

TOWN OF FORT FRANCES

Committee of Adjustment

AGENDA - March 28, 2016 5:00 PM

MEETING - Public Library and Technology Centre - Shaw Room

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1. <u>Call to Order</u>	
2. <u>Non-agenda items</u>	
3. <u>Declarations, Municipal Conflict of Interest Act</u>	
4. <u>Minutes of Previous Meetings</u>	
4.1 Approval of the Minutes of the December 7, 2015 Property Standards Appeal Committee Meeting	2
4.2 Approval of the Minutes of the December 7, 2015 Committee of Adjustment Meeting	3 - 4
5. <u>Committee Applications</u>	
5.1 A1-2016 - Minor Variance Application - 800 Scott Street	5 - 11
6. <u>Other Business</u>	
6.1 OAPSO Presentation to OBOA - Property Standards Overview - Information	12 - 42
6.2 December 2015 OACA Newsletter - Information	43 - 52
7. <u>Outstanding Items</u>	
7.1 Application A7-2015 - 501 Third Street West - T. Rob Verbal Update	
8. <u>Meeting Close</u>	

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF
ADJUSTMENT

December 7, 2015

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Civic Centre - Committee Room on December 7, 2015 from 5:00 p.m. to 5:13p.m.

PRESENT: Viktor Nowak, Gary Rogozinski, Irene Laing, Charleen Mallory, Cindy Mason

ALSO PRESENT: Patrick Briere, Arlene Byrnes, By-Law Enforcement Officers, Travis Rob,
Secretary

1. **Call to Order** - 5:01pm
2. **Declarations, Municipal Conflict of Interest Act**
- None
3. **Deferrals/Withdrawals**
-None
4. **Identification of Parties**
- Patrick Briere, By-Law Enforcement Officer
- Arlene Byrnes, By-Law Enforcement Officer
5. **Application for Appeals**
 - 5.1 File 2015-01 - 1037 Third Street East
- Patrick Briere, the officer who served the property standards order presented his case and the background surrounding the order including the timelines for all aspects of the dispute. The Property Standards Appeal Committee had the opportunity to ask questions of both By-Law Enforcement officers on the process and issues at this property. It was the decision of the Property Standards Appeal Committee to confirm the order as written.
6. **Meeting Close** - 5:13pm

Chair, Committee of Adjustment

T. Rob, Chief Building Official

TOWN OF FORT FRANCES

MINUTES

COMMITTEE OF ADJUSTMENT

December 7, 2015

The meeting of Committee of Adjustment of the Town of Fort Frances was held in the Civic Centre - Committee Room on December 7, 2015 from 6:00 p.m. to 8:50 p.m.

PRESENT: Viktor Nowak, Irene Laing, Charleen Mallory, Condly Mason, Gary Rogozinski,
Chair

ALSO PRESENT: Barry Jackson (5:54 - 6:53pm), Travis Rob, Secretary

1. Call to Order - 5:22pm

2. Non-agenda items

- None

3. Declarations, Municipal Conflict of Interest Act

- None

4. Minutes of Previous Meetings

4.1 Approval of the minutes of the November 23, 2015 meeting

- Approved as Circulated

5. Committee Applications

5.1 A8/2015 - 424 First Street East - Request for relaxation from the following provision of the Fort Frances Zoning By-Law 03/14:

- Construct an accessory building closer to the front lot line than the main building (3.2(d))

- Reduction in front yard setback from 7.5m to 4.54m (4.4(c))

- Reduction in side and rear yard setback for and accessory building from 1.5m to 1m (3.2(f))

- Increase the permitted height of an accessory building from 5m to 6.5m (3.2(i))

Barry Jackson, the property owner was on site to speak to his application, written comments were received from the Fire Department and Joyce Veldhuisen, owner of 428 First Street East. The committee considered the application and all provisions which the property owner was requesting. The decision of the Committee was to require the front of the proposed carport roof to match the front wall of the existing porch, reduce the front yard setback from 7.5m to 6.04m (to the roof line), The side yard setback is to remain at the 1.5m required and the rear yard setback to be reduced to 1m. Further the height of the accessory building was increased to 6.5m with the condition that the garage is to be constructed with evestrough in accordance with the Property Standards By-Law No. 14/09.

6. Other Business

6.1 2016 Calendar of Committee of Adjustment Meetings

- Approved as Circulated

7. Outstanding Items

7.1 Minor Variance Application A7/2015 - 501 Third Street West - Verbal Update

- T. Rob provided an update on the application and noted that the property owners had

not been back to discuss their plans further. This item will remain on the agenda until such time as a resolution is determined.

- 7.2 Rules of Practice and Procedures - Property Standards Appeals Committee
 - Approved as Circulated

- 7.3 Town of Fort Frances Zoning By-Law 03/14 - Section 3.20 Parking Requirements
 - After a discussion on the parking requirements in the industrial area of town and how the number of parking spots is determined, it was decided by the Committee of Adjustment that an amendment to the Zoning By-Law be brought forward to Caouncil with the wording proposed

8. Meeting Close - 6:56pm


Chair, Committee of Adjustment

T. Rob, Chief Building Official

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

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

PROPERTY INFORMATION		FOR OFFICE USE ONLY	
Property Address	800 Scott Street	FEE	FILE NO.
Tax Roll No.	59 - 12 - 030 - 002 - 02400	\$300.00	A1/2016
Legal Description	PCL STREET -11 SEC ALBTP; PT BUTLER ST TOWN PLOT ALBERTON (AKA BUTLER AVE) PT 1, 2 & 4 48r2975 CLOSED BY A 46641; S/T PT 2&4 48r2975 AS IN A47218	PAYMENT RECEIPT STAMP	
			
OWNER/APPLICANT INFORMATION			
Registered Owner(s)	William Niels Krag, Maurice Laurent Fillion		
Application Contact	William Niels Krag		
Full Mailing Address	800 SCOTT ST. FORTFRANCES P9A 1J2		
Telephone	(807)275-9297		
Email	fssr@nwonet.net		
AGENT INFORMATION (if applicable)			
Company Name			
Application Contact			
Full Mailing Address			
Telephone			
Email			
Note – All communication will be sent to Application Contact unless otherwise requested			
MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES			
Institution			
Contact/Reference	N/A		
Full Mailing Address			
Telephone			
Email			

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

Section 4.9 of Zoning by-law #3/14 does not allow outside storage in the zone, I am looking for permission to permit outdoor storage of some equipment for rent through my rental business. The outdoor storage shall still comply with Section 3.19 and 3.20 of the Zoning By-Law #3-14.

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

As this property is the main office from which my business is operated, the ability to store equipment on site for pickup and rental is a necessity.

3. When did the current owner acquire the Property? 2015/03/10

4. Provide the date of construction for all buildings and structures on the Property.
- Primary Building – Unknown
Accessory Building – 1983

5. What is the existing use of the Property? Motel

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

7. What is the existing use of the abutting properties?
- | North | South | East | West |
|---------------|------------------|---------------|-------------|
| Sports Centre | Ambulance Garage | Bowling Alley | Parking Lot |

8. Dimensions of the Property:
- | Property Dimensions | Metric | Imperial |
|---------------------|-----------------------|-----------------------|
| Frontage: | 40.23m | 132' |
| Depth: | 50.29m | 165' |
| Area: | 2023.43m ² | 21780 ft ² |

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

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

Main Building:	Existing	Proposed
Ground Floor Area:	517.95m ²	Same
Width:	19.08m	Same
Length:	35.78m	Same
# of Storeys:	3	Same
Location of Building/Structure – Check geographic direction of Side Yard Setbacks		
Front Yard:	2.89m	Same
Rear Yard:	11.64m	Same
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	0.94m	Same
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	20.12m	Same
Accessory Building:	Existing	Proposed
Ground Floor Area:	32.90m ²	Same
Width:	4.52m	Same
Length:	7.28m	Same
# of Storeys:	1	Same
Height:	3.53m	Same
Distance to Main Building:	6.55m	Same
Location of Building/Structure - Check geographic direction of Side Yard Setbacks		
Front Yard:	45.27m	Same
Rear Yard:	0.57m	Same
North <input type="checkbox"/> or East <input checked="" type="checkbox"/> - Side Yard:	12.69m	Same
South <input type="checkbox"/> or West <input checked="" type="checkbox"/> - Side Yard:	20.27m	Same

Note – Above information to match Site Plan

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

Source of Service:	Municipal	Private
Water	X	
Sanitary Sewer	X	
Storm Sewer	X	

11. Check the appropriate box to indicate access to the Property:

Source of Access:	Yes	No
Municipal Road	X	
Other Public Road		X
Water Access Only		X

12. What is the Official Plan designation of the Property? Employment

13. What is the Zoning of the Property? C2

14. Has the Owner ever applied for a minor variance or permission regarding the Property?
Yes ☐ No ☒ If Yes, provide details, including file number, date, decision, etc.

15. Is the Property the subject of a current application for consent under section 53 of the Planning Act, 1990, as revised? Yes ☐ No ☒ If Yes, provide details, including file number, date, etc.

16. **DECLARATION**

I/We, WILLIAM KRAG, MAURICE FILLION solemnly declare that all the statements contained in this application are true and make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town of Fort

Frances, in the District of Rainy River this

22 day of February, 2016.

Elizabeth Slomke

A Commissioner, etc.

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

[Signature]
(Signature of Owner or Agent)

[Signature]
(Signature of Owner or Agent)

17. A sketch showing the following:

- i. The boundaries and dimensions of the subject land.
- ii. 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 front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- iv. The current uses on land that is adjacent to the subject land.
- v. 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.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. the location and nature of any easement affecting the subject land.

OWNER'S AUTHORIZATION, ACKNOWLEDGMENT & CONSENT

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

I, **William Niels Kraig**, am an Owner of the property known as **800 Scott St.** in the Town of Fort Frances, that is the subject of this Application, and hereby

Authorize Agent to Act (if applicable):

1. Authorize and instruct N/A to act as my Agent and make this application on my behalf.

Freedom of Information:

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

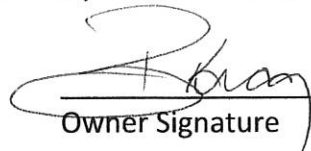
Right to Enter Premises:


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

Consent re Meeting:

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

February 22/16
Date


Owner Signature


Owner Signature



O.A.P.S.O.

Ontario Association of Property Standards Officers

Presentation to the

O.B.O.A.

Annual Meeting & Training Session

Wednesday October 6th, 2010

Presented By



John W. Lane

Manager of Inspections, City of Hamilton Building Services
Division

OAPSO Board, General Secretary/Treasurer

Mohawk College, Continuing Education Instructor

Architectural Advisory Committee, Mohawk College

john.lane@hamilton.ca

Presented By



Warwick R. Perrin

Policy & Research Consultant

Municipal Licensing and Standards Division City of Toronto

OAPSO Vice President

Sheridan College Part Time Faculty 1996 - 2008

Program Advisory Committee Member

wperrin@toronto.ca

OAPSO



- Founded in 1974
- June 1992 OAPSO Act – Private Members Bill
- Membership Certification
- Non-profit volunteer Board
- 12 Directors
- 997 members
- Certification Training
- Advocacy
- Education

What is Property Standards?



- Another By-law, (written under the authority of the Ontario Building Code Act)
- Council adopts policy, we enforce it
- Driven by complaints or proactive initiatives
- Superior public relations skills
- “thick skin”
- Diagnostic more than prescriptive
- Vehicles, equipment, uniforms
- Networking is very important
- OAPSO, OBOA, MLEOA, AMCTO, PAO, AMO

Advantages of Property Standards By-laws and Enforcement



- Mechanism to maintain properties and buildings to a minimum standard
- Sustains property values
- Preserves the tax base
- Indirectly inhibits crime, (broken window theory)
- Enhances quality of life of residents
- Assists in bringing order to municipal neighbourhoods

What is Property Standards?



Three Basic Principles

- If it's broke, fix it
- If it used to be there, replace it
- If it is no longer required, remove it





















Tenant Protection Act; Bill 96

June 17th, 1998.



- Transfers authority for municipal property standards enforcement from Planning Act to Building Code Act
- Eliminates the step of Notice; can go right to Order
- Order to be served on owner and persons affected
- Order “deemed” to have been received 5 days after being sent by registered mail
- Recovery of municipal repair costs “in the same manner and priority as municipal real property taxes”
- Increase in maximum fines on conviction:

Individuals	\$ 50,000	1st offence
	\$100,000	subsequent
Corporations	\$100,000	1st offence
	\$200,000	subsequent

Duty to inspect



Adoption of policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality **may**, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Duty to inspect



Inspection of property without warrant

- 15.2 (1)** Where a by-law under section 15.1 is in effect, an officer **may**, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,
- (a) whether the property conforms with the standards prescribed in the by-law; or
 - (b) whether an order made under subsection (2) has been complied with.

Duty to inspect



Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 **may** make an order,

Duty to inspect



- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

Duty to inspect



- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the order.

Duty to inspect



Service and posting of order

(3) The order **shall** be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

Service of Order



27. (1) A notice or order required by this Act to be served may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

Service of Order



(2) If a notice or order is served by registered mail, the service shall be deemed to have been made on the **fifth day** after the day of mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

Retroactivity



“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether **heretofore** or hereafter erected, and includes vacant property;

Orders



Property Standards Orders are issued under the authority of 3 different sections of the Building Code Act:

1. 15.2 Order
2. 15.7 Emergency Order
3. 15.8 Report Order

15.2 Order



- Deficiency has to be a violation of a standard specified in a property standards by-law.
- 14 Days to appeal to the Property Standards Committee. *(PSC has same powers of the officer.)*
- 14 days, either side can appeal decision of the PSC to the Superior Court of Justice. *(Judge has the same powers as the PSC, final & binding)*



15.7 Emergency Order

- Emergency situation has to be an **immediate** danger to the health and safety of any person.
- Emergency situation has to be a violation of a **standard** in the by-law.
- Action to **terminate the danger** may be taken before or after the order is served.
- Emergency Order has to be confirmed by a Judge of the Superior Court of Ontario



15.8 Report Order

- To facilitate an inspection under 15.2.
- Can apply any to element of a property.
- Report should contain the following:
 - An original copy addressed to the property owner.
 - The current condition of the element under report.
 - Recommended methods and materials of repair.
 - A schedule of work with an estimated date of completion.
 - Signed and stamped by the Engineer if appropriate.



OACA Newsletter

DECEMBER 2015

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INSERTS:

- 2016 Membership Form

From the President's Desk



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

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

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

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

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

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

Respectfully Submitted,
Deb McCabe
OACA President





2016 OACA CONFERENCE CITY OF LONDON

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



Reservation Code for Contracted Room Block: OACA

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

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

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

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

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

Conference fees will be provided in the upcoming Conference Package.

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

dmccabe@ramara.ca

Respectfully Submitted,

Conference Committee – Allison Moore, Deb McCabe and Paul Morand

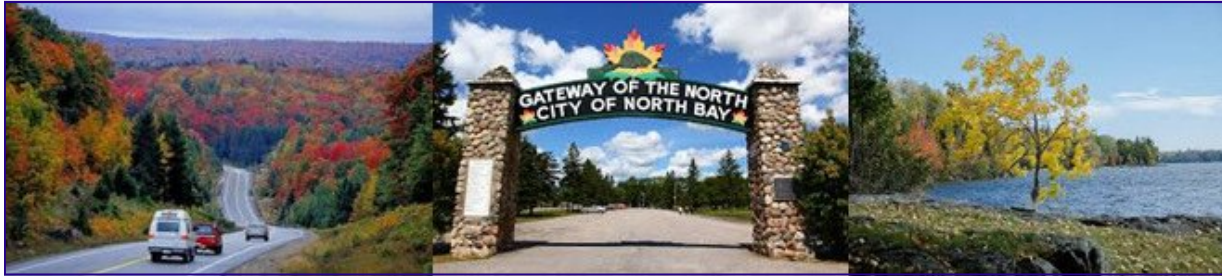
NOT GETTING OACA EMAILS?

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

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



2015 FALL SEMINAR WRAP UP NORTH BAY



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

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

Wendy Kaufman, Ministry of Municipal Affairs & Housing

Stefan Zhelev - Associate Lawyer at Weaver, Simmons LLP

Laura Voltti and Ryan Rahikka, Municipal Property Assessment Corporation

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

Aynsley Anderson, Barriston Law LLP

Respectfully Submitted,

Seminar Committee - Christine Vigneault, Susan Votour, Paul Morand

SITE SELECTION REPORT

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

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

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

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

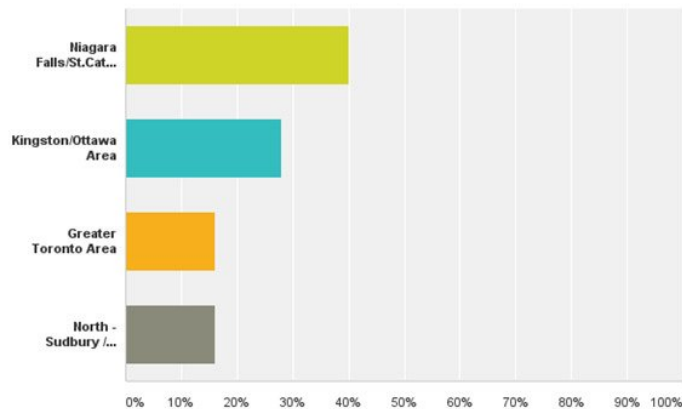
Respectfully Submitted - Site Selection Committee

Bob Clancey, Deb McCabe, Paul Morand & Linda Gavey

SURVEY RESULTS

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

Answered: 25 Skipped: 0



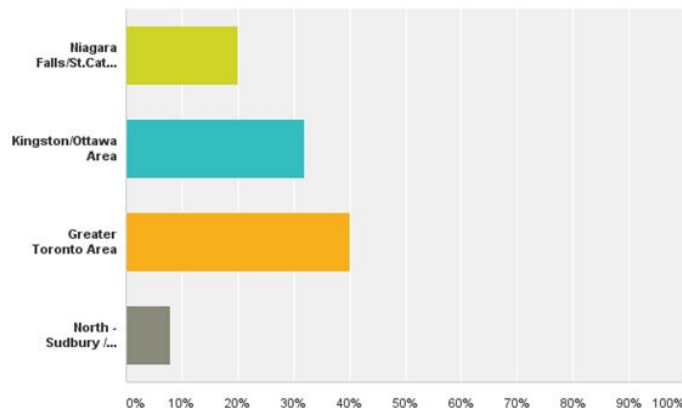
We recently conducted a survey on conference and seminar - where you want to go and what you would like to see changed. The feedback received will help guide the planning process moving forward. Surveys are a great way to get the membership involved and we encourage everyone to respond so that we can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

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

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

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

Answered: 25 Skipped: 0



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

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

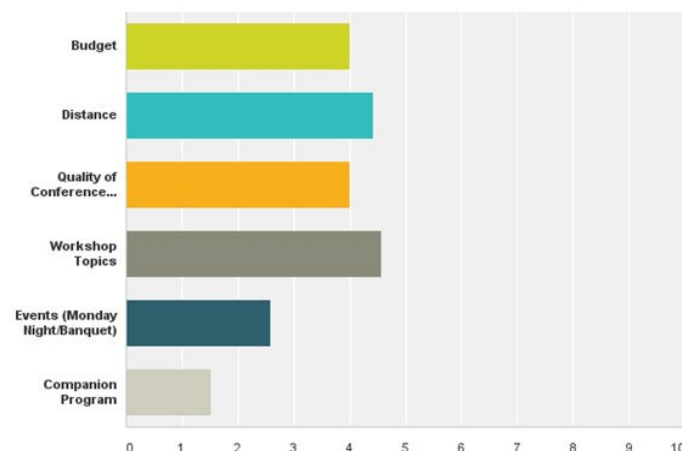
(More) Interactive workshops.

Balance topics 50/50 Committee members and Secretary Treasurers.

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

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

Answered: 24 Skipped: 1



Monday night themes:

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

Workshop Ideas:

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

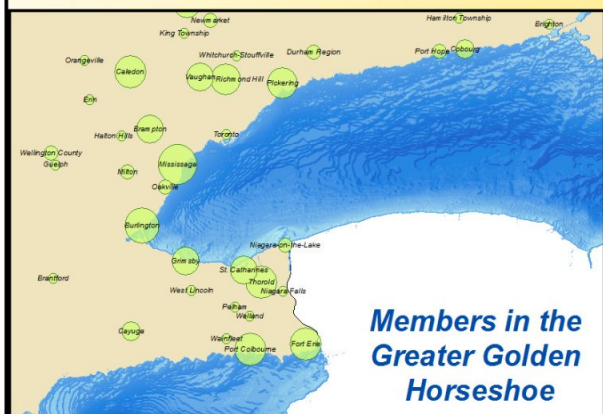
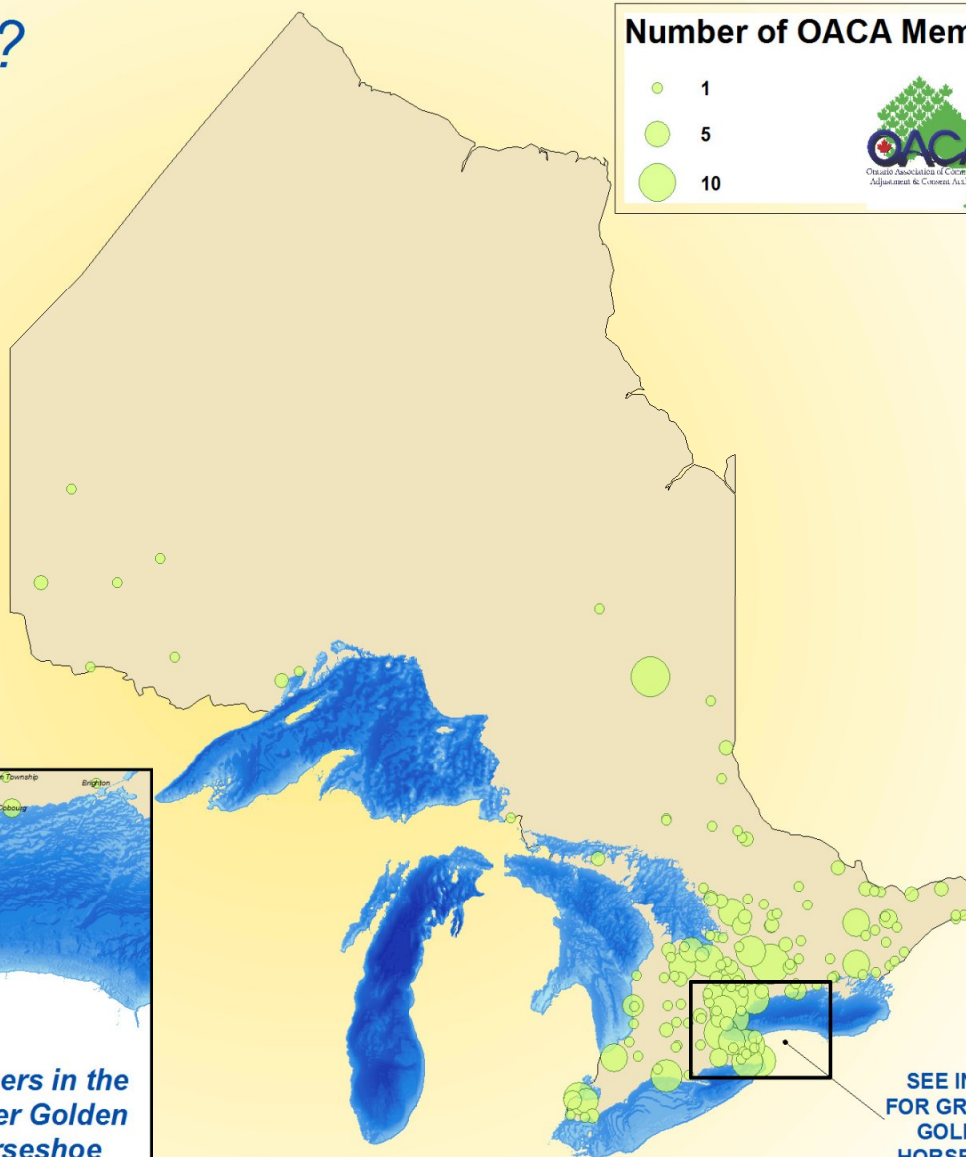
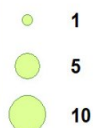
If you have not completed the survey, it can be accessed through the website. We will continue to monitor and review results.

Thank you to everyone that participated!

Where Are We?

Current OACA
Members
by Municipality

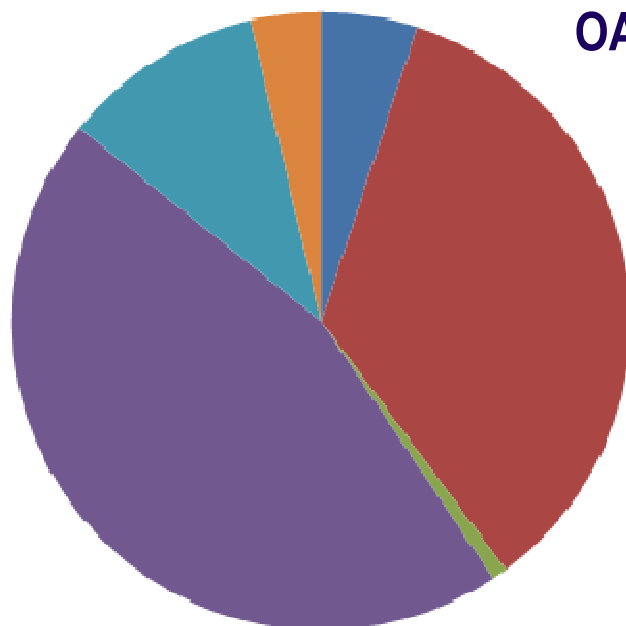
Number of OACA Members



Members in the
Greater Golden
Horseshoe

SEE INSET
FOR GREATER
GOLDEN
HORSESHOE

OACA COMPOSITION



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



MUNICIPALITY OF THE MONTH

November 2015

The Municipality of Trent Lakes



Where is it?

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



What are the biggest attractions?

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



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

What makes the municipality unique?

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

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



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

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

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

* * *

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



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Defining Questions: Group Homes

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

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

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

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

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

"GROUP HOME TYPE 2

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

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

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

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

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

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



2016 OACA CHECKLIST



PRIMER ON PLANNING COURSE 2016

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

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



2016 OACA MEMBERSHIP ENROLLMENT

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

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

BILL 73 UPDATE

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

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

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

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

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

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

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

TAC CORNER



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

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

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

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

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

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

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

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

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

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

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

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

Merry Christmas!

