

Conservation Authorities Act
Loi sur les offices de protection de la nature

ONTARIO REGULATION 157/06

**UPPER THAMES RIVER CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT,
INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND
WATERCOURSES**

Consolidation Period: From May 4, 2006 to the [e-Laws currency date](#).

No amendments.

This Regulation is made in English only.

Definition

1. In this Regulation,

“Authority” means the Upper Thames River Conservation Authority. O. Reg. 157/06, s. 1.

Development prohibited

2. (1) Subject to section 3, no person shall undertake development, or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

(a) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:

(i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,

(ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,

(iii) where the river or stream valley is not apparent, the valley extends the greater of,

(A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and

(B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;

(b) hazardous lands;

(c) wetlands; or

(d) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of all other wetlands, but not including those where development has been approved pursuant to an application made under the *Planning Act* or other public planning or regulatory process. O. Reg. 157/06, s. 2 (1).

(2) The areas described in subsection (1) are the areas referred to in section 12 except that, in case of a conflict, the description of the areas provided in subsection (1) prevails over the descriptions referred to in that section. O. Reg. 157/06, s. 2 (2).

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 157/06, s. 3 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 157/06, s. 3 (2).

Application for permission

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing the type and location of the development.

2. The proposed use of the buildings and structures following completion of the development.
3. The start and completion dates of the development.
4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after development.
5. Drainage details before and after development.
6. A complete description of the type of fill proposed to be placed or dumped. O. Reg. 157/06, s. 4.

Alterations prohibited

5. Subject to section 6, no person shall straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or change or interfere in any way with a wetland. O. Reg. 157/06, s. 5.

Permission to alter

6. (1) The Authority may grant a person permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland. O. Reg. 157/06, s. 6 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 157/06, s. 6 (2).

Application for permission

7. A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere with a wetland shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing plan view and cross-section details of the proposed alteration.
2. A description of the methods to be used in carrying out the alteration.
3. The start and completion dates of the alteration.
4. A statement of the purpose of the alteration. O. Reg. 157/06, s. 7.

Cancellation of permission

8. (1) The Authority may cancel a permission if it is of the opinion that the conditions of the permission have not been met. O. Reg. 157/06, s. 8 (1).

(2) Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. O. Reg. 157/06, s. 8 (2).

(3) Following the giving of the notice, the Authority shall give the holder at least five days notice of the date of the hearing. O. Reg. 157/06, s. 8 (3).

Validity of permissions and extensions

9. (1) A permission of the Authority is valid for a maximum period of 24 months after it is issued, unless it is specified to expire at an earlier date. O. Reg. 157/06, s. 9 (1).

(2) A permission shall not be extended. O. Reg. 157/06, s. 9 (2).

Appointment of officers

10. The Authority may appoint officers to enforce this Regulation. O. Reg. 157/06, s. 10.

Flood event standards

11. The applicable flood event standard used to determine the maximum susceptibility to flooding of lands or areas within the watersheds in the area of jurisdiction of the Authority is the observed 1937 flood event described in Schedule 1. O. Reg. 157/06, s. 11.

Areas included in the Regulation Limit

12. Hazardous lands, wetlands, shorelines and areas susceptible to flooding and associated allowances within the watersheds in the area of jurisdiction of the Authority are delineated by the Regulation Limit shown on maps 1 to 189, dated March 17, 2006, and filed at the head office of the Authority at 1424 Clarke Road, London, Ontario under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". O. Reg. 157/06, s. 12.

13. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 157/06, s. 13.

SCHEDULE 1

1. The observed 1937 flood event means the historical 1937 flood which was experienced throughout the Upper Thames River watershed. The 1937 flood event is estimated to be equivalent to a 1:250-year return and was approved by the Minister of Natural Resources as the Upper Thames River Conservation Authority's flood standard on February 21, 1989.

O. Reg. 157/06, Sched. 1.