

Administrative Review Policies

Under Section 8 of Ontario Regulation 41/24

The policies outlined below are intended to guide the Upper Thames River Conservation Authority (UTRCA) when receiving, evaluating, and making a decision related to a request for review (herein referred to as an “administrative review”) submitted in accordance with s. 8 of O. Reg. 41/24 (herein after referred to as “the Regulation”) made under the *Conservation Authorities Act*, as amended.

1 Purpose of an Administrative Review

The purpose of an administrative review is to provide the applicant with an opportunity to resolve issues specified in s. 8 (1) of the Regulation.

Administrative reviews do not determine whether a permit will be issued, or the scope of conditions proposed to be attached to a permit; these factors will be assessed throughout the permit review process, after the administrative review is complete. An applicant will be provided with an opportunity to be heard by the Authority in a hearing should staff recommend refusal of their application, or should staff propose permit conditions the applicant disagrees with.

Additionally, administrative reviews are not intended to be a procedure to settle permit fee disputes. Disputes related to the charging of the Authority’s permit fees will be addressed in accordance with the Authority’s fee policy. Details regarding eligibility for administrative reviews are provided in Section 4 below.

2 Pre-submission Consultation

The UTRCA encourages pre-submission consultation prior to an application submission for the purpose of confirming the requirements of a complete application to obtain a permit.

Pre-submission consultation shall occur as a meeting between UTRCA staff, the applicant, and the municipality and/or other regulatory agencies (if applicable), prior to application submission. This meeting may occur prior to or at the same time as a site visit to the property where the activity is proposed to be carried out.

Pre-submission consultation is a critical value-added service that assists applicants with the application process. After the pre-submission consultation meeting, UTRCA will provide the applicant with complete application requirements, scoping of required studies and inform the applicant of their right to an administrative review.

A successful pre-submission consultation should result in a quality submission where the UTRCA's complete application requirements are met; thereby minimizing potential for an administrative review request.

Where an application has been submitted without pre-consultation, complete application requirements should be communicated to the applicant, in writing, during the 21 days allotted for a complete application decision.

3 Complete Application Requirements

The UTRCA's complete application requirements will be in accordance with s. 7 (1) and (2) of O. Reg. 41/24 and will be provided in writing following a pre-submission consultation and/or application submission.

4 Eligibility

Requests for administrative review apply to applications made under s. 28.1 of the *Conservation Authorities Act*. Administrative reviews undertaken by the UTRCA shall be conducted under the following circumstances:

- 1) The applicant has not received written confirmation from the Authority within 21 days upon submission of the application and fee in accordance with the Authority's Complete Application requirements; or,
- 2) The applicant disagrees with the Authority's determination that the application for a permit is incomplete; and/or,
- 3) The applicant is of the view that the request for other information, studies or plans is not reasonable.

The administrative review process is not available where the development or alteration activity has already commenced without the necessary UTRCA permits in place.

5 Timeline for Review

Administrative reviews shall be completed within 30 days of receipt of a request for review by the applicant. However, there may be extenuating circumstances where it is not possible to complete the administrative review within 30 days. In these cases, the UTRCA will provide notice to the applicant of any anticipated delays and obtain written approval of the applicant to extend the timeline, if feasible.

6 Authority (or Delegate) Powers

Subsection 8(2) of the Regulation establishes the outcome of an administrative review, being that the Authority (or *its delegate*) must:

- 1) confirm that the application meets the requirements for a complete application; or provide reasons why the application is incomplete; and/or,
- 2) provide reasons why a request for other information, studies or plans is reasonable or withdraw the request for all or some of the information, studies, or plans.

Section 28.4 of the *Conservation Authorities Act* enables an Authority to delegate any of its powers related to the issuance or cancellation of permits or to the holding of hearings in relation to the permits to its executive committee or to any other person or body subject to limitations or requirements prescribed by regulation. As such, the UTRCA has delegated the above administrative review powers to the following **Administrative Review Officers**:

- 1) General Manager/Secretary Treasurer, and
- 2) Manager, Environmental Planning and Regulations Unit.

7 Submitting a Request for Administrative Review

The administrative review process must be commenced by the applicant and/or authorized agent of the applicant, by notifying the **Regulations Coordinator** in writing with their intentions to request review under s.8 of the Regulation. The applicant will be provided with the UTRCA “Request for Administrative Review” form and copy or link to this policy document upon receipt of the request.

8 Administrative Review Process

Upon receipt of a completed “Request for Administrative Review” form, the Regulations Coordinator will compile all the information provided through the submission as well as all information available on the application in question to assist the **Administrative Review Officers** in their review of the request. The Administrative Review Officers may also reach out to the applicant directly for clarification or questions regarding their request for administrative review.

The Administrative Review Officers will evaluate the request for administrative review in accordance with s. 8.1 below.

8.1 Evaluation Criteria

The Administrative Review Officers shall evaluate the request for administrative review in accordance with the following standards:

- 1) That the request for review meets the eligibility criteria outlined in section 4 of these policies.

- 2) That the application and/or the requests for information, studies and plans by the UTRCA staff are consistent with the requirements of the *Conservation Authorities Act*, O. Reg. 41/24 and any UTRCA Board approved policies.
- 3) That the applicant has submitted all information detailed in the UTRCA's complete application requirements.
- 4) To determine if the UTRCA's request for other information, plans and studies is reasonable, the request must be made in accordance with the UTRCA's Environmental Planning Policy Manual for the proposed project, must reflect site-specific hazards, and the request is consistent with similar application requirements within the watershed.

9 Decision

The decision for an administrative review is limited to determining a complete application and / or whether the request for all or some of the information, studies, or plans is reasonable; **it is not a decision as to whether or not to issue a permit, nor a process to settle permit fee disputes**. The administrative review decision of the Administrative Review Team is final.

Upon completing the administrative review, the Administrative Review Officers will notify the applicant of the decision in writing, which must:

- Confirm that the application meets the Authority's complete application requirements and is complete or provide reasons why the application is incomplete; or,
- Provide reasons why requests for other information, studies or plans are reasonable, or withdraw the request for all or some of the information, studies, or plans (if applicable).

10 Notice and Communication

The Regulations Coordinator shall provide the following correspondence in writing to the applicant:

- 1) Within 1-2 business days, upon receipt of a "Request for Review" form, confirm the receipt of the request, set out the start and end dates of the administrative review period (requests for administrative review shall be completed within 30 days upon receipt of the request, unless an extension is approved by the applicant); and,
- 2) Forthwith, upon completion of the review by the Administrative Review Officers, provide notice of decision, with reasons.

11 Administrative Review Policy - Updates

The Authority will review and update the Administrative Review Policies consistent with the CA's Service Delivery Standards for Administration of Ontario Regulation 41/24. Draft updates to the policies will be posted on the CA's website for stakeholder and public consultation in advance of consideration by the Authority's Members.

Figure 1: Administrative Review Flowchart

