



The Corporation of the Township of Malahide
REGULAR COUNCIL MEETING AGENDA
March 7, 2024 – 7:30 p.m.

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

- (A) Call Meeting to Order
- (B) Disclosure of Pecuniary Interest
- (C) Approval of Previous Minutes **RES 1**
- (D) Presentations/Delegations/Petitions
 - Public Meeting –Zoning By-law Amendment Application– Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe c/o Civic Planning Solutions Inc), relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48024 and 48028 Wilson Line **RES 2-4**
- (E) Reports of Departments
 - (i) Director of Fire & Emergency Services
 - (ii) Director of Public Works
 - (iii) Director of Corporate Services/Treasurer
 - (iv) Clerk
 - (v) Building/Planning/By-law
-2023 By-law Enforcement Activity Report **RES 5**
 - (vi) CAO
- (F) Reports of Committees/Outside Boards
- (G) Correspondence **RES 6**
 - 1. Association of Municipalities of Ontario - WatchFile – February 15, 2024, February 22, 2024, and February 29, 2024

2. Elgin County – Notice of Public Open House & Public Meeting – March 19, 2024
3. Correspondence from Malahide Resident – Community Outdoor Swimming Pool in Aylmer
4. Request for Malahide Township Council Support for Malahide Athletic Centre
5. East Elgin Community Assistance Program – Acknowledgment of Donation
6. City of Hamilton - Support for the Decision of the Ontario Energy Board to End the Gas Pipeline Subsidy
7. County of Renfrew - Rural and Small Urban Municipalities – Affordability of Water and Wastewater Systems
8. Ministry of the Environment, Conservation and Parks - Comprehensive Environmental Assessment Projects
9. Township of Lanark Highlands – Conservation Officer Reclassification

(H) Other Business

(I) By-laws **RES 7**

- By-law No. 24-08 – Drabick Rezoning

(J) Closed RES **8-9**

- A proposed or pending acquisition or disposition of land by the municipality or local board – Port Bruce (Section 239 (2)(c)).
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose relating to the Planning Department (Section 239 (2)(f)).
- Training and education for the purpose of educating or training of its members (Section 239(3.1)) – Review of Procedural By-law.

(K) Confirmatory By-law **RES 10**

(L) Adjournment **RES 11**

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

1. THAT the minutes of the regular council meeting of Council held on February 15, 2024 be adopted as printed and circulated.
2. THAT the Public Meeting relating to the Zoning By-law Amendment Application of Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe c/o Civic Planning Solutions Inc), relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48024 and 48028 Wilson Line be called to order at 7: __p.m
3. THAT the Public Meeting relating to the Zoning By-law Amendment Application of Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe c/o Civic Planning Solutions Inc), relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48024 and 48028 Wilson Line be adjourned at 7: __p.m
4. THAT Report No. DS-24-09 entitled "Zoning By-Law Amendment Application of Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe C/O Civic Planning Solutions Inc)" be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z12-23 of Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe c/o Civic Planning Solutions Inc), relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48024 and 48028 Wilson Line, BE APPROVED for the reasons set out in this Report.

AND THAT Township Council withhold the final passing of the By-law until the associated Consent application for a lot addition is granted conditional approval by the County of Elgin Land Division Committee.

5. THAT Report No. BL-24-01 entitled "2023 By-law Enforcement Activity Report" be received.
6. THAT the following correspondence be noted and filed:
 1. Association of Municipalities of Ontario - WatchFile – February 15, 2024, February 22, 2024, and February 29, 2024
 2. Elgin County – Notice of Public Open House & Public Meeting – March 19, 2024
 3. Correspondence from Malahide Resident – Community Outdoor Swimming Pool in Aylmer

4. Request for Malahide Township Council Support for Malahide Athletic Centre
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 7. County of Renfrew - Rural and Small Urban Municipalities – Affordability of Water and Wastewater Systems
 8. Ministry of the Environment, Conservation and Parks - Comprehensive Environmental Assessment Projects
 9. Township of Lanark Highlands – Conservation Officer Reclassification
7. THAT the following by-laws be considered read a first, second and third reading and properly signed and sealed:
- By-law No. 24-08 – Drabick Rezoning
8. 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 proposed or pending acquisition or disposition of land by the municipality or local board – Port Bruce (Section 239 (2)(c)).
 - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose relating to the Planning Department (Section 239 (2)(f)).
 - Training and education for the purpose of educating or training of its members (Section 239(3.1)) – Review of Procedural By-law.
9. THAT Council move out of Closed Session and reconvene at _____ p.m. in order to continue with its deliberations.
10. THAT By-law No.24-09, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
11. THAT the Council adjourn its meeting at _____ p.m. to meet again on March 21, 2024, at 7:30 p.m.

**The Corporation of the Township of Malahide
February 15, 2024 – 7:30p.m.**

Virtual Meeting – <https://youtu.be/cAn1olkaiQ4>

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

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

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

Also Present: Eric Steele– Monteith Brown

Absent: Councillor S. Lewis

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:

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda item E– Reports of Departments, Petition for Drainage Klassen. The nature of the conflict being that a Partner at Spriet Associates is an immediate relative of his.

MINUTES:

No. 24-050

Moved By: John H. Wilson

Seconded By: Rick Cerna

THAT the minutes of the special meeting of Council held on February 7, 2024 be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

-Small Business Enterprise Centre

No. 24-051

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT the presentation of Mike Kerkvliet and Elle Crevits of Small Business Enterprise Centre regarding business services available for Malahide Residents be received.

Carried

REPORTS OF DEPARTMENTS:

Director of Fire & Emergency Services

- Emergency Services Activity Report – Quarterly Report (October-December)

No. 24-052

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT Report No. F-24-01 entitled “Emergency Services Activity Report – Quarterly Report (October-December) be received.

Carried

- Malahide Fire and Emergency Services – 2023 Year End Report

No. 24-053

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT Report No. F24-02 entitled “Malahide Fire and Emergency Services – 2023 Year End Report” be received;

AND THAT the Officers appointed for Malahide Fire Services effective January 1, 2024 are: South Station – Captains: Andrew Lamb and Joseph DeRyk Jr. North Station – Captains: Dennis Johnson.

Carried

- Fire Marshal’s Public Fire Safety Council Certification Grant

No. 24-054

Moved By: Mark Widner

Seconded By: Chester Glinski

THAT Report No. F-24-03 entitled “Fire Marshal’s Public Fire Safety Council Certification Grant” be received.

Carried

Director of Public Works

- Petition for Drainage – Klassen

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda item E–
- Petition for Drainage – Klassen. He retired from the meeting and abstained from all
discussions and voting on the matter.

No. 24-055

Moved By: Chester Glinski

Seconded By: Sarah Leitch

THAT Report No. PW-24-04 entitled “Petition for Drainage – Klassen” be received;

**AND THAT John M. Spriet, P. Eng., of Spriet Associates Ltd., be appointed to prepare
an Engineer’s Report for the Klassen Petition pursuant to *Sections 5 to 8 of the
Drainage Act R.S.O. 1990.***

Carried

Deputy Mayor Widner returned to his seat at the Council table.

Director of Corporate Services/Treasurer

-2024 Budget Approval

No. 24-056

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT Report No. FIN 24-08 titled “2024 Budget Approval” be received;

AND THAT Council approve the amended 2024 Draft Budget in principle as presented;

**AND THAT, Council approve the User Fee Schedules for 2024 as presented in the 2024
Draft Budget.**

Carried

-2023 Council Remuneration and Expense

No. 24-057

Moved By: John H. Wilson

Seconded By: Mark Widner

THAT Report No. FIN 24-09 entitled “2023 Council Remuneration and Expense” be received.

Carried

Clerk

- Social Media Platform Update

No. 24-058

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT Report No. CLERK-24-03 entitled “Social Media Platform Update” be received.

Carried

Building/Planning/By-law

- Application for Consent to Sever No. E17-24 of the Estate Of Howard Row and Nagelhaven Farms (Agent Colleen Row)

No. 24-059

Moved By: John H. Wilson

Seconded By: Rick Cerna

THAT Report No. DS-24-08 entitled “Application for Consent to Sever No. E17-24 of the Estate Of Howard Row and Nagelhaven Farms (Agent Colleen Row)” be received;

AND THAT the Application for Consent to Sever of the Estate Of Howard Row and Nagelhaven Farms (Agent Colleen Row), relating to the property located at Part of Lot 2, Concession 8 Southern Division, (Geographic Township of South Dorchester), Township of Malahide and known municipally as 51829 Yorke Line, be supported for the reasons set out in this Report;

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

Carried

CAO

- Recruitment of Summer Students

No. 24-060

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT Report No. HR-24-02 entitled “Recruitment of Summer Students” be received.

AND THAT the Human Resources Manager be authorized to recruit two (2) summer student positions: One (1) Parks General Labourer Student and One (1) Civil Engineering Technologist/GIS Student.

AND THAT the Human Resources Manager be authorized to apply for wage subsidies for these positions through the Canada Summer Jobs Program.

Carried

- Salary Philosophy & Administration Policy Update

No. 24-061

Moved By: John H. Wilson

Seconded By: Sarah Leitch

THAT Report No. HR-24-03 entitled “Salary Philosophy & Administration Policy Update” be received;

AND THAT Council authorizes the development and implementation of the attached revised HR Policy and that it be incorporated into the HR Policy Manual.

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 24-062

Moved By: Rick Cerna

Seconded By: Sarah Leitch

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

- Catfish Creek Conservation Authority – Final Progress Report**
- Kettle Creek Conservation Authority – December 20, 2023 and January 4, 2024 Minutes**
- Long Point Region Conservation Authority – January 3, 2024 Minutes**

- Long Point Region Conservation Authority – 2024 Inventory of Programs & Services under Ontario Regulation 687/21
- EECC – January 31, 2024 Draft Minutes

Carried

- EECC – 2024 Operating Budget and 2024 User Fee Approvals

No. 24-063

Moved By: John H. Wilson

Seconded By: Chester Glinski

THAT the Council of the Township of Malahide approve the 2024 Operational Budget in the total amount of \$626,320 (\$313,160 per municipal partner);

AND THAT the Council of the Township of Malahide approve the 2024 EECC user fees.

Defeated

Councillor Leitch inquired if the resolution could be separated. Councillor Wilson and Councillor Glinski agreed to this request.

No. 24-064

Moved By: John H. Wilson

Seconded By: Chester Glinski

THAT the Council of the Township of Malahide approve the 2024 Operational Budget in the total amount of \$626,320 (\$313,160 per municipal partner).

Defeated

No. 24-065

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT the Council of the Township of Malahide approve the 2024 EECC user fees.

Carried

No. 24-066
Moved By: Rick Cerna
Seconded By: Mark Widner

CORRESPONDENCE:

THAT items 4,8, and 9 be supported;

AND THAT item 11a comments be sent to Central Elgin for follow-up on the Zoning By-law Application;

AND THAT the remaining items be noted and filed.

- 1. Association of Municipalities of Ontario - WatchFile – January 18, 2024, January 25, 2024, February 1, 2024, and February 8, 2024**
- 2. LPRCA – 2024 LPRCA Annual General Meeting Invitation**
- 3. Municipality of Tweed – Licence Plate Renewal**
- 4. Town of Mono – Road Safety Emergency**
- 5. Ministry of Natural Resources and Forestry – Oil, Gas and Salt Resources Act regulation changes for special projects and well security**
- 6. TVDSB – School Resource Officer (SRO) program follow-up**
- 7. Corporation of Calvin Township – Additional funds for cost sharing of provincial firefighting and consideration of a national strategy of firefighting**
- 8. Corporation of Prince Edward County – Support for the Province to expand the life span of fire apparatus, specifically pertaining to the replacement of fire trucks due to insurance requirements**
- 9. The Corporation of the City of Sarnia – Carbon Tax Cancellation**
- 10. Town of Orangeville, Prescott-Russell, Town of Hanover, and Town of South Bruce Peninsula -Social and Economic Prosperity Review**
- 11. Municipality of Central Elgin – Notice of Application and Public Meeting -Zoning By-law Amendments:**
 - a. 14000 Belmont Road**
 - b. 33M358 Block 33**

Carried

OTHER BUSINESS:**BY-LAWS:****No. 24-067****Moved By: Sarah Leitch****Seconded By: Mark Widner**

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

-24-06-2024 User Fee & Rates

Carried

CLOSED:**No. 24-068****Moved By: Rick Cerna****Seconded By: John H. Wilson**

THAT Council move into Closed Session at 9:03p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

- **A Labour Relations or Employee Negotiations Matter relating to CUPE Contract Negotiations. (Section 239 (2)(d)).**
- **Personal matters about an identifiable individual, including municipal or local board employees relating to the Fire Department (Section 239 (2)(b)).**

Carried

No. 24-069**Moved By: Rick Cerna****Seconded By: Sarah Leitch**

THAT Council move out of Closed Session and reconvene at 9:49p.m. in order to continue with its deliberations.

No. 24-070

Moved By: Rick Cerna

Seconded By: John H. Wilson

THAT Staff were given direction by Council on the following items that were discussed in the Closed Session:

- **A Labour Relations or Employee Negotiations Matter relating to CUPE Contract Negotiations. (Section 239 (2)(d)).**
- **Personal matters about an identifiable individual, including municipal or local board employees relating to the Fire Department (Section 239 (2)(b)).**

Carried

CONFIRMATORY:

No. 24-071

Moved By: Sarah Leitch

Seconded By: Mark Widner

THAT By-law No.24-07, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 24-072

Moved By: Mark Widner

Seconded By: Rick Cerna

THAT Council adjourn its meeting at 9:51p.m. to meet again on March 7, 2024, at 7:30p.m.

Carried

Mayor – D. Giguère

Clerk – A. Adams



Report to Council

REPORT NO.: DS-24-09

DATE: March 7, 2024

ATTACHMENT: Report Photo, By-law

SUBJECT: **ZONING BY-LAW AMENDMENT APPLICATION OF KENNETH DRABICK AND ANKOR FARM LTD. (AUTHORIZED AGENT: DAVID ROE C/O CIVIC PLANNING SOLUTIONS INC)**

LOCATION: Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide (48024 and 48028 Wilson Line)

Recommendation:

THAT Report No. DS-24-09 entitled “Zoning By-Law Amendment Application of Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe C/O Civic Planning Solutions Inc)” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z12-23 of Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe c/o Civic Planning Solutions Inc), relating to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48024 and 48028 Wilson Line, BE APPROVED for the reasons set out in this Report.

AND THAT Township Council withhold the final passing of the By-law until the associated Consent application for a lot addition is granted conditional approval by the County of Elgin Land Division Committee.

Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by Kenneth Drabick and Ankor Farm Ltd. (Authorized Agent: David Roe c/o Civic Planning Solutions Inc) to rezone the lands known municipally as 48024 Wilson Line, as well as approximately 402 m² of 48028 Wilson Line to permit the construction of a new accessory building to accommodate a truck repair home occupation. A future consent application for a minor boundary adjustment is anticipated to convey approximately 402 m² of land from 48028 Wilson Line to 48024 Wilson Line to

accommodate the proposed home occupation building.

The Application relates to the property located at Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide, and known municipally as 48024 and 48028 Wilson 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 property is approximately 5,087.1 square metres (1.2 acres) in area and has approximately 38.7 metres (127.0 feet) of frontage along Wilson Line. The property has an average depth of approximately 104 metres. There is an existing single-detached dwelling and an existing 370 m² storage building. The subject property is bounded by a non-farm residential use to the east, and agricultural land to the north, south and west.

The applicant and the applicant's son, who resides on the adjacent non-farm residential property to the west, currently operate a truck and trailer repair business with the majority of the work conducted off-site. The applicant is proposing to construct a 418 m² building to accommodate a truck and trailer repair use as a home occupation.

Provincial Policy Statement (PPS)

The PPS directs that agricultural lands shall be protected for long-term use for agriculture and permits a range of agricultural, agriculture-related, and on-farm diversified uses within prime agricultural areas (s. 2.3.1, 2.3.3.1).

Home occupations are permitted within prime agricultural areas as accessory uses to the primary use of a property. The proposed amendment would not remove land from agricultural production and would not result in negative impacts on the surrounding farm operations.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, and is identified as having frontage along a "Local" Road on Schedule 'B', "Transportation Plan".

The County Official Plan permits home occupations/home industries in the 'Agriculture Area' designation, subject to certain criteria including that the home occupation is located within the building cluster; the home occupation and the primary use rely on the same servicing infrastructure; the scale of the home occupation is appropriate; there will not be adverse impacts from noise, dust, or odour; and the traffic generated will be compatible with surrounding uses (s. C2.7.2).

The proposed use would be located within the cluster of existing buildings and would rely upon the same servicing infrastructure. All repair work would take place within the

proposed building, and it is noted that Site Plan Control will be required which would include consideration for the provision of fencing or screening of the proposed use.

The owner of the business would reside on the property and the proposed would employ two other employees, one being the owner's son. All repair work and equipment would be located within the proposed building and Site Plan Control would be applied to the subject lands to require fencing or similar requirements to screen the outdoor storage of trucks and trailers that are waiting to be picked up by customers from view (s. C2.7.2).

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan) and no noted areas on Schedule 'A2' (Constraints Plan). In addition to agricultural uses, the Official Plan permits secondary uses provided these uses are compatible with agricultural uses and do not contribute to land use conflicts. These uses may also include surplus farm dwellings on separate lots (s. 2.1.2.2).

The subject lands consist of a surplus farm dwelling that was previously severed from the adjacent farm parcel. The proposed home occupation use would be located within the proposed building. Additionally, should the application be approved, the Township will require Site Plan Control approval for the proposed development to regulate the scale of the use and provide the Township with the ability to require measures, such as fencing or screening, to ensure there are impacts on the adjacent properties. With the implementation of Site Plan control, the proposed home occupation use would not result in negative impacts on the surrounding agricultural lands.

Malahide Zoning By-law No. 18-22

The subject property is within the "Large Lot Agricultural (A3) Zone" on Key Map 3 of Schedule "A" to the Township's Zoning By-law No. 18-22. The current A3 zone is considered to be a mapping error and is proposed to be corrected through this Zoning By-law Amendment.

The Zoning By-law Amendment would rezone the subject lands to "Small Lot Agriculture – Site Specific (A4-27)". The A4 zone permits home occupations that are accessory to the principal residential use. The proposed amendment would include site-specific provisions to permit the following:

- a maximum floor area of a home occupation in an accessory structure of 418 m², whereas the By-law requires a maximum floor area of 200 m².
- a maximum lot coverage of accessory structures of 15.5%, whereas the By-law requires a maximum lot coverage of 10%.
- An interior side yard setback of 4 metres for an accessory structure to the western lot line, whereas the By-law requires a side yard setback of 5 metres.

The intent of the maximum floor area and maximum lot coverage provisions is to ensure that accessory uses remain secondary to the principal use on a property. An increased floor area is proposed to allow for all repair work to be conducted within the building, as well as the applicant is unable to utilize the existing building due to the feasibility of upgrading the building for commercial use. Additionally, staff are proposing site-specific provisions to limit the number of trucks and trailers on-site at one time (two trucks and

two trailers), the maximum outdoor storage permitted (100 m²), as well as the number of non-resident employees (two employees). These additional provisions would ensure that the scale of the proposed home occupation use remains appropriate and accessory to the principal use. Additionally, it is noted that the current A3 zoning that applies to the subject lands does not have a maximum floor area restriction for accessory structures and would permit a greater lot coverage than the proposed A4 site-specific zone. As a result, while the Zoning Amendment proposes an increased floor area, it would have less of an impact compared to the size of buildings that would be permitted as-of-right.

The intent of the interior side yard setback for accessory structures is to ensure adequate building separation and that buildings do not impact adjacent properties. The applicant is proposing to reduce the setback between the proposed home occupation building and the western lot line. The adjacent lands to the west and north are currently vacant and used for agricultural crop production. The reduction of the interior side yard setback would not impact the adjacent agricultural lands. As previously noted, screening will be required through the Site Plan Control process to screen the proposed use from the adjacent property to the southwest of the proposed building.

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:

- The Kettle Creek Conservation Authority (KCCA) (letter dated February 15, 2024) has no objections to the application.

There have been no comments received from the general public as of the date 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 for 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 AMENDMENT¹⁸

Owners: Kenneth Drabick, Ankor Farm Ltd.

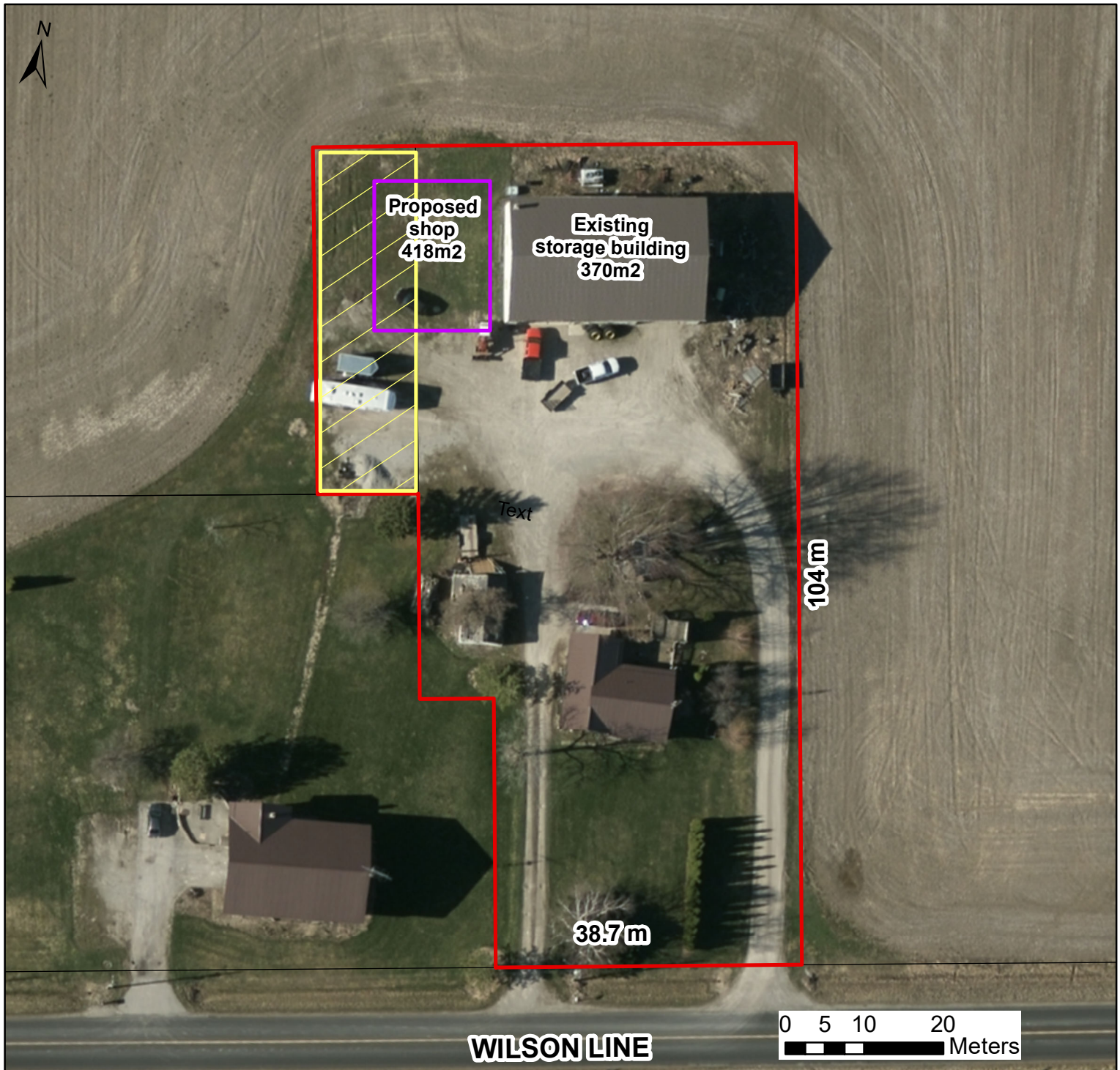
Authorized Agent: David Roe c/o Civic Planning Solutions Inc

48024 and 48028 Wilson Line

Lot 18, Concession 8 South Dorchester,

Former Township of South Dorchester, Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agriculture

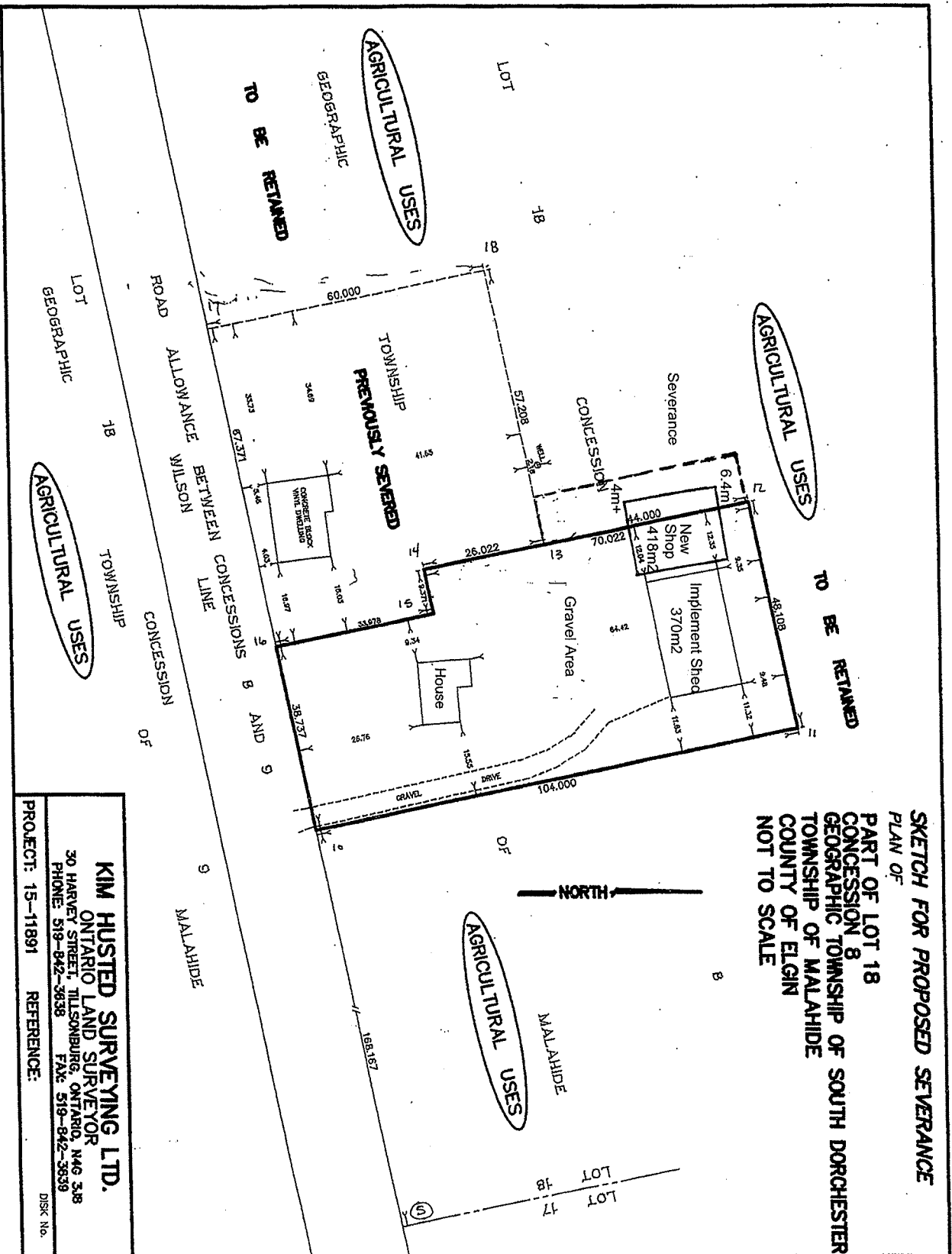


LANDS TO BE REZONED FROM LARGE LOT AGRICULTURAL 'A3' ZONE
TO SITE SPECIFIC SMALL LOT AGRICULTURAL 'A4-27' ZONE

ZONING
A3 Large Lot Agricultural



402 M2 OF LAND TO BE CONVEYED FROM 48028 WILSON LINE TO
48024 WILSON LINE BY A FUTURE CONSENT APPLICATION FOR A
MINOR BOUNDARY ADJUSTMENT





Report to Council

REPORT NO.: BL-24-01
DATE: March 7, 2024
ATTACHMENT: N/A
SUBJECT: 2023 BY-LAW ENFORCEMENT ACTIVITY REPORT

Recommendation:

THAT Report No. BL-24-01 entitled “2023 By-law Enforcement Activity Report” be received.

Background:

The purpose of this Report is to provide Council with an update on by-law enforcement throughout the Township for the 2023 calendar year; and to also compare current activity levels with past years.

Comments/Analysis:

For the first half of 2023, By-law Enforcement activities were the responsibility of the Chief Building Official as well as a third-party by-law enforcement contractor, “Tenet Security”.

On July 10, 2023, a dedicated By-law Enforcement Officer (BLEO) started with the Municipality of Bayham, with services being split between Bayham and Malahide. The BLEO has extensive training and experience in the field of By-law Enforcement and Property Standards as well as the provision of legal services to Municipalities as a licensed paralegal with the Law Society of Ontario. Through the quick and efficient resolution of complaints, it was determined in September of 2023 that the services of the third-party By-law Enforcement contractor were no longer necessary in the Township of Malahide, thus saving on the costs of providing the service.

The responsibilities of the BLEO include enforcement of municipal by-laws, review and update of existing by-laws, implementation of new by-laws that meet the needs of the Municipality, as well as drafting Policies and Procedures related to by-law enforcement.

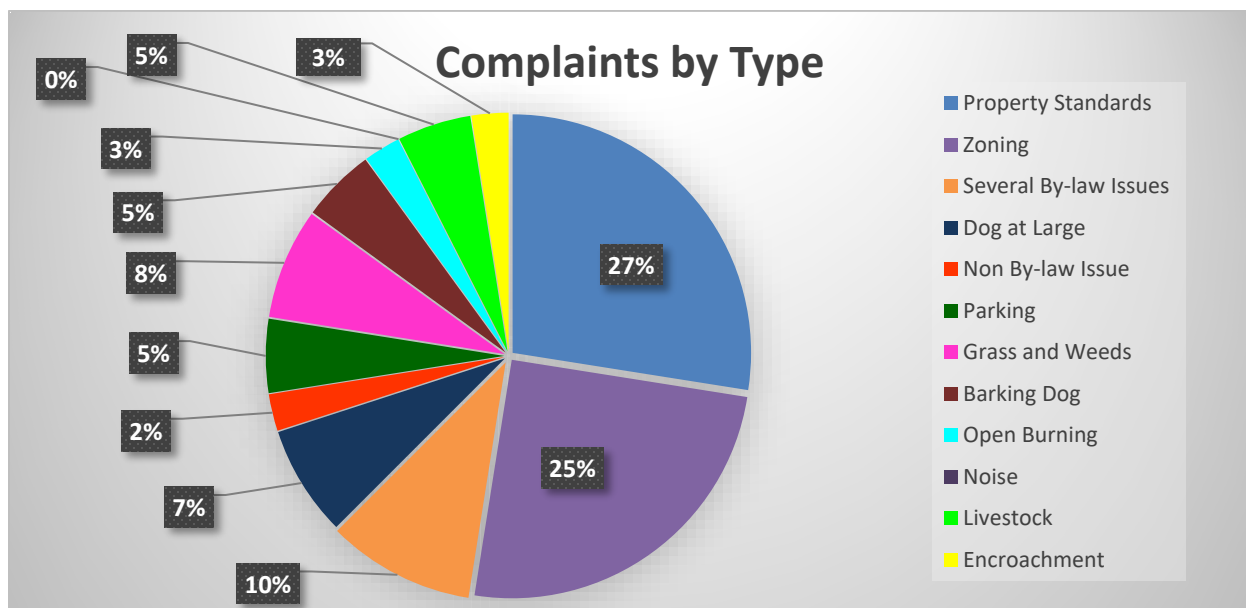
The overall goal of By-law Enforcement is voluntary compliance with municipal By-laws without having to resort to charges being laid in the Ontario Court of Justice. This is

achieved by way of effective communication, collaboration and education related to the By-laws that are in force and effect within the Township of Malahide.

The following stats were compiled from July to year-end 2023.

Complaints by Location	
Port Bruce	3
Copenhagen	6
Mount Salem	4
Lutton	0
Lyons	7
Springfield	8
Little Aylmer	3
Rural Malahide	9
Total Count	40

Complaints by Type	
Property Standards	11
Zoning	10
Several By-law Issues	4
Dog at Large	3
Non By-law Issue	1
Parking	2
Grass and Weeds	3
Barking Dog	2
Open Burning	1
Noise	0
Livestock	2
Encroachment	1
Total Count	40



There were 40 Total Complaints received in the second half of 2023 for by-law enforcement related matters. As you can see from the above chart, the majority of the by-law complaints were for either Zoning (People using land for purposes other than permitted) or Property Standards related issues. There were no complaints related to structural or building related property standards and all of Property Standards complaints were related to lot maintenance. Property Standards and Lot Maintenance complaints comprise over half of total By-law Enforcement Complaints for the second half of 2023.

Response times from July to year-end 2023 on average are considered acceptable, with complaints being responded to on average within 6 days of being received. Complaints are prioritized based on risk to public safety as well as health safety and well-being of citizens and, notably, the median number of days from complaint received to response is 1 day.

The average number of days from initial response to successful resolution of the complaint is also within acceptable standards with the average number of days from initial response to resolution being 3 days. The median number of days from initial complaint to response to resolution comes in lower than average at 2 days from initial complaint response to resolution.

As noted there is no historical data available for the provision of by-law enforcement activities in the Township of Malahide, however, one of the benefits of a dedicated By-law Enforcement Officer in the Township of Malahide is the development of statistical tracking as well as Key Performance Indicators.

Another Key Performance Indicator as it relates to By-law Enforcement activities is the number of files carried over from year to year. Files must receive timely attention to ensure efficient and effective service provision. When large numbers of files are carried over from year to year, it indicates difficulty in achieving voluntary compliance and can serve to compound workloads in an environment where there is an increased demand for service.

I am pleased to advise only 4 files were carried over from 2023 into 2024.

Based on the above referenced metrics, transition into a dedicated By-law Enforcement Officer in the Township of Malahide was a success in 2023.

Staff look forward to improving By-law Enforcement Services further in 2024.

Submitted by:	Approved by:
Stephen Miller, Municipal Law Enforcement Officer	Nathan Dias Chief Administrative Officer

**THE CORPORATION OF THE
TOWNSHIP OF MALAHIDE
BY-LAW NO. 24-08**

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

**KENNETH DRABICK AND ANKOR FARM LTD.
48024 Wilson Line & 48028 Wilson 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 Lot 18, Concession 8 South Dorchester, Part 2 of RP 11R10007, Former Geographic Township of South Dorchester, Township of Malahide, shall be removed from the "Large Lot Agricultural (A3) Zone" of By-law No. 18-22 and placed within the "Site-Specific Small Lot Agricultural (A4-27)" Zone" as set forth in this By-law. The zoning of this land shall be shown as "A4-27" on Key Map 3 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 5.7 SMALL LOT AGRICULTURAL (A4) ZONE – 'SITE-SPECIFIC' ZONES, by adding the following new subsection.

"5.7.27 a) Defined Area

A4-27 as shown on Schedule 'A', Map No. 3.

b) Permitted Uses

Truck repair business as a home occupation use.
All other permitted uses in the A4 zone

c) Setbacks for Accessory Structures

Minimum Interior Side Yard to western lot line
within 40 metres of the rear lot line.

4 m

c) Maximum Lot Coverage

Accessory Structures

15.5%

e)	<u>Maximum Floor Area</u>	
	Home Occupation	418 m ²
f)	<u>Maximum Number of Non-Resident Employees</u>	2
e)	<u>Maximum Outdoor Storage</u>	
	Home Occupation	100 m ²
e)	<u>Maximum Number of Vehicles</u>	
	Trailers	2
	Trucks	2

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.

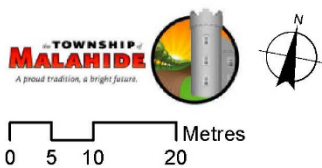
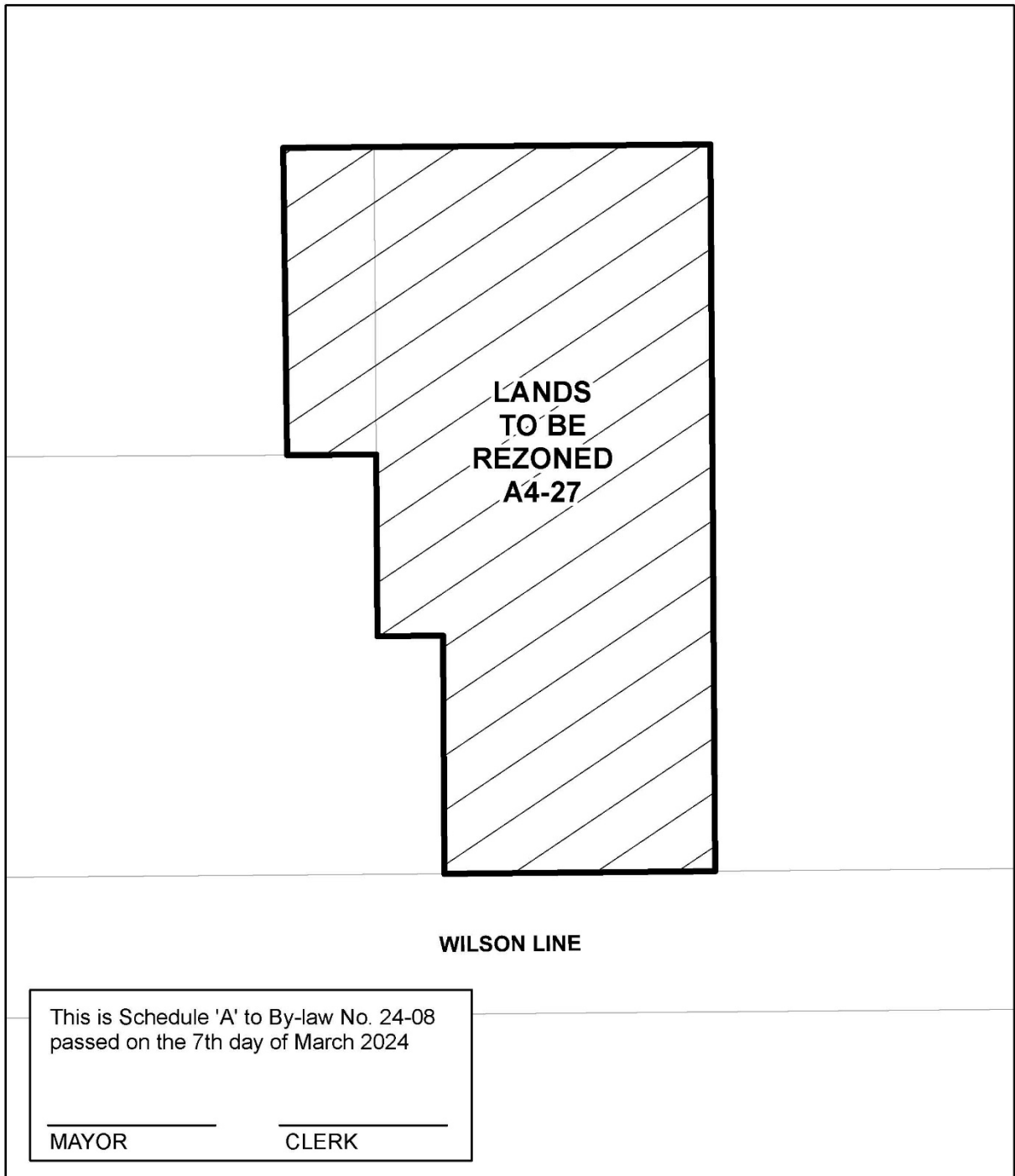
READ a **FIRST** and **SECOND** time this 7th day of March, 2024.

READ a **THIRD** time and **FINALLY PASSED** this 7th day of March, 2024.

Mayor – D. Giguère

Clerk – A. Adams

SCHEDULE A



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

SCHEDULE 'A'
Map 3

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 24-09**

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 March 7, 2024, 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 7th day of March, 2024.

READ a **THIRD** time and **FINALLY PASSED** this 7th day of March, 2024.

Mayor, D. Giguère

Clerk, A. Adams