



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

Table of Contents

1.0	<i>Introduction and Purpose</i>	3
2.0	<i>Prehearing Procedures</i>	4
2.1	Apprehension of Bias.....	4
2.2	Application.....	4
2.3	Notice of Hearing.....	4
2.4	Pre-submission of Reports.....	5
2.5	Hearing Information.....	6
3.0	<i>Hearing</i>	6
3.1	Public Hearing	6
3.2	Hearing Participants.....	6
3.3	Attendance of Hearing Board Members.....	6
3.4	Adjournments	6
3.5	Orders and Directions	6
3.6	Information Presented at Hearings	6
3.7	Conduct of Hearing	7
4.0	<i>Decision</i>	8
4.1	Notice of Decision	9
4.2	Adoption.....	9
5.0	<i>Record</i>	9
	Appendix A – Notice of Hearing	10
	Appendix B – Notice of Hearing (Subsection 28.1.2 (7))	11
	Appendix C – Hearing Procedures	13
	Appendix D – Chair’s Opening Remarks	15
	Appendix E – Chair’s Opening Remarks for Hearings (Section 28.1.2 (7))	16
	Appendix F – Notice of Decision	17
	Appendix G – Notice of Decision (Subsection 28.1.2 (8))	19

Hearing Procedures Policy

Ontario Regulation 41/24

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* under section 28.1 (1) allows the Long Point Region Conservation Authority to permit development in regulated areas where, in the opinion of the Authority,

- (a) The activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) The activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) Any other requirements that may be prescribed by the regulations are met.

For an application for a permit to be refused or approved with contentious conditions, the *Conservation Authorities Act* requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board. Further, where staff is recommending that a permit be cancelled under *Ontario Regulation 41/24*, 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. 28.1.2 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.

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 28.1.2, 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 Sections 28.1 (5), 28.3 (3) or 28.1.2 (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 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.
- (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) 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. 28.1.2 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 arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application or has given notice of intent to cancel a permit.

Additionally, in the case of applications submitted pursuant to s.28.1.2 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 28.1.2 (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. Any information 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, those 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.

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 C**.

3.6 Information Presented at Hearings

(a) The *Statutory Powers Procedure Act* requires that a witness be informed of 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 D**. An example Opening Remarks for hearings under Section 28.1.2 (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 ask for a Minister's review within 15 days of receiving the written decision, or appeal the decision within 90 days of receiving the written decision to the Ontario Land 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. 28.1 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 F**. A sample Notice of Decision and cover letter for hearings under Section 28.1.2 (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 Ontario 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) 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 5 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 28.1, Subsection 5 of the Conservation Authorities Act at the office of the LPRCA (4 Elm Street, Tillsonburg ON), at the hour of , **on the day of , 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 effect on **(the control of flooding, erosion, dynamic beaches or unstable soil or bedrock / alter or interfere with a watercourse 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 28.1.2 (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 28.1.2, 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 28.1.2, 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 28.1.2 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/Secretary Treasurer

APPENDIX C

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 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

9. The Hearing Board **will move into deliberation.** For electronic meetings, the Hearing Board will separate from other participants for deliberation.
10. Reasons for the decision of the Board must be provided.
11. Members of the Hearing Board will move and second **a motion.**
12. A motion will be carried which will culminate in **the decision.**
13. The Hearing Board will move out of deliberation. For electronic meetings, the Hearing Board will reconvene with other participants.

Communicate Decision

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

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 request a Minister's review within 15 days of receipt of the reasons for the decision or, alternatively, appeal the decision to the Ontario Land Tribunal within 90 days of receipt of the reasons for the decision.**

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

APPENDIX D

CHAIR'S OPENING REMARKS

when dealing with Hearings (Section 7 of the *Conservation Authorities Act*)
with respect to Ontario Regulation 41/24

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 Authority administers Ontario Regulation 41/24 under Section 28 of the *Conservation Authorities Act* which requires 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 unstable soil or bedrock or to permit alteration to a 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 [5]) provides that:

"An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by 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 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.

APPENDIX E

CHAIR'S OPENING REMARKS

When dealing with Hearings (Section 28.1.2 (7) of the *Conservation Authorities Act*) with respect to Ontario Regulation 41/24

We are now going to conduct a hearing under section 28.1.2 of the *Conservation Authorities Act* in respect of an application by **(applicant)** for permission to **(nature of the application)** at **(location, address)**.

Under Section 28.1.2 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 28.1.2 (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 28.1.2 (7) of the *Conservation Authorities Act*, the person requesting permission has the right to a hearing before the Authority.

In holding this hearing, the Authority Board 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 F

Notice of Decision

(Date)

BY COURIER

(name)

(address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28.1 (5) 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 Section 28.1 (5) 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 adversely affects the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or interferes with a wetland.*
- b.
- c.

In accordance with Section 28.1 (8) of the *Conservation Authorities Act*, an applicant who has been refused permission or who objects to conditions imposed on a permit may, within 15 days of receiving the reasons for the Authority's decision under Section 28.1 (7), request a review by the Minister who may refuse the permission; or grant permission, with or without conditions.

Alternatively, in accordance with Section 28.1 (20) the applicant may, within 90 days of receiving the reasons for the Authority's decision under Section 28.1 (7), appeal the Authority's decision to the Ontario Land Tribunal.

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:**

Minister of Natural Resources and Forestry Whitney Block, 99 Wellesley St W, Toronto, ON M7A 1W3	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
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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/Secretary Treasurer

APPENDIX G

NOTICE OF DECISION

(Subsection 28.1.2 (7) of the *Conservation Authorities Act*)

(Date)

BY COURIER

(name)

(address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to **Section 28.1.2 (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 unstable soil or bedrock; or conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property**).

In accordance with **Section 28.1.2 (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 28.1.2 (15)** 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:**

Minister of Natural Resources and Forestry Whitney Block, 99 Wellesley St W, Toronto, ON M7A 1W3	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
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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/Secretary Treasurer

Enclosure