



## Essex Region Conservation Authority

### Executive Committee

### Meeting Minutes

**Meeting Date:** Thursday, June 15, 2023

**Time:** 5:30 pm

**Location and Details:** Council Chambers, Essex Civic Centre, Essex, ON

#### Attendance

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**Members Present:** Jim Morrison (Chair) Larry Verbeke  
Sue Desjarlais (Vice-Chair) Kieran McKenzie

**Absent:**

**Regrets:** Tania Jobin

**Staff Present**

Tim Byrne, CAO/Secretary-Treasurer  
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA  
James Bryant, Director Watershed Management Services  
Dan Jenner, Regulations Coordinator  
Ashley Gyori, Regulations Analyst

**Others**

Drew Coulson, Coulson Design-Build Inc.  
Rastko (Boban) Stojkovski  
Sam Atkin, McTague Law Firm  
Brian Chillman, McTague Law Firm  
Maged Basilious, Architect  
Michael Gordner, M. Gordner Law Firm – ERCA Counsel

#### 1. Call to Order

Good afternoon and welcome to the June 15, 2023, meeting of the ERCA Executive Committee.

#### 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 Potawatomi 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 18/23** Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the agenda for the June 15, 2023 meeting of the ERCA Executive Committee be approved. **Carried**

### 5. **Hearings**

#### A. **Convene as the Hearing Board**

**Resolution EC 19/23** Moved by Kieran McKenzie

Seconded by Sue Desjarlais

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 five applications.

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 (c) 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 the decision, to the Ontario Land Tribunal who may refuse the permission, or grant permission with or without conditions.

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. However, as stated earlier, this is a quasi-judicial process and accordingly the general public may observe, but are not third-party to the matters before us today and cannot participate. 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 for the duration of the Hearing Board.

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. [Steven Todesco care of David Todesco](#)

**Resolution EC 20/23** Moved by Kieran McKenzie

Seconded by Larry Verbeke

THAT the application from Steven Todesco care of David Todesco to request relief from access (ingress and egress) policy requirements to construct an addition for an additional dwelling unit at 8135 Riverside Drive East, City of Windsor, be approved. **Carried.**

ii. [Paul Slavik care of Coulson Design Build Inc.](#)

**Resolution EC 21/23** Moved by Sue Desjarlais

Seconded by Kieran McKenzie

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THAT the application from Paul Slavik care of Coulson Design Build Inc., to request relief from access (ingress and egress) policy requirements to construct a detached structure at 1748 Erie Ave, Town of Amherstburg, be approved. **Carried.**

iii. Coulson Design Build Inc.

**Resolution EC 22/23** Moved by Larry Verbeke  
Seconded by Kieran McKenzie

THAT the application from Coulson Design Build Inc. to request relief from access (ingress and egress) policy requirements to construct a dwelling at 25 McBride Road, Town of Amherstburg, be approved. **Carried.**

iv. Coulson Design Build Inc.

**Resolution EC 23/23** Moved by Sue Desjarlais  
Seconded by Kieran McKenzie

THAT the application from Coulson Design Build Inc. to request relief from access (ingress and egress) policy requirements to construct a dwelling at 103 Lake Erie Drive, Town of Amherstburg, be approved. **Carried.**

v. Rastko Stojkovski

Brian Chillman, McTague Law Firm took an oath.  
Sam Atkin, McTague Law Firm took an affirmation.  
Rastko (Boban) Stojkovski took an affirmation.  
Maged Basilius, Architect took an affirmation.

**Resolution EC 24/23** Moved by Kieran McKenzie  
Seconded by Sue Desjarlais

THAT the Hearing Board convene in camera.

The Executive Committee convened in camera with ERCA legal counsel.

**Resolution EC 25/23** Moved by Kieran McKenzie  
Seconded by Larry Verbeke

THAT the Hearing Board reconvene in open session.

**Resolution EC 26/23** Moved by Kieran McKenzie  
Seconded by Jim Morrison

THAT the Application for Permit No. 49-20 by Rastko Stojkovski to undertake the reconstruction of the house and detached structure at 138 Lakeshore Drive, Municipality of Leamington, be denied. **Vote tied 2-2. Motion is lost.** [per Administrative By-Laws Section 4.14]

**Resolution EC 27/23** Moved by Kieran McKenzie  
Seconded by Larry Verbeke

THAT the Application for Permit No. 49-20 by Rastko Stojkovski to undertake the reconstruction of the house and detached structure at 138 Lakeshore Drive, Municipality of Leamington, be

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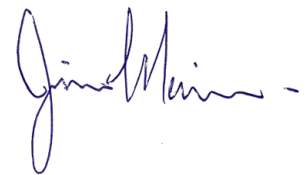
brought to the full ERCA Board of Directors with the existing administrative recommendation at the next Board meeting. **Carried.** [per Administrative By-Law Section 4.16]

## 6. Adjournment

**Resolution EC 28/23** Moved by Kieran McKenzie

Seconded by Sue Desjarlais

THAT the June 15, 2023 Meeting of the Essex Region Conservation Authority Executive Committee be adjourned. **Carried**



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Jim Morrison  
Chair



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Tim Byrne  
CAO/Secretary-Treasurer