



A Healthy Watershed for Everyone

Interim Policy Guidelines for the Administration and Implementation of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)

Summary

On April 1, 2024, Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) and Part VI of the *Conservation Authorities Act* came into effect. This regulation replaces the Hamilton Conservation Authority's previous "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation.

The proclamation of the new legislative and regulatory framework necessitates updates to existing Conservation Authority policies and procedures, including the Hamilton Conservation Authority's Planning & Regulation Policies and Guidelines (October 6, 2011).

Interim Policy Guidance

As of April 1, 2024, the Hamilton Conservation Authority will review and make decisions on applications for permits in accordance with Part VI of the *Conservation Authorities Act* and Ontario Regulation 41/24. Amendments to the Hamilton Conservation Authority's Planning & Regulation Policies and Guidelines (October 6, 2011) will be forthcoming to reflect this new framework. Per section 12 of O. Reg. 41/24, the Hamilton Conservation Authority will consult with stakeholders and the public during the review and update process as the authority considers advisable. Where discrepancies exist between the text of the legislation or regulation and the information provided within the Hamilton Conservation Authority's Planning & Regulation Policies and Guidelines (October 6, 2011) and these Interim Policy Guidelines, the text of the legislation and regulation will prevail.

Key variances from the processes in the existing Hamilton Conservation Authority's Planning & Regulation Policies and Guidelines (October 6, 2011) include, but are not limited to:

- 1) Assessing permit applications made under Section 28.1 of the *Conservation Authorities Act* to determine if the proposed works will affect the control of flooding, erosion, dynamic beaches, and **unstable soil or bedrock**.
- 2) Assessing applications to determine whether the proposed activity would 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**.

- 3) Attaching conditions to a permit only if the conditions (1) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or (2) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard.
- 4) Reducing the regulated area surrounding provincially significant wetlands from 120m to 30m. The other areas in which development activities are prohibited are within 30m of all wetlands in the Hamilton Conservation Authority's area of jurisdiction.
- 5) Exceptions from CA permits for specific activities outlined in section 5 of O. Reg. 41/24, when carried out in accordance with the regulation.
- 6) Updated complete application requirements (as outlined in section 7 of O. Reg. 41/24), including requirements for landowner authorization and payment of applicable fee.
- 7) A new process for applicants to request an administrative review of an application (circumstances outlined in section 8 of O. Reg. 41/24).
- 8) Updated definition of *watercourse* to a "defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs".
- 9) New requirement (as outlined in subsection 7(2) O. Reg. 41/24) to notify the applicant of whether an application is complete within 21 days and provide the applicant notice of a decision within 90 days following confirmation of a complete application (as outlined in 28.1(22) of the *Conservation Authorities Act*).
- 10) A new process for pre-submission consultation (circumstances outlined in section 6 of O. Reg. 41/24).
- 11) Enforcement procedures, appeals and hearing processes described in Parts VI and VII of the *Conservation Authorities Act*.