



The Corporation of the Township of Malahide

A G E N D A

November 3, 2022 – 7:30 p.m.

**Springfield & Area Community Services Building
51221 Ron McNeil Line, Springfield**

**** Note:** At this time, seating capacity is limited and those individuals with matters pertaining to agenda items will be prioritized for in person attendance.
The meeting is also streamed live on YouTube and available after for viewing.

- (A) Call Meeting to Order
- (B) Disclosure of Pecuniary Interest
- (C) Approval of Previous Minutes **RES 1 (Pages 6-17)**
- (D) Presentations/Delegations/Petitions
 - Public Hearing – Minor Variance – Applicant Christopher McDonald, relating to property at Con 11 N W PT LOT 21; RP 11R3975 Part 1, Geographic Township of South Dorchester, Township of Malahide and known municipally as 47231 Lyons Line **RES 2-4 (Pages 18-29)**
 - Presentation - Honour Outgoing Council Members
 - Mayor Dave Mennill
 - Ward 2 Councillor Max Moore
- (E) Reports of Departments
 - (i) Director of Fire & Emergency Services
 - (ii) Director of Public Works
 - (iii) Director of Finance/Treasurer

- (iv) Clerk
- (v) Building/Planning/By-law
- (vi) CAO

- I.T. Service Agreement with Zouling Technologies Inc. **RES 5 (Pages 30-31)**
 - Informational Report: CAO Use of Restricted Acts Clause **RES 6 (Pages 32-33)**

(F) Reports of Committees/Outside Boards **RES 7**

- (i) Elgin Police Services Board – Minutes of May 11, 2022 **(Pages 34-35)**

(G) Correspondence **RES 8**

1. Association of Municipalities of Ontario - Watch File – dated October 20, 2022 and October 27, 2022. **(Pages 2-7)**
2. Ontario Energy Board Notice – Customers of Enbridge Gas Inc. – Natural Gas Rates. **(Page 8)**
3. Corporation of the Town of Mattawa, Corporation of the Municipality of Wawa – Resolution to petition the Government of Ontario in relation to Bill 3. **(Pages 9-12)**
4. Municipality of Central Elgin – Municipal Class Environmental Assessment -Study – Shared Wastewater Serving. **(Page 13)**
5. Municipality of Central Elgin – **(Pages 14-18)**
 - Notice of Public Meeting Concerning a Proposed Draft Plan of Condominium – Part of Lot 1, Concession 2 in the Municipality of Central Elgin.
 - Notice of Public Meeting – Zoning By-law Amendment -279 Hill Street
 - Notice of Passing – Zoning By-law Amendment – Canterbury Place Extension
 - Notice of Passing – Zoning By-law Amendment – Eagle Ridge Phase 2
 - Notice of Adoption – Official Plan Amendment – Eagle Ridge Phase 2

(H) Other Business

(I) By-laws

(i) By-law No.22-81 – Appoint Community Emergency Management Coordinator **RES 9 (Page 36)**

(J) Closed

(K) Confirmatory By-law **RES 10 (Page 37)**

(L) Adjournment **RES 11**

*****VIDEOCONFERENCE MEETING***

Note for Members of the Public: IMPORTANT

Please note that the Regular Council Meeting scheduled to be held on November 3, 2022 will be via videoconference with limited seating for presenters, the press and the public.

Please note that, at this time, there is not an option for the public to call in to this meeting. However, we will be livestreaming the Council Meeting via YouTube. [Please click here to watch the Council Meeting.](#)

Written comments regarding the Council Agenda items are welcome – please forward such to the Clerk at aadams@malahide.ca.

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

1. THAT the minutes of the regular meeting of the Council held on October 20, 2022, be adopted as printed and circulated.
2. THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:___p.m. and that Mayor Dave Mennill be appointed Chairperson for the "Committee of Adjustment".
3. THAT Report No. DS-22-53 entitled "Minor Variance Application No. D13-MV-08-22 of Christopher McDonald" and affecting lands described as CON 11 N W PT LOT 21; RP11R3975 PART 1 in the Township of Malahide (47231 Lyons Line) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-08-22 to permit an increased floor area for an accessory structure;

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

- 1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application;
 - 2) That the structure be constructed as per the details shown in the sketch as provided with the application to the satisfaction of the Chief Building Official; and,
 - 3) An Environmental Impact Study be completed to the satisfaction of the Township of Malahide.
4. THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:___p.m.
 5. THAT Report No. CAO-22-15 entitled "I.T. Service Agreement with Zouling Technologies Inc." be received;

AND THAT the Chief Administrative Officer be authorized and directed to take the necessary actions to enter into an I.T. service agreement with Zouling Technologies Inc. of Rodney, Ontario.

6. THAT Report No. CAO-22-16 entitled “Informational Report: CAO Use of Restricted Acts Clause” be received for information.
7. THAT the following Reports of Committees/Outside Boards be noted and filed
 - (i) Elgin Police Services Board – Minutes of May 11, 2022
8. THAT the following correspondence be noted and filed:
 1. Association of Municipalities of Ontario - Watch File – dated October 20, 2022 and October 27, 2022. **(Pages 2-7)**
 2. Ontario Energy Board Notice – Customers of Enbridge Gas Inc. – Natural Gas Rates. **(Page 8)**
 3. Corporation of the Town of Mattawa, Corporation of the Municipality of Wawa – Resolution to petition the Government of Ontario in relation to Bill 3. **(Pages 9-12)**
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 - Notice of Public Meeting – Zoning By-law Amendment -279 Hill Street
 - Notice of Passing – Zoning By-law Amendment – Canterbury Place Extension
 - Notice of Passing – Zoning By-law Amendment – Eagle Ridge Phase 2
 - Notice of Adoption – Official Plan Amendment – Eagle Ridge Phase 2
9. THAT By-law No.22-81 being a by-law to appoint a Community Emergency Management Coordinator for the Township of Malahide pursuant to the standards under the Emergency Management & Civil Protection Act R.S.O., 1990, c. E 9, as amended, be given first, second and third readings, and be properly signed and sealed.
10. THAT By-law No.22-82, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
11. THAT the Council adjourn its meeting at _____ p.m. to meet again on November 17, 2022, at 7:30 p.m.

The Corporation of the Township of Malahide**October 20, 2022 – 7:30p.m.**Virtual Meeting - <https://youtu.be/J01XnS7X2hl>

The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. Seating capacity is limited and those individuals with matters pertaining to agenda items were prioritized for in person attendance. The following were present:

Council: Mayor D. Mennill, Deputy Mayor D. Giguère, Councillor M. Widner, Councillor M. Moore, Councillor R. Cerna, Councillor S. Lewis and Councillor C. Glinski.

Staff: Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Public Works M. Sweetland, and Director of Finance A. Boylan.

Absent:

CALL TO ORDER:

Mayor Mennill took the Chair and called the meeting to order at 7:00p.m.

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

N/A

CLOSED:

No. 22-417

Moved By: Chester Glinski

Seconded By: Max Moore

THAT Council move into Closed Session at 7:00 p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following

- (i) A Labour Relations or Employee Negotiations regarding Performance Review.**

Carried

No. 22-418

Moved By: Mark Widner

Seconded By: Max Moore

THAT Council move out of Closed Session and reconvene at 7:28p.m. in order to continue with its deliberations.

Carried

The Mayor advised that during the Closed Session, Council provided direction to Municipal Staff regarding a Labour Relations or Employee Negotiations Matter regarding a Staff Performance Review. There is nothing further to report.

MINUTES:

No. 22-419

Moved By: Max Moore

Seconded By: Mark Widner

THAT the minutes of the regular meeting of the Council held on October 6, 2022, be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

-Public Meeting – Zoning By-law Amendment - Applicant Leverton Developments Inc. (Authorized Agent: Matt Campbell c/o Zelinka Priamo Ltd.) relating to property at Lot G, Plan 18, Township of Malahide and known municipally as 51403 Ron McNeil Line

No. 22-420

Moved By: Mark Widner

Seconded By: Dominique Giguère

THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z10-22 of Leverton Developments, relating to the property located at Lot G, Concession South of Main Street, Registered Plan No. 18; and known municipally as 51403 Ron McNeil Line; be called to order at 7:39p.m

Carried

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

Mayor Mennill asked the Clerk to advise and confirm on the method and date of notice given for this meeting. The Clerk advised that this public meeting was advertised in the Aylmer Express for two consecutive weeks. In addition, affected property owners within 120 meters were sent a notice by prepaid first-class mail that was posted at least twenty days prior to this meeting.

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

CAO Adam Betteridge provided an overview of the application in regards to options of how Council could proceed with site plan control and the Township owned unopened lane.

Mayor Mennill asked if the applicant had anything to add. Mr. Campbell clarified some concerns that still were remaining with the application. Mayor Mennill inquired if he could address the comments received in respect to the application. Mr. Campbell noted that through the site control process privacy would be addressed with fencing around lot lines and other possible areas as well as including visual screening with greenery. Any concerns regarding adequate water service would be addressed through engineering criteria. Parking access has been mentioned and to use the laneway for vehicular and pedestrian access. There is significant parking established on site for visitors. Garbage bins would be internal to the building. Plowing of snow and removal would be the client subject to a maintenance agreement with the Township.

Mayor Mennill asked if anyone in the gallery had any concerns they wanted to bring forth.

Bill MacIntyre of 11748 Springfield Road noted there was no mention of setbacks from a municipal drain from the building location and there was in fact a drain there. CAO Betteridge explained the difference between an open municipal drain setback and this closed drain which has no setback requirements. Mr. MacIntyre stated the parking lot being proposed is not sufficient for the size of vehicles. He believes that the Village does need houses and development but this building size for this lot doesn't work.

Patricia Zimmer of 51422 Pressey Line noted that a petition was distributed throughout the Village and 170 plus people signed it objecting to this proposal. There is a need for affordable housing in the Village and to keep the community prospering but the residents feel that there is a better location for this building. She also mentioned that the laneway is a safety concern.

Kodi Becker of 51421 Pressey Line noted that the setback is not similar to others as it intrudes the street view with its size and that the proposal drawings and boundaries aren't representative of the actual lot. She noted her other comments were similar to the other two individuals who had already spoke in relation to the proposal.

Mr. Campbell stated that the parking lot is designed to municipal standards and if you have a large vehicle perhaps this isn't the right spot for you. The proposal is not looking for relief from coverage and there is open space on the property for landscaped open space for the residents of the building. In regards to accurate representation of the site it was surveyed by an Ontario surveyor for accuracy. Mr. Campbell agrees that the proposal shouldn't be at the expense of public safety and he hasn't been made aware of this concern by any agency for review. He doesn't believe that having a parking lot this size brings any safety concerns or any hazards.

CAO Betteridge reiterated that the drain setbacks Mr. MacIntyre inquired about are in relation to open municipal drains in the agricultural area not buried drains on Ron McNeil Line as those setbacks don't apply to that sort of drain.

Mayor Mennill asked if any Council Members wished to make any comments regarding the application.

Councillor Widner inquired about drain setbacks and how there couldn't be any. CAO Betteridge stated that there were no setback requirements from these type of buried drains on private property but rather it's for open municipal drains that go across agricultural parcels.

Councillor Glinski inquired how close to a farm drain can a structure be built. CAO Betteridge noted that this wasn't applicable for this scenario. The drain setbacks being referred to are for open drains that would run across an agricultural parcel this makes sure that buildings aren't too close to those features. There is no development

occurring over a drain in this scenario and if there was the County or the Township would have commented about the impacts this would have.

No. 22-421

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT the Public Meeting concerning Zoning By-law Amendment Application No. D14-Z07-22 of Leverton Developments, relating to the property located at Lot G, Concession South of Main Street, Registered Plan No. 18; and known municipally as 51403 Ron McNeil Line; be adjourned and the Council reconvene at 8:18p.m

Carried

Mayor Mennill referenced the concerns of this application regarding setbacks, parking and road access.

Councillor Cerna noted that this application could be continued to be discussed but the fact remained that the proposed building does not fit the lot and it doesn't fit the appearance in the Village that the residents are trying to preserve.

Councillor Widner wanted to ensure that it was understood that the Township is not against development but rather this building and its location.

Councillor Glinski stated that as elected officials we are to listen to the people and the 170 people that have signed this petition are presenting a strong argument if we didn't listen to their concerns. He reiterated that he was well wasn't against development but that the proposed location wasn't ideal.

Deputy Mayor Giguère noted that Council's role is to listen to the people and some of those people are employers who are struggling to bring skilled employees to the area with the housing shortage. We are a community and we all need to do our part of give and take. Having a developer interested in building in the Village to assist with the ongoing housing shortage call is promising but decisions can't be made only to meet that urgency. Perhaps this give and take perspective can occur with the developer adjusting the size to a unit that is better for the space.

No. 22-422

Moved By: Max Moore

Seconded By: Chester Glinski

THAT Report No. DS-22-55 entitled "Zoning By-law Amendment Application of Leverton Developments" be received;

AND THAT the Zoning By-law Amendment Application No D14-Z10-22 of Leverton Developments, relating to the property located at Lot G, Concession South of Main Street, Registered Plan No. 18; and known municipally as 51403 Ron McNeil

Line, BE DENIED on the basis that Council does not support the development of the site obtaining vehicular access through the adjacent Township-owned unopened lane.

Carried

Mayor Mennill thanked the residents who attended the meeting and they retired from the meeting.

REPORTS:

Director of Fire & Emergency Services

- Elgin County Communications Study

Councillor Lewis inquired what type of burn complaints are being submitted. Director of Fire & Emergency Services Spoor noted that typical complaints are from concerned neighbours inquiring if a permit was obtained or about products being burned.

No. 22-423

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT Report No. F-22-14 entitled “Emergency Services Activity Report – September” be received.

Carried

- Elgin County Communications Study

Councillor Widner inquired about shoreline coverage. Director of Fire & Emergency Services Spoor stated that it is spotty at best and dependent on the weather but that it is not as bad as it once was.

Deputy Mayor Giguère inquired if future water damaged can be prevented. Director of Fire & Emergency Services Spoor stated the water leak had been fixed and another hook up will need to be found. Deputy Mayor Giguere also inquired if we should continue to budget annually for a replacement and what is the life cycle. Director Spoor stated that this would be included in future capital budgets and currently the units last from ten to fifteen years.

No. 22-424

Moved By: Rick Cerna

Seconded By: Dominique Giguère

THAT Report No. F-22-15 entitled “Elgin County Communications Study” be received;

AND THAT Council direct staff to follow the recommendations of KVA Communications and initiate a capital reserve fund of \$30,000 per year for 5 years starting in 2023.

Carried

Director of Public Works

- Blue Box Transition Update

Deputy Mayor Giguere wanted to confirm that there is no change to recycling is every two weeks. Public Works Coordinator Young noted that it will remain the same until 2025 until Circular Materials Ontario (CMO) will have full control of the program and schedules could change.

Councillor Widner inquired if garbage pick-up would still be weekly. Public Works Coordinator Young noted that garbage pick-up would remain weekly with the current contractor until 2025.

Councillor Widner inquired if more materials would be accepted in the program. Director of Finance Boylan indicated that more materials would be added to the program with the main one being single sourced plastics.

No.22-425

Moved By: Scott Lewis

Seconded By: Mark Widner

THAT Report No. PW-22-51 entitled “Blue Box Transition Update” be received;

AND THAT Council direct Staff to provide an expression of intent to enter into a service agreement with Circular Materials Ontario as described in Option 1 of Report No. PW-22-51.

AND THAT Council direct Staff to provide an expression of intent to extend its garbage and leaf waste collection contract with Miller Waste for two years and consider transitioning from a five day to a four-day collection schedule in a manner least disruptive for Township residents in exchange for full waiver of any potential termination fees as a result of legislative amendments to the Blue Box program.

Carried

Clerk

- Follow-up Report: RFP Results – County of Elgin RFP No. 2022 P36 – Integrity Commissioner Services with Closed Meeting Investigator and Ombudsman Options

Councillor Glinski inquired if the price would change depending on the number of services selected. Clerk Adams indicated that the hourly price would remain the same regardless of the number of services selected.

Councillor Widner supported the idea of a filing fee to ensure that frivolous complaints weren't being made. CAO Betteridge noted this option in the report and a draft whereas clause was included if Council chose to proceed with that option.

Councillor Glinski inquired if there was a retainer with choosing this firm. Clerk Adams noted there was no retainer.

No. 22-426

Moved By: Max Moore

Seconded By: Dominique Giguère

THAT Report CLERK-22-12 entitled "Follow-up Report: RFP Results – County of Elgin RFP No. 2022 P36 – Integrity Commissioner Services with Closed Meeting Investigator and Ombudsman Options" be received;

AND THAT Council agrees to enter into a 2-year agreement with Aird & Berlis LLP for Integrity Commissioner, Closed Meeting Investigator and Ombudsman Services;

AND THAT Council proceed with the adoption of By-law 22-80 authorizing the Mayor and Clerk to sign an Agreement with Aird & Berlis LLP for the appointment of Integrity Commissioner, Closed Meeting Investigator and Ombudsman Services.

Carried

Building/Planning/By-law

- Application for Consent to Sever of Stan Putnam

No. 22-427

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT Report No. REPORT NO.: DS-22-52 entitled “Application for Consent to Sever of Stan Putnam” be received;

AND THAT the Application for Consent to Sever of Stan Putnam (E-71-22), relating to the property located in Part Lot 13, Concession 10 (Geographic Township of South Dorchester) be supported for the reasons set out in this Report;

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

Carried

- Application for Consent to Sever of Anne Van Blyderveen

No. 22-428

Moved By: Rick Cerna

Seconded By: Max Moore

THAT Report No. REPORT NO.: DS-22-50 entitled “Application for Consent to Sever of Anne Van Blyderveen” be received;

AND THAT the Application for Consent to Sever of Anne Van Blyderveen (E-77-22), relating to the property located in Part Lot 3, Concession 8, RP 11R-10226 (Geographic Township of South Dorchester) be supported for the reasons set out in this Report;

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

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 22-429

Moved By: Scott Lewis

Seconded By: Dominique Giguère

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

- (i) Long Point Region Conservation Authority Board of Directors – Minutes of September 7, 2022**

Carried

CORRESPONDENCE:

No. 22-430

Moved By: Mark Widner

Seconded By: Chester Glinski

THAT the following correspondence be noted and filed:

- 1. Association of Municipalities of Ontario - Watch File – dated October 6, 2022 and October 13, 2022. (Pages 2-7)**
- 2. County of Elgin – Council Highlights – September 27, 2022 and October 11, 2022. (Pages 8-15)**
- 3. Town of Aylmer – Notice of Passing – Zoning By-law Amendment: –Part of Lots 85 & 86, Concession NTR and Part of Block W Plan Registered Plan 164, Town of Aylmer (geographic Township of Malahide). (Pages 16-18)**
- 4. Municipality of East Ferris – Resolution advocating for the Province of Ontario to address the child care workforce shortage. (Pages 19-21)**

Carried

OTHER BUSINESS:

No. 22-431

Moved By: Mark Widner

Seconded By: Rick Cerna

THAT Council direct staff to prepare specific municipal impacts and costs in relation to current cannabis legislation as per the Association of Municipalities of Ontario's (AMO) initiative encouraging municipalities to submit feedback as part of the federal government's cannabis legislation review process;

AND THAT staff forward this information to the federal government for inclusion in the cannabis legislation review process and to AMO.

Carried

Councillor Cerna inquired about the possibility of a pole light at the intersection of Springfield Road and Calton Line. He also mentioned comments he had been hearing from residents regarding the election content on the website. Lastly, he wanted to recognize Bill 50, that recognize's October as Hungarian Heritage Month.

BY-LAWS:

- By-law No. 22-77 – Appoint Municipal By-Law Enforcement/Property Standards Officers

No. 22-432

Moved By: Max Moore

Seconded By: Rick Cerna

THAT By-law No.22-77 being a By-law to Appoint Municipal By-Law Enforcement/Property Standards Officers for the Corporation of the Township of Malahide, be given first, second and third readings, and be properly signed and sealed.

Carried

-By-law No.22-61 – Third Reading of McDonald Drain Branch E

No. 22-433

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT By-law No.22-61, being a By-law to provide for Drainage works on the McDonald Drain Branch E, be read a third time, finally passed, and be properly signed and sealed.

Carried

CONFIRMATORY:

No: 22-434

Moved By: Max Moore

Seconded By: Mark Widner

THAT By-law No. 22-78, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 22-435

Moved By: Chester Glinski

Seconded By: Mark Widner

THAT the Council adjourn its meeting at 9:00p.m. to meet again on November 3, 2022, at 7:30p.m.

Carried

Mayor – D. Mennill

Clerk – A. Adams



Report to Council

REPORT NO.: DS-22-53
DATE: November 3, 2022
ATTACHMENT: Report Photo, Application, and Comments Received to Date (if any)
SUBJECT: MINOR VARIANCE APPLICATION NO. D13-MV-08-22 OF CHRISTOPHER MCDONALD

Recommendation:

THAT Report No. DS-22-53 entitled “Minor Variance Application No. D13-MV-08-22 of Christopher McDonald” and affecting lands described as CON 11 N W PT LOT 21; RP11R3975 PART 1 in the Township of Malahide (47231 Lyons Line) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-08-22 to permit an increased floor area for an accessory structure;

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

- 1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application;**
- 2) That the structure be constructed as per the details shown in the sketch as provided with the application to the satisfaction of the Chief Building Official; and,**
- 3) An Environmental Impact Study be completed to the satisfaction of the Township of Malahide.**

Background:

The subject application (D13-MV-08-22) for Minor Variance (“the Application”) has been submitted by Christopher McDonald to seek relief from the maximum floor area requirements for an accessory structure under the ‘Small Lot Agricultural (A4)’ zone to allow for the construction of a personal indoor horse riding facility.

The subject Application relates to the property located at Concession 11 North, Part Lot 21, & Part 1 of 11R-3975, and known municipally as 47231 Lyons Line.

Notice of Public Hearing was given in accordance with Planning Act regulations. Any comments received in response to the Notice of Public Hearing will be reported on at the November 3, 2022 hearing.

Township Planning Staff have reviewed and considered the merits of the Application against applicable Official Plan policies, the Township's adopted Zoning By-law, and all (if any) of the correspondence received as of the date of writing and recommends that the Committee of Adjustment approve Application No. D13-MV-08-22.

Comments/Analysis:

The subject lands comprise a rectangular-shaped parcel on the south side of Lyons Line. The subject property is approximately 33,000 m² (8.5 acres) in area, and has approximately 150 metres of frontage along Lyons Line. The property has an average depth of approximately 225 metres. The property contains an existing single detached dwelling, a garage, and an accessory building.

County of Elgin Official Plan

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan, and "Woodlands" on Appendix 1, "Environmental Resource Areas". For lands designated as 'Agricultural Area', the County Official Plan permits agricultural uses and single detached dwellings in conjunction with agricultural use (Section C2.3). Development is not permitted within or adjacent to significant woodlands unless it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features (Section D1.2.6, D1.2.7).

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan). The Official Plan permits single detached dwellings and agricultural uses in the 'Agriculture' designation. The Official Plan encourages the protection of agricultural lands and includes policies to ensure that development does not conflict with agricultural uses (Section 2.1.1.2, 2.1.2.2)

Malahide Zoning By-law No. 18-22

The subject property is within the "Small Lot Agricultural (A4) Zone", on Key Map 18 of Schedule "A" to the Township's Zoning By-law No. 18-22. The A4 zone permits single detached dwellings and restricted agricultural uses. The use of the proposed accessory structure for a personal indoor riding facility would be permitted under the A4 zone.

The table below identifies the development standards within the Zoning By-law for lands zoned 'Small Lot Agricultural (A4) Zone' as they relate to the proposed development.

Table 1. Small Lot Agricultural (A4) Zone Requirements

| Zoning Provision | Required: | Proposed: |
|-----------------------------|---------------------|-----------------------|
| Min. Lot Area | 2000 m ² | 33,000 m ² |
| Min. Lot Frontage | 30 m | 150 m |
| Min. Front Yard | 15 m | >15 m |
| Min. Interior Side Yard | 5 m | >5 m |
| Min. Rear Yard | 7.5 m | >100 m |
| Max. Lot Coverage | 30% | 4% |
| Max. Height | 10.5 m | <10.5 m |
| Min. Floor Area – Dwelling | 90 m ² | 185 m ² |
| Max. Number Dwellings | 1 | 1 |
| Accessory Structures | | |
| Max. Floor Area | 200 m ² | 910 m ² |
| Min. Interior Side Yard | 5 m | 12 m |
| Min. Rear Yard | 1.2 m | 100 m |
| Max. Lot Coverage | 10% | 3.3% |
| Max. Height | 6 m | 5 m |
| Max. Lot Coverage | 10% | 3.5% |

The minor variance application is requesting an increased maximum floor area for a proposed accessory structure of **910 m²**, where the Zoning By-law permits a maximum floor area of **200 m²**.

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

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

Agricultural uses are permitted by the County Official Plan and the Township Official Plan on this property and the proposed variance would allow for the construction of personal riding facility for horses. Generally, the policies of the Official Plan seek to guide orderly and logical growth and development and are not specific so as to address details such as maximum floor area requirements of accessory structures.

As previously noted, development is not permitted within or adjacent to significant woodlands designated under the County Official Plan unless it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features. The application would conform to the general intent and purpose of the policies of the Official Plans, provided that an Environmental Impact Study is required as a condition if the application is approved.

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

The A4 zone is generally applied to lots created as a result of a surplus farm dwelling severance or have been applied to existing lots that are typically smaller in size. In this case, however, the lot area of the subject property is 33,000 m² (8.5 ac) and would be larger than other parcels zoned A4 in the surrounding area.

Unlike the other agricultural zones, the A4 zone limits the area of accessory structures to a maximum of 200 m². The intent of this requirement is to ensure that accessory uses located within an accessory building are subordinate or secondary to the primary use of the property, to ensure compatibility with adjacent land uses, and to ensure that there is adequate space remaining on the property for the lot to function. While the proposed accessory structure is larger than the maximum floor area requirement, the proposed horse riding facility would remain secondary to the primary use of the existing dwelling. It is noted that the owner has indicated that the indoor horse riding facility would be for personal use. It is noted that the A4 zone does permit restricted agricultural uses and that accessory buildings, such as equipment sheds, can typically be larger in size. It is also noted that because the subject property is larger in size compared to other A4 parcels, the proposed accessory structure would consume a small portion of the lot and has relatively small lot coverage.

The application would be consistent with the intent and purposes of the Zoning By-law.

3. The application is "minor" in nature.

Whether a variance is considered minor is evaluated upon the size and impact of the proposed variance from the Zoning By-law. The proposed size of the accessory structure would be appropriate for the area, as it is reasonable that accessory structures are often larger in size in a rural or agricultural setting compared to residential areas. It is also noted that other lots zoned A4 in the surrounding area range from approximately 2,347 m² to 9,712 m², which are smaller in size compared to the area of the subject property that is 33,000 m². Given the unique size of the subject property compared to other parcels zoned A4, the proposed area of the accessory structure would be relatively minor for the size of the parcel.

It is not anticipated that the proposed variance would negatively impact surrounding properties. The proposed structure would be screened from view by the existing treed area on the property along Lyons Line. The proposed accessory structure would be located away from other buildings on adjacent properties and would not impact adjacent land owners from using their properties for permitted uses.

The application is minor in nature.

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

The proposed variance would support an existing restricted agricultural use on the property and would be in keeping with the character of the surrounding area. Given the specific nature of the subject property being larger compared to other A4 parcels in the area, and is larger than A4 parcels that are typically permitted under current policies, the proposed accessory structure would be of a size that is appropriate for the subject lands. It is noted that there are also several parcels zoned 'General Agriculture (A1)' that are slightly larger, ranging in size from approximately 12 to 15 acres, that contain structures that are of similar size. The proposed size of the accessory structure would be consistent with these parcels as well.

The application is desirable for the appropriate development or use of the subject property.

Public/Agency Comments Received

Notice of Public Hearing was given in accordance with Planning Act regulations. As of the date of writing this report, there have been no comments received from members of the public, internal departments, or external commenting agencies.

Financial Implications to Budget:

The full cost of the minor variance process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

The proposed minor variance addresses a deviation from a standard of the Township of Malahide Zoning By-law and would have no direct relationship or bearing upon the document.

| | |
|---|---|
| Submitted by: | Reviewed by: |
| Eric Steele, BES Monteith Brown Planning Consultants Ltd., Consulting Planner for the Township | Todd Brown, MCIP, RPP Monteith Brown Planning Consultants Ltd. |

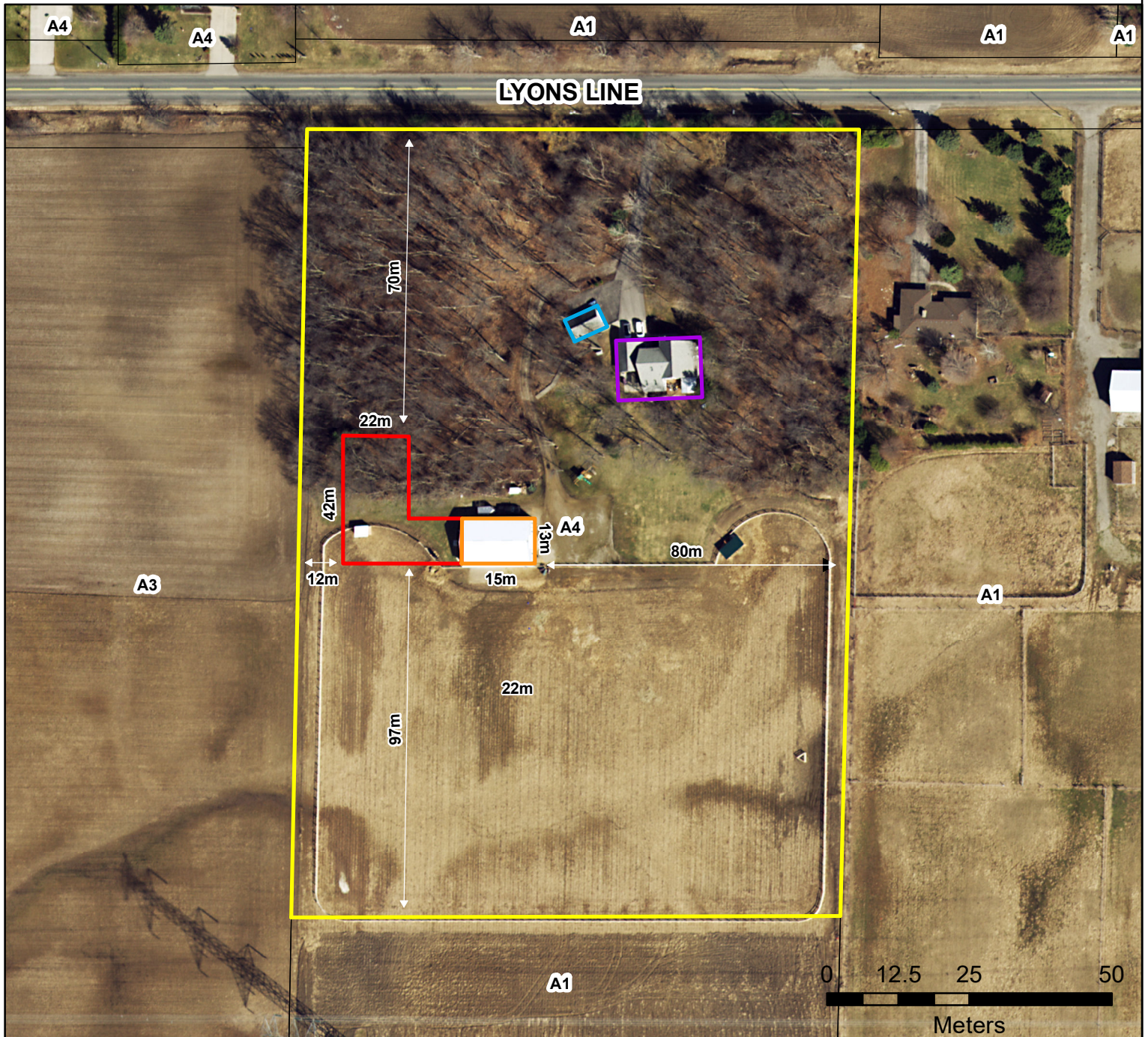
| |
|--|
| Approved by: |
| Adam Betteridge, Chief Administrative Officer |

APPLICATION FOR A MINOR VARIANCE
Owner: Christopher McDonald

23

47231 Lyons Line
Concession 11, Part of Lot 21
Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Agricultural

ZONING
Small Lot Agricultural (A4) Zone

-  Subject Property
-  Existing Barn
-  Proposed Addition
-  Existing Dwelling
-  Existing Garage



APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

The undersigned hereby applies to the Committee of Adjustment for the

TOWNSHIP OF MALAHIDE

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

1. OWNER(S)

- a) Name CHRISTOPHER McDONALD
- b) Mailing Address 47231 LYONS LINE, MALAHIDE
- c) Telephone No. 647-388-0206
- d) Fax No. _____

2. SOLICITOR / AUTHORIZED AGENT

- a) Name _____
- b) Mailing Address _____
- c) Telephone No. _____
- d) Fax No. _____

3. LOCATION OF LAND

- a) Lot and Plan or Concession No. ~~60~~ PART LOT 21, CONCESSION 11
- b) Street No. and Name 47231 LYONS LINE, MALAHIDE

4. Names and address of any mortgages, holders and charges or other encumbrances:

Name:

Address:

TD CANADA TRUST

5. Nature and extent of relief applied for:

WOULD LIKE TO CONSTRUCT INDOOR PERSONAL.
RIDING FACILITY FOR HORSES.

6. Why is it not possible to comply with the provisions of the Bylaw?

HORSES REQUIRE A LARGE, COVERED STRUCTURE FOR
WINTER EXERCISE.

7. Dimensions of the land affected:

a) Frontage (m)

150 m.

b) Depth (m)

225 m.

c) Area (sq.m / ha)

33,000 m².

8. Particulars of all buildings and structures on or proposed for the subject land (specify ground floor area, gross floor area, number of storeys, width, length, height, etc.)

a) Existing

House - 185 m² GARAGE - 80 m², STORAGE
SHED - 175 m² (4M HIGH)

b) Proposed

910 m² FACILITY (ONE FLOOR).
21M x 42M x 5M HIGH.

9. Date of acquisition of subject land:

MARCH 9TH, 2020'

10. Date of construction of all buildings and structures on subject lands:

11. Existing uses of the subject property:

HOBBY FARM.

12. Length of time and existing uses to the subject property have continued: SINCE PURCHASE.

13. Existing uses of abutting properties:

- | | |
|----------|-------------------------------------|
| a) North | <u>AGRICULTURAL.</u> |
| b) East | <u>RESIDENTIAL</u> |
| c) South | <u>AGRICULTURAL</u> |
| d) West | <u>RES AGRICULTURAL.</u> |

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

a) Method of Water Supply (if applicable)

- | | | | |
|----------------------------|--------------------------|-------------------------|-------------------------------------|
| Public Water Supply System | <input type="checkbox"/> | Private Individual Well | <input checked="" type="checkbox"/> |
| Private Communal Well | <input type="checkbox"/> | Other (please specify) | |

b) Method of Sanitary Waste Disposal (if applicable)

- | | | | |
|-------------------------|-------------------------------------|-------------------------|--------------------------|
| Private Septic Tank and | | Private Communal System | <input type="checkbox"/> |
| Tile Field System | <input checked="" type="checkbox"/> | Other (please specify) | |

15. Applicable Official Plan designation(s):

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

A4

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

- a) Yes ☐ No ☒

If Yes, describe briefly:

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

- Yes ☐ No ☒

STATUTORY DECLARATION

I, CHRISTOPHER McDONALD of the TOWNSHIP OF MALAHIDE
 (Name of Applicant) (City, Municipality, Town, Township)
 in the ELGIN COUNTY
 (County / District / Region)

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

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

DECLARED before me

MALAHIDE.)
 (City, Municipality, Town, Township))

in the ELGIN)
 (County / District / Region))

this 07th day of OCT, 2022.)

A Commissioner, etc.)

Signature of Applicant or
 Authorized Agent *

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

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

Municipal Freedom of Information Declaration

In accordance with the provisions of the Planning Act, it is the policy of the Township Planning Department to provide public access to all development applications and supporting documentation.

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for minor variance. The personal information collected will be maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

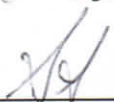
In submitting this development application and supporting documentation, I CHRISTOPHER McDONALD, the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Township of Malahide to post a Change of Use sign and municipal staff to have access to the subject site for purposes of evaluation of the subject application.



Signature

07 10 2022
Day Month Year



Signature

07 10 2022
Day Month Year

REQUIRED SKETCH FOR MINOR VARIANCE APPLICATIONS

APPLICANT NAME

CHRISTOPHER McDONALD

ADDRESS

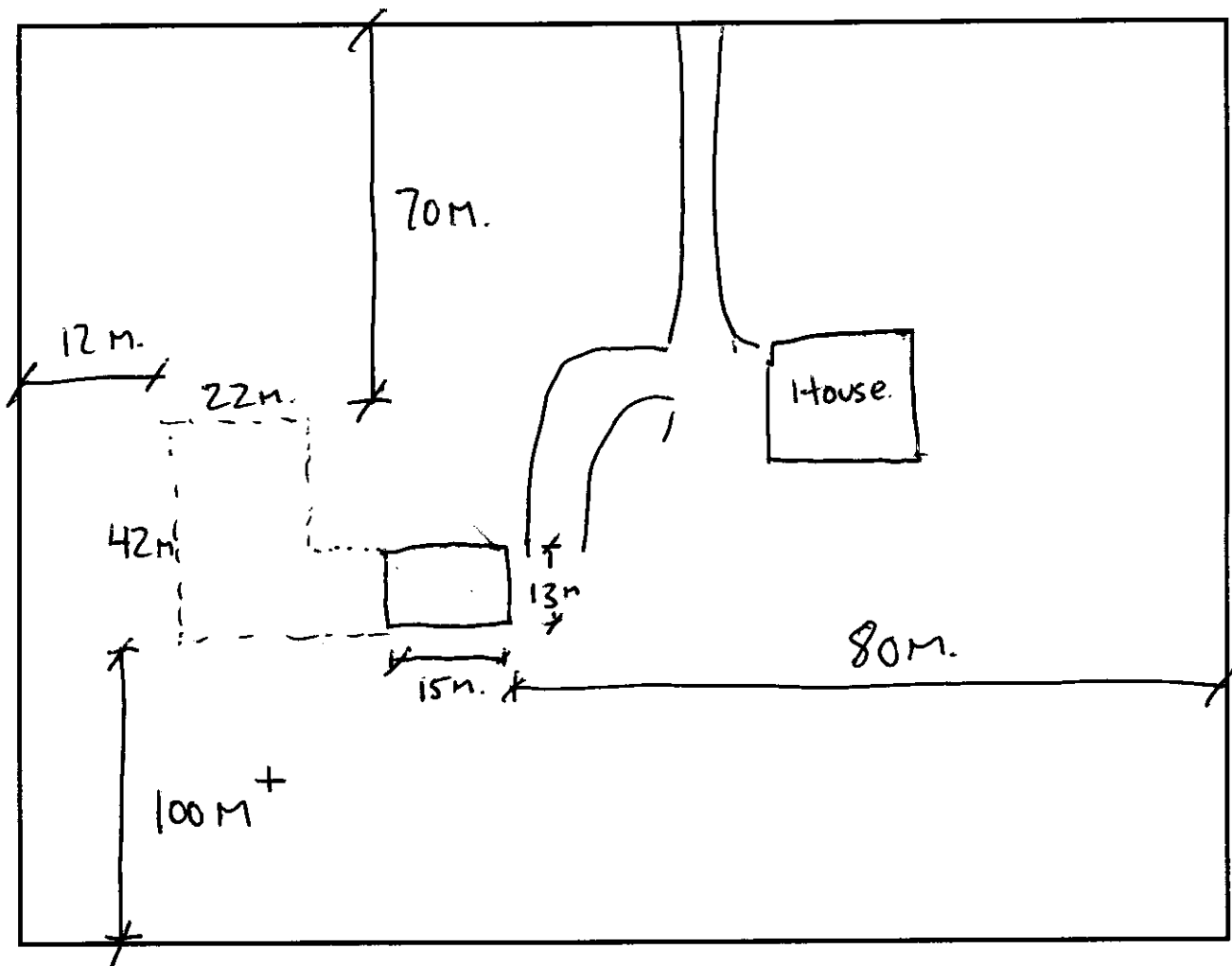
47231 LYONS LINE, MALAHIELot 21Concession 11Municipality MALAHIE

Registration Plan No. _____

Quarter of Township Lot

N.E. ☐N.W. ☐S.W. ☐S.E. ☐

See Sketch Instructions on the following page.



RETURN THIS SKETCH WITH APPLICATION FORM -
 NOTE: WITHOUT A SKETCH AN APPLICATION CANNOT BE PROCESSED

ALL DIMENSIONS MUST BE IN METRIC



Report to Council

REPORT NO.: CAO-22-15
DATE: November 3rd, 2022
ATTACHMENT: None
SUBJECT: I.T. SERVICE AGREEMENT WITH ZOULING TECHNOLOGIES INC.

Recommendation:

THAT Report No. CAO-22-15 entitled “I.T. Service Agreement with Zouling Technologies Inc.” be received;

AND THAT the Chief Administrative Officer be authorized and directed to take the necessary actions to enter into an I.T. service agreement with Zouling Technologies Inc. of Rodney, Ontario.

Background:

At its August 4th meeting, Council passed the following:

“No. 22-337

Moved By: Rick Cerna

Seconded By: Max Moore

THAT Council direct the Mayor and Clerk to execute an I.T. Service Agreement with its municipal partners;

AND THAT Council considers giving three readings to By-law 22-59 authorizing this I.T. Service Agreement.

Carried”

The executed I.T. Service Agreement (authorized by By-law No. 22-59) involves the Township and the municipalities of Dutton-Dunwich, West Elgin, and Southwold becoming a cooperative purchasing group (the “partners”) to procure and retain a 3rd party I.T. service provider that will provide I.T. support services to the partners. The

Agreement provides that Malahide will procure and administer the services. Previously, the Township employed a full-time I.T. specialist that was deployed to the partners.

In August of 2022, and working with the partnering CAOs as well as the Township's Director of Finance, the Township issued a Request for Proposals ("RFP"). Nine (9) proposals were received and were evaluated by the "Proponent Selection Committee" (the "Committee").

A second agreement is needed (and the purpose of this staff report) that will be between the Township (on behalf of the partners) and the selected 3rd party I.T. service provider.

Comments/Analysis:

The Committee consisted of six (6) individuals as follows: The Township of Southwold's CAO; the Municipality of West Elgin's CAO; and the Township of Malahide's Manager of Legislative Services/Clerk, Human Resources Manager, Director of Finance/Treasurer, and CAO.

The Committee evaluated the proposals in the following categories: Direct Qualifications of Personnel; Relevant Experience; Proposal Clarity & Comprehensiveness; and, Approach to I.T. Maintenance & Support Services. Of the nine (9) proposals received, six (6) received the minimum score of seventy percent (70%) in order to be evaluated under the program costs estimate.

With the program cost estimate scores included, the proposal of Zouling Technologies Inc. ("Zouling") of Rodney, Ontario obtained the highest score. The Committee confirmed its selection of Zouling, and following the selection the CAO informed all proponents accordingly.

As noted in the Background section of this report, the partners shared service agreement requires the Township of Malahide to execute a service agreement on behalf of the partners with the selected 3rd party I.T. service provider. Zouling will prepare and provide a 2-year service agreement.

Financial Implications to Budget:

There is not expected to be any negative implications to the Township's Budget as a result of the recommendations of this report.

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| Submitted by: |
| Adam Betteridge, Chief Administrative Officer |



Report to Council

REPORT NO.: CAO-22-16
DATE: November 3, 2022
ATTACHMENT: N/A
SUBJECT: **INFORMATIONAL REPORT: CAO USE OF RESTRICTED ACTS CLAUSE**

Recommendation:

THAT Report No. CAO-22-16 entitled "Informational Report: CAO Use of Restricted Acts Clause" be received for information.

Background:

At the regular meeting of Council held March 17, 2022, and after considering Report No. CLERK-22-06 entitled "Restricted Acts after Nomination Day and/or Election Day (Lame Duck)" Council approved resolution No. 22-111 which required that the Clerk to prepare the necessary By-Law prior to Nomination Day (August 19, 2022) delegating authority to the Chief Administrative Officer from August 19, 2022 to November 17, 2022 to:

- a) Be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has value exceeding \$50,000 at the time of disposal;
- b) Be the authority to hire or remove any officer from/to employment with the Township of Malahide. That the authority to hire as delegated be restricted to not exceed the overall previously allotted compliment number of staff positions excluding those that are 100% provincially funded;
- c) To have discretion to bind the Corporation for projects/ new funding opportunities with the Provincial and/or Federal governments(s) in instances where the contribution of other levels of government totals 66% or greater with a cap of \$100,000 for the municipal contribution; and,
- d) That the CAO shall submit to Council an informational report, containing the details relevant to the exercise of all delegated authority by that position under the By-law.

Comments/Analysis:

The Township of Malahide Council has been in a restricted acts period (“Lame Duck”) and Council is required to refrain from certain acts until its next term begins. Lame Duck continues until the inaugural meeting of the next term of Council on November 17th, 2022.

This informational report provides a status of the delegated authority assigned to the Chief Administrative Officer (“CAO”) from August 19, 2022 to November 17, 2022.

As of the date of writing the CAO has not utilized any of the delegated authority. A similar report for the remainder of this restricted acts period will be provided to the new term of Council at its inaugural meeting on November 17, 2022.

Financial Implications to Budget:

N/A.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ACSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that support the “Our Local Government” Strategic Pillar relates to “Embody Financial Efficiency throughout Decision-Making”. Ensuring that municipal decisions are able to continue to be made during any potential lame duck periods works to achieve this goal.

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| Submitted by: |
| Adam Betteridge, Chief Administrative Officer |

**Minutes
ELGIN GROUP POLICE SERVICES BOARD
May 11, 2022**

The Elgin Group Police Services Board met in the Community Room at the Elgin County Detachment Office, 42696 John Wise Line with the following in attendance:

Sally Martyn, Chair
Trudy Kanellis, Vice-Chair
Ida McCallum, Board Member
David Jenkins, Provincial Member
Inspector Mark Loucas, Detachment Commander
Staff Sergeant Mike Butler, Detachment Manager
Samantha Grainer, Regional Operations Analyst
Carolyn Krahn, Secretary-Administrator

Regrets:

Dan Froese, Board Member
Julie Gonyou, Chief Administrative Officer – County of Elgin

Call to Order:

The Chair called the meeting to order at 10:00 a.m.

Adoption of Minutes:

Moved by: David Jenkins
Seconded by: Ida McCallum

RESOLVED THAT the minutes of the meeting held on February 16, 2022 be adopted.

- Motion Carried.

Disclosure of Pecuniary Interest and the General Nature Thereof:

None.

Reports:

1) Detachment Commander's Quarterly Report

The Detachment Commander provided an update on public complaints; the crime abatement strategy; patrol hours; violent, property, and drug crimes; and collisions for the period of January 2022 to March 2022.

Samantha Grainer, Regional Operations Analyst for Elgin and Middlesex Counties, was in attendance and provided an overview of her role.

The Detachment Manager provided an overview of the new Collision Reporting Centre, which offers a more efficient and safe way to report collisions that do not involve serious injuries or property damage beyond involved vehicles.

Moved by: Trudy Kanellis
Seconded by: Ida McCallum

RESOLVED THAT the report be received and filed.

- Motion Carried.

Correspondence:

None.

Other Items:

None.

New Business:

None.

Closed Session Items:

None.

Next Meeting:

A Doodle Poll will be sent out to Board Members to set the date of the next meeting.

Adjournment:

Moved by: Ida McCallum
Seconded by: David Jenkins

RESOLVED THAT we do now adjourn at 10:26 a.m.

- Motion Carried.



Carolyn Krahn,
Secretary/Administrator.



Sally Martyn,
Chair.

lkmk

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 22-81**

Being a by-law to appoint a Community Emergency Management Coordinator for the Township of Malahide pursuant to the standards under the Emergency Management & Civil Protection Act R.S.O., 1990, c. E 9, as amended.

WHEREAS subsection 3 (1) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, as amended, requires the development and implementation of an Emergency Management Program by Council;

WHEREAS the Township has passed By-law #2011-79 to Adopt an Emergency Management Program; and

WHEREAS the Township has passed By-law #2021-44 an Agreement with the County of Elgin for CEMC services.

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

1. THAT Stephanie Cyros be appointed as Community Emergency Management Co-ordinator (CEMC), effective November 3, 2022; and
2. THAT any by-law(s) contravening this by-law shall be repealed.

READ a **FIRST** and **SECOND** time this 3rd day of November, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 3rd day of November, 2022.

D. Mennill, Mayor

A. Adams, Clerk

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 22-82**

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

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

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

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

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

1. THAT the actions of the Council of the Township of Malahide, at its regular meeting held on November 3, 2022, in respect of each motion, resolution and other action taken by the Council of the Township of Malahide at such meeting is, except where the prior approval of the Ontario Municipal Board or other authority is required by law, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. THAT the Mayor and the appropriate officials of the Township of Malahide are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Township of Malahide referred to in the proceeding section.
3. THAT the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the corporate seal of the Township of Malahide.
4. THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a **FIRST** and **SECOND** time this 3rd day of November, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 3rd day of November, 2022.

Mayor, D. Mennill

Clerk, A. Adams