



# Policy and Guidelines for Part VII: Enforcement and Offences

Conservation Authorities Act, R.S.O. 1990, c. C.27  
Plan Review & Permitting Services

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## Conservation Authority Approval

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## Purpose of this Document

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This document provides important information, policy and guidance related to the implementation of Part VII of the *Conservation Authorities Act (CAAct)*. It has been developed to provide direction, clarity, and transparency on how Otonabee Conservation will consistently administer and implement the *CAAct* and specifically, those procedures for enforcement and compliance activities, including Officer code of conduct.

The Otonabee Region Conservation Authority (Otonabee Conservation) participated in a Conservation Ontario led effort to create generic Standard Operating Procedures (SOP's) related to the implementation of the *CAAct*. The resulting documentation was reviewed and tailored according to the needs of Otonabee Conservation and is provided as part of this document.

This document replaces "*Policy for Section 28 – Compliance and Enforcement Activities*" as approved by the Board of Directors under Resolution 109/19, December 19, 2019.

## Chapter Summary

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**Chapter 1: Introduction** provides an overview of the authorizing legislation and regulation that the Otonabee Conservation is governed by. It also provides an overview of the areas regulated by Otonabee Conservation as per regulation and provincial technical guides.

**Chapter 2: Policies for Carrying out Enforcement and Compliance** introduces the overarching philosophy and policy with which appointed officers will carry out their duty.

**Chapter 3: General Procedures** outlines procedural measures and process that appointed officers will follow in carrying out their duties under the *Conservation Authorities Act* and Ontario Regulation 41/24.

**Chapter 4: Procedural Guidelines** include a summary of each guideline and links to the documents within the appendices. The guidelines are adapted from the Conservation Ontario Standard Operating Procedures and examples for officers to reference in completing enforcement and compliance duties. The focus of the guidelines is on Section 28 of the *CAAct*.

## Chapter 1: Introduction

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Protecting Ontarians from loss of life and property damage relies in part on regulating development within natural hazard lands and adjacent areas. While most watershed residents and businesses comply with the *CAAct*, some experience non-compliance due to misunderstandings of legislative requirements, errors in taking steps to ensure compliance, or have limited resources. In a small number of cases, individuals knowingly choose not to comply. Non-compliance with Section 28 of the *CAAct* is an offence and may result in fines or imprisonment upon conviction.

The purpose of this policy is to provide enforcement officers with guidance on compliance matters, while recognizing that case-specific circumstances may influence enforcement decisions. It is not intended to limit or replace an officer's discretion. At this time, the policy applies only to Section 28 of the *CAAct* and does not provide guidance for the enforcement of Section 29.

### 1.1 Guiding Principles

Otonabee Conservation will promote a compliance focused approach that is risk-based and achieves the purpose and legal requirements of the *CAAct*. A compliance-based approach focuses on the objectives of the regulatory law and policy and utilizes a variety of tools and methods to achieve compliance. While voluntary compliance is ideal and preferred, activities are ultimately designed to promote the public interest of all watershed residents and put public safety first.

The principles upon which the policy is based are:

- Fairness
- Consistency
- Transparency
- Timeliness

### 1.2 Legislative Authority

The Otonabee Region Conservation Authority has a regulatory role under Part VI of the *CAAct* and to implement Section 28 and pursuant regulations (Ontario Regulation 41/24).

28 (1) Subject to subsections (2), (3) and (4) and Section 28.1, no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
2. Development activities in areas that are within the authority's area of jurisdiction and are,
  - i. hazardous lands,
  - ii. wetlands,
  - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
  - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations; or,
  - v. other areas in which development should be prohibited or regulated, as may be determined by the regulations. 2017, c. 23, Sched. 4, s. 25.

“development activity” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“activité d'aménagement”).

In order for Otonabee Conservation to discharge its duties under Part VI of the Conservation Authorities Act (CA Act) and to implement Section 28 and Ontario Regulation 41/24, Part VII of the CAAct outlines pertinent Enforcement and Offences provisions of the legislation that allow:

- [30.1 – Appointment of Officers](#)
- [30.2 – Entry without warrant, permit application](#)
- [30.3 – Searches](#)
- [30.4 – Stop order](#)
- [30.5 – Offences](#)
- [30.6 – Limitation period](#)
- [30.7 – Rehabilitation orders](#)

[Appendix A](#) provides a list of other pertinent legislation relevant to Otonabee Conservation.

As per 30.5 above, a person is guilty of an offence where contravention of the following takes place:

- a) Section 28 of the *CAAct*;
- b) Ontario Regulation 41/24;
- c) Conditions of permit that was issued under Section 28 of the *CAAct*; and
- d) A stop order issued under Section 30.4.

A person who commits an offence is liable on conviction:

In the case of an individual,

- a) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both; and
- b) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues.

In the case of a corporation,

- c) to a fine of not more than \$1,000,000; and
- d) to an additional fine of not more than \$200,00 for each day or part of a day on which the offence occurs or continues.

Obstruction of Officers appointed under the *CAAct* in entering land under section 30.2 or 30.3 above, on conviction, is liable to a fine of not more than \$10,000.

As described in s 30.6, the limitation period requires that a proceeding shall not be commenced with respect to an offence under subsection 30.5(1), (4) or (5) more than two years after the day on which the offence first comes to the attention of an officer appointed under section 30.1.

### 1.3 Regulated Areas and Activities

In accordance with Ontario Regulation 41/24, Otonabee Conservation has regulated areas within its jurisdiction where development is prohibited and are as follows:

#### Hazardous Land

Applies to development within hazardous lands, defined under O.Reg. 41/24 as;

“land that could be unsafe for development due to naturally occurring processes associated with flooding, erosion, dynamic beaches, or unstable soil or bedrock (“terrain dangereux”).

Unstable soil and bedrock include, but are not limited to: sensitive marine clays, organic soils, and karst topography. Organic soils are normally formed by the decomposition of vegetative

and other organic materials. Peat soils are the most common type of organic soil in Ontario. Karst topography may be present in limestone or dolomite bedrock and is extremely variable in nature. Karst topography exists within the Otonabee Conservation watershed.

### Wetlands (including swamps, marshes, fens, and bogs)

Applies to development within a wetland or change or interference in any way with a wetland or its adjacent areas of interference and are defined under O.Reg. 41/24 as;

“Wetland means land that,

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which have been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which have been favoured by the presence of abundant water. (“terre marécageuse”)

The definition of “wetland” above does not include periodically soaked or wet land used for agricultural purposes which no longer exhibits a wetland characteristic referred to in clause (c) or (d) of that definition.”

### Other Areas

Per s. 2(3) of O.Reg. 41/24, other areas in which development activities are prohibited are the areas within Otonabee Conservation jurisdiction that are 30 metres of a wetland (S. 28 (1) 2. v. of the CAAct). These are also commonly referred to as “areas of interference”. Wetlands are also flood hazards, therefore the regulated area will be the greater of the flood hazard (floodplain) and its required 15 metre regulated allowance, or the 30 metre regulated area from the boundary of the wetland as per the definitions above.

### River or Stream Valleys

River or Stream Valleys contain hazardous lands associated with both flooding and erosion. Applies to development within river and stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:

- Where the river or stream valley is apparent and has stable slopes, the valley extends to the stable top of bank plus 15 metres to a similar point on the opposite side.
- Where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or if the toe of slope is unstable, from the predicted location of the toe of slope as a result of stream erosion over a projected 100 year period plus 15 metres to a similar point on the opposite side.
- Where the river or stream valley is not apparent, the valley extends:
  - To the greater of:
    - the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard to a similar point on the opposite side, and
    - the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard to a similar point on the opposite side, and
  - an additional 15-metre allowance on each side.

Otonabee Conservations watershed includes shorelines located along the Kawartha Lakes. The regulation limit associated with these lakes is determined using technical guides associated with River or Stream Valley systems from the Ministry of Natural Resources, as amended from time to time.

### Rivers, Creeks, Streams, or Watercourses

O. Reg. 41/24 applies to the straightening, changing, diversion, or interference in any way with the existing channel of a river, creek, stream, or watercourse (including small inland lakes and their shorelines) that are within Otonabee Conservation jurisdiction.

The regulation does not apply to dug-out or isolated ponds located outside of any wetland or other areas of a wetland, river or stream valleys, hazardous lands associated with unstable soil or bedrock, and/or the applicable regulated allowance. A watercourse must have a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.

## 1.4 The Regulation Limit

The approximate extent of regulated areas associated with river or stream valleys, wetlands, hazardous lands, areas of interference with wetlands, and watercourses is identified by a Regulation Limit.

## How has the Regulation Limit been established?

The Regulation Limit, otherwise known as the Regulated Area, has been mapped by Otonabee Conservation in accordance with guidelines from the Ministry of Natural Resources (MNR).

It is important to recognize that this limit is an approximation and that in case of a conflict, the written description of those areas in Section 2 of Ontario Regulation 41/24 shall prevail over the Regulation limit illustrated on the maps.

Mapping is always dependent upon the data or information available. Otonabee Conservation is continually improving its mapping. Between 2022 and 2025 ten new studies were approved by the Board of Directors that identify flood hazards in the Otonabee Conservation watershed. Otonabee Conservation reports annually on the changes made to the mapping as a result of these large engineering studies. Smaller lot level mapping improvements are also made in the course of completing development reviews or carrying out site inspection requests made by residents. Over time, this results in better mapping that accurately defines the Regulated Area.

Mapping is available to the public online at [www.otonabeeconservation.com](http://www.otonabeeconservation.com) and at the head office of Otonabee Conservation. To accurately assess and determine the regulation limit, Otonabee Conservation staff may be required to attend the site to verify any regulated features present.

## Chapter 2: Policies for Carrying out Enforcement & Compliance

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### 2.1 Provincial Offences Officer Code of Conduct

Appointed Provincial Offences Officers are entrusted with enforcing the legislation in a fair, impartial, and respectful manner. Officers shall conduct themselves in a way that upholds:

- The rule of law;
- Public confidence in the administration of justice;
- The rights and dignity of all persons; and
- Professional integrity and accountability.

In order to discharge those duties entrusted to them the following best practices shall be observed.

#### (1) Lawful and Ethical Conduct

- Act **within the scope of their legal authority** at all times;
- Know and comply with applicable legislation, including the *Provincial Offences Act*, *Charter of Rights and Freedoms*, and other relevant statutes;
- Never abuse their authority, position, or discretion; and,
- Avoid conduct that could bring the administration of justice or their employing authority into disrepute.

#### (2) Fairness, Impartiality, and Non-Discrimination

- Enforce the law **impartially and without bias**;
- Treat all persons equally, regardless of race, colour, ancestry, place of origin, religion, sex, gender identity, sexual orientation, age, disability, or socio-economic status; and,
- Base decisions solely on **facts, evidence, and legal standards**, not personal beliefs or external pressures.

#### (3) Professionalism and Courtesy

- Be courteous, calm, and respectful in all interactions with the public, colleagues, and court personnel;
- Use clear, professional language and avoid profanity, sarcasm, or intimidation;

- Exercise patience and professionalism, particularly in difficult or emotionally charged situations; and,
- Present themselves in a professional manner, including appropriate dress, demeanor, and communication.

**(4) Use of Authority and Discretion**

- Use enforcement powers judiciously, reasonably, and proportionately;
- Exercise discretion responsibly and consistently, in accordance with policy and law;
- Avoid unnecessary escalation and use the least intrusive measures appropriate to the situation; and,
- Clearly explain enforcement actions when appropriate and lawful to do so.

**(5) Honesty, Integrity, and Accountability**

- Be truthful and accurate in all notes, reports, testimony, and official records;
- Never falsify, fabricate, or omit relevant information;
- Cooperate fully and honestly in investigations, audits, or court proceedings; and
- Accept responsibility for their actions and decisions.

**(6) Court Conduct and Evidence Handling**

- Maintain independence, objectivity, and professionalism in court;
- Provide honest, complete, and unbiased testimony;
- Properly collect, document, preserve, and disclose evidence in accordance with law and policy; and,
- Respect disclosure obligations and the rights of defendants.

**(7) Confidentiality and Privacy**

- Protect confidential and personal information obtained through their duties;
- Access, use, and disclose information only for lawful and authorized purposes; and,
- Comply with applicable privacy legislation and internal policies.

**(8) Conflicts of Interest**

- Avoid real, perceived, or potential conflicts of interest;

- Not allow personal relationships, financial interests, or outside activities to influence enforcement decisions; and,
- Declare and remove themselves from situations where impartiality could reasonably be questioned.

**(9) Officer Safety**

- Follow training, policy, and legal standards related to officer safety and public safety; and,
- Medical or other assistance shall be sought when required.

**(10) Duty to Report Misconduct**

- Report conduct that is unethical, unlawful, or contrary to this Code;
- Not retaliate against individuals who raise concerns in good faith; and,
- Support a culture of accountability and ethical enforcement.

**(11) Compliance and Discipline**

Failure to comply with this Code of Conduct may result in:

- Administrative review;
- Retraining or corrective measures; and
- Disciplinary action up to and including termination, consistent with employment agreements and applicable law.

Provincial Offences Officers serve a vital role in Ontario's justice system. Adherence to this Code ensures enforcement is fair, lawful, professional, and worthy of public trust, while supporting officers in the proper execution of their duties.

## 2.2 Education and Outreach

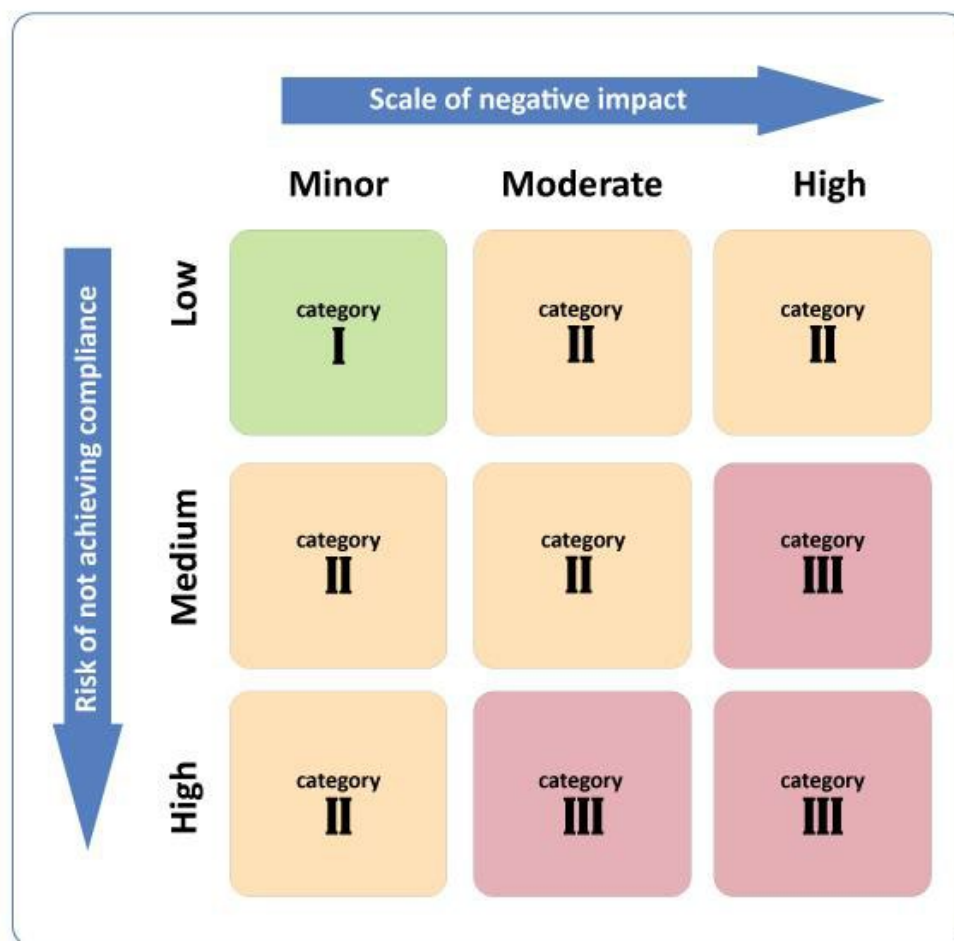
The Authority adopts a compliance-based approach, recognizing that awareness of regulations increases compliance. Staff are available at no up-front cost to answer questions and explain the permitting process. While pre-consultation is not required, it is strongly recommended. Otonabee Conservation pledges to continue to provide communication materials through its various online and social media initiatives to ensure Section 28 messaging remains current and responsive to community needs.

## 2.3 Risk-Based Decision Matrix

The risk-based decision-making matrix is modeled on other enforcement agency approaches. It is a method of identifying an approach based on the scale of the negative impact and the risk of achieving non-compliance.

### Decision Making Matrix

The following risk-based matrix will inform appointed officers to determine an appropriate course of action in addressing any non-compliance.



### Scale of Negative Impact

**Minor** – A minor non-compliance that does not or is unlikely to result in negative impacts or be inconsistent with the tests of the legislation. The actual or potential impacts of the non-compliance are minimal or temporary in nature.

**Moderate** – A moderate non-compliance results in potential or actual impacts that are typically localized or temporary. Non-compliance does not meet the tests of the regulation unless remediation occurs.

**High** – A major non-compliance results in potential or actual severe impacts. Non-compliance does not meet the tests of the regulation unless significant remediation occurs.

#### Risk of not Achieving Compliance

**Low** – Non-compliance can be easily remedied; responsible person has a good compliance history, did not willfully cause the non-compliance or was not willfully negligent, and demonstrates an awareness of permitting requirements and the capacity to comply.

**Medium** – Non-compliance will be technically challenging to remedy; the responsible person is willing to co-operate but has previous contraventions, was aware of legislative requirements but deliberately did not comply or may not have the capacity to comply due to technical complexity/cost of complying.

**High** – Non-compliance cannot be remedied or will be technically very challenging to remedy; there is evidence the non-compliance was deliberate or the result of willful negligence; or responsible person has multiple past contraventions, displays poor attitude regarding compliance, hinders or obstructs government officials, or refuses to provide information or provides false or misleading information

#### Enforcement Approach Category

**Category I** – An example would be development/interference that occurs without an Authority permit, but where no remediation work is required. The preferred course of action in this instance is for the landowner/agent to obtain a retroactive (compliance) permit from the Authority.

**Category II** – An example would be development/interference where the landowner/agent is cooperative but remedial work is required. The preferred course of action would be for the remedial work be completed via a retroactive permit (restoration agreement). Staff would, however, pay special attention to the statute of limitations and would lay charges as needed to maintain the Authority's ability to pursue remedial action via the courts if work cannot be completed within the two-year period.

**Category III** – An example would be development/interference where significant remedial work is required and in a timely fashion or where remedial work is required and the landowner/agent is uncooperative. Staff would make attempts to obtain voluntary compliance but would largely rely on immediate court action to ensure remedial works occur.

## Chapter 3: General Procedures

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### 3.1 Appointment of Officers

The *Provincial Offences Act* (POA), the *CAAct* and the Class Designation, sets out how a Provincial Offences Officer is appointed. Specifically:

- Subsection 1(3) of the POA states, “A minister of the Crown may designate in writing any person or class of persons as a Provincial Offences Officer for the purposes of all or any class of offences”.
- Subsection 30.1 of the *CAAct* states, “An authority may appoint officers for the purposes of ensuring compliance with this Act and the regulations”.
- The Ministry of Natural Resources Class Designation (see [Appendix C](#)) was signed by the Minister on March 20, 2024, regarding the appointment of a class of persons as officers under the *CAAct* and the *Trespass to Property Act* (TPA).

In order for Otonabee Conservation to appoint a staff member as an officer, the following criteria must be satisfied:

- i. Proof of a clean criminal record check (immediately prior to their appointment); and,
  - ii. The officer shall be adequately trained in the legislation they are to enforce (i.e., *CAAct*, POA, TPA).
- II. When the essential requirements are met, the officer shall be appointed as a Provincial Offences Officer by the Board to enforce Section 28 and/or Section 29 of the *CAAct* within the Otonabee Conservation jurisdiction.

Currently, *Conservation Authorities Act*-specific training (both Provincial Offences Officer Level I and Level II) is provided through the Regulatory Compliance Committee and Conservation Ontario. Staff who are employed in an enforcement capacity will be expected to complete this training or its equivalent from as provided by or recognized by the Province of Ontario and its Ministries.

An officer’s designation remains valid for the time the person is in a relevant position with Otonabee Conservation (where the job description requires them to perform enforcement duties commensurate with the designation and training). Upon termination or leaving employment with Otonabee Conservation, the appointment is null and void.

## 3.2 Documentation and File Hygiene

When documenting complaints, investigations and compliance activities, Otonabee Conservation deploys a digital Information Management System. Files are to be created separately for:

- Complaints
- Violations
- Compliance Permit Applications

This will ensure that information collected is organized in a transparent, secure and accessible manner that complies to applicable laws.

### **Notetaking**

Officers will document all new complaints, details of active investigations, interactions and any resolutions in their officer notebook. Note taking is required to be detailed, clear and intelligible. All officers will be trained on how to effectively take notes. All notes become evidence if court action is initiated. For this reason, an officers notebook shall:

- Be written using an active voice.
- Be written using the same, consistent manner (e.g. start of shift or service call template).
- Be highly detailed and comprehensive (dates, times, names and addresses).
- Summarize and articulate incidents by focusing on the “facts in issue”.

Officers will be provided with appropriate law enforcement notebooks. It is the duty of the Authority to maintain/store all enforcement related notebooks in a secure area for potential future disclosure if required. Full procedural guidelines for documentation and notetaking including examples of good notes are found in [Section 4.2](#) of this manual.

## 3.3 Complaints

Complaints will be required to be submitted through the website at [www.otonabeeconservation.com](http://www.otonabeeconservation.com). All incoming complaints will be assigned an officer for review. The officer shall keep a record of all information in the file on the Information Management System and maintain notes in their officer notebook.

Only legitimate complaints regarding development or alteration and interference within the jurisdiction of the CAAct and O.Reg. 41/24 will be engaged by officers.

Officers are not required to follow up with complainants or keep them up to date on the status of a filed complaint or possible non-compliance activity.

### 3.4 Reporting and Duty to Notify

Compliance matters can become the subject of considerable public interest. Officers must ensure they conduct themselves and communicate in a way that protects privacy while preserving the integrity of an investigation. Otonabee Conservation takes the privacy of individuals that are subject to an investigation seriously. Otonabee Conservation shall not provide comments to members of the public on compliance matters that are currently under investigation.

Upon receiving complaints that fall under the jurisdictional scope of other agencies, staff will release and share relevant information, as appropriate. Information shared will follow the standards and procedures as outlined by *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

Officers will maintain a digital Enforcement Summary (tracking list) to report and track progress on enforcement files, and it will be updated and made available to management staff monthly. Management staff will report back to the Board at minimum on an annual basis regarding the number or incidents of non-compliance and the number of resolutions.

### 3.5 Property Owner Identification

If an officer has determined through an investigation that a violation has occurred, they may need to confirm and obtain the legal landowner's information. This would be for the purposes of outreach/communication for a first point of contact. Officers can use the tools publicly available to them, and these include but are not limited to:

1. Assessment Roll Search – local municipal office
2. Corporate Search – third party
3. Geowarehouse Search – Teranet

An officer may submit a request to the CAO/Secretary Treasurer for any available search methods. The response to the officer shall be within a timely manner to not compromise the timeframe of the officer's investigation.

### 3.6 Sending Notices – Violation versus Education

Violations of the *CAAct* and regulations can occur for many reasons. Sometimes a lack of knowledge or ability to acquire a permit can be the cause. Issuing a formal Violation Notice each time a compliance issue arises may be excessive and inappropriate given the circumstance. Officers should first use the Risk Based Decision Matrix and consider the site

specifics prior to determining how to proceed with a notice. Low risk, Category 1 occurrences should only require education and outreach as a first step.

An educational letter will be one advising of the regulations, being softer in tone, and will advise where to find more information by providing links and excerpts from the website, and links to initiate an inquiry. It will also outline how to come see staff in person to discuss their project(s) or reach the Authority by phone.

A Violation Notice is a formal, direct approach notice, following a standard template that will outline any requirements of the addressee under the law. See [S. 4.3 – Violation Inspection, Documentation and Reporting](#) for the Procedural Guideline that discusses Violation Notices and the required information to be contained within.

Violation Notices are required to be approved by the CAO or designate. Those occurrences that fall within high-risk, category 3 are required to be sent Violation Notices.

If no response is received within 30 days of the issuance/deadline response of the violation notice the officer shall re-evaluate the file with management. Additional notices may be issued or charges initiated.

### 3.7 Closing Complaint and Enforcement Files

If an officer deems that a file should be closed, they shall initiate a discussion with management. Depending on the severity or risk, this may require consultation with legal counsel.

To close a complaint, compliance or violation file – a standard internal memo is required to be completed by the assigned file lead and added to the folder. It will contain justification and reasons why the file is being closed.

### 3.8 Prosecution Brief

All appointed officers will be trained in how to lay charges, use court forms and compile evidence and documentation in a Prosecution Brief.

In those scenarios where charges are required to be laid, the officer assigned to the case will be required to prepare a prosecution brief. The brief is required to be completed prior to laying charges. The officer shall complete a digital prosecutor brief according to training, direction from management and legal counsel. The brief will contain all the necessary information and evidence available/necessary for the carrying out of the charges.

## Chapter 4: Procedural Guidelines

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Otonabee Conservation participated in sessions with Conservation Ontario to assist with the preparation of Standard Operating Procedures (SOP's) for CAAct Enforcement. A final version of these documents was circulated by Conservation Ontario in December of 2023.

The SOP's have been reviewed and modified for Otonabee Conservation's use. The modifications include legislative and regulatory updates of the detailed SOP's into 'procedural guidelines' for officers to reference for information and example process/procedures. It will assist in providing direction for enforcement and offences provisions of the CAAct, including powers of entry, property search and stop orders. The guidelines also provide best practice advice and examples for important enforcement activities such as documentation, evidence and court forms.

The Procedural Guidelines are not intended to be step by step requirements. Circumstance will dictate unique requirements or deviation from one or many of the examples in the Procedural Guidelines. Given unique requirements of any given case, officer discretion is required at all times. The Procedural Guidelines are not intended to replace or override legal counsel or advice.

Each of the complete procedural guidelines are found in [Appendix B](#). A summary listing is provided in this Chapter, along with links to the documentation.

### 4.1 Permit Compliance Inspection

The purpose of the [Permit Compliance Inspection Procedural Guideline](#) is to provide guidance to officers and CA staff who undertake permit compliance inspections under section 28 of the CA Act.

It will provide consistency and direction for the process of undertaking inspections of works for compliance with the terms and conditions of an issued permit.

### 4.2 Occurrence Documentation and Reporting

The purpose of the [Occurrence Documentation and Reporting Procedural Guideline](#) is to establish procedures for the appropriate inspection and/or investigation of violations contrary to the CAAct. This procedure will guide Section 28 officers on proper documentation and reporting of potential or actual violations.

This guideline will provide for appropriate and consistent inspection, investigation and documentation of violations that will help officers lawfully and consistently collect evidence.

### 4.3 Violation Inspection Documentation and Reporting

The purpose of the [Violation Inspection Documentation and Reporting Procedural Guideline](#) is to establish procedures for the appropriate inspection and/or investigation of violations contrary to the *CAAct*. This procedure will guide Section 28 officers on proper documentation and reporting of potential or actual violations.

This guideline provides direction for appropriate and consistent inspection, investigation and documentation of violations that will help officers lawfully and consistently collect evidence.

### 4.4 Voluntary Resolution to Violations

Otonabee Conservation uses the Risk-Based Decision Matrix to identify when compliance permits can be issued (S. 2.3 of this document). In order to achieve compliance, the standard process is to issue permits with conditions. The wording of which is agreed upon by the recipient. It can include an appended compliance agreement or remediation/restoration agreement, or conditions that address same.

The purpose of the [Voluntary Resolution Procedural Guideline](#) is to provide example voluntary resolution measures for officers to achieve compliance when dealing with violations of the regulations.

### 4.5 Investigative Techniques and Evidence Collection

The purpose of the [Investigative Techniques and Evidence Collection Procedural Guideline](#) is to provide guidance on investigative techniques that can be employed by *Officers* and procedures on gathering *evidence* in relation to *investigations*. It outlines a detailed approach that Officers can follow to ensure discharging their duty with integrity and the requirements of relevant legislation.

## 4.6 Access to Private Property

The purpose of the [Access to Private Property Procedural Guideline](#) is to provide guidance to Provincial Offences Officers enforcing Section 28 of the CAAct that access private property during their duties.

This guideline will address the legislative authority allowing access to private property for various roles within the parameters of the CAAct. This will create a consistent approach for all compliance/enforcement staff.

## 4.7 Search Warrant

The purpose of the [Search Warrant Procedural Guideline](#) is to explain the documentation, legislative authority and process involved with obtaining and executing a search warrant.

This guideline will address the legislative powers and authorities for Provincial Offences Officers and assist in application for a search warrant, how to proceed with obtaining a search warrant through the courts and includes example process for proper preparation, planning and execution of a search warrant.

## 4.8 Stop Orders

The purpose of the [Stop Order Procedural Guideline](#) is to provide guidance to Provincial Offences Officers on how to lawfully, safely, and efficiently stop work on private property and issue a Stop Order.

This procedure outlines an enforcement action intended to bring unlawful or unpermitted works to an immediate stop.

## 4.9 Officer Safety (Working Alone & Officer Check-in/Communications)

The purpose of the [Officer Safety Procedural Guideline](#) is to provide advice and procedural examples for officers when conducting field activities where risk might be increased due to external factors. This includes guidance around officer safety and working alone. Officers working alone or in teams must establish plans to ensure communication is maintained.

#### 4.10 Statements and Interview Techniques

The purpose of the [Statements and Interview Techniques Procedural Guideline](#) is to provide officers with examples on how to properly take a witness statement, defendant statement or complete a Will Say.

#### 4.11 Storage and Securing Evidence

The purpose of [Storage and Securing Evidence Procedural Guideline](#) is to provide guidance in the *preservation* and control of physical *evidence* to ensure processes meet requirements of the law (e.g. *Evidence Act*).

#### 4.12 Initiating Charges, Service of Individuals and Filing- Part 3 Information/summons

The purpose of the [Initiating Charges Procedural Guideline](#) is to assist Provincial Offences Officers in commencing proceedings under Part III of the *Provincial Offences Act (POA)*.

This procedure will provide a variety of steps that must be taken depending on the circumstances involved and assist in ensuring a consistent approach taken, and that Part III documentation is drafted to reduce errors and promote successful prosecution.

## Appendix A: Applicable Legislation

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Conservation Authorities Act, R.S.O. 1990, Chapter C.27

Ontario Regulation 41/24

Provincial Offences Act, R.S.O. 1990, c. P.33

Trespass to Properties Act, R.S.O. 1990, c. T.21

Evidence Act, R.S.O. 1990, c. E.23

Criminal Code, RSC, 1985, c. C-46

Charter of Rights and Freedom

## Appendix B: Listing of Procedural Guidelines

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4.1 Permit Compliance Inspection

4.2 Occurrence Documentation and Reporting

4.3 Violation Inspection Documentation and Reporting

4.4 Voluntary Resolution to Violations

4.5 Investigative Techniques and Evidence Collection

4.6 Access to Private Property

4.7 Search Warrant

4.8 Stop Orders

4.9 Officer Safety

4.10 Statements and Interview Techniques

4.11 Storage and Securing Evidence

4.12 Initiating Charges, Service of Individuals and Filing of Charges

## Appendix C: Designation of Provincial Offences Officers

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### DESIGNATION

#### ONTARIO MINISTRY OF NATURAL RESOURCES AND FORESTRY

Under the authority of subsection 1(3) of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, I, GRAYDON SMITH, do hereby designate the class of persons in Column 1 of the attached Schedule as a provincial offences officer for the Acts and accompanying regulations, subject to any listed restrictions, described in Column 2 of the item.

This designation revokes Item 9 of the previous designation by the Minister of Natural Resources and Forestry, dated August 29, 2007, and comes into force on the later of April 1, 2024 and the day this designation is signed.

Dated at TORONTO this 20 day of March, 2024.

Honourable Graydon Smith  
Minister of Natural Resources and Forestry



**SCHEDULE – DESIGNATION OF PROVINCIAL OFFENCES OFFICERS**

Item	Column 1 Class of Persons	Column 2 Class of Offences
1.	Any officer appointed under section 30.1 of the <i>Conservation Authorities Act</i>	All offences under the following Acts and accompanying regulations when carrying out duties within their conservation authority:  <i>Conservation Authorities Act</i> <i>Trespass to Property Act</i>

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