

ONTARIO REGULATION 58/13
made under the
CONSERVATION AUTHORITIES ACT

Made: December 12, 2012
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Amending O. Reg. 151/06
(GREY SAUBLE CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT, INTERFERENCE WITH
WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES)

Note: Ontario Regulation 151/06 has not previously been amended.

1. (1) Subclauses 2 (1) (a) (iii) and (iv) of Ontario Regulation 151/06 are revoked and the following substituted:

- (iii) where a dynamic beach is associated with the waterfront lands, an allowance of 30 metres inland to accommodate dynamic beach movement, and
- (iv) an allowance of 15 metres inland;

(2) Clause 2 (1) (e) of the Regulation is amended by striking out “but not including those where development has been approved pursuant to an application made under the *Planning Act* or other public planning or regulatory process” at the end.

(3) Subsection 2 (2) of the Regulation is revoked and the following substituted:

(2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the “Regulation Limit” shown on a series of maps filed at the head office of the Authority under the map title “Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

(3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails.

2. Section 3 of the Regulation is amended by adding the following subsections:

(3) Subject to subsection (4), the Authority’s executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1).

(4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months.

3. (1) Paragraph 1 of section 4 of the Regulation is amended by striking out “the development” at the end and substituting “the proposed development”.

(2) Paragraph 4 of section 4 of the Regulation is amended by striking out “after development” at the end and substituting “after the development”.

(3) Paragraph 5 of section 4 of the Regulation is amended by striking out “after development” at the end and substituting “after the development”.

(4) Section 4 of the Regulation is amended by adding the following paragraph:

7. Such other technical studies or plans as the Authority may request.

4. (1) Subsection 6 (1) of the Regulation is amended by striking out “grant a person permission” and substituting “grant permission”.

(2) Section 6 of the Regulation is amended by adding the following subsections:

(3) Subject to subsection (4), the Authority’s executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for alteration.

(4) A designate under subsection (3) shall not grant a permission for alteration with a maximum period of validity of more than 24 months.

5. Section 7 of the Regulation is amended by adding the following paragraph:

5. Such other technical studies or plans as the Authority may request.

6. (1) Subsection 8 (1) of the Regulation is amended by striking out “cancel a permission” and substituting “cancel a permission granted under section 3 or 6”.

(2) Subsection 8 (3) of the Regulation is amended by striking out “the giving of the notice” and substituting “the giving of the notice under subsection (2)”.

7. Section 9 of the Regulation is revoked and the following substituted:

Period of validity of permissions and extensions

9. (1) The maximum period, including an extension, for which a permission granted under section 3 or 6 may be valid is,

(a) 24 months, in the case of a permission granted for projects other than projects described in clause (b); and

(b) 60 months, in the case of a permission granted for,

(i) projects that, in the opinion of the Authority or its executive committee, cannot reasonably be completed within 24 months from the day the permission is granted, or

(ii) projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority or its executive committee, cannot reasonably be obtained within 24 months from the day permission is granted.

(2) The Authority or its executive committee may grant a permission for an initial period that is less than the applicable maximum period specified in subsection (1) if, in the opinion of the Authority or its executive committee, the project can be completed in a period that is less than the maximum period.

(3) If the Authority or its executive committee grants a permission under subsection (2) for an initial period that is less than the applicable maximum period of validity specified in subsection (1), the Authority or its executive committee may grant an extension of the permission if,

(a) the holder of the permission submits a written application for an extension to the Authority at least 60 days before the expiry of the permission;

(b) no extension of the permission has previously been granted; and

(c) the application sets out the reasons for which an extension is required and, in the opinion of the Authority or its executive committee, demonstrates that circumstances beyond the control of the holder of the permission will prevent completion of the project before the expiry of the permission.

(4) When granting an extension of a permission under subsection (3), the Authority or its executive committee may grant the extension for the period of time requested by the holder in the application or for such period of time as the Authority or its executive committee deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1).

(5) For the purposes of this section, the granting of an extension for a different period of time than the period of time requested does not constitute a refusal of an extension.

(6) The Authority or its executive committee may refuse an extension of a permission if it is of the opinion that the requirements of subsection (3) have not been met.

(7) Before refusing an extension of a permission, the Authority or its executive committee shall give notice of intent to refuse to the holder of the permission, indicating that the extension will be refused unless,

(a) the holder requires a hearing, which may be before the Authority or its executive committee, as the Authority directs; and

(b) at the hearing, the holder satisfies the Authority, or the Authority's executive committee, as the case may be,

(i) that the requirements of clauses (3) (a) and (b) have been met, and

(ii) that circumstances beyond the control of the holder will prevent completion of the project before the expiry of the permission.

(8) If the holder of the permission requires a hearing under subsection (7), the Authority or its executive committee shall give the holder at least five days notice of the date of the hearing.

(9) After holding a hearing under subsection (7), the Authority or its executive committee shall,

(a) refuse the extension; or

(b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1).

(10) Subject to subsection (11), one or more employees of the Authority that have been designated by the Authority for the purposes of this section may exercise the powers and duties of the Authority under subsections (2), (3) and (4), but not those under subsections (6), (7), (8) and (9).

(11) A designate under subsection (10) shall not grant an extension of a permission for any period that would result in the permission having a period of validity greater than 24 months.

8. Section 12 of the Regulation is revoked.

Commencement

9. This Regulation comes into force on the day it is filed.

Made by:

GREY SAUBLE CONSERVATION AUTHORITY:

RICHARD HIBMA
Chair

RJ COTTRILL
Chief Administrative Officer

Date made: December 12, 2012.

I approve this Regulation.

MICHAEL JOHN GRAVELLE
Minister of Natural Resources

Date approved: February 6, 2013.

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