

NOTICE OF HEARING

IN THE MATTER OF
The Conservation Authorities Act,
R.S.O. 1990, Chapter C.27

AND IN THE MATTER OF an application by

Mr. Sarto Provenzano

**FOR THE PERMISSION OF
THE CONSERVATION
AUTHORITY**

Pursuant to Ontario Regulation 42/06
made under Section 28 of the said Act

TAKE NOTICE THAT a Hearing before the Board of the Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act via Zoom videoconference, at the hour of **5:30 p.m. on the day of May 18, 2021**, with respect to the application by Mr. Sarto Provenzano to permit development within an area regulated by the Authority at the property municipally known as 46 West Beach Road in the Municipality of Clarington, Regional Municipality of Durham.

TAKE NOTICE THAT Staff of the Conservation Authority intend to recommend refusal of the application due to the unacceptable nature of the proposed development in terms of the risks to people and property associated with the flooding and erosion natural hazards present on the subject lands; the requirements of the tests for approval under the Conservation Authorities Act; and, the Conservation Authority Policy and Procedural Document for Regulation and Plan Review, as outlined in previous correspondence.

TAKE NOTICE THAT the applicant is entitled to: be represented at the Hearing by counsel; make a presentation during the Hearing; and, submit supporting written material to the Board of Directors in advance of the Hearing. Written material will be required by **Wednesday, May 12, 2021 at 1:00 p.m.**, to enable the Board members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give. Witnesses called must be limited to those giving evidence on the direct issues at hand, otherwise it may be considered an abuse of power under the Act.

AND FURTHER TAKE NOTICE that if the applicant does not attend at this Hearing, the Hearing may proceed in the absence of the applicant.

DATED the 4th day of May, 2021

The Board of the Conservation Authority

Per:

A handwritten signature in black ink, appearing to read "Chris Darling". The signature is written in a cursive style with a horizontal line extending to the right.

Chris Darling MCIP, RPP
Chief Administrative Officer