



## Essex Region Conservation Authority

### Executive Committee

### Meeting Minutes

**Meeting Date:** Monday, October 30, 2023

**Time:** 9:00 am

**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) Tania Jobin

**Absent:**

**Regrets:** Kieran McKenzie

**Staff Present**

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

**Others**

James Ross  
Zak Braga  
Chris Patterson, Engineer, Patterson Engineering

#### 1. Call to Order

Good morning and welcome to the October 30, 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 37/23** Moved by Tania Jobin

Seconded by Larry Verbeke

THAT the agenda for the October 30, 2023 meeting of the ERCA Executive Committee be approved. **Carried**

### 5. **Hearings**

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

**Resolution EC 38/23** Moved by Sue Desjarlais

Seconded by Tania Jobin

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 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. [Francis S. Aubin](#)

**Resolution EC 39/23** Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the application from Francis St. Aubin to request relief from access (ingress and egress) policy requirements to construct an additional dwelling unit at 7325 Riverside Dr E, City of Windsor, be approved. **Carried.**

ii. [James Ross](#)

**Resolution EC 40/23** Moved by Tania Jobin

Seconded by Sue Desjarlais

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THAT the application from James Ross to request relief from access (ingress and egress) policy requirements to construct additions and undertake dwelling reconstruction at 130 St. Pierre Ave., Town of Tecumseh, be approved. **Carried.**

iii. Zak Braga

**Resolution EC 41/23** Moved by Tania Jobin

Seconded by Sue Desjarlais

THAT the application from Zacarias Braga to request relief from access (ingress and egress) policy requirements to construct a dwelling on Lot 29 Plan 1425 on Heritage Rd, Town of Kingsville, be approved. **Carried.**

**B. Hearing Board to Reconvene as the Executive Committee**

**Resolution EC 42/23** Moved by Larry Verbeke

Seconded by Sue Desjarlais

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

**6. Tenders**

**A. Vehicles: Ford F150 Lightning Pro**

**Resolution EC 43/23** Moved by Tania Jobin

Seconded by Sue Desjarlais

THAT the tender for Ford F150 Lightning Pro in the amount of \$73,990.14 awarded to Ken Knapp Ford subject to favourable review by Administration. **Carried.**

**7. Reports for Approval**

None

**8. Committee of the Whole**

**A. Confidential Matters related to Personnel Issues**

**Resolution EC 44/23** Moved by Larry Verbeke

Seconded by Tania Jobin

THAT the meeting move from Executive Committee to Committee of the Whole related to Personnel matters. **Carried.**

**B. Resume in open session**

**Resolution EC 45/23** Moved by Larry Verbeke

Seconded by Tania Jobin

THAT the actions of the Executive Committee in Committee of the Whole be endorsed. **Carried.**

**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 9, 2023 starting at 6:00 p.m. in Council Chambers at the Civic Centre, Essex.

**11. Adjournment**

**Resolution EC 46/23** Moved by Tania Jobin

Seconded by Larry Verbeke

THAT the October 30, 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