

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - August 7, 2019 5:30 PM

MEETING - Civic Centre - Committee Room

	Page
1. <u>Call to Order</u>	
2. <u>Non-agenda items</u>	
3. <u>Declarations, Municipal Conflict of Interest Act</u>	
4. <u>Minutes of Previous Meetings</u>	
4.1 June 26, 2019	2 - 3
5. <u>Committee Applications</u>	
5.1 A4-2019 (838 Huffman Court) - A minor variance application for permission to reduce front yard setback and increase maximum lot coverage.	4 - 15
5.2 A5-2019 (1530 King's Highway) - A minor variance application for relief of Parking Area Regulations section 3.20 of Zoning By-law.	16 - 20
5.3 B6-2019 (1408 Eighth Street East) - An application for site specific zoning by-law amendment to change the zoning from Institutional to Residential and to remove the H symbol (holding provision) which will permit the development of the land for a single family residence.	21 - 37
6. <u>Outstanding Items</u>	
7. <u>Other Business</u>	
7.1 Code of Conduct / Integrity Commissioner	38 - 73
7.2 Training Session - September 18 at 12 noon	74
Code of Conduct / Integrity Commissioner	
8. <u>Meeting Close</u>	

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF
ADJUSTMENT

June 26, 2019

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Civic Centre - Committee Room on June 26, 2019 from 5:30 p.m. to 6:04 p.m.

PRESENT: Gary Rogozinski, Chairperson, Donald Taylor, Barry Jackson, Cindy Mason, Charleen Mallory and Don Eldridge.

ALSO PRESENT: Sarah McComb (1028 Williams Avenue), Murry Snider (406 Williams Avenue), Elizabeth (Lisa) Slomke, Clerk / Interim Municipal Planner

1. Call to Order at 5:30 p.m.

2. Non-agenda items

3. Declarations, Municipal Conflict of Interest Act

Barry Jackson declared a conflict with item 5.2 as the owners of 1028 Williams Avenue are his clients.

4. Minutes of Previous Meetings

4.1 April 30, 2019 - approved as presented.

Moved by Charleen Mallory, Seconded by Barry Jackson.

5. Committee Applications

5.1 **A2-2019** An application for Special Permission for Minor Variance at 406 Williams Avenue Fort Frances ON. Permission to encroach side lot line closer than 1.5m for an accessory building.

-Murry Snider explained his project to the Committee and answered questions. The Committee agreed to permit a reduction in the side lot encroachment to 1m.

5.2 **A3-2019** An application for Special Permission for Minor Variance at 1028 Williams Avenue Fort Frances ON. Permission to encroach rear lot line, interior side lot line and maximum building height for an accessory building.

-Sarah McComb explained her project to the Committee and answered questions. The Committee agreed to reduce the rear and side lot encroachment to 3'. Further the Committee agreed to increase the maximum height of the garage to 6m, with additional conditions related to eavestrough and roof slope pitching east/west.

6. Other Business - None.

7. Outstanding Items - None.

8. Meeting Close at 6:04 p.m.

Chair, Committee of Adjustment

E. Slomke, Town Clerk / Interim Municipal Planner

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

It is the responsibility of the owner or authorized agent to provide complete and accurate information. This form will not be accepted as an application until such time as all questions have been answered and all requirements have been met in the manner requested herein. Please read the following carefully:

FOR OFFICE USE ONLY

FEE

\$317.15

FILE NO.

A4/2019

PAYMENT RECEIPT STAMP

PROPERTY INFORMATION

Property Address	838 Huffman Court, Lot 15
Tax Roll No.	59 - 12 - 030 - - - -
Legal Description	Lot 15, Plan 48M382, subject to easement in gross over P9A 48R-4404 in RD31538

OWNER/APPLICANT INFORMATION

Registered Owner(s)	Adam Mitchell, Danielle Gustafson-Mitchell
Application Contact	807-271-5901 807-620-5629
Full Mailing Address	RR#2 RMB2012 Fort France ON P9A 3M3 (Hwy 11 E)
Telephone	807-271-5901
Email	adamjmitchell11@gmail.com

AGENT INFORMATION (if applicable)

Company Name	
Application Contact	
Full Mailing Address	
Telephone	
Email	

Note – All communication will be sent to Application Contact unless otherwise requested

MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES

Institution	
Contact/Reference	
Full Mailing Address	
Telephone	
Email	

- Describe the nature and extent of relief applied for (indicate what the by-law requirement is, the relevant section of the by-law, and what you are proposing):

Section 4.4.2(c) of Zoning by-law – to permit

Section 4.4.2(c) of Zoning by law requires a minimum front yard of 7.5m. I am proposing that I be allowed to minimize my front yard to 4m. My lot does not have side walks and has a 5m boulevard

Also,

Section 4.4.2(d) requires a maximum lot coverage of 40%. I am proposing to increase this to 45%. This will allow for a bigger garage and a future Shed if needed.

2. Why is it not possible to comply with the provisions of the by-law? (Provide an explanation of the circumstances that hinder or restrict your ability to comply)

In regards to by-law 4.4.2(c), we feel there is more value in having a larger back yard and we would like to move the house 3m forward.

In regards to by-law 4.4.2(d), an addition of a 3rd stall to the garage has pushed our plans slightly over 40% coverage. We hope to maintain a 3rd stall without compromising living space.

3. When did the current owner acquire the Property? June 10th, 2019

4. Provide the date of construction for all buildings and structures on the Property.
TBD

5. What is the existing use of the Property? to be developed

6. How long has the existing use of the Property continued?

7. What is the existing use of the abutting properties?
- | North | South | East | West |
|-----------------|-----------------|------|--------|
| residential lot | residential lot | Park | Street |

8. Dimensions of the Property:
- | Property Dimensions | Metric | Imperial |
|---------------------|-----------------------|---------------|
| Frontage: | 22.75m | 74.6 ft |
| Depth: | 35 m | 114.8 ft |
| Area: | 796.25 m ² | 8,570.91 sqft |

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

9. **Building/Structure Particulars**
Describe the particulars (in metric) of all buildings and/or structures existing and proposed for the Property.

Main Building: <i>House w attached garage</i>	Existing	Proposed
Ground Floor Area:		<i>337m²</i>
Width:		<i>19.8m</i>
Length:		<i>19.4m</i>
# of Storeys:		<i>1 1/2</i>

Location of Building/Structure – Check geographic direction of Side Yard Setbacks

Front Yard:		<i>4.5m</i>
Rear Yard:		<i>11.1m</i>
North <input checked="" type="checkbox"/> or East <input type="checkbox"/> - Side Yard:		<i>1.5m</i>
South <input checked="" type="checkbox"/> or West <input type="checkbox"/> - Side Yard:		<i>1.5m</i>

Accessory Building: <i>Shed</i>	Existing	Proposed
Ground Floor Area:		<i>7.2m</i>
Width:		<i>2.4m</i>
Length:		<i>3m</i>
# of Storeys:		<i>1</i>
Height:		<i>4m</i>
Distance to Main Building:		<i>7m</i>

Location of Building/Structure - Check geographic direction of Side Yard Setbacks

Front Yard:		
Rear Yard:		<i>1.5m</i>
North <input checked="" type="checkbox"/> or East <input type="checkbox"/> - Side Yard:		<i>1.5m</i>
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:		

Note – Above information to match Site Plan

10. Check the appropriate box to Indicate connected or available services to the Property:

Source of Service:	Municipal	Private
Water	<input checked="" type="checkbox"/>	
Sanitary Sewer	<input checked="" type="checkbox"/>	
Storm Sewer	<input checked="" type="checkbox"/>	

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

11. Check the appropriate box to indicate access to the Property:
- | Source of Access: | Yes | No |
|-------------------|-------------------------------------|--------------------------|
| Municipal Road | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other Public Road | <input type="checkbox"/> | <input type="checkbox"/> |
| Water Access Only | <input type="checkbox"/> | <input type="checkbox"/> |
12. What is the Official Plan designation of the Property? Living Area
13. What is the Zoning of the Property? R1
14. Has the Owner ever applied for a minor variance or permission regarding the Property?
Yes ☐ No ☒ If Yes, provide details, including file number, date, decision, etc.
15. Is the Property the subject of a current application for consent under section 53 of the Planning Act, 1990, as revised? Yes ☐ No ☒ If Yes, provide details, including file number, date, etc.
16. **DECLARATION**

I/We, Adam + Danielle solemnly declare that all the statements contained in this application are true and 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 at the Town of Fort

Frances, in the District of Rainy River this

27 day of June, 2019.

Elizabeth Slomke
A Commissioner, etc.
Elizabeth Slomke, a Commissioner, etc.,
District of Rainy River, for the Corporation
of the Town of Fort Frances.

Adam + Danielle
(Signature of Owner or Agent)

Danielle Gustafson-Mitchell
(Signature of Owner or Agent)

OWNER'S AUTHORIZATION, ACKNOWLEDGMENT & CONSENT

(Must be signed by **each Owner** – print more copies as required)

I, Adam/Danielle, am an Owner of the property known as 838 Huffman Ct in the Town of Fort Frances, that is the subject of this Application, and hereby

Authorize Agent to Act (if applicable):

1. Authorize and instruct myself to act as my Agent and make this application on my behalf.

Freedom of Information:


2. Acknowledge that the information collected in this application is collected under the authority of The Planning Act, R.S.O. 1990, Chapter P13, as amended to assist in the processing of the application and will become part of a public record and, for the purposes of the Freedom of Information and Protection of Privacy Act, authorize and consent to the use by or the disclosure to, any person or public body of any personal information.
3. Acknowledge that full copies of the application are provided to the members of the Committee of Adjustment and as a result, **any information contained in it** is made public.

Right to Enter Premises:

4. Authorize the members of the Committee of Adjustment and/or staff of The Town of Fort Frances as may be required, to enter upon the lands and premises identified in section 5 that are the subject of this application for the purpose of evaluating the merits of this application and for so doing, this shall be good and sufficient authority; and

Consent re Meeting:

5. Consent to the application herein being considered at the next regular meeting of the Committee of Adjustment notwithstanding that section 45 of the Planning Act requires they be heard within thirty days after the secretary-treasurer receives the completed application.


Owner Signature

June 27th, 2019
Date


Owner Signature

Lot is 796.25 sq m

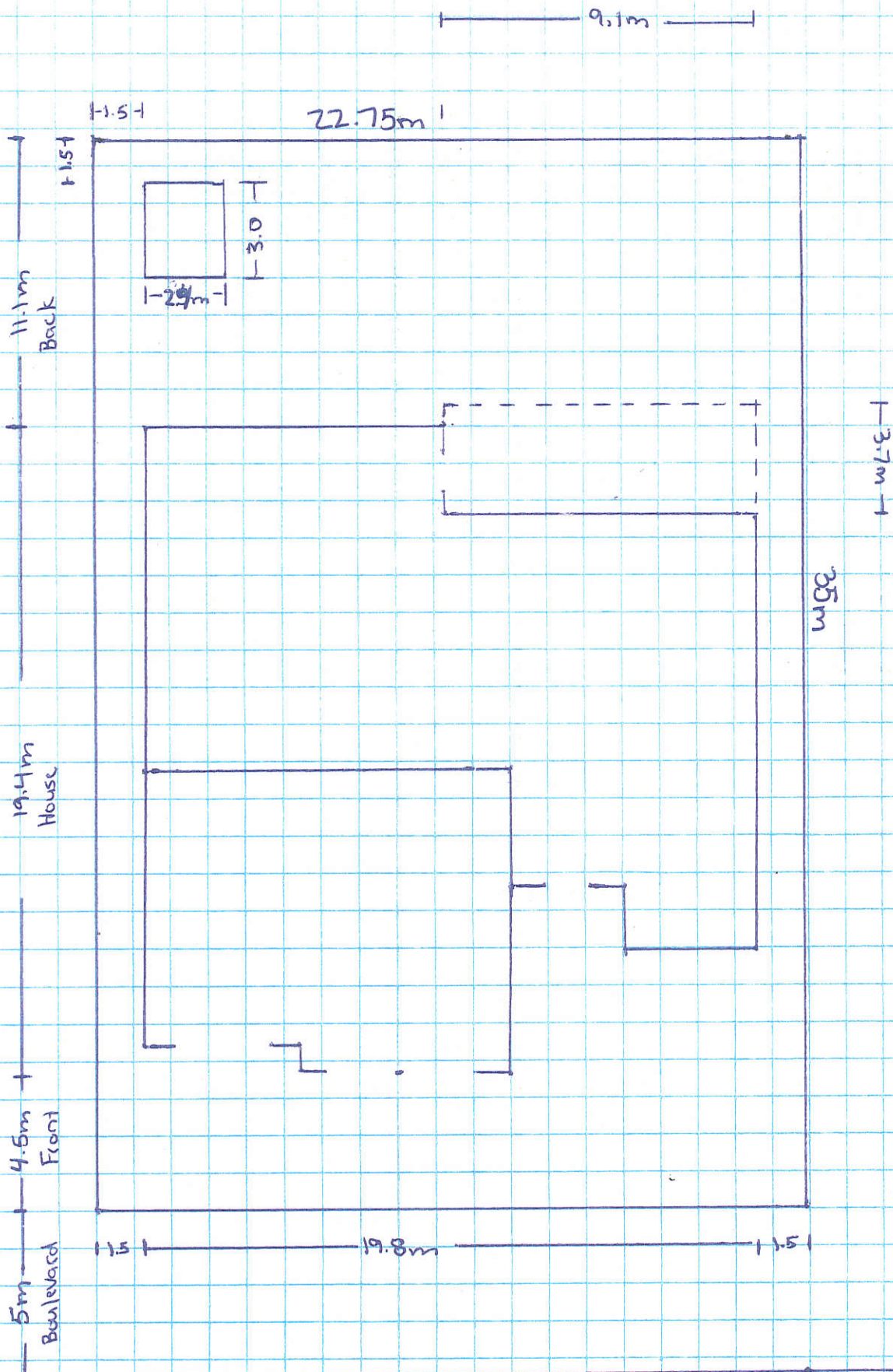
40% lot coverage is 318.5 sq m

45% lot coverage is 358.3 sq m

house is 337 sq m or 42.3% of lot

Shed is 7.2 sq m or <1% of lot

Patio/deck is 33.4 sq m or 4.2% of lot



Huffman Court

ADAM MITCHELL

Receipt Number: 37392

Tax Number: HST #106984586 RT0001

Date: June 27, 2019

Initials: KT

Type	Account / Ref. #	Description	Quantity	Discount	Amount Paid	Balance Remaining
General	66	MINOR VARIANCE	1	\$0.00	\$317.15	N/A

Subtotal: \$317.15

Taxes: \$0.00

Total Receipt: \$317.15

Debit: \$317.15

Total Amount Received: \$317.15

Rounding: \$0.00

Amount Returned: \$0.00



Lisa Slomke

From: Tyler Moffitt
Sent: Tuesday, July 9, 2019 8:17 AM
To: Lisa Slomke; Travis Rob; Joerg Ruppenstein; Troy Calder
Subject: RE: Minor Variance Application - 838 Huffman Court

Hi Lisa,

No Fire and Life Safety concerns with this request.

Kind regards,
Tyler

Tyler Moffitt

Fire Chief/CEMC
Fort Frances Fire & Rescue Service
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9
Tel: (807) 274-5323 ext. 1250
Fax: (807) 274-9595
tmoffitt@fortfrances.ca



**WORKING
SMOKE ALARMS
SAVE LIVES**

From: Lisa Slomke <lslomke@fortfrances.ca>
Sent: Monday, July 8, 2019 11:57 AM
To: Travis Rob <trob@fortfrances.ca>; Tyler Moffitt <tmoffitt@fortfrances.ca>; Joerg Ruppenstein <jruppenstein@fortfrances.ca>; Troy Calder <tcalder@fortfrances.ca>
Subject: Minor Variance Application - 838 Huffman Court

Good Morning:

Please find attached minor variance application for 838 Huffman Court. The applicants are requesting a reduction in front yard setback and to increase the maximum lot coverage. Please review and provide me with your comments by July 26th.

Lisa Slomke

From: Troy Calder
Sent: Tuesday, July 9, 2019 10:38 AM
To: Tyler Moffitt; Lisa Slomke; Travis Rob; Joerg Ruppenstein
Subject: Re: Minor Variance Application - 838 Huffman Court

Good morning Lisa,
As per our conversation the FFPC have no issues with this variation request.
Have a great day

Troy Calder
General Superintendent
Fort Frances Power Corporation
807-275-9292

From: Tyler Moffitt
Sent: Tuesday, July 9, 2019 8:17 AM
To: Lisa Slomke; Travis Rob; Joerg Ruppenstein; Troy Calder
Subject: RE: Minor Variance Application - 838 Huffman Court

Hi Lisa,

No Fire and Life Safety concerns with this request.

Kind regards,
Tyler

Tyler Moffitt

Fire Chief/CEMC
Fort Frances Fire & Rescue Service
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9
Tel: (807) 274-5323 ext. 1250
Fax: (807) 274-9595
tmoffitt@fortfrances.ca



WORKING

Lisa Slomke

From: Travis Rob
Sent: Thursday, July 11, 2019 9:25 PM
To: Lisa Slomke
Subject: RE: Minor Variance Application - 838 Huffman Court

Hi Lisa,

The O&F Division have the following comments:

1. The 5m boulevard contain power, gas and communications wholly within this area.
2. There is a Bell and Shaw Pedestal located in the boulevard off of the north west corner of the property

There were no concerns brought forward.

Regards,

Travis

Travis Rob P.Eng.
Manager of Operations & Facilities
Town of Fort Frances
P: (807)274-9893 ext 1316
C: (807)275-9757

From: Lisa Slomke
Sent: Monday, July 8, 2019 11:57 AM
To: Travis Rob <trob@fortfrances.ca>; Tyler Moffitt <tmoffitt@fortfrances.ca>; Joerg Ruppenstein <jruppenstein@fortfrances.ca>; Troy Calder <tcalders@fortfrances.ca>
Subject: Minor Variance Application - 838 Huffman Court

Good Morning:

Please find attached minor variance application for 838 Huffman Court. The applicants are requesting a reduction in front yard setback and to increase the maximum lot coverage. Please review and provide me with your comments by July 26th.

Sincerely,
Lisa

Elizabeth (Lisa) Slomke
Town Clerk
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9
Phone: 807-274-5323 ext. 1215
Fax: 807-274-8479
lslomke@fortfrances.ca
www.fortfrances.ca

Lisa Slomke

From: Travis Rob
Sent: Thursday, July 11, 2019 9:26 PM
To: Lisa Slomke
Subject: RE: Minor Variance Application - 838 Huffman Court

Hi Lisa,

From Building I don't have any concerns other than this is a brand new subdivision and the optics of being as close as contemplated to the roadway may detract from the overall site.

Regards,

Travis

Travis Rob P.Eng.
Manager of Operations & Facilities
Town of Fort Frances
P: (807)274-9893 ext 1316
C: (807)275-9757

From: Lisa Slomke
Sent: Monday, July 8, 2019 11:57 AM
To: Travis Rob <trob@fortfrances.ca>; Tyler Moffitt <tmoffitt@fortfrances.ca>; Joerg Ruppenstein <jruppenstein@fortfrances.ca>; Troy Calder <tcalders@fortfrances.ca>
Subject: Minor Variance Application - 838 Huffman Court

Good Morning:

Please find attached minor variance application for 838 Huffman Court. The applicants are requesting a reduction in front yard setback and to increase the maximum lot coverage. Please review and provide me with your comments by July 26th.

Sincerely,
Lisa

Elizabeth (Lisa) Slomke
Town Clerk
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9
Phone: 807-274-5323 ext. 1215
Fax: 807-274-8479
lslomke@fortfrances.ca
www.fortfrances.ca

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

It is the responsibility of the owner or authorized agent to provide complete and accurate information. This form will not be accepted as an application until such time as all questions have been answered and all requirements have been met in the manner requested herein. Please read the following carefully:

PROPERTY INFORMATION		FOR OFFICE USE ONLY	
Property Address	1530 King's Highway	FEE	FILE NO.
Tax Roll No.	59 - 12 - 01 - 060 - 6110 110 0000	\$	A /20
Legal Description	R1V RE PT LOT 46 PCL 10668	PAYMENT RECEIPT STAMP	
OWNER/APPLICANT INFORMATION			
Registered Owner(s)	BELLUZ CONCRETE & REMOVALS		
Application Contact	MIKE / ROB BELLUZ		
Full Mailing Address	10 LAKE ST EAST		
Telephone	274-9288		
Email	belluz.concrete@shaw.ca		
AGENT INFORMATION (if applicable)			
Company Name			
Application Contact			
Full Mailing Address			
Telephone			
Email			
Note – All communication will be sent to Application Contact unless otherwise requested			
MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES			
Institution			
Contact/Reference			
Full Mailing Address			
Telephone			
Email			

- Describe the nature and extent of relief applied for (indicate what the by-law requirement is, the relevant section of the by-law, and what you are proposing):

Section 3.20 of Zoning by-law – to permit

We are asking for relief from the Zoning By-law section 3.20 Parking Area Regulations. Specifically, item c) which states that the parking area and approaches shall be surfaced with concrete, asphalt, double float tar and chip surface, or a combination thereof.

2. Why is it not possible to comply with the provisions of the by-law? (Provide an explanation of the circumstances that hinder or restrict your ability to comply)

DUE TO THE NATURE OF OUR BUSINESS WITH COMPACTORS AND HEAVY EQUIPMENT COMING & GOING PAVEMENT WOULD NOT STAND UP.
WE ARE CONSTANTLY MAINTAINING OUR ROAD ACCESS AND LOADING AREA BY GRADING AND USING DUST SUPPRESSION WHATEVER REQUIRED.

3. When did the current owner acquire the Property? 1980

4. Provide the date of construction for all buildings and structures on the Property.

UNKNOWN
* NEW BUILDING BEGINNING FALL 2019

5. What is the existing use of the Property? E - M1

6. How long has the existing use of the Property continued? UNKNOWN

7. What is the existing use of the abutting properties?

North	South	East	West
M2 (TOWN)	ENTERPRISE	ENTERPRISE / M1	E / M1

8. Dimensions of the Property:

Property Dimensions	Metric	Imperial
Frontage:	101.50 m	333 FT
Depth:	717.80 m	2355 FT
Area:		

9. **Building/Structure Particulars**
Describe the particulars (in metric) of all buildings and/or structures existing and proposed for the Property.

Main Building:	Existing	Proposed
Ground Floor Area:		
Width:	SEE ATTACHED MAP A	SEE ATTACHED MAP B
Length:		
# of Storeys:		
Location of Building/Structure – Check geographic direction of Side Yard Setbacks		
Front Yard:		
Rear Yard:		
North <input type="checkbox"/> or East <input type="checkbox"/> - Side Yard:		
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:		
Accessory Building:	Existing	Proposed
Ground Floor Area:		
Width:		
Length:		
# of Storeys:		
Height:		
Distance to Main Building:		
Location of Building/Structure - Check geographic direction of Side Yard Setbacks		
Front Yard:		
Rear Yard:		
North <input type="checkbox"/> or East <input type="checkbox"/> - Side Yard:		
South <input type="checkbox"/> or West <input type="checkbox"/> - Side Yard:		

Note – Above information to match Site Plan

10. Check the appropriate box to Indicate connected or available services to the Property:

Source of Service:	Municipal	Private
Water		
Sanitary Sewer		
Storm Sewer		

NONE AT PRESENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

For applying under Section 45 of the Planning Act, R.S.O., 1990 (as revised)

11. Check the appropriate box to indicate access to the Property:
- | Source of Access: | Yes | No |
|-------------------|-------------------------------------|-------------------------------------|
| Municipal Road | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other Public Road | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Water Access Only | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
12. What is the Official Plan designation of the Property? EMPLOYMENT
13. What is the Zoning of the Property? ENTERPRISE/M1
14. Has the Owner ever applied for a minor variance or permission regarding the Property?
Yes ☐ No ☒ If Yes, provide details, including file number, date, decision, etc.
15. Is the Property the subject of a current application for consent under section 53 of the Planning Act, 1990, as revised? Yes ☐ No ☒ If Yes, provide details, including file number, date, etc.
16. **DECLARATION**

I/We, Mike Baum solemnly declare that all the statements contained in this application are true and 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 at the Town of Fort Frances, in the District of Rainy River this

12 day of July, 2019.

Elizabeth Slomke

A Commissioner, etc.

**Elizabeth Slomke, a Commissioner, etc.,
District of Rainy River for the Corporation
of the Town of Fort Frances.**

(Signature of Owner or Agent)

(Signature of Owner or Agent)





Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9
T: 807-274-5323
F: 807-274-8479

www.fort-frances.com

APPLICATION FOR ZONING BY-LAW AMENDMENT

The Planning Act, RSO 1990, as amended (O'Reg. 545/06)



Notice of Public Record:

In accordance with section 1.0.1 of the Planning Act, RSO, 1990, all information and materials required in support of your application shall be made available to the public.

Complete Application:

All applicable sections of the application form must be completed. An incomplete application will be returned. For assistance, contact the Planning Department by phone at 807-274-5323 ex. 1216 or by email at tdennis@fortfrances.ca

APPLICATION TYPE (check one)

- ☒ Zoning By-Law Amendment (section 34) ☒ Removal of Holding Provision (section 36)
☐ Removal of Interim Control By-Law (section 38) ☐ Temporary Use By-Law (section 39)

1. The name, address, telephone number and email address (if any) of the Applicant:

FORT FRANCES CHURCH OF THE HOLY SPIRIT
824 Victoria Avenue, Fort Frances, ON P9A 2E3

2. If known the names and full addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject land:

n/a

3. The current Official Plan designation of subject land:

LIVING

4. Describe how the application conforms to the official plan of the municipality?

The intention is to use the land for a single family residence.

5. The current zoning of the subject land:

Institutional 1

6. The nature and extent of the rezoning requested:

To change zoning from Institutional 1 to R1 to allow for a single family residence.

7. The reason why the rezoning is requested.					
There is no need for institutional zoning in this particular area as all contingent lands are residential with the exception of one institutional lot to the north.					
8. Is the subject land within an area where the municipality has pre-determined minimum & maximum density requirements or minimum or maximum height requirements?					
Yes <input type="checkbox"/> No X If yes, provide information relative to these requirements.					
9. The description of the subject land, such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number:					
PCL BLK A-6 SEC SM81; PT BLK A PL SM81 MCIRVINE AS IN SLT29611; EXCEPT SLT56690, SLT59640, S128, PT 1, RR586, PT 2, 48R1109, A8429, A8430; FORT FRANCES					
10. The frontage, depth and area of the subject land (in metric):					
Frontage:	78.180 m	Depth:	114.081 m	Area:	89,188.85255 sqm
11. Is the application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement?					
Yes <input type="checkbox"/> No X If yes, provide details of the official plan that deals with the matter					
12. Is the application to remove land from an area of employment?					
Yes <input type="checkbox"/> No X If yes, provide details of the official plan that deals with the matter.					
13. Is the subject land within an area where zoning with conditions may apply?					
Yes <input type="checkbox"/> No X If yes, provide an explanation of how the application conforms to the official plan policies relating to zoning with conditions					
14. Is access to the subject land by provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way or by water?					
Municipal Road					

15. If access to the subject land is by water only, provide details of the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public land:	
n/a	
16. Existing uses of the subject land:	
Vacant Lands	
17. Are there any buildings or structures on the subject land: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
18. If answer to question 17 is yes, provide, for each building or structure, the type of building or structure and the setback from the front lot lines, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
19. The proposed uses of the subject land:	
Single family detached residence.	
20. Are any buildings or structures proposed for the subject land? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
21. If answer for question 20 is yes, provide, for each building or structure, the type of building or structure proposed, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area of the building or structure:	
22. If known. Unknown but building will conform to all building and zoning requirements.	
a. the date the subject land was acquired by the current owner:	November 30, 2001
b. the date existing buildings or structures on the subject land were constructed:	
n/a	
c. the length of time that the existing uses of the subject land have continued:	
17 years	
23. Water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or by other means:	
Private Well	
24. Whether sewage disposal is provided to the subject land by a publicly owned and operated piped sewage disposal system, a privately owned and operated individual or communal septic system, a privy or other means:	
Municipal Sewer	

25. If the application permits development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report, and a hydrogeological report are required. Are these reports attached?	
a. a servicing options report,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
b. a hydrogeological report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
26. Indicate whether storm drainage is provided by sewers, ditches, swales or other means:	
Ditches	
27. If known,	
a. is the subject land the subject of an application under the Act for approval of a plan of subdivision or a consent: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide file number and status of the application:	
b. has the subject land ever been the subject of an application under Section 34 of the Act: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/>	
If yes, provide file number and status of the application:	
c. has the subject land ever been the subject of a Minister's Zoning Order? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, provide Ontario Regulation number of the Order:	
28. A sketch showing, in metric units, the following:	
a. the boundaries and dimensions of the subject land.	
b. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the lot lines.	
c. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to it, and that in the applicant's opinion, may affect the application (<i>for examples buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks</i>).	
d. The current uses on land that is adjacent to the subject land.	
e. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way.	
f. If access to the subject land is by water only, the location of the parking and docking facilities to be used.	
g. The location and nature of any easement affecting the subject land.	
29. Is the application for an amendment to the zoning by-law consistent with the policy statements issued under subsection 3(1) of the Act. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

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

Yes ☐ No ☒

31. If answer to question 30 is yes, does the application conform to the applicable provincial plan or plans?

Yes ☐ No ☐

32. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

DECLARATION
Of Applicant or Authorized Agent

I, LAWRENCE G. PHILLIPS, of the Town of FORT FRANCES, in the District of Rainy River solemnly declare that:

All the statements contained in this application are true and I 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.

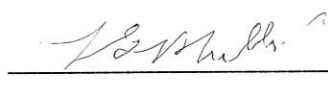
DECLARED before me at the

Town of Fort Frances, in the

District of Rainy River, this 14th

day of JUNE, 2019

)
)
)
)
)
)


Signature of Applicant or
Authorized Agent


Signature of Commissioner etc.

Amy Rose Marchuk, a
Commissioner, etc., District of
Rainy River, for Lawrence G.
Phillips, Barrister and Solicitor.
Expires November 29, 2020.

PLEASE NOTE:

1. The Owner must complete the Owner's Consent.
2. If the applicant is not the Owner, the application must be accompanied by an Authorization of Owner.
3. Application and fee to be filed with the Municipal Planner
4. It takes approximately 3 months to complete the process for a Zoning Amendment Application.
5. It is strongly recommended that you consult with the Municipal Planner to ensure the timelines of your application coincide with your development proposal.

8.0 Declaration of Applicant or Authorized Agent

COMPLETE IF APPLICANT IS THE OWNER

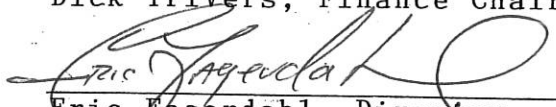
FORT FRANCES CHURCH
OF THE HOLY SPIRIT

OWNER'S CONSENT

_____, is the owner of the land that is the subject of this application and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

JUNE 14, 2019
Date


Dick Trivers, Finance Chairman


Eric Fagerdahl, Director
We have the authority to bind the Corporation


COMPLETE IF APPLICANT IS NOT THE OWNER

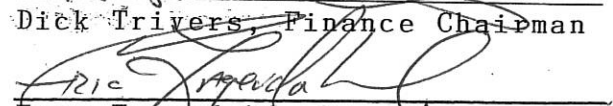
AUTHORIZATION OF OWNER

FORT FRANCES CHURCH
OF THE HOLY SPIRIT

_____, is the owner of the land that is the subject of this application for zoning amendment and, for the purpose of processing and the Freedom of Information and Protection of Privacy Act, I authorize LAWRENCE G. PHILLIPS to act as my agent for this application and provide any of my personal information that will be included in this application or collected during the processing of the application and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application

JUNE 14, 2019
Date


Dick Trivers, Finance Chairman


Eric Fagerdahl, Director
We have the authority to bind the Corporation

SURVEY REPORT SUMMARY

1. THERE ARE NO REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS OVER THE ABOVE DESCRIBED PROPERTY.
2. BUILDING TIES SHOWN HEREON ARE TO FINISHED WALLS.
3. ZONING COMPLIANCE IS NOT CERTIFIED BY THIS REPORT.
4. THE MUNICIPAL ADDRESS IS No. 1408 EIGHTH STREET EAST.

PART 1, PLAN
PIN 56016-06

PART 1
PLAN 48R-2292
PIN 56016-0686

PLAN SM-143

REGISTERED
PART 1, PLAN 48R-2051

PIN 56016-0678 (LT)

PART 1
PLAN 48R-1403

PART 1, PLAN 48R-1109

PIN 56016-0644 (LT)

LANE
PART 3
48R-1403

SM-27
PART 2
48R-2051

LOT 80, PLAN SM-27
PART 2, PLAN 48R-1403

LOT 81, PLAN SM-27
PART 3, PLAN 48R-2051

BAYVIEW AVENUE, PLAN SM-27
PART 4, PLAN 48R-1403
PIN 56016-0648 (LT)

43.586 (48R-1403)
43.527 (MEAS)

NORTH

BLOCK

EDGE OF BUSH

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
1486406



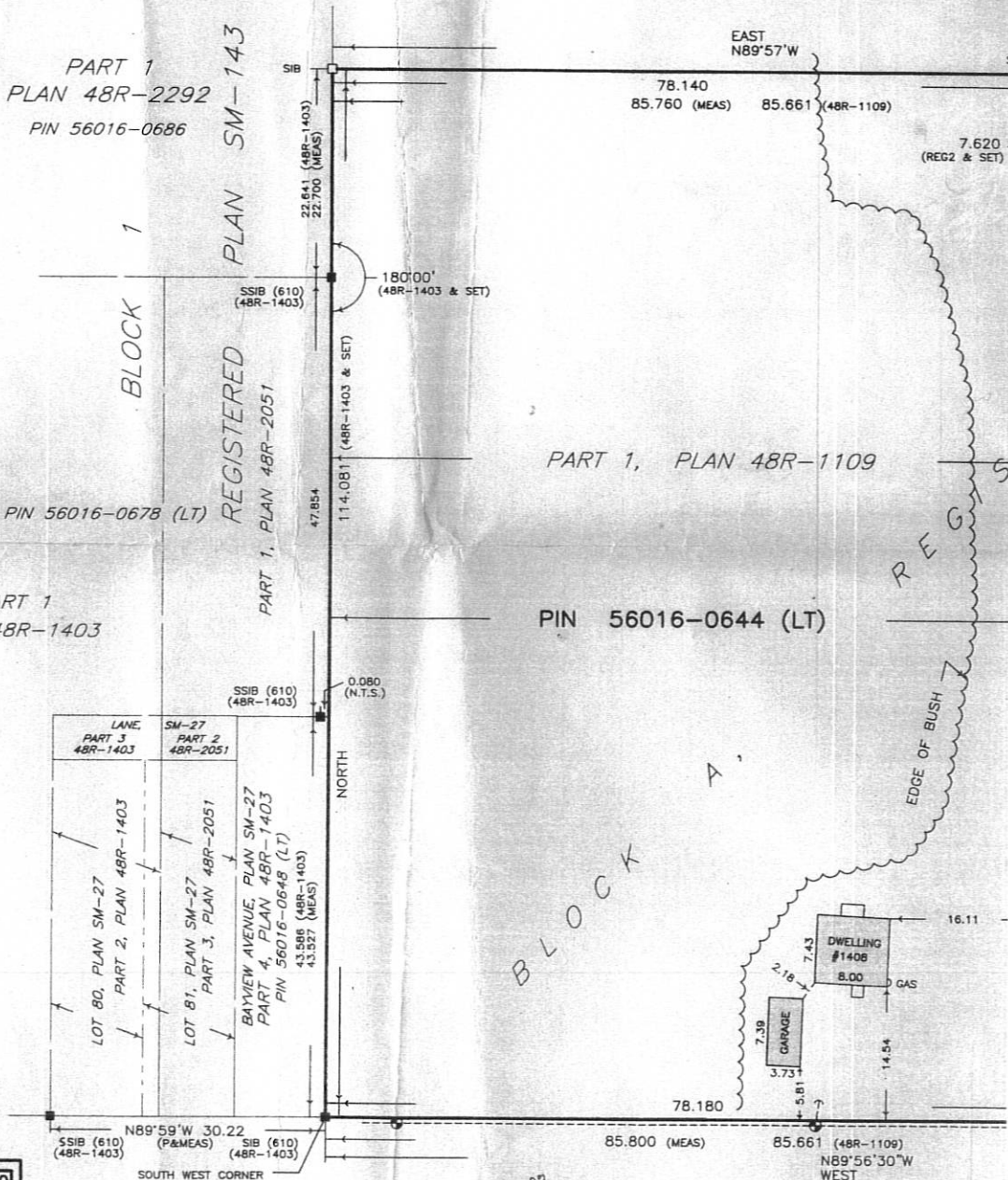
THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

SOUTH WEST CORNER
OF BLOCK A
REGISTERED PLAN SM-81

PLAN 48R-2674

BLOCK B REGISTERED

256.983 ORIGINAL ROAD ALLOWANCE BETWEEN
EIGHTH STREET
(BY BY-LAW 2034, L.R.
PIN 56016-0714 (L

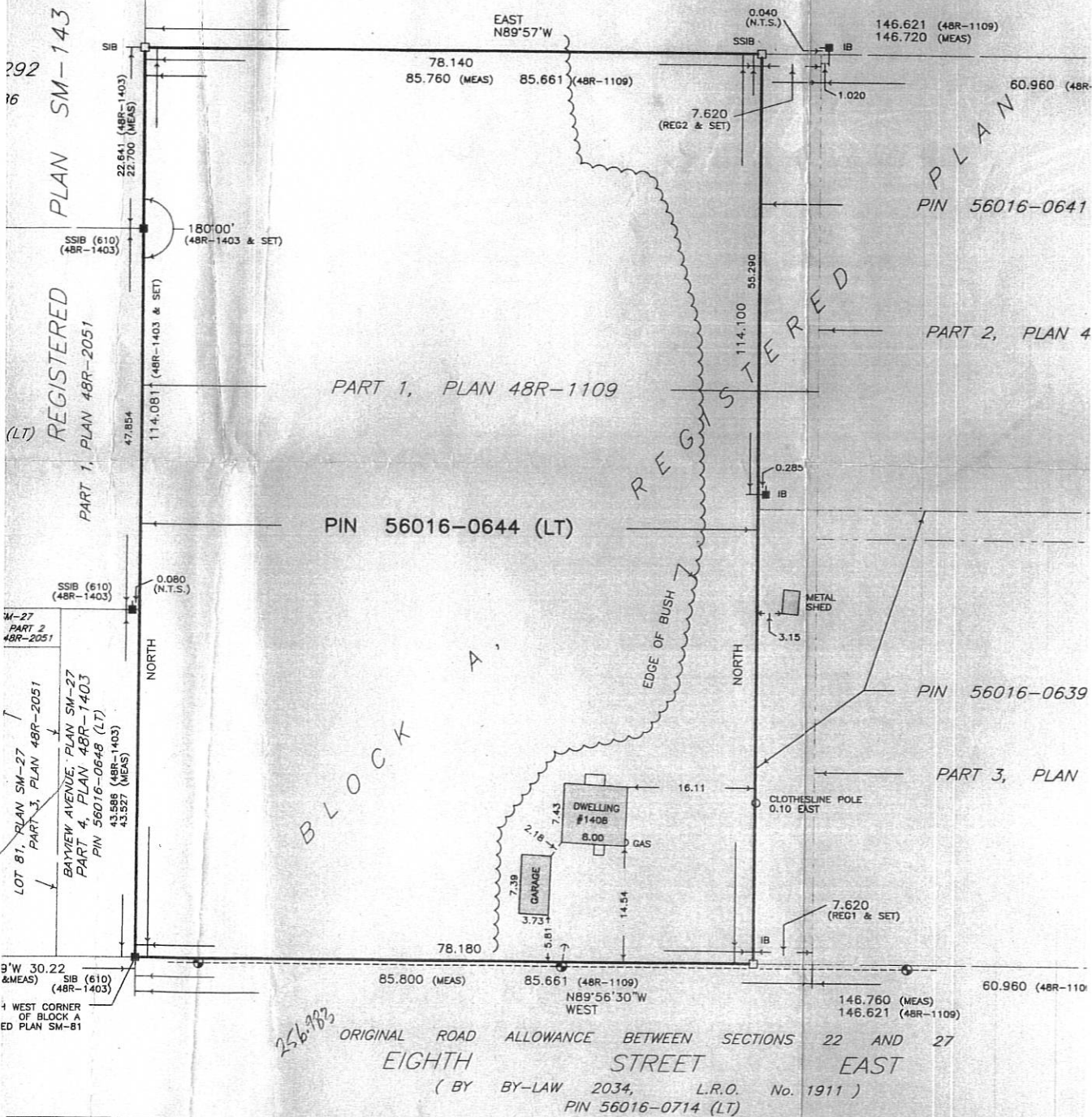


SUMMARY

SEMENTS AND/OR
OVE DESCRIBED PROPERTY.
ARE TO FINISHED WALLS.
CERTIFIED BY THIS REPORT.

1408 EIGHTH STREET EAST.

PART 1, PLAN RR-586
PIN 56016-0640 (LT)

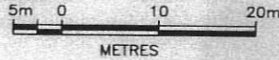


PLAN 48R-2674

BLOCK B REGISTERED PLAN SM-81

PLAN OF SURVEY OF
PART OF BLOCK A
REGISTERED PLAN SM-81
TOWN OF FORT FRANCES
DISTRICT OF RAINY RIVER

SCALE - 1:500



W. J. BOWMAN LTD.
ONTARIO LAND SURVEYORS
2004

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EAST LIMIT OF PART 2, AS SHOWN ON PLAN 48R-1109, HAVING A BEARING OF NORTH.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

□	DENOTES A PLANTED SURVEY MONUMENT
■	DENOTES A FOUND SURVEY MONUMENT
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
CM	DENOTES CONCRETE MONUMENT
610	DENOTES S. G. HANCOCK, O.L.S.
1011	DENOTES H. A. SMITH, O.L.S.
MTO	DENOTES MINISTRY OF TRANSPORTATION ONTARIO
N.T.S.	DENOTES NOT TO SCALE
REG1	DENOTES TRANSFER No. A-8430
REG2	DENOTES TRANSFER No. A-8429
PIN	DENOTES PROPERTY IDENTIFICATION NUMBER
LT	DENOTES LAND TITLES ABSOLUTE
L.R.O.	DENOTES LAND REGISTRY OFFICE
⊙	DENOTES UTILITY POLE
⊖	DENOTES GUY ANCHOR
P	DENOTES W.J. BOWMAN LTD. O.L.S. DRAWING F5-864
P	DENOTES MEASURED

CLIENT

THE REPORT WAS PREPARED FOR THE FORT FRANCES CHURCH OF THE HOLY SPIRIT AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

THIS REPORT REFLECTS CONDITIONS AT TIME OF SURVEY. UPDATING THE SURVEY WILL BE REQUIRED IN ORDER TO ISSUE ADDITIONAL COPIES SUBSEQUENT TO THE DATE OF THE SURVEYOR'S CERTIFICATE.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 30th DAY OF JANUARY, 2004.

4 March 2004
DATE

Henriette J. Verhoef
HENRIETTE J. VERHOEF
ONTARIO LAND SURVEYOR
CANADA LANDS SURVEYOR

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W.J. BOWMAN LTD.
ONTARIO LAND SURVEYORS

408 SCOTT STREET FORT FRANCES, ONTARIO
P.O. BOX 447 P9A 3M8
PHONE: (807) 274-4504 FAX: (807) 274-4253
EMAIL: wjb@nwonet.net

DRAWN BY: B.F.	CLIENT: CHURCH OF THE HOLY SPIRIT	Drawing No.
CREW: H.V., M.B., F.P.		
JOB No. FF2785	F.N. No. M78-172-175	F5-959



PRINTED ON 15 MAY, 2017 AT 14:15:18
FOR AMARCHUK



PROPERTY INDEX MAP
RAINYRIVER(No. 48)

- LEGEND
- FREEHOLD PROPERTY
 - LEASEHOLD PROPERTY
 - LIMITED INTEREST PROPERTY
 - CONDOMINIUM PROPERTY
 - RETIRED PIN (MAP UPDATE PENDING)
 - PROPERTY NUMBER
 - BLOCK NUMBER
 - GEOGRAPHIC FABRIC
 - EASEMENT
- 0449 08050

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE
PROPERTY INFORMATION AS THIS MAP MAY
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND
DOCUMENTS RECORDED IN THE LAND
REGISTRATION SYSTEM AND HAS BEEN PREPARED
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT
REFERENCE PLANS ARE NOT ILLUSTRATED







LAWRENCE G. PHILLIPS LAW OFFICE

BARRISTERS • SOLICITORS • NOTARIES

in Association with

NICOLE D.S. MILLER LAW PROFESSIONAL CORPORATION

and

LAWRENCE A. EUSTACE, BA LLB, Counsel

591203000714700

June 14, 2019
File #6988-19P

Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9

Attention: Tyson Dennis



Dear Mr. Dennis:

RE: FORT FRANCES CHURCH OF THE HOLY SPIRIT
Application for Zoning By-Law Amendment - 1408 Eighth St. East

Enclosed please find one original Application for Zoning By-Law Amendment. The following were previously sent to you on May 14, 2019:

Parcel Abstract for proof of ownership of the Applicants, Survey, LTO Pin Map and Plan SM81 together with a trust cheque in the amount of \$1,800.00 being the fee required by the Town for the application, in accordance with your planning fee schedule.

Please advise this office as to when the application will be going before the Committee of Adjustments so that I may make arrangements to have someone attend.

Thank you.

Yours very truly,


LAWRENCE G. PHILLIPS
Barrister & Solicitor

LGP/arm
encls.

Emails:

lgphillips@lgphillipslawoffice.com
nicole@millerlawoffice.ca
larry@eustace-law.com

Assistant Emails:

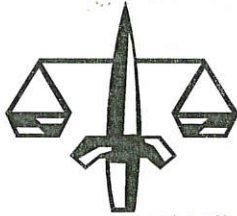
lisa@lgphillipslawoffice.com
amy@lgphillipslawoffice.com

Mailing Address:

406 Church Street
Fort Frances, Ontario, P9A 1E2
Phone (807) 274-8525
Fax (807) 274-5758

U.S. Mailing Address:

P.O. Box 1108
International Falls, Minnesota
56649



LAWRENCE G. PHILLIPS LAW OFFICE

BARRISTERS • SOLICITORS • NOTARIES

in Association with

NICOLE D.S. MILLER LAW PROFESSIONAL CORPORATION

and

LAWRENCE A. EUSTACE, BA LLB, Counsel

July 5, 2019
File #6988-19P

Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9

Attention: Lisa Slomke



Dear Ms. Slomke:

RE: FORT FRANCES CHURCH OF THE HOLY SPIRIT
Application for Zoning By-Law Amendment - 1408 Eighth St. East

I have reviewed the Holding Provisions regarding Building and Development with my client. My client is well aware of the limited services to this property and it is the desired action of my client to have the "Hold" removed.

It is believed, that the only service that is lacking to this property is water which my client intends to install a well to remedy this situation.

Please advise this office as to when the application will be going before the Committee of Adjustments so that I may make arrangements to have someone attend.

Thank you.

Yours very truly,

Lawrence G. Phillips
LAWRENCE G. PHILLIPS
Barrister & Solicitor

LGP/arm
encls.

Emails:

lgphillips@lgphillipslawoffice.com
nicole@millerlawoffice.ca
larry@eustace-law.com

Assistant Emails:

lisa@lgphillipslawoffice.com
amy@lgphillipslawoffice.com

Mailing Address:

406 Church Street
Fort Frances, Ontario, P9A 1E2
Phone (807) 274-8525
Fax (807) 274-5758

U.S. Mailing Address:

P.O. Box 1108
International Falls, Minnesota
56649

LAWRENCE G PHILLIPS
RE: 1408 EIGHTH STREET

Receipt Number: 37941
Tax Number: HST #106984586 RT0001
Date: July 15, 2019
Initials: LB

Type	Account / Ref. #	Description	Quantity	Discount	Amount Paid	Balance Remaining
General	67	ZONING BY-LAW ADMENDMENT	1	\$0.00	\$1,800.00	N/A
Subtotal:					\$1,800.00	
Taxes:					\$0.00	
Total Receipt:					\$1,800.00	
Cheque:					\$1,800.00	
Total Amount Received:					\$1,800.00	
Rounding:					\$0.00	
Amount Returned:					\$0.00	

Lisa Slomke

From: Joerg Ruppenstein
Sent: Thursday, July 18, 2019 9:13 AM
To: Lisa Slomke
Cc: Troy Calder
Subject: RE: ZBL amendment & removal of H (1408 Eighth St E)

Good morning Lisa,

FFPC does not have any concerns with the request to rezone the property from Institutional 1 to Residential. Please advise the applicant to contact FFPC if the vacant land is to be serviced with hydro in the future. Our requirements for a new service are detailed in our Conditions of Service, a copy of which can be found on our website.

Thanks,

Joerg

From: Lisa Slomke <lslomke@fortfrances.ca>
Sent: Monday, July 15, 2019 11:10 AM
To: Travis Rob <trob@fortfrances.ca>; Joerg Ruppenstein <jruppenstein@fortfrances.ca>; Troy Calder <tcalder@fortfrances.ca>; Tyler Moffitt <tmoffitt@fortfrances.ca>
Subject: ZBL amendment & removal of H (1408 Eighth St E)

Good Morning:

Please find attached pdf copy of application and supporting documents related to an application received from Church of the Holy Spirit to amend the zoning designation from Institutional to R1 – residential to allow single family residence. Additionally, the applicants are requesting that the Holding provision be removed which would permit development of said property.

This matter will be considered by the Committee of Adjustment at their August 7th meeting.

Please provide me with your written comments by July 26th.

Sincerely,
Lisa

Elizabeth (Lisa) Slomke
Town Clerk
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9
Phone: 807-274-5323 ext. 1215
Fax: 807-274-8479
lslomke@fortfrances.ca
www.fortfrances.ca

Lisa Slomke

From: Wayne Riches
Sent: Wednesday, July 24, 2019 1:45 PM
To: Lisa Slomke; Travis Rob; Tyler Moffitt
Subject: ZBL amendment & removal of H (1408 Eighth St E) - Fire Department

Good afternoon Lisa

Upon review of the application, I have no concerns with respect to the development of a residential dwelling on this property. As this is a group C occupancy there is no minimum requirement for distance to a fire hydrant. That being said, there is a fire hydrant approximately 90 meters from the proposed development that will provide a water supply if needed.

Regards,

Wayne Riches
Captain of Fire Prevention and Education
Fort Frances Fire and Rescue Service

Sent from [Mail](#) for Windows 10

Lisa Slomke

From: Travis Rob
Sent: Monday, July 29, 2019 7:17 AM
To: Lisa Slomke
Cc: Cody Vangel
Subject: RE: ZBL amendment & removal of H (1408 Eighth St E)

Hi Lisa,

The following comments are from the O&F Division:

- Lot was residential prior to being switched to Institutional
- New Fire Hydrant at Mill and 8th
- Prior Council approval for a well alleviates the illegal water connection that was existing
- Sewer connection required, to be billed at the sewer rate
- No record of previous sewer connection on file.
- Sewer main available on eighth for tie in, water main available for tie in just west of Mill Road

Thanks

Travis

Travis Rob P.Eng.
Manager of Operations & Facilities
Town of Fort Frances
P: (807)274-9893 ext 1316
C: (807)275-9757

From: Lisa Slomke <lslomke@fortfrances.ca>
Sent: Monday, July 15, 2019 11:10 AM
To: Travis Rob <trob@fortfrances.ca>; Joerg Ruppenstein <jruppenstein@fortfrances.ca>; Troy Calder <tcalder@fortfrances.ca>; Tyler Moffitt <tmoffitt@fortfrances.ca>
Subject: ZBL amendment & removal of H (1408 Eighth St E)

Good Morning:

Please find attached pdf copy of application and supporting documents related to an application received from Church of the Holy Spirit to amend the zoning designation from Institutional to R1 – residential to allow single family residence. Additionally, the applicants are requesting that the Holding provision be removed which would permit development of said property.

This matter will be considered by the Committee of Adjustment at their August 7th meeting.

Please provide me with your written comments by July 26th.

Sincerely,
Lisa



Code of Conduct

Town of Fort Frances

Important Disclaimer: this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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1. Principles Upon Which This Code is Based

- 1.1 A municipality is a responsible level of government. Improving the quality of municipal governance and administration can best be achieved by encouraging high standards of conduct on the part of all Members. In particular, the public is entitled to expect the highest standards of conduct from the Members of its local government. In turn, adherence to these standards will protect and promote the Municipality's reputation and integrity.
- 1.2 Key statements of principle that underline this Code of Conduct are as follows:
- a) Council, and its Members are the leaders of the Municipality both inside and outside its geographic boundaries. Especially in an age of social media and electronic messaging, strong positive management of the reputation of the Municipality is needed. The statements and behavior of Council affect the Municipality's reputation as a place to live and do business. Conflict and inappropriate conduct among Members, staff, officers and members of the public, adversely affects the Municipality's reputation and is to be avoided. Put differently, Council has a strong role to protect and promote the Municipality and its reputation as an excellent place to live, work and do business;
 - b) Members must serve and be seen to serve their constituents in a conscientious and diligent manner;
 - c) Members must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, both real and perceived;
 - d) Members are expected to conduct themselves and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
 - e) Members must recognize and act upon the principle that democracy is best achieved when the operation of government is as transparent and accountable to the Public as possible;
 - f) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the Municipal Council;

- g) Members must not use the status of their position to inappropriately influence the decision of another individual or body. For example, to obtain a personal advantage for the Member, the Member's parents, children, spouse, staff, friends, associates, business or otherwise; or to disadvantage another party.
- h) Members shall be respectful of the role of staff to provide advice with political neutrality and objectivity and without undue influence from a Member or Members.

2. Application of this Code

2.1 This Code of Conduct applies to every Member.

3. Definitions

3.1 In this Code of Conduct:

- a) "Benefit" means preferential treatment, privileged access, favours or other advantage including, but not necessarily limited to, invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new employment.
- b) "Ceremonial Gift" means official gifts provided as part of the culture or practices of communities or government within Canada or internationally, which although they may be given to a Member, are accepted by a Member on behalf of a municipality and become the property of a municipality.
- c) "Child" means a child born within or outside marriage and includes any adopted child, step child, foster child and a person whom a Member has a demonstrated a settled intention to treat as a child of his or her family;
- d) "Confidential Information" means any information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* or any other law. Confidential Information also includes information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of the property of the Municipality or a Local

Board; and any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.

- e) “Council” means the Council of the Town of Fort Frances.
- f) “Gift” means free or discounted items or services and any item or service that would, viewed in light of all the circumstances, be regarded as a gift by a reasonable Person not including Ceremonial Gifts.
- g) “Hospitality” means the friendly reception and entertainment of guests, which may range from light refreshments at a meeting to expensive restaurant meals and sponsored travel or accommodation.
- h) “In-camera meeting” means a meeting, or part of a meeting, closed to the public pursuant to section 239 of the *Municipal Act, 2001*.
- i) “Information” includes a record or document written or otherwise;
- j) “Integrity Commissioner” means the Person appointed by by-law in accordance with section 223.3 of the *Municipal Act, 2001* and who is responsible for performing, in an independent manner, the functions assigned by the Municipality with respect to the application of the Code of Conduct for Members.
- k) “Local Board” means, for the purpose of this Code of Conduct, a local board other than:
 - i. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
 - ii. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
 - iii. A committee of management established under the *Long-Term Care Homes Act, 2007*;
 - iv. A police services board established under the *Police Services Act* and/or the *Police Services Act, 2018*;
 - v. A board as defined in section 1 of the *Public Libraries Act*; and
 - vi. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;

- l) “Member” means a member of Council, which shall include the Mayor/Reeve, members of Committees and members of Local Boards, unless, with respect to members of Local Boards, the context requires otherwise, and shall not include staff or ratepayers.
- m) “Officer(s)” means a person who holds a position of responsibility with definite rights and duties prescribed by statute or by-law.
- n) “Parent” means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- o) “Person” includes a corporation, partnership, association and any other entity, as the context allows; and
- p) “Spouse” means an individual to whom an individual is married or with whom an individual is living in a conjugal relationship outside marriage.
- q) “Transparency” means that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. It means that the municipality’s decision-making process is open and clear to the public.

4. Compliance with Declaration of Office

- 4.1 Every Member shall act in accordance with his or her declaration of office sworn pursuant to section 262 of the *Municipal Act, 2001*. A copy of the Declaration of Office is attached as Schedule “A”.

5. Adherence to Council Policies and Procedures

- 5.1 Every Member shall observe and comply with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council.

6. Conduct at Meetings

- 6.1 Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

- 6.2 Members will respect the decision-making process. Members will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council.
- 6.3 Members shall strive to attend all Council Meetings. Any Member who is unable to attend a Council Meeting shall advise the clerk as soon as is reasonably possible of the reason for their absence.

7. Conduct Respecting Others

- 7.1 Every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. The Member shall be familiar with, and comply with, the Municipality's Workplace Anti-Violence, Harassment and Sexual Harassment Policy.
- 7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.
- 7.3 A Member shall not speak in a manner that is discriminatory to any individual, based on any protected grounds. Protected grounds include: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, and gender expression¹.

8. Conduct Respecting Staff and Officers

- 8.1 Under the direction of the senior administrative staff, and in accordance with the decisions of Council, staff and Officers are required to serve the municipal corporation as a whole. Every Member shall be respectful of the role of staff and Officers to provide advice based on political neutrality and objectivity and without undue influence from any Member or group of Members. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any staff person or Officer.
- 8.2 Members shall acknowledge and respect the fact that staff carry out directions of Council, through senior staff, including but not limited to the treasurer, clerk, director of public works, and administer the policies of the Municipality. No Member shall perform, direct or attempt to undermine the duties of any staff person or Officer except in accordance with the Municipality's procedural by-law.

¹¹ See *Human Rights Code*, R.S.O. 1990, c.H.19

- 8.3 Every Member shall show respect for staff and Officers, and for their professional capacities and responsibilities.
- 8.4 No Member shall direct, instruct or compel any staff member or Officer to engage in partisan political activities or subject any staff member or Officer to threat or discrimination for refusing to engage in any such activity.
- 8.5 No Member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or improperly influencing any staff person or Officer or interfering with that person's duties, including the duty to disclose improper activity.

9. Gifts, Benefits and Hospitality

- 9.1 For the purposes of this Code, Gifts, Benefits and Hospitality provided, with a Member's knowledge, to that Member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the Member's duties, are deemed Gifts, Benefits and Hospitality provided to that Member.
- 9.2 No Member shall accept Gifts, Benefits and Hospitality connected directly or indirectly with the performance of his or her duties, unless permitted under one or more of the exceptions listed below:
- 9.3 Each of the following is recognized as an exception:
 - a) compensation authorized by law;
 - b) Gifts, Benefits and Hospitality of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation;
 - c) a political contribution otherwise authorized and reported as required by law, in the case of a Member running for office;
 - d) services provided without compensation by a Person volunteering their time in a function that would not normally be provided for compensation;
 - e) a suitable memento of a function honouring the Member;

- f) food, lodging, transportation or entertainment lawfully provided by any Provincial, regional or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or event where the Member is speaking or attending in an official capacity;
- g) food and beverage consumed at a banquet reception or similar event, if:
 - i. attendance by the Member is for a legitimate municipal purpose;
 - ii. the Person extending the invitation, or a representative of the organization holding the event, is in attendance; and
 - iii. the value is reasonable;
- h) communications to the office of a Member, even if such communication would, in the ordinary course, require a subscription; and
- i) a sponsorship or donation for a community event organized or run by a Member, or a third party on behalf of a Member, subject to the limitations set out in any applicable municipal policy.

9.4 Except for exception 9.3 (c) (political contributions allowable by law), these exceptions do not apply where Gifts, Benefits and Hospitality are provided by a lobbyist or a lobbyist's client or employer. In this provision, a lobbyist is an individual, organization or business who or that:

- a) lobbies, or causes the lobbying of, any public office holder of the Municipality, the municipal council or corporation or a Local Board;
- b) the Member knows is attempting or intending to lobby the Member or any of the public, Persons or bodies listed in paragraph (a); or
- c) is maintaining an active lobbyist registration with the Municipality, whether or not with respect to any specific or current subject matter.

9.5 The exceptions in section 9.3 do not apply to a gift from an anonymous sender. No Member shall accept a gift from an anonymous sender. Where a Member receives a gift from an anonymous sender, the Member will turn the gift in to the Clerk who will donate the gift to a charity/organization on the Municipality's approved donation list.

- 9.6 In the case of any of the recognized exceptions in sections 9.3 (b), (e), (f), (h) and (i), to enhance transparency and accountability with respect to Gifts, Benefits and Hospitality, if the value of the Gift, Benefit or Hospitality is over \$300, or if the total value of Gifts, Benefits and Hospitality received from any one source during the course of a calendar year exceeds \$300, the Member shall file, within 30 days of receipt, or of reaching the annual limit, a disclosure statement with the Municipality or with its Integrity Commissioner.
- 9.7 The disclosure statement must set out:
- a) the nature of all Gifts, Benefits, and Hospitality;
 - b) its source and date of receipt;
 - c) the circumstances under which it was given and received;
 - d) its estimated value or, if determinable, its exact value;
 - e) what the recipient intends to do with any gift; and
 - f) whether any gift will at some point be provided to the Municipality.
- 9.8 Every disclosure statement filed under this Code shall be made a public record and posted in a place available for public review.
- 9.9 Upon receiving a disclosure statement, the Municipality or the Integrity Commissioner, as the case may be, shall examine, or in the case of the Municipality, appoint a Person to examine, the disclosure statement to ascertain whether the receipt of any Gifts, Benefits, or Hospitality, in his or her opinion, acting reasonably, contravenes this Code. Making such determination shall include providing the Member an opportunity to provide an explanation as to why receipt of any Gift, Benefit or Hospitality at issue does not contravene this Code.
- 9.10 Should a determination be made that receipt of any Gift, Benefit or Hospitality contravenes this Code, the Member shall be directed to promptly return, dispose of, or reimburse the person giving the Gift, Benefit or Hospitality, for the full value thereof, as applicable or remit the value of any gift or benefit already consumed to the Municipality.

10. Confidential Information

- 10.1 **No Member shall disclose, release, sell or publish by any means directly or indirectly, to any person or to the public, any Confidential Information acquired by virtue of his or her office**, in any form including, but not limited to, written notes, reports, oral and video recording, pictures, electronic correspondence, and any form of social media except when required or authorized by Council or otherwise by law to do so.
- 10.2 No Member shall use Confidential Information for personal or private gain or benefit, or to disadvantage any other person or body.
- 10.3 Unless required by law, no Member shall disclose the substance of deliberations of meetings held *in-camera* and that are authorized to be held *in-camera* under the *Municipal Act, 2001* or any other legislation unless or until Council discloses such information at a meeting that is open to the public or otherwise releases such information to the public.
- 10.4 Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose or make personal use of any of the following types of Confidential Information:
- a) Information concerning litigation, negotiation or personnel or labour matters;
 - b) Information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence);
 - c) Price schedules in any contract, tender or proposal document while such remains Confidential Information;
 - d) Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*; and
 - e) Any other information or statistical data required by law not to be released.
- 10.5 No Member shall obtain access, or attempt to gain access, to Confidential Information in the custody of the Municipality, Local Board or Committee except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

11. Use of Municipal Property, Services and Other Resources

- 11.1 No Member shall use, or permit the use of, municipal equipment, land, facilities, supplies, services, staff or other resource, including any municipally-owned information, website, or funds allocated for Member expenses, for any purpose or activity other than the lawful business of the municipal corporation. No Member shall seek or acquire any personal financial gain from the use or sale of Confidential Information, or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, for which property remains exclusively that of the Municipality.

12. Conduct of Election Campaign

- 12.1 Every Member shall comply with all applicable requirements of the *Municipal Elections Act, 1996* and with the Municipality's municipal or board resources rules and procedures established pursuant to section 88.18 of the *Municipal Elections Act, 1996*.
- 12.2 No Member shall use Confidential Information, facilities, equipment, supplies, services, or other resources of the Municipality, including any Member newsletter or website linked through the Municipality's website, for any election campaign or campaign-related activity. No Member shall undertake campaign-related activities on municipal property during regular working hours unless authorized by the Municipality.
- 12.3 No Member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the Municipality.

13. No Improper Use of Influence

- 13.1 No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.
- 13.2 No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage, the private advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise or the disadvantage of others. No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. No Member shall hold out the

prospect or promise of future advantage through the Member's supposed influence within Council in return for any action or inaction.

- 13.3 For the purposes of this provision "private advantage" does not include a matter:
- a) That is an interest in common with electors generally as defined in the *Municipal Conflict of Interest Act*;
 - b) that affects a Member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
 - c) that concerns the remuneration or benefits of a Member.
- 13.4 This provision does not prevent a Member from requesting that Council grant a lawful exemption from a policy.

14. Non-Compliance with this Code of Conduct – Sanctions

- 14.1 A Member found by the Integrity Commissioner to have contravened any provision of this Code, may be subject to one or more of the following consequences imposed by Council as referred to in the following:
- a) a reprimand;
 - b) suspension of the remuneration paid to the Member in respect of his or her services as a Member of the Council or Local Board, for a period of up to 90 days;
 - c) Other penalties, including, but not necessarily limited to:
 - i. Removal from membership of a Committee or Local Board;
 - ii. Removal as Chair of a Committee or Local Board;
 - iii. Require repayment or reimbursement of moneys received;
 - iv. Return of property or reimbursement of its value;
 - v. A request for an apology;
 - vi. Revocation of travel or another budget;
 - vii. Request for resignation; and

- viii. Trespass order restricting access except for Council Meetings.

15. No Reprisal or Obstruction in the Application or Enforcement of this Code

- 15.1 Every Member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall co-operate in every way possible in securing compliance with its application and endorsement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities or pursuing any such objective.
- 15.2 Every Member shall cooperate with the Integrity Commissioner if the Integrity Commissioner conducts an inquiry concerning an alleged contravention of this Code.

16. Statutes and Policies Regulating the Conduct of Members

- 16.1 In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of Members:
- a) the *Municipal Act, 2001* as amended;
 - b) the *Municipal Conflict of Interest Act*;
 - c) the *Municipal Elections Act, 1996*;
 - d) the *Municipal Freedom of Information and Protection of Privacy Act*;
 - e) the *Ontario Human Rights Code*; and,
 - f) the *Occupational Health and Safety Act*.

- 16.2 The following policies govern the conduct of Members:

Procedural By-Law	34/95
By-Law to Establish Boards/Committees of Council	53/16
Media Communication Policy	1.1
Social Media Conduct Policy	3.27

Use of Corporate Resources in Election Periods Policy	1.17
Workplace Harassment Policy	5.34.1
Workplace Violence Policy	5.34
Council/Staff Relations Policy	TBD

16.3 The *Criminal Code* also governs the conduct of Members.

16.4 A Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this Code of Conduct. In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation the statute or regulation shall prevail. Should any provision of the Code become or be determined to be invalid, illegal or unenforceable, it shall be considered separate and several from the agreement and the remaining provisions shall remain in force.

17. Complaints Alleging Violation of This Code

17.1 Where a Member, a municipal employee, Officer, or a member of the public has reasonable grounds to believe that a Member(s) has contravened this Code, a complaint may be submitted to the Clerk's Department in the prescribed form which will be forwarded to the Municipality's Integrity Commissioner who will process it in accordance with the Integrity Commissioner Inquiry Protocol attached hereto as Schedule "B". The Complaint may also be submitted directly to the Integrity Commissioner in the event that such office is readily accessible.

17.3 Where a Member is found not to have contravened this Code, the Municipality is authorized to protect that Member against costs or expenses incurred by the Member as a result of the complaint proceedings.

DECLARATION OF OFFICE
(Section 232 of the *Municipal Act, 2001*)

I, _____, having been elected or appointed to the office
(name of person)

of _____
(name of office)

in the municipality of _____
(name of municipality)

do solemnly promise and declare that:

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me)	
at the)	
.....)	_____
.....)	signature of declarant
on)	
20.....)	

Commissioner for taking Affidavits



Integrity Commissioner Inquiry Protocol

Town of Fort Frances

Important Disclaimer: this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). Wishart Law Firm LLP recommends that legal advice be sought by the Integrity Commissioner or anyone acting under his or her authority in responding to an application or conducting an inquiry pursuant to this protocol. If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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1. Introduction

The Municipality has, pursuant to section 223.2 of the *Municipal Act, 2001*, established a Code of Conduct for members of council of the Municipality and members of its Local Boards.

The Municipality has appointed an Integrity Commissioner whose duties include, among other things, conducting inquiries in respect of alleged contraventions of the Code of Conduct and sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (“*MClA*”).

The purpose of this protocol is to set out a framework for the Integrity Commissioner’s inquiries into allegations of contraventions of the Code of Conduct and sections 5, 5.1 and 5.2 of the *MClA* breaches.

2. Definitions

“**Applicant**” means the person who has submitted an application to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention by a Member of sections 5, 5.1 or 5.2 of the *MClA*.

“**Code of Conduct**” means a code of conduct established pursuant to section 232.2 of the *Municipal Act, 2001*.

“**Elector**” means a person entitled to vote at a municipal election in the Municipality.

“**Integrity Commissioner**” means the Integrity Commissioner appointed by Municipal Council and any individual acting under powers delegated to him or her in writing by the Integrity Commissioner.

“**Local Board**” means a Local Board other than:

- a. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
- b. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
- c. A Committee of management established under the *Long-Term Care Homes Act, 2007*;
- d. A police service board established under the *Police Services Act, 2018*;
- e. A board as defined in section 1 of the *Public Libraries Act*; and,
- f. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;

“Member” means a member of the municipal council and any person on his or her staff and/or a member of a Local Board or a Committee of the Municipality and any person on his or her staff.

“Requestor” means the person who has submitted a request to the Integrity Commissioner for an inquiry concerning an alleged contravention of the applicable Code of Conduct.

“Respondent” means the person who is alleged to have violated the Code of Conduct or sections 5, 5.1 or 5.2 of the *MClA* and whom an Integrity Commissioner inquiry application has been submitted.

3. Integrity Commissioner

3.1. Functions

The Integrity Commissioner reports to council and is responsible for performing in an independent manner, the functions assigned by the Municipality with respect to any of the following:

1. The application of the Code of Conduct for Members.
2. The application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of Members.
3. The application of sections 5, 5.1 and 5.2 of the *MClA* to Members.
4. Requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member.
5. Requests from Members for advice respecting their obligations under a procedure, rule or policy of the Municipality or of the Local Board, as the case may be, governing the ethical behaviour of Members.
6. Requests from Members for advice respecting their obligations under the *MClA*.
7. The provision of educational information to Members, the Municipality and the public about the Municipality’s Code of Conduct for Members and about the *MClA*.

3.2. Powers and duties

In carrying out the responsibilities described in section 3.1 above, the Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the Municipality.

3.3. Delegation

After satisfying himself or herself that a person is fully capable of carrying out the Integrity Commissioner's powers or duties, the Integrity Commissioner may, in writing, delegate to any person, other than a member of council, any such duties or powers. For greater certainty, if the Integrity Commissioner delegates any duties or powers, the Integrity Commissioner may continue to exercise the delegated powers and duties despite the delegation.

3.4. Outside assistance

In performing any of his or her duties, the Integrity Commissioner may engage outside assistance or consult with the Municipality's legal counsel. When the Municipality's legal counsel is assisting the Integrity Commissioner their role is solely to assist the Integrity Commissioner and not any particular individual.

4. Requests for advice

4.1. Requests for advice shall be in writing

A request by a Member for advice from the Integrity Commissioner under paragraphs 4, 5 or 6 of section 3.1 above, shall be made in writing.

4.2. Advice shall be in writing

If the Integrity Commissioner provides advice to a Member under paragraphs 4, 5 or 6 of section 3.1 above, the advice shall be in writing.

4.3. Release of advice

Advice provided by the Integrity Commissioner to a Member under paragraphs 4, 5 or 6 of section 3.1 above may be released by the Integrity Commissioner:

1. With the Member's written consent; or
2. Without the Member's written consent if the Member releases part of the advice.

5. Inquiry by Integrity Commissioner re Code of Conduct

5.1. Request for inquiry

A request for inquiry may be made in writing to the Integrity Commissioner by a Member, staff or member of the public about whether a Member has contravened the Code of Conduct.

5.2. Request contents

A request for inquiry under section 5.1 above may be in the form set out in Schedule “A” or, otherwise, shall include sufficient information to set out a prima facie contravention of the applicable Code of Conduct, including, but not necessarily limited to, all of the following:

- The Requestor’s name and contact information.
- What happened – a description of the events or situation.
- When it happened – dates and times of the events or incidents.
- Where it happened – the location(s) where the events or incidents occurred.
- Who saw it happen – the names of any witnesses, if any.

5.3. Jurisdiction re workplace violence, harassment, and sexual harassment

Requests made under this section must specifically refer to alleged contraventions of the Code of Conduct by a Member. Allegations of workplace violence, harassment, and sexual harassment by a Member must be reported in the manner set out in the Town of Fort Frances Workplace Anti-Violence, Harassment and Sexual Harassment Policy and must be reported as provided thereunder and that policy shall exclusively apply in respect of any such report.

5.4. Request review

The Integrity Commissioner will conduct an initial review of the request to ensure that it is a proper allegation of a breach of the Code of Conduct. If, after the initial review, the Integrity Commissioner determines that the request is not properly an allegation of a breach of the Code of Conduct, there are insufficient grounds to believe that there has been a contravention of the Code of Conduct, or the Integrity Commissioner, determines that an inquiry is not appropriate for any other reason in the Integrity Commissioner's reasonable discretion, the Integrity Commissioner will dismiss the request. When determining if an inquiry is appropriate, the Integrity Commissioner may, among other things, take into account the date of the alleged breach. Further, the Integrity Commissioner shall, in his or her discretion, dismiss the request if, upon initial review, the Integrity Commissioner determines that the Requestor has not supplied the information set out in section 5.2. If the Integrity Commissioner does not dismiss a request for this reason, the Integrity Commissioner will advise the Requestor that he or she must supply additional information and shall take no further action until the Requestor supplies such information.

5.5. Powers on inquiry

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

5.6. Information

The Municipality, its Local Boards and Committees shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality, Committee or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

5.7. Penalties the Municipality may impose

Council may impose any of the following penalties on a Member if the Integrity Commissioner reports to the Municipality that the Member has contravened the Code of Conduct:

1. A reprimand;
2. Suspension of the remuneration paid to the Member for a period of up to 90 days;

3. Other penalties, including, but not necessarily limited to:
 - a. Removal from membership of a Committee or Local Board;
 - b. Removal as Chair of a Committee or Local Board;
 - c. Require repayment or reimbursement of moneys received;
 - d. Return of property or reimbursement of its value;
 - e. Request for an apology to Council, the Requestor or other relevant party;
 - f. Revocation of travel or other budget;
 - g. Request for resignation;
 - h. Trespass Order restricting access except for Council Meetings.

5.8. Penalties the Local Board may impose

A Local Board may impose any of the penalties described in section 5.7 above on a member of the Local Board if the Integrity Commissioner reports to the Local Board that, in his or her opinion, the member of the Local Board has contravened the Code of Conduct applicable to the Member of the Local Board, and if the Municipality has not imposed a penalty on the member of the Local Board under section 5.7 above in respect of the contravention.

5.9. Termination of inquiry when regular election begins

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is so terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act*, 1996, the person or entity who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

5.10. Other rules that apply during regular election

The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election, as set out in section 5 of that *Act*:

1. There shall be no requests for an inquiry about whether a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.

2. The Integrity Commissioner shall not report to the Municipality or Local Board about whether, in his or her opinion, a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
3. The Municipality or Local Board shall not consider whether to impose the penalties referred to in sections 5.5 and 5.6 above on a member of council or of a Local Board.

6. Inquiry by Integrity Commissioner re s. 5, 5.1 or 5.2 of the *MCI*

6.1. *Application*

An Elector, or a person demonstrably acting in the public interest, may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the *MCI* by a Member.

6.2. *Content of application*

An application may be in the form set out in Schedule “B” or, otherwise, shall set out the reasons for believing that the Member has contravened sections 5, 5.1 or 5.2 of the *MCI* and include the Applicant’s name and contact information and a statutory declaration attesting to the fact that the Applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where the Applicant became aware of the alleged contravention during the period of time described in paragraph 1 of section 6.6 below, a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention during that period of time.

6.3. *Review of application*

The Integrity Commissioner will conduct an initial review of the application to ensure that it complies with this section. If the application does not comply with this section, the Integrity Commissioner will advise the Applicant about the non-compliance in writing and the Integrity Commissioner shall take no further action unless or until the Applicant submits a compliant application. If upon initial review, the Integrity Commissioner determines that the application is not properly an application alleging contravention of sections 5, 5.1 or 5.2 of the *MCI* or there are no reasonable grounds to support the application, the Integrity Commissioner shall dismiss the application.

6.4. No application for inquiry during regular election

No application for an inquiry under this section may be made to the Integrity Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election as set out in section 5 of that *Act*.

6.5. Application timing

An application under this section may only be made within six weeks after the Applicant became aware of the alleged contravention. No application shall be brought after the expiration of six years from the time at which the contravention is alleged to have occurred.

6.6. Exception

Despite section 6.5 above, an application may be made more than six weeks after the Applicant became aware of the alleged contravention if both of the following are satisfied:

1. The Applicant became aware of the alleged contravention six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election, as set out in section 5 of that *Act*.
2. The Applicant applies to the Integrity Commissioner under section 6.1 within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act*, 1996.

6.7. Public meeting

If the Integrity Commissioner decides to conduct an inquiry, the Integrity Commissioner may have a public meeting to discuss the inquiry.

6.8. Powers on inquiry

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act*, 2009, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

6.9. Information

The municipality and its Local Boards shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

6.10. Termination of inquiry when regular election begins

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.

6.11. No other inquiry in respect of the matter to commence without application

If an inquiry is terminated under section 6.10, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Integrity Commissioner for the inquiry to be carried out.

6.12. Timing for completion of inquiry

The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed compliant application under section 6.1 above unless the inquiry is terminated under section 6.10 above.

6.13. Decision to apply to a judge upon completion of inquiry

Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge for a determination as to whether the Member has contravened sections 5, 5.1 or 5.2 of the *MCI*A.

6.14. Notice to Applicant re decision not to apply to judge

The Integrity Commissioner shall advise the Applicant if the Integrity Commissioner will not be making an application to a judge.

6.15. Reasons re decision to apply to a judge

After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

6.16. Costs

The Integrity Commissioner's costs of applying to a judge shall be paid by:

1. The municipality, if the Member is alleged to have contravened sections 5, 5.1 or 5.2 of the *MCLA* as member of council of the Municipality; or
2. The Local Board, if the Member is alleged have contravened sections 5, 5.1 or 5.2 of the *MCLA* as member of the Local Board.

7. Conduct of inquiry

The Integrity Commissioner may conduct such inquiry as he or she considers necessary in response to a compliant request or application under sections 5 or 6 above and such inquiry may include all or some of the following:

- Informing the Respondent of the application;
- Interviewing the Applicant, the Respondent, any person involved in the incident, and any identified witnesses;
- Interviewing any other person who may have knowledge of the incidents related to the application or any other similar incidents; and
- Reviewing any information the Integrity Commissioner believes necessary and document such review.

8. Reference to appropriate authorities

8.1. Referral of matter by Integrity Commissioner

If the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code of Canada or any other *Act*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting investigation, including, but not limited to, police investigations and/or the charges have been finally disposed of, and shall

report the suspension to council. Contravention of any other *Act* includes, but is not limited to, contravention of the *Occupational Health and Safety Act*.

8.2. No derogation of rights

The provisions of this protocol in no way affect the right of anyone to:

- (a) contact the police, other law enforcement agency, or any other appropriate authority on their own initiative;
- (b) exercise their right(s) under any legislation; or
- (c) take any other available legal action.

9. Confidentiality

9.1. Integrity Commissioner's duty of confidentiality

The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality with respect to all matters that come to his or her knowledge in the course of performing his or her duties. This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

9.2. Confidentiality of those involved in inquiry

Out of respect for the relevant individuals, it is essential that the Applicant, Respondent, witnesses and anyone else involved in an inquiry conducted by the Integrity Commissioner hereunder maintain confidentiality throughout the inquiry and afterwards.

9.3. Disclosure required by law

Notwithstanding sections 9.1 or 9.2 above, information may be disclosed in a criminal proceeding, or as required by law.

9.4. Retention of records

The Integrity Commissioner and person providing outside assistance to the Integrity Commissioner pursuant to section 3.4 above, shall retain all records related to any application and any inquiry indefinitely.

10. Reports

10.1. Periodic report to council

If the Integrity Commissioner provides a periodic report to the Municipality on his or her activities, the Integrity Commissioner may summarize advice he or she has given, but shall not disclose confidential information that could identify a person concerned.

10.2. Report about conduct

After completing an inquiry, the Integrity Commissioner shall provide a written report to the Municipality or the Local Board (the “Report”).

The Integrity Commissioner may disclose in the Report, such matters as in the Commissioner’s opinion are necessary for the purposes of the Report. Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report may, at the Integrity Commissioner’s discretion, contain the following:

1. An outline of the Integrity Commissioner’s finding; and,
2. The terms of any recommended corrective action;

Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report must contain sufficient information for the Municipality or Local Board to determine whether or not to impose corrective action under section 5.7.

10.3. Report to Council or Local Board

Upon receipt of the Report, the Clerk shall indicate on the regular agenda of Council or the Local Board, notice of intent from the Integrity Commissioner to submit a Report for consideration at the following regular meeting.

The Respondent shall have the right of reply when the Report is considered by the Municipality or the Local Board.

Upon review of the Report, Council shall pass a resolution stating whether or not it intends to take action in response to the Report, and if so, what action Council will take.

10.4. Publication of reports

The Municipality and each Local Board shall ensure that reports received from the Integrity Commissioner by the Municipality or by the Local Board, as the case may be, are made available to the public upon request.

11. Bad Faith Applications or Requests

If a person or entity makes a request or application for an inquiry hereunder and the Integrity Commissioner determines such request or application is made in bad faith, notwithstanding anything to the contrary in protocol, the Integrity Commissioner may disclose all relevant information concerning the request or application to the Municipality such that the Municipality may pursue any recourse available against the individual or entity. Examples of bad faith include, but are not limited to, making a report knowing the allegations therein are untrue or making a report for an improper purpose.

12. Indemnity

The Municipality shall indemnify and save harmless the Integrity Commissioner, or any person acting under the instructions of the Integrity Commissioner, for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority hereunder or an alleged neglect or default in the performance in good faith of such duty or a by-law passed under Part V.1 of the *Municipal Act, 2001*. For greater certainty, nothing in this section affects the application of section 448 of the *Municipal Act, 2001* with respect to a proceeding referred to in this section.

13. Protocol review

The Municipality will review this Policy as often as it deems reasonably necessary and will post the most current version of this protocol on its website.

SCHEDULE "A"

INTEGRITY COMMISSIONER REQUEST FOR INQUIRY CODE OF CONDUCT

This form will be used to request the Integrity Commissioner conduct an inquiry of an alleged Code of Conduct contravention	Submit completed complaint in a sealed envelope to: Integrity Commissioner Request for Inquiry Re Code of Conduct [Integrity Commission Contact Information]
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REQUESTOR'S INFORMATION

Last Name:	First Name:
Street Address:	Municipality:
Postal Code:	Phone #:
E-mail Address:	Name of Member:

DETAILS OF ALLEGED CODE OF CONDUCT CONTRAVENTION

Date(s) of alleged Code of Conduct contravention:	
Provision(s) of Code of Conduct allegedly contravened:	
Facts constituting the alleged Code of Conduct contravention (please use separate page(s) if required)	
Name(s) and contact information of any witnesses:	
<input type="checkbox"/> I agree to release my identity with regard to this request <input type="checkbox"/> I do NOT agree to release my identity with regard to this request	
Signature:	Date: Year: Month: Day:

FOR OFFICE USE ONLY

Date Received Year: Month: Day:	Request #:	Comments:
Personal information contained on this form is collected under the authority of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and will be used for the purpose of requesting an inquiry.		

SCHEDULE "B"

INTEGRITY COMMISSIONER APPLICATION FOR INQUIRY *MUNICIPAL CONFLICT OF INTEREST ACT*

AFFIDAVIT OF _____ (insert full name) I,
 _____ (insert full name), of the (insert City, Town etc.)
 _____ (Municipality of residence) in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because: (insert reasons - e.g. I work for/I attended a meeting at which, etc.)
2. I have reasonable and probable grounds to believe that a Member, namely: (insert specify name of Member)

has contravened section(s) _____ (specify section(s) 5, 5.1 or 5.2) of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50. The particulars of which are as follows:

(If more room is required, attach and initial extra pages to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. Exhibits should be labelled as Exhibit A, B, etc. and attached to this affidavit.)

3. I became aware of the alleged contravention:
 - ☐ not more than six weeks before the date of this application.
 - ☐ within the period of time beginning six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election, as set out in section 5 of that *Act*.

This affidavit is made for the purpose of applying for an inquiry by the Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at the _____)
 City of _____, this _____ day of _____)
 _____, 20____)
 _____)
 _____)
 _____)

A Commissioner etc.



CODE OF CONDUCT

Training and Information Session for
Board / Committee Members

WEDNESDAY SEPTEMBER 18, 2019 | 12 NOON

COUNCIL CHAMBERS, 320 PORTAGE AVENUE,
FORT FRANCES, ON

Board and Committee members are encouraged to attend a Training /
Information Session delivered by Paul Heayn, Integrity Commissioner.

This is your opportunity to learn about the Town of Fort Frances Code of
Conduct and the role of the Integrity Commissioner.

This is a lunch and learn session, a light lunch will be provided.

Please RSVP by September 11th to:
Kathy Lawson (klawson@fortfrances.ca) or
Lisa Slomke (lslomke@fortfrances.ca).

