



Hamilton
Conservation
Authority

A Healthy Watershed for Everyone

September 20, 2024

BY EMAIL & REGISTERED MAIL

Sayed Shakour
10 Lakeside Dr
Stoney Creek, ON L8E 5C8

Dear Sayed Shakour:

RE: NOTICE OF DECISION

September 12, 2024 – Hearing Pursuant to Section 28.1(5) of the Conservation Authorities Act

Proposed Development in a regulated Area of Lake Ontario at 10 Lakeside Drive, City of Hamilton (Stoney Creek)

HCA File No. SC/F,C,A/24/40

In accordance with the requirements of the Conservation Authorities Act, the Hamilton Region Conservation Authority provides the following Notice of Decision and written reasons regarding the subject Application.

On September 12, 2024, the Hearing Board of the Hamilton Region Conservation Authority refused your application. A copy of the Board's resolution has been attached for your records. Please note that this decision is based on the following reasons:

The applicant has not satisfied the applicable statutory, regulatory, and policy requirements for granting permission, and,

- a) the activity is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- b) the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

In accordance with Section 28.1 of the Conservation Authorities Act, an Applicant who has been refused permission or who objects to conditions imposed on a permission may submit a request to the Minister of Natural Resources for the Minister to review the Authority's decision, or the Applicant may appeal the Authority's decision to the Ontario Land Tribunal. These options are described further below.

If the Applicant requests a review by the Minister under Section 28.1(8) of the Conservation Authorities Act, the request must be submitted to the Minister within 15 days of receiving this Notice of Decision. If a request is submitted to the Minister, the Minister will indicate in writing to the Applicant and the Authority whether or not the Minister intends to conduct a review of the Authority's decision. This notice will be provided within 30 days of receiving the request for review. If the Minister does not reply within 30 days, this is deemed to be an indication that the Minister does not intend to review the Authority's decision. If the Minister refuses to review the Authority's decision, the applicant may appeal the decision to the Ontario Land Tribunal.


If the Minister conducts a review of the Authority's decision, the Minister may confirm or vary the Authority's decision or make any decision that the Minister considers appropriate, including issuing the permit subject to conditions. The Minister's decision will be based on the criteria set out in Section 28.1(1) of the Conservation Authorities Act. A decision made by the Minister is final.

If the Applicant chooses to appeal the decision to the Ontario Land Tribunal under subsection Section 28.1(20) of the Conservation Authorities Act, the appeal must be submitted within 90 days of receiving this Notice of Decision. As such, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 90 days of receiving this this Notice of Decision, addressed to:

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

A copy of any communication to the Ontario Land Tribunal should also be sent to the Hamilton Region Conservation Authority at the address noted at the bottom of the first page of this correspondence. Should you require any further information, please do not hesitate to contact Ms. Elizabeth Reimer, Conservation Planner, Watershed Management Services.

Yours truly,



Lisa Burnside
Chief Administrative Officer

Enclosure: Hearing Board Resolution

HEARING BOARD RESOLUTION

BD12,3399

MOVED BY: Lisa DiCesare

SECONDED BY: Alex Wilson

The hearing board decision is to refuse the application. The applicant has not satisfied the applicable statutory, regulatory, and policy requirements for granting permission, and,

- a) the activity is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- b) the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

CARRIED

