

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - February 7, 2022 at 8:30 AM

MEETING - Civic Centre

Microsoft Teams meeting

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2. <u>Disclosure of pecuniary interest and the general nature thereof</u>	
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- 8.1 A proposed or pending acquisition or disposition of land by the municipality or local board: Land Purchase

9. Adjourn / Next Meeting Date - 22 February 2022

TOWN OF FORT FRANCES

MINUTES

SESSION NO. #16

December 6, 2021

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held virtually and in the Civic Centre on December 6, 2021 from 0830 hrs to 0935 hrs.

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

ALSO PRESENT: F. Anwar, CAO, K. Haney, Deputy Clerk, C. Vangel, CBO/Planner, P. Briere,
By-law Enforcement Officer

1. Call to Order / Roll Call

2. Disclosure of pecuniary interest and the general nature thereof

3. Approval of Previous Committee Minutes

3.1 Session no 15 - 01 November 2021 - Accepted as presented

4. Items Referred from Council

4.1 Best for Kitty Request Letter Report - Discussion held. Recommendation accepted as presented by Committee as TOFF bound by certain requirements as a licensed pound.

4.2 Single Use Plastics Request Letter from Dale Fortes - Discussion Item. Dale Fortes attended meeting providing an overview of his correspondence. Committee in favor of supporting small businesses suffering Covid impacts. Consensus to extend the implementation date by six months at which time a review will be conducted. Notification via media/facebook to be conducted to provide awareness to the public. Item to be advanced to Council meeting scheduled for 13 December 2021.

5. New Business - none

6. Outstanding Items - none

7. Information

7.1 November By-Law Stats Report

8. In-Camera 0914 hrs - 0934 hrs

8.1 A proposed or pending acquisition or disposition of land by the municipality or local board; Land Purchase

9. Adjourn @ 0935 hrs/ Next Meeting Date 04 January 2022

Executive Committee Chair

Secretary, Planning & Development Executive
Committee

Date: February 1st, 2022

Report To: Planning & Development Executive Committee.

From: Patrick Briere, By-Law Enforcement Officer.

Re: Request Letter from Best for Kitty.

As you will recall, Council on December 13th, 2021, deferred a request letter from Best for Kitty to the Planning & Development Executive Committee for further review.

With that said, there has been no change to the report regarding the legislative requirements for our continued operation of the pound facility. Our office can continue to report that the Town of Fort Frances Animal Pound is currently permitted to operate under Provincial permit as an animal pound. Under this Act the Town is required to follow a legislated process with any animal in our facilities/operators care. This means that any animal that comes into our facility would have to fall under this process for us to maintain our operator's licence with the Province.

We have also received correspondence from our HR Department and our insurance provider with regards to a third party/volunteer personnel/groups using/operating within our facility, the response from our insurance provider is as follows:

There are some processes that will need to be addressed prior to the Town permitting such an arrangement:

1. If they only need daily access, we suggest that Town staff permit them on premises – we do not recommend unfettered access to the building. Further, whoever lets them in, must be assured that they will only access the animal shelter. Our understanding is that it is adjacent to public works, the Town must be able to restrict access to the remainder of the compound.
2. Prior to entering into this arrangement, a formalized agreement is recommended. The agreement ought to be that the BfK organization has a valid insurance policy in place. Further the scope of their work needs to be stipulated in the agreement: will they have permission to apprehend animals that they feel are strays? Will they have the authority to spay or neuter cats? Is there a process in place to advise the general public as to when BfK finds a cat so that if someone has lost their pet, they can retrieve them before the cat gets re-homed?
3. BfK needs to understand that their volunteers will not qualify or have access to WSIB benefits – this is a challenging problem because should one of their workers slip and fall whilst in the facility, the Town could have exposure as the occupier.
4. Our concern is the unfettered and unsupervised access to the building – there is no surveillance cameras or alarm. If the Town is going to proceed, at the very least, it

- is recommended that the Town have a staff member present when BfK is using the facility. Privacy issues could come into play as it relates to pet owners' information. This must be administered by Town staff only.
5. We also have concerns about communicable illness as it pertains to the other animals – granted, this could happen within the existing animal control program. Increasing the amount of animals in the shelter at any given time, there is a risk that contagious illnesses could be brought into the pre-existing shelter.

It is important to note that the facility was designed to operate as a Town pound facility and has a limited number of spaces within it. The facility only has 8 cat pens and 8 dog pens. This is enough for us to operate our facility as a pound efficiently. It is also important to note that our department has been operating with 1 officer for quite some time. This has been outlined in the monthly reports.

For this type of request to be permitted, Council would have to direct Administration to research what is required for the facility to be changed from a pound to a shelter facility.

Therefore, we are asking that the Planning & Development Executive Committee not approve the request from Best for Kitty for usage of the Town of Fort Frances Animal Pound.

Respectfully submitted,

Original Signed by

Patrick Briere, CMM III, Property Standards Professional
MLEO/Alternate CEMC/Public Information Officer
Planning & Development Division
PH: 1-807-274-5323 ext. 1218
pbriere@fortfrances.ca

**Town of Fort Frances
Administrative Report**

TO: Planning and Development Executive Committee
FROM: Cody Vangel, Chief Building Official & Municipal Planner
SUBJECT: **Motion to support dissolution of the Ontario Land Tribunal (OLT)**
DATE: February 7, 2022

Issue:

Consideration to pass a motion to support Tom Mrakas, Mayor of Town of Aurora, and the dissolution of the Ontario Land Tribunal (OLT)

Strategic Impact:

N/A

Options/Alternatives:

1. Pass a motion to support the dissolution of the Ontario Land Tribunal, as drafted by Tom Mrakas.
2. Do not pass a motion to support the dissolution of the Ontario Land Tribunal.

Administrative Recommendation:

RECOMMENDED THAT Council of the Town of Fort Frances withhold passing a motion to support the dissolution of the Ontario Land Tribunal.

Analysis:

To date I have had one encounter with the Ontario Land Tribunal (OLT) related to the rezoning of the former St. Michael's school. In this experience the following were noted in support of the proposed motion:

- Significant time delays
- Significant legal costs

To put time delays into perspective, the Town passed by-law 03/14-Y on May 10, 2021 which approved the rezoning application through by-law. This decision was then appealed to the OLT, LPAT at the time, which saw the actual hearing for the appeal matter held on January 13-14, 2022. Subsequently, an interim order was issued by the OLT on January 25, 2022. The overall turn around time (though not 100% complete yet) to date has been 8 months. These delays can have significant impacts on a project including missing out on grant funding, delaying property acquisition, delaying execution of final project drawings, causing construction to miss out on fair weather building seasons, etc.

Significant legal fees can be generated from these appeals through the hearing process where the matter is often "quarterbacked" by a lawyer with expert witnesses providing evidence. In the case of the Town of Fort Frances, our user fee by-law is setup such that the applicant bears all of these costs, and not the Town. However, this further creates additional costs to applicant for the project.

The Town has put forth \$100,000.00 in this year's capital budget to complete a renewal of the Town's Official Plan (OP) and Zoning By-law, I can agree with the frustration of putting forth these funds to

complete said documents, to have the OP approved by the province, only to have potential appeals on future decisions to amend these documents.

However, with the above support stated, the following opposition will be noted:

- Appeal process – by applicant or public
- OLT appeals on other matters

From my experience with the *Planning Act* the following appeals are possible for a zoning by-law amendment or official plan amendment (the focus of draft motion):

- The applicant can appeal the refusal decision of Mayor and Council
- The applicant can appeal the non-decision of Mayor and Council
- The public can appeal the decision of Mayor and Council
- The minister can appeal the decision of Mayor and Council

I tend to disagree with the motion on the basis that we as administration will provide a planning report with an application for a zoning by-law amendment (ZBLA) or official plan amendment (OPA) detailing how an application does or does not comply with the zoning by-law, official plan, provincial policy statement, etc. A proposal may comply with all documents, though Council can decide to reject said application, leaving an applicant with no ground for appeal on an application that would generally comply with all policies.

Additionally, in the opposite spectrum, a ZBLA or OPA may be approved for an application that does not comply with the above-mentioned policies, where the dissolution of the OLT would not allow for the public to have an opportunity to appeal said decision.

Lastly, if Council fails to make decision on an application within the timeframes specified in the *Planning Act*, ultimately sitting on the application without decision, the current OLT format provides the applicant with an opportunity to appeal the non-decision.

As noted below, in addition to land use planning matters, the OLT also hears and decides on appeal matters related to environmental and natural features and heritage protection, land valuation, land compensation, municipal finance, and related matters. This entails a whole other realm of matters under the OLT umbrella, which I personally have not had any dealings with. To support said motion would support the dissolution of the OLT without providing substance to these additional matters.

History:

The Ontario Land Tribunal (OLT) hears and decides appeals and matters related to land use planning, environmental and natural features and heritage protection, land valuation, land compensation, municipal finance, and related matters.

The OLT was established on June 1, 2021 under the authority of section 2 of the Ontario Land Tribunal Act, 2021. The Act amalgamates the Board of Negotiation under the Expropriations Act, and continues the Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal, as the Ontario Land Tribunal.

Source: <https://olt.gov.on.ca/about-olt/>

Consultation:

N/A

Supporting Document / Financial Documents:

1. Draft motion as submitted to Mayor and Council of the Town of Fort Frances by Tom Mrakas, Mayor of the Town of Aurora.

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, “that future planning and development will meet the specific needs of (our) community”; and

Whereas our Official Plan includes provisions that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of (Your Municipality) Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the (Your Municipality) Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of (Your Municipality); and

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings add years to the development approval process and act as a barrier to the development of attainable housing;

1. Now Therefore Be It Hereby Resolved That (Your Municipality) requests the Government of Ontario to dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and
2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Date: February 7, 2022

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

RE: First Draft of 2022 Operating Budget for the Planning & Development Division

A meeting is scheduled for Monday February 7, 2022 to review Draft One of the Planning & Development Division Operating Budget for 2022. In order to ensure that the Planning & Development Executive Committee has a full understanding of how the proposed budget was developed it is pertinent that the enclosed documentation is reviewed and fully understood by each member of the committee.

Some Major Highlights are as follows:

- 37.85% (\$45,970) revenue increase in Civic Centre Rentals as a result of a full year of rent from the former OPP space
- 8% (\$1,197) change in natural gas costs.
- 14.29% (\$7,281) increase in hydro costs for Civic Centre
- 23.29% (\$7,525) increase to property taxes for Civic Centre based on 2021 actuals
- 25.93% (\$700) increase in janitorial supplies at Civic Centre based on 2021 actuals
- 34.62% (\$900) increase to elevator contract to follow midway between 2021 actuals and 3-year budgeted average
- 16.67% (\$1,000) increase to Civic Centre repair and maintenance due to increase in 2021 actuals and aging building
- 99.21% (\$3,379) increase to Civic Centre insurance rate attributed to future use of leased space
- 33.45% (\$1,880) increase to Parking Fee revenue to fall in line with 3-year actual average
- 30% (\$3,300) decrease to by-law fines revenue to fall inline with 3-year average actual and period of one officer in office

- 13% decrease in by-law enforcement salary line due to officer retirement
- 200% (\$1,000) increase to by-law enforcement conference & courses to allow for additional training of assumed new officer
- 16.67% (\$7,500) increase to building permit revenues
- 66.67% (\$1,000) increase to Building Official conference & courses to allow for training of new CBO
- Planning legal and cost recovery estimated as one-time around \$35,000 for OLT hearing – cost to be recovered by Town from applicant

Attached with this report is Appendix A which details the first draft of the 2022 operating budget for the planning and Development Division. The attached document outlines the proposed 2022 operating budget with reference to the 2020 and 2021 budgets for assistance.



Cody Vangel, Chief Building Official/Municipal Planner
c.c. - Dawn Galusha, Treasurer
Faisal Anwar, CAO

Planning & Development

	2020 Operating Forecast	2020 Actuals	2021 Operating Forecast	2021 Actuals	2022 Base	2022 One Time	2022 Budget Cuts	2022 Operating Forecast	Variance 2022 Budget to 2021 Budget	Percentage Variance 2022 Budget to 2021 Budget	Comments
10 General											
Fort Frances											
Planning & Development											
0253 Civic Centre											
0330 Operational Revenue											
10-020-0253-0330-40586 Civic Centre Rentals (OPP)	(89,279)	(86,587.13)	(121,452)	(121,452.52)	(167,422)			(167,422)	(45,970)	37.85%	Rental lease agreement - see by-law 66/15-A
10-020-0253-0330-40588 FFPC Office Contribution	(17,180)	(16,983.56)	(17,283)	(17,065.32)	(17,974)			(17,974)	(691)	4.00	
Total 0330 Operational Revenue	(106,459)	(103,560.69)	(138,735)	(138,517.84)	(185,396)			(185,396)	(46,661)	33.63	
1200 Contracted Services											
10-020-0253-1200-71254 Audit- OPP Lease	1,726	1,696.00	1,696	1,833.72	1,866			1,866	170	10.02%	10% increase to 2021 budget
Total 1200 Contracted Services	1,726	1,696.00	1,696	1,833.72	1,866			1,866	170	10.02	
1240 Municipal Buildings & Yards											
10-020-0253-1240-60010 Salaries Full Time	10,157	23,214.72	39,297	35,587.50	40,083			40,083	766	2.00%	2% increase to 2021 budgeted
10-020-0253-1240-60013 Overtime				262.52							
10-020-0253-1240-60020 Civic Centre Part-Time Wage		262.92		4,190.03							
10-020-0253-1240-60025 Employer CPP		1,108.61		2,081.38							
10-020-0253-1240-60030 Employer EI		411.59		823.34							
10-020-0253-1240-60035 Employer OMERS		2,249.52		3,533.24							
10-020-0253-1240-60040 Employer EHT		487.26		802.31							
10-020-0253-1240-60050 Employer Benefits	3,108	2,739.29	13,297	2,916.03	13,563			13,563	266	2.00	
10-020-0253-1240-60055 Employer WSIB		565.33		954.61							
10-020-0253-1240-71540 Equipment Rentals - Owned	940	5,439.95	1,720	2,150.55	2,151			2,151	431	25.06	Match 2021 actual
Total 1240 Municipal Buildings & Yards	14,205	36,479.19	54,314	53,301.51	55,797			55,797	1,463	2.73	
1400 Materials											
10-020-0253-1400-71415 Hydro Chgs- CC Parking lots	1,000	803.25	1,019	888.90	1,026			1,026	7	0.69%	Projected 0.64% increase to small commercial hydro charges
10-020-0253-1400-71416 Natural Gas Charges	14,959	17,486.34	14,959	11,561.30	16,156			16,156	1,197	8.00	Projected 8% increase to natural gas charges
10-020-0253-1400-71420 Hydro Charges	50,000	47,142.72	50,950	28,696.82	58,231			58,231	7,281	14.29	Projected 14.29% increase to large scale commercial hydro charges
10-020-0253-1400-71421 Water & Sewer Charges	1,686	1,660.68	1,719	1,401.00	1,754			1,754	35	2.04	Projected 2% increase to water and sewer charges
10-020-0253-1400-71425 Property Taxes	30,138	31,671.00	32,304	39,047.50	39,829			39,829	7,525	23.29	2% increase to 2021 actuals
10-020-0253-1400-71470 Janitorial supplies	5,000	5,506.78	2,700	3,150.96	3,400			3,400	700	25.93	Match 3-year average 2018-2020
Total 1400 Materials	102,843	104,240.77	103,651	84,746.38	120,396			120,396	16,745	16.16	
1500 Rents & Services											
10-020-0253-1500-71508 Elevator Contracting/Materials	2,600	2,296.27	2,600	3,967.13	3,500			3,500	900	34.62%	Between 2021 actual and 3 budgeted year average
10-020-0253-1500-71509 HVAC Contracts/Materials	3,000	1,722.40	3,000	3,968.33	3,000			3,000			same as 2021
10-020-0253-1500-71510 Electrical Contracts/Materials	3,000	1,852.91	3,000	2,378.76	3,000			3,000			same as 2021
10-020-0253-1500-71512 Plumbing Contracts/Materials	1,500	1,857.58	1,500	1,955.38	1,500			1,500			same as 2021
10-020-0253-1500-71523 Contracted Works	7,500	8,823.99	7,500	8,933.88	7,500			7,500			same as 2021
10-020-0253-1500-71524 Janitorial Contract	72,109	62,277.44		101.75							
10-020-0253-1500-71545 Repairs & Maintenance	10,000	5,829.89	6,000	11,042.12	7,000			7,000	1,000	16.67	Round to upper \$1000 from 3 year actuals Salt = \$2800
10-020-0253-1500-71555 Lawn & Yard Maintenance	100	99.16	102	101.60	138			138	36	35.29	Civic Centre flowers
10-020-0253-1500-71580 Insurance- Civic Centre	3,036	3,412.63	3,406	6,002.05	6,785			6,785	3,379	99.21	This includes Jail side of the building now, resulting in increase
Total 1500 Rents & Services	102,845	86,172.27	27,108	38,451.00	32,423			32,423	5,315	19.61	
Total 0253 Civic Centre	115,190	127,027.54	48,034	39,814.77	25,086			25,086	(22,948)	(47.77)	
0440 By-Law Enforcement Animal Contr											
0310 No Tax Unallocated Revenue											

Draft Budget Report-detailed
V1 Dept Submission

Planning & Development

	2020 Operating Forecast	2020 Actuals	2020 Operating Forecast	2021 Operating Forecast	2021 Actuals	2022 Base	2022 One Time	2022 Budget Cuts	2022 Operating Forecast	Variance 2022 Budget to 2021 Budget	Percentage Variance 2022 Budget to 2021 Budget	Comments
10-040-0440-0310-40598 Parking Meter Collections	(1,288)	(1,048.57)		(1,288)	(243.76)	(500)			(500)	788	(61.18%)	Reduction in operable parking meters - only 6 working parking meters in town - cash revenue from meters and parking lot behind post office
10-040-0440-0310-40601 Parking Fees	(10,000)	(6,224.95)		(5,620)	(7,726.20)	(7,500)			(7,500)	(1,890)	33.45	3-year actual average
Total 0310 No Tax Unallocated Revenue	(11,288)	(7,273.42)		(6,908)	(7,969.96)	(8,000)			(8,000)	(1,092)	15.81	
0410 Unallocated HST Exempt												
10-040-0440-0410-40725 Dog Tags	(500)	(138.45)		(100)	(84.00)	(100)			(100)			Large uptake in annual licenses in 2018 - minimal annual licensing since
10-040-0440-0410-40811 By-Law Fines	(11,000)	(5,363.51)		(11,000)	(3,613.49)	(7,700)			(7,700)	3,300	(30.00)	Match 3-year actual average - Primarily one person in office since early 2020 affecting revenues. Budget line affected by COVID-19
Total 0410 Unallocated HST Exempt	(11,500)	(5,501.96)		(11,100)	(3,697.49)	(7,800)			(7,800)	3,300	(29.73)	
0430 Operational Rev HST Ex												
10-040-0440-0430-40591 Impound Fees	(250)	(83.50)		(250)	(60.00)	(250)			(250)			Match 3-year actual average
Total 0430 Operational Rev HST Ex	(250)	(83.50)		(250)	(60.00)	(250)			(250)			
1101 Salaries, Wages, Benefits												
10-040-0440-1101-60010 Salaries Full Time	120,030	107,497.76		117,723	99,246.42	102,415			102,415	(15,308)	(13.00%)	Retirement
10-040-0440-1101-60013 Overtime		251.17										
10-040-0440-1101-60025 Employer CPP	5,724	5,185.25		5,802	5,443.90	5,665			5,665	(137)	(2.36)	
10-040-0440-1101-60030 Employer EI	2,023	2,001.56		2,013	2,071.42	1,968			1,968	(45)	(2.24)	
10-040-0440-1101-60035 Employer OMERS	11,013	17,090.68		10,638	9,582.58	10,413			10,413	(225)	(2.12)	
10-040-0440-1101-60040 Employer EHT	2,339	2,093.15		2,296	2,058.38	2,247			2,247	(49)	(2.13)	
10-040-0440-1101-60050 Employer Benefits	12,054	10,307.80		9,959	9,485.41	9,318			9,318	(641)	(6.44)	
10-040-0440-1101-60055 Employer WSIB	3,778	2,490.32		2,731	2,448.95	2,673			2,673	(58)	(1.53)	
Total 1101 Salaries, Wages, Benefits	156,961	146,917.69		151,162	130,337.06	134,699			134,699	(16,463)	(10.89)	
1200 Contracted Services												
10-040-0440-1200-71251 Communications	550	427.44				275			275	275		A lot of communications moved to Environmental department. Fund based on half of three year average budget amount
10-040-0440-1200-71252 Postage, Freight, Courier		18.11			53.06							
10-040-0440-1200-71253 Legal	470	222.75		476	2,161.52	476			476			
10-040-0440-1200-71256 Transfer to MTO	389	395.00		395	397.00	405			405	10	2.53	Match 2021 budget number
10-040-0440-1200-71260 Memberships	369	429.00		380	449.00	400			400	20	5.26	2% increase to 2021 - succession plan? May need to increase for replacement personnel
Total 1200 Contracted Services	1,778	1,492.30		1,251	3,209.08	1,556			1,556	305	24.38	
1400 Materials												
10-040-0440-1400-71410 Office Supplies	1,300	48.96		500	214.62	500			500			
10-040-0440-1400-71480 Clothing - Uniforms Coversalls	500			500	190.25	1,000			1,000	500	100.00	Cost for uniforms/PPE for assumed new by-law enforcement officer
Total 1400 Materials	1,800	48.96		1,000	404.87	1,500			1,500	500	50.00	
1500 Rents & Services												
10-040-0440-1500-71502 Computer Maintenance	1,137	1,111.65		1,141	426.82	1,141			1,141			Match 2021
10-040-0440-1500-71515 Meter Repairs/Maintenance	300	101.33		300	593.92	500			500	200	66.67	Increase theft and theft attempts raising time/cost involved in repairs
10-040-0440-1500-71523 Contracted Services	500	16.11		205	5.28	205			205			Match 2021 budget number - contractor costs to perform work and to tow vehicles to ensure property standards are met and enforced.
10-040-0440-1500-71531 Conference & Courses	1,500	335.81		500	355.14	1,500			1,500	1,000	200.00	Likely to cover one to two courses for new by-law enforcement officer

Draft Budget Report-detailed
V1 Dept Submission

Planning & Development

	2020 Operating Forecast	2020 Actuals	2021 Operating Forecast	2021 Actuals	2022 Base	2022 One Time	2022 Budget Cuts	2022 Operating Forecast	Variance 2022 Budget to 2021 Budget	Percentage Variance 2022 Budget to 2021 Budget	Comments
10-040-0440-1500-71533 Mileage	200	56.64	100		100			100			Match 2021 budget number - weekend coverage for animal shelter
10-040-0440-1500-71591 Advertising & Public Notices	700		600		300			300	(300)	(50.00)	50% of 3-year average, no funds used in 2020 or 2021
Total 1500 Rents & Services	4,337	1,621.54	2,846	1,381.16	3,746			3,746	900	31.62	
1600 Financial Services											
10-040-0440-1600-71605 Parking Meter Charges & Fee	1,000	806.03	825	641.17	825			825			Match 2021
Total 1600 Financial Services	1,000	806.03	825	641.17	825			825			
2910 Vehicle Expenses											
10-040-0440-2910-60010 Salaries Full Time	700	323.48	500	728.30	510			510	10	2.00%	
10-040-0440-2910-60025 Employer CPP		18.86		43.08							
10-040-0440-2910-60030 Employer EI		6.93		16.52							
10-040-0440-2910-60035 Employer OMERS		36.86		78.89							
10-040-0440-2910-60040 Employer EHT		7.38		16.23							
10-040-0440-2910-60050 Employer Benefits	231	37.34	269	112.73	274			274	5	1.86	
10-040-0440-2910-60055 Employer WSIB		67.01		19.32							
10-040-0440-2910-71418 Gas & Fuel	2,200	1,513.49	2,100	2,344.84	2,100			2,100			Match 2021
10-040-0440-2910-71451 Vehicle Parts & Maintenance	500	135.92	500	405.53	500			500			
10-040-0440-2910-71580 Insurance	517	524.40	590	607.19	780			780	190		
10-040-0440-2910-71582 License	120	120.00	120		120			120			From Deputy Treasurer
Total 2910 Vehicle Expenses	4,268	2,791.67	4,079	4,372.63	4,284			4,284	205	5.03	
Total 0440 By-Law Enforcement Animal Contr	147,106	140,819.31	142,905	128,618.52	130,560			130,560	(12,345)	(8.64)	
0441 Animal Shelter											
1101 Salaries, Wages, Benefits											
10-040-0441-1101-60010 Salaries Full Time	2,726	979.68	500		612			612	112	22.40%	
10-040-0441-1101-60025 Employer CPP		50.04									
10-040-0441-1101-60030 Employer EI		20.32									
10-040-0441-1101-60035 Employer OMERS		91.92									
10-040-0441-1101-60040 Employer EHT		19.81									
10-040-0441-1101-60050 Employer Benefits	880	1.80	106		108			108	2	1.89	
10-040-0441-1101-60055 Employer WSIB		23.57									
10-040-0441-1101-71540 Equipment Rentals - Owned		254.84									
Total 1101 Salaries, Wages, Benefits	3,606	1,441.98	606		720			720	114	18.81	
1400 Materials											
10-040-0441-1400-71420 Hydro Charges	1,147	947.52	1,169	1,546.76	1,176			1,176	7	0.60%	
10-040-0441-1400-71421 Water & Sewer Charges	1,497	1,485.00	1,527	1,261.00	1,558			1,558	31	2.03	
10-040-0441-1400-71470 Janitorial Supplies	250	68.69	250	89.65	250			250			
10-040-0441-1400-71471 Materials/Supplies	1,400	229.64	200	274.81	200			200			
10-040-0441-1400-71491 Food & Meals	400	42.19	200	78.22	200			200			
10-040-0441-1400-71492 Euthanasia Expenses	1,763	342.46	1,625	717.05	1,625			1,625			
Total 1400 Materials	6,457	3,115.50	4,971	3,967.49	5,009			5,009	38	0.76	
1500 Rents & Services											
10-040-0441-1500-71523 Contracted Services	179	191.92	192	405.44	192			192			
10-040-0441-1500-71545 Repairs & Maintenance		475.22									
10-040-0441-1500-71580 Insurance	453	428.64	327	328.14	380			380	53	16.21	
Total 1500 Rents & Services	632	1,095.78	519	733.58	572			572	53	10.21	
Total 0441 Animal Shelter	10,695	5,653.26	6,096	4,701.07	6,301			6,301	205	3.36	
0430 Operational Rev HST Ex											
10-040-0445-0430-40722 Building Permits	(45,000)	(56,892.67)	(45,000)	(60,771.96)	(52,500)			(52,500)	(7,500)	16.67%	
10-040-0445-0430-40723 Moving Permits	(300)	(1,506.62)	(1,300)	(1,238.31)	(1,300)			(1,300)			

Planning & Development

	2020 Operating Forecast	2020 Actuals	2021 Operating Forecast	2021 Actuals	2022 Base	2022 One Time	2022 Budget Cuts	2022 Operating Forecast	Variance 2022 Budget to 2021 Budget	Percentage Variance 2022 Budget to 2021 Budget	Comments
10-040-0445-0430-40728 Other Misc. Permits	(555)	(203.10)	(363)	(263.51)	(300)			(300)	63	(17.36)	
Total 0430 Operational Rev HST Ex	(45,855)	(58,692.39)	(46,663)	(62,293.78)	(54,100)			(54,100)	(7,437)	15.94	
1101 Salaries, Wages, Benefits											
10-040-0445-1101-60010 Salaries Full Time	42,862	48,903.16	45,626	38,049.00	51,190			51,190	5,564	12.19%	
10-040-0445-1101-60025 Employer CPP	1,449	1,750.89	1,742	1,762.65	2,217			2,217	475	27.27	
10-040-0445-1101-60030 Employer EI	506	662.31	570	613.73	725			725	155	27.19	
10-040-0445-1101-60035 Employer OMERS	3,638	4,817.82	4,764	3,651.23	5,059			5,059	295	6.19	
10-040-0445-1101-60040 Employer EHT	506	916.35	890	688.80	998			998	108	12.13	
10-040-0445-1101-60050 Employer Benefits	3,626	3,120.24	4,259	2,951.91	5,462			5,462	1,203	28.25	
10-040-0445-1101-60055 Employer WSIB	1,140	1,090.21	1,058	819.47	1,188			1,188	130	12.29	
Total 1101 Salaries, Wages, Benefits	53,747	61,260.98	58,909	48,556.79	66,839			66,839	7,930	13.46	
1200 Contracted Services											
10-040-0445-1200-71251 Communications	700	431.51									
10-040-0445-1200-71252 Postage, Freight, Courier		34.42									
10-040-0445-1200-71253 Legal	500	3,812.95	500	714.72	500			500			
10-040-0445-1200-71260 Memberships	1,100	1,363.98	1,300		1,700			1,700	400	30.77	Cody, Travis, new CBO (OBOA, local chapter, ministry)
10-040-0445-1200-71261 Subscriptions & Publications	200	89.55	200	204.48	400			400	200	100.00	Provision for new CBC compendium for new CBO
Total 1200 Contracted Services	2,500	5,732.41	2,000	919.20	2,600			2,600	600	30.00	
1400 Materials											
10-040-0445-1400-71410 Office Supplies	500	405.38	200		50			50	(150)	(75.00%)	Decrease CBO, increase planner
10-040-0445-1400-71480 Clothing - Uniforms Coveralls	600	241.12	100		400			400	300	300.00	PPE new CBO
Total 1400 Materials	1,100	646.50	300		450			450	150	50.00	
1500 Rents & Services											
10-040-0445-1500-71502 Computer Maintenance	2,100	2,071.15									Citywide software annual relocated to IT budget in 2021
10-040-0445-1500-71531 Conferences & Courses	5,000	2,992.70	1,500	506.16	2,500			2,500	1,000	66.67	Estimate 3 courses, plus 4 exams new CBO
10-040-0445-1500-71591 Advertising & Public Notices	929	862.12	950	804.93					(950)	(100.00)	Removed in 2022 - spring/fall builders bulletin - FF Times
Total 1500 Rents & Services	8,029	5,925.97	2,450	1,311.09	2,500			2,500	50	2.04	
2910 Vehicle Expenses											
10-040-0445-2910-60010 Salaries Full Time	500	1,281.89	500	392.28	510			510	10	2.00%	
10-040-0445-2910-60025 Employer CPP		37.65		16.35							
10-040-0445-2910-60030 Employer EI		13.72		5.24							
10-040-0445-2910-60035 Employer OMERS		119.07		37.42							
10-040-0445-2910-60040 Employer EHT		26.24		7.68							
10-040-0445-2910-60050 Employer Benefits	179	136.11	140	29.75	143			143	3	2.14	
10-040-0445-2910-60055 Employer WSIB		31.18		9.14							
10-040-0445-2910-71418 Gas & Fuel	1,000	443.48	1,000	266.14	1,000			1,000			Match 2021 budget
10-040-0445-2910-71451 Vehicle Parts & Maintenance	600	518.47	500	210.14	500			500			Match 2021 budget
10-040-0445-2910-71523 Contracted Works				93.19							
10-040-0445-2910-71580 Insurance	425	351.97	502	106.41	654			654	152	30.28	
10-040-0445-2910-71582 Licenses	120		120		120			120			Match 2021 budget
Total 2910 Vehicle Expenses	2,824	2,959.78	2,762	1,173.74	2,927			2,927	165	5.97	
Total 0445 Building Official	22,345	17,833.25	19,758	(10,332.86)	21,216			21,216	1,458	7.38	
1810 Planning & Zoning											
0330 Operational Revenue											
10-180-1810-0330-40569 Expense Recoveries	(869)		(869)	(7,500.00)	(3,350)			(38,350)	(37,481)	4,313.12%	QLT hearing legal fees cost recovery - one time
Total 0330 Operational Revenue	(869)		(869)	(7,500.00)	(3,350)			(38,350)	(37,481)	4,313.12	

Draft Budget Report-detailed
V1 Dept Submission

Planning & Development

	2020 Operating Forecast	2020 Actuals	2021 Operating Forecast	2021 Actuals	2022 Base	2022 One Time	2022 Budget Cuts	2022 Operating Forecast	Variance 2022 Budget to 2021 Budget	Percentage Variance 2022 Budget to 2021 Budget	Comments
0430 Operational Rev HST Ex											
10-180-1810-04-30-40589 Expense Recovery		(2,610.44)									
10-180-1810-04-30-40632 Donations		(1,000.00)									
10-180-1810-04-30-40813 Document/Map Sales, etc.	(1,732)	(1,816.60)	(1,534)	(1,427.40)	(1,330)			(1,330)	204	(13.30)	Match 3-year average actual 2018-2020
10-180-1810-04-30-40815 Planning Application Fees	(10,711)	(26,064.69)	(10,711)	(7,196.37)	(8,210)			(8,210)	2,501	(23.35)	Match 3-year average budget 2018-2020
Total 0430 Operational Rev HST Ex	(12,443)	(31,491.73)	(12,245)	(14,262.61)	(9,540)			(9,540)	2,705	(22.09)	
1101 Salaries, Wages, Benefits											
10-180-1810-1101-60010 Salaries Full Time	36,178	31,769.05	37,330	27,660.35	42,867			42,867	5,537	14.83%	
10-180-1810-1101-60025 Employer CPP	1,449	1,159.64	1,425	1,544.86	1,900			1,900	475	33.33	
10-180-1810-1101-60030 Employer EI	506	423.64	466	525.12	773			773	307	65.88	
10-180-1810-1101-60035 Employer OMERS	3,638	3,526.23	3,898	3,156.09	4,052			4,052	154	3.95	
10-180-1810-1101-60040 Employer EHT	705	665.09	728	597.24	836			836	108	14.84	
10-180-1810-1101-60050 Employer Benefits	3,626	2,539.87	3,485	3,445.07	3,131			3,131	(354)	(10.16)	
10-180-1810-1101-60055 Employer WSIB	1,140	791.32	866	710.55	722			722	(144)	(16.63)	
Total 1101 Salaries, Wages, Benefits	47,242	40,874.84	48,198	37,639.28	54,281			54,281	6,083	12.62	
1200 Contracted Services											
10-180-1810-1200-71253 Legal	6,100	18,382.90	6,100	22,039.64	6,100	35,000		41,100	35,000	573.77%	\$6,100 - legal per 3 year budget average \$35,000 - one time OLT hearing legal to be billed back to applicant
10-180-1810-1200-71255 Consultants Fees		1,679.04	1,500	2,136.96	2,000	2,000		4,000	2,500	166.67	New planner consulting with Jeff Port One time \$2000 for OLT hearing preparation
10-180-1810-1200-71260 Memberships	150		150		150			150			
10-180-1810-1200-71261 Subscriptions & Publications				18.23							
Total 1200 Contracted Services	6,250	20,061.94	7,750	24,194.83	8,250	37,000		45,250	37,500	483.87	
1400 Materials											
10-180-1810-1400-71410 Office Supplies	500	349.77	50	461.84	500			500	450	900.00%	Reduce CBO OS, increase Planning OS
Total 1400 Materials	500	349.77	50	461.84	500			500	450	900.00	
1500 Rents & Services											
10-180-1810-1500-60010 GIS-Salaries Full Time	7,822		7,911		8,069			8,069	168	2.00%	
10-180-1810-1500-60050 GIS-Employer Benefits	2,042		1,953		1,992			1,992	39	2.00	
10-180-1810-1500-71507 GIS Expense	6,716	4,032.08	6,106	3,173.47	6,564			6,564	458	7.50	operational plus capital
10-180-1810-1500-71531 Conferences & Courses	1,000				500			500	500		New planner Primer on Planning course
10-180-1810-1500-71591 Advertising & Public Notices	2,937	6,368.16	3,350	4,633.79	3,350			3,350			Match 2021 budget - Most captured through expense recovery
Total 1500 Rents & Services	20,517	10,390.22	19,320	7,807.26	20,475			20,475	1,155	5.98	
1620 Transfer to Reserve Funds											
10-180-1810-1620-75390 Transfer to Reserves		1,000.00									
Total 1620 Transfer to Reserve Funds		1,000.00									
Total 1810 Planning & Zoning	61,197	41,185.04	62,204	48,340.60	70,616	2,000		72,616	10,412	16.74	
Total Planning & Development	356,503	332,518.40	278,997	211,142.00	253,779	2,000		255,779	(23,218)	(8.32)	
Total Fort Frances	356,503	332,518.40	278,997	211,142.00	253,779	2,000		255,779	(23,218)	(8.32)	
Total 10 General	356,503	332,518.40	278,997	211,142.00	253,779	2,000		255,779	(23,218)	(8.32)	
Total Planning & Development	356,503	332,518.40	278,997	211,142.00	253,779	2,000		255,779	(23,218)	(8.32)	

Date: January 4th, 2021

Report To: Planning & Development Executive Committee.

From: Patrick Briere, By-Law Enforcement Officer

RE: December Activities for By-Law Enforcement Department.

Please see the below information for the month of December activities for this department.

Operational Constraints

- Currently, 1 Officer in office.

December 2021

Animal Pound Statistics

Impounded Dogs	1
Impounded Cats	2
After Hours Visits	0
Total Shelter Visits for Month	14

Monthly Parking Statistics

Tickets for Month	0
Tickets by OPP	0
Monthly Total	0
Yearly Total Issued	125

Daily Activities completed by By-Law Officers.

- Animal Pound Activities.
- Pawn Shop Visits.
- Checking Parking Equipment (Repairs/Maintenance to Meter Equipment).
- Garbage Collection Issues.
- Kiss N Ride Enforcement.
- Parking Enforcement.

Other Duties Completed by By-Law Officers

- Month End Office Reports.
- Fine Box Collections & Ticket Processing.
- OPP Monthly Parking Stats.
- Emergency Management COVID-19 Response.
- Emergency Management COVID-19 (Omicron) Provincial Response & Weekly Meetings.
- Amethyst Sector (Emergency Management) CEMC Bi-Weekly Calls.
- JHSC Activities & Monthly Inspections.
- Monthly Activities Reporting to PDEC.
- OFMEM - EEPMO Project Meetings.
- Maintain/Attend Town Vehicle's in Parking Lot (Civic Centre).
- Single Use Plastics Advertising & Request to Extend Deadline.
- Preparing for Annual By-Law OPP Memorandum Review.
- Request from Best for Kitty.

Occurrence Type (Complaints & Information)	Calls for Complaints/ Information
Nuisance (Includes Inquiries)	2
Traffic By-Law (Includes Inquiries)	4
Animals (Includes Inquiries)	8
Business Licensing (Includes Inquiries)	10
Property Standards (Includes Landlord/Tenant & Grass Cutting)	6
Taxi (Includes Inquiries)	6
Off-Road Vehicles By-Law (Includes Inquiries)	1
Moving Permits (Includes Inquiries)	0
Smoking By-Law & Cannabis (Includes Inquiries)	0
Heavy Trucks (Includes Inquiries)	3
Waste Management (Includes Asselin Forms)	8
Fences (Includes Inquiries & Pools)	0
COVID Legislation/Vaccination	3
OPP Call Outs/Questions	2
Building Code/Zoning Issues (Includes Tents, Trailers, etc).	0
Noise Issues (Includes Inquiries)	3
Fire Issues (Includes Inquiries)	3
Sign By-Law (Includes Inquiries)	0
Single Use Plastics (Includes Inquiries)	6
Snow (Issues & Inquiries)	6
Snowmobile By-Law (Includes Inquiries)	5
TOTAL CALLS FOR SERVICE	76

Respectfully submitted,

Original Signed By

Patrick Briere, CMM III, Property Standards Professional
MLEO/Alternate CEMC/Public Information Officer, Planning & Development Division
PH: 1-807-274-5323 ext. 1218
pbriere@fortfrances.ca

Date: February 1st, 2022

Report To: Planning & Development Executive Committee.

From: Patrick Briere, By-Law Enforcement Officer

RE: January Activities for By-Law Enforcement Department.

Please see the below information for the month of January activities for this department.

Operational Constraints

- Only 1 Officer.
- Provincial Government Restrictions. Emergency Management/Health & Safety Priority.
- Parking Equipment (Portage Lot) Down.

January 2022

Animal Pound Statistics

Impounded Dogs	1
Impounded Cats	1
After Hours Visits	0
Total Shelter Visits for Month	8

Monthly Parking Statistics

Tickets for Month	0
Tickets by OPP	0
Monthly Total	0
Yearly Total Issued	0

Daily Activities completed by By-Law Officers.

- Animal Pound Activities.
- Pawn Shop Visits.
- Checking Parking Equipment (Repairs/Maintenance to Meter Equipment).
- Garbage Collection Issues.

Other Duties Completed by By-Law Officers

- Month End Office Reports.
- OPP Monthly Parking Stats.
- Emergency Management COVID-19 Response.
- Emergency Management COVID-19 (Omicron) Provincial Response & Weekly Meetings.
- Sr. Manager's Meetings regarding COVID-19 Updates.
- Amethyst Sector (Emergency Management) CEMC Bi-Weekly Calls.
- MCEG Meetings.
- JHSC Activities & Monthly Inspections.
- Monthly Activities Reporting to PDEC.
- OFMEM - EEPMO Project Meetings.
- Maintain/Attend Town Vehicle's in Parking Lot (Civic Centre).
- Preparing for Annual By-Law OPP Memorandum Review.
- Request Best for Kitty.
- Taxi Licensing Renewal Process Started.
- Business Licensing Renewal Process Started.

Occurrence Type (Complaints & Information)	Calls for Complaints/ Information
Nuisance (Includes Inquiries)	0
Traffic By-Law (Includes Inquiries)	2
Animals (Includes Inquiries)	5
Business Licensing (Includes Inquiries)	24
Property Standards (Includes Landlord/Tenant & Grass Cutting)	1
Taxi (Includes Inquiries)	2
Off-Road Vehicles By-Law (Includes Inquiries)	3
Moving Permits (Includes Inquiries)	2
Smoking By-Law & Cannabis (Includes Inquiries)	1
Heavy Trucks (Includes Inquiries)	1
Waste Management (Includes Asselin Forms)	7
Fences (Includes Inquiries & Pools)	0
COVID Legislation/Vaccination	12
OPP Call Outs/Questions	3
Building Code/Zoning Issues (Includes Tents, Trailers, etc).	0
Noise Issues (Includes Inquiries)	3
Fire Issues (Includes Inquiries)	0
Sign By-Law (Includes Inquiries)	1
Single Use Plastics (Includes Inquiries)	0
Snow (Issues & Inquiries)	24
Snowmobile By-Law (Includes Inquiries)	13
TOTAL CALLS FOR SERVICE	104

Respectfully submitted,

Original Signed By

Patrick Briere, CMM III, Property Standards Professional
MLEO/Alternate CEMC/Public Information Officer, Planning & Development Division
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pbriere@fortfrances.ca

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 25, 2022

CASE NO(S): OLT 21-001133

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Scott Fawcett
Applicant	Northwest Catholic District School Board
Subject:	By-law No. 03/14
Municipality:	Town of Fort Francis
OLT Lead Case No.:	21-001133
OLT Case No.:	21-001133
OLT Case Name:	Fawcett v. Fort Frances (Town)

Heard: January 13-14, 2022 by video hearing

APPEARANCES:

Parties

Counsel*/Representative

Scott Fawcett ("Appellant")

Self-represented

Town of Fort Frances ("Town")

A. McKittrick*/A.M. McKittrick*

DECISION DELIVERED BLAIR S. TAYLOR AND INTERIM ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Town Council approved a Zoning By-law Amendment ("ZBA") for the property known municipally as 820 Fifth Street East ("Subject Lands") which was appealed to the Tribunal by the Appellant.

DECISION

[2] For the reasons set out below, the Tribunal will allow the appeal in part, but approves the ZBA in principle subject to the Town providing to the Tribunal the following:

- a. A fully dimensioned conceptual site plan to scale;
- b. A revised draft ZBA specifying Fifth Street East as the frontage for the Subject Lands.

BACKGROUND AND CONTEXT

[3] The Subject Lands were formerly used as St. Michael's School established in or about 1962. The Subject Lands are improved with the former school building, a shed, and playground equipment, and with a play area which is central to this appeal.

[4] The Subject Lands are located on a corner lot at the intersection of Frenette Avenue and Fifth Street East. The Subject lands have an area of about 16,849 square metres ("sq m"): being about 83 metres ("m") wide at Frenette Avenue with a depth of about 202 m along Fifth Avenue East. The play area is estimated by the Appellant to be .89 hectares ("ha"), (which from Exhibit 11 appears to include about one half of the school parking lot).

[5] The Subject Lands are located in an area of the Town where sanitary sewer, municipal water and storm water services are all available.

[6] Under the Official Plan the Subject Lands are designated "Living Area" which allows for all forms of residential uses, and zoned under the Town's Zoning By-law as "Institutional" which allows for uses such as a school.

[7] The Subject Lands are owned by the Northwest Catholic District School Board ("School Board"). However, the Subject Lands were declared surplus by the School

Board, and the development application before the Tribunal is based on an agreement of Purchase and Sale between the School Board and the Rainy River District Social Services Administration Board (“RRDSSAB”).

[8] The RRDSSAB rezoning proposes an adaptive reuse and retrofit of the former school building to house 13 senior apartments (with some support services), and an Early ON Family Centre and outside Early ON play area. Additionally, up to 5 eightplex buildings (2 storeys in height) are proposed in the play area. On the ground floor, each eightplex would have two 1 bedroom barrier-free apartments and two bachelor apartments. On the second floor of each eightplex would be four 1 bedroom apartments. 30% of the apartments must be at 20% of market rent and the remainder would be at market rent.

[9] In order to facilitate this proposed redevelopment, the ZBA application was filed to rezone the Subject Lands to a site specific R-2 zone, to allow the seniors’ residence, the Early ON Family Centre, and the proposed eightplexes, all on the same lot.

[10] The proposed rezoning was recommended to Town Council by the Town’s Chief Building Official and Municipal Planner and adopted by Town Council.

[11] In the lead up to the hearing, there were two proposed draft changes to the ZBA: the first to include a legal description of the Subject Lands, and provide definitions for the Early ON Family Centre and an eightplex dwelling. The second proposed to increase the separation space from each eightplex dwelling to any other main building from 2.5 m to 7.5 m.

[12] Integral to this appeal is the fact that pursuant to the 1989 Joint Use Agreement between the Town and the School Board, the outdoor and athletic facilities at St. Michael’s School were available for Town uses after 5 p.m. during the school term and all day during the summer months.

THE HEARING

[13] At the hearing, the Tribunal heard the viva voce evidence of the Appellant.

[14] On behalf of the Town, the Tribunal heard the evidence of Cody Vangel, qualified to give expert opinion evidence as a civil engineer and land use planner, Dan McCormick the Chief Administrative Officer of the RRDSSAB, and Jeffrey Port qualified as a land use planner.

APPEAL GROUNDS

[15] The basis of the appeal is nuanced: firstly that there is no objection to the adaptive reuse and retrofit of the former school building for the seniors' residence and Early ON Family Centre, but that the Tribunal should preserve the existing play area by not allowing the rezoning of the play area for the proposed 5 eightplexes, (to be relocated to some other location in the Town), and the Appellant seeks the assistance of the Tribunal to find a compromise solution.

[16] The first ground of appeal challenges the public process as no public open house was held by the Town, that the public meeting was during Covid 19 and "audio only", and that while 3 citizens spoke in opposition, there were others who also wished to speak but were not able to due to the public meeting format.

[17] The second ground of appeal is that the play area is effectively a public park and that the playground equipment was provided by neighbourhood fundraising (\$30,000.00) and a donation from the Knights of Columbus, and has been used since about 1989, and further that the play area has been used on an informal basis since the school was constructed in or about 1962.

[18] The related third ground of appeal is that the proposed rezoning would not be in conformity with the Town's Official Plan as it would result in the inequitable distribution of park space in the east end of the Town, and this is part of a trend in the east end of the Town.

POLICY REGIME

[19] The *Planning Act* (“PA”) in s. 1 provides as one of its purposes that land use planning in Ontario is policy-led.

[20] Section 2 of the PA sets out a number of Provincial Interests that the Town Council and this Tribunal shall have regard to in making any land use planning decision. Those interests include:

- (i) The adequate provision of recreational facilities; (i)
- (ii) The adequate provision of a full range of housing including affordable housing; (j)
- (iii) The resolution of planning conflicts between public and private interests; (n)
- (iv) The appropriate location of growth and development (p).

[21] Section 2.1 requires that when the Tribunal makes a decision on a land use planning matter it shall have regard to both the decision made by Town Council and the information and material that the Town Council considered in making its decision.

[22] Finally from the PA, s. 3(5) mandates that the Tribunal (and the Town Council before it) when making a land use planning decision, that such a decision shall be consistent with the Provincial Policy Statement (“PPS”) and shall conform to provincial plans that are in effect, such as in this case the Growth Plan for Northern Ontario 2011 (“NOGP”).

NOGP

[23] The NOGP sets out among its purposes to enable decisions about growth to be made in ways that sustain a robust economy and build strong communities (1.2 (a)) and

to promote a rational and balanced approach to decisions about growth that build on community priorities, strengths and opportunities and makes efficient use of infrastructure (1.2 (b)).

PPS

[24] Both the PPS Preamble and the Implementation and Interpretation section provide that the Official Plan is the most important vehicle for the implementation of the PPS (s. 4.6).

[25] In Part IV of the PPS, the PPS Vision focuses growth and development in urban and rural settlement areas, encourages a range and mix of housing options including new development and intensification, and encourages efficient development patterns that optimize the use of land, resources, and public investment in infrastructure. These efficient land use patterns are to promote a mix of housing including affordable housing, employment, recreation parks and open spaces.

[26] Moving from the Vision statement into the policies of the PPS, one finds these directives:

- Healthy, liveable and safe communities are sustained by;
- Promoting efficient development and land use patterns (1.1.1 (a))
- Accommodating an appropriate affordable and market-based range and mix of residential types (including affordable housing and housing for older persons (1.1.1 (b))
- Promoting standards to minimize land consumption and servicing costs (1.1.1 (e))
- Settlement areas shall be the focus of growth and development (1.1.3.1)

- Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form (1.1.3.4)
- 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 by: ...establishing development standards for residential intensification, redevelopment and new residential development which will minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety (1.4.3 (f)).
- Healthy active communities should be promoted by: ... planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation... (1.5 (b)).

OFFICIAL PLAN

[27] The Subject Lands are designated in the Official Plan as “Living Area”, wherein the permitted uses include all forms of residential development.

[28] One of the objectives of the Living Area designation is that the Town will promote opportunities for residential intensification and redevelopment on lands within the serviced area of the Town (4.1.1 (d)).

[29] With regard to residential development s. 4.1.3 (c) provides that new housing development should reflect a range of lot and housing sizes including smaller, affordable housing units, which would be suitable for seniors and smaller families.

[30] Section 4.1.8 (d) provides that infilling and intensification is encouraged throughout the Town’s existing built up residential areas and that intensification should address: compatibility, lot pattern and configuration, accessibility, parking requirements, potential for increased traffic, any natural hazards, built heritage, availability of municipal infrastructure, and residential intensification targets.

[31] Additionally s. 4.1.8 (f) states that the Town will work with the appropriate housing agencies to ensure that a sufficient supply of housing is provided which is affordable to low and moderate income households, and that the Town will consider alternative requirements for residential lot standards and required floor space in the Zoning By-law which would support the provision of affordable housing.

[32] Within the Living Areas designation, the Official Plan provides in s. 4.1.6 that neighbourhood parks should be provided within 1000 m of all residential uses, and that neighbourhood parks should be between 1.5 and 2.0 ha in size.

LOCAL CONTEXT

[33] As a former school, the Subject Lands are found in the midst of a mature residential area that is predominantly single detached homes. There are two existing cul-de-sacs that abut the Subject Lands from the north, and one cul de sac from the east. Fifth Street East appears to have a student drop off lane within the public right of way in the immediate vicinity of the school building.

ZONING BY-LAW

[34] The current zoning for the Subject Lands is Institutional. The permitted uses in an Institutional zone include: ambulance station, arena, assisted living facility, day nursery, fire station, hospital, library, nursing home, place of worship and a school.

[35] The regulations allow height of 20 m, and a minimum landscaped areas of 10%.

[36] The proposed zoning generally relates to the R-2 zone which specifically allows residential uses including fourplex dwellings, and apartment buildings.

[37] Here the zoning would allow height to 12 m for a fourplex and 15 m for an apartment building, and the minimum landscaped area for a fourplex is 20%, and for an apartment building 30%.

[38] Of note for this appeal is the fact that there is neither a definition for “eightplex” nor “Early ON Family Centre” in the Zoning By-law.

[39] Also, from the definitions section of the Zoning By-law it is noted that there is a definition for front lot line for a corner lot which impacts this development application:

In the case of a corner lot or through lot, the shorter lot line that abuts a street or navigable waterway shall be deemed to be the front lot line and the longer lot line that abuts a road or (navigable waterway) shall be deemed an exterior lot line.

DEVELOPMENT PROPOSAL

[40] As noted above, while the Subject Lands are currently owned by the School Board, there is an existing agreement of purchase and sale with the RRDDSSAB.

[41] Mr. McCormick, the CAO of the RRDDSSAB testified that this board is made up of representatives of 10 municipalities and 3 unincorporated areas covering a geographic area of 15,000 square kilometres. It is responsible for housing and homelessness, has a \$27 million per year budget and *inter alia* it directly operates childrens’ services, and it oversees 498 housing units of which it directly oversees 350. For its 350 housing units, there is currently a waiting list of 253.

[42] Mr. McCormick testified that there is a local housing shortage that has been exacerbated by the opening of a new mine in the area that has taxed the existing rental housing supply.

[43] The RRDSSAB’s vision for the Subject Lands is to move forward in a phased approach with the first phase being the adaptive reuse and retrofit of the existing school building for 13 rental units (20% affordable), with some on site support services, and the Early ON family centre. The latter he described as being a resource program where parents are taught parenting skills. The parents (and children) do not come for the day but rather come and interact with the resource staff and receive instruction and resource materials and leave. There are two classrooms that would be utilized for such purposes,

with some office space for the program leaders who also provide this resource in three other geographic locations. Additional office space is intended for a nurse's station and for clinics.

[44] The second phase of development would be for the proposed 5 eightplexes in the play area behind the school. The units proposed are relatively small in size: on the second floor are four 1 bedroom units each at 660 square feet (sq. ft), whereas on the ground floor, there will be two barrier-free 1 bedroom units at 746 sq ft and two bachelor units at 580 sq ft.

[45] Mr. McCormick anticipates that each eightplex will cost about \$2 million to construct and that with funding available they would likely start with two eightplexes, and fund raise thereafter for the other units.

[46] From the RRDSSAB perspective, the Subject Lands provide for the adaptive reuse of an existing building, utilize existing municipal services, are "shovel ready", and with the two projects all being on the same lot, it will enable economies of scale.

[47] As part of the staff report that went to Town Council, a conceptual site plan was included. As the application for the ZBA identified Fifth Street East as the frontage, so too did the conceptual site plan. Additionally, notwithstanding the proposed amendment to the draft ZBA to increase the separation distance for an eightplex to 7.5 m, no revised concept plan was provided.

COMMENTARY AND ANALYSIS

[48] Firstly, with regard to the Appellant's concern with the lack of an informal public meeting, there is no statutory requirement for same.

[49] With regard to the Appellant's concerns about the public meeting held by the Town, the Tribunal notes that Exhibit 6 at page 38 contains a copy of the March 4, 2021 newspaper notice of the public meeting to be held on April 12, 2021 virtually and by teleconference.

[50] The Tribunal takes judicial notice of the fact that as of April 7, 2021, the Province had made its third Emergency Order with regard to Covid 19 and a Stay at Home order was in place.

[51] With regard to the public meeting, the staff report of April 26, 2021 noted that 80 letters of opposition had been received and three members of the public spoke in opposition to the application.

[52] When the staff report went to Town Council, it included the public submissions. The staff report considered and responded to the issues of concern that had been raised by members of the public.

[53] The Tribunal notes that the required public meeting occurred during an Emergency Order and a Stay at Home order. The Town gave the required notice, and in that notice identified how the public meeting would be held due to the Covid 19 restrictions. Additionally, the Tribunal would note that Town Council did not make a decision on April 12, 2021: Town Council made its decision on April 26, 2021 and passed the implementing ZBA on May 10, 2021. Thus, there was additional time after the public meeting for more public input to the Town Council before it made its decision.

[54] With regard to the expressed concern about the public meeting, the Tribunal finds that the Town acted in accordance with the requirements of the PA and the Covid 19 restrictions that were in place at the time.

[55] Turning to the Appellant's submissions with regard to the play area as a "public park", the Tribunal would first note that the Town has never owned the Subject Lands; rather the Subject Lands were and are currently owned by the School Board, and are the subject of an Agreement of Purchase and Sale conditional on rezoning.

[56] It is noted that the Subject Lands were part of a Joint Use Agreement between the School Board and the Town dated as of June 12, 1969 (Exhibit 6 Tab 8). The said agreement provides that the agreement may be terminated at any time the two parties agree the Outdoor Facilities are no longer usable, or upon written notice by either party

at any time after the year 2009. Also, at the same tab, there is a letter dated May 28, 2021 from the School Board terminating the agreement.

[57] The Appellant submits that the neighbours fundraised \$30,000.00, and combined with a \$5,000.00 donation from the Knights of Columbus, provided the funding for the purchase of the outdoor playground equipment that was installed through the sweat equity of the neighbours. Exhibit 3 contains a picture of the sign identifying the “Knights of Columbus Park” in front of the playground equipment. To the Appellant this constitutes a municipal park and it should remain a municipal park.

[58] To the Tribunal it is clear that the Joint Use Agreement provided the term of the joint use: the agreement could be terminated at any time both parties agreed it was no longer usable, or unilaterally by either party after the year 2009. That agreement was terminated in 2021. No notice to any other person or party was required. It is not a municipal park for the purposes of this hearing.

[59] Supplemental to his submissions on the play area being a municipal park, the Appellant argues that pursuant to s. 4.1.6 of the Official Plan, the Town has a requirement that neighbourhood parks are to be provided within 1000 m of all residential uses, and with the Town approval of the impugned ZBA, it is contrary to the Official Plan and moreover it is part of a trend that has led to an inequitable distribution of park space in the east end of the Town.

[60] Exhibit 11 purports to contain seven examples of such loss of public recreational green space since 1970 totalling 3.7 ha of land. This exhibit is based on a very narrow approach to recreation. The Appellant cites the redevelopment of the Memorial Sports Centre fields as a loss of 1.69 ha. However, the “loss” of the 1.69 ha is now (according to the exhibit) the home for the new Sportsplex, Ice for Kids Arena, a library, a skateboard park, and a parking lot to serve these recreational uses.

[61] The PPS does speak to providing a full range and equitable distribution of recreational spaces. However, that policy direction is not limited to just outdoor space

but also includes built facilities for recreation.

[62] Additionally, the Town's Official Plan states that neighbourhood parks should be provided within 1000 m of all residential uses and should be between 1.5 – 2 ha in size.

[63] The Tribunal prefers the evidence of Mr. Vangel and Mr. Port that the play area is not a municipal/neighbourhood park, that it does not meet the size requirement of the Official Plan at 1.5 - 2.0 ha, and there are other municipal parks that are in the general vicinity in the Subject Lands that satisfy the Official Plan direction.

[64] Finally, the Appellant argues that the Tribunal should be used as a facility to find a compromise solution, and gave a number of examples of sites in other residential areas that he believed would be appropriate for the relocation of the eightplexes.

[65] The Tribunal would point out that Tribunal has a Citizen Liaison Officer and a Tribunal website, both of which are dedicated to assisting the public to understand the Tribunal's hearing process. The website contains references to the Tribunal's very experienced mediation panel, that can, if both parties agree, assist in mediating disputes. However ultimately, where parties maintain their appeals, the Tribunal has been statutorily created to hear and determine matters within its jurisdiction.

[66] Thus, the Tribunal at this late stage of this proceeding is not in the position of a mediator but rather an adjudicator required to make a decision based on the evidence that has been given.

[67] To the Tribunal this development proposal represents:

- the redevelopment of a currently vacant and underutilized site;
- the adaptive reuse and retrofit of a surplus school site;
- a modest form of residential intensification that will add to the range and mix of housing in the local context;

- assistance in providing rental housing, senior housing, accessible housing, affordable housing, (all in a market that is experiencing rental housing supply issues due to the opening of a new mine);
- the provision of an Early On Family Centre that will be a community parenting resource;
- all of which is within a Settlement Area; and
- utilizing existing municipal services.

[68] This development proposal the Tribunal finds to have had adequate regard for the matters of Provincial Interest in s. 2 of the PA, is consistent with the PPS as a modest form of intensification within a settlement area, and expanding the range and mix of housing including housing for seniors and affordable housing, does not conflict with the NOGP, conforms to the Town's Official Plan, represents good land use planning and is in the public interest.

[69] However as the draft ZBA's that have been presented to the Tribunal are based on a concept plan that erroneously has Fifth Avenue East for the front lot line (contrary to the Town's Zoning By-law), and as Exhibit 5 requires a 7.5 m setback for the eightplexes to a wall of another main building, and as the same concept plan has no dimensions whatsoever, the Tribunal will approve in principle the development proposal.

[70] Accordingly, the Tribunal orders that the appeal is allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of the pre-requisite matters identified below and that the ZBA found in Exhibit 5 is hereby approved in principle only.

[71] The Tribunal will withhold the issuance of its Final Order contingent upon the following:

- a. A fully dimensioned conceptual site plan to scale;

- b. A revised draft ZBA specifying Fifth Street East as the frontage for the Subject Lands.

[72] The Town shall submit the required materials found in the paragraph above to the Tribunal's Case Coordinator on or before **Monday, May 2, 2022**, failing which it shall provide a written status report by that date, documenting the timing of the expected submission of the required materials.

[73] In the event that the Town fails to provide the required materials and/or the required written status report by the required date, the Tribunal may allow the appeal.

[74] I remain seized of this matter for the purposes of reviewing the draft conceptual site plan, and approving the final draft of the ZBA and may be spoken to for case management purposes.

[75] This is the Interim Order of the Tribunal.

"Blair S. Taylor"

BLAIR S. TAYLOR
MEMBER

Ontario Land Tribunal

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