



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Tuesday, August 24, 2021

Time: 3:00 pm

Location and Details: via Zoom Web Conferencing

Attendance

Members Present: Tania Jobin (Chair) Kieran McKenzie (Vice-Chair)
Len Janisse Larry Verbeke
Joe Bachetti

Absent:

Staff Present: Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, Interim CFO/Director Corporate Services
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

Others: Yehya Atwan
Zak Habib
Marc and Amanda Belanger

1. Call to Order

Good evening and welcome to the August 24, 2021 meeting of the ERCA Board of Directors.

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

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**

There were no declarations of pecuniary interest.

4. **Approval of Agenda**

Resolution EC 30/21

Moved by Larry Verbeke

Seconded by Kieran McKenzie

THAT the agenda for the August 24, 2021 meeting of the ERCA Executive Committee be approved. **Carried**

5. **Hearings**

A. Convene the Hearing Board

Resolution EC 31/21

Moved by Len Janisse

Seconded by Joe Bachetti

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

Carried

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of four (4) applications.

- Marc and Amanda Belanger are requesting relief from access (ingress and egress) policy requirements to construct an addition and a detached structure at 12434 Dillon Drive, Town of Tecumseh.
- Zak Habib is requesting relief from access (ingress and egress) policy requirements to construct a dwelling at 10397 Menard Street, City of Windsor.
- Yehya and Mohammed Atwan are requesting relief from access (ingress and egress) policy requirements to construct a dwelling at 8535 Riverside Drive East, City of Windsor.
- Chris Meloche c/o Brad Meloche is requesting relief from access (ingress and egress) policy requirements to construct a detached structure at 3934 Concession 3 South, Town of Amherstburg.

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. [Marc and Amanda Belanger](#)

Resolution EC 32/21 Moved by Joe Bachetti
Seconded by Kieran McKenzie
THAT the application from Marc and Amanda Belanger to request relief from access (ingress and egress) policy requirements to construct an addition and a detached structure at 12434 Dillon Drive, Town of Tecumseh be approved. **Carried**

ii. [Zak Habib](#)

Resolution EC 33/21 Moved by Kieran McKenzie
Seconded by Len Janisse
THAT the application from Zak Habib to request relief from access (ingress and egress) policy requirements to construct a dwelling at 10397 Menard Street, City of Windsor be approved. **Carried**

iii. [Yehya Atwan and Mohammed Atwan](#)

Resolution EC 34/21 Moved by Larry Verbeke
Seconded by Kieran McKenzie
THAT the application from Yehya and Mohammed Atwan to request relief from access (ingress and egress) policy requirements to construct a dwelling at 8535 Riverside Drive East, City of Windsor be approved.
Carried

iv. Chris Meloche c/o Brad Meloche, Meloche Home Renovations Ltd.

Resolution EC 35/21 Moved by Len Janisse
Seconded by Joe Bachetti
THAT the application from Chris Meloche c/o Brad Meloche to request relief from access (ingress and egress) policy requirements to construct a detached structure at 3934 Concession 3 South, Town of Amherstburg be approved. **Carried**

B. Hearing Board to Reconvene as the Executive Committee

Resolution EC 36/21 Moved by Larry Verbeke
Seconded by Kieran McKenzie
THAT the Hearing Board reconvene as the Executive Committee.
Carried

6. Tenders

A. EC 03/21 Request for Quote for Demolition (2 buildings)

Resolution EC 37/21 Moved by Len Janisse
Seconded by Kieran McKenzie
THAT the demolition of houses and buildings located at 1263 Wigle Grove, Kingsville and 7043 County Rd 50, Amherstburg be awarded to Jones Group Limited. Resolution EC 03/21. **Carried**

7. Reports for Approval

A. BD 04/21 Lots of Record – Safe Access

Resolution EC 38/21 Moved by Larry Verbeke
Seconded by Joe Bachetti
THAT ERCA staff complete the review of the existing lots of record in the Bar Point area, obtain the necessary confirmation from emergency response personnel, and bring all lots of record with potential flood depths over 0.3 metres that are deemed to have "Safe Access" to the Hearing Committee for conditional approval. **Carried**

B. EC 05/2021 Little River Floodplain Mapping – Public Information Centre

Resolution EC 39/21 Moved by Kieran McKenzie
Seconded by Joe Bachetti

THAT ERCA Administration report back to the Board after adequate public consultation is completed regarding the proposed updates to the Little River floodplain maps. **Carried**

8. Committee of the Whole

None

9. New Business

None

10. Other Business

A. Next Meeting

The next meeting of the ERCA Board of Directors will be held on Thursday, September 9, 2021 starting at 6:00 p.m. via Zoom web conferencing

11. Adjournment

Resolution EC 40/21

Moved by Kieran McKenzie

Seconded by Joe Bachetti

That the August 24, 2021 Meeting of the Essex Region Conservation Authority Executive Committee be adjourned. **Carried**



Tania Jobin
Chair



Tim Byrne
CAO/Secretary-Treasurer