# Municipality of West Elgin
# Agenda
# Council Meeting

Date: **May 26 2022, 9:30 a.m.**

Location: **West Elgin Community Complex - Hybrid Meeting**
**160 Main Street**
**West Lorne**
**Electronic Hybrid Meeting**

This meeting will be broadcasted and the recording made available after the meeting on the municipal website. If you require an alternate format or accessible communication support or wish to receive the link to the meeting via email please contact the Clerk, at 519-785-0560 or by email at clerk@westelgin.net.

**Pages**

1. **Call to Order**

2. **Adoption of Agenda**

   Recommendation:
   That West Elgin Council hereby adopts the Agenda as presented.

3. **Disclosure of Pecuniary Interest**

4. **Public Meeting - 196 Ridge Street**

   Recommendation:
   That West Elgin Council hereby proceed into a Public Meeting at _____ pursuant to Section 34 of the Planning Act in order to hear an application to rezone property at 196 Ridge Street, West Lorne.

## 4.1. Purpose of the Public Meeting

The purpose of the public meeting is to consider and hear comments on a proposed amendment to the Zoning By-law to rezone lands known municipally as 196 Ridge Street, from Residential First Density with Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with a reduced minimum front yard depth from 7.5 m to 3 m; a reduced minimum side yard width from 6.0 m to 4.05 m; and, reduced minimum parking space length from 6.0 m to 5.49 m.

Council will not make a decision on the application at this public meeting. Based on the recommendation and information received at this public meeting an amending by-law will be presented to Council in the by-law portion of the Regular Meeting of Council. The Planner is keeping a public registry and if any member of the public wishes to be notified in writing of the decision on this application they can provide their name and mailing address via email to planning@westelgin.net or by calling 519-785-0560 ext 226 no later than 4 pm on the day of the public meeting. A person or public body may appeal a decision if they have made an oral or written submission at today's meeting. If you wish to make an oral submission during the public meeting please use the raise your hand feature in Zoom and the Clerk will allow you to speak, when the call is put out for public
comments.

## 4.2. Planner Report

### 4.2.1. Zoning By-law Amendment Application D14 07-2022 – Recommendation Report 11

Recommendation:
That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 07-2022 – Part of Lot 64, Plan 199, 196 Ridge Street Recommendation Report (Planning Report 2022-16);

## 4.3. Applicant Comments

## 4.4. Public Comments

## 4.5. Council Comments

### 4.6. Staff Recommendation

Recommendation:
That West Elgin Council approve the rezoning of Part of Lot 64, Plan 199, 196 Ridge Street from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with reduced zoning regulations, in accordance with the draft by-law contained within Appendix Three of this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 26, 2022, Council Agenda.

### 4.7. Close of Public Meeting

Recommendation:
That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at _____ a.m. to reconvene in Regular Meeting of Council.

## 5. Public Meeting - Thomson Line

Recommendation:
That West Elgin Council hereby proceed into a Public Meeting at _____ pursuant to Section 34 of the Planning Act in order to hear an application to rezone property on the North side of Thomson Line, s Part of Lot 6, Concession 10.

## 5.1. Purpose of the Public Meeting

The purpose of the public meeting is to consider and hear comments on a proposed amendment to the Zoning By-law for lands legally described as Part of Lot 6, Concession 10 with no assigned municipal address and located on the north side of Thomson Line, from Agricultural (A2) Zone to General Agricultural (A1) Zone, in order to permit a single unit dwelling and other A1 Permitted Uses.

Council will not make a decision on the application at this public meeting. Based on the recommendation and information received at this public meeting an amending by-law will be presented to Council in the by-law portion of the Regular Meeting of Council. The Planner is keeping a public registry and if any member of the public wishes to be notified in writing of the decision on this application they can provide their name and mailing address via email to planning@westelgin.net or by calling 519-785-0560 ext 226 no later than 4 pm on the day of the public meeting. A person or public body may appeal a decision if they have made an oral or written submission at today's meeting. If you wish to make an oral submission during the public meeting please use the raise your hand feature in Zoom and the Clerk will allow you to speak, when the call is put out for public
comments.

## 5.2. Planners Report

### 5.2.1. H. James Zoning By-law Amendment Application D14 08-2022 – Recommendation Report 23

Recommendation:
That West Elgin Council hereby receives the report from Heather James, Planner regarding Zoning By-law Amendment Application D14 08-2022 – Part of Lot 6, Concession 10 Recommendation Report (Planning Report 2022-17);

## 5.3. Applicant Comments

## 5.4. Public Comments

## 5.5. Council Comments

### 5.6. Staff Recommendation

Recommendation:
That West Elgin Council refuse the rezoning of Part of Lot 6, Concession 10.

### 5.7. Close of Public Meeting

Recommendation:
That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at _____ a.m. to reconvene in Regular Meeting of Council.

## 6. Public Meeting - Southwest Corner of Graham and Jane Streets

Recommendation:
That West Elgin Council hereby proceed into a Public Meeting at _____ pursuant to Section 34 of the Planning Act in order to hear an application to rezone property at Southwest Corner of Graham and Jane Streets, West Lorne.

### 6.1. Purpose of the Public Meeting

The purpose of the public meeting is to consider and hear comments on a proposed amendment to the Zoning By-law to rezone lands located on the Southwest Corner of Graham Road and Jane Street in West Lorne, from Open Space (OS) to Residential Third Density (R3) to permit residential townhouse development.

Council will not make a decision on the application at this public meeting. Based on the recommendation and information received at this public meeting an amending by-law will be presented to Council in the by-law portion of the Regular Meeting of Council. The Planner is keeping a public registry and if any member of the public wishes to be notified in writing of the decision on this application they can provide their name and mailing address via email to planning@westelgin.net or by calling 519-785-0560 ext 226 no later than 4 pm on the day of the public meeting. A person or public body may appeal a decision if they have made an oral or written submission at today's meeting. If you wish to make an oral submission during the public meeting please use the raise your hand feature in Zoom and the Clerk will allow you to speak, when the call is put out for public
comments.

### 6.2. Planners Report

6.2.1. **H. James, Planner - Zoning By-law Amendment Application D14 09-2022 – Recommendation Report** 32

Recommendation:
That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 09-2022 – Part of Lot 18, Concession 8 (being Part 7 on 11R-9329) Recommendation Report (Planning Report 2022-18);

6.3. **Public Comments**

6.4. **Council Comments**

6.5. **Staff Recommendation**

Recommendation:
That West Elgin Council approve the rezoning of Part of Lot 18, Concession 8 (being Part 7 on 11R-9329 from Open Space (OS) to Residential Third Density (R3) to permit a future residential townhouse development, in accordance with the draft by-law contained within Appendix Two of this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 26, 2022, Council Agenda.

6.6. **Close of the Public Meeting**

Recommendation:
That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at _____ a.m. to reconvene in Regular Meeting of Council.

7. **Adoption of Minutes** 42

Recommendation:
That the Minutes of the Council meeting on May 12, 2022 be adopted as circulated and printed.

8. **Business Arising from Minutes**

9. **Staff Reports**

## 9.1. Operations & Community Services

### 9.1.1. L. Gosnell, Manger of Operations & Community Services - Blacks Road Bridge Rehabilitation & Culvert No. 6 Replacement

62

Recommendation:
That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services re: Blacks Road Bridge Rehabilitation & Culvert No. Replacement; and

That West Elgin Council hereby awards the Blacks Road Bridge Rehabilitation Contract to Theo Vandenberk Construction Inc. at a cost of $446,190.00 plus applicable taxes; and

That West Elgin Council hereby awards the Culvert No. 6Replacement Contract to Theo Vandenberk Construction Inc. at a cost of $400,238.00 plus applicable taxes; and

That West Elgin Council hereby authorize the Mayor and Clerk to execute all necessary contracts and documents for the Blacks Road Bridge Rehabilitation and Culvert No. 6 Replacement.

## 9.2. Clerk's

### 9.2.1. J. Nethercott, Clerk - 2022 Municipal Election – Establishment of Joint Compliance Audit Committee

67

Recommendation:
That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: 2022 Municipal Election – Establishment of Joint Compliance Audit Committee for information purposes; and

That West Elgin Council consider the by-law to establishing an Election Joint Compliance Audit Committee for the 2022 Municipal Election in accordance with the *Municipal Elections Act, 1996* as amended, in the By-law portion of the agenda.

9.2.2. J. Nethercott, Clerk - Land Transfer Clarification 76

Recommendation:
That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Land Transfer Clarification; and

That West Elgin Council hereby approve proceeding under By-Law 2019-14 with the disposition of lands declared surplus under Council Resolution 2019-09, being lands legally described as Part of Lot 64, Plan 199 Parts 2 and 3 on RT 11R-9125; and

That West Elgin Council hereby approves the method of disposal as Single Source Sale to Arvai Developments Inc., with no appraisal needed as per Sections 5(b) of By-Law 2019-14.

9.3. Finance/Administration

9.3.1. M. Badura, CAO/Treasurer - Port Glasgow Yacht Club Marina Ring Road Paving 88

Recommendation:
That West Elgin Council hereby receives the report from Magda Badura, CAO/Treasurer re: Port Glasgow Yacht Club Ring Road Paving; and

That West Elgin Council hereby grants approval for the Port Glasgow Yacht Club to place asphalt surface on the municipally owned portion of the Marina Ring Road; and

That West Elgin Council hereby grant approval for the Port Glasgow Yacht Club to borrow up to $125,000 from the Breakwater Extension Reserve Fund and enter into an agreement with the Municipality for a repayment schedule over a five (5) year term;

10. Committee and Board Report

10.1. Councillor Reports from Committees

10.2. Recreation Committee Minutes - April 20, 2022 94

10.3. West Elgin Community Centre Board of Management 98

Recommendation:
That West Elgin Council hereby confirms Terry Weed as the West Lorne Minor Hockey Representative to the West Elgin Community Centre Board of Management.

## 11. Accounts

Recommendation:
THAT the Mayor and Treasurer are hereby authorized to sign Payment Voucher #5A amounting to $728,416.38 in settlement of General, Road, Water and Arena Accounts including EFT#5155-5242, online Payments# 918-924, cheque# 25933-25934 and Payroll PP10.

## 12. Correspondence

12.1. Elgin County Council Highlights - May 10, 2022 99

12.2. Ministry of Solicitor General - Conclusion of COVID-19 Enforcement Support Line 102

12.3. Community Schools Alliance - Three Point Action Plan in Support of Rural and Northern Education Background Information 103

12.4. City of Brantford - Release all Documents Related to Former Mohawk Institute Residential School 110

12.5. RAAS - Road Closure Request 113

## 13. Up Coming Meetings

13.1. Four Counties Transit - May 31 at 8:30 a.m.

13.2. Committee of Adjustment - June 9 at 9:00 a.m.

13.3. Council Meeting - June 9, 2022

## 14. Council Inquires/Announcements

14.1. Notice of Motion

14.2. Statements/Inquires by Councillors

14.3. Matters of Urgency

## 15. By-Laws

### 15.1. 2022-34 - Establish Joint Compliance Audit Committee 114

Recommendation:
That By-law 2022-34 being a By-law to establish an Election Joint Compliance Audit Committee for the 2022 Municipal Election in accordance with the Municipal Elections Act, 1996, as amended, be read a first, second and third and final time.

### 15.2. 2022-36 - ReZone 196 Ridge Street 122

Recommendation:
That By-law 2022-36 Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as 196 Ridge Street, be read a first, second and third and final time.

### 15.3. 2022-37 - Rezone Southwest Corner of Graham and Jane Streets 125

Recommendation:
That By-law 2022-7 Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as Part of Lot 18, Concession 8, being Part 7 on 11R-9329, be read a first, second and third and final time.

## 16. Confirming By-Law 127

Recommendation:
That By-law 2022-35 being a By-law to confirm the proceeding of the Regular Meeting of Council held on May 26,2022 be read a first, second and third and final time.

## 17. Adjournment

Recommendation:
That the Council of the Municipality of West Elgin hereby adjourn at _____ to meet again at 9:30 a.m. on June 9, 2022 or at the call of the Chair.

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **Council Meeting** |
| **From:** | **Heather James, Planner** |
| **Date:** | 2022-05-26 |
| **Subject:** | **Zoning By-law Amendment Application D14 07-2022 – Recommendation Report** |

**Recommendation:**

That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 07-2022 – Part of Lot 64, Plan 199, 196 Ridge Street Recommendation Report (Planning Report 2022-16); and

That West Elgin Council approve the rezoning of Part of Lot 64, Plan 199, 196 Ridge Street from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with reduced zoning regulations, in accordance with the draft by-law contained within Appendix Three of this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 26, 2022, Council Agenda.

**Purpose:**

The purpose of the Zoning By-law Amendment is to rezone the subject lands, 0.68 ha (1.68 ac.) in area with a frontage of 54.42 m (178.54 ft.) along Ridge Street from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with a reduced minimum front yard depth from 7.5 m to 3 m; a reduced minimum side yard width from 6.0 m to 4.05 m; and, reduced minimum parking space length from 6.0 m to 5.49 m.

**Background:**

Below is background information from the application, in a summary chart:

| | |
|---|---|
| **Owner:** | Arvai Developments Inc. c/o Louis Arvai |
| **Applicant:** | Batory Planning & Management c/o Christopher Langley |
| **Legal Description:** | Part of Lot 64, Plan 199 |
| **Civic Address:** | 196 Ridge Street |
| **Entrance Access:** | Ridge Street |
| **Water Supply:** | Existing: None<br>Proposed: Municipal water service |
| **Sewage Disposal:** | Existing: None<br>Proposed: Municipal sanitary service |
| **Lot Area:** | 0.68 hectares (1.68 acres) |

| | |
|---|---|
| **Lot Frontage:** | 54.42 metres (178.54 feet) |
| **Lot Depth:** | 124.5 metres (408.47 feet) |
| **Use of Lands:** | Existing: Vacant residential<br>Proposed: Residential townhouse development |
| **Buildings and Structures:** | Existing: None<br>Proposed: Four (4) building, twenty-two (22) unit townhouse development |

Figure One below, depicts the subject lands:

The surrounding land uses are as follows:

- North: Residential;
- East: Ridge Street, then residential;
- South: Residential; and
- West: Future residential.

The zoning sketch, depicting the proposed townhouse development, is attached to this report as Appendix One for reference purposes.

The following plans and reports were submitted as part of the application:

- Planning Justification Brief
- Boundary Survey
- Grading, Servicing and Details Plan
- Stormwater Management Report
- Architectural Design and Details Report
- Streetlighting Photometric Model Plan
- Streetlight Cut Sheet Plan

Should the application be approved, a Site Plan Approval agreement will be required. The agreement will address parking, access, snow storage, stormwater management, servicing, landscaping, outdoor storage, lighting, noise and other matters.

**Financial Implications:**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

**Policies/Legislation:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

**PPS:**

The subject lands are within the settlement area of West Lorne which permits a variety of densities and land uses, provided the necessary infrastructure and transportation is available (Section 1.1.3).

The proposal appears to be consistent with the PPS.

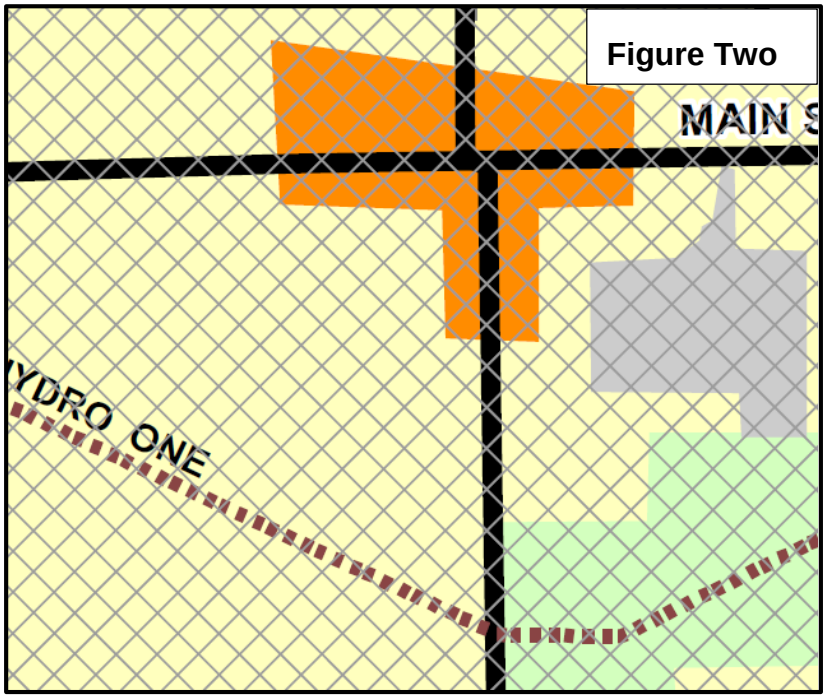
**CEOP:**

The subject lands are designated Tier One Settlement Areas on Schedule 'A' Land Use in the CEOP, wherein detailed land use designations are provided within the OP.

Therefore, this proposal appears to conform to the CEOP.

**OP:**

The subject lands are designated as Residential, as shown on Village of West Lorne Land Use and Transportation Plan Schedule 'D' of the OP, as shown on Figure Two, with the yellow colour and grey diamond shaped hatching being the Residential designation with full municipal services. Section 5.2.8 Residential - Medium Density Housing policies were reviewed.



Medium density residential development in the form of townhouses, low-rise apartments and other forms of multiple-unit housing shall be encouraged. Policy 5.2.8 lists three criteria that a development should generally meet, and the proposal appears to meet such criteria. The development will be serviced with full municipal services. Compatibility with the character and design of the neighbouring development will be achieved through building design and the use of a Site Plan Approval agreement. Buffering in the form of fencing between neighbouring lands uses will be a requirement in the Site Plan Approval agreement.

Therefore, this proposal appears to conform to the OP.

**Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):**

The subject lands are zoned Residential First Density Holding 1 (R1-H-1) on Schedule C, Map 6 of the ZBL, as depicted in Figure Three below.

The proposed zoning by-law amendment would rezone the subject lands from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with a reduced minimum front yard depth from 7.5 m to 3 m; a reduced minimum side yard width from 6.0 m to 4.05 m; and, reduced minimum parking space length from 6.0 m to 5.49 m.

The proposed reduced minimum front yard depth will still provide a sufficient front yard depth for a landscaped area and will not impede the municipal functions of Ridge Street. The proposed reduced side yard width will still provide an adequate setback between the proposed use and the neighbouring residential properties backing on to the development. The reduced minimum parking space length will not impact the municipal functions of Ridge Street as unit parking will be adjacent to an internal privately owned driveway and each unit will have its own attached garage. Stormwater management for the development has accounted for the deficiencies listed above.

**Circulation Of The Application:**

The application was circulated to the applicable commenting agencies and neighboring property owners within 120 meters of the subject lands on May 5, 2022, 21 days prior to the public meeting (minimum 20 days required).

Additional information related to the application is available on the website: https://www.westelgin.net/en/business-and-development/current-planning-applications.aspx#D14-07-2022---Zoning-By-law-Amendment---196-Ridge-Street

**Municipal Department Comments:**

The zoning by-law amendment application was circulated to the Development Application Review Team for comment and no concerns were identified.

**Agency Comments:**

The zoning by-law amendment application was circulated to the Agencies for comment. The following comments were received:

Lower Thames Valley Conservation Authority (LTVCA)

Lower Thames Valley Conservation Authority, in their May 13, 2022, letter noted the following:

- After reviewing our files and mapping, staff determined that the area is not subject to the Authority's regulations.
- The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

**Public Comments:**

At the time of submission of this report, one written comment from the public had been received related to the zoning by-law amendment. The letter can be found in Appendix Two to this report. The letter is received from Grace Wilson, who resides at 166 Chestnut Street and Gwendolyn A. Szabo, who resides at 10837 Graham Road who are in support of the proposal.

**Summary/Conclusion:**

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment appears to be consistent with the PPS, appears to conform to the CEOP and appears to conform to the OP; and recommends that the request for Zoning By-law Amendment be approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public meeting.

Once a Council decision is made, notice will be sent to those who have requested a copy and/or attended the public meeting or provided written comments and everyone who was circulated the notice of public meeting.

There will be a 20 day appeal period after the Notice is sent out. Any appeals received by the Municipality of West Elgin will be forwarded to the Ontario Land Tribunal for a hearing, in accordance with the Planning Act.

Respectfully Submitted,

Heather James, MES (Pl.), MCIP, RPP
Planner

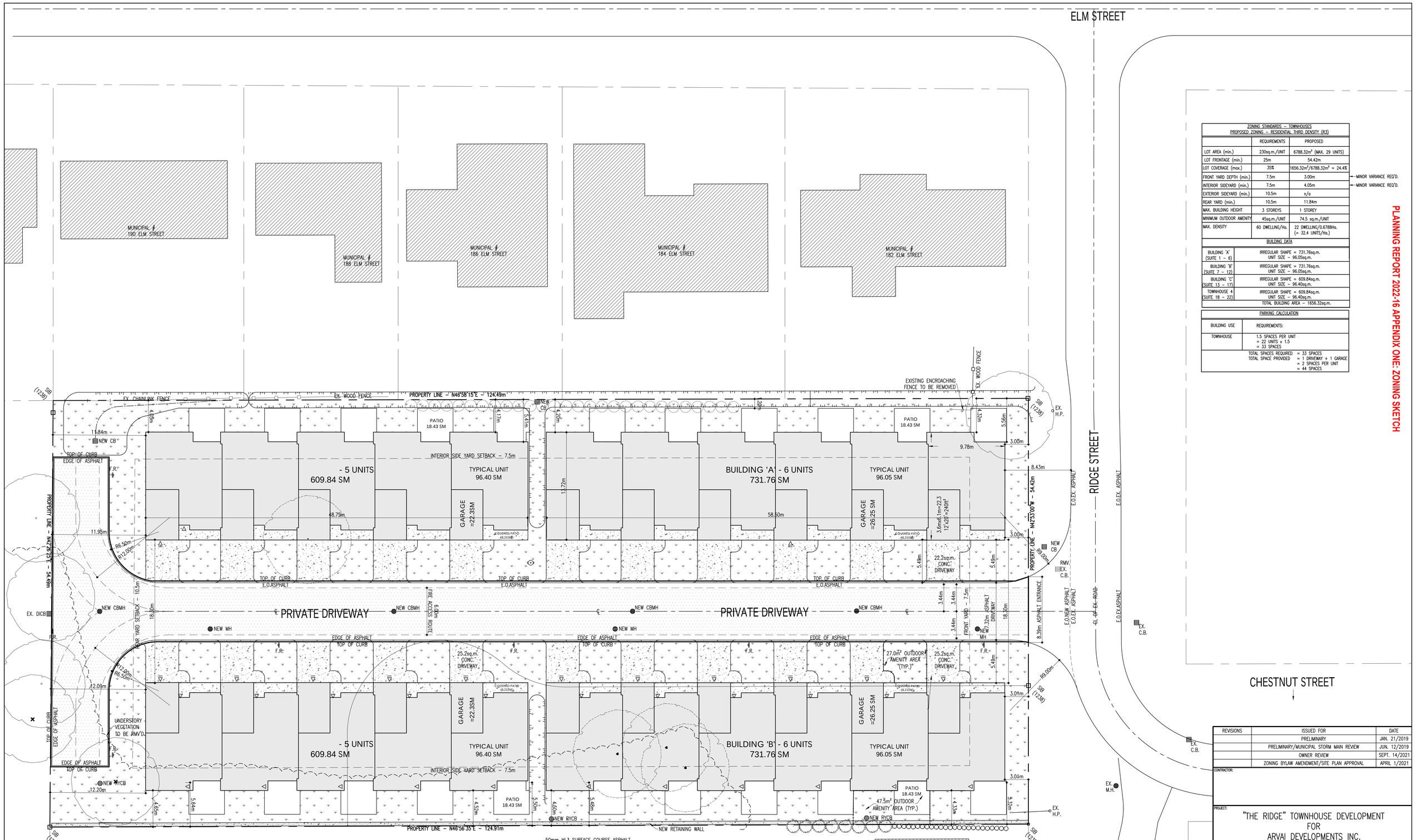
Municipality of West Elgin

**Report Approval Details**

| | |
|---|---|
| Document Title: | Zoning By-law Amendment Application D14 07-2022 - Recommendation Report - 2022-16-Planning.docx |
| Attachments: | - Planning Report 2022-16 Appendix One - Zoning Sketch.pdf<br>- Planning Report 2022-16 Appendix Two - Public Comments.pdf<br>- Planning Report 2022-16 Appendix Three - Proposed By-law.pdf |
| Final Approval Date: | May 24, 2022 |

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott




| ZONING STANDARDS – TOWNHOUSES<br>PROPOSED ZONING – RESIDENTIAL THRD DENSITY (R3) | | | |
|---|---|---|---|
| | REQUIREMENTS | PROPOSED | |
| LOT AREA (min.) | 230sq.m./UNIT | 6788.32m² (MAX. 29 UNITS) | |
| LOT FRONTAGE (min.) | 25m | 54.42m | |
| LOT COVERAGE (max.) | 35% | 1656.32m²/6788.32m² = 24.4% | |
| FRONT YARD DEPTH (min.) | 7.5m | 3.00m | MINOR VARIANCE REQ'D. |
| INTERIOR SIDEYARD (min.) | 7.5m | 4.05m | MINOR VARIANCE REQ'D. |
| EXTERIOR SIDEYARD (min.) | 10.5m | n/a | |
| REAR YARD (min.) | 10.5m | 11.84m | |
| MAX. BUILDING HEIGHT | 3 STOREYS | 1 STOREY | |
| MINIMUM OUTDOOR AMENITY | 45sq.m./UNIT | 74.5 sq.m./UNIT | |
| MAX. DENSITY | 60 DWELLING/Ha. | 22 DWELLING/0.6788Ha.<br>(= 32.4 UNITS/Ha.) | |
| BUILDING DATA | | | |
| BUILDING 'A'<br>(SUITE 1 – 6) | IRREGULAR SHAPE = 731.76sq.m.<br>UNIT SIZE – 96.05sq.m. | | |
| BUILDING 'B'<br>(SUITE 7 – 12) | IRREGULAR SHAPE = 731.76sq.m.<br>UNIT SIZE – 96.05sq.m. | | |
| BUILDING 'C'<br>(SUITE 13 – 17) | IRREGULAR SHAPE = 609.84sq.m.<br>UNIT SIZE – 96.40sq.m. | | |
| TOWNHOUSE 4<br>(SUITE 18 – 22) | IRREGULAR SHAPE = 609.84sq.m.<br>UNIT SIZE – 96.40sq.m. | | |
| TOTAL BUILDING AREA – 1656.32sq.m. | | | |

| PARKING CALCULATION | |
|---|---|
| BUILDING USE | REQUIREMENTS: |
| TOWNHOUSE | 1.5 SPACES PER UNIT<br>= 22 UNITS x 1.5<br>= 33 SPACES |
| | TOTAL SPACES REQUIRED = 33 SPACES<br>TOTAL SPACE PROVIDED = 1 DRIVEWAY + 1 GARAGE<br>= 2 SPACES PER UNIT<br>= 44 SPACES |

GARBAGE COLLECTION NOTE:
CURB SIDE GARBAGE COLLECTION SERVICE TO BE PROVIDED TO EACH UNIT

SCALE: 1:200

| LEGEND | LEGEND |
|---|---|
| OVERHEAD DOOR | 6.0m WIDE FIRE ROUTE |
| MAN DOOR | B.F. BARRIER FREE PARKING SIGN AS PER DETAIL |
| F.R. FIRE ROUTE SIGN AS PER DETAIL | NO PARKING AREAS WITH YELLOW PAINTED LINES |

50mm HL3 SURFACE COURSE ASPHALT
75mm HL4 BASE COURSE ASPHALT
200mm GRANULAR "A"
400mm GRANULAR "B"
(COMPACTED TO 100% STANDARD PROCTOR DENSITY)

ASPHALT PAVEMENT (TYP.)
SCALE: N.T.S.

PLANNING REPORT 2022-16 APPENDIX ONE: ZONING SKETCH

| REVISIONS | ISSUED FOR | DATE |
|---|---|---|
| | PRELIMINARY | JAN. 21/2019 |
| | PRELIMINARY/MUNICIPAL STORM MAIN REVIEW | JUN. 12/2019 |
| | OWNER REVIEW | SEPT. 14/2021 |
| | ZONING BYLAW AMENDMENT/SITE PLAN APPROVAL | APRIL 1/2021 |

CONTRACTOR:

PROJECT:
"THE RIDGE" TOWNHOUSE DEVELOPMENT
FOR
ARVAI DEVELOPMENTS INC.
196 RIDGE STREET — WEST LORNE, ONTARIO

SHEET TITLE:
SITE PLAN

REGISTERED PROFESSIONAL ENGINEER — APRIL 1/22 — Y-C. LIU — PROVINCE OF ONTARIO

Y.C. LIU ENGINEERING
Engineered Solutions
30 McNAUGHTON AVE., WEST
CHATHAM, ONTARIO N7L 1B2
TEL: (519) 351-0612
FAX: (519) 351-5028

| DRAWN | CHECKED | FILE NO. | DWG. NO. |
|---|---|---|---|
| C.W. | C.L. | 18-222 | 1 |
| BCIN | FIRM BCIN | DATE | SHEET NO. |
| 20529 | 29635 | JAN./2019 | SP-1 of 5 |

RECEIVED
MAY 20 2022

May 15, 2022

To whom it may Concern.

Re File 014-07-2022
Zoning Bylaw Amendment
(Louis Arvai)

We are very much in favour of these apartments being built as soon as possible.

We have been waiting a long time.
(at least 3 years)

They are badly needed in West Lorne for many people, especially older people.

Also, we know of several other people who are very interested.

Gwendolyn A Szabo
519 768 1516
10837 Graham Rd
West Lorne, Ont.

Grace Wilson
166 Chestnut St
West Lorne Ont
519-768-1118

Thank you

Gwendolyn A Szabo

Grace Wilson

# PLANNING REPORT 2022-16 APPENDIX THREE: PROPOSED BY-LAW

MUNICIPALITY OF
West Elgin

## The Corporation of the Municipality of West Elgin

## By-Law No. 2022-xx

**Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as 196 Ridge Street).**

**Whereas** the Council of the Corporation of the Municipality of West Elgin deems it advisable to amend By-law No. 2015-36, as amended, being the Comprehensive Zoning By-law of the Municipality of West Elgin:

**Now Therefore** the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That Schedule "C" Map No. 6 to By-law No. 2015-36, is hereby amended by changing the subject property from **Residential First Density Holding 1 (R1-H-1) Zone** to **Residential Third Density Special Use Regulation 2 (R3-2)** for those lands outlined in heavy solid lines and described as R3-2, on Schedule "A" attached hereto and forming part of this By-law, being Part of Lot 64, Plan 199; Municipality of West Elgin.

2. That By-law No. 2015-36, as amended, is hereby further amended by adding the following subsection to Section 10.3 Site-Specific Zones:

   "10.3.2 a) **Defined Area** (Arvai Developments Inc.)

   R3-2 as shown on Schedule "C", Map No. 6.

   b) **Front Yard Depth** 3.0 m

   c) **Side Yard Width** 4.05 m

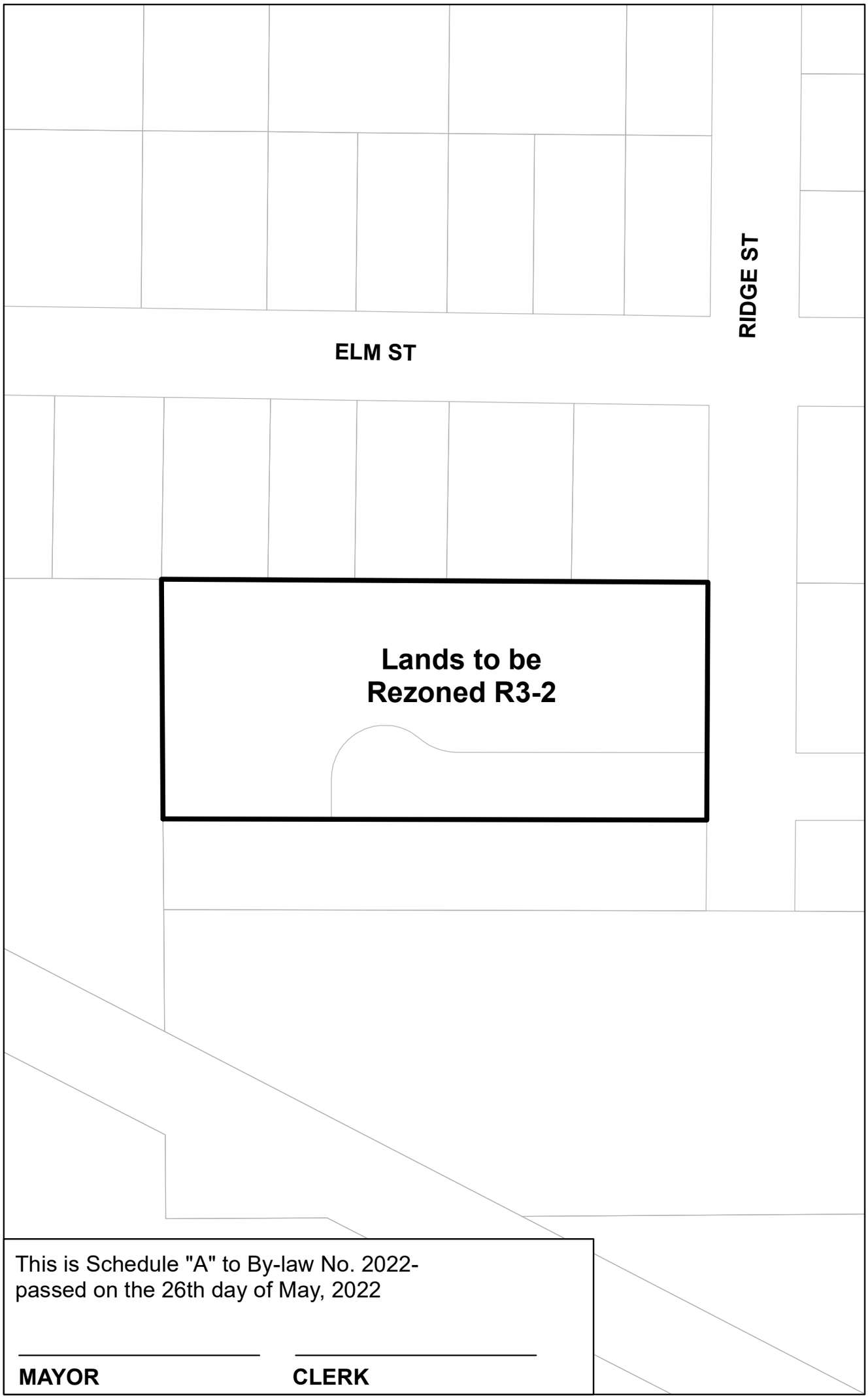
   d) Notwithstanding Section 4.18.4, the minimum length of a parking space shall be 5.49 m."

3. This By-law comes into force upon the day it is passed in the event an appeal has not been filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended. In the event an appeal is filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended, the By-law shall be deemed not to have come into force until the appeal has been finally disposed of, whereupon the By-law,

except for such parts as are repealed or amended as so directed by the Ontario Land Tribunal (OLT) (formerly the Local Planning Appeal Tribunal (LPAT)), shall be deemed to have come into force on the day it was passed.

Read a first, second, and third time and finally passed this _____th day of _____ 2022.

| | |
|---|---|
| _____ | _____ |
| Duncan McPhail | Jana Nethercott |
| Mayor | Clerk |




This is Schedule "A" to By-law No. 2022-
passed on the 26th day of May, 2022

**MAYOR** **CLERK**

MUNICIPALITY OF WEST ELGIN
Comprehensive Zoning By-Law 2015-36
SCHEDULE 'C' MAP 6

0 15 30
Meters

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **Council Meeting** |
| **From:** | **Heather James, Planner** |
| **Date:** | 2022-05-26 |
| **Subject:** | **Zoning By-law Amendment Application D14 08-2022 – Recommendation Report** |

**Recommendation:**

That West Elgin Council hereby receives the report from Heather James, Planner regarding Zoning By-law Amendment Application D14 08-2022 – Part of Lot 6, Concession 10 Recommendation Report (Planning Report 2022-17); and

That West Elgin Council refuse the rezoning of Part of Lot 6, Concession 10.

**Purpose:**

The purpose of the Zoning By-law Amendment is to rezone the subject lands from Agricultural (A2) Zone to General Agricultural (A1) Zone, in order to permit a single unit dwelling and other A1 Permitted Uses. The A2 Zone permits agricultural uses and prohibits a single unit dwelling.

**Background:**

Lands zoned A2 have been the subject of a consent for the purposes of disposing a surplus farm dwelling on condition that any subsequent or future dwelling would be prohibited on the remaining lands in accordance with the Provincial Policy Statement (PPS), the County of Elgin Official Plan (CEOP) and the West Elgin Official Plan (OP).

A parcel of land was severed from the northeast corner of the subject lands and is used for rural residential use. A surplus farm dwelling was severed from the subject lands in 2007. As a condition of the severance, the subject lands were rezoned to prohibit a single unit dwelling.

Below is background information from the application, in a summary chart:

| | |
|---|---|
| **Owner:** | 571419 Ontario Limited |
| **Applicant:** | Mike Miller |
| **Legal Description:** | Part of Lot 6, Concession 10 |
| **Civic Address:** | No assigned address |
| **Entrance Access:** | Thomson Line |
| **Water Supply:** | Existing: None<br>Proposed: Municipal Water Service |
| **Sewage Disposal:** | Existing: None<br>Proposed: Private Individual Septic System |
| **Lot Area:** | 37.33 hectares (92.4 acres) |
| **Lot Frontage:** | 620.0 metres (2,023.12 feet) |

| | |
|---|---|
| **Lot Depth:** | 606.0 metres (1,988.19 feet) |
| **Use of Lands:** | Existing: Agricultural<br>Proposed: Rural residential and agricultural |
| **Buildings and Structures:** | Existing: None<br>Proposed: Single storey, single unit dwelling |

Figure One below, depicts the subject lands:

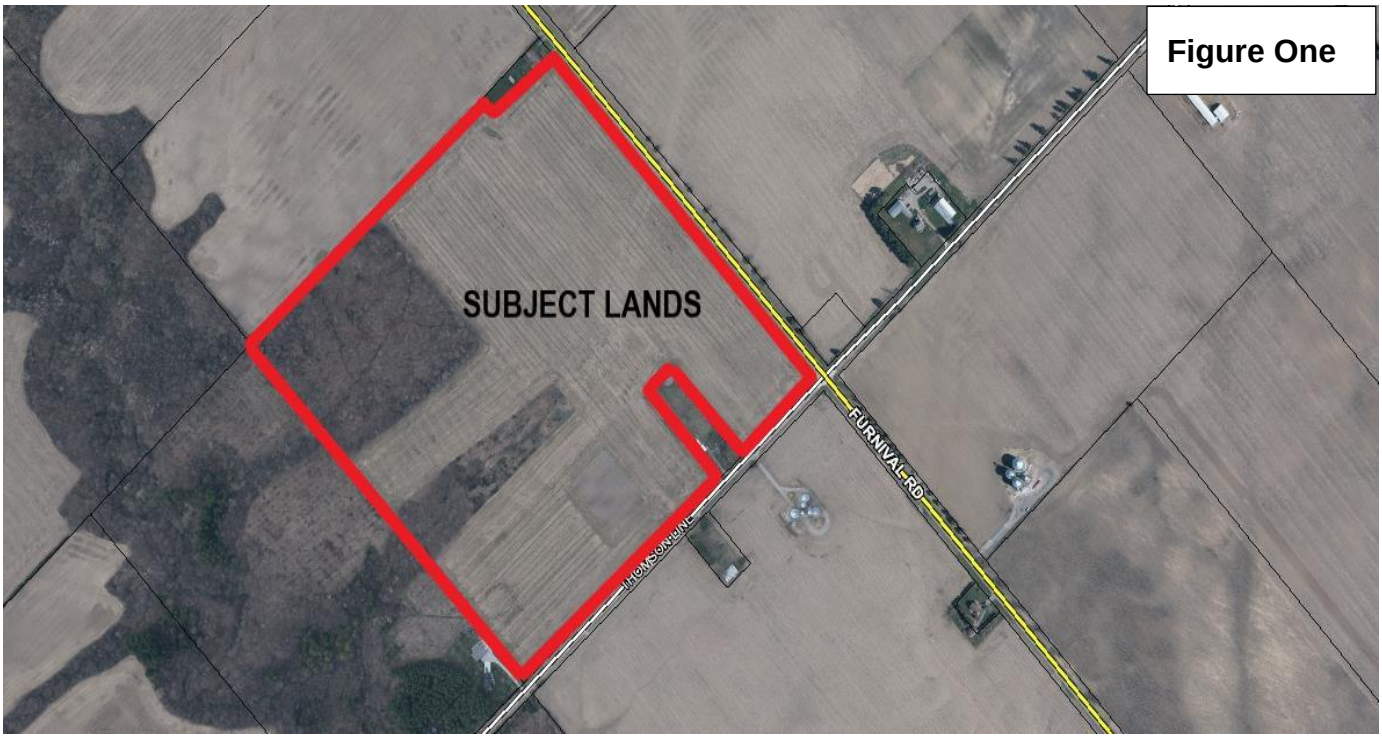



**Figure One**

The surrounding land uses are as follows:

- North: Agricultural;
- East: Furnival Road, then rural residential and agricultural;
- South: Thomson Line then rural residential and agricultural; and
- West: Agricultural.
-

The zoning sketch is attached to this report as Appendix One for reference purposes.

**Financial Implications:**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

**Policies/Legislation:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

**PPS:**

The subject lands are within the Agricultural area (Section 2.3). Prime agricultural lands are to be protected for long-term use for agriculture. The PPS requires planning authorities to ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel was through a zoning by-law amendment.

A surplus farm dwelling was severed from the subject lands in 2007. At that time, PPS 2005 was in effect and contained the same policy as the current PPS 2020. The intent to prohibit new residential dwellings from being built on the remnant lands is to protect and preserve farmland from non-agricultural uses. By permitting a new single unit dwelling on the subject lands, agricultural lands will be further fragmented and it will also further challenge neighbouring farm operations to continue their agricultural operations. Lastly, this dwelling has the potential to limit the construction of new livestock facilities and manure storage systems on neighbouring farm parcels.

No development is proposed within the natural heritage (Section 2.3) portion of the property.

Therefore, this proposed Zoning By-law Amendment is not consistent with the PPS.

**CEOP:**

The subject lands are designated Agricultural Area on Schedule ‘A’ Land Use in the CEOP. Some of the objectives of the Agricultural Area are to recognize agriculture as the primary activity and land use; maintain and preserve the agricultural resource base of the County; and protect the County’s prime agricultural area from fragmentation, development and land uses unrelated to agriculture.

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. A surplus farm dwelling was severed from the subject lands in 2007. As a condition of severance, the retained parcel of farmland was rezoned to prohibit the development of a new residential use.

By permitting a new single unit dwelling on the subject lands, the goals of the Agricultural Area will not be achieved and the intent of Policy E1.2.3.4 b) will no longer be in effect.

No development is proposed within and adjacent to lands of the Natural Heritage (Section D1.2) area of the subject lands.

Therefore, this proposed Zoning By-law Amendment does not conform to the CEOP.

**OP:**

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule ‘E’ of the OP. Some of the goals in the Agricultural designation are to preserve and protect prime agricultural land for agricultural purposes, maintain agriculture as the

predominant use of land and enable farmers the freedom and flexibility to operate effectively and efficiently without undue interference from the intrusion of non-agricultural, conflicting uses.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall considered provided no new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law. By permitting a new single unit dwelling on the subject lands, the goals of the Agricultural designation will not be achieved and the intent of Section 6.2.9 will no longer be in effect.

No development is proposed within the natural heritage portion of the property.

Therefore, this proposed Zoning By-law Amendment does not conform to the OP.

**Circulation Of The Application:**

The application was circulated to the applicable commenting agencies and neighboring property owners within 120 meters of the subject lands on May 5, 2022, 21 days prior to the public meeting (minimum 20 days required).

Additional information related to the application is available on the website:

https://www.westelgin.net/en/business-and-development/current-planning-applications.aspx#D14-08-2022---Zoning-By-law-Amendment----Part-Lot-6-Concession-10-Thomson-Line

**Municipal Department Comments:**

The zoning by-law amendment application was circulated to municipal staff for comment. No comments were received.

**Agency Comments:**

The zoning by-law amendment application was circulated to the Agencies for comment. The following comments were received:

Lower Thames Valley Conservation Authority

Lower Thames Valley Conservation Authority, in their May 13, 2022, letter noted the following:

- After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern in this area is the Felder Drain, the natural watercourse their associated ravine systems and erosion.
- An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the waterways will be required to any proposed works/structure(s)/site alteration.

Planning Staff has no issues or concern with the Lower Thames Valley Conservation Authority comments, as the comments can aid the Applicant with their proposal and does not impact the proposed zoning by-law amendment, as proposed.

Elgin Federation of Agriculture

Elgin Federation of Agriculture (EFA), in their May 19, 2022, letter noted the following:

- The EFA opposes the proposed zoning application and the creation of new residential lots in an agricultural area. Creating lots leads to farm fragmentation and loss of farmland. Five percent of Ontario's land base is suitable for agriculture. Municipalities must continue to prioritize agricultural land, maintaining large, continuous tracks of agricultural land.
- The proposed rezoning would effectively sterilize important farmland, create conflicts later, and introduce long-term incompatible land uses. Ontario Agriculture works best when there are no constraints from neighbouring non-agriculture uses.
- Prime Agriculture lands are not an unlimited resource; we cannot sustain continuing losses of agricultural land and still meet the ability to produce food, fibre, and fuel. The EFA favours the use of the many existing policies available for Municipalities to address dwellings on farm properties that do not interfere with agricultural operations.

The letter also included additional points and a policy discussion, which can be found in Appendix Two. Planning Staff have reviewed the letter from Elgin Federation of Agriculture and have no additional comments.

**Public Comments:**

At the time of subject of this report, no written comments from the public have been received related to the zoning by-law amendment.

**Summary/Conclusion:**

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment is not consistent with the PPS, does not conform to the CEOP and does not conform to the OP; and recommends that the request for Zoning By-law Amendment be refused.

Once a Council decision is made, Notice will be sent to those who have requested a copy and/or attended the public meeting or provided written comments.

There will be a 20 day appeal period after the Notice is sent out. Any appeals received by the Municipality of West Elgin will be forwarded to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) for a hearing, in accordance with the Planning Act.

Respectfully Submitted,

Heather James, MES (Pl.), MCIP, RPP
Planner
Municipality of West Elgin

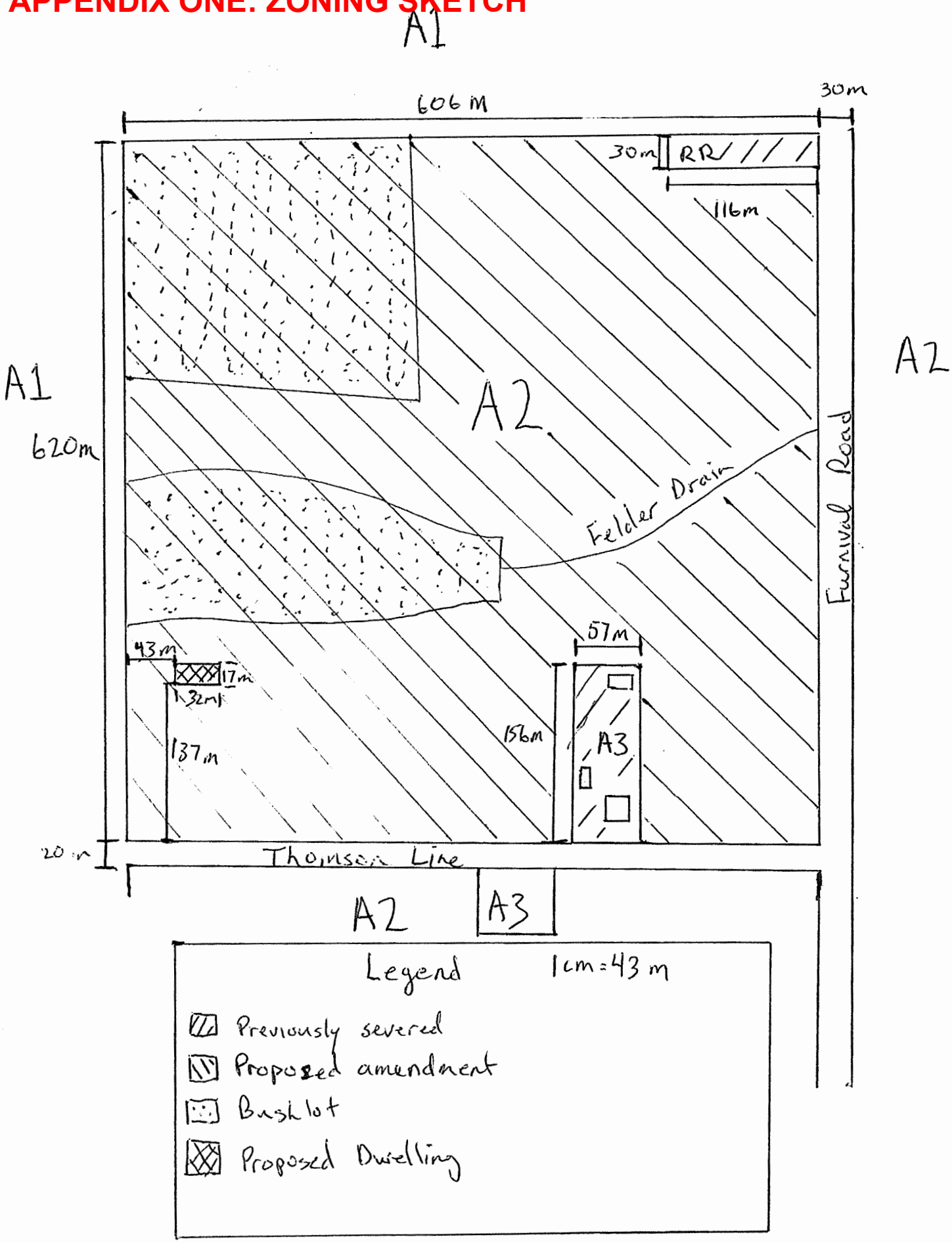
**Report Approval Details**

| | |
|---|---|
| Document Title: | Zoning By-law Amendment Application D14 08-2022 - Recommendation Report - 2022-17-Planning.docx |
| Attachments: | - Planning Report 2022-17 Appendix One - Zoning Sketch.pdf<br>- Planning Report 2022-17 Appendix Two - EFA Comments.pdf |
| Final Approval Date: | May 24, 2022 |

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott

# PLANNING REPORT 2022-17
# APPENDIX ONE: ZONING SKETCH



# PLANNING REPORT 2022-17 APPENDIX TWO - AGENCY COMMENTS

To: Heather James

Attn: Municipality of West Elgin Council

Re: Elgin Federation of Agriculture (EFA) Public Comments regarding Zoning Amendment File D14-08-2022

The Elgin Federation of Agriculture (EFA) represents the Ontario Federation of Agriculture (OFA) in Elgin County. We support our members and the agri-food industry to ensure our rural communities are consulting and considering legislation that impacts the sustainability of farm business operations in Elgin County.

The EFA opposes the proposed zoning application and the creation of new residential lots in an agricultural area. Creating lots leads to farm fragmentation and loss of farmland. Five percent of Ontario's land base is suitable for agriculture. Municipalities must continue to prioritize agricultural land, maintaining large, continuous tracks of agricultural land.

**Canada's 2021 census of agriculture** counted 189,874 farms, a moderate decrease of 1.9% from 2016. Farms in Canada reported a 3.2% decrease in total farm area from 2016 to 92.9 million acres in 2021. **OMAFRA's** data collected from the **2016 Census of Agriculture**, from 1996 to 2016, Ontario lost 1.5 million acres of farmland to development, at a daily rate of loss of 175 acres per day

The Provincial Policy Statement (PPS) offers limited options for lot creation in prime agricultural areas. New residential lot creation was removed from the **PPS** in 2005. The **Provincial Policy Statement 2020 section 2.3.4.1 (a-d)** discourages the creation of lots in prime agricultural areas and may only be permitted for:

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

**PPS (2020) section 2.3.4.3** prohibits the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).

**Planning act RSO1990 Part I 2 (b)** legislates Municipal Councils to protect agriculture resources.

> (b) the protection of the agricultural resources of the Province.

The **County of Elgin Official Plan (2015) section E.12.3** further excludes consent for lot creation.

> The approval of consents to sever land in Elgin County shall be in conformity with the relevant policies contained in this Plan, policies contained in local Official Plans, and the provisions of the Planning Act. Under no circumstances shall consent be granted for approval that is contrary to the policies of this Plan or the local Official Plan.

Allowing lot creation in prime agricultural areas creates poor planning and scattered development. The proposed rezoning would effectively sterilize important farmland, create conflicts later, and introduce long-term incompatible land uses. Ontario Agriculture works best when there are no constraints from neighbouring non-agriculture uses.

We recognize the benefit of having additional housing opportunities to provide additional support for family-owned farms; however, farm operations do not need lot creation to achieve this goal. We have existing tools to add more housing on existing farm parcels without the need to sever lots down the line; we note section **39.1 of the Planning Act** authorizes the temporary use of a "garden suite" as an example. Additionally, the **More Homes, More Choice Act, 2019** removed barriers for Municipalities to permit a wide array of additional residential units in their Official Plans and Zoning Bylaws.

Prime Agriculture lands are not an unlimited resource; we cannot sustain continuing losses of agricultural land and still meet the ability to produce food, fibre, and fuel. The EFA favours the use of the many existing policies available for Municipalities to address dwellings on farm properties that do not interfere with agricultural operations.

Regards,

Elgin Federation of Agriculture Land Use Committee

Fons Vandenbroek, fonsheather@gmail.com

Melissa Schneider, melissa_e_schneider@hotmail.com

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **Council Meeting** |
| **From:** | **Heather James, Planner** |
| **Date:** | 2022-05-26 |
| **Subject:** | **Zoning By-law Amendment Application D14 09-2022 – Recommendation Report** |

**Recommendation:**

That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 09-2022 – Part of Lot 18, Concession 8 (being Part 7 on 11R-9329) Recommendation Report (Planning Report 2022-18); and

That West Elgin Council approve the rezoning of Part of Lot 18, Concession 8 (being Part 7 on 11R-9329 from Open Space (OS) to Residential Third Density (R3) to permit a future residential townhouse development, in accordance with the draft by-law contained within Appendix Two of this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 26, 2022, Council Agenda.

**Purpose:**

The purpose of the Zoning By-law Amendment is to rezone the subject lands, from Open Space (OS) to Residential Third Density (R3) to permit a future residential townhouse development.

**Background:**

Below is background information from the application, in a summary chart:

| | |
|---|---|
| **Owner/Applicant:** | Orford Sand and Gravel Limited c/o Don Sykes |
| **Agent:** | Pillon Abbs Inc.c/o Tracey Pillon-Abbs |
| **Legal Description:** | Part of Lot 18, Concession 8 (being Part 7 on 11R-9329) |
| **Civic Address:** | No assigned address |
| **Entrance Access:** | Jane Street |
| **Water Supply:** | Existing: None<br>Proposed: Municipal water service |
| **Sewage Disposal:** | Existing: None<br>Proposed: Municipal sanitary service |
| **Utilities on Subject Lands:** | Overhead hydro polls and lines; Tri-County water main and municipal sewer trunk line |
| **Lot Area:** | 5,850.0 square metres (1.45 acres) |
| **Lot Frontage:** | 34.17 metres (112.11 feet) |

| | |
|---|---|
| **Lot Depth:** | 162.06 metres (531.69 feet) |
| **Use of Lands:** | Existing: Vacant residential<br>Proposed: Residential townhouse development |
| **Buildings and Structures:** | Existing: None<br>Proposed: Residential townhouse development |

Figure One below, depicts the subject lands:

**Figure One**

The surrounding land uses are as follows:

- North: Jane Street, then residential and public utility (water tower);
- East: Graham Street, then residential;
- South: Vacant (former railway corridor); and
- West: General industrial.

The zoning sketch, showing the subject lands, is attached to this report as Appendix One for reference purposes. No plans or reports were submitted with this application as the owner intends to sell the lands to be developed in the future.

Should the application be approved, a Site Plan Approval agreement will be required prior to the issuance of a building permit. The agreement will address parking, access, snow storage, stormwater management, servicing, landscaping, outdoor storage, lighting, noise and other matters. The required plans such as lot grading and lot drainage and reports such as functional servicing report and stormwater management report will be required for the Site Plan Approval agreement.

**<u>Financial Implications:</u>**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

**Policies/Legislation:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

**PPS:**

The subject lands are within the settlement area of West Lorne which permits a variety of densities and land uses, provided the necessary infrastructure and transportation is available (Section 1.1.3).

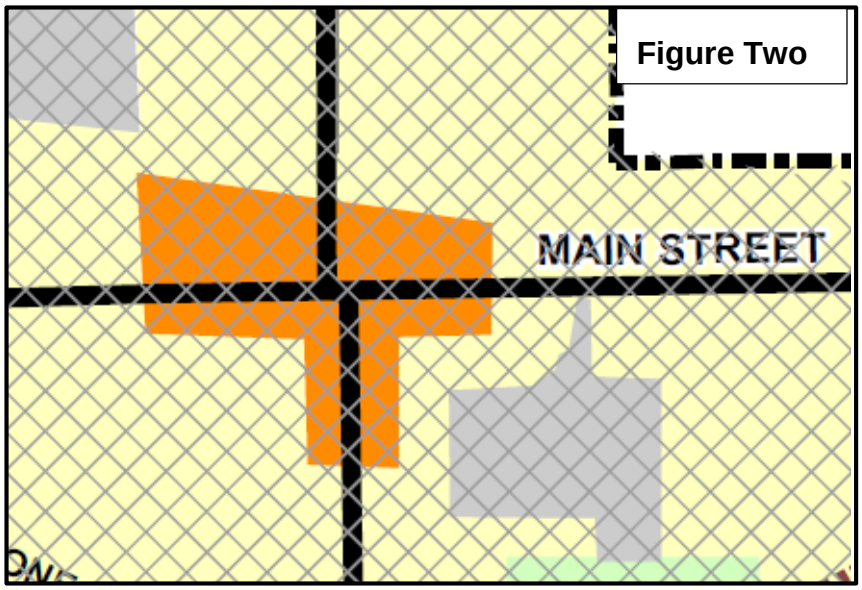
The proposal appears to be consistent with the PPS.

**CEOP:**

The subject lands are designated Tier One Settlement Areas on Schedule 'A' Land Use in the CEOP, wherein detailed land use designations are provided within the OP.

Therefore, this proposal appears to conform to the CEOP.

**OP:**




The subject lands are designated as Residential, as shown on Village of West Lorne Land Use and Transportation Plan Schedule 'D' of the OP, as shown on Figure Two, with the yellow colour and grey diamond shaped hatching being the Residential designation with full municipal services. Section 5.2.8 Residential - Medium Density Housing policies were reviewed.

Medium density residential development in the form of townhouses, low-rise apartments and other forms of multiple-unit housing shall be encouraged. Policy 5.2.8 lists three criteria that a development should generally meet, and the proposal appears to meet such criteria. The development will be serviced with full municipal services. Compatibility with the character and design of the neighbouring development will be achieved through building design and the use of a Site Plan Approval agreement. Buffering in the form of natural or man-made fencing between neighbouring lands uses may be a requirement in the Site Plan Approval agreement.

Therefore, this proposal appears to conform to the OP.

**Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):**

The subject lands are zoned Open Space (OS) on Schedule C, Map 2 of the ZBL, as depicted in Figure Three below.

The proposed zoning by-law amendment would rezone the subject lands from Open Space (OS) to Residential Third Density (R3) to permit a proposed future residential townhouse development. Prior to the issuance of a building permit, Site Plan Approval agreement will be required.

**<u>Circulation Of The Application:</u>**

The application was circulated to the applicable commenting agencies and neighboring property owners within 120 meters of the subject lands on May 5, 2022, 21 days prior to the public meeting (minimum 20 days required).

Additional information related to the application is available on the website: https://www.westelgin.net/en/business-and-development/current-planning-applications.aspx#D14-09-2022---Zoning-By-law-Amendment---Part-Lot-18-Concession-8-being-Part-7-on-RP-11R-9329-Southwest-Corner-of-Graham-and-Jane-Streets

**Municipal Department Comments:**

The zoning by-law amendment application was circulated to the Development Application Review Team for comment. The following comments were submitted:

<u>Manager of Utilities Services</u>

- Straight off Finney St the main trunk watermain and sanitary main run across the former tracks, the drawing doesn't show an easement

Manager of Operations and Communities Services

- The Tri-County water main and municipal sewer trunk line run through the subject property in a straight line between Finney Street and Ridge Street.

The Planning Department has reviewed the submitted comments. In addition to a water main and municipal sewer trunk line, there are overhead hydro poles on the subject lands that provide hydro services to private properties to the north and to the south of the subject lands. Further legal review is required to determine if there is a registered easement or for the need of a registered easement on the subject lands for all of the utilities listed above. This legal review will need to be completed prior to Site Plan Approval to determine how it will impact the development.

All other comments submitted indicated that the Development Application Review Team have no concerns.

**Agency Comments:**

The zoning by-law amendment application was circulated to the Agencies for comment. The following comments were received:

Lower Thames Valley Conservation Authority (LTVCA)

Lower Thames Valley Conservation Authority, in their May 13, 2022, letter noted the following:

- After reviewing our files and mapping, staff determined that the area is not subject to the Authority's regulations.
- The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

**Public Comments:**

At the time of submission of this report, no comments had been received.

**Summary/Conclusion:**

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment appears to be consistent with the PPS, appears to conform to the CEOP and appears to conform to the OP; and recommends that the request for Zoning By-law Amendment be approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public meeting.

Once a Council decision is made, notice will be sent to those who have requested a copy and/or attended the public meeting or provided written comments and everyone who was circulated the notice of public meeting.

There will be a 20 day appeal period after the Notice is sent out. Any appeals received by the Municipality of West Elgin will be forwarded to the Ontario Land Tribunal for a hearing, in accordance with the Planning Act.
Respectfully Submitted,

Heather James, MES (Pl.), MCIP, RPP
Planner
Municipality of West Elgin

**Report Approval Details**

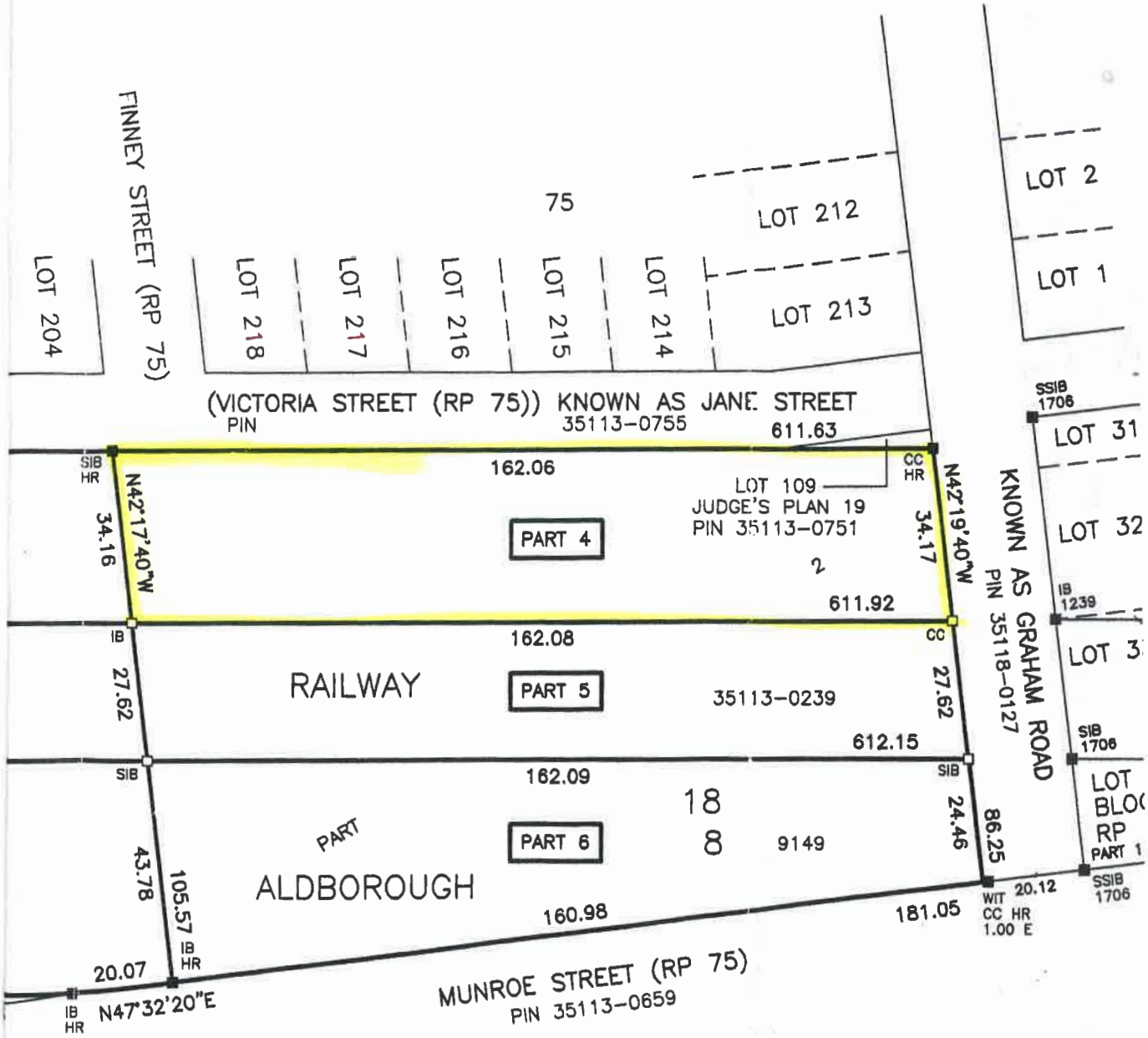
| | |
|---|---|
| Document Title: | Zoning By-law Amendment Application D14 09-2022 - Recommendation Report - 2022-18-Planning.docx |
| Attachments: | - Planning Report 2022-18 Appendix One - Zoning Sketch.pdf<br>- Planning Report 2022-18 Appendix Two - By-law.pdf |
| Final Approval Date: | May 24, 2022 |

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott

SCHEDULE OF PARTS

| PART | LOT | CONCESSION | PIN | AREA |
|---|---|---|---|---|
| 1 | PART OF 18 | 8 | PART OF 35113-0239 | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |




Part 4 only if you have any question

email ashley. Dack

MUNICIPALITY OF
West Elgin

## The Corporation of the Municipality of West Elgin

## By-Law No. 2022-xx

**Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as Part of Lot 18, Concession 8, being Part 7 on 11R-9329).**

**Whereas** the Council of the Corporation of the Municipality of West Elgin deems it advisable to amend By-law No. 2015-36, as amended, being the Comprehensive Zoning By-law of the Municipality of West Elgin:

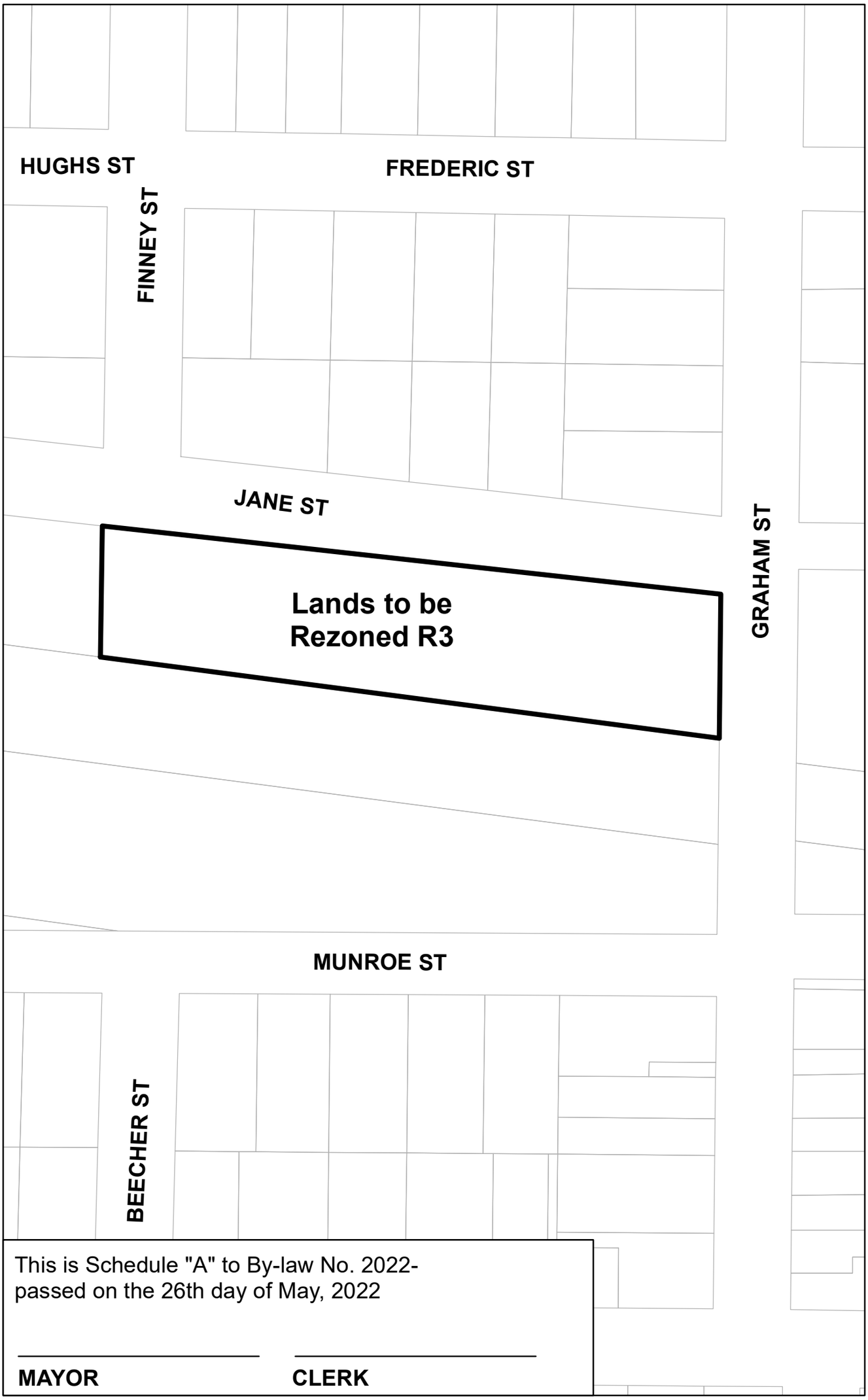
**Now Therefore** the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That Schedule "C" Map No. 2 to By-law No. 2015-36, is hereby amended by changing the subject property from **Open Space (OS) Zone** to **Residential Third Density (R3)** for those lands outlined in heavy solid lines and described as R3, on Schedule "A" attached hereto and forming part of this By-law, being Part of Lot 18, Concession 8 (being Part 7 on 11R-9329); Municipality of West Elgin.

2. This By-law comes into force upon the day it is passed in the event an appeal has not been filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended. In the event an appeal is filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended, the By-law shall be deemed not to have come into force until the appeal has been finally disposed of, whereupon the By-law, except for such parts as are repealed or amended as so directed by the Ontario Land Tribunal (OLT) (formerly the Local Planning Appeal Tribunal (LPAT)), shall be deemed to have come into force on the day it was passed.

Read a first, second, and third time and finally passed this _____th day of _____ 2022.

| | |
|---|---|
| _____ | _____ |
| Duncan McPhail | Jana Nethercott |
| Mayor | Clerk |




This is Schedule "A" to By-law No. 2022-
passed on the 26th day of May, 2022

**MAYOR** **CLERK**

MUNICIPALITY OF WEST ELGIN
Comprehensive Zoning By-Law 2015-36
SCHEDULE 'C' MAP 2

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Meters

# Municipality of West Elgin

## Minutes

## Council Meeting

**May 12, 2022, 9:30 a.m.**
**West Elgin Community Complex - Hybrid Meeting**
**160 Main Street**
**West Lorne**
**Electronic Hybrid Meeting**

| | |
|---|---|
| **Present:** | **Mayor D. McPhail**<br>**Deputy Mayor R. Leatham**<br>**Councillor T. Tellier**<br>**Councillor A. Cammaert**<br>**Councillor B. Rowe** |
| **Staff Present:** | **M. Badura, CAO/ Treasurer**<br>**J. Nethercott, Clerk**<br>**L. Gosnell, Manager of Operations & Community Services**<br>**J. Morgan-Beunen, Chief Building Official**<br>**J. McArthur, Fire Chief**<br>**H. James, Planner**<br>**T. Mohan, Drainage Superintendent** |
| **Also Present:** | **J.M. Spriet, PEng.**<br>**S. Smith, OCWA**<br>**M. Campbell, Zelinka Priamo - Agent**<br>**L. Greenwood, Applicant** |

**Due to the COVID-19 Pandemic and physical distancing requirements this meeting was held in a hybrid format.**

### 1. Call to Order

Mayor Duncan McPhail called the meeting to order at 9:30 a.m.

## 2. Adoption of Agenda

**Resolution No. 2022- 160**
**Moved: Councillor Rowe**
**Seconded: Councillor Tellier**

That West Elgin Council hereby adopts the Agenda as presented.

**Carried**

## 3. Disclosure of Pecuniary Interest

No disclosures

## 4. Public Meeting Under the Drainage Act

**Resolution No. 2022- 161**
**Moved: Councillor Cammaert**
**Seconded: Deputy Mayor Leatham**

That Council proceed into a Meeting to Consider the Engineers Report at 9:31 a.m. for the Flemming and Axford Municipal Drains under Section 42 of the *Drainage Act*.

**Carried**

### 4.1 J.M Spriet, PEng. - Flemming Drain Engineers Report

Engineer J. M Spriet presented the Engineers Report for the Flemming Drain.

### 4.2 Public Comments

No public comments were received.

### 4.3 Council Comments

No Council comments were received.

### 4.4 Recommendation - Flemming Drain

**Resolution No. 2022- 162**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Cammaert**

That West Elgin Council receives the Engineers Report on the Flemming Municipal Drain as prepared by Mr J.M Spriet, PEng.; and

That West Elgin Council authorizes staff to initiate the tender process, if required, for the improvement of the Flemming Municipal Drain to be considered by Council following the Court of Revision; and

That West Elgin Council consider the provisional By-law as presented in the By-law portion of the agenda for a first and second reading.

**Carried**

### 4.5 J.M. Spriet, PEng. - Axford Drain Engineers Report

Engineer J.M Spriet presented the Engineers Report and explained this is to update the Assessment Schedules due to a number of land splits and the downloading of roads to the County.

### 4.6 Public Comments

No public comments received.

### 4.7 Council Comments

No public comments received.

### 4.8 Recommendation - Axford Drain

**Resolution No. 2022- 163**
**Moved: Councillor Rowe**
**Seconded: Councillor Tellier**

That West Elgin Council receives the Engineers Report on the Axford Municipal Drain as prepared by Mr J.M Spriet, PEng.; and

That West Elgin Council consider the provisional By-law as presented in the By-law portion of the agenda for a first and second reading.

**Carried**

### 4.9 Close of Public Meeting

**Resolution No. 2022- 164**
**Moved: Councillor Rowe**
**Seconded: Deputy Mayor Leatham**

That West Elgin Council hereby Closes the Public Meeting held pursuant to section 42 of the *Drainage Act* at 9:39 a.m. to reconvene in the Regular Meeting of Council.

**Carried**

## 8. Staff Reports

### 8.5 Municipal Drains

#### 8.5.1 J. Nethercott, Clerk - Apportionment of Drainage Assessment for the Purcell Drain due to Severance of Land, Pursuant to Section 65 (2) of the Drainage Act, R.S.O. 1990

**Resolution No. 2022- 166**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Apportionment of Drainage Assessment for the Purcell Drain due to Severance of Land, Pursuant to Section 65 (2) of the *Drainage Act, R.S.O. 1990*; and

That West Elgin Council hereby approves the Apportionment of the Drainage Assessment Agreement for the Purcell Municipal Drain, as part of severance E68/21 as presented.

**Carried**

## 6. Adoption of Minutes

**Resolution No. 2022- 165**
**Moved: Councillor Cammaert**
**Seconded: Councillor Tellier**

That the Minutes of the Council meeting on April 28, 2022 be adopted as circulated and printed.

**Carried**

## 8. Staff Reports

### 8.8 Clerk's

#### 8.8.1 J. Nethercott, Clerk - Proposed Accessible Pathway in Miller Park

**Resolution No. 2022- 167**
**Moved: Councillor Tellier**
**Seconded: Councillor Rowe**

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Proposed Accessible Pathway in Miller Park; and

That West Elgin Council hereby grants the West Lorne Optimist permission to install the proposed accessible paths as in Miller Park as presented.

**Carried**

#### 8.8.2 J. Nethercott, Clerk - Fleming Cemetery Restoration Work

CAO/Treasurer reported that the Public Works staff will be doing the clean up and fencing and will use what budget and donation money that is available to do whatever work can be done.

**Resolution No. 2022- 168**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Fleming Cemetery Restoration for information purposes.

**Carried**

## 5. Public Meeting Under the Planning Act

**Resolution No. 2022- 169**
**Moved: Councillor Rowe**
**Seconded: Councillor Cammaert**

That Council proceed into a Public Meeting at 10:00 a.m. pursuant to Section 34 of the *Planning Act* in order to hear an application to rezone property at the corner of Graham and Monroe Street in West Lorne.

**Carried**

### 5.1 Purpose of the Public Meeting

The purpose of the public meeting was read aloud by the Clerk.

### 5.2 H. James, Planner - Zoning By-law Amendment D14 05-2022 – Recommendation Report (Planning Report 2022-11)

West Elgin Council hereby received the Planning report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 05-2022 – Part of Lots 17 and 18, Concession 8 (being Parts 3, 6,7 and 9 on RP 11R-9329) Recommendation Report (Planning Report 2022-11).

Ms. James read an excerpt from a letter received after the submission of her report to Council. This letter was emailed directly to Council, once it was received by the Clerk.

### 5.3 Applicant Comments

Agent M. Campbell, Zelinka Priamo thanked staff for their assistance and stated that he and Mr. Lee Greenwood are here to answer any public or Council questions regarding this proposal.

### 5.4 Public Comments

Mr. Shaun Dowling, 172 Munroe St West Lorne - Mr. Dowling requested the entirety of his letter Dated May 10, 2022. The Clerk read aloud the remainder of the letter.

Mr. Dowling stated that he wished to reiterate that the wording "shall be discouraged" in the Municipality's Official Plan and in his opinion means this application must be refused as it doesn't meet the Official Plan. Mr. Dowling further stated he believes this is a great development in the right zone and this is not the right zone and is not a great fit, it should be in a purely commercial zone. Mr. Dowling is disappointed that there was no

mention of the residential homes in the are in the planning justification report and their location within the downtown core. He feels that finding a location outside of the downtown core would be better suited as if this moves forward it will devalue his property and affect his quality of life. The loss of angle parking along Munroe street will greatly affect the downtown businesses and the walkability of the downtown core, which he feels is what the Official Plan promotes.

The Applicants Representative, Matt Campbell stated that they are sensitive to the concerns of the neighbours and this application is subject to a further application and thru that process any mitigating measures can be identified such as fencing or landscaping that can be implemented to address to increase the compatibility and they are mindful of items such as headlights and this can be addressed by fencing. In terms of the objection with regards to the Official Plan, the Planning Justification Report it lays out the argument that this does conform to the Official Plan and we are satisficed it does conform. Mr. Campbell further stated that the issue with parking, thru research it has been discovered that the current parking is actually in part on private property and that there is ample public parking lot across Graham Road. There are a lot of examples Tim Horton's in similar locations, many of which become gathering places for the community, which is what we envision for West Lorne. This location has the opportunity to become a gathering place due to the transition into the downtown area.

Mr. Greenwood addressed the concerns and stated that many of Mr. Dowling's issues are site plan related and they are open to discussions with regards to the site plan process.

**5.5 Council Comments**

Deputy Mayor Leatham stated he has spoken to Mr. Dowling and then spoke to other residents and all were in favour except Mr. Dowling. Electric cars are coming and therefore the pollution won't be an issue shortly.

Councillor Cammaert stated that she has spoken to Mr. Dowling and local residents and businesses with similar comments as received by Deputy Mayor Leatham. Councillor Cammaert stated that knowing Tim Hortons has a mission statement about the cooperation and stewardship is mention in this and like the fact that you are interested in being a community gathering place thru the streetscape access.

Mayor McPhail inquired is it your plan to have electric car charging stations. Mr. Greenwood said the conduit infrastructure will in place and once Tim Horton's corporate finds a partner for the stations it will be plug and play. This wouldn't be in play right away but can be done in future. Mayor McPhail also stated that it will be important for the applicant and planner to be in communication with Mr. Dowling and other residents when developing the site plan.

**5.6 Recommendation**

**Resolution No. 2022- 170**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Rowe**

That West Elgin Council approve the rezoning of Part of Lots 17 and 18, Concession 8 (being Parts 3, 6,7 and 9 on RP 11R-9329) from Open Space (OS) to Village Core Special Use Regulation 3 (C1-3) to permit a drive-in restaurant in addition to all other Village Core (C1) Permitted Uses, in accordance with the draft by-law contained within Appendix Three of this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 12, 2022 Council Agenda.

**Carried**

**5.7 Close of Public Meeting**

**Resolution No. 2022- 171**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby adjourn the public meeting held pursuant to Section 34 of the Planning Act at 10:59 a.m. to reconvene in Regular Meeting of Council.

**Carried**

## 7. Business Arising from Minutes

None.

Council recessed at 10:59 a.m. and reconvened at 11:07 a.m.

## 8. Staff Reports

### 8.1 Water

#### 8.1.1 S. Smith, OCWA - West Elgin Water Distribution System Q1 Report

**Resolution No. 2022- 172**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the West Elgin Distribution System First Quarter Operations Report from Sam Smith, OCWA.

**Carried**

### 8.2 Wastewater

#### 8.2.1 S. Smith, OCWA - West Lorne WWTP 2021 Annual Report

**Resolution No. 2022- 173**
**Moved: Councillor Rowe**
**Seconded: Deputy Mayor Leatham**

That West Elgin Council hereby receives the 2021 Annual Report for the West Lorne Wastewater Treatment Plant from Sam Smith of OCWA.

**Carried**

#### 8.2.2 S. Smith, OCWA - West Lorne WWTP Q1 Operations Report

**Resolution No. 2022- 174**
**Moved: Councillor Rowe**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the First Quarter Operations Report for the West Lorne Wastewater Treatment Plant from Sam Smith of OCWA.

**Carried**

### 8.2.3 S. Smith, OCWA - Rodney WWTP 2021 Annual Report

**Resolution No. 2022- 175**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the 2021 Annual Report for the Rodney Wastewater Treatment Plant from Sam Smith of OCWA.

**Carried**

### 8.2.4 S. Smith, OCWA - Rodney WWTP Q1 Operations Report

**Resolution No. 2022- 176**
**Moved: Councillor Tellier**
**Seconded: Deputy Mayor Leatham**

That West Elgin Council hereby receives the First Quarter Operations Report for the Rodney Wastewater Treatment Plant from Sam Smith of OCWA.

**Carried**

## 8.3 Building

### 8.3.1 J. Morgan-Beunen, CBO - Building Activity Report April 2022

**Resolution No. 2022- 177**
**Moved: Councillor Rowe**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Jackie Morgan-Beunen, CBO re: Building Permit Report for April 2022 for information purposes.

**Carried**

## 8.4 Fire

### 8.4.1 J. McArthur, Fire Chief - Fire Dispatch Agreement

**Resolution No. 2022- 178**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Rowe**

That West Elgin Council hereby receives the report from Jeff McArthur, Fire Chief re: Fire Dispatch Agreement; and

That West Elgin Council hereby authorize the Mayor and Clerk to sign the Tillsonburg Fire Agreement, as presented in the By-Law portion of the Agenda.

**Carried**

### 8.4.2 J. McArthur, Fire Chief - Incident Summary for 2021

**Resolution No. 2022- 179**
**Moved: Councillor Rowe**
**Seconded: Councillor Tellier**

That West Elgin Council hereby receives the report from Jeff McArthur, Fire Chief for information purposes.

**Carried**

### 8.4.3 J. McArthur, Fire Chief - Monthly Report – April 2022

**Resolution No. 2022- 180**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Jeff McArthur, Fire Chief re: April Monthly Fire Report for information purposes.

**Carried**

## 8.6 Planning

### 8.6.1 H. James, Planner - April Monthly Planning Report

**Resolution No. 2022- 181**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Heather James, Planner regarding monthly planning report for information purposes.

**Carried**

### 8.6.2 H. James, Planner - Interim Control By-law to Prohibit New Large Scale Renewable Energy Facilities

**Resolution No. 2022- 182**
**Moved: Councillor Rowe**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Heather James, Planner regarding a proposed interim control by-law to prohibit new large scale renewable energy facilities in the Municipality of West Elgin for up to one year;

And that West Elgin Council approve the interim control by-law, in accordance with the draft by-law attached to this report; and

Further That West Elgin Council consider the by-law, as presented in the by-law portion of the May 12, 2022, Council Agenda.

**Carried**

### 8.6.3 H. James, Planner - Lighthouse Waterfronts Inc. Municipal Addressing

**Resolution No. 2022- 183**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Rowe**

That West Elgin Council hereby receives the report from Heather James, Planner regarding the municipal addressing for Lighthouse Waterfronts Inc. for information purposes; and

That West Elgin Council hereby direct staff to address correspondence to the applicant stating that naming of road was premature and that use of Grey Line addresses are necessary; and

That West Elgin Council hereby direct staff to develop a Road Naming Policy.

**Carried**

## 8.7 Operations & Community Services

### 8.7.1 L. Gosnell, Manger of Operations & Community Services - Monthly Operations Report

**Resolution No. 2022- 184**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services for information purposes

**Carried**

### 8.9 Finance/Administration

#### 8.9.1 M. Badura, CAO/Treasurer & J. Nethercott, Clerk - Right to Disconnect Policy

**Resolution No. 2022- 185**
**Moved: Councillor Rowe**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk & Magda Badura, CAO/Treasurer re: Right to Disconnect Policy; and

That West Elgin Council hereby adopts the Right to Disconnect Policy as presented.

**Carried**

## 9. Approval of Waiver of Fees

### 9.1 Tai-Chi

**Resolution No. 2022- 186**
**Moved: Councillor Rowe**
**Seconded: Councillor Tellier**

That West Elgin Council hereby approve the reduction of rental fee by 50% for the Tai-Chi group for the rental of Miller Park Pavilion for a total of $87.50 plus applicable taxes for the dates requested.

**Carried**

## 10. Committee and Board Report

### 10.1 Councillor Reports from Committees

Councillor Rowe reported that the Phragmites Control Centre and OCWA have met to discuss the plans for 2022 at Eagle Ponds. The spraying is set to begin in August with removal of the dead stock in the fall.

### 10.2 West Elgin Community Centre Board of Management

**Resolution No. 2022- 187**
**Moved: Councillor Rowe**
**Seconded: Councillor Cammaert**

That West Elgin Council hereby approves the recommendation of the West Elgin Community Centre Board of Management that the public skating sponsorship rate be equal to the non-prime ice rental rate as set out in the West Elgin Fees and Charge By-law, regardless of the rental time.

**Carried**

## 11. Accounts

**Resolution No. 2022- 188**
**Moved: Councillor Tellier**
**Seconded: Deputy Mayor Leatham**

That the Mayor and Treasurer are hereby authorized to sign Payment Voucher #5 amounting to $234,611.96 in settlement of General, Road, Water and Arena Accounts including EFT#5107-5154, online Payments# 910-917, cheque# 25920-25932 and Payroll PP09.

**Carried**

## 12. Correspondence

### 12.1 Ministry of Northern Development, Mines, Natural Resources and Forestry - Decision Notice for Proposed Regulation Changes under the Aggregate Resources Act

### 12.2 International Day Against Homophobia and Transphobia - May 17

**Resolution No. 2022- 189**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

WHEREAS the Canadian Charter of Rights and Freedoms recognizes that no one can be discriminated against on the basis of sexual orientation or gender identity or expression;

WHEREAS Canadian is a society open to everyone, including lesbian, gay, bisexual and trans people (LGBTQ+) and to all other people who

identify with sexual diversity and the multiplicity of gender identities and expressions;

WHEREAS, despite recent efforts towards greater inclusion of LGBT people, homophobia and transphobia are still present in society.

WHEREAS May 17th is the International Day Against Homophobia and Transphobia, is celebrated as such in many countries and is the result of a Quebec-based initiative promoted by Fondation Émergence starting in 2003.

WHEREAS there is reason to support the efforts of Fondation Émergence in holding this day;

It is resolved to proclaim May 17 INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA and to recognize this day as such.

**Carried**

### 12.3 Kiwanis Club of Rodney - Request to Close Furnival Road

**Resolution No. 2022- 190**
**Moved: Councillor Cammaert**
**Seconded: Deputy Mayor Leatham**

That West Elgin Council hereby approves the temporary closure of Furnival Road from Harper street to Victoria street in Rodney on Saturday November 19, 2022 between the hours of 2:00 p.m. and 10:00 p.m. for the purpose of the Rodney Night Market; and

That West Elgin Council hereby approves the temporary closure of Furnival Road from Harper Street to Victoria Street in Rodney on August 30, 2022 from 4:00 p.m. to 8:30 p.m. for the purposes of the final Twoonie Tuesday Event.

**Carried**

### 12.4 Middlesex County - Notice of Public Meeting

### 12.5 Township of South Bruce Peninsula - New Home Tax Rebate Program

### 12.6 Township of Arnprior - Support for Humanitarian Efforts in Ukraine

## 13. Council Inquires/Announcements

### 13.1 Notice of Motion

None.

### 13.2 Statements/Inquires by Councillors

None.

### 13.3 Matters of Urgency

None.

## 14. By-Laws

### 14.1 By-Law 2022-26 - Amend Fire Chief Agreement for Coordinator

**Resolution No. 2022- 191**
**Moved: Councillor Tellier**
**Seconded: Deputy Mayor Leatham**

That By-law 2022-26 Being a By -Law to approve an addendum to the Fire Chief Shared Services Agreement with the Township of Southwold to include the services of a Shared Fire Services Coordinator Position, be read a first, second and third and final time.

**Carried**

### 14.2 By-law 2022-27 - Provisionally Adopt Fleming Drain Report

**Resolution No. 2022- 192**
**Moved: Councillor Rowe**
**Seconded: Councillor Tellier**

That By-law 2022-27 being a By-Law to provide for the reconstruction of the Flemming Drain in the Municipality of West Elgin, be read a first and second time and be provisionally adopted.

**Carried**

### 14.3 By-law 2022-28 - Provisionally Adopt Axford Drain Report

**Resolution No. 2022- 193**
**Moved: Deputy Mayor Leatham**
**Seconded: Councillor Rowe**

That By-law 2022-28 being a By-Law to provide for the reconstruction of the Axford Drain Assessment Schedules in the Municipality of West Elgin, be read a first and second time and be provisionally adopted.

**Carried**

### 14.4 By-Law 2022-29 - Approve Fire Dispatch Agreement

**Resolution No. 2022- 194**
**Moved: Councillor Cammaert**
**Seconded: Deputy Mayor Leatham**

That By-law 2022-29 being a by-law to authorize a Fire Dispatch Services Agreement with The Corporation of the Town of Tillsonburg, be read a first, second and third and final time.

**Carried**

### 14.5 By-Law 2022-30 - Interim Control By-Law

**Resolution No. 2022- 195**
**Moved: Councillor Rowe**
**Seconded: Councillor Tellier**

That By-Law 2022-30 Being a By-Law to Establish an Area of Interim Control pursuant to Section 38 of the Planning Act, be read a first, second and third and final time.

**Carried**

### 14.6 By-Law 2022-31 - Right to Disconnect Policy

**Resolution No. 2022- 196**
**Moved: Councillor Tellier**
**Seconded: Councillor Rowe**

That By-Law 2022-31 Being a By-Law to adopt the Policy HR-4.8 - Right to Disconnect Policy, be read a first, second and third and final time.

**Carried**

### 14.7 By-Law 2022-32 - ReZone Northwest Corner of Graham and Monroe Street

**Resolution No. 2022- 197**
**Moved: Councillor Cammaert**
**Seconded: Deputy Mayor Leatham**

That By-law 2022-32 Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as Part of Lots 17 and 18, Concession 8 (being Parts 3, 6,7 and 9 on RP 11R-9329), be read a first, second and third and final time.

**Carried**

## 15. Closed Session

**Resolution No. 2022- 198**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

That the Council of the Municipality of West Elgin Council hereby proceeds into Closed Session at 12:53 p.m. under Section 239 2(b & f) to consider maters pertaining to personal matters about an identifiable individual, including a municipal or local board employee and advice that is subject to solicitor-client privilege.

**Carried**

## 16. Report from Closed Session

Mayor McPhail reported out at 1:50 p.m.

**Resolution No. 2022- 199**
**Moved: Councillor Tellier**
**Seconded: Councillor Rowe**

That West Elgin Council provided direction to staff and the Municipal Solicitor regarding personal matters about an identifiable individual, including a municipal or local board employee and advice that is subject to solicitor-client privilege.

**Carried**

## 17. Confirming By-Law

**Resolution No. 2022- 200**
**Moved: Councillor Cammaert**
**Seconded: Councillor Rowe**

That By-law 2022-33 being a By-law to confirm the proceeding of the Regular Meeting of Council held on May 12, 2022, be read a first, second and third and final time.

**Carried**

## 18. Adjournment

**Resolution No. 2022- 201**
**Moved: Councillor Tellier**
**Seconded: Councillor Cammaert**

That the Council of the Municipality of West Elgin hereby adjourn at 1:50 p.m. to meet again at 9:30 a.m. on May 26, 2022 or at the call of the Chair.

**Carried**

| | |
|---|---|
| Duncan McPhail, Mayor | Jana Nethercott, Clerk |

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **Council Meeting** |
| **From:** | **Lee Gosnell, Manager of Operations & Community Services** |
| **Date:** | 2022-05-26 |
| **Subject:** | **Blacks Road Bridge Rehabilitation & Culvert No. 6 Replacement** |

**Recommendation:**

That West Elgin Council hereby receives the report from Lee Gosnell, Manager of Operations & Community Services re: Blacks Road Bridge Rehabilitation & Culvert No. Replacement; and

That West Elgin Council hereby awards the Blacks Road Bridge Rehabilitation Contract to Theo Vandenberk Construction Inc. at a cost of $446,190.00 plus applicable taxes; and

That West Elgin Council hereby awards the Culvert No. 6Replacement Contract to Theo Vandenberk Construction Inc. at a cost of $400,238.00 plus applicable taxes; and

That West Elgin Council hereby authorize the Mayor and Clerk to execute all necessary contracts and documents for the Blacks Road Bridge Rehabilitation and Culvert No. 6 Replacement.

**Purpose:**

The purpose of this report is to award the Contract for the Blacks Road Bridge Rehabilitation & Culvert No. 6 Replacement Contracts for the ICIP Rural and Northern Stream Infrastructure Replacement Grant Stream.

**Background:**

In 2019 West Elgin was awarded $1,119,026.70 thru the ICIP Rural and Northern Infrastructure Replacement Grant Stream for the design and reconstruction of a section of Blacks Road, with the project to be completed by the end of 2024. To date only engineering costs have been incurred $10,941.92 in 2020 & in 2021 $12,151.04.

In the 2022 budget $870,000 was set aside for the bridge Rehabilitation and the Culvert Replacement and these two contracts for the work total $846,428.00. This work is anticipated to begin in late 2022 and continue into 2023.

**Financial Implications:**

2022 Budget – this capital item comes in under budget.

**Policies/Legislation:**

**Report Approval Details**

| | |
|---|---|
| Document Title: | Blacks Road Rehabilitation Award Tender - 2022-47-Operations Community Services.docx |
| Attachments: | - Blacks Line Bride Tender.pdf<br>- Blacks LIne Culvert Award Tender.pdf |
| Final Approval Date: | May 24, 2022 |

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to eSCRIBE Administrator was completed by workflow administrator Jana Nethercott**

eSCRIBE Administrator

May 9, 2022

SPRIET
ASSOCIATES
ENGINEERS & ARCHITECTS
155 York Street
London, Ontario N6A 1A8
Tel. (519) 672-4100
Fax (519) 433-9351
E-mail: mail@spriet.on.ca
www.spriet.on.ca

Jana Nethercott, Clerk
Municipality of West Elgin
22413 Hoskins Line
Rodney, Ontario
N0L 2C0

Re: Blacks Line
Bridge No. 6
Our Reference No. 219241

Dear Jana,

As you are aware, tenders closed on the Blacks Line Bridge No. 6 at 4:00pm on Thursday April 21, 2022, the results of which are summarized below:

| | | |
|---|---|---|
| Theo Vandenberk | $ 446,190.00 | (excluding HST) |
| W.G. Kelly Construction | $ 563,440.00 | (excluding HST) |

Both tenders were found to include all the necessary bid bonds/certified cheques. Accordingly, we recommend that the project be awarded to Theo Vandenberk Construction Inc.

We enclose three copies of the Contract Documents to be executed by the Municipality.

I trust the above is sufficient for your needs, however if you have any questions please do not hesitate to contact the undersigned.

It is our pleasure to be of service.

Yours truly,

SPRIET ASSOCIATES LONDON LIMITED

J.M. Spriet, P. Eng.

JMS:bv
Encls:

May 9, 2022

SPRIET
ASSOCIATES
ENGINEERS & ARCHITECTS
155 York Street
London, Ontario N6A 1A8
Tel. (519) 672-4100
Fax (519) 433-9351
E-mail: mail@spriet.on.ca
www.spriet.on.ca

Jana Nethercott, Clerk
Municipality of West Elgin
22413 Hoskins Line
Rodney, Ontario
N0L 2C0

Re: Blacks Line
Culvert No. 6
Our Reference No. 219240

Dear Jana,

As you are aware, tenders closed on the Blacks Line Bridge No. 6 at 4:00pm on Thursday April 21, 2022, the results of which are summarized below:

| | | |
|---|---|---|
| Theo Vandenberk | $ 400,238.00 | (excluding HST) |

This tender was found to include all the necessary bid bonds/certified cheques. Accordingly, we recommend that the project be awarded to Theo Vandenberk Construction Inc.

We enclose three copies of the Contract Documents to be executed by the Municipality.

I trust the above is sufficient for your needs, however if you have any questions please do not hesitate to contact the undersigned.

It is our pleasure to be of service.

Yours truly,

SPRIET ASSOCIATES LONDON LIMITED

J.M. Spriet, P. Eng.

JMS:bv
Encls:

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **Council Meeting** |
| **From:** | **Jana Nethercott, Clerk** |
| **Date:** | 2022-05-26 |
| **Subject:** | **2022 Municipal Election – Establishment of Joint Compliance Audit Committee** |

**Recommendation:**

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: 2022 Municipal Election – Establishment of Joint Compliance Audit Committee for information purposes; and

That West Elgin Council consider the by-law to establishing an Election Joint Compliance Audit Committee for the 2022 Municipal Election in accordance with the *Municipal Elections Act, 1996* as amended, in the By-law portion of the agenda.

**Purpose:**

The purpose of this report is to establish a joint compliance audit committee for the 2022 Municipal Election in accordance with the *Municipal Elections Act, 1996.*

**Background:**

Section 88.37 of the *Municipal Elections Act, 1996*, as amended requires each municipal Council to establish a Compliance Audit Committee before October 1st in an election year to deal with matters regarding election campaign finances and contributions.

Historically, Member Municipalities within Elgin County have established a "Elgin Election Joint Compliance Audit Committee" to deal with matters provided for in Sections 88.33, 88.34, 88.35 and 88.36 of the *Municipal Elections Act, 1996*.

Establishment of a joint committee offers numerous efficiencies in terms of committee member recruitment, review of the committee terms of reference and notice obligations, while remaining compliant with relevant provisions of the *Municipal Elections Act, 1996*.

The attached draft Elgin Election Joint Compliance Audit Committee Terms of Reference provides for the Committee Term, Meeting Overview, Mandate, Composition, Appointment Process, Compensation, Role of Staff, Application Process, Roles and Responsibilities and Appeal overview.

Once all Elgin County Member Municipalities have established a Joint Compliance Audit Committee and approved a Committee Terms of Reference by By-Law, recruitment for committee members will begin. Advertising for prospective Committee Members will include the placement of ads in local newspapers, contacting previous members of the Joint Committee from 2018 and by posting ads on each respective municipal website. More information about the Committee Member Appointment Process is outlined in Section 7 of the attached Terms of Reference.

**TERMS OF REFERENCE**
**FOR THE**
**ELGIN ELECTION JOINT COMPLIANCE AUDIT COMMITTEE**

# 1. DEFINITIONS

a. Act - means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended from time to time.

b. Applicant – means an elector as defined under Section 88.33(1) or 88.35(1) of the Act who applies for a compliance audit of a candidate's or third party advertiser's election campaign finances.

c. Application – means an application for a compliance audit accepted by the Clerk pursuant to Section 88.33(2) of the Act.

d. Auditor - means a person appointed by the Elgin Election Joint Compliance Audit Committee to conduct a compliance audit of the election campaign finances of candidates and registered third parties pursuant to Section 88.33 of the Act.

e. Auditor's Report - means a report prepared by an auditor regarding the findings of an audit into the election campaign finances of a candidate or registered third party advertiser.

f. Candidate - means the candidate whose election campaign finances are the subject of an application for a compliance audit.

g. Clerk – means the Clerk of a member municipality in Elgin County, or their designate.

h. Committee - means the Elgin Election Joint Compliance Audit Committee established pursuant to Section 88.37 of the Act.

i. Compliance Audit - means an audit conducted by an auditor, appointed by the Elgin Election Joint Compliance Audit Committee, of a candidate's election campaign finances; contributions to candidates; registered third parties campaign finances, and contributions to registered third parties.

j. Council – means the Council of a member municipality in Elgin County, including the Council of the Town of Aylmer, Municipality of Bayham, Municipality of Central Elgin, Municipality of Dutton Dunwich, Township of Malahide, Township of Southwold, and Municipality of West Elgin.

k. Municipality – means a member municipality in the County of Elgin, including The Corporation of the Town of Aylmer, The Corporation of the Municipality of Bayham, The Corporation of the Municipality of Central Elgin, The Corporation of the Municipality of Dutton Dunwich, The Corporation of the Township of Malahide, The Corporation of the

Township of Southwold, and The Corporation of the Municipality of West Elgin.

l. Registered Third Party - means the individual, corporation or trade union whose notice of registration has been certified by the Clerk and whose campaign finances are the subject of an application for a compliance audit.

## 2. ENABLING LEGISLATION

Section 88.37 of the Act requires that before October 1st in an election year, Council establish a Compliance Audit Committee for the purposes of Sections 88.33, 88.34, 88.35 and 88.36 of the said Act relative to a possible contravention of the Act's election campaign finance provisions.

### 3. TERM

The term of office of the Committee is the same as the term of office of Council, being November 15, 2022 to November 14, 2026, and shall serve in the instance of any by-election that may take place during that time.

### 4. MEETINGS

The Committee will meet as needed, with meetings to be scheduled by the Clerk of the municipality where a compliance audit application is received, in accordance with the MEA requirements. The Clerk of the host municipality shall ensure and verify the validity of the meeting. The Clerk will contact all members to ensure that a quorum of members is able to attend the said meeting. Meetings will be held at the location determined by the Clerk of the host municipality.

The Committee members will select a Chair from amongst its members at its first meeting.

In accordance with the Act, the meetings of the Committee shall be open to the public, but the Committee may deliberate in private.

## 5. MANDATE

The Committee is required to act in accordance with the powers and obligations set out in the Municipal Elections Act, 1996, as amended (MEA). The Committee will be required to:

a. consider a compliance audit application received from an elector that a candidate or a registered third party has contravened provisions of the MEA relating to election campaign finances and determine whether it should be granted or rejected;
b. if the application is granted, the Committee shall appoint an auditor to conduct a compliance audit;

c. receive the auditor's report;

d. consider the auditor's report and if the report concludes that the candidate or registered third party appear to have contravened a provision of the MEA relating to election campaign finances, the

Committee may commence legal proceedings against the candidate or registered third party for the apparent contravention; and

e. consider the report(s) of the Clerk identifying each contributor to a candidate for office on a Council or a registered third party who appears to have contravened any of the contribution limits under section 88.9 or 88.13 of the MEA and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

## 6. COMPOSITION

The Committee will be composed of at least three (3) and no more than seven (7) members of the public.

Members must possess an in-depth knowledge of the campaign financing rules of the MEA and therefore membership drawn from the following stakeholder groups:

a. accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;

b. academic – college or university professors with expertise in political science or local government administration;

c. legal profession with experience in municipal law, municipal election law or administrative law;

d. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and

e. other individuals with knowledge of the campaign financing rules of the Municipal Elections Act, 1996, as amended.

Pursuant to subsection 88.37(2) of the Act, the Committee shall not include:

a. Members of Council or local board;

b. Employees or officers of the Municipality or local board;

c. Any persons who are candidates in the election for which the Committee is established; or

d. Any persons who are registered third parties in the Municipality in the election for which the committee is established.

Further, an individual shall be deemed ineligible to be a member of the Committee if they prepare the financial statements of:

a. any candidate running for office on Municipal Council or local board during the term for which the Committee has been established; or

b. any registered third party.

In addition, a Committee Member may not be a contributor or provider of any election-related services to a registered candidate or third party advertiser in the 2022 Municipal Election or any subsequent by-election including but not limited to accounting, legal, auditing, marketing or campaign services.

## 7. APPOINTMENT PROCESS

All applicants will be required to submit a summary outlining their qualifications and experience.

A Nominating Committee consisting of the Clerks from each of the member municipalities in Elgin County will review and consider all applicants/ applications, and will prepare a proposed Joint Committee membership list for consideration by each of the respective Municipal Councils.

Members will be selected on the basis of the following:

a. demonstrated knowledge and understanding of municipal election campaign financing rules and knowledge of the MEA and related regulations;

b. proven analytical and decision-making skills;

c. experience working on a committee, administrative tribunal, task force or similar setting;

d. demonstrated knowledge of quasi-judicial proceedings;

e. availability and willingness to attend meetings; and

f. excellent oral and written communication skills.

The Members will be appointed by each of the respective Municipal Councils.

## 8. COMPENSATION

Members of the Committee shall be paid an honorarium of $125.00 per meeting, plus mileage at the current mileage rate established by the host municipality. The host municipality shall pay all costs relative to the respective application.

## 9. STAFF SUPPORT

The Clerk or designate of the host municipality shall act as the Secretary to the Committee and provide support where required.

The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under this Act to implement the Committee's decisions.

## 10. APPLICATION BY ELECTOR

a. Financial Statements of Candidates

All candidates are required to file provincially prescribed financial statements with the Clerk detailing their election campaign financing activities.

An eligible elector who believes on reasonable grounds that a candidate has contravened a provision of the Act, as amended, relating to election campaign finances, may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement.

The application must be made in writing to the Clerk and include the reasons for the elector's belief that the candidate has contravened the Act. The application must be made within 90 days after the latest of the following dates:

i. The filing date;

ii. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date;

iii. The candidate's supplementary filing date, if any; or

iv. The date on which the candidate's extension, if any, expires.

b. Registered Third Parties Financial Statements

All registered third parties are required to file provincially prescribed financial statements with the Clerk reflecting the registered third party's campaign finances in relation to third party advertisements.

An eligible elector who believes on reasonable grounds that a registered third party who is registered in relation to the election in the Municipality has contravened a provision of the Act, relating to campaign finances, may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement.

The application must be made in writing to the Clerk and include the reasons for the elector's belief that the registered third party has contravened the Act. The application must be made within 90 days after the latest of the following dates:

i. The filing date;

ii. The date the registered third party filed a financial statement, if the statement was filed within thirty (30) days after the applicable filing date;

iii. The supplementary filing date, if any, for the registered third party; or

iv. The date on which the registered third party's extension, if any, expires.

## 11. ROLES AND RESPONSIBILITIES

Sections 88.33, 88.34, 88.35 and 88.36 of the Municipal Elections Act outlines the process for Compliance Audits.

a. Compliance Audit of Candidates' Election Campaign Finances

The Compliance Audit Committee will be required to:

i. within thirty (30) days after the committee has received a compliance audit application, consider the application submitted by an elector and received by the Clerk and decide whether it should be granted or rejected;

ii. give notice of its decision to grant or reject the application, and brief written reasons for the decision, to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant;

iii. Appoint an auditor, if the compliance audit application is granted, to conduct a compliance audit of the candidate's election campaign finances;

iv. within thirty (30) days after receiving the Auditor's Report, consider the report and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention; and

v. give notice of the committee's decision, and brief written reasons for the decision, to the candidate, the clerk with

whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.

b. Compliance Audit of Contributions to Candidates

The Compliance Audit Committee will be required to:

i. within thirty (30) days after receiving the Clerk's Report that identifies each contributor to a candidate for office on Council who appears to have contravened contribution limits, consider the report and decide whether to commence a legal proceeding against the candidate for the apparent contravention; and

ii. give notice of the committee's decision, and give brief written reasons for the decision, to the contributor and to the Clerk of the Municipality or secretary of the local board as the case may be.

c. Compliance Audit of Registered Third Parties' Campaign Finances

The Compliance Audit Committee will be required to:

i. within thirty (30) days after the committee has received a compliance audit application, consider the application submitted by an elector and received by the Clerk and decide whether it should be granted or rejected;

iii. give notice of its decision to grant or reject the application, and brief written reasons for the decision, to the registered third party, the clerk with whom the registered third party is registered, the secretary of the local board, if applicable, and the applicant;

iv. Appoint an auditor, if the compliance audit application is granted, to conduct a compliance audit of the campaign finances of the registered third party in relation to third party advertisements that appear during an election in the Municipality;

v. within thirty (30) days after receiving the Auditor's Report, consider the report and, if the report concludes that the registered third party appears to have contravened a provision of the Act relating to campaign finances of the registered third party in relation to third party advertisements that appear during an election in the municipality, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention; and

vi. give notice of the committee's decision, and brief written reasons for the decision, to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.

d. Compliance Audit of Contributions to Registered Third Parties
The Compliance Audit Committee will be required to:

i. within 30 days after receiving the Clerk's Report that identifies each contributor to the registered third party who appears to have contravened contributions limits, consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention; and

ii. give notice of the committee's decision, and brief written reasons for the decision, to the contributor and to the Clerk of the Municipality.

## 12. APPEAL

The decision of the Compliance Audit Committee may be appealed to the Superior Court of Justice within 15 days after the decision is made and the Court may make any decision the Committee could have made.

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **Council Meeting** |
| **From:** | **Jana Nethercott, Clerk** |
| **Date:** | 2022-05-26 |
| **Subject:** | **Land Transfer Clarification** |

**Recommendation:**

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Land Transfer Clarification; and

That West Elgin Council hereby approve proceeding under By-Law 2019-14 with the disposition of lands declared surplus under Council Resolution 2019-09, being lands legally described as Part of Lot 64, Plan 199 Parts 2 and 3 on RT 11R-9125; and

That West Elgin Council hereby approves the method of disposal as Single Source Sale to Arvai Developments Inc., with no appraisal needed as per Sections 5(b) of By-Law 2019-14.

**Purpose:**

The purpose of this report is to clarify the method of disposal for the lands previously declared surplus to the needs of the Municipality.

**Background:**

In January of 2019, Council received a report from the Planner, Heather James (attached) and declared the lands surplus to municipal needs through resolution 2019-09. This land transfer was never completed and West Elgin subsequently passed a new Disposal of Lands By-Law on February 14, 2019.

Staff sought legal advice when it was discovered that the transfer was not completed as to which by-law to follow and what was required to finalize the transfer. The solicitor recommended cleaning up the resolution in order to proceed under the newer by-law.

**Financial Implications:**

Cost of the fees for transferring the lands.

**Policies/Legislation:**

By-Law 2019-14

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **West Elgin Council** |
| **From:** | Heather James, Planner |
| **Date:** | January 10, 2019 |
| **Report:** | 01-2019 |
| **Subject:** | Request for Council to Declare Municipal Lands Surplus |

**Recommendation:**

That West Elgin Council authorize the CAO/Clerk to proceed with implementing the procedures prescribed in By-law 2002-41 being a By-law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin for municipally owned lands legally described as Part of Lot 64 Plan 199 Parts 2 and 3 on RP 11R-9125.

**Purpose:**

The purpose of this report is to provide Council information and a recommendation regarding a request to declare municipal lands surplus to the needs of the municipality. The request was made by Arvai Developments Inc.. The lands requested to be declared surplus are legally described as Part of Lot 64 Plan 199, Parts 2 and 3 on RP 11R-9125, in the community of West Lorne (see survey in Appendix 'A'). The lands are located west of the intersection of Ridge and Chestnut Streets. The lands were to be used for an extension to Chestnut Street and a municipal reserve along the length of the road extension.

**Background:**

In 2009, the previous property owner, West Lorne Holdings Inc. received three (3) conditional consent approvals from the County of Elgin Land Division to create six (6) residential lots on lands legally described as Part of Lot 64 Plan 199, Parts 1, 2 and 3 on RP 11R-9125. The lots were to have frontage on the proposed Chestnut Street extension. Two of the conditions of consent were the owner was required to transfer the road extension (Part 2) and the reserve (Part 3) to the Municipality. The owner transferred the road and the reserve to the Municipality; however, the remaining conditions on the consent were not fulfilled and therefore the consents lapsed. Currently the Municipality owns Parts 2 and 3 and have not been developed for any use.

A new owner, Arvai Developments Inc. has purchased Part of Lot 64 Plan 199, Part 1 on RP 11R-9125 and was unaware of the transfer of Parts 2 and 3 to the Municipality. On January 3, 2019, Louis Arvai of Arvai Developments Inc. submitted a letter to the municipality requesting for Parts 2 and 3 to be declared surplus to the needs of the municipality and assign this land back to his ownership for his proposed development (see request in Appendix 'B'). Mr. Arvai does not require a municipal road for his proposed development as he intends to develop the lands for rental townhouse units with a private driveway entrance onto Ridge Street.

In 2002, Council of the Municipality of West Elgin passed By-law 2002-41 being a By-law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin (see attached by-law in Appendix 'C'). In summary, the by-law states at any time Council

shall by resolution declare any of its land to be surplus to the needs of the municipality, and the Clerk shall be authorized to take action as described in Schedule 'A' to the by-law. Further, the by-law states that the by-law and Schedule 'A' shall apply to all classes of land owned by the municipality, save and except those outlined in Schedule 'A' to the by-law. Lastly, the by-law states that upon the sale of land of the Corporation, the Municipal Clerk may include in the deed or transfer for any such sale a 'Certificate of Compliance' in the form set out in Schedule 'C' to the by-law.

The Public Works Superintendent has been circulated this request and has no concerns on declaring municipal lands identified as Parts 2 and 3 surplus to the needs of the municipality as they will not impede to functionality of Ridge and Chestnut Streets.

**Financial Implications:**

As stated in Schedule 'A' to By-law 2002-41, a report and bill advising municipal council of the details of the sale shall be submitted as soon as practical to finalize a sale.

**Policies/Legislation:**

Municipality of West Elgin By-law 2002-41 Being a By-law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin.

**Related Documents**

Survey 11R-9125 (attached as Appendix 'A'), request (attached as Appendix 'B') and By-law 2002-41 (attached as Appendix 'C').

Respectfully submitted,

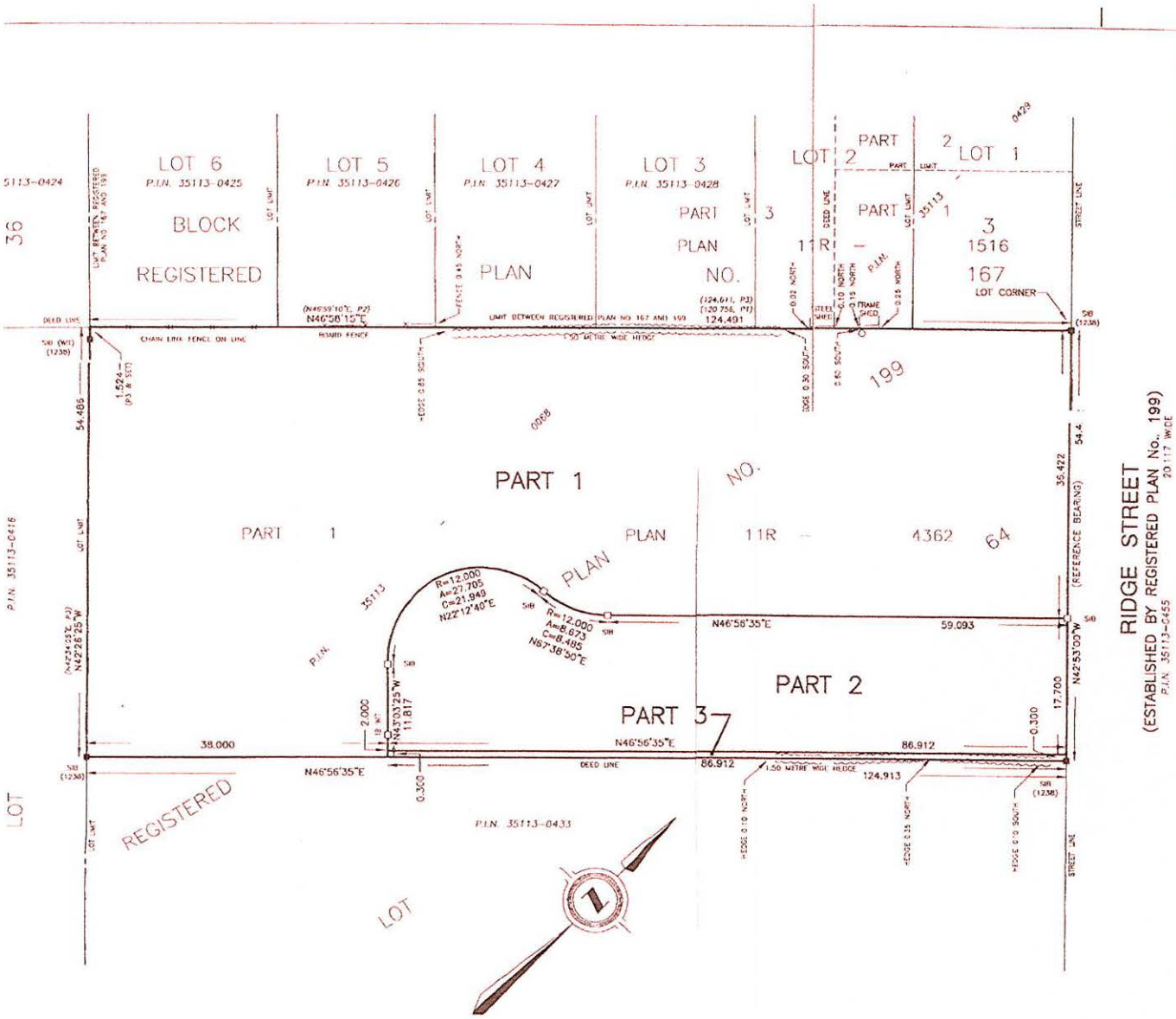
_____

Heather James, Planner

Approved by,

_____

Genevieve Scharback, CAO/Clerk




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

DATE: November 11, 2009

BRUCE S. BAKER
ONTARIO LAND SURVEYOR

PLAN 11R-9125
RECEIVED AND DEPOSITED
DATE: NOV. 12, 2009
J. Gardner
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN. (No 11)

PART SCHEDULE

| PART | LOT | PLAN | P.I.N. | AREA |
|---|---|---|---|---|
| 1 | PART OF 64 | R.P. No. 199 | ALL OF 35113-0068 | 0.5137 ha (1.269 ac) |
| 2 | | | | 0.1628 ha (0.402 ac) |
| 3 | | | | 0.0026 ha (0.006 ac) |

# PLAN OF SURVEY

OF PART OF
LOT 64,
REGISTERED PLAN No.199
(VILLAGE OF WEST LORNE)
IN THE
MUNICIPALITY
OF WEST ELGIN
COUNTY OF ELGIN

SCALE 1:400
0 2 4 6 8 10 20 30
SCALE IN METRES

2009
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 SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2) THE SURVEY WAS COMPLETED ON THE 10th DAY OF NOVEMBER, 2009.

November 11, 2009

BRUCE S. BAKER
ONTARIO LAND SURVEYOR

## NOTES & LEGEND

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHWEST LIMIT OF RIDGE STREET HAVING A BEARING OF N42°53'00" ACCORDING TO PLAN 11R-4362.

■ DENOTES MONUMENT FOUND
□ DENOTES MONUMENT PLANTED
SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
WIT DENOTES WITNESS
1238 DENOTES MURRAY FRASER, O.L.S.
P1 DENOTES REGISTERED PLAN No. 199
P2 DENOTES PLAN 11R-1516
P3 DENOTES PLAN 11R-4362

AGM SURVEYING • ENGINEERING
ARCHIBALD, GRAY & McKAY LTD.
553 SOUTHDALE RD. E., LONDON, ON. N6E 1A2
PHONE 519-685-5300 FAX 519-685-5303
EMAIL survey@agm.on.ca WEB www.agm.on.ca

| | | | |
|---|---|---|---|
| DRAWN BY: BAS | DIGITAL FILE: WL0901R1.DWG | PLAN No: | |
| CHECKED BY: BAKER | COGO FILE: WL0901C1.COG | 2-Z-7156 | |
| Plot date: Nov 11, 2009 | FILE No: WL-0199-2 | | |

F:\Projects\W\WestLorne\WL09\WL0901-Services\Cad\RPLAN\WL0901R1.dwg

Hello Genevieve Scharback,

I have been notified by the Municipality that part of the property I had purchased at 196 Ridge St. in West Lorne had been given to the Municipality for a road allowance by the previous land owner, West Lorne Holdings Ltd. I was instructed to send you this letter requesting the Municipality to consider this land as surplus land and assign this land back to me for my development. I will not be requiring the Municipality to provide a roadway for my development as I will be providing a private driveway/excess road of Ridge St. into the development.

If you have any questions feel free to contact me.

I await your response.
Thanks,

***Louis Arvai***

**MARTIN JOLDERSMA**
***Barrister & Solicitor***

159 Currie Road
P.O. Box 279, Dutton
Ontario N0L 2P0

Telephone (519) 762-2882
Facsimile (519) 762-2880

MUNICIPALITY OF WEST ELGIN
RECEIVED
NOV 17 2009

November 17, 2009

**VIA FAX 519-785-0644**

Municipality of West Elgin
P.O. Box 490
Rodney, ON
N0L 2C0

Attention: Norma Bryant

Dear Ms. Bryant:

**RE: West Lorne Holdings Ltd. transfer of Road Allowance**
**Parts 2 and 3, Reference Plan 11R-9125**

Enclosed are:

1. Transfer for the road allowance, being Parts 2 and 3, Plan 11R-9125, receipted as CT50435 on November 16, 2009.
2. Clear execution search.
3. Abstract showing clear title to the lands acquired by the Municipality. There are no encumbrances.

I look forward to the receipt in due course of a by-law assuming the said parcel as a public road, which I will register on title.

Yours truly,

MARTIN JOLDERSMA

MJ
enclosure

CERTIFICATE #:
NO DE CERTIFICAT:
12057790-1596950B

CLEAR CERTIFICATE / CERTIFICAT LIBRE

SHERIFF OF /
SHERIF DE: COUNTY OF ELGIN (ST. THOMAS)

DATE OF CERTIFICATE /
DATE DU CERTIFICAT : 2009-11-16

THIS CERTIFIES THAT THERE ARE NO WRITS OF EXECUTION, EXTENT OR CERTIFICATES OF LIEN IN MY HANDS AT THE TIME OF SEARCHING AGAINST THE REAL AND PERSONAL PROPERTY OF:

JE CERTIFIE, PAR LA PRESENTE, NE PAS AVOIR DE BREF D'EXECUTION, NI DE CERTIFICAT DE PRIVILEGE, NI D'ORDONNANCE EN MA POSSESSION AU MOMENT DE LA RECHERCHE VISANT LES BIENS MEUBLES OU IMMEUBLES DE:

| SURNAME / NOM | GIVEN NAME(S) / PRENOM(S) |
|---|---|

(COMPANY/SOCIETE) WEST LORNE HOLDINGS LTD.

CAUTION TO PARTY REQUESTING SEARCH:
ENSURE THAT THE ABOVE INDICATED NAME IS THE SAME AS THE NAME SEARCHED. THIS NAME WILL REMAIN CLEAR UNTIL THE CLOSE OF BUSINESS THIS DATE.

AVERTISSEMENT A LA PARTIE QUI DEMANDE LA RECHERCHE:
ASSUREZ-VOUS QUE LE NOM INDIQUE CI-DESSUS EST LE MEME QUE CELUI QUI EST RECHERCHE. CET ETAT DEMEURE VALIDE JUSQU'A LA FIN DE LA JOURNEE DE TRAVAIL.

CHARGE FOR THIS CERTIFICATE /
FRAIS POUR CE CERTIFICAT : $11.00

SEARCHER REFERENCE /
REFERENCE CONCERNANT L'AUTEUR DE LA DEMANDE:

LRO # 11 **Transfer** **Receipted as CT50435** on 2009 11 16 at 16:20

*The applicant(s) hereby applies to the Land Registrar.* yyyy mm dd 

## Properties

*PIN* 35113 - 0068 LT *Interest/Estate* Fee Simple ✓ Split

*Description* PART OF PCL 64-1 SEC 199; PT LT 64 PL 199 WEST LORNE PT 1 11R4362, DESIGNATED AS PARTS 2 AND 3, PLAN 11R-9125, WEST ELGIN

*Address* WEST LORNE

## Consideration

*Consideration* $ 0.00

## Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

*Name* WEST LORNE HOLDINGS LTD

*Address for Service* 4680 Avenue Road
London, ON
N6N 1E7

I, ANTONIO SANTOS, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

## Transferee(s) *Capacity* *Share*

*Name* THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

*Address for Service* P.O. Box 490
Rodney, ON
N0L 2C0

## Statements

The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

## Signed By

Martin Joldersma 159 Currie Road, Dutton, N0L 1J0 acting for Transferor(s) Signed 2009 11 13

Tel 5197622882
Fax 5197622880

I have the authority to sign and register the document on behalf of all parties to the document.

Martin Joldersma 159 Currie Road, Dutton, N0L 1J0 acting for Transferee(s) Signed 2009 11 13

Tel 5197622882
Fax 5197622880

I have the authority to sign and register the document on behalf of all parties to the document.

## Submitted By

MARTIN JOLDERSMA 159 Currie Road, Dutton, N0L 1J0 2009 11 16

Tel 5197622882
Fax 5197622880

## *Fees/Taxes/Payment*

| | |
|---|---|
| *Statutory Registration Fee* | $60.00 |
| *Provincial Land Transfer Tax* | $0.00 |
| *Total Paid* | $60.00 |

# LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 35113 - 0068 PART OF PCL 64-1 SEC 199; PT LT 64 PL 199 WEST LORNE PT 1 11R4062, DESIGNATED AS PARTS 2 AND 3, PLAN 11R-9125, WEST ELGIN

BY: WEST LORNE HOLDINGS LTD.

TO: THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN %(all PINs)

1. MARTIN JOLDERSMA

I am

☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;

☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;

☐ (c) A transferee named in the above-described conveyance;

☑ (d) The authorized agent or solicitor acting in this transaction for THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN described in paragraph(s) (c) above.

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for ____ described in paragraph(s) ( ) above.

☐ (f) A transferee described in paragraph ( ) and am making these statements on my own behalf and on behalf of ___ who is my spouse described in paragraph ( ) and as such, I have personal knowledge of the facts herein deposed to.

3. **The total consideration for this transaction is allocated as follows:**

| | | |
|---|---|---|
| (a) Monies paid or to be paid in cash | | 0.00 |
| (b) Mortgages | (i) assumed (show principal and interest to be credited against purchase price) | 0.00 |
| | (ii) Given Back to Vendor | 0.00 |
| (c) Property transferred in exchange (detail below) | | 0.00 |
| (d) Fair market value of the land(s) | | 0.00 |
| (e) Liens, legacies, annuities and maintenance charges to which transfer is subject | | 0.00 |
| (f) Other valuable consideration subject to land transfer tax (detail below) | | 0.00 |
| (g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f)) | | 0.00 |
| (h) VALUE OF ALL CHATTELS - items of tangible personal property | | 0.00 |
| (i) Other considerations for transaction not included in (g) or (h) above | | 0.00 |
| (j) Total consideration | | 0.00 |

4.

Explanation for nominal considerations.

g) Transfer to a municipality pursuant to subdivision or development agreement, condominium approval or other municipal purposes: TRANSFER OF LANDS FOR PUBLIC ROAD ALLOWANCE

5. The land is not subject to an encumbrance

**PROPERTY Information Record**

A. Nature of Instrument: Transfer

LRO 11 Registration No. CT50435 Date: 2009/11/16

B. Property(s): PIN 35113 - 0068 Address WEST LORNE Assessment Roll No -

C. Address for Service. P.O. Box 490
Rodney, ON
N0L 2C0

D. (i) Last Conveyance(s). PIN 35113 - 0068 Registration No. LT43345

(ii) Legal Description for Property Conveyed. Same as in last conveyance? Yes ☐ No ☑ Not known ☐

E. Tax Statements Prepared By: Martin Joldersma
159 Currie Road
Dutton N0L 1J0

Ontario ServiceOntario

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #11

35133-0088 (LT)

SUBJECT TO RESERVATIONS IN CROWN GRANT


PREPARED FOR Martin01
ON 2009/11/16 AT 16:21:13

PROPERTY DESCRIPTION: PCL 64-1 SEC 199; PT LT 64 PL 199 WEST LORNE PT 1 1R4362; WEST ELGIN

PROPERTY REMARKS

ESTATE/QUALIFIER
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2006/03/27

OWNERS' NAMES
WEST LORNE HOLDINGS LTD.

CAPACITY SHARE
BENO

| REG. NUM. | DATE | INSTRUMENT TYPE | AMOUNT | PARTIES FROM | PARTIES TO | CERT/ CERD |
|---|---|---|---|---|---|---|
| ** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) ** | | | | | | |
| 1R4362 | 1990/07/17 | PLAN REFERENCE | | | | C |
| LT43345 | 2002/11/15 | TRANSFER | $54,000 | | WEST LORNE HOLDINGS LTD | C |
| 1R8125 | 2009/11/12 | PLAN REFERENCE | | | | C |
| CTS0435 | 2009/11/16 | TRANSFER | | WEST LORNE HOLDINGS LTD | THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN | |

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

# The Municipality of West Elgin

22413 Hoskins Line, Box 490, Rodney Ontario N0L 2C0


January 11, 2019

Municipal Council at the regular meeting on January 10, 2019 passed the following Resolution:

**Resolution No. 09**
**Moved: Councillor Cammaert**
**Seconded: Councillor Tellier**

That West Elgin Council receives the report from H. James, Planner re: Request for Council to Declare Municipal Lands Surplus; and

That West Elgin Council authorize the CAO/Clerk to proceed with implementing the procedures prescribed by By-Law 2002-41 being a By-Law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin for municipally owned lands legally described as Part of Lot 64 Plan 199 Parts 2 and 3 on RP 11R-9125.

**Disposition: Carried**


P: 519.785.0560 E: deputyclerk@westelgin.net
F: 519.785.0644 www.westelgin.net

MUNICIPALITY OF
West Elgin

**Staff Report**

| | |
|---|---|
| **Report To:** | **Council Meeting** |
| **From:** | **Magda Badura, CAO/Treasurer** |
| **Date:** | 2022-05-26 |
| **Subject:** | **Port Glasgow Yacht Club Marina Ring Road Paving** |

**Recommendation:**

That West Elgin Council hereby receives the report from Magda Badura, CAO/Treasurer re: Port Glasgow Yacht Club Ring Road Paving; and
That West Elgin Council hereby grants approval for the Port Glasgow Yacht Club to place asphalt surface on the municipally owned portion of the Marina Ring Road; and
That West Elgin Council hereby grant approval for the Port Glasgow Yacht Club to borrow up to $125,000 from the Breakwater Extension Reserve Fund and enter into an agreement with the Municipality for a repayment schedule over a five (5) year term;

**Purpose:**

The purpose of this report is to receive Council approval for the Port Glasgow Yacht Club to pave the municipally owned portion of the Marina Ring Road and to approve the Port Glasgow Yacht Club borrowing funds from the Breakwater Extension Reserve Fund to cover the shortfall, once they have entered into a repayment agreement with the Municipality.

**Background:**

Port Glasgow Yacht Club President contacted staff with regards to a planned project to asphalt the ring road around the basin of the Marina. Port Glasgow Yacht Club and Marina sought quotes to install asphalt paving and have decided on the quote from JAAR Excavating at a cost of $194,833.60. The asphalt will be owned by the Municipality and maintained by the Yacht Club, as per section 4.2 of the 1994 Agreement “The Township Corporation shall at all times own the marina improvements within Township lands.”

As, part of the area that the Yacht Club wishes to have covered by asphalt is municipally owned, they are seeking Council permission to do this work on public lands. As per the 1994 Agreement between the Yacht Club and the Township of Aldborough, now the Municipality of West Elgin, the” Yacht Club may at any time and at its expense make any improvements or alterations or do any works in respect of the marina”, the Yacht Club would like to maintain a good working relationship with the Municipality and prefer to work in cooperation with the Municipality and provide notice and gain permission.

The cost of this project is higher than first expected due to raising costs and the Port Glasgow Yacht Club has requested to borrow funds from the Municipality to cover the shortfall, up to $125,000. There is a history of the Municipality providing loans to the Yacht Club as they are not an incorporated body and therefore have no borrowing power. Staff are recommending that the monies be loaned out of the reserve fund that was created for the Breakwater project as this

project will not be completed in the next 5 years. Staff are also recommending that the Yacht Club and the Municipality enter into an agreement that lays out the repayment terms over five (5) years, with the funds being returned to the breakwater reserve fund.

Staff are recommending that this would be the best time to have a solicitor review and update the current agreement to include the additional amenities (washrooms, fish cleaning station and lighting) as well as lay out the terms for borrowing and repaying the funds requested.

**Financial Implications:**

**Policies/Legislation:**

**Report Approval Details**

| | |
|---|---|
| Document Title: | Port Glasgow Yacht Club Paving - 2022-19-Administration Finance.docx |
| Attachments: | - PGYC Paving Quote.pdf |
| Final Approval Date: | May 24, 2022 |

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to eSCRIBE Administrator was completed by workflow administrator Jana Nethercott**

eSCRIBE Administrator

J-AAR EXCAVATING

3003 Page Street
London, Ontario
N5V 4J1

| | |
|---|---|
| **To:** Port Glasgow Yacht Club & Marina<br>**Address:** P.O. Box 315, Rodney, ON N0L 2C0 | **Contact:** Ed Jeffries, mej9@icloud.com<br>**Phone:** (519) 785-0189 |
| **Project Name:** Port Glasgow Marina Ring Road Paving<br>**Project Location:** 8536 Havens Lake Road, West Elgin | **Estimate No.:** 22210<br>**Date:** 05/07/2022 |

Each section below includes a list of the key items included in our quotation. If you have any questions, concerns, or wish to have us modify our included scope or exclusions, please let us know.
**Addendum:**

| Item # | Item Description | Quantity | Unit | Unit Price | Ext Price |
|---|---|---|---|---|---|
| 20 | HL-8 (60 mm), HL-3 (40 mm) with Fine Grade. Overlay (179 m²) existing asphalt at entrance (40 mm) including milling of tie in joint | 4,940 | M2 | $ 39.44 | $194,833.60 |
| | | **Option C, 100 mm depth asphalt** | | | **$194,833.60** |
| 25 | HL-8 (50 mm), HL-3 (40 mm) with Fine Grade. Overlay (179 m²) existing asphalt at entrance (40 mm) including milling of tie in joint. | 4,940 | M2 | $ 36.43 | $179,964.20 |
| | | **Option D, 90 mm depth asphalt** | | | **$179,964.20** |

**Inclusions:**

- LiUNA 1059 & OE 793 labour and equipment to complete project.
- Material supply to OPS specifications.
- Flagging of own operations.

**Exclusions:**

- Any items not specifically noted as included are excluded.
- Sawcutting and removals of existing materials.
- Weekend, holiday, or overtime work.
- Supply and placement of granular "A" for grade correction.
- Restoration to edge of pavement with granular or topsoil.
- Removal and restoration to edge of pavement with existing or new interlock stone.

**Notes:**

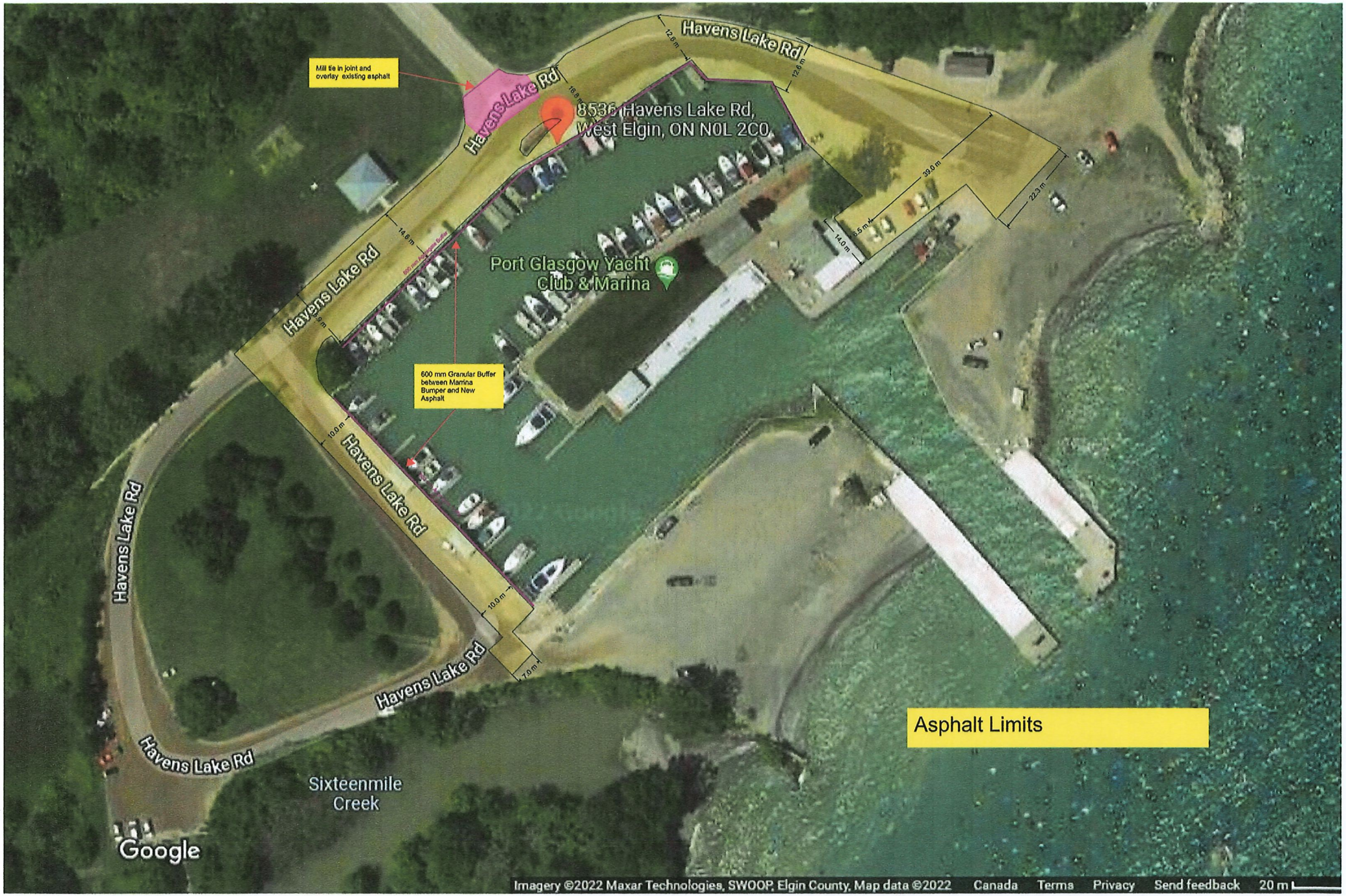
- H.S.T. is not included.
- Quotation will remain open for acceptance for 30 days on approved credit.
- Payment terms are net 30 days with interest on overdue accounts 18% annually and compounded monthly.
- Work to be completed during the current construction season unless otherwise noted in the item or on this quotation.

- Seasonal asphalt plant closure is scheduled for the last weekday of November.
- The above quotation is based on the current MTO published index price for asphalt cement. Asphalt cement escalation or rebate for hot mix will apply to reflect oil prices at the time of construction.
- A "Winter Energy Charge" of $ 3.00/tonne will be added for all asphalt work completed between November 1st and the end of the season.
- Payment based on final in-place measurements.
- Water run-off of paved surfaces having a grade of less than 1.5 % is not guaranteed.
- Owner to provide catchbasins to assist with drainage if required.
- Owner to salvage stone base along Marina wall prior to fine grade.
- Grading to match existing drainage patterns and to be approved by owner prior to asphalt placement.
- Asphalt millings to be left on site for owners use.
- COVID-19: This proposal is submitted based on the specific details provided and conventional construction practices, and the current availability and pricing of resources which are rapidly changing in response to the COVID-19 pandemic. Our reliance on other trades, standard procedures to maintain schedules, client schedules and procedures, labour, consultants, material suppliers, regulatory bodies and project teams may cause delays and impacts that are beyond our control and are additional to our scope.

Yours truly,
J-AAR Excavating Limited

Andre Biliski
Estimator


info@j-aar.com
519.652.2104
www.j-aar.com


Mill tie in joint and overlay existing asphalt
Havens Lake Rd
8536 Havens Lake Rd, West Elgin, ON N0L 2C0
Port Glasgow Yacht Club & Marina
600 mm Granular Buffer between Marina Bumper and New Asphalt
Sixteenmile Creek
Asphalt Limits
Google
Imagery ©2022 Maxar Technologies, SWOOP, Elgin County, Map data ©2022
Canada
Terms
Privacy
Send feedback
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# Municipality of West Elgin

## Minutes

## Recreation Committee

**April 20, 2022, 7:00 p.m.**
**West Elgin Community Complex - Hybrid Meeting**
**160 Main Street**
**West Lorne**
**Electronic Hybrid Meeting**

| | |
|---|---|
| **Present:** | **K. Neil, Chair** |
| | **Councillor A. Cammaert** |
| | **Councillor T. Tellier** |
| | **Nicole Campbell** |
| | **Cindy da Costa** |
| | **Megan Bartlett** |
| | **Destiny Vickers** |
| **Staff Present:** | **Emily Jocius** |

**1. Call to Order**

Chair Ken Neil called the meeting to order at 7:03 p.m.

**2. Adoption of Agenda**

**Moved:** Councillor Cammaert
**Seconded:** Cindy da Costa

That West Elgin Recreation Committee hereby adopts the agenda as circulated.

**Carried**

**3. Disclosure of Pecuniary Interest**

No disclosures

**4. Delegations**

### 4.1 Youth Task Team Member

Emily Jocius, Operations and Community Services Coordinator welcomes Destiny Vickers of the Youth Task Team to the committee.

## 5. Minutes

**Moved:** Megan Bartlett
**Seconded:** Councillor Cammaert

That the West Elgin Recreation Committee adopts the minutes of March 9, 2022 as printed and circulated.

**Carried**

## 6. Business Arising from Minutes

No new Business arising from the minutes.

## 7. Staff Reports

### 7.1 Canada Day

### 7.2 Operational Update March-April

E.Jocius, provided the committee with an update on current recreation programs and upcoming programs and initiatives by the committee. Ken Neil inquired on the International Club Open House on May 1, 2022. The recreation committee would like to at least send information for residents to pick up at the event.

That West Elgin Recreation Committee hereby received the report from Emily Jocius, Operations and Community Services Coordinator re: Operational Update for March and April, for information purposes.

### 7.3 Mental Health Resource Program

E.Jocius, provided the committee with an update on the program. The program will run the week of May 2-6 and provide different resources to the committee for mental health.

**Moved:** Councillor Tellier
**Seconded:** Megan Bartlett

That West Elgin Recreation Committee hereby receives the report from Emily Jocius, Operations and Community Services Coordinator re: Mental Health Resources Program; and

That West Elgin Recreation Committee hereby approves a $25.00 donation from the Recreation Programming budget be made to each organization providing a mental health session during this week.

**Carried**

### 7.4 Canada Day Planning 2022

The committee discussed the current Canada Day plan and approved the events for the date. The times for the day will be slightly flexed to accommodate fireworks and other events.

The Committee agreed on the following events

- Rock painting
- Live music by Exit 137
- Picnic Games
- To have staff contact local food trucks before branching out.

The other events mentioned in the report will also be present during the event such as Fireworks, a Miller Park Fun Walk and Free Swimming.

**Moved:** Cindy da Costa
**Seconded:** Destiny Vickers

That West Elgin Recreation Committee hereby receives the report from Emily Jocius, Operations and Community Services Coordinator re: 2022 Canada Day Planning; and

That West Elgin Recreation Committee hereby approves the events to be held on Canada Day 2022.

**Carried**

## 8. Adjournment

**Moved:** Councillor Cammaert
**Seconded:** Cindy da Costa

That West Elgin Recreation Committee hereby adjourn at 8:06 p.m. to meet again on May 18, 2022.

**Carried**

Ken Neil, Chair

Emily Jocius, Recording Secretary

**From:** Emily Jocius
**To:** Tara Kretschmer; Jana Nethercott
**Cc:** Lee Gosnell
**Subject:** FW: Arena board member
**Date:** May 17, 2022 10:24:16 AM

---

Hello Tara,

Please find the email below regarding the appointment of a new board member from West Lorne Minor Hockey. If you could please include this on your next council agenda. If you could send the final resolution it would be appreciated.

Thank you

Emily Jocius
The Municipality of West Elgin
22413 Hoskins Line Rodney, ON N0L 2C0
Operations & Community Services Coordinator
E:recreation@westelgin.net
P :( 519)-785-0560 ext. 200

-----Original Message-----
From: Comets President <wlcometspresident@gmail.com>
Sent: May 12, 2022 7:20 PM
To: Emily Jocius <EJocius@westelgin.net>; Lee Gosnell <lgosnell@westelgin.net>; Adam Ecker <aecker@westelgin.net>
Cc: wlcometsiceconvener@gmail.com
Subject: Arena board member

Hi All.

Thank you guys again for letting us use the arena for our AGM earlier this month. We had around twenty ppl there and some new board members so very good success.

Following the AGM the new board elected Terry Weed as our representative for the arena board. I have cc'd him on this message. Please let us know what steps or further info needed to get him into that position.

We have an ice committee working on ice schedule for next season and will get that to you soon but we will be looking at getting back into a 5:30 time slot on Tuesday or Thursday for sure.

Thanks you all again for a great season. Looking forward to next year.

Kevin Summers-WLMHA President

# Elgin County Council Highlights

## In this Issue

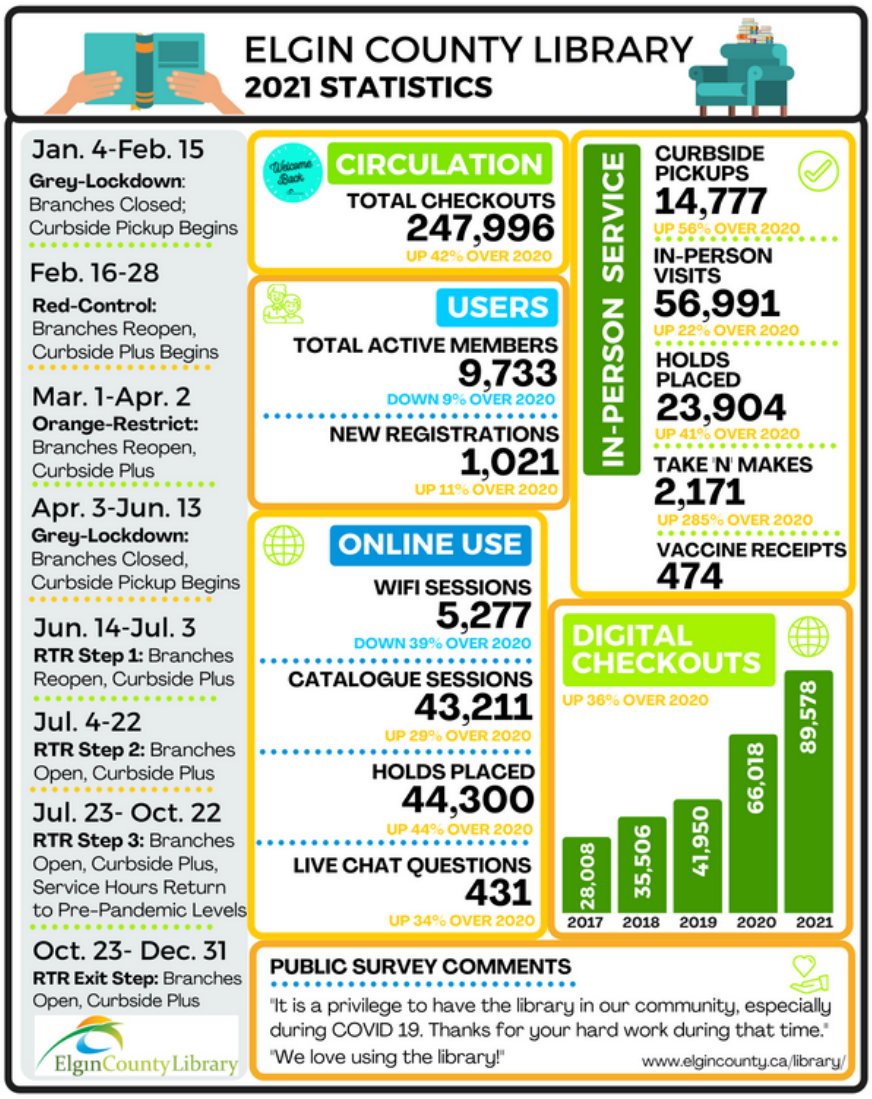

- SCOR EDC Requests Support for Cayuga Rail Line Revitalization Project
- Library Performance Measurements for 2021
- Homes Policy Updates
- Council Awards Tender for Council Chambers and Reception Area Renovations and Upgrades
- Warden's Charity Gala Raises $27,500


### SCOR EDC Requests Support for Cayuga Rail Line Revitalization Project

County Council received a presentation from Kim Earls, Executive Director – South Central Ontario Region Economic Development Corporation and Cephas Panschow, Chair – SCOR Resource Advisory Committee on the Future of Shortline Rail in the South Central Ontario Region. The presentation provided an overview of the Cayuga Rail Line Revitalization Project. The project seeks to rehabilitate approximately 23 miles of shortline rail within the South Central Ontario region between the Municipality of Central Elgin ending in Norfolk County. To view the presentation in its entirety, please visit the County's YouTube channel.

## Library Performance Measurements for 2021

County Council received the 2021 Annual Library Performance Measurements report. The report includes a statistical breakdown of usage at Elgin County's 10 Library branches, and across the system as a whole.




The report included circulation information, statistics related to in-person service, digital checkouts, online usage, public survey comments, and comparisons to other area library systems. The report also included next steps and service goals for 2022. The graphic below provides a brief overview, and the detailed report can be found as part of the May 10, 2022 County Council Agenda Package.

## Homes Policy Updates

Elgin County Council approved multiple County of Elgin Homes and Seniors Services Administrative Policy Manual Updates including policies related to Resident Rights, Resident Abuse, Mandatory and Critical Incident Reporting, Requests and Concerns, Staff Reporting, and Whistle Blower Protection. Departmental policy and procedure manuals ensure consistency and quality in the services provided by Elgin County Homes and Seniors Services and are reviewed annually to ensure inclusion of best practice and alignment with current legislation. The staff report and corresponding policies can be found as part of the May 10, 2022 County Council Agenda Package.

## Council Awards Tender for Council Chambers and Reception Area Renovations and Upgrades

County Council awarded K&L Construction (Ontario Ltd) the contract for the Council Chambers and Reception Upgrades Project at the County Administration Building at a price of $1,113,600 (exclusive of HST). A modernization of the Council Chambers, the establishment of a new front lobby reception kiosk as well as new office spaces to accommodate Economic Development and Tourism and Community Paramedicine will provide an enhanced barrier free customer service level experience. Work on this project is expected to commence in June 2022 with completion expected in the first quarter of 2023.

## Warden's Charity Gala Raises $27,500

On April 29, 2022, Warden Mary French hosted a Charity Gala at the Old Town Hall in Aylmer in support of the Terrace Lodge Fundraising Campaign. The event featured an Art Show and Silent Auction with photography featured from the "These Hands – Touching Memoirs of Seniors Living in Our Communities" book. The book featured stories and photographs of Elgin County Seniors and was created with funding support from the Government of Canada's New Horizon for Seniors Program. Gala attendees were invited to browse 56 canvas prints of images from the book, with select prints featured in the silent auction. Through sponsorships, donations, and the silent auction, the event successfully raised $27,500 towards the Terrace Lodge Fundraising Campaign, with donations still being received.

For the complete May 10, 2022 County Council Agenda Package please visit the Elgin County website.

**Ministry of the Solicitor General**

Public Safety Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

**Ministère du Solliciteur général**

Division de la sécurité publique

25 rue Grosvenor
12e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

Ontario

**May 13, 2022**

**MEMORANDUM TO:** Municipal Chief Administrative Officers

**SUBJECT:** Conclusion of COVID-19 Enforcement Support Line

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I would like to take the opportunity to acknowledge the collective efforts of our partners, who have worked relentlessly over the course of the COVID-19 pandemic.

On March 31, 2020, the Ministry of the Solicitor General established the toll-free COVID-19 Enforcement Support Line and ministry email account to provide support to law enforcement personnel regarding the enforcement of emergency orders under the *Emergency Management and Civil Protection Act* (EMCPA), as well as the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA), which was proclaimed into force on July 24, 2020. The dedicated line was only made available to police officers and other enforcement personnel who are designated as provincial offences officers for the purpose of enforcing orders under the EMCPA and ROA.

The Ontario government, in consultation with the Chief Medical Officer of Health, has cautiously and gradually eased public health and workplace safety measures. Effective April 27, 2022, all remaining measures, directives and orders ended with the exception of the masking and face covering requirements that will remain in place in certain settings under a Class Order made pursuant to Section 22 under Section 77.1 of the *Health Protection and Promotion Act* until June 11, 2022, unless extended or revoked.

As such, I am writing to advise that, effective immediately, the Ministry of the Solicitor General will discontinue the COVID-19 Enforcement Support Line and ministry email account in alignment with the expiry of orders under the EMCPA and ROA. In addition, the ministry will also be winding down province-wide reporting on enforcement of the EMCPA and ROA, in response to COVID-19.

Thank you once again for your continued support and collaboration during this challenging time.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

| | |
|---|---|
| **From:** | Doug Reycraft |
| **To:** | Doug Reycraft |
| **Subject:** | Resolution re Rural and Northern Education |
| **Date:** | May 16, 2022 10:27:21 AM |
| **Attachments:** | Final Background Document re Rural and Northern Education (2).pdf |

---

May 16, 2022

**Email to: All members of the Community Schools Alliance**

**Re: Resolution re Rural and Northern Education**

Please place this resolution on your municipal Council agenda

The Executive Committee of the Community Schools Alliance has developed a Three Point Action Plan for which we are seeking your support.

Each point is designed to improve access to public education in rural and northern communities.

All three points have been expressed recently to the Minister of Education, the Parliamentary Assistant and representatives of the New Democratic Party and the Liberal Party.

## Resolution

Whereas all students should have the opportunity to attend elementary and

secondary school in their home community

Therefore, be it resolved that:

The province increase the Rural and Northern Education Fund (RNEF) to $50 million;

Should the current moratorium on accommodation reviews and school closures be lifted, we ask that the moratorium remain in place for schools that qualify for the RNEF until a thorough review of the education funding formula is completed;

Before templates required by the 2018 Pupil Accommodation Review Guideline (PARG) are developed, there be consultation with school boards and community groups including the Community Schools Alliance.

A background paper that supports the Action Plan is attached.

**Please send a copy of your resolution to the undersigned and your MPP.**

Thank you for your consideration.

Doug Reycraft

Chair

Community Schools Alliance

181 Main Street

Glencoe, Ontario N0L1M0

reycraft@sympatico.ca

Doug Reycraft
181 Main Street
Glencoe ON N0L 1M0
(519) 494-2508

## Three Point Action Plan in Support of Rural and Northern Education
## Background Information

### Schools Have Social and Economic Impact for Small Communities in Ontario

The Community Schools Alliance, with the support of its many municipal members, has made changing provincial education and infrastructure policy in the delivery and maintenance of school properties a priority.

- The educational policy of past two decades in Ontario has resulted in the amalgamation of smaller local schools into larger buildings, and often the closure of schools in smaller communities. Instead of attending school within their local community, many students are forced to attend schools in communities further away from home.

- This trend towards bussing rural and smaller community students into other communities can have wide-ranging impacts on the health, wellbeing, and stability of students, parents, and affected communities. The impacts of these closures may also not be immediately apparent, with potentially longer-term impacts being experienced decades later with negative economic competitiveness and socioeconomic outcomes.

- The Community Schools Alliance retained the Human Environments Analysis Lab at Western University to undertake an objective analysis of the connections between a community's vitality and the presence of a school within the community.

This study, **Schools Have Social and Economic Impact for Small Communities in Ontario** was released in January of this year.

The research shows that

- small rural and northern communities with schools tend to have more private amenities and more public services than those without schools.
- closing a school in a single-school community threatens the future existence of those amenities and services and the quality of life of the families living there.
- closing a school also reduces the ability to attract new growth and economic development to the community.
- This analysis revealed that of the 733 communities in Ontario with more than 300 and less than 10,000 population that were included in the study, 303 (41%) had no schools, 232 (32%) only have one school, and 198 (27%) have two or more schools.

### Governance Model

- Unfortunately, under the current education governance model, local area municipalities have little influence over school board capital infrastructure

decisions. Many smaller municipalities may even be forecasting growth that would support a school with declining enrolment.

- However municipalities have no way to prevent a school closure and disposition of the land should the school board choose to do so in the short-term to meet new growth elsewhere in the board.

**What Can Be Done**

The Community Schools Alliance believes that a better system is needed to address the educational facility needs of Ontario's smaller communities. The Ministry, school boards, and municipalities need to work together to develop policies that address planning for declining enrolments, a predictable Accommodation Review Committee process, a review of funding to rural and small community schools, and improved transparency and accountability in capital infrastructure decision-making.

**A Three Point Action Plan for Rural and Northern Education**

During the past few months, the Community Schools Alliance has met with the Parliamentary Assistant to the Minister of Education and representatives of the New Democratic Party and the Liberal Party to share the results of this recent research and to ask for support for the following:

1. **The province increase the Rural and Northern Education Fund (RNEF) to $50 million;**

The Rural and Northern Education Fund (RNEF) was introduced in 2017 as a $20 million addition to provincial funding for school boards to address the unique needs of schools in rural and northern Ontario. It will be increased in 2022 to $21.8 million. At $20 million, the grant was targeted to provide an average of $55 to the estimated 368,000 rural students who comprise close to 20% of the total student population in the province. By increasing the grant to $50 million, it would slightly more than double the grant per student, better serve 70 of the 72 district school boards, and still be a very small percent of the 2022 projected 26 billion Grant for Student Needs

2. **Should the current moratorium on accommodation reviews and school closures be lifted, we ask that the moratorium remain in place for schools that qualify for the RNEF until a thorough review of the education funding formula is completed**

The RNEF has been a welcome supplement to the education funding formula. However, a thorough review is required to prevent the closure of schools in rural and northern communities where limited economies of scale make small and underutilized schools tempting targets for closures and consolidations. These force many students to attend schools in communities further away from home and threaten the quality of their school experience and the quality of life in their communities.

3. **Before templates required by the 2018 Pupil Accommodation Review Guideline (PARG) are developed, there be consultation with school boards and community groups including the Community Schools Alliance.**

A new Pupil Accommodation Review Guideline was released in April, 2018. It establishes the minimum standards that school boards must follow when each board adopts its own Pupil Accommodation Review Policy. Improvements in the 2018 PARG are the requirements that a school board must consider the impact of a proposed closure on the local community and, if one of the schools in a proposed review qualifies for the Rural and Northern Education Fund, the impact on the local economy. Each of these impact studies must follow a template provided by the Ministry of Education. Those impacts have not yet been developed.

May 18, 2022

Federation of Canadian Municipalities (FCM);

Association of Municipalities of Ontario (AMO);

Sent via email: *resolutions@fcm.ca* ; *policy@amo.on.ca*

To Whom it may concern:

Please be advised that Brantford City Council at its Special City Council meeting held May 17, 2022 adopted the following:

**5.1 Release of all Federal and Provincial Documents Related to the Former Mohawk Institute Residential School**

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 confirmed that Residential Schools were part of a coherent policy implemented by the Federal Government to eliminate Indigenous people as distinct Peoples and to assimilate them into Christian society against their will; and

WHEREAS the Deputy Minister of Indian Affairs Duncan Campbell Scott outlined the goals of that policy in 1920, when he told a parliamentary committee that "our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic…"; and

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 also confirmed that despite the coercive measures that the government adopted, it failed to achieve its policy goals. Although Indigenous Peoples and cultures have been badly damaged, they continue to exist; and

WHEREAS the former Mohawk Institute Residential School operated from 1831 to 1970 within the boundaries of what is now the City of Brantford; and

WHEREAS Survivors have released statements of missing, murdered, and buried students; and

WHEREAS, to date, the unmarked burials of over 7000 missing Indigenous children have been discovered nation-wide; and

WHEREAS, following the May 2021 announcement by Tk'emlúps te Secwépemc First Nation of locating 215 potential burials of children in unmarked graves at the Kamloops Indian Residential School in British Columbia, the Survivors of the Mohawk Institute,

along with their families and community members called on the Federal and Provincial governments to support a search for the remains of missing children who may have been buried on the Mohawk Institute's grounds and the surrounding area; and

WHEREAS, as of November, 2021, a search, led by the Survivors' Secretariat, of the Mohawk Institute Residential School grounds and over 200 hectares of land associated with the school began; and

WHEREAS Survivors of the Mohawk Institute Residential School are demanding the release of all Federal and Provincial documents related to the former Mohawk Institute Residential School; and

WHEREAS staff of the City of Brantford are currently undertaking a search of City records and archives for any documents, maps, or other relevant information related to the operation of the Mohawk Institute Residential School in order to release this information to the Survivors' Secretariat to aid in the search for truth, justice and healing; and

WHEREAS this Council is committed to working to advance reconciliation and renewed relationships with First Nations; and

WHEREAS the Truth and Reconciliation Commission of Canada issued 94 Calls to Action, thirteen of which are directed at municipal governments;

NOW THEREFORE BE IT RESOLVED:

A. THAT the Council of The Corporation of the City of Brantford respectfully REQUESTS THE IMMEDIATE RELEASE, to the Survivors' Secretariat, of all documents in the possession of the Government of Canada or the Government of Ontario and the Anglican Church related to the former Mohawk Institute Residential School now located on Six Nations of the Grand River Territory, within the geographic boundaries of the City of Brantford; and

B. THAT the Clerk BE DIRECTED to send a copy of this resolution to: Prime Minister Justin Trudeau; Premier Doug Ford; Minister of Crown-Indigenous Relations Marc Miller; Minister of Indigenous Services, Patty Hajdu; Minister of Indigenous Affairs, Greg Rickford; Linda Nicholls, Primate of the Anglican Church of Canada; MPP Will Bouma; MP Larry Brock, Mayor David Bailey; Chief Mark Hill; Chief Stacey Laforme; and the Survivors' Secretariat; and

C. THAT the Clerk BE DIRECTED to send a copy of this resolution to the Federation of Canadian Municipalities (FCM) and the Association of Municipalities Ontario (AMO) for circulation to all municipalities in Ontario with an invitation to adopt a similar resolution, and, specifically, to those located within the Haldimand Tract,

including: Haldimand County; the County of Brant; the City of Cambridge; the City of Kitchener; the City of Waterloo; and the Region of Waterloo.

I trust this information is of assistance.

Yours truly,

Tanya Daniels
City Clerk, *tdaniels@brantford.ca*

Cc All Ontario Municipalities
Survivors' Secretariat

May 23, 2022

The Municipality of West Elgin Council
Municipality of West Elgin
22413 Hoskins Line
Rodney, ON N0L 2C0

Via email clerk@westelgin.net

We would like to request that on the 17th of June from 4PM until 8PM that the Rodney Aldborough Agricultural Society be allowed to hold a Cruise Night in the town of Rodney on Furnival Road.

The portion of Furnival Road that we would request to be closed would be From Queen Street to Victoria Street. We would also need Harper Street at Padfield Lane and Moriah Street at Stinson Street closed as well.

We would request that the Municipality's Road department provide traffic control and close and open the road. A notice to the County of Elgin will also be required for the temporary closure of Furnival Road, Mr. Gosnell has advised that he will get permission on our behalf once council has endorsed the parade.

Should you have any questions or concerns, do not hesitate to contact me.

Sincerely,

Recoverable Signature

X

Dan Balint
President - RAAS
Signed by: S-1-12-1-284606501-1215775718-2824976807-2570373678/46cb50c8-d2fc-400b-af9f-0192799fa332

MUNICIPALITY OF
West Elgin

# The Corporation Of The Municipality Of West Elgin

## By-Law No. 2022-34

**Being a By-law to establish an Election Joint Compliance Audit Committee for the 2022 Municipal Election in accordance with the Municipal Elections Act, 1996, as amended.**

**Whereas** subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law; and

**Whereas** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** section 88.37 of the *Municipal Elections Act, 1996*, as amended requires the Council to establish a Compliance Audit Committee before October 1st in an election year to deal with matters regarding election campaign finances and contributions; and

**Whereas** the Council of the Municipality of West Elgin wishes to establish a Compliance Audit Committee to deal with matters regarding election campaign finances and contributions;

**Now therefore** the Council of the Municipality of West Elgin enacts as follows:

1. THAT a committee, to be known as the Elgin Election Joint Compliance Audit Committee, is hereby established to deal with the matters provided for in Sections 88.33, 88.34, 88.35 and 88.36 of the *Municipal Elections Act, 1996,* as amended.

2. THAT the business of the Elgin Election Joint Compliance Audit Committee for the 2022 Municipal Election be conducted in accordance with the Terms of Reference set out in Appendix "A" attached hereto 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, second, and third time and finally passed this 26th day of May, 2022.

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|---|---|
| Duncan McPhail<br>Mayor | Jana Nethercott<br>Clerk |

# TERMS OF REFERENCE
# FOR THE
# ELGIN ELECTION JOINT COMPLIANCE AUDIT COMMITTEE

## 1. DEFINITIONS

a. Act - means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended from time to time.

b. Applicant – means an elector as defined under Section 88.33(1) or 88.35(1) of the Act who applies for a compliance audit of a candidate's or third party advertiser's election campaign finances.

c. Application – means an application for a compliance audit accepted by the Clerk pursuant to Section 88.33(2) of the Act.

d. Auditor - means a person appointed by the Elgin Election Joint Compliance Audit Committee to conduct a compliance audit of the election campaign finances of candidates and registered third parties pursuant to Section 88.33 of the Act.

e. Auditor's Report - means a report prepared by an auditor regarding the findings of an audit into the election campaign finances of a candidate or registered third party advertiser.

f. Candidate - means the candidate whose election campaign finances are the subject of an application for a compliance audit.

g. Clerk – means the Clerk of a member municipality in Elgin County, or their designate.

h. Committee - means the Elgin Election Joint Compliance Audit Committee established pursuant to Section 88.37 of the Act.

i. Compliance Audit - means an audit conducted by an auditor, appointed by the Elgin Election Joint Compliance Audit Committee, of a candidate's election campaign finances; contributions to candidates; registered third parties campaign finances, and contributions to registered third parties.

j. Council – means the Council of a member municipality in Elgin County, including the Council of the Town of Aylmer, Municipality of Bayham, Municipality of Central Elgin, Municipality of Dutton Dunwich, Township of Malahide, Township of Southwold, and Municipality of West Elgin.

k. Municipality – means a member municipality in the County of Elgin, including The Corporation of the Town of Aylmer, The Corporation of the Municipality of Bayham, The Corporation of the Municipality of Central Elgin, The Corporation of the Municipality of Dutton Dunwich, The Corporation of the Township of Malahide, The Corporation of the Township of Southwold, and The Corporation of the Municipality of West Elgin.

l. Registered Third Party - means the individual, corporation or trade union whose notice of registration has been certified by the Clerk and whose campaign finances are the subject of an application for a compliance audit.

## 2. ENABLING LEGISLATION

Section 88.37 of the Act requires that before October 1st in an election year, Council establish a Compliance Audit Committee for the purposes of Sections 88.33, 88.34, 88.35 and 88.36 of the said Act relative to a possible contravention of the Act's election campaign finance provisions.

## 3. TERM

The term of office of the Committee is the same as the term of office of Council, being November 15, 2022 to November 14, 2026, and shall serve in the instance of any by-election that may take place during that time.

## 4. MEETINGS

The Committee will meet as needed, with meetings to be scheduled by the Clerk of the municipality where a compliance audit application is received, in accordance with the MEA requirements. The Clerk of the host municipality shall ensure and verify the validity of the meeting. The Clerk will contact all members to ensure that a quorum of members is able to attend the said meeting. Meetings will be held at the location determined by the Clerk of the host municipality.

The Committee members will select a Chair from amongst its members at its first meeting.

In accordance with the Act, the meetings of the Committee shall be open to the public, but the Committee may deliberate in private.

## 5. MANDATE

The Committee is required to act in accordance with the powers and obligations set out in the Municipal Elections Act, 1996, as amended (MEA). The Committee will be required to:

a. consider a compliance audit application received from an elector that a candidate or a registered third party has contravened provisions of the MEA relating to election campaign finances and determine whether it should be granted or rejected;
b. if the application is granted, the Committee shall appoint an auditor to conduct a compliance audit;

c. receive the auditor's report;

d. consider the auditor's report and if the report concludes that the candidate or registered third party appear to have contravened a provision of the MEA relating to election campaign finances, the Committee may commence legal proceedings against the candidate or registered third party for the apparent contravention; and

e. consider the report(s) of the Clerk identifying each contributor to a candidate for office on a Council or a registered third party who appears to have contravened

any of the contribution limits under section 88.9 or 88.13 of the MEA and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

## 6. COMPOSITION

The Committee will be composed of at least three (3) and no more than seven (7) members of the public.

Members must possess an in-depth knowledge of the campaign financing rules of the MEA and therefore membership drawn from the following stakeholder groups:

a. accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;

b. academic – college or university professors with expertise in political science or local government administration;

c. legal profession with experience in municipal law, municipal election law or administrative law;

d. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and

e. other individuals with knowledge of the campaign financing rules of the Municipal Elections Act, 1996, as amended.

Pursuant to subsection 88.37(2) of the Act, the Committee shall not include:

a. Members of Council or local board;

b. Employees or officers of the Municipality or local board;

c. Any persons who are candidates in the election for which the Committee is established; or

d. Any persons who are registered third parties in the Municipality in the election for which the committee is established.

Further, an individual shall be deemed ineligible to be a member of the Committee if they prepare the financial statements of:

a. any candidate running for office on Municipal Council or local board during the term for which the Committee has been established; or

b. any registered third party.

In addition, a Committee Member may not be a contributor or provider of any election-related services to a registered candidate or third party advertiser in the 2022 Municipal Election or any subsequent by-election including but not limited to accounting, legal, auditing, marketing or campaign services.

## 7. APPOINTMENT PROCESS

All applicants will be required to submit a summary outlining their qualifications and experience.

A Nominating Committee consisting of the Clerks from each of the member municipalities in Elgin County will review and consider all applicants/ applications, and will prepare a proposed Joint Committee membership list for consideration by each of the respective Municipal Councils.

Members will be selected on the basis of the following:

a. demonstrated knowledge and understanding of municipal election campaign financing rules and knowledge of the MEA and related regulations;

b. proven analytical and decision-making skills;

c. experience working on a committee, administrative tribunal, task force or similar setting;

d. demonstrated knowledge of quasi-judicial proceedings;

e. availability and willingness to attend meetings; and

f. excellent oral and written communication skills.

The Members will be appointed by each of the respective Municipal Councils.

## 8. COMPENSATION

Members of the Committee shall be paid an honorarium of $125.00 per meeting, plus mileage at the current mileage rate established by the host municipality. The host municipality shall pay all costs relative to the respective application.

## 9. STAFF SUPPORT

The Clerk or designate of the host municipality shall act as the Secretary to the Committee and provide support where required.

The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under this Act to implement the Committee's decisions.

## 10. APPLICATION BY ELECTOR

a. <u>Financial Statements of Candidates</u>

All candidates are required to file provincially prescribed financial statements with the Clerk detailing their election campaign financing activities.

An eligible elector who believes on reasonable grounds that a candidate has contravened a provision of the Act, as amended, relating to election campaign finances, may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement.

The application must be made in writing to the Clerk and include the reasons for the elector's belief that the candidate has contravened the Act. The application must be made within 90 days after the latest of the following dates:

i. The filing date;

ii. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date;

iii. The candidate's supplementary filing date, if any; or

iv. The date on which the candidate's extension, if any, expires.

b. Registered Third Parties Financial Statements

All registered third parties are required to file provincially prescribed financial statements with the Clerk reflecting the registered third party's campaign finances in relation to third party advertisements.

An eligible elector who believes on reasonable grounds that a registered third party who is registered in relation to the election in the Municipality has contravened a provision of the Act, relating to campaign finances, may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement.

The application must be made in writing to the Clerk and include the reasons for the elector's belief that the registered third party has contravened the Act. The application must be made within 90 days after the latest of the following dates:

i. The filing date;

ii. The date the registered third party filed a financial statement, if the statement was filed within thirty (30) days after the applicable filing date;

iii. The supplementary filing date, if any, for the registered third party; or

iv. The date on which the registered third party's extension, if any, expires.

## 11. ROLES AND RESPONSIBILITIES

Sections 88.33, 88.34, 88.35 and 88.36 of the Municipal Elections Act outlines the process for Compliance Audits.

a. Compliance Audit of Candidates' Election Campaign Finances

The Compliance Audit Committee will be required to:

i. within thirty (30) days after the committee has received a compliance audit application, consider the application submitted by an elector and received by the Clerk and decide whether it should be granted or rejected;

ii. give notice of its decision to grant or reject the application, and brief written reasons for the decision, to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant;

iii. Appoint an auditor, if the compliance audit application is granted, to conduct a compliance audit of the candidate's election campaign finances;

iv. within thirty (30) days after receiving the Auditor's Report, consider the report and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention; and

v. give notice of the committee's decision, and brief written reasons for the decision, to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.

b. <u>Compliance Audit of Contributions to Candidates</u>

The Compliance Audit Committee will be required to:

i. within thirty (30) days after receiving the Clerk's Report that identifies each contributor to a candidate for office on Council who appears to have contravened contribution limits, consider the report and decide whether to commence a legal proceeding against the candidate for the apparent contravention; and

ii. give notice of the committee's decision, and give brief written reasons for the decision, to the contributor and to the Clerk of the Municipality or secretary of the local board as the case may be.

c. <u>Compliance Audit of Registered Third Parties' Campaign Finances</u>

The Compliance Audit Committee will be required to:

i. within thirty (30) days after the committee has received a compliance audit application, consider the application submitted by an elector and received by the Clerk and decide whether it should be granted or rejected;

iii. give notice of its decision to grant or reject the application, and brief written reasons for the decision, to the registered third party, the clerk with whom the registered third party is registered, the secretary of the local board, if applicable, and the applicant;

iv. Appoint an auditor, if the compliance audit application is granted, to conduct a compliance audit of the campaign finances of the registered third party in relation to third party advertisements that appear during an election in the Municipality;

v. within thirty (30) days after receiving the Auditor's Report, consider the report and, if the report concludes that the registered third party appears to have contravened a provision of the Act relating to campaign finances of the registered third party in relation to third party advertisements that appear during an election in the municipality, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention; and

vi. give notice of the committee's decision, and brief written reasons for the decision, to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant.

d. Compliance Audit of Contributions to Registered Third Parties
The Compliance Audit Committee will be required to:

i. within 30 days after receiving the Clerk's Report that identifies each contributor to the registered third party who appears to have contravened contributions limits, consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention; and

ii. give notice of the committee's decision, and brief written reasons for the decision, to the contributor and to the Clerk of the Municipality.

12. **APPEAL**

The decision of the Compliance Audit Committee may be appealed to the Superior Court of Justice within 15 days after the decision is made and the Court may make any decision the Committee could have made.

MUNICIPALITY OF
West Elgin

# The Corporation of the Municipality of West Elgin

## By-Law No. 2022-36

**Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as 196 Ridge Street.**

**Whereas** the Council of the Corporation of the Municipality of West Elgin deems it advisable to amend By-law No. 2015-36, as amended, being the Comprehensive Zoning By-law of the Municipality of West Elgin:

**Now Therefore** the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That Schedule "C" Map No. 6 to By-law No. 2015-36, is hereby amended by changing the subject property from **Residential First Density Holding 1 (R1-H-1) Zone** to **Residential Third Density Special Use Regulation 2 (R3-2)** for those lands outlined in heavy solid lines and described as R3-2, on Schedule "A" attached hereto and forming part of this By-law, being Part of Lot 64, Plan 199; Municipality of West Elgin.

2. That By-law No. 2015-36, as amended, is hereby further amended by adding the following subsection to Section 10.3 Site-Specific Zones:

   "10.3.2 a) **Defined Area** (Arvai Developments Inc.)

   R3-2 as shown on Schedule "C", Map No. 6.

   b) **Front Yard Depth** 3.0 m

   c) **Side Yard Width** 4.05 m

   d) Notwithstanding Section 4.18.4, the minimum length of a parking space shall be 5.49 m."

3. This By-law comes into force upon the day it is passed in the event an appeal has not been filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended. In the event an appeal is filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended, the By-law shall be deemed not to have come into force until the appeal has been finally disposed of, whereupon the By-law,

except for such parts as are repealed or amended as so directed by the Ontario Land Tribunal (OLT) (formerly the Local Planning Appeal Tribunal (LPAT)), shall be deemed to have come into force on the day it was passed.

Read a first, second, and third time and finally passed this 26th day of May 2022.

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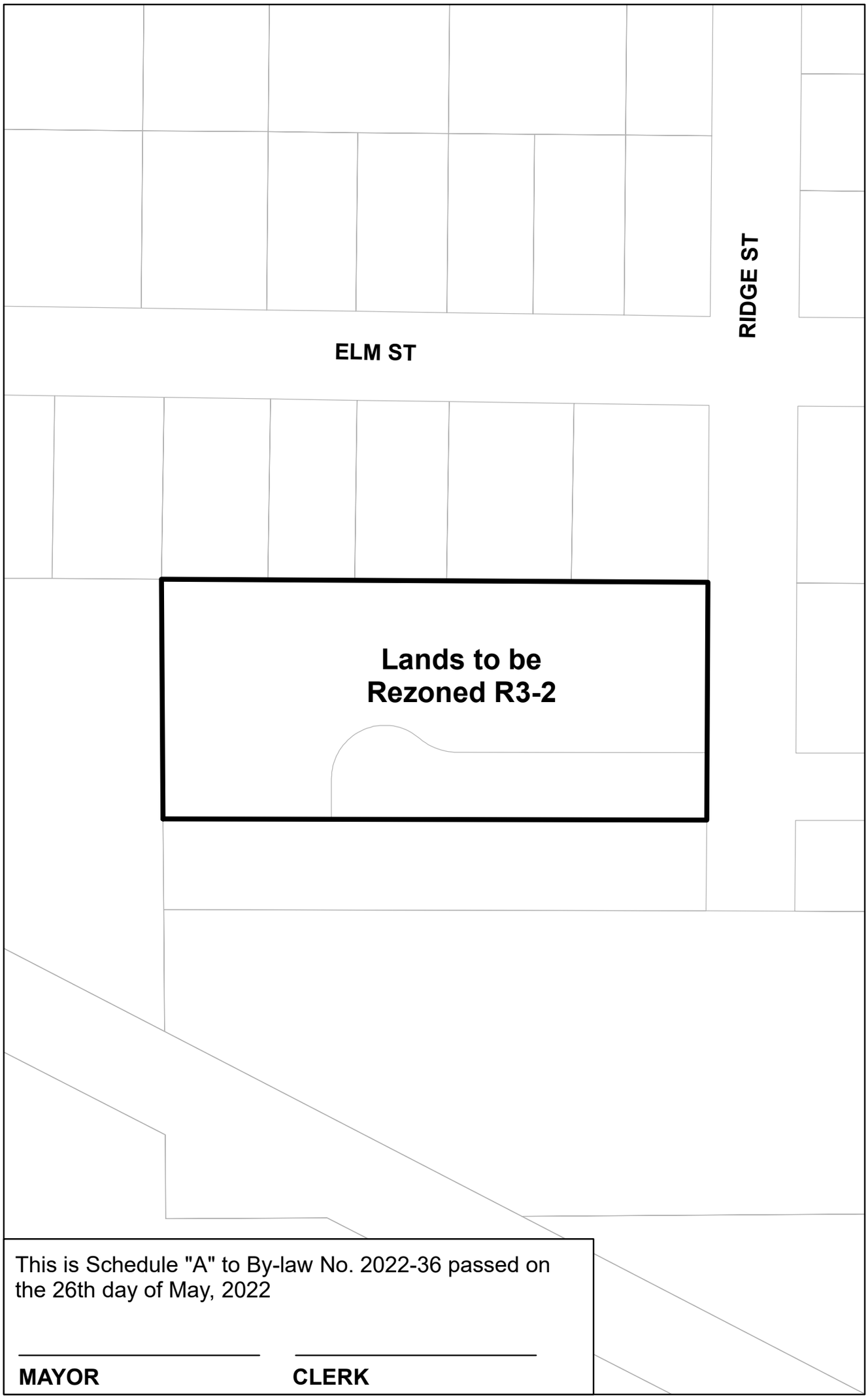
| _____ | _____ |
| Duncan McPhail | Jana Nethercott |
| Mayor | Clerk |




This is Schedule "A" to By-law No. 2022-36 passed on the 26th day of May, 2022

**MAYOR** **CLERK**

MUNICIPALITY OF WEST ELGIN
Comprehensive Zoning By-Law 2015-36
SCHEDULE 'C' MAP 6

0 15 30
Meters

MUNICIPALITY OF
West Elgin

# The Corporation of the Municipality of West Elgin

## By-Law No. 2022-37

**Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as Part of Lot 18, Concession 8, being Part 7 on 11R-9329.**

**Whereas** the Council of the Corporation of the Municipality of West Elgin deems it advisable to amend By-law No. 2015-36, as amended, being the Comprehensive Zoning By-law of the Municipality of West Elgin:

**Now Therefore** the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That Schedule "C" Map No. 2 to By-law No. 2015-36, is hereby amended by changing the subject property from **Open Space (OS) Zone** to **Residential Third Density (R3)** for those lands outlined in heavy solid lines and described as R3, on Schedule "A" attached hereto and forming part of this By-law, being Part of Lot 18, Concession 8 (being Part 7 on 11R-9329); Municipality of West Elgin.

2. This By-law comes into force upon the day it is passed in the event an appeal has not been filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended. In the event an appeal is filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended, the By-law shall be deemed not to have come into force until the appeal has been finally disposed of, whereupon the By-law, except for such parts as are repealed or amended as so directed by the Ontario Land Tribunal (OLT) (formerly the Local Planning Appeal Tribunal (LPAT)), shall be deemed to have come into force on the day it was passed.

Read a first, second, and third time and finally passed this 26th day of May 2022.

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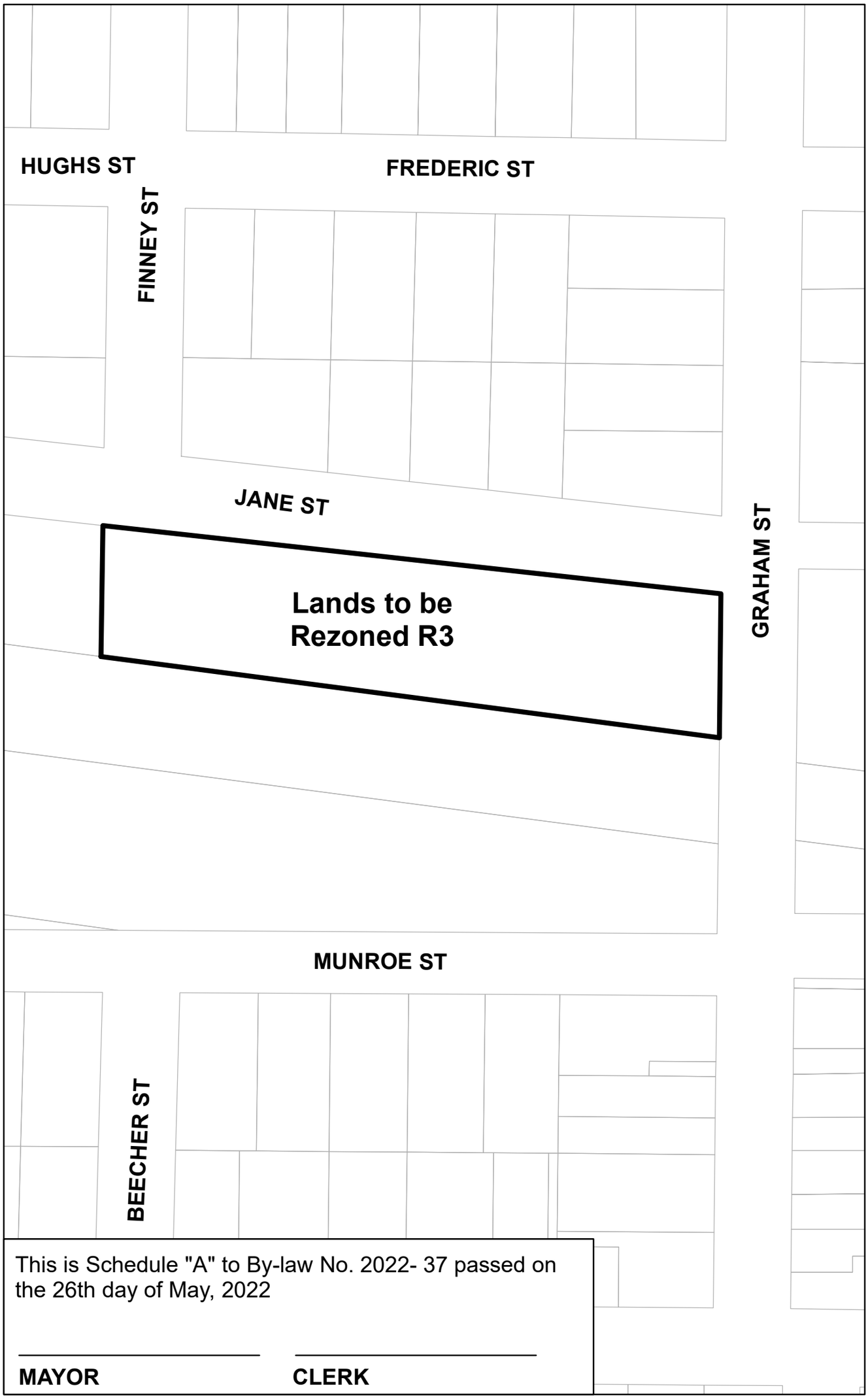
| _____ | _____ |
| Duncan McPhail | Jana Nethercott |
| Mayor | Clerk |




This is Schedule "A" to By-law No. 2022- 37 passed on the 26th day of May, 2022

**MAYOR** **CLERK**

MUNICIPALITY OF WEST ELGIN
Comprehensive Zoning By-Law 2015-36
SCHEDULE 'C' MAP 2

0 20 40
Meters

MUNICIPALITY OF
West Elgin

# The Corporation Of The Municipality Of West Elgin

## By-Law No. 2022-35

**Being a By-Law to confirm the proceedings of the Regular Meeting of Council held on May 26, 2022.**

**Whereas** Section 5(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be exercised by council; and

**Whereas** Section 5(3) of the Municipal Act, the powers of Council shall be exercised by by-law; and

**Whereas** it is deemed expedient that proceedings of Council of the Corporation of the Municipality of West Elgin as herein set forth be confirmed and adopted by by-law;

**Now therefore** the Council of the Municipality of West Elgin enacts as follows:

1. That the actions of the meeting of Council held on May 26, 2022, in respect of each recommendation, motion and resolution and other action taken by the Council at this meeting, is hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.

2. The Mayor and proper officials of the Corporation of the Municipality of West Elgin are hereby authorized and directed to do all things necessary to give effect to the action of the Council referred to in the preceding section hereof.

3. The Mayor and Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix the Seal of the Corporation of the Municipality of West Elgin.

Read a first, second, and third time and finally passed this 26th day of May, 2022.

| | |
|---|---|
| _____ | _____ |
| Duncan McPhail | Jana Nethercott |
| Mayor | Clerk |