

DRAFT

1. PURPOSE

Per Section 28.1 of the *Conservation Authorities Act* and in accordance with O. Reg. 41/24, the purpose of an Administrative Review is to provide permit Applicants with a process to raise and resolve issues specified in S. 8 (1) of the Regulation. Specifically, Administrative Reviews may be requested when the Applicant:

- (a) has not received notice in accordance with regulated timelines;
- (b) disagrees with staff's determination that the application is incomplete; or
- (c) views requests for other information, studies or plans to be unreasonable.

The policy is also intended to provide guidance to the General Manager or their designate when conducting Administrative Reviews under the Regulation.

1.1. Out of Scope

Administrative Reviews do not determine whether a permit will be issued, or the scope of conditions proposed to be attached to a permit. Applicants may contest permit conditions or refusal of a permit via an appeal to MVCA's Regulation's Committee.¹

Administrative Reviews do not settle permit fee disputes. Disputes related to the charging of permit fees may be appealed in accordance MVCA's fee policy.²

1.2. Pre-Consultation

MVCA recommends that Applicants contact and consult with Authority staff prior to applying for a permit. Pre-consultation allows for early identification of site constraints and study requirements, and can aid Applicants in refining their application to facilitate timely approval.

2. 21-DAY REVIEW PERIOD

MVCA's application requirements are posted on the website³ and comply with S. 7 (1) and (2) of Ontario Regulation 41/24. Upon receipt of an application and payment by the Applicant of applicable fees, staff shall notify the Applicant in writing, within 21 days, whether or not the

¹ <https://mvc.on.ca/board-of-directors/>

² <https://mvc.on.ca/plans/>

³ <https://mvc.on.ca/development-permits/forms-and-fees/>

application is deemed to be a “complete” application.

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.

If MVCA notifies an Applicant that the application is complete, Authority staff shall not require new studies, technical information or plans from the Applicant to assess a permit application unless there is a material change to what is proposed by the Applicant, or it is otherwise agreed to by the Authority and the Applicant. The Authority may ask the Applicant for clarification or further details regarding any matter related to the application.

3. ADMINISTRATIVE REVIEW

3.1. Eligibility

Applicants may request an Administrative Review if:

- (a) the Applicant has not received notice from the Authority within 21 days in accordance with subsection 7 (2) of the Regulation;
- (b) the Applicant disagrees with the Authority’s determination that the Application is incomplete; or
- (c) the Applicant is of the view that the Authority’s request for other information, studies or plans under clause 7 (1) (i) of the Regulation is not reasonable.

The Administrative Review process is not available for works that have otherwise commenced or been completed without a Permit.

Applicants cannot request an Administrative Review during the pre-consultation process. Applicants shall pay applicable Application fees prior to requesting an Administrative Review. For greater certainty, Applications with unpaid applicable fees are ineligible for Administrative Review.

Applicants cannot request more than one Administrative Review per Application.

3.2. Requesting a Review

Requests for Administrative Review shall be:

- (a) made in writing to the General Manager or their designate, and
- (b) submitted no later than 60 calendar days following submission of the Application and payment of the applicable fees.

3.3. Determination

The General Manager or their designate shall consider the following when undertaking the

Administrative Review:

- (a) whether the request for review meets the eligibility criteria outlined in this policy;
- (b) whether the Applicant has submitted the information required by the Regulation and this policy; and
- (c) whether the Authority requests for information, studies and plans are consistent with the requirements of the Act, Regulation, Authority policies, and prior Applications for similar projects within the Authority's jurisdiction.

The General Manager or their designate shall provide written notice of the decision and any reasons no later than 30 calendar days after an Administrative Review is requested.

Upon completion of the Administrative Review, the General Manager or their designate shall, as the case may be:

- (a) confirm that the application meets the requirements of the Regulation and is complete;
- (b) provide reasons why the application is incomplete;
- (c) provide reasons why a request for other information, studies or plans is reasonable; or
- (d) withdraw the request for all or some of the information, studies or plans.

The written notice of decision and any reasons shall be delivered via electronic mail, registered mail, or personal service.

The decision of the General Manager or their designate is final.