the applicant and a hearing will only be held to determine conditions which will be attached to a permission.

Ontario Regulation 178/06 allows the Long Point Region Conservation Authority to restrict or refuse development in areas where, in the opinion of the Authority, the control of flooding, erosion, dynamic beaches, pollution, or conservation of land may be affected by development in order to prevent the creation of new hazards or the aggravation of existing ones.

The Hearing Board, which is comprised of the members of the Long Point Region Conservation Authority Board of Directors, is empowered by law to make a decision, governed by the *Statutory Powers Procedures Act*. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the 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 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission.

These procedures are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) or Section 28.0.1 (7) of the *Conservation Authorities Act*. The procedures ensure that hearings meet the legal requirements of the *Statutory Powers Procedures Act* without being unduly legalistic or intimidating to the participants.

2.0 PREHEARING PROCEDURES

2.1 Apprehension of Bias

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

- (a) No member of the Authority taking part in the hearing should ~~be involved~~have prior involvement with the application that could lead to a reasonable apprehension of bias on the part of the 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 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., ~~either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of an apprehension of bias which could jeopardize the hearing.~~
- (b) If material relating to the merits of an application that is the subject of a hearing 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.
- (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 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.
- (d) Where a hearing is required for applications submitted pursuant to s. 28.0.1 of the *Conservation Authorities Act* (e.g. to determine the conditions of the permission), final decisions on the conditions shall not be made until such time as the applicant has been given the opportunity to attend a hearing.

2.2 Application

The right to a hearing ~~is required~~arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. ~~where there is some indication that the Authority may not follow staff's recommendation to approve a permit or the applicant objects to the conditions of approval.~~

Additionally, in the case of applications submitted pursuant to s.28.0.1 of the CA Act, the authority shall not attach conditions to a permission unless the applicant has been given an opportunity to be heard by the authority.

The applicant is entitled to reasonable notice of the hearing pursuant to the *Statutory Powers Procedures Act*.

2.3 Notice of Hearing

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing will contain or append 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. 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 applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.

(c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

Note: If the applicant is not the property owner but the prospective owner, the applicant must have written authorization from the registered property owner.

(d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so 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 or conditions of approval is based on the reasons outlined in a hearing report that is attached or will follow.

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

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

(f) Reminder that the applicant is entitled to be represented at the hearing by a representative such as legal counsel, if desired. The conservation authority may be represented at the hearing by counsel or staff.

(g) A copy of LPRCA's Hearing Procedures Policy.

It is recommended that the Notice of Hearing be directed to the applicant and/or property owner by registered mail. An example Notice of Hearing is included in **Appendix A**. An example Notice of Hearing for hearings under Section 28.0.1 (7) of the CA Act is included in Appendix B. The Notice of Hearing is normally also sent to the applicant and the agent (if any) by email.

2.4 Pre-submission of Reports

It is LPRCA's practice to submit reports to the Board members in advance of the hearing as part of the Authority Board agenda; the applicant will be provided with the same opportunity. The applicant will be given two weeks to prepare a report once the reasons for the staff recommendations have been received.

The applicant's time to prepare a submission may affect the timing and scheduling of the staff hearing reports. The two weeks preparation time may be shortened at the applicant's request.

2.5 Hearing Information

Prior to the hearing, the applicant will be advised of the Conservation Authority's hearing procedures.

3.0 HEARING

3.1 Public Hearing

Pursuant to the *Statutory Powers Procedure Act*, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

3.2 Hearing Participants

The *Conservation Authorities Act* does not provide for third party status at the local hearing. The hearing however is open to the public. While others may be advised of the local hearing, any information that they provide provided by third parties should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff as appropriate.

3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, tThose members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the remaining members can continue with the hearing and render a decision.

a) the hearing must be adjourned and resumed when either the member returns, or

b) if the hearing proceeds, even in the event of an adjournment, only those members who were present after the member left can sit to the conclusion of the hearing.

3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

3.5 Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix BC**.

3.6 Information Presented at Hearings

- (a) The *Statutory Powers Procedure Act* requires that a witness be informed of his-their right to object pursuant to the *Canada Evidence Act*. The *Canada Evidence Act* indicates that a witness shall be excused from answering questions on the basis that the answer may be

incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.

- (b) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. 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 Board may take into account matters of common knowledge such as geographic or historic facts, times, measures, weights, etc., or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

3.7 Conduct of Hearing

3.7.1 Record of Attending Hearing Board Members

A record will be made of the members of the Hearing Board.

3.7.2 Opening Remarks

The Chair will convene the hearing with opening remarks which, generally, identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the *Canada Evidence Act*. An example Opening Remarks is included in **Appendix CD**. [An example Opening Remarks for hearings under Section 28.0.1 \(7\) of the CA Act is included in Appendix E.](#)

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.

3.7.3 Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

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

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

3.7.4 Presentation of Applicant Information

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired.
- The applicant may present information to the Board and/or have invited advisors to present information to the Board
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist, etc.

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

3.7.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and/or agent can make any comments or questions on the staff report.

Pursuant to the *Statutory Powers Procedure Act*, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

3.7.6 Deliberation

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise of the Board's decision. The Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

4.0 DECISION

The applicant must receive written notice of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the **Mining and Ontario** Lands Tribunal.

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

4.1 Notice of Decision

The decision notice should include the following information:

- (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (b) The decision to refuse or approve the application, and in the case of applications under s. 28.0.1 of the CA Act, the decision to approve the application with or without conditions. -A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as **Appendix DF**. An sample Notice of Decision and cover letter for hearings under Section 28.0.1 (7) of the CA Act is included in Appendix G.

4.2 Adoption

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

5.0 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 Mining and LandsOntario Land Tribunal. The record must include the following:

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

APPENDIX A

Notice of Hearing

IN THE MATTER OF
The Conservation Authorities Act,
R.S.O. 1990, Chapter 27
AND IN THE MATTER OF an application by
FOR THE PERMISSION OF THE
CONSERVATION AUTHORITY
Pursuant to Regulations made under
Section 28, Subsection 12 of the said Act

TAKE NOTICE THAT a Hearing before the Hearing Board of the Long Point Region Conservation Authority (LPRCA) will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the office of the LPRCA (4 Elm Street, Tillsonburg ON), at the hour of , **on the day of , (YEAR)202x**, *[for electronic hearings: Details about the manner in which the hearing will be held are to be provided]* with respect to the application by **(NAME)** to permit development within an area regulated by the Authority in order to ensure no adverse affect on **(the control of flooding, erosion, dynamic beaches or pollution or conservation of land./alter or interfere with a watercourse, shoreline or wetland)** on Lot , Plan/Lot , Concession , **(Street)** in the **City of , Regional Municipality of , River Watershed**.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Board for the meeting of **(meeting number/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 **(name)**. Written material will be required by **(date)**, to enable the Hearing Board members to review the material prior to the meeting.

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

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

DATED the ____ day of _____ 202X

APPENDIX B

NOTICE OF HEARING

(Subsection 28.0.1 (7) of the Conservation Authorities Act)

IN THE MATTER OF

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

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE **LONG POINT REGION CONSERVATION AUTHORITY**

Pursuant to Regulations made under
Section 28.0.1, Subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the Hearing Board of the Long Point Region Conservation Authority will be held under Section 28.0.1, Subsection 7 of the *Conservation Authorities Act* at the offices of the LPRCA (4 Elm Street, Tillsonburg, ON), at the hour of , **on the day of , 2020, [for electronic hearings, include details about the manner in which the hearing will be held]** with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in association with a Minister's Zoning Order (REGULATION NUMBER) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the 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 members to review the material prior to the meeting.

TAKE NOTICE THAT pursuant to Section 28.0.1 of the *Conservation Authorities Act*, a conservation authority is required to grant the permission applied for and may only impose conditions to the permission. The Hearing will therefore focus on the conditions to be imposed to the granting of the permission.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner.

The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

DATED the day of , 202X

Long Point Region Conservation Authority

Per:

General Manager

DRAFT

APPENDIX ~~BC~~ HEARING PROCEDURES

1. **Motion** to sit as Hearing Board.
2. Roll Call
3. **Chair's opening remarks.** For electronic hearings, the Chair shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.

Presentations and Questions

4. **Staff** will:
 - a. introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak;
 - b. indicate the nature and location of the subject application and the conclusions;
 - c. present the staff report included in the Authority agenda.
5. **The Applicant** and/or ~~his/her~~their agent will speak to the application.
6. Staff and/or the LPRCA's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.
7. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.
8. The Hearing Board will question both the LPRCA staff/agent and the applicant/agent.

~~Deliberation and Decision~~

- 8.9. The Hearing Board **will move into ~~closed session~~deliberation**. For electronic meetings, the Hearing Board will separate from other participants for deliberation.
- 9.10. Reasons for the decision of the Board must be provided.
- 10.11. Members of the Hearing Board will move and second **a motion**.
- 11.12. A motion will be carried which will culminate in **the decision**.
- 12.13. The Hearing Board will move out of ~~closed session~~deliberation. For electronic meetings, the Hearing Board will reconvene with other participants.

Communicate Decision

- 13.14. The Chair will **advise the owner/applicant** of the Hearing Board **decision**.

14.15. If decision is "to refuse" or "approve with conditions", the Chair or Acting Chair shall **notify the owner/applicant of his/her right to appeal** the decision to the ~~Mining and Lands~~Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.

15.16. **Motion** to move out of Hearing Board.

DRAFT

APPENDIX

CHAIR'S OPENING REMARKS

when dealing with Hearings (Section 12 of the Conservation Authorities Act)
with ~~to~~ respect to Ontario Regulation 178/06

~~This is a~~ We are now going to conduct a Hearing under Section 28 of the *Conservation Authorities Act* in respect of an application by **(applicant)** for permission to **(nature of the application)** at **(location, address)**.

~~The Province of Ontario has made Regulations~~ The Authority has adopted regulations under Section 28 of the *Conservation Authorities Act* which require the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse effect on the control of flooding, erosion, dynamic beaches or pollution or conservation of land or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report 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.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or (c) shall not be refused, or granted subject to conditions, unless the person requesting permission has been given the opportunity to require a hearing before the authority."

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

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

Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any question on the ground that the answer may tend to criminate 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.

As the Hearing proceeds, the procedures listed in the Hearing Procedure summary provided may be relaxed or abbreviated for efficiency.

The Authority may ask questions of witnesses for clarification at any time.

| 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.

DRAFT

APPENDIX E

CHAIR'S OPENING REMARKS

When dealing with Hearings (Section 28.0.1 (7) of the *Conservation Authorities Act*) with respect to Ontario Regulation 178/06

We are now going to conduct a hearing under section 28.0.1 of the Conservation Authorities Act in respect of an application by **(applicant)** for permission to **(nature of the application)** at **(location, address)**.

Under Section 28.0.1 of the Conservation Authorities Act, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28(1) for permission to carry out all or part of a development project, in an area regulated by the Authority, associated with a Minister's Zoning Order, provided the criteria listed under subsection 28.0.1 (1) are met. A permission is subject to any conditions as may be prescribed by the Authority.

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

Under Section 28.0.1 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

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

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

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

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

APPENDIX DE

Notice of Decision

(Date)

BY COURIER

(name)

(address)

Dear:

RE: NOTICE OF DECISION

**Hearing Pursuant to Section 28(12) of the Conservation Authorities Act
To (Nature of application) at (location, address). (Application #LPRCA-##/##)**

In accordance with the requirements of the *Conservation Authorities Act*, the Long Point Region Conservation Authority (LPRCA) provides the following Notice of Decision:

On (**meeting date**), a Hearing pursuant to Ontario Regulation 178/06 made under Section 28 of the *Conservation Authorities Act* to permit development within an area regulated by LPRCA within (**location, address**) was conducted. Following presentations by LPRCA staff and yourself, questions and deliberation, the LPRCA's Board of Directors (**approved, approved with conditions, refused**) your application to (nature of application) (Resolution No. A-xx/xx)). The Resolution reads as follows:

On (**meeting date and number**), the Hearing Board refused/approved your application/approved your application with conditions. A copy the resolution # has been attached for your records. Please note that this decision is based on the following reasons:

- a. *Example: 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).*
- b.
- c.

In accordance with Section 28 (15) of the *Conservation Authorities Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the Mining and Lands Ontario Land Tribunal. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Office of the Mining and Lands Ontario Land Tribunal
700-655 Bay Street, 24th Floor, Box 2400 Suite 1500
Toronto, ON M5G 1Z6 1E5

A carbon copy of this letter 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,

General Manager/Secretary Treasurer

DRAFT

APPENDIX G

NOTICE OF DECISION

(Subsection 28.0.1 (7) of the Conservation Authorities Act)

(Date)

BY COURIER

(name)

(address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28.0.1 (7) of the Conservation Authorities Act

Proposed Residential Development

Lot , Plan ; ?? Drive City of

(Application #)

In accordance with the requirements of the Conservation Authorities Act, the Long Point Region Conservation Authority provides the following Notice of Decision:

On **(meeting date and number)**, the Hearing Board of the Long Point Region Conservation Authority approved your application/approved your application with conditions. A copy the Board's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (conditions are required to mitigate the effects of the development project on the control of flooding, erosion, dynamic beaches or pollutions or the conservation of land; 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 Section 28.0.1 (9) of the Conservation Authorities Act, an applicant who objects to conditions imposed on a permission may, within 15 days of receiving the reasons under subsection (8), submit a request to the Minister for the Minister to review the conditions. The Minister may confirm or vary the conditions as proposed by the authority. Alternatively, in accordance with Section 28.0.1 (19) of the Conservation Authorities Act, the holder of a permission who objects to the conditions proposed by an authority may, within 90 days of the reasons under subsection (8) being issued, appeal to the Ontario Land Tribunal to review the conditions. For your information, should you wish to exercise your right to appeal the decision to either the Minister or the Ontario Land Tribunal, a letter by you or your agent/counsel setting out

your appeal must be sent within 15 or 90 days respectively of receiving this decision addressed to:

<u>Minister of Northern Development, Mines, Natural Resources and Forestry</u> <u>Whitney Block, 99 Wellesley St W.,</u> <u>Toronto, ON M7A 1W3</u>	<u>Ontario Land Tribunal</u> <u>655 Bay Street, Suite 1500</u> <u>Toronto, Ontario M5G 1E5</u>
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A carbon copy of this letter 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,

General Manager

Enclosure



LONG POINT REGION CONSERVATION AUTHORITY STAFF REPORT

Date: March 15, 2022 **File:**1.2.16

To: Chair and Members,
LPRCA Board of Directors

From: General Manager, LPRCA

Re: Enclosed Public Spaces Face Mask Covering Policy

Recommendation:

THAT the LPRCA Board of Directors repeals the Enclosed Public Spaces Face Mask Covering Policy adopted August 5, 2020.

Strategic Direction:

Strategic Direction #4 – Organizational Excellence

Background:

In July 2020, County of Brant and Norfolk County passed by-laws, and Southwestern Health issued a letter of instruction requiring businesses to have a face mask covering policy for enclosed public spaces.

At the August 5th, 2020 meeting, the membership was presented with the LPRCA Policy: *Enclosed Public Space Face Mask Covering Policy*. The policy was adopted and has been in effect since.

Discussion:

On March 9th, 2022, the Ontario Government announced as part of O.Reg. 340: *Rules for Area's at step 3 and The Roadmap Exit Step* that mask mandates will end effective March 21, 2022; however, individual organizations will continue to have the authority to keep requirements in place.

Staff is proposing in alignment with the Ontario Government that the Board of Directors repeal the LPRCA Policy: *Enclosed Public Space Face Mask Covering Policy* (attached). Although, the mask mandates ended March 21, 2022 staff, customer and visitors can opt to continue to wear face masks.

The Authority plans to continue with disinfecting, hand hygiene, and enhanced cleaning of the administration building and facilities throughout 2022 as we continue monitor and follow instructions from the Chief Medical Officer of Health, Ontario Government and local public health units.

Financial Implications:

N/A.

Prepared by:

Aaron LeDuc
Aaron LeDuc, CPA, CGA
Manager of Corporate Services

Approved and submitted by:

Judy Maxwell
Judy Maxwell, CPA, CGA
General Manager

Policy Title: Enclosed Public Space Face Mask Covering Policy	Policy Number: 001-20	Pages 2
Date: August 5, 2020	Supersedes:	
Cross Reference:	Issuing Authority: Board of Directors by Resolution #A-74/20	

1.0 Purpose

As businesses and services reopen during the COVID-19 pandemic, it is important to implement policies and safety measures to prevent the spread of the virus and to protect the health and safety well being of employees, those we serve, and residents. Using face coverings is a method of source control, but to reduce the risk of transmission, it must be accompanied by other measures including physical distancing, respiratory etiquette and good hand hygiene. Wearing face coverings has not proven to protect the person wearing it, but instead can protect others. As such, requiring the use of face coverings in any enclosed employee space in instances when physical distancing is not maintained is an important strategy to control COVID-19 transmission.

2.0 Policy Statement

Consistent with our Strategic Plan the Long Point Region Conservation Authority is committed to organizational excellence, supporting and empowering our people and delivering exceptional services and experiences to the broader community we serve. LPRCA as a minimum will comply or when possible exceed all legal and other requirements to which the organization subscribes to through the application of best practice principles. We will strive for continual improvement and implement safety measures to prevent the spread of COVID-19 and to protect the health and well being of our employees and the broader public we serve.

3.0 Procedure

- 3.1** Require persons who enter or remain in any indoor LPRCA facility to maintain physical distance of two metres at all possible times.
- 3.2** Require visitors who enter or remain in the enclosed public space of any LPRCA facilities to wear a face covering that covers the nose, mouth and chin.
- 3.3** Best efforts shall be made to ensure that visitors entering are wearing a face covering. The face covering must be worn inside LPRCA facilities at all times, unless it is reasonably required to temporarily remove the face covering for services provided by LPRCA.
- 3.4** Require employees who enter or remain in either enclosed public space or enclosed employee space of any LPRCA facility to wear a face covering that covers the nose,

mouth and chin in any situation where physical distance of two metres cannot be maintained and a physical barrier is not present.

- 3.5** A person shall be exempt from wearing a face covering in LPRCA facilities if:
- a. The person is a child under the age of two years; or is a child under the age of five years either chronologically or developmentally and he or she refuses to wear a face covering and cannot be persuaded to do so by their caregiver;
 - b. The person is incapacitated and unable to remove their face covering without assistance;
 - c. Wearing a face covering would inhibit the person's ability to breathe such as, but not limited to, during athletic, fitness or physical activity or any activity that would preclude its use;
 - d. For any other medical reason, the person cannot safely wear a face covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information.
- 3.6** No person shall be required to provide proof of any of the exemptions set out in section 3.5 of the policy.
- 3.7** Require employees to regularly screen for COVID-19 symptoms, with those presenting symptoms required to stay home and advised to be tested for COVID-19.
- 3.8** Require employees to promote and practice excellence in hand hygiene and cough and sneeze etiquette.
- 3.9** Require regular cleaning and disinfecting of surfaces within LPRCA facilities.
- 3.10** Visible signage indicating that face coverings are required inside LPRCA facilities will be posted at all entrances and exits.
- 3.11** All employees and volunteers will receive training on the policy, learn how to respond to anyone who arrives without a face covering or removes their face covering while inside an LPRCA facility, and learn where within LPRCA facilities employees/volunteers are allowed to remove their face covering.

4.0 Definitions

- 4.1 Persons** means any individual, employee, member of the public, or otherwise, who may enter an LPRCA facility.
- 4.2 Visitor** means a member of the public, not an employee of LPRCA.
- 4.3 Employee** means any LPRCA employee, volunteer, student, contractor or other individual who accesses the enclosed employee space.
- 4.4 Face Covering** means a cloth mask, medical mask, face shield (for person with underlying medical condition) or other face covering capable of filtering respiratory droplets, which must securely cover the nose, mouth and chin and is in contact with the surrounding face without gapping.
- 4.5 Enclosed Public Space** means a place where goods or services are available in a building or portion of a building which is ordinarily accessible to the public, whether or not a fee or membership is required to gain entry, and which is permitted to be open in accordance with an Emergency Order and is open to the public.
- 4.6 Enclosed Employee Space** means a place within an LPRCA facility accessible only to employees, and not freely accessible to the public.



**LONG POINT REGION CONSERVATION AUTHORITY
STAFF REPORT**

Date: March 25, 2022 **File:** 2.1.C.1.1
To: Chair and Members,
LPRCA Board of Directors
From: General Manager, LPRCA
Re: **2022 Septic Tender**

Recommendation:

THAT the 2022 contract for septic services at Backus CA, Deer Creek CA and Norfolk CA be award to Bayside Septic Services 2012 Inc.,

AND

THAT the 2022 contract for septic services at Haldimand CA be awarded to Frankie's Pumping.,

AND

THAT the 2022 contract for septic services at Waterford North CA be awarded to Bill's Septic Ltd.

Link to Strategic Plan:

Direction #4 - Organizational Excellence

Background:

The Authority tenders out septic services for the five campgrounds on an annual basis. The 2022 LPRCA budget included \$89,500 for septic services across the five campgrounds. In 2021 septic services were awarded to Frankie's Pumping (Haldimand and Waterford North Conservation Area) and Bayside Septic Services (Norfolk, Backus and Deer Creek).

Tender Results:

The tender for septic services was posted on the LPRCA website and sent out to four vendors. The tender closed March 24, 2022 and three tenders were received with the following quotes per load by conservation area:

Conservation Area	Bayside Septic Service 2012 Inc.	Bills Septic Ltd.	Frankie's Pumping
Haldimand CA	\$ 220.00	\$ 215.45	\$ 195.00
Norfolk CA	\$ 160.00	\$ 194.69	\$ 245.00
Waterford North CA	\$ 220.00	\$ 194.69	\$ 195.00
Backus CA	\$ 160.00	\$ 194.69	\$ 245.00
Deer Creek CA	\$ 160.00	\$ 194.69	\$ 245.00

It is recommended we award the contracts to the lowest bidder by park:

- Haldimand - Frankie's Pumping
- Norfolk - Bayside Septic Services
- WNCA – Bill's Septic Ltd.
- Backus - Bayside Septic Services
- Deer Creek - Bayside Septic Services

Financial Implications:

The low bid increased an average of 8.9% over the prior year low bids. The overall budget for the five locations septic disposal services is \$89,500. Based on 2021 volumes the projected costs for septic services will be \$95,675 or exceed budget by \$6,175.

Prepared by:

Aaron LeDuc

Aaron LeDuc, CPA, CGA
Manager of Corporate Services

Approved and submitted by:

Judy Maxwell

Judy Maxwell, CPA, CGA
General Manager