

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

**MINUTES NO. 4**  
**AUTHORITY MEETING**

Tuesday, May 18, 2021 - 5:30 P.M.

MEETING LOCATION: VIRTUAL MEETING THROUGH ZOOM

**Authority Members:** Bob Chapman, Chair  
Elizabeth Roy, Vice Chair  
Dave Barton  
Ron Hooper  
Janice Jones  
Sterling Lee  
Tito-Dante Marimpietri  
Don Mitchell  
Rhonda Mulcahy  
John Neal  
Brian Nicholson  
David Pickles  
Corinna Traill  
Steve Yamada

**Authority Staff:** C. Darling, Chief Administrative Officer  
B. Boardman, Executive/Accounting Administrator/  
R. Catulli, Director, Corporate Services  
A. Cuning, Financial Services Coordinator  
J. Davidson, Director, Watershed Planning & Natural Heritage  
D. Hope, Land Management & Operations Supervisor  
C. Jones, Director, Planning & Regulation  
P. Lowe, Director, Community Engagement  
P. Sisson, Director, Engineering & Field Operations  
L.Vaja, Executive Assistant/Health & Safety Administrator/ Recording Secretary  
R. Wilmot, GIS Systems Supervisor

**Absent:** Ian McDougall

**Guests:** D. Comery, IBW Surveyors  
K. Jull, Gardiner Roberts LLP  
R. Larocque, D.G. Biddle & Associates  
F. Provenzano, Spark LLP  
S. Provenzano, Applicant  
A. Robinson, IBW Surveyors  
T. Rupert, D.G. Biddle & Associates  
G. Wallace, IBW Surveyors

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The Chair called the meeting to order at 5:30 p.m.

**CHAIR'S WELCOME**

Central Lake Ontario Conservation is situated on treaty land that is steeped in rich Indigenous history and is the present-day home to many First Nations, Metis and Inuit People. Today we acknowledge that we are gathering on the traditional territories of the Mississauga's of Scudo Island First Nation.

**DECLARATIONS** of interest by members on any matters herein contained - *None*

**HEARING UNDER SECTION 28 (12) OF THE CONSERVATION AUTHORITIES ACT** (Agenda pg. 1)

Res. #38 Moved by S. Lee  
Seconded by T-D. Marimpietri

***THAT the Board of Directors sit as a Hearing Board.***  
**CARRIED**

A roll call was conducted, after which Chair Chapman read the opening remarks, advising that a hearing will be conducted under Section 28 (12) of the Conservation Authorities Act in respect of an application by Mr. Sarto Provenzano for application for development at 46 West Beach Road, Municipality of Clarington. The Authority has adopted regulations under Section 28 (12) of the Conservation Authorities Act, which requires the permission of the Authority for development within an area regulated by the Authority, in order to ensure there are no adverse effects on the control of flooding, erosion, dynamic beaches, pollution, conservation of land or to permit alteration to a shoreline, watercourse or interference with a wetland. Chair Chapman noted that the staff have reviewed this proposed work and prepared the Staff Report #5738-21, which has been shared with the Applicant and the Board of Directors. The Applicant was invited to file material in response to Staff Report #5738-21, which has been included in the agenda package.

**HEARING UNDER SECTION 28 (12) OF THE CONSERVATION AUTHORITIES ACT – *Cont'd***

Under Section 28 (12) of the Conservation Authorities Act, an application for a permit shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority. In holding this hearing, the Authority Board is to determine whether or not a permit is to issued, with or without conditions. In doing so, the Hearing Board may only consider the permit application submitted by the applicant, staff report, the applicant's report, the submissions to be made on behalf of the applicant and by and on behalf of CLOCA staff, and such evidence as may be given during the Hearing.

The proceedings will be conducted according to the Statutory Powers Procedures Act (SPP Act). Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question, on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the crown or any person. The procedure in general shall be informal without the evidence being given under oath or affirmation. If the applicant has any questions to ask of the Hearing Board or the Authority representation, they must be directed through the Chair.

The Hearing Board granted a request from CLOCA's Legal Counsel for a 10-minute recess. The Hearing reconvened at 5:50pm.

D. Barton joined the meeting at 5:37pm.

The Chair noted that correspondence from the Directors of the Port Darlington Association was directed to at least one member of the Board of Directors, with respect to this hearing and material filed. This correspondence was not copied to CLOCA Staff, CLOCA Counsel or Applicant Counsel. The Chair advised that this correspondence was not part of the record and new material cannot be brought forward at this point and that the Hearing Board shall disregard this correspondence.

CLOCA's Legal Council provided opening remarks followed by staff evidence.

- (1) Staff Presentation – Revised to May 17, 2021 (Addendum pg. H-1)  
Re: Development Application 46 West Beach Road, Clarington

Applicant Legal Counsel asked a number of questions to staff, which form part of the Hearing Record.

Applicant Legal Counsel took a 5 minute recess and reconvened at 6:48pm.

Applicant's Legal Council provided opening remarks followed by the applicant and the applicant's witnesses.

S. Yamada left hearing meeting at 6:50pm and did not rejoin the meeting.

- (2) 46 West Beach, Municipality of Clarington (Addendum pg. H-36)  
Re: Applicant's Material
- (3) Upper Thames River Conservation Authority and City of London et al. (Addendum pg. H-108)  
Re: Applicant's Book of Authorities [1989] OJ No. 393
- (4) CLOCA's Book of Authorities (Addendum pg. H-132)  
Re: Application Development of 46 West Beach Road

CLOCA Legal Counsel asked a number of questions to the applicant and witnesses, which form part of the Hearing Record. Hearing Board Members asked a number of questions to both Legal Counsels, which form part of the Hearing Record.

B. Nicholson left hearing meeting at 8:07pm and did not rejoin the meeting.

D. Barton left hearing meeting at 8:12pm and did not rejoin the meeting.

Closing statements were made by Legal Counsels.

Res. #39 Moved by T-D. Marimpietri  
Seconded by D. Pickles  
***THAT the Hearing Board convene "In Camera" for deliberation.***  
**CARRIED**

Res. #40 Moved by E. Roy  
Seconded by D. Pickles  
***THAT the Hearing Board rise from the "In Camera" Session with a decision.***  
**CARRIED**

**HEARING UNDER SECTION 28 (12) OF THE CONSERVATION AUTHORITIES ACT – *Cont'd***

As per Hearing Guidelines, the Hearing Board passed a motion culminating the decision.

Res. #41 The Chair advised the applicant that the Hearing Board approved the following decision:

***That the application for development does not meet the requirement of the tests for approval under the Conservations Authorities Act; and  
That the application for development does not meet the requirements of CLOCA's policy documents;  
and  
Therefore the application for development at 46 West Beach Road, Municipality of Clarington (File RPRG5870) be refused.***  
**CARRIED**

The Chair advised the applicant that they will receive written notice of the decision and be informed of the right to appeal the decision within 30 days upon receipt of the written decision, to the Mining and Lands Tribunal.

Res. #42 Moved by T-D. Marimpietri  
Seconded by J. Neal  
***THAT the Hearing Board move out of the Hearing and return to the general meeting.***  
**CARRIED**

**ADOPTION OF MINUTES (Agenda pg. 102)**

Res. #43 Moved by D. Pickles  
Seconded by S. Lee

***THAT the Authority minutes of April 20, 2021 be adopted as circulated.***  
**CARRIED**

**PRESENTATIONS – *None***

**CORRESPONDENCE – *None***

**DIRECTOR, PLANNING & REGULATION**

(1) Staff Report #5739-21 (Agenda pg. 121)  
Re: Permits Issued for Development, Interference with Wetlands and Alteration to Shorelines and Watercourses – April 1 to 30, 2021

Res. #44 Moved by R. Hooper  
Seconded by R. Mulcahy

***THAT Staff Report #5739-21 be received for information.***  
**CARRIED**

**DIRECTOR, WATERSHED PLANNING & NATURAL HERITAGE - *None***

**DIRECTOR, COMMUNITY ENGAGEMENT**

(1) Staff Report #5740-21 (Agenda pg. 123)  
Re: Virtual Durham Children's Watershed Festival 2021

Res. #45 Moved by S. Lee  
Seconded by R. Mulcahy

***THAT Staff Report #5740-21 be received for information.***  
**CARRIED**

**DIRECTOR, ENGINEERING AND FIELD OPERATIONS**

- (1) Staff Report #5741-21 (Agenda pg. 125)  
Re: Two-Zone Floodplain Mapping and Flood Mitigation Study, Oshawa and Goodman Creeks

Res. #46 Moved by E. Roy  
Seconded by J. Neal

***THAT the Two-zone Floodplain Mapping and Flood Mitigation Study, Oshawa and Goodman Creeks (Greck & Associates, 2021) be endorsed and accepted for development regulation within the Two-Zone Policy Area; and,  
THAT the recommendation be circulated to the City of Oshawa, Metrolinx, and the Canadian Pacific Railway.  
CARRIED***

- (2) Staff Report #5742-21 (Agenda pg. 235)  
Re: Winter/Spring 2021 – Conservation Areas Update

Res. #47 Moved by E. Roy  
Seconded by J. Neal

***THAT Staff Report #5742-21 be received for information.  
CARRIED***

**DIRECTOR, CORPORATE SERVICES – None**

**CHIEF ADMINISTRATIVE OFFICER**

- (1) Staff Report #5743-21 (Agenda pg. 239)  
Re: Commitment to Pursue Governance Accountability and Transparency Measures

Res. #48 Moved by R. Mulcahy  
Seconded by R. Hooper

***THAT the Board of Directors endorse the following actions to demonstrate our commitment to transparency to accountability: 1. Continue to update our Administrative By-laws 2. Report proactively on priorities 3. Promote/demonstrate results; and,  
THAT Staff be directed to work with Conservation Ontario to implement these actions and to identify additional improvements and best management practices.  
CARRIED***

**CONFIDENTIAL MATTERS – None**

**NEW AND UNFINISHED BUSINESS – None**

**ADJOURNMENT**

Res. #49 Moved by T-D. Marimpietri  
Seconded by J. Neal

***THAT the meeting adjourn.  
CARRIED***

The meeting adjourned at 9:35 p.m.

  
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BOB CHAPMAN, CHAIR

  
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CHRIS DARLING, CHIEF ADMINISTRATIVE OFFICER