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## MINUTES

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Minutes for the ERCA **Executive Committee**, held **Wednesday, May 12, 2021**, at 3:30 pm via Zoom Web Conferencing.

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**Members Present:** Tania Jobin (Chair) (left meeting at 3:46pm)    Joe Bachetti  
Kieran McKenzie (Vice-Chair)    Len Janisse  
Larry Verbeke

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**Absent:** None

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**Regrets:** None

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**Staff:** Tim Byrne, CAO/Secretary-Treasurer  
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA  
Kevin Money, Director Conservation Services  
Danielle Stuebing, Director Community and Outreach Services  
James Bryant, Director Watershed Management Services  
Dan Jenner, Regulations Coordinator  
Ashley Gyori, Regulations Analyst  
Sydney Clackett, Regulations Analyst

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**Guests:** Ryan Cristine  
Michal Swietlicki  
Sabrina Magee Swietlicki  
Sawyer Dejonge  
Surendra Bagga

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### 1. Call to Order

Good afternoon and welcome to the May 12, 2021 meeting of the ERCA Executive Committee.

We will start by taking a roll call of all Board Members to confirm attendance.

- Councillor Len Janisse, Lakeshore
- Deputy Mayor, Larry Verbeke
- Deputy Mayor, Joe Bachetti, Tecumseh
- Councillor, Kieran McKenzie, Windsor

Thank you all.

## 2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomie Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

## 3. Declarations of Pecuniary Interest

None

## 4. Approval of Agenda

**THAT the Agenda for the Wednesday, May 12, 2021 Meeting of the Executive Committee be approved.**

Resolution EC 19/21	Moved By	Len Janisse	
	Seconded By	Larry Verbeke	-CARRIED

## 5. Hearings

(a) Convene the Hearing Board

**THAT the Board of Directors sit as the Hearing Board in respect of an application(s) under Section 28 of the *Conservation Authorities Act*.**

Resolution EC 20/21	Moved By	Joe Bachetti	
	Seconded By	Kieran McKenzie	-CARRIED

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of six applications.

- Ryan Coristine is requesting relief from access (ingress and egress) policy requirements to construct a detached structure at 1101 Heritage Road, Town of Kingsville
- Everjonge Homes is requesting relief from access (ingress and egress) policy requirements to construct a dwelling at 3880 3<sup>rd</sup> Concession South, Town of Amherstburg

- Michal Swietlicki & Sabrina Magee Swietlicki are requesting relief from access (ingress and egress) policy requirements to construct a dwelling at 834, 836 Riverdale Ave, City of Windsor
- Rick Pellow is requesting relief from access (ingress and egress) policy requirements to construct an addition at 259 Warwick Road, Town of Tecumseh
- Daniel Dupuis is requesting relief from access (ingress and egress) policy requirements to construct a dwelling at 13707 Riverside Drive, Town of Tecumseh
- David Reaume is request relief from access (ingress and egress) policy requirements to construct a dwelling at 13711 Riverside Drive, Town of Tecumseh

We, as the Hearing Board, are unaware of the matters being brought forward and we are only now receiving and reviewing the information provided by staff this afternoon.

The Authority has adopted regulations 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 affect 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.

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

*"Permission required under a regulation made under clause (1) (b) or 8) 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 or, if the authority so directs, before the authority's executive committee."*

In holding these hearings, the Authority Board is to determine whether or not a permit is to be issued. 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 each applicant.

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. However, this is a quasi-judicial process, and provides for evidence to be given in response to members' question. Therefore, staff and applicants will be asked to swear an oath or provide an affirmation to speak the truth.

In accordance with section 28 of the *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, appeal in writing, to the Minister who may refuse the permission, or grant permission with or without conditions. Through Order in Council, the responsibility for hearing the appeal has been transferred to the Mining and Lands Tribunal.

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.

Staff will first introduce the applicant, his/her owner, and others wishing to speak, and then present the staff position. The applicant and/or their agent may then speak and make any comments on the staff position if they so desire. I would also remind everyone that the Hearing Board is open to the public, and therefore we will allow others to speak and, if necessary, the applicant in rebuttal. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Dan Jenner, Regulations Coordinator to introduce the applications, I would ask that he swear an oath or provide an affirmation to speak the truth.

Dan Jenner, Regulations Coordinator Watershed Management Services took an affirmation.

Dan Jenner introduced the applications and context for the application. The Chair asked applicant (or agents for applicant) to swear oath or provide affirmation to speak the truth (as above).

(i) Ryan Coristine

**THAT the application from Ryan Coristine to request relief from access (ingress and egress) policy requirements to construct a detached structure at 1101 Heritage Road, Town of Kingsville be approved.**

Resolution EC 21/21	Moved By	Joe Bachetti	
	Seconded By	Len Janisse	-CARRIED

(ii) Everjonge Homes

**THAT the application from Everjonge Homes to request relief from access (ingress and egress) policy requirements to construct a dwelling at 3880 3<sup>rd</sup> Concession South, Town of Amherstburg be approved.**

Resolution EC 22/21	Moved By	Larry Verbeke	
	Seconded By	Len Janisse	-CARRIED

(iii) Michal Swietlicki & Sabrina Magee Swietlicki

THAT the application from Michal Swietlicki & Sabrina Magee Swietlicki to request relief from access (ingress and egress) policy requirements to construct a dwelling at 834, 836 Riverdale Ave, City of Windsor be approved.

Resolution EC 23/21

Moved By

Len Janisse

Seconded By

Larry Verbeke

-CARRIED

(iv) Rick Pellow

THAT the application from Rick Pellow to request relief from access (ingress and egress) policy requirements to construct an addition at 259 Warwick Road, Town of Tecumseh be approved; and further,

THAT the Hearing Board provide consideration for Rick Pellow to request for relief from access (ingress and egress) policy requirements for the proposed future development at 259 Warwick Road, Town of Tecumseh of an addition for an attached single car garage to be located on the north side of the property, be approved with the following requirements:

THAT the construction of the proposed garage does not contain an additional dwelling unit on the second story; and,

THAT there are no changes to ERCA, municipal or provincial policies that would impact the approval of the permit application; and further,

THAT the attached garage on this property is to be completed no later than two (2) years from the date this ERCA permit is issued otherwise, Mr. Pellow will be required to submit a new application for permit related to development on this property.

Resolution EC 24/21

Moved By

Larry Verbeke

Seconded By

Joe Bachetti

-CARRIED

(v) Daniel Dupuis

THAT the application from Daniel Dupuis to request relief from access (ingress and egress) policy requirements to construct a dwelling at 13707 Riverside Drive, Town of Tecumseh be approved.



11. Adjournment

THAT the meeting of the Executive Committee be adjourned.

Resolution EC 29/21

Moved By

Larry Verbeke

Seconded By

Joe Bachetti

-CARRIED

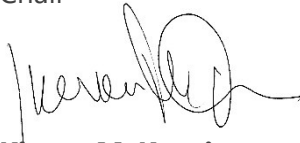


**Tania Jobin**

Chair

**Tim Byrne**

CAO/Secretary-Treasurer



**Kieran McKenzie**

Vice-Chair

