

# **Hamilton Region Conservation Authority**

## **Board of Directors Sitting As A Hearing Board**

**Thursday, September 12, 2024 at 6:00 p.m.**

Minutes of the Board of Directors, sitting as a Hearing Board, Thursday, September 12, 2024 at 6:00 p.m., in-person at the HCA main office, 838 Mineral Springs Road, in Ancaster, via Webex and livestreamed on YouTube.

**PRESENT:**            **Brad Clark – in the Chair**  
**Craig Cassar**  
**Lisa DiCesare**  
**Susan Fielding**  
**Alex Wilson (virtual)**  
**Maureen Wilson**

**REGRETS:** **Jeff Beattie, Brian McHattie, Matt Francis, Mike Spadafora, Wayne Terryberry**

**STAFF PRESENT:** **Lisa Burnside, Mike Stone, Elizabeth Reimer, Jaime Tellier, Sandra Winninger**

**OTHERS:**    **Dr Bahar, Amanda Jackson, Steve Shak,**

### **1. Call to Order**

The Chair called the meeting to order and welcomed everyone present.

### **2. Declarations of Conflict of Interest**

The Chair asked members to declare any conflicts under the Boards' Governance Policy. There were none.

### **3. Notice of Hearing**

The Chair announced that a Notice of Hearing has been issued, item 3.1 on the Agenda. Hearing procedures are listed as 3.2 on the Agenda.

### **4. Motion to sit as a Section 28 Hearing Board**

The Chair requested a motion to sit as a Hearing Board.

**BD12, 3396**

**MOVED BY: Maureen Wilson  
SECONDED BY: Lisa DiCesare**

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

**CARRIED**

## **5. Chair's Opening Remarks**

The Chair reviewed the Section 28 Hearing procedures with respect to the application by: Sayed Shakour for Development in a Regulated Area of Lake Ontario at 10 Lakeside Drive, City of Hamilton (Stoney Creek).

## **6. Presentation by Hamilton Conservation Authority Staff and Applicant**

6.1. Introduction of applicant/agent by HCA Staff

6.2. HCA Staff Report re: 10 Lakeside Drive, Stoney Creek, Permit No. SC/F,C,A/24/40

6.3. Presentation by Applicant

6.3.1. Applicant's Presentation

6.3.2. Applicants Document Book (Annexes I – VII)

6.4. Questions from applicant and/or applicant's counsel to HCA staff

6.5. Questions from HCA staff and/or staff counsel to applicant

6.6. Questions from Hearing Board to HCA staff and/or applicant

## **7. Hearing Board to move In Camera**

Motion was made for the Hearing Board to move in-camera for deliberation

**BD12, 3397**

**MOVED BY: Craig Cassar  
SECONDED BY: Maureen Wilson**

**THAT the Hearing Board move *in-camera* to deliberate.**

**CARRIED**

During the *in-camera* session, the hearing board deliberated on the application

## 8. Hearing Board to reconvene in public forum

BD12, 3398

**MOVED BY: Craig Cassar  
SECONDED BY: Susan Fielding**

**THAT the Hearing Board move out of *in-camera*.**

**CARRIED**

## 9. Chair to advise of Hearing Board's decision

Following deliberations, Chair Brad Clark advised on behalf of the Hearing Board, the applicants and their representatives, that the Hearing Board refused the application for Permit No. SC/F,C,A/24/40. The following resolution was made:

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**

The Chair notified the owner/applicant of right to submit a request to the Minister of natural Resources to review the decision or to appeal the decision to the Ontario Land Tribunal. Staff will send out formal letter in this regard

## 10. Adjournment

On motion, the Hearing Board was adjourned.