

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - May 19, 2020 at 8:30 AM

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MEETING - Virtual Meeting

Page

1. **Call to Order**
Session #21
2. **Disclosure of pecuniary interest and the general nature thereof**
3. **Approval of Previous Committee Minutes**
 - 3.1 Approval of Previous Meeting Minutes. 2 - 3
4. **Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.**
5. **In-Camera**
6. **Items Referred from Council**
7. **New Business**
 - 7.1 814/820 Scott Street – Zoning By-Law Amendment (B2-2020) & Official Plan Amendment (C1-2020). 4 - 25
 - 7.2 814/820 Scott Street – Site Plan Control Agreement (SPC02-2020). 26 - 27
 - 7.3 Chief Building Official Request for Delegation of Authority to Enter into Agreements – Conditional Building Permits. 28 - 46
8. **Outstanding Items**
9. **Information**
10. **Non-agenda Items**
11. **Adjourn / Next Meeting Date**
Monday June 1st, 2020.

TOWN OF FORT FRANCES

MINUTES

SESSION NO. #20

February 3, 2020

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held in the Civic Centre - Committee Room on February 3, 2020 from 8:30 a.m. to 8:32 a.m.

PRESENT: D. Judson - Chairperson, W. Brunetta - Mayor J. Caul (ex-officio)

ALSO PRESENT: D. Brown, CAO, C. Vangel, CBO/Planner, P. Briere, Committee Secretary

1. **Call to Order - 0830am**
Session #20
2. **Disclosure of pecuniary interest and the general nature thereof**
None.
3. **Approval of Previous Committee Minutes**
 - 3.1 Approval of Previous Meeting Minutes.
- Approved as presented.
4. **Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.**
None.
5. **In-Camera**
None.
6. **Items Referred from Council**
None.
7. **New Business**
 - 7.1 Deeming Application - 814 & 820 Scott Street.
- An overview of the application and process was provided to the Committee. The Committee is recommending that Council approve the report as requested.
8. **Outstanding Items**
None.
9. **Information**
None.
10. **Non-agenda Items**
None.
11. **Adjourn / Next Meeting Date - 0832am**
Tuesday February 18th, 2020.

Executive Committee Chair

Secretary, Planning & Development Executive
Committee

Date: May 14, 2020

Report To: Planning & Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: 814/820 Scott Street – Zoning By-Law Amendment (B2-2020) & Official Plan Amendment (C1-2020)

Background

An application was submitted by Friesen Five Inc. to request a site-specific zoning amendment from General Commercial (C2) to Residential Type Two (R2) along with site specific Official Plan designation change from Employment to Living for 814/820 Scott Street.

The requested Zoning By-Law amendment and Official Plan amendment are necessary steps required to facilitate the proposed three storey 18-unit residential apartment building on behalf of Friesen Five Inc.

Property History

The property is located on the corner of Reid Avenue and Scott Street, and is home to the former Dough and Deli Bakery. The bakery has been closed for many years now, though there are existing residential suites within the rear and upper floor of the building. The building which MPAC states was constructed in 1945 is in dire need of repair, such that Friesen Five Inc. is proposing to demolish the existing facility and reconstruct a modern three storey residential apartment building.

Information on file shows that in the 1980's the property was subject to a consent application to create two separate parcels known as 814 Scott Street and 820 Scott Street. Friesen Five Inc. has taken the recommended steps to consolidate the parcels with the Land Registrar and subsequently deemed the consolidated parcel not to be on a registered plan of subdivision to facilitate the development on the now consolidated single parcel.

Official Plan

The property is designated as an **Employment Area** which typically hold Industrial, Commercial and Business uses.

The proposed use, that of an 18-unit Residential Apartment, requires a designation of **Living Area**.

Zoning

The property is currently **zoned General Commercial (C2)** which does not permit the proposed development. The property is required to be rezoned to **Residential Type Two (R2)** where the following uses are permitted:

- a) single detached dwelling
- b) semi-detached dwelling
- c) duplex dwelling
- d) townhouse dwelling
- e) triplex dwelling
- f) fourplex dwelling
- g) apartment dwelling
- h) group home
- i) home occupation
- j) boarding house
- k) community garden

Provincial Policy Statements

The Planning Act requires that official plan amendments and zoning by-law amendments be consistent with provincial policy statements as identified in the 2020 Provincial Policy Statements (PPS). The proposed re-development appears to be consistent with the 2020 PPS as follows:

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower tier municipalities;
- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Divisional Comments

Fort Frances Power Corporation

- Ensure applicant contacts FFPC prior to demolition so they can de-energize the services and remove metering and service connection.

Fort Frances Fire Rescue

- No concerns noted.

Fort Frances Public Works

- Water and sewer services to be verified on property
- Services may require upgrade as sizes and materials are not known nor is there any record of termination for services at 820 portion
- Site servicing plan to be provided
- Off street parking to be provided for all 18 units
- Storm water should be collected on property side of parking lot area and tied into existing storm sewer on south east corner of the property

Committee of Adjustment

Heard Thursday May 14, 2020 – comments not available at time of report generation

Public Meeting

Scheduled for Monday May 25, 2020

Summary/Recommendation:

It is the opinion of administration that the proposed Official Plan Amendment and Zoning By-Law Amendment applications for the re-development 814/820 Scott Street will benefit the area through providing more housing opportunities for the community and create a more sustainable use for the land. The proposed use appears to fit well with the Provincial Policy Statement 2020.

Based on the information provided above, it is the recommendation of administration that the following be recommended for approval:

1. The application (C1-2020) for site specific Official Plan Amendment to change the designation from Employment to Living at 814/820 Scott Street; and
2. The application (B2-2020) for site specific Zoning By-Law Amendment to change the zoning from General Commercial (C2) to Residential Type Two (R2) at 814/820 Scott Street

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', written in a cursive style.

Cody Vangel, EIT
Chief Building Official & Municipal Planner



The Corporation of the Town of Fort Frances OFFICIAL PLAN AMENDMENT

Information and Material to be provided under Subsection 22(4) of the Planning Act

APPLICATION FOR AN AMENDMENT TO THE OFFICIAL PLAN

SECTION 17, PLANNING ACT, 1990, R.S.O.

(as per Regulation 543/06, SCHEDULE 1 – INFORMATION AND MATERIAL
TO BE PROVIDED WITH A REQUEST UNDER SUBSECTION 22(4) OF THE ACT)

Office Use Only	
File Number: <u>C1-2020</u>	Property Roll Number: <u>59-12-030-002-028-00</u>
Date Submitted: <u>April 9, 2020</u>	Date Deemed Complete: <u>April 28, 2020</u>
Application Fee: <u>\$3,000.00</u>	Related File Number(s): <u>B2-2020</u> <u>D1-2020</u>

APPLICANT INFORMATION:

1.0 Applicant Information

Name of Owner <u>Friesen Five Inc</u>	Name of Agent, if applicant is an agent by the owner
Mailing Address <u>PO Box 15, Fort Frances ON</u> <u>P9A 3M5</u>	Mailing Address
Telephone <u>(807) 276-7452 (Kaleb Firth)</u>	Telephone
Cell <u>(807) 275-5683 (Wade Friesen)</u>	Cell
Email <u>kaleb_firth@hotmail.com</u>	Email
Fax	Fax

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

2.0 Property Information

Municipal Address

814/820 Scott Street, Fort Frances, ON P9A 1J2

Attached
new
consolidation

Lot/Block	Registered Plan
Part(s)	Reference Plan
Parcel No. (s)	PIN (If Known)
Property Roll No.	Frontage
Depth	Area (sq m)

3.0 Other Applications

Is the subject land or any land within 120 meters of the subject land, the subject of an application made by the approval of an Official Plan amendment, Zoning By-Law amendment or minor variance?

Yes



No



If yes, and if known, please indicate the application file numbers, location, application status, purpose and the effect of the application on the Official Plan amendment proposed by this application.

737 Scott Street. B2-2019

Rezone from R2 to C2 for RRDSSAB Ambulatory Garage & parking lot.

4.0 Proposed Amendment

Name of Official Plan Designation

TOWN OF FORT FRANCES OFFICIAL PLAN - LIVING

Does the proposed Official Plan Amendment apply to lands subject to any aboriginal land claims or provincial/aboriginal co-management agreement?

Yes



No



(If known, provide information you may have as an attachment to the application)

Have you consulted with Aboriginal Peoples on this request for a Plan Amendment?

Yes



No



(If yes, provide any information you have on the consultation process and the outcome of the consultation. Please explain and attach on a separate page.)

5.0 Nature of Proposed Amendment

Does the proposed amendment change, replace or delete a policy in the Official Plan?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes indicate the policy(ies) proposed to be changed, replaced or deleted (list all relevant Section No.'s – attach a separate sheet if necessary)	
What is the existing Land Use Designation? <i>Employment</i>	
What is the current use of the Subject Land? <i>Residential with <u>closed</u> bakery</i>	
Does the proposed amendment add a policy to the Official Plan?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, what is the purpose of the proposed amendment?	
Does the proposed amendment change or replace a land used designation in the Official Plan?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If yes, indicate the land used designation(s) proposed to be changed or replaced (attach a separate sheet if necessary)	
<i>Would like to change it <u>from</u> employment <u>to</u> LIVING</i>	
Describe the reason for the request to change the Land Use Designation?	
<i>It is an old building that we would like to demolish to build a new apartment building.</i>	
(attach an additional sheet if necessary)	
If the proposed amendment changes, replaces, deletes or adds a Policy (text) of the Official Plan, the text of the requested amendment <i>must be attached</i> :	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the requested amendment <i>alter</i> all or any part of the boundary of an <i>area of settlement*</i> or establish a new <i>area of settlement*</i> in the municipality?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

If, Yes, attach the current Official Plan policies (if any) dealing with the alteration or establishment of an area of settlement.

***area of settlement** under Section 1(1) of the Planning Act, R.S.O., 1990, means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres, or future urban use areas, or as otherwise prescribed by regulation.

Does the requested amendment remove the subject land from an **area of employment**** in the municipality?

Yes



No



If, Yes, attach the current Official Plan policies (if any) dealing with the removal of land from an area of employment.

**** area of employment** under Section 1(1) of the Planning Act, R.S.O., 1990, means an area of land designated in an official plan for clusters of business and economic uses including, without limitation, the uses listed in subsection (5) or as otherwise prescribed by regulation. Under subsection (5), the uses within an area of employment are:

(a) manufacturing uses;

(b) warehousing uses;

(c) office uses;

(d) retail uses that are associated with uses mentioned in clauses (a) to (c); and

(e) facilities that are ancillary to uses mentioned in clauses (a) to (d).

6.0 Justification for the Amendment

Describe the suitability of the subject land in terms of both physical characteristics and location for the proposed change in land use designation in this area.

- It is right next to/within other ~~residential~~ ^{residential} areas (North, East & South West)
- There is more vacant employment areas
- The town of FF is in need for a new residential apartment building

Indicate the compatibility of the change in land use designation with the existing uses in the area.

- It would get rid of an old, contaminated building (eye sore) and new construction adds aesthetic value to town.
- The land would be more utilized.
- Intention to not require variances means the building will stay within the limits of existing by laws
- Increased density at a suitable location

Indicate why there is a need for a change in land use designation in this area.

- There is enough vacant commercial/employment spaces and not enough multifamily residential living areas
- Zoning is commercial "employment", apartments require new use designation (R2)

Describe why the proposed changes in policy is more appropriate than the relevant existing policy.

- The building has been sitting empty as others on the block for approximately 10 years. Having a new build in that area will help to revitalize the area.
- Increased density in a viable location is good.
- Keeping commercial use is a higher risk (potentially unsuccessful)
↳ R2 is less risk; creates a successful project for an eyesore it currently is.

7.0 Provincial Interests

Please comment as to whether the requested amendment is consistent with the policy statements issued under subsection 3(1) of the Planning Act, R.S.O., 1990.

Yes.

8.0 Declaration of Applicant or Authorized Agent

COMPLETE IF APPLICANT IS THE OWNER

OWNER'S CONSENT

I, Friesen Five Inc, am 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.

Date

mar 19 2020

Signature of Owner

[Signature] president

COMPLETE IF APPLICANT IS NOT THE OWNER

AUTHORIZATION OF OWNER

I, _____, am 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 _____ 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

Date

Signature of Owner

Properties

PIN 56018 - 0583 LT
Description PCL 411-1 SEC ALBTP; PT LT 411 TOWN PLOT ALBERTON AS IN SP2679 EXCEPT
SLT19234 & SLT30028; FORT FRANCES
Address 814 SCOTT STREET
FORT FRANCES
PIN 56018 - 0584 LT
Description PCL 411-2 SEC ALBTP; PT LT 411 TOWN PLOT ALBERTON AS IN SLT19234,
SLT52154, SLT99405; FORT FRANCES.
Address 820 SCOTT STREET
FORT FRANCES

Applicant(s)

Name FRIESEN FIVE INC.
Address for Service Box 15
Fort Frances, ON
P9A 3M5

I, George Friesen, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Statements

The registered owner applies to consolidate the selected PINs and the proposed description for the parcels to be consolidated is PCL 411-1 AND PCL 411-2 SEC ALBTP; PT LT 411 TOWN PLOT ALBERTON AS IN SP2679, SLT19234, SLT52154, SLT99405 EXCEPT SLT30028; FORT FRANCES.

Signed By

Anne Kristine Barkman 355 Valerie Lane acting for Signed 2020 04 03
Steinbach Applicant(s)
R5G 2A1
Tel 204-371-9359
Fax 204-326-6403

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

ANNE BARKMAN LAW CORPORATION 355 Valerie Lane
Steinbach 2020 04 03
R5G 2A1
Tel 204-371-9359
Fax 204-326-6403

Fees/Taxes/Payment

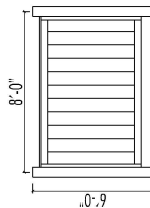
Statutory Registration Fee \$65.05
Total Paid \$65.05

NEW
Consolidation

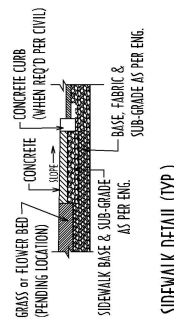
NEW MULTI-FAMILY CONSTRUCTION (814 SCOTT STREET)

3x6-18 PREX
16 RESIDENTIAL
23 STALLS REQ'D
23 TOTAL STALLS (1.28/unit)
1 ACCESSIBLE

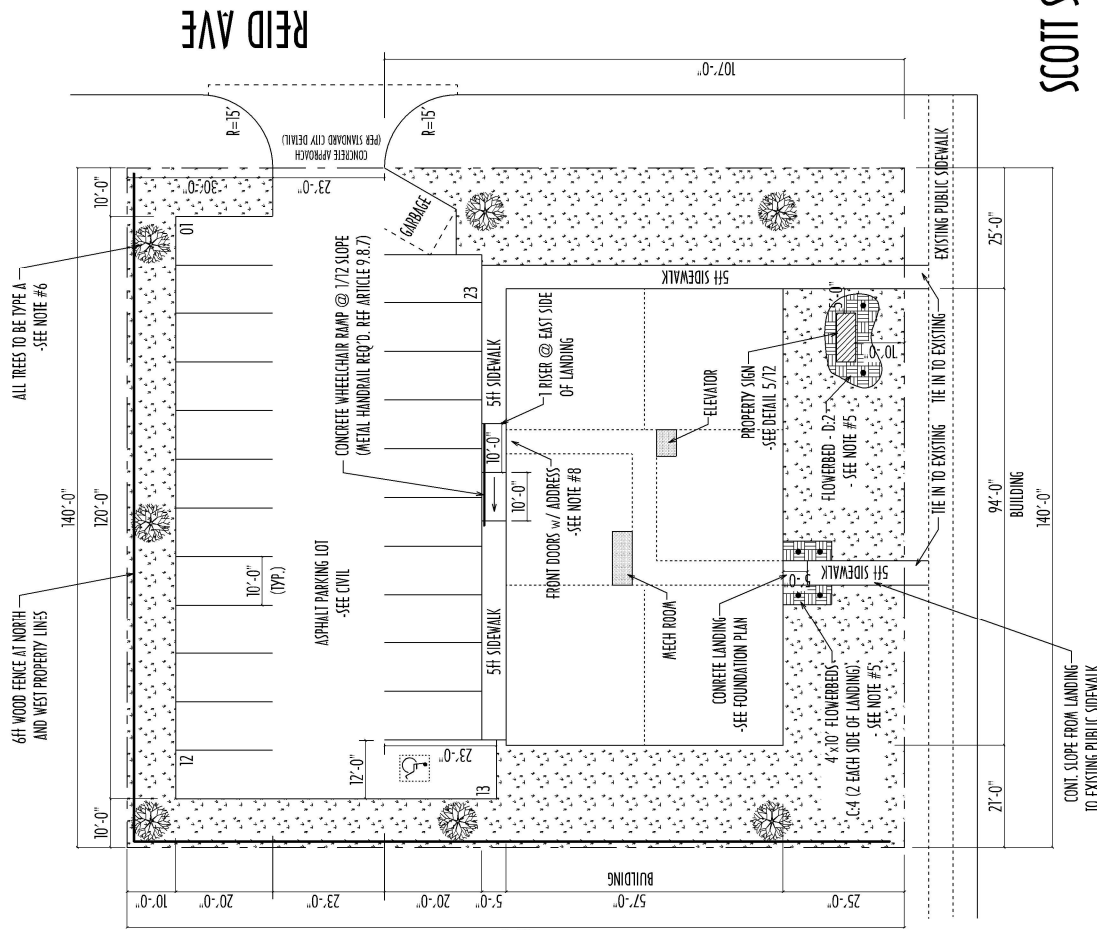
LOT = 22,400 SQ FT
BLDG FOOTPRINT = 5,358 + SQ FT (24%)
PARKING LOT = 7,600 SQ FT (34%)
GREENSPACE = 42%



WOOD FENCE PANEL



SIDEWALK DETAIL (TYP.)



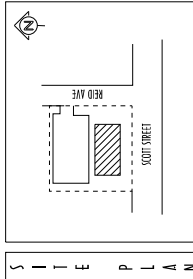
SITE PLAN

SCOTT STREET

- GENERAL NOTES:**
- 1) GREENSPACE TOTALS APPROX. 8,500 SQ. FT.
 - 2) SIDEWALKS TOTAL APPROX. 935 SQ. FT.
 - 3) PARKING LOT TOTALS APPROX. 7,600 SQ. FT.
 - 4) FINAL ENTRANCE SIGNAGE DESIGN TO BE SHOWN ON MANUFACTURER DRAWING.
 - 5) SIDEWALKS TO BE 5'-0" WIDE AND 4" THK (TYP.) UNLESS OTHERWISE DIMENSIONED.
 - 6) FLOWER BEDS TO BE FILLED WITH 3" MULCH AND SURROUNDED BY PLASTIC EDGING. TO BE SHAPED IN A VISUALLY PLEASING DESIGN.
 - 7) ALL TREES TO BE SURROUNDED BY APPROX. 30" DIA. OF MULCH (3" THICK AND PLASTIC EDGING).
 - 8) UNLESS INDICATED OTHERWISE, ALL AREAS TO RECEIVE LANDSCAPING AND GRASS EXCEPT FOR THE PARKING LOT, FLOWERBEDS, & SIDEWALKS.
 - 9) BOTH EXTERIOR ENTRY DOORS TO HAVE DECAL WITH THE ADDRESS '814' CENTERED ON GLASS FRONT TO BE "ARIAL BOLD," WHITE, AT 3.5" HIGH

LANDSCAPING LEGEND

- A (QTY 7) = SILVER MAPLE 2" CALIPER
B (QTY 0) = N/A
C (QTY 6) = KARK FORESTER REED GRASS (OR SIMILAR)
D (QTY 2) = PRINCEA GOLDCHAM (OR SIMILAR)



- NOTES:**
- This drawing set is to be read in conjunction with the project description, specifications, and any drawings. Any errors, omissions, or deviations from the project description, specifications, and any drawings may occur and are to be reported to Hillside Construction Inc. without written permission.
 - Hillside Construction Inc. will take no responsibility for errors, omissions, or deviations from the project description, specifications, and any drawings before commencing work.

HILLSIDE CONSTRUCTION
149 Geary Rd, 3rd Floor, MB 156 1V2
PH: 204.376.1592
Email: info@hillsideconstruction.ca

Location: 814 Scott Street, Fort Frances, ON	Date: Feb 24, 2020
Drawn by: JF & JJ & NG	Project: 18 Per Apartment
Sheet Title: SITE & LANDSCAPING PLAN	Page: 01

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 cvangel@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:	
Kaleb Firth 276-7452 PO Box 15, Fort Frances ON P9A 3M5 Kaleb-firth@gmail.com	
2. If known the names and full addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject land:	
attached	
3. The current Official Plan designation of subject land:	Employment
4. Describe how the application conforms to the official plan of the municipality?	
Requires rezoning to residential, however properties in North, East, and South-west are zoned residential will compliment the neighbourhood	
5. The current zoning of the subject land:	Commercial (C2)
6. The nature and extent of the rezoning requested:	
We need it to be R2 to facilitate an apartment building and remove the old, condemned existing building	

7. The reason why the rezoning is requested.			
<i>To put up a full residential multifamily building</i>			
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 <input checked="" type="checkbox"/> 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:			
<i>Please see attached</i>			
10. The frontage, depth and area of the subject land (in metric):			
Frontage:	<i>43.48 m</i>	Depth:	<i>49.64 m</i>
		Area:	<i>2158.35 sq.m</i>
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 <input checked="" type="checkbox"/> 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 checked="" type="checkbox"/> No <input type="checkbox"/> If yes, provide details of the official plan that deals with the matter.			
<i>official plan land use is currently "employment area" - to be changed to living area for a multi-family residential apartment</i>			
13. Is the subject land within an area where zoning with conditions may apply?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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?			
<i>Yes</i>			

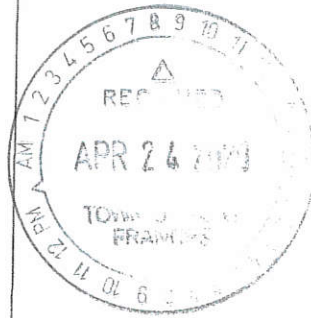
15. If access to the subject land is by water only, provide details of the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public land:	
N/A	
16. Existing uses of the subject land:	
Vacated, non - operational, aged Bakery with Residential apartment units above "retail" area	
17. Are there any buildings or structures on the subject land: Yes <input checked="" type="checkbox"/> No <input 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:	
Existing 2 storey (22ft high) 6.7m building to be demolished. Wood frame, shingles, crawlspace (concrete)	
19. The proposed uses of the subject land:	
Residential multifamily building	
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:	
(Proposed site plan attached) - 3 storey wood frame building - elevator - shingle (asphalt) roof - concrete foundation - 11.8m high	
22. If known,	
a. the date the subject land was acquired by the current owner:	mid Nov 2019
b. the date existing buildings or structures on the subject land were constructed:	to old to keep
Main building = 1945 Garage = 1960	
c. the length of time that the existing uses of the subject land have continued:	unknown
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:	
Yes	

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:	
Yes	
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:	
Yes	
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"/>	
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 (for examples buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks).
- 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.

Sketch attached



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 ☒ No ☐

30. Is the subject land within an area of land designated under any provincial plan or plans? Yes ☒ No ☐ *Not a bush land*

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, George Friesen 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.

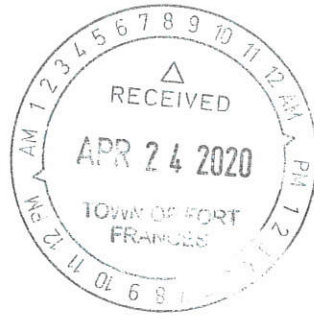
DECLARED before me at the)
Town of Fort Frances, in the)
District of Rainy River, this 24th)
day of April 2020)

[Signature]
Signature of Applicant or
Authorized Agent

Signature of Commissioner etc.

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. 12 copies of this application are required for processing accompanied by the required fee as outlined in current user fee by-law.
4. Application and fee to be filed with the Municipal Planner
5. It takes approximately 3 months to complete the process for a Zoning Amendment Application.
6. It is strongly recommended that you consult with the Municipal Planner to ensure the timelines of your application coincide with your development proposal.



COMPLETE IF APPLICANT IS THE OWNER

OWNER'S CONSENT

I, George Friesen, am 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.

April 24 / 2020
Date

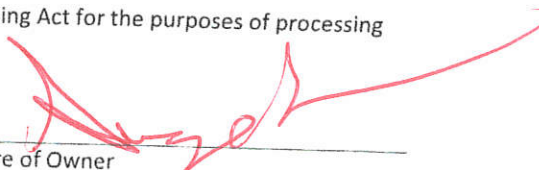
[Signature]
Signature of Owner

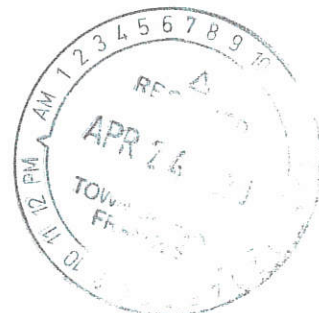
COMPLETE IF APPLICANT IS NOT THE OWNER

AUTHORIZATION OF OWNER

I, George Friesen, am 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 Julia Korunnaya 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

Apr 24/2020
Date


Signature of Owner



Properties

PIN 56018 - 0583 LT
Description PCL 411-1 SEC ALBTP; PT LT 411 TOWN PLOT ALBERTON AS IN SP2679 EXCEPT
SLT19234 & SLT30028; FORT FRANCES
Address 814 SCOTT STREET
FORT FRANCES
PIN 56018 - 0584 LT
Description PCL 411-2 SEC ALBTP; PT LT 411 TOWN PLOT ALBERTON AS IN SLT19234,
SLT52154, SLT99405; FORT FRANCES.
Address 820 SCOTT STREET
FORT FRANCES

Applicant(s)

Name FRIESEN FIVE INC.
Address for Service Box 15
Fort Frances, ON
P9A 3M5

I, George Friesen, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Statements

The registered owner applies to consolidate the selected PINs and the proposed description for the parcels to be consolidated is PCL 411-1 AND PCL 411-2 SEC ALBTP; PT LT 411 TOWN PLOT ALBERTON AS IN SP2679, SLT19234, SLT52154, SLT99405 EXCEPT SLT30028; FORT FRANCES.

Signed By

Anne Kristine Barkman

355 Valerie Lane
Steinbach
R5G 2A1

acting for
Applicant(s)

Signed 2020 04 03

Tel 204-371-9359
Fax 204-326-8403

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

ANNE BARKMAN LAW CORPORATION

355 Valerie Lane
Steinbach
R5G 2A1

2020 04 03

Tel 204-371-9359
Fax 204-326-8403

Fees/Taxes/Payment

Statutory Registration Fee \$65.05
Total Paid \$65.05

NEW
Consolidation.



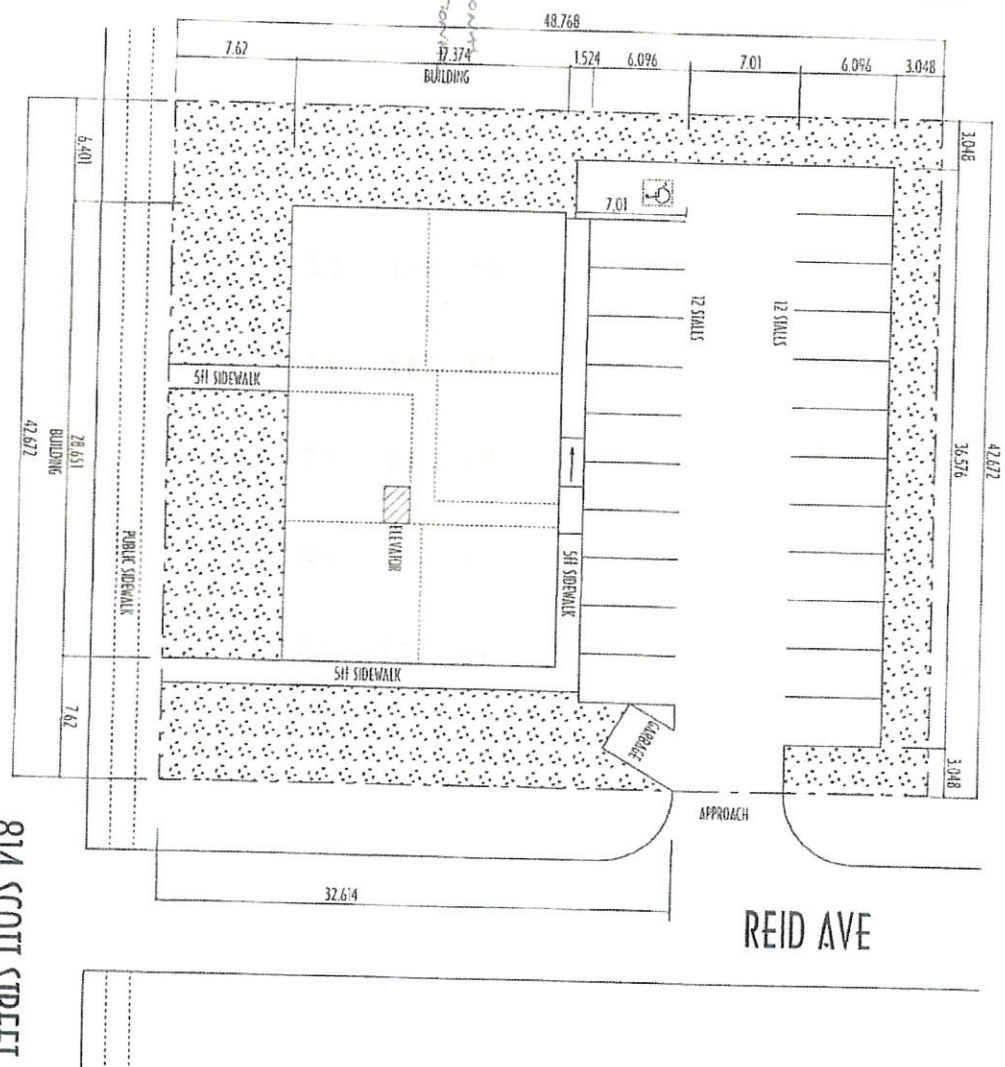
3 STORY MULTI-FAMILY RESIDENTIAL
346-18 PLEX (3 FLOORS)
16 RESIDENTIAL UNITS
23 STALLS PER TO
23 TOTAL STALLS (128/sq ft)
1 ACCESSIBLE

LOT - 22,400 SQ FT
BIDS FLOOR HT - 3.358 + 10 FT (24 FT)
PARKING LOT - 7,920 SQ FT (35%)
GREENSPACE - 47%

URBEN ZONING, COMMERCIAL (C2)
PROPOSED ZONING, RESIDENTIAL (R2)
ADJACENT ZONING:
- NORTH: RESIDENTIAL INSTITUTIONAL
- EAST: RESIDENTIAL INSTITUTIONAL
- SOUTH/EAST: RESIDENTIAL
- WEST: COMMERCIAL

SITE PLAN

NOTE: MAY BE SUBJECT TO CHANGE UPON FURTHER REVIEW

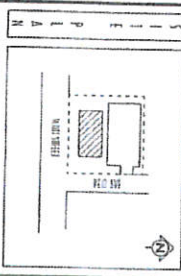


814 SCOTT STREET

REID AVE

DRAWING REVISIONS

Rev #	Date	Revised
1	01/11/2019	Revised
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1. The drawings are to be used for the purpose of obtaining a permit for the construction of the project. The drawings are not to be used for any other purpose without the written consent of the architect.

HILL SIDE CONSTRUCTION

149 Thompson Rd, Lincoln, NE 68502
Phone: 402.441.1111

EFFIVE

Location: 774 East Street Fort Totten, NE
Drawing by: H & R & W
Date: 10/18/2018
Project: Hill Side Apartment
Site No: 403-A
Sheet No: 01



Date: May 14, 2020

Report To: Planning & Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: 814/820 Scott Street – Site Plan Control Agreement (SPC02-2020)

Friesen Five Inc. has been working closely with administration to facilitate the development of a three-storey 18-unit apartment complex at 814/820 Scott Street. The proposed structure will have an approximate footprint of 490m² with supplemental parking of approximately 700m², situated on approximately 2080m² property. Given the lot coverage it will be important that a storm water management plan be developed for the project.

Currently Friesen Five Inc. is in the stages of rezoning the subject land from General Commercial to Residential Type Two and amending the Official Plan designation from Employment Area to Living Area. These applications are subject to decision by Mayor & Council and are subsequently subject to an appeal period of 20 days upon passage of an approval by-law in the event they are approved.

Given that the above-mentioned applications are still subject to decision, it would not be proper to collect site plan control application fees for a project fate that is still to be decided at this time. However, this report is to act in supplementary fashion to the ongoing rezoning and official plan amending applications. To mitigate future delays clarification will be sought from Mayor and Council to determine if they wish to impose a site plan control agreement on said development.

By submitting this report now and determining Mayor & Councils future wishes, it will allow administration to work with the developer to prepare the expected deliverables that are asked for when entering into a Site Plan Control Agreement.

It is the recommendation of administration, subject to the condition that the rezoning and official plan amendment applications are approved, that the municipality enter into a Site Plan Control Agreement for the proposed development at 814/820 Scott Street. If said ongoing planning applications are rejected, this report will be null and void. Approval of this report for recommendation shall not be misconstrued as approval of the subject rezoning application or official plan amendment applications.

Respectfully submitted



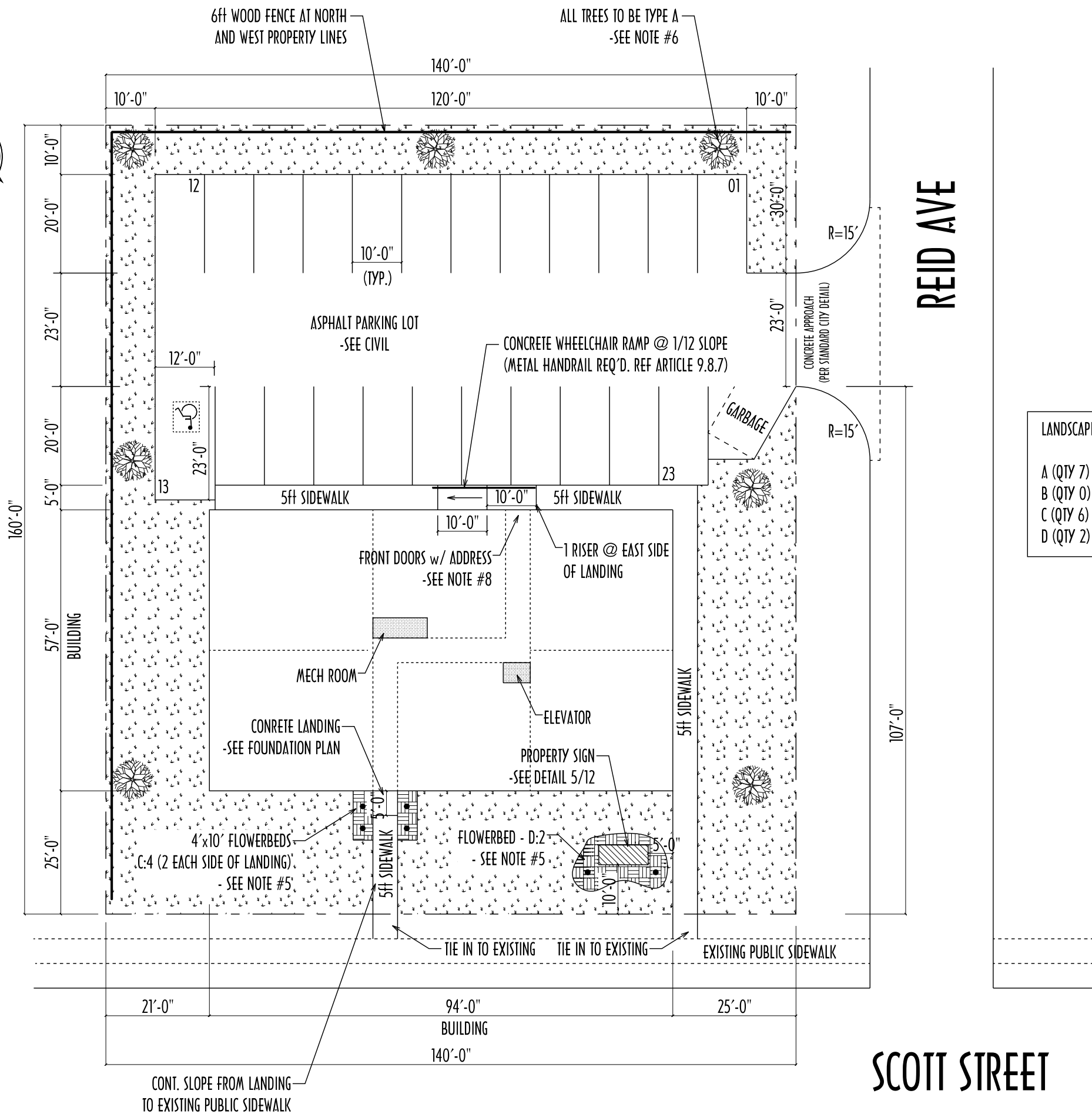
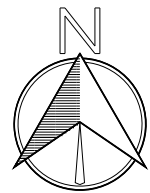
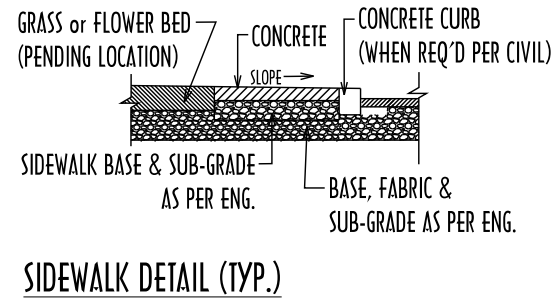
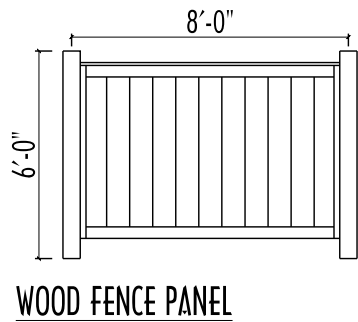
Cody Vangel, EIT
Chief Building Official & Municipal Planner

NEW MULTI-FAMILY CONSTRUCTION (814 SCOTT STREET)

3x6=18 PLEX
16 RESIDENTIAL

23 STALLS REQ'D
23 TOTAL STALLS (1.28/unit)
1 ACCESSIBLE

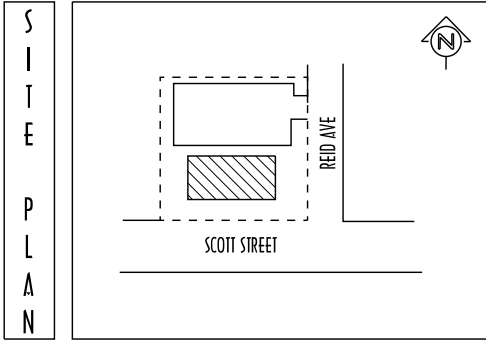
LOT = 22,400 SQ FT
BLDG FOOTPRINT = 5,358 +- SQ FT (24%)
PARKING LOT = 7,600 SQ FT (34%)
GREENSPACE = 42%



- GENERAL NOTES:
- 1) GREENSPACE TOTALS APPROX. 8,500 SQ. FT
SIDEWALKS TOTAL APPROX. 935 SQ. FT.
PARKING LOT TOTALS APPROX. 7,600 SQ. FT.
 - 2) FINAL ENTRANCE SIGNAGE DESIGN TO BE SHOWN ON MANUFACTURER DRAWING.
 - 3) SEE PG 03 FOR FOUNDATION PLAN.
 - 4) SIDEWALKS TO BE 5'-0" WIDE AND 4" THK (TYP.) UNLESS OTHERWISE DIMENSIONED.
 - 5) FLOWER BEDS TO BE FILLED WITH 3" MULCH AND SURROUNDED BY PLASTIC EDGING. TO BE SHAPED IN A VISUALLY PLEASING DESIGN.
 - 6) ALL TREES TO BE SURROUNDED BY APPROX. 30" DIA. OF MULCH (3" THICK) AND PLASTIC EDGING.
 - 7) UNLESS INDICATED OTHERWISE, ALL AREAS TO RECEIVE LANDSCAPING AND GRASS EXCEPT FOR THE PARKING LOT, FLOWERBEDS, & SIDEWALKS.
 - 8) BOTH EXTERIOR ENTRY DOORS TO HAVE DECAL WITH THE ADDRESS "814" CENTERED ON GLASS FRONT TO BE "ARIAL BOLD", WHITE, AT 3.5" HIGH

- LANDSCAPING LEGEND
- A (QTY 7) = SILVER MAPLE 2" CALIPER
 - B (QTY 0) = N/A
 - C (QTY 6) = KARL FOERSTER REED GRASS (OR SIMILAR)
 - D (QTY 2) = SPIRAEA GOLDCHARM (OR SIMILAR)

DRAWING REVISIONS		
Rev #	Date	Revision
1	mm/dd/yyyy	description here...
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NOTES

- This drawing not to be scaled on any drawing. Any errors, deviations or omissions that may occur are to be reported.
- This drawing is the exclusive property of Hillside Construction Inc. and shall not be reproduced without written permission.
- Hillside Construction Inc. will take no responsibility for errors, deviations, or omissions that may occur are to be reported.
- Subtrades shall verify drawings with Hillside Construction Inc. before commencing work.

HILLSIDE CONSTRUCTION

1-49 Clearspring Rd. Steinbach, MB R5G 1V2
PH. 204.326.1582
E-mail: info@hillsideconstruction.ca

Location: 814 Scott Street, Fort Francis, ON	FFIVE DEVELOPMENT COMPANY
Drawing by: TF & TT & WG	Date: Feb 24, 2020
Project: 18 Plex Apartment	Job No. : 408-A
Sheet Title: SITE & LANDSCAPING PLAN	Page: 01

Date: May 12, 2020

Report To: Planning & Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Chief Building Official Request for Delegation of Authority to Enter into Agreements – Conditional Building Permits

In a recent Ontario Building Officials Association (OBOA) local chapter meeting on April 29, 2020 it was made aware through discussion that the Ontario Government wants the municipalities of Ontario to continue issuing building permits during the COVID-19 pandemic. This discussion was formalized in an amendment to the Building Code Act and the Ontario Building Code on May 11, 2020 where the ministry provided clarification on the issuance of building permits and the conduction of inspections during the pandemic. The formalized amendments are attached to this report. These amendments provide clarification that permits are to be issued/rejected within the prescribed timelines and that inspections are to take place within the prescribed timelines.

The Ontario Government has outlined a list of essential and non-essential businesses under O. Reg 82/20 which is attached to this report. However, at this time Building Officials have not received direction nor confirmation that we are to enforce this regulation. To the contrary, the Provincial Government still wants us to issue building permits and put the onus on the permit applicant, contractor, and/or homeowners to abide by the regulations.

Through discussion with the Town's Solicitor it was recommended that we issue Conditional Building Permits under section 8.(3) of the Building Code Act rather than the conventional Building Permit. By issuing a Conditional Building Permit it will allow for the Town to enter into an agreement with applicants and others as necessary and to impose conditions on the Building Permit. The intent of the proposed agreement is to protect the municipality from liabilities in the event that non-essential construction takes place, as well as in the future if enforcement of the Emergency Management related regulations falls upon the municipality we have said agreements in place for protection. Two of four templates of the proposed agreements are attached.

Section 3.1 of the Building Code Act states the following:

(3.1) A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3) (c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14 (3).

In order to maintain the regulated permit issuance timelines in the Building Code, it is requested that the Chief Building Official be delegated the authority to enter into the specific Emergency Management related Conditional Building Permit Agreements (as attached and to be configured) to mitigate the delay of bringing each individual agreement through Mayor & Council for approval, especially with regard to the summer meeting schedule. And such that, any agreements entered with this regard will be provided to the Clerk on a Monthly basis to be included onto the appropriate Council and/or Committee agendas. Additionally, it will be noted that these conditional permits relate to demolition activities as well.

It is the recommendation of administration that this report be recommended to Mayor and Council for approval and that such recommendation will:

- Provide the Chief Building Official authority to enter into agreements for the purpose of issuing Conditional Building Permits under section 8.(3) and 8.(3.1) of the Building Code Act, and that such agreements are those attached to this report or amended from time to time as required, and such that entrance of these agreements be conducted until the emergency declared by the provincial government under and pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9 and regulations thereunder, as may be amended, be lifted.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel, EIT
Chief Building Official & Municipal Planner

ONTARIO REGULATION 209/20

made under the

BUILDING CODE ACT, 1992

Made: May 8, 2020

Filed: May 11, 2020

Published on e-Laws: May 11, 2020

Printed in The Ontario Gazette: May 30, 2020

AMENDING O. REG. 332/12

(BUILDING CODE)

1. Article 1.3.1.3. of Division C of Ontario Regulation 332/12 is amended by adding the following Sentence:

(8.1) Despite Sentence (8), the time periods described in Column 2 of Table 1.3.1.3. and in Clause (6)(b) include days when the offices of the *principal authority* are not open for the transaction of business with the public if the reason given by the *principal authority* for the offices not being open is related to coronavirus (COVID-19).

2. Article 1.3.1.5. of Division C of the Regulation is amended by adding the following Sentences:

(3.1) For the purposes of issuing a conditional permit under subsection 8 (3) of the Act, a person is exempt from the requirement in clause 8 (3) (b) of the Act where the *construction* is not described in Schedule 2 of Ontario Regulation 82/20 (Order Under Subsection 7.0.2 (4) — Closure of Places of Non-Essential Businesses) made under the *Emergency Management and Civil Protection Act*.

(3.2) For greater certainty, nothing in Sentence (3.1) allows *construction* to occur if the *construction* is not permitted by Ontario Regulation 82/20 (Order Under Subsection 7.0.2 (4) — Closure of Places of Non-Essential Businesses).

3. Article 1.3.5.3. of Division C of the Regulation is amended by adding the following Sentence:

(6) Despite Sentence (5), the time periods referred to in Sentences (1) and (2) include days when the offices of the *principal authority* are not open for the transaction of business with the public if the reason given by the *principal authority* for the offices not being open is related to coronavirus (COVID-19).

Commencement

4. This Regulation comes into force on the day it is filed.

Emergency Management and Civil Protection Act

ONTARIO REGULATION 82/20

ORDER UNDER SUBSECTION 7.0.2 (4) — CLOSURE OF PLACES OF NON-ESSENTIAL BUSINESSES

Note: This Order is revoked on May 19, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)

Consolidation Period: From May 8, 2020 to the [e-Laws currency date](#).

Last amendment: [203/20](#).

Legislative History: [+]

This is the English version of a bilingual regulation.

Whereas an emergency has been declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act") and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

And Whereas the temporary closure of places of non-essential business is necessary to help protect the health and safety of the people of Ontario in response to the declared emergency;

And Whereas the supply chain with respect to essential goods, services and resources should continue to function to the full extent possible, subject to the *Occupational Health and Safety Act* and to the advice and recommendations of public health officials, including their recommendations about the importance of physical distancing;

Now Therefore, this Order is made pursuant to paragraphs 5 and 14 of subsection 7.0.2 (4) of the Act and the terms of this Order are set out in Schedules 1, 2 and 3;

And Further, this Order applies generally throughout Ontario.

O. Reg. 82/20; O. Reg. 119/20, s. 1-3.

SCHEDULE 1
CLOSURE OF PLACES OF BUSINESS

Effective date of amendments

0.1 (1) The amendments made by Ontario Regulation 119/20 take effect at 11:59 p.m. on Saturday, April 4, 2020.

(2) The amendments made by Ontario Regulation 196/20 take effect at 12:01 a.m. on Monday, May 4, 2020.

(3) The amendments made by subsection 2 (2), section 3, subsection 5 (2), section 7, subsection 9 (1) and section 10 of Ontario Regulation 200/20 take effect at 12:01 a.m. on Friday, May 8, 2020.

(4) The amendments made by section 4 and subsections 5 (1) and 9 (2) of Ontario Regulation 200/20 take effect at 12:01 a.m. on Saturday, May 9, 2020.

(5) The amendments made by subsections 2 (1) and 5 (3), sections 6 and 8 and subsection 9 (3) of Ontario Regulation 200/20 take effect at 12:01 a.m. on Monday, May 11, 2020.

Closures

1. (1) Beginning at 11:59 p.m. on Saturday, April 4, 2020, each person responsible for a place of business that is not listed in Schedule 2 shall ensure that the place of business is closed.

(1.1) Despite subsection (1), a person responsible for a place of business that is not listed in Schedule 2 may cause the place of business to be opened for the purpose of engaging in retail sales to the public if,

- (a) the sales are exclusively made using an alternative method of sale such as curbside pick-up or delivery;
- (b) the place of business has a public entrance that opens onto a street or exterior sidewalk; and
- (c) no member of the public is permitted to access the place of business, except in exceptional circumstances.

(2) Despite subsection (1), temporary access to a closed place of business that is not listed in Schedule 2 is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the place of business in order to comply with any applicable law;
- (a.1) preparing the place of business to be reopened;
- (b) allowing for inspections, maintenance and repairs to be carried out at the place of business;
- (c) allowing for security services to be provided at the place of business; and

- (d) attending at the place of business temporarily,
 - (i) to deal with other critical matters relating to the closure of the place of business, if the critical matters cannot be attended to remotely; or
 - (ii) to access materials, goods or supplies that may be necessary for the business to be operated remotely.
- (3) Nothing in this Order precludes a business that is not listed in Schedule 2 from operating remotely, without attending at the place of business, for the purpose of,

- (a) providing goods by mail or other forms of delivery or making goods available for pick-up; and
- (b) providing services online, by telephone or other remote means.

(4) Nothing in this Order shall be read as authorizing a place of business to open if it has been ordered to be closed under Ontario Regulation 51/20 or any other Order made under the Act.

(5) Nothing in this Order precludes operations or delivery of services by the following in Ontario, regardless of whether or not they are listed in Schedule 2:

- 1. Any government.
- 2. Any person or publicly-funded agency or organization that delivers or supports government operations and services, including operations and services of the health care sector.

(6) For the purposes of this Order,

"essential business" means a business listed in Schedule 2.

O. Reg. 82/20, Sched. 1; O. Reg. 119/20, s. 4, 5; O. Reg. 196/20, s. 1; O. Reg. 200/20, s. 1, 2.

SCHEDULE 2 ESSENTIAL BUSINESSES

Supply chains

- 1. Businesses that supply other essential businesses or essential services within Ontario, or that supply businesses or services that have been declared essential in a jurisdiction outside of Ontario, with the support, products, supplies, systems, or services, including processing, packaging, warehousing, distribution, delivery, and maintenance necessary to operate.

Food

- 2. Businesses that primarily sell food, beverages and consumer products necessary to maintain households and businesses including:
 - i. Supermarkets and grocery stores.
 - ii. Convenience stores.
 - iii. Discount and big box retailers selling groceries.
 - iv. Restaurants (take-out, drive-through and delivery service only).
 - v. Beer and wine and liquor stores.

Consumer products

- 2.1 Businesses that sell motor vehicles that are in compliance with section 2.1 of Schedule 3.
- 2.2 Garden centres and plant nurseries, including greenhouses that engage in retail sales to the public.
- 2.3 Hardware stores.
- 2.4 Safety supply stores.

Services

- 3. Pharmacies.
- 4. Gas stations and other fuel suppliers.
- 4.1 Automated and self-service car washes.
- 5. Laundromats and drycleaners.
- 5.1 Lawn care services and landscaping services.
- 6. Security services for residences, businesses and other properties.
- 7. Vehicle and equipment repair and essential maintenance and vehicle and equipment rental services.
- 8. Courier, postal, shipping, moving and delivery services.
- 9. Funeral and related services.
- 10. Staffing services including providing temporary help.
- 11. Veterinary services (urgent care only) and other businesses that provide for the health and welfare of animals, including farms, boarding kennels, stables, animal shelters, zoos, aquariums and research facilities.
- 12. Home child care services of up to six children as permitted under the *Child Care and Early Years Act, 2014*, and child care centres for essential workers authorized to operate in accordance with Ontario Regulation 51/20 (Order Under Subsection 7.0.2 (4) of the Act - Closure of Establishments) made under the Act.
- 13. Hotels, motels, other shared rental accommodation including student residences, except for any pools, fitness centres, meeting rooms and other recreational facilities that may be part of the operations of these businesses.

13.1 Seasonal campgrounds that are in compliance with section 3.1 of Schedule 3.

13.2 Golf courses that are in compliance with section 2.2 of Schedule 3.

14. Cheque cashing services.

15. REVOKED: O. Reg. 200/20, s. 5 (3).

Financial services

16. Businesses that provide the following financial services:

- i. Capital markets and related securities trading and advisory services.
- ii. Banking/credit union activities including credit intermediation.
- iii. Insurance.
- iv. Land registration services.
- v. Real estate agent services.
- vi. Pension and benefits payment services.
- vii. Financial services including payroll and payment processing and accounting and tax services.

Telecommunications and IT infrastructure/service providers

17. Information Technology (IT) services, including online services, software products and the facilities necessary for their operation and delivery.

18. Telecommunications providers and services (phone, internet, radio, cell phones etc.) and facilities necessary for their operation and delivery.

19. Newspapers, radio and television broadcasting.

Maintenance

20. Maintenance, repair and property management services strictly necessary to manage and maintain the safety, security, sanitation and essential operation of institutional, commercial, industrial and residential properties and buildings.

Transportation services

21. Businesses and facilities that provide transportation services, including,

- i. transportation services provided by air, water, road, and rail, including taxis and other private transportation providers, and
- ii. support services for transportation services, including,
 - A. logistical support, distribution services, warehousing and storage, truck stops and tow operators,
 - B. services that support the operations and safety of transportation systems including maintenance and repairs, and
 - C. marinas that are in compliance with section 5 of Schedule 3.

22. Businesses that provide and support online retail, including by providing warehousing, storage and distribution of goods that are ordered online.

Manufacturing

23. Businesses that extract, manufacture, process and distribute goods, products, equipment and materials, including businesses that manufacture inputs to other manufacturers (e.g. primary metal/ steel, blow molding, component manufacturers, chemicals, etc. that feed the end-product manufacturer), regardless of whether those other manufacturers are inside or outside of Ontario, together with businesses that support and facilitate the movement of goods within integrated North American and global supply chains.

Agriculture and food production

24. Businesses that produce food and beverages, and agricultural products including plants, including by farming, harvesting, aquaculture, hunting and fishing.

25. Businesses that process, manufacture or distribute food, beverages, crops, agricultural products, animal products and by-products.

26. Businesses that support the food or agricultural products supply chains and the health and safety of food, animals and plants.

Construction

27. Construction projects and services associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space.

28. Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance.

28.1 Construction projects and services that support the operations of, and provide new capacity in, schools, colleges, universities, municipal infrastructure and child care centres within the meaning of the *Child Care and Early Years Act, 2014*.

29. Critical industrial construction activities required for,

- i. the maintenance and operations of petrochemical plants and refineries,
- ii. significant industrial petrochemical projects where preliminary work has already commenced,

- iii. industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and/or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the Covid-19 pandemic.

29.1 Construction projects that are due to be completed before October 4, 2020 and that would provide additional capacity in the production, processing, manufacturing or distribution of food, beverages or agricultural products.

29.2 Construction projects that were commenced before April 4, 2020, and that would,

- i. provide additional capacity for businesses that provide logistical support, distribution services, warehousing, storage or shipping and delivery services, or
- ii. provide additional capacity in the operation and delivery of Information Technology (IT) services or telecommunications services.

30. Residential construction projects where,

- i. a footing permit has been granted for single family, semi-detached and townhomes,
- ii. the project is a condominium, mixed use or other residential building, or
- iii. the project involves renovations to residential properties and construction work was started before April 4, 2020.

30.1 Construction to prepare a site for an institutional, commercial, industrial or residential development, including any necessary excavation, grading, roads or utilities infrastructure.

31. Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.

Resources and energy

32. Businesses that provide and ensure the domestic and global continuity of supply of resources, including mining, forestry, aggregates, petroleum, petroleum by-products and chemicals.

33. Electricity generation, transmission, distribution and storage and natural gas distribution, transmission and storage.

Community services

34. Businesses that deliver or support the delivery of services including:

- i. Sewage treatment and disposal.
- ii. Collecting, transporting, storing, processing, disposing or recycling of any type of waste.
- iii. Potable drinking water.
- iv. Critical infrastructure repair and maintenance including roads, dams, bridges etc.
- v. Environmental rehabilitation, management and monitoring, and spill clean-up and response.
- vi. Administrative authorities that regulate and inspect businesses.
- vii. Professional and social services that support the legal and justice system.
- viii. Government services including but not limited to policing and law enforcement, fire and emergency services, paramedics, coroner and pathology services, corrections and court services, licences and permits.
- ix. Allotment gardens or community gardens.

Sports

34.1 Training facilities that meet the following conditions:

- i. They are operated by a sports team in one of the following leagues:
 - A. Canadian Football League.
 - B. Major League Baseball.
 - C. Major League Soccer.
 - D. National Basketball Association.
 - E. National Hockey League.
- ii. They are in compliance with section 6 of Schedule 3.

Research

35. Businesses and organizations that maintain research facilities and engage in research, including medical research and other research and development activities.

Health care and social services

36. Organizations and providers that deliver home care services or personal support services to seniors and persons with disabilities.
37. Businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies.
38. Regulated health professionals (urgent care only) including dentists, optometrists, chiropractic services, ophthalmologists, physical and occupational therapists and podiatrists.
39. Organizations that provide health care including retirement homes, hospitals, clinics, long-term care facilities, independent health facilities and mental health and addictions counselling supports.
40. Laboratories and specimen collection centres.
41. Manufacturers, wholesalers, distributors and retailers of pharmaceutical products and medical supplies, including medications, medical isotopes, vaccines and antivirals, medical devices and medical supplies.
42. Manufacturers, distributors and businesses that provide logistical support of or for products and/or services that support the delivery of health care in all locations.
43. Not-for-profit organizations that provide critical personal support services in home or residential services for individuals with physical disabilities.
44. Not-for profit organizations that support the provision of food, shelter, safety or protection, and/or social services and other necessities of life to economically disadvantaged and other vulnerable individuals.

O. Reg. 119/20, s. 6; O. Reg. 136/20, s. 1; O. Reg. 153/20, s. 1, 2; O. Reg. 196/20, s. 2-11; O. Reg. 200/20, s. 3-7.

SCHEDULE 3
REQUIREMENTS THAT APPLY TO BUSINESSES

Compliance

1. (1) The person responsible for a place of business that is open shall ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a place of business that is open shall operate the business in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Restricting access to businesses and providing alternative methods of sale

2. The person responsible for an essential business that engages in retail sales to the public, other than a business described in paragraph 2, 2.1, 2.2, 2.3, 2.4, 3 or 4 of Schedule 2, shall, to the fullest extent possible, restrict public access to the place of business by providing alternative methods of sale such as curb side pick-up or delivery.

Businesses that sell motor vehicles

2.1 Every person who operates a business that sells motor vehicles, including cars or trucks, shall ensure that members of the public can only enter the area in the business where vehicles are sold or displayed for sale by appointment.

Golf courses

2.2 Every person who operates a golf course shall ensure that,

- (a) no member of the public is permitted to use the golf course; and
- (b) the golf course is only open for the purpose of preparing the golf course to be reopened to the public.

Short term rentals

3. (1) Every person who provides short term rentals in rental accommodations shall ensure that any rentals booked after April 4, 2020 are only provided to individuals who are in need of housing during the emergency period.

(2) Subsection (1) does not apply in respect of hotels, motels and student residences.

Seasonal campground requirements

3.1 Every person who operates a seasonal campground shall ensure that,

- (a) campsites are provided only to individuals who do not have another residence in Canada and are in need of housing during the emergency period;
- (b) only campsites with electricity, water service and facilities for sewage disposal are provided for use;
- (c) campsites are made available only for trailers and recreational vehicles; and
- (d) all recreational facilities in the campground, and all other shared facilities in the campground such as bathrooms, are closed.

Open houses prohibited

4. Every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

Marinas

5. (1) Every person who operates a marina shall ensure that only the following services are provided:

1. Repairing or servicing boats or other watercraft.
2. Placing boats or other watercraft in the water to be secured to a dock until the marina is open to the public.
3. Any other services that may be required to,
 - i. enable individuals to access their place of residence or their other property,
 - ii. support government operations or services, or

iii. support the transportation of items by commercial barges.

(2) For greater certainty, the person who operates the marina shall not permit it to be used for recreational boating purposes except as described in paragraphs 1 and 2 of subsection (1).

Sports team training facilities

6. Every sports team that operates a training facility described in paragraph 34.1 of Schedule 2 for use by its players shall ensure that,

- (a) the facility may only be used if,
 - (i) the team's league has established a health and safety protocol for the use of training facilities, and
 - (ii) the training facility is operated in compliance with the health and safety protocol; and
- (b) the only persons permitted to enter and use the facility are,
 - (i) players on the team who are using the facility for the purposes of training or conditioning, and
 - (ii) such staff as are strictly necessary to operate the facility and support the training or conditioning of the players.

O. Reg. 119/20, s. 7; O. Reg. 153/20, s. 3; O. Reg. 196/20, s. 12-14; O. Reg. 200/20, s. 8-10; O. Reg. 203/20, s. 1.

Français

(4) Every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1) (c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2).

Same

(5) The principal authority shall make its report available to the public in the manner required by regulation. 2002, c. 9, s. 11 (2).

Change in fees

(6) If a principal authority proposes to change any fee imposed under clause (1) (c), the principal authority shall,

- (a) give notice of the proposed changes in fees to such persons as may be prescribed; and
- (b) hold a public meeting concerning the proposed changes. 2002, c. 9, s. 11 (2); 2006, c. 22, s. 112 (6).

Same, notice

(7) The notice of proposed changes in fees must contain the prescribed information, including information about the public meeting, and must be given in the prescribed manner. 2002, c. 9, s. 11 (2).

Same, public meeting

(8) The public meeting concerning proposed changes in fees must be held within the period specified by regulation before the regulation, by-law or resolution to implement the proposed changes is made. 2002, c. 9, s. 11 (2).

Fees may be added to tax roll

(8.1) Section 398 of the *Municipal Act, 2001* or section 264 of the *City of Toronto Act, 2006*, as the case may be, applies, with necessary modifications, to fees established by a municipality or local board under clause (1) (c) and, with the approval of the treasurer of a local municipality, to fees established under clause (1) (c) by a conservation authority whose area of jurisdiction includes any part of the local municipality. 2006, c. 22, s. 112 (7).

Forms

(9) The power to prescribe forms under clause (1) (f) does not include the power to prescribe a form for a particular purpose where there is a form for that purpose prescribed in the building code or approved by the Minister. 2002, c. 9, s. 11 (2); 2006, c. 21, Sched. F, s. 104 (4).

Section Amendments with date in force (d/m/y) [+]

Code of conduct

7.1 (1) A principal authority shall establish and enforce a code of conduct for the chief building official and inspectors. 2002, c. 9, s. 12.

Purposes

(2) The following are the purposes of a code of conduct:

1. To promote appropriate standards of behaviour and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the chief building official and inspectors. 2002, c. 9, s. 12.

Contents

(3) A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c. 9, s. 12.

Public notice

(4) The principal authority shall ensure that the code of conduct is brought to the attention of the public. 2002, c. 9, s. 12.

Section Amendments with date in force (d/m/y) [+]

CONSTRUCTION AND DEMOLITION

Building permits

8 (1) No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official. 1992, c. 23, s. 8 (1); 1997, c. 30, Sched. B, s. 7 (1).

Application for permit

(1.1) An application for a permit to construct or demolish a building may be made by a person specified by regulation and the prescribed form or the form approved by the Minister must be used and be accompanied by the documents and information specified by regulation. 2002, c. 9, s. 14 (1); 2006, c. 21, Sched. F, s. 104 (5).

Issuance of permits

(2) The chief building official shall issue a permit referred to in subsection (1) unless,

- (a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;
- (b) the applicant is a builder or a vendor, as defined in clause (a) of the definition of "builder" or "vendor", as the case may be, in section 1 of the *Ontario New Home Warranties Plan Act*, and is not registered under that Act;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 8 (2) (b) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 1, s. 88 (1))

- (b) the applicant is a builder or vendor as defined in subsection 1 (1) of the *New Home Construction Licensing Act, 2017* and is not licensed under that Act;
- (b.1) the *Architects Act* or the *Professional Engineers Act* requires that the proposed construction of the building be designed by an architect or a professional engineer or a combination of both and the proposed construction is not so designed;
- (c) a person who prepared drawings, plans, specifications or other documents or gave an opinion concerning the compliance of the proposed building or construction with the building code does not have the applicable qualifications, if any, set out in the building code or does not have the insurance, if any, required by the building code;
- (d) the plans review certificate, if any, required for the application does not contain the prescribed information;
- (e) the application for the permit is not complete; or
- (f) any fees due have not been paid. 2002, c. 9, s. 14 (2); 2014, c. 7, Sched. 3, s. 1; 2015, c. 28, Sched. 1, s. 147.

Restriction

(2.1) If the application includes a plans review certificate that contains the prescribed information, the chief building official is not entitled to refuse to issue the permit on the grounds that the proposed construction of the building to which the certificate relates does not comply with the building code. 2002, c. 9, s. 14 (2).

Decision

(2.2) If an application for a permit meets the requirements prescribed by regulation, the chief building official shall, unless the circumstances prescribed by regulation apply, decide within the period prescribed by regulation whether to issue the permit or to refuse to issue it. 2009, c. 33, Sched. 21, s. 2 (2).

Same, reasons for refusal

(2.3) If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation. 2002, c. 9, s. 14 (2).

Conditional permit

(3) Even though all requirements have not been met to obtain a permit under subsection (2), the chief building official may issue a conditional permit for any stage of construction if,

- (a) compliance with by-laws passed under sections 34 and 38 of the *Planning Act* and with such other applicable law as may be set out in the building code has been achieved in respect of the proposed building or construction;
- (b) the chief building official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted; and
- (c) the applicant and such other person as the chief building official determines agree in writing with the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Crown in right of Ontario to,
 - (i) assume all risk in commencing the construction,
 - (ii) obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,
 - (iii) file plans and specifications of the complete building in the time set out in the agreement,
 - (iv) at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement, and
 - (v) comply with such other conditions as the chief building official considers necessary, including the provision of security for compliance with subclause (iv). 1992, c. 23, s. 8 (3); 1997, c. 30, Sched. B, s. 7 (2); 1999, c. 12, Sched. M, s. 5 (1); 2002, c. 17, Sched. F, Table.

Delegation re conditional permits

(3.1) A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3) (c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14 (3).

Criteria

(4) In considering whether a conditional permit should be granted, the chief building official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained. 1992, c. 23, s. 8 (4).

Registration

(5) Any agreement entered into under clause (3) (c) may be registered against the land to which it applies and the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Province of Ontario, as the case may be, is entitled to enforce its provisions against the registered owner and, subject to the *Registry Act* and the *Land Titles Act*, any person acquiring any interest in the land subsequent to the registration of the agreement. 1999, c. 12, Sched. M, s. 5 (2); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 5.

Enforcement of agreement

(6) If the chief building official determines that a building has not been removed or a site restored as required by an agreement under clause (3) (c), the chief building official may cause the building to be removed and the site restored and for this purpose the chief building official, an inspector and their agents may enter upon the land and into the building governed by the agreement at any reasonable time without a warrant. 1992, c. 23, s. 8 (6).

Lien

(7) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the removal of the building and restoration of the site under subsection (6) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (1).

Deemed taxes

(8) If the building is in territory without municipal organization, the amount spent on the removal of the building and restoration of the site under subsection (6) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 1992, c. 23, s. 8 (8); 2006, c. 33, Sched. Z.3, s. 4 (1).

Disclosure of prescribed information

(8.1) The chief building official shall, within the period and in the manner prescribed by regulation, give to the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act* the information prescribed by regulation relating to permits issued under this section and the applications for those permits. 2009, c. 33, Sched. 21, s. 2 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (8.1) of the Act is amended by striking out “the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act*” and substituting “the warranty authority within the meaning of the *Protection for Owners and Purchasers of New Homes Act, 2017*”. (See: 2017, c. 33, Sched. 2, s. 74)

Referral of plans, etc.

(9) Upon reasonable grounds, the chief building official or registered code agency may refer drawings, plans or specifications accompanying applications for permits or the reports arising out of the general review of the construction of a building to the Association of Professional Engineers of Ontario or the Ontario Association of Architects for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14 (4).

Same

(9.1) At the request of the Association of Professional Engineers of Ontario or the Ontario Association of Architects, the chief building official shall refer documents and information described in subsection (9) to those associations for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14 (4).

Revocation of permits

(10) Subject to section 25, the chief building official may revoke a permit issued under this Act,

- (a) if it was issued on mistaken, false or incorrect information;
- (b) if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the chief building official, been seriously commenced;
- (c) if the construction or demolition of the building is, in the opinion of the chief building official, substantially suspended or discontinued for a period of more than one year;
- (d) if it was issued in error;
- (e) if the holder requests in writing that it be revoked; or
- (f) if a term of the agreement under clause (3) (c) has not been complied with. 1992, c. 23, s. 8 (10).

Prohibition

(11) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with this Act and the building code. 1992, c. 23, s. 8 (11).

Notice of change

(12) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the chief building official. 1992, c. 23, s. 8 (12).

Prohibition

(13) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes to them authorized by the chief building official. 1992, c. 23, s. 8 (13).

Restriction

(14) If a request for authorization referred to in subsection (12) or (13) is accompanied by a change certificate that contains the prescribed information, the chief building official is not entitled to refuse to authorize the change on the grounds that the construction of the building to which the certificate relates does not comply with the building code. 2002, c. 9, s. 14 (5).

Section Amendments with date in force (d/m/y) [+]

9 REPEALED: 2009, c. 33, Sched. 21, s. 2 (4).

Section Amendments with date in force (d/m/y) [+]**Change of use**

10 (1) Even though no construction is proposed, no person shall change the use of a building or part of a building or permit the use to be changed if the change would result in an increase in hazard, as determined in accordance with the building code, unless a permit has been issued by the chief building official. 2002, c. 9, s. 16.

Permit

(2) The chief building official shall issue a permit under subsection (1), unless,

- (a) the building if used as proposed would result in a contravention of this Act or the building code or any other applicable law;
- (b) the application for it is incomplete; or
- (c) any fees due are unpaid. 1992, c. 23, s. 10 (2).

Section Amendments with date in force (d/m/y) [+]**Prohibition re sewage systems**

10.1 No person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with this Act and the building code. 1997, c. 30, Sched. B, s. 9.

Section Amendments with date in force (d/m/y) [+]

CONDITIONAL BUILDING PERMIT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2020.

BETWEEN:

The Corporation of the Town of Fort Frances
(the "Municipality")

-and-

(the "Applicant")

-and-

_____ and _____
(collectively, the "Owner")

WHEREAS:

A. An emergency (the "State of Emergency") has been declared under and pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9 and regulations thereunder, as may be amended (collectively, the "Act");

B. The Act and orders pursuant thereto, as well as the laws of other authorities having jurisdiction and otherwise, set out and provide for, among other things, conditions, restrictions, requirements, and limitations (collectively, the "Restrictions and Requirements") with respect to construction, businesses, the operation of businesses, and otherwise;

C. The Owner is the owner of the lands and premises (the "Property"):

(i) municipally described as _____, and

(ii) legally described as _____;

D. The Applicant has, by and on behalf of the Owner, made application to Municipality for the issuance of a building permit for and in respect of the Property; and

E. The Municipality has, subject to and upon the terms and conditions set out in this conditional building permit agreement (the "Agreement"), agreed to issue to the Applicant a conditional building permit (the "Conditional Building Permit") attached to and forming part of this Agreement as **Schedule A**.

NOW THEREFORE the Municipality, the Applicant, and the Owner (collectively the "Parties", individually a "Party") agree as follows:

1. The Municipality, subject to and upon the terms, conditions, confirmations, acknowledgments, and covenants, of and by the Applicant and the Owner as set out and provided in this Agreement, agrees to issue to the Applicant, the Conditional Building Permit.

2. The Applicant and the Owner:

(a) confirm, acknowledge, and agree that the Applicant and Owner are aware of, and understand, the Act and the Restrictions and Requirements;

(b) confirm, acknowledge, and agree that the Applicant and Owner shall follow and abide by any and all applicable laws and Restrictions and Requirements, in respect of or in relation to construction or otherwise, and whether imposed as at the date of the issuance of the Conditional Building Permit or in the future;

(c) shall ensure that any person or other entity (collectively, "Any Entity") hired or otherwise engaged by the Applicant and/or Owner for the purposes of construction or otherwise pursuant to or in relation to the Conditional Building Permit, follows and abides by all applicable laws and Restrictions and Requirements, whether imposed as at the date of the issuance of the Conditional Building Permit or in the future;

(d) shall and does hereby assume all risk in commencing and/or proceeding with, construction;

(e) confirms, acknowledges, and agrees that the Conditional Building Permit may, without prejudice to and without limiting any other right or remedy the Municipality may have in law or equity, be revoked by the Municipality at any time and from time to time if the Applicant and/or the Owner and/or Any Entity fails to follow or abide by all applicable laws and Restrictions and Requirements, whether imposed as at the date of the issuance of the Conditional Building Permit or in the future, and, upon and notwithstanding any such revocation, the Applicant and Owner shall be solely responsible and liable for any costs and expenses whatsoever due to, resulting from, or occasioned by, any such revocation without recourse and/or right whatsoever against the Municipality;

(f) shall, if so ordered by Chief Building Official of the Municipality, at the Applicant and Owner's sole expense, remove the building and/or any other improvements constructed in or on the Property pursuant to the Conditional Building Permit and restore the site in the manner specified by the Chief Building Official of the Municipality if the Applicant and/or Owner and/or Any Entity is in default of any obligation on the Applicant and/or Owner and/or Any Entity's part to be observed and performed under or pursuant to this Agreement;

(g) shall and do hereby agree to indemnify and save the Municipality harmless from any and all claims, demands, costs, suits, actions, causes of action, proceedings, loss, damage, expense, and/or liability or injury, of any nature or kind whatsoever, made and/or incurred by the Applicant and/or the Owner and/or the Municipality and/or any other person or entity or thing or otherwise and whether for property damage, personal injury, or death, or otherwise, arising out of, resulting from, caused by, or in any manner connected and/or related to, the issuance of this Conditional Building Permit to the Applicant, the Applicant and/or Owner commencing and proceeding with construction, and/or the Applicant and/or Owner and/or Any Entity refusing, failing, or neglecting to follow or abide by all applicable laws and/or Restrictions and Requirements; and

(h) confirm, acknowledge, and agree that the Municipality, by issuing the Conditional Building Permit as provided for herein to the Applicant or otherwise, does not acknowledge or approve of any of the terms of any agreement made between the Applicant and/or the Owner and Any Entity, or otherwise, with respect to any construction done or to be done in or on the Property or otherwise.

4. The Applicant and the Owner shall at all times hereafter execute and deliver all such further documents and instruments, and shall do such further acts and things necessary or desirable to give effect to this Agreement.

5. If the Applicant and/or the Owner is constituted by more than one person or entity, the obligations of each such person and/or entity hereunder shall be joint and several.

6. This Agreement may be registered against title to the Property and the Municipality is entitled to enforce its provisions against the Owner and, subject to the Registry Act and the Land Titles Act, any person or entity acquiring any interest in land subsequent to the registration of the Agreement.

7. The Owner of the Property represents, confirms, and acknowledges that the Applicant is the authorized agent and representative of the Owner for all purposes of the application for the Conditional Building Permit and/or any matter or thing related to or in respect thereof, and that the Applicant has authority to bind the Owner.

8. There is no representation, warranty, collateral agreement, or condition, which affects this Agreement other than as expressed herein.

9. This Agreement shall be read with all changes of gender or number required by the context.

10. This Agreement shall be interpreted under and governed by the laws of the Province of Ontario.

11. This Agreement may be executed by the Municipality, the Applicant, and/or the Owner in separate counterparts by original, facsimile, or scanned email transmission, each of which when so executed and delivered shall be deemed to be an original and all of which together shall constitute one and the same document.

12. This Agreement and everything contained in it shall enure to the benefit of and be binding upon the Parties and their successors and assigns.

IN WITNESS WHEREOF the Parties have executed this Agreement.

Witness

Applicant

Witness

Owner

Witness

Owner

The Corporation of the Town of Fort Frances

per: _____
Chief Building Official

CONDITIONAL BUILDING PERMIT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2020.

BETWEEN:

The Corporation of the Town of Fort Frances
(the "Municipality")

-and-

_____ and _____
(collectively, the "Owner")

WHEREAS:

A. An emergency (the "State of Emergency") has been declared under and pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9 and regulations thereunder, as may be amended (collectively, the "Act");

B. The Act and orders pursuant thereto, as well as the laws of other authorities having jurisdiction and otherwise, set out and provide for, among other things, conditions, restrictions, requirements, and limitations (collectively, the "Restrictions and Requirements") with respect to construction, businesses, the operation of businesses, and otherwise;

C. The Owner is the owner of the lands and premises (the "Property"):

(i) municipally described as _____, and

(ii) legally described as _____;

and has made application to the Municipality for the issuance of a building permit; and

D. The Municipality has, subject to and upon the terms and conditions set out in this conditional building permit agreement (the "Agreement"), agreed to issue to the Owner a conditional building permit (the "Conditional Building Permit") attached to and forming part of this Agreement as **Schedule A**.

NOW THEREFORE the Municipality and the Owner (collectively the "Parties", individually a "Party") agree as follows:

1. The Municipality, subject to and upon the terms, conditions, confirmations, acknowledgments, and covenants, of and by the Owner as set out and provided in this Agreement, agrees to issue to the Owner, the Conditional Building Permit.

2. The Owner:

(a) confirms, acknowledges, and agrees that the Owner is aware of, and understands, the Act and the Restrictions and Requirements;

(b) confirms, acknowledges, and agrees that the Owner shall and does hereby agree to follow and abide by any and all applicable laws and Restrictions and Requirements, in respect of or in relation to construction or otherwise, and whether imposed as at the date of the issuance of the Conditional Building Permit or in the future;

(c) shall ensure that any person or other entity (collectively, "Any Entity") hired or otherwise engaged by the Owner for the purposes of construction or otherwise pursuant to or in relation to the Conditional Building Permit, follows and abides by all applicable laws and Restrictions and Requirements, whether imposed as at the date of the issuance of the Conditional Building Permit or in the future;

(d) shall and does hereby assume all risk in commencing and/or proceeding with, construction;

(e) confirms, acknowledges, and agrees that the Conditional Building Permit may, without prejudice to and without limiting any other right or remedy the Municipality may have in law or equity, be revoked by the Municipality at any time and from time to time if the Owner and/or Any Entity fails to follow or abide by all applicable laws and Restrictions and Requirements, whether imposed as at the date of the issuance of the Conditional Building Permit or in the future, and, upon and notwithstanding any such revocation, the Owner shall be solely responsible and liable for any costs and expenses whatsoever due to, resulting from, or occasioned by, any such revocation without recourse and/or right whatsoever against the Municipality;

(f) shall, if so ordered by Chief Building Official of the Municipality, at the Owner's sole expense, remove the building and/or any other improvements constructed in or on the Property pursuant to the Conditional Building Permit and restore the site in the manner specified by the Chief Building Official of the Municipality if the Owner is in default of any obligation on the Owner's part to be observed and performed under or pursuant to this Agreement;

(g) shall and does hereby agree to indemnify and save the Municipality harmless from any and all claims, demands, costs, suits, actions, causes of action, proceedings, loss, damage, expense, and/or liability or injury, of any nature or kind whatsoever, made and/or incurred by the Owner and/or the Municipality any/or any other person or entity or thing or otherwise and whether for property damage, personal injury, or death, or otherwise, arising out of, resulting from, caused by, or in any manner connected and/or related to, the issuance of this Conditional Building Permit to the Owner, the Owner commencing and proceeding with construction, and/or the Owner and/or Any Entity refusing, failing, or neglecting to follow or abide by all applicable laws and/or Restrictions and Requirements; and

(h) confirms, acknowledges, and agrees that the Municipality, by issuing the Conditional Building Permit as provided for herein to the Owner or otherwise, does not acknowledge or approve of any of the terms of any agreement made between the Owner and Any Entity, or otherwise, with respect to any construction done or to be done in or on the Property or otherwise.

4. The Owner shall at all times hereafter execute and deliver all such further documents and instruments, and shall do such further acts and things necessary or desirable to give effect to this Agreement.

5. If the Owner is constituted by more than one person or entity, the obligations of each such person and/or entity hereunder shall be joint and several.

6. This Agreement may be registered against title to the Property and the Municipality is entitled to enforce its provisions against the Owner and, subject to the Registry Act and the Land Titles Act, any person or entity acquiring any interest in land subsequent to the registration of the Agreement.

7. There is no representation, warranty, collateral agreement, or condition, which affects this Agreement other than as expressed herein.

8. This Agreement shall be read with all changes of gender or number required by the context.

9. This Agreement shall be interpreted under and governed by the laws of the Province of Ontario.

10. This Agreement may be executed by the Municipality and the Owner in separate counterparts (by original, facsimile, or scanned email transmission, each of which when so executed and delivered shall be deemed to be an original and all of which together shall constitute one and the same document.

11. This Agreement and everything contained in it shall enure to the benefit of and be binding upon the Parties and their successors and assigns.

IN WITNESS WHEREOF the Parties have executed this Agreement.

Witness

Owner

Witness

Owner

The Corporation of the Town of Fort Frances

per: _____
Chief Building Official