



SOUTH NATION
CONSERVATION
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**Section 28.1 Permit Application
Administrative Review Policy**

Ontario Regulation 41/24

September 19, 2024

Revisions

Revision No.	Board of Directors Approval Date	Details
1	September 19, 2024	Resolution BD-159/24



Definitions

1. In this policy:

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

“Administrative Review” means a review of an Application conducted in accordance with section 8 of the Regulation;

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

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

“Authority” means the South Nation River Conservation Authority;

“Permit” means a permit issued by the Authority under section 28.1 of the Act to engage in an activity that would otherwise be prohibited by the Act;

“Regulation” means Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits;

General

2. The purpose of this policy is to guide the Chief Administrative Officer or their designate when receiving, evaluating, and deciding Administrative Reviews of Applications in accordance with s. 8 of the Regulation.
3. Where there is a conflict between the policies and the text of the Act and the Regulation, the text of the Act and regulation prevail.
4. Where a section of these policies is found invalid, the invalid portion shall be voided and the remainder of these policies shall remain valid and effective.
5. Administrative Reviews do not determine or consider permit issuance, permit conditions, or the amount of fees charged.

Permit Application

6. An application for a Permit shall be in accordance with the Regulation and include:
 - (a) a plan of the area showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the

existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;

- (b) the proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland;
 - (c) the start and completion dates of the development activity or other activity;
 - (d) a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
 - (e) the elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity;
 - (f) drainage details before and after the development activity or other activity;
 - (g) a complete description of any type of fill proposed to be placed or dumped;
 - (h) a confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner; and
 - (i) any other technical information, studies or plans the Authority requests including information requested during pre-submission consultations between the Authority and the applicant.
7. Upon receipt of the information required and payment by the Applicant of applicable fees, the Authority shall notify the applicant in writing, within 21 days, whether or not the application is deemed to be a complete application.
8. If the Authority notifies an applicant that the application is complete, the Authority shall not require new studies, technical information or plans from the Applicant to make a determination on the application, unless agreed to by the Authority and the Applicant. The Authority may ask the Applicant for clarification or further details regarding any matter related to the application.

Request for Review

9. Applicants may request an Administrative Review if:
- (a) the Applicant has not received notice from the Authority within 21 days in accordance with subsection 7 (2) of the Regulation;

- (b) the Applicant disagrees with the Authority's determination that the Application is incomplete; or
 - (c) the Applicant is of the view that the Authority's request for other information, studies or plans under clause 7 (1) (i) of the Regulation is not reasonable.
10. Requests for Administrative Review shall be made in writing to the Chief Administrative Officer or their designate.
 11. Applicants must request an Administrative Review no later than 60 days following submission of the Application and payment of the applicable fees.

Eligibility

12. The Administrative Review process is not available for works that have otherwise commenced or been completed without a Permit.
13. Applicants cannot request an Administrative Review during the pre-consultation process.
14. Applicants cannot request more than one Administrative Review per Application.
15. Applicants shall pay applicable Application fees prior to requesting an Administrative Review. For greater certainty, Applications with unpaid applicable fees are ineligible for Administrative Review.

Timeline for Review

16. The Chief Administrative Officer or their designate shall provide written notice of the decision and any reasons no later than 30 days after an Administrative Review is requested.

Decision

17. Upon completion of the Administrative Review, the Chief Administrative Officer or their designate shall, as the case may be,
 - (a) confirm that the application meets the requirements of the Regulation and is complete;
 - (b) provide reasons why the application is incomplete;
 - (c) provide reasons why a request for other information, studies or plans is reasonable; or
 - (d) withdraw the request for all or some of the information, studies or plans.

18. The written notice of decision and any reasons shall be delivered via electronic mail, registered mail, or personal service.
19. The decision of the Chief Administrative Officer or their designate is final.

Criteria

20. The Chief Administrative Officer or their designate shall consider the following when undertaking the Administrative Review:
 - (a) whether the request for review meets the eligibility criteria outlined in sections 12-15 of this policy;
 - (b) whether the Applicant has submitted the information required by the Regulation and this policy; and
 - (c) whether the Authority requests for information, studies and plans are consistent with the requirements of the Act, Regulation, Authority policies, and prior Applications for similar projects within the Authority's jurisdiction.

Review

21. This policy shall be reviewed every five (5) years to ensure compliance with the Act, its regulations, and any other applicable legislation.

Public availability

22. This policy shall be made available to the public on the Authority's website.
23. The Authority shall provide this policy in alternative formats by request in accordance with the *Accessibility for Ontarians with Disabilities Act*.

