



**Conservation Halton
(The Halton Region Conservation Authority)
Procedures Document for Permit Application Reviews Pursuant to the
Requirements of Section 12 of Ontario Regulation 41/24**

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June 27, 2024

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(The Halton Region Conservation Authority) Procedures
Document for Permit Application and Reviews Pursuant to
the Requirements of Section 12 of Ontario Regulation 41/24**

Approved by Resolution CH 04 08 of the Board of Conservation Halton (The
Halton Region Conservation Authority)
June 21, 2024.

Table of Contents

REGULATION PROCEDURES	4
1. Part VI of the Conservation Authorities Act	4
2. Prohibited Activities and Permit Tests for Approval.....	4
3. Exceptions	5
4. Mapping of Regulated Areas.....	5
5. Permit Phases.....	6
6. Pre-submission Consultation or “Pre-consultation”.....	6
7. Complete Application	7
8. Requests for Review	9
9. Application Fees, Fee Reconsiderations and Fee Appeals	9
10. Processing of Complete Applications	10
11. Decisions	11
12. Amending/Revising Permits	13
13. Hearing	13
14. Request for Minister’s Review	13
15. Appeals.....	14
16. Cancellation of Permits and Cancellation Appeals.....	14
17. Compliance and Enforcement.....	15
18. Violations	15
19. Compliance and Restoration Permits	15
20. Court Action	16
21. Transition Provisions	16
22. Revisions and Updates to Procedures	17

REGULATION PROCEDURES

1. Part VI of the Conservation Authorities Act

Part VI of the *Conservation Authorities Act* (the Act) sets out how development activities are regulated to protect people and property in relation to flooding, erosion, dynamic beaches or unstable soil and bedrock.

Reference should be made to the Act and applicable regulations available at ontario.ca/laws for the complete legal text.

In accordance with these requirements, this chapter sets out procedural information associated with permit applications.

2. Prohibited Activities and Permit Tests for Approval

Section 28 of the Act sets out as series of prohibitions, as follows:

“No person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of the authority:

- 1) Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream, or watercourse or to change or interfere in any way with a wetland.
- 2) Development activities in areas that are within the authority’s area of jurisdiction and are:
 - a) hazardous lands,
 - b) wetlands,
 - c) river or stream valleys the limits of which shall be determined in accordance with the regulations,
 - d) areas that are adjacent or close to the shoreline of [Lake Ontario] and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
 - e) other areas in which development should be regulated, as may be determined by the regulations.

“Development Activity” is defined as:

- The construction, reconstruction, erection or placing of a building or structure of any kind,
- Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure,
- Site grading,
- The temporary or permanent placing, dumping or removal of any material,

originating on the site or elsewhere.

Section 28.1 of the Act establishes the legal tests for approval of permit applications. A conservation authority may issue a permit:

“if, in the opinion of the authority,

- a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- 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...”

3. Exceptions

Section 5 of Ontario Regulation 41/24 (<https://www.ontario.ca/laws/regulation/r24041>) prescribes exceptions to the regulation for specific development activities under certain conditions. These activities include certain types of docks, fencing, agricultural erosion control structures, non-habitable accessory structures, decks, or patios.

CH staff should be contacted to confirm the applicability of any exceptions to the regulation and/or as part of the pre-submission consultation process described below.

4. Mapping of Regulated Areas

Section 4 of Ontario Regulation 41/24 prescribes requirements for mapping of areas where development activities are prohibited. This includes requirements for annual review and updating, public access, and notification.

CH’s Approximate Regulation Limit (ARL) mapping was updated to support implementation of Ontario Regulation 41/24. ARL mapping is to be updated, at a minimum, on an annual basis as required by the regulation. CH may also review and update specific areas within our jurisdiction based on technical studies or site/area specific planning and permit applications.

[Conservation Halton has a Mapping Implementation Protocol](#) establishes the key stages in a mapping update and study process, what data will be used at each stage of the process, how the data will be presented in online mapping, when the data can be used for administering the Act and Ontario Regulation 41/24, and when public and stakeholder engagement will occur.

The Mapping Implementation Protocol also addresses requirements within Section 4 of Ontario Regulation 41/24 as it relates to public consultation for significant mapping changes to ensure that stakeholders, municipalities, and the public are notified of any proposed changes, opportunities for public comment are provided, and any relevant information or studies are made available online at least 30 days prior to proposed changes being brought to the CH Board for approval.

CH’s ARL mapping is a screening tool that identifies the area where the regulation applies until site visits or technical studies refines the limits of regulated features. The ARL is not a development

setback, land use designation, zone, or a specific development activity limit. The regulated area includes flooding and erosion hazards associated with riverine systems and the Lake Ontario shoreline, hazard lands, along with wetlands and lands adjacent to these features which is also regulated. CH's ARL mapping is available online at:

<https://www.conservationhalton.ca/permitting-and-planning/>

It is important to note the ARL mapping is not definitive in terms of identifying areas subject to Ontario Regulation 41/24. There are often features described in the Act Ontario Regulation 41/24 that are not mapped but are still subject to the Regulation or which may be identified differently following site-specific investigations (i.e., the text of the regulation prevails).

5. Permit Phases

Before work/*development* (filling, grading/site alteration, or construction) may proceed in an area regulated by CH, a permit must be issued.

There are four (4) primary phases in the permit application process:

1. Pre-submission Consultation or "Pre-Consultation"
2. Determination of a Complete Application
3. Technical Review, Commenting, and Application Refinement
4. Decision: Recommendation for Approval (and Permit Issuance) or Refusal (and Hearing(s))

The phases listed above take place sequentially and are discussed in detail below.

6. Pre-submission Consultation or "Pre-consultation"

Prior to the submission of an application for a permit, applicants are encouraged to consult with CH staff to assess the proposal and determine application requirements. Section 6 of Ontario Regulation 41/24 sets out the concept of pre-submission consultation and directs that if an applicant requests a pre-submission consultation, CH is required to engage in the pre-submission consultation. The pre-consultation process is intended to:

- Determine if an application is required;
- Determine the information required to be submitted with the application (e.g. Studies, drawings, etc.) And fees necessary to make the application complete;
- Undertake site visit(s) to verify the presence or absence of features such as valleylands, wetlands and watercourses, as may be required;
- Clarify the general process that is required to obtain a permit; and
- Identify any potential concerns with the proposed development activity and to provide an overview of what revisions may be necessary to meet CH's regulatory requirements and policies.

Where appropriate, CH staff will follow up with a permit application checklist to confirm the scope of the proposed development, and what information and fees are required as part of a complete application. CH has several permit application checklists for select development activities that

will be provided, as necessary (<https://www.conservationhalton.ca/permitting/>).

The type, scale, and location of the proposal will determine the extent and formality of the pre-consultation process. For complex or major applications, applicants should contact CH staff to arrange a formal meeting which could involve several internal staff and potentially external agency representatives who have an interest in the proposed development activity. Pre-consultation meetings may also include input on any terms of references for technical studies (e.g., slope stability assessments or floodplain modelling) to ensure that the matters of interest are sufficiently addressed.

Where proposals also require approval under the *Planning Act*, joint pre-consultation meetings with the relevant municipality will be encouraged.

7. Complete Application

An application for a permit must be made by the landowner and, where applicable, an authorized agent. CH does not accept landowner authorization letters in lieu of a signed permit application.

Once a signed application has been submitted by the landowner, a file number is assigned by CH staff.

At the time a signed permit application is received, CH staff will review the application to confirm if all required information and fees have been submitted and the application can be deemed complete. This determination of a complete application is only to confirm if the appropriate information has been provided and is not to be considered a formal review of that material or approval by CH.

In accordance with the provisions of Section 7 (2) of Ontario Regulation 41/24, the applicant will be notified in writing within 21 days whether the application complies with the requirements of subsection 7 (1) of the regulation and is considered complete.

To ensure the application may be appropriately assessed, including the technical aspects of a proposal against the tests set out in subsection 28.1 (1) of the Act, the submission must include the information listed below. In addition, there may be other technical information required to assess the application as noted below. The scale, location, and complexity of a proposal and type of feature and or hazard typically determines which information items listed below will apply to an application.

The level of detail required for studies and reports can vary widely depending on the property and the proposal. In some situations, a single-page letter from a qualified expert will be sufficient, while in other cases a comprehensive study will be necessary.

Application Requirements, Including Prescribed Requirements Under subsection 7(1) of Ontario Regulation 41/24:

- Completed application form signed by the owner and, where desired, the agent.
- Applicable staff-determined application fee in accordance with the Fee Schedule in force and effect.
- A description of the development activity proposed.
- A plan of the area showing the type and location of the proposed development

activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;

- Appropriate plans/drawings showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a watercourse or change or interfere with a wetland.
- The proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland.
- The start and completion dates of the development activity or other activity.
- A description of the methods to be used in carrying out the activity to straighten, change, divert or interfere with the existing channel of a watercourse or to interfere with a wetland.
- The elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity.
- Drainage details before and after the development activity or other activity.
- A complete description of any type of fill proposed to be placed or dumped.
- A confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner; and
- Any **other technical information, studies or plans** that CH staff requires including information requested during pre-submission consultations between the authority and the applicant.

Potential Technical Requirements (i.e. Other Technical Information, studies or plans per above and clause 7(1)(i) of Ontario Regulation 41/24):

- Legal survey
- Existing and proposed topographic and/or metric geodetic elevations
- Flood line delineation study/hydraulics
- Structural elevations and construction details
- Architectural plans
- Channel crossings assessment
- Erosion and sediment control plans
- Grading plans
- Functional servicing plan
- Geotechnical/slope stability study
- Watercourse evaluation
- Hydrogeological assessment
- Landscaping/site rehabilitation plan/ compensation plans
- Watercourse erosion analysis stream corridor protection study
- Stormwater management study/design drawings
- Wetland water balance analysis
- Cut and fill analysis
- Construction access and staging plans
- Coastal engineering study
- Other reports/studies identified through staff consultation

When proposed development activity is also subject to *Planning Act* approvals, information and study requirements should be coordinated with the applicable agency/municipality/ministry, where possible to avoid any duplications and ensure an efficient review process. If CH staff is of the opinion that other approvals could result in revisions to description of proposed works/submitted plans/drawings, CH staff may recommend that the applicant put the permit application on 'hold' until external approvals are received. It is up to the applicant to decide if they wish to put the application on hold or would staff to proceed with review. If a permit is issued and other approvals necessitate alterations to the proposal, a revised or new permit may be required.

8. Requests for Review

Under subsection 8 (1) of Ontario Regulation 41/24, an applicant may request a review by CH if:

- a) the applicant has not received 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 is not reasonable.

Requests must identify what element is to be reviewed (a, b or c above) and submit the request in writing to the Chief Administrative Officer/Chief Executive Officer or the Director, Planning and Regulations.

In accordance with subsection 8(2) of Ontario Regulation 41/24, a review request shall be completed by CH no later than 30 days after it is requested and delegated CH staff shall:

- a) confirm that the application meets the requirements of the application requirements of subsection 7(1) of the regulation 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) of the regulation is reasonable or withdraw the request for all or some of the information, studies, or plans.

9. Application Fees, Fee Reconsiderations and Fee Appeals

In accordance with subsection 21.2(4) of the Act, CH is responsible for setting and collecting fees. Fees are set out in annual fee schedules approved by the CH Board consistent with subsection 21.2(6) of the Act, for the administration and review of applications and must be paid and an application is not considered complete until payment is made.

In accordance with subsection 21.2(7) of the Act, CH has a *Fee Policy* which addresses CH's approach to the development and approval of permit-related fees. This document was approved by the CH Board on October 19, 2023.

Note that the following provisions relate only to permit-related application fees and not to fees for planning services:

- a) In accordance with subsection 21.2 (13) of the Act applicants may request CH to reconsider a permit-related fee. CH shall make its decision within 30 days after receiving the request.
- b) In accordance with subsection 21.2 (14) of the Act, if CH does not reconsider a fee within 30 days of receiving a request for reconsideration, the person who made the request may appeal the amount of the fee directly to the Ontario Land Tribunal.
- c) In accordance with subsection 21.2 (15) of the Act, if, after reconsideration of a fee charged for an application for a permit CH orders a person to pay the fee, the person shall pay the fee in accordance with the order.
- d) In accordance with subsection 21.2 (16) of the Act, a person who pays a fee under subsection (15) may: (a) when paying the fee, indicate to CH in writing that the fee is being paid under protest; and (b) within 30 days after payment of the fee, appeal the amount charged by CH upon reconsideration to the Ontario Land Tribunal.
- e) The fee schedule is available at www.conservationhalton.ca/permitting-and-planning. CH will undertake an update of the fee schedule annually (unless directed otherwise by the Ministry of Natural Resources and Forestry) based on CH's Board approved fee policy.

10. Processing of Complete Applications

All applications are reviewed to ensure that they meet the legislative requirements and tests of both the Act and Ontario Regulation 41/24 and that they conform to CH's Board approved policies and regulatory requirements.

Site visits are often conducted to confirm on-site or nearby features and application information. Site visits can also be used to determine and/or stake the limits of natural features like wetlands, and natural hazard features including the physical top-of-bank of valley systems. Further, a site visit may reveal the need for technical studies necessary for a complete application and may need to be done at specific times of the year (e.g., wetlands can only be staked during the growing season).

In the review of certain technical studies there may be a need for CH to retain external expertise to assist in the review (coastal hazards, geotechnical). The cost of such a peer review is borne by the applicant.

When both a Section 28.1 permit application and a *Planning Act* application is required, CH staff will coordinate the review to ensure that permit technical matters are addressed through the planning process to the fullest extent possible. This approach streamlines and reduces or eliminates duplication of review by ensuring that most, if not all, matters are addressed proactively prior to the implementing permit process under the Act.

If an application remains inactive for two years after submission of materials or the issuance of CH comments regarding a submission, CH will consider the application to be

abandoned and the file will be closed.

11. Decisions

Upon finishing a review of an application deemed complete, CH staff will:

- Issue a permit, with or without conditions;
- Recommend approval, with or without conditions to the Board for a decision; or
- Advise the applicant that the application cannot be supported and refer the application to a CH Board with a recommendation for refusal.

Approval granted by CH under the Act and Ontario Regulation 41/24 shall not be interpreted as eliminating the need to fulfill the requirements of other federal, provincial, and municipal bylaws, statutes, regulations, and requirements.

Staff Delegated Approvals

The CH Board has delegated permit approvals to select senior staff that have the responsibility to:

- Approve and issue permits in response to applications that comply with CH Board approved policies; or,
- Extend a permit that was granted under the 24-month category (to a maximum of 60 months).

Non-delegated Approvals

The following applications will be referred to the CH Board for an approval decision prior to issuance:

- applications that do not meet CH policy but can be supported by staff.

Applications referred to the Board will be accompanied by a staff report with rationale for support. The applicant will be notified of the Board meeting date and a copy of the staff report will be available to them prior to the meeting. If approved by the Board, staff will issue a permit within 5 working days of the decision.

Decision Timelines and Annual Reporting

Decision timelines are legislated under subsection 28.1(22) of the Act, which directs that if CH has not provided notice of a decision within 90 days of a complete application, an applicant may file an appeal with the Ontario Land Tribunal. CH pauses the review clock is 'paused' when waiting for requested revisions/updates from the applicant.

CH established technical and permit review targets as part of its Strategic Plan. CH's service targets include:

- 1) 95% of technical reviews completed within 6 weeks;
- 2) 95% of 'minor' permits issued within 30 days; and
- 3) 95% of 'major' permits issued within 90 days.

CH continues to track and report files based on the above targets.

In accordance with subsection 8.1(1) of Ontario Regulation 868/21, CH is required to prepare and publish an annual report that outlines statistics on permits, including reporting on timelines on permit applications, reviews and decision making. CH has published permit statistics for several years through our annual report.

Refusal Decisions

If, in the opinion of CH staff, an application cannot be supported as the legislative and regulatory tests cannot be met, the applicant will be advised of options that may be pursued to either bring the application into conformity, withdraw the application or of steps that can be taken to proceed to a formal Hearing before the Authority Board. The hearing process is discussed below.

Period of Validity and Extensions

Under subsection 11(1) of Ontario Regulation 41/24, the maximum period of validity of a permit, including any extensions, is 60 months (5 years), however standard permits will be issued with a 24-month (2 year) period of validity.

Under subsection 11(2) of Ontario Regulation 41/24, if a permit is granted for a period less than 60 months, the holder of a permit may, at least 60 days before the expiry of the permit, submit an application to CH for an extension of the permit.

Under subsection 11(3) of Ontario Regulation 41/24, CH may grant an extension of the permit to a total maximum validity period of 60 months (5 years).

Under subsection 11(4) of Ontario Regulation 41/24, if CH refuses a request for a permit extension, CH shall give “notice of intent to refuse” to the holder of the permit indicating that the extension will be refused unless the holder requests a hearing.

Under subsections 11(5) to (7) of Ontario Regulation 41/24, within 15 days of receiving a “notice of intent to refuse” a request for an extension, the holder of the permit may submit a written request for a hearing to CH. CH will then hold a hearing within a reasonable time and shall give the holder at least five (5) days’ notice of the date of the hearing. After holding a hearing, CH may:

- a) confirm the refusal of the extension; or,
- b) grant an extension for such period that it deems appropriate if the total period of validity of the permit does not exceed 60 months (5 years).

CH has implemented a streamlined permit approval process in 2013, when the CH Board delegated permit approvals to staff for works that meet Board-approved regulatory policies. The new section 28.4 of the Act provides additional provisions that enable the CH Board to delegate staff the authority to: 1) issue permissions and permission extensions that meet CH Board-approved policies; 2) cancel permits; and 3) completed administrative reviews. These powers were delegated to select senior staff with provisions by the Board in April 2024.

12. Amending/Revising Permits

If a proposal is revised after the issuance of a permit but prior to completion of works, the permit may be amended/revised. An application to amend the permit along with any required information and the required fee must be submitted. Amendments can include minor changes to the proposal and/or changes to the conditions of approval. All revisions to a proposal that are not in keeping with the permit shall require approval from CH. If approved, the permit shall be revised and re-issued to reflect the updated permission.

For example, if changes are made to drawing to reflect requirements of a municipal building department that change drawings approved by CH under the Act, then the CH permit will need to be amended/revised.

Typically, minor amendments can be addressed by staff as a revision to the existing permit. However, if it is deemed to be a significant revision that results in a new or changed development activity, such that the application is reviewed under different policies or require additional technical review, the applicant will have to submit a new application for review and approval.

13. Hearing

The applicant has the right to a hearing before a CH Board when:

- staff is recommending refusal of a permit application (subsection 28.1(5) of the Act;
- The applicant objects to the conditions of approval (subsection 28.1(5) of the Act;
- CH cannot support a request for an extension of a permit (subsection 11(5) of Ontario Regulation 41/24); or,
- CH intends to cancel a permit (subsection 28.3(2) of the Act).

CH staff shall, by personal service or by registered mail (or email if accepted by the applicant), give appropriate written notice of the time and place of the hearing of the application, together with a brief explanation of the nature of the application to the applicant or their designated agent, and will advise the CH Board, as the case may be of an upcoming hearing event.

Upon hearing evidence submitted by the applicant or their designated agent and CH staff in turn submitted in support or rejection of the application or request for extension, the CH Board shall approve (with or without conditions) or refuse the application or request for extension. Upon refusal of the application or if permission is granted subject to conditions, the CH Board shall give written response to the applicant, including reasons, for its decision pursuant to subsection 28.1 (7) of the Act.

Detailed Hearing Procedures are included in CH's *Hearing Guidelines*

14. Request for Minister's Review

Under subsection 28.1(8) of the Act if, after a hearing by the CH Board, and if a permit is refused or there are conditions on a permit to which the applicant objects, the applicant may, within 15 days of receiving reasons for the refusal, submit a request to the Minister responsible for the Act to review the decision. Subsections 28.1(9) to (19) of the Act set out

the further process for a Minister's Review once a request has been made.

Under Section 28.1(9) of the Act, within 30 days after receiving a request under subsection (8), the Minister shall reply to the request and indicate in writing to the application and the authority whether or not the Minister intends to conduct a review of the authority's decision. Failure on the part of the Minister to reply to a request within the 30 day period is deemed to be an indication that the Minister does not intend to review the authority's decision.

Under Section 28.1(15) of the Act, the Minister, after a review of the authority's decision may vary the authority's decision or make any decision that the Minister considers appropriate, including issuing the permit subject to conditions. Under subsection (19) of the Act, a decision made by the Minister under subsection (15) is final.

15. Appeals

Appeal to Minister

In accordance with Section 28.1(8) of the Act, an applicant who has been refused permit or is not in agreement with conditions of an approval may, within fifteen (15) days of the receipt of the reasons for the decision, submit a request to the Minister to review the authority's decision.

Appeal to Tribunal

Under subsection 28.1(20) of the Act, within 90 days after receiving the reasons of decision to refuse a permit, the applicant may appeal the decision to the Ontario Land Tribunal except in instances where a request for Minister's review has been made (see subsection 28.1(21) of the Act).

In accordance with Section 28 (21) an applicant who submitted a request under subsection (8) for the Minister to conduct a review of an authority's decision shall not appeal the decision to the Ontario Land Tribunal, subject to subsection (20) unless:

- a) the Minister's reply under subsection (9) indicated that the Minister refused to conduct the review; or,
- b) 30 days have elapsed following the day the applicant submitted the request for a Minister's review and the Minister has not made a reply under subsection (9).

Finally, under Section 28.1(22) of the Act, an applicant may appeal an application directly to the Ontario Land Tribunal if no decision has been made 90 days (3 months) after a complete application is made.

16. Cancellation of Permits and Cancellation Appeals

Subsection 28.3(1) of the Act provides that CH may, at any time, cancel a permit if it is of the opinion that the conditions of the permit have not been met.

In accordance with Subsections 28.3(2) to (6) of the Act, before cancelling a permit, CH delegated staff shall give "notice of intent to cancel a permit" to the holder of the permit indicating that the permission will be cancelled on a date specified unless the holder requests a Hearing by submitting a written request to CH within 15 days of receiving a "notice of intent to cancel a permit." CH will then set a date and hold a Hearing by the CH Board.

After a Hearing, a decision may be made to confirm, rescind or vary the decision to cancel a permit. If the permit holder objects to the decision/order of the CH Board, an appeal the decision to the Ontario Land Tribunal.

17. Compliance and Enforcement

Compliance and enforcement are important components of CH's mandate to ensure the integrity of the legislation and the protection of the environment, people and property in relation to natural hazards. In accordance with section 30.1 of the Act, CH has appointed Compliance Inspectors and Regulations Officers for the purpose of ensuring compliance with the Act and the regulation. These staff members have the responsibility of liaising with applicants and inspecting properties. Responsibilities also include investigating and monitoring violation situations as well as undertaking all other compliance work under the Act and Ontario Regulation 41/24. Compliance Inspectors and Regulation officers carry identification for inspection purposes.

18. Violations

A violation of the Act and/or Ontario Regulation 41/24 generally occurs in two ways:

- a) when *development activities* or interference activities have taken place in an area regulated by the CH under the Act and Ontario Regulation 41/24 without written approval;
- b) when *development activities* or interference activities have been undertaken contrary to the conditions stipulated in an approval issued by CH.

CH compliance staff may carry out an initial investigation where the activity is clearly visible from a public road or property where access to private property is not required or permitted. When appropriate, CH staff will coordinate such a visit with appropriate agency staff (i.e. municipal/NEC etc.). Photographs and field notes of the activity taking place are taken and landowner contact is initiated. If the activity is not clearly visible from a public location, CH staff will attempt to contact the landowner to arrange a site visit to discuss the matter. After this, a determination regarding whether or not an offence has occurred is made and the appropriate action is taken.

Part VII of the Act sets out enforcement powers and offences including provisions related to appointment of officers, entry without warrant, searches, stop orders, offences and a limitation period.

The provisions of the Act and the *Provincial Offences Act* direct CH staff when investigating a violation. It is normal that in addition to any penalty levied by the court upon conviction, CH will seek an order for rehabilitation of the site and/or removal of any buildings and/or structures ruled in contravention of the Act and/or Ontario Regulation 41/24.

19. Compliance and Restoration Permits

When a landowner is voluntarily willing to work with CH to bring violations or unauthorized development activities into compliance with the Act and Ontario Regulation 41/24, Compliance and Restoration Permits offer an alternative to formal enforcement actions whereby owners

obtain permission to complete already initiated work in a manner that meets policy or allows for unauthorized work that doesn't meet policy to be removed and restored.

- A Restoration Permit enables landowners to work with CH staff to resolve violations by restoring the unauthorized development activity and returning the site to its previous condition, to achieve compliance with the Act and Ontario Regulation 41/24.
- A Compliance Permit enables landowners to work with CH staff to resolve violations by completing already initiated development activity in a manner that meets policy and is in compliance with the Act and Ontario Regulation 41/24.

CH's Compliance/Restoration Permit application form outlines the Terms and Conditions for the above-referenced permit types.

20. Court Action

Penalties available to a Court under the Act are identified under subsection 30.5(2), which states that a person who commits an offence under the Act is liable on conviction:

- a) in the case of an individual,
 - i. to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both; and,
 - ii. to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and,
- b) in the case of a corporation,
 - i. to a fine of not more than \$1,000,000; and,
 - ii. to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues.

Despite the maximum fines contained in subsection 30.5(2) of the Act, under subsection 30.5(3) a court that convicts a person of certain offences under the Act may increase the fine it imposes on the person by an amount "equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence."

21. Transition Provisions

Unless specifically referenced otherwise, the policies and procedures contained in this document will apply to in process applications and decisions on all permit applications as of April 1, 2024, which is the date several provisions of the Act and Ontario Regulation 41/24 came into force.

It is recognized that there may be historic planning approvals that were made in the absence of current technical information or approvals that pre-date the approval of this Procedures Document which could now be considered contrary to the requirements of the Act and Ontario Regulation 41/24. Under such circumstances, CH shall ensure that prior to the issuance of a permission all tests are satisfied. Where possible, if an issue remains unresolved, the CA will work with the proponent and the municipality to pursue a resolution.

22. Revisions and Updates to Procedures

This Procedures document will be reviewed and revised, as necessary, to ensure conformity with provincial natural hazard management policies and/or regulatory directions.