

File No. CA 008-94

L. Kamerman)
Mining and Lands Commissioner) Friday, the 23rd day
of June, 1995.

THE CONSERVATION AUTHORITIES ACT

IN THE MATTER OF

An appeal to the Minister under subsection 28(5) of the **Conservation Authorities Act** against the refusal to grant an application for the construction and placing of fill in the Floodplain Lot 8, Concession 6, Township of Thurlow.

BETWEEN :

GERALD POPE

Appellant

- and -

MOIRA RIVER CONSERVATION AUTHORITY

Respondent

ORDER

WHEREAS THIS APPEAL was received by this tribunal on the 3rd day of November, 1994;

AND WHEREAS a pre-hearing conference was held in this matter on the 18th day of April, 1995;

AND WHEREAS an amended application with conditions was submitted to the Executive Committee of the Moira River Conservation Authority on the 11th day of May, 1995;

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AND WHEREAS a consent to dismiss this appeal without costs with conditions attached, dated the 22nd day of June, 1995, was executed and filed by the Appellant;

AND WHEREAS a consent to dismiss this appeal without costs with conditions attached, dated the 31st day of May, 1995, was executed and filed by Mr. David DeMille, counsel for the Respondent;

UPON READING the materials filed in support of an Order dismissing the appeal, with conditions attached;

1. **THIS TRIBUNAL ORDERS** that the Appellant remove the storage building that was constructed on the subject property in August, 1994, forthwith.

2. **THIS TRIBUNAL FURTHER ORDERS** that the Appellant retain the cement pad that was placed for the new storage building on the subject property and relocate the former storage building to the cement pad.

3. **THIS TRIBUNAL FURTHER ORDERS** that the Appellant alter the existing residence by installing skirting on the subject property from grade to first floor elevation to enclose the footings but such skirting shall allow for flood storage loss through venting or piping and the design of the skirting is to be approved by the Moira River Conservation Authority prior to the issuance of any construction permit.

4. **THIS TRIBUNAL FURTHER ORDERS** that this appeal is dismissed.

5. **THIS TRIBUNAL FURTHER ORDERS** that no costs shall be payable by either party to this appeal.

DATED this 23rd day of June, 1995.

Original signed by L. Kamerman

L. Kamerman
MINING AND LANDS COMMISSIONER