



## The Corporation of the Township of Malahide

### A G E N D A

September 1, 2022 – 7:30 p.m.

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

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**\*\* 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 8-17)**
- (D) Presentations/Delegations/Petitions
  - Court of Revision – Norton Street Drain 2022 relating to property at parts of Lot 74, Concession 7, in the Township of Malahide **RES 2-5**
  - Meeting to Consider – McDonald Drain Branch relating to property at parts of Lot 11, Concession 1, in the Township of Malahide **RES 6-7 (Pages 18-19)**
- (E) Reports of Departments
  - (i) Director of Fire & Emergency Services
    - Emergency Services Activity Report – July **RES 8 (Pages 20-23)**
  - (ii) Director of Public Works
    - Petition for Drainage – Muilwijk Petition **RES 9 (Pages 24-28)**

-Amendment to the Use of Off-Road Vehicles By-law **RES 10 (Pages 29-32)**

-Port Bruce Provincial Beach Clean-up **RES 11 (Pages 33-36)**

(iii) Director of Finance/Treasurer

(iv) Clerk

-Restricted Acts after Nomination Day **RES 12 (Pages 37-38)**

(v) Building/Planning/By-law

- Application for Consent to Sever of Robert & Constance Foster - **RES 13 (Pages 39-52)**

- Application for Consent to Sever of William & Katherine DeSutter- **RES 14 (Pages 53-70)**

- Application for Consent to Sever of Henry Hiebert c/o SBM Limited **RES 15 (Pages 71-98)**

- Zoning By-law Amendment Application of Leverton Developments **RES 16 (Pages 99-106)**

- Site Plan Control Activity Report **RES 17 (Pages 107-109)**

- Shared Review of Building & Planning Fees **RES 18 (Pages 110-112)**

- Municipal By-law Enforcement Service Agreement **RES 19 (Pages 113-115)**

(vi) CAO

(F) Reports of Committees/Outside Boards

(G) Correspondence **RES 20**

1. Association of Municipalities of Ontario - Watch File – dated August 4, 2022, August 11, 2022, August 18, 2022 and August 25,2022. **(Pages 2-12)**

2. County of Elgin – Council Highlights – August 9, 2022. **(Pages 13-15)**

3. City of Brantford – Resolution seeking support of municipalities that oversee lands within the Haldimand Tract Land Dispute. **(Pages 16-19)**

4. Ontario Sheep Farmers – Correspondence seeking support to alter Municipal By-laws to consider the use of livestock guardian dogs when developing Animal By-law. **(Pages 20-23)**

5. County of Oxford – Public Notice of Official Plan Amendment OP 22-16-9. **(Page 24)**

6. County of Oxford – Public Notice of Official Plan Amendment OP 22-17-9. **(Page 25)**



(H) Other Business

- (i) Springfield Santa Claus Parade - Authorize Agreement with County of Elgin to close Ron McNeil Line for Parade on December 3, 2022. **RES 21 (Pages 116)**

(I) By-laws

(J) Closed Session

(K) Confirmatory By-law **RES 22 (Page 117)**

(L) Adjournment **RES 23**

***\*\*VIDEOCONFERENCE MEETING***

**Note for Members of the Public: IMPORTANT**

Please note that the Regular Council Meeting scheduled to be held on September 1, 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](mailto:aadams@malahide.ca).

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

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1. THAT the minutes of the regular meeting of the Council held on August 4, 2022, be adopted as printed and circulated.
2. THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the Norton Drain:  
Mayor Dave Mennill (Chair)  
Deputy Mayor Dominique Giguère  
Councillor Rick Cerna
3. THAT the Court of Revision for the Norton Drain be called to order at 7: p.m.  
  
AND THAT Dave Mennill be appointed Chairman.
4. THAT the Court of Revision members for the Norton Drain do hereby accept the recommendations of Drainage Engineer George Vereyken, Spriet Associates London Limited; and further, does hereby confirm the drainage assessments as outlined in the Report of the Drainage Engineer dated June 22, 2022.
5. THAT the Court of Revision relating to the Norton Drain be adjourned and the Council Meeting reconvene at 7: p.m.
6. THAT the Engineer's Report for the McDonald Drain Branch E be accepted;  
AND THAT By-law No. 22-61 being a by-law to provide for the McDonald Drain Branch E drainage works be read a first and second time and provisionally adopted.
7. THAT the Court of Revision for the McDonald Drain Branch E be scheduled to be held on October 6, 2022, at 7:30 p.m.
8. THAT Report No. F-22-11 entitled "Emergency Services Activity Report – July" be received.
9. THAT Report No. PW-22-56 entitled "Petition for Drainage – Muilwijk Petition" be received;  
AND THAT Mike Devos, P. Eng., of Spriet Associates Ltd., be appointed to prepare an Engineer's Report for the Muilwijk petition, it being noted that the Petitioner is

requesting this petition to be incorporated into the Engineers report currently being prepared for the construction of the Pressey Line Drain.

10. THAT Report No. PW-22-57 entitled "Amendment to the Use of Off-Road Vehicles By-Law No. 20-80" be received;

AND THAT the effective term of By-law No. 20-80 be extended by a period of three (3) years to allow the continuance of the operation of Off-road Vehicles on specified highways within the Township.

11. THAT Report No. PW-22-30 entitled "Follow Up Report: Port Bruce Provincial Beach Clean-up" be received.

12. THAT Report No. CLERK-22-06 entitled "Restricted Acts after Nomination Day (Lame Duck)" be received.

13. THAT Report No. DS-22-36 entitled "Application for Consent to Sever of Robert & Constance Foster" be received;

AND THAT the Application for Consent to Sever of Robert & Constance Foster, relating to the property located in Part Lot 8, Concession 6; RP 11R-6241 (Geographic Township of Malahide) 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.

14. THAT Report No. DS-22-42 entitled "Consent Application of William and Katherine DeSutter" be received;

AND THAT the Application to Sever No. D10-E67-22 of William & Katherine DeSutter relating to the property located at Part Lot 103, Concession STR; and known municipally as 52339 Talbot Line, be supported for the reasons set out in this Report;

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

15. THAT Report No. DS-22-43 entitled "Application for Consent to Sever of Henry Hiebert" be received;

AND THAT the Application for Consent to Sever of Henry Hiebert (E-68-22), relating to the property located in Part Lot 33, Concession 4 S (Geographic Township of Malahide) 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.

16. THAT Report No. DS-22-45 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 APPROVED.

17. THAT Report No. DS-22-44 entitled “Site Plan Control Activity Report” be received.

18. THAT Report No. DS-22-47 entitled “Shared Review of Building and Planning Fees” be received;

AND THAT a review of Building and Planning Fees and Charges for the Township of Malahide be awarded to Performance Concepts Consulting Inc., of Uxbridge, Ontario at a cost to the Township of no greater than \$35,000.00 (plus HST);

AND THAT the Chief Administrative Officer be authorized and directed to take the necessary actions to enter into an agreement with Performance Concepts Consulting Inc. to undertake such review.

19. THAT Report No. DS-22-39 entitled “Municipal By-law Enforcement Service Agreement” be received;

AND THAT Council declares that the existing service agreements with Municipal Enforcement Unit be terminated effective immediately;

AND THAT Staff be directed to bring forward a Service Agreement with Tenet Security Group for by-law enforcement services for Council’s review.

20. THAT the following correspondence be noted and filed:

1. Association of Municipalities of Ontario - Watch File – dated August 4, 2022, August 11, 2022, August 18, 2022 and August 25, 2022. **(Pages 2-12)**
2. County of Elgin – Council Highlights – August 9, 2022. **(Pages 13-15)**
3. City of Brantford – Resolution seeking support of municipalities that oversee lands within the Haldimand Tract Land Dispute. **(Pages 16-19)**
4. Ontario Sheep Farmers – Correspondence seeking support to alter Municipal By-laws to consider the use of livestock guardian dogs when developing Animal By-law. **(Pages 20-23)**
5. County of Oxford – Public Notice of Official Plan Amendment OP 22-16-9. **(Page 24)**

6. County of Oxford – Public Notice of Official Plan Amendment OP 22-17-9. **(Page 25)**

21. THAT the Springfield Santa Claus Parade Committee request to facilitate the Springfield Santa Claus Parade be authorized to be held on Saturday, December 3, 2022, at 1:00 p.m;

AND THAT a copy of this resolution and request from the Springfield Santa Claus Parade Committee be forwarded to the County of Elgin for their information;

AND THAT if required the Chief Administrative Officer/Clerk be authorized and directed to enter into an Agreement with the County of Elgin to permit the temporary closure of Ron McNeil Line within the Village of Springfield on December 3, 2022, to facilitate the parade.

22. THAT By-law No. 22-63, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

23. THAT the Council adjourn its meeting at \_\_\_\_\_ p.m. to meet again on September 15, 2022, at 7:30 p.m.

**The Corporation of the Township of Malahide**

**August 4, 2022 – 7:30p.m.**

Virtual Meeting - [https://youtu.be/KzaMEaht5\\_o](https://youtu.be/KzaMEaht5_o)

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Due to COVID 19 and Public Health concerns, the Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. in order to allow for physical distancing. No public attendance was permitted. The following were present:

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

**Staff:** Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Public Works M. Sweetland, Director of Finance A. Boylan, and Director of Fire and Emergency Services J. Spoor

**Absent:** Councillor S. Lewis

**CALL TO ORDER:**

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

**DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:**

Councillor Widner disclosed a pecuniary interest with respect to Council Agenda item D – Meeting to Consider – Norton Drain. The nature of the conflict being that a Junior Partner at Spriet Associates is an immediate relative of his.

Councillor Glinski declared a conflict of interest with respect to Council Agenda item I - By-law No. 22-44 – Third Reading of Glinski Drain. The nature of the conflict being he owns property affected by both of this drain.

**MINUTES:**

**No. 22–318**

**Moved By: Rick Cerna**

**Seconded By: Max Moore**

**THAT the minutes of the regular meeting of the Council held on July 21, 2022, be adopted as printed and circulated.**

**Carried**

## **PRESENTATIONS/DELEGATIONS/PETITIONS:**

- Meeting to Consider – Norton Street Drain 2022 relating to property at parts of Lot 74, Concession 7, in the Township of Malahide

Councillor Widner declared a conflict of interest with respect to Council Agenda item D – Meeting to Consider – Norton Drain. He retired from the meeting and abstained from all discussions and voting on the matter.

Drainage Engineer, George Vereyken, of Spriet Associates, appeared before the Council to present the Drainage Engineer's Report, dated June 24, 2022, regarding the Norton Drain and outlined the nature of the proposed work.

Mayor Mennill asked the Clerk if any correspondence or comments had been received. Clerk Adams indicated no comments had been received regarding the Norton Drain.

Mayor Mennill asked what the next steps were and Mr. Vereyken provided the next stages of the process.

Mayor Mennill inquired if any persons were in attendance that wished to comment or ask questions concerning the Drainage Report and there were none.

Mayor Mennill inquired if any members of Council had any questions concerning the Drainage Report and there were none.

**No. 22-319**

**Moved By: Rick Cerna**

**Seconded By: Dominique Giguère**

**THAT the Engineer's Report for the Norton Street Drain 2022 be accepted;**

**AND THAT By-law No. 22-55 being a by-law to provide for the Norton Street Drain 2022 drainage works be read a first and second time and provisionally adopted.**

**Carried**

**No. 22-320**

**Moved By: Max Moore**

**Seconded By: Chester Glinski**

**THAT the Court of Revision for the Norton Street Drain 2022 be scheduled to be held on September 1, 2022, at 7:30 p.m.**

**Carried**

Councillor Widner returned to his seat at the Council table. The Mayor thanked Mr. Vereyken and he retired from the meeting.

**REPORTS:**

Director of Public Works

- Port Bruce Traffic Calming

**No. 22-321**

**Moved By: Mark Widner**

**Seconded By: Dominique Giguère**

**THAT Report No. PW-22-33 entitled “Port Bruce Traffic Calming” be received;**

**AND THAT the Colin Street One-Way conversion be suspended pending future budget consideration.**

**Carried**

- Springfield Road No Parking Zone Update

Deputy Mayor Giguère noted her appreciation for the time spent for consultation and engaging the public in the process which has provided us the insight to leave it as is.

**No. 22-322**

**Moved By: Max Moore**

**Seconded By: Chester Glinski**

**THAT Report No. PW-22-33 entitled “Springfield Road No Parking Zone Update” be received;**

**AND THAT no action be taken at this time to implement a No Parking Zone on Springfield Road (Elgin Road 40);**

**AND THAT Staff advise the County of Elgin council accordingly**

**Carried**

- Pressey Line 2023 Capital Request

**No. 22-323**

**Moved By: Rick Cerna**

**Seconded By: Mark Widner**



**THAT Report No. PW-22-53 entitled “Pressey Line 2023 Capital Request” be received;**

**AND THAT notwithstanding the 2023 Capital Budget has not yet been presented, that staff be authorized to proceed with undertaking pre-engineering services required for design of Pressey Line from Springfield Road (Elgin Road 40) to Catherine Street.**

**Carried**

- FCM Funding Change of Scope

Deputy Mayor Giguère inquired if a future roads study could comply for this for funding. Director Sweetland stated that he could inquire with the with the FCM coordinator to see if it can be changed as a transfer agreement hasn't been signed.

**No. 22–324**

**Moved By: Dominique Giguère**

**Seconded By: Chester Glinski**

**THAT Report No. PW-22-54 entitled “FCM Funding Change of Scope” be received;**

**AND THAT Township Staff not undertake procurement and implementation of Asset Management software in 2022.**

**Carried**

- Imperial Road No Parking Zone Update

Councillor Widner inquired if the \$30,000 was for only a report on Springfield and Port Bruce. Director Sweetland clarified that the first three phases were for rural roads and didn't include village streets as there are additional guidelines and criteria when Village reviews are conducted.

Councillor Moore noted concerns brought forth by residents of Springfield regarding the safety on Springfield streets and if anyone is enforcing the parking by-law. He referenced a tractor trailer that sits consistently on weekends on the main street blocking site lines as well as multiple vehicles being parked overnight. CAO Betteridge responded that Malahide staff member who administers the complaints. Mayor Mennill requested that this staff member be informed of this situation and look into it.

Deputy Mayor Giguère noted that over the last three years different hamlets or developed areas with schools haven't been looked at as there was concerns about doing some of these areas separately in a piecemeal approach but could they be done so there can be some consistency. Director Sweetland responded that this could be

added to the scope of work for phase 4 in that all streets in the Township be reviewed that haven't been in the first 3 phases.

**No. 22-325**

**Moved By: Max Moore**

**Seconded By: Dominique Giguère**

**THAT Report No. PW-22-55 entitled "Imperial Road No Parking Zone Update" be received;**

**AND THAT Township Staff be directed to include Phase 4 Road Safety Audit of Township Village Streets in 2023 Budget Deliberations.**

**Carried**

Director of Finance/Treasurer

- Annual Investment Reporting & Review

Deputy Mayor Giguère referenced the report and its thorough analysis and the strategy it provides. She questioned the recommended targets the report references and where these targets are from and if they are general for all municipalities or customized for Malahide. Director Boylan noted that MFOA was consulted in the implementation of this investment strategy. The strategy started as a basic cookie cutter investment strategy and then customized it to Malahide's specific needs resulting in a customized investment strategy tailored to Malahide's needs.

**No. 22-326**

**Moved By: Rick Cerna**

**Seconded By: Mark Widner**

**THAT Report No. FIN 22-21 entitled "Annual Investment Report" be received;**

**AND THAT the Township's Investment Policy be amended as presented.**

**Carried**

Clerk

-2022 Municipal Election – Establishment of Joint Compliance Audit Committee

**No. 22-327**

**Moved By: Max Moore**

**Seconded By: Chester Glinski**

**THAT Report CLERK-22-09 entitled "Joint Elgin Compliance Audit Committee**

**Appointments 2022 - Recommendation” be received for information; and,**

**THAT Council endorses the appointment of Christine Scrimgeour, Andrew Wright, Daniel Ross and Dr. Zachary Spicer to sit on the Joint Elgin Compliance Audit Committee for the period of 2022-26; and further,**

**THAT Council considers giving three readings to the By-Law confirming those appointments.**

**Carried**

Building/Planning/By-law

- Follow-up Report: Zoning By-law Amendment Application of Rockx Farms Ltd.

**No. 22–328**

**Moved By: Rick Cerna**

**Seconded By: Dominique Giguère**

**THAT Report No. DS-22-29 entitled “Follow-Up Report: Zoning By-law Amendment Application of Rockx Farms Ltd.” be received;**

**AND THAT Council finalize the approval of the subject Application by passing By-law No. 22-46.**

**Carried**

- Follow-Up Report: Zoning By-law Amendment of Frank & Sheryl Berkelmans

**No. 22–329**

**Moved By: Max Moore**

**Seconded By: Mark Widner**

**THAT Report No. DS-22-30 entitled “Follow-Up Report: Zoning By-law Amendment of Frank & Sheryl Berkelmans” be received;**

**AND THAT Council finalize the approval of the subject Application by passing By-law No. 22-47.**

**Carried**

**CORRESPONDENCE:**

**No. 22-330**

**Moved By: Rick Cerna**

**Seconded By: Chester Glinski**

**THAT the Town of South Bruce Peninsula – Resolution seeking assistance with the physician shortages in Ontario be supported.**

**Carried**

**No. 22-331**

**Moved By: Rick Cerna**

**Seconded By: Chester Glinski**

**THAT the following correspondence be noted and filed:**

- 1. Association of Municipalities of Ontario - Watch File – dated July 21, 2022 and July 28, 2022. (Pages C2-5)**
- 2. Southwestern Public Health – correspondence received regarding COVID-19 Immunization for children between 6 months and 5 years. (Pages C6-13)**
- 3. Southwestern Public Health – 2021 Annual Report. (Pages C14-15)**
- 4. EPCOR – Notice of 2023 Incentive Rate Application for the Aylmer territory for rates effective January 1, 2023. (Pages C20-21)**
- 5. Aylmer Cemetery Board – Correspondence received regarding annual grant funding. (Page C22)**
- 6. Town of Aylmer – Notice of Study Completion regarding replacement of the existing water storage facility. (Pages C23-24)**
- 7. Thames Valley District School Board Planning Department – Correspondence received regarding Thames Valley District School Board's 2022 Accommodation Plan. (Page C25)**
- 8. City of Brantford - Resolution seeking support to find what regulatory action can be taken to combat money laundering in the Ontario real estate market. (Pages 26-27)**

**Carried**

**BY-LAWS:**

Councillor Glinski declared a conflict of interest with respect to Council Agenda item I - By-law No. 22-44 – Third Reading of Glinski Drain. He retired from the meeting and abstained from all discussions and voting on the matter.

**No. 22-332**

**Moved By: Rick Cerna**

**Seconded By: Dominique Giguère**

**THAT By-law No. 22-44 being a By-law to provide for Drainage works on the Glinski Drain, be read a third time, finally passed, and be properly signed and sealed.**

**Carried**

Councillor Glinski returned to his seat at the Council table.

**No. 22-333**

**Moved By: Max Moore**

**Seconded By: Rick Cerna**

**THAT By-law No. 22-56, being a By-law to authorize the execution of an Agreement with Safe Roads Engineering for the purpose of completing the Vienna Line Culvert Replacement Design, be given first, second and third readings, and be properly signed and sealed.**

**Carried**

**No. 22-334**

**Moved By: Chester Glinski**

**Seconded By: Dominique Giguère**

**THAT By-law No. 22-57, being a By-law to authorize the execution of an Agreement with Safe Roads Engineering for the purpose of completing the Hacienda Road Culvert Replacement Design, be given first, second and third readings, and be properly signed and sealed.**

**Carried**

**CLOSED SESSION:**

**No. 22-335**

**Moved By: Max Moore**

**Seconded By: Rick Cerna**

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

- (i) Labour Relations or Employee Negotiations Matter relating to a staff recruitment matter relating to the IT department.**

- (ii) **A proposed or pending acquisition or disposition of land, affecting the Township relating to a shared service agreement with a local animal shelter.**
- (iii) **A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board relating to taxation matters.**

**Carried**

**No. 22-336**

**Moved By: Rick Cerna**

**Seconded By: Mark Widner**

**THAT Council move out of Closed Session and reconvene at 8:49p.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 staff recruitment matter relating to the IT department.

**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 Mayor advised that during the Closed Session, Council provided direction to Municipal Staff regarding a pending acquisition or disposition of land, affecting the Township relating to a shared service agreement with a local animal shelter. There is nothing further to report.

The Mayor advised that during the Closed Session, Council provided direction to Municipal Staff regarding a plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board relating to taxation matters. There is nothing further to report.

**CONFIRMATORY:**

**No. 22-338**

**Moved By: Max Moore**

**Seconded By: Rick Cerna**

**THAT By-law No. 22-58, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.**

**Carried**

**ADJOURNMENT:**

**No. 22-339**

**Moved By: Chester Glinski**

**Seconded By: Mark Widner**

**THAT the Council adjourn its meeting at 8:51 p.m. to meet again on September 1 2022, at 7:30p.m.**

**Carried**

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Mayor – D. Mennill

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Clerk – A. Adams



## TOWNSHIP OF MALAHIDE

DRAINAGE BY-LAW NO. 22-61

*Drainage Act*, R. S.O. 1990, c. D17  
Reg. 300/81, s.1, Form 6

Being a By-law to provide for a drainage works  
on the McDonald Drain Branch E  
in the Township of Malahide,  
in the County of Elgin

\*\*\*\*\*

**WHEREAS** the requisite number of owners have petitioned the Council of the Township of Malahide in the County of Elgin in accordance with the provisions of the Drainage Act, requesting that the following lands and roads may be drained by a drainage works.

Parts of Lot 11  
Concession 1  
In the Township of Malahide (geographic Malahide)

**AND WHEREAS** the Council for The Corporation of the Township of Malahide has procured a report made by Spriet Associates and the report is attached hereto and forms a part of this By-law;

**AND WHEREAS** the developer, GIESBRECHT, Anna & Isaak (Roll No. 0001.103.08), has constructed and funded the drainage works being incorporated under this report.

**AND WHEREAS** zero dollars (\$0.00) is the amount to be contributed by the municipality for construction of the drainage works;

**AND WHEREAS** the Council is of the opinion that the drainage of the area is desirable;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MALAHIDE UNDER THE DRAINAGE ACT ENACTS AS FOLLOWS:**

1. The report, dated August 5, 2022, and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized, and shall be completed in accordance therewith.
2. (a) The Corporation of the Township of Malahide may borrow on the credit of the Corporation the amount of \$0.00 being the amount necessary for construction of the drainage works.
- (b) The Corporation may issue debentures for the amount borrowed less the total amount of,



1. Grants received under section 85 of the Act;
2. Commuted payments made in respect of lands and roads assessed within the municipality;
3. Moneys paid under subsection 61(3) of the Act; and
4. Moneys assessed in and payable by another municipality, and

(c) Such debentures shall be made payable within five years from the date of the debenture and shall bear interest at a rate not higher than the rate charged by the Ontario Municipal Improvement Corporation on the date of sale of such debentures.

3. A special equal amount rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule to be collected in the same manner and at the same time as other taxes are collected in each year for five years after the passing of this By-law.
4. All assessments of \$500.00 or less are payable in the first year in which the assessment is imposed.
5. This By-law comes into force on the date of the passing thereof and may be cited as "McDonald Drain Branch E".

READ A FIRST AND SECOND TIME THIS 1st day of September, 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 20th day of October, 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## Report to Council

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**REPORT NO.:** F-22-11  
**DATE:** September 1, 2022  
**ATTACHMENT:** None  
**SUBJECT:** EMERGENCY SERVICES ACTIVITY REPORT - JULY

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### **Recommendation:**

**THAT Report No. F-22-11 entitled “Emergency Services Activity Report – July” be received.**

### **Comments:**

This report provides information reported for the month of July, 2022 unless otherwise stated.

### **Department Responses**

The Malahide Fire Services responded to twenty-seven (27) incidents. A comparison of these incidents to the same month of previous years is shown in the bar graph at right:

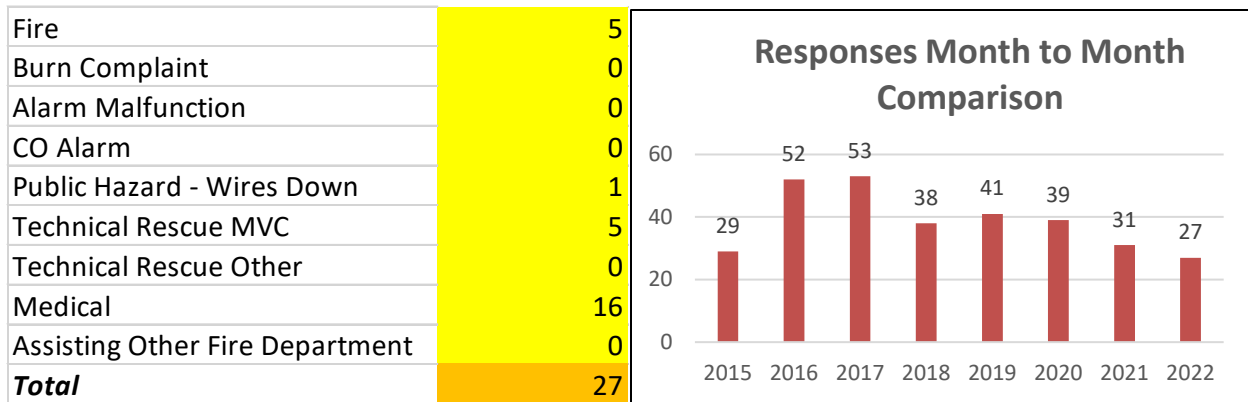
Medical incidents accounted for approximately fifty-nine percent (59%) of all incidents in the subject month. Incident by type is shown on the chart at right.

The average age of persons requiring medical response was 51 with a 37/53 male/female ratio.

The split of incidents (North/South) was:

South Station: 19

North Station: 8



### Fire Events Loss/Save, Fire Prevention, and Fire Safety Inspections

There were three fires with a combined estimated total dollar loss of \$270,000 and dollar saved of \$300,000.

This month's fire safety message was "Schools out – watch for playing children".

Fire Prevention Staff had one (1) activities for fire prevention instruction or public education. The Fire Prevention team participated in a Summer Day Camp at Springfield Library providing instruction on home escape planning and fire safety.

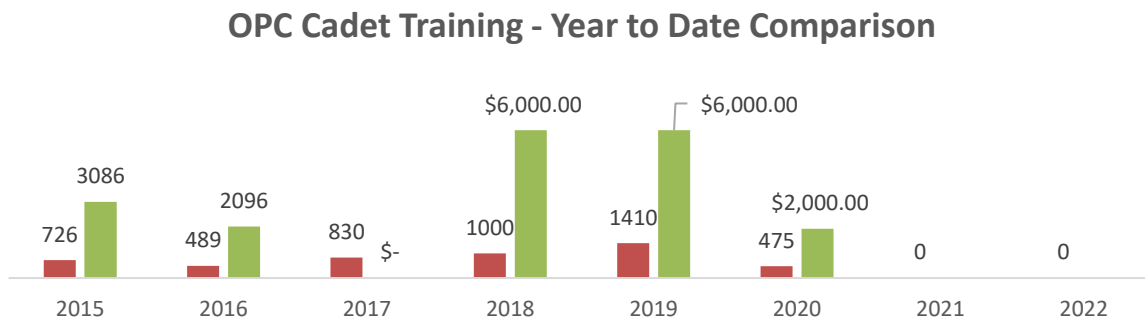
For this month the Staff conducted one (1) inspection. One (1) inspection orders for non-compliance was issued.

### Ontario Police College ("OPC")

To date the Staff have not trained any Police Cadets. The current agreement with the OPC is that it will reimburse Malahide Fire Service \$2,000.00 per session, as well as cover the cost of any equipment that is damaged during any presentation.

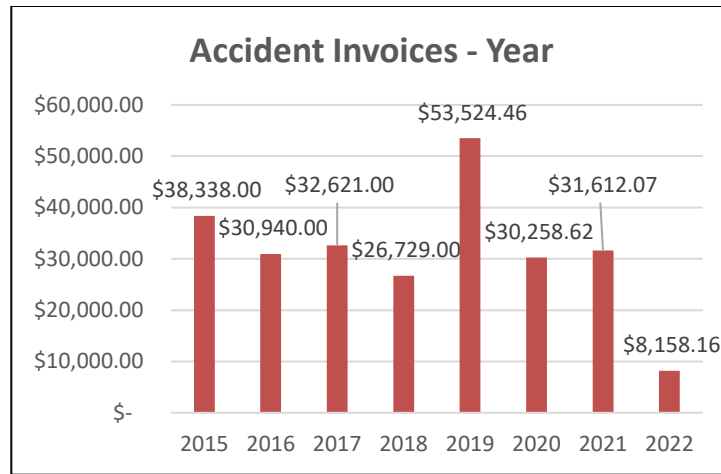
The Fire Chief has met with representatives of OPC and we will be training cadets during their fall intake beginning in September, 2022.

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



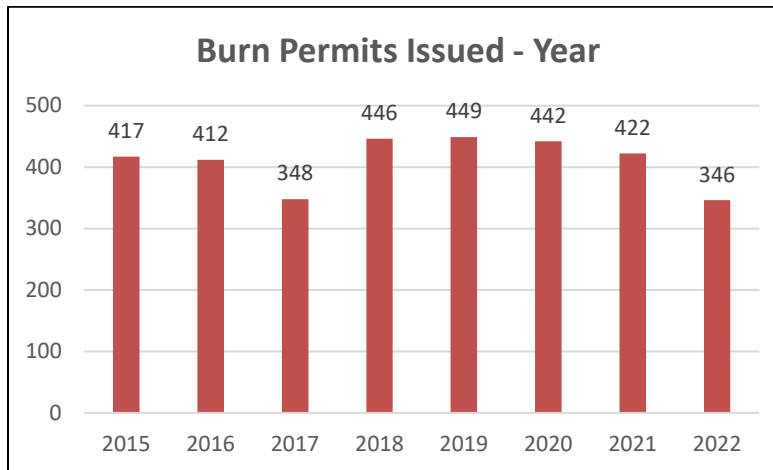
### Motor Vehicle Collision Revenues

Malahide Fire Services responded to five (5) motor vehicle collisions ("MVC") in July, 2022. Year-to-date invoicing for services provided (e.g. to MTO and to non-residents of Malahide), and total for prior years, is provided below:



### Burn Permits

Year-to-date permits issued, and total for prior years, is provided below:



### General

#### *Automatic Aid Agreement(s)*

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

#### *Mutual Aid*

Malahide Fire Services was not requested for Mutual Aid assistance, Mutual Aid was requested from Bayham for tanker support once (1) in the subject month.

### **Emergency Management Program**

#### Emergency Response

Port Bruce Flooding Review of the EM processes continues to be discussed.

#### Public Education/Awareness, Training, and Emergency Management Program Committee

Public education/awareness included above as a part of Fire Prevention activities.

Training: TBD.

Next Emergency Management Program Committee meeting: TBD.

### 2022 Program Compliance Activities

EMPC Meeting – TBD

ERP Review – TBD

Annual Exercise – TBD

Malahide Flood Plan Review – TBD

Annual CCG Training – TBD

### **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.

One of the goals that support the “Our Community” Strategic Pillar relates to “Keep Our Community Safe”. By undertaking a long-range strategy, in consultation with the appropriate emergency services authorities, to identify resources required to optimize the provision of emergency services.

Submitted by:	Approved by:
Jeff Spoor Director of Fire & Emergency Services	Adam Betteridge Chief Administrative Officer



## Report to Council

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**REPORT NO.:** PW-22-56  
**DATE:** September 1, 2022  
**ATTACHMENT:** Petition  
**SUBJECT:** PETITION FOR DRAINAGE – MUILWIJK PETITION

---

### **Recommendation:**

**THAT Report No. PW-22-56 entitled “Petition for Drainage – Muilwijk Petition” be received;**

**AND THAT Mike Devos, P. Eng., of Spriet Associates Ltd., be appointed to prepare an Engineer’s Report for the Muilwijk petition, it being noted that the Petitioner is requesting this petition to be incorporated into the Engineers report currently being prepared for the construction of the Pressey Line Drain.**

### **Comments/Analysis:**

The Township of Malahide has received a request for drainage (petition attached). This petition is a result of the landowner being in the watershed for a proposed drain. As the Council will recall, Spriet Associates Ltd. was appointed to prepare an Engineer’s Report for construction of the Pressey Line Drain.

Landowner Aart Muilwijk had petitioned to have a branch drain constructed on the north side of Pressey Line, west of Pigram Road.

During the preliminary design meeting for the Pressey Line Drain the landowners were provided a review of the proposed design and were given an opportunity to comment on the new drain. Since then, one additional landowner expressed interest in obtaining a new branch/connection to the drain. To that end, Aart Muilwijk owner of 9529 Pigram Road has signed and submitted a petition.

### **Financial Implications to Budget:**

The Township has lands which contribute to the drainage area, and thus, will likely be a party to the report.

### **Summary:**

The Staff are recommending that Mike Devos, P. Eng., of Spriet Associates Ltd., be appointed by the Council to prepare a report to address the Muilwijk petition, it being noted that Mr. Muilwijk is looking to have a new extension/connection on the municipal drain currently behind considered.

### **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.

One of the goals that support the “Our Local Government” Strategic Pillar is “Embody Financial Efficiency throughout Decision-Making”. Ensuring that the cost of maintaining municipal infrastructure is equitably borne by current and future ratepayer’s works to achieve this goal.

Submitted by:	Approved by:	Approved for Council:
Bob Lopez, Engineering Technologist/ Drainage Superintendent	Matt Sweetland, P.Eng., Director of Public Works	Adam Betteridge, Chief Administrative Officer



**Petition for Drainage Works by Owners  
Form 1**
*Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)*

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Township of Malahide

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

See map attached

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

**Purpose of the Petition** (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name)	(First Name)	Telephone Number
Muilwijk	Aart	519 688-8571 ext.

Address	
Road/Street Number	Road/Street Name
203306	Keswick Road

Location of Project			
Lot	Concession	Municipality	Former Municipality (if applicable)
30, 31	10	Township of Malahide	

What work do you require? (Check all appropriate boxes)

- ☐ Construction of new open channel  
☒ Construction of new tile drain  
☐ Deepening or widening of existing watercourse (not currently a municipal drain)  
☐ Enclosure of existing watercourse (not currently a municipal drain)  
☐ Other (provide description ▼)

Name of watercourse (if known)  
Pressey Line Drain

Estimated length of project  
30m

General description of soils in the area  
sandy clay

What is the purpose of the proposed work? (Check appropriate box)

- ☐ Tile drainage only      ☐ Surface water drainage only      ☒ Both

Petition filed this 15<sup>th</sup> day of AUGUST, 2022.

Name of Clerk (Last, first name)	Signature
ADAMS, ALLISON	A Adams



- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
9529	Lots 30 & 31 Concession 10

Ward or Geographic Township	Parcel Roll Number
Township of Malahide	340800005023300, 340800005023200

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

☒ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

AART MUILWYK	A. Muiwyk	12-08-2022

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
---	-----------

Name of Corporation
---------------------

Position Title
----------------

I have the authority to bind the Corporation.
Date (yyyy/mm/dd)

Number	Property Description
--------	----------------------

Ward or Geographic Township	Parcel Roll Number
-----------------------------	--------------------

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------


☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
---	-----------

Name of Corporation
---------------------

Position Title
----------------

I have the authority to bind the Corporation.
Date (yyyy/mm/dd)

☐ Check here if additional sheets are attached

Clerk initial
---------------

**Petitioners become financially responsible as soon as they sign a petition.**

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

**Notice of Collection of Personal Information**

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.





## Report to Council

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**REPORT NO.:** PW-22-57  
**DATE:** September 1, 2022  
**ATTACHMENTS:** Off-Road Vehicle Use Map  
Talbot Trail ATV Club Correspondence  
**SUBJECT:** **AMENDMENT TO THE USE OF OFF-ROAD VEHICLES BY-LAW NO. 20-80**

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### **Recommendation:**

**THAT Report No. PW-22-57 entitled “Amendment to the Use of Off-Road Vehicles By-Law No. 20-80” be received;**

**AND THAT the effective term of By-law No. 20-80 be extended by a period of three (3) years to allow the continuance of the operation of Off-road Vehicles on specified highways within the Township.**

### **Background:**

The Township’s “Off-Road Vehicles” By-law No. 20-80 allows for Off-Road Vehicle use on the Township road segments identified on the attached map. Item 3 of By-law No. 20-80 indicates that the allowable term of the “Off-Road Vehicle” By-law shall cease to be in force on December 31, 2022.

The Talbot Trail ATV Club (“TTATV”) has requested that By-law No. 20-80 be extended for a further three (3) years to allow the continuance of the operation of off-road vehicles (“ORVs”) on specified Township highways which connect the TTATV’s trail network.

### **Comments/Analysis:**

The primary purpose of the identified road segments on the attached map is to permit the TTATV the ability to expand its trail network. Access to the Township’s roads is not intended to promote ORV use on Township Roads. The by-law is structured to limit ORV use to site-specific roads under restricted conditions.

Consistent with past consultation, the OPP Detachment does not support un-regulated ORV use on municipal roads because of catastrophic concerns with hazardous speed and size variations compared with vehicular traffic, as well as enforcement issues. However, the OPP Detachment has confirmed that it has no issues with the allowance of the specified highway use as permitted in By-law 20-80.

Accordingly, and given the positive ongoing relationship between the Township and the TTATV, staff recommend extending the renewal period of the By-law by the requested timeline of three (3) years.

Such timeline extension allows the TTATV club continued uninterrupted use of the trail network, and allows Township Staff opportunity to regularly review the continued operations and use of the subject road segments allowed for use by the By-law.

During the development of the original program, Staff solicited the feedback of those residents who may be directly affected by the granting of the access. To date, staff have not received any complaints relating to the program, and accordingly such additional consultation has not been completed for this extension.

**Financial Implications to Budget:**

None.

**Relationship to Cultivating Malahide:**

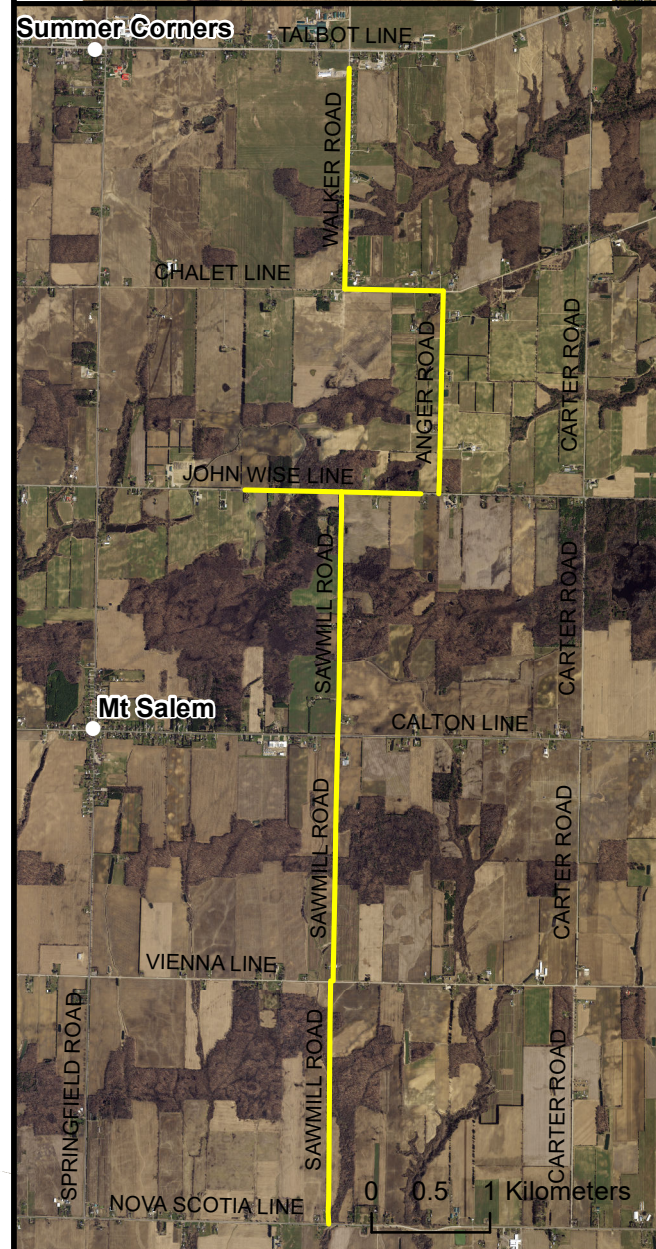
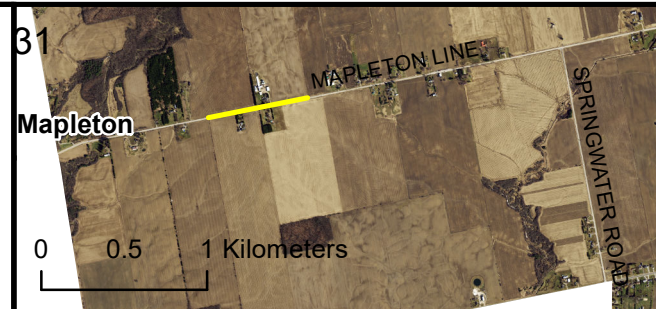
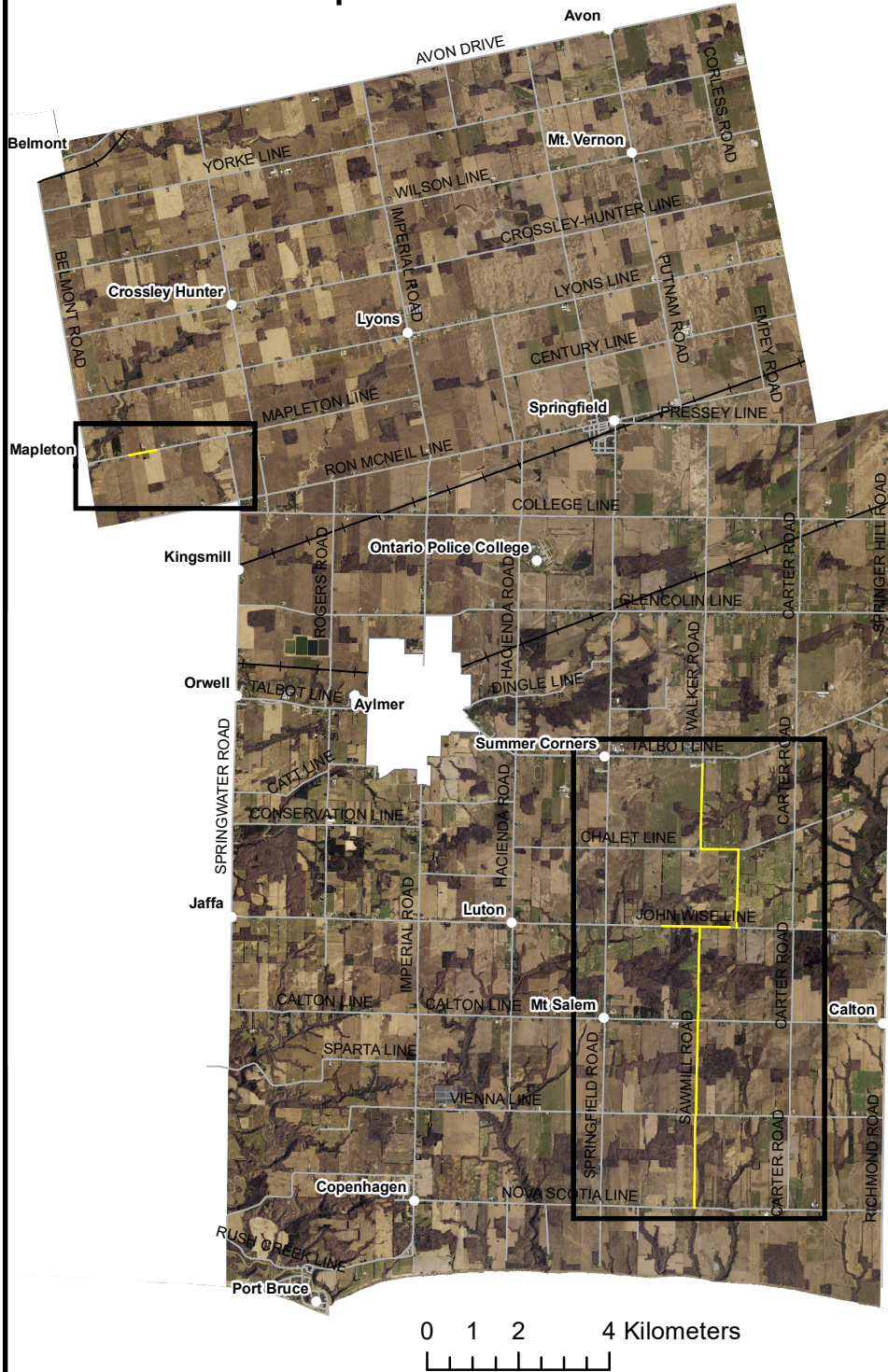
The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that support the “Our Community” Strategic Pillar is “Promote Community Development”. Building the internal capacity of community-based organizations and the private sector works to achieve this goal.

Submitted by:	Approved for Council:
Matt Sweetland, P.Eng. Director of Public Works	Adam Betteridge, Chief Administrative Officer



# Malahide Township



## Off Road Vehicle Use 2020

### Legend

— Off Road Vehicle Use





*Respect the Land**Enjoy the Ride*

April 12, 2022

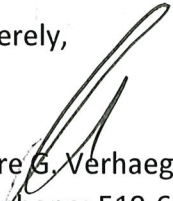
The Corporation of the Township of Malahide

I, Andre Verhaeghe, a member of the Talbot Trail ATV Club requests that the bylaw of allowing road riding on designated roads by the municipality be extended for 3 years. Allowing the members to use the roads makes it possible for the club to enjoy more safe places to ride.

I believe it is do for reconsideration this September.

We appreciate your past support.

Sincerely,

  
Andre B. Verhaeghe  
Cell phone: 519-636-1997  
Email: atvsafety@hotmail.com

Let me know  
if you received this



## Report to Council

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**REPORT NO.:** PW-22-60  
**DATE:** September 1, 2022  
**ATTACHMENT:** Response Letter for Port Bruce Provincial Park Work Permit—Aug 15, 2022  
**SUBJECT:** **FOLLOW UP REPORT: PORT BRUCE PROVINCIAL BEACH CLEAN-UP**

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### **Recommendation:**

**THAT Report No. PW-22-30 entitled “Follow Up Report: Port Bruce Provincial Beach Clean-up” be received.**

### **Background:**

At the regular Council Meeting held on June 16<sup>th</sup>, 2022 the following resolution was passed:

“No. 22-263  
 Moved By: Mark Widner  
 Seconded By: Rick Cerna

That Staff be directed to request Parks Ontario to allow the clearing and disposal of driftwood which has washed upon the Port Bruce Provincial Park Beach south of Imperial Road.

Carried”

Staff submitted the work permit request to Parks Ontario on June 17<sup>th</sup>, 2022.

### **Comments/Analysis:**

On August 15, 2022 staff received the enclosed response from Parks Ontario regarding this work permit request which, as noted, has been rejected recognizing that this year Parks Ontario cannot have any work completed on their beach property.

Staff will endeavor to review this consideration again in the spring of 2023 with Parks Ontario staff for any required clean up at that time, consistent with the mandated Provincial Parks and Conservation Reserves Act.

Additionally, Staff will continue to complete the annual clean up on the Township-owned portion of the beach each spring.

### **Financial Implications to Budget:**

There is no Financial Implication to the 2022 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.

One of the goals that support the “Our Land” Strategic Pillar relates to “Respecting our Natural Environment” Strategic Pillar and with this the partnership with Parks Ontario and their portion of Port Bruce beach relate to the goal of minimizing the encroachment on and preservation of natural lands.

Submitted by:	Approved by:	Approved for Council by:
Chris Cox Facilities Manager	Matt Sweetland, P.Eng., Director of Public Works	Adam Betteridge, Chief Administrative Officer



August 15, 2022

Chris Cox  
Facilities Manager, Township of Malahide  
87 John Street  
Aylmer, ON N5H 2C3

RE: Work permit application to conduct work on the shore lands of Port Bruce Provincial Park including beach maintenance and clearing of driftwood by the Township's forces (staff) using heavy equipment such as a backhoe/loader.

Dear Mr. Cox,

I have reviewed the work permit application submitted by the Township of Malahide dated June 17, 2022 proposing work on the shore lands of Port Bruce Provincial Park including beach maintenance and clearing of driftwood by township forces (staff) using heavy equipment such as a backhoe/loader.

Having reviewed the work permit application and project description, I hereby provide notice pursuant to subsection 3(2) of Ontario Regulation 345/07: Work Permits made under the *Provincial Parks and Conservation Reserves Act* (PPCRA) that I intend to refuse to issue a work permit for the Township's proposed work on the shorelands.

The PPCRA and regulations under it apply to the portion of the beach in Port Bruce Provincial Park. The work on the shore lands of Port Bruce Provincial Park including beach maintenance and clearing of driftwood by township forces (staff) using heavy equipment such as a backhoe/loader would result in the clearing of land and placement of any thing on provincial park land and the filling of shore lands and therefore requires a work permit pursuant to subsection 22(1) of the PPCRA. Ontario Regulation 345/07 under the PPCRA governs the issuance of work permits. Subsection 1(1) of that regulation provides:

1. (1) A Park Superintendent or Conservation Reserve Manager shall issue a work permit authorizing work to be performed in a provincial park or conservation reserve to any person who applies for the permit, unless he or she is of the opinion that the work for which the permit is required,
    - (a) is contrary to law;
    - (b) is inconsistent with or does not conform to,
      - (i) the management direction for a provincial park or conservation reserve,
      - (ii) a policy, procedure or directive of the Ministry; or
    - (c) is likely to create a threat to the environment, public safety or to a natural resource, including lands, waters and watercourses, forests, flora, wildlife and fisheries.
- O. Reg. 345/07, s. 1 (1).

I am of the opinion that the proposed work in the work permit application is both: (1) inconsistent with the management direction for Port Bruce Provincial Park, as per subclause 1(1)(b)(i), and:

(2) that the proposed work is likely to create a threat to the natural environment and to public safety, as per clause 1(1)(c). The following points explain the reasons for my decision.

- (a) The proposed work is inconsistent with the management direction for the provincial park. The Port Bruce Provincial Park Management Statement states:
- a. 5.1 Protection objective. The protection objective will be: To protect the natural beach.
  - b. Removing driftwood from the beach and foredune would be contrary to the objective of maintaining a natural beach.
- (b) The proposed work is likely to create a threat to the natural environment and to public safety.
- a. Removing the naturally deposited objects (driftwood) from the existing beach as proposed in the work permit is likely to create a threat to the environment as it would lead to the erosion of the beach thereby endangering plants that help stabilize the sand. Ecosystems whose processes can function naturally will be able to respond to climate change better than disturbed ecosystems will be able to.
  - b. Conducting a beach clean up in the summer months poses operational and safety concerns as a 200m+ portion of the beach would need to be closed, municipal heavy equipment would be required to remove buried driftwood and this work may leave large ruts and holes causing a safety hazard along this portion of the beach.

Pursuant to subsection 3(2) of Ontario Regulation 345/07, you have the opportunity to request a reconsideration of my intention to refuse the work permit. Should you wish to request my reconsideration, please submit the request to my attention, along with any additional information that you believe may be relevant to my decision by August 29, 2022. You would then be notified in writing of my final decision and provided information respecting next steps, including appeal opportunities and process.

If you wish to discuss this notice, please contact me by telephone at 519-874-4691 x221 or by e-mail at [rhonda.card@ontario.ca](mailto:rhonda.card@ontario.ca).

Sincerely,



Rhonda Card  
Park Superintendent  
Port Bruce Provincial Park



## Report to Council

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**REPORT NO.:** CLERK-22-10  
**DATE:** September 1, 2022  
**ATTACHMENT:** N/A  
**SUBJECT:** RESTRICTED ACTS AFTER NOMINATION DAY (LAME DUCK)

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### **Recommendation:**

**THAT Report No. CLERK-22-06 entitled “Restricted Acts after Nomination Day (Lame Duck)” be received.**

### **Background:**

At the regular meeting of Council held March 17, 2022 Council approved the following resolution:

“No. 22–111  
Moved By: Rick Cerna  
Seconded By: Dominique Giguère

THAT Report No. CLERK-22-06 entitled “Restricted Acts after Nomination Day and/or Election Day (Lame Duck)” be received;

AND THAT the Township of Malahide Council directs 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 complement 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.

Carried”

### **Comments/Analysis:**

Nomination Day for the 2022 municipal election closed on August 19, 2022 at 2:00pm.

The Clerk has since certified the list of unofficial candidates and the official list of candidates has been determined.

As the Township of Malahide Council is comprised of seven (7) members, the restricted acts clause would apply if fewer than six (6) incumbent Members of Council were to seek being elected for the 2022-2026 term. There are two (2) members of the current Council that have not filed for re-election. As such, the Township of Malahide is in a restricted acts period and Council is required to refrain from certain acts until its next term begins.

### **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.

Submitted by:	Approved by:
Allison Adams, Manager of Legislative Services/Clerk	Adam Betteridge, Chief Administrative Officer



## Report to Council

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**REPORT NO.:** DS-22-36

**DATE:** September 1, 2022 (Report submitted August 25, 2022)

**ATTACHMENT:** Application, Report Photo, Conditions

**SUBJECT:** **Application for Consent to Sever of Robert & Constance Foster, Application E 64-22**

**LOCATION:** Part Lot 8, Concession 6; RP 11R-6241 (Geographic Township of Malahide)

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### Recommendation:

**THAT Report No. DS-22-36 entitled “Application for Consent to Sever of Robert & Constance Foster” be received;**

**AND THAT the Application for Consent to Sever of Robert & Constance Foster, relating to the property located in Part Lot 8, Concession 6; RP 11R-6241 (Geographic Township of Malahide) be supported for the reasons set out in this Report;**

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

### Background:

The subject application (E-64-22) for Consent to Sever (the “Application”) has been submitted by Robert & Constance Foster, in order to enlarge an existing lot through the conveyance of lands for the purposes of creating an access to a landlocked parcel. No new lot is proposed to be created.

Robert & Constance Foster own two parcels of land that are divided by a former rail corridor. The rail corridor has since entered into private ownership, which has impacted their ability to access to one of the parcels. The applicants are proposing to have land conveyed to them that would allow for a permanent access to the property from Rogers Road.

The Application relates to the property located in Part Lot 8, Concession 6; RP 11R-

6241 (Geographic Township of Malahide). The County Land Division Committee has scheduled a Public Hearing for this application to be considered on September 28, 2022.

### **Comments/Analysis:**

The lands proposed to be severed comprise an area of approximately 0.4 hectares (0.9 acres) with a depth of approximately 216 metres and a frontage of approximately 19.6 metres on Rogers Road. The land proposed to be severed is vacant farmland. It is proposed that these lands be conveyed and added (merged in name and title) with the existing lot to the east.

The enlarged parcel is vacant agricultural land and does not have frontage on a municipal road. The enlarged parcel would have an area of approximately 28 hectares (69.1 acres). The effect of the boundary adjustment is to provide road frontage and an access to the property. No new lot is proposed to be created.

The lands proposed to be retained comprise an area of approximately 19.3 hectares (47.6 acres) with a depth of approximately 398.8 metres and approximately 700 metres of frontage on Rogers Road. The parcel is vacant farmland. The lands would remain in agricultural use, including productive farmland and mature woodlands.

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

The subject property is designated 'Agricultural Area' on Schedule 'A', Land Use Plan. Boundary adjustments are permitted in accordance with Section E1.2.3.2 of the Plan, provided that no new lot is created and the viability of the agricultural parcels are not affected. The proposed lot addition would not result in the creation of a new parcel.

### **Malahide Official Plan**

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Official Plan and the Zoning By-law. The proposed lot boundary adjustment is for the purposes of creating an access to a landlocked agricultural parcel. Both the retained lands and the enlarged parcel would meet the minimum lot area requirements. The enlarged parcel is proposed to have a frontage of 19.6 metres, whereas the By-law requires a frontage of 150 metres. It is recommended as a condition of approval that a Zoning By-law Amendment be submitted to permit a reduced lot frontage, as well as rezone the parcel to the 'Special Agricultural (A2)' zone to prohibit the construction of a dwelling to prevent potential impacts of a dwelling being constructed on surrounding agricultural lands.

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

The subject property is zoned General Agricultural (A1) on Schedule 'A', Map No. 61 to the Township Of Malahide Zoning By-law No. 18-22.

As previously indicated, the proposed enlarged lot would comprise an area of approximately 28 hectares (69.1 ac). Accordingly, the lands proposed to be severed and the existing lot to which they are being added would require a re-zoning to 'site-specific' Special Agricultural (A2-#) to recognize a new minimum lot frontage of 19.6 metres.

The lands proposed to be retained would readily satisfy the minimum lot area and lot frontage requirements (20 ha and 150 m respectively) of the A1 Zone and a re-zoning of this parcel is not required.

### **General Comments**

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application. The Development Services Staff has also considered comments provided (if any) by other internal departments.

As of the date of writing there have been no general comments received from the surrounding property owners.

### **Financial Implications to Budget:**

The full cost of the consent 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.

One of the goals that supports the "Our Land" Strategic Pillar is "Protect & Enhance Malahide's Agricultural Character". By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

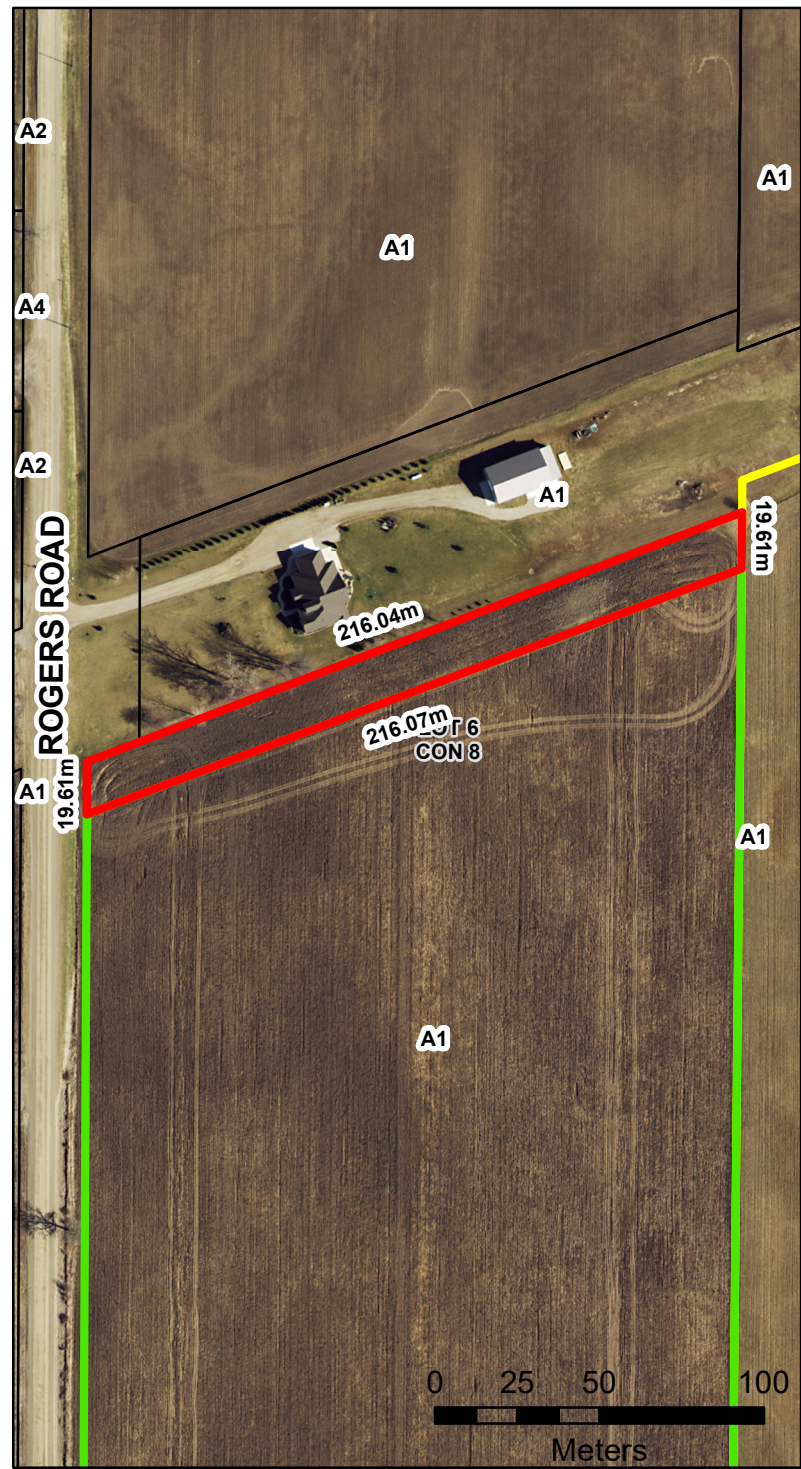
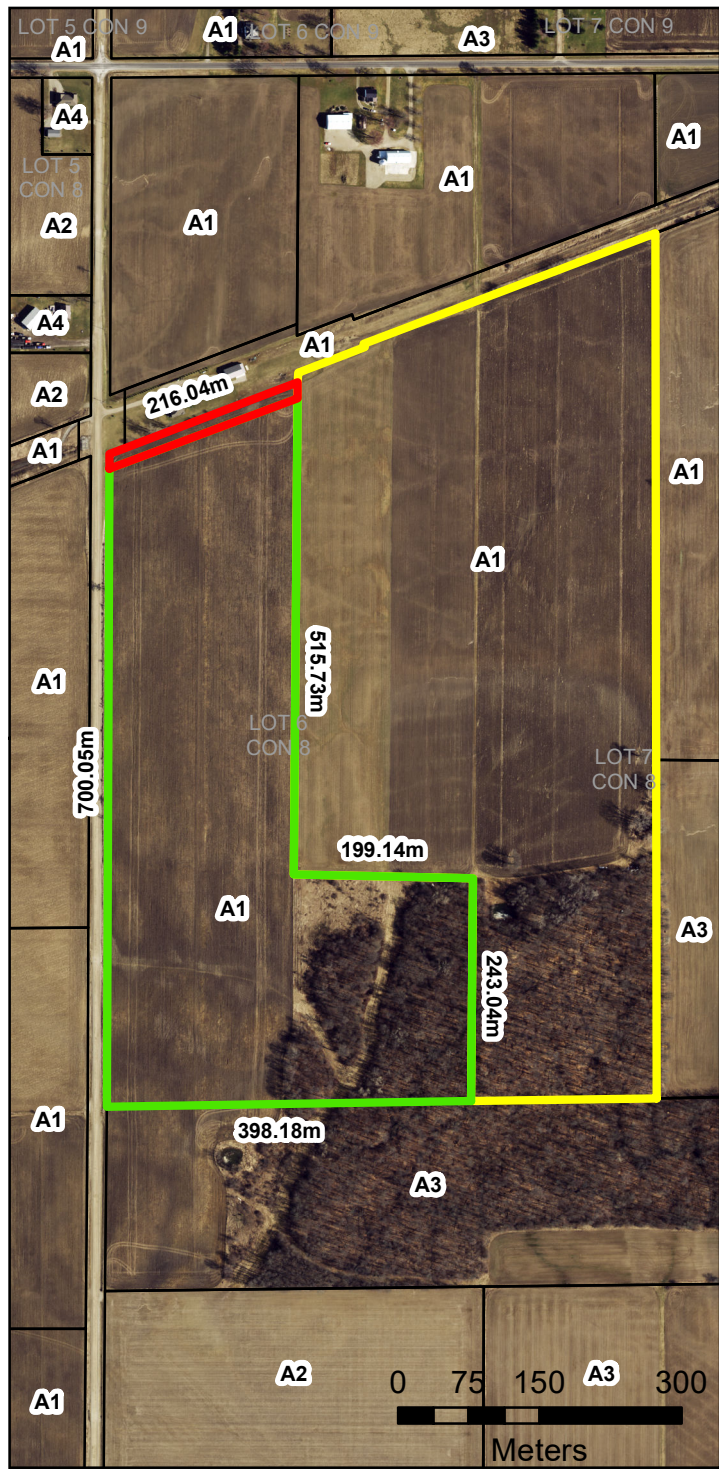
Approved by:
Adam Betteridge, Chief Administrative Officer



**APPLICATION FOR A CONSENT TO SEVER**  
**Doreen MacIntyre & James MacIntyre**  
**(Agent: Joseph M. Hentz)**



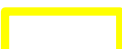
Part Lot 6, Concession 8, Part 2 Plan 11R-6241  
Township of Malahide

**Township  
of Malahide  
Figure 1**



**OFFICIAL PLAN DESIGNATION**  
Agriculture

**ZONING**  
A1 General Agricultural

-  Lands to be retained
-  Lands to be severed
-  Lands to which the severed lot will be conveyed as lot addition







### APPLICATION FOR CONSENT

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
2. (a) **Name of Owner** James MacIntyre Doreen MacIntyre  
 Address 50767 Yorke Line, R.R. # 1, Belmont, ON N0L 1B0  
 Telephone Number 519-269-3909 Email farmkids@execulink.com
2. (b) **Name of owner's solicitor or authorized agent** Joseph M. Hentz  
 Address 53 Front Street West, Strathroy, Ontario N7G 1X6  
 Telephone Number 519-640-6307 Email jhentz@lerner.ca
2. (c) **Name of Applicant** Robert Ian Foster & Constance Marie Foster  
 Address 48649 College Line, Aylmer, Ontario N5H 2R3  
 Telephone Number 519-773-8718 Email icfoster@amtelecom.net  
 Relationship to Owner: Purchasing Farmer (☒) Other (☐) please specify \_\_\_\_\_

Please specify to whom all communications should be sent:

Owner(s) (☒) Solicitor (☒) Agent (☐) Applicant (☒)

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

3. (a) Type and purpose of proposed transaction: (check appropriate space)
- |  |   |
|--|---|
| Transfer: <input type="checkbox"/> creation of a new lot<br><input checked="" type="checkbox"/> addition to a lot<br><input type="checkbox"/> <i>surplus farm dwelling**</i><br><input type="checkbox"/> technical severance<br><input type="checkbox"/> other (specify) _____ | Other: <input type="checkbox"/> mortgage/charge<br><input type="checkbox"/> lease<br><input type="checkbox"/> easement/R.O.W.<br><input type="checkbox"/> correction of title |
|--|---|

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

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

Robert Ian Foster & Constance Marie Foster

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

Robert Ian Foster & Constance Marie Foster - 60 ft wide strip to allow access to Pt Lot 6-7 Conc 8 lying south of Canada Southern Railway Company, Malahide Twp. being Roll # 34 08 000 040 05900 0000

## 4. (a) Location of land:

Municipality Malahide Twp Concession No. 8  
 Lot(s) No. Pt Lot 6 Registered Plan No. 11R-6241, Part 2  
 Name of Street Rogers Road Street No. and/or 911 No. \_\_\_\_\_  
 Assessment Roll No. 34 08 000 040 05800 0000

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

Yes (☐) No (☒) If Yes, describe the easement or covenant and its effect:  
 \_\_\_\_\_

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

Frontage 19.61 m Depth 216.04 m Area 0.4 ha  
 Existing Use agricultural Proposed Use access to adjacent farm property owned by Fosters

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

Existing none

Proposed none

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

Frontage 700.05 m Depth 398.18 m irregular Area 19.31 ha  
 Existing Use agricultural Proposed Use agricultural

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

Existing none

Proposed none

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

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

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

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

45

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

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

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

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

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

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

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

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

11. When will water supply and sewage disposal services be available?  
not required

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

13. What is the existing Zoning designation(s) of the subject land?  
General Agricultural (A1)

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

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

---

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

---

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

Yes ☐

No ☒

- (b) If the answer to (a) is Yes, please indicate previous severances on the required sketch and supply the following information for each lot severed:

Who the severance was granted to

---

Use of parcel

---

Date parcel created (Year)

---

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

Yes ☐

No ☒

If Yes, provide the previous severance File No.

---

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

Yes ☒

No ☐

i) Now used for livestock?

Yes ☐

No ☒

ii) Capable of being used for livestock?

Yes ☒

No ☐

N/A

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

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

Yes ☐

No ☒

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

Yes ☐

No ☒

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

---

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

Yes ☐

No ☒

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

---

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

Yes ☒

No ☐

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

Section 2.3.4.2 allows for legal or technical lot adjustments in prime agricultural area.

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

Yes ☐

No ☒

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

---

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

Yes ☒

No ☐

Enter date of consultation and contact person

April 14, 2022 Jay McGuffin and Adam Betteridge

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

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

27. DETAILED SKETCH:

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

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

that abuts the subject land;

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

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

this \_\_\_\_\_ day of June 16, 2022 20\_\_\_\_\_  
 (day) (month) (year)

DocuSigned by:

DocuSigned by:

Ian Foster

Connie Foster

B4008233F9354D4...

B4008233F9354D4...

SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

**AFFIDAVIT OR SWORN DECLARATION**

I/We Robert Ian Foster & Constance Marie Foster of the Municipality  
 (Applicant/Agent Name) (Municipality/Township/City/etc.)  
 of Aylmer in the County of Elgin  
 (Name of Municipality/Township/City/etc.) (County Name)

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

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

in the \_\_\_\_\_ this \_\_\_\_\_ day of June 16, 2022  
 (County/Region if applicable) (Day) (Month)  
 20 \_\_\_\_\_  
 (Year)

DocuSigned by:  
Ian Foster  
 B4008233F9354D4...  
 Signature

DocuSigned by:  
Connie Foster  
 B4008233F9354D4...  
 Signature

DocuSigned by:  
Joseph M. Hentz  
 F3E6B8CE3E674C9...  
 A Commissioner, etc.

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

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

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

**AUTHORIZATION TO APPOINT AN AGENT**

**NOTE:** This form is only to be used for applications, which are to be signed by someone other than the owner(s).

To: Secretary-Treasurer  
Land Division Committee  
Corporation of the County of Elgin

Description and Address of Subject Lands:

Pt Lot 6, Conc 8 being Pt 2 Plan 11R-6241, Malahide

Pt Lot 6, Conc 8 being Pt 2 Plan 11R-6241, Malahide

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

Joseph M. Hentz, Lerner's LLP of Township of Dutton Dunwich to:  
(Agents Name/Names) (Agents City/Town of Residence)

- (1) make an application on my behalf to the County of Elgin Land Division Committee;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Land Division Committee relevant to the application.

Please Print Names in Block Letters Below Signatures

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

this \_\_\_\_\_ day of June 16, 2022  
(Day) (Month) (Year)

James MacIntyre Doreen MacIntyre  
Name of Owner

DocuSigned by:  
James MacIntyre  
11A8C172EDE3429...

\_\_\_\_\_  
Name of Owner

DocuSigned by:  
Doreen MacIntyre  
11A8C172EDE3429...

\_\_\_\_\_  
Name of Owner

\_\_\_\_\_  
Signature of Owner

Joseph M. Hentz  
Name of Witness

DocuSigned by:  
Joseph M. Hentz  
F3E6B8CE3E674C9...





E64/22

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.



## Report to Council

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**REPORT NO.:** DS-22-42

**DATE:** September 1, 2022 (Report submitted August 25, 2022)

**ATTACHMENT:** Application, Report Photo, Conditions

**SUBJECT:** **Consent Application of William and Katherine DeSutter,  
(Authorized Agent: Simona Rasanu c/o SBM Limited)**

**LOCATION:** Part Lot 103, Concession STR, as in E199915 (Parcel 2) (52339 Talbot Line)

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### **Recommendation:**

**THAT Report No. DS-22-42 entitled “Consent Application of William and Katherine DeSutter” be received;**

**AND THAT the Application to Sever No. D10-E67-22 of William & Katherine DeSutter relating to the property located at Part Lot 103, Concession STR; and known municipally as 52339 Talbot Line, be supported for the reasons set out in this Report;**

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

### **Background:**

The subject Consent Application has been submitted by SBM Limited, on behalf of William & Katherine DeSutter, in order to sever a surplus farm dwelling from an agricultural parcel. A concurrent Zoning By-law Amendment application proposes to apply the necessary zoning required and would include site-specific provisions to recognize the front yard setback of the existing dwelling. The concurrent Zoning Amendment will be heard at a future Council meeting.

The Application relates to the property located at Part Lot 103, Concession STR, and known municipally as 52339 Talbot Line.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on September 28, 2022.

### **Comments/Analysis:**

The subject property is approximately 20.8 hectares in area, has approximately 511 metres of frontage on Carter Road, and a depth of approximately 408 metres. The subject lands currently contain a single detached dwelling, two accessory sheds, a barn, two silos, and two solar panels. The subject lands are bounded to the north by Talbot Line, to the east by Carter Road, and by agricultural land to the south and west.

Based on the information provided by the owner's agent SBM Limited, the owners reside on the subject lands and have entered into a purchase and sale agreement to convey the agricultural land to a bona fide farmer, who owns and resides on another farm parcel. The existing dwelling on the subject lands would be surplus to the purchasing farmer's needs as a result of farm consolidation.

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

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

The existing dwelling would be surplus to the needs of the farmer that is to purchase the agricultural land. The proposed severed lot would not include land that is currently in agricultural production. The proposed Zoning Amendment would rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling.

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

The subject property is designated 'Agricultural Area' on Schedule 'A' – Land Use Plan of the County Official Plan. Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that development of a new residence is prohibited on any retained farmland (Section E1.2.3.4b).

The concurrent Zoning Amendment would address this requirement by rezoning the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling.

### **Malahide Official Plan**

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

Section 2.1.7 of the Official Plan permits lot creation for the severance of a dwelling provided that it has become surplus as a result of farm consolidation. The farmer intending to purchase the agricultural land owns and farms other land in the Municipality. Section 2.1.7 also requires additional criteria to be met, including that the existing dwelling be occupied for a minimum of ten years and a land use conflict is not created with agricultural operations in the surrounding areas (Section 2.1.7.1). The existing dwelling has been in existence for more than 10 years and is not anticipated to create a land use conflict with surrounding agricultural operations. Surplus farm dwelling severances are exempt from Minimum Distance Separation under Section 2.1.3 of the Official Plan.

The Official Plan requires that the severed parcel is able to be serviced by private sanitary waste disposal system and a potable water supply that is situated within the severed lot, is located within 100 metres of an opened travelled road, and the severed parcel is to be rezoned to a Special Agricultural zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law and the existing septic system and well are located within the lot boundaries. The proposed lot and existing dwelling are located within 100 metres of a public road. The related Zoning Amendment would rezone the severed lot to the 'Small Lot Agricultural (A4)' Zone, which is applied to lots created by consent to dispose of a surplus farm dwelling.

The proposed severed lot currently contains several existing accessory structures. The applicant is proposing to demolish the existing barn and silos as part of the application.

The Official Plan also requires that the proposed retained farm parcel be of suitable size to support agricultural uses, meet the provisions of the 'Special Agriculture (A2) Zone', and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4a, 2.1.7.4b, 2.1.7.4c). The proposed retained parcel meets the minimum lot area and frontage requirements of the By-law and the related Zoning Amendment would rezone the retained farm parcel to the 'Special Agricultural (A2) Zone' to prohibit the construction of a dwelling.

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

The subject property is zoned 'General Agricultural (A1)' on Schedule 'A', Map No. 31 of the Township of Malahide Zoning By-law No. 22-18. The related Zoning By-law Amendment proposes to rezone the retained parcel to 'Special Agriculture (A2)' to prohibit the construction of a dwelling on the farm parcel and the proposed lot would meet the minimum lot area and frontage requirements of the Zoning By-law.

As previously noted, the Zoning By-law Amendment application also proposes to rezone the severed parcel to 'Small Lot Agriculture Special (A4-XX)'. This zone is intended to be applied to lots that created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes.

## Public/Agency Comments Received

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, no comments from the general public or agencies have been received. Any comments submitted will be summarized and provided for the information of the Council/Public at the Public Meeting.

## Financial Implications to Budget:

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

## 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.

One of the goals that support the "Our Land" Strategic Pillar is "Protect & Enhance Malahide's Agricultural Character". By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

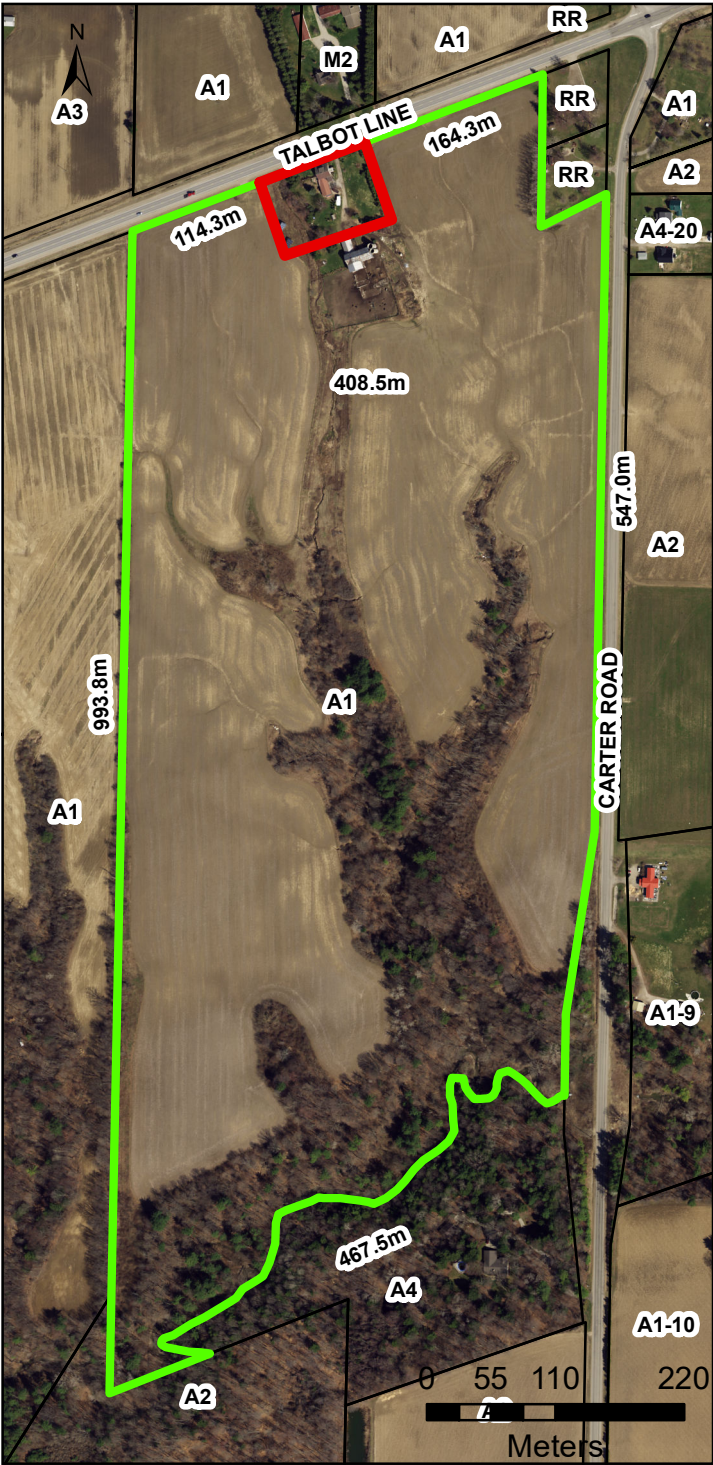


APPLICATION FOR A ZONING BY-LAW AMENDMENT & CONSENT TO SEVER

Bill and Kathy DeSutter  
(Agent: Simona Rasanu c/o SBM Ltd.)

52339 Talbot Line  
Part Lot 30, Concession 6 & Part Lot 103, Concession STR  
Township of Malahide

Township  
of Malahide  
Figure 1



OFFICIAL PLAN DESIGNATION  
Agriculture

ZONING  
A1 General Agricultural



Lands to be Retained and Rezoned to Special Agricultural (A2) Zone

Lands to be Severed and Rezoned to Small Lot Agricultural (A4) Zone





### APPLICATION FOR CONSENT

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
2. (a) **Name of Owner** William and Katherine DeSutter  
 Address 52339 Talbot Line, Aylmer, ON, N5H 2R1  
 Telephone Number 519-860-0532 (William) Email w.desutter@hotmail.com
2. (b) **Name of owner's solicitor or authorized agent** Strik Baldinelli Moniz Ltd. (c/o Simona Rasanu)  
 Address 1599 Adelaide St N, Unit 301, London, ON N5X 4E8  
 Telephone Number 519-471-6667 x 146 Email srasanu@sbmltd.ca
2. (c) **Name of Applicant** Renkema Family Farms Ltd. (c/o Klaas Renkema)  
 Address 312824 Dereham Line, Mount Elgin, Ontario N0J 1N0  
 Telephone Number 519-842-0982 (cell); (519) 877-0176 (home) Email renkema@execulink.com  
 Relationship to Owner: Purchasing Farmer (☒) Other (☐) please specify \_\_\_\_\_

Please specify to whom all communications should be sent:

Owner(s) (☒) Solicitor (☐) Agent (☒) Applicant (☒)

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

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

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

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

- (b) Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:  
Retained parcel (farmland portion) proposed to be transferred to Renkema Family Farms Ltd
- (c) If a lot addition, identify the assessment roll number and property owner of the lands to which the parcel will be added:  
NA



Legal description: PT LT 103 CON STR MALAHIDE AS IN E199915 (PARCEL 2) EXCEPT 11R3587, MALAHIDE

4. (a) Location of land:

Municipality \_\_\_\_\_ Concession No. \_\_\_\_\_  
 Lot(s) No. \_\_\_\_\_ Registered Plan No. \_\_\_\_\_  
 Name of Street Talbot Line Street No. and/or 911 No. 52339  
 Assessment Roll No. 340800005003000

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

As per the owners, a sliver portion of Part 2 on Plan 11R-3587 on the southeast side of the subject land is an easement in favour of the Township of Malahide, although it doesn't appear to be registered on title. If the easement exists, it would continue to be part of the retained parcel and would not be impacted by the proposed severance.

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

Frontage 97 m Depth 65.6 m Area 6,360.4 m<sup>2</sup>  
 Existing Use Residential portion of subject land Proposed Use Residential  
 Number and use of buildings and structures on the land to be severed:  
 Existing Single detached dwelling, two small sheds, two solar panels  
 Proposed Same

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

Frontage 278.6 m Depth 993.8 m Area 35.8 ha  
 Existing Use Agricultural Proposed Use Agricultural  
 Number and use of buildings and structures on the land to be retained:  
 Existing Old mill/barn, two silos  
 Proposed The above accessory structures are proposed to be demolished.

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

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

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

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

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

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated piped water system	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Privately owned and operated individual well **	( <input checked="" type="checkbox"/> )	( <input type="checkbox"/> ) None
Privately owned and operated communal well **	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Lake or other water body	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Other means (specify)	_____	_____

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

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

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

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated sanitary sewage system	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Privately owned and operated individual septic Tank **	( <input checked="" type="checkbox"/> )	( <input type="checkbox"/> ) None
Privately owned and operated communal septic System **	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Other means (specify)	_____	_____

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

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

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

Not Applicable

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

Elgin County OP: Agricultural Area; Malahide OP: Agriculture

---

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

A1 (General Agriculture)

---

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

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

---

15. If this application is a re-submission of a previous consent application, describe how it has been changed from the original application  
Not Applicable
- 

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

Yes ☐ No ☐ Unknown

- (b) If the answer to (a) is Yes, please indicate previous severances on the required sketch and supply the following information for each lot severed:

Who the severance was granted to \_\_\_\_\_

Use of parcel \_\_\_\_\_

Date parcel created (Year) \_\_\_\_\_

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

Yes ☐ No ☐ Not Applicable

If Yes, provide the previous severance File No.

---

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

Yes ☐ No ☐

i) Now used for livestock?

Yes ☐

No ☐

ii) Capable of being used for livestock?

Yes ☐

No ☐

MDS calculation is not relevant as the existing dwelling would be on the severed parcel, not the retained parcel.

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

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

Yes ☐

No ☒



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

Yes ☐

No ☒

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

---

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

Yes ☒

No ☐

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

Concurrent zoning by-law application submitted.

---

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

Yes ☒

No ☐

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

Please see attached Planning Justification Report

---

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

Yes ☐

No ☒

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

---

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

Yes ☒

No ☐

Enter date of consultation and contact person

June 21, 2022 - Christine Strupat, Township of Malahide

---

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

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

27. DETAILED SKETCH:

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

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

that abuts the subject land;

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

Please see Severance Sketch attached to the Planning Justification Report.

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

this 22nd day of July 20 22  
 (day) (month) (year)



SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

**AFFIDAVIT OR SWORN DECLARATION**

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

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


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

in the Middlesex this 22nd day of July  
 (County/Region if applicable) (Day) (Month)  
 20 22  
 (Year)

  
 Signature

\_\_\_\_\_  
 Signature

**KEVIN ANDREW MONIZ,**  
 a Commissioner, etc., Province of Ontario,  
 for Strik, Baldinelli, Moniz Ltd.  
 and SBM Geomatics Ltd.  
 Expires November 30, 2023.

  
 A Commissioner, etc.

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

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

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



### AUTHORIZATION TO APPOINT AN AGENT

**NOTE:** This form is only to be used for applications, which are to be signed by someone other than the owner(s).

To: Secretary-Treasurer  
Land Division Committee  
Corporation of the County of Elgin

Description and Address of Subject Lands:

PT LT 103 CON STR MALAHIDE AS IN E199915 (PARCEL 2) EXCEPT 11R3587, MALAHIDE

PT LT 103 CON STR MALAHIDE AS IN E199915 (PARCEL 2) EXCEPT 11R3587, MALAHIDE

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

SBM Ltd. (c/o Simona Rasanu) of City of London to:  
(Agents Name/Names) (Agents City/Town of Residence)

- (1) make an application on my behalf to the County of Elgin Land Division Committee;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Land Division Committee relevant to the application.

Please Print Names in Block Letters Below Signatures

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

this 22nd day of July 20 22  
(Day) (Month) (Year)

Bill DeSutter

Name of Owner

Bill DeSutter

Signature of Owner

KATHY DESUTTER

Name of Owner

K. DeSutter

Signature of Owner

Name of Owner

Signature of Owner

Simona Rasanu

Name of Witness

SRasanu

Signature of Witness



**APPENDIX "A" PROCESS CHECKLIST**

**\*\* PLEASE NOTE: If any of the below steps are not completed, the application is subject to delays as per the Planning Act, R.S.O. 1990 c. P.13, as amended.**

- ☐ Pre-consult with Municipalities and applicable agencies.
- ☐ Submit one copy of Completed Application with fee of \$1250.00 payable to TREASURER, COUNTY OF ELGIN.
- ☐ Identification Signs: Two yellow signs will be sent to you by courier for posting on the portion of the lot to be severed. Failure to post signs will result in a delay of a decision from the Land Division Committee. Check frequently to ensure that the signs are in place.
- ☐ Notice of Hearing: At least fourteen (14) days prior to the date of the hearing you will receive a "Notice of Application" with the date and time when the severance will be heard.
- ☐ Hearing: The Land Division Committee will consider the application(s) and submissions by all interested parties regarding the severance. The Committee will make a decision immediately following the hearing of the application.
- ☐ Decision: A Notice of Decision will be forwarded within fifteen (15) days after the date of the Hearing.
- ☐ Conditions: A one-year time limit after the date of decision to obtain the consent stamp on the deed(s) is generally imposed and other conditions may be imposed.
- ☐ Appeal Period: A twenty (20) day appeal period from the giving of the notice of Decision during which any person or public body may appeal the decision and/or conditions imposed by the Committee to the Local Planning Appeal Tribunal. After the appeal period, notice will be sent advising that either no appeals were received or that the application has been appealed.
- ☐ If Appealed: A notice of appeal setting out the reasons for the appeal is forwarded to the Secretary-Treasurer of the Land Division Committee, with a cheque payable to the Minister of Finance for \$300.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Notice of Appeal must be received within the twenty (20) day appeal period. A copy of an appeal form is available from the LPAT website at [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) or for pick-up at the County Municipal Offices, 450 Sunset Drive, St Thomas.
- ☐ No Appeal: If no appeal is received, the decision is final and binding and the applicant is required to: a) Satisfy the conditions imposed by the Committee within one (1) year from the date of decision; b) Obtain the services of a land surveyor to survey the lands to be severed in accordance with the Decision; c) Obtain the services of a solicitor to prepare the necessary documents for certification; d) Submit the Transfer documents to the Secretary-Treasurer of the Land Division Committee for final certification; e) Register the documents at the Registry Office for the County of Elgin.
- ☐ Stamping of Deed: Signed Acknowledgement and Direction, Two (2) copies of the Transfer Document with Schedule Page for affixing the consent stamp, Two (2) copies of the Reference Plan (one (1) hardcopy and one (1) digital copy) and a fee of \$300.00.



## APPENDIX "B"

**Surplus Farm Dwelling Information Form**in Support of an Application for Consent under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

<b>1. Details of Subject Lands</b>			
Municipal Address 52339 Talbot Line			
Legal Description PT LT 103 CON STR MALAHIDE AS IN E199915 (PARCEL 2) EXCEPT 11R3587, MALAHIDE			
Lot Area (metric): 36.4 ha	Lot Frontage (metric): 375.6 m (along Talbot Line)	Lot Depth (metric): 547 m (along Carter Rd)	Year the surplus dwelling was constructed: Prior to 1977
Provide confirmation that the surplus dwelling is capable of human habitation, and that it is not a farm help house: <b>Habitable (existing owners live there) - not a farm help house</b>			
Is the proposed Surplus Farm Dwelling a result of farm consolidation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>2. Proposed Transaction</b>			
Identify the proposed transaction (i.e. the proposed severance) – to whom will the severed lot and retained agricultural lands be sold or conveyed to? Please include details on purchaser/purchasee <i>As per Agreement of Purchase and Sale dated April 22/22, Renkema Family Ltd. identified as the Applicant would be the Purchasing Farmer of the retained parcel who qualifies for farm consolidation. Severed parcel would be kept by the existing owners.</i>			
Identify how/why the dwelling is surplus to the needs of the owner due to farm consolidation <i>Dwelling is surplus to the needs of the Purchasing Farmer who qualifies for farm consolidation.</i>			
<b>3. Details of the Lands Farmed by the Person to whom the Dwelling is Surplus</b>			
To whom is the dwelling surplus?		<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Purchasing Farmer	
Total area of land farmed (metric): <b>76.9 ha</b>	Total area of farm land owned (metric): <b>56.7 ha</b>		
Identify the locations of all lands farmed by the owner: Property #1: 312824 Dereham Line, Mount Elgin, ON (AROLL 321101003024300) Property #2: Con 7 S PT Lot 13 (Mount Elgin) (no municipal address); AROLL 321101003024325			
<b>4. Farm Business Status</b>			
Is the farm property on which the surplus farm dwelling located eligible for the Farm Property Class Tax Rate Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Does the property owner have a valid Farm Business Registration Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide the Farm Business Registration Number:			
Does the purchasing farmer have a valid Farm Business Registration Number? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the Farm Business Registration Number: <b>747168516RT0001</b>			

**5. Principal Residence of the Owner**

Identify the location of the owner's principal residence:

**Owner: 52339 Talbot Line (see Purchasing Farmer details below)**

Does the owner own or rent their principal residence?

☒ Own☐ Rent

Does the owner own any other dwellings?

☐ Yes☒ No

If yes, identify the location of all other dwellings owned by the owner:

**PLEASE NOTE:**

If the purchasing farmer or owner cannot provide sufficient evidence as to their farm business status/status as a farmer, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee. Additionally, if the surplus farm dwelling criteria contained in the Official Plans of both Elgin County and the local municipality cannot be met, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee.

Purchasing Farmer principal residence: 312824 Dereham Line, Mount Elgin, Ontario N0J 1N0  
 Purchasing Farmer's principal residence is owned.

Purchasing Farmer has no other dwellings beyond principal residence identified above.





E67/22

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.



## Report to Council

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**REPORT NO.:** DS-22-43

**DATE:** September 1, 2022 (Report submitted August 25, 2022)

**ATTACHMENT:** Application, Report Photo, Conditions

**SUBJECT:** **Application for Consent to Sever of Henry Hiebert c/o SBM Limited, Application E-68-22**

**LOCATION:** Part Lot 33, Concession 4 S (Geographic Township of Malahide)

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### **Recommendation:**

**THAT Report No. DS-22-43 entitled “Application for Consent to Sever of Henry Hiebert” be received;**

**AND THAT the Application for Consent to Sever of Henry Hiebert (E-68-22), relating to the property located in Part Lot 33, Concession 4 S (Geographic Township of Malahide) be supported for the reasons set out in this Report;**

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

### **Background:**

The Consent application has been submitted to permit the conveyance of land from the subject property to the adjacent, undersized existing parcel.

The Application relates to the property located in Part Lot 33, Concession 4 S (Geographic Township of Malahide).

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on September 28, 2022.

### **Comments/Analysis:**

The lands proposed to be severed comprise an area of approximately 1,882.3 m<sup>2</sup> (0.46 acres) with a depth of approximately 59.8 metres and a frontage of approximately 31.5 metres on Calton Line. The land proposed to be severed is vacant land. It is proposed that these lands be conveyed and added (merged in name and title) with the existing lot to the east.

The enlarged parcel is a residential parcel that contains an existing single detached dwelling and two accessory structures. The enlarged parcel would have an area of approximately 3,679 m<sup>2</sup> (0.9 acres). The effect of the boundary adjustment is to enlarge an existing undersized lot.

The proposed retained parcel comprises an area of approximately 7,775.1 m<sup>2</sup> (47.6 acres) with a depth of approximately 59.8 metres and approximately 128.3 metres of frontage on Calton Line. The retained parcel is a small lot agricultural parcel used for residential purposes and contains an existing dwelling and two accessory structures.

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

The subject property is designated 'Agricultural Area' on Schedule 'A', Land Use Plan. Boundary adjustments are permitted in accordance with Section E1.2.3.2 of the Plan, provided that no new lot is created and the viability of the agricultural parcels are not affected. The proposed lot addition would not result in the creation of a new parcel and would not impact the viability of surrounding agricultural lands.

### **Malahide Official Plan**

The subject property is designated 'Agriculture', on Schedule 'A' - Land Use Plan. Lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with Section 8.7.1.7, provided they comply with the applicable requirements of the Official Plan and the Zoning By-law. The proposed lot boundary adjustment is for the purposes of enlarging an existing undersized parcel. No new lot is proposed to be created. The well and private septic systems for both the retained land and the enlarged parcel would be located on separate lots and continue to use existing accesses onto Calton Line.

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

The subject property is zoned 'Rural Residential (RR)' on Schedule 'A', Map No. 61 to the Township of Malahide Zoning By-law No. 18-22. The parcel proposed to be enlarged is zoned 'Small Lot Agricultural (A4)'. Therefore, if the proposed consent is approved, the enlarged parcel would have multiple zones on the same lot. Therefore, a concurrent Zoning By-law Amendment application has been filed to rezone the entirety of the proposed enlarged parcel to the A4 zone, as well as recognize existing reduced front yard and side yard setbacks to the existing dwelling. The Zoning By-law Amendment will be heard at a future public meeting.

The lands proposed to be retained would satisfy the minimum lot area and lot frontage requirements of the RR zone.



## General Comments

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application. The Development Services Staff has also considered comments provided (if any) by other internal departments.

As of the date of writing there have been no general comments received from the surrounding property owners.

## Financial Implications to Budget:

The full cost of the consent 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

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

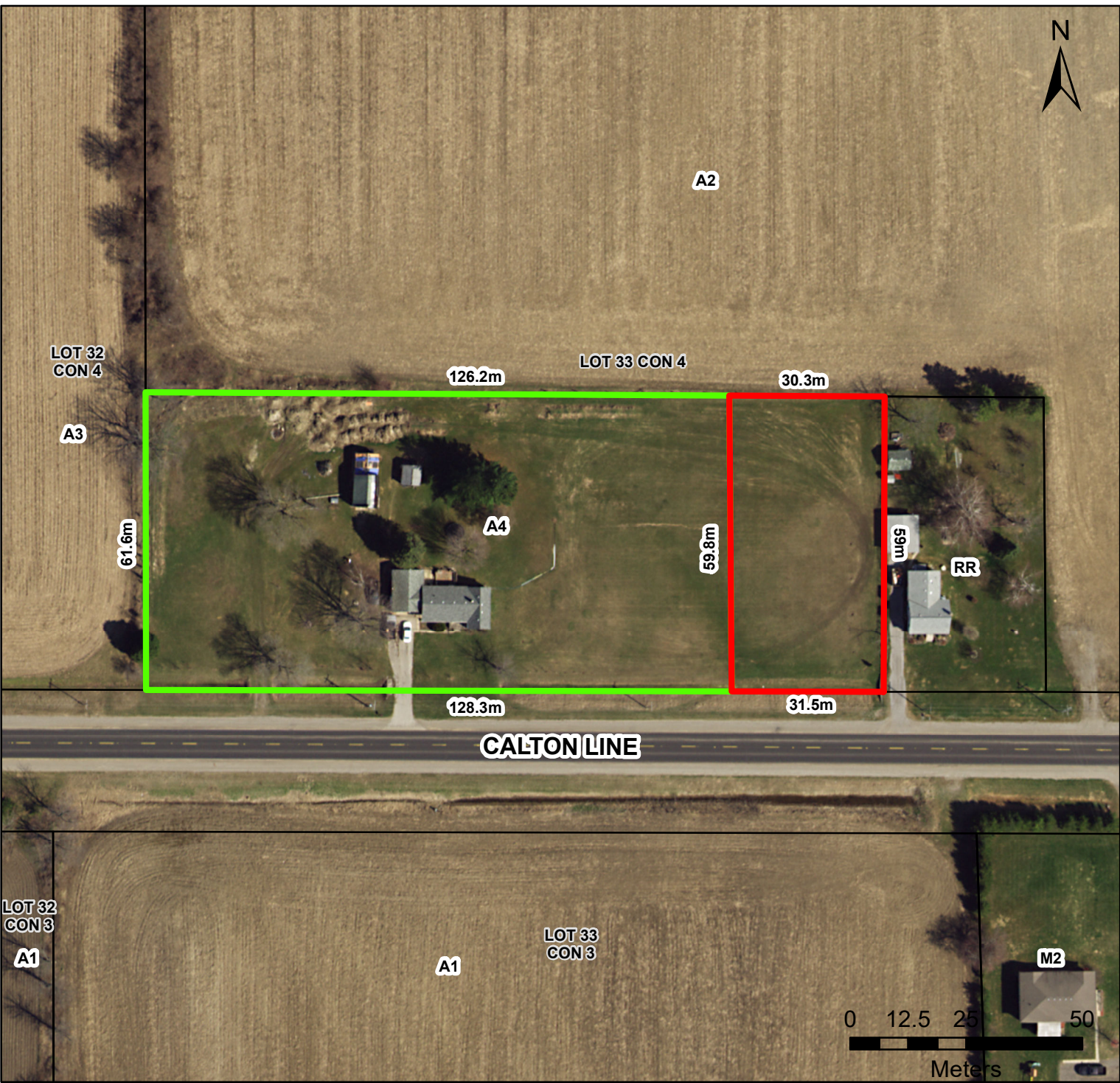
Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A ZONING BY-LAW AMENDMENT & CONSENT TO SEVER

Henry Hiebert (53008 Calton);  
Shawn Morgan George Senior & Roslyn Anne Snior (53052 Calton)  
(Agent: Simona Rasanu c/o SBM Ltd.)

53008 and 53052 Calton Line  
Part Lot 33, Part of Concession 4 South  
Township of Malahide

Township  
of Malahide  
Figure 1



OFFICIAL PLAN DESIGNATION  
Agriculture

ZONING  
A4 Small Lot Agricultural



Lands to be Retained



Lands to be Severed and Rezoned Rural Residential (RR) Zone





Please see attached document listing contact information for owners of abutting 53052 Calton Line property.

### APPLICATION FOR CONSENT

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
2. (a) **Name of Owner** Henry Hiebert (owner of 53008 Calton Line)  
 Address 54701 Vienna Line, Port Burwell, ON, N0J 1T0  
 Telephone Number 519-520-8516 Email henryz89hiebert@gmail.com
2. (b) **Name of owner's solicitor or authorized agent** SBM Ltd. (c/o Simona Rasanu)  
 Address 1599 Adelaide St N Unit 301, London, ON N5X 4E8  
 Telephone Number 519-471-6667 x 146 Email srasanu@sbmltd.ca
2. (c) **Name of Applicant** Dan Hiebert  
 Address 54761 Vienna Line, Port Burwell, ON N0J 1T0  
 Telephone Number 519-983-1530 Email dannyhiebert8@gmail.com  
 Relationship to Owner: Purchasing Farmer (☐) Other (☒) please specify Brother of 53008 Calton Line owner

Please specify to whom all communications should be sent:

Owner(s) (☐) Solicitor (☐) Agent (☒) Applicant (☒)

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

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

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

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

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

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

340800002021600; Shawn Morgan George Senior & Roslyn Anne Senior

## 4. (a) Location of land:

Municipality Malahide Concession No. CON 4 S  
 Lot(s) No. PT LOT 33 Registered Plan No. \_\_\_\_\_  
 Name of Street Calton Line Street No. and/or 911 No. 53008  
 Assessment Roll No. 340800002021500

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

Yes ☐ No ☐ If Yes, describe the easement or covenant and its effect:  
None known

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

Frontage 31.5 m Depth 59.8 m (longest) Area 1,882.3 m<sup>2</sup>  
 Existing Use side yard Proposed Use side yard

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

Existing None

Proposed None

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

Frontage 128.3 m Depth 61.6 m (longest) Area 7,775.1 m<sup>2</sup>  
 Existing Use Residential Proposed Use Residential

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

Existing Single-detached dwelling & attached garage; two sheds

Proposed Same as above - no changes proposed to buildings

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

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

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Provincial Highway	<input type="checkbox"/> <b>Reference to</b>	<input type="checkbox"/>
Municipal road, maintained all year	<input checked="" type="checkbox"/> <b>53052 Calton</b>	<input checked="" type="checkbox"/>
Municipal road, seasonally maintained	<input type="checkbox"/> <b>Line property.</b>	<input type="checkbox"/>
Other public road	<input type="checkbox"/>	<input type="checkbox"/>
Right Of Way	<input type="checkbox"/>	<input type="checkbox"/>
Water access	<input type="checkbox"/>	<input type="checkbox"/>

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



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

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated piped water system	<input type="checkbox"/> Reference to 53052 Calton	<input type="checkbox"/>
Privately owned and operated individual well **	<input checked="" type="checkbox"/> Line property.	<input checked="" type="checkbox"/>
Privately owned and operated communal well **	<input type="checkbox"/>	<input type="checkbox"/>
Lake or other water body	<input type="checkbox"/>	<input type="checkbox"/>
Other means (specify)	_____	_____

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

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

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated sanitary sewage system	<input type="checkbox"/> Reference to 53052 Calton	<input type="checkbox"/>
Privately owned and operated individual septic Tank **	<input checked="" type="checkbox"/> Line property.	<input checked="" type="checkbox"/>
Privately owned and operated communal septic System **	<input type="checkbox"/>	<input type="checkbox"/>
Other means (specify)	_____	_____

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

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

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

NA - already available

---

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

Elgin County Official Plan: Agricultural Area; Malahide Official Plan: Agriculture

---

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

Small Lot Agricultural (A4)

---

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

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

---

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

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

Yes ☐ No ☐ Unknown

- (b) If the answer to (a) is Yes, please indicate previous severances on the required sketch and supply the following information for each lot severed:

Who the severance was granted to \_\_\_\_\_

Use of parcel \_\_\_\_\_

Date parcel created (Year) \_\_\_\_\_

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

Yes ☐ No ☐

If Yes, provide the previous severance File No.

---

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

Yes ☐ No ☒

i) Now used for livestock? Yes ☐ No ☐

ii) Capable of being used for livestock? Yes ☐ No ☐

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

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

Yes ☐ No ☒



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

Yes ☐

No ☒

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

---

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

Yes ☒

No ☐

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

Concurrent ZBA application is being submitted; file number to be assigned.

---

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

Yes ☒

No ☐

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

Please see attached Planning Justification Report.

---

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

Yes ☐

No ☒

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

---

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

Yes ☒

No ☐

Enter date of consultation and contact person

April 22/22; MONTEITH BROWN PLANNING CONSULTANTS (c/o Eric Steele).

---

25. The Owner/Applicant/Agent hereby authorizes Land Division Committee members and the Corporation of the County of Elgin staff to enter onto the subject property for the purpose of Site inspections with respect to this application.
26. The Owner/Applicant/Agent hereby consents to disclosure of the information contained in this Application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

27. DETAILED SKETCH: **Attached to Planning Justification Report.**

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

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



that abuts the subject land;

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

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

this 2nd day of August 20 22  
 (day) (month) (year)

SPRASA

SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

**AFFIDAVIT OR SWORN DECLARATION**

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

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

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

in the County of Middlesex this 2nd day of August  
 (County/Region if applicable) (Day) (Month)  
 20 22  
 (Year)

  
 Signature

\_\_\_\_\_  
 Signature

  
 A Commissioner, etc.

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

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

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

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

12





**STRIK  
BALDINELLI  
MONIZ**

PLANNING • CIVIL • STRUCTURAL • MECHANICAL • ELECTRICAL

# PLANNING JUSTIFICATION REPORT

## 53008 CALTON LINE, MALAHIDE

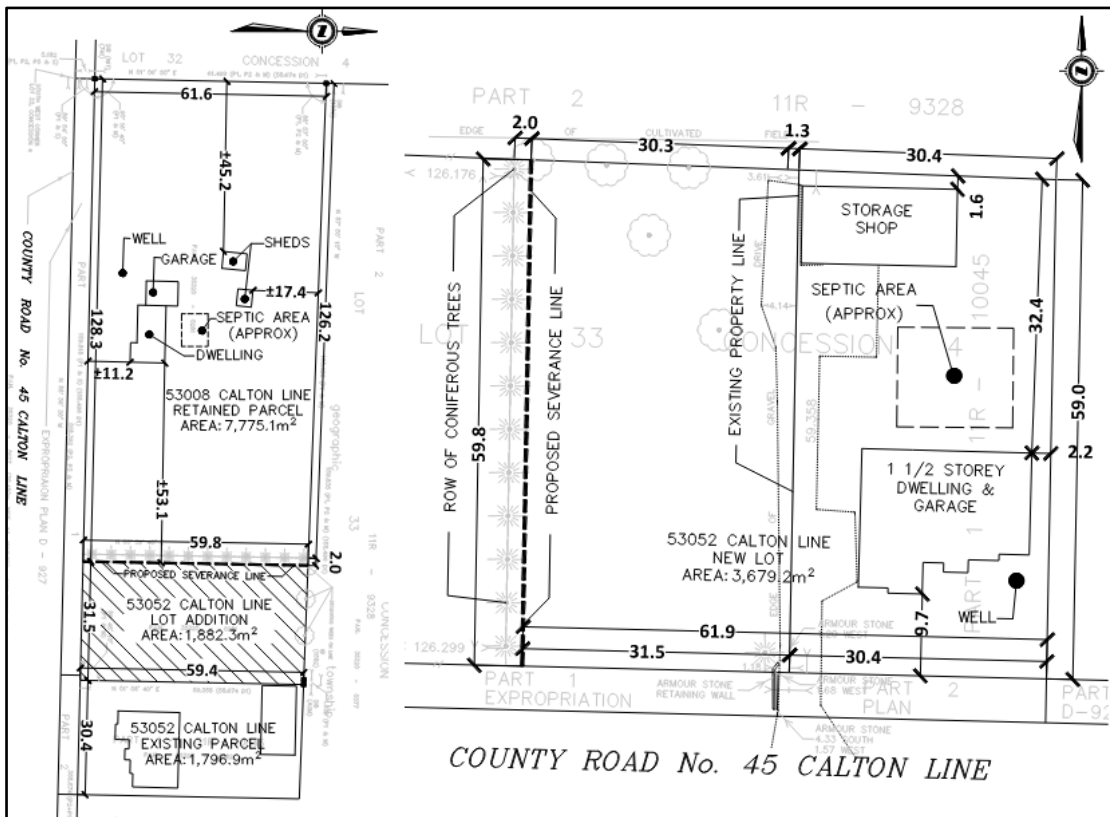
PROPOSED ZONING BY-LAW AMENDMENT AND CONSENT TO SEVER APPLICATIONS  
TO PERMIT A LOT ADDITION

Prepared for:  
Dan Hiebert  
54761 Vienna Line  
Port Burwell, ON N0J 1T0

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

SBM-22-0360

August 2022





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3 August 2022

SBM-22-0360

Chloe Cernanec, Development Services Technician/Assistant Planner  
Township of Malahide  
87 John Street South  
Aylmer, ON N5H 2C3

#### **RE: Planning Justification Report – 53008 Calton Line, Malahide, Elgin County**

Strik, Baldinelli, Moniz Ltd. has been retained by Dan Hiebert (the “Applicant”) to prepare and submit Zoning By-law Amendment and consent to sever applications for the property municipally addressed as 53008 Calton Line located in southeast Malahide to permit a lot addition and consolidation with the abutting property municipally identified as 53052 Calton Line.

This report provides a review and analysis of the applicable relevant policies in support of the proposed Zoning By-law Amendment and consent applications, which are being submitted concurrently. The consent application will be submitted to Elgin County, as required. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

#### **Strik, Baldinelli, Moniz Ltd.**

Planning • Civil • Structural • Mechanical • Electrical

Simona Rasanu, RPP, MCIP  
Planner

## **TABLE OF CONTENTS**

1	Introduction.....	1
2	Site Description.....	1
3	Surrounding Context .....	1
4	Development Proposal .....	1
5	PLANNING FRAMEWORK.....	2
5.1	Existing Planning Framework .....	2
5.2	Required Planning Applications.....	2
5.3	<i>Planning Act</i> .....	2
5.4	Provincial Policy Statement (2020).....	3
5.5	Elgin County Official Plan.....	3
5.6	Malahide Official Plan.....	6
5.7	Zoning Analysis and Proposed Zoning By-law Amendment .....	6
6	Closing .....	8

## **APPENDIX A – Figures**

<b>Figure 1.</b>	Subject Property Key Map (Source: Elgin Mapping) .....	9
<b>Figure 2.</b>	Aerial View of Subject Property (Source: Elgin Mapping) .....	9
<b>Figure 3.</b>	Aerial view of Subject Property and abutting property addressed as 53052 Calton Line (Source: Elgin Mapping) .....	10
<b>Figure 4.</b>	Elgin County Official Plan land use designation: <i>Agricultural Area</i> (Source: Schedule 'A' Land Use) .....	10
<b>Figure 5.</b>	Malahide Official Plan land use designation - <i>Agriculture</i> (Source: Schedule 'A' Land Use).....	11
<b>Figure 6.</b>	Existing zones for the Subject Property (A4) and the abutting property (RR) (Source: Map No. 77, Malahide Zoning By-law).....	11

## **Appendix B – Lot Addition Sketch**

## **Appendix C – Pre-Application Consultation Meeting Summary (email received April 29/22)**

## **1 INTRODUCTION**

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

This report demonstrates that the applications are in keeping with Provincial, County and municipal land use planning policies, are suitable for the subject lands, and would be compatible with neighbouring land uses. This report and associated appendices, plans and materials are intended to comprise a “Complete” Application and are reflective of the discussions and correspondence that have been held prior to this formal submission.

## **2 SITE DESCRIPTION**

The subject property municipally addressed as 53008 Calton Line (the “Subject Property”) is located on the north side of Calton Line, between Carter Road and Richmond Road in southeast Malahide, Elgin County (see **Figure 1** in Appendix A). It is a rectangular parcel with an existing lot area of 9,657.4 square metres and a lot frontage of 160 metres.

As shown on **Figure 2** and the Lot Addition Sketch in Appendix B (the “Lot Addition Sketch”), the lot is improved with a one-storey detached house with an attached garage and two permanent accessory structures (i.e., two sheds used for personal storage). Notwithstanding the agricultural land use designations and A4 (Small Lot Agricultural) Zone, the lands and structures are not being used for agricultural purposes – the existing residential use has continued for at least 10 years, according to the Applicant. A title search was not able to identify how the Subject Property was created.

## **3 SURROUNDING CONTEXT**

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

## **4 DEVELOPMENT PROPOSAL**

A lot addition (i.e., lot boundary adjustment) severance is proposed whereby a vacant land portion of the Subject Property corresponding to a lot frontage of 31.5 metres and a lot area of 1,882.3 square metres would be severed and added to the abutting property to the east - 53052 Calton Line. The purpose of the proposed severance is to



enhance the western side yard of 53052 Calton Line, which is currently deficient in the minimum side yard setback on the west side of the existing building (see **Figure 3** in Appendix B).

As shown on the Lot Addition Sketch, the retained parcel corresponding to the new 53008 Calton Line property is proposed to have a lot area of 7,775.1 square metres, while the enhanced 53052 Calton Line property would have a lot area of 3,679.2 square metres. Both parcels would continue to have access from Calton Line. Both properties have private septic systems and water wells which are not impacted by the proposed lot addition – see the Lot Addition Sketch for approximate locations. The septic area and water well servicing the Subject Property would continue to be entirely within the boundaries of the retained parcel. Inspection reports for the septic systems and water wells for both properties, as well as bacteriological tests for the water wells, are included in the consent application submission package. The documents did not indicate any concerns with these systems. Both properties would continue to be used for residential purposes (the “Severance Proposal”).

## **5 PLANNING FRAMEWORK**

### **5.1 Existing Planning Framework**

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

### **5.2 Required Planning Applications**

A consent application is required to sever a portion of the Subject Property to be consolidated with the 53052 Calton Line property. The proposed boundary adjustment requires a Zoning By-law Amendment application to rezone the lands to be severed from Agricultural (A4) Zone to the Rural Residential (RR) Zone (i.e., the same zone as 53052 Calton Line). Further details will be provided below in the zoning analysis section of this report.

### **5.3 *Planning Act***

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

The Severance Proposal is a minor lot boundary adjustment to increase and enhance the side yard of the abutting property (i.e., 53052 Calton Line). No land use changes are proposed as both properties would continue to be used for residential purposes. The lot area of the retained parcel is almost four times the Malahide Zoning By-law required lot area so the Subject Property is not adversely impacted by the proposed reduction in lot size. The Severance Proposal conforms to 51(24) of the *Planning Act*.

#### 5.4 Provincial Policy Statement (2020)

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

Although the Subject Property is designated “Agricultural Area” by the Elgin County Official Plan and “Agriculture” by the Malahide Official Plan, it has been used exclusively for residential purposes for at least 10 years, according to the Applicant.

Section 2.3.4 of the PPS deals with lot creation and lot adjustments in areas identified as “prime agricultural areas”. Notwithstanding the residential use of the Subject Property, it is surrounded by agricultural uses and abuts active farm properties to the north and west.

The Severance Proposal is defined as “technical” by the PPS as it involves a minor boundary adjustment and does not result in the creation of a new lot. Policy 2.3.4.2 states the following with respect to these types of severances: “Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*” (original italics). The proposed severed parcel would add additional side yard and amenity space to the western side of the abutting property at 53052 Calton Line and the retained parcel would continue to be suitable for its residential use. In summary, the Severance Proposal is consistent with the PPS.

#### 5.5 Elgin County Official Plan

The Township of Malahide is one of seven municipalities within Elgin County. The County Official Plan (Schedule ‘A’ Land Use) designates the Subject Property as “Agricultural Area” (see **Figure 4** in Appendix A). The Subject Property does not appear to be subject to any natural heritage designations as per Appendix #1 Natural Heritage Features and Areas of the County Official Plan.

The Severance Proposal can be characterized as a “boundary adjustment” severance and Section E1.2.3.2 deals with this type of severance. It states the following:

*A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected.*

Response: The Severance Proposal proposes a severed parcel with an area of 1,882.3 square metres to be added to the abutting property at 53052 Calton Line to increase its side yard and amenity space. The area of the severed parcel represents 19% of the existing lot area of the Subject Property and would enhance the viability of the 53052 Calton Line property. Furthermore, as the retained parcel would still be 7,75.1 square metres, the Severance Proposal would have no negative impact on its viability as a residential use. The Severance Proposal would also not affect any of the nearby properties being used for agricultural purposes.

Regarding land severances in the Agricultural Area designation, Section E1.2.3.4 states that “[c]onsents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.”

Section E1.2.3.1 outlines general criteria for consent applications. Although this section is more relevant for consents that seek to create new lots, the criteria will be outlined and responses provided.

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

Response: The Severance Proposal would have no impact on the existing accesses to the affected properties from Calton Line, also known as County Road No. 45, and identified as a County Minor Arterial on Schedule ‘B’ Transportation of the Elgin Official Plan.

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

Response: Further to the above response, the Subject Property and the abutting property at 53052 Calton Line would have continued access to a County Road – this is an existing condition that would not be affected by the Severance Proposal. No new access routes are proposed.

*c) will not cause a traffic hazard;*

Response: The Severance Proposal is not proposing a new lot with a new driveway/access and would have no impact on traffic conditions.

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

Response: As shown on the Lot Addition Sketch, there are no lot area or lot frontage deficiencies for either of the affected properties. Furthermore, the lot area of the retained parcel is almost four times the minimum lot area and the lot frontage is over four times the minimum lot frontage for the A4 Zone.

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

Response: A Zoning By-law Amendment application is required and will be submitted concurrently to ensure the severed parcel (i.e., the lot addition lands) has the same zone as the 53052 Calton Line property. There are no new zoning deficiencies created because of the Severance Proposal. The only deficiency identified on the Lot Addition Sketch with respect to the retained parcel is a front yard depth (i.e., 11.2 metres versus a required minimum of 15.0 metres). This is an existing condition for the house, which was constructed approximately 70 years ago, and would be characterized as legal non-conforming. The 53052 Calton Line property, enhanced with the proposed severed parcel, appears to have a minor deficient front yard depth of 9.7 metres vs the required 10.0 metres, as well as an interior side yard setback of 2.2 metres, whereas a minimum of 3.0 metres is required. These are also existing conditions and are not the result of the Severance Proposal.

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

Response: The Lot Addition Sketch identifies the approximate locations of the existing private water well and septic area for both the Subject Property and the abutting 53052 Calton Line property. As the septic tank and water well inspection reports included in the consent submission package indicate, there are no concerns with the existing servicing and the Severance Proposal would have no impact on the existing servicing.

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

Response: The Severance Proposal would have no impact on the area drainage patterns.

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

Response: The Severance Proposal would conform to this criterion.

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

Response: This criterion is not applicable as neither of the affected properties have identified natural heritage features.

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

Response: The Severance Proposal would have no negative impact on the quality and quantity of area groundwater.

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

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

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

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

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

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

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

## 5.6 Malahide Official Plan

The Subject Property is designated Agriculture in the Malahide Official Plan (Schedule 'A1' Land Use) (see **Figure 5** in Appendix A).

As previously mentioned, although the Subject Property is designated Agriculture, it has been used exclusively for residential purposes for at least 10 years. Section 2.1.6 outlines land division policies for lands designated Agriculture but they are not applicable to the Severance Proposal for the following reasons:

- a) No new lots are proposed by the Severance Proposal.
- b) The retained parcel is currently being used for residential purposes and this use is proposed to continue.
- c) The area of the retained parcel significantly exceeds the minimum lot size prescribed in the Malahide Zoning By-law for the A4 Zone.
- d) MDS 1 is not applicable, as per Section 8 of *The Minimum Distance Separation (MDS) Document*.

Section 2.1.7 also does not apply to the Severance Proposal as it relates to farm consolidation and the severance of surplus farm dwellings.

Policy 8.7.1.7 states the following with respect to consent proposals that do not result in the creation of new lots:

*Consents for lot adjustments, lot additions, minor boundary changes, easements and rights-of-way, or correction of title are permitted in any land use designation, provided the severed and retained parcels comply with the other applicable requirements of this Plan, and the Zoning By-law.*

The Severance Proposal is a minor boundary change/adjustment lot addition to enhance the side yard of the lands at 53052 Calton Line abutting the Subject Property. The proposed retained and severed parcels comply with the minimum lot area and lot frontage standards of the Malahide Zoning By-law and do not conflict with any policies of the Malahide Official Plan.

## 5.7 Zoning Analysis and Proposed Zoning By-law Amendment

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

and the abutting property to be enlarged through the proposed lot addition is zoned RR (Rural Residential) (see **Figure 6** in Appendix A).

The A4 Zone applies to areas designated Agriculture in Malahide's Official Plan and parcels ranging in size from 4,000 square metres to 1 hectare (10,000 square metres). The Subject Property has an existing lot area of 9,657.4 square metres and would be reduced to a lot area of 7,775.1 square metres. The intent of the A4 Zone is the following:

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

The RR Zone applies to residential lots designated Agriculture in the Official Plan where the lot size is generally less than 4,000 square metres. The existing lot area of 53052 Calton Line is 1,796.9 square metres and the new proposed lot area would be increased to 3,679.2 square metres. Note that the existing lot area for 53052 Calton Line is based on underlying survey information and does not match the lot area provided by Elgin County through its Elgin Mapping website.

The Malahide Zoning By-law states the following about the RR Zone:

*The Rural Residential (RR) Zone applies to residential lots designated 'Agriculture' in the Township's Official Plan where the size of such lots does not generally exceed 4,000 square metres (approximately 1 acre). Permitted uses are restricted to single unit dwellings and converted dwellings. Bed and breakfast establishments, home occupations and other accessory uses are also permitted. The RR zone is also applied, depending on lot size, to a new lot being created by consent for the purposes of disposing a surplus farm dwelling. Within the RR zone, the minimum lot area is 2000 sq m (0.5 acres). Unlike the Small Lot Agricultural (A4) zone, the keeping of livestock is not permitted.*

Since the Subject Property and the abutting 53052 Calton Line property are in two separate zones, a Zoning By-law Amendment application is proposed and was also confirmed by the municipal planning consultant through the pre-application consultation process. The proposed Zoning By-law Amendment application proposes to change the proposed lot addition (i.e., severed parcel) from the A4 Zone to the RR Zone so the consolidated 53052 Calton Line property would not be subject to two zones.

The Lot Addition Sketch shows zoning data charts for the retained parcel, as well as for the consolidated 53052 Calton Line property increased in area with the proposed lot addition. The zoning charts compare the zoning



regulations with the proposed/existing conditions. The deficiencies are identified with asterisks and a footnote is added stating special provisions may be required. Although the variances are not the result of the Severance Proposal, if they are not deemed to be legal non-conforming, they may be rectified through the Zoning By-law Amendment process.

## 6 **CLOSING**

Based on a review of the relevant policies and regulatory framework for the Subject Property, the proposed consent and Zoning By-law Amendment applications are justified for the following reasons:

- The Severance Proposal represents a lot addition/minor boundary adjustment of the Subject Property to enhance the side yard setback and amenity space of the abutting 53052 Calton Line property to the east. The creation of a new lot is not proposed.
- The Severance Proposal is consistent with the PPS and conforms with the Elgin County Official Plan and the Malahide Official Plan.
- Although the Severance Proposal does not create new zoning deficiencies/variances, a Zoning By-law Amendment application has been submitted to ensure the 53052 Calton Line property, which is proposed to be enhanced through the addition of the severed parcel, is not subject to two different zones. Furthermore, if the variances identified on the Lot Addition Sketch are not deemed legal non-conforming, they may be legitimized through this Zoning By-law Amendment process.

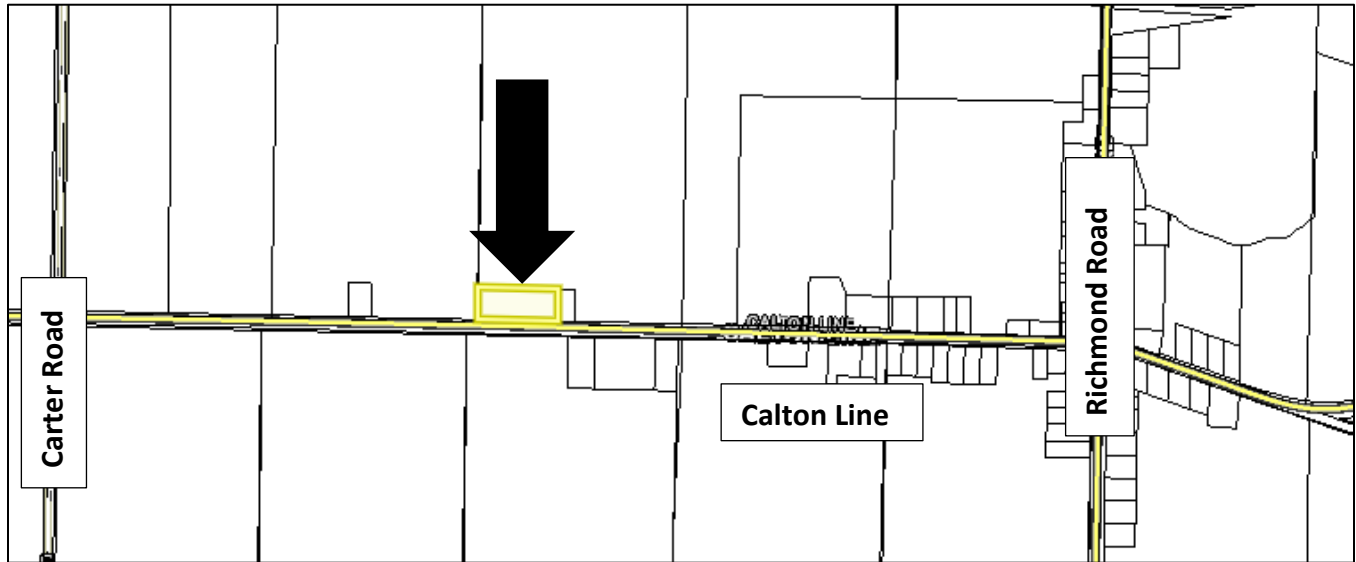
For the reasons noted above and throughout this report, the proposed consent and Zoning By-law Amendment applications represent sound land use planning practice.

### **Strik, Baldinelli, Moniz Ltd.**

Planning • Civil • Structural • Mechanical • Electrical



Simona Rasanu, RPP, MCIP  
Planner

**Appendix A: Figures 1-6**

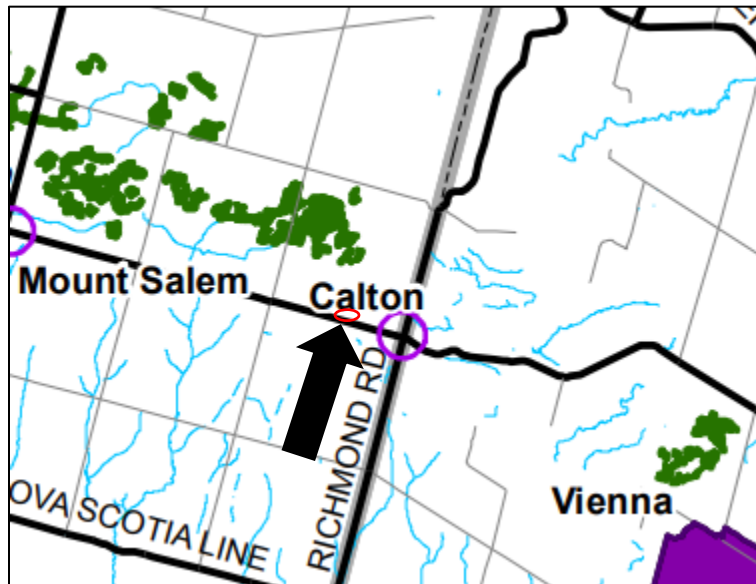
**Figure 1.** Subject Property Key Map (Source: Elgin Mapping)



**Figure 2.** Aerial View of Subject Property (Source: Elgin Mapping)



**Figure 3.** Aerial view of Subject Property and abutting property addressed as 53052 Calton Line (Source: Elgin Mapping)



**Figure 4.** Elgin County Official Plan land use designation: *Agricultural Area* (Source: Schedule 'A' Land Use)

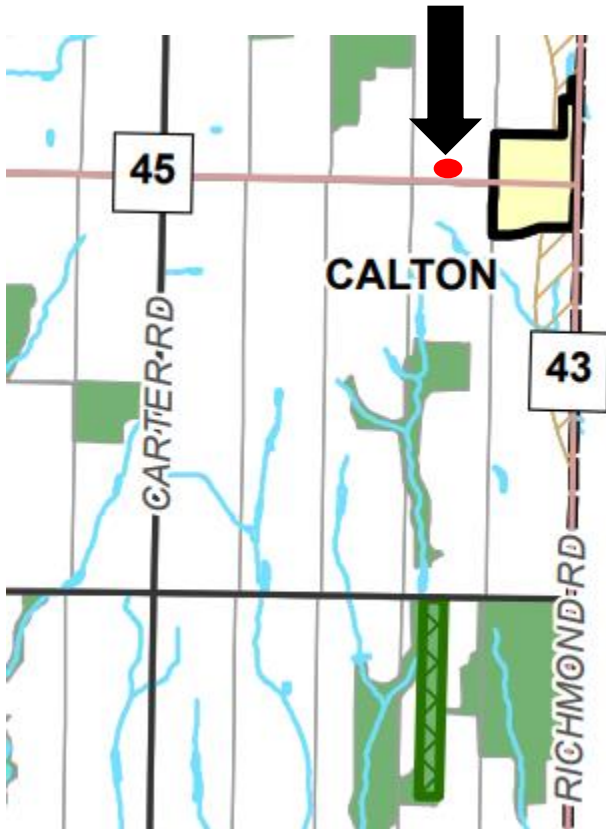


Figure 5. Malahide Official Plan land use designation - Agriculture (Source: Schedule 'A' Land Use)

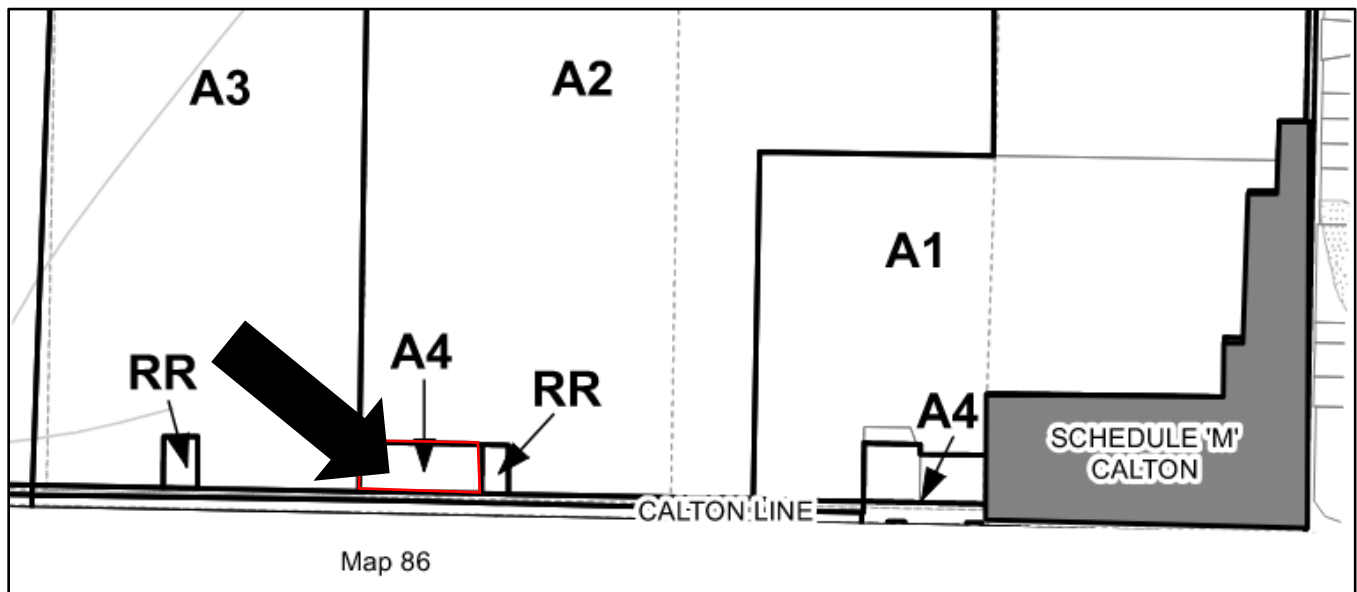


Figure 6. Existing zones for the Subject Property (A4) and the abutting property (RR) (Source: Map No. 77, Malahide Zoning By-law)





E68/22

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
3. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.





## Report to Council

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**REPORT NO.:** DS-22-45

**DATE:** September 1, 2022  
(Report submitted August 25, 2022)

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

**SUBJECT:** **Zoning By-law Amendment Application of Leverton Developments, (Authorized Agent: Matt Campbell c/o Zelinka Priamo Limited)**

**LOCATION:** Lot G, Concession South of Main Street, Registered Plan No. 18;  
(51403 Ron McNeil Line)

---

### Recommendation:

**THAT Report No. DS-22-45 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 APPROVED;**

### Background:

The Subject Zoning By-law Amendment Application (“the Application”) has been submitted by Zelinka Priamo Limited, on behalf of Leverton Developments, to apply the necessary zoning provisions required to permit a two-and-half-storey, six-unit rental apartment building on the above noted lands. The application proposes site-specific provisions for a reduced front yard setback of 1.0 metre where 6 metres is required and to permit a parking space coverage of 17.6% where the By-law requires a maximum of 15%.

The Application relates to the property located at Lot G, Concession South of Main Street, Registered Plan No. 18, and known municipally as 51403 Ron McNeil Line. A public meeting was held on July 7<sup>th</sup>, 2022. It is noted that in response to comments

raised at the public meeting, the application has been amended to reduce the height of the proposed building to comply with the maximum height requirement of the Zoning By-law. Notice of the Application was circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two issues of the Aylmer Express.

### **Comments/Analysis:**

The subject property is approximately 1,012 square metres in size, has approximately 24.7 metres of frontage on Ron McNeil Line, and a depth of approximately 41.6 metres. The subject lands currently contain a one-storey, single detached dwelling, a detached garage, and an accessory storage shed. The subject lands are bounded to the north by Ron McNeil Line, a laneway that provides access to Ron McNeil Line to the east, and one-storey, single detached dwellings to the south and west.

Based on the information provided with the application, the owner of the property is proposing to remove the existing dwelling and accessory buildings and construct a two-and-a-half storey, six-unit apartment building in its place. The proposal includes 12 parking spaces in the rear yard that would be accessed from the abutting laneway to the east for access to Ron McNeil Line. An accessory gazebo and garden area are also proposed as amenity space in the rear yard. The proposed development would be serviced by municipal sewer and a private well.

The Applicant proposes to rezone the property from 'Village Residential 1 (VR1)' to 'Village Residential 1 Special (VR1-5)', which proposes site-specific provisions for a reduced front yard setback of 1.0 metre where the Zoning By-law requires 6 metres and permit a parking space coverage of 17.6% where the By-law requires a maximum of 15%.

### **Elgin County Official Plan**

The subject lands are designated as 'Tier 1 Settlement Area' on Schedule 'A' of the County Official Plan. A range of uses are permitted under this designation. The character of residential areas is to be maintained and it is to be ensured that land uses are compatible and that a range of housing and density in new development areas is encouraged. (Section C1.1.1).

### **Malahide Official Plan**

The subject lands are designated 'Residential' on Schedule 'B' of the Official Plan. Residential areas are to be primary growth areas. This designation permits a range of residential uses including multi-unit developments. Proposed multi-unit development shall include walk-up apartments, have adequate off-street parking, be generally close to the Central Business District, target a density of 75 units per hectare, and enhance the quality of the residential area (Section 4.4.2.7). The proposed walk-up apartment would be a permitted use and the development proposes additional parking over what is required by the Zoning By-law. The proposed development would be within approximately 200 metres of the Central Business District and would be designed to enhance the streetscape. The proposed density is 60 units per hectare, which is slightly below but consistent with the targets within the Official Plan.

## **Malahide Official Plan**

The subject property is zoned 'Village Residential 1 (VR1) in the Township of Malahide Zoning By-law. The application proposes a Village Residential 1 – Special (VR1-5)' with site-specific provisions for a reduced front yard setback of 1.0 metre where 6 metres is required. The purpose of the front yard setback is to ensure adequate building separation from the street, as well as maintain the character of the built form in the area. It is noted that several of the existing dwellings have reduced front yard setbacks of less than 1.0 metre, and so the proposed reduced setback for the apartment building would be in keeping with the surrounding area. The application also proposes a minor increase in the parking space coverage of 17.6% where the By-law requires a maximum of 15%.

## **Public/Agency Comments Received**

A public meeting was held on July 7<sup>th</sup> and notice of Public Meeting was given in accordance with Planning Act regulations.

During the meeting, comments were received from the public raising concerns relating to the height of the proposed building and impacts to privacy, whether there is sufficient capacity for the servicing of the private well, traffic, lack of parking, and concerns relating to the use of the lane that abuts the subject property to the east for access. The proposed development concept has been revised to lower the height of the building from 13 metres to the 10.5 metres (which is the maximum permitted under the Zoning By-law) to reduce the impact on neighbouring properties and to be in greater conformity with the character of the surrounding area. The Servicing Brief provided with the application indicates that there would be sufficient capacity for water and wastewater and further details of servicing will be required at the time of Site Plan Control to ensure that there would be no negative impacts on water capacity. Sufficient parking would be provided as the proposed development includes more than the required number of parking spaces (a total of 2 parking spaces per unit provided where the By-law requires 1.25 spaces per unit). Staff have noted that the lane to the east is a municipal road allowance and the use and maintenance of the access will be addressed at the time of Site Plan Control.

Additional comments were received relating to impacts on property values and taxes; however, these have not been reviewed further in this report as they do not relate to land use planning matters.

The Catfish Creek Conservation Authority (CCCA) has no objections to the proposed application. CCCA has noted that any development within the regulated areas for the Simpson Drain will require a permit.

## **Financial Implications to Budget:**

The full cost of the rezoning 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.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A ZONING BY-LAW AMENDMENT

Leverton Developments Inc.

(Agent: Matt Campbell c/o Zelinka Priamo Ltd.)

51403 Ron McNeil Line

Plan 18, Lot G

Township of Malahide

Township  
of Malahide  
Figure 1



OFFICIAL PLAN DESIGNATION  
Residential

ZONING

VR1 Village Residential One Zone



Lands to be Rezoned from "Village Residential One (VR1) Zone"  
to "Site Specific Village Residential One (VR1-5) Zone"





**THE CORPORATION OF THE  
TOWNSHIP OF MALAHIDE  
BY-LAW NO. 22-48**

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

**Leverton Developments Inc/  
51403 Ron McNeil Line**

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

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

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

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

1. **THAT** the area shown identified on the attached map, Schedule "A", and described as Lot G, Plan 18, in the Township of Malahide, shall remain in the "Village Residential One (VR1) Zone" of By-law No. 18-22 and shall be subject to the added provisions of Section 6.4.5 of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "VR1-5" on Key Map D2 of Schedule "A" to By-law No. 18-22, as amended.
2. **THAT** By-law No. 18-22, as amended, is hereby further amended by amending Section 6.4 VILLAGE RESIDENTIAL ONE (VR1) ZONE – 'SITE-SPECIFIC' ZONES, by adding the following new subsection:

- 6.4.5** a) Defined Area  
VR1-5 as shown on Schedule "D", Map No. D2.
- b) Minimum Front Yard Depth  
Apartment Dwelling 1.0 m
- c) Notwithstanding the requirements of Section 4.24.7 c) of By-law No. 18-22 to the contrary, the lot coverage of the parking spaces in the VR1-5 zone shall not exceed 17.6% of the total lot area.

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

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

**READ** a **FIRST** and **SECOND** time this 1st day of September, 2022.

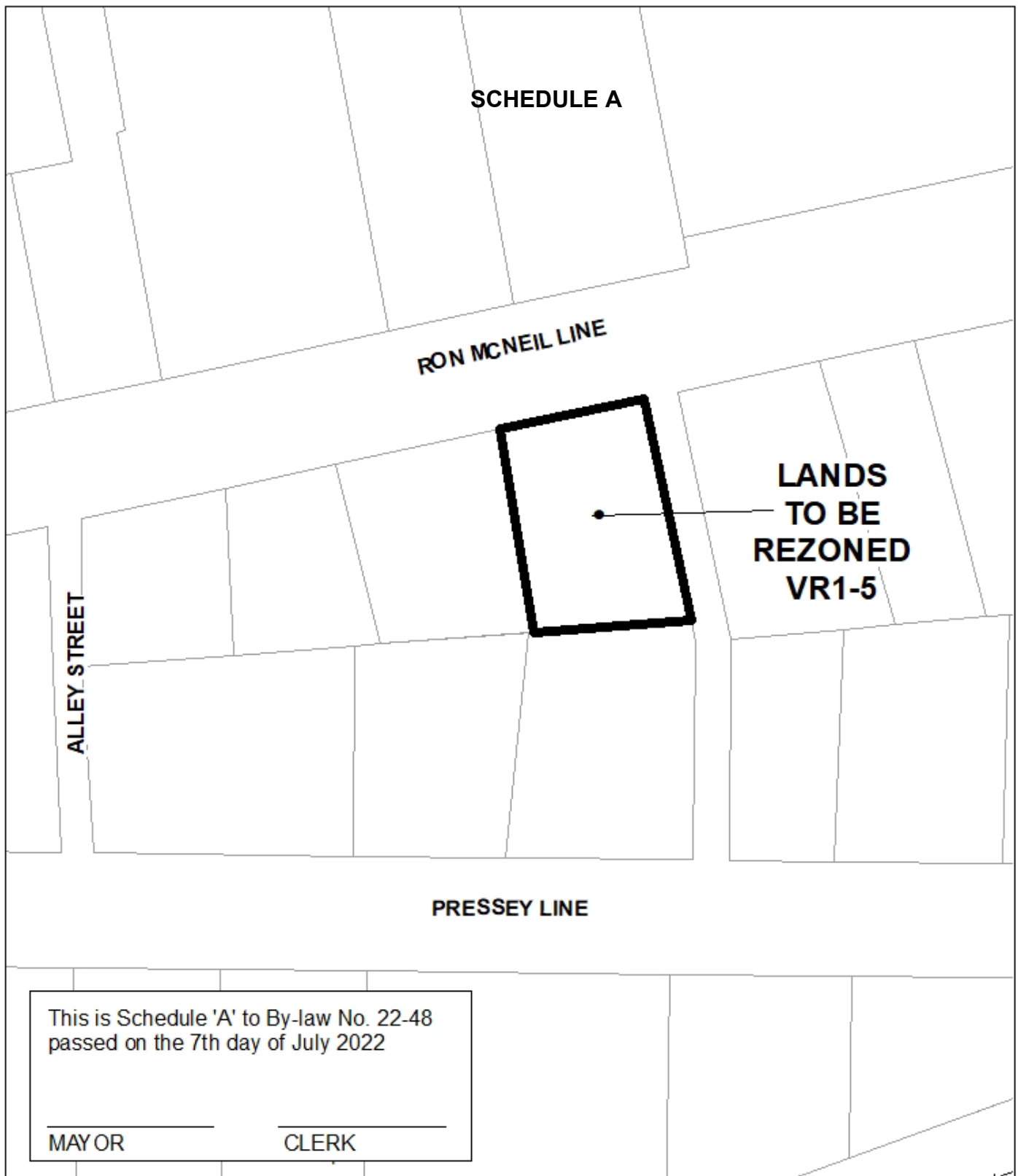
**READ** a **THIRD** time and **FINALLY PASSED** this 1st day of September, 2022.

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Mayor – D. Mennill

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Clerk – A. Adams





## Report to Council

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**REPORT NO.:** DS-22-44  
**DATE:** September 1, 2022  
**ATTACHMENT:** Site Plan drawing for approved file  
**SUBJECT:** **SITE PLAN CONTROL ACTIVITY REPORT**

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### Recommendation:

**THAT Report No. DS-22-44 entitled “Site Plan Control Activity Report” be received.**

### Background:

At its May 5<sup>th</sup>, 2022 meeting, Council passed a new site plan control by-law (no. 22-30) which, amongst other administrative adjustments, delegated approval of site plans to the Township CAO. In providing such delegated approval authority, Council also directed that a semi-annual site plan approval activity report be provided to Council.

### Comments/Analysis:

This is the first activity report since the May 5<sup>th</sup>, 2022 meeting, this given that the CAO has only recently approved the first site plan agreement.

### Site Plan Control Approvals:

1. Thames Valley District School Board  
(Agent: Arran Jeater, Stantec Consultants, London, ON)  
48614 Crossley Hunter Line (South Dorchester Public School)  
Approval Date: August 17<sup>th</sup>, 2022

Description of Development: The school requires changes to the parking areas in order to accommodate a planned increase in student and staff population, this being a temporary accommodation while a new school is being constructed at another site. The changes will address current parking and pick-up/drop-off traffic

issues on site, and help to restore traffic flow through the site to reduce issues with vehicles parked along Crossley Hunter Line. In the changed configuration, and as illustrated on the approved site plan (attached), buses will be directed to the rear of the school, with parent/caregiver drop-off/pick-ups occurring at the front.

The approval also provides for the placement of 6 school portables, this being in addition to the existing 2 portables on site. The Township's zoning by-law does not have a limit on school portables, except that they meet all requirements such as lot coverage and setbacks.

Necessary upgrades to the existing on-site sanitary system are being determined and addressed through a septic permit with the Building Department.

It is understood that once the new school is constructed, the school board's plan is to close this school.

### **Financial Implications to Budget:**

There are no implications to the Township Budget as a result of this report.

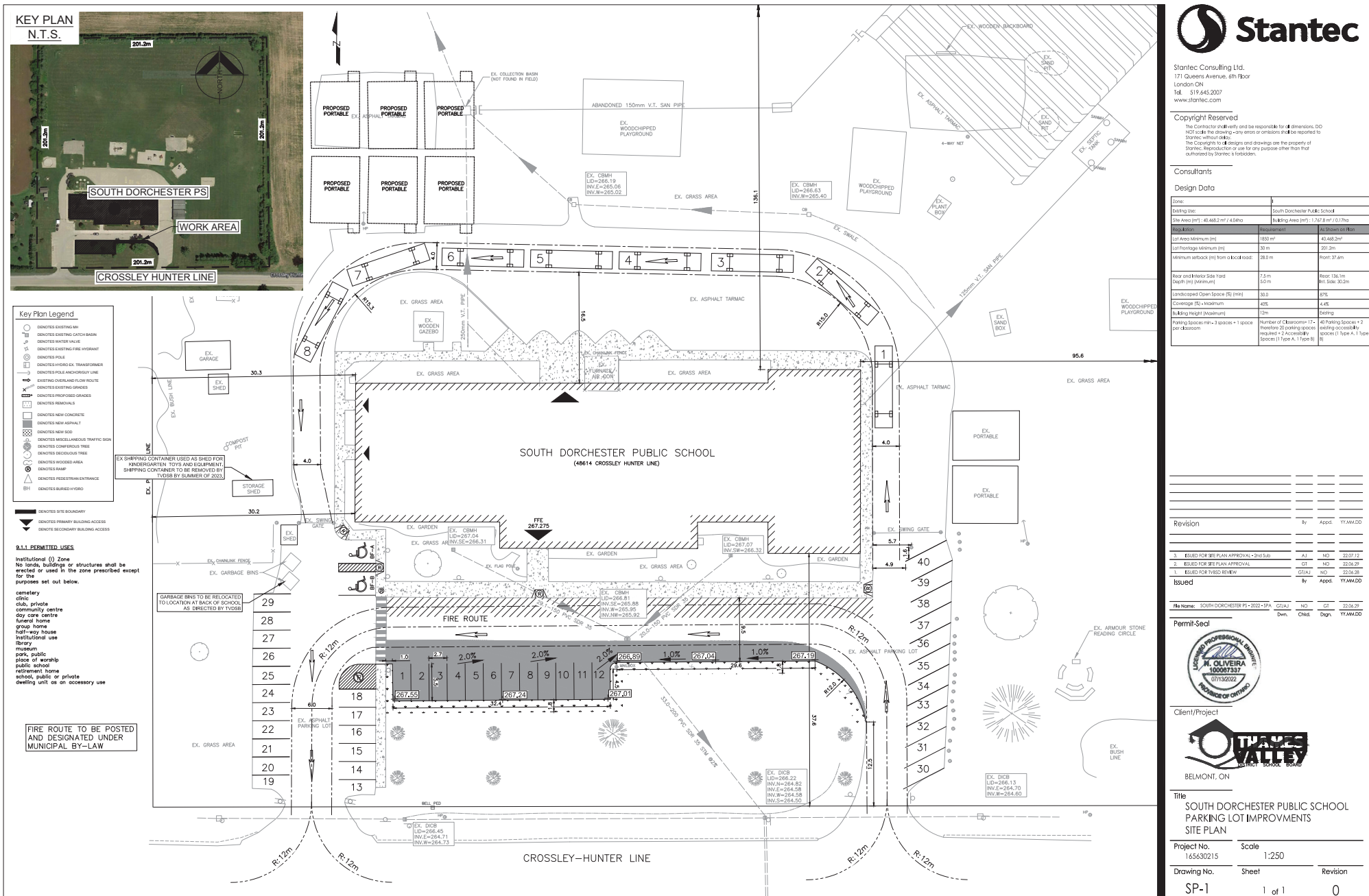
### **Relationship to Cultivating Malahide:**

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

One of the goals that support the "Our Land" and "Our Community" Strategic Pillars is "Promote new development in a responsible manner that directs growth to appropriate areas with the Township".

Submitted by:
Adam Betteridge, Chief Administrative Officer







## Report to Council

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**REPORT NO.:** DS-22-47  
**DATE:** September 1, 2022  
**ATTACHMENT:** None  
**SUBJECT:** **SHARED REVIEW OF BUILDING AND PLANNING FEES**

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### **Recommendation:**

**THAT Report No. DS-22-47 entitled “Shared Review of Building and Planning Fees” be received;**

**AND THAT a review of Building and Planning Fees and Charges for the Township of Malahide be awarded to Performance Concepts Consulting Inc., of Uxbridge, Ontario at a cost to the Township of no greater than \$35,000.00 (plus HST);**

**AND THAT the Chief Administrative Officer be authorized and directed to take the necessary actions to enter into an agreement with Performance Concepts Consulting Inc. to undertake such review.**

### **Background:**

Bayham and Malahide Councils have each agreed in principle towards entering into shared service agreements for building, planning, and by-law enforcement.

Performance Concepts Consulting was the firm that has performed the review and worked with both municipal councils. Through this review, Performance Concepts advised both councils that technical adjustments to each municipality's fees and charges for building and planning would be required, including:

- Harmonize Deposit amounts across Bayham/Malahide
- Consider new/higher Deposit amounts for upcoming sub-division driven development
- Develop an internal docketing system for staff billable time to be integrated in deposit drawdown system

Although Performance Concepts made these recommendations, an actual fees and charges review was not included in the scope of the shared services review/study.

### **Comments/Analysis:**

Although not contemplated in this year's Township Operating Budget, Township Staff has requested and negotiated a quotation from Performance Concepts to perform a review of building and planning fees and deposits.

In contemplation of a possible shared service agreement between the two municipalities, Staff requested that the quote account for two scenarios: 1) a Malahide-only review; and, 2) a joint review of both Malahide and Bayham.

If Bayham opts not to participate, the cost of the review for the Township would be \$35,000 (all fees quoted in this report will be subject to HST). Should Bayham agree to participate in the review, the fee quoted from Performance Concepts would be \$40,000, and be split 50/50 between the two municipalities.

If Bayham were to participate, Performance Concepts has advised that it would prepare a joint Technical Report that incorporates recommended go-forward fees and deposits for both municipalities. In consultation with the Township's Director of Finance, Malahide would stand to benefit from such review as detailed in the following paragraph.

Regardless if Council enters into shared service agreements with Bayham, Malahide's fee schedules for building and planning are due to be reviewed, this to ensure proper service cost recovery in these two functional areas. Further, Performance Concepts' now intimate knowledge of Malahide's building and planning statistics can be leveraged after just completing the shared services study. If quotes were obtained from other firms, those quotes would likely not compete with Performance Concepts' quote.

Staff have reviewed the Township's Procurement Policy (By-law No. 18-47). If Bayham opts not to participate, the cost to the Township would be \$35,000. The Procurement Policy provides the ability to single source purchases greater than \$25,000 if the extension of an existing contract would prove more cost effective or beneficial; the Director of Finance supports that Performance Concepts quote meets this threshold.

Given this, Staff recommend that Council take advantage of this joint review with Bayham, especially given that Council has recently provided direction to bring forward shared services agreements in these areas.

### **Financial Implications to Budget:**

If approved by both municipalities, the review will cost the Township \$20,000. As the process for reviewing building permits tends to be more onerous and requires navigation of legislatively dictated processes under the Building Code Act, building permit revenue is recommended to fund 70% of the cost of the review. The remaining

30% for a review of planning fees will be covered by unrestricted funds received from the Province held in the Township's Modernization Reserve. No property tax funding will be applied to the project. A summary of the project's financing is presented in the table below:

<b>Costs</b>	<b>Joint Review (with Bayham)</b>	<b>Independent Review (without Bayham)</b>
Building & Planning Fees Review	\$40,000	\$35,000
Less: Cost Sharing with Bayham	(20,000)	N/A
<b>Malahide's Share of Costs</b>	<b>\$20,000</b>	<b>\$35,000</b>
<b>Funding Sources</b>		
Building Stabilization Reserve Fund	14,000	\$24,500
Modernization Funds	6,000	\$10,500
<b>Total Funding</b>	<b>\$20,000</b>	<b>\$35,000</b>

### **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.

One of the goals that support the "Our Government" Strategic Pillar relates to "Embody Financial Efficiency throughout Decision-Making", including a Pricing Strategy to support the Township's desired levels of cost recovery for various services.

Submitted by:
Adam Betteridge, Chief Administrative Officer



## Report to Council

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**REPORT NO.:** DS-22-39  
**DATE:** September 1, 2022  
**ATTACHMENT:** None  
**SUBJECT:** **MUNICIPAL BY-LAW ENFORCEMENT SERVICE AGREEMENT**

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### **Recommendation:**

**THAT Report No. DS-22-39 entitled “Municipal By-law Enforcement Service Agreement” be received;**

**AND THAT Council declares that the existing service agreements with Municipal Enforcement Unit be terminated effective immediately;**

**AND THAT Staff be directed to bring forward a Service Agreement with Tenet Security Group for by-law enforcement services for Council’s review.**

### **Background:**

The Township has utilized the services of “Municipal Enforcement Unit” (“M.E.U.”) for by-law enforcement since 2019. At its May 7<sup>th</sup>, 2020 Meeting, Council entered into a 3-year service extension agreement with M.E.U. (report no. DCS-20-13).

On July 15, 2022, the Township was informed by the company that it was closing its business effective immediately.

M.E.U. had also provided services to the Municipality of Bayham, Town of Aylmer, Township of Southwold, Municipality of Dutton-Dunwich, and the County of Elgin, among other municipalities and agencies.



## Comments/Analysis:

Township staff have been in brief communication with the Elgin municipalities given that MEU covered much of this area. The Township's exploration with the Municipality of Bayham pertaining to shared building, planning, and by-law enforcement found that, if both municipalities would move forward, the Municipality of Bayham would provide by-law enforcement services to Malahide through a "Manager of By-law" position, supplemented with the services of a qualified By-law Enforcement Agency.

Although the above shared services option has yet been finally decided by either municipal councils, entering into a contract agreement with another vendor in accordance with the Township's procurement policies and in consultation with Bayham is the recommended approach given that the two municipalities have agreed in principle to share such services.

Township Staff has been in preliminary discussion with Tenet Security Group (Tenet) regarding by-law enforcement support. Tenet is based out of Lucan, and covers much of the same service territory that M.E.U. had.

With M.E.U.'s service being closed, Tenet has been reaching out to the other Elgin municipalities as well to determine if its services could be provided. They are growing their services in light of M.E.U.'s closure and are taking on M.E.U.'s clientele if possible operationally. Tenet has also hired some of the inspectors that had been employed with M.E.U.

Tenet is in various stages of service agreement with the Elgin municipalities as follows:

Bayham	seeking Council direction for third-party support through Tenet
Aylmer	has entered into service agreement with Tenet for the remainder of 2022
Central Elgin	provides by-law enforcement in-house
Dutton-Dunwich	in discussion with Tenet, seeking Council direction
Southwold	in discussion with Tenet, seeking Council direction
West Elgin	has entered into service agreement with Tenet

Having a third-party contractor for by-law will assist the Township's Manager of Building and By-law Enforcement/CBO as M.E.U. had provided.

The Township has historically budgeted between \$5,000 and \$10,000 per year for By-law Enforcement Services. In accordance with the Township's Procurement Policies (By-law No. 18-47), for purchases within this range a non-competitive, sole source process is allowed. Sole sourcing this award is considered appropriate given that Tenet is taking-over for M.E.U. in this area. If Tenet does enter into a more long-term service agreement, it would be for a limited time frame (e.g. 3 years), where following, the Township could explore the market for other service providers. Further, sole sourcing to Tenet can also be considered appropriate given a short, 6-month or to the end of 2022 service contract is being sought.

Staff are seeking Council's direction to further engage with Tenet and to bring forward a draft Service Agreement. It is expected that an Agreement with Tenet would be for the remainder of 2022, or a limited six-month term, on a trial basis, to determine if their services can meet the needs of the Township on a more permanent basis.

### **Financial Implications to Budget:**

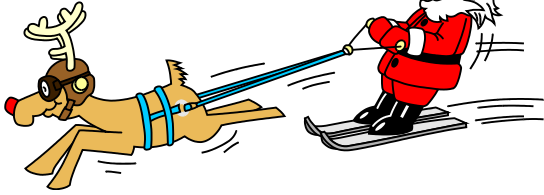
The full cost of the by-law enforcement services is included in the 2022 Operational Budget as previously approved by Council.

### **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.

One of the goals that supports the "Our Community" Strategic Pillar is "Keep Our Community Safe". By providing a mechanism to enforce Township by-laws, the Council is achieving this goal.

Submitted by:	Approved by:
Scott Sutherland, CBCO Chief Building Official Manager of Building Services/By-law Enforcement	Adam Betteridge, Chief Administrative Officer



# SPRINGFIELD SANTA CLAUS PARADE COMMITTEE

## **President**

Rosemary A. Kennedy  
R 4  
Aylmer, ON  
N5H 2R3  
519.773.2751  
519.859.2751

## **Secretary**

Kelly Pearson  
PO Box 52  
Springfield, ON  
N0L 2J0  
519.765.4021

Director  
Ashley Fentie  
R# 2,  
Springfield, ON  
N0L 2J0  
519.870.3292

5<sup>th</sup> August 2022

Township of Malahide  
87 John St St  
Aylmer, ON  
N5H 2C3

*Attention: Malahide Council Members*

Council Members

The Springfield Santa Claus Parade Committee consisting of Kelly Pearson, Ashley Fentie and myself would like to have the 2022 Santa Claus Parade operate as we have pre-Covid, with the parade progressing along Ron McNeil Line. Santa has agreed to come and do whatever we need him to do. We are not planning on having him back at the Fire Hall, but if donations allow, we will be handing out bags of candy there.

As usual the date and time is the first Saturday in December at 1 pm. This year that date is December 3<sup>rd</sup>.

We are hoping that Malahide will allow us to have the parade, unless of course, the situation changes and then we will just have Santa tour the village as in the past two years.

Thank you,

*Rosemary Kenned*

President

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE****BY-LAW NO. 22-63**

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 September 1, 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 1<sup>st</sup> day of September, 2022.

**READ** a **THIRD** time and **FINALLY PASSED** this 1<sup>st</sup> day of September, 2022.

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Mayor, D. Mennill

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Clerk, A. Adams