

CONSERVATION HALTON
Overview of Procedures for Hearings
Amended September 2019

A conservation authority must hold hearings under the *Conservation Authorities Act*, for applications that do not meet Board-approved policies and/or technical requirements or when an applicant objects to conditions of approval. The Conservation Halton Board of Directors acts as the Hearing Board. The Hearing Board is empowered by law to make a decision, governed by the *Statutory Powers and Procedures Act*.

A copy of the approved Hearing Procedures for Conservation Halton is attached. Please note that a properly tabbed written staff report needs to be completed prior to the hearing and made available to the applicant to review. In turn, the applicant must provide a properly tabbed written report in response to the staff report. Once the written report from the applicant is submitted to CH, staff must have the time to review the applicants' material before the hearing. No new evidence can be presented at the hearing so it is important that all evidence and arguments be articulated in the materials submitted.

The Hearing Board hears the application. Attendance of all Board members is recorded. The Hearing Board may grant permission with or without conditions or refuse the permission.

Where the application is refused the applicant will be notified of the reasons at the meeting, as well as in writing shortly after. The applicant will be informed of their right to appeal the decision of the Hearing Board to the Mining and Lands Tribunal, within 30 days of receiving its reasons for refusal in writing. The Mining and Lands Tribunal has been assigned the authority, duties and powers of the Minister of Natural Resources and Forestry under the Ministry of Natural Resources Act to hear appeals from the decisions of conservation authorities regarding a refusal to grant permission to a property owner to undertake development, interfere with a wetland or alter a shoreline or watercourse. The Mining and Lands Tribunal may dismiss the appeal or grant permission at a hearing.

Where the application is granted by the Hearing Board, Conservation Halton staff will issue the permit once the final plans are received and any conditions imposed by the Hearing Board have been addressed.

Hearing Procedures

1. Conservation Halton staff presents information regarding the application to the Hearing Board and the reasons for their recommendation for denial (max. 15 minutes).
2. The Applicant/Agent presents their case to the Hearing Board (max. 15 minutes).
3. The Applicant/Agent can question Conservation Halton staff/legal counsel after which, Conservation Halton staff/legal counsel can question the Applicant/Agent. The Hearing Board members then can question the Applicant/Agent and Conservation Halton staff.
4. The Applicant/Agent staff will then be asked if they wish to make a closing statement. Conservation Halton staff will also be asked if they wish to make a closing statement.
4. The Hearing Board will then enter into "In Camera" discussion and deliberation and reach a final decision. The Hearing Board will reconvene and advise the Applicant/Agent of the decision.