

**Conservation Halton Hearing Board: Re: Permit No. 5927 - Intent to Cancel Permission Minutes**

Nov 17, 2022 at 1:39 PM EST  
@ Zoom Meeting

**1. Roll Call**

Members Present: Hamza Ansari  
Mike Cluett  
Cathy Duddeck  
Allan Elgar  
Dave Gittings  
Steve Gilmour  
Zeeshan Hamid  
Gordon Krantz  
Rory Nisan  
Gerry Smallegange  
Jim Sweetlove  
Jean Williams

Members absent with regrets: Rob Burton  
Rick Di Lorenzo  
Joanne Di Maio  
Bryan Lewis  
Zobia Jawed  
Moya Johnson  
Marianne Meed Ward

Also present: Ken Jull, Partner, Gardiner Roberts LLP  
Eli Bordman, Associate, Gardiner Roberts LLP  
Peter Pickfield, Garrod Pickfield LLP  
Arkadi Bouchelev, Barrister & Solicitor, Bouchelev Law Professional Corporation  
Shelley Young, applicant  
Ivan Rudyk, applicant

Staff present: Hassaan Basit, President & CEO  
Adriana Birza, Senior Advisor, Office of the President & CEO  
Cassandra Connolly, Regulations Officer  
Kellie McCormack, Director, Planning & Regulations  
Charles Priddle, Manager, Regulations Officer  
Barb Veale, Sen. Director, Watershed Strategies & Climate Change  
Niamh Buckley, Administrative Assistant, Office of the President & CEO

The Hearing Board Chair called the Hearing to order at 1:39 p.m.

**2. Disclosure of pecuniary interest**

There were no disclosures of pecuniary interest.

**3. Notice of Hearing**

3.1 2022.02.14 Notice of Hearing

3.1 2022.10.11 Conservation Halton Chair letter to Parties regarding Hearing Board

#### **4. Chair's opening remarks**

Board may reconvene or reserve its decision to a later date.

#### **5. Presentation by Conservation Halton Staff**

5.2 Conservation Halton Staff Report

835 Spring Gardens Hearing Board Report\_Nov 10 2022.pdf

A22B115 - 835 Spring Gardens Rd - Permit Package.pdf

Smith v Potvin.pdf

5.3 Questions from applicant and/or applicant's counsel

5.4 Questions from Hearing Board

#### **6. Presentation by Applicant**

6.1 Applicant submission for Hearing

1. Permit 5927.pdf

2. Affidavit of Shelley Young (November 1, 2022).pdf

3. Geotechnical Report of Toronto Inspection.pdf

4. Design Drawings.pdf

5. Divisional Court - Decision - Rudyk v. Halton Region Conservation Authority, 2022 ONSC 518.pdf

6. Court of Appeal - Decision - June 6, 2022.pdf

7. Cross-examination transcripts (Divisional Court Proceeding).pdf

8. Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36.pdf

9. Conservation Authorities Act, R.S.O. 1990, c. C.27.pdf

10. Regulation 162-06.pdf

6.2 Questions from staff and/or staff counsel

6.3 Questions from Hearing Board

#### **7. Hearing Board to move In Camera**

**HB 01 01:** Moved by: Jim Sweetlove  
Seconded by: Rory Nisan

THAT the Conservation Halton Hearing Board **move In Camera**

***Carried***

7.1 Hearing Board to reconvene in public forum

**HB 01 02:** Moved by: Jim Sweetlove  
Seconded by: Rory Nisan

THAT the Conservation Halton Hearing Board **reconvene in Public Forum**

***Carried***

Following deliberations, Chair Gerry Smallegange advised on behalf of the Hearing Board, the applicants and their representatives that the Hearing Board have approved that Permit #5927 be cancelled:

**“In the matter of Halton Region Conservation Authority intent to cancel the permission granted to Ivan Rudyk and Shelley Young, 835 Spring Gardens Road, City of Burlington of the Regional Municipality of Halton under Permit #5927 for a “proposed 2-storey addition, rear balcony, covered front porch and an on-grade patio within the valley of Grindstone Creek” as it is of the opinion that the terms and conditions of the permit cannot be met, specifically condition 1. “That the work to be carried out in accordance with plans submitted on May 10th, 2018 and stamped APPROVED by: Cassandra Connolly, Regulations Officer” and more particularly that changes were made to the approved design or installation methods which were not submitted or reviewed and approved by Conservation Halton prior to their implementation as required”.**

A written decision will be emailed to the applicants and their representatives.

## **8. Adjournment**

**HB 01 03**

Moved by: Allan Elgar

THAT The Conservation Halton Hearing Board meeting ***be adjourned at 4.12 p.m.***

***Carried***