



The Corporation of the Township of Malahide
REGULAR COUNCIL MEETING AGENDA
October 19, 2023 – 7:30 p.m.

Springfield & Area Community Services Building – Council Chambers
51221 Ron McNeil Line, Springfield & via Zoom

- (A) Call Meeting to Order
- (B) Disclosure of Pecuniary Interest
- (C) Approval of Previous Minutes **RES 1**
- (D) Presentations/Delegations/Petitions
- (E) Reports of Departments
 - (i) Director of Fire & Emergency Services
- Emergency Services Activity Report – Quarterly Report (July-September)
RES 2
 - (ii) Director of Public Works
- Talbot Trail ATV Club – Recognized Agency Agreement **RES 3**
 - (iii) Director of Corporate Services/Treasurer
 - (iv) Clerk
 - (v) Building/Planning/By-law
-Application for Consent to Sever No. E70-23 of Henry Hiebert **RES 4**
-Livestock at Large By-law **RES 5**
 - (vi) CAO
- (F) Reports of Committees/Outside Boards **RES 6**
 - (i) Long Point Region Conservation Authority – Minutes September 6, 2023

(G) Correspondence **RES 7**

1. Association of Municipalities of Ontario - WatchFile –October 5, 2023 and October 12, 2023
2. Elgin County – Council Highlights – October 10, 2023
3. Southwestern Public Health Media Release – Inviting High Risk Community Members for New Covid-19 Vaccine Formulation
4. Town of Cobourg – Council support for Township of Puslinch resolution regarding Illegal Land Use Enforcement
5. Municipality of Bluewater – Childcare availability in Ontario

(H) Other Business

(I) By-laws **RES 8**

- (i) By-law No. 23-70 – ATV Agreement with Talbot Trail ATV Club Amendment
- (ii) By-law No. 23-68- Fehr Rezoning-8483 Imperial Road
- (iii) By-law No. 23-73-Livestock at Large

(J) Closed **RES**

(K) Confirmatory By-law **RES 9**

(L) Adjournment **RES 10**

PLEASE NOTE that the draft resolutions provided below DO NOT represent decisions already made by the Council. They are simply intended for the convenience of the Council to expedite the transaction of Council business. Members of Council will choose whether or not to move the proposed draft motions and the Council may also choose to amend or defeat them during the course of the Council meeting.

1. THAT the minutes of the regular meeting of Council held on October 5, 2023 be adopted as printed and circulated.
2. THAT Report No. F-23-07 entitled "Emergency Services Activity Report – Quarterly Report (July-September) be received.
3. THAT Report No. PW-23-58 entitled "Talbot Trail ATV Club – Recognized Agency Agreement" be received;

AND THAT the Mayor and Clerk be authorized to execute an amendment to the term of the Recognized Agency Agreement with the Talbot Trail ATV Club for the purpose of ensuring continued compliance with Malahide's Off-Road Vehicles By-Law 17-51.

4. THAT Report No. DS-23-31 entitled "Application for Consent to Sever No. E70-23 of Henry Hiebert." be received;

AND THAT the Application for Consent to Sever No. E70-23 of Henry Hiebert, relating to the property located at Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982, and known municipally as 53008 Calton Line, not be supported for the reasons set out in this Report;

AND THAT this report be forwarded to the Land Division Committee for its review and consideration.

5. THAT Report No. BL-23-01 entitled "Livestock at Large By-law" be received;

AND THAT By-law 23-73 being a By-law to regulate and prohibit livestock running at large be approved by Council.

6. THAT the following Reports of Committees/Outside Boards be noted and filed:

- (i) Long Point Region Conservation Authority – Minutes September 6, 2023

7. THAT the following correspondence be noted and filed:

1. Association of Municipalities of Ontario - WatchFile –October 5, 2023 and October 12, 2023
2. Elgin County – Council Highlights – October 10, 2023
3. Southwestern Public Health Media Release – Inviting High Risk Community Members for New Covid-19 Vaccine Formulation

4. Town of Cobourg – Council support for Township of Puslinch resolution regarding Illegal Land Use Enforcement
5. Municipality of Bluewater – Childcare availability in Ontario
8. THAT the following by-laws be considered read a first, second and third reading and properly signed and sealed:
 - (i) By-law No. 23-70–ATV Agreement with Talbot Trail ATV Club Amendment
 - (ii) By-law No. 23-68-Fehr Rezoning-8483 Imperial Road
 - (iii) By-law No. 23-73-Livestock at Large
9. By-law No.23-71, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
10. THAT the Council adjourn its meeting at _____ p.m. to meet again on November 2, 2023, at 7:30 p.m.

DRAFT

The Corporation of the Township of Malahide**October 5, 2023 – 7:30p.m.**Virtual Meeting – <https://youtu.be/rv5UDFP7Ycg>

The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. The following were present:

Council: Mayor D. Giguère, Deputy Mayor M. Widner, Councillor S. Leitch, Councillor J. Wilson, Councillor R. Cerna, Councillor S. Lewis, and Councillor C. Glinski.

Staff: Chief Administrative Officer N. Dias, Clerk A. Adams, Director of Corporate Services A. Boylan, Director of Fire & Emergency Services J. Spoor, Director of Public Works J. Godby, and Human Resources Manager S. Loewen

Also Present: Eric Steele– Monteith Brown

CALL TO ORDER:

Mayor Giguère took the Chair and called the meeting to order at 7:30p.m.

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

N/A

MINUTES:

No. 23-402

Moved By: Rick Cerna

Seconded By: Sarah Leitch

THAT the minutes of the regular meeting of Council held on September 21, 2023 be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

N/A

REPORTS OF DEPARTMENTS:Director of Public Works

- Waste Management Calendar Update

No. 23-403**Moved By: Scott Lewis****Seconded By: Mark Widner****THAT Report No. PW-23-57 entitled “ANNUAL WASTE MANAGEMENT CALENDAR UPDATE” be received;****AND THAT the Annual Waste Management Calendar continue to be made available to residents through the website, at municipal buildings, and mailed to residents upon request.****Carried**Director of Corporate Services/Treasurer

- Municipal Drainage Financing

No. 23-404**Moved By: Rick Cerna****Seconded By: John H. Wilson****THAT Report No. FIN 23-15 entitled “MUNICIPAL DRAINAGE FINANCING” be received;****AND THAT the Municipal Drainage Financing Policy be approved.****Carried**BUILDING/PLANNING/BY-LAW

- Zoning By-law Amendment D14-Z10-22 – 51043 Ron McNeil Line – Ontario Land Tribunal Decision

No. 23-405**Moved By: Sarah Leitch****Seconded By: Scott Lewis****THAT Report No. DS-23-28 entitled “Zoning By-law Amendment D14-Z10-22 – 51043 Ron McNeil Line – Ontario Land Tribunal Decision” be received;
THAT Council pass the By-law approved by the Ontario Land Tribunal;**

AND THAT Staff be directed to prepare a report with recommendations to be brought to a future Council Meeting.

Carried

- Application for Consent to Sever of Wilhelm & Eva Dyck

No. 23-406

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Report No. DS-23-29 entitled “Application for Consent to Sever of Wilhelm & Eva Dyck” be received;

AND THAT the Application for Consent to Sever of Wilhelm & Eva Dyck on behalf of Wilhelm & Eva Dyck, relating to the property located at Part of Lot 20, Concession 3, (Malahide), and known municipally as 6501 Springfield Road, be supported for the reasons set out in this Report;

AND THAT this report be forwarded to the Land Division Committee for its review and consideration.

Carried

- Application for Consent to Sever of B & AM Reymer Ltd.

No. 23-407

Moved By: John H. Wilson

Seconded By: Chester Glinski

THAT Report No. DS-23-30 entitled “Application for Consent to Sever No. E73-23 of B & AM Reymer Ltd.” be received;

AND THAT the Application for Consent to Sever No. E73-23 of B & AM Reymer Ltd., relating to the property located at Concession 5, Part Lot 19 (Malahide), and known municipally as 50783 Chalet Line, be supported for the reasons set out in this Report;

AND THAT this report be forwarded to the Land Division Committee for its review and consideration.

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 23-408

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT the following Reports of Committees/Outside Boards be noted and filed:

- (i) Township of Malahide - Fleet Management Advisory Committee – Minutes September 19, 2023**
- (ii) Catfish Creek Conservation Authority - Programs Services Inventory October 1, 2023 Progress Report**

Carried

CORRESPONDENCE:

No. 23-409

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT item #5 be supported and the remaining items be noted and filed:

- 1. Association of Municipalities of Ontario - WatchFile –September 21, 2023 and September 28, 2023**
- 2. Elgin County – Council Highlights – September 12, 2023 and September 26, 2023**
- 3. Information and Privacy Commissioner of Ontario - Notice of Public Consultation- Revisions to code of procedure for FIPPA and MFIPPA appeals**
- 4. Ministry of Municipal Affairs and Housing – Responding to the Housing Affordability Task Force’s Recommendations**
- 5. MPP Waterloo – Catherine Fife - Support for Bill 21 – Fixing Long-Term Care Amendment Act(Till Death Do Us Part) 2022**
- 6. Office of the Fire Marshal – Interpretation of s.6(3) of the Fire Protection and Prevention Act**
- 7. News from the Aylmer-Malahide Museum & Archives – September-October 2023**
- 8. Town of Aylmer - Rezoning Application- Notice of Public Meeting - 431 Talbot Street South**

Carried

OTHER BUSINESS:

Councillor Lewis received a letter from the Port Bruce Ratepayers Association inquiring what the Township’s icebreaking plan for the upcoming winter is. Director Spoor noted that tender documents were being finalized and that a staff report would be provided at an upcoming meeting.

Deputy Mayor Widner inquired about by-law complaints received in relation to livestock and that it has been implied some By-laws are out of date not allowing the enforcement officer to effectively do the job. CAO Dias replied that there would be an upcoming report for this particular issue at the next Council meeting and that the plan moving forward is to review and update the By-laws accordingly.

BY-LAWS:

No. 23-410

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT the following by-laws be considered read a first, second and third reading and properly signed and sealed:

- (i) By-law No. 23-67 – Leverton Developments Inc.**

Carried

CLOSED:

No. 23-411

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT Council move into Closed Session at 8:02p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

- (i) The security of the property of the municipality or local board – IT Security Review (Section 239(2)(a))**
- (ii) Labour Relations or Employee Negotiations matter regarding CUPE Contract Negotiations (Section 239(2)(d))**

Carried

No. 23-412

Moved By: Rick Cerna

Seconded By: Sarah Leitch

THAT Council move out of Closed Session and reconvene at 9:11p.m. in order to continue with its deliberations.

Carried

No. 23-413

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Staff were given direction by Council on the two listed agenda items that were discussed in the Closed Session.

- (i) The security of the property of the municipality or local board – IT Security Review (Section 239(2)(a))**
- (ii) Labour Relations or Employee Negotiations Matter relating to CUPE Contract Negotiations (Section 239(2)(d))**

Carried

CONFIRMATORY:

No. 23-414

Moved By: Rick Cerna

Seconded By: Sarah Leitch

THAT By-law No.23-69, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 23-415

Moved By: Mark Widner

Seconded By: Chester Glinski

THAT the Council adjourn its meeting at 9:13p.m. to meet again on October 19, 2023, at 7:30p.m.

Carried

Mayor – D. Giguère

Clerk – A. Adams



Report to Council

REPORT NO.: F-23-07
DATE: October 19, 2023
ATTACHMENT: None
SUBJECT: EMERGENCY SERVICES QUARTERLY ACTIVITY REPORT (JULY-SEPTEMBER 2023)

Recommendation:

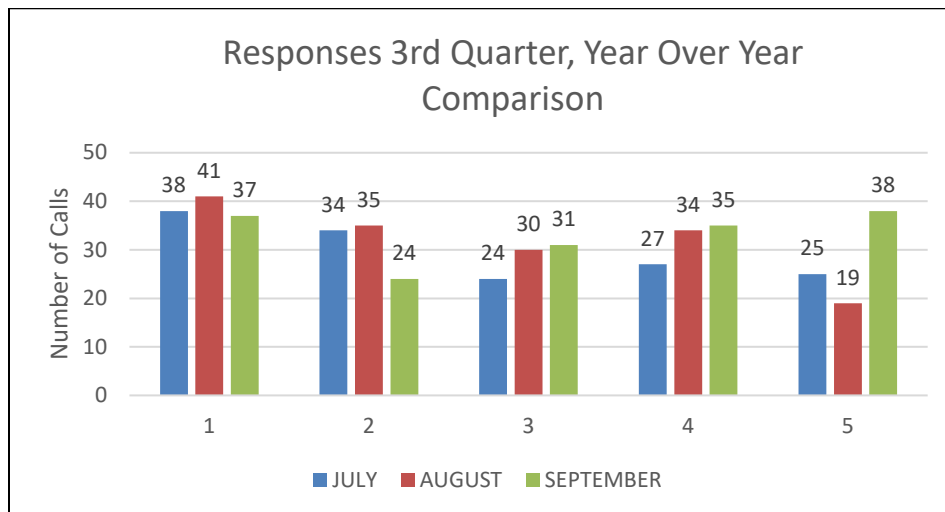
THAT Report No. F-23-07 entitled “Emergency Services Activity Report – Quarterly Report (July-September 2023)” be received.

Comments:

This report provides information reported for the third quarter of 2023, including dates of July 1st to September 30th, 2023.

Department Responses

The Malahide Fire Services responded to eighty-two (82) incidents. A comparison of these incidents to the same quarter of previous years is shown in the bar graph below.



Listed is a breakdown of the type of incidents. Medical incidents accounted for fifty-four (54%) of all incidents in this quarter. The average age of persons requiring medical response was 48, with 70% being male, 25% being female and 5% unknown.

Quarterly Incidents by Type	#
Fire	6
Burn Complaint	4
Alarm Malfunction	7
CO Alarm	0
Public Hazard - Wires Down	3
Technical Rescue MVC	13
Technical Rescue Other	0
Medical	45
Assisting Other Fire Department	2
Assisting to Police	1
Human - Perceived Emergency	0
Gas Leak - Natural Gas	0
Other	1
TOTAL:	82

Fire Events Loss/Save

There were six (6) fires with a combined estimated total dollar loss of \$1,500.00, and a total estimated dollar saved of \$1,974,500.00.

Fire Prevention and Public Education

The following fire safety messages have been used this quarter;

July – “A dead smoke/CO alarm battery will not save your family”

August – “Matches and lighters are not toys – keep away from children”

September – “Carbon monoxide kills – get your detectors”

September 20th-28th - “Check your alarms on Sep 28th, Saved by the Beep”

Fire Prevention Staff participated in nine (9) community events in the third quarter. Participation included setting up displays and handing out various public education materials to attendees.

Old Imperial Market Canada Extravaganza on July 1st at the Elgin Innovation Centre/Market Place. 475 in attendance. Fire Educators attended and set up an information booth and brought firetrucks to deliver fire safety messaging to attendees on home fire safety including Carbon Monoxide Alarms, Smoke Alarms, Emergency Preparedness, and Flood Safety Measures. Truck tours were also conducted for interested individuals and photo opportunities with Sparky the Fire Dog.

Camp Day on July 19th at the Tim Hortons on Talbot St West, Aylmer. 80 in attendance. Tim Hortons Camp Day is an annual event that focuses on raising funding for Tim Hortons Camp to benefit underprivileged youth. Malahide Fire Educators along with Sparky provided the attendees with Fire Safety messaging and were available for questions relating to the fire department.

Positively Elgin Dog Festival on July 22nd at Springwater Conservation Area. 400 in attendance. Malahide Fire Department members set up a booth with fire safety information and also had Sparky interact with the crowd and draw in attendees.

Farm Safety Awareness on August 26th at Elgin Feeds Country Store. 320 in attendance. Farm safety was highlighted as well as general fire safety and education for this well attended event.

Flood Preparedness/Saved by the Beep on September 9th at Wonnacott Park in Pt. Bruce. 50 in attendance. Malahide Fire Chief and Fire Prevention members participated in the Port Bruce Ratepayers Flood Information Workshop held in the pavilion. The Fire Chief spoke on Flood preparedness prior to flooding, during flooding and after flooding as well as having an emergency plan and a seventy-two-hour (72) kit. A sample kit was displayed and raffled off during the workshop.

Cadet Training on September 11th at the Ontario Police College. 550 in attendance. Another intake of students was instructed in class on automobile safety systems and fire extinguishers as well as receiving hands on demonstrations on fire behaviour, scene safety, airbags and fire extinguishers.

Door-to-Door for Saved by the Beep on September 23rd, 26th and 28th in the community of Springfield and the Lyons mobile home park. 111 homes were visited by Malahide's Volunteer Firefighters to ensure that households had the proper number of working smoke and CO alarms. This effort will continue with the goal to attend every residence in the township by the end of the year.

Fire Safety Inspections

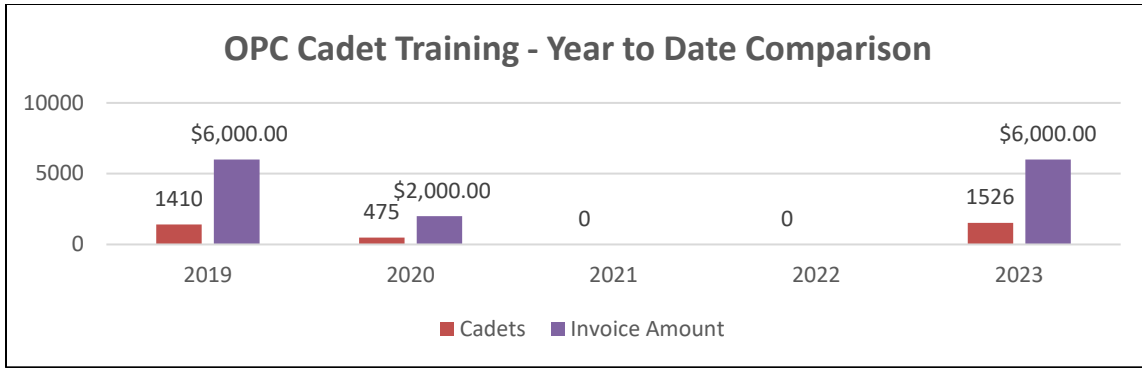
For this quarter, staff conducted three (3) inspections on three (3) different properties. There were nineteen (19) orders for non-compliance issued from these inspections.

Ontario Police College ("OPC")

To date in 2023, the Staff has trained 1,526 Police Cadets. The current agreement with the Ontario Police College is that they will reimburse Malahide Fire Service \$2,000.00 per session as well as cover the cost of any equipment that is damaged during any presentation.

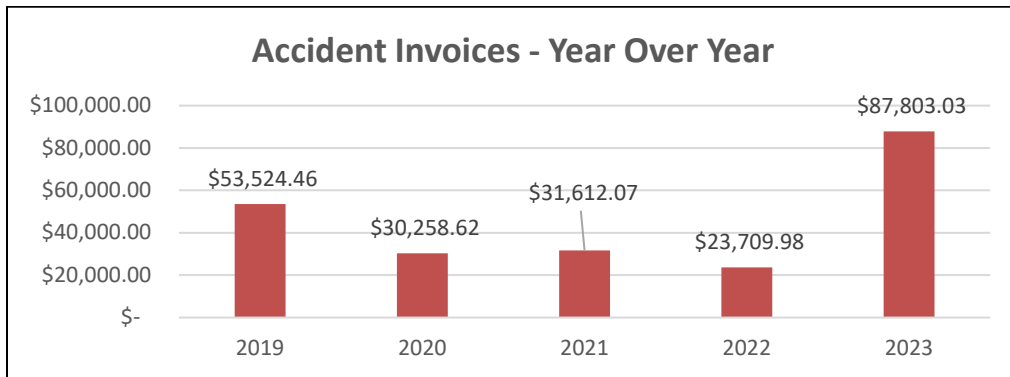
The next training session at OPC is scheduled to be held in early 2024.

In the below bar graph, the total number of cadets trained per year is shown in red, and the amount invoiced to the OPC is shown in purple:



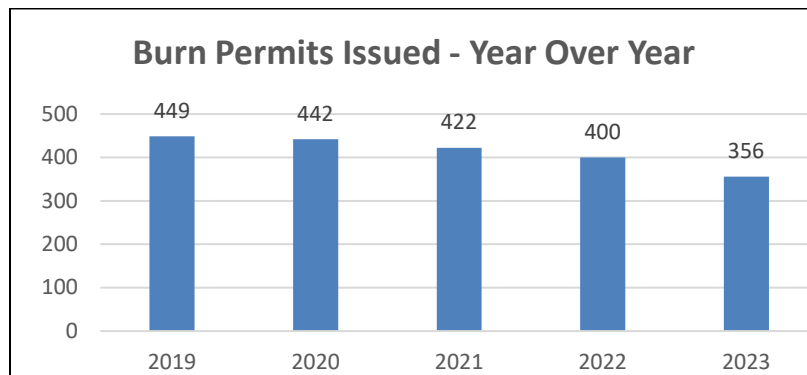
Motor Vehicle Collision Cost Recovery

Malahide Fire Services responded to thirteen (13) motor vehicle collisions (“MVC”). Year-to-date invoicing for services provided, and total for prior years, is provided below:



Burn Permits

37 burn permits were issued in the third quarter, for a total of 356 to date in 2023.



Aid Services

Automatic Aid Agreement(s)

The Automatic Aid Agreement with Central Elgin was not activated in the subject quarter.

Mutual Aid

Malahide Fire Services was requested two (2) times for Mutual Aid assistance in the subject quarter: once (1) by the municipality of Central Elgin, and once (1) by the Town of Aylmer. Elgin County Mutual Aid continues to have a significant positive impact on firefighting capabilities and the handling of large-scale incidents within the county and municipality. We will continue to work closely with these partners.

Requested Aid

Malahide Fire Services did not request Mutual Aid in the subject quarter.

Emergency Management Program

Emergency Response

No emergency activities.

Emergency Program

Emergency Control Group Training is scheduled for October 11th 2023 to reach our compliance mandate. The training will consist of a table top exercise in regard to a flood event.

On September 9th, 2023 the Malahide Fire Chief and Fire Prevention members participated in the Port Bruce Ratepayers Flood Information Workshop held in the pavilion. The Fire Chief spoke on Flood preparedness prior to flooding, during flooding and after flooding as well as having an emergency plan and a seventy-two-hour (72) kit. The 2023 Ice Breaking Tender is posted on both the Malahide website and Bids and Tender. Staff will provide a report to council once the Tender closes on Nov 4th, 2023.

Training and Workshops

The Malahide/Emergency Management Ontario Senior and Elected Officials Workshop (SEOW) has been moved to November 7th at Malahide South Fire Station. This workshop has been redesigned to provide elected officials with a succinct introduction to emergency management at the municipal level and the associate legislative responsibilities. The Office of the Fire Marshall will also be in attendance and will cover the Essentials of Municipal Fire Protection. The seminar incorporates legislative responsibilities and key fire protection service information that decision-makers have expressed their need to know.

Public Education / Awareness

On September 13th, Malahide Fire & Emergency Services hosted the Elgin County Fire Chiefs and representatives from OFM at Malahide South Station for a “Saved by the Beep” media release. With 2022 being the worst year in decades for fire deaths in Ontario (133), including tragic losses of young children and families there needs to be renewed focus on the importance of working smoke alarms in every home. The Elgin Fire Chiefs called on all residents of the City of St. Thomas, Town of Aylmer, and the Townships and Municipalities within the County of Elgin to test their smoke alarms on September 28th as part of Test Your Smoke Alarm Day.



<p>Submitted by: Jeff Spoor Director of Fire & Emergency Services</p>	<p>Approved by: Nathan Dias Chief Administrative Officer</p>
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Report to Council

REPORT NO.: PW-23-58
DATE: October 19, 2023
ATTACHMENTS: By-law 17-51, By-law 22-62, & Bylaw 21-14
SUBJECT: Talbot Trail ATV Club – Recognized Agency Agreement

Recommendation:

THAT Report No. PW-23-58 entitled “Talbot Trail ATV Club – Recognized Agency Agreement” be received;

AND THAT the Mayor and Clerk be authorized to execute an amendment to the term of the Recognized Agency Agreement with the Talbot Trail ATV Club for the purpose of ensuring continued compliance with Malahide’s Off-Road Vehicles By-Law 17-51.

Background:

The Highway Traffic Act permits the use of off-road vehicles on municipal highways, unless the municipality passes a by-law prohibiting it. The Township of Malahide’s By-law 17-51, as amended, prohibits off-road vehicles from using Township roadways, with the exception of select roads specified, and on the condition of entering into an agreement as a recognized agency within the Township.

Since 2017, the Talbot Trail ATV Club has been a recognized agency as defined by the Township of Malahide’s Off-Road Vehicles By-Law (By-law 17-51, as amended).

In September 2022, Malahide Council further extended the term of the Off-Road Vehicles By-law to December 31, 2025 (By-law 22-62).

The Talbot Trail ATV Club’s current Recognized Agency Agreement is set to expire on December 3, 2023 (By-law 21-14).

Comments/Analysis:

In order for the Talbot Trail ATV Club to remain in compliance with the Off-Road Vehicles By-law 17-51, a renewed Recognized Agency Agreement is required.

Among other things, this agreement permits members in good standing of the Talbot Trail ATV Club to utilize the municipal right of way subject to:

- requiring all members to sign the appropriate waiver of liability
- providing all members with the appropriate training on the *Off-Road Vehicles Act, Ontario Regulation 316/03 of the Highway Traffic Act, and Malahide's Off-Road Vehicles By-Law.*
- ensuring trail passes are issued to persons who are appropriately licensed and insured

To date, there have been no concerns brought forward with respect to the Talbot Trail ATV Club's use of the township road allowances. As such, staff are supportive of extending their status as a Recognized Agency under the Off-Road Vehicles By-law until December 31, 2025. The agreement to be executed is in the format originally developed for this purpose. No substantial changes have been made or are required.

Financial Implications to Budget:

None.

Prepared and Submitted by:	Approved for Council:
Jason Godby Director of Public Works	Nathan Dias CAO

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE



BY-LAW NO. 17-51

Being a By-law to regulate the Use of Off-Road
Vehicles in the Township of Malahide.

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended, section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable Municipal By-law;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended, section 191.8(3) provides that the Council of a municipality may pass a by-law permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway and during specified months or hours;

AND WHEREAS members of the community have requested that the operation of off-road vehicles be permitted on certain highways within the Township of Malahide which connect various parts of trail routes used by recreational off-road vehicle users;

AND WHEREAS the Council of The Corporation of the Township of Malahide deems it advisable to permit the operation of off-road vehicles on specified highways under the jurisdiction of the Township of Malahide as described in this by-law;

NOW THEREFORE the Council of the Corporation of The Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. SHORT TITLE

This By-law may be referred to as the "Off-Road Vehicles By-law".

2. DEFINITIONS

In this By-law,

- 2.1 "Approved Trail Route" means a trail or system of trails maintained by a Recognized Agency for use by Off-road Vehicles, and excludes a highway or a portion thereof.
- 2.2 "Designated Highway" means a highway, or a part of a highway, set out in Schedule "A" to this By-law.

- 2.3 "Director" means the Director of Physical Services for The Corporation of the Township of Malahide.
- 2.4 "Off-road Vehicle" means any of:
- (a) An all-terrain vehicle, as defined in O. Reg. 316/03;
 - (b) A multi-purpose off-highway utility vehicle, as defined in O. Reg. 316/03; or,
 - (c) A recreational off-highway vehicle, as defined in O. Reg. 316/03.
- 2.5 "O. Reg. 316/03" means Ontario Regulation 316/03, Operation of Off-Road Vehicles on Highways made under the Highway Traffic Act, R.S.O. 1990, Chapter H8, as amended, or any successor legislation or regulation.
- 2.6 "Operate" means to have care and control of an Off-road Vehicle.
- 2.7 "Peace officer" means either a police officer or a municipal law enforcement officer appointed by Council of the Corporation of The Township of Malahide.
- 2.8 "Recognized Agency" means a corporation, organization, association, users' group or individual which has entered into a written agreement with the Township in accordance with section 4 of this By-law.
- 2.9 "Township" means either the Corporation of The Township of Malahide, or the geographic Township of Malahide, as context dictates.

3. **AUTHORITY**

Any Peace Officer may enforce any provision of this By-law and may perform any action authorized by this By-law, other than a power specifically delegated to the Director.

4. **RECOGNIZED AGENCIES**

The Mayor and Clerk is authorized to enter into a written agreement on the terms set out in Schedule "B" hereto with any corporation, organization, association, users' group or individual who wishes to operate, maintain or use a trail system for Off-road Vehicle use in the Township and who meets the Director's reasonable requirements.

5. **SIGNS**

The Township shall erect and maintain signs clearly indicating the beginning and end of every Designated Highway.

6. **USE OF HIGHWAYS**

- (a) No person shall operate an Off-road Vehicle on any highway within the Township other than a Designated Highway.
- (b) No person shall operate an Off-road Vehicle on any highway within the Township unless they are a member in good standing with a Recognized Agency and have signed a waiver of liability in the form of Schedule "C" to this By-law.
- (c) Off-road Vehicles may be operated on Designated Highways, provided that every operator and passenger complies with every applicable provision of this By-law, the *Highway Traffic Act*, the *Off-Road Vehicles Act*, and O. Reg. 316/03, at all times.
- (d) No person shall operate an Off-road Vehicle on a highway within the Township between the time one half-hour before sunset and the time one half-hour after sunrise the following day.
- (e) No person shall operate an Off-road Vehicle on a highway within the Township after the thirtieth (30th) day of November and before the fifteenth (15th) day of April of the following year, inclusive.
- (f) The Director is authorized to vary or extend the season where an Off-road Vehicle is prohibited from being operated on a highway if such variation or extension is, in the opinion of the Director, necessary for the protection of highways within the Township.
- (g) If the Director extends the season where an Off-road Vehicle is prohibited from being operated on a highway, then he or she shall post a Notice to this effect on the Township's website and shall alert every Recognized Agency of same via email or any other convenient method of notification.
- (h) When a Notice has been posted by the Director in accordance with subsection 6(f), no person shall operate an Off-road Vehicle within the Township between the dates specified in the Notice.
- (i) No person shall operate an Off-road Vehicle upon a sidewalk, walkway, walking trail, boulevard, bicycle lane, or any other area designed primarily for use by pedestrians or non-motorized vehicles.

7. **OFF-ROAD USE**

- (a) No person shall operate an Off-road Vehicle on any municipal property in the Township, other than a Designated Highway.
- (b) No person shall operate an Off-road Vehicle upon any private property in the Township unless:

- i. The person is an owner or occupant of the property;
- ii. The person has written permission from the owner; or
- iii. The person is a member in good standing of a Recognized Agency and is on an Approved Trail Route.

(c) No Off-road Vehicle shall be driven at a rate of speed greater than 50 kilometers per hour on any trail or highway in the Township.

8. **GENERAL**

(a) An operator of an Off-road Vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and the driver of any Off-road Vehicle shall not permit any unreasonable amount of smoke to escape from the Off-road Vehicle, nor shall the driver at any time cause or permit the Off-road Vehicle to make any unnecessary noise.

(b) No person shall operate an Off-road Vehicle in such a manner as to cause damage to public or private property.

(c) No person shall operate an Off-road Vehicle in such a manner as to create a nuisance by the method or frequency of operation.

9. **OFFENCES AND PENALTY**

(a) No person shall hinder, obstruct, or interfere with a Peace Officer or other duly appointed person in the lawful execution of his or her duties under this By-law.

(b) No person shall fail to stop when directed to do so by a Peace Officer.

(c) No person shall fail to identify himself or herself when directed to do so by a Peace Officer.

(d) Any person who contravenes any provision of this By-law is guilty of an offence and is subject to a penalty as provided for in the *Provincial Offences Act*, RSO 1990, c. P.33.

10. **SCHEDULES**

Schedules "A", "B", and "C", attached hereto, are hereby incorporated and form part of this By-law.

11. **TERM OF BY-LAW**

(a) This By-law shall come into force and effect upon the final passing thereof.

(b) This By-law is being passed for a period of two (2) years or such shorter period as the Council may decide for the purpose of evaluating the effects of and determining whether it is advisable to continue the operation of Off-road Vehicles on specified highways within the Township.

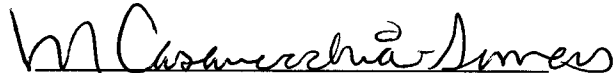
(c) This By-law shall cease to be in force upon the second anniversary of the final passing thereof.

READ a FIRST and SECOND time this 15th day of June, 2017.

READ a THIRD time and **FINALLY PASSED** this 15th day of June, 2017.



Mayor, D. Mennill



Clerk, M. Casavecchia-Somers

SCHEDULE "A"

Designated Highways

HIGHWAY	FROM	TO
---------	------	----

SCHEDULE "B"

Form of Recognized Agency Agreement

THIS AGREEMENT made this _____ day of _____, 2017.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE
(hereinafter referred to as the "Township")

OF THE FIRST PART

- and -

[INSERT]

(hereinafter referred to as the "Agency")

OF THE SECOND PART

WHEREAS the Agency has established a series of trail routes for use by off-road vehicles in the Township of Malahide;

AND WHEREAS the Agency represents and warrants that it has the permission of all owners of the land over which the trail route runs;

AND WHEREAS the Township has passed By-law No _____-2017 (the By-law), which permits the use of off-road vehicles upon certain highways within the Township, subject to terms and conditions as set out in the By-law;

AND WHEREAS the Agency acknowledges that operation of off-road vehicles on highways is an inherently dangerous activity and that its members bear their own risk if they choose to ride on the highway;

AND WHEREAS the Township and the Agency wish to enter into an agreement to ensure that the use of off-road vehicles within the Township is orderly and lawful;

NOW THEREFORE this Agreement witnesseth that in consideration of the permission granted by the Township to the Agency, the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by the Agency to the Township, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree and covenant as follows:

1. The Township and the Agency agree that the above recitals are true.

DEFINITIONS:

2. All words used in this Agreement shall have identical meanings here as in the By-law.

TOWNSHIP'S RESPONSIBILITIES:

3. The Township shall permit the Agency to operate a system of trail routes for off-road vehicle use within the Township.

AGENCY'S RESPONSIBILITIES:

4. The Agency shall:
 - a) Require all its members to sign a waiver of liability in the form of Schedule "C" to the By-law prior to operating an off-road vehicle on a highway;
 - b) Provide its membership with training regarding the applicable laws and regulations, including the *Off-Road Vehicles Act*, the *Highway Traffic Act*, O. Reg. 316/03, and the By-law;
 - c) Refuse or revoke the trail pass of any person who:
 - i. Is not properly licenced and insured; or,
 - ii. Violates the provisions of any applicable law or regulation, including the By-law, while operating on a highway; and,
 - d) Promptly reimburse the Township for any and all costs incurred by the Township as a result of this Agreement, including any increased maintenance costs as a result of the operation of off-road vehicles upon the Designated Highways when provided with a detailed invoice for such costs by the Township;
5. In the event that the Director issues a Notice in accordance with section 6(f) of the By-law, the Agency, in addition to posting the Notice on its website, shall forthwith disseminate the Notice to its membership.

INSURANCE:

6. The Agency shall arrange for, obtain, and maintain, at its expense, insurance in accordance with the following:
 - a) The policy or policies will include comprehensive general liability coverage subject to limits of not less than five million dollars (\$5,000,000) per occurrence for personal injury, including death, and damage to property, including loss of use thereof and such policy or policies shall name the Township as an additional insured;

- b) The insurance policy or policies shall be in full force and effect for the Term of this Agreement;
 - c) A Certificate of Insurance evidencing the insurance coverage required shall be provided by the Agency to the Township prior to the Township signing the Agreement and thereafter promptly on the insurance renewal date; and,
 - d) The insurance premium for the insurance required herein shall be prepaid for a period of not less than one (1) year.
7. In the event that the Agency fails to provide a certificate of insurance when required or upon request by the Township, pay premiums or otherwise keep such policy or policies of insurance in force, the Township may pay premiums or take out such additional policies as it considers necessary and all sums paid for this purpose shall be at the expense of the Agency.

INDEMNIFICATION:

8. The Agency agrees to indemnify and save harmless the Township against any and all liability, damages (of any nature and kind) and costs (including legal costs) and any other loss to person or property that result from the activities or use of property contemplated by this Agreement by either the Agency or any of its members, save and except for any loss attributable to the actions or negligence of the Township.

TERM AND TERMINATION:

9. Subject to earlier termination and other conditions as provided for in this Agreement, this Agreement shall be effective on the date it is signed by both parties and shall continue for a period of two (2) years (the "Term").
10. The Township may terminate this Agreement on sixty (60) days' written notice for any reason whatsoever. In the case of emergency, this Agreement may be terminated forthwith by the Township.
11. In the event that the Agency no longer operates any trail route within the Township, the Agency may give the Township notice in writing and such notice shall include the date upon which the Agency will no longer operate any trail routes within the Township. This Agreement shall terminate on the date provided by the Agency in the said notice subject to the Township being satisfied that the Agency has ceased to operate any trail route.

GENERAL:

- 12. This Agreement is not transferrable or assignable by the Agency to any third party without the Township's prior written consent, which consent may be unreasonably withheld.
- 13. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.
- 14. The Agency acknowledges:
 - a) That it has had an adequate opportunity to read and consider this Agreement and to obtain such legal and other advice as it considers advisable;
 - b) That it understands this Agreement and the consequences of signing same; and,
 - c) That it is signing this Agreement voluntarily, without coercion and without reliance on any representation, express or implied, by the Township.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be duly executed as of the date first written above.

SIGNED, SEALED and DELIVERED)
)

[NAME OF AGENCY]

in the presence of)

_____)
Witness)

per: _____
[insert]

)
)
)
) *I have authority to bind the Corporation.*

The Corporation of the Township of Malahide

Mayor

CAO/Clerk

We have authority to bind the Corporation.

SCHEDULE "C"

Form of Waiver

I, _____, hereby acknowledge that highways in the Township of Malahide are not designed or maintained for use by off-road vehicles and the Corporation of the Township of Malahide does not warrant that highways are safe or suitable for the operation of off-road vehicles. I further acknowledge that riding an off-road vehicle on a highway is an inherently dangerous activity and that I do so at my own risk.

Date: _____

Signature

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 22-62**

Being a by-law to Amend the term schedule of By-law 17-51, as amended by By-law 20-80, to regulate the Use of Off-Road Vehicles in the Township of Malahide.

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended, section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable Municipal By-law;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended, section 191.8(3) provides that the Council of a municipality may pass a by-law permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway and during specified months or hours;

AND WHEREAS the Council of The Corporation of the Township of Malahide enacted By-law No. 17-51 to permit the operation of off-road vehicles on specified highways under the jurisdiction of the Township of Malahide;

AND WHEREAS the Council of The Corporation of the Township of Malahide deems it expedient to change the term schedule as insofar as it relates to the use of Off-Road Vehicles in the Township of Malahide;

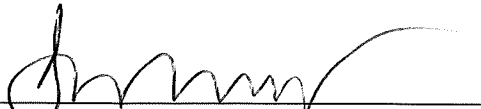
NOW THEREFORE the Council of the Corporation of The Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. THAT Section 11 of By-law No. 20-80, insofar as it prescribes the Term of By-law, be and it is hereby replaced in its entirety with the following Section 11:
 11. TERM OF BY-LAW
 - (a) This By-law shall come into force and effect upon the final passing thereof.
 - (b) This By-law shall cease to be in force on December 31, 2025.
4. THAT any other by-laws or provisions in other by-laws found to be inconsistent with this By-law are hereby deemed to be repealed.

5. THAT this By-law shall come into force and take effect on the final passing thereof.

READ a **FIRST** and **SECOND** time this 15th day of September, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 15th day of September, 2022.



Deputy Mayor, D. Giguère



Clerk, A. Adams

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 21-14**

Being a By-law to authorize the execution of an Agreement with The Talbot Trail ATV Club Inc. to ensure that the use of off-road vehicles within the Township of Malahide is orderly and lawful.

WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable Municipal By-law;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, section 191.8(3) provides that the Council of a municipality may pass a by-law permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway and during specified months or hours;

AND WHEREAS the Council of The Corporation of the Township of Malahide enacted By-law No. 17-51 to permit the operation of off-road vehicles on specified highways under the jurisdiction of the Township of Malahide;

AND WHEREAS The Talbot Trail ATV Club Inc. has requested that the operation of off-road vehicles be permitted on certain highways within the Township of Malahide which connect various parts of trail routes used by its members;

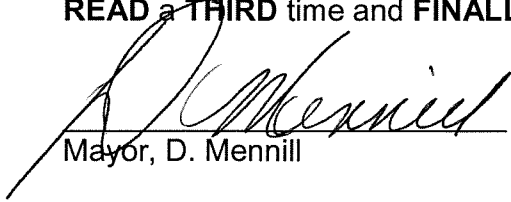
AND WHEREAS the Council of The Corporation of the Township of Malahide deems it desirable to permit the operation of off-road vehicles by members of The Talbot Trail ATV Club on specified highways under the jurisdiction of the Township of Malahide;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

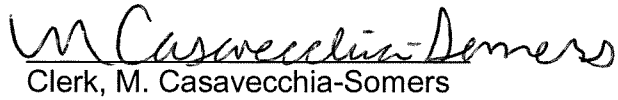
1. THAT the entering into of an Agreement with The Talbot Trail ATV Club Inc. to ensure that the use of off-road vehicles within the Township of Malahide is orderly and lawful is hereby approved and authorized;
2. THAT the Mayor and the Clerk be and they are hereby authorized and directed to execute on behalf of The Corporation of the Township of Malahide the said Agreement in substantially the same form as that attached hereto as Schedule "A" and forming a part of this By-law;
3. THAT the said Agreement shall take effect and come into force upon the signing thereof by all parties thereto;
4. THAT this By-law shall come into force and take effect on the final passing thereof.

READ a FIRST and SECOND time this 3rd day of December, 2021.

READ a THIRD time and **FINALLY PASSED** this 3rd day of December, 2021.



Mayor, D. Mennill



Clerk, M. Casavecchia-Somers

Form of Recognized Agency Agreement

THIS AGREEMENT made this 3rd day of December, 2020.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

(hereinafter referred to as the "Township")

OF THE FIRST PART

- and -

THE TALBOT TRAIL ATV CLUB INC.

(hereinafter referred to as the "Agency")

OF THE SECOND PART

WHEREAS the Agency has established a series of trail routes for use by off-road vehicles in the Township of Malahide;

AND WHEREAS the Agency represents and warrants that it has the permission of all owners of the land over which the trail route runs;

AND WHEREAS the Township has passed By-law No 20-80 (the By-law), which permits the use of off-road vehicles upon certain highways within the Township, subject to terms and conditions as set out in the By-law;

AND WHEREAS the Agency acknowledges that operation of off-road vehicles on highways is an inherently dangerous activity and that its members bear their own risk if they choose to ride on the highway;

AND WHEREAS the Township and the Agency wish to enter into an agreement to ensure that the use of off-road vehicles within the Township is orderly and lawful;

NOW THEREFORE this Agreement witnesseth that in consideration of the permission granted by the Township to the Agency, the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by the Agency to the Township, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree and covenant as follows:

1. The Township and the Agency agree that the above recitals are true.

DEFINITIONS:

2. All words used in this Agreement shall have identical meanings here as in the By-law.

TOWNSHIP'S RESPONSIBILITIES:

3. The Township shall permit the Agency to operate a system of trail routes for off-road vehicle use within the Township.

AGENCY'S RESPONSIBILITIES:

4. The Agency shall:
 - a) Require all its members to sign a waiver of liability in the form of Schedule "C" to the By-law prior to operating an off-road vehicle on a highway;
 - b) Provide its membership with training regarding the applicable laws and regulations, including the Off-Road Vehicles Act, the Highway Traffic Act, O. Reg. 316/03, and the By-law;
 - c) Refuse or revoke the trail pass of any person who:
 - i. Is not properly licenced and insured; or,
 - ii. Violates the provisions of any applicable law or regulation, including the By-law, while operating on a highway; and,

- d) Promptly reimburse the Township for any and all costs incurred by the Township as a result of this Agreement, including any increased maintenance costs as a result of the operation of off-road vehicles upon the Designated Highways when provided with a detailed invoice for such costs by the Township;
5. In the event that the Director issues a Notice in accordance with section 6(f) of the By-law, the Agency, in addition to posting the Notice on its website, shall forthwith disseminate the Notice to its membership.

INSURANCE:

6. The Agency shall arrange for, obtain, and maintain, at its expense, insurance in accordance with the following:
- a) The policy or policies will include comprehensive general liability coverage subject to limits of not less than five million dollars (\$5,000,000) per occurrence for personal injury, including death, and damage to property, including loss of use thereof and such policy or policies shall name the Township as an additional insured;
 - b) The insurance policy or policies shall be in full force and effect for the Term of this Agreement;
 - c) A Certificate of Insurance evidencing the insurance coverage required shall be provided by the Agency to the Township prior to the Township signing the Agreement and thereafter promptly on the insurance renewal date; and,
 - d) The insurance premium for the insurance required herein shall be prepaid for a period of not less than one (1) year.
7. In the event that the Agency fails to provide a certificate of insurance when required or upon request by the Township, pay premiums or otherwise keep such policy or policies of insurance in force, the Township may pay premiums or take

out such additional policies as it considers necessary and all sums paid for this purpose shall be at the expense of the Agency.

INDEMNIFICATION:

8. The Agency agrees to indemnify and save harmless the Township against any and all liability, damages (of any nature and kind) and costs (including legal costs) and any other loss to person or property that result from the activities or use of property contemplated by this Agreement by either the Agency or any of its members, save and except for any loss attributable to the actions or negligence of the Township.

TERM AND TERMINATION:

9. Subject to earlier termination and other conditions as provided for in this Agreement, this Agreement shall be effective on the date it is signed by both parties and shall continue for a period of two (2) years (the "Term").
10. The Township may terminate this Agreement on sixty (60) days' written notice for any reason whatsoever. In the case of emergency, this Agreement may be terminated forthwith by the Township.
11. In the event that the Agency no longer operates any trail route within the Township, the Agency may give the Township notice in writing and such notice shall include the date upon which the Agency will no longer operate any trail routes within the Township. This Agreement shall terminate on the date provided by the Agency in the said notice subject to the Township being satisfied that the Agency has ceased to operate any trail route.

GENERAL:

12. This Agreement is not transferrable or assignable by the Agency to any third party without the Township's prior written consent, which consent may be unreasonably withheld.
13. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

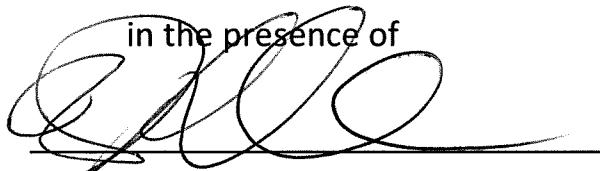
14. The Agency acknowledges:

- a) That it has had an adequate opportunity to read and consider this Agreement and to obtain such legal and other advice as it considers advisable;
- b) That it understands this Agreement and the consequences of signing same; and,
- c) That it is signing this Agreement voluntarily, without coercion and without reliance on any representation, express or implied, by the Township.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be duly executed as of the date first written above.

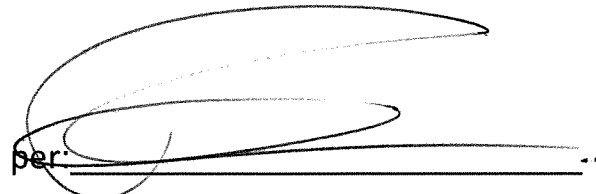
SIGNED, SEALED and DELIVERED

TALBOT TRAIL ATV CLUB INC.

in the presence of


Witness

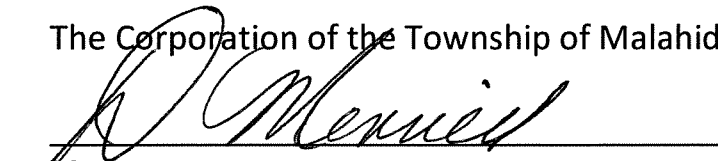
Mary-Lou Van Berkel


 per _____

Tiny Van Pinxteren,
President

I have authority to bind the Corporation.

The Corporation of the Township of Malahide



Mayor



CAO/Clerk

We have authority to bind the Corporation.

Designated Highways

HIGHWAY	FROM	TO
Sawmill Road	Nova Scotia Line	John Wise Line
John Wise Line	820 meters West of Sawmill Road	150 meters West of Anger Road
Anger Road	John Wise Line	Chalet Line
Chalet Line	Anger Road	Walker Road
Walker Road	Chalet Line	145meters South of Highway 3
Mapleton Line	2170 meters West of Springwater Road	1560 meters West of Springwater Road



Report to Council

REPORT NO.: DS-23-31

DATE: October 19, 2023

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: **APPLICATION FOR CONSENT TO SEVER NO. E70-23 OF HENRY HIEBERT (AUTHORIZED AGENT: SIMONA RASANU)**

LOCATION: Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982 (53008 Calton Line)

Recommendation:

THAT Report No. DS-23-31 entitled “Application for Consent to Sever No. E70-23 of Henry Hiebert.” be received;

AND THAT the Application for Consent to Sever No. E70-23 of Henry Hiebert, relating to the property located at Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982, and known municipally as 53008 Calton Line, not be supported for the reasons set out in this Report;

AND THAT this report be forwarded to the Land Division Committee for its review and consideration.

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Strik Baldinelli Moniz, on behalf of Dan and Henry Hiebert, to sever a new residential lot.

The Application relates to the property located at Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562, Save & Except Part 1 Plan 11R10982 and known municipally as 53008 Calton Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on October 25, 2023.

Comments/Analysis:

The subject lands are approximately 7,818 square metres (1.93 acres) in area, with approximately 128 metres of frontage along Calton Line and contains an existing single detached dwelling and two accessory sheds. The surrounding land uses primarily consist of agricultural farm operations, with several existing rural residential lots with surplus farm dwellings.

A previous severance to permit a lot boundary adjustment was submitted for the subject lands, with provisional approval on September 28, 2022, to convey an 1,840 square metre portion of land from 53008 Calton Line to 53052 Calton Line. The legal conveyance of this property occurred on February 23, 2023.

The applicant is now proposing to sever the subject property into two parcels. The retained lands would have an area of approximately 3,936 square metres (0.96 acres) and approximately 64 metres of frontage along Calton Line. The severed lands would have an area of approximately 3,881 square metres (0.93 acres) and approximately 64 metres of frontage along Calton Line. The owner is proposing to demolish the existing single detached dwelling and construct a new dwelling on both the severed and retained parcels.

Provincial Policy Statement (PPS) 2020

The PPS directs that prime agricultural areas are to be protected for long-term use of agriculture, which include areas where prime agricultural lands associated with Canada Land Inventory Lands 1, 2, and 3 predominate. The subject lands are designated as 'Agriculture' within the County of Elgin and Township of Malahide Official Plans.

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation only for the following purposes (Section 2.3.4.1):

- a) *“agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) *agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*
 1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*
- d) *infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.”*

The Planning Justification Report submitted with the application indicates that the proposed severed and retained parcels would be used for both residential and agricultural uses, as the Zoning By-law permits a single detached dwelling and a limited range of agricultural uses. However, the PPS requires that lots for agricultural uses are of an appropriate size for the types of agricultural uses common in the area and are sufficiently large enough to maintain flexibility for future uses. It is noted that the Township's Zoning By-law requires a minimum lot area of 20 hectares (50 acres) for the A1 and A2 zones, as well as 40 hectares (100 acres) for the A3 zone which are applied to farm lots within the Township. It is also noted that the size of farm lots in the surrounding area ranges from approximately 18.6 hectares (46 acres) to 46 hectares (115 acres). The severed lot is proposed to have an area of 0.39 ha (0.96 acres) and the retained lot is proposed to have an area of 0.38 ha (0.93 acres). As a result, the proposed lot sizes would not be consistent with lot sizes for agricultural uses found in the area and would not be of a size to allow for flexibility in future agricultural uses, particularly after the construction of a dwelling and private well and septic system.

The proposed consent application would also not be considered for the purposes of severing an agriculture-related use, a residence surplus for a farming operation, or for the infrastructure.

Section 2.3.4.3 of the PPS states that "the creation of new residential lots in prime agricultural areas shall not be permitted except in accordance with policy 2.3.4.1 (c)". Given the proposed size of the lots and the subject lands being currently used for primarily residential purposes, the proposed application would effectively result in two new residential building lots. The PPS provides direction to focus new growth and development to settlement areas to utilize infrastructure and efficient use of land and resources (s. 1.1.3).

The proposed severance is not consistent with the Provincial Policy Statement.

County of Elgin Official Plan

The subject property is designated as 'Agriculture' on Schedule 'A' of the County Official Plan, which is applied to all lands not designated as within a Settlement Area and these lands are considered to be the County's prime agricultural area.

Lot creation is permitted for lands within this designation for the following purposes (Section E1.2.3.4):

- a) *the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents or,*
- b) *the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation; or,*
- c) *the lot is required for an agriculture-related use as outlined in Section C2.6 of this Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services.*

As listed above, the County Official Plan permits lot severances for new farm lots where those farm lots have a lot area of about 40 hectares; or as established in the local planning documents. The subject lands are currently used primarily for residential purposes and the application would effectively be creating two residential building lots, which is not permitted under the Official Plan. Additionally, it was noted that the required minimum lot size for farm lots in the Township ranges from 20 ha to 40 ha, whereas the proposed area of the severed and retained lots is 0.39 ha and 0.38 ha.

The County Official Plan seeks to protect the County's prime agricultural area from fragmentation, development, and land uses that are unrelated to agriculture (s. C2.1c)). It is the intent of these policies to protect prime agricultural lands from potentially incompatible uses or uses that would limit the viability of farm operations in the future. The introduction of further residential uses in the area would have the potential to impact the flexibility or viability of future changes to agricultural uses in the area and would further fragment the agricultural land base.

Additionally, it is noted that the application is not proposed to sever a surplus farm dwelling and does not fulfill the requirements for an agricultural-related use.

The proposed consent does not conform to the policies of the County Official Plan.

Malahide Official Plan

The subject property is designated 'Agriculture' on Schedule A1 of the Malahide Official Plan. The Official Plan states that the agricultural character of the Township is to be maintained and all other land uses are intended to be supportive of the Official Plan's direction to maintain the agricultural land base (s. 2.1.1.1).

Section 2.1.6a of the Official Plan permits the creation of new farm lots provided the lots are of a size appropriate for the type of agricultural uses common for the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units or will contribute to agricultural viability by means of farm consolidation. As previously discussed within this report, the proposed lots would not be of a size that is consistent or appropriate for the type of agricultural uses common in the area, nor would they be of sufficient size to permit flexibility in farming operations due to their limited size. The proposed lots would result in further land fragmentation and introduce a land use that may impact the viability of agricultural operations in the area and would not result in any farm consolidation.

The proposed consent does not conform to the policies of the Malahide Official Plan.

Malahide Zoning By-law No. 18-22

The subject property is currently zoned "Small Lot Agricultural (A4) Zone", on Key Map 77 of Schedule "A" to the Township's Zoning By-law No. 22-18. As previously noted above, the A4 zone is typically applied to existing lots designated 'Agriculture' that are between one and 2.5 acres in size, as well as to lots that are severed to dispose of a

surplus farm dwelling and is used to identify lots in the rural area that are primarily residential in nature. While the proposed severed and retained lot comply with the minimum lot area requirement for the A4 zone of 2,000 m² and minimum lot frontage of 30 metres required under the By-law, the proposed lots would not meet the minimum lot area and frontage requirements under the Township’s By-law for the A1 or A3 zones that are typically applied to farm lots required.

The proposed consent does not maintain the general intent and purpose of the Malahide Zoning By-Law.

General Comments

The Development Services Staff has also considered comments provided (if any) by other internal departments; no comments were received at the time of writing this report.

It is noted that, while staff are not supportive of the application, staff have provided recommended conditions should the Land Division Committee approve the application.

Financial Implications to Budget:

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township’s Operating Budget.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants Vice President & Principal Planner

Approved by:
Nathan Dias, Chief Administrative Officer

APPLICATION FOR CONSENT TO SEVER

Owners: Henry Hiebert

53008 Calton Line
Part South 1/2 Lot 33, Concession 4 Malahide, As in E295562,
Save & Except Part 1 Plan 11R10982, Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
AGRICULTURE

ZONING
Small Lot Agriculture (A4)



Proposed Severed Parcel



Proposed Retained Parcel



APPLICATION FOR CONSENT

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
2. (a) **Name of Owner** Henry Hiebert
 Address 54701 Vienna Line, Port Burwell, ON, N0J 1T0
 Telephone Number 519-520-8516 Email henryz89hiebert@gmail.com
2. (b) **Name of owner's solicitor or authorized agent** Simona Rasanu
 Address 1599 Adelaide St N Unit 301, London, ON N5X 4E8
 Telephone Number 519-471-6667 x 146 Email srasanu@sbmltd.ca
2. (c) **Name of Applicant** Dan Hiebert
 Address 53008 Calton Line, Malahide
 Telephone Number 519-983-1530 Email dannyhiebert8@gmail.com

Relationship to Owner: Purchasing Farmer () Other () please specify _____

Please specify to whom all communications should be sent:

Owner(s) () Solicitor () Agent () Applicant ()

AUTHORIZATION TO APPOINT AN AGENT must be provided if an agent or solicitor is acting on behalf of the land owner or applicant.

3. (a) Type and purpose of proposed transaction: (check appropriate space)

Transfer: <input checked="" type="checkbox"/> creation of a new lot <input type="checkbox"/> addition to a lot <input type="checkbox"/> surplus farm dwelling** <input type="checkbox"/> technical severance <input type="checkbox"/> other (specify) _____	Other: <input type="checkbox"/> mortgage/charge <input type="checkbox"/> lease <input type="checkbox"/> easement/R.O.W. <input type="checkbox"/> correction of title
---	---

**** If the application involves the severance of a surplus farmhouse (through farm consolidation), please complete and submit attached Appendix "B" – "Surplus Farm Dwelling Information Form."**

(b) Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

(c) If a lot addition, identify the assessment roll number and property owner of the lands to which the parcel will be added:

47
Legal description from parcel register, which is included in the submission package:

PART SOUTH 1/2 LOT 33, CONCESSION 4 MALAHIDE AS IN E295562, SAVE & EXCEPT PART 1 PLAN 11R10982; TOWNSHIP OF MALAHIDE

4. (a) Location of land:

Municipality _____ Concession No. _____
 Lot(s) No. _____ Registered Plan No. _____
 Name of Street _____ Street No. and/or 911 No. _____
 Assessment Roll No. _____

(b) Are there any easements or restrictive covenants affecting the subject land?

Yes No If Yes, describe the easement or covenant and its effect:

5. Description of land intended **to be severed**: (Accurate Measurements in Metric)

Frontage 64.16 Depth 60.62 Area 3,881.31
 Existing Use Residential Proposed Use Residential and agricultural

Number and use of buildings and structures on the land to be severed:

Existing 1 single detached house with attached garage & 2 sheds shared with retained parcel

Proposed Likely one single detached dwelling but details are unknown at this time

6. Description of land intended **to be retained**: (Accurate Measurements in Metric)

Frontage 64.16 Depth 60.62 Area 3,936.63
 Existing Use Residential Proposed Use Residential and agricultural

Number and use of buildings and structures on the land to be retained:

Existing 1 single detached house with attached garage & 2 sheds shared with severed parcel

Proposed Likely one single detached dwelling but details are unknown at this time

7. Number of new lots proposed (including retained lots) 2

8. Type of access for proposed and retained lot: (check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
Municipal road, maintained all year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Municipal road, seasonally maintained	<input type="checkbox"/>	<input type="checkbox"/>
Other public road	<input type="checkbox"/>	<input type="checkbox"/>
Right Of Way	<input type="checkbox"/>	<input type="checkbox"/>
Water access	<input type="checkbox"/>	<input type="checkbox"/>

If proposed access is by water, what boat docking and parking facilities are available on the mainland?
 (specify) _____

9. (a) What type of water supply is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated piped water system	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Privately owned and operated individual well **	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Privately owned and operated communal well **	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Lake or other water body	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Other means (specify)	_____	_____

(b) ** If existing water supply is provided from a privately owned and operated individual/ communal well, **the owner shall be required to provide written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards. (Written confirmation to be attached to the Application); AND**

(c) ** **A water quality test by the applicable public health unit is required (Written confirmation to be attached to the Application)**

10. (a) What type of sewage disposal is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated sanitary sewage system	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Privately owned and operated individual septic Tank **	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Privately owned and operated communal septic System **	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Other means (specify)	_____	_____

(b) **If existing sewage disposal is privately owned, **the owner shall be required to provide written confirmation from a licensed septic installer that the system is in satisfactory operating condition. (Written confirmation to be attached to the Application)** See attached

NOTE: If 9(b), 9(c) and 10(b) are not provided, the application is not considered complete and the application will not be accepted until such time as the outstanding items have been provided and it is deemed complete.

11. When will water supply and sewage disposal services be available?

Already available - may need to be relocated to accommodate proposal & would be addressed at building permit stage.

12. What is the existing Official Plan designation(s) of the subject land?

Elgin County OP: Agricultural Area; Malahide OP: Agriculture

13. What is the existing Zoning designation(s) of the subject land?

Small Lot Agricultural (A4)

14. Has the subject land ever been the subject of an application for approval of a plan of subdivision under the Planning Act? Yes No Unknown

If Yes, and known, provide the application file number and the decision made on the application

15. If this application is a re-submission of a previous consent application, describe how it has been changed from the original application

NA

16. (a) Has there been any previous severances of land from this holding?

Yes

No

- (b) If the answer to (a) is Yes, please indicate previous severances on the required sketch and supply the following information for each lot severed: **See attached Severance Sketch and Reference Plan 11R-10982**

Who the severance was granted to Abutting owner of 53052 Calton Line

Use of parcel lot addition area rezoned RR and used for residential purposes

Date parcel created (Year) _____

17. If this application is for a lot addition, has the lot to be enlarged ever been the subject of a previous severance?

Yes No

If Yes, provide the previous severance File No.

18. (a) Are there any barns within 750 metres of the proposed severed lands?

Yes No

i) Now used for livestock? Yes No

ii) Capable of being used for livestock? Yes No

- (b) If there are livestock barns located within 750 metres of the dwelling on the retained lands a MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) document -Implementation Guideline #6.

19. Is the owner, solicitor, or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

Yes

No

20. Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?

Yes No

If Yes, and known, specify the Ministry file number and status of the application

21. Is the subject land currently the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance, or approval of a plan of subdivision?

Yes No

If Yes, and known, specify the appropriate file number and status of the application

22. (a) Is the application consistent with the Provincial Policy Statement 2020 issued under subsection 3(1) of the Planning Act?

Yes No

- (b) If Yes, identify policies from the Provincial Policy Statement 2020 to support this application for consent

Please see attached Planning Rationale Report.

23. Is the subject land within an area designated under any provincial plan or plans?

Yes No

If Yes, does the application conform to or conflict with the applicable provincial plan or plans

24. Did pre-consultation occur with the local Municipality and/or other agencies?

Yes No

Enter date of consultation and contact person

June 21, 2023 - Monteith Brown Planning Consultants (c/o Eric Steele)

25. The Owner/Applicant/Agent hereby authorizes Land Division Committee members and the Corporation of the County of Elgin staff to enter onto the subject property for the purpose of Site inspections with respect to this application.

26. The Owner/Applicant/Agent hereby consents to disclosure of the information contained in this Application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

27. DETAILED SKETCH: **Attached as Appendix B to Planning Rationale Report**

The application shall be accompanied by a detailed sketch showing the following:

- the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- the boundaries and dimensions of any land owned by the owner of the subject land and

that abuts the subject land;

- the distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas;
- the location of private wells and septic system must be located entirely within the boundaries **of the lot to be created** and shall comply with the Zoning By-Law setbacks;
- the location of private wells and septic system must be located entirely within the boundaries **of the lot to be retained** and shall comply with the Zoning By-Law setbacks;
- the existing use(s) on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- the location and nature of any easement affecting the subject land.

Dated at the City of London
 (Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)

this 17th day of August 2023
 (day) (month) (year)



SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

AFFIDAVIT OR SWORN DECLARATION

I/We Simona Rasanu of the City
(Applicant/Agent Name) (Municipality/Township/City/etc.)

of London in the County of Middlesex
(Name of Municipality/Township/City/etc.) (County Name)

solemnly declare that all the information contained in this application is true, and I/We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under Oath and by virtue of the CANADA EVIDENCE ACT.

DECLARED before me in the
City of London
(Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)

in the County of Middlesex this 17th day of August
(County/Region if applicable) (Day) (Month)

20 23
(Year)



Signature

Signature

AARON CORNELIS AUGUSTUS STRIK,
a Commissioner, etc., Province of Ontario,
for Strik, Baldinelli, Moniz Ltd.
and SBM Geomatics Ltd.
Expires November 30, 2023.

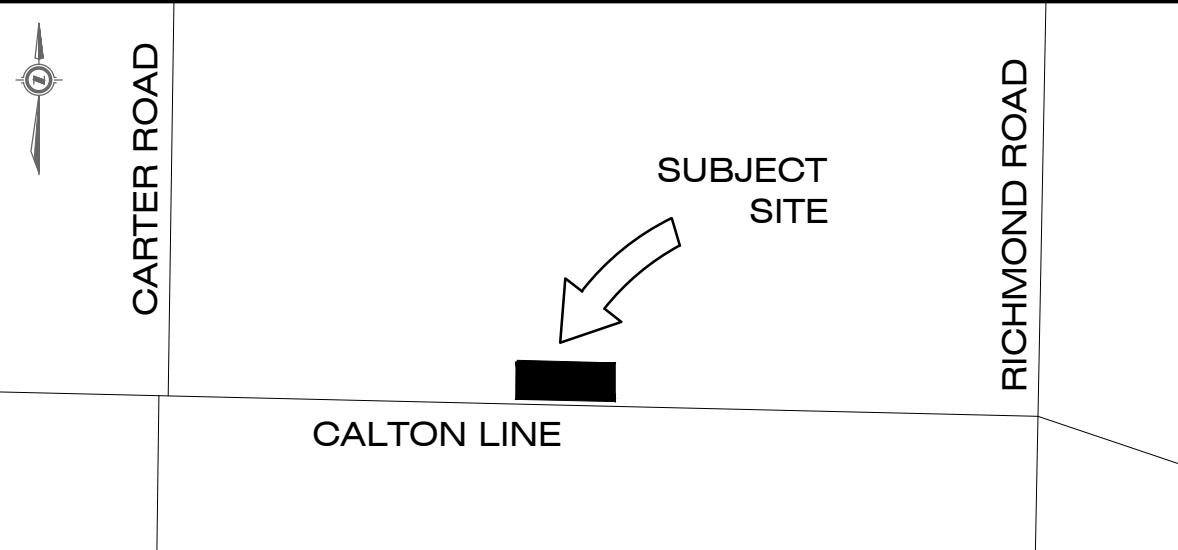
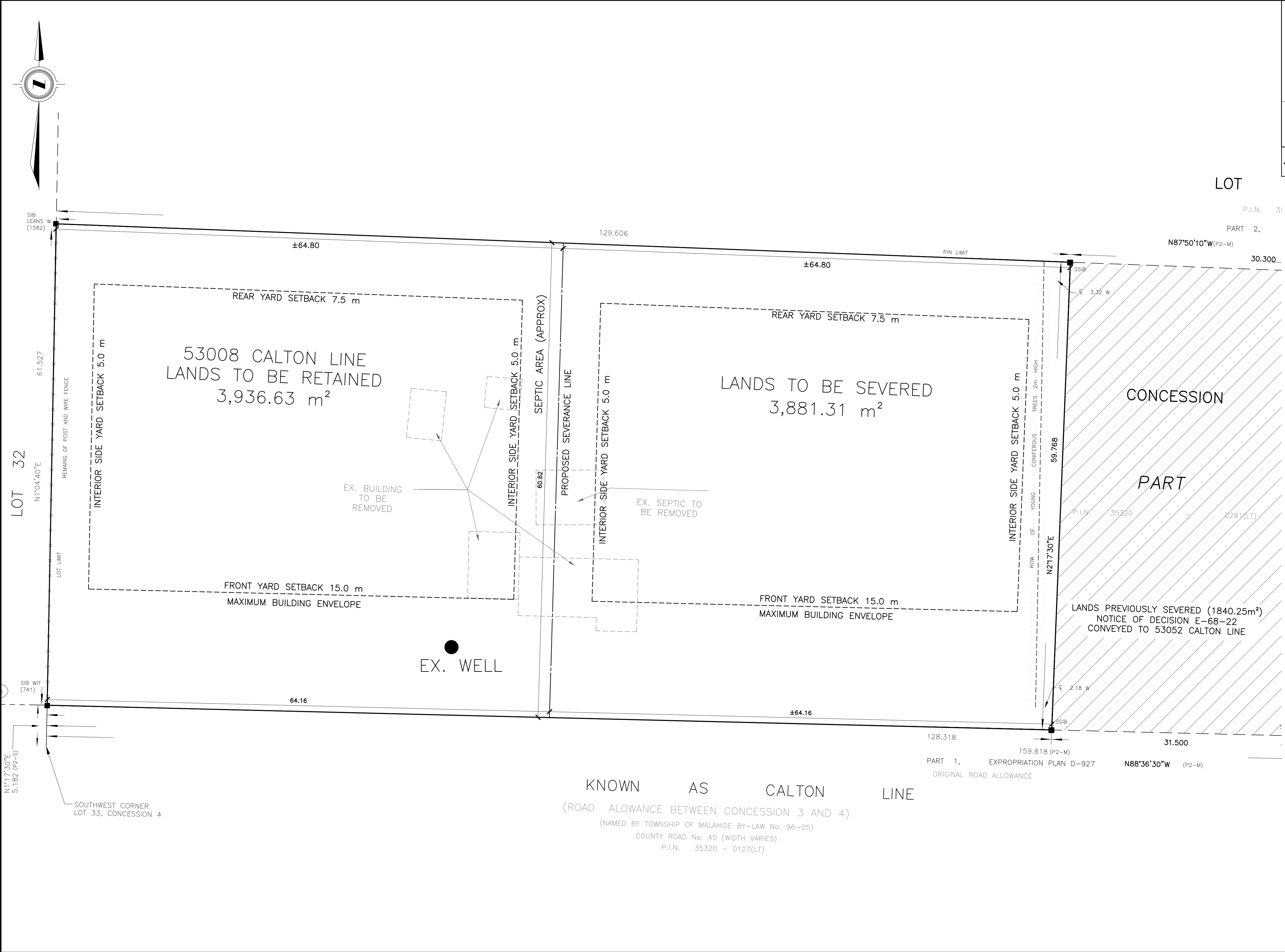


A Commissioner, etc.

If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the seal, if any, must be affixed.

It is required that one copy of this application be filed, together with one copy of the detailed sketch described, with the responsible person, accompanied by a fee of – \$1,250.00 in cash or by cheque made payable to TREASURER, COUNTY OF ELGIN.

An additional fee of \$300.00 will be charged for affixing the consent stamp.



KEY PLAN
N.T.S.

LEGAL INFORMATION

PART OF
LOT 33
CONCESSION 4
IN THE
TOWNSHIP OF MALAHIDE
COUNTY OF ELGIN

**ZONING DATA CHART
LANDS TO BE RETAINED
53008 CALTON LINE**

SITE AREA: 3,936.63 m²

ITEM	A4	REQUIRED	PROVIDED
1	LOT AREA (m ² MIN)	2,000.0	3,936.63
2	LOT FRONTAGE (m MIN)	30.0	64.16
3	FRONT YARD DEPTH AND EXTERIOR SIDE YARD WIDTH (m MIN)	15.0 9.0	15.0 N/A
4	REAR YARD DEPTH AND INTERIOR SIDE YARD WIDTH (m MIN)	7.5 5.0	7.5 5.0
5	MAXIMUM LOT DEPTH TO LOT FRONTAGE RATIO	3:1 (384.9m)	<3:1 (61.527m)
6	LOT COVERAGE (%) MAX	30	30
7	MAXIMUM HEIGHT OF A DWELLING (m)	10.5	10.5
8	FLOOR AREA OF A DWELLING (m ² MIN)	90	MIN 90.0 m ²
9	FLOOR AREA OF AN ACCESSORY BUILDING (m ² MAX)	200	200
10	MAXIMUM NUMBER OF DWELLINGS PER LOT	1	1

**ZONING DATA CHART
LANDS TO BE SEVERED**

SITE AREA: 3,881.31 m²

ITEM	A4	REQUIRED	PROVIDED
1	LOT AREA (m ² MIN)	2,000.0	3,881.31
2	LOT FRONTAGE (m MIN)	30.0	64.16
3	FRONT YARD DEPTH AND EXTERIOR SIDE YARD WIDTH (m MIN)	15.0 9.0	15.0 N/A
4	REAR YARD DEPTH AND INTERIOR SIDE YARD WIDTH (m MIN)	7.5 5.0	7.5 5.0
5	MAXIMUM LOT DEPTH TO LOT FRONTAGE RATIO	3:1 (384.9m)	<3:1 (60.62m)
6	LOT COVERAGE (%) MAX	30	30
7	MAXIMUM HEIGHT OF A DWELLING (m)	10.5	10.5
8	FLOOR AREA OF A DWELLING (m ² MIN)	90	MIN 90.0 m ²
9	FLOOR AREA OF AN ACCESSORY BUILDING (m ² MAX)	200	200
10	MAXIMUM NUMBER OF DWELLINGS PER LOT	1	1

KNOWN AS CALTON LINE
(ROAD ALLOWANCE BETWEEN CONCESSION 3 AND 4)
(NAMED BY TOWNSHIP OF MALAHIDE BY-LAW No. 96-05)
COUNTY ROAD No. 45 (WIDTH VARIES)
P.I.N. 35320 - 0127(LT)

REFERENCE DOCUMENTS:

- REFERENCE PLAN 11R-10982 FEBRUARY 7, 2023 BY SBM GEOMATICS

PARCELS, BUILDINGS AND EXISTING INFORMATION ARE APPROXIMATE AND FOR REFERENCE ONLY.
CONCEPT IS PRELIMINARY AND HAS NOT BEEN REVIEWED BY THE CITY.
THE PLAN IS COMPILED AND SHOULD NOT BE CONSIDERED A PLAN OF SURVEY.

AS CONSTRUCTED SERVICES	COMPLETION	No.	REVISIONS	D/M/Y	BY	CONSULTANT
DESIGN	SC	1	FOR CLIENT REVIEW	29/05/23	SC	 PLANNING - CIVIL - STRUCTURAL - MECHANICAL - ELECTRICAL 1599 Adelaide St. N, Unit 301, London, Ontario, N5X 4E8 Tel: (519) 471-6667 Fax: (519) 471-0034 Email: sbm@sbmltd.ca
DRAWN	SC	2	FOR SUBMISSION	14/08/23	SC	
CHECKED	SR					
APPROVED	SR					
DATE				14/08/2023		
CAD				23-0854		

ENGINEER'S STAMP

**PRELIMINARY
NOT FOR
CONSTRUCTION**

CLIENT

DAN HIEBERT
53008 CALTON LINE
AYLMER, ON
NOJ 1T0

SCALE

SCALE - 1:250
2.5 0 5.0m

TITLE

LOT SEVERANCE AND ZONING CHART

SEVERANCE SKETCH

53008 CALTON LINE
TOWNSHIP OF MALAHIDE, ON

PROJECT No.
SBM-23-0854

SHEET No.
SP1

PLAN FILE No.
-

J.B. Wilson & Son
Well Drilling Ltd
R.R. #1 Springfield, ON N0L 2J0
519-269-3364 519-269-3995

Dan Hiebert
54761 Vienna Line
Aylmer, ON

July 25, 2022

519-983-1530 dannyhiebert8@gmail.com

Re: Well Evaluation – 53008 Calton Line

Our company performed a well evaluation and flow test on the well located at 53008 Calton Line. After test pumping the well we determined that it is capable of supplying 3 GPM. This flow rate is generally accepted as an adequate volume to supply a household for normal use.

The well also has a vermin proof cap, which meets provincial standards.

If you have any questions, please do not hesitate to contact us.

Regards,

Matt Wilson

MOE Technician Licence #3030 - Class 1,2,3,4
MOE Contractor Licence #5466

Bacteriological Analysis of Drinking Water for Private Citizen, Single Household Only
Analyse bactériologique de l'eau potable - Particuliers, Ménages unifamiliaux seulement

Submitter's Name and Mailing Address /

Nom et adresse postale de l'auteur de la demande d'analyse

First Name, Last Name / Prénom, Nom de famille

HENRY HIEBERT

Street address / Adresse municipale

53008 CALTON LINE**AYLMER, ON N5H 2R5**

Location of Water Source /

Emplacement de la source d'eau

Lot, Concession / ou lot, concession

Emergency Locator # / 911#

PT S 1/2 33 4

Street address / Adresse municipale

53008 CALTON LINE**MALAHIDE ON N5H2R5**County / Comté: **ELGIN**Health Unit # / # du bureau de santé: **4913**

Specimen details / Détails sur l'échantillon:

Barcode / Code à barres: **011812223**

Phone # / # tél.:

Date/Time Collected / Date/heure du prélèvement*: **2022-05-11 10:00:00**Date/Time Received / Date/heure Reçu le*: **2022-05-12 15:56:00**Purification system used (e.g. UV, filtration, etc.)? /
Système d'épuration utilisé (p. ex. rayons UV, filtration, etc.)?

No / Non

Authorized by / Autorisé par

Chief, Medical Microbiology or Designate

Specimen Note / Note sur l'échantillon:

This specimen was received in good condition unless otherwise stated./À moins d'avis contraire, l'échantillon était en bonne condition au moment de la réception.

Test results / Résultats d'analyse:

Total Coliform CFU/100 mL / Coliformes totaux UFC/100 mL

0

E.coli CFU/100 mL / E. coli UFC/100 mL

0

Interpretation / Interprétation:

There is no evidence of fecal contamination. If the results show the presence of coliforms it may be indicative of a contaminated water supply. Given the vulnerability of well water to external influences, it is important to test water frequently. Consult local health unit for information if required.

Il n'y a aucune preuve de contamination fécale. Si les résultats indiquent la présence de coliformes, cela peut être révélateur d'une source d'eau polluée. L'eau des puits étant susceptible d'être dégradée par des facteurs externes, il est important de la faire analyser fréquemment. Consultez le bureau local de santé publique pour plus de détails, si nécessaire.

Date of Analysis / Date de l'analyse: **2022-05-12**Date Read / Analyse effectuée le: **2022-05-13**

Please Note / Prière de noter ce qui suit :

The results apply to the sample as received./Les résultats s'appliquent à l'échantillon, tel que reçu.

These results relate only to the sample tested. / Le résultat obtenu se rapporte seulement à cet échantillon d'eau analysé.

Note : This water sample was only tested for the presence of both Total Coliforms and E. coli (ISO/IEC 17025 accredited tests) bacterial indicators of contamination by Membrane Filtration. The sample was not tested for other contaminants, including chemical contaminants, and therefore may be unsafe to drink even when there is no significant evidence of bacterial contamination. Contact your local public health unit for information on testing for other contaminants./ Remarque: Cet échantillon d'eau n'a été analysé que pour déceler (par un laboratoire accrédité conformément à la norme ISO/IEC 17025) la présence des coliformes totaux et des bactéries colibacillaires, indicateurs de contamination par filtration sur membrane. L'échantillon n'a pas été testé pour d'autres contaminants, y compris les contaminants chimiques et, par conséquent, l'eau peut être impropre à la consommation même lorsqu'il n'y a aucune preuve significative de contamination bactérienne. Veuillez communiquer avec le bureau de santé publique de votre localité pour vous renseigner au sujet de l'analyse visant à détecter la présence d'autres contaminants.

If the reported client information does not match the information you supplied on the form please contact the PHO Customer Service Centre. Telephone: 1-877-604-4567 or 416-235-6556 or E-mail: customerservicecentre@oahpp.ca. For operating hours see our website www.publichealthontario.ca/labs. / Si les informations sur le client indiquées ne correspondent pas aux informations que vous avez fournies sur le formulaire, veuillez communiquer avec le Service à la clientèle de SPO par téléphone au 1-877-604-4567 ou 416-235-6556, ou par courriel au customerservicecentre@oahpp.ca. Pour connaître les heures d'ouverture, veuillez consulter notre site Web à www.publichealthontario.ca/labs.

End of report / Fin du rapport

*All time values are EST /EDT/Toutes les heures sont exprimées en HNE ou en HAE.

Print Date / Date d'impression*: 2022-05-13

Page 1 of 1

LIMS Report #: 45465059

Date Reported / Date du rapport*: 2022-05-13 15:48:04

T_SingleSampleOPHL_WATPRIVATE.rpt

May 20, 2022

RE:
53008 Calton Line & 53052 Calton Line
Calton, ON

To Whom It May Concern:

New Day Excavation Inc. was called to do a septic inspection at 53008 Calton Line and 53052 Calton Line in Calton, ON as part of the process to apply for property severance. Our findings were the following:

53008 Calton Line – Existing system appeared to be gravity fed infiltration system. A visual inspection was done on the existing septic tank. The tank appeared to be in good working condition with no obstructions or deficiencies noted. No standing water was noted in the area of the weeping bed. Homeowner noted they have not had any issues in the 5+ years that they have owned it. As of May 20, 2022 we consider the existing septic system to be in good working order with no changes needed.

53052 Calton Line – The house at this address was noted to be a new build. The existing system is a Waterloo Biofilter Level 4 treatment unit with a Type A dispersal bed. A visual inspection was done on existing tanks and pump chambers. Both tanks and pump chambers appeared to be in good working condition and working as should. As of May 20, 2022 we consider the existing septic system to be in good working order with no changes needed.

Regards

Jacob Unrau
BCIN# 17933

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PART SOUTH 1/2 LOT 33, CONCESSION 4 MALAHIDE AS IN E295562, SAVE & EXCEPT PART 1 PLAN 11R10982; TOWNSHIP OF MALAHIDE

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

DIVISION FROM 35320-0281

PIN CREATION DATE:

2023/03/07

OWNERS' NAMES

HIEBERT, HENRY

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2007/03/26 **						
E135254	1969/07/18	BYLAW				C
CT185604	2020/08/21	TRANSFER	\$141,869	HIEBERT, HENRY HIEBERT, DAVID	HIEBERT, HENRY	C
CT185605	2020/08/21	CHARGE	\$450,000	HIEBERT, HENRY	KINDRED CREDIT UNION LIMITED	C
CT185613	2020/08/21	NO ASSGN RENT GEN		HIEBERT, HENRY	KINDRED CREDIT UNION LIMITED	C
REMARKS: CT185605						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



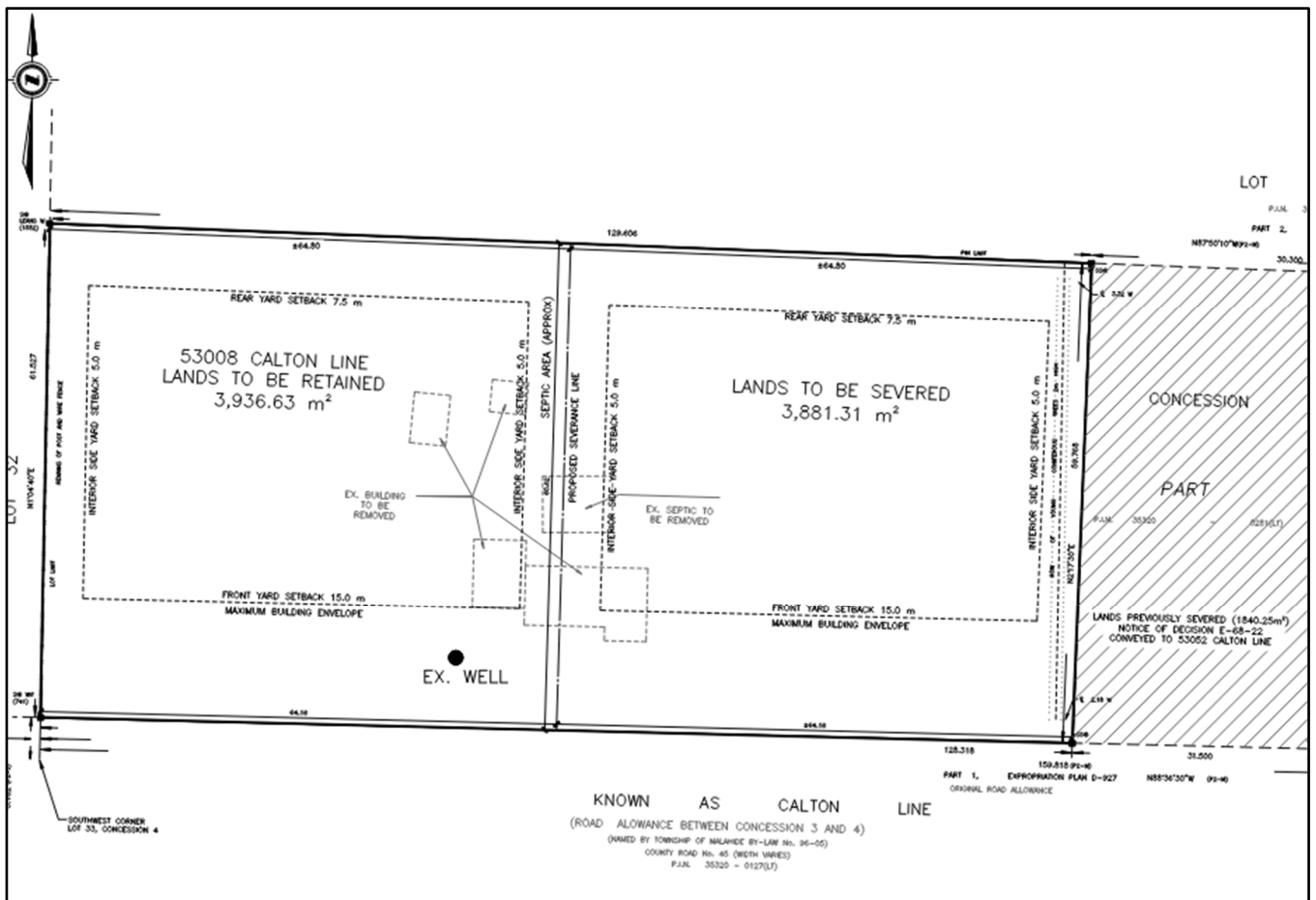
PLANNING RATIONALE REPORT

53008 CALTON LINE, MALAHIDE

PROPOSED CONSENT TO SEVER APPLICATION TO PERMIT A NEW LOT

Prepared for:
 Dan Hiebert
 53008 Calton Line
 Aylmer, ON NOJ 1T0

Prepared by:
 Strik, Baldinelli, Moniz Ltd.
 #301, 1599 Adelaide St. N.
 London, ON N6B 2H8





PLANNING • CIVIL • STRUCTURAL • MECHANICAL • ELECTRICAL

LONDON LOCATION
 1599 Adelaide St. N., Units 301 & 203
 London, ON N5X 4E8
 P: 519-471-6667

KITCHENER LOCATION
 1415 Huron Rd., Unit 225
 Kitchener, ON N2R 0L3
 P: 519-725-8093

www.sbmltd.ca

sbm@sbmltd.ca

18 August 2023

SBM-23-0854

Paul Clarke, Land Division Secretary-Treasurer
 Elgin County Land Division Committee

RE: Planning Rationale Report – 53008 Calton Line, Malahide, Elgin County

Strik, Baldinelli, Moniz Ltd. has been retained by Dan Hiebert (the “Applicant”) to prepare and submit a consent to sever application for the property municipally addressed as 53008 Calton Line located in southeast Malahide to permit a lot severance.

This report provides a brief review and analysis of the applicable relevant policies in support of the consent application. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical

Simona Rasanu, RPP, MCIP
 Planner

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1 INTRODUCTION

The purpose of the following land use Planning Rationale Report is to evaluate the proposed consent application within the context of existing land use policies and regulations, including the *Planning Act*, Provincial Policy Statement, County of Elgin Official Plan, the Malahide Official Plan, and the Malahide Zoning By-law.

As required by the Elgin County consent form, a pre-application consultation meeting was requested with the Township of Malahide. Its planning consultant, Eric Steele working for Monteith Brown Planning Consultants (MBPC), provided verbal comments during a phone call on June 21, 2023, but has yet to provide a written summary of his comments, despite repeated requests.

2 SITE DESCRIPTION

The subject property municipally addressed as 53008 Calton Line (the “Subject Property”) is located on the north side of Calton Line (County Road 45), between Carter Road and Richmond Road in southeast Malahide, Elgin County. It is a rectangular parcel with an existing lot area of 7,817.94 square metres and a lot frontage of 128.3 metres. Its area and lot frontage have been modified as a result of a lot addition severance application (# E68-22) provisionally approved by the Elgin County Land Division Committee on September 28, 2022 with the final consent certificate being issued February 23, 2023. The purpose of the lot addition severance was to permit the conveyance of land identified as Part 1 on Reference Plan 11R-10982 with an area of 1,840.25 square metres to the abutting, undersized property to the west municipally identified as 53052 Calton Line. The legal conveyance/transfer to the abutting property also occurred on February 23, 2023.

As shown on **Figure 1** in Appendix A and the Severance Sketch in Appendix B (the “Severance Sketch”), the Subject Property is currently improved with a one-storey detached house with an attached garage and two permanent accessory structures (i.e., two sheds used for personal storage) accessed via a driveway from Calton Line. Servicing is provided via a private well and septic system. The Subject Property is currently not being used for agricultural purposes, notwithstanding that could it be used for this purpose by the existing planning framework, including the existing zoning.

3 SURROUNDING CONTEXT

The surrounding land uses are primarily rural residential, particularly to the west and the east (along Calton Line), and agricultural croplands, especially to the north and south. There are two properties with industrial zoning on the south side of Calton Line: 53075 Calton Line is zoned M2; 53245 Calton Line zoned is M3 and used for the outdoor storage of scrap metal materials, dilapidated vehicles and waste materials. Further east are rural residential properties in proximity to the Calton Line/Richmond Road intersection (i.e., Calton hamlet).

4 DEVELOPMENT PROPOSAL

A severance of the Subject Property to create one new lot is proposed, as shown on the Severance Sketch. The severed lot would have a lot frontage of 64.16 m, a lot depth of 60.62 m and an area of 3,936.63 square metres. The retained lot would have a lot frontage of 64.16 m, a lot depth of 60.62 m and a lot area of 3,881.31 square metres. Both parcels could be used for both agricultural and residential purposes in compliance with the existing A4 zone. Although it is envisioned that the existing buildings would be demolished to accommodate one new single detached dwelling on each of the severed and retained parcels, these details are not known at this time and would be provided at the building permit stage. Both parcels would require access from Calton Line and one new access permit from County Road 45 would be required.

Inspection reports for the existing septic system and water well, as well as a bacteriological test for the water well, are included in the consent application submission package. The documents did not indicate any concerns with these systems. However, these systems may be relocated in the future once design details for each of the two proposed parcels are finalized (the “Severance Proposal”).

5 PLANNING FRAMEWORK

5.1 Existing Planning Framework

The existing planning framework includes the *Planning Act, 1990*, the Provincial Policy Statement (2020), the County of Elgin Official Plan (2015), the Malahide Official Plan (2013), and the Malahide Zoning By-law (2021).

5.2 Required Planning Applications

A consent to sever application is required to create a new lot. As no land use changes are proposed and both the severed and retained lots would comply with the standards of the existing A4 Zone, no other planning applications are required.

5.3 *Planning Act*

The *Planning Act, 1990*, as amended, is the provincial legislation that outlines how land use planning can be practiced in Ontario – it sets out rules and regulations which describe requirements for planning processes, how land uses may be controlled and by whom. Section 51(24) of the *Planning Act* outlines the criteria that need to be considered when evaluating subdivision and consent applications, including the effect of the proposal on matters of provincial interest; the dimensions and shapes of the proposed lots; the suitability of the land for the purposes for which it is subdivided; and whether the plan conforms to the official plan and any adjacent plans of subdivision.

The Severance Proposal envisions one new lot whose frontage and area would comply with existing zoning standards that could be used for both agricultural and residential purposes, like any other property that is zoned Small Lot Agricultural (A4) in the Malahide Zoning By-law. Access would continue to be provided from Calton

Line/County Road 45 and servicing would continue to be provided using private systems. Conformance to the County and municipal Official Plan will be discussed below. In summary, the Severance Proposal conforms to Section 51(24) of the *Planning Act*.

5.4 Provincial Policy Statement (2020)

Any land use planning decision shall be consistent with the Provincial Policy Statement (PPS). The PPS provides direction for municipalities to promote efficient development and land use patterns, including intensification, and a wide array of residential types (Policy 1.1.1). It also directs municipalities to focus new growth and development to settlement areas to best utilize infrastructure, minimize impacts of climate change, and efficiently use land and resources (Section 1.1.3). When development in rural settlement areas is proposed, consideration must be given to the rural characteristics, scale of development and the availability of appropriate services (Policy 1.1.4.3).

The Subject Property is designated “Agricultural Area” by the Elgin County Official Plan (see **Figure 2** in Appendix A) and “Agriculture” by the Malahide Official Plan (see **Figure 3** in Appendix A), which means that it is classified as being located in a “prime agricultural area” by the relevant planning documents. The intent of the “prime agricultural area” classification is to protect and promote agricultural uses in areas of the Province where prime agricultural lands predominate. Section 2.3.4 of the PPS outlines lot creation policies in prime agricultural areas. Policy 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and may only be permitted to accommodate the following. Italicized words are defined terms in the PPS.

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

The proposed lots resulting from the Severance Proposal can accommodate both agricultural and residential uses in accordance with the Malahide Zoning By-law. Both the proposed severed and retained lots can accommodate agricultural uses in the same way the Subject Property can accommodate these uses, albeit to a smaller degree due to the change in lot areas. Although the A4 zone, where the lot area can be as small as 2,000 square metres (0.5 acres), is not of a sufficient size to accommodate the type of farming (mostly commercial cash crop farming) prevalent in the local area, nevertheless it exists as an agricultural zone and can accommodate small-scale commercial or hobby farming.

It is also important to note that almost any agriculturally designated and zoned parcel of land is also permitted to have residential uses in the form of a permanent single detached dwelling. Because the property area allocated to farming is typically so much larger compared to the area allocated to residential uses, it is common for planners to classify the agricultural use as “primary”, the residential use as “secondary”, and the overall use as “agricultural”. Nevertheless, both uses are generally permitted to coexist on the same property, as they could coexist on the proposed lots.

5.5 Elgin County Official Plan

The Township of Malahide is one of seven municipalities within Elgin County. The County is currently undertaking its five-year Official Plan review update. However, since County Council has not yet approved an updated Official Plan, the existing document will be referenced. The County Official Plan (Schedule ‘A’ Land Use) designates the Subject Property as “Agricultural Area” (see **Figure 2** in Appendix A). The Subject Property does not appear to be subject to any natural heritage designations as per Appendix #1 Natural Heritage Features and Areas of the County Official Plan.

As per C2.3 of the Official Plan, a single detached dwelling in conjunction with an agricultural use is permitted in the Agricultural Area designation. Combined residential and agricultural uses are envisioned by the Severance Proposal.

Section E1.2.3.1 outlines general criteria for consent applications. The criteria will be identified and responses provided below.

a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;

Response: Both the severed and retained parcels would require access from Calton Line, also known as County Road No. 45, and identified as a County Minor Arterial on Schedule ‘B’ Transportation of the Elgin Official Plan.

b) does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;

Response: Further to the above response, both parcels would require access from Calton Line/County Road 45. A new access permit from the County would be required.

c) will not cause a traffic hazard;

Response: There is no reason to believe requesting a new access permit would cause a traffic hazard.

d) has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;

Response: As shown on the Severance Sketch, both the severed and retained parcels would comply with the A4 Zone standards which currently apply to the Subject Property.

e) notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;

Response: A Zoning By-law Amendment or Minor Variance application is not required to permit the Severance Proposal.

f) can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;

Response: Private servicing is proposed for each of the severed and retained parcels. The existing private systems may need to be relocated – these details would be reviewed at the building permit stage.

g) will not have a negative impact on the drainage patterns in the area;

Response: The Severance Proposal is not expected to have any negative impacts on the area drainage patterns.

h) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;

Response: The Severance Proposal would conform to this criterion.

i) will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;

Response: This criterion is not applicable as the Subject Property does not have any identified natural heritage features.

j) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;

Response: The Severance Proposal is not expected to have any negative impacts on the quality and quantity of area groundwater. The appropriate engineering drawings to facilitate development of these parcels would be provided at the building permit stage.

k) *will not have an adverse effect on natural hazard processes such as flooding and erosion;*

Response: The Severance Proposal would have no negative impacts on natural hazard processes.

l) *conform with the local Official Plan; and,*

Response: Section 5.6 of this report will undertake an analysis of relevant Malahide Official Plan policies and outline how the Severance Proposal conforms.

m) *will conform to Section 51 (24) of the Planning Act, as amended.*

Response: As noted in Section 5.3 of this report, the Severance Proposal conforms to Section 51 (24) of *the Planning Act*.

Section E.1.2.3.4 outlines lot creation policies for lands designated Agricultural Area. The following three scenarios are contemplated:

a) *the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents or, (emphasis mine)*

b) *the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation; or*

c) *the lot is required for an agricultural-related use as outlined in Section C2.6 of this Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services.*

The Severance Proposal would conform to policy E1.2.3.4a). Although the proposed severed and retained parcels are clearly under 40 hectares, the policy provides for exceptions if allowed by local planning documents. The Malahide Zoning By-law, which implements the Malahide Official Plan, has a Small Lot Agricultural (A4) Zone with a minimum lot area of 2,000 square metres (0.2 hectares). Both the proposed lots would conform to the A4 Zone standards, including the minimum lot area and lot frontage.

In summary, the Severance Proposal substantially conforms to the Elgin County Official Plan.

5.6 Malahide Official Plan

The Subject Property is designated Agriculture in the Malahide Official Plan (Schedule 'A1' Land Use) (see **Figure 3** in Appendix A). Section 2.1.6 states that it is the intent of the Official Plan to “discourage the subdividing of large farms into smaller holdings and to encourage continued farm use. The enforcement of this policy and stipulation of a minimum lot size for agricultural uses will be detailed in the Zoning By-law.” It then goes on to outline criteria

for evaluating consent applications that propose minimum lot sizes deviating from those prescribed in the Zoning By-law. This policy is not applicable to the Severance Proposal as deviations from the Zoning By-law with respect to minimum lot areas are not required. A Zoning By-law Amendment is not being requested and is not required.

Section 2.1.7 is also not relevant since it is meant for surplus farm dwelling severances.

The proposed retained and severed parcels comply with the minimum lot area and lot frontage standards of the Malahide Zoning By-law and do not conflict with any policies of the Malahide Official Plan.

5.7 Zoning Analysis

The Malahide Zoning By-law has four agricultural zones: General Agriculture (A1) Zone, Special Agricultural (A2) Zone, Large Lot Agricultural (A3) Zone, and the Small Lot Agricultural (A4) Zone. The Subject Property is zoned A4 (see **Figure 4** in Appendix A).

The following extract from the Zoning By-law identifies the intent of the A4 Zone

The Small Lot Agricultural (A4) Zone applies in areas designated 'Agriculture' in the Township's Official Plan to parcels ranging in size from 4,000 sq. m (1 acre) to 1 hectares (2.5 acres). The A4 zone also applies to lots created by consent to dispose a surplus farm dwelling where the size of the lot is greater than 1 hectare. As a means of identifying lots in the rural area which are primarily residential in nature, it essentially replaces the Agricultural Residential (AR) Zone of the Township's former Zoning By-law. Agricultural uses are permitted with the exception of fur farming and mushroom farming. The keeping of livestock is restricted to small-scale operations which are not governed by the provisions of the Nutrient Management Act.

Notwithstanding the textual reference above to 4,000 square metres being the minimum parcel size for the A4 Zone, the table in Section 5.2.1 of the Zoning By-law identifies 2,000 square metres as the minimum lot size, and this is assumed to be the correct zoning standard. The Severance Sketch includes zoning charts for both the severed and retained parcels. Both parcels would be well above the 2,000 square metre lot area requirement. Although the Severance Sketch does not show new buildings since that information is not currently available, it is assumed that any future buildings would be compliant with the A4 standards.

The Severance Proposal aligns with the vision for the A4 zone, which identifies “lots in the rural area which are primarily residential in nature”. The proposed severance could accommodate both residential and agricultural uses, although it is understood that the primary use would be residential on account of the limited lot area for all parcels of land zoned A4, not just the Subject Property. In summary, the Severance Proposal meets the intent and purpose of the Zoning By-law.

6 CLOSING

Based on a review of the relevant policies and regulatory framework for the Subject Property, the proposed consent application is justified for the following reasons:

- The Severance Proposal substantially conforms to Section 51(24) of the *Planning Act*, as well as the applicable Elgin County and Malahide Official Plan policies.
- The Severance Proposal would create severed and retained lots that could be used for both residential and agricultural uses, and that would comply with the A4 Zone standards of the Malahide Zoning By-law, which is the primary implementation tool of the Malahide Official Plan.

For the reasons noted above and throughout this report, the proposed consent application represents sound land use planning practice.

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical



Simona Rasanu, RPP, MCIP
Planner

Appendix A: Figures 1-4



Figure 1. Subject Property Key Map (Source Elgin Mapping). Note that the zoning layer is turned on to show the modified area of the Subject Property as it seems the “Elgin County Parcels” layer has not been updated to reflect the lot addition severance.

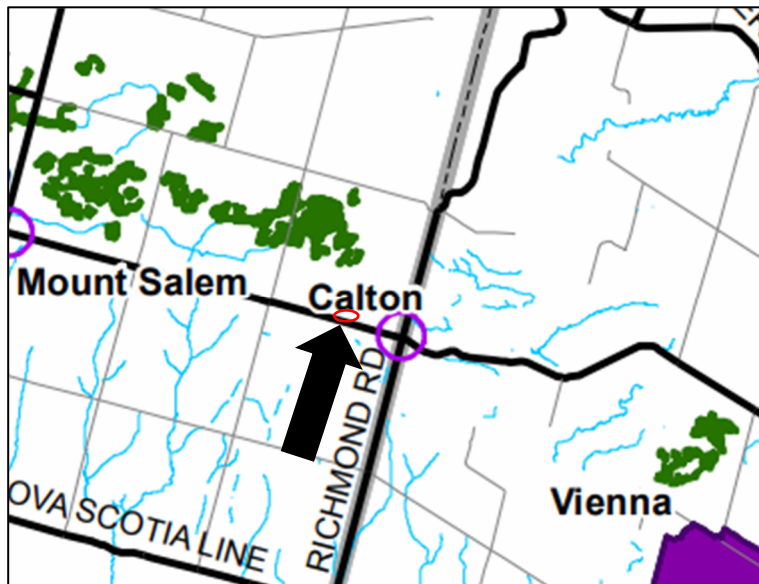


Figure 2. Elgin County Official Plan land use designation: *Agricultural Area* (Source: Schedule 'A' Land Use)

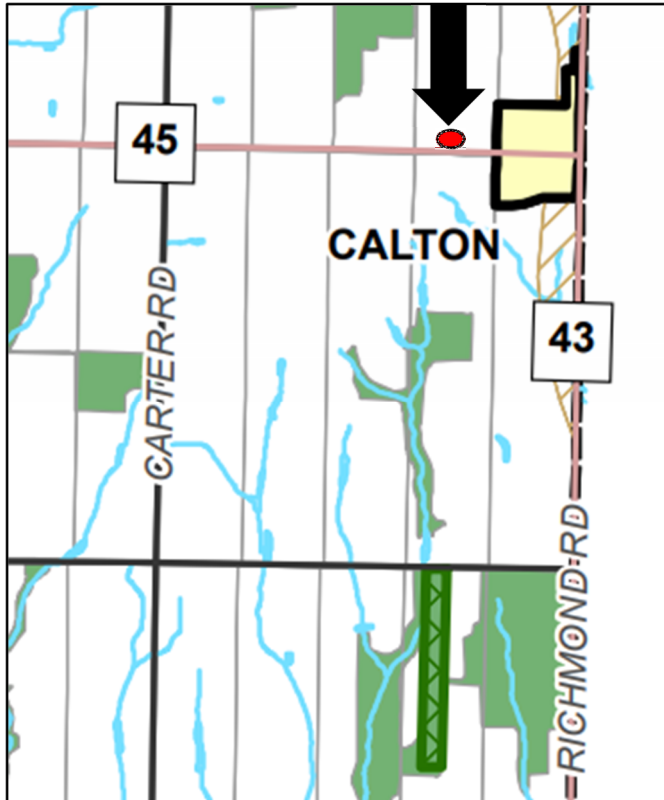


Figure 3. Malahide Official Plan land use designation - Agriculture (Source: Schedule 'A' Land Use)

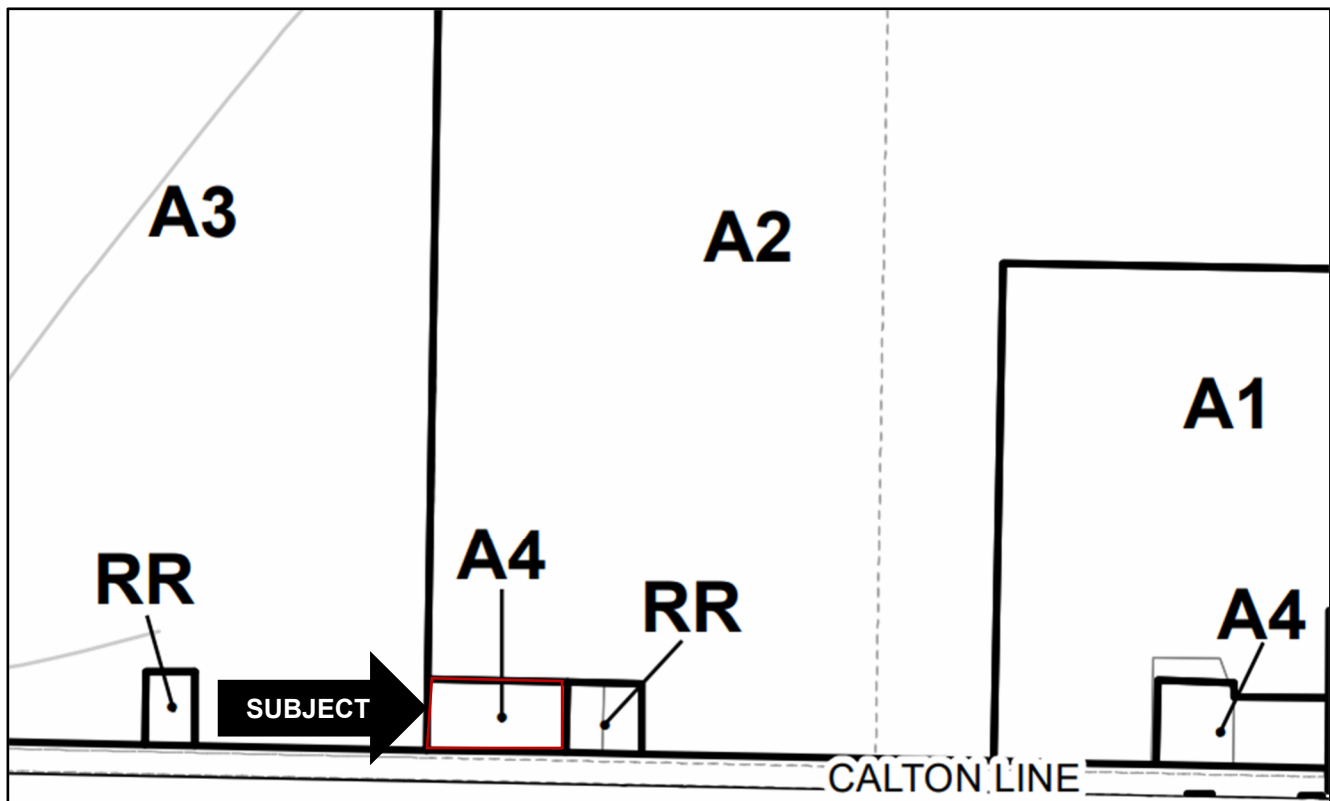


Figure 4. Existing zone for the Subject Property – A4 (Source: Map No. 77, Malahide Zoning By-law)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 11R-10982

RECEIVED AND DEPOSITED

DATE February 7, 2023

DATE FEB. 08, 2023

Gavin P.T. Seaman
GAVIN P.T. SEAMAN, O.L.S.

C. Townson
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN (No. 11)

PART SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	33	4	35320-0281 (LT)

PART 1 - COMPRISES PART OF P.I.N. 35320-0281 (LT).

PLAN OF SURVEY
OF PART OF
LOT 33, CONCESSION 4
(GEOGRAPHIC TOWNSHIP OF MALAHIDE)
NOW THE
TOWNSHIP OF MALAHIDE
COUNTY OF ELGIN

SCALE - 1:300

SBM GEOMATICS LTD
ONTARIO LAND SURVEYORS

LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- IB# DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- CP DENOTES CONCRETE PIN
- M DENOTES MEASURED
- OU DENOTES ORIGIN UNKNOWN
- S DENOTES SET
- P1 DENOTES PLAN 11R-9328
- P2 DENOTES PLAN 11R-10045
- 741 DENOTES D.J. HOUGHTON, O.L.S.
- 1582 DENOTES K.S. HUSTEAD, O.L.S.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO INTERNATIONAL FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- (1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - (2) THE SURVEY WAS COMPLETED ON THE 12th DAY OF JANUARY 2023.

February 7, 2023
DATE

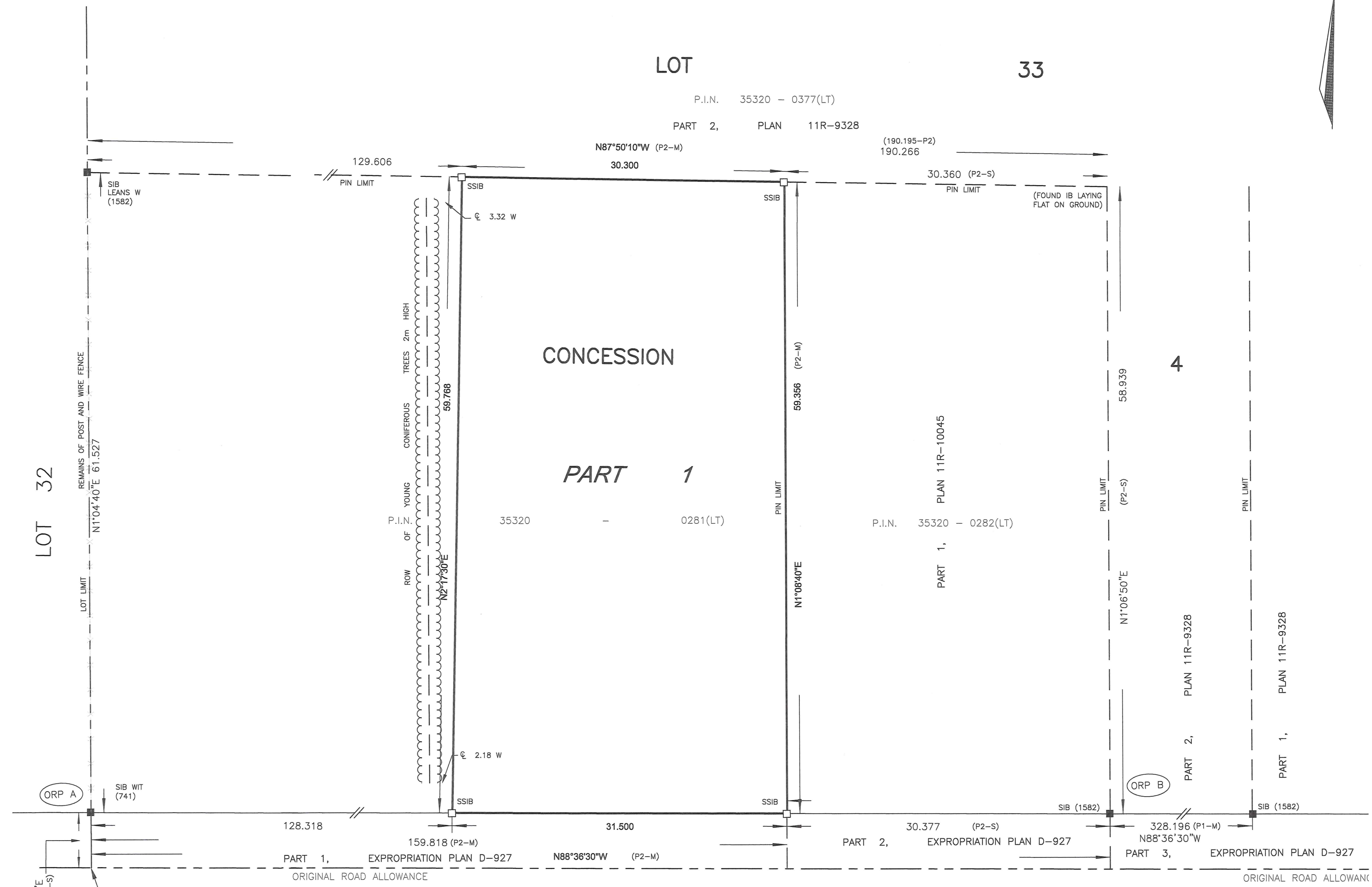
Gavin P.T. Seaman
GAVIN P.T. SEAMAN
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2201169

sbm
GEOMATICS
ONTARIO LAND SURVEYORS

1599 Adelaide St. N, Unit 203, London,
Ontario, N5X 4E8
Tel: (519) 914-1134 Fax: (519) 471-0034

SURVEY BY: SD	DRAWN BY: M. BACHMANN	CHECKED BY: JAH/GPS	FILE NO: SBMG-22-0084RP01
COGO: 230112-RPLAN-Ground-SD-HYBRID(22-0084).txt	PLAN NO: 22-0084RP01	PLAN SIZE: 18x24	



KNOWN AS CALTON LINE
(ROAD ALLOWANCE BETWEEN CONCESSION 3 AND 4)
(NAMED BY TOWNSHIP OF MALAHIDE BY-LAW No. 96-05)
COUNTY ROAD No. 45 (WIDTH VARIES)
P.I.N. 35320 - 0127(LT)

UTM GRID NOTES:

- 1) BEARINGS ARE GRID UTM ZONE 17 NAD83 (CSRS) (2010.0). DERIVED FROM G.N.S.S. OBSERVATIONS FROM THE CANSEL V6 CAN-NET RTN AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.
- 2) DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999957746.
- 3) NO ROTATION APPLIED AS UTM GRID BEARINGS MATCHED 11R-10045.

ALL COORDINATES ARE DERIVED FROM G.N.S.S. OBSERVATIONS USING THE CANSEL CAN-NET RTN AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.0 TO AN URBAN ACCURACY PER SEC. 14(2) OF O.REG 216/10

POINT ID	NORTHING	EASTING
CAN-NET RTN RTK BASE STHO	4729671.28	510313.01
ORP A	4728749.90	510314.38
ORP B	4728745.32	510504.38

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

E70-23 – Recommended Conditions

[It is noted that, while staff are not supportive of the application, staff have provided recommended conditions should the application be approved by the Land Division Committee]

1. That the applicant initiate and assume, if required, all engineering and construction costs associated with construction of a new Municipal drain, or, the relocation of Municipal drain. To be commenced in accordance with the Drainage Act, RSO 1990. All costs to be paid in full to the township prior to the condition being deemed fulfilled. If a lot grading plan is required as a condition of severance, it should be done in conjunction with the new Municipal drain or relocation of Municipal Drain.
2. That all entrance permits are acquired from the appropriate road authority as per the Township's entrance control policy.
3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled. The applicant will be required to comply with By-Law 08-59 for the dumping of fill, removal of topsoil, and alteration of grades when a building permit or other site works are completed. The need for a certified grading plan and/or municipal drain connection will be determined at that time.
4. That the applicants initiate and assume all planning costs associated with the required County Official Plan Amendment and Township of Malahide Official Plan Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
5. The owner has the necessary review and lot assessment conducted to ensure that it is suitable for the installation of a sewage disposal system and payment of necessary fees per lot.
6. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.

8. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
9. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
10. That in accordance with the Planning Act RSO 1990, as amended, the owner pay a cash-in-lieu of parkland fee in the amount of five percent (5%) of the value of the land. The owner shall provide, at their sole cost, an appraisal of value of the land from a certified Canadian Residential Appraiser to the satisfaction of the Municipality.



Report to Council

REPORT NO: BL-23-01
DATE: October 19, 2023
ATTACHMENT: By-law 23-73
SUBJECT: Livestock at Large By-law

Recommendation:

THAT Report No. BL-23-01 entitled “Livestock at Large By-law” be received;

AND THAT By-law 23-73 being a By-law to regulate and prohibit livestock running at large be approved by Council.

Background:

At its Council meeting on January 2023, Council approved a Memorandum of Understanding for related to Shared Services between the Township of Malahide and the Municipality of Bayham.

As part of that Shared service a dedicated By-law Enforcement Officer was to be hired by the Municipality of Bayham and would provide services to the Township of Malahide.

On July 10, 2023, the By-law Enforcement Officer started with the Municipality of Bayham and began providing by-law enforcement services to the Township of Malahide. It is noted that in the summer of 2023, there have been a significant amount of inquiries as well as complaints related to livestock at large. Upon review, there is no current framework to deal with livestock running at large.

Comments/Analysis:

Livestock running at large can be a significant issue as it relates to public safety for users of the road. Livestock, that are not properly contained, can venture onto the roadway where the risk of collision with a motor vehicle is significant. Such collisions could put people at risk for serious injury or death.

Livestock running at large can also have an adverse impact on adjacent properties. Livestock that are not property contained can venture onto adjacent properties causing

damage by eating crops and putting adjacent land owners at risk, particularly where the animal is aggressive.

The By-law Enforcement Officer conducted a jurisdictional review and found provisions related to livestock running at large in various municipalities including the Municipality of Lambton Shores, the Municipality of Bayham, The Township of Tiny and Strong Township. The attached draft was largely adopted from a Similar By-law that is in place in Strong Township.

This By-law contains the following:

- An offence creating provision which prohibits a person from permitting livestock to run at large and enter on to a highway.
- An offence creating provision which prohibits a person from permitting livestock to run at large and enter on to public or private property.
- A requirement for every livestock owner to erect fencing capable of containing the livestock.
- A requirement for every owner of avian livestock to erect a pen with a roof to prevent the livestock from escape by flight.
- Provisions which are consistent with the *Pounds Act, R.S.O. 1990, c. P.17* which allow for the impoundment of livestock found running at large as well as cost recovery for the same. It is notable that there is no appointed pound keeper in the Township of Malahide, but this by-law creates the ability to engage in such a contract if it is deemed necessary.

The provisions of this By-law create an enforcement mechanism for the By-law Enforcement Officer to deal with these issues and protect personal property and public safety, through public education, voluntary compliance, and enforcement.

Financial Implications to Budget:

None.

Submitted by:	Approved by:
Stephen Miller By-law Enforcement Officer	Nathan Dias Chief Administrative Officer

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 23-73**

Being a By-law to regulate and prohibit livestock running at large.

WHEREAS Section 11(3)9 of the Municipal Act, 2001, S.O.2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws subject to the rules set out in Section 11(4), respecting matters within the sphere of jurisdiction of "Animals";

AND WHEREAS Section 103 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass a by-law regulating or prohibiting the being at large or trespassing of animals, the seizure and impounding of animals being at large or trespassing contrary to the by-law, and the sale of impounded animals;

AND WHEREAS the Council of the Corporation of the Township of Malahide considers it desirable and expedient that such a by-law be passed.

NOW THEREFORE the Council of the Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS:

- (1) "Avian Livestock" shall mean livestock that have the ability to fly.
- (2) "Bridge" shall mean a public bridge, and includes a bridge forming part of a Highway or on, over or across which a Highway passes.
- (3) "Highway" shall mean a common and public Highway, and includes a street and a bridge trestle, viaduct or other structure forming part of a Highway and, except as otherwise provided, includes a portion of a Highway.
- (4) "In charge" shall mean a person having care and control or responsibility for Livestock.
- (5) "Livestock" shall mean any member of the animal kingdom, other than human, and without limiting the generality of the foregoing includes Cattle, Sheep, Horses, Donkeys, Swine, Laying Hens, Chickens, Turkeys, Goats, Geese, Ducks, Rabbit or any other non-domesticated animal.
- (6) "Municipality" shall mean the Corporation of the Township of Malahide.
- (7) "Non-domesticated Animal" shall mean any animal but does not include a Dog or Cat.

- (8) "Officer" shall mean a Municipal Law Enforcement Officer, Ontario Provincial Police Officer, Contracted Animal Control Officer, or other persons appointed by the Township of Malahide for the purposes of By-law Enforcement.
- (9) "Permit" shall mean a direct act or omission which allows the livestock to run at large.
- (10) "Poundkeeper" shall mean a person or corporation and any agent thereof who have been appointed by the Township of Malahide for the purposes of impoundment of livestock.
- (11) "Running at Large" shall mean any animal or animals on a Highway or bridge, or public or private property other than the owners, when unattended by a competent person or persons capable of controlling the animal.
- (12) "Trespass" shall mean to enter wrongfully or without proper authority or consent upon the real property of another.
- (13) "Unattended" shall mean not watched or looked after, lacking a guard, escort, or physical control.

2. SCOPE

- (1) No person shall permit livestock to run at large or trespass upon a Highway.
- (2) No person shall permit livestock to trespass upon public or private property.
- (3) Every owner or person in charge of livestock shall be required to erect and maintain a fence in accordance with good fencing techniques and such fence shall be adequate enough to contain such livestock within the fenced area, yard, field or pasture. Notwithstanding the generality of the foregoing, an electric barrier or electric fence may be used provided such barrier or fence is electrified by a constant source of power.
- (4) Each fenced area, yard, field, or pasture shall include a gate or gates comprising of a swinging or sliding barrier used to fill or close an access, and such gate or gates shall be closed at all times except for the purpose of moving the livestock under the direction of the owner or person in charge.
- (5) In the case of Avian Livestock, every owner or person in charge shall be required to construct a pen or cage complete with a roof that is capable of preventing the Avian Livestock from escape by flight.

3. ENFORCEMENT

- (1) An Officer shall be responsible for the Enforcement of this By-law.

- (2) No person shall hinder or obstruct or attempt to hinder or obstruct any Officer while exercising a power or authority under this By-law.
- (3) Where livestock is found to be at large, an Officer may engage the services of a Poundkeeper for the purposes of impoundment, and cause the livestock to be impounded at a suitable location in accordance with the Pounds Act, R.S.O. 1990, c. P.17.
- (4) Where livestock has been impounded, the provisions of the Pounds Act, R.S.O. 1990, c. P.17 and regulations made thereto related to the care, storage, release or sale of the impounded animal shall be adhered to.
- (5) Where livestock has been impounded, costs shall be recoverable in accordance with the Pounds Act, R.S.O. 1990, c. P.17.
- (6) All provisions of the Pounds Act, R.S.O. 1990, c. P.17 shall apply within the Township of Malahide.

4. PENALTY

Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

5. SEVERABILITY

That all sections of this By-law shall be deemed to be separate and independent and the validity of any section or provision thereof shall not affect the remaining sections.

6. EFFECTIVE DATE

This By-law shall take effect upon being passed and enacted.

READ a FIRST and SECOND time this 19th day of October 2023.

READ a THIRD time and **FINALLY PASSED** this 19th day of October 2023.

Mayor, Dominique Giguere

Clerk, Allison Adams



LONG POINT REGION CONSERVATION AUTHORITY
Board of Directors Meeting Minutes of September 6, 2023
Approved October 4, 2023

Members in attendance:

John Scholten, Chair	Township of Norwich
Michael Columbus, Vice-Chair	Norfolk County
Shelley Ann Bentley	Haldimand County
Dave Beres	Town of Tillsonburg
Doug Brunton	Norfolk County
Robert Chambers	County of Brant
Tom Masschaele	Norfolk County
Stewart Patterson	Haldimand County
Chris Van Paassen	Norfolk County
Rainey Weisler	Municipality of Bayham/Township of Malahide
Peter Ypma	Township of South-West Oxford

Regrets: None

Staff in attendance:

Judy Maxwell, General Manager
 Aaron LeDuc, Manager of Corporate Services
 Leigh-Anne Mauthe, Interim Manager of Watershed Services
 Zachary Cox, Interim Marketing Coordinator
 Dana McLachlan, Executive Assistant

1. Welcome and Call to Order

The Chair called the meeting to order at 6:30 p.m., Wednesday, September 6, 2023.

2. Additional Agenda Items

There were no additional agenda items.

3. Declaration of Conflicts of Interest

None were declared.

4. Minutes of the Previous Meeting

a) Board of Directors Meeting of July 5, 2023

There were no questions or comments.

FULL AUTHORITY COMMITTEE MEMBERS

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,
 Tom Masschaele, Stewart Patterson, John Scholten, Rainey Weisler, Chris Van Paassen, Peter Ypma

A-77/23

Moved by P. Ypma
Seconded by D. Beres

THAT the minutes of the LPRCA Board of Directors Meeting held July 5, 2023 be adopted as circulated.

Carried

5. Business Arising

No business arising from the previous minutes.

6. Review of Committee Minutes

a) Lee Brown Marsh Management Committee – May 5, 2023

There were no questions or comments.

A-78/23

Moved by D. Beres
Seconded by P. Ypma

THAT the minutes of the Lee Brown Marsh Management Committee meeting held May 5, 2023 be adopted as circulated.

Carried

b) Audit and Finance Committee Meeting of August 24, 2023

There were no questions or comments.

A-79/23

Moved by S. Patterson
Seconded by D. Brunton

THAT the minutes of the LPRCA Audit and Finance Committee Meeting of August 24, 2023 be approved as circulated.

Carried

7. Correspondence

There was no correspondence presented for review.

FULL AUTHORITY COMMITTEE MEMBERS

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,
Tom Masschaele, Stewart Patterson, John Scholten, Rainey Weisler, Chris Van Paassen, Peter Ypma

8. Development Applications

a) Section 28 Regulations Approved Permits

Through the General Manager's delegating authority, 44 applications were approved over the past two months. LPRCA-119/23, LPRCA-130/23, LPRCA-131/23, LPRCA-133/23, LPRCA-134/23, LPRCA-135/23, LPRCA-136/23, LPRCA-137/23, LPRCA-139-18, LPRCA-140/23, LPRCA-141/23, LPRCA-142/23, LPRCA-143/23, LPRCA-144/23, LPRCA-145/23, LPRCA-145/23, LPRCA-145/23-revised, LPRCA-146/23, LPRCA-148/23, LPRCA-149/23, LPRCA-150/23, LPRCA-151/23, LPRCA-152/23, LPRCA-153/23, LPRCA-154/23, LPRCA-155/23, LPRCA-157/23, LPRCA-158/23, LPRCA-159/23, LPRCA-160/23, LPRCA-161/23, LPRCA-162/23, LPRCA-163/23, LPRCA-164/23, LPRCA-165/23, LPRCA-166/23, LPRCA-167/23, LPRCA-169/23, LPRCA-170/23, LPRCA-171/23, LPRCA-173/23, LPRCA-176/23, LPRCA-178/23, and LPRCA-179/23.

All of the staff-approved applications met the requirements set out in LPRCA's policies for the administration of Section 28 of the *Conservation Authorities Act*.

Staff acknowledged a typo in the location of LPRCA137/23. The property is located at Concession 15, Lot 1, Sunset Street, Haldimand County - Walpole.

A-80/23

Moved by R. Weisler

Seconded by D. Beres

THAT the LPRCA Board of Directors receives the Section 28 Regulations Approved Permits report dated September 6, 2023 as information.

Carried

9. New Business

a) General Manager's Report

The General Manager provided an overview of operations this past month.

The Lee Brown Marsh Management Committee and LPRCA were pleased to announce two Leighton & Betty Brown Scholarship winners for 2023. Hannah Irvine and Adrian van Hoeve were each awarded \$1,000 in support of their education within the environmental field.

The Hemlock Woolly Adelgid (HWA) was recently found in Haldimand at an adjacent property to the Haldimand Conservation Area. Staff surveyed the forest tract at the Haldimand Conservation Area and the HWA was found. The Ministry of Natural

FULL AUTHORITY COMMITTEE MEMBERS

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus, Tom Masschaele, Stewart Patterson, John Scholten, Rainey Weisler, Chris Van Paassen, Peter Ypma

Resources and Forests (MNRF) has provided a one-year emergency registration in Ontario for a product to treat hemlocks, in effect to August 2024. Staff is assessing options, the cost of the product, and a source of funding to purchase the product.

A-81/23

Moved by M. Columbus

Seconded by P. Ypma

That the LPRCA Board of Directors receives the General Manager's Report for July and August 2023 as information.

Carried

b) Q2 Financial Report – June 30, 2023

The Manager of Corporate Services reviewed the financials up to and including June 30, 2023.

Revenues to June 30, 2023 represented 62.5% of the annual budget and expenditures 42.8%.

Up to and including June 30, 2023, Planning revenues are down 8.8% and the Forestry revenue has exceeded the 2023 budget of \$310,000.

Seasonal camping revenues are exceeding the budget by 2.1%. At the end of the second quarter there were 443 registered seasonal campers, exceeding the budget projection of 430.

Overall, the Authority is in a positive financial position at the end of Q2.

A-82/23

Moved by R. Weisler

Seconded by C. Van Paassen

THAT the LPRCA Board of Directors receives the Q2 Financial Report – June 30, 2023 for the fiscal period up to and including June 30th, 2023 as information.

Carried

c) 2023 Meeting Schedule Update

The 2023 meeting schedule was originally approved at the September 2022 meeting. Staff proposed an earlier start time for the December meeting to accommodate a Board and staff Christmas Dinner the same evening.

FULL AUTHORITY COMMITTEE MEMBERS

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,
Tom Masschaele, Stewart Patterson, John Scholten, Rainey Weisler, Chris Van Paassen, Peter Ypma

A-83/23

Moved by D. Beres

Seconded by C. VanPaassen

THAT the LPRCA Board of Directors approves the proposed time change for the December 6, 2023 meeting of the Board of Directors from 6:30pm to 4:00pm.

Carried

d) Regulatory Changes and Reserve Establishment

Staff presented a report for the establishment of two new reserves. Staff explained the purpose of the new reserves are to align with the new regulatory changes taking effect January 1, 2024.

The new reserve funds will provide reasonable base for the two programs to ensure funds are available in the future for financial relief in the event of a significant loss of revenue or other financial emergency.

The two new reserves presented are: the User Fee Reserve established to support the Operations/Capital of the self-sustaining programs and services (Forestry & Parks), and the Motor Pool Reserve for the Operations/Capital replacement of the Authority's Motor Pool fleet and equipment.

A-84/23

Moved by D. Brunton

Seconded by P. Ypma

THAT the LPRCA Board of Directors approves the establishment of the User Fee Reserve and Motor Pool Reserve in the amount of \$750,000 and \$100,000 respectively.

Carried

The closed session began at 7:08 p.m.

10. Closed Session**A-85/23**

Moved by T. Masschaele

Seconded by M. Columbus

THAT the LPRCA Board of Directors does now enter into a closed session to discuss:

- A trade secret or scientific, technical, commercial or financial information that belongs to the Authority and has monetary value or potential monetary value; or
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Authority.

FULL AUTHORITY COMMITTEE MEMBERS

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,
Tom Masschaele, Stewart Patterson, John Scholten, Rainey Weisler, Chris Van Paassen, Peter Ypma

Carried

The board reconvened in open session at 7:09 p.m.

The closed meeting minutes of July 5, 2023 was approved in the closed session.

Next meeting: October 4, 2023

Adjournment

The Chair adjourned the meeting at 7:09 p.m.

John Scholten
Chair

Judy Maxwell
General Manager/Secretary-Treasurer

/dm

FULL AUTHORITY COMMITTEE MEMBERS

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,
Tom Masschaele, Stewart Patterson, John Scholten, Rainey Weisler, Chris Van Paassen, Peter Ypma

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

BY-LAW NO. 23-70

Being a By-law to amend By-law 21-14, being a By-law to authorize the execution of an Agreement with the Talbot Trail ATV Club Inc. to ensure that the use of off-road vehicles within the Township of Malahide is orderly and lawful.

WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable Municipal By-law;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, section 191.8(3) provides that the Council of a municipality may pass a by-law permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway and during specified months or hours;

AND WHEREAS the Council of The Corporation of the Township of Malahide enacted By-law 17-51 to permit the operation of off-road vehicles on specified highways under the jurisdiction of the Township of Malahide;

AND WHEREAS The Talbot Trail ATV Club Inc. has requested that the operation of off-road vehicles be permitted on certain highways within the Township of Malahide which connect various parts of trail routes used by its members;

AND WHEREAS the Council of The Corporation of the Township of Malahide deemed it desirable to permit the operation of off-road vehicles by members of The Talbot Trail ATV Club on specified highways under the jurisdiction of the Township of Malahide through By-law 21-14;

NOW THEREFORE the Council of the Corporation of The Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. THAT the Agreement with The Talbot Trail ATV Club Inc. authorized under By-law 21-14 be amended by Schedule "A" forming a part of this By-law;
2. THAT the Mayor and Clerk be hereby authorized and directed to execute on behalf of The Corporation of the Township of Malahide the said Agreement amendment;
3. THAT the said Agreement amendment shall take effect and come into force upon the signing thereof by all parties thereto;
5. THAT this By-law shall come into force and take effect on the final passing thereof.

READ a **FIRST** and **SECOND** time this 19th day of October, 2023.

READ a **THIRD** time and **FINALLY PASSED** this 19th day of October, 2023.

Mayor, D. Giguère

Clerk, A. Adams

SCHEDULE "A" OF BY-LAW 23-70

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT (this "**Amendment**") is made and entered into effective as of December 3, 2023 (the "**Amendment Effective Date**"), by and between The Corporation of the Township of Malahide (the "**Township**"), and The Talbot Trail ATV Club Inc. (the "**Agency**" and, together with the Township, the "**Parties**").

WHEREAS, the Township and Agency entered into an Agreement (the "**Agreement**") dated as of December 3, 2020, and authorized under By-law 21-14;

AND WHEREAS, the Parties desire to amend Section 9. of the Agreement in the manner reflected herein;

NOW THEREFORE, in consideration of the premises and mutual covenants and conditions herein, the Parties, intending to be legally bound, hereby agree as follows, effective as of the Amendment Effective Date:

- 1. Section 9. of the Agreement is hereby deleted and replaced in its entirety with the following (with all capitalized terms having the meaning originally ascribed thereto in the Agreement):

"9. Subject to earlier termination and other conditions as provided for in this Agreement, this Agreement shall be effective on the date it is signed by both parties and shall continue for a period until December 31, 2025 (the "Term")."

- 2. All terms and provisions of the Agreement not amended hereby, either expressly or by necessary implication, shall remain in full force and effect. From and after the date of this Amendment, all references to the term "**Agreement**" in this Amendment or the original Agreement shall include the terms contained in this Amendment.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment to Agreement effective as of the Amendment Effective Date.

In the presence of:

Witness:

THE TALBOT TRAIL ATV CLUB INC.

I have authority to bind the Corporation.

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

Mayor

Clerk

We have authority to bind the Corporation.

**THE CORPORATION OF THE
TOWNSHIP OF MALAHIDE
BY-LAW NO. 23-68**

Being a By-law to amend By-law No. 18-22

**Fehr
8483 Imperial Road**

WHEREAS the Council of The Corporation of the Township of Malahide deems it necessary to pass a By-law to amend By-law No. 18-22, as amended;

AND WHEREAS authority is granted under Section 34 of the Planning Act, as amended, to pass a By-law;

AND WHEREAS this By-law conforms with the Official Plan of the Township of Malahide, as amended;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the area shown in hatching on the attached map, Schedule "A", and described as Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962, in the Township of Malahide, shall be removed from the "Hamlet Commercial (HC)" Zone of By-law No. 18-22 and shall be placed in the "Hamlet Residential (HR)" Zone subject to the added provisions of Section 6.6 of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "HR-5" on Key Map J of Schedule "A" to By-law No. 18-22, as amended.
2. **THAT** By-law No. 18-22, as amended, is hereby further amended by amending Section 6.6 HAMLET RESIDENTIAL (HR) ZONE – 'SITE-SPECIFIC' ZONES, by adding the following new subsection.

"6.6.5 a) Defined Area

HR-5 as shown on Schedule 'A', Map No. J.

b) Minimum Lot Area 1,700 square metres

c) Minimum Lot Frontage 24 metres

3. **THAT** the area shown in hatching on the attached map, Schedule "A", and described as Part of Lot 10, Concession South Gore, Part 1 on Registered Plan 11R3690 & Part 1 on Registered Plan 11R5962, in the Township of Malahide, shall remain in the "Hamlet Residential (HR)" Zone

of By-law No. 18-22 and shall be subject to the added provisions of Section 6.5 of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as “HR-6” on Key Map J of Schedule “A” to By-law No. 18-22, as amended.

4. **THAT** By-law No. 18-22, as amended, is hereby further amended by amending Section 6.6 HAMLET RESIDENTIAL (HR) ZONE – ‘SITE-SPECIFIC’ ZONES, by adding the following new subsection.

“6.6.6 a) Defined Area

HR-6 as shown on Schedule ‘A’, Map No. J.

- | | |
|---|----------------------------|
| b) <u>Minimum Lot Area</u> | 1,700 square metres |
| c) <u>Minimum Lot Frontage</u> | 24 metres |
| d) <u>Minimum Interior Side Yard</u> | 1.2 metres |

1. **THAT** this By-law shall come into force:

- a) Where no notice of objection has been filed with the Township’s Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or,
- b) Where notice of objection has been filed with the Township’s Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

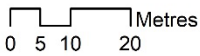
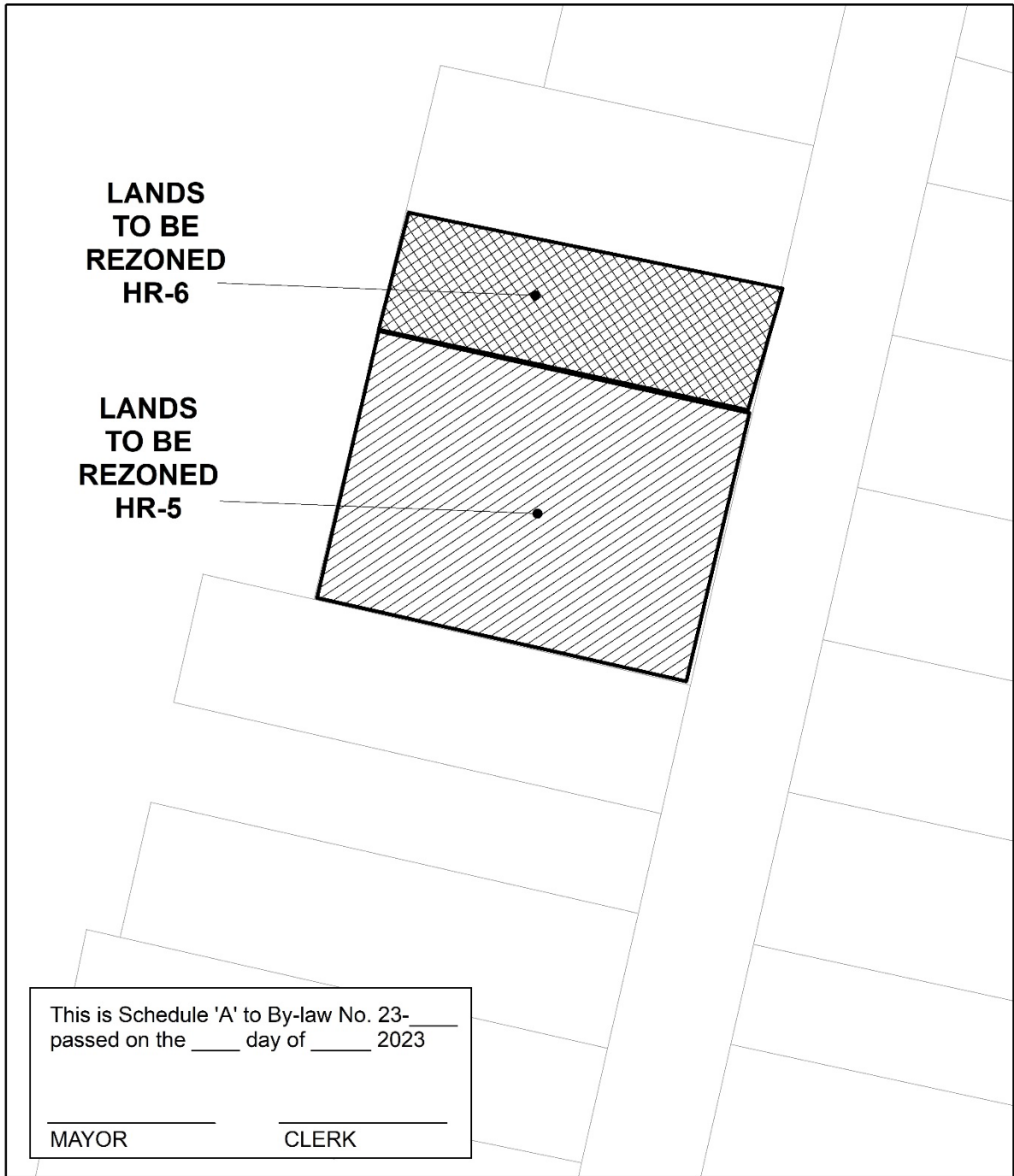
READ a FIRST and SECOND time this 19th day of October, 2023.

READ a THIRD time and **FINALLY PASSED** this 19th day of October, 2023.

Mayor – D. Giguère

Clerk – A. Adams

SCHEDULE A



Township of Malahide
Comprehensive Zoning By-law No.18-22

SCHEDULE 'J'
SOUTH GORE

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

BY-LAW NO. 23-71

Being a By-law to adopt, confirm and ratify matters dealt with by resolution of the Township of Malahide.

WHEREAS Section 5(3) of the Municipal Act, 2001, c. 25, as amended, provides that the powers of every council are to be exercised by by-law;

AND WHEREAS in many cases, action which is taken or authorized to be taken by the Township of Malahide does not lend itself to the passage of an individual by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Township of Malahide at this meeting be confirmed and adopted by by-law;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. THAT the actions of the Council of the Township of Malahide, at its regular meeting held on October 19, 2023, in respect of each motion, resolution and other action taken by the Council of the Township of Malahide at such meeting is, except where the prior approval of the Ontario Municipal Board or other authority is required by law, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. THAT the Mayor and the appropriate officials of the Township of Malahide are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Township of Malahide referred to in the proceeding section.
3. THAT the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the corporate seal of the Township of Malahide.
4. THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a **FIRST** and **SECOND** time this 19th day of October, 2023.

READ a **THIRD** time and **FINALLY PASSED** this 19th day of October, 2023.

Mayor, D. Giguère

Clerk, A. Adams