



# GSCA Interim Administrative Review Policy

As per Section 12(2)  
Ontario Regulation 41/24  
made pursuant to the  
Conservation Authorities Act

Effective Date: April 1, 2024  
Version 1.0

**PROTECT. RESPECT. CONNECT.**

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## Table of Contents

<b>1.0</b>	<b>PREAMBLE</b> .....	<b>2</b>
<b>2.0</b>	<b>LEGISLATIVE BACKGROUND</b> .....	<b>3</b>
<b>3.0</b>	<b>INTRODUCTION</b> .....	<b>4</b>
<b>4.0</b>	<b>PRINCIPLES</b> .....	<b>4</b>
<b>5.0</b>	<b>REQUEST FOR A REVIEW</b> .....	<b>5</b>
5.1	OVERVIEW .....	5
5.2	PROCEDURE FOR REQUESTING AND CONSIDERING A REVIEW REQUEST .....	5
5.3	FRIVOLOUS OR VEXATIOUS REQUESTS .....	6
5.4	SUBSTANTIALLY SIMILAR REQUESTS .....	6
<b>6.0</b>	<b>FREQUENCY AND PROCESS FOR REVIEW</b> .....	<b>7</b>
<b>7.0</b>	<b>NOTICE AND PUBLIC AVAILABILITY</b> .....	<b>7</b>
<b>8.0</b>	<b>TRANSITION</b> .....	<b>7</b>

## 1.0 Preamble

Amendments to the *Conservation Authorities Act* were undertaken in 2020 to clarify the programs and services that conservation authorities (CAs) deliver. In 2021, [Ontario Regulation 686/21: Mandatory Programs and Services](#) provided additional clarity regarding the programs and services that CAs are required to provide. In February 2024, Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits was filed and published on e-Laws and several related sections of the *Conservation Authorities Act* were proclaimed. Ontario Regulation 41/24 and the related section of the *Conservation Authorities Act* came into effect on April 1, 2024.

Under the *Conservation Authorities Act*, programs and services delivered by conservation authorities include:

- **Mandatory programs and services.** Mandatory programs and services that the conservation authority is required to provide. These services are further defined in [O. Reg. 686/21: Mandatory Programs and Services](#).
- **Municipal programs and services.** Programs and services that an authority agrees to provide on behalf of a municipality under a MOU or agreement.
- **Other programs and services.** Programs and services that an authority determines are advisable to further the purposes of the Act.

Under Ontario Regulation 686/21: Mandatory Programs and Services, Section 8, conservation authorities are required to provide programs and services to ensure satisfies its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts. Ontario Regulation 41/24 is made under Part VI of the Act.

## 2.0 Legislative Background

Section 28(1) of the Conservation Authorities Act (CAA) prohibits development, alterations to watercourses and interference with wetlands within the jurisdiction of a conservation authority.

Section 28.1 of the Conservation Authorities Act (CAA) empowers the Grey Sauble Conservation Authority (GSCA) to issue a permit to allow development, alterations to watercourses and/or interference with wetlands if the authority is of the opinion that:

- a. The activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable bedrock or soil;
- b. The activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and,
- c. Any other requirements that may be prescribed by regulation are met.

Section 28.1(2) of the Act states that a person who wishes to engage in an activity that is prohibited under section 28 in an area situated in the jurisdiction of an authority may apply to the authority for a permit.

Section 28.1(3) of the Act states that an application for a permit shall be made in accordance with the regulations and include such information as is required by regulation.

Section 7(1) of Ontario Regulation 41/24, made under Section 28 of the Conservation Authorities Act, details the requirements for an application for permission.

Section 7(2) of the regulation prescribes that within 21 days of receipt of a permit application and applicable fees, the authority shall notify the applicant in writing whether or not the application complies with subsection 28.1(3) of the Act and is deemed to be a complete application.

Section 8(1) of the regulation provides that an applicant may request a review by the authority if,

- a. the applicant has not received a notice from the authority within 21 days in accordance with subsection 7 (2);
- b. the applicant disagrees with the authority's determination that the application for a permit is incomplete; or
- c. the applicant is of the view that a request by the authority for other information, studies or plans under clause 7(1)(i) is not reasonable.

Section 8(2) of the regulation states that a review requested by an applicant under subsection 8(1) shall be completed by the authority no later than 30 days after it is requested and the authority shall, as the case may be,

- a. confirm that the application meets the requirements of subsection 7 (1) and is complete or provide reasons why the application is incomplete; or
- b. provide reasons why a request for other information, studies or plans under clause 7 (1) (i) is reasonable or withdraw the request for all or some of the information, studies or plans.

Section 12(2) of the regulation states that each authority shall develop a policy respecting the process for review under Section 8.

## 3.0 Introduction

The Grey Sauble Conservation Authority (GSCA) is preparing this policy document consistent with the requirements of Section 12(2) of Ontario Regulation 41/24 made pursuant to the Conservation Authorities Act.

This policy will provide for applicants for permission under Section 28 of the Act to request a review by the Authority. It will layout, as per the regulation, when an applicant may request a review, and will define the procedures that GSCA will follow when undertaking such a review.

GSCA will maintain this Interim Administrative Review Policy and prior to any changes to the policy, will notify the public of the proposed change in a manner GSCA considers appropriate.

In this policy, GSCA will also set out the frequency with which it will conduct a review of the policy, the process for carrying out a review of the policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may make a request to GSCA to conduct an administrative review.

## 4.0 Principles

The GSCA Interim Administrative Review Policy is based upon the following three principles:

- Transparency
- Adequate consultation and notification
- Right to appeal

## 5.0 Request for a Review

### 5.1 Overview

The Act requires that, within 21 days of receipt of the information listed in Section 7(1) of Ontario Regulation 41/24 and payment the applicable fee, a conservation authority shall notify an applicant, in writing, whether or not the application complies with subsection 28.1(3) of the Act and is deemed to be a complete application.

The applicant may request a review by the Authority in the following circumstances:

- The applicant has not received notice from the Authority within 21 days of submission of the required materials and fee.
- The Authority notified the applicant that their application is incomplete, and the applicant disagrees with the Authority's determination on this matter.
- The applicant is of the view that a request by the Authority for other information, studies or plans, as provided for in the regulation, is not reasonable.

### 5.2 Procedure for Requesting and Considering a Review Request

Requests for review will be considered by the Chief Administrative Officer (CAO).

To submit a request for a review by the Authority, an applicant will:

- Make their request in writing.
- Identify what the application was for.
- Provide any relevant supporting documentation, including when the fee and the information required under Section 7(1) of the regulation were provided to GSCA.
- State why they believe the Authority should conduct the review based on the criteria noted in Section 5.1 of this Policy document.
- Provide any other information that the applicant believes is relevant.

Upon receipt of a request for an administrative review of the complete application process, the CAO will conduct a review of the application and will, within 30 days:

- a. Confirm that the application meets the requirements of subsection 7(1) of the regulation and is complete; OR,
- b. Provide reasons why the application is considered incomplete; OR,
- c. Provide reasons why a request for other information, studies or plans under clause 7(1)(i) of the regulation is reasonable; OR,
- d. Withdraw the request for all or some of the information, studies or plans.

If not satisfied with the decision of the CAO, the applicant may request reconsideration of the review by the GSCA's Board of Directors. Subject to any exclusion in Sections 5.3 or 5.4 of this policy document, the CAO will have the request included as an agenda item on the next available regular meeting of the

Full Authority Board of Directors.

Requests for review heard by the Board of Directors will be dismissed or upheld through a resolution. The applicant will then be notified in writing of the Board's decision within five business days following the meeting of the Board of Directors.

### 5.3 Frivolous or Vexatious Requests

The CAO, in their review, shall make judgement on whether the request is frivolous or vexatious. Requests that are considered frivolous or vexatious shall not be brought forward to the Full Authority Board of Directors.

In consideration by the CAO of whether a request is frivolous or vexatious, the CAO shall conclude that the request is frivolous or vexatious if:

- the CAO is of the opinion, on reasonable grounds, that the request is part of a pattern of conduct that amounts to an abuse of the right to request a review or to interfere with the operations of the Authority; or
- the CAO is of the opinion, on reasonable grounds, that the request is made in bad faith or for a purpose other than to reasonably request a review of the complete application process; or,

### 5.4 Substantially Similar Requests

The CAO, in their review, shall make judgement on whether the request is substantially similar to a request on which the Board of Directors has previously ruled. Requests that are substantially similar to a request on which the Board of Directors has previously ruled shall not be brought forward to the Full Authority Board of Directors.

In consideration by the CAO of whether a request is substantially similar or not, the CAO shall consider if:

- The Board of Directors has already passed a resolution on this specific item; or,
- The Board of Directors has already passed a resolution on a request made for the same type of application with the same grounds for consideration.

## 6.0 Frequency and Process for Review

This Policy shall be monitored from time to time to evaluate its effectiveness and fairness. The Policy will be subject to comprehensive review at least every five years or as necessary through legislation.

Comprehensive review will include a wholistic consideration of this policy document in light of current legislation and the ongoing effectiveness of the policies. Any changes to the policy will be made available for comment on GSCA's public facing website and will be brought forward to the GSCA Board of Directors for review and endorsed by resolution.

## 7.0 Notice and Public Availability

Any comprehensive review of this policy will be, at a minimum, posted on GSCA's website for public consideration.

This policy will be made available to the public on GSCA's public facing website.

## 8.0 Transition

This Policy is effective on April 1, 2024, following endorsement by the GSCA Board of Directors, and will apply only to those applications received under Ontario Regulation 41/24, from April 1, 2024 onward.

The establishment of this Policy supersedes and replaces any previous administrative review policies. This Policy.