

Full Authority
19 September 2024
Agenda Item: 14

Delegation of Powers Re: Administrative Reviews

Background

Changes to the Conservation Authorities Act and the adoption of O. Reg 41/24 has resulted in many changes to the regulations program for all Conservation Authorities across Ontario. Included in this transition to the new regulation is the application review process available to the public during the regulation application process.

Section 8 of *Ontario Regulation 41/24* states:

Request for review

8. (1) *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.

(2) A review requested by an applicant under subsection (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.

Although the administrative review responsibility by default lies with the CVCA Board, for practicality purposes an internal staff appointment would be the logical choice. For

example, the reviewer should have knowledge of the CVCA application process, familiarity with CA policies/guidelines and there is a limited timeframe (30 days) to complete the review.

Due to the current staff complement, the logical delegation of this responsibility would be to appoint myself to fulfill the role of administrative reviewer and this would ensure the CVCA meets the requirements of Section 8 of Regulation 41/24.

Recommendation

Although the Act defaults to the Board of Directors, the Board has the ability to designate. Therefore, it is recommended the CVCA Board delegate administrative reviews to the General Manager/Secretary-Treasurer.

Furthermore, it is recommended the Administrative Assistant be appointed as an alternate to conduct the administrative reviews in the General Manager's absence.

Board Decision

TP