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Board of Directors Meeting

Thursday, May 28, 2020
6:30 pm

Meeting Will be Held Electronically due to COVID-19 State of Emergency

AGENDA

<u>Meeting 2/20</u>	<u>Page</u>
1.0 Agenda Review	
2.0 Adoption of Agenda	
3.0 Declaration of Interest	
4.0 Approval of Minutes from April 23, 2020	
5.0 Business Arising from Minutes	
6.0 Annual General Meeting (Staff Reports Attached)	
a) Election of Chair and Vice-Chair	1
b) Appointments to Executive Committee.....	5
c) Appointments to Audit Committee	9
d) Appointments to Conservation Ontario.....	13
e) Appointment of Auditors	16
f) Appointment of Legal Advisors.....	18
g) Appointment of Land Appraisers	20
h) Borrowing Resolution	22
i) Approval of Conservation Ontario Levy	24
7.0 2019 Annual Report	
Staff Report Attached (Diane Downey)	27
8.0 Septic Services in Frontenac County	
Staff Report Attached (Terry Davidson)	41

Proudly working in partnership
with our 18 watershed municipalities

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

9.0 COVID-19 Pandemic Response Update
Staff Report Attached (Sommer Casgrain-Robertson)

10.0 Meetings

Upcoming

- a) RVC Foundation AGM and Board Meeting, June 10, 2020 (Manotick)
- b) Conservation Ontario Meeting, June 22, 2020 (Toronto)
- c) RVCA Board of Directors Meeting: June 25, 2020 (Manotick)

11.0 Correspondence

- Letter received from Faith Blacquiere (January 17, 2020) regarding RVCA's November 7, 2019 Executive Committee Hearing
- RVCA's response to Faith Blacquiere sent February 20, 2020

12.0 Member Inquiries

13.0 New Business

14.0 In-Camera Session

- To consider a proposed land donation (proposed acquisition of land)

15.0 Adjournment

6.0 Election of Chair and Vice-Chair
Report #: 01-200521

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager / Secretary-Treasurer
Date: February 6, 2020

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Purpose

To elect a Chair and Vice-Chair of the 2020 Board of Directors of the Rideau Valley Conservation Authority.

Background

Elections are held annually for the positions of Chair and Vice-Chair. Responsibilities, maximum terms and election procedures are outlined in RVCA's Administrative By-law (By-law No.1):

Responsibilities (Section B2 of By-law No.1)

The Officers of the Authority, and their respective responsibilities, shall be:

Chair

- Is a Member of the Authority;
- Presides at all meetings of the General Membership and Executive Committee;
- Calls special meetings if necessary;
- Acts as a public spokesperson on behalf of the General Membership;
- Serves as a signing officer for the Authority;
- Ensures relevant information and policies are brought to the Authority's attention;
- Keeps the General Membership apprised of significant issues in a timely fashion;
- Performs other duties when directed to do so by resolution of the Authority.

Vice-Chair

- Is a Member of the Authority;
- Attends all meetings of the General Membership and Executive Committee;
- Carries out assignments as requested by the Chair;
- Understands the responsibilities of the Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes his/her duties;
- Serves as a signing officer for the Authority.

It should be noted that the Chair also presides at all meetings of the Audit Committee and serves as RVCA's voting delegate on Conservation Ontario Council. The Vice-Chair also attends all meetings of the Audit Committee and serves as RVCA's alternate voting delegate for Conservation Ontario Council.

Maximum Term (Section B4 of By-law No.1)

The term for Chair and Vice-Chair shall be limited to five consecutive years. A Member shall not be eligible for re-election to Authority Chair or Vice-Chair for a period of one year following completion of the maximum term.

Election (Section B5 of By-law No.1)

The election of the Chair and Vice-Chair shall be held at the first meeting of the General Membership each year in accordance with the Authority's Procedures for Election of Officers (Appendix 3).

Analysis

N/A

Input from Other Sources

N/A

Financial Considerations

The Chair receives an annual honorarium of \$2000 in addition to member per diems and mileage. This honorarium has been accounted for in RVCA's 2020 budget. There is no honorarium provided to the Vice-Chair.

Legal Considerations

The election of Chair and Vice-Chair is in accordance with the *Conservation Authorities Act*. Specifically, Section 17 of the Act states:

17 (1) At the first meeting held in each year or at such other meeting as may be specified by the authority's by-laws, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43; 2017, c. 23, Sched. 4, s. 14.

Adherence to RVCA Policy

The election of Chair and Vice-Chair is in accordance with RVCA's Administrative By-law (By-law No. 1). Appendix 3 of By-law No.1 is attached for reference as it outlines the procedure for election of Chair and Vice-Chair.

Link to Strategic Plan

N/A

Attachment

- Appendix 3 – Procedure for Election of Officers (RVCA By-law No. 1)

Appendix 3 – Procedure for Election of Officers

1. Voting

Voting shall be by secret ballot and no Members may vote by proxy.

2. Acting Chair

The General Membership shall appoint a person, who is not a voting Member, as Acting Chair or Returning Officer, for the purpose of Election of Officers.

3. Scrutineer(s)

The appointment of one or more scrutineers is required for the purpose of counting ballots, should an election be required. All ballots shall be destroyed by the scrutineers afterwards. The Acting Chair shall call a motion for the appointment of one or more persons, who are not Members of the Authority, to act as scrutineers.

4. Election Procedures

The Acting Chair shall advise the Members that the election will be conducted in accordance with the Act as follows:

- a) The elections shall be conducted in the following order:
 - i. Election of the Chair, who shall be a Member of the Authority
 - ii. Election of the Vice-chair, who shall be a Member of the Authority.
- b) The Acting Chair shall ask for nominations to each position;
- c) Only current Members of the Authority who are present may vote;
- d) Nominations shall be called three (3) times and will only require a mover;
- e) The closing of nominations shall require both a mover and a seconder;
- f) Each Member nominated shall be asked to accept the nomination. The Member must be present to accept the nomination unless the Member has advised the Secretary-Treasurer in writing or by email in advance of the election of their willingness to accept the nomination.

If one Nominee:

- g) If only one nominee, the individual shall be declared into the position by acclamation.

If More than One Nominee:

- h) In the event of an election, each nominee shall be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing by surnames.
- i) Upon the acceptance by nominees to stand for election to the position of office, ballots shall be distributed to the Members by the scrutineers for the purpose of election and the Acting Chair shall ask the Members to write the name of one individual only on the ballot.
- j) The scrutineers shall collect the ballots, leave the meeting to count the ballots, return and advise the Acting Chair who was elected with more than 50% of the vote.

A majority vote shall be required for election. If there are more than two nominees, and upon the first vote no nominee receives the majority required for election, the name of the person with the least number of votes shall be removed from further consideration for the office and new ballots shall be distributed. In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

Should there be a tie vote between two remaining candidates, new ballots shall be distributed and a second vote held. Should there still be a tie after the second ballot a third vote shall be held. Should there be a tie after the third vote, the election of the office shall be decided by lot drawn by the Acting Chair or designate.

6.0b Appointment of Executive Committee
Report #: 2-200521

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: February 6, 2020

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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority appoint the Chair, Vice-Chair, _____, _____, and _____ to the RVCA's Executive Committee for the year 2020.

Purpose

To appoint an Executive Committee of the Board of Directors of the Rideau Valley Conservation Authority for 2020.

Background

As outlined in RVCA's Administrative By-Law, an Executive Committee shall be appointed to hold hearings under Section 28 of the *Conservation Authorities Act*.

- The Executive Committee hears applications for permission associated with Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" Regulation) under Section 28 of the Act.
- The Executive Committee shall evaluate the information presented at a hearing by both Conservation Authority staff and the applicant and decide whether the application will be approved with or without conditions or refused, or if a permit will be cancelled. Applicants can appeal decisions of the Executive Committee to the Minister.

Appointment of members to the Executive Committee:

- Shall be made by the Chair, subject to approval by the General Membership
- Shall be made at the Annual meeting of the General Membership each year
- Shall consist of the Chair, Vice-Chair and three other Members, such that the Committee is comprised of at least one Member from the City of Ottawa. The Chair and Vice-Chair of the Authority shall be the Chair and Vice-Chair of the Executive Committee in accordance with the *Conservation Authorities Act*.

Appendix 4-A of By-law No.1 is attached as it outlines the Terms of Reference for the Executive Committee.

Analysis

The members selected by the Chair will represent the Board well on the Executive Committee and represent a mix of small, medium and large municipalities from across the watershed. All members have agreed to sit on the Committee.

Input From Other Sources

N/A

Financial Considerations

Members of the Executive Committee receive a per diem and mileage for meetings. The RVCA's 2020 budget accounts for these costs.

Legal Considerations

The appointment of an Executive Committee is in accordance with the *Conservation Authorities Act* and RVCA's Administrative By-law.

Specifically, Section 19 of the Act states:

- 19 (1)** The authority may appoint an executive committee from among the members of the authority. R.S.O. 1990, c. C.27, s. 19 (1).

Chair, vice-chair

- (2) The chair and vice-chair of the Authority shall be the chair and vice-chair of the executive committee

Specifically, Section B.1 (c) of RVCA's Administrative By-law states:

- 1 (c) ...the powers of the General Membership include but are not limited to:

- (vi) Appointing an Executive Committee and delegating to the Committee any of its powers except:
- i. The termination of the services of the General Manager and/or Secretary-Treasurer,
 - ii. The power to raise money, and
 - iii. The power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the Authority.
- (xv). Delegating to the Executive Committee the holding of hearings as may be required under any regulations made under Section 28 of the Act.

Adherence to RVCA Policy

The appointment of the Executive Committee is in accordance with RVCA's Administrative By-law.

Link to Strategic Plan

N/A

Attachment:

- Appendix 4-A of RVCA's Administrative By-law: Terms of Reference for the Executive Committee

Appendix 4-A – Terms of Reference for Executive Committee

1. Purpose

The Authority shall maintain a standing Executive Committee to hold hearings under Section 28 of the Act. The Executive Committee shall evaluate the information presented at a hearing by both Conservation Authority staff and the applicant and decide whether the application will be approved with or without conditions or refused, or if a permit will be cancelled. Applicants can appeal decisions of the Executive Committee to the Minister.

2. Membership

The Executive Committee shall consist of the Chair, Vice-Chair and three other Members, such that the Committee is comprised of at least one Member from the City of Ottawa. The Chair and Vice-Chair of the Authority shall be the Chair and Vice-Chair of the Executive Committee in accordance with Section 19(2) of the Act.

Appointment of Members to the Executive Committee shall be made by the Chair, subject to approval by the General Membership.

The Authority shall appoint an Executive Committee at the Annual meeting of the General Membership each year.

3. Meeting Procedures

Resolutions and policies governing the operation of the Authority shall be observed in all Executive Committee meetings.

The Executive Committee shall hold hearings in accordance with the Authority's Rules of Procedure for hearings as approved by the General Membership from time-to-time as well as other applicable laws including the *Statutory Powers Procedure Act* under which the Executive Committee is considered an Administrative Tribunal.

4. Frequency of Meetings

Meetings shall generally be held the second Thursday of the month as required.

**6.0c Appointment of Audit Committee
Report #: 3-200521**

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: February 6, 2020

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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority appoint the Chair, Vice-Chair, _____, _____ and _____ to the RVCA Audit Committee for the year 2020.

Purpose

To appoint an Audit Committee of the Board of Directors of the Rideau Valley Conservation Authority for 2020.

Background

As outlined in RVCA's Administrative By-Law, an Audit Committee shall be appointed to:

- Ensure adequate financial systems, internal controls and reporting are in place for financial soundness of the Authority;
- To meet annually with the auditors before the General Membership receives and approves the Financial Statements and Report of the Auditor for the preceding year; and
- To address other specific financial matters as required.

The Audit Committee shall report to the General Membership, presenting any recommendations made by the Committee.

Appointment of members to the Audit Committee:

- Shall be made by the Chair, subject to approval by the General Membership
- Shall be made at the Annual meeting of the General Membership each year
- Shall consist of the Chair, Vice-Chair and three other Members, such that the Committee is comprised of at least one Member from the City of Ottawa. The Chair and Vice-Chair of the Authority shall be the Chair and Vice-Chair of the Audit Committee.

Appendix 4-B of RVCA's Administrative By-law is attached as it outlines the Terms of Reference for the Audit Committee.

Analysis

The members selected by the Chair will represent the Board well on the Audit Committee and represent a mix of small, medium and large municipalities from across the watershed. All members have agreed to sit on the Committee.

Input From Other Sources

N/A

Financial Considerations

Members of the Audit Committee receive a per diem and mileage for meetings. The RVCA's 2020 budget accounts for these costs.

Legal Considerations

The appointment of an advisory board is in accordance with the *Conservation Authorities Act* and Section B.16 of RVCA's Administrative By-law (By-law No.1).

Specifically, Section 18 of the Act states:

- 18 (2) An authority shall establish such advisory boards as may be required by regulation and may establish such other advisory boards as it considers appropriate. 2017, c. 23, Sched. 4, s. 15.
- (3) An advisory board shall comply with any requirements that may be prescribed by regulation with respect to its composition, functions, power, duties, activities and procedures. 2017, c. 23, Sched. 4, s. 15.

Specifically, Section B.16 of RVCA's Administrative By-law (By-law No.1) states:

In accordance with Section 18(2) of the Act, the Authority shall establish such Advisory Boards as required by regulation and may establish such other Advisory Boards or committees as it considers appropriate to study and report on specific matters.

The General Membership shall approve the terms of reference for all such Advisory Boards and committees, which shall include the role, the frequency of meetings and the number of members required.

Terms of Reference for current Advisory Boards and committees include:

- Audit Committee (Appendix 4-B).

Appointment of members to Advisory Boards and committees shall be made by the Chair, subject to approval by the General Membership.

Resolutions and policies governing the operation of the Authority shall be observed in all Advisory Board and committee meetings.

Each Advisory Board or committee shall report to the General Membership, presenting any recommendations made by the Advisory Board or committee.

Adherence to RVCA Policy

The appointment of the Audit Committee is in accordance with RVCA's Administrative By-law.

Link to Strategic Plan

N/A

Attachment:

- RVCA's Administrative By-law Appendix 4-B: Terms of Reference for Audit Committee

Appendix 4-B – Terms of Reference for Audit Committee

1. Purpose

The Authority shall maintain a standing Audit Committee to ensure adequate financial systems, internal controls and reporting are in place for financial soundness of the Authority, to meet annually with the auditors before the General Membership receives and approves the Financial Statements and Report of the Auditor for the preceding year, and to address other specific financial matters as required.

The Audit Committee shall report to the General Membership, presenting any recommendations made by the Committee.

2. Membership

The Audit Committee shall consist of the Chair, Vice-Chair and three other Members, such that the Committee is comprised of at least one Member from the City of Ottawa. The Chair and Vice-Chair of the Authority shall be the Chair and Vice-Chair of the Audit Committee.

Appointment of Members to the Audit Committee shall be made by the Chair, subject to approval by the General Membership.

The Authority shall appoint an Audit Committee at the Annual meeting of the General Membership each year.

3. Meeting Procedures

Resolutions and policies governing the operation of the Authority shall be observed in all Audit Committee meetings.

4. Frequency of Meetings

Meetings shall be held at the call of the Chair. The Committee shall normally meet in February or March with the Auditors to review draft Financial Statements and Report of the Auditor, and thereafter as required.

6.0d Appointments to Conservation Ontario
Report #: 4-200521

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
 General Manager
Date: February 06, 2020

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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority appoint the Chair as RVCA's voting delegate for Conservation Ontario Council for 2020 and that the Vice-Chair and General Manager be appointed as first and second alternate respectively.

Purpose

To appoint RVCA's voting delegate to Conservation Ontario Council for 2020.

Background

Conservation Ontario is a non-profit association that represents Ontario's 36 Conservation Authorities.

Its core business functions are:

- Policy and Program Development
- Business Development and Partnerships
- Communications
- Education and Training
- Collective Corporate Services
- Government Relations
- Information Management and Research

Its Vision is:

- Engage Conservation Authorities in matters of common interest and shape effective policy relating to Conservation Authorities.

Its Mission is:

- To promote and continually strengthen a watershed-based conservation coalition in Ontario.

Conservation Ontario is directed by a Council comprised of one voting delegate from each conservation authority. This Council meets four times a year in Toronto and voting delegates are usually accompanied by their conservation authority's General Manager.

The Council also elects a six-member Board of Directors who is responsible for governing Conservation Ontario. Conservation Ontario's main source of funding is from levies to each conservation authority supplemented by project funding and contracts.

As outlined in RVCA's Administrative By-Law, appointments to Conservation Ontario Council are made annually.

Analysis

Conservation Ontario strongly encourages conservation authorities to appoint a member of their Board of Directors as their voting delegate on Conservation Ontario Council. The RVCA has always appointed the Chair as its voting delegate with the Vice-Chair and General Manager acting as alternates.

Input From Other Sources

N/A

Financial Considerations

Costs associated with attending Conservation Ontario Council meetings (per diems and travel costs) are accounted for in RVCA's 2019 budget.

Legal Considerations

Appointments to Conservation Ontario Council are in accordance with Section 6 of RVCA's Administrative By-law.

Specifically, Section 6 of the Administrative By-law states:

The Authority shall appoint up to three Representatives to Conservation Ontario Council at the Annual meeting of the General Membership. Appointment of Voting Delegate and Alternate(s) to Conservation Ontario shall be made by the Chair, subject to approval by the General Membership.

Conservation authorities may appoint up to three Representatives to Conservation Ontario Council ("Council"), designated as Voting Delegate and Alternate(s). Council will consist of the Voting Delegates appointed by each Member Conservation Authority. The Voting Delegate and Alternates shall be registered with Conservation Ontario annually.

Adherence to RVCA Policy

The appointment of voting delegates to Conservation Ontario Council are in accordance with RVCA's Administrative By-law.

Link to Strategic Plan

N/A

Attachment

N/A

6.0e Appointment of Auditors
Report #: 5-200521

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: February 10, 2020

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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority appoint MNP LLP as the auditor for the Rideau Valley Conservation Authority and Rideau Valley Conservation Foundation for 2020.

Purpose

To appoint Auditors for the year 2020.

Background

In 2018, the RVCA issued a RFP for auditing services to six firms. Based on the results of that process, the firm of MNP was appointed as RVCA's auditors for 2019.

Analysis

2019 is the first time that MNP has audited the RVCA and RVCF.

Input From Other Sources

N/A

Financial Considerations

MNP quoted \$12,600 to audit the RVCA and \$4,000 to audit the RVCF.

Legal Considerations

The appointment of auditors is in accordance with the *Conservation Authorities Act* and Section 7 of RVCA's Administrative By-law.

Specifically, Section 38 of the Act states:

- 38 (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the *Public Accounting Act, 2004*. R.S.O, 1990, c. C.27, s. 38 (1): 2004, c. 8, s. 46.
- (2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during

the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his or her professional capacity. R.S.O. 1990, c. C.27, s. 38 (2).

Specifically, Section 7 of RVCA's Administrative By-law states:

- 7 The General Membership shall appoint an auditor for the coming year at the Annual Meeting in accordance with Section 38 of the Act.

Adherence to RVCA Policy

The appointment of the Auditor is in accordance with RVCA's Administrative By-law.

Link to Strategic Plan

N/A

6.0f Appointment of Legal Advisors
Report #: 6-200521

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: February 10, 2020

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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority appoint the firm of Bell Baker LLP as legal advisors for the RVCA for the year 2020;

THAT the firm of Bird Richard be retained for employment issues;

THAT the firm of Wilson Law Partners LLP be retained for land transfers; and

FURTHERMORE, that other legal counsel be retained as required.

Purpose

To appoint Legal Advisors for the year 2020.

Background

The firm of Bell Baker has advised and represented the RVCA for decades on matters of general counsel as well as the administration and enforcement of RVCA's planning and regulations programs.

The firm of Bird Richard has advised and represented the RVCA since 2007 on matters pertaining to human resources.

The firm of Wilson Law Partners has advised and represented the RVCA since 2006 on matters pertaining to land acquisitions, donations and easements.

From time to time, RVCA staff also engage the services of other firms as needed.

Analysis

The three firms appointed as legal advisors to the RVCA provide exceptional service and have built up an understanding of the RVCA and its operations.

Input From Other Sources

N/A

Financial Considerations

The firm of Bird Richard is paid an annual flat fee retainer of \$2,000 for which they provide unlimited advice via telephone and email. If a third party becomes involved in a matter, then the firm provides their services at their current rates discounted by 20%.

The firms of Bell Baker, Wilson Law Partners and any other legal counsel engaged by the RVCA provides their services at their current rates.

Legal Considerations

The appointment of legal advisors is in accordance with Section 9 of RVCA's Administrative By-law.

Specifically, Section 9 of the Administrative By-law states:

- 9 The General Membership shall appoint a solicitor(s) to act as the Authority's legal counsel for the coming year at the Annual Meeting.

Adherence to RVCA Policy

The appointment of legal advisors is in accordance with RVCA's Administrative By-law.

Link to Strategic Plan

N/A

Attachment

N/A

6.0g Appointment of Land Appraisers
Report #: 7-200521

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: February 10, 2020

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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority appoint the firms of S. Rayner & Associates of Kingston and Rivington & Associates of Perth as land appraisers for the RVCA for the year 2020.

Purpose

To appoint Land Appraisers for the year 2020.

Background

In order to appraise land for conservation purposes it is critical that firms have experience or training with the Eco Gifts program delivered by Environment Canada's Canadian Wildlife Service. The two firms identified as land appraisers for the RVCA are the only companies in the area that have demonstrated a thorough understanding in the past with the appraisal requirements outlined in the Eco Gifts program.

Analysis

Under RVCA's purchasing policy, staff are required to obtain three quotes before engaging the services of a land appraiser. With only two local companies skilled at appraisals for conservation purposes, staff were challenged to meet this requirement. Therefore, the Board of Directors appoints land appraisers annually for the RVCA to enable staff to contract the services of either firm as needed. This approach also facilitates the timely processing of potential land donations on behalf of donors.

Input From Other Sources

N/A

Financial Considerations

Both land appraisers provide services to the RVCA at their current rate.

Legal Considerations

Given the complexity of Environment Canada's Eco Gifts program and the potential tax and legal complications for both the RVCA and the donor if the land donation is not processed properly, it is important to engage land appraisers who are knowledgeable and experienced with this program.

Adherence to RVCA Policy

Appointing land appraisers exempts staff from needing to obtain three quotes as required by RVCA's current purchasing policy.

Link to Strategic Plan

N/A

Attachment

N/A

**6.0h Borrowing Resolution
Report #: 8-200521**

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: February 10, 2020

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Recommendation:

THAT the signing officers of the RVCA be authorized to borrow up to a maximum of \$750,000 in 2020, which may be required for the purpose of the RVCA to implement its program, until payment to the RVCA of any grants, levies or other revenues.

Purpose

To approve a Borrowing Resolution for the year 2020.

Background

The *Conservation Authorities Act* enables Boards of Directors to pass a borrowing resolution to enable their conservation authority to borrow money if needed to undertake its program as grants, levies and other revenues are outstanding.

Many years ago, the timing of large provincial grants and municipal levies sometimes made it challenging to continue to undertake programs early in the year when there would be insufficient revenue in the bank. This has not been a problem for many years as provincial grants are no longer a significant percentage of the annual operating budget and the City of Ottawa now continues to pay a monthly levy installment between the end of the year and budget approval in February or March. These changes have helped ensured there are funds to undertake programs throughout the entire year.

Analysis

While a borrowing resolution is adopted each year, there is no evidence that RVCA has undertaken any borrowing in recent decades aside from the debenture for the office building through the City of Ottawa.

Input From Other Sources

N/A

Financial Considerations

Should the RVCA need to borrow to continue to undertake programs the Board of Directors would be notified in advance of the amount to be borrowed, why the borrowing is required and what financial implication the borrowing would have on the RVCA.

Legal Considerations

The establishment of a borrowing resolution is in accordance with the *Conservation Authorities Act* and Section 12 of RVCA's Administrative By-law.

Specifically, Section 3(5) of the *Conservation Authorities Act* states:

- 3 (5) Every authority may, for its purposes, borrow on the promissory note of the authority such money as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1990, c. C.27, s. 3 (5); 2017, c. 23, Sched. 4, s. 5 (2).

Specifically, Section 12 of RVCA's Administrative By-law states:

- 12 If required, the Authority shall establish a borrowing resolution by March 31 of each year and such resolution shall be in force until it is superseded by another borrowing resolution.

Adherence to RVCA Policy

The adoption of a borrowing resolution is in accordance with RVCA's Administrative By-law.

Link to Strategic Plan

N/A

**6.0i Approval of Conservation Ontario Levy
Report #: 9-200521**

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
 General Manager
Date: February 26, 2020

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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority approve payment in the amount of \$44,680 to Conservation Ontario for their 2020 levy to the RVCA.

Purpose

To approve payment of Conservation Ontario's 2020 levy to the RVCA.

Background

Conservation Ontario is a non-profit association that represents Ontario's 36 Conservation Authorities.

Its core business functions are:

- Policy and Program Development
- Business Development and Partnerships
- Communications
- Education and Training
- Collective Corporate Services
- Government Relations
- Information Management and Research

Its Vision is:

- Engage Conservation Authorities in matters of common interest and shape effective policy relating to Conservation Authorities.

Its Mission is:

- To promote and continually strengthen a watershed-based conservation coalition in Ontario.

Conservation Ontario is directed by a Council comprised of one voting delegate from each conservation authority. This Council meets four times a year in Toronto and voting delegates are usually accompanied by their conservation authority's General Manager.

The Council also elects a six-member Board of Directors who is responsible for governing Conservation Ontario. Conservation Ontario's main source of funding is from levies to each conservation authority supplemented by project funding and contracts.

Analysis

It is valuable for the RVCA to be a member of Conservation Ontario because as an umbrella organization they provide:

- Advocacy – Conservation Ontario can speak to key stakeholders like the Provincial Government and AMO on behalf of all conservation authorities creating a more powerful voice than individual conservation authorities alone (e.g. legislative review of conservation authorities, input to special flood advisor).
- Cost Savings – Conservation Ontario negotiates bulk purchasing where possible providing cost savings to conservation authorities (e.g. insurance, benefits, software licenses, training, consultant services).
- Consistency – Conservation Ontario facilitates consistency among conservation authorities where possible and where necessary providing greater accountability (e.g. Admin Bylaw, client centric and streamlining initiative, policies and guidelines)
- Training – Conservation Ontario organizes key training sessions for conservation authority staff (e.g. Latornell, conservation areas, enforcement)
- Shared Resources – Conservation Ontario is able to generate common messaging and communication support and resources that conservation authorities can use (e.g. Conservation Areas brochure, flood messaging)

Conservation Ontario apportions their levy to conservation authorities based on a three year average of each conservation authority's annual budget.

Input From Other Sources

N/A

Financial Considerations

Conservation Ontario's levy is accounted for in RVCA's annual budget. The levy to RVCA for 2020 is an increase of \$511 over the previous year.

Legal Considerations

N/A

Adherence to RVCA Policy

N/A

Link to Strategic Plan

N/A

Attachment

- Conservation Ontario's 2020 Levies to Conservation Authorities

Conservation Authority	3 Year Average	2018	2017	2016	2019 Levy	2020 Levy
Ausable Bayfield	3,808,786	3,490,348	3,786,036	4,149,973	27,268	27,354
Cataraqui Region	3,825,512	4,008,310	3,905,127	3,563,099	26,908	27,403
Catfish Creek	1,293,908	1,347,848	1,351,297	1,182,580	19,644	19,797
Central Lake Ontario	6,033,615	6,346,901	6,060,603	5,693,340	32,550	33,797
Credit Valley	30,154,603	32,514,439	30,437,348	27,512,021	86,282	89,130
Crowe Valley	884,040	1,029,487	836,901	785,733	18,158	18,538
Essex Region	8,511,130	10,005,846	8,215,526	7,312,019	37,702	40,707
Ganaraska Region	3,235,871	3,304,383	3,201,958	3,201,273	25,105	25,658
Grand River	30,414,076	31,297,181	29,879,526	30,065,522	88,446	89,581
Grey Sauble	2,820,528	2,673,198	2,724,999	3,063,388	24,118	24,419
Halton (Cons. Halton)	28,044,228	31,018,481	27,656,366	25,457,837	81,041	85,351
Hamilton	15,719,825	15,118,074	16,246,021	15,795,381	59,420	59,214
Kawartha	3,032,813	3,173,240	2,958,683	2,966,515	24,631	25,053
Kettle Creek	2,534,662	2,651,631	2,556,385	2,395,969	22,982	23,561
Lake Simcoe Region	13,856,015	14,251,280	13,466,783	13,849,982	53,516	54,657
Lakehead Region	1,885,442	2,168,284	1,748,574	1,739,469	22,898	21,601
Long Point Region	5,036,510	5,837,541	4,768,855	4,503,134	29,072	30,937
Lower Thames Valley	3,610,907	3,199,490	4,306,269	3,326,961	26,118	26,769
Lower Trent	1,979,100	2,076,480	2,025,334	1,835,486	21,386	21,885
Maitland Valley	3,114,563	3,106,241	3,062,264	3,175,185	24,622	25,296
Mattagami Region	716,716	722,799	704,396	722,954	17,942	18,022
Mississippi Valley	3,628,438	3,793,509	3,547,130	3,544,674	26,485	26,821
Niagara Peninsula	12,184,154	12,117,216	12,385,130	12,050,116	49,975	50,433
Nickel (Cons. Sudbury)	1,628,086	1,779,378	1,758,075	1,346,804	20,232	20,818
North Bay-Mattawa	2,119,723	2,095,740	2,131,087	2,132,343	22,461	22,310
Nottawasaga Valley	5,105,943	5,040,588	4,963,784	5,313,457	30,733	31,138
Otonabee	3,446,156	5,044,922	2,993,386	2,300,161	23,496	26,282
Quinte	3,712,809	3,860,978	3,702,699	3,574,750	28,428	27,070
Raisin Region	2,025,870	2,191,462	2,075,649	1,810,499	21,710	22,026
Rideau Valley	9,983,456	10,286,819	9,450,919	10,212,629	44,169	44,680
Saugeen	4,305,788	4,199,116	5,141,834	3,576,413	28,013	28,813
Sault Ste Marie	705,305	750,482	695,469	669,964	17,695	17,987
South Nation	6,638,261	6,257,866	7,032,997	6,623,919	35,407	35,509
St. Clair Region	4,778,440	5,867,773	4,125,449	4,342,098	29,609	30,190
Toronto and Region*	73,816,667	128,696,000	119,706,000	101,744,000	115,787	117,001
Upper Thames River	15,296,392	13,666,446	14,321,572	17,901,157	57,994	58,192

1,322,000 1,348,000

* TRCA Cap based on an increase of 1.97% from 2019

7.0 2019 Annual Report
Report #: 10-200521

To: RVCA Board of Directors
From: Diane Downey
Director of Communications
Date: May 20, 2020

<input type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input checked="" type="checkbox"/>	For Adoption
<input checked="" type="checkbox"/>	Attachment – TBD pages

Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority receive the RVCA's 2019 Annual Report.

Purpose

Background

Each year, the RVCA produces an Annual Report to highlight key accomplishments and activity levels across all program areas for the prior year. The report also summarizes revenues and expenditures based on the audited financial statements. Accompanying the Annual Report are 18 individualized Municipal Information Sheets that summarize accomplishments and value by municipality.

Once the Board of Directors has received the Annual Report, members will be asked to deliver copies to their municipalities for review by council members and municipal staff. This year, in light of COVID-19, electronic copies will be circulated to member municipalities. Staff would also like members to arrange a time for the General Manager or other RVCA staff to present a summary of the Annual Report to their municipal council once regular council meetings are able to resume.

Copies of the Annual Report will also be circulated to all watershed MPs and MPPs, local partners, other conservation authorities and RVCA's mailing list. It will also be posted on RVCA's website and distributed at meetings and events throughout the year.

Analysis

Annual Reports are an important tool for public sector organizations to be transparent and accountable to tax payers and other partners. An Annual Report is a way for member municipalities, stakeholders and the public to see what was accomplished in relation to the budget that was approved for that year and the workplan that was set out. It is also a way for the RVCA to increase public understanding of its mandate and

support for its programs by illustrating the value provided to the watershed and those who live, work and play in it.

Input From Other Sources

N/A

Financial Considerations

Costs associated with printing and distributing the Annual Report are accounted for in RVCA's budget for 2020.

Legal Considerations

N/A

Adherence to RVCA Policy

N/A

Link to Strategic Plan

N/A

Attachment

- 2019 Annual Report



2019 Annual Report



Your Rideau Valley Conservation Authority

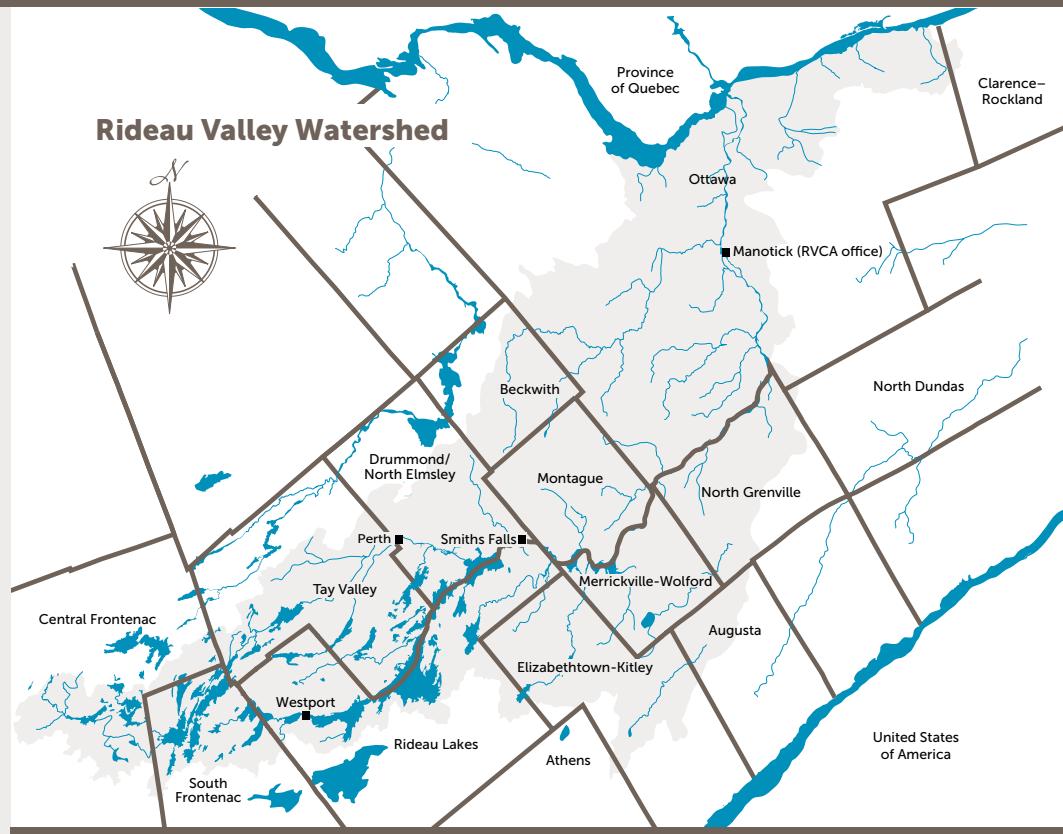
RVCA is one of Ontario's 36 Conservation Authorities and a member of Conservation Ontario. We work closely with municipal, provincial and federal government partners, landowners and community groups to maintain and improve natural resources in the Rideau watershed. The RVCA looks to build resilient communities by promoting an integrated watershed approach — one that balances human, environmental and economic needs. Our success is based on partnerships that accomplish local initiatives at the watershed scale.

Our Vision: A thriving watershed with clean abundant water, natural shorelines, rich forests and wetlands, diverse habitat and sustainable land use that is valued and protected by all.

Our Mission: To understand, manage, protect, restore and enhance the Rideau watershed through science, stewardship, education, policy and leadership.

2019 RVCA Board of Directors

Pieter Leenhouts, Chair	Ottawa
Judy Brown, Vice Chair	Perth
Andy Jozefowicz	Athens
Dale McLenaghan	Augusta
Brian Dowdall	Beckwith
Victor Heese	Central Frontenac
Jamie Crawford	Ottawa
George Darouze	Ottawa
Julie Graveline	Ottawa
Scott Moffatt	Ottawa
Anne Robinson	Ottawa
Guy Desjardins	Clarence-Rockland
George Sachs	Drummond/North Elmsley
Rob Rothgeb	Elizabethtown-Kitley
Don Halpenny	Merrickville-Wolford
Vince Carroll	Montague
Gerry Boyce	North Dundas
Barclay Cormack	North Grenville
Carolyn Bresee	Rideau Lakes
Shawn Pankow	Smiths Falls
Pat Barr	South Frontenac
Gene Richardson	Tay Valley
Melissa Sullivan	Westport



Message from the Chair & General Manager



Ultimate Aquatic Workshop

We proudly serve the 450,000 people who call the Rideau watershed home. Conservation authorities have provided quality programs and services based on a watershed model that is more than 74 years old. Globally respected and praised, this Ontario innovation is uniquely ours and the envy of many. With this in mind, we will continue to bridge municipal boundaries, address environmental issues, encourage collective strategies and support informed decision-making.

We are pleased to celebrate our many accomplishments and the delivery of efficient and effective conservation programs that support our vision for a thriving watershed with clean abundant water, robust ecosystems and sustainable land use that is valued and protected by all. Our collaborative work with our Indigenous, federal, provincial, municipal, agricultural, business, environmental, community and academic partners will only grow as we continue to improve client service, program effectiveness and organizational strength, all for the benefit of our watershed's health.

Thank you to our municipalities, board members, partners and staff for their dedication and support. We are also very appreciative of the continuous, enthusiastic efforts of our volunteers.

On behalf of the RVCA Board of Directors and staff, we hope you enjoy this snapshot of 2019's accomplishments. If you would like to learn more about our conservation work, please don't hesitate to contact us.

Yours in conservation,

Pieter Leenhouts
Chair

Sommer Casgrain-Robertson
General Manager/Secretary Treasurer



Corporate Services

Corporate Services supports the whole authority, allowing it to perform its functions in an efficient and cost-effective manner. The department is responsible for strategic planning, budgeting, financial reporting, business improvement, human resources, communications, GIS, member services, foundation support and administration.

- **\$10.76** million budget
- **70** staff plus 16 summer students
- **23** board members representing **18** member municipalities
- Launched RVCA Blog "The River Reed"
- Created Adhoc Policy Committee
- Hosted annual watershed tour for board members, municipalities and local MPPs
- Hosted the Honourable Rod Phillips, Minister of Environment, Conservation and Parks and the Honourable Merrilee Fullerton, Minister of Training, Colleges and Universities
- Hosted the Honourable Elizabeth Dowdeswell, Lieutenant Governor of Ontario



Photo: Christopher Simmonds Architect

Conservation Land Management Services

The RVCA manages over 3,000 hectares of conservation land for the strategic protection of vulnerable habitats and valuable natural resources. This land includes 11 developed conservation areas that are available for public use and enjoyment — two of which offer outdoor education programs. Conservation areas provide affordable recreation, education and tourism opportunities to watershed communities.

Land Management

- Own **2,140+** hectares of conservation lands across the watershed
- Manage **3,000+** hectares of conservation land (inspected and assessed annually)
- Forest management plans completed for 20 properties (**2,400** hectares)
- Managed Forest Tax Incentive Program plans submitted for these properties (received 10-year approval for property tax savings)
- **52** nest boxes monitored at nine conservation areas
- **6** species at risk monitoring or habitat feature projects completed at five conservation areas (bobolink, butternut, barn swallow)
- **6** conservation areas enhanced with tree planting projects
- **3** Memorial Benches installed at Baxter, Chapman Mills and W.A. Taylor Conservation Areas.

Conservation Areas

- **11** developed conservation areas
- **200,000** visitors annually
- **42** kilometres of trails maintained for public use
- **5,554** people enjoyed rental facilities at Foley Mountain and Baxter Conservation Areas (interpretive centres, group camping areas and the Baxter river cabin)
- **7** partnership agreements to provide recreational opportunities at six conservation areas

- Public consultations completed for Foley Mountain Conservation Area's Management Plan.
- New accessible dock and observation platform installed at Chapman Mills Conservation Area.
- New accessible platform installed at Rideau Ferry Yacht Club boat launch.
- Partnered with Cabinscape to build a tiny cabin at Mica Mines Conservation Area to give visitors a special opportunity to experience nature.
- New trail and boardwalk improvements along the Rideau Trail at Mica Mines Conservation Area.

Outdoor Education

- **11,379** students participated in curriculum-based outdoor education programs at Baxter and Foley Mountain Conservation Areas
- **\$27,900+** dollars raised in cooperation with the Rideau Valley Conservation Foundation (RVCF) to offset outdoor education costs for low income schools
- **250** participants attended Baxter and Foley Mountain Conservation Area day camps
- **20** pairs of BOGS boots donated to RVCF for Baxter and Foley Mountain education programs.
- New Forest School drop-in program launched at Foley Mountain Conservation Area

Planning & Regulatory Services

The RVCA brings watershed science, provincial policies and individual municipal needs together to meaningfully assist municipal decision-makers in building and sustaining local communities. The RVCA is also the approval authority for development on hazard lands affected by flooding, steep slopes or unstable soil and in environmentally sensitive areas like wetlands, shorelines and watercourses. Staff also approve the construction, enlargement or alteration of septic systems in the City of Ottawa and Tay Valley Township and provide septic re-inspection services in several other municipalities.

Planning Advisory Reviews

- **1,159** Planning Act applications:
 - **443** severances
 - **373** minor variances
 - **154** site plan control
 - **129** zoning by-law amendments
 - **24** Official Plan amendments
 - **18** subdivision reviews
 - **18** condominium applications
 - **130** pre-consultation meetings
 - **7** Environmental Assessment Act reviews
 - **2** Aggregate Resource Reviews

Sec. 28 Conservation Authorities Act Approvals

- **697** property inquiries
- **342** applications
- **296** permits issued
- **162** clearance letters
- **111** complaints/occurrences
- **21** violations

Septic System Approvals

- **231** file search requests (City of Ottawa)
- **692** applications for new or replacement septic systems (**637** in Ottawa and **55** in Tay Valley)
- **86** applications for septic renovations or alterations (**74** in Ottawa and 12 in Tay Valley)
- **11** Complaints (Ottawa)
- **630** septic re-inspections completed (**304** in Rideau Lakes, **191** in Central Frontenac (Crow and Eagle Lakes), **106** in Tay Valley and **29** in North Frontenac).

Source Water Protection Approvals

- **10** Risk Management Plans established under the Clean Water Act



Stewardship Services

The RVCA works with landowners, farmers, lake associations, NGOs, businesses, government agencies and the public to undertake on-the-ground projects that directly improve the watershed. Programs such as reforestation, landowner incentive programs, shoreline restoration, wetland enhancement and species at risk habitat creation help protect and enhance the watershed's natural resources.

Tree Planting

- **6.4** million trees planted since 1984
- **195,100** trees planted on **100** properties
- **\$250,147** fundraised to offset landowner costs
- **150** trees planted along the Jock River in the Village of Richmond at a TD Tree Day event.

Shoreline Naturalization

- **13,553** trees and shrubs planted on **73** properties
- **2.8** kilometres of shoreline naturalized
- **\$140,662** fundraised to offset landowner costs
- **1,000** trees and shrubs planted in Arlington Woods along the Graham Creek ravine following tree loss due to tornado
- **750** trees and shrubs planted along Bilberry Creek in Ottawa as part of erosion control work.
- **520** trees and shrubs planted along Mosquito Creek in partnership with the City of Ottawa and the Riverside South Community Association.
- **665** potted trees, shrubs and wildflowers distributed in partnership with Otty Lake Association and Upper Rideau Lake Association through an over-the-counter sale.
- Free shoreline planting projects provided in partnership with Bobs and Crow Lake Foundations.

Clean Water Projects

- **107** projects were approved through the Rideau Valley Rural Clean Water Program, allocating **\$182,100** in grants. These grants will support a total project value of **\$492,016**.
- **38** projects were approved through the Ottawa Rural Clean Water Program, allocating **\$203,690** in grants. These grants will support a total project value of **\$459,802**.
- Delivered the Ottawa Rural Clean Water Program in the Mississippi watershed in partnership with Mississippi Valley Conservation Authority



35 Shoreline naturalization at Mosquito Creek

Lake Planning

- 18th Annual Lake Links Workshop attended by **100+** local lake stewards and residents

Butternut Stewardship

- **22,832** butternut seedlings have been planted since 2006 (RVCA finds healthy Butternut trees, collects seed, grows seedlings and distributes them to landowners and other clients in Eastern Ontario)

Habitat Enhancement

- **1,600** square metres of spawning, nursery, rearing and feeding habitat created for **20** species of fish that live in Jebbs Creek, including Northern Pike. This series of small wetland embayments along Jebbs Creek in the Perth Wildlife Reserve Conservation Area will also provide habitat for breeding birds, amphibians and turtles. These embayments were created in partnership with MNRF and Otty Lake Association.
- **12** wood structures installed on Otter Lake in participation with Otter Lake Land Owners Association to enhance fish and wildlife habitat



Science & Engineering Services

The RVCA collects, monitors and analyses watershed information to understand our watershed and help us better manage and protect its resources and the people who live in it. Failure to adequately recognize and incorporate the value of natural areas into decisions about the use and management of land and water will reduce the net benefits that societies receive from watersheds.

Source Water Protection

- Fifth year implementing the *Mississippi-Rideau Source Protection Plan*
- Continued support provided to municipalities including policy interpretation and implementation tools
- Finalized the second Source Protection Plan Amendment for a new municipal drinking water system in the Municipality of North Grenville and a revision of Dense Non-Aqueous Phase Liquids policies.
- Completed second annual report summarizing implementation progress
- Started implementing the first work plan to update technical Assessment Reports and the Source Protection Plan

Flood Forecasting and Warning

- **18** flood messages for the Rideau River watershed
- **17** flood messages for the Ottawa River watershed
- **3** low water messages

- **19** sites monitored for water levels
- **10** sites monitored for precipitation
- **6** sites monitored for snowpack

Stream Characterization Monitoring

- **3,678 m²** cleared during **12** invasive species removal events on City Stream Watch watercourses.
- **1,307** hours of volunteer work was completed by **315** for the City Stream Watch Program.
- **94** headwater drainage feature sample locations on Borthwick Creek, Brassils Creek, Cranberry Creek, Hunt Club Creek, Mosquito Creek, Mud Creek, Ramsay Creek, Sawmill Creek and Stevens Creek; **34** headwater drainage features sample locations on the Lower Rideau Rideau and **9** headwater drainage feature sample locations on the Rideau River.



Headwater sampling
at Mud Creek

- **20.2** km of stream surveys completed on Borthwick Creek, Cranberry Creek, Hunt Club Creek and Ramsay Creek.
- **16** fish sampling sites on Borthwick Creek, Cranberry Creek, Hunt Club Creek and Ramsay Creek.
- **45** sites sampled throughout the watershed in the spring and fall for the Ontario Benthic Biomonitoring Network;
- **1** invasive species workshop and 5 other training and outdoor demonstration workshops

Ground Water Monitoring

- **16** provincial groundwater monitoring network (PGMN) wells maintained at **13** locations — groundwater levels and temperature are recorded hourly; manual groundwater levels are measured quarterly; approximately **50** groundwater quality parameters are analysed annually; **3** locations measure barometric pressure and air temperature hourly; **2** locations record rainfall hourly
- Continued funding partnership within the City of Ottawa to deliver the Ottawa Hydrogeological Harvested Information Geodatabase (OHHIG). OHHIG captures critical historical hydrogeological report information into a spatial referenced database for Conservation Authority and City of Ottawa decision making

Surface Water Quality Monitoring

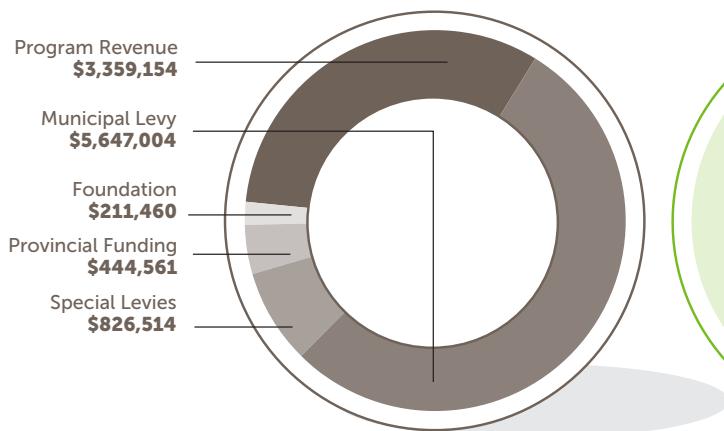
- **246** hours donated by **15** lake steward volunteers to help monitor and sample Watershed Watch lakes sampled for water quality conditions
- **29** participants facilitated lake sampling by offering lake access and/or on-water transportation
- **39** lakes sampled from May to November to monitor levels of nutrients, *E. coli* and other chemical parameters through the Watershed Watch Program
- **96** hours donated by **8** stream steward volunteers to help monitor and sample streams in the Rideau Valley for water quality conditions
- **117** sites sampled for the RVCA Baseline Monitoring Program, City Baseline Monitoring Program and Provincial Water Quality Monitoring Program which monitors the water chemistry of major rivers and tributaries from April to November
- **51** water quality parameters are monitored annually

Watershed Reporting

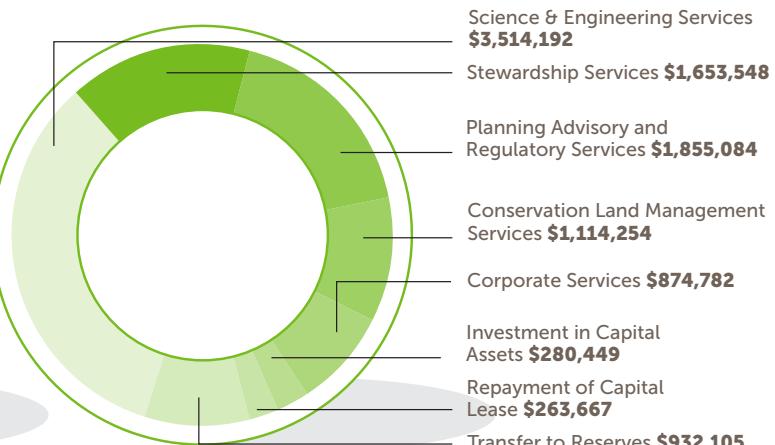
- All **6** subwatershed and **66** catchment reports available online at watersheds.rvca.ca. Subwatershed Reports are a compilation of water quality, forest cover, wetland cover and riparian cover data that looks to show the health of the subwatershed and if its health is improving or declining. Municipalities and RVCA use these reports to make policy and program decisions and to focus resource management and stewardship actions where they are needed the most.

Financing Conservation

2019 Revenues \$10,488,693



2019 Expenditures \$10,488,081



Rideau Valley Conservation Foundation



The Rideau Valley Conservation Foundation is proud to be your local, accountable, registered environmental charity dedicated to supporting on-the-ground conservation work in the Rideau River valley. Thanks to your generosity, we continue to improve our watershed and its many communities by valuing, sustaining and protecting the natural environment. We do this by planting trees, naturalizing shorelines, conserving natural spaces, protecting species at risk, educating our youth and much, much more.

We are delighted and inspired by the continuing confidence of our many partners and donors — thank you. In 2019 we launched our 2020 Conservation Campaign as we look to raise funds to keep our natural areas in public hands forever. We are already delighted about the interest in and investment towards the protection of our forests, wetlands and shorelines. Thank you for making your local natural environment a priority.

The Foundation Board of Directors would also like to thank the staff and Board of the Conservation Authority for their dedication and support in 2019. We look forward to continued success in 2020.

Yours in conservation,
Jason W. M. Kelly, RVCF Chair

2019 RVCF Board of Directors

- Charles Billington
- Mary A. Bryden,
Past Chair
- Andrew Harkness,
Vice Chair
- Jason W.M. Kelly, Chair
- Anne Simmering
- R.E. (Bob) Smith
- Katherine Thomas
- Sarah Wayne,
Secretary-Treasurer
- Rich Wilson

2019 Highlights

- Launched the 2020: Conservation Campaign to raise funds to protect our conservation lands through the Steve Simmering Land Endowment Fund and gratefully accepted donations including a Gold Level \$25,000 donation from the Laidlaw Foundation, a corporate donation from Enbridge Gas and other valued private donors.
- Celebrated and acknowledged the continuing support of over 330 watershed businesses and private donors who are recognized on our “Partners in Conservation” wall at our office in Manotick.
- Raised funds to welcome classes (approximately 1,440 students) to students to participate in outdoor education programs at Foley and Baxter Conservation Areas by reducing or eliminating bus and registration fees. Thank you to the Ottawa Community Tree Foundation Community Grants Program, The North Face Canada Explore Fund, Starbucks Foundation Green Apron Grant, BOGS° Outdoor Fund for their support.
- Partnered with One Tree Planted to plant 70,000 tree seedlings in spring 2020.
- Planted trees thanks to Hulse, Playfair and McGarry who have support tree planting in the watershed since 2003.
- Welcomed new and returning Carbon Neutral individuals, businesses and events including LIVE 88.5 and Ottawa Greek Fest.
- Installed a new, accessible dock and viewing platform at Chapman Mills Conservation Area with the support of the Cabela Canada Outdoor Fund.
- Supported fish habitat restoration on Wolfe Lake with support from TD Friends of the Environment Foundation.
- Prepared for restoration of the Hutton Marsh thanks to the dedicated group of local stakeholders and funders who made this project possible including Ducks Unlimited Canada, Leeds and Grenville Stewardship Council, Ontario Federation of Anglers and Hunters Zone F, the United Counties of Leeds



Love this beautiful valley like we do?

We would be pleased to talk to you about a gift to conservation whether of property, funds or in-kind services . . . please call or write for confidential advice and opportunities. We can match your gift objectives with some very meaningful and long-lasting conservation projects that all will enjoy!

and Grenville (UCLG), Wildlife Habitat Canada, Rideau Valley Conservation Authority and the RVCF.

- Invested in volunteer work along city streams to remove invasive species and litter thanks to TD Fiends of the Environment Foundation funding.
 - Participated on the Nature for All Committee as we look to increase accessibility features at Baxter Conservation Area. Thank you to the City of Ottawa Rural Community Funding Grant, the Gosling Foundation, and Jackman Foundation for their support.
 - Enjoyed the continued confidence of several land development companies who use the Foundation's Species at Risk Compensation Program to compensate for unavoidable loss of butternut, barn swallow habitat or bobolink habitat during their business activities.
- We are currently managing 53 projects.
- Continued delivery of Memorial Tree and Memorial Bench Programs.
 - Supported the Royal Canadian Legion Branch 314 Manotick by accepting donations directed to maintaining Remembrance Park's Memory Gardens.
 - Continued efforts to accept land donations of ecologically sensitive lands from willing landowners.
 - Remained a proud and practicing member of both the Ontario and Canada Land Trust Alliances.
 - Launched new website thanks to the support of Probaste Web Creative Solutions.
 - Supported donors through CanadaHelps.com for safe and easy acceptance of donations to RVCF's special programs and services.
 - Modernized the Foundation's logo.
 - Maintained accreditation from Imagine Canada's Standards Program — providing public confidence in the RVCF that has demonstrated excellence in board governance, financial accountability and transparency, ethical fundraising, staff management and volunteer involvement.

Rideau Valley Conservation Foundation

Box 988, 3889 Rideau Valley Drive, Manotick, ON K4M 1A8
613-692-6823 | info@rvcf.ca | www.rvcf.ca



The RVCF is proudly accredited under Imagine Canada's Standards Program having demonstrated excellence in board governance, financial accountability and transparency, ethical fundraising, staff management and volunteer involvement.

How to Reach Us

3889 Rideau Valley Drive, P.O. Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504 F 613-692-0831
info@rvca.ca | www.rvca.ca

 [RideauValleyCA](#)

 [RideauValleyConservationAuthority](#)

8.0 Septic Services in Frontenac County
Report #: 12-200521

To: RVCA Board of Directors
From: Terry Davidson, P.Eng.
 Director of Engineering & Regulations
Date: May 20, 2020

<input type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input checked="" type="checkbox"/>	For Adoption
<input checked="" type="checkbox"/>	Attachment – 6 pages

Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority directs staff to offer septic approval services to additional municipalities including those in Frontenac County.

Purpose

To seek approval from the Board of Directors to offer RVCA's septic approval services to additional municipalities, including those in Frontenac County.

Background

Part 8 of the Ontario Building Code (OBC) governs the design, construction, operation and maintenance of various classes of sewage systems serving one lot with a design flow of up to 10,000 liters per day. Systems larger than 10,000 liters/day are regulated by the Ministry of the Environment under the *Ontario Water Resources Act*.

The administration of Part 8 of the OBC is a delegated responsibility under the *Building Code Act* (BCA). Under the BCA, municipalities can delegate this responsibility to another party such as a health unit or a conservation authority. Both the City of Ottawa and Tay Valley Township have delegated administration of Part 8 to the RVCA while other municipalities have chosen to delegate it to their local health unit or do it in-house. Since 1995, the RVCA has administered Part 8 on behalf of the City of Ottawa through the Ottawa Septic System Office which is a partnership with South Nation Conservation and Mississippi Valley Conservation Authority. Since 2004, RVCA has administered Part 8 on behalf of Tay Valley Township through the Mississippi-Rideau Septic System Office which is a partnership with Mississippi Valley Conservation Authority.

In administering Part 8 of the OBC, the RVCA is responsible for reviewing septic designs and plans, issuing Building Permits for new and replacement sewage systems and undertaking inspections for installations to ensure compliance with approvals. The RVCA's septic system program entails the following functions in accordance with the Building Code Act and OBC:

- Over-the-counter, drop-in service to landowners and contractors
- Review and approval of septic system permit applications
- Inspection of construction of septic systems
- Issuance of occupancy permits and orders where there is non-compliance
- Information on Part 8 of the Ontario Building Code
- Compliance and abatement actions
- Investigation and resolution of complaints
- Commencement of prosecution and court actions
- Records management
- Performance monitoring and reporting
- Collection of fees to fully cost-recover the program
- Integration of septic system reviews with other regulatory reviews or requirements (Section 28 of the *Conservation Authorities Act* and/or *Planning Act*). RVCA also has in-house knowledge of other environmental legislation.

Analysis

Earlier this year, municipalities in Frontenac County were informed that the Kingston, Frontenac, Lennox and Addington Health Unit (KFL&A) would no longer be providing septic approval services to municipalities after 2020. It is our understanding that the health unit has administered Part 8 of the OBC on behalf of municipalities in their jurisdiction since the late 1990s. With the health unit ending this service, municipalities are now approaching their local conservation authority to discuss potential service delivery options as an alternative to municipalities having to take on this responsibility themselves.

In response, the RVCA reached out to our neighbouring conservation authorities in KFL&A to discuss a potential partnership to jointly deliver septic approval services to municipalities in that area like we currently do in the City of Ottawa and Tay Valley Township. The attached fact sheet has been prepared, outlining the service conservation authorities can provide to municipalities to administer Part 8 of the OBC on their behalf. It highlights our experience, expedited turnaround times, cost recovery fee schedule and the value in having conservation authorities deliver this service.

Should additional municipalities decide to enter into service delivery MOUs with the conservation authorities to administer Part 8 of the OBC, the RVCA would staff up accordingly and provide training and support to our partner conservation authorities.

Input From Other Sources

The RVCA consulted the Mississippi Valley Conservation Authority, Quinte Conservation and Cataraqui Conservation who are all interested in providing joint septic approval services to municipalities in KFL&A like we currently do in the City of Ottawa and Tay Valley Township. These conservation authorities are now in the process of bring this proposal to their Boards of Directors for approval.

Financial Considerations

The Province of Ontario requires that building permit fees for building, renovation, construction and other projects must fully offset the cost of servicing building permits and enforcing the *Building Code Act* and Ontario Building Code. The fee schedule for this program covers the full cost of the program so there are no budget implications for the RVCA or burden on the municipal levy.

Legal Considerations

The *Building Code Act* permits municipalities to delegate the administration of Part 8 of the Ontario Building Code to another party including conservation authorities.

Adherence to RVCA Policy

N/A

Link to Strategic Plan

Supports Priority #2 under Strategic Direction #3:

- Help municipalities implement their environmental policies, strategies, projects and initiatives.

Attachments

- *Septic System Program Delivery* proposal for municipalities



Septic System Program Delivery

Inspection, Approval and Re-inspections



An option for delivery through your local Conservation Authorities

Conservation Authorities An Option for Delivery

Since January 1998, municipalities have been responsible for the delivery of private septic system inspection, approval and re-inspection. The challenge is to provide an effective program that suits their municipality and the needs of their residents.

Conservation Authorities are inter-municipal environmental protection agencies accountable to the public and the municipalities through appointed membership. Locally, Conservation Authorities have provided Part 8 Septic review services to Eastern Ontario municipalities since 1995. We offer a professional, experienced delivery option by administering all or part of *Ontario Building Code* (OBC) Part 8 services on behalf of partnering municipalities and look to successfully support municipal interests.

Municipal interests include:

- Ensure mandatory obligations to oversee Part 8 of the *Ontario Building Code* are met.
- Qualified staff for consistent delivery that ensures systems are properly designed, installed and maintained.
- Seamless transfer of information of hard copy and electronic approvals to Building Officials to improve communications and expedite turnaround times.
- Provide knowledgeable, experienced service and resources to municipal residents.
- Ensure quick turnaround times and cost-effective, economical delivery.
- Safeguard groundwater (wells) and surface water resources.
- Protect homeowner health, system investment and property values.



Our experienced staff bring many extra benefits to your municipality.



Fast, Cost-effective, Professional, Experienced One-Window Service

Talk to any contractor or homeowner and they are looking for fast, cost-effective, professional service — we offer just that. Septic system services delivered by your local Conservation Authorities provide:

- Fast turnaround and processing of approvals.
- Fair pricing based on a cost-recovery, not-for-profit basis.
- Experienced staff with local knowledge of environmental and business features.
- Consolidated and consistent delivery that minimizes municipal exposure to risk and liability.
- Efficient delivery through one site visit with integrated reviews (one-window approach) for additional regulatory reviews or requirements such as applications circulated to the *Conservation Authorities Act*, under Section 28 and issues related to septic systems under the *Ontario Planning Act*.
- Strong emphasis on education through in-person and online access to information and resources for property owners.

Value-Added Features

Our experienced staff bring many extra benefits to your municipality, including:

- Full or partial services tailored to suit your municipal needs.
- Access to an industry leading inspection protocol developed and tested by Conservation Authorities for 25 years.
- Solid working relationships with municipal staff, including building officials.
- Proven relationships with septic professionals (installers, haulers and designers).
- Established relationships with provincial (particularly MMAH) and federal staff.
- An emphasis on public information and education (public information sessions, webpage support, printed materials, training courses for real estate professionals and other interest groups).

Our Conservation Authority partnership provides valuable access to a network of skilled conservation professionals, including:

- Inspectors who are also trained as Provincial Offences Officers under Section 28 of the *Conservation Authorities Act*.
- Senior staff and inspectors are professional engineers or technicians, and all are certified Part 8 OBC Onsite Sewage System Inspectors.
- A Chief Building Official under the *Ontario Building Code*.
- Qualified environmental staff including hydrologist, engineers, biologists, ecologists, etc.
- Environmental technicians providing stewardship services and grant programs that support property owners/landowner activities.

- Founding and active members of the Ontario Onsite Wastewater Association — bringing professionalism to the world of onsite treatment and representation for provincial industry management issues.
- Principal contacts with the Ontario Rural Wastewater Centre (ORWC) — including Ottawa's ORWC Demonstration Facility to promote alternative onsite technologies.
- Staff who deliver ORWC Part 8 training courses including advanced design and evaluation of treatment system classes for those preparing for provincial examinations, and a "septic 101" course for real estate agents.
- Important link to Part 8 Sub-Committee of the Golden Triangle Building Official Association.

Our Service

Full-Service Septic Approvals

We are currently doing this work in neighbouring communities.

Conservation Authorities review, approve and inspect new and replacement septic system permits on behalf of the City of Ottawa and the Tay Valley Township under Part 8 of the *Ontario Building Code*. Staff also respond to violations and complaints. We work closely with our municipal staff to ensure the service suits municipal needs and local interests.

Septic System Re-inspection

Conservation authorities currently administer both voluntary and mandatory septic system re-inspection programs on behalf of Central Frontenac, North Frontenac, Rideau Lakes and Tay Valley Townships. The program looks to protect environmental and human health by ensuring systems are working properly and not leaching contaminants into ground or surface water.

Exceptional Turn-Around Times

On-site sewage systems are an integral part of rural homes, businesses and industry. We understand that home construction and repair is a deadline-focused business and we strive to provide exceptional response times to the applicant to help meet the needs of the property owner. Our service provides quicker turnaround times than OBC minimum requirements – with at many inspections being at least 50% faster than the OBC minimum requirements.

Ontario Building Code Minimum Requirement	Turn-around Time	Our Target
New Sewage System Permits	10 days	5 days
Clay Seal Inspection	5 days	48 hours
Scarification Inspection	5 days	48 hours
Installation Inspection	5 days	48 hours
Final Grading Inspection	5 days	48 hours

Full-Service Septic Approvals

(approximately 750 permits annually)

- City of Ottawa (since 1995)
- Tay Valley Township (since 2004)

Re-inspection Services

(approximately 700 re-inspections annually)

- Central Frontenac (since 2010)
- North Frontenac Township (since 2005)
- Rideau Lakes Township (since 2007)
- Tay Valley Township (since 2005)



Meeting All Building Code Requirements

Our inspection protocol meets all Building Code requirements. The following inspections are carried out by Conservation Authority inspectors:

1. Initial Site Inspection
2. Scarification Inspection or Clay Seal Inspection
3. Installation Inspection
4. Final Grading Conservation Authority delivery

Over the last 25 years, staff have used their experience and technical knowledge to develop an industry leading inspection program. These inspections help ensure compliance with the Building Code and support the construction of a well-functioning system that is designed and built to provide reliable treatment over many years.

Exceptional Service, Fair Price

Our septic system delivery program operates 100% on user fees. There are no costs to participating municipalities. The program not-for-profit, cost-recovery basis. Services and their costs have been refined over the years to represent their true value and savings are passed on to the end-user — your municipal residents.

Services and Fees

Fee Category	Conservation Authority Delivery	*KFL&A Delivery
Permit - Class 2	\$410	\$950
Permit - Class 3	\$410	\$950
Permit - Class 4	\$840	\$950
Permit - Class 5	\$840	\$950
Additional Inspections	\$180	\$250
Alteration – Tank only	\$350	\$750
Renewal/Cancellation – Renewal	\$150	\$150
Renovation/Change of Use (Pt 10/11) – Permit renovation/additions to buildings	\$290	\$500
Renovation/Change of Use (Pt 10/11) – Permit add pool/shed/garage	\$290	\$250
Written Response – File Search	\$150	\$150
Written Response – Planning comment (Minor Variance or Zoning By-Law)	\$220	\$450
Written Response – Planning comment (Minor Variance or Zoning By-Law with Pt 10/11)	\$220 + \$275 = \$495	\$700
Written Response – Planning comment (Minor Variance or Zoning By-Law with Pt 10/11)	\$220 + \$725 = \$945	\$1,150
Written Response – Severance (1st application)	\$330	\$500
Written Response – Severance (add. Application)	\$150	\$500

*2020 fees

Work Plan

Conservation Authority staff work with the partnering municipal to develop a service model and work plan that suits local needs. Services include:

- Customer Service and Accessibility
- Information Management
- Process for Standard Permits
- Renovation Permits
- Complaints
- Plan Review and Input(Part 8 OBC)
- Education/Homeowner Awareness and Public Relations
- Service Standards
- Septic Re-Inspection Program

Our Team

Terry K. Davidson, P.Eng., RVCA Director of Engineering and Regulations

Terry K. Davidson graduated in Engineering Science from the University of Guelph in 1987. As Director of Regulations at Rideau Valley Conservation Authority (RVCA), Terry's responsibilities include Chief Building Official for Part 8 for the City of Ottawa and Tay Valley Township, Risk Management Official for Part IV of the *Clean Water Act* in the Rideau Valley, Director for Section 28, *Conservation Authorities Act* in the RVCA jurisdiction, and Manager of Water & Erosion Control Structures in the Rideau Valley watershed. Prior to joining the Conservation Authority, he was employed with OMAFRA in South Western Ontario. He came to the RVCA in 1989 as Manager of the Clean-Up Rural Beaches Program (CURB), a clean water program run in association with the Ontario Ministry of the Environment. Terry assumed management of the septic approvals program in 1995 within the City of Ottawa. He has been active in providing advice to the Province with respect to the transfer of the septic approvals function to the *Ontario Building Code* as well as on Code compliance issues related to site servicing. He has also served as the Ottawa Manager of the Ontario Rural Wastewater Centre, an industry learning and training centre set up in co-operation with the University of Guelph at the RVCA's Baxter Conservation Area. Terry was instrumental in forming the Ontario Onsite Wastewater Association and was the inaugural President. Terry was a key author and technical advisor for the development of Septic Smart I & II that provides provincial-wide information on the function, care and maintenance of septic systems for landowners.

Eric Kohlsmith, Upper Watershed Regulations Inspector

Eric Kohlsmith graduated from Sault College as a Fish and Wildlife Technician in 2006. Eric was introduced to sewage system care and maintenance through the Conservation Authorities Re-inspection program in 2005. Since 2007, Eric has been a Part 8 Building Official working in Tay Valley Township in Eastern Ontario. Over the last 13 years, Eric has also administered sewage system re-inspections programs in five local municipalities. Eric is a valued instructor with the Ontario Rural Wastewater Centre. He delivers course to related to onsite sewage systems to installers and members of the general public. In 2017, Eric was a member of the Technical Advisory Committee for the



proposed code changes for Part 8. Eric is a proud member of the OBOA Golden Triangle Chapter Part 8 Committee. Eric has developed the Ontario Onsite Wastewater Association (OWWA) regional meeting template and be part of the initial organizing committee looking to drive professionalism and learning within the onsite wastewater community.

Summary – Advantages of Program Delivery through Conservation Authorities



Accountability

Conservation Authorities are inter-municipal environmental protection and advisory agencies, accountable to the public and member municipalities through their municipally appointed members.

Competent, Qualified and Responsive

Conservation Authorities employ qualified professional engineers, technologists, and planners and invest in required training and professional development. Personnel are designated provincial offenses officers and have professional accreditations. Conservation Authorities are committed to providing responsive, knowledgeable and courteous customer service.

Integration

Able to integrate sewage system reviews with other regulatory reviews or requirements such as applications circulated to the *Conservation Authorities Act* and under the *Ontario Planning Act*. We also have in-house knowledge of other environmental legislation.

Value

Conservation Authorities have a proven track record of providing quality service at a reasonable cost to the user. Cost recovery represents good value to the landowner/applicant paying for the service/application review and to the municipality.

Consistency

Consistent application of standards within and between geographical areas (a level playing field) is important to contractors, landowners and municipalities.

Low Risk

The liabilities and risks associated with the delivery of a septic program are assumed by the Conservation Authorities and protected by employing competent and qualified staff.

Contact Us:

Terry K. Davidson, P.Eng., RVCA Director
of Engineering and Regulations
613-692-3571 or 1-800-267-3504
ext. 1107
terry.davidson@rvca.ca

Eric Kohlsmith, Upper Watershed
Regulations Inspector
613-253-0006 ext. 256
eric.kohlsmith@rvca.ca

9.0 COVID-19 Pandemic Response Update
Report #: 12-200521

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: May 20, 2020

<input type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input checked="" type="checkbox"/>	For Adoption
<input type="checkbox"/>	Attachment

Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority receive this report for information regarding RVCA's ongoing response to the COVID-19 pandemic.

Purpose

To provide an update on RVCA's response to the COVID-19 pandemic.

Background

The RVCA continues to monitor the COVID-19 pandemic and implement measures to address the outbreak as it evolves locally and provincially. This staff report provides an update since Report # 7-200423, presented to the Board on April 23, 2020.

The following update summarizes actions taken by the RVCA to protect the health and safety of staff and the public, as well as a summary of how the ongoing pandemic could impact RVCA's operations, programs and budget. The RVCA has kept clients, partners and the public informed of our COVID-19 response through emails, phone calls, social media posts, as well as a special section on our website: <https://www.rvca.ca/about-us/rvca-covid-19-response>

The RVCA continues to make decisions regarding COVID-19 based on the advice and recommendations of government and public health officials. As Ontario begins to reopen, the goal remains to:

- Protect employee health and safety first and foremost;
- Protect the health and safety of clients and the public;
- Maintain delivery of programs and services where possible; and
- Protect the legal and financial interests of the RVCA.

Analysis

Province Enters Stage One of Reopening

The Ontario government recently extended their emergency orders until May 29, 2020 while beginning to ease some restrictions as Ontario enters "stage one" of reopening.

In stage one, retail stores with a street entrance, seasonal businesses as well as health and community service providers were permitted to open or expand their services as of May 19, 2020. The government also permitted the reopening of some outdoor recreational amenities, including outdoor sports facilities and multi-use fields, off-leash dog areas, and outdoor picnic sites, benches and shelters in parks and recreational areas. Ontario also announced that certain seasonal services and activities could reopen such as golf courses, marinas, boat clubs and public boat launches, as well as private parks and campgrounds to begin preparations for the season.

A number of restrictions remain in place including the closure of schools, overnight camps and bars, and restaurants except for takeout and delivery. Restrictions continue for social gatherings of more than five people, and staff redeployment rules for long-term care homes and congregate settings like retirement homes and women's shelters are still in place. Outdoor playgrounds, play structures and equipment, fitness equipment, public swimming pools and outdoor water facilities remain closed.

RVCA's Health and Safety Measures

As Ontario enters stage one of reopening, the RVCA will continue to implement numerous measures to protect the health, safety and wellbeing of staff including:

- All workplaces remain closed to the public (no public access to buildings or facilities)
- All rentals, courses, education programs and volunteer events remain cancelled
- No contact site visits continue (residents are asked to stay in their home and communicate with staff via email or telephone before, during or after a site visit)
- Staff continue to work from home except those who cannot perform their duties remotely and who perform a function that is in keeping with the essential businesses order (Ontario Regulation 82/20)
- A limit on the number of staff allowed at any one workplace at a time continues
- Enhanced disinfection protocols continue at all workplaces
- A limit of one staff per vehicle continues
- Equipment and vehicles continue to be assigned to specific staff to avoid sharing
- Disinfection protocols continue where equipment or vehicles must be shared
- Interaction with contractors continues to be limited, and in some cases, they are required to have their own COVID-19 procedures
- The use of personal protective equipment continues to be required
- Standard Operating Procedures for particular programs and workplaces continue to be developed and revised as the situation evolves

Additionally, staff are required to follow all updated public health recommendations including:

- Maintaining a distance of 2 metres or 6 feet from anyone they do not live with
- Staying home if feeling sick
- Self isolating if exhibiting symptoms of COVID-19, having been exposed to COVID-19 or after returning from being out of the country
- Washing hands frequently and for 20 seconds
- Not touching their face and sneezing into their sleeve

Conservation Areas

With provincial restrictions easing under stage one of reopening, some outdoor recreational amenities are no longer closed.

- Conservation areas and trails remain open for passive recreation (Chapman Mills has been reopened)
- Picnic areas, shelters, picnic tables, benches, lookouts and boat launches are now open
- Washrooms and buildings remain closed
- One directional walking will continue on trails at Baxter and Foley Mountain to encourage physical distancing (directional signage has been posted)
- Revised signage will be posted at all conservation areas to reflect the new rules and reinforce that gatherings of more than 5 people are not permitted and physical distancing must be practiced
- Fees at conservation areas will also be reinstated now that amenities are reopening

Business Continuity

By implementing alternative operating procedures, the RVCA has been able to continue delivering most programs and services, albeit in a modified manner:

- Planning and Regulation Services
 - Septic and Section 28 approvals have continued
 - Plan review also continues although the circulation of planning files to conservation authorities was temporarily suspended as municipalities sorted out electronic meetings
- Stewardship Services
 - Tree planting and shoreline naturalization programs rolled out this spring
 - The start of rural clean water and septic re-inspection site visits will be delayed
- Watershed Science and Engineering Services
 - Most programs have continued remotely
 - Field season for monitoring programs will have a delayed start and some may not be undertaken given limitations with physical distancing and the inability to use volunteers
- Conservation Land Management Services
 - Conservation areas are open for passive recreation and some maintenance is being undertaken
 - Education programs and rentals remain cancelled although the Province has indicated that day camps can reopen in July and August.
- Corporate Services
 - All services have continued with most being done remotely
 - Some core functions are still being done from the office

Looking ahead:

- RVCA will continue to monitor the province's response to COVID-19 and will work with other conservation authorities to modify programs and service delivery to comply with the advice of local health officials and provincial orders.

Input From Other Sources

As the province begins to reopen, the RVCA continues to have discussions with other conservation authorities, watershed municipalities, health units and other partners to discuss local public health recommendations, Ontario's emergency orders and local responses. RVCA also continues to seek legal counsel regarding the pandemic and employment implications.

Financial Considerations

The RVCA reviewed its 2020 budget to identify revenue streams that may be impacted by COVID-19. The most vulnerable are sources of self-generated revenue which amount to 30% of our budget or \$3,167,654. In particular:

- Planning Advisory and Regulatory Services - \$1,183,336 or 11%
- Conservation Land Management Services - \$337,000 or 3%

Planning Advisory and Regulatory Services had a strong first quarter in 2020 with revenues on budget from January through March. While there has since been a decline in planning files it is just temporary as Committees of Adjustment will restart the circulation of files to commenting bodies once electronic meetings are put in place. At this time, we do not forecast a decline in revenue at year-end.

Conservation Land Management Services has been affected by the closure of our education programs and building facilities, and restrictions on the use of our Conservation Areas. The result has been no revenue from rentals or programs and a decline in revenue from conservation area passes. With no rentals or programming taking place at Baxter or Foley Mountain, the RVCA issued temporary lay-off notices to our casual outdoor education interpreters due to insufficient work. While we will likely see a loss of \$20,000 per month in this department while COVID-19 restrictions are in place, this loss will be partially offset by a reduction in payroll expenses.

Depending on the nature and duration of COVID-19 restrictions, the financial impact on the RVCA could change. Staff will continue to monitor the situation and report changes to the Board of Directors. In the meantime, RVCA is undertaking additional steps to help mitigate financial losses due to COVID-19 including:

- Applying the 10% Temporary Wage Subsidy for Employers – \$25,000 savings
- Reviewing changes to the Canada Summer Jobs Program – 100% wage subsidy
- Realizing costs savings in certain areas of the organization due to COVID-19

Legal Considerations

Under the *Occupational Health and Safety Act*, employers have a range of legal duties to protect the health and safety of employees. Employees also have the right to refuse unsafe work and the right to be informed about actual and potential dangers in the workplace.

Under the *Emergency Management and Civil Protection Act*, the Province of Ontario declared a State of Emergency due to COVID-19 and has issued orders including:

- Ontario Regulation 51/20 – Closure of Establishments;

- Ontario Regulation 52/20 – Organized Public Events, Certain Gatherings;
- Ontario Regulation 82/20 – Closure of Places of Non-Essential Businesses; and
- Ontario Regulation 104/20 – Closure of Outdoor Recreational Amenities.

The *Employment Standards Act* also provides minimum standards for most employees working in Ontario, setting out the rights and responsibilities of employees and employers including new COVID-19 job-protected unpaid leaves.

In light of these legal considerations, the RVCA has been working, and will continue to work, with legal counsel and other conservation authorities to develop Standard Operating Procedures, protocols and practices to protect the health and safety of staff, follow Ontario's emergency orders and comply with the *Employment Standards Act*.

Adherence to RVCA Policy

In 2009, the RVCA prepared a Pandemic Policy which included a Pandemic Plan and Payroll Continuity Plan. This policy and associated plans were a good starting point but did not anticipate current government measures such as workplace closures and physical distancing orders. This policy will be updated to reflect the measures that have been implemented by the RVCA in response to COVID-19.

Link to Strategic Plan

N/A

Attachments

N/A

**11.0 Correspondence
Report #: 13-200521**

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
 General Manager
Date: February 20, 2020

<input checked="" type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input type="checkbox"/>	For Adoption
<input checked="" type="checkbox"/>	Attachment – 5 pages

Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority receive the attached correspondence.

17 January 2020

TO: Pieter Leenhouts, Chair
RVCA Board of Directors

FROM: Faith Blacquiere, Kanata

SUBJECT: Executive Meeting 7 November 2019 Approval of Barrhaven Conservancy Development Corporation (BCDC)/Caivan Communities Permit

Dear Mr Leenhouts

The RVCA Permit application form states:

"The Rideau Valley Conservation Authority will consider your application based on the information you provide below. Any false or misleading statement made on this application will render null and void any permission granted."

Due to a number of false, misleading or misinterpreted statements and the fact that RVCA did not have the jurisdiction to approve a two-zone approach or the right to approve development in the floodway, I am requesting that the Board rescind the Permit approved by the Executive Committee at the 7 Nov 2019 regulatory hearing and stop BCDC adding fill to the floodway based on the following grounds.

In speaking notes to the Urban Development Institute on 20 March 2002, the Mining and Lands Commissioner stated:

Pg 9 One and Two Zone Approaches and Special Policy Area

The matter of whether a specific reach would benefit from the Two Zone approach is initially a planning matter. This is not an issue which is considered before the Commissioner.

To have a two-zone approach applicable, it is necessary for the municipality to go through the necessary planning process in consultation with the Ministries of Municipal Affairs and Housing, Natural Resources and the local Conservation Authority.

The submission of the Permit application was an attempt by BCDC to have the two-zone approach implemented to allow filling about 100 hectares of the total 182.5 hectares identified in the BCDC Official Plan Amendment (OPA 212) which was approved by Council in April 2018. The box on the application form which states "placement of fill, site alteration and changes in land elevations" is generally checked for normal minor fill applications requiring balanced cut/fills which are covered by O. Reg. 174/06 and RVCA Regulation Policies. In fact, the purpose described on the form was misleading as these instruments do not provide for large-scale fill for multiple properties or subdivisions. BCDC also responded NO to the "Planning approval required" question and responded that the purpose is to place fill in the floodplain, whereas the fill is being placed in the floodway under the one-zone approach which is in effect. The application form included 5 parcels, whereas the OPA approved 8 parcels.

The Committee was not provided with the background information relating to the previous approval process and BCDC's intentions.

The purpose of the BCDC's OPA application was to establish a policy framework and process for approval of development applications using the two-zone approach with the regulatory flood line being updated by individual applications over time with the regulatory flood line changes being done over time and being updated in the Official Plan in the Comprehensive Review (or Reviews) or Floodplain Mapping Updates or OP Omnibus projects. This process results in the 2005 mapping being continuously updated, with only parts of it being in effect at any one time.

An additional purpose was alteration and removal of a number drainage channels and smaller tributaries.

Based on the fact that the 2018 JFSA modelling had found errors in the 2005 RVCA mapping and the fact that the Secondary Plans at that time permitted the two-zone policy, the OPA application requested that a site-specific policy be added to include all Barrhaven north-side Jock River lands in the study area to recognize the JFSA fill limits. The modelling, however, includes both sides of the Jock River.

RVCA and City staff disagreed that the JFSA modelling could be used, removed the two-zone policies from the Secondary Plans, and added a policy which requires the regulatory flood line to be used, thereby preventing any development in the Permit area in what BCDC claims is “flood fringe” or “ineffective flow areas”.

Council approved OPA 212 and expected City and RVCA staff to review the 2005 modelling and have a Third Party Review of the results. The first part of this study was the Jock River Rain Gauge Report. Following the completion of that report, the City and RVCA apparently agreed that the RVCA mapping would not need to be updated.

However, BCDC proceeded to update the JFSA modelling, obtained a third party review and submitted the Permit application to implement the results of that modelling under the guise of a fill permit application which indicated that there were no other Planning Act requirements, which was untrue. Approval by MMAH, MNRF and Council are required to approve the two-zone approach.

RVCA staff and the Committee did not recognize BCDC's intentions and that RVCA did not have jurisdiction to make this decision to approve the two-zone policy framework. Alteration of the regulatory flood line can only be done in a RVCA mapping project, therefore the Permit has the effect of implementing an illegal flood line. The Committee decision results in approval of fill in the floodway, which is contrary to provincial policy. For RVCA to revise the floodplain mapping, the proposed fill line would need to be approved to make the fill boundaries legal and would need to be based on future conditions, not only in Barrhaven, but in the entire watershed.

The BCDC modelling cannot be used to establish regulatory flood lines as that is the responsibility and jurisdiction of RVCA, and the BCDC maps can't be filed.

There are other reasons why the Permit should be rescinded, as follows:

1. The City letter, which may have influenced the Committee decision, provided misinformation. City staff were well aware that Council had removed the two-zone policies from the Secondary Plans because they did not conform to the OP. This letter of support for the BCDC permit application was unusual, suggests that BCDC is being favoured over other developers, and is also irrelevant, as RVCA has jurisdiction for the approval of permits. City approval was not a valid ground for consideration.

This support may be due to the fact that the City staff recommending approval were involved with, and relying on, what happened in the Carp River watershed when Kanata West landowners were allowed to develop 28 hectares of the “ineffective flow areas” in the floodway. In this case, the MNRF Minister described this as a “modified one-zone” approach. The Carp River Restoration Project (CRRP) Class EA and other studies were required to design a new floodway for the Carp River and its tributaries. This involved approvals by MMAH, MNRF, MOE and MTO, creating existing conditions and future condition models which included the entire watershed, and approval of a site-specific OPA to the OP to recognize a Special Policy Area (not the one which is mentioned in the PPS), and to implement and control development as applications are submitted.

Any subsequent Planning Act applications for Barrhaven will need to respect the PPS, the OP and Secondary Plan policies, and the 2005 regulatory flood line and regulation limit unless the two-zone approach is approved by the Ministries and unless RVCA undertakes mapping to support future conditions.

2. The staff Presentation (Minutes Pg 1 to 8) provide reasons why the application cannot be supported under the CAA, O. Reg 174/06, RVCA Regulation Policies and the PPS.

Based on these instruments, staff gave 6 reasons why they needed to bring the Permit application to the Committee, all of which should have resulted in the Committee refusing the Permit. These included:

1. The Jock River floodplain is administered as a one-zone floodplain, wherein the floodway is the entire floodplain (RVCA Policy 1.2).
2. Development involving site grading or fill placement or removal within the floodway is generally not permitted; exceptions may be considered, however, subject to the provisions of Section 2.1 (Minor removal or placement of fill/minor site grading in the floodplain) (RVCA Policy 2.0)
3. The proposal is for a major cut and fill, whereas the policy allows for consideration of minor removal or placement of fill at the edge of the floodplain where the ground surface elevation is no more than 0.3 metres below flood level and that the fill is compensated by a balanced cut (RVCA Policy 2.1).
4. The property has been flooded in the past (aerial photography 1999 and 1976).
5. The granting of permission will set a precedent.
6. The granting of permission may have cumulative impacts.

The JFSA Oct 2017 Hydrodynamic Analysis had surveyed the 2017 flooding prior to the peak which resulted in flooding of structures and a significant delay in the ability to plant crops. The

Environmental Impact Statement reported that most of the land on the four parcels were covered in water.

Staff also omitted two Section 1.2 Regulation policies which prohibit development i.e. 1.2.1.vi development associated with stormwater management facilities and 1.2.1.vii new development on vacant lots of record. The 2018 Land Use Plan includes three proposed stormwater management ponds and all the lots are vacant.

Staff provided three alternatives – approve, approve with conditions, or deny - then proposed three conditions – monitoring, mitigation for problems, and cuts completed before fills - which would make staff “comfortable with approval”.

It is mind boggling that staff wouldn't recognize that this was a request for a policy framework and approval process, involving fill in the floodway, accompanied by alteration of multiple watercourses and that staff say that because of these issues they can't approve the Permit, yet recommend that the Committee approve it. There was no need for a recommendation as the alternatives were the normal alternatives required for regulation hearings.

This is totally contrary to all past RVCA approvals where all other applications requesting much smaller areas to be developed, including BCDC permits, were required to have a balanced cut and fill.

The amount of fill is also precedent-setting in the province. Relatively minute amounts of fill have been prohibited in many legal cases, for example:

- 31 Jan 2001 Robbins v RVCA – OMLC refused 325 square metres of fill due to cumulative impact
- 18 July 2017 Schmidt and Trider v Quinte Conservation Authority required removal of a 20 square metre swimming pool in the floodway with arguments relative to the SWM ponds proposed for the Barrhaven lands

In addition, the Sep 2018 Auditor General of Ontario Special Audit of the Niagara Peninsula Conservation Authority criticized NPCA's approval of one dwelling unit being placed in the floodplain. RVCA has refused and defended many cases for relatively minute cut/fill cases.

The referral to the Regulation Policies as “RVCA Local Development Regulations” may have caused confusion with City local development policies when questions were asked.

The Committee did not question the “control of flooding” or the “conservation of land” regulatory criteria required for making the decision. “control of flooding” generally doesn't refer to removal of floodplain to permit new development to occur and the “conservation of land” criteria is not met by approximately 100 hectares of land being removed from the floodplain.

3. The BCDC Presentations did not provide information on the criteria or policies used as the basis for the recommended fill of the floodway. The 30 June 2017 Hydrodynamic Analysis Report submitted for the OPA assumed that the two-zone approach could be implemented. The Report (Pg 8) claims that PPS Sections 3.1.6 and 3.1.7 support the application, but fails to mention that Sections 3.1.2 and 3.1.4 do not support it. JFSA then uses the nine criteria in the

2002 MNRF Technical Guideline: River and Stream Systems; Flooding Hazard Limit criteria (Pg 8 and 9), and incorrectly interprets the criteria e.g. “Local Need” is interpreted as supporting intensification.

4. The studies failed to consider the fact that the “ineffective flow areas” provide valuable storage that reduces peak flows downstream, even if the velocities are low. The CRRP modelling identified storage and ensured that development applications were held until the channel had capacity. The BCDC studies focused on historical flows at the Moodie Drive gauge and also didn’t account for climate changes, future development and flooding which occurs both upstream and downstream, or the flood-prone areas downstream.

5. Despite the approval of the Permit for fill of all lands on the map, all parties expect the regular permit processes to occur, resulting in duplicate permits for individual applications and two or more permits being issued for the same lands. For example, on the 29 Nov 2019 BCDC submitted a ZBA for three blocks and 1 road. The application was accompanied by the 12 Nov 2019 RVCA Permit RV5-4419 which refers to the 7 Nov 2019 Permit approved by the Committee and imposes the three conditions, as well as Condition 5 which states “Both areas to be cut must be completed before any filling …”. The Planning Rationale proposes a hold to ensure that RVCA has approved the cut and removal from the floodplain.

This raises the question as to why the 7 Nov 2019 Permit would have been needed, particularly when the 26 Sep 2018 RVCA RV5-17/18T Permit was still in effect until 26 Sep 2020 and included the balanced cut/fill on the property.

7. The application only considers the north side of the Jock River. The earlier JFSA modelling supporting OPA 212 required cut and fill for the south side as well. The studies do not appear to have considered the fact that fill on the north side reduces storage and may result in more flow going to the south side floodplain. If the two-zone approach were to be approved, the cuts and fills would need to be done strategically to ensure that the Jock River had capacity, preferably starting at the downstream end and working toward the upstream end.

Council’s expectation in OPA 212 was that a floodplain mapping update would result in benefits to all developers, however, the south side developers are still constrained by the current process and may also be demanding that their lands be treated the same way as the BCDC lands.

8. Cuts must be in tableland, not in floodplain or floodways, and are required to be balanced with fill of equivalent amounts. All of these cut areas are in the floodway and will remain so until the regulatory flood line is altered. The high groundwater table in the area will result in any cut areas being ineffective in providing storage. This happened with the CRRP channel when the wet meadows were lowered, resulting in creation of shallow water wetlands which now requires Kanata North residents to pay for a mosquito nuisance program. The channel was also lowered, keeping more water upstream, thereby impacting performance, particularly sediment transport.

9. The studies focused on what happens to the water in the proposed floodway, but fail to consider what happens to the water when land is removed from the floodway and what happens when more flow is sent to the tributaries via roads, walkways, slopes and Jock River flow backup when the land is filled. All of the stormwater management planning has assumed that the outlet is at the regulatory flood line limit. No planning has been done to identify channel modifications in the tributaries and storm outfall channels to increase the size of the agricultural drainage channels, which are generally designed for 2 to 5 year flow, to handle 100 year flows.

The BCDC Technical Presentation Pg 15 cut/fill map shows that floodplain remains in these channels and upstream of these channels, including along the railway and H416 as well as at the outlet of the 4235 McKenna Casey SWM facility. In fact, due to the flat topography which will remain in these areas and the removal of storage, the Jock River flows may have an outlet to these areas and adversely impact the infrastructure.

10. The Committee considered excessive and irrelevant information. BCDC's numerous submissions to the Committee provided technical information which Committee members do not normally have the expertise to evaluate. In addition, the boundaries of the fill areas disagree with the 2018 Land Use Plan.

11. The proposal to include a linear wetland in one of the parcels and the ecological presentation are outside the scope of the "cut/fill" permit approval criteria and belong in a plan to modify the floodway.

12. The JFSA studies did not include a geotechnical report, however, the Sep 2017 report identified problems with the silty clay and the ability to support roads and foundations. Grade raise restrictions for houses are 0.7m for Area A and 1.6m for Area B (the approved Phase 1 subdivision east of the Fraser-Clarke Drain). Light weight fill is limited to 0.3m and total grade raise restriction of 0.8m. Both areas are required to strip the topsoil layer of 70 to 300mm. The 0.4 or 0.5m proposed fill should be respecting these requirements and should not be compromising roads or development or requiring the fill works to be redone. The report also said that it could take years for settlement. Council approved a policy which requires sump pumps which transfer the flooding risk to homeowners. The Commissioner's speech also identified the need to consider the effects of hydrostatic pressure as foundations adjacent to watercourses may be impacted.

13. The City expects the Jock River corridor to be used as recreational space and have pathways or swales. Placing these in the floodway may place people at risk and may compromise the ability for the corridor to be used.

14. The Phase 1 subdivision is 11.16 hectares and has been approved for about 200 residential units. If the remaining 104 hectares which are being filled are developed at the same density, this will result in 1,860 residential units being placed on the floodway. Adding fill to a floodway does not remove the risk of flooding as groundwater levels are high and the subsurface is influenced by proximity to the Jock River. The owners of these buildings will be required to rely on sump pumps and assume the risks of a bad decision.

SUMMARY

Until this decision, RVCA has had the best reputation in the City for enforcing the regulations and defending decisions in the appeal systems. This reputation has now been damaged by BCDC's misrepresentation of the intent of the Permit and trying to get around legislative, regulatory and policy instrument requirements, as well as by City staff trying to influence the Committee decision, contrary to these instruments and the OP and SP.

RVCA did not have jurisdiction to implement the two-zone approach for the Barrhaven lands or to approve the Permit without approval of the two-zone approach and establishing a new regulatory flood line. The Committee decision is non-conforming to the CAA, O. Reg. 174/06, the PPS, RVCA Regulation Policies, the City's Official Plan and the Secondary Plans. The flood lines proposed by BCDC cannot be registered as required by O. Reg. 174/06.

The Permit should not have been approved.

BCDC is reported to be working day and night to fill the floodway. BCDC needs to be stopped before they do irreparable damage. BCDC has a history of filling floodways, for example, in the Village of Richmond.

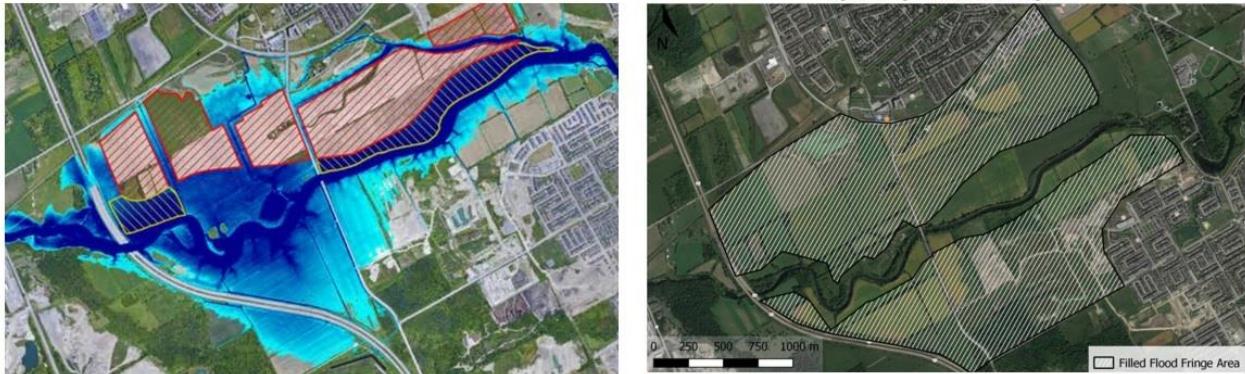
I am requesting that the Board rescind the Permit. I understand that the CAA Section 28 has a process for this and that BCDC could appeal the decision. It is extremely unlikely that the Tribunal would approve what BCDC and City staff are trying to do.

I would appreciate being informed as to any action you may take.

Thank you

Faith Blacquiere
Glen Cairn

Figure 7: Proposed Filled Flood Fringe



Barrhaven Conservancy Technical Presentation 7 Nov 2019
Pg 5 Proposed Cut/Fill

Hydrodynamic Analysis Pg 12 file date 20171120



Land Use Plan 4 April 2018



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February 20, 2020

Faith Blacquiere

Sent via email:
[REDACTED]

Re: RVCA Executive Committee Hearing on November 7, 2019
Applicant: Barrhaven Conservancy Development Corporation
File: RV5-4419

Dear Ms. Blacquiere,

Thank you for your letter of January 17, 2020 regarding RVCA's Executive Committee hearing on November 7, 2019. As you know, this hearing resulted in application RV5-4419 submitted by the Barrhaven Conservancy Development Corporation to be approved with conditions.

I appreciate you taking the time to share your concerns with me and I have reviewed your letter carefully. These are important to us. I also met with RVCA staff to go over all of the points you raised.

In order to provide you with a more complete response, I requested RVCA staff to address each of the key points you raised. You'll find this response in the attached memo.

I have also attached RVCA's Executive Committee Rules of Procedures which governs our hearings and to which we are bound. To note, Section 17 (2) states that:

- *A request for a review must be made to the Tribunal within five (5) days after the decision or order is communicated to the party so requesting.*

The Executive Committee was no longer in a position to consider your request to review our decision regarding this application when we received your letter on January 17, 2020, I hope that the attached memo addresses the concerns you raised.

Should you have any further questions or concerns please do not hesitate to contact me.

Proudly working in partnership
with our 18 watershed municipalities

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

Sincerely

A handwritten signature in blue ink, appearing to read "PL".

Pieter Leenhouts
Chair

Attached:

- Memo from Staff
- RVCA's Executive Committee Rules of Procedure for Hearings



RVCA Memo

To: Pieter Leenhouts, Chair
From: Glen McDonald, Director of Science and Planning
Date: February 20, 2020
Re: RV5-4419
Response to Letter From Faith Blacquiere dated January 17, 2020

The Rideau Valley Conservation Authority's (RVCA) approval of the Barrhaven Conservancy Development Corporation's (BCDC) application for cut and fill in the Jock River floodplain is not an approval of a two-zone floodplain management approach. BCDC was not seeking approval of a two-zone concept which, as was correctly noted, must be initiated by the municipality in consultation with the Ministry of Municipal Affairs and Housing, the Ministry of Natural Resources and Forestry and the Conservation Authority. The application was for a cut and fill in a one-zone floodplain which was determined to meet the tests under the regulation whereby, in the opinion of the RVCA, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land would not be adversely affected by the development.

Specifically, regarding the control of flooding, any increase in flows, velocities and water levels resulting from this proposal is not acceptable. BCDC demonstrated through the hydrologic modeling that was reviewed by RVCA, that the proposed works would not result in such increases. The storage function of the “ineffective flow areas” has been accounted for in the modeling. The volume of pre-development floodplain storage that would otherwise need to be conserved in a typical cut and fill, is reduced in the post-development scenario by the cut which is increasing conveyance capacity in the overbank area. Flood conveyance capacity is enhanced by the approved works, thereby reducing the volume of storage required. The increase in conveyance capacity will not result in an increase in peak water levels and velocities.

RVCA does not currently have policies for large scale fill proposals. However, the absence of policy does not preclude the Executive Committee's consideration of an application. In the absence of specific policy, the Executive Committee must rely exclusively on the tests under the regulation.

RVCA always advocates a “planning first” approach as best practice to align land use with regulatory approvals that may be subsequently required under Section 28 of the Conservation Authorities Act. Official Plan Amendment (OPA) 212 (South Nepean Urban Areas Secondary Plan) states that the boundaries between lands designated “Conservation” and those designated “Residential” would be determined by the 1:100 year floodline. The OPA also removed the reference to the two-zone concept. The understanding at that time was that the 1:100 year Jock River flow and corresponding flood elevations would be reviewed and, if warranted, a new floodplain mapping study would be completed. Ultimately, it was determined that the 1:100 year flow used for the 2005 Jock River flood risk mapping study remains valid for current conditions and there was no need to undertake a new study. Therefore, in accordance with OPA 212, the boundary between the lands designated “Conservation” and “Residential” is determined by the 2005 floodline.

Upon receipt of BCDC's application for a cut and fill based on the 2005 floodline, RVCA inquired with the City whether a further amendment to the Secondary Plan was required because the circumstances had changed (i.e. no new flood risk mapping study). We received verbal and written communication from the City that additional amendments were not required and that BCDC's proposal was consistent with the Secondary Plan as amended, the City of Ottawa Official Plan and the Provincial Policy Statement.

RVCA and the City did not accept J.F. Sabourin and Associates' 2D modeling approach utilizing the reduced 1:100 year flow that was used in their initial hydrologic analysis. The 2D modeling for the cut and fill application used the 1:100 year flow from the 2005 study.

The 2D model displayed no increase to peak flows or water levels, for both the north and south sides of the Jock River. A development proposal on the south side would be required to conduct a similarly rigorous study to demonstrate no adverse impact. The current proposal on the north side was shown to have beneficial effects for the conveyance of water, and the avoidance of adverse impact was accomplished with a modified approach to a traditional cut and fill. This development will not preclude consideration of a similar application for the south side of the Jock River within the urban area boundary.

Revisions to floodplain mapping that may be initiated in response to more current information or changes on the landscape resulting from implementation of an approved cut and fill, are thoroughly reviewed by qualified engineering staff. This includes review of as-built grading plans to ensure that the work was completed in accordance with the approved grading plans and any other conditions on the permit. The cross-sections in the RVCA modeling are revised to reflect these changes so that the model remains current for existing conditions and the mapping is updated accordingly. The updates to the model and mapping are done by the RVCA, not the proponent.

The application approved by the Executive Committee was for a cut and fill in the Jock River floodplain; not for stormwater management facilities. These facilities are not permitted in a floodplain unless they have been approved through an environmental assessment process. Typically, this would be accomplished through a City initiated master serving study prepared to satisfy the Provincial planning and Environmental Assessment Act (Class EA) processes.

The City of Nepean, and now the City of Ottawa, have always intended that the Jock River corridor, including part of the floodplain, would be used for recreational lands with linear pathways linking various passive recreational facilities. This has always been evident in the secondary plans/community design plans that guide the development of Barrhaven South. Passive recreational facilities and pathways are permitted uses in the floodplain. Although efforts are made through planning and design to minimize closure of these facilities due to flooding, it is expected that they may not be useable during periodic high water levels.

Executive Committee Rules of Procedure / Règles de procédure du Comité de direction

Rideau Valley Conservation Authority, Executive Committee Rules of Procedure	Règles de procédure du Comité de direction de l'office de protection de la nature de la vallée Rideau
<p>1. Definitions</p> <p>(1) In these rules,</p> <p>“Act” means the Statutory Powers Procedure Act, c. S-22, R.S.O. 1990, as amended.</p> <p>“alternative dispute resolution mechanism” includes mediation, conciliation, negotiation or any other means of facilitating the resolution of issues in dispute.</p> <p>“electronic hearing” means a hearing where some or all of the parties and/or the Tribunal members participate in the proceedings by way of video or telephone conference or some other form or combination of electronic technologies allowing persons to hear one another and to examine copies of any exhibits produced at the hearing.</p> <p>“FCAW Guidelines” means the Fill, Construction, and Alteration of Waterways Policy of the Rideau Valley Conservation Authority promulgated pursuant to section 28 of the <i>Conservation Authorities Act, c. C-27, R.S.O. 1990</i>.</p> <p>“oral hearing” means a hearing at which the parties, their counsel or agents attended before the tribunal in person.</p> <p>“Tribunal” means the Executive Committee of the Rideau Valley Conservation Authority.</p> <p>“written hearing” means a hearing held by means of the exchange of documents, whether in written form or by electronic means.</p>	<p>1. Définitions</p> <p>(1) Dans ces règles:</p> <p>“Loi” signifie <i>La Loi sur l'exercice des compétences légales</i>, c. S-22, L.R.O. 1990, tel qu'amendé.</p> <p>« mode de règlement extrajudiciaire des différends » s'entend notamment de la médiation, de la conciliation, de la négociation ou de tout autre moyen facilitant le règlement des questions en litige.</p> <p>« audience électronique» signifie une audience lors de laquelle certaines ou toutes les parties et/ou membres du tribunal participent à l'instance par le biais de vidéo ou téléconférence ou autre forme ou combinaison de technologie électronique permettant aux personnes de s'entendre les unes et les autres et d'examiner les copies de pièces présentées à l'audience.</p> <p>« Les directives FCAW » signifie la Politique sur le remplissage, la construction et la modification de voies navigables de l'office de protection de la nature de la vallée Rideau promulguée en vertu de l'article 28 de la <i>Loi sur les offices de protection de la nature</i>, c. C-27, L.R.O. 1990.</p> <p>«audience orale» Audience à laquelle les parties ou leurs avocats ou représentants se présentent en personne devant le tribunal.</p> <p>«tribunal» signifie le Comité de direction de l'office de protection de la nature de la vallée Rideau.</p> <p>«audience écrite» Audience tenue au moyen d'un échange de documents, que ce soit sous forme écrite ou électronique.</p>

2. General <ul style="list-style-type: none"> (1) These Rules are made pursuant to section 25.1 of the <i>Act</i>. (2) These Rules are made to ensure that: <ul style="list-style-type: none"> i. all parties to an inquiry have the full and ample opportunity to be heard; ii. arguments and evidence be disclosed and presented in a timely and efficient manner; and iii. all proceedings before the Tribunal be conducted as informally and expeditiously as possible (3) These Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits. (4) These Rules shall be liberally applied by each Tribunal panel to the individual case before it so as to advance the purposes set out in this section. (5) Any provision of these Rules made may be waived as referred to herein. 	2. Général <ul style="list-style-type: none"> (1) Ces règles sont promulguées en vertu de l'article 25.1 de la <i>Loi</i>. (2) Ces règles sont adoptées pour assurer que : <ul style="list-style-type: none"> i. toutes les parties visées par une enquête ont l'occasion d'être entendues avant de rendre une décision ; ii. les plaidoiries et la preuve soient divulguées et présentées dans un délai raisonnable ; iii. toutes les audiences devant le Tribunal se déroulent de façon informelle et efficace. (3) Ces règles seront interprétées libéralement afin de garantir le règlement équitable de chaque instance sur le fond, de la façon la plus expéditive et la plus efficace par rapport au coût. (4) Ces règles seront appliquées flexiblement par chaque comité du Tribunal à chaque cause que le comité entend afin que les objets de cet article soient respectés. (5) Une renonciation à toute exigence en matière des présentes règles est possible tel que le prévoit ces règles.
3. Disposition without hearing <ul style="list-style-type: none"> (1) On consent of the applicant, the Tribunal may dispose of a proceeding without a hearing. 	3. Décision sans tenir d'audience <ul style="list-style-type: none"> (1) Si le requérant y consent, le tribunal peut statuer sur l'instance sans tenir d'audience.
4. Decision Not To Process Commencement of Proceeding <ul style="list-style-type: none"> (1) Upon receiving documents relating to the commencement of a proceeding, the Tribunal or its administrative staff may decide not to process the documents relating to the commencement of the proceeding if, 	4. Décision de ne pas traiter les documents <ul style="list-style-type: none"> (1) Dès réception des documents relatifs à l'introduction d'une instance, le tribunal ou son personnel administratif peut décider de ne pas les traiter si, selon le cas :

<p>(a) the documents are incomplete;</p> <p>(b) the documents are received after the time required for commencing the proceeding has elapsed;</p> <p>(c) the fee required for commencing the proceeding is not paid; or</p> <p>(d) there is some other technical defect in the commencement of the proceeding.</p> <p>(2) The Tribunal or its administrative staff shall give the party who commences a proceeding notice of its decision under subsection (1) and shall set out in the notice the reasons for the decision and the requirements for resuming the processing of the documents.</p>	<p>(a) les documents sont incomplets;</p> <p>(b) les documents sont reçus après l'expiration du délai imparti pour introduire l'instance;</p> <p>(c) les droits à acquitter pour l'introduction de l'instance ne le sont pas;</p> <p>(d) il existe un autre vice de forme dans l'introduction de l'instance.</p> <p>(2) Le tribunal ou son personnel administratif donne à la partie qui introduit une instance un avis motivé de la décision qu'il a prise en vertu du paragraphe (1) et y énonce les exigences auxquelles il doit être satisfait pour que reprenne le traitement des documents.</p>
<p>5. Dismissal of proceeding without hearing</p> <p>(1) The Tribunal may dismiss a proceeding without a hearing if;</p> <p>(a) the Tribunal is of the opinion that the proceeding is frivolous, vexatious or is commenced in bad faith;</p> <p>(b) the proceeding relates to matters that are outside the jurisdiction of the Tribunal; or</p> <p>(c) some aspect of the statutory requirements for bringing the proceeding has not been met.</p> <p>(2) Before dismissing a proceeding, the Tribunal shall give notice of its intention to dismiss the proceeding to all parties to the proceeding, setting out the reasons for the dismissal.</p> <p>(3) A party who receives a notice of intention to dismiss a proceeding may make written submissions to the Tribunal with respect to the dismissal within ten (10) days of notification.</p>	<p>5. Rejet d'une instance sans audience</p> <p>(1) Le tribunal peut rejeter une instance sans tenir d'audience si, selon le cas :</p> <p>(a) l'instance est frivole, vexatoire ou introduite de mauvaise foi;</p> <p>b) l'instance porte sur des questions qui ne relèvent pas de la compétence du tribunal;</p> <p>c) il n'a pas été satisfait à un aspect des dispositions législatives concernant l'introduction de l'instance.</p> <p>(2) Avant de rejeter une instance en vertu du présent article, le tribunal avise toutes les parties à l'instance de son intention de rejeter l'instance en fournissant des motifs pour le rejet.</p> <p>(3) Les parties qui reçoivent un avis d'intention de rejeter l'instance ont le droit de présenter des observations écrites au tribunal à l'égard du rejet dans les dix (10) jours qui suivent l'avis.</p>

<p>6. Alternative Dispute Resolution</p> <p>(1) The Tribunal may direct the parties to a proceeding to participate in an alternative dispute resolution mechanism for the purposes of resolving the proceeding or an issue arising in the proceeding, if the applicant consents to participating in the alternative dispute resolution mechanism.</p> <p>(2) The Tribunal may appoint a member of the Tribunal or a person independent of the Tribunal to mediate, conciliate, negotiate or help resolve a matter by means of an alternative dispute resolution.</p> <p>(3) A member of the Tribunal who is so appointed with respect to a matter in a proceeding shall not subsequently hear the matter if it comes before the Tribunal, unless the parties consent.</p> <p>(4) Any matter tentatively resolved through an alternative dispute resolution mechanism is subject to the approval of the Tribunal.</p> <p>7. Written hearings</p> <p>(1) After providing notice to the parties of its intention to do so, the Tribunal may hold a written hearing in a proceeding, unless a party satisfies the Tribunal that there is good reason for not doing so.</p> <p>(2) A party who intends to object to the conduct of a hearing by written means must provide a notice of objection in writing to the Tribunal, including the reasons therefore, no later than five (5) days after notification.</p> <p>8. Electronic hearings</p> <p>(1) The Tribunal may conduct a proceeding by way of an electronic hearing.</p> <p>(2) Where the Tribunal determines that a matter will proceed by way of an electronic hearing,</p>	<p>6. Règlement extrajudiciaire des différends</p> <p>(1) Le tribunal peut ordonner aux parties à une instance d'avoir recours à un mode de règlement extrajudiciaire des différends afin de régler l'instance ou une question en litige soulevée dans l'instance si le requérant consent à avoir recours au mode de règlement extrajudiciaire des différends.</p> <p>(2) Le tribunal peut nommer soit un membre du tribunal ou une personne indépendante de celui-ci pour régler une question par la médiation, la conciliation ou la négociation ou pour aider à la régler par un autre mode de règlement extrajudiciaire des différends.</p> <p>(3) Toutefois, le membre du tribunal qui est ainsi nommé à l'égard d'une question dans une instance ne doit pas par la suite entendre la question si le tribunal en est saisi, à moins que les parties n'y consentent.</p> <p>(4) Toute question résolue provisoirement par l'entremise d'un mode de règlements extrajudiciaires des différends doit être approuvée par le tribunal.</p> <p>7. Audience écrite</p> <p>(1) Après avoir avisé les parties de son intention, le tribunal peut tenir une audience écrite lors d'une instance à moins qu'une partie ne convainque le tribunal qu'il existe une bonne raison de ne pas le faire.</p> <p>(2) Une partie qui a l'intention de s'opposer à la tenue d'une audience écrite doit faire parvenir au tribunal son avis d'opposition par écrit énonçant les motifs de son opposition, au plus tard cinq (5) jours après l'avis du tribunal</p> <p>8. Audience électronique</p> <p>(1) Le tribunal peut tenir une audience électronique.</p> <p>(2) Lorsque le tribunal détermine qu'une instance procédera par voie d'audience</p>
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<p>the Tribunal shall;</p> <p class="list-item-l1">(a) provide the parties with a statement of the time and purpose of the hearing, and details about the manner in which the hearing will be held;</p> <p class="list-item-l1">(b) provide a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case; <i>and,</i></p> <p class="list-item-l1">(c) ensure that facilities are available such that all the parties and the members of the Tribunal participating in the hearing must be able to hear one another and any witnesses throughout the hearing, and view any exhibits tendered during the proceedings</p> <p class="list-item-l1">(4) Except in respect of matters referred to in subsection (2)(b) above, a party may, within five (5) days of being so notified, object to the Tribunal proceeding by way of an electronic hearing. The Tribunal shall not proceed by way of electronic hearing if the party who objects satisfies the Tribunal that holding the hearing as an electronic hearing is likely to cause the party significant prejudice.</p>	<p>électronique, le tribunal doit:</p> <p class="list-item-l1">(a) fournir aux parties un énoncé indiquant l'heure et l'objet de l'audience, et les détails sur la façon dont l'audience procédera;</p> <p class="list-item-l1">(b) fournir un énoncé précisant que l'audience a pour seul objet de traiter de questions procédurales, si c'est le cas; et</p> <p class="list-item-l1">(c) s'assurer que des locaux soient disponibles afin que les parties et les membres du tribunal participant à l'audience soient capables d'entendre les témoins pendant l'audience et puissent voir toutes les pièces présentées durant l'instance.</p> <p class="list-item-l1">(4) À l'exception de questions mentionnées au paragraphe (2) (b) ci-haut, une partie peut, dans un délai de cinq (5) jours suivant l'avis du tribunal, s'opposer à la tenue d'une audience électronique. Le tribunal ne doit pas tenir d'audience électronique si une partie le convainc que la tenue d'une audience électronique au lieu d'une audience orale lui causera vraisemblablement un préjudice considérable.</p>
<p>9. Hearings Generally</p> <p class="list-item-l1">(1) The Tribunal may cancel, adjourn or postpone a hearing.</p> <p class="list-item-l1">(2) The Tribunal may, in a proceeding, hold any combination of written, electronic and oral hearings.</p> <p class="list-item-l1">(3) If two or more proceedings before the Tribunal involve the same or similar questions of fact, law or policy, the Tribunal may, with the consent of the parties:</p> <p class="list-item-l2">a) combine the proceedings or any part of them;</p>	<p>9. Audiences en général</p> <p class="list-item-l1">(1) Le Tribunal peut annuler, ajourner ou reporter une audience.</p> <p class="list-item-l1">(2) Le Tribunal peut, lors d'une instance, tenir une combinaison d'audiences écrites, électroniques ou orales.</p> <p class="list-item-l1">(3) Si deux instances ou plus devant le tribunal portent sur les mêmes questions de fait, de droit ou de politique ou sur des questions de fait, de droit ou de politique semblables, le tribunal peut, avec le consentement des parties :</p> <p class="list-item-l2">a) réunir les instances, en totalité ou en partie,;</p>

<p>(b) hear the proceedings at the same time;</p> <p>(c) hear the proceedings one immediately after the other; or</p> <p>(d) stay one or more of the proceedings until after the determination of another one of them.</p>	<p>b) entendre les instances simultanément;</p> <p>c) entendre les instances l'une à la suite de l'autre;</p> <p>d) surseoir à une ou plusieurs de ces instances jusqu'à ce qu'une décision soit rendue à l'égard d'une autre d'entre elles.</p>
<p>(4) If the parties to the second-named proceeding consent, the Tribunal may treat evidence that is admitted in a proceeding as if it were also admitted in another proceeding that is heard at the same time under clause (3) (b).</p>	<p>(4) Si les parties à la deuxième instance nommée consentent, le Tribunal peut évaluer la preuve qui est admise dans une instance comme si elle avait aussi été admise dans une autre instance qui est entendue simultanément en vertu du paragraphe (3)(b).</p>
<p>(5) An oral hearing shall be open to the public except;</p> <p>(i) where the Tribunal is of the opinion that;</p>	<p>(5) Les audiences orales sont ouvertes au public, sauf</p> <p>(i) lorsque de l'avis du tribunal :</p>
<p>(a) matters involving public security may be disclosed; or</p> <p>(b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,</p>	<p>a) des questions intéressant la sécurité publique pourraient être révélées; ou</p> <p>b) des questions financières ou personnelles de nature intime ou d'autres questions pourraient être révélées à l'audience de telle sorte, qu'en égard aux circonstances, l'avantage de ne pas les révéler, dans l'intérêt de la personne concernée ou dans l'intérêt public, l'emporte sur le principe de la publicité des audiences.</p>
<p>in which case the Tribunal may hold the hearing in the absence of the public.</p> <p>(ii) where the Tribunal retires to deliberate.</p>	<p>Dans ces cas , le tribunal peut entendre ces questions à huis clos.</p> <p>(ii) lorsque le tribunal se retire pour délibérer.</p>
<p>(6) In a written hearing, members of the public are entitled to reasonable access to the documents submitted, unless the Tribunal is of the opinion that clause (5) (a) or (b) applies.</p>	<p>(6) Lors d'une audience écrite, les membres du public ont droit à un accès raisonnable aux documents présentés, à moins que le tribunal n'estime que le paragraphe (5) (a) ou (b) s'applique.</p>
<p>(7) An electronic hearing shall be open to the public unless the Tribunal is of the opinion that,</p>	<p>(7) Les audiences électroniques sont ouvertes au public, à moins que le tribunal n'estime que, selon le cas :</p>

<p>(a) it is not practical to hold the hearing in a manner that is open to the public; or</p> <p>(b) clause (5) (a) or (b) applies.</p>	<p>(a) la tenue d'une audience d'une façon qui est ouverte au public n'est pas pratique;</p> <p>b) le paragraphe (5) (a) ou (b) s'applique.</p>
<p>(8) Where notice of an oral, written, or electronic hearing has been given to a party to a proceeding in accordance with these Rules and the party neither satisfies the Tribunal that proceeding in such a manner is likely to cause the party significant prejudice, nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.</p>	<p>(8) Si un avis d'audience orale, écrite ou électronique est donné à une partie conformément aux présentes règles et que celle-ci ne convainque pas le tribunal que cette façon de procéder lui causera vraisemblablement un préjudice considérable et qu'elle n'y comparaît pas, le tribunal peut procéder par défaut et cette partie n'a pas droit à d'autre avis dans le cadre de l'instance.</p>
<p>(9) The Tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.</p>	<p>(9) Lors d'une instance, le tribunal peut rendre des ordonnances ou donner des directives qu'il considère appropriées pour prévenir tout abus de procédure.</p>
<p>(10) The Tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.</p>	<p>(10) Le tribunal peut limiter raisonnablement les interrogatoires ou les contre-interrogatoires d'un témoin lorsqu'il est satisfait que ceux-ci ont permis la divulgation complète et juste de toutes les questions pertinentes à l'instance.</p>
<p>(11) The Tribunal may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly to represent or to advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.</p>	<p>(11) Le tribunal peut exclure d'une audience quiconque, autre qu'un avocat dûment qualifié pour pratiquer en Ontario, comparaît en tant que représentant d'une des parties ou en tant que conseiller d'un témoin, si le tribunal conclut que cette personne n'est pas compétente pour représenter ou conseiller la partie ou le témoin ou ne comprend pas et ne se conforme pas lors de l'audience, aux obligations et responsabilités d'un représentant ou d'un conseiller.</p>
<p>10. Pre-Hearing Conferences</p> <p>(1) Unless a party satisfies the Tribunal that proceeding in such a manner is likely to cause the party significant prejudice, the Tribunal may direct the parties to participate in a pre-hearing conference to consider:</p>	<p>10. Conférences préparatoires à l'audience</p> <p>(1) A moins qu'une partie ne convainque le tribunal que la tenue d'une conférence préparatoire à l'audience lui causera vraisemblablement un préjudice considérable, le tribunal peut ordonner aux parties de participer à une conférence préparatoire à l'audience pour examiner ce qui suit :</p>

<p>(a) the settlement of any or all of the issues;</p> <p>(b) the simplification of the issues;</p> <p>(c) facts or evidence that may be agreed upon;</p> <p>(d) the dates by which any steps in the proceeding are to be taken or begun;</p> <p>(e) the estimated duration of the hearing; and</p> <p>(f) any other matter that may assist in the just and most expeditious disposition of the proceeding.</p> <p>(2) The Chair of the Tribunal may designate a member of the Tribunal or any other person to preside at the pre-hearing conference.</p> <p>(3) A member who presides at a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the proceeding, including adding parties.</p> <p>(4) A member who presides at a pre-hearing conference at which the parties attempt to settle issues shall not preside at the hearing of the proceeding unless the parties consent.</p>	<p>a) la transaction de toutes ou une partie des questions en litige;</p> <p>b) les moyens de simplifier les questions en litige;</p> <p>c) les faits ou la preuve dont il peut être convenu;</p> <p>d) les délais dans lesquels des mesures doivent être prises ou intentées dans le cadre de l'instance;</p> <p>e) la durée approximative de l'audience;</p> <p>f) toute autre question qui pouvant contribuer à une résolution équitable de l'instance de la façon la plus expéditive.</p> <p>(2) Le président du tribunal peut désigner un membre du tribunal ou une autre personne pour présider la conférence préparatoire à l'audience.</p> <p>(3) Le membre qui préside la conférence préparatoire à l'audience peut rendre les ordonnances qu'il estime nécessaires ou opportunes relativement au déroulement de l'instance, y compris l'addition de parties.</p> <p>(4) Le membre qui préside la conférence préparatoire au cours de laquelle les parties essaient de résoudre des questions en litige ne doit pas présider l'instance à moins que les parties n'y consentent.</p>
<h2>11. Disclosure</h2> <p>(1) The Tribunal may, at any stage of the proceeding before all hearings are complete, make orders for;</p> <p>(a) the exchange of documents;</p> <p>(b) the oral or written examination of a party;</p> <p>(c) the exchange of witness statements and reports of expert witnesses;</p> <p>(d) the provision of particulars;</p> <p>(e) any other form of disclosure.</p>	<h2>11. Divulgation</h2> <p>(1) Le tribunal peut, à toute étape de l'instance avant la fin de toutes les audiences, rendre des ordonnances relativement à ce qui suit :</p> <p>a) l'échange de documents;</p> <p>b) l'interrogatoire oral ou écrit d'une partie;</p> <p>c) l'échange de déclarations des témoins et des rapports des experts;</p> <p>d) la fourniture de détails;</p> <p>e) toute autre forme de divulgation.</p>

<p>12. Protection for witnesses</p> <p>(1) A witness at an oral or electronic hearing shall be deemed to have objected to answer any question asked him or her upon the ground that the answer may tend to criminate him or her or may tend to establish his or her liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against the witness in any trial or other proceeding against him or her thereafter taking place, other than a prosecution for perjury in giving such evidence.</p> <p>(2) A witness at an oral or electronic hearing shall be entitled to claim protection from self-incrimination in criminal or other federally regulated matters under the provisions of the <i>Canada Evidence Act</i>. However, in this case, such protection must be specifically requested prior to answering each and every question which a witness is concerned may incriminate them.</p> <p>13. Interim decisions and orders</p> <p>(1) The Tribunal may make interim decisions and orders, and may impose conditions on an interim decision or order.</p> <p>14. Costs</p> <p>(1) Subject to subsection (2), a tribunal may, order a party to pay all or part of another party's costs in a proceeding, if the Tribunal is of the opinion that the conduct or course of conduct of a party has been unreasonable, frivolous or vexatious or a party has acted in bad faith.</p> <p>(2) Costs imposed pursuant to this Rule shall not exceed five hundred dollars (\$500.00).</p>	<p>12. Immunité du témoin</p> <p>(1) Un témoin à une audience orale ou électronique est réputé s'être opposé à répondre à toute question qu'on lui pose pour le motif que sa réponse pourrait tendre à l'incriminer ou à établir sa responsabilité dans une procédure civile, notamment à la demande de la Couronne. Nulle réponse donnée par un témoin au cours d'une audience ne doit être utilisée ni être recevable en preuve contre lui dans un procès ou une instance subséquent où il sera le défendeur, sauf le cas de poursuite pour parjure relativement à cette réponse.</p> <p>(2) Un témoin à une audience orale ou électronique a le droit de demander une protection contre l'auto-incrimination lors d'instances criminelles ou d'instances sous la compétence fédérale en vertu des dispositions de la <i>Loi sur la preuve au Canada</i>. Par contre, dans de tels cas, cette protection doit être demandée précisément avant chaque question que le témoin juge préjudiciable.</p> <p>13. Décisions provisoires et ordonnances</p> <p>(1) Le tribunal peut rendre des décisions et des ordonnances provisoires et peut imposer des conditions sur les décisions ou ordonnances provisoires.</p> <p>14. Dépens</p> <p>(1) Sous réserve du paragraphe (2), le tribunal peut, ordonner à une partie de payer tout ou partie des dépens d'une autre partie à l'instance, si le tribunal est d'avis que la conduite ou ligne de conduite d'une partie a été déraisonnable, frivole ou vexatoire ou qu'une partie a agi de mauvaise foi.</p> <p>(2) Le montant des dépens selon la présente règle ne doit pas excéder cinq cent dollars (500.00\$).</p>
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15. Notice of Decision	15. Avis de la décision
(1) The Tribunal shall send each party who participated in the proceeding, or the party's counsel or agent, a copy of its final decision or order, including the reasons if any have been given,	(1) Le tribunal envoie à chaque partie ayant participé à l'instance, ou à son avocat ou représentant, une copie de sa décision ou de son ordonnance définitive, accompagnée des motifs, le cas échéant :
<ul style="list-style-type: none"> (a) by registered or regular letter-mail; (b) by electronic transmission; (c) by telephone transmission of a facsimile; or (d) by some other method that allows proof of receipt. 	<ul style="list-style-type: none"> a) soit par courrier ordinaire ou courrier recommandé; b) soit par transmission électronique; c) soit par télécopie; d) soit par une autre méthode qui permet d'obtenir un accusé de réception.
16. Adjournments	16. Ajournement
(1) A hearing may be adjourned from time to time by a Tribunal of its own motion, or where it is shown to the satisfaction of the Tribunal that the adjournment is required to permit an adequate hearing to be held.	(1) Le tribunal peut ajourner l'audience, même à plusieurs reprises, de sa propre initiative ou lorsqu'il est convaincu que l'ajournement est nécessaire à la tenue d'une audience suffisamment approfondie.
17. Power to Review	17. Pouvoir de révision
<ul style="list-style-type: none"> (1) The Tribunal may, if it considers it advisable, review all or part of its own decision or order, and may confirm, vary, suspend or cancel the decision or order. 	<ul style="list-style-type: none"> (1) Le tribunal peut, s'il l'estime souhaitable, réviser la totalité ou une partie de sa propre décision ou ordonnance, et il peut confirmer, modifier, suspendre ou annuler la décision ou l'ordonnance.
<ul style="list-style-type: none"> (2) A request for a review must be made to the Tribunal within five (5) days after the decision or order is communicated to the party so requesting. 	<ul style="list-style-type: none"> (2) Une requête pour révision doit être faite dans un délai de cinq (5) jours après que la décision ou l'ordonnance soit communiquée aux parties.
<ul style="list-style-type: none"> (3) The Tribunal may decline a request for review if it is of the opinion that the request does not disclose; 	<ul style="list-style-type: none"> (3) Le tribunal peut refuser une demande de révision s'il est d'avis que la demande ne divulgue pas :
<ul style="list-style-type: none"> <ul style="list-style-type: none"> (a) the existence of facts that were not brought to the attention of the Tribunal that, had they been known before the Tribunal would likely have caused the Tribunal to arrive at a different conclusion; 	<ul style="list-style-type: none"> <ul style="list-style-type: none"> (a) l'existence de faits n'ayant pas été divulgués au tribunal qui aurait rendu une décision différente, s'il avait connu lesdits faits;

<ul style="list-style-type: none"> (b) an error of law or policy that casts serious doubt on the interpretation of the FCAW Policy; or, (c) the failure of the Tribunal to respect a principle of natural justice. <p>(4) The Tribunal may at any time correct a typographical error, error of calculation or similar error made in its decision or order, and such action shall not constitute a review under this section</p> <p>18. Adding or Removing Parties and Sending Documents</p> <p>(1) The Tribunal may direct that any person be added or removed as a party or be sent any document, as the Tribunal considers advisable.</p>	<ul style="list-style-type: none"> (b) un erreur de droit ou de politique qui remet en question l'interprétation de la politique FCAW ; ou, (c) le tribunal n'a pas respecté les principes de justice naturelle. <p>(4) Le tribunal peut, à tout moment, corriger une erreur typographique, erreur de calcul ou une erreur semblable dans sa décision ou ordonnance, et une telle action ne constitue pas une révision selon le présent article.</p> <p>18. Joindre ou retirer une partie et l'envoi de documents</p> <p>(1) Le tribunal, s'il le considère approprié, peut ordonner qu'une partie se joigne ou se retire ou ordonner qu'un document lui soit envoyé.</p>

From: Faith Blacquiere <>
Sent: February 21, 2020 4:52 PM
To: Sommer Casgrain-Robertson <sommer.casgrain-robertson@rvca.ca>
Subject: RVCA Permit RV5-4419 Barrhaven Conservancy Fill of Jock River - Addendum to 17 Jan 2020 Letter

Dear Ms Cosgrain-Robertson

Would you please include this email on the Agenda and bring it to the attention of the Board Chair

Thank you

Dear Mr Leenhouts, Chair

I would like the Board to consider the following comments regarding your response to my 17 Jan 2020 Letter and the attached Addendum

With regard to the following statement in your Response:

I have also attached RVCA's Executive Committee Rules of Procedures which governs our hearings and to which we are bound. To note, Section 17 (2) states that:

- *A request for a review must be made to the Tribunal within five (5) days after the decision or order is communicated to the party so requesting.*

The Executive Committee was no longer in a position to consider your request to review our decision regarding this application when we received your letter on January 17, 2020, I hope that the attached memo addresses the concerns you raised.

The public did not have sufficient notification of the meeting as there was no Executive Committee Agenda posted with the 7 Nov 2019 Minutes. The RVCA Administration By-Law which was posted 6 Nov 2019 indicates that draft minutes are approved at the next meeting and then signed and posted. The Item appears on the 28 Nov 2019 Agenda. I assume that this is why all of the documents associated with the 7 Nov 2019 meeting are dated 13 Dec 2019.

While the 13 Dec 2019 date is still earlier than my 17 Jan 2020 Letter, I believe that rejection of my concerns on the basis that I did not submit a "request for review" process is inappropriate.

The Rules are not posted on the RVCA website and are dated 29 Oct 2003. I have not had time to research the origin of this requirement, however, I can find no reference in the CAA or O.Reg. 174/06 which refers to a "request for review". This would be contrary to the legislation which only permits an appeal by an applicant to the Minister.

The Staff response portion of your Response basically duplicated what had been said in the Nov documents and didn't address my concerns that misinformation had been provided to the Committee by the applicant and City staff, and there was no Planning Act application associated with the permit and that recognition of all of the development since 2005 and

the impact on it and associated infrastructure had not be analyzed

Since my Letter, I have had the opportunity to contact the City's Forester and visited and photographed the works several times and have also conducted additional research and analysis. I found that the tree cutting permit prevents the cut area from draining. In addition to the condition imposed by the Executive Committee, RVCA also required the standard provisions, a number of which are not being met or which cannot be met. The works to fill the floodplain will not be completed in time for the freshet as the developer is adding fill higher than approved in multiple locations, and this may cause major problems with drainage and sediment transport

The Executive Committee Terms of Reference permits the Committee to cancel a permit. I am requesting that the permit be cancelled based on these issues and that RVCA take action to provide mitigation in anticipation of the freshet

Thank you for considering my comments

Faith Blacquiere

The Tree Cut Permit Undermines the RVCA Permit and Ability to Drain Cut Area Lands

- Tree Cut Permit (TCP) issued 22 Nov 2019
- Tree Conservation Report (TCR) Barrhaven Conservancy Cut and Fill 18 Nov 2019 (Kilgour)
Pg 4 – Pg 5 Following the cut and fill, the floodplain boundary will follow a line approaching **within 40 m of the shoreline** (back as much as 180 m in some places from the meandering shoreline)

Executive Committee 7 Nov 2019 Minutes

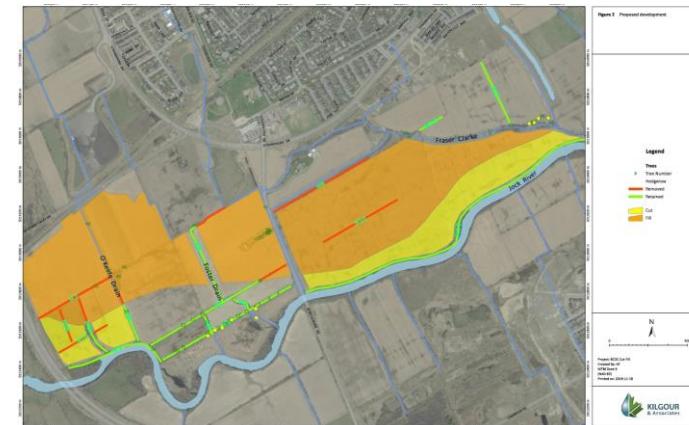
Pg 11 Frank Cairo confirmed that the **30 metre setback would be maintained to the river** and drains.

Pg 12 Steve Pichette confirmed that the depth of the cuts would be 0.4 metres



Borrisokane east side Cut Area 30 Jan 2020
Cut below top-of-bank

- TCR Map requires tree retention along Jock River banks and within the Cut Area
- Photos show:
 - Cut Area closer than 30 or 40 metres
 - Jock River top-of-bank is significantly higher than the Cut Area
 - **Water has no outlet**
 - Cut Area is very flat – water is ponding
- O'Keefe Drain corridor does not meet width requirements
- TCP file D06-01-19-0129 not found on DevApps or Google – no D06 series



Tree Conservation Report Pg 13



McKenna Casey at O'Keefe Drain
working and parking within 30m setback 30 Jan 2020

RVCA Permit RV5-44/19 Conditions will not be Met

Permit Pg 5 Failure to comply with the conditions ... may result in the cancelling of the permission ...

Executive Committee 7 Nov 2019 Minutes

Pg 11 Steve Pichette, of DSEL, advised that a 0.5 metre elevation was being proposed.



Borrisokane east side fill piles 30 Jan 2020



Borrisokane east side fill piles south side of Fraser Clarke Drain 30 Jan 2020



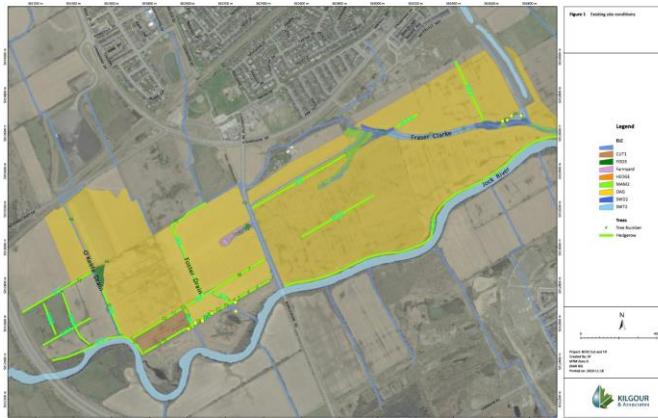
Borrisokane west side fill piles with standpipes 30 Jan 2020

	Condition	Comment
5	Both areas to be cut must be completed prior to any filling to the satisfaction of RVCA	Cut areas are being made along the entire corridor with fill piles being left in the Cut Area and random locations on the properties
8	... verify stability of the final grade	Fill piles exceed the 0.5 metre elevations Some fill piles appear to be intended for preloading/surcharging rather than establishing Cut Area grades
9	A final as-built grading plan shall be submitted immediately ...	
12	Work shall not be conducted ... when flows are elevated ...	As of Jan 31 st , only very small areas are being filled – any major rainfall events and freshet water levels will impact the schedule
15	Sediment and erosion control measures shall be in place ...	Many geotextile fences are snow-covered and appear unstable
17	All disturbed soil areas must be appropriately stabilized ...	The Cut Area and Fill Piles have no erosion protection
18	... response plan ... d) ensure clean-up measures ... are applied ... so as to result in no further alteration of the bed and/or banks	The banks are not being lowered and are higher than the Cut Area elevations – the banks need to be lowered to provide drainage

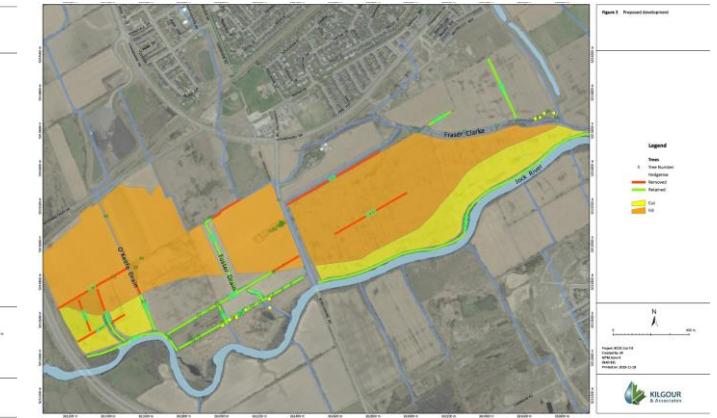
Fill Area in Tree Cutting Permit does not Match the Fill Area in Model 2D



Technical Presentation 7 Nov 2019 Pg 33 and 34 Model 2D

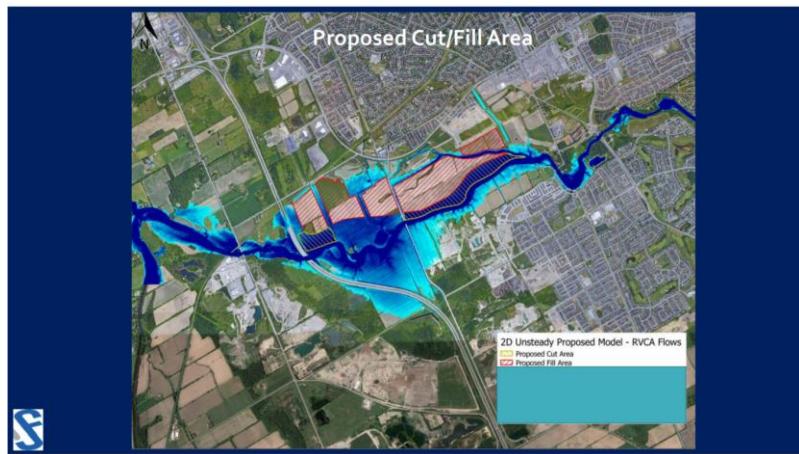


Tree Conservation Report 18 Nov 2019 (Kilgour) Pg 11 and 13

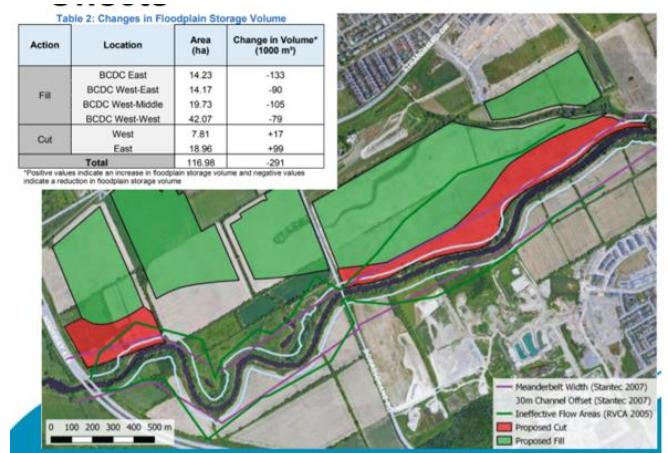


Map variations make it uncertain as to which areas are to be filled

- Decision based on earlier version:
Executive Committee Presentation
Pg 4 The application submission includes the:
Natural Heritage Impacts and Opportunities
Associates with a Proposed Cut and Fill at
Barrhaven Conservancy, by Kilgour
Associates, July 23, 2019



Technical Presentation 7 Nov 2019 Pg 5

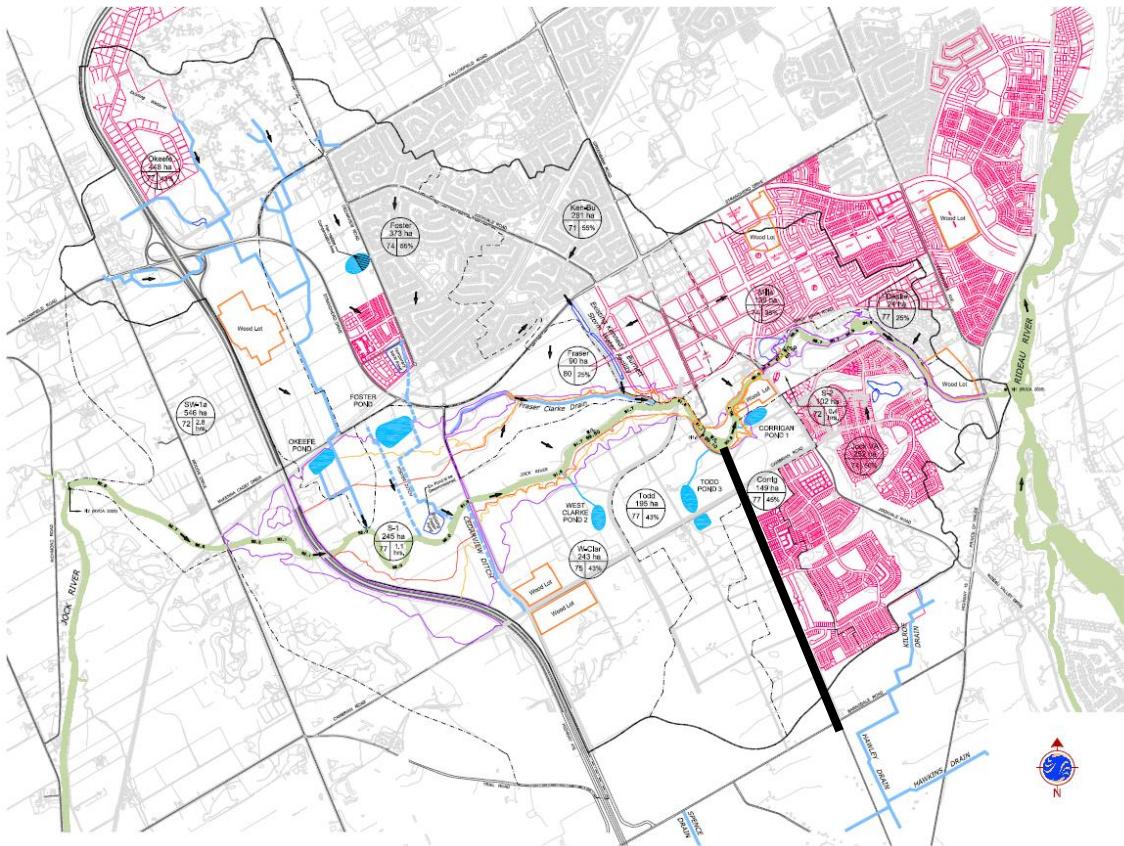


Executive Committee Hearing Presentation Pg 11

JFSA Existing Conditions Modelling is Inadequate for Future Conditions

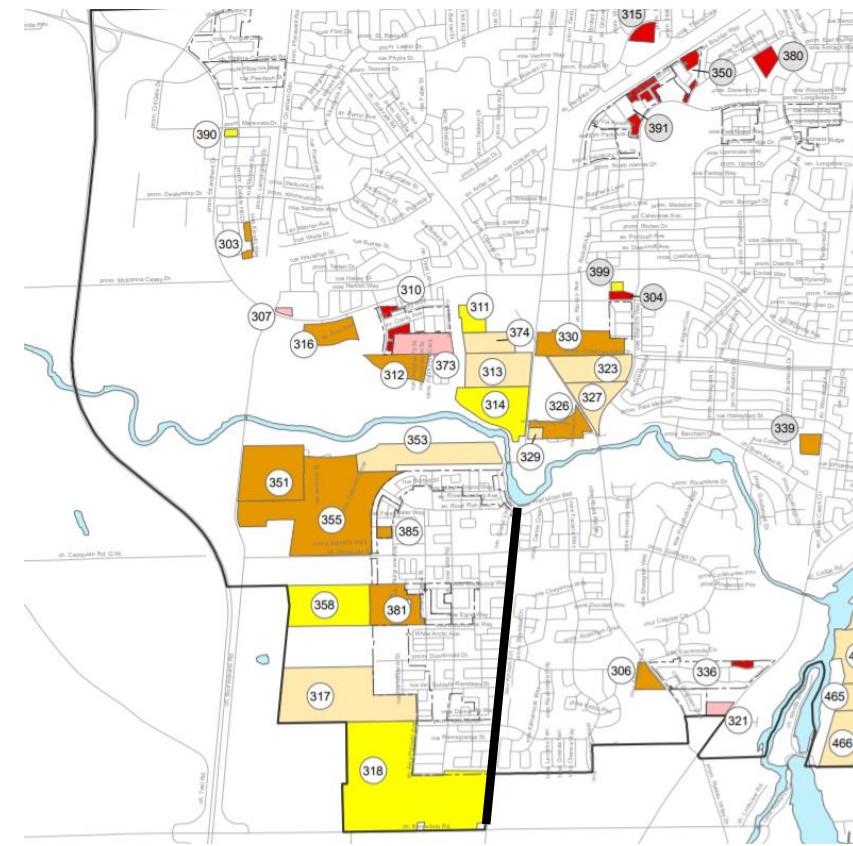
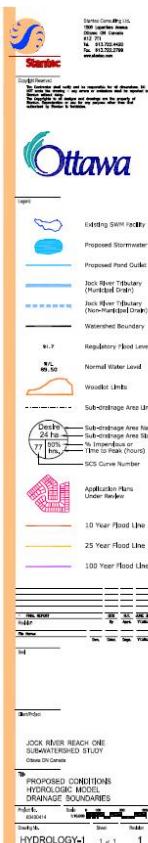
Black line added on Greenbank Road

All developments and infrastructure have been based on the
2005 Regulatory Floodplain Mapping



Jock River Reach 1 Subwatershed Study June 2007

Hydrology-1-1.pdf Proposed Conditions Hydrologic Model Drainage Boundaries
Pink hatched = Application Plans Under Review



DEVELOPMENT STATUS / STATUT DE DÉVELOPPEMENT

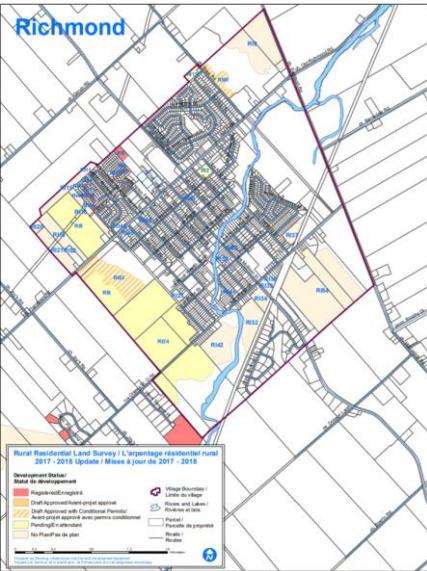
- Registered / enregistré
- Draft Approved / ébauche approuvée
- Pending / en instance d'approbation
- Community Design Plan (CDP) / Plans de conception communautaire (PCC)
- No Plan / aucun plan

2018 Vacant Urban Residential Land Survey 2 Oct 2019

Village of Richmond is the Only Urban Area in the 2005 Flood Risk Modelling



2018 Vacant Urban Residential Land Survey
2 Oct 2019 Map



Rural Residential Land Survey
2017-2018 Update 25 June 2019 Pg 60

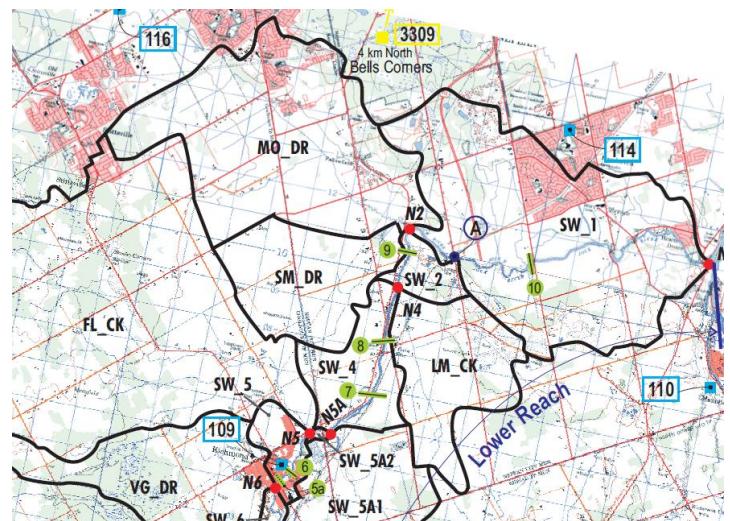
JFSA Mapping is based on 2005 Conditions

Since 2005, 1,267 hectares have been added as urban area

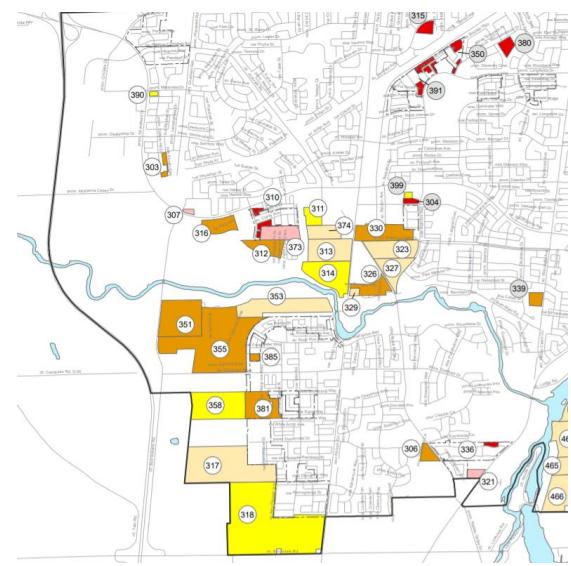
- New mapping is required
- JFSA Existing Conditions modelling is inadequate to determine water levels and flows

Darlene Conway P.Eng. City of Ottawa Letter Response to the Minister, MOE 2 Mar 2010 re Carp River/Fernbank OPA77 Appeal

Pg 2 In the end, it is a matter of simple physics that extensive floodplain filling in combination with the uncontrolled runoff (beyond the 10 year event) from some 900 hectares of new development cannot but result in significant flood level and peak flow increases



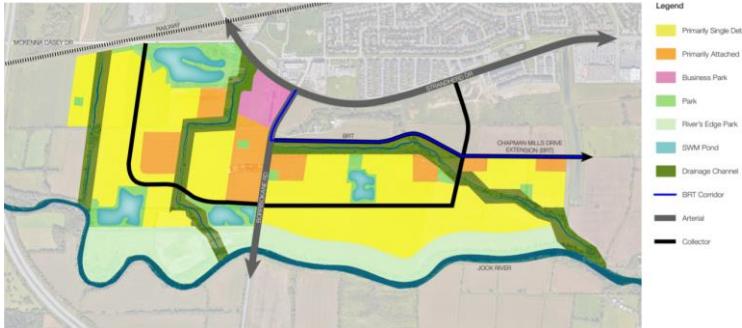
Jock River Flood Risk Mapping Summary Report
June 2005 Pg 13



2018 Vacant Urban Residential Land Survey
2 Oct 2019 Map

DEVELOPMENT STATUS / STATUT DE DÉVELOPPEMENT	
Registered / enregistré	
Draft Approved / ébauche approuvée	
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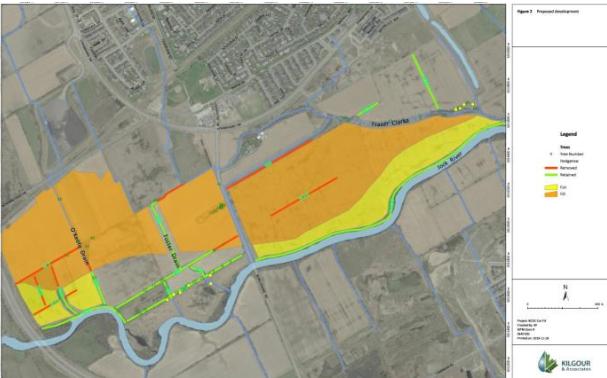
The BCDC Development has no Planning Act Applications and Compromises Existing Plans



BCDC OPA 212 Land Use Plan 4 April 2018



BCDC Natural Heritage Presentation 7 Nov 2019 Pg 6



Tree Conservation Report 18 Nov 2019 (Kilgour) Pg 13

- OPA 212 2018 did not approve the Land Use Plan – it revised the development limit in the Secondary Plans to be the regulatory floodline and did not consider the regulation limit
- There are no Planning Act applications for the remaining 7 phases of the Subdivision
- RVCA has required Planning Act approvals to be in place in the past
- There are no site alterations on the tributaries – these will receive more backwater
- The 2019 Plan
 - Differs significantly from the 2018 Concept Plan in terms of number of parcels and length of Jock River subject to alterations
 - Has 7 SWM Ponds, 4 road crossings in west side tributaries, and pathways - all of which reinstate fill back into the proposed floodway and west side tributary corridors
 - Compromises the plans for the corridor to function for recreational purposes
 - Compromises the Chapman Mills/BRT corridor post-2031 route
 - Compromises the tributary catchment area boundaries
 - Has not been included in any plans to date, including the Jock River Reach 1 Subwatershed Study, the South Nepean Collector, SWM facility and tributary planning, the watermain network, the transit network
 - South boundary doesn't agree with the Tree Conservation Report fill area
- Even the areas which are outside the existing floodway are requiring sump pumps and 100 year HGL at storm sewer obverts, thereby adding to the thousands of homes susceptible to mechanical and power failures