



**The Corporation of the Township of Malahide  
REGULAR COUNCIL MEETING AGENDA  
December 21, 2023 – 7:30 p.m.**

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

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- (A) Call Meeting to Order
- (B) Disclosure of Pecuniary Interest
- (C) Approval of Previous Minutes **RES 1**
- (D) Presentations/Delegations/Petitions
- Presentation – Ontario Fire Marshal's Public Safety Council Presentation– Enbridge Gas Safety Community Assist Program Campaign
  - Public Hearing – Minor Variance Application– Owner Donald & Cindy Sproul. relating to property at Part of Lot 34, Concession 3 in the Township of Malahide, and being 53273 Calton Line **RES 2-4**
  - Public Meeting –Zoning By-law Amendment Application– Owner Chad Underhill Farms Ltd. (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP), relating to property at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line **RES 5-7**
  - Public Meeting –Zoning By-law Amendment Application– Owner B&AM Reymer (Authorized Agent: David Roe), relating to property at Part Lot 19, Concession 5, Township of Malahide, and known municipally as 50783 Chalet Line **RES 8-10**
  - Public Meeting –Zoning By-law Amendment Application– Owner Judy & David Mennill-Zacharias (Authorized Agent: Helena Zacharias), relating to property at Concession 3, Part 1 of Registered Plan 11R6019, and known municipally as 51048 and 51200 Vienna Line **RES 11-13**
- (E) Reports of Departments
- (i) Director of Fire & Emergency Services

- (ii) Director of Public Works
    - 51403 Ron McNeil Line – Request for Access Over Unopened Road Allowance **RES 14**
    - Port Bruce Provincial Park Maintenance Agreement **RES 15**
  - (iii) Director of Corporate Services/Treasurer
    - Applications for Assessment Adjustments under Section 357 & 358 of the Municipal Act, 2001 **RES 16**
    - Harvest Bowl Grant Applications **RES 17**
  - (iv) Clerk
    - Elgin County and LMPs Joint Diversity, Equity, and Inclusion Plan 2024-2026 **RES 18**
  - (v) Building/Planning/By-law
    - Application for Consent to Sever No. E5-24 of Gregory Underhill Farms Ltd c/o Civic Planning Solutions Inc **RES 19**
  - (vi) CAO
- (F) Reports of Committees/Outside Boards **RES 20**
- Township of Malahide - Fleet Management Advisory Committee – Minutes November 23, 2023
  - Aylmer Area Secondary Water Supply System & Port Burwell Area Secondary Water Supply System – December 6, 2023 Draft Minutes
  - Long Point Region Conservation Authority – November 1, 2023 Minutes
  - Long Point Region Conservation Authority - November 8, 2023 Budget Meeting Minutes
- (G) Correspondence **RES 21**
1. Association of Municipalities of Ontario - WatchFile –December 7, 2023, and December 14, 2023
  2. Elgin County – Council Highlights – December 6, 2023
  3. Ministry of Natural Resources – Environmental Registry Ontario finalizing “Technical bulletin – Flooding hazards: data survey and mapping specifications”
  4. Greater Grand Sudbury - Amendment to the Occupational Health and Safety Act to Clarify the Definition of “Employer”
  5. Township of Clearview - Cemetery Transfer/Abandonment Administration & Management Support
- (H) Other Business
- (I) By-laws **RES 22**
- By-law No. 23-89 – Use of County CEMC

- By-law No. 23-86 – 2024 Municipal Water Rates
- By-law No. 23-87 – 2024 Municipal Sewage Rates
- By-law No. 23-85 – Mennill/Zacharias Rezoning
- By-law No. 23-83 – B & AM Reymer Rezoning
- By-law No. 23-84 – Underhill Rezoning
- By-law No. 23-90 - Municipal Law Enforcement Policy

(J) Closed **RES 23-24**

- A Labour Relations or Employee Negotiations Matter regarding Staff Performance Reviews, HR Policy Update and CUPE Contract Negotiations. (Section 239 (2)(d)).
- Personal matters about an identifiable individual, including municipal or local board employees (Section 239 (2)(b)).

(K) Confirmatory By-law **RES 25**

(L) Adjournment **RES 26**

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*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.*

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1. THAT the minutes of the regular council meeting of Council held on December 7, 2023 be adopted as printed and circulated.
2. THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:\_\_\_p.m. and that Mayor Dominique Giguère be appointed Chairperson for the “Committee of Adjustment”.
3. THAT Report No. DS-23-39 entitled “Application No. D13-MV-09-23 of Donald and Cindy Sproul” and affecting lands described as Part of Lot 34, Concession 3 in the Township of Malahide, and being 53273 Calton Line, be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-09-23 to permit an increase in the maximum floor area for an accessory structure;

AND THAT the approval shall be subject to the following conditions:

1. That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application; and,
  2. That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.
4. THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:\_\_\_p.m.
  5. THAT the Public Meeting relating to the Zoning By-law Amendment Application of Chad Underhill, relating to the property located at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line be called to order at 7:\_\_\_p.m
  6. THAT the Public Meeting relating to the Zoning By-law Amendment Application of Chad Underhill, relating to the property located at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line be adjourned at 7:\_\_\_p.m
  7. THAT Report No. DS-23-38 entitled “Zoning By-law Amendment Application of Chad Underhill Farms Limited (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP)” Be Received;

AND THAT the Zoning By-law Amendment Application No. D14-Z15-23 Of Chad Underhill Farms Limited (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP), relating to the property located at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line, BE APPROVED for the reasons set out in this Report.

8. THAT the Public Meeting relating to the Zoning By-law Amendment Application of B&AM Reymer, relating to the property located at Part Lot 19, Concession 5, and known municipally as 50783 Chalet Line be called to order at 7:\_\_\_p.m
9. THAT the Public Meeting relating to the Zoning By-law Amendment Application of B&AM Reymer, relating to the property located at Part Lot 19, Concession 5, and known municipally as 50783 Chalet Line be adjourned at 7:\_\_\_p.m
10. THAT Report No. DS-23-36 entitled "Zoning By-law Amendment Application of B & AM Reymer Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc.)" be received;

And THAT the Zoning By-Law Amendment Application No. D14-Z14-23 Of B & AM Reymer Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc.) relating to the property located at Part Lot 19, Concession 5, Township of Malahide, and known municipally as 50783 Chalet Line, be approved for the reasons set out in this report.

11. THAT the Public Meeting relating to the Zoning By-law Amendment Application of Mennill, relating to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, and known municipally as 51048 and 51200 Vienna Line be called to order at 7:\_\_\_p.m
12. THAT the Public Meeting relating to the Zoning By-law Amendment Application of Mennill, relating to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, and known municipally as 51048 and 51200 Vienna Line be adjourned at 7:\_\_\_p.m
13. THAT Report No. DS-23-37 entitled "Zoning By-law Amendment Application of Judy And David Mennill (Authorized Agent: Helena Zacharias" be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z10-23 of Judy And David Mennill (Authorized Agent: Helena Zacharias), relating to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, Township of Malahide, and known municipally as 51048 and 51200 Vienna Line, BE APPROVED for the reasons set out in this Report.

14. THAT Report No. PW-23-64 entitled "51403 Ron McNeil Line – Request for Access Over Unopened Road Allowance" be received;  
AND THAT Council declare the unopened road allowance between Ron McNeil Line and Pressey Road to be surplus to municipal needs;

AND FURTHER THAT Staff further engage the 4 property owners abutting the unopened road allowance between Ron McNeil Line and Pressey Road to negotiate the conveyance of the unopened road allowance.

15. THAT Report No. PW-23-63 entitled “Port Bruce Provincial Park Maintenance Agreement” be received;

AND THAT staff be directed to enter discussions with the Ministry of Environment, Conservation and Parks to determine what changes may be possible to the compensation model for the Port Bruce Provincial Park maintenance services agreement.

16. THAT Report No. FIN-23-21 titled “Applications for Assessment Adjustments under Section 357 & 358 of the Municipal Act, 2001” be received;

AND THAT, pursuant to Section 357 (a) and (d) of the *Municipal Act, 2001*, the Township’s Treasurer be authorized to amend the Township’s tax collection roll for the amount of \$6,225.21.

17. THAT Report No. FIN 23-22 entitled “Harvest Bowl Grant Applications” be received;

AND THAT facility Harvest Bowl’s 2023 facility rental fees in the amount of \$1,580.16 be waived;

AND THAT Harvest Bowl’s 2024 Community Grant Application be received and considered during the Township’s 2024 Budget deliberations.

18. THAT Report No. CLERK-23-06 entitled “Elgin County and LMPs Joint Diversity, Equity, and Inclusion Plan 2024-2026” be received;

AND THAT the Plan be approved.

19. THAT Report No. DS-23-35 entitled “Application for Consent to Sever No. E5-24 of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc” be received;

AND THAT the Application for Consent to Sever of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc relating to the property located at Part of Lots 34 And 35, Concession 1, Part 4 of 11R-5475, Township of Malahide and known municipally as 53367 Nova Scotia 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.

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

- Township of Malahide - Fleet Management Advisory Committee – Minutes November 23, 2023
- Aylmer Area Secondary Water Supply System & Port Burwell Area Secondary Water Supply System – December 6, 2023 Draft Minutes

- Long Point Region Conservation Authority – November 1, 2023 Minutes
- Long Point Region Conservation Authority - November 8, 2023 Budget Meeting Minutes

21. THAT the following correspondence be noted and filed:

1. Association of Municipalities of Ontario - WatchFile –December 7, 2023, and December 14, 2023
2. Elgin County – Council Highlights – December 6, 2023
3. Ministry of Natural Resources – Environmental Registry Ontario finalizing “Technical bulletin – Flooding hazards: data survey and mapping specifications”
4. Greater Grand Sudbury - Amendment to the Occupational Health and Safety Act to Clarify the Definition of “Employer”
5. Township of Clearview - Cemetery Transfer/Abandonment Administration & Management Support

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

- By-law No. 23-89 – Use of County CEMC
- By-law No. 23-86 – 2024 Municipal Water Rates
- By-law No. 23-87 – 2024 Municipal Sewage Rates
- By-law No. 23-85 – Mennill/Zacharias Rezoning
- By-law No. 23-83 – B & AM Reymer Rezoning
- By-law No. 23-84 – Underhill Rezoning
- By-law No. 23-90 - Municipal Law Enforcement Policy

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

- A Labour Relations or Employee Negotiations Matter regarding Staff Performance Reviews, a HR Policy Update and CUPE Contract Negotiations. (Section 239 (2)(d)).
- Personal matters about an identifiable individual, including municipal or local board employees (Section 239 (2)(b)).

24. THAT Council move out of Closed Session and reconvene at \_\_\_\_\_ p.m. in order to continue with its deliberations.

25. THAT By-law No.23-88, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

26. THAT the Council adjourn its meeting at \_\_\_\_\_ p.m. to meet again on January 18, 2024, at 7:30 p.m.

**The Corporation of the Township of Malahide  
December 7, 2023 – 7:30p.m.**

Virtual Meeting – <https://youtu.be/DH2Px7OSHZI>

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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:** Deputy Mayor M. Widner, Councillor S. Leitch, Councillor J. Wilson, Councillor R. Cerna, and Councillor C. Glinski.

**Via Zoom:** Mayor D. Giguère and Councillor S. Lewis

**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

**Via Zoom:** By-law Enforcement Manager, S. Miller

**Also Present:** Carolyn Krahn & Don Shropshire, County of Elgin, Matt Lensink, CEM Engineering, 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. 23-458**

**Moved By: Rick Cerna**

**Seconded By: Sarah Leitch**

THAT the minutes of the regular meeting of Council held on November 16, 2023 be adopted as printed and circulated.

**Carried**

**PRESENTATIONS/DELEGATIONS/PETITIONS:**

- Carolyn Krahn & Don Shropshire, County of Elgin – Planning for Growth



Carolyn Krahn & Don Shropshire from the County of Elgin provided a presentation on planning for growth in the County.

**No. 23-459**

**Moved By: John H. Wilson**

**Seconded By: Sarah Leitch**

**THAT the presentation from Carolyn Krahn and Don Shropshire of the County of Elgin regarding Planning for Growth be received for information.**

**Carried**

- Matt Lensink, CEM Engineering - Walker Dairy Rural Power Resiliency Project - Request for Resolution to Support IESO Energy Proposal

Mr. Lensink provided an overview of the Walker Dairy Rural Power Resiliency Project.

**No. 23-460**

**Moved By: Chester Glinski**

**Seconded By: Rick Cerna**

**THAT the presentation from Matt Lensink of CEM Engineering regarding the Walker Dairy Rural Power Resiliency Project - Request for Resolution to Support IESO Energy Proposal be received for information.**

**Carried**

- Public Meeting –Zoning By-law Amendment Application & Consent Application– Owner Blake Bennett & Brenda Lee Coleman, (Authorized Agent: Stewart Findlater)

**No. 23-461**

**Moved By: Sarah Leitch**

**Seconded By: John H. Wilson**

**THAT the Public Meeting relating to the Zoning By-law Amendment Application of Blake Bennett & Brenda Lee Coleman, relating to the property located at Concession 7, Part of Lot 13, and known municipally as 15217 Imperial Road be called to order at 8:24p.m.**

**Carried**

Mayor Giguère advised that the purpose of this Public Meeting is to consider an application to amend the zoning of the subject property.

Mayor Giguère asked the Clerk to advise and confirm on the method and date of notice given for this meeting. The Clerk advised that this public meeting was advertised in the Aylmer Express for two consecutive weeks on November 22<sup>nd</sup> and November 29<sup>th</sup>. In

addition, affected property owners within 120 meters were sent a notice by mail at minimum 20 days prior to this meeting.

Mayor Giguère requested that Eric Steele of Monteith Brown provide an overview of the application.

Mayor Giguère asked if the applicant had anything to add and Mr. Findlater, agent, reiterated Mr. Steele's comments.

Mayor Giguère asked if anyone in attendance had any questions. Jo-Anne Windover, property owner of 15041 Imperial Road, inquired if her property would be affected by this zoning change and was told that her property was not in question.

Mayor Giguère asked if any Council Members wished to make any comments regarding the application and they did not.

**No. 23-462**

**Moved By: Mark Widner**

**Seconded By: John H. Wilson**

**THAT the Public Meeting relating to the Zoning By-law Amendment Application of Blake Bennett & Brenda Lee Coleman, relating to the property located at Concession 7, Part of Lot 13, and known municipally as 15217 Imperial Road be adjourned at 8:31p.m.**

**Carried**

**No. 23-463**

**Moved By: John H. Wilson**

**Seconded By: Chester Glinski**

**THAT Report No. DS-23-34 entitled "Application for Zoning By-law Amendment of Blake Bennett & Brenda Lee Coleman" be received;**

**AND THAT the Application for Zoning By-law Amendment of Blake Bennett & Brenda Lee Coleman, relating to the property located at Concession 7, Part of Lot 13, and known municipally as 15217 Imperial Road, be APPROVED for the reasons set out in this Report.**

**Carried**

**REPORTS OF DEPARTMENTS:**

Director of Corporate Services/Treasurer

- Draft Water 2024 Budget and User Fee Schedule

**No. 23-464**  
**Moved By: Sarah Leitch**  
**Seconded By: Mark Widner**

**THAT Report No. FIN 23-17 titled “Draft Water 2024 Budget and User Fee Schedule” be received;**

**AND THAT the Draft Malahide Water 2024 Budget and the User Rates for 2024 be approved;**

**AND THAT the Municipal Staff be authorized to carry out the administrative acts necessary to implement such budget and user rates as approved.**

**Carried**

- Draft Sewer 2024 Budget and User Fee Schedule

**No. 23-465**  
**Moved By: Sarah Leitch**  
**Seconded By: John H. Wilson**

**THAT Report No. FIN 23-18 titled “Draft Sewer 2024 Budget and User Fee Schedule” be received;**

**AND THAT the 2024 Draft Sewer Budget and the User Rates for 2024 be approved;**

**AND THAT the Municipal Staff be authorized to carry out the administrative acts necessary to implement such budget and user rates as approved.**

**Carried**

- 2024 Interim Tax Levy By-Law

**No. 23-466**  
**Moved By: Chester Glinski**  
**Seconded By: Sarah Leitch**

**THAT Report No. FIN 23-19 entitled “2024 Interim Tax Levy By-Law” be received;**

**AND THAT By-Law # 23-81 be given a first, second and third reading.**

**Carried**

- Temporary Borrowing By-law

**No. 23-467**  
**Moved By: Rick Cerna**  
**Seconded By: Mark Widner**

**THAT Report No. FIN 23-20 entitled “Temporary Borrowing By-law” be received;**

**AND THAT By-Law # 23-82 be given a first, second and third reading.**

**Carried**

Building/Planning/By-law

- Walker Dairy Rural Power Resiliency Project - Request for Resolution to Support IESO Energy Proposal

**No. 23-468**

**Moved By: Rick Cerna**

**Seconded By: John H. Wilson**

**WHEREAS the proponent is proposing to construct and operate a Long-Term Reliability Project, as defined and with the characteristics outlined in Table 1 below, under the Long-Term Request for Proposals (“LT1 RFP”) issued by the Independent Electricity System Operator (“IESO”).**

**THAT Report No. DS-23-33 entitled “Walker Dairy Rural Power Resiliency Project - Request for Resolution to Support IESO Energy Proposal” be received;**

**AND THAT the Council of the Township of Malahide supports the development, construction, and operation of the Long-Term Reliability Project on the lands known municipally as 9608 Carter Road, subject to the necessary and required Site Plan Approval, building permit, and other approvals being obtained to the satisfaction of the Township;**

**AND THAT this resolution’s sole purpose is to enable the Proponent to receive Rated Criteria Points under the LT1 RFP or to satisfy its obligations under any awarded LT1 Contract and may not be used for any purpose of any other form of approval in relation to the Proposal or Long-Term Reliability Project or for any other purpose. Rated Criteria points will be used to rank the Proponent’s Proposal in relation to other Proposals received by the IESO under the LT1 RFP.**

**Carried**

- Municipal Law Enforcement Policy

**No. 23-469**

**Moved By: Mark Widner**

**Seconded By: Sarah Leitch**

**THAT Report No. BL-23-02 titled “Municipal Law Enforcement Policy” be received;**

**AND THAT the draft Municipal Law Enforcement Policy be reviewed and considered for approval at the next Council meeting.**

**Carried**

**REPORTS OF COMMITTEES/OUTSIDE BOARDS:**

- 2024 Draft Long Point Region Conservation Budget

**No. 23-470**

**Moved By: Sarah Leitch**

**Seconded By: Rick Cerna**

**THAT the correspondence received from the Long Point Region Conservation Authority (LPRCA), dated November 9, 2023, regarding the 2024 Draft LPRCA Budget be received;**

**AND THAT the Draft 2024 LPRCA Budget be referred to the 2024 Budget deliberations.**

**Carried**

- 2024 Kettle Creek Conservation Authority Municipal Apportionment and Budget

**No. 23-471**

**Moved By: Chester Glinski**

**Seconded By: Sarah Leitch**

**THAT the correspondence received from the Kettle Creek Conservation Authority (KCCA), dated November 16, 2023, regarding the 2024 Municipal Apportionment and Budget be received;**

**AND THAT the Draft 2024 KCCA Municipal Apportionment and Budget be referred to the 2024 Budget deliberations.**

**Carried**

- Elgin Group Police Services Boards – September 20, 2023 Minutes

**No. 23-472**

**Moved By: Mark Widner**

**Seconded By: Rick Cerna**

**THAT the minutes of the Elgin Group Police Services Board of September 20, 2023 be received for information.**

**Carried**

- Grand River Conservation Authority - Lake Erie Region Source Protection Committee  
Municipal Member Nomination

**No. 23-473**

**Moved By: Chester Glinski**

**Seconded By: Sarah Leitch**

**THAT Malahide Council supports the nomination of Alex Piggott, Manager of Environmental Services at the Municipality of Central Elgin, as municipal representative for Group 7 on the Lake Erie Region Source Protection Committee.**

**Carried**

**CORRESPONDENCE:**

**No. 23-474**

**Moved By: Mark Widner**

**Seconded By: Chester Glinski**

**THAT correspondence item 6 be supported;**

**AND THAT correspondence item 3 be supported and that Malahide Council direct staff to send correspondence to TVDSB in relation to the School Resource Officer program.**

**AND That the remaining items be noted and filed.**

1. **Association of Municipalities of Ontario - WatchFile –November 16, 2023, November 23, 2023, and November 30, 2023**
2. **Elgin County – Council Highlights – November 14, 2023**
3. **Town of Aylmer – Provincial Consideration for Amendments to the Residential Tenancies Act Motion**
4. **Town of Aylmer – Zoning By-law Amendment - Notice of Passing - Part of Lots 85 and 86, Concession North of Talbot Road, Town of Aylmer (geographic Township of Malahide)**
5. **Ombudsman Ontario – Annual Report, Municipal Integrity Commissioners: Best Practice Guide, and Codes of Conduct, Complaint & Inquiry, and Appointing Integrity Commissioners: Guide for Municipalities**
6. **Municipality of South Bruce - Ontario Association of Sewage Industry Services (OASIS) involvement with helping mitigate the issues surrounding approved disposal sites**
7. **Elgin Area Primary Water Supply System - December 7, 2023 Agenda Package**

**Carried**

**OTHER BUSINESS:**

- MPAC Data Sharing & Services Agreement

**No. 23-475**

**Moved By: Rick Cerna**

**Seconded By: Sarah Leitch**

**THAT the information received from MPAC regarding the new Data Sharing and Services Agreement (DSSA) be received for information;**

**AND THAT Council delegate authority to staff to enter into this Agreement with MPAC for the Data Sharing and Services Agreement (DSSA) effective January 1, 2024 for a four-year period.**

**Carried**

**BY-LAWS:**

**No. 23-476**

**Moved By: Rick Cerna**

**Seconded By: Mark Widner**

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

- **By-law No. 23-78 – Bennett/Coleman Rezoning**
- **By-law No. 23-77 – Versnick Rezoning**
- **By-law No. 23-80 – Community Grant Committee -Appointment of Committee Members**

**Carried**

**CLOSED:**

**CONFIRMATORY:**

**No. 23-477**

**Moved By: Sarah Leitch**

**Seconded By: Rick Cerna**

**THAT By-law No.23-79, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.**

**Carried**

**ADJOURNMENT:**

**No. 23-478**

**Moved By: Mark Widner**

**Seconded By: Sarah Leitch**

**THAT Council adjourn its meeting at 9:42p.m. to meet again on December 21, 2023, at 7:30p.m.**

**Carried**

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Mayor – D. Giguère

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Clerk – A. Adams





## Report to Committee of Adjustment

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**REPORT NO.:** DS-23-39  
**DATE:** December 21, 2023  
**ATTACHMENT:** Report Photo, Application, and Comments Received to Date (if any)  
**SUBJECT:** **MINOR VARIANCE APPLICATION NO. D13-MV-02-23 OF DONALD AND CINDY SPROUL**

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### Recommendation:

**THAT Report No. DS-23-39 entitled “Application No. D13-MV-09-23 of Donald and Cindy Sproul” and affecting lands described as Part of Lot 34, Concession 3 in the Township of Malahide, and being 53273 Calton Line, be received;**

**AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-09-23 to permit an increase in the maximum floor area for an accessory structure;**

**AND THAT the approval shall be subject to the following conditions:**

- 1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application; and,**
- 2) That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.**

### Background:

The subject Application relates to the property located at Part of Lot 34, Concession 3 Part 1 on 11R-9131), and known municipally as 53273 Calton Line. The Application seeks to permit an accessory structure with a floor area of 223 m<sup>2</sup>, whereas the By-law requires a maximum floor area of 150 m<sup>2</sup>.

Notice of Public Hearing was given in accordance with Planning Act regulations. Any comments received in response to the Notice of Public Hearing will be reported on at the December 21, 2023 hearing.

Township Planning Staff have reviewed and considered the merits of the Application against applicable Official Plan policies, the Township's adopted Zoning By-law, and all (if any) of the correspondence received as of the date of writing and recommends that the Committee of Adjustment approve Minor Variance Application No. D13-MV-09-23.

### **Comments/Analysis:**

The subject property is approximately 0.46 hectares (1.15 acres) in size with approximately 66 metres of frontage along Calton Line. The subject lands contain an existing detached dwelling and are bounded by agricultural lands to the west and south, a rural residential property to the east, and Calton Line to the north.

Based on information provided with the application, an accessory structure previously existed on the property before it was damaged by fire. The applicant is proposing to replace the previous building with a new, larger accessory structure. A minor variance is required to permit an increased maximum floor area.

A previous minor variance application to permit the accessory structure had been submitted and approved by the Committee of Adjustment on May 18, 2023. Subsequent to that approval the owner has identified a discrepancy between their building plans submitted for approval as part of the previous minor variance and the information provided on the submitted site plan. As a result, the owner has resubmitted a minor variance application to permit the maximum floor area proposed with this application to reflect the correct building envelope.

### **County of Elgin Official Plan**

The subject lands are designated 'Agricultural Area' on Schedule 'A' – Land Use Plan. For lands designated as 'Agricultural Area', the County Official Plan permits agricultural uses and single detached dwellings in conjunction with agricultural use (Section C2.3).

### **Malahide Official Plan**

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan). The Official Plan permits single detached dwellings on parcels that have been severed as part of a surplus farm dwelling severance (Section 2.1.2.2). The Official Plan encourages the protection of agricultural lands and includes policies to ensure that development does not conflict with agricultural uses (Section 2.1.1.2, 2.1.2.2)

### **Malahide Zoning By-law No. 18-22**

The subject property is within the "Hamlet Residential (HR) Zone", as well as on Key Map M of Schedule "A" to the Township's Zoning By-law No. 18-22.

The table below identifies the development standards within the Zoning By-law for the lands zoned 'Hamlet Residential (HR)' as they relate to the proposed development.

**Table 1. Hamlet Residential (HR) Zone Requirements**

<b>Zoning Provision</b>	<b>Required:</b>	<b>Proposed:</b>
Min. Lot Area	1850 m <sup>2</sup>	4613 m <sup>2</sup>
Min. Lot Frontage	25 m	66 m
Min. Front Yard	6 m	35 m
Min. Interior Side Yard	2 m	Greater than 2 m
Min. Rear Yard	7.5 m	26.9 m
Max. Lot Coverage	30%	16.3%
Max. Height	10.5 m	One storey
Max. Number Dwellings	1	1
<b>Accessory Structures</b>		
**Max. Floor Area	150 m <sup>2</sup>	223 m <sup>2</sup>
Min. Interior Side Yard	1.2 m	1.2 m
Min. Rear Yard	1.2 m	3 m
Max. Lot Coverage	10%	7.4%
Max. Height	6 m	One storey (less than 6 m)

\*\*The minor variance application seeks to permit a maximum floor area of **223 m<sup>2</sup>**, whereas the By-law requires a maximum floor area of **150 m<sup>2</sup>**.

### **Public/Agency Comments Received**

Notice of Public Hearing was given in accordance with Planning Act regulations, appearing in the Aylmer Express December 6<sup>th</sup> and December 13<sup>th</sup> editions. As of the date of writing this report, the following has been received:

- There were no comments received at the time of writing of this report.

Typical conditions are recommended (building permit(s) issued within two years and in accordance with the drawings provided with the minor variance application).

When reviewing an application for a minor variance, Section 45(1) of the Planning Act, R.S.O., 1990 requires that the Committee of Adjustment apply four specific tests. These tests, along with the Planner's comments concerning same as they relate to the requested variance, are as follows:

#### **1. The variance maintains the general intent and purpose of the Official Plan.**

The proposed accessory structure would be a permitted use under the County and Malahide Official Plans. Generally, the policies of the Official Plan seek to guide orderly and logical growth and development and are not specific so as to address details such as maximum floor area requirements of accessory structures. The minor variance maintains the general intent and purpose of the Official Plans.

**2. The requested variance maintains the general intent and purpose of the By-law.**

The Zoning By-law defines floor area as the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any verandah or porch and limits the floor area of accessory structures to a maximum of 150 m<sup>2</sup>. The maximum floor area requirement intends to ensure that accessory structures remain ancillary and subordinate to the main use on a property. The owner is proposing to construct a 223 m<sup>2</sup> accessory building, as well as a 126 m<sup>2</sup> unenclosed covered walkway around the north and east sides of the proposed structure. The unenclosed area is not included within the floor area calculation and is regulated through the lot coverage and setback provisions of the Zoning By-law.

While the proposed lot overage would exceed the maximum requirements, the accessory structure would continue to remain subordinate to the primary residential use of the property which is approximately 400 m<sup>2</sup> in size. The application is consistent with the general intent and purpose of the Zoning By-law.

**3. The application is "minor" in nature.**

Whether a variance is considered minor is evaluated upon the size and potential for impact of the proposed variance from the Zoning By-law. It is noted that the subject lands are irregular in shape, larger than other lots located along the south side of Calton Line to the west, and the proposed accessory structure would be sited away from existing dwellings on adjacent properties. The lands to the west and south are used for agricultural purposes and do not contain a dwelling. The proposed accessory structure would not impact adjacent landowners from using their properties for permitted uses. The application is minor in nature.

**4. The proposed development is desirable for the appropriate development or use of the subject property.**

The proposed variance would permit a previously existing accessory structure to be replaced with a larger footprint, where the proposed increase in floor area is predominantly for a covered area along the north and east sides of the accessory structure. The application is desirable for the appropriate development or use of the subject property.

**Financial Implications to Budget:**

The full cost of the minor variance 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 Ltd., Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Vice President, Principal Planner Monteith Brown Planning Consultants Ltd.

Approved by:
Nathan Dias, Chief Administrative Officer

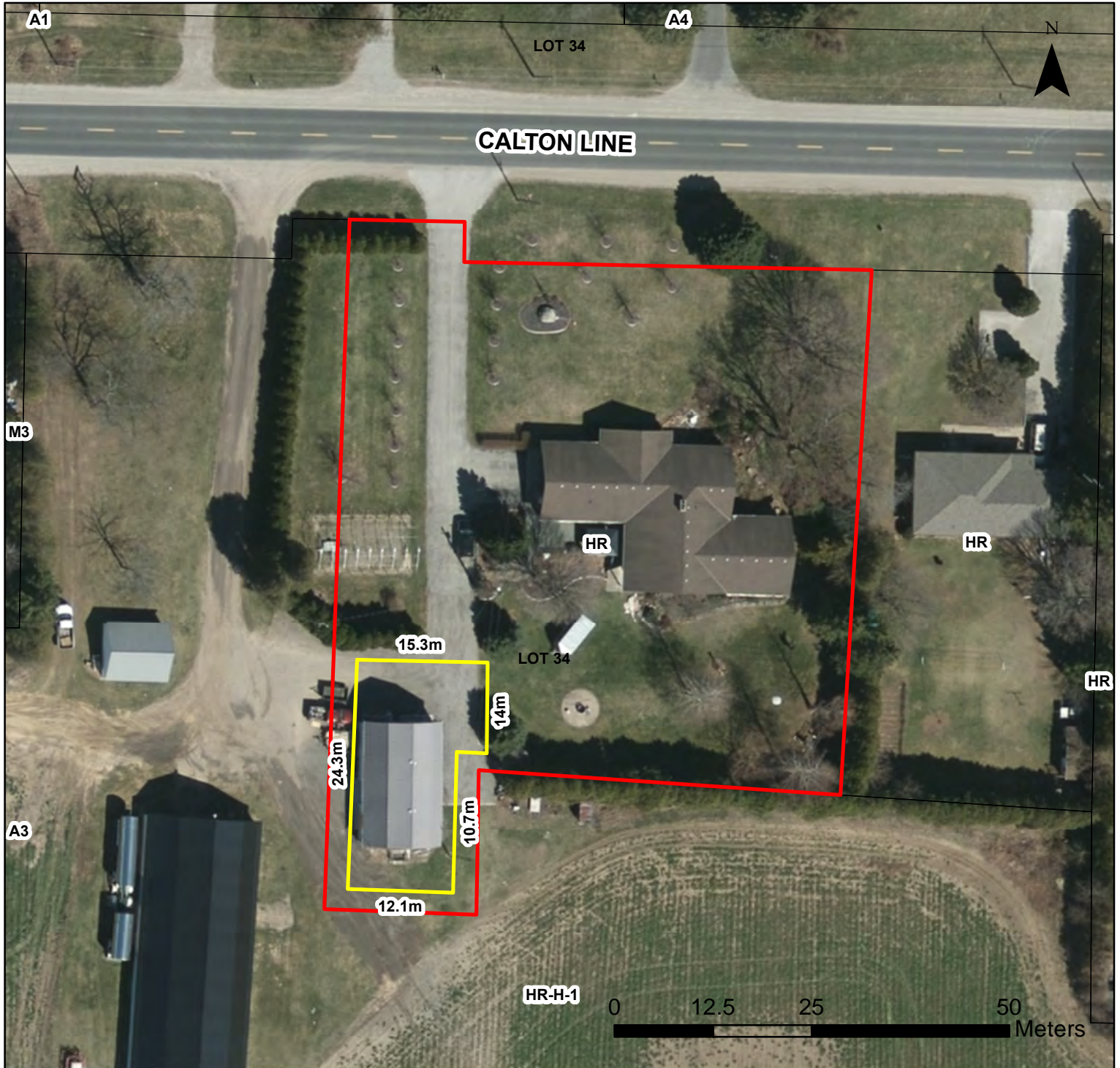
**APPLICATION FOR A MINOR VARIANCE**

22

**Owners: Donald and Cindy Sproul**



53273 Calton Line  
PART OF LOT 34, RP 11R-9131 PART 1  
Township of Malahide

**Township  
of Malahide  
Figure 1**



OFFICIAL PLAN DESIGNATION  
AGRICULTURE

ZONING  
Hamlet Residential (HR)

-  Subject Property
-  Proposed Building

# APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

Planning Act, R.S.O. 1990 O Reg 200/96 as amended

The undersigned hereby applies to the Committee of Adjustment for the

## TOWNSHIP OF MALAHIDE

under Section 45 of the Planning Act, R.S.O. 1990 for relief, as described in this application, from By Law No. 05-27 Township of Malahide.

### 1. OWNER(S)

- a) Name DENNIS + CINDY SPROUL
- b) Mailing Address 53273 CACTON LINE  
AYLMER, ONT N5H 2R5
- c) Telephone No. 519-765-1210 (H) 519-476-3811 (W)
- d) Fax No. \_\_\_\_\_

### 2. SOLICITOR / AUTHORIZED AGENT

- a) Name DENNIS R SPROUL
- b) Mailing Address 53273 CACTON LINE  
AYLMER, ONT N5H 2R5
- c) Telephone No. 519-765-1210 (H) 519-476-3811 (W)
- d) Fax No. \_\_\_\_\_

### 3. LOCATION OF LAND

- a) Lot and Plan or Concession No. PART OF LOT 34, RP11R-9131 PART 1
- b) Street No. and Name 53273 CACTON LINE AYLMER, ONTARIO

11. Existing uses of the subject property:

Hamlet Residential (HR)

12. Length of time and existing uses to the subject property have continued: \_\_\_\_\_

13. Existing uses of abutting properties:

- a) North Residential
- b) East Residential
- c) South Agriculture
- d) West Agriculture

14. Services available (check appropriate space(s))

- a) Method of Water Supply (if applicable)
  - Public Water Supply System
  - Private Individual Well
  - Private Communal Well
  - Other (please specify) \_\_\_\_\_
- b) Method of Sanitary Waste Disposal (if applicable)
  - Private Septic Tank and Bio Field System
  - Private Communal System
  - Other (please specify) \_\_\_\_\_

15. Applicable Official Plan designation(s): AGRICULTURE

16. Applicable Zoning By-law zone(s): Hamlet Residential

17. Has the owner previously applied for a minor variance in respect to the subject property?

- a) Yes  No

If Yes, describe briefly:

Applied to Board A shed over the 1600 sq ft & received  
it - thought we had applied for the 20 ft overhang on the  
1st variance

18. Is the subject property the subject of a current application of consent / severance?

- Yes  No



**STATUTORY DECLARATION**

I, DENNIS SPREAR of the 53273 Canton Line Township of Malahide  
(Name of Applicant) (City, Municipality, Town, Township)

in the County of Eglw  
(County / District / Region)

SOLEMNLY DECLARE THAT the information provided in this application as required under Section 45 of the Planning Act R.S.O. 1990 and Ontario Regulation 200 / 96 as amended is true

AND I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and affect as if made under oath

DECLARED before me

TOWNSHIP OF MALAHIDE )  
(City, Municipality, Town, Township) )

in the County of Eglw )  
(County / District / Region) )

this 27<sup>th</sup> day of APR, 2023 )

A Commissioner, etc. )

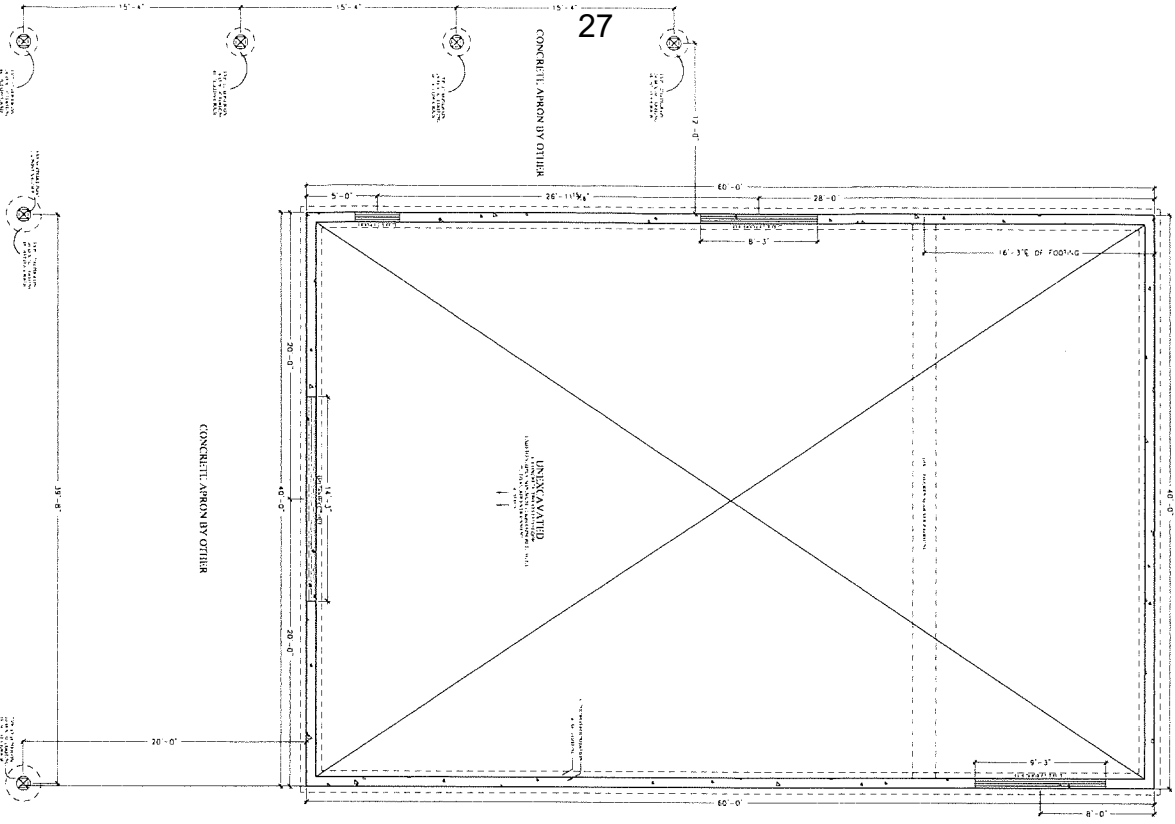
A Adams  
**Allison Adams, a Commissioner  
for taking Affidavits, Pursuant to  
R.S.O. 1990,C.17, Para. 1(2)**

Dennis Sprear  
Signature of Applicant or  
Authorized Agent \*

\* If authorized agent, a letter from the owner of the property must accompany this application

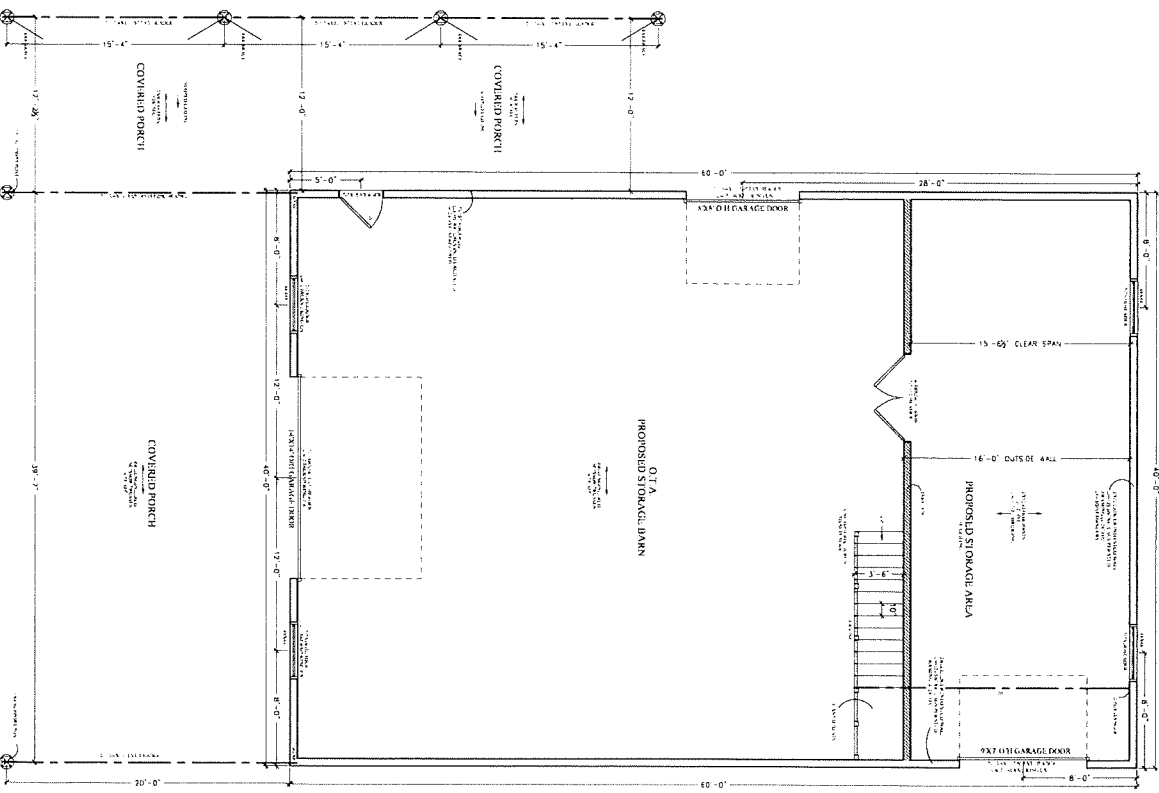
APPLICATION FEE to accompany \$2,000.00, payable to the Township of Malahide





**FOUNDATION PLAN**

Scale 1/4" = 1'-0"

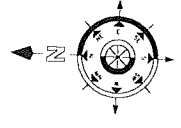


**MAIN FLOOR PLAN**

Scale 1/4" = 1'-0"

**GENERAL NOTES**

1. FOUNDATION SHALL BE AS SHOWN.
2. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE WALLS.
3. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FLOOR SLABS.
4. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FOUNDATION WALLS.
5. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FOUNDATION WALLS.
6. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FOUNDATION WALLS.
7. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FOUNDATION WALLS.
8. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FOUNDATION WALLS.
9. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FOUNDATION WALLS.
10. ALL FOUNDATION SHALL BE 18" MINIMUM FOR CONCRETE FOUNDATION WALLS.



NO.	DESCRIPTION
1	FOUNDATION PLAN
2	FOUNDATION PLAN
3	FOUNDATION PLAN
4	FOUNDATION PLAN
5	FOUNDATION PLAN
6	FOUNDATION PLAN
7	FOUNDATION PLAN
8	FOUNDATION PLAN
9	FOUNDATION PLAN
10	FOUNDATION PLAN



**VIEW-IT DESIGN**  
 1000 W. 10TH STREET  
 SUITE 100  
 PORT HURON, MI 48130

**SPROLL RESIDENCE**  
 3273 CALTON LANE  
 MCALABRETT TOWNSHIP  
 PORT HURON, MI 48130

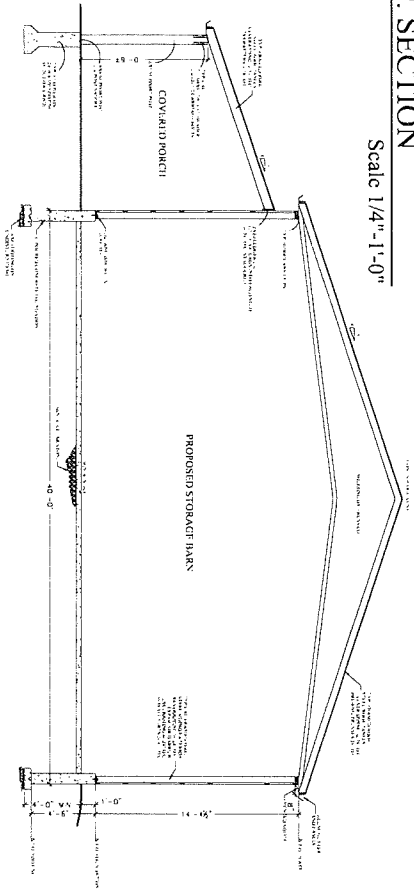
DATE: 08/20/21	SCALE: 1/4" = 1'-0"
DRAWN BY: TONY WALK	NO. 1
REVISION: 08/20/21	NO. 2
DATE: 08/20/21	NO. 3
DATE: 08/20/21	NO. 4
DATE: 08/20/21	NO. 5
DATE: 08/20/21	NO. 6
DATE: 08/20/21	NO. 7
DATE: 08/20/21	NO. 8
DATE: 08/20/21	NO. 9
DATE: 08/20/21	NO. 10

**A1**



# TYP. SECTION

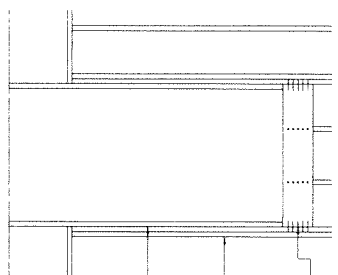
Scale 1/4" = 1'-0"



WOOD HEADER (SEE FRAMING & BRACING PLANS FOR SIZE & NUMBER OF PYS)  
 HEADER CONSTRUCTION AS PER DETAILS ON FRAMING & BRACING DETAILS SHEET  
 GANGED STUDS - NAILED TOGETHER AS PER O.B.C. 2007 - 9, 17, 4, 2, 1b) NAILED TOGETHER w/ 2 ROWS OF 3, 1/4" STRIP NAILED TOGETHER NOT MORE THAN 11 3/4" ON CENTRE MAX. TWO STUDS AT EACH SIDE OF FRAME W/ 2 ROWS OF 3, 1/4" STRIP NAILED TOGETHER NOT MORE THAN 11 3/4" ON CENTRE MAX. UNLESS OTHERWISE NOTED OTHERWISE)  
 JACK STUD NAILED ON INSIDE FACE OF GANGED STUDS AS PER O.B.C. 2007 9, 17, 4, 2, 1b)  
 WOOD STUD WALL (SEE FRAMING & BRACING PLANS FOR SIZES AND SPACINGS OF STUDS)  
 WOOD BASE PLATE OVER SILL GASKET  
 CONCRETE FOUNDATION WALL w/ DOOR CUT TO SUIT APPLICATION

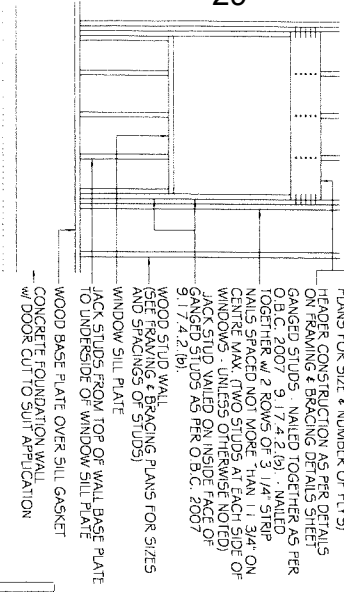
# DOOR FRAMING DETAIL

SCALE N.T.S.



WOOD HEADER (SEE FRAMING & BRACING PLANS FOR SIZE & NUMBER OF PYS)  
 HEADER CONSTRUCTION AS PER DETAILS ON FRAMING & BRACING DETAILS SHEET  
 GANGED STUDS - NAILED TOGETHER AS PER O.B.C. 2007 - 9, 17, 4, 2, 1b) NAILED TOGETHER w/ 2 ROWS OF 3, 1/4" STRIP NAILED TOGETHER NOT MORE THAN 11 3/4" ON CENTRE MAX. TWO STUDS AT EACH SIDE OF FRAME W/ 2 ROWS OF 3, 1/4" STRIP NAILED TOGETHER NOT MORE THAN 11 3/4" ON CENTRE MAX. UNLESS OTHERWISE NOTED OTHERWISE)  
 JACK STUD NAILED ON INSIDE FACE OF GANGED STUDS AS PER O.B.C. 2007 9, 17, 4, 2, 1b)  
 WOOD STUD WALL (SEE FRAMING & BRACING PLANS FOR SIZES AND SPACINGS OF STUDS)  
 WOOD BASE PLATE OVER SILL GASKET  
 CONCRETE FOUNDATION WALL w/ DOOR CUT TO SUIT APPLICATION

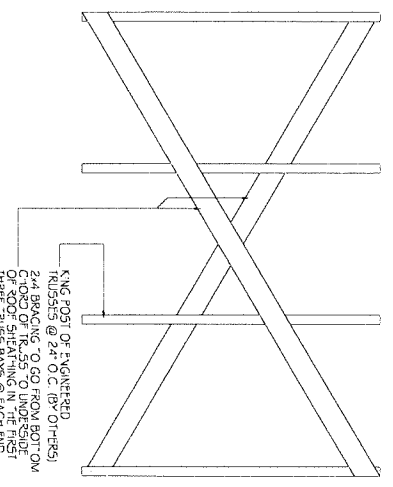
29



WOOD HEADER (SEE FRAMING & BRACING PLANS FOR SIZE & NUMBER OF PYS)  
 HEADER CONSTRUCTION AS PER DETAILS ON FRAMING & BRACING DETAILS SHEET  
 GANGED STUDS - NAILED TOGETHER AS PER O.B.C. 2007 - 9, 17, 4, 2, 1b) NAILED TOGETHER w/ 2 ROWS OF 3, 1/4" STRIP NAILED TOGETHER NOT MORE THAN 11 3/4" ON CENTRE MAX. TWO STUDS AT EACH SIDE OF FRAME W/ 2 ROWS OF 3, 1/4" STRIP NAILED TOGETHER NOT MORE THAN 11 3/4" ON CENTRE MAX. UNLESS OTHERWISE NOTED OTHERWISE)  
 JACK STUD NAILED ON INSIDE FACE OF GANGED STUDS AS PER O.B.C. 2007 9, 17, 4, 2, 1b)  
 WOOD STUD WALL (SEE FRAMING & BRACING PLANS FOR SIZES AND SPACINGS OF STUDS)  
 WINDOW SILL PLATE  
 JACK STUDS FROM TOP OF WALL BASE PLATE TO UNDERSIDE OF WINDOW SILL PLATE  
 WOOD BASE PLATE OVER SILL GASKET  
 CONCRETE FOUNDATION WALL w/ DOOR CUT TO SUIT APPLICATION

# WINDOW FRAMING DETAIL

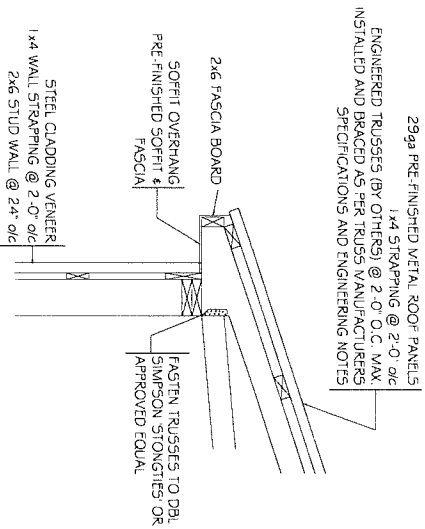
SCALE N.T.S.



KING POST OF ENGINEERED TRUSSES @ 24" O.C. (BY OTHERS)  
 2x4 BRACING TO GO FROM BOTTOM CHORD OF TRUSS TO UNDERSIDE OF KING POST  
 THREE 2x4x8 PLAYS @ EACH END  
 ONE BRACE ON EACH SIDE OF KING POST  
 BRACE TO BE FASTENED TO KING POST LOCATION  
 LOCATION @ 17' INSDN @ 6" O.C. @ 17' INSDN

# KING POST BRACING DETAIL

SCALE N.T.S.



2x6 PRE-FINISHED METAL ROOF PANELS  
 1x4 STRAPPING @ 2'-0" o/c  
 ENGINEERED TRUSSES (BY OTHERS) @ 2'-0" O.C. MAX. INSTALLED AND BRACED AS PER TRUSS MANUFACTURER'S SPECIFICATIONS AND ENGINEERING NOTES  
 2x6 FASCIA BOARD  
 SOFFIT OVERHANG PRE-FINISHED SOFFIT & FASCIA  
 FASTEN TRUSSES TO DEL. SIMPSON STRONGTIES OR APPROVED EQUAL  
 STEEL CLADDING VENERE  
 1x4 WALL STRAPPING @ 2'-0" o/c  
 2x6 STUD WALL @ 24" o/c

# TRUSS TIE-DOWN DETAIL

SCALE N.T.S.

### GENERAL NOTES

NO.	DESCRIPTION
1	SEE GENERAL NOTES
2	
3	
4	
5	
6	
7	
8	
9	
10	

PROPERTY OF VIEW-IT DESIGN  
 VIEW-IT DESIGN  
 5273 CALTON LANE  
 MALDEN, ONTARIO  
 L3R 9V7  
 905-881-1818

SPROLL RESIDENCE  
 5273 CALTON LANE  
 MALDEN, ONTARIO  
 PHOENIX STORAGE-BARN PLANS

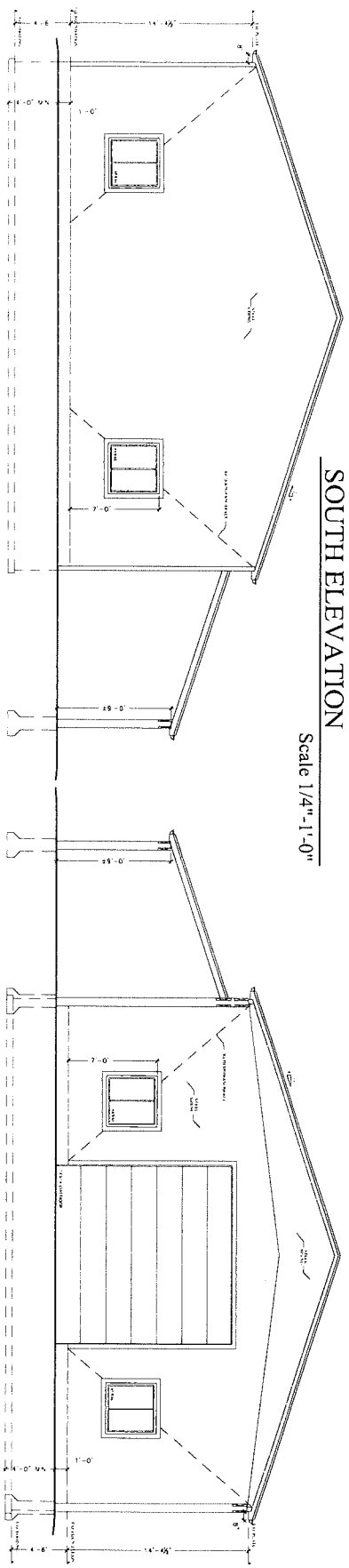
DRAWING: TONY WALL  
 DATE: 08/20/2023  
 SHEET NO: 101-2

SCALE: 1/4" = 1'-0"

**A3**

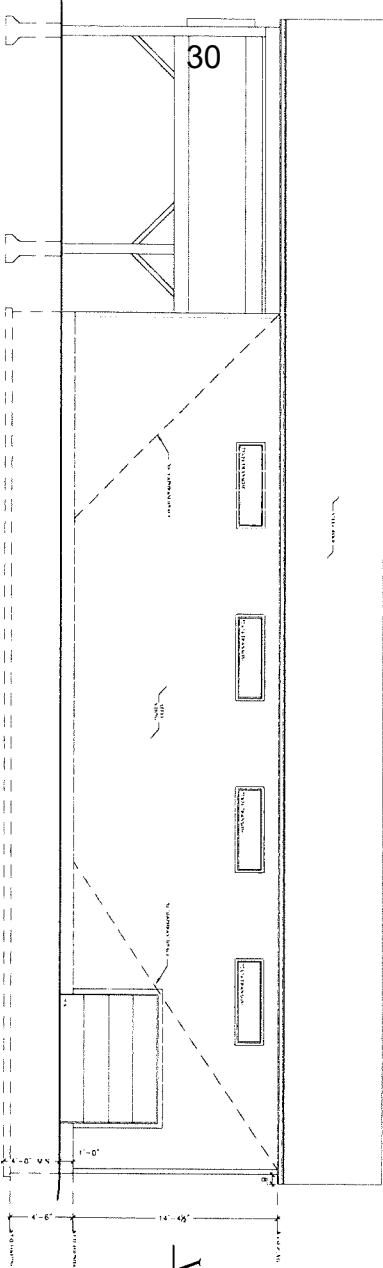
### SOUTH ELEVATION

Scale 1/4" = 1'-0"



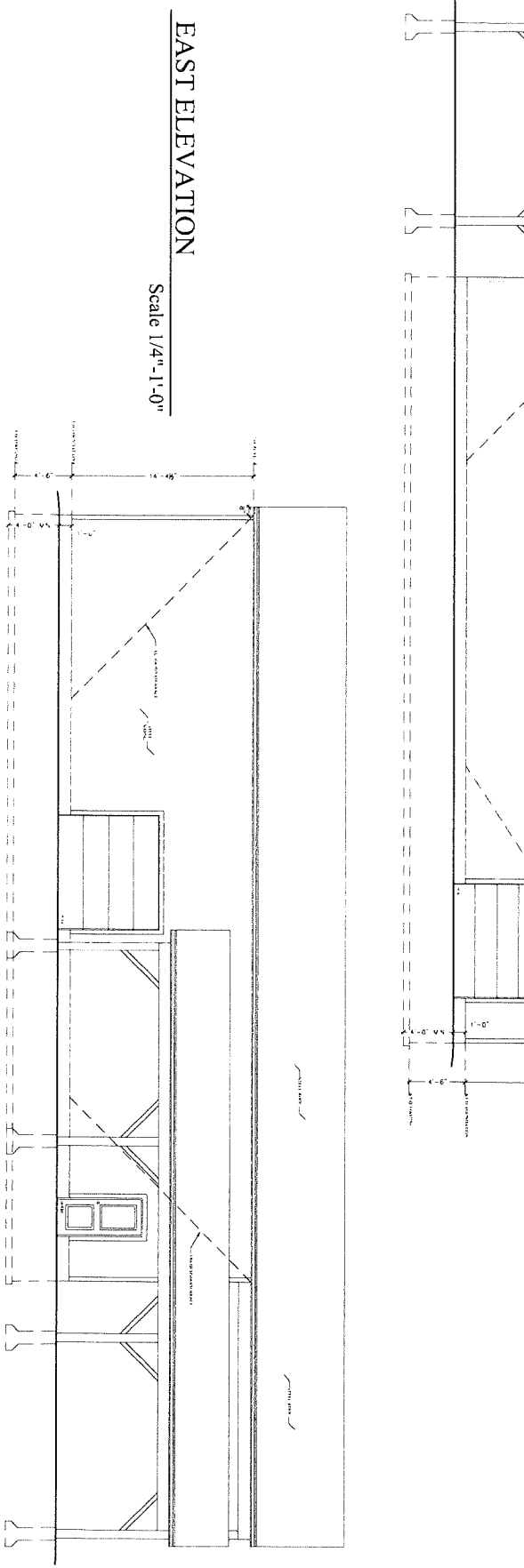
### NORTH ELEVATION

Scale 1/4" = 1'-0"



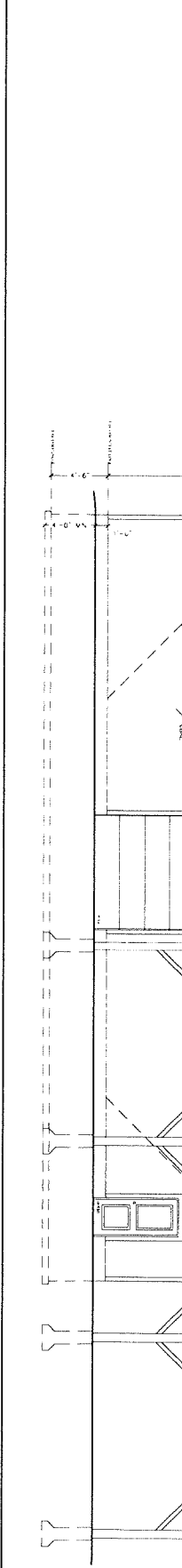
### WEST ELEVATION

Scale 1/4" = 1'-0"



### EAST ELEVATION

Scale 1/4" = 1'-0"



#### GENERAL NOTES

1. SEE ALL NOTES ON SHEET 100-001-1

2. SEE ALL NOTES ON SHEET 100-001-2

3. SEE ALL NOTES ON SHEET 100-001-3

4. SEE ALL NOTES ON SHEET 100-001-4

5. SEE ALL NOTES ON SHEET 100-001-5

6. SEE ALL NOTES ON SHEET 100-001-6

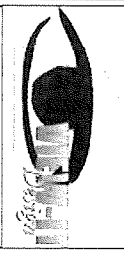
7. SEE ALL NOTES ON SHEET 100-001-7

8. SEE ALL NOTES ON SHEET 100-001-8

9. SEE ALL NOTES ON SHEET 100-001-9

10. SEE ALL NOTES ON SHEET 100-001-10

NO.	DATE	DESCRIPTION
1	10/15/11	ISSUED FOR PERMITS
2		
3		
4		
5		
6		
7		
8		
9		
10		



VIEW-IT DESIGN  
 8801 FORT BUCKWILD  
 WEST WINDSOR, NJ 07093

SPROU RESIDENCE  
 5523 CALTON LANE  
 MALDENBORO TOWNSHIP  
 PROMISED STORAGE-BANK PLANS

DESIGNED BY: DON WALKER  
 DRAWN BY: DON WALKER  
 DATE: NOV. 2011  
 SHEET NO.: 100-001-4

A4



## Report to Council

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**REPORT NO.:** DS-23-38

**DATE:** December 21, 2023

**ATTACHMENT:** Report Photo, Application, By-law

**SUBJECT:** **ZONING BY-LAW AMENDMENT APPLICATION OF CHAD UNDERHILL FARMS LIMITED (AUTHORIZED AGENT: LOGAN BURNETT C/O HARRISON PENZA LLP)**

**LOCATION:** Part Lot 29, Concession 1 W, Township of Malahide (52361 Nova Scotia Line)

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### Recommendation:

**THAT Report No. DS-23-38 entitled “Zoning By-law Amendment Application of Chad Underhill Farms Limited (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP)” Be Received;**

**AND THAT the Zoning By-law Amendment Application No. D14-Z15-23 Of Chad Underhill Farms Limited (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP), relating to the property located at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line, BE APPROVED for the reasons set out in this Report.**

### Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by Chad Underhill Farms Limited (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP), to implement the necessary zoning provisions required for surplus farm dwelling severances. Specifically, the proposed severed parcel would be rezoned from “General Agriculture (A1)” to “Small Lot Agriculture – Site Specific (A4-26)” and the proposed retained parcel would be rezoned from “General Agriculture (A1)” to “Special Agriculture (A2)”.

The Application relates to the property located at Part Lot 29, Concession 1 W, Township of Malahide, And Known Municipally As 52361 Nova Scotia Line.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official

Plan, including posting notice in two recent issues of the Aylmer Express.

The analysis of the associated severance/consent application by the County Planning Department and Land Division Committee determined that the severance met all applicable policies (Provincial Policy Statement and Official Plan). The consent application was provisionally approved subject to the Applicant completing a number of conditions, one such being obtaining a Zoning By-law amendment.

### **Comments/Analysis:**

The subject farm property is approximately 34.5 hectares (85.49 acres) in area and has approximately 199.1 metres (653.3 feet) of frontage along Nova Scotia Line and contains an existing single detached dwelling and three trailers previously used to house farm workers. The subject lands are bounded by agricultural lands to the east and west, Nova Scotia Line to the north, and Lake Erie to the south.

The subject Zoning By-law Amendment has been submitted as a condition of a consent application to sever a surplus farm dwelling recently granted provisional approval by the County's Land Division Committee.

### **Provincial Policy Statement (PPS)**

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation for the purposes of severing an existing dwelling that has been rendered surplus as a result of farm consolidation, provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate private services, as well as it is ensured that residential dwellings are prohibited on any remnant parcel of farmland (Section 2.3.4.1c).

The previous consent application met the criteria of the PPS except for the requirement to ensure the subject lands were rezoned to prohibit a dwelling, which was required as a condition of consent approval. Through this application, the retained lands would be rezoned "A2" which would prohibit new residential uses from being established on the retained farm parcel. The Zoning By-law Amendment would also rezone the proposed severed parcel to the 'A4' zone which is applied to lots created for surplus farm dwellings.

### **County of Elgin Official Plan**

The subject property is designated as 'Agriculture' on Schedule 'A' of the County Official Plan. Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that the development of a new residence is prohibited on the retained farmland (Section E1.2.3.4b). As previously noted, the retained lands would be rezoned to prohibit a new residence on the farm parcel and the severed lands would be rezoned to the A4 to recognize the parcel as a surplus farm dwelling lot.



## **Malahide Official Plan**

The subject property is designated 'Agricultural' on Schedule 'A1' (Land Use Plan). The Malahide Official Plan permits secondary uses including surplus farm dwellings on separate lots (Section 2.1.2.2).

Section 2.1.7 of the Official Plan permits lot creation for the severance of a surplus farm dwelling provided certain criteria are met, including that the existing dwelling be occupied for a minimum of ten years prior to the severance being considered; a land use conflict is not created with agricultural operations in the surrounding areas; the severed parcel is able to be serviced by private sanitary waste disposal system and a potable water supply that is situated within the severed lot; is located within 100 metres of an opened travelled road; and the severed and retained parcels are rezoned. Previous consent application met these criteria except for the requirement to ensure the subject lands were rezoned, which is fulfilled as part through this application.

## **Malahide Zoning By-law No. 18-22**

The subject property is within the "General Agricultural (A1) Zone", on Key Map 103 of Schedule "A" to the Township's Zoning By-law No. 18-22. As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. The proposed retained parcel is to be rezoned 'Special Agricultural (A2)' zone to prohibit a residential dwelling and would meet the minimum lot area and frontage requirements of the A2 zone.

The proposed severed parcel is to be rezoned 'Small Lot Agriculture – Site Specific (A4-26)'. This zone is intended to be applied to lots that are created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The proposed Zoning Amendment would also include a site-specific provision to permit a reduced lot frontage of 26.3 m where the By-law requires a frontage of 30 m. The intent of the minimum lot frontage requirement is to ensure adequate width to provide vehicle access and allow space to accommodate dwellings, structures, and private services.

The proposed severed parcel meets all other requirements of the A4 zone.

## **Public/Agency Comments Received**

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- Catfish Creek Conservation Authority (CCCA) has provided comments dated November 30, 2023. CCCA has no concerns with 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

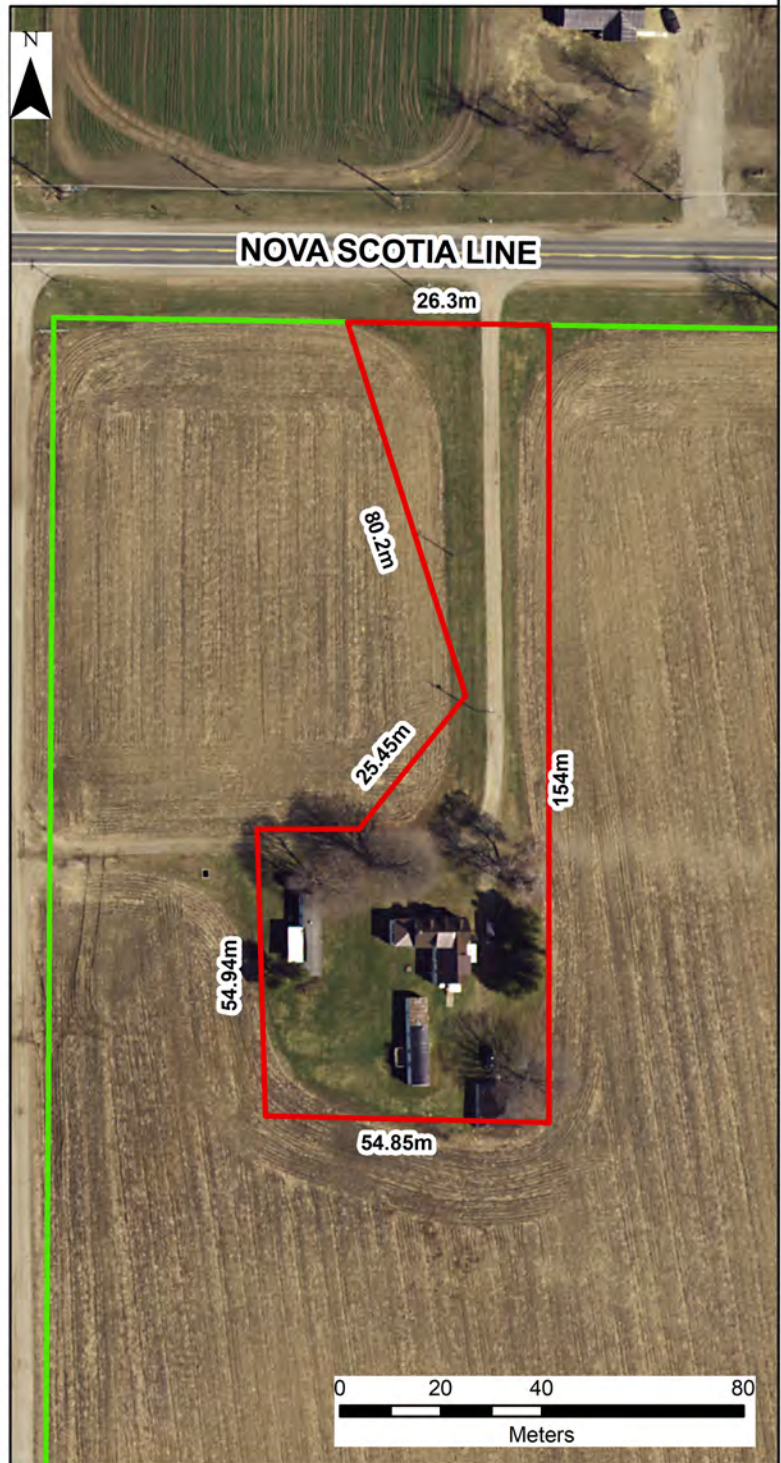
Approved by:
Nathan Dias, Chief Administrative Officer

# APPLICATION FOR A ZONING BY-LAW AMENDMENT

Owners: Chad Underhill Farms  
Authorized Agent: Logan Burnett

52361 Nova Scotia Line  
Concession 1, Part of Lot 29  
Township of Malahide

Township  
of Malahide  
Figure 1



OFFICIAL PLAN DESIGNATION  
Agriculture

ZONING  
A1 General Agricultural



LANDS TO BE REZONED FROM  
GENERAL AGRICULTURAL 'A1' ZONE TO SITE  
SPECIFIC SMALL LOT AGRICULTURAL 'A4-26' ZONE



LANDS TO BE REZONED FROM  
GENERAL AGRICULTURAL 'A1' ZONE TO  
SPECIAL AGRICULTURAL 'A2' ZONE

1. Registered Owner's

Name: Chad Underhill Farms Limited

Address: 7135 Dennis Road, Vienna ON N0J 1Z0

Phone No. (Home): c/o Solicitor Business: c/o Solicitor

Fax: c/o Solicitor Email: lburnett@harrisonpensa.com

Lot and Concession (if applicable):

Are there any other holders of mortgages, charges or other encumbrances of the Subject Lands? If so provide the names and addresses of such persons.

Bank of Montreal has 3 mortgages on the property. Partial Discharges of each mortgage has been negotiated and will be given for the severed lands.

2. Applicant / Authorized

Agent: Harrison Pensa per: Logan Burnett

Address: 130 Dufferin Avenue, Suite 1101 London, ON N6A 5R2

Telephone No.: 519-661-6703 Fax: 519-667-3362

Please specify to whom all communications should be sent:

Registered Owner ( ) Applicant / Authorized Agent (●)

3. Legal Description of the land for which the amendment is requested:

Concession: 1 Lot: 29

Reference Plan No: 11R-11113 Part Lot: 1

Street and Municipal Address No.: 52361 Nova Scotia Line, Aylmer ON N5H 2R2

What is the size of property which is subject to this Application?

Area: 50002 ha m Frontage: 26.3 m Depth: 154 m

When were the subject lands acquired by the current owner? February 5, 2007

4. Existing Official Plan

Designation: A1

How does the application conform to the Official Plan?

This severance request meets the definition of a surplus farm residence

**5. Existing Zoning By-law Classification:**

Agriculture

**What are the current uses of the subject lands?**

Lands to be severed has a single family residence and 3 trailers. The trailers are being/ have been removed from the property.

**If known, provide the length of time these uses have continued on this property.**

The house was built in 1945

**If there are any existing buildings or structures on the subject lands provide the following information:**

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
<u>Dwelling</u>	<u>17.95 m</u>	<u>15.18/14.98 m</u>	<u>25.12 m</u>	<u>2 storey</u>	<u>13.78 m</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

**If known, provide the dates in which each of these buildings were constructed.**

The house was built in 1945

**6. What is the Nature and Extent of the Rezoning?**

To Change the surplus farm residence property from Agriculture (A1) to Small Lot Agriculture Special (A4-XX).

**7. Why is the rezoning being requested?**

It is a condition of Elgin Severance Application # E 3-23

- 8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area? no

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

- 9. Does the proposed amendment remove land from an area of employment? no

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

- 10. Description of proposed development for which this amendment is requested (i.e. permitted uses, buildings or structures to be erected. (Be Specific)

No changes to the use of the property. The single family residence will remain and the trailers have been/will be removed.

**For any proposed buildings or structures on the subject lands provide the following information:**

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
n/a					

- 11. Services existing or proposed for the subject lands: Please indicate with a ✓

Water Supply	Existing	Proposed
--------------	----------	----------

Municipal Piped Water Supply	<input checked="" type="radio"/> ( )	( )
Private Drilled Well	( )	( )
Private Dug Well	( )	( )
Communal Well	( )	( )
Lake or other Surface Water Body	( )	( )
Other	( )	( )

<b>Sewage Disposal</b>	<b>Existing</b>	<b>Proposed</b>
Municipal Sanitary Sewers	( )	( )
Individual Septic System	<input checked="" type="radio"/> ( )	( )
Communal System	( )	( )
Privy	( )	( )
Other	( )	( )

**Note: If the proposed development is on a private or communal system and generate more than 4500 litres of effluent per day, the applicant must include a servicing options report and a hydrogeological report.**

Are these reports attached?

n/a

If not, where can they be found?

**Storm Drainage**

Provisions: Surveyor found no roadside ditches or municipal drains affecting the property

Proposed Outlet: no new drainage proposed

**12. How will the property be accessed?**

Provincial Highway ( ) County Road ( ) Municipal Road – maintained all year (●)

Municipal Road – seasonally maintained ( ) Right-of-way ( ) Water ( )

If access is by water, do the parking and docking facilities exist, and what is the nearest public road?

13. Has the subject land ever been the subject of an application under the Planning Act for:

Plan of Subdivision ( ) Consent ( )

Zoning By-law Amendment ( ) Ministers Zoning Order ( )

If yes to any of the above, indicate the file number and status of the application.

not before this severance application

14. How is the proposed amendment consistent with the Provincial Policy Statement 2005?

This property meets the definition of a residence surplus to a farming operation.

15. Are the subject lands within area designated under any Provincial Plan(s)? If the answer is yes, does the proposed amendment conform to the Provincial Plan(s)?

no

17. The Owner is required to attach the following information with the application and it will form part of the application. Applications will not be accepted without the following.

(a) A sketch based on an Ontario Land Surveyor description of the subject lands showing

- the boundaries and dimension of the subject lands;
- the location, size and type of all existing and proposed buildings and structures, indicating their setbacks from all lot lines, the location of driveways, parking or loading spaces, landscaping areas, planting strips, and other uses;



- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
- the current uses of the land that is adjacent to the subject land;
- the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
- the location of the parking and docking facilities to be used (if access will be by water only);
- the location and nature of any easement affecting the subject land.

- (b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).
- (c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process

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

**19. Additional Information as required by Council**

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**20. If this application is to accommodate the consent of a surplus farm dwelling, please provide the following information:**

Date surplus farm dwelling was erected: 1945

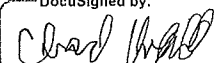
Please provide the assessment roll number, location, and zoning of the farm parcel with which the subject lands is being consolidated.

no consolidation

- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I /we hereby appoint Harrison Pensa per: Logan Burnett to act as an Agent on my/our behalf in all aspects of this application.

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 at the:

DocuSigned by:  
  
 35283176E28E4B9...

Municipality \_\_\_\_\_ of Bayham

Owner / Agent

in the County/Region \_\_\_\_\_ this \_\_\_\_\_  
 of Elgin \_\_\_\_\_ 7th

day of November \_\_\_\_\_ 20 23 .

Owner / Agent

DocuSigned by:  
  
 0800DA0753D24FE

Logan Burnett

A Commissioner, etc.

1. **Registered Owner's Name:**

Chad Underhill Farms Limited

Address: 7135 Dennis Road, Vienna ON N0J 1Z0

Phone No. (Home):

c/o Solicitor

Business:

c/o Solicitor

Fax: c/o Solicitor

Email: lburnett@harrisonpensa.com

Lot and Concession (if applicable):

**Are there any other holders of mortgages, charges or other encumbrances of the Subject Lands? If so provide the names and addresses of such persons.**

Bank of Montreal has 3 mortgages: 100 King Street West, 18th Floor Toronto, ON M5X 1A1

2. **Applicant / Authorized Agent:**

Harrison Pensa per: Logan Burnett

Address: 130 Dufferin Avenue, Suite 1101 London, ON N6A 5R2

Telephone No.: 519-661-6703

Fax: 519-667-3362

**Please specify to whom all communications should be sent:**

Registered Owner ( ) Applicant / Authorized Agent (●)

3. **Legal Description of the land for which the amendment is requested:**

Concession: 1 Lot: 29

Reference Plan No: \_\_\_\_\_ Part Lot: \_\_\_\_\_

Street and Municipal Address No.: Presently 52361 Nova Scotia Line Aylmer ON N5H 2R2

**What is the size of property which is subject to this Application?**

Area: 104± ha Frontage: 67.99/334.349m Depth: 11044± m

**When were the subject lands acquired by the current owner?**

February 5, 2007

4. **Existing Official Plan Designation:**

A1

How does the application conform to the Official Plan?

These are the retained lands to a severance of a surplus farm residence

**5. Existing Zoning By-law Classification:**

Agriculture

What are the current uses of the subject lands?

Agriculture

If known, provide the length of time these uses have continued on this property.

The present owners have farmed the land continuously since the purchase in 2007.

If there are any existing buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
no buildings					

If known, provide the dates in which each of these buildings were constructed.

**6. What is the Nature and Extent of the Rezoning?**

To change these lands from Agriculture (A1) to Special Agriculture (A2) to prohibit a residential dwelling.

**7. Why is the rezoning being requested?**

It is a condition of Elgin Severance Application # E 3-23

- 8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area? no

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

- 9. Does the proposed amendment remove land from an area of employment? no

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

- 10. Description of proposed development for which this amendment is requested (i.e. permitted uses, buildings or structures to be erected. (Be Specific)

No changes to the use of the property after the severance of the surplus farm dwelling.

For any proposed buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
n/a					

- 11. Services existing or proposed for the subject lands: Please indicate with a ✓

Water Supply	Existing	Proposed
--------------	----------	----------

Municipal Piped Water Supply	( )	( )
Private Drilled Well	( )	( )
Private Dug Well	( )	( )
Communal Well	( )	( )
Lake or other Surface Water Body	( )	( )
Other	( )	( )

<b>Sewage Disposal</b>	<b>Existing</b>	<b>Proposed</b>
Municipal Sanitary Sewers	( )	( )
Individual Septic System	( )	( )
Communal System	( )	( )
Privy	( )	( )
Other	( )	( )

**Note: If the proposed development is on a private or communal system and generate more than 4500 litres of effluent per day, the applicant must include a servicing options report and a hydrogeological report.**

Are these reports attached? n/a - no services for this property

If not, where can they be found? \_\_\_\_\_

**Storm Drainage**

Provisions: Surveyor found no roadside ditches or municipal drains affecting the property

Proposed Outlet: no new drainage proposed

**12. How will the property be accessed?**

Provincial Highway ( ) County Road ( ) Municipal Road – maintained all year (●)

Municipal Road – seasonally maintained ( ) Right-of-way ( ) Water ( )

If access is by water, do the parking and docking facilities exist, and what is the nearest public road?

13. Has the subject land ever been the subject of an application under the Planning Act for:

Plan of Subdivision ( ) Consent ( )

Zoning By-law Amendment ( ) Ministers Zoning Order ( )

If yes to any of the above, indicate the file number and status of the application.

no

14. How is the proposed amendment consistent with the Provincial Policy Statement 2005?

This proeprty is the retained portion of the property after the severance of a residence surplus to a farming operation.

15. Are the subject lands within area designated under any Provincial Plan(s)? If the answer is yes, does the proposed amendment conform to the Provincial Plan(s)?

no

17. The Owner is required to attach the following information with the application and it will form part of the application. Applications will not be accepted without the following.

(a) A sketch based on an Ontario Land Surveyor description of the subject lands showing

- the boundaries and dimension of the subject lands;
- the location, size and type of all existing and proposed buildings and structures, indicating their setbacks from all lot lines, the location of driveways, parking or loading spaces, landscaping areas, planting strips, and other uses;

- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
- the current uses of the land that is adjacent to the subject land;
- the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
- the location of the parking and docking facilities to be used (if access will be by water only);
- the location and nature of any easement affecting the subject land.

- (b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).
- (c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process

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

**19. Additional Information as required by Council**

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**20. If this application is to accommodate the consent of a surplus farm dwelling, please provide the following information:**

Date surplus farm dwelling was erected: 1945

Please provide the assessment roll number, location, and zoning of the farm parcel with which the subject lands is being consolidated.

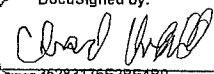
no consolidation



- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I /we hereby appoint Harrison Pensa per: Logan Burnett to act as an Agent on my/our behalf in all aspects of this application.

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 at the:

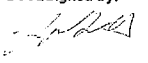
DocuSigned by:  
  
 35283176E2BE4B9...

Municipality \_\_\_\_\_ of Bayham \_\_\_\_\_ Owner / Agent

in the County/Region of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

November \_\_\_\_\_ 20 23

Owner / Agent

DocuSigned by:  
  
 3800D79753D24EE  
 Logan Burnett

A Commissioner, etc.



**PLAN 1IR-11113**  
 Received and deposited  
 October 25<sup>th</sup>, 2023  
 Monica Canas  
 Representative for the  
 Land Registrar for the  
 Land Titles Division of  
 Elgin (No.11)

**PLAN OF SURVEY**  
 OF PART OF  
 (GEOGRAPHIC TOWNSHIP OF MALAHIDE)  
 IN THE  
 TOWNSHIP OF MALAHIDE  
 COUNTY OF ELGIN  
 SCALE 1:1250  
 25.20 19.5 0 25 50 75  
 SCALE IN METRES  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY  
 355mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1250  
 2023  
 ARCHIBALD, GRAY & MCKAY LTD.  
 ONTARIO LAND SURVEYORS

**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT:  
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE  
 REGULATIONS MADE UNDER THEM.  
 2) THE SURVEY WAS COMPLETED ON THE 29th DAY OF SEPTEMBER, 2023.  
 ROBERT WOOD  
 ONTARIO LAND SURVEYOR  
 DATE  
 OCTOBER 23, 2023  
 THIS PLAN SUBMISSION FORM NUMBER V35130.

**AGM**  
 ARCHIBALD, GRAY & MCKAY LTD.  
 3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9  
 PHONE 519-669-5300  
 FAX 519-669-5303  
 EMAIL info@agm.on.ca  
 WEB www.agm.on.ca

PLAN No. 8-L-5978-Z  
 PLAN No. 8-L-5978-Z  
 DIGITAL FILE: M2205R1C18.dwg  
 CHECKED BY: R/W/R/M  
 FILE No.: M-L-01-29-1  
 DATE: OCT 23, 2023  
 PLAN No. 8-L-5978-Z

**PART SCHEDULE**

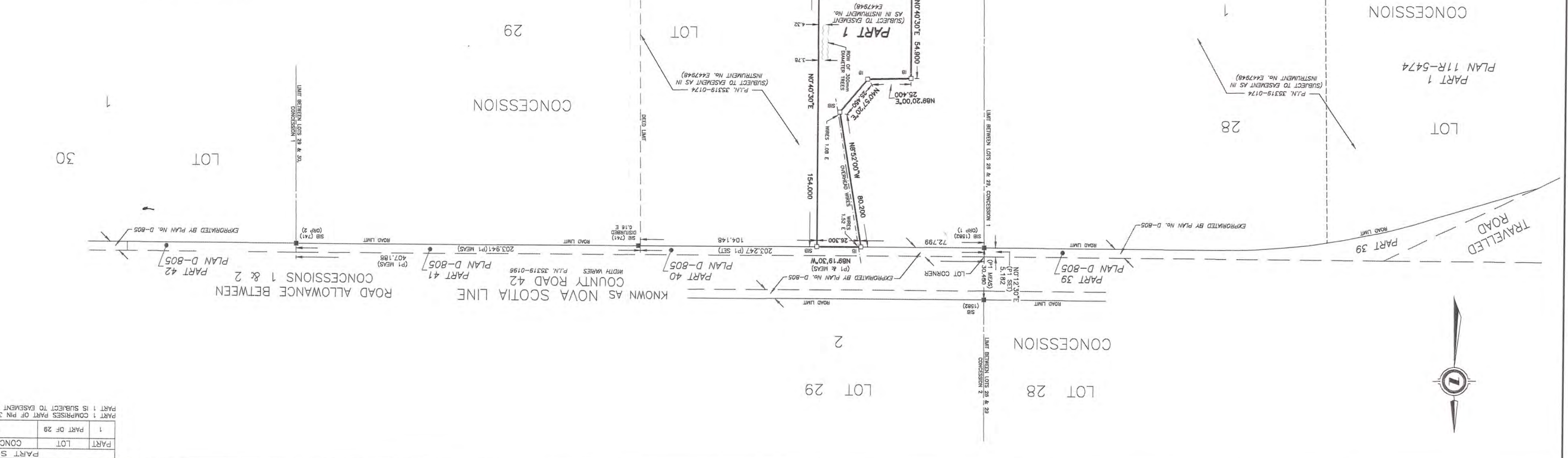
PART	LOT	CONCESSION	P.L.N.
1	PART OF 28	1	

PART 1 COMPRISES PART OF P.L.N. 35319-0174  
 PART OF 28

**UTM GRID NOTES**  
 BEARINGS ARE U.T.M. GRID MGRS (CSRS) EPOCH(2011), DERIVED FROM  
 G.N.S.S. OBSERVATIONS AND THE LEICA SMARTNET BASE STATION NETWORK  
 AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE,  
 ZONE 17.  
 DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO  
 GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99973966  
 OBSERVED REFERENCE POINTS (ORP) DERIVED FROM G.N.S.S.  
 MGRS (CSRS) EPOCH(2011), COORDINATES TO URBAN ACCURACY PER  
 SEC. 14(2) OF O.R.E.G. 216/10  
 POINT ID NORTHING EASTING  
 ORP 1 4724621.131 509891.213  
 ORP 2 4724621.131 509891.213  
 COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
 CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
 FOR BEARING COMPARISONS, A ROTATION OF 01°05'30" CLOCKWISE WAS  
 APPLIED TO BEARINGS ON P1 TO CONVERT TO GRID BEARINGS.  
**METRIC:** DISTANCES AND COORDINATES SHOWN ON THIS PLAN  
 ARE IN METRES AND CAN BE CONVERTED TO FEET BY  
 DIVIDING BY 0.3048.

**NOTES & LEGEND**

- DENOTES MONUMENT FOUND
- DENOTES STAMPED IRON BAR
- SB DENOTES STAMPED IRON BAR
- DB DENOTES STAMPED IRON BAR
- 741 DENOTES D.I. HOUGHTON O.L.S.
- 1562 DENOTES K.S. HISTED O.L.S.
- E DENOTES EAST



THIS PLAN SUBMISSION FORM NUMBER V35130.

KNOWN AS NOVA SCOTIA LINE

EDGE OF ASPHALT

OVERHEAD WIRES

EDGE OF GRAVEL

ROAD LIMIT

72.799

NB9°19'30"W

26.300

104.148

80.200

OVERHEAD WIRES

1.50

3.5

154.000

BE RETAINED

NB°52'00"W

25.450

EDGE OF CULTIVATION

LOT

29

52

EDGE OF CULTIVATION  
EL. DRIVEWAY

54.900

1.00

NB9°20'00"E 25.400

N40°57'20"E 25.450

17.95

115.87

14.98

15.18

3.78

4.32

N0°40'30"E

SESSION

TO BE SEVERED

1

U BE G1 AN Z0 DIC GR  
FO AF N S I C 1) 2)

RETAINED

TH AO  
DR G1 P1

NB9°19'30"W

5.05

25.03

TRAILER

TRAILER

25.12

PROPRANE TANK

54.850

6.6

N0°40'30"E

TH AO  
DR G1 P1

EDGE OF CULTIVATION

5.05

DECK

TRAILER

25.69

PLASTIC TANK

17.95

SEPTIC FIELD

2 STOREY VINYL SIDED DWELLING MIN# 52361

GAS METER

STEPS

HYDRO METER

GRAVEL DRIVEWAY

ROW OF 300mm DIA TREES

HYDRO METER

15.18

3.78

4.32

N0°40'30"E

TH AO  
DR G1 P1

EDGE OF CULTIVATION

5.05

DECK

TRAILER

25.69

PLASTIC TANK

17.95

SEPTIC FIELD

2 STOREY VINYL SIDED DWELLING MIN# 52361

GAS METER

STEPS

HYDRO METER

GRAVEL DRIVEWAY

ROW OF 300mm DIA TREES

HYDRO METER

15.18

3.78

4.32

N0°40'30"E

TH AO  
DR G1 P1



## Christine Strupat

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** November 30, 2023 2:32 PM  
**To:** Christine Strupat  
**Subject:** RE: Malahide Township - Notice of Public Meeting for Zoning By-law Application D14-Z15-23

Good Afternoon,

CCCA has no concerns with the above noted application.

Thank You,



**Gerrit Kremers**  
 Resource Planning Coordinator  
 planning@catfishcreek.ca  
 519-773-9037 ext. 18  
 Catfish Creek Conservation Authority  
 8079 Springwater Rd.  
 Aylmer, ON N5H 2R4

---

**From:** Christine Strupat <CStrupat@malahide.ca>  
**Sent:** November-29-23 10:41 AM  
**To:** Gerrit Kremers <planning@catfishcreek.ca>; landdivision@ELGIN.ca; Bob Lopez <BLopez@malahide.ca>; circulations@wsp.com; elginfarmers@gmail.com; Executivevp.lawanddevelopment@opg.com; gas@epcor.com; info@dundeedrilling.ca; Jason Godby <JGodby@malahide.ca>; Newdevelopment@rci.rogers.com; ONTUGLLandsINQ@uniongas.com; planning@elgin.ca; planning@tvdsb.ca; rmclean@ldcsb.ca; Ryan DeSutter <RDeSutter@malahide.ca>; Sam Gustavson <SGustavson@malahide.ca>; southernfbcplanning@hydroone.com; Steven.troup@opg.com  
**Cc:** LBURNETT@HARRISONPENSA.COM  
**Subject:** Malahide Township - Notice of Public Meeting for Zoning By-law Application D14-Z15-23

Good morning,

Please see the attached Notice of Public Meeting for Zoning By-law Application D14-Z15-23.

Please contact me with any questions,

**Christine Strupat, HBA, CPT**  
 Development Services Technician/Assistant Planner  
 Office: 519.773.5344 x239  
 Fax: 519.773.5334

---

**Township of Malahide**

87 John Street South  
Aylmer, ON  
N5H 2C3







- 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 21st day of December, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 21st day of December, 2023.

---

Mayor – D. Giguère

---

Clerk – A. Adams

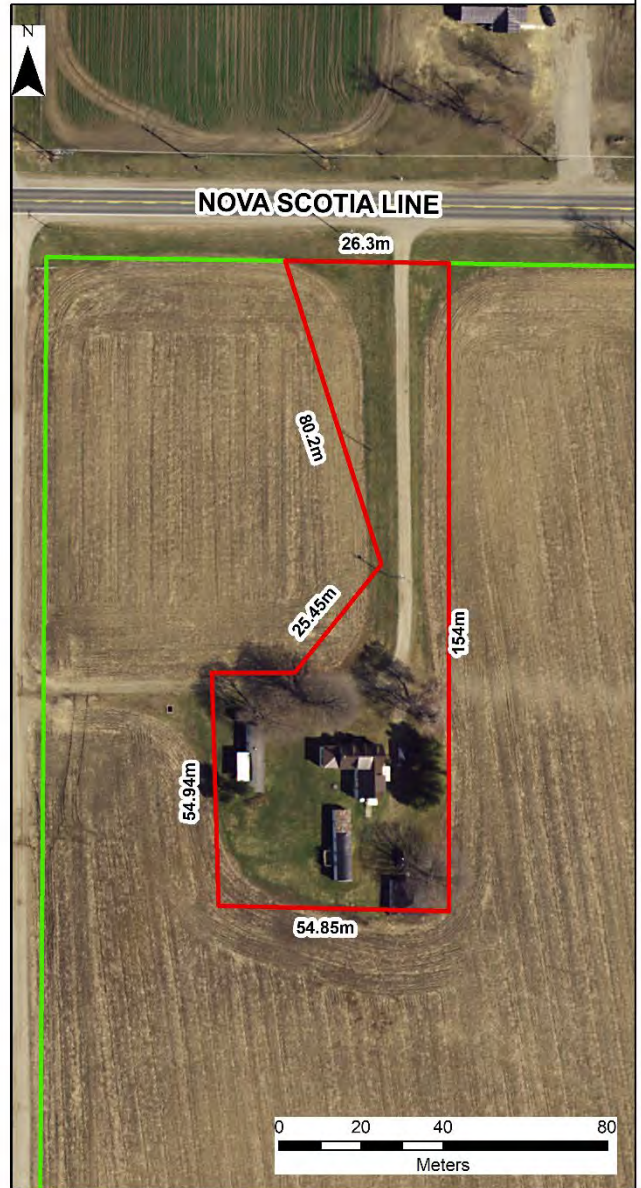
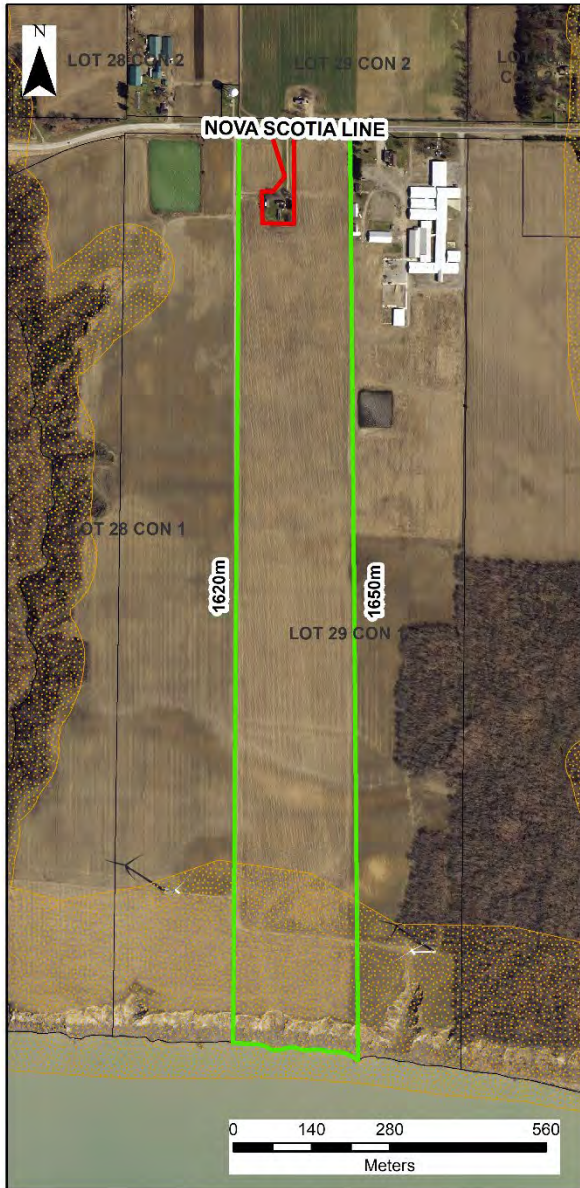
SCHEDULE A

APPLICATION FOR A ZONING BY-LAW AMENDMENT

Owners: Chad Underhill Farms  
 Authorized Agent: Logan Burnett

52361 Nova Scotia Line  
 Concession 1, Part of Lot 29  
 Township of Malahide

Township  
 of Malahide  
 Figure 1



OFFICIAL PLAN DESIGNATION  
 Agriculture



LANDS TO BE REZONED FROM  
 GENERAL AGRICULTURAL 'A1' ZONE TO SITE  
 SPECIFIC SMALL LOT AGRICULTURAL 'A4-26' ZONE

ZONING  
 A1 General Agricultural



LANDS TO BE REZONED FROM  
 GENERAL AGRICULTURAL 'A1' ZONE TO  
 SPECIAL AGRICULTURAL 'A2' ZONE



## Report to Council

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**REPORT NO.:** DS-23-36

**DATE:** December 21, 2023

**ATTACHMENT:** Report Photo, Application, By-law

**SUBJECT:** **ZONING BY-LAW AMENDMENT APPLICATION OF B & AM REYMER LTD (AUTHORIZED AGENT: DAVID ROE C/O CIVIC PLANNING SOLUTIONS INC.)**

**LOCATION:** Part Lot 19, Concession 5, Township of Malahide, (50783 Chalet Line)

---

### Recommendation:

**THAT Report No. DS-23-36 entitled “Zoning By-law Amendment Application of B & AM Reymer Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc.)” be received;**

**And THAT the Zoning By-Law Amendment Application No. D14-Z14-23 Of B & AM Reymer Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc.) relating to the property located at Part Lot 19, Concession 5, Township of Malahide, and known municipally as 50783 Chalet Line, be approved for the reasons set out in this report.**

### Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by B & AM Reymer Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc.) to implement the necessary zoning provisions required for a surplus farm dwelling severance. Specifically, the proposed severed parcel would be rezoned from “General Agriculture (A3)” to “Small Lot Agriculture (A4)” and the proposed retained parcel would be rezoned from “General Agriculture (A3)” to “Special Agriculture (A2)”.

The Application relates to the property located at the property located At Part Lot 19, Concession 5, Township of Malahide, and known municipally as 50783 Chalet Line.

Notice of the Application has been circulated to agencies and registered property owners

as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

The analysis of the associated severance/consent application by the County Planning Department and Land Division Committee determined that the severance met all applicable policies (Provincial Policy Statement and Official Plan). The consent application was provisionally approved subject to the Applicant completing a number of conditions, one such being obtaining a zoning by-law amendment.

### **Comments/Analysis:**

The subject property is approximately 40 hectares (98.99 acres) in area, has approximately 398 metres (1,305.77 feet) of frontage along Chalet Line. The property has an average depth of approximately 998 metres (3,274.28 feet) and contains an existing single-detached dwelling and shed. The subject property is bounded by non-farm residential uses and agricultural land to the north, and agricultural land to the south, east and west.

### **Provincial Policy Statement (PPS)**

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation for the purposes of severing an existing dwelling that has been rendered surplus as a result of farm consolidation, provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate private services, as well as it is ensured that residential dwellings are prohibited on any remnant parcel of farmland (Section 2.3.4.1c).

The previous consent application met the criteria of the PPS except for the requirement to ensure the subject lands were rezoned to prohibit a dwelling, which was required as a condition of consent approval. Through this application, the retained lands would be rezoned "A2" which would prohibit new residential uses from being established on the retained farm parcel. The Zoning By-law Amendment would also rezone the proposed severed parcel to the 'A4' zone which is applied to lots created for surplus farm dwellings.

### **County of Elgin Official Plan**

The subject property is designated as 'Agriculture' on Schedule 'A' of the County Official Plan. Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that the development of a new residence is prohibited on the retained farmland (Section E1.2.3.4b). As previously noted, the retained lands would be rezoned to prohibit a new residence on farm parcel and the severed lands would be rezoned to the A4 to recognize the parcel as a surplus farm dwelling lot.

The subject property contains an area designated as an 'Aggregate Resource Area' on Schedule 'C' of the County Official Plan. Aggregate Resource areas are generally intended to be protected for potential future extraction and would not be affected by the proposed surplus farm dwelling severance (Section C4.1 b).

A portion of the subject property contains 'Woodlands' as outlined on Appendix #1 Natural Heritage Features and Areas of the County Official Plan. Natural Heritage features, such

as Woodlands shall be protected (Section D1.2.1). However, it is noted that the portion of the subject land designated as 'Woodlands' is located over 600 metres away from the proposed severed lot and, as a result, the severance of the surplus farm dwelling is not anticipated to impact the woodland feature.

### **Malahide Official Plan**

The subject property is designated 'Agriculture', 'Natural Heritage', 'Natural Gas Reserve' and 'Mineral Aggregate Resources' on Schedule 'A1' (Land Use) and designated 'Provincially Significant Woodland' while containing 'Existing Petroleum Wells' on Schedule 'A2' (Constraints) of the Township of Malahide Official Plan.

The Official Plan permits lot creation for the severance of a surplus farm dwelling provided certain criteria are met, including that the existing dwelling be occupied for a minimum of ten years prior to the severance being considered; a land use conflict is not created with agricultural operations in the surrounding areas; the severed parcel is able to be serviced by private sanitary waste disposal system and a potable water supply that is situated within the severed lot; is located within 100 metres of an opened travelled road; and the severed and retained parcels are rezoned. The previous consent application met these criteria except for the requirement to ensure the subject lands were rezoned, which is fulfilled as part of this application.

As no site alteration or change in use is proposed by the surplus farm dwelling severance, the effects on the Natural Heritage, Natural Gas Reserve, Mineral Aggregate Resource, Provincially Significant Woodland, and Existing Petroleum Wells located on the subject property. However, it is noted that the portion of the subject land designated as 'Woodlands' is located over 600 metres away from the proposed severed lot and, as a result, the severance of the surplus farm dwelling is not anticipated to impact the woodland feature.

### **Malahide Zoning By-law No. 18-22**

The subject property is within the "Large Lot Agricultural (A3) Zone", on Key Map 64 of Schedule "A" to the Township's Zoning By-law No. 18-22. As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. The proposed retained parcel is to be rezoned 'Special Agricultural (A2)' zone to prohibit a residential dwelling and would meet the minimum lot area and frontage requirements of the A2 zone.

The proposed severed parcel is to be rezoned 'Small Lot Agriculture Special (A4)'. This zone is intended to be applied to lots that are created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes and the severed parcel meets all zoning requirements of the A4 zone.

### **Public/Agency Comments Received**

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- Catfish Creek Conservation Authority (CCCA) has provided comments dated November 30, 2023. CCCA has no concerns with 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 A ZONING BY-LAW AMENDMENT

Owners: B & Am Reymer Ltd

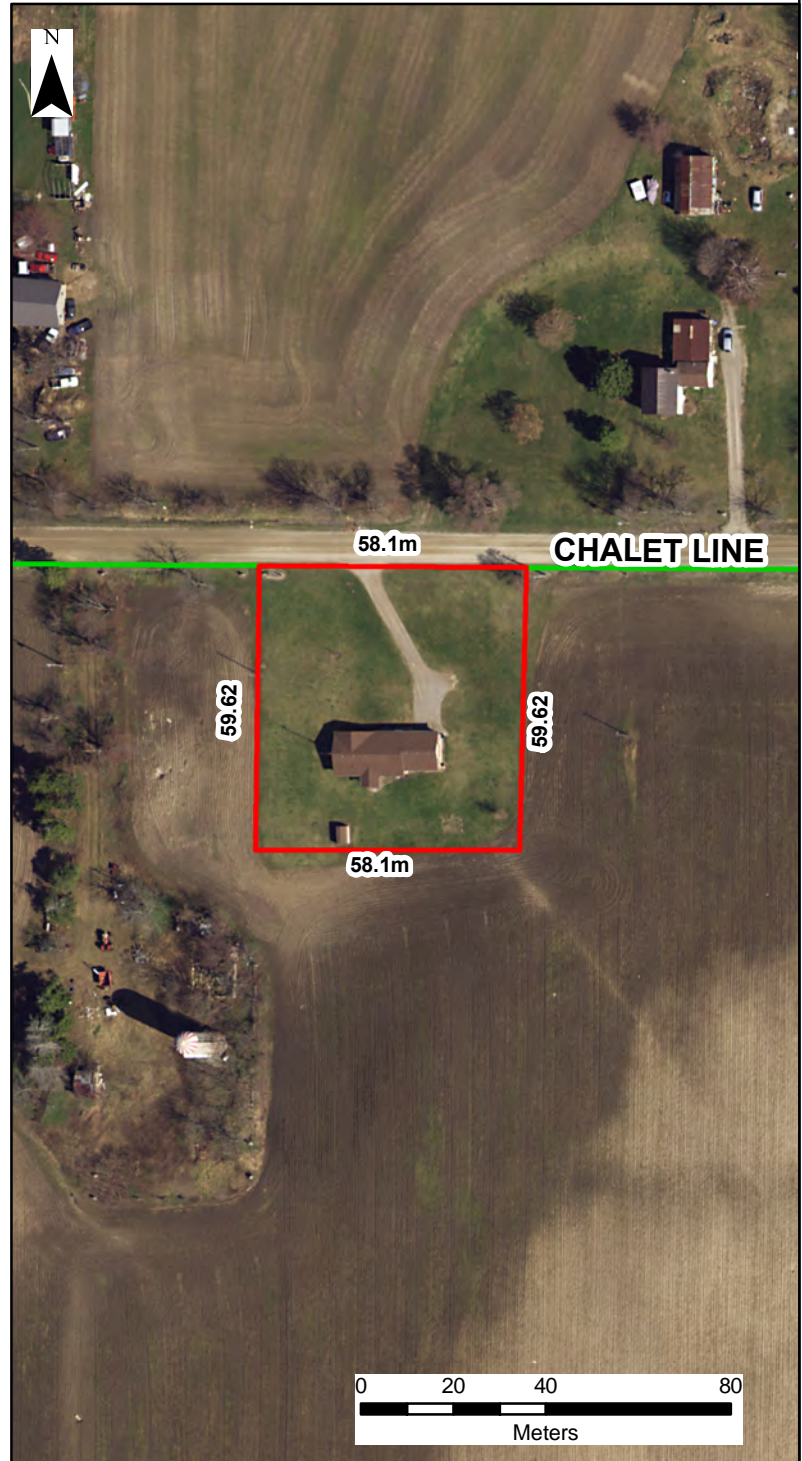
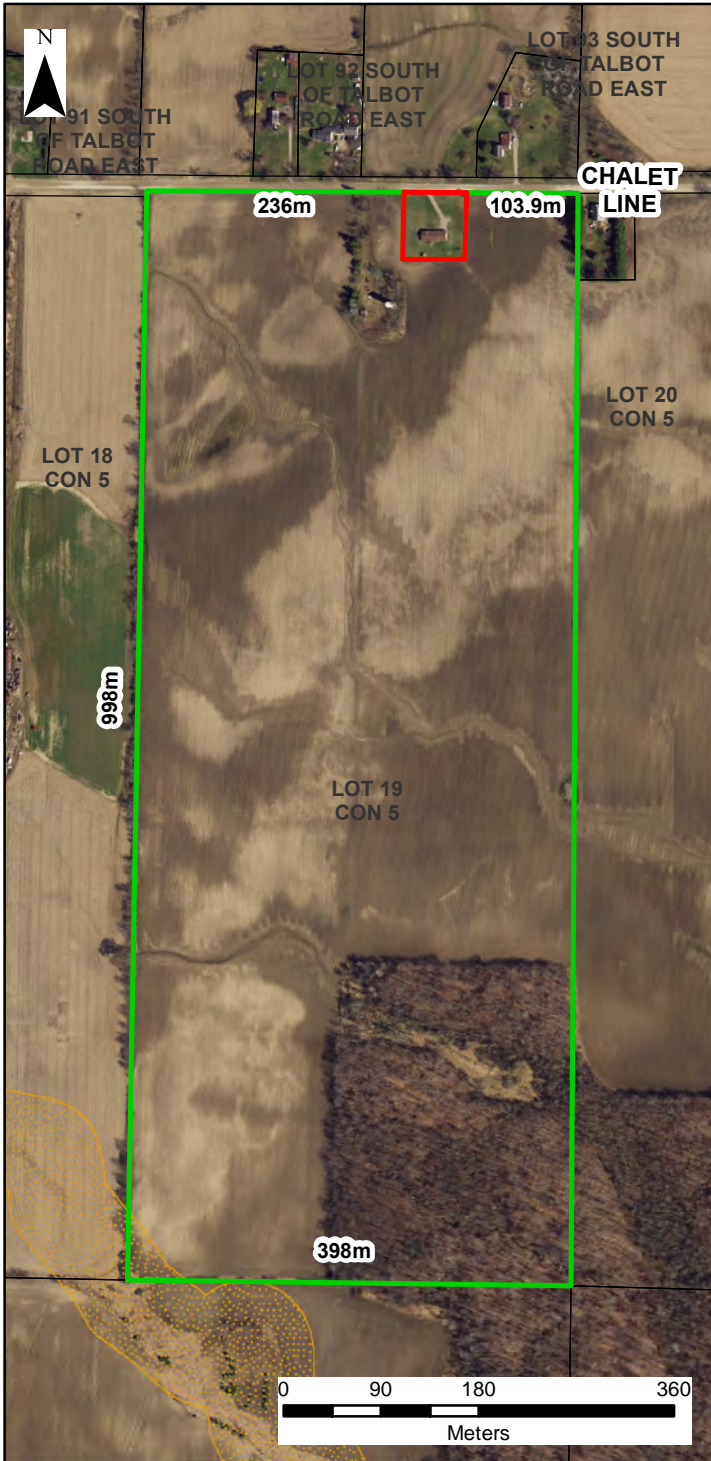
Authorized Agent: David Roe C/O Civic Planning Solutions Inc.

Part Lot 19, Concession 5

50783 Chalet Line

Township of Malahide

Township  
of Malahide  
Figure 1



OFFICIAL PLAN DESIGNATION  
Agriculture

ZONING  
Large Lot Agricultural 'A3' Zone



LANDS TO BE REZONED  
FROM LARGE LOT AGRICULTURAL 'A3' ZONE  
TO SMALL LOT AGRICULTURAL 'A4' ZONE



LANDS TO BE REZONED  
FROM LARGE LOT AGRICULTURAL 'A3' ZONE  
TO SPECIAL AGRICULTURAL 'A2' ZONE

1. Registered Owner's Name:

B and AM Reymer Ltd.

Address: 49718 John Wise Line, Aylmer, ON N5H 2R5

Phone No. (Home): 519-765-4220

Business:

Fax:

Email: annmariereymer@gmail.com

Lot and Concession (if applicable):

Are there any other holders of mortgages, charges or other encumbrances of the Subject Lands? If so provide the names and addresses of such persons.

2. Applicant / Authorized Agent:

David Roe , Civic Planning Solutions Inc.

Address: 61 Trailview Dr. Tillsonburg, ON N4G 0C6

Telephone No.: 519-983-8154

Fax:

Please specify to whom all communications should be sent:

Registered Owner ( ) Applicant / Authorized Agent ( x )

3. Legal Description of the land for which the amendment is requested:

Concession: 5 Lot: 19

Reference Plan No: Part Lot:

Street and Municipal Address No.: 50783 Chalet Line

What is the size of property which is subject to this Application?

Area: 0.35ha (0.86ac) m Frontage: 58.1m m Depth: 59.69m m

When were the subject lands acquired by the current owner?

4. Existing Official Plan Designation:

Agricultural



How does the application conform to the Official Plan?

Severance of a surplus farm dwelling

5. Existing Zoning By-law Classification:

A3

What are the current uses of the subject lands?

Agricultural

If known, provide the length of time these uses have continued on this property.

If there are any existing buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
Dwelling	31.44m	17.91m/18.23m	19.54m	1 story	175m <sup>2</sup>

If known, provide the dates in which each of these buildings were constructed.  
1970's

6. What is the Nature and Extent of the Rezoning?

Rezone severed lot to AR zone and restrict new dwelling on retained lands

7. Why is the rezoning being requested?

Complete condition of severance approval

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area? no

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

9. Does the proposed amendment remove land from an area of employment? no

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

10. Description of proposed development for which this amendment is requested (i.e. permitted uses, buildings or structures to be erected. (Be Specific)

nothing new proposed  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For any proposed buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

11. Services existing or proposed for the subject lands: Please indicate with a ✓

Water Supply	Existing	Proposed
--------------	----------	----------

Municipal Piped Water Supply	( )	( )
Private Drilled Well	( x )	( )
Private Dug Well	( )	( )
Communal Well	( )	( )
Lake or other Surface Water Body	( )	( )
Other	( )	( )

<b>Sewage Disposal</b>	<b>Existing</b>	<b>Proposed</b>
Municipal Sanitary Sewers	( )	( )
Individual Septic System	( x )	( )
Communal System	( )	( )
Privy	( )	( )
Other	( )	( )

**Note: If the proposed development is on a private or communal system and generate more than 4500 litres of effluent per day, the applicant must include a servicing options report and a hydrogeological report.**

Are these reports attached?

\_\_\_\_\_

If not, where can they be found?

\_\_\_\_\_

**Storm Drainage**

Provisions: \_\_\_\_\_ natural drainage to ditch \_\_\_\_\_

Proposed Outlet: \_\_\_\_\_

**12. How will the property be accessed?**

Provincial Highway ( ) County Road ( ) Municipal Road – maintained all year ( X )

Municipal Road – seasonally maintained ( ) Right-of-way ( ) Water ( )

If access is by water, do the parking and docking facilities exist, and what is the nearest public road?

13. Has the subject land ever been the subject of an application under the Planning Act for:

Plan of Subdivision ( ) Consent (x )

Zoning By-law Amendment ( ) Ministers Zoning Order ( )

If yes to any of the above, indicate the file number and status of the application.

Approved E 73-23 October 25, 2023

14. How is the proposed amendment consistent with the Provincial Policy Statement 2005?

Severance of a dwelling made surplus through farm consolidation

15. Are the subject lands within area designated under any Provincial Plan(s)? If the answer is yes, does the proposed amendment conform to the Provincial Plan(s)?

17. The Owner is required to attach the following information with the application and it will form part of the application. Applications will not be accepted without the following.

(a) A sketch based on an Ontario Land Surveyor description of the subject lands showing

- the boundaries and dimension of the subject lands;
- the location, size and type of all existing and proposed buildings and structures, indicating their setbacks from all lot lines, the location of driveways, parking or loading spaces, landscaping areas, planting strips, and other uses;

- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
- the current uses of the land that is adjacent to the subject land;
- the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
- the location of the parking and docking facilities to be used (if access will be by water only);
- the location and nature of any easement affecting the subject land.

- (b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).
- (c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process

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

**19. Additional Information as required by Council**

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**20. If this application is to accommodate the consent of a surplus farm dwelling, please provide the following information:**

Date surplus farm dwelling was erected: 1970's

Please provide the assessment roll number, location, and zoning of the farm parcel with which the subject lands is being consolidated.

---

- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I / we hereby appoint DAVID ROE to act as an Agent on my/our behalf in all aspects of this application.

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 at the:

Township of Malahide.  
Aylmer Owner / Agent

in the County/Region of Elgin this 14th

day of November 20 23.

Owner / Agent

Allison Adams

A Commissioner, etc.

Allison Adams, a Commissioner  
for taking Affidavits, Pursuant to  
R.S.O. 1990,C.17, Para. 1(2)



1: 9,028



**Legend**

- Elgin County Parcels
- Elgin Road Network
- Elgin Road Network
- Elgin Road Network
- Local
- Arterial
- Highways
- Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery<sup>1</sup>
- High Resolution 30cm Imagery
- Citations

**Notes**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

0.5 Kilometers

0.5

0.23

0





**SKETCH**

PREPARED ILLUSTRATING PROPOSED SEVERANCE  
FOR: B&M REYMER LTD.

NOT TO SCALE

**PARCEL "A"**  
(TO BE SEVERED)  
AREA = 0.35  
HECTARES

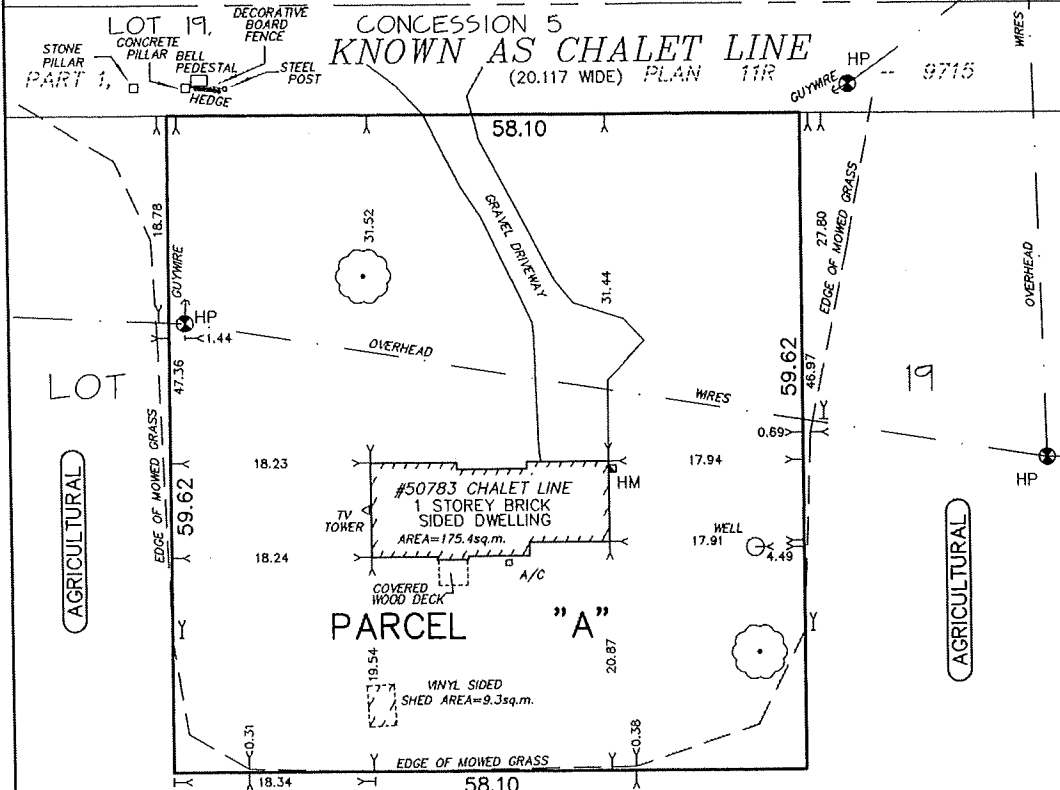
**LEGEND**

-  DENOTES HYDRO POLE
-  DENOTES HYDRO METER
-  DENOTES AIR CONDITIONING UNIT
-  DENOTES DECIDUOUS TREE

NORTH

PREVIOUSLY ESTABLISHED TRAVELLED ROAD

LOT 92, CONCESSION SOUTH OF TALBOT ROAD



GEOGRAPHIC TOWNSHIP OF MALAHIDE  
CONCESSION 5

PROPERTY DESCRIPTION:  
PART OF LOT 19  
CONCESSION 5  
GEOGRAPHIC TOWNSHIP  
OF MALAHIDE  
TOWNSHIP OF MALAHIDE  
COUNTY OF ELGIN

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**CAUTION**

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

**KIM HUSTED SURVEYING LTD.**  
ONTARIO LAND SURVEYOR

30 HARVEY STREET, TILLSBURG ONTARIO, N4G 3J8  
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 23-18495SKETCH	B&M REYMER LTD.	REF:	DWG.	MTC
	50783 CHALET LINE, AYLMER	FILE	CKD.	JGD



## Christine Strupat

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** November 30, 2023 1:02 PM  
**To:** Christine Strupat  
**Subject:** RE: Malahide Township Notice of Public Meeting for Zoning By-law Application D14-Z14-23

Good Afternoon Christine,

First of all, welcome back Christine.

CCCA does not have any concerns with the above noted application.

Thank You,



**Gerrit Kremers**  
 Resource Planning Coordinator

planning@catfishcreek.ca  
 519-773-9037 ext. 18  
 Catfish Creek Conservation Authority  
 8079 Springwater Rd.  
 Aylmer, ON N5H 2R4

---

**From:** Christine Strupat <CStrupat@malahide.ca>  
**Sent:** November-29-23 10:07 AM  
**To:** planning@elgin.ca; planning@tvdsb.ca; rmclean@ldcsb.ca; Gerrit Kremers <planning@catfishcreek.ca>; Executivevp.lawanddevelopment@opg.com; ONTUGLLandsINQ@uniongas.com; gas@epcor.com; southernfbcplanning@hydroone.com; info@dunitedrilling.ca; Scott Sutherland <SSutherland@malahide.ca>; Bob Lopez <BLopez@malahide.ca>; Sam Gustavson <SGustavson@malahide.ca>; Jason Godby <JGodby@malahide.ca>; Land Division <landdivision@ELGIN.ca>; circulations@wsp.com; Newdevelopment@rci.rogers.com; Elgin Farmers <elginfarmers@gmail.com>  
**Cc:** annmariereymer@gmail.com; David Roe <civicplanningsolutions@nor-del.com>; David Roe <dfrefez@me.com>  
**Subject:** Malahide Township Notice of Public Meeting for Zoning By-law Application D14-Z14-23

Good morning,

Please see the attached Notice of Public Meeting for Zoning By-law Application D14-Z14-23.

Please contact me with any questions,

**Christine Strupat, HBA, CPT**  
 Development Services Technician/Assistant Planner  
 Office: 519.773.5344 x239  
 Fax: 519.773.5334

---

**Township of Malahide**

87 John Street South  
Aylmer, ON  
N5H 2C3



**THE CORPORATION OF THE  
TOWNSHIP OF MALAHIDE  
BY-LAW NO. 23-83**

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

**B & AM REYMER LTD.  
Part Lot 19, Concession 5, Township of Malahide, (50783 Chalet Line)**

**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 Lot 19, Concession 5, in the Township of Malahide, shall be removed from the "Large Lot Agricultural (A3) Zone" of By-law No. 18-22 and placed within the "Small Lot Agricultural (A4) Zone" of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "A4" on Key Map 64 of Schedule "A" to By-law No. 18-22, as amended.
2. **THAT** the area shown in bold on the attached map, Schedule "A", and described as Part Lot 19, Concession 5, in the Township of Malahide, shall be removed from the "Large Lot Agricultural (A3) Zone" of By-law No. 18-22 and placed within the "Special Agricultural (A2) Zone" of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "A2" on Key Map 64 of Schedule "A" to By-law No. 18-22, as amended.
3. **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 21st day of December, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 21st day of December, 2023.

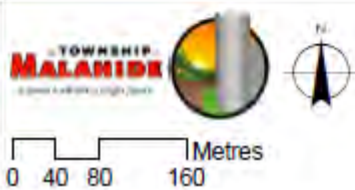
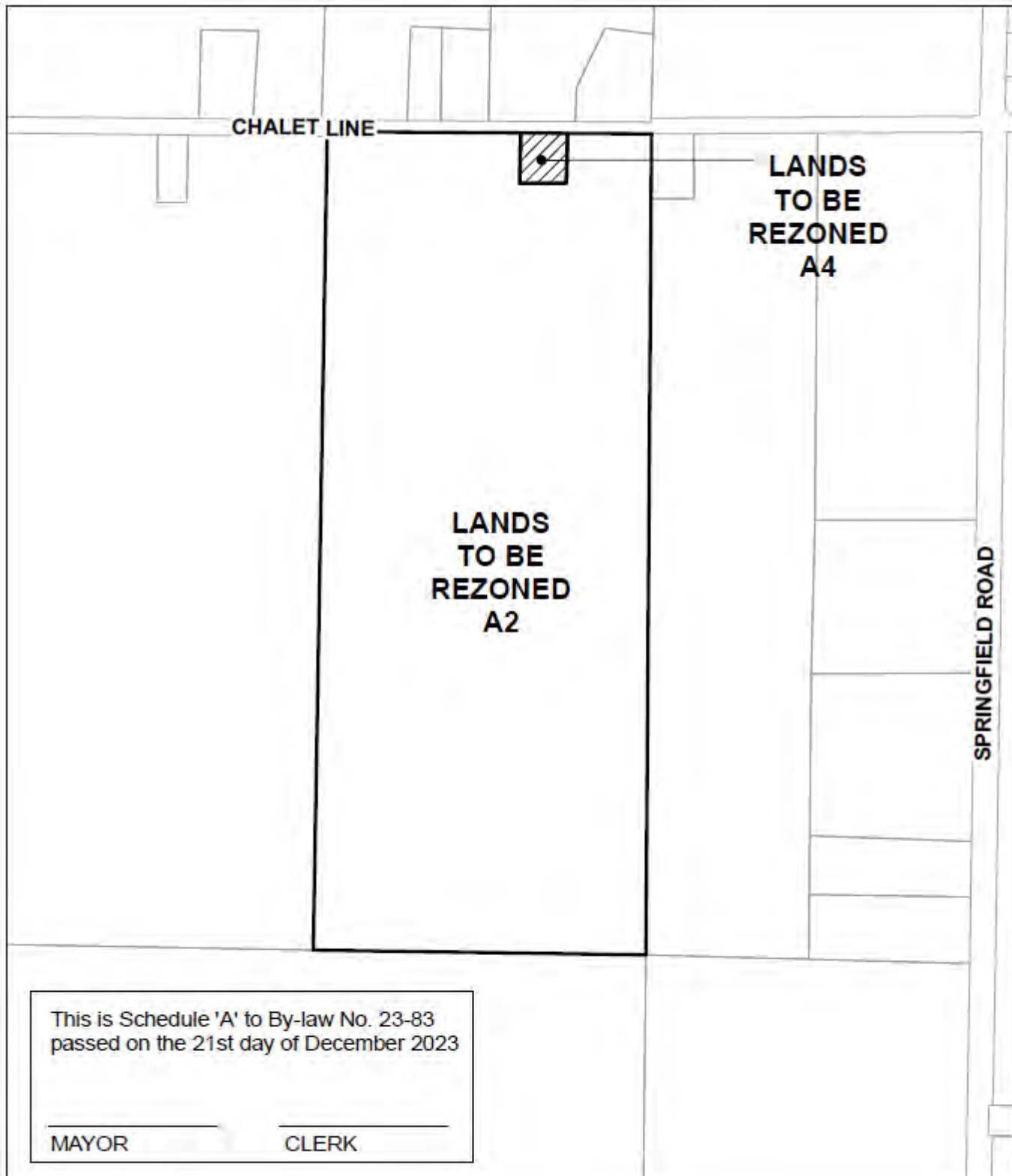
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Mayor – D. Giguère

---

Clerk – A. Adams

**SCHEDULE A**



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

**SCHEDULE 'A'**  
Map 64



## Report to Council

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**REPORT NO.:** DS-23-37

**DATE:** December 21, 2023

**ATTACHMENT:** Report Photo, Application, By-law

**SUBJECT:** **ZONING BY-LAW AMENDMENT APPLICATION OF JUDY AND DAVID MENNILL (AUTHORIZED AGENT: HELENA ZACHARIAS)**

**LOCATION:** Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, Township of Malahide (51048 and 51200 Vienna Line)

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### Recommendation:

**THAT Report No. DS-23-37 entitled “Zoning By-law Amendment Application of Judy And David Mennill (Authorized Agent: Helena Zacharias)” be received;**

**AND THAT the Zoning By-law Amendment Application No. D14-Z10-23 of Judy And David Mennill (Authorized Agent: Helena Zacharias), relating to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, Township of Malahide, and known municipally as 51048 and 51200 Vienna Line, BE APPROVED for the reasons set out in this Report.**

### Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by Judy and David Mennill (Authorized Agent: Helena Zacharias) to rezone both 51048 Vienna Line and a portion of 51200 Vienna Line that was conveyed as part of a previous lot addition application to “Rural Residential – Site Specific (RR-7)”. The Amendment would ensure that the lands conveyed as part of the lot addition are consistent with the zoning of Vienna Line, as well as permit the development of a 295 m<sup>2</sup> accessory building that contains a 111 m<sup>2</sup> second dwelling unit and a 184 m<sup>2</sup> shop.

The Application relates to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, Township of Malahide, and known municipally as 51048 and 51200 Vienna Line.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official

Plan, including posting notice in two recent issues of the Aylmer Express.

### **Comments/Analysis:**

The subject lands were previously subject to a consent application for the purposes of a lot addition to convey a portion of the abutting farm parcel located at 51200 Vienna Line to 51048 Vienna Line, which was conditionally approved by the County Land Division Committee. As a result, the subject lands are approximately 4046 m<sup>2</sup> (1.0 ac.) in area and have approximately 79.2 metres of frontage along Vienna Line. The lot currently contains an existing dwelling and a small accessory shed. The subject lands are bounded by agricultural uses to the north, east, and west, while being bounded by Vienna Line to the south.

Based on the information provided, the applicants are seeking to establish a second dwelling unit on the property to house aging relatives, as well as a conjoined accessory shop for their personal use.

### **Provincial Policy Statement (PPS)**

The PPS directs that prime agricultural areas shall be protected for long-term use for agriculture and permits a range of agricultural uses, including surplus farm dwellings (s. 2.3.1, 2.3.3). The PPS also encourages the conservation and redevelopment of existing housing stock on rural lands (s. 1.1.4.1). The proposed second dwelling unit and accessory shop would not impact the ability of surrounding farm parcels, including the owners of 51200 Vienna Line, to continue to use the lands for agricultural purposes.

### **County of Elgin Official Plan**

The subject property is designated "Agriculture" on Schedule 'A', Land Use Plan, and is identified as having frontage along a "Local Road" on Schedule 'B', "Transportation Plan". While the County Official Plan does not speak specifically to second dwelling units in agricultural areas, the County Official Plan directs that the agricultural character of the County and its local communities be preserved and promoted, that prime agricultural lands are preserved and protected from incompatible land uses. The proposed second dwelling unit would remain accessory to the main dwelling unit, which is permitted within the agricultural area. The proposed dwelling unit is not anticipated to have any negative impact on adjacent agricultural lands.

### **Malahide Official Plan**

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan).

As part of Official Plan Amendment 20 to the Township of Malahide Official Plan, Council permitted second dwelling units to be established in the "Agriculture" designation within a single detached dwelling or an accessory structure. Where the building is located within an accessory building; the unit is of a size that is accessory to the main dwelling; the unit shares existing servicing of the main dwelling; be subject to MDS I requirements; and shall be prohibited from being severed.



The proposed second dwelling unit would be located adjacent to the existing main dwelling and would comply with MDS requirements with no livestock barn being identified within 750 metres of the subject lands. The proposed second dwelling unit would be approximately 111 m<sup>2</sup> in size, which would be smaller in size, and scale compared to the existing 284 m<sup>2</sup> main dwelling. Additionally, the proposed unit would share services, such as the existing private well and vehicular access, and is attached to the proposed accessory shop, which would discourage the second dwelling unit from being severed.

### **Malahide Zoning By-law No. 18-22**

The subject property is within the “Rural Residential (RR)”, on Key Map 83 of Schedule “A” to the Township’s Zoning By-law No. 18-22. The “RR” zone permits single detached dwelling units, home occupations, and bed and breakfast establishments. Currently, the Zoning By-law only permits second dwelling units within a settlement area and is in the process of being updated to conform to the recent changes to the Malahide Official Plan. However, in the interest of timing, the applicant has filed a Zoning By-law Amendment to permit the use on the subject lands.

While there are no specific provisions for second dwelling units in the agricultural or rural residential zones, the Zoning by-law does contain provisions for residential zones located within settlement areas, such as a maximum of one second dwelling is permitted; the dwelling unit shall not exceed 75 m<sup>2</sup>; the dwelling unit shall be connected to an approved well and private septic system where municipal services are not available; and one parking space provided for the second dwelling unit.

Generally, the proposed second dwelling unit would meet these criteria. Only one second dwelling unit would be permitted on the subject lands and the second dwelling unit would share services with the existing dwelling. Parking would be accommodated in the existing driveway. While the proposed dwelling unit is proposed to be 111 m<sup>2</sup> in size and would be greater than the 75 m<sup>2</sup> required for other zones, it is noted that the proposed unit would be smaller in scale to the existing main dwelling unit which is 284 m<sup>2</sup> in size. Additionally, the subject lands are situated in a rural area surrounded by agricultural lands with the nearest dwelling located over 300 metres away. As a result, it is not anticipated that the proposed use would impact adjacent properties. To ensure that the proposed uses remain accessory to the primary dwelling, the maximum floor area will be recognized in the site-specific zoning amendment and the By-law would implement similar servicing and parking requirements that currently apply to second dwelling units in settlement areas.

The proposed unit would comply with the zoning provisions for accessory structures, including that the front of the proposed building will be located in line with the front of the existing dwelling, is not located in a rear yard, is setback greater than 1.2 metres from any lot line, will not exceed 10% of the lot coverage, and would remain accessory to the primary dwelling.

The proposal would conform to all other setbacks, building height, and lot coverage requirements of the “RR” zone.

## Public/Agency Comments Received

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- During the previous consent application, Public Works staff commented that only one vehicle access is permitted for the subject lands under the Township's road entrance policies.
- Catfish Creek Conservation Authority (CCCA) has provided comments dated November 30, 2023. CCCA has no concerns with 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 Ltd., Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Vice President, Principal Planner Monteith Brown Planning Consultants Ltd.

Approved by:
Nathan Dias, Chief Administrative Officer

# APPLICATION FOR A ZONING BY-LAW AMENDMENT

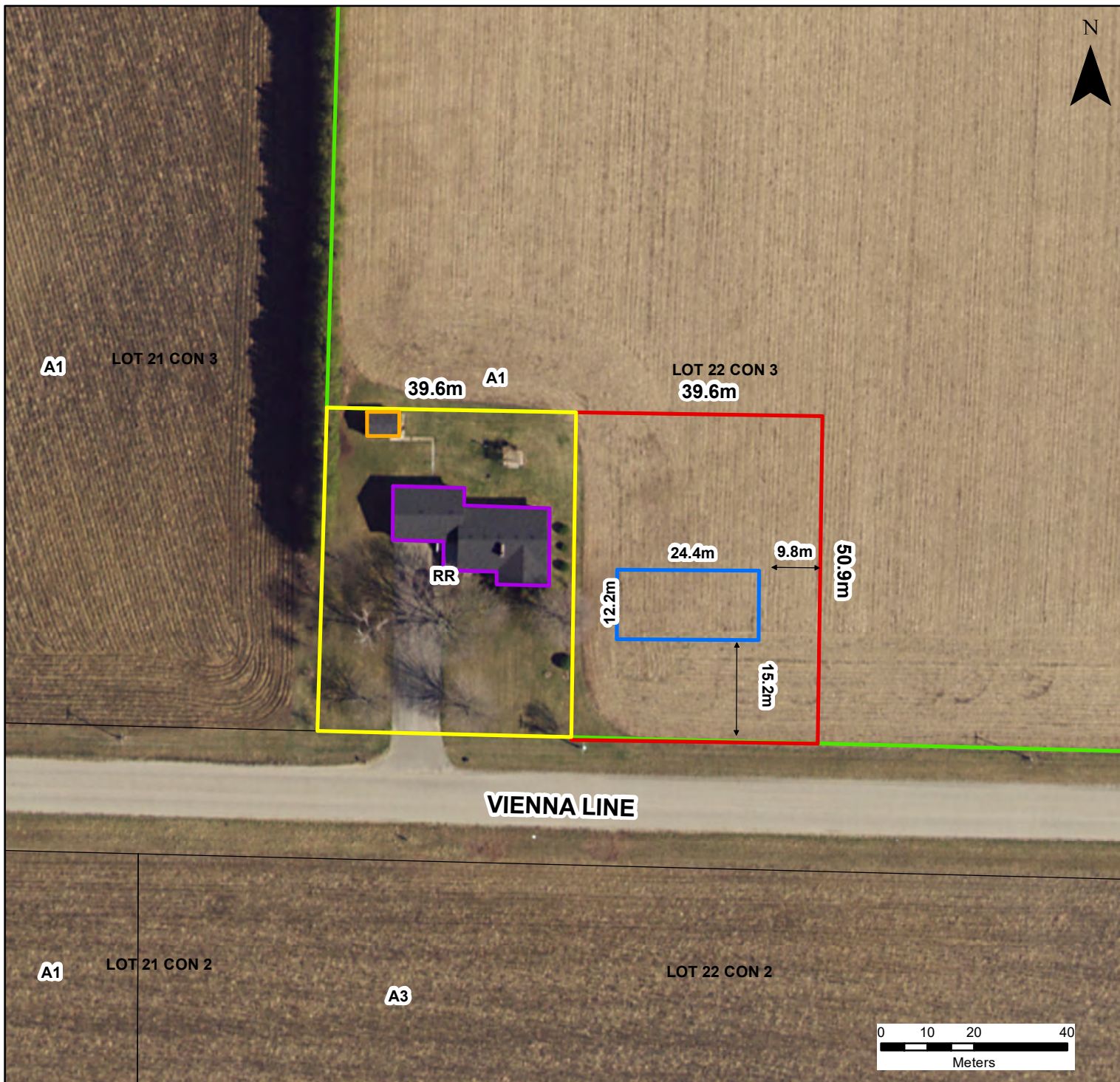
Owners: Judy Mennill, Dave Mennill

Applicant: Helena Zacharias

Township  
of Malahide  
Figure 1



Concession 3, Part of Lot 22, Part 1 of 11R-6019  
Township of Malahide



### OFFICIAL PLAN DESIGNATION

Agriculture



LANDS TO BE REZONED FROM RURAL RESIDENTIAL 'RR' ZONE TO RURAL RESIDENTIAL – SITE SPECIFIC 'RR-7' ZONE

### ZONING

A1 General Agricultural

RR Rural Residential



LANDS TO BE REZONED FROM GENERAL AGRICULTURAL 'A1' ZONE TO RURAL RESIDENTIAL – SITE SPECIFIC 'RR-7' ZONE

Existing Dwelling

Existing Shed

Proposed Shop/Residence



1. Registered Owner's Name:

Judy Merrill, Dave Merrill

Address: 57200 Vienna Line, Aylmer ON N5H 2E2

Phone No. (Home): 519 670 4677 Business:

Fax: Email: judymerrill@gmail.com

Lot and Concession (if applicable): 22 concession 3

Are there any other holders of mortgages, charges or other encumbrances of the Subject Lands? If so provide the names and addresses of such persons.

No

2. Applicant / Authorized Agent:

Helena Zacharias

Address: 57048 Vienna Line, Aylmer, ON N5H 2K2

Telephone No.: 519 630 9641 Fax:

Please specify to whom all communications should be sent:

Registered Owner ( ) Applicant / Authorized Agent (x)

3. Legal Description of the land for which the amendment is requested:

Concession: 3 Lot: 22

Reference Plan No: RR11R6019 Part Lot:

Street and Municipal Address No.: 57200

What is the size of property which is subject to this Application?

Area: 2080 m Frontage: 40 m Depth: 52 m

When were the subject lands acquired by the current owner? 1973

4. Existing Official Plan Designation:

A1

How does the application conform to the Official Plan?

consistent with the Secondary Dwelling by law.

5. Existing Zoning By-law Classification:

A1

What are the current uses of the subject lands?

Farmland / Agricultural

If known, provide the length of time these uses have continued on this property.

If there are any existing buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

If known, provide the dates in which each of these buildings were constructed.

\_\_\_\_\_

6. What is the Nature and Extent of the Rezoning?

To add 1/2 acres to existing property to allow for the building of a shop/secondary dwelling

7. Why is the rezoning being requested?

to change 1/2 acre from  
A1 to Residential

8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area? No

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

9. Does the proposed amendment remove land from an area of employment? No

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

10. Description of proposed development for which this amendment is requested (i.e. permitted uses, buildings or structures to be erected. (Be Specific)

To allow for the building of a shop/apartment for secondary dwelling

For any proposed buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
Shop/Apartment	45'	32'	82.6'	20'	40' x 80'

11. Services existing or proposed for the subject lands: Please indicate with a ✓

Water Supply	Existing	Proposed
--------------	----------	----------

Municipal Piped Water Supply	( )	( )
Private Drilled Well	( )	( <input checked="" type="checkbox"/> )
Private Dug Well	( )	( )
Communal Well	( )	( )
Lake or other Surface Water Body	( )	( )
Other	( )	( )

<b>Sewage Disposal</b>	<b>Existing</b>	<b>Proposed</b>
Municipal Sanitary Sewers	( )	( )
Individual Septic System	( )	( <input checked="" type="checkbox"/> )
Communal System	( )	( )
Privy	( )	( )
Other	( )	( )

**Note: If the proposed development is on a private or communal system and generate more than 4500 litres of effluent per day, the applicant must include a servicing options report and a hydrogeological report.**

Are these reports attached? \_\_\_\_\_

If not, where can they be found? \_\_\_\_\_

**Storm Drainage**

Provisions: \_\_\_\_\_

Proposed Outlet: \_\_\_\_\_

**12. How will the property be accessed?**

Provincial Highway ( )    County Road ( )    Municipal Road – maintained all year ( )  
 Municipal Road – seasonally maintained ( )    Right-of-way ( )    Water ( )

If access is by water, do the parking and docking facilities exist, and what is the nearest public road?

13. Has the subject land ever been the subject of an application under the Planning Act for:

Plan of Subdivision ( ) Consent ( )

Zoning By-law Amendment ( ) Ministers Zoning Order ( )

If yes to any of the above, indicate the file number and status of the application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. How is the proposed amendment consistent with the Provincial Policy Statement 2005?

- It is consist with secondary dwelling by law  
- 2.34.2 - Lot adjustments in prime  
agricultural areas maybe permitted for legal  
and technical reasons.

15. Are the subject lands within area designated under any Provincial Plan(s)? If the answer is yes, does the proposed amendment conform to the Provincial Plan(s)?

No

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. The Owner is required to attach the following information with the application and it will form part of the application. Applications will not be accepted without the following.

- (a) A sketch based on an Ontario Land Surveyor description of the subject lands showing
  - the boundaries and dimension of the subject lands;
  - the location, size and type of all existing and proposed buildings and structures, indicating their setbacks from all lot lines, the location of driveways, parking or loading spaces, landscaping areas, planting strips, and other uses;

\_\_\_\_\_



- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
- the current uses of the land that is adjacent to the subject land;
- the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
- the location of the parking and docking facilities to be used (if access will be by water only);
- the location and nature of any easement affecting the subject land.

(b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).

(c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process

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

**19. Additional Information as required by Council**

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**20. If this application is to accommodate the consent of a surplus farm dwelling, please provide the following information:**

Date surplus farm dwelling was erected: \_\_\_\_\_

Please provide the assessment roll number, location, and zoning of the farm parcel with which the subject lands is being consolidated.

---

- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I / we hereby appoint Helena Zacharias to act as an Agent on my/our behalf in all aspects of this application.

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 at the:

Township of Malahide Owner / Agent

in the County/Region of Elgin this 31st

day of May 20 23.

Helena Zach  
Owner / Agent

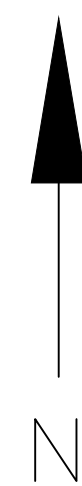
Allison Adams  
A Commissioner, etc.

Allison Adams, a Commissioner  
for taking Affidavits, Pursuant to  
R.S.O. 1990,C.17, Para. 1(2)

Judy Merrill  
Ratna Cochrane

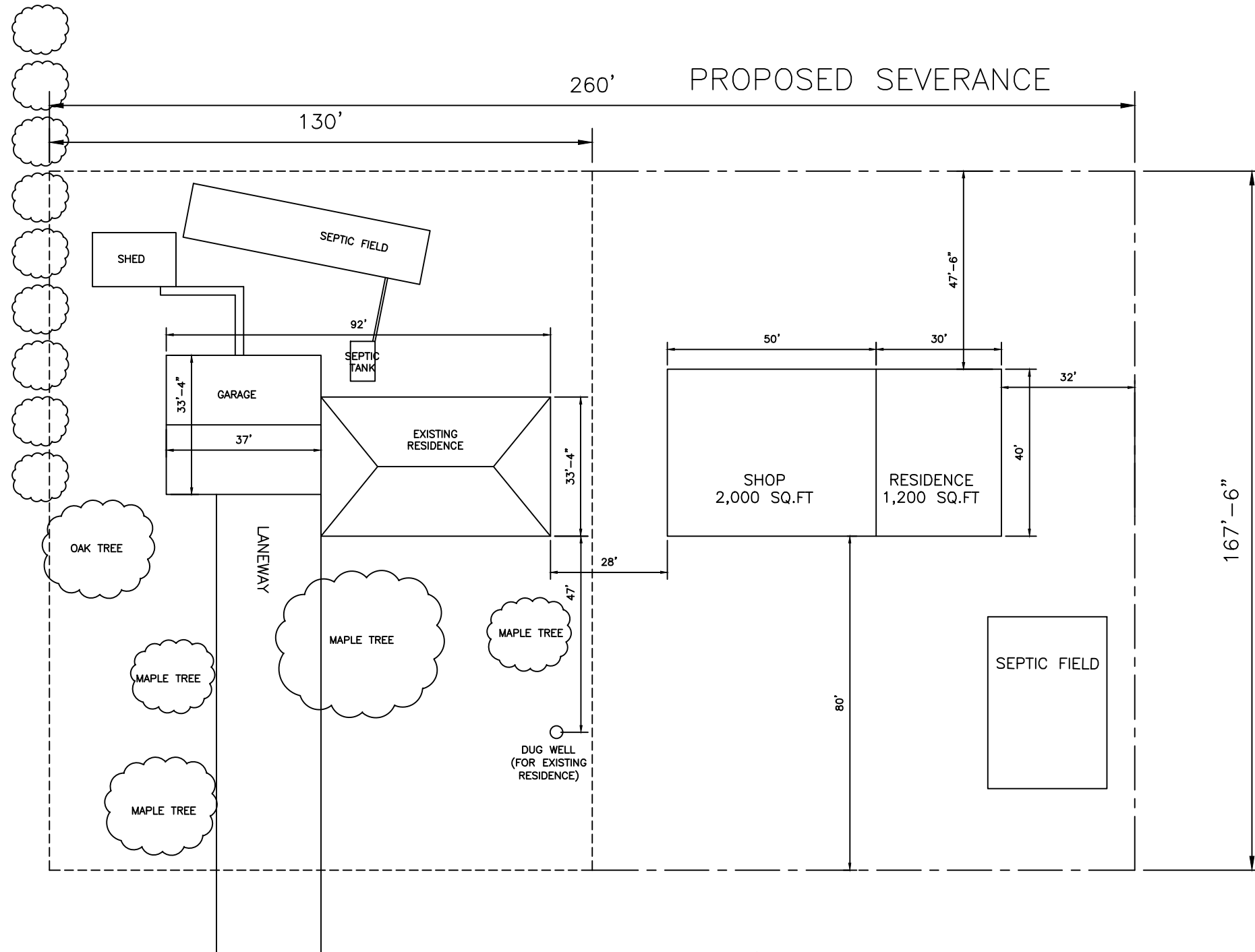
----- CURRENT BOUNDARY  
- - - - - PROPOSED SEVERANCE  
(OR ADDITION TO  
CURRENT BOUNDARY)

FARM LAND



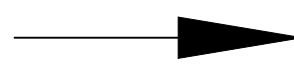
FARM LAND

FARM LAND



VIENNA LINE  
MUNICIPAL ROAD

1,000 FT TO NEAREST  
RESIDENCE



## Christine Strupat

---

**From:** Gerrit Kremers <planning@catfishcreek.ca>  
**Sent:** November 30, 2023 2:20 PM  
**To:** Christine Strupat  
**Subject:** RE: Malahide Township Notice of Public Meeting for Zoning By-law Application D14-Z10-23

Good Afternoon,

CCCA has no concerns with the above noted application.

Thank You,



**Gerrit Kremers**  
 Resource Planning Coordinator  
 planning@catfishcreek.ca  
 519-773-9037 ext. 18  
 Catfish Creek Conservation Authority  
 8079 Springwater Rd.  
 Aylmer, ON N5H 2R4

---

**From:** Christine Strupat <CStrupat@malahide.ca>  
**Sent:** November-29-23 10:33 AM  
**To:** Gerrit Kremers <planning@catfishcreek.ca>; Land Division <landdivision@ELGIN.ca>; Bob Lopez <BLopez@malahide.ca>; circulations@wsp.com; elginfarmers@gmail.com; Executivevp.lawanddevelopment@opg.com; gas@epcor.com; info@dundeedrilling.ca; Jason Godby <JGodby@malahide.ca>; Newdevelopment@rci.rogers.com; ONTUGLLandsINQ@uniongas.com; planning@elgin.ca; planning@tvdsb.ca; rmclean@ldcsb.ca; Ryan DeSutter <RDeSutter@malahide.ca>; Sam Gustavson <SGustavson@malahide.ca>; southernfbcplanning@hydroone.com; Steven.troup@opg.com  
**Cc:** judymennill@gmail.com  
**Subject:** Malahide Township Notice of Public Meeting for Zoning By-law Application D14-Z10-23

Good morning,

Please see the attached Notice of Public Meeting for Zoning By-law Application D14-Z10-23.

Please contact me with any questions,

**Christine Strupat, HBA, CPT**  
 Development Services Technician/Assistant Planner  
 Office: 519.773.5344 x239  
 Fax: 519.773.5334

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**Township of Malahide**

87 John Street South  
Aylmer, ON  
N5H 2C3



**THE CORPORATION OF THE  
TOWNSHIP OF MALAHIDE  
BY-LAW NO. 23-85**

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

**Judy and David Mennill /Helena Zacharias  
51048 and 51200 Vienna Line**

**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 Lot 22, Concession 3, Part 1 of Registered Plan 11R6019 in the Township of Malahide, shall remain in the "Rural Residential (RR) Zone" of By-law No. 18-22 and shall be subject to the added provisions of Section 6.7.7 of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "RR-7" on Key Map 83 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 6.7 RURAL RESIDENTIAL (RR) ZONE – 'SITE-SPECIFIC' ZONES, by adding the following new subsection.

**"6.7.7 a) Defined Area**

***RR-7 as shown on Schedule 'A', Map No. 83.***

**b) Permitted Uses**

***an accessory structure containing a second dwelling unit and  
personal workshop  
all other uses permitted in the RR zone***

**c) Maximum Floor Area**

<b><i>second dwelling unit</i></b>	<b><i>111 m<sup>2</sup></i></b>
<b><i>personal workshop</i></b>	<b><i>184 m<sup>2</sup></i></b>

**d) Servicing**

***the second dwelling unit shall be connected to a private on-site water well capable of producing a minimum of 18.9 litres/minute and to an approved private on-site sewage system***

e) **Parking**

***a minimum of one parking space shall be dedicated to the second dwelling unit shall be provided***

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 21st day of December, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 21st day of December, 2023.

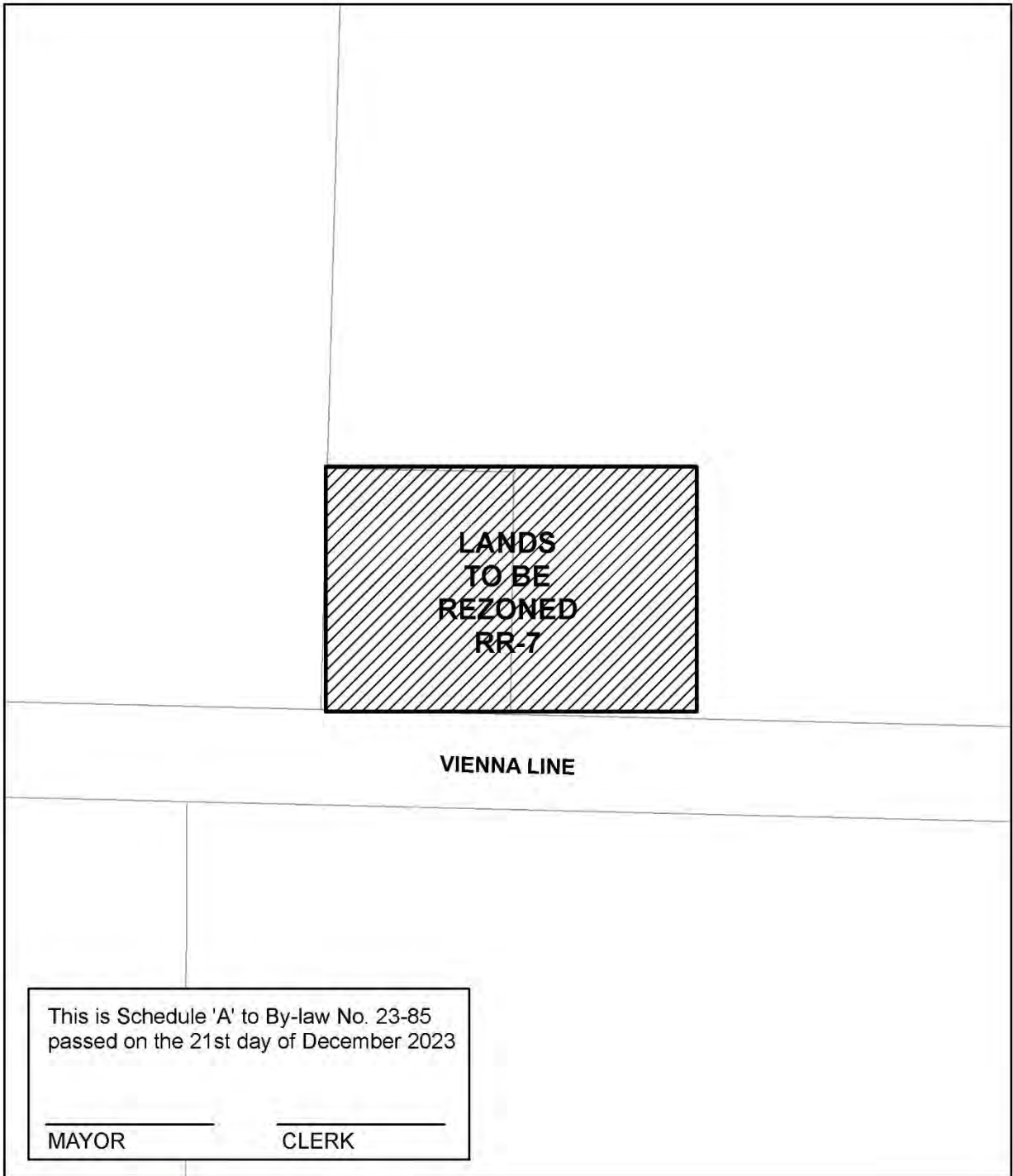
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Mayor – D. Giguère

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Clerk – A. Adams

**SCHEDULE A**







## Report to Council

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**REPORT NO.:** PW-23-64  
**DATE:** December 21, 2023  
**ATTACHMENT:** Zelinka Priamo Ltd. Memo – 51403 Ron McNeil Line Access Options  
**SUBJECT:** **51403 RON MCNEIL LINE – REQUEST FOR ACCESS OVER UNOPENED ROAD ALLOWANCE**

---

### **Recommendation:**

**THAT Report No. PW-23-64 entitled “51403 Ron McNeil Line – Request for Access Over Unopened Road Allowance” be received;**

**AND THAT Council declare the unopened road allowance between Ron McNeil Line and Pressey Road to be surplus to municipal needs;**

**AND FURTHER THAT Staff further engage the 4 property owners abutting the unopened road allowance between Ron McNeil Line and Pressey Road to negotiate the conveyance of the unopened road allowance.**

### **Background:**

On August 1, 2023, a Zoning By-law Amendment application for the subject lands was approved by the Ontario Land Tribunal (OLT) to facilitate the development of a two-and-half-storey, six-unit apartment building. Since the OLT decision was issued, Zelinka Priamo Ltd., on behalf of the owner, has submitted a request to the Township to consider options for vehicular access and the use of the unopened road allowance adjacent to the subject lands to the east. As part of the request, the applicant has illustrated three potential options for access in the submitted memo, which are summarized below.

## **Summary of Access Options Suggested by Zelinka Priamo Ltd:**

### Option 1:

Option 1 proposes the continued use of the road allowance for access that would be shared between the subject lands and the property to the east at 51415 Ron McNeil Line. This would maintain a single access to Ron McNeil Line.

To facilitate access over the unopened road allowance, the Township would be able to require an easement be provided for the proposed development on the subject lands. The easement agreement could include stipulations for ongoing maintenance, snow removal, insurance, etc. The agreement could also include requirements to bring the access up to an acceptable municipal standard. During the application process for the previous Zoning By-law Amendment, the Township's solicitor had noted that there should also be considerations for how to protect the rights of the other landowner to the east of the unopened road allowance that currently accesses Ron McNeil Line through the unopened road allowance by providing a non-exclusive easement for the property to be included as part of the agreement.

### Option 2 & 3:

Option 2 and 3 propose similar options in that they both propose new access directly from the subject lands and do not use the unopened road allowance for any vehicular access. Option 2 proposes access from the eastern property boundary, which would result in a new access provided adjacent to the existing access over the road allowance used for 51415 Ron McNeil Line. Option 3 proposes a new access along the western boundary of the subject lands.

### **Malahide Staff Comments:**

Upon review of the proposed options presented by Zelinka Priamo, staff are proposing a fourth recommended alternative. This fourth option would include the disposal of the entirety of the unopened road allowance and the conveyance of portions to each of the four landowners that are adjacent to the unopened road allowance. The reasons for this recommendation include:

- This unopened road allowance currently provides no utility to the Township and is surplus to the municipal needs.
- This unopened road allowance currently represents a liability to the Township.
- Avoidance of the requirement for any agreement for access/maintenance. This will ensure that the Township is not drawn into future civil disputes.
- The neighbouring property with shared interest in the common driveway has expressed interest in having an individual private driveway access.

- Anecdotal information has indicated that the owners of the other two properties abutting the unopened road allowance (51402 Pressey Line and 51422 Pressey Line) had previously expressed interest in pursuing closure and conveyance of this unopened road allowance. To date, staff have not yet approached these property owners in relation to this particular situation.
- Initial consultation with Elgin County regarding driveway entrances has indicated that there are no concerns with establishing 2 separate private entrances off Ron McNeil Line to service 51403 and 51415.

In accordance with Malahide By-Law 07-72 “Sale of Land” Section 4.1, where the Corporation deems an unopened or closed road allowance to be surplus to the municipal needs, Council may dispose of these lands to the abutting property owners for a minimal or token purchase price.

**Financial Implications to Budget:**

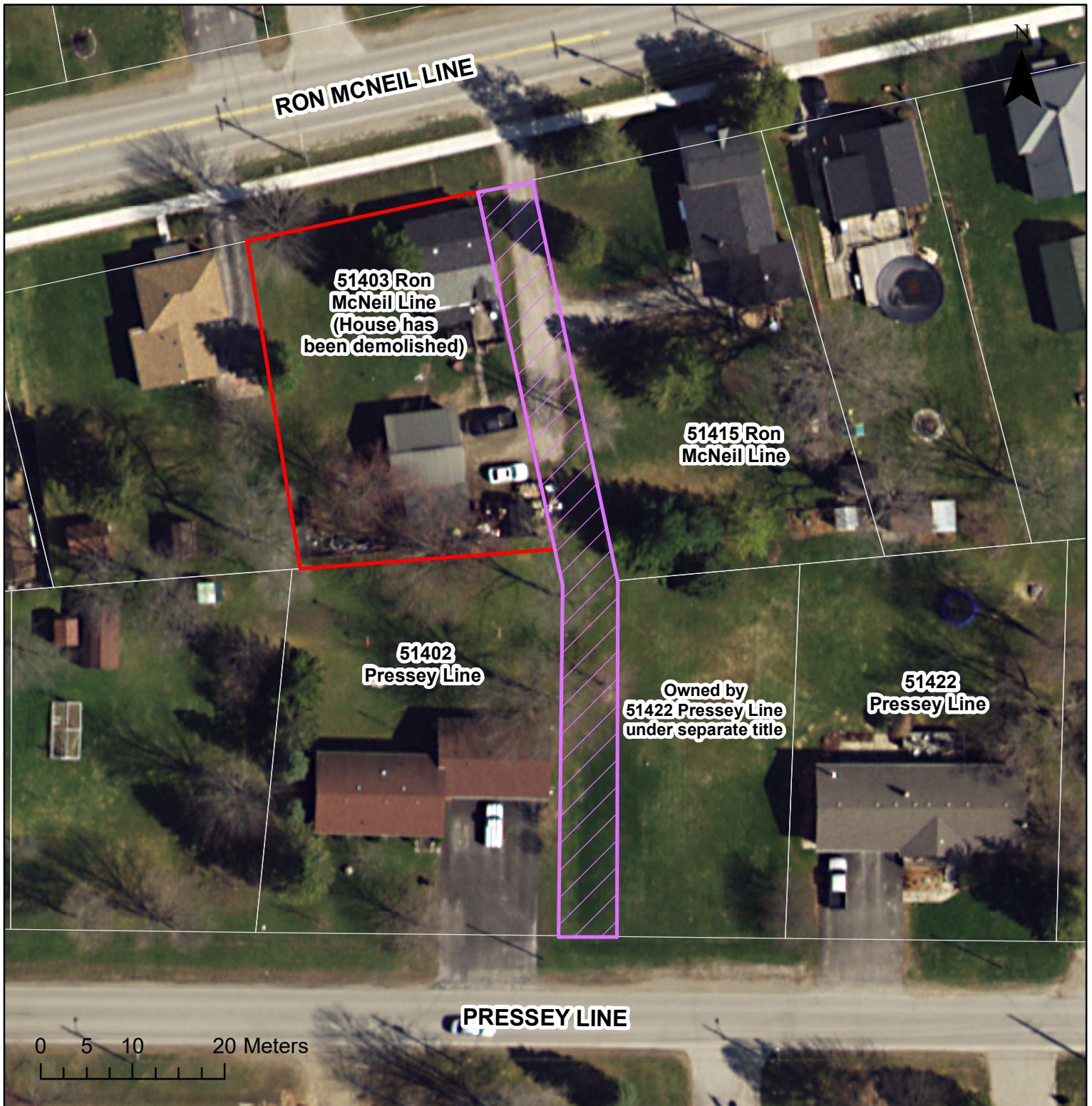
Closure and conveyance of the unopened road allowance will result in one-time costs for legal and survey fees. These costs will be incorporated into the 2024 operating budget.

Submitted by:	Approved by:
Jason Godby Director of Public Works	Nathan Dias, Chief Administrative Officer

Request for Access Over Unopened Road Allowance<sup>100</sup>

51403 Ron McNeil Line  
Part of Lot 21, Concession 10  
Township of Malahide

Township  
of Malahide  
Figure 1



**Legend**

 Subject lands

 UNOPENED ROAD ALLOWANCE BETWEEN  
RON MCNEIL LINE AND PRESSEY LINE



September 18, 2023

*via email*

Adam Boylan, Interim Chief Administrative Officer  
Township of Malahide  
87 John Street South  
Aylmer, ON  
N5H 2C3  
[aboylan@malahide.ca](mailto:aboylan@malahide.ca)

Dear Mr. Boylan,

**MEMO: 51403 Ron McNeil Line Access Options**  
**Our File: LVY/MAL/21-01**

---

As requested, Zelinka Priamo Ltd. is pleased to provide this letter analysing the various access options relating to the redevelopment of the lands known municipally as 51403 Ron McNeil Line (the “subject lands”) in the Township of Malahide. This analysis encompasses a review of three distinct conceptual site plans that have been prepared in support of the redevelopment.

As you are aware, a settlement was achieved through the Ontario Land Tribunal (OLT) which confirms that the subject lands may be developed for a 6-unit apartment building. This memo is intended to provide information on the preferred access arrangement for said use.

## **BACKGROUND**

The subject lands consist of a single, generally rectangular-shaped parcel of land located on the south side of Ron McNeil Line, east of Springfield Road and the Village of Springfield. The subject lands have a lot frontage of approximately 24.7m along Ron McNeil Line; a lot depth of approximately 38.8m; and, a lot area of approximately 0.1ha.

Previously, the subject lands were occupied by a one-storey, single detached dwelling and a detached garage. These structures have since been demolished, and the lands are currently vacant. Vehicular access to the property is currently facilitated through an adjacent municipally-owned laneway that connects to Ron McNeil Line, leading to the surface parking area at the rear of the subject lands.

The redevelopment of the subject lands entails the construction of a 2.5-storey, 6-unit apartment building with surface parking, utilizing the existing parking area. As noted above, permission for

this development has been provided through an OLT settlement, in which the Township of Malahide agreed to the development of these lands.

For clarity, the laneway was used by the former dwelling on the subject lands, and is currently used by the abutting dwelling to the east. The purpose of the laneway is to act as a driveway to the abutting parcels, providing a consolidated vehicular access from Ron McNeil Line. Consolidated accesses have the advantage of reducing the number of vehicular access points, which in turn, provides a safer environment. Management and maintenance of laneways is typically the responsibility of the Municipality/City. However, in many circumstances, such maintenance may be performed by the abutting landowners through legally established agreements with the Municipality.

### **VEHICULAR ACCESS OPTIONS**

Three distinct vehicular access options have been considered in the context of the redevelopment of the subject lands. These options have been brought forward as there is uncertainty as to the Township's position on the use of the existing laneway. These options are presented as information for Council in order to make an informed decision on allowing the subject lands to continue to use the laneway.

It is noted that all options assume the continued use of the laneway by the abutting dwelling to the west.

Option 1: The first option is the utilization of the existing access point via the adjacent municipally-owned laneway from Ron McNeil Line (see Figure 1). The laneway currently serves as the primary, and sole, vehicular access point for both the subject lands and the adjacent lands at 51415 Ron McNeil Line (see Figure 2).

Option 1 has the advantage of not requiring new construction or the relocation of existing infrastructure. Importantly, the current access pattern along Ron McNeil Line, maintaining a single access point that simplifies traffic management. Due to the low volume of traffic that would use the laneway, congestion is not expected. Furthermore, our client, Leverton Developments, proposes to improve the laneway to a paved surface and maintain the laneway at no cost to the Township, secured through an agreement registered on title.

Option 2: The second option proposes a new access point along the eastern property line, abutting the municipally-owned laneway (see Figure 3). This configuration would result in two side-by-side access points from Ron McNeil Line.

Option 2 eliminates any challenges relating to closure of the laneway. However, the side-by-side access points may introduce potential conflicts or confusion, particularly due to the lack of spatial separation, which could lead to safety hazards. It is also the least desirable from an aesthetics perspective.

Option 3: The third option proposes a new access point from Ron McNeil Line along the western property line (see Figure 4). While this option provides spatial separation from the municipally-

owned laneway, it presents a challenge in that it would require the relocation of an existing hydro pole and catch basin, and locates the driveway much closer to an abutting dwelling, being the dwelling to the east.

Option 3, though spatially separated from the municipally-owned laneway, presents a significant challenge with the necessary relocation of the hydro pole. This process can be costly, time-consuming, and may encounter regulatory or logistical challenges.

Figure 1 – Conceptual Site Plan (excerpt), Option A access

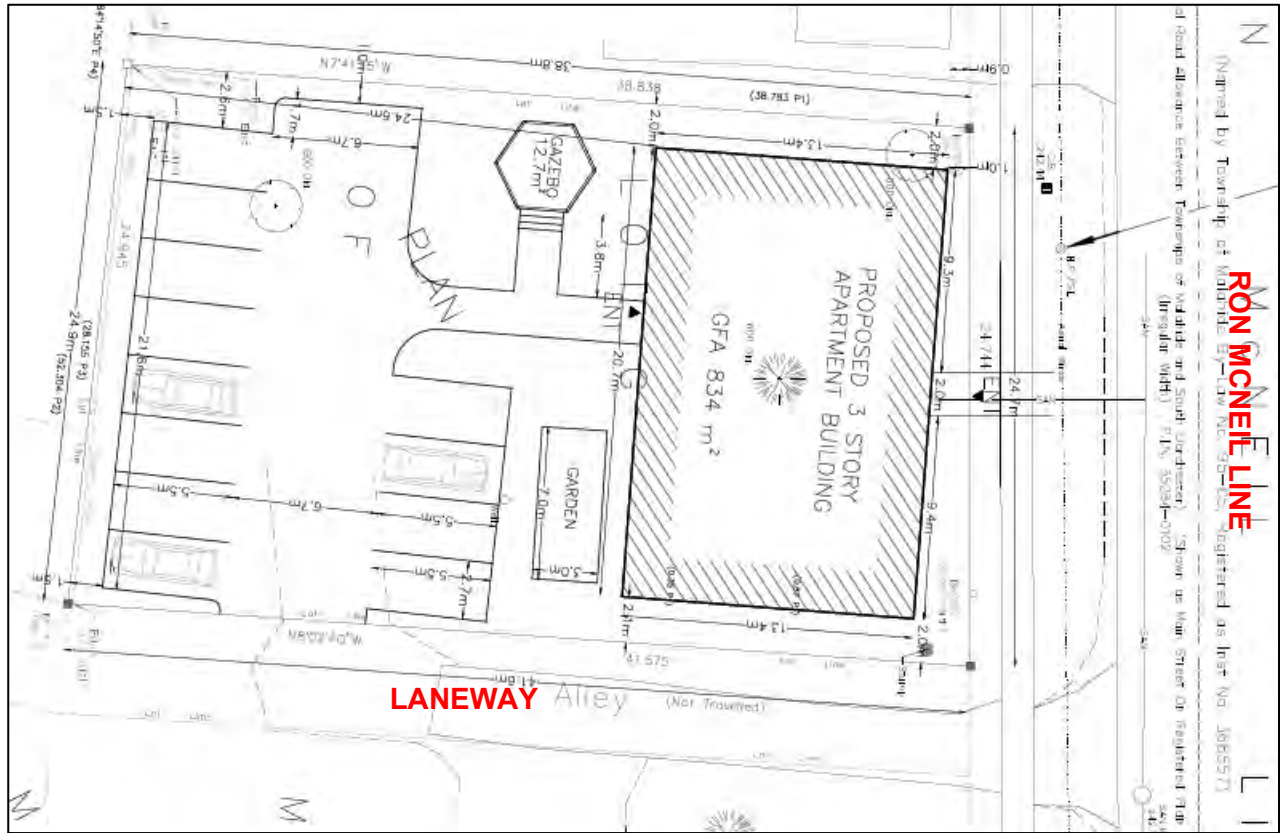


Figure 2 – Existing municipally-owned laneway, looking south from Ron McNeil Line







**CONCLUSION**

It is our opinion that Option 1, as presented above, represents the most efficient vehicular access option for the subject lands. Utilizing the municipally-owned laneway eliminates the requirement for additional access points along Ron McNeil Line, as well as the need to relocate existing infrastructure. The upgrade and maintenance of the laneway will come at no additional cost to the Township, making Option 1 a low-risk solution to the Township. Simply put, Option 1 is the safest, most aesthetically pleasing, and most cost-effective access solution.

We trust that this analysis provides a comprehensive review of the various access options and request that Council provide a response on this matter. Our client intends to proceed with the development of these lands, as set out in the OLT settlement, and clarity on this access issue is required. Should you require any further clarification or information, please do not hesitate to contact us.

Sincerely,

**ZELINKA PRIAMO LTD.**



Matt Campbell, BA, CPT  
Partner



Taylor Whitney, CPT  
Intermediate Planner



## Report to Council

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**REPORT NO.:** PW-23-63  
**DATE:** December 21, 2023  
**ATTACHMENT:** 2019-2023 Port Bruce Provincial Park Maintenance Agreement  
**SUBJECT:** **PORT BRUCE PROVINCIAL PARK MAINTENANCE AGREEMENT**

---

### Recommendation:

**THAT Report No. PW-23-63 entitled “Port Bruce Provincial Park Maintenance Agreement” be received;**

**AND THAT staff be directed to enter discussions with the Ministry of Environment, Conservation and Parks to determine what changes may be possible to the compensation model for the Port Bruce Provincial Park maintenance services agreement.**

### Background:

In April 2018, Malahide Council entered an agreement with the Ministry of Natural Resources and Forestry (MNR) to complete various maintenance and repair obligations of the Port Bruce Provincial Park.

In March 2019, Malahide Council entered an agreement with the Ministry of the Environment, Conservation and Parks (MECP) to continue these maintenance and repair obligations of the Port Bruce Provincial Park. A complete copy of the agreement is attached to this report as Attachment #1.

The property to be maintained consists of a total of 7 hectares, which includes approximately 200 metres of beach, a parking lot, a picnic area, washroom facilities and a basketball court. This is further described in Appendix A of the Agreement.

Services provided include beach cleanup activities, garbage receptacle maintenance, washroom maintenance and repairs, beach matting maintenance, general groundskeeping and site security. These items are further described in Appendices B and C of the Agreement.

During the course of the agreement, the Township of Malahide is responsible for all costs incurred in order to meet the terms and conditions of the agreement. The Province of Ontario provides zero compensation to the Township for the maintenance services provided for the Port Bruce Provincial Park.

This current agreement expires on December 31, 2023. Staff from the MECP have reached out to Malahide staff to see if the Township is interested in entering into another maintenance services agreement.

**Comments/Analysis:**

Township staff have successfully implemented the terms and conditions of the existing maintenance services agreement since 2018. Tracking of costs to complete these services has been completed and is summarized as follows:

2018	2019	2020	2021	2022	2023
Not available	\$16,390.44	\$16,047.34	\$20,924.13	\$19,980.41	\$18,573.78

\* General maintenance items such as painting, minor repairs, and weed eating were not tracked.

\* Parks & Facilities fulltime staff time is not included in these totals.

\* Roads Department staff time and resources for annual beach cleanup are not included in these totals (estimated to be approximately \$4,200 annually).

**Summary:**

Staff recognize the local importance of ensuring that the Port Bruce Provincial Park and its associated assets are properly maintained for use by the residents and visitors to Port Bruce. In keeping with current service levels, this represents over \$20,000 per year which is fully funded by the general tax levy. Should Council desire to continue providing these services at the Port Bruce Provincial Park, staff recommend engaging the MECP to determine if some level of compensation can be provided to the Township in recognition of the fact that the Port Bruce Provincial Park is a Provincial asset.

**Financial Implications to Budget:**

All costs of providing these maintenance services are currently incorporated in the annual operating budget.

Submitted by:	Approved for Council:
Jason Godby Director of Public Works	Nathan Dias Chief Administrative Officer

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**

**BY-LAW NO. 19-27**

Being a By-law to authorize the execution of an Agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of the Environment, Conservation and Parks, to provide management services for the Port Bruce Provincial Park.

**WHEREAS** Section 5(3) of the Municipal Act, 2001, c. 25, as amended, authorizes a municipality to pass by-laws to exercise its municipal powers;

**AND WHEREAS** the Council of The Corporation of the Township of Malahide is desirous of entering into an Agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Environment, Conservation and Parks, to provide Management Services for the Port Bruce Provincial Park;

**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 Her Majesty the Queen in Right of Ontario, as represented by the Minister of Environment, Conservation and Parks, to provide Management Services for the Port Bruce Provincial Park 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 this By-law shall come into force and take effect on the final passing thereof.

**READ a FIRST and SECOND** time this 7<sup>th</sup> day of March, 2019.

**READ a THIRD** time and **FINALLY PASSED** this 7<sup>th</sup> day of March, 2019.

  
 \_\_\_\_\_  
 Mayor, D. Mennill

  
 \_\_\_\_\_  
 Clerk, M. Casavecchia-Somers

**THIS AGREEMENT** ("Agreement ") made effective as of the March 15/19

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**  
as represented by the Ministry of the Environment, Conservation and Parks  
("Ontario")

-AND-

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE** (the "Township")

**WHEREAS:**

- A. Port Bruce Provincial Park is established pursuant to the *Provincial Parks and Conservation Reserves Act, 2006* and is thereby dedicated to the people of the Province of Ontario and visitors for their inspiration, education, health, recreational enjoyment and other benefits;
- B. The Premises total 7 ha and includes approximately 350 metres of beach located along the north shore of Lake Erie, with an adjacent parking lot, picnic area, vault privy and hard top basketball court;
- C. The Township expressed a willingness to perform certain services at the Premises; specifically, respecting the operation of this Park;
- D. Subsection 14(1) of the PPCRA authorizes the Minister (or delegate) to enter into commercial agreements respecting the use and occupation of lands in provincial parks;
- E. Subsection 35(2) of the PPCRA provides the superintendent in charge of a provincial park with the authority to enter into agreements for the development and operation of facilities and the provision of services in respect of the park;
- F. To achieve the goals, objectives and benefits of the Park, Ontario is prepared to enter into an agreement with the Township and the Township is prepared to perform the Services, subject to the terms and conditions specified in this Agreement;

**NOW THEREFORE** in consideration of the mutual provisions contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

## ARTICLE 1 INTERPRETATION

1.01 **Defined Terms.** When used in the Agreement, the following words or expressions have the following meanings:

**“Accessibility”** means a general term used to describe the degree of ease that something (e.g. device, service, and environment) can be used and enjoyed by persons with a disability; the term implies conscious planning, design and/or effort to ensure the item is barrier-free to persons with a disability, and by extension, usable and practical for the general population as well;

**“Business Day”** means any working day, Monday to Friday inclusive, but excluding statutory and other holidays, namely: New Year’s Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day which Ontario has elected to be closed for business;

**“Claims”** has the same meaning as in Section 12.01;

**“Conflict of Interest”** includes, but is not limited to, any situation or circumstance where, in relation to the performance of its contractual obligations in a Crown contract, the Township’s other commitments, relationships or financial interests (i) could or could be seen to exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement; or (ii) could or could be seen to compromise, impair or be incompatible with the effective performance of its contractual obligations;

**“Effective Date”** means the effective date as specified at the top of this Agreement;

**“Endangered Species Act”** means the *Endangered Species Act* and includes any regulations thereunder;

**“FIPPA”** means the *Freedom of Information and Protection of Privacy Act* and includes any regulations thereunder;

**“Indemnified Parties”** means Her Majesty the Queen in right of Ontario, her Ministers, directors, officers, agents, appointees, and employees;

**“Industry Standards”** include, but are not limited to (a) the provision of any and all labour, supplies, equipment and other goods or services that are necessary and can reasonably be understood or inferred to be included within the scope of this Agreement or customarily furnished by persons performing services of the type



provided hereunder in similar situations in the Province of Ontario; and (b) adherence to commonly accepted norms of ethical business practices;

**“Management Direction”** includes the relevant park management plan and any secondary plans, as may be amended or replaced from time to time;

**“Off Season”** means the period commencing on the Tuesday immediately following Thanksgiving Day and ending on the second Thursday in May;

**“Ontario Address”** and **“Ontario Representative”** mean:

Park Superintendent  
 Port Bruce Provincial Park  
 9 Wilson Lane, PO Box 9,  
 Port Burwell, ON N0J 1T0  
 Tel: (519) 874-4691 x221  
 Email: rhonda.card@ontario.ca

**“Park”** means Port Bruce Provincial Park established pursuant to the PPCRA;

**“Party”** means either Ontario or the Township and **“Parties”** means both Ontario and the Township;

**“Peak Season”** means the period commencing on the third Friday in June and ending on Labour Day;

**“Premises”** means the lands, structures and facilities specified in Appendix A;

**“Proceeding”** means any action, claim, demand, lawsuit, or other proceeding;

**“PPCRA”** means the *Provincial Parks and Conservation Reserves Act, 2006* and includes the regulations thereunder;

**“Requirements of Law”** mean all applicable requirements, laws, statutes, codes, acts, ordinances, orders, decrees, injunctions, by-laws, rules, regulations, official plans, permits, licences, authorizations, directions, and agreements with all government authorities that now or at any time hereafter may be applicable to the Agreement, the Services or the Licences or any part thereof, including the PPCRA and the *Endangered Species Act*;

**“Services”** means the services described in Appendices C (Maintenance Services)

**“Shoulder Season”** means: (i) the period commencing on the second Friday in May and ending on the third Thursday in June; and (ii) the period commencing on the Tuesday immediately following Labour Day and ending on Thanksgiving Day;

**“Term”** means the term of the Agreement, as described in Section 2.01;

**“Township Address”** and **“Township Representative”** mean:

Chief Administrative Officer, (or Designate)  
Township of Malahide  
87 John Street South,  
Aylmer, ON N5H 2C3  
Tel: (519) 773-5344 x 225  
Email: MCasavecchia@malahide.ca

**“WSIA”** means the *Workplace Safety and Insurance Act, 1997* and includes any regulations thereunder;

1.02 **Interpretation.** For the purposes of interpretation, in the Agreement:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the background and the headers do not form part of this Agreement; they are for reference only and shall not affect the interpretation of the Agreement;
- (d) any reference to an article, section, clause, paragraph or appendix is a reference to an article, section, clause, paragraph or appendix of the Agreement, unless otherwise specified;
- (e) references to statutes or regulations include any amendments that have been or may be made to those statutes or regulations from time to time; and
- (f) any reference to dollars or currency shall be Canadian dollars and currency; and
- (g) “include”, “includes” and “including” shall not denote an exhaustive list.

## ARTICLE 2 TERM

- 2.01 **Term of Agreement.** The Agreement shall commence on the Effective Date and expire on December 31, 2023, unless terminated on an earlier date in accordance with the terms and conditions of the Agreement.
- 2.02 **Discussion Regarding Potential Extension.** In the final year of the Term, the Parties shall meet to discuss the possibility of an extension or renewal of the Agreement for an addition 5-year term.

## ARTICLE 3 RELATIONSHIP BETWEEN ONTARIO AND TOWNSHIP

- 3.01 **Township's Power to Contract.** The Township represents and warrants that it has the full right and power to enter into the Agreement and there is no agreement with any other person which would in any way interfere with the rights of Ontario under the Agreement.
- 3.02 **Township Not a Partner, Agent, Employee or Tenant.** The Township shall have no power or authority to bind Ontario or to assume or create any obligation or responsibility, express or implied, on behalf of Ontario. The Township shall not hold itself out as an agent, partner, employee or tenant of Ontario. Nothing in the Agreement shall have the effect of creating employment, partnership, agency or landlord-tenant relationship between Ontario and the Township (or any of the Township's directors, officers, employees, agents, partners, affiliates, volunteers, subcontractors or sub-licensees) or constitute an appointment under the *Public Service of Ontario Act, 2006*.
- 3.03 **Responsibility of Township.** The Township agrees that it is liable for the acts and omissions of any of its directors, officers, employees, agents, partners, affiliates, volunteers, subcontractors and sub-licensees. This section is in addition to any and all of the Township's liabilities under the Agreement and under the general application of law. The Township shall advise these individuals and entities of their obligations under the Agreement. In addition to any other liabilities of the Township under the Agreement or otherwise at law or in equity, the Township shall be liable for all damages, costs, expenses, losses, claims or actions arising from any breach of the Agreement resulting from the actions of the above mentioned individuals and entities. This paragraph shall survive the termination or expiry of the Agreement.
- 3.04 **Township's Employees.** Where the Township hires employees to perform or complete the Services or otherwise to fulfill the Township's obligations under the

Agreement, or to carry out any part of the Licensed Activities, the Township (and not Ontario) shall be the employer, shall enter into an employer/employee relationship with the employee, and, without limiting the generality of Section 12.01, shall indemnify Ontario in respect of claims arising from or related to their employment.

#### **ARTICLE 4 PERFORMANCE OF SERVICES**

- 4.01 **Commencement of Performance.** The Township shall commence performance of the Services upon receipt of written instructions from Ontario.
- 4.02 **Performance of Services to Specified Standards.** The Township shall perform the Services to the standards indicated in section 4.03 and in Appendices B and C and in accordance with the Management Direction for the Park, current copies of which having been provided by Ontario to the Township prior to the execution of this Agreement by the Parties.
- 4.03 **Performance Warranty.** The Township hereby represents and warrants that the Services shall be performed fully and diligently in a professional and competent manner by persons qualified and skilled in their occupations and furthermore that all Services will be performed in accordance with: (i) the Agreement; (ii) Industry Standards; and (iii) Requirements of Law. If any of the Services, in the opinion of Ontario, is inadequately performed or requires corrections, the Township shall forthwith make the necessary corrections at its own expense as specified by Ontario in a rectification notice.
- 4.04 **Township Responsible.** The Township shall, at its own expense, perform the Services and obtain any permits, approvals, authorizations and inspections required to perform the Services.
- 4.05 **Notice of Emergencies, Injuries, etc.** The Township shall immediately notify Ontario of any emergency, accident, loss, damage or injury (including death) to any person or property that occurred at the Premises.
- 4.06 **Procurement.** The Township shall ensure that any subcontracts approved by Ontario under the Agreement, including contracts for consultants, goods or services, comply with the Township's Purchasing By-law.
- 4.07 **Occupational Health and Safety.** Without limiting the generality of Section 4.03, the Township shall comply with Appendix E regarding occupational health and safety.

- 4.08 **Accessibility Obligations.** The Township shall comply with all applicable requirements, specifications and standards for Accessibility established in accordance with the *Human Rights Code*, the *Ontarians with Disabilities Act*, and the *Accessibility for Ontarians with Disabilities Act* and any regulations made thereunder and any direction from Ontario to ensure Ontario compliance therewith, as any of which may be amended, in its provision or performance of any of the Services. Ontario may require the Township to provide training about the provision of any of the Services to persons with disabilities to the Township's employees who deal with members of the public or third parties. The Township shall keep records of such training, including the dates when such training was provided and the names of Township's employees who attended, and shall provide such records to Ontario upon request. The Township's compliance with such legislation may be audited at any time in Ontario's sole discretion.
- 4.09 **Township to Provide.** The Township shall provide all equipment, vehicles, materials and personnel necessary for the performance of the Services, except as otherwise specified in this Agreement.
- 4.10 **Costs and Expenses.** The Township shall be liable for all costs and expenses related to the Services and the performance of any of the Township's obligations hereunder, including the costs for any utilities. The Township acknowledges and agrees that no monies shall be payable by Ontario to the Township under this Agreement for performance of the Services.
- 4.11 **Ontario Not Liable.** Ontario is not and shall not be liable or responsible for the security of the Township's equipment and supplies or any damage thereto.
- 4.12 **Subcontracting or Assignment.** With the prior written consent of Ontario, the Township may subcontract or assign the whole or any part of this Agreement relating to the Services. Such consent shall be in the sole discretion of Ontario and subject to the terms and conditions that may be imposed by Ontario. Every contract entered into by the Township with a subcontractor shall adopt all of the terms and conditions of this Agreement as far as applicable to those parts of the Services performed by the subcontractor. Nothing contained in this Agreement shall create a contractual relationship between any subcontractor or its directors, officers, employees, agents, partners, affiliates or volunteers and Ontario.

## ARTICLE 5 INSPECTIONS

- 5.01 **Township to Inspect.** The Township shall implement an inspection program that meets the standards of Ontario to ensure that the Premises remains free from hazards. Inspections shall be conducted jointly by the Township and Ontario.
- 5.02 **Ontario May Inspect.** Ontario may at any time, inspect the Premises, including any structures thereon. The Township shall abide by any and all directions put forth by Ontario respecting or resulting from said inspections.
- 5.03 **Township Representative to Attend.** The Township shall ensure that its designated representative attends all inspections when required and arranged with the Ontario Representative.
- 5.04 **Officers or Servants of Ontario.** For the purpose of inspections, Ontario may act through any officer or servant of Ontario.

## ARTICLE 6 CLARIFICATION AND MEETINGS

- 6.01 **Township to Consult.** Where the Township is in doubt as to how to proceed with any of the Services or other requirements of this Agreement, the Township shall consult with Ontario.
- 6.02 **Participation in Meetings.** The Township shall make every reasonable effort to be available, at the request of the Ontario Representative, to meet with said representative to discuss, confer, plan, report and receive instructions, directions and details related to the carrying out of the requirements of the Agreement.

## ARTICLE 7 RIGHTS RETAINED BY ONTARIO

- 7.01 **Rights Retained.** Ontario retains all rights with respect to the Premises not expressly granted to the Township under the Agreement including, but not limited to, the following:
- (a) the right for any person representing or acting under the direction of Ontario to have unimpeded access anytime and anywhere in and to the Premises;

- (b) the right to grant further rights to use and occupy the Premises, provided that the exercise of such rights does not unreasonably interfere or compete with the Township's rights under the Agreement;
- (c) the right to establish and administer volunteer, education, and interpretation programs at the Premises;
- (d) the right to implement or set standards for all marketing, customer surveys, advertising, and visual identity programs;
- (e) the right to establish and require compliance by the Township with standards for display and sale of merchandise, erection of signs and notices and establishment and maintenance of visual appearance; and
- (f) the right, exercisable in Ontario's sole discretion, to close part or all of any the Premises at any time pursuant to the PPCRA.

7.02 **No Interest in Land Granted.** Nothing herein shall be construed as a grant of any interest in land by Ontario to the Township.

## **ARTICLE 8 CONFLICT OF INTEREST**

8.01 **Conflict of Interest.** The Township shall:

- (a) avoid any Conflict of Interest in the performance of its obligations hereunder;
- (b) disclose to Ontario without delay any actual or potential Conflict of Interest that arises during the performance of its obligations hereunder; and
- (c) comply with any requirements prescribed by Ontario to resolve any Conflict of Interest.

8.02 **Remedies.** In addition to all other contractual rights or rights available at law or in equity, Ontario may immediately terminate this Agreement upon giving notice to the Township where, in the opinion of Ontario:

- (a) the Township fails to disclose an actual or potential Conflict of Interest;
- (b) the Township fails to comply with any requirements prescribed by Ontario to resolve the Conflict of Interest; or

- (c) the Township's Conflict of Interest cannot be resolved.

## **ARTICLE 9 CONFIDENTIALITY, FIPPA/MFIPPA & DOCUMENTATION**

- 9.01 **No Disclosure Permitted.** The Township shall not directly or indirectly disclose or use, at any time, either during or subsequent to the Term any matter or document relating to or in any way pertaining to or connected with the Services, or any information or data concerning Ontario's methods, procedures, contracts, , finances, personnel, plans, surveys, research, descriptions, policies, regulations, rules and intentions, including all matters and documents the dissemination of which might be prejudicial to Ontario, except that the Township may disclose any data and information necessary to the fulfilment of its obligations under the Agreement or where required by law.
- 9.02 **FIPPA/MFIPPA Records and Compliance.** The Township and Ontario acknowledge and agree that FIPPA and the *Municipal Freedom of Information and Protection of Privacy Act* apply to and govern all records and may require the disclosure of such records to third parties.
- 9.03 **Disclosure of Information.** Subject to section 9.02, the Township shall disclose any information reasonably requested by Ontario, its authorized representatives or an independent auditor identified by the Province respecting this Agreement, performance of the Services, and shall do so in a form reasonably requested by Ontario, its authorized representatives or an independent auditor identified by Ontario, as the case may be.
- 9.04 **Documentation and Audit,** For seven (7) years after the expiry or earlier termination of the Agreement, the Township shall maintain all necessary records to substantiate that the Services were performed in accordance with the Agreement and with Requirements of Law. During the Term, and for seven (7) years after the Term, the Township shall permit and assist Ontario in conducting audits of the operations of the Township to verify such performance and compliance. Ontario shall provide the Township with at least ten (10) Business Days prior notice of its requirement for such audit.
- 9.05 **Survival.** The provisions of this article shall survive any termination or expiry of the Agreement.



## ARTICLE 10 PUBLICITY

- 10.01 **Opportunity to Review.** The Township shall provide Ontario with a reasonable opportunity to review and comment on any publicity or publications related to the Services.
- 10.02 **No Use of Logo.** The Township shall not use any insignia or logo of Her Majesty the Queen in right of Ontario, including the Ontario Parks logo, except with prior written consent of Ontario.
- 10.03 **Consistent Messaging.** All publicity, publications and communication related to the Agreement, shall be consistent with the values of Ontario and representative of the cooperative relationship between the Township and Ontario.

## ARTICLE 11 INDEMNITY AND INSURANCE

- 11.01 **Township Indemnity.** The Township hereby agrees to indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages and expenses (including legal, expert and consultant fees), cause of action, actions, claims, demands, lawsuits or other proceedings, (collectively, "**Claims**"), by whomever made, sustained, incurred, brought or prosecuted, including for third party bodily injury (including death), personal injury and property damage, in any way based upon, occasioned by or attributable to anything done by the Township, its sub-contractors or sub-licensees or their respective directors, officers, agents, employees, partners, affiliates, volunteers or independent contractors in in connection with the Agreement, including performance of the Services. The Township further agrees to indemnify and hold harmless the Indemnified Parties for any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit, by any person, entity or organisation, including, without limitation, Ontario, claimed or resulting from such Claims. The obligations contained in this section shall survive the termination or expiry of the Agreement.
- 11.02 **Township's Insurance.** The Township hereby agrees to put in effect and maintain insurance for the Term, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person in the business of the Township would maintain including, but not limited to Public Entity General Liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than Five Million Dollars (**\$5,000,000**) per occurrence. The policy is to include the following:

- The Indemnified Parties as additional insured's with respect to liability arising in the course of the performance of the Township's obligations under, or otherwise in connection with, the Agreement;
- Contractual liability coverage;
- Cross-liability clause;
- Employers liability coverage (or compliance with Section 11.04 is required);
- 30 day written notice of cancellation or termination.

**11.03 Proof of Insurance.** The Township shall provide Ontario with proof of the insurance required by the Agreement in the form of valid certificates of insurance that reference the Agreement and confirm the required coverage, before the execution of the Agreement by Ontario, and renewal replacements on or before the expiry of any such insurance. Upon the request of Ontario, a copy of each insurance policy shall be made available to it. The Township shall ensure that each of its authorized sub-contractors or sub-licensees obtains all the necessary and appropriate insurance that a prudent person in the business of the sub-contractor or sub-licensee would maintain and that the Indemnified Parties are named as additional insured's with respect to any liability arising in the course of performance of the sub-contractor's obligations under the subcontract for the performance of the Services or the sub-licensees use of the Premises.

**11.04 Proof of WSIA Coverage.** The Township shall submit a valid clearance certificate of WSIA coverage to Ontario prior to the execution of the Agreement by Ontario. In addition, the Township shall, from time to time at the request of Ontario, provide additional WSIA clearance certificates. The Township covenants and agrees to pay when due, and to ensure that each of its approved sub-contractors pays when due, all amounts required to be paid by it/its sub-contractors, from time to time during the Term, under the WSIA.

**11.05 Township Participation in Proceedings.** The Township shall, at its expense, to the extent requested by Ontario, participate in or conduct the defence of any Proceeding against any Indemnified Parties in respect of which the Township has indemnified the Indemnified Persons pursuant to Section 12.01 and any negotiations for settlement of such Proceedings. Ontario may elect to participate in or conduct the defence of any such Proceeding by notifying the Township in writing of such election without prejudice to any other rights or remedies of Ontario under the Agreement, at law or in equity. Each Party participating in the defence shall do so by actively participating with the other's counsel. If the Township is requested by Ontario to participate in or conduct the defence of any such Proceeding, Ontario agrees to co-operate with and assist the Township to the fullest extent possible in the Proceedings and any related settlement negotiations. If Ontario conducts the defence of any such Proceedings, the Township agrees to co-operate with and assist Ontario to the fullest extent possible in the Proceedings

and any related settlement negotiations. This section shall survive any termination or expiry of the Agreement.

- 11.06 **Ontario's Non-Liability.** Her Majesty the Queen in right of Ontario, her Ministers, directors, officers, agents, appointees, and employees (the "**Crown**") shall not be liable for any Claims for or by reason of any loss, damage or injury, including death, of any nature or kind whatsoever and howsoever caused, unless resulting from or contributed to by the fault of Ontario or persons for whom Ontario is in law responsible, which may arise in connection with this Agreement. The Lessee shall assume all liability and obligation for any and all such Claims and hereby releases, remises and forever discharges the Crown from same. This section shall survive the expiry or termination of this Lease.

## **ARTICLE 12 TERMINATION**

- 12.01 **Notice of Termination.** Either Party may without liability terminate this Agreement on 30 days written notice, provided that the termination date does not fall on or between the second Friday in May and Thanksgiving Day in any given year.
- 12.02 **Immediate Termination of Agreement.** Ontario may immediately terminate the Agreement without liability upon giving notice to the Township where:
- (a) the Township breaches Article 8 (Conflict of Interest);
  - (b) the Township breaches any provision in Article 9 (Confidentiality and FIPPA/MFIPPA);
  - (c) the Township, prior to or after executing the Agreement, makes a material misrepresentation or omission or provides materially inaccurate information to Ontario;
  - (d) the Township subcontracts for the provision of part or all of the Services or assigns the Agreement without first obtaining the written approval of Ontario;
  - (e) the Township is in default within the meaning of Section 3 of Appendix E;  
or
  - (f) the Township's acts or omissions constitute, in the opinion of Ontario, a substantial failure of performance;

and the above rights of termination are in addition to all other rights of termination specified elsewhere in the Agreement, available at law, or events of termination by operation of law.

**12.03 Dispute Resolution.** The Ontario Representative and the Township Representative shall be the identified as the first parties to meet to settle any disputes.

**12.04 Dispute Resolution by Rectification Notice.** Where the Township fails to comply with any of its obligations under this Agreement, Ontario may issue a rectification notice to the Township setting out the manner and time-frame for rectification. Within seven (7) Business Days of receipt of that notice, the Township shall either: (a) comply with the rectification notice; or (b) provide a rectification plan satisfactory to Ontario. If the Township fails to either comply with that rectification notice or provide a satisfactory rectification plan, Ontario may immediately terminate the Agreement. Where the Township has been given a prior rectification notice, the same subsequent type of non-compliance by the Township shall allow Ontario to immediately terminate the Agreement without the provision of another rectification notice.

**12.05 Township's Obligations on Expiry or Termination.** On expiry or termination of the Agreement, the Township shall, in addition to its other obligations under the Agreement and at law:

- (a) at the request of Ontario, deliver as soon as possible to Ontario all materials, supplies, equipment, machinery, software, hardware and records supplied by Ontario under the Agreement;
- (b) provide Ontario with a report detailing: (i) the current state of the performance of the Services by the Township at the date of termination; and (ii) any other information requested by Ontario pertaining to the performance of the Services and performance of this Agreement;
- (c) provide Ontario with any information or documents requested by Ontario related to the report specified in (b); and
- (d) execute such documentation as may be required by Ontario to give effect to the termination of the Agreement.

This section shall survive any termination of the Agreement.

**12.06 No Claims on Termination.** On termination of the Agreement, the Township shall have no claim for damages, compensation, loss of profit, allowance or otherwise by reason of or directly or indirectly arising out of any action under this Article 12.

## **ARTICLE 13 ONTARIO DUTIES & OBLIGATIONS**

**13.01 Duties.** The Parties acknowledge that Ontario has certain statutory duties and powers in respect of the Park, including pursuant to the PPCRA, and that this

Agreement is not intended to limit or to affect Ontario's ability to perform or exercise same.

- 13.02 **Ontario Obligations.** Ontario shall perform the activities specified in Appendix G, subject to any terms and conditions specified therein.

## **ARTICLE 14 GENERAL PROVISIONS**

- 14.01 **No Indemnities from Ontario.** Notwithstanding anything else in the Agreement, any express or implied reference to Ontario providing an indemnity or any other form of indebtedness or contingent liability that would directly or indirectly increase the indebtedness or contingent liabilities of Ontario, whether at the time of execution of the Agreement or at any time during the Term, shall be void and of no legal effect.
- 14.02 **Ontario Rights and Remedies and Township Obligations Not Limited to Agreement.** The express rights and remedies of Ontario and obligations of the Township set out in the Agreement are in addition to and shall not limit any other rights and remedies available to Ontario or any other obligations of the Township at law or in equity.
- 14.03 **No Other Uses Permitted.** The Township may use the Premises in accordance with this Agreement solely for the purposes of performing the Services and for no other purpose.
- 14.04 **Entire Agreement.** The Agreement embodies the entire agreement between the Parties with regard to the Services and supersedes any prior understanding or agreement, collateral, oral or otherwise with respect to the Services, existing between the Parties at the date of execution of the Agreement.
- 14.05 **Severability.** If any term of the Agreement, or the application thereof to the Parties or to any persons or circumstances, is to any extent invalid or unenforceable, the remainder of the Agreement, and the application of such term or condition to the Parties, persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby.
- 14.06 **Force Majeure.** Neither Party shall be liable for damages caused by delay or failure to perform its obligations under the Agreement where such delay or failure is caused by an event beyond its reasonable control. The Parties agree that an event shall not be considered beyond one's reasonable control if a reasonable business person applying due diligence in the same or similar circumstances under the same or similar obligations as those contained in the Agreement would have

put in place contingency plans to either materially mitigate the effects of such event. Without limiting the generality of the foregoing, the Parties agree that force majeure events shall include natural disasters and acts of war, insurrection and terrorism but shall not include shortages or delays relating to supplies or services. If a Party seeks to excuse itself from its obligations under the Agreement due to a force majeure event, that Party shall immediately notify the other Party of the delay or non-performance, the reason for such delay or non-performance and the anticipated period of delay or non-performance. If the anticipated or actual delay or non-performance exceeds fifteen (15) Business Days, the other Party may immediately terminate the Agreement by giving notice of termination and such termination shall be in addition to the other rights and remedies of the terminating party under the Agreement, at law or in equity.

- 14.07 **Notices by Prescribed Means.** Notices shall be in writing and shall be delivered by postage-prepaid envelope, personal delivery or email and shall be addressed to, respectively, Ontario Address to the attention of Ontario Representative and to the Township Address to the attention of the Township Representative. Notices shall be deemed to have been given: (a) in the case of postage-prepaid envelope, five (5) Business Days after such notice is mailed; or (b) in the case of personal delivery or email, one (1) Business Day after such notice is received by the other Party. In the event of postal disruption, notices must be given by personal delivery or by email. Unless the Parties expressly agree to additional methods of notice, notices may only be provided by the methods contemplated in this section.
- 14.08 **Governing Law.** The Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.
- 14.09 **Condonation Not a Waiver.** Any failure by Ontario to insist in one or more instances upon strict performance by the Township of any of the terms or conditions of this Agreement shall not be construed as a waiver by Ontario of its right to require strict performance of any such terms or conditions, and the obligations of the Township with respect to such performance shall continue in full force and effect.
- 14.10 **Changes By Written Amendment Only.** Any changes to the Agreement shall be by written amendment signed by the Parties. No changes shall be effective or shall be carried out in the absence of such an amendment.
- 14.11 **Agreement Binding.** This Agreement shall ensure to the benefit of and be binding upon the Parties and their successors, executors, administrators and permitted assigns.

14.12 **Appendices Incorporated.** The provisions of the following appendices to this Agreement form part of the Agreement and are hereby fully incorporated herein:

- Appendix A -- PREMISES
- Appendix B – PERFORMANCE STANDARDS
- Appendix C – MAINTENANCE SERVICES
- Appendix C.1 – SECURITY AND ENFORCEMENT SERVICES
- Appendix D – SECURITY CLEARANCE CHECKS
- Appendix E -- OCCUPATIONAL HEALTH AND SAFETY
- Appendix F – VOLUNTEERS
- Appendix G – ONTARIO OBLIGATIONS

**IN WITNESS WHEREOF** the Parties have executed the Agreement.

**HER MAJESTY THE QUEEN IN RIGHT OF  
ONTARIO**

as represented by the Minister of the Environment,  
Conservation and Parks



**Rhonda Card**  
Park Superintendent, Port Bruce Provincial Park



**Greg Wilson**  
Zone Manager, Southwest Zone  
Ontario Parks

**THE CORPORATION OF THE TOWNSHIP OF  
MALAHIDE**



**Michelle Casavecchia-Somers**  
CAO/Clerk



**Dave Mennill**  
Mayor

**APPENDIX A****PREMISES**

The Premises consists of the following lands, structures and facilities, as depicted in the map below:

In the geographic Township of Malahide, now in the Municipal Township of Malahide, in the County of Elgin, containing 7 hectares, more or less, being composed of those parts of the said geographic township designated as Parts 1 and 2, on a plan known as Port Bruce Provincial Park (Recreational Class), filed on September 23, 2010, with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

- (a) those lands delimited to the south by the water's edge of Lake Erie, to the east by the current boundary of the Park (generally in line with Levi Street), to the west by the current boundary of the Park, and to the north of Imperial Road up to the adjacent property and bush line;
- (b) all facilities and infrastructure existing within the lands specified in (a) immediately above, including the parking lot, basketball court and accessible matting; and
- (c) the privy located north of Imperial Road, east of the Sandcastle Restaurant, as identified on the map below.

*Map follows*









# Port Bruce

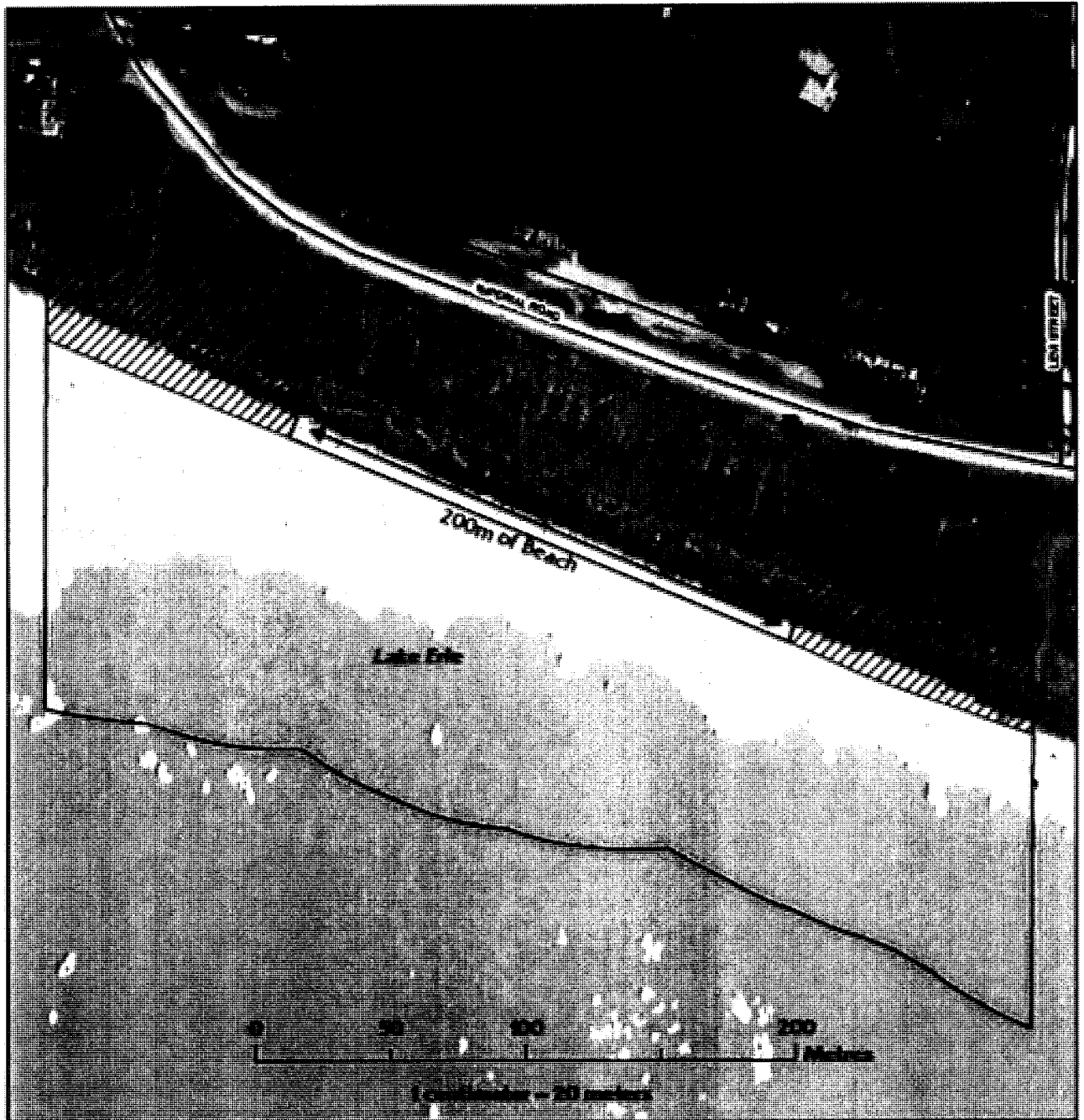


Published January 2, 2008  
 © 2008 Ontario Parks and Forestry  
 This map is illustrative only.  
 Do not rely on it as being a precise reflection of actual  
 conditions or features, but as a guide to usage only.  
 The Ministry of Natural Resources and Forestry (MNR)  
 shall not be liable in any way for the use of or reliance  
 upon this map or any information on this map.  
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## Legend

-  Regulated Part Boundary
-  Buffer Area
-  Roads
-  Center of Beach

Project No.: 17M - 2nd Year II  
 Crown Forest Reserve Order: 888  
 Date: Ontario Land Information System  
 Imagery: TANDEM 218  
 Produced by: Ontario Parks, September 2, 2007



## APPENDIX B

### PERFORMANCE STANDARDS

#### ***High Quality Consistent Services***

1. Using best efforts, the Township will strive to provide park users with a high level of customer service. When a complaint is received by the Township, it shall make every effort within its authority under this Agreement to respond to and resolve the complaint in a timely and effective manner. The Township will refer questions and complaints that it cannot resolve to Ontario in a timely manner.
2. The Township shall not change the nature or extent of the Services or place or install (or permit to be placed or installed) any fixture, equipment or structure at the Park (including the Premises) in the course of performing the Services, except with the prior written consent of Ontario.

#### ***Performance Standards***

3. The following standards will be used to guide, monitor and evaluate the performance of the Township in respect of the Services:

The Township must:

- (a) **act in a respectful, informed and professional manner,**

largely by maintaining a respectful relationship with Ontario, by responding to requests for information, and by striving to meet levels of service outlined in the Ontario Parks Operating Standards;

- (b) **meet the goals, objectives and prescriptions of the Interim Management Statement,**

largely by ensuring that operational activities are consistent with the written prescriptions of the Management Direction and A Class Environmental Assessment for Provincial Parks and Conservation Reserves. Should the Township identify needed changes to the Management Direction, it shall bring them to the attention of the Ontario Representative for consideration;

- (c) **meet the goals, objectives and prescriptions of the *Provincial Parks and Conservation Reserves Act, 2006*, and applicable Ontario Parks operating policies and procedures,**

largely by ensuring that operational activities are consistent with the prescriptions of the PPCRA, *Endangered Species Act* and applicable operating policies and

procedures as identified in the Agreement. Where the Township is in doubt how to proceed, the Township shall consult with and obtain direction from Ontario.

- (d) meet the expectations of customers for clean, kept and well maintained facilities,**

largely by striving to minimize the number of complaints by park users through appropriate scheduling of facility maintenance and repair services. This is a key expectation which, together with (e) and (f) immediately below, will significantly affect the ability of the Township to sustain and increase park use;

- (e) meet the expectations of customers for competent and friendly service,**

largely by striving to minimize the number of complaints by park users through the effective selection, training and management of employees;

- (f) meet the expectations of customers for experiences free from disruptive behaviour by others,**

largely by striving to minimize the number of complaints by park users about noise and other disruption by contacting the local Ontario Provincial Police detachment;

- (g) meet the expectation of legislation and Ministry policy with respect to the safety of staff and the public,**

largely by recognizing the requirements of the law and parks policy in a human health and safety guideline for the Park, by employing personnel with the knowledge and skill to execute the provisions of the guideline;

- (h) operate in a manner so as not to impair the natural and cultural resources of the Park,**

largely by understanding the directions of the Management Direction for the Park and by seeking Ontario's approval before undertaking any activity that is likely to impact the Park's resource base;

- (i) operate in a manner that is harmonious to the local residential and business community,**

largely by listening to and understanding the interests and concerns of the community in regard to the operation of the Premises, and by seeking middle ground solutions when concerns arise;

- (j) meet legislated and generally accepted business practices in the administration of human and financial resources,**

largely through the keeping of records which the Township would normally keep to report to its stakeholders on its business, its expenditures and its revenues and by conforming to the provisions of Ontario's employment standards legislation; and

- (k) **meet the expectations of Ontario's need for information in regard to the Township's business performance,**

largely through the submission of information required to be submitted to Ontario under the Agreement.

## APPENDIX C

### MAINTENANCE SERVICES

The Township shall carry out the following Services at the Premises:

1. **Spring Beach Cleanup.** Commencing prior to the scheduled opening of the park, (late May), the Township, in coordination with Ontario Parks, shall be responsible for the removal of large driftwood and detritus within the 200m at the Premises for the purpose of maintaining the beach in a safe and clean condition. There will be no mechanical raking performed on the beach.

The Township shall be responsible for removing and disposing of the large debris from the beach.

Despite anything to the contrary herein, the Township shall not perform any beach raking or annual cleanup in the vegetated areas of the beach including the fore dunes located at the Premises.

2. **Beach (Litter) Cleaning.** The Township shall be responsible for the collection of litter and general beach cleaning including hazard removal. Litter removal shall be conducted on a daily basis during the weekends during Peak Season and a minimum of 3 times during the week and as required to keep the beach in a reasonably clean state during the spring Shoulder Season.
3. **Garbage Receptacles.** The Township shall collect and remove garbage from the (4) garbage receptacles located in the park on a daily basis every weekend during Peak Season and a minimum of 3 times during the week. Garbage removal during the spring Shoulder Season will be as required to prevent the overflow of receptacles. Township will place the receptacles prior to the park opening and the Township will be responsible for placing them into storage once the park is closed.
4. **Privy Maintenance and Repair.** During the spring Shoulder Season and Peak Season, the Township shall be responsible for the operation of the privy, located north of Imperial Road within Port Bruce Provincial Park. This responsibility includes: washroom cleaning and sanitation, waste removal, general facility maintenance and repairs, provision of supplies and winterizing the comfort stations and blowing out the water lines.
5. **Beach Matting Installation/Removal and Maintenance.** The Township shall be responsible for the maintenance including:
  - installing the beach mat in its designated location, under the guidance of park staff

- cleaning sand off the beach mat;
  - regularly inspecting the mat during the Shoulder Season and Peak Season, ensuring the mat is properly secured to prevent damage to the mat and eliminating any safety hazards;
  - removing the beach mat for winter storage
6. **Grounds keeping.** The Township will be responsible for all grounds keeping north of Imperial Road. This will include all grass cutting and weed whipping, which shall be conducted once per week during spring Shoulder Season and during Peak Season and as required to maintain a reasonably manicured state outside of these operating dates. The basketball court is to be kept in good repair and free of debris, grass/leaf litter during the park's operating season.
7. **Training of Staff.** The Township shall ensure that all staff and authorized subcontractors performing the Services are provided with training in the following areas:
- Hospitality/customer service/visitor services that accords with Appendix B;
  - Park emergency plans/enforcement;
  - Standard First aid, AED and CPR Level C Certification where ever possible; and
  - Ability to relay basic information regarding the surrounding area and provide contact information where ever possible.
8. **Signage.** All existing park signage and emergency contact information (911) will remain on site. The Township shall post and maintain a sign throughout the Term indicating that the facility is maintained by Township of Malahide, with appropriate contact information contained therein.
9. **Semi-Annual Meetings.** Each year, the Township Representative shall meet at least twice with the Ontario Representative by the following dates for the specified purpose:
- (a) prior to April 1<sup>st</sup> (season start-up), to discuss plans for upcoming Services and address any issues or concerns; and
- (b) after October 1<sup>st</sup> (season end) to debrief and raise any issues or concerns with respect to the provision of Services from the past operating season.

## **APPENDIX C.1**

### **SECURITY AND ENFORCEMENT**

#### **General**

1. The Township shall not provide any security or enforcement coverage at the Premises in accordance with this Appendix. Emergencies and enforcement related matters will be directed to the appropriate emergency response agency and/or the Ontario Provincial Police and Ontario will be notified immediately. Inquiries from the public to the Township concerning general park rules and regulations will be referred to Ontario.

Notwithstanding anything to the contrary above, monitoring of the Premises and engaging the public to provide information concerning general park rules and behaviors that are in keeping with the enjoyment of all users may be carried out by persons not designated as park wardens.

For the purpose of this Appendix, the term “enforcement” means acts carried out for the purpose of ensuring compliance with applicable laws and includes inspections and investigations of potential or alleged violations.

#### **Emergencies**

2. The Township shall be responsible for referring emergencies at the Premises to the appropriate emergency response agency and/or the Ontario Provincial Police and notifying Ontario immediately. Emergency contact information is to be posted by Ontario in a visible location at the Premises for public information and assistance.

3. The Township shall immediately notify Ontario of any emergency, accident, loss, damage or injury (including death) to any person or property that occurs at the Premises or area in the Park adjacent thereto.

#### **Lost, Mislaid or Abandoned Property**

4. The Township shall be responsible for the proper handling and storage of any lost, mislaid or abandoned property and shall transfer to Ontario any such property that is unclaimed by the following dates:
  - a) if the property comes into the possession of the Township during the Peak Season, by the last day of the Peak Season;
  - b) if the property comes into the possession of the Township during the Shoulder Season or the Off Season, within three (3) months of the day in which the property comes into the possession of the Township.

**5. The Township shall ensure that it documents and maintains records respecting the receipt and return of all lost, mislaid or abandoned property.**



**APPENDIX D****SECURITY CLEARANCE CHECKS**

1. The Township shall, upon request from the Ministry, require those persons providing services under the Agreement to submit to security checks and the Township may be required to obtain and pay for security clearance. Where such security checks are required the Ministry will provide information on how the Township can obtain them.
2. The Township shall provide to the Ministry, upon request, the names, addresses, dates of birth and consents of the Township's personnel for whom security checks are required. The Township shall designate a chief security officer as the contact for this purpose. Any person who is unable to obtain security clearance, or who refuses to consent to such security checks, shall not be permitted to perform any part of the Work.
3. Security clearance may be suspended or revoked if any person fails to maintain security clearance or security standards required pursuant to the Agreement. The Township shall notify the Ministry of any personnel changes, behaviours, or circumstances for which security clearance may require reconsideration.
4. Security clearance is not awarded in perpetuity. The Ministry may perform, or re-perform, security checks against any person providing goods and/or services under the Agreement at any time and will notify the Township of this requirement.
5. The Township shall be considered in default of the Agreement if it fails to comply with the requirements of this section or if any security clearance results received by the Ministry are found, in the sole discretion of the Ministry, to be incompatible with the proper and impartial provision of the Work in accordance with the terms and conditions of the Agreement.

**APPENDIX E****OCCUPATIONAL HEALTH AND SAFETY****1. Township Compliance with OHSA**

The Township shall be knowledgeable of, and abide by, the provisions of all legislative enactments, by-laws and regulations in regard to health and safety in the province of Ontario, as well as specific health and safety instruction which may be given to the Township by Ontario. Without limiting the generality of the foregoing, the Township shall ensure that it is knowledgeable of and performs all obligations under the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1 (“**OHSA**”), as amended from time to time, including without limitation those set out in sections 25, 26, 37 and 51 of OHSA. Additionally, the Township shall at all material times and at its own expense:

- (a) ensure any sub-contractors are knowledgeable of, agree to, and comply with, all of the provisions and regulations of OHSA and that the rights and remedies available to Ontario under this Appendix E apply to each sub-contractor;
- (b) ensure that all equipment used in connection with the Services is at all times properly and safely maintained by duly qualified personnel and is at all times in good working order, and cooperate with Ontario at the Township's expense to allow Ontario to inspect any such equipment from time to time;
- (c) identify in writing to Ontario the various hazards associated with the Services and of which the Township is aware, and the various procedure and safety practices which the Township shall employ to protect the workers from them;
- (d) notify Ontario in writing of any work-related critical injury and/or public critical injury as defined in the *Occupational Health and Safety Act* within twenty-four (24) hours of the occurrence of any such accident or illness; and to notify Ontario in writing of any work-related injury or illness within one business day.
- (e) provide Ontario as soon as possible with full details of any investigation of, or prosecutions or convictions (whether pending, threatened or otherwise) against the Township under OHSA. The Township irrevocably authorizes the Ministry of Labour to release to Ontario as soon as possible any and all of its records regarding such details, provided in the event of any prosecutions or convictions against the Township or any subcontractor, Ontario may immediately terminate this Agreement;
- (f) ensure that each subcontractor employed by the Township to perform any part of the Services provides Ontario as soon as possible with (i) all details

of any investigations of, or prosecutions or convictions against, it under OHSA, and (ii) authorization to the Ministry of Labour to release any of that Ministry's records on the subcontractor to Ontario or designated representative; failing which, at Ontario's request, the Township shall (at the Township's expense and without any liability on the part of Ontario) replace such subcontractor with another qualified subcontractor approved by Ontario.

## 2. **Compliance Review**

The Township shall at its own expense prior to the commencement of the Services and otherwise as and when requested from time to time, review with Ontario compliance with WSIA and OHSA by the Township and each subcontractor and will implement as soon as possible at its own expense any further measures required by Ontario to ensure such compliance.

## 3. **Remedies for Breach**

In the event of any default or breach of any of the provisions of this Appendix E, or Section 11.04, or of any of the provisions of either WSIA or OHSA (individually, a "Default"), Ontario may without any liability on the part of Ontario:

- (a) require the Township, at the Township's expense, to:
  - (i) cease performance of the Services, in whole or in part, until any such Default is duly rectified, and/or
  - (ii) remove any subcontractor who has Defaulted, if such subcontractor fails to remedy such default as and when required by Ontario; and then replace such subcontractor as soon as possible with a duly qualified competent substitute approved by Ontario;

and the Township by reason of such stoppage or any such required replacement of any subcontractor shall not be relieved from the due, strict and timely performance of its obligations under the Agreement;

- (b) on notice to the Township and at the Township's expense, take such remedial measures as Ontario in its sole discretion considers necessary to remedy any such Default; provided if the Township fails to reimburse Ontario promptly for any expenses related to such remedial measures as and when requested, then Ontario may terminate the Agreement, in whole or in part, under Ontario's rights under the following paragraph 3(c); and
- (c) on written notice to the Township, forthwith terminate this Agreement under Section 12.02, in whole or in part, on account of such default (which shall be deemed to be a substantial failure of performance),

provided the above rights and remedies in favour of Ontario shall be cumulative and may be exercised in any sequence as Ontario determines, and are in addition to, not in lieu of, any other rights and remedies available to Ontario under the Agreement or otherwise available at law, equity or otherwise.

**4. Acknowledgement of Hazards.**

The Township hereby acknowledges that the Services may include occupational health and safety hazards.

**APPENDIX F****VOLUNTEERS**

Any coordinated volunteer initiatives, either on behalf of the Township or local individuals are to be organized and approved through the Park Superintendent prior to any such activities being authorized (hand raking within the 200m section of the beach, tree planting, invasive species removal, etc.). Interested parties are to contact Ontario for stewardship opportunities at Port Bruce Provincial Park and any approved volunteer events would be overseen by Ontario Parks' staff.

**APPENDIX G****ONTARIO OBLIGATIONS**

**Initial Spring Beach Cleanup.** Ontario will direct and assist the Township with the initial large driftwood and detritus removal within the specified 200m of beach. The beach matting will be installed by the Township at the beginning of the park operating season.

1. **Water Testing.** Ontario shall continue to conduct water sampling at its discretion. Ontario will notify the Township of any adverse water sample results and will post notification in the Park as required.
2. **Updated Information.** Ontario shall provide the Township with updated information related to the Park and the Services, including operating policies and form templates, along with the required training related to those updates. Updates will be provided at the same time as they are issued to Ontario staff.
3. **Wildlife Die-Off.** Ontario shall be the lead for all wildlife die-offs, including associated testing and communications. Ontario shall share with the Township the results of all tests conducted on wildlife within the Premises.
4. **Capital Repairs.** Any major capital repairs or issues will be the responsibility of Ontario, this will include park signage.



## Report to Council

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**REPORT NO.:** FIN-23-21  
**DATE:** December 21, 2023  
**ATTACHMENT:** None  
**SUBJECT:** **APPLICATIONS FOR ASSESSMENT ADJUSTMENTS UNDER SECTION 357 AND SECTION 358 OF THE MUNICIPAL ACT, 2001**

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### Recommendation:

**THAT Report No. FIN-23-21 titled “Applications for Assessment Adjustments under Section 357 & 358 of the Municipal Act, 2001” be received;**

**AND THAT, pursuant to Section 357 (a) and (d) of the *Municipal Act, 2001*, the Township’s Treasurer be authorized to amend the Township’s tax collection roll for the amount of \$6,225.21.**

### Background:

Sections 357 and 358 of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Municipal Act”) allow for the reduction, cancellation or refund of taxes. In accordance with the Municipal Act, the Notices of Hearing for the properties listed in Schedule A were delivered to the applicants not less than fourteen days before the date upon which the applications are to be dealt with (December 8, 2023). Applications received by the Township are sent to the Municipal Property Assessment Corporation (MPAC) for review and are returned with either a recommendation for tax adjustment or with no recommendation; which results in no associated tax adjustment.

### Section 357

Upon application to the Treasurer of a local municipality, the local municipality may cancel, reduce or refund all or part of taxes levied on land in the year in respect of which the application is made if:

- A. a property or portion of a property is eligible to be reclassified in a different class of property, and that class has a lower tax ratio for the taxation year than the class the property or portion of the property was in before the change, and if no supplementary assessment is made in respect of the change under subsection 34(2) of the Assessment Act;

- B. property that has become vacant land or excess land during the year;
- C. property that has become exempt from taxation during the year;
- D. building that during the year was razed by fire, demolition or otherwise, or was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- E. a person who was unable to pay taxes because of sickness or extreme poverty;
- F. mobile unit that was removed from the land during the year;
- G. property overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or
- H. in respect of a property which by reason of repairs or renovations could not be used for its normal use for a period of at least three months during the year.

Pursuant to Section 357 subsection (3), an application must be filed with the Treasurer on or before the last day of February of the year following the year in respect of which the application is made.

### Section 358

Section 358 of the Municipal Act permits applications for tax adjustment related to taxes levied in each or either of the two years preceding the year in which the application is made by property owners who are overcharged by reason of any gross or manifest error in the preparation of the assessment roll by MPAC that was an error of fact. This may include, but is not limited to clerical errors and the transposition of figures or typographical errors, but not an error in judgment in making the assessment upon which the taxes have been levied.

These applications relate to taxes levied in each or either of the two years preceding the year in which the application is made.

Pursuant to Section 358 subsection (3), an application must be filed with the Treasurer between March 1 and December 31 of a year and may apply to taxes levied for one or both of the two years preceding the year in which the application is made and the application shall indicate to which year or years it applies.

### Comments:

Schedule A (provided on the following page of this report) identifies the assessment roll number of each property, the reason for the tax appeal and the calculated tax adjustment.



<b>Schedule A - Section 357 &amp; 358 Applications</b>					
<b>Roll #</b>	<b>Type</b>	<b>Address</b>	<b>Reason for Application</b>	<b>Property Tax Reductions</b>	
				<b>Township</b>	<b>Total</b>
3408-000-040-12900-0000	Res	11103 Springfield Rd	Structure demolished	\$635.74	\$1,351.94
3408-014-010-14800-0000	Res Farm	50928 Lyons Line	Structures demolished	\$1,588.08	\$3,608.56
3408-000-060-07200-0000	Res Com	47323-47325 Talbot	Structures demolished	\$383.77	\$926.60
3408-014-010-09305-0000	Res Com	14788 Imperial Road	Commercial removed, tax class change to Res	\$96.48	\$338.11
				<b>\$2,704.07</b>	<b>\$6,225.21</b>

**Financial Implications to Budget:**

The Township annually budgets for property tax adjustments, which come as a result of assessment appeals and other tax adjustments under Sections 357 and 358 of the Municipal Act. The 2023 property tax adjustment budget is currently \$102,500 of which the total reduction thus far during 2023 is \$68,553.56. The total reduction in property taxes is \$6,225.21 of which \$2,704.07 pertains to the Township. Thus, the approval of these reductions is within the proposed budget.

<b>Submitted by:</b>	<b>Approved by:</b>	<b>Approved for Council:</b>
Tanya Hoover Assistant Treasurer/Tax Collector	Adan Boylan Treasurer / Director of Corporate Services	Nathan Dias Chief Administrative Officer



## Report to Council

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**REPORT NO.:** FIN-23-22  
**DATE:** December 21, 2023  
**ATTACHMENT:** None  
**SUBJECT:** Harvest Bowl Grant Applications

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### **Recommendation:**

**THAT Report No. FIN 23-22 entitled “Harvest Bowl Grant Applications” be received;**

**AND THAT facility Harvest Bowl’s 2023 facility rental fees in the amount of \$1,580.16 be waived;**

**AND THAT Harvest Bowl’s 2024 Community Grant Application be received and considered during the Township’s 2024 Budget deliberations.**

### **Background:**

Each year, the Township receives requests for grants from community groups. Fully completed applications for financial assistance are to be received on an annual basis not later than October 31<sup>st</sup> for programs and events for the following calendar year. Completed applications are typically considered on a case-by-case basis by Council during the annual budget process.

Harvest Bowl is a non-profit organization that in 2018 started a program with local farmers to dehydrate unused crops and turn the dehydrated product into soup mixes for the local food banks and area shelters. They have used the South Dorchester Community Hall to prepare vegetables and assemble their soup kits.

### **Comments/Analysis:**

During 2023, in accordance with the Township’s user fee schedule, Harvest Bowl was charged a total of \$1,580.16 (including HST) for facility rentals. In December of 2023, the Township received a community grant application requesting this amount be forgiven for the year. Harvest Bowl has also submitted a community grant application for the 2024 calendar year. Both applications were submitted past the Township’s deadline though Council may elect to fund the requests at their discretion.

Given Council's past showing of support for Harvest Bowl, staff are proposing Harvest Bowl's 2023 facility fees be waived and that their 2024 grant application be received and considered by Council during the 2024 Budget deliberations along with the Township's other community grant applications for the year.

**Financial Implications**

Harvest Bowl's facility rental fees were not budgeted for in the Township's 2023 Budget deliberations and, as such, a Community Grants operating budget deficit of \$1,580.16 will be incurred if Harvest Bowl's 2023 application is approved.

Approved by: Adam Boylan Director of Corporate Services / Treasurer	Approved by: Nathan Dias Chief Administrative Officer
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## Report to Council

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**REPORT NO.:** CLERK-23-06  
**DATE:** December 21, 2023  
**ATTACHMENT:** Joint Diversity, Equity and Inclusion (DEI) Plan  
**SUBJECT:** Elgin County and LMPs Joint Diversity, Equity, and Inclusion Plan 2024-2026

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### **Recommendation:**

**THAT Report No. CLERK-23-06 entitled “Elgin County and LMPs Joint Diversity, Equity, and Inclusion Plan 2024-2026” be received;**

**AND THAT the Plan be approved.**

### **Background:**

The purpose of this report is to provide Council with an opportunity to review and approve the attached Joint Diversity, Equity and Inclusion (DEI) Plan. The Joint DEI Plan is a collaborative effort between the County of Elgin and its Local Municipal Partners. The Joint DEI Plan outlines the DEI progress made and the DEI goals that will be implemented from 2024-2026, across Elgin County.

The Joint DEI Plan was created to reflect best practices and is comparable to work that has been/is being completed by other Municipalities in Ontario. Note: there is no specific legislation that requires Municipalities to have a DEI Plan, however, the Joint DEI Plan does consider, and account for, legislative requirements under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11 (AODA) and the Ontario Human Rights Code, R.S.O. 1990, c. H. 19 (the Code).

### **Comments/Analysis:**

Local Municipal Partners were responsible for providing a list of progress and goals to Elgin County to incorporate in the Joint DEI Plan. Local Municipal Partners will oversee the implementation of the goals set in the Joint DEI Plan between 2024-2026. Collaboration between the County of Elgin and its Local Municipal Partners may take place regarding specific DEI and accessibility-related goals (where applicable).

Malahide DEI Progress (DEI Plan, page 28)

- What do we already do in the recruitment process.
- What do we already do in training of all staff.
- Monitor discrimination in the municipality and act to address it.
- Support individuals who experience discrimination.
- Provide equal opportunities as a municipal employer, service provider and contractor.
- Support measures that promote equity in the labour market.
- Flexible work arrangements to meet the individualized needs of each employee.
- Continue to promote existing resources while creating additional corporate learning opportunities on diversity and inclusion topics that are available to all staff (e.g. mental health, unconscious bias, plain language, anti-oppression).

Malahide DEI Goals (DEI Plan, page 28-29)

- Create a handbook (or guide) on DEI including definitions, FAQs, and tips.
- Include DEI components into the employee performance and evaluation process.
- Develop a benchmark to measure progress and conduct regular staff DEI surveys.
- Ensure there is a clear confidential process for reporting harassment or discrimination in the workplace or in the policies, procedures, goods, services, and facilities.
- Work alongside the Union to identify gaps in DEI awareness and provide training.
- Review recruitment, selection and retention process to ensure best practices are used during the hiring process and consideration is given to DEI.
- Facilitate networking and collaboration with the community to learn from and share ideas and get input from experts on DEI.
- Offer skill-building opportunities that will develop our workforce.
- Encourage opportunities for cross-training and job shadowing across the organization with increased use of courtesy postings.
- Facilitate networking and collaboration to learn from others with expertise in diversity and inclusion.
- Monitor services to ensure they are accessible, inclusive and equitably provided
- Review recruitment, selection and retention process to ensure best practices are used during the hiring process and consideration is given to DEI.

**Financial Implications to Budget:**

N/A.

Submitted by:	Approved by:
Allison Adams, Manager of Legislative Services/Clerk	Nathan Dias Chief Administrative Officer



# Elgin County and Local Municipal Partners Joint Diversity, Equity and Inclusion Plan 2024-2026



Municipality of  
Dutton Dunwich



MUNICIPALITY OF  
West Elgin



the TOWNSHIP of  
**MALAHIDE**  
A proud tradition, a bright future.



TOWNSHIP OF  
**Southwold**

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## **Decolonization and Reconciliation**

The County of Elgin and its Local Municipal Partners are supportive of all communities and will continue to foster meaningful relationships and collaborate with Indigenous communities and partners to advance mutual diversity, equity and inclusion goals.

The County of Elgin supports the Truth and Reconciliation Commission of Canada's work to implement the 94 Calls to Action. The County further supports and encourages its employees to participate in activities and wear orange shirts to honour the National Day for Truth and Reconciliation, which takes place annually on September 30. The County recognizes that decolonization and reconciliation go beyond the scope of the Commission's recommendations, and the County has and continues to work with Indigenous leaders to support the recommendations and other relevant initiatives.

The County of Elgin has implemented a Land Acknowledgement Statement. The full report on the development of a Rural Indigenous Strategy can be viewed in the County Council Agenda Package August 10, 2021, on page 319.

### **Purpose**

The County of Elgin and its Local Municipal Partners are regulated by the *Ontario Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act, 2005*, *Employment Equity Act*, *Ontario's Anti-Racism Strategic Plan* and so forth, and are dedicated to responding to and eliminating patterns of unfair treatment and forms of systemic discrimination that still take place, often resulting from bias, stereotypes, and prejudice. The County and its LMPs recognize that creating a community that celebrates diversity and inclusion ensures that goods, services, and facilities provided meet the needs and ambitions of the entire population.

One of the main objectives of the DEI Plan is to enhance staff awareness and knowledge of diversity, equity, and inclusion, and how it impacts the workforce. Staff will be provided with training, tools and resources that help increase DEI across the County and Local Municipalities.

This Plan strives to:

1. Increase the County and LMPs understanding and deepen the commitment to DEI.
2. Strengthen DEI within the organizational culture and workplace morale.
3. Engage staff in DEI efforts, and foster opportunities for leadership, advancement and development.
4. Identify, remove and prevent barriers to DEI across the County.
5. Determine and implement industry best practices regarding DEI initiatives.

### **Statement of Commitment**

The County of Elgin and its LMPs are committed to creating a workplace environment and community that is diverse, equitable and inclusive for all.



The Diversity, Equity and Inclusion (DEI) Plan aims to:

- Identify and address any forms of discrimination that create barriers to services, community engagement, inhibit flexibility, participation and equity in the workplace.
- Work with marginalized groups to counter historical, attitudinal, structural, systemic, and institutional practices that hinder inclusivity.
- Implement training, programs, and initiatives that recognizes the full range of human differences and ensures fairness and justice.
- Embrace differences amongst employees and residents with empathy and curiosity.
- Create a workplace culture/environment that is safe, open, and inclusive for everyone.
- Increase awareness of the different barriers that prevent DEI in the workforce.

The plan seeks to make employees and residents feel valued and accepted. Further, it strives to remove barriers so that all community members can participate in an equitable environment. The plan emphasizes the importance of recognizing the systematic, structural, unified and intersectional aspects of discrimination, and the benefits of undertaking inclusive action. The plan acts as a framework for embracing diversity in the workplace, and seeks to create policies, procedures and practices that are fair, just, and non-discriminatory.

### **Scope**

This plan applies to all persons who deal with members of the public or other third parties on behalf of the County and its LMPs, whether the person does so as an employee, member of Council, agent, volunteer, student placement, Committee member, or otherwise and all persons who participate in developing the County's policies and procedures governing the provision of goods, services or facilities to members of the public or other third parties.

### **Legislative Authority**

The plan adheres to the legislative requirements set out in the following:

- *Accessibility for Ontarians with Disabilities Act* (AODA)
- *Integrated Accessibility Standards Regulation* (ISAR)
- *Accessible Canada Act*
- *Ontario Human Rights Code* (OHRC)
- *Employment Standards Act* (ESA)
- *Occupational Health and Safety Act*
- *Canadian Charter of Rights and Freedoms*
- *Universal Declaration of Human Rights*
- *International Convention on the Elimination of All Forms of Racial Discrimination*
- *The Citizenship Act*
- *Canadian Multiculturalism Act*
- *Employment Equity Act*
- *Ontario's Anti-Racism Strategic Plan*

In addition to the above legislation, several policies and agreements set out requirements, recommendations and frameworks relating to Indigenous-Municipal governance:

- Treaties
- United Nations Declaration on the Rights of Indigenous Peoples
- Report of the Royal Commission on Aboriginal Peoples
- Truth & Reconciliation Calls to Action
- National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice

### **Plan Coordination**

This plan was created through a collaborative effort between the County Accessibility Coordinator, Human Resources Department, and Local Municipal Partners. All staff are responsible for identifying, removing and preventing discrimination across the County.

The plan went through several phases of revision, and was taken to the Joint Accessibility Advisory Committee for feedback and input. A DEI Survey was circulated amongst staff at the County to identify areas needing improvement and to provide input. Input from the survey was incorporated into the goals section of the DEI Plan.

The final DEI Plan was received and approved by County Council. After County Council approved the plan, it was sent to all LMPs to take to their respective Councils to be received and adopted.

The plan is available on the County and LMPs websites in accessible format.

### **Participating Municipalities**

The Municipality of Bayham	56169 Heritage Line, PO Box 160 Straffordville, ON N0J 1Y0
The Municipality of Central Elgin	450 Sunset Drive, St. Thomas, ON N5R 5V1
The Municipality of Dutton Dunwich	199 Currie Road, Dutton, ON N0L 1J0
The Municipality of West Elgin	22413 Hoskins Line Rodney, ON N0L 2C0
The Town of Aylmer	46 Talbot Street West, Aylmer, ON N5H 1J7
The Township of Malahide	87 John Street South, Aylmer, ON N5H 2C3
The Township of Southwold	35663 Fingal Line, Fingal, ON N0L 1K0

### **Implementation**

In order to implement the DEI Plan, the County and its LMPs will undertake the following actions:

- Review County and LMP documents to ensure the use and incorporation of inclusive and gender-neutral language.

- Collect, analyze, and interpret data and feedback to assist with identifying ways to enhance DEI within the organization, as well as opportunities for engagement with the community.
- Review policies and practices to ensure it aligns with goals outlined in the DEI Plan.
- Increase workplace DEI activities and events to increase engagement and awareness.
- Engage with local businesses and communities to provide recognition of diversity, equity and inclusion initiatives that have a positive impact across the County.
- Create an Intranet and web page for DEI that includes resources and important DEI dates that highlights and celebrates DEI.
- Promote staff awareness and participation in internal and external events for DEI (Black History Month, Women’s History Month, Pride Parade, Orange Shirt Day etc.).
- Ensure recruitment, selection and retention practices account are diverse, equitable and inclusive.
- Provide free training information through the DEI plan and offer training to staff on topics not covered through the free training.

### **Evaluation, Reporting and Outcomes**

The success of the DEI Plan requires that information and communication is transparent, and that the evaluation, reporting, and intended outcomes of the plan are clearly stated.

As laid out in the Ontario Human Rights Code, all employees have a right to Freedom from Discrimination with respect to five social areas and seventeen personal attributes.

The protected grounds for the five social areas include:

1. Employment
2. Housing
3. Services
4. Unions and Vocational Associations
5. Contracts

**The protected grounds for the seventeen personal attributes include:**

1. Citizenship
2. Race
3. Place of Origin
4. Ethnic Origin
5. Colour
6. Ancestry
7. Disability
8. Age
9. Creed
10. Sex/Pregnancy
11. Family Status

12. Marital Status
13. Sexual Orientation
14. Gender Identity
15. Gender Expression
16. Receipt of Public Assistance (housing)
17. Record of Offences (in employment)

The Plan will focus on addressing diversity, equity, and inclusion in the workplace and community, and combat any form of discrimination, direct or indirect. The plan will be updated on an annual basis, as necessary. The DEI Plan provides an overview of diversity, equity and inclusion, and the County and its LMPs goals regarding DEI spanning 2024-2026. The purpose is to provide a high-level overview of all DEI projects and initiatives, and the way that each municipality intends to approach different topics relating to DEI.

### **DEI Progress Reports**

The DEI Plan will be assessed and updated on an annual basis as needed. A DEI Progress Report will be completed annually to demonstrate commitment to implement the DEI Plan goals.

### **DEI Topics**

This list is not exhaustive, there are many other topics that connect to DEI.

- Anti-racism and anti-oppression
  - Indigenous awareness
  - Lasting impact of colonialism
  - Addressing unconscious and implicit biases
  - Black and racialized Canadians
  - Micro-aggressions
- LGBTQ2+
  - Gender identity
  - Sexual orientation
- Accessibility
  - Disability awareness
  - Barriers to accessibility
  - Accommodations in the workplace
- Women
  - Understanding feminism
  - Sexism in the workplace
- Immigrants and Refugees
  - Addressing myths about immigrants and refugees
  - Benefits of a multicultural and diverse workplaces
  - Cultural competence and diversity
- Mental Health
  - Mental health first aid
  - Combatting stigmas and bias towards mental illness and addiction
  - Homelessness

- Age
  - Generational diversity
  - Digital divide

**The outcomes of this plan will be measured using the following:**

- Use surveys to get feedback regarding DEI.
- Obtain statistics and demographic information as it relates to DEI.
- Review statistics/demographic info to identify areas for improvement regarding: recruitment, selection, retention, employee satisfaction, community outreach etc.
- Review HR policies and procedures to ensure industry best practices.
- Get feedback on questions related to diverse, inclusive, and equitable workplaces from exit interviews, stay interviews, and employee engagement questionnaires.
- Examine workplace accommodations to ensure accessibility and inclusivity, consider a Universal Design approach.
- Partner with Council to join the following:
  - Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD -United Nations).
  - Canadian Coalition of Inclusive Municipalities (UNESCO -United Nations)
  - City for All Women Initiative (CAWI).
- Create an annual report to demonstrate progress towards DEI goals laid out in the plan.
- Form DEI related committees at the County level and encourage LMP participation.

## **Overview of Diversity, Equity and Inclusion**

### **Why DEI Matters**

Diversity, equity and inclusion in municipalities is imperative. Systemic discrimination remains an ongoing challenge, and when left unaddressed, these issues can grow and become difficult to mitigate. The community is growing, which can lead to an increase in inequities regarding resources, access and power. These barriers impact marginalized communities' access to healthcare, employment, housing, and County goods, services, and facilities. These inequities negatively impact both the community and the workplace.

Elgin County and its Local Municipal Partners are responsible for the wellbeing and quality of life of its residents. Addressing these inequities can help ensure the inclusion of all residents. DEI creates a more sustainable community where people from all walks of life have the right to, and can participate fully in social, economic, political, and cultural life.

The demographic and economic changes require focused efforts to advance DEI practices and policies to address unfair treatment and forms of systemic discrimination that still take place. This Plan is a systemic response to these imbalances in accessibility, economic status, religious beliefs, ability, gender and gender identity,

geographic location, sexual orientation, race, Indigenous ancestry, age and other similar markers of identity.

The Plan aims to incorporate best practices recognized and identified in various Municipalities plans, practices, charters and reports on DEI, and unite the different initiatives the County is currently undertaking to affirm and advance its commitment and focus on DEI.

### **DEI Statistics in Canada**

In accordance with the Diversity for Social Impact:

- In 2018, 23.6% of the population are foreign-born.
- A majority of immigrants are from Asia.
- Over 6 million people identify as a member of a visible minority group.
- 61.4% of women and 70.1% of men participated in the labour force in 2019.
- In 2016, less than 1/5 of all leadership roles were held by women.
- In 2017, it was reported that 11% of women and 5% of men have a mental health related disability.
- In 2017, for First Nations people living off reserves 51% of women and 40% of men reported unemployment due to not having enough education.

### **DEI Statistics in Ontario**

According to Ontario Public Service Inclusion & Diversity Blueprint:

- Ontario is home to the largest population of Indigenous people in the country.
- 48% of Ontario's population will be racialized by 2036.
- 1 in 7 Ontarians has a disability.
- By 2020, Millennials will make up half of the global workforce.
- The majority of visible minority members live in Toronto, Montreal and Vancouver
- N 2017, 40% of racialized people in Ontario reported experiencing discrimination due to race in the last 5 years.

### **Demographic Profile of Elgin County**

According to the Census Profile 2021 for Elgin County:

- 20% of the population is age 65 and over.
- 9.6% of residents live in low-income status.
- Over 2000 residents identify as Indigenous.
- Over 4200 residents are visibly minorities including South Asian, Chinese, Black, Filipino, Arab, Latin American, Southeast Asian, West Asian, Korean, Japanese, and multiple.
- Over half the population is religious.

The County is a growing and changing community. The population of the surrounding local Municipalities is increasing and becoming more diverse due to everchanging immigration, migration, urbanization, and aging society. For further information on the demographic profile of the County, visit Census Profile 2021 –Elgin County. Due to the

changing demographics, the County is dedicated to focusing its efforts towards advancing inclusive practices and policies.

### **Applying DEI at Work**

DEI can be applied to various areas of the workplace, and can enhance existing practices related to, but not limited to, the following:

- Communications
- Engaging Community
- Gathering Information/Research
- Leading and Supervising
- Monitoring and Evaluation
- Planning: Services, Programs, Events
- Policy and Procedure Development
- Recruitment, Hiring, Selection and Retention
- Strategic Planning
- Training
- Customer Service

### **Benefits of DEI in the Workplace**

According to the OSP Inclusion & Diversity Blueprint, DEI can lead to:

1. **Diverse Talent:** ensuring that the workplace is reflective of the population and better represents the public we serve.
2. **Inclusive Leaders:** allows for better collaboration between the County, its LMPs, internal and external stakeholders and the community.
3. **Diversity of Thought & Experience:** ensures workplace embraces DEI perspectives.
4. **Greater Collaboration:** allows for better creativity and innovation in the organization.
5. **Responsive Public Service:** ensures policies, programs and services are equitable and inclusive.
6. **Increased Innovation:** improves the creativity and diverse thought and decision making.
7. **Better Employee Satisfaction:** ensures employees feel included and are represented throughout the organization.
8. **Team Performance:** enhances team engagement and collaboration
9. **Reduces Bias:** ensures that all employees are treated with respects, and are free from discrimination.

DEI Plans and policies are proven to increase efficiency in customer satisfaction, and contribute to the following improvements for Municipalities:

- Increases social capital, engagement, collaboration, and feeling of belonging.
- Better physical, psychological and social health and safety.
- Decreases healthcare and social services costs.

- Increases economic prosperity and productivity.
- Increases growth and tax revenue.
- Creates a better understanding and empathy for decisions made by the Municipality.

### **CSA Psychological Health and Safety Standard Commitment**

The County of Elgin and its Local Municipal Partners are committed to ensuring a psychologically healthy and safe workplace. Under the CSA Psychological Health and Safety in the Workplace Standard, there is a section pertaining to diversity that indicates the connection between psychological health and safety and diversity in the workplace. It states the following:

#### **Section 4.3.6 Diversity**

Organizations comprise diverse populations and groups.

- The organization shall consider the unique needs of these diverse populations and solicit input when these needs are relevant to complying with the requirements of this Standard.
- The organization shall consider workplace factors that can impact the ability of these workers to stay at work or return to work.
- While psychological health and safety in the workplace is a shared responsibility among stakeholders, the organization should support individual workers to seek assistance internally or externally when needed.
- The organization shall take steps to link workers in need to internal resources and should also take steps to link workers to community or other resources.

#### **Challenges and Directives**

While the County and its LMPs are committed to achieving greater diversity, equity and inclusion, it is important to recognize the challenges with its implementation:

- Financial and resource limitations.
- Competing priorities for staff.
- Uncertain about what best practices or approaches to apply.
- Disbelief inequities exist (ex: “there is no gender pay gap”).
- Limited political support.
- Lack of knowledge regarding the intersectional lens.
- Department DEI initiatives happening in isolation without corporate-wide framework.
- Need for greater demographic data or feedback on DEI.
- Absence of DEI related performance measures.
- Some DEI issues are not given as much attention as others.

#### **These challenges can be addressed by:**

- Realizing that DEI change is fluid, constant and there is no one size fits all approach.



- Change can be achieved through many avenues and is not limited.
- Tensions are not always negative, it is important to address implicit biases to improve awareness and understanding which can result in some discomfort.
- Asking questions is important to determine who is included, what causes exclusion, and how can the organization be more inclusive.
- Issues may be complex and should involve various stakeholders and the community.
- Engagement with community organizations is critical to advancing DEI goals.

The County encourages people to be allies and commit to using info learned to take a stand and advocate for all marginalized groups. Being an ally is not a one-time thing, it is a lifelong learning process of asking questions and turning insights into action.

### **DEI Training**

The County will provide training to:

- All people who are an employee of, or a volunteer with the organization;
- All people who participate in developing the organizations policies; and
- All other people who provide goods, services or facilities on behalf of the organization.

### **General DEI Training**

- An overview of the *Ontario Human Rights Code*
- An overview of the protected grounds in Canada
- Identify common barriers to DEI and how to mitigate them
- Discuss important definitions and their implications in the workplace
- Address intersectionality and privilege as it relates to the workforce
- Discuss the importance of DEI Fundamentals

The training will be appropriate to the duties of the employees, volunteers, Council members, and Committee members. It will be provided on an ongoing basis, and updated as needed. A list of free online training resources will be provided in a DEI Guide on various DEI related topics.

## County of Elgin (EC)

### Elgin County DEI Progress (General)

- Partners with Homewood Health which includes mental health and DEI related resources and supports.
- Participated in Orange Shirt Day to support reconciliation efforts and demonstrating support for Indigenous communities.
- Participated in Pink Shirt Day to support anti-bullying initiatives throughout Canada.
- Provides comprehensive benefit package to employees.
- Engages the Joint Accessibility Advisory Committee on many aspects of accessibility planning and consultation processes.
- Provided ongoing training on the AODA and Ontario Human Rights Code.
- Creation of the Multi-Year Accessibility Plan with LMPs spanning 2021-2026.
- Community and Cultural Services hosted facilities tour and collections review of museum and archives with Chippewas of the Thames First Nation and Oneida Nation of the Thames to review Indigenous collections and discussed ways to work more closely together on future cultural programming.
- Community and Cultural Services have actively been working with Oneida Language and Cultural Centre since 2019 on the following:
  - On-site curatorial support to better display their artifacts to the community.
  - Providing free collection management software to the Centre.
    - They now input their artifacts into the “Museums of Elgin County Database” which we host.
  - Installing (late fall 2023) a 16’ x 8’ mural on the exterior of the Heritage Centre depicting Oneida’s settlement story which went proceeded through Elgin County in 1840.
  - Library staff are working with Oneida’s educational resource centre to promote usage of our system by Oneida residents.
    - Rack cards were mailed to residents in 2022 promoting the Shedden branch.
    - The Digital Services Librarian visits Oneida bi-monthly to distribute cards and promote programs.
- Elgin County Library hosted 2 drag queen story times (Belmont 2019 and Dutton 2022) and work regularly with Rainbow Optimists Club on inclusionary programming.
- Elgin County Library completed the M.I. Understanding Project.
- Elgin County Library participates in the Indigenous Reads program annually.
- Elgin County Library has implemented Library policies that address DEI issues: Collection Development Policy (approved September 2022), Collection Acknowledgement Statement (June 2023, Membership & Circulation Policy, Program Policy (expected approval September 2023).
- Elgin County Library provides opportunities for cardholders to have their voices heard and participate in collection purchasing and that decision making as well

as offer objections to these decisions (e.g. Suggest to Purchase form, Request for Reconsideration form).

- Elgin County Library has amended an approach to holiday stickering of the Library collection through a DEI lens (Collection Development Team project).
- Elgin County Library has analyzed who our Library cardholders are, as well as County residents, and assessing the composition of our collections using a DEI lens and diversity audit for community fit.
- Elgin County Library has selected new purchases and discarding Library collections using DEI information and resources and the Collection Development Policy which includes a DEI lens.
- Community and Cultural Services provided training in 2023 on inclusive labelling and displays of library materials.
- Elgin County Homes & Senior Services have achieved the following progress:
  - Collection and utilization of resident demographic data to plan services and activities:
    - Faith and spiritual program need based on resident demographics
    - Language, culture and ancestral history.
    - Recognition of persons with disabilities and ensuring access to accessible programming.
    - Recreation program development, implementation and review are based on each and collective resident-assessed interests, abilities, past participation, cultural heritage and perceived or actual barriers to promoting inclusion and participation.
    - Information, programming and resources specific to low-German-speaking residents based on the area demographic and assessed need.
  - Elgin Homes Grant projects and projects gather demographic data based on participation and report to the Government of Canada, including mentoring others, age, gender identity, and project benefits and outcomes (2019 - 2022).
  - Leadership Team members actively promote equity, diversity and inclusion:
    - MPT (8 hours volunteer) and 4 Recreationists participated in the Taking it to the Streets Reimagining Dementia "A Creative Coalition for Justice" Art Show and Film Screening. These Hands Project was a featured Art Exhibit. The focus was to create a more just, caring and inclusive society for everyone impacted by dementia—consultation with the Homes Resident and Family Council and resident participants (September 2023).
    - Seniors in Sync Grant project, utilizing technology to recognize individuals' ancestral roots and celebrate diversity in Elgin County through recorded interviews and collaboration with the Elgin County Archives, volunteers and staff (2021).
    - Finding our Heartbeat Drumming Project, utilizing and consulting with Tribal Spirit Music Drums, Studio Arts Music School to create a

virtual drumming program for the residents. It was hands-on and celebrated the diversity and history of drums and their importance worldwide; the project continues in the Homes (2022 - 2023). Staff offered, and MPT and project lead participated in the Indigenous Canada Course provided by the University of Alberta.

- These Hands, a Published Book and Photographic Art Project, celebrates the accomplishments and lifelong contributions of seniors living in our communities. Fifty-seven residents and community members participated in creating the Book and Photographic Art.
- These Hands Art Show with Audio, Elgin-St. Thomas Public Art Gallery (April 2022).
- Recorded in an Audio format (2022) and is currently being created in an accessible e-book format (Cooperative Education Student 2023).
- MPT and Recreationist presented "These Hands" at the City of London Dearness Home to assist and promote similar projects in the long-term care sector.
- MPT and Recreationist attended and presented at the Therapeutic Recreation Ontario Conference (2023). Which provides education and guest speakers related to inclusion, diversity, and the role recreation professionals play in ensuring each individual can reach their highest potential.
- MPT attended and presented at the Recreation Professionals of Ontario Conference "Robotic Technology." Participated in the Inclusive Environments for LGBTQ2, provided by the Egale Human Rights Trust and the Indigenous Cultural Competency Training Cycle 1-4 (2019).
- MPT attended the Aging and Spirituality Conference 2021 (Virtual attendance).
- Terrace Lodge accommodated a Recreation staff with a physical disability utilizing a ride/walker to continue her role in the Home.
- Elgin Homes ensures inclusive volunteer services recruitment, onboarding, training and positions which support and recognize diversity.
- MPTs and Recreationists offer support to individuals with language, culture or persons with disabilities to ensure they have access to resources such as:
  - Local affiliated churches, spiritual resources, and organizations.
  - Adaptive resources and equipment to promote independence through leisure.
  - Access to or collaboration with local agencies that provide support, such as the CNIB, Alzheimer Society, Community Living, Canadian Multifaith Federation, Music Care

Conference, Room 220, and Mennonite Community Services.

- Recreation teams at Bobier Villa and Elgin Manor implemented a collaborative project with Dietary services called “Countries of Discovery”. For each month starting in April of 2023, each home had chosen a country to explore where related programs/activities and residents’ meal (lunch service) were focused during the month (i.e. April = Greece, May = Mexico, October = Germany, etc.) Input from residents, families and staff were strongly promoted to enhance cultural feedback, inclusion and participation. This project continues for the remainder of 2023 and is projected to continue in 2024.

### **EC Human Resources DEI Goals**

The work done to ensure diversity, equity and inclusion is addressed across the County includes, but is not limited to:

- Working with other County departments to support various organizations that emphasize DEI in their mission and values.
- Sign the declaration or join different groups focused on DEI (Canadian Coalition of Inclusive Municipalities, Canadian Coalition of Municipalities Against Racism and Discrimination, City for All Women Initiative etc.).
- Facilitate networking and collaboration with the community to learn from and share ideas and get input from experts on DEI, and uphold an environment where employees feel comfortable expressing their authentic selves at work.
- Establishing a DEI Plan and related procedures and guides.
- Creating a monthly DEI Calendar highlighting important dates (updated annually).
- Include DEI content on HR page on the Intranet (ongoing).
- Compose a list of funding available to Municipalities to support DEI projects (ongoing).
- Supporting projects and initiatives undertaken in the County and local Municipalities that focus on diversity, equity, inclusion, and accessibility.
- Conduct mandatory DEI training for all staff at the County and Council members.
- Encourage staff to take Indigenous Awareness training via the Four Seasons of Reconciliation Professional Development Course or Indigenous Awareness by MOOC.
- Develop anti-discrimination and diversity education campaigns that elevates the voices and perspectives of diverse groups and celebrates diversity (2SLGBTQI+, Racialized Canadians, Indigenous, persons with disabilities, women, etc.)
- Review the anti-harassment and discrimination policies on an ongoing basis, and ensure the process results in appropriate action being taken to address incidents.
- Ensure there is a clear confidential process for reporting harassment or discrimination in the workplace or in the policies, procedures, goods, services, and facilities.
- Review and implement inclusive practices in place to accommodate diverse needs (disability, religious observances, parental/caregiver obligations, and etc.)

- Implement the CSA Psychological Health and Safety Standard and implement initiatives focused on workplace wellness and mental health.
- Ensure people with disabilities continue to be consulted, including through the Joint Accessibility Advisory Committee, regarding decisions that can impact accessibility or create/eliminate barriers.
- Include diverse perspectives in decision making processes that impact the County, the organization, and community.
- Create a handbook (or guide) on DEI including definitions, FAQs, and tips.
- Include DEI components into the employee performance and evaluation process, and ensure that people of diverse backgrounds have equal opportunities for advancement/promotion across the organization.
- Develop a benchmark to measure progress and conduct regular staff DEI surveys.
- Work alongside the Union to identify gaps in DEI awareness and provide training.
- Review recruitment, selection and retention process to ensure best practices are used during the hiring process and consideration is given to DEI.
  - Create standardized job templates that are accessible.
  - Encourage applicants of all backgrounds to apply.
- Apply a DEI lens to all policies, processes, procedures, etc.
- Encourage open conversations around DEI and areas needing improvement.

### **EC Legislative Services (Admin) Goals**

- Provide opportunities for community members to be heard and participate in decision-making processes.
  - This will be accomplished by issuing public surveys (i.e. budget survey) when public input is required, and also by utilizing the Engage Elgin website that allows community members to provide feedback and get information about ongoing County projects.
- Celebration of holidays and important calendar dates for community organizations.
  - With Council's approval, Admin will continue to arrange and hold flag raisings in support of various community organizations (i.e. Elgin County Pride, Childhood Cancer Awareness, Elder Abuse, etc.).
  - Make every attempt to acknowledge significant holidays and cultural milestones through our weekly CAO updates, on the Intranet, and on our Facebook page.
- Representative marketing on municipal platforms.
  - Continue to and make a more conscious effort to include representation of ethnicities, LGBTQ2+ communities in our social media advertising i.e. job postings showing equal representation of men and women and diverse ethnic backgrounds for all county positions.
- Gathering demographic information of surveys of staff and the public.
  - Include questions at the beginning of our surveys asking for information on an individual's background, if they choose to indicate it.

## **EC Community & Cultural Services (Libraries / Archives / Museum) Goals**

- Elgin County Library
  - Continue to recognize and embrace the principles of Truth and Reconciliation with Ontario's diverse Indigenous population.
  - Continue to engage in meaningful dialogue with Indigenous people and First Nation bands and is committed to drawing on resource and strategies developed by the Canadian and International library community.
  - Continue to commit to policies and actions that addresses the value of Indigenous collection materials and enables Indigenous authors and content creators to be included and highlighted.
  - Elgin County Library will continue to offer commit to the provisions of library services for Indigenous people and include plans or policies to partner with Indigenous people and their communities.
  - Accessing and using other DEI toolkits created by community partners for our own programming and outreach work (e.g. STELIP's Planning Events That Are Culturally Inclusive Guidebook).
  - Provide free or low-cost programs for County residents.
  - Continue to provide inclusive programs that meet the needs of everyone, e.g. First Nations Communities Read, Drag Queen Storytime, M.I. Understanding.
  - Ensure program accommodation for sensory or other needs.
  - Ensure the Library has diverse partners and is at community tables to support diverse groups, e.g. Oneida Friendship Resource Centre partnership.
  - Continue to support National Day for Truth and Reconciliation with programs.
  - Continue to review and eliminate outdated subject terms in cataloguing of Library materials through a DEI lens.
  - Continue to evaluate how customers access our systems (and Library services).
  - Provide DEI support to existing Library teams and Committees (Collection Development Team, Collection Reference and Processing Team, Supervisors' Meetings, eResources Team).
  - Provide ongoing regular training and resources for all Library staff with regards to DEI at annual staff development day.
- Elgin County Museum and Elgin County Archives
  - Continue to be committed to the implementation of the Truth and Reconciliation of Canada: Calls to Action as it pertains to museums and archives.
  - Continue to commit to policies and actions that addresses the value of Indigenous collections and the importance of historical research for purposes that may include Truth and Reconciliation, healing, self-awareness, land acknowledgement and treaty rights.
  - Continue to make existing Indigenous and non-Indigenous collections fully available for research and understanding with appropriate descriptive

language that considers Indigenous traditions and methods of communication.

- Continue to commit to repatriating existing Indigenous collections wherever feasible.
- Continue to commit to the provision of museum and archives services for Indigenous people that include plans or policies to partner with Indigenous people and their communities.

### **EC Engineering / Facilities / Planning Goals**

- Ensuring spaces with County owned facilities are sensory-friendly.
- Involve DEI representatives in project planning.
- Continue to design public spaces in accordance with the Building Code and AODA requirements.
- Support and contribute to an inclusive community.
- Create an inclusive and equitable work environment.
- Offer flexible work arrangements to meet the individualized needs of each employee.

### **EC Economic Development / Tourism Goals**

- Inclusive Representation in Tourism Marketing
  - Ensure that all marketing materials, such as videos and photography, accurately represent the diverse demographics of Elgin County, promoting an inclusive and welcoming image to potential visitors.
- Comprehensive Diversity and Inclusion Training
  - Actively participate in ongoing diversity and inclusion training for all department staff, fostering an environment that values and celebrates differences while promoting cultural awareness and sensitivity.
- Enhanced Diversity in Summer Tourism Assistants Recruitment
  - Develop and implement a recruitment process for hiring summer tourism assistants that focuses on increasing representation from diverse backgrounds, fostering a more inclusive and diverse team.
- Engagement through Community Partnerships
  - Strengthen partnerships with community organizations, ensuring all voices are heard in decision-making processes.
- Equitable and Inclusive Service Monitoring
  - Regularly assess and monitor the accessibility, inclusivity, and equitable provision of services, including grant programs and business surveys, to guarantee that they are accessible to all members of the community.
- Diverse and Inclusive Event Planning
  - Incorporate diversity and inclusion principles into event planning, ensuring that all gatherings and consultations are accessible to diverse groups, and actively encourage their participation in regional events and discussions.
- Promotion of Elgin's Diverse Workforce and Community



- Raise awareness about the diverse composition of Elgin County's workforce and community, offering resources to local employers to encourage inclusivity and diversity within their workforce.
- Inclusive Support for Businesses
  - Provide comprehensive support to both existing and new businesses, offering informational resources that guide them in delivering inclusive services that cater to the diverse needs of local residents.
- Empowering Underrepresented Business Owners
  - Actively attract and support businesses owned by underrepresented groups, including new immigrants, through tailored assistance and resources, fostering an environment that promotes their success and growth.
- Amplifying Indigenous History and Practices
  - Increase awareness and knowledge of Indigenous history and cultural practices through educational initiatives. Incorporate land acknowledgments in corporate communications and events, and provide accessible resources for community members to deepen their understanding.
- Elevated Cultural Feedback Mechanisms
  - Enhance feedback collection methods, such as social media and surveys, to gather insights about cultural offerings, enabling continuous improvement and ensuring that cultural programming resonates with the diverse community.
- Provision of Up-to-Date Demographic Data
  - Provide relevant departments and the business community with current data on resident demographics, community changes, and other trends that impact the inclusive delivery of services. This information will facilitate informed decision-making and strategic planning that addresses the evolving needs of the diverse population.

### **EC Finance / Purchasing**

- Continue to ensure that documents are made available in accessible format and/or with communication supports upon request.
- Coordinate with other departments to identify a designated space that can be utilized for meetings that require confidentiality, that ensures full accessibility for people with disabilities.
- Engage in ongoing training on accessibility, diversity, equity and inclusion related topics (implicit biases, accessible customer service, anti-discrimination, etc.).
- Support and contribute to an inclusive community.
- Create an inclusive and equitable work environment.
- Offer flexible work arrangements to meet the individualized needs of each employee.
- Review the process for accessing personal financial information and ensure that employees with disabilities are accommodated upon request.

## **EC Homes & Seniors Services**

- Demonstrate a shared responsibility and commitment to welcoming and affirming communities for all members of the diverse populations who live, work and visit the County of Elgin's Long-Term Care Homes.
- Support the development and implementation of a Long-Term Care Home-specific DEI assessment, which can be utilized at the County of Elgin 3 Long-Term Care Homes, to support equitable and respectful care and services within the Homes. Focus to include areas such as:
  - Mission, Vision and Values that commit us to practice diversity, equity and inclusion,
  - Policy and procedures that promote diversity, equity and inclusion,
  - Including diversity, equity and inclusion as a standing agenda item on committees such as Joint Health and Safety, resident council, family council, etc.,
  - Practices to incorporate DEI into Long-Term Care Homes services and activities,
  - Staff, resident, family and volunteer engagement, and
  - Education and training.
- Participate in the review of Corporate policies and procedures regarding the process for submitting and responding to complaints about harassment and discrimination to ensure it reflects DEI best practices.
- Through the Long-Term Care Home review/assessment process, identify areas for improvement and highlight areas of strength.
- Ensure the application of a DEI lens with regards to the Quality Improvement initiatives at the Homes to support work related to the DEI assessment outcomes.
- Develop a Home specific DEI policy to support residents within the three Long-Term Care Homes that incorporates opportunities for residents to engage in personal reflection and bring awareness to unconscious biases; and recognition that the resident is the expert in their own life, etc.
- Provide training on an ongoing basis to staff on topics related to DEI (implicit bias, anti-discrimination, DEI fundamentals, psychological safety etc.).
- Update new hire (employees and volunteers) orientation programs to include diversity, equity and inclusion.
- Create awareness and taking an inclusive approach to incorporate cultural considerations (based on resident demographics) to plan services and activities such as meal planning and programming processes.
- Continue to include information and resources on DEI related dates and celebrations in communications.
- Continue to ensure staff awareness and encourage the use of Employee Assistance Plan and Homewood Health resources.
- Seek out meaningful partnerships with community-based organizations and community groups to advance equity, diversity and inclusion within the Homes and enhance life for residents from various communities.

## **EC POA / Legal**

- Ensure that all personnel practices align with the County DEI Plan.
  - Review DEI Plan *at least* annually and review internal legal department practices to ensure alignment.
  - Promote engagement with the DEI Plan internally with the department *at least* semi-annually.
- With regard to professional regulatory continuing professional development for licensees of the Law Society of Ontario (“LSO”), exceed the minimum EDI requirement for CPD credits in each annual cycle.
- Support legal industry DEI groups through the LSO and bar associations.
- Ensure that prosecutions have regard to the Gladue Principles where indigenous defendants are involved.
- Provide corporate support advice on policy compliance regarding DEI principles to ensure all departmental practices align with the County DEI Plan.
- In conjunction with the Human Resources department training, deliver annual training through the Management Team on legal obligations regarding human rights and responsibilities regarding forms of discrimination that may occur in the workplace.
- When conducting legal reviews of corporate documents and processes, ensure that all corporate practices within the document align with the County DEI Plan and make recommendations for changes when deficiencies or non-alignment are noted.
- Over a five-year window, review all corporate practices to ensure that internal policies, protocols and procedures align with the County DEI Plan.

## **Municipality of Bayham**

### **Bayham DEI Progress**

- Review policies to ensure best practices for workplace discrimination and harassment.
- Provides clear, confidential processes for reporting any violations of harassment and discrimination.
- Strive for a diverse, talented workforce that is reflective of our community
- Offer an Employee Assistance Program.
- Supports individuals who experience discrimination.
- Offer flexible work arrangements to meet individualized needs of each employee.
- Provides a welcoming culture to enable employees who come from all backgrounds to feel comfortable being their authentic selves at work, fostering an open, safe and inclusive environment for everyone.
- Implemented the following DEI related policies:
  - Personnel Policy
  - Code of Conduct for Members of Council
  - Council/Staff Relations
  - Non-Union Work From Home
  - Accessibility Policies

- Council Pregnancy & Parental Leave
- Construct accessible recreation facilities such as the Port Burwell Gazebo and Vienna Pavilion.
- Provide use of speaking mechanisms to Council on agendas through formal delegation or the use of open forum.

### **Bayham DEI Goals**

- Provide inclusive voting methods for the 2026 Election.
- Incorporate DEI training for new Council in 2026.
- Encouraging diverse perspectives in consultation processes.
- Review selection and recruitment process.
- Develop policies while applying a DEI lens and aligning it with corporate strategic priorities.
- Engage with Elgin County regarding general benefits provision to ensure changing workplace demographics and needs are met.
- Roll out mandatory diversity and inclusion training to all staff, beginning at the management level.
- Create more opportunities to engage youth and seniors.
- Continue to improve access to information and services for all residents.

## **Municipality of Central Elgin**

### **Central Elgin DEI Progress**

- Offers flexible work arrangements to meet the individualized needs of each employee.
- Actions focused on truth and reconciliation through staff education, awareness and reflection to honour the National Day for Truth and Reconciliation, including education sessions on Indigenous history, truth and reconciliation, resources and training materials.
- Ensures that all Council materials receive an accessibility review via Adobe Pro before publishing Agendas in addition to accessibility features included with the iCompass platform.
- Continues to ensure closed captioning for all live-streamed meetings.
- Continues to leverage partnerships and community tables.
- Provides opportunities for community members to be heard and participate in decision-making processes.

### **Central Elgin DEI Goals**

- Increase the diversity of job applicants and new staff hired.
- Provide staff with the knowledge, skills and resources to reduce racism and discrimination, and improve inclusion and diversity.
- Develop a Communications Plan that includes specifications for accessibility requirements.
- Offer car-side Commissioner of Oaths for individuals who aren't able to easily access the municipal office.

- Conduct representative marketing on municipal platforms (Training portals, Website, Social Media).
- Provide opportunities for community members to be heard and participate in decision-making processes.
- Review & adapt the recruitment, hiring, and promotion policies, processes, and practices to ensure barriers to employment are understood & addressed.
- Provide training on how to have 'courageous conversations' to address bias and support DEI.
- Understand who we are and how workplace policies and practices impact us through developing and implementing actions to address gaps.
- Develop and implement process for evaluating organization satisfaction with DEI.
- Encourage opportunities for cross-training and job shadowing across the organization with increased use of courtesy postings.
- Identify and address systemic barriers within the Corporation.

### **Municipality of Dutton Dunwich**

#### **Dutton Dunwich DEI Progress**

- Developed and implemented a DEI Plan and Policy in 2022 to provide a framework to staff that supports existing and future policies and procedures.
  - The plan and framework were provided to all staff to raise education and awareness and equip staff with the knowledge, skills, and resources to reduce racism and discrimination, and improve DEI.
- Strive for a diverse, talented workforce that is reflective of our community.
- Provides a welcoming culture to enable employees who come from all backgrounds to feel comfortable being their authentic selves at work, fostering an open, safe and inclusive environment for everyone.
- Provides clear, confidential processes for reporting any violations of harassment and discrimination.
- Has identified and addressed systemic barriers within the Municipality.
- Works with diverse communities to ensure our programs and services meet the needs of everyone.
- Issues and complaints are addressed in accordance with the procedures outlined in the Harassment and Discrimination Prevention Policy.
- Supports individuals who experience discrimination.
- Implemented various AODA policies to destigmatize and treat others with dignity
- Increased the diversity of job applicants and new staff.
- Reviewed recruitment practices to remove barriers impacting the employment of a diverse workforce.
- Improved collaboration with diverse community members and organizations to actively celebrate National Truth and Recognition day with our local Indigenous communities, schools, and other community members.
- Continue to engage our diverse communities in a meaningful way.
- Developed policies while applying a DEI lens and aligning it with corporate strategic priorities.
- Implemented the following DEI related policies:

- Violence in the Workplace Policy (WE 01-2014)
- Workplace Harassment and Discrimination Policy (WE 02-2014)
- Commitment to a Civil Workplace Environment and Workplace Interactions Policy (WE 03-2014)
- Accommodations in the Workplace Policy (WE 04-2014)
- Emergency Workplace Response for Employees with Disabilities Policy (WE 05-2014)
- Code of Conduct for Employees Policy (WE 12-2014)
- Code of Conduct for Members of Council and Local Boards Policy (WE 17-2114)
- Post-Traumatic Stress Disorder – Anti Stigma Policy (WE 24-2017)
- Council Member/Staff Relationship Policy (WE 25-2020)
- Return to Work – Accommodating Employees with PTSD Procedure (HS&W 75-2017)
- Accessibility Training Procedure (A 09-2017)
- Requests for Accessible Formats and Communication Procedure (A 10-2017)
- Service Animals in the Workplace Procedure (A 11-2017)
- Support Persons Procedure (A 12-2017)
- Waiver or Reduction of Rental Fees for Municipally Owned Facilities Policy (A 23-2019)
- Patron Conduct Policy (AP 02-2015)
- Hiring Policy (RR 04-2014)
- General Grants Policy - Culture and Heritage (F&A 11-2016)

### **Dutton Dunwich DEI Goals**

- Set objectives for advancing DEI at all stages of the employment life cycle, including recruitment, hiring, retention and advancement throughout the Municipality reflecting the qualities and differences of the broader population it serves.
- Ensure budget planning, staffing and other resources necessary to meet our DEI goals are available.
- Provide for DEI education and training.
- Support and promote the breaking down of barriers, deconstructing biases, identifying systemic racism, and fostering and promoting an inclusive, respectful, and welcoming environment for all who interact with the Municipality.
- Continue to commit to the principles of DEI when doing business, delivering services, programs and providing opportunities.
- To provide opportunities for community members to be heard and participate in decision-making process.
- Developing a well-thought out and systematic education plan, including implementing ongoing (vs one-time) Unconscious Bias, Anti-Bias & Diversity Flexible work arrangements to meet the individualized needs of each employee.
- Celebration of holidays and important calendar dates for faith-based groups, human rights groups, and cultural groups.

- Continue to focus on truth and reconciliation through staff education, awareness and reflection to honour the National Day for Truth and Reconciliation, including education sessions on Indigenous history, truth and reconciliation, resources and training materials.
- Seek out and celebrate DEI to mark Black History Month, International Women's Day, Asian Heritage Month, Jewish Heritage Month, National AccessAbility Week, National Indigenous History Month, Pride Month, Emancipation Day and Islamic Heritage Month.
- Providing free or low-cost recreation programs for residents with low incomes.
- Create more opportunities to engage youth and seniors.
- Ensuring spaces are sensory-friendly or offering times with reduced noise and stimulation.
- Understanding and affirming how we need to treat each other through anti-racism training for all staff and management.
- Continue to improve access to information and services for all residents.
- Understanding who we are and how workplace policies and practices impact us through developing and implementing actions to address gaps.
- Establishing anonymous and safe means for staff to share experiences, feedback, and complaints.
- Review Municipal forms for inclusive language and gender neutrality.
- Review the recruitment process.
- Creating programs that provide recognition of DEI activities that positively impact the Corporate culture and foster a welcoming environment for staff.
- Have a Cultural Celebrations Calendar of events.
- Promote staff awareness and participation in events and initiatives i.e., Black History Month.
- Actively attract ethnic businesses.
- Investigate a quiet room/space at a Municipal facility.
- Promote and provide training and/or educational sessions on DEI fundamentals, anti-Black racism/anti-racism.
- Continually reinforce and set expectations for a harassment free and respectful workplace.

### **Municipality of West Elgin**

#### **West Elgin DEI Progress**

- Participate in recognition days to commemorate and raise awareness of important dates relating to DEI (Orange Shirt Day, Pink Shirt Day etc.).
- Sharing of resources and posting information internally and externally related to DEI topics and important DEI related dates.
- Has a process in place for monitoring discrimination and harassment and responding allegations made by employees and/or members of the public.
- Provide equal opportunities as a municipal employer, service provider and contractor.
- Offer flexible work arrangements to meet individualized needs of each employee.
- Provide opportunities for community members to consult and participate in decision-making processes as it relates to DEI and accessibility.

- Ensuring materials and information are accessible and available in language(s) used by the intended audience.
- Celebration of holidays and important calendar dates for faith-based groups, human rights groups, and cultural groups.
- Offers an affordable and accessible transportation option to members of the community.
- Promotes the respect, knowledge, and appreciation of cultural diversity and inclusion of Indigenous and racialized communities in the cultural fabric of the municipality.
- Monitors services to ensure they are accessible, inclusive and equitably provided.

### **West Elgin DEI Goals**

- To provide staff with the knowledge, skills and resources to reduce racism and discrimination, and improve inclusion and diversity.
- To improve collaboration with diverse community members and organizations in West Elgin.
- Provide professional development opportunities and training on topics relating to DEI (unconscious bias, mental health and wellness, anti-discrimination etc.).
- Ensuring the Municipality incorporates a DEI lens when conducting performance evaluations for employees.
- Work alongside the Union to identify gaps in DEI awareness and provide training
- Develop and implement a process for evaluating the Municipality's satisfaction with DEI.
- Continue to identify, promote and reshare resources on topics relating to DEI.
- Develop leadership awareness of DEI and accountability ensuring leaders have an understanding, competence, and resources to discuss a variety of topics relating to DEI.
- Evaluate flexibility and accommodation practices ensuring they meet industry best practice, incorporate and consider DEI, and are barrier free.
- Provide opportunities to welcome newcomers to the municipality.

### **Town of Aylmer**

#### **Aylmer DEI Progress**

- Review recruitment/ candidate pool generation existing and best practices to increase diversity of job applicants and new staff hired. The goal is to attract and leverage a diverse workforce.
- Provide opportunities for community members to be heard and participate in decision-making processes through public engagement aimed at engaging a diverse community. The goal is to improve collaboration with diverse community members and organizations in Aylmer.
- Establishment of a corporate communication policy (2021) to implement best practices, with the goal of engaging a diverse community.



- Encourage opportunities for cross-training and job shadowing across the organization.

### **Aylmer DEI Goals**

- Reviewing organizational capacity and need for specific positions or departments to support DEI work.
- Reviewing organizational complaint processes to ensure complaints stemming from one of more of the protected grounds of the Ontario Human Rights Code are addressed appropriately.
- Continued review and consideration of flexible work arrangements to meet the individualized needs of each employee.
- Continue working with community organizational stakeholders to ensure that diverse populations are able to effectively and efficiently engage with Town programs and services. Part of this includes engaging diverse communities in a meaningful way.
- Increase vigilance against systemic and individual discrimination. Support individuals who experience discrimination.
- Monitor services to ensure they are accessible, inclusive and equitably provided
- Create more opportunities to engage youth and seniors.
- Provide opportunities to welcome newcomers to the municipality.

## **Township of Malahide**

### **Malahide DEI Progress**

- What do we already do in recruitment process.
- What do we already do in training of all staff.
- Monitor discrimination in the municipality and act to address it.
- Support individuals who experience discrimination.
- Provide equal opportunities as a municipal employer, service provider and contractor.
- Support measures that promote equity in the labour market.
- Flexible work arrangements to meet the individualized needs of each employee.
- Continue to promote existing resources while creating additional corporate learning opportunities on diversity and inclusion topics that are available to all staff (e.g. mental health, unconscious bias, plain language, anti-oppression).

### **Malahide DEI Goals**

- Create a handbook (or guide) on DEI including definitions, FAQs, and tips.
- Include DEI components into the employee performance and evaluation process.
- Develop a benchmark to measure progress and conduct regular staff DEI surveys.
- Ensure there is a clear confidential process for reporting harassment or discrimination in the workplace or in the policies, procedures, goods, services, and facilities.
- Work alongside the Union to identify gaps in DEI awareness and provide training.

- Review recruitment, selection and retention process to ensure best practices are used during the hiring process and consideration is given to DEI.
- Facilitate networking and collaboration with the community to learn from and share ideas and get input from experts on DEI.
- Offer skill-building opportunities that will develop our workforce.
- Encourage opportunities for cross-training and job shadowing across the organization with increased use of courtesy postings.
- Facilitate networking and collaboration to learn from others with expertise in diversity and inclusion.
- Monitor services to ensure they are accessible, inclusive and equitably provided
- Review recruitment, selection and retention process to ensure best practices are used during the hiring process and consideration is given to DEI.

### **Township of Southwold**

#### **DEI Progress**

- Provided staff with the knowledge, skills and resources to reduce racism and discrimination, and improve inclusion and diversity.
- Provide opportunities for community members to be heard and participate in decision-making processes.
- Offer flexible work arrangements to meet the individualized needs of each employee.
- Established anonymous and safe means for staff to share experiences, feedback, and complaints.
- Actions focused on truth and reconciliation through staff education, awareness and reflection to honour the National Day for Truth and Reconciliation, including education sessions on Indigenous history, truth and reconciliation, resources and training materials.
- Provided clear, confidential processes for reporting any violations of harassment and discrimination policies.
- Encouraged opportunities for cross-training and job shadowing across the organization with increased use of courtesy postings.
- Implemented secondments and acting assignments as a tool for employee development and create supporting policies and procedures.
- Developed and implemented a diversity and inclusion lens to help staff identify barriers in Regional policies, programs and services.

#### **DEI Goals**

- Developing a well-thought out and systematic education plan, including implementing ongoing (vs one-time) Unconscious Bias, Anti-Bias & Diversity Training – starting with leaders and champions.
- Developing supportive resources like a DEI Lens Toolkit to support staff across the municipality to integrate DEI into their work (see Ottawa's EI Lens Handbook, Appendix A), or a DEI Guide or DEI Policy to supplement the DEI Plan.
- Roll out mandatory diversity and inclusion training to all staff, beginning at the management level.

- Create a quick reference handbook on diversity and inclusion that includes definitions, FAQs and tips on the best way to address issues and inappropriate behavior.
- Create more opportunities for education and awareness on DEI topics for residents.

## Communication and Contact Information

### Feedback

The County and its Local Municipal Partners accept all feedback from members of the public relating to the provision of accessible goods, services or facilities as it pertains to diversity, equity, inclusion and accessibility.

The County and its Local Municipal Partners will develop procedures that specify the actions that will be taken if a complaint is received about the manner it provides goods, services or facilities. Information regarding the feedback process will be posted on the County's website. Individuals can request this information by contacting the County.

### Compliance

The County is compliant with the various legislative requirements that oversee diversity, equity and inclusion throughout the Province of Ontario and Canada as a whole.

This plan will be available on Elgin County's website, located at [www.elgincounty.ca](http://www.elgincounty.ca). A hard copy can be obtained by contacting the County's Human Resources Department.

### Local Municipal Partner Websites

Municipality of Bayham: <https://www.bayham.on.ca/>

Municipality of Central Elgin: <https://www.centralelgin.org/en/index.aspx>

Municipality of Dutton Dunwich: <https://www.duttondunwich.on.ca/>

Municipality of West Elgin: <https://www.westelgin.net/en/index.aspx>

Town of Aylmer: <https://aylmer.ca/>

Township of Malahide: <https://www.malahide.ca/en/index.aspx>

Township of Southwold: <https://www.southwold.ca/en/index.aspx>

### Contact Information

The County encourages people to reach out if they have any questions, comments, or concerns regarding the County DEI Plan, or with accessing goods, services, and/or facilities.

**Address:** 450 Sunset Drive,  
St. Thomas, ON, N5R 5V1

**Email:** [hr@elgin.ca](mailto:hr@elgin.ca)

**Phone:** 519-631-1460 x 125

**Website:** [www.elgincounty.ca](http://www.elgincounty.ca)

**This document is available in accessible format and/or with communication supports, upon request.**



## Report to Council

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**REPORT NO.:** DS-23-35  
**DATE:** December 21, 2023  
**ATTACHMENT:** Report Photo, Application, Recommended Conditions  
**SUBJECT:** **Application For Consent to Sever No. E5-24 Of Gregory Underhill Farms Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc)**  
**LOCATION:** Part Of Lots 34 And 35, Concession 1, Part 4 Of 11R-5475, Township of Malahide (53367 Nova Scotia Line)

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### **Recommendation:**

**THAT Report No. DS-23-35 entitled “Application for Consent to Sever No. E5-24 of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc” be received;**

**AND THAT the Application for Consent to Sever of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc relating to the property located at Part of Lots 34 And 35, Concession 1, Part 4 of 11R-5475, Township of Malahide and known municipally as 53367 Nova Scotia 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.**

### **Background:**

The subject application for Consent to Sever (the “Application”) has been submitted by Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc to sever an existing dwelling as a result of a farm consolidation and to establish an easement for shared vehicular access and municipal water servicing.

The Application relates to the property located at Part of Lots 34 And 35, Concession 1, Part 4 of 11R-5475, Township of Malahide and known municipally as 53367 Nova Scotia Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on January 24, 2024.

**Comments/Analysis:**

The subject farm property is approximately 31.5 hectares (77.8 acres) in area, has approximately 213.8 metres (701.4 feet) of frontage along Nova Scotia Line, and contains an existing single-detached dwelling and detached garage. The subject property is bounded by non-farm residential use and agricultural land to the north, and agricultural land to the south, east and west. A watercourse crosses through the northern end of the subject lands and separates the existing buildings from Nova Scotia Line. Access to the dwelling is currently provided over an existing culvert.

Based on the information provided by the applicant, the owners farm multiple farm parcels in the area and the existing dwelling has become surplus to their needs. Due to the location of the watercourse and the existing municipal water connection, the owners are also proposing an easement to provide vehicular access to the proposed severed parcel and to allow for the existing municipal water connection to remain in its current location. A 20-metre strip of land along the eastern boundary of the property is proposed to be severed with the surplus farm dwelling that would provide lot frontage on a public road. This is intended to allow for the cultivated portion of the property to the east of the existing laneway to remain with the retained farm parcel and continue to be used for agricultural purposes.

**Provincial Policy Statement (PPS)**

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation for the purposes of severing an existing dwelling that has been rendered surplus as a result of farm consolidation, provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate private services, as well as it is ensured that residential dwellings are prohibited on any remnant parcel of farmland (Section 2.3.4.1c).

The proposed severed parcel is of a minimum size (1.11 ha) to accommodate the existing dwelling and private services. A Zoning By-law Amendment will be required as a condition of consent approval to rezone the proposed retained parcel to prohibit future residential uses. The Zoning By-law Amendment would also rezone the proposed severed parcel, including a site-specific provision to permit a reduced lot frontage.

**County of Elgin Official Plan**

The subject property is designated "Agricultural Area" on Schedule 'A', Land Use Plan, and the northeast corner, western property line and the southern portion contain "Woodlands" on Appendix 1, "Natural Heritage Features and Areas". The subject property has no noted areas on Schedule 'C' of the County Official Plan (Aggregate and Petroleum Resources). In addition to the above, the subject property is identified as having frontage along a "County Collector" and "Tourism Corridor" on Schedule 'B', "Transportation Plan".

Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that development of a new residence is prohibited on any retained farmland (Section E1.2.3.4b). As a condition of approval, a Zoning By-law Amendment will be required to rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling. As noted above, the Zoning By-law Amendment would also rezone the proposed severed parcel,

including a site-specific provision to permit a reduced lot frontage for the proposed severed parcel.

Consents may be granted in the Agricultural Area for legal or technical reasons, including easements (Section E1.2.3.4). The proposed easement would accommodate the existing vehicle access and the existing water servicing connection.

Natural Heritage features, such as Woodlands shall be protected (Section D1.2.1). However, it is noted that the severance of the surplus farm dwelling is not anticipated to impact the woodland feature.

### **Malahide Official Plan**

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan). The southern portion of the property is designated as “Natural Heritage” on Schedule ‘A1’ (Land Use Plan) and “Provincially Significant Woodlands” and “Hazard Lands” on Schedule ‘A2’ (Constraints Plan).

Section 2.1.7 of the Official Plan permits lot creation for the severance of a surplus farm dwelling provided certain criteria are met, including that the existing dwelling be occupied for a minimum of ten years and a land use conflict is not created with agricultural operations in the surrounding areas (Section 2.1.7.1). The existing dwelling has been in existence for more than 10 years and is not anticipated to create a land use conflict with surrounding agricultural operations. Surplus farm dwelling severances are exempt from Minimum Distance Separation under Section 2.1.3 of the Official Plan.

The Official Plan requires that the severed parcel is able to be serviced by a private sanitary waste disposal system and a potable water supply that is situated within the severed lot, is located within 100 metres of an opened travelled road, and the severed parcel be rezoned to permit surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law and the existing septic system and well are located within the lot boundaries. The proposed lot and existing dwelling are located within 100 metres of a public road.

The Official Plan also requires that the proposed retained farm parcel be of suitable size to support agricultural uses, meet the provisions of the ‘Special Agriculture (A2) Zone’, and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4a, 2.1.7.4b, 2.1.7.4c). Provided the approval of a Zoning By-law Amendment is granted to rezone the proposed severed and retained lots, the application meets these criteria of the Official Plan.

Consents for the creation of easements are permitted in any land use designation provided the severed and retained parcels comply with the other requirements of the Official Plan and Zoning By-law (8.7.1.7).

It is noted that the portion of the subject land designated as ‘Natural Heritage’ is located over 500 metres away from the proposed severed lot and, as a result, the severance of the surplus farm dwelling is not anticipated to impact the woodland feature.

### **Malahide Zoning By-law No. 18-22**

The subject property is within the “A1”, on Key Map 104 of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is within the “Conservation Authority Regulated Lands Overlay”.

As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. It is recommended that the proposed retained parcel be rezoned to the ‘Special Agricultural (A2)’ zone to prohibit residential dwellings. The proposed retained parcel meets the minimum lot area and frontage requirements of the A2 zone.

It is also recommended that the proposed severed parcel be rezoned to the ‘Small Lot Agriculture – Site Specific (A4-XX)’. This zone is intended to be applied to lots that are created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The site-specific provision would seek to permit a reduced lot frontage of 20 metres, whereas the Zoning By-law requires a minimum lot frontage of 30 metres in the ‘A4’ zone.

The proposed severed parcel meets all other zoning requirements of the A4 zone.

**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.

**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 A CONSENT TO SEVER**

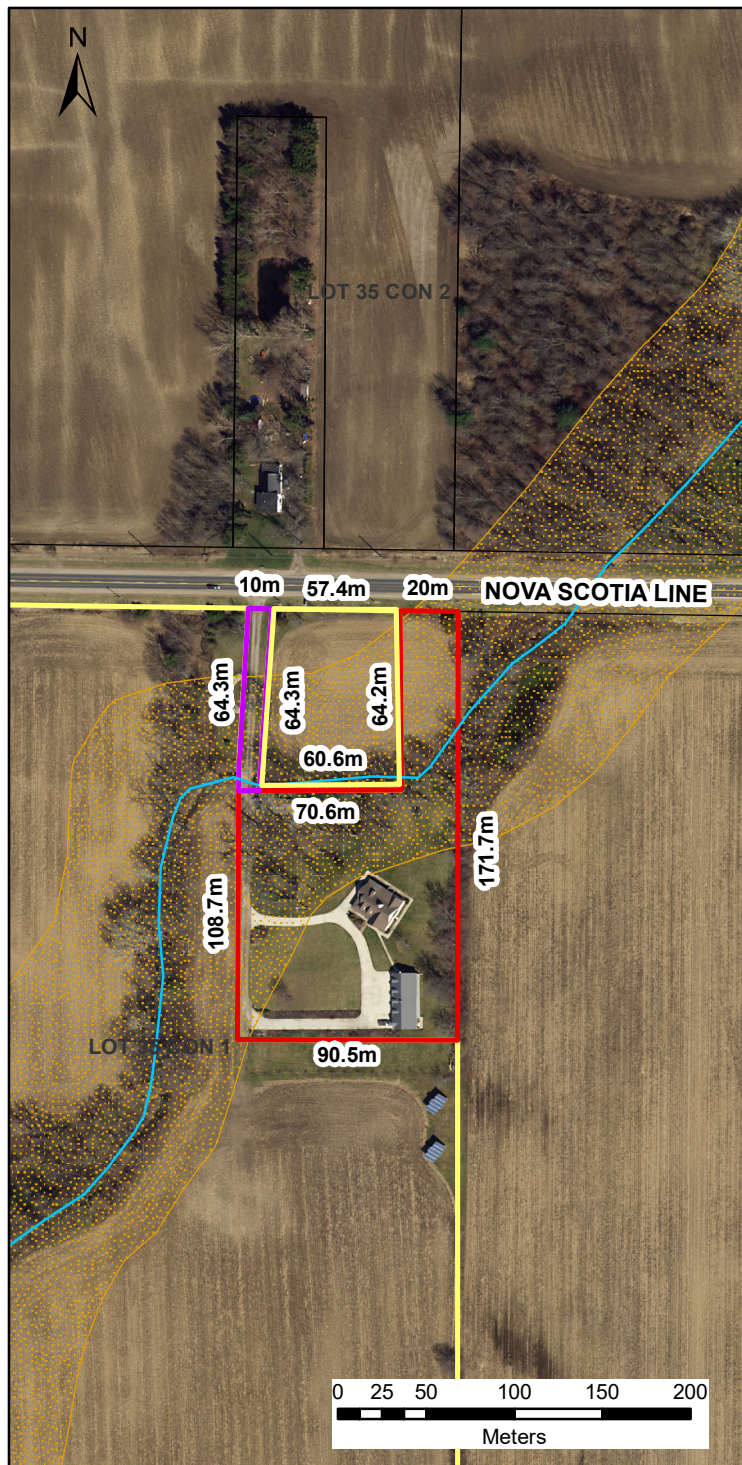
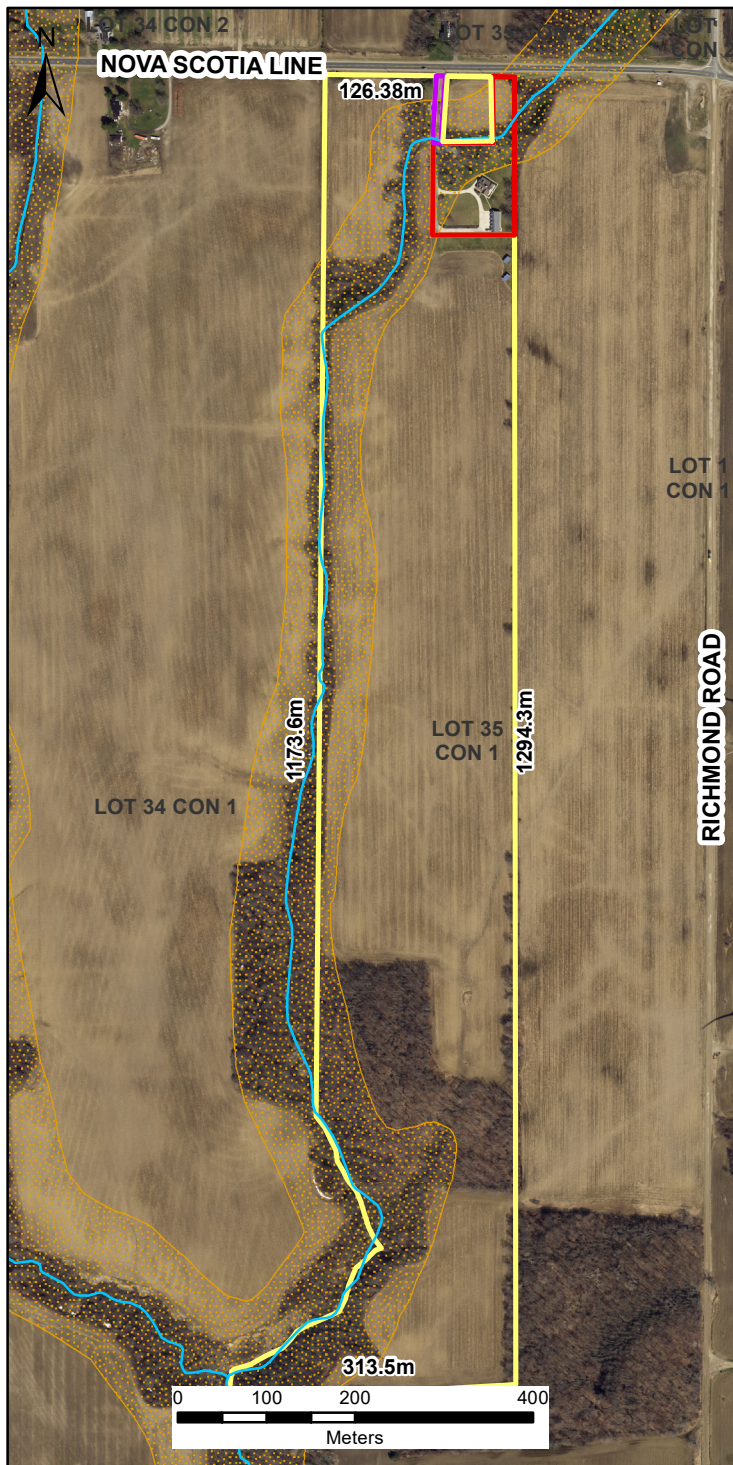
**Owners: Gregory Underhill Farms Ltd**

**Authorized Agent: David Roe C/O Civic Planning Solutions Inc**

53367 Nova Scotia Line

Part Of Lots 34 And 35, Concession 1, Part 4 Of 11R-475,  
Township Of Malahide

**Township  
of Malahide  
Figure 1**



OFFICIAL PLAN DESIGNATION  
Agriculture

ZONING  
A1 General Agricultural



Lands to be retained



Lands to be severed



Proposed easement



Hazard Lands



Existing Drain Culverts





53367 Nova Scotia Line

**APPLICATION FOR CONSENT**

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
2. (a) Name of Owner Gregory Underhill Farms Ltd.  
 Address 54970 Nova Scotia Line, Port Burwell, ON N0J 1T0  
 Telephone Number 226-456-1090 Email underhilltrucking.1952@gmail.com
2. (b) Name of owner's solicitor or authorized agent David Roe , Civic Planning Solutions Inc.  
 Address 61 Trailview Dr. Tillsonburg, ON N4G 0C6  
 Telephone Number 519-983-8154 Email dfrfez@me.com
2. (c) Name of Applicant same as owner  
 Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_ Email \_\_\_\_\_  
 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: <table border="0" style="width: 100%;"> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>creation of a new lot</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>addition to a lot</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>surplus farm dwelling**</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>technical severance</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>other (specify) _____</td></tr> </table>	<input type="checkbox"/>	creation of a new lot	<input type="checkbox"/>	addition to a lot	<input checked="" type="checkbox"/>	surplus farm dwelling**	<input type="checkbox"/>	technical severance	<input type="checkbox"/>	other (specify) _____	Other: <table border="0" style="width: 100%;"> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>mortgage/charge</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>lease</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>easement/R.O.W.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>correction of title</td></tr> </table>	<input type="checkbox"/>	mortgage/charge	<input type="checkbox"/>	lease	<input checked="" type="checkbox"/>	easement/R.O.W.	<input type="checkbox"/>	correction of title
<input type="checkbox"/>	creation of a new lot																		
<input type="checkbox"/>	addition to a lot																		
<input checked="" type="checkbox"/>	surplus farm dwelling**																		
<input type="checkbox"/>	technical severance																		
<input type="checkbox"/>	other (specify) _____																		
<input type="checkbox"/>	mortgage/charge																		
<input type="checkbox"/>	lease																		
<input checked="" 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:  
unknown
- (c) If a lot addition, identify the assessment roll number and property owner of the lands to which the parcel will be added:  
 \_\_\_\_\_

4. (a) Location of land:

Municipality Malahide Concession No. 1  
 Lot(s) No. 35 Registered Plan No. \_\_\_\_\_  
 Name of Street Nova Scotia Line Street No. and/or 911 No. 53367  
 Assessment Roll No. 340800001106300

(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) + easement for access and water line

Frontage 20m Depth 171.7m Area 1.11ha  
10.0m easement 64.31m easement 0.06ha easement  
 Existing Use Agricultural Proposed Use Residential

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

Existing Dwelling and garage

Proposed Nothing proposed

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

Frontage 193.8m Depth 1466m Area 30.39ha  
 Existing Use Agricultural Proposed Use Agricultural

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

Existing Nothing

Proposed Nothing proposed

7. Number of new lots proposed (including retained lots) \_\_\_\_\_

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 checked="" type="checkbox"/> )	( <input type="checkbox"/> )
Privately owned and operated individual well **	( <input type="checkbox"/> )	( <input 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 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)

**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?  
existing services

\_\_\_\_\_

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

\_\_\_\_\_

13. What is the existing Zoning designation(s) of the subject land?  
A1

\_\_\_\_\_

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
- 

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:

Who the severance was granted to \_\_\_\_\_

Use of parcel \_\_\_\_\_

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

Section 2.3.4.1 c) surplus farm dwelling

---

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

---

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:  
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

APPENDIX "B"  
**Surplus Farm Dwelling Information Form**

in Support of an Application for Consent under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

1. Details of Subject Lands			
Municipal Address 53367 Nova Scotia Line			
Legal Description Part Lot 35, Concession 1` Malahide			
Lot Area (metric): 31.5ha	Lot Frontage (metric): 213.8m	Lot Depth (metric): 1466m	Year the surplus dwelling was constructed: 2000
Provide confirmation that the surplus dwelling is capable of human habitation, and that it is not a farm help house: Dwelling currently being occupied by renter			
Is the proposed Surplus Farm Dwelling a result of farm consolidation? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>			
2. Proposed Transaction			
Identify the proposed transaction (i.e. the proposed severance) – to whom will the severed lot and retained agricultural lands be sold or conveyed to? Please include details on purchaser/purchasee  current owner			
Identify how/why the dwelling is surplus to the needs of the owner due to farm consolidation  Dwelling not needed for the type of farm operation			
3. Details of the Lands Farmed by the Person to whom the Dwelling is Surplus			
To whom is the dwelling surplus? <span style="float: right;"><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Purchasing Farmer</span>			
Total area of land farmed (metric): 1416 ha	Total area of farm land owned (metric): 526 ha		
Identify the locations of all lands farmed by the owner: See attached list			
4. Farm Business Status			
Is the farm property on which the surplus farm dwelling located eligible for the Farm Property Class Tax Rate Program? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>			
Does the property owner have a valid Farm Business Registration Number? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, please provide the Farm Business Registration Number: 2869113			
Does the purchasing farmer have a valid Farm Business Registration Number? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, please provide the Farm Business Registration Number:  n/a			

**5. Principal Residence of the Owner**

Identify the location of the owner's principal residence:

55032 Vienna Line, Port Burwell

Does the owner own or rent their principal residence?

 Own Rent

Does the owner own any other dwellings?

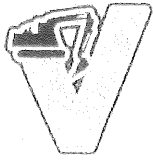
 Yes No

If yes, identify the location of all other dwellings owned by the owner:

54161 Vienna Line, 53367 Nova Scotia Line

**PLEASE NOTE:**

If the purchasing farmer or owner cannot provide sufficient evidence as to their farm business status/status as a farmer, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee. Additionally, if the surplus farm dwelling criteria contained in the Official Plans of both Elgin County and the local municipality cannot be met, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee.



VanGorp Drainage & Excavating Inc.  
12709 Imperial Road, R.R. # 2  
Springfield, Ontario N0L 2J0  
(519)765-4445 FAX (519)765-4730  
Cell 519-521-9086

To Whom it may concern,

I have inspected the weeping beds at the location of Greg Underhill, Greg and Jocelyn Underhill, 53367 Nova Scotia Line, Part Lot 34 & 35, Con.1

The existing septic systems and tank are in good condition, and meet the approval of Van Gorp Drainage and Excavating Inc. Please contact me for further information if needed. Our company BCIN number is 17382. Please note, we are not responsible for any issues with the weeping bed after the inspection is done.

Regards

A handwritten signature in black ink, appearing to read 'Jason Van Gorp'. The signature is fluid and cursive, with a large initial 'J' and a long, sweeping tail.

Jason Van Gorp





**Legend**

Greg + Jorelyn  
 Underhill  
 53367 Nova Subdivine  
 Part lots 34 + 35 Cons 1

200 ft

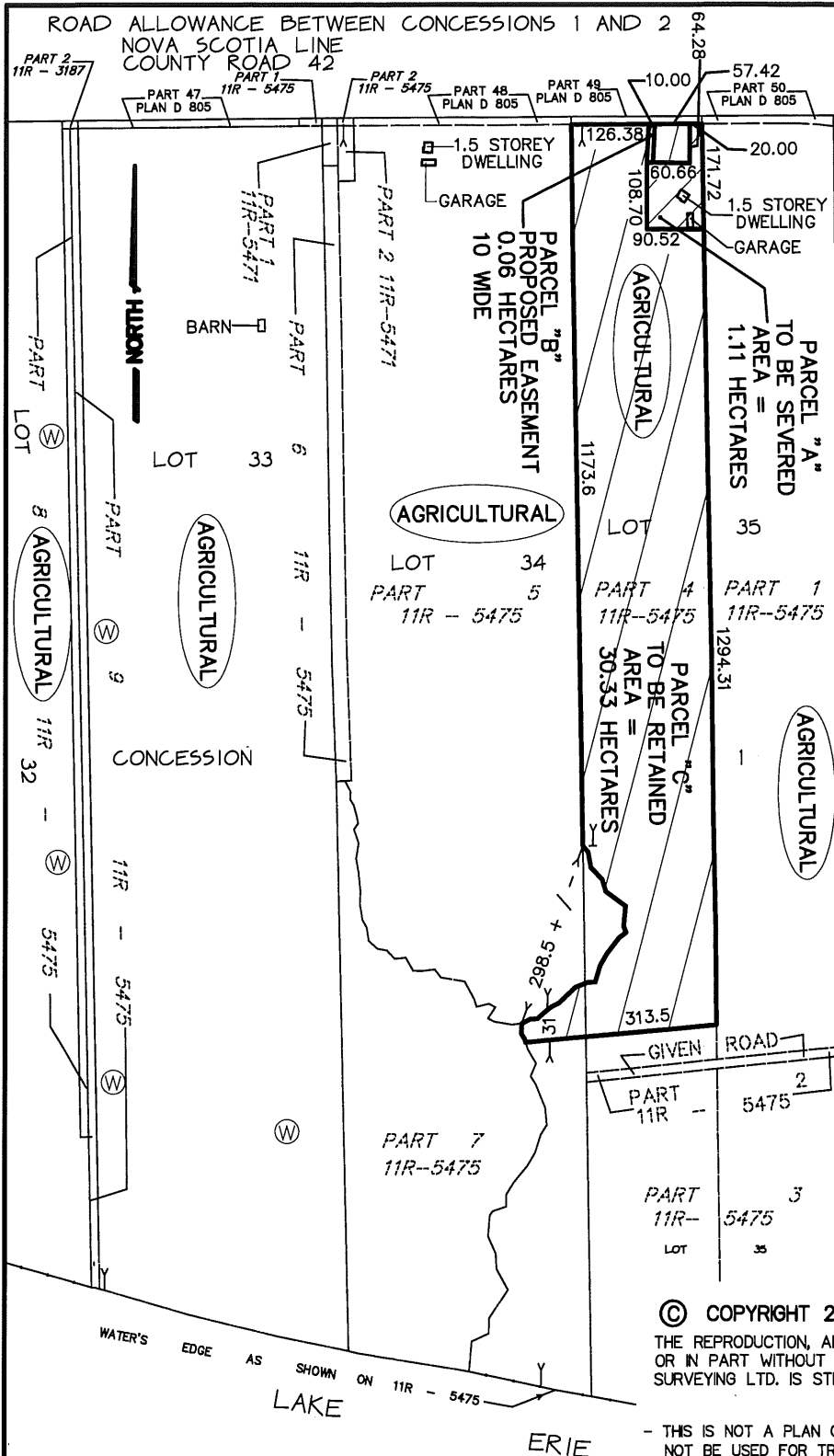


**Greg Underhill**

Write a description for your map.

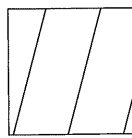
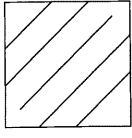
Google Earth

Image SWOOP: Elgin County



SKETCH FOR PROPOSED SEVERENCE FOR GREG UNDERHILL FARMS LIMITED NOT TO SCALE

ROAD ALLOWANCE BETWEEN TOWNSHIPS OF MALAHIDE AND BATHAM

- ⊙ DENOTES WIND TURBINE
-  DENOTES TO BE RETAINED
-  DENOTES TO BE SEVERED

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LEGAL DESCRIPTION  
PART OF LOTS 34 & 35  
CONCESSION 1  
TOWNSHIP OF MALAHIDE  
COUNTY OF ELGIN

**KIM HUSTED SURVEYING LTD.**  
ONTARIO LAND SURVEYOR  
30 HARVEY STREET, TILLSONBURG ONTARIO, N4G 3J8  
PHONE: 519-842-3638 FAX: 519-842-3639  
PROJECT: 23-18762 REFERENCE: FILE

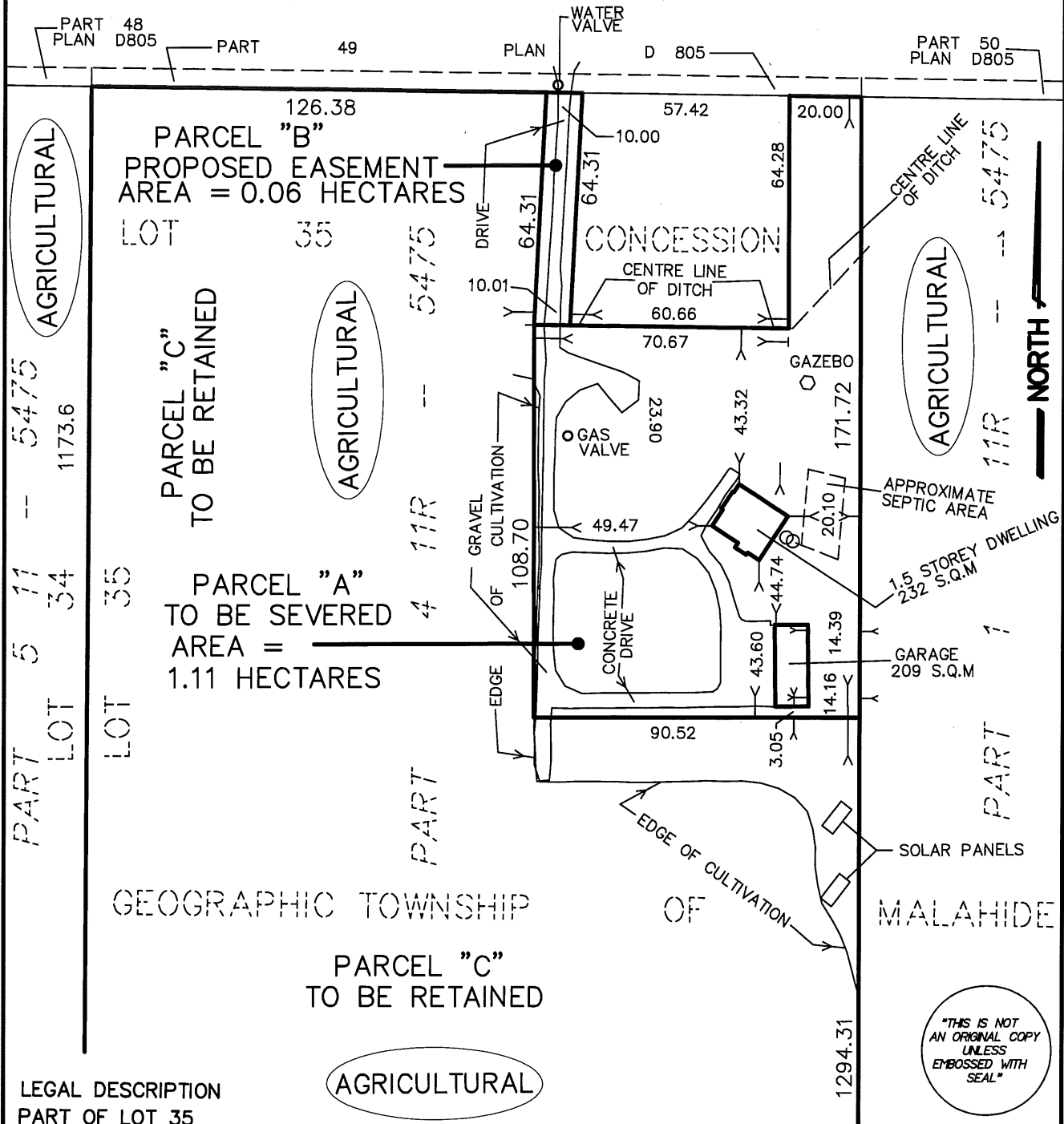
**CAUTION**

- THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES

**SKETCH FOR PROPOSED SEVERENCE FOR GREG UNDERHILL FARMS LIMITED NOT TO SCALE**

NOVA SCOTIA LINE COUNTY ROAD 42

ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2



LEGAL DESCRIPTION  
PART OF LOT 35  
CONCESSION 1  
TOWNSHIP OF MALAHIDE  
COUNTY OF ELGIN

AGRICULTURAL

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**KIM HUSTED SURVEYING LTD.**  
ONTARIO LAND SURVEYOR

30 HARVEY STREET, TILLSONBURG ONTARIO, N4G 3J8  
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 23-18762

FILE

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December 18, 2023

Land Division Committee  
County of Elgin  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1

Dear Committee Members:

**RE: Land Severance Application No. E5-24 Of Gregory Underhill Farms Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc) - Part of Lots 34 And 35, Concession 1, Part 4 Of 11R-5475, Township of Malahide (53367 Nova Scotia Line)**

The Malahide Township Council passed the following Resolutions on December 21, 2023:

THAT the Malahide Township Council has no objection to the Land Severance No. E5-24 Of Gregory Underhill Farms Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc), relating to the property located Part Of Lots 34 And 35, Concession 1, Part 4 Of 11R-5475, Township Of Malahide (53367 Nova Scotia Line), Township of Malahide, subject to the following conditions:

1. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment 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.
3. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
7. 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.

8. That an easement be provided over the retained lands and included in the plan as a part or parts to provide access to the severed parcel from Nova Scotia Line and accommodate the existing municipal water service connection, to the satisfaction of the Township.

We enclose Municipal Appraisal together with Municipal Report DS-23-35 for your records.

Yours very truly,

TOWNSHIP OF MALAHIDE

ALLISON ADAMS, – H.BA Political Science, AMP  
Manager of Legislative Services/Clerk

Copy – Dave Jenkins  
Underhilltrucking.1952@gmail.com  
dfrfez@me.com



## **FLEET MANAGEMENT ADVISORY COMMITTEE MEETING MINUTES**

**November 23, 2023 – 9:30 AM  
Malahide Administrative Office  
87 John Street S, Aylmer, ON**

### **Committee Members in Attendance:**

Deputy Mayor Mark Widner  
Councillor Scott Lewis  
Director of Public Works, Jason Godby  
Roads and Construction Manager, Ryan DeSutter

### **Regrets:**

Public Works Coordinator, Cassandra Young

#### (1) Call to Order

Jason Godby is appointed Chair and the meeting is called to order at 9:36

#### (2) Disclosure of Pecuniary Interest

Disclosures of pecuniary interest may be declared at this time: None.

#### (3) Review of Proposed 2024 Fleet Capital Replacements

The Committee had discussion about the following units being proposed to be included in the 2024 Capital Budget.

#### **Truck #10**

The Fleet Management Advisory Committee has reviewed this unit and recommends the following:

- (1) Maintain the budget allocation for the replacement of Truck #10.
- (2) Staff to compile additional information on potential options for downsizing this

- unit to a physically smaller and<sup>199</sup> potentially less expensive unit that may be better suited for performing winter control activities in the villages.
- (3) The Fleet Management Advisory Committee will review these options and report back to Council with future recommendations.

It is important to note that the current build and delivery time for many large trucks is between 18 and 24 months. This means that while project approval will be in 2024, the actual monetary expenditure will likely not occur until 2026.

### **Truck #22**

The Fleet Management Advisory Committee has reviewed this unit and recommends replacement.

It is important to note that the current build and delivery time for many large trucks is between 18 and 24 months. This means that while project approval will be in 2024, the actual monetary expenditure will likely not occur until 2026.

Viking-Cives has been selected as the preferred vendor by the Canoe Procurement Group of Canada. This should result in an improved procurement experience when dealing with this procurement. Additional details will be brought forward on this process in 2024.

### **Truck #87**

The Fleet Management Advisory Committee has reviewed this unit and recommends replacement.

The existing  $\frac{3}{4}$  ton truck will be down-sized to a  $\frac{1}{2}$  ton truck. The cold patch box from the existing truck will remain at the yard for potential future use.

**The recommendations of the committee will be incorporated into the Draft 2024 Capital Budget for Council consideration.**

- (4) Adjournment

THAT the Fleet Management Advisory Committee adjourn at 10:51 a.m.

# MINUTES

## AYLMER AREA SECONDARY WATER SUPPLY SYSTEM PORT BURWELL AREA SECONDARY WATER SUPPLY SYSTEM JOINT BOARD OF MANAGEMENT

**December 06, 2023 – 1:00 PM  
Malahide Council Chambers  
51221 Ron McNeil Ln, Springfield, ON**

### In Attendance

#### **Board Members:**

*Municipality of Central Elgin – Norman Watson  
Town of Aylmer – Pete Barbour  
Town of Aylmer – Jamie Chapman  
Township of Malahide – Chester Glinski  
Municipality of Bayham – Tim Emerson*

#### **Staff:**

*Municipality of Central Elgin – Alex Piggott  
Town of Aylmer – Andy Grozelle  
Township of Malahide – Jason Godby, Sam Gustavson, Adam Boylan, and Allison Adams  
Municipality of Bayham*

#### (1) Call to Order

Peter Barbour is appointed Chair and the meeting is called to order at 1:03pm.

#### (2) Disclosure of Pecuniary Interest

N/A

#### (3) Adoption of Prior Minutes

**Moved by: Norman Watson  
Seconded by: Chester Glinski**

**THAT the minutes of the Aylmer Area Secondary Water Supply System Joint Board of Management meeting held on September 06, 2023, be approved as circulated.**

**Carried**



Moved by: Tim Emerson  
Seconded by: Norman Watson

201

**THAT the minutes of the Port Burwell Area Secondary Water Supply System Joint Board of Management meeting held on September 06, 2023, be approved as circulated.**

**Carried**

(4) 2023 Final Inspection

Moved by: Norman Watson  
Seconded by: Chester Glinski

**THAT Report No. AASWSS-23-09 entitled “Aylmer Area Secondary Water Supply System Inspection - 2023 MECP Final Inspection Report” be received.**

**Carried**

(5) Review and Provision of Infrastructure

Moved by: Chester Glinski  
Seconded by: Tim Emerson

**THAT Report No. AASWSS-23-10 entitled “Aylmer Area Secondary Water Supply System (AASWSS): 2023 Review and Provision of Infrastructure Report” be received.**

**Carried**

Moved by: Chester Glinski  
Seconded by: Tim Emerson

**THAT Report No. PBASWSS-23-11 entitled “Port Burwell Area Secondary Water Supply System (PBASWSS): 2023 Review and Provision of Infrastructure Report” be received.**

**Carried**

Moved by: Norman Watson  
Seconded by: Chester Glinski

**THAT Report No. AASWSS-23-11 entitled “Aylmer Area Secondary Water Supply System (AASWSS): Elgin Middlesex Pumping Station (EMPS) – 2023 Review and Provision of Infrastructure Report” be received.**

**Carried**

(6) 2024 Draft Budgets

**Moved by: Norman Watson  
Seconded by: Chester Glinski**

**THAT Report No. AASWSS-23-12, being the Draft 2024 Budget, be received;**

**AND THAT the 2024 Budget be approved as presented;**

**AND THAT the 2024 water rate, in the amount of 1.41 per cubic metre, be approved.**

**Carried**

**Moved by: Tim Emerson  
Seconded by: Norman Watson**

**THAT Report No. PBASWSS-23-12, being the Draft 2024 Budget, be received;**

**AND THAT the 2024 Budget be approved as presented;**

**AND THAT the 2024 water rate, in the amount of 3.47 per cubic metre, be approved.**

**Carried**

(7) Correspondence

**Moved by: Norman Watson  
Seconded by: Chester Glinski**

**THAT the following correspondence be noted and filed:**

- i. Letter to Elgin Area Primary Water Supply System Regarding the Proposed St. Thomas Industrial Development from the administering municipality on behalf of PBASWSS and AASWSS**
- ii. Letter from Elgin Area Primary Water Supply System Response to Questions Regarding the Proposed St. Thomas Industrial Development**
- iii. R.V. Anderson Associates Limited Notice of Study Completion – Highbury Avenue Widening Municipal Class Environmental Assessment**
- iv. Highbury Avenue Widening Class EA Letter to R.V. Anderson Associates Limited from the administering municipality on behalf of AASWSS**

**Carried**

(8) New Business

203

Upcoming 2024 Meeting Dates – March 6, 2024, June 5, 2024, September 4, 2024, December 4, 2024

(9) Adjournment

**Moved by: Norman Watson  
Seconded by: Chester Glinski**

**THAT the Aylmer Area Secondary Water Supply System Joint Board of Management adjourn at 2:05 p.m. to meet again on March 6, 2024 at 1:00 p.m.**

**Carried**

**Moved by: Norman Watson  
Seconded by: Tim Emerson**

**THAT the Port Burwell Secondary Water Supply System Joint Board of Management adjourn at 2:05p.m. to meet again on March 6, 2024 at 1:00 p.m.**

**Carried**

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Pete Barbour - Board Chair

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Clerk



**LONG POINT REGION CONSERVATION AUTHORITY**  
**Board of Directors Meeting Minutes of November 1, 2023**  
**Approved December 6, 2023**

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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
Chris Van Paassen	Norfolk County
Rainey Weisler	Municipality of Bayham/Township of Malahide
Peter Ypma	Township of South-West Oxford

Regrets:

Stewart Patterson	Haldimand County
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Staff in attendance:

Judy Maxwell, General Manager  
 Aaron LeDuc, Manager of Corporate Services  
 Leigh-Anne Mauthe, Interim Manager of Watershed Services  
 Jessica King, Social Media and Marketing Associate  
 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, November 1, 2023.

**2. Additional Agenda Items**

There were no additional agenda items.

**3. Declaration of Conflicts of Interest**

None were declared.

**4. Hearing**

**A-98/23**

Moved by R. Weisler  
 Seconded by P. Ypma

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**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

THAT the LPRCA Board of Director's does now sit as a Hearing Board.

**Carried**

The roll was called to conduct the following Hearing under Section 28 of the Conservation Authorities Act. Stewart Patterson was absent from the call. Peter Ypma was missed in the call but was present.

The Chair gave his opening remarks and reviewed the guidelines and process to be followed for the hearing.

**Hearing: LPRCA-175/23 (Kolomaya)**

Leigh-Anne Mauthe introduced the applicant Jake Kolomaya and his agent Nathan Kolomaya, and Julian Stewart, project architect, then proceeded to present the staff hearing report.

An application was received to construct a non-habitable accessory structure. The land contains a two-story house, permitted by LPRCA through a hearing process in 2018, is subject to slope stability and erosion related hazards from Lake Erie and is fully regulated under O. Reg. 178/06.

Staff recommended refusal to grant a permit for this application for the following reasons:

1. The construction of a structure in the Lake Erie shoreline unstable slope and erosion hazard along Brown Street is contrary to the LPRCA policies for development in the area of the subject lands. These policies have been implemented to reduce or eliminate preventable property damage due to unstable slopes and shoreline erosion.
2. This construction of a structure affects the control of erosion in that it increases the potential for damage from slope instability and erosion.
3. The proposal is not unique; therefore, the granting of an exemption to policy could be seen as setting precedent. Similar applications may have to be permitted as a consequence.

Agent, Nathan Kolomaya addressed the board and presented on the permit application.

Staff, the agent and the proponent responded to questions from the Board.

**A-99/23**

Moved by T. Masschaele

Seconded by R. Weisler

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

- Litigation or potential litigation, including matters before administrative tribunals

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**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

(e.g. Local Planning Appeal Tribunal), affecting the Authority.

**Carried**

The LPRCA Hearing Board reconvened in open session at 7:14 p.m.

The Chair advised Jake Kolomaya that the permit has been approved.

**A-100/23**

Moved by M. Columbus

Seconded by D. Brunton

That the LPRCA Board of Directors does now adjourn from sitting as a Hearing Board.

**Carried**

**5. Minutes of the Previous Meeting**

**a) Board of Directors Meeting of October 4, 2023**

**A-101/23**

Moved by T. Masschaele

Seconded by P. Ypma

THAT the minutes of the LPRCA Board of Directors Meeting held October 4, 2023 be adopted as circulated.

**Carried**

**6. Business Arising**

There was no business arising from the previous minutes.

**7. Review of Committee Minutes**

No committee minutes were presented.

**8. Correspondence**

No correspondence was presented.

**9. Development Applications**

**a) Section 28 Regulations Approved Permits**

Through the General Manager's delegated authority, 21 applications were approved in

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**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 past month. LPRCA-156/23, LPRCA-177/23, LPRCA-197/23, LPRCA-201/23, LPRCA-202/23, LPRCA-206/23, LPRCA-207/23, LPRCA-208/23, LPRCA-210/23, LPRCA-211/23, LPRCA-212/23, LPRCA-213/23, LPRCA-214/23, LPRCA-215/23, LPRCA-216/23, LPRCA-217/23, LPRCA-218/23, LPRCA-220/23, LPRCA-221/23, LPRCA-226/23 and LPRCA-227/23.

Permits LPRCA-207/23 and LPRCA-208/23 should have read as Plan instead of Concession.

### **A-102/23**

Moved by D. Beres

Seconded by S. Bentley

THAT the LPRCA Board of Directors receives the Section 28 Regulations Approved Permits report dated November 1, 2023 as amended for information.

**Carried**

## **10. New Business**

### **a) General Manager's Report**

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

The campgrounds had a successful year and closed for the season on October 15.

The latest project on the Backus Education Centre to upgrade the outside of the building is progressing well.

The Vittoria Dam Class Environmental Assessment, the Big Otter floodplain mapping and the Hydrology projects are ongoing and are scheduled to be completed early next year.

Staff are currently contacting adjacent landowners to the Haldimand Conservation Area to coordinate an effort to treat the area for Hemlock Wooley Adelgid (HWA).

In response to member Ypma's question regarding the level of concern for HWA, the General Manager explained that Hemlock isn't a dominant species within LPRCA properties but HWA has had a devastating effect in the U.S. The goal is to contain HWA to limit spread.

### **A-103/23**

Moved by P. Ypma

Seconded by R. Weisler

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#### **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

THAT the LPRCA Board of Directors receives the General Manager's Report for October 2023 as information.

**Carried**

### **b) 3<sup>rd</sup> Quarter Financial Report**

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

Revenues to September 30, 2023 represented 90.8% of the annual budget and expenditures 70.9%.

Planning user fee revenues were down 17.6% compared to 2022 but is still on target to attain budget.

A total of 451 seasonal campsites were registered exceeding the budget target of 430. Seasonal camping revenues exceeded the budget by 3.1%.

Overall, the Authority is in a positive financial position at the end of the 3<sup>rd</sup> quarter.

#### **A-104/23**

Moved by C. Van Paassen

Seconded by T. Masschaele

THAT the LPRCA Board of Directors receives the Q3 Financial Report – September 30, 2023 for the fiscal period up to and including September 30<sup>th</sup>, 2023 as information.

**Carried**

### **c) Ecological Survey Report**

LPRCA contracts a qualified ecologist to survey properties for species at risk and species of concern on an annual basis. Staff retained the services of Natural Resource Solutions Inc. to complete the 2023 surveys at four LPRCA properties for a total 590.02 acres.

The Hughes, Greathead, Wilson, and Coppens-Ferris-Armstrong tracts were surveyed and are included in the 5-year operating plan for upcoming forest management activities.

Recommendations within the report will be implemented during the marking and timber harvesting process to ensure that sensitive species are not impacted, and to continue LPRCA's focus on ecologically sustainable forest management.

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#### **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-105/23**

Moved by R. Weisler  
Seconded by D. Beres

THAT the LPRCA Board of Directors receives the Ecological Survey Report as information.

**Carried**

The closed session began at 7:40 p.m.

**11. Closed**

**Session A-106/23**

Moved by D. Brunton  
Seconded by R. Weisler

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

- 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.

**Carried**

The Board reconvened in open session at 8:05 p.m.

The closed meeting minutes of the Hearing Board and the Board of Directors meetings of October 4, 2023 were approved in the closed session.

Next meetings: November 8, 2023, Budget  
December 6, 2023, Board of Directors

**Adjournment**

The Chair adjourned the meeting at 8:07 p.m.

\_\_\_\_\_  
John Scholten  
Chair

\_\_\_\_\_  
Judy Maxwell  
General Manager/Secretary-Treasurer

/dm

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**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



**LONG POINT REGION CONSERVATION AUTHORITY**  
**Board of Directors Budget Meeting of November 8, 2024**  
**Approved December 6, 2023**

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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  
 Dana McLachlan, Executive Assistant

**1. Welcome and Call to Order**

The chair called the meeting to order at 9:30 a.m., Wednesday, November 8, 2024.

**2. Additional Agenda Items**

No additional items were added to the agenda.

**3. Declaration of Conflicts of Interest**

None were declared.

**4. Budget Overview Presentation**

The Manager of Corporate Services provided a general overview of the 2024 draft budget.

At the last Audit and Finance Committee meeting on August 24, the Committee provided staff direction to prepare a budget with a maximum 5.0% target increase on the levy. The 2024 Draft Budget was presented with a 3.80% or \$85,393 general levy increase. The operating levy increased by 2.21% or \$46,453 and the capital levy

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**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

increased by 25.96% or \$38,940. A special levy to Norfolk County is required for the Hay Creek Dam project in 2024.

Staff have continued to adjust the budget presentation to align with the new regulations that are required starting with the 2024 budget.

The following reports were reviewed and discussed:

1. Draft Consolidated Operating Budget
2. Draft Consolidated Budget Summary
3. Draft Municipal Levy Consolidated
4. 5-year Summary by Municipality of Levy Apportionment

The Current Value Assessment Apportionment for 2023 and 2022 were presented and discussed. The assessment data was provided by the Municipal Property Assessment Corporation (MPAC) and modified by the Ministry of Natural Resources and Forestry based on O. Reg. 402/22 (Budget and Apportionment).

## **5. 2024 Budget Package**

### **Operations:**

The Managers reviewed each of their department(s) draft budgets, action plans, projects, and staffing requirements.

### **Capital:**

The 2024 total for capital spending is budgeted at \$696,340 requiring \$188,940 from the general levy, \$220,950 from the Current Year Surplus, \$18,450 from the User Fee Reserve, \$133,000 Prior Year Capital, \$75,000 Federal/Provincial Grants, and \$60,000 Special Levy from Norfolk County.

The following reports were reviewed and discussed:

1. One-Year 2024 Draft Capital Budget
2. Five-Year 2024 Draft Capital Budget

Maintenance work and necessary repairs for public safety are continuing on the major water control structures. Two projects are planned for 2024 totaling \$210,000, Hay Creek Dam Engineering Design and Teeterville Dam Class Environmental Assessment. A 10-year Flood Control Structures Capital Summary was presented for information.

Other works include gate replacement and repairs on Authority lands, office renovations, washroom renovations at two of the campgrounds, and the purchase of additional watersports rental equipment. Annual computer upgrades, and vehicle and equipment replacements.

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### **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

**6. General Manager’s Report and Budget Recommendations**

**A-107/23**

Moved by P. Ypma

Seconded by T. Masschaele

THAT the LPRCA Board of Directors approves the following recommendations regarding LPRCA’s 2024 Draft Operating and Capital budgets;

THAT the draft 2024 operating budget of \$5,868,270 requiring \$2,145,963 of general levy representing an increase in the general levy of 2.21% or \$46,453;

AND the draft 2024 capital budget of \$696,340 requiring \$188,940 of general capital levy representing an increase in the general levy of 25.96% or \$38,940;

AND the draft 2024 capital budget includes a special levy of \$60,000 for Norfolk County;

AND the total general municipal levy of \$2,334,903 requiring an increase of 3.80% or \$85,393 overall compared to 2023 be circulated to member municipalities for review and comment;

AND that staff be directed to present the Draft 2024 Budget to member municipalities when requested;

AND that the LPRCA Board of Directors recommend that the Draft 2024 Fee Schedules be presented at the next meeting of the Board for approval.

**Carried**

The Chair adjourned the meeting at 12:05 p.m.

\_\_\_\_\_  
John Scholten  
Chair

\_\_\_\_\_  
Judy Maxwell  
General Manager/Secretary-Treasurer

/dm

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**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. 23-89**

Being a by-law to appoint a Community Emergency Management Coordinator for the Township of Malahide pursuant to the standards under the Emergency Management & Civil Protection Act R.S.O., 1990, c. E 9, as amended.

**WHEREAS** subsection 3(1) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended, requires the development and implantation of an Emergency Management Program by Council;

**WHEREAS** the Township has passed By-law #2011-79 to Adopt an Emergency Management Program; and

**WHEREAS** the Township has passed By-law #2021-44 an Agreement with the County of Elgin for CEMC services.

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

1. THAT Andrea Loughlean be appointed as Community Emergency Management Co-ordinator (CEMC), effective December 21, 2023; and
2. THAT any by-law(s) contravening this by-law shall be repealed.

**READ** a **FIRST** and **SECOND** time this 21<sup>st</sup> day of December, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 21<sup>st</sup> day of December, 2023.

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D. Giguère, Mayor

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A. Adams, Clerk



## Program Verification Form 4-1 CEMC Designation



**Standard:** “Every municipality shall designate an employee of the municipality or a member of the council as its emergency management program co-ordinator.” O. Reg. 380/04, s. 10 (1).

**Verification:** This form is to contain your municipality’s Community Emergency Management Coordinator designation and contact information as it will appear in PEOC database. This information will be used on a daily basis to provide relevant information/correspondence to you, and to enable us to contact you 24/7 should an emergency arise in your community. Please complete all sections, indicate your 24/7 emergency contact number, print, sign to verify the information, and email the completed form to the PEOC Duty Officer at [peocdo01@ontario.ca](mailto:peocdo01@ontario.ca) or fax it to (416) 314-6220.

**MUNICIPALITY:** \_\_\_\_\_

**To designate a new CEMC (Primary or Alternate) or to update existing information, please check appropriate box.**

New Information

Update Existing Information

Primary CEMC

Alternate CEMC

NAME OF INDIVIDUAL: \_\_\_\_\_

PRIMARY JOB FUNCTION TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

OFFICE PHONE: \_\_\_\_\_ OFFICE FAX: \_\_\_\_\_

CELL PHONE: \_\_\_\_\_ HOME PHONE: \_\_\_\_\_

24/7 CONTACT (choose applicable): Cell phone \_\_\_\_\_  
(if other, specify)

E-MAIL: \_\_\_\_\_

CEMC consents to share work office contact information with EMO Sector Co-Chairs

CEMC consents to share work office contact information with all Provincial CEMCs

**To delete CEMC information from the PEOC Database:**

NAME OF CEMC TO BE REMOVED: \_\_\_\_\_

**I certify that the above designation/deletion information is, to the best of my knowledge, correct:**

\_\_\_\_\_  
Signature of CEMC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and title of appointing authority

\_\_\_\_\_  
Date

**PEOC Office Use Only:**

Data entered by: \_\_\_\_\_

Date: \_\_\_\_\_

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE****BY-LAW NO. 23-86**

Being a by-law to amend By-law No. 15-71, to establish rates for municipal water for 2024.

**WHEREAS** sections 8, 9 and 11 of the *Municipal Act, 2001*, authorize a municipality to pass by-laws that are necessary or desirable for municipal purposes and, in particular, respecting economic, social and environmental well-being of the municipality; health, well-being and safety of Persons; services and things that the municipality is authorized to provide; and protection of Persons and property, including consumer protection;

**AND WHEREAS** under section 11 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities, which includes a system that is used to provide water services for the public;

**AND WHEREAS** subsection 8(1) of the *Municipal Act, 2001* provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

**AND WHEREAS** section 391 of the Municipality Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided by or on behalf of it;

**AND WHEREAS** the Council of The Corporation of the Township of Malahide enacted By-law No. 15-71, being a by-law to establish rates for municipal water for 2016;

**AND WHEREAS** the Council of The Corporation of the Township of Malahide enacted By-law Nos. 16-13, 17-100, 18-80 and 19-107, 22-06, 22-95, being by-laws to update the rates for municipal water for 2017, 2018, 2019, 2020, 2021, 2022, and 2023;

**AND WHEREAS** the Council of The Corporation of the Township of Malahide deems it desirous to amend such municipal water rates as hereinafter set forth;

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

1. THAT Schedule "A" of By-law No. 15-71, as amended by By-law Nos. 16-13, 17-100, 18-80 and 19-107, 22-06, and 22-95 be and same is hereby deleted in its entirety and replaced with Schedule "A" attached hereto;
2. THAT this By-law shall come into force and take effect on January 1, 2024.

**READ** a **FIRST** and **SECOND** time this 21<sup>st</sup> day of December, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this this 21<sup>st</sup> day of December, 2023.

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Mayor, D. Giguère

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Clerk, A. Adams



**SCHEDULE "A"**  
**TO**  
**BY-LAW NO. 23-86**

**Water Rates**

ITEM		2022	2023	2024
Base Charge	Quarterly	\$78.40	\$82.32	\$86.44
	Annual	\$313.60	\$329.28	\$345.76
Consumption Charge	Per Cubic Metre	4.69	4.92	5.17

**Water Impost Fees**

ITEM	2022	2023	2024
New Connection on existing Water main	\$7,216.48 plus the cost of the service connection to the water main.	\$7,216.48 plus the cost of the service connection to the water main.	\$7,500.00 plus the cost of the service connection to the water main.

**Other Water related Service Fees**

ITEM	2022	2023	2024
Hydrant Connection Permit (Bulk Use)  The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made. Full cost recovery shall be based on municipal staff time and associated costs. The cost of the water purchased is an additional cost, see above. (s.94, s.110(e))	\$80.00 daily fee plus a deposit of \$350.00.	\$80.00 daily fee plus a deposit of \$350.00.	\$80.00 daily fee plus a deposit of \$350.00.
Water Meter Assembly (3/4") and inspection (s.108, s.110)	\$525.00 plus HST for meters under 3/4" & Full Cost Recovery for meters larger than 3/4"	\$651.00 plus HST for meters under 3/4" & Full Cost Recovery for meters larger than 3/4"	\$691.00 plus HST for meters under 3/4" & Full Cost Recovery for meters larger than 3/4"

ITEM	2022	2023	2024
New Water connection to inspect from curb stop to house	\$275.00	\$300.00	\$300.00
Water Frost Plates	\$15.00 plus HST	\$15.00 plus HST	\$15.00 plus HST
Connection to waterline where a line tap is required. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made. Full cost recovery shall be based on municipal time and associated costs. (s.31).	\$275.00 plus Deposit of \$3,000.00.	\$300.00 plus Deposit of \$3,000.00.	\$300.00 plus Deposit of \$3,000.00.
Water Meter Testing – when no problem discovered. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made. Full cost recovery shall be based on municipal time and associated costs.	\$140.00 plus a deposit of \$100.00.	\$150.00 plus a deposit of \$100.00.	\$150.00 plus a deposit of \$100.00.
Voluntary Shut Off/On exceeding 1 per year There is one free voluntary shut off/on per year. Each request thereafter is \$75.00.	\$50.00	\$75.00	\$75.00
Water Service Reconnection includes reconnection after shut off for non-compliance and/or non-payment (s.83, s.91, s.138)	\$60.00	\$75.00	\$75.00
Water Disconnection and Inspection The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made. Full cost recovery shall be based on municipal time and associated costs (s.84, s.85, s.86, s.90)	\$100.00 plus a deposit of \$1,000.00.	\$100.00 plus a deposit of \$1,000.00.	\$100.00 plus a deposit of \$1,000.00.
Water Meter Maintenance or Replacement The Township will be responsible for normal testing and repairs to maintain water meters in good operating condition. The cost to repair water meters damaged by freezing, vandalism or wilful neglect will be the responsibility of the property owner (s.120)	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
Repair to replace curb stop and drain valve ( <i>when damaged by abutting property resident</i> )	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
Service Calls: To Read Meter and/or Attend Property Any additional reads other than the regular meter reading for quarterly or final billing purposes (s.129) <i>Any concerns that require attending the property such as water quality, pressure, billing and other.</i>	\$50.00	\$75.00	\$75.00

**Administration Fees**

<b>ITEM</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Transfer to Taxes: Administration Fee for all water accounts left unpaid after the second consecutive billing, and transferred to the corresponding tax account. (s.135)	\$25.00	\$30.00	\$30.00
Penalty – Utilities Imposed on first day of default (s.133)	5%	5%	5%

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**

**BY-LAW NO. 23-87**

Being a By-law to establish Sewage Rates for the year 2024.

**WHEREAS**, pursuant to the provisions of the Municipal Act, 2001, as amended, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities;

**AND WHEREAS** a sanitary sewage system falls within the sphere of public utilities;

**AND WHEREAS** Section 391 of the Municipal Act, 2001, as amended, provides that municipalities may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** The Corporation of the Township of Malahide (the "Township") owns, operates, and maintains a sanitary sewage system that serves certain areas of the Township;

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

1. THAT the Owner of Premises that is connected to a sanitary sewer main shall pay the applicable Sewer Rate as set out in Schedule "A" to this By-law attached hereto.
2. THAT other fees with respect to the sanitary sewage system shall be determined in conjunction with the Sewer Use By-law and are as set out in Schedule "A" to this By-law attached hereto.
3. THAT By-law No. 22-96, insofar as they relate to Sewage Rates, be and the same is hereby repealed in its entirety.
4. THAT this By-law shall come into force and take effect on January 1, 2024

**READ** a **FIRST** and **SECOND** time this 21<sup>st</sup> day of December, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this this 21<sup>st</sup> day of December, 2023.

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Mayor, D. Giguère

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Clerk, A. Adams

**SCHEDULE "A"**  
**TO**  
**BY-LAW NO. 23-87**

**Sewer Rates**

<b>ITEM</b>		<b>2022</b>	<b>2023</b>	<b>2024</b>
Single Family Dwelling	Annual	\$1,132.00	\$1,172.00	\$1,213.00
	Quarterly	\$283.00	\$293.00	\$303.25
Single Commercial Unit	Annual	\$1,132.00	\$1,172.00	\$1,213.00
	Quarterly	\$283.00	\$293.00	\$303.25
Duplex or two houses on one account	Annual	\$2,264.00	\$2,343.00	\$2,426.00
	Quarterly	\$566.00	\$585.75	\$606.50
Two apartments or Commercial/ Residential Combination	Annual	\$1,132.00	\$1,172.00	\$1,213.00
	Quarterly	\$283.00	\$293.00	\$303.25
Three apartments or Commercial/ Residential Combination	Annual	\$1,698.00	\$1,758.00	\$1,819.50
	Quarterly	\$424.50	\$439.50	\$454.88
Four apartments or Commercial/ Residential Combination	Annual	\$2,264.00	\$2,343.00	\$2,426.00
	Quarterly	\$566.00	\$585.75	\$606.50
Six apartments or Commercial/ Residential Combination	Annual	\$3,396.00	\$3,515.00	\$3,639.00
	Quarterly	\$849.00	\$878.75	\$909.75
Large User (Malahide Community Place and Springfield Public School) *	Annual	\$4,528.00	\$4,687.00	\$4,852.00
	Quarterly	\$1,132.00	\$1,171.75	\$1,213.00

\* The large user rate is four times the single family dwelling rate.

**Wastewater Impost Fees**

<b>ITEM</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Each lot created by consent subsequent to the passage of by-law 02-30 that lies adjacent to the sewer works.  Payment in full shall be made prior to the creation of the lot.	\$714.12 plus \$2,760.00. Payment in full shall be made prior to the creation of the lot.	\$750.00 plus \$2,800.00. Payment in full shall be made prior to the creation of the lot.	\$776.25 plus \$2,900.00. Payment in full shall be made prior to the creation of the lot.
Each lot created by registered plan of subdivision or consent subsequent to the passage of by-law 02-30 that requires an extension of the sewage works.	\$714.12 plus a negotiated impost sewer rate per lot that shall not exceed \$2,760.00 per lot. Payment in full shall be made prior to the creation of the lot.	\$750.00 plus a negotiated impost sewer rate per lot that shall not exceed \$2,800.00 per lot. Payment in full shall be made prior to the creation of the lot.	\$775.00 plus a negotiated impost sewer rate per lot that shall not exceed \$2,900.00 per lot. Payment in full shall be made prior to the creation of the lot.

**Miscellaneous Wastewater Fees**

<b>ITEM</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
New Private Sewer Connection to inspect from Stub to house.	\$275.00	\$300.00	\$310.00
Unblock Residential Sewer, during working hours	\$150.00 plus deposit of \$500.00. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made.	\$200.00 plus deposit of \$500.00. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made.	\$201.00 plus deposit of \$500.00. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made.
Unblock Residential Sewer, after hours	\$225.00 plus deposit of \$500.00. The applicant will be invoiced for the	\$225.00 plus deposit of \$500.00. The applicant will be invoiced for the	\$235.00 plus deposit of \$500.00. The applicant will be invoiced for the

ITEM	2022	2023	2024
	difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made.	difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made.	difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made.
New Sewer Stub Installation	\$275.00 plus deposit of \$10,000.00. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made. Full cost recovery shall be based on municipal time and associated costs.	\$275.00 plus deposit of \$10,000.00. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made. Full cost recovery shall be based on municipal time and associated costs.	\$285.00 plus deposit of \$10,000.00. The applicant will be invoiced for the difference between the actual cost incurred and the deposit. If the deposit exceeds the actual costs, a refund will be made. Full cost recovery shall be based on municipal time and associated costs.

### Administration Fees

ITEM	2022	2023	2024
Transfer to Taxes Administration fee for all wastewater accounts left unpaid after the second consecutive billing to be transferred to the corresponding tax account. (s.135)	\$25.00	\$30.00	\$30.00
Penalty - Utilities	5% imposed on first day of default (s.133)	5% imposed on first day of default (s.133)	5% imposed on first day of default (s.133)

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**

**BY-LAW NO. 23-90**

Being a by-law to adopt a Municipal Law Enforcement Policy

**WHEREAS** the Council of the Corporation of the Township of Malahide recognizes the need for a clear and concise set of policies concerning Municipal Law Enforcement;

**WHEREAS** the Council of the Corporation of the Township of Malahide deems it advisable that the Policy on Municipal Law Enforcement be confirmed and adopted by By-law;

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

1. THAT effective upon passage the Policy on Municipal Law Enforcement attached hereto as Schedule "A" and forming part of this by-law is hereby adopted as the policies and procedures for the management of Municipal Law Enforcement for the Township of Malahide.
2. THAT this Municipal Law Enforcement Policy By-law may be amended from time as directed and deemed necessary by the Council of the Township of Malahide.
3. THAT any by-law(s) contravening this by-law shall be repealed.
4. AND THAT this by-law shall come into full force and effect upon final passing.

**READ a FIRST and SECOND** time this 21<sup>st</sup> day of December, 2023.

**READ a THIRD** time and **FINALLY PASSED** this 21<sup>st</sup> day of December, 2023.

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D. Giguère, Mayor

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A. Adams, Clerk





## MUNICIPAL LAW ENFORCEMENT POLICY

### 1. PURPOSE

- (1) This policy guides how the Township of Malahide handles complaints about municipal by-law violations. It ensures that the process is standardized, thorough, prompt, and courteous. The goal is to achieve compliance through education, mediation, and enforcement when needed.

### 2. DEFINITIONS

- (1) **Administrator:** Chief Administrative Officer of the Township of Malahide or their designate.
- (2) **Formal Complaint:** A written complaint with the complainant's full name, telephone number, address and nature of the complaint in writing.
- (3) **Municipal Law Enforcement Officer:** A person appointed by Township of Malahide by-law for Municipal Law Enforcement including, but not limited to, a Building Inspector, Municipal By-law Enforcement Officer, Police Officer and a person authorized by Council or an assigned individual with the responsibility for enforcing and administering this Policy.
- (4) **Notice of Contravention:** A notice specifying a by-law violation, addressed to a person responsible for the contravention, with a date by which compliance is to be achieved.
- (5) **Frivolous and Vexatious Complaint:** A complaint submitted with ill will or malicious intent, including retaliatory complaints and civil disputes. A Frivolous and Vexatious Complaint may also be identified as a complaint that is part of a pattern of conduct by the complainant that amounts to an abuse of the complaints process. Such a pattern occurs when on three (3) or more occasions a complaint comes forward on a matter a Municipal Law Enforcement Officer has already dealt with. The determination of a complaint being a Frivolous and Vexatious Complaint shall always be at the sole, absolute and unfettered discretion of a Municipal Law Enforcement Officer.
- (6) **Township** shall mean the Corporation of the Township of Malahide.

### 3. BY-LAW INVESTIGATION AND ENFORCEMENT PROCEDURE

- (1) Except for parking infractions, the Township of Malahide shall generally operate on a complaint-driven process regarding Municipal Law Enforcement unless direction is otherwise given by the CAO or CBO.
  - (a) The Township shall only respond to Formal Complaints received from a complainant who provides their full name, telephone number, address and nature of the complaint in writing. Anonymous and/or incomplete complaints shall not be investigated.
  - (b) Frivolous or Vexatious Complaints, shall not be accepted and/or investigated by a Municipal Law Enforcement Officer.
  - (c) A Municipal Law Enforcement Officer may undertake an investigation on their initiative upon observation of a possible situation of a by-law violation where the matter is of an immediate threat to health or safety.
- (2) Staff shall record the Formal Complaints in a database maintained by the Township.
- (3) The name and any personal information provided by a complainant shall remain in the strictest confidence per the *Municipal Freedom of Information and Protection of Privacy Act* and shall not be divulged unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- (4) A Municipal Law Enforcement Officer may conduct a preliminary review of the complaint to verify the information provided and research any supporting documentation which may be available in Municipal records.
- (5) A Municipal Law Enforcement Officer may call the complainant, when necessary, for further details or to confirm or clarify information provided within the Formal Complaint.
  - (a) If the complainant is uncooperative, the complaint may be abandoned due to insufficient information. It is understood that a complainant could be required to provide evidence for court purposes and could also be required to provide additional information to the Municipal Law Enforcement Officer.
- (6) A Municipal Law Enforcement Officer may attend the site to witness and record the activity to determine if a Municipal By-law contravention exists.
- (7) If a Municipal Law Enforcement Officer is unclear of a possible contravention, they may seek the advice of the Municipal Prosecutor or Municipal Solicitor if required, or the appropriate Township of Malahide staff member.

- (a) A Municipal Law Enforcement Officer may provide the information required to the appropriate party so that an informed determination can be provided and where necessary the appropriate actions initiated.
- (8) Where a violation of a Municipal By-law is determined by a Municipal Law Enforcement Officer, excluding set fine situations or documented, chronic violations or where otherwise warranted, a Municipal Law Enforcement Officer may provide an initial warning to the suspect/violator by two (2) methods: in written and verbal communication. The verbal communication will be either in person or by phone.
- (a) Notwithstanding Section 3(8) of this Policy In situations wherein set fines have been established for violations of a Municipal By-law, a Municipal Law Enforcement Officer may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.
  - (b) Notwithstanding Section 3(8) or 3(9) of this Policy, where provided for by Municipal by-law or otherwise, a Municipal Law Enforcement Officer may issue an emergency order to remedy a violation in lieu of an initial warning when such violation poses an immediate threat to health or safety.
  - (c) After the time limit has expired in the warning pursuant to Section 3(8) of this Policy or Order pursuant to Section 3(10) of this Policy a Municipal Law Enforcement Officer may return to the site to determine if compliance has been achieved.
- (9) When compliance with the warning and/or order is confirmed, a Municipal Law Enforcement Officer shall enter the complaint finalized date in the Complaints Database and close the file.
- (10) If the warning and/or order has not been complied with within the specified time period, a Municipal Law Enforcement Officer shall review the non-compliance with the Administrator.
- (a) Following discussions with the Administrator pursuant to Section 3(13) of this Policy, a Municipal Law Enforcement Officer shall determine whether to attempt a Notice of Contravention or proceed with the actions necessary to address the situation in accordance with Municipal By-laws or otherwise.
  - (b) If a Notice of Contravention or formal order is to be issued, a Municipal Law Enforcement Officer shall determine a final time period to achieve compliance. If, in the opinion of the Municipal Law Enforcement Officer, sufficient work has been done but compliance has not been fully achieved by the compliance date, the Municipal Law Enforcement Officer may extend a compliance date at their discretion.

- (c) If legal action is required, a Municipal Law Enforcement Officer shall recommend to the Administrator to proceed with legal action when it appears obvious compliance is not forthcoming.
  - (d) At any stage of the enforcement process, if, in the opinion of the Administrator the matter is of significant consequence, the matter may be brought before Council for direction. Such discussions should occur in camera and would not be considered a breach of this policy.
- (11) A failure to comply with any provision of this policy shall not vitiate any proceeding or any step, document or order in a proceeding otherwise in accordance with any Municipal By-law, Provincial or Federal Legislation.
- (12) Any decision made under this policy including a decision not to respond to a complaint or enforce by-laws, and also including a decision made by the Administrator, may at any time be revisited. A decision not to respond shall be made in good faith.

#### **4. LEVEL OF INVOLVEMENT**

- (1) When in receipt of any and all Municipal By-law complaints a Municipal Law Enforcement Officer is delegated the sole absolute and unfettered discretion to determine an appropriate level of response to said complaints. The level of response by a Municipal Law Enforcement Officer may include a decision to act on some or all of the complaints, to not act on some or all of the complaints, or to assign priority to some or all of the complaints. In deciding on the appropriate level of response to said complaints, a Municipal Law Enforcement Officer shall have regard to the following criteria:
- (a) safety factors;
  - (b) history of attempts for compliance made by a Municipal Law Enforcement Officer;
  - (c) available resources, including financial resources;
  - (d) potential impact of not responding;
  - (e) offer for formal mediation;
  - (f) coordinating involvement with other relevant agencies;
  - (g) likelihood of achieving compliance;
  - (h) Municipal jurisdiction and authority;
  - (i) other enforcement avenues including civil processes.
- (2) Complainants are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every complainant will be kept completely confidential and not be intentionally divulged unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- (3) Persons who are the subject of a complaint are also protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every subject of a

complaint will be kept confidential and not be intentionally divulged to non-essential municipal staff, the public or media unless required for investigation purposes or so ordered by a Court or other tribunal or body of competent jurisdiction.

- (4) Pursuant to Sections 4(2) and 4(3) of this Policy, once a complaint has been filed, other than acknowledgment of receipt of the complaint, no follow-up, involvement, information or correspondence regarding the complaint shall be provided to the complainant as the process is protected by the *Municipal Freedom of Information and Protection of Privacy Act*.
- (5) No delegations to Council shall be permitted by any person concerning, or with the subject matter, of a Municipal By-law complaint.

## **5. REPORTING**

- (1) A Municipal Law Enforcement Officer shall provide a quarterly report to Council regarding general Municipal Law Enforcement statistics.

## **6. COUNCIL INVOLVEMENT**

- (1) Wherever Council involvement is deemed necessary to provide direction related to Municipal Law Enforcement matters, such discussion/direction shall only occur during In-Camera sessions at Council, and the Municipal Law Enforcement Officer shall not otherwise discuss or take direction from Councillors related to Municipal Law Enforcement matters. Nothing in this policy shall preclude a Municipal Law Enforcement Officer from answering questions related to Municipal Law Enforcement Process or providing information that is not case specific to members of Council.

## **7. APPLICATION**

- (1) This Policy shall come into full force and effect on the day it is adopted by the Council of the Corporation of the Township of Malahide.

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE****BY-LAW NO. 23-88**

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 December 21, 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 21<sup>st</sup> day of December, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 21<sup>st</sup> day of December, 2023.

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Mayor, D. Giguère

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Clerk, A. Adams