

- TOWNSHIP OF MELANCTHON ELECTRONIC MEETING
THURSDAY, OCTOBER 21, 2021 - 5:00 P.M.**

7. Business Arising from Minutes

8. Point of Privilege or Personal Privilege

9. Public Question Period (Please visit our website under Agendas and Minutes for information on Public Question Period)

10. Public Works

1. Email from Bill Neilson regarding Roads Sub Committee Recommendation
2. Report from Kaitlin Chessell, Secretary Roads Sub-Committee regarding Recommendations from Roads Sub-Committee October 12, 2021 meeting
3. Unfinished Business
 1. Trees on Road Allowances (Councillor Mercer)
 2. Recommendation from the Roads Sub-Committee Meeting to lower the speed limit on Melancthon Roads to 70km/hr unless otherwise posted
 3. Traffic calming measures – Pedestrian Zones
 4. Quotes for Survey for Unnamed Lane in Horning's Mills
4. Other

11. Planning

1. Applications to Permit
2. Email from Robyn Kurtes, Director, Environmental Policy Branch MOE regarding Decision on the Proposed Land Use Compatibility Guideline
3. Email from Brenda Serbin regarding Deficiency Letter for the Events Centre TZBA 54-2019 (Councillor Mercer)
4. Other

12. Climate Change Initiatives

13. Police Services Board

14. County Council Update

15. Correspondence

Board & Committee Minutes

1. Heritage Advisory Committee – May 19, 2021
2. Heritage Advisory Committee – June 16, 2021
3. Shelburne & District Fire Board – September 7, 2021

Items for Information Purposes

1. Town of Grand Valley Notice of Public Meeting
2. LPAT Correction Notice for Lyon v. Melancthon (Township)
3. Municipality of Grey Highlands Notice of Public Meeting
4. Email from Ministry of Environment, Conservation and Parks regarding Regulatory Proposals Under the Conservation Authorities Act
5. Email from Ministry of Northern Development, Mines, Natural Resources and Forestry Included in the Supporting People and Businesses Act, 2021 regarding Changes to CFSA, PFA and PLA
6. Email from Annamaria Cross, Director Environmental Assessment Modernization Branch regarding Minor Amendment being Proposed to the Environmental Assessment Act
7. Township of Adelaide Metcalfe Resolution supporting Township of Scugog Resolution for Federal and Provincial Funding of Rural Infrastructure Projects
8. Township of Clearview Extension of Interim Control By-law Notice of Passing

9. Response from City of London to the Township of Melancthon Resolution for Additional Funding for COVID-19

16. General Business

1. Notice of Intent to Pass By-law
 1. By-law to Provide for Maintenance and Repair to the Curphy Municipal Drain
 2. By-law to Authorize an Amended Agreement to the Mutual Access Easement Between Sidhu, Botros and Khalil and the Township of Melancthon
2. New/Other Business/Additions
 1. Update on 142 Mill Lane (Councillor Mercer)
 2. Purchase of Christmas Lights for the Horning's Mills Community Hall (Councillor McLean)
 3. Other/Additions
3. Unfinished Business
 1. Tabled Motion from the August 12, 2021 meeting regarding the paving of the 4th Line NE and 5th Line OS (was referred to the Roads Sub-Committee)
 2. Township Diversity Policy
 3. Town of Shelburne Service Delivery Review regarding Centre Dufferin Recreation Complex and Shelburne and District Fire Department – Update on meeting with Amaranth, Mono and Mulmur
 4. Dufferin County – Vaccine Policy
 5. Notice of Intent to Pass By-law - By-law to Execute a Joint Recreation Agreement Between Township of Melancthon and Township of Mulmur

17. Delegations

1. 5:30 p.m. – Inspector Terry Ward, Dufferin OPP; Peter Marshall and Simon Looker, Municipal Policing Bureau – invited by Council regarding questions on the 2022 Annual Billing Statement and enhancement to OPP contract

18. Closed Session

19. Third Reading of By-laws

20. Notice of Motion

21. Confirmation By-law

22. Adjournment and Date of Next Meeting – Thursday, November 4, 2021 5:00 p.m.

23. On Sites

24. Correspondence on File at the Clerk's Office

Denise Holmes

From: William Neilson [REDACTED]
Sent: Thursday, October 14, 2021 1:35 PM
To: Denise Holmes
Subject: Letter for Next Weeks Council Meeting
Attachments: Roads Sub Committee Recommendation.docx

Hi Denise

I would like to have the attached letter added to next week's Council meeting.

Regards,
Bill

Bill Neilson
Melancthon Resident

October 14, 2021

Mayor, Deputy Mayor and Councillors
Township of Melancthon

Re: Roads Sub Committee Recommendation on the 4th Line NE

I am very disappointed in the Roads Sub Committee recommendation to not consider the 4th Line NE for paving at this time, as part of the Motion put forth to have the 4th Line NE and the 5th Line Paved.

I find this recommendation to be short sighted and dangerous for the residents of the 4th Line NE given the recent history with the safety issues that continue as of today!

Two months after my first letter to Council on the near miss involving the Mennonite children and the quad axle gravel trailer, we again, witnessed a near miss last evening at 6:30 pm, as a pick-up truck and small SUV sped past another cart and pony with 3 Mennonite children travelling north on the 4th Line NE.

As I wrote in my earlier Letters to Committee and Council, the immediate danger to the residents of the 4th Line NE is the flying gravel coming from the road as the vehicles speed past. As I indicated previously 50% of the vehicles using the 4th Line NE and the 5th Line are speeding in excess of 85 KPH or higher and 12% of these speeding vehicles are travelling 120 KPH or higher. This data is taken from the last four road counts taken in July and August of 2021. This is, again, unacceptable.

Chair Besley spoke of the importance of using the Road Management Plan which uses a vehicle rate of 400 vehicles per day as the basis for paving the township roads. If we were to deviate from this, we would have residents of other gravel roads, with the same or higher road counts than the 4th Line NE, wanting their roads paved as well. In my opinion, using only a methodology of 400 vpd and the current percentages for speeding would not only be unacceptable, it would be dangerous and suicidal.

The safety of the residents of Melancthon should be the first consideration!

I don't disagree that vpd should be considered when evaluating township roads for maintenance, however, again, I do disagree that the vpd is the only consideration. What the Road Management Plan does not take into consideration is the growing Mennonite demographic and as evidenced by the last four road counter data, our traffic counts and speeding also continue to rise.

I also disagree with the argument of other residents wanting their roads paved because the 4th Line NE rehabilitation would finally be completed, after four years, with asphalt. This project began prior to the Road Management Plans conception and adoption by Council.

Looking back at the Roads Sub Committee and Council Meetings from April to October 14, 2021 there have been a total of 17 Letters/Emails of Safety and related concerns with Melancthon Township roads. These are broken down as:

- 7 Letters/Emails regarding the 4th Line NE
- 4 Letters/Emails regarding the 5th Line
- 4 Letters/Emails regarding Hornings Mills
- 1 Letter/Email regarding the 7th Line SW
- 1 Letter/Email regarding the 4th Line SW

In my opinion, given the recent history of the very disturbing and appalling behaviour of drivers having a total disregard for all rules of the Highway Traffic Act and a disregard for the safety of the residents of Melancthon and in particular, the residents of the 4th Line NE, it would be short sighted and dangerous if this recommendation was accepted by Council.

I realize paving comes with a price tag. Again, I ask you, what is the price of a human life?

Respectfully submitted

Bill Neilson



The Corporation of
THE TOWNSHIP OF MELANCTHON
157101 Hwy. 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525
Fax No. - (519) 925-1110
Website: www.melancthontownship.ca
Email: info@melancthontownship.ca

CORPORATION OF THE TOWNSHIP OF MELANCTHON

MEMORANDUM

TO: MAYOR WHITE AND MEMBERS OF COUNCIL

FROM: KAITLIN CHESSELL, SECRETARY ROADS SUB-COMMITTEE

**SUBJECT: RECOMMENDATIONS FROM ROADS SUB-COMMITTEE MEETING
OCTOBER 12, 2021**

DATE: OCTOBER 13, 2021

8.9 General Business; Road Occupancy Permit

Hydro one had been in contact with the Township in regard to a road occupancy permit and advised us that we are one of the only Townships that do not have such a permit. We created a road occupancy permit for construction as well as commercial/events. It was discussed that this permit would be filled out by companies such as bell or hydro one when they intend to work roadside.

Recommendation:

The Roads Sub-Committee recommends to Council that we adopt the road occupancy permit.

7.13.2 General Business; Unfinished Business; Motion referred from Council regarding 4th Line NE & 5th Line OS paving

It was discussed that the County of Dufferin will be working on County Road 21 until 2024 and even if they do not run their heavy trucks down our roads, it will still be a detour route for local traffic and therefore any heavy trucks detouring around County Road 21 will still be running 5th Line OS and 4th Line NE. It was also discussed that there could be cost savings to the Township if we could tender out the 5th Line OS

PW#10.2
OCT 21 2021

paving with the County of Dufferin in 2024 when they are paving County Road 21. Sarah Culshaw, Treasurer advised the committee that there are currently no funding grants available for this type of project to be applied for and there may be funding available if we were to push this project off for a couple of years. It was also discussed that if we were to proceed with the paving of 4th Line NE this would be going against the Township adopted Road Management Plan which advises that the 4th Line NE should be reverted back to gravel at end of life and does not have the traffic counts to justify paving. It was further discussed that we could budget money into reserves over the next couple of years to help pay for the paving of 5th Line OS in 2024.

Recommendation:

The Roads Sub-Committee recommends to Council that we move forward with the culvert replacements and ditching required on the 5th Line OS, look into the financial possibility of paving the 5th Line OS in 2024 with the potential to tender this project with the County of Dufferin, assuming that no grant opportunities are available at that time and budget annually into reserves to cover the costs of repaving 5th Line OS in 2024, and not proceed with the paving of the 4th Line NE, but monitor the traffic volumes once we repave the 5th Line OS.



THE CORPORATION OF THE TOWNSHIP OF MELANCTHON PERMIT FOR ROAD OCCUPANCY

CONSTRUCTION

Date _____

Applicant _____
(Name – Please print)

Hereby make application to occupy.

Road _____ Between _____

And _____

Purpose: _____

It is requested that the road as aforesaid be occupied on the

Start: _____ Day of _____ 20____

End: _____ Day of _____ 20____ Times: _____

If closure, traffic will be detoured via _____

CONSTRUCTION:

Upon obtaining such permit and before commencing the work, the applicant shall provide, and during the course of the work shall maintain the following:

- (a) All staff ALWAYS wear safety equipment including hard hats, reflective vests, and safety boots while on the municipal road allowance.
- (b) The Township of Melancthon does not permit full closure of any municipal road without approval from the Public Works Superintendent.
- (c) All damage disruption or removal of existing works such as curb, sidewalk etc. related to the work activity shall be reinstated by the applicant current to the

satisfaction of the Municipality. All road repairs will be the financial responsibility of the Applicant.

- (d) No asphalt surfaces shall be cut. Crossings being bored must be augured. The use of a pneumatic torpedo is not permitted.
- (e) Traffic plan must be executed in accordance with Book 7 of the Ontario Traffic Manual.
- (f) Disturbed areas shall be graded to direct drainage away from municipal road. The ditches, shoulders and travelled road surface, must be restored to its original condition.
- (g) The Township of Melancthon requires all equipment and staff to be off the Municipal Road allowance by 4 p.m. on weekdays prior to a weekend or long weekend.

The undersigned assumes full responsibility for public and employee safety at and around the site and will keep in effect liability insurance to a minimum value of \$5,000,000.00 against loss or damage resulting from an act or omission on the part of the applicant. The undersigned will also comply with all Acts, Regulations, and By-laws which may apply to any work done on the site and obtain all necessary approvals for the above noted works which may include: Local utilities, Ministry of Natural Resources, local Conservation Authorities, and/or any applicable legislation. **Proof of insurance must accompany this application.**

SIGNATURE OF APPLICANT

PHONE

E-MAIL

FAX

ADDRESS

POSTAL CODE

SIGNATURE OF PUBLIC WORKS SUPERINTENDENT DATE

EXTENSIONS

Where time extension is required, the holder of this permit shall apply for such extension at least 24 hours in advance of stated date or re-opening. Time extensions must be authorized by the Public Works Superintendent or his authorized representative before taking effect. Failure to comply will render this permit void.

PERMIT FEE \$500.00 PAYMENT BY: CHEQUE [] CASH [] DEBIT []



THE CORPORATION OF THE TOWNSHIP OF MELANCTHON PERMIT FOR ROAD OCCUPANCY

COMMERCIAL/ EVENT

COMMERCIAL / EVENT:

Upon obtaining such permit and before the event, the applicant shall provide, and during the event shall maintain the following:

- (a) The Township of Melancthon does not permit full closure of any municipal road without approval from the Public Works Superintendent.
- (b) All damage caused by any event activity shall be reinstated by the applicant current to the satisfaction of the Municipality. All road repairs will be the financial responsibility of the Applicant.
- (c) Traffic plan (traffic control persons) must be executed in accordance with Book 7 of the Ontario Traffic Manual.
- (d) The Township of Melancthon requires schedule of times and events for duration of the road occupation.

The undersigned assumes full responsibility for public and employee safety at and around the site and will keep in effect liability insurance to a minimum value of \$5,000,000.00 against loss or damage resulting from an act or omission on the part of the applicant. The undersigned will also comply with all Acts, Regulations, and By-laws which may apply to any work done on the site and obtain all necessary approvals for the above noted works which may include: Local utilities, Ministry of Natural Resources, local Conservation Authorities, and/or any applicable legislation. **Proof of insurance must accompany this application.**

SIGNATURE OF APPLICANT

PHONE

E-MAIL

FAX

ADDRESS

POSTAL CODE

SIGNATURE OF PUBLIC WORKS SUPERINTENDENT

DATE

EXTENSIONS

Where time extension is required, the holder of this permit shall apply for such extension at least 24 hours in advance of stated date or re-opening. Time extensions must be authorized by the Public Works Superintendent or his authorized representative before taking effect. Failure to comply will render this permit void.

PERMIT FEE \$500.00 PAYMENT BY: CHEQUE [] CASH [] DEBIT []

APPLICATIONS TO PERMIT FOR APPROVAL
Oct 21, 2021 COUNCIL MEETING

PROPERTY OWNER	PROPERTY DESCRIPTION	SIZE OF BUILDING	TYPE OF STRUCTURE	USE OF BUILDING	DOLLAR VALUE	D.C.'s	COMMENTS/APPROVED OR NOT APPROVED
Daryl Harrison	West Pt Lot 7, Parcel 1, Con 2 OS 476361 3rd Line	450 sq m (4844 sq ft)	storage shed	replace existing small shed	\$100,000	NO	
Isreal Martin Applicant: Aaron Bauman	Pt Lots 285 & 286, Con 3 NE 117104 2nd Line SW	173.38 sq m (1866 sq ft)	dwelling	home	\$300,000	NO	existing house demolished when new one built
Laura McGriskin	W Pt Lot 11 RP 7R-4126 Pt 1 Pt 3, Con 1 OS 585437 County Road 17	252.14 sq m (2714 sq ft)	dwelling	home	\$900,000	YES	
Laura McGriskin	W Pt Lot 11 RP 7R-4126 Pt 1 Pt 3, Con 1 OS 585437 County Road 17	111.48 sq m (1200 sq ft)	detached garage	storage	\$100,000	NO	

Plan# 11.1
OCT 21 2021

Denise Holmes

From: MECP Land Policy (MECP) <MECP.LandPolicy@ontario.ca>
Sent: Wednesday, October 13, 2021 2:40 PM
To: MECP Land Policy (MECP)
Subject: Decision on the Proposed Land Use Compatibility Guideline

Good afternoon,

Ontario is committed to preventing negative impacts from conflicting land uses within communities, such as the effects of industrial noise and odour pollution on residential areas.

On May 4, 2021, Ontario proposed changes to the current land use compatibility guidelines ("D-Series guidelines") that municipalities and other planning authorities use when making land use planning decisions. The proposed changes aimed to update, renew and consolidate our land use compatibility guidelines to help ensure proper compatibility studies are completed before new sensitive land uses, such as residences, are built near existing major facilities (including industries or industrial areas), and vice versa.

During the 94-day consultation period, the ministry received over 500 comments. In response to the comments received, the ministry has decided to not move forward with this version of the proposed Land Use Compatibility Guideline. The current D-Series guidelines for land use compatibility will remain in effect and will continue to be the provincial guidelines referenced in the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe land use compatibility policies.

Should the Ministry decide to update the D-Series, any potential future update will be posted to the Environmental Registry as a proposal for consultation. To review the decision notice for this proposal, please see the Environmental Registry at <http://ero.ontario.ca/notice/019-2785>.

Please pass this information along to colleagues, members of your organization, other organizations, and anyone else that may be interested.

If you have any questions, please e-mail mecp.landpolicy@ontario.ca.

Sincerely,

Original Signed by:

Robyn Kurtes
Director, Environmental Policy Branch
Ministry of the Environment, Conservation and Parks



Environmental Registry of Ontario

Land Use Compatibility Guideline

**ERO (Environmental
Registry of Ontario)**
number

019-2785

Notice type

Policy

Act

Planning Act, R.S.O. 1990

Posted by

Ministry of the Environment, Conservation and Parks

Notice stage

Decision

Decision posted

October 13, 2021

Comment period

May 4, 2021 - August 6, 2021 (94 days) Closed

Last updated

October 13, 2021

This consultation was open from:

May 4, 2021**to August 6, 2021**

Decision summary

The ministry is not proceeding with the proposed Land Use Compatibility Guideline as a result of feedback received through the Environmental Registry. The current **D-Series guidelines** (<https://www.ontario.ca/page/environmental-land-use-planning-guides>) for land use compatibility will remain in effect. Any potential future updates to land use compatibility guidance would be posted as a new proposal on the Registry.

Decision details

Ontario is committed to preventing negative impacts from conflicting land uses within communities, such as the effects of industrial noise and odour pollution on residential areas.

Between May and August 2021, the ministry consulted with a wide range of stakeholders and Indigenous partners on proposed changes to the current land use compatibility guidelines ("D-Series guidelines") that municipalities and other planning authorities use when making land use planning decisions. The proposed changes aimed to update, renew and consolidate our land use compatibility guidelines to help ensure proper compatibility studies are completed before new sensitive land uses, such as residences, are built near existing major facilities (including industries or industrial areas), and vice versa.

As a result of the extensive interest and nature of the comments received on the proposal, we have decided not to proceed with the proposed version of the Land Use Compatibility Guideline (Guideline) at this time.

The current **D-Series guidelines** (<https://www.ontario.ca/page/environmental-land-use-planning-guides>) for land use compatibility will remain in effect. The Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) require land use compatibility decisions to be made in accordance with

provincial guidelines. As we are not proceeding with the proposed Guideline, the current D-Series guidelines will continue to be the provincial guidelines referenced in the PPS and Growth Plan land use compatibility policies.

The ministry will continue to review the D-Series land use compatibility guidelines based on stakeholder feedback received to date. Should the ministry decide to update the D-Series, any potential future update will be posted to the Environmental Registry as a proposal for consultation.

Comments received

Through the registry

166

By email

356

By mail

166

[View comments submitted through the registry \(/notice/019-2785/comments\)](/notice/019-2785/comments)

Effects of consultation

We considered input received through:

- engagement sessions/meetings held with stakeholders and Indigenous communities
- written comments received on the proposal

Of the 522 written submissions received:

- 10 were duplicate comments (submitted through the registry and by email)
- 350 were form-letters that supported specific organizations' submissions

We received comments from:

- the public
- municipalities and related associations
- developers and related associations
- industry and related associations
- consultants and related associations
- indigenous communities
- environmental, community and/or other organizations

Most comments received can be grouped into the following themes:

1. **General support on need for new Guideline:** Most comments supported the effort to modernize and update the existing D-series guidelines for land use compatibility. A new Guideline was generally welcomed but comments outlined specific concerns with the proposed version of the Guideline.
2. **Transition:** Many questions were raised about when the proposed Guideline would come into effect and how that would affect ongoing official plan reviews and development applications under the *Planning Act* at various stages of the process.

3. **Application of the Guideline:** There was some concern over the application of the Guideline to a broad range of planning approvals. Some comments indicated that site plan control/minor variance applications are too far along to be a key decision point for compatibility, and this may be duplicative or ineffective in addressing compatibility. Other concerns were raised about using different planning tools, such as the use of holding provisions.
4. **Classes of major facilities, Area of Influence (AOI) and Minimum Separation Distance (MSD):** Comments expressed significant concerns about how larger AOIs (Area of Influences)/MSDs (Minimum Separation Distances) will impact intensification and ability to meet density targets, as well as increase burden and costs. There were suggestions for incorporating a lower class of major facility with smaller AOIs (Area of Influences)/MSDs (Minimum Separation Distances) but also some requests for increased AOIs (Area of Influences)/MSDs (Minimum Separation Distances) for certain types of major facilities. Many commenters raised questions about how the updated AOIs (Area of Influences)/MSDs (Minimum Separation Distances) were developed. Other questions around how to develop alternate AOIs (Area of Influences) or how to appropriately classify major facilities were also asked.
5. **Demonstration of need:** Comments outlined concerns with evaluation of alternative sites; the need to complete a demonstration of need to determine whether there is an identified need for the proposed use in the proposed location in earlier stages of planning like official plans/zoning; the application of a demonstration of need to only sensitive land use development; additional burden and overlap with existing reports; and being too subjective. Some comments suggested other approaches such as assessing more alternative locations when siting closer to a major facility, requiring the demonstration of need only in certain cases or at the discretion of a municipality, or eliminating the requirement altogether.
6. **Waste infrastructure:** Comments expressed concerns about the challenges industry already faces when siting landfills, anaerobic digesters and composting facilities. Further, concerns were raised about how changes may impact work completed under the existing D-4 guideline for closed landfill sites.
7. **Aggregates:** A significant volume of the comments received expressed concern about specific aggregate proposals and how aggregate operations are generally addressed in the proposed Guideline. Specifically, they feel that the aggregate industry is receiving preferential treatment over sensitive land uses and that the AOI (Area of Influence)/MSD (Minimum Separation Distance) should apply to new or expanding aggregate facilities.
8. **Cannabis:** Many questions were asked on how the Guideline applies to cannabis facilities. There are concerns about cannabis facilities in agricultural areas and how the inconsistent approach may push these facilities to rural areas. Comments expressed a need for guidelines for outdoor operations, along with suggestions to modify how operations are addressed (e.g. (example) a class for micro operations).

9. **Clarification of key concepts:** There were some requests to clarify key concept definitions (e.g. example sensitive land use), since discretionary interpretations can lead to appeal challenges at the Ontario Land Tribunal. Other concepts such as qualified individuals, worst case scenario and cumulative effects were also requested to be clarified.
10. **Technical clarifications:** Comments on clarifications needed for noise and air technical assessments done as part of compatibility studies were provided (e.g. example clarifications on Class 4 noise designations). This also included concerns over messaging in the document that at-receptor mitigation is not accepted by the ministry for dust, odour and noise (Class 1-3).
11. **Consultation and engagement:** Suggestions to strengthen wording in Guideline related to the importance of engagement and consultation between affected parties were provided, including around Indigenous community engagement and consultation.
12. **Costs:** There were concerns that the proposed Guideline would increase costs for planning approval authorities, developers and industry. This includes costs related to undertaking or reviewing compatibility studies, implementing and monitoring of mitigation measures as well as compliance and complaint responses. There were questions on who is responsible for these costs.
13. **Requests for additional consultation on the proposal:** There were some requests for more consultation on the proposed Guideline, including through working groups. A proactive education effort was also suggested.

Ministry response

In response to the comments received, we have decided to not move forward with this version of the proposed Guideline. The current D-Series guidelines (<https://www.ontario.ca/page/environmental-land-use-planning-guides>) for land use compatibility will remain in effect.

Given the support for updated guidance, we will continue to:

- review the D-Series land use compatibility guidelines
- consider the comments received in our review

Any future updates to land use compatibility guidance, such as a revised version of the proposed Guideline, will be posted as a new proposal for consultation on the Environmental Registry.

Supporting materials

Related links

Environmental land use planning guides (D-series guidelines)
(<https://www.ontario.ca/page/environmental-land-use-planning-guides>)

Provincial Policy Statement, 2020 (<https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (<https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>)

Environmental Noise Guideline - Stationary and Transportation Sources - Approval... (<https://www.ontario.ca/page/environmental-noise-guideline-stationary-and-transportation-sources-approval-and-planning>)

Related ERO (Environmental Registry of Ontario) notices

[Guideline to address odour mixtures in Ontario \(/notice/019-2768\)](#)

[Modernizing environmental compliance practices of the Ministry of the Environment, Conservation and Parks \(/notice/019-2972\)](#)

[Strengthening our environmental compliance approach \(/notice/019-3268\)](#)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.


Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Environmental Policy Branch
40 St Clair Avenue West
10th Floor
Toronto, ON
M4V 1M2
Canada

Connect with us

Contact

Jessica Isaac

 [\(416\) 450-7168](tel:(416)450-7168)

 mecp.landpolicy@ontario.ca

Original proposal

ERO (Environmental Registry of Ontario) number	019-2785
Notice type	Policy
Act	Planning Act, R.S.O. 1990
Posted by	Ministry of the Environment, Conservation and Parks
Proposal posted	May 4, 2021
Comment period	May 4, 2021 - August 6, 2021 (94 days)

Proposal details

Overview

We are proposing a new land use compatibility guideline as an update to a number of existing D-series guidelines for municipalities to use when making land use planning decisions.

We are following through on our Made-in-Ontario Environment Plan commitment to update ministry guidelines to help municipalities avoid the impacts of conflicting land uses. The proposed guideline will help ensure certain land uses can co-exist and thrive for the long-term within a community, including

major industrial facilities and more sensitive residential land uses.

It will help to prevent impacts from noise, dust, odour and other potential sources of adverse effects to sensitive land uses from industries which threaten their ability to operate, and would clarify when compatibility studies related to the assessment of potential noise, odour, dust and other impacts are needed.

Land use planning decisions that address land use compatibility would reduce minor noise, odour and dust incidents requiring ministry attention, allowing the ministry to focus its resources on higher-risk incidents. In the long-term, it would help support jobs across the province by providing industrial facilities with more certainty for long-term, uninterrupted operations.

Objectives and application of the Guideline

The objectives of land use compatibility planning in the context of this Guideline are to:

- protect employment areas (including industrial employment areas) designated for future major facilities from incompatible uses and encroachment by sensitive land uses
- protect existing or planned major facilities from potential impacts from new sensitive land uses
- prevent adverse effects to existing or planned sensitive land uses from new and/or expanding major facilities

The Guideline would be applied when an approval under the *Planning Act* is needed where the decision to be made by the planning authority raises one of the following circumstances:

- a new or expanding sensitive land use (e.g. (example) a residential subdivision or condominium) is proposed near an existing or planned major facility

- a new or expanding major facility is proposed near an existing or planned sensitive land use

Highlights of the Guideline

The proposed updated Guideline would inform and clarify to municipalities and other planning authorities when compatibility studies and (if applicable) mitigation measures are required as part of land use planning decisions under the *Planning Act* to prevent or reduce any adverse effects. To accomplish this, the Guideline proposes:

- area of influence (AOI) distances associated with specific types and classes of major facilities where adverse effects on sensitive land uses are moderately likely to occur (these distances have been revised from current guidelines based on newer Ministry compliance data)
- minimum separation distances (MSD) associated with specific types and classes of major facilities where adverse effects on sensitive land uses are highly likely to occur (these distances have been revised from current guidelines based on newer Ministry compliance data)
- that a compatibility study is required for a new or expanding major facility or a new or expanding sensitive land use proposed in an AOI (area of influence) or MSD (minimum separation distances), to determine appropriate setbacks and mitigation measures
- that planning authorities should not allow sensitive uses within the MSD (minimum separation distances) of a major facility except in rare circumstances
- that a demonstration of need assessment, as required under the Provincial Policy Statement, 2020 (PPS) to assess whether alternate preferred locations exist in the municipality for that proposed land use, is required for a sensitive land use proposed within the AOI (area of influence) of a major facility where mitigation measures are required and where a sensitive land use is proposed within the MSD (minimum separation distances) of a major facility
- contents of compatibility studies and demonstrations of need, and additional direction and links to technical guidance to assist with the compatibility studies and demonstrations of need
- guidance on how to incorporate land use compatibility policies and concepts into official plans and as part of approvals under the *Planning Act*
- examples of mitigation measures that may help to reduce impacts, as demonstrated in a compatibility study, and discussion on integrating these mitigation measures as legal requirements
- guidance on planning for land use compatibility in areas of infill and intensification
- helpful links and information on other guidance that may apply in relation to specific types of facilities
- guidance specifically related to land use on or near landfills and dumps, and on assessing methane hazards from landfill sites

The primary goal of this proposed Guideline is to reduce land use compatibility issues resulting from new development proposals under the *Planning Act* that involve sensitive land uses in proximity to major facilities.

The Guideline should also assist with reducing the encroachment of sensitive land uses on existing major facilities.

As a result of modified AOI (area of influence) distances in the new proposed Guideline, compatibility studies would now be required in relation to some land use proposals for which such studies are not currently required under the existing D-series guidelines. A proposed Policy and Forms Impact Analysis (PFIA) is also attached for review and comment.

Other public consultation opportunities

Concurrent with this posting, the Ministry is consulting on a draft Odour Guideline and an approach to modernize environmental compliance practices, including a draft updated Compliance Policy, referral tool and service standards. Refer to the 'Related links' section in this notice for additional information on these postings.

Other information

This Guideline will support implementation of the PPS (Provincial Policy Statement), issued under section 3 of the *Planning Act*. The PPS (Provincial Policy Statement) includes policies directing land use planning authorities to avoid or minimize and mitigate land use compatibility concerns between major facilities (e.g. (example) industrial uses) and surrounding sensitive land uses (e.g. (example) residences) related to noise, odour and other contaminants.

Similar policies are in a Place to Grow: A Growth Plan for the Greater Golden Horseshoe, 2020 (APTG). These PPS (Provincial Policy Statement) and APTG (A Growth Plan for the Greater Golden Horseshoe) policies require that these land use compatibility decisions be made in accordance with any relevant guidance by the Ministry.

Supporting materials

Related files

[Proposed Land Use Compatibility Guideline \(https://prod-environmental-registry.s3.amazonaws.com/2021-03/Proposed%20Land%20Use%20Compatibility%20Guideline.pdf\)](https://prod-environmental-registry.s3.amazonaws.com/2021-03/Proposed%20Land%20Use%20Compatibility%20Guideline.pdf)
pdf (Portable Document Format file) 1.14 MB

[Proposed Compatibility Guideline Policy and Forms Impact Assessment \(https://prod-environmental-registry.s3.amazonaws.com/2021-03/Proposed%20Compatibility%20Guideline%20Policy%20and%20Forms%20Impact%20Assessment.pdf\)](https://prod-environmental-registry.s3.amazonaws.com/2021-03/Proposed%20Compatibility%20Guideline%20Policy%20and%20Forms%20Impact%20Assessment.pdf)
pdf (Portable Document Format file) 116.69 KB

Related ERO (Environmental Registry of Ontario) notices

[Guideline to address odour mixtures in Ontario \(/notice/019-2768\)](/notice/019-2768)

[Modernizing environmental compliance practices of the Ministry of the Environment, Conservation and Parks \(/notice/019-2972\)](/notice/019-2972)

[Strengthening our environmental compliance approach \(/notice/019-3268\)](/notice/019-3268)

Related links

[Current D-Series Guidelines \(https://www.ontario.ca/page/environmental-land-use-planning-guides\)](https://www.ontario.ca/page/environmental-land-use-planning-guides)

[Provincial Policy Statement, 2020 \(https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf\)](https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf)

[A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf\)](https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf)

[Environmental Noise Guideline - Stationary and Transportation Sources - Approva... \(https://www.ontario.ca/page/environmental-noise-guideline-stationary-and-transportation-sources-approval-and-planning\)](https://www.ontario.ca/page/environmental-noise-guideline-stationary-and-transportation-sources-approval-and-planning)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Comment

Commenting is now closed.

This consultation was open from May 4, 2021
to August 6, 2021

Connect with us

Contact

Sanjay Coelho

 [437-770-1249](tel:437-770-1249)

 mecp.landpolicy@ontario.ca

Donna Funston

From: Denise Holmes
Sent: Friday, October 15, 2021 8:55 AM
To: Donna Funston
Subject: Fwd: Dufferin County building department request from Municipality

From: Margaret Mercer <mmercerc@melancthontownship.ca>
Date: October 14, 2021 at 8:57:06 PM EDT
To: Denise Holmes <dholmes@melancthontownship.ca>
Cc: Chris Jones [REDACTED]
Subject: Fwd: Dufferin County building department request from Municipality

Can you please put this on the agenda for next week's council meeting with Chris providing an answer to her questions.

MMercer

Sent from my iPad

Begin forwarded message:

From: Robin Tripp [REDACTED]
Date: October 14, 2021 at 8:25:53 PM EDT
To: Darren White <dwhite@melancthontownship.ca>
Cc: David Besley <dbesley@melancthontownship.ca>, Wayne Hannon <whannon@melancthontownship.ca>, Margaret Mercer <mmercerc@melancthontownship.ca>, James McLean <jmclean@melancthontownship.ca>
Subject: Re: Dufferin County building department request from Municipality

Darren White,
Thanks for the response to my email. I appreciate you enabling me to understand the correct bylaw that was referenced with respect to my building permit application. With that being said, bylaw 4.3.c states "the minimum distance for any building to nearest lot line - 15 metres" which is 49.2926 feet. However I am not sure how that distance would be a barrier to my building permit since my site plan drawing that accompanied my application stated that the proposed building addition was 75 feet from the closest lot line.

I look forward to hearing from you with respect to clarification or correction.

Thanks Brenda Serbin

On Thu, 14 Oct 2021 at 17:16, Darren White <dwhite@melancthontownship.ca> wrote:
Afternoon Ms Serbin,

The zone regulations that would have determined the 15 meter setback are pulled out of the townships zoning by-law, bylaw 12-1979 in the section dealing with zone regulations etc.

It is in section 4 (general Agricultural A1 zone) regulations which I believe is the zone in which your property is in. In 4.3.c it gives setback distances.

The zoning bylaw can be found on the township website under "Planning" not in the "bylaw" section.

With regards to the site plan, if you submitted one with your package and it's been approved that shouldn't be a problem. You can determine whether it has been sealed by contacting the office and checking with Donna, or the planner as well.

While I'm happy to help, it's best to confirm zone compliance or to clarify the zoning on any property with the townships planner.

Regards.

Sent from my iPhone

Darren White

Warden
County of Dufferin
Mayor
Township of Melancthon

519 278 8234 cell
519 925 5525 office
dwhite@melancthontownship.ca

> On Oct 14, 2021, at 4:15 PM, Robin Tripp <[REDACTED]> wrote:

>

>

> Good afternoon everyone,

>

> I have received a "deficiency Notice" from Dufferin County that has included the following statement.

> " Please upload a copy of the Site Plan that would have been sealed by the Municipality.

> The site plan is to clearly illustrate:

> a. the principal entrance/s;

> b. barrier free path of travel from the entrance to the exterior parking area; and

> c. all firefighting provisions"

>

> Based on the wording of the statement I would believe that this process would have been covered during the original application - yet I don't believe that the Municipality has sent me a copy that has been sealed.

>

- > Could you please inform me when I could expect to receive the sealed SitePlan?
- >
- > Another statement that was included in the "deficiency notice" is as follows.
- >
- > "Proposed Addition is not compliant with Section 2. bbbbbb), of By-law 54-2019
Setbacks from the lot line to the proposed addition should be scaled to confirm zone compliance"
- >
- > The County Building inspector / Plans Examiner stated that this statement came from the Municipality. However, the only set back reference in By-law 54 2019 was as follows - "one temporary tent shall be permitted, subject to the issuance of a building permit and shall be setback 15 metres from any lot line."
- >
- > During the original conversations about the Event Centre with the council - both the Council and the Planner mentioned that I would need washrooms added to the building. I was attempting to move forward with this advice - thus - I have obtained the architecture and engineered drawing to construct permanent washrooms to the Event Centre building.
- >
- > I would appreciate any advice you have with regards to how to move this process forward. I have had plenty of interest from locals with respect to the Event Centre and I am trying to provide them with an exemplar location to enjoy their occasions at.
- >
- > Your Truly
- > Brenda Serbin

250 Side road

75'

Addition

Septic

Event Centre

House



Hanger

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
TEMPORARY USE BY-LAW NO. 54-2019
(Serbin/Tripp Special Events On-Farm Diversified Use)

Being a Zoning By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon with respect to lands located in Part of Lot 20, Concession 4, N.E. in the Township of Melancthon.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass Temporary Use Zoning By-laws to regulate the use of land pursuant to Sections 34 and 39 of the Planning Act, 1990;

AND WHEREAS the owners of the subject lands have filed an application with the Township of Melancthon to amend By-law No. 12-79, as amended;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended for the purpose of authorizing an on-farm diversified use on a temporary basis in a manner consistent with the Township's Official Plan;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Schedule 'A' to Zoning By-law No. 12-79 as amended, is further amended by temporarily zoning certain lands located in Part of Lot 20, Concession 4, N.E. in the Township of Melancthon, from the General Agricultural (A1) Zone to the General Agricultural Exception (A1-138) Zone as shown on Schedule 'A-1' attached hereto and forming part of this By-law.
2. And Furthermore, Section 4.7, to Zoning By-law 12-79 as amended, is further amended by adding the following new sub-section after Section 4.7 aaaaaa):

bbbbb) *On lands located in Part Lot 20, Concession 4, N.E. and located in the A1-138 Zone, a temporary special events business for private parties and events such as weddings shall be permitted which shall include facilities for the preparation and consumption of food and alcohol in conjunction with any special event. The following regulations shall be applicable to the special events business:*
 - a) *The maximum floor area of the building utilized for the business shall be 278.7 m² (3,000ft²);*
 - b) *the special events business shall not include races, carnivals, amusement rides, festivals, contests in the manner described in Section 3.1 of the Township's Special Events By-law 55-2013;*
 - c) *the special event shall begin and end within a 36 hour period, not including setup;*
 - d) *the special event shall be confined to lands zoned A1-138;*
 - e) *one temporary tent shall be permitted, subject to the issuance of a building permit and shall be setback 15 metres from any lot line;*

- f) live music or amplified music associated with the special event shall be located indoors after 9 pm;*
- g) access for patrons shall be provided via the existing farm entrance and all parking shall be accommodated on lands zoned A1-138;*
- h) a restaurant is not a permitted use in the A1-138 Zone;*
- i) any special event involving the sale of liquor shall require a Special Occasion Permit issued by the Alcohol and Gaming Commission of Ontario. A Liquor Sales License is not authorized in the A-138 Zone;*
- j) no camping shall be permitted in conjunction with the special events business; and,*
- k) the special events business shall be coordinated, operated and managed only by the owner of the lands who shall also hold requisite liability insurance and be compliant with all requisite Provincial laws and regulations to conduct the business.*

3. Lands located in the A1-138 Zone are subject to a temporary use of 3 years from the effective date of this Amendment.

4. In all other respects, the provisions of By-law 12-79, as amended, shall apply.

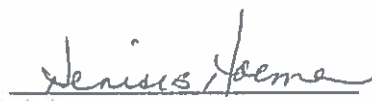
This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) and Section 39 of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the 12th day of December 2019.

READ A THIRD TIME and finally passed this 12th day of December 2019.



Mayor



Clerk

Schedule 'A-1'
By-law 2019- 54
Lot 20, Concession 4 N.E.
Township of Melancthon



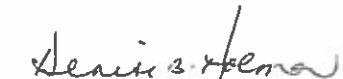
 Lands to be rezoned from the General Agriculture (A1) Zone to the General Agriculture Exception (A1-138) Zone

This is Schedule 'A-1' to By-law 54-2019

Passed this 12th day of December, 2019.



Mayor



Clerk



DEFICIENCY NOTICE

October 14, 2021

Application Number: PRAD202100022

Dear Robin Tripp,

**Re: Addition to Building (for Wedding Reception)
 723190 250TH SIDEROAD, Melancthon
 CON 4 NE LOT 20
 County of Dufferin
 Assessment Roll No: 221900000304800**

This notice serves to confirm that the review process of the plans, specifications, and other information submitted with your application has commenced. The review process has revealed some items that require further clarification.

Please contact your Town/Township with any questions regarding the Municipal Approval Review below.

Please address the following:

Municipal Approval Review

Proposed Addition is not compliant with Section 2. bbbbb), a) of By-law 54-2019
Setbacks from the lot line to the proposed addition should be scaled to confirm zone compliance

Architectural Or Structural Review

1. Please be advised that the Design and General Review of the project must be provided by an Engineer and Architect. Please upload a copy of the Commitment to Review for the Engineer & Architect.
2. Please have the drawings sealed, signed and dated by the Engineer and Architect.
3. Please update the drawings to include the design loads used in the design of the building.
4. Please be advised that the existing building was constructed as a 'storage' building. The proposed change of use to an assembly use 'A2' occupancy is deemed to be a change in major occupancy and a Change of Use permit is required.
5. The performance level of a building after the change of major occupancy shall not be less than the performance level prior to the change of major occupancy.

- a. The performance level of a building or part of a building is reduced where the existing structural floor and roof framing systems and their supporting members are not adequate to support the proposed dead loads and live loads of the new major occupancy that the building is to support.
- b. The performance level of a building or part of a building is reduced where the early warning and evacuation systems requirements of the building do not meet the early warning and evacuation systems requirements set out in Table 10.3.2.2.A. for the new major occupancy that the building is to support. Confirmation for compliance with Table 10.3.2.2.A.
- c. The performance level of an existing building may be reduced where a change in use will result in a change of the major occupancy of all or part of an existing building to another major occupancy of a greater hazard index.

The building is required to comply with OBC Div. B Part 10 and Part 11. Please provide a copy of the Data Matrix using Part 10 and 11 of the OBC separate from the drawings and sealed by the Engineer and Architect.

6. An adequate water supply for firefighting should be an immediately available and accessible water supply with sufficient volume and/or flow to enable fire department personnel using fire hoses to control fire growth until the building is safely evacuated, prevent the fire from spreading to adjacent buildings limit environmental impact of the fire, and provide a limited measure of property protection.

The sources of water supply for firefighting purposes may be natural or man-made and it is imperative that such sources of water be accessible to fire department equipment under all climate conditions. The duration of the water supply should be sufficient to allow complete search and evacuation of the building. The volume of this on-site water supply would be dependent on the building size, construction, occupancy exposure and environmental impact potential, and should be sufficient to allow at least 30 minutes of fire department hose stream use.

The supply of water available for firefighting purposes shall be not less than the quantity derived from the following formula, $Q = K \bullet V \bullet Stot$.

Please provide the water supply calculations and the size of tank being proposed.



7. Please upload a copy of the Site Plan that would have been sealed by the Municipality.

The site plan is to clearly illustrate:

- a. the principal entrance/s;
 - b. barrier free path of travel from the entrance to the exterior parking area; and
 - c. all firefighting provisions.
8. Please upload a copy of the Engineered Drawings for the Mechanical, Electrical and Plumbing.
 9. If a floor area or part of it has been designed for an occupant load other than that determined from Table 3.1.17.1., a permanent sign indicating that occupant load shall be posted in a conspicuous location. Please include a note on the drawings for the proposed occupant load of 120.

Septic Review

1. Please update Schedule 1 and 2 to include the registered Firm's BCIN.
2. Please provide the calculations for the total daily design sanitary sewage flow as determined from Table 8.2.1.3.B. for *Other Occupancies*. You can use the calculations listed under the establishment for *Country Club*.
3. The minimum working capacity of a septic tank shall be the greater of 3600L or in non-residential occupancies, three times the daily design sanitary sewage flow. Please update the size of tank being proposed.
4. Based on the T-time of 50 the septic system must be designed as a raised filter bed. Please provide the calculations used from *Table 2: Quick 4 Equalizer 36 Chamber Sizing for Raised Beds with Imported Fill*.
5. Please update the septic layout to note the dimensions for the revised design. please note that the mantel must extend past the distribution pipes by a minimum of 15m.
6. Please update the septic design to include a cross section complete with construction notes. Clearly illustrate and dimension the specified sand fill, the lines of distribution pipes and the mantle length.
7. Please provide the Building Department with a site plan of the septic system plotting all setbacks from wells, structures and property lines complete with dimensions. Include the footprint of the existing dwelling with information and location on the existing septic serving the dwelling.



8. A person who reviews and takes responsibility for design activities provided to the public shall include the following information on any document submitted:

- a. The name of the registered person and any registration number issued to the registered person by the director,
- b. A statement that the person has reviewed and taken responsibility for the design activities, qualifications described in Clause 3.2.4.2.(1)(a) or (b) that the person has, and
- c. The person's signature.

Please have the septic designer seal their design a sample has been provided below.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.5 of Division C of the Building Code.

NAME	SIGNATURE	BCIN
------	-----------	------

REGISTRATION INFORMATION

Design is exempt under 3.2.4 of Division C of the Building Code.

FIRM NAME	BCIN
-----------	------

Your application has been put on hold until the noted issues have been clarified. Should you have any questions pertaining to this letter, please do not hesitate to contact the undersigned. Please note that construction shall not commence prior to obtaining a building permit.

Regards,

A handwritten signature in black ink, appearing to read 'R. Geurts', written over a horizontal line.

Rita Geurts, M.A.A.T.O., CBCO
Building Inspector / Plans Examiner
Phone: 519-941-2816 ext. 2704
rgeurts@dufferincounty.ca



CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Township of Melancthon Heritage Advisory Committee held an electronic meeting May 19, 2021 at 4:30 p.m. The following members were present: Councillor Margaret Mercer, Debbie Fawcett, Councillor James McLean, Tracy Webber and Todd McIntosh. Also present were: Kaitlin Chessell, Heritage Advisory Committee Secretary. Kaitlin called the meeting to order at 4:31 p.m.

Appointment of Chair and Vice-Chair

Moved by McLean, Seconded by Fawcett that Councillor Mercer be appointed as the Chair of the Heritage Advisory Committee of the Township of Melancthon.

Moved by Mercer, Seconded by McIntosh that Debbie Fawcett be appointed as the Vice-Chair of the Heritage Advisory Committee of the Township of Melancthon.

Additions/Deletions/Approval of Agenda

Addition:

Flower Baskets in Horning's Mills – Vice Chair Fawcett

Moved by McIntosh, Seconded by Fawcett that the agenda be approved as amended.

Declaration of Pecuniary Interest or Conflict of Interest

No declaration declared at this time.

General Business

1. Discussion – Terms of Reference – Mandate of the Committee and Objectives and Goals moving Forward

Chair Mercer asked the Members to give a brief background on their interests in Heritage and discussion ensued.

Chair Mercer brought to the Committee's attention that they will not be able to designate buildings or houses as heritage properties but can approach property owners and ask permission to recognize as heritage properties. It was discussed that the goals of the Committee will be to set out a Budget for 2022 and wanting to educate on heritage and have Delegations. The Committee discussed that it wants to engage the members of the community and cultural institutions such as The Museum of Dufferin and implement a work plan.

2. Discussion – What other Communities are doing for Heritage (outside of designating Properties)

Chair Mercer advised that the Town of Shelburne is a bit of a role model for us as they have a very strong Heritage Committee, and she is hoping to invite them to give a Delegation on how they got started and what the Committee is all about. Vice-Chair Fawcett mentioned that the Town of Fergus has plaques around Town telling visitors what different buildings and houses use to be used for and giving a little bit of history on the buildings. The Committee thinks this is a great way to get people interested and encourages tourism. It was discussed that the Township of Mulmur also has plaques in each of its Hamlets with background information about the Hamlets.

3. Other/Addition – Flower Baskets in Horning's Mills – Vice Chair Fawcett

Vice Chair Fawcett brought to the Committee's attention that the Township's Public Works Department had placed the flower baskets around Horning's Mills this week which she has been planting for over fifteen years.

Member Webber mentioned that she had looked into a web application called the Provincial Heritage Tool Kit which gives a breakdown of what other communities are doing to embrace Heritage, what to request in Heritage Committee budgets and how to engage the community. Member McLean advised that he believes that social media is very important in engaging people that are not local but are still interested in the community and its heritage.

Delegations

None.

Recommendations to Council

None.

Public Question Period

None.

Confirmation Motion

Moved by McIntosh, Seconded by McLean that all actions of the Members and Officers of the Heritage Advisory Committee with respect to every matter addressed and/or adopted by the Board on the above date are hereby adopted, ratified and confirmed; and each motion, resolution and other actions taken by the Board Members at the meeting held on the above date are hereby adopted, ratified and confirmed. Carried.

Adjournment

5:03 p.m. - Moved by McIntosh, Seconded by McLean that we adjourn this Heritage Advisory Committee meeting to meet again on Wednesday, June 16th, 2021 at 4:30 p.m. or at the call of the Chair. Carried.

CHAIR

SECRETARY

CORPORATION OF THE TOWNSHIP OF MELANCTHON

The Township of Melancthon Heritage Advisory Committee held an electronic meeting June 16, 2021 at 4:30 p.m. The following members were present: Chair Margaret Mercer, Councillor James McLean, and Todd McIntosh, Also present were: Kaitlin Chessell, Heritage Advisory Committee Secretary. Chair Mercer called the meeting to order at 4:32 p.m.

Additions/Deletions/Approval of Agenda

Addition:

Business Arising from Minutes

Moved by McLean, Seconded by McIntosh that the agenda be approved as amended. Carried.

Approval of Draft Minutes

Moved by McIntosh, Seconded by McLean that the minutes of the Heritage Advisory Committee held on May 19th, 2021 be approved as amended. Carried.

Business Arising from Minutes

None.

Declaration of Pecuniary Interest or Conflict of Interest

No declaration declared at this time.

General Business

1. Discussion – Regarding meeting with the Shelburne Heritage Committee

Chair Mercer advised that she has been in contact with the Town of Shelburne in regard to having a joint meeting with Shelburne's Heritage Committee instead of having them come to our meeting as a Delegation. Staff was directed to reach out to Jennifer Willoughby from the Town of Shelburne to send out a doodle poll to find a time that works for both Heritage Committees to meet.

2. Heritage Plaques

Vice Chair Fawcett was absent to discuss this item. It was then discussed that there is information in the Provincial Heritage Act about Plaques on Heritage Buildings. This will be discussed further at the next meeting.

3. Other/Addition

None.

Delegations

4:45 p.m. – Rose Dotten, Shelburne Public Library and Laura Camilleri, Archivist for the Museum of Dufferin

Laura Camilleri, Archivist for the Museum of Dufferin discussed with the Committee how to do research at the Museum using Lot and Concessions as it is not filed by civic address. She advised the Committee that there is no book written on the origin of Melancthon and gave the Committee multiple resources for doing research about Melancthon. Laura also is going to email the Committee a rough copy of a driving tour through Melancthon and a walking tour of Horning's Mills.

Idea Roundtable

The Committee discussed some ways that they can get the Community involved and interested in the Heritage of Melancthon. The suggestions were plaques, a written history, having the community send in information about their property by reaching out through the Township newsletter, and using social media to reach more people.

Recommendations to Council

None.

Public Question Period

None.

Confirmation Motion

Moved by McIntosh, Seconded by McLean that all actions of the Members and Officers of the Heritage Advisory Committee with respect to every matter addressed and/or adopted by the Board on the above date are hereby adopted, ratified and confirmed; and each motion, resolution and other actions taken by the Board Members at the meeting held on the above date are hereby adopted, ratified and confirmed. Carried.

Adjournment

5:26 p.m. - Moved by McLean, Seconded by McIntosh that we adjourn this Heritage Advisory Committee meeting to meet again at the call of the Chair. Carried.

CHAIR

SECRETARY



SHELburne & DISTRICT FIRE BOARD

September 7, 2021

The Shelburne & District Fire Department **Board of Management** meeting was held electronically (Zoom ID 883 8813 5986) on the above mentioned date at 7:00 P.M.

Present

As per attendance record.

1. **Opening of Meeting**

- 1.1 Chair, Walter Benotto, called meeting to order at 7:03 pm.

2. **Additions or Deletions**

None.

3. **Approval of Agenda**

3.1 **Resolution # 1**

Moved by M. Mercer – Seconded by F. Nix

BE IT RESOLVED THAT:

The Board of Management approves the agenda as presented.

Carried

4. **Approval of Minutes**

4.1 **Resolution # 2**

Moved by J. Horner – Seconded by G. Little

BE IT RESOLVED THAT:

The Board of Management adopt the minutes under the date of June 1, 2021 as circulated.

Carried

Bdcomm #3
OCT 21 2021

5. **Pecuniary Interest**

5.1 No pecuniary interest declared.

6. **Public Question Period**

6.1 No public present.

7. **Delegations / Deputations**

7.1 None.

8. **Unfinished Business**

8.1 **Closed Session**

Deferred to the next meeting.

8.2 **Rescue 26 Replacement Report**

The Board inquired as to why we only received one submission; the Chief advised that our budget may have been a factor.

Resolution # 3

Moved by G. Little – Seconded by M. Mercer

BE IT RESOLVED THAT:

The Shelburne and District Fire Board of Management receives the Chief's Rescue 26 Replacement Report;

AND THAT Dependable Emergency Vehicles be awarded the contract for one Walk Around Rescue Apparatus to meet RFP 01-21

Carried

8.3 **RFQ Auditor Report**

Resolution # 4

Moved by J. Horner – Seconded by W. Hannon

BE IT RESOLVED THAT:

The Shelburne and District Fire Board of Management receives the Audit Services RFQ report;

AND THAT RLB LLP be appointed as the Auditor's at the first meeting in 2022.

Carried

9. **New Business**

9.1 **SDFD & MMFD Boundary**

The Board discussed and directed that the Chief along with our neighbouring Chief's should get together and come back with a recommendation to the Board as to where the boundaries should be. As this will also require a large data collection, the Chief will report back at the first meeting in the new year.

9.2 **2022 Operating and Capital Budgets**

Operating Budget:

- With the rising fuel costs the Fuel for Trucks line item should be increased
- The Board would like to see the inspection Revenue separated out

Capital Budget:

- The Board will start exploring new locations for a Fire Hall in case a grant or other funding opportunities become available.

10. **Chief's Report**

10.1 **Monthly Reports (June - August 2021)**

There was a total of 26 incidents for the month of June, 20 incidents for the month of July and 14 incidents for the month of August.

10.2 **Update from the Fire Chief**

The Chief advised that there are currently 9 inspections in progress or completed. Firefighters participated in 47 training sessions; the recruits attending are now on the regular training schedule. We will be returning Thursday night training only on September 9th.

The Chief completed Humber College FSMC Personal Management course. The Chief attended County of Dufferin CEMC "Disaster School". The Chief also completed "Resilient Minds" Train the Trainer course.

The Chief purchased the former SPD vehicle and outfitted to SDFD vehicle.

11. **Future Business:**

11.1 **Firefighter Compensation Review.**

12. **Accounts & Payroll – February & March 2021**

12.1 **Resolution # 5**

Moved by G. Little – Seconded by J. Horner

BE IT RESOLVED THAT:

The bills and accounts in the amount of \$122,585.05 for the period of May 28, 2021 to August 31, 2021, as presented and attached be approved for payment.

Carried

13. **Confirming and Adjournment**

13.1 **Resolution # 6**

Moved by H. Foster – Seconded by W. Hannon

BE IT RESOLVED THAT:

All actions of the Board Members and Officers of the Shelburne and District Fire Board of Management, with respect to every matter addressed and/or adopted by the Board on the above date are hereby adopted, ratified and confirmed; And each motion, resolution and other actions taken by the Board Members and Officers at the meeting held on the above date are hereby adopted, ratified and confirmed.

Carried

13.2 **Resolution # 7**

Moved by M. Mercer – Seconded by F. Nix

BE IT RESOLVED THAT:

The Board of Management do now adjourn at 8:15 pm to meet again on October 5, 2021, at 7:00 pm or at the call of the Chair.

Carried

Respectfully submitted by:

Approved:

Nicole Hill
Secretary-Treasurer

Walter Benotto
Chairperson

SHELBURNE & DISTRICT FIRE BOARD MEMBERS

Meeting Attendance Record Under Date of September 7, 2021

Municipality / Member	Present	Absent
Township of Amaranth		
Heather Foster	X	
Gail Little	X	
Town of Mono		
Sharon Martin		X
Fred Nix	X	
Township of Melancthon		
Wayne Hannon	X	
Margaret Mercer	X	
Town of Shelburne		
Walter Benotto	X	
Shane Hall		X
Township of Mulmur		
Earl Hawkins		X
Janet Horner	X	
Staff		
Ralph Snyder – Fire Chief	X	
Jeff Clayton – Deputy Chief		X
Nicole Hill – Sec/Treas.	X	



Town of Grand Valley
5 Main Street North
GRAND VALLEY ON L9W 5S6
Tel: (519) 928-5652
Fax: (519) 928-2275
www.townofgrandvalley.ca

NOTICE OF STATUTORY PUBLIC MEETING FOR A PROPOSED HOUSEKEEPING ZONING BY-LAW AMENDMENT

The Municipal Council of the Town of Grand Valley will hold a meeting to consider the following matter:

Date of Meeting:	Tuesday October 12, 2021
Time:	7:00 PM
Meeting Location:	<p>Online Only</p> <p>In consideration of the current COVID-19 Provincial and Public Health orders, in-person attendance at this Council meeting will not be permitted.</p> <ul style="list-style-type: none">• Members of the public can access a copy of the agenda from the Town of Grand Valley website: www.townofgrandvalley.ca.• Questions for Council or Correspondence related to public meeting business and Requests to Address Council during the public meeting must be submitted to the Clerk before 9:00 a.m. on the day of the meeting, via email at mail@townofgrandvalley.ca or telephone at 519-928-5652.• Members of the public who wish to observe the meeting online may request login credentials by calling the Town office the day before or the day of the meeting before 9:30 a.m. (519-928-5652).
Location:	All properties within the Town
Purpose and Effect of the Amendment:	<p>The update of the Zoning By-law does not change any zoning (with limited exceptions noted below) and does not impact any existing development rights or permissions. It improves the structure, format and usability of the by-law while at the same time addressing certain administrative matters.</p> <p>The following describes the major elements of the draft Zoning By-law Amendment, proposed changes to the By-law, and lists the minor corrections to zoning.</p> <ul style="list-style-type: none">• Removes all references to the imperial system;• Adds a clause permitting technical changes to the By-law without the need for an amendment;

Dated: September 22, 2021
Meghan Townsend, Clerk – Treasurer
TOWN OF GRAND VALLEY

Info #1
OCT 21 2021



Town of Grand Valley
 5 Main Street North
 GRAND VALLEY ON L9W 5S6
 Tel: (519) 928-5652
 Fax: (519) 928-2275
www.townofgrandvalley.ca

- A new parking and loading section, in addition to consolidating all standards to a separate section, additional provisions are added regarding accessible/barrier free parking;
- Zone Provisions and Permitted Uses are revamped and organized into main categories in a tabular format;
- Definitions are cleaned up and reorganized alphabetically;
- Illustrations for specific definitions are proposed for further clarity;
- The By-law used non-existent zones for the zoning of eleven (11) properties; correct zones are proposed as follows:

Address	Roll Number	Current Zone	Proposed Zone
033076 SIDEROAD 21-22	103110	General Commercial "CG"	Agriculture "A"
202319 COUNTY ROAD 109	101000	General Commercial "CG"	Rural Residential "RR"
401185 COUNTY ROAD 15	209300	General Commercial "CG"	Hamlet Residential "RH"
12 AMARANTH STREET WEST	303200	Vehicle Commercial "CV"	Highway Commercial "CH"
242295 CONCESSION ROAD 2-3	109100	Rural Residential "RR"	Village Residential "RV(H)"
242299 CONCESSION ROAD 2-3	109050	Rural Residential "RR"	Village Residential "RV(H)"
242303 CONCESSION ROAD 2-3	109000	Rural Residential "RR"	Village Residential "RV(H)"
242305 CONCESSION ROAD 2-3	108900	Rural Residential "RR"	Village Residential "RV(H)"
Not Assigned	108840	Rural Residential "RR"	Village Residential "RV(H)"
242315 CONCESSION ROAD 2-3	108820	Rural Residential "RR"	Village Residential "RV(H)"
Not Assigned	108810	Rural Residential "RR"	Village Residential "RV(H)"

- Updated to include By-law amendments 2021-19, 2021-22, 2021-30, 2021-36, 2021-38, 2021-39, 2021-48, 2021-49.
- MHBC has also worked with Staff at RJ Burnside & Associates to update the mapping associated with the Zoning By-law.

A Location Map has not been included with this notice as it applies to all properties in the Town. For those properties noted above where zoning will be changing, the Town has provided direct notice.

Dated: September 22, 2021
 Meghan Townsend, Clerk – Treasurer
 TOWN OF GRAND VALLEY



Town of Grand Valley
5 Main Street North
GRAND VALLEY ON L9W 5S6
Tel: (519) 928-5652
Fax: (519) 928-2275
www.townofgrandvalley.ca

NOTES:

1. You or your representative are entitled to attend this meeting to express your views on this update. If you do not attend and are not represented at this meeting, Council may proceed in your absence.
2. If a person or public body does not make oral submissions at a public meeting or make written submissions to The Council of the Corporation of the Town of Grand Valley before the by-law is passed or decision is rendered, the person or public body is not entitled to appeal the decision of The Council of the Corporation of the Town of Grand Valley to the Local Planning Appeal Tribunal.
3. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Corporation of the Town of Grand Valley before the by-law is passed or decision is rendered, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
4. **Any written comments/objections submitted to the Town of Grand Valley regarding this application which are being processed under the *Planning Act 1990*, will form part of the public record, and will be made public as part of the application process.**
5. No decision on this application will be made at the Public Meeting. A further Recommendation Report on these matters will be forwarded to Town Council at a later date. If you wish to be notified of the meeting date you must indicate your request in writing or via e-mail to the Town Planner at mkluge@townofgrandvalley.ca, quoting **ZONING BY-LAW UPDATE**.
6. The Planning Report will be available after 4:30 PM on October 7, 2021, on the Town's Website at: <https://calendar.townofgrandvalley.ca/Council>. For further information or to submit comments please contact the Town Planner Mark Kluge via email at mkluge@townofgrandvalley.ca.

Dated: September 22, 2021
Meghan Townsend, Clerk – Treasurer
TOWN OF GRAND VALLEY

Denise Holmes

From: Paul, Kevin (MAG) <Kevin.Paul2@ontario.ca>
Sent: Monday, October 4, 2021 2:05 PM
To: Denise Holmes; KMullin@woodbull.ca; Ilongo@airdberlis.com; Denise Holmes
Cc: Bath, Ben (MAG)
Subject: PL200506 - OLT Decision Issued (Part Of Lots 296 & 297, Concession 3 SW/Consent)
Attachments: PL200506-OCT-04-2021.pdf

To all recipients:

Attached is a decision issued today with respect to the above noted file.

NOTE: The attached decision is issued by this email. A paper copy will not be sent.

Do not reply to this email address.

Should you require further information/assistance concerning this matter, please contact the LPAT Case Coordinator, Ben Bath:

- By email: Ben.Bath@ontario.ca
- By telephone: Toronto: 416-212-6349 Toll Free: 1-866-448-2248
- TTY: 1-800-855-1155 via Bell relay

Thank you.

Kevin Paul – Decision Administrative Assistant
Ontario Land Tribunals | Local Planning Appeal Tribunal
655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
(416) 710-8033
Kevin.paul2@ontario.ca



Please consider the environment before printing this e-mail.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

CORRECTION NOTICE

OLT CASE NO(S): PL200506
DECISION ISSUE DATE(S): September 29, 2021
CORRECTION NOTICE ISSUE DATE: October 04, 2021
RE: Lyon v. Melancthon (Township)

Correction to: Paragraph [39], line 1 and Paragraph [68], line 3.

Originally: Appellant

Corrected to: Applicant

"Euken Lui"

EUKEN LUI
REGISTRAR

Local Planning Appeal Tribunal
A constituent tribunal of Ontario Land Tribunals
Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 29, 2021

CASE NO(S): PL200506

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Harvey J. Lyon
Applicant:	Adam H. Vander Zaag Farms Ltd.
Subject:	Consent
Property Address/Description:	Part Of Lots 296 & 297, Concession 3 SW
Municipality:	Township of Melancthon
Municipal File No.:	B3/20
OLT Case No.:	PL200506
OLT File No.:	PL200506
OLT Case Name:	Lyon v. Melancthon (Township)

Heard: June 10, 2021 by Video Hearing

APPEARANCES:

Parties

Counsel

Harvey J. Lyon (the "Appellant")

Kim Mullin

Adam J. VanderZaag Farms Ltd.
(the "Applicant")

Leo F. Longo

DECISION DELIVERED BY M. RUSSO AND ORDER OF THE TRIBUNAL

Introduction

[1] The Applicant submitted an application for Consent to Sever to the Township of Melancthon (the "Township") and its Committee of Adjustment (the "C of A") for the purpose of severing a surplus farmhouse dwelling, municipally known as 116258 Second Line SW (the "Severed Parcel") from lands located in the Part Lots 296 and 297, Concession 3, S.W. (the "Retained Parcel"). The Severed Parcel and Retained Parcel are collectively referred to as the "Subject Lands" in this Decision.

[2] The C of A gave provisional consent on the application subject to nine conditions.

[3] The Appellant appealed the C of A's approval of this severance pursuant to subsection 53(19) of the *Planning Act* (the "Act") to the Tribunal.

[4] Prior to the hearing, the Tribunal was informed that the Township would not be present, nor be participating in the hearing.

[5] The core issue that evolved and became apparent to the Tribunal, was whether the consent should be approved, with the dwelling that formally existed on the Subject Lands having been demolished?

Site Context

[6] The subject lands have a total lot area of approximately 45.65 hectares with 332.5 metres of frontage on Second Line SW and are currently occupied by several aging agricultural buildings. The lands were previously occupied by a trailer and a dwelling, which were both demolished in 2018.

[7] The Applicant has taken the position that the demolition of the farmhouse dwelling was a consequence of extenuating circumstances. Through their witness they intend on explaining this position. The severance would delineate the Severed Parcel (formerly occupied by the farmhouse dwelling) consisting of approximately 1.25

hectares and a frontage on Second line S.W. of 100 metres. The retained agricultural holdings would have an area of approximately 44.4 hectares.

Applicable Legislation and Policies

[8] When considering whether to give provisional consent, the Tribunal must have regard to matters of Provincial interest enumerated in s. 2 of the Act. The Tribunal must also have regard for the criteria as set out in s. 51(24) of the Act.

[9] The proposal must conform with the Growth Plan for Greater Golden Horseshoe, 2019 as amended by Amendment No. 1 (the "GP"). Pursuant to s. 3(5) of the Act, the Tribunal must be convinced that the proposal is consistent with the Provincial Policy Statement, 2020 (the "PPS"). The Tribunal must also find that the proposal conforms with policies of the OP (both of the County and the Township), as well as represents good land-use planning in the public interest.

Positions of the Parties

[10] Margaret Walton a land-use planner and principal of Planscape, the firm and agent used by the Applicant in its Application to the C of A, provided a brief site description and overview. Ms. Walton was qualified by the Tribunal, with no objection, to provide opinion evidence in the area of land use planning.

[11] Ms. Walton submitted that Adam Vanderzaag is a third-generation farmer, with deep roots in the community and had purchased the Subject Lands with the intent of farming the lands. Already living in a home in the general vicinity, the Applicant wished to sever the farmhouse and lot existing on the Subject Lands, as it was a surplus farm dwelling not useful to the Applicant in his endeavours to farm the lands.

[12] Ms. Walton focused on three main issues or questions in relation to the core issue identified in her testimony that include:

- i. The interpretation of the OP and PPS and their intent, when assessing the

consent sought.

ii. Who speaks for the public interest?

iii. What is the interest or impact to the Appellant?

[13] Ms. Mullin, in her brief opening submissions introduced the Appellant, Harvey Lyon, as also a farmer with deep roots and long-time interest in agriculture and its preservation.

[14] It was Ms. Mullin's submission, that lot creation on prime agricultural land, is not permitted unless policy 2.3.4.1(c) of the PPS is met. The Appellant's claim is that policy 2.3.4.1(c) has not been met. Therefore, Counsel's respectful submission, is that with policy not being met, the C of A, nor Tribunal, have the authority to grant the consent sought by the Applicant.

Applicant's Planning Witness

[15] Ms. Walton was retained by the Applicant, shortly after the purchase of the Subject Lands in 2018, for the purposes of consulting and providing her expertise on whether the farmhouse dwelling lot could be severed.

[16] Ms. Walton's knowledge of the area and familiarity with the farming community and rural policies (including the Act, in use versions of the GP, PPS and both County and Townships OPs) led her to conclude that the severance was possible and met the criteria of severance from a perspective of surplus dwelling on farm lands.

[17] In providing her opinion on what led to the farmhouse being demolished, Ms. Walton opined, a serious tenant issue arose that led to safety and health concerns that precipitated the Applicant's demolition.

[18] The tenant had serious hoarding issues and their home was left in disarray with

both sanitary and safety issues present. Even after multiple evictions, the tenant and others resorted to illegal squatting, which influenced the Applicant's decision.

[19] The demolition of the farmhouse occurred before Ms. Walton was retained. The Applicant believed this was an insignificant issue, as his intention was to sever and sell the property, and the farmhouse in its current state was more of a liability than an asset from his perspective. However, this does not change Ms. Walton's opinion that the consent is still supported by policy, as the Applicant's intent has not changed. The Retained Parcel was, and still is, to be farmed. The Severed Parcel was occupied by a non-farmer and nothing precludes the farmhouse to be rebuilt and the home likely again will be a non-farmer. Ms. Walton opined that this scenario was akin to a fire destroying the farmhouse in its transition while it was being sold; the land-use planning issues remain the same.

[20] Ms. Walton was present at the Dufferin County Council meeting where Council contemplated whether or not it would support the appeal. She opined that their minutes marked as Exhibit 5 at this hearing, are accurate and reflective of County's Council position being in line with her opinion on the matter.

[21] County Council chose not to appeal nor participate in this appeal. This decision was reached even though the County had received outside consultant recommendations that the consent was not consistent with the PPS, nor conforms with the County OP. However, in the opinion of Ms. Walton, Council similar to the C of A saw things differently. She opined, having heard the extenuating circumstances, being familiar with the farming needs and protecting farming lands, Council chose to not appeal the C of A decision and were satisfied that the intent of the Applicant, aligned with the intent of the planning instruments applicable, and both superseded the specific wording disputed within policy.

Appellant's Planning Witness

[22] Mr. Duhamel, planning witness for the Appellant, was qualified by the Tribunal to

provide opinion evidence in the area of land use planning with no objection by opposing counsel.

[23] In Mr. Duhamel's opinion the consent does not meet the criteria required by policy, thus should not be approved. His opinion focused on the home being demolished and removed, therefore precluding the lands from being considered residence surplus to a farming operation. Further, he opined that the Minimum Distance Separation (the "MDS") required by provincial publication 853 has not been demonstrated, therefore reinforcing his opinion that the consent should not be approved.

The Planning Act

[24] The witnesses did not spend a great deal of time on the Act and policies within when providing evidence in support of their position. However, Ms. Walton did opine that as required, the consent does take into account provincial interest in s. 2 of the Act, specifically s. 2(b). The protection of the agricultural resources is provided with the consent, as the Applicant is a farmer that intends on farming the Retained Parcel. Further, the Severed Parcel is a surplus farmhouse dwelling lot and it is not changing from that land-use. Thus, Ms. Walton is of the opinion that the intent of this policy is met.

[25] Mr. Duhamel disagreed and took the position that s. 2(b) is not met as the consent in its current state does not meet the requirements of the policy. Further, he opined s. 2(p) is also not met with the proposal, as the site is not the appropriate location for growth and development.

[26] Criteria to be met in subdividing lands are set out in s. 51(24) of the Act. Mr. Duhamel pointed out concerns in subsection (a), as he had opined, that the proposal did not meeting provincial interests set out in the Act. Mr. Duhamel referred to his visual evidence that portions of active farmland are being removed and opined that demonstration that the lot size of the Severed Parcel is the minimum size required, has

not been provided. Further with the proposal in his opinion not conforming to both County and Township OPs, he therefore opined, the criteria required in s. 51(24) are not met.

[27] Ms. Walton in contrast opined that all criteria as set out in s. 51(24) are met and the severance should be approved. She opined that the intent of the Applicant and his family history in farming and the lands continuance of that use should supersede any perceived wording conflicts. In her opinion, habitation of the farmhouse being included in its description, only exists to ensure surplus dwellings are being severed and that only exists to protect the farmland, which she opines is being protected by the Applicant and his intended land-use.

[28] Pertaining to the Act, The Tribunal prefers the position of Ms. Walton and is satisfied that the evidence is supportive of such. The farmhouse being demolished does not change the land use of what was present on the Severed Parcel, nor what can be rebuilt on it as of right. Further the Tribunal is not satisfied that the severance and a rebuild of what was existing, would represent growth. The Tribunal is satisfied that the intent of what s. 2 of the Act strives to achieve is maintained by the consent. Further, The Tribunal in reviewing the evidence and the testimony of the witnesses is satisfied that all relevant criteria as set out in s. 51(24) are met by the proposal and with the severance sought.

Provincial Policy Statement, (2020)

[29] Ms. Walton provided the Tribunal some details of the initial application and when her report was authored for the C of A. At the time the PPS in force was that of 2014. However, her opinion is that there are no discernible differences that exist in PPS 2014 policies cited to the current in force PPS 2020. Mr. Duhamel concurred with this opinion.

[30] Ms. Walton in testimony opined that the proposal is consistent with s. 2.3 of the PPS titled Agriculture and all relevant policies within with emphasis on s. 2.3.1:

Prime agricultural areas shall be protected for long-term use for agriculture.

[31] Focusing on s. 2.3.4, Lot Creation and Lot Adjustment policies, Ms. Walton opined that the consent is consistent with s. 2.3.4.1 (c) and subsections 1 and 2.

s. 2.3.4.1, "Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province or based on municipal approaches which achieve the same objective.

In Ms. Walton's opinion, subsection 1 is satisfied with the Severed Parcel having a size consistent with surrounding area's rural residential lots and providing the sewage and water service capability required. In her opinion, it should be noted that the Severed Parcel not only provides the capability but already has the infrastructure in place, having been used to serve the dwelling. Subsection 2 in Ms. Walton's opinion was strengthened by the fact that the Applicant is a well known farmer and farming family with the intent of solely farming the Retained Parcel and adding to its already large farming holdings, seen on the map provided on page 60 of Exhibit 2. She also indicated that through discussions with the Applicant, they would not be averse to additional conditions of approval fortifying subsection 2 requirements.

[32] Ms. Walton concedes that the problem or challenge raised stems with the definition of residence surplus to a farming operation on page 50 of the PPS, that reads:

Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

The inclusion of the word "habitable" in her opinion has led to this appeal and opposition from other consultants as highlighted by the Appellant's Counsel. However, Ms. Walton took the Tribunal to Part III

of the PPS text, where the reader is instructed to read the document in its entirety. Further, she focused on text within the preamble of the PPS that states:

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

With all the above in mind, Ms. Walton opined that the simple word habitable cannot, nor should not replace the intent of the policy. The farmhouse was habitable at time of purchase and would be still habitable if not for circumstances. Ms. Walton opined the task of the C of A and County Council was to provide that important local context and both did so by choosing to support the consent.

[33] Mr. Duhamel in contrast to Ms. Walton opined the proposal is not consistent with the PPS. In providing his evidence, he brought the Tribunal to Part IV of the PPS text that indicates the Vision for Ontario's Land Use Planning System and opined the significance of policy framework and its repetition in Provincial to County to Township policies highlight their importance.

[34] In Mr. Duhamel's opinion, protection of agricultural lands is paramount in the PPS. Seen in s. 1.7.1 (i) and s. 2 and reinforced in s. 2.3.1 that reads:

Prime agricultural areas shall be protected for long-term use for agriculture.

Mr. Duhamel opined that this language is important and is directive and as he intends on focusing on in following policies, is prohibitive.

[35] As Ms. Walton had discussed, Mr. Duhamel opined that s. 2.3.4.1 is significant in analyzing policy direction relevant to this proposal, however, he focused on the language and again its directives. Policy 2.3.4.1 as previously noted reads:

Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum

size needed to accommodate the use and appropriate *sewage and water services*;
c) a residence surplus to a farming operation as a result of farm consolidation,
provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

[36] Mr. Duhamel opined the word “discouraged” as being a significant directive and the words “may only be permitted” within the policy eludes to its subsections, and if these subsections are not met, the totality of the policy is prohibitive as is made clear in s. 2.3.4.3 that reads;

The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

[37] The Appellant’s counsel in closing submissions takes the position that consistency with the PPS is not the general intent of the PPS, but the wording written within. Counsel put forward that Mr. Duhamel was clear in his evidence that s. 2.3.4.3 provides directive and prohibitory language conceded in cross examination by Ms. Walton.

[38] Counsel for the Applicant submitted that the key policy dealt with in this proposal and PPS, is not s. 2.3.4.3 but in fact s. 2.3.4.1. and that s. 2.3.4.3 merely speaks to the focal policy before it. Thus, focus should be given to s. 2.3.4.1 and subsections within, that are not prescriptive, but rather the policy discourages lot creation. However, the Applicant’s position is that they are not creating a new lot but establishing formal recognition of what has existed for some time. In that formal lot creation policy, it does provide remedies and tests as set out in subsections (a) through (d) that if met do permit the lot creation, as is the case in this proposal. Therefore, the prohibition seen in s. 2.3.4.3 is a moot point, if and when s. 2.3.4.1 (c) is met, which Counsel submits Ms. Walton has demonstrated.

[39] The Tribunal prefers the position of the Appellant and finds that policies within s. 2.3.4.1 have been met and the prohibitory language of s. 2.3.4.3 does not apply, nor that it supersedes the intent of the policy. The PPS instructs the reader to read it in its totality. Therefore, in doing so and implementing all relevant policies, it is reasonable to conclude that if the intent of what the policy strives to achieve, be it the protection and maintenance of agricultural lands is achieved.

[40] The Tribunal finds that it is reasonable to conclude that the inclusion of the surplus dwellings and their ability to be severed (s. 2.3.4.1 (c)), exists to avoid fragmenting and ongoing elimination of agricultural lands to be limited to lands meeting the criteria provided. However, the rigidity of the criteria must not overlook why the policies exist in the first place, to protect and maintain the agricultural lands. The Proposal achieves this goal and meets the intent of the policies, with it solely missing the dwelling that would have checked off all the boxes. The Tribunal is satisfied that exclusion of a habitable dwelling existing does not prohibit its severance, particularly when it existed months prior, differing from if it never existed at all. Again, it must also be noted that the dwelling can be rebuilt (as of right) and that box can be checked. However, in doing so the Tribunal finds as opined by Ms. Walton the results would be the same "the Applicant would be farming the Retained Parcel and the Severed Parcel would remain a rural residential parcel".

[41] For the reasons provided above and when assessing the evidence in its totality, the Tribunal is persuaded more so by the testimony of Ms. Walton and is satisfied that the proposal is consistent with the PPS.

The Growth Plan

[42] Similarly to the Act, not a great deal of testimony was provided on the GP. Ms. Walton opined that the GP does not speak to surplus dwellings and plays a lesser role in discussions for this proposal. However, Ms. Walton did opine that the proposal overall conforms to the GP and particularly implements *agri-food network* and enhances it as directed in s. 4.2.6.4.

[43] She also opined that the lands and overall area will benefit in having a farmer who is invested, and part of the community work the Subject Lands. This is diminishing in the industry with the rental of lands being more prevalent and that link to community lessening.

[44] Mr. Duhamel concurred with Ms. Walton that the GP does not speak to surplus dwellings and does not speak to severances in general. Thus, he opined that the GP is not overall highly relevant in his opinion formation on the proposal. Mr. Duhamel did point out that s. 4.2.6.5 encourages retention of lands as they are, and *agricultural uses* are encouraged whereas non-agricultural uses are discouraged, as is sought by the consent.

[45] The Tribunal on its review of the GP and with the evidence provided finds that the proposal generally conforms to the GP.

The County OP

[46] Ms. Walton directed the Tribunal to s. 1.1.5 of the County OP, its goals. With its derivation from the PPS, these goals seek to protect, sustain and promote *agricultural areas*. In Ms. Walton's opinion the intent of the OP is maintained with the proposal. The Retained Parcel will be farmed by a local farmer and the Severed Parcel will remain in its current state, with rural character and its long-standing complimentary use.

[47] Mr. Duhamel disagreed and pointed out to subsection (c) in s. 1.1.5 and again its repetition of protection of *agricultural areas*. In his opinion severing off a parcel for economic gains does not equate to protecting the Subject Lands.

[48] Ms. Walton in her testimony in contrast to Mr. Duhamel saw economic decisions as a vital component to ensuring farming sustainability particularly when reinvested into farming lands and in farming families. Ms. Walton opined that farmers do not want to be landlords nor wish to shoulder the work involved in managing a residential property. The money that would be attained from this common surplus dwelling sale, would be

reinvested into farming operations and aid in sustaining this farming family, particularly important in this area bordering on an urban node and pressures associated with that.

[49] Ms. Walton spoke to the County objectives within agricultural areas within s. 4.2 of the OP. In s. 4.2.1 (b) the County seeks to maintain and enhance the agricultural resource base and the farming operations within the County. Ms. Walton opined that the proposal both maintains and enhances local farming operations and thus conforms to this policy. The severance of a surplus dwelling lot aids a young farming family in reinvesting and enhancing the agricultural resource base and expand a farming operation already existing within the County, as depicted in the Vanderzaag family holdings seen on the map provided (and already spoken to) in Exhibit 2.

[50] Ms. Walton opined that the definition found in the County OP for surplus dwellings to a farming operation was a repetition of the definition found in the PPS. Therefore, her opinion on the matter is the same. The inclusion of the word habitable is not sufficient to deny the consent. She maintains the opinion that the home was standing and habitable (although in poor and unsanitary conditions) when the Applicant purchased the lands and circumstances caused the home to be demolished. Ms. Walton opined that this is not a new lot being created, the lot exists and has existed for some time, just not formally severed. The land-use has not changed and does not change with the previous farmhouse standing or a new dwelling being erected. The Retained Parcel will be farmed and that is, in her opinion, the overall intent of the creation of the surplus dwelling policies, to protect those lands, not the mere habitation of a dwelling.

[51] Speaking to s. 4.2.5, Ms. Walton is of the opinion that the proposal conforms to this policy and generally to the policies of the County OP. Also as indicated prior and in speaking to s. 4.2.5 (c), Ms. Walton indicated that the Applicant is open to having additional conditions applied that strengthen and ensure compliance, particularly to ensuring no dwellings will be erected on the Retained Parcel and adhering to MDS and associated requirements.

[52] Mr. Duhamel took the Tribunal as did Ms. Walton to County objectives in s. 4.1 and opined they are akin to the goals discussed in s. 1.1.5. His review of s. 4.2 and s. 4.2.1 objectives led Mr. Duhamel to provide the opinion that the proposal seeks to fragment the Subject Lands and the lot size provided for the Severed Parcel has not been demonstrated to encompass these goals and objectives adequately. His site visits and review of the visual evidence provided in Exhibit 6, led to his opinion that the Severed Parcel although relatively small has not demonstrated if it can be smaller. He opined that some vital agricultural land will be lost and with no farmhouse present on the lands currently, policy guides his opinion and he cannot support the proposal as he opines it does not conform to the County OP.

[53] The Tribunal on its adjudication of the matter and the proposal's conformity to the County OP finds that it is more so persuaded with the evidence of Ms. Walton. Through its review of the visual evidence the Tribunal finds the agricultural land that would be lost to be negligible or none at all, and the lot size remains in line to similar rural residential lots in the area and encompasses what has existed for some time. Further safeguards may be set in place to ensure compliance with MDS requirements. Both witnesses put forward evidence and opinions that very much mirrored the issues and policies with the proposal's assessment against the PPS. Thus, similar in its findings in evaluating the proposal against the PPS policies, the Tribunal is satisfied that the proposal conforms to the County OP.

The Township OP

[54] Ms. Walton opined that Council for the Township through its endorsement of their OP, has focused on maintaining the character of the community while implementing the directives of the province in the PPS and GP.

[55] Ms. Walton opined that s. 2.1 (b) is indicative of Council's vision with particular focus (as is required with this proposal) to understand the opportunities and challenges of the Township and its balance between pressures for growth against preserving and enhancing its rural fabric, while still community building. This in Ms. Walton's opinion

highlights the weight that should be put upon the local approval authorities decisions and as she had indicated at the onset of the hearing, them being best suited to speak for the public interest locally and how decisions affect the community at large. She opined that the C of A, and Council of both the Township and County best understand the intricacies of their community.

[56] Ms. Walton spoke to policies 2.1.1, titled Our Commitment to the Future and opined bullet 6, maintaining the small town and rural character of the Township and bullet 7, protecting the agricultural land base for farming, both conform with the proposal and its sustenance of a smaller rural residential lot along with a viable farming parcel that will be utilized as such.

[57] Lastly, Ms. Walton brought the Tribunal to the OP's consent policies in s. 5.2.5. Her opinion was that the Township explicitly contemplates severances and provides direction to allow appropriate consent applications. The proposal in her opinion conforms with these policies and coupled with the higher order consistency with the PPS and conformity with the County OP, she is of the opinion the appeal should be dismissed and the approval of the consent should be allowed.

[58] Ms. Walton briefly touched upon the Township zoning provisions and intent of the by-laws and opined they are maintained with the proposal, while ensuring no additional lots or dwellings are to be allowed on the Retained Parcel infringing on the farming lands.

[59] In summary Ms. Walton concluded that from a historical or practical perspective the Subject Lands had a rural farmhouse dwelling with farmland surrounding it. She opined the consent maintains just that, with the exception being the dwelling unfortunately is not currently standing, but the land-use is still the same. It is her opinion that the proposal has no negative impacts and it maintains what has existed for years. For all the reasons provided, Ms. Walton maintains the proposal in her opinion represents good land-use planning in the public interest.

[60] Mr. Duhamel disagreed with Ms. Walton's position and turned the Tribunal to s. 3.1 of the OP and the Township's growth management policies that he opined do not conform with the proposal and as he had indicated previously is not the appropriate location for growth. Mr. Duhamel maintains that with the house not existing at this time, these policies become relevant and the proposal must conform appropriately, which in his opinion it does not.

[61] Similarly to Ms. Walton, Mr. Duhamel brought the Tribunal to OP vision policies, s. 2.1.1. However, he did not concur with Ms. Walton's opinion that the proposal protects the agricultural land base as directed in bullet 7. He further opined that bullet 3 is not met, as it directs growth to occur in settlement areas.

[62] Mr. Duhamel put forward the opinion that s. 2.2.4 (a) through (f) all speak to the protection of farmland and avoiding conflicting uses. It was his opinion that the current conditions of the land lend it to be recognized as an extension of the adjacent farmland and should be maintained as such.

[63] The above paragraph in the opinion of Mr. Duhamel is reinforced by s. 5.2.2 (b) and the fact that Agricultural uses shall be given priority over all other uses. It was his position that the exception to the proposed Severed Parcel has been nullified with the home no longer existing.

[64] Mr. Duhamel opined in contrast to Ms. Walton that the OP consent policies in s. 5.2.5 were not in conformity to the proposal. He opined that policy 5.2.5 (b) specifies that lot creation is discouraged, and his opinion of nonconformity is further reinforced by the lot severance proposed not having demonstrated to be the minimum size required.

[65] In conclusion Mr. Duhamel opined the proposal does not conform to the Township OP. He did acknowledge that the zoning by-laws are maintained by the proposal however, with his evidence as provided lead him to conclude that the overall land-use planning merits of the proposal lack the requirements for him to support the consent and for all the provided reasons opines, the appeal should be upheld and the

consent refused.

[66] In cross-examination Mr. Duhamel conceded that a portion of the proposed Severed Parcel is made up of current driveway and the lot still consists of several mature trees, precluding it from being farmed. Also Mr. Duhamel conceded that the minimums mentioned in policy are not mandatory, nor are they quantified in any relevant policy to be absolute. He further conceded that the historical lot fabric of the proposed Severed Parcel mimics the dimensions as proposed.

[67] Counsel for the Applicant cited *Bele Himmell Investments Ltd. v. Mississauga (City)*, 1982 Carswell Ont 1946 (*Bele Himmell*) at Para. 22:

Official Plans are not statutes and should not be construed as such. ... It is the function of the Board in the course of considering whether to approve a by-law to make sure that it conforms with the Official Plan. In doing so, the Board should give to the Official Plan a broad liberal interpretation with a view to furthering its policy objectives. [emphasis added]

Mr. Longo's submission was that Ms. Walton in her testimony and in presenting her opinion evidence did precisely as above. In contrast it was his submission that the Appellant has taken a strict literal interpretation of the OP policies which frustrates the achievement of the policies' intent and objectives.

[68] The Tribunal having evaluated the evidence provided in its totality is persuaded more so by the testimony of Ms. Walton that the proposal conforms to the Township OP. The Tribunal agrees with the Appellant's counsel, that the strict literal interpretation of policy frustrates and negates the intent and objectives that those policies strive to achieve. The Tribunal is satisfied that the character of the area is maintained and the agricultural land base for farming is protected. Further the Tribunal is not persuaded that proposal equates to growth and therefore the policies referred to by Mr. Duhamel in that matter are not relevant. The Tribunal having found that the policies in the PPS pertaining to severances and consent were met are subsequently satisfied that the similar policies in the OP are also met and the proposal conforms to such policies.

Decision

[69] Counsel for the Applicant put forward several examples of case law that highlighted matters when the Appellant's proximity and impact felt by proposals were considered by the Tribunal or former Ontario Municipal Board. With the Appellant in this case being over 10 - 13 kilometres away, Counsel argued that although it is his submission that there is no negative impacts created by the proposal, with the Appellant's distance to the Subject Lands, there is no impacts felt at all by the Appellant and likely the appeal has been put forward for other reasons.

[70] In addressing the submissions of Counsel, the Tribunal finds that although the Appellant's proximity to the Subject Lands is rather distant, the ability of a local resident to appeal an application for matters of agricultural protection has been afforded to the resident and the Appellant has provided the evidence to have their concerns heard. In this hearing the Tribunal will weigh in proximity of the Appellant but finds this is not determinative to its decision.

[71] Ms. Mullin provided the Tribunal case law that took the position that although the Tribunal may be empathetic to circumstances, language does not allow for a "slight deviation" from policy nor discretion in its interpretation. The Appellant's position is that the farmhouse does not exist and thus is not habitable, therefore, policy direction does not support the approval of the consent.

[72] The Tribunal considers language to be important and particularly when it provides clear directive. However, the Tribunal must interpret what is the purpose of language, what are the words used trying to obtain or prevent. The Tribunal takes direction from Part III of the PPS and its direction on how to read the PPS. The PPS does make a distinction between enabling or directive language, however, it also directs the Tribunal to read the entire PPS and to consider the "language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how policies are to be implemented". Further, the Tribunal is satisfied that the prohibitory language discussed in the PPS is reserved for a policy that only

applies if the previous policy is not met. Therefore, being satisfied that relevant policy and its subsections have been met, this does in fact make the latter moot.

[73] The Tribunal has weighed into its analysis paragraph 22 of *Bele Himmell*. The Tribunal is persuaded and concurs with the evidence of Ms. Walton "that the words in policy cannot, nor should not supersede the intent of the policy" particularly when there are extenuating circumstances. Ms. Walton's comparison of the scenario encountered by the Applicant, being akin to a fire destroying the farmhouse weighed into the Tribunal's analysis and the above citation reinforces to the Tribunal the importance of interpreting the objectives and goals the policy strives to achieve.

[74] The Tribunal has had regard to s. 2.1.1 (a) of the Act and the decisions of both the C of A and County Council. It has also had regard to s. 2.1.1 (b) and considered all the evidence including the recommendations to deny by both planning consultants of Township and the County. Recognizing as Mr. Longo had submitted, the planners were not before the Tribunal and their findings could not be tested. Nonetheless, the recommendations are part of the Tribunal's file on the matter. However, the Tribunal has put more weight in the decisions provided by the local bodies. These bodies had the recommendations before it similarly to this Tribunal and chose to approve the consent (the C of A) and not to appeal (County Council). Their rural knowledge and understanding of local complexities within their communities cannot be overlooked.

[75] The Tribunal is satisfied that there will be no negative impacts to the agricultural land base in the area with the consent upheld. Further, it dismisses the argument that an approval will be precedent setting. As is the case in every planning application, the merits of that application must be analysed and reviewed. Specific to this scenario, the farmhouse demolition and its analysis in deriving a decision is very case specific.

[76] Having reviewed the conditions imposed by the C of A on the original application, the Tribunal finds them to be appropriate and justified. However, the imposing of the two additional conditions put forward does strengthen from the perspective of this Tribunal the protection and preservation of agricultural lands. As provided in evidence

the inclusion of the MDS falls inline with provincial interests and verifies compliance with the formulae in provincial publication 853. The condition verifying that the retained lot be part of a farm consolidation with an existing farm lot in the Township, operating as one, speaks to policies discussed throughout the hearing and particularly PPS, s.2.3.4.1 (c)2. The Tribunal finds that both conditions are appropriate and useful.

[77] The Tribunal having heard the testimony of the witnesses and having been provided submissions by Counsel and reviewing the evidence provided in its totality, finds that the Applicant's proposal and consent sought, does have regard to s. 2 of the Act as required. The Proposal is consistent with the PPS and conforms to the GP and both the County and Township OPs. The consent satisfies all applicable criteria set out in s. 51(24) of the Act and represents good land-use planning in the public interest.

ORDER

[78] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and the provisional consent is to be given subject to the conditions set out in Attachment 1 to this order.

"M. Russo"

**M. RUSSO
MEMBER**

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

CONSENT CONDITIONS

1. The applicant shall provide a draft reference plan and transfer for review prior to registration.
2. The severed lot shall be zoned to a Rural Residential (RR) Zone and the retained lands shall be rezoned for agricultural purposes only, such that no dwelling or habitable building shall be constructed on the retained lands.
3. All buildings and structures, including refuse and remnant materials or equipment shall be removed and disposed of from the severed lot with confirmation in the form of a demolition permit and a site inspection by a member of Township staff.
4. Written approval that the lot is suitable for a septic system. This approval must be received from the County of Dufferin Building Department before the deed is submitted for endorsement.
5. That an entrance be approved to the retained lot by the Township and the entrance be installed before the deed is submitted for endorsement.
6. That a County Rural Civic Address must be assigned to the entrance of the retained lands by the County of Dufferin before the deed is submitted for endorsement.
7. Taxes on the subject property must be paid to date when the deed is submitted for endorsement.
8. All costs associated with the consent application and to administer the conditions of the consent must be paid when the deed is submitted for endorsement.
9. All conditions must be fulfilled and deeds stamped by the Secretary on or before one year from the mailing date of the Notice of Decision, as signed by the Secretary.

Additionally:

10. That there has been satisfactory compliance with the formulae in provincial publication 853 The Minimum Distance Separation (MDS) Document.
11. That the retained lot be part of a farm consolidation with an existing farm lot in the Township to be operated as one farm operation.

Denise Holmes

From: Elaine Philp <philpe@greyhighlands.ca>
Sent: Thursday, October 7, 2021 3:51 PM
To: landuseplanning@hydroone.com; jayne_bastarache@bwdsb.on.ca; Denise Holmes; tyler.shantz@ontario.ca; briancollingwood@rogers.com; Council; Executivevp.lawanddevelopment@opg.com; al_hastie@bgcdsb.org
Cc: Planning Department
Subject: Notice of Meeting: Z57.2021 Martin, Reuben and Louisa LoH

Please find the above named Notice here: <https://greyhighlands.civicweb.net/filepro/documents/269479>

Elaine Philp
Municipal Services Assistant, Planning
Municipality of Grey Highlands
philpe@greyhighlands.ca | 519-986-1216 x243

Please know that I am available Tuesday, Thursday and Friday of each week to serve you remotely.

In accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Corporation of the Municipality of Grey Highlands wishes to inform the public that all information, including opinions, presentations, reports and documentation received by this office MAY be posted on the Municipality's website, included on a public agenda and/or made available to the public upon request.

If you have received this communication in error, please notify the sender immediately by return e mail and permanently delete the copy you have received so we may ensure the integrity of the principles of MFIPPA are maintained



Please consider the environment before printing this email or its attachments.



NOTICE OF INTENTION:

That the Municipality of Grey Highland's Council intends to pass an amending by-law to remove a holding provision under Subsection 36 (4) of the Planning Act R.S.O. 1990, as amended, not before the meeting of Council on

Wednesday, November 3, 2021
Municipality of Grey Highlands
206 Toronto St. S, Unit 1, Markdale, ON

Registered Owner: Reuben F. Martin and Louisa Martin

Agent: Israel Bowman

Legal description: LT 52-53 CON 3 SDR OSPREY; GREY HIGHLANDS

Civic Address: 269252 South Line C

Frontage: 400 m **Depth:** 1605 m **Area:** 64.75 ha

Having access on: South Line C and Grey Road 9

Assessment roll number: 42 08 140 002 03300

The purpose of the By-law? To amend the Municipality of Grey Highlands Comprehensive Zoning By-law 2004-50 to remove the holding provision from a portion of the subject lands to permit the development of a house addition within 120 metres of a wetland.

What is the effect of the By-law? To remove the holding provision from a portion of the subject lands identified on Schedule 'A-10' of the Municipality of Grey Highlands Comprehensive Zoning By-law 2004-50.

A Key Map (Schedule A) is attached.

Date of this Notice: October 7, 2021

Why do these lands have a holding provision? The Grey highlands Comprehensive Zoning By-law 2004-50 (Section 5.5 d), states that all lands located within 120 meters of a Provincially Significant Wetland are subject to a holding provision. No building or structure shall be erected and no site alteration shall occur in this buffer area unless the holding provision is removed. An Environmental Impact Study may be required.

Why did I receive this notice? The Municipality is required to notify property owners within 120 meters of a development application.

A note about information you may submit to the Municipality:

Individuals who submit letters and other information to Council should be aware that any personal information contained within their communications may become part of the public record and may be made available through the Council agenda process.

This document can be made available in other accessible formats as soon as practicable upon request.

Questions? Want more information? Ask the Planning Department.

Visit: 50 Lorne Street, Markdale ON, by appt only, Monday to Friday, 8:30 am to 4:30 pm

Phone: 519-986-1216 x401 **Email:** planning@greyhighlands.ca **Website:** www.greyhighlands.ca

SCHEDULE "A"

BY-LAW No. _____

AMENDING BY-LAW No. 2004-50

MUNICIPALITY OF GREY HIGHLANDS

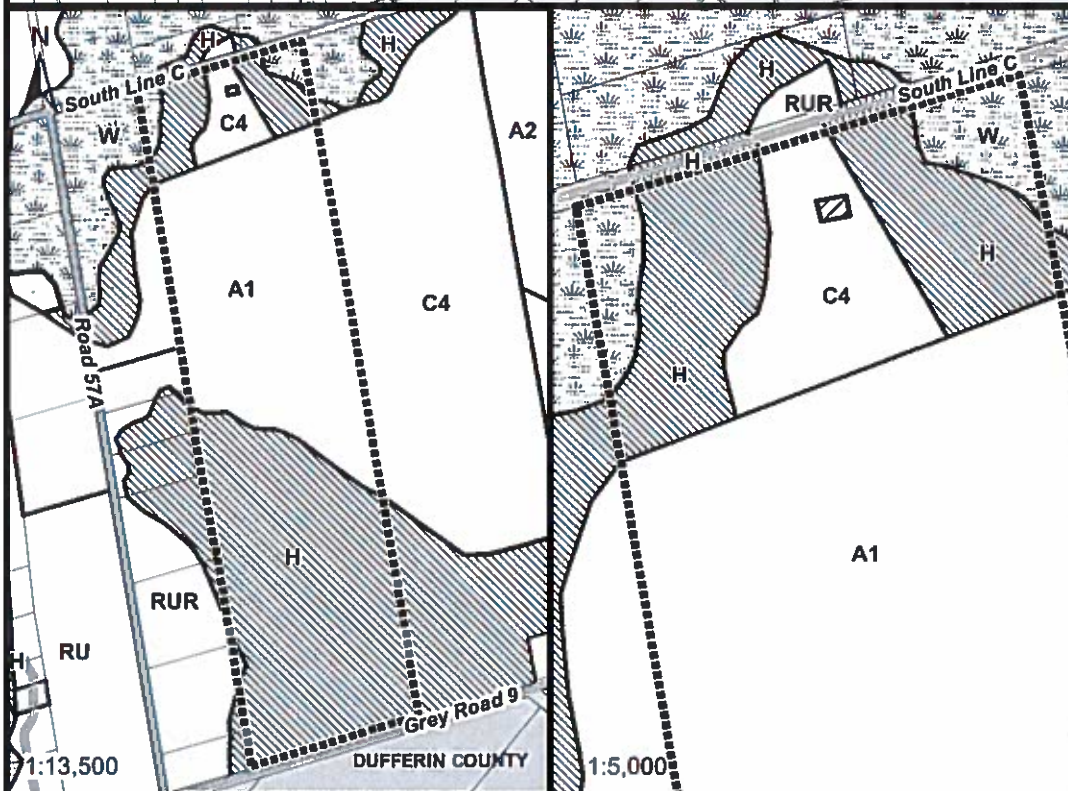
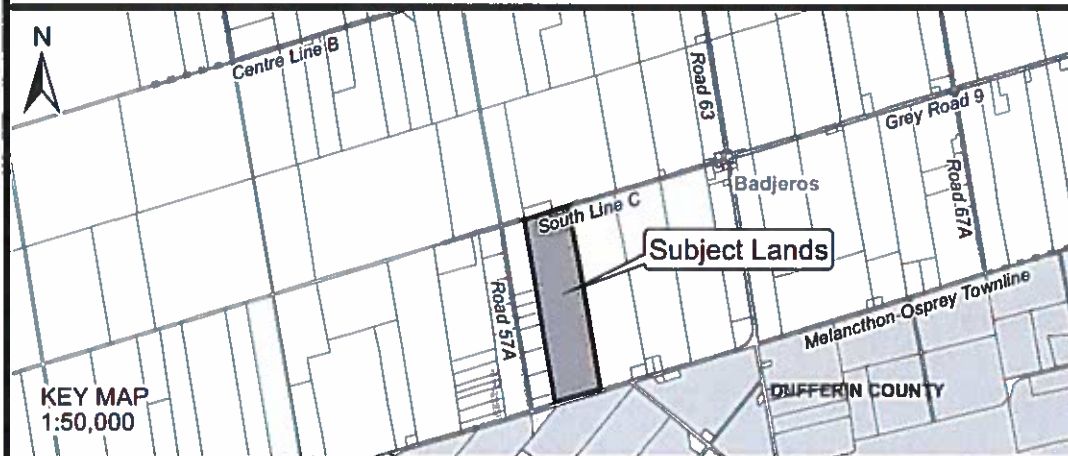
(GEOGRAPHIC TOWNSHIP OF OSPREY)

DATE PASSED: _____

SIGNED: _____

PAUL McQUEEN, MAYOR

RAYLENE MARTELL, CLERK



LEGEND

Lands subject to amendment

Lands subject to lift of hold provision

Agriculture

Rural

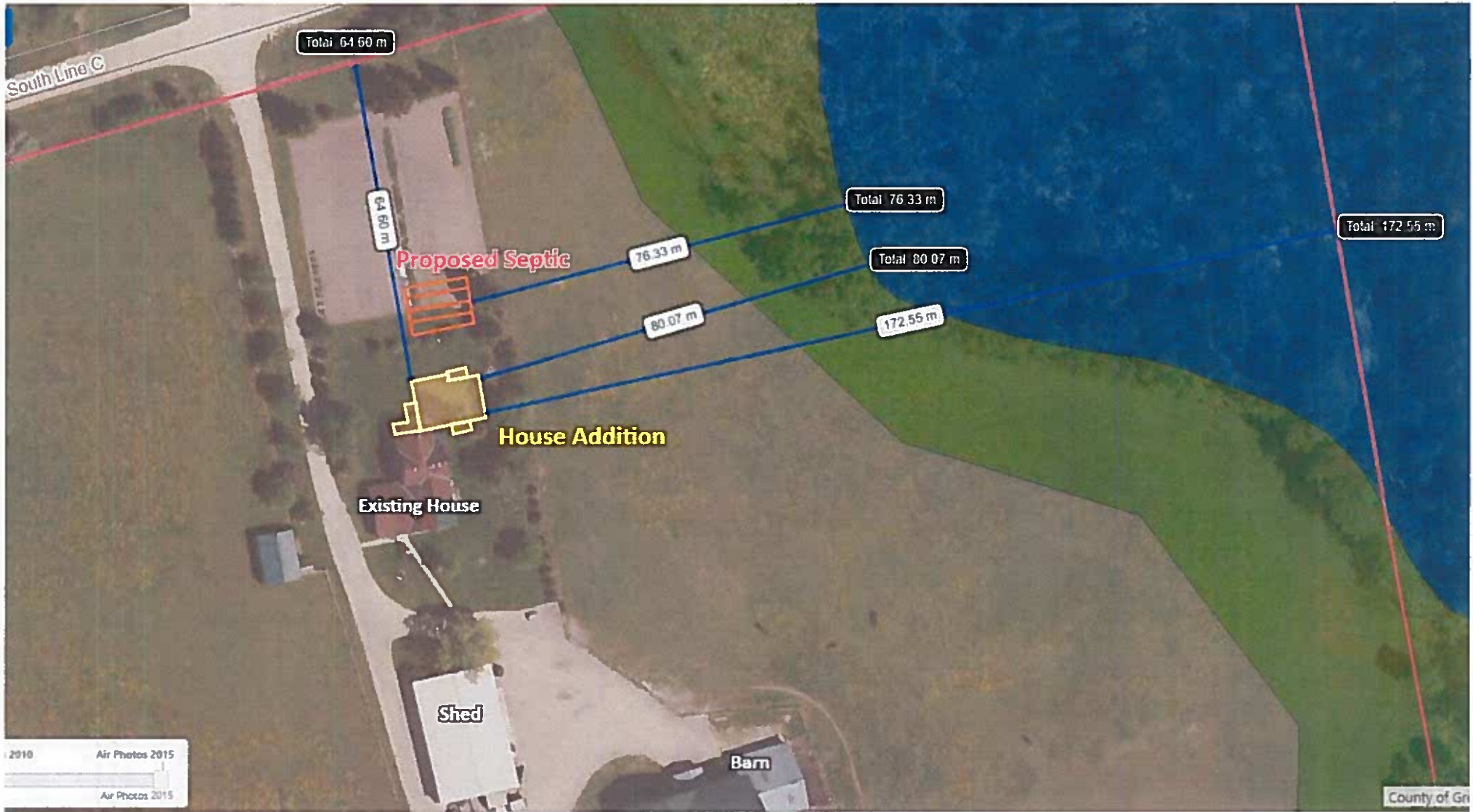
Restricted Agriculture

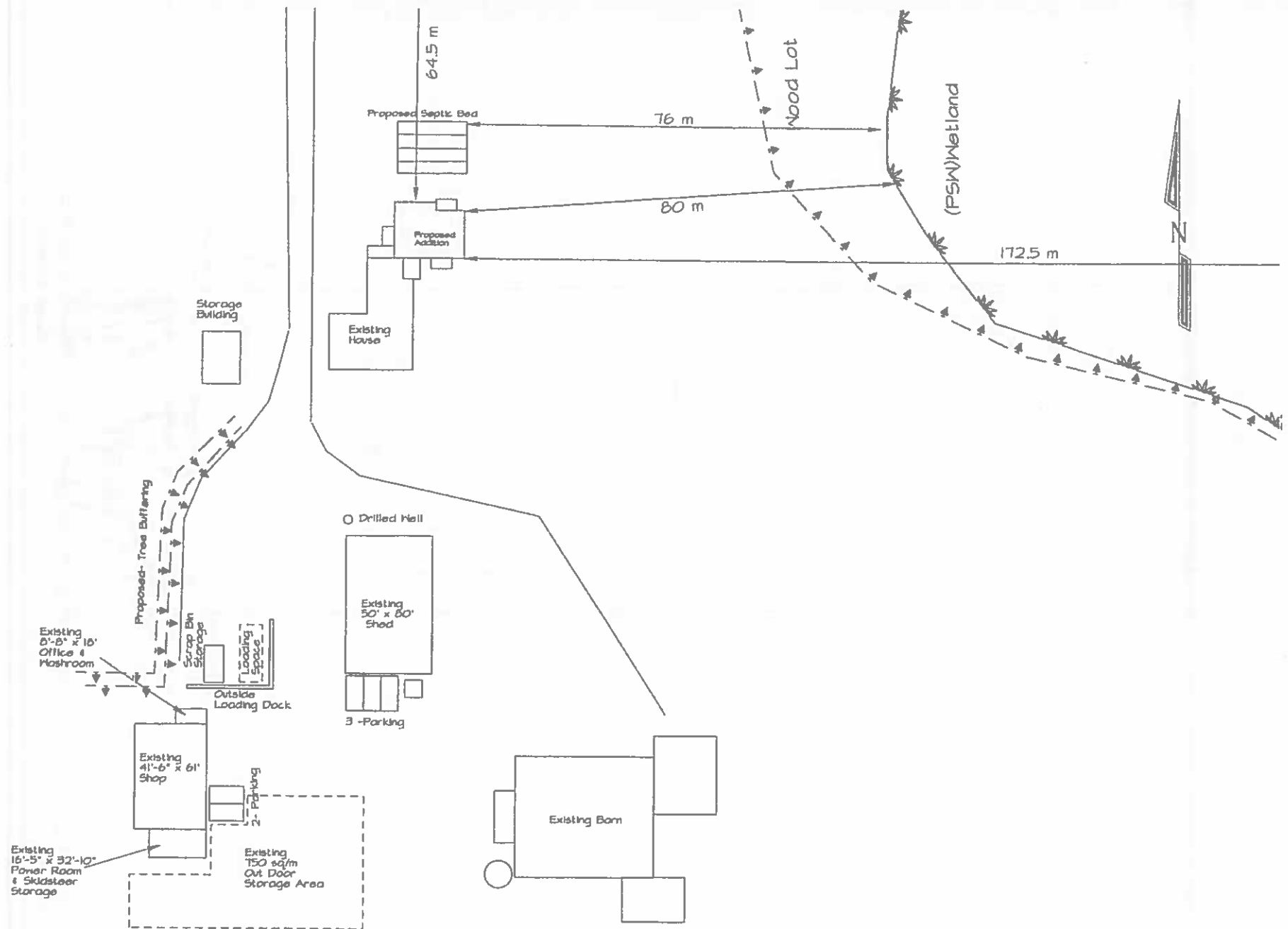
Rural Residential

Rural Commercial

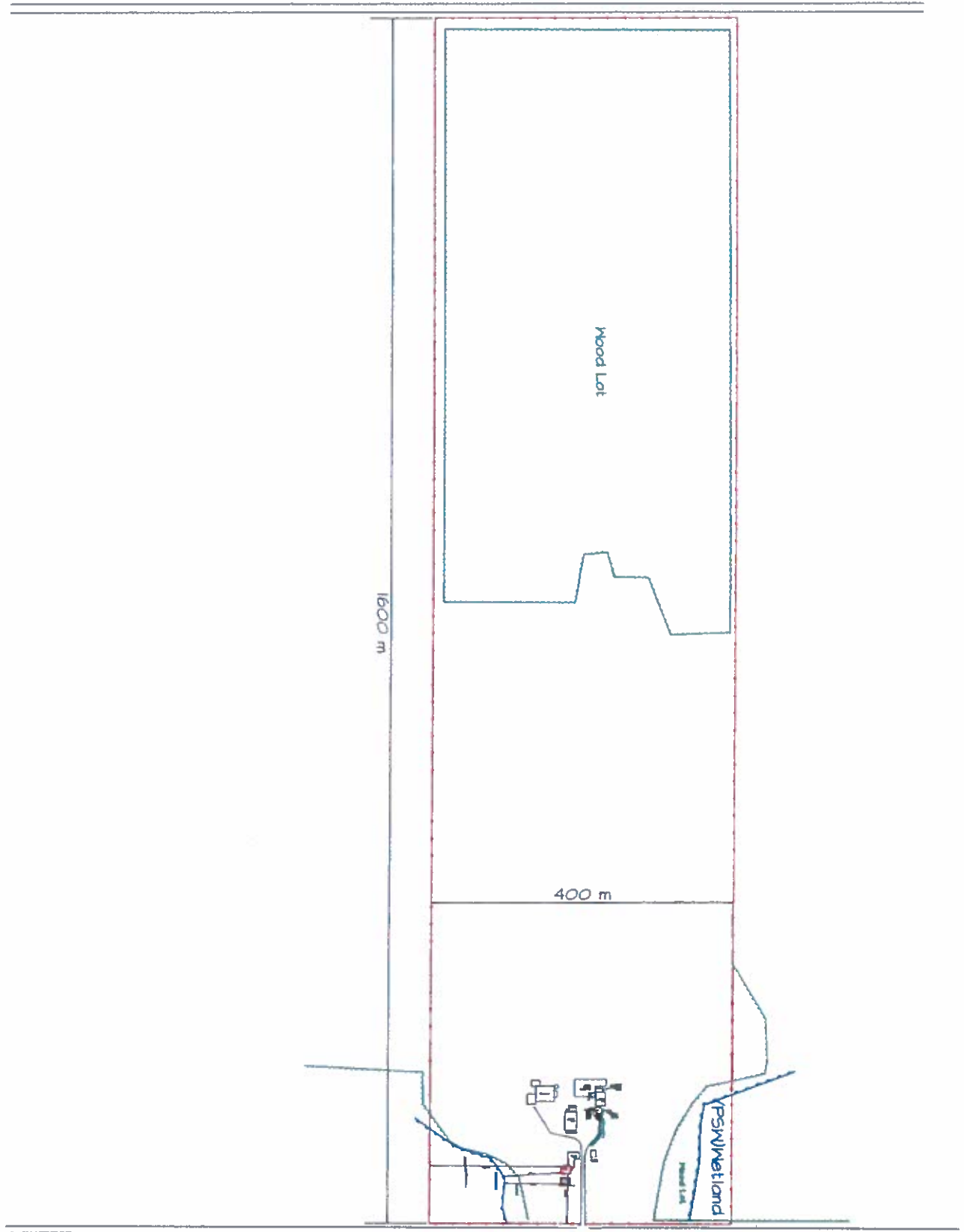
Hazard

Wetland





Grey Road 9



South Line C



ENVIRONMENTAL IMPACT STUDY (EIS) CHECKLIST & GUIDE

Municipality of Grey Highlands

206 Toronto Street South, Suite 1
Box 409 Markdale, Ontario, N0C 1H0
Phone (519) 986-2811, Fax (519) 986-3643

INTRODUCTION:

This site specific EIS Checklist & Guide may fulfill the requirements of the County of Grey and the Municipality of Grey Highlands Official Plans. Please note that this Checklist may not be sufficient for projects with significant potential impact on the environment in which case a more comprehensive EIS will be required.

Completion of this Checklist and review by the Municipality will determine if this Checklist is sufficient for the proposed project or a more comprehensive EIS is required (as outlined on the last page of this application).

Please complete all applicable questions (Page 1 to 5). Where specific information is unknown, please contact the Municipal Planner at the Municipality of Grey Highlands to discuss.

IMPORTANT NOTICE:

This Checklist will **NOT** be sufficient for the following projects:

1. New commercial/industrial buildings.
2. Proposals, associated works and access closer than 15 metres in a Residential Shoreline (RS) Zone or 30 metres in all other zones to a Provincially Significant Wetland (PSW). Please refer to the Municipality of Grey Highlands Official Plan Mapping to determine your proposal's proximity to a PSW.
3. Rezoning, Subdivisions, Severances, Site Plan Approval, Official Plan Amendment applications made under the Planning Act.

A more comprehensive EIS will be required for those projects listed above.

APPLICATION REQUIREMENTS

WHAT IS BEING PROPOSED? (Please check the appropriate boxes)

- ☒ Building
 - ☐ New House
 - ☐ New Accessory Building
 - ☒ Addition or enlargement to an existing building
 - ☐ Reconstruction of a building
- ☐ Earthworks
- ☐ Modification of a watercourse or water body
- ☒ Septic System (i.e. tank, bed, etc.)
 - Is a Septic Permit required? ☒ Yes ☐ No
- ☐ New Well
- ☐ Site alteration/development within 120 metres of a designated (refer to Grey Highlands Official Plan Mapping):
 - ☒ Wetland
 - ☒ Area of natural & scientific interest
 - ☐ Endangered or threatened species
 - ☐ Cold/Warm water stream
 - ☐ Existing/known abandoned landfill site
 - ☐ Other – Specify: _____
 - ☐ Karst topography
 - ☐ Deer wintering area
 - ☐ Significant wildlife habitat
 - ☐ Cold/Warm/cool warm lake
 - ☐ Primary aggregate area

SECTION B – SITE CHARACTERISTICS

Please describe the site and its features:

9. Karst topography – Is there exposed/underlying bedrock or sinkholes on the site?
☐ Yes ☒ No
10. Overall slope of the site.
☒ Flat (0 – 10%) ☐ Moderate (10 – 30%) ☐ Steep (>30%) ☐ Undulating
11. General depth of topsoil on the site.
☐ Shallow (0 – 12") ☒ Moderate (12 – 36") ☐ Deep (>36")
12. General topsoil composition (it may be a mix of more than one type).
☐ Sand ☒ Loam ☐ Clay ☐ Organic ☐ Other: _____
13. General subsurface soil composition (it may be a mix of more than one type).
☐ Sand ☐ Loam ☐ Clay ☒ Silts ☒ Gravel ☐ Other: _____
14. Water infiltration rate or percolation time (may be available from well/septic reports)
☐ _____ min/cm ☒ Unknown
15. Site Drainage:
 a) If there is water on the site, please describe its characteristics:
☐ Spring ☐ Stream ☐ Other (describe) _____
☐ Pond ☐ Lake
 Is this water? ☐ Standing ☐ Flowing
 b) If there is water on properties abutting the site, please describe its characteristics:
☐ Spring ☐ Stream ☐ Other (describe) _____
☐ Pond ☐ Lake
 Is this water? ☐ Standing ☐ Flowing
 c) At what depth is water on the site found?
☐ At the surface ☐ Below the surface ☒ Not applicable
 d) Is there a septic system on-site?
☒ Yes ☐ No
 e) Is there a well on-site?
☒ Yes ☐ No
 f) How is the site currently drained?
☒ Sheetflow ☐ Swale ☐ Ditch ☐ Other: _____
 g) Where does the site's runoff flow?
☐ Not applicable ☒ Towards a wetland ☐ Away from a wetland
☐ Ponding on-site ☐ Into a neighbouring property
 h) In what general compass direction is the runoff flowing?
☐ Not applicable ☒ North ☒ East ☐ South ☐ West
16. Natural features on the site:
 Describe the general characteristics of vegetation on the site (i.e. density/type of forest or trees, indigenous plants, aquatic plants, cultivated plants, lawns and gardens, or reason for no vegetation (ie rocks/soils)).
 Lawn, garden, trees(spruce)

Please indicate, describe and identify (where possible) any of the following ever seen on the site.

Aquatic/song birds

Mammals

Reptiles/Amphibians

Unusual/protected plants

SECTION C – DEVELOPMENT PROPOSAL

Please note that in order for the Municipality to assess this EIS Checklist, the applicant is required to stake out the extent of the proposed development on the ground.

17. Has the proposed development envelope been staked out on the ground?
- ☐ Yes ☐ No ☒ Not applicable – explain: House addition
18. Briefly describe the proposed development, associated works and access.
- House addition - access is off of South Line C
19. Lot Size: 64.75 hectares m² Existing site coverage: 1779.6 m²
Proposed final/total site coverage: 1872.2 m²
20. Identify what supporting documentation is available and submitted with this application.
- ☐ Surveys (boundary, topographic, reference plan, registered plan, etc)
☐ Septic tank permits
☐ Well information
☐ NEC permits
☐ Building permits
☐ Photographs (please label approximate location & view)
☐ Soil/percolation reports
☐ Other: _____
21. What alterations are proposed for the site (please choose ALL that apply)?
- ☐ Changes to the shoreline (including vegetation and earthworks)
☒ Grading
☒ Excavation
☐ Filling, terracing, or retaining walls
☒ Paving or impervious hard surfacing
☒ Vegetation removal (including trees, shrubs and riparian vegetation)
☐ Vegetation addition (i.e. planting of hedges, trees, groundcover, etc) Describe: _____
☐ Watercourse alteration or diversion
☐ Pond or dam creation
☐ Other: _____
22. Describe on-site activities during construction & mitigation (Please choose ALL that apply)
- ☐ Erosion and/or sediment control ☒ Sanitary facilities
☒ Construction trailer and/or dumpsters ☐ Use of heavy/earth moving equipment
☐ Temporary enclosures and/or hard stand areas ☒ Other Excavator & skidsteer
23. How will the site be accessed?
- ☐ Private road/driveway ☒ Public road
- Does the existing or proposed access route cross:
- ☐ Wetlands ☐ Streams/watercourses ☐ Steep slopes (>10%)
24. Is it proposed to alter drainage on/from the site?
- ☒ No ☐ Yes
- If "Yes" please identify on the attached sketch/plans and describe (i.e. culvert, tile bed, swale, ditch, etc)
25. Will the proposal increase impervious surfaces on the site (i.e. larger building, paving, etc)?
- ☐ No ☒ Yes %increase 40
- Describe: _____

26. Describe any anticipated environmental impacts or improvements as a result of the proposal and its associated works and access (if applicable, please include any impacts on nearby wetlands or riparian areas). Attach additional sheets or reports if required.

27. Identify each main stage of construction and estimated commencement date and duration.

Stage No.	Activity	Start Date	Duration
1	Excavating for foundation	Unknown	1 day
2	Install foundation and concrete basement floor	Unknown	2 days
3	backfilling around foundation	Unknown	1 day
4	building house addition on top of foundation	Unknown	Unknown
5	interior work	Unknown	Unknown
6	grading and land scaping	Unknown	1 day

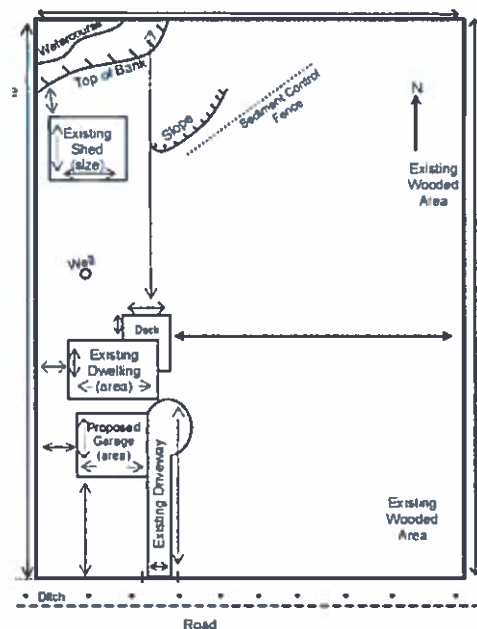
28. Briefly describe the primary building materials and type of construction.

Concrete foundation, wooden frame, vinyl siding, steel roof

29. Provide a sketch/drawing/plan of the proposal and the site including details of:

- Site shape, dimensions, size, existing/proposed boundaries
- Slope and topographic features
- Trees and other significant vegetation (including riparian vegetation)
- Location, size and use of existing on-site buildings
- Infrastructure and servicing details (i.e. well location, hydro lines, septic tank, drainage, etc)
- Access, driveway and parking areas
- Easements
- Drainage details (location of water and wetlands, flow direction, ditches, swales, overland flow direction)
- Significant natural features (i.e. watercourses, significant habitat and habitat corridors, Karst topography, etc)
- Significant views to and from the site
- Other notable features

Attach the sketch, plan and/or drawing to this application. A sample sketch is provided below for your information.



SECTION D – MUNICIPAL ASSESSMENT

PLEASE NOTE THAT THIS SECTION IS TO BE COMPLETED BY MUNICIPAL STAFF ONLY.

1. Date of staff site inspection: _____

2. Proposal is adjacent to:

- ☐ Shallow overburden with Karst
- ☐ Wetland
- ☐ Significant fish habitat
- ☐ Woodlands
- ☐ Endangered or threatened species
- ☐ Wildlife habitat
- ☐ Aquifer recharge areas
- ☐ Area of natural or scientific interest

Proposal site contains:

- ☐ Shallow overburden with Karst
- ☐ Wetland
- ☐ Significant fish habitat
- ☐ Woodlands
- ☐ Endangered or threatened species
- ☐ Wildlife habitat
- ☐ Aquifer recharge areas
- ☐ Area of natural or scientific interest

Please provide a sketch/field notes identifying the above features selected.

3. Potential environmental effects:

Key observed environmental features that may be affected by the proposal:

Key observed environmental functions that may be affected by the proposal:

Please explain how the above features and functions may be affected by the proposal (i.e. during development).

What, if any, are the expected long-term negative impacts of the proposed development on the features and functions identified above?

4. Mitigation of potential effects.

What methods are proposed to prevent, avoid or reduce the predicted and potential impacts of the proposal?

What methods are proposed to restore or remediate areas to mitigate effects?

SECTION E – DECISION

PLEASE NOTE THAT THIS SECTION IS TO BE COMPLETED BY MUNICIPAL STAFF ONLY.

5. The following decision has been reached.

☐ This application is approved unconditionally

☐ This application is approved with the following conditions (attach an additional sheet if necessary)

☐ This application requires a more comprehensive EIS for the following reasons:

Determination by Municipal Planner

Signed _____

Date _____

In the event of a more detailed EIS being required, please refer to excerpt below from the Municipality of Grey Highlands Official Plan which outlines requirements that must be confirmed by a qualified environmental consultant.

3.4 Environmental Impact Study

Environmental Impact Studies undertaken as a requirement for any new development will satisfy the requirements of the County of Grey Official Plan, and in addition, must address the following content and subject matter:

3.4.1 Content

- A description of the physical features on the subject land including buildings, structures, soils, vegetation, wildlife, topography, watercourses/bodies and other relevant features on the property.
- A general description of the physical features of the surrounding lands.
- A summary of the development proposal, including a detailed drawing of the proposal.
- A description of the general impacts of the development on the physical features of the site.
- A determination of the most appropriate form of the proposed development by a review of alternative development options and alternative methods of mitigating the impacts of the proposed development.
- Exploration of opportunities for environmental enhancement.
- An implementation and monitoring plan to ensure the recommended mitigative measures are completed/addressed.

3.4.2 Subject Matter

The subject matter of the EIS required will vary with the scale and type of development proposed. This shall be determined in pre-consultation with the appropriate approval authority prior to the EIS proceeding.

The following list may comprise the content of an EIS:

- Impact on recharge and discharge (water) functions of the site.
- Use and disposal of surface and groundwater.
- Impact on water quality, temperature, conveyance.
- Impact on aquatic habitat including spawning grounds.
- Impact on waterfowl and mammal habitat.
- Impact on size of core area.
- Erosion and siltation impacts.
- Discharge of substances other than water (i.e. salt, effluent, by-products).
- Noise, air emissions and odours.
- Management of the quality and quantity of stormwater run off.
- Loss of vegetation.
- Impacts of grading of terrain, especially topsoil.
- Any and all other matters determined appropriate based on the location and characteristics of the site.



REMOVAL OF HOLDING PROVISION
(LIFT OF HOLD)
DEVELOPMENT APPLICATION FORM

Municipality of Grey Highlands

206 Toronto Street South, Suite 1
Box 409 Markdale, Ontario, N0C 1H0
Phone (519) 986-2811, Fax (519) 986-3643

APPLICATION RECEIVED (date) September 16/2021 TIME 11:44 FILE NO: Z 57 /2021

Application Type & Fees Required:

1. Combined Fee

Application for Removal of Holding Provision & EIS Checklist
\$500
Pages 1-9

☐ Payment Received PAID

OR

☐ Payment Received

2. Application for Removal of Holding Provision

\$375.00
Pages 1-5

☐ Payment Received

3. Septic Review

\$150.00
Required for All Lift of Hold Applications on Private Services

☐ Payment Received PAID

4. Conservation Authority Fees

All applications are subject to Conservation Authority Fees
for review and comments as follows:

- Grey Sauble Conservation Authority - \$370.00 (payable to Grey Sauble Conservation Authority)
- Nottawasaga Conservation Authority - Billed directly to the Applicant
- Sauguen Valley Conservation Authority - Billed directly to the Applicant

1. WHAT IS THE PURPOSE OF THE APPLICATION?

Removal of Holding Provision to build a house addition within the 120 meter set-back
from a PSW (wetland)

2. REGISTERED OWNER: Reuben F Martin And Louisa Martin

Full Mailing Address: 269252 South Line C RR # 1 Badjeros, Ont N0C 1A0

Telephone Number: 519-270-9452 Email: reubenfmartin@gmail.com

3. APPLICANT:

(if different from owner)

Full Mailing Address: _____

Telephone Number: _____

Email: _____

E-mail Address: _____

4. AGENT/SOLICITOR: ISRAEL Berman

Full mailing Address: 2893 MORSE YOUNG RD ST CLEMENTS ONT

Telephone Number: 519 644 5510

Email: israel@hermesvalley.ca

5. COMMUNICATIONS should be sent to one only:

Owner ☒

Applicant _____

Agent ☒

6. PROVIDE A DESCRIPTION OF THE PROPERTY:

Municipal Address 269252 South Line C RR # 1 Badjeros, Ont N0C 1A0 Roll Number 420814000203300
Concession 3 SDR Lot 52 & 53
Part _____ Reference Plan No. _____ Registered Plan No. _____
Area: 64.75 hectares Depth: 1605 metres Frontage (width) 400 metres
_____ acres _____ feet _____ feet

NOTE: A sketch illustrating the proposal must be submitted with the application (Please see Page 5 for details)

7. DESCRIPTION OF SUBJECT LAND:

- a) Existing use of the subject Land: Agricultural ☒ Residential ☒
Commercial ☒ Industrial _____
Other (explain) _____
- b) Previous use of property? Same
- c) Uses of abutting properties: North Wetlands & Residential East Agriculture & Wetlands
South Agriculture - Wood Lot West Wetlands & Residential lots
- d) Dimensions of all buildings / structures on subject land:
House 262 sq/m Detached Garage _____ Shed/Workshop 371.6 sq/m
Barn(s) 778 sq/m Other 250 sq/m Shop & 50 sq/m power room & skid steer storage
68 sq/m storage building
- e) Is the property presently subject to any of the following:
Easement _____ Restrictive Covenants _____ Right of Way _____ Other _____
Describe: _____
- f) Is the property located within the Niagara Escarpment? No
If Yes, provide a copy of the Development Permit or the Letter of Exemption received from the Niagara Escarpment Office with your application: _____

8. CURRENT PLANNING STATUS:

- i) Current Official Plan Designation Agriculture Proposed Official Plan Designation _____
- ii) Current Zoning A1, C4, H and W Proposed Zoning _____
- iii) Are any other development applications currently in process for this property? No
If yes, please indicate type and status _____

9. NAME & WIDTH OF ABUTTING ROADS, HIGHWAYS, OR OTHER PUBLIC RIGHT-OF-WAYS:

Centre Line C (20M)

10. WATER SUPPLY:

Municipal system _____ Communal System _____ Individual Drilled Well ☒ Individual Dug Well _____
System Details (i.e. date installed, size, type, location) _____

11. SEWAGE DISPOSAL:

Municipal system _____ Communal System _____ Individual Septic Tank ☒
System Details (i.e. date installed, size, type, location) _____

12. FEATURES OF THE PROPERTY AND SURROUNDING AREA:

The following features are matters of provincial interest and/or relate to the Provincial Policy Statement. Please indicate if they are on the subject property or within 500 metres. (Both Columns must be completed)

USE OR FEATURE	ON THE SUBJECT LANDS YES / NO	Within 500 metres of Subject Land, (indicate approximate distance) YES / NO
An agricultural operation, including livestock facility, stockyard or crop farm	Yes	Yes
A wetland on or within 120 metres of the subject lands	Yes	Yes
Flood Plain: Regulatory floodline	Yes	Yes
Plant & Wildlife habitat (Significant)	Yes	Yes
Unstable Lands (i.e. Karst topography)	No	No
Waterbodies (lake, creek, stream, pond, river, etc. and fisheries)	No	No
Woodlands	Yes	Yes
Cultural Heritage Resources (i.e. archaeological sites or heritage buildings)	No	No
A landfill	No	No
A sewage treatment plant or waste stabilization plant	No	No
A rehabilitated mine, active mine site, or non-operating mine site (within 1 km)	No	No
An industrial or commercial use, and specify the use(s)	Yes C4	Yes C4
An active railway line	No	No
A municipal, federal or private airport	No	No
Crown lands	No	No
Quarry (open or closed) or Aggregate deposits	No	No
Other regional issues: i.e. Niagara Escarpment	No	No

13. PLEASE IDENTIFY THE AGENCIES AND/OR PERSONS YOU HAVE CONTACTED ABOUT THIS APPLICATION.

14. IS THERE ANY OTHER INFORMATION ABOUT THIS PROPERTY OF WHICH WE SHOULD BE AWARE

15. AUTHORIZATION:

NOTE: The registered property owner(s) must authorize the applicant / agent to make this application on their behalf prior to the application being processed.

I Reuben martin & Louisa Martin (please print) am the registered owner of the lands subject to this application, and I authorize Israel Bowman to make this application on my behalf.

Dated: Sept 15/2021 Signed: Reuben & Louisa Martin

16. The applicant acknowledges that, depending upon the nature of the application and the decision of Committee of Adjustment and/or Council, the applicant may be required to obtain further approvals, including other approvals under the Planning Act and/or to enter into agreements authorized under that Act. The applicant agrees to reimburse the Municipality for any costs incurred by the Municipality which relate to the preparation of such agreements and the review of associated documents (e.g. plans, storm water management reports etc.) by its solicitor, engineer or other applicable outside consultants. The applicant agrees to provide a deposit of \$3,000.00, upon request, to be applied towards such costs and to pay such additional amounts as invoiced by the Municipality upon the depletion of such deposit. The Municipality shall return any unused portion of the deposit, if any, upon approval and the fulfillment of all obligations outlined in the Agreement.

Robert J. Markov Louisa J. Markov
SIGNATURE OF APPLICANT(S)

17. AFFIDAVIT OR SWORN DECLARATION

NOTE: This page is to be filled out under witness at the Municipal Office or by Applicants Solicitor.

By swearing this affidavit or declaration I hereby

- Grant access to the property by Municipal Staff and Council or Committee members for the purpose of site visits related to this application;
- Acknowledge that all documents which have been submitted as part of this application are considered public documents and that such documents may be made available for viewing by the Public as part of the Planning Application process on the Municipality's Website or as a Counter Copy for viewing purposes;
- And declare that I / we have provided a copy of the deed for the subject parcel

I/We Israel Bowman (Applicant) of
the Township of Wellesley (City/Township)

in the County / District / Regional Municipality of Waterloo

make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of this application is true.

Sworn (or declared) before me at the Municipality of Grey Highlands
in the County of Grey this 16 day of September 2021

Brenda Lee Zeggil, a Commissioner,
etc., Province of Ontario, for the
Corporation of the Municipality of
Grey Highlands.
Expires May 3, 2024

SIGNATURE - Commissioner of Oaths

Brenda Zeggil
NAME IN PRINT

Israel Bowman
SIGNATURE OF APPLICANT(S)

Israel Bowman
APPLICANT(S) - NAME IN PRINT

Please Note: Applications will not be received by the Municipality unless the following is provided.

- ☐ Application form, fully completed including appropriate fees
- ☐ Copy of Deed
- ☐ Owners signature and/or signed authorization
- ☐ A sketch or plans illustrating the proposal

Denise Holmes

From: ca.office (MECP) <ca.office@ontario.ca>
Sent: Thursday, October 7, 2021 4:00 PM
To: ca.office (MECP)
Subject: Regulations under the Conservation Authorities Act – Ministry of the Environment, Conservation and Parks

Ministry of the Environment,
Conservation and Parks

Conservation and Source Protection
Branch

14th Floor

40 St. Clair Ave. West

Toronto ON M4V 1M2

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Direction de la protection de la nature
et des sources

14^e étage

40, avenue St. Clair Ouest

Toronto (Ontario) M4V 1M2



Good afternoon:

As part of Ontario's efforts to implement amendments to the *Conservation Authorities Act* made in 2019/2020 to ensure that conservation authorities focus and deliver on their mandates of protecting people and property from flooding and other natural hazards, and conserving natural resources, three (3) new regulations have been made under the *Conservation Authorities Act*:

- Ontario Regulation 686/21: Mandatory Programs and Services. This regulation prescribes the mandatory programs and services conservation authorities would be required to provide, including core watershed-based resource management strategies.
- Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act. This regulation requires each authority to have a 'transition plan' that would outline the steps to be taken to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund non-mandatory programs and services through a municipal levy, among other things. It also establishes the transition period to enter into those agreements.
- Ontario Regulation 688/21: Rules of Conduct in Conservation Areas. This regulation consolidates the current individual conservation authority 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation that regulates the public use of authority owned land.

The new regulations will focus conservation authorities on their core mandate by prescribing mandatory programs and services they must provide, giving municipalities greater control over which conservation authority non-mandatory programs and services they will fund, and will consolidate "conservation areas" regulations. A decision notice is available on the Environmental Registry of Ontario ([notice number 019-2986](#)).

The regulations reflect extensive comments received on the regulatory proposals posted on the Environmental Registry of Ontario for 45 days from May 13, 2021 until June 27, 2021. We received 444 submissions from municipalities, conservation authorities, Indigenous communities and organizations, environmental non-government organizations, community groups, industry, agricultural sector, and individuals. We also held 3 webinars with ministry staff in which over 500 people

attended. All the feedback received during the consultation period was considered, and the final regulations were modified based on this feedback as follows:

- We extended the timeline that conservation authorities must complete the transition to the new funding framework to January 1, 2024.
- We clarified the requirements for municipal involvement in the preparation of the inventory of programs and services.
- We added the requirement for conservation authorities to provide costing information (e.g. total costs for the last 5 years) to deliver all mandatory and non-mandatory programs and services.
- We included low-maintenance passive recreation like trails, day use parks and picnicking areas in the list of mandatory programs and services.
- We provided an extended timeline for specific deliverables (i.e. core watershed-based resource management strategy) under the mandatory programs and services regulation (i.e. to be completed on or before December 31, 2024).
- We removed the requirement for conservation authorities to have community advisory boards (they will continue to be optional for conservation authorities). For clarity, conservation authorities will still have the opportunity for an agriculture representative to be appointed by the Minister.

These regulations will improve conservation and land management efforts, strengthen Ontario's resilience to climate change, ensure continued access to safe drinking water, protect people and property from extreme weather events like flooding, drought, and erosion, and most importantly protect the environment.

Thank you again for your input. You can reach the ministry at ca.office@ontario.ca if you have any questions. The Ministry will also be organizing webinars to answer technical questions in October. I look forward to continuing to work with you to ensure conservation authorities are in the best position to deliver on their core mandate.

Sincerely,

Kirsten Corrigan
Director, Conservation and Source Protection Branch

Regulatory proposals (Phase 1) under the Conservation Authorities Act

Environmental Registry of Ontario number	019-2986
Notice type	Regulation
Act	Conservation Authorities Act, R.S.O. 1990
Posted by	Ministry of the Environment, Conservation and Parks
Notice stage	Decision
Decision posted	October 7, 2021
Comment period	May 13, 2021 - June 27, 2021 (45 days) Closed
Last updated	October 7, 2021

This consultation was open from:

May 13, 2021

to June 27, 2021

Decision summary

New regulations have been finalized to focus conservation authorities on their core mandate by prescribing mandatory programs and services they must provide, giving municipalities greater control over what conservation authority (CA) programs and services they will fund, and consolidating "Conservation Areas" regulations.

Decision details

On December 8, 2020, Bill 229, the Protect, Support and Recover from COVID-19 (2019 Novel Coronavirus) Act (Budget Measures), 2020, which made changes to the *Conservation Authorities Act* and the *Planning Act*, received Royal Assent. To implement these changes, 3 new regulations have been filed under the *Conservation Authorities Act* as part of the first phase regulations:

- *Ontario Regulation 686/21: Mandatory Programs and Services*. This regulation prescribes the mandatory programs and services CAs (conservation authorities) would be required to provide, including core

watershed-based resource management strategies. This regulation will come into effect on January 1, 2022

- *Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act.* This regulation requires each CA (conservation authority) to have a 'transition plan' that would outline the steps to be taken to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund non-mandatory programs and services through a municipal levy. It also establishes the transition period to enter into those agreements. This regulation came into effect on October 1, 2021
- *Ontario Regulation 688/21: Rules of Conduct in Conservation Areas.* This regulation consolidates the current individual CA (conservation authority) 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation that regulate the public use of CA (conservation authority) owned land. This regulation will come into effect when the unproclaimed provisions of Part VI and VI of the *Conservation Authorities Act* that deal with development permissions come into effect.

The new regulations will help to improve the governance, oversight and accountability of CAs (conservation authorities), while respecting taxpayer dollars by giving municipalities more say over the CA (conservation authority) programs and services they pay for.

We are committed to ensuring that CAs (conservation authorities) are focused on their core mandate, including:

- helping protect people and property from the risk of natural hazards
- conserving and managing conservation authority-owned lands
- their roles in drinking water source protection

A. Conservation authority mandatory programs and services

The mandatory programs and services regulation that has been finalized sets out the following six mandatory programs and services that CAs (conservation authorities) are required to provide:

1. Mandatory programs and services related to the risk of natural hazards

Each CA (conservation authority) will be required to implement a program or service to help manage the risk posed by the natural hazards within their jurisdiction, including:

- flooding
- erosion
- dynamic beaches
- hazardous sites as defined in the Provincial Policy Statement, 2020
- low water/drought as part of Ontario's Low Water response

This program is designed to:

- identify natural hazards
- assess risks associated with natural hazards including impacts of climate change
- manage risks associated with natural hazards and
- promote public awareness of natural hazards

Managing risks associated with natural hazards may include:

- prevention
- protection
- mitigation
- preparedness
- response

2. Mandatory programs and services related to the conservation and management of lands

Each CA (conservation authority) will be required to implement mandatory programs and services related to the conservation and management of lands owned or controlled by the CA (conservation authority), including any interests in land registered on title, within their jurisdiction. This includes:

- preparing a conservation area strategy
- compiling a land inventory
- ensuring CAs (conservation authorities) can continue to maintain trails, facilities, and other related amenities that the public can access in a self-directed nature without CA (conservation authority) staffing, facilities or programming (i.e. low maintenance passive recreation including activities such as hiking and picnicking)

- carrying out programs and services to secure the CA (conservation authority)'s interests in its lands to prevent unlawful entry and protect the CA (conservation authority) from exposure to liability
- carrying out programs and services to conserve natural heritage features
- administering the Minister's regulations made under section 29 of the *Conservation Authorities Act* (governing the rules of conduct on land owned by CAs (conservation authorities), including permits and enforcement activities)

3. Mandatory programs and services related to other programs or services prescribed by the regulation

Each CA (conservation authority) will be required to:

- continue implementing the provincial stream monitoring program and groundwater monitoring program related to water quality and groundwater quantity monitoring
- establish a core watershed-based resource management strategy that summarizes:
 - existing technical studies
 - monitoring programs
 - other information on the natural resources the CA (conservation authority) relies on within its area of jurisdiction or in specific watersheds that directly informs and supports the effective delivery of mandatory programs and services

4. Mandatory programs and services related to CA (conservation authority) duties, functions, and responsibilities as a source protection authority under the *Clean Water Act, 2006*

CAs (conservation authorities) will be required to continue implementing the following responsibilities as source protection authorities under the *Clean Water Act, 2006*:

- maintaining source protection committees
- preparing progress reports on the implementation of source protection plans

- amending source protection plans
- implementing significant threat policies directed to the authority

5. CA (conservation authority) duties, functions and responsibilities under other legislation prescribed by regulation – (i.e. (that is) on-site sewage systems as currently prescribed in the *Building Code Act*):

This category of mandatory programs and services refers to responsibilities that may be assigned to CAs (conservation authorities) through other legislation and which are proposed to be prescribed in regulation under the *Conservation Authorities Act*

The North Bay–Mattawa CA (conservation authority) will be required to continue implementing programs and services for on-site sewage systems as currently set out in the *Building Code Act*.

6. Lake Simcoe Region CA (conservation authority) duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*

Under the *Lake Simcoe Protection Act, 2008*, the Lake Simcoe Region CA (conservation authority) carries out various duties, functions and responsibilities as set out in the Lake Simcoe Protection Plan. The Lake Simcoe Region CA (conservation authority) will continue to carry out these activities.

B. Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act

The transition plans and agreements for programs and services under section 21.1.2 prescribes:

- the process for CAs (conservation authorities) to transition to the new funding model for non-mandatory programs and services a CA (conservation authority) determines advisable for its jurisdiction and that the CA (conservation authority) requires municipal levy to fund. This includes requirement for the preparation by the CA (conservation authority) of a transition plan by December 31, 2021 and an inventory of the CA (conservation authority)'s programs and services, the process to

develop the inventory with participating municipalities by February 28, 2022, and steps taken to enter into agreement(s) with participating municipalities for the use of municipal levies for non-mandatory programs and services the CA (conservation authority) determines are advisable in its jurisdiction

- the regulation sets out a specific time in which the agreements must be finalized (i.e. (that is) January 1, 2024)

C. Rules of Conduct in Conservation Areas

The rules of conduct in conservation areas regulation consolidates of each of the current individual CA (conservation authority) 'Conservation Areas' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation. This new regulation continues to set out the prohibited activities, and activities requiring permits on lands owned by CAs (conservation authorities)

Regulatory impact analysis

The regulatory impact analysis does not identify any compliance or administrative costs to business, the public or non-profit organizations associated with these regulations. The regulations implement changes to the CAA (Conservation Authorities Act) to improve governance, oversight and accountability of CAs (conservation authorities) and address concerns previously raised by businesses and municipalities about CAs (conservation authorities) extending their core mandate and operation.

Administrative costs related to negotiating agreements with participating municipalities for non-mandatory programs and services a CA (conservation authority) determines is advisable for its jurisdiction and requires the municipal levy to fund are anticipated to remain about the same since many CAs (conservation authorities) and municipalities regularly negotiate annual CA (conservation authority) budgets as well as agreements to fund various programs and services today.

The proposed mandatory programs and services set out in the regulation reflect the basic programs and services that CAs (conservation authorities) currently provide. Municipalities will have new abilities to make funding decisions about non-mandatory programs and services that a CA (conservation authority) proposes to offer, which may result in savings.

Comments received	Through the registry 237	By email 207	By mail 0
-------------------	------------------------------------	------------------------	---------------------

[View comments submitted through the registry \(/notice/019-2986/comments\)](/notice/019-2986/comments)

Effects of consultation

Consultation on the regulatory proposals took place from May 31 to June 27, 2021.

In total, 444 comments were received.

We received comments from the public, Indigenous communities and organizations, CAs (conservation authorities), municipalities, environmental non-government organizations, community groups, industry and the development and agriculture sectors.

As well, the Ministry of the Environment, Conservation and Parks (ministry) engaged with a working group with representatives from CAs (conservation authorities), municipalities and other stakeholders, including those from the development and agriculture sector, as a practical forum to seek feedback on the proposals.

All the feedback received during the commenting period was considered.

Summary of Consultation Feedback:

- there was general support for the work of CAs (conservation authorities) in protecting people and property against natural hazards and the value conservation authorities' lands provide to the public
- there was general support for efforts to improve transparency in the operations of conservation authorities and some stakeholders were supportive of changes to improve governance, oversight and accountability
- there were recommendations to enable use of Indigenous knowledge in the work of CAs (conservation authorities), to finalize regulations quickly and increase provincial funding of conservation authorities

Mandatory programs and services

- there was extensive support for including low maintenance passive recreation activities as a mandatory program and service that a CA (conservation authority) delivers
- there were also recommendations for private land stewardship programs, such as tree planting and streambank rehabilitation, including on agricultural lands, to be offered as a mandatory program or service, and where CAs (conservation authorities) are managing natural hazards, that they also manage natural heritage and green infrastructure (e.g. (example), reclaiming sites through naturalization)
- support was also received for the inclusion of a core watershed-based resource management strategy and water quantity/quality monitoring among the mandatory programs and services
- some submissions recommended that there be flexible and reasonable timelines for the requirement to complete conservation area strategies, land inventories and the watershed-based resource management strategy

Response:

Low maintenance passive recreation has been included in the list of mandatory program and service, specifically programs and services to maintain any facilities, trails or other amenities that support public access and recreational activities in conservation areas and that can be provided without direct support or supervision of staff employed by the CA (conservation authority) or by another person or body.

CAs (conservation authorities) will still have the ability to deliver non-mandatory programs and services (e.g. (example) private land stewardship) to respond to local priorities either under agreement with municipalities who are willing to pay for that program or service, or if they are able to secure other funding (e.g. (example) provincial grants or self generated revenue).

The development and implementation of a watershed-based resource management strategy and implementation of the provincial stream and groundwater monitoring programs were maintained as mandatory programs and services.

Timelines were provided for deliverables required under the mandatory programs and services regulation of December 31, 2024 to provide certainty for CAs (conservation authorities).

Municipal Agreements and Transition Period

- some submissions expressed concern related to the proposed transition timing of January 1, 2023, noting it may be challenging to establish all the necessary agreements with participating municipalities by that time for non-mandatory programs and services
- there was support from some stakeholders to enable the Minister to grant extensions of time for CAs (conservation authorities) to enter into agreements with their participating municipalities for the municipal levy to fund non-mandatory programs and services
- there was desire for certainty and consistency on how CAs (conservation authorities) will determine CA (conservation authority) led non-mandatory programs and services

Response:

Ontario is committed to ensuring that CAs (conservation authorities) are focused on their core mandate of helping protect people and property from the risk of natural hazards, the conservation and management of CA (conservation authority)-owned lands and their roles in drinking water source protection. These regulations implement the changes made to the Conservation Authorities Act initiated in 2019. In response to feedback, the transition to this new funding framework is to be completed by January 1, 2024 which will both meet the objective of ensuring municipalities have more say over the CA (conservation authority) programs and services they pay for and provide CAs (conservation authorities) and municipalities appropriate time to complete the necessary deliverables and agreements as part of the transition. As well, the regulation has retained the ability for the CA (conservation authority) to be granted an extension of time beyond the transition date under certain circumstances was maintained.

Some changes were made to the requirements related to completion of the inventory of programs and services by the CAs (conservation authorities). These were completed in response to comments related to the role of municipalities in the preparation of the inventory and the information they have on costing to support decision-making for non-mandatory programs and services. The regulation now requires that a CA (conservation authority) must circulate the inventory to all participating municipalities in the CA (conservation authority)'s area of jurisdiction, and if the CA (conservation authority) considers it advisable, to any other municipality with which the CA (conservation authority) has entered into, or intends to enter into a Memorandum of

Understanding (MOU) or other agreement. The CA (conservation authority) must take municipal comments into consideration as the inventory is updated during consultations with municipalities throughout the transition period. The CA (conservation authority) would need to maintain a record of the municipalities that the inventory was circulated to and the associated date. Additionally, the regulation requires CAs (conservation authorities) to provide costing information for all programs and services in the inventory (e.g., (example) total annual cost estimates based on the last five years or for a shorter duration if the program or service has been provided for less than five years).

Community Advisory Boards

- some submissions recommended that the purpose of community advisory boards be clarified, that their implementation not be required until following the transition period, and that their funding be mandatory or covered under the administrative levy with the municipalities
- some stakeholders expressed support for the proposal to defer certain details for community advisory boards to terms of references to be developed by each conservation authorities
- other comments were concerned that the proposed boards would be duplicative of boards that have already been established by many CAs (conservation authorities), and would increased cost. They recommended that this requirement be removed
- comments from Indigenous communities and organizations included recommendations for Indigenous membership on community advisory boards and requested mention of traditional ecological knowledge consideration requirements within management plans for conservation authority lands

Response:

The ministry did not proceed with the regulation that would have required CAs (conservation authorities) to establish a community advisory board as many CAs (conservation authorities) across Ontario already have a diverse range of advisory boards and CAs (conservation authorities) can continue to include additional members, including from Indigenous communities, where there is interest. Further, where there is not an existing advisory board, CAs (conservation authorities) will continue to have the ability to establish one where they consider it appropriate and useful.

Rules of Conduct in Conservation Areas

- Some submissions recommended more coordination between CAs (conservation authorities), police, and the Ministry of the Attorney General on long-term enforcement issues and that a full review and update of the regulation governing rules of conduct in conservation areas be completed.

Response:

Maintained approach to consolidate and maintain requirements from the individual section 29 "Conservation Area" regulations governing the rules of conduct on CA (conservation authority) lands into one regulation for consistency. The regulation reflects the rules of conduct that have been in effect in conservation areas to date on CA (conservation authority)-owned land to protect against property damage, for public safety, to protect the resources on the land and public investment.

Supporting materials

Related links

Conservation Authorities Act

(<https://www.ontario.ca/laws/statute/90c27>)

More Homes, More Choice Act, 2019 (Bill 108)

(<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>)

Made-in-Ontario Environment Plan

(<https://www.ontario.ca/page/made-in-ontario-environment-plan>)

Online consultation with stakeholders

(<https://www.ontario.ca/page/consultation-ontario-conservation-authorities>)

Protect, Support and Recover from COVID-19 Act (Budget Measures),

2020 (Bill 22... (<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-229>))

[Ontario Regulation 686/21: Mandatory Programs and Services](https://www.ontario.ca/laws/regulation/r21686)
(<https://www.ontario.ca/laws/regulation/r21686>)

[Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Ser...](https://www.ontario.ca/laws/regulation/r21687) (<https://www.ontario.ca/laws/regulation/r21687>)

[Ontario Regulation 688/21: Rules of Conduct in Conservation Areas](https://www.ontario.ca/laws/regulation/r21688)
(<https://www.ontario.ca/laws/regulation/r21688>)

[Related ERO \(Environmental Registry of Ontario\) notices](#)

[Updating the Conservation Authorities Act \(/notice/019-2646\)](#)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Connect with

JS

Contact

Brie-Anne Breton

 [705-772-9166](tel:705-772-9166)

 Brie-Anne.Breton2@ontario.ca

Original proposal

ERO (Environmental
Registry of Ontario)

019-2986

Number	
Notice type	Regulation
Act	Conservation Authorities Act, R.S.O. 1990
Posted by	Ministry of the Environment, Conservation and Parks
Proposal posted	May 13, 2021
Comment period	May 13, 2021 - June 27, 2021 (45 days)

Proposal details

On December 8, 2020, Bill 229, the Protect, Support and Recover from *COVID-19 (2019 Novel Coronavirus) Act* (Budget Measures), 2020, which made changes to the *Conservation Authorities Act* and the *Planning Act*, received Royal Assent.

These changes will improve the governance, oversight and accountability of conservation authorities, while respecting taxpayer dollars by giving municipalities more say over the conservation authority programs and services they pay for.

The Ministry of the Environment, Conservation and Parks (MECP) is now proposing to move forward with our first of two phases of regulatory amendments to implement the legislative changes previously made to the *Conservation Authorities Act* and those recently made through the Protect, Support and Recover from *COVID-19 (2019 Novel Coronavirus) Act* (Budget Measures), 2020.

The regulations the government proposes to introduce as part of the first phase would set out the following:

- Mandatory programs and services that conservation authorities would be required to provide, including core watershed-based resource management strategies.
- A requirement for agreements between conservation authorities and their participating municipalities for the use of municipal levies to fund non-mandatory programs and services an authority determines are advisable in its jurisdiction.
 - The proposed regulation may set out a specific time in which the agreements must be reviewed and to determine whether or not the agreements will be renewed.

- Details of the transition plan conservation authorities must prepare, including an inventory of the authority's programs and services, the consultation process with participating municipalities on the inventory, and steps taken to enter into these agreement(s) with participating municipalities for the use of municipal levies for non-mandatory programs and services the authority determines are advisable in its jurisdiction.
- The consolidation of each of the current individual conservation authority 'Conservation Areas' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation. This would set out, for example, prohibited activities and activities requiring permit on conservation authority owned lands.
- Requirements for each conservation authority to establish a community advisory board to include members of the public, and providing that conservation authority by-laws may govern the operation of these and other advisory boards that may be established by the authority.

Greater detail on these proposed regulations can be found in [a Consultation Guide \(https://prod-environmental-registry.s3.amazonaws.com/2021-05/CAA_Phase%201_Reg.%20Posting%20Consultation%20Guide_FINAL.pdf\)](https://prod-environmental-registry.s3.amazonaws.com/2021-05/CAA_Phase%201_Reg.%20Posting%20Consultation%20Guide_FINAL.pdf).

In the coming months, the MECP (Ministry of the Environment, Conservation and Parks) will be consulting on the second phase of proposed regulations under the *Conservation Authorities Act*, including:

- Municipal levies governing the apportionment of conservation authority capital and operating expenses for mandatory programs and services and for non-mandatory programs and services under municipal agreement. This would also set out provisions pertaining to municipal appeals of conservation authority municipal levy apportionments, including who would hear those appeals.
- Standards and requirements for the delivery of non-mandatory programs and services.

Supporting materials

Related files

[CAA Phase 1 Regulatory Proposal Consultation Guide \(https://prod-environmental-](https://prod-environmental-)

registry.s3.amazonaws.com/2021-05/CAA_Phase%201_Reg.%20Posting%20Consultation%20Guide_FINAL.pdf
pdf.(Portable.Document.Format.file) 307.45 KB

Related ERO (Environmental Registry of Ontario) notices

[Updating the Conservation Authorities Act \(/notice/019-2646\)](#)

Related links

[Conservation Authorities Act](#)

[\(https://www.ontario.ca/laws/statute/90c27\)](https://www.ontario.ca/laws/statute/90c27)

[More Homes, More Choice Act, 2019 \(Bill 108\)](#)

[\(https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108\)](https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108)

[Made-in-Ontario Environment Plan](#)

[\(https://www.ontario.ca/page/made-in-ontario-environment-plan\)](https://www.ontario.ca/page/made-in-ontario-environment-plan)

[Online consultation with stakeholders](#)

[\(https://www.ontario.ca/page/consultation-ontario-conservation-authorities\)](https://www.ontario.ca/page/consultation-ontario-conservation-authorities)

[Protect, Support and Recover from COVID-19 Act \(Budget Measures\),](#)

[2020 \(Bill 22... \(https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-229\)](https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-229)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Comment

Commenting is now closed.


This consultation was open from May 13, 2021
to June 27, 2021

Connect with

JS

Contact

Liz Mikel

 [705-313-0563](tel:705-313-0563)

 ca.office@ontario.ca

Denise Holmes

From: Gardner, Margaret (NDMNRF) <Margaret.Gardner@ontario.ca>
Sent: Friday, October 8, 2021 12:58 PM
Subject: Proposed amendments to the CFSA, PFA and the PLA, Ministry of Northern Development, Mines, Natural Resources and Forestry included in the Supporting People and Businesses Act, 2021
Attachments: NDMNRF-CFSA-PFA-PLA Municipal Letter-EN.pdf; NDMNRF-CFSA-PFA-PLA Municipal Letter-FR.pdf

Sent on behalf of Peter D. Henry, Crown Forests and Lands Policy Branch Director

Greetings,

Please find attached a notice from the Ministry of Northern Development, Mines, Natural Resources and Forestry regarding proposed changes to the Crown Forest Sustainability Act, 1994, the Professional Foresters Act, 2000 and the Public Lands Act as part of the Supporting People and Businesses Act, 2021. For your convenience, the notice is provided in both English and French.

Regards,

Bonjour,

Veillez trouver ci-joint un avis du ministère du Développement du Nord, des Mines, des Ressources naturelles et des Forêts concernant les modifications proposées à la Loi de 1994 sur la durabilité des forêts de la Couronne, à la Loi de 2000 sur les forestiers professionnels et à la Loi sur les terres publiques dans le cadre du projet de Loi de 2021 visant à soutenir la population et les entreprises. Pour votre commodité, l'avis est fourni en anglais et en français.

Merci,

Peter D. Henry, R.P.F.
Director, Crown Forests & Lands Policy Branch
Ministry of Northern Development, Mines, Natural Resources and Forestry
70 Foster Drive, Suite 400
Sault Ste. Marie, Ontario, P6A 6V5

Please Note: As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

Ministry of Northern Development,
Mines, Natural Resources and
Forestry

Policy Division

Director's Office
Crown Forests and Lands Policy Branch
70 Foster Drive, Suite 400
Sault Ste. Marie, ON P6A 6V5

Ministère du Développement du Nord, des
Mines, des Richesses naturelles et des
Forêts

Division de la politique

Bureau du directeur
Direction des politiques relatives aux stratégies
et aux affaires autochtones
300, rue Foster, 3e étage Nord
Sault Sainte Marie, ON P6A 6V5



October 7, 2021

Re: Proposed amendments to the Crown Forest Sustainability Act, 1994, Professional Foresters Act, 2000 and the Public Lands Act, Ministry of Northern Development, Mines, Natural Resources and Forestry included in the Supporting People and Businesses Act, 2021

Greetings,

On October 7, the Minister of Economic Development, Job Creation and Trade introduced the proposed Supporting People and Businesses Act, 2021 in the Ontario Legislature. As part of this Bill, the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) proposed legislative changes to three statutes. These proposed changes are intended to support the government's commitment to reduce regulatory burden on business, and modernize government to be simpler, faster, and more cost-effective, without compromising public health, safety and the environment. The proposed changes include the following:

Crown Forest Sustainability Act, 1994

Proposed amendments to the Crown Forest Sustainability Act, 1994 would enable streamlined authorizations for personal use harvesting, including fuelwood, building products and Christmas trees. These authorizations would be available once regulations are in place prescribing the terms and conditions that may apply to personal use harvesting. If these proposed amendments are enacted, the ministry will consult with the public, stakeholders and municipalities about any subsequent regulations proposed to implement them.

Professional Foresters Act, 2000:

Proposed amendments are intended to modify the scope of practice to better define what professional forestry is and reduce the overlap with other occupations (e.g., arborists, biologists).

Public Lands Act:

The proposed amendments to the Public Lands Act would:

1. Provide the Minister explicit authority to set, charge, waive, change, or refund fees related to the management, use or disposition of public lands to provide for a more efficient approvals process.
2. Provide the Minister explicit authority to make public lands-related decisions that currently rest with the Lieutenant Governor in Council (LGIC) to reduce the time needed for approvals.
3. Prevent the loss of public lands without the Crown's consent and for less than fair market value due to adverse possession by third parties, including providing the Minister with any necessary related authorities.
4. Allow dispositions or transfers of lands bordering water bodies where less than 25 per cent of frontage would remain public land to support Indigenous community interests, land claim settlements, and local community and economic development. These proposed amendments are not intended to significantly increase dispositions along water bodies and the ministry will still be required to undertake any applicable environmental assessment process and fulfill the duty to consult obligations, should they arise, prior to making any individual land disposition decision.

If the proposed amendments are passed by the legislature, they would improve clarity, customer service and reduce unnecessary burdens, resulting in a more effective and less time-consuming approvals process.

Additional information on all the proposals is also provided in the Appendix.

These proposed changes appear in the Supporting People and Businesses Act, 2021 that is currently before the Legislature. The Legislature will determine the next steps associated with the Bill. The following link provides additional details on the status of the Bill ([Bill 13, Supporting People and Businesses Act, 2021 - Legislative Assembly of Ontario \(ola.org\)](#)).

In addition, details regarding the proposed amendments to the Crown Forest Sustainability Act, Professional Foresters Act and Public Lands Act are available on the Environmental Registry of Ontario (ERO) and on the Regulatory Registry. You can review the relevant bulletins/postings and provide comments using the following links:

Crown Forest Sustainability Act

ERO: Proposed amendments to the Crown Forest Sustainability Act to Reduce Red-Tape for the harvest of Crown forest resources for personal use

Regulatory Registry: Proposed amendments to the Crown Forest Sustainability Act to Reduce Red-Tape for the harvest of Crown forest resources for personal use

Professional Foresters Act

ERO: Proposed amendments to the *Professional Foresters Act*

Regulatory Registry: Proposed amendments to the Professional Foresters Act

Public Lands Act

ERO: Amendments to the Public Lands Act to Support Red Tape Reduction

Regulatory Registry: Proposal to amend the Public Lands Act to support red tape reduction

If you have any questions or would like to arrange a meeting to discuss the proposals in further detail please contact Amanda McLachlan at Amanda.Mclachlan@ontario.ca for Crown Forest Sustainability Act and Professional Foresters Act and please contact Josh Annett at Josh.Annett@ontario.ca for Public Lands Act.

Sincerely,

Original signed by

Peter Henry
Director, Crown Forests and Lands Policy Branch
Policy Division

Appendix: Additional Information on the Proposed Amendments

Crown Forest Sustainability Act, 1994

NDMNRF is proposing amendments to the Crown Forest Sustainability Act, 1994 to improve service delivery and save people time when seeking approval to harvest wood from Crown lands for personal use, such as firewood, building products and Christmas trees.

Currently, the licensing requirements to harvest Crown forest resources for personal, non-commercial use are the same as the licensing requirements for industrial or commercial use. The Ministry's proposed changes would distinguish authorization requirements for wood harvested from Crown lands for personal use from industrial/commercial use. This would make the approval process easier for clients, forest industry and government.

The proposed changes would if enacted by the Legislature, enable the ministry to:

- Streamline authorization requirements,
- Create clear and consistent program delivery across the province,
- Reduce administrative burden, staff time and effort for government,
- Improve access by making applications available online, and
- Remove burden of developing overlapping agreements for forest industry.

Before the proposed amendments could be implemented, regulations would be required prescribing the terms and conditions applicable to personal use harvesting.

If the proposed amendments are passed by the legislature, the Ministry will consult with the public, stakeholders and municipalities about any subsequent regulation proposals developed to implement them.

Professional Foresters Act, 2000

The purpose of the Professional Foresters Act is to regulate the practice of professional forestry and provide the Ontario Professional Foresters Association (OPFA) the ability to govern its members in accordance with the Act, the regulation and the by-laws in order that the public interest may be served and protected.

In response to requests from the Ontario Professional Foresters Association, we are proposing changes to the PFA that would enhance the ability of the OPFA to provide oversight of its members by adding clarity to the practice of foresters, while limiting the potential impacts to other natural resource professionals (e.g., arborists) and municipal delivery of forest management programs and services.

Public Lands Act

1. Shifting certain decision-making authority regarding public lands to the Minister of NDMNRF from the Lieutenant Governor in Council.

Most public lands related decisions rest with the Minister of NDMNRF, however, some are made by the Lieutenant Governor in Council through an Order in Council. The Order in Council process takes time and has resulted in delays for clients awaiting decisions. Providing the following authorities to the Minister would be consistent with most other Minister authorities for the planning, management, and dispositions of public lands under the *Act*:

- i. Setting apart areas of public lands for any purpose that will benefit research in and the management, use and administration of public lands and forests.
 - iii. Approving the disposal of public land to Ministry officers or employees (while meeting obligations set out in O. Reg. 381/07 regarding conflict of interest rules for public servants under the Public Service of Ontario Act).
 - iv. Releasing a habendum restriction in letters patent, (i.e., removing a restriction that the land must be used for a specific purpose, such as for school purposes).
 - v. Releasing a condition in an Order in Council which requires, where the management of public lands was transferred to the federal government, that the lands be returned to Ontario if the federal government is no longer using the land.
 - vi. Releasing other restrictions in letters patents (e.g., a requirement that Lieutenant Governor in Council provide approval for a landowner to sell their land).
2. Allowing limited exemptions from requirement for Minister to set apart public reserves on water bodies.

Section 3 of the Public Lands Act sets out that where 25 per cent or more of the frontage on a waterbody is public lands that the Minister shall set apart at least 25 per cent of the lands, to a depth determined by the Minister, for public recreation and access. On water bodies where less than 25 per cent of the frontage is public lands, all remaining public lands are to be set aside for such purposes.

The proposed amendments would provide certain exemptions to the Public Lands Act Section 3 requirements, and ensure that the following would not be prevented:

- i. Directing a disposition or ordering a transfer of control to implement an agreement with an Indigenous community. This may include transfers to the federal government to support land claims or additions to reserve or direct

sales to an incorporated Indigenous community-run organization for community or economic development initiatives.

- ii. Ordering the transfer to the federal government (or its agencies) of control of public lands. In addition to land claims or additions to reserve the federal government may require public lands for infrastructure projects or for the creation of protected areas.
- iii. Ordering the transfer to other provincial ministries (or their agencies) of control of public lands. Provincial government ministries may require public lands for infrastructure projects or for expansion of protected areas.
- iv. Directing a disposition to a municipality. Municipalities may require lands to support community or economic development initiatives such as waterfront improvement (i.e., trails, tourism attractions).

This proposal for Public Lands Act Section 3 is not intended to significantly increase dispositions along water bodies and the ministry will still be required to undertake any applicable environmental assessment process and fulfill the duty to consult prior to making any individual land disposition or transfer decisions.

3. Preventing adverse possession of public lands through unauthorized use, possession, or occupation.

Individuals may obtain possessory title to public lands after 60 years of adverse possession (i.e., unauthorized tenancy or "squatting"). This prevents the Province from preserving public lands for uses including economic development and environmental protection, receiving fair value for lands through sale or lease, and the efficient settlement of Indigenous land claims. Further details include:

- i. Proposed changes to the Act would prevent any person from acquiring an interest in public lands through use, possession or occupation of the lands without permission from the Province (i.e., unauthorized tenancy or "squatting").
- ii. Persons who can demonstrate possessory title to public land (60+ years of adverse possession) prior to any change being made would not be impacted.
- iii. The ministry would continue to process quit claim letters patent applications for persons in these circumstances.
- iv. The proposed changes would provide the Minister with the authority to correct registrations or deposits against public lands that have been made without the Province's permission.

- v. Eliminating adverse possession would prevent limitations on the availability of land for exercising Aboriginal and treaty rights and settling land claims.
4. Clarifying Minister's authority to manage fees for all services, permissions, or decisions.

The proposed change clarifies that the Minister has explicit authority to set, charge, waive, change, or refund fees for all services, permissions or decisions related to the management, use or disposition of public lands. No new fees or changes to existing fees are being proposed or would result if this proposal is passed.

If the proposed changes to the legislation are enacted, the Ministry would update O.Reg.326/94 (Crown land camping permit) and O.Reg.975 (Work Permits) to ensure these regulations align with the changes made to the Public Lands Act.

Denise Holmes

From: EA Modernization (MECP) <EAModernization.MECP@ontario.ca>
Sent: Friday, October 8, 2021 4:55 PM
To: EA Modernization (MECP)
Cc: Lashbrook, Ross (MECP); Cross, Annamaria (MECP); Cross, Annamaria (MECP)
Subject: EA Modernization: Clarifying the authority to change the classes of projects that follow a class environmental assessment process

Hello:

I am writing to let you know about a minor amendment that is being proposed to the *Environmental Assessment Act* to support the ministry's environmental assessment modernization initiative.

The *Environmental Assessment Act* includes authority to amend a class environmental assessment (Class EA) by Minister's amendment or by regulation. As part of our ongoing work to modernize the environmental assessment program, the ministry is proposing a minor amendment to the *Environmental Assessment Act* to clarify the authority to make changes to the types of projects that can follow a Class EA.

Projects that follow the Class EA process will still require consultation with Indigenous communities, stakeholders and the public, developing mitigation measures and documenting the findings in a report to protect and safeguard the environment.

What is a class environmental assessment?

A class environmental assessment is a document that sets out a standardized planning process for classes or groups of activities that are carried out routinely and have predictable environmental effects that can be readily managed. This process generally requires proponents to identify the problem or opportunity, consider alternative solutions and designs, consult with Indigenous communities and stakeholders, develop mitigation measures, and document the findings through a report.

Why is this change being proposed?

As part of our ongoing modernization efforts we are currently developing the regulation to set out the projects that would be subject to the comprehensive environmental assessment process (see ERO notice [019-2377](#)). In July 2021 we initiated consultation on a proposal that, if approved, would allow some electricity transmission lines that currently require an individual environmental assessment to follow a Class EA process (see ERO notice [019-3937](#)). There may be other projects that do not warrant an individual/comprehensive environmental assessment, which is the largest and most significant assessment, but should instead be subject to a Class EA. The proposed legislative amendment would clarify the authority to change the classes of projects that can follow a Class EA.

The proposed legislative amendment clarifies the existing broad authority that enables amendments to Class EAs. The amendment itself will not have any effect on the existing Class EAs. In the event that the authority is used to move a project type from an individual/comprehensive EA to a Class EA process, that proposed change would be consulted upon with Indigenous communities, the public and other impacted stakeholders.

Projects that follow the Class EA process will still require consultation with the public, stakeholders and Indigenous communities, developing mitigation measures and documenting the findings in a report to protect and safeguard the environment.

How can I learn more and comment on this proposal?

We are committed to seeking input from the public, stakeholders and Indigenous communities before allowing other project types to begin following the streamlined or Class EA process.

Please review the proposal and submit your comments via the Environmental Registry of Ontario (019-4189) or directly by e-mail to EAmmodernization.mecp@ontario.ca by November 21, 2021.

Please do not hesitate to contact the ministry at EAmmodernization.mecp@ontario.ca with any questions you may have at any time.

Thank you,

Annamaria Cross
Director, Environmental Assessment Modernization Branch
Ministry of the Environment, Conservation and Parks



TOWNSHIP OF ADELAIDE METCALFE

2340 Egremont Drive, Strathroy, ON N7G 3H6

T: 519-247-3687 F: 519-247-3411

www.adelaidemetcalfe.on.ca

October 8, 2021

Township of Scugog
181 Perry Street
PO Box 780
Port Perry, ON
L9L 1A7

ATTENTION: BECKY JAMIESON, DIRECTOR OF CORPORATE SERVICES/MUNICIPAL CLERK

**RE: SUPPORT OF RESOLUTION – FEDERAL AND PROVINCIAL FUNDING OF RURAL
INFRASTRUCTURE PROJECTS**

Please be advised that the Council of the Township of Adelaide Metcalfe, at the regular meeting of October 4, 2021, supported and passed The Township of Scugog resolution as follows.

THAT the Province of Ontario and the Government of Canada be encouraged to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements.

CARRIED.

Kind regards,

A handwritten signature in black ink, appearing to read 'MB', followed by a horizontal line.

Mike Barnier
Manager of Legislative Services/Clerk

Info # 7
OCT 21 2021



CLEARVIEW

EXTENSION OF INTERIM CONTROL BY-LAW NOTICE OF PASSING

RECEIVED

OCT 13 2021

The Decision:

The Township of Clearview Council has passed a By-law to extend Interim Control By-law 20-64. The By-law has been considered under the requirements of the *Planning Act RSO 1990 c.P.13* and applicable regulations. The purpose of this notice is to make you aware of Council's decision on the matter.

Date of Passing: Monday September 27, 2021

By-law No.: 21-97

Last Date of Appeal: Friday November 26, 2021

The Purpose and Effect:

The Council of The Corporation of the Township of Clearview passed By-law 21-97 on September 27, 2021, being a By-law to extend Interim Control By-law 20-64 that prohibits the establishment of Cannabis Operations within the Township of Clearview for an additional year, under subsection 38(2) of the Planning Act, R.S.O. 1990, as amended. Council has the authority to extend the period during which the by-law will be in effect to a total period not exceeding two years.

Take notice that Interim Control By-law 20-64 will be in effect until 11:59 p.m. local time on the 5th day of October 2022, unless otherwise repealed by the Council of The Corporation of the Township of Clearview at an earlier date.

A key map has not been provided with this notice as the Interim Control By-law affects all lands within the Township of Clearview.

Purpose: An Interim Control By-law (20-64) was passed to allow staff to undertake a study in respect of land use planning policies relating to Cannabis Operations within the municipality with respect to Zoning By-law 2006-54, being the Comprehensive Zoning By-law for the Township of Clearview.

Cannabis Operation means lands, buildings or structures used for growing, producing, processing, harvesting, treating, testing, destroying, storing, packaging and/or shipping of Cannabis or dried Cannabis as defined by the Cannabis Act, 2018, S.C. 2018, c. 16, as amended. A Cannabis Operation does not include the growth, production or processing of up to four (4) or fewer plants on a lot for personal use.

Effect: The Interim Control By-law restricts the use of land, buildings, or structures for a Cannabis Operation, or any purpose related to such use, except where such land, building or structure was lawfully used for such purpose on the day of passing of the by-law, so long as it continues to be used for that purpose.

Info # 8
OCT 21 2021



CLEARVIEW

EXTENSION OF INTERIM CONTROL BY-LAW NOTICE OF PASSING

Your Rights to Appeal:

A notice of appeal must:

- i. be filed with the clerk of the municipality,
- ii. set out the reasons for the appeal, and
- iii. be accompanied by the fee required by the Ontario Land Tribunal.

Only individuals, corporations and public bodies may appeal an interim control by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

For more information on making an appeal, please visit: <https://olt.gov.on.ca/>.

For More Information:

There are several ways to find more information about this Interim Control By-law.

Visit our website:

www.clearview.ca

Contact the Planner assigned to this file:

Mara Burton, Director Community Services
mburton@clearview.ca
705-428-6230 ext. 264

Visit or write to the Community Services Department at the Township of Clearview Administration Centre:

Box 200, 217 Gideon St., Stayner ON L0M 1S0
Monday to Friday 8:30 AM to 4:30 PM

If you have specific accessibility needs and would like another format or other accommodations the Township of Clearview will work to meet your needs. Please contact Human Resources at 705-428-6230 ext. 255.

Notice dated: 7 October 2021

By-law Number 21-97

The Corporation of the Township of Clearview

Being a By-law to extend Interim Control By-law 20-64 to prohibit the use of land, buildings and structures pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, on all lands located within the Township of Clearview

(Extension of Interim Control By-law 20-64)

· **Whereas** pursuant to Section 38(1) of the Planning Act, R.S.O., 1990, c.P.13, as amended, where the Council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

And Whereas Council of the Corporation of the Township of Clearview has by resolution at their October 5th, 2020 meeting, directed that a study be undertaken in respect of land use planning policies relating to cannabis production and processing facilities, as more particularly defined here, within the municipality with respect to Zoning By-law 2006-54, being the Comprehensive Zoning By-law for the Township of Clearview;

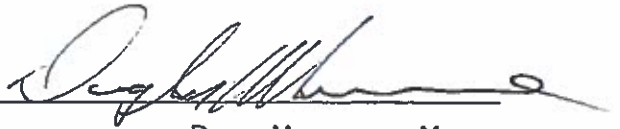
And Whereas Council passed Interim Control By-law 20-64 on October 5th, 2020 and has determined that it is in the public interest to extend the Interim Control By-law 20-64 for an additional year pursuant to Section 38(2) of the Planning Act, R.S.O., 1990, c.P.13, as amended, to prohibit the use of specific lands within the Township for a cannabis operation, as more particularly defined herein, so as to allow the Township to review and, if considered appropriate, implement the findings of the review and study referred to herein for an additional year;

Now Therefore Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. That this By-law shall extend the effect of Interim Control By-law 20-64 for one additional year and shall come into force and take effect immediately upon its passing by Council.

2. That Interim Control By-law 20-64 shall be in effect until 11:59 p.m. local time on October 5, 2022, in accordance with the provisions of the Planning Act, R.S.O. 1990 c.P.13, as amended.

By-law Number 21-97 read a first, second and third time and finally passed this 27th day of September, 2021.


Doug Measures, Mayor


Sasha Helmkey, Clerk

I, SASHA HELMKAY CLERK OF THE TOWNSHIP
OF CLEARVIEW DO HEREBY CERTIFY THIS TO BE
A TRUE COPY OF A RECORD OF THE CORPORATION
OF THE TOWNSHIP OF CLEARVIEW

DATED THIS 29th DAY OF September, 2021

SASHA HELMKAY, CLERK

Denise Holmes

From: Woolsey, Heather <hwoolsey@London.ca>
Sent: Thursday, October 14, 2021 9:48 AM
To: Denise Holmes
Subject: FW: Request for Additional COVID-19 Funding for Enforcement of COVID-19 Passports
Attachments: Letter to Premier Ford - Additional COVID-19 Financial Relief Funding.pdf

Denise Holmes
CAO/Clerk
The Township of Melancthon

On behalf of the Deputy City Clerk, thank you for your email submitting a resolution to do with additional COVID-19 funding for the enforcement of COVID-19 passports.

The London City Council has a policy with respect to resolutions from other municipalities directing the City Clerk to acknowledge such resolutions with the advice that the London City Council does not take action on resolutions received from other municipalities, but rather prefers to make its position on given subjects known through the appropriate municipal association or if it deems it necessary to do so, directly to the concerned Minister(s) of the Senior Government(s) involved.

Sincerely,



Heather Woolsey
Administrative Assistant II, Administration & Legislation
City Clerk's Office
City of London

P.O. Box 5035, London, Ontario N6A 4L9
P: 519.661.CITY (2489) ext. 4599 | Fax: 519.661.4892
hwoolsey@london.ca | www.london.ca

As part of our ongoing efforts to stop the spread of COVID-19, the City of London has made changes to many City services. Visit our [website for the latest information about City services and COVID-19](#)

From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: Thursday, October 14, 2021 8:59 AM
To: Westlake-Power, Barb <bwestlak@london.ca>
Subject: [EXTERNAL] Request for Additional COVID-19 Funding for Enforcement of COVID-19 Passports

Good morning,

Further to my email of October 13, 2021, I have attached a letter regarding the above noted motion that was passed on October 7, 2021.

Should you have any questions, please feel free to contact me.

Thank you.

Regards,
Denise Holmes



Denise B. Holmes, AMCT | Chief Administrative Officer/Clerk | Township of Melancthon |
dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110 |
www.melancthontownship.ca |

Please consider the environment before printing this e-mail This message (including attachments, if any) is intended to be confidential and solely for the addressee. If you received this e-mail in error, please delete it and advise me immediately. E-mail transmission cannot be guaranteed to be secure or error-free and the sender does not accept liability for errors or omissions.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: www.melancthontownship.ca

Email: info@melancthontownship.ca

October 13, 2021

Premier Doug Ford
Legislative Building, Queen's Park
Toronto, Ontario
M7A 1A1

Dear Premier Ford,

At the meeting of Melancthon Township Council held on October 7, 2021, the following motion was introduced and passed:

Moved by McLean, Seconded by Mercer

Be it resolved that: "Council for the Township of Melancthon requests the Province of Ontario to consider additional COVID-19 financial relief to assist municipalities with the extra costs and financial hardships associated with the enforcement of the Provincially mandated COVID-19 Passports. A copy of this motion be sent to the Honourable Sylvia Jones, Solicitor General; Honourable Steve Clark, Minister of Municipal Affairs and Housing; AMO, Western Wardens' Caucus, City of Toronto, City of London, City of Ottawa, City of Kitchener and all Dufferin County Municipalities." **Carried.**

Yours truly,

Denise B. Holmes, AMCT
CAO/Clerk

- c. Honourable Sylvia Jones, Solicitor General
Honourable Steve Clark, Minister of Municipal Affairs and Housing
AMO
Western Wardens' Caucus
City of Toronto
City of London
City of Ottawa
City of Kitchener
Dufferin County Municipalities

The Corporation of the Township of Melancthon

By-Law Number _____ - 2021

"CURPHY MUNICIPAL DRAIN, MAINTENANCE LEVYING BY-LAW"

A by-law to provide for maintenance and repair to the
Curphy Municipal Drain
and for the borrowing on the credit of
the municipality the amount required for such work

WHEREAS a number of owners, under Section 79 of the Drainage Act, R.S.O. 1990, c. D.17, have notified the Clerk of the Township of Melancthon of the deteriorating conditions of the said drainage works,

AND WHEREAS under the Drainage Act, R.S.O. 1990, c. D. 17 it is the duty of the Township of Melancthon to maintain and repair that part of the drainage works lying within its limits,

AND WHEREAS the Curphy Municipal Drain has been constructed under By-law No. 489 - 1925,

AND WHEREAS the Council of the Township of Melancthon, pursuant to the recommendations made by the Township Drainage Superintendent, has ordered certain maintenance and repair work to be performed under the supervision and to the satisfaction of the Township Drainage Superintendent.

AND WHEREAS the work has now been completed

AND WHEREAS the construction cost of the work is \$ 15,088.46

AND WHEREAS the granted expected is \$ 2,559.84

AND WHEREAS the amount to be raised is \$ 12,528.62

NOW THEREFORE the Council of the Township of Melancthon enacts as follows:

1. The assessment shall be imposed in accordance to Section 74 of the Drainage Act, R.S.O. 1990 c. D.17 and in proportion to the governing By-law No. 489 – 1925.
2. The amount of \$ 12,528.62, necessary to be raised for such work, shall be made a cash assessment upon the upstream lands and roads affected, with interest at the rate set for collecting taxes in arrears being added after the date payment is called on the same.
3. This By-law shall be cited as the "Curphy Municipal Drain, Maintenance Levying By-law".
4. That this By-law shall come into force and take effect upon passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2021.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER _____ - 2021

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN
AMENDING AGREEMENT TO THE MUTUAL ACCESS EASEMENT
AGREEMENT BETWEEN HARINDER SIDHU, ATEF ADLY BOTROS
AND MONA JOSEPH KHALIL AND THE CORPORATION OF THE
TOWNSHIP OF MELANCTHON**

WHEREAS Section 53 (12) AND 51 (26) of the Planning Act allows approval authorities to enter into agreements for lands subject to a plan of subdivision or consent approval;

AND WHEREAS the Township of Melancthon approved Consent Applications B1/20 and B2/20, and as a condition of approval required the applicant to enter into a Mutual Access Easement Agreement for access to the lands that are the subject of the consent applications;

AND WHEREAS on June 3rd, 2021 through By-law 34-2021, Harinder Sidhu, Atef Adly Botros and Mono Joseph Khalil and the Corporation of the Township of Melancthon entered into a Mutual Access Easement Agreement to fulfill the required condition of Provisional Consents B1/20 and B2/20.

AND WHEREAS Harinder Sidhu, Atef Adly Botros and Mono Joseph Khalil are not able to meet the October 15, 2021 deadline as required by Sections 8 & 9 of the Mutual Access Easement Agreement.

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:**

1. THAT the Head of Council and Clerk are hereby authorized to execute the Mutual Access Easement Amending Agreement, as attached hereto as Schedule "A" to this by-law.

BY-LAW READ A FIRST AND SECOND TIME THIS 21ST DAY OF OCTOBER, 2021.

BY-LAW READ A THIRD TIME AND PASSED THIS 21ST DAY OF OCTOBER, 2021.

MAYOR

CLERK

EB # 16.1.2
OCT 21 2021

AMENDING AGREEMENT

THIS MUTUAL ACCESS EASEMENT AMENDING AGREEMENT made this 21st day of October, 2021

BETWEEN:

HARINDER SIDHU
(herein referred to as "Sidhu")

- and -

ATEF ADLY BOTROS and MONA JOSEPH KHALIL
(herein referred to as "Botros/Khalil")

- and -

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
(herein referred to as the "Township")

WHEREAS the parties hereto entered into a Mutual Access Easement Agreement which was registered on title to lands owned by Botros/Khalil and Sidhu on July 15, (the "Easement Agreement");

AND WHEREAS the parties hereto have agreed to amend the Easement Agreement on the terms and conditions set out herein.

NOW THEREFORE WITNESSETH that in consideration of the mutual covenants and agreements contained herein, the parties agree with each other as follows:

- 1. The Easement Agreement is hereby amended as follows:**
 - 1. Section 8 of the Easement Agreement is deleted and replaced with the following:** The Parties covenant and agree that they shall be jointly and severally obligated to install, build and maintain a driveway within the right of way lands to a standard that will enable municipal, public service and emergency service vehicles to access each of the Sidhu Property and the Botros/Khalil Property to the satisfaction of the Township. The continued enjoyment by any of the Parties to an easement, right or privilege hereby granted or referred to shall be dependent or conditional upon the Parties building and maintaining the driveway to each right of way to such a standard. The failure by the Parties to build or maintain the driveways to a standard satisfactory to the Township shall, at the option of the Township, lead to the suspension of its enjoyment of such easement, right or privilege until such time as it has been improved to a satisfactory standard. Such installation of the driveway is to be completed by November 15, 2021.
- 2. This Agreement shall be registered on title to the lands affected by it at the sole instance of the Township and at the expense of the owners of the lands affected by it.**
- 3. In all other respects, the Easement Agreement shall remain in full force and effect.**

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE
TOWNSHIP OF MELANCTHON

Per:

“I have authority to bind the corporation”

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

HARINDER SIDHU
Date:

Witness

CONSENTING SPOUSE OF HARINDER
SIDHU
Date:

Witness

ATEF ADLY BOTROS
Date:

Witness

MONA JOSEPH KHALIL
Date:

Denise Holmes

From: Peters, Kim (NDMNRF) <Kim.Peters@ontario.ca>
Sent: Wednesday, September 22, 2021 2:52 PM
To: Denise Holmes
Cc: Ramsay, Debbie (NDMNRF)
Subject: RE: Update on 142 Mill Lane

Hi Denise,

MNRF's Enforcement Branch, not the NEC, would oversee taking the matter to the courts. NEC staff's role is to provide Enforcement Branch with the information they need to prepare a Crown Brief and commence legal proceedings. During the process of preparing this information (which takes some time), the 140 Mill Lane landowner made efforts to comply with the restoration order. Therefore, a court date was not sought, and the submission of materials to support laying charges was not necessary.

Thanks,

Kim

From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: September 21, 2021 10:16 AM
To: Peters, Kim (NDMNRF) <Kim.Peters@ontario.ca>
Cc: Ramsay, Debbie (NDMNRF) <debbie.ramsay@ontario.ca>
Subject: RE: Update on 142 Mill Lane

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Kim,

Council and myself were still under the impression that the matter was before the Court. When was the decision made to no longer pursue it?

Thank you.

Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon
519-925-5525 Ext. 101

From: Peters, Kim (NDMNRF) <Kim.Peters@ontario.ca>
Sent: Monday, September 20, 2021 3:10 PM
To: Denise Holmes <dholmes@melancthontownship.ca>
Cc: Ramsay, Debbie (NDMNRF) <debbie.ramsay@ontario.ca>
Subject: RE: Update on 142 Mill Lane

Hi Denise,

To clarify, the unauthorized development at 142 Mill Lane [REDACTED] is a newer issue than what occurred at 140 Mill Lane [REDACTED] AS of our last site visit in July, the

situation at Mill Lane was significantly improved, with all but one trailer removed from the property. The remaining trailer was parked close to the house and was stored/parked in a manner consistent with how one would store a personal travel trailer in a driveway. There was no evidence of anyone inhabiting the trailer, and no evidence of an unauthorized connection to servicing and/or dumping of sewage.

A minor outstanding issue was the presence of some demolition debris on the property. Our compliance officer spoke to an individual who had been hired to remove the debris. The next time our compliance officer drives north, I will ask him to check in on things.

Thus, the NEC is no longer pursuing the matter before the courts. However, the restoration order has not been closed, and if there is a relapse, we would be reconsidering our options.

Thanks,

Kim

From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: September 20, 2021 2:27 PM
To: Peters, Kim (NDMNRF) <Kim.Peters@ontario.ca>
Cc: Ramsay, Debbie (NDMNRF) <debbie.ramsay@ontario.ca>
Subject: RE: Update on 142 Mill Lane

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Kim,

I updated Council with the below information at last Thursday's Closed Session meeting and they wanted me to respond to this email to ask you if the matter that is before the courts on this property is still active and ongoing?

Thank you

***Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon
519-925-5525 Ext. 101***

From: Peters, Kim (NDMNRF) <Kim.Peters@ontario.ca>
Sent: Thursday, September 16, 2021 3:17 PM
To: Denise Holmes <dholmes@melancthontownship.ca>
Cc: Ramsay, Debbie (NDMNRF) <debbie.ramsay@ontario.ca>
Subject: RE: Update on 142 Mill Lane

Hi Denise,

Apologies for the delay. I had contacted the landowner's consultant several days ago to request an update on the development permit application that is supposed to be submitted for the unauthorized development at 142 Mill Lane.

As I think you know, an order was issued under the Building Code, and to process the as-built

development under the Building Code, it must first be approved by the NEC. As a result, the NEC requested that the landowner submit an application to the NEC.

The landowner has engaged Michael Wynia, planning consultant, to assist him with the application. I received a status update from Mr. Wynia this morning. Over the last several months he has been compiling information on the property history, which has taken some time. He has assured me that a development permit application will be submitted in the near future.

Thanks,

Kim

From: Denise Holmes <dholmes@melancthontownship.ca>

Sent: September 16, 2021 2:56 PM

To: Peters, Kim (NDMNRF) <Kim.Peters@ontario.ca>; Ramsay, Debbie (NDMNRF) <debbie.ramsay@ontario.ca>

Subject: RE: Update on 142 Mill Lane

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good afternoon,

Just following up with the below email for my Council meeting tonight? Can you provide an update, if any?

Thanks.

***Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon
519-925-5525 Ext. 101***

From: Denise Holmes

Sent: Monday, September 13, 2021 10:47 AM

To: Peters, Kim (MNRF) <Kim.Peters@ontario.ca>; Ramsay, Debbie (MNRF) <debbie.ramsay@ontario.ca>

Subject: Update on 142 Mill Lane

Good morning Kim and Debbie,

I have had a Council member ask that this matter be on the Closed Session Agenda for this week's Council meeting, as they are looking for an update on the matter. The Council member has been approached by residents of Horning's Mills wondering what is going on.

Could you please provide an update on this matter?

Thank you.

Regards,
Denise Holmes



Denise B. Holmes, AMCT | Chief Administrative Officer/Clerk | Township of Melancthon |
dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110 |
www.melancthontownship.ca |

Please consider the environment before printing this e-mail This message (including attachments, if any) is intended to be confidential and solely for the addressee. If you received this e-mail in error, please delete it and advise me immediately. E-mail transmission cannot be guaranteed to be secure or error-free and the sender does not accept liability for errors or omissions.

Niagara Escarpment Commission

232 Guelph St.
Georgetown, ON L7G 4B1
Tel: 905-877-5191
Fax: 905-873-7452
www.escarpment.org

Commission de l'escarpement du Niagara

232, rue Guelph
Georgetown ON L7G 4B1
No de tel. 905-877-5191
Télécopieur 905-873-7452
www.escarpment.org



Niagara Escarpment Commission
An agency of the Government of Ontario

May 21st, 2020

COMPLIANCE STAFF REPORT

ORDER TO DEMOLISH/RESTORE #2020.001

**140 Mill Lane, Melancthon
Township of Melancthon, County of Dufferin**

ALLEGED VIOLATION(S)

1. Placement and use of five mobile homes (trailers);
2. Installation of septic/holding tanks associated to mobile homes;
3. Installation of water lines and hydro associated to mobile homes;
4. Site alterations to place mobile homes and install servicing (septic, water, hydro) associated to mobile dwellings;
5. Construction of an agricultural building not exempted by O. Reg 828/90;
6. Placement and use of a truck camper as a security office.

RESONS FOR ORDER

- Development noted above was undertaken without a Development Permit from the Niagara Escarpment Commission (NEC) and cannot be recognized through the submission of an As-Built Development Permit Application;
- Development noted above poses a risk to the safety of the public and natural environment;
- Development noted above is not evaluated or approved under the Ontario Building Code, *Conservation Authorities Act* or any other relevant legislation;
- Placement of mobile homes in this area is prohibited by the Township of Melancthon's Official Plan policies and could not be supported by way of an application.

RELEVANT LEGISLATION

- Subsection 24(1) of the *Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2 (NEPDA)* states:

Despite any other general or special Act, if an area of development control is established by regulation made under subsection 22, no person shall undertake any development in the area unless such development is exempt under the regulations or unless the development complies with a development permit issued under this Act.

- Subsection 24(6) of the NEPDA states:

Where any person undertakes any development that is in contravention of subsection (1), the Minister may order such person to demolish any building or structure erected in connection with the development or to restore the site to the condition it was in prior to the undertaking of the development, or both, within such time as the order specifies.

The issuance of Demolition/Restoration Orders has been delegated to the Commission and is the subject of this staff report.

RELATED FILES

A search of the NEC Development Permit database confirmed that there are no known records of any Development Permits issued to this property.

SUBJECT PROPERTY DESCRIPTION

The subject lot (140 Mill Lane) is 5.19 hectares (12.83 acres) in size and located within the hamlet of Horning's Mills (Township of Melancthon) in the County of Dufferin. The subject property is located within the Niagara Escarpment Development Control Area (O.Reg. 826); however, it is not located within the Niagara Escarpment Plan (NEP) Area. Horning's Mills is one of very few areas where Development Control applies outside of the NEP Area. Permitted land uses for the subject property are determined by the local Official Plan. NEC staff consulted with the Township's planner and were provided mapping which indicates the subject property is zoned as Rural, Environmental Protection and Environmental Conservation (see Appendix B). The property contains a single dwelling that appears to pre-date the establishment of Development Control on this lot in 1975.

The property is located directly adjacent to the Pine River, which is a cold-water fishery. Most of the unauthorized development is located near this environmental feature. The remaining lands are mostly open farm land capable of supporting agriculture, however NEC staff do not have any information that would indicate there is any active agricultural operation underway, although there is evidence that the property was hayed in the past.

RELEVANT DEFINITIONS

Township of Melancthon Official Plan

- *Trailer - Trailer means, in the case of temporary farm help accommodation, a unit designed to be readily connected to, and hauled by a motor vehicle, and containing cooking, washroom and sleeping facilities, and, in the case of a trailer park or campground, means a tent trailer, travel trailer, camper, van and motor home or recreational vehicle.*

INSPECTION AND OBSERVATIONS

In June 2019, municipal staff at the County of Dufferin received public complaints alleging the erection of a small agricultural building and placement of mobile homes at 140 Mill Lane. The complaints were forwarded to NEC staff and a coordinated site inspection was arranged.

On June 28th, 2019 an initial multi-agency site inspection was completed. The inspection included inspectors from the NEC, Ministry of Environment Conservation and Parks (MECP), County of Dufferin building department, bylaw enforcement staff from the Town of Shelburne (Township of Melancthon) and members of the Ontario Provincial Police (OPP). Present as well was the property owner.

During the site inspection, five mobile homes were observed, including connections from four of the five to hydro (via extension cords from the single dwelling), water (via hose connection from the single dwelling) and septic holding tanks buried beside and servicing four of the five mobile homes. The fifth mobile home was placed in the field to provide weekend overnight accommodations to a renter who claims to have entered into a five-year agreement with the landowner to grow cannabis on a small portion of her lands. The renter was responsible for the erection of the small agricultural building, establishment of a cannabis plot, placement of the fifth mobile home and placement of a truck camper that is being used as a security office for the protection of the cannabis.

Multiple site inspections were completed over the following months by the above-noted agencies relating to their respective concerns. The initial lead was taken jointly by the County of Dufferin by way of the issuance of an Order to Comply under the Building Code requiring the landowner to decommission all unauthorized septic tanks, and NEC staff by way of the issuance of a Compliance Letter requiring the removal of all mobile homes and the small agricultural building. The landowner complied with the County of Dufferin's direction to decommission the septic tanks and the Order was lifted in September 2019. However, only the mobile home and a portion of the agricultural building were removed from the lands by the renter. Further efforts were made by NEC staff to gain voluntary compliance in seeking the full removal of the remaining four mobile homes, truck camper (office) and remaining agricultural building. No further efforts to comply were made by the landowner and the violations remain outstanding.

In April 2020, new complaints were received alleging that a new mobile home was brought back onto the subject property and that the mobile homes were being rented out to the public.

SUMMARY

The unauthorized development outlined above is development, not exempted by O. Reg 828 that requires a Development Permit, to which a Permit has not been obtained. The unauthorized development continues to present significant concerns for the NEC, public

and local municipality due to impacts to the environment, public safety and enjoyment of private properties. It also directly conflicts with the Township of Melancthon Official Plan which states:

- *3.11 Mobile Homes, Trailers, Mobile Home Parks, Trailer Parks, Campgrounds (a) The use of mobile homes and trailers shall not be permitted except for the following:*
 - i. temporary farm help accommodation;*
 - ii. temporary owner accommodation during the construction of a dwelling outside a community, provided such temporary accommodation is limited to a maximum period of one year and a building permit for the permanent dwelling has been issued and remains in effect; and,*
 - iii. seasonal accommodation within an existing licensed or approved campground or trailer park that is in compliance with all applicable laws, regulations and requirements.*

Based on current policies of the Township's Official Plan noted above, NEC staff are requiring the removal of the unauthorized mobile homes, servicing, and agricultural building, as well as any necessary site restoration by way of this Order to Demolish/Restore. The proposed approach to achieving compliance is outlined below.

COMPLIANCE APPROACH

The intent of the compliance approach is to ensure the lands of the Niagara Escarpment are developed only in accordance with the NEPDA, Regulations and policies of the Township's Official Plan. Significant efforts have been made by NEC and other regulatory staff to seek voluntary compliance on this site. The appropriate next step to address this situation is through the issuance of an Order to Demolish/Restore under the NEPDA. The intent of the Order to Demolish/Restore is to have the unauthorized development promptly removed from the property and to restore the disturbed area to as close to its original condition as possible and in a reasonable timeframe. The Order will also have the effect of acting as a deterrent against possible future non-compliance.

RECOMMENDATION

Based on the reasons outlined above, and pursuant to section 24(6) of the NEPDA, NEC compliance staff are seeking the NEC's endorsement of Order to Demolish/Restore #2020.001 and conditions thereto that are attached.

Prepared by:



O.J. MacDonald
Compliance Program Supervisor

Approved by:



Debbie Ramsay, MCIP, RPP
A/Director

TABLE OF CONTENTS

APPENDIX A – ORDER TO DEMOLISH/RESTORE (Pages 7 - 9)

APPENDIX B – MAPPING (Page 10 - 13)

APPENDIX C – PHOTOS (Page 14 - 16)

APPENDIX (A)

Order to Demolish/Restore # 2020.001

**Pursuant to section 24(6) of the
*Niagara Escarpment Planning and Development Act, Chapter N.2, R.S.O. 1990***

THIS ORDER is directed to:

- **Landowner**
140 Mill Lane
Melancthon, ON L0N 1J0

WHEREAS development consisting of:

- Placement and Use of five mobile homes (trailers);
- Installation of septic/holding tanks associated to mobile dwellings;
- Installation of water lines and hydro associated to mobile dwellings;
- Site alterations to place mobile dwelling units and install servicing (septic, water, hydro) associated to mobile dwellings;
- Construction of an agricultural building not exempted by O. Reg 828/90; and
- Placement and use of a truck camper as a security office.

Has occurred on the property described as:

**MELANCTHON CON 1 OS W PT LOT;15 PLAN 17A LOTS 6 TO 9 N/S;MILL
LANE PT MILL RESERVE RP;7R1581 PT PART 3
140 Mill Lane – Horning's Mills
Township of Melancthon, County of Dufferin**

AND WHEREAS the purpose of the *Niagara Escarpment Planning and Development Act* (the Act), as set out in Section 2, is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that environment;

AND WHEREAS Development Control is a land use control mechanism put in place to help fulfill the purpose of the Act;

AND WHEREAS Subsection 24(1) of the Act states: "Despite any other general or special Act, if an area of development control is established by regulation made under section 22, no person shall undertake any development in the area unless such development is exempt under the regulations or unless the development complies with a development permit issued under this Act";

AND WHEREAS the subject property is within an area of Development Control made pursuant to Section 22 of the Act;

AND WHEREAS staff have confirmed by inspection that the described development has taken place on the referenced property in the absence of a Development Permit;

AND WHEREAS the described development is not exempt pursuant to Regulation 828/90, as amended from the requirement for a Development Permit;

AND WHEREAS on or about May 2019 to May 2020 the described development was undertaken without a Development Permit from the Niagara Escarpment Commission (NEC).

NOW, THEREFORE, in accordance with the Act, Subsection 24(6), THE PERSON TO WHOM THIS ORDER IS DIRECTED IS ORDERED TO COMPLETE THE FOLLOWING WORKS:

- 1) **Immediately**, cease all unauthorized occupancy/commercial rental of any mobile home located on the subject property.
- 2) **Immediately** secure and legally dispose of any waste contained in any unauthorized structure, tank, bucket or barrel or other unauthorized location on the subject lands.
- 3) No later than **May 25, 2020** provide written or email confirmation that condition #1 & condition #3 were completed in accordance with its terms.
- 4) No later than **June 15, 2020** remove all unauthorized mobile homes, septic holding tanks and associated servicing, agricultural building and truck camper from the subject lands.
- 5) No later than **June 15, 2020** provide to the Niagara Escarpment Commission ("NEC") written or email confirmation, including photographs, confirming that the above condition (Condition #4) has been completed.
- 6) No later than **August 15, 2020** provide the NEC written or email confirmation that the areas impacted by the unauthorized development have been restored to the following stipulations, to the satisfaction of the NEC:

- a. Any hole, pit or excavated area resulting from the removal of any septic tank, barrel, bucket or other apparatus related to the unauthorized development shall be filled to grade using *topsoil* as defined in the Niagara Escarpment Plan ("*Horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat (Municipal Act, 2001)*"); and
- b. All land that has been disturbed or altered by the unauthorized development is stabilized with a native seed mix to the satisfaction of the NEC.

AND FURTHER TAKE NOTICE THAT failure to comply with this Order may result in further enforcement action being taken against you by the NEC.

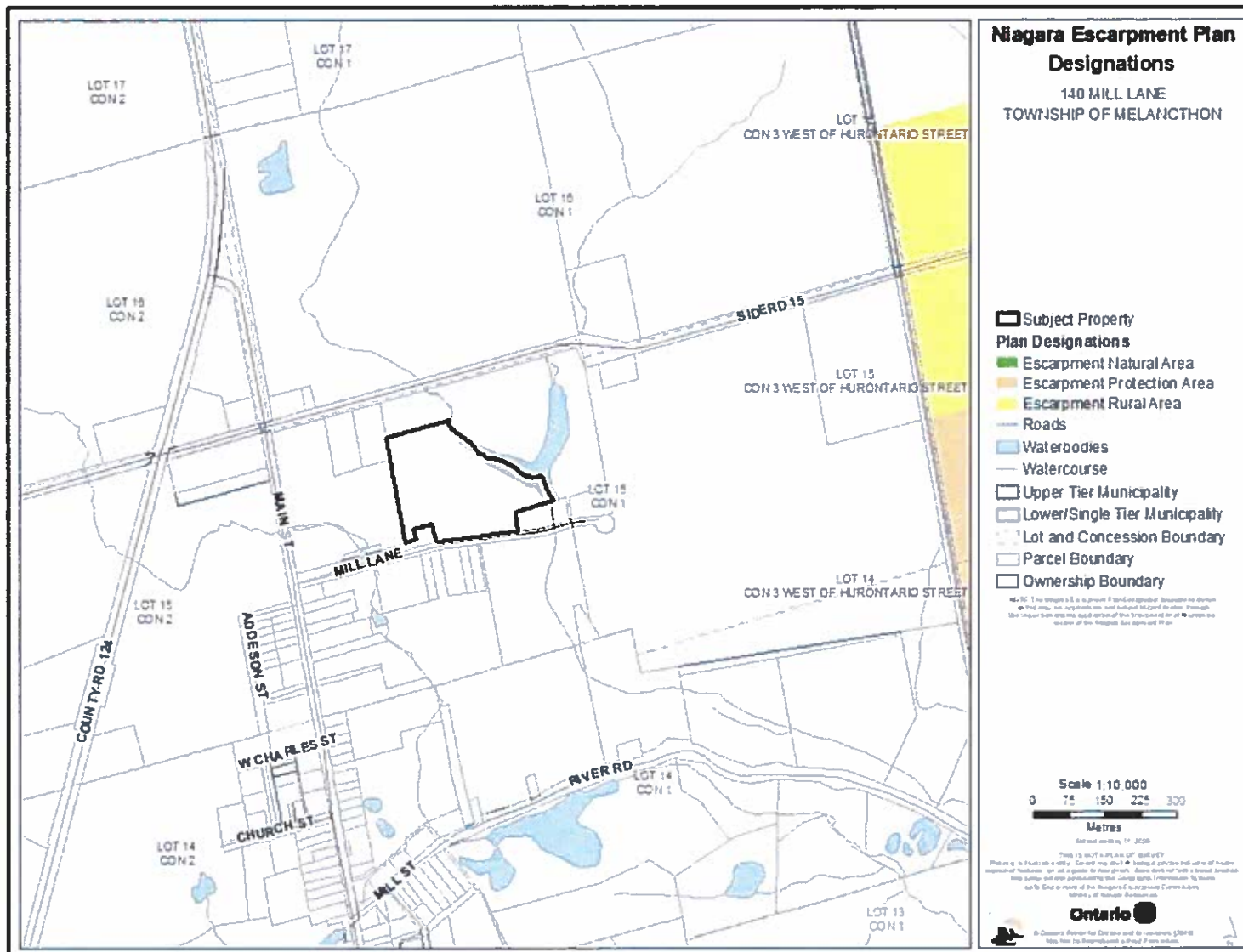
FAILURE TO COMPLY with this Order is a contravention under section 24(7.1) of the *Niagara Escarpment Planning and Development Act* (NEPDA) and upon conviction may incur penalties including a fine of not more than \$10,000 a day or part of a day on which the contravention continued. Corporations convicted under section 24(7.2) of the NEPDA may incur penalties including a fine of not more than \$25,000 a day or part of a day on which the contravention continued.

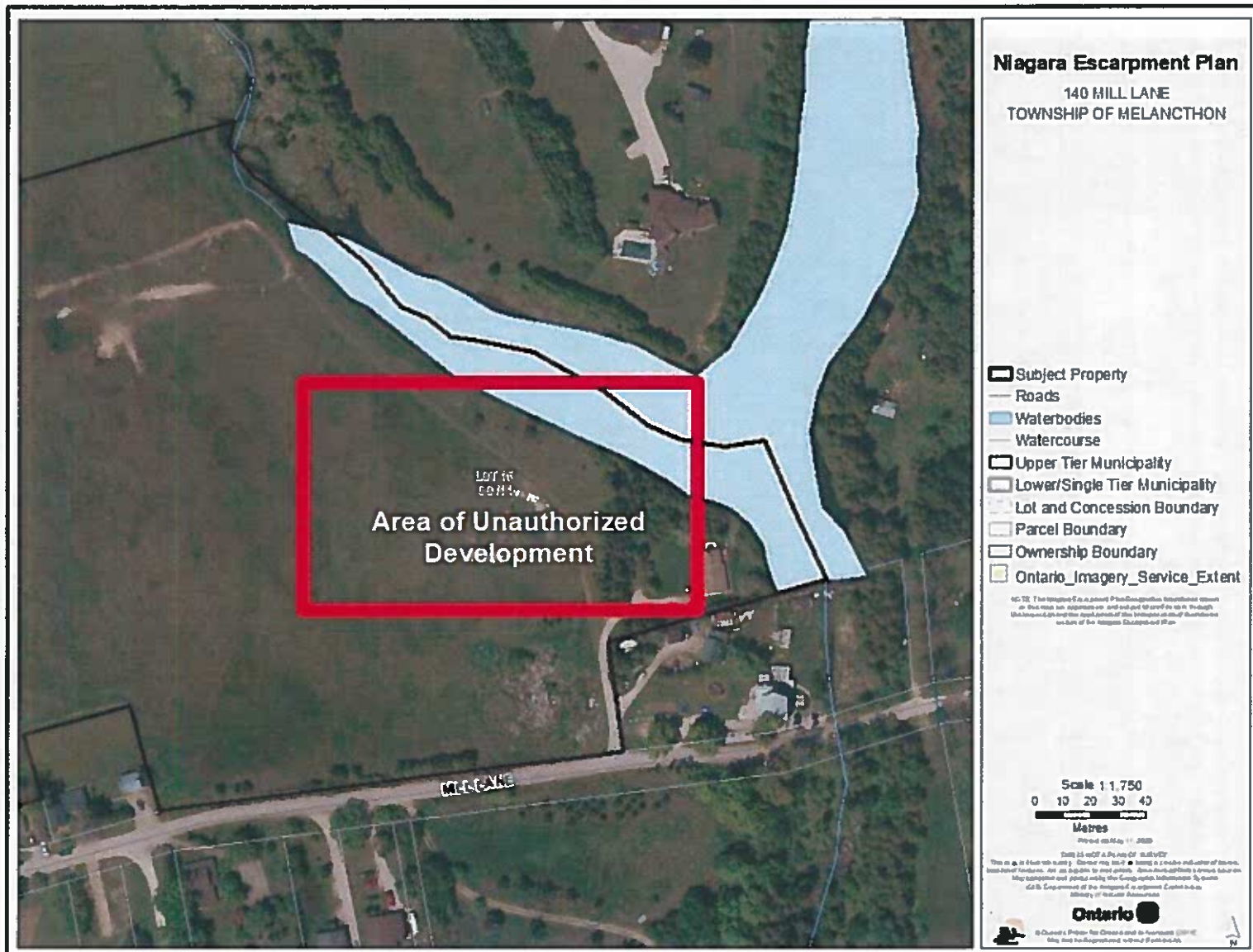
IN ADDITION, failure to comply with this Order may lead the NEC to cause the necessary works to be done and charge you with the costs thereof, and the costs of doing said works would be a debt due by you to the Crown, recoverable with costs in any court of competent jurisdiction.

Dated this 21st day of May, 2020.

Rob Nicholson, Chair
Niagara Escarpment Commission

APPENDIX (B) – MAPPING





APPENDIX (C) – Photos



