



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Thursday, September 14, 2023

Time: 4:30 pm

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

Attendance

Members Present: Jim Morrison (Chair) Kieran McKenzie
Sue Desjarlais (Vice-Chair) Tania Jobin

Absent:

Regrets: Larry Verbeke

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Kevin Money, Director Conservation Services
James Bryant, Director Watershed Management Services
Dan Jenner, Regulations Coordinator
Sydney Richmond, Regulations Analyst
Summer Locknick, Regulations Analyst

Others None

1. Call to Order

Good afternoon and welcome to the September 14, 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 29/23 Moved by Kieran McKenzie

Seconded by Tania Jobin

THAT the agenda for the September 14, 2023 meeting of the ERCA Executive Committee be approved. **Carried**

5. Hearings

A. Convene as the Hearing Board

Resolution EC 30/23 Moved by Tania Jobin

Seconded by Kieran McKenzie

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 two 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. [John Bell](#)

Resolution EC 31/23 Moved by Tania Jobin

Seconded by Kieran McKenzie

THAT the application from John Bell to request relief from access (ingress and egress) policy requirements to construct a dwelling at 549 Jarvis Avenue, City of Windsor, be approved. **Carried.**

ii. [Ghaith Al-Ali care of Savio Almeida](#)

Resolution EC 32/23 Moved by Sue Desjarlais

Seconded by Tania Jobin

THAT the application from Ghaith Al-Ali c/o Savio Almeida to request relief from access (ingress and egress) policy requirements to construct an additional dwelling unit at 819 Frank Ave, City of Windsor, be approved. **Carried.**

B. Hearing Board to Reconvene as the Executive Committee

Resolution EC 33/23 Moved by Tania Jobin

Seconded by Kieran McKenzie

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

6. Tenders

None

7. Reports for Approval

A. EC 04/23 John R Park Homestead Revised Heritage Architect Consulting Fees

Resolution EC 34/23 Moved by Kieran McKenzie

Seconded by Sue Desjarlais

THAT the Executive Committee receive and approve an updated Fee Proposal related to additional consulting fees for the expanded scope of work for Phase 1 of the John R. Park Homestead Restoration Project undertaken by George Robb Architect. **Carried.**

B. EC 05/23 Survey Services for Land Registration for the Former CASO Railway Corridor

Resolution EC 35/23 Moved by Tania Jobin

Seconded by Sue Desjarlais

THAT additional professional fees of \$23,000, to complete four land surveys, currently being undertaken by Verhaegen Land Surveyors, be approved. **Carried.**

8. Committee of the Whole

None

9. New Business

10. Other Business

A. Next Meeting

The next meeting of the ERCA Board of Directors will be held on Thursday, September 14, 2023, starting at 6:00 p.m. in Council Chambers at the Civic Centre, Essex.

11. Adjournment

Resolution EC 36/23 Moved by Sue Desjarlais

Seconded by Tania Jobin

THAT the September 14, 2023 Meeting of the Essex Region Conservation Authority Executive Committee be adjourned. **Carried**



Jim Morrison
Chair



Tim Byrne
CAO/Secretary-Treasurer