



COMMITTEE OF THE WHOLE AGENDA

Tuesday, September 13th, 2022
Following the Public Meeting – Zoning By-Law Amendment at 5:30 p.m.
Municipal Office – Council Chambers – 217 Harper Road

5:30 p.m. *Public Meeting – Zoning By-Law Amendment*
Following *Committee of the Whole Meeting*

Chair, Councillor Beverley Phillips

1. **CALL TO ORDER**
2. **AMENDMENTS/APPROVAL OF AGENDA**
3. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
AND GENERAL NATURE THEREOF**
4. **APPROVAL OF MINUTES OF PUBLIC MEETINGS**
 - i) **Public Meeting – Official Plan Five Year Review & Update – June 21st, 2022**
 – attached, page 7.

 Suggested Recommendation:
 “THAT, the minutes of the Public Meeting – Official Plan Five Year Review &
 Update held on June 21st, 2022, be approved.”
 - ii) **Public Meeting: Zoning By-Law Amendment – August 9th, 2022 – attached,**
 page 10.

 Suggested Recommendation:
 “THAT, the minutes of the Public Meeting – Zoning By-Law Amendment held
 on August 9th, 2022, be approved.”
5. **DELEGATIONS & PRESENTATIONS**

None.

6. PRIORITY ISSUES

- i) **Report #PD-2022-46 – Draft Revised Lot Servicing Plan – Maberly Pines Subdivision – *attached, page 13.***
Noelle Reeve, Planner.

Suggested Recommendation to Council:

“THAT, the first requirement of By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines) be lifted once staff obtain the final approval of the Rideau Valley Conservation Authority for the Draft Lot Servicing Report and Plan for the Maberly Pines Subdivision.”

- ii) **Private Unassumed Roads Working Group Report.**
Gene Richardson, Chair.

- Executive Summary – *attached, page 20.*
- Private Unassumed Roads Working Group Report – *attached, page 22.*
- Schedules to Report - [Committee of the Whole Meeting \(tayvalleytwp.ca\)](http://tayvalleytwp.ca)

- iii) **Report #PD-2022-45 – Rideau Bluffs Subdivision – Draft Plan Extension – *attached, page 39.***
Noelle Reeve, Planner.

Suggested Recommendation to Council:

“THAT, a two-year extension of the draft approval for the 4 Seasons Subdivision 09-08001 (Rideau Bluffs) be approved.”

- iv) **Report #CBO-2022-08 – Building Department Report – January – August 2022 – *attached, page 42.***
Noelle Reeve, Planner.

Suggested Recommendation to Council:

“THAT, Report #CBO-2022-08 – Building Department Report – January - August 2022 be received as information.”

- v) **Report #C-2022-27 – Proposed New Road Name – Abby Hawk Lane – *attached, page 43.***
Janie Laidlaw, Deputy Clerk.

Suggested Recommendation to Council:

“THAT, the necessary by-law to name an existing Private Road to Abby Hawk Lane as outlined in Report #C-2022-27 – Proposed New Road Name – Abby Hawk Lane, be brought forward for approval.”

- vi) **Report #PW-2022-19 – Speed Limit on Kenyon Road – attached, page 47.**
Sean Ervin, Public Works Manager.

Suggested Recommendation to Council:

“THAT, the speed limit on Kenyon Road from Beaver Dam Lane to Lakewood Road, be posted at 40 km/hr and signed according to the Ontario Traffic Manual;

AND THAT, By-Law No. 2018-035 - Maximum Rate of Speed be amended.”

- vii) **Report #C-2022-26 – Forest Trail Park Naming – attached, page 49.**
Kathryn Baker-Reed, Community Services Coordinator.

Suggested Recommendation to Council:

“THAT, Staff consult with Indigenous partners to develop a series of proposed names for the Forest Trail Park in Algonquin that would translate into English, for selection by Council.”

- viii) **Report #C-2022-21 – COVID-19 Vaccination Policy - attached, page 52.**
Amanda Mabo, CAO/Clerk.

Suggested Recommendation to Council:

“THAT, the COVID-19 Vaccination Policy be amended as outlined in Report #C-2022-21 – COVID-19 Vaccination Policy Review;

AND THAT, the necessary by-law come forward at the next Township Council meeting.”

- ix) **2022 History Scholarship Annual Report – attached, page 61.**

Suggested Recommendation to Council:

“THAT, the 2022 History Scholarship Annual Report be received for information.”

7. CORRESPONDENCE

- i) **22-09-08 – Council Communication Package – cover sheet attached, page 65.**

Suggested Recommendation to Council:

“THAT, the 22-09-08 Council Communication Package be received for information.”

8. COMMITTEE, BOARD & EXTERNAL ORGANIZATION UPDATES

- i) **Green Energy and Climate Change Working Group** – *deferred to the next meeting.*

Deputy Reeve Barrie Crampton and Councillor Rob Rainer.

- ii) **Recreation Working Group** – *deferred to the next meeting.*

Councillor Fred Dobbie and Councillor Beverley Phillips.

- iii) **Private Unassumed Roads Working Group.**

Councillor RoxAnne Darling and Councillor Gene Richardson.

22-08-22 – DRAFT Private Unassumed Roads Working Group Meeting Minutes – *attached, page 67.*

- iv) **Bolingbroke Cemetery Board** – *deferred to the next meeting.*

Councillor RoxAnne Darling

- v) **Fire Board.**

Councillor RoxAnne Darling, Councillor Fred Dobbie, Councillor Mick Wicklum.

22-06-09 – DRAFT Fire Board Meeting Minutes – *attached, page 71.*

- vi) **Library Board** – *deferred to the next meeting.*

Councillor Rob Rainer.

- vii) **Police Services Board** – *deferred to the next meeting.*

Reeve Brian Campbell.

- viii) **County of Lanark.**

Reeve Brian Campbell and Deputy Reeve Barrie Crampton.

- ix) **Mississippi Valley Conservation Authority Board.**

Councillor RoxAnne Darling.

22-05-18 - Mississippi Valley Conservation Authority Board Meeting Minutes – *attached, page 75.*

22-07-20 – Mississippi Valley Conservation Authority Board Summary Report – *attached, page 83.*

- x) **Rideau Valley Conservation Authority Board.**

Councillor Gene Richardson.

22-05-26 – Rideau Valley Conservation Authority Board Meeting Minutes – *attached, page 84.*

22-07-28 – DRAFT Rideau Valley Conservation Authority Board Meeting Minutes – *attached, page 90.*

- xi) **Rideau Corridor Landscape Strategy** – *deferred to the next meeting.*
Reeve Brian Campbell.
- xii) **Municipal Drug Strategy Committee** – *deferred to the next meeting.*
Councillor Gene Richardson.
- xiii) **Committee of Adjustment.**

22-08-22– DRAFT Committee of Adjustment Hearing Minutes – *attached, page 97.*

9. CLOSED SESSION

None.

10. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- ***See Township Action Plan – distributed separately to Council***

11. ADJOURNMENT

MINTUES

**PUBLIC MEETING
OFFICIAL PLAN – FIVE YEAR REVIEW & UPDATE
MINUTES**

Tuesday, June 21st, 2022

5:30 p.m.

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

ATTENDANCE:

Members Present: Chair, Reeve Brian Campbell
Deputy Reeve Barrie Crampton
Councillor RoxAnne Darling
Councillor Fred Dobbie
Councillor Mick Wicklum
Councillor Gene Richardson
Councillor Beverley Phillips
Councillor Rob Rainer

Staff Present: Amanda Mabo, Acting Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner

Public Present: 20 people

1. CALL TO ORDER

The public meeting was called to order at 5:30 p.m.

2. OFFICIAL PLAN FIVE YEAR REVIEW

Forbes Symon, Senior Planner, Jp2g Consultants Inc.

The Consultant gave the PowerPoint Presentation that was attached to the agenda.

- Introduction
- New Policies Required by Provincial Policy Statement 2020
- New Ministry and Council Review
- Growth Management Policies
- Strip versus Rural Landscape
- Cluster Lot Development

- Public Comments
- Mapping

The Consultant advised that there is a revised Schedule B, it has been posted to the Township website. The organic soils layer has been updated.

3. **NEXT STEPS**

Forbes Symon, Senior Planner, Jp2g Consultants Inc.

The Consultant reviewed the next steps as outlined in the PowerPoint Presentation that was attached to the agenda.

4. **COMMENTS & QUESTIONS**

Gord Ennis

- asked for one severance on a private road to property now being told that have to have a condo road, not written in official plan currently and so asking for changes to the official plan

Gordon Hill

- had emailed a memo to Council and Staff with a number of questions - *attached, page 4*, and indicated if he will get answers tonight, he will go through them, if not he would not ask them tonight. The Planner explained that the Planning Act spells out how public comments are handled. The Township has to compile them and explain how they were addressed or why they were not addressed, and this information has to be submitted as part of a package to Lanark County, the approval authority
- in the May 28 draft with the yellow highlight and the red text crossed out, is from an earlier version but which one? The Consultant explained that the draft redline changes are being deleted from the 2016 Official Plan version and the yellow text are the changes being made to the 2016 version

Janet Smith

- if Council was sent concerns, would they be included in the public comments? The Planner explained that they would be.
- asked with it being an election year and if Council is in Lame Duck, how will the Official Plan be approved? The Acting CAO/Clerk explained that Lame Duck provisions are very specific and approving policy is not affected, the Official Plan can be adopted by Council.

5. ADJOURNMENT

The public meeting adjourned at 6:15 p.m.



**PUBLIC MEETING
ZONING BY-LAW AMENDMENT
MINUTES**

Tuesday, August 9th, 2022

5:30 p.m.

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

ATTENDANCE:

Members Present: Chair Councillor Fred Dobbie
Reeve Brian Campbell
Deputy Reeve Barrie Crampton
Councillor Gene Richardson
Councillor Beverley Phillips
Councillor Rob Rainer
Councillor Mick Wicklum
Councillor RoxAnne Darling

Members Absent: None.

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner
Sean Ervin, Public Works Manager
Ashley Liznick, Treasurer
Kathryn Baker-Reed, Community Services Coordinator
Michael Couchman, Modernization Projects Intern

Public Present: None.

1. CALL TO ORDER

The public meeting was called to order at 5:30 p.m.

2. INTRODUCTION

The Chairman provided an overview of the Zoning By-Law application review process to be followed, including:

- the purpose of the meeting
- the process of the meeting
- all persons attending were encouraged to make comments in order to preserve their right to comment should the application(s) be referred to the Ontario Land Tribunal (OLT)
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding the applications on the agenda was advised to email planningassistant@tayvalleytwp.ca

The Chairman asked if anyone had any questions regarding the meeting and the process to be followed. Given that there were no questions, the meeting proceeded.

3. APPLICATIONS

- i) **FILE #ZA22-10: David Whyte and Susan Whyte
30 Highway 511
Part Lot 27, Concession 3
Geographic Township of Bathurst**

- a) PLANNER FILE REVIEW & PROPOSED BY-LAW

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

- b) APPLICANT COMMENTS

None.

- c) PUBLIC COMMENTS

None.

- d) RECOMMENDATION

That the proposed amendment to Zoning By-Law No. 02-021 be approved. The Site Plan Control Agreement will include a requirement to maintain the tree buffer.

4. ADJOURNMENT

The public meeting adjourned at 5:39 p.m.

PRIORITY ISSUES

COMMITTEE OF THE WHOLE

September 13th, 2022

Report #PD-2022-46
Noelle Reeve, Planner

DRAFT REVISED LOT SERVICING PLAN MABERLY PINES SUBDIVISION

STAFF RECOMMENDATION(S)

It is recommended:

“THAT, the first requirement of By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines) be lifted once staff obtain the final approval of the Rideau Valley Conservation Authority for the Draft Lot Servicing Report and Plan for the Maberly Pines Subdivision.”

BACKGROUND

In November, 2021, BluMetric Environmental Inc. provided a Draft Hydrogeological Review of the Maberly Pines subdivision (to determine if there is sufficient water quality and quantity for the lots and if there is sufficient nitrate dilution capacity for septic systems for the lots) to the Township. The report was discussed at the December 7, 2021 Committee of the Whole meeting in the context of lifting the Holding Zone by law on the lots (see Attachment 1).

The Draft BluMetric report stated that “the subject property is suitable for development as a residential subdivision at the proposed density, if future development incorporates appropriate alternatives for wastewater treatment at lots that are not suitable for conventional systems”.

The Township referred the draft report to the Rideau Valley Conservation Authority (RVCA) for comment and received formal comments in April 2022.

The RVCA and BluMetric held discussions to clarify what additional information would be required. RVCA requested that the final report recommend a maximum bedroom number based on the capability of the aquifer taking into considerations cumulative impacts. In addition, the RVCA requested that the bed and breakfast use currently permitted in the zoning be removed.

The RVCA also requested that further detail on the locations of the mantles be provided (area of sand on the edges of the tile beds proposed for the septic systems that will require sand to

be imported because the existing depth of soil is insufficient to dilute the nitrates from the septic systems).

DISCUSSION

Based on discussions with the RVCA, BluMetric has submitted a revised Lot Servicing Plan that provides more detail on which lots are capable of using conventional septic systems, which lots are recommended to use composting toilets, and which should use Tertiary Treatment Systems due to the steep slopes on the lot (see Attachment 2). Incinerating toilets would be acceptable on all lots.

Once the Township receives formal comments from the RVCA on the Lot Servicing Report and Plan, Council will be in a position to lift the first requirement of the Holding Zone and implement the Report's recommendations.

The second requirement to lift the Holding Zone on any individual lot is that the lot have a Site Plan Control Agreement developed for it that will be registered on title.

The Maberly Pines lots are located in the subwatershed for Little Silver and Rainbow Lakes. Mitigation methods may be needed for the ponds and stream in Maberly Pines so as that development does not exacerbate the water quality situation for connected waterbodies to the south. If mitigation measures are required, they would include maintenance of a vegetated buffer around the ponds and stream, eavestroughs that drain to soak away pits away from the ponds and additional phosphorous removal system requirements for septic systems that cannot meet the 30m setback from water. These and any other requirements resulting from the Hydrogeological Report would be included in individual Site Plan Control Agreements.

OPTIONS TO BE CONSIDERED

Option #1 (Recommended) – Council lifts the first requirement of By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines) once staff obtain the final approval of the Rideau Valley Conservation Authority for the Draft Lot Servicing Report and Plan for the Maberly Pines Subdivision.

Option #2 – Council suggests alternate action to be undertaken.

FINANCIAL CONSIDERATIONS

None, at this time.

STRATEGIC PLAN LINK

Economic Development: The Maberly Pines subdivision offers potential new economic development.

Environment - Tay Valley continues to be known for its environmental policies and practices. Our residents have access to clean lakes and a healthy, sustainable environment.

CLIMATE CONSIDERATIONS

Clustering development close to the Hamlet of Maberly will have less environmental impacts than allowing sprawling severances to occur. Mitigating the impacts of development on lakes and designing water and septic services to be resilient will contribute to protecting water quality in the face of increased heat, drought, flooding and other negative impacts due to climate change.

CONCLUSIONS

The Planner believes that the additional work undertaken by BluMetric Inc. to address the RVCA comments on the original Hydrogeological Report has provided an affirmative answer to the question of whether the lots in the Maberly Pines subdivision can be developed safely (i.e., without impacting each other's wells and septic systems and without impacting the surrounding watershed).

ATTACHMENTS

1. By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines)
2. Restricted Lot Layout Servicing Plan (Figure 4)

Prepared and Submitted By:

Approved for Submission By:

**Noelle Reeve,
Planner**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-033

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED PLAN 21 LAKESIDE LIVING (MABERLY PINES) (GEOGRAPHIC TOWNSHIP OF SOUTH SHERBROOKE)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the policies and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 THAT**, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.1.4 (Exception Zones):

the zoning of Residential (R) on the vacant lands legally described in PLAN 21 geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark be amended with the addition of a Holding symbol (h), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

- 1.2 THAT**, the vacant properties in PLAN 21 are hereby placed into a holding designation. The holding designation requires:

- A supportive Hydrogeological Report as well as a Servicing Options Report before building permits can be issued;
- Site Plan Control Approval.

- 1.3 THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject properties.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-033**

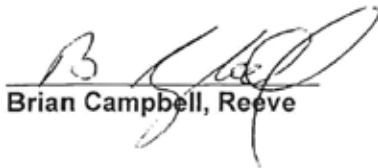
1.4 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 22nd day of June 2021.

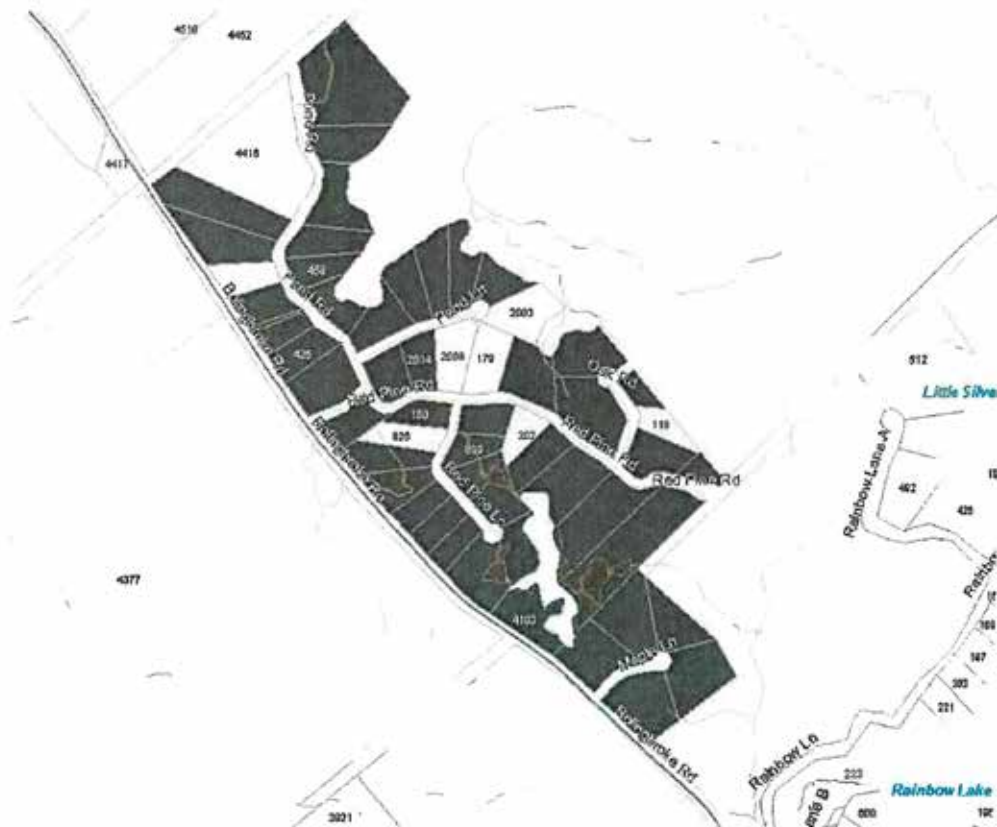

Brian Campbell, Reeve




Amanda Mabo, Clerk

SCHEDULE "A"

Geographic Township of South Sherbrooke Tay Valley Township



Reeve

Clerk



Report of the Members of the PURs Working Group

Executive Summary

This report traces the history of the Opened Unmaintained road allowances and Unassumed Subdivision roads (PURs), details the current situation and makes five recommendations. The Township's zoning by-law precluded use or building upon any lot which did not have access to an assumed street with four exceptions. A fifth exception was added in April 2009 so that the Section 3.4 now reads:

S 3.4. Frontage on an Improved Street

Not lot shall be used, and no building or structure shall be erected on a lot in any zone unless such lot has sufficient frontage on an improved street to provide driveway access. Notwithstanding the foregoing, this provision shall not apply to:

- A non-residential building or structure accessory to an agricultural or conservation use;
- A lot on a registered plan or subdivision and with frontage on a street which will become an improved street pursuant to provision in, and financial security associated with, a subdivision agreement that is registered on the title to the lot;
- A lot on a plan of subdivision registered before December 10, 2002, that has frontage on a street that is not an improved street, where the owner has entered into a Road Access Agreement to the satisfaction of the Township
- A lot located in a Limited Services Residential zone;
- An existing seasonal dwelling in a Seasonal Residential zone.

A reasonable reading of the five exceptions is that they are to be read disjunctively. There is no "and" between the exceptions. So, any exception can be used to exempt the property owner and permit use and building thereon with appropriate permits. This appears to be contrary to current practice imposed within the Township.

Road Access Agreements have changed substantially over the years. When introduced in 2009 it did not require the lot owner to obtain and maintain liability insurance and was two pages long. The most recent RAA is five pages long and contains terms which are considered egregious and unfair, including the requirement to obtain and maintain a \$5M liability insurance.

On November 19, 2019, the Council adopted resolution C-2019-11-08 to eliminate the requirements for RAA. Subsequently this Working Group was established to review S3.4 and make recommendations for actions for PURs.

It was considered that the complex situation of PURs has arisen because of the assumed lack of due diligence to follow up on subdivision developers' obligations to hand over roads in a state acceptable for Township maintenance. Responsibility for resolution therefore rests with the TWT and should not be imposed upon taxpayers in any but a uniform manner.

The WG therefore recommends that

1. The Township bring all PURs up to municipal road standards (either “Low Cost Bitumen” or gravel road surface) at Township expense and at no cost to lot owners in affected subdivisions
 - a. Exceptions may be made for the very few roads which are impossible or impractical to bring up to municipal standard
 - b. The WG considered the possibility of taking a road out of public ownership. See below for details
2. Until Item 1 is done, all extant RAA are amended to remove requirements for liability insurance and indemnity to the Township, and remove lien of these requirements on title
3. The Township eliminate the requirement for future RAA to align with bullets 4 or 5 of S3.4 – lots zoned Limited Services Residential or Seasonal Residential shall not be required to enter a RAA.
4. The WG further recommends that a Special Development Charge is not imposed on lot owners in Maberly Pines.

The WG further suggests that taking a road out of Public Ownership would require unanimous consent by lot owners and the existence of an incorporated Association to do so. This may be feasible in some instances where conditions and consensus agreement exist, although S 4.5 of the Official Plan prohibits the creation of “new” private roads. Whether making an existing PUR “private” is permitted therefore requires a legal opinion.

Not considered in the WG report are: the order of priority for “assuming” the PUR; The detailed costing of necessary improvements; or the attribution of costs for ongoing maintenance of PURs during the interregnum pending that “assumption”. Detailed zoning of subdivisions is also noted as requiring future attention.

Version History

Draft compiled by F. Johnson Original version 29-Aug-2022

Amendment made to align with GLH “Final” report (22-08-31 V4) 6 September 2022

Amendments made to include GR suggestions 8 September 2022

**Final Report of the Members
of the PURs Working Group (“the WG”)**
Prepared as at August 31, 2022

1. Definitions and Interpretation

1.01 For all purposes of this report and its Schedules, the following terms shall have the meanings set out beside them, respectively:

“Building Code” means the Ontario Building Code¹

“CECC” means a common elements condominium corporation incorporated under Part X of the Condominium Act²

“Clerk” means the Acting CAO/Clerk of the Township;

“Corporation” means the Corporation of Tay Valley Township

“Council” means the Council of Tay Valley Township;

“Councillor” means a member of Council, and “Councillors” means more than one Councillor;

“Halpenny” means Halpenny Insurance Brokers Ltd., the Township’s insurance broker;

“Official Plan” means the Township’s Official Plan dated February 3, 2016;

“Planner” means the Township’s Planner;

“Private unassumed road” means a road within a registered plan of subdivision in the Township which is owned by the Township but which has not been assumed by it, nor is maintained by it; and “private unassumed roads” means more than one private unassumed road;

“PUR” means private unassumed road, and “PURs” means more than one PUR;

“RAA” means the form or template of Road Access Agreement current used by the Township, and “RAAs” means more than one RAA;

“RAA-2009” means the form or template of the Road Access Agreement which the Township introduced in April 2009;

“Staff” means office staff employed by the Township;

“Township” means Tay Valley Township;

“WG” means the Private Unassumed Roads Working Group; and

“Zoning By-Law” means the Township’s Zoning By-law No 02-121³.

¹ Ontario Building Code, O. Reg. 332/12 made under Building Code Act, 1992, S.O. 1002 C 23
<https://www.ontario.ca/laws/regulation/120332>

² The Condominium Act, 1998, S.O. 1998, C19

³ <https://www.tayvalleytwp.ca/en/doing-business/resources/2002-121---Zoning-By-law-Consolidation---18-10-26.pdf>

2. Background

- 1.02 Prior to April 2009, section 3.4 of the Township's Zoning By-law provided that "No lot shall be used and no building or structure shall be erected on a lot in any zone unless such lot has sufficient frontage on an improved street to provide driveway access." That prohibition was subject to four exceptions. *[Schedule 1]* Section 2 of the Zoning By-law defines "Street" to mean "a public thoroughfare under the jurisdiction of either the Corporation, the County, or the Province of Ontario" and "Improved street" means "a street which has been assumed by the Corporation, the County or the Township and is maintained on a regular year-round basis.
- 1.03 PURs are public thoroughfares under the jurisdiction of the Township, but they are not "improved streets" because they have not been assumed by the Township, nor are they maintained by the Township.
- 1.04 On April 14, 2009 the Township passed By-law 09-018 *[See Schedule 2]* which introduced Road Access Agreements. That by-law added a fifth exception to S 3.4 of the Zoning By-law which permits the owner of lot on a PUR to erect a structure on the lot if the lot owner signs an RAA-2009.
- 1.05 Notice of Passing A Zoning By-Law dated April 21, 2009 *[See Schedule 2]* states: "The effect of the zoning bylaw amendment would be to permit development on a lot without frontage on an improved street under certain circumstances where the Township is satisfied that suitable arrangement have been made for dependable access to the property". In fact, the purpose of the By-law was to permit and encourage development in subdivisions which have PURs. In practice, it would seem that "dependable access" has never been an issue or concern. The present purpose of the RAA is to minimize the Township's exposure to liability if an accident should happen on a PUR.
- 1.06 The RAA-2009 *[See Schedule 2]* was the Township's first Road Access Agreement. It did not require the lot owner to obtain and maintain liability insurance for the benefit of the Township, but it did require lot owners to:
- (1) provide acknowledgments similar to those contained in the current RAA;
 - (2) indemnify the Township against all claims which may be brought against the Township as a result of the use of the road or as a result of any delay in the provision of, or any failure to provide, services or emergency vehicles to the property; and
 - (3) require all subsequent owners of the property to confirm that they will assume all obligations in the RAA-2009.
- 1.07 Over the years the wording of the road access agreement evolved, lengthened and became more complex and more onerous for lot owners. *[see Schedule 3 for a copy of the RAA used by the Township as recently as May 22,2022]*
- 1.08 In the summer of 2019, the owner of a lot on a PUR applied for building permit and was told by staff that an RAA was required. The required RAA obligated the applicant to provide \$5 million General Commercial Liability Insurance naming the

Township as an additional insured [See Schedule 3]. The applicant objected to the requirements of the RAA, in particular, the liability insurance requirement. Much correspondence on the issue was exchanged. The applicant appeared as a delegation to the Committee of the Whole on November 5, 2019 to object to the form of the RAA.

- 1.09 On November 19, 2019 Council adopted resolution #C-2019-11-08 to eliminate the requirement for property owners to enter into road access agreements. [See Schedule 4(a)]. That resolution has not been amended or rescinded;
- 1.10 On June 23, 2020 Council established the WG by Resolution #C-2020-06-18. [See Schedule 4(b)]
- 1.11 By Resolutions #C-2020-10-04 , #C-2020-10-05 and #C-2020-10-06, all adopted on October 8, 2020 at a “Special” Council Meeting, Council set the number of members of the WG at five, and appointed Councillors Roxanne Darling and Gene Richardson and three members of the public, Frederick Barrett, Gordon Hill and Frank Johnson , as members of the WG.
[See Schedules 4(c), 4(d) and 4(e)]
- 1.12 On October 20, 2020 Council passed Bylaw- 2020-045 which approved the WG’s Terms of Reference. [See Schedule 4(f)] Some of its terms which the WG considers relevant include:
 - (a) under “Reporting Responsibility”, “The Working Group will communicate its findings and recommendations to the Committee of the Whole”
 - (b) under “Membership” heading “The Clerk and Planner or designates shall act as “resource persons” to the Working Group”. They were not appointed as members of the WG ;
 - (c) under “Meetings” The working Group will meet at least monthly or at the call the Chair or Clerk (or designate).”
- 1.13 Also on October 20, Council adopted Resolution #C2020-10-21 which declared “Council’s top six priorities for this term”, the second of which was Private Unassumed Toads. [See Schedule 4(g)] On November 17, 2020 Council supported a request that issues relating to the Bolingbroke Cemetery would take precedence over Private Unassumed Roads which would drop down to 3rd in the list of Council’s priorities.
- 1.14 The WG has held 3 meetings to date, namely, an introductory, informational video conference meeting held on August 25, 2021 and “in-person” meetings held on April 4 and May 4, 2022 at which business was conducted.

3 Documents and information reviewed and considered

3.01 Prior to the August 25, 2021 meeting, Staff provided:

- (1) a list of 8 subdivisions having a total of 20 unassumed Township roads and 1 opened, but unmaintained road, allowance (Old Mine Road). The list also contained the note “1 Possible Other Subdivision with multiple roads – still being researched” [Schedule 5(a)]

- (2) partial copies of maps showing the approximate location of the PURs in question;
 - (3) a list of the road names, their respective lengths, number of properties, number of vacant properties, and number of Road Access Agreements signed, etc. A revised list was presented at the May 4, 2022 WG meeting. Both lists are attached, the revised list first, followed by the August 25, 2021 list **[See Schedule 5(b)]**
 - (4) a list showing estimated costs of bring PURS up acceptable road standards with 3 differing surfaces {gravel, low class bituminous (“LCB”), asphalt (“HCB”)}. A revised list was presented at the May 4, 2022 WG meeting. The revised list is attached as **[Schedule 5(c)]**
 - (5) a list of 4 possible options for dealing with the roads. **[Schedule 5(d)]**
- 3.02 At the August 25, 2021 WG meeting, presentations were made “virtually” by:
- (1) Halpenny as to insurance issues;
 - (2) The Federation of Ontario Cottagers Association (“FOCA”) regarding its experience with PURs, and a presentation of survey results relating to cottage roads, obtained from various cottage associations in Ontario;
 - (3) Bennett Lakes Estates Cottagers Association (“BLECA”) – An overview of its experience as an incorporated road association having PURs within the boundaries of its subdivision;
 - (4) The Township’s Planner regarding the documents referred to in paragraph 3.01 above.
- 3.03 Advice contained in the Halpenny PowerPoint presentation **[Schedule 6]** included, inter alia:
- (1) page 5 -confirmation that the Township has municipal liability insurance that covers “claims arising from Township operations” - which, presumably, would include liability in relation to claims arising out of the Township’s ownership of PURs;
 - (2) on page 5 – “... it is advisable that the Township maintain the roads to manage the risk”
 - (3) on pages 7-8 regarding the challenges relating to the liability insurance requirements in road access agreements:
 - (a) “insurers are reluctant to quote because there could be several different policies covering each road”
 - (b) “in a claims scenario, an accident could occur in front of multiple properties making liability difficult to determine”
 - (c) “insurance can be expensive and difficult to secure”
 - (4) Page 12- its “understanding that the Township currently has PURs” and
 - (5) Page 12 -its recommendation “that Tay Valley retain ownership and should assume responsibility for maintaining the roads” (i.e. the PURs). “This would

- reduce potential liability as the Township would be maintaining the road to Minimum Maintenance Standards and keeping records in the event of a claim”.
- 3.04 On August 28, 2021, a WG member posed various written questions by email to Halpenny as to various insurance issues, including the amount and adequacy of the Township’s liability coverage. *[Schedule 7]*. On August 31, 2021, Halpenny provided answers to those questions by email to the Clerk *[Schedule 8]*. On October, 18, 2018, at the direction of the Township solicitor, the Clerk provided an edited version of Halpenny’s responses to all WG members by email. *[Schedule 9]* The responses provided indicate, inter alia, that:
- (1) the Township maintains municipal general liability coverage of \$5 million; and excess liability coverage \$45 million;
 - (2) **“The requirement** that property owners who are entering into Road Access Agreements in respect of PURs **has not been imposed by the Township’s insurers...”** *[Bold shading added for emphasis.]* *[Schedule 9 - Item (4) top Page 2]*
- 3.05 Although the question of the adequacy of the Township’s insurance coverage was raised in the written questions to Halpenny, that question was not answered in the Clerk’s response dated October 18, 2021. However, because it states “We have had the opportunity to review and consider the questions you have put to the Townships’ Insurance Brokers regarding insurance coverages, including policies currently held by the Township,” it appears reasonable to assume that the Township considers its liability coverage to be adequate.
- 3.06 Shortly after the August 25 meeting, Staff made copies of the following documents available on the Township website at: <https://www.tayvalleytwp.ca/en/municipal-government/private-unassumed-roads-working-group.aspx#Additional-Information>.
- (1) the Halpenny power point presentations referred to in paragraph 3.02(1) above; *[Schedule 6]*
 - (2) Plans of subdivision for:
 - Plan 1 Sherbrooke Drive, Bobs Lake –plan regd. Jun 1, 1972
 - Plan 2 – Killarney Lane, Christie Lake – regd. Jun 15, 1970
 - Plan 9 – Hamburg-Homestead Rd, Black Lake – plan regd. Jan 20, 1978
 - Plan 21 – Maberly Pines -- Plan regd. Dec 8, 1980
 - Plan 29 – Little Silver and Rainbow Lakes – Plan regd. Dec 12 1982
 - Plan 30 - Bennett Lake Estates – Plan regd. Apr 24, 1985
 - (3) Subdivision Agreements for:
 - Plan 6 - Little Silver Lake Rd. – regd. Jul 10, 1980;
 - Plan 21 - Maberly Pines - registration date N/A;
 - Plan 29 – Little Silver and Rainbow Lakes - regd. Dec 23, 1982
 - Plan 30 - Bennett Lake - registration date N/A.
- 3.07 By email dated January 12, 2022 *[Schedule 10(a)]* a WG member asked the Clerk to:

- (1) advise as to the Township's legislative authority to require or authorize the use of Road Access Agreements in relation to unassumed municipal roads; and
 - (2) have copies of all signed RAAs scanned and posted on the portion of the Township's website containing information and documents of importance to the WG. *[Note: information provided by the Township in Schedule 5(b)] indicates that 7 RAAs had been signed as of August 25, 2021.]*
- 3.08 By email dated February 10, 2022, the Clerk responded *[Schedule 10(b)]* that:
- (1) "In response to your first question, if a piece of legislation does not specifically provide authority to a municipality to undertake a matter, then the default is the Municipal Act. Section 8 of the Municipal Act provides the municipality with the powers of a natural person and the authority to govern their affairs as they consider appropriate. Please note that the Road Access Agreement when first instituted in the early 2000's was drafted by legal counsel. It was then reviewed again at least four times since then to ensure it is up to date. It has not changed substantially;" and
 - (2) "With regards to copies of the RAA's. Please understand that these are not readily available, meaning they are in hard copy in the respective property files. The manual search would take a considerable amount of staff time. At this stage I am not sure the relevance of needing to review these as the goal of the Working Group is to find options to remove the need for RAA's. Just my advice, but I believe this would not be a beneficial exercise. The focus should not be dwelling on how the Township arrived at using RRA's but what is the best course of action moving forward. Please be assured that we are working on those options and are hoping to have something in front of the Working Group before the end of March, with the end goal being to have the entire process complete this term of Council."
- The WG has dealt with the Clerk's responses in paragraphs 5.05 below.
- 3.09 On February 15, 2022 a member of the WG located and circulated to all members of the WG, the Clerk and the Planner a copy of Plan 4 which contains a PUR known as Sleepy Hollow Road. *[Schedule 11(a)]* That road provides access to approximately 35 cottage properties on Christie Lake. Plan 4 was registered on November 4, 1974. The Clerk responded by email on February 10, 2022 that "the Township is aware of this additional road, plus others in this subdivision" and "It is currently listed on the spreadsheet as "1 Possible Other Subdivision with multiple roads – still being researched" . *[Schedule 11(b)]*. *[see also paragraph 3.01(1) above]*
- 3.10 At the WG meeting held on May 4, 2022, Staff advised that there was another registered plan of subdivision in the vicinity of Plan 4 (i.e. Sleepy Hollow Road, Christie Lake) which contained a PUR or roads, one of which was located on an island. However, no documentation or further information with respect to this plan of subdivision has been provided to WG members.

3.11 To date, no other documentation related to registered plans or subdivision agreements is available on the Township's website or has been provided to members of the WG. In particular, no documentation has been provided or posted on the Township's website at the URL mentioned in paragraph 3.06 above with respect to:

Plan 4259 (Miner's Point)

Plan 4 (Sleepy Hollow Road – Christie Lake)

The registered plan referred to in paragraph 3.10 above.

3.12 Prior to the April 5, 2022 meeting of the WG, Staff circulated a 13 page report from Jp2g Consultants Inc, providing an "Options Assessment", of the four options referred to in Paragraph 3.01(4) above [Schedule 16]. The "Options Assessment" was reviewed in detail at the April 5 2022 meeting, by Forbes Symon, the report's author. At the May 4, 2022 WG meeting, the members discussed the various options relating to PURs and made various findings of fact and recommendations as noted in Sections 6 and 7 below.

4 Facts - None of which have been disputed by documentary evidence

4.01 Most, if not all, of the problems related to PURs arose in the 1970s and 1980s prior the amalgamation of the Townships of Bathurst, North Burgess and South Sherbrooke. A possible exception to the previous statement may relate to Plan 4259 (Miners Point). Staff has advised, based upon information received from the Township's legal counsel, that if a subdivision agreement for Plan 4259 had been signed, title searches disclose that the subdivision agreement had not been registered. On August 28, 2022, Staff provided a partially legible copy of Plan 4259 which appears to indicate that it was registered in or about May 1954.

4.02 The Townships of Bathurst, North Burgess and South Sherbrooke amalgamated in 1998 under the name the Township of Bathurst , Burgess, Sherbrooke. The amalgamated Township was renamed Tay Valley Township in 2002.

4.03 The primary reason for the current problems relating to PURs is that the developers of the various subdivisions failed to complete construction of the roads shown on their respective plans of subdivision in accordance with the standards set in their respective subdivision agreements.

4.04 A secondary, but equally important, reason for the current problems relating to PURs is that no documentary or other evidence has been found or provided to show that any of the predecessor townships:

(1) adequately vetted the developers as to their property development expertise and experience or their financial ability to perform the obligations under their respective subdivision agreements;

(2) obtained adequate security from the developers to enable the predecessor townships to use such security to finance completion of the developers' obligations in the event that the developers, or any of them, failed to live up to their contractual obligations;

- (3) used the little security obtained for the benefit of the lot owners in the one subdivision (Maberly Pines) for which security was provided;
- (4) pursued legal proceedings against any of defaulting developers for breach of their obligations under their respective subdivision agreements;
- (5) explained why the Township entered into new and later subdivision agreements with developers who had previously defaulted under the terms of earlier subdivision agreements, for example:
 - (a) Donald McAlpine (Plan 2, June 1, 1962; Plan 4, November 4, 1974), and likely the registered plan of subdivision referred to in paragraph 3.10 above; and
 - (b) Lakeside Living Limited (Plan 6, September 24, 1976; Plan 21- Maberly Pines , December 8, 1980).

4.05 Paragraph 9 of the Maberly Pines Subdivision Agreement dated September 2, 1980 made between Lakeside Living Limited, as Subdivider, and the Township of South Sherbrooke **[Schedule 12]** obligates the Subdivider “to deposit with the Township’s solicitor a full executed deed for Lot Number Nine in the said Plan of Subdivision, which shall not be registered, but shall remain of file with the Townships’ solicitor. If within the time limit set out in paragraph 3(d) the Subdivider has not brought the said roads up to acceptable standards, the deed may be registered by the Township, and the said lot may be sold by the Township for fair market value, **it being understood that the proceeds from the sale of the said lot shall be used by the Township to pay for improvement of the roads in accordance with paragraph 3(d)**, provided that if the cost to the Township is greater than the proceeds from the sale of the said lot, the Township may claim the excess from the Subdivider ...” *[Underlining and bold font added for emphasis]* The time limit set out in paragraph 3(d) is “within three years of the date of registration of the Plan”. Plan 21 was registered on December 8, 1980. The three year period expired on December 3, 1983.

On August 28, 2022 Staff advised that in January 1981 the Council of the Township of South Sherbrooke accepted a conveyance of lot 31 in exchange for Lot 9. Staff has advised that Lot 9 was sold by the developer to private owners in or about 1981.

It is our understanding that at some as-yet-unknown time after Plan 21 was registered, the Subdivider transferred three additional lots to the Township, or the predecessor township) as security for the Subdivider’s obligations under its Subdivision Agreement . The only documentation of which we are aware that confirms that understanding is Staff Report #C-2020-15 **[Schedule 13]** which was attached to the Agenda for the October 6, 2020 meeting of the Committee of the Whole at page 35 of 116 and which contains the following statements, inter alia: “At its regular meeting held August 13, 2013 Council passed the following resolution:

That, Council declare lots 14, 37 and 44 on Plan 21 being a plan of subdivision known as Maberly Pines surplus to its current needs;

And that, Council authorize staff to engage a real estate broker to sell those lands on behalf of the Township.”

“In 2015, lot 14 was sold and in 2018, lot 37 was sold.”

Staff Report #C-2020-15 was prepared and circulated to Councillors in support of accepting an offer to purchase lot 44 “at the full asking price of \$12,000, less adjustments and the deposit taken”.

At its October 20, 2020 meeting, Council passed By By-Law No. 2020-043

[Schedule 14] which approved the sale of lot 44 Plan 21 at the price of \$12,000 excluding HST.

No information has been provided as to the amounts received from either of lots 14 or 37. No information has been provided as to how the funds from the sale of any of the 3 lots have been applied by the Township.

At the Public Meeting held on September 14, 2021 regarding Development Charges, the Township’s Acting Treasurer, advised the meeting in his opening remarks *[Recording of meeting at minute31:38]* that:

- (1) the developer of the Maberly Pines subdivision had conveyed three lots in Plan 21 to the Township as a continuing security for performance of the developer’s obligations under the subdivision agreement;
- (2) all such lots had been sold by or about 2015 for total proceeds of about \$32,000; and
- (3) the proceeds from the sale of all such lots “have come into the general revenues of the Township.”

Later in the meeting, in response to a question posed by Councillor Rainer to the Acting Treasurer, he replied that he “**assumes** that the revenue went to general revenue and ended up in the contingency reserve.” *[Underlining and bold font added for emphasis- [Recording of meeting at minute 42:25].* The Minutes of the Public meeting did not report the Acting Treasurer’s opening comments as indicated above, but did report his response to Councillor Rainer’s question.

A review of the contingency reserve statements in the Townships audited financial statements for the years ending 2015, 2018 and 2020 show the changes in the reserves for the years in question. Those changes are inconclusive as to accuracy of the Acting Treasurer’s assumption. An in depth review of the line items in the contingency reserves statements and a report by the Treasurer on that issue would be beneficial. It would appear, however, that none of the proceeds of sale received to date have yet been used to make road or other improvements in the Maberly Pines subdivision notwithstanding the words underlined and in bold font in paragraph 4.05 above.

- 4.06 By email dated May 4, 2022, the Township Treasurer advised that “at our first interim billing (January 2022) we sent 5,358 tax bills” **[Schedule 15]**

5 Applicable Legal principles

- 5.01 “Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters”.⁴
- 5.02 From paragraph 5.01 above, it follows that the council of a municipality owes a duty of care to all to of its taxpayers and residents to take reasonable care in relation to:
- (a) drafting, or approving the drafting of, the terms of subdivision agreements;
 - (b) monitoring the progress of each subdivision’s development;
 - (c) enforcing compliance with the terms of the subdivision agreement.
- 5.03 It has not been disputed that the predecessor Townships approved plans of subdivision and entered into subdivision agreements with some, if not all, of the developers of those subdivisions. The absence of direct evidence contradicting the statements contained in paragraph 4.04 and 5.02 above is, (subject to legal Counsel’s review and advice) circumstantial evidence that the predecessor Townships breached their duty of care to act reasonably and prudently to protect the interests of the Township’s residents and taxpayers. Weighing the direct evidence against the circumstantial evidence leads the WG to the inevitable conclusion that, on balance of probabilities, a “prima facie” case of negligence by the predecessor Townships has been established⁵ and that such negligence was the proximate cause of the problems relating to PURs that the Township and its taxpayers and residents currently face.
- 5.04 Upon amalgamation of two or more townships, the amalgamated township acquires the assets of its predecessor townships and assumes their liabilities. As a result of the 1998 amalgamation, Tay Valley Township assumed, and is responsible for, all liabilities, failures and negligence of its predecessor township’s obligations.
- 5.05 The WG considers the statement as to the powers and authority of the Township, as set out paragraph 3.08 (1) and in **Schedule 9(b)** above to be an incorrect statement of law. Municipalities do not have authority to do whatever they want. All municipalities in Ontario are creatures of statute. They have no authority to do anything that is not authorized by provincial law. When, and only when, an authority is conferred upon a municipality by statute, regulation or Provincial Policy Statement, does Section 9 give that municipality the capacity, rights, powers and privileges of a natural person **“for the purpose of exercising its authority under this or any other Act”** *[underlining and bold font added for emphasis.]* **Schedule 17]**
- 5.06 Private Roads standards

⁴ Municipal Act, 2001, S.O. 2001 c 25 **Schedule 17]**

⁵ *Fontaine v. British Columbia (Official Administrator)*, 1998 CanLII 814 (SCC), [1998] 1 S.C.R. 424

- (1) The RAA **[Schedule 3]** states, in section 1(k) “THAT, any work on PUR shall be completed in accordance with the ‘Private Road Standards’ and the ‘Fire Department Access Route Design’ Section 3.2.5.6 of the Ontario Building Code, attached hereto as Schedule “B”.”
Schedule “B” appears to be an exact copy of the wording in S. 3.2.5.6 of the Building Code⁶.
- (2) The WG strongly doubts that the Township has authority or jurisdiction to set private road standards, except in limited circumstances which do not apply to PURs. The only authorities that have been offered regarding the Township’s jurisdiction to do so are:
 - (a) S. 3.2.5.6 of the Building Code; and
 - (b) “if a piece of legislation does not specifically provide authority to a municipality to undertake a matter, then the default is the Municipal Act. Section 8 of the Municipal Act provides the municipality with the powers of a natural person and the authority to govern their affairs as they consider appropriate” *[Schedule 9(b) and paragraph 3.08 above]* .
- (3) Section S. 3.2.5.6 is in Section 3 of the Building Code. It is the last in a group of 3 sections (i.e. sections 3.2.5.4 , 3.2.5.5 and 3.2.5.6) which deal exclusively with access routes for fire department vehicles to a building (or buildings) more than 3 storeys in building height or more than a 600 m² in building area.
- (4) Section 1.1.2.2 of the Building Code “Application of Parts 3, 4, 5 and 6” makes it clear that S.3.2.5.6 does not apply to roads containing lots zoned or intended for residential or seasonal residential buildings.
- (5) For reason set out in paragraph 5.05 above, the WG is satisfied that neither section 8 or 9 of the Municipal Act gives the Township authority or jurisdiction to set private road standards. In the absence of other lawful authority or jurisdiction, the Township has failed to satisfy the WG that Township has such authority.

6 WG Findings of Fact

- 6.01 Most, if not all, of the problems relating to unassumed township roads are, in each case, the responsibility of two parties, namely:
 - (1) the developers who failed to perform their obligations under their respective subdivision agreements with the predecessor townships; and
 - (2) the predecessor townships which breached their respective duties of care to their respective taxpayers and residents to act prudently, reasonably and carefully to protect their interests by their failings as set out in paragraph 4.04 above.
- 6.02 No documentation or other evidence has been provided to indicate or even suggest that the various owners of lots in subdivisions having PURs caused or aggravated, or are in any way responsible for causing, the problems associated with PURs.

⁶ <https://www.buildingcode.online/section3.html>

6.03 Notwithstanding total lack of the evidence referred to in paragraph 6.02 above, some take the position that a lot owner in a subdivision having PURs who proposes to erect a structure on requiring a building permit should, at his or her own risk and expense, reduce the Township's liability in respect of the roads as much as possible, either by having the lot owners assume ownership of the roads, or imposing insurance and indemnity requirements as a condition of issuing a building permit. In other words, Township taxpayers as group (approximately 5,300 strong) should not bear of cost of predecessor township's negligence, failures and mistakes. That cost should be borne only by those unlucky lot owners who happen to live on PURs and wish to erect a structure for which a building permit is required. Some apparently prefer a solution in which the Township is protected from the cost resulting from its predecessors' mistakes and failures, and enables the tax burden to fall unevenly and unfairly on a relative few Township taxpayers. Numbers provided by Staff [Schedule 5(c)] appear to indicate that the cost of bringing all PURs up to municipal road standards varies depending on the surface used. Low Cost Bitumen ("LCB") appears to be the least expensive option and gravel a more expensive option. In addition, the yearly maintenance costs appear to be much higher for gravel roads than the other two options. Assuming the cost options provided are reasonably accurate, it would appear that an LCB surface would be the most cost effective. Using the LCB information provided:

- (1) the total cost of bringing all unassumed Township roads up to municipal LCB standards is estimated to be \$1,382,400; [Schedule 5(b)]
- (2) There are 278 properties on unassumed roads [Schedule 5(b)];
- (3) There is potential to obtain only 104 additional RAAs; [Schedule 5(b)]
- (4) The Township issued 5,358 interim tax bills in January 2022. [Schedule 15]

Calculations based on the above numbers:

- (5) If only 104 lot owners paid the costs of bringing the unassumed Township roads up to the Township's LCB standards each would pay, on average, \$13,292 ($\$1,382,400 \div 104$) or \$1,329± per year for 10 years, if the cost were spread over 10 years
- (6) If 278 lot owners paid the costs of bringing the unassumed Township roads up to the Township's LCB standard, each would pay, on average, \$4,973 ($\$1,382,400 \div 278$) or \$497± per year for 10 years, if the cost were spread over 10 years,
- (7) If all Township taxpayers contributed to the cost of bringing those roads up to that same standard, the average cost per taxpayer would be \$258 ($\$1,382,400 \div 5,358$) or \$26± per year if the cost were spread over 10 years.
- (8) In each case, those lot owners with higher than average assessments would pay more, and those with lower than average assessments would pay less.

- 6.04 Road Access Agreements are egregiously unfair because:
- (1) they shift, or attempt to shift, the financial burden of correcting the problems associated with PURs from the Township, (which, together with the developers, is directly responsible for those problems) to a few owners of lots on PURs who have signed, or will be required to sign, RAAs despite the fact that none of those lot owners are in any way responsible for causing, or contributing to, those problems.
 - (2) Township currently maintains liability insurance which it apparently considers to be adequate for its purposes. *[See paragraph 3.05 above]*
 - (3) The ONLY real benefit that the Township receives from the indemnity is that it saves the increased insurance premium cost that it might otherwise bear if the Township were to be held liable in respect of a catastrophic accident on a PUR. The Township's current premium cost is \$37,000 for \$5 million general liability coverage plus \$6,184 for \$45 million excess coverage. *[Schedule 9]* The total premium is \$43,184. If the Township had to bear a 20% increase in its liability insurance premium because of its liability for an accident on a PUR, that increase would cost the Township \$8,636.00 per year thereafter. If that amount were paid by 5,358 taxpayers, it would cost less than \$2.00 per taxpayer, per year on average.
- Nonetheless, some are of the opinion that a handful of lot owners, each of whom is a taxpayer in the Township, and none of whom are in any way responsible for the problems of PURs, should:
- (a) each pay upwards of \$1,300 per year or more for General Commercial Liability coverage, assuming they qualify for it at any cost; or
 - (b) take the initiative to form a road association to acquire the road or roads, and then arrange for the road association to obtain insurance coverage for the road. For reasons set out in paragraph 8.05 below, the WG considers this option to be impractical.
- (4) The RAA indemnity is not limited to the amount of insurance coverage that the Township has required lot owners to provide. Since it has no maximum limit, lot owners who sign RAAs have potential exposure to catastrophic liability, whereas the Township currently maintains \$50 million of primary and excess liability coverage. *[See paragraph 3.05 above and Schedule9(b)]*. Some are of the opinion that that result is not unfair or unreasonable.
 - (5) A lot owner who has signed RAAs should not be required to provide an indemnity to the Township in respect of a person who happens to be involved in an accident on a PUR, but has no connection to the lot owner or the owner's lot, nor is using such roads at the owner's invitation or with his or her permission;
 - (6) At the WG's May 4, 2022 meeting, the Clerk confirmed that the Township had never received a motor vehicle accident report in respect of any PUR. If that statement is true, and we assume that it is, then history of the past 50 years tells us that the Township's current risk of exposure to, liability is minimal.

7 Recommendations

- 7.01 The WG is of the opinion that the recommendations which follow are listed in the order of their importance.
- 7.02 The WG's first and most important recommendation is that the Township bring all PURs up to municipal gravel or LCB road standards (whichever is the more cost effective for each PUR) at Township expense, all at no cost to lot owners in subdivisions having PURs - other than bearing their pro rata share of the total municipal tax burden. An exception to this recommendation could be made in respect of roads which Staff contends are, for reasons of their geography, are impossible or grossly impractical to bring them up to an acceptable municipal standard for assumption (e.g. Sherbrooke Road).
- 7.03 The WG's second most important recommendation is that, until such time as the first recommendation is implemented, the Township should:
- (1) adopt a resolution or by-law stating that all RAAs previously signed are amended to delete the requirements that lot owners:
 - (a) provide liability insurance coverage to the Township;
 - (b) provide an indemnity to the Township;
 - (c) replace road signage, or reimburse the Township for the cost of replacement of such signage; and
 - (d) ensure that a purchaser of their lot enters into a similar RAA with the Township, and
 - (2) provide a copy of such resolution or By-law to each person who has signed an RAA by letter addressed to the last known address of such person.
- 7.04 The WG's third most important recommendation is that the Township should either:
- (1) eliminate the requirement for future RAAs by registering a notice on the title of all lots which are situate in subdivisions which have PURs and are zoned to permit permanent or seasonal residential use. Such a notice would be registered pursuant to S. 71 of the Land Titles⁷, as amended, and would provide notice to each subsequent owner that:
 - (a) the roads within the subdivision (or some of them as the case may be) have not been brought up to municipal standards, nor have been assumed by the Township; and
 - (b) until such roads are assumed by the Township, municipal services such as snow removal and road maintenance will not likely be provided by the Township and that some public services such as garbage removal, school bussing and some emergency services may be severely restricted; or
 - (2) amend its form of RAA so that, in future, its terms conform to the requirements of paragraph 7.04 (1) above.

⁷ Land Titles Act R.S.O. 1990 c. L.5

- 7.05 The WGs fourth most important recommendation is that the Township not impose a special development charge on lot owners in the Maberly Pines subdivision.

8 Reasons for Recommendations

- 8.01 The WG accepts the premise that persons (which term includes corporations) who fail to live up to their obligations with the result that such failure causes economic loss, have, or should have, a duty (moral, if not legal) to make things right.
- 8.02 For the reason set out in paragraph 4.04 above, the WG is of the opinion that:
- (1) the failures and mistakes of the predecessor townships have, by amalgamation, become the failures and mistakes of the Township ,
 - (2) such failures and mistakes are a proximate cause of the problems relating to PURs; and
 - (3) the owners of lots on PURs:
 - (a) are in not in any way responsible for the problems of the PURs;
 - (b) didn't receive what they bargained for many years earlier because neither the developer not the predecessor Townships did their respective jobs properly and such owners now feel, rightly we believe, that the Township is rubbing salt in the wounds; and
 - (4) the Township should now, and very belatedly, rectify the problems of its PURs at its own expense.
- 8.03 It would be grossly unfair for the Township to allocate all of the cost of its predecessors' failures and mistakes to a few township taxpayers when it should allocate all of such cost to all taxpayers.
- 8.04 Halpenny has recommend that, from a liability perspective, the Township should assume and maintain the PURs – without taking into consideration other issues such as cost, etc.. [See paragraph 3.03 above and Schedule 6]
- 8.05 Having considered all options outlined in the Jp2j Options Assessment, the WG is of the opinion that:
- (1) only Option 2, – Road is Township owned and assumed - is practical and viable.
 - (2) Options1 - Taking the Road Out of Township Ownership – is neither practical nor viable for the following reasons:
 - (i) To implement this option, consent of ALL lot owners in a particular subdivision would be required. One dissenter could prevent the implementation of this option. The WG is of the opinion that a procedure requiring unanimous consent is unrealistic, except possibly, for the smallest of subdivisions. But there appears to be little, if any, upside to lot owners to give that consent. Nothing changes on the ground for them except that the liability question is now entirely theirs.

- (ii) An unincorporated association is not “legal person”⁸. It cannot hold land. Consequently, if lot owners establish an unincorporated road association each of them would have to own a small portion of the road on which his or her property fronts. Land transfers to individual lot owners would likely require severance consents and substantial survey costs to create the required R-plans which would be necessary to divide the road into various parcels for transfer to lot owners. Individual ownership would expose owners to potential liability for accidents which occur on “their portion” of the road. It is questionable whether an unincorporated association would qualify to purchase liability insurance to protect the owners of the road. Lot owners may need to buy insurance coverage individually, if they are to have it. That is the very problem that lot owners on PURs face today. This is not a solution that is anywhere close to being practical.
- (iii) An Ontario corporation is a legal person, may hold land and purchase insurance. However, this option will impose administrative burdens and costs on lot owners which they do not currently bear, including: incorporation costs; annual costs for preparation of minutes, provincial filings and their associated filing fees; annual preparation and filing of the federal T2 Corporations Tax Returns; preparation and distribution of audited financial statements (unless ALL lot owners waive that requirement), directors and officers insurance, etc., etc. The continuing costs of creating and maintaining a corporation will most likely make this option a non-starter.

Section 4.5 of the Official Plan (page 94) prohibits the creation of “new private roads and the extension of existing private roads”, subject to an exception referred to in subparagraph (iv) below.

Staff have taken the position that the Official Plan does not prohibit the Township from closing a PUR and transferring it to an Ontario corporation because the road already exists. It is not being “created”. While that is true, it is also true that such roads would be made “newly private”. The WG believes that whether the dominant issue is “creation” or “private” is unclear at best and that a written opinion from the Township’s solicitor should be obtained before proceeding in accordance with the stated position.

- (iv) Section 4.5 of the Official Plan also states: “the creation of a new private condominium road shall be permitted in the Township insofar as it is **created** under the Condominium Act, 1998 as amended” and “connects directly to a public road”. *[Underlining and bold font added for emphasis]* But if a PUR currently exists, can it be “**created**” under the Condominium

⁸ <https://weilers.ca/unincorporated-associations-and-trusts/#:~:text=You%20likely%20do%20not%20realize,the%20association%20cannot%20own%20property.>

Act? A positive answer would appear to be inconsistent with the position set out in subparagraph (iii) above. Again, the WG is of the opinion that the issue is unclear and that a written legal opinion should be obtained.

A CECC would have similar incorporation and annual expenses as a standard Ontario corporation plus some additional expenses mandated under the Condominium Act⁹ (e.g. reserve fund; reserve fund study; property manager's fees; audit is mandatory if a CECC has more than 24 lot owners; if less than 25 lot owners, an audit may be waived, but only if all lot owners agree.)

The cost of incorporating and annual costs of maintaining a CECC would be costs that the lot owners do not currently have to bear. There seems to be little or no upside to this option for lot owners and some considerable cost and administrative downside. The WG does not consider this Option viable.

- (v) Option 3- Road is Township Owned and Privately Maintained (Status Quo)
The Option 3 heading is misleading. Lot owners have neither an obligation to maintain a PUR, nor a right to maintain a PUR without Township permission, although those who have signed RAAs have the right to undertake "routine maintenance" an undefined ambiguous term. Given the never-ending outcry from lot owners in subdivisions having PURs about the egregious RAA, it should be more than clear to all that the status quo is unacceptable unless the RAA is amended to delete the egregious obligations that it now contains

The forgoing Report is respectfully submitted on behalf of:

| | | | |
|-------------------------------------|---------------|-------------------------------------|---------------|
| _____ Councillor Gene Richardson | _____ Date | _____ Councillor Roxanne Darling | _____ Date |
| _____ Frank Johnson | _____ Date | _____ Fred Barrett | _____ Date |
| _____ Gordon Hill | _____ Date | | |

⁹ The Condominium Act , 1998, S.O. 1998 C 19

COMMITTEE OF THE WHOLE

September 13, 2022

**Report #PD-2022-45
Noelle Reeve, Planner**

RIDEAU BLUFFS SUBDIVISION - DRAFT PLAN EXTENSION

STAFF RECOMMENDATION(S)

It is recommended:

“THAT, a two-year extension of the draft approval for the 4 Seasons Subdivision 09-08001 (Rideau Bluffs) be approved.”

BACKGROUND

The subdivision known as Rideau Bluffs (4 Seasons Investment Inc. (Claremont)) is a proposed 8-lot subdivision located in Lot 7, Concession 5, in the Geographic Township of North Burgess at 1905 Elmgrove Road just north of Murphys Point Provincial Park. Developer Murray Carson received draft approval for the subdivision from the County of Lanark in February 2009. The developer has asked for an extension to the draft conditions of approval for the subdivision agreement.

The eight lots received zoning approval for:

- six lots to have reduced street frontages of 45m instead of 60m;
- three lots to have increased water setbacks of 40m instead of 30m due to steep slopes;
- one lot to have a reduced water setback for an existing in-ground swimming pool;
- one lot to have the minimum dwelling size reduced to recognize an existing dwelling.

All proposed lots have a minimum lot size larger than the 0.8 ha required: lot sizes range from 1.01 ha to 1.78 ha. Lot frontages for the proposed lots range from 141m to 60m.

Shoreline impact mitigation measures were proposed in the Environmental Impact Assessment by Oakridge Environmental Ltd, and additional requirements by Parks Canada and the Ride3au Valley Conservation Authority (RVCA) have been included as conditions in the draft approval for the subdivision or can be incorporated into Site Plan Control Agreements.

The requirements of Section 2.18 Cultural Heritage and Archeological Resources can be met through the Site Plan Control Agreement process for the two sites on lots 7 and 8

respectively that Kinickinick Heritage Consultants identified. The requirements of Section 2.22 Water Supply, Sewage Disposal and Other Services are addressed through the Hydrogeological and Site Servicing Report prepared by Oakridge Environmental Ltd. The requirements of Section 2.23.2 Stormwater Management are addressed through the Conceptual Stormwater Management Report prepared by McIntosh Perry.

DISCUSSION

The Manager of Public Works and the Planner met with Mr. Carson in the summer of 2019. He expressed a desire to have road construction begin within the lot. The Township subsequently received a request from Mr. Carson's daughter Karen for a two-year extension due to the slow-down associated with Covid-19.

Because of the amount of time that has elapsed since draft approval was granted, the County, as the approval agency, has requested a revised Environmental Impact Assessment be undertaken and Ms. Carson has agreed.

The owner has undertaken work on the lot since 2019 – updated the Environmental Impact Study, cleared trees/stumps from the proposed road, placed bat houses on the property, and plan to proceed with further work this fall/winter when breeding season is over for the species on the site that require protection.

The Planner believes it is in the Township's interest to grant the extension to the subdivision agreement to allow the developer to meet the conditions of draft approval so that the lots may be developed.

OPTIONS CONSIDERED

- 1) Preferred: Grant the extension to the conditional subdivision approval.
- 2) Do not support the extension of the conditional approval.

STRATEGIC PLAN LINK

Economic development - developing the lots would provide jobs for contractors and increase the tax base. Environment - the design of the lots with shared driveways and shared access to the shore has been undertaken to protect the environment. Construction windows are limited to non-breeding season for species requiring protection.

FINANCIAL CONSIDERATIONS

Supporting the extension provides an opportunity for increased tax revenue. The original draft subdivision agreement should be reviewed with the applicant and the Tay Valley Public Works Manager and Treasurer to insure cost effectiveness for the proposed asphalt treatment of the subdivision road.

CLIMATE CONSIDERATIONS

The climate lens should be used to determine the impact of the type of road to be assumed into the Township’s assets when the subdivision is complete i.e., asphalt, tar and chip or gravel.

CONCLUSIONS

The Township has agreed to seven previous extensions of the draft conditions and there is no new information or reason not to agree to an extension this year.

ATTACHMENTS

None.

Prepared and Submitted By:

Approved for Submission By:

Original Signed

Original Signed

**Noelle Reeve,
Planner**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

01/01/2022-08/31/2022 Summary Report with Previous 3 year Average

| 2022 | Number of Permits | 3 yr. avg. (2019-2021) | S.F.D.'s | 3 yr. avg. (2019-2021) | Commercial | 3 yr. avg. (2019-2021) | Permit Fees | 3 year average (2019-2021) | Building Value | 3 year average (2019-2021) | Dev.Charge |
|----------|-------------------|------------------------|----------|------------------------|------------|------------------------|-------------|----------------------------|-----------------|----------------------------|------------|
| January | 7 | 4 | 0 | 1 | 1 | 0 | \$5,825.80 | \$2,240.87 | \$1,486,667.00 | \$396,333.33 | |
| February | 4 | 5 | 2 | 1 | 0 | 0 | \$4,652.65 | \$7,194.42 | \$935,000.00 | \$1,704,366.67 | \$12,169 |
| March | 13 | 9 | 2 | 4 | 0 | 0 | \$8,969.65 | \$8,001.56 | \$1,487,000.00 | \$1,204,820.00 | \$15,003 |
| April | 10 | 10 | 1 | 4 | 0 | 0 | \$7,378.20 | \$9,223.96 | \$1,528,700.00 | \$1,855,692.00 | \$14,329 |
| May | 24 | 17 | 5 | 4 | 1 | 0 | \$18,228.30 | \$10,683.68 | \$4,477,810.00 | \$2,114,658.33 | \$52,826 |
| June | 13 | 16 | 1 | 4 | 0 | 1 | \$10,882.95 | \$10,093.57 | \$2,037,700.00 | \$1,774,779.00 | \$5,185 |
| July | 13 | 21 | 0 | 4 | 0 | 0 | \$5,043.55 | \$11,128.41 | \$930,500.00 | \$2,113,626.00 | \$24,087 |
| August | 6 | 13 | 1 | 2 | 0 | 0 | \$4,211.30 | \$8,500.52 | \$1,216,000.00 | \$1,816,622.67 | \$8,029 |
| Total | 90 | 95 | 12 | 24 | 2 | 1 | \$65,192.40 | \$67,066.98 | \$14,099,377.00 | \$12,980,898.00 | \$131,628 |

As of Jan 21, 2022 Dev Charges of \$8,029 on permits are comprised of \$6,493 Township Dev Charge and \$1,536 County Dev Charge.

Note: The value in the S.F.D. column is the monthly total for Approved, Residential, New Construction permits and the value entered in the # Dwelling Units Proposed box on the Building Tab

Committee of the Whole
September 13th, 2022

Report #C-2022-27
Janie Laidlaw, Deputy Clerk

PROPOSED NEW ROAD NAME
ABBY HAWK LANE

STAFF RECOMMENDATION(S)

“**THAT**, the necessary by-law to name an existing Private Road to Abby Hawk Lane as outlined in Report #C-2022-27 – Proposed New Road Name – Abby Hawk Lane, be brought forward for approval.”

BACKGROUND

A Minor Variance application was received for a renovation and addition to an existing dwelling at 1167 Big Rideau North Shore Road, during the application review and determining legal access it was discovered that an existing right-of-way provided legal access to three properties. The right of way from Big Rideau North Shore Road that travels through the three properties has been registered on title for many decades. No new private road is being created; the right of way is being recognized as private road.

DISCUSSION

A condition of Minor Variance’s Notice of Decision requires that the existing Private Road be named and added to the Township’s Road Naming By-Law.

As per the Road, Addressing and Parcels (RAP) Policy the applicants have proposed at least three road names. Those road names were then forwarded to the County of Lanark for review and recommendation in order to avoid duplication or similarities within the road name database across Lanark County and neighbouring counties.

In addition, the property owners along that road must be notified and the majority of the property owners on the road must agree to a preferred name in order for Council to consider the name.

Once a road name meets the requirements of Policy, including agreement from a majority of the property owners, it is forwarded to the Council of the local municipality for approval.

The proposed road name is “Abby Hawk Lane”.

OPTIONS CONSIDERED

Option #1 – Adopt Abby Hawk Lane (Recommended)

Meets the requirements of the RAP Policy and the majority of property owners agreed with the name.

Option #2 – Propose an Alternate Name

Not recommended as the renaming of the road would not occur for at least another three months as the process would need to start over.

STRATEGIC PLAN LINK

None.

FINANCIAL CONSIDERATIONS

Cost of installing the new road name sign, registration of the by-law, staff time – \$1,000 maximum.

CONCLUSIONS

That the necessary by-law to name an existing Private Road to Abby Hawk Lane as outlined in this report be brought forward for approval.

ATTACHMENTS

- i) GIS Map
- ii) Survey

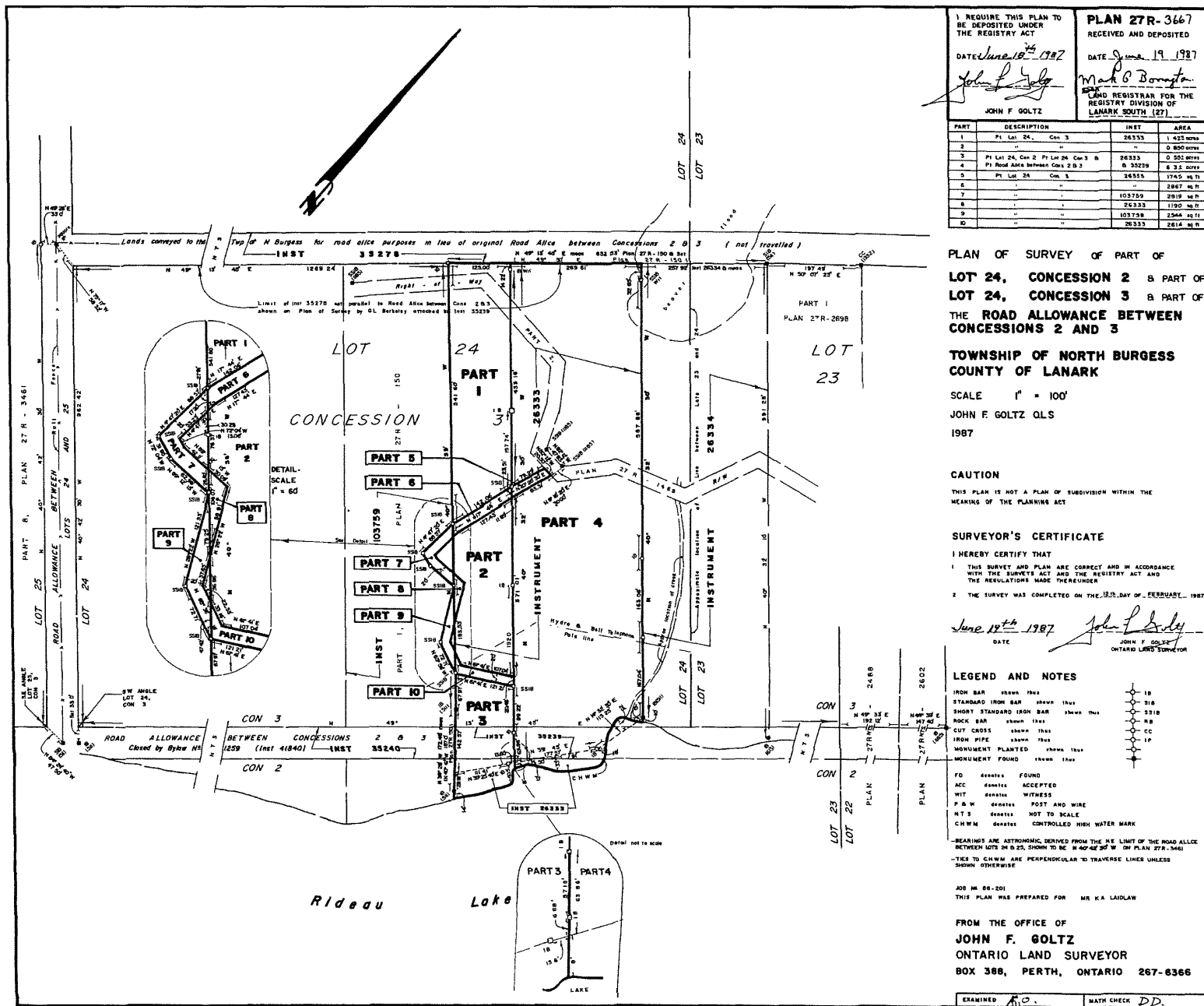
Prepared and Submitted by:

Approved for Submission by:

**Janie Laidlaw,
Deputy Clerk**

**Amanda Mabo,
Chief Administrative Officer/Clerk**





COMMITTEE OF THE WHOLE**September 13, 2022****Report #PW-2022-19****Sean Ervin, Public Works Manager****SPEED LIMIT ON KENYON ROAD****STAFF RECOMMENDATION(S)**

It is recommended:

“THAT, the speed limit on Kenyon Road from Beaver Dam Lane to Lakewood Road, be posted at 40 km/hr and signed according to the Ontario Traffic Manual;

AND THAT, By-Law No. 2018-035 - Maximum Rate of Speed be amended.”

BACKGROUND

The speed limit of Kenyon Road was reviewed in 2018 to coincide with the reconstruction of the road. At that time, staff recommended, and Council agreed, that the speed limit of Kenyon Road remain at 60km/hr and the appropriate warning and advisory signs be installed as per the Ontario Traffic Manual (OTM).

DISCUSSION

The signage was installed in December 2018; however, they are somewhat conflicting due to the layout of Kenyon Road and the fact that the speed limit reduces to 40km/hr for Lakewood and McLaren Roads. The series of curves between Beaver Dam Lane and Lakewood Road warrant 40km/hr advisory signs (yellow), which cause no signage issues for westbound traffic. However, the same series of curves cause conflicting signage for eastbound traffic. As per the OTM, a 60km/hr begins sign should be installed on Kenyon Road, near the intersection of Lakewood Road. Immediately following this regulatory speed sign, an advisory sign of 40km should be installed to warn motorist of the series of winding curves. The 60km Begins sign for eastbound traffic was moved towards Beaver Dam Lane to avoid conflicting signage, however there is no coinciding speed limit sign for westbound traffic.

Staff are working with the OPP on another file related to a speeding complaint for this specific section of Kenyon Road. OPP installed their speed recorder between May 5th to May 12 and found that the 85th percentile of vehicles were travelling at 47km/hr.

FINANCIAL CONSIDERATIONS

The Township has all required signs in-stock.

OPTIONS FOR CONSIDERATION

Option #1 (Recommended) – The speed limit on Kenyon Road from Beaver Dam Lane to Lakewood Road, be posted at 40 km/hr and signed according to the Ontario Traffic Manual; and that By-Law No. 2018-035 - Maximum Rate of Speed be amended.

Option #2 - Do nothing, leaving the entire length of Kenyon Road at 60km/hr.

STRATEGIC PLAN LINK

Not Applicable

CLIMATE CONSIDERATIONS

Not Applicable

CONCLUSIONS

It is recommended that the speed limit of Kenyon Road, between Beaver Dam Lane and Lakewood Road, be reduced from 60km/hr to 40km/hr. The speeding report shows that vehicles are already travelling at a reduced speed through this area and therefore reducing the speed limit should not cause an increase in speeding complaints.

ATTACHMENTS

None

Prepared and Submitted By:

Approved for Submission By:

**Sean Ervin,
Public Works Manager**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

Committee of the Whole
September 13th, 2022

Report #C-2022-26
Kathryn Baker-Reed, Community Services Coordinator

FOREST TRAIL PARK NAMING

STAFF RECOMMENDATION(S)

“THAT, Staff consult with Indigenous partners to develop a series of proposed names for the Forest Trail Park in Algonquin that would translate into English, for selection by Council.”

BACKGROUND

The Forest Trail Project – Phase 1 was approved to proceed in September 2021.

Phase 1 will provide a fully functioning park that includes the installation of an entrance and parking area, an accessible primary trail, an accessible fitness trail, fitness equipment, benches, picnic tables, a bike rack, a waste/recycling receptacle, a site identification sign, a site map/orientation sign and fencing between the adjacent residential properties.

Trail development is currently underway with the park opening anticipated in late spring 2023.

DISCUSSION

In order to start designing the signage, a name for the Forest Trail Park needs to be chosen.

The name should:

- Convey a sense of place and celebrate the distinguishing characteristics of the community;
- Reference geographical, historical, environmental, ecological or natural resource features of the park;
- Align with the idea that the park has value as a public resource, the importance of maintaining access to nature for everyone, and building outdoor spaces that are inclusive and accessible;
- Be understandable, recognizable and explainable;
- Respect the value of the Indigenous history and heritage of the space.

OPTIONS FOR CONSIDERATION

Option #1 – Recommended – Staff consult with Indigenous partners to develop a series of proposed names in Algonquin that translate into English.

- There is indication of pre-contact archaeological evidence on this site;
- As a step towards reconciliation, the National Truth and Reconciliation Report recommends that #14 i) Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them;
- Tay Valley Township has been developing a stronger relationship with local Indigenous communities. Inviting Indigenous community partners to participate in the naming of public spaces strengthens both community awareness of current, and historical Indigenous reality in Tay Valley, as well as the growing relationship between Municipal and Indigenous partners;
- A name may be offered that would otherwise not be considered.
- The proposed names would come back to Council for selection.

Option #2 – Community Naming Contest

- This option is time intensive for staff resources and may result in few appropriate options.

Option #3 – Council Names the Site

- While this option might be considered efficient, it risks reinforcing that Council is imposing this project on the community.

STRATEGIC PLAN LINK

Tay Valley's Vision Statement: Tay Valley Township is a rural community that honours our culture and heritage, whose citizens and leaders strive to improve the quality of life for all residents and visitors in a sustainable, adaptable and secure environment.

Recreation and Culture: Our recreation and cultural programs continue to flourish for young and old alike. The Township has a network of interconnected trails, safe cycling routes and paddling routes.

CLIMATE CONSIDERATIONS

None with regards to the naming of the park but maintaining the land as a forest trail will provide carbon sequestration, flooding and drought mitigation and will contribute to reducing the Township's Green House Gas emissions.

FINANCIAL CONSIDERATIONS

Staff time consulting with Indigenous groups.

CONCLUSIONS

It is recommended that Council approved Option #1, and permit Township staff to work with Indigenous community partners to develop a list of proposed Forest Trail names that translate both into Algonquin and English.

Developing an inclusive name for the Forest Trail Park is an important phase of this project, with the goals of referencing the geology, ecology, and Indigenous heritage of this natural space.

ATTACHMENTS

None.

Prepared and Submitted by:

Approved for Submission by:

**Kathryn Baker-Reed
Community Services Coordinator**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

COMMITTEE OF THE WHOLE MEETINGAugust 9th, 2022

Report #C-2022-21

Amanda Mabo, Acting Chief Administrative Officer/Clerk

COVID-19 VACCINATION POLICY REVIEW**STAFF RECOMMENDATION(S)**

It is recommended:

“THAT, the COVID-19 Vaccination Policy be amended as outlined in Report #C-2022-21 – COVID-19 Vaccination Policy Review;

AND THAT, the necessary by-law come forward at the next Township Council meeting.”

BACKGROUND

On December 14, 2021 Council approved the COVID-19 Vaccination Policy that applies to all existing and future members, employees, volunteers and third parties. It required full vaccination by January 17, 2022. Members, employees, volunteers and third parties met the requirements of the policy. In addition, all new employees, volunteers and third parties have met the requirements of the policy.

DISCUSSION

Although slowed in the warmer months of June, July and August, COVID continues to be an issue that is affecting the workplace, the delivery of services, public events and public spaces. The potential for additional health related measures, the resurgence of additional infection and variants cannot be definitively ruled out come September. This report will not try to project the future chance of infection or the medical impact or validity of the vaccine. It will rely on the published advice of the Chief Public Medical Officer of Canada, the Ontario Chief Medical Officer of Health and the overall medical community. The current advice from all of these sources is to get vaccinated and that it is up to employers to protect their workers.

The recommended isolation period varies depending on your vaccination status. The period is five days for a vaccinated individual and ten days for an unvaccinated individual. Staff that are unvaccinated will require a longer isolation period than those that are vaccinated. The longer period of sick leave will place an additional burden on the Municipality to spread the

workload across an already stressed workforce or in some instances leave the service unprovided.

For the first time in two years the Township's recreation programs are up and running again, as well as the Re-Use Centre. The sporting organizations are requiring that coaches and trainers be fully vaccinated, and the Re-Use Centre volunteers are of a vulnerable population. Without a policy in place, the Township cannot require these volunteers to get vaccinated.

According to the recently retired Medical Officer of Health, the viral load in a person who is vaccinated is less and therefore decreases the risk of transmission of the virus to others in close contact. Staff and volunteers deal directly with the public and in order to ensure the public's safety it is being recommended that the policy remain in place with a few minor changes.

OPTIONS FOR CONSIDERATION

Option #1 – Recommended: Adopt Amended Policy

Option #2 – Council Suggest further Changes to Policy

Option #3 – Not Recommended: Rescind the Policy

FINANCIAL CONSIDERATIONS

There are no significant costs expected with this policy at this time. However, should the policy be rescinded, there will be a cost to the Township in lost staff time for anyone who is not fully vaccinated and requiring the ten days of isolation.

STRATEGIC PLAN LINK

Not applicable.

CLIMATE CONSIDERATIONS

Not applicable.

CONCLUSION

This past winter COVID-19 was worse than ever. As a result it is recommended that until another winter is behind us to see if the virus is diminishing it would not be advised to remove the COVID-19 Vaccination Policy. Instead, the policy should be reviewed again in June 2023.

ATTACHMENTS

1. DRAFT Revised COVID-19 Vaccination Policy

Respectfully Submitted By:

**Amanda Mabo,
Acting Chief Administrative Officer/Clerk**

SUBJECT: COVID-19 - VACCINATION - POLICY

1.0 PURPOSE

To provide a policy to ensure that the Municipality has in place the necessary health and safety protocols to prevent, eliminate, reduce and manage exposure to COVID-19 and to outline the Municipality's requirements with respect to COVID-19 vaccinations.

2.0 LEGISLATIVE AUTHORITY

Pursuant to Section 25 (2) (h) of the *Occupational Health and Safety Act*, as amended, an Employer shall take every precaution reasonable in the circumstances for the protection of a Worker.

3.0 SCOPE

This policy applies to all existing and future Members, Employees, Volunteers and Third Parties, in relation to all of the Workplaces within the Municipality during the COVID-19 pandemic.

4.0 DEFINITIONS

"CAO" – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Clerk" – shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Council" – shall mean the Council of the Municipality in accordance with the Council Composition By-Law in effect.

"Employee" – shall mean all union and non-union employees of the Municipality.

"Employer" – shall mean the Municipality.

"Fully Vaccinated" – shall mean if you have received:

1. having received:
 - a) the full series of a COVID-19 vaccine authorized by Health Canada, or a combination of such vaccines;
 - b) one of two doses of a COVID-19 vaccine not authorized by Health Canada, followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada; or
 - c) three doses of a COVID-19 vaccine not authorized by Health Canada; and
2. having received their final dose of the COVID-19 vaccine at least 14 days before providing the proof of being fully vaccinated.

- the full primary series of a COVID-19 vaccine authorized by Health Canada, or any combination of such vaccines (two doses of Moderna, Pfizer-BioNTech, Novavax, Medicago, AstraZeneca, including COVISHIELD) in any combination or one dose of Janssen (Johnson & Johnson); or
- a full or partial primary series of a non-Health Canada authorized vaccine plus any additional recommended doses of a Health Canada authorized COVID-19 vaccine to complete the primary series; and
- your final dose of the COVID-19 vaccine at least 14 days before providing the proof of being fully vaccinated.

“Member” – shall include a Member of Council and all Members of Local Boards and Committees of the Municipality.

“Municipality” – shall mean the Corporation of Tay Valley Township.

“Proof [of Vaccination]” – shall mean the documentation of completed vaccination series approved by Health Canada or the World Health Organization.

“Volunteers” – shall mean persons appointed by a resolution of Council as volunteers.

“Worker” – shall mean an Employee.

“Workplace”- shall mean any land, premises, location or thing at, upon, in or near which a Worker works.

“Testing” – shall mean rapid antigen testing but may be expanded to include other approved rapid testing technologies.

“Third Party” – shall mean contractors and consultants acting on behalf of the Municipality and performing work inside Municipal facilities.

5.0 VACCINATION REQUIREMENT

5.1 All current Members, Employees, Volunteers and Third Parties were required to ~~shall~~:

- provide Proof of being Fully Vaccinated to the Clerk by January 17th, 2022; or
- provide a written attestation of a valid medical reason(s) or legal exemption under the *Ontario Human Rights Code* for not being fully vaccinated against COVID-19 and undergo regular testing as detailed below.

5.2 As of January 17th, 2022, all new Members, Employees, Volunteers and Third Parties shall:

- provide Proof of being Fully Vaccinated to the Clerk prior to undertaking their respective role;
- or

- provide a written attestation of a valid medical reason(s) or legal exemption under the *Ontario Human Rights Code* for not being fully vaccinated against COVID-19 and undergo regular testing as detailed below.

- 5.3** Specifically, Members shall provide Proof of being Fully Vaccinated following a Municipal election, by-election or with their application to sit on a Board or Committee.
- 5.4** Specifically, Employees shall provide Proof of being Fully Vaccinated during the recruitment process.
- 5.5** Specifically, Volunteers shall provide Proof of being Fully Vaccinated with their application to volunteer.
- 5.6** Specifically, Third Parties shall provide Proof of being Fully Vaccinated no later than when they arrive onsite.

6.0 DUTY TO ACCOMMODATE

- 6.1** The Municipality will comply with its obligations under human rights legislation to participate in accommodation discussions with individuals who advise of a substantiated, valid legal exemption under the *Ontario Human Rights Code* to receiving the COVID-19 vaccination.
- 6.2** The individual must advise the Municipality of such an exemption ~~by no later than January 17th, 2022~~ prior to undertaking their respective role.
- 6.3** The Municipality reserves the right to request additional information or documents as required.
- 6.4** In the event of a request for accommodation, sufficient proof of the ground (disability and/or creed) and the connection between the ground and the inability to be vaccinated must be provided.
- 6.5** Where the ground is disability, a note must be provided by either a Physician or Nurse Practitioner that sets out:
- confirmation that the person has a disability (but not the nature of the disability or the diagnosis)
 - confirmation that the person cannot be vaccinated against COVID-19 due to the disability; and
 - the effective time period for which the disability will prevent vaccination.
- 6.6** Where the ground is creed, the person must identify the creed, confirm that they are an adherent of that creed, and explain how their belief system prohibits being vaccinated against COVID-19. Further information may also be required.
- 6.7** Where the medical exemption is time limited, the Clerk will follow up with the

individual following the medical exemption's expiry to determine the individual's exemption or vaccination status.

- 6.8** The Municipality has identified disability and creed but will also consider other grounds claimed under the *Ontario Human Rights Code* upon request from the affected individual and the provision of evidence appropriate in the circumstances.
- 6.9** It is incumbent on the individual to participate in discussions about a reasonable accommodation plan and provide information as may be required. All un-vaccinated individuals, regardless of exemption, will be required to undergo regular testing (as defined herein).

7.0 REGULAR TESTING

- 7.1** Members, Employees, Volunteers and Third Parties who are not Fully Vaccinated and have a substantiated and approved medical reason(s) or legal exemption under the *Ontario Human Rights Code* must undergo Testing a minimum of two (2) times per week.
- 7.2** The negative test results must be provided to the Clerk following each test.
- 7.3** ~~Employees who have not provided proof of being fully vaccinated by January 17, 2022 must complete their rapid antigen testing on non-work time.~~
- 7.4** If a fee is incurred for such Testing it will not be reimbursed.
- 7.5** Any Employee that receives a preliminary positive result on a COVID-19 rapid antigen test, is required to:
- a) immediately notify their direct supervisor and the Clerk;
 - b) seek a confirmatory PCR test immediately (within 48 hours) at a designated testing center;
 - c) isolate immediately until the result of their confirmatory test is known;
 - d) sick leave time may be used for the isolation period.
- 7.6** Any Member, Volunteer and Third Party that receives a preliminary positive result on a COVID-19 rapid antigen test, is required to:
- a) immediately notify the Clerk;
 - b) seek a confirmatory PCR test immediately (within 48 hours) at a designated testing center; and
 - c) isolate immediately until the result of their confirmatory test is known.

8.0 TRAVEL

- 8.1** ~~Regardless of vaccination status, all Members, Employees, and Volunteers who travel outside of Canada will be required to submit proof of a negative rapid antigen test result prior to returning to work or their position with the~~

Municipality.

~~8.2 If required, testing for Employees may be done on work time.~~

~~8.3 The Municipality will reimburse the cost of a rapid antigen test required under this section for Employees and Members of Council for work related travel outside of Canada.~~

9.0 NON-COMPLIANCE

- 9.1** Any Member, other than a Member of Council, refusing to comply with the requirements under this policy will be placed on leave from their position for thirty (30) days. If after thirty (30) days the requirements under this policy have not been met the Member will be removed from their position.
- 9.2** Any Member of Council refusing to comply with the requirements under this policy will not be permitted to enter any Municipal Workplace or attend any Municipal event in person.
- 9.3** Any Employee refusing to comply with the requirements under this policy will be placed on unpaid leave for thirty (30) days. If after the thirty (30) days the requirements under this policy are still not met, the Employee will be terminated.
- 9.4** Any Volunteer refusing to comply with the requirements under this policy will be placed on leave from their position for thirty (30) days. If after thirty (30) days the requirements under this policy have not been met the Volunteer will be removed from their position.
- 9.5** Any Third Party refusing to comply with the requirements under this policy will no longer be retained by the Municipality.
- 9.6** Any individual who submits falsified proof of vaccination, exemption or testing results required pursuant to this policy will be subject to immediate termination.

10.0 COMMUNICATION

- 10.1** This Policy, along with any updates, shall:
- be emailed to Members, Employees, Volunteers and Third Parties;
 - be provided by hard copy to those Employees that do not have an Employer provided email;
 - be posted on all Health and Safety Boards within the Workplace.
- 10.2** A copy of this Policy shall be provided to any person, upon request.

11.0 COLLECTION OF INFORMATION AND PRIVACY

- 11.1** All information gathered as part of this policy will be handled solely by the Clerk.

11.2 All information, including personal health information, will be treated in compliance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

12.0 ACCOUNTABILITY FRAMEWORK

The Chief Administrative Officer is responsible for ensuring compliance with this policy.

13.0 POLICY REVIEW

The COVID-19 situation is changing daily and as a result this Policy will be reviewed and updated as necessary.

Should updated legal advice be received or new public health directives and/or provincial or federal government legislation, regulations or orders be enacted, they shall take precedence until such time as this policy may be amended to conform to the new requirements.

14.0 REFERENCES

Policies and Procedures/Documents

~~COVID-19 - Procedure~~

~~COVID-19 Face Mask - Policy~~

Employee Code of Conduct

Health and Safety Policy

Resources

Leeds, Grenville & Lanark District Health Unit

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Occupational Health and Safety Act

Ontario Human Rights Code

TAY VALLEY HISTORY SCHOLARSHIP REPORT

COMMITTEE OF THE WHOLE

September 13, 2022

RECOMMENDATION

It is recommended that, the 2022 History Scholarship Annual Report be received for information."

BACKGROUND

The Tay Valley History Scholarship is one of Tay Valley Township's legacy projects resulting from the 2016 commemoration of the 200th Anniversary of the Perth Military Settlement. It is presented annually to a deserving graduate from either Perth & District Collegiate Institute or St. John Catholic High School.

In support of the Scholarship, Tay Valley Township:

- established a History Scholarship Committee to provide advice and recommendations to Council regarding the granting of the Scholarship; and
- entered into an agreement with the Perth and District Community Foundation to manage the funds on behalf of Tay Valley Township.

FUNDING FOR THE SCHOLARSHIP

The Scholarship is funded by:

- donations from over two dozen individuals, community groups and local businesses, contributing approximately \$22,000;
- the continuing sale of the legacy book *At Home in Tay Valley*, contributing approximately \$16,500;
- the net proceeds from the sale of the 200th Anniversary calendars, contributing approximately \$6,000; and
- money earned from investments made by the Perth and District Community Foundation.

As of January 1, 2022, there was \$57,529 in the Scholarship Fund. It is anticipated that the monies earned from investments will cover the annual scholarship and, hence, that it will not be necessary to draw down on the principle. Therefore, the scholarship should be awarded well into the future.

When the scholarship was established, the intention of Tay Valley Township was that the scholarship be in the amount of \$1,000.00 and that this amount be indexed to inflation every five years and rounded off as determined by Tay Valley Township in consultation with the Foundation. This will ensure that future recipients receive a scholarship with the same value as today's recipient. The value of the scholarship was increased to \$1,200 for 2022 and the next four years.

The Township retained copies of *At Home in Tay Valley* to present to scholarship recipients well into the future.

SCHOLARSHIP APPLICATION, SELECTION PROCESS AND PRESENTATION

The History Scholarship Selection Committee oversees the scholarship brochure, application form and selection process. The current Committee members are Susan Code, David Poole and Kay Rogers (chair).

This year, there were two applicants. There were three in 2021, eight in 2020, seven in 2019, five in 2018 and five in 2017. The successful applicant will demonstrate:

- a keen interest in history (40 marks);
- an ability to think critically and communicate effectively (40 marks); and
- a range of accomplishments and/or experiences, including community involvement, hobbies, clubs, sports, volunteer activities, and/or work (20 marks).

The applicants are required to complete the application form and submit two 500-word essays:

1. Describe how you have demonstrated your interest in history, both in and out of school.
2. Explain the importance of understanding history in today's society.

Typically, the Reeve presents the scholarship (a cover letter with a cheque and an inscribed copy of *At Home in Tay Valley*) to the recipient at the June commencement ceremony.

Further

- The Reeve and Committee Chair sign a congratulatory letter to the scholarship recipient and a letter to each of the other applicants thanking them for their application and wishing them well with their future studies.
- The Township issues a media release with the name and photo of the scholarship recipient along with one of the recipient's essays.
- Township posts one of the two essays submitted by the scholarship recipient on the Township website
- Lake 88 interviews the scholarship recipient on *In Focus*, the station's new hour program.

This year, after much deliberation, the Committee decided not to award the scholarship to either of the applicants. Neither of the applicants demonstrated a deep and ongoing interest in history and the scholarship is intended to support students who show a keen interest in history among other attributes such as an ability to think critically and communicate effectively.

FINANCIAL IMPLICATIONS

None.

CONCLUSION

The scholarship continues to be well received. Further, it straight forward to administer thanks to the support of the guidance counsellors at both schools, the PDCF, and Township officials.

ATTACHMENTS

1. The letter sent to the two applicants
2. Tay Valley History Scholarship Brochure
3. List of donors

Submitted by the Tay Valley History Scholarship Selection Committee.

CORRESPONDENCE



1. **AMO:** Policy Update – Mental Health and Addictions Submission and Automated Camera-Based Enforcement Guidance Released – *attached, page 2.*
2. **Corporation of the Town of Aylmer:** Resolution – Warming and Cooling Policy – *attached, page 3.*
3. **Town of Hanover:** Resolution – Physician Shortages in Ontario – *attached, page 5.*
4. **City of Owen Sound:** Resolution – Changes to the Amber Alert System – *attached, page 6.*
5. **Canadian Radio-Television and Telecommunications Commission (CRTC):** Correspondence – CRTC to Implement New 9-8-8 Number for Mental Health Crisis and Suicide Prevention – *attached, page 7.*
6. **Environment and Climate Change Canada:** Correspondence – Recovery Strategy for the Bobolink and the Eastern Meadowlark – *attached, page 8.*
7. **Lanark County:** Media Release – Highlights from the regular meeting of Lanark County Council, August 24, 2022 – *attached, page 10.*
8. **AMO:** Policy Update – Throne Speech and Budget – *attached, page 13.*
9. **Ontario Municipal Administrators' Association (OMAA):** Correspondence – Remarks for the August 29th Standing Committee on Bill 3 – *attached, page 15.*
10. **Town of Kingsville:** Resolution – Opposition to Bill 3, Strong Mayors, Building Homes Act, 2022 – *attached, page 19.*
11. **Fire Marshal's Public Fire Safety Council:** Memo – O. Reg. 343/22: Firefighter Certification – *attached, page 22.*
12. **Town of South Bruce Peninsula:** Resolution – Mandatory Firefighter Certification – *attached, page 24.*
13. **Township of Puslinch:** Resolution – Summary and Implications of Bill 109 More Homes for Everyone Act – *attached, page 27.*
14. **City of Brantford:** Resolution – Potential Threat to Residential Home Ownership – *attached, page 32.*
15. **AMO:** Policy Update – High-Speed Internet Access Announcement – *attached, page 34.*
16. **Tay Valley:** Report – Building Permits (Approval Granted July 2022) - *attached, page 35.*

UPDATES



PRIVATE UNASSUMED ROADS WORKING GROUP MINUTES

Monday, August 22nd, 2022

6:00 p.m.

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

ATTENDANCE:

Members Present: Chair, Councillor Gene Richardson
Councillor RoxAnne Darling
Fred Barrett
Gordon Hill
Frank Johnson

Staff Present: Amanda Mabo, CAO/Clerk
Noelle Reeve, Planner
Janie Laidlaw, Deputy Clerk

Members Absent: None.

1. CALL TO ORDER

The meeting was called to order at 6:07 p.m.
A quorum was present.

Councillor Darling explained that as she understood it, the purpose of tonight's meeting was to work together and have one report to take to Council. She suggested that everyone focus on that task as it was what was agreed to prior to tonight. She suggested a format for the report that would go to Council, it is not a staff report, it is a Working Group report and that the format would combine the two reports (Staffs report and G. Hill's report). She feels that if both reports go to Council that the Working Group has failed. The report would list the options in no particular order followed by staff and Working Group notes in bullet format. She also suggested that three people meet to determine what those bullets would be and felt G. Hill, herself and the CAO/Clerk make up that group.

The Working Group discussed the timeline, if this report does not go to Council before the election, everything that has been done to date will be for nothing.

The report will be given to Council by the Chair.

It was asked if the public attending this meeting tonight even know what the Working Group is talking about as they have not seen the reports. It was explained that the public does not have the reports as they are the Working Group's until they go to Council.

The Working Group reviewed the options in the staff report and the CAO/Clerk read them in point form:

- Township assume all Private Unassumed Roads
- Township assume most of the Private Unassumed Roads with some exceptions as there are some roads that can be stopped up, closed and sold
- Take some roads out of Township ownership and leave others as Private Unassumed Roads
- All current Private Unassumed Roads remain with some exceptions and to revise the Road Access Agreement, which would be discussed.

Some members felt they had discussed putting the recommendations in order of importance, the report by G. Hill has its recommendations in order of importance.

- Bring all Private Unassumed Roads up to municipal gravel road standards
- Until the first recommendation is complete, adopt motion to remove existing Road Access Agreements to provide insurance and indemnity
- Eliminate future Road Access Agreements, with a clause on title of all lots affected to clarify the roads are not to municipal standard and not maintained by Township
- That the Township does not impose special development charges in Maberly Pines Subdivision

The Working Group discussed the Terms of Reference which was to determine what to put in place to remove the requirement for Road Access Agreements and to review section 3.4 of the Zoning By-Law. The CAO/Clerk explained that was the original intent but when the Terms of Reference was approved, the Working Group was to also recommend to Council whether road access agreements should be required or not and the reasons.

The Working Group discussed the recommendations in the G. Hill report, which were not the ones agreed to by the Working Group at its last meeting, they are new recommendations coming from G. Hill. G. Hill indicated that he wrote his own report, had F. Johnson review it and then F. Johnson had a verbal conversation with F. Barrett about the report. They felt because a majority of members were happy with the G. Hill report then this should be the report to go to Council.

With regards to the recommendation for the development charge for the lots in the Maberly Pines Subdivision, yes the Working Group did discuss that matter but the matter is outside the scope of the Working Group and will come forward to Council in a separate staff report, most likely in October.

The Working Group further discussed G. Hill's report and the Chair would like all reference to staff removed as the references were not appropriate, and some felt the report could be shortened. The CAO/Clerk suggested that the report could go to Council with some redactions. G. Hill felt there was not time for that as he is too busy now that he was running for Council and wanted to know why this was just being talked about now, when the report was sent out early August. Councillor Darling explained that this is the time and place to discuss it, at a Working Group meeting, not with emails or phone calls and not meeting outside of this forum as otherwise that would constitute illegal meetings.

The Working Group discussed and agreed that the Working Group approve the report from G. Hill, but that it would be held in abeyance until staff made some redactions to remove any reference to staff from the report. It would then be circulated with the redactions to the entire Working Group for approval prior to it going to Council. F. Johnson will draft an executive summary after the report is approved by the Working Group.

G. Hill felt that Council should receive the recommendations without associated costs and that they can ask for those after.

If the Working Group is in agreement with the report, and staff with the necessary redactions, it will be on the September 13th Committee of the Whole agenda with the attachments as a package on the website.

2. AMENDMENTS/APPROVAL OF AGENDA

- i) Under Business: Reports on Website.
- ii) Under Business: Reply to Email Dated August 17.

The agenda was approved as amended.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

- i) **Minutes – May 4th, 2022.**

The Working Group discussed that the minutes have already been made public before being approved. The CAO/Clerk clarified that as with all Working Groups, Boards and Committees the minutes are placed on the next Committee of the Whole agenda for information purposes, in most instances these minutes have not been approved by the respective Working Group, Board or Committee. The Minutes are approved at the next meeting of that respective body.

Staff agreed with the suggestion that minutes going to Committee of the Whole be marked as draft and this has already been implemented.

The minutes of the Private Unassumed Roads Working Group Meeting held on May 4th, 2022, including the interpretation notes presented by the lay members were approved as presented.

5. BUSINESS

i) Discussion of Draft Report to Council

Dealt with earlier in the meeting.

ii) Reports on Website.

G. Hill asked why the reports were not included on the agenda for the public as it is a meeting open to the public. Councillor Darling explained that parts of G. Hill's report had inappropriate comments about staff and that if one report was not included then the other should not be.

iii) Reply to Email Dated August 17.

G. Hill explained that an email was sent to the CAO/Clerk to ask if the staff report that was sent to the Working Group members was identical to the one that was circulated to the Working Group for their comments. The CAO/Clerk confirmed that it was identical, if there had been any changes, they would have been indicated in the email. The CAO/Clerk receives upwards of 100 emails per day and apologized for missing that email.

6. NEW/OTHER BUSINESS

None.

7. NEXT MEETING DATE AND PROPOSED AGENDA ITEMS

Next Meeting: TBD

8. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

· *None at this time*

9. ADJOURNMENT

The Working Group adjourned at 7:12 p.m.

DRUMMOND NORTH ELMSLEY TAY VALLEY FIRE BOARD MINUTES

Thursday, June 9, 2022

12:00 p.m.

BBD&E Station – 14 Sherbrooke Street East, Perth, Ontario

Training Room

ATTENDANCE:

Members Present:

Chair, Councillor Mick Wicklum
Vice-Chair, Councillor Paul Coutts
Councillor John Matheson
Councillor Fred Dobbie
Councillor RoxAnne Darling

Staff Present:

Greg Saunders, Fire Chief
Darren Gibson, Deputy Fire Chief
Megan Moore, Recording Secretary

Members & Staff Absent:

Councillor Ray Scissons

1. CALL TO ORDER.

The meeting was called to order at 12:04 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA.

The agenda was approved as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST & GENERAL NATURE THEREOF.

None at this time.

4. APPROVAL OF MINUTES.

- i) **Minutes – April 28, 2022.**

RESOLUTION # FB2022-14

MOVED BY: RoxAnne Darling
SECONDED BY: Paul Coutts

“THAT, the minutes of the Drummond/North Elmsley Tay Valley Fire Board meeting held on April 28, 2022 be approved as presented.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS.

- i) **2021 Audited Financial Statements.**
Serena Deschamps, KMPG LLP

S. Deschamps reviewed the 2021 Audited Financial Statements that were attached to the agenda.

RESOLUTION # FB2022-15

MOVED BY: John Matheson
SECONDED BY: Fred Dobbie

“THAT, the 2021 audited financial statements for the Drummond/North Elmsley Tay Valley Fire Rescue be adopted as presented.”

ADOPTED

6. BUSINESS.

- i) **2022 Auditor Appointment.**

RESOLUTION # FB2022-16

MOVED BY: RoxAnne Darling
SECONDED BY: Paul Coutts

“THAT, KMPG LLP be appointed to complete the 2022 audit for the Drummond/North Elmsley Tay Valley Fire Rescue.”

ADOPTED

- ii) **2021 Surplus Allotment.**
Greg Saunders, Fire Chief.

RESOLUTION # FB2022-17

MOVED BY: RoxAnne Darling
SECONDED BY: John Matheson

“THAT, the \$9,888 surplus from the 2021 Administration Budget be transferred to the Administration Reserve;

AND THAT, the \$40,642 surplus from the 2021 BBD&E Station Budget be transferred to the BBD&E Apparatus Reserve;

AND THAT, the \$47,939 surplus from the 2021 South Sherbrooke Station Budget be transferred to the South Sherbrooke Contingency Reserve.”

ADOPTED

- iii) **Deputy Fire Chief Update.**

The Deputy Fire Chief responded to a question that was posed at the last Fire Board Meeting that took place on April 28, 2022 regarding mandatory certification for volunteer firefighters.

- iv) **Fire Chief Update.**

Calls to date

BBD&E Station: 93 (last year 79)
South Sherbrooke: 29 (last year 27)

There were 2 very serious motor vehicle accidents that took place last week that firefighters responded to.

The Training Center in South Sherbrooke is operational. The next meeting will take place in Maberly so that the Fire Board can see the training center.

The two pumper trucks have been ordered however there is no estimated delivery date. The ½ ton truck should be delivered sometime in the near future.

The new fire recruits have finished most of their training.

7. NEW/OTHER BUSINESS.

None.

8. IN-CAMERA.

None.

9. NEXT MEETING DATE AND PROPOSED AGENDA ITEMS.

Next Meeting: To be determined.

10. DEFERRED ITEMS.

**The following items will be discussed at the next and/or future meeting:*

· *None.*

11. ADJOURNMENT.

The Board adjourned at 1:38 p.m.



MINUTES

Via Zoom & In Person

Board of Directors

May 18, 2022

MEMBERS PRESENT

J. Atkinson, Chair
J. Mason, Vice-Chair
F. Campbell
R. Darling
E. El-Chantiry
G. Gower
J. Inglis
J. Karau
P. Kehoe
B. King
S. Lewis
C. Lowry
C. Rigelhof
P. Sweetnam
A. Tennant
K. Thompson

MEMBERS ABSENT

C. Kelsey
B. Holmes

STAFF PRESENT

S. McIntyre, General Manager
A. Millar, Treasurer
A. Moore, Regulations Officer
T. Vukovic, Planning and Regulations Technician
J. North, Water Resources Technologist
J. Cunderlik, Director of Water Resources Engineering
R. Fergusson, Operations Supervisor
M. Craig, Manager of Planning and Regulations

GUESTS PRESENT

T. Slot
C. Joli-Coeur

J. Atkinson called the meeting to order at 1:04pm

J. Atkinson welcomed Steven Lewis, the new Agricultural Representative, to the MVCA Board of Directors.

B05/18/22-01

MOVED BY: F. Campbell

SECONDED BY: E. El-Chantiry

Resolved, That the agenda for the May 18, 2022 Board of Directors Meeting be adopted as presented.

“CARRIED”

BUSINESS ARISING

1. Approval of Minutes – Board of Directors, April 20th 2022

B05/18/22-02

MOVED BY: C. Rieglhof

SECONDED BY: P. Sweetnam

Resolved, That the Minutes of the Mississippi Valley Board of Directors Meeting held on April 18, 2022 be received and approved as printed.

“CARRIED”

2. Receipt of Minutes – Executive Committee, November 12th 2021

The Board of Directors received the minutes of the Mississippi Valley Executive Committee Meeting held on November 12, 2021. There was no motion passed.

3. Watershed Conditions Report, Report 3223/22

J. North presented the Watershed Conditions Report, Report 3223/22. She noted that flows in all tributaries are close to normal for this time of year and that dams are being operated in the upper watershed to achieve summer levels by end of May. The long-range forecast shows a warmer, dry June.

4. Action Plan for Reducing & Mitigating Workplace Stress, Report 3221/22

S. McIntyre presented Report 3221/22 regarding an Action Plan for Reducing & Mitigating Workplace Stress. She explained that the issue was raised by the Joint Health and Safety Committee in February 2020, with a response developed in March 2020 – however the implementation of this response was delayed by the COVID-19 pandemic. S. McIntyre went on to explain the external and internal variables that have led to these operational challenges. She explained Tuckman’s Stages of Team Development noting that due to constant external pressures, there may have been a protracted period of “storming”. She expressed her confidence in the organization that as we move out of COVID, the organization will be able to resume operations in a positive manner. Finally, S. McIntyre noted that the issue of Vertical

Trust is not singled out in the Action plan, however, all actions are designed to address this issue.

S. McIntyre welcomed Christine Joli-Coeur and Teagan Slot from Public Services Health and Safety Association (PSHSA), who have been working with MVCA as it pertains to the psychosocial health of the organization. C. Joli-Coeur made a presentation regarding their work to identify and assess MVCA workplace stressors. She noted key findings such as: emotional demands, vertical trust, work pace, predictability of work, and role conflicts. She noted priorities for actions such as: communication, workload, connections and interactions between staff members. She encouraged MVCA to put actions into place to decrease psychological impacts.

S. McIntyre identified the top ten action items identified by employees as highlighted in the proposed Action Plan, noting that these are to be implemented immediately.

G. Gower asked C. Joli-Coeur what the responsibility of the Board of Directors is in this matter. C. Joli-Coeur responded that the board is responsible for holding supervisory staff accountable for following through on the proposed Action Plan. G. Gower asked what they can do as a Board to support the efforts in carrying the Action Plan forward. S. McIntyre responded that the prescribed actions will likely meet with varying success and outcomes, and that adjustments will be needed. The Board's understanding of the complexity and needs of the organization is and will continue to be appreciated.

E. El-Chantiry asked if the current report of discussion (Report 3221/22) was related to the next report on the agenda regarding the Disconnect from Work Policy. S. McIntyre explained that it is now a requirement under the *Employment Standards Act* (ESA), however, this policy addresses some of the stress experienced by employees.

Regarding the proposed Action Plan, E. El-Chantiry asked if MVCA has a policy in place to have an exit meeting regarding the matter to be able to measure its success. S. McIntyre explained stated that there is no policy in place and it is not consistently done, especially when it comes to retirements and for people quitting for personal reasons such as moving.

E. El-Chantiry asked if there is currently sufficient funding in the training and development budget available for supervisors. S. McIntyre responded that HR Downloads is used for basic training but more specific management consultant training has in not in the 2022 budget. E. El-Chantiry noted that a budget may be required to be considered as this would be pro-active training.

J. Karau asked C. Joli-Coeur and T. Slot if there are any benchmarks/objectives to assist the Board in supporting the Action Plan as well as an overall healthy workplace. T. Slot suggested tracking successes in the Action Plan by re-evaluating its progress within a set timeframe. She also suggested considering a Psychological Health and Safety Program to coincide with the existing Health and Safety program – it was suggested to build on these by identifying gaps and ensuring areas of need are addressed. She noted that if this is done, the PSHSA could provide additional trainings and resources to assist the process. J. Karau thanked T. Slot for the

additional guidance. T. Slot said she would provide S. McIntyre with a program guide for Psychological Health and Safety that includes resources that would be of use.

P. Sweetnam observed that there is a more positive attitude at the MVCA office. He pointed out to S. McIntyre his hope for staff to support her in her efforts.

J. Inglis suggested that management consider online training to assist in decreasing the amount of time required. J Atkinson noted that most training is already online, and that it is the training itself that is difficult to catch up on due to the prior absence of employees working from the office. He mentioned the importance of pacing these future trainings out as employees get back to a new routine.

J. Atkinson noted the amendments made to the proposed motion as it pertains to the awareness of the Joint Health and Safety Committee.

B05/18/22-03

MOVED BY: E. El-Chantiry

SECONDED BY: J. Mason

Resolved, That the Finance & Administration Advisory Committee recommend that the Board:

- a) approve the Action Plan for reducing and mitigating workplace stressors;**
- b) direct the General Manager to provide a status update in October with any potential budget implications for 2023; and**
- c) direct that the *Stress Assess* survey be carried out in spring 2023 to re-evaluate workplace psycho-social health.**
- d) receive quarterly minutes of the JH&SC as part of the General Manager's Update; and**
- e) receive an annual report from the JH&SC in Spring 2023 concurrent to receiving the second psycho-social survey results. (As amended by the Finance & Administration Committee, April 29, 2022.)**

"CARRIED"

5. Employee Manual Amendment – new Disconnect from Work policy, Report 3224/22

S. McIntyre presented the policy definition and proposed policy as it pertains to Report 3224/22.

B05/18/22-04

MOVED BY: F. Campbell

SECONDED BY: R. Darling

Resolved, That the Board of Directors:

- a) approve the "Disconnecting from Work" policy contained herein;**
- b) direct staff to amend Section 2.3 Hours of Work of the *Employee Manual* to add a new section 2.3.3: Disconnecting from Work; and**

- c) direct that all employees receive a copy of the new policy within 30 days of approval.

"CARRIED"

6. Administrative By-law Amendments, Report 3222/22

S. McIntyre presented Report 3222/22 regarding Administrative By-Law Amendments.
E. El-Chantiry asked if these amendments include the initiation of virtual meetings. S. McIntyre clarified that the Administrative By-law had been previously amended to reflect this.

B05/18/22-05

MOVED BY: C. Rieglhof

SECONDED BY: G. Gower

Resolved, That the Policy & Priorities Advisory Committee recommend that the Board of Directors approve:

- a) amendment of MVCA's *Administrative By-law* as set out in Attachment 1.
- b) recruitment of members to the new Mississippi Watershed Public Advisory Committee.

"CARRIED"

7. Per Diems & Honoraria, Report 3220/22

S. McIntyre discussed report findings and recommended maintenance of the current approach and funding levels. She noted it is at the individual's discretion whether they choose to decline or receive the honourarium and per diem.

J. Inglis asked why the per diem/honourarium amount is not rounded and recommended that it be. S. McIntyre explained that the numbers are inflated with the cost of living increase and have not been rounded.

B05/18/22-06

MOVED BY: E. El-Chantiry

SECONDED BY: F. Campbell

Resolved, That the Board of Directors continue to pay per diems to all Board Members, and an honorarium to the Board Chair.

"CARRIED"
2 opposed

8. Appointment of new Regulations Official, Report 3225/22

S. McIntyre introduced T. Vukovic to be appointed as the Regulations Officer for the Authority.

B05/18/22-07

MOVED BY: P. Kehoe

SECONDED BY: A. Tennant

Resolved, That the Board of Directors appoint Tatyana Vukovic to enforce Ontario Regulation 153/06 and Ontario Regulation 120/90 of the *Conservation Authorities Act*.

“CARRIED”

9. Staff Presentation – Compliance Management Updated

A. Moore and T. Vukovic made a presentation on Compliance Management. This included review of Regulations, along with definitions as well as examples of violations and non-compliance. They presented statistics from 2019-2021 that indicated number of permits issued, inspections conducted, and permit compliance. They also noted challenges such as: wetlands abutting Stittsville, Kanata and Carleton Place; interagency investigations, and potential changes to the Section 28 Regulations.

J. Inglis asked if the department are only responding to complaints made or if there is active search for non-compliance issues. A. Moore explained that the work is complaint driven however non-compliance issues are occasionally discovered by the Authority staff.

S. Lewis asked if the MVCA has its own legal department to take on matters that are taken to court. A. Moore replied that there is a budget set aside for legal counsel to support and represent MVCA, however, the majority of the legal leg work is completed in-house.

S. Lewis asked if MVCA is awarded costs upon winning. A. Moore replied only if the matter is appealed are costs awarded to MVCA.

J. Karau was happy to see most of compliance issues are resolvable. He then asked A. Moore if there has been a shift in compliance trends due to the increase in volume. A. Moore noted that overall compliance has been improving. He noted however that legal action had to be undertaken in order to be taken seriously. He went on to express that with the sheer volume of permits being issued and urban expansion, workload continues to be a challenge.

G. Gower asked what kind of notification (formal or informal) there is to municipalities when a violation occurs. A. Moore responded that it is dependent on the nature of the issue. Some issues involve the local building or road departments, however, violations that do not involve the *Planning Act* or *Building Code* are not generally brought to the municipality's attention. G. Gower suggested exploring publicizing issues of non-compliance/violation to bring attention to the public that there is oversight and consequences to violations.

P. Sweetnam commented that courts are an expensive way to come to resolve. He asked if after the Goulbourn resolution if the wetland had been restored. A. Moore confirmed that the wetland is recovering well now. P. Sweetnam suggested notifying offenders or publicizing cases as an awareness tool that action is taken by the authority for offenses.

F. Campbell asked what role the Regulations Committee has in terms of cases that go to court. A. Moore responded that the Regulations Committee is only responsible for addressing permit applications that staff are not authorized to approve. The committee is not responsible for addressing permit violations.

10. Conservation Ontario Annual Report and Update

J. Atkinson presented the Conservation Ontario Annual Report and Update. He informed the Board that the chair of Conservation Ontario changed to Alan Revill. J. Atkinson explained the changes to the Conservation Authorities Act highlighting that MVCA had put many of the changes in place already, leaving the Authority in a good position as the regulations came into play. He highlighted the reconciliation actions with First Nations groups throughout the Conservation Authority. Finally, he noted the value that Conservation Ontario provides to its members.

P. Sweetnam expressed his satisfaction with the work done by Conservation Ontario. He also asked that MVCA Board meetings be scheduled on days when Chair and Vice-Chair can attend – particularly not scheduling MVCA meetings on the same day as Conservation Ontario meetings.

J. Karau explained that Eastern Ontario has been left out of previous Conservation Ontario initiatives. He asked if this has changed. J. Atkinson noted that the new chair (Alan Revill) is a member of Cataraqui Conservation Authority which lies within Eastern Ontario, which he believed would help this case. He went on to mention that collaboration with Conservation Ontario has been increasing and he believed that getting back to meeting in person will also help. S. McIntyre added that there is representation from Eastern Ontario on each Conservation Ontario committee.

11. Budget Control Report, Report 3226/22

A. Millar presented Report 3226/22 regarding Budget Control. She highlighted that Planning and Regulations revenues are quite high. The reason being that many planning applications/reviews were initiated in 2021 however completed in the first quarter of 2022. She noted that although there were the same number of planning applications over the same time period in 2021, the applications received in 2022 were more complex (i.e.; larger residential and commercial developments) which have higher fees leading to larger revenues.

A. Millar explained that an error by our insurer in 2021, has resulted in a significant increase in 2022 of 54%. The good news is that they have not back charged the Authority for its 2021 rate error. She hoped for the next Budget Control Report to have some operational savings in order to offset the unexpected increase in cost. She suggested that if this is not the case, staff may bring forward a motion to draw funds from the operating reserve if operational savings are not achieved before year end.

12. General Manager Update & 2021 Annual Report, Report 3219/22

S. McIntyre shared that long-time employee, R. Fergusson, is to retire in the next month. She acknowledged his tremendous contributions to the organization. S. McIntyre went on the present Report 3219/22 - the General Manager Update and 2021 Annual Report. She noted the implementation of the Transition Plan had begun and that she has been meeting with municipalities within the watershed (including Addington Highlands, North Frontenac, and Central Frontenac).

F. Campbell asked if the LiDAR flight lines were complete. S. McIntyre confirmed that the entire watershed had been flown, and that the first round of data was expected this fall. P. Sweetnam commented that the LiDAR imagery has been well worth the cost as it is good value for a great resource.

J. Atkinson announced that the meeting on June 15th 2022 see reinstatement of the annual Board Tour, and will be a full-day event.

ADJOURNMENT

The meeting was adjourned at 3:07p.m.

B05/18/22-08

MOVED BY: S. Lewis

SECONDED BY: R. Darling

Resolved, That the Board of Directors meeting be adjourned.

“CARRIED”

“L. Williams, Recording Secretary

J. Atkinson, Chair”

Municipal Clerks/Chief Administrative Officers,

Re: FOR DISTRIBUTION TO COUNCIL

As a member of the Authority, please find below highlights from the July 20, 2022 Board of Directors meeting for distribution. Complete minutes for the meeting will be circulated at a later date following their approval by the Board. Attached are approved minutes of the May 18, 2022 Board meeting.

Reserve policies

The Board approved policies governing the establishment, building, use and closing of reserves and restricted reserve funds. These policies will guide future budgeting, capital planning, municipal levies, and year-end distributions.

Use of K&P Trail during Clyde Forks Bridge Reconstruction

The Board approved-in-principle use of a 3.2 km section of the K&P Trail during reconstruction of a bridge by Lanark Highlands Township. The trail is the only alternative route to the community of Clyde Forks. This section of the K&P bisects a provincially significant wetland and does not allow for 2-way traffic through most of its length. As well, it was not designed to municipal road standards and will require upgrade to provide safe access. Various studies and a legal agreement will be required prior to use of the trail for restricted use as a municipal road.

Public Advisory Committee for the Implementation of the Mississippi Watershed Plan

Board member John Karau was appointed as co-chair to the Committee. Recruitment for community members is ongoing and councilors are asked to identify and encourage interested citizens to apply.

Job Evaluation results

The Board received the evaluation results of five MVCA job types, and approved the recommended pay levels and associated plan to phase-in changes in pay for affected employees, where required.

Programs & Services MOUs and CAAs

The Board received an update on the status of meetings with member municipalities regarding Category 2 and 3 programs and services as required by O. Reg. 687/21 under the *Conservation Authorities Act*. To date, 6 of 11 municipalities have approved-in-principle continued support for existing Category 3 programs and services. None have denied approval.

ATTACHMENT: Approved Minutes for May 18, 2022

RIDEAU VALLEY CONSERVATION AUTHORITY
Box 599, 3889 Rideau Valley Drive
Manotick, Ontario, K4M 1A5
(613) 692-3571, 1-800-267-3504

Members and the public were also able to join via Zoom given the ongoing pandemic.

DRAFT MINUTES

| Board of Directors | 4/22 | May 26, 2022 |
|---------------------------|---|---|
| Present: | Carolyn Bresee Vince Carroll Brian Dowdall Steve Fournier Victor Heese Andy Jozefowicz John McDougall Scott Moffat Gene Richardson Rob Rothgeb | Judy Brown Jamie Crawford Mel Foster Julie Graveline Robin Jones Pieter Leenhouts Dale McLenaghan Shawn Pankow Anne Robinson Kristin Strackerjan |
| Staff: | Ferdous Ahmed Dan Cooper Marissa Grondin | Sommer Casgrain-Robertson Diane Downey |
| Regrets: | Gerry Boyce Bob Foster | George Darouze |

Chair Leenhouts called the meeting to order at 6:30 p.m.
General Manager/Secretary-Treasurer conducted a roll call.

Chair Leenhouts wished everyone well after the wind storm that passed through much of the watershed over the weekend.

The Chair also welcomed new Board member and Agricultural Representative, Mel Foster, and asked him to introduce himself. Mr. Foster provided a brief background on his experience in the Agricultural sector. The Chair asked everyone to briefly introduce themselves to Mr. Foster.

1.0 Land Acknowledgement Statement

Chair Leenhouts gave the Land Acknowledgement statement.

2.0 Agenda Review

Chair Leenhouts reviewed the Agenda.

3.0 Adoption of Agenda

Motion 1-220526

Moved by:

Victor Heese

Seconded by:

Vince Carroll

THAT the Board of Directors of the Rideau Valley Conservation Authority adopts the Agenda as circulated.

Motion Carried

4.0 Declaration of Interest

There were no declarations of interest.

5.0 Approval of Minutes of March 24, 2022

Motion 2- 220526

Moved by:

Brian Dowdall

Seconded by:

Victor Heese

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the Minutes of the Board of Directors Meeting #03/22, March 24, 2022, as circulated.

Motion Carried

6.0 Business Arising from the Minutes

There was no business arising.

7.0 Chapman Mills Conservation Area Bridge Replacement

Dan Cooper, Director of Conservation Lands and Stewardship provided an overview of the history of the Chapman Mills Bridge, why a replacement bridge is now needed, what accessibility features will be added and how much funding the Rideau Valley Conservation Foundation has raised to-date for the project.

Chair Leenhouts thanked Mr. Cooper for his presentation and called for questions from the board.

In response to questions from members:

Mr. Cooper confirmed that trail counters are set up at the conservation area to measure how many visitors visit the site each year.

Mr. Cooper informed the Board that once the order is placed for the prefabricated bridge, construction will take 10 weeks before delivery and installation. The estimated project completion date is September 2022.

Mr. Cooper also clarified that all funding raised to-date will be needed to complete the project as there will be additional expenses for abutments and access ramps.

Ms. Casgrain-Robertson confirmed that the RVCA is a not-for-profit organization with a municipal determination for HST purposes. This qualifies RVCA for the public service bodies' rebate, meaning that RVCA recovers the HST it pays on many goods and services.

A member congratulated staff on all the hard work that has gone into the planning and fundraising of the bridge replacement so far.

Motion 3-220526

Moved by: Rob Rothgeb
Seconded by: Gene Richardson

THAT the Board of Directors of the Rideau Valley Conservation Authority approve Eagle Bridge to construct, deliver and install a prefabricated bridge at Chapman Mills Conservation Area at a cost of \$77,851 plus applicable taxes;

THAT staff be authorized to spend up to an additional \$11,677 (15 percent contingency) should there be unforeseen project expenses;

AND THAT the project be funded from RVCA's *Conservation Areas Infrastructure* reserve and a private donation of nearly \$50,000.

Motion Carried

8.0 Baxter Conservation Area Helical Piles

Dan Cooper provided background on Baxter Conservation Area's raised boardwalk, why it needs to be replaced, the formation of the Nature for All Committee and fundraising efforts to date by the Committee and the Rideau Valley Conservation Foundation.

Chair Leenhouts thanked Mr. Cooper for his presentation and called for questions from the board.

Councillor Moffatt thanked Diane Downey, Dan Cooper and their team for their hard work on this project. He noted that RVCA staff worked closely with his office on this project and believes that the community will be improved with this addition to the area.

In response to questions from members:

Mr. Cooper explained that approximately \$45,000 has been spent so far on architectural design, geotechnical design and expert consultation, and that the City of Ottawa has donated \$21,000 towards these expenses.

Mr. Cooper confirmed that the \$777,000 cost estimate is to construct the new boardwalk and two platforms as illustrated in the staff report. The platforms will play a critical role in RVCA's outdoor education programs.

Mr. Cooper explained that the RVCA anticipates an increase in visitors to the site as a result of these enhancements, as the new boardwalk will mean accessibility will be available from the parking lot all the way across the Marsh. RVCA is not aware of any other location in Eastern Ontario that offers the same access to nature. The project has already gained a lot of publicity including being featured on the front page of the Ottawa Citizen and in multiple TV appearances and its generating excitement within the community. Mr. Cooper expressed that the RVCA hopes to lead the way in providing access to nature for all visitors.

Mr. Cooper explained that the contractor also offered to train RVCA staff on how to install helical piers as part of the contract, so that RVCA will have the skill to do it in house for future projects of a simpler nature (not over water). Mr. Cooper elaborated that staff foresee a need to do more boardwalk replacement at Chapman Mills and Baxter Conservation Areas where helical piles could be beneficial.

Lastly, Mr. Cooper confirmed that the Foundation, Committee and RVCA had been trying to pursue funding from the Province but that conservation authorities often were not eligible.

Motion 4-220526

Moved by:

Shawn Pankow

Seconded by:

Carolyn Bresee

THAT the Board of Directors of the Rideau Valley Conservation Authority approve Pier Pressure to install helical piles as a foundation for a new boardwalk at Baxter Conservation Area at a cost of \$1,217 per pile plus applicable taxes and other project costs, for a total project cost not to exceed \$262,000;

AND THAT the project be funded from fundraised dollars with the balance coming from RVCA's *Conservation Areas Infrastructure* reserve.

Motion Carried

Robin Jones left the meeting 7:00 p.m.

9.0 Program Inventory Update

Sommer Casgrain-Robertson gave an update on Phase 2 regulations under the *Conservation Authorities Act*, feedback received from the MECP on the Program and Service Inventories that were submitted in February, RVCA's upcoming municipal information session and the need to submit a progress report to the province by July 1, 2022.

Chair Leenhouts opened the floor to questions but there were none.

Motion 5-220526

Moved by: Anne Robinson
Seconded by: Victor Heese

THAT the Board of Directors of the Rideau Valley Conservation Authority receive this report for information and direct staff to submit an interim progress report to the Ministry of Environment, Conservation and Parks by July 1, 2022 in compliance with Ontario Regulation 687/21.

Motion Carried

10.0 Meetings

- a) Source Protection Committee Meeting – April 7, 2022
- b) Leeds and Grenville Planning Meeting – April 8, 2022
 - Sommer indicated that member municipalities had expressed concern about the new timelines for development review outlined in Bill 109
- c) CO Council – April 11, 2022
- d) Stevens Creek Natural Hazard Mapping Public Meeting – April 21, 2022
- e) Executive Committee General Manager's Performance Appraisal – April 25, 2022
- f) SPA Meeting – April 28, 2022
- g) Summer Student Orientation – May 2, 2022
 - Sommer indicated that the RVCA welcomed 16 summer students this year and was successful at obtaining partial federal funding
- h) MECP Program Inventory Workshop – May 2, 2022
- i) North Grenville Council Presentation – May 3, 2022
 - Councillor Strackerjan thanked Sommer for presenting RVCA's 2021 Annual Report to Council and said Council appreciated the opportunity to engage with RVCA directly and ask questions
- j) Agricultural Representative MECP Orientation – May 11, 2022
- k) Executive Committee Hearing – May 12, 2022

Upcoming

- l) Municipal Information Day – June 7, 2022
- m) RVC Foundation AGM – June 8, 2022
- n) Health Shorelines, Healthy Lakes Webinar – June 14, 2022

- o) CO Council – June 20, 2022
- p) Watershed Tour – June 23, 2022
 - Sommer indicated that the watershed tour itinerary was nearly finalized and that this year's tour would center around the Rideau Ferry Yacht Club. Members will receive a copy of the itinerary shortly and were reminded to invite a member of Council or municipal staff member to join them.

11.0 Member Inquiries

Reeve Fournier asked staff to pass along his thanks to Amber Blewitt for her assistance in a tree giveaway on May 7, 2022 that distributed 8,500 trees to the community.

Reeve Fournier also asked staff for an update on the Lanark ALUS program and when it would be open for farmers to apply. Ms. Casgrain-Robertson explained that the year one ALUS funding was very targeted towards a small number of wetland projects. ALUS recommended a “soft” launch where a couple of key projects are targeted and completed, followed by a more public launch when all farmers can apply to ensure adequate funding is available to meet expectations. It is anticipated that the public launch will take place in the fall at one of the completed project sites. Ms. Casgrain-Robertson indicated that she would have staff provide Reeve Fournier with a more detailed update that he could share with County Council.

12.0 New Business

Judy Brown joined the meeting 7:16 p.m.

Sommer Casgrain-Robertson informed the Board that RVCA was very lucky during the high windstorm on Saturday, May 21, 2022 as its properties sustained minimal damage. Some neighbouring Conservation Authorities sustained substantial damage, especially the Ganaraska Forest Centre near Port Hope which could take six months or more to clean up. Ms. Casgrain-Robertson also acknowledged that RVCA staff were quick to respond after the storm to assess properties and clean up any downed or damaged trees to ensure public safety at our conservation areas.

13.0 Adjournment

The Chair adjourned the meeting at 7:21 p.m. on a motion by Andy Jozefowicz which was seconded by Judy Brown.

RIDEAU VALLEY CONSERVATION AUTHORITY
Box 599, 3889 Rideau Valley Drive
Manotick, Ontario, K4M 1A5
(613) 692-3571, 1-800-267-3504

Members and the public are also able to join via Zoom given the ongoing pandemic.

DRAFT MINUTES

| Board of Directors | 5/22 | July 28, 2022 |
|---------------------------|---|--|
| Present: | Carolyn Bresee Vince Carroll Bob Foster Julie Graveline Robin Jones Pieter Leenhouts Dale McLenaghan Anne Robinson | Judy Brown Brian Dowdall Mel Foster Victor Heese Andy Jozefowicz John McDougall Gene Richardson Kristin Strackerjan |
| Staff: | Sommer Casgrain-Robertson Kathy Dallaire Marissa Grondin | Dan Cooper Terry Davidson |
| Regrets: | Gerry Boyce George Darouze Scott Moffat Rob Rothgeb | Jamie Crawford Steve Fournier Shawn Pankow |

1.0 Roll Call

Chair Leenhouts called the meeting to order at 6:31 p.m.
General Manager/Secretary-Treasurer conducted a roll call.

2.0 Land Acknowledgement Statement

Chair Leenhouts gave the Land Acknowledgement statement.

3.0 Agenda Review

Chair Leenhouts reviewed the agenda.

4.0 Adoption of Agenda

Motion 1-220728

Moved by:

Anne Robinson

Seconded by:

Brian Dowdall

THAT the Board of Directors of the Rideau Valley Conservation Authority adopts the Agenda as circulated.

Motion Carried

5.0 Declarations of Interest

There were no declarations of interest.

6.0 Approval of Minutes of May 26, 2022

Motion 2-220728

Moved by: Judy Brown
Seconded by: Robin Jones

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the Minutes of the Board of Directors Meeting #05/22, May 26, 2022, as circulated.

Motion Carried

7.0 Business Arising from the Minutes

There was no business arising.

8.0 Financial Reports for the period ending May 31, 2022

Kathy Dallaire presented the financial reports for the period ending May 31, 2022. Program activities are progressing as expected and operating costs are forecasted to remain on budget.

In response to a question from a member regarding accumulated surplus, Ms. Dallaire explained that accumulated surplus represents income earned year over year. The surplus in financial reports to May 31, 2022 reflect the levy for the current year not yet spent.

In response to a question from a member, Ms. Casgrain-Robertson confirmed that the auditors were pleased with the improvement in RVCA's capital and program reserves.

In response to a question from a member regarding deferred revenues, Ms. Dallaire explained that the deferred revenue are funds that the Authority received in advance of services that are going to be performed. The RVCA is obligated to complete the project or services paid for. Projects are reviewed annually, and deferred revenues balances are estimated and adjusted at year end. Deferred revenues are not considered revenue until they are

earned. As the income associated with the project is earned, the liability is reduced and recognized as revenue. Various methods are used to estimate the amount of revenue to recognize, such as a percentage of completion. These funds are not spent or allocated toward anything else.

Motion 3-220728

Moved by: Brian Dowdall
Seconded by: Gene Richardson

THAT the Board of Directors of the Rideau Valley Conservation Authority approve the Revenue and Expenditure Reports and Balance Sheet for the period ending May 31, 2022.

Motion Carried

Kristen Strackerjan joined the meeting 6:39 p.m.

9.0 RVCA Mileage Rate

Kathy Dallaire presented a review of RVCA's mileage rate as it has been a decade since the RVCA increased its mileage rate paid to employees and directors for the personal use of their vehicles while conducting business on behalf of the Authority. Staff analyzed mileage rates from 24 conservation authorities and the Canada Revenue Agency (CRA) and evaluated the financial impact of increasing RVCA's mileage rate.

During discussion, Mayor Jones recommended that the RVCA consider adopting the CRA's mileage rate for RVCA employees and directors for personal use of a vehicle while conducting business on behalf of the Authority.

Motion 4-220728

Moved by: Robin Jones
Seconded by: Gene Richardson

THAT the Board of Directors of the Rideau Valley Conservation Authority adopt the Canada Revenue Agency's mileage rate to be paid to RVCA employees and directors for use of a personal vehicle to carry out duties on behalf of the Rideau Valley Conservation Authority, and that this mileage rate take effect August 1, 2022.

Motion Carried

Zoom video conference call lost. The meeting reconnected to Zoom and Chair Leenhouts called for roll call. The General Manager conducted roll call. The meeting resumed with quorum.

Mel Foster joined the meeting at 6:59 p.m.

10.0 Chapman Mills Conservation Area Bridge Abutment Replacement

Dan Cooper presented on the Chapman Mills Conservation Area Bridge replacement plan to install concrete abutments and sonotubes. He noted that the RVCA is still awaiting a permit from Parks Canada and that they may require the use of helical piles instead of concrete sonotubes.

In response to questions from members, Mr. Cooper explained the difference in bidder cost is due to one contractor proposing a secondary bridge installation during construction, while the other did not, therefore reducing the project cost. Mr. Cooper also explained that both bids contained a cost estimate with sonotubes and without, as the bidders are aware the sonotubes may not be required. If helical piles are required instead of sonotubes, RVCA staff are seeking approval to hire the contractor previously approved by the Board at their May 26, 2022 for the boardwalk replacement at Baxter.

Motion 5-220728

Moved by: Carolyn Bresee
Seconded by: Anne Robinson

THAT the Board of Directors of the Rideau Valley Conservation Authority approve Manotick Concrete to install concrete bridge abutments and sonotubes at Chapman Mills Conservation Area at a cost of \$29,700 plus applicable taxes;

THAT staff be authorized to spend up to an additional \$4,455 (15 percent contingency) to cover any unforeseen project expenses;

And THAT staff be authorized to contract Pier Pressure to install helical piles instead of concrete sonotubes, if required by a regulatory agency, within the existing project budget.

Motion Carried

Dale McLenaghan left the meeting at 7:09 p.m.

11.0 Baxter Conservation Area Boardwalk Replacement Building Materials

Dan Cooper presented a report on the building materials needed to complete the Baxter Conservation Area boardwalk replacement. RVCA's Board of Directors approved the purchase and installation of helical piles as the base of the replacement boardwalk at their May 26, 2022, meeting. Staff then obtained quotes for the building materials required to construct the raised boardwalk and platforms on top of the piles.

In response to a question from a member, Mr. Cooper confirmed that the RVCA is acting as the General Contractor, and work on this project is scheduled to begin fall 2022.

Motion 6-220728

Moved by:

Brian Dowdall

Seconded by:

Anne Robinson

THAT the Board of Directors of the Rideau Valley Conservation Authority approve Kemptville Building Centre to provide the lumber required to construct a new raised boardwalk at Baxter Conservation Area;

THAT staff acquire all other building materials for the new raised boardwalk from Kemptville Building Centre unless they can be sourced from another supplier for a lower cost;

And THAT the total materials cost not exceed \$212,000 plus applicable taxes.

Motion Carried

12.0 Disconnect Policy

Sommer Casgrain-Robertson presented RVCA's Disconnect from Work Policy in compliance with Bill 27 (*Working for Workers Act*, 2021) which amended the *Employment Standards Act*.

The RVCA collaborated with other conservation authorities on the development of this policy and thanked South Nation Conservation whose policy formed the basis for RVCA's policy. Ms. Casgrain-Robertson noted that the new policy has been circulated to staff and will be updated as needed to remain compliant with provincial legislation.

Motion 7-220728

Moved by:

Bob Foster

Seconded by:

Victor Heese

THAT the Board of Directors of the Rideau Valley Conservation Authority adopt the attached Disconnect from Work Policy, dated June 2022 in compliance with the *Employment Standards Act*.

Motion Carried

13.0 Meetings

- a) Program Inventory Municipal Information Session: June 7, 2022
 - Members of Council and municipal staff attended RVCA's information session on program inventories. Participants provided RVCA staff with good input and advice on how best to move forward with an updated inventory, draft agreements and communication and consultation with municipalities.

- b) RVCF AGM and Board of Directors Meeting: June 9, 2022
 - It was noted that Andrew Harkness and Tom Scott were elected as the new Chair and Vice-Chair respectively of the RVCF
- c) Conservation Ontario Council Meeting: June 20, 2022
- d) Program Inventory Meeting with City of Ottawa: June 21, 2022
- e) RVCA Watershed Tour: June 23, 2022
 - Staff received positive feedback from RVCA and RVCF members regarding the watershed tour and staff were thanked for all their hard work in organizing the day

Upcoming

- f) AMO Conference (CA Panel Presentation): August 14 to 17, 2022
- g) OEMC Conference (CA display): September 14 to 16, 2022
- h) RVCF Board of Directors Meeting: September 14, 2022
- i) RVCA Board of Directors Meeting: September 22, 2022
- j) Conservation Ontario Council Meeting: September 26, 2022

14.0 Member Inquiries

Andy Jozefowicz inquired about the term of appointment of existing members in light of upcoming municipal elections. Ms. Casgrain-Robertson explained that the Conservation Authorities Act states that current members continue to serve until their replacement is appointed to ensure conservation authorities continue to have quorum for meetings after the municipal election until member municipalities appoint new members which is sometimes not until the new year.

15.0 New Business

Chair Leenhouts informed the Board that the Executive Committee decided to recognize the General Manager for excellent performance in 2021 following her annual performance appraisal. This recognition was done at the RVCA's watershed tour on June 23, 2022.

Mayor Jones recommended that the Board of Directors support the Executive Committee's decision and put forth a motion to recognize the General Manager's performance.

Motion 8-220728

Moved by:

Robin Jones

Seconded by:

Carolyn Bresee

THAT the Board of Directors of the Rideau Valley Conservation Authority supports the decision taken by the Executive Committee to recognize the General Manager's outstanding performance.

Motion Carried

16.0 Adjournment

The Chair adjourned the meeting at 7:29 p.m. on a motion by Andy Jozefowicz which was seconded by Bob Foster.



COMMITTEE OF ADJUSTMENT MINUTES

Monday, August 22nd, 2022

5:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present:

Chair, Larry Sparks
Peter Siemons
Ron Running

Members Absent:

None

Staff Present:

Noelle Reeve, Planner
Garry Welsh, Secretary/Treasurer
Sarah MacLeod-Neilson, Rideau Valley Conservation
Authority

Applicant/Agents Present:

Stewart Lindale, Owner
Cathy Hall, Owner
Claude Lelievre, Owner
Paul Akehurst, Owner
Anthony Wielemaker, Agent

Public Present:

Donna Doelman, Tay Valley Township Resident
Kim Morissette, Tay Valley Township Resident

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – June 20th, 2022.

The minutes of the Committee of Adjustment meeting held on June 20th, 2022, were approved as circulated.

5. INTRODUCTION

The Chair welcomed the attendees and introduced the Committee Members, the Planner and the Secretary/Treasurer and identified the applicants. The Planner then provided an overview of the Minor Variance application review process to be followed, including:

- the mandate and responsibilities of the Committee
- a review of available documentation
- the rules of natural justice, the rights of persons to be heard and to receive related documentation on request and the preservation of persons' rights.
- the flow and timing of documentation and the process that follows this meeting
- all persons attending are encouraged to make comments in order to preserve their right to comment should this application be referred to the Ontario Land Tribunal (OLT).
- any person wanting a copy of the decision regarding this/these application(s) should leave their name and mailing address with the Secretary/Treasurer.

The Chair advised that this Committee of Adjustment is charged with making a decision on the applications tonight during this public meeting. The decision will be based on both the oral and written input received and understandings gained. The four key factors on which decisions are based include:

- Is the application generally in keeping with the intent of the Township's Official Plan?
- Is the application generally in keeping with the intent of the Township's Zoning By-laws?
- Is it desirable and appropriate development and use of the site?
- Is it minor in nature and scope?

Based on the above, the Committee has four decision options:

- Approve – with or without conditions
- Deny – with reasons
- Defer – pending further input
- Return to Township Staff – application deemed not to be minor

The agenda for this meeting included the following application(s) for Minor Variance:

MV22-14 – Kerr – 2206 Scotch Line, Concession 1, Part Lot 25, geographic Township of Bathurst

MV22-18 – Lindale – 284 Pike Lake Route 17, Concession 8, Part Lot 19, geographic Township of North Burgess

MV22-19 – Lelievre and Hall – 733 Branch Road, Concession 10, Part Lots 6 and 7, geographic Township of Bathurst

MV22-20 – Todd – Crozier Road, Concession 2, Part Lot 21, Geographic Township of South Sherbrooke

MV22-21 – Williams – 1167 Big Rideau North Shore Road, Concession 2 and 3, geographic Township of North Burgess

MV22-22 – Akehurst – 110 Pine Ridge Lane, Concession 6, Part Lot 4, geographic Township of North Burgess

6. APPLICATIONS

i) FILE #: MV22-18 – Lindale

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-18

MOVED BY: Ron Running

SECONDED BY: Peter Siemons

***“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-18 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, for the lands legally described as 284 Pike Lake Route 17, Concession 8, Part Lot 19, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-19500 to recognize the minimum required water setback for an existing cottage of 15m from the lake;*

***AND THAT**, a Site Plan Control agreement, including the conditions of the Rideau Valley Conservation Authority (RVCA), be executed.”*

ADOPTED

ii) **FILE #: MV22-19 – Lelievre and Hall**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the applicants propose to install an Eljen septic system as the space limitations of the site prevent the installation of a standard septic system.

b) APPLICANT COMMENTS

The applicant confirmed that the proposed site of the garage has since been amended to have the closest corner rear setback be 4m, rather than 2m, from the road. This is intended to prevent any erosion of the road from water run-off.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

The Committee noted that the proposed development is close to the neighbouring property, to the east. However, the applicants confirmed that they are also currently part-owners of the neighbouring property, along with relatives.

RESOLUTION #COA-2022-19

MOVED BY: Peter Siemons

SECONDED BY: Ron Running

***“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-19 is **approved**, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, for the lands legally described as 733 Branch Road, Concession 10, Part Lots 6 and 7, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-06401*

- *To permit construction of a portion of a cottage at 27.4m from the lake,*
- *To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 4m;*

***AND THAT**, a Site Plan Control agreement, including the conditions of the Mississippi Valley Conservation Authority (MVCA), be executed.”*

ADOPTED

iii) **FILE #: MV22-20 – Todd**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also confirmed that the time limit for construction to be completed is the three-year Building Permit timeframe.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-20

MOVED BY: Peter Siemons

SECONDED BY: Ron Running

*“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-20 is **approved**, to allow a variance from the requirements of Section 5.1.2 (Residential Zone) of Zoning By-Law 2002-121, for the lands legally described as Crozier Road, Concession 2, Part Lot 21, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-05990 to permit the construction of an outbuilding prior to the construction of a dwelling.”*

ADOPTED

iv) **FILE #: MV22-21 – Williams**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-21

MOVED BY: Ron Running

SECONDED BY: Peter Siemons

*“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-21 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 1167 Big Rideau North Shore Road, Concession 2 and 3, Part Lot 24, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-03600*

- To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout*

bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry,

- To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage;*

AND THAT, a Site Plan Control agreement, including the conditions of the RVCA, be executed.”

ADOPTED

v) **FILE #: MV22-22 – Akehurst**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that, the applicant worked with the Township, Parks Canada, and Rideau Valley Conservation Authority (RVCA), to ensure the Provincially Significant Wetland (PSW) and shoreline will be protected. Recommendations will be included in a Site Plan Control Agreement.

b) **APPLICANT COMMENTS**

The applicant confirmed that although RVCA recommended the reduction of the proposed deck size, the extra space is intended to accommodate accessible access.

c) **ORAL & WRITTEN SUBMISSIONS**

The RVCA also noted that their regulatory role will require approval for development within the buffer of the Provincially Significant Wetland, as well as the shoreline.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2022-22

MOVED BY: Ron Running
SECONDED BY: Peter Siemons

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-22 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required,*

- *To permit a deck encroachment of 3.4m rather than the 2m permitted and deck area of 46.5m² rather than the 25m² permitted;*

AND THAT, a Site Plan Control agreement, including the conditions of the RVCA, be executed.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:58 p.m.