



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Wednesday, October 27, 2021

Time: 3:30 pm

Location and Details: via Zoom Web Conferencing

Attendance

Members Present: Tania Jobin (Chair) Larry Verbeke
Len Janisse Joe Bachetti

Absent:

Regrets: Kieran McKenzie, Chair (Vice-Chair)

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 Communications and Outreach Services
James Bryant, Director Watershed Management Services
Ryan Rossman, Director, Information Technology Services
Dan Jenner, Regulations Coordinator
Ashley Gyori, Regulations Analyst
Sydney Clackett, Regulations Analyst

Others None

1. Call to Order

Good afternoon and welcome to the October 27, 2021 meeting of the ERCA Executive Committee. 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 41/21 Moved by Larry Verbeke
Seconded by Len Janisse

THAT the agenda for the October 27, 2021 Meeting of the ERCA Executive Committee be approved. **Carried**

5. Hearings

A. Convene the Hearing Board

Resolution EC 42/21 Moved by Joe Bachetti
Seconded by Len Janisse

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 three (3) applications.

- Paul Peter Gertsakis is requesting relief from access (ingress and egress) policy requirements to construct an addition and to undertake major renovations to the existing dwelling at 238 Grace Road, Town of Tecumseh.
- Patrick Strong is requesting relief from access (ingress and egress) policy requirements to construct an addition at 8820 Riverside Drive, City of Windsor.
- Tosin Bello is requesting relief from access (ingress and egress) policy requirements to construct a second dwelling unit at 8774 Riverside Drive, City of Windsor.

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. [Paul Peter Gertaskis](#)

Resolution EC 43/21 Moved by Joe Bachetti
Seconded by Len Janisse

THAT the application from Paul Peter Gertsakis to request relief from access (ingress and egress) policy requirements to construct an addition and to undertake major renovations to the existing dwelling at 238 Grace Road, Town of Tecumseh be approved. **Carried**

ii. [Patrick Strong](#)

Resolution EC 44/21 Moved by Larry Verbeke
Seconded by Len Janisse

THAT the application from Patrick Strong to request relief from access (ingress and egress) policy requirements to construct an addition at 8820 Riverside Drive, City of Windsor be approved. **Carried**

iii. [Tosin Bello](#)

Resolution EC 45/21 Moved by Joe Bachetti
Seconded by Len Janisse

THAT the application from Tosin Bello to request relief from access (ingress and egress) policy requirements to construct a second dwelling unit at 8774 Riverside Drive, City of Windsor be approved. **Carried**

B. Hearing Board to Reconvene as the Executive Committee

Resolution EC 46/21 Moved by Larry Verbeke
Seconded by Joe Bachetti

THAT the Hearing Board reconvene as the Executive Committee. **Carried**

6. Tenders

A. EC 06/21 Request for Quote for Construction of Holiday Beach Wetland

Resolution EC 47/21 Moved by Len Janisse
Seconded by Larry Verbeke

THAT the construction of a wetland in the Holiday Beach Conservation Area agricultural fields be awarded to Duyck Excavating, subject to further negotiations to bring the costs in line with budgeted amounts. **Carried**

7. Reports for Approval

None

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, November 18, 2021 starting at 6:00 p.m. via Zoom web conferencing.

11. Adjournment

Resolution EC 48/21 Moved by Joe Bachetti
Seconded by Len Janisse

That the October 27, 2021 Meeting of the Essex Region Conservation Authority Executive Committee be adjourned. **Carried**



Tania Jobin
Chair



Tim Byrne
CAO/Secretary-Treasurer