



## Essex Region Conservation Authority

### Executive Committee

### Meeting Minutes

Meeting Date: Thursday, February 15, 2024

Time: 5:00 pm

Location and Details: Council Chambers, Essex Civic Centre, Essex, ON

#### Attendance

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**Members Present:** Jim Morrison (Chair) Larry Verbeke  
Sue Desjarlais (Vice-Chair) Kieran McKenzie  
Tania Jobin

**Absent:**

**Regrets:**

**Staff Present** Tim Byrne, CAO/Secretary-Treasurer  
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA  
Kevin Money, Director Conservation Services  
James Bryant, Director Watershed Management Services  
Dan Jenner, Regulations Coordinator  
Summer Locknick, Regulations Analyst

#### Others

#### 1. Call to Order

Good afternoon and welcome to the February 15, 2024, meeting of the ERCA Executive Committee.

#### 2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomi Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

#### 3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

#### 4. **Approval of Agenda**

**Resolution EC 01/24** Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the agenda for the February 15, 2024 meeting of the ERCA Executive Committee be approved. **Carried**

#### 5. **Hearings**

##### A. **Convene the Hearing Board**

**Resolution EC 02/24** Moved by Kieran McKenzie

Seconded by Sue Desjarlais

THAT the Executive Committee sit as the Hearing Board in respect of an application(s) under Section 28 of the Conservation Authorities Act. **Carried**

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of two applications.

We, as the Hearing Board, are unaware of the matters being brought forward and we are only now receiving and reviewing the information provided by staff this afternoon.

The Authority has adopted regulations under section 28 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 no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland. The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding these hearings, the Authority Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of each applicant.

The proceedings will be conducted according to the Statutory Powers Procedure 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 criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal. However, this is a quasi-judicial process, and provides for evidence to be given in response to members' question. Therefore, staff and applicants will be asked to swear an oath or provide an affirmation to speak the truth.

In accordance with section 28 of the Act, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons, appeal the decision, to the Ontario Land Tribunal who may refuse the permission, or grant permission with or without conditions.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board.

Staff will first introduce the applicant, his/her owner, and others wishing to speak, and then present the staff position. The applicant and/or their agent may then speak and make any comments on the staff position if they so desire. I would also remind everyone that the Hearing Board is open to the public. However, as stated earlier, this is a quasi-judicial process and accordingly the general public may observe but are not third-party to the matters before us today and cannot participate. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Dan Jenner, Regulations Coordinator to introduce the applications, I would ask that he swear an oath or provide an affirmation to speak the truth for the duration of the Hearing Board.

Dan Jenner, Regulations Coordinator, Watershed Management Services took an affirmation.

Dan Jenner introduced the applications and context for the application. The Chair asked applicant (or agents for applicant) to swear oath or provide affirmation to speak the truth (as above).

i. [Haisam Habib](#)

**Resolution EC 03/24** Moved by Kieran McKenzie

Seconded by Tania Jobin

THAT the application from Haisam Habib to request relief from access (ingress and egress) policy requirements to construct a multi-dwelling unit structure at 0 Langlois Ave, City of Windsor, be approved. **Carried.**

ii. [Sandeepal Khangura c/o Satwinder Bassi](#)

**Resolution EC 04/24** Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the application from Sandeepal Singh Khangura care of Satwinder Bassi to request relief from access (ingress and egress) policy requirements to construct a dwelling at 242 Frank Ave, City of Windsor, be approved. **Carried.**

**B. Hearing Board to Reconvene as the Executive Committee**

**Resolution EC 05/24** Moved by Larry Verbeke

Seconded by Kieran McKenzie

THAT the Hearing Board reconvene as the Executive Committee. **Carried.**

**6. Tenders**

**A. TENDER Jack Miner Wetland Construction Project, 263 Road 3W Kingsville**

**Resolution EC 06/24** Moved by Kieran McKenzie

Seconded by Sue Desjarlais

THAT the tender for Jack Miner Wetland Construction, 263 Road 3 W, Kingsville ON in the amount of \$28,970.00 (+HST) be awarded to 2775738 ON Inc. o/a Warkentin Fabricating subject to favourable review by Administration. **Carried.**

**7. Reports for Approval**

**A. EC 01/24 2024 Restoration Material (Tree Stock)**

**Resolution EC 07/24** Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the current restoration material procurement process and estimated total costs of \$201,850 be acknowledged and approved by the Executive Committee. **Carried.**

**B. EC 02/24 John R Park Homestead Revised Scope of Work, Phase 2**

**Resolution EC 08/24** Moved by Sue Desjarlais

Seconded by Kieran McKenzie

THAT the Executive Committee receive and approve an updated Fee Proposal related to additional consulting fees for the expanded scope of work for Phase 2 of the John R. Park Homestead Restoration Project undertaken by George Robb Architect; and further,

THAT additional work and associated costs be obtained and managed within the current contract with the previously approved contractor, Heritage Restoration Incorporated. **Carried.**

**8. Committee of the Whole**

None

**9. New Business**

**10. Other Business**

**A. Next Meeting**

The next meeting of the ERCA Board of Directors will be held on Thursday, February 15, 2024, starting at 6:00 p.m. in Council Chambers at the Civic Centre, Essex.

**11. Adjournment**

**Resolution EC 09/24** Moved by Larry Verbeke  
Seconded by Tania Jobin

THAT the February 15, 2024 Meeting of the Essex Region Conservation Authority Executive Committee be adjourned. **Carried**



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**Jim Morrison**  
Chair



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**Tim Byrne**  
CAO/Secretary-Treasurer