



# OACA Newsletter

DECEMBER 2015

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### INSERTS:

- 2016 Membership Form

## From the President's Desk



As we end another successful year, the OACA Board of Directors has been busy working on numerous projects to benefit the members. In 2015 we focused on growth and providing up to date information on legislation. Our website continues to be used to communicate with the membership, so please check regularly for OACA news and information.

The annual conference and seminar held in the cities of Kingston and North Bay respectively were a huge success! Thank you to everyone involved for providing an excellent opportunity to network and learn.

As we look towards 2016, preparations are well underway for the annual conference to be held in the City of London from May 28<sup>th</sup> to June 1<sup>st</sup> 2016 at the Four Points by Sheraton. We hope to see you in London, so please mark the date and consider including in your budget. On that note, we have not chosen our 2016/2017 seminar/conference location. A survey was emailed to the membership to get ideas on location and things we can do to enhance the event. If you did not receive, a link to the survey can be accessed through the website. Thank you, we appreciate your feedback and involvement!

As budget time approaches please be sure to include your 2016 membership fees. Being a member of such a valuable organization provides excellent educational and networking opportunities for those involved in Committees of Adjustment across the Province.

Your 2015-2016 Board of Directors are here to work for you, so please feel free to reach out to any one of us if you have any comments or questions.

As the winter approaches and the snow starts to fall, I would like to wish you and your family a joyous holiday season and healthy and prosperous 2016.

Respectfully Submitted,  
*Deb McCabe*  
OACA President





## 2016 OACA CONFERENCE CITY OF LONDON

It's the time of year to start thinking about the next OACA conference, which is to be held in London, Ontario at the Four Points by Sheraton from **Sunday, May 29 - Wednesday, June 1, 2016**. As budgets are being planned and new Committees formed, we hope all our members will consider joining us in the spring. The beautiful Four Points by Sheraton in London is conveniently located approximately 0.5 km north of Highway 401 on Wellington Road South. If you plan on joining us by train, the London Via Rail Station is approximately 6.6 km from the Four Points by Sheraton, and flights are offered between Toronto, Ottawa and London on a daily basis.



### Reservation Code for Contracted Room Block: OACA

**Contact:** Phone: 519-681-0600 Toll Free: 1-866-716-8133

**Address:** 1150 Wellington Road South, London, Ontario N6E 1M3

**Please review the rates below and book early to ensure you receive your desired accommodations.**

The final cut-off date for reservations is **April 28, 2016** in order to receive the following group rates:

Accommodations	Taxes & VAF Excluded
Superior King Bedroom	\$124/night
Superior 2 Queen Bed Room	\$134/night

Conference fees will be provided in the upcoming Conference Package.

We are also working on a fun filled two day companion program as well as a Monday evening event you will not want to miss. If anyone would like to assist in planning the Companion Program please contact Deb McCabe at

[dmccabe@ramara.ca](mailto:dmccabe@ramara.ca)

Respectfully Submitted,

Conference Committee – Allison Moore, Deb McCabe and Paul Morand

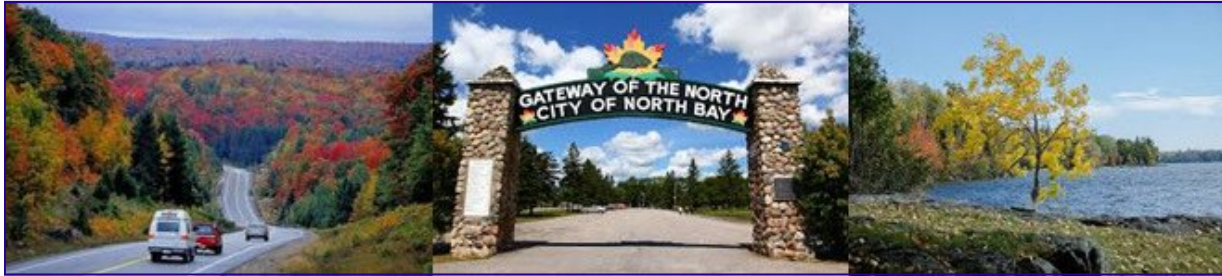
## NOT GETTING OACA EMAILS?

If you are not receiving OACA emails be sure to check the following:

- Ensure your "communication preference" has been checked as "electronic" on your membership form.
- Check your junk folder
- Contact your IT Department to ensure they are not being caught in a spam folder (OACA emails are being sent from [oaca@outlook.com](mailto:oaca@outlook.com)).
- Contact us to troubleshoot the problem and to ensure that your preferences are correct.



## 2015 FALL SEMINAR WRAP UP NORTH BAY



Thank you to everyone that attended the 2015 Fall Seminar in the North Bay at the Best Western Hotel and Conference Centre. The drive was beautiful and the event gave us an opportunity to visit our neighbours in the north!

We had excellent workshops on Bill 73, The Development Permit System, Validation of Title, Shore Road Allowances, Fairness and Transparency and MPAC. A big thank you to the following presenters for taking the time to educate our membership:

**Wendy Kaufman, Ministry of Municipal Affairs & Housing**

**Stefan Zhelev - Associate Lawyer at Weaver, Simmons LLP**

**Laura Voltti and Ryan Rahikka, Municipal Property Assessment Corporation**

**Todd Coles, Manager of Development Services, Secretary-Treasurer, Committee of Adjustment, City of Vaughan**

**Aynsley Anderson, Barriston Law LLP**

Respectfully Submitted,

Seminar Committee - Christine Vigneault, Susan Votour, Paul Morand

## SITE SELECTION REPORT

Seminar & Conference Organization
Where Do You Want To Go?
1. Where would you like to go for a future Seminar?
<input type="text"/>
2. Where would you like to go for a future Conference?
<input type="text"/>

This year, the Board of Directors would like to get your input on conference and seminar before determining where we are going for 2016 (seminar) and 2017 (conference). A survey was emailed to the membership to get your feedback on this, as well as other organizational matters. It is important for us to continue to grow with the membership, so your input is very important. If you did not receive the survey, you can access it through the website under "SURVEYS", please take this opportunity to share your thoughts with us.

In terms of budgeting, if you plan on attending the **fall seminar**, the fees will be \$150.00 for OACA

members and \$175.00 for non-members plus accommodations and mileage. We hope to have a location chosen in the very near future, so stay tuned to the website and your email for updates.

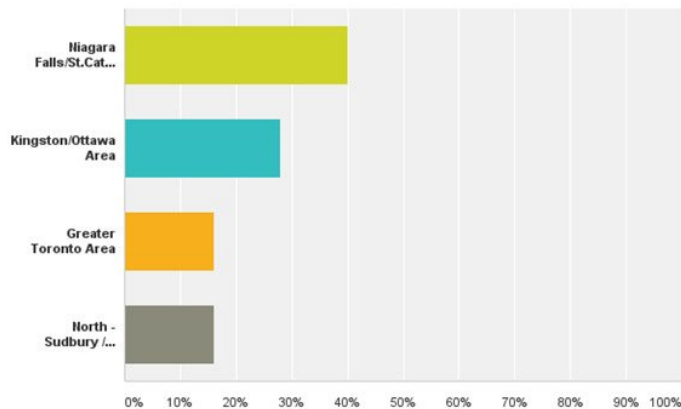
Respectfully Submitted - Site Selection Committee

Bob Clancey, Deb McCabe, Paul Morand & Linda Gavey

# SURVEY RESULTS

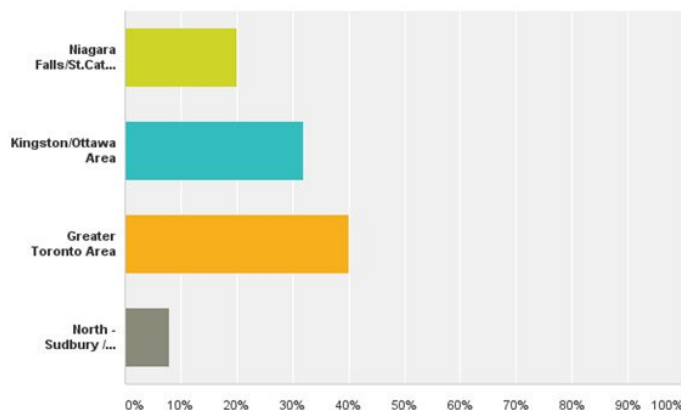
## Q4 If you had to choose a conference location from the following where would it be?

Answered: 25 Skipped: 0



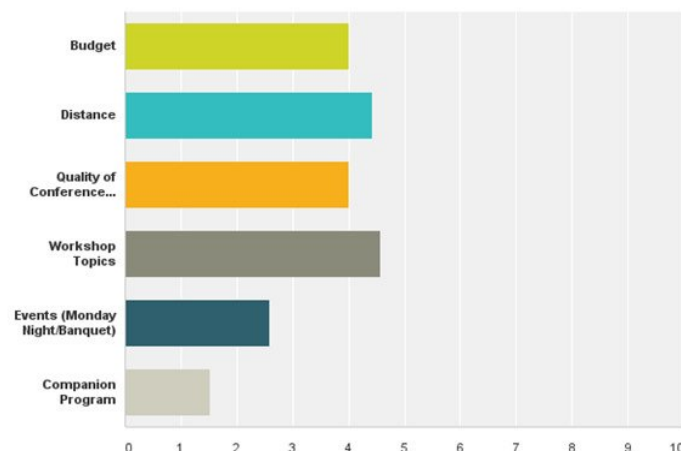
## Q3 If you had to choose a seminar location from the following where would it be?

Answered: 25 Skipped: 0



## Q9 What factors most influence whether or not you attend a conference or seminar (please number from 1 to 6, 1 being most important, 6 being least important)?

Answered: 24 Skipped: 1



We recently conducted a survey on conference and seminar - where you want to go and what you would like to see changed. The feedback received will help guide the planning process moving forward. Surveys are a great way to get the membership involved and we encourage everyone to respond so that we can get a better understanding on what matters to you!

### Other areas you would like to go for conference and seminar:

Ottawa, Owen Sound, Windsor, Chatham, Sarnia, Peterborough, Prince Edward County, Thunder Bay, Sault Ste Marie, Blue Mountain/Barrie, Muskoka area, Hawaii (...ok, that would be fun!)

### A few interesting thoughts on what we can add/change:

Table Networking - Each table is given a different topic and delegates can share their experience/insights.

(More) Interactive workshops.

Balance topics 50/50 Committee members and Secretary Treasurers.

Have events that "give back" through donations to local charities.

### Monday night themes:

1980s, Dance Night, Hawaiian Luau, 1920s Speakeasy, 1960s "Mad Men", Karaoke, Ugly Sweater, Studio 54, Comedian.

### Workshop Ideas:

Mock OMB hearing, report writing, minute taking, appropriate conditions of approval (minor variance & consent), meeting procedures (voting), planning for non planners, how to deal with Council on committees, impact of legislative changes, do's and don'ts at the Land Registry Office, legal impacts of a decision, have a share session of complex applications, "new" MDS policies (once implemented), shoreline development.

If you have not completed the survey, it can be accessed through the website. We will continue to monitor and review results.

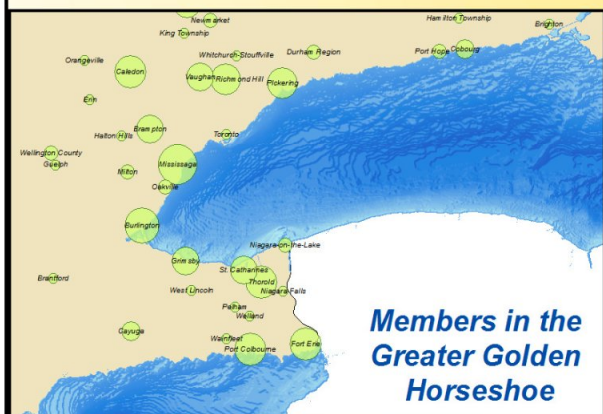
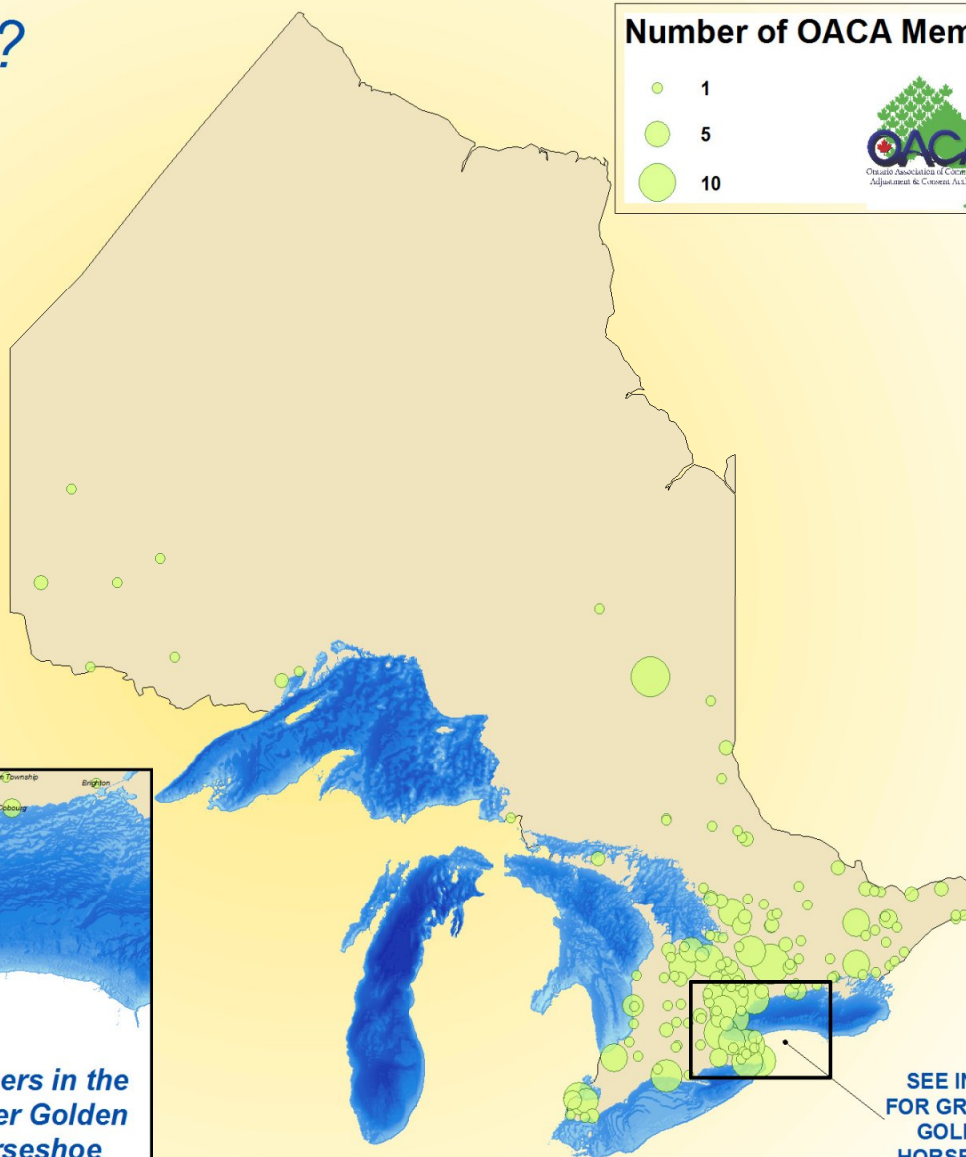
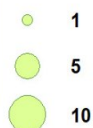
Thank you to everyone that participated!



# Where Are We?

Current OACA  
Members  
by Municipality

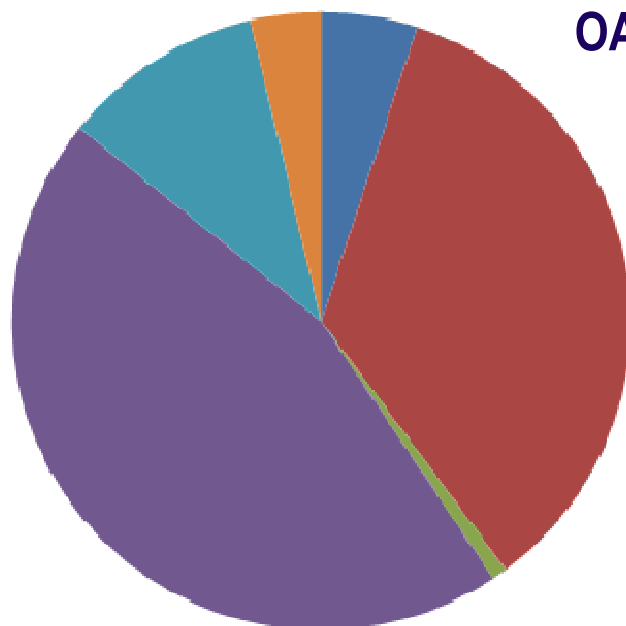
## Number of OACA Members



Members in the  
Greater Golden  
Horseshoe

SEE INSET  
FOR GREATER  
GOLDEN  
HORSESHOE

## OACA COMPOSITION



- ASSOCIATE
- SECRETARY TREASURER
- CONSENT OFFICIAL
- COMMITTEE MEMBER
- ASST. SEC. TREAS.
- ASSOCIATE/HON



# MUNICIPALITY OF THE MONTH

November 2015

The Municipality of Trent Lakes



## Where is it?

The Municipality of Trent Lakes, amalgamated in 1998 as the Township of Galway-Cavendish and Harvey, is located in the northern portion of the County of Peterborough and comprises the former Townships of Galway-Cavendish and Harvey. It is a lower-tier municipality within the County of Peterborough and is home to approximately 5000 permanent residents, plus a large seasonal population.



## What are the biggest attractions?

Trent Lakes has several popular tourist attractions such as Kinmount, Catchacoma and Buckhorn where visitors can enjoy year round activities. The Victoria Rail Trail passes by a restored sawmill in Kinmount, where visitors can peer into the past through a glass wall that reveals the original mill works. The area has a strong logging history with the former rail line having been used to distribute lumber during the early boom times. As in so many other areas of the province, the former railbed has now been converted into a recreational trail which is enjoyed, by residents and visitors alike, in all seasons.



The Austin Sawmill, located at the Austin Sawmill Heritage Park in Kinmount, was constructed in 1942 on the site of a previous sawmill that was destroyed by fire. The original mill was established on this site in 1890's. The mill is now part of a park and is adjacent to the Victoria Rail Trail that runs from Lindsay to Haliburton.

## What makes the municipality unique?

Trent Lakes is a cottage-oriented municipality which is easily within reach of the GTA. The Trent-Seven Waterway passes through the township, bringing many boaters and visitors. Tourism is central to the economy of the area. In addition, two Provincial Parks are located within the Township, Wolf Island Provincial Park and a large portion of Kawartha Highlands Provincial Park.

The Municipality of Trent Lakes is currently supporting an initiative to protect Boyd Island in Pigeon Lake, which is the largest undeveloped (and as yet, unprotected) island in southern Ontario. Trent Lakes has donated \$75,000 towards a proposed \$1 million stewardship fund that the Kawartha Land Trust is undertaking to raise by November 30, 2015 in order to preserve the island in its natural state in perpetuity.



Located in Pigeon Lake just east of Bobcaygeon, Boyd Island is one of the largest (at over 1,000 acres) and most ecologically significant undeveloped islands in Ontario. The Municipality of Trent Lakes is supporting the protection of the island against development.

## What are the most common issues faced by the Committee of Adjustment/Planning Board?

The Municipality of Trent Lakes Committee of Adjustment consists of five members, three being members of the community and two being Councillors. The Committee hears only Minor Variance applications, the most common of which relate to setbacks from the water and the reduction of side yards and lot coverage. Consent applications are heard at the upper tier (County of Peterborough). Consents that are disputed are heard by the County of Peterborough Land Division Committee, while straightforward Consent applications can be approved by the County's Director of Planning.

\* \* \*

OACA would like to thank Michael Godin, Manager of Building and Planning for the Municipality of Trent Lakes, for his help with this article. More information about the Municipality of Trent Lakes can be found on the Municipality's website at [www.trentlakes.ca](http://www.trentlakes.ca)



Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

## Defining Questions: Group Homes

By Todd Coles, ACST(A), BES, MCIP, RPP

A recent Committee of Adjustment decision (OMB Case PL141325) in the Town of Milton generated some media coverage, not so much for the variances requested but rather for the identity of the land owner. Social Betterment Properties International (SBPI), the owner of the property, operates as the real estate arm of the Church of Scientology, and media reports seemed to centre on the history of SBPI and other similar proposals they have made in the past.

The applicant proposed to convert a single-family dwelling into a drug and alcohol addiction treatment and rehabilitation centre operated by Narconcon Inc. Two variances were applied for to facilitate the development. The first being under Section 45(2)(b) of the *Planning Act* seeking the Committee's opinion on whether or not the definition of a Group Home Type 2 use was general in nature and whether the Committee would interpret the proposed use as being contemplated within the scope of that definition. The second variance sought permission for locating a Group Home Type 2 on a lot with frontage onto a Local Road, whereas Zoning By-law 144-2003 requires that a Group Home Type 2 be located on a Major Arterial, Arterial or Collector Road.

Prior to the Board hearing, the applicant added a third variance "to permit a group home for persons requiring treatment and rehabilitation for addiction to drugs or alcohol to be located at 7651 Milborough Line despite it not being 'licensed, approved or supervised, or funded by the Province of Ontario under any general or specialized Act', as required by [the definition of Group Home Type 2 in] section 3 of the Town of Milton". It was the third variance that proved to be key in the Board's decision.

The Board, in giving their reasons for their decision, stated that the "core of this dispute turns on the meaning of the definition of Group Home Type 2 in the By-law", and whether or not the by-law defined group homes in general or specific terms. The by-law definition in question is:

### "GROUP HOME TYPE 2

Means a detached dwelling occupied by residents who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis and which is licensed, approved or supervised, or funded by the Province of Ontario under any general or specialized Act and which shall be maintained and operated primarily for:

- Persons who require temporary care and transient or homeless persons; or
- Persons requiring treatment and rehabilitation for addiction to drugs or alcohol."

The parties at the hearing disagreed whether or not the proposed use met the definition of Group Home. The Board, in their decision, focused on the specific wording in the definition that requires a Group Home Type 2 to be "licensed, approved or supervised, or funded by the Province of Ontario under any general or specialized Act". The appellant argued that this definition was general, and "testified that the intention was simply to have some oversight and that it is unnecessary to have provincial oversight if there is a reasonable and appropriate alternative." The Board found that it was specific, meaning that the licensing, approval, supervision or funding by the Province of Ontario is required to meet the definition.

The Board decided, that based on their finding that the by-law definition of group homes was specific, that "Since the proposed drug and alcohol addiction treatment and rehabilitation centre is not licensed, approved, supervised or funded by the Province on Ontario it does not conform to the specific requirements of the By-law definition." The appeal was therefore dismissed, along with other interesting reasons outlined in the decision. The Board ultimately made their decision on not who the owner was, but rather the evidence presented during the hearing. The full decision can be found at the OMB Corner on the OACA website.

**Todd Coles is the Manager of Development Services and the Secretary-Treasurer for the City of Vaughan. Ontario Municipal Board Case No. PL131145 can be viewed on the OACA website at [www.oaca.info/OMB Corner](http://www.oaca.info/OMB%20Corner)**

*The articles published in the OACA newsletter do not represent the thoughts or opinions of the Ontario Association of Committees of Adjustment and Consent Authorities and are published for information purposes only.*



# 2016 OACA CHECKLIST



## PRIMER ON PLANNING COURSE 2016

The first three lessons of the course provide an overview of the land use planning process in Ontario. The main planning instruments, policies and controls are introduced and described, as well as the evolving provincial-local relationship in planning. Particular attention is given to the official plan and the zoning by-law. The next two lessons represent the central core of the course and provide a detailed examination of the powers, procedures and practices of committees of adjustment, land division committees and consent authorities when considering applications for minor variances, legal non-conforming uses and consents. Factual situations and descriptions of pertinent case law are used to highlight the issues under discussion. The final lesson deals with validation of title and issuing a "Validation Certificate" under Section 57 of the Planning Act – what it is and when and how is it used.

**The Primer on Planning Course (POP) is offered by OACA and delivered by the Association of Municipal Clerks and Treasurers (AMCTO). You can register online at [www.amcto.com](http://www.amcto.com) or print the form and send cheque payment by mail. Registration will open on December 1st for the Winter 2016 Term.**



## 2016 OACA MEMBERSHIP ENROLLMENT

Don't forget when preparing your 2016 budget to include funds for your annual OACA Membership! For convenience, the 2016 OACA Membership Enrollment Form has been included in the newsletter package and can also be downloaded from the website at [www.oaca.info](http://www.oaca.info)

<u>2016 MEMBERSHIP FEE:</u>	<u>Active Members</u>	<u>Associate Members</u>
	\$120.00	\$130.00

# BILL 73 UPDATE

A stakeholder working group was established to review the changes proposed by Bill 73: Smart Growth for our Communities Act, 2015. The Legislation Committee has been in attendance and provides the following update.

Eight meetings have been conducted to date. At these meetings the Ministry is looking for suggestions and input on how to structure additional criteria. The two topics of most significance to Committee of Adjustment operations are public notice requirements and the "definition of minor".

The proposed changes will be regulatory, not legislative, and will be established once Bill 73 comes into effect (currently in second reading).

There appears to be a general consensus amongst the working group that the current (Committee of Adjustment) process works well. In addition to the topics discussed, concerns have been raised that challenge the effectiveness of the Committee in dealing with complex applications. It has been stressed that more education at both a Municipal and Provincial level is needed to prepare appointed Committee members. In particular, the structure of the decision and the supporting reasons should be clear so that the public understands why the Committee chose to approve or deny an application. Day time hearings are perceived to have a negative impact on public participation

OACA provided information regarding best practices and education offered by the association. We have also suggested that "the definition of minor, being ambiguous, should be further defined in the context of each unique municipality. To address this issue, it is our recommendation that additional criteria be defined through the municipal Official Plan process. This will ensure public consultation takes place and criteria imposed suit the definition of minor for each municipality."

We are expecting meetings to continue until the end of the year and will attempt to keep the membership updated as events unfold.

Respectfully Submitted, Legislation Committee - Andreas Petersen, Christine Vigneault, Denise Rundle



# TAC CORNER



## **Do municipalities appoint members of Council to their Committees of Adjustment? Do they combine Council and ratepayers?**

The make-up of Committees of Adjustment and Land Division Committees varies throughout the Province. Some Committees consist of all of Council, some are mixed, and some have no Councillors. The number of Committee members also varies depending on how the Committee is set up. Some municipalities have members sit at all meetings and some have enough members to rotate them each meeting. We are aware of Committees with anywhere from 3 to 12 members.

Although, the Planning Act, Section 44(3), permits Councillors to be appointed to the Committee, it is OACA's best practice that Councillors not be appointed to these Committees for political reasons. "Rules of Justice" - All applicants should not only receive a fair hearing but it should be perceived that they received a fair hearing.

## **Are consent authorities still nullifying approved consents to provide lot additions to that parcel or are they satisfied that consolidation of both parcels under a single PIN results in the two parts becoming one part?**

Consolidating the PIN has no impact on whether the parcels can be separately conveyed under the Planning Act. There are no Planning Act provisions to allow for the "nullification" of a consent.

Once a consent is approved, similar to a whole of a lot or block on a plan of subdivision, the (identical) lot will always be separately conveyable and abutting land cannot be "merged".

In some municipalities, a 1 foot square is taken (by the municipality), to facilitate a merger of lands (no longer the identical parcel of land, therefore lands can merge). Similarly, after 8 years, a plan of subdivision can be deemed not to be a plan to facilitate future land consolidation.

It is also practice to apply Section 118/119 Land Titles Restrictions in order to ensure that the lot addition and the lot subject to consent (or whole of a lot or block in plan of subdivision) are always dealt with together. These restrictions are registered on Title as a condition of approval. However, this still does not "merge" the lands under the Planning Act.

## **Is it mandatory to have a secretary treasurer's report when the planner includes all agency comments in their report?**

It is not mandatory to have a Secretary-Treasurer's report when the planner has already included all agency comments in his/her report.

Reports vary throughout the Province. In some municipalities the Planner writes the report and in other municipalities the Secretary-Treasurer writes a staff report which includes the Planner's comments and all agency comments received. Either way, there is usually only one report provided. The report would include all comments, the staff recommendation, and suggested conditions. It should be noted that suggested conditions are just that. Committee may add, remove, or amend the suggested conditions in its decision.

*The responses are based on the information provided by the members of the OACA "TAC" Committee and do not represent a legal opinion.*

**If you have a question for TAC email [oaca@primus.ca](mailto:oaca@primus.ca)**

# Merry Christmas!

